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House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

COMMITTEES
ENVIRONMENTAL RESOURCES & ENERGY,
DEMOCRATIC CHAIR
STATE GOVERNMENT

2980

April 8, 2013

Environmental Quality Board
P.O. Box 8477
Harrisburg, PA 17105-8477
regcomments@pa.gov

Dear Sir or Madam:

I am writing to offer my comments regarding the Environmental Quality Board's proposed rulemaking to amend the Title V Air Quality Fee under Chapter 127, Subchapter I of the Pennsylvania Code.

The Board has proposed to increase the Title V air emission fee from \$56 to \$85 per ton for up to 4,000 tons of each regulated pollutant. I agree with the Board that an increase in the Title V air emission fee is both necessary and proper at this time. However, I am concerned that the proposed increase is only a temporary solution, which will result in the air quality program operating at a loss again in just two fiscal years.

Failure to cover costs of the air program would have several negative consequences, the most noteworthy being significant reductions to Title V staffing and technical services, which would cause delays in processing and issuing plan approvals and result in fewer staff to conduct inspections, respond to complaints, and pursue enforcement actions. Additionally, inadequate funding would impact the Department's air monitoring network, which provides data to substantiate the Commonwealth's progress in attaining National Ambient Air Quality Standards under the Clean Air Act. Finally, failure to adequately cover costs could impact the Small Business Compliance Advisory programs, which could lead to fewer viable small businesses and a reduction of jobs.

It is imperative that the Board imposes an emission fee that will adequately cover costs associated with administering the air permit program. As the Board is aware, states in close proximity to Pennsylvania, including New Jersey, Connecticut and Rhode Island, all impose emission fees that are higher than the Board's proposal. New Jersey assesses a fee of \$106.67 per ton, Connecticut's fee is \$283.46 per ton and Rhode Island imposes a fee of \$266 per ton.

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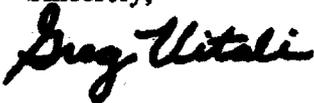
Therefore, the Board could impose an emission fee higher than \$85 per ton and still remain below the level of fees charged by several other states.

Another option for increasing revenue to the Title V program is to either raise or eliminate the 4,000 ton cap. Connecticut, Maryland, New Jersey, and Rhode Island do not impose a cap and New York imposes a 7,000 ton cap as opposed to Pennsylvania's 4,000 ton cap. An increased or eliminated cap would affect only the largest sources, which are likely among the sources most able to bear the additional costs.

A final option for covering costs associated with the Title V program is to increase permit and administration fees in addition to the proposed increase in emission fees. In light of the fact that Title V emissions are continually decreasing due to new technology, yet the number of Title V facilities is declining at a slower rate, increasing permit and administration fees could assist in adequately covering the costs of administering the program for longer than the two fiscal years that would be afforded by the proposed increase in emission fees.

The Board must ensure that the Department receives sufficient funding to maintain the necessary staff to protect the air quality of our Commonwealth. Therefore, I would like to suggest that the Board increase the proposed emission fee and consider both increasing or removing the 4,000 ton cap and increasing air quality permit and administration fees.

Sincerely,

A handwritten signature in black ink that reads "Greg Vitali". The signature is written in a cursive, slightly slanted style.

Greg Vitali