IDEQ Meeting Introduction and Opening Questions

Hello, my name is Geoffrey Glass. I am an Engineer in the Air Permits and Toxics Branch at EPA Region 10. Until the Air and Radiation Division at Region 10 goes through a re-org (later this year, I hope) I am acting as an unofficial air permits and air toxics team lead. With me are Christopher Familiare, who is the project manager for the program review; Dan Meyer, a senior air permits engineer; and Rizwan Syed, who joined the Air Permits and Toxics Branch after a career at Illinois EPA.

(Ask Chris, Dan, and Rizwan to introduce themselves)

Thank you for meeting with us and taking time out of your busy schedules. We appreciate your cooperation.

(Ask IDEQ staff to introduce themselves)

- The EPA began conducting title V program reviews after a 2002 Office of the Inspector General report recommending greater consistency and effectiveness in state operating permit programs
- Note that when I say "permits" I mean title V permit (a.k.a., air operating permit (AOP), part 70 permit, major source operating permit, or Class I Permit)
- Also … please do not call this an audit. This is not an audit.
- Each region initially committed to performing permit reviews for all state and local agencies with 10 or more permits
- Region 10 completed the first round of 10 permit program reviews in 2007
- Region 10 completed IDEQ's first round report in 2004
- After completing the first round, Region 10 committed to conduct one program review per year, including each agency with 20 or more permits
- However, Region 10 elected to conduct program reviews for all agencies we reviewed in round one, regardless of the number of permits they had issued
- Region 10 completed IDEQ's second round report in 2007
- We completed our second round in 2020 and continued with a third round in 2021 with the Puget Sound Clean Air Agency
- All of our completed reports are on our regional website
- Some of you who are aware of the number and sizes of permitting agencies in Region 10 may have figured out that two local agencies in Washington (Benton County and Yakima County) have never undergone a permit program review – we have decided to perform a review of both agencies next year.

Do you have any questions about the purpose or history of this program?

What to expect next

- We are committed to completing our report by the end of the fiscal year (September 30)
- IDEQ will have an opportunity to review a draft copy to correct factual errors
- The report will likely contain recommendations for program improvements
- We will also highlight good practices from the state
- We may ask IDEQ to provide additional information, prepare guidance documents, or implement program improvements

- About a year or a year-and-a-half after we complete our report (sometime in 2025) we will increase our review of state permits to see if you are implementing any improvements
- In case anyone is wondering, it is exceedingly rare that an EPA Regional Office has taken remedial action because of a permit review (I only know of this happening once)

Before we continue, do you have any questions?

I would like to start by asking some general questions about the permitting process. Ideally, I would like people who have been permit writers for less than five years to answer the questions (at first). I don't expect new permit writers to know all of the answers. I'm sure you ask more experienced permit writers for advice and help all the time. (I have been doing this for years, and I still ask for guidance frequently.) But we would like to get a feel for, among other things, how IDEQ gets new permit writers up to speed and how well people understand the permitting process.

1. Describe the initial training process for new permit writers. For example: were you assigned a mentor? What materials did you receive? Did you attend in person or online training?

2. Is there any additional training or networking opportunities you would like EPA to provide?

3. How did you learn about IDEQ processes and procedures?

Now let's discuss processing permit applications and writing permits

4. How are permit applications assigned to individual permit writers? For example, do individuals specialize in certain source types or are people assigned geographical areas?

5. How do you review an application to ensure that it is complete?

6. Have you ever disagreed with an applicant about which requirements apply? If so, what did you do?

7. Briefly describe the process for writing either a new permit or a renewal. Do you start with the permit or the statement of basis. Do you use template documents, or do you use a previously issued permit as a starting place?

8. Has IDEQ developed guidance for writing permit conditions for particular source categories or particular requirements such as periodic monitoring?

9. Describe your system for internal review. Do you have peers review your permit? Inspectors? Attorneys? Managers?

10. Do you share a pre-draft copy of the permit with the applicant? If so, how long do they have to review it? Are they allowed to submit comments at this time?

11. When you are ready to public notice the draft permit, do you notify individuals and organizations by email or direct mail? How do you determine whom to notify?

12. How do you inform tribes and affected states that a draft permit is open for public review?

13. Have you ever extended or modified a public review period to account for environmental justice groups?

14. When you receive comments during the public review period, how do you make the response to comments document available to the public?

15. Do you inform anyone (other than the EPA, of course) when you submit a proposed permit for EPA review?

16. Do you inform the public of their right to challenge a final permit through state hearings boards or their right to petition the Administrator to object to the permit? If so, when do you do this?

Permit content: let's discuss how IDEQ includes certain types of information in your permits

17. Sometimes, sources are subject to several similar requirements (e.g., NSPS, NESHAP, SIPs, permit limits). Do you ever streamline overlapping requirements in a permit? If so, how do you do this and how do you document this in the SoB?

18. When a permit does not contain adequate monitoring to assure compliance with a limit or standard, an emission unit may be subject to CAM or periodic monitoring. How do you determine when CAM or additional monitoring is required and how do you document this in the SoB?

19. Have you ever written a permit that included a compliance schedule? How did you include the schedule in the permit to ensure it was enforceable as a practical matter? How did you document it in the SoB?

20. Do you ever eliminate obsolete permit conditions (e.g., initial compliance determinations and preconstruction requirements) from permits?

21. Does IDEQ have guidance for writing voluntary emission limits (synthetic minor limits), so they are enforceable as a practical matter?

<u>Day 2 - Permit Issuance, Resources, Finance, and Rules</u>

22. Can you tell us about your title V fee structure (i.e., application fee plus hourly labor cost, complexity fee)?

23. Do your fees amount to more or less than EPA's presumptive minimum (1996 $25/ton, 2023 $58.55/ton)?

24. Since EPA first approved IDEQ's title V program, has the Agency ever changed its fee structure? (Note to interviewers: If answer is yes, ask if the Agency submitted a program revision to EPA seeking approval.)

25. In your opinion, are the title V fees adequate to support the Agency's program?

26. Does the Agency use a portion of title V fees to fund a small business assistance program? IF YES, ASK THESE QUESTIONS:

    a. What proportion of title V fees are used to fund the small business assistance programs?

    b. What kinds of projects do you fund with the small business assistance program?

    c. How do you publicize your small business assistance program and how do businesses apply for funds?

    d. How does the Agency determine whether a business is eligible for assistance through the small business assistance program?

       IF NO, ASK THIS QUESTION:

    e. Is the Agency familiar with programs that can be funded using title V fees?

<u>Billing & Fee tracking</u>

27. Do you send invoices to permitted sources to collect permit fees or are they required to submit fees on their own?

28. Do all permitted sources pay fees on the same schedule or are they different for different sources? Can you please describe it for us.

29. How does the agency track whether fees are submitted in a timely manner and what are the consequences of failing to submit fees in a timely manner?

30. How does title V fee revenue get allocated back into the program?

31. What kinds of expenses are title V fees used for? (Is a portion of the collected title V fees used to pay for a portion of assets, such as vehicles or computers, or to cover a portion of Agency overhead or operating expenses? If so, how are allocations from title V revenue determined?)

32. How does the Agency ensure that title V fees are used only for title V program expenses?

33. How do you track title V expenses?

34. How do you track title V fee revenue?

35. Can you provide us with documentation (spreadsheet, other?) that shows how title V expenses and revenue are tracked?