



GROUP AGAINST SMOG & POLLUTION
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Statement of the Group Against Smog and Pollution regarding changes to Article XI

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 that changes to the Health Department's Article XI on Hearings and Appeals, which were approved by the Board of Health in 2012, were never acted on by county council. In July 2012, the Board of Health approved revisions to Article XI that would extend the time an appeal could be filed from 10 days to 30 days following public notice by the Health Department. The Board of Health should take the necessary steps as soon as possible, including following up with County Council and/or reapproving this revision to Article XI if necessary, to ensure the time to appeal is extended to 30 days. Allowing for only 10 days to appeal a Health Department decision makes it very difficult for interested parties, whether they are environmental organizations, individuals, or regulated industry to file a timely appeal. Further, both the USEPA and the Pennsylvania DEP provide a thirty-day period to appeal most final agency actions, such as issuance or denial of an air permit. Pursuant to the federal Clean Air Act and the Pennsylvania Air Pollution Control Act, the County's authority to administer its own air program is contingent on the County's applicable rules and regulations being at least as stringent as state and federal requirements. The County's failure to provide a 30-day appeal window is inconsistent with these state and federal requirements.

In addition, the Health Department should review and improve its approach to providing information relating to permits. It often takes more than thirty days for the Department and County Office of Open Records to respond to such requests. It is unacceptable to receive the files necessary to make comments on a facility permit less than a week before the comment period ends. Right now, GASP is waiting to receive files for several proposed air permits and have been assured we will receive the files no later than January 28th. Unfortunately, this is three days after the comment period ends. At a minimum all draft permits and permit applications should be made available on-line and easily accessible to any citizen, organization, or company that wishes to review.

Extending the time to appeal from 10 days to 30 days and providing permit information on-line are two essential changes the health department should make to increase transparency and allow for more participation by the public on matters that impact their health.

Thank you for your consideration of this request.