



Citizens Advisory Council

to the Department of Environmental Protection

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Please Note: Our New Fax Number is 717-787-2878

July 29, 2002

The Honorable David E. Hess
Secretary
Department of Environmental Protection
P.O. Box 2063
Harrisburg, PA 17105-2063

Dear Secretary Hess:

Enclosed are comments from Council's Air Committee on DEP's draft report "An Evaluation of the Pennsylvania Air Quality Program 1992-2001." Overall, the Committee found that the report contains some very useful information, particularly on the progress made in reducing the extent, magnitude and frequency of high ozone days in the Commonwealth. The Department is to be commended for its highly successful efforts in addressing this critical area of concern. Of particular note is the aggressive outreach through the ozone action partnerships, prime examples of clean air education that is working.

Council's review of the report also identified several significant shortcomings and specific questions, as discussed in the attached document. We encourage DEP to use the opportunity provided by this report to truly evaluate its efforts and where it needs to go in the future. There is no mention of current or future trends, synergistic effects, environmental justice, pollution prevention, cross-media impacts and concerns or the other challenges Council identified in 1999. There is also no mention of Environmental Futures goals. The report presents an excellent opportunity for the Department to integrate Environmental Futures with existing program requirements and limitations.

Thank you for the opportunity to review and comment on the draft. If you have any questions, please contact Sue Wilson at 717-787-4527.

Sincerely,

A handwritten signature in black ink, appearing to read "Bert A. Waite".

Bert A. Waite
Chairperson

Enclosure



The Honorable David E. Hess

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July 29, 2002

bcc: B. Sexton
B. Barkanic
J. Epps

BW:SW:smt

Comments on "An Evaluation of the Pennsylvania Air Quality Program 1992-2001"

Council's Air committee has reviewed DEP's draft report, "An Evaluation of the Pennsylvania Air Quality Program 1992-2001." Overall, the committee found that the report contains some very useful information, particularly on the progress made in reducing the extent, magnitude and frequency of high ozone days in the Commonwealth. The Department is to be commended for its highly successful efforts in addressing this critical area of concern. Of particular note is the aggressive outreach through the ozone action partnerships, prime examples of clean air education that is working.

Council's review of the report also identified several significant shortcomings and specific questions, as discussed below.

Significant Shortcomings

- 1) Section 4.3 of the Air Pollution Control Act (APCA) requires DEP "to conduct and submit a report...that evaluates the effectiveness of the programs adopted to implement the federal Clean Air Act requirements. This evaluation shall be conducted 5 years after the effective date of the provision and every 5 years thereafter." DEP's draft report does not acknowledge much less justify why this first report, which should have been conducted and completed in 1997, is 5 years late. DEP's failure to meet its statutory obligation needs to be explained.
- 2) APCA further specifies subjects and questions to be addressed by the evaluation. One is "...the specific steps taken to meet the Clean Air Act..." While the report does an excellent job at detailing the successes of the ozone program, it barely touches on other Clean Air Act (CAA) programs such as the other NAAQs, acid rain and Hazardous Air Pollutants. In addition, there is no mention, much less evaluation, of failed efforts such as I/M, or alternative approaches which might have been more successful. The report should evaluate all steps taken to implement the CAA, not just the successful ones.

Another point the report is required to address is whether "the limitation imposed by Section 4.2 has hindered in any way the Commonwealth's efforts to comply with the CAA and a recommendation on whether that provision should be changed." The report should first fully explain what the limitation is before proceeding with the discussion.

- 3) DEP should use the opportunity provided by this report to truly evaluate its efforts and where it needs to go in the future. There is no mention of current or future challenges and trends, synergistic effects, environmental justice, pollution prevention, cross-media impacts and concerns or the other challenges Council identified in 1999.

There is also no mention of EFP2 and no evaluation of how the air programs can best achieve the EFP2 goals. The report should indicate how the department intends to integrate EFP2 with existing program requirements and limitations. This is particularly important in the air program since so many of the requirements are federally driven. The report should also

evaluate whether EFP2 will be a useful tool in meeting federal requirements. Finally, it should evaluate how well we have succeeded in protecting environmental health along with public health; a focus on ecological receptors is appropriate.

Instead of viewing the five-year study as merely a statutory obligation, DEP should view it as a unique opportunity to step back from the day-to-day grind of short-term deadlines and invest in critically assessing the progress that has been made and what remains. The report is an opportunity to not only look at where we've been and what we have achieved, but also where we need to go and how, with both state and federal programs. For example, while most of the Commonwealth may be in attainment for SO₂, Pennsylvania's mean pH in 2000 was 4.30, more acidic than in 1999. This is reportedly the second highest in the country. How effective has this program been in reducing acid rain?

4) The final report should include an executive summary or abstract, and a list of figures and tables to assist the reader in navigating the information.

Specific Questions

- 1) Table 3 on page 32 indicates a nearly annual surplus in the Clean Air Fund. Does this money lapse to the General Fund at the end of the fiscal year, or is it carried over in the Clean Air Fund? What are the limitations on the use of Clean Air Fund monies? One of the shortcomings we have identified in the past is the need for more education and outreach on air quality issues; could Clean Air Fund monies be used for this purpose?
- 2) The report should explain why Pennsylvania has developed ambient standards for beryllium, fluoride and hydrogen sulfide. Why these and why not others? (p 36)
- 3) EPA has developed emission standards for seven HAPs. Why weren't these addressed in the report? Do we meet the standards? (p 37)
- 4) Recommendations in each section are minimal at best and are not forward looking. This is counter to the philosophy of EFP2.
- 5) The section on Small Business Compliance Assistance concludes (p 48) that only a small percentage of small businesses use the available programs. What else can be done to promote the programs or identify what else might be more useful?
- 6) The section on CAC correctly states that APCA requires DEP to consult with CAC but does not evaluate DEP's efforts (or lack thereof) to do so. The mandate is on DEP, not CAC.
- 7) The CAC section uses old information such as one old annual report as the source of CAC activities over the 10-year period. Please refer to our two 5-year reports (1992-1997 and 1997-2002) for more complete information on our activities.

- 8) Should the section on AQTAC comment on the makeup and balance of membership selected by DEP?
- 9) What is the status of EPA promulgating 32 MACT standards by May 15, 2002? (p 61)

Conclusion

Despite the significant progress made, the battle for clean air is unfinished. The Commonwealth now faces tough, new air quality challenges. Today's air pollution is often less visible but, in some ways, equally significant from a human health and environmental impact perspective. Despite numerous pollution prevention activities, between 140,000 and 150,000 tons of toxic air emissions are emitted in Pennsylvania every year. Scientists and regulators now recognize that fine particulates pose the greatest danger to human health after years of focus on reducing total particulates. Since air pollution defies geographic and political borders, pollution generated in upwind states adversely affects the health and welfare of Pennsylvanians.

Clearly, today's air quality challenges, and those we may identify in the future, call for innovative approaches that involve all sectors of society and for aggressive action to protect Pennsylvania citizens and our cherished, rich environment. DEP should identify creative and aggressive solutions to confront the ever-evolving new air pollution challenges.

Earlier air quality problems entailed identification of major pollution sources and adoption of regulations mandating installation of appropriate pollution control equipment. In many cases today, air quality problems stem from actions of individuals and from distant sources. Tomorrow's solutions must recognize this shift and be built upon foundations of public education and increased societal participation that equitably involve all contributors to the problem.

In particular, based on Council's joint meeting with AQTAC, it is clear that particulate matter will be a major issue DEP needs to focus on. The report should discuss the challenges both DEP and Pennsylvania will face over the next 5 years, and list some options for how these challenges could be addressed. Existing models, such as ozone action partnership, should be evaluated as a potential framework for addressing other air quality challenges in the future.