1 the list is John Paul.

2 Let me just ask you, John, we've got a

3 couple of ways we can proceed here. One is we can

4 have the Task Force members hold their questions

5 until the end. The other is we could just stop you

6 at any time and ask questions. I'll leave it to you

7 how you want to handle that.

8 MR. J. PAUL: Why don't we make it just as

9 informal as possible. I know just about everybody on

10 the Task Force. It's my purpose this morning really

11 to give you a statement and maybe to lay some

12 groundwork.

13 But we also intend to offer some specific

14 written comments from our agency. We'll work -- as a

15 state and local we work with Bob and Ursula and

16 others to make sure that other state and local agency

17 comments come forward.

18 I'm especially interested that you hear

19 the comments of the local agencies. There's always a

20 different perspective between state and local

21 agencies just as there's a different perspective

22 between a state agency, EPA, EPA headquarters, and

1 EPA region.

2 The closer you get down to living in the

3 neighborhood that you regulate always gives you

4 somewhat of a different perspective. That's what I'm

5 going to try to bring to this Task Force.

6 So you've got a copy of my written

7 statement. I'll just go through that. And if you

8 want to stop me at some point and ask a question,

9 that's fine.

10 For the record my name is John Paul. I'm

11 supervisor of the Regional Air Pollution Control

12 Agency of Dayton, Ohio. RAPCA is a six-county local

13 agency, which for more than 30 years has had as its

14 primary mission the protection of the citizens of the

15 Miami valley from the adverse health and welfare

16 impacts of air pollution.

17 I appear before you today to give you a

18 brief overview of the agency's experiences with the

19 Title V program. I also plan to submit detailed

20 comments on Title V at some future date.

21 Just a little bit of background on the

22 agency. RAPCA is a six-county agency. We actually

1 began within the city of Dayton in the 1950s. We're
2 within the Board of Health. We're actually the
3 Bureau of Engineering. Of the Montgomery County
4 combined general health district we contact with five
5 other surrounding counties. So we're a six-county
6 local agency. Within Ohio there are nine local
7 agencies, all of which existed prior to U.S. EPA and
8 prior to Ohio EPA.
9 And I started with the agency as an intern
10 in 1972. And actually my job that summer as an
11 intern was to go through questionnaires that
12 companies had filled out with regard to the air
13 pollution sources that they had and to determine what
14 kind of applications they needed for permits.
15 Ohio has always had a permit to operate
16 the system. It's been a strong system and a real
17 good system and one which obviously in our minds we
18 compare how things were done under that and how
19 things are done under Title V.
20 I want to commend EPA, the Clean Air Act
21 Advisory Committee, and those who volunteered for
22 this Task Force for your willingness to examine the

1 Title V program and consider the comments of
2 stakeholders on what is not working well with the
3 Title V program.
4 Given the diversity of the Task Force,
5 which I think fairly represents the diversity of
6 opinions on the purposes of the Title V program, I
7 envision that you will have a difficult time reaching
8 consensus on issues.
9 Therefore I urge you to have as your
10 primary goal the identification of issues and the
11 accurate representation of various stakeholder
12 positions on those issues.
13 As a member of CAAAC and as an interested
14 local agency director, I look forward to your report
15 and trust it will contribute to the improvement of
16 the Title V program.
17 Just a little bit on the issues and why
18 I'm recommending that you have as your primary goal
19 the identification of issues and the documentation of
20 the stakeholder positions on those issues.
21 One of the issues that I think -- well, I
22 know -- that you'll discuss is the issue of

1 insignificant emission sources, insignificant
2 activities. I can imagine you will have divergent
3 opinions on that.
4 My experience has been that some want
5 these listed. They want what the applicable rules
6 are for the insignificant activities, what the test
7 is. They want certification of compliance. And I'll
8 give you an example later as to how that can get very
9 burdensome.
10 One of the things that you heard some
11 reference to -- I know Bob said something about that
12 and I think Shelley mentioned also resources. We
13 only have so many resources at the state or local
14 level. And we need to spend those resources wisely.
15 And so if you as a Task Force should
16 recommend, for instance, that insignificant emission
17 sources receive a lot of attention, you just need to
18 realize that that attention paid to what by
19 definition are insignificant sources is going to take
20 away from time that we can spend on significant
21 sources.
22 RAPCA is one of seven local agencies in

1 Ohio that prepares Title V permits for issuance by
2 Ohio EPA. When the Title V program was initiated, we
3 had approximately 65 facilities which qualified for
4 the program.
5 That number has been reduced to 48 through
6 the issuance of state permits, or FESOP's, limiting
7 facilities' potentials to emit. Of the 48 Task Force
8 facilities all but 1 have been issued their final
9 Title V permit.
10 I might note that within Ohio there are
11 739 Title V facilities with 667, or 90 percent,
12 having been issued Title V permits as of June 1st,
13 2004. So there's been good progress on this.
14 I don't think when we initiated the
15 program that we defined having 90 percent of the
16 permits done by 2004 as progress. But having
17 experienced it and gone through it, 90 percent of the
18 permits is good progress.
19 It's our understanding that the Title V
20 program was originally designed to accomplish one
21 primary purpose, that being to bring together in one
22 permit all the air pollution rules applicable to a

1 particular source.

2 Beyond that primary purpose there are

3 certainly other secondary purposes, including the

4 collection of fees, the assurance of compliance,

5 improved citizen participation, and improved records

6 of performance.

7 However, there were already in existence

8 at least 35 state or local permit programs across the

9 country when the Title V program began. For

10 instance, as I mentioned earlier, Ohio has had a

11 permit to operate program since the early 1970s and

12 it has worked fine.

13 There are areas of the country where the

14 Title V purposes may have been already met. That's

15 my point -- in pointing out that there were permit to

16 operate programs in areas that were working well.

17 It may be that those purposes were already

18 being met and for such areas the Title V program

19 represents a significant amount of work with very

20 little added value. In fact, it's our belief that for

21 most of the country the Title V program has quickly

22 become one for which the work involved greatly

1 exceeds the value of the end product.

2 The reasons for this are varied and will

3 be covered in greater detail in our written comments.

4 But please allow me to spend the rest of this time

5 giving a general overview of how we feel the Title V

6 program has failed to meet its intended primary

7 purpose.

8 The Plain English Guide to the Clean Air

9 Act says the following in describing the Title V

10 program: "The permit system simplifies and clarifies

11 businesses' obligations for cleaning up air pollution

12 and over time can reduce paperwork."

13 In stark contrast to that statement is one

14 of the Title V permits recently issued for a source

15 within our jurisdiction. This is the Wright

16 Patterson Air Force Base located in Greene County,

17 Ohio.

18 The permit is 634 pages long. I have to

19 laugh because I look back at the Plan English Guide

20 that said this was going to reduce paperwork. 634

21 pages long. So much for simplification,

22 clarification, and reduced paperwork.

1 I doubt there's a single person in the
2 entire world that will ever read and understand this
3 whole document including the poor official that is
4 supposed to sign a statement certifying compliance
5 with all the terms and conditions contained in this
6 634-page permit.
7 I am remembering a slide that I once saw
8 of Dirty Harry. It said -- it was something to the
9 extent of "go ahead, sign that permit certification.
10 Make my day." But at any rate, our average Title V
11 permit exceeds 100 pages in length, so this is
12 definitely not a simple program.
13 There are several contributors to such
14 lengthy permits -- the incorporation of multiple
15 compliance scenarios, along with the compliance
16 assurance requirements for each, all of which are
17 spelled out for each individual unit rather than
18 simply referenced.
19 When you have similar sources, for
20 instance, boilers that all have the same applicable
21 requirements, the same compliance assurance
22 requirements, that can be simplified rather than

1 repeating that, repeating that, repeating that.
2 The incorporation of MACT standards word
3 for word in Ohio rather than simply referencing a
4 particular federal MACT standard and then stating its
5 applicability -- and I don't know if that's
6 particular to Ohio, but that's something that's not.
7 So basically rather than list in a permit
8 that a particular MACT standard is applicable and
9 then have that MACT standard available for people to
10 read, you have to copy it word for word into the
11 permit. We think that's excessive.
12 The inclusion of insignificant emissions
13 units. At the Wright Patterson site there are over
14 1,000 insignificant emissions units. Along with the
15 applicable rules for each, these alone take up 25
16 pages in the Wright Patterson permit and by
17 definition are insignificant.
18 I talked to the permit writer before I
19 came here about his experience with that. He said it
20 took him three weeks to sort out the insignificant
21 emission units for this permit.
22 Then the inclusion of periodic compliance

1 reports, some of which are monthly, some of which are
2 quarterly, and then some of which are then all
3 repeated in the annual certification of compliance
4 with every requirement in the permit.
5 Add to this the generation of all these
6 requirements, the agency obligation for inspections
7 to insure that all the listed requirements are being
8 met on an annual basis, the review of all the
9 periodic reports that are submitted. RAPCA received
10 last year 6,292 such reports.
11 Then the requirements to keep the written
12 records of all the data and make them available for
13 public inspection. The increasing requirement to
14 report all these inspections and report reviews into
15 the federal electronic database -- and suddenly you
16 find that the Title V program is a multi-headed
17 monster.
18 With regard to the reports that are filed
19 -- the 6,292 -- I recognize that there are some
20 agencies that will take these reports and simply file
21 them away. One of the principles that we have -- and
22 our local agency -- is that if an industry has to

1 file a report, then we have an obligation to review
2 that report and to record our review and make a
3 determination with regard to that.
4 We take it seriously when we ask for
5 reports, compliance reports, because we know that's
6 something that we're going to have to review.
7 So I'm personally very concerned with the
8 time and resources being spent on this program and
9 the lack of corresponding benefit.
10 Of the 39 full-time personnel we have at
11 RAPCA, 8 are assigned to the permit unit -- 6 permit
12 reviewers, 1 permit clerk, and 1 supervisor.
13 Remember, we're just a local agency. We're not the
14 state. That's over 20 percent of our resources.
15 Additionally, I'm concerned that we have
16 this growing perception in the air pollution control
17 field that somehow placing pages and pages of terms
18 and conditions in permits equates to control of air
19 pollution or the equally troubling perception that if
20 an applicable rule is not included in the Title V
21 permit, that it is somehow no longer enforceable.
22 If this is true, how did we ever control

1 air pollution before the Title V program? How was it
2 that we made such significant gains in air quality
3 from 1970 to 1990?
4 I will say this. It was not by having 20
5 percent of our people sitting at their desks 40 hours
6 a week writing permits, which average over 100 pages
7 in length. There are many other issues. We will
8 detail those in our written comments: issues such as
9 the length of time involved in the four stages of the
10 permit issuance, the six types of modifications that
11 can be made to permits, the requirement for
12 nondeclaration compliance reports, the required
13 statements of basis for the permits, the complicated
14 integration of permits to install into the Title V
15 permit, and the never-ending search for the perfect
16 permit, which will be covered in detail with
17 suggestions for improvement.
18 The never-ending search for the perfect
19 permit is something which is especially troubling for
20 our local agency. We draft a permit. It's reviewed
21 by the state. That process there may take years.
22 Then it's going to be reviewed by the

1 region. Then it's going to be reviewed by the
2 public. Then it's going to be reviewed by the
3 company. Everyone has changes to it.
4 It's very difficult to motivate people to
5 write multi-100-page permits, get back hundreds of
6 comments, make changes to those, and then repeat that
7 process, repeat that process, repeat that process.
8 That's very difficult. And as a local
9 agency director I'm faced with this dilemma. Do I
10 concentrate on having people who are satisfied with
11 doing that? Or do I want people who say, "This is
12 crazy. This is just paperwork. I want to control
13 air pollution."
14 There's a dilemma for us. You can hire
15 people who would be very good at that, very good at
16 details. Write it, write it, write it, write it. I
17 would rather have people who can see the big picture,
18 who are more aggressive in actual air pollution
19 control, actually meeting with people, actually
20 talking with complainants, actually looking at
21 sources rather than spending time at their desks.
22 So my challenge to the Task Force is to

1 identify ways to simplify this program now before we
2 get too far into the renewal of permits and generate
3 even more paper that does little or nothing to
4 control air pollution.
5 I would ask you to please listen carefully
6 to those people that offer suggestions for
7 simplification. Please resist those that want to add
8 even more requirements to this already burdened
9 system, especially with regard to insignificant
10 emissions units.
11 As a local agency director that is dealing
12 with a problem of limited resources and increasing
13 demands, I want to have the option to direct our
14 limited resources to tasks that produce the greatest
15 return in reductions of air pollution.
16 Thank you for this opportunity to offer
17 testimony. I'll do my best to see that our written
18 comments offered as a follow-up to this testimony are
19 complete and hopefully beneficial to your
20 considerations.
21 As a member of the Clean Air Act Advisory
22 Committee, I will look forward to your report. And

1 I'll be more than happy to answer any questions you
2 might have.
3 MR. LING: Thank you very much, John.
4 I'll just throw it open to the Task Force. I think I
5 saw I saw Bob's hand first.
6 MR. PALZER: John, you brought out a
7 number, quite a number of interesting points in terms
8 of the -- actually, before I ask the specific
9 question, it sounds like you should really be sitting
10 at the table not as a person giving testimony, but as
11 a member of this panel.
12 Did you by any chance try to get on this
13 Task Force?
14 MR. J. PAUL: That's kind of a mixed
15 thing. Yes, I did apply for it as a member of CAAAC
16 I participated in the steering group and offered
17 suggestions for that.
18 Then EPA -- I think it was pretty much as
19 a matter of procedure -- asked all of the steering
20 group members to apply for the Task Force.
21 But let me say that I'm perfectly happy
22 with the Task Force and with the process. And I

1 really think the most important part of this process
2 is the offering of testimony of the establishment of
3 a record.
4 I'm perfectly satisfied that my views will
5 be represented, that they will be considered. I'm
6 perfectly happy to work with other state and local
7 agencies to encourage them to bring comments to the
8 table. I am perfectly happy to meet with different
9 members to discuss different details.
10 MR. PALZER: Thanks. One of your points,
11 one of the many good ones I thought, you brought
12 forward is the complexity of the permits and the
13 amount of time spent, as you said, creating the
14 perfect permit potentially. I've often heard that
15 perfection is the enemy of completion of a project.
16 I've also experienced -- I'm a chemist --
17 a good deal of comfort with reading technical
18 information. But a lot of people that I work with
19 who are very interested in breathing clean air find
20 it a rather intimidating process.
21 As you mentioned, there is a lot of effort
22 to deal with some sources of emissions that may not

1 be as significant as other ones, but will take up a
2 good deal of the bulk of the permit itself.
3 And certainly among the regulated
4 community and the regulators and the public trying to
5 deal with those issues, do you have any suggestions
6 on how that could be simplified?
7 MR. J. PAUL: That's one of the things
8 that I plan on asking other state and local agencies.
9 My own personal opinion is if you just dealt with the
10 significant emission units and made sure those were
11 covered in the Title V permit --
12 I recognize that comes from a local
13 perspective. It's quite common for us to sit down
14 with citizens' groups and talk about a particular
15 facility -- what the problems are -- and make sure
16 that those problems are addressed.
17 So my concern is not so much the detail in
18 the permit as understanding what the actual problems
19 might be at a facility. So to a certain extent I'm
20 saying that there are better ways to get at some of
21 those details. And if those are in place, then they
22 don't have to all be in the Title V permit.

1 But that means that you'd have to have a
2 good agency. You have to have an agency that's
3 meeting with people. You have to have an agency
4 that's cognizant of the problems.
5 It's also to say that if you don't have
6 that, just getting all these details in some pieces
7 of paper is not going to take care of the problem.
8 MR. LING: I see people have adopted the
9 convention of putting your name tent on its side when
10 you want to ask a question. That sounds good to me.
11 I see Shelley -- lots of questions. I see Shelley's
12 first.
13 MS. KADERLY: John, thank you for your
14 comments today. I appreciate the resource
15 limitations of a local agency. Being from a small
16 state I think we have some commonality there.
17 I was really interested in your comments
18 on the reports and how there are almost 6,300 reports
19 last year to be reviewed. I commend you and your
20 staff for looking at each and every one of those that
21 come in. That's an awful lot of reports to go
22 through.

1 Something I was interested in is whether
2 in the evaluation of those reports whether you felt
3 that compliance issues, noncompliance issues in
4 particular, were identified that would not have
5 otherwise been identified in your regular course of
6 doing business.
7 MR. J. PAUL: Yes. We do find
8 noncompliance from those reports. Actually from
9 those reports and from stack tests are two of the
10 biggest areas we find noncompliance.
11 We do believe that they have value.
12 However, I think that we could go through and search
13 those and find the ones that have produced the
14 greatest value and find the ones that produce little
15 or no value.
16 For instance, if you had a requirement
17 that people take method 9 readings on a spray booth
18 because it's subject to particulates. We don't want
19 to see that. When we go out on our annual inspection,
20 we can usually tell whether or not the particulates
21 are being controlled from a spray booth.
22 Similarly, the bag houses that are on top

1 of silos. There are a lot of things we could
2 identify that if there's a problem, we will see it or
3 the people in the parking lot will see it before it's
4 something they had to report.
5 So there are different ways of identifying
6 a lot of these problems that are not necessarily
7 covered by the periodic reports.
8 MR. LING: Bernie.
9 MR. B. PAUL: I was curious if you could
10 describe to me the process your staff uses and if
11 you're not able to do that -- and if that's something
12 you could include in your written comments that you
13 supply later.
14 MR. J. PAUL: I can answer that. We
15 assign them in a number of ways. Our abatement unit
16 is broken up. We have permit writers. We have
17 facility inspectors and we have an enforcement unit.
18 And one of the jobs of the enforcement
19 unit is to review the periodic reports, so we have
20 different people. We have some that specialize in
21 coal reports, some that specialize in VOC reports,
22 some that just look at CEM's. So it's broken out

1 that way.

2 And people have it set up in spreadsheets

3 so they have the companies. They pretty much know

4 what to expect. And then they go get those in and go

5 through it.

6 Where we have our problem is when we have

7 employee turnover. Then it's very difficult to pick

8 that up or to transfer that to someone else. That's

9 one of the places that we have a problem. But we'll

10 give you more detail on that.

11 MR. B. PAUL: A second question I have.

12 You've issued approximately 20 potential to emit

13 limiting permits. We call them FESOP's. I don't

14 know what you call them in your agency.

15 Are there any material differences between

16 the level of detail in your FESOP type permits or the

17 requirements within those permits compared to the

18 Title V permits?

19 MR. J. PAUL: There's some differences,

20 but I'm looking at Bob, since that's who we submit

21 our FESOP's to.

22 But they're also a very complicated

1 permit. They're detailed. There are obviously a lot
2 of reports that are involved with the FESOP's because
3 the facility has to show that they are continuing to
4 stay under whatever the limits are.
5 I would equate them to a Title V permit.
6 There are certainly Title V permits that are less
7 complicated than some of the more complicated
8 FESOP's.
9 MR. B. PAUL: I have a question for
10 Michael. John mentioned that he's going to be
11 submitting written comments. I'm sure there will be
12 others who will be submitting written comments.
13 I don't know if you guys have thought
14 through a process for how Task Force members would be
15 able to review those written comments other than
16 going out to the e-docket and searching for them that
17 way. Or will we be provided with a monthly listing
18 of people who have submitted comments so we can try
19 to search them out.
20 I'm just trying to think of a way that
21 will prompt us to find them or receive them or
22 whatever.