

## FACT SHEET

### Revisions to Public Notice Provisions in Clean Air Act Permitting Programs

#### Action

- On December 21, 2015, the Environmental Protection Agency proposed revisions to its public notice provisions for the New Source Review (NSR), title V and Outer Continental Shelf (OCS) permit programs of the Clean Air Act (CAA). The EPA is proposing to remove the mandatory requirement to provide public notice of a draft permit (and certain other program actions) through publication in a newspaper and to instead allow for electronic noticing (“e-notice”) of these actions.
- The EPA believes that e-notice methods, which are already being practiced by many agencies, would produce cost savings over newspaper publication and would enable agencies to communicate these actions to the public more quickly and efficiently.
- The proposed rule revisions would apply to major source air permits issued by the EPA and by all other air agencies – with the exception of major source permits issued under the Tribal NSR Rule, which already allows for electronic notice. Additionally, e-notice is already available to minor NSR permit actions through previous EPA guidance, and this action proposes to amend the previous guidance to specifically state that it also applies to permits for synthetic minor sources.
- The proposed revisions would require e-notice for the noticing of major source permits by the EPA and delegated program agencies. As part of the e-notice requirement, the agency would also need to post the draft permit on a website. For air agencies that implement their own permitting rules approved by the EPA, the proposed rule provides flexibility for these agencies to provide either e-notice or traditional newspaper notice.
- We are seeking comment on a number of aspects of the proposal including whether an air agency must use a consistent noticing method for all permit actions and whether an agency may use an alternative noticing method if its website is offline for a period of time.
- The proposed rule would not preclude the practices of agencies to provide other additional means of notification to communities that may be affected by permit actions, if those means would better reach particular communities.

#### Background

- While the Clean Air Act requires permitting agencies to provide the opportunity for public participation in the processing of air permits, the statute does not

specify the best or preferred method for providing public notice. The EPA's air permitting regulations provide more specificity regarding the methods of meeting the public notice obligations.

- The current rules for the major NSR, title V and OCS programs were issued in the 1980's and 1990's, prior to the electronic media age. Consequently, these rule sections were written to require that agencies notify the public of permitting actions by way of newspaper publication, which was the most effective way to advertise permits at the time.
- Over the years, availability of and access to the Internet and other forms of electronic media have increased significantly in the United States. One effect of this development is that circulation of newspapers and other print media is declining, making printed newspaper notice less effective in providing widespread public notice of permit actions.
- More recently, many air agencies began to supplement the required newspaper publication with an electronic posting of permit notices using their agency websites. Once the permitting agency develops a website and formats it to post permitting notices, the agency has an effective, convenient, and cost-effective way to communicate permitting-related information to the majority of the public.

#### **Additional Information**

- Interested parties can download today's proposed rule from EPA's web site at: [www.epa.gov/nsr](http://www.epa.gov/nsr).

#### **How to Comment**

- EPA will accept comments for 60 days beginning when this proposal is published in the Federal Register. All comments should be identified by Docket ID No. EPA-HQ-OAR-2015-0090 and submitted to the Federal e-rulemaking portal (<http://www.regulations.gov>). Follow the online instructions for submitting comments. If anyone requests a public hearing within 15 days of the proposal date, one will be held at EPA headquarters in Research Triangle Park, NC.
- For additional information about other ways to submit comments, please visit <http://www.epa.gov/dockets/comments.html>.
- For general information about this proposed rule, contact Dave Svendsgaard at (919) 541-2380 and [svendsgaard.dave@epa.gov](mailto:svendsgaard.dave@epa.gov), or Grecia Castro at (919) 541-1351 and [castro.grecia@epa.gov](mailto:castro.grecia@epa.gov), of EPA's Office of Air Quality Planning and Standards.