



January 12, 2022

Air Quality Committee – Permitting Section Update

Department of Environmental Quality

Mark Cuilla



Permitting Update – Talking Points

- Application Statistics/Trends
- Title V Program Review – Findings
- Title V Permit – Format Modifications
- Staffing Updates
- Update on 18 Month Clock Issue
- Environmental Justice in the Permitting Process



Current Facility Counts

Total Title V: 299

Total Synthetic Minor: 620

Total Small: 905

Total facilities reported: 1,824

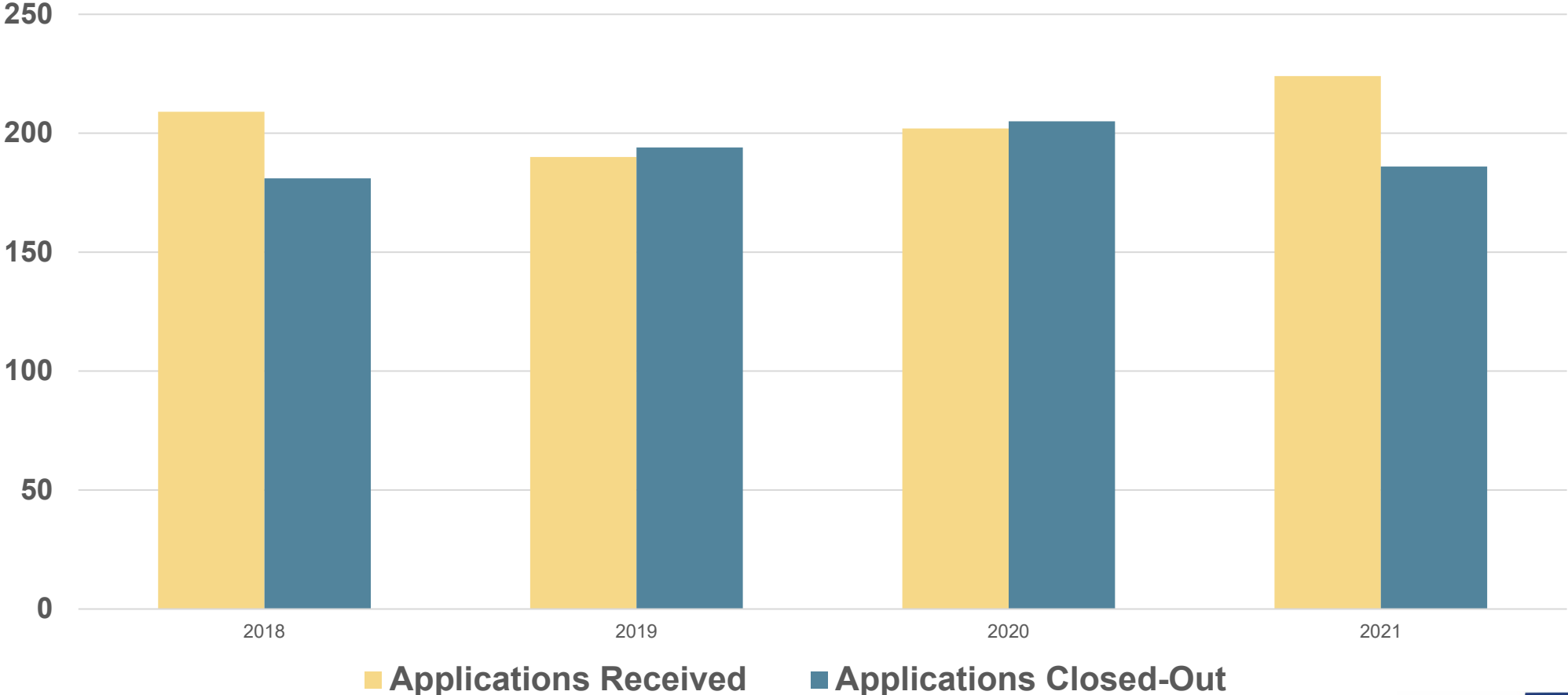
Total Registered: 147

Total Permit Exempt: 837

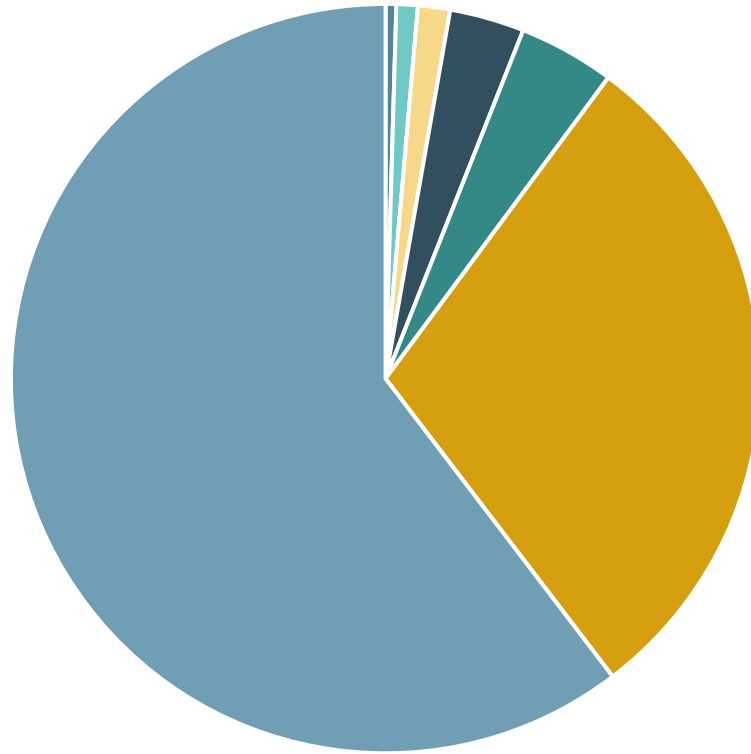
Total facilities reported: 984



TV Application Trends



Current Application Breakdown



- Name Change
- Ownership change
- Admin. Amendment
- Greenfield Facility
- Renewal/Modification
- Renewal
- Modification



Title V Program

USEPA Evaluation

- 2002 Office of Inspector General (OIG) audit
 - EPA action plan for performing program reviews
 - ~5-year cycle
- NCDAQ's audits
 - 2005, 2010, 2014, 2020/2021
- EPA reviewed staffing resources, internal management support, Title V revenues and expenses, public participation, environmental justice in permitting, permit issuance rates, and a detailed review of 10 issued permits.

Title V Program

USEPA Evaluation

Positive Findings

- Qualified, experienced staff and management resources
- Succession planning
- Employee development
- Salary Administration Plan
- Title V permit fee analysis, stakeholder process, workload analysis, and rule-making process
- Enhanced public participation process, meaningful engagement with public and communities
- Permits are thorough and well written

Title V Program

USEPA Evaluation

Areas to Monitor

- Backlog of Title V renewals
 - 15 applications > 18 months
 - Represents < 4% of total

Title V Program

USEPA Evaluation

Action Items

- Immediately address the delay in the passage of the amended Title V fee schedule.
 - *“...the current fee schedule does not meet the Part 70 program requirements at 40 CFR Part 70.9.”*
- Additional full time equivalents (FTEs) need to be included as Title V expenditures in the FY22 budget cycle.
- Revise rules to clarify and ensure final actions take place within the 18-month timeframe outlined in Part 70.

Title V Program

USEPA Evaluation

Recommendations

- Periodic workload assessments
- Build a carry forward contingency or build into fee schedule adjustments for salary increases and increases in healthcare costs
- Implement DAQ's Salary Administration Plan
- Post a recommendation on the DAQ website that permit applicants make use of the DEQ Community Mapping System and engage with the community around their facility as part of preapplication activities

Title V Permit – Formatting Modifications

- General Style Guide changes (font sizes, spacing, outline structure, etc.)
- Changes to Cover letter
 - Removed duplicative language
 - Make changes as suggested by AG's office for applicant and 3rd party notice regarding the right to contest a DAQ permit decision
 - Removed attachment for insignificant activities
- Changes to Permit
 - Moved location of List of Acronyms and insignificant activities
- Changes to General Conditions
 - Added and modified conditions as necessary



Staffing Updates

Full Staff (Engineers, Supervisors, and AQAB) - 28

- Current Staffing level – Down 3 engineers
- Informal Staff Survey

- Vacant or >1 year 5
- >1-2 years 1
- 2-5 years 8
- 5-7 years 6
- 10+ years 8



18 mo. Clock Status

- 18 Month Clock – Tracking
 - 17 total
 - 4 TV 1st time – *1 at notice currently*
 - 4 TV 502(b)(2) Part II
 - 7 TV renewal – *2 at notice*
 - 2 TV renewal w/modification



Environmental Justice and Public Participation in the Air Quality Permitting Process

Air Quality Permitting - Public Participation Process

- **For draft Title V permits**
 - public comment period is required
 - public hearing if determined to be in the best interest of the public

- **For draft synthetic minor and small permits**
 - public comment period is not required
 - public comment period and/or public hearing if significant public interest exists or if determined to be in the best interest of the public



Policies – Public Participation Plan

- **The purpose of the NCDEQ Public Participation Plan is to ensure consistency in the understanding and implementation of public participation, outreach, and engagement strategies.**
- **The level of public involvement for a specific project or proposal depends on factors specific to that project and the community involved.**
- <https://deq.nc.gov/outreach-education/environmental-justice/public-participation-plan-and-limited-english-proficiency>



Policies – Limited English Proficiency

- **Work to determine presence of Limited English Proficiency (LEP) Persons per project area**
- **Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English. Approximately 450,000 living in North Carolina are classified as “limited English proficient”**
- **Title VI and Executive Order 13166 requires agency development of guidance on how meaningful access will be provided to LEP persons.**
- **Translation and Interpretation services to ensure meaningful participation in Department programs**
- <https://deq.nc.gov/outreach-education/environmental-justice/public-participation-plan-and-limited-english-proficiency>



Environmental Justice

- **Environmental justice** is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies (US EPA).
- **Criteria**
 - **Race and Ethnicity**
 - **Age and Sex**
 - **Disability**
 - **Poverty**
 - **Household Income**
 - **Limited English Proficiency**
- *10% or more in comparison to the county or state average*
- *50% or more minority*
- *5% or more in comparison to the county average for poverty*



Air Quality permitting process – EJ reviews

The Department of Environmental Quality has developed guidelines for those permits that meet the threshold for conducting Environmental Justice (EJ) reviews. For Air Quality, those permits are:

- New Title V facilities
- Major modification at a Prevention of Significant Deterioration facility that results in major emissions increases
- Division Director's Discretion

Examples of EJ reviews can be viewed here:

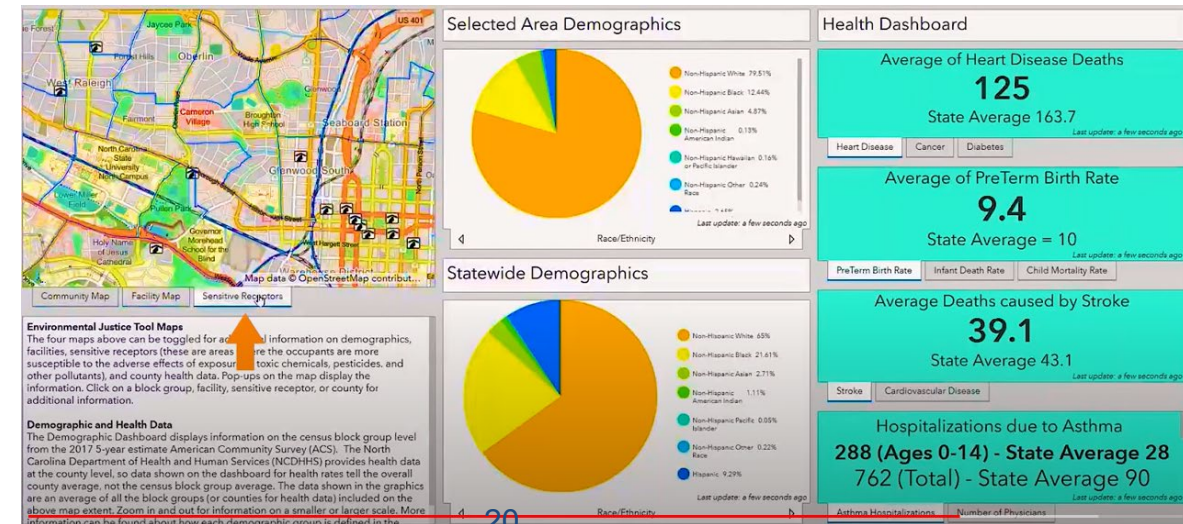
<https://deq.nc.gov/outreach-education/environmental-justice/environmental-justice-reports>



Air Quality permitting process – EJ reviews



<https://deq.nc.gov/outreach-education/environmental-justice/deq-north-carolina-community-mapping-system>



Enhanced Outreach – Example

Beyond the draft permit and permit review document, DAQ may produce a lot more material in order to educate the community about the project.

- EJ report
- Public notice
 - Publish in newspaper(s), online, press release
 - Translate to Spanish and post on website
- Develop and distribute informational flyers (translate?)
 - Mail to all residents w/in ? miles of the proposed facility.
 - Distribute to sensitive receptors identified in EJ report
- Develop and post FAQ document for website
- Presentation on draft permit for information session
- Communicate with early requestors for information (email)
- Communicate with local interested groups, local governments
- Record/distribute “permitting 101” ?
- Phone line w/ voicemail to leave comments (English and Spanish)

Lots of work!!! Takes time!!! Fit it into the permitting framework/schedule.



Questions?

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