

US EPA ARCHIVE DOCUMENT

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 100 as follows:

PART 100—[AMENDED]

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. A permanent section, § 100.109, is added to read as follows:

§ 100.109 Whatever Festival Hydroplanes, Augusta, ME.

(a) *Regulated Area.* This regulated area provides a 100 yard minimum safety zone around the race course coordinates and includes all waters within the following points:

Latitude	Longitude
44°19.01" N	069°46.22" W
44°19.00" N	069°46.18" W
44°18.37" N	069°46.26" W
44°18.36" N	069°46.16" W

(b) *Special Local Regulations.*

(1) Commander, U.S. Coast Guard Group Portland reserves the right to delay, modify, or cancel the race as conditions or circumstances require.

(2) No person or vessel may enter, transit, or remain in the regulated area during the effective period of regulation unless participating in the event or unless authorized by the Coast Guard patrol commander.

(3) Vessels desiring to transit the river may do so without Coast Guard approval as long as the vessel remains outside the regulated areas at specified times. No vessel will be allowed to transit through any portions of the regulated area during the actual race. In the event of an emergency, the Coast Guard patrol commander may authorize a vessel to transit through the regulated areas with a Coast Guard designated escort. Vessels encountering emergencies which require transit through the regulated areas should contact the Coast Guard patrol commander on VHF Channel 16.

(4) Spectator craft are authorized to watch the race from any area as long as they remain outside the designated regulated areas. There will be no movement of spectator craft during each heat of the race. Spectator craft are expected to remain outside the safety zone from 10 a.m. to 4 p.m. unless permission has been granted by the patrol commander.

(5) All persons and vessels shall comply with the instructions of the Commander, U.S. Coast Guard Group Portland or the designated on-scene patrol commander. On-scene patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard. Upon hearing five or more blasts from a U.S. Coast Guard vessel, the operator of a vessel shall stop immediately, then proceed as directed. Members of the Coast Guard Auxiliary will also be present to inform vessel operators of this regulation and other applicable laws.

(c) *Effective period.* This section will be effective from 10 a.m. to 4 p.m. on Saturday, June 24, and from 11 a.m. to 3 p.m. on Sunday, June 25, 1995, and thereafter annually on the fourth weekend in June, at the same prescribed times, unless otherwise specified in the Coast Guard Local Notice to Mariners and a notice of the **Federal Register**.

Dated: April 18, 1995.

J.L. Linnon,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 95-10238 Filed 4-25-95; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 70**

[OK-001; FRN-5197-3]

Clean Air Act Interim Approval of Operating Permits Program; Oklahoma Department of Environmental Quality; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; Extension of the comment period.

SUMMARY: EPA is extending the comment period for a proposed rule published March 10, 1995 (60 FR 13088). On March 10, 1995, EPA proposed source category-limited interim approval of the operating permits program submitted by the State of Oklahoma. EPA received letters from the Oklahoma Department of Environmental Quality (ODEQ), the Department of the Air Force (Tinker AFB), and Mobil Exploration & Producing US Incorporated requesting an extension of the public comment period. Therefore, EPA is extending the comment period until May 10, 1995.

DATES: Comments must be received in writing on or before May 10, 1995.

ADDRESSES: Written comments on this action should be addressed to Ms. Jole

C. Luehrs, Chief, New Source Review Section, at the Environmental Protection Agency, Region 6, Air Programs Branch (6T-AN), 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733.

FOR FURTHER INFORMATION CONTACT: Wm. Nicholas Stone, New Source Review Section, Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733, telephone 214-665-7226.

Authority: 42 U.S.C. 7401-7671q.

Dated: April 19, 1995.

A. Stanley Meiburg,

Deputy Regional Administrator (6A).

[FR Doc. 95-10246 Filed 4-25-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 70

[AD-FRL-5197-2]

Clean Air Act Proposed Interim Approval of Operating Permits Program; State of Iowa

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes interim approval of the Operating Permits Program submitted by the state of Iowa for the purpose of complying with Federal requirements which mandate that states develop, and submit to EPA, programs for issuing operating permits to all major stationary sources, and to certain other sources.

DATES: Comments on this proposed action must be received in writing by May 26, 1995.

ADDRESSES: Comments may be mailed to: Christopher D. Hess, Environmental Protection Agency, Air Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Copies of the Iowa submittal and other supporting information used in developing the proposed rule are available for inspection during normal business hours by contacting Christopher D. Hess at (913) 551-7213.

SUPPLEMENTARY INFORMATION:**I. Background and Purpose****A. Introduction**

As required under Title V of the Clean Air Act ("the Act") as amended (1990), EPA has promulgated rules which define the minimum elements of an approvable state operating permits program and the corresponding standards and procedures by which the EPA will approve, oversee, and withdraw approval of state operating

permits programs (see 57 FR 32250 (July 21, 1992)). These rules are codified at 40 Code of Federal Regulations (CFR) part 70. Title V requires states to develop, and submit to EPA, programs for issuing these operating permits to all major stationary sources and to certain other sources.

The Act requires that states develop and submit these programs to EPA by November 15, 1993, and that EPA act to approve or disapprove each program within one year after receiving the submittal. The EPA's program review occurs pursuant to section 502 of the Act and the part 70 regulations, which outline criteria for approval or disapproval. Where a program substantially, but not fully, meets the requirements of part 70, EPA may grant the program interim approval for a period of up to two years. If EPA has not fully approved a program by two years after the November 15, 1993, date, or by the end of an interim program, it must establish and implement a Federal program.

II. Proposed Action and Implications

A. Analysis of Submission by State Authority

Introduction. What follows are brief explanations indicating how the submittal meets the requirements of Part 70. The reader may consult the technical support document (TSD) for a more detailed explanation of these topics.

1. Support Materials

a. Governor's Letter. The state of Iowa's submittal includes a request for approval in a cover letter by the Governor. This request also states that the entire geography of Iowa will be covered by this program. The letter further indicates that the state will not administer the program on any Indian lands. Therefore, EPA will retain jurisdiction over any Indian lands.

b. Regulations. The state of Iowa has submitted regulations which comprise the Title V program in Iowa, Administrative Code (IAC) 567-22.100-116. The regulations are analyzed in detail under various topics of the TSD.

Although some rule changes are required by the state as outlined in other portions of this notice, the submittal does not identify any provisions which restrict the operation of the program and that would, therefore, prevent proposal of interim approval of the program by the EPA. The Iowa Attorney General's opinion does note, however, some areas in which the regulations may not fully match the Title V requirements. EPA has analyzed those provisions which do

not clearly match the Title V requirements, and has provided its rationale in the TSD for determining that they are not sufficient to prevent EPA from proposing interim approval of the program.

Iowa has submitted evidence, consistent with the applicable part 70 requirements, that the regulations comprising the program were properly adopted by the Environmental Protection Commission. The submittal includes a discussion of the public review and hearing process which the commission followed in adopting the rules.

c. Attorney General's Legal Opinion. The opinion of the Attorney General contains the elements required by 40 CFR 70.4(b)(3) and states there is adequate authority to meet all of the Title V and Part 70 requirements.

2. Implementation

a. Program Description. A comprehensive plan for implementing the Title V program is included in the submittal. This plan includes program authority, agency organization, and staffing. As noted elsewhere in this notice, EPA's concerns with the state's uncertainty about the exact amount of personnel and operating permit fees have resulted in a recommendation for interim approval.

In other matters related to the program description, it is noted that an implementation agreement was not included in Iowa's submittal, but the EPA and the Iowa Department of Natural Resources (IDNR) are pursuing its development in anticipation of interim approval.

Iowa intends to defer for five years sources that are not major, except for affected sources and solid waste incineration units. The state intends to use a voluntary SIP-based operating permit program that will capture some of these non-Title V sources.

The state has elected not to use the presumptive minimum for its operating permit fee. Instead, Iowa's Title V rules require a flat (without Consumer Price Index adjustment) \$24 to fund the operating permit program. Thus, a fee demonstration was submitted by the state which demonstrates the adequacy of the proposed \$24 fee to cover the costs of the program.

Since adoption of the rule requiring \$24, the state has elected to collect only one-half of this amount and will subsequently determine if the total amount is necessary to implement the program and, if so, will collect the balance of the fee at a later time.

Finally, the state will fund two local programs (Linn County and Polk

County) to prepare draft Title V permits and assist in inspections and compliance activities in their respective jurisdictions. The IDNR will fund the programs through a 28E interagency agreement.

b. Program Implementation. Iowa's submittal includes requirements for permit content, procedures for permit issuance, renewal, reopenings, revisions, and for payment of fees by sources. It further identifies two local agencies which will participate in the operating permit program, and contains a description of the annual compliance inspections.

The state describes how one-third of all permit applications will be reviewed each year for the first three years of the program. A description of the computerized permit tracking database and data management in general is also provided.

The submittal also indicates that the guidance outlined for the state concerning annual inspections, stack tests, and other compliance measures will be issued to the two local agencies in implementing the Title V program.

c. Personnel. In its original submission of November 15, 1993, Iowa provided a workload analysis projecting the need for 73 FTE in the state's air bureau, with additional Title V personnel augmenting the program from the local permitting agencies. EPA's analysis of the state's workload verified that this estimate was adequate to successfully implement the operating permit program.

However, in a supplemental letter dated December 6, 1994 (herein referenced as "supplemental letter"), the state described a decision to hire only 10 additional personnel in FY-95, 15 in FY-96, and more personnel in later years. Since the state's air bureau currently has approximately 21 personnel, the current staffing plus modified projections would result in a total of 46 personnel in contrast to the 73 originally projected.

Since modifying the original projection in its supplemental letter, the state has not officially demonstrated to the EPA that a fully adequate number of personnel will be hired to implement the program. The IDNR has presented a proposal to the Environmental Protection Commission to increase the amount of personnel to 61 FTE (instead of 46), although this has not yet been approved or officially submitted to EPA for consideration.

For EPA to propose full approval of the program when the interim period expires, the state must either hire additional personnel to fulfill its original workload analysis or

demonstrate that successful implementation of the program may be accomplished with fewer personnel.

d. Data Management. Iowa specifies that the Administrator shall receive a copy of each permit application or modification application (including any attachments and compliance plan), each proposed permit, and each final permit. This information may be submitted in a computer-readable format compatible with the Administrator's national data base system.

The state's submittal describes a permit tracking data base consistent with part 70. This permit tracking system will record all Title V applications. After issuance of the final permits, the information from this tracking system will be used to update EPA's Aerometric Information Retrieval System (AIRS) database. The IDNR will maintain Title V records for a minimum of five years. Any claim of confidentiality requires the source to submit a copy of such claim directly to the Administrator.

e. Applicability Provisions. The program proposed by Iowa defers for five years sources that are not major sources, affected sources, or solid waste incineration units required to obtain a permit pursuant to section 129(e) of the Act. This deferral is allowed by § 70.3(b)(1) until such time as the Administrator completes a rulemaking to determine how the program should be structured for nonmajor sources. The Administrator is making this determination for some new section 112 standards as they are being promulgated.

In some cases, nonmajor sources subject to section 112 standards will be required to obtain Title V permits. Iowa is proposing revisions to its regulations to require sources not exempted or deferred to receive Title V permits, consistent with Part 70 requirements.

The state exempts from inclusion in the permit application emission units of a certain size, emission level, or production rate if not needed to determine the applicability of or to impose any applicable requirements. This conforms to the provisions of § 70.5(c).

The state's current regulations exempt sources subject to new source performance standards for new residential wood heaters and the national emission standard for hazardous air pollutants for asbestos demolition/renovation activities, which are located at major sources from being included in permit applications. In its supplemental letter, the state has committed to modify this rule consistent with Part 70.

f. Permit Content. Iowa's regulations require Title V permits to include Part 70 terms and conditions for all applicable requirements at the time the permit is issued. These terms include the permit duration, required monitoring, and related recordkeeping and reporting requirements, as required by § 70.6. Iowa's regulations also require the permit to contain a condition prohibiting emissions exceeding any allowances that the source lawfully holds under Title IV of the Act, as required by § 70.6(a)(4). The regulations further require that the terms and conditions of each alternative scenario meet the requirements of Part 70. Permits are also required to contain terms and conditions, if the permit applicant requests them, for the trading of emissions increases and decreases at the facility.

Iowa's program provides for general permits and permit shields and meets all corresponding part 70 requirements. The program does not include provisions for temporary sources. Instead, sources will be required to obtain a separate part 70 permit for each location.

Iowa's program does allow for section 502(b)(10) changes, but requires these changes to involve an emissions trade. In its supplemental letter, the state has committed to modify this rule consistent with part 70.

Iowa's regulations do allow for permits that contain terms and conditions allowing for the trading of emissions increases and decreases in the permitted facility, solely for the purpose of complying with a Federally enforceable emissions cap.

g. Permit Applications. Iowa's regulations require sufficient information to be submitted with the application, in accordance with the requirements of § 70.5. However, the EPA has separately notified the state of needed modifications to the permit application forms. In several instances, the state's rules require information to be submitted as part of the application in accordance with 70.5, but the forms themselves do not request all of this information.

EPA is therefore proposing approval of the program in that it meets the requirement to include standardized forms, but will continue to request that the state modify these forms to fully meet all of the specified requirements.

With respect to specific permit application criteria, sources are required to submit permit applications within 12 months after becoming subject to the permit program or at an earlier date established under the state operating permit registry. Applications for permit

renewals are due between six and eighteen months prior to expiration of the permit.

Source permit applications must conform to the standard Iowa application form, and must contain information sufficient to allow the IDNR to determine all applicable requirements with respect to the applicant. Iowa regulations also require that an application be deemed complete within 60 days of receipt unless the IDNR determines them to be incomplete.

The Iowa regulations further require that no Title V source may operate after the time it is required to submit a timely and complete application, except in compliance with its Title V permit. However, an application shield is applicable if a timely and complete application is submitted by the source. This allows the source to continue to operate without a permit, as long as the source has submitted any additional information requested in writing by the IDNR within the time frame allowed.

h. Permit Issuance. The state's current regulations do not require that when a part 70 permit prohibits construction or a change in operation, the owner/operator must obtain a Title V permit revision before commencing construction as required by 70.5(a)(1)(ii). However, in its supplemental letter, the state has agreed to modify this rule to meet part 70 requirements.

The Iowa regulations require that final action be taken on complete applications within 18 months of submittal of a complete application, except for initial permit applications which are subject to the three year transition plan set forth by the Clean Air Act Amendments of 1990.

The Iowa rules require submittal of a complete application, compliance with public participation procedures, compliance with notification to affected states, compliance with all applicable requirements, and allow for a 45-day period for EPA objection to a draft permit.

The Iowa regulations provide for priority on applications for construction or modification under an EPA-approved preconstruction review program. Furthermore, the Iowa rules do not affect the requirement that any source have a preconstruction permit under an EPA-approved preconstruction review program. The Iowa program also provides that permits being renewed are subject to the same procedural requirements (including those for public participation, affected state, and EPA review) that apply to initial permit issuance. The Iowa operating permit program also provides for

administrative amendments, which meets part 70 requirements.

Permit modification processing procedures in the Iowa program are consistent with part 70 requirements as they provide for the same degree of permitting authority, EPA and affected state review, and public participation.

The Iowa program also meets the Federal minor permit modification procedures. The Iowa program provides for promptly sending to EPA any notice that the IDNR refuses to accept all recommendations of an affected state regarding a proposed minor permit modification. In addition, the Iowa program provides that the permitting authority may approve, but may not issue, a final permit modification until after EPA's 45-day review period or until EPA has notified the permitting authority that EPA will not object to issuance, whichever is first.

Significant modification procedures as defined in the Iowa program also parallel the Federal program. Iowa has included provisions which provide that a permit shall be reopened and revised when additional requirements become applicable to a major source with a remaining permit term of three or more years. The state also requires that such a reopening be completed within 18 months after promulgation of the applicable requirement. In addition, the Iowa program provides that proceedings to reopen a permit will follow the same procedures as apply to initial issuance, will affect only those parts of the permit for which cause to reopen exists, and will ensure reopenings are made as expeditiously as practicable.

i. Compliance Tracking and Enforcement. The requirement for a compliance tracking and enforcement program has been met by the state. Compliance tracking will be accomplished through two means. The first is monthly entry of compliance and enforcement information into AIRS. The second is an ongoing commitment in the annual section 105 grant workplans to provide EPA with copies of all enforcement documents. The enforcement program will consist of periodic "for cause" inspections, followed by any appropriate enforcement action consistent with the State/EPA Enforcement Agreement. The state has demonstrated adequate enforcement authority consistent with § 70.1 to seek injunctive relief, to assess or sue to recover civil penalties, and to seek criminal remedies, including fines. Civil and criminal penalties are recoverable in a maximum amount of not less than \$10,000 per day.

j. Public Participation, EPA, and Affected States Review. Iowa's submittal

ensures that all permit applications are available to the public. All requirements are included to ensure that each interested citizen will be aware of proposed and final permit actions. This includes the commitment to keep a record of proceedings that will allow citizens to object to a permit up to 60 days after the EPA review period.

Iowa has adopted rules that ensure mutual review by affected states and the EPA. The state will not issue a permit when it is objected to in accordance with Part 70.8(c).

3. Fee Demonstration

The state's rules provide for a fee of \$24 per ton per year, which is required to be reviewed and adjusted as necessary by the Environmental Protection Commission annually. Thus, a detailed fee demonstration was submitted by the state since this amount is below the presumptive minimum set forth in § 70.9(b)(12). The IDNR provided a list of sources and the estimated actual and potential emissions from each source with a projected total revenue. This estimate adequately covers the program's anticipated operating costs if the \$24 fee is maintained. If this fee is reduced, a revised demonstration will be required from the state.

The state is also required by § 70.9(d) to provide an initial accounting of how required fee revenues are to be used solely to cover the costs of meeting the various functions of the permitting program. IAC § 455.133B provides that any Title V fees collected shall be deposited in an air contaminant source fund. This provision further states that these fees "shall be used solely to defray the costs related to the permit, monitoring, and inspection program, including the small business stationary source technical and environmental compliance assistance program required pursuant to the Federal Clean Air Act Amendments of 1990, sections 502 and 507." The State Auditor will also audit the program according to the supplemental letter.

Section 70.4(b)(8)(v) requires the permitting authority to submit an estimate of the permit program costs for the first four years after approval, and a description of how the state plans to cover those costs. The IDNR provided an estimate that adequately satisfies the four-year projection requirement if the \$24 fee is maintained. A new forecast will be required if the fee is reduced.

4. Provisions Implementing the Requirements of Other Titles of the Act

a. Acid rain. The legal requirements for approval under the Title V operating

permits program for a Title IV program were cited in EPA guidance distributed on May 21, 1993, entitled "Title V—Title IV Interface Guidance for States." Iowa has met the five major criteria of this guidance which include legal authority, regulatory authority, forms, regulatory revisions, and a commitment to acid rain deadlines. Iowa developed acid rain rules based on a model state acid rain rule described in guidance issued by the EPA in May 1993.

The EPA's Acid Rain Division has identified necessary rule changes in its January 27, 1994, review of the state's program. The state has committed to make these changes in its supplemental letter.

b. Section 112. The state has demonstrated adequate authority to adopt section 112 standards and other requirements in a timely manner. The specific Title V program approval criteria with respect to section 112 provisions are enumerated in a memorandum from John Seitz, Office of Air Quality Planning and Standards, dated April 13, 1993. Iowa has met these criteria as described in the following topics:

(1) Section 112(d), (f), and (h).—EPA Emissions Standards. In accordance with Part 70, Iowa will not issue any permit (or permit revision addressing any emissions unit subject to a newly promulgated section 112 standard) unless it would ensure compliance with all applicable section 112 standards. Additionally, Part 70 permits will be reopened which have three or more years remaining before their expiration date to incorporate any newly promulgated standard (section 70.7(f)(1)(i)).

(2) Section 112(g).—The EPA has issued an interpretive notice on February 14, 1995 (60 FR 8333), which outlines EPA's revised interpretation of 112(g) applicability. The notice postpones the effective date of 112(g) until after EPA has promulgated a rule addressing that provision. The notice sets forth in detail the rationale for the revised interpretation.

The section 112(g) interpretive notice explains that EPA is still considering whether the effective date of section 112(g) should be delayed beyond the date of promulgation of the Federal rule so as to allow states time to adopt rules implementing the Federal rule, and that EPA will provide for any such additional delay in the final section 112(g) rulemaking. Unless and until EPA provides for such an additional postponement of section 112(g), Iowa must have a Federally enforceable mechanism for implementing section 112(g) during the period between

promulgation of the Federal section 112(g) rule and adoption of implementing Federal regulations.

The EPA is aware that Iowa lacks a program designed specifically to implement section 112(g). However, Iowa has proposed rule 22.3(6) that gives the state authority to limit emissions of HAPs. Iowa may use this authority to establish case-by-case MACTs as needed for the review of new or modified hazardous air pollutant sources until such time as they adopt 112(g).

(3) Section 112(i)(5)—Early Reductions. Since the state has elected not to adopt the November 29, 1992, early reduction rule by reference, the state will need to submit a delegation request and demonstration, pursuant to 40 CFR Part 63, Subpart E, in order for EPA to delegate authority to the state for implementation and enforcement of the Federal early reduction program.

(4) Section 112(j)—Case-by-case MACT Hammer. It is the agency's intent to make case-by-case MACT determinations and to issue permits to subject sources in accordance with the 112(j) requirements.

(5) Section 112(l)—State Air Toxics Programs. Requirements for approval, specified in 40 CFR § 70.4(b), encompass section 112(l)(5) approval requirements for delegation of section 112 standards as promulgated by EPA as they apply to part 70 sources. Section 112(l)(5) requires that the state's program contain adequate authorities, adequate resources for implementation, and an expeditious compliance schedule, which are also requirements under part 70. Therefore, the EPA is proposing to grant approval under section 112(l)(5) and 40 CFR part 63.91 to Iowa for its program mechanism for receiving delegation of all existing and future section 112(d) standards for both part 70 and non-part 70 sources, and section 112 infrastructure programs, that are unchanged from Federal rules as promulgated. In addition, EPA is also proposing delegation of all existing standards and programs under CFR parts 61 and 63 for part 70 and non-part 70 sources.

Iowa has informed the EPA that it intends to accept delegation of section 112 standards through adoption by reference. The details of this delegation mechanism will be set forth in an implementation agreement between the state and EPA, to be implemented upon program approval.

(6) Section 112(r)—Accidental Release Plans. The agency has provided for the section 112(r) requirements in its rules. These rules specifically state that if any source is required to develop and

register a risk management plan, the permit shall state the requirement for submission of the plan to the IDNR. This rule also requires that an annual certification be filed with the IDNR that the plan is being properly implemented.

Finally, for sources failing to make the required risk management plan submittal, Iowa rule 22.105(2)h(3)2 states that the permit application shall include a compliance schedule for sources that are not in compliance with all applicable requirements at the time of permit issuance.

B. Options for Approval/Disapproval and Implications

The EPA is proposing to grant interim approval for two years to the operating permits program submitted by the state of Iowa on November 15, 1993. In order to receive full approval, the state must adopt and submit to the EPA the rule changes identified above within 18 months of receiving full approval. Specifically, the state must amend the following rules for consistency with part 70:

(1) IAC § 22.101 pertaining to nonmajor sources which are not exempted from future section 112 standards;

(2) IAC § 22.102 and § 103 pertaining to insignificant activities and exempt sources;

(3) IAC § 22.105 pertaining to permit revisions prior to commencing construction;

(4) IAC § 22.110 pertaining to section 502(b)(10) changes.

The state must also finalize its operating permit fee and submit a revised fee demonstration as necessary. And, the state must either hire the originally forecasted amount of personnel to implement the Title V program or provide a revised workload analysis that adequately describes how the program may be successfully implemented with fewer personnel.

Finally, the state must correct its acid rain regulations to be consistent with EPA's rules as discussed in the technical support document.

Requirements for approval, specified in 40 CFR § 70.4(b), encompass section 112(l)(5) approval requirements for delegation of section 112 standards as promulgated by EPA as they apply to part 70 sources. Section 112(l)(5) requires that the Iowa program contain adequate authorities, adequate resources for implementation, and an expeditious compliance schedule, which are also requirements under part 70. Therefore, the EPA is also proposing to grant approval, under section 112(l)(5) and 40 CFR 63.91, to Iowa for its program mechanism for receiving delegation of

all existing and future section 112(d) standards for both part 70 and non-part 70 sources, and infrastructure programs under section 112 that are unchanged from Federal rules as promulgated. In addition, EPA proposes to delegate existing standards under 40 CFR parts 61 and 63 for both part 70 and non-part 70 sources.

The scope of Iowa's part 70 program that EPA proposes to approve in this notice would apply to all part 70 sources as defined in the approved program within Iowa.

III. Administrative Requirements

A. Request for Public Comments

Copies of Iowa's submittal and other information relied upon for the proposed interim approval are contained in a docket maintained at the EPA Regional Office. The docket is an organized and complete file of all the information submitted to, or otherwise considered by, EPA in the development of this proposed rulemaking. The docket is available for public inspection at the location listed under the **ADDRESSES** section of this document.

B. Executive Order 12866

The Office of Management and Budget has exempted this action from Executive Order 12866 review.

C. Regulatory Flexibility Act

EPA's actions under section 502 of the Act do not create any new requirements, but simply address operating permits programs submitted to satisfy the requirements of 40 CFR Part 70. Because this action does not impose any new requirements, it does not have a significant impact on a substantial number of small entities.

IV. Miscellaneous

A. Proposed Rulemaking Action

List of Subjects in 40 CFR Part 70

Environmental protection, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401–7671q.

Dated: April 3, 1995.

Dennis Grams,

Regional Administrator.

[FR Doc. 95–10244 Filed 4–25–95; 8:45 am]

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