(*2*) Rule 221, adopted December 21, 1994.

* * * * *

PART 70—[AMENDED]

1. The authority citation for part 70 continues to read as follows:

Authority: 42 U.S.C. 7401, *et seq.*

2. Appendix A to part 70 is amended by adding paragraph (q) to the entry for California to read as follows:

Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs

* * * * *

(q) *Mojave Desert AQMD* (complete submittal received on March 10, 1995); interim approval effective on March 6, 1996; interim approval expires March 5, 1998.

* * * * *

[FR Doc. 96–2247 Filed 2–2–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 70

[OK–FRL–5407–9]

Clean Air Act Final Interim Approval of Operating Permits Program; the State of Oklahoma

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final source category-limited interim approval.

SUMMARY: The EPA is promulgating source category-limited interim approval of the Operating Permits Program submitted by the Oklahoma Department of Environmental Quality (ODEQ) for the State of Oklahoma for the purpose of complying with Federal requirements for an approvable State program to issue operating permits to all major stationary sources, except any sources of air pollution over which an Indian Tribe has jurisdiction, and to certain other sources.

EFFECTIVE DATE: March 6, 1996.

ADDRESSES: Copies of the State's submittal and other supporting information used in developing this source category-limited interim approval are available for inspection during normal business hours at the following location:

U. S. Environmental Protection Agency, Region 6, Air Programs Branch (6T–AN), 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733.

Oklahoma Department of Environmental Quality, Air Quality Program, 4545 North Lincoln Blvd, Suite 250, Oklahoma City, Oklahoma 73105–3483.

Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

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

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 (CAA or ''the Act'')), and implementing regulations at 40 Code of Federal Regulations (CFR) part 70 require that States develop and submit operating permits programs to the EPA by November 15, 1993, and that the 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 together outline criteria for approval or disapproval. Where a program substantially, but not fully, meets the requirements of part 70, the EPA may grant the program interim approval for a period of up to two years. If the EPA has not fully approved a program by two years after November 15, 1993, or by the end of an interim program, it must establish and implement a Federal program.

On March 10, 1995, the EPA proposed source category-limited interim approval of the operating permits program for the State of Oklahoma. *See* 60 Federal Register (FR) 13088 (March 10, 1995). The EPA received comments on the proposal and compiled a Technical Support Document which describes the operating permits program in greater detail. In this document, the EPA is taking final action to promulgate source category-limited interim approval of the operating permits program for the State of Oklahoma.

II. Final Action and Implications

A. Analysis of State Submission

The State of Oklahoma submitted to the EPA, under a cover letter from the Governor dated January 7, 1994, the State's operating permits program. The submittal has adequately addressed all sixteen elements required for full approval as discussed in part 70, with the exception of seven interim issues listed in the proposal: (1) Revision of Subchapter 8 to incorporate the new transition schedule included in the Governor's request for source category-limited interim approval, (2) regulation revision to make the definition of ''major source'' consistent with part 70, (3) revision of the regulation to make the provisions for insignificant activities consistent with part 70, (4) revision of the regulation to make the permit content provisions consistent with part 70, (5) revision of the regulation to make the provisions regarding standing for judicial review consistent with part 70, (6) revision of the regulation to make the administrative amendments provisions consistent with part 70, and (7) submission of a State Implementation Plan (SIP) revision for Subchapter 7 consistent with Subchapter 8 and 40 CFR part 70.

The proposal noted three conditions that had to be met before the EPA could complete the approval process. The State of Oklahoma has adequately addressed each of these issues as shown below:

1. Acid Rain Incorporation by Reference

The State had not completed the rulemaking process for the acid rain rules when the proposal was sent to publication. The State of Oklahoma incorporated the acid rain rules by reference as an emergency rule signed January 5, 1995. This provision appears at Oklahoma Administrative Code (OAC) 252:100–8–6(i)(8) and became a permanent rule, due to inaction by the Legislature, on March 29, 1995.

2. Request for Source Category-Limited Interim Approval

The Governor of Oklahoma, in a letter dated May 26, 1995, requested source category-limited approval for the operating permits program. The Executive Director of the ODEQ submitted a detailed transition schedule in a letter dated January 23, 1995, for the source category-limited interim approval.

3. Supplemental Attorney General's Opinion

The State of Oklahoma provided the EPA with a supplemental Attorney General Opinion, dated June 23, 1995, which clarified the State's interpretation of the criminal liability statute. The EPA required this clarification to ensure that the criminal liability provision in the State statute would not preclude daily fines up to $10,000 for on-going violations.

The State of Oklahoma appropriately addressed all requirements necessary to receive source category-limited interim approval of the State operating permits

program pursuant to title V of the Act and 40 CFR part 70.

B. Response to Comments

Comments were received from six parties during the comment period that ran from March 10, 1995, until April 10, 1995. Several of the comments requested additional time so that comments could be made after the Air Quality Council meeting on April 18, 1995. The EPA extended the comment period until May 10, 1995, in a Federal Register document published April 26, 1995. Three additional parties submitted comments during the extension. Below is the EPA's response to comments received on the proposed source category-limited interim approval for the Oklahoma Operating Permits Program.

1. Section 112(g) Implementation

Comments were made that the EPA should reiterate its present interpretation of section 112(g) as published in the Federal Register on February 14, 1995.

The EPA concurs with the comment. The EPA proposed to approve the State's preconstruction review program for the purpose of implementing section 112(g) during the transition period before promulgation of a Federal rule implementing section 112(g). This proposal was based in part on an interpretation of the Act that would require sources to comply with section 112(g) beginning on the date of approval of the title V program, regardless whether the EPA had completed its section 112(g) rulemaking. The EPA has since revised this interpretation of the Act in a Federal Register document published on February 14, 1995, 60 FR 8333. The revised interpretation postpones the effective date of section 112(g) until after the EPA has promulgated a rule addressing that provision. The revised notice sets forth in detail the rationale for the revised interpretation.

The section 112(g) interpretive notice explains that the 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 the EPA will provide for any such additional delay in the final section 112(g) rulemaking. Unless and until the EPA provides for such an additional postponement of section 112(g), Oklahoma must be able to implement section 112(g) during the transition period between promulgation of the Federal section 112(g) rule and adoption of implementing State regulations.

For this reason, the EPA is finalizing its approval of Oklahoma's preconstruction review program. This approval clarifies that the preconstruction review program is available as a mechanism to implement section 112(g) during the transition period between promulgation of the section 112(g) rule and adoption by Oklahoma of rules established to implement section 112(g). However, since the approval is for the single purpose of providing a mechanism to implement section 112(g) during the transition period, the approval itself will be without effect if the 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. Further, the EPA is limiting the duration of this approval to 18 months following promulgation by the EPA of the section 112(g) rule.

The EPA believes that, although Oklahoma currently lacks a program designed specifically to implement section 112(g), the State's preconstruction review program will serve as an adequate implementation vehicle during a transition period because it will allow Oklahoma to select control measures that would meet the maximum achievable control technology, as defined in section 112, and incorporate these measures into a federally enforceable preconstruction permit.

2. Major Source Definition

Several comments questioned the EPA's position on the State's definition of ''major source'' because it requires the State to revise its definition to delete the non-aggregation provision for criteria pollutants at oil & gas facilities. Some of the comments cited section 112(n)(4) of the Act and interpreted the Federal statute to mean that emissions at oil and gas facilities cannot be aggregated.

The EPA does not agree with these comments. The EPA has required the State to revise the non-aggregation provision for criteria pollutants because, as written, the regulation could be interpreted to allow non-aggregation of criteria pollutants at oil and gas facilities. Section 112 of the Act applies only to hazardous air pollutants and no similar non-aggregation provision is found in title V of the Clean Air Act Amendments of 1990 for criteria pollutants at oil and gas facilities. Without this required change, the definition of ''major source'' will also be inconsistent with the definition of ''major source'' at 40 CFR 52.21 which contains the Prevention of Significant Deterioration (PSD) requirements.

3. Insignificant Activities

Several comments complained that EPA's approval of an insignificant activities list would limit State discretion. The comments also noted that the State should maintain this list as a guidance document and not as a part of the regulations. Further, comments were made that the insignificant emissions level of 10% of the permit limit or major source threshold was consistent with State law. Some of the comments noted that measurement equipment often has a 10% margin of error and that the current regulation is consistent with the limits of the equipment used. One comment suggested that the EPA complete formal rulemaking before imposing an insignificant emissions level.

The EPA does not agree with these comments. Regarding the need for prior approval by the EPA, the rule at 40 CFR 70.5(c) clearly requires the Administrator's approval of the State's insignificant activities list. Contrary to one individual's comment, even though insignificant activities are not a required element of a part 70 program, a State that opts to establish such activities must nevertheless meet certain requirements, including prior approval by the EPA. Though this list does not have to be a part of the regulations, the EPA must approve it to assure that all applicable requirements are met and that consistency among the various states is maintained. The insignificant activities list may exist as a guidance document and not as part of the State regulations, provided, of course, that this will allow for its effective implementation as a matter of State law. However, the list and any changes to the list must be submitted to the EPA for review and approval before they can be federally recognized.

The EPA plans to issue guidance addressing activities that it considers ''trivial'' in the sense that they never implicate applicable requirements. Such activities can be exempted from permit applications without the need for prior EPA approval. The State may act consistent with this guidance. However, activities that are ''insignificant'' (as opposed to ''trivial'') because they are not clearly unrelated to applicable requirements, must first be approved by the EPA.

Another element of the EPA's proposed approval was that the State eliminate the provision defining as insignificant increases in emissions less than 10 percent of a permit limit or 10

percent of the baseline potential to emit. The EPA continues to believe that defining insignificance levels relative to percentages of permitted limits or potential emissions is inappropriate, because it can result in increases being deemed insignificant that are large enough to trigger New Source Review (NSR) or other applicable requirements. In addition, use of a percentage of permit limits could be read to imply that sources may exceed those limits without incurring liability. Title V provides no authorization for this.

Several comments suggested that the State's insignificance levels should be approved because the equipment used to monitor emissions has a 10 percent margin of error. These comments misunderstand the role of insignificant activities. Insignificant activities or levels are not relevant to determining compliance with applicable requirements. The limits of verifiability for any particular emissions limits are therefore irrelevant to the EPA's approval of insignificant emissions limits.

Comments also asserted, with regard to the 10% levels discussed above, that these limits are additive to the 1 pound per hour (lb/hr) limits established for individual emissions units, and serve to limit the accumulation of exempted emissions units across an entire facility. While the establishment of ''tiered'' insignificance levels at the emissions unit and facility-wide level could be approvable (provided the levels were acceptable), the EPA does not read the State's rule to effect this result. Section 252:100–8–3(e)(3) defines as insignificant, ''in addition'' to units qualifying under 252:100–8–3(e) (1) or (2), any ''individual or combination of air emissions sources'' that is below the 10 percent levels. This provision might be redrafted to make clear that the 10 percent level does not supersede the 1 lb/hr and de minimis levels for individual emissions units. However, the EPA maintains that use of percentage levels for determining insignificant activities is inappropriate.

The EPA proposed that the 1 lb/hr level on insignificant activities for individual emissions units was excessive, and further proposed that the State could obtain full approval by changing this to a limit on potential, rather than actual emissions. One comment stated that the EPA lacks authority to reject the State's limits, and moreover cannot impose a specific emissions level except through rulemaking.

The EPA has authority under part 70 to reject insignificance levels that will interfere with the permitting authority's ability to determine and impose applicable requirements. Oklahoma has not attempted to show that the 1 lb/hr limit will not so interfere with this obligation. In the absence of such a demonstration, the EPA must exercise its judgement in light of applicable requirements. The EPA has serious concerns in this regard with the 1 lb/hr limit. The EPA agrees that it cannot impose a specific limit except through rulemaking. The EPA is stating here that it will fully approve a 1 lb/hr limit based on potential to emit. No comments objected to this. It will also approve a higher threshold if the State demonstrates that the level is in fact insignificant.

4. Permit Content Language

Some comments questioned the EPA's requirement that the State delete the phrase ''to the extent practicable'' from the regulation's requirement at OAC 252:100–8–6 that the permit include all applicable requirements. It was noted that some industries are concerned about applicable requirements which become effective after the application but before permit issuance would be included in the permit.

The EPA does not agree with these comments. The rule at 40 CFR 70.6(a)(1) requires the permit to contain emission limitations and standards, including those operational requirements and limitations that assure compliance with all applicable requirements at the time of permit issuance. Therefore, if an applicable requirement becomes effective after the application is determined complete, the draft permit must reflect the new requirement.

The EPA notes that it has proposed a revision to part 70 which would allow States flexibility in dealing with requirements promulgated near permit issuance. *See* 59 FR 44519 (August 29, 1994). Even under this proposed approach, however, the State rule would not be fully approvable, because the phrase ''to the extent practicable'' is unbounded.

5. Administrative Amendment Language

Comments were made that it was inappropriate for the EPA to disallow less frequent monitoring than was originally in the permit via the State's administrative amendment procedure at OAC 252:100–8–7(d)(1)(C).

The EPA does not agree with these comments. Although section 70.7(d)(1)(vi) allows the EPA to approve provisions for administrative amendments similar to those specified in part 70, less frequent monitoring is not sufficiently similar. Administrative amendments are appropriate for incorporation of actions that do not require a case by case judgement. Switching to more frequent monitoring or reporting will always be more stringent, and therefore does not require case by case approval. However, switching to less frequent monitoring has the potential to adversely impact the enforceability of a requirement, and would therefore need to be reviewed on a case by case basis through a minor or significant permit modification.

Another comment noted that the proposed revisions to part 70, *see* FR 44519 (August 29, 1994), would allow changes using the Oklahoma NSR procedures that would satisfy the requirements of part 70. If the Oklahoma regulation meets the requirements of part 70 after the revision is promulgated, then the State would not be required to change the regulation.

6. Judicial Review for Oral Comments

One comment was made requesting clarification of the EPA's requirement that the State regulations assure that review is available for comments made at hearings. The comment asserted that the State's rule is consistent with general administrative law, which the individual commenting believes requires a written record of oral comments.

The EPA disagrees with this comment. Section 502(b)(6) of the Act and section 70.4(b)(3)(x) do not distinguish participation in a public comment period through oral as opposed to written comments. The requirement that Oklahoma delete the word ''written'' from OAC 252:100–8–7(j)(2)(A) was made to ensure that all comments would be covered under the judicial review provisions of subchapter 8 of the State's regulations. Though written records of comments made at public hearings are normally made in Oklahoma, removal of the word ''written'' will make the regulation clear so that judicial review is available to all those who comment.

The EPA has elsewhere found a lack of standing to be grounds for program disapproval. *See* 59 FR 62324, December 5, 1994, (Virginia). The standing deficiency in the Virginia title V program is considerably more far-reaching than that noted here. Regarding the need for written comments, citizens wishing to comment on permits in Oklahoma, if they are aware of the provision at issue, may reduce their comments to writing so as to avoid the potential bar to judicial review. The bar to standing in the Virginia program is not so easily avoided.

Oklahoma's other judicial review deficiency is that the State's regulations

are unclear as to whether judicial review is available for minor modifications and administrative amendments. The EPA is requiring the State to clarify that such review is available.

The seriousness of the deficiencies regarding judicial review in Oklahoma is minor relative to those identified for Virginia, and so does not merit full disapproval. In addition, Oklahoma has not indicated any reluctance to change its rules as necessary to obtain full approval on these issues. Therefore, the EPA is granting interim approval for the Oklahoma program.

7. Variance Provisions

A comment was made objecting to the EPA's position that variance provisions under State statute may not apply to title V permits unless title V processes are followed.

The EPA does not agree with this comment. As discussed in the proposed notice, the EPA recognizes the State's statutory authority to grant variances as a matter of State law. However, 40 CFR part 70 does not allow States to grant variances from title V requirements. The EPA recognizes that title V permits may include compliance schedules for sources which are out of compliance with applicable requirements. However, such measures to bring a source into compliance are not the same as variances, which normally provide a complete exemption from a requirement. The EPA also recognizes that Oklahoma may exercise enforcement discretion when addressing permit violations, but this, likewise, is not analogous to the issuance of variances.

8. Fee Demonstration

One comment was received in support of the proposed annual fee of $15.19 per ton. No adverse comments were received on the proposed fee. The EPA has concluded that the fee proposed in the workload analysis and fee demonstration of $15.19 per ton per year will be adequate to fund the title V program in the State of Oklahoma. The EPA will, as part of its oversight role, review the program periodically to ensure that adequate funding is maintained.

9. Phased Application Schedule

Several comments requested that the State of Oklahoma utilize a phased application schedule during the transition period.

The EPA concurs with these comments. The State has, under the signature of the Governor, requested source category-limited interim approval. This form of approval provides a one-year time period for the submission of applications to be permitted during the two year interim approval period. Then, the State has another one-year time period for the submission of all other applications to be permitted during the first three years of full approval. In this way, all sources will be permitted within five years after approval with the sources submitting applications in two phases.

C. Final Action

The EPA is promulgating source category-limited interim approval of the operating permits program submitted by the State of Oklahoma on January 12, 1994. The State must make the following changes to receive full approval:

1. Revise Subchapter 8 To Include Transition Schedule

The State must revise subchapter 8 to reflect a transition schedule providing for permitting certain sources during the two year interim approval period and then permitting all other sources during the first three years of full approval. This revision was signed by the Governor as an emergency and permanent rule on November 4, 1995. During the interim approval period the State will submit the revised regulation as part of the corrected program.

2. Revise Subchapter 8 Definition of ''Major Source''

The language at OAC 252:100–8–2 must be revised to clarify that for criteria pollutants, units cannot be considered separately at a facility when determining a source is major.

3. Revise Subchapter 8 Insignificant Activities Provisions

The State must revise OAC 252:100–8–3(e) to reflect an insignificant emissions level of 1 lb/hr of operation, based on potential to emit, or such other level as the State may demonstrate is insignificant with respect to applicable requirements.

4. Revise Subchapter 8 Permit Content Language

The language at OAC 252:100–8–6(a) must be revised to delete the phrase, ''to the extent practicable.''

5. Revise Subchapter 8 Judicial Review Provisions

The language at OAC 252:100–8–7(j) must be revised to provide judicial review for comments made during public review and provide judicial review for all final permit actions.

6. Revise Subchapter 8 Administrative Amendment Provisions

The language at OAC 252:100–8–7(d) must be revised to delete the phrase ''or less'' from subpart (1)(d) and be amended to define the term ''Enhanced NSR procedures'' consistent with part 70.

7. Submission of a SIP Revision for Subchapter 7

The State must revise subchapter 7 consistent with subchapter 8 and 40 CFR part 70. This revised regulation must be submitted as a SIP revision within 18 months after interim approval is granted to ensure consistency between the SIP and title V for major sources.

The scope of the Oklahoma part 70 program approved in this notice applies to all part 70 sources (as defined in the approved program) within the State of Oklahoma, except any sources of air pollution over which an Indian Tribe has jurisdiction. *See, e.g.*, 59 FR 55813, 55815–18 (November 9, 1994). The term ''Indian Tribe'' is defined under the Act as ''any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village, which is Federally recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.'' *See* section 302(r) of the CAA; *see also* 59 FR 43956, 43962 (August 25, 1994); 58 FR 54364 (October 21, 1993).

This interim approval, which may not be renewed, extends until March 5, 1998. During this interim approval period, the State of Oklahoma is protected from sanctions, and the EPA is not obligated to promulgate, administer, and enforce a Federal operating permits program in the State of Oklahoma. Permits issued under a program with source category-limited interim approval have full standing with respect to part 70, and the one year time period for submittal of permit applications by subject sources begins upon the effective date of this interim approval. The State will issue permits to these sources during the interim approval period and then have an additional one year time period for application submittal of all remaining sources. The State will issue permits to all remaining sources during the first three years after full approval.

If Oklahoma fails to submit a complete corrective program for full approval by September 5, 1997, the EPA will start an 18-month clock for mandatory sanctions. If Oklahoma then fails to submit a corrective program that the EPA finds complete before the

expiration of that 18-month period, the EPA will apply sanctions as required by section 502(d)(2) of the Act, which will remain in effect until the EPA determines that the State of Oklahoma has corrected the deficiency by submitting a complete corrective program.

If the EPA disapproves Oklahoma's complete corrective program, the EPA will apply sanctions as required by section 502(d)(2) on the date 18 months after the effective date of the disapproval, unless prior to that date Oklahoma has submitted a revised program and the EPA has determined that it corrected the deficiencies that prompted the disapproval.

In addition, discretionary sanctions may be applied where warranted any time after the expiration of an interim approval period if the State of Oklahoma has not timely submitted a complete corrective program or the EPA has disapproved its submitted corrective program. Moreover, if the EPA has not granted full approval to the Oklahoma program by the expiration of this interim approval and that expiration occurs after November 15, 1995, the EPA must promulgate, administer and enforce a Federal permits program for the State of Oklahoma upon interim approval expiration.

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 the 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 also promulgating approval under section 112(l)(5) and 40 CFR 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 only applies to sources covered by the part 70 program.

III. Administrative Requirements

A. Docket

Copies of the State's submittal and other information relied upon for the final source category-limited interim approval, including the thirteen public comment letters received and reviewed by the EPA on the proposal, are contained in docket number OPP–6–9–1 maintained at the EPA Regional Office. The docket is an organized and complete file of all the information submitted to, or otherwise considered by, the EPA in the development of this final source category-limited interim approval. 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

The 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.

D. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, the EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under Section 205, the EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires the EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The EPA has determined that the approval action promulgated today does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves preexisting requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

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.

Dated: January 11, 1996.

Jane N. Saginaw,

Regional Administrator (6A).

Part 70, title 40 of the Code of Federal Regulations is amended as follows:

PART 70—[AMENDED]

1. The authority citation for part 70 continues to read as follows:

Authority: 42 U.S.C. 7401, et seq.

2. Appendix A to part 70 is amended by adding the entry for the State of Oklahoma in alphabetical order to read as follows:

Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs

* * * * *

Oklahoma

(a) The Oklahoma Department of Environmental Quality submitted its operating permits program on January 12, 1994, for approval. Source category—limited interim approval is effective on March 6, 1996. Interim approval will expire March 5, 1998. The scope of the approval of the Oklahoma part 70 program excludes all sources of air pollution over which an Indian Tribe has jurisdiction.

(b) Reserved

* * * * *

[FR Doc. 96–2358 Filed 2–2–96; 8:45 am]

BILLING CODE 6560–50–P

---

40 CFR Part 282

[FRL–5331–9]

Underground Storage Tank Program: Approved State Program for Georgia

AGENCY: Environmental Protection Agency (EPA).

ACTION: Immediate final rule.

SUMMARY: The Resource Conservation and Recovery Act of 1976, as amended (RCRA), authorizes the U.S. Environmental Protection Agency (EPA) to grant approval to states to operate their underground storage tank programs in lieu of the federal program. 40 CFR part 282 codifies EPA's decision to approve state programs and incorporates by reference those provisions of the state statutes and regulations that will be subject to EPA's inspection and enforcement authorities under sections 9005 and 9006 of RCRA subtitle I and other applicable statutory and regulatory provisions. This rule codifies in part 282 the prior approval of Georgia's underground storage tank program and incorporates by reference appropriate provisions of state statutes and regulations.