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**Permitting Updates**  
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# Title V Guidance Updates

- On April 30, 2014, EPA issued a Memorandum titled “Implementation Guidance on Annual Compliance Certification and Statement of Basis Requirements for Title V Operating Permits”
  - The guidance is responsive to the 2005 Title V Office of Inspector General Report, the Title V Task Force Report, as well as stakeholder interest in this type of guidance
  - The guidance describes the CAA and regulatory elements surrounding annual compliance certification and statement of basis and also provides key guidance on those programmatic elements
  - <http://www.epa.gov/Region7/air/title5/t5memos/20140430.pdf>

# Title V Rulemaking Updates

- On July 28, 2014, EPA published a final rulemaking titled, “Amendments to Compliance Certification Content Requirements for State and Federal Operating Permits Programs” (79 FR 43661)
  - This action restored a sentence that was inadvertently removed from the operating permits program rules (found in 40 CFR parts 70 and 71) due to an editing error.
  - This rule amended the compliance certification requirements in 40 CFR 70.6(c)(5)(iii)(B) and 71.6(c)(5)(iii)(B).
  - The restored sentence is: "If necessary, the owner or operator also shall identify any other material information that must be included in the certification to comply with section 113(c)(2) of the Act, which prohibits knowingly making a false certification or omitting material information."

# OIG Title V Fee Report

- On Oct. 20, 2014, the OIG released a report titled, “Enhanced EPA Oversight Needed to Address Risks from Declining Clean Air Act Title V Revenues.”
- The Report recommends a number of actions to ensure that state and local permitting authorities are collecting adequate fees to cover the costs of the title V permit programs, even in the face of declining emissions.
- As a general matter, the EPA agreed that a guidance document that discusses the fee aspect of the oversight program evaluation in additional detail would be useful.

# OIG Title V Fee Report

- In addition, EPA agreed to provide for completion of EPA Regional Office fee oversight reports within a reasonable time following completion of the audit, as well as the public posting of such reports.
- Most work products are due in the 4<sup>th</sup> Quarter of 2017 with some interim milestones.
- The complete report and the EPA's response is available online at: <http://www.epa.gov/oig/reports/2014/20141020-15-P-0006.pdf>

# OIG Fee Report – EPA Activities

- EPA agreed to
  - assess existing fee guidance and to re-issue, revise, or supplement such guidance, as necessary.
  - develop and issue a guidance document that sets forth a fee oversight strategy. In developing this guidance document, the EPA will consider the scope and frequency of fee assessments and their relationship to the National Program Guidance element that currently provides for each region to conduct at least one title V program evaluation each year.
  - work with the regions to develop a guidance document that includes a fee oversight strategy including, for example, a fee review checklist that will provide a framework for the EPA regions to use when performing fee assessments for state permit programs.
  - work with the EPA regions to identify a reasonable timeframe in which to complete the evaluation reports and post such reports on the internet.
  - ensure that fee assessments are performed periodically as part of the EPA program oversight functions.

# QUESTIONS OR COMMENTS

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