

US EPA ARCHIVE DOCUMENT

Robert Dresdner, OECA comments in bold italics imbedded below
 The Office of Air Quality Planning and Standards Draft Plan
 for Citizen Involvement in the Title V Program

What is the Purpose of This Plan?

When Congress enacted title V of the Clean Air Act and created the operating permits program, it envisioned an active, oversight role for citizens in which they would inform, work with, and hold accountable the agencies that issue the permits. ***More here regarding whether or to what extent this congressional goal has been met through Part 70 implementation would be useful as background. In other words, provide the good news stories and later, perhaps the provide the bad news, e.g, citizens have indicated that the system is not working in ceertain respects, areas EPA can address through this effort]. For example, note the title V petitions that have resulted in oversight, improved permitting and compliance, e.g., Shintech, Entergy. Many other petitions have helped EPA focus on permits that it might other wise have not reviewed. Also, note the long history of useful citizen participation in NSR and title V permitting which title V supports and enhances through 70.8. Examples of this can be obtained through a survey of states and regions. For example, region 7 indicated to me that they use citizen comments in title V as a very useful way of ‘flaggin’ issues for further investigation. Other regions, and/or HQ abuse citizens for unknown reasons, e.g., Entergy.***

Increased citizen understanding of and involvement with the operating permit program can help EPA achieve its mission by (1) complementing EPA’s oversight with an additional level of oversight and accountability for the program, and (2) adding valuable information to permitting decisions. To achieve that purpose, OAQPS and the Regional Offices will work with State, local, and Tribal governments and citizens to increase the effectiveness of citizen involvement in their operating permit programs. Consistent with EPA’s goals of expanding Americans’ right to know about their environment and maximizing citizen participation, this draft plan outlines the major components of the Plan for Citizen Involvement that OAQPS will propose to adopt to strengthen citizen involvement in the title V permit process. The final plan will contain specific milestones, designated lead offices for specific tasks, and resources required to implement the plan.

What are OAQPS’s Citizen Involvement Goals?

Our goals are to:

- C Help citizens develop their oversight capacity ~~necessary to be~~ stewards of their air resources. ***This raises an interesting and important question: are citizens stewards, or is the PA? Is it a shared ‘mutual lead’ role, or one in which they or the PA are lead? Recent court decisions limiting standing in 304 cases are another question which needs to be***

addressed for the obvious very limiting impact such is already having on public participation goals. Since EPA is serious about supporting citizen participation, EPA should review this impact and make recommendations accordingly. Such a review could include a survey of citizens re the impact it is having, both in specific cases, and overall. EPA could solicit input from citizen stakeholders as to recommendations for action, including policy, legislative and rulemaking reforms. For example, what is EPA/DOJ policy re citizen 304 cases? Do citizens find EPA is supportive, or does EPA in citizens' view undermine 304 actions, e.g., Crown Petroleum (6)? What is the overall record on this? Has DOJ consistently supported 304 cases? Does EPA support citizen investigations, 304 discovery and confidentiality? EPA should address its policy and agenda in this area; EPA should be able to explain to the public why or to what extent EPA cannot do so. Otherwise, to the extent EPA does not outreach on these issues and clarify, EPA credibility will remain in question.

- Achieve environmental benefits consistent with the goals of the title V
- Reorient EPA's approach to implementation of the operating permits program to increase EPA's effectiveness in supporting citizens

How does OAQPS Intend to Implement its Plan for Citizen Involvement?

The OAQPS proposes to adopt a three-part strategy for implementing its plan:

- Build external capacity through citizen training.
 - The OAQPS plans to work with EPA's Regional Offices to offer an introductory level training to citizens in each Region in FY00. This training (which would probably be State-specific) would cover how and when citizens can participate in the title V permit issuance process, with emphasis on reviewing draft permits. OAQPS expects that State permitting agencies will be involved in presenting information at these workshops. The OAQPS and Region V are revising the introductory course materials developed for a pilot citizen participation training program held in Ohio in May 1999. ***Update and report? Funding is probably the biggest issue for citizens. Will EPA fund citizen participation [grants for technical support]? Provide travel money? Fund course materials and CAA guidance notebooks? If EPA cannot fund this, will it recommend congress do so?***
- C In addition, in FY00 OAQPS plans to offer an advanced training workshop for citizens who have completed the introductory training, are already engaged in reviewing permits, or are otherwise ready for a more technical training on the major issues involved with permit review and implementation of the permit program. The OAQPS would have the lead on developing and supporting the advanced training. In FY01 and beyond, EPA

hopes to continue refining and offering this training.

- C The OAQPS plans to develop in FY00 an appropriate cooperative agreement to support both introductory and advanced citizen trainings, which will provide OAQPS assistance in planning, curriculum development, and logistical coordination for this citizen training.

- Improve citizen access to existing environmental data and information.

- The OAQPS plans to reach citizens and communities by improving its website in FY00 to better explain the operating permit program, to identify the opportunities that citizens have to become active in the program, and to link citizens to the data, information and resources they need in order to raise their concerns about permitting decisions.
- The OAQPS plans to develop a citizens' handbook in FY00 on the title V program that will describe how citizens can effectively participate in the program.

- Enhance integration of citizen involvement principles into the title V program.

- The OAQPS plans to develop better lines of communication with citizens, identify and remove impediments to citizen participation, and develop program guidance on citizen participation requirements for use by permitting agencies. As a first step, OAQPS believes that the outreach components of this plan (trainings and improved access to information) will help OAQPS identify and establish a dialogue with citizens who want to provide input to OAQPS as it develops regulations and policies that shape the title V operating permits program. This outreach will also enhance communication between Regional Offices and citizens. Furthermore, the outreach components will identify barriers to effective citizen participation and help EPA (1) prioritize areas for improvement and (2) develop the most appropriate solutions. For example, discussions with citizens who attended the pilot citizen training have resulted in a list of citizens' concerns with the title V program, primarily relating to access to information from State permitting authorities. The OAQPS proposes to develop appropriate guidance in FY00 to assure that Title V programs are implemented in a manner consistent with the federal requirements for citizen participation, affording citizens the opportunity to provide input to and work collaboratively with permitting agencies to protect air quality.
- In addition, OAQPS plans to work with the Regional Offices to integrate the goal of citizen participation into program policy and review of title V program implementation by permitting agencies. The EPA will take advantage of current oversight mechanisms and other relationships with permitting agencies as effective tools for enhancing citizen participation within their programs, where needed.

How will OAQPS Measure the Success of its Plan for Citizen Involvement?

The OAQPS must be able to demonstrate the progress it makes toward realizing its citizen participation goals.

To measure changes in the public's capacity to engage in the title V permitting process, OAQPS will use the following:

1. Number of Comment Letters Received on Draft Permits
2. Number of Interested Citizens Trained
3. Citizen Accesses to EPA Web Page
4. Presence, Size, and Activity Level of Formal Citizen Network .
5. Citizens' Qualitative Assessment of Citizen Training
6. Periodic Qualitative Consultation with Citizens re: Additional Steps to Improve Effective Participation
7. Qualitative Assessment of Permit Changes Resulting from Citizen Participation
8. Number of Citizen Petitions to EPA to Object to a Permit

To measure EPA's progress towards incorporating citizen participation into program policy and review of title V program implementation by permitting agencies, OAQPS plans to measure:

9. Number of EPA Headquarters and Regional Office Actions Taken to Address Citizen Participation Issues