

RULE 1415. PERMIT PROCESS-PUBLIC NOTIFICATION

(Adopted 1/18/94; Revised 3/7/95)

(Rev. 5/23/01; Eff. 12/31/01)

(Rev. 8/13/03; Eff. 2/27/04)

(Rev. Adopted 10/12/23; Effective *(date of EPA approval)*)

(a) PUBLIC NOTICE

At least 30 days prior to issuance of a five year initial permit to operate subject to this regulation, a revised permit resulting from an application for significant modification or renewal of such a permit, the Air Pollution Control Officer shall publicly notice and make available a draft of the proposed permit and Statement of Basis (SB) for public and affected state review and comment as follows:

(1) Posting a notice of intent to issue a permit to operate, along with a draft of the proposed permit and SB, on the public notice section of the Air Pollution Control District's web site, for the duration of the public comment period, that includes the comment period duration and dates.

(2) Notification to all persons requesting to be included in a mailing list for purposes of notification of all permit actions.

(3) By other means if determined necessary by the Air Pollution Control Officer to assure adequate notice to the affected public.

(4) Availability of a copy of the draft proposed permit and SB for public review at the Air Pollution Control District offices.

(b) PUBLIC HEARINGS

Pursuant to any petition from the public as a result of public notice, the Air Pollution Control Officer shall, with reasonable cause, hold a public hearing to receive comments regarding initial issuance, modification, or renewal of a permit to operate. All public hearings shall be preceded by issuance of a public notice containing all information specified in Section (d) of this rule at least 30 days prior to the public hearing.

(c) NOTICE TO THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY (EPA)

Prior to issuance of a five year initial permit to operate subject to this regulation, or significant modification or renewal of such a permit, a draft of the proposed permit, and SB shall be made available to the federal EPA, Region IX, for their 45-day review period to comment on the proposed permit. In the event a proposed permit to operate issuance or renewal is substantively changed after submittal to federal EPA, such changes shall be resubmitted to federal EPA. An additional 45 days shall be provided for federal EPA review and comment regarding the changes. The federal EPA shall be provided with a copy of the final permit with supporting analysis used as a basis for permit issuance.

The Air Pollution Control Officer shall not issue a permit to operate required by this regulation if the Administrator of the federal EPA objects, within the specified review period, to such issuance. In such case, a permit to operate shall not be issued by the Air Pollution Control Officer except in a form consistent with the objection, or after the Administrator withdraws the objection.

(d) CONTENTS OF PUBLIC NOTICE

Notice to the public shall:

- (1) Identify the affected facility by name and address;
- (2) Provide the name and address of the District processing the permit;
- (3) Identify the activity or activities involved in the proposed permit action;
- (4) Identify the emissions change involved in any modification;
- (5) Any additional information, as determined by the APCO, that ensures the notice is meaningful, relevant, and understandable to the public;
- (6) Identify the name, telephone number and address of the person who can provide additional information including:
 - (i) a copy of the proposed permit draft;
 - (ii) a copy of the SB;
 - (iii) the permit application; and
 - (iv) all relevant supporting materials available to the Air Pollution Control Officer.
- (7) Describe procedures for providing comments;
- (8) Include the time and place of any hearing, if already scheduled, or the procedures for petitioning for a hearing; and
- (9) Identify the scope of the permit review and identify areas that are appropriate for public comment.

(e) COORDINATED PROCESSING OF RELATED PERMITS

The District shall endeavor to issue a single public notice, to hold a single public hearing (if a hearing is necessary), and to coordinate notice to the federal EPA for any group of permits for similar sources that raises similar issues.

(f) EXCEPTIONS

The public notice requirements of this rule shall not apply to minor modifications and administrative amendments.

(g) NEW APPLICATION LISTS

Permit applications received will be posted in the District office or on the District's website for public review. Copies of the applications can also be provided to any person or interested group who requests a copy in writing.

(h) CONSIDERATION OF COMMENTS

(1) Comments that are relevant to the permit review and areas appropriate for public comment identified pursuant to Subsection (d)(8) of this rule shall be considered and responded to by the District in the review of an application for permit.

(2) The Air Pollution Control Officer shall provide a written response, including reasons for not accepting comments and recommendations for a proposed permit, to persons or agencies that submitted written comments which are postmarked or otherwise submitted by the close of the public notice and comment period. All written comments and responses to such comments shall be kept on file at the District office and made available upon request.

(i) COPIES OF PERMIT ACTION

Upon issuance of an Authority to Construct, Temporary Authorization, Permit to Operate, or a revised Permit to Operate, the Air Pollution Control Officer shall mail a copy of such action to any person or interested group who has requested a copy in writing.

(j) PUBLIC INSPECTION

(1) The permit file will be open to public inspection to the extent required by District Rules and Regulations, and state and federal law.

(2) The District shall retain all records listed in subsections (d)(5)(i) through (d)(5)(iv) of this rule in electronic and/or hardcopy format for at least five calendar years from the date of permit approval by the District and made available to the public, affected State, and EPA upon request.

(k) TRADE SECRETS

Nothing in this regulation shall require or authorize the Air Pollution Control Officer to release to the public or the federal EPA any information which has been labeled as "trade secret" by the person furnishing such information except as provided in Regulation IX and 40 CFR Section 70.4 (b)(3)(viii). However, the Air Pollution Control Officer will provide the federal EPA with notice of which specific trade secret information has been withheld.

(l) ACTION ON APPLICATIONS

Notwithstanding the requirements of Sections (a) through (k) of this rule, the Air Pollution Control Officer shall take final permit action on an application for an initial permit, a revised permit, or a reopening of a permit within the time limits specified in Rule 1410.

(m) TRANSMITTAL OF PERMIT DOCUMENTS TO THE FEDERAL EPA

The Air Pollution Control Officer shall provide to the Administrator of the federal EPA a copy of each application (or summary thereof) for initial permit, permit renewal, administrative permit amendment and permit modification, each proposed permit, and each final initial, revised or renewed permit.