



2015 Chestnut Street Camp Hill PA 17011

Phone: 717 763 7635, Fax: 717 763 7455 Cell: 717 319 1457

Email: jamcnelly1@arippa.org, Alt Email: office@arippa.org Web: www.arippa.org

ARIPPA COMMENTS: PADEP AIR QUALITY FEE STRUCTURE

IV. Final Summary

1. The basic general overhead of PADEP offices/manpower/supplies should be part of the general Commonwealth budget and taken into consideration (serve as a base) before any fees are assessed or considered in addition to those monies provided by the Commonwealth budget process.
2. The lack of transparent methods, reports, controls, or caps to determine fair and equitable fees (and the ability to comment/vote on such methods, controls or caps) charged (in addition to normal taxation) by regulators is in need of immediate corrective action before the potential power of elimination of any industry through excessive fees/charges is realized.
3. The Department should be required to updated the Apogee Research Inc. Study first, seek public input/comments, and then publish proposed increases in fees...In doing so, they could properly demonstrate fee increases that were justified and reasonable...accordingly these proposed regulations should be sent back to PADEP for supporting information.
4. ARIPPA suggests that the Department should be required to submit any fees or increases to fees (including those currently proposed) to an independent time/labor review body that would equitably and openly determine the fairness of such charges
5. Several proposed fees that affect the waste coal to energy industry far exceed recent COLA and or CPI figures for the Commonwealth and accordingly appear to be unfair and unjustified. For example the Department has proposed that Title V fees be raised to \$70/ton from a current level of \$54 (the current level already exceeds Title V emission fees assessed in other states) an increase that represents almost TWICE the rate of inflation for that same time period. The April 2009 published report issued by the Department regarding "An Evaluation of the Pennsylvania Air Quality Program (2002-2007) shows a combined net positive balance over the period from 2001-2007 of \$21,763,741. Are such excess funds being utilized by the Department and were they factored into the proposed fee increases? ARIPPA must question the need to have a \$4.9 million increase in fees in light of such information.
6. PADEP should be mindful of the potential perception and interpretation (justified or not) of collecting industry fees that may be in excess of transparent and independent accounting/time/labor studies and or CPI or COLA indexes. Such fees may be considered by some as a basis for a political argument that PADEP is "bought by industry"
7. PADEP should be mindful of the potential perception and interpretation by employees (and others on advisory committees) that collecting industry fees may be needed to meet the department's operating and or personnel salary needs. Such perceptions may possibly erode the fairness of the application-permit judgment process and or employee morale.

Jeff A McNelly, Executive Director, ARIPPA

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