

ARIZONA

EXHIBIT D1.a - Part 2

State: Arizona				
Anthony Leverock				
602-771-4160				
Is this media specific information (air, water, land)				
What types of documents are you required to public notice (permits, enforcement actions, notices of violation, etc.)?	How do you reach rural areas?	How do you alert residents about public notices (newspapers, webpages, listservs, etc.)?	Do you have any issues with your current system?	Are you working towards changing your current public notice procedures? If so, what changes are you
Just Permits	Notice to the person by mail	Newspapers, radios and the webpag	Yes, because most persons are not subscribing to newspapers.	No

Georgia – use neighboring counties papers, website publications

Indiana – went through rulemaking to use other newspapers, talked about website notices in the paper notice and that they were transitioning to website only publication

Ill. Admin. Code Title 35, § 309.109

309.109. Public Notice

- a) Upon tentative determination to issue or deny an NPDES Permit, completion of the draft permit, if any, and not earlier than 10 days following notice to the applicant pursuant to Section 309.108(d), the Agency shall circulate public notice of the completed application for an NPDES Permit in a manner designed to inform interested and potentially interested persons of the discharge or proposed discharge and of the proposed determination to issue or deny an NPDES Permit for the discharge or proposed discharge. Procedures for the circulation of public notice shall include at least the following concurrent actions:
- 1) Notice shall be mailed to the applicant
 - 2) Notice shall be circulated within the geographical area of the proposed discharge; such circulation may include any or all of the following:
 - A) Posting in the post office and public places of the municipality nearest the premises of the applicant in which the effluent source is located;
 - B) Posting near the entrance to the applicant's premises and in nearby places;
 - C) Publishing in local newspapers and periodicals, or, if appropriate, in a daily newspaper of general circulation; and
 - D) Any other notice requirements necessary to meet the requirements of the Act and the CWA;
 - 3) Notice shall be mailed to any person or group upon request;
 - 4) The Agency shall add the name of any person or group upon request to a mailing list to receive copies of notices for all NPDES applications within the State of Illinois or within a certain geographical area.

b) The Agency shall provide of not less than 30 days following the date of first publication of the public notice during which time interested persons may submit their written views on the tentative determinations with respect to the NPDES application. All comments shall be submitted to the Agency and to the applicant. All written comments submitted during the 30-day comment period shall be retained by the Agency and considered in the formulation of its final determinations with respect to the NPDES application. The period for comment may be extended at the discretion of the Agency by publication as provided in Section 309.109.

LOUISIANA

State:	Louisiana DEQ			
Contact Name:	Tommie Milam			
Contact Number:	Tommie.Milam@LA.gov			
Is this media specific information (air, water, land, etc.)?	Land			
What types of documents are you required to public notice (permits, enforcement actions, notices of violation, etc.)?	How do you reach rural areas?	How do you alert residents about public notices (newspapers, webpages, listservs, etc.)?	Do you have any issues with your current system?	Are you working towards changing your current public notice procedures? If so, what changes are you considering?
	Local Newspapers	News Papers		Recently changed regulations (for Air notices) to no long require publication in state journal and a local paper
Receipt of RCRA Applications				
Draft/Proposed Hazardous Waste Permits	Local Radio Station	Radio Stations		
Final Hazardous Waste Permis	Louisiana DEQ's Public Participation Website	Louisiana DEQ's Public Participation Website		
Public Hearings		Hard copy mailouts		Working to remove local paper requirement from Water notices
Public Meetings		Listservs		
Spcialty Notices (e.g. SIP Revisions)				Working to transition from hard copy mail to email

MISSISSIPPI

State: Mississippi				
Contact Name: Christopher Messemore				
Contact Number: 601-961-5647				
Is this media specific information (air, water, land, etc.)?				
What types of documents are you required to public notice (permits, enforcement actions, notices of violation, etc.)?	How do you reach rural areas	How do you alert residents about public notices (newspapers, webpages, listservs, etc.)?	Do you have any issues with your current system?	Are you working towards changing your current public notice procedures? If so, what changes are you considering?
NPDES permit issuances/reissuances are noticed by mailing a copy to the following:	All permits are noticed in a similar manner.	Methods listed above. Individual communities may be assisted by our Office of Community Engagement. These communities will receive notices of public hearings or permit actions.	With fewer daily papers in Mississippi, we are experiencing issues with newspaper notices	we are currently investigating updating out public notice practices. The biggest anticipated change would be replacing the newspaper notice with the website noticed allowed by the NPDES
Applicant				
Courthouse				
Library				
Postmaster				
Mayor/Board of Supervisors				
All notices appear on our website. Additionally, NPDES Majors permits are noticed in a Newspaper per 40 CFR 124.10.				

North Carolina – use the definition under T5 rules, website publication only except in the case of PSD permits

Ohio Livestock Environmental Permitting: Ohio Admin. Code 901:10-6-01

901:10-6-01 Notice

(A) Notice by publication.

(1) Notices in general. All notices required or authorized by section 903.09 of the Revised Code shall be published once in a newspaper having general circulation in the county in which the facility is located or proposed to be located. Publication shall be done at least thirty days prior to a public meeting, provided that publication shall be done at least forty-five days prior to a public meeting for any draft permit to install or draft NPDES permit subject to an antidegradation review. Public notice is complete upon publication.

Public notice will be given for any draft general permit to be issued by the director. Since general permits are written to cover categories of discharges within a geographic or political area, the director may give one or more notices in newspapers of general circulation for those geographic or political areas identified in the general permit.

(2) Additional requirements for NPDES information. The department shall publish a public notice within thirty days regarding receipt of a NPDES permit application and permit to install for which an antidegradation review is applicable. The purpose of public notice for a draft permit to install and a draft NPDES permit for which an antidegradation review is applicable shall be: to inform other potentially affected persons; to allow for inspection and review of the applications; to indicate whether any of the exclusions or waivers within the antidegradation rules apply to the applications; to instruct interested persons to contact the director within thirty days if they want to be on the interested parties mailing list as described in rule 901:10-6-05 of the Administrative Code for that particular permit to install or NPDES permit application; and to advertise the date, time, and place of any public meeting required under division (C) of section 903.09 of the Revised Code.

(3) The department shall give public notice of the issuance of a review compliance certificate issued pursuant to division (F) of section 903.04 of the Revised Code only to persons who own property that is contiguous to the facility for which the review compliance certificate is issued.

(4) The director shall publish notice of the issuance of a final permit once in a newspaper of general circulation in the county in which the facility is located.

(5) The director shall give public notice of the proposed action to deny, suspend, or revoke a permit to install, permit to operate, or NPDES permit, or for any actions pursuant to section 903.17 of the Revised Code.

(B) Notice by mail.

(1) The director shall mail notice of the issuance of a draft permit and a copy of the draft permit to the applicant or owner or operator and to the board of county commissioners of the county, the board of township trustees of the township, the local board of health and the local soil and water conservation district in which the facility is located or proposed to be located. The director shall also notify owners or operators of public water systems as that term is defined in section 6109.01 of the Revised Code that have a surface water intake structure located within ten miles downstream of the facility or proposed facility described in the draft permit.

(2) In addition, if an antidegradation review of a NPDES permit application indicates the potential to lower water quality, the director shall provide notice by mail to the Ohio department of natural resources, the United States fish and wildlife service, any affected local areawide planning agencies and the Ohio department of development.

(3) The director shall mail notice of the proposed action to deny, suspend, or revoke a permit to install, permit to operate, or NPDES permit to the applicant or owner or operator and a copy of the proposed action to the board of county commissioners of the county and the board of township trustees of the township in which the facility is located or proposed to be located. The director shall also provide notice of the proposed action to deny, suspend, or revoke a NPDES permit to any other persons that are entitled to notice under the Federal Water Pollution Control Act.

(4) Notices shall be mailed by certified mail, return receipt requested, to the person subject thereto. Notices shall state the time and method by which the applicant or permit holder may request public meeting. A statement as to when a final permit will be issued may accompany draft permits.

(a) If a draft permit or proposed action is issued with an effective date and the permit is later signed by the director without being changed further, the department need not, at the time of entry, provide notice or a copy of the permit to the person subject thereto.

(b) If a draft permit or proposed action is issued without an effective date, and the department later assigns an effective date without changing the action further, the department shall mail notice to the person subject thereto informing the person of the effective date.

(5) If the applicable law grants a right to appeal the final permit or order of the director to the environmental review appeals commission, mailings required by this paragraph shall be accompanied by a notice stating the time and method by which the appeal must be filed.

(C) Notice of a public meeting is not required for the modification of a permit made with the consent of the permittee for the correction of typographical errors.

(D) The director may also hold a public meeting at the director's discretion, whenever, for example, such a public meeting might clarify one or more issues involved in the permit decision.

OKLAHOMA

State:	Oklahoma DEQ			
Contact Name:	Zachary Paden			
Contact Number:	(405) 702-5166			
Is this media specific information (air, water, land, etc.)?	Land			
What types of documents are you required to public notice (permits, enforcement actions, notices of violation, etc.)?	How do you reach rural areas?	How do you alert residents about public notices (newspapers, webpages, listservs, etc.)?	Do you have any issues with your current system?	Are you working towards changing your current public notice procedures? If so, what changes are you considering?
All permits and permit modifications are required to have public notice. Note that Class 1 Permit Modifications are mailed to the facility list.	No specifically-rural outreach is conducted.	The facility keeps a list of those who have opted into receiving facility-specific notifications and public notice.	No issues have been identified.	No changes are being contemplated.
State:	Oklahoma DEQ			
Contact Name:	Kelly Pham			
Contact Number:	(405) 702-8209			
Is this media specific information (air, water, land, etc.)?	Water			
What types of documents are you required to public notice (permits, enforcement actions, notices of violation, etc.)?	How do you reach rural areas?	How do you alert residents about public notices (newspapers, webpages, listservs, etc.)?	Do you have any issues with your current system?	Are you working towards changing your current public notice procedures? If so, what changes are you considering?
We are required to do public notice of Tier II permits. I asked for clarification as to what a Tier II permit is, and this is what they gave me: Yes, Oklahoma has regulations to determine Tiers of permits. And again, the information I have here for you as far as I know about discharge permits (municipal and industrial). There are Tiers I, II, and III. Public notice is not required for Tier I permits, which are authorizations for coverage under general permits. Public notice is required for both Tier II and Tier III permits. Discharge permits renewals or major modification(s) to discharge permits are classified as Tier II. New discharge permits are classified as Tier III.	The applicant needs to do two different public notices in a local newspaper: public notice of application filing and public notice of draft permit. Our agency will do public notice of draft permit online.	The applicant needs to do two different public notices in a local newspaper: public notice of application filing and public notice of draft permit. Our agency will do public notice of draft permit online. Our state statutes requires the applicant to have the notices published in a newspaper located in the same county where the facility is located at.	Not that I am aware of.	Not that I am aware of.

South Carolina – use the website only

Some of their justifications were, EPA says electronic publication is ok, so we're doing it too; the website public notice is more far reaching and stays available much longer than a newspaper public notice that's only available on a single day; change in technology and availability of electronic access is necessary.

The newspapers fought pretty hard.

08/19/2019 10:42

Called Paul Abraham (423-757-6468) with the Chatanooga Times Free Press - -he will have Jim Stephens call me back regarding public notice stuff with TDEC (Tennessee). He may also be able to give me some insight on Georgia as well. (Never received a call back from Jim Stephens to ask the particular questions we had in mind)

Mr. Abraham let me know a few things

1. They typically run 2 different types of ads for TDEC
2. Their ads are published to the DIGITAL version of the newspaper
3. In addition to being published digitally via the paper, the ads are also submitted and published to state website specifically for these types of ads – Mr. Abraham indicated some type of online portal is available for these submissions
4. There has been a recent legal battle regarding publishing ads for Georgia (facilities located along the border of TN and GA) in which it was determined they could not be used as a primary publication source for Georgia facilities, regardless of proximity of location, due to specific regulations regarding the public notices for the State of (GA)

(h) At the applicant's expense, a sign shall be placed at the site declaring the filing of an application for a permit and stating the manner in which the executive director may be contacted for further information.

(1) The sign shall be provided by the applicant and shall substantially meet the following requirements.

(A) The sign shall consist of dark lettering on a white background and shall be not smaller than 18 inches by 28 inches and all lettering shall be no less than one and one-half inches in size and block printed capital lettering.

(B) The sign shall be headed by the words "APPLICATION FOR FEDERAL OPERATING PERMIT".

(C) The sign shall include the words "PERMIT NO." and the number of the permit.

(D) The sign shall include the words "for further information contact".

(E) The sign shall include the words "TEXAS COMMISSION ON ENVIRONMENTAL QUALITY," and the address of the appropriate commission regional office.

(F) The sign shall include the phone number of the appropriate commission office.

(G) The sign shall include the name of the company applying for the permit.

(2) The sign shall be in place by the date of publication of the newspaper notice and shall remain in place and legible throughout the period of public comment.

(3) The sign placed at the site shall be located at or near the site main entrance, provided that the sign is legible from the public street. If the sign would not be legible from the public street, then the sign shall be placed within ten feet of a property line paralleling a public street.

(A) The executive director may approve variations if the applicant has demonstrated that it is not practical to comply with the specific sign-posting requirements.

(B) Alternative sign-posting plans proposed by the applicant must be at least as effective in providing notice to the public.

(C) The executive director must approve the variations before signs are posted.

(4) One sign may be posted for multiple permits at a site with the approval of the executive director.

Tex. Gov't Code Ann. § 2001.142. Notification of Decisions and Orders

(a) A state agency shall notify each party to a contested case of any decision or order of the agency using at least one of the following methods of service :

(1) personal service;

(2) if agreed to by the party to be notified, service by electronic means sent to the current e-mail address or facsimile number of the party's attorney of record or of the party if the party is not represented by counsel;

(3) service by first class, certified, or registered mail sent to the last known address of the party's attorney of record or of the party if the party is not represented by counsel; or

(4) service by a method required under the state agency's rules or orders for a party to serve copies of pleadings in a contested case.

(b) When a decision or order in a contested case that may become final under Section 2001.144 is signed or when an order ruling on a motion for rehearing is signed, a state agency shall deliver or send a copy of the decision or order to each party in accordance with Subsection (a). The state agency shall keep a record documenting the provision of the notice provided to each party in accordance with Subsection (a).

(c) If an adversely affected party or the party's attorney of record does not receive the notice required by Subsections (a) and (b) or acquire actual knowledge of a signed decision or order before the 15th day after the date the decision or order is signed, a period specified by or agreed to under Section 2001.144(a), 2001.146, 2001.147, or 2001.176(a) relating to a decision or order or motion for rehearing begins, with respect to that party, on the date the party or the party's attorney of record receives the notice or acquires actual knowledge of the signed decision or order, whichever occurs first. The period may not begin earlier than the 15th day or later than the 45th day after the date the decision or order was signed.

(d) To establish a revised period under Subsection (c), the adversely affected party must prove, on sworn motion and notice, that:

Iowa Admin. Code 567-64.5(455B)

567-64.5(455B) Notice and public participation in the individual NPDES permit process.

64.5(1) Formulation of tentative determination. The department shall make a tentative determination to issue or deny an operation or NPDES permit for the discharge described in a permit application in advance of the public notice as described in 64.5(2).

a. If the tentative determination is to issue an NPDES permit, the department shall prepare a permit rationale for each draft permit pursuant to 64.5(3) and a draft permit. The draft permit shall include the following:

(1) Effluent limitations identified pursuant to 64.7(2) and 64.7(3), for those pollutants proposed to be limited.

(2) If necessary, a proposed schedule of compliance, including interim dates and requirements, identified pursuant to 64.7(4) and 64.7(5), for meeting the effluent limitations and other permit requirements.

(3) Any other special conditions (other than those required in 64.7(7)) which will have a significant impact upon the discharge described in the permit application.

b. If the tentative determination is to deny an NPDES permit, the department shall prepare a notice of intent to deny the permit application. The notice of intent to deny an application will be placed on public notice as described in 64.5(2).

c. If the tentative determination is to issue an operation permit (non-NPDES permit), the department shall prepare a final permit and transmit the final permit to the applicant. The applicant will have 30 days to appeal the final operation permit.

d. If the tentative determination is to deny an operation permit (non-NPDES permit), no public notice is required. The department shall send written notice of the denial to the applicant. The applicant will have 30 days to appeal the denial.

64.5(2) Public notice for NPDES permits.

a. Prior to the issuance of an NPDES permit, a major NPDES permit amendment, or the denial of a permit application for an NPDES permit, public notice shall be circulated in a manner designed to inform interested and potentially interested persons of the proposed discharge and of the tentative determination to issue or deny an NPDES permit for the proposed discharge. Procedures for the circulation of public notice shall include at least the procedures of subparagraphs (1) to (4).

(1) The public notice for a draft NPDES permit or major permit amendment shall be circulated by the applicant within the geographical areas of the proposed discharge by posting the public notice in public places of the city nearest the premises of the applicant in which the effluent source is located and by posting the public notice near the entrance to the applicant's premises and in nearby places.

(2) The public notice for the denial of a permit application shall be sent to the applicant and circulated by the department within the geographical areas of the proposed discharge by publishing the public notice in local newspapers and periodicals or, if appropriate, in a newspaper of general circulation.

(3) The public notice shall be sent by the department to any person upon request.

(4) Upon request, the department shall add the name of any person or group to the distribution list to receive copies of all public notices concerning the tentative determinations with respect to the permit applications within the state or within a certain geographical area and shall send a copy of all public notices to such persons.

b. In addition to the requirements in paragraph 64.5(2)“a,” prior to the issuance of a major NPDES permit or a major permit amendment to a major NPDES permit, the public notice shall be published by the applicant in local newspapers and periodicals or, if appropriate, in a newspaper of general circulation. Publication of a public notice is not required prior to the issuance of the following:

(1) A minor NPDES permit,

(2) A minor permit amendment, or

(3) A major permit amendment to a minor NPDES permit.

Major and minor NPDES permits and major and minor permit amendments are defined in 567—60.2(455B).

c. The department shall provide a period of not less than 30 days following the date of the public notice during which time interested persons may submit their written views on the tentative determinations with respect to the permit application and request a public hearing pursuant to 64.5(6). Written comments may be submitted by paper or electronic means. All comments submitted during the 30-day comment period shall be retained by the department and considered by the director in the formulation of the director's final determinations with respect to the permit application. The period for comment may be extended at the discretion of the department. Pertinent and significant comments received during either the original comment period or an extended comment period shall be responded to in a responsiveness summary pursuant to 64.5(8).

d. The contents of the public notice of a draft NPDES permit, a major permit amendment, or the denial of a permit application for an NPDES permit shall include at least the following:

(1) The name, address, and telephone number of the department.

(2) The name and address of each applicant.

(3) A brief description of each applicant's activities or operations which result in the discharge described in the permit application (e.g., municipal waste treatment plant, corn wet milling plant, or meat packing plant).

(4) The name of the waterway to which each discharge of the applicant is made and a short description of the location of each discharge of the applicant on the waterway indicating whether such discharge is a new or an existing discharge.

(5) A statement of the department's tentative determination to issue or deny an NPDES permit for the discharge or discharges described in the permit application.

(6) A brief description of the procedures for the formulation of final determinations, including the 30-day comment period required by paragraph “b” of this subrule, procedures for requesting a public hearing and any other means by which interested persons may influence or comment upon those determinations.

(7) The address, telephone number, and email address of places at which interested persons may obtain further information, request a copy of the tentative determination and any associated documents prepared pursuant to 64.5(1), request a copy of the permit rationale described in 64.5(3), and inspect and copy permit forms and related documents.

e. No public notice is required for a minor permit amendment, including an amendment to correct typographical errors, include more frequent monitoring requirements, revise interim compliance schedule dates, change the owner name or address, include a local pretreatment program, or remove a point source outfall that does not result in the discharge of pollutants from other outfalls.

f. No public notice is required when a request for a permit amendment or a request for a termination of a permit is denied. The department shall send written notice of the denial to the requester and the permittee only. No public notice is required if an applicant withdraws a permit application.

64.5(3) Permit rationales and notices of intent to deny.

a. When the department has made a determination to issue an NPDES permit as described in 64.5(1), the department shall prepare and, upon request, shall send to any person a permit rationale with respect to the application described in the public notice. The contents of such permit rationales shall include at least the following information:

(1) A detailed description of the location of the discharge described in the permit application.

(2) A quantitative description of the discharge described in the permit application which includes:

1. The average daily discharge in pounds per day of any pollutants which are subject to limitations or prohibitions under 64.7(2) or Section 301, 302, 306 or 307 of the Act and regulations published thereunder; and
2. For thermal discharges subject to limitation under the Act, the average and maximum summer and winter discharge temperatures in degrees Fahrenheit.
- (3) The tentative determinations required under 64.5(1).
- (4) A brief citation, including a brief identification of the uses for which the receiving waters have been classified, of the water quality standards applicable to the receiving waters and effluent standards and limitations applicable to the proposed discharge.
- (5) An explanation of the principal facts and the significant factual, legal, methodological, and policy questions considered in the preparation of the draft permit.
- (6) Any calculations or other necessary explanation of the derivation of effluent limitations.

b. When the department has made a determination to deny an application for an NPDES permit as described in 64.5(1), the department shall prepare and, upon request, shall send to any person a notice of intent to deny with respect to the application described in the public notice. The contents of such notice of intent to deny shall include at least the following information:

- (1) A detailed description of the location of the discharge described in the permit application; and
- (2) A description of the reasons supporting the tentative decision to deny the permit application.

c. When the department has made a determination to issue an operation permit as described in 64.5(1), the department shall prepare a short description of the waste disposal system and the reasons supporting the decision to issue an operation permit. The description shall be sent to the operation permit applicant upon request.

d. When the department has made a determination to deny an application for an operation permit as described in 64.5(1), the department shall prepare and send written notice of the denial to the applicant only. The written denial shall include a description of the reasons supporting the decision to deny the permit application.

e. Upon request, the department shall add the name of any person or group to a distribution list to receive copies of permit rationales and notices of intent to deny and shall send a copy of all permit rationales and notices of intent to deny to such persons or groups.

64.5(4) Notice to other government agencies. Prior to the issuance of an NPDES permit, the department shall notify other appropriate government agencies of each complete application for an NPDES permit and shall provide such agencies an opportunity to submit their written views and recommendations. Notifications may be distributed and written views or recommendations may be submitted by paper or electronic means. Procedures for such notification shall include the procedures of paragraphs "a" to "f."

a. At the time of issuance of public notice pursuant to 64.5(2), the department shall transmit the public notice to any other state whose waters may be affected by the issuance of the NPDES permit. Each affected state shall be afforded an opportunity to submit written recommendations to the department and to the regional administrator which the director may incorporate into the permit if issued. Should the director fail to incorporate any written recommendation thus received, the director shall provide to the affected state or states and to the regional administrator a written explanation of the reasons for failing to accept any written recommendation.

b. At the time of issuance of public notice pursuant to 64.5(2), the department shall send the public notice for proposed discharges (other than minor discharges) into navigable waters to the appropriate district engineer of the army corps of engineers.

(1) The department and the district engineer for each corps of engineers district within the state may arrange for: notice to the district engineer of minor discharges; waiver by the district engineer of the right to receive public notices with respect to classes, types, and sizes within any category of point sources and with respect to discharges to particular navigable waters or parts thereof; and any procedures for the transmission of forms, period of comment by the district engineer (e.g., 30 days), and for objections of the district engineer.

(2) A copy of any written agreement between the department and a district engineer shall be forwarded to the regional administrator and shall be available to the public for inspection and copying in accordance with 567—Chapter 2.

c. Upon request, the department shall send the public notice to any other federal, state, or local agency, or any affected county, and provide such agencies an opportunity to respond, comment, or request a public hearing pursuant to 64.5(6).

d. The department shall send the public notice for any proposed NPDES permit within the geographical area of a designated and approved management agency under Section 208 of the Act (33 U.S.C.1288).

e. The department shall send the public notice to the local board of health for the purpose of assisting the applicant in coordinating the applicable requirements of the Act and Iowa Code chapter 455B with any applicable requirements of the local board of health.

f. Upon request, the department shall provide any of the entities listed in 64.5(4)“a” through “e” with a copy of the permit rationale, permit application, or proposed permit prepared pursuant to 64.5(1).

64.5(5) Public access to NPDES information. The records of the department connected with NPDES permits are available for public inspection and copying to the extent provided in 567—Chapter 2.

64.5(6) Public hearings on proposed NPDES permits. The applicant, any affected state, the regional administrator, or any interested agency, person or group of persons may request or petition for a public hearing with respect to an NPDES application. Any such request shall clearly state issues and topics to be addressed at the hearing. Any such request or petition for public hearing must be filed with the director within the 30-day period prescribed in 64.5(2)“b” and shall indicate the interest of the party filing such request and the reasons why a hearing is warranted. The director shall hold an informal and noncontested case hearing if there is a significant public interest (including the filing of requests or petitions for such hearing) in holding such a hearing. Frivolous or insubstantial requests for hearing may be denied by the director. Instances of doubt should be resolved in favor of holding the hearing. Any hearing held pursuant to this subrule shall be held in the geographical area of the proposed discharge, or other appropriate area in the discretion of the director, and may, as appropriate, consider related groups of permit applications.

64.5(7) Public notice of public hearings on proposed NPDES permits.

a. Public notice of any hearing held pursuant to 64.5(6) shall be circulated at least as widely as was the notice of the tentative determinations with respect to the permit application.

(1) Notice shall be published in at least one newspaper of general circulation within the geographical area of the discharge;

(2) Notice shall be sent to all persons and government agencies which received a copy of the notice for the permit application;

(3) Notice shall be mailed to any person or group upon request; and

(4) Notice pursuant to subparagraphs (1) and (2) of this paragraph shall be made at least 30 days in advance of the hearing.

b. The contents of public notice of any hearing held pursuant to 64.5(6) shall include at least the following:

(1) The name, address, and telephone number of the department;

- (2) The name and address of each applicant whose application will be considered at the hearing;
- (3) The name of the water body to which each discharge is made and a short description of the location of each discharge to the water body;
- (4) A brief reference to the public notice issued for each NPDES application, including the date of issuance;
- (5) Information regarding the time and location for the hearing;
- (6) The purpose of the hearing;

- (7) A concise statement of the issues raised by the person or persons requesting the hearing;
- (8) The address and telephone number of the premises where interested persons may obtain further information, request a copy of the draft NPDES permit prepared pursuant to 64.5(1), request a copy of the permit rationale prepared pursuant to 64.5(3), and inspect and copy permit forms and related documents;
- (9) A brief description of the nature of the hearing, including the rules and procedures to be followed; and
- (10) The final date for submission of comments (paper or electronic) regarding the tentative determinations with respect to the permit application.

64.5(8) Response to comments. At the time a final NPDES permit is issued, the director shall issue a response to significant and pertinent comments in the form of a responsiveness summary. A copy of the responsiveness summary shall be sent to the permit applicant, and the document shall be made available to the public upon request. The responsiveness summary shall:

- a. Specify which provisions, if any, of the draft permit have been changed in the final permit decision and the reasons for the changes; and

b. Briefly describe and respond to all significant and pertinent comments on the draft permit raised during the public comment period provided for in the public notice or during any hearing. Comments on a draft permit may be submitted by paper or electronic means or orally at a public hearing.

9 VAC 25-32-280. Enforcement.

A. The board may enforce the provisions of this regulation by:

1. Issuing directives in accordance with the law;
2. Issuing special orders in accordance with the law;
3. Issuing emergency special orders in accordance with the law;
4. Seeking injunction, mandamus or other appropriate remedy as authorized by the law;
5. Seeking civil penalties under the law;
6. Seeking remedies under the law or under other laws including the common law.

B. The board encourages citizen participation in all its activities, including enforcement. In particular:

1. The board will investigate citizen complaints and provide written response to all signed, written complaints from citizens concerning matters within the board's purview;
2. The board will not oppose intervention in any civil enforcement action when such intervention is authorized by statute or Supreme Court rule, or in any administrative enforcement action when authorized by the board's Procedural Rule; and

3. At least 30 days prior to the final settlement of any civil enforcement action or the issuance of any consent special order, the board will publish public notice of such settlement or order in a newspaper of general circulation in the county, city or town in which the pollutant management activity is located, and in the Virginia Register of Regulations. This notice will identify the owner, specify the enforcement action to be taken and specify where a copy of the settlement or order can be obtained. Appeals will be public noticed in accordance with Procedural Rule No. 1 (9 VAC 25-230-10 et seq.). A consent special order is a special order issued without a public hearing and with the written consent of the affected owner. For the purpose of this chapter, an emergency special order is not a consent special order. The board shall consider all comments received during the comment period before taking final action.

C. When a VPA permit is amended solely to reflect a new owner, and the previous owner had been issued a consent special order that at the time of VPA permit amendment was still in full force and effect, a consent special order issued to the new owner does not have to go to public notice provided that:

1. The VPA permit amendment does not have to go to public notice, and
2. The terms of the new consent order are the same as issued to the previous owner.

D. Notwithstanding subdivision 3 of this subsection, a special order may be issued by agreement at a board meeting without further notice when a public hearing has been scheduled to issue a special order, to the affected owner, whether or not the public hearing is actually held.

340-209-0050. Public Notice Procedures: Oregon Admin. R. 340-209-0050

(1) All notices. DEQ will mail or email a notice of proposed permit actions to the persons identified in OAR 340-209-0060.

(2) NSR, Oregon Title V Operating Permit and General ACDP actions. In addition to section (1), DEQ will provide notice of NSR, Oregon Title V Operating Permit and General ACDP actions as follows:

(a) Advertisement in a newspaper of general circulation in the area where the source or sources are or will be located, electronic noticing (termed e-notice), or a DEQ publication designed to give general public notice; and

(b) Other means, if necessary, to assure adequate notice to the affected public.

NOTE: This rule is included in the State of Oregon Clean Air Act Implementation Plan that EQC adopted under OAR 340-200-0040.