



STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



## INDUSTRIAL STAKEHOLDER MEETING MARCH 2016

In Collaboration with Division of Air Quality, NJDEP

# E-NOTICE EPA'S PROPOSED RULE

REVISIONS TO PUBLIC NOTICE PROVISIONS  
IN CLEAN AIR ACT PERMITTING PROGRAMS



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# EPA'S PROPOSED RULE

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# 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>
  - 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.