



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION I**

**5 POST OFFICE SQUARE SUITE 100**

**BOSTON, MASSACHUSETTS 02109-3912**

September 18, 2018

Ruth Gold  
Supervising Air Quality Specialist, Permitting  
Air Resources Division  
RI DEM  
235 Promenade Street  
Providence, RI 02908

Dear Ms. Gold:

Title V of the Clean Air Act, as amended in November of 1990, requires each state to develop and implement an operating permits program for stationary sources of air pollutants. As provided for in 40 CFR 70.10 and as a continued part of EPA's obligation to oversee and review title V programs, EPA conducted a program review of Rhode Island's title V operating permit program on August 27, 2018.

Enclosed please find EPA's results from our recent review. We appreciate the time and effort in providing the State's responses to our inquiries prior to the evaluation. EPA is pleased with Rhode Island's continued efforts in making improvements to the State's operating permits program. We look forward to continuing working with you in implementing the title V program. If you have any questions, please call me at (617) 918-1267 or Donald Dahl at (617) 918-1657.

Sincerely,

A handwritten signature in blue ink, appearing to read "Leiran Biton".

Leiran Biton, Acting Manager  
Air Permits, Toxics, and Indoor Programs Unit

Enclosures

## Questionnaire for Rhode Island's Title V Program Evaluation

Participating in the program evaluation were:

Ruth Gold, RI DEM  
David DelSesto, RI DEM  
Patrick Bird, US EPA, Region 1  
Donald Dahl, US EPA, Region 1

The red text represents Rhode Island's Department of Environmental Management (RI DEM) responses the State provided to EPA questions prior to the program review on August 27, 2018. The blue text represents EPA's findings or commitments made during the program review.

### I. Resources & Internal Management Support

1. Has your agency re-organized or made changes to address title V permit issuance since the last program evaluation?

No.

2. Has your agency made any revisions to their title V regulations since the last program evaluation?

No. However, there have been discussion on changing the title V fee regulation.

In accordance with 40 CFR 70.4(i), RI DEM has kept the EPA informed regarding modification to its regulations and procedures. The State has not submitted to EPA any formal revisions to its title V program. RI DEM did provide the EPA with draft revisions to its title V regulations for review. As part of this evaluation, the EPA is providing RI DEM comments on the draft changes to Air Pollution Control, part 29.

3. Are there any competing resource priorities for your "title V" staff in issuing title V permits?

Yes

- a. If yes, please describe.

The supervisor of the permitting program also has responsibility of the minor source permitting program where we issue preconstruction permits that must move quickly to issuance.

4. Overall, what is the biggest internal roadblock to permit issuance from the perspective of resources and internal management support?

Lack of staffing. Also, RI is currently recodifying all state regulations and it is expected to be completed sometime this fall. Under the newly recodified regulations, the numbering system for the individual conditions has been changed. As the title V permit conditions contain citations to the state regulations, changing the permits to the new citation numbers will take many hours to accomplish.

5. How many title V permit writers does the agency have on staff (number of FTE's)?

1 - However, a job posting has recently been published.

6. Do the permit writers work full-time on title V?

Yes

7. Are you currently fully staffed?

No, but we are planning on hiring one more full-time permit writer for title V.

8. How many title V permits are your permit writers responsible for?

All 37 sources.

The EPA notes the fact RI DEM is in the process of hiring another title V permit writer. This will allow the workload to be spread out between two people once the new person is fully trained. In other Region 1 states, title V permit writers have responsibilities in addition to title V, such as writing NSR permits or inspecting the title V sources. Therefore, it would be erroneous to compare the number of title V sources assigned to a staff person in Rhode Island to the number of sources assigned to a staff person in another Region 1 state.

9. Please describe staff turnover (if applicable) and its impact on permit issuance.

The Office of Air Resources has experienced the retirement of several senior leaders since EPA's last title V program evaluation. The Office of Air Resources has implemented a management plan to minimize the loss of their considerable knowledge and expertise.

10. Is there anything that EPA can do to assist/improve your training?

For many years NESCAUM had not been offering many training classes but has recently begun to offer more. We have experienced several turnovers in the office over the last



few years due mostly to retirements and have many new staff members that need the experience that a classroom or training type setting offers.

- a. If yes, please describe.

Region 1 offers an annual one day Air Toxics workshop at their North Chelmsford location which many staff members from this office attend. The workshop is very informative and timely on the various topics covered each year. If EPA could offer more of this type of workshop we believe it would be very beneficial.

In addition to the current Air Toxic workshop, we discussed the possibility of providing permit oriented training to state staff. The EPA plans to reach out to other Region 1 states to ascertain what types of training would be most beneficial as well as the vehicle for providing such training.

11. What was your title V fee (dollars per ton) for FY 2016?

\$450.86

12. What is your title V fee (dollars per ton) for FY 2017?

\$480.79

13. How do you track title V expenses?

Staff charge to a specific account number that is associated with the title V funds. By utilizing the account number, we can track the amount of funds expended.

14. How do you track title V fee revenue?

The title V fees collected are tracked via spreadsheets.

15. Annually what is your projected title V revenue for 2016 and 2017?

2016 - \$958,189

2017 - \$997,792

16. Have you noticed a trend in the amount of title V revenue collected?

Revenue collected has increased each year since 2014.

17. Does your title V revenue cover all your title V expenses? Yes

18. Are you able to roll over title V funds from one fiscal year to the next?

If we have excess funds we will rollover the excess into the following year fee evaluation to lower cost. However, this is not a typical occurrence.

19. Do you have title V funds that you currently carry over? No

## II. Permit Issuance

20. Does your program have a plan in place to reduce and eventually eliminate the title V permit renewal backlog?

As soon as the regulation recodification is complete this fall and after we update the permits with the new citations, we are planning to go to public comment for approximately four permits. Initially, we are planning to use the newly posted TV full-time position to help revise the existing permits to the new format.

The EPA requests that states submit data regarding title V permit issuance on a semiannual basis. Since the beginning of 2016, the backlog title V permits in Rhode Island has varied from 13 to 20 permits. Although the last reporting period showed an upward trend in backlog permits, as discussed above, the State has instituted a plan to address the uptick. The EPA expects continuing reductions in the backlog of title V permit renewals when the new staff permit writer is fully trained.

21. Please describe any additional comments on resources and internal management support or permit issuance. Staffing is our primary issue. We feel that in time with the recent job posting for an additional TV permit writer will help in relieving our backlog.

## III. Public Participation

22. On average, how much does it cost to publish a public notice in the newspaper (or state publication)?

All public notices are published on our website.

As provided for in 40 CFR 70.7(h)(1), states have the option of either using an appropriate local newspaper or a public website designated by the permitting authority. States have found the website and having people sign up for notifications an effective method for notifying the affected and concerned public regarding title V permitting. As stated above, RI DEM is in the process of recodifying its title V regulations and at the same time making small changes to the regulation. Rhode Island plans to clarify its regulations that will be using its website as the vehicle for public notices in lieu of locally established newspapers.



23. What information do you post on your website during the public notice period?

The title V draft and Notice of Public Comment.

RI DEM's website also allows people to subscribe to a system that will notify them of all future title V permit actions.

24. Do you reach out to specific communities (e.g., environmental justice communities) beyond the standard public notification processes?

We send out notices via an electronic email listing. The electronic email listing contains many groups and private agencies that are interested in receiving this type of notice.

25. What is your opinion on the most effective avenues for public notice?

The electronic email listing seems to work well in making sure all parties are notified of upcoming public comment periods.

26. Do you provide notices in languages besides English? No

#### **IV. Environmental Justice Resources**

27. How is the permitting authority considering and addressing EJ issues in permitting actions?

For the Office of Air Resources, we have not encountered any EJ issues in our permitting actions.

28. List any specific examples where the permit decision or permit process was substantively altered to address EJ concerns. For each example, please specify how the permit decision was altered to address EJ concerns. (Examples might include extending the length of the public comment period, a decision to hold a public hearing, or enhancements to permit terms and conditions.)

We have not had a reason to alter any permit decision or process due to EJ concerns.

#### **V. Incorporation of MACT Requirements into Permits**

29. How does the permitting authority incorporate MACT requirements into the permit?

The MACT requirements are incorporated into the permits on a case-by-case basis. After evaluating the facility to determine what sections of the MACT are applicable, the MACT is then incorporated into the TV verbatim.

The EPA has no issues with the methodology utilized by RI DEM in addressing MACT requirements. The State's title V permits do not have high level citations to MACT

standards when the compliance options that will be followed by a source are known at the time of permit issuance.

- a. Describe the permitting authority's MACT permit content structure and approach for both major and area source standards.

Same as above

- b. How does the permitting authority make clear which compliance option the source is using?

Initially we have a discuss with the source to determine what compliance option they are planning to use. If there are multiple compliance options and the source indicates they would prefer multiple options then all the options are incorporated into the permit (only if the rule allows it).

- c. What process does the permitting authority have for incorporating new or revised MACT requirements into permits?

Typically, at time of renewal we will incorporate the MACT into the TV. If the permit was recently issued, then we would reopen the permit to incorporate the MACT depending on work load and staffing.

RI DEM is aware of the requirement that the title V permit must be reopened when there is a new applicable requirement and the effective date of that requirements occurs at least 3 years prior to the expiration date of the permit.

## **VI. State Feedback** (Opportunity for the permitting authority to raise any issues and concerns)

30. What concerns does the permitting authority have with the national program that are not addressed elsewhere in the program evaluation?
31. What issues, if any, are affecting the title V program in your state right now that you consider particularly important?

Very little guidance on the Once-in Always-in Policy change.

The EPA discussion with RI DEM regarding this issue was limited to the EPA's position taken in the January 25, 2018 memorandum entitled "Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act."

32. What recommendations does the permitting authority have for EPA regarding the implementation or oversight of the national title V program?

33. What are the permitting authority's title V program priorities?

Keeping up to date all TV permit renewals and reduce the back log.

34. What can EPA do to help foster a successful title V program in your state?