

US EPA ARCHIVE DOCUMENT

Problems with Public Participation in the Title V Program, as Identified by the public

The following concerns were expressed at the Ohio Title V training workshop in May 1999 or in subsequent contacts with EPA staff. These concerns were compiled by Candace Carraway, Operating Permits Group of the Office of Air Quality Planning and Standards.

1. Access to permit applications and draft permits:
 - a. Applications are located in a different city than draft permits which causes confusion and is inconvenient.
 - b. Supporting documents and applications are not on line.
 - c. Citizens must do a FOIA request to get permit application.
 - d. State refuses to develop a mailing list, instead says citizens should check the web or subscribe to a weekly reporting service at \$75 per year.
 - e. Software tracking system has wrong date (not 30 day deadline) which is confusing to citizens
 - f. Industry can comment on draft permits after the close of public comments and public does not get a chance to comment on any changes that may result
 - g. Negotiations between permittee and DEQ following draft permit should be documented in permit file
 - h. Citizen was denied access to permit file because permit staff was using it
 - i. Information in permit file was missing without explanation at the first visit but showed up at the second review
 - j. Citizen was denied access to permit file until legal department had completed its CBI review, which effectively shortened the 30 day public comment period
 - k. Citizens are not given enough information to decide whether to challenge the “sanitized” permit applications (with alleged CBI information removed)
 - l. Citizens need the same access to terminals for automated permit information (STARS) as industry gets

- m. Permit files don't have NSR permits in them so you can't check conditions that should be incorporated into operating permits
 - n. State register which State says is a substitute for a mailing list does not contain sufficient information
 - o. Citizens within 1500 feet of the permit applicant should be given automatic notice of permitting actions
 - p. Need terminals for permit information at all local (regional) offices of DEQ
 - q. Public comment period and hearings are scheduled at bad times, e.g. comment period ends on Christmas Day
 - r. Public notice in newspaper is in 6 point print and is therefore hard to notice
 - s. Copying charges of \$.25 per page are out of line with actual costs and make file review prohibitively expensive
2. Issues related to public hearings
- a. No explanation of sign-up procedures provided to citizens
 - b. DEQ initially refused to let citizen group's consultant speak at the public hearing on a draft permit and yielded only after citizens raised a fuss; DEQ put him at the end of the agenda after many citizens had left the meeting
 - c. No explanation of differences between a public meeting (informational) and a public hearing (basis for taking some action)
 - d. No explanation that the Q and A session that precedes a public hearing is not on the record
3. Issues related to monitoring reports
- a. Reports are not organized so as to tell citizens what is actually happening and whether the source is in compliance; some reports are a summary absent any monitoring data
4. Issues related to applications and initial compliance certifications
- a. Initial certification is missing from application form
 - b. Applications do not contain list of permit terms that are applicable requirements

- c. Applications are revised by the permitting authority and then signed by the sources; public should have access to original and revised application as a matter of course during public comment period in order to compare differences
5. Other issues
- a. Citizens should get response to comments document before proposed permit is sent to EPA
 - b. Citizens are not allowed to testify at AEB hearing
 - c. Exceedences covered by startup/shutdown/malfunction provisions should be documented in the permit file so that citizens who review monitoring reports can determine if sources are in compliance
 - d. Statement of basis fails to provide legal and factual basis for permit