

Small Business Compliance Advisory Committee

to the Pennsylvania Department of Environmental Protection

PO Box 8468

Harrisburg, PA 17105-8468

July 25, 2018

Honorable Patrick McDonnell
Secretary
Department of Environmental Protection
Rachel Carson State Office Building
P.O. Box 2063
Harrisburg, PA 17105-2063

Re: Proposed Rulemaking to Revise Certain Existing Air Quality Fee Schedules and Establish New Air Quality Fee Schedules (*25 Pa. Code* Chapters 121 and 127)

Dear Secretary McDonnell:

On July 25, 2018, the Small Business Compliance Advisory Committee (Committee) discussed the proposed rulemaking draft Annex A to amend *25 Pa. Code* Chapters 121 and 127 (relating to general provisions; and construction, modification, reactivation and operation of sources). The proposed rulemaking draft Annex A amends the provisions of Chapter 127, Subchapter I (relating to plan approval and operating permit fees) to revise certain existing fees and to establish new fees to support the Department's air quality program. In addition to increasing certain existing fees for plan approval applications and operating permits, fees applicable to modifications of a plan approval or operating permit as well as an annual operating permit maintenance fee are established. Fees are also established for requests for determination of whether a plan approval is required, for claims of confidential information, for risk assessment applications, and for notifications of asbestos abatement, regulated demolition, and renovation projects.

The proposed rulemaking draft Annex A amends the existing requirements and fee schedules codified in Chapter 127, Subchapter I, and establishes new fees to ensure that fee revenue is sufficient to cover the indirect and direct costs of administering the air pollution control plan approval process, the operating permit program required by Title V of the Clean Air Act, other requirements of the Clean Air Act, and the indirect and direct costs of administering the Small Business Stationary Source Technical and Environmental Compliance Assistance Program, the Small Business Compliance Advisory Committee, and the Office of the Small Business Ombudsman, as required under section 6.3 of the Air Pollution Control Act (35 P.S. § 4006.3). Section 6.3 also authorizes the Board by regulation to establish fees to support the air pollution control program authorized by the Air Pollution Control Act and not covered by fees required by section 502(b) of the Clean Air Act.

A definition for the term "synthetic minor facility" is proposed for § 121.1 (relating to definitions) to support the amendments to Chapter 127, Subchapter I. Minor revisions to

§ 127.424 (relating to public notice) under Chapter 127, Subchapter F (relating to operating permit requirements) are proposed to correct an error in a cross reference. Proposed § 127.465 (relating to significant operating permit modification procedures) establishes the procedures that the owner or operator of a stationary air contamination source or facility shall follow to make a significant modification to an applicable operating permit.

The Committee voted 4-0-0 to concur with the Department's recommendation to present the proposed rulemaking amendments to the Environmental Quality Board for consideration for adoption and publication as a proposed rulemaking for public comment.

Sincerely,

Dale I. Kaplan
Chair

A handwritten signature in black ink that reads "Dale I. Kaplan". The signature is written in a cursive style with a large, sweeping "D" and "K".

cc: Krishnan Ramamurthy, Director, PA DEP BAQ
Susan Hoyle, PA DEP BAQ
Susan Foster, PA DEP BAQ
Nancy Herb, PA DEP BAQ