
From: Reindl, Thomas J [Thomas.Reindl@sylvania.com]
Sent: Friday, December 18, 2009 5:36 PM
To: EP, RegComments
Cc: Gontarz, Matthew H.; Feltri, Paul; Winek, Michael
Subject: Comments on Proposed Rulemaking for New Air Quality Fee Schedules
Attachments: Comments of Proposed Air Quality Fee Increases.pdf

Attached please find our comments on the Proposed Rulemaking for New Air Quality Fee Schedules [25 PA. CODE CHS. 121, 127 and 139] published at 39 Pa. B. 6049 (Saturday, October 17, 2009).

Tom Reindl

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REVIEW COMMISSION

Environmental Quality Board
P.O. Box 8477
Harrisburg, PA 17101-8477

Re: Proposed Rulemaking for New Air Quality Fee Schedules

Dear Sir or Madame:

OSRAM SYLVANIA Products Inc. (OSPI) submits the following comments concerning the proposed rulemaking for new Air Quality Fee Schedules, [25 PA. CODE CHS. 121, 127 and 139], published at 39 Pa. B. 6049 (Saturday, October 17, 2009).

We support reasonable increases in the fees that provide the necessary income for the PA Department of Environmental Protection, its Bureau of Air Quality, and the Department's air quality program, especially if the increases allow the Department to provide services in a timely and efficient manner. We do, however, have the following comments on these proposed fees:

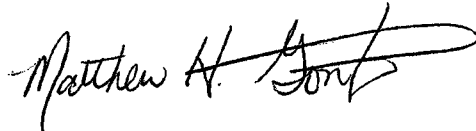
1. We understand the necessity of increasing the annual Title V emissions fees over the next several years. Our understanding is that these fees are intended to cover most, if not all of the activities related to the department's air quality program. By imposing new fees on activities currently supported by the aforementioned annual emissions fees we are being charged twice for the same services.
2. All of the proposed testing, auditing and monitoring fees for activities performed by Department personnel, including the CEMS certification, test report review and audit activities have previously been covered by other annual fees that are already being increased in this proposal. By imposing separate fees on these activities in addition to significant increases in the other annual fees we appear to be getting charged twice for the same services.
3. The previous comments also apply to the new fees proposed for Risk Assessments and Requests for Determination. Fees for submitting and RFD should only apply if the RFD is a case-by-case analysis for an exemption. Many facilities submit an RFD to obtain the PA DEP's concurrence that the source or physical change fits within and existing exemption. This type of request should not be subject to the

same fees as a full case-by-case analysis.

4. Fees for sources subject to case-by-case MACT decisions (127.35(c), (d) or (h)) should recognize smaller sources that will not require any controls. For example, small gas-fires industrial boiler will not require any detailed MACT analysis and should not be subject to the large fees that may make sense for a large coal-fired boiler.
5. Fees for test protocol reviews should not be imposed if a previously approved protocol is being submitted. In many cases test protocols being submitted for review are the same as have been used in previous years and should not be subjected to the same large fees for reviewing an all new protocol.

OSPI trusts that you will give serious consideration to these comments and that you understand the significant economic disadvantage excessive regulatory fees will have on our business and the Pennsylvania economy. We urge that you incorporate these and any other reasonable revisions to this rule that may limit the economic impact of this rule on the affected generators while still providing the income the Department needs to continue providing services in a timely and efficient manner.

Sincerely,



Matthew H. Gontarz
Plant Manager