

MONTHLY RATE OF SUBSISTENCE ALLOWANCE—Continued

Type of program	No dependents	One dependent	Two dependents	Add'l amount for each dependent over two
Improvement of rehabilitation potential:				
Full-time only .....	374.93	465.08	548.05	39.95
3/4 time .....	281.71	349.32	409.76	30.73
1/2 time .....	188.49	233.56	274.54	20.49
1/4 time <sup>3</sup> .....	94.24	116.78	137.27	10.24

<sup>1</sup> For measurement of rate of pursuit, see §§ 21.4270 through 21.4275.

<sup>2</sup> For on-job training, subsistence allowance may not exceed the difference between the monthly training wage, not including overtime, and the entrance journeyman wage for the veteran's objective.

<sup>3</sup> The quarter-time rate may be paid only during extended evaluation. (Authority: 38 U.S.C. 3108; Pub. L. 102-568)

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**  
 [CA 43-3-6704; FRL-5138-5]

**Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Santa Barbara County Air Pollution Control District**

**AGENCY:** Environmental Protection Agency (EPA).  
**ACTION:** Final rule.

**SUMMARY:** EPA is finalizing the approval of revisions to the California State Implementation Plan (SIP) proposed in the **Federal Register** on August 11, 1994. The revisions concern a rule from the Santa Barbara County Air Pollution Control District (SBCAPCD). This approval action will incorporate this rule into the federally approved SIP. The intended effect of approving this rule is to regulate emissions of volatile organic compounds (VOCs) in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). The revised rule controls VOC emissions from organic liquid loading facilities. Thus, EPA is finalizing the approval of this revision into the California SIP under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas.

**EFFECTIVE DATE:** This final rule is effective on February 23, 1995.

**ADDRESSES:** Copies of the rule and EPA's evaluation report for the rule are available for public inspection at EPA's Region IX office during normal business

hours. Copies of the submitted rule are available for inspection at the following locations:

Rulemaking Section (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105

Environmental Protection Agency, Air Docket (6102), 401 "M" Street, SW., Washington, DC 20460

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95814

Santa Barbara County Air Pollution Control District, 26 Castilian Drive, Suite B-23, Goleta, CA 93117.

**FOR FURTHER INFORMATION CONTACT:** Duane F. James, Rulemaking Section, Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901, Telephone: (415) 744-1191.

**SUPPLEMENTARY INFORMATION:**

**Background**

On August 11, 1994, in 59 FR 41263, EPA proposed to approve the following rule into the California SIP: SBCAPCD's Rule 346, "Loading of Organic Cargo Vessels" (the NPRM). Rule 346 was adopted by the SBCAPCD on October 13, 1992. The rule was submitted by the California Air Resources Board to EPA on January 11, 1993, and was submitted in response to EPA's 1988 SIP-Call and the CAA section 182(a)(2)(A) requirement that nonattainment areas fix their reasonably available control technology (RACT) rules for ozone in accordance with EPA guidance that interpreted the requirements of the pre-amendment Act. A detailed discussion of the background for the above rule and nonattainment area is provided in the NPRM cited above.

EPA has evaluated the above rule for consistency with the requirements of the CAA and EPA regulations and EPA

interpretation of these requirements as expressed in the various EPA policy guidance documents referenced in the NPRM cited above. EPA has found that the rule meets the applicable EPA requirements. A detailed discussion of the rule provisions and evaluations has been provided in the NPRM and in the technical support document (TSD) available at EPA's Region IX office, dated January 28, 1994.

**Response to Public Comments**

A 30-day public comment period was provided in the NPRM. EPA received no comments on Rule 346.

**EPA Action**

EPA is finalizing this action to approve the above rule for inclusion into the California SIP. EPA is approving the submittal under section 110(k)(3) as meeting the requirements of section 110(a) and Part D of the CAA. This approval action will incorporate this rule into the federally approved SIP. The intended effect of approving this rule is to regulate emissions of VOCs in accordance with the requirements of the CAA.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

**Regulatory Process**

The OMB has exempted this action from review under Executive Order 12866.

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone,

Reporting and recordkeeping requirements, Volatile organic compounds.

**Note:** Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the Federal Register on July 1, 1982.

Dated: January 3, 1995.

**Felicia Marcus,**

*Regional Administrator.*

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

#### **PART 52—[AMENDED]**

1. The authority citation for part 52 continues to read as follows:

**Authority:** 42 U.S.C. 7401–7671q.

#### **Subpart F—California**

2. Section 52.220 is amended by adding paragraph (c)(191)(i)(B) to read as follows:

#### **§ 52.220 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*  
(191) \* \* \*  
(i) \* \* \*

(B) Santa Barbara County Air Pollution Control District.

(I) Rule 346, adopted on October 13, 1992.

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BILLING CODE 6560–50–W

#### **40 CFR Part 70**

[CO–001; FRL–5143–5]

#### **Clean Air Act Final Interim Approval of Operating Permits Program; State of Colorado**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final interim approval.

**SUMMARY:** The EPA is promulgating interim approval of the Operating Permits Program submitted by the State of Colorado 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.

**EFFECTIVE DATE:** February 23, 1995.

**ADDRESSES:** Copies of the State's submittal and other supporting information used in developing the final interim approval 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, 999 18th Street, suite 500, Denver, Colorado 80202, (303) 294–7539.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background and Purpose**

###### *A. Introduction*

Title V of the 1990 Clean Air Act Amendments (sections 501–507 of the Clean Air Act (“the Act”)), and implementing regulations at 40 Code of Federal Regulations (CFR) part 70 (part 70) require that States develop and submit operating permits 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.

On October 14, 1994, EPA published a **Federal Register** document proposing interim approval of the Operating Permits Program for the State of Colorado (PROGRAM). See 59 FR 52123. The EPA received adverse comments on this proposed interim approval, which are summarized and addressed below. In this rulemaking EPA is taking final action to promulgate interim approval of the Colorado PROGRAM.

##### **II. Final Action and Implications**

###### *A. Analysis of State Submission*

The Governor of Colorado submitted an administratively complete title V Operating Permit Program for the State of Colorado on November 5, 1993. The Colorado PROGRAM, including the operating permit regulations (part C of Regulation No. 3), substantially meets the requirements of 40 CFR 70.2 and 70.3 with respect to applicability; 40 CFR 70.4, 70.5, and 70.6 with respect to permit content including operational flexibility; 40 CFR 70.5 with respect to complete application forms and criteria which define insignificant activities; 40 CFR 70.7 with respect to public participation and minor permit modifications; and 40 CFR 70.11 with respect to requirements for enforcement authority.

Comments noting deficiencies in the Colorado PROGRAM were sent to the State in a letter dated April 8, 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. The State committed to address the deficiencies that require corrective action prior to interim PROGRAM approval in a letter dated May 12, 1994, and subsequently held a public hearing to consider and finalize these changes on August 18, 1994. EPA has reviewed these changes and has determined that they are adequate to allow for interim approval. One issue noted in the April 8th letter related to insignificant activities that requires further corrective action prior to full PROGRAM approval is discussed below in section C “Final Action.” An additional deficiency that requires corrective action prior to full PROGRAM approval regarding the implementation of section 112(r) of the Act is also discussed below in section C “Final Action.”

###### *B. Response to Comments*

The comments received on the October 14, 1994 **Federal Register** document proposing interim approval of the Colorado PROGRAM, and EPA's response to those comments, are as follows:

*Comment #1:* The commenter objected to EPA's proposed approval of Colorado's preconstruction permitting program for purposes of implementing section 112(g) of the Act during the transition period between PROGRAM approval and adoption of a State rule implementing EPA's section 112(g) regulations. The commenter argued that there is no legal basis for delegating to Colorado the section 112(g) program until EPA has promulgated a section 112(g) regulation and the State has a section 112(g) program in place. In addition, the commenter argued that the Colorado PROGRAM fails to address critical threshold questions of when an emission increase is greater than de minimis and when, if it is, it has been offset satisfactorily.

*EPA Response:* EPA disagrees with the commenter's contention that section 112(g) cannot take effect until after EPA has promulgated implementing regulations. The statutory language in section 112(g)(2) prohibits the modification, construction, or reconstruction of a hazardous air pollutant (HAP) source after the effective date of a title V program unless a Maximum Achievable Control Technology (MACT) standard (determined on a case-by-case basis, if