

## RESPONSE TO COMMENTS

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A response to comments document briefly describes and responds to all significant comments on the draft permit that were received during the public comment period or during any hearing ([40 CFR § 124.17\(a\)\(2\)](#)). The response to comments identifies provisions of the draft permit or modification that were changed, and provides reasons for the changes ([40 CFR § 124.14\(a\)\(1\)](#)).

The response to comments details, for the public record, all concerns and issues raised during corrective action planning; comments raised during the comment period on the proposed remedy, RCRA facility investigation, or corrective measures study; and how the regulatory agency considered and responded to these concerns.

Exhibit 5-2 in Chapter 5 of the [2016 Edition of the RCRA Public Participation Manual](#) details the relevant RCRA processes and regulatory requirements related to responding to comments, as well as recommendations for how to respond to public comments.

### Required Activity?

Yes. If written comments are submitted during the public comment period, the permitting agency is required to discuss them in the response to comments under [40 CFR § 124.17](#).

The permitting agency must prepare a response to comments:

- When it issues a final permit decision ([40 CFR § 124.17](#)).
- When making final decisions on requested Class 2 and 3 permit modifications and agency-initiated permit modifications ([40 CFR § 270.41](#) and [40 CFR § 270.42](#)).

### Making it Work

#### *When to Use*

A response to comments document should be prepared any time comments are submitted from the public during the public comment period.

#### *How to Use*

When preparing a response to comments:

- Identify the selected remedy or remedies, taking into account the comments received during the public comment period.
- Identify comments raised during the public comment period.
- Respond to public comments.
- Discuss any future actions that will accompany the implementation of the selected remedy.

Response to comments documents must be sent to the facility owner/operator and each person who submitted written comments or requested notice of the final permit decision ([40 CFR § 124.17](#)). All documents cited and new points raised in the response to comments must be included in the administrative record for the final permit decision ([40 CFR § 124.17](#)). The response to comments also should include a summary of public participation in the project and how community members' views informed decisions and project design.

## Checklist for Response to Comments

- Identify the selected remedy or remedies, taking into account the comments received during the public comment period.
- Identify comments raised during the public comment period.
- Respond to public comments.
- Discuss any future actions that will accompany the implementation of the selected remedy.