

Stephen Hoffman

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From: Edinger, Laura <ledinger@pa.gov> *Form Letter C 1-9*
Sent: Tuesday, June 18, 2019 4:35 PM
To: Environment-Committee@pasenate.com; eregop@pahousegop.com;
environmentalcommittee@pahouse.net; IRRC; Troutman, Nick
Cc: Reiley, Robert A.; Shirley, Jessica; EP, RegComments
Subject: Form Letter Notice - Proposed Rulemaking: Air Quality Fee Schedule Amendments
Attachments: Form Letter - 7-536 - Urge Adoption of Air Quality Fee Amendments.pdf

Good Afternoon,

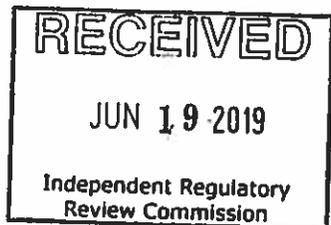
Attached is a form letter DEP has received regarding Proposed Rulemaking: Air Quality Fee Schedule Amendments (#7-536). We have labeled this letter "Urge Adoption of Air Quality Fees." We received 9 copies of this letter via email.

Thank you,
Laura

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Form Letter: Urge Adoption of Air Quality Fee Amendments

Proposed Rulemaking: Air Quality Fee Schedule Amendments (#7-536)

Dear Environmental Quality Board,

I strongly urge the Environmental Quality Board to adopt the Air Quality Fee Schedule Amendments after making upward adjustments of the rates to compensate for (1) the forecast drop in General Funding for DEP and (2) the need to restore the Air Quality Program and bring it back into legal compliance.

I strongly support the spirit of the Amendments. There is an urgent need for increased fees to make ends meet at the Department of Environmental Protection (DEP). However, the Amendments do not go far enough to ensure the solvency and quality of the air quality program. The Amendments only ensure a similar level of funding when using overly optimistic projections of the amount of other sources of funding. Moreover, the existing level of funding is not enough to adequately protect air quality in Pennsylvania. Therefore, I urge the EQB to revise the proposed fee schedule upward to fully staff the air quality program and bring Pennsylvania into compliance with the Clean Air Act.

There is no question that DEP has the authority under the Air Pollution Control Act to raise fees to cover its costs. Absent additional funding from another source, the Clean Air Act compels it to do so.

I strongly support the proposal to increase fees to cover costs, but believe that the amount of the increase is not enough. DEP set these rates to "maintain [the Air Quality Program's] current level of effort." Yet DEP's projection that the specified increases would meet future needs to maintain the current level of effort is based on shaky assumptions.

DEP is systematically asking to set fees at levels that are less than the estimated costs from past years, despite costs going up over time due to inflation among other things. DEP then relies on the stability of DEP General Fund funding and federal grants to make up the difference. This assumption is unwarranted. DEP notes: "It is unlikely that General Fund monies or Federal Grants directed toward air quality will increase in the foreseeable future."

Even setting aside the need to raise the fees to levels high enough to compensate for foreseeable drops in General Funding, I urge the EQB to set higher rates to ensure DEP can comply with the law and adequately serve the public and regulated community. The proposed fee schedule would only "maintain [the Air Quality Program's] current level of effort." Simply maintaining the current level of effort is not enough to meet the requirements of the Clean Air Act, because DEP has been starved and understaffed over the last two decades.