3274

Stephen Hoffman

From:	ecomment@pa.gov
Sent:	Tuesday, November 17, 2020 10:32 AM
To:	Environment-Committee@pasenate.com; IRRC; environmentalcommittee@pahouse.net; regcomments@pa.gov; ntroutman@pasen.gov; timothy.collins@pasenate.com; gking@pahousegop.com
Cc:	c-jflanaga@pa.gov
Subject:	Comment received - Proposed Rulemaking: CO2 Budget Trading Program (#7-559)

pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Re: eComment System

The Department of Environmental Protection has received the following comments on Proposed Rulemaking: CO2 Budget Trading Program (#7-559).

Commenter Information:

Chuck Strum
(chuck.strum@enerfab.com)
300 Bursca Drive, Suite 302
Bridgeville, PA 15017 US

Comments entered:

To Whom It May Concern:

Although I am not a current resident of The Commonwealth of Pennsylvania, I am a resident of a neighboring state who relies in part on work in PA. I am a second generation Union Boilermaker from Local #154 Pittsburgh, PA. My work and my families' livelihood has been contingent on the coal fire power industry for the past 30 years of my life and 50 years prior to that in my fathers' Boilermaker career, predominately in the northeast region of this country, with PA contributing to a large portion of our employment. I have personally been involved in the installation of large back end emission equipment installed on multiple coal fired boiler facilities in this region for the past 15 years, as owners of these facilities attained the increasing emission standards demanded of them for cleaner air and lower emissions. I have seen just in my lifetime the shuttering and razing of a multitude of these very facilities which consistently leaves me, as well as thousands of my Brother and Sister Boilermakers, with less and less locations to have potential for work, which equates to fewer opportunities for employment. As the natural gas market evolved, we were able to supplement a portion of these lost manhours with erection and maintenance of multiple natural gas powered generating facilities that were being installed in this region due to the low cost and high availability of natural gas regionally. Governor Wolf's actions now threaten the chances for survival of ALL fossil fuel power generation facilities in Pennsylvania. If these companies can not be competitive in generation markets, the future holds only more shuttering of these facilities and with that, thousands of jobs lost never to return.

I write in opposition to Governor Tom Wolf's proposed regulation, CO2 Budget Trading Program as published in the Pennsylvania Bulletin on November 7, 2020 (50. Pa.B. 6212), which will join Pennsylvania to the Regional Greenhouse Gas Initiative (RGGI). I urge the Independent Regulatory Reform Commission (IRRC) to reject Governor Wolf's proposed RGGI tax.

It is my understanding that IRRC reviews a proposed regulation based on certain criteria, including:
• Is the proposed CO2 Budget Trading Program authorized by statute and does it conform with the intention of the General Assembly?
• Will RGGI hurt the economy? Will it impact state tax revenues? Does RGGI have a negative impact on small businesses?
• Does RGGI protect the public health, safety, and welfare?
• Is RGGI feasible and reasonable for Pennsylvania?

Governor Wolf's proposed RGGI tax regulation fails on each of these criteria.

Pennsylvania law neither authorizes nor requires the regulation of carbon dioxide, a life essential gas (like oxygen). In addition, under the Pennsylvania constitution, RGGI is a $2.4 billion "tax" on every ton of carbon dioxide emitted from a fossil fuel plant. Any new tax must be expressly authorized by the General Assembly. In fact, every current RGGI state had express authorization from its legislature to implement RGGI or, like New York, regulate carbon dioxide.

RGGI will most certainly impair Pennsylvania's economy through fossil fuel plant closures and thousands of lost jobs. Pennsylvania income tax revenue will certainly decline along with local property and sales taxes collected in the affected communities. The adoption of RGGI will result in the loss of over 8,000 jobs, the loss of $2.87 billion in total economic impact, the loss of $539 million in employee compensation and the loss of $34.2 million in state and local taxes.

Two-thirds of our electric generation will be rendered uncompetitive, which in turn will lead to increased electric rates in-state and a migration of new generation investment across our borders to states like Ohio and West Virginia which do not participate in RGGI.

And for what benefit?

The Governor's own modeling confirms that most of the carbon dioxide reductions from plant closures or reduced generation will simply shift to neighboring, non-RGGI states, like Ohio and West Virginia. Those states will also take all the related jobs, capital expenditures and, yes, carbon dioxide and pollutants. As a result, carbon dioxide and real pollutants will increase across our border and in our region, which will more than offset any carbon dioxide reductions in Pennsylvania.

RGGI makes no sense for a state like Pennsylvania, which possesses an abundance of coal and natural gas resources, and as a result, has the most reliable, affordable and resilient portfolio of electric generation in the country. None of the other RGGI states can boast these natural resource and generation assets, nor do they generate the electricity they consume. Over the past few years, 16 new natural gas plants have been built (at a cost of nearly $16 billion) in Pennsylvania as a result of access to low-cost, reliable natural gas reserves and our competitive market, which will be undermined by the RGGI tax. The adoption of RGGI will mark an unprecedented action by the Commonwealth - the use of a regulation to destroy an industry and impose direct economic harm on Pennsylvania communities.

It is the fiduciary obligation of the IRRC to intercede on behalf of the citizens of the Commonwealth, and on behalf of the affected communities that have been denied their legal right to confront the bureaucracy that seeks to destroy their lives and livelihoods, and to reject this harmful regulation, lacking basis in Pennsylvania law, for the political power play that it is, and stop it from proceeding.

The PADEP's own Small Business Advisory Committee (SBAC), along with two other PADEP advisory committees - the Air Quality Technical Advisory Committee and the Citizens Advisory Council - rejected the draft RGGI regulation. Why? Because RGGI, while entirely lacking in identifiable environmental, health or safety benefits, will devastate businesses in impacted communicates and increase electric rates for Pennsylvania business owners.

To add insult to injury, in spite of Governor Wolf's promise for "robust and public outreach" to impacted workers and communities, the Wolf Administration is now manipulating the regulatory process to eliminate any meaningful opportunity for the general public to get involved.

The so-called public comment period will run between November 7, 2020 and January 14, 2021 a sixty-nine-day period during which there will be three national holidays and the General Assembly, by constitutional mandate, is forced to end its two-year legislative session on November 30, 2020. Further, it is unlikely that the General Assembly oversight committees, which are intended to play a prominent role in the regulatory process, will even be formed until February 2021, well after the end of the public comment period. In addition, and in direct violation of the Air Pollution Control Act (APCA), the so-called public hearings include five days of ten double session virtual hearings in mid-December, and none will be held in the impacted communities, as required by law.

Thank you for considering my comments. Please reject the RGGI tax regulation and protect the jobs of thousands of Pennsylvanians struggling to make ends meet during this terribly difficult pandemic recession.

No attachments were included as part of this comment.

Please contact me if you have any questions.

Sincerely,
Jessica Shirley

Jessica Shirley
Director, Office of Policy
PA Department of Environmental Protection
Rachel Carson State Office Building
P.O. Box 2063
Harrisburg, PA 17105-2063
Office: 717-783-8727
Fax: 717-783-8926
ecomment@pa.gov