ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
AIR DIVISION
ADMINISTRATIVE CODE

CHAPTER 335-3-15
SYNTHETIC MINOR OPERATING PERMITS

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335-3-15-.01 Definitions.

For the purposes of this Chapter only, the following words and phrases, unless a different meaning is plainly required by the content, shall have the following meanings.

(a) "Act" shall mean the Clean Air Act, as amended, 42 U.S.C. 7401, et seq.

(b) "Air Permit" shall mean any permit issued pursuant to the regulations in Chapter 335-3-14.

(c) "Department" shall mean the Alabama Department of Environmental Management.

(d) "Operating Permit" shall mean any permit issued pursuant to the regulations in Chapter 335-3-16.

(e) "Potential Major Source" shall mean any major source as defined in Chapter 335-3-16 whose actual emissions are less than the major source thresholds.

(f) "Stationary Source" shall mean any building, structure, facility, or installation that emits or may emit any regulated air pollutant as defined in Chapter 335-3-16 or any pollutant listed in Appendix G of this Administrative Code.

(g) "Synthetic Minor Operating Permit" shall mean a permit which restricts a source's potential to emit so that it is a Synthetic Minor Source. Also, those sources whose actual emissions are less than or equal to 50 percent of any applicable major source thresholds and that also comply with the requirements of Rule 335-3-15-.02(10) shall be considered

as holding a Synthetic Minor Operating Permit for purposes of complying with Rule 335-3-16-.02(1) until the Department amends this Rule in the future in accordance with the adoption of a Rule by the Environmental Protection Agency that codifies a position regarding the subject of this sentence in some form.

(h) "Synthetic Minor Source" shall mean a source whose potential to emit is restricted to less than a major source threshold as defined in Chapter 335-3-16.

Author: Richard E. Grusnick
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335-3-15-.02 General Provisions.

(1) Any Potential Major Source operating without an Air Permit, an Operating Permit or a Synthetic Minor Operating Permit may continue to operate (or may restart) only if its owner or operator obtains a Synthetic Minor Operating Permit or an Operating Permit prior to a date to be set by the Director (or prior to restarting).

(2) Display of Synthetic Minor Operating Permit. A person who has been granted a Synthetic Minor Operating Permit for any article, machine, equipment, or other contrivance shall keep such permit under file or on display at all times at the site where the article, machine, equipment, or other contrivance is located and will make such a permit readily available for inspection by any and all persons who may request to see it.

(3) The Director shall have the authority to decide cases where an article, machine, equipment, or other contrivance is not clearly subject to nor exempt from the application of this Rule. In addition, the Director may rule that a particular article, machine, equipment, or other contrivance is subject to the application of this Rule even though it is exempt from the system according to Rule 335-3-15-.03. The operator or builder of such an article, machine, equipment, or other contrivance may appeal the Director's classification to the Commission, which shall overrule the Director only if it is shown that he acted arbitrarily and contrary to the purposes of the Act.

(4) The Department may issue a Synthetic Minor Operating Permit subject to conditions which will bring the operation of any article, machine, equipment, or other contrivance within the standards of subparagraph (8)(a) of this Rule in which case the conditions shall be specified in writing. Commencing construction

or operation under such a Synthetic Minor Operating Permit shall be deemed acceptance of all the conditions specified. The Department shall issue a Synthetic Minor Operating Permit with revised conditions upon receipt of a new application, if the applicant demonstrates that the article, machine, equipment, or other contrivance can operate within the standards of subparagraph (8)(a) of this Rule under the revised conditions.

(5) Provision of Sampling and Testing Facilities. A person operating or using any article, machine, equipment or other contrivance for which these rules and regulations require a permit shall provide and maintain such sampling and testing facilities as specified in the Synthetic Minor Operating Permit.

(6) Transfer. A Synthetic Minor Operating Permit shall not be transferable whether by operation of law or otherwise, either from one location to another, from one piece of equipment to another, or from one person to another.

(7) Delegation of Synthetic Minor Operating Permit requirements to Local Air Pollution Control Programs.

(a) Local air pollution control programs may receive delegation of authority from the Director to administer the requirements of Chapter 335-3-15 within their jurisdiction provided the local air pollution control program:

1. Adopts regulations which will insure that applicants are required to satisfy the same requirements contained in the Department's regulations; and

2. Adopts regulations which will require that the Department be provided with an opportunity to review the permit application, the analysis of the permit, and proposed permit conditions at least 10 days prior to issuance of a Synthetic Minor Operating Permit.

(b) If the Director of the Department determines that local program procedures for implementing all the portions of Chapter 335-3-15 are inadequate, or are not being effectively carried out, any authority delegated to the local programs to administer Chapter 335-3-15 may be revoked in whole or in part. Any such revocation shall be effective as of the date specified in a Notice of Revocation to the local air pollution control program.

(c) The Department reserves the authority contained in subparagraph (8)(h) of this Rule below, to revoke any Synthetic Minor Operating Permit issued pursuant to this Chapter.

(d) Any Synthetic Minor Operating Permit issued by a local air pollution control program, including all conditions contained therein, is enforceable by the Department.

(8) General Standards for Granting Synthetic Minor Operating Permits.

(a) The Department shall deny a Synthetic Minor Operating Permit if the applicant does not show that every article, machine, equipment, or other contrivance, the use of which may cause the issuance of air contaminants, is so designed, controlled, or equipped with such air pollution control equipment, that it may be expected to operate without emitting or without causing to be emitted air contaminants in violation of this Administrative Code. Issuance of a Synthetic Minor Operating Permit shall not relieve the permittee from complying with any other applicable requirements not contained in this Administrative Code.

(b) The Department shall deny a Synthetic Minor Operating Permit if the applicant does not present, in writing, a plan whereby the emission of air contaminants by every article, machine, equipment, or other contrivance described in the permit application, will be reduced during periods of an Air Pollution Alert, Air Pollution Warning, and Air Pollution Emergency in accordance with the provisions of Chapter 335-3-2, where such a plan is required.

(c) Before a Synthetic Minor Operating Permit is granted, the Director may require the applicant to provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent, quantity or degree of air contaminants discharged into the atmosphere from the article, machine, equipment, or other contrivance described in the Synthetic Minor Operating Permit. In the event of such a requirement, the Department shall notify the applicant in writing of the required size, number, and location of the sampling platform; the access to the sampling platform; and the utilities for operating and sampling and testing equipment. The Department may also require the applicant to install, use, and maintain such monitoring equipment or methods; sample such emissions in accordance with such methods, at such locations, intervals, and procedures as may be specified; and provide such information as the Department may require.

(d) Before acting on an application for a Synthetic Minor Operating Permit, the Department may require the applicant to furnish further information or further plans or specifications.

(e) If the Department finds that the article, machine, or other contrivance has been constructed not in accordance with

the Synthetic Minor Operating Permit application, and if the changes noted are of a substantial nature in that the amount of air contaminants emitted by the article, machine, equipment, or other contrivance may be increased, or in that the effect is unknown, then it shall revoke the Synthetic Minor Operating Permit. The Department shall not accept any further application for a Synthetic Minor Operating Permit until the article, machine, equipment, or other contrivance has been reconstructed in accordance with said Synthetic Minor Operating Permit or until the applicant has proven to the satisfaction of the Department that the change will not cause an increase in the emission of air contaminants.

(f) The Department shall deny a Synthetic Minor Operating Permit where it determines that the construction and operation of such Stationary Source will interfere with attaining or maintaining any primary or secondary standard established by Rule 335-3-1-.03(1). A new Stationary Source or modification will be considered to interfere with attaining or maintaining a standard when such Stationary Source or modification would, at a minimum, exceed the following significance levels at any locality that does not or would not meet the National Primary and Secondary Ambient Air Quality Standards, as defined in Rule 335-3-1-.03:

	Averaging Time				
Pollutant	**Annual**	**24 hours**	**8 hours**	**3 hours**	**1 hour**
SO2	1.0 µg/m3	5 µg/m3		25 µg/m3	
PM10	1.0 µg/m3	5 µg/m3			
NO2	1.0 µg/m3				
CO			0.5 mg/m3		2 mg/m3

(g) A determination may be made by the Director to deny a permit application if the applicant operates other permitted facilities or Stationary Sources within the state which are in substantial noncompliance as determined by the Director, until such noncompliance is corrected or if the Director determines that a permit that results in compliance with applicable air pollution control standards could not be issued, or if issued, could not be complied with.

(h) Revocation of Synthetic Minor Operating Permits. Any Synthetic Minor Operating Permit granted by the Department may be revoked for any of the following causes:

1. failure to comply with any conditions of the permit;

2. failure to establish and maintain such records, make such reports, install, use and maintain such monitoring equipment or methods; and sample such emissions in accordance with such methods at such locations, intervals

and procedures as the Department may prescribe in accordance with Rule 335-3-1-.04(2);

3. failure to comply with any provisions of any Departmental administrative order issued concerning the permitted Stationary Source or facility.

4. failure to allow employees of the Department upon proper identification to:

(i) enter any premises, at reasonable times, where any article, machine, equipment, or other contrivance described in Rule 335-3-15-.03 is located or in which any records are required to be kept under provisions of the permit and/or this Administrative Code;

(ii) have access to and copy any records required to be kept under provisions of the permit and/or this Administrative Code;

(iii) inspect any monitoring equipment or practices being maintained pursuant to the permit and/or rules and regulations; and

(iv) have access to and sample any discharge of air contaminants resulting directly or indirectly from the operation of any article, machine, equipment, or other contrivance described in Rule 335-3-15-.03.

5. failure to comply with the Department's Administrative Codes.

6. for any other cause, after a hearing which establishes, in the judgment of the Department, that continuance of the permit is not consistent with the purpose of this Act or regulations adopted pursuant thereto.

(9) Stack Heights.

(a) Definitions. For purposes of this subparagraph, the following terms will have the meanings ascribed in this paragraph.

1. "Emission limitation" and "emission standard" mean a requirement, established by ADEM or the EPA Administrator, which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirements which limit the level of opacity, prescribe equipment, set fuel specifications, or prescribe operation or maintenance procedures for a source to assure continuous emission reduction.

2. "Stack" means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct pollutant; but not including flares.

3. "A stack in existence" means that the owner or operator had (1) begun, or caused to begin, a continuous program of physical on-site construction of the stack or (2) entered into binding agreements or contractual obligations, which could not be canceled or modified without substantial loss to the owner or operator, to undertake a program of construction of the stack to be completed in a reasonable time.

4. "Dispersion technique" means any technique which attempts to affect the concentration of a pollutant in the ambient air by:

(i) Using that portion of a stack which exceeds good engineering practice stack height;

(ii) Varying the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of that pollutant; or

(iii) Increasing final exhaust gas plume rise by manipulating source-process parameters, exhaust gas parameters, stack parameters, or combining exhaust gases from several existing stacks into one stack; or other selective handling of exhaust gas streams so as to increase the exhaust gas plume rise.

(iv) The preceding sentence does not include:

(I) The reheating of a gas stream, following use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the facility generating the gas stream;

(II) The merging of exhaust gas streams where:

I. The source owner or operator demonstrates that the facility was originally designed and constructed with such merged gas streams;

II. After July 8, 1985, such merging is part of a change in operation at the facility that includes the installation of pollution controls and is accompanied by a net reduction in the allowable emissions of a pollutant. This exclusion from the definition of "dispersion techniques" shall apply only

to the emission limitation for the pollutant affected by such change in operation; or

III. Before July 8, 1985, such merging was part of a change in operation at the facility that included the installation of emissions control equipment or was carried out for sound economic or engineering reasons. Where there was an increase in the emission limitation or, in the event that no emission limitation was in existence prior to the merging, an increase in the quantity of pollutants actually emitted prior to the merging, the Director shall presume that merging was significantly motivated by an intent to gain emissions credit for greater dispersion. Absent a demonstration by the source owner or operator that merging was not significantly motivated by such intent, the Director shall deny credit for the effects of such merging in calculating the allowable emissions for the source;

(III) Smoke management in agricultural or silvicultural prescribed burning programs;

(IV) Episodic restrictions on residential wood burning and open burning; or

(V) Techniques under subparagraph (a)4.(iii) of this paragraph which increase final exhaust gas plume rise where the resulting allowable emissions of sulfur dioxide from the facility do not exceed 5,000 tons per year.

5. "Good engineering practice" (GEP) stack height means the greater of:

(i) 65 meters, measured from the ground-1evel elevation at the base of the stack:

(ii) For stacks in existence on January 12, 1979, and for which the owner or operator had obtained all applicable permits or approvals required under 40 CFR 51 and 52, provided the owner or operator produces evidence that this equation was actually relied on in establishing an emission limitation;

$$H_g = 2.5H$$

(I) For all other stacks,

$$H_g = H + 1.5L$$

where

H_g = good engineering practice stack height measured from the ground-level elevation at the base of the stack,

H = height of nearby structure(s) measured from the ground-level elevation at the base of the stack,

L = lesser dimension, height or projected width of nearby structure(s),

provided that the Director may require the use of a field study or fluid model to verify GEP stack height for the source; or

(iii) The height demonstrated by a fluid model or a field study approved by the Director, which ensures that the emissions from a stack do not result in excessive concentrations of any air pollutant as a result of atmospheric downwash, wakes, or eddy effects created by the source itself, nearby structures, or nearby terrain features.

6. "Nearby" as used in subparagraph (a)5. of this paragraph is defined for a specific structure or terrain feature and

(i) for purposes of applying the formulas provided in subparagraph (a)5.(ii) of this paragraph means that distance up to five times the lesser of the height or the width dimension of a structure, but not greater than 0.8 km (½ mile), and

(ii) for conducting demonstrations under subparagraph (a)5.(iii) of this paragraph means not greater than 0.8 km (½ mile), except that the portion of a terrain feature may be considered to be nearby which falls within a distance of up to 10 times the maximum height (h) of the feature, not to exceed 2 tmiles if such feature achieves a height (h) 0.8 km from the tstack that is at least 40 percent of the GEP stack height determined by the formula provided in subparagraph (a)5.(ii)(I) of this paragraph or 26 meters, whichever is greater, as measured from the ground-1evel elevation at the base of the stack. The height of the structure or terrain feature is measured from the ground-1evel elevation at the base of the stack.

7. "Excessive concentration" is defined for the purpose of determining GEP stack height under subparagraph (a)5. (iii) of this paragraph and means:

(i) for sources seeking credit for stack height exceeding that established under subparagraph (a)5. (ii) of this paragraph, a maximum ground-1evel concentration due to emissions from a stack due in whole or part to downwash, wakes, and eddy effects produced by nearby structures or nearby terrain features which individually is at least 40 percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects and which contributes to a total concentration due to emissions from all sources that is greater than a NAAQS. For sources subject to the PSD program (Rule 335-3-14-.04), an excessive concentration alternatively means a maximum ground-1evel concentration due to emissions from a stack due in whole or part to downwash, wakes, or eddy effects produced by nearby structures or nearby terrain features which individually is at least 40 percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects and greater than a prevention of significant deterioration increment. The allowable emissions rate to be used in making demonstrations under this Rule shall be prescribed by the new source performance standard that is applicable to the source category unless the owner or operator demonstrates that this emission rate is infeasible. Where such demonstrations are approved by the Director, an alternative emission rate shall be established in consultation with the source owner or operator;

(ii) for sources seeking credit after October 11, 1983, for increases in existing stack heights up to the heights established under subparagraph (a)5.(ii) of this paragraph, either:

(I) a maximum ground-1evel concentration due in whole or part to downwash, wakes, or eddy effects as provided in subparagraph (a)7.(i) of this paragraph, except that the emission rate specified elsewhere in these regulations (or, in the absence of such a limit, the actual emission rate) shall be used, or

(II) the actual presence of a local nuisance caused by the existing stack, as determined by the Director; and

(iii) for sources seeking credit after January 12, 1979, for a stack height determined under subparagraph (a)5.(ii) of this paragraph, where the Director requires that use of a field study or fluid model to verify GEP stack height, for sources seeking stack height credit after November 9, 1984, based on the aerodynamic influence of cooling towers, and for sources seeking stack height credit after December 31, 1970, based on the aerodynamic influence of structures not adequately represented by the equations in subparagraph (a)5.(ii) of this paragraph, a maximum ground-1evel concentration due in whole or part to downwash, wakes, or eddy effects that is at least 40 percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects.

(b) Before acting on any Synthetic Minor Operating Permit, the Director shall require that the degree of emission limitation required of any source for control of any air pollutants shall not be affected by so much of any source's stack height that exceeds GEP or by any other dispersion technique, except as provided in subparagraph (c) of this paragraph.

(c) The provisions of subparagraph (b) of this paragraph shall not apply to stack heights in existence, or dispersion techniques implemented, prior to December 31, 1970, except where pollutants are being emitted from such stacks or using such dispersion techniques by sources, as defined in Section 111(a)(3) of the Clean Air Act, which were constructed, or reconstructed or for which major modifications, as defined pursuant to Rules 335-3-14-.05(2)(d) and 335-3-14-.04(2)(b) were carried out after December 31, 1970.

(d) If any existing source, after appropriate application of the preceding limitations and provisions, is found to exceed or potentially exceed a NAAQS or PSD increment, when operating within previously established emission limitations, the emissions limitations applicable to that source shall be modified so as to eliminate and prevent the exceedance.

(e) If any new source or source modification, after appropriate application of the preceding limitations and provisions, is predicted to exceed a NAAQS or PSD increment when evaluated under emission limitations consistent with other applicable rules and regulations, the emission limitations considered shall be deemed inadequate and different emission limits, based on air quality considerations, shall be made applicable.

(f) If any source provides a field study or fluid modeling demonstration proposing a GEP stack height greater than that allowed by subparagraphs (a)5.(i) and (a)5.(ii) of this

paragraph, then the public will be notified of the availability of the study and provided the opportunity for a public hearing before any new or revised emission limitation or permit is approved.

(g) The actual stack height used or proposed by a source shall not be restricted in any manner by the requirements of this paragraph.

(10) Optional Provisions.

(a) Any Potential Major Source whose actual emissions do not exceed 50 percent of any and all applicable major source thresholds, for every consecutive 12 month period, shall be considered to hold a Synthetic Minor Operating Permit until the Department amends this Rule in the future in accordance with the adoption of a Rule by the Environmental Protection Agency that codifies a position regarding the subject of this sentence in some form, provided that:

1. The source maintains adequate records such as emission tests, production data or operational logs sufficient to determine actual emissions, and;

2. Such records are maintained and made available for inspection by the Department for a period of five years in a format suitable for inspection by the Department, and are submitted to the Department within thirty (30) days of receipt of a specific request.

(b) Nothing in Paragraph (2) of this Rule shall exempt any source from complying with the new source permitting requirements of Chapter 335-3-14.

Author: Richard E. Grusnick
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335-3-15-.03 Applicability.

The provisions of this Chapter shall apply only to Potential Major Sources, except for those Stationary Sources which are applying for, will apply for, or have obtained Operating Permits.

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Statutory Authority: Code of Ala. 1975, §§22-22A-4, 22-22A-5, 22-22A-6, and 22-22A-8.
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335-3-15-.04 Synthetic Minor Operating Permit Requirements.

(1) General Provisions.

(a) The Synthetic Minor Operating Permit shall include specific conditions that restrict the facility's potential to emit and that are federally enforceable.

(b) Any Stationary Source requesting a Synthetic Minor Operating Permit must undergo the public participation procedures prescribed in Rule 335-3-15-.05.

(c) A Potential Major Source that does not obtain a Synthetic Minor Operating Permit shall apply for an Operating Permit.

(d) The Department shall act, within a reasonable time, on an application for a Synthetic Minor Operating Permit and shall notify the applicant in writing of its approval, conditional approval, or denial.

(e) In the event of a denial of a Synthetic Minor Operating Permit, the Department shall notify the applicant in writing of the reason therefore. Service of this notification may be made in person or by mail, and such service may be proved by the written acknowledgment of the persons served or affidavit of the person making the service. The Department shall not accept a further application unless the applicant has complied with the objections specified by the Department as its reasons for denial of the Synthetic Minor Operating Permit.

(f) The facility shall obtain a Synthetic Minor Operating Permit prior to beginning operation of the new or modified Stationary Source and shall notify the Department at least ten (10) days prior to beginning such operation.

(g) Any Stationary Source applying for a Synthetic Minor Operating Permit shall submit applications for a Synthetic Minor Operating Permit at least 10 days prior to construction except as specified in subparagraph (3)(c) of this Rule.

(h) The holder of a Synthetic Minor Operating Permit shall comply with all conditions contained in such permit, as well as all applicable provisions of this Administrative Code. Such conditions shall be permanent, quantifiable and otherwise enforceable as a practical matter. Synthetic Minor Operating Permits which do not conform to the provision in this Chapter and the requirements of EPA's underlying regulations may be deemed not "federally enforceable" by EPA.

(2) Existing Potential Major Sources.

(a) Any facility that would request a Synthetic Minor Operating Permit shall apply to the Department within one year after approval by EPA of the Operating Permit regulations in Chapter 335-3-16.

(b) Any facility possessing an Operating Permit or whose potential emissions require it to obtain an Operating Permit may, at any time, accept federally enforceable permit restrictions which would allow it to obtain a Synthetic Minor Operating Permit.

(3) New Potential Major Sources.

(a) Any new Potential Major Source which commences construction after November 15, 1995, may apply to the Department for a Synthetic Minor Operating Permit. This application shall be accurately completed and submitted to the Department prior to such construction.

(b) A Synthetic Minor Operating Permit for a new Potential Major Source shall expire and the application shall be canceled two years from the date of issuance of the Synthetic Minor Operating Permit if construction has not begun.

(c) Any new Stationary Source applying for a Synthetic Minor Operating Permit at a greenfield site shall not initiate construction until the Synthetic Minor Operating Permit has been issued. "Greenfield site" shall have the same meaning as defined in Rule 335-3-14-.01(7)(a)1.(i).

(4) Modifications to Synthetic Minor Sources.

(a) Any Stationary Source subject to the regulations in this Chapter that is modified so that it becomes a major source as defined in Rule 335-3-16-.01(15) shall apply for an Operating Permit within twelve (12) months of beginning operation.

(b) Any modification which would require a change to existing permit conditions that restrict the facility's potential to emit or require new conditions that restrict the facility's potential to emit, as required in subparagraph (1)(a) of this Rule, must undergo the public participation procedures prescribed in Rule 335-3-15-.05.

(5) Exceptions to Violations of Emission Limits.

(a) The Director may, in the Synthetic Minor Operating Permit, exempt on a case by case basis any exceedances of emission limits or permit conditions which cannot reasonably be avoided, such as during periods of start-up and shut-down or load change.

(b) The Director may exempt on a case by case basis exceedances of emission limits and permit conditions which cannot reasonably be avoided as a result of an "emergency" situation.

1. An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the facility, including acts of God. These are situations that require immediate corrective action(s) to restore normal operation, and that cause the facility to exceed a technology based emission limitation set by the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include exceedances of the permit emission limitations caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.

2. Exceedances of emissions limitations during emergencies at a facility may be exempted as being violations provided that:

(i) the permittee identifies the cause(s) of the emergency;

(ii) the permitted facility was being properly operated until such a time as the emergency occurred;

(iii) during the period of which the emergency occurred, the permittee took all reasonable steps to minimize levels of emissions that exceeded the standards, or other requirements of the permit; and

(iv) the permittee submitted notice of the emergency to the Department within two (2) working days of the time when the emissions limitations were exceeded as a result of the emergency. Such notice shall include those deviations attributable to upset conditions as defined in the permit, the probable cause of said deviations, and any corrective actions or preventive measures that were taken. Within 5 working days of the emergency, a written documentation of what was reported in the notice of the emergency shall be submitted to the Department.

3. The Director shall be the sole determiner of whether an emergency has occurred.

4. This provision is in addition to any emergency or upset provision contained in any applicable requirement of the permit or the regulations.

Author: Richard E. Grusnick

Statutory Authority: Code of Ala. 1975, §§22-22A-4, 22-22A-5, 22-22A-6, and 22-22A-8.
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335-3-15-.05 Public Participation.

(a) The provisions of this Rule apply only to potential major sources as specified in Rules 335-3-15-.04(1)(b) and -.04(4)(b). Notice shall be posted on the Department's web site for the duration of the public comment period and transmitted to a list developed by the Department for persons desiring notice of permit action, including persons who have requested in writing to be on such a list. The notice shall contain a link to the proposed permit. A copy of the notice shall also be provided to EPA;

(b) The notice shall identify the affected facility; the name and address of the permittee; the address of the Department; the activity or activities involved in the permit action; the emissions change involved in any permit modification; the name, address, and telephone number of a person 9or n email or web site address) from whom interested persons may obtain additional information, including copies of the permit draft, the application, all relevant supporting materials, except for information entitled to be kept confidential, and all other materials available to the Department that are relevant to the permit decision; a brief description of the comment procedures required by this Rule; and the time and place of any hearing that may be held, including a statement of procedures to request a hearing (unless a hearing has already been scheduled);

(c) The Department shall provide at least 15 days for public comment; and

(d) The Department shall keep a record of the commenters and also of the issues raised during the public participation process.
Author: Richard E. Grusnick
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