

May 30, 1997

MEMORANDUM

SUBJECT: Title V Permit Objection Communication Strategy

FROM: Thomas C. Curran, Director /s/
Information Transfer and Program
Integration Division (MD-12)

TO: Deputy Office Director, Office of Ecosystem Protection
Region I
Director, Division of Environmental Planning and
Protection, Region II
Director, Air, Toxics and Radiation Division,
Region III
Director, Air, Pesticides and Toxics Management
Division, Region IV
Director, Air and Radiation Division, Region V
Director, Multimedia Planning and Permitting Division,
Region VI
Director, Air, RCRA, and Toxics Division, Region VII
Assistant Regional Administrator, Pollution Prevention,
State and Tribal Programs, Region VIII
Director, Air and Toxics Division, Region IX
Director, Office of Air Quality, Region X

As the Headquarters' lead office for title V, OAQPS serves as the overall EPA coordination office on operating permits. Acknowledging the need for the Regions to review title V permits, Headquarters management wishes to stay abreast of objections raised by the Regions during title V permit reviews and of all final Regional permit objection decisions. This information will be useful to Regional offices since problematic permit issues in one Region might also be found in other Regions. By gaining information about similar issues in other Regions and how they were addressed, then each Region can take this information and make more informed decisions on its own permit review issues. In addition, given the limited resources available in the Agency which make thorough review of all permits difficult, enhanced communications provides a mechanism for sharing expertise. This

memorandum outlines a communications strategy to keep Headquarters and Regional offices aware of official objections to title V permits.

Communication Strategy

The biweekly title V permits call has been, and will continue to be, our principal mechanism for raising and discussing issues related to review of proposed title V permits. This approach provides opportunities to keep the EPA title V community abreast of troublesome permits and how Regions are resolving the concerns. Most often these troublesome permits get resolved before EPA's review period is up. However, where there is the need for an EPA objection letter, it is requested that the Region send the Headquarters contacts listed below, via the LAN, an electronic draft of the objection letter with as much advance notice as possible (but at least by the time the letter is being routed for Regional signoff), to allow for reasonable Headquarters review. (The objection letter should clearly identify the basis for the objection--see the letter from Region IX for an example.) The LAN copy should be sent to Kirt Cox in the Operating Permits Group, John Walke in the Office of General Counsel, Robert Dresdner in the Office of Enforcement and Compliance Assurance, David Garcia in Region VI as sublead Region for permits, and the Region's Desk Officer in OAQPS. Headquarters management will be appropriately informed. For the benefit of the other Regions and Headquarters, a one-page summary of the issue(s) should also be prepared and forwarded to the above mentioned individuals, ideally at the same time the objection letter is shared and, hopefully, no later than the ensuing biweekly permits call. The objection letter, along with the one-page summary, will then be an agenda topic during the subsequent biweekly call (as was done by Regions IV and IX for the permits in Mississippi and Bay Area). It is also important to note that appropriate and timely contact with Regional Counsel and the Office of General Counsel should be undertaken during preparation of the objection letter. This will ensure the needed legal support should the objection be the subject of later legal challenge.

It is still too early in the implementation phase of title V programs around the country to tell how often issues will arise that may result in official Agency objections. As noted earlier, it has been a rare occurrence to date. Given this, a computerized tracking system is not being developed at this time to track these objection letters. Presently, tracking can be done solely through the notification process described above. At some future date, we will revisit this question and devise a data base management system, in consultation with each Region, if the

volume of permit objections warrants it.

Should you have any questions on this memorandum, please contact Kirt Cox of my staff at (919) 541-5399.

cc: R. Dresdner
A. Duncan
D. Garcia
B. Kellam
J. Seitz
J. Walke
L. Wegman
OAQPS Regional Desk Officers
Operating Permits Group Staff
Regional Air Program Managers
Regional Title V Contacts