

MINUTES
ENVIRONMENTAL QUALITY BOARD MEETING
September 17, 2013

VOTING MEMBERS OR ALTERNATES PRESENT

E. Christopher Abruzzo, Chairman, Acting Secretary, Department of Environmental Protection (DEP)
Gwenn Dando, alternate for Julia Hearthway, Secretary, Department of Labor and Industry
Bryan Kendro, alternate for Barry Schoch, Secretary, Department of Transportation
Scott Gebhardt, alternate for Robert Powelson, Chairman, PA Utility Commission
Dean Ghoweri, alternate for Representative Greg Vitali, Pennsylvania House of Representatives
Chase Schaszberger, alternate for Representative Ron Miller
Richard Fox, alternate for Senator John Yudichak
Adam Pankake, alternate for Senator Gene Yaw
Kerry Speelman, alternate for Carl Roe, Executive Director, PA Game Commission
Burt Waite, Citizens Advisory Council
Steve Kralik, alternate for John Arway, Executive Director, PA Fish and Boat Commission
Matthew O'Donnell, alternate for Jennifer Branstetter, Secretary, Governor's Office of Policy and Planning
Cynthia Carrow, Citizens Advisory Council
William Fink, Citizens Advisory Council
Walter Heine, Citizens Advisory Council
John Walliser, Citizens Advisory Council
Paul Opiyo, alternate for C. Alan Walker, Secretary, Department of Community and Economic Development
Ben Junkin, alternate for George Greig, Secretary, Department of Agriculture
Dr. James Logue, alternate for Michael Wolf, Secretary, Department of Health

DEPARTMENT OF ENVIRONMENTAL PROTECTION STAFF PRESENT

Hayley Book, Director, Policy Office
Doug Brennan, Director, Bureau of Regulatory Counsel
Michele Tate, Regulatory Coordinator

CALL TO ORDER AND APPROVAL OF MINUTES

Chairman Abruzzo called the meeting to order at 9:02 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The Board considered its first item of business – the August 27, 2013, EQB meeting minutes.

Richard Fox moved to adopt the August 27, 2013, EQB meeting minutes.
William Fink seconded the motion, which was unanimously approved by the Board.

CONSIDERATION OF FINAL RULEMAKING: AIR QUALITY TITLE V FEE AMENDMENTS
(25 Pa Code Chapter 127):

Vince Brisini, Deputy Secretary for Waste, Air, Radiation and Remediation, provided an overview of the final rulemaking. Joyce Epps, Director, Bureau of Air Quality, and Dean Van Orden, Assistant Director, Bureau of Air Quality, assisted with the presentation.

Following the presentation, Richard Fox inquired how many facilities in Pennsylvania must currently pay annual Title V fees to the Department. Deputy Secretary Brisini responded that there are currently 560 Title V facilities in Pennsylvania, including Title V facilities in Allegheny and Philadelphia counties. In response, Mr. Fox asked Deputy Secretary Brisini if he could provide any comparative perspective to the number of Title V facilities currently in Pennsylvania, including if that number is less than several years ago and if he believes the number of Title V facilities in Pennsylvania will fluctuate in the future. Deputy Secretary Brisini responded that there are approximately 13 Title V facilities in Pennsylvania that are retiring and that those facilities have historically paid a large portion of the Title V fees collected. He also noted that since 2000, the Commonwealth has approximately 100 – 104 fewer Title V facilities operating in Pennsylvania and that one of those facilities previously accounted for over a third of the total Title V permit fee revenue paid to the Commonwealth. He further elaborated that in 1990 when the Clean Air Act amendments were adopted, it was logical to have an emissions fee program to cover the cost of the Title V program; however, because of the curtailment of emissions and the retirement of sources, Title V fee revenue is being disproportionately affected nationwide – including Pennsylvania – and, as a result, is inhibiting the ability of administrative agencies to cover Title V program expenses with fee revenue alone. Deputy Secretary Brisini furthered his point by explaining the dramatic decrease in sulfur dioxide emissions realized in Pennsylvania, where he noted that emissions decreased by 511,000 tons from 2008 to 2011, and over 600,000 tons, in comparing sulfur dioxide emission rates from 2008 to 2012.

Burt Waite asked Deputy Secretary Brisini about the comprehensive fee package that will be developed in the future by the Department to ensure adequate revenue to fund the Title V program in Pennsylvania. Deputy Secretary Brisini responded that the fee proposal before the Board today provides funding that will ensure fiscal stability of the Title V program for at least two years and represents the minimal amount of fees necessary to sustain the program until a more comprehensive fee proposal can be developed and presented to the EQB for rulemaking consideration.

Chairman Abruzzo inquired about the ramifications if the Environmental Protection Agency (EPA) were to determine that Pennsylvania has insufficient funding to implement the Title V program. Deputy Secretary Brisini responded that EPA could withdraw the Title V program approval from DEP which would require the EPA to administer and enforce a Federal Title V Program in Pennsylvania. He further noted that a Title V program deficiency determination would need to be corrected within 18 months to avoid other mandatory Clean Air Act sanctions against the Commonwealth, including 2-to-1 emission offsets for the construction of major sources and the loss of federal highway funds.

Walter Heine moved to adopt the final rulemaking. John Walliser seconded the motion, which was unanimously adopted by the Board.

OTHER BUSINESS:

The next meeting of the Board is scheduled for Tuesday, October 15, 2013. The meeting will convene at 9:00 a.m. in Room 105 of the Rachel Carson State Office Building, Harrisburg.

ADJOURN:

With no further business before the Board, Burt Waite moved to adjourn the meeting. Richard Fox seconded the motion, which was unanimously approved by the Board. The September 17, 2013, meeting of the Board was adjourned at 9:24 a.m.