



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

DEC 10 2019

Robert Rodgers, Technical Manager
Pollution Control Section
Shelby County Health Department
814 Jefferson Avenue, Suite 437
Memphis, Tennessee 38105

Dear Mr. Rodgers:

On August 6-7, 2019, the U.S. Environmental Protection Agency conducted a program evaluation of the Shelby County Health Department (SCHD) title V program. The program evaluation consisted of a review of title V revenue and expenses, permit issuance, selected files, staffing and public participation.

Based on the EPA's evaluation, the EPA has determined that the title V program is being implemented in accordance with the requirements set forth in 40 CFR part 70. The EPA commends Shelby County for taking actions to improve the processing time for title V permitting actions, but is concerned that the program has a significant backlog of title V permit applications. Conversations with Shelby County have indicated that vacancies have played a major role in the increase of this backlog. This is further complicated by Shelby County's challenge of retaining, and the ability to hire, adequate permitting staff to carry out the permitting requirements. Enclosed in the comments are specific recommendations to address these issues.

Many thanks to you and your staff for the cooperation and hospitality that was shown throughout this process. If you have any questions or comments regarding this recommendations report, please do not hesitate to contact me at (404) 562-9065, or have your staff contact Randy Terry of the EPA Region 4 staff at (404) 562-9032.

Sincerely,

A handwritten signature in blue ink, appearing to read "K. Mitchell".

Kenneth L. Mitchell, Ph.D.
Acting Director
Air and Radiation Division

Enclosure

Program Evaluation Findings: Shelby County Health Department August 6-7, 2019

Title V Revenue and Expenses

Title V revenue collected annually has decreased over recent fiscal years as tons of emissions have decreased.

- 1) The decrease in overall funding for the Shelby county title V program is concerning. Title V revenue collected dropped over \$200,000.00 from fiscal year 2016 to 2017. This represented a drop of 22 percent. By adjusting their title V fees, revenues were increased slightly the following year; however, the budget is still expected to decrease by over nine (9) percent by fiscal year 2020.
 - **Suggested Action:** The EPA suggests that Shelby County consider alternative methods of revenue collections that are not as reactive to fluctuations in annual tons of emissions billed. In addition, Shelby County should continue to remain abreast of their permitting facilities and their projected emissions totals, so that they have the necessary time to determine an appropriate tonnage fee for the fiscal year.

Permit Issuance

- 1) The program has a backlog of seven (7) title V permit renewal applications older than 12 months past title V permit expiration date. These applications were certified by Shelby County as being timely, so they are extended and not expired. This represents approximately 24 percent of their title V universe. Ensuring that title V permits are drafted and subject to public review every 5 years is an important aspect of the title V program. Delayed permit issuance reduces the ability of the public to review and provide comments on a permit.
- 2) The program has a backlog of nine (9) title V permit significant modification applications older than 18 months. Title V requires significant modifications to be completed within the 18-month time frame.
 - **Suggested Action:** The EPA requests a list of all permitting actions (renewals and modifications) with an extended date of 365 days or more. The EPA also requests when the semi-annual TOPs reports are submitted to the EPA, a file is included showing the projected timeline for the submittals on the backlog. This will allow the EPA to track reductions on the list.

Adequate Staffing to Eliminate and Prevent Backlog

- 1) The retention of adequate staff and succession planning to meet the permitting requirements of 40 CFR Part 70 is a concern. Historically, staff turnover with Shelby County has been a concern and has played a key role in the buildup of the permitting backlog. The hiring process typically takes several months to find qualified candidates and then additional time is required for the new hires to become competent in dealing with source, permitting, inspections and enforcement. The title V sources branch recently filled four vacancies to become fully staffed. Staff training is

presented multiple times during the year to ensure the staff continually develops and remains abreast of changes within the permitting arena. New employee training is done consistently in a one to one or small group setting in which a senior staffer may discuss a particular aspect of permitting. However, while these sessions are detailed and thorough, they are presented informally, which could mean that when various senior staffers leave Shelby County, their particular expertise may depart with them. With several employees nearing retirement, Shelby County should consider written documentation of many of their standard procedures and practices.

- **Suggested Action:** Shelby County should document standard practices and procedures for various permitting actions, so that they can retain these practices in the future. Written documentation also provides a method to ensure consistency within the staff.

Selected Permit Files Reviewed

- 1) As part of the program evaluation, the EPA requested 10 title V files from Shelby County to review for consistency and content. Additionally, the EPA reviewed each source file to ensure that the permitting files were administratively complete. The permitting authority files are very thorough and provides great insight into the rationale behind the monitoring, historical revisions of the facility, and details regarding any exemptions allowed within the permit. The review found Shelby County's permits are well-written and their permitting files contain all the necessary information.

Public Participation

Shelby County has no active environmental justice communities with regards to title V permitting but from an overall public participation perspective, their internal public notice protocol tends to go beyond the basic public notice requirements.