

The intended effect of proposing approval of these rules is to regulate emissions of VOCs in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). In the final rules section of this **Federal Register**, the EPA is approving the state's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for this approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on

this document. Any parties interested in commenting on this action should do so at this time.

DATES: Comments on this proposed rule must be received in writing by April 21, 1995.

ADDRESSES: Written comments on this action should be addressed to: Daniel A. Meer, Rulemaking Section (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105-3901.

Copies of the rule revisions and EPA's evaluation report of each rule are available for public inspection at EPA's Region 9 office during normal business hours. Copies of the submitted rule revisions are also available for inspection at the following locations: Bay Area Air Quality Management District, 939 Ellis Street, San Francisco, CA 94109.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95812.

FOR FURTHER INFORMATION CONTACT: Erik H. Beck, Rulemaking Section (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105-3901. Telephone: (415) 744-1190. Internet E-mail: beck.erik@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: This document concerns Bay Area Air Quality Management District (BAAQMD) rules submitted to EPA by the California Air Resources Board (CARB). The titles and numbers of these rules are listed below along with their adoption and submission dates.

Number	Title	Adoption	Submittal
8-1	General Provisions	6/15/94	9/28/94
8-2	Miscellaneous Operations	6/15/94	9/28/94
8-4	General Surface Coating and Solvent Operations	6/01/94	9/28/94
8-7	Gasoline Dispensing Facilities	6/01/94	9/28/94
8-12	Paper, Fabric, and Film Coating	6/15/94	9/28/94
8-15	Emulsified and Liquid Asphalts	6/01/94	9/28/94
8-20	Graphic Arts Printing and Coating Operations	6/15/94	9/28/94
8-24	Pharmaceutical and Cosmetic Manufacturing Operations	6/15/94	9/28/94
8-30	Semiconductor Manufacturing Operations	6/15/94	9/28/94
8-31	Surface Coating of Plastic Parts and Products	6/01/94	9/28/94
8-32	Wood Products Coating	7/06/94	9/28/94
8-34	Solid Waste Disposal Sites	6/15/94	9/28/94
8-35	Ink, Coating, and Adhesive Manufacturing	6/15/94	9/28/94
8-40	Aeration of Contaminated Soil and Removal of Underground Storage Tanks	6/15/94	9/28/94
8-41	Vegetable Oil Manufacturing Operations	6/01/94	9/28/94
8-45	Mobile Vehicle and Mobile Equipment Coating Operations	11/02/94	12/22/94
8-49	Aerosol Paint Products	8/21/92	9/14/92

For further information, please see the information provided in the Direct Final action which is located in the Rules Section of this **Federal Register**.

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

Dated: March 3, 1995.

David P. Howekamp,
Acting Regional Administrator.

[FR Doc. 95-7009 Filed 3-21-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 70

[UT-001; FRL-5176-6]

Clean Air Act Proposed Full Approval of Operating Permits Program; Approval of Construction Permit Program Under Section 112(l); State of Utah

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed full approval.

SUMMARY: The EPA proposes full approval of the Operating Permits Program submitted by the State of Utah for the purpose of complying with Federal requirements for an approvable State program to issue operating permits to all major stationary sources, and to certain other sources. EPA also proposes approval of the Utah Construction Permit Program under section 112(l) of the Clean Air Act for the purpose of creating Federally enforceable permit conditions for sources of hazardous air pollutants listed pursuant to section 112(b) of the Clean Air Act.

DATES: Comments on this proposed action must be received in writing by April 21, 1995.

ADDRESSES: Comments should be addressed to the contact indicated below. Copies of the State's submittal and other supporting information used in developing these proposed approvals are available for inspection during

normal business hours at the following location: U.S. Environmental Protection Agency, Region 8, 999 18th Street, suite 500, Denver, Colorado 80202.

FOR FURTHER INFORMATION CONTACT: Laura Farris, 8ART-AP, U.S. Environmental Protection Agency, Region 8, Air Programs Branch, 999 18th Street, suite 500, Denver, Colorado 80202, (303) 294-7539.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

A. Introduction

As required under title V of the 1990 Clean Air Act Amendments (sections 501-507 of the Clean Air Act ("the Act")), 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 (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 1 year after receiving the submittal. The EPA's program review occurs pursuant to section 502 of the Act and the part 70 regulations, which together 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 2 years. If EPA has not fully approved a program by 2 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 State Submission

1. Support Materials

The Governor of Utah submitted the State of Utah Title V Operating Permit Program (PROGRAM) to EPA on April 14, 1994. EPA deemed the PROGRAM administratively and technically complete in a letter to the Governor dated May 12, 1994. Additional documentation for the PROGRAM submittal was received on August 25, 1994. The PROGRAM submittal includes a legal opinion from the Attorney General of Utah stating that the laws of the State provide adequate legal authority to carry out all aspects of the PROGRAM, and a description of how the State intends to implement the PROGRAM. The submittal additionally contains evidence of proper adoption of the PROGRAM regulations and a permit fee demonstration.

2. Regulations and Program Implementation

The Utah PROGRAM, including the operating permit regulation (Utah Administrative Code Rule R307-15, Operating Permit Requirements), meets the requirements of 40 CFR parts 70.2 and 70.3 with respect to applicability; parts 70.4, 70.5, and 70.6 with respect to permit content including operational flexibility; part 70.5 with respect to complete application forms and criteria which define insignificant activities; part 70.7 with respect to public participation and minor permit modifications; and part 70.11 with

respect to requirements for enforcement authority.

R307-15-3 contains the PROGRAM definitions. EPA is aware that other Utah regulations may contain similar, but not identical, definitions as those contained in R307-15-3. For purposes of this PROGRAM approval, EPA wishes to clarify that the binding definitions are those contained in R307-15-3.

R307-15-5(5) of the State's permitting regulation lists the insignificant activities that sources do not have to include in their operating permit application. This list includes specific activities and sources which are considered to be insignificant. This provision states that the source's application may not omit information needed to determine applicable requirements or to evaluate the fee amount required.

Utah has the authority to issue a variance from requirements imposed by State law. Section 16-2-113, Utah Code Ann., provides that any person may apply to the board for a variance from its rules. The board may grant the requested variance. "if it determines that the hardship imposed by compliance would outweigh the benefit to the public." This authority is limited by regulation: Utah Administrative Code section R307-1-2.3 provides that the board may grant variances to the extent provided under law, unless prohibited by the Act. Other statutory provisions of State law require that the operating permit program must meet the requirements of title V of the Act. See, section 19-2-104(1)(f) and 19-1-109.1 (c)-(d), Utah Code Ann.

In addition to these limitations, EPA regards Utah's variance provision as wholly external to the PROGRAM submitted for approval under part 70, and consequently is proposing to take no action on this provision of State law. EPA has no authority to approve provisions of State law, such as the variance provision referred to, which are inconsistent with part 70. EPA does not recognize the ability of a permitting authority to grant relief from the duty to comply with a Federally enforceable part 70 permit, except where such relief is granted through procedures allowed by part 70. If the State uses its variance provision strictly to establish a compliance schedule for a source that will be incorporated into a title V permit, then EPA would consider this an acceptable use of a variance provision. However, the routine process for establishing a compliance schedule is through appropriate enforcement action. EPA reserves the right to enforce the terms of the part 70 permit where the permitting authority purports to

grant relief from the duty to comply with a part 70 permit in a manner inconsistent with part 70 procedures.

Part 70 of the Federal operating permit regulation requires prompt reporting of deviations from the permit requirements. Section 70.6(a)(3)(iii)(B) of that regulation requires the permitting authority to define prompt in relation to the degree and type of deviation likely to occur and the applicable requirements. Although the permit program regulations should define prompt for purposes of administrative efficiency and clarity, an acceptable alternative is to define prompt in each individual permit. The EPA believes that prompt should generally be defined as requiring reporting within two to ten days of the deviation. Two to ten days is sufficient time in most cases to protect public health and safety as well as to provide a forewarning of potential problems. For sources with a low level of excess emissions, a longer time period may be acceptable. However, prompt reporting must be more frequent than the semiannual reporting requirement, given this is a distinct reporting obligation under section 70.6(a)(3)(iii)(A) of the Federal operating permit regulation. Where "prompt" is defined in the individual permit but not in the program regulations, EPA may veto permits that do not contain sufficiently prompt reporting of deviations. The Utah PROGRAM will define prompt reporting of deviations in each permit consistent with the degree and type of deviation likely and the applicable requirements (see subsection R307-15-6(1)(c)(iii)(B) of the Utah permitting rule). Deviations from permit requirements due to unavoidable breakdowns shall be reported according to the unavoidable breakdown provisions of the Utah Administrative Code section R307-1-4.7.

R307-15-7(4)(a)(ii) allows for emissions trading within a permitted facility where the State Implementation Plan (SIP) allows for such emissions trades without requiring a permit revision, consistent with 40 CFR 70.4(b)(12)(ii). However, the approved Utah SIP does not provide for such trading at this time.

R307-15-7(5)(a)(v) correctly allows the State to incorporate the terms of a construction permit (i.e., an "approval order") into an operating permit using the administrative permit amendment process. This process will be available when a source requests enhanced procedures in the issuance of its construction permit that are "substantially equivalent" to the operating permit issuance or

modification procedures. "Substantial equivalence" between the construction permit and operating permit issuance procedures necessarily includes, among other things, public and affected state review as well as EPA's 45-day review period and veto authority.

Comments noting deficiencies in the Utah PROGRAM were sent to the State in a letter dated October 28, 1994. The deficiencies were segregated into those that require corrective action prior to interim PROGRAM approval, and those that require corrective action prior to full PROGRAM approval. In a letter dated November 30, 1994, the State committed to complete the corrective actions required for interim PROGRAM approval. The Utah Air Quality Board adopted amendments to R307-15 on February 23, 1995 which adequately addressed all deficiencies identified in the PROGRAM regulations. A letter from the Attorney General's office dated February 27, 1995 transmitted these regulation changes, which become effective April 15, 1995. The changes that addressed the deficiencies in the PROGRAM summary were transmitted to EPA by the State in a letter dated February 28, 1995.

Refer to the Technical Support Document accompanying this rulemaking for a detailed explanation of each PROGRAM deficiency and the corrective actions completed by the State.

3. Permit Fee Demonstration

The State of Utah established an initial fee for regulated air pollutants below the presumptive minimum set in title V, section 502 and part 70, and was required to submit a detailed permit fee demonstration as part of its PROGRAM submittal. The basis of this fee demonstration included a workload analysis, which estimated the annual cost of running the PROGRAM in fiscal year (FY) 1995 to be \$2,386,895 based on the estimated direct and indirect costs of the PROGRAM, and a projected emission inventory for fiscal year 1995. The permit fee established for FY 1995 is \$21.70 per ton of actual emissions of a regulated pollutant, with an emissions cap of 4,000 tons per year per pollutant. This fee structure will be reevaluated each year. After careful review, the State of Utah has determined that these fees would support the Utah PROGRAM costs as required by section 70.9(a) of the Federal operating permit regulation. Upon review of this demonstration, the EPA noted the following concern: State law generally provides authority to assess and collect annual permit fees in an amount sufficient to cover all reasonable direct and indirect costs of

the program. However, section A.1 of the PROGRAM description found in volume 1, part II.A., of the State's title V submittal indicates that the Utah Legislature must authorize permit fees on a yearly basis. If permit fees sufficient to fund all the costs of the PROGRAM are not authorized, and the State is not able to fully implement the PROGRAM, then EPA would be required to disapprove or withdraw the part 70 program, impose sanctions, and implement a Federal permitting program.

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

a. Authority and/or Commitments for Section 112 Implementation. Utah has demonstrated in its PROGRAM submittal adequate legal authority to implement and enforce all section 112 requirements through the title V permit. This legal authority is contained in Utah's enabling legislation and in regulatory provisions defining "applicable requirements" and stating that the permit must incorporate all applicable requirements. EPA has determined that this legal authority is sufficient to allow Utah to issue permits that assure compliance with all section 112 requirements, and to carry out all section 112 activities. For further rationale on this interpretation, please refer to the Technical Support Document accompanying this rulemaking and the April 13, 1993 guidance memorandum titled "Title V Program Approval Criteria for Section 112 Activities," signed by John Seitz, Director of the Office of Air Quality Planning and Standards.

b. Implementation of Section 112(g). On February 14, 1995 EPA published an interpretive notice (see 60 FR 8333) that postpones the effective date of section 112(g) until after EPA has promulgated a rule addressing that provision. 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), Utah must be able to implement section 112(g) during the period between promulgation of the Federal section 112(g) rule and adoption of implementing State regulations. EPA believes that Utah can utilize its construction review program to serve as a procedural vehicle for implementing

section 112(g) and making these requirements Federally enforceable between promulgation of the Federal section 112(g) rule and adoption of implementing State regulations. For this reason, EPA is proposing to approve Utah's construction permitting program found in section R307-1-3 of the State's regulations under the authority of title V and part 70 solely for the purpose of implementing section 112(g) during the transition period to meet the requirements of section 112(g). Since the approval would be for the single purpose of providing a mechanism to implement section 112(g) during the transition period, the approval would be without effect if EPA decides in the final section 112(g) rule that sources are not subject to the requirements of the rule until State regulations are adopted. Also, since the approval would be for the limited purpose of allowing the State sufficient time to adopt regulations, EPA proposes to limit the duration of the approval to 12 months following promulgation by EPA of its section 112(g) rule. Utah's construction permitting program allows permit requirements to be established for all air contaminants (which is defined in R307-1-1 of the Utah Administrative Code and includes all of the hazardous air pollutants (HAPs) listed in section 112(b) of the Act).

c. Program for Straight Delegation of Section 112 Standards. Requirements for approval, specified in 40 CFR § 70.4(b), encompass section 112(l)(5) requirements for approval of a program for delegation of the provisions of 40 CFR part 63, Subpart A, and section 112 standards promulgated by EPA as they apply to part 70 sources, as well as non-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, EPA is also proposing to grant approval under section 112(l)(5) and 40 CFR part 63.91 of the State's program for receiving delegation of section 112 standards that are unchanged from the Federal standards as promulgated. Utah has informed EPA that it intends to accept delegation of section 112 standards through incorporation by reference. This program applies to both existing and future standards.

The radionuclide national emission standard for HAPs (NESHAP) is a section 112 regulation and an applicable requirement under the State PROGRAM. Currently the State of Utah has no part 70 sources which emit radionuclides. However, sources which are not currently part 70 sources may be

defined as major and become part 70 sources under forthcoming Federal radionuclide regulations. In that event, the State will be responsible for issuing part 70 permits to those sources.

d. Approval of Construction Permit Program Under Section 112(l). Also in this action, EPA is proposing to approve Utah's construction permit program in R307-1-3.1 of the State's regulations under the authority provided in section 112(l) of the amended Act for the purpose of creating Federally enforceable permit conditions for sources of HAPs listed pursuant to section 112(b) of the Act. The State's construction permitting rules referenced above were approved by EPA as part of the SIP on February 19, 1980 (45 FR 10761-10765). Approval of the State's construction permit program under section 112(l) is necessary to allow the State to create Federally enforceable limits on the potential to emit of HAPs, because SIP approval of the State's construction permit rules only extends to the control of HAPs which are photochemically reactive organic compounds or particulate matter. Federally enforceable limits on photochemically reactive organic compounds or particulate matter may have the incidental effect of limiting certain HAPs. As a legal matter, no additional program approval by the EPA is required in order for those "criteria" pollutant limits to be recognized as Federally enforceable. However, section 112 of the Act provides the underlying authority for controlling all HAP emissions.

The State's construction permit program applies to new and modified sources which would emit "air contaminants," which is defined in the State's rules as "any particulate matter or any gas, vapor, suspended solid or any combination of them, excluding steam and water vapors." The State has defined "air contaminant" in such a broad manner that it includes HAPs. Consequently, the State's construction permit program provides authority for the State to issue construction permits to sources of HAPs.

The criteria used in approving Utah's construction permit program in the SIP are located in 40 CFR 51.160-164. As detailed in the Technical Support Document accompanying this notice, EPA believes the State's construction permit program meets the requirements of 40 CFR 51.160-164. EPA believes the most significant criteria in 40 CFR Part 51 for creating Federally enforceable limits through construction permits are those in 40 CFR 51.160-162. Further, as discussed in EPA's January 25, 1995 memorandum from John S. Seitz,

Director of the Office of Air Quality Planning and Standards, and Robert I. Van Heuvelen, Director of the Office of Regulatory Enforcement, entitled "Options for Limiting the Potential to Emit of a Stationary Source Under Section 112 and Title V of the Clean Air Act," in order for EPA to consider any construction permit terms Federally enforceable, such permit conditions must be enforceable as a practical matter. Utah's program will allow the State to issue permits that are enforceable as a practical matter. Thus, any permits issued in accordance with the Utah program and which are practically enforceable would be considered Federally enforceable.

In addition to meeting the criteria discussed above, a construction permit program for HAPs must meet the statutory criteria for approval under section 112(l)(5) of the Act. This section allows EPA to approve a program only if it: (1) Contains adequate authority to assure compliance with any section 112 standards or requirements; (2) provides for adequate resources to implement the program; (3) provides for an expeditious schedule for assuring compliance with section 112 requirements; and (4) is otherwise likely to satisfy the objectives of the Act.

The EPA plans to codify the approval criteria for programs limiting the potential to emit of HAPs through amendments to Subpart E of 40 CFR part 63, the regulations promulgated to implement section 112(l) of the Act. EPA believes it has the authority under section 112(l) to approve programs to limit potential to emit HAPs directly under section 112(l) prior to this revision to Subpart E of 40 CFR part 63. Given the timing problems posed by impending deadlines under section 112 and title V, EPA believes it is reasonable to read section 112(l) to allow for approval of programs to limit potential to emit prior to issuance of a rule specifically addressing this issue. The EPA is therefore proposing approval of Utah's construction permit program to limit the potential to emit of HAPs now, so that the State may begin to issue Federally enforceable synthetic minor permits as soon as possible. The EPA also plans to codify programs approved under section 112(l) without further rulemaking once the revisions to Subpart E are promulgated.

As discussed above, Utah's construction permit program in R307-1-3.1 has already been approved in the SIP, and it satisfies the criteria for such programs, including the relevant criteria related to creating Federally enforceable limits in 40 CFR 51.160-162. In addition, Utah's construction permit

program meets the statutory criteria for approval under section 112(l)(5), as follows:

Regarding the statutory criteria of section 112(l)(5) referred to above, EPA believes Utah's construction permit program contains adequate authority to assure compliance with section 112 requirements because the State's program does not provide for the waiver of any section 112 requirement. Sources that become minor through a permit issued pursuant to the State's construction permit program would still be required to meet section 112 requirements applicable to non-major sources.

Regarding the requirement for adequate resources, the State has committed in its SIP to provide adequate resources for all program activities required by the annual State/EPA agreement, which includes construction permitting. Thus, EPA believes the State has adequate resources to support the construction permit program for HAPs, and EPA will monitor the State's implementation of the program to assure that adequate resources continue to be available.

The EPA also believes that the State's rules provide for an expeditious schedule for assuring compliance with section 112 requirements. A source seeking a voluntary limit on its potential to emit is probably doing so to avoid a Federal requirement applicable on a particular date. Nothing in the State's program would allow a source to avoid or delay compliance with the Federal requirement if it fails to obtain the appropriate Federally enforceable limit by the relevant deadline.

Finally, EPA believes it is consistent with the intent of section 112 of the Act for States to provide a mechanism through which sources may avoid classification as a major source by obtaining a Federally enforceable limit on potential to emit.

Accordingly, EPA believes that Utah's construction permit program in R307-1-3.1 of its air quality regulations satisfies the applicable criteria for establishing Federally enforceable limitations for sources of HAPs. Therefore, EPA is proposing approval of Utah's construction permit program in R307-1-3 of the State's rules under section 112(l) of the Act.

Refer to the Technical Support Document accompanying this rulemaking for a detailed explanation of this approval under section 112(l) of the Act.

e. Program for Implementing Title IV of the Act. Utah's PROGRAM contains adequate authority to issue permits which reflect the requirements of Title

IV of the Act, and Utah commits to adopt the rules and requirements promulgated by EPA to implement an acid rain program through the title V permit.

B. Proposed Action

EPA is proposing full approval of the operating permits program submitted to EPA by the State of Utah on April 14, 1994. Among other things, Utah has demonstrated that the PROGRAM will be adequate to meet the minimum elements of a State operating permits program as specified in 40 CFR part 70. EPA also proposes approval of the Utah Construction Permit Program found in section R307-1-3 of the State's regulations under section 112(l) of the Act for the purpose of creating Federally enforceable permit conditions for sources of hazardous air pollutants listed pursuant to section 112(b) of the Act, and, under the authority of title V and 40 CFR part 70, for the purpose of providing a mechanism to implement section 112(g) of the Act during any transition period between EPA's promulgation of a section 112(g) rule and adoption by the State of rules to implement section 112(g).

In Utah's part 70 program submission, the State indicated that it is not seeking approval from EPA to administer the State's part 70 PROGRAM within the exterior boundaries of Indian Reservations in Utah. In this notice, EPA proposes to approve Utah's part 70 PROGRAM for all areas within the State except the following: lands within the exterior boundaries of Indian Reservations (including the Uintah and Ouray, Skull Valley, Paiute, Navajo, Goshute, White Mesa, and Northwestern Shoshoni Indian Reservations) and any other areas which are "Indian Country" within the meaning of 18 U.S.C. 1151 (excepted areas).

In proposing not to extend the scope of Utah's part 70 PROGRAM to sources located in the excepted areas, EPA is not making a determination that the State either has adequate jurisdiction or lacks jurisdiction over such sources. Should the State of Utah choose to seek program approval within these areas, it may do so without prejudice. Before EPA would approve the State's part 70 PROGRAM for any portion of the excepted areas, EPA would have to be satisfied that the State has authority, either pursuant to explicit Congressional authorization or applicable principles of Federal Indian law, to enforce its laws against existing and potential pollution sources within any geographical area for which it seeks program approval and that such approval would constitute sound administrative practice.

Requirements for approval, specified in 40 CFR 70.4(b), encompass section 112(l)(5) requirements for approval of a program 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, EPA is also proposing to grant approval under section 112(l)(5) and 40 CFR part 63.91 of the State's program for receiving delegation of section 112 standards that are unchanged from Federal standards as promulgated. This program for delegations applies to sources covered by the part 70 program, as well as non-part 70 sources.

III. Administrative Requirements

A. Request for Public Comments

The EPA is requesting comments on all aspects of this proposed full approval. Copies of the State's submittal and other information relied upon for the proposed title V and section 112(l) approvals 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 these proposed approvals. The principal purposes of the docket are:

- (1) to allow interested parties a means to identify and locate documents so that they can effectively participate in the approval process, and
- (2) to serve as the record in case of judicial review. The EPA will consider any comments received by April 21, 1995.

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 and section 112(l) 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 and the creation of Federally enforceable permit conditions for sources of hazardous air pollutants listed pursuant to section 112(b) of the Act. Because this action does not impose any new requirements, it does not have a significant impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 70

Environmental protection,
Administrative practice and procedure,

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

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

Dated: March 14, 1995.

William P. Yellowtail,

Regional Administrator.

[FR Doc. 95-7063 Filed 3-21-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 180

[PP 3E4241/P607; FRL-4941-1]

RIN 2070-AC18

Imazethapyr; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to establish tolerances with regional registration for the sum of the residues of the herbicide imazethapyr, as its ammonium salt, and its metabolite in or on the raw agricultural commodities lettuce and endive. The Interregional Research Project No. 4 (IR-4) requested this proposed regulation.

DATES: Comments, identified by the document control number, [PP 3E4241/P607], must be received on or before April 21, 1995.

ADDRESSES: By mail, submit written comments to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Hoyt L. Jamerson, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection