



# At a Glance

*Catalyst for Improving the Environment*

## Why We Did This Review

We sought to determine whether (1) selected Title V permits contained adequate provisions consistent with key Clean Air Act (CAA) requirements, (2) EPA's oversight and guidance contributed to improvements in Title V implementation, and (3) Title V had achieved its goals of improving the implementation and enforcement of the CAA.

## Background

In 1990 Congress enacted Federal clean air permitting requirements designed to reduce violations and improve enforcement of air pollution laws for the largest sources of air pollution. Known as Title V, this provision requires that all major stationary sources of air pollutants obtain a permit to operate. More than 17,000 sources are subject to Title V permit requirements.

**For further information, contact our Office of Congressional and Public Liaison at (202) 566-2391.**

**To view the full report, click on the following link:**  
[www.epa.gov/oig/reports/2005/20050309-2005-P-00010.pdf](http://www.epa.gov/oig/reports/2005/20050309-2005-P-00010.pdf)

## **Substantial Changes Needed in Implementation and Oversight of Title V Permits If Program Goals Are To Be Fully Realized**

### **What We Found**

Our analysis identified concerns with five key aspects of Title V permits, including (1) permit clarity, (2) statements of basis, (3) monitoring provisions, (4) annual compliance certifications, and (5) practical enforceability. Collectively, these problems can hamper the ability of EPA, State and local regulators, and the public to understand what requirements sources are subject to, how they will be measured, and ultimately to hold sources accountable for meeting applicable air quality requirements. Factors such as extensive use of incorporation by reference, failure to fully cite applicable regulations, complex permit format, and lack of detail in source requirements for testing, monitoring, and reporting had a negative impact on permit clarity. Also, the practical enforceability of some permits was limited by vague permit language and insufficient monitoring provisions. Further EPA guidance is needed in each of these Title V permitting program elements.

EPA's oversight and guidance of Title V activities have resulted in some improvements in Title V programs; however, areas of further improvement remain. Many Title V programs have improved as a result of EPA's issuing formal notices of deficiency, and through EPA's efforts to obtain commitment letters from selected State and local permitting authorities. However, some EPA regions have been slow in issuing program evaluation reports for permitting authorities within their respective regions, and have not responded to public petitions against Title V permits in a timely manner. For example, of the 31 State and local agency Title V evaluations completed, EPA regions have only reported on 14 agencies. Several stakeholders expressed a need for increased EPA guidance and oversight.

Despite implementation problems, the Title V program has resulted in some significant benefits. The inclusion of all relevant CAA requirements in one document has enabled stakeholders to obtain the information needed to understand the applicable requirements for major emitting sources, and to express their concerns. Anecdotal evidence suggests that permitting authorities and industry sources have improved communications, that emissions inventories are better, that compliance has been achieved more quickly, and that emissions have been reduced due to the annual requirement for owners or operators to certify compliance with all applicable CAA requirements.

### **What We Recommend**

We made several recommendations for EPA to, among other things, reduce the factors that negatively impact permit clarity, improve national Title V guidance, actively identify monitoring deficiencies in state implementation plans, and develop a comprehensive Title V oversight strategy. The Agency agreed with several of our recommendations regarding issuing draft rules and improving EPA oversight, but disagreed with several others related to issuing Title V guidance.