



**GROUP AGAINST SMOG & POLLUTION**

5135 Penn Ave.  
Pittsburgh, PA 15224  
412-924-0604  
www.gasp-pgh.org

---

July 10, 2013

**Statement of the Group Against Smog and Pollution regarding the Representative Eli Evankovich memo on Restoring Consistency To Air Quality For Southwestern PA**

Good afternoon, my name is Rachel Filippini and I'm the Executive Director of the Group Against Smog and Pollution (GASP). I thank you for the opportunity to speak today.

It has come to our attention and hopefully to yours that PA State Representative Eli Evankovich, who represents communities in Westmoreland and Armstrong counties, recently circulated a memo to all House members calling for the dismantling of the Allegheny County Health Department's Air Quality Program. In the memo he says, "In the near future, I will be introducing legislation to move the responsibility of developing and enforcing environmental air policy back under the Pennsylvania Department of Environmental Protection." GASP is very concerned with this proposal.

Representative Evankovich's main premise for calling for the transfer is to keep the taxpayers of Allegheny County from paying twice for the same services – once to Allegheny County and once to the state. However, this is simply untrue. The ACHD Air Quality Program does not receive any county or state funding. It is funded entirely by permit and emission fees, fines and penalties, and federal grants. Therefore, Allegheny County residents do not pay twice for the same service, but rather are receiving high quality localized service at no additional cost to taxpayers.

His action, in fact, would create problems it claims to solve. Moving the local air quality program's functions to the PA DEP would be extremely legally complex, time consuming, and very expensive. This would defeat the stated purpose of the legislation and would be a waste of already limited state resources.

The Pennsylvania Air Pollution Control Act provides authority for the local air program's existence.<sup>1</sup> The Act gives DEP the authority to rescind a local agency's existing authority if "the agency is not operating its program in conformity with the approval granted by the Department," or if the agency "is not effectively enforcing the local air pollution control ordinances or regulations."<sup>2</sup> The ACHD Air Quality Program actually predates both the Pennsylvania DEP and its predecessor, the Pennsylvania Department of Environmental Resources. DEP has never seen fit to remove ACHD's authorization to continue its local program; in fact, DEP and ACHD staff regularly coordinate to ensure effective implementation of air quality regulations. The vast majority of ACHD policies are exactly the same as the DEP, except for cases that need to address the high population density and the concentration of industrial activity of Allegheny County.

---

<sup>1</sup> 25 Pa. Code Chapter 133.

<sup>2</sup> 25 Pa. Code § 133.8(a), (b).

ACHD's air quality regulations themselves are contained in Article XXI.<sup>3</sup> Each individual section of Article XXI has been approved by the U.S. EPA as part of Pennsylvania's State Implementation Plan (SIP) and incorporated into the Code of Federal Regulations.<sup>4</sup> Transferring the authority to implement these regulations from ACHD to DEP would involve altering SIP requirements; for each SIP-approved section of Article XXI, EPA would have to approve the change in regulating entity. EPA approval in such a situation often takes years to be issued.

Allegheny County is one of the most densely populated counties in Pennsylvania, it is also home to far more air pollution sources than the Pennsylvania average. Our local air quality program provides decades' worth of experience in dealing with our unique air shed, specially developed regulations that speak to local sources of pollution, and an open public participation structure.

Residents, environmental groups, health-based and civic organizations, and industry representatives alike can offer input on the county air program at a variety of public meetings held in Allegheny County, including the county Board of Health, the Air Pollution Control Advisory Committee, and a number of subcommittees. These meetings routinely draw a balanced mix of industry, environmental, and community representatives. If DEP were to assume the local air program's responsibilities, regulatory and policy decisions would be made in Harrisburg, while permitting, enforcement, and inspection duties would be carried out by DEP's Southwest Regional Office in Pittsburgh. This change would greatly reduce participation and transparency for the local community.

These are all reasons why keeping the local air quality program local is important and not only benefits residents and industry of Allegheny County, but all of those living downwind of Allegheny County. I urge you as a board to contact Representative Evankovich to let him know that you strongly reject his proposal to send the Allegheny County Health Department's Air Quality Program to the state.

Thank you.

---

<sup>3</sup> Allegheny County Health Department, Rules and Regulations, Article XXI: Air Pollution Control, *available at* <http://www.achd.net/air/pubs/pdf/Article21.pdf>.

<sup>4</sup> 40 C.F.R. § 52.2020, Approval and Promulgation of Implementation Plans – Pennsylvania.