

Permits

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Permit: “a written warrant or license granted by one having authority” – so says Webster.

Someone with a permit has been licensed (usually by a government agency) with authority to carry out a specified action.

Permits or licenses influence many facets of our lives. For example, the state assigns to the Department of Public Safety control of who may or may not drive a car, and they set up rules under which a license (or permit) to drive a car is granted. However, driving a commercial truck requires a different license, using stricter standards. An individual’s license may require specific actions such as wearing glasses when operating a vehicle. There are other public safety-related permits, such as to carry a firearm, or operate a boat.

There are also permits that control actions impacting the environment. Individuals must be “permitted” to connect into a sewer system or to construct a septic system. You must have a permit to fill wetlands over a certain size and, in the city of Mobile, you must have a permit to have an outdoor fire.

Environmental Permits

Issuing environmentally-related permits often creates confusion. For example, in Alabama, those granting such permits cannot consider “land use” concerns (i.e. the concerns of people who don’t want the facility permitted to locate where it is planned) any more than the Department of Public Safety may consider that if someone works on racecars in his garage, it is a reason for not granting that person a driver’s license.

Environmental-related permits are complicated. In addition to granting the authority to carry out a certain action, these permits also place specific and detailed restrictions on the manner in which those actions are performed. A site may have a permit to discharge its water into a river, but there are specific restrictions specifying how much water, the rate of discharge and the amount of impurities the water can contain. Those that grant these permits use their specific knowledge to establish the limitations and restrictions included in these permits. Similarly, those who grant driver’s licenses apply their expertise in determining conditions, such as the minimum age at which most people have demonstrated the ability and judgment to safely operate a car.

What Happens if You Don’t Abide by the Rules?

Violate the rules under which a permit is issued, and a penalty results. It doesn’t matter if it is driving too fast and getting a speeding ticket or discharging too much water and receiving a fine. There is a substantial difference, however, in how the violation is detected. A speeder must be caught in the act by law enforcement with irrefutable evidence that the driver was speeding. In the case of a business-related environmental

permit, the agency monitoring performance, as well as the permit holder are both responsible to report performance on a regular basis, and that includes reporting any violations. Beyond simply reporting the results (for water permits it's called a Discharge Monitoring Report or DMR), the person who signs the DMR is legally liable to ensure that the data reported is correct. Falsifying that data is a criminal offense. It's not quite the same as saying, "But Officer, I wasn't speeding."

Other permits

Similar restrictions apply to other business/environmental permits encompassing air and solid waste. The means used to set the restrictions differ for different permits. For example, in many cases for Air Discharge permits, a rule called Maximum Achievable Control Technology (MACT) applies. When used, MACT requires a facility to match the operational standards of the best 12% of all similar facilities in the United States. That is like saying that all cars have to have tailpipe emissions as good as the best 12% of all cars on the road.

The Question

The question many have is "Are permits necessary?" Most would say yes. For the permit holder, they lay out the ground rules of what is expected, they give assurance that expectations will not change without a reason, and they provide a "level playing field" where everyone is treated the same. For the public, they protect the environment, they give assurance that proper performance standards are required, and they provide for punishment if the conditions are not met.