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From: Scott Miller [SMiller@MWGen.com]
Sent: Friday, December 18, 2009 12:17 PM
To: EP, RegComments
Subject: Proposed regulation 25 PA CODE. CHS. 121, 127 and 139 - Air Quality Fee Schedules
(comments from EME Homer City)
Attachments: EME HC_PermitFeeComments.pdf

Proposed regulation 25 PA CODE. CHS. 121, 127 and 139 - Air Quality Fee Schedules
(comments from EME Homer City)

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INDEPENDENT REGULATORY
REVIEW COMMISSION

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Basil G. Constantelos
Managing Director,
Environmental Services

December 18, 2009

Environmental Quality Board
Rachel Carson State Office Building
400 Market Street, 16th Floor
Harrisburg, PA 17101-2301

Via E-mail

Subject: Comments on Proposed Air Quality Fee Regulations, 25 Pa. Code Chs. 121,
127 and 139 [39 Pa.B. 6049 (Oct. 17, 2009)]

Environmental Quality Board:

EME Homer City Generation, LP (EME HC) hereby submits comments on the proposed amendments to 25 Pa. Code Chs. 121, 127 and 139 relating to air quality fees.

EME HC operates the Homer City Generating Station, a coal-fired electric steam generating station located in Indiana County, Pennsylvania. The Station consists of three coal-fired electrical generating units with a combined gross output of 2,080 megawatts and is a Title V permitted source. In 2008 EME HC paid \$655,625 in Title V annual operating permit administration and emission fees to the Department of Environmental Protection. This proposal would increase those fees to \$850,000, as well as establish new fees in Chapter 139 relating to source testing, compliance monitoring, inspections, enforcement and program development activities associated with the regulation of Title V facilities.

The federal Clean Air Act Amendments of 1990, the federal Operating Permit Rule (40 CFR Part 70) and Pennsylvania's Air Pollution Control Act require that Title V operating permit fees recover the costs of certain program activities. These activities include all permit issuance, source testing, compliance monitoring, inspections, enforcement, and program development activities associated with Title V sources. The proposed Chapter 139 fees duplicate fees that are already covered by the proposed Title V operating permit administration and emission fee increases in Chapter 127. Consequently, EME HC requests that the proposed amendments to Chapter 139 be revised to exclude program activities encompassed in the annual Title V emission fee and other operating permit administration fees.

EME HC appreciates the opportunity to provide comments to the Environmental Quality Board on the proposed changes to the air quality fee schedules. Should you have any questions, please feel free to contact me or Scott B. Miller of my staff at 630-771-7859.

Sincerely,

Basil G. Constantelos
Managing Director
Environmental Services

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