

Title 129 - Nebraska Air Quality Regulations

Chapter 14 - PERMITS - PUBLIC PARTICIPATION

001 Scope. Except for modifications qualifying for minor permit modification procedures in Chapter 15, all Class I and Class II operating permit proceedings, including initial permit issuance, significant modifications, and renewals, and unless otherwise provided, all construction permits, shall provide for public notice, an opportunity for comment, and a hearing, if requested, on the draft permit in accordance with the procedures of this Chapter.

002 Notice shall be given by publication in a newspaper of general circulation in the area where the source is located and by mailing to EPA and persons on a mailing list developed by the Department, including those persons who request in writing to be on the mailing list; and by other means, if necessary, to assure adequate notice to the affected public.

003 The notice shall contain the following:

003.01 The identity of the affected facility;

003.02 The name and address of the permittee;

003.03 The name, address, and telephone number of the Department;

003.04 The activity or activities involved in the permit action;

003.05 The emissions change involved in any permit modification;

003.06 The name, address, and telephone number of the person from whom interested persons may obtain additional information;

003.07 The location where copies of the draft permit, the application, draft permit revision, and other materials deemed relevant by the Department to the permit decision, may be reviewed; and

003.08 A brief description of the comment procedures 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.

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004 Persons or groups shall have 30 days from issuance of public notice to provide the Director with any written comments concerning the proposed permit action for which the public notice has been issued and/or request a public hearing in writing in accordance with 005 below. Such 30 day comment period may be extended by the Director.

### 005 Public Hearings.

005.01 The applicant, any affected State, any interstate agency, the Administrator, or any interested agency, person, or group, may request or petition the Director, in writing, within the 30 day comment period of the public notice, for a public hearing, and state the nature of the issues to be raised and all arguments and factual grounds supporting their position.

005.02 The Director may hold a public hearing if the comments, requests, or petitions raise legal, policy or discretionary questions of general application not pertaining solely to a particular party and significant public interest exists with respect to the application.

006 Public notice of hearing. In addition to the public notice described in 003 above, the public notice of a hearing under 005 shall be published at least 30 days prior to the hearing in accordance with 002 and shall contain the following information:

006.01 Reference to the date of the previous notices relating to the permit;

006.02 Date, time, and place of hearing;

006.03 A brief description of the nature and purpose of the hearing, including the applicable rules and procedures; and

006.04 A concise statement of the issues raised.

### 007 Adjudicative Hearing.

007.01 Any interested person may petition the Director for an adjudicative hearing in accordance with the Department's Title 115-Rules of Practice and Procedure.

007.02 Title 115 shall govern any adjudicative hearing requested under 007.01.



