

E-Permitting State/EPA Stakeholder Meeting Summary
July 25, 2002
9 a.m. – 4:30 p.m.
Marasco Newton Group (MNG), Arlington VA

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Expectations of Meeting Articulated by Participants

- Develop new ideas
- Overcome obstacles
- Adapt other's ideas
- Work on technical items
- Develop a model for partnering, effectiveness
- Ascertain what's there/what's useful
- Make information more accessible
- Identify little steps
- How can IT and waste programs be integrated?
- Direction? Customizable products
- Clearer picture (EPA direction)
- Partnering opportunities between EPA and states as well as between states
- Learn from others

Purpose of Meeting as Articulated by EPA

- 1) Share state experiences on e-permitting
- 2) Identify how RCRA permitting can be made more effective via technology

The overall goal of this meeting is to develop plans that contain actions that are identifiable and doable. After the EPA and state presentations were made, the facilitator utilized a specific process to accomplish this overall goal. This process divided attendees into small groups to brainstorm specific topics, report back to the larger group on their

conclusions, and then develop specific points or action items. A more specific description of this process follows.

Introduction of the E-permitting Project: Vern Myers, EPA

Currently, the definition of an E-permitting system is broad. It includes:

- Preparing and submitting applications
- Manipulating information
- Permit issuance
- Compliance monitoring/reporting

EPA would like to determine what the focus should be for this initiative. The past year has been spent talking with stakeholders about why the RCRA program should investigate e-permitting. These conversations have led to the following findings:

- E-permitting is flexible, but requires significant resource investment.
- If the system is being used only for RCRA permits, it is not worth the investment due to the low volume of these types of permits.
- It is best to start small and develop the system module by module.
- Uniform processes better lend themselves to electronic permitting systems.

There will be a second stakeholder meeting in the fall (October) 2002 that will include EPA, states, communities, and industry representatives. In August and September we will visit states to observe data systems already in place. These visits will lead to the development of partnerships to better utilize available EPA and state resources.

The goal of RCRA e-permitting is not to build a national e-permitting system, but rather to assist states in developing e-permitting tools. The systems will work within the existing Agency central data exchange (CDX) framework. For RCRA that means continuing to use the RCRA info system. We don't expect to have significant new CDX requirements for RCRA e-permitting.

EPA needs input from states to help determine the direction the Agency should move in.

State Presentations

AL, AR, CA, FL, IL, MS, NJ, PA, and TX provided presentations on the status of their electronic permitting initiatives. This summary does not revisit such presentations in detail, but merely identifies the presentations and any comments made or questions/answers that are not reflected in the presentations.

AL, Chip Crockett, Chief, Industrial Facilities Section- Alabama is working on the ability to translate data directly into RCRA Info from a flat file. Currently, all forms, guidance, and laws are available on the website.

AR, Daniel Clanton- Arkansas does not currently have a system that meets their environmental department's needs. They do have funding from their legislature and a grant from EPA to build a system. In preparation for building a usable system, they are working to make all information systems compatible and on developing compatible compliance information.

CA, Paula Batarseh, Supervising Engineer- CA does not have a RCRA e-permitting system but their NPDES authorized State Water Resources Control Board's permitting system is a success. As a result of the data being centrally located, errors are caught quickly and trend modeling can be conducted. The RCRA e-permitting system will be based, in part, on examples of successful systems within the state.

FL, Doug Outlaw- The Central District Director of Orlando advocated creating an entirely electronically-based correspondence system. This system is being expanded to all districts.

IL, Steve Nightingale, Manager, RCRA Unit- The website Illinois will develop will have a list of all in-house RCRA permit applications. Using a CD-ROM or diskette, the data provided by applicants will be uploaded onto the website and eventually stored on microfilm.

MS, Jerry Cain, Chief of Environmental Permits Division- Adoption of an electronic system is prompting radical changes in business practices. Change management is the biggest issue -- people need to feel that there is value to a new system. If there is no funding, management support, or buy-in from industry it is a wasted effort to pursue development of an e-permitting system at the state level.

NJ, Peter Tenebrusso, Electronic Government Manager- Applications, fee payments, and issuance are all available online through New Jersey's DEP portal. In New Jersey 90% of permitting is done through their e-permitting system and approximately 5800 people use the portal.

PA, Gail Jackson, Division Chief, Data Administration- Oil and gas permits are the only fully electronic systems that exist in PA. They were very expensive to build and are not user friendly. However, users can check the status of permits online.

TX, Richard Carmichael, Team Leader - Industrial Permits Team- The air program is currently online and users can check the status of their applications and review processes. A RCRA e-permitting initiative has been given permission to go ahead, but there is no funding and limited staffing. The RCRA initiative would like to follow the successful air model.

Break out Sessions

After the state presentations concluded, the facilitator broke the group into smaller discussion groups. The purpose of this exercise was to brainstorm ways of making RCRA permitting more effective through technology. The discussion groups brought their ideas back to the larger meeting. Subsequently, these ideas were voted upon. The top three ideas were then used as discussion topics for three break out sessions. The break out sessions then reported their thoughts back to the plenary session. These thoughts were commented upon and questioned. The break out participants then resumed with the task of developing action plans, including next steps, to continue work on their topics after the conclusion of this meeting.

The task of the first break out was to engage in brainstorming to discuss ideas, issues, and pitfalls to avoid when developing e-permitting systems. The three groups involved in this break out developed the following list of issues, ideas, and pitfalls:

- RCRA is different from other media in that it does not easily lend itself to e-permits due to lack of uniformity in permittees
- Permit shells/modules (e.g., model permit applications)
- Working with vendors who create software/data applications
- How to fund, inspire, and manage organizational change
- Central funding
- Identify data standards shared by all
- User friendliness will be key to success
- Electronic Part A form
- Use/modify existing systems
- Standardized “smart forms” that are linked to guidance, etc.
- Business orientation is important
- Public access is important
- Find commonalities among systems in use
- Integrate historical information
- Identify available resources/grants to leverage resources
- Multimedia approach
- Relatively low volume of RCRA permits
- Evergreen permits are often requested by Industry
- Focus on benefits/incentives to customers (however they are defined)
- The vocabulary across different media is the same, but the definitions are different
- Concentrate on objective vs. subjective
- Pilot with a few supportive customers as well as develop customer buy-in
- Difficulty retrieving permitting information
- Automation in compliance reporting and linkage to e-permitting
- Electronic signature issues
- Handling confidential business information (CBI)
- Fee collection raises challenges
- Security raises concerns

- Culture change
- Skills/training
- Dealing with partial permits
- Recognize/be cognizant of/coordinate with other electronic efforts (including electronic systems and data collection efforts)
- Internal data sharing within agencies
- Availability and accessibility of software
- Shifting management priorities
- State or federal agency record keeping requirements
- Types of permits (post-closure vs. operational)
- Who manages orders?

A multi vote was then conducted to select the top four of the issues listed above to discuss, define, and identify positives and negatives for in the next round of break out sessions.

The four issues garnering a majority of the votes were:

1. Recognize/be cognizant of/coordinate with other electronic efforts (including electronic systems and data collection efforts)
2. Find commonalities among systems in use
3. Standardized “smart forms” that are linked to guidance, etc.
4. Use/development of permit shells/modules

The first and second issues were considered to contain enough similar features to warrant combining them for discussion purposes under “Considering systems in use” and were given to one breakout group.

Group #1 (Considering systems in use)

States that have invested in systems created by commercial vendors must be able to easily transfer data to EPA.

- Need “middleware”
- EPA must not engage activities which will prevent this data transfer from occurring

States need to know about EPA efforts in data management that will impair or enhance their own efforts.

States want to know what’s the “best of the best” out there (i.e., user friendly, transferability, less burdensome, integrates with other media, eases record keeping, compatible).

Group #2 (Smart Forms)

Definition: Smart forms are files that are linked to other information sources to populate a permit application or other permitting document (example: html links that provide specific language or drop down menus). This is an alternative to using a comprehensive e-permit software package.

Benefits:

- More scalable/flexible than full e-permitting system (permit module)
- Better alternative for low volume
- Works well where there is a limited amount of data that needs to be manipulated or stored
- Cheaper as compared to full system
- User-friendly
- RCRA lends itself to language rather than raw data needs as databases not needed to build permit, as compared to the air and water programs; therefore, backend needs are minimal
- Permit application smart form have the potential to be integrated or linked to permit shells, (see Group #3 below)
- Can create link to guidance and checklists

Costs:

- More difficult to consolidate and assess data aspects (not impossible, this is a minimal aspect)
- Costs approximately \$100,000 to build these forms
- Difficult to switch to this system if already invested in a system like Tempo
- Form might fit into larger e-permitting system, but that could occur in the future
- Variation possible regarding the size of data fields and other features

Group #3 (Permit Shells)

Definition: For some aspect of the program develop a shell, module, model permit application with common data elements (example: gather data elements in tables/text descriptions contained in the application).

EPA should develop a common application/model permit application.

Consulting groups accustomed to filling out RCRA permit applications may already have developed a standard form they use to pull Part B information out of their databases.

- Steps:**
- 1) Define conditions for shells
 - 2) Develop online system

Benefits:

- Standardization

- Accessibility (public, stakeholders)
- Unit standardization across states
- Industry knows what to submit (standard application)
- Number of notices of deficiencies (NODs) declines resulting in faster processing
- More predictable processes
- Can be made more facility friendly
- Method of compliance tracking (coordinate with enforcement groups)

Drawbacks:

- Some RCRA applicants don't like standard permit language as each facility is different
- Major undertaking for EPA
- A large database must be maintained to hold data from the shells
- What about paper submittals?
- Required rulemaking in some states when forms are changed/developed
- Data server space

Action Plans/Next Steps

After the ideas listed above were presented and commented upon, the break out groups developed action plans/next steps.

Group #1 (Considering systems in use)

- EPA should look into the best software/database transfer technology and share their recommendation with states.
- Coordinate e-permitting and data sharing with other people doing similar things.

Chuck Freeman will develop a list of IT initiatives at EPA by September 1st in coordination with ECOS, the Information Management Work Group (IMWG), and WIZER.

Vern Myers and MNG have been compiling a list of e-permitting efforts taking place in states. There will be a draft available next week to coincide with the conference call.

Vern Myers, Tab Tesnau, and Chuck Freeman will compile a list of what is happening with other EPA programs (air, water). They will share a draft of this list in September.

Group #2 (Smart Forms)

An e-mail will be sent out the week of July 29th by Tab Tesnau asking about variation on process and applications between states. A standard permit form will be shared and from that a standard application will be developed. Tab Tesnau will find information on developing Smart Forms. Tab Tesnau and Tosha King will schedule a conference call as well as goals for the call for early September to determine next steps. Richard

Carmichael and Tooran Khosh will assist as requested by providing examples some Texas forms.

Group #3 (Permit Shells)

Develop a permit shell followed by an application shell. Start with tanks and container storage permits to be covered under the Standardized Permit Rule.

Find examples of corresponding permit applications that can then be used to develop model application/permits. States have examples of permits and applications they will provide to the group via e-mail (TX, MS, AR, IL, PA, AL).

This group and others (staff dealing with the Standardized Permit Rule) will speak at the end of August. Vern Myers will schedule this conference call through an e-mail next week.

Attendees

Chip Crockett, AL
Daniel Clanton, AR
Paula Batarseh, CA
Joan Sowinski, CO*
Doug Outlaw, FL
Steve Nightingale, IL
Rob Morrison, MO*
Jerry Cain, MS
Marc Wyatt, MS
Peter Tenebrusso, NJ
Bill Adriance, NY*
Jim Dolan, NY* plus others
Gail Jackson, PA
Joe Hayes, PA
Shelly Sherritt, SC*

Tooran Khosh, TX
Richard Carmichael, TX
Rusty Lundberg, UT*
Garwin Eng, VA
Barbara Simcoe, ASTSWMO
Mary Blakeslee, ECOS
Steve Yee, EPA R1
John Brogard, EPA R2
Denise Hously, EPA R4
Jim Blough, EPA R5
Steve Heare, EPA HQ
Vern Myers, EPA HQ
Toshia King, EPA HQ
Karen Randolph, EPA HQ
Tab Tesnau, EPA HQ
Chuck Freeman, EPA HQ
Carol Crawford, EPA HQ
Alan Strasser, MNG
Dorothy LaRusso, DKT, Subcontractor to MNG
Megan McCloskey, MNG
Mark Grove, MNG
Regan Maund, MNG
Debbie Weiss, MNG

* participated via conference line