

1                                   U.S. ENVIRONMENTAL PROTECTION  
2                                   AGENCY TASK FORCE ON THE PERFORMANCE  
3                                   OF THE TITLE V OPERATING  
4                                   PERMITS PROGRAM

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Washington Marriott

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1221 22nd Street, NW

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Washington, DC

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Friday, June 25, 2004

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9:05 a.m.

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Meeting of the U.S. EPA, was held on Friday,

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June 25, 2004, at 1221 22nd Street, NW, commencing at

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9:05 a.m., Michael Ling, presiding.

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## 1 PROCEEDINGS

2 (9:05 a.m.)

3 MR. LING: Why don't folks go ahead and  
4 take their seats. We'll call this to order here real  
5 soon.

6 (Pause.)

7 MR. LING: Good morning everyone. I want  
8 to thank everybody for coming today. My name is  
9 Michael Ling. The first thing you'll probably notice  
10 is that I'm not Bill Harnett. Many of you were  
11 probably expecting Bill to sit here today, but he was  
12 called away at the last minute. He's in Washington  
13 and he may make an appearance today depending on how  
14 his morning goes over at EPA.

15 But I found out last night that I'll be  
16 sitting in and chairing the meeting today for him.  
17 He will still be heavily engaged in this process.  
18 And like I said, he may be making an appearance later  
19 today.

20 I want to thank everyone for coming today.  
21 I especially want to thank the Task Force members for  
22 coming.

1           The success of this Task Force project  
2 will rely on the experience and involvement of the  
3 folks sitting around the table and will also rely on  
4 the involvement of folks who come and present us  
5 information.

6           This is principally an information-  
7 gathering exercise. Let me just say a few words  
8 about why we are here. This will be familiar to the  
9 Task Force and probably to some of you in the  
10 audience.

11           But the Clean Air Act Advisory Committee,  
12 which is a committee that provides advice to EPA  
13 about its clean air programs, created this Task Force  
14 to report back to its committee, the subcommittee on  
15 permitting, on the implementation experience with the  
16 Title V operating permits program.

17           Basically what they're asking for was a  
18 state of the Title V report. The advisory committee  
19 felt and EPA agrees that now is a good time to ask  
20 for this kind of report because it's been about 10  
21 years since the first state Title V programs got up  
22 and running and nearly all of the first round of

1 Title V permits have been issued.

2 Although some folks here have indicated that they  
3 don't have their Title V permits yet, virtually all  
4 of them have been issued. So as a result there's a  
5 tremendous amount of Title V experience out there in  
6 this room and around this table. We would like this  
7 experience to inform EPA's perspective as we move  
8 forward with our oversight of the Title V program.

9 The committee charged the Task Force here  
10 with answering two questions: How well is the Title V  
11 program performing? And what elements of the program  
12 are working well or poorly?

13 The committee asks the Task Force to  
14 prepare a report for them. And the report should  
15 answer those questions based on the information that  
16 we gather today and at the other Task Force meetings  
17 and throughout the public process, which is more than  
18 just these three meetings.

19 In preparing the report the committee gave  
20 us some further specific advice as we conduct our  
21 work. First,  
22 it will reflect the perspective of all the groups who

1 have a stake in the Title V program. Second, it  
2 should reflected to a maximum possible real world  
3 experience with the Title V program.

4 Many of you may have views about the  
5 wisdom of the enactment of Title V. But we're not  
6 here to debate that. In order to do our work the  
7 Task Force needs as much real information and  
8 examples and data as we can get.

9 The report should also describe  
10 information about things that are working well or  
11 leading to beneficial outcomes because as we move  
12 forward with oversight, we want to make sure we're  
13 not losing the beneficial things as we try to improve  
14 upon the things that are not beneficial.

15 Finally, the committee said that the Task  
16 Force may elect to make recommendations for improving  
17 the program based on the information that it gets.  
18 And we expect that will happen.

19 Overall I'm optimistic that this process  
20 will result in the collection of a lot of valuable  
21 information and some recommendations that EPA can use  
22 to make the Title V program more effective and more

1 efficient.

2 I want to talk briefly about the logistics  
3 of how today's meeting will be run. In just a minute  
4 I'm going to ask everyone on the Task Force to  
5 introduce themselves. But first I just want to talk  
6 a little bit about how I expect the day to unfold.

7 We have talked to the Task Force once via  
8 telephone. And we also had a group of CAAAC folks  
9 that helped us plan the logistics.

10 So what we're going to do -- the main goal  
11 of this process is to insure that everyone with  
12 information relative to the Task Force's mission will  
13 have a chance to be heard. I want to address a  
14 couple of issues that we have heard about.

15 The makeup of the Task Force. One of the  
16 issues is that there are four environmental groups as  
17 compared to six state and six industry. Our issue  
18 here was that we were supposed -- we needed to fund  
19 the environmental groups. Otherwise their  
20 participation might not be able to be full on the  
21 Task Force because of the travel, the way we set it  
22 up for travel around the country.

1           So we were limited in the number of people  
2 we could bring. But we've set it up so that all the  
3 views and all the stakeholder groups will be  
4 reflected. The Task Force is not a vote-based group.  
5 And as I said earlier, the report is going to reflect  
6 the views of all the stakeholders involved.

7           The other issue is I just want to point  
8 out that there are some who applied for the Task  
9 Force who are not on it, which is just simply not  
10 possible to represent every particular industry  
11 category or every particular kind of state program or  
12 whatever.

13           Title V has a wide variety of programs and  
14 sources out there that are covered. We tried to  
15 strike a balance in selecting the Task Force. But I  
16 again want to stress that we want everybody to be  
17 heard. And there's multiple ways to be heard.

18           People on the advisory committee will be  
19 reviewing the report. We're going to have public  
20 meetings. We're going to have an opportunity to  
21 provide written comments.

22           We would like for each person who comes

1 here today to present information to the Task Force.  
2 We'd like to have them have an opportunity to talk to  
3 the Task Force and interact with us.

4           With that in mind I'd like to invite the  
5 speakers to sit at the end of the table there.  
6 There's a microphone which you should always press  
7 the red button to talk. Make sure your red thing is  
8 lit up, because we're making an audio tape of this.  
9 And if your mic is not on, you will not be heard on  
10 the audio.

11           We'll take the speakers on a first-come,  
12 first-serve order. Based on what I've seen so far  
13 we're not going to have any trouble fitting today's  
14 speakers into the morning time.

15           Maybe that's an indication that the Title  
16 V program is working very smoothly if only two folks  
17 have come to speak about it. There might be some who  
18 would disagree with that conclusion.

19           So we'd like each speaker who comes to the  
20 table to introduce themselves. In the federal  
21 register we said you can limit yourself to five  
22 minutes, but I think today we're not going to be

1 wrestling you to the ground after five minutes.

2           Take as long as you want to present your  
3 perspective. Then after your presentation, the Task  
4 Force will likely want to ask follow-up questions.  
5 So we invite you to remain at the table to answer  
6 these questions.

7           I think the interaction between the  
8 speakers and the Task Force is going to be an  
9 important part of our information-gathering efforts,  
10 so we'll allow as much time for questions as we can  
11 within the constraints of time and the number of  
12 speakers. I think there will be enough time to do  
13 that this morning.

14           We are keeping a transcript of this  
15 meeting -- we have a court reporter over here -- that  
16 will ultimately be made available to the public in  
17 written form, as well as the audio recording that  
18 we're making. We will release it on the Internet.

19           We further invite people to submit written  
20 comments, which will be put in a docket that was  
21 established for this effort. And the process for  
22 submitting written comments is presented on our

1 website. But I would also ask people who have  
2 brought written presentations with them today to  
3 leave them with Shannon Cox, out front, who is the  
4 woman that you met when you checked in this morning.  
5 She is a contractor with EC/R, whom we've hired to  
6 support the Task Force efforts.

7 Also Graham Fitzsimons at the end of the  
8 table is with that same contractor there. If you  
9 have any questions about the logistics of signing up  
10 to speak or giving your comments for the docket or  
11 anything, speak to them.

12 They are also running the logistics of the  
13 meeting, so things like electrical outlets that we've  
14 had a question about already -- they're the ones to  
15 talk to about that.

16 As the website says, and I think as the  
17 Federal Register notice said, we're going to keep  
18 this open until 5:00 today.

19 Depending on turnout I think that there  
20 are folks on the Task Force who may have an interest  
21 in catching flights and may not stay until the end.  
22 And we understand that throughout this process it

1 won't be 100 percent Task Force attendance at all  
2 three meetings or for the entire day of all three  
3 meetings.

4 But the EPA folks will stay here. At  
5 least some of the EPA folks will stay here until 5:00  
6 today to hear from anybody who shows up or to take  
7 written comments from anyone.

8 Also I expect that because there are not a  
9 lot of speakers signed up today, there will be time  
10 for the Task Force to have an opportunity to discuss  
11 issues amongst themselves. There's a considerable  
12 body of Title V experience at the table.

13 I think most of you will have issues that  
14 you want to discuss or may want to react to some of  
15 what you've heard this morning. And I would  
16 encourage that.

17 There will be at least two more public  
18 meetings like this later in the year so those of you  
19 who wanted to come check out the first one to see how  
20 it goes, you can speak at the second one, which will  
21 be tentatively in Chicago in the middle of September.

22 September 14th is the tentative date, I

1 think, we've set up for that. But we'll be checking  
2 with the Task Force to see if that date is going to  
3 be problematic.

4           There will also be a meeting later this  
5 year in a Western state to make sure we have good  
6 geographic distribution. Depending on how the  
7 process is going, we may have additional meetings.  
8 But we haven't made any sort of commitment like that  
9 so far.

10           All the information about where the  
11 meetings will be and where they will be is regularly  
12 updated on our CAAAC advisory website, which is  
13 [www.epa.gov/oar/caaac](http://www.epa.gov/oar/caaac) -- Clean Air Act Advisory  
14 Committee.

15           Finally, as you will note from the  
16 handouts out front, we will be breaking for lunch at  
17 noon today. We'll be reconvening at 1:00. There's  
18 no formally scheduled breaks at any other time in the  
19 morning. But I think we can play it informally. And  
20 if the Task Force needs a break, just let me know.

21           I didn't check to see where all the  
22 important landmarks were -- like the restrooms and

1 other things. But I'm sure Shannon out front can  
2 help you.

3 That's the end of the logistical part of  
4 my talk. The last thing I want to do -- I want to  
5 allow all the Task Force members to go around and  
6 introduce themselves, say a few words about their  
7 interest and involvement in the Task Force and their  
8 interest and involvement in Title V permitting and  
9 any other introductory remarks that you might have.

10 Also because this is our first face-to-  
11 face meeting as a group, I would like the Task Force  
12 to just tell us if they would like -- tell us a bit  
13 about themselves.

14 I will begin by saying that I am pleased  
15 to be on this Task Force on behalf of EPA. I'm a  
16 little surprised to be sitting in this chair this  
17 morning, but I think that the Task Force offers a  
18 great opportunity to learn about the experiences with  
19 Title V and apply what we've learned -- EPA has  
20 learned -- to improve the Title V program at the end  
21 of this.

22 I want to provide us some brief

1 perspective on how this effort can help us better  
2 achieve the goals of Title V. There's not a  
3 definitive statement by Congress about the purposes  
4 of Title V in the Clear Air Act.

5 But various statements by Congress and by  
6 EPA in its rules and by others point to a range of  
7 goals for the Title V program. I'll just throw out a  
8 couple of these. The advisory committee listed these  
9 in its charge to create the Task Force.

10 The first goal was to create a written  
11 document, i.e., a permit that clearly compiles all  
12 the sources of applicable Clean Air Act requirements  
13 into one place, thus enabling sources, states, EPA,  
14 and the public to better understand the requirements  
15 that apply to the source.

16 Second, to enable sources, states, and the  
17 EPA not only to better understand them but to better  
18 know whether a source is meeting them.

19 Third, to trigger actions by these sources  
20 that result in better compliance with the Clean Air  
21 Act.

22 Fourth, to allow for better enforcement by

1 EPA and states of the Clean Air Act requirements.

2 Fifth, to improve citizen participation in  
3 air quality decisions by involving the public in the  
4 issuance of permits.

5 Sixth, to improve EPA's ability to  
6 implement and oversee the other Clean Air Act  
7 programs like air toxics, acid rain and so on.

8 Seventh, to enhance EPA and state  
9 government's ability to do more efficient and  
10 effective air quality planning. There is sort of  
11 sort of a feedback loop between Title V and the other  
12 programs.

13 Eighth -- there's only nine of these -- to  
14 insure the self-funding's adequate so that the states  
15 can run the programs effectively.

16 And finally and ultimately, to improve air  
17 quality.

18 To me if these sound relatively  
19 straightforward -- and I think most of you would  
20 agree that they're appropriate goals for EPA to be  
21 pursuing as we work to implement the Clean Air Act.  
22 However, pursuing each one of these goals carries

1 with it an associated burden.

2 To make the Title V program work better we  
3 need to insure that the program is effectively  
4 achieving these goals while minimizing the burden.

5 It's difficult for us to do this in the  
6 Title V program. It's very hard to measure success -  
7 - whether we're meeting these goals. You can't just  
8 put out an air quality monitor before and after a  
9 source gets a Title V permit to measure whether it's  
10 triggering actions that result in better compliance  
11 with the Clean Air Act.

12 The benefits of improved compliance --  
13 better public participation, more efficient air  
14 quality planning, and so forth, are often intangible  
15 and very difficult to assess.

16 So we are looking to the Task Force and  
17 the presenters today to help us get information that  
18 we can use to make this assessment however that ends  
19 being done.

20 Similarly we are looking to the Task Force  
21 and the other presenters to help us identify the  
22 factors that are contributing to unnecessary burdens

1 or that are acting as barriers to the program  
2 achieving its benefits.

3 So we will be very interested in hearing  
4 the information and examples and your personal  
5 experience. And I'm speaking to the Task Force and  
6 the speakers when I'm saying that as to what is and  
7 isn't working well about Title V.

8 We're especially interested in issues that  
9 you see as currently the most relevant to you or that  
10 you see as the most important to the success of the  
11 program or that are most likely to have broad  
12 applicability -- not just local parochial kinds of  
13 issues and ones that can be identified and  
14 illustrated with specific examples that would give us  
15 a basis for going forward if we want to make  
16 improvements.

17 As I said earlier, we'd like to stress  
18 what's working well, as well as what isn't working so  
19 that we can preserve the good things about Title V as  
20 we move forward.

21 One last point. There is still active  
22 litigation on the original Title V rules. I would

1     like as much as possible for this forum not to be a  
2     forum for debating those litigation issues.  There  
3     will be an appropriate forum for doing that in the  
4     context of the litigation.

5                     But I would like this not to be that,  
6     because this is more of an information-gathering  
7     forum.  Sharing information that are touched by the  
8     litigation seems worth while.  But actually trying to  
9     get into the litigation is something that we hope not  
10    to do.  And I hope other folks are in agreement with  
11    that.

12                    I look forward to hearing from the Task  
13    Force and from today's speakers.  And I will turn it  
14    over to Bob.

15                    MR. MOREHOUSE:  I'm going to just give a  
16    brief introduction.  I think that's the intent  
17    initially, Michael.  I'm Bob Morehouse.  I currently  
18    work with Exxon/ Mobil.  Just as background, after  
19    coming out of school I worked three years as an  
20    environmental consultant -- 28 years with  
21    Exxon/Mobil, the first 18 in a variety of technical  
22    marketing operations (either technical jobs,

1 management positions), the last 10 years in the  
2 environmental area, 6 of which involved the RCRA  
3 program and the last 4 with air.

4           Within our company I have responsibilities  
5 across really all of our operations in the United  
6 States. Specifically Title V activities is one area  
7 that I have responsibility for in terms of our  
8 working with our various sites and setting up  
9 compliance assurance systems as well as taking care  
10 of the regulations themselves and helping our sites  
11 understand the requirements of Title V, taking a look  
12 at permits as sites need support, compliance support  
13 on permit type issues, whether it's reporting Title V  
14 deviations -- that type of activity.

15           I'm also involved in a number of other air  
16 issues, both as a company member but also through  
17 some of the trade organizations here in Washington --  
18 primarily the American Chemistry Council -- but also  
19 I certainly interact with American Petroleum  
20 Institute as well as the NPRA.

21           I get involved in activities both here as  
22 well as certainly compliance support for our

1 facilities. My primary interest over today and  
2 future meetings -- I'll talk about our experiences --  
3 really is to share some of our company experiences.

4 We have just in our major facilities, our  
5 chemical plants and refineries, we probably have more  
6 than 80 permit applications in. We still have a  
7 number of permits that we have not yet received --  
8 some of the large facilities.

9 But we certainly have a lot of facilities  
10 across numerous states in the country and it's my  
11 intent to pull together that information, share that  
12 with the Task Force, as well as encourage some of the  
13 trade organizations I work with to also put together  
14 information that I think would be valuable for the  
15 Task Force in assessing the performance of the Title  
16 V program.

17 MR. VAN DER VAART: My name is Don VAN DER  
18 Vaart. I'm with the North Carolina Division of Air  
19 Quality. My group is responsible for issuing all the  
20 Title V permits in North Carolina.

21 By way of background, before coming to the  
22 state I worked for a number of years with Shell

1 development on their R&D side. I also worked for  
2 some university research organizations mostly in the  
3 field of combustion and hydrocarbon processing.

4 I've also been the environmental manager  
5 for a utility, so that makes me one of the few people  
6 that have operated both in the free enterprise system  
7 and in the public monopolies.

8 At any rate, most of my time now is spent  
9 with the state in issuing Title V permits. And I'm  
10 very excited to be here to try to clarify how this  
11 program is achieving the goals that Michael stated,  
12 primarily that we're to look at these permits as a  
13 single source for exactly all the obligations and  
14 requirements under the Clean Air Act.

15 MR. GOLDEN: I'm David Golden with Eastman  
16 Chemical Company. I first became interested in clean  
17 air when I was in law school, going to school in an  
18 area that probably wasn't an attainment for all the  
19 ambient air quality standards let's say.

20 I clerked for a law firm and was impressed  
21 with the role attorneys can play in helping clients  
22 understand complex regulatory programs and

1 influencing them to comply with them.

2 So after law school I went into private  
3 practice with Lauren's firm. After that I went in  
4 house with Eastman Chemical Company, which was about  
5 nine years ago. Eastman is one of those companies  
6 that you're probably most familiar with Eastman  
7 Kodak, which we're no longer a part of.

8 We are one of those that makes lots of  
9 things that are in the products you buy, but none of  
10 them are the products you buy. We're downstream from  
11 Bob's company but upstream of pretty much what you  
12 generally buy in the store. I've been working with  
13 Title V literally since the rules went final. I've  
14 helped a number of companies, prior to coming with  
15 Eastman, understand the rules and begin the  
16 application process.

17 Eastman as well has filed over 50  
18 applications, and worked in clean air permitting in  
19 over a dozen states. I'm not only helping with  
20 applications, but permit negotiations and I think  
21 most importantly designing the compliance systems  
22 necessary to insure compliance and that reasonable

1 inquiry occurs, that the responsible official can  
2 feel comfortable with certification.

3 Most recently, in addition to clean air  
4 duties, I've become the director of corporate  
5 compliance for Eastman Chemical Company and I've been  
6 struck with how Title V to some degree was Sarbanes-  
7 Oxley for air before Sarbanes-Oxley was around,  
8 before certifications became popular.

9 Anyway, I'm looking forward to working  
10 here and see what we can do to capture what's good  
11 and improve what's not quite as good.

12 MS. FREEMAN: Good morning. Lauren  
13 Freeman with the law firm of Hunter and Williams.  
14 And I'm located here in Washington, D.C. I've been  
15 practicing under the Clean Air Act I guess for about  
16 14 years now -- almost exclusively under the Clean  
17 Air Act.

18 I'm here today representing the  
19 constituency of the Utility Air Regulatory Group,  
20 which is a group of, I guess, about 50 individual  
21 electric utility companies and generating companies.  
22 Depending on how you count them, it could be anywhere

1 from 50 to 100. With mergers the number is changing  
2 every day.

3 The purpose of UARG is to participate in  
4 Clean Air Act rulemakings and litigation on behalf of  
5 the utility industry. Through my work with them I  
6 have participated obviously in all the major  
7 rulemakings for Title V and much of the litigation.

8 But my day-to-day work with UARG is  
9 primarily in counseling -- counseling and  
10 interpretation of -- counseling on compliance  
11 certifications and reasonable inquiry, which David  
12 Golden mentioned.

13 I also represented individual utility  
14 companies on those same issues, helping to draft  
15 permits, permit applications, interpret -- I'm hoping  
16 to share some of the experiences of the UARG members  
17 and the other individual members through this Task  
18 Force participation.

19 MR. HITTE: Good morning. My name is  
20 Steve Hitte with the U.S. EPA. I guess I have the  
21 dubious distinction of being the program manager for  
22 the Title V program.

1           I've been with EPA my entire career, which  
2 is getting on over 30 years now. And I've been in  
3 various positions, worked in various places at EPA,  
4 ranging from solid waste programs to the drinking  
5 water programs to the compliance enforcement program  
6 and for the last probably 12 to 13 years in the air  
7 program, specifically with the Title V program, which  
8 I had to look up before I came because I forgot how  
9 long I've been here -- about 10 years now.

10           Like everyone else I do look forward to  
11 hearing what people have to say. I sit in this seat,  
12 where I hear a lot of things from all of the  
13 stakeholders out there, both what's working and  
14 what's not working well.

15           Some of it is probably very true and some  
16 of it's probably just a stretch of the truth.  
17 Nonetheless, I hope to gather the facts over this  
18 meeting and the other meetings so we do have a good  
19 product to produce.

20           If there's areas where we can improve this  
21 program, which I'm sure there are, that's definitely  
22 my goal to do that.

1 MS. POWELL: My name is Keri Powell here  
2 representing the New York Public Interest Research  
3 Group. I've been involved in the Title V program  
4 since 1998. Most of my experience has been with the  
5 New York Title V program.

6 While I was at NYPIRG as a staff attorney  
7 I reviewed and commented on about 50 Title V permits  
8 and filed petitions on more than a dozen of those.

9 I have also played a leading role in  
10 organizing grassroots advocates around the country to  
11 teach them about the Title V program and the  
12 opportunities that it provides.

13 I hope as a member of this Task Force that  
14 I'll be able to bring a perspective on how this  
15 program serves as a tremendous tool for the public to  
16 get involved in the regulation of clean air in their  
17 communities. And it really opens the process up in a  
18 way that just wasn't happening before the  
19 implementation of the Title V program.

20 MS. KADERLY: My name is Shelley Kaderly,  
21 the Air Director for the state of Nebraska  
22 Environmental Agency. I've been with the Nebraska

1 Environmental Agency for about 13 or 14 years. And  
2 I've been in the air program for the majority of that  
3 time.

4 I have also been involved in the superfund  
5 and the water programs as well. I moved over into  
6 the air program right when Nebraska was starting to  
7 implement Title V. One of my first duties was to get  
8 involved with the fee program and also to write Title  
9 V permits.

10 I hope to bring to you all a perspective  
11 from a smaller state agency that has had to implement  
12 this program, bring perspective on the benefits we've  
13 received from it, as well as some of the challenges  
14 we've had to face over the last 10 years. And I look  
15 forward to working with all of you.

16 MR. PAUL: I am Bernie Paul with Eli Lilly  
17 and Company. It's a research-based pharmaceutical  
18 company out of Indiana. We have seven facilities,  
19 either research or manufacturing facilities that are  
20 subject to the Title V program in Indiana and in  
21 Puerto Rico.

22 We have Title V permits or FESOP permits

1 for about half the facilities. Although you can't  
2 divide seven by half, I'll let you guess whether we  
3 have three or four. I've also been involved in  
4 various industry-based groups, working with state  
5 agencies and the U.S. EPA on Title V.

6 The state of Indiana spent a few years  
7 developing model permits before they really started  
8 rolling them out. I was pretty heavily involved in  
9 the development of that model permit, providing the  
10 business perspective on what went into the model  
11 permit.

12 I've also been involved in efforts with  
13 the pharmaceutical industry and other multi-industry  
14 groups that have to live with the Title V program.  
15 And I've tried to offer feedback to state agencies  
16 and EPA about how the program is working.

17 What I was thinking about -- what I was  
18 going to say -- I thought I might offer a cute quote.  
19 I'll still offer this cute quote, but it may not be  
20 true.

21 I was going to quote a former major league  
22 baseball manager named Wes Westrum, who once said

1 after he was besieged by reporters why he did  
2 something in a particular game. He said, "Baseball  
3 is like religion. Many attend but few understand."

4 And I was thinking the same applied to  
5 Title V. But after looking around this table, I  
6 think maybe more people understand Title V than I was  
7 giving them credit for.

8 A couple of things that I wanted to just  
9 initially learn from the Task Force members and from  
10 the public participants who will be speaking -- I'm  
11 real interested in understanding the views of the  
12 state agencies as they try to implement the program,  
13 because they are sort of the fulcrum of the program.

14 I think their views about how it's  
15 working, what are its successes and problems, are  
16 very, very important.

17 I'm also interested in hearing the views  
18 of environmental organization stakeholders, in  
19 particular, with what I see as sort of what can be  
20 the crushing weight of Title V.

21 It's so detailed and so heavy with multi-  
22 100-page permits and multi-100 page quarterly reports

1 and annual compliance certifications. How do the  
2 people on the outside of the program view it in that  
3 light? That's my opening statement.

4 MS. SINGH: I'm Padmini Singh. I'm from  
5 EPA's Office of General Counsel. Our office works  
6 very closely with the Office of Air Mediation on all  
7 aspects of their work providing counseling for day-  
8 to-day questions, rulemakings, and working with the  
9 Department of Justice when litigation arises on any  
10 of the issues that were worked on.

11 At a personal level I worked out of law  
12 school. I went to a private law firm, worked there  
13 for a number of years, then came to EPA.

14 At EPA I worked -- before I came to the  
15 Air Remediation Office I worked at the pesticides and  
16 toxic substances law office, then the international  
17 environmental law office.

18 And now, in a rather checkered career, I  
19 am back now in the General Counsel's Office. We're  
20 looking forward to hearing your experiences on the  
21 Title V program and what we can do better.

22 Thanks.

1           MR. VOGEL: My name is Ray Vogel with U.S.  
2 EPA. I work in the operating permit program.

3           My main role is to support the Task Force  
4 in whatever capacity they'd like. I've worked on the  
5 Title V program since the proposal of the part 70  
6 regulation's final promulgation came out in 1992 and  
7 probably on just about every rulemaking that's  
8 occurred since then, some of which were published,  
9 some of which were not published.

10           I guess my intent -- one of the things I  
11 would like to make sure happens here in this process  
12 is to come up with some real examples of what's  
13 working and what isn't working with Title V.

14           Since the inception of the program during  
15 its implementation, when states were first issuing  
16 permits, and since then we've met with a lot of state  
17 and local industry groups.

18           One person would make statements about  
19 things that were not working well. We would always  
20 ask them, "Well, do you have examples of real  
21 situations that illustrate what you're talking  
22 about?"

1                   We never saw those real examples. I would  
2 still hope that we'd get some real examples out of  
3 this Task Force as a way of demonstrating that some  
4 of these situations or beliefs that people have are  
5 either real or they're not real. That would be one  
6 of my hopes.

7                   MS. KEEVER: I'm Marcie Kever with Our  
8 Children's Earth. We're a San Francisco based  
9 nonprofit organization.

10                   For the past three years we've spent a lot  
11 of time commenting on Title V permits. We've  
12 commented on at least 25 facilities and filed at  
13 least 5 petitions in conjunction with other groups in  
14 the Bay area and across the country.

15                   I really do hope to bring a community  
16 perspective to Title V and the experiences that we  
17 and others have had in the Bay area with the Title V  
18 program and how it has really helped communities  
19 become involved in the facilities that are in their  
20 communities and giving them an opportunity to speak  
21 out and really understand the Clean Air Act  
22 requirements.



1 and trying to hopefully get those issues in the next  
2 year or so.

3 Thank you.

4 MR. HODANBOSI: My name is Bob Hodanbosi  
5 with the Ohio Environmental Protection Agency. I've  
6 been employed by the agency for more than 30 years  
7 now.

8 I've had an opportunity, looking around  
9 the table, to work with about half of you over the  
10 years. So it's good to see that we have that type of  
11 experience here to work on this project.

12 One of my other goals is I am chair of the  
13 permitting committee for the State and Territorial  
14 Air Pollution Program Administrators (STAPPA). In  
15 that role, along with that Ursula Kramer, chair of  
16 the local side of the organization, we hear a lot  
17 about Title V and things from the various state and  
18 locals about some of the frustrations in making this  
19 program work.

20 It certainly appears from my perspective  
21 that there's some fertile ground here to work on and  
22 come up with recommendations so we can improve

1 overall the processing of Title V permits and still  
2 meet those objectives Michael laid out when he went  
3 through the nine separate items. I don't think  
4 anybody has a disagreement with any of those.

5 It's just turning out to be a much longer,  
6 more arduous process to get through all these permits  
7 than I think anybody envisioned.

8 I'm looking forward to working with all of  
9 you and seeing if we can come up with a good package  
10 that then EPA can take and depending on those  
11 recommendations, the nature of those, to move forward  
12 so we can meet all those objectives, but still do it  
13 in an efficient way.

14 MS. OWEN: Good morning. My name is  
15 Verena Owen. Just let me say two things up front --  
16 (a) I don't think I have an accent.

17 (Laughter.)

18 MS. OWEN: But I was born and raised and  
19 received a degree in biology in Berlin, Germany.

20 And secondly, if you have not yet heard of  
21 the Lake County Conservation Alliance, I won't hold  
22 it against you. We are a grassroots environmental

1 organization that serves as an umbrella group for  
2 small groups, neighborhoods, PTO's.

3 We are a not-for-profit organization. We  
4 are all volunteer. We don't have any paid staff.  
5 Although we're located in Lake County, we certainly  
6 have done a lot of work all over the state on Title  
7 V.

8 We're very much hands on and we offer  
9 guidance. But we also do outreach if we think it's  
10 necessary.

11 I applied for this Task Force because I  
12 strongly felt that concerned citizens should have a  
13 voice at this table. And I hope that I can maybe  
14 offer a very different perspective at times from  
15 years of work really in the trenches.

16 MS. BROOME: Good morning. My name is  
17 Shannon Broome. I'm here on behalf of the Air  
18 Permitting Forum. Just for the background  
19 perspective, I came out of school with a chemical  
20 engineering degree. So even though I'm a lawyer,  
21 usually the engineers give me a break and they'll  
22 talk to me.

1           I went and worked at a law firm and then I  
2 worked at General Electric for quite some time on  
3 their Title V program -- getting that off the ground.  
4 And others have taken that and really sailed to  
5 fruition since I left.

6           But day to day my life is pretty much  
7 Title V. Some of you may find it kind of amazing  
8 that I would do that day to day, but I find myself in  
9 two to three states a day -- in my mind obviously,  
10 not travelling fortunately, but in different  
11 regulations.

12           And I have experience with, I would say,  
13 about 25 states that I've done Title V permits in.  
14 And I'm working with facilities that are on the  
15 ground trying to implement the program after they  
16 have the permit.

17           And everybody thought they thought of  
18 everything that needed to be done. Then you find  
19 that typo or you find that thing and it's got to be  
20 revised. How do we get through that day- to-day  
21 compliance certification issues as well?

22           So I'm hoping to bring that practical

1 perspective to the Task Force and to hear everybody  
2 else's views and see if we can reach some common  
3 ground on goals and maybe some recommendations as to  
4 how things can be improved.

5 Thank you.

6 MS. ANDERSON: I'm Kathleen Anderson with  
7 EPA, but I'm with EPA region III. Region III is the  
8 lead region for permitting. So I'm here representing  
9 all 10 regional offices.

10 Personally I have as many years in the  
11 government as I do in private industry. I've even  
12 been part of -- I've even had to develop a compliance  
13 certification, compliance system, done reasonable  
14 inquiries so I have as much experience being a  
15 regulator as I do being a regulated person or  
16 regulated entity.

17 So I'm very curious or very hopeful that I  
18 can bring something here and learn something as well.

19 One of the things the regional offices  
20 have is kind of the middle man position. We can see  
21 the struggles that the states have in implementing  
22 this program.

1                   And this truly is a very difficult program  
2 to implement. It's also a difficult program to  
3 implement if you're in industry.

4                   So I'm hoping I can bring some  
5 recommendations and learn something as well. Thank  
6 you.

7                   MR. WOOD: Mike Wood with the Weyerhaeuser  
8 Company. I'm an environmental affairs manager  
9 supporting facilities in the central part of the  
10 United States.

11                   I work with six facilities that have Title  
12 V permits right now that have been involved in all  
13 phases of the permitting process. One of the  
14 facilities has yet to get their final first Title V  
15 permit.

16                   Three of those have already been through  
17 renewals. We've even experienced some enforcement  
18 activity at one of our facilities.

19                   So we take Title V very seriously. And I  
20 am pleased to be part of this Task Force. I think  
21 it's important that all stakeholder perspectives are  
22 heard and addressed. I commend EPA for forming this

1 group.

2 MR. PALZER: I'm Bob Palzer. I'm a  
3 volunteer for the Sierra Club. I have been an  
4 activist for more than 40 years. I was involved in  
5 trying to get the original Clean Air Act implemented  
6 and putting Title V program in place.

7 I serve as a volunteer for the Sierra  
8 Club. I was chair of their national air committee.  
9 And now I'm a senior policy advisor for that  
10 committee.

11 I've worked on a lot of permits, both in  
12 working with the sources and agencies and drafting  
13 them and reviewing them and commenting.

14 What I'm hoping to get out of this process  
15 is an opportunity to fix what needs to be fixed. And  
16 I think there are some things. And to see what kind  
17 of common ground there is on problems that the  
18 sources have as well.

19 Thanks.

20 MR. MESSINA: Ed Messina, an attorney with  
21 the air enforcement division at EPA. I'm here  
22 subbing for my assistant director, Carol Holmes.

1           The air enforcement division is  
2 principally responsible for coordinating with the  
3 region's air enforcement efforts around the country.  
4 We support all the nine goals of the Title V program.  
5 And I think at the end of the day our focus will  
6 probably be on the principal goal of better  
7 understanding how the source is meeting its clean air  
8 obligations.

9           I'm very interested to hear what people  
10 have to say in the Title V programs. So thanks.

11           MR. HIGGINS: My name is John Higgins.  
12 I'm with the New York State Department of  
13 Environmental Conservation. I have been with the  
14 division of air resources since 1968. I was in  
15 charge of the whole permitting program from 1993  
16 until 2003.

17           In New York we have about 550 Title V  
18 facilities, all of which have been permitted once.  
19 So we started doing renewal permits a year ago. So  
20 it's our second time around the block with Title V.  
21 Our facilities range from Kodak Park, which is one of  
22 the larger industrial complexes you'll find anyplace,

1 down to 25 tonners down in New York City, because of  
2 the ozone non-attainment designation in that neck of  
3 the woods.

4 We spent a huge amount of resources during  
5 the Title V program. The main reason we wanted to be  
6 here is because we wanted to hear everybody else's  
7 impression of how it was for them.

8 We did a lot of work. We worked with a  
9 lot of companies. We worked with a lot of  
10 environmental groups. We expended a lot of the  
11 taxpayer dollars. We had a reasonably positive  
12 experience. And I'm just interested in hearing how  
13 it went every place else.

14 I'm also in a corollary role representing  
15 the NESCOM states, which is New England, New York,  
16 and New Jersey at the table here also.

17 MR. LING: I recognize that I forgot to  
18 say a few words about myself. I gave EPA's  
19 perspective, but I'm Michael Ling. I work for Bill  
20 Harnett in the front office or what we call the  
21 division office of the division he directs, the name  
22 of which is very unwieldy.

1           I have an undergraduate degree in physics.  
2   And I have a master's degree in environmental  
3   management. I started out working as a contractor  
4   focused on new source review on Title V issues.

5           Then I came over to EPA and worked with  
6   Steve and Ray in the Title V permit program. For  
7   about the last five years I've been working directly  
8   with Bill Harnett on the issues that our division  
9   faces, most of which seem to involve NSR -- it's  
10   Title V. It's been a fairly busy time in NSR lately.  
11   But we're also very interested in turning our  
12   attention to the Title V program.

13           Also I spent a year as a fellow on Capitol  
14   Hill working for the Senate Environment Committee and  
15   learned how the legislative branch looks at the  
16   executive branch.

17           So with that I will just say that I am  
18   fully supportive of the EPA's goals for this program.  
19   I think it makes a lot of sense for EPA to always be  
20   looking for ways to improve the efficiency and  
21   effectiveness of its programs. I think it also makes  
22   a lot of sense for us to gather a lot of information

1 before we set out to do something. And those are my  
2 two goals here.

3 Keri.

4 MS. POWELL: Michael, I'd like to go on  
5 record that I strongly object to EPA's decision to  
6 only put four environmental advocates on the Task  
7 Force. I am aware that there were at least a few  
8 advocates who applied for the Task Force saying that  
9 they were able to pay their own expenses to  
10 participate.

11 I'm unaware of any attempt by EPA to reach  
12 out to advocates to find out whether they could at  
13 least pay some portion of their costs or whether  
14 there were any other advocates that they could think  
15 of that would be able to support their own financial  
16 expenses for participating on this Task Force.

17 As a Task Force member I'm troubled by the  
18 decision because at the outset anyone that looks at  
19 the composition of this Task Force views it as being  
20 stacked against the environmental perspective. I  
21 think that that's a negative impression to give --  
22 whether EPA intended to give that impression or not.

1                   It's something that I think should have  
2                   been recognized at the outset. I would encourage the  
3                   agency to reconsider that decision and appoint two  
4                   additional environmental group representatives to the  
5                   Task Force.

6                   Thank you.

7                   MR. LING: Those concerns are noted. Like  
8                   I said, a transcript of this is being made.

9                   I will say my hope would be it certainly  
10                  wasn't EPA's intent to create that impression if  
11                  that's how it's viewed. I'm disappointed to hear  
12                  that it is being viewed that way by some.

13                  I would request that folks on the Task  
14                  Force respond with some of the points that I made  
15                  earlier about how it isn't really a vote-based Task  
16                  Force and the intent is to make sure that everyone  
17                  has a chance to be heard. I hope that that's the way  
18                  that the Task Force does its business.

19                  I have been given a list of folks who have  
20                  signed up to speak this morning. Presently there's  
21                  five folks on the list. I'll just start, like I  
22                  said, first come, first serve. The first person on

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