

US EPA ARCHIVE DOCUMENT

July 29, 1999

Mr. Steven J. Hitte
Group Leader
Operating Permits Group
Office of Air Quality Planning and Standards
United States Environmental Protection Agency
Research Triangle Park, North Carolina 27711

Dear Mr. Hitte:

On behalf of the Clean Air Implementation Project, I am writing to provide comments on EPA's Draft Plan for Citizen Involvement in the Title V Program. We appreciate the opportunity to comment on the Draft. Under Title V, EPA has established a clearly defined role for public participation and it is important that EPA provide guidance that will assure that this element of the program is implemented properly.

We ask that EPA consider the following comments. These comments are not intended to address the Draft Plan in a comprehensive fashion. Rather, we attempt to highlight some of the issues that we believe important to be addressed in developing a plan for public participation.

1. Materials Used for Citizen Education. As discussed below, the most important component of EPA's efforts to involve citizens in the Title V program will be the Agency's activities aimed at educating citizens about the purposes of Title V. The Draft Plan does not include a draft of the educational materials that are to be used. Also, it does not provide a description of them. It is difficult to comment effectively on much of the Draft Plan without an opportunity to comment on EPA's education materials. We respectfully request that you disseminate those for review and comment.

2. Importance of Education Regarding Title V's Purpose. As you know, Title V serves a limited, but important purpose: to require that sources obtain and update comprehensive operating permits that incorporate "applicable requirements" which, in almost all instances, are established under other Clean Air Act programs. It is critical that the plan for citizen involvement include an education element that will inform the public regarding the specific focus of Title V so that those who become involved will recognize that the principal purpose is not to establish new emission control requirements but to record previously established existing requirements in a single permit. With a well thought out educational program, citizens will be able to determine whether and how to become involved in Title V permitting.

3. Purpose and Goals of the Plan. The Draft Plan sets out purposes and goals that seem to fall into two categories: (a) ones aimed at increasing accountability of permitting authorities; and (b) ones aimed at generally increasing the level of involvement of citizens in the protection and improvement of air quality. With regard to the former category, the education recommended under paragraph 2 above will be essential for the public to be a constructive participant in the process. With regard to the latter category, Title V permitting does not seem to be the appropriate vehicle because it is not aimed at establishing new emission control requirements. This goal would seem more appropriate for education programs that have a broader focus.

4. OAQPS's Measures to Determine the Plan's Success. Many of the measures EPA intends to use to assess the success of its plan for citizen involvement seem to be misguided. For example, EPA indicates that it will gauge success by the number of citizen comment letters received on draft permits. While the number of letters will certainly provide some information, it will not measure "changes in the public's capacity to engage in the Title V permitting process." At a minimum, a review of the substance of comment letters would be necessary to gain relevant insight on the "public's capacity" to participate effectively in the process. Similarly, the number of citizen petitions to EPA to object to a permit should not be viewed as a measure of success. Rather, it would appear to be more a measure of failure. If citizens submit well-founded comments, permitting authorities will typically obviate the need for citizen petitions by taking those comments into account in issuing proposed permits. Other measures of success suggest that citizens are to be "trained" to address significant problems in the issuance of Title V permits through a "formal citizen network." We are not aware of evidence that suggests the need for such a program of corrective action through citizen intervention. Again, we believe that the critical element is citizen education, which will likely result in

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any real permitting weaknesses being identified and properly addressed in connection with the first few permits issued.

We would welcome the opportunity to discuss our comments with you. Thank you for your consideration.

Sincerely yours,

William H. Lewis

WHL/cd

cc: Ms. Candace Carraway