

Instructions For Title V Program Evaluation

1. What is the purpose of this evaluation? Why are we doing this?

The purpose is to meet with each permitting authority to evaluate its implementation of the operating permits program, note practices that other agencies could learn from, document areas needing improvement, and learn how EPA can help. There are a couple reasons why we are conducting these evaluations. First, the Agency has an obligation to oversee and review state programs it approved for implementing title V (see 40 CFR 70.10). We hope the evaluation results will identify areas where our own national program can be improved, areas where states/locals are doing unique things that others may benefit from learning about, and areas needing improvement. Second, OAR made a commitment to the EPA Inspector General in July 2002 to carry out evaluations.

2. Do we give the questionnaire to the states when we arrive for our interviews, or should we send it to them in advance?

We would expect you to provide a copy of the questionnaire to your state and local agencies in advance of your visit. You may choose to request responses in advance of your visit or collect them on-site or a combination of these two options.

3. What is the overall schedule for completing these evaluations?

Our goal, as described in our action plan to the Inspector General, is to evaluate 25 percent of the programs nationally per fiscal year, with all evaluations completed within four years (i.e., the end of FY 2006). Regions are requested to put their commitments in their annual MOAs.

4. What is the role of HQ? What about other Regions?

The Regions will take the lead for the evaluations, with Headquarters participating in some on-site visits, as time and resources allow. Headquarters Offices may contact Regions about participating in the reviews of certain State or local programs. As time and resources allow, Regional staff members are welcome to attend evaluations outside their Region. Contact Scott if you want to pursue this.

5. Are file reviews to be a part of these evaluations and, if so, how will they be done?

Yes, file reviews are a component of these evaluations. Some will be done ahead of the on-site visit and others will be done on-site. The number of file reviews and the level of detail will vary, depending on the extent to which the Region is already familiar with the permitting authority's approach to permit content, statements of basis, and/or compliance certifications. It is especially important to review files to verify information obtained in the on-site evaluation. As such the file review questions will be case specific to each permitting authority. To assist in the file reviews, the workgroup did develop some questions that are attached. It is up to the Region to use these file questions or others they have developed.

6. Independent of this evaluation, should we still be doing permit fee reviews using the fee

protocol?

Yes. Section 70.9(d) requires EPA to obtain periodic accounting updates to ensure that states are using their fee revenues solely for title V purposes. The obligation to do this has not changed. As we explained to the Inspector General, a request was sent from Tom Curran to the Regional Air Division Directors on January 26, 1998. The Regions were encouraged to consider using the protocol in at least two permitting authorities each year, with a goal of completing fee reviews in all permitting authorities within a few years. Each year, a commitment to do 1 or 2 fee reviews is written into OAR's annual operating guidance. It would be acceptable to do both evaluations at the same time and prepare a common report. If previous audits and overall program reviews indicate no problems, it is not necessary to conduct an audit for a particular program.

7. What role is STAPPA/ALAPCO playing in the preparation of these evaluations?

We will be sharing a copy of the evaluation questionnaire and these instructions with STAPPA/ALAPCO and seeking their input. EPA will consider how best to address any comments they may have.

8. Is any permitting authority exempt from these evaluations?

The evaluation workgroup decided that small agencies (10 or fewer title V sources) could be exempted, if the Region is comfortable that such agencies are making acceptable progress in their title V implementation. This will be a Regional management call. Short of this, all permitting authorities are expected to be evaluated within the designated four years.

9. What if we can answer some of the questions here in the Region, without input from our states?

From existing interaction with and knowledge of state/local permitting programs, the Region can prepare the answers to such questions in-house, as long as documentation can be provided, if requested. Thus, these questions do not have to be asked during the on-site visit to the state. However, all areas of the evaluation are expected to be addressed in the Region's final report.

10. What if some of the questions do not apply?

We defer to the Regions on their approach to this evaluation. There is an expectation that all areas in the evaluation will be addressed although the Region has the flexibility to rephrase and/or add additional questions to ensure proper coverage of the topic.

11. What if we have additional questions we want to ask?

Take advantage of this opportunity and ask those questions you feel appropriate. The review should be tailored to each specific permitting authority, since different agencies implement their programs in different ways.

12. What if the questionnaire needs to be modified after we've begun using it?

This evaluation and its topics/questions are to be viewed as a fluid process. If different topics or problems arise during the course of performing these evaluations, the workgroup should be alerted so that the questionnaire can be revised to address those topics and problems.

13. How should we decide how many permits or other documents to review?

The number of permits/files to review in the context of this program evaluation will depend on the issue being researched and the extent to which the Region is already familiar with the content of that state's permits. For some agencies, it may prove unnecessary to review any permits at all but we expect this to be the exception.

14. How detailed should our permit/file reviews be in the context of this program evaluation?

It depends. Permitting authority responses to certain questions in the questionnaire may prompt a need to get verification of their statements from materials in their files. As noted earlier, the workgroup developed some file questions that are a good start in what might be reviewed. However, the Regions are under no obligation to use these questions. It is expected that the final report would reflect the results of any file reviews.

15. What is the expectation for a final product and when is it due?

A final evaluation report should be targeted for completion within 90 days after finishing each on-site visit. The last of the final reports will be due by December 31, 2006 or thereabouts. Regions should consider addressing time frames in this report for any state action needed or problem areas.

16. What should we do if we uncover or confirm problems?

The Region should follow their traditional procedures in addressing programmatic issues with their permitting authorities. Regional management should consider the national implications of their recommended fixes and, when necessary, involve Headquarters and/or their Regional peers in solving unique issues. It is expected that all issues be documented in the evaluation report and how they were addressed.

17. What information should we supply to Headquarters?

A copy of each permitting authority's final evaluation report should be sent to Headquarters.

18. How will Headquarters be kept apprised of progress in these evaluations?

As noted above, Regions are expected to address their evaluation commitment in their annual MOA's and report out per the MOA. In addition, updates during the biweekly part 70 conference calls are encouraged, especially if something of interest or concern arises. Should Headquarters need information more frequently, an occasional ad hoc update might be necessary. Note that Headquarters must report each year in March and September to the

Inspector General on evaluation progress.

19. How will good news stories be compiled and shared?

As noted above, a main purpose of these evaluations is to document unique things permitting authorities are doing. It is expected that the final report will contain a chapter devoted to this. Should there be a need to gather this information sooner than the availability of a final report, we will ask for it.