
SUMMARY OF WORKSHOP: MULTI-MEDIA (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.
- How integrated or multi-media inspections are defined including multi-media screening, cross program or combined inspections, team inspections and process-oriented inspections.
- 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 countries have either already adopted multimedia approaches to permitting and enforcement or are planning to do so. The current interest in developing such approaches is largely driven by the European Community directive for Integrated Pollution Production and Control (IPPC), which requires integrated permitting beginning in 1999, to be fully implemented by 2007. European nation participants, in particular, were interested in gaining experience and knowledge in preparation for meeting these requirements. Other nations expressed interest in these concepts from a resource, pollution control, and environmental benefits perspective.

2 PAPERS

Papers prepared by Padraic Larkin, "Incorporation of Environmental Management Systems into Integrated Pollution Control Licensing in Ireland", and Mikael Lundholm, "Integrated Permitting in Sweden," describe strategies and processes for integrated permitting, inspection and enforcement response in those countries.

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Best quotes:

"Which imbecile has written those conditions?" Ireland, on the need to integrate not just media programs, but permitting and inspection functions as well.

"When you are not the lead dog, the view never changes" Canada, on the difficulty of implementing change under current administrative structures, with more general applications as well.

3.1 Defining "integrated permits and integrated permitting"

The following definitions, drawn directly from the workshop write-up on this subject in the Fourth Conference Proceedings, were adopted by the participants.

"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 the categories yielding a total of five different approaches:

- 1 The Staple approach 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 base-line of compliance including resource; and/or
 - c) the integrated permit takes into account overall environmental impacts and the management system which implements them."

3.2 Country experiences with integrated permitting

In reviewing country experiences, fully two-thirds of those represented had implemented some form of multi-media or integrated permitting and/or multi-media inspections. Several countries had experience with integrated permitting that is holistic.

Among the countries participating in the workshop, Ireland, Sweden, Israel, and Greece had experience with holistic approaches, taking into account overall environmental impact, including ecological conditions in a single environmental permit. Finland was mostly integrated, except for water. Brazil, Bulgaria, Belgium, Poland, Romania, and the U.K. have multi-media permits, with the Brazilian state of San Paulo's "born integrated and multi-media". Hungary has sectoral permits, sometimes integrated, with other nations moving towards or experimenting with various multi-media approaches.

Ireland incorporates a condition requiring an Environmental Management System in its Integrated Pollution Control Licenses as a way to assure implementation of an integrated approach and allow for inspection and enforcement response around the parameters of the identified and enforceable management system.

3.3 Implementation Issues: Legal; Organizational, Management; and Expertise

It was noted that moving to integrated approaches is much easier if a country adopts integrated laws and requirements. Single medium permitting and inspection, however, remain the norm in many countries, and so organizational lines are still defined by medium. Accordingly, a move to integrated permitting or inspections—absent integrated laws and multimedia expertise—raises organizational issues created by both the requirements of single media expertise, the need to cut across organizational authority, and the ability to evaluate systems and new technologies.

3.4 Conclusion

The following conclusion drawn from the Chiang Mai write-up remains the same: "Most all nations noted a problem with the need for greater expertise and management of multi-media permitting and inspection. Several nations expressed concerns with the difficulty of enforcement with multi-media permitting and inspection. All noted a lack of training and resources for multi-media approaches and several expressed concerns that it would be easy to miss problems if a multi-media inspection did not retain adequate expertise and resources to address all the media in detail. It was observed that as cross-media and holistic approaches and expertise for environmental management and inspection develop, that expertise may be used to fashion new and integrated laws with enforceable requirements that cut across all media."

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An integrated approach to multimedia permitting and inspection produces many challenges and many benefits which are common to both activities. Although the discussion below attempts to identify factors unique to each of these activities, the reader should bear in mind that there is considerable overlap.

4.1 Challenges to Integrated Permitting

In many countries, different media may be managed by different parts of an agency or even different agencies of government. A multimedia approach may necessitate restructuring the government, in some instances leading to the creation of new, large bureaucracies. There may be resistance from those who see themselves as losing power.

Reluctance will also come from those who perceive a loss of expertise through integration of all media. Finally, someone must answer the question: Who executes or issues a multimedia permit?

There is no clear consensus on whether multimedia permitting requires integration at the administrative and procedural levels, as well as substantive integration. However, there is agreement that coordination is the responsibility of the government, not the permit applicant.

Single media experts often fail to communicate with one another. A multimedia approach requires constant consultation, clear and comprehensive guidance, and management willingness to make experts work together. A corollary is that many current regulatory staff have only single media expertise. A multimedia approach demands skills which may not currently exist, and raises the potential for loss of single media expertise.

Where there is a requirement for both a business license and an environmental permit, the conditions of each may not be coordinated and could be incompatible.

An unanswered question is: How are environmental benefits/impact quantified in a multimedia approach?

4.2 Benefits to Integrated Permit Approach

From both an environmental and a regulatory standpoint, there can be many advantages to using integrated permits. One benefit of an integrated permit is the ability to avoid exporting pollution from media-to-media. Another benefit is that a multimedia approach forces the regulators to look into the processes in operation at a particular facility and not just look at the end of the pipe. This strategy may lead to process-based solutions, may also be more energy efficient and fewer natural resources.

Some countries see resource advantages to issuing a single, integrated permit, as well as advantages in prosecution of violations. The clear advantage for the regulated community is the prospect of "one-stop shopping" - the ability to obtain just one permit for all environmentally-related activities at a single facility.

4.3 Challenges for Multimedia Inspections

In many, if not most countries, there is a lack of expertise to perform multimedia inspections. Few agencies have inspectors trained to perform these inspections, or very few such inspectors. The challenge is to insure a critical mass of inspector resources and to build multimedia inspection teams. In some countries, inspectors do not have the level of education needed to develop successful multimedia inspectors. The question remains on the table: Is there a need for a "super inspector"?

Several countries raised the question of which entity should conduct the inspections - the central government vs. the province or state? A related issue is that public complaints often focus on a single media problem.

Although multimedia inspections are often considered advantageous to the regulated entity, there are also disadvantages. For example, when the government knocks on the facility's door with a group of inspectors, there may not be sufficient management staff on duty to escort the inspectors. This may or may not be advantageous to proper conduct of the inspections.

There is considerable debate over the question: What is the role of the multimedia (or other) inspector? Is the inspector an advisor or an enforcer? This issue was hotly debated during this workshop, with no clear consensus emerging from the participants. A related issue is whether the inspector is empowered to investigate beyond the confines of the facility's permit?

4.4 Benefits to Multimedia Inspections

Everything must go somewhere. The multiple inputs to any industrial process all end up somewhere, either in the environment or the final product. A multimedia approach to inspections can focus on industrial processes and enable the government to identify the cross-media transfer and the endpoint of all pollutant contributions.

Multimedia inspections, especially those which use a process approach, can help facilities identify opportunities for pollution prevention. Solutions to pollution problems may be process-based. In some instances, it may be advantageous to conduct multimedia screening inspections.

There may also be opportunities for technology transfer as a result of multimedia inspections. For example, one participant related the experience of using the knowledge gained from inspection at one type of dioxin-emitting facility to evaluate the feasibility of requiring another dioxin emitter to meet lower standards.

4.5 Lessons Learned

A well-drafted, enforceable integrated permit is essential to the success of a multimedia inspection program.

4.6 Conclusion

A multimedia approach to permitting and enforcement enables the regulator to evaluate a single facility's technology on a holistic basis and, balancing various considerations and inputs, to design the best strategy for the facility and the environment. However, the advantages of multimedia permitting and inspections do come at a cost. Most governments do not currently have personnel with multimedia experience, and it is feared that where regulatory staff operate across all media, there is an accompanying loss of expertise to each individual medium. There also may be a need for substantial reorganization of regulatory agencies in order to achieve true integration across programs.

