

1 Williams. Is Jane Williams on the line? We'll wait a  
2 few minutes to see if she shows up.

3 MR. HITTE: Mr. Chairman, may I ask a  
4 question? Steve Hitte. If we don't have time to do  
5 this now, do it later.

6 Am I correct that this IBR issue came to  
7 you all's attention and you have fixed that such that  
8 permits issued today don't have all the IBR issues  
9 we're hearing about, or am I wrong?

10 MR. HAGLE: Hagle for permits. We do  
11 just incorporate the NSR permits by reference, we still  
12 do. For some of the state and federal regulations we  
13 do that, just a reference, like a high level citation  
14 where we have not developed our tools that will get you  
15 down to the specific standard and the mark for  
16 reporting testing requirements that go with that  
17 standard. So it's a mixed bag.

18 (Recess taken)

19 MR. VOGEL: My name is Ray Vogel with the  
20 EPA. This is the Title V Task Force. We are taking  
21 testimony today from environmental advocates. We're  
22 giving ten minutes for the presentation and ten minutes  
23 for questions and answers. We are recording this for  
24 audio and written transcripts. So if you are ready.

25 MS. GORMAN: Yeah.

1 MR. VOGEL: Go ahead, please.

2 MS. GORMAN: Hi, my name is Alexandra  
3 Gorman and I'm with Women's Voices for the Earth out of  
4 Missoula, Montana. Just to give you a sense of who I  
5 am, I've got a master's in science in environmental  
6 studies from the University of Montana. I've been  
7 working for the last four years with Women's Voices for  
8 the Earth here in Missoula. We're an environmental  
9 justice organization focusing on toxic chemicals and  
10 just their disproportional affects on women and  
11 children's health.

12 For the last two years I've been the  
13 director of science and research here at -- and our  
14 acronym is WE. Part of my job is doing regional  
15 watchdog activity on polluting industry, mostly in  
16 Montana but some up in Idaho as well. I've  
17 participated in two EPA citizens trainings on Title V,  
18 one was in Chicago, which I was a (inaudible) and then  
19 one was an advanced Title V in Denver, which is the  
20 Region 8 Title V training. So I've commented on  
21 several Title V permits and I'm pretty familiar with  
22 the Title V program overall.

23 So I guess I've had overall good  
24 experience with the Title V program. I think Title V  
25 program permits, as they're written in Montana anyway,

1 are pretty straight forward. The format is really  
2 helpful to understanding the facility for the most  
3 part. So I'm happy with the way they're written. I  
4 think they're much better, particularly than  
5 preconstruction permits that are written over the  
6 previous permitting options. I think the Title V are  
7 much more clearly laid out and easier to understand.

8 I feel the same way about the Title V  
9 reporting, the compliance reporting, annual reports and  
10 semiannual reports. They're also much clearer and it's  
11 very nice to be able to have a permit and be able to  
12 match things up term for term to be able to determine  
13 compliance of a facility. So I think that part of the  
14 program is certainly working quite well.

15 As an activist I also really appreciate  
16 the compliance certification requirements of Title V.  
17 I was speaking with the DQ, Department of Environmental  
18 Quality, staff person just the other day who was saying  
19 it was kind of a waste of paper having all these  
20 certification requirements, particularly for general  
21 facility requirements. And she said, well, of course  
22 they're going to say that, pay their fees on time and  
23 they get their forms in and et cetera.

24 But from my point of view I was actually  
25 very happy to see that paperwork in there. I think it

1 does help with accountability, particularly for  
2 facilities that are bad actors for the -- probably  
3 there's other facilities out there where it's probably  
4 not as necessary facilities, but in the case of  
5 environmental facilities, it's nice to know that the  
6 environmental manager has to sign off that these things  
7 have been done and then the head of the facility has to  
8 sign off as well.

9 MR. VOGEL: Could I ask you to slow down  
10 a bit, please.

11 MS. GORMAN: Sure, sorry. I grew up in  
12 New York City.

13 Yeah, a greater accountability anyway  
14 between the environmental manager, who is probably  
15 filling out most of the forms and the head of the  
16 facility, who has to do the final sign-off on the  
17 compliance certification. So I definitely appreciate  
18 that part of Title V.

19 Here in Montana public access is very  
20 good. We've got some really good open records laws on  
21 the books. So I haven't had any problem accessing  
22 permits or accessing permit applications for the  
23 statement of basis or anything like that. It's also  
24 very amenable to public hearings on Title V permits.  
25 We've requested those a few times in the past and they

1 have always granted those. So that has been -- not  
2 been a problem in my experience with Title V.

3 I have missed like a permit comment  
4 period or two. One of the problems we do have in  
5 Montana, since it's a fairly rural state, and the  
6 public comment notice, you know, requirements are to  
7 run in the local paper and sometimes the local paper  
8 serves only a very small audience. So I work and live  
9 in Missoula. There are often papers, they're not  
10 on-line, and I can't actually purchase them in  
11 Missoula, so I sometimes I miss those public notices.

12 The DEQ is getting a lot better about  
13 putting things on the web. If there's any suggestion I  
14 do have for Title V, it's to put as many of these  
15 things on the web as possible and it's been really,  
16 really useful. DEQ has been ramping up their web site  
17 over the last few years and they're putting more  
18 permits on line for public comment notices and things.  
19 Although it's not consistent across the board, but that  
20 seems to be improving and that is definitely helpful  
21 from an activist's point of view.

22 I have had a couple issues with the Title  
23 V program. It certainly has improved since it began  
24 here in Montana. I remember having a conversation with  
25 a woman from DEQ at the beginning of the Title V

1 program and her impression of the program was that it  
2 was just a whole thing of paperwork and it was taking  
3 the existing permit and putting it into a different  
4 format, and she didn't see any use other than it was  
5 this tremendous amount of time to reformat the permits.  
6 I don't know if that's the feeling anymore at DEQ. I  
7 certainly hope not. And I've see many more benefits  
8 than just the reformatting of the original permits.

9 I have heard from a different DEQ person  
10 of comments he's received that the reformatting permits  
11 actually been helpful in improving the permits, so  
12 that's a good thing to hear.

13 One of the first permits I looked at was  
14 Smurfit-Stone Container, a paper mill here in Missoula.  
15 It's one of the more complicated permits that's written  
16 in Montana. It's probably one of the facilities that  
17 probably has the most monitoring requirements in the  
18 state. And when they first did their Title V permit,  
19 one thing we did noticed in the comments is that it had  
20 an incomplete list of emitting units. So we were  
21 finding things, you know, equipment that was being  
22 referred to in the preconstruction permits that was  
23 not, in fact, listed in the Title V permit.

24 So that was one thing we would be able to  
25 clarify in our comments. And now that we have a

1 complete Title V permit, it makes it so much easier to  
2 understand that facility, understand what's going on  
3 there. And I think it was essentially useful both to  
4 the facility managers and to the DEQ to have that -- to  
5 some way be forced to have that whole list together.

6 In another permit I also worked on a  
7 permit for Rocky Mountain Laboratory, an N.I.H.  
8 facility in Hamilton, Montana, and we were able to  
9 clarify some of the definitions in the permit and  
10 closed up some potential loopholes there. They've got  
11 a medical waste incinerator and they were allowed to  
12 burn, quote, unquote, general refuse, but we got them  
13 to actually define what general refuse means in terms  
14 of -- because they're very specific about what medical  
15 waste you can burn but not what general refuse meant.  
16 So that was also very helpful to be able to clarify  
17 that in the permit.

18 We've had some issues over the years,  
19 we've had some comments going back and forth between  
20 activists and the DEQ on vague language that keeps  
21 seeming to show up in title permits. One thing that  
22 keeps coming back, instead of testing as required by  
23 the department which, you know, I've been to these  
24 Title V trainings, I've been told by EPA that this is  
25 unacceptable language for Title V, yet the Montana

1 Department of Environmental Quality still maintains  
2 that that's okay.

3 I can give you two examples where we find  
4 the problem. In one case there's a facility, the  
5 Thompson River, it's a coal plant, they have a limit in  
6 their permit for VOC's; however, there's no monitoring  
7 or reporting required to determine compliance with that  
8 limit. It's not mentioned in the Title V. And the  
9 response of DEQ was that, well, we have testing as  
10 required by the department, you know, to determine  
11 compliance with that, and we didn't think that was  
12 practically enforceable. And that's just one example.  
13 We do think there's a problem with that term.

14 The other problem was discovered  
15 recently, again with Smurfit-Stone, which is a very  
16 large paper mill in Missoula, there's a number of  
17 particularly opacity requirements on different pieces  
18 of equipment where the testing frequency is simply as  
19 required by the department. When I went through their  
20 compliance reporting, semiannual reports and the annual  
21 reports over the whole last year, anywhere where it  
22 said as required by the department, it had never  
23 actually been required by the department. So it seems  
24 as though the DEQ is putting that in there to comply  
25 with Title V to ensure that there is some sort of

1 monitoring required, but the monitoring isn't -- in a  
2 practical sense, they're never actually requiring them  
3 to monitor.

4 I did ask the DEQ about that and they  
5 said, well, unless there's a problem we probably won't  
6 require it. Of course, it's very difficult to  
7 determine if there's a problem if there's no monitoring  
8 going on. So we thought that was an issue that needs  
9 to be dealt with.

10 There's another thing that happens in the  
11 Montana program that's been an issue, and that is  
12 figuring out when exactly to refer to a statute and  
13 when to actually quote a statute in a Title V permit.  
14 There doesn't seem to be a great amount of consistency  
15 and maybe that's something that the Title V program  
16 could implement.

17 One example is a Rocky Mountain Labs  
18 permit. They are required by the statute for medical  
19 waste incinerators to have some sims on the stack on  
20 the emission monitors, and that statute is referenced  
21 in the permit, however, the permit didn't actually  
22 mention that -- doesn't actually define what the  
23 monitors are, what the limits are, how often they have  
24 to report the results of these monitors. And it was  
25 actually something that this particular facility had

1 been fined for. It's the only reason that I knew they  
2 had these sims. There was a paper saying they had been  
3 fined for not complying with that part of the law, but  
4 it was not spelled out in the permit. And, again, the  
5 DEQ was going back saying, well, it's in the statute,  
6 we reference the statute, so therefore, we don't need  
7 to put everything in the statute in the permit.

8                   So I understand there have been Title V  
9 permits which have 42 pages of statute just copied in  
10 there, and that's not necessarily helpful, but I think  
11 there needs to be some sort of clarification if there's  
12 specific equipment required by the statute, it seems  
13 useful to put that in the permit for us to better  
14 understand the facility. I think that's probably my  
15 ten minutes but. . .

16                   MR. VOGEL: Thank you. Questions? Carol  
17 Holmes.

18                   MS. HOLMES: Hello, this is Carol Holmes  
19 at EPA. I was curious, how would the state know  
20 whether or not there was a problem to know whether or  
21 not they needed to require testing? Did they explain  
22 that to you?

23                   MS. GORMAN: No, they didn't explain that  
24 to me. That was exactly the concern that I had, and I  
25 don't know whether it would be anecdotal or whether if

1 it was a big enough problem for them to report  
2 something else that they would know, but particularly  
3 with opacity I'm not exactly sure if there's not a  
4 requirement to test for it, how they would be notified  
5 if there was a problem.

6 MR. VOGEL: Keri Powell.

7 MS. POWELL: Hi, Alexandra.

8 MS. GORMAN: Hi.

9 MS. POWELL: I just had a question about  
10 public notice. Does Montana maintain a mailing list to  
11 notify interested members of the public?

12 MS. GORMAN: They don't maintain a list.  
13 There's no Title V list for all Title V permits, but it  
14 seems to vary by department in DEQ. There's some  
15 departments for certain type of permits where they do  
16 keep those main lists for certain industry areas, but  
17 there's no consistency. So sometimes, you know, with  
18 certain permit writers I have to write them and tell  
19 them, okay, anything that happens with this facility,  
20 please let me know, and that sometimes gets me on the  
21 list, sometimes it doesn't, but there doesn't seem to  
22 be any consistency there.

23 MS. POWELL: So you don't have the  
24 ability to sign up to just get notices on everything?

25 MS. GORMAN: That's right.

1                   MS. POWELL: Do you think that would be  
2 helpful or do you have other recommendations  
3 specifically for how notice should be done to  
4 effectively notify people that draft permits are  
5 available?

6                   MS. GORMAN: Yeah. I think a mailing  
7 list would be helpful other -- you know -- I mean, it's  
8 sort of -- I'm certain an e-mail would be totally  
9 sufficient just to let me know. They do have a web  
10 site where you can look at what's up currently for  
11 public comment, although, I notice that not everyone in  
12 the department is posting things on time and not  
13 everything gets posted. So if there was some sort of  
14 requirement to make sure that that happened more  
15 regularly than just checking on the web site, you can  
16 find out when things were happening.

17                   MR. VOGEL: Adan Schwartz.

18                   MR. SCHWARTZ: Hi, this is Adan Schwartz  
19 with the Bay Area Air District. You mentioned that  
20 you've been reviewing semiannual reports and compliance  
21 certifications submitted pursuant to Title V. I don't  
22 know what the case is in Montana, but nationally  
23 there's been some variations on the formats of these  
24 documents as they've been submitted. For instance,  
25 sometimes you'll see what's called exceptions reports

1 where a facility will say I am in compliance with  
2 everything except for the following. Other times it's  
3 line by line, you know, checking off each line in the  
4 permit as to whether they are in compliance or not.

5                   So I was wondering as a citizen reviewing  
6 these, whether you've seen some formats that you like  
7 better than others or that are more accessible or  
8 useful to you.

9                   MS. GORMAN: Well, I can say I've only  
10 looked at them for one facility. I've looked at a  
11 couple different reports for one facility, so I don't  
12 know if it changes by facility or whether that's a  
13 standard for the whole state. But the one that I  
14 looked at it did go line for line and you could match  
15 it up with the permit and refer to the number in the  
16 permit where that term was, so it was very easy to go  
17 through. And even when -- I mean, there were certain  
18 permit terms where they would just say there was no  
19 monitoring in this, whatever, semiannual period,  
20 because this piece of machinery was not in operation.  
21 So even if it was not in operation, they would still  
22 fill it out and say, you know, they were in compliance  
23 because it was not operating.

24                   So I thought that was actually very  
25 useful. So I haven't seen one where they just point

1 out the other things. I think it is useful to have it  
2 be the line by line because then you can actually see  
3 they have stack test data or monitoring data. You can  
4 actually say they're saying they're in compliance and  
5 you can see the numbers and match them up to the  
6 limits, and I thought that was useful.

7 MR. VOGEL: Marcie Keever.

8 MS. KEEVER: Hi, Alexandra, I'm Marcie  
9 Keever with Our Children's Earth. I was wondering, you  
10 said you actually had an easy time or a relatively easy  
11 time getting documents from your agency, and we've  
12 heard some other people today talk about having to  
13 travel a long way to get documents from their agency  
14 and that it was kind of prohibitive for them to review  
15 those documents. I guess I'm just wondering if you can  
16 further describe the process that you have gone through  
17 to get documents and how far away are they or is it  
18 pretty easy for you to get documents from your agency.

19 MS. GORMAN: Yeah. And, yes, it  
20 definitely is pretty easy. More and more often the  
21 draft permits and final permits are on-line. That's  
22 certainly the way I prefer to get the permits. I find  
23 it much easier having a digital copy where you can word  
24 search and look through things more easily, especially  
25 with a bigger permits. Sometimes it's a matter of just

1 going on-line and downloading the permit.

2           The permit applications generally are not  
3 on-line because they are larger documents. And when I  
4 have requested those, it's just a matter of calling the  
5 permit writer. The DEQ, the main office is in Helena,  
6 which is about an hour and a half from Missoula, but if  
7 I call them they will put it in the mail. And it kind  
8 of varies as to whether or not they charge me for  
9 copying. It seems to vary by the person. I'm not  
10 exactly sure what their policy is. Sometimes I get  
11 charged and sometimes I don't, but it's not --  
12 generally not an exorbitant fee.

13           With the compliance reporting, there is a  
14 local person here in Missoula who does compliance for  
15 DEQ and her office is about two blocks away. So I can  
16 -- she's very happy to just let me come into her office  
17 and she'll pull files out for me and let me review them  
18 there or make copies. So, yeah, it's been very easy,  
19 but as much as you can encourage states to put things  
20 on-line, that seems to be the best way to access.

21           MR. VOGEL: Steve Hitte.

22           MR. HITTE: This is Steve Hitte with U.S.  
23 EPA. You commented that you found the permitting  
24 format in Montana to be very good, well laid out. If  
25 it's at all possible, could you elaborate more on what

1 it is that Montana does? What does their permit look  
2 like?

3 MS. GORMAN: Sure, yeah. One of the  
4 things that I like about the permit is they're laid  
5 out -- they put a nice table of contents in the front  
6 that talks about each different section, and then under  
7 permit conditions it's broken out by each emitting unit  
8 and sometimes they get grouped if they're very similar  
9 or have the same location or same, you know, basic  
10 operation. But on the front of each section of for one  
11 particular admitting unit, for example, there's a table  
12 that's right up front that lists which conditions apply  
13 to this -- apply to the admitting unit, what the  
14 pollutant or parameter is, what the limit is, what the  
15 compliance demonstration frequency is, and what the  
16 recorded requirements are as far as time. So there's a  
17 very nice table that lays it out kind of in shorthand  
18 that's followed by the further narrative that explains  
19 it in more detail.

20 So it's very easy to kind of go through  
21 and find the admitting unit you're looking for and take  
22 a look -- for example, when you're comparing compliance  
23 reports, it's very easy to find, okay, the limit there  
24 is 20 percent or point whatever and you can compare it  
25 to the numbers on the compliance reporting that come

1 back. So that's -- the table is what I have found was  
2 useful.

3 MR. VOGEL: Thank you. Just a quick  
4 follow-up. Would that be true for any permit, the  
5 simplest to the more complex industry, it would all be  
6 that way?

7 MS. GORMAN: Yeah. It will be a smaller  
8 permit and sometimes it's only one or two tables,  
9 depending on the number of admitting units, but it  
10 seems to be a standard format throughout the state.

11 MR. VOGEL: Keri, did you have a  
12 question?

13 MS. POWELL: Alexandra, did you ever  
14 petition EPA to object to permits based upon the  
15 testing as required by the department conditions?

16 MS. GORMAN: You know, we haven't. We  
17 haven't actually petitioned the EPA. We did send a  
18 letter to the DEQ that was signed on by a number of  
19 other organizations expressing our interest in getting  
20 rid of this, and we got a response from them, so they  
21 have considered it and I think maybe they've limited  
22 their use of the as required by the department, but  
23 they're still holding that, you know, that's a useful  
24 term for them, but we haven't taken it further to EPA.

25 MS. POWELL: Thank you.

1                   MR. VOGEL: No further questions? Thank  
2 you Alexandra for spending some time today with us.

3                   MS. GORMAN: Thanks very much. I really  
4 appreciate the opportunity.

5                   MR. VOGEL: You're welcome. Is there  
6 anyone else who is on the line? We will now take a  
7 break until our next speaker is scheduled at 3:20.

8                   (Recess taken)

9                   MR. VOGEL: Kathy, what we have been  
10 doing is allotting for questions -- I mean ten minutes  
11 for presentation and then ten minutes for questions and  
12 answers from the Task Force. We are taping this for  
13 audio transcripts and preparing a written transcript as  
14 well. So whenever you're ready, you can go ahead.

15                   MS. VAN DAME: My name is Kathy Van Dame.  
16 I'm from Salt Lake City, Utah. I'm with the Wasatch  
17 Clean Air Coalition and I have been reviewing Title V  
18 permits in Utah. I took some of the trainings that's  
19 offered by EPA and I think that they were very helpful.

20                   I don't really have a lot to say except  
21 for really to support the Title V program. I really  
22 appreciate the increased amount of -- or the formality  
23 of the requirements for public notification. I also  
24 think that the increased monitoring record keeping and  
25 reporting requirements are an asset to the environment,