

## MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT

### **RULE 1207 - NOTICE AND COMMENT**

*(Adopted: 12/21/94; Amended 09/26/05)*

#### **(A) Public Notice and Comment.**

- (1) When public notice and comment is required elsewhere in this regulation, the APCO shall provide such notice pursuant to the following procedure:
  - (a) The APCO shall publish a notice in at least one daily newspaper of general circulation within the District and shall send the notice to all persons who have requested such notice and/or are on a list of persons on file with the Clerk of the Board for the District. The APCO shall also provide notice by other reasonable means if such notice is necessary to assure fair and adequate notice to the affected public. The notice shall provide a 30 day period for written comments and shall include:
    - (i) The name and location of the Facility, including the name and address of the permit holder or applicant if different.
    - (ii) A brief description of the activity or activities for which a FOP is necessary.
    - (iii) A brief description of an emission change involved in a modification, if any.
    - (iv) The District name, address, telephone number, and contact person from whom interested persons may obtain additional information.
    - (v) A brief description of the comment procedures and the procedure to request a public hearing.
  - (b) The APCO shall send a copy of the application, preliminary determination, draft permit and all relevant supporting materials relevant to the permit decision to any interested person who requests such information.
  - (c) The APCO shall accept all relevant comment(s) submitted to the District in writing during the 30 day public comment period.
  - (d) Any interested person who submits written comments during the 30 day public comment period may also, within that time period, request that a public hearing be held on the proposed FOP. Once a public hearing has been requested the APCO shall arrange for a public hearing, pursuant to the procedure in subsection (c) below.
  - (e) The APCO shall keep a record of all written comments received during the public comment period and issues raised during the public hearing, if any. The APCO shall retain this record for at least five (5) years.

(B) Affected State(s)' Notice and Comment.

- (1) At the same time the APCO provides public notice and comment the APCO shall also give notice, a copy of the preliminary determination, if any, and a copy of the draft permit to any Affected State(s). The Affected State(s) shall have 30 days to submit comments and recommendations regarding the draft permit.
- (2) Upon receipt of any comments and/or recommendations from an Affected State(s) the APCO shall either:
  - (a) Accept such comments and/or recommendations and modify the draft permit accordingly; or
  - (b) Reject such comments and/or recommendations, notify the Affected State(s) and the USEPA of the rejection and the reasons for such rejection.
- (3) The District is not required to accept comments and/or recommendations which are not based upon an Applicable Requirement.

(C) Public Hearing Procedure.

- (1) Whenever a public hearing has been requested pursuant to subsection (A)(1)(d) above, the APCO shall schedule and hold a public hearing for the purpose of accepting public testimony and comments.
- (2) Such public hearing shall be noticed as follows:
  - (a) By publication of a notice in at least one daily newspaper of general circulation at least 30 days prior to the date of the hearing; and
  - (b) By sending the notice to all persons who have requested such notice and/or are on a list of persons on file with the Clerk of the Board for the District.
  - (c) The contents of the notice shall be substantially similar to the notice provided for in subsection (A)(1) as above.

[SIP: Not SIP. Final Title V Program Approval 11/21/03 68 FR 65637; Partial Withdrawal of approval 10/15/02 67 FR 63551; Notice of Deficiency 05/22/02 67 FR 35990; Approval 12/17/01 66 FR 63503; Interim Approval 02/05/96 61 FR 4217]