

US EPA ARCHIVE DOCUMENT

Enclosure

Procedures for Appeal of Prevention of Significant Deterioration (PSD) Program Permit

If you wish to contest any of the provisions of this permit, you must petition the **Environmental Appeals Board**, (EAB), within thirty (30) days of receipt of the certified mail containing the final permit.

In order to be eligible to petition, you must have filed comments on the draft permit or participated in any public hearing that may have been held pertaining to this permit. In addition, the issues raised in the appeal must have been raised during the public comment period so long as they were reasonably ascertainable. Any person who failed to file comments or failed to participate in any public hearing on the draft permit may petition for administrative review only to the extent of the changes from the draft to the final permit decision.

The petition shall include a statement of the reasons supporting that review, including a demonstration that any issues being raised were raised during the public comment period (including any public hearing) to the extent required by PSD Program regulations and when appropriate, a showing that the condition in question is based on: (i) a finding of fact or conclusion of law which is clearly erroneous or (ii) an exercise of discretion or an important policy consideration which the EAB should review.

Procedures for appealing permits can be found at 40 CFR §§124.19 and 124.20. More information on the appeals process and EAB can be found on the Internet at <http://www.epa.gov/eab>. The Practice Manual can be found on the Internet at <http://www.epa.gov/eab/pmanual.pdf>. The EAB website and the Practice Manual should be carefully reviewed prior to filing an appeal.