

§ 72.66

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

(i) The draft permit or denial of a draft permit and the opportunity for public review and comment and to request a public hearing; and

(ii) Date, time, location, and procedures for any scheduled hearing on the draft permit or denial of a draft permit.

(2) Any public notice given under this section may be for the issuance or denial of one or more draft permits.

(b) *Methods.* The Administrator will give the public notice required by this section by:

(1) Serving written notice on the following persons (except where such person has waived his or her right to receive such notice):

(i) The designated representative;

(ii) The air pollution control agencies of affected States; and

(iii) Any interested person.

(2) Giving notice by publication in the FEDERAL REGISTER and in a newspaper of general circulation in the area where the source covered by the Acid Rain permit application is located or in a State publication designed to give general public notice. Notwithstanding the prior sentence, if a draft permit requires the affected units at a source to comply with § 72.9(c)(1) and to meet any applicable emission limitation for NO_x under §§ 76.5, 76.6, 76.7, 76.8, or 76.11 of this chapter and does not include for any unit a compliance option under § 72.44, part 74 of this chapter, or § 76.10 of this chapter, the Administrator may, in his or her discretion, provide notice of the draft permit by FEDERAL REGISTER publication and may omit notice by newspaper or State publication.

(c) *Contents.* All public notices issued under this section will contain the following information:

(1) Identification of the EPA office processing the issuance or denial of the draft permit for which the notice is being given.

(2) Identification of the designated representative for the affected source.

(3) Identification of each unit covered by the Acid Rain permit application and the draft permit.

(4) Any compliance options proposed for approval in the draft permit or for disapproval and the total allowances (including any under the compliance

options) allocated to each unit if the Acid Rain permit application is approved.

(5) The address and office hours of a public location where the administrative record is available for public inspection and a statement that all information submitted by the designated representative and not protected as confidential under section 114(c) of the Act is available for public inspection as part of the administrative record.

(6) For public notice under paragraph (a)(1)(i) of this section, a brief description of the public comment procedures, including:

(i) A 30-day period for public comment beginning the date of publication of the notice or, in the case of an extension or reopening of the public comment period, such period as the Administrator deems appropriate;

(ii) The address where public comments should be sent;

(iii) Required formats and contents for public comment;

(iv) An opportunity to request a public hearing to occur not earlier than 15 days after public notice is given and the location, date, time, and procedures of any scheduled public hearing; and

(v) Any other means by which the public may participate.

(d) *Extensions and Reopenings of the Public Comment Period.* On the Administrator's own motion or on the request of any person, the Administrator may, at his or her discretion, extend or reopen the public comment period where he or she finds that doing so will contribute to the decision-making process by clarifying one or more significant issues affecting the draft permit or denial of a draft permit. Notice of any such extension or reopening shall be given under paragraph (a)(1)(i) of this section.

[58 FR 3650, Jan. 11, 1993, as amended at 62 FR 55482, Oct. 24, 1997]

§ 72.66 Public comments.

(a) *General.* During the public comment period, any person may submit written comments on the draft permit or the denial of a draft permit.

(b) *Form.* (1) Comments shall be submitted in duplicate.

Environmental Protection Agency

§ 72.70

(2) The submission shall clearly indicate the draft permit issuance or denial to which the comments apply.

(3) The submission shall clearly indicate the name of the person commenting, his or her interest in the matter, and his or her affiliation, if any, to owners and operators of any unit covered by the Acid Rain permit application.

(c) *Contents.* Timely comments on any aspect of the draft permit or denial or a draft permit will be considered unless they concern:

(1) Any standard requirement under § 72.9;

(2) Issues that are not relevant, such as:

(i) The environmental effects of acid rain, acid deposition, sulfur dioxide, or nitrogen oxides generally; and

(ii) Permit issuance procedures, or actions on other permit applications, that are not relevant to the draft permit issuance or denial in question.

(d) Persons who do not wish to raise issues concerning the issuance or denial of the draft permit, but who wish to be notified of any subsequent actions concerning such matter may so indicate in writing during the public comment period or at any other time. The Administrator will place their names on a list of interested persons.

§ 72.67 Opportunity for public hearing.

(a) During the public comment period, any person may request a public hearing. A request for a public hearing shall be made in writing and shall state the issues proposed to be raised in the hearing.

(b) On the Administrator's own motion or on the request of any person, the Administrator may, at his or her discretion, hold a public hearing whenever the Administrator finds that such a hearing will contribute to the decision-making process by clarifying one or more significant issues affecting the draft permit or denial of a draft permit. Public hearings will not be held on issues under § 72.66(c) (1) and (2).

(c) During a public hearing under this section, any person may submit oral or written comments concerning the draft permit or denial of a draft permit. The Administrator may set reasonable limits on the time allowed for oral state-

ments and will require the submission of a written summary of each oral statement.

(d) The Administrator will assure that a record is made of the hearing.

§ 72.68 Response to comments.

(a) The Administrator will consider comments on the draft permit or denial of a draft permit that are received during the public comment period and any public hearing. The Administrator is not required to consider comments otherwise received.

(b) In issuing or denying an Acid Rain permit, the Administrator will:

(1) Identify any permit provision or portion of the statement of basis that has been changed and the reasons for the change; and

(2) Briefly describe and respond to relevant comments under paragraph (a) of this section.

§ 72.69 Issuance and effective date of acid rain permits.

(a) After the close of the public comment period, the Administrator will issue or deny an Acid Rain permit. The Administrator will serve a copy of any Acid Rain permit and the response to comments on the designated representative for the source covered by the issuance or denial and serve written notice of the issuance or denial on the air pollution control agencies of affected States and any interested person. The Administrator will also give notice in the FEDERAL REGISTER.

(b)(1) The term of every Acid Rain permit shall be 5 years commencing on its effective date.

(2) Every Acid Rain permit for Phase I shall take effect on January 1, 1995.

[58 FR 3650, Jan. 11, 1993, as amended at 62 FR 55482, Oct. 24, 1997]

Subpart G—Acid Rain Phase II Implementation

§ 72.70 Relationship to title V operating permit program.

(a) *Scope.* This subpart sets forth criteria for approval of State operating permit programs and acceptance of State Acid Rain programs, the procedure for including State Acid Rain programs in a title V operating permit