

**§ 256.60**

**40 CFR Ch. I (7-1-03 Edition)**

- (i) Fish and Wildlife Service (wetlands),
- (ii) Bureau of Mines and Office of Surface Mining (mining waste disposal and use of sludge in reclamation),
- (iii) U.S. Geological Survey (wetlands, floodplains, ground water);
- (2) Department of Commerce, National Oceanic and Atmospheric Administration (coastal zone management plans);
- (3) Water Resources Council (floodplains, surface and ground waters);
- (4) Department of Agriculture, including Soil Conservation Service (land spreading solid waste on food chain croplands);
- (5) Federal Aviation Administration (locating disposal facilities on or near airport property);
- (6) Department of Housing and Urban Development (701 comprehensive planning program, flood plains mapping);
- (7) Department of Defense (development and implementation of State and substate plans with regard to resource recovery and solid waste disposal programs at various installations);
- (8) Department of Energy (State energy conservation plans under the Energy Policy and Conservation Act (42 U.S.C. 6321)); and
- (9) Other programs.
- (m) The State plan shall provide for coordination, where practicable, with solid waste management plans in neighboring States and with plans for Indian reservations in the State.

**Subpart G—Public Participation**

**§ 256.60 Requirements for public participation in State and substate plans.**

- (a) State and substate planning agencies shall:
  - (1) Maintain a current list of agencies, organizations, and individuals affected by or interested in the plan, which shall include any parties that request to be on the list, the owner or operator of each facility classified as an open dump and any other parties which the State determines to be affected by or interested in the plan;
  - (2) Provide depositories of relevant information in one or more convenient locations; and

(3) Prepare a responsiveness summary, in accord with 40 CFR 25.8, where required by this subpart or by an approved public participation work plan, which describes matters on which the public was consulted, summarizes the public's views, and sets forth the agency's response to the public input.

(b) State and substate planning agencies shall provide information and consult with the public on plan development and implementation. Provision of information and consultation shall occur both early in the planning process (including the preparation and distribution of a summary of the proposed plan) and on major policy decisions made during the course of plan development, revision and implementation. To meet this requirement, planning agencies shall:

- (1) Publicize information in news media having broad audiences in the geographic area;
- (2) Place information in depositories maintained under paragraph (a)(2) of this section;
- (3) Send information directly to agencies, organizations and individuals on the list maintained under paragraph (a)(1) of this section; and
- (4) Prepare and make available to the public a responsiveness summary in accord with 40 CFR 25.8.

(c) State and substate planning agencies shall conduct public hearings (and public meetings, where the agency determines there is sufficient interest) in accord with 40 CFR 25.5 and 25.6. The purpose of the hearings and meetings is to solicit reactions and recommendations from interested or affected parties and to explain major issues within the proposed plan. Following the public hearings, a responsiveness summary shall be prepared and made available to the public in accord with 40 CFR 25.8.

[44 FR 45079, July 31, 1979, as amended at 46 FR 47051, Sept. 23, 1981]

**§ 256.61 Requirements for public participation in the annual State work program.**

(a) A public participation work plan in accord with 40 CFR 25.11 shall be included in the annual State work program.

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(b) The State shall consult with the public in the development of the annual work program. One month prior to submission of the draft work program to the Regional Administrator, as required by 40 CFR part 35, the draft work program shall be made available to the public at the State information depositories maintained under § 256.60(a)(2). The public shall be notified of the availability of the draft work program, and a public meeting shall be held if the planning agency determines there is sufficient interest.

(c) The State shall comply with the requirements of Office of Management and Budget Circular No. A-95.

(d) Copies of the final work program shall be placed in the State information depositories maintained under § 256.60(a)(2).

### **§ 256.62 Requirements for public participation in State regulatory development.**

(a) The State shall conduct public hearings (and public meetings where the State determines there is sufficient interest) on State legislation and regulations, in accord with the State administrative procedures act, to solicit reactions and recommendations. Following the public hearings, a responsiveness summary shall be prepared and made available to the public in accord with 40 CFR 25.8.

(b) In advance of the hearings and meetings required by paragraph (a) of this section, the State shall prepare a fact sheet on proposed regulations or legislation, mail the fact sheet to agencies, organizations and individuals on the list maintained under § 256.60(a)(1) and place the fact sheet in the State information depositories maintained under § 256.60(a)(2).

### **§ 256.63 Requirements for public participation in the permitting of facilities.**

(a) Before approving a permit application (or renewal of a permit) for a resource recovery or solid waste disposal facility the State shall hold a public hearing to solicit public reaction and recommendations on the proposed per-

mit application if the State determines there is a significant degree of public interest in the proposed permit.

(b) This hearing shall be held in accord with 40 CFR 25.5.

### **§ 256.64 Requirements for public participation in the open dump inventory.**

(a) The State shall provide an opportunity for public participation prior to submission of any classification of a facility as an open dump to the Federal Government. The State shall accomplish this by providing notice as specified in § 256.64(b) or by using other State administrative procedures which provide equivalent public participation.

(b) The State may satisfy the requirement of § 256.64(a) by providing written notice of the availability of the results of its classifications to all parties on the list required under § 256.60(a)(1) at least 30 days before initial submission of these classifications to the Federal Government. For those parties on the list required under § 256.60(a)(1) who are owners or operators of facilities classified as open dumps, such notice shall indicate that the facility has been so classified.

[46 FR 47052, Sept. 23, 1981]

### **§ 256.65 Recommendations for public participation.**

(a) State and substate planning agencies should establish an advisory group, or utilize an existing group, to provide recommendations on major policy and program decisions. The advisory group's membership should reflect a balanced viewpoint in accord with 40 CFR 25.7(c).

(b) State and substate planning agencies should develop public education programs designed to encourage informed public participation in the development and implementation of solid waste management plans.

[44 FR 45079, July 31, 1979. Redesignated and amended at 46 FR 47052, Sept. 23, 1981]