E-NOTICE

EPA’S PROPOSED RULE

REVISIONS TO PUBLIC NOTICE PROVISIONS IN CLEAN AIR ACT PERMITTING PROGRAMS

Presented by: Khawar Kalim, Division of Air Quality
1. SUMMARY AND OVERVIEW
2. PROPOSED REVISIONS
3. IMPLEMENTATION REQUIREMENTS
4. WHAT NJ DEP HAS DONE?
SUMMARY AND OVERVIEW

- On December 21, 2015, the EPA proposed revisions to public notice provisions of the Clean Air Act.
- EPA is proposing to remove the mandatory requirement to publish public notice in a newspaper and to instead allow for electronic noticing (e-notice).
- For agencies that implement their own permitting rules (such as New Jersey), the rule provides flexibility to provide either e-notice or traditional newspaper notice.
- However, agencies must select one of the noticing methods as their “consistent noticing method” to be used for all of their draft permits and their rules must reflect this selection.
- If an agency provides e-notice, then it must also provide e-access.
PROPOSED REVISIONS

• What are the e-notice and e-access requirements?
  • Post the public notice on agency’s website for the duration of the public comment period.
  • Provide information on how to access the permit record (either electronically and/or physically).
  • Provide information on how to request and/or attend a public hearing.
  • Include all other information currently required for public notices under the existing regulations.
  • Post draft permit file in a format that can be opened and viewed using common software, e.g., portable document format.
IMPLEMENTATION PLANS

• Requirements for Agencies Implementing Approved Programs
  • For minor sources program: if the agency elects e-notice and e-notice is not included in its approved SIP, it must implement its choice through a change in program rules.
  • For major sources program: if the current program practice includes electronic posting of public notices, then the agency needs only to revise the program rules to clarify its implementation of e-notice. (A program revision is NOT needed).
  • Accordingly, the EPA Regional offices would issue direct approvals of these program revisions.
WHAT NJDEP HAS DONE?

• The Department has submitted comments to EPA in support of the rule, with some suggestions.
  • [http://www.regulations.gov](http://www.regulations.gov)
  • Docket ID: EPA-HQ-OAR-2015-0090

• The Department has also provided comments to NACAA for their submittal, representing member agencies.

• The final rule is expected in the summer of 2016. DAQ will review the final rule for implementation and proceed accordingly.