

Environmental Protection Agency

§ 271.15

§ 271.14 Requirements for permitting.

All State programs under this subpart must have legal authority to implement each of the following provisions and must be administered in conformance with each; except that States are not precluded from omitting or modifying any provisions to impose more stringent requirements:

- (a) Section 270.1(c)(1)—(Specific inclusions);
- (b) Section 270.4—(Effect of permit);
- (c) Section 270.5—(Noncompliance reporting);
- (d) Section 270.10—(Application for a permit);
- (e) Section 270.11—(Signatories);
- (f) Section 270.12—(Confidential information);
- (g) Section 270.13—(Contents of part A);
- (h) Sections 270.14 through 270.29—(Contents of part B);

NOTE: States need not use a two part permit application process. The State application process must, however, require information in sufficient detail to satisfy the requirements of §§270.13 through 270.29.

- (i) Section 270.30—(Applicable permit conditions);
- (j) Section 270.31—(Monitoring requirements);
- (k) Section 270.32—(Establishing permit conditions);
- (l) Section 270.33—(Schedule of compliance);
- (m) Section 270.40—(Permit transfer);
- (n) Section 270.41—(Permit modification);
- (o) Section 270.43—(Permit termination);
- (p) Section 270.50—(Duration);
- (q) Section 270.60—(Permit by rule);
- (r) Section 270.61—(Emergency permits);
- (s) Section 270.64—(Interim permits for UIC wells);
- (t) Section 124.3(a)—(Application for a permit);
- (u) Section 124.5 (a), (c), (d)—(Modification of permits);
- (v) Section 124.6 (a), (d), and (e)—(Draft permit);
- (w) Section 124.8—(Fact sheets);
- (x) Section 124.10 (a)(1)(ii), (a)(1)(iii), (a)(1)(v), (b), (c), (d), and (e)—(Public notice);
- (y) Section 124.11—(Public comments and requests for hearings);

(z) Section 124.12(a)—(Public hearings); and

(aa) Section 124.17 (a) and (c)—(Response to comments).

NOTE: States need not implement provisions identical to the above listed provisions. Implemented provisions must, however, establish requirements at least as stringent as the corresponding listed provisions. While States may impose more stringent requirements, they may not make one requirement more lenient as a tradeoff for making another requirement more stringent; for example, by requiring that public hearings be held prior to issuing any permit while reducing the amount of advance notice of such a hearing.

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§ 271.15 Requirements for compliance evaluation programs.

(a) State programs shall have procedures for receipt, evaluation, retention and investigation for possible enforcement of all notices and reports required of permittees and other regulated persons (and for investigation for possible enforcement of failure to submit these notices and reports).

(b) State programs shall have inspection and surveillance procedures to determine, independent of information supplied by regulated persons, compliance or noncompliance with applicable program requirements. The State shall maintain:

(1) A program which is capable of making comprehensive surveys of all facilities and activities subject to the State Director's authority to identify persons subject to regulation who have failed to comply with permit application or other program requirements. Any compilation, index, or inventory of such facilities and activities shall be made available to the Regional Administrator upon request;

(2) A program for periodic inspections of the facilities and activities subject to regulation. These inspections shall be conducted in a manner designed to:

- (i) Determine compliance or non-compliance with issued permit conditions and other program requirements;
- (ii) Verify the accuracy of information submitted by permittees and other regulated persons in reporting forms and other forms supplying monitoring data; and