



Title V Program Funding

National Association of Clean Air Agencies
October, 2018



Serving Island, Skagit & Whatcom Counties

Title V Fees and Washington Law

1. ... each permit program source shall pay annual fees sufficient to cover the direct and indirect costs of implementing ... [Title V program]
2. Each permitting authority shall develop by rule a fee schedule allocating among its permit program sources the costs of the [Title V] permit program...

NWCAA Title V Budgeting

1. Annual Title V Workload Analysis (establish expenses)
2. Draft Budget with Fees = Expenses
3. Reconcile from 2 years prior (add or subtract)
4. 3 months of extensive review of draft budget from Advisory Council, Board Finance Committee, and Board
5. A budget passes

Assess Title V Fees (NWCAA Rule)

1. "Participation Component" - 10% of the total fees are allocated equally among all affected sources.
2. "Emissions Component" - 90% of the total fees are allocated proportionally based on actual emissions of regulated pollutants

NWCAA ~ 2002

- Only 1 of 16 Title V permits issued
- 4 Permit writers doing
 - All minor NSR
 - All Title V work
 - All Enforcement for Major Sources
 - All IT / Network Design and Support +
- Sources curious, but not anxious
- Sued by Env. Group for Inaction
- EPA unsatisfied
- NSR Chronically Late

2007 – This is Not High School Band Camp



It's All Relative



NWCAA ~ 2009

- Large sources clearly most interested in Quality and Speed on NSR
 - Quality reduces chance of successful appeal reducing uncertainty
 - Speed critical to their budget planning
- “Anyone complaining about permit cost that is in the noise of project cost is focusing on the wrong thing”

“I never want a project failure to be because we couldn’t get a permit decision in time”

“I need someone who will answer the phone”

NWCAA ~ 2018

- AOP Fees up 3x
- Title V Staff Increased 50%
- All IT outsourced to external firm
- Over \$1 million and counting in new database
- Minor NSR decisions reliably issued in ~ 20 days
- Enforcement substantially increased

Sources “Not Unhappy”

- Sources to our Board: “Do not lose these staff. They understand our business and when we call with questions they have answers.”
- Board to me:
 - Keep focusing on training \$5k per person/yr
 - Do not lose staff because they got better pay elsewhere

2010 SO2 NAAQS Designations

Consent decree entered on March 2, 2015, by U.S. District Court for Northern California in SIERRA CLUB and NATURAL RESOURCES DEFENSE COUNCIL v. EPA “triggered” the following deadlines:

- July 2, 2016 - The EPA must complete a round of designations for 61 areas associated with approximately 64 EGUs in 24 states and any undesignated areas with violating monitors (“Round 2” designations)
- December 31, 2017 - The EPA must complete an additional round of designations for any area a state has not established a new monitoring network by January 1, 2017 per the provisions of the SO2 Data Requirements Rule (“Round 3” designations)
- December 31, 2020 - The EPA must complete designations of all remaining, undesignated areas (expected to be areas where states elected to monitor per the provisions of the DRR) (“Round 4” designations)

Final Data Requirements Rule for 1-hr Sulfur Dioxide (SO2) Primary National Ambient Air Quality Standard issued August 2015 (80 FR 50152), established requirements for air agencies to monitor or model ambient SO2 levels in areas with largest sources of SO2 emissions to help implement the 1-hour SO2 NAAQS. Data gathered under this rulemaking is assisting EPA and states to conduct Rounds 3 and 4 of designations.

Round 2: In 2016, EPA finalized designations for 65 areas: 7 nonattainment areas, 41 unclassifiable/attainment areas, and 17 unclassifiable areas □ For 61 areas, effective date of designations was Sept. 12, 2016, and for the 4 nonattainment areas in this group the state attainment SIP is due March 12, 2018 □ For 4 areas in Texas, the effective date of designations was Jan. 12, 2017, and for the 3 nonattainment areas in this group the state attainment SIP is due July 12, 2018

• Round 3: On August 22, 2017, EPA notified states and tribes concerning any intended modifications to their designation recommendations (“120-day letters”) □ These responses included identification of 107 unclassifiable/attainment areas, 36 unclassifiable areas, and 11 potential nonattainment areas. □ The notification of availability and public comment period was published on September 5, 2017 (82 FR 41903) □ Comment period ends on Oct. 5, 2017 □ States requested to provide final input by October 23, 2017 □ EPA signs notice promulgating final SO2 area designations for Round 3 by no later than December 31, 2017