

## § 72.62

(ii) If the designated representative fails to submit the supplemental information within the required time period, the Administrator may disapprove that portion of the Acid Rain permit application for the review of which the information was necessary and may deny the source an Acid Rain permit.

(3) Any designated representative who fails to submit any relevant information or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary information or corrected information to the Administrator.

[58 FR 3650, Jan. 11, 1993, as amended at 62 FR 55481, Oct. 24, 1997]

### § 72.62 Draft permit.

(a) After the Administrator receives a complete Acid Rain permit application and any supplemental information, the Administrator will issue a draft permit that incorporates in whole, in part, or with changes or conditions as appropriate, the permit application or deny the source a draft permit.

(b) The draft permit will be based on the information submitted by the designated representative of the affected source and other relevant information.

(c) The Administrator will serve a copy of the draft permit and the statement of basis on the designated representative of the affected source.

(d) The Administrator will provide a 30-day period for public comment, and opportunity to request a public hearing, on the draft permit or denial of a draft permit, in accordance with the public notice required under § 72.65(a)(1)(i) of this part.

### § 72.63 Administrative record.

(a) *Contents of the Administrative Record.* The Administrator will prepare an administrative record for an Acid Rain permit or denial of an Acid Rain permit. The administrative record will contain:

(1) The permit application and any supporting or supplemental data submitted by the designated representative;

(2) The draft permit;

## 40 CFR Ch. I (7-1-12 Edition)

(3) The statement of basis;

(4) Copies of any documents cited in the statement of basis and any other documents relied on by the Administrator in issuing or denying the draft permit (including any records of discussions or conferences with owners, operators, or the designated representative of affected units at the source or interested persons regarding the draft permit), or, for any such documents that are readily available, a statement of their location;

(5) Copies of all written public comments submitted on the draft permit or denial of a draft permit;

(6) The record of any public hearing on the draft permit or denial of a draft permit;

(7) The Acid Rain permit; and

(8) Any response to public comments submitted on the draft permit or denial of a draft permit and copies of any documents cited in the response and any other documents relied on by the Administrator to issue or deny the Acid Rain permit, or, for any such documents that are readily available, a statement of their location.

(b) [Reserved]

### § 72.64 Statement of basis.

(a) The statement of basis will briefly set forth significant factual, legal, and policy considerations on which the Administrator relied in issuing or denying the draft permit.

(b) The statement of basis will include:

(1) The reasons, and supporting authority, for approval or disapproval of any compliance options requested in the permit application, including references to applicable statutory or regulatory provisions and to the administrative record; and

(2) The name, address, and telephone, and facsimile numbers of the EPA office processing the issuance or denial of the draft permit.

### § 72.65 Public notice of opportunities for public comment.

(a)(1) The Administrator will give public notice of the following:

(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

## Environmental Protection Agency

## § 72.66

(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<sub>x</sub> 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.

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