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# **EPA's Response to the Title V Task Force Recommendations**

**September 14, 2006**  
**Clean Air Act Advisory Committee**

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# Purpose of Today's Presentation

- Respond to CAAAC request for implementation plan by next meeting
  - Update on status of EPA deliberations
  - Feedback on EPA priority recommendation areas
  - Discuss process for interacting with CAAAC on additional recommendations

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# Background

- CAAAC conceived and EPA convened title V Task Force in 2004
- Purpose was to report on which elements of the title V program were working well/poorly.
- Task Force heard testimony, deliberated, and opted to focus on 18 categories, from which Task Force members suggested 100 recommendations
- Task Force Final report submitted to CAAAC in April, 2006

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# Principles EPA used in its response

- ❑ Improve public participation while minimizing burden to states
- ❑ Reduce costs while preserving benefits
- ❑ Reduce petitions
- ❑ Assure consistency with statute and avoid conflict with ongoing or upcoming rules

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# Basic approach

- Intensive internal process for discussing all 100 recommendations
- Determine Agency reaction
  - May tweak response to recommendation if:
    - We agree with part of a recommendation and disagree with other parts
    - We agree with recommendation but disagree with proposed means of implementation
- Sort recommendations according to implementation method
- Prioritize

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# EPA Implementation methods

- ❑ Share Best Practices/Promote Good Ideas
- ❑ Issue Guidance
- ❑ Undertake Rule-making
- ❑ Remain neutral; Defer to State
- ❑ Adjust Internal EPA process
- ❑ Offer Workshop/Technical Assistance
- ❑ Conduct Case-studies
- ❑ More Research / Further Deliberation
- ❑ Do Not Implement

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## Some Recommendations Also May be Addressed by Ongoing Activities

- **The *Flexible Air Permitting Rule*** provides increased operational flexibility to title v sources while ensuring all applicable requirements are met. (Target date for publication of Proposed Rule is Feb. 2007.)
- **The *Air Permit Innovations Roadmap*** is an implementation based strategy which can address specific CAAAC recommendations through:
  - Best practices documentation
  - E-permitting development
  - Permitting process improvements through Lean and Six Sigma techniques
- **The *Periodic Monitoring Rule*** will set forth the federal requirements for establishing periodic monitoring, when it is required by part 70. (Target for publication of proposed rule is Spring 2007).

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## EPA's priority recommendation areas (short list)

- Citation to application requirements: general citation; paraphrasing (*guidance*)
- IEU's: exempt from permit (*rule*)
- Public hearings: standard for granting hearing (*best practice*)
- Public notice: alternatives to newspaper (*rule*)
- Response to comments: written response expected (*best practice*)

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## EPA's priority recommendation areas (continued)

- Permit reopenings: clarify permit revision process under current rule (*guidance*)
  - Petition process: improved EPA response and website (*EPA process*)
  - Statement of basis: clarify content (*guidance*)
  - Title I/ Title V integration:
    - coordination of NSR/title V processes (*best practices/technical assistance*);
    - processing of pending SIP revisions (*EPA process*)
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## Other EPA Priority Areas

- Compliance certifications: “short form;” only for terms that create obligation to comply
- Startup, shutdowns, malfunctions: applicability of emergency defense
- Permit reopenings: rule change to allow broader use of administrative amendment and minor modification processes
- Public notice: improve online notice and access to documents

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# Next steps

- ❑ Best practices
  - Work with STAPPA/ALAPCO
  - Create process to develop selection criteria and identify current best practices
  - Distribute through websites and workshops
- ❑ Improve EPA petitions website
  - Organize by issue

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# Next steps (continued)

- ❑ Guidance
  - Review existing guidance
  - Develop and issue guidance as necessary
- ❑ Rulemaking
  - Order by priority
  - Develop and propose rules
  - Finalize rules
  - States revise their rules

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# Schedule overview

- Most best practices and technical assistance could be provided in 1-2 years
- Most guidance items: 1-3 years
- Rulemaking: 3 years or more to develop new rules, plus time for states to adopt revisions as necessary