



# Air Bureau Permit Program Review



May 13, 2010



# Executive Order 39- Permit Task Force

Charge:

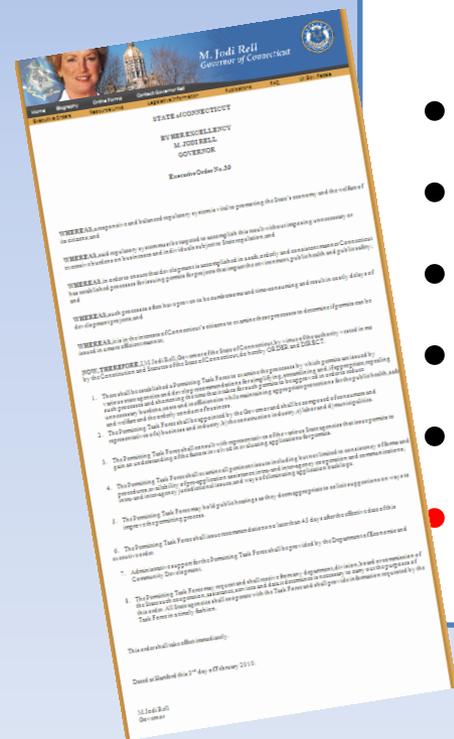
- Simplify and streamline
- Repeal as appropriate
- Shorten timeframes
- Maintain public health and orderly conduct of business
- Submit report to the Governor



# Report Completed April 2010

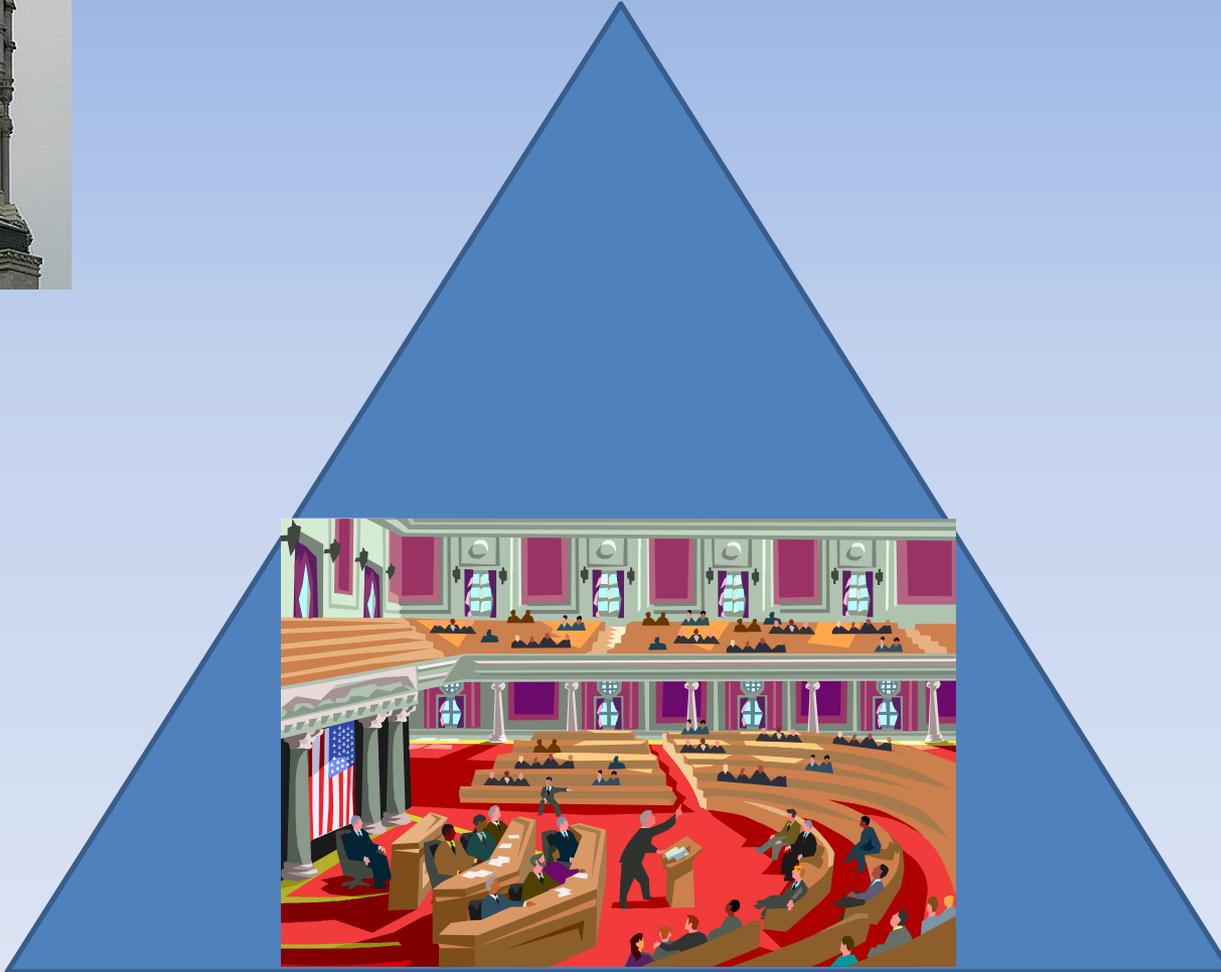
## Task Force Recommendations:

- Timeliness is sufficiency in 60 days and technical review in 180 days
- Complete Air Program Review in May 2010
- Establish DECD permit ombudsman
- Expand GPs
- Change Adjudicatory process
- Expand e-Gov
- Use regs in force at time of application



NOTE: EPA requires permits meet regs in place at time of issuance.

# Legislative Activity





# ***ACC Expedited Permitting for Economic Development***

**DEP permit timeframe review and report by Sept 30, 2010.**

**New timeframes to identify deficiencies in permit apps and issue TDs.**

- All deficiencies in writing to applicant w/in 60 days
- TD w/in 180 days of sufficiency

**Identify process improvements, resources and program changes necessary to meet new timeframes.**

Annual report on failures to meet new timeframes.

Plan for expedited permitting process pilot for 200+ manufacturing facilities.

Public process procedural review, including procedures for GPs with recommendations for revisions to CGS.

DECD permit ombudsman and interagency MOU for process expediting.

DEP consulting services program w no NOVs or civil penalties for minor violations.





# Stationary Source Requirements Mandated by Federal Rules

## Permitting programs:

- New source review (PSD in attainment areas and offsets in nonattainment areas)
- CAIR and Acid Rain
- CAA Title V (major sources)

## Performance standards

- NSPS, MACT, BACT/LAER, CTGs, NESHAPs

## Monitoring, reporting & record keeping





# Major Rules Adopted by EPA

## Not Addressed Yet in CT

2006 PM<sub>2.5</sub> NAAQS and associated permitting requirements

2010 NO<sub>2</sub> 1-hr NAAQS and associated permitting requirements

Annual updates to LEV standards





# Major Stationary Source Rules Anticipated From EPA in 2010/2011

2010 1-hr SO<sub>2</sub> NAAQS (1-hr) and associated permitting requirements  
(Final June 2010)

GHG Tailoring Rule (Final May 2010)

2010 Ozone NAAQS and associated Implementation Rule  
(Final August 2010)

MACT for boilers (Final December 2010)

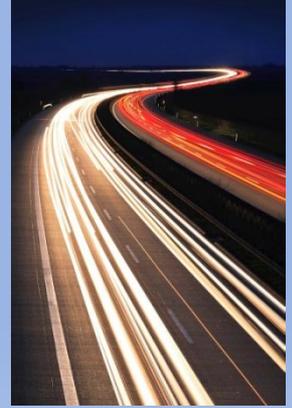
Clean Air Transport Rule (Final spring 2011)

EGU MACT (Final November 2011)





# Continuous Improvement



5 TPY  
threshold to  
15 TPY and  
permit by  
rule

Single  
permit  
processes

Update  
modeling  
guidance,  
put data on  
web

SAS to EMIT

OTC  
outreach

Continued  
stakeholder  
involvement

# The Products and Processes of CT DEP Air Permitting



Ric Pirolli, Assistant Director, Technical Services



# Types of Air Permits

New Source Review (Permit to Construct and Operate)

Federally Required Operating Permits

- Title V – Facility-wide
- Title IV Acid Rain
- Clean Air Interstate Rule (CAIR)

General Permit to Limit Potential to Emit (GPLPE)

Indirect Source



# New Source Review (NSR)

Individual Permit to Construct and Operate

Major NSR

- Prevention of Significant Deterioration
- Non-Attainment NSR

Minor NSR

Non-Minor Permit Modification

Minor Permit Modification

Permit Revision

Permit Revocation

Permit Transfers



# Operating Permits



## Title V Operating Permit – Facility-wide

- Potential Emissions are at major levels

## Title IV Acid Rain Permit

- Electric Generating Units > 25 Mw
- NO<sub>x</sub> and SO<sub>2</sub>

## CAIR

- Electric Generating Units > 15 Mw
- NO<sub>x</sub>



# Federally Driven Regulatory Timelines for Operating Permits

## Title V Permits

- Sufficiency within 60 days or considered sufficient
- 18 months to issue new Title V permit
- 12 months to issue a modified or renewed Title V permit

## Title IV Permits

- Sufficiency within 60 days or considered sufficient
- 18 months to issue permit

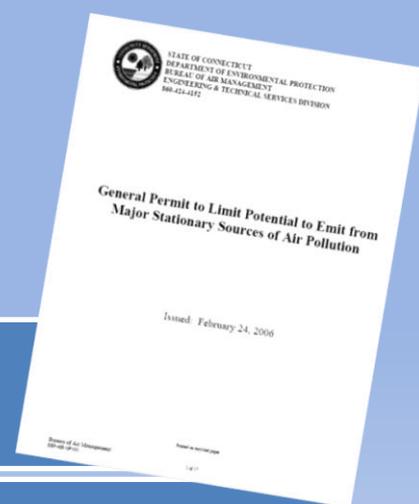
## CAIR Permits

- Reopening procedures per Section 33(s) i.e. incorporate into renewal process with less than 3 years remaining in Title V permit term





# GPLPE



State Operating Permit

Developed for facilities with potential emissions greater than major levels but with actual emissions below

5 year permit term

Streamlining approach for Title V

Benefits for NSR and RACT (minor source)

Benefits for MACT (limit HAPs)





# Permit Universe



252 GPLPE, 84 Title V, 14 Title IV, 24 CAIR Sources

Averaged 180 applications per year (1995-2009)

134 Active cases

Backlog – 7 Title V (> 18/12 month), 56 NSR (> 6 months)

Sufficiency Review (60 days and over):

- NSR: 7% (126 out of 1882 applications)
- Title V: 30% (67 out of 223 applications)

Technical Review(180 days and over):

- NSR: 11% (243 out of 2168 applications)
- Title V: 33% (75 out of 225 applications)



# NSR Sufficiency Timeline

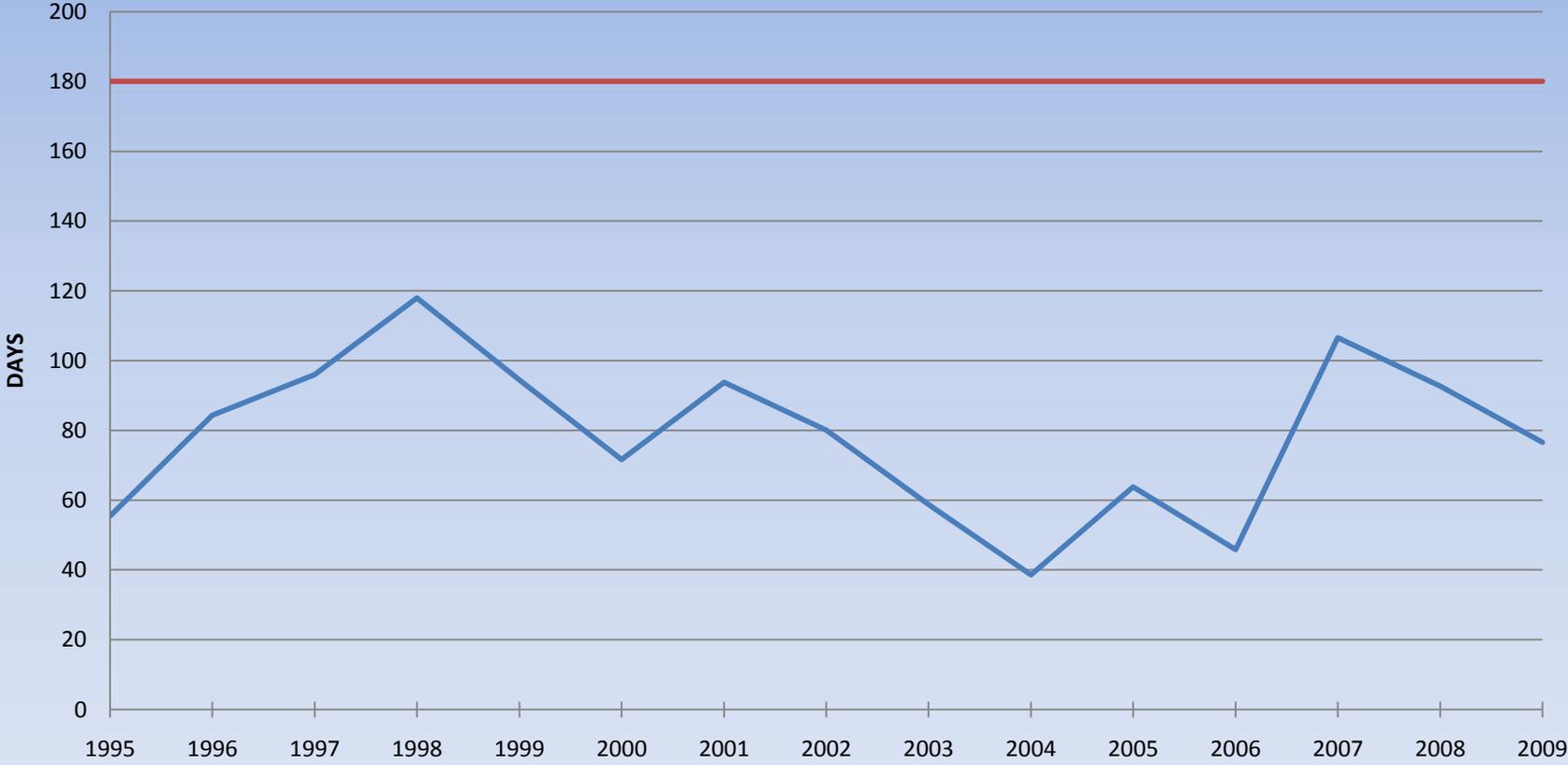
## 1995 - 2009 Sufficiency Review - Average Days





# NSR Technical Review Timeline

1995 – 2009 NSR Technical Review - Average Days





# Title V Sufficiency Timeline

1996 - 2009 Title V Sufficiency Review - Average Days

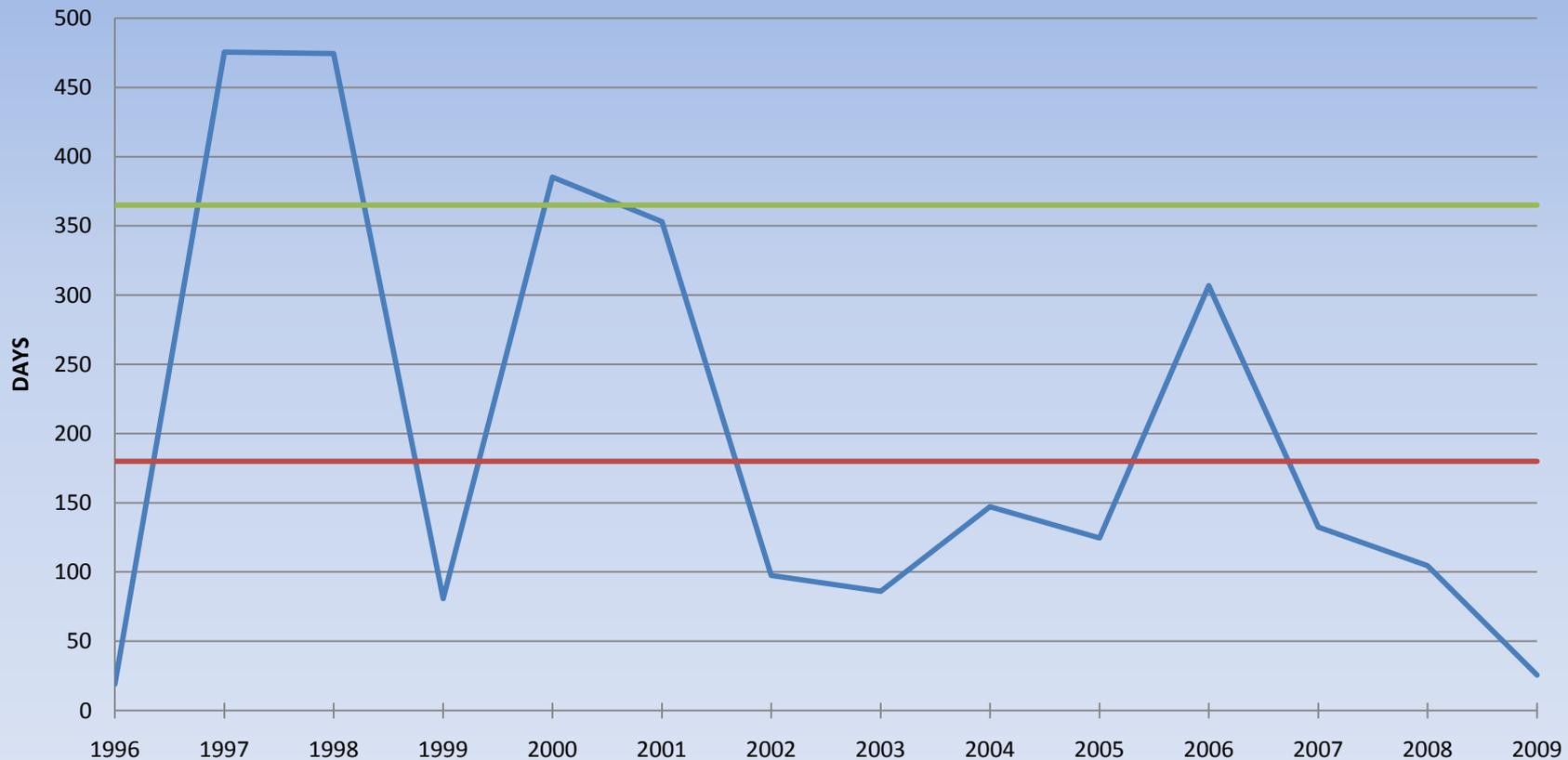




# Title V

## Technical Review Timeline

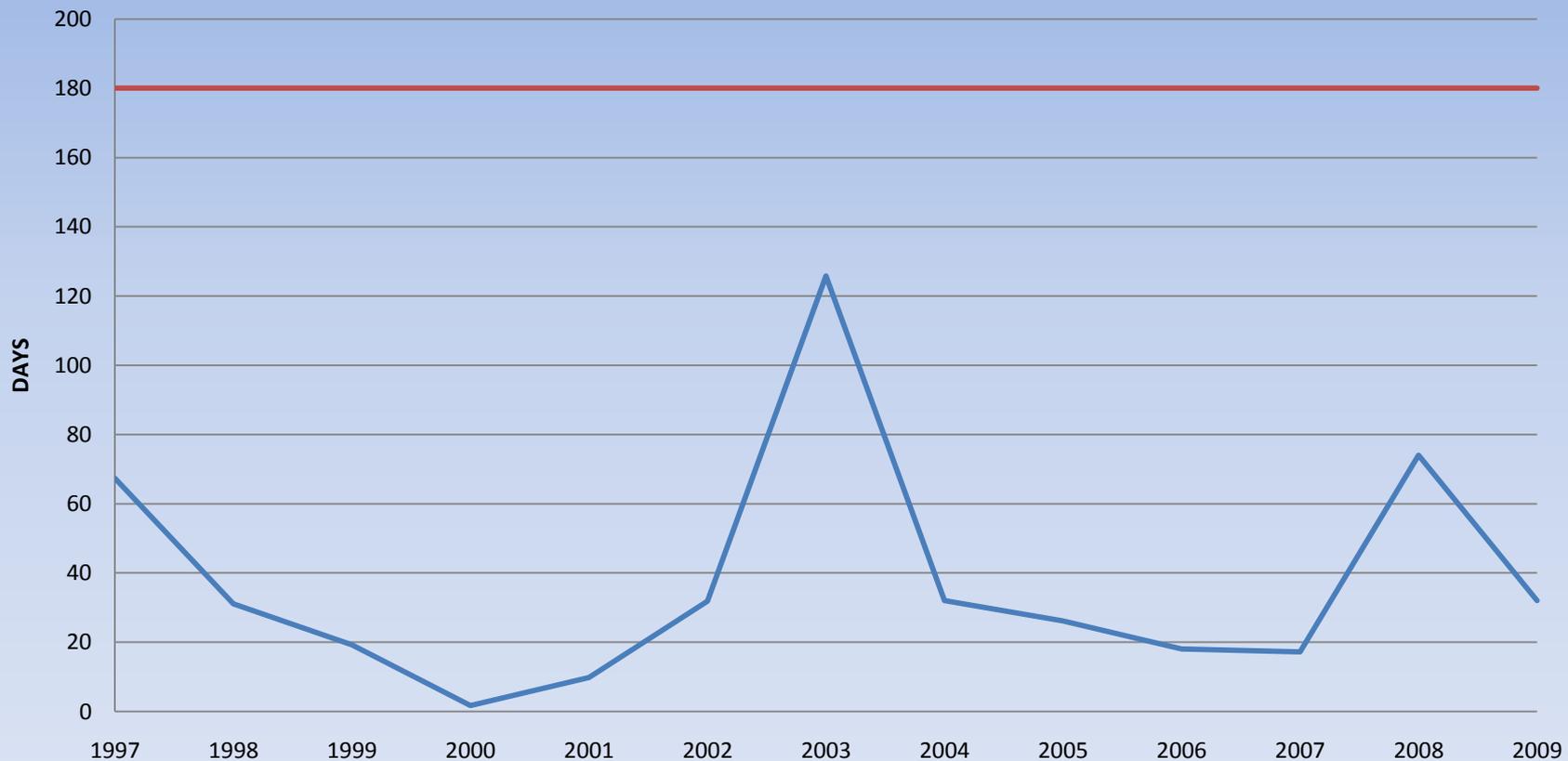
1996 - 2009 Title V Technical Review – Average Days





# GPLPE Timeline

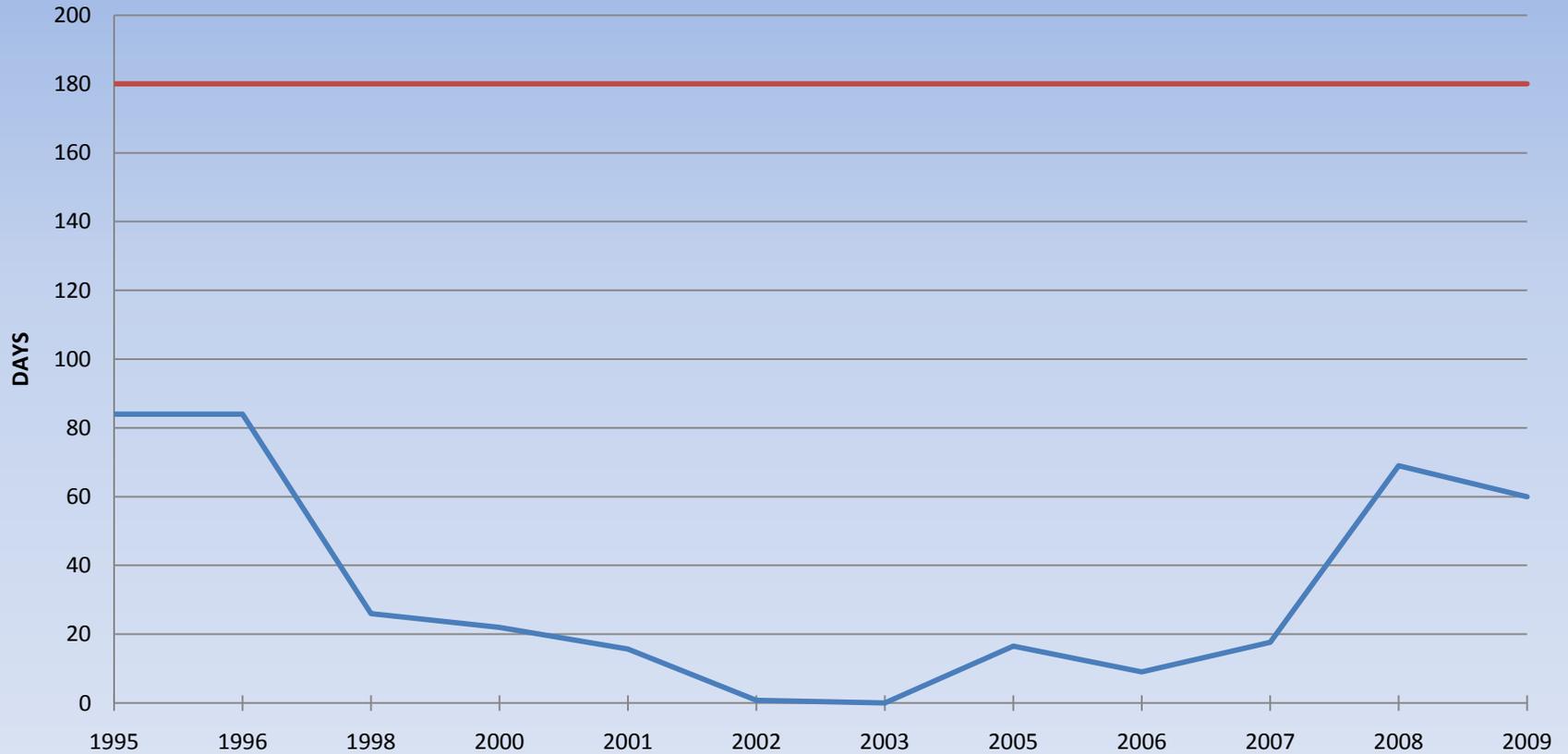
1997 – 2009 GPLPE Processing Time – Average Days





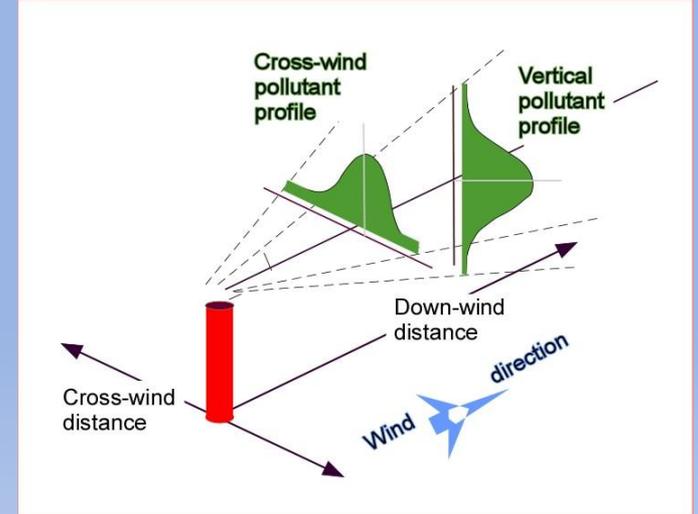
# Title IV Timeline

1995 – 2009 Title IV Technical Review – Average Days





# Re-Engineer Modeling Review Process



Historical Process  
Ending August 2008:

- Typical Review Times Averaged 154 Days

Transition Period  
One Year:

- Updated and Clarified Guidance
- Developed and Provided Necessary Data Bases via Web access
- Eliminated Unnecessary Requirements
- Simplified Internal Administrative Process

Current Process as  
of April 2010:

- Typical Review Times Currently Averaging 64 Days



# Efficiency Improvements in Air Permitting

## Internal Processing Efficiencies

- Interactive Electronic Engineering Evaluations
- Permit Templates created for 14 source sectors
- Checklists developed to ensure applications and permit transmittals complete
- Publishing and Invoicing of Public Notices
- “LEANed” NSR Modeling Process
- Signature Authority for modifications and reissuance delegated to Bureau Level



# Efficiency Improvements in Air Permitting, Continued

## Efficiency Improvements that directly affect Industry

- Use of Equipment Specific General Permits (1996 to 2002)
- Permit-by-Rule (2002 to present)
- Permit Templates
- Integration of Title V, Title IV, and CAIR into single permit and renewal process
- Electronic Reporting
- Engineer-of-the-Day Help Line
- Pre-application Meetings
- Application materials continuously updated



# Efficiency Improvements in Air Permitting, Continued

## Regulatory Amendments

- Combined Permit to Construct and Permit to Operate
- Permit Applicability Thresholds (5 TPY to 15 TPY)
- Permit Exemptions
  - Temporary replacements, addition of APCE, inert gases, Part 89 Engines, small acid rain utility units
- Permit Revisions – can make change after submission to DEP, do not have to wait for revision to be issued
- Minor Permit Modifications – can make change 21 days after submission to DEP, do not have to wait for modification to be issued



# Permit-by-Rules

## R.C.S.A. 22a-174-3b

- 5 Source Categories
- Boilers, emergency engines, autobody shops, surface coating, and rock crushers

## R.C.S.A. 22a-174-42

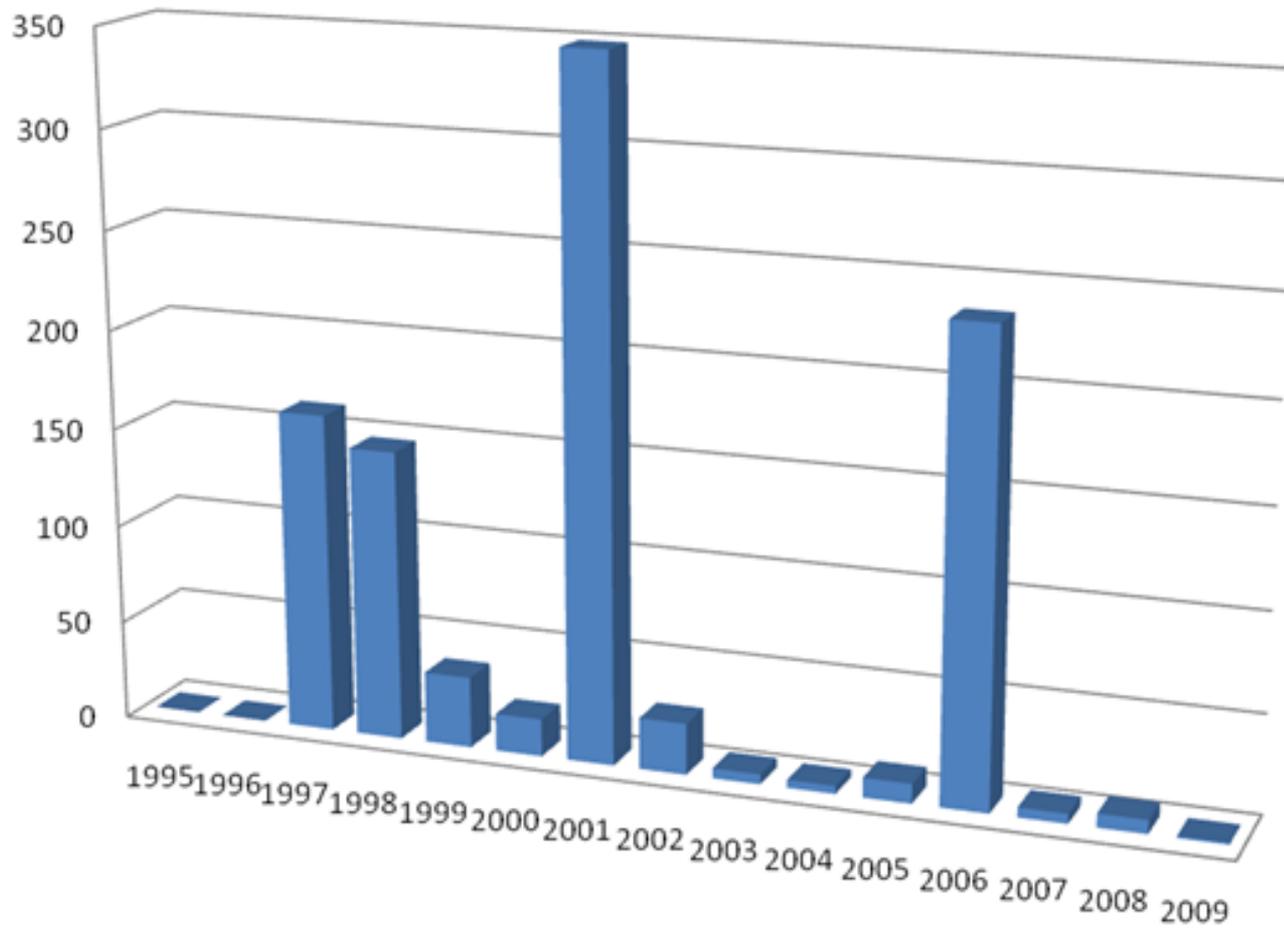
- distributed generators

## R.C.S.A. 22a-174-3c

- Limitation on Potential to Emit

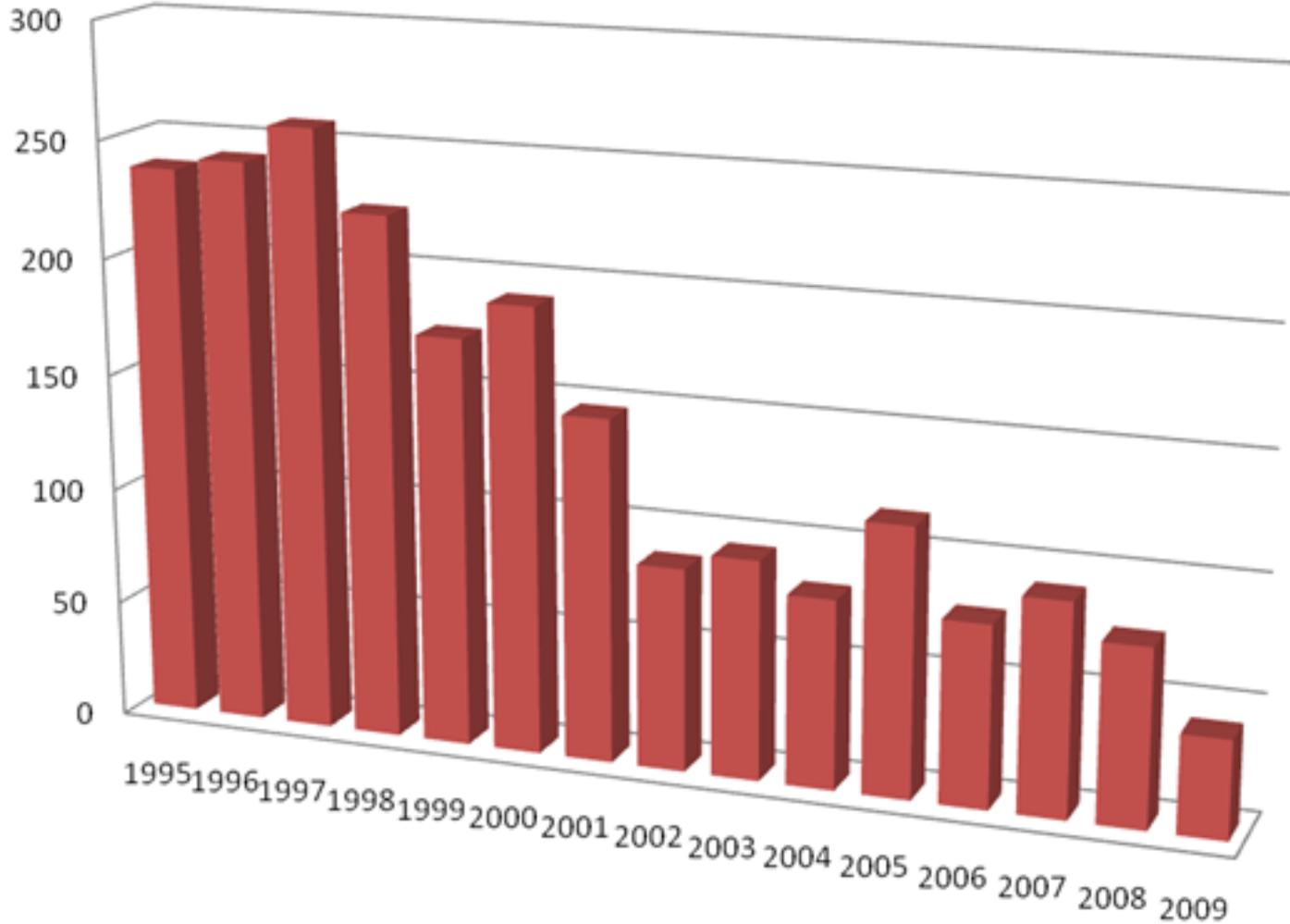


## GPLPE Applications





## NSR Applications





# Federal Challenges for Permitting Ahead



## Greenhouse Gas Regulation

- Tailoring rule for NSR and Title V

## New and Amended Air Quality Standards

- Implementation rules from EPA

## Federal NSR Reforms (2002)

- Remands, Vacatur, pending lawsuits



# Anticipated Ramifications of New Statute



## Added Technical Sufficiency Review

- Air Bureau currently performs only an administrative sufficiency review and works with source to obtain additional information informally
- Created an additional required step in the air permit process

## Mandates Immediate Written Notification of Insufficiency

- Stop-the-clock for both Sufficiency and Technical Reviews
- Puts sources on-the-clock to respond
- No longer use an informal process to obtain additional information
- Reject, reapply, assess fees again-- not LEAN

## Timeline May Necessitate Elimination of Courtesy Review of Draft Permit Prior to Tentative Determination

- May limit source's review time to only the 30-day public comment period

# The Products and Processes of *Indirect Sources Permits*



Tracy Babbidge, Director, Air Planning



# Indirect Source Permit Program Overview



## Original Purpose:

- To ensure the construction of major highway projects met the goals in the State Implementation Plan (SIP)

## Background

- Required by 1970 CAA and adopted in 1974
- EPA dropped requirement and rescinded from CT SIP in 1979



# Applicability

Applies only to DOT or applicants filing on behalf of DOT

A new highway on a new location

- Exception: bridge replacements or
- railroad crossing hazards

A new expressway interchange service added, or

A new lane more than one mile

- connecting signalized intersections or
- expressway interchanges





# 1983-2006 Process Overview

- Pre 1983 two permit process
- 1983-2006 three stage permit
- Process took six to nine months
- No requirement to reduce emissions

ISP Overview	Stage I	Stage II	Stage III
Acknowledgement	5	na	na
Tentative Determination	10	30	30
Public Notice	na	40	40
DEP Signature	10	10	10
DOT Signature	10	10	10
Final Determination	10	20	20
<b>Total Days for Issuance</b>	<b>45</b>	<b>110</b>	<b>110</b>



# 2006 Lean Process

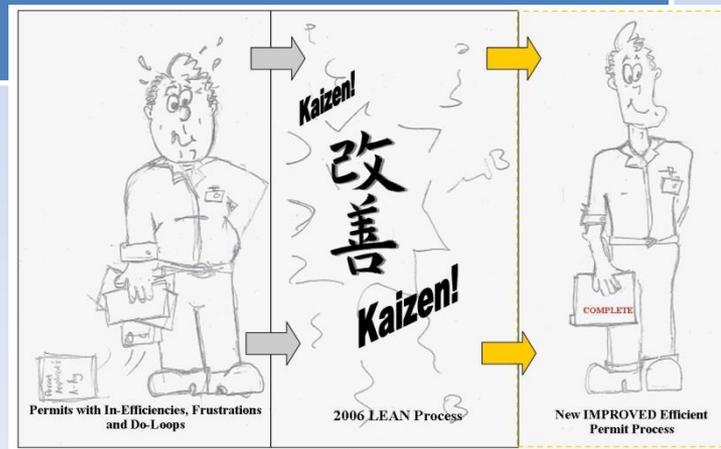
2006 regulatory amendment streamlined the process

Stages combined into one permit

Alternate Compliance Mechanism (ACM) added

Developed Standardized forms

Achieved environmental benefit of reducing diesel emissions in EJ communities





# 2006 Post-Lean Outcome

ConnDOT reports quarterly

2 DOT projects utilized the ACM

- 72 of pieces of diesel equipment retrofitted

DOT expects to have 1 or 2 NEW projects

- CEPA/NEPA review process required
- Public Notice requirement of ACM selection

# Developing Recommendations



Anne Gobin, Chief, Bureau of Air Management



# Process Improvement Goals

Ensure environmental outcome and adding value

Satisfy full scope of federal obligations, not just permitting

Focus on eliminating waste





# Menu for Review



- Different Source Categories and Types Permits Merit Different LOE
- Reprioritize w/in Federal Obligations
- Further LEAN Commitment
- Cut Programs
- E-Gov



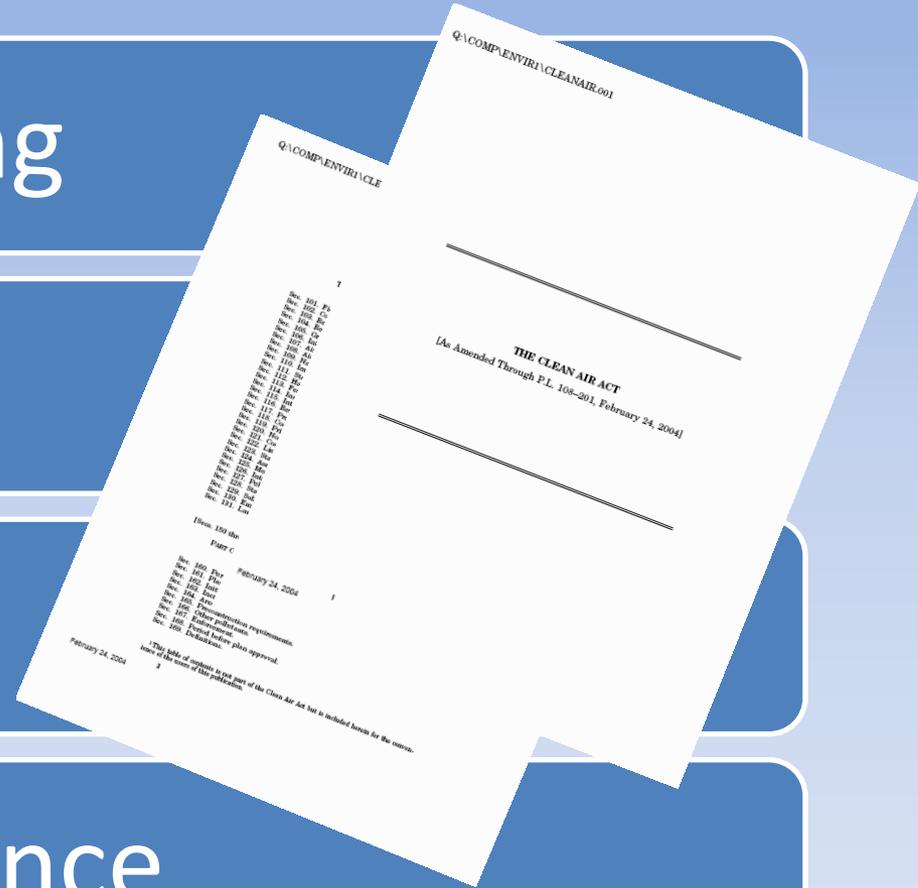
# Scope of Federal Obligations

Ambient Monitoring

Regs and SIPs

Permitting

Compliance Assurance





# Frequent Flier Focus Group

## Doing Right

- 🍷 Sections 3b & 3c in lieu of NSR permits
- 🍷 GPLPE in lieu of T5 permits
- 🍷 Pre-app meetings
- 🍷 Modeling LEAN
- 🍷 Technical guidance
- 🍷 Permit Modifications/Revisions

## Concerns

- 🍷 Offset requirements
- 🍷 Complexity T5 renewals
- 🍷 Complexity T5 compliance reports
- 🍷 Inconsistent permit formats
- 🍷 Transparency expectations





# What Others States Do

## Websites Enhancements



- FAQs and submit questions on-line
- Guidance, permits, regs, apps and subject matter contacts all in one place
- Search permit status, anticipated completion date and e-updates on status change
- Virtual file cabinets with all related permit docs on-line
- Permit wizards



# What Other States Do

## Assistance Initiatives

- Workgroups with consultants and regulated community to work on continuous improvement
- Certified permit professionals prepare applications
- One stop permit assistance and coordination
- Small business permit amnesty



# What Other States Do

## Expediting

- Permit by rule for engines and boilers
- Pay more for faster service
- Multiple pre-app meetings and early public involvement
- Guidance on expediting with standardized evaluations for common equipment
- Control Technology Clearinghouse
- Refund if state doesn't adhere to timeline



# Proposed Efficiency Recommendations

Once EMIT Phase 2 is complete, establish public login on a computer in the file room for DIY radius searches.

Re-Engineer Title V and GP compliance reporting with EPA and stakeholder participation and create e-Gov reporting.

Evaluate opportunities to streamline Title V renewals.

Evaluate opportunities to improve Title V permit template.

Expedite acquisition of offsets and level the playing field by having DECD purchase offsets to use for high priority economic development projects.



# Proposed Recommendations to Improve Transparency and Certainty

## Website Enhancement



- Put average timeframes on air permit website.
- Put NSR permits/engineering evaluations and Connecticut specific BACT/RACT/LAER determinations on-line so control expectations are clear.
- Redesign air permits webpage so the importance of pre-app meetings and nonattainment driven requirements in CT are clear.
- Have OIM assess the cost and resources needed to develop public face so data can be available on the website.
- Have OIM assess the cost and resources needed for permit wizard tools so questions lead people to the forms needed.



# Proposed Elimination of Non-CORE and Low Value Added Work

Consider repeal indirect source program

Eliminate state role in noise control

Explore alternative compliance mechanism for section 29



# Proposed New Initiatives

Shift primary complaint response to locals for wood smoke and dust

Increase emphasis on applicant community outreach before DEP app to decrease likelihood of hearing

Increase contractor support for ambient monitoring work effort

Establish standing SIPRAC Permitting Subcommittee

Stakeholder outreach on new requirements

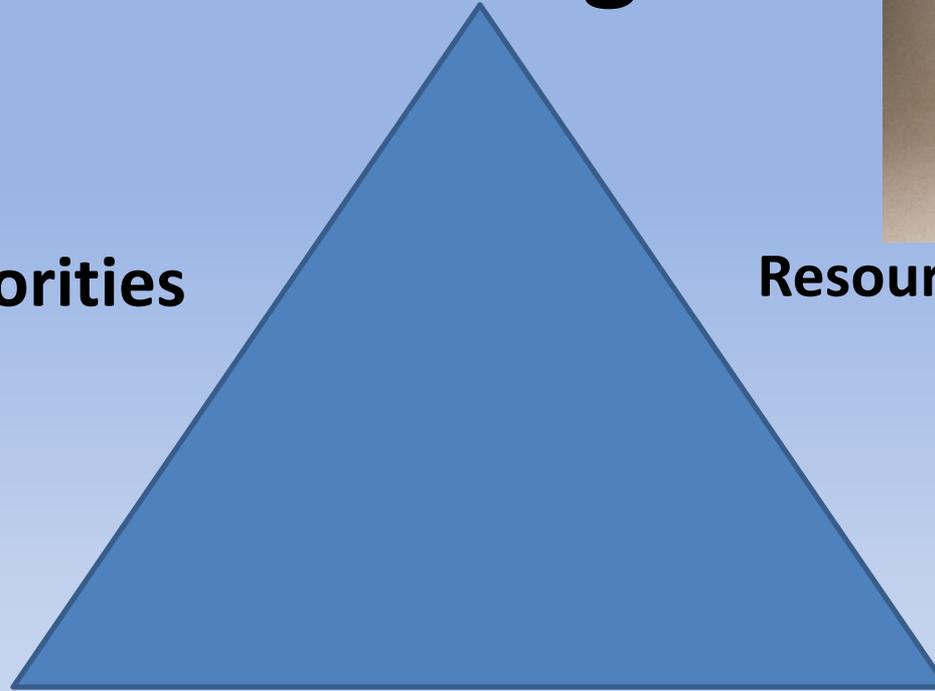


# Balancing Act



**Priorities**

**Resources**



**Schedule**



Resources available are decreasing so schedules will slip or scope of what we do must be reduced.

More mandates are anticipated so staff will be required to do more which in turn will result in longer timelines.



# Resources Needed to Maintain Permit Timeliness

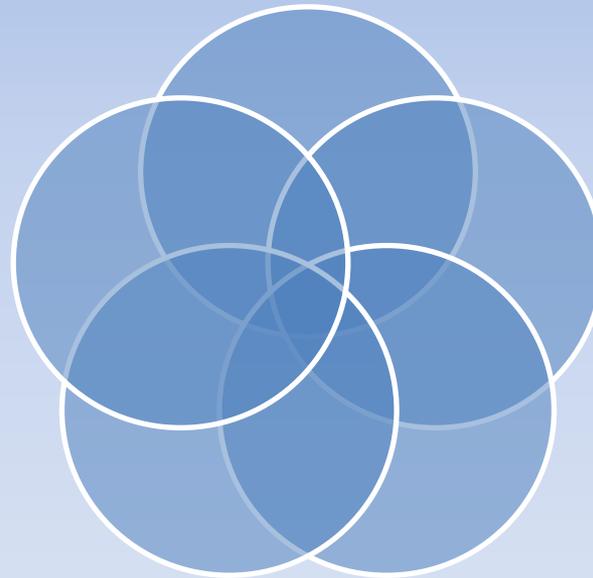
Access to  
Critical  
Information

Reg  
Maintenance

Staff

Training

Legal





# Critical Information Needs

User friendly infrastructure to maintain electronic document management so records are readily retrievable w/o extensive file searches.

Ongoing timely technical support and permit reviews by EPA on request.

Timely EPA implementation tools to execute new air quality standards.



# Obtain and Maintain Adequate Staffing



Support  
Staff

Permit  
Engineers

Reg  
Writers

Technical  
Support  
Services



# Legal Support Need



Expedite  
external legal  
review of air  
regs

Provide legal  
advice in  
hearings as  
needed

Timely legal  
interpretations  
of regs to  
address  
staff/app  
disagreements

CROMERR  
documentation



# Continuous Training Need

New Staff

New Rules  
and Tools

EPA  
Requirements

New Science  
and  
Technology





# New Legislative Demands

Increased Coordination with  
DECD and DEP Permit  
Ombudsmen

Consulting Services Program

Increased Time Tracking

Identification of All  
Deficiencies

Web Enhancement





# Today



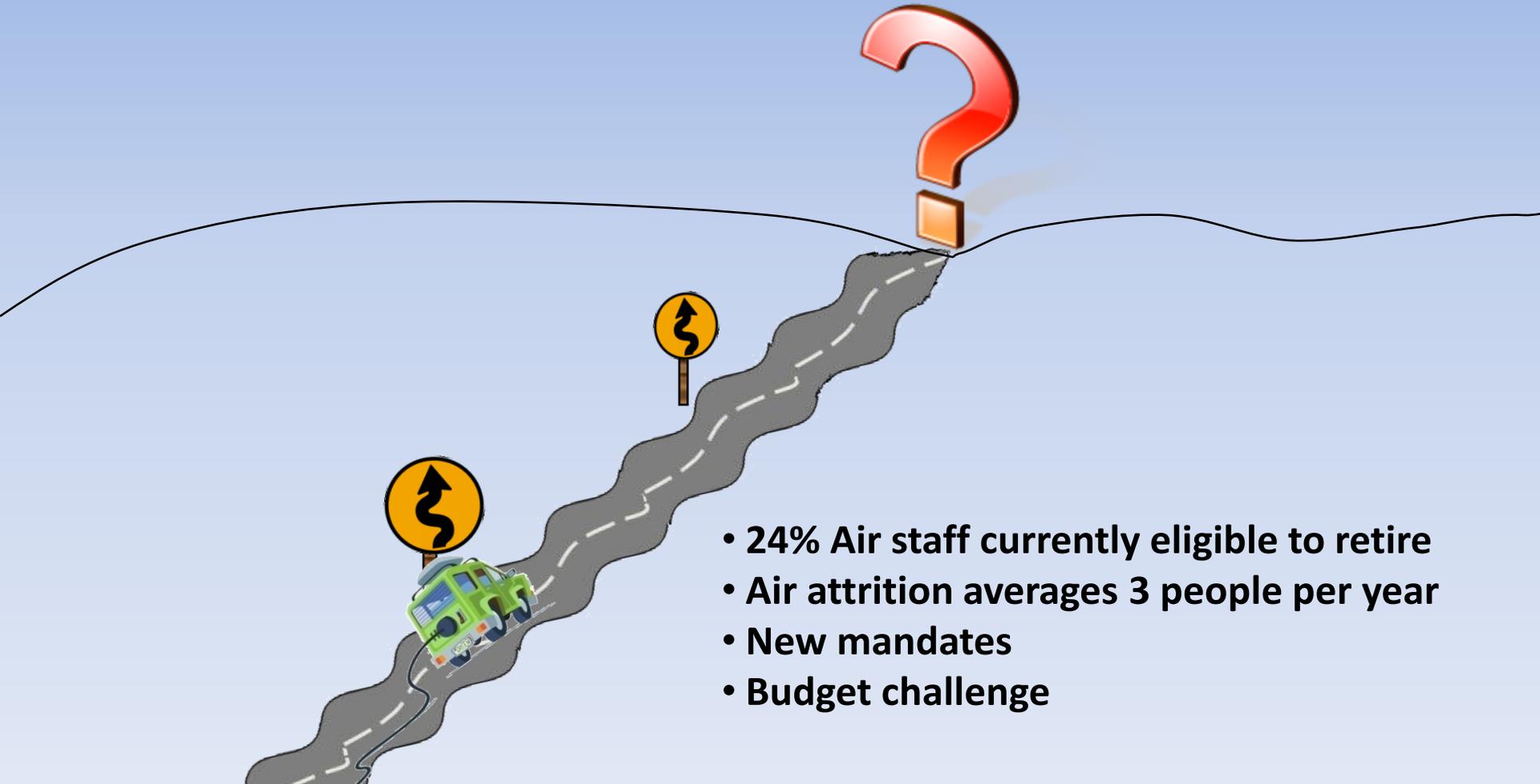
**New Air Demands:  
Federal Mandates**



- Permits
- Monitoring
- SIP Challenges



# Uncertainty in Planning



- 24% Air staff currently eligible to retire
- Air attrition averages 3 people per year
- New mandates
- Budget challenge



# Air Bureau Review: Public Input

- What are reasonable expectations?
- Thoughts on our recommendations?
- Other recommendations should we consider?





# Next Steps



**Share proposed  
recommendations at  
SIPRAC May 13, 2010  
and hear feedback**

**Finalize Air Bureau  
recommendations**

**Determine  
resources needed  
to implement  
recommendations**

**Provide draft  
Air Bureau  
report to  
Commissioner**