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LAW OFFICES OF
HARRY F. KLODOWSKI, JR.

6400 BROOKTREE COURT, SUITE 250
WEXFORD, PENNSYLVANIA 15090

(724) 940-4000
FAX (724) 940-4048

VISIT OUR WEBSITE: www.klodowskilaw.com
E-mail Address: harry@klodowskilaw.com

February 19, 2007

Honorable Mary Jo White
Senate of Pennsylvania
Room 168, Main Capitol Building
Harrisburg, PA 17120

Honorable Raphael J. Musto
Senate of Pennsylvania
Room 17-E, East Wing
Main Capitol Building
Harrisburg, PA 17120

Honorable Camille George
House of Representatives
Room 38-B, East Wing
Main Capitol Building
Harrisburg, PA 17120

Honorable William F. Adolph, Jr.
House of Representatives
110 Ryan Office Building
Harrisburg, PA 17120

Honorable Dennis Yablonsky
Secretary of Community and Economic
Development
400 North Street
Keystone Building, 4th Floor
Harrisburg, PA 17120

Honorable Wendell F. Holland
Chairperson
Public Utility Commission
Keystone Building, 3rd Floor
400 North Street
Harrisburg, PA 17120

RE: Pennsylvania New Source Review (NSR)
Final Rule

Ladies and Gentlemen:

The Pennsylvania Environmental Quality Board is scheduled to take action on the NSR Rule on February 20, 2007. The Department of Environmental Protection has presented this rule despite the recommendations of its Air Quality Technical Advisory Committee, which asked for three revisions before the rule was presented to EQB. I was present at the AQTAC meeting of January 4, 2007.

The two AQTAC recommendations the Department chose not to implement pertain to the filing deadline for Emission Reduction Credit (ERC) applications, and allowing closed plants covered by "maintenance plans" to generate ERCs for at least 5 years. The AQTAC vote on the maintenance plan issue was 10 in favor, 2 opposed. AQTAC's recommendations do not increase air pollution, but do have an impact on future economic development by making it much easier to build a new plant, or restart a closed facility.

The Department has not articulated a rational justification for refusing the recommendations of its advisory committee. These suggested changes are not required to satisfy any federal air pollution

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requirement, and adjoining states do not have comparable restrictions.

The Department's position on these matters has the effect of creating an unjustified prejudice against economic development, for no environmental improvement. I request the Legislative Committees and IRRC ask DEP to revise the final rule in accordance with the recommendations of the Advisory Committee appointed under the Pennsylvania Air Pollution Control Act.

Sincerely,

s/HFK

Harry F. Klodowski, Jr.

cc: Kathryn Z. Klaber, AQTAC member
Dr. Joseph Duckett, AQTAC member
IRRC