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## **INTEGRATED PERMITTING AND INSPECTION**

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### **GOALS**

Discussions were designed to address the following issues:

- The extent of country experiences with integrated permitting and/or integrated (multi-media) inspections.
- How an integrated permit is defined, specifically whether it covers procedural integration, administrative integration, substantive integration or all three. What is different about integrated versus single media or program permits.
- Advantages and disadvantages of integrated permits and whether they are more or less efficient and effective and why, in what circumstances.
- Potential and actual results from integrated permits that would not have resulted from single-media permits.
- Level of difficulty in issuing and monitoring compliance with integrated permits: more or less difficult to achieve compliance by the regulated community.
- Special expertise needed to implement integrated inspection programs.
- Impact on integration of compliance and pollution prevention concerns and approaches

## **1 INTRODUCTION**

Many nations are moving toward integrated permitting and inspection, and others considering these approaches. This movement reflects several concerns, including: 1) recognition that the environment and impacts on the environment often is not neatly compartmentalized into single media such as air, water and land, but is an integrated system requiring integrated considerations on the best approaches to control pollution and its impacts; 2) increased emphasis on prevention of pollution which often requires an integrated look at new processes and technologies rather than end-of-pipe treatment for a single environmental medium; 3) a desire to achieve greater efficiency in permitting and inspection activity; 4) a desire to avoid transfers of pollution from one medium to another. Despite the desire to achieve more integrated environmental management through integrated permitting and inspection, experience has been limited. Attempts to integrate have raised management and decision-making concerns about complexity of decision-making and implementation; whether it really is more efficient and how it can be implemented efficiently, and whether these approaches really result in integrated control and prevention approaches.

## **2 PAPERS**

A Capacity Building Support Document was prepared by the Conference sponsors on Multi-media Inspection Protocols with international examples. The document includes discussions on and examples of a range of approaches and definitions, along with the potential advantages and disadvantages of each approach.

In addition, a paper prepared by Reginald Cheatham, et al. describes a multi-media strategy for strategic targeting, compliance promotion and outreach, inspection and enforcement response for the federal facilities sector within the United States. Data is presented on the success of the strategy first described in the Proceedings of the second International Conference in Budapest, Hungary.

### 3 DISCUSSION SUMMARY

#### 3.1 Defining “integrated permits and integrated permitting”

Integrated permits were defined by the participants as: *one permit related to one facility covering all elements of the environment*. The group realized that there were different approaches and goals for integrated permitting systems and integrated permits that existed around the globe, ranging from integration of permitting processes to integration of the substantive requirements in a permit. Three categories of approaches were identified with three types within one of the categories yielding a total of five different approaches:

- 1) An additive approach (or “the big staple”) which added together the results of what were essentially separate permitting processes to deliver a single permit.
- 2) A coordinated approach in which separate permitting processes are coordinated to ensure that cross-media and cross-program transfers of pollution do not occur and that information about the facility is shared for purposes of decision-making on a media-by-media and program-by-program basis.
- 3) Holistic approaches which create new substantive requirements as a result of permit integration at three possible levels:
  - a) best available technology from a multi-media standpoint is applied;
  - b) pollution prevention and cleaner technology is emphasized in addition to a baseline of compliance including resource; and/or
  - c) the integrated permit takes into account overall environmental impacts.

#### 3.2 Country experiences with integrated permitting

Many countries throughout the globe are interested in pursuing integrated approaches to environmental management for permitting and inspection activities. For example in Europe, the Integrated Pollution Permitting and Control (IPPC) Directive from the European Union provides new impetus for an integrated approach in both Western Europe and Central and Eastern Europe, participants from both Italy and Poland described current efforts to address this challenge through new legislation and review of ongoing programs. In the United States, a recent reorganization is enhancing the ability of the program to adopt more sector and geographic based approaches to inspection and enforcement activity. In Estonia it is a “dream”, Bhutan is in its early stages of program development with an Environmental Commission and Environmental Impact Assessment (EIA) mandate but little else is in place as yet.

In reviewing country experiences, it was clear that few countries have had actual experience with integrated permitting that is holistic, and that experiences reflected the range of approaches identified above. Most countries are attempting to coordinate permitting processes, while still issuing separate permits. Among the countries participating in the workshop, only New Zealand had experience with holistic approaches at the 3c level, taking into account overall

environmental impacts by using Environmental Impact Assessment as an application and including ecological conditions in a single environmental permit. They have only issued 3 to 4 such permits since their laws were changed in 1991. While EIA's are required in many countries for permitting, they are usually not associated with issuance of a single comprehensive permit which reflects the full range of impacts from pollution loadings to ecological implications. Some U.S. States are experimenting with level 3b integrated permitting but have not yet issued such permits. The U.S. EPA has gone so far as to develop sector-based standard-setting for performance requirements in permits which emphasize considerations of 3a (BACT from a multi-media standpoint), and 3b (pollution prevention and cleaner technology from a multi-media standpoint), that would then be the basis for single media permitting; and has provided opportunities for additive and coordinated permitting. Many countries in Western, Central and Eastern Europe are preparing to comply with European Unions' IPPC requirement for integrated permitting and are facing some very real implementation issues.

Italy issues permits based upon BACT determinations which are holistic, and relies upon a separate EIA process to ensure broader environmental impacts are addressed. Poland is currently pursuing coordinated permitting approaches to prevent unwanted transfers of pollution from medium to medium.

### 3.3 Implementation issues for integrated permitting

#### 3.3.1 Relationship between Environmental Impact Assessment (EIA) processes and integrated permitting

In many countries around the world, environmental impact assessment precedes permitting and has the potential to serve as a basis for an integrated permit application. The EIA typically involves an holistic assessment of releases, risks, ecological impacts, resource usage, and all other environmental implications. EIA, if followed up with enforceable operational and/or siting conditions, brings many of the advantages of integrated permitting even where such permitting is not practiced.

If an integrated permit is intended to identify, measure, weigh, and resolve tradeoffs among media, risks, and impacts, difficulties remain as to how this can be accomplished, particularly given the absence of methods, technical skills and discretion not easily exercised by the typical permit writer. One very important observation was that it is not possible to assign common values to different types of impacts, whether during the EIA process or during permitting. Possible solutions involve: 1) more guidance, 2) including such judgments in standards for these types of permits in advance, and 3) getting discussions among teams of experts who can help to address such issues in the permitting process itself.

Additional concerns are the pressures to permit new construction and the potential for delay to address ecological issues related to flora and fauna. For fully integrated permitting the time involved in collecting and analyzing information could be substantial. As with EIA, assessment of ecological impacts often takes at least one growing season. There was some discussion of whether permitting could proceed when less time was available, with additional data collection and analysis requirements incorporated into the permits.

The advisability of this approach really depended upon the types of impacts of concern since moving ahead with permitting could reduce options to mitigate or avoid important environmental impacts.

### 3.3.2 Organizational issues

Single medium permitting and inspection is the norm in many countries so organizational lines are drawn by medium. A move to integrated permitting or inspections raises organizational issues created by both organizational autonomy and the need to cut across organizational lines of authority. A move to integrated permitting or enforcement compels at least an examination of organizational relationships. In some countries, a designated "lead" agency or organization can overcome some of the problems posed by institutional barriers. Solutions discussed among participants included New Zealand's approach of making one person responsible both for a site and a sector to ensure consistency. Related approaches include assigning lead responsibility to one organization to coordinate and integrate permits as is done in Romania, and South Africa's proposed tiered model in which local inspectors serve largely to screen for compliance problems and regional experts, who have sector specific expertise, are brought in less frequently or when necessary, ensuring familiarity with local conditions while maintaining expertise. Romania used audits of permit writers and inspectors to provide integration and ensure consistency.

### 3.4 Multi-media inspections

Workshop participants reviewed the new capacity building support document on Integrated Multi-media Inspection approaches and discussed the distinctions that are similar to those in integrated permitting between different approaches. The different approaches included:

- 1) Multi-media screening which may accompany a single media inspection
- 2) Consolidated (one or two multi-media trained inspectors for that sector or industry)
- 3) Multi-media Team Inspections (single media inspectors inspect at one time)
- 4) Process-based inspection

along with different substantive purposes and scope for these inspections, which might include:

- a) Compliance only;
- b) screening of environmental impacts; and
- c) technical assistance for prevention and compliance.

#### 3.4.1 Separate or integrated inspection and permitting staffs

The group discussed whether the same individuals should write permits and perform inspections.

While Austria and South Africa have combined these roles, and New Zealand's site coordinator coordinates both for a site, there was general agreement with Italy's experience that it works better to separate responsibility for inspection and permitting. This preference for separation of these functions reflects the experience of Norway (see published paper by Gro Rodland in proceedings), and the advisory group experience in the United Nations Environmental Program's Manual on Institution Building for Industrial Compliance. It may encourage too close a relationship between facility and inspector or inability to approach permit requirements objectively for independent evaluation of compliance and enforcement.

### 3.4.2 Integrated inspection without integrated permits

Programs can have integrated permitting not accompanied by integrated inspections and integrated inspection but not integrated permits. There is insufficient experience to assess whether an integrated permit would assist multi-media inspection. The U.S. EPA has developed and requires use of a multi-media screening approach to be used for all inspections, regardless of whether they are single or multi-media and has introduced greater use of both coordinated and team inspections for specific types of situations. EPA and its state counterparts are experimenting with new roles for inspectors in performing process-based inspections which are more capable of identifying cross-media transfer problems and pollution prevention opportunities.

## 4 CONCLUSION

Many countries are adopting and experimenting with integrated approaches to permitting and inspection. There is no single approach, but a variety approaches from separate permits or inspections which are simultaneous, to coordinated permitting and/or inspection to holistic approaches which are multi-media, process-based or integrate broad environmental concerns. Countries may have integrated inspection without integrated permits, and integrated permits without integrated inspection. There is still limited experience with organizing and implementing fully integrated single permit and single inspection schemes for all media and programs which adopt holistic and process-based approaches to environmental protection. Questions still exist as to the best means of organizing and implementing such programs, their efficiency and methods for making trade-offs among media where issues arise. Much can be gained by further sharing of experiences and clarifying what is meant by these terms when addressing them. The workshop participants developed useful definitions for the range of approaches which should help in this process of exchange and learning from each other's experiences.