1 U.S. ENVIRONMENTAL PROTECTION
2 AGENCY TASK FORCE ON THE PERFORMANCE
3 OF THE TITLE V OPERATING
4 PERMITS PROGRAM
5
6
7 Washington Marriott
8 1221 22nd Street, NW
9 Washington, DC
10
11 Friday, June 25, 2004
12 9:05 a.m.
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15 Meeting of the U.S. EPA, was held on Friday,
16 June 25, 2004, at 1221 22nd Street, NW, commencing at
17 9:05 a.m., Michael Ling, presiding.
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1 P R O C E E D I N G S

2 (9:05 a.m.)

3 MR. LING: Why don't folks go ahead and

4 take their seats. We'll call this to order here real

5 soon.

6 (Pause.)

7 MR. LING: Good morning everyone. I want

8 to thank everybody for coming today. My name is

9 Michael Ling. The first thing you'll probably notice

10 is that I'm not Bill Harnett. Many of you were

11 probably expecting Bill to sit here today, but he was

12 called away at the last minute. He's in Washington

13 and he may make an appearance today depending on how

14 his morning goes over at EPA.

15 But I found out last night that I'll be

16 sitting in and chairing the meeting today for him.

17 He will still be heavily engaged in this process.

18 And like I said, he may be making an appearance later

19 today.

20 I want to thank everyone for coming today.

21 I especially want to thank the Task Force members for

22 coming.

1 The success of this Task Force project
2 will rely on the experience and involvement of the
3 folks sitting around the table and will also rely on
4 the involvement of folks who come and present us
5 information.
6 This is principally an information-
7 gathering exercise. Let me just say a few words
8 about why we are here. This will be familiar to the
9 Task Force and probably to some of you in the
10 audience.
11 But the Clean Air Act Advisory Committee,
12 which is a committee that provides advice to EPA
13 about its clean air programs, created this Task Force
14 to report back to its committee, the subcommittee on
15 permitting, on the implementation experience with the
16 Title V operating permits program.
17 Basically what they're asking for was a
18 state of the Title V report. The advisory committee
19 felt and EPA agrees that now is a good time to ask
20 for this kind of report because it's been about 10
21 years since the first state Title V programs got up
22 and running and nearly all of the first round of

1 Title V permits have been issued.
2 Although some folks here have indicated that they
3 don't have their Title V permits yet, virtually all
4 of them have been issued. So as a result there's a
5 tremendous amount of Title V experience out there in
6 this room and around this table. We would like this
7 experience to inform EPA's perspective as we move
8 forward with our oversight of the Title V program.
9 The committee charged the Task Force here
10 with answering two questions: How well is the Title V
11 program performing? And what elements of the program
12 are working well or poorly?
13 The committee asks the Task Force to
14 prepare a report for them. And the report should
15 answer those questions based on the information that
16 we gather today and at the other Task Force meetings
17 and throughout the public process, which is more than
18 just these three meetings.
19 In preparing the report the committee gave
20 us some further specific advice as we conduct our
21 work. First,
22 it will reflect the perspective of all the groups who

1 have a stake in the Title V program. Second, it
2 should reflected to a maximum possible real world
3 experience with the Title V program.
4 Many of you may have views about the
5 wisdom of the enactment of Title V. But we're not
6 here to debate that. In order to do our work the
7 Task Force needs as much real information and
8 examples and data as we can get.
9 The report should also describe
10 information about things that are working well or
11 leading to beneficial outcomes because as we move
12 forward with oversight, we want to make sure we're
13 not losing the beneficial things as we try to improve
14 upon the things that are not beneficial.
15 Finally, the committee said that the Task
16 Force may elect to make recommendations for improving
17 the program based on the information that it gets.
18 And we expect that will happen.
19 Overall I'm optimistic that this process
20 will result in the collection of a lot of valuable
21 information and some recommendations that EPA can use
22 to make the Title V program more effective and more

1 efficient.

2 I want to talk briefly about the logistics

3 of how today's meeting will be run. In just a minute

4 I'm going to ask everyone on the Task Force to

5 introduce themselves. But first I just want to talk

6 a little bit about how I expect the day to unfold.

7 We have talked to the Task Force once via

8 telephone. And we also had a group of CAAAC folks

9 that helped us plan the logistics.

10 So what we're going to do -- the main goal

11 of this process is to insure that everyone with

12 information relative to the Task Force's mission will

13 have a chance to be heard. I want to address a

14 couple of issues that we have heard about.

15 The makeup of the Task Force. One of the

16 issues is that there are four environmental groups as

17 compared to six state and six industry. Our issue

18 here was that we were supposed -- we needed to fund

19 the environmental groups. Otherwise their

20 participation might not be able to be full on the

21 Task Force because of the travel, the way we set it

22 up for travel around the country.

1 So we were limited in the number of people
2 we could bring. But we've set it up so that all the
3 views and all the stakeholder groups will be
4 reflected. The Task Force is not a vote-based group.
5 And as I said earlier, the report is going to reflect
6 the views of all the stakeholders involved.
7 The other issue is I just want to point
8 out that there are some who applied for the Task
9 Force who are not on it, which is just simply not
10 possible to represent every particular industry
11 category or every particular kind of state program or
12 whatever.
13 Title V has a wide variety of programs and
14 sources out there that are covered. We tried to
15 strike a balance in selecting the Task Force. But I
16 again want to stress that we want everybody to be
17 heard. And there's multiple ways to be heard.
18 People on the advisory committee will be
19 reviewing the report. We're going to have public
20 meetings. We're going to have an opportunity to
21 provide written comments.
22 We would like for each person who comes

1 here today to present information to the Task Force.
2 We'd like to have them have an opportunity to talk to
3 the Task Force and interact with us.
4 With that in mind I'd like to invite the
5 speakers to sit at the end of the table there.
6 There's a microphone which you should always press
7 the red button to talk. Make sure your red thing is
8 lit up, because we're making an audio tape of this.
9 And if your mic is not on, you will not be heard on
10 the audio.
11 We'll take the speakers on a first-come,
12 first-serve order. Based on what I've seen so far
13 we're not going to have any trouble fitting today's
14 speakers into the morning time.
15 Maybe that's an indication that the Title
16 V program is working very smoothly if only two folks
17 have come to speak about it. There might be some who
18 would disagree with that conclusion.
19 So we'd like each speaker who comes to the
20 table to introduce themselves. In the federal
21 register we said you can limit yourself to five
22 minutes, but I think today we're not going to be

1 wrestling you to the ground after five minutes.

2 Take as long as you want to present your

3 perspective. Then after your presentation, the Task

4 Force will likely want to ask follow-up questions.

5 So we invite you to remain at the table to answer

6 these questions.

7 I think the interaction between the

8 speakers and the Task Force is going to be an

9 important part of our information-gathering efforts,

10 so we'll allow as much time for questions as we can

11 within the constraints of time and the number of

12 speakers. I think there will be enough time to do

13 that this morning.

14 We are keeping a transcript of this

15 meeting -- we have a court reporter over here -- that

16 will ultimately be made available to the public in

17 written form, as well as the audio recording that

18 we're making. We will release it on the Internet.

19 We further invite people to submit written

20 comments, which will be put in a docket that was

21 established for this effort. And the process for

22 submitting written comments is presented on our

1 website. But I would also ask people who have
2 brought written presentations with them today to
3 leave them with Shannon Cox, out front, who is the
4 woman that you met when you checked in this morning.
5 She is a contractor with EC/R, whom we've hired to
6 support the Task Force efforts.
7 Also Graham Fitzsimons at the end of the
8 table is with that same contractor there. If you
9 have any questions about the logistics of signing up
10 to speak or giving your comments for the docket or
11 anything, speak to them.
12 They are also running the logistics of the
13 meeting, so things like electrical outlets that we've
14 had a question about already -- they're the ones to
15 talk to about that.
16 As the website says, and I think as the
17 Federal Register notice said, we're going to keep
18 this open until 5:00 today.
19 Depending on turnout I think that there
20 are folks on the Task Force who may have an interest
21 in catching flights and may not stay until the end.
22 And we understand that throughout this process it

1 won't be 100 percent Task Force attendance at all
2 three meetings or for the entire day of all three
3 meetings.
4 But the EPA folks will stay here. At
5 least some of the EPA folks will stay here until 5:00
6 today to hear from anybody who shows up or to take
7 written comments from anyone.
8 Also I expect that because there are not a
9 lot of speakers signed up today, there will be time
10 for the Task Force to have an opportunity to discuss
11 issues amongst themselves. There's a considerable
12 body of Title V experience at the table.
13 I think most of you will have issues that
14 you want to discuss or may want to react to some of
15 what you've heard this morning. And I would
16 encourage that.
17 There will be at least two more public
18 meetings like this later in the year so those of you
19 who wanted to come check out the first one to see how
20 it goes, you can speak at the second one, which will
21 be tentatively in Chicago in the middle of September.
22 September 14th is the tentative date, I

1 think, we've set up for that. But we'll be checking
2 with the Task Force to see if that date is going to
3 be problematic.
4 There will also be a meeting later this
5 year in a Western state to make sure we have good
6 geographic distribution. Depending on how the
7 process is going, we may have additional meetings.
8 But we haven't made any sort of commitment like that
9 so far.
10 All the information about where the
11 meetings will be and where they will be is regularly
12 updated on our CAAAC advisory website, which is
13 www.epa.gov/oar/caaac -- Clean Air Act Advisory
14 Committee.
15 Finally, as you will note from the
16 handouts out front, we will be breaking for lunch at
17 noon today. We'll be reconvening at 1:00. There's
18 no formally scheduled breaks at any other time in the
19 morning. But I think we can play it informally. And
20 if the Task Force needs a break, just let me know.
21 I didn't check to see where all the
22 important landmarks were -- like the restrooms and

1 other things. But I'm sure Shannon out front can
2 help you.
3 That's the end of the logistical part of
4 my talk. The last thing I want to do -- I want to
5 allow all the Task Force members to go around and
6 introduce themselves, say a few words about their
7 interest and involvement in the Task Force and their
8 interest and involvement in Title V permitting and
9 any other introductory remarks that you might have.
10 Also because this is our first face-to-
11 face meeting as a group, I would like the Task Force
12 to just tell us if they would like -- tell us a bit
13 about themselves.
14 I will begin by saying that I am pleased
15 to be on this Task Force on behalf of EPA. I'm a
16 little surprised to be sitting in this chair this
17 morning, but I think that the Task Force offers a
18 great opportunity to learn about the experiences with
19 Title V and apply what we've learned -- EPA has
20 learned -- to improve the Title V program at the end
21 of this.
22 I want to provide us some brief

1 perspective on how this effort can help us better
2 achieve the goals of Title V. There's not a
3 definitive statement by Congress about the purposes
4 of Title V in the Clear Air Act.
5 But various statements by Congress and by
6 EPA in its rules and by others point to a range of
7 goals for the Title V program. I'll just throw out a
8 couple of these. The advisory committee listed these
9 in its charge to create the Task Force.
10 The first goal was to create a written
11 document, i.e., a permit that clearly compiles all
12 the sources of applicable Clean Air Act requirements
13 into one place, thus enabling sources, states, EPA,
14 and the public to better understand the requirements
15 that apply to the source.
16 Second, to enable sources, states, and the
17 EPA not only to better understand them but to better
18 know whether a source is meeting them.
19 Third, to trigger actions by these sources
20 that result in better compliance with the Clean Air
21 Act.
22 Fourth, to allow for better enforcement by

1 EPA and states of the Clean Air Act requirements.

2 Fifth, to improve citizen participation in

3 air quality decisions by involving the public in the

4 issuance of permits.

5 Sixth, to improve EPA's ability to

6 implement and oversee the other Clean Air Act

7 programs like air toxics, acid rain and so on.

8 Seventh, to enhance EPA and state

9 government's ability to do more efficient and

10 effective air quality planning. There is sort of

11 sort of a feedback loop between Title V and the other

12 programs.

13 Eighth -- there's only nine of these -- to

14 insure the self-funding's adequate so that the states

15 can run the programs effectively.

16 And finally and ultimately, to improve air

17 quality.

18 To me if these sound relatively

19 straightforward -- and I think most of you would

20 agree that they're appropriate goals for EPA to be

21 pursuing as we work to implement the Clean Air Act.

22 However, pursuing each one of these goals carries

1 with it an associated burden.

2 To make the Title V program work better we

3 need to insure that the program is effectively

4 achieving these goals while minimizing the burden.

5 It's difficult for us to do this in the

6 Title V program. It's very hard to measure success -

7 - whether we're meeting these goals. You can't just

8 put out an air quality monitor before and after a

9 source gets a Title V permit to measure whether it's

10 triggering actions that result in better compliance

11 with the Clean Air Act.

12 The benefits of improved compliance --

13 better public participation, more efficient air

14 quality planning, and so forth, are often intangible

15 and very difficult to assess.

16 So we are looking to the Task Force and

17 the presenters today to help us get information that

18 we can use to make this assessment however that ends

19 being done.

20 Similarly we are looking to the Task Force

21 and the other presenters to help us identify the

22 factors that are contributing to unnecessary burdens

1 or that are acting as barriers to the program
2 achieving its benefits.
3 So we will be very interested in hearing
4 the information and examples and your personal
5 experience. And I'm speaking to the Task Force and
6 the speakers when I'm saying that as to what is and
7 isn't working well about Title V.
8 We're especially interested in issues that
9 you see as currently the most relevant to you or that
10 you see as the most important to the success of the
11 program or that are most likely to have broad
12 applicability -- not just local parochial kinds of
13 issues and ones that can be identified and
14 illustrated with specific examples that would give us
15 a basis for going forward if we want to make
16 improvements.
17 As I said earlier, we'd like to stress
18 what's working well, as well as what isn't working so
19 that we can preserve the good things about Title V as
20 we move forward.
21 One last point. There is still active
22 litigation on the original Title V rules. I would

1 like as much as possible for this forum not to be a
2 forum for debating those litigation issues. There
3 will be an appropriate forum for doing that in the
4 context of the litigation.
5 But I would like this not to be that,
6 because this is more of an information-gathering
7 forum. Sharing information that are touched by the
8 litigation seems worth while. But actually trying to
9 get into the litigation is something that we hope not
10 to do. And I hope other folks are in agreement with
11 that.
12 I look forward to hearing from the Task
13 Force and from today's speakers. And I will turn it
14 over to Bob.
15 MR. MOREHOUSE: I'm going to just give a
16 brief introduction. I think that's the intent
17 initially, Michael. I'm Bob Morehouse. I currently
18 work with Exxon/ Mobil. Just as background, after
19 coming out of school I worked three years as an
20 environmental consultant -- 28 years with
21 Exxon/Mobil, the first 18 in a variety of technical
22 marketing operations (either technical jobs,

1 management positions), the last 10 years in the
2 environmental area, 6 of which involved the RCRA
3 program and the last 4 with air.
4 Within our company I have responsibilities
5 across really all of our operations in the United
6 States. Specifically Title V activities is one area
7 that I have responsibility for in terms of our
8 working with our various sites and setting up
9 compliance assurance systems as well as taking care
10 of the regulations themselves and helping our sites
11 understand the requirements of Title V, taking a look
12 at permits as sites need support, compliance support
13 on permit type issues, whether it's reporting Title V
14 deviations -- that type of activity.
15 I'm also involved in a number of other air
16 issues, both as a company member but also through
17 some of the trade organizations here in Washington --
18 primarily the American Chemistry Council -- but also
19 I certainly interact with American Petroleum
20 Institute as well as the NPRA.
21 I get involved in activities both here as
22 well as certainly compliance support for our

1 facilities. My primary interest over today and
2 future meetings -- I'll talk about our experiences --
3 really is to share some of our company experiences.
4 We have just in our major facilities, our
5 chemical plants and refineries, we probably have more
6 than 80 permit applications in. We still have a
7 number of permits that we have not yet received --
8 some of the large facilities.
9 But we certainly have a lot of facilities
10 across numerous states in the country and it's my
11 intent to pull together that information, share that
12 with the Task Force, as well as encourage some of the
13 trade organizations I work with to also put together
14 information that I think would be valuable for the
15 Task Force in assessing the performance of the Title
16 V program.
17 MR. VAN DER VAART: My name is Don VAN DER
18 Vaart. I'm with the North Carolina Division of Air
19 Quality. My group is responsible for issuing all the
20 Title V permits in North Carolina.
21 By way of background, before coming to the
22 state I worked for a number of years with Shell

1 development on their R&D side. I also worked for
2 some university research organizations mostly in the
3 field of combustion and hydrocarbon processing.
4 I've also been the environmental manager
5 for a utility, so that makes me one of the few people
6 that have operated both in the free enterprise system
7 and in the public monopolies.
8 At any rate, most of my time now is spent
9 with the state in issuing Title V permits. And I'm
10 very excited to be here to try to clarify how this
11 program is achieving the goals that Michael stated,
12 primarily that we're to look at these permits as a
13 single source for exactly all the obligations and
14 requirements under the Clean Air Act.
15 MR. GOLDEN: I'm David Golden with Eastman
16 Chemical Company. I first became interested in clean
17 air when I was in law school, going to school in an
18 area that probably wasn't an attainment for all the
19 ambient air quality standards let's say.
20 I clerked for a law firm and was impressed
21 with the role attorneys can play in helping clients
22 understand complex regulatory programs and

1 influencing them to comply with them.

2 So after law school I went into private

3 practice with Lauren's firm. After that I went in

4 house with Eastman Chemical Company, which was about

5 nine years ago. Eastman is one of those companies

6 that you're probably most familiar with Eastman

7 Kodak, which we're no longer a part of.

8 We are one of those that makes lots of

9 things that are in the products you buy, but none of

10 them are the products you buy. We're downstream from

11 Bob's company but upstream of pretty much what you

12 generally buy in the store. I've been working with

13 Title V literally since the rules went final. I've

14 helped a number of companies, prior to coming with

15 Eastman, understand the rules and begin the

16 application process.

17 Eastman as well has filed over 50

18 applications, and worked in clean air permitting in

19 over a dozen states. I'm not only helping with

20 applications, but permit negotiations and I think

21 most importantly designing the compliance systems

22 necessary to insure compliance and that reasonable

1 inquiry occurs, that the responsible official can
2 feel comfortable with certification.
3 Most recently, in addition to clean air
4 duties, I've become the director of corporate
5 compliance for Eastman Chemical Company and I've been
6 struck with how Title V to some degree was Sarbanes-
7 Oxley for air before Sarbanes-Oxley was around,
8 before certifications became popular.
9 Anyway, I'm looking forward to working
10 here and see what we can do to capture what's good
11 and improve what's not quite as good.
12 MS. FREEMAN: Good morning. Lauren
13 Freeman with the law firm of Hunter and Williams.
14 And I'm located here in Washington, D.C. I've been
15 practicing under the Clean Air Act I guess for about
16 14 years now -- almost exclusively under the Clean
17 Air Act.
18 I'm here today representing the
19 constituency of the Utility Air Regulatory Group,
20 which is a group of, I guess, about 50 individual
21 electric utility companies and generating companies.
22 Depending on how you count them, it could be anywhere

1 from 50 to 100. With mergers the number is changing
2 every day.
3 The purpose of UARG is to participate in
4 Clean Air Act rulemakings and litigation on behalf of
5 the utility industry. Through my work with them I
6 have participated obviously in all the major
7 rulemakings for Title V and much of the litigation.
8 But my day-to-day work with UARG is
9 primarily in counseling -- counseling and
10 interpretation of -- counseling on compliance
11 certifications and reasonable inquiry, which David
12 Golden mentioned.
13 I also represented individual utility
14 companies on those same issues, helping to draft
15 permits, permit applications, interpret -- I'm hoping
16 to share some of the experiences of the UARG members
17 and the other individual members through this Task
18 Force participation.
19 MR. HITTE: Good morning. My name is
20 Steve Hitte with the U.S. EPA. I guess I have the
21 dubious distinction of being the program manager for
22 the Title V program.

1 I've been with EPA my entire career, which
2 is getting on over 30 years now. And I've been in
3 various positions, worked in various places at EPA,
4 ranging from solid waste programs to the drinking
5 water programs to the compliance enforcement program
6 and for the last probably 12 to 13 years in the air
7 program, specifically with the Title V program, which
8 I had to look up before I came because I forgot how
9 long I've been here -- about 10 years now.
10 Like everyone else I do look forward to
11 hearing what people have to say. I sit in this seat,
12 where I hear a lot of things from all of the
13 stakeholders out there, both what's working and
14 what's not working well.
15 Some of it is probably very true and some
16 of it's probably just a stretch of the truth.
17 Nonetheless, I hope to gather the facts over this
18 meeting and the other meetings so we do have a good
19 product to produce.
20 If there's areas where we can improve this
21 program, which I'm sure there are, that's definitely
22 my goal to do that.

1 MS. POWELL: My name is Keri Powell here
2 representing the New York Public Interest Research
3 Group. I've been involved in the Title V program
4 since 1998. Most of my experience has been with the
5 New York Title V program.
6 While I was at NYPIRG as a staff attorney
7 I reviewed and commented on about 50 Title V permits
8 and filed petitions on more than a dozen of those.
9 I have also played a leading role in
10 organizing grassroots advocates around the country to
11 teach them about the Title V program and the
12 opportunities that it provides.
13 I hope as a member of this Task Force that
14 I'll be able to bring a perspective on how this
15 program serves as a tremendous tool for the public to
16 get involved in the regulation of clean air in their
17 communities. And it really opens the process up in a
18 way that just wasn't happening before the
19 implementation of the Title V program.
20 MS. KADERLY: My name is Shelley Kaderly,
21 the Air Director for the state of Nebraska
22 Environmental Agency. I've been with the Nebraska

1 Environmental Agency for about 13 or 14 years. And
2 I've been in the air program for the majority of that
3 time.
4 I have also been involved in the superfund
5 and the water programs as well. I moved over into
6 the air program right when Nebraska was starting to
7 implement Title V. One of my first duties was to get
8 involved with the fee program and also to write Title
9 V permits.
10 I hope to bring to you all a perspective
11 from a smaller state agency that has had to implement
12 this program, bring perspective on the benefits we've
13 received from it, as well as some of the challenges
14 we've had to face over the last 10 years. And I look
15 forward to working with all of you.
16 MR. PAUL: I am Bernie Paul with Eli Lilly
17 and Company. It's a research-based pharmaceutical
18 company out of Indiana. We have seven facilities,
19 either research or manufacturing facilities that are
20 subject to the Title V program in Indiana and in
21 Puerto Rico.
22 We have Title V permits or FESOP permits

1 for about half the facilities. Although you can't
2 divide seven by half, I'll let you guess whether we
3 have three or four. I've also been involved in
4 various industry-based groups, working with state
5 agencies and the U.S. EPA on Title V.
6 The state of Indiana spent a few years
7 developing model permits before they really started
8 rolling them out. I was pretty heavily involved in
9 the development of that model permit, providing the
10 business perspective on what went into the model
11 permit.
12 I've also been involved in efforts with
13 the pharmaceutical industry and other multi-industry
14 groups that have to live with the Title V program.
15 And I've tried to offer feedback to state agencies
16 and EPA about how the program is working.
17 What I was thinking about -- what I was
18 going to say -- I thought I might offer a cute quote.
19 I'll still offer this cute quote, but it may not be
20 true.
21 I was going to quote a former major league
22 baseball manager named Wes Westrum, who once said

1 after he was besieged by reporters why he did
2 something in a particular game. He said, "Baseball
3 is like religion. Many attend but few understand."
4 And I was thinking the same applied to
5 Title V. But after looking around this table, I
6 think maybe more people understand Title V than I was
7 giving them credit for.
8 A couple of things that I wanted to just
9 initially learn from the Task Force members and from
10 the public participants who will be speaking -- I'm
11 real interested in understanding the views of the
12 state agencies as they try to implement the program,
13 because they are sort of the fulcrum of the program.
14 I think their views about how it's
15 working, what are its successes and problems, are
16 very, very important.
17 I'm also interested in hearing the views
18 of environmental organization stakeholders, in
19 particular, with what I see as sort of what can be
20 the crushing weight of Title V.
21 It's so detailed and so heavy with multi-
22 100-page permits and multi-100 page quarterly reports

1 and annual compliance certifications. How do the
2 people on the outside of the program view it in that
3 light? That's my opening statement.
4 MS. SINGH: I'm Padmini Singh. I'm from
5 EPA's Office of General Counsel. Our office works
6 very closely with the Office of Air Mediation on all
7 aspects of their work providing counseling for day-
8 to-day questions, rulemakings, and working with the
9 Department of Justice when litigation arises on any
10 of the issues that were worked on.
11 At a personal level I worked out of law
12 school. I went to a private law firm, worked there
13 for a number of years, then came to EPA.
14 At EPA I worked -- before I came to the
15 Air Remediation Office I worked at the pesticides and
16 toxic substances law office, then the international
17 environmental law office.
18 And now, in a rather checkered career, I
19 am back now in the General Counsel's Office. We're
20 looking forward to hearing your experiences on the
21 Title V program and what we can do better.
22 Thanks.

1 MR. VOGEL: My name is Ray Vogel with U.S.
2 EPA. I work in the operating permit program.
3 My main role is to support the Task Force
4 in whatever capacity they'd like. I've worked on the
5 Title V program since the proposal of the part 70
6 regulation's final promulgation came out in 1992 and
7 probably on just about every rulemaking that's
8 occurred since then, some of which were published,
9 some of which were not published.
10 I guess my intent -- one of the things I
11 would like to make sure happens here in this process
12 is to come up with some real examples of what's
13 working and what isn't working with Title V.
14 Since the inception of the program during
15 its implementation, when states were first issuing
16 permits, and since then we've met with a lot of state
17 and local industry groups.
18 One person would make statements about
19 things that were not working well. We would always
20 ask them, "Well, do you have examples of real
21 situations that illustrate what you're talking
22 about?"

1 We never saw those real examples. I would
2 still hope that we'd get some real examples out of
3 this Task Force as a way of demonstrating that some
4 of these situations or beliefs that people have are
5 either real or they're not real. That would be one
6 of my hopes.
7 MS. KEEVER: I'm Marcie Keever with Our
8 Children's Earth. We're a San Francisco based
9 nonprofit organization.
10 For the past three years we've spent a lot
11 of time commenting on Title V permits. We've
12 commented on at least 25 facilities and filed at
13 least 5 petitions in conjunction with other groups in
14 the Bay area and across the country.
15 I really do hope to bring a community
16 perspective to Title V and the experiences that we
17 and others have had in the Bay area with the Title V
18 program and how it has really helped communities
19 become involved in the facilities that are in their
20 communities and giving them an opportunity to speak
21 out and really understand the Clean Air Act
22 requirements.

1 MR. HAGLE: I'm Steve Hagle, special
2 assistant to the director of the air permits program
3 in Texas. I've been working in air permits since
4 1987. Prior to that I was in the oil and gas
5 industry.
6 I started out in new source review and
7 worked as a permit engineer and also a manager in the
8 new source review program and then went into the
9 Title V program. I actually issued a couple of Title
10 V permits.
11 I then worked with Ray and Michael and
12 some others on some challenges we had in Texas with
13 response to note the deficiencies in our program and
14 also challenges to the programs of environmental
15 groups.
16 So I have a perspective of some of the
17 challenges we have in Texas, being the largest state
18 in terms of number of Title V permits. We have over
19 1,700 sources, Title V sites in Texas, many of them,
20 including some of Bob's, that haven't been issued
21 yet.
22 But we are still working on that program

1 and trying to hopefully get those issues in the next
2 year or so.
3 Thank you.
4 MR. HODANBOSI: My name is Bob Hodanbosi
5 with the Ohio Environmental Protection Agency. I've
6 been employed by the agency for more than 30 years
7 now.
8 I've had an opportunity, looking around
9 the table, to work with about half of you over the
10 years. So it's good to see that we have that type of
11 experience here to work on this project.
12 One of my other goals is I am chair of the
13 permitting committee for the State and Territorial
14 Air Pollution Program Administrators (STAPPA). In
15 that role, along with that Ursula Kramer, chair of
16 the local side of the organization, we hear a lot
17 about Title V and things from the various state and
18 locals about some of the frustrations in making this
19 program work.
20 It certainly appears from my perspective
21 that there's some fertile ground here to work on and
22 come up with recommendations so we can improve

1 overall the processing of Title V permits and still
2 meet those objectives Michael laid out when he went
3 through the nine separate items. I don't think
4 anybody has a disagreement with any of those.
5 It's just turning out to be a much longer,
6 more arduous process to get through all these permits
7 than I think anybody envisioned.
8 I'm looking forward to working with all of
9 you and seeing if we can come up with a good package
10 that then EPA can take and depending on those
11 recommendations, the nature of those, to move forward
12 so we can meet all those objectives, but still do it
13 in an efficient way.
14 MS. OWEN: Good morning. My name is
15 Verena Owen. Just let me say two things up front --
16 (a) I don't think I have an accent.
17 (Laughter.)
18 MS. OWEN: But I was born and raised and
19 received a degree in biology in Berlin, Germany.
20 And secondly, if you have not yet heard of
21 the Lake County Conservation Alliance, I won't hold
22 it against you. We are a grassroots environmental

1 organization that serves as an umbrella group for
2 small groups, neighborhoods, PTO's.
3 We are a not-for-profit organization. We
4 are all volunteer. We don't have any paid staff.
5 Although we're located in Lake County, we certainly
6 have done a lot of work all over the state on Title
7 V.
8 We're very much hands on and we offer
9 guidance. But we also do outreach if we think it's
10 necessary.
11 I applied for this Task Force because I
12 strongly felt that concerned citizens should have a
13 voice at this table. And I hope that I can maybe
14 offer a very different perspective at times from
15 years of work really in the trenches.
16 MS. BROOME: Good morning. My name is
17 Shannon Broome. I'm here on behalf of the Air
18 Permitting Forum. Just for the background
19 perspective, I came out of school with a chemical
20 engineering degree. So even though I'm a lawyer,
21 usually the engineers give me a break and they'll
22 talk to me.

1 I went and worked at a law firm and then I
2 worked at General Electric for quite some time on
3 their Title V program -- getting that off the ground.
4 And others have taken that and really sailed to
5 fruition since I left.
6 But day to day my life is pretty much
7 Title V. Some of you may find it kind of amazing
8 that I would do that day to day, but I find myself in
9 two to three states a day -- in my mind obviously,
10 not travelling fortunately, but in different
11 regulations.
12 And I have experience with, I would say,
13 about 25 states that I've done Title V permits in.
14 And I'm working with facilities that are on the
15 ground trying to implement the program after they
16 have the permit.
17 And everybody thought they thought of
18 everything that needed to be done. Then you find
19 that typo or you find that thing and it's got to be
20 revised. How do we get through that day- to-day
21 compliance certification issues as well?
22 So I'm hoping to bring that practical

1 perspective to the Task Force and to hear everybody
2 else's views and see if we can reach some common
3 ground on goals and maybe some recommendations as to
4 how things can be improved.
5 Thank you.
6 MS. ANDERSON: I'm Kathleen Anderson with
7 EPA, but I'm with EPA region III. Region III is the
8 lead region for permitting. So I'm here representing
9 all 10 regional offices.
10 Personally I have as many years in the
11 government as I do in private industry. I've even
12 been part of -- I've even had to develop a compliance
13 certification, compliance system, done reasonable
14 inquiries so I have as much experience being a
15 regulator as I do being a regulated person or
16 regulated entity.
17 So I'm very curious or very hopeful that I
18 can bring something here and learn something as well.
19 One of the things the regional offices
20 have is kind of the middle man position. We can see
21 the struggles that the states have in implementing
22 this program.

1 And this truly is a very difficult program
2 to implement. It's also a difficult program to
3 implement if you're in industry.
4 So I'm hoping I can bring some
5 recommendations and learn something as well. Thank
6 you.
7 MR. WOOD: Mike Wood with the Weyerhaeuser
8 Company. I'm an environmental affairs manager
9 supporting facilities in the central part of the
10 United States.
11 I work with six facilities that have Title
12 V permits right now that have been involved in all
13 phases of the permitting process. One of the
14 facilities has yet to get their final first Title V
15 permit.
16 Three of those have already been through
17 renewals. We've even experienced some enforcement
18 activity at one of our facilities.
19 So we take Title V very seriously. And I
20 am pleased to be part of this Task Force. I think
21 it's important that all stakeholder perspectives are
22 heard and addressed. I commend EPA for forming this

1 group.

2 MR. PALZER: I'm Bob Palzer. I'm a

3 volunteer for the Sierra Club. I have been an

4 activist for more than 40 years. I was involved in

5 trying to get the original Clean Air Act implemented

6 and putting Title V program in place.

7 I serve as a volunteer for the Sierra

8 Club. I was chair of their national air committee.

9 And now I'm a senior policy advisor for that

10 committee.

11 I've worked on a lot of permits, both in

12 working with the sources and agencies and drafting

13 them and reviewing them and commenting.

14 What I'm hoping to get out of this process

15 is an opportunity to fix what needs to be fixed. And

16 I think there are some things. And to see what kind

17 of common ground there is on problems that the

18 sources have as well.

19 Thanks.

20 MR. MESSINA: Ed Messina, an attorney with

21 the air enforcement division at EPA. I'm here

22 subbing for my assistant director, Carol Holmes.

1 The air enforcement division is
2 principally responsible for coordinating with the
3 region's air enforcement efforts around the country.
4 We support all the nine goals of the Title V program.
5 And I think at the end of the day our focus will
6 probably be on the principal goal of better
7 understanding how the source is meeting its clean air
8 obligations.
9 I'm very interested to hear what people
10 have to say in the Title V programs. So thanks.
11 MR. HIGGINS: My name is John Higgins.
12 I'm with the New York State Department of
13 Environmental Conservation. I have been with the
14 division of air resources since 1968. I was in
15 charge of the whole permitting program from 1993
16 until 2003.
17 In New York we have about 550 Title V
18 facilities, all of which have been permitted once.
19 So we started doing renewal permits a year ago. So
20 it's our second time around the block with Title V.
21 Our facilities range from Kodak Park, which is one of
22 the larger industrial complexes you'll find anyplace,

1 down to 25 tonners down in New York City, because of
2 the ozone non-attainment designation in that neck of
3 the woods.
4 We spent a huge amount of resources during
5 the Title V program. The main reason we wanted to be
6 here is because we wanted to hear everybody else's
7 impression of how it was for them.
8 We did a lot of work. We worked with a
9 lot of companies. We worked with a lot of
10 environmental groups. We expended a lot of the
11 taxpayer dollars. We had a reasonably positive
12 experience. And I'm just interested in hearing how
13 it went every place else.
14 I'm also in a corollary role representing
15 the NESCOM states, which is New England, New York,
16 and New Jersey at the table here also.
17 MR. LING: I recognize that I forgot to
18 say a few words about myself. I gave EPA's
19 perspective, but I'm Michael Ling. I work for Bill
20 Harnett in the front office or what we call the
21 division office of the division he directs, the name
22 of which is very unwieldy.

1 I have an undergraduate degree in physics.
2 And I have a master's degree in environmental
3 management. I started out working as a contractor
4 focused on new source review on Title V issues.
5 Then I came over to EPA and worked with
6 Steve and Ray in the Title V permit program. For
7 about the last five years I've been working directly
8 with Bill Harnett on the issues that our division
9 faces, most of which seem to involve NSR -- it's
10 Title V. It's been a fairly busy time in NSR lately.
11 But we're also very interested in turning our
12 attention to the Title V program.
13 Also I spent a year as a fellow on Capitol
14 Hill working for the Senate Environment Committee and
15 learned how the legislative branch looks at the
16 executive branch.
17 So with that I will just say that I am
18 fully supportive of the EPA's goals for this program.
19 I think it makes a lot of sense for EPA to always be
20 looking for ways to improve the efficiency and
21 effectiveness of its programs. I think it also makes
22 a lot of sense for us to gather a lot of information

1 before we set out to do something. And those are my
2 two goals here.
3 Keri.
4 MS. POWELL: Michael, I'd like to go on
5 record that I strongly object to EPA's decision to
6 only put four environmental advocates on the Task
7 Force. I am aware that there were at least a few
8 advocates who applied for the Task Force saying that
9 they were able to pay their own expenses to
10 participate.
11 I'm unaware of any attempt by EPA to reach
12 out to advocates to find out whether they could at
13 least pay some portion of their costs or whether
14 there were any other advocates that they could think
15 of that would be able to support their own financial
16 expenses for participating on this Task Force.
17 As a Task Force member I'm troubled by the
18 decision because at the outset anyone that looks at
19 the composition of this Task Force views it as being
20 stacked against the environmental perspective. I
21 think that that's a negative impression to give --
22 whether EPA intended to give that impression or not.

1 It's something that I think should have
2 been recognized at the outset. I would encourage the
3 agency to reconsider that decision and appoint two
4 additional environmental group representatives to the
5 Task Force.
6 Thank you.
7 MR. LING: Those concerns are noted. Like
8 I said, a transcript of this is being made.
9 I will say my hope would be it certainly
10 wasn't EPA's intent to create that impression if
11 that's how it's viewed. I'm disappointed to hear
12 that it is being viewed that way by some.
13 I would request that folks on the Task
14 Force respond with some of the points that I made
15 earlier about how it isn't really a vote-based Task
16 Force and the intent is to make sure that everyone
17 has a chance to be heard. I hope that that's the way
18 that the Task Force does its business.
19 I have been given a list of folks who have
20 signed up to speak this morning. Presently there's
21 five folks on the list. I'll just start, like I
22 said, first come, first serve. The first person on

1 the list is John Paul.

2 Let me just ask you, John, we've got a

3 couple of ways we can proceed here. One is we can

4 have the Task Force members hold their questions

5 until the end. The other is we could just stop you

6 at any time and ask questions. I'll leave it to you

7 how you want to handle that.

8 MR. J. PAUL: Why don't we make it just as

9 informal as possible. I know just about everybody on

10 the Task Force. It's my purpose this morning really

11 to give you a statement and maybe to lay some

12 groundwork.

13 But we also intend to offer some specific

14 written comments from our agency. We'll work -- as a

15 state and local we work with Bob and Ursula and

16 others to make sure that other state and local agency

17 comments come forward.

18 I'm especially interested that you hear

19 the comments of the local agencies. There's always a

20 different perspective between state and local

21 agencies just as there's a different perspective

22 between a state agency, EPA, EPA headquarters, and