

# Air Quality Technical Advisory Committee

to the Pennsylvania Department of Environmental Protection

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Harrisburg, PA 17105-8468

December 12, 2019

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

Re: Final-Form 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 December 12, 2019, the Air Quality Technical Advisory Committee (Committee) discussed the final-form 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 final-form 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 are amended. The annual operating permit administration fee is amended to establish an annual operating permit maintenance fee. Fees are also established for requests for determination of whether a plan approval is required, for risk assessment applications, and for notifications of asbestos abatement, regulated demolition, and renovation projects.

These amendments are designed 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 established in § 121.1 (relating to definitions) to support the amendments to Chapter 127, Subchapter I. Section 127.424 (relating

to public notice) under Chapter 127, Subchapter F (relating to operating permit requirements) is amended to correct an error in a cross reference. Section 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 10-3-0 (yes-no-abstain) to concur with the Department's recommendation to present the final-form rulemaking amendments to the Environmental Quality Board for consideration for adoption and publication as a final-form rulemaking.

Immediately following the vote regarding presenting the final-form rulemaking amendments to the Environmental Quality Board, it was moved that the Committee recommend that the Department begin, at the earliest legal opportunity, a rulemaking process so that the air quality fees explicitly address emissions of carbon dioxide (CO<sub>2</sub>) and air quality program sustainability. The Committee voted 11-0-2 on this motion and recommends to the Department that a rulemaking be started at the earliest legal opportunity to establish fees for the emissions of CO<sub>2</sub> as a regulated pollutant.

Sincerely,



Patrick K. O'Neill Esq.  
Chair

cc: Viren Trivedi, Acting Director, PA DEP BAQ  
Kirit Dalal, PA DEP BAQ  
Susan Hoyle, PA DEP BAQ  
John Krueger, PA DEP BAQ