

## 40 CFR § 124.18

Administrative record for final permit when EPA is the permitting authority.

- (a) The Regional Administrator shall base final permit decisions under § [124.15](#) on the administrative record defined in this section.
- (b) The administrative record for any final permit shall consist of the administrative record for the draft permit and:
  - (1) All comments received during the public comment period provided under § [124.10](#) (including any extension or reopening under § [124.14](#) );
  - (2) The tape or transcript of any hearing(s) held under § [124.12](#) ;
  - (3) Any written materials submitted at such a hearing;
  - (4) The response to comments required by § [124.17](#) and any new material placed in the record under that section;
  - (5) For NPDES new source permits only, final environmental impact statement and any supplement to the final EIS;
  - (6) Other documents contained in the supporting file for the permit; and
  - (7) The final permit.
- (c) The additional documents required under paragraph (b) of this section should be added to the record as soon as possible after their receipt or publication by the Agency. The record shall be complete on the date the final permit is issued.
- (d) This section applies to all final RCRA, UIC, PSD, and NPDES permits when the draft permit was subject to the administrative record requirements of § [124.9](#) and to all NPDES permits when the draft permit was included in a public notice after October 12, 1979.
- (e) Material readily available at the issuing Regional Office, or published materials which are generally available and which are included in the administrative record under the standards of this section or of § [124.17](#) (“Response to comments”), need not be physically included in the same file as the rest of the record as long as it is specifically referred to in the statement of basis or fact sheet or in the response to comments.