

Air Quality Technical Advisory Committee

to the Pennsylvania Department of Environmental Protection

PO Box 8468

Harrisburg, PA 17105-8468

October 21, 2010

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

Re: Final-Form Rulemaking to Revise Air Quality Fee Schedules

Dear Secretary Hanger:

On October 21, 2010, the Air Quality Technical Advisory Committee (Committee) discussed the final-form amendments to 25 *Pa. Code* Chapters 121, 127 and 139 (relating to general provisions; construction, modification, reactivation and operation of sources; and sampling and testing). The final-form rulemaking revises the provisions of Chapter 127 and adds new provisions to Chapter 139 to revise and establish fees to support the Department's air quality program. The final-form rulemaking also adds 21 new terms and definitions and amends one existing definition in § 121.1 (relating to definitions). The proposed rulemaking was published in the *Pennsylvania Bulletin* on October 17, 2009 (39 Pa.B. 6049).

The final-form rulemaking amends the existing requirements and fee schedules codified in Chapter 127, Subchapter I (relating to plan approval and operating permit fees), to ensure that fees are sufficient to cover the costs of administering the air quality program, as required under section 6.3 of the Air Pollution Control Act (35 P.S. § 4006.3). In addition to increasing the existing fees, fees applicable to plan approval modifications and requests for determination of whether a plan approval is required are established. The final-form rulemaking amends the Title V emission fee paid by the owner or operator of a Title V facility for up to 4,000 tons of each "regulated pollutant" and adds a new section to establish fees for risk assessment applications. The final-form rulemaking adds to Chapter 139 a Subchapter D (relating to testing, auditing and monitoring fees) to establish fees to address Department-performed stack emissions source testing, test report reviews, and auditing and monitoring activities related to continuous emissions monitoring systems.

The Committee voted 8-5 to concur with the Department's recommendation to present the air quality fees final-form rulemaking, with minor changes identified by the Department and reflected in the minutes, to the Environmental Quality Board for consideration as a final-form regulation.

Sincerely,

A handwritten signature in black ink that reads "Patrick K. O'Neill". The signature is written in a cursive, flowing style.

Patrick K. O'Neill
Chair