

Air Permit Streamlining Meeting Notes

November 30, 2001

The Director began the meeting by welcoming everyone and started to review the goals of the Task Force. He mentioned this was the fourth Task Force that has been initiated by DEM, the others being Wetlands, ISDS and Waste Site Remediation. He wants the department's programs to be predictable, user-friendly, transparent and providing the proper level of environmental protection. The task force will evaluate changes to the process that can be achieved by regulatory, policy or administrative changes and if needed, statutory. The task force end result should have permits be issued faster and but also maintain a high level of environmental protection. It is anticipated that the task force would finish its work in the three to six month time period.

He also mentioned that he would like to investigate mechanisms that would allow environmental incentives to be built into the process. The group was further requested to focus on changes in efficiency or process, since additional personnel resources will be difficult to fund in this fiscal climate.

He then requested participants to state their concerns or issues about the program. The following issues were raised at the meeting or were concerns e-mailed to DEM by Task Force members who could not attend the meeting. (An asterisk * indicates the number of times an issue was raised by participants.) These concerns were then organized into seven general categories:

I. Backlog

1. *****The backlog / queue is a problem and it is not always possible to predict when an application will be approved. Certainty of a decision date is important.
2. *Timing is an important issue with businesses. Business opportunities are often lost when permit decisions are not made in a timely manner. Business opportunities are fluid and our permit program is not flexible enough to service this need for timely decisions.
3. Major source permits can take up to a year to process. DEM should consider using consultants to pay for the permit reviews. (The director mentioned this dual track may be problematical from a policy standpoint and needs more discussion. This is setting up a system where there are two different timelines for the sources willing to pay for increased customer service, but it will come at the expense of others who are waiting for their permits to be reviewed.)
4. Hire additional help to reduce backlog, perhaps by using on-call consultants to work on permit applications.

5. Three DEM proposals were quickly discussed concerning ways to reduce the backlog and included the following:
 - a) Development of a super application where an applicant, after a pre-application meeting develops a permit application including a draft permit that exceeds existing regulatory requirements. These applications would by-pass staff review and would be reviewed directly by Doug McVay.
 - b) Development of general permits. Suggested categories would be small degreasers, drycleaners, and emergency generators.
 - c) Develop a list of consultants who can be used to review applications submitted to DEM. If the permits were time sensitive the applicant would pay for the cost of the external review.

II. Process / Efficiency

1. ***Go to facility-wide permits, emission caps or process caps. This will allow for increased operational flexibility and may even eliminate the need for some permits. (DEM staff mentioned this issue is being discussed at the national level and we may need to follow federal guidance in this matter if federal limits are involved. There may be room for some additional state regulatory flexibility.)
2. ***DEM should use permits by rule for some non-permanent activities such as spill mitigation control devices, temporary pollution sources such as boilers, emergency generators etc.
3. A provision should be incorporated in the queue process to address the issue of phased permits. In some instances there is insufficient information available to provide DEM all the information necessary to process a complete application. But there is enough information to process the early phase. How does DEM handle the later phases of the project, as a new application or an addendum to the existing application?
4. *The process should not compromise environmental standards.
5. Predictability of the process should be improved.
6. The Director mentioned that we should evaluate how we process permits on projects that impact multiple programs.
7. The permit review process in DEM is good.
8. Consider giving more weight to applications provided by a professional engineer. Allow these applications to move through the process faster than those not submitted by a professional engineer.

9. Stakeholder involvement early in the process should be encouraged especially when a permit requires a hearing.

III. Outreach / Web tools

1. Publish BACT decisions quickly on the DEM homepage.
2. Make better use of the web for posting precedents and generic examples of typical applications. Install examples of BACT/LAER for some typical sources like boilers.

IV. Regulatory Issues

1. There is not sufficient flexibility in the regulations to propose other alternatives. Sources should be able to propose solutions that solve the problem in another way and take credit for going beyond compliance.
2. We should evaluate our regulations to determine if they are comprehensive enough to handle and fairly treat all the problems associated with landfills, closed landfills and recyclers.
3. Increase the permit thresholds and require registration for those sources that have dropped out of the permitting program

V. Policy Issues

1. DEM BACT permits should be consistent with BACT requirements that are issued in the region. A lot of the pollution problems are regional and the emission requirements should be consistent throughout the area.
2. The director mentioned an interest in developing an approach for handling distributed generation permits that would encourage clean generation.
3. Change the way DEM processes applications from first in / first out to one that is based on time sensitivity or complexity.

VI. Administrative Issues

1. Update the permit guidelines, definitions and **develop a flow chart of the DEM review process.
2. Improvement of the application quality can help review times. *Pre-application meetings are useful in determining application requirements. It was also noted that DEM encourages and participates in pre-application meetings. Applicants

should be encourage to provide a “white paper” prior to submitting an applications that outlines the issues of the permit.

3. *DEM should develop simple screening procedures for air toxics applications. These conservative examples could be used to determine if an application is required and could provide guidance to applicants on control technology that is needed to meet requirements.
4. Revise the application package to include all information needed to process the application.
5. Allow for the use of electronic forms in the application process.
6. DEM was requested to provide information on operating permit fees such as whom does the fees fund at DEM? How are the funds managed? Do they fund Title V compliance inspections?

VII. Personnel

1. Consider having a single point of contact for more complex facilities. Once people are familiar with the company processes, review times could decrease. DEM’s staff turnover is problematic and maybe two people could work on the larger facilities.
2. Staff access on short notice is fine.
3. Staff turnover needs to be addressed. Experienced staff will process applications quicker.
4. The number of staff is insufficient to process the existing workload.
5. Consider combining the staffs of the operating, pre-construction and air toxics section. A larger staff may be able to compensate for the existing chronic turnover problem. In addition there may be some efficiencies of having the same person work on both Title V and pre-construction permits.

Meetings were then set up for the third Tuesday of the month for the next six months, if needed. Meeting times will be 3:00 –4:30 in Room 450 of 235 Promenade Street, Providence. The next meeting will be December 18th.

DEM has set up a website for the Task Force and it is located at:
<http://www.state.ri.us/dem/programs/ombuds/pstream/air/index.htm>