§ 17-0805. Notice and public participation; access to information.

1. a. Public notice of a complete application for a SPDES permit, including: (i) all renewals of SPDES permits issued in lieu of NPDES permits; (ii) other permit renewals, except renewals of permits for projects defined as minor in article 70 of this chapter; and (iii) modifications involving substantive changes in permit requirements or authorized activities, except modification of permits for projects defined as minor under article 70 of this chapter, shall be circulated in a manner designed to inform interested and potentially interested persons and any other state, the waters of which may be affected, of such application. Such notice shall include, where appropriate, the following: (i) the applicant's name and address; (ii) a brief description of the project or proposed project and its location; (iii) a list of all department permits directly related to the project for which application has been made; (iv) the name and classification of the water body to which discharges are being made or are to be made; (v) the volume and type of the discharge authorized or to be authorized; (vi) the permit's priority ranking score; (vii) the name and telephone number of the department and the lead agency contact persons for the project; (viii) a statement that copies of the permit application, the existing or draft permit, the fact sheet, the priority ranking fact sheet, worksheet and a description of the SPDES permit priority ranking system are available upon request; and (ix) a statement that written comments or requests for a public hearing on the permit application, draft environmental impact statement or the permit's priority ranking score may be filed by a time and at a place specified.

b. The department shall provide a period of not less than thirty days following the date of the public notice pursuant to paragraph a of this subdivision during which time interested persons may submit their written views with respect to the application and the priority ranking of the permit. The period for comment may be extended at the discretion of the department. All written comments submitted during such thirty day or extended period shall be retained by the department and considered in the formulation of the final determination on the application and the priority ranking of the permit. The department may, in its discretion,

provide an opportunity for the applicant or any interested agency, person or group of persons to request or petition for a public hearing with respect to such application or the priority ranking of the permit. Such request or petition shall be made during the public notice and comment period. The department shall promulgate rules and regulations with respect to notice, procedures and conduct of public hearings in accordance with due process of law for administrative proceedings and the provisions of the Act.

2. Notwithstanding any other provision of law, any effluent data, any SPDES permit, permit application including a permit renewal application, priority ranking fact sheet or request for permit modification, suspension or revocation shall be available to the public for inspection and copying. This includes information submitted on the forms themselves and any attachments used to supply information required by the forms.

3. Except insofar as trade secrets would be disclosed, the following information shall be available to the public for inspection and copying;

(a) any public comments, testimony or other documentation concerning a permit application, including a permit renewal application, priority ranking fact sheet or request for permit modification, suspension or revocation; and

(b) any information obtained pursuant to any monitoring, records, reporting or sampling requirements or as a result of sampling or other investigatory activities of the department.

4. The department shall identify and hold confidential any information, except effluent data, SPDES permits, permit applications, including permit renewal applications priority ranking fact sheets or requests for permit modification, suspension or revocation, including information submitted on the forms themselves and any attachments used to supply information required by the forms, shown by any person to be information which, if made public, would divulge methods or processes entitled to protection as trade secrets of such person.