

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]

BILLING CODE 6560–50–P