

**Article 1.0000 Permitting Provisions for Air Pollution Sources, Rules and
Operating Regulations for Acid Rain Sources, Title V and Toxic Air Pollutants**

Section 1.5600 Transportation Facility Procedures

Section 1.5604 Public Participation

(a) Before approving or disapproving a permit to construct or modify a transportation facility, the Director shall provide public notice for comments with an opportunity to request a public hearing on the draft permit.

(b) Public notice of action for applications processed and permits to be issued under MCAPCO Section 1.5600 - "Transportation Facility Procedures" shall be provided as follows:

(1) the Director shall advertise proposed permit application approvals or disapprovals by placing these actions on the Commission's agenda. Public comment on the proposed action(s) will be received during the meeting and for 30 days thereafter; or

(2) at the applicant's request and expense, the Director may advertise the proposed permit application approvals or disapprovals in a major local newspaper of general circulation. Public comment on the proposed action(s) will be received for 30 days after the date the notice is published, including during any Commission meeting held during said 30 day period. The Department will provide the notice to the applicant, who will have a notice published in the legal section of the classified advertisements of a major local newspaper of general circulation. The applicant shall provide certified proof of advertisement and pay a \$1,000 fee.

All comments will be considered prior to final action.

(c) The public notice shall identify:

- (1) the affected facility;
- (2) the name and address of the permittee;
- (3) that comments and requests for a public hearing are to be sent to the Department;
- (4) the address, and telephone number of the Department from whom interested persons may obtain additional information, including copies of the draft permit, the application, monitoring and compliance reports, all other relevant supporting materials, and all other materials available to Department that are relevant to the permit decision;
- (5) a brief description of the proposed project;
- (6) a brief description of the public comment procedures;
- (7) the procedures to follow to request a public hearing unless a public hearing has already been scheduled; and
- (8) the time and place of any hearing that has already been scheduled.

(d) If the Director finds that a public hearing is in the best interest of the public, the Director shall require a public hearing to be held on a draft permit. Notice of a public hearing shall be given at least 30 days before the public hearing.

(e) The information submitted by the permit applicant and the Department's analysis of that application shall be available for public inspection at the Department.

(f) Confidential material shall be handled in accordance with MCAPCO Regulation 1.5217 - "Confidential Information".

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Section 1.5607 Application Processing Schedule

(a) The Department shall adhere to the following schedule in processing applications for transportation facility permits:

(1) The Department shall review all permit applications within 30 days of receipt of the application to determine whether the application is complete or incomplete for processing purposes. The Department shall notify the applicant by letter:

(A) stating that the application as submitted is complete and specifying the completeness date;
(B) stating that the application is incomplete, requesting additional information and specifying the deadline date by which the requested information is to be received by the Department; or
{C} stating that the application is incomplete and requesting that the applicant rewrite and resubmit the application. If the Department does not notify the applicant by letter dated within 30 days of receipt of the application that the application is incomplete, the application shall be deemed complete. A completeness determination shall not prevent the Director from requesting additional information at a later date when such information is considered necessary to properly evaluate the source, its air pollution abatement equipment, or the facility. If the applicant has not provided the requested additional information by the deadline specified in the letter requesting additional information, the Director may return the application to the applicant as incomplete. The applicant may request a time extension for submittal of the requested additional information.

(2) The Director shall send the draft permit to public notice within 60 days after receipt of a complete application or 10 days after receipt of requested additional information, whichever is later.

(3) If the draft permit is not required to go to public hearing, the Director shall take final action on the permit within 30 days after the close of the public comment period.

(4) If the draft permit is required to go to public hearing as a result of a request for public hearing under MCAPCO Regulation 1.5604 - "Public Participation" Paragraph (d), the Director shall:

(A) send the draft permit to public hearing within 45 days after approving the request for the public hearing, and

(B) take final action on the permit within 30 days after the close of the public hearing.

(b) The number of days between sending a letter requesting additional information and receiving that additional information shall not be counted in the schedules under Paragraph (a) of this Regulation.

(c) The Director may return applications containing insufficient information to complete the review at any time.

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