
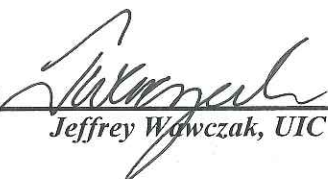


Underground Injection Control (UIC) Branch Standard Operating Procedure For Public Participation Requirements

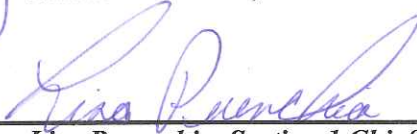
U.S. Environmental Protection Agency
Region 5, Water Division (WU-16J)
77 West Jackson
Chicago, Illinois 60604

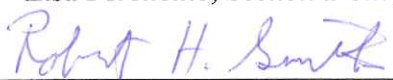
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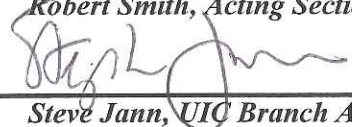
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1.0 Background & Purpose

Public participation is required in the Underground Injection Control (UIC) Branch's permitting decisions. Public participation includes public notices, public hearings and meetings, responses to comments, and notifications of a commenter's right to appeal. This Standard Operating Procedure (SOP) is intended to facilitate consistent conformance with the UIC requirements for public participation set forth in Parts 25, 124, and 144 of Title 40 of the Code of Federal Regulations (40 C.F.R. Parts 25, 124, and 144).

There are several attachments to this SOP that should be used and consulted throughout the public participation process for the UIC Branch's permitting decisions. See page 16 for a complete list of attachments.

This SOP is not final agency action and is intended solely as guidance. This SOP is not intended to serve as a substitute for the applicable statutory and regulatory provisions, nor does it impose any legally binding requirements upon EPA or the regulated community. In the event that there is a conflict between this SOP and an applicable statutory or regulatory provision, the statutory or regulatory provision controls.

2.0 Scope & Applicability

1. This SOP applies to draft and final permitting decisions in the UIC Branch for ALL well classes.
2. This SOP is to be used to ensure that all tasks associated with the issuance of public notice, notifying the public of and conducting public meetings and hearings, and responding to comments on draft permits are performed in accordance with the applicable requirements.
3. This SOP is for use by assigned UIC staff, primarily those designated as Permit Administrator and writer.

3.0 Definitions

This section provides definitions specific to public participation. It does not attempt to define other UIC program language.

Public Notice:

The process by which the public is notified of proposed or final permit decisions; also any document whose purpose is to notify the public of a permit decision (40 C.F.R. § 124.10).

Public Hearing:

An event where interested parties can voice their comments regarding a draft permit decision; it is attended by UIC Branch staff and management as appropriate and recorded by a court reporter (40 C.F.R. §§ 25.5 and 124.12).

Public Meeting:

An event where interested parties can ask questions about the draft permit decision and have the questions answered by UIC Branch staff. Usually a public meeting is held before but not instead of a public hearing (40 C.F.R. § 25.6).

Response to Comments:

A single, comprehensive document that responds to all significant comments received on a draft permit decision. Each commenter receives a copy (40 C.F.R. § 124.17).

Routing and Concurrence Sheet:

A document that specifies the routing order from the Permit Writer, Permit Team Leader, UIC Secretary, Section Chief, Branch Chief, ORC attorney (when assigned), Division Director, and UIC Permit Administrator. It is stapled to the top of the routing folder (See Attachment 1).

Draft Permit:

A document indicating the Division Director's tentative decision to issue or deny, modify, revoke and reissue, terminate or reissue a permit (40 C.F.R. § 124.2). A denial of a request for modification, revocation and reissuance, or termination is not a "draft permit" for purposes of 40 C.F.R. Part 124.

Fact Sheet:

A document that describes the draft permit decision and the procedures for reaching a final decision on a draft permit according to 40 C.F.R. § 124.8. The fact sheet usually includes a map (See Attachment 2).

4.0 Public Notice and Public Participation Requirements

4.1 When is Public Notice Not Required?

In accordance with 40 C.F.R. §§ 124.5(b) and 124.10(a)(2), denials of a request to modify, revoke and reissue, or terminate a permit are not subject to the public notice, comment, or hearing requirements provided that the UIC Branch has satisfied all applicable regulatory requirements for such permitting actions. Public notice is also not issued for minor modifications of permits. The following permit modifications are considered to be minor in accordance with 40 C.F.R. § 144.41:

- (a) Correcting typographical errors;
- (b) Requiring more frequent monitoring or reporting by the permittee;
- (c) Changing an interim compliance date in a compliance schedule, so long as the new date is not more than 120 days after the original date and does not interfere with the compliance date requirement;
- (d) Allowing for a change in ownership or operational control;
- (e) Changing the quantities and types of injection fluids within the capacity of the facility as permitted, provided that the change would not interfere with facility's operations, affect its ability to meet permit conditions, or change its classification;
- (f) Changing construction requirements approved by the Director pursuant to 40 C.F.R. § 144.52(a)(6), provided that they comply with 40 C.F.R. Parts 144 and 146;
- (g) Amending a plugging and amendment plan updated under 40 C.F.R. § 144.52(a)(6); and

- (h) Clarifying or correcting a testing and monitoring plan, plugging plan, post-injection site care and site closure plan, or emergency or remedial response plan in a Class VI permit.

4.2 When is Public Notice Required?

The following actions associated with UIC permits require public notice:

- Tentative decisions to issue permits under 40 C.F.R. § 124.6(d);
- Tentative decisions to deny permit applications under 40 C.F.R. § 124.6(b);
- Tentative decisions to modify or revoke and reissue permits under 40 C.F.R. § 124.5(c);
- Tentative decisions to terminate permits under 40 C.F.R. § 124.5(d);
- Public hearings scheduled under 40 C.F.R. § 124.12(a)(4);
- Reopening public comment periods under 40 C.F.R. § 124.14(e);
- Major permit modifications (i.e. those not defined as minor by 40 C.F.R. § 144.41); and
- New draft permits or portions of a permit withdrawn by the Administrator under 40 C.F.R. § 124.19(j).

4.3 What Are the Public Participation Requirements for UIC Permitting Actions?

4.3.1 Public Notice Content for a Draft Permit

When public notice is required, it must include the following information pursuant to 40 C.F.R. § 124.10(d):

- Name and address of the office processing the permit action;
- Name and address of the permittee or permit applicant and, if different, of the facility or activity regulated by the permit;
- A brief description of the business conducted at the facility or activity;
- Name, address, and telephone number of a person from whom interested persons may obtain further information, including copies of the draft permit, statement of basis or fact sheet, and the application;
- A brief description of the comment procedures required by 40 C.F.R. §§ 124.11 and 124.12 and the time and place of any hearing that will be held, including a statement of procedures to request a hearing (unless a hearing has already been scheduled) and other procedures by which the public may participate in the final permit decision;
- The location of the administrative record required by 40 C.F.R. § 124.9, the times at which the record will be open for public inspection, and a statement that all data submitted by the applicant is available as part of the administrative record; and
- Any additional site specific information considered necessary.

4.3.2 Notice Content for a Public Hearing

In addition to the requirements set forth above in 4.3.1, notice of a public hearing must contain the following information:

- A reference to the date of previous public notices relating to the permit;
- The date, time, and place of the hearing; and
- A brief description of the nature and purpose of the hearing, including the applicable rules and procedures.

Per 40 C.F.R. § 124.10(b)(2), the notice for the public hearing may be combined with the public notice of the draft permit.

4.3.3 Required Public Notice Content for Reopening a Public Comment Period

When the Regional Administrator reopens the public comment period in accordance with 40 C.F.R. § 124.14, the public notice must state that the public comment period is being reopened, identify the issues that prompted reopening, and include the length of the reopened comment period.

4.4 Who is to be Notified of Draft Permitting Decisions and How?

4.4.1 Mailing Notice and Additional Information to Interested Parties

In accordance with 40 C.F.R. § 124.10(e), the UIC Branch must mail copies of the public notice and fact sheet or statement of basis, the permit application, and the draft permit to the following parties:

1. The applicant;
2. Any agency that issues permits pursuant to RCRA, PSD (or other Clean Air Act permit), NPDES, CWA § 404, sludge management, or ocean dumping under the Marine Research Protection and Sanctuaries Act for the same facility or activity;
3. Federal and state agencies and tribes with jurisdiction over fish, shellfish, and wildlife resources;
4. Federal and state agencies with jurisdiction over coastal zone management plans (*only if facility is in county which borders one of the Great Lakes*);
5. The advisory council on historic preservation;
6. State and/or tribal historic preservation officers (HPOs) (*may require consultation with National Historic Preservation Expert for USEPA*);
7. Any affected state or tribe with treatment as a State status;

In accordance with 40 C.F.R. § 124.10(c)(1), the UIC Branch must mail a copy of the public notice and fact sheet or statement of basis to the following interested parties:

1. Any local government with jurisdiction over the area where the facility is located (*this is addressed by mail to the county and township boards, where the proposed well is located*);
2. Each state agency having any authority under state law with respect to operation and construction of the facility;
3. For Class I and Class VI injection well permits: state and local oil and gas regulatory agencies, and state agencies regulating mineral exploration and recovery;
4. For Class VI injection well permits only: the director of the public water supply supervision program in the state, and all agencies that oversee injection wells in the state; and

5. Persons on the mailing lists developed by including those who have requested in writing to be on the mailing list and those on “area lists” compiled from past permit proceedings. The list of interested parties may be updated by requesting written indication of continued interest. The Director may delete from the list the name of any person who fails to respond to such a request.

Any person that is entitled to receive the notice under 40 C.F.R. § 124.10(c) may waive his or her right to receive notice for any type of draft permit.

4.4.2 Newspaper Publication

In accordance with 40 C.F.R. § 124.10(c)(2) and for major draft permitting actions only, publication of notice in a daily or weekly newspaper within the affected area must be given in addition to notice by mail to interested parties. Refer to the chart in Attachment 3 for a list of draft permitting actions that the UIC Branch currently considers to be major. UIC management may decide to publish notice in a newspaper for other actions.

4.4.3 Website Posting

The Region’s practice is to post all applications, draft permits, fact sheets, comment periods, and responses to comments for UIC permit actions on the official EPA Region V website.

4.4.4 Other Methods of Providing Notice

According to 40 C.F.R. § 124.10(c)(4), the UIC Branch must use any other method reasonably calculated to give actual notice to persons potentially affected by the permit action. The UIC Branch will work with OPA to prepare additional internet content, fact sheets, newspaper ads, and/or press releases as appropriate for the permitting action.

4.4.5 Public Notification Requirements by Well Class & Action

Please refer to Attachment 3 for a chart listing the public notification requirements by well class and the type of permitting action.

4.5 Public Hearing and Meeting Requirements

4.5.1 Timeframe for Issuing Public Notice of a Public Hearing or Meeting

All notices of a public hearing or meeting must be given at least 30 days before the public meeting and/or hearing. Notices may be given more than 30 days in advance of the hearing or meeting. When calculating the date for the public hearing or meeting, add three days to compensate for the delay caused by mailing. If the date falls on the weekend or a holiday, choose the next business day. The timeframe and computation of time are discussed in 40 C.F.R. §§ 25.6, 124.10(a)(1)(b), 124.10(b)(2), and 124.20.

4.5.2 Public Hearing Requirements

According to 40 C.F.R. §§ 25.5 and 124.12, a public hearing shall be held when there is a significant degree of public interest in the draft permit, or at the discretion of the Director when the hearing might clarify one or more issues. At the hearing, the presiding officer shall read an opening statement per 40 C.F.R. § 25.5(e) that describes the procedure of the hearing, the proposed decision, and the considerations of the agency in the decision. Per 40 C.F.R. § 124.12(c), any person may give an oral or written statement for the record. The agency may place reasonable limits on the time for oral statements, and may require submission of statements in writing. Further, 40 C.F.R. §§ 124.12(d) and 25.5(f) require that a complete record of the hearing proceedings be available to the public for review.

4.5.3 Public Meeting Requirements

According to 40 C.F.R. § 25.6, a public meeting is less formal than a public hearing. There is no requirement to hold a meeting or for statements, presentations, or a record of the proceedings when a meeting is held.

4.6 Public Participation Requirements for Final Permits

4.6.1 Response to Comments Requirements

The requirements for response to comments are discussed in 40 C.F.R. § 124.17. Specifically, the response to comments must address which, if any, parts of the draft permit have changed in the final permit decision and the reason(s) for the change. The response to comments must describe and respond to all significant comments on the draft permit. If comments or questions unrelated to the draft permit are received, then the response to comments should briefly describe such questions or comments and indicate that such questions and comments are outside the scope of the draft permit. Additionally, documents cited in the response to comments shall be part of the administrative record for the final permit decision. Finally, the response to comments must be available to the public.

4.6.2 Dating and Mailing the Final Permit and Comprehensive Response to Comments

The dating and mailing of all documents generated for the UIC Branch's permitting decisions are very important. Both the final permit and comprehensive response to comments must be signed and dated at the same time to provide a clear record that all comments and responses were considered by the decision maker in the final permit decision. The effective date of the final permit and the deadline to file a petition for review with the EAB are tied to the service of the notice of issuance (date of mailing) of the final permit and comprehensive response to comments. All reasonable efforts should be made to mail out the final permit and comprehensive response to comments on the same day that they are signed by the decision maker, i.e., the Division Director. If, despite all reasonable efforts, these documents cannot be mailed the same day they are signed, they should be mailed within the next business day after signature. Regardless of the date of mailing, both the final permit and comprehensive response to comments must be mailed on the same day. The date of mailing is the date used to calculate the effective date of the permit and deadline for filing a petition for review with the EAB per 40 C.F.R. §§ 124.15(b) and 124.19(a)(3). Unless a different effective date is specified in the final permit, the effective date and the deadline for filing a petition to

review the final permit are 30 days, plus an additional three days to compensate for the delay caused by mailing, after the date of mailing. At the time of mailing, the Permit Administrator must calculate the due date for a petition to review by counting 33 days from the day after the final permit was mailed and this date must be recorded on the Routing and Concurrence Sheet. The effective date of any final permit for which the UIC Branch received comments shall be 45 days after the date of mailing the final permit and response to comments.

5.0 Standard Procedures for Public Participation in UIC Permitting Actions

The public notice and mailing process begins once the draft permit has gone through the proper routing, review, and concurrence and the fact sheet or statement of basis is signed. The Permit Administrator starts the public notice and mailing process upon receipt of the completed draft permit routing folder. In the absence of the Permit Administrator, the Permit Writer or other staff as designated by the Section Chief may carry out the necessary tasks.

5.1 Preparing the Draft Permit and Public Notice for Mailing

Follow the steps below:

1. Check the routing and concurrence sheet stapled to the front of the routing folders to make sure that it is initialed and dated as evidence of review and concurrence by each position on the list prior to receipt of the package by the Permit Administrator (See Attachment 1).
2. Check the contents of the folder. Ensure that the transmittal letter to the applicant and the statement of basis are signed and that the public notice and fact sheet are in the package. Ensure that any draft permit is in the package, and if the tentative decision is to issue a draft permit, that the signature block for the draft permit states "Draft."
3. Complete the public notice tracking sheet with the permit # and other information (See Attachment 4).
4. Create a spreadsheet for the individuals and entities that must be included on the mailing list. Add the full mailing list for the state, applicable county, and tribes from the Master_Address_List. Save the spreadsheet as "permit # mailing list". The mailing list must also include an address for Coastal Zone Management when the well is located in a county that borders the Great Lakes.
5. If a hearing is necessary, go to the "Public Hearing" section and follow the steps listed. If not, proceed to the next step in this section. If the permit action requires newspaper publication to satisfy public notice requirements, go to the "Newspaper Publication" section (refer also to the chart provided in Attachment 3).
6. Calculate the start and end dates for the public comment period. The start date shall be the date of mailing. Calculate the end date by adding 33 days from the day after mailing. If the last day lands on a weekend or holiday, use the date of the following business day for the public notice end date. The public notice and fact sheet must include the following statement: "The public comment period for this draft permit includes the required 30-days for the public comment period and an additional three days for the delay caused by mailing."

7. Type the start and end dates for the public comment period in the Public Notice and Fact Sheet (See Attachment 2).
8. Generate the repository transmittal letter by using the repository transmittal letter template. Type the name and address in the appropriate sections of the letters. Get a certified mail receipt and type the number in the reference line of the letter. (See Attachment 5). Print the completed letter. Get the transmittal letter signed by the appropriate chief.
9. Date stamp all correspondence with the mailing date (i.e. the day it will actually be mailed).
10. Make a copy of each dated and signed document for the permit file.

5.3 Mailing the Draft Permit, Permit Application, and Public Notice and Fact Sheet

Follow the steps below:

1. Prepare envelopes for each recipient on the mailing list. Use the mail merge function to import addresses from the mailing list spreadsheet.
2. Insert a copy of the public notice and fact sheet into all the envelopes prepared in the last step.
3. Make copies of the draft permit, statement of basis, permit application, and public notice and fact sheet for the applicant; any other agency which the Director knows has issued or is required to issue a RCRA, UIC, PSD (or other permit under the Clean Air Act), NPDES, CWA § 404, sludge management permit, or ocean dumping permit for the same facility or activity; federal and state agencies with jurisdiction over fish, shellfish, and wildlife resources and over coastal zone management plans, the Advisory Council on Historic Preservation, State Historic Preservation Offices, any affected States, and any Indian Tribes treated as States; and each repository.
4. Assemble the envelopes for the individuals and entities receiving the draft permit, permit application, and public notice and fact sheet. Unless there is a waiver on file for a particular individual or entity, ensure that each envelope is filled with the transmittal letter, a copy of the draft permit, a statement of basis, permit application, and a public notice and fact sheet. Attach the certified mail items to each envelope.
5. Take all completed mail pieces to the mailroom for processing.
6. On the public notice tracking sheet, note the date the public notice documents were mailed. For all documents that are not being sent via certified mail, complete a certificate of service, certifying the date that the envelopes were delivered to the mail room. Put the certificate in the public notice routing folder (See Attachment 6).
7. Prepare the draft permit decision for the web page by converting it to a PDF (See Attachment 7). Combine a scanned image of the P&A plan and the digital version of the draft permit. Save as "permit # webdoc." Update the document properties and bookmarks of the PDF. Additionally, scan/save the permit application and public notice and fact sheet as PDFs.
8. Email the application, draft permit, and fact sheet and public notice PDFs to the designated web coordinator who will place the documents on the UIC Branch web page. On the public notice start date, email the public notice and fact sheet PDF to each recipient that requested public notice by email.
9. Keep the routing folders until three days after the end of the comment period.
10. Return the folders to the Permit Writer, who prepares the final permit decision for sign off.

5.4 Preparing the Response to Comments and Final Permit

Follow the steps below:

1. Use Final Permit Checklist at Attachment 8 to track progress.
2. During the comment period, the Permit Writer collects any comments received in writing or at a public hearing. The Permit Writer prepares a list of the commenter contact information as the basis of the mailing list for the response to comments.
3. If there were comments, the Permit Writer drafts a comprehensive response to comments as described in 40 C.F.R. § 124.17. The response to comments must address which, if any, parts of the draft permit have changed and why. The response to comments must include responses to all comments on the draft permit. If comments or questions unrelated to the draft permit are received, then the response to comments should briefly describe such questions or comments and indicate that such questions and comments are outside the scope of the draft permit.
4. A copy of 40 C.F.R. § 124.19 “Appeal of RCRC, UIC, NPDES, and PSD permits” must be included as an enclosure. Any response to comments must include the following language for the deadline for filing a petition for review:

“A petition for review of any condition of a UIC permit decision must be filed with the Environmental Appeals Board within 30 days after EPA serves notice of the issuance of the final permit decision. 40 C.F.R. § 124.19(a)(3). When EPA serves the notice by mail, service is deemed to be completed when the notice is placed in the mail, not when it is received. However, to compensate for the delay caused by mailing, the 30-day deadline for filing a petition is extended by three days if the final permit decision being appealed was served on the petitioner by mail. 40 C.F.R. § 124.20(d). Petitions are deemed filed when they are received by the Clerk of the Board at the address specified for the appropriate method of delivery. 40 C.F.R. § 124.19(a)(3) and 40 C.F.R. § 124.19(i). Additional information regarding petitions for review may be found in the Environmental Appeals Board Practice Manual (January 2013) and A Citizen’s Guide to EPA’s Environmental Appeals Board, both of which are available at http://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/General+Information/Environmental+Appeals+Board+Guidance+Documents?OpenDocument.”

5. The response to comments must be routed for concurrence through the Section Team Leader, the Section Chief, the Branch Chief, and the Office of Regional Counsel (when an attorney has been assigned). The response to comments is first routed for comments, and then routed for concurrence.
6. When the response to comments is finalized, the Permit Writer prepares the final permit decision routing folder that must include Final Permit Checklist at Attachment 8. The response to comments and final permit are routed through the UIC Branch and to the Division Director. The Division Director signs them, and the routing folders are returned to the Branch for mailing (See Attachment 8).

5.5 Mailing the Response to Comments and Final Permit

Follow the steps below:

1. In the UIC Branch, the Permit Administrator and Secretary ensure that the final permit and response to comments are prepared, date stamped, and mailed.
2. Stamp the transmittal letter and response to comments with the mailing date. The response to comments must be dated on or before the date the final permit is mailed. There are no exceptions.
3. Prepare the response to comments for posting on the web. Email the web coordinator.
4. Mail the response to comments (with the enclosure of 40 C.F.R. § 124.19) to the list of commenters. Email a PDF of the response to comments to each recipient that agreed to receive it by email. Print each email for the file.
5. Date stamp the first page of the permit with the effective date of the permit in the appropriate space (See Attachment 9). If no comments are received on the draft permit, the effective date for the final permit must be the same as the date that the Division Director signed the final permit. If comments are received, the effective date should be 45 days from the date that the response to comments and final permit are mailed.
6. Mail a copy of the response to comments and final permit, along with an appropriate transmittal letter to the applicant (See Attachment 10). Enclose blank forms for the Completion Report for Injection Wells. For Existing wells, be sure to send a blank copy of the Well Rework Record.
7. Mail a copy of the final permit and transmittal letter to the State agency contact that is listed as a cc on the transmittal letter to the company.
8. Return the routing folder to the Permit Writer.

5.6 Holding a Public Meeting and/or Hearing

5.6.1 Arranging the Public Meeting and/or Hearing (Notice, Room, and Court Reporter)

The Permit Writer or OPA recommends a hearing based on the type and number of comments received or expected. If UIC management determines a hearing should be held, the Permit Writer works with OPA to draft the communication plan, fact sheets, handouts, and a newspaper ad for approval by UIC management. Management may decide to seek approval from the Division Director. The Permit Writer drafts the opening statement for UIC management approval. The Permit Administrator should follow the steps in this section.

Follow the steps below:

1. Work with Permit Writer to establish several potential hearing dates. Remember that the notice must go out at least 30 days before the hearing and/or meeting **and** three days must be added to this 30-day period when notice of the public hearing and/or meeting is provided by mail. Refer to Section 5.1, Step 7 for information on how to compute time.
2. Check with the Budget Administrator to ensure that there is enough funding available.

3. Locate venues for the hearing. A venue can be, but is not limited to, a library, community center, school auditorium, or town hall. Note: Call the library to get references on a venue for the hearing room. Choose the most centrally located and most accessible location possible. Be sure to factor in the number of expected attendees.
4. Contact the venue and discuss meeting/hearing logistics, such as date, times, table, and room set-up (i.e., a registration table set-up outside the hearing room and a head table for EPA). Ask if EPA can bring equipment (e.g. projector, screen, sound system with two microphones) to save money. If not, reserve the equipment needed to conduct the hearing, such as additional microphones, tables, chairs, and a projector. Average hearing room costs are between \$500 and \$1000 including equipment. If the pricing is acceptable to the budget administrator, reserve the venue and any equipment. (*Note: you can't sign contracts or pay for anything in advance. Arrange to have an invoice sent following the event.*)
5. Reserve a court reporter. Consult the Court Reporting PR/Budget Administrator, if there is at least \$1000 of available funds, contact the court reporting agency.
6. If needed, reserve a security service. Ask the local police department if it can provide service and the rate for such service. Provide this information to the Budget Administrator to set up the approvals. Once approved, reserve the security for the meeting and hearing.
7. Confirm date and logistics with the Permit Writer. If rescheduling is needed, go back to Step 1. If not, proceed to next step.
8. Access the electronic newspaper ad file and edit the meeting and hearing date, time, and location. Follow the steps for newspaper publication.
9. Use the electronic public notice and fact sheet file created for the notice of the draft permit to create a notice for the public hearing. Edit the meeting and hearing date, time, and location. Save it as a separate file. Prepare the public notice for the webpage and email the Web Coordinator.
10. Mail the public notice about the hearing to the people on the mailing list created for the draft permit.
11. Confirm logistics with the venue, court reporter, and security at least 2 days before the hearing.

(Note: The Permit Writer and other staff attending the public hearing should be sure to: (1) Make their necessary travel arrangements; (2) Coordinate with the Permit Administrator on the logistics of scheduling the public hearing; and (3) A few days before the hearing, gather the equipment and documents needed at the public hearing, including the opening statement, agenda, sign-in sheets, signs, documents to be distributed, etc.)

5.6.2 Hosting the Public Meeting and/or Hearing

The Permit Writer shall work with UIC management and OPA to develop the meeting and hearing protocol. At a minimum, the Permit Writer and a senior staff member shall answer technical questions about the draft permit at the public meeting. For a public hearing, at a minimum, the room shall be set up with a sign-in table, a table for EPA staff, and seating for hearing attendees. There should also be a table set up for the court reporter. If the meeting or hearing is held in a large facility, EPA staff should post signs identifying the room. The presiding officer for a public hearing shall read the opening statement describing the procedure of the hearing, the proposed decision, and the agency considerations in the decision. After the opening statement, anyone attending the hearing may give oral or written statements for the record. Additional considerations and questions about hosting the public meeting or hearing should be discussed with UIC management and OPA.

5.7 Newspaper Publication

Refer to the chart in Attachment 3 to determine whether a newspaper ad is required for the permitting action. If it is, follow the steps below:

1. Find a newspaper in the county where the well is to be located. You can easily search the internet for this.
2. Call the newspaper. Determine the submission deadlines and publication dates. Get pricing information for a display ad of at least 4" length and a publication affidavit. If necessary, send a similar newspaper ad for pricing. DO NOT send the actual ad for pricing. Explain that the FINAL AD will be sent later. Average pricing is \$200 - \$300.
3. Consult the blanket purchase request and/or Budget Administrator. If price is agreeable, order the newspaper ad.
4. Note the date that is arranged with the newspaper to publish the newspaper ad.
5. Input the publication date for the newspaper ad in the Public Notice and Fact Sheet as the start date for the comment period. Calculate the end date using the procedure set forth in Section 5.1, Step 7.
6. When you receive the invoice from the newspaper, contact a Branch purchase card holder to make the payment.

5.8 Mailing Lists: Updates & Periodic Notification to Public

A mailing list of interested parties must be kept and updated periodically. This is accomplished through the following actions in accordance with 40 C.F.R. § 124.10(c)(ix).

1. Give periodic notification to the public of the opportunity to be placed on the mailing lists of persons interested in UIC permit actions. This can be done through various print and online publications, such as regional and state-funded newsletters, environmental bulletins, or state law journals.
2. Periodically solicit responses from persons on the mailing lists to determine whether they wish to remain on the list.
3. Add the name and address of any person who requests to be placed on the mailing list.
4. Remove the name of any person who fails to respond to a written request of their continued interest in receiving notifications of UIC permitting decisions.

6.0 Data & Records Management

Responsibility

The Permit Administrator is responsible for managing those items not covered under the Branch Permitting SOP and generated as the result of the public notice process. The Permit Administrator makes sure these items are maintained and updated. The Permit Administrator is also responsible for making sure permit documents are organized and remain intact during the public notice process.

File Creation

Most data and records created as a result of this process are managed in accordance with the UIC Branch Permitting SOP. The items created that are not covered under the UIC Branch Permitting SOP include tracking sheets, mailing lists, and library lists.

Recording Media

The Permit Administrator will use tracking sheets to track public noticing activities. Tracking sheets will be kept in a binder. Mailing lists are maintained in a spreadsheet.

File Content, Organization, and Structure

The Permit Administrator must keep tracking sheets in chronological order. The Permit Administrator shall organize the mailing lists by state and by type of mailing in a spreadsheet.

Disposition of Records

Disposition of records generated under this SOP are covered by EPA Records Schedule 205A for Permit Files.

7.0 Decision Maker/Approval Authority

UIC management approves scheduling of public hearings and public meetings. OPA approves newspaper ads, fact sheets, and distributes press releases. UIC management and OPA jointly approve communication plans. The Division Director approves and signs draft permits, responses to comments, and final permits.

8.0 Quality Control, Assurance, & Improvement

All staff involved in the process must help to ensure that all public participation requirements for UIC permitting decisions are satisfied. The Branch management and permit team leader will ensure that staff adheres to the SOP. The Branch Chief and Section Chief will include adherence to SOPs as part of performance standards. Branch staff will review, evaluate, edit, and update the SOP regularly to ensure that all requirements are being met.

9.0 Reference Section

Applicable Statutes and Regulation

The following statutes and regulations apply to UIC Branch public participation activities. Staff should reference these as needed.

#Safe Drinking Water Act: UIC portions are found at Sections 1421, 1422, 1423, 1425, 1431, 1445, and 1450

#Federal UIC Regulations: Title 40 C.F.R. Parts 25, 124, and 144 to 148

Applicable Policy and Guidance

The UIC Branch will adhere to national, regional, and Branch policies and guidance that address public participation activities.

Attachments

Attachment 1: Routing and Concurrence sheet (draft and final)

Attachment 2: Public Notice and Fact Sheet template

Attachment 3: Public Notification Requirements by Well Class & Action

Attachment 4: Public Notice tracking template

Attachment 5: Repository transmittal letter template

Attachment 6: Certificate of Service template

Attachment 7: How to get the draft permit online

Attachment 8: Final Permit Checklist

Attachment 9: First page of draft permit

Attachments to Public Participation SOP

- Attachment 1: Routing and Concurrence sheets (draft & final)
- Attachment 2: Public Notice and Fact Sheet template
- Attachment 3: Public Notification Requirements by Well Class & Action
- Attachment 4: Public Notice tracking template
- Attachment 5: Repository transmittal letter template
- Attachment 6: Certificate of Service template
- Attachment 7: How to get the draft permit online
- Attachment 8: Final Permit Checklist
- Attachment 9: First page of draft permit
- Attachment 10: Transmittal letter for final permit with comments

Attachment 1
Routing and Concurrence sheets (draft & final)

**CLASS X
UNDERGROUND INJECTION CONTROL PERMIT
DRAFT PERMIT FOR SIGNATURE**

Permittee: _____ UIC Permit No: _____
 City/State: _____ County: _____ Well Name: _____

- | | |
|--------------------------------------|-------------|
| 1. Permit Writer _____ | Date: _____ |
| 2. Permit Team Leader _____ | Date: _____ |
| 3. EPA Assistant/Sec'y _____ | Date: _____ |
| 4. Other Reviewer(if assigned) _____ | Date: _____ |
| 5. Section Chief _____ | Date: _____ |
| 6. Branch Chief _____ | Date: _____ |
| 7. Division Director _____ | Date: _____ |
| 8. UIC-Permit Administrator _____ | Date: _____ |

COMMENTS- Specify page and section

PERMIT UNIT TRACKING

Draft	Mail	cc: IDEM or DEQ	EEI	Rec'd
Transmittal	Co. _____	w/c _____	_____	Green

Public Notice Dates _____ Mailed _____

Repository Mailed _____

Copies Made _____

Area of Review _____ Typed _____ Mailed _____

Administrative File _____ Logs _____

**CLASS X
UNDERGROUND INJECTION CONTROL PERMIT
FINAL PERMIT FOR SIGNATURE**

Permittee: _____ UIC Permit No: _____
City/State: _____, _____ County: _____ Well Name: _____

End of 30 Day Comment Period ____ / ____ / ____

A. No Comments Received, No Changes to the Draft Permit (Letter L)

Final Permit Concurrence (no Response to Comments)

1. Permit Writer _____ Date: _____
2. Other Reviewer(if assigned) _____ Date: _____
3. Section Chief _____ Date: _____
4. UIC Branch Chief _____ Date: _____
5. Water Div. Director _____ Date: _____
6. UIC-Permit Administrator _____ Date: _____
7. Web-Page Coordinator _____ Date: _____
(delete permit and public notice)

B. Comments Received, No Changes to the Draft Permit, RTC included (Letter M)

C. Comments Received, Changes Made to the Draft Permit, RTC included (Letter N)

Final Permit Concurrence (including Response to Comments)

1. Permit Writer _____ Date: _____
2. Permit Team Leader _____ Date: _____
3. EPA Assistant Secy _____ Date: _____
4. Other Reviewer (if assigned) _____ Date: _____
5. Section Chief _____ Date: _____
6. UIC Branch Chief _____ Date: _____
7. Water Div. Director _____ Date: _____
8. UIC-Permit Administrator _____ Date: _____
9. Webpage Coordinator _____ Date: _____

Action Required

*Water Div. Director **Please sign original cover page AND transmittal letter**

Mail Date _____ Last Appeal Date _____ Permit Effective Date _____

Attachment 2
Public Notice and Fact Sheet template

EPA Proposes Approving Underground Injection Permit

<<Permittee Name>>

<<city, state>>

(Month), (Year)

How to comment

You may comment on the proposed permit approval in writing. Please refer to <<WELL NAME>>

<<PERMIT NUMBER>>. Mail, email or fax your comments to:

<<PERMIT WRITER>>

U.S. EPA, Water Division

UIC Branch (WU-16J)

77 W. Jackson Blvd.

Chicago, IL 60604-3590

Email: <<permit writer email>>

Fax: <<permit writer fax #>>

Phone: <<permit writer phone#>>

Comment period

The Agency will accept written comments until [Month, Day] (midnight postmark).

Information Repository

You may see the draft permit, at:

<<repository name>>

<<repository address>>

Or at www.epa.gov/r5water/uic.

Administrative Record

You may see the full administrative record, including all data

<<Permittee name>> submitted, at the EPA's Chicago regional office (*address above*), 9 a.m. to 4 p.m., weekdays. For an appointment to see the files, contact <<Permit

Writer >> (*see above*).

On the Web

To learn more about EPA's Underground Injection Control program, or to join our mailing list: www.epa.gov/r5water/uic/index.htm

Place map in this space

The U. S. Environmental Protection Agency plans to allow <<Permittee Name>> to inject waste fluid underground by approving the company's application for what EPA calls a <<Class X>> injection well permit.

If EPA makes its approval final, <<Permittee Name>> may inject <<TYPE OF FLUID>> into a rock formation <<TOP OF IZ>> feet below the surface through a well at <<LOCATION>>. <<Permittee Name>> has also applied for a permit from the <<STATE AGENCY>>.

EPA is accepting comments from the public on this proposed permit approval (*see box, left*). The public comment period, which ends [DAY OF WEEK, MONTH, DAY], includes 30 days for comments as required by law, plus an additional three days for any delay caused by mailing.

During the comment period, you may ask EPA – in writing – to hold a formal public hearing (*see address, left*). Be sure to say specifically what issues you want to raise. EPA will hold a hearing if there is significant interest. If there is a hearing, EPA will publish a notice at least 30 days prior. You will have an opportunity to make oral comments or submit written comments. EPA will consider all comments it receives, and then issue a final decision along with a response to the comments.

The Safe Drinking Water Act requires EPA to regulate the underground injection of fluids through wells to protect the quality of underground sources of drinking water. Issuing permits is one way EPA does this. You can find the regulations governing underground injection wells at Title 40 of the Code of Federal Regulations, Parts 144 and 146.

EPA does not have the authority to change the surface location of the injection well. If you have questions or concerns about the well's location, contact the <<STATE AGENCY>> at <<CONTACT INFO>>.

Attachment 3
Public Notification Requirements by Well Class & Action

Public Notification Requirements by Well Class & Action

Well Class	Action	Mass Mailing & Repository	Newspaper Publication	Public Hearing
Class I	New Issue	Yes	Yes	*
	Existing Reissuance	Yes	Yes	*
	Major Modification	Yes	Yes	*
	Minor Modification	No	No	No
	Denial of a New Permit	Yes	Yes	*
	Denial of a Request for Major Modification	No	No	No
	Denial of a Request for Termination	No	No	No
	Denial of a Request for Revocation & Reissuance	No	No	No
	Termination	Yes	Yes	*
Revocation/Reissuance	Yes	Yes	*	
Class II	New Issue	Yes	No	*
	Permit Extension	No	No	No
	Major Modification	Yes	No	*
	Minor Modification	No	No	No
	Emergency Permit	Yes	Yes	*
	Denial of a New Permit	Yes	Yes	*
	Denial of a Request for Major Modification	No	No	No
	Denial of a Request for Termination	No	No	No
	Denial of a Request for Revocation & Reissuance	No	No	No
	Termination	Yes	Yes	*
Revocation/Reissuance	Yes	Yes	*	
Class III	New Issue	Yes	No	*
	Existing Reissuance	Yes	No	*
	Major Modification	Yes	No	*
	Minor Modification	No	No	No
	Denial of a New Permit	Yes	Yes	*
	Denial of a Request for Major Modification	No	No	No
	Denial of a Request for Termination	No	No	No
	Denial of a Request for Revocation & Reissuance	No	No	No
	Termination	Yes	Yes	*
Revocation/Reissuance	Yes	Yes	*	
Class V	New Issue	Yes	No	*
	Existing Reissuance	Yes	No	*
	Major Modification	Yes	No	*
	Minor Modification	No	No	No
	Denial of a New Permit	Yes	Yes	*
	Denial of a Request for Major Modification	No	No	No
	Denial of a Request for Termination	No	No	No
	Denial of a Request for Revocation & Reissuance	No	No	No
	Termination	Yes	Yes	*
Revocation/Reissuance	Yes	Yes	*	
Class VI	New Issue	Yes	Yes	Yes
	Major Modification	Yes	Yes	*
	Minor Modification	No	No	No
	Denial of a New Permit	Yes	Yes	No
	Denial of a Request for Termination or Revocation/Reissuance	No	No	No
	Termination	Yes	Yes	*
Revocation/Reissuance	Yes	Yes	*	
Any Well Class	Public Hearing	Yes	Yes	NA

*Depends largely on public interest and controversial aspects of the project

Attachment 4
Public Notice tracking template

Public Notice Tracking

	Permit Number	Writer	In date	mail date	start date	end date	Lead
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							

Attachment 5
Repository transmittal letter template



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:
WU-16J

CERTIFIED MAIL <<certified mail number>>
RETURN RECEIPT REQUESTED

<<Library Director>>
<<Library>>
<<Street Address>>
<<City, State Zip>>

Dear <<Mr/s. Library Director>>:

Recently a staff member of the Underground Injection Control (UIC) Branch contacted your office regarding the need for citizens of your area to have an opportunity to view draft UIC materials. We thank you for consenting to act as the Repository for these enclosed documents. All of this material should be stored and presented together if requested.

Please hold this draft UIC Permit and the Permit Application until we can be certain that the public comment period has ended. This material may be disposed 90 days from the date of this letter. You may wish to attach this letter to the last page of the document to use as a dated reference.

If there are any questions regarding the enclosure, please feel free to contact <<permit administrator>> of my staff at <<(312) xxx-xxxx>>. We appreciate your assistance in the public notification process.

Sincerely,

<<section chief name>>
Section Chief

Enclosure

COMPANY

EPA DRAFT PERMIT NUMBER

<<permittee name>>

<<draft permit number>>

Attachment 6
Certificate of Service template

CERTIFICATE OF SERVICE

I hereby certify that on the ___ day of _____, 201_, I delivered:

[the Public Notice and Fact Sheet] [the Public Notice and Fact Sheet, Draft Permit, and Permit Application] OR [the Response to Comments] (delete the one that does not apply) to the mail room to be mailed via regular U.S. Mail to the list of parties attached.

_ [Signature] _____
[Name of Person Signing]

Attachment 7
How to get the draft permit online

How To Get the Draft Permit Online

Last Updated: 2/7/2014

Follow the Steps below:

1. Save the draft permit as a .PDF File
2. Scan the plugging and abandonment (P&A) plan
3. Save the P&A plan as “*permit number* P&A plan.pdf”
4. Create a PDF:
 - a. Merge the draft permit with the scanned P&A plan
 - b. Make sure the pages are in the correct order
 - c. Delete any old bookmarks in the document
 - d. Create new bookmarks for the following:
 - i. Statement of basis
 - ii. Draft signature page
 - iii. Part I
 - iv. Part II
 - v. P&A plan, and
 - vi. Factsheet
 - e. Edit document properties:

Title: (Permittee, public notice, month and year)
Subject: Underground Injection Control-*permit number*
Author: US EPA, Region 5, Office of the Regional Administrator
Keywords: underground, injection, control, permits
5. Save As: “*permit number*Webdoc.pdf”
6. Save fact sheet separately as “*permit number* fact sheet.pdf”
7. Email the final PDF document to (r5websupport@epa.gov)
 - a. CC: the Permit Writer on the Email

Sample email:

(Make sure the comment period is at least 33 days, beginning on the day after mailing; include ad and fact sheet as attachments if needed)

Note: *Make sure the webpost is correct, if not work with websupport to correct it.*

Please post this draft permit public notice by: <<mail date>>

Please add the PDF to: Public Notices for Statements of Basis and Draft Permits or Denials, under the state of Michigan:
EPA plans to issue a Class XX injection well permit and is accepting written comments on the proposed permit until <<end date>>

Company name
Facility Name: *Well Name*
County. State
Permit Number: *Permit Number*

Please make the link for the following PDF "Draft underground injection control permit"



MI-000-XX-0000 webdoc.pdf

Please post at <http://www.epa.gov/region5/water/uic/uicpub.htm>

and link from

<http://www.epa.gov/region5/water/uic/index.htm>
<http://www.epa.gov/region5/news-events/index.html>

<http://www.epa.gov/aboutepa/region5.html>

Thank you,

Attachment 8
Final Permit Checklist

UIC FINAL PERMIT SIGN OFF CHECKLIST

Permit #: _____

Check mark each item once included in the Sign Off Package prior to starting sign off:

- _____ 1) Administrative Record Index
- _____ 2) If seismicity/geology is at issue or was raised in Public Comments. Document that there is appropriate technical documents and/or citations to documents in the Administrative Record Index, including, but not limited to, documents cited in the Response to Comments.
- _____ 3) Final Permit for Division Director signature and dating
- _____ 4) Cover letter to mail Final Permit to Permittee for Division Director signature and dating
 - _____ a) Cover letter provides that effective date is 45 days from the date that Response to Comments is mailed, plus extended to next working day whenever the final day is a weekend or legal holiday (or effective immediately if there were no public comments). This date should be a blank that is filled in on the date that the Permit, Cover Letter, and Comprehensive Response to Comments are mailed.
 - _____ b) Prepared green card for certified/return receipt mailing of Final Permit to Permittee
- _____ 5) Comprehensive Response to Comments Letter for Division Director signature and dated on same date as Final Permit
 - _____ a) Anytime there is more than one public comment there should be a single consolidated Response to Comments. Similar individual comments from multiple public commenters may be responded to under a single response heading in the consolidated Response to Comments. For example: "Several Commenters Inquired About the Effect of the Well on Drinking Water Safety."
 - _____ b) Prepared Certificate of Service or green cards for certified/ return receipt mailing of Comprehensive Response to Comments to each Commenter.

After the Division Director has signed and dated the Final Permit, confirm and check mark the following two items:

- _____ 6) The Final Permit, Permit Cover letter, and Comprehensive Response to Comments should all be signed and dated by the Division Director on the same day.
- _____ 7) The date of mailing is the date used to calculate the effective date of the permit. The effective date is 45 days after the date of mailing. Day 1 is the day after it is placed in the mail. The 45 days should be extended to the next business day when it falls on a weekend or legal holiday.

Attachment 9
First page of draft permit



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

Page 1 of 15

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (USEPA)
UNDERGROUND INJECTION CONTROL PERMIT: CLASS XX

Permit Number: <USEPA >

Facility Name: <Well Name>

Pursuant to the provisions of the Safe Drinking Water Act (SDWA), as amended (42 U.S.C. § 300f et seq.) and implementing regulations promulgated by the U.S. Environmental Protection Agency at Parts 124, 144, 146 and 147 of Title 40 of the Code of Federal Regulations (40 CFR),

<Permittee> of <City>, <State>

is hereby authorized to <Drillconvert> and operate an injection well located in Michigan, <County> County, T<Township>, R<Range>, Section <Section>, 1/4 Section <M_14_Section_3>, for injection into the <Injection_Zone> at depths between <Injection_top> and <Injection_bottom> feet, upon the express condition that the permittee meet the restrictions set forth herein. Injection shall not commence until the operator has received authorization in accordance with Part I(E)(10) of this permit.

The injection shall be limited to <Well_Type> from production wells owned or operated by <Permittee>.

All references to Title 40 of the Code of Federal Regulations are to all regulations that are in effect on the date that this permit is effective. All terms used in this permit shall have the meaning set forth in SDWA and 40 C.F.R. Parts 124, 144, 146, and 147.

This permit shall become effective on _____ and shall remain in full force and effect during the operating life of the well, unless this permit is otherwise revoked and reissued, terminated, or modified pursuant to 40 CFR §§ 144.39, 144.40 and 144.41. This permit shall also remain in effect upon delegation of primary enforcement responsibility to the State of Michigan, unless that State chooses to adopt this permit as a State permit. The permit will expire in one (1) year if the permittee fails to commence construction, unless a written request for an extension of this one (1) year period has been approved by the Director. The permittee may request an expiration date sooner than the one (1) year period, provided no construction on the well has commenced. This permit will be reviewed at least every five (5) years from the effective date specified above.

Signed and dated: _____

_____ DRAFT _____

Tinka G. Hyde
Director, Water Division

Attachment 10

Transmittal letter to permittee for final permit with comments

WU-16J

**CERTIFIED MAIL <<NUMBER>>
RETURN RECEIPT REQUESTED**

<<ADDRESS>>

**RE: Final Permit for the <<Well Name>> Well in <<county>> County; U. S.
Environmental Protection Agency (EPA) Permit Number <<permit #>> ; Michigan
Department of Environmental Quality (MDEQ) Permit Number <<MIS #>>**

Dear <<contact name>>:

Enclosed is the signed final permit referenced above. EPA received comments on the draft permit during the public comment period. EPA considered all comments, but the comments did not raise significant issues to modify EPA's determination that the permit application and draft permit meet federal Underground Injection Control requirements. Unless this permit decision is appealed to the Environmental Appeals Board as described below, the permit will become effective 45 days from the date that EPA signed the final permit, as stamped on Page 1 of the enclosed final permit. Provided there is no appeal, construction of the injection well will be authorized to commence on that date and in accordance with permit conditions. Please send the written notification that you have read and are familiar with conditions of the enclosed permit as required by the permit within 30 days of the receipt of this letter.

After construction of the well has been completed, you must submit EPA Form 7520-10, Completion Report for Brine Disposal, Hydrocarbon Storage or Enhanced Recovery Well, to the Permit Writer by certified mail with return receipt requested, as well as a copy of the results of the mechanical integrity test witnessed by our field inspectors, cementing records or tickets, and any other tests or logs required by the permit. Many useful forms can be found on our web site, <http://www.epa.gov/reg5oh2o/uic/forms/index.htm>. A copy of the state completion report will also assist us in our review. We will review all information provided and the Underground Injection Control Branch Chief will notify you in writing whether the well is in compliance and injection is authorized.

In accordance with Title 40 of the Code of Federal Regulations (40 C.F.R.) § 124.19(a), any person who filed comments on the draft permit or participated in the public hearing may petition the Environmental Appeals Board to review any condition(s) of the final permit decision. The petition shall include a statement of the reasons supporting that review, including a demonstration that the issue(s) being raised for review were raised during the public comment period (including during any public hearing) to the extent required by these regulations, and when appropriate, a showing that the petition for a review of the permit condition(s) in question is based on either, (1) a finding of fact or conclusion of law which is clearly erroneous, or (2) an

exercise of discretion or an important policy demonstration which the Environmental Appeals Board should, in its discretion, review. If you wish to request an administrative review, you must submit such a request by regular mail to the Clerk of the Board, U. S. Environmental Protection Agency, Environmental Appeals Board, 1200 Pennsylvania Avenue NW, Mail Code 1103M, Washington, D.C. 20460-0001. Requests sent by express mail or hand-delivered must be sent to the Clerk of the Board, U. S. Environmental Protection Agency, Environmental Appeals Board, 1201 Constitution Ave NW, WJC East, Room 3332, Washington, D.C. 20004.

A petition for review of any condition of a UIC permit decision must be filed with the Environmental Appeals Board within 30 days after EPA serves notice of the issuance of the final permit decision. 40 C.F.R. § 124.19(a)(3). When EPA serves the notice by mail, service is deemed to be completed when the notice is placed in the mail, not when it is received. To compensate for the delay caused by mailing, the 30-day deadline for filing a petition is extended by three days if the final permit decision being appealed was served to the petitioner by mail. 40 C.F.R. § 124.20(d). Petitions are deemed filed when they are received by the Clerk of the Board at the address specified for the appropriate method of delivery. 40 C.F.R. § 124.19(a)(3) and 40 C.F.R. § 124.19(i). Additional information regarding petitions for review may be found in the Environmental Appeals Board Practice Manual (August 2013) and A Citizen's Guide to EPA's Environmental Appeals Board, both of which are available at, http://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/General+Information/Environmental+Appeals+Board+Guidance+Documents?OpenDocument. For the petition for review to be valid, it must conform to the requirements of 40 C.F.R. § 124.19. The petition for review must be made prior to seeking judicial review of any final permit decision.

The Environmental Appeals Board may also decide on its own initiative to review any condition of any permit issued under this part. The Environmental Appeals Board must act within 30 days of the service date of this notice of the Regional Administrator's action. Within a reasonable time following the filing of the petition for review, the Environmental Appeals Board shall issue an order either granting or denying the petition for review. To the extent review is denied, the conditions of the final permit decision become final agency action when a final permit decision is issued by the EPA pursuant to 40 C.F.R. § 124.19(l).

If you have any questions, please contact <<permit writer>> of my staff by telephone at <<phone>> or by email to <<email>>.

Sincerely,

Tinka G. Hyde
Director, Water Division

enclosure

cc: Mark Snow, MDEQ
Sam Williams, AEM Group