



Permits Improvement Team National Stakeholder Meeting Report

PERMITS IMPROVEMENT TEAM

**NATIONAL STAKEHOLDER
MEETING REPORT**

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PERMITS IMPROVEMENT TEAM

STAKEHOLDER REPORT

Introduction

In July of 1994 Environmental Protection Agency (EPA) Administrator, Carol M. Browner, announced the creation of the Permits Improvement Team (PIT). The Team is an outgrowth of both stakeholder's (regulated industry, regulators and environmental and local community groups) dissatisfaction with present permitting systems, and formal recommendations for reforming permitting processes adopted by the Vice President's and EPA's National Performance Reviews (NPR). Many stakeholders have expressed frustration and dismay with current command and control regulations and one size fits all structures which have produced delays in permitting, been unresponsive to public involvement, and often promoted adversarial relationships among the parties involved.

The National Performance Reviews were undertaken to identify specific opportunities to help the government be more effective in carrying out its mission. Given that environmental permits are a chief vehicle for achieving the Agency's primary mission -- protection of the environment -- the Administrator believes it is essential that a multi-media and government-wide team review and implement those permit reform recommendations that address the criticisms cited above. To this end, the Permits Improvement Team has become the Agency's primary vehicle for promoting reform of environmental permitting systems. The Team's formal charge is to review and implement recommendations (including but not limited to the Vice President's and EPA's NPR recommendations) for improving environmental permitting systems (national, state and local) while maintaining high quality enforceable permits. This charge is media and program wide and will generate changes to air, water, and waste programs.

Issuing, monitoring, and enforcing environmental permits involves many different levels of government. Recognizing this, the Team's chairs -- Elliott Laws, EPA Assistant Administrator for the Office of Solid Waste and Emergency Response (OSWER), and Jeanne Fox, EPA Region II Administrator--decided to create a team composed from EPA (both headquarters and regional staff), state, tribal, and local governments (see Appendix G).

Reforming a permitting system which spans many layers of government and touches virtually all industries will require a comprehensive and resource intensive approach. While this effort will no doubt span several years, there are discrete actions which can be taken immediately to improve present permitting systems. Both short and long term

actions will, however, require the commitment of government, industry and the general public. Focusing on the near term, one of the Team's first and most important efforts has been the consideration of the over 100 recommendations for reforming environmental permitting systems made by the Vice President's and EPA's National Performance Reviews. In determining which recommendations to pursue, the team established three principles to guide the direction of the reform effort. Reforms should :

- 1) Improve the quality, certainty, and timeliness of permit decisions;
- 2) Provide for earlier and better public participation; and
- 3) Encourage the use of innovative technologies and pollution prevention.

During the first six months of the PIT's tenure, the Team concentrated on reviewing, analyzing, and prioritizing the NPR recommendations with an eye toward implementation. This was conducted in several ways including the convening of national stakeholder meetings to obtain the input of the Agency's primary customers -- regulated industry, regulators and environmental and local citizen groups -- on which recommendations to implement. After considerable stakeholder review and input, the Team has developed action plans to implement the most significant recommendations. This report discusses the work of the Permits Improvement Team thus far, including the results of the national stakeholder meetings and the future direction of the Team.

Background

Protection of public health and the environment is the fundamental responsibility of the EPA, as well as state, tribal, and local governments charged with protection of the environment. Stewardship of the public health and the environment has generally been achieved through a variety of regulatory actions, including the issuance of permits for certain types of activities. Historically, these permits have been the primary vehicle to obtain environmental protection by prescribing a level of protection that must be achieved. Permits are used in virtually all environmental media. They set limitations established by regulation (pursuant to statute) for pollution discharges -- to the air, water, and land; and for the handling of hazardous waste. Permits may be general (for similar types of operations) or specific (where exact operating conditions are specified).

To date, the investment in permitting activities has been substantial. EPA has annually budgeted over 1,000 positions (most of which are located in regional and field offices) and several million state grant and contract dollars to conduct permit activities. This has resulted in EPA and the states processing close to a total of a million permits.

Since their inception, permits regulating pollutant discharges have allowed EPA states, local and tribal governments to monitor and improve environmental protection. These government agencies have achieved success in improving and maintaining environmental protection through the use of permits and enforcement actions related to permits. Overall, permits have abated environmental degradation and helped restore the environment. It is now universally recognized, however, that while environmental permits themselves may still be an effective means of achieving environmental protection, the processes and systems developed to implement permits have become overly complicated, unresponsive to public involvement, unable to accommodate new technologies and generally missed opportunities to encourage pollution prevention. It is further recognized that the breadth and scope of environmental permits provides a key opportunity to use permitting systems to expand and encourage compliance with environmental statutes and regulations in a manner consistent with changes in industry production and varying environmental agendas. It is these and other issues which have motivated the Agency to seek reformed permitting systems that incorporate streamlined permit approaches, provide for greater public participation, and encourage the use of pollution prevention and innovative technology.

National Stakeholder Meetings

The National Performance Review was a comprehensive effort which yielded over 400 specific recommendations for the Environmental Protection Agency to be more effective in carrying out its mission. Since the NPR process and recommendations were solely an internal process, the Permits Improvement Team felt it important to seek input from those directly involved in environmental permitting -- regulated industry, regulators, and environmental and local community groups -- before embarking on an implementation plan related to reforming environmental permitting systems. To accomplish this, the Team organized five national stakeholder meetings and invited participants to engage in a dialogue on present permitting structures and potential reforms to these systems. Recognizing that limited resources would prevent the team from undertaking all the NPR recommendations at once, the Team decided to ask its stakeholders to help prioritize the recommendations. While not seeking to achieve consensus, the Team believed it was important to obtain a relative sense of which recommendations should and could be pursued in the short and long terms. To provide a context for the stakeholder meetings, the Team reviewed the NPR recommendations related to permitting and identified twelve broad topic areas on which to focus. The twelve recommendations were provided to meeting participants prior the meetings. They are as follows:

1. State/EPA Joint Approach to Administrative Streamlining *Establish teams with State and EPA representatives to review permit processes. Work with stakeholders to identify barriers and obstacles to improving the permitting process. Identify and survey successful permitting programs to learn and apply successes. Encourage and authorize states that have full statutory authority to take full delegation and responsibility for permit programs. Develop capability of states to assume more responsibility for their permitting programs.*
2. Target Permit Priorities *- Issue permits only where it is necessary to apply tailored or site-specific requirements. Use alternatives where possible, such as, compliance with self-implementing regulations (e.g., permit-by-rule), and general or class permits. Prioritize permit issuance based on human health and ecological risk concerns, or on a geographic basis.*
3. Regulatory and Statutory Barriers *Identify regulations and statutes that prevent flexibility in permitting and suggest possible follow-up actions, including revising applicable regulations and working with Congress to amend appropriate statutes.*
4. Encourage Pollution Prevention *- Provide flexibility and create incentives in permits and permit compliance, such as, differential fee schedules, extra time to comply, and expedited processing for permit applications that utilize pollution prevention. Prepare guidance on how to implement innovative strategies and procedures. Explore the appropriateness of emission fee programs.*
5. Implement a Cross Media Perspective *- Coordinate permit issuance or reissuance for environmentally significant sources to encourage cross media pollution reduction strategies. Consider: 1) the creation of permitting teams in the regions to review permits and identify cross media transfer issues; and 2) phasing in cross media permitting with several pilots covering a wide range of alternatives (e.g., combining UIC/RCRA; air/water; water/RCRA; or sludge/ground water).*
6. Facilitate Meaningful Public Participation *- Revise permitting procedures to encourage meaningful early public participation and identify more effective methods to notify the public. Develop ways to be more responsive to the public by drafting clear and understandable guidance manuals for the general public, states, and applicants. Prepare annual communication strategies and programs to educate interested citizens, including holding training workshops in conjunction with citizen groups, state associations and trade associations.*
7. Facilitate Permitting of Innovative Technology *Facilitate permitting of innovative*

technologies by creating a special team of permit writers from EPA and the States to conduct reviews of what works and what doesn't work in writing permits. This would determine whether permits could be changed or modified to allow the use of more innovative technology to accomplish the environmental mandate dictated by permits. The team would also identify regulatory and statutory obstacles that policy and procedural changes alone cannot fix. The team would also work on alternative approaches to conventional permitting processes.

8. Measure the Success of Permitting Programs - Develop ways to measure the success of permitting programs. This would include measures on both the effectiveness and efficiency of the permitting programs. Effectiveness measures could include environmental quality improvements, degree of compliance, and level of satisfaction with the permitting process. Efficiency measures could include timeliness standards and degree of understanding of the permitting requirements.

9. Design Training for Permit Writers - Establish an EPA Permits Institute and require State/Federal permit professionals to complete a core curriculum. Review the permit organization staffing to ensure the appropriate skills mix. Provide financial or other incentives and awards to permit professionals.

10. Permits Clearinghouse - Establish a permits clearinghouse to serve as a single point of contact for regulated industries and local governments to obtain information about national and regional regulations and permitting requirements. This could include general, simple-to-understand information, as well as names and numbers of state and/or EPA regional or headquarters contacts for technical assistance on permitting issues. The clearinghouse could also include a national EPA hotline and computer bulletin board.

11. Streamline State Reporting Requirements - Evaluate state reporting requirements and eliminate excessive and artificial commitments. Modify oversight guidance to help states implement their permitting programs. This could include revising the existing accountability/measurement system.

12. Integrated Permit Databases - Create an integrated database that provides information useful for measuring performance by industry, sector, and facility and for devising long-term multi-media pollution prevention strategies. Pilot a cross-program permit tracking system with one state and one region.

In early October 1994, the EPA announced in the Federal Register (Volume 59 #190) its intention to hold five national stakeholder meetings to seek input on prioritizing

the work of the Permits Improvement Team. The Agency's primary objective for the meetings was to obtain individual ideas and comments on the direction of the PIT, but not to obtain group consensus. National meetings were held in Denver, Philadelphia, Seattle, Dallas and Boston. To ensure ample and diverse participation, individual letters of invitation (see Appendix A) were also sent to representatives of each stakeholder group (local to the Regional area) in addition to the federal register notice.

Meeting Format

As stated, the purpose of the national stakeholder meetings was to elicit input on the relative importance of the twelve recommendations listed above and on which should be implemented in the short and long term. The format of the meetings was designed to introduce participants to the work and objectives of the team, encourage discussion on the merits of the recommendations, and provide an opportunity for participants to voice their opinions in an open format and through detailed surveys. Each meeting had identical structures, consisting of presentations, roundtable discussion, focus groups, and a written survey (see Appendix B). Following is a brief discussion of the aggregate national results of each component of the meetings.

Co-Chair Presentations

Elliott Laws, Assistant Administrator, Office of Solid Waste and Emergency Response
Jeanne Fox, Regional Administrator, EPA Region II

The Co-Chairs spoke to the crucial role of environmental permits in protecting the environment and public health as well as how environmental permits are often the vehicle to deliver and ensure environmental protection. They discussed the need to have a permitting system streamlined enough to produce results quickly, responsive enough to provide for public participation, and flexible enough to accommodate the use of pollution prevention techniques and innovative technology. They each echoed the Administrator's commitment to reforming environmental permitting systems and the need to ensure that this effort is aligned with other important Agency initiatives incorporating permitting components. This includes the following initiatives:

Common Sense

The Common Sense Initiative (CSI) is devoted to examining industry specific environmental problems and solutions as a whole, rather than the traditional method of looking at the effects of and solutions to individual pollutants nation wide. Permitting is one of the six areas of focus for the CSI and this effort will look for ways to "change

permitting so that it works more efficiently, encourages innovation and creates more opportunity for public participation." While the Permits Improvement Team initiative shares similar goals with the Common Sense Initiative, the PIT's effort will focus on the overall environmental permitting system rather than the six industries targeted under the Common Sense Initiative. In addition, it is anticipated that one of the targeted industries under the CSI will serve as a potential pilot or demonstration project for implementing specific improvements developed by the PIT.

Customer Service

The Customer Service Initiative is responsible for implementing Executive Order #12862, "Setting Customer Service Standards." Pursuant to the Executive Order, EPA must identify its core business processes, and in consultation with its customers, establish performance and customer service measures. Permitting is a major EPA function and will undoubtedly be part of the Agency's core businesses. Efforts have already been initiated by the Permits Improvement Team to develop performance measures for environmental permitting.

Ecosystem Management

The Ecosystem Management initiative is examining a new approach to addressing environmental problems. This approach calls for addressing the problems created by all environmental stresses to a specific media within a defined geographic boundary (e.g., a watershed). Determining the relationship between permitting and total pollutant loading in an ecosystem is a top priority of this initiative.

Environmental Justice

The founding principle of the Environmental Justice movement is the need to ensure that no group bears a disproportionate share of environmental risk or burden. This principle will guide all Agency initiatives and will be a core tenant of the Permits Improvement Team. The efforts of the National Environmental Justice Advisory Committee (NEJAC), a recently established Agency advisory committee, are proceeding in parallel with the efforts of the Agency's program offices to develop and implement plans for incorporating environmental justice principles in their activities. Hence, a key activity of the PIT will be to work closely with the Advisory Committee and the Office of Environmental Justice to ensure that the PIT's efforts are aligned with the goals of environmental justice.

State Capacity Enhancement

The State/EPA Capacity Steering Committee has developed new goals and guiding principles for the EPA/State relationship. This new approach is based on EPA setting standards, conducting constructive State program reviews, performing research, collecting,

analyzing, and sharing information, and providing technical assistance. In these ways EPA will support the states as the primary environmental managers with accountability for achieving environmental and programmatic results. Since environmental results have often been measured through the permitting systems, it is imperative that this new relationship become part of any permit reform effort.

Each of the initiatives discussed above will produce improvements to the permitting process. Consequently, a comprehensive coordinated approach is essential to ensuring that efforts are directed to the areas of most critical need. Given that EPA has traditionally set the national environmental direction, it is the appropriate agency to guide a national permit reform effort.

Stakeholder Presentations

To stimulate thought and discussion, a representative of each stakeholder group was invited to give a presentation on either a successful permit reform effort they had been involved in or their concerns with environmental permitting. Due to scheduling conflicts, presentations were not made at some of the national meetings.

Environmental and Community Groups

Cynthia Peterson, Denver League of Women Voters

Ms. Peterson indicated that she was encouraged that the Agency had identified the public as a stakeholder in the permits process. She noted that the public does not speak with one voice although it is often viewed as a monolith. She also noted that the public is often viewed as slowing the process down, usually not being satisfied with the process and results, and usually reacting emotionally to technical issues. She cautioned that even though these criticisms are often made about the public, the public has value added in the process because the public helps make environmental decision making more broad-based and comprehensive. She indicated that if the public understands technical issues early on in the process, they will be more satisfied with the results. Early public participation diffuses conflict later in the process, thus speeding up the process and reducing costs.

Ms. Peterson articulated a number of questions the public has with regard to environmental permitting and reform efforts in particular. These include: Will it be easier to get information? Will the public be able to provide public comments on the process? Will there be time to understand technical issues? Will the improvements actually help the environment or just be a paper exercise? Will economic considerations outweigh

environmental concerns? Why are pollution prevention or innovation technologies better than existing solutions? Will human health and the environment be better served? Will the public be streamlined out of the process? Will changes in public participation be substantive rather than procedural? How will accountability be measured? Finally, Ms. Peterson urged the Team to consider these questions and offered that the public can have value added since they often have knowledge of local matters which can help focus resources.

Patty Jackson, Virginia Lower James River Association

Ms. Jackson confined her comments to the permitting activities of the Virginia Department of Environmental Quality (VA DEQ). She discussed Virginia's pollution prevention law and its voluntary nature. She indicated that environmental groups are concerned that pollution prevention should not be a voluntary goal. She relayed that the VA DEQ is currently decentralizing its permitting activities and that environmental groups are concerned that too much decentralization to Virginia regional offices may promote inconsistencies. She noted that the public has no legal standing in Virginia's permitting process except for a narrow provision in the state's air program. Environmental groups in Virginia are concerned that citizens in Virginia do not enjoy the same access to the permits process that citizens in other states enjoy. Ms. Jackson discussed the significant backlog of permits in Virginia and indicated that this was due to foot-dragging by permittees and the failure of the state to give adequate resources to the processing of permits. Finally, Ms. Jackson articulated a concern with the Team's pursuing the use of general permits, as she believes that they do not provide much opportunity for public involvement.

Kathy Fletcher, People For Puget Sound

Ms. Fletcher indicated that her organization is concerned largely with the National Pollutant Discharge Elimination System (NPDES) permits. She indicated that an EPA-state joint approach to permitting is very important. She would like to see ways that EPA staff could be used to add to the state's resources. She indicated a need to have EPA staff guide the state rather than looking over the state's shoulder. Bioaccumulation of toxics is a significant concern of Ms. Fletcher's organization. She maintains that toxics have not been dealt with effectively. Ms. Fletcher suggested concentration limits as a way to deal with toxics rather than dilution. Ms. Fletcher echoed her support for pollution prevention techniques but cautioned that they could be used as a way to avoid regulations. She also cautioned that there may be an inherent conflict in the use of general permits and the need to provide flexibility. She suggested that the Team needed to define its goals. Concern and attention should be given to both the end product and the process. Finally,

Ms. Fletcher urged improvement in technical assistance and resources. She indicated that there is a need for better training of Agency personnel and offered that the quality of work becomes vital when staff are reduced.

Neil Carman, Sierra Club

Mr. Carman discussed the problems behind citizens' complaints about water, soil, and air pollution. He indicated that the biggest problem is the writing of poor or weak permits. He indicated that there has not been enough attention paid to the issue of poor or weak permits. He also suggested that cumulative environmental impacts to communities from facilities have not been addressed in permits. He noted that better writing of permits could prevent some of our environmental problems as well as citizen complaints. Mr. Carman noted that citizens are completely baffled by the regulatory process and the technical issues involved in environmental permitting. He suggested that most communities do not have the resources to get involved. Communities do not have the funds to travel to Regional offices to review information and records. He offered that it could be beneficial to companies to resolve permit issues with citizens without the involvement of the government. In the area of environmental justice, Mr. Carman noted that very little attention is being paid to area-wide impacts and suggested that environmental justice be incorporated into permit decision making. He offered that communities want to see a buffer zone between themselves and permitted facilities. Finally, Mr. Carman indicated that more resources needed to be devoted to enforcement. He stated that weak enforceability of permits coupled with a lack of resources disfavors communities (particularly environmental justice communities).

Regulated Industry

George Larsen, Martin Marietta Astronautics

The majority of Martin Marietta's Astronautics permitting activity is with the state. Mr. Larsen sees the biggest problem with environmental permitting is the time it takes to go through the process. He stated that a permitting system based on the principles of concurrent engineering, (where permits are issued concurrently rather than sequentially as is presently done) would be helpful. He recognized that government environmental agencies are reluctant to do so since design plans for projects are not always one hundred percent complete until the end of the project and it is difficult to issue permits based on incomplete plans. He stated that pollution prevention techniques should eliminate the need for much of the current regulatory oversight and that compliance schedules should recognize the time required to implement such plans.

Mr. Larsen believes that barriers imbedded in present permitting systems are the result of an Agency culture which promotes prescriptive regulations and processes rather than an improved environment. He stated that industry needs to move beyond pure compliance to pollution prevention, and government needs to move beyond pure enforcement and provide incentives and encourage industry to move beyond compliance. He also stated that the federal EPA tends to micro-manage states and that states are in fear of having their authorization pulled. Industry, in turn, is in fear of EPA over filling on specific permits. Finally, he stated that the government needs to develop a strategy which encourages the regulated community to move in a direction where permits are not needed and are obsolete.

Edward Mongan, E.I. DuPont DeNemours and Company Incorporated

Dupont is a major manufacturer which is vitally invested and interested in permitting activities. DuPont actively comments on legislation and regulatory matters both individually and through trade associations. Mr. Mongan stated that three things need to happen in the permitting area. First, reduce complexity in permitting requirements. He stated that complexity often increases the cost of compliance and that cost often has no relationship to benefits. He further stated that the complexity and cost of compliance often distracts industry away from pollution prevention initiatives. In the area of state-EPA relationships, complexity could be reduced by setting clear performance goals and pursuing them. Second, significantly reduce the time required for issuance of permits. He discussed unacceptable time periods and offered one example where a renewal of a DuPont permit with no new changes took fourteen months to complete. He stated that these delays and expirations are simply not good for the environment or anyone else. Third, identify barriers to pollution prevention. He stated that the public demands pollution prevention and that it can be a means of meeting regulatory requirements. He stated that the timing of bringing facilities into compliance often can not accommodate new options such as source control. He believes that pollution prevention activities should be encouraged through the use of multi-media permits and by offering priority in the permitting process for permits that incorporate pollution prevention. He also suggested that the time for compliance should be extended for facilities with pollution prevention plans. Finally, Mr. Mongan offered that an open and frequent dialogue between industry, states, and EPA should be encouraged.

Terrence J. McManus, Intel Corporation

Mr. McManus discussed a project Intel Corporation has launched with the Oregon Department of Environmental Quality (DEQ), EPA Headquarters and Region X, and the

Pacific Northwest Pollution Prevention Research Center to develop an implementable Title V air permit. This project will provide Intel with operating flexibility and incorporate pollution prevention. The project participants also hope to determine the best way to proliferate this initiative. Some of the factors that motivated Intel to participate in this initiative are frequent manufacturing process changes which may potentially require changes in permits. Mr. McManus noted that Intel has 30-45 process chemical changes per year and several hundred process-related "tweaks" per year. He also noted that most changes involve no net emission increases and that many changes are decreases. The participants are hoping for results that produce an implementable Title V permit for Intel, the identification and documentation of barriers to pollution prevention within Title V, a documented case study incorporating pollution prevention into a Title V permit and the development of permitting options and alternatives for other industries and states.

Some of the unique features of the Intel project include incorporating pollution prevention conditions into a Title V permit, having a permit with operating flexibility, having certain activities pre-approved, and an implied linkage between pollution prevention and flexibility/pre-approval as well as a team approach. Some of the components of the permit include emission limits and unit production standards, plant site emission limits, reasonably achievable control technology standards, pollution prevention requirements, monitoring requirements and reporting requirements, among others. Finally, the value of the project to Intel is that it emphasizes pollution prevention rather than end of the pipe treatment, it provides flexibility to make process modifications, it is federally enforceable and will be potentially transferable to other industries.

Helen Johnson, DOW Chemical Corporation

Ms. Johnson spoke of the need for flexibility in permitting. She noted that DOW's Texas' Operations have a permitted incinerator and will have to obtain a number of permits for boilers and industrial furnaces (BIF). She noted that due to the diversity and types of units DOW has, a "one size fits all" approach to permitting could jeopardize DOW's ability to function. A "one size fits all" approach, particularly with regard to timing, could make comprehensive trial burns for multiple BIF units difficult. She discussed DOW's support for the Agency's waste minimization strategy and noted that DOW's waste minimization project is due to come on line in 1996. She noted that DOW's BIF permitting activities and any related waste minimization projects may need permit modifications to allow adequate time schedules.

Regulators

Scott Anderson, Utah Department of Environmental Quality (UT DEP)

Mr. Anderson discussed the Agency's effort to streamline its permit application process in its air, water, and underground storage tank programs. The Agency set up Quality Action Teams and asked people how they perceived what the Agency did (with regard to permitting). The problems identified included the time it takes to get a permit, the need for a consistent point of contact, and the level of detail required in an application. Utah DEQ then implemented specific recommendations to address the concerns articulated. These included establishing specific Agency points of contacts for information, developing a tracking system, looking at the level of effort being spent on permit reviews, and scaling down the number and levels of review and approval signatures needed on permits. Successes included cutting the average time it takes to get a permit. For example, in the air program, the average time it takes to get a permit has dropped from 270 to 90 days. Other media programs developed books and pamphlets on the permit process to assist potential permittees. These reference materials include information on the process and contacts for permits.

Dennis Hart, New Jersey Department of Environmental Protection (NJ DEP)

Mr. Hart stated that environmental permitting is important since it is where environmental policy is made. He also noted that environmental permitting is not inherently complicated, although governments often make it that way. He discussed the need to lay out clear goals and objectives in an environmental permitting system. Mr. Hart discussed the need to look at the role permits have in environmental protection. He offered that permits must be part of an overall strategic environmental protection plan.

Mr. Hart briefly discussed the NJ DEP's water program's permit reform project. The NJ DEP had a backlog of permit applications in the water program due to the need to concentrate on full implementation of the Clean Water Act Amendments. This created a backlog of both permits and enforcement actions. To address this, the NJ DEP undertook a number of initiatives including the use of general permits when applicable; having industry draft their own permits (with the state reviewing and editing these draft permits); publishing upfront notices on who would be getting permits in the coming year; conducting separate administrative and technical reviews; using newsletters to provide factual information to the general public and regulated industry; and holding periodic meetings with interested parties throughout the year.

In the first year of the reform effort, the program doubled outputs (permits). Permit outputs were again doubled in the second year. By the end of the third year, a number of major rule revisions had been adopted to streamline the permit issuance process. In addition, the NJ DEP made a substantial investment in computerizing the program with many of its functions now conducted electronically. These reforms have resulted in the reduction of permit adjudications from 100 to 3 percent, greatly reducing transaction costs. The NJ DEP anticipates that by the end of calendar year 1995 the backlog of permits will be eliminated. Finally, Mr. Hart noted that the reform initiatives addressing permit backlogs were undertaken with a 30% reduction in staff.

Karen Lane, Fred Hutchinson Cancer Research Center, Chair, Washington State Governors Task Force On Regulatory Reform

Ms. Lane briefly discussed the Task Forces' efforts at permit reform. She noted that the Task Force is looking at how to streamline all permits, not just environmental permits. She highlighted the need to recognize the unique problems of small businesses in permitting. The Governor's Task Force has received comments from small businesses indicating the need for streamlining and consolidating permits. Small businesses have commented that they can not keep track of all the permits they need to comply with. They indicate that at times they have been fined for non-compliance with regulations they are not even aware they must comply with. They have commented that while they may not disagree with the objectives of the statutes and regulations, there are simply too many regulatory entities. Ms. Lane urged the Permits Improvement Team to "think outside the box" and suggested an integrated multi-media based regulatory approach be piloted. Finally, she cautioned against setting up the wrong measures of success. She urged the measuring of the process as well as the results.

Patrick Deviller, Louisiana Department of Environmental Quality (LA DEQ)

Mr. Devillier indicated that reforming the permitting process is an important initiative that must somehow be integrated with ongoing, mandated program responsibilities. LA DEQ has already committed substantial resources to obtain NPDES permitting authority in the Office of Water Resources, and to establish various programs under the Clean Air Act Amendments (enhanced vehicle inspection/maintenance, air toxics, and especially Title V permitting, among others) in the Office of Air Quality and Radiation Protection. By state law, all completed permits received by LA DEQ must be approved or denied within 410 days. LA businesses currently receive permitting assistance from DEQ personnel, the Governor's Office of Permits' Ombudsman, multi-media pre-permit meetings conducted by the DEQ Secretary's Office, and the Small Business/Technical Assistance Programs. The

agency is also establishing community panels made up of citizens, industry, and local officials to resolve environmental justice issues (that may involve permitting), as well as a Geographic Information System (GIS), to help them identify concurrent multi-media environmental impacts. He concluded that since federal statutes govern permit complexity, EPA should secure legislative revisions from Congress, or reinterpret existing laws so that states can offer more efficient, sensible permitting standards and procedures.

Arlene O'Donnell and Carl Dieker, Massachusetts Department of Environmental Protection (MA DEP)

Ms. O'Donnell and Mr. Dierker spoke about a recent permit reform project undertaken by the MA DEP's Division of Wetlands and Waterways. As part of its ongoing effort to streamline its permitting program, the MA DEP has consolidated its wetlands protection programs authorized under federal and state laws. This includes the water quality certification under Section 401 of the federal Clean Water Act (CWA) and the Massachusetts' Wetlands Protection Act (WPA). Under the reform effort, applications for both programs are reviewed by DEP's Regional staff and standards for review have been clarified so that only a limited number of projects with potentially high wetlands impact receive an individual review under the federal statute. The vast majority of projects with lesser wetlands impacts are reviewed by local Conservation Commissions under state statute. Transferring most of the programs' functions to regional offices has resulted in an easier application process (although both federal and state laws still apply to most projects, proposals are reviewed at the state level in one place), a common sense review (most projects approved by the local conservation commission are considered to be adequately reviewed and do not need further state review), enhanced environmental protection (staff are devoting more time to those projects which likely result in the most significant wetlands impacts), better communications (by consolidating) and consistent results (by clarifying current standards and making review procedures consistent).

Stakeholder Recommendations

After the stakeholder presentations, the first roundtable was devoted to discussing additional permit improvement recommendations. Since the stakeholder meetings were the first opportunity for participants to review and comment on the recommendations developed by the National Performance Reviews and their prioritization by the PIT, the stakeholders were invited to suggest recommendations that were distinct and different from those recommendations already developed. Stakeholders were also asked to consider which could be accomplished in the short and long term.

Listed below are the stakeholder recommendations. Many of the recommendations are related to or are part of the NPR recommendations, and have been grouped as such. Thirteen truly new recommendations were offered and considered by the stakeholders. These recommendations are: Ability of Applicants to Fund Resources; Settle National Issues; Culture Change; Consistency of Goals and Strategies; Relate Environmental Goals to Enforcement and Permitting Strategies; Linkage to Economic Agencies; Environmental Justice; Develop New Permitting System; Focus On Bioaccumulative Toxics; Stakeholder Involvement Throughout the Regulatory Process; Consider Land Use Rights in Permitting; and Evaluate the Impact of Unfunded Mandates. Recommendations in the form of comments are also listed in the tables below.

1. State/EPA Joint Approach To Administrative Streamlining

- ◆ Increase dialogue between EPA and states
- ◆ Clear definition of state/federal roles
- ◆ Authorize states
- ◆ Federal oversight of states should not be duplicative
- ◆ How does EPA add value in delegated permitting
- ◆ Focus on eliminating dual government permitting issue one permit per facility eliminate institutional barriers that require two permits
- ◆ Save resources now spent on Headquarters/Regions micro-management of states
- ◆ Develop state capabilities including resources and training
- ◆ Improve state oversight of permitting programs
- ◆ Examine process to see what is "value added" zero based budget approach
- ◆ Focus on what the work is - make the work easier for everyone
- ◆ Examine steps in application process and clarify what has to be in the permit
- ◆ Assess level of detail contained in permits
- ◆ Streamline permit form and process for small and area sources (Clean Air Act Section 507)
- ◆ Establish model applications and check lists
- ◆ Permits should be written in plain english
- ◆ Permits should be user friendly
- ◆ Provide suggested language for permits and permit applications
- ◆ One stop shopping
- ◆ Look for ways to speed up applicants submittal process
- ◆ EPA, not facilities should write permits
- ◆ Ability of states to issue simplified permits where regulations are specific
- ◆ Ensure accountability is built into process
- ◆ Conduct peer review of draft process
- ◆ Encourage sound timely decision making. Some states have timeline mandates

- ◆ Don't ask for information for information's sake
- ◆ Review the need to have engineering text spreadsheets/schematics in permits
- ◆ Keep approvals on a set schedule
- ◆ Learn from other agencies
- ◆ Look at what states are doing, make sure these initiatives do not affect other state actions
- ◆ Accelerate modification procedures
- ◆ Review what triggers a modification
- ◆ Allow grouping of pollutants if there is going to be a critical impact to the environment
- ◆ Use cross-media permitting teams
- ◆ Have permit teams look at details of regulations to ensure that they truly effect environmental quality, eliminate unnecessary permit details (e.g., RCRA)
- ◆ Develop a consistent nation-wide approach to permitting
- ◆ Ensure consistency across permits
- ◆ Establish alternative mechanisms for problem resolution
- ◆ Streamline the permit appeals process
- ◆ Utilize arbitration, mediation, alternative dispute resolution before evidentiary hearing
- ◆ Ensure risk assessment is part of permit decision-making
- ◆ Provide clearly defined, scientific based priority risk decision making
- ◆ Permits need to be federal permits but enforceable by states and applicants
- ◆ Keep limited resources of small businesses in mind
- ◆ Need for simplifications - streamlining does not necessarily mean simplification
- ◆ Find a permitting "champion" in the regulatory process
- ◆ Ensure states adopt streamlining standards
- ◆ Look at disincentives for doing things faster loss of resources (for both states/EPA)
- ◆ Develop enhanced relationship between stakeholders, permittees, and permit writers

2. Target Permit Priorities

- ◆ Establish class and general permits for small businesses
- ◆ Prioritize permits - eliminate nuisance permits
- ◆ Identify areas for permit flexibility
- ◆ Develop clear and concise definition of which sources should be exempted from permitting process
- ◆ Accelerate modification procedures
- ◆ Prioritize permit modifications

- ◆ Clarify permit renewals for state agencies
 - ◆ Develop and implement comparative risk processes in setting priorities
 - ◆ Ensure risk assessment is part of permit decision making
 - ◆ Provide clearly defined, scientific based priority risk decision making
 - ◆ Add resource base perspective look for increased flexibility - e.g., holistic watershed approach - timing of permits
 - ◆ Look at ways to promote voluntary actions at facilities which are not priority facilities
 - ◆ Think about how to resolve fairness and environmental benefit approaches
 - ◆ Focus resources on largest environmental challenges
 - ◆ Determine how to get resources that enables tailoring of permits
 - ◆ Establish performance based permit standards
 - ◆ Establish model applications and check lists
3. Regulatory and Statutory Barriers
- ◆ Examine discretionary decisions
 - ◆ Integrate basic RCRA permit process with corrective action process
 - ◆ Give permit writers greater input into regulations
 - ◆ Recognize research and development exemptions in state programs
 - ◆ Establish exemptions for demonstration projects.
 - ◆ Need rule changes requiring too much information which can not be processed (Title 5)
4. Encourage Pollution Prevention
- ◆ Pollution prevention investments
 - ◆ Greater flexibility in use of pollution prevention without losing status
 - ◆ Ensure permits are not a barrier to pollution prevention
5. Address Multi-Media Pollution
- ◆ Implement one stop shopping
 - ◆ Jointly administered programs do not provide gain for industry (one point of contact)
 - ◆ Have facilities deals with one entity (multi-media permit teams)
 - ◆ Establish multi-media permits
 - ◆ Recognize cumulative and synergistic concerns
 - ◆ Ensure research education and technology transfer is multi-media based
 - ◆ Find a permitting "champion" in the regulatory agencies
6. Enhance Public Participation
- ◆ Set the appropriate public involvement level
 - ◆ Standardize public participation procedures - have minimum federal requirements

- then each state develops their own
 - ◆ Survey communities before permits are issued
 - ◆ Improve communication throughout the process
 - ◆ Look at public participation process
 - ◆ Involve local communities in communication process
 - ◆ Customer terminology offends citizens
 - ◆ Open meetings - meetings with regulators requested and not granted (closed door)
 - ◆ Industry is not EPA's customer - ensure community is treated as the customer
 - ◆ Throw out "customer service" labels for industry - EPA is a policing authority, customer is general public
 - ◆ Recognize credible technical support for communities
 - ◆ Provide more technical assistance to the regulated community instead of enforcement activities
 - ◆ Identify existing environmental stress and burdens in communities where permitting is occurring
 - ◆ Data collection in under served in certain communities and is critical to protecting human health.
 - ◆ Develop clear guidance for siting decisions eliminate extraneous arguments and identify proper forum for siting decisions
 - ◆ Develop enhanced relationship between stakeholders, permittees, and permit writers
 - ◆ Provide education for everyone involved in the permit process
7. Facilitate Permitting of Innovative Technology
- ◆ Permits as a tool for innovation
 - ◆ Regulatory flexibility - recognize research and development exemptions in state programs
 - ◆ Exemptions for demonstration projects
 - ◆ Look at mobile technology (non-stationary technology)
 - ◆ Innovative technology needs to apply to analysis and monitoring requirements
 - ◆ Centralize the permitting of new technologies which can then have application in all states vs. state-by-state approach
8. Measure the Success of Permitting Programs
- ◆ Environment key measure
 - ◆ Need common environmental baseline to start from
 - ◆ Selected success measures have an impact on resource allocation

9. Train Permit Writers

- ◆ Train permit writers to get more consistency
- ◆ Expand training
- ◆ Ensure permit writer managers are trained
- ◆ Increase technical training for permit writers
- ◆ Get permit writers out to the facilities (technical training)
- ◆ Empower permit writers to make decisions - define bounds - training/field visits
- ◆ Provide better training for permit writers and definition of roles
- ◆ Create a strikeforce for permitting as has been done in enforcement (cross-training for permit writers)
- ◆ Provide permit application training for industry
- ◆ Improve communication throughout the process
- ◆ Compensate government permit writer at industry levels

10. Permits Clearinghouse

- ◆ Implement a customer assistance approach - non-regulatory forum (group) to assist outside groups
- ◆ Implement more consistent application of guidance and provide access to EPA guidance

11. Streamline State Reporting Requirements

- ◆ Save resources now spent on Headquarters/Regions micro-management of states.

12. Integrate Permit Databases

- ◆ Look at opportunities for greater efficiency and value in Information management
- ◆ Reduce duplication, increase public access in an integrated information management system
- ◆ Government bears all - clear presentation of facts
- ◆ Identify existing environmental stresses and burdens in communities where permitting is occurring

13. Ability of Applicants to Fund Resources for Permit Reviews

- ◆ Find a way for applicants to fund permit reviews

14. Settle National Issues

- ◆ Settle national issues - e.g., metal criteria in water permits
- ◆ States need guidance from EPA on certain national issues - consistency in interpretation

15. Culture Change
 - ◆ Examine State/Federal relations in regard to turf competitiveness
 - ◆ Examine agency culture - micro management
 - ◆ Assess need for degree of certainty in permit decision
 - ◆ Change culture of EPA/States - to accomplish all recommendations
16. Consistency of Goals and Strategies
 - ◆ Develop better permit strategy definition for states
 - ◆ Communicated clear goals and objectives of permitting programs
 - ◆ Consider state resources for permit programs
 - ◆ Establish consistency in requirements for emergency response plans for different programs/agencies
 - ◆ Improve permit consistency "environment is customer"
 - ◆ Improve consistency between states and regions
 - ◆ Define maximum extent practicable for regulated community (important to stormwater)
 - ◆ Provide greater definition of bio-criteria in permit (important to stormwater)
17. Relate Environmental Goals to Enforcement and Permitting Strategies
 - ◆ Target permits to enforcement initiatives/strategies - relate to environmental goals
 - ◆ Stand behind permit program with enforcement
 - ◆ Improve technical assistance, enforcement, clarity and distinction
 - ◆ Tie permit re-issuance to compliance and enforcement process
 - ◆ Give greater consideration to preliminary injunctions and permit revocation
 - ◆ Permit process should allow for termination of permits
 - ◆ Allow facilities to operate before they have permits
 - ◆ Make permit writers inspectors and enforcers - this will help keep/retain people
 - ◆ Modify RCRA to give incentives to go beyond interim status
 - ◆ Don't disregard compliance and enforcement advisory group recommendations
18. Linkage to Economic Agencies
19. Environmental Justice
 - ◆ Environmental justice needs to be part of this effort
20. Linkage of Mission, Process, Product, and Results
 - ◆ Examine context in which permits are issued
 - ◆ Tie permit decision making to enforcement
 - ◆ Focus on the product not just on the process

21. Develop New Permitting System

- ◆ Build a permitting system around prevention goals and positive incentives

22. Focus on Bioaccumulative Toxics

23. Stakeholder Involvement Throughout Regulatory Process

- ◆ Utilize advisory groups in the development of rules, regulations, and guidance documents related to risk assessment
- ◆ Review and challenge mechanism for permits that are based on bad data
- ◆ Review risk assessment model used in permitting

24. Consider Land Use Rights in Permitting

25. Evaluate the Impact of Unfunded Mandates

General Comments

- ◆ Reduce exemptions for strong lobbying groups
- ◆ Remove politics from permit issuance and enforcement
- ◆ Depoliticize Section 319
- ◆ Remember client is public health and the environment
- ◆ Do not allow limited resources as an excuse to for more polluting
- ◆ Examine permit requirement adjustments with state-of-the-art technology
- ◆ Don't reinvent the wheel
- ◆ Guard against further degradation of existing programs
- ◆ Do not allow permit limits below detection
- ◆ Incorporate emergency response
- ◆ Give permit writers greater input into regulations
- ◆ Do not turn permit process over to the states
- ◆ Agencies should bear burden of getting permits out in a timely manner
- ◆ Don't try to do too much (shifts may not accomplish much)
- ◆ Put teeth into mandates of reporting requirements to Congress (e.g., medical waste)
- ◆ Let applicants pool together resources and find the people to conduct review of permit (e.g., Memorandum of Agreement for voluntary cleanup in New Jersey)
- ◆ Ensure that states and Federal facilities are in compliance

Focus Groups

After preliminary roundtable discussion of the twelve NPR recommendations and the new recommendations offered by meeting participants, stakeholders were divided into three focus groups and asked to further consider the recommendations. This included the relative importance of each recommendation, how the recommendation could be implemented, the potential barriers to or pitfalls of implementing the recommendations, and any outputs or outcomes that would be produced when the recommendation was implemented. At every meeting, each focus group (1, 2, and 3) was given the same set of recommendations to consider. In addition, each focus group was assigned one or more of the new recommendations depending on the number of new topics offered by stakeholders. Below is a brief summary of the aggregate focus group discussions. Recommendations are discussed in their order of importance within the focus group (as indicated by the focus groups and the amount of discussion devoted to the recommendation).

Focus Group #1 - Recommendations Considered

State/EPA Joint Approach to Administrative Streamlining - Overall, the focus groups believed that this was an important recommendation for the team to pursue. They indicated that streamlining needs to be across the board should apply to all groups (federal, state, tribal and local). Focus groups offered that environmental permitting processes need to be streamlined programs so that micro-management and redundancy are eliminated. Consistency needs to be built into the process as well as benchmark to measure progress. Resources should be directed towards environmental improvements, not just administrative improvements. One size does not fit all and EPA and the states should mutually agree on changes. Barriers/pitfalls include the need for individual decisions by EPA for some permits, possible inconsistencies between states and the fact that this will be a considerably large effort to undertake. Outcomes include striving to delegate all programs to the same degree, and performing in-depth analysis of programs in several states.

Regulatory and Statutory Barriers - Overall, the focus groups felt that the identification of barriers is a primary activity that the Team should undertake immediately. It was acknowledged that many previous reports have identified barriers. They urged the examination of barriers created by conflicting regulations and suggested working from the bottom up to identify barriers and the top down to implement flexibility. They encouraged the Team to examine regulations and statutes to identify ways to facilitate pollution prevention and the use of innovative technology. Pitfalls or barriers include Congress and

its the reluctance to rewrite statutes and EPA's own interpretations of laws and regulations (EPA may be using its discretionary power to establish barriers that are unnecessary).

Measure the Success of Permitting Programs - Focus groups indicated that this was a medium to low priority and suggested that measures be qualitative and quantitative, anecdotal and specific to states. Focus groups offered that any agency establishing measures of success would need to ask the question -- Is permitting built around improvements or goals and does it (the permit) contribute to the environmental objectives? Agencies also need to consider if the policy will outlive the current political structure (Administration) and if not, examine whether the policy will, in the long-run, be truly value added. Outcomes include performance standards, measuring the number of programs which have been delegated below the federal level, developing a list of permits that can be standardized, developing a list of persistent conflicts among the states and EPA (to examine and resolve), ranking the difficulty of issuing different types of permits, developing environmental indicators to measure progress against, developing milestones and setting short and long term goals. Finally, develop a customer satisfaction 3D test - Delighted, Disgusted, Disinterested.

Consistency of Goals and Strategies and Relating Environmental Goals to Enforcement and Permitting Strategies The focus groups believed that linking environmental goals to enforcement will give governmental agencies an opportunity to really protect the environment. They offered that certain questions need to be answered first before this can be accomplished. This includes consensus on what the environment is. For example, is the environment an entire watershed or a series of geographic areas such as cities or states or perhaps just part of these areas. When consensus on what the environment includes is reached, this would be implemented across the board. Pitfalls include the time it takes to agree on what the environment is, deciding the fate of existing facilities, and the possibility that this approach could result in overly site-specific control measures. Outputs include establishing goals or criteria for targets.

Implement a Cross Media Perspective - Overall, the focus group believed this should be a low priority given the difficulty of implementing such a system. It was recognized that laws are media specific. Pitfalls include potential conflict with varying state regulatory structures and goals, the possibility for over permitting (i.e., systems getting too complex) and the tremendous amount of resources that would need to be devoted to such an effort. Outcomes include issuing multi-media permits simultaneously, developing systems for prioritizing actions based on communities or geographic areas and addressing geographic facilities en masse.

Environmental Justice The focus group stressed the importance of developing methodologies to measure and address environmental justice issues within a reformed permitting structure.

Focus Group # 2 Recommendations Considered

Target Permit Priorities - When considering this recommendation, the three focus groups overwhelmingly supported the idea of using alternatives to individual permits as a way to target permit priorities. That is, to move to a system that utilizes general or class permits. Under such a system the number of permits for smaller dischargers would be reduced and focus would be placed on bigger facilities and larger amounts of emissions. The focus groups recommended establishing minimum risk based data for such a program. The focus groups also recommended involving the public in establishing a general permit program. Pitfalls to avoid include believing this system would be the solution to all types of permits, when in fact, under certain circumstances and/or conditions, it would not. A second possible pitfall or barrier would be the need to confine such a program to a facility based program and resist expanding it to non-point source programs.

Focus groups cautioned that this type of system (general or class permits) could also be more prescriptive, less flexible, and provide fewer opportunities for public involvement. Outcomes of implementing this recommendation include integrating this program with the Agency's Common Sense Initiative, developing a system that takes into account the compliance records of facilities wishing to participate, incorporating a tired permitting system, and launching this new system as an EPA pilot before giving such a system to the states to implement. Finally, the focus groups offered that a true measure of success for this initiative would be the self-implementing nature of the program. Self-implementing was described as government specifying requirements in regulation that facilities could comply with, without the need for individual permits.

Training for Permit Writers - Overall, the focus groups believed that training is a significant and important part of any permitting structure and considered it a top priority. Focus groups did, however, expand the traditional permit training structures and suggested that training in environmental permitting should also be offered to and include the general public. Focus groups also suggested implementing training exchange programs with industry where both industry and regulators spend time working in both environments (industry and regulatory agencies). Focus groups also recommended that training be cross-media rather than single media. Pitfalls or barriers include too much training that prohibits people from doing their jobs, and thinking that you can train people to make wise decisions when what is needed is a good mix of management input with staff

work. Outcomes include using electronic delivery systems, standardizing manuals, and materials and establishing clearinghouses for the public. It was also recommended that those who currently write permits should perform the training.

Innovative Technology - Overall, the focus groups were supportive of and interested in the idea of regulatory agencies promoting the use of innovative technology. There were, however, many more questions and cautions offered than specific outcomes or outputs. Focus groups suggested that a preliminary activity that needed to be undertaken was a complete review of statutes and regulations to ensure that innovative technologies can be accommodated by present structures. They consistently cautioned that a system not be established which favors innovative technology which is not truly innovative over standard or conventional technologies. Focus groups also offered that if innovative technology is going to be promoted, then regulatory agency staffs would need to be trained to identify and facilitate its use, and suggested that EPA develop "national experts" on innovative technology, that resources would need to be expended on writing guidance and other materials to facilitate regulators and that grants may need to be offered to encourage the risk of investing in unproven and innovative technologies.

The focus groups also cautioned that the public needs to be informed of innovative technology and how the technology would meet the standards set. They also suggested that often the public does not understand what is meant by innovative technology. If implemented, some outcomes should include the use of dedicated agency teams to work with affected parties -- industries and the public -- to encourage the use of innovative technology and to determine if specific geographic areas are better suited to the use of some technologies over others. Potential pilot projects need to consider how enforcement actions would work if technology fails and how flexibility could be maintained so that those who do take risk are not penalized.

Culture Change - The focus groups reported that the underlying reason for a need to facilitate a change in the culture is the need to stop attorneys from running environmental permitting programs. This has perpetuated adversarial roles and kept partnerships from forming. Culture change also extends to giving states more latitude and minimizing micro-management. The focus group felt that the EPA role should be one of providing/conducting training, developing standards, and conducting research. Permit expertise should reside in delegated states or local governments. Outcomes include the federal government focusing on: training, standards, and research.

Permits Clearinghouse Very little discussion was devoted to this topic. Overall, the focus groups believed this could be a useful exercise and information source but that

focusing on implementing many of the other recommendations would do more to improve present permitting structures. One comment consistently articulated was that if such a system was to be implemented, responsibility for developing, operating and maintaining it should rest with states.

Focus Group # 3 Recommendations Considered

Encourage Pollution Prevention - Overall, the focus groups felt pollution prevention should be a significant component of any reformed permitting system and that pollution prevention should be fostered so that it becomes a means for eventually eliminating permits. Focus groups felt it was particularly important to ensure that there are no barriers to pollution prevention and to provide "soft landings" for those who pursue pollution prevention and it doesn't work out. Soft landings refers to flexible enforcement and other actions. Permits that incorporate pollution prevention must include criteria for success, the assignment of responsibilities, and timelines for meeting specific actions. Focus groups cautioned that fall back requirements are needed in permits should pollution prevention requirements not be achieved, that pollution prevention actions must relate to meaningful environmental goals, and that pollution prevention should not be applied as a shield against end of pipe requirements. Outputs would be a change in the regulatory culture from one of end-of-pipe to source control, as well as a different way of evaluating performance and success (from individual staff who facilitate the move to pollution prevention to organizations who implement it). Finally, the most significant outcome should this recommendation be implemented, would be the writing of new policies which minimize emissions and substitute pollution prevention for permits.

Facilitate Meaningful Public Participation Focus groups felt that meaningful public participation, not just public involvement, is essential to a reformed permitting effort. Public participation needs to achieve a dialogue between the regulatory agencies, applicants and the public. Public notice is not involvement - public participation goes beyond this. Clear goals need to be established for public involvement. The public gets concerned with the details when they don't know or are not given the opportunity to debate the big issues. Meaningful dialogue depends upon access to clear information on permitted activities. The public participation process needs to begin from the moment an application is entered - from front end to issuance and renewals. Public participation is partly the responsibility of the applicant. Outcomes of implementing this recommendation would be that environmental justice is incorporated in every permit, and public participation is standardized across all environmental programs. Participation would be handled on a case by case basis. Not every permit warrants a full blown public participation process. Focus on getting the important information out.

Streamline State Reporting Requirements- This recommendation received little discussion other than to suggest that it should be part of administrative streamlining generally and that information should be merged with other important information and made available on an electronic database.

Integrated Permit Database - Focus groups saw this recommendation as a low priority and devoted little discussion to this recommendations. It was suggested that should this recommendation be pursued, that outputs need to be consistent across states and that environmental indicators must first be developed.

Settle National Issues This recommendation suggests that EPA and the states move forward and settle some of the persistent issues that have continually caused conflict among the two agencies. These relate mainly to definition issues in regulations.

Measures of Success

The final roundtable discussion of the stakeholder meetings was devoted to discussing the appropriate measures of success to evaluate the performance of environmental permitting programs. Stakeholders were asked to consider the products that should be produced, how to measure performance, and the overall results that should be achieved when the recommendations were implemented. Stakeholders were also asked to identify the customer service initiatives that should be employed. Following is a listing of the measures of success developed by meeting participants.

Product

- ◆ Permits only issued to facilities where they are needed to protect human health and the environment.
- ◆ How many permit conditions have been eliminated?
- ◆ Reduce complexity
- ◆ Eliminate false compliance - "administrative" compliance
- ◆ Determine when an application is complete
- ◆ Use statistical process control techniques to analyze process
- ◆ Clarify steps to be taken - start to finish
- ◆ Quality of permits (e.g., clarity, enforceability)
- ◆ Measure whether permit is enforceable - enforceable determines "good" permit
- ◆ Public shares responsibility and recognizes their role in problem solution
- ◆ Shift resources from point to non-point sources
- ◆ Focus on the right sector and source of pollution - in ozone area, permits are not

the only thing that is going to solve the problem source reduction, upgrades of equipment

- ◆ Pollution prevention - expand to include facility throughput
- ◆ Strive for understandability - consensus, appeals, the number of questions
- ◆ Customer Relations - special consideration for small business and communities (cost and reporting requirements)
- ◆ Implement a ranking system based on difficulty of issuing permits
- ◆ Measurements need to be communicated up front
- ◆ Identified "best practices"
- ◆ Broad knowledge of what constitutes compliance
- ◆ Make the permit process a model for identifying cross-jurisdictional issues
- ◆ Permits issued by lowest possible level
- ◆ Fairness - opportunity to raise concerns

Performance

- ◆ Measures (e.g., time to process; number of steps eliminated, measuring time, need to measure components)
- ◆ Performance standards (timeframes)
- ◆ Permit turnaround time
- ◆ Measure how long it takes to get permit from date of submittal to date of implementation
- ◆ Correlation between size, complexity, and length of time it takes to issue a permit
- ◆ Strive to make transaction costs (due to the environmental compliance) for entry and exit from market less than they are today
- ◆ Long/short term costs - costs due to environmental degradation
- ◆ Number of expired permits
- ◆ Number of permits issued
- ◆ Number of backlogged permits
- ◆ Number of changes in the permit that are requested by the regulated entity
- ◆ Revoking permits if companies continually show "bad faith" effort
- ◆ Five or more nuisance violations means non-effective permit
- ◆ Develop milestones - identify different permit programs - then set short-term goals
- ◆ Different measurements for different programs
- ◆ Develop list of permits that could be standardized and see how many are done
- ◆ Develop list of conflicts between states and EPA and then publish and try to resolve them
- ◆ Evaluate permit process - identify what works well
- ◆ Is there consistency to measure against? Need to do benchmarking. Who sets the "standard"?

- ◆ Need to measure both efficiency and effectiveness
- ◆ Less appeals - administrative and judicial
- ◆ Are permits in accord with environmental goals?

Results

- ◆ Use environmental indicators - is the environment improving?
- ◆ Need to look at effect on environment (e.g., waste generated; emissions; need to develop indicators)
- ◆ Have we eliminated the discharge of bio-accumulated toxics
- ◆ Cleaner air and water
- ◆ Continuous improvement in environmental quality
- ◆ National resource investment in permitting is down with improved environmental quality
- ◆ Reaching environmental goals
- ◆ Measure health effects after a permit is issued - look to local health registry
- ◆ Continue work on environmental indicators
- ◆ Effectiveness evaluated against human health, ecosystems, and quality of life
- ◆ Develop environmental indicators
- ◆ Behavior changed because of efforts
- ◆ Downsizing forces change
- ◆ There are fewer enforcement cases due to improved compliance
- ◆ Level of compliance - number of facilities in compliance
- ◆ Compliance with specific conditions of permit
- ◆ Better compliance - measure the compliance rate
- ◆ Reduction of severity and number of enforcement actions the Agency takes
- ◆ Focus on compliance as opposed to environmental impacts
- ◆ Cost - short term/long-term to the environment
- ◆ Measure could be resources necessary to process permits
- ◆ Measure economics - at what costs are we having a benefit
- ◆ Decrease information and reporting costs to the regulated industry
- ◆ Permits that are being written are reaching the largest groups, getting the most reduction for what we are spending
- ◆ How many permits avoided because of pollution prevention?
- ◆ Number of permits needed to be issued
- ◆ Articulate outcomes (simple & streamlined; objective & enforceable; flexible & innovative)
- ◆ Delegations to states - measure the number of states who have programs
- ◆ Siting of new facility or facilities based on objective criteria
- ◆ Population and industry is environmentally active/conscientious

- ◆ Risks to health are voluntary
- ◆ Do baseline study of health and health effects
- ◆ Measure loadings - considering complexity of permit when evaluating effectiveness
- ◆ Demonstrative effectiveness vs. harm

Customer Service

- ◆ Measure customer satisfaction with: surveys, more contact with regulated community, this could include public participants/random public
- ◆ Quality of public participation measure by the number of comments incorporated and the number of permits appealed by public
- ◆ Public awareness needs to be considered
- ◆ General consensus that permitting decisions are fair, consistent, efficient, and open
- ◆ Communities believe that their input is taken into account in the permit process
- ◆ Performance standards of Regional Administrator and Regional staff should be based on feedback from customers. Survey customers
- ◆ Predictability of decisions
- ◆ Establish Citizen Advisory Groups
- ◆ Citizen groups oversee the measurements the Agency puts out
- ◆ Satisfaction of stakeholders, permit writers, permittees, etc.
- ◆ Process is cooperative, not adversarial
- ◆ Delighted and disinterested with the permitting system = 80%
- ◆ Widely and easily available permit and compliance data for facilities
- ◆ Continuous monitoring data readily available to the public
- ◆ Ease of access to information (permit status)
- ◆ Ease of access to records
- ◆ Inclusion of planning system as part of permit
- ◆ Must communicate to general public what Agency is doing
- ◆ Sustainable competitive economy

Stakeholder Survey Results

After a day of discussing the possible permit reform recommendations, stakeholders were given a final opportunity, through a survey, to indicate their preferences for implementation. A survey was distributed at each of the Stakeholder meetings to allow for quantification of meeting results from the five national meetings. The survey (see Appendix C) asked each meeting participant to rank the twelve National Performance Review recommendations and any new recommendations developed at each meeting in priority order for implementation. Because of the breadth of some of the NPR recommendations, sub-recommendations were developed to allow for more definition of

what participants viewed as a priority. A five point scale was used as follows:

1. Recommendation should not be implemented
2. Recommendation should receive very low priority
3. Recommendation should receive medium priority
4. Recommendation should receive high priority
5. Recommendation should be implemented immediately.

Results

Thirteen new recommendations were developed that were separate and distinct from any of the twelve NPR recommendations included on the survey. Of the thirteen, three were identified in two or more meetings. The recommendation on relating environmental goals to enforcement and permitting strategies was developed in three meetings, while the settle national issues and culture change recommendations were identified in two meetings.

Combined Results - The survey results as summarized in (Appendix D, Table A) represent the combined average of the three sectors for each recommendation. There were unequal numbers of participants in the three stakeholder categories, therefore, providing the average of all responses would not be as representative of the overall opinion of all stakeholders. A more detailed summary is presented in Table B (following the text), where the results are provided individually for each stakeholder category.

Only one overall NPR recommendation had a combined average over four (Encourage Pollution Prevention - 4.2). Two parts of the State/EPA Joint Approach to Administrative Streamlining recommendation also received a combined score over four. These were, working with stakeholders to identify barriers and obstacles to improving the permitting process (4.3) and identifying successful permitting programs to learn and apply successes (4.1). It interesting to note that none of the three parts of the Encourage Pollution Prevention recommendation scored over four.

Five of the thirteen new recommendations had a combined average of four or above; Culture Change (4.0); Consistency of Goals and Strategies (4.2); Relate Environmental Goals to Enforcement and Permitting Strategies (4.0); Linkage of Mission, Process, Product and Results (5.0); and Stakeholder Involvement Throughout Regulatory Process (4.2). However, the number of respondents in one or more of the stakeholder categories was too low for these results to be considered representative.

Environmental/Community Group Results - Reviewing the results by stakeholder category provides additional information to help determine which recommendations should be implemented (see Appendix D, Table B). The environmental/community group stakeholders ranked four overall recommendations as a high priority. In addition, parts of six recommendations received high priority rankings, with four of these being associated with two overall recommendations. The high priority recommendations were; Encourage Pollution Prevention; Address Multi-Media Pollution, (including one part dealing with creating permit teams to review permits); Enhance Public Participation, including all three parts; one part of State/EPA Joint Approach to Administrative Streamlining dealing with identifying barriers to improving the permitting process; and one part of Target Permit Priorities dealing with prioritizing permit issuance based on human health and ecological risk. This sector also identified seven of the thirteen new recommendations as either high or immediate priorities, however, this is based on only one or two responses.

Regulated Community Results - The regulated community stakeholders identified three overall recommendations and four parts of those as high priority (see Appendix D, Table B). The high priority recommendations were; State/EPA Joint Approach to Administrative Streamlining, with three parts dealing with State/EPA teams to review permit processes, identifying barriers to improving the permitting process, and identifying successful permitting programs; Target Permit Priorities, with one part dealing with using alternatives to individual permits; and Regulatory and Statutory Barriers. This sector also identified two of the thirteen new recommendations as either high or immediate priorities, however, this is based on only one or five responses.

Regulator Results - The regulator stakeholders identified three overall recommendations and two parts on one of those as a high priority (see Appendix D, Table B). The high priority recommendations were: State/EPA Joint Approach to Administrative Streamlining, with two parts dealing with identifying barriers to improving the permitting process, and identifying successful permitting programs; Encourage Pollution Prevention and Train Permit Writers. This sector also identified three of the thirteen new recommendations as either high or immediate priorities, however, this is based on only one or two responses.

Program Specific Results - The survey provided an opportunity for each respondent to specify whether a given recommendation should be implemented for a particular permitting program. The vast majority of respondents did not identify any individual permitting programs. However, those responses that did identify a specific program focused mostly on the three Clean Air Act permitting programs (see Appendix D, Table C).

Additional Public Input

In addition to receiving input from the formal stakeholder meetings, several organizations considered the issue of a reformed permitting system and relayed their thoughts and concerns to the Team. One such organization, the Community Environmental Council of Santa Barbara brought together a number of parties including the state of California's Environmental Protection Agency, the California Water Resources Board, Rockwell, Chevron, and Alameda County Economic Development Agency, among others, to consider the recommendations and issues being addressed by the Permits Improvements Team. A summary of the meeting is available from William Pierce, at EPA's Region IX Water Management Division (415/744-1877). Some of the key issues and concerns that emerged from that meeting include:

- 1) Establish and implement risk based permitting -- develop a permitting system that allows a tiered grant of authorization that is risk based
- 2) Develop permitting systems that approve performance rather than technology
- 3) Establish an initial "failure" scenario without criminal/civil liability
- 4) Identify ways through full delegation to enhance/expedite multi-media permitting and match with local environmental needs

Future Direction of the Permits Improvement Team

Based on stakeholder input and EPA management approval, the Team will move forward in implementing permit reform recommendations in the following areas: Alternatives to Individual Permits, Administrative Streamlining, Enhancing Public Participation, Pollution Prevention Incentives, Training, and Performance Measures. The team has divided into task forces to pursue these reforms.

Over the next eight months, the Team will be moving forward with initiatives outlined in each individual action plan (see Appendix E). The initial focus of the Team's efforts will be on those improvements that can be implemented during Fiscal Year (FY) 1995. These initial efforts will also identify longer term actions that need to be taken (e.g., regulatory revisions) as well. These actions will be scheduled for implementation in FY 1996 and beyond. In this way, the EPA will begin the process of permit reform, recognizing that continuous improvements will be needed to establish a permitting system that facilitates the Agency's mission of protection of human health and the environment.

The Teams' schedule provides for a series of stakeholder meetings to obtain input on the initial products being developed by each of the task forces. These meetings will be held to provide early input on the reform efforts which will then be modified to reflect stakeholder suggestions. The final permit reforms will then be presented to EPA management for approval. This is expected to occur by the end of September 1995.

A Federal Register notice will be issued prior to the second round of stakeholder meetings along with individual invitations to those persons receiving this report. The Team will distribute materials in advance of the meetings. The tentative dates and locations for the stakeholder meeting follows:

May 17, 1995 - Atlanta, GA
May 18, 1995 - Chicago, IL
May 23, 1995 - Kansas City, KS
May 24/25, 1995 - Los Angeles, CA
May 31, 1995 - Newark, NJ
June 2, 1995 - Washington, DC

Appendixes

Appendix A

Stakeholder Letter

Dear Stakeholder,

The United States Environmental Protection Agency (USEPA) has recently established a Permits Improvement Team to implement specific actions for the purpose of 1) improving the quality, certainty and timeliness of the permit decision process; 2) providing for earlier and better public participation in the permitting process; and 3) enhancing the use of innovative technologies and pollution prevention through the permitting process. The Team is made up of regulators from USEPA state, tribal and local governments.

Numerous recommendations have been made on how to improve the process for obtaining environmental permits. Most recently, USEPA developed specific recommendations as part of the Vice President's and the Agency's National Performance Reviews. The Team is currently in the process of determining which recommendations should be implemented first. We need your help in making this decision.

USEPA is holding five national stakeholder meetings this fall to obtain advice from individuals on this issue. These meetings will be held in Denver on October 20th, Philadelphia on October 26th, Seattle on November 7th, Dallas on November 14th, and Boston on November 21st. The Denver and Boston meetings are being held in the Region's Conference Centers. In Denver: 999 15th Street, 8th floor; Boston: 1 Congress Street, 11th floor. The Philadelphia meeting will be held at the Barclay Hotel on 237 South 18th Street, Philadelphia. The Seattle meeting will be held at the Claremont Hotel on 2004 4th Avenue at Virginia Street, Seattle. The location for the Dallas meeting is still being determined.

Attached to this letter is the Agenda and format for the meetings. Our objective is to obtain individual ideas and comments, but we will not attempt to obtain a group opinion from the meeting participants. Also attached is a listing of 12 recommendations from the National Performance Review that the Team would like your help in prioritizing. We will discuss these recommendations and your suggestions for enhancing and measuring the Team's intended results at the meeting. The last part of the meeting will focus on receiving your input on how to measure the performance of environmental permits. Finally, two pamphlets are enclosed that describe USEPA's Customer Service initiative.

Your input is critical to helping us focus our efforts on those improvements that will have the most benefit to all of you. Since there is limited seating at the stakeholder meetings, we request that you notify us, in writing, of your intention to participate. This notification should be received by the noted RSVP date for the meeting you wish to attend. Those who are unable to participate should know that there are likely to be additional Team meetings next year which will focus on specific implementation activities.

Unfortunately, travel funds are not available for USEPA to pay for costs you may incur in attending these meetings.

Please send, in writing, notification of which meeting you will be attending to: USEPA Permits Improvement Team, Mail Stop 100, 2890 Woodbridge Ave., Edison NJ 08837. If you notify us that you wish to attend the Dallas meeting, you will receive written notification of the location prior to the meeting. Questions concerning these meetings should be directed to the Team's Executive Director, Lance Miller, at (908) 321-6782.

We look forward to your participation and input.

Sincerely,

Elliott P. Laws
Assistant Administrator
OSWER
Co-Chair Permits Improvement
Team

Jeanne M. Fox
Regional Administrator
Region 2
Co-Chair Permits Improvement
Team

Appendix B

Meeting Format

The format for the Stakeholder meetings will be roundtable and focus group sessions. The day will be divided into four parts as follows: 1) a roundtable discussion of possible activities for the Permits Improvement Team to pursue; 2) focus group discussions on a subset of the possible recommendations to determine if a recommendation should be implemented, amplified, what it should cover, and possible implementation pitfalls; 3) a second roundtable discussion on the results of each of the focus groups; and 4) a final roundtable discussion on how to measure the effectiveness and efficiency of environmental permitting.

The roundtable will consist of approximately equal representation from environmental/community groups, regulated entities, and regulators. Each group is being allocated no more than thirteen seats at the table. If more than thirteen representatives from a group sign up for a meeting, seats at the table will be allocated to achieve the broadest representation of that group. If seats are available at other locations, participants will be offered an opportunity to attend those meetings. Perimeter seating will be available to all on a first come first serve basis.

The first roundtable session will review the National Performance Review recommendations that the Permits Improvement Team is considering for implementation (see attached list). Participants are encouraged to offer other improvements that they feel should be addressed. The meeting will be open to the public. However, the majority of the time will be allocated to the interaction of the roundtable participants. If time permits, the other attendees will also be given an opportunity to provide their input.

The roundtable participants will be divided into three focus groups, with approximately equal numbers from each of the participating sectors. Each focus group will be given a third of the recommendations to discuss. Focus group participants will discuss their individual views on whether each recommendation should be implemented, amplify each recommendation, specify what should be accomplished, and/or the type of products that should be produced, and possible pitfalls for each recommendation. Focus group discussions will be recorded by USEPA.

Focus groups will reconvene in the roundtable format and report to the entire group on their discussions. A survey will be distributed listing each of the recommendations and each attendee will be requested to rate the degree to which they feel each

recommendation should be implemented. The survey will require certain information (name and affiliation), but the individual responses will be kept confidential subject to the Freedom of Information Act (FOIA) 5 U.S.C. 552.

The last part of the meeting will provide an opportunity for meeting participants and to the extent time allows, other meeting attendees, the opportunity to provide input to USEPA on what performance standards should be developed to measure the effectiveness and efficiency of the environmental permitting process. The Customer Service Executive Summary and Environmental Permitting pamphlets are enclosed to provide background information on this initiative. A Task Force of the Permits Improvement Team will be developing draft performance standards that will be the subject of additional outreach meetings. After receipt and consideration of customer comments final performance standards will be adopted by USEPA.

Appendix C

Customer Implementation Survey

Thank you for participating in the Permits Improvement Team (PIT) Stakeholder meeting. So that we may obtain as much stakeholder input as possible on the Teams' anticipated activities, we have developed the following survey. We ask that you carefully read the activities outlined and rate your preference for implementation by the scale provided below. If you believe that the recommendation should only be implemented for one or two of the permitting programs, place the appropriate letters, (as assigned to each permit category below), next to your numerical ranking. If you believe that the recommendation should be implemented for three or more permitting programs, just provide your numerical ranking.

While the survey does ask for name and affiliation, individual responses will be kept confidential subject to Freedom of Information Act (FOIA) 5 U.S. C. 552 requirements.

Score on a scale of 1 to 5 as follows:

1. Recommendation should not be implemented
2. Recommendation should receive very low priority
3. Recommendation should receive medium priority
4. Recommendation should receive high priority
5. Recommendation should be implemented immediately

Permit Categories

- A. New Source Review (NSR)
- B. Title V of Clean Air Act
- C. Prevention of Significant Deterioration (PSD) - Clean Air Act
- D. National Pollutant Discharge Elimination System (NPDES)
- E. Non-point Source (NPS) - Clean Water Act
- F. Treatment, Storage or Disposal (TSD) Operating Permit - Resource Conservation And Recovery Act (RCRA)
- G. Post Closure - (RCRA)
- H. Underground Storage Tank (UST) - RCRA
- I. PCB Disposal - Toxic Substances Control Act (TSCA)
- J. Ocean Deposition - Marine Protection, Research and Sanctuaries Act (MPSRA)

<u>Recommendations</u>	<u>Score</u>
1. <u>State/EPA Joint Approach to Administrative Streamlining</u>	_____
a. Establish teams with States and EPA representatives to review permit processes.	_____
b. Work with stakeholders to identify barriers and obstacles to improving the permitting process.	_____
c. Identify and survey successful permitting programs to learn and apply successes.	_____
d. Encourage and authorize states that have full statutory authority to take full delegation and responsibility for permit programs.	_____
e. Develop capability of states to assume more responsibility for their permitting programs.	_____
2. <u>Target Permit Priorities</u>	_____
a. Issue individual permits (rather than general permits) only where it is necessary to apply tailored or site specific requirements.	_____
b. Use alternatives to individual permits where possible, such as, compliance with self-implementing regulations (e.g., permit-by-rule), and general or class permits.	_____
c. Prioritize permit issuance based on human health and ecological risk concerns, or on geographic basis.	_____
3. <u>Regulatory and Statutory Barriers</u>	_____
a. Identify regulations and statutes that prevent flexibility in permitting and suggest possible follow-up actions, including revising applicable regulations and working with Congress to amend appropriate statutes.	_____
4. <u>Encourage Pollution Prevention</u>	_____
a. Create incentives for pollution prevention in permits and permit compliance by considering the use of differential fee schedules, extra time to comply, and expedited processing.	_____

- b. Prepare guidance on how to implement innovative strategies and procedures. —
- c. Explore the appropriateness of emission fee programs. —

5. Address Multi-Media Pollution —

- a. To encourage cross media pollution reduction strategies, coordinate permit issuance or reissuance for environmentally significant sources. —
- b. Create permitting teams in the regions to review permits and identify cross media transfer issues. —
- c. Phase in cross media permitting with several pilots covering a wide range of alternatives (e.g., combining UIC/RCRA; air/water; water/RCRA; or sludge/ground water). —

6. Enhance Public Participation —

- a. Revise permitting procedures to encourage meaningful early public participation and identify more effective methods to notify the public. —
- b. Develop ways to be more responsive to the public by drafting clear and understandable guidance manuals for the general public, states and applicants. —
- c. Prepare annual communication strategies and programs to educate interested citizens, including holding training workshops in conjunction with citizen groups, state associations and trade associations. —

7. Facilitate Permitting of Innovative Technology —

- a. To facilitate permitting of innovative technologies create special teams of permit writers from EPA and the States to conduct reviews of what does and doesn't work in writing permits. This would determine whether permits could be changed or modified to allow the use of more innovative technology to accomplish the

- environmental mandate dictated by permits. _____
- b. Identify regulatory and statutory obstacles to the use of innovative technologies that policy and procedural changes alone cannot fix. _____
- c. Develop alternative approaches to conventional permitting processes that encourage the use of innovative technologies. _____

8. Measure the Success of Permitting Programs _____

Develop ways to measure the success of permitting programs. This would include measures on both the effectiveness and efficiency of the permitting programs. Effectiveness measures could include environmental quality improvements, degree of compliance, and level of satisfaction with the permitting process. Efficiency measures could include timeliness standards and degree of understanding of the permitting requirements.

9. Train Permit Writers _____

- a. Establish an EPA Permits Institute and require State/Federal permit professionals to complete a core curriculum. _____
- b. Review the permit organization staffing to ensure the appropriate skills mix. _____
- c. Provide financial or other incentives and awards to permit professionals. _____

10. Permits Clearinghouse _____

Establish a permits clearinghouse to serve as a single point of contact for regulated industries and local governments to obtain information about national and regional regulations and permitting requirements. This could include general, simple-to-understand information, as well as names and numbers of state and/or EPA regional or headquarters contacts for technical assistance on permitting issues. The clearinghouse could also include a national EPA hotline and computer bulletin board.

11. **Streamline State Reporting Requirements** _____

Evaluate state reporting requirements and eliminate excessive and artificial commitments. Modify oversight guidance to help states implement their permitting programs. This could include revising the existing accountability/measurement system.

12. **Integrate Permit Databases** _____

Create an integrated database that provides information useful for measuring compliance by industry, sector, and facility. This could also be used to devise long-term multi-media pollution prevention strategies. Pilot such a cross-program permit tracking system with one state and one region.

13. _____
14. _____
15. _____
16. _____
17. _____
18. _____
19. _____
20. _____

NAME (Optional): _____

AFFILIATION: Circle One

Environmental/Community Group Regulated Community

Regulator **MEETING ATTENDED:** _____

Appendix D

Survey Tables A, B, C**TABLE A
SURVEY RESULTS - COMBINED AVERAGE**

<u>Recommendation</u>	<u>Average</u>
1	3.9
1a	3.8
1b	4.3
1c	4.1
1d	3.3
1e	3.4
2	3.4
2a	3.4
2b	3.4
2c	3.8
3	3.7
4	4.2
4a	3.7
4b	3.6
4c	3.1
5	3.6
5a	3.4
5b	3.4
5c	3.2
6	3.8
6a	3.9
6b	3.9
6c	3.4
7	3.6
7a	3.4
7b	3.6
7c	3.5
8	3.6
9	3.8
9a	3.3

9b	3.3
9c	3.3
10	3.5
11	3.3
12	3.4
13	3.2
14	3.2
15	4.0
16	4.2
17	4.0
18	2.4
19	NA
20	5.0
21	NA
22	3.5
23	4.2
24	3.3
25	2.3

1 - 12 - See Description in Survey (Appendix B)

13 = Ability of applicants to fund resources for permit reviews

14 = Settle national issues

15 = Culture change

16 = Consistency of goals and strategies

17 = Relate environmental goals to enforcement and permitting strategies

18 = Linkage to economic agencies

19 = Environmental Justice

20 = Linkage of Mission, Process, Product and Results

21 = Develop new permitting system

22 = Focus on bioaccumulative toxics

23 = Stakeholder Involvement Throughout Regulatory Process

24 = Consider Land Use Rights in Permitting

25 = Evaluate Impact of Unfunded Mandates

NA - One stakeholder group had no responses therefore no average was calculated

Average was determined by treating each stakeholder group equally.

TABLE B

SURVEY RESULTS - STAKEHOLDER SECTOR SUMMARY

		Reg Comm (44)		Env/Comm (16)		Regulator (40)	
		Avg	Range	Avg	Range	Avg	Range
N P R R e c o m m e n d a t i o n	1	4.3 (33)	2-5	3.2 (11)	2-5	4.1 (28)	2-5
	1a	4.1 (40)	2-5	3.4 (15)	1-5	3.9 (34)	1-5
	1b	4.7 (40)	3-5	4.2 (15)	1-5	4.0 (34)	1-5
	1c	4.4 (38)	2-5	3.7 (15)	1-5	4.3 (36)	1-5
	1d	3.8 (40)	1-5	2.7 (15)	1-5	3.5 (35)	1-5
	1e	3.7 (40)	2-5	2.8 (15)	1-5	3.7 (33)	1-5
	2	4.1 (33)	1-5	2.1 (11)	1-5	3.9 (28)	3-5
	2a	3.9 (41)	1-5	2.4 (15)	1-4	3.9 (36)	1-5
	2b	4.2 (41)	1-5	2.0	1-4	3.9 (36)	1-5
	2c	3.7 (41)	1-5	4.1 (14)	1-5	3.6 (34)	1-5
	3	4.3 (40)	2-5	2.9 (15)	1-5	3.9 (39)	1-5
	4	3.7 (35)	1-5	4.8 (12)	4-5	4.0 (31)	1-5
	4a	3.8 (42)	1-5	3.7 (15)	1-5	3.6 (35)	1-5
	4b	3.5 (42)	1-5	3.9 (15)	2-5	3.5 (36)	1-5
	4c	2.7 (41)	1-5	3.8 (15)	1-5	2.9 (34)	1-5
	5	3.1 (37)	1-5	4.0 (12)	3-5	3.8 (29)	2-5
	5a	3.1 (41)	1-5	3.9 (15)	2-5	3.3 (36)	1-5
	5b	2.9 (41)	1-5	4.0 (15)	2-5	3.3 (36)	1-5
	5c	2.9 (41)	1-5	3.7 (15)	1-5	3.0 (37)	1-5
	6	3.0 (32)	1-5	4.9 (11)	4-5	3.5 (29)	2-5
	6a	3.1 (41)	1-5	4.9 (15)	4-5	3.7 (36)	1-5
	6b	3.4 (42)	1-5	4.7 (15)	3-5	3.6 (36)	1-5
	6c	2.9 (41)	1-5	4.2 (15)	1-5	3.2 (35)	1-5
	7	3.5 (35)	2-5	3.7 (14)	2-5	3.5 (29)	2-5
	7a	3.5 (39)	1-5	3.4 (15)	2-5	3.2 (35)	1-4
	7b	3.8 (39)	1-5	3.4 (15)	1-4	3.6 (35)	2-5
	7c	3.7 (39)	3-5	3.4 (14)	1-5	3.5 (35)	1-5
	8	3.3 (41)	1-5	3.8 (15)	2-5	3.8 (36)	2-5
	9	3.6 (35)	1-5	3.7 (13)	2-5	4.0 (31)	1-5
	9a	3.2 (43)	1-5	3.2 (15)	1-5	3.5 (36)	1-5
	9b	3.5 (43)	1-5	3.3 (15)	2-5	3.2 (35)	1-5
	9c	3.5 (43)	1-5	2.9 (15)	1-5	3.5 (34)	1-5

Table B (Continued)

10	3.2	1-5	3.8	2-5	3.5 (38)	1-5
11	3.3 (43)	1-5	2.8	1-5	3.8 (38)	1-5
12	2.8 (43)	1-5	4.2	2-5	3.1	1-5
13	3.7 (13)	2-5	3.0 (1)	NA	3.0 (8)	1-5
14	3.1 (14)	1-5	3.3 (3)	3-4	3.3 (9)	2-4
15	3.8 (17)	1-5	4.5 (2)	4-5	3.7 (11)	2-5
16	4.8 (5)	4-5	4.0 (1)	NA	3.8 (4)	2-5
17	3.7 (16)	1-5	4.5 (2)	4-5	3.8 (8)	1-5
18	3.8 (5)	3-5	1.0 (1)	NA	2.5 (4)	1-4
19	2.0 (1)	NA	4.0 (1)	NA	-----	
20	5.0 (1)	NA	5.0 (1)	NA	5.0 (1)	NA
21	3.0 (2)	2-4	-----		4.0 (2)	3-5
22	1.5 (2)	1-2	5.0 (1)	NA	4.0 (1)	NA
23	3.8 (8)	2-5	5.0 (1)	NA	3.7 (3)	2-5
24	3.0 (6)	2-5	4.0 (1)	NA	3.0 (4)	2-5
25	3.8 (6)	2-5	1.0 (1)	NA	2.0 (4)	1-3

1 - 12 - See Description in Survey (Appendix C)

13 = Ability of applicants to fund resources for permit reviews

14 = Settle national issues

15 = Culture change

16 = Consistency of goals and strategies

17 = Relate environmental goals to enforcement & permitting strategies

18 = Linkage to economic agencies

19 = Environmental Justice

20 = Linkage of Mission, Process, Product and Results

21 = Develop new permitting system

22 = Focus on toxics

23 = Stakeholder Involvement Throughout Regulatory Process

24 = Consider Land Use Rights in Permitting

25 = Evaluate Impact of Unfunded Mandates

(#) Indicates the number of respondents if different than the total

NA - Not Applicable

TABLE C
SURVEY RESULTS - RECOMMENDATIONS RELATIVE TO SPECIFIC PROGRAMS

<u>Recommendation (a)</u>	<u>Permit Program (#)</u>					
1a	A(4)	B(3)	C(2)		E(1)	
1b	A(3)	B(6)	C(2)	D(1)		
1c	A(2)	B(3)	C(2)	D(1)	F(1)	
1d			C(1)	D(1)		
1e		B(1)		D(1)		
2				D(1)		K(1)
2a	A(1)	B(2)		D(2)		K(1)
2b	A(1)	B(2)		D(1)		K(1)
2c	A(1)	B(1)		D(1)	F(1)	K(1)
3	A(2)	B(2)	C(2)		F(1)	
3b			C(1)			
4	A(1)	B(1)	C(1)		F(1)	I(1)
4a	A(2)	B(2)	C(2)		F(1)	I(1)
4b	A(2)	B(3)	C(3)	D(1)	F(1)	I(1)
4c	A(1)	B(1)	C(2)		F(1)	I(1)
5a	A(1)	B(1)	C(1)	D(2)		
5b	A(1)	B(1)	C(1)	D(1)		
5c	A(1)	B(1)	C(2)		F(1)	I(1)
6a	A(1)	B(1)	C(1)		F(1)	I(1)
6b	A(1)	B(1)	C(1)		F(1)	I(1)
6c	A(1)	B(1)	C(2)		F(1)	I(1)
7a	A(1)	B(1)	C(1)	D(1)		
7b	A(1)	B(2)		D(1)		
7c	A(2)	B(1)	C(1)			
8	A(1)	B(1)	C(1)		F(1)	I(1)
9	A(1)	B(1)	C(1)		F(1)	I(1)
14		B(1)	C(1)			
17					F(1)	
21	A(1)	B(1)	C(1)	D(1)		

a 1a - 9 - See Description in Survey (Appendix C)

14, 17, 21 - See Description in text pages 20, 21, and 22

(#) provides the number of responses for that permit category

Table C (Continued)

Permit Categories

- A. New Source Review (NSR)
- B. Title V of Clean Air Act
- C. Prevention of Significant Deterioration (PSD) - Clean Air Act
- D. National Pollutant Elimination System (NPDES)
- E. Non-point Source (NPS) - Clean Water Act
- F. Treatment, Storage or Disposal (TSD) Operating Permit - Resource Conservation and Recovery Act (RCRA)
- G. Post Closure - RCRA)
- H. Underground Storage Tank (UST) - RCRA
- I. PCB Disposal Toxics Substances Control Act (TSCA)
- J. Ocean Deposition - Marine Protection, Research and Sanctuaries Act (MPSRA)
- K. Wetlands (Only included in Boston meeting)

Appendix E

PIT Action Plans

Alternatives to Individual Permits

Objective Recommend specific alternatives to individual permits, including the pros and cons of implementation.

Tasks

- * Recommended/suggested areas for use of alternative approaches
- * Recommended/suggested model approaches for implementation (e.g. permit by rule, third party certification, etc.)
- * Recommended/suggested situations which continue to require individualized approach (e.g., major facilities)
- * Recommended/suggested facility specific activities where individual permits may be exempted such as facilities implementing aggressive pollution prevention techniques.
- * Recommended/suggested mechanisms to assure public of proper notification, participation, access to information, facility monitoring & reporting and Agency oversight, to demonstrate adequate environmental protection for facilities that are not issued individual permits.

Administrative Streamlining

Objective - Improve the permit process by analyzing successful permit programs as well as major barriers that need to be overcome, and recommend changes to the permit process (guidance, policy, regulations, procedures).

Tasks

- * Send inventory of permit improvement initiatives to all EPA program offices, Regions, states and state associations to compile a comprehensive inventory of successful initiatives. Ask for identification of barriers in the federal system that, if overcome, would allow the initiative to move forward more aggressively.
- * Identify statutory, regulatory and policy barriers by media and set priorities for recommending appropriate changes.
- * Identify unnecessary or disjunctive steps in the permitting process and indicate what steps are required by law, regulation or policy. Prioritize those steps that should be eliminated or better synchronized for more consistent/uniform administrative procedures (e.g., common comment periods, public notice requirements, timelines, where appropriate).

- * Develop case studies (find out what worked) of successful state/EPA permitting efforts, develop possible pilots from case studies, and other successes. Identify which success can be applied broadly via regulation policy or procedure.

Enhance Public Participation

Objective Enhance public participation by providing opportunities for earlier and more meaningful participation.

Tasks

- * Share public participation action plan with regional workshop participants. Modify plan as necessary
- * Prepare background paper that includes: (1) an assessment of existing and proposed media-specific public participation requirements; (2) an evaluation of key environmental permitting status information of interest to the public (e.g., permit application submittal, permit renewal necessary, upcoming permit activities); and (3) a discussion of mechanisms for sharing this information with the public (e.g. newsletters, electronic data bases).
- * Develop "model public participation process for environmental permitting based on results of the above assessment, and in consultation with states and the affected public. The model process should promote consistency in public involvement requirements during the permitting process, for all environmental media permits..

Pollution Prevention Incentives

Objective - Foster cross-media pollution prevention outcomes through permitting which result in measurable reductions in emissions and the number of permits issued in each media, in each Region. The focus is on less pollution, less need for regulatory oversight, and cost savings to industry and regulatory agencies.

Tasks

- * Evaluate incentives for pollution prevention in permits and permit compliance by considering the use of differential fee schedules, extra time to comply, expedited permit processing, and other opportunities.
- * Identify cross-media pollution reduction strategies, including coordination of permit issuance or reissuance for environmentally significant sources.
- * Evaluate creation of teams in the Regions to review permits and identify cross-media transfer issues.
- * Prepare guidance on how to implement innovative strategies and procedures.

*Evaluate the need for the Administrator to require each AA and RA to develop substantive, measurable actions to provide technology transfer for States and industry to incorporate cross-media pollution prevention into permits.

Training

Objective - Provide the necessary information to EPA, State, Tribal and local government permit writers, the regulated community and citizens and environmental groups, for effective and efficient permit processes.

Tasks

- * Identify a series of informational tools to educate permittees and citizens about permit processes.
- * Identify a series of informational tools to educate regions, states, tribes, local governments, permittees, and citizens about the requirements and reasons for new rules.
- * Identify the core skills and knowledge needed by permit writers to develop appropriate training.

Performance Measures

Objective - Develop generic performance measures for environmental permitting. Develop a strategy for rolling out the performance measures to regions, state, tribal and local governments that are delegated permit issuance authority.

Tasks

- * Obtain existing performance measures.
- * Prepare draft generic performance measures and roll-out strategy.
- * Obtain stakeholder input on performance measures and roll-out strategy.
- * Finalize performance measures and assist media programs during roll-out.

Appendix F
Meeting Participants List

Ms. Janice Adair
Alaska Department of Environmental
Conservation
Waste Management Division
410 Willoughby, Suite 105
Juneau, AK 99801-1795

Mr. Ken Amaditz
USEPA - HQ (5303W)
401 M Street, S.W.
Washington, DC 20460
(703) 308-7056

Mr. Steve Anderson
NJDEP
CN 402
Trenton, New Jersey 08625-0402

Mr. Javier M. Balli
EPA/Extension Service Liaison
USEPA, Region VI
1445 Ross Avenue, 6T-PP
Dallas, Texas 75202-2733
(214) 665-7261

Mr. Jerome Balter
Public Interest Law
Center of Philadelphia
125 S. 9th Street, Suite 700
Philadelphia, Pennsylvania 19107
(215) 627-7100

Mr. Rick Barrett
USEPA, Region VI
First Interstate Bank Tower
at Fountain Place
1445 Ross Avenue
Dallas, Texas 75202-2733
(214) 665-7227

Mr. Terry R. Baus
City & County of Denver
2000 West Third Avenue
Denver, Colorado 80223
(303) 446-3603

Mr. Dale A. Beal
Permitting Manager
Aptus Incorporated
Environmental Services
P.O. Box 1328
Coffeyville, Kansas 67337
(316) 252-1349

Mr. Bill Benerman
City and County of Denver
216 16th Street, Suite 1500
Denver, Colorado 980202
(303) 640-3235

Mr. Jon Berg
CT DEP
Waste Management Bureau
79 Elm Street
Hartford, CT 06106
(203) 424-3301

Mr. Rich Bizzozero
MA EOE
100 Cambridge Street, Suite 2109
Boston, MA 02202
(617) 727-3260- ext. 684

Ms. Susan K. Blevins, P.E.
Chemical Section
New Source Review Program
Office of Air Quality
Texas Natural Resource
Conservation Commission
12124 Park 35 Circle, Building C
Austin, Texas 78753
(512) 239-1296

Ms. Kathleen Brazil
BCM Engineers
3 Terri Lane
Burlington, New Jersey 08016
(609) 386-8800

Ms. Sara Marquis Burgin
Attorneys at Law
Brown McCarroll & Oaks Hartline
1400 Franklin Plaza
111 Congress Avenue
Austin, Texas 78701-4043
(512) 479-9788

Mr. Robert J. Burm, P.E.
Chief Permits Section, 8WMC
USEPA, Region VIII
Denver Place, Suite 500
999 18th Street
Denver, Colorado 80202-2466
(303) 293-1655

Mr. Paul Burnet
Program Coordinator
Office of the Director
Oregon Department of
Environmental Quality
Environmental Cleanup Division
811 S.W. 6th Avenue
Portland, Oregon 97204-1390
(503) 229-5776

Mr. Bruce D. Campbell
Environmental Engineering Specialist
Environmental Resources Management
Lockheed - Fort Worth Company
P.O. Box 748
Fort Worth, Texas 76101
(817) 763-7348

Mr. Stephen V. Capone
GE Plastics
One Plastics Avenue
Pittsfield, MA 01201
(413) 448-7609

Mr. Neil J. Carman, Ph.D.
Clean Air Program Director
Lone Star Chapter of the Sierra Club
P. O. Box 1931
Austin, Texas 78767
(512) 472-1767

Mr. Gilberto Castellanos
Program Manager
Department of the Air Force
Air Force Center for
Environmental Excellence
Central Regional Compliance Office
525 Griffin Street, Suite 505
Dallas, Texas 75202-5023
(214) 767-4650

Ms. Priscilla Chapman
Sierra Club
3 Joy Street
Boston, MA 02108
(617) 523-5757

Mr. Daniel J. Clanton, P.E.
Hazardous Waste Division
Arkansas Department of Pollution
Control and Ecology
8101 1-30, Building D
P.O. Box 8913
Little Rock, Arizona 72219-8913
(501) 562-6533

Mr. Todd Crawford, P.E.
Environmental Engineer
State of Missouri
Department of Natural Resources
Division of Environmental Quality
P.O. Box 176
Jefferson City, Missouri 65102-0176
(314) 751-1387

Mr. Richard Daley
Small Business Ombudsman
Pennsylvania Dept. of Commerce
Fulton Bank Building
Third and Locust Street, Suite 901
Harrisburg, PA 17101
(717) 772-2889

Ms. Beth Davidson
New Jersey Conservation Foundation
300 Mendham Road
Morristown, New Jersey 07960
(201) 539-7540

Mr. Allyn M. Davis
USEPA, Region VI
First Interstate Bank Tower
at Fountain Place
1445 Ross Avenue
Dallas, Texas 75202-7233
(214) 665-6701

Mr. Jerome Davis
Environmental Specialist
TU Services
400 North Olive
Dallas, Texas 75201
(214) 812-4457

Mr. Robert E. DeHart, Jr.
Water Quality Administrator
New England Power Company
25 Research Drive
Westborough, MA 01582-0010
(508) 366-9011

Mr. Patrick J. Devillier
Environmental Quality Specialist
Technical Program Support
Department of Environmental Quality
P.O. Box 82263
Baton Rouge, Louisiana 70884-2263
(504) 765-0731

Mr. Carl Dierker
MA DEP
One Winter Street
Boston, MA 02108
(617) 292-5549

Mr. Ken Dobias
Safety-Kleen
1722 Cooper Creek Road
Denton, Texas 76208
(817) 383-2611

Ms. Judith A. Duncan
Director, Customer Services Division
Oklahoma Department of Environmental
Quality
1000 Northeast Tenth Street
Oklahoma City, Oklahoma 73117-1212
(405) 271-1400

Mr. Charles W. Elliott
Leigh Valley Coalition
for a Clean Environment
137 North Second Street
Easton, PA 18042
(610) 252-4338

Mr. Barry Elman
USEPA-HQ (2127)
401 M Street, S.W.
Washington, DC 20460
(202) 260-2727

Ms. Abigail Fair
Project Director
Association of New Jersey
Environmental Commissions
P.O. Box 157
Mendham, New Jersey 07945
(201) 539-7547

Mr. Jack Ferguson
USEPA, Region VI
First Interstate Bank Tower
at Fountain Place
1445 Ross Avenue
Dallas, Texas 75202-7233
(214) 665-7170

Ms. Kimberly Dalton Ferris
State University of New York
1 College Circle, Shrader Building #21
Geneseo, New York 14454
(716) 245-5512

Mr. Michael E. Fessler
Senior Environmental Engineer
American Cyanamid Company
1 Cyanamid Drive - W3
Wayne, New Jersey 07470
(201) 831-3664

Mr. Edward G. Fiesinger
Sr. Environmental Specialist
Monsanto Chemical Company
Chocolate Bayou Plant
FM 2917
P.O. Box 711
Alvin, Texas 77512-9888
(713) 393-4486

Mr. Kevin Fitzpatrick
Washington Department of Ecology
PO Box 47600
Olympia, Washington 98504-7600
(206) 407-6405

Ms. Kathy Fletcher
People for Puget Sound
1326 Fifth Avenue, Suite 450
Seattle, Washington 98101
(206) 382-7007

Mr. Barry P. Fogel
Keohane & Keegan
Attorneys at Law
21 Custom House Street
Boston, Massachusetts 02110
(617) 951-1400

Ms. Susie Frizlen
Special Program Manager
Permits Section
Industrial and Hazardous Waste Division
Texas Natural Resource Conservation
Commission
P.O. Box 13087
Austin, Texas 78711-3087
(512) 239-6643

Ms. Deborah Gallagher
One Winter Street
MA DEP
Boston, MA 02108
(617) 292-5572

Mr. J. H. Gatlin
Environmental Services Manager
Industrial Waste and
Cross Connection Division
3907 S. Industrial Drive
Austin, Texas 78744
(512) 912-6060

Ms. Loni M. Gaudet
Environmental Chemical Specialist
State of Louisiana
Department of Environmental Quality
P.O. Box 82135
Baton Rouge, Louisiana 70884-2135
(504) 471-2800

Ms. Phyllis Glazer
Mothers Organized to
Stop Environmental Sins
15115 FM, RD 16E
Winona, Texas 75792
(903) 877-4801

Ms. Beth Goldstein
Environmental Law Institute
1616 P. Street, S.W.
Washington, DC 20036
(617) 492-2791

Mr. Jonathan Greenberg
Director of Environmental Policy
Browning-Ferris Industries
1350 Connecticut Avenue Northwest
Suite 1101
Washington, DC 20036
(202) 223-8151

Mr. William Hamel
Senior Counsel
Elf Atochem North America, Incorporated
Environmental Law Department
2000 Market Street
Philadelphia, Pennsylvania 19103-3222
(215) 419-7000

Ms. Lynne Hamjian
USEPA, Region I
John F. Kennedy Federal Building, APA
One Congress Street
Boston, MA 02203
(617) 565-4181

Mr. Dennis Hart
Director
Division of Water Quality
NJ Department of Environmental
Protection
CN - 029
Trenton, New Jersey 08625-0029
(609) 292-4543

Ms. Shannon Hartnett
Algonquin Gas Trans. Co.
1284 Solider Field Road
Boston, MA 02135
(617) 560-1323

Ms. Maureen Healey
Society of the Plastics Industry
1275 K Street, NW
Washington, DC 20005
(202) 371-5219

Ms. Diane Hetherington-Ward
Safety-Kleen Corporation
777 Big Timber Road
Elgin, Illinois 60123
(708) 468-2550

Ms. Pat Hill
Georgia Pacific
1875 Eye Street, NW, Suite 775
Washington, DC 20006
(202) 659-3600

Mr. Ron Hix
Flordia Power and Light
P.O. Box 08801
11770 US Highway 1
North Palm Beach, FL 33408
(407) 625-7605

Mr. Alan Hohl
E.G., & G Rocky Flats
29640 Sue Road
Evergreen, Colorado 80439
(303) 966-3767

Mr. Paul Hogan
Surface Water Discharge Permit Program
MADEP
Office of Watershed Management
40 Institute Road
North Grafton, MA 01536-1839
(508) 839-3469

Ms. Karen J. Huber
Water Quality Engineer
METRO
Municipality of Metropolitan Seattle
821 Second Avenue, M.S. 81
Seattle, Washington 98104-1598
(206) 684-1246

Mr. Steve A. Hudson
Region Manager Environmental Affairs
Boise Cascade Corporation
1615 M Street, N.W. Suite 570
Washington, DC 20036
(202) 293-9066

Ms. Joan B. Hughes
Environmental Technician
Southeastern Regional Office
Alaska Department of
Environmental Conservation
410 Willoughby, Suite 105
Juneau, Alaska 99801-1795
(907) 465-5345

Mr. Nick Ioannides
City and County of Denver
216 16th Street, Suite 1500
Denver, Colorado 80202
(303) 640-3322

Ms. Patricia A. Jackson
Executive Director
Lower James River Association
P.O. Box 110
Richmond, VA 23201
(804) 730-2898

Ms. Diane Johnson
Environmental Engineer
Total Petroleum, Incorporated
Denver Refinery
5800 Brighton Boulevard
Commerce City, Colorado 80022
(303) 291-2405

Ms. Helen Johnson
DOW Chemical
Environmental Department
2301 North Brazpsport Boulevard
Freeport, Texas 77541
(409) 238-5211

Mr. Glen W. Jones, P.E.
Chief Environmental Engineer
Permitting & Site Remediation Section
Waste Management Division
State of Oklahoma
Department of Environmental Quality
1000 Northeast Tenth Street
Oklahoma City, Oklahoma 73117-1212
(405) 271-7056

Mr. Thomas L. Jones
Sr. Staff Engineer
Union Carbide Corporation
P.O. Box 50
Hahnville, LA 70057
(504) 468-4738

Mr. Robert E. Kaliszewski
Ombudsman
CT DEP Permits Assistance Office
79 Elm Street
Hartford, CT 06106-5127

Ms. Carol Kelbride
USEPA, Region I
John F. Kennedy Federal Building, WQE
One Congress Street
Boston, MA 02203
(617) 565-9175

Ms. Dorothy Allen Kellogg
Director
Policy Analysis Regulatory Affairs
Chemical Manufacturers Association
2501 M Street, N.W.
Washington, DC 20037
(202) 887-1178

Ms. Dorothy A. Kelly
Manager, Regulatory Affairs
Ciba-Geigy Corporation
444 Saw Mill River Road
Ardsley, New York 10502-2699
(914) 479-2380

Mr. Dennis Leong
Wisconsin Department of Development
123 West Washington Avenue
P.O. Box 7970
Madison, Wisconsin 53707
(608) 266-9869

Ms. Rebecca A. Kermode
Staff Engineer
Department of Public Works
City Engineer's Office - Bond Projects
303 W. Colfax Avenue, Suite 700
Denver, Colorado 80204
(303) 640-2476

Mr. Gerald Lenssen
State of Washington
Department of Ecology
P.O. Box 47600
Olympia, Washington 98504-7600
(206) 407-6708

Ms. Anne Ketchum
Policy Specialist
PA Department of Environmental
Resources
P.O. Box 2063
Harrisburg, PA 17105-2063

Mr. Leonard Levin, P.E.
Operations Coordinator
Gulf Coast Waste Disposal Authority
910 Bay Area Boulevard
Houston, Texas 77058
(713) 488-4115

Ms. Karen Lane
Senior Vice President for Development
and Community Relations
Fred Hutchinson Cancer Research Center
1124 Columbia Street, LY 120
Seattle, Washington 98104
(206) 667-6651

Ms. Edythe McKinney
Office of the Small Business Ombudsman
North Carolina Department of
Environment
Health and Natural Resources
3825 Barrett Drive
Raleigh, North Carolina 28609
(919) 571-4840

Mr. George R. Larsen
Acting Director
Environmental Management
Martin Marietta Astronautics Group
P.O. Box 179
Denver, Colorado 80201
(303) 977-4556

Mr. Terrance J. McManus, PE, DEE
Manager, Corporate Environmental
Affairs
Intel Corporation
145 South 79th Street
Chandler, Arizona 85226
(602) 554-4812

Mr. John P. LeFebvre, PE
GE Aircraft Engines
1000 Western Avenue - Mail Drop 164G7
Lynn, MA 01910
(617) 594-8380

Mr. Murry McMillan
Senior Group Leader
Environmental Regulatory Affairs
Ciba-Geigy Corporation
P.O. Box 11
St. Gabriel, LA 70776
(504) 642-1453

Mr. Berne C. Miller
Special Assistant to the Commissioner
Alaska Department of
Environmental Conservation
410 Willoughby, Suite 105
Juneau, Alaska 99801-1795
(907) 465-5014

Mr. Douglas F. Moore
Manager
Environmental Affairs
GPU Nuclear Corporation
1 Upper Pond Road
Parsippany, New Jersey 07054
(201) 316-7979

Mr. Larry Morandi
National Conference of State Legislatures
1560 Broadway
Suite 700
Denver, CO 80202
(303)30-2200

Mr. Ed Mongan
Manager
Pollution Prevention Program
DuPont
1007 N Market Street
Wilmington, DE 19898
(302) 773-0910

Ms. Jennifer Morisato
USEPA, Region VI
First Interstate Bank Tower
1445 Ross Avenue
Dallas, Texas 75202-7233
(214) 665-2194

Mr. Phillip Murphy
ADPCLE
3512 Avondale Road
North Little Rock, Arkansas 72116
(501) 758-4066

Ms. Kim Nelson
PA Department of Environmental
Resources
P.O. Box 2063
Harrisburg, PA 17105-2063

Ms. Patricia A. Nelson, P.E.
Colorado Department of Public Health
and Environment
Permits and Enforcement Section, WQCD-
PE-B2
4300 Cherry Creek Drive South
Denver, Colorado 80222-1530
(303) 692-3608

Mr. George S. Naserke
Coors Brewing Company
BC400
Golden Colorado 80401-1295
(303) 277-2662

Mr. Hugh O'Neil
Toxics Reduction Supervisor
Washington Department of Ecology
P.O. Box 4-7600
Olympia, Washington 98504-7600
(206) 407-6118

Mr. Timothy A. O'Shea, Ph.D.
Water Permitting Coordinator
TU Services
400 North Olive
Dallas, Texas 75201
(214) 812-8413

Ms. Winifred G. Perkins
Principal Specialist
Environmental Affairs
Florida Power & Light Company
P.O. Box 088801
11770 US Highway 1
North Palm Beach, Florida 33408
(407) 625-7604

Ms. Cynthia Peterson, M.E.P.M.
League of Women Voters
of Colorado
1410 Grant Street, B-204
Denver, Colorado 80203
(303) 972-1429

Ms. Fran Phillips
Garders & Wynne for MOSES
1601 Elm Street, Suite 3000
Dallas, Texas 75201
(214) 999-4803

Mr. John Podgurski
USEPA, Region I
John F. Kennedy Federal Building
One Congress Street
Boston, MA 02203
(617) 573-9680

Mr. Robert Poe
Division of Administrative Services
Alaska Department of
Environmental Conservation
410 Willoughby, Suite 105
Juneau, Alaska 99801-1795

Ms. Sue Pope
Downwinders At Risk
476 Hidden Valley Trail
Midlothian, Texas 76065
(214) 299-5298

Mr. Jerry Potamis
USEPA, Region I
John F. Kennedy Federal Building, WMN
One Congress Street
Boston, MA 02203
(617) 565-3575

Mr. Arbind Prasad
Environmental Resource Management
855 Springdale Drive
Exton, Pennsylvania 19341
(610) 524-3734

Mr. Delbert E. Prophet
Assistant State Conservationist (P)
United States Department of Agriculture
Soil Conservation Service
999 18th Street, 5th Floor
Denver, Colorado
(913) 823-4568

Mr. Keith Raschke
Environmental Sciences
City/County of Denver
216 16th Street, Suite 1500
Denver, Colorado 80202
(303) 640-3314

Mr. Mike Rast
Regional Environmental Manager
Weyerhaeuser Company
20 Tom Rose Road
Columbus, Mississippi 39701
(601) 245-5264

Ms. Janet Rhodes
Permit Writer
Hazardous Waste Permits
State of Washington
Department of Ecology
P.O. Box 47600
Olympia, Washington 98504-7600
(206) 407-6708

Ms. Tanell Roberts
Colorado Department of Public
Health & Environment
HMWM HWC - B2
4300 Cherry Creek Drive, South
Denver, Colorado 80222
(303) 692-3355

Ms. Heidi Roddis
MA Audubon Society
298 South Great Road
Lincoln, MA 01773
(617) 259-9500

Mr. Robert Roddy
Pollution Control Division
701 North 7th Street
Kansas City, KS 66101
(913) 573-5400

Mr. David Roger
Process Analysts Incorporated
555 Zang
Lakewood, CO 80204
(303) 987-6137

Mr. Robert C. Rose
Associate Small Business Ombudsman
USEPA - HQ (1230C)
401 M Street, S.W., 1230 C
Washington, DC 20460
(703) 305-5511

Mr. Robert W. Schenker
Manager - Air Pollution Control
Corporate Environmental Programs
General Electric Company
3135 Easton Turnpike
Fairfield, Connecticut 06431
(203) 373-2691

Mr. Scott Sederstrom
Leigh Valley Coalition For a Clean
Environment
137 North Second Street
Easton, PA 18042
(610) 252-4338

Mr. Al Shaines
Shaines Associates
Chemical & Engineering Consultants
40 Moffat Road
Waban, Massachusetts 02168
(617) 244-4467

Mr. Charles Sharpe
Mothers Organized to
Stop Environmental Sins
15115 FM, RD 16E
Winona, Texas 75792
(903) 877-3670

Mr. David C. Shelton
Executive Director
Colorado Center for
Environmental Management
999 18th Street, Suite 2750
Denver, Colorado 80202
(303) 297-0180 Ext. 113

Mr. William Shutkin
Alternatives for Community and
Environment
126 Warren Street
Roxbury, Massachusetts 02159
(617) 442-3343

Mr. Fred Sigg
Von Roll Incorporated
3080 Northwoods Circle, Suite 200
Norcross, Georgia 30071
(404) 729-0500

Mr. Dave Skiles
Stapleton Sustainable
Development Project
605 Bennotck Street, Room 333
Denver, CO 80223
(303) 436-7305

Mr. J. Charles Solt
Director, Regulatory Affairs
Catalytica
430 Ferguson Drive
Mountain View, California 94043-5272
(415) 960-3000

Mr. Randy Steich
CCOWA
P.O. Box 69
Winona, Texas 75792
(903) 877-3231

Mr. David C. Stever
City & County of Denver
Wastewater Management Division
2000 West Third Avenue
Denver, CO 80223
(303) 446-3598

Mr. Kenneth H. Sutherland
Environmental Manager
Hewlett-Packard Company
Corporate Environmental Management
1501 Page Mill Road, MS 5UE
Palo Alto, California 94304-1213
(415) 857-2703

Mr. Lester A. Sutton
USEPA, Region I
John F. Kennedy Building, WAA
One Congress Street
Boston, MA 02203
(617) 565-3617

Mr. John M. Sweeten
Texas Agricultural Extension Service
Texas A&M University
College Station, TX 77843
(409) 845-74510

Mr. Bob Taggart
Delaware Department of Natural
Resources and Environmental Control
P.O. Box 1401
Dover, DE 19903

Mr. Mark Taitz
Director, Business Development
ABB Environmental Services
Corporate Place 128
107 Audubon Road
Wakefield, MA 01880
(617) 245-6606

Mr. Steve Thompson
State of Oklahoma
Department of Environmental Quality
1000 Northeast Tenth Street
Oklahoma City, Oklahoma 73117-1212
(405) 271-8056

Mr. Bob Tierney
VTC, Pratt & Whitney
400 Main Street, MS-122-16
East Hartford, CT 06108
(203) 557-0982

Ms. Victoria Van Roden
USEPA HQ (5303W)
401 M Street, S.W.
Washington, DC 20460
(703) 308-8623

Mr. Gregory Vasil
MA DEP
One Winter Street
Boston, MA 02108
(617) 292-5568

Mr. Douglas A. Wagner
Regulations Analyst
Koch Industries Incorporated
P.O. Box 2246
Wichita, Kansas 67201
(316) 832-4336

Mr. Larry Wapewolf
USEPA, Region VIII
999 18th Street, Suite 500
Denver, Colorado 80202-2405
(303) 293-1509

Mr. Craig Weeks
USEPA, Region VI
First Interstate Bank Tower
1445 Ross Avenue
Dallas, Texas 75202-2733
(214) 665-7505

Ms. Lanelle Wiggins
USEPA - HQ (2127)
401 M Street, S.W.
Washington, DC 20460
(202) 260-2692

Mr. John A. Williams, P.E.
Environmental Services Section
Corporate Environment
Eastman Kodak Company
343 State Street
Rochester, New York 14650
(716) 588-5118

Mr. Tim Williamson
USEPA, Region I
John F. Kennedy Federal Building, RCG
One Congress Street
Boston, MA 02203
(617) 565-9016

Major Wayne Wisniewski
Compliance Attorney
United States Air Force
AFLSA/JACE
11501 Wilson Boulevard, Suite 629
Arlington, Virginia 22209-2413
(703) 696-9174

Mr. Richard Wooster
USEPA, Region VI
First Interstate Bank Tower
at Fountain Place
1445 Ross Avenue
Dallas, Texas 75202-2733
(214) 665-6473

Ms. Sally Zielniski
MA Assn. of Conversation Commissions
10 Juniper Rd.
Belmont, MA 02178
(617) 489-3930

Appendix G

PIT Team Members List

Co-Chairs

Mr. Elliott Laws, AA OSWER
202-260-4610; Fax 202-260-3527
HQ Mail Code 5101
Ms. Jeanne Fox, RA, R2
212-264-2525; Fax 212-264-0829
USEPA Region 2
26 Federal Plaza, Room 906
New York, NY 10278

Executive Director: Mr. Lance Miller
Edison, NJ - 908-321-6782; Fax 908-321-4381
USEPA
2890 Woodbridge Ave., Mail Stop 100
Edison, NJ 08837
Ms. Chris O'Donnell, Assistant to the Executive Director
202-260-2750 HQ Mail Code 2125

Members:

Mr. Joe Anderson, OIRM
703-235-5581; Fax 703-557-3186
HQ Mail Code 3405R

Mr. Scott Anderson
Manager Hazardous Waste Branch
Utah DEQ
Division of Solid and Hazardous Waste,
P.O. Box 144880
Salt Lake City, UT 84114-4880
(801) 538-6170

Mr. Allan Antley, R4
Assoc. Div. Dir. for Surface Water
345 Courtland Street, N.E.
Atlanta, GA 30365
(404) 347-4450

Mr. Andrew Bellina, R2
Chief, HW Facilities Branch,
Mail Code 2AWM-HWFB
26 Federal Plaza
New York, NY 10278
(212) 264-0504

Mr. Prabhat Bhargava, Permits Section
Manager
Air Quality Division
Arizona Department of Environmental
Quality
3003 North Central Ave.
Phoenix, AZ 85012-2905-03
(602) 207-2329

Mr. Paul Bisulca, Special Assistant to the
Governor for Environmental Affairs
Penobscot Nation
Route 2 Box 87
Oxford, ME 04270
(207) 539-8219

Mr. Karl Bremer, R5
Chief, RCRA Permitting Branch,
77 W. Jackson Boulevard
Mail Stop HRP-8J
Chicago, IL 60604-3509
(312) 353-0398

Ms. Karen Brown
EPA Small Business and Asbestos
Ombudsman
Mail Code 1230C
(703) 305-5027

Mr. Kerrigan Clough, R8
ARA for Policy and Management
999 18th Street, Suite 500
Denver, CO 80202-2405
(303) 293-1608

Mr. Lou Concra
Director, Division of Regulatory Affairs
New York Department of Environmental
Conservation
50 Wolf Road
Albany, NY 12233-1750
(518) 457-7424

Ms. Donna Fletcher, HQ
State and Local Relations, OROSLR
202-260-3210
HQ Mail Code 1501
401 M Street, SW
Washington, DC 20460

Mr. John Gaston
Executive Director
Stony Brook Regional Sewage Authority
290 River Road
Princeton, NJ 08540
(609) 924-8881 (ext.203)

Mr. Pete Hamlin
Chief Air Quality Bureau
Iowa
Henry Wallace Building
900 East Grand
Des Moines, IA 50319
(515) 281-8852

Ms. JoAnn Heiman, R7
Chief, Permits Sec. Air & Toxics Div.,
726 Minnesota Ave.
Kansas City, KS 66101
(913) 551-7323

Mr. Minor Hibbs
Manager of Permits
Texas Industrial and Solid Waste Division
P.O. Box 13087
Austin, Tx 78711-3087
(512) 239-6592

Mr. Michael Hingerty, R9
Office of Regional Counsel
Mail Code RC-3-2
75 Hawthorne Street
San Francisco, CA 94707
(415) 744-1359

Mr. Bill Honker, R6
Branch Chief
RCRA Permitting
Mail Code 6H-P
1445 Ross Ave.
Dallas, TX 75202
(214) 665-6770

Ms. Riita Jajola-Aydelott
Environmental Controls Office
Pueblo of Isleta
P.O. Box 1270
Isleta Pueblo, NM 87022
(505) 869-2710

Mr. Dave Kling , HQ
Dir. Pollution Prevention Division
OPPTS/OPPT
HQ Mail Code 7409
401 M Street, SW
Washington, DC 20460
(202) 260-3557

Mr. Greg Kellogg, R10
Chief, Wastewater Management
and Enforcement Branch,
Mail Stop D-134
1200 Sixth Ave.
Seattle, WA 98101
(206) 553-1728

Mr. Mike Llewelyn
Water Quality Program Manager
Washington
300 Desmond Dr.
P.O. Box 47600
Olympia, WA 98504-7600
(206) 407-6405

Ms.. Nancy Marker
Division of Air and Waste Management
Delaware Dept. of Natural Resources
and Environmental Control
Hazardous Waste Branch
P.O. Box 1401
Dover, DE 19903
(302)-739-3689

Mr. Tim Method
Deputy Commissioner for Environmental
and Regulatory Affairs, Indiana
IDEM - Office of Air Management
100 North Senate Ave.
P.O. Box 6015
Indianapolis, IN 46206-6015
(317) 232-8612

Mr. Vern Meyers, HQ
Chief
Permits Branch, OSW
HQ Mail Code 5303W
401 M Street, SW
Washington, DC 20460
(703) 308-8612

Mr. Connie Musgrove, HQ OECA
HQ Mail Code 2241A
(202) 564-3003

Ms. Arleen O'Donnell, Acting Deputy
Commissioner
for Policy and Program Development
Massachusetts DEP
1 Winter St.
3rd Floor
Boston, MA 02108
(617) 292-5505

Ms. Barbara Pace, HQ OGC
HQ Mail Code 2366
401 M Street, SW
Washington, DC 40610
(202) 260-7519

Mr. Jim Pendergast, HQ
Chief, Water Quality &
Industrial Permits Branch, OW
HQ Mail Code 4203
401 M Street, SW
Washington, DC 20460
(202) 260-9537

Mr. William Pierce, R9
Water Management Division,
Special Assistant to the Director
Water Management Division (W-1)
75 Hawthorne Ave.
San Francisco, CA 94105
(415) 744-1877

Mr. Mark Pollins, HQ
Chief Waste Management & State
Programs Branch
RCRA Enforcement Division, OECA
HQ Mail Code 2246-A
401 M Street, SW
Washington, DC 20460
(202) 564-4001

Mr. Joe Retzer, HQ
Dir. Cluster Staff, OPPE
HQ Mail Code 2131
401 M Street, SW
Washington, DC 20460
(202) 260-2472

Mr. Charles Ris, HQ
Deputy Director Human Health
Assessment Group, ORD
HQ Mail Code 8602
401 M Street, SW
Washington, DC 20460
(202) 260-5898

Mr. David Solomon, Chief, New Source
Review
Air Quality Div., OAR
USEPA, OAQPS
Mail Drop 15
RTP, NC 27711
(919) 541-5375

Ms. Colleen Sullins
Water Program
North Carolina Department of
Natural Resources and Community
Development
PO Box 27687
Raleigh, NC 27611
(919) 733-5083

Mr. Steve Sweeney, HQ
OGC Water Division
HQ Mail Code 2355
401 M Street, SW
Washington, DC 20460
(202) 260-8739

Mr. Jon Trout,
Air Pollution Control District of Jefferson
County
850 Barret Ave.
Louisville, KY 40204
(502) 574-6000

Mr. Tim Williamson, R1
Senior Assistant Regional Counsel,
Office of Regional Counsel - RCG
John F. Kennedy Federal Building
Boston, MA 02203
(617) 565-9016

Ms. Elaine Wright, R3
Dir. Office of External Affairs
841 Chestnut Ave.
Philadelphia, PA 19107
(215) 597-6938

Observers

Ms. Ellen Brown, OSWER
HQ Mail Code 5103
401 M Street, SW
Washington, DC 20460
(202) 260-4483

Ms. Stacey Greendlinger, CSI staff
HQ Mail Code 3203
401 M Street, SW
Washington, DC 40610
(202) 260-7424

Mr. David Heckler, Environmental Appeals
Board
607 14th Street, NW
Suite 500
Washington, D.C. 20005
(202) 501-7060

Mr. Nick Roy, HQ
Pollution Prevention Policy Staff
HQ Mail Code 1102
(202) 260-8636