

2022 Certificate of Exemption (COE) Renewal  
Supplemental Questions and Comments, 2

County: Shelby 03/16/2022

1. Responses to some of the questions in the petition for your COE indicate Shelby County is pursuing an increase in fees to address funding shortfalls.

- a. Please provide detail as to where the funding shortfalls are occurring. In the Title V program? In the Non-title V program or both? Please identify any specific shortfalls and detail Shelby County's plan for securing the necessary funding to address these shortfalls.

The Title V program's fees need an increase. A proposed plan has been discussed and approved by the local Air Board. Pollution Control is now waiting for approval of the ordinance to raise fees from the County Commission. Delayed approval could lead to the loss of two (2) positions. Additionally, the pay scale is lower than average which causes a problem with attracting and retaining qualified applicants.

- b. Please include a current organizational chart. Does your organization chart include all positions (vacant and filled)?

Yes it includes all positions, see attached.

- c. How many vacant positions do you have in the Division currently and how many positions do you anticipate becoming vacant in the next 6 months?

There are currently three (3) vacant positions in our Air Monitoring branch. There is no indication of having any more vacant positions in the next six (6) months.

- d. Please identify the current vacant positions you plan to fill. For those that you do not intend to fill, please indicate why.

From the Organization Chart that is attached, both the Lead Technical Specialist and Technical Specialist for Minor Sources have been filled. For the three positions that are vacant in Air Monitoring, the job has been

posted, only two applicants recently, one offer was made which was declined. The positions are currently posted with a close date of June 30, 2022.

- e. For the positions anticipated to become vacant in the next 6 months, if any, please identify which ones you intend to fill. If not, please indicated why.

The Interim Technical Manager is planning to retire in November of this year. No additional vacancies are anticipated.

- f. Will funding or lack thereof, play a role in being able to fill any vacancies?

Yes indirectly, the inability to offer a competitive salary due to limited funding.

- g. Historically, what has been the number of positions in the Shelby County air program (going back to 2010)?

There was a staff of thirty (30).

- h. Are there fewer positions now, than there were in the past (going back to 2010)?

Yes, 2010 a total of thirty (30). In 2017 the Title V program lost two (2) engineers and the Air Planning branch lost its Lead position. We currently have twenty-eight (28) on staff.

- i. Have you eliminated any positions in the last 5 years? If so, why?

Yes, as mentioned above the Lead position in Air Planning was eliminated and due decreased revenue the two (2) Engineer positions in the Title V program were lost.

- j. Has there been an impact to the program's ability to meet its obligations, including but not limited to those under federal law involving the ambient monitoring program, and adequately enforce the regulations of the program due to the lower staffing numbers (if any)? If yes, please explain.

There are short term and long-term negative impacts associated with different branches. If Air Monitoring cannot be brought to full staff, data integrity will be at risk. With the previously mentioned loss of two (2) engineer positions, our Title V program is now facing increased

turnaround times. Current staff have adjusted their workload to cover up to 30 sites including permit, inspection, enforcement, complaint and testing responsibilities. This may not be sustainable over time.

2. In your response to the first set of follow-up questions, first question, you responded regarding EPA's most recent TSA findings that *"The EPA contacts Shelby County on a monthly basis to determine any changes. The EPA is aware of the staffing shortage in the Air Monitoring Branch and has asked us to continue to ensure that the data is of good quality. The EPA said they would reach out to our Management staff to see if we could get the resources needed to properly run the monitoring program."* Specific to the air quality monitoring program:

- a. Have these things occurred?

The EPA is aware of the ongoing staffing shortage for the Air Monitoring Branch. They were made aware that starting March 16<sup>th</sup> 2022 the branch would only have two (2) employees.

- b. Please provide an update on the status of securing necessary resources to restore the Air Monitoring Branch staffing.

The vacant jobs remain posted. Interviews will be scheduled and completed as applications come in. The job posting will remain on INDEED and our local Health Department website until June 30, 2022.

- c. When do you anticipate each of the findings in EPA's most recent TSA will be satisfactorily addressed?

The remaining findings will be satisfactorily addressed once the staffing levels have increased. The Branch had one vacancy during the TSA. Then, one year after the TSA vacancies increased to two (2). These vacancies have remained for over two years. Beginning March 16<sup>th</sup> there will be three (3) vacancies, leaving a Supervisor and Lead Technical Specialist to operate 5 monitoring stations which includes maintaining, reporting and submitting data for over thirty (30) pollutants and meteorological data. This does not include the data that must be reported from the PAMS station starting in the next few months.

d. How many vacant positions remain in the monitoring program?

Three (3)

e. How long have these positions been vacant?

Two (2) of the positions have been vacant for eighteen (18) months. The third one became vacant 3/15/2022.

f. How long do you anticipate it will take to fill these positions?

The applicant pool has been very small. No real qualified applicants. It is very hard to determine when the positions will be filled.

g. Is there funding available to fill these positions?

Yes, additional funding is needed to increase pay offers.

h. Are there currently advertising efforts or announcements to fill those vacancies?

Yes, on County website, and INDEED

i. Has there been an impact to the monitoring program due to a lack of staffing resources? If yes, please explain. If no, please explain how the program has met its monitoring obligations despite lack of staffing resources.

Yes, the supervisor has had to serve as field staff on a regular basis. This split in duties and increased work load puts a strain on the quality of the work. We are maintaining data integrity now, but as the staff dwindles this will be difficult. We have had great difficulty recruiting applicants to fill open positions in our Air Monitoring Branch. Staff should be a supervisor and four (4) Technical Specialists. We have had 2 open positions for significant period of time, with another occurring recently. Recruitment for these vacant positions have been very difficult.

3. It appears that Shelby County is undertaking an update to your Title V fee structure based on the directive in the Board Order passed on 9/27/21.

a. What is the process for updating the fee structure throughout the County?

A fee ordinance must be drafted and passed in each of the eight (8) municipalities and Shelby County. This process could take up to eight (8) months at minimum.

- b. Has the fee structure been updated? If not, how long do you anticipate this might take?

No, our Local Air Board approved a new fee structure on 9/22/21, but cannot be updated until approval has been received from the County Commission.

- c. Are/have there been challenges or obstacles to obtaining approval or implementing necessary fee increases to support the program? If so, please detail what will be done to overcome the challenges or obstacles?

Pollution Control has not been given permission to move forward with the ordinance procedure.

- d. How will Shelby County manage the revenue shortfall if the new fee structure is not adopted? How will the program be funded?

The CAA requires that the Title V program be supported by the fee structure, see CAA, 40 CFR 70.9 Fee Determination. This is the only option we have to fund the Title V program. Without this funding, we may lose additional staff. The plan is to get approval from the County Commission for the fee increase as soon as possible.

- e. If Shelby County does experience a revenue shortfall, would not filling vacant positions sufficiently address revenue issues? Would this be something that you would pursue? Should not filling the vacant positions be a solution to the funding gap and you intend to or have to utilize this solution, will the program's ability to meet its obligations and adequately enforce the regulations of the program be compromised? If yes, please explain. If no, please explain how the program will continue to meet its obligations and adequately enforce its regulations with lower levels of staffing.

The Title V nor the Air Monitoring programs can withstand any additional cuts. The Department will continue to pursue qualified applicants for all

vacant positions. Additionally, the request for an engineer to be added to the current Title V staff will be made.