**Section 845.260 Draft Permit Public Notice and Participation**

a) The Agency must post a notification that it has received a permit application on the Agency's webpage and must email the notice to the Agency's listserv for the applicant's facility.

b) Public Notice of Draft Permit

1) Not earlier than 15 days following the Agency's notification to the applicant of its tentative decision under Section 845.250 to issue or deny the permit application, the Agency must circulate public notice of the completed application for the permit in a manner designed to inform interested and potentially interested persons of the construction, modification, operation or closure of a CCR surface impoundment and of the proposed determination to issue or deny the permit.

2) The contents of public notice of completed applications for permits must include at least the following:

A) Name, address, and telephone number of the Agency;

B) Name and address of the applicant;

C) Brief description of the applicant's activities or operations that result in the construction, operation, modification or closure of a CCR surface impoundment;

D) A statement of the tentative determination to issue or deny the permit;

E) A brief description of the procedures for the formulation of final determinations, including the procedures for submitting comments and the expiration date of the comment period;

F) Address and telephone number of Agency premises at which interested persons may obtain further information and request a copy of the permit application and related documents;

G) A translation of the public notice into the appropriate language or languages will be made if the Agency determines that a project is located within one mile of a significant population of non-English speaking residents;

H) A brief description of how members of the public can request a public hearing under Section 845.260(d); and

I) A brief description of how members of the public can request being added to the Agency's listserv for the facility.

3) Procedures for the circulation of public notice required under this Section must include at least the following concurrent actions:

A) Posting on the Agency's webpage and all the Agency's social media outlets;

B) Mailing the notice to the clerk of the nearest city, town or village requesting further posting in conspicuous locations throughout the city, town or village;

C) Requiring the applicant to post the notice near the entrance to the applicant's premises; and

D) Emailing the notice to the Agency's listserv for the facility.

c) Public Comment Period

1) The Agency must accept written comments from interested persons on the draft permit determination for 45 days following the circulation of the public notice under subsection (b).

2) All comments must be submitted to the Agency and to the applicant.

3) The Agency must keep all timely submitted comments and consider them in the formulation of its final determination with respect to the permit application.

4) The period for comment may be extended at the discretion of the Agency.

d) Public Hearing

1) The Agency must hold a public hearing on the issuance or denial of a draft permit whenever the Agency determines that there exists a significant degree of public interest in the proposed permit.

2) Within the 45-day public comment period, any person, including the applicant, may submit to the Agency a request for a public hearing, which must include the reasons why a hearing is warranted.

3) Hearings held under this Section must be held in the geographical area in which the CCR surface impoundment is located. When determining the hearing location, consideration must be given to facilitating attendance of interested or affected persons and organizations and to accessibility of hearing sites to public transportation.

e) Notice of Public Hearing

1) The Agency must issue notice of a public hearing not less than 30 days before the date of the hearing, under the procedures for the circulation of public notice in subsection (b)(3).

2) The contents of the public notice for the public hearing must include at least the following:

A) Name, address, and telephone number of the Agency;

B) Name and address of each applicant whose application will be considered at the hearing;

C) Brief description of the applicant's activities or operations that result in the construction, operation, modification or closure of a CCR surface impoundment;

D) Information regarding the time and location of the hearing;

E) The purpose of the hearing;

F) A concise statement of the issues to be considered at the hearing;

G) Address and telephone number of premises at which interested persons may obtain further information and request a copy of the draft permit and related documents; and

H) A statement that the hearing will be conducted in accordance with this Section.

I) A translation of the public notice into the appropriate language or languages will be made if the Agency determines that a project is located within one mile of a significant population of non-English speaking residents.

f) When the Agency receives written comments or holds a public hearing under this Section, the Agency must prepare a responsiveness summary that includes:

1) An identification of the public participation activity conducted;

2) Description of the matter on which the public was consulted;

3) An estimate of the number of persons present at the hearing;

4) A summary of all significant comments, criticisms, and suggestions, whether written or oral, submitted during the public comment period, at the hearing, or during the time the hearing record was open;

5) The Agency's response to all significant comments, criticisms, and suggestions; and

6) A statement of Agency action, including, when applicable, the issuance or denial of the permit.