

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 55 and 71

[FRL -]

State and Local Jurisdictions Where A Federal Operating
Permits Program Is Effective on July 31, 1996

AGENCY: Environmental Protection Agency (EPA)

ACTION: Notice of States and local jurisdictions subject
to 40 CFR parts 55 and 71.

SUMMARY: On July 1, 1996, pursuant to title V of the
Clean Air Act (Act) as amended in 1990, EPA published a
new regulation at 61 FR 34202 (codified as 40 CFR part
71) setting forth the procedures and terms under which
the Administrator will issue operating permits to covered
stationary sources. This rule, called the "Part 71
rule," becomes effective on July 31, 1996. In general,
the primary responsibility for issuing operating permits
to sources rests with State, local, and Tribal air
agencies. However, EPA will administer a Federal
operating permits program in areas that lack an EPA-
approved or adequately administered operating permits
program and in other limited situations. The Federal
operating permits program will serve as a "safety net" to
ensure that sources of air pollution are meeting their
permitting requirements under the Act. Federally-issued

permits will meet the same title V requirements as do state-issued permits. The purpose of this notice is to provide the names of those State and local jurisdictions where a Federal operating permits program is effective on July 31, 1996.

SUPPLEMENTARY INFORMATION:

I. Background, Authority and Purpose

Title V of the Act as amended in 1990 (42 U.S.C. §§ 7661 et seq.) directs States to develop, administer, and enforce operating permits programs that comply with the requirements of title V (section 502(d)(1)). Section 502(b) of the Act requires that EPA promulgate regulations setting forth provisions under which States develop operating permits programs and submit them to EPA for approval. Pursuant to this section, EPA promulgated 40 CFR part 70 on July 21, 1992 (57 FR 32250), which specifies the minimum elements of approvable State operating permits programs.

Sections 502(d)(3) and 502(i)(4) of the Act require EPA to promulgate a Federal operating permits program when a State does not obtain approval of its program within the timeframe set by title V or when a State fails to adequately administer and enforce an approved program. The part 71 rule published on July 1, 1996 establishes a

national template for a Federal operating permits program that EPA will administer and enforce in those situations. Part 71 also establishes the procedures for issuing Federal permits to sources for which States do not have jurisdiction (e.g., Outer Continental Shelf sources outside of State jurisdictions and sources located in Indian Country over which EPA or Indian Tribes have jurisdiction). In addition, part 71 establishes the procedures to be used when EPA must take action on a permit that has been proposed or issued by an approved part 70 permitting authority but that EPA determines is not in compliance with the applicable requirements of the Act. Finally, part 71 provides for delegation of certain duties that may provide for a smoother program transition when part 70 programs are approved.

This notice makes frequent use of the term "State." This term includes a State or a local air pollution control agency that would be the permitting authority for a part 70 permit program. The term "permitting authority" can refer to State, local, or Tribal agencies and may also apply to EPA, where the Agency is the permitting authority of record.

II. Description of Action

The EPA is, by this notice, providing a list of State and local jurisdictions where EPA will assume responsibility to issue permits, effective as of July 31, 1996. Included are three U.S. territories where EPA is assuming responsibility to issue permits to major sources of hazardous air pollutants (HAP) and solid waste incinerators. The EPA has received submittals from all 56 State and Territorial Agencies and all 60 local programs. The EPA has already approved the majority of operating permits programs, including 42 State and 56 local programs. As a result, EPA expects that the impact of the Federal operating permits rule will be minimal, affecting only a few States that do not yet have approved programs in place. Moreover, EPA expects that several of the States identified in this notice will have their programs approved before significant resources would need to be expended in implementing Federal programs in those States.

The EPA has worked closely with stakeholders, including representatives from industry and environmental groups, and State and local agencies, over the past 2 years to streamline and improve the title V operating permits program. The EPA has proposed a series of

initiatives, including revisions to its part 70 operating permits rule and two important guidance documents ("White Papers"), that EPA expects will significantly streamline and simplify the process for revising operating permits and other provisions of the program, and reduce recordkeeping and reporting requirements.

The Federal operating permits rule also provides a mechanism for improving air quality management in areas in Indian Country under the jurisdiction of EPA or Indian Tribes, where tribal resources may be unavailable to implement operating permits programs.

Section 71.5(b)(1) of part 71 provides that a timely application is one that is submitted within 12 months or an earlier date after the source becomes subject to the part 71 program. Because part 71 is effective on July 31, 1996, sources are required to submit part 71 permit applications no later than July 31, 1997. Sources required to submit applications earlier than 12 months will be notified in advance by the permitting authority (whether it is EPA or a State in the case of a delegated part 71 program) and given a reasonable time to submit their applications. In no case will this notice be given

less than 180 days in advance of the deadline for submittal of the application.

III. List of States and Local Jurisdictions

Connecticut - Connecticut submitted a complete program implementing part 70 on September 28, 1995. The EPA's Region I is currently reviewing the State's program and expects to propose approval of the State's program in the near future. The reason for the delay in proposing approval of Connecticut's title V program is due to the State's innovative approach toward addressing some of the core areas of a part 70 program. Until Connecticut's program receives EPA approval, part 71 is effective in the State. Sources should continue to work with the State in developing their title V applications. Although part 71 applications are due to be submitted to the permitting authority by July 31, 1997 (and some may be due earlier if sources are informed of such by EPA, or by Connecticut if EPA delegates administration of part 71 to the State), the part 71 application deadline will be superceded by the State's part 70 application deadline if EPA finalizes approval of Connecticut's part 70 program prior to the part 71 application deadline. For further information on application due dates and details about

how to obtain and submit part 71 applications, contact Mr. Donald Dahl, U.S. Environmental Protection Agency, Air Permits Unit, Mail Code: CAP, J.F.K. Federal Building, Boston, MA 02203. Telephone: (617) 565-4298.

Maine - Maine submitted a complete program implementing part 70 on October 23, 1995. The EPA's Region I is currently reviewing the State's program and expects to propose approval in the near future. The reason for the delay in proposing approval of Maine's title V program is due to the State's implementing regulations which merge the part 70 program, new source review program, and an existing state licensing program, together into one regulation. Until Maine's program receives EPA approval, part 71 is effective in the State. If EPA is unable to approve Maine's program within a reasonable time, EPA expects that the part 71 Federal operating permits program will be delegated to Maine for implementation. Once a delegation agreement is signed, a notice announcing the delegation of a part 71 program to Maine will be published in the Federal Register and widely-circulated newspapers in the State of Maine. Under a delegation, the State will be able to use its own application forms provided EPA finds

that the State's application form substantially meets the application information requirements of part 71. Sources should continue to develop and submit their completed applications to the Maine Department of Environmental Protection. Similarly, sources should continue to expect to pay permit fees to Maine according to the State statute. Although part 71 applications are due to be submitted to the permitting authority by July 31, 1997 (and some may be due earlier if sources are informed of such by EPA, or by Maine if EPA delegates administration of part 71 to the State), the part 71 application deadline will be superceded by the State's part 70 application deadline if EPA finalizes approval of Maine's part 70 program prior to the part 71 application deadline. For further details about how to obtain and submit Maine permit applications, contact Mr. Marc Cone, Bureau of Air Quality Control, Maine Department of Environmental Protection, 17 State House Station, Augusta, Maine, 04333-0017. Telephone: (207) 287-2437. For general information regarding approval of Maine's part 70 program and the applicability and implementation of part 71 in the State, contact Mr. Donald Dahl, U.S.

Environmental Protection Agency, Air Permits Unit, Mail
Code: CAP, J.F.K. Federal Building, Boston, MA 02203.
Telephone: (617) 565-4298.

New Hampshire - New Hampshire submitted a complete program implementing part 70 on October 26, 1995. The EPA's Region I is currently reviewing the State's program and expects to propose approval in the near future. The reason for the delay in proposing approval of New Hampshire's part 70 program is due to determining the impact on the State's part 70 program from the recently adopted State legislation regarding audits. Until New Hampshire's program receives EPA approval, part 71 is effective in the State. If EPA's Region I is unable to approve New Hampshire's program within a reasonable time, EPA expects that the part 71 Federal operating permits program will be delegated to New Hampshire for implementation. Once a delegation agreement is signed, a notice announcing the delegation of a part 71 program to New Hampshire will be published in the Federal Register and widely-circulated newspapers in the State of New Hampshire. Under a delegation, the State will be able to use its own application forms provided EPA finds that the State's

application form substantially meets the application information requirements of part 71. Sources should continue to submit their applications to New Hampshire and should continue to expect to pay permit fees according to the State requirements. Although part 71 applications are due to be submitted to the permitting authority by July 31, 1997 (and some may be due earlier if sources are informed of such by EPA, or by New Hampshire if EPA delegates administration of part 71 to the State), the part 71 application deadline will be superceded by the State's part 70 application deadline if EPA finalizes approval of New Hampshire's part 70 program prior to the part 71 application deadline. For further information on New Hampshire permit applications, contact Mr. Andrew Bodnarik, New Hampshire Air Resources Division, Department of Environmental Services, 64 North Maine Street, Concord, New Hampshire 03302-2033. Telephone: (603) 271-1370. For general information regarding approval of New Hampshire's part 70 program and the applicability and implementation of part 71 in the State, contact Ms. Ida Gagnon, U.S. Environmental Protection Agency, One Congress Street, John F. Kennedy Federal

Building, Boston, MA 02203-0001. Telephone: (617) 565-3500.

Vermont - Vermont submitted a complete program implementing part 70 on April 28, 1995. The EPA's Region I proposed to grant interim approval of Vermont's title V program on May 24, 1996 (See 61 FR 26145) and expects to grant final interim approval of Vermont's program within a reasonable time. However, until Vermont's program receives EPA approval, part 71 is effective in the State. The part 71 Federal operating permits program is expected to be delegated to Vermont for implementation. Once a delegation agreement is signed, a notice announcing the delegation of a part 71 program to Vermont will be published in the Federal Register and widely-circulated newspapers in the State of Vermont. Under a delegation, the State will be able to use its own application forms provided EPA finds that the State's application form substantially meets the application information requirements of part 71. Sources should continue to submit their title V applications to the State and continue to pay permit fees to Vermont according to the State statute. Although part 71 applications are due to

be submitted to the permitting authority by July 31, 1997 (and some may be due earlier if sources are informed of such by EPA, or by Vermont if EPA delegates administration of

part 71 to the State), the part 71 application deadline will be superceded by the State's application deadline if EPA finalizes approval of Vermont's part 70 program prior to the part 71 application deadline. For further information on Vermont permit applications contact Mr. Brian Fitzgerald, Air Pollution Control Division, Agency of Natural Resources, Building 3 South, 103 South Main Street, Waterbury, VT 05676-1596. Telephone: (802) 241-3840. For general information regarding approval of Vermont's part 70 program and the applicability and implementation of part 71 in the State, contact Mr. Donald Dahl, U.S. Environmental Protection Agency, Air Permits Unit, Mail Code: CAP, J.F.K. Federal Building, Boston, MA 02203. Telephone: (617) 565-4298.

New York - New York submitted its complete part 70 permit program on June 17, 1996 and the Attorney General's Opinion on June 27, 1996. The EPA's Region II currently expects to propose approval of New York's part 70 program submittal in July 1996 and grant a final approval in

October 1996. However, until New York's program receives EPA approval, part 71 is effective in the State. If EPA's Region II is unable to approve New York's program consistent with this time schedule, EPA expects that the part 71 Federal operating permits program will be delegated to New York for implementation. Once a delegation agreement is signed, a notice announcing the delegation of a part 71 program to New York will be published in the Federal Register and widely-circulated newspapers around New York State. Sources will then utilize New York's application form (using the two-phase application approach developed by New York) and submit completed applications to the New York State Department of Environmental Conservation. Similarly, sources should continue to expect to pay permit fees to New York under the New York State Clean Air Compliance Act signed into law by the Governor on August 19, 1993. Although part 71 applications are due to be submitted to the permitting authority by July 31, 1997 (and some may be due earlier if sources are informed of such by EPA, or by New York if EPA delegates administration of part 71 to the State), the

part 71 application deadline will be superceded by the State's application deadline if EPA finalizes approval of New York's part 70 program prior to the part 71 application deadline. For further details about how to obtain and submit New York permit applications, contact Mr. John Higgins, New York State Department of Environmental Conservation, 50 Wolf Road, Albany, New York, 12233. Telephone: (518) 457-7688. For general information regarding approval of New York's part 70 program and the applicability and implementation of part 71 in the State, contact Ms. Christine Fazio, U.S. Environmental Protection Agency, 290 Broadway, 25th Floor, New York, NY 10007-1866. Telephone: (212) 637-4015.

Virginia - Virginia submitted its initial part 70 program to EPA on November 12, 1993, which it later supplemented. In a Federal Register notice published December 5, 1994 (59 Fed. Reg. 62324), EPA disapproved this program due in part to the issue of standing to challenge final permits in state court and several other issues. In early 1995 Virginia submitted amendments to its original part 70 submittal which did not address the standing issue, but which did address the other disapproval issues. Virginia

argued that its standing provisions were adequate and that it had adequately addressed all other issues, and it asked EPA to approve its amended submittal. In a Federal Register notice published on September 19, 1995 (60 Fed. Reg. 48435), EPA again proposed to disapprove Virginia's submittal, again because of the issue of standing, and also because of certain additional new issues. Virginia has informed EPA that it will revise its standing provisions to meet EPA's requirements if the Federal Courts rule that Virginia's current standing provisions are inadequate, and that it will be submitting additional amendments to its part 70 program in an attempt to correct the program's other deficiencies. Until EPA approves a part 70 program for Virginia, part 71 is effective in the State. Virginia has informed EPA that it will be requesting that EPA delegate to it the authority to implement the required part 71 program. Virginia's proposal will be that EPA adopt as part 71 regulations for Virginia all those portions of Virginia's part 70 regulations that meet applicable requirements, and that EPA then delegate to Virginia the authority to implement those regulations. The EPA will consider this proposal and expects to grant it if EPA finds that it is

appropriate to adopt Virginia's regulation as a part 71 program for the State and that Virginia is eligible to receive such a delegation. If EPA adopts Virginia's regulations as the part 71 program for Virginia, it will do so through notice and comment rulemaking in the Federal Register. Similarly, if EPA delegates the authority to implement the part 71 program to Virginia, EPA will announce the delegation in a Federal Register notice and in newspapers widely circulated in Virginia. If EPA delegates to Virginia the authority to implement a part 71 program, Virginia's sources would be required to submit their permit applications to the Virginia Department of Environmental Quality (VADEQ). In addition, sources would be required to pay title V permit fees to Virginia. Sources would submit their applications using forms supplied by the VADEQ, provided EPA finds these forms substantially meet the application information requirements of part 71. Sources are required to submit their part 71 applications to the permitting authority by July 31, 1997 (though sources may be required to submit their applications earlier if they are informed of such by EPA, or by Virginia if EPA delegates administration of part 71 to the State).

Sources should note that the part 71 application deadline will be superseded by the State's part 70 application deadline if EPA finalizes approval of Virginia's part 70 program prior to the part 71 application deadline. Those wishing to obtain copies of the VADEQ's title V application forms, to obtain information on application submittal deadlines, and/or to obtain information on permit fees may contact Mr. Robert Beasley, Virginia Department of Environmental Quality, P.O. Box 10009, Richmond, Virginia 23240-0009, telephone number (804) 698-4115. For general information regarding approval of Virginia's part 70 program and the applicability and implementation of part 71 in the State, contact Mr. Ray Chalmers, U.S. Environmental Protection Agency, 841 Chestnut Building, Philadelphia, PA 19107, telephone number (215) 566-2061.

Michigan - Michigan submitted a complete operating permits program to EPA on July 20, 1995. The EPA proposed interim approval of Michigan's part 70 program on June 24, 1996, and expects to finalize the approval as soon as possible. Several programmatic and regulatory issues have delayed EPA's rulemaking action on Michigan's program, including issues related to the State's startup,

shutdown, and malfunction regulations, environmental audit privilege and immunity law, and potential to emit exemptions. See 61 FR 32391-32398. However, until Michigan's program receives EPA approval, part 71 is effective in the State.

If EPA encounters significant delays in finalizing approval of Michigan's part 70 program, EPA intends to work with the State to delegate the part 71 program to Michigan. Such a delegation would mitigate any transition issues, such as duplicate permit application submittals and payment of fees, arising between the State permit program and the Federal part 71 program. Although part 71 applications are due to be submitted to the permitting authority by July 31, 1997 (and some may be due earlier if sources are informed of such by EPA, or by Michigan if EPA delegates administration of part 71 to the State), the part 71 application deadline will be superceded by the State's part 70 application deadline if EPA finalizes approval of Michigan's part 70 program prior to the part 71 application deadline. Any such delegation to the State will be noticed in the Federal Register, along with additional details regarding permit application and permit fee requirements. For information

regarding the status of Michigan's part 70 program approval, and the part 71 program in Michigan, contact Ms. Beth Valenziano, EPA Region 5, 77 West Jackson Boulevard (AR-18J), Chicago, IL 60604. Telephone: (312) 886-2703. E-mail: valenziano.beth@epamail.epa.gov.

Territory of American Samoa - In response to a petition from the governor of American Samoa, the EPA's Region IX expects to conditionally exempt the requirement for a title V operating permits program under section 325(a) of the Act for American Samoa. In addition, EPA expects to grant a conditional exemption from the requirement to apply for a Federal title V operating permit under part 71, except for major sources of HAP under 112 and solid waste incinerators under section 129(e), by August, 1996. The EPA proposed the conditional exemption on September 13, 1995 (60 FR 47515) in response to a claim of economic hardship and pristine air quality on the island. It contains the condition that American Samoa adopt and implement an EPA approved alternate program to permit major stationary sources and protect the National Ambient Air Quality Standards (NAAQS). Applications for major sources of HAP and solid waste incinerators under part 71 are due to be submitted to the permitting authority by

July 31, 1997. The EPA intends to use part 71 application forms for major sources of HAP and solid waste incinerators. Permit fees will be paid to the U.S. Treasury. For further information, contact Ms. Sara Bartholomew at (415) 744-1250, Operating Permits Section (A-5-2), Air and Toxics Division, U.S. EPA-Region IX, 75 Hawthorne Street, San Francisco, California 94105.

Arizona (all Agencies) - The State of Arizona (all agencies) submitted complete operating permits programs to EPA in November 1993. The EPA's Region IX proposed interim approval of the part 70 program submitted by the State of Arizona which comprises programs from the Arizona Department of Environmental Quality, the Maricopa County Environmental Services Department, the Pima County Department of Environmental Quality, and the Pinal County Air Quality Control District on July 13, 1995. See 60 FR 36083. The EPA has not yet taken final action to approve the Arizona program because of outstanding issues related to provisions for excess emissions during startups, shutdowns, malfunctions, and scheduled maintenance. In addition, the Arizona Attorney General's Office is to submit additional information to resolve other issues identified in the proposal before EPA finalizes approval

of the program. The excess emissions issue has been resolved sufficiently to move forward with final action and EPA expects to receive an addendum to the Attorney General's statement shortly. The EPA's Region IX therefore expects to finalize interim approval of the Arizona part 70 program submittal by September, 1996. Until EPA acts to approve Arizona's program, part 71 is effective in the State. Sources should continue to work with the State and its local agencies in developing their title V applications and pay permit fees to Arizona according to State requirements. Although part 71 applications are due to be submitted to the permitting authority by July 31, 1997 (and some may be due earlier if sources are informed of such by EPA, or by Arizona if EPA delegates administration of part 71 to the State), the part 71 application deadline will be superceded by the State's part 70 application deadline if EPA finalizes approval of Arizona's part 70 program prior to the part 71 application deadline. For further information regarding approval of Arizona's part 70 program and the implementation of part 71 in the State, contact Ms. Regina Spindler at (415) 744-1251, Operating Permits

Section (A-5-2), Air and Toxics Division, U.S. EPA-Region IX, 75 Hawthorne Street, San Francisco, California 94105.

Commonwealth of the Northern Mariana Islands (CNMI) - In response to a petition from the governor of CNMI, the EPA's Region IX expects to conditionally exempt the requirement for a title V operating permits program under section 325(a) of the Act for CNMI. In addition, EPA expects to grant a conditional exemption from the requirement to apply for a Federal title V operating permit under part 71, except for major sources of HAP under 112 and solid waste incinerators under 129(e), by August, 1996. The EPA proposed the conditional exemption on September 13, 1995 (60 FR 47515) in response to a claim of economic hardship and pristine air quality on the islands. It contains the condition that CNMI adopt and implement an EPA approved alternate program to permit major stationary sources and protect the National Ambient Air Quality Standards (NAAQS). Applications for major sources of HAP and solid waste incinerators under part 71 are due to be submitted to the permitting authority by July 31, 1997. The EPA intends to use part 71 application forms for major sources of HAP and solid

waste incinerators. Permit fees will be paid to the U.S. Treasury. For further information, contact Ms. Sara Bartholomew at (415) 744-1250, Operating Permits Section (A-5-2), Air and Toxics Division, U.S. EPA-Region IX, 75 Hawthorne Street, San Francisco, California 94105.

Territory of Guam - In response to a petition from the governor of Guam, the EPA's Region IX expects to conditionally exempt the requirement for a title V operating permits program under section 325(a) of the Act for Guam. In addition, EPA expects to grant a conditional exemption from the requirement to apply for a Federal title V operating permit under part 71, except for major sources of HAP under 112 and solid waste incinerators under 129(e), by August, 1996. The EPA proposed the conditional exemption on September 13, 1995 (60 FR 47515) in response to a claim of economic hardship and pristine air quality on the island. It contains the condition that Guam adopt and implement an EPA approved alternate program to permit major stationary sources and protect the National Ambient Air Quality Standards (NAAQS). Applications for major sources of HAP and solid waste incinerators under part 71 are due to be submitted to the permitting authority by July 31, 1997, except for

major perchloroethylene dry cleaning facilities, which are due by April 1, 1997. The EPA intends to use part 71 application forms for major sources of HAP and solid waste incinerators. Permit fees will be paid to the U.S. Treasury. For further information, contact Ms. Sara Bartholomew at (415) 744-1250, Operating Permits Section (A-5-2), Air and Toxics Division, U.S. EPA-Region IX, 75 Hawthorne Street, San Francisco, California 94105.

South Coast Air Quality Management District - The South Coast Air Quality Management District's (SCAQMD or District) part 70 regulation was adopted by the District's Governing Board on August 11, 1995. The EPA has not yet taken action on the South Coast program in part because the District has not submitted acceptable permit application forms. The EPA and the District have been working together to resolve issues concerning the application forms and it appears approvable forms will be submitted in the very near future. The EPA therefore expects to propose interim approval of the District's part 70 program submittal in August, 1996 and grant final interim approval as early as October, but no later than December, 1996. However, until EPA approves the District's program, part 71 is effective in the District.

If EPA is unable to approve the SCAQMD's program consistent with this time schedule, EPA expects that part 71 will be delegated to the District. Once a delegation agreement is signed, a notice announcing the delegation of a part 71 program will be published in the Federal Register and widely circulated newspapers around the District. Provided acceptable forms are developed, sources will then utilize the SCAQMD's application forms, otherwise, EPA intends to use the part 71 application form. Sources will then submit completed applications to the SCAQMD. Similarly, sources should continue to pay permit fees to the SCAQMD under the District's Regulation III - Permit Fees. Although part 71 applications are due to be submitted to the permitting authority by July 31, 1997 (and some may be due earlier if sources are informed of such by EPA, or by SCAQMD if EPA delegates administration of part 71 to the State), the part 71 application deadline will be superceded by the State's part 70 application deadline if EPA finalizes approval of SCAQMD's part 70 program prior to the part 71 application deadline. For further information on application due dates and details about how to pick up and submit applications, contact Ms. Pang Mueller, South

Coast Air Quality Management District, 21865 E. Copley Drive, Diamond Bar, California 91765-4182. Telephone: (909) 396-2433. For general information regarding approval of South Coast's part 70 program and the applicability and implementation of part 71 in the District, contact Ms. Ginger Vagenas, U.S. Environmental Protection Agency, 75 Hawthorne Street, A-5-2, San Francisco, CA 94105. Telephone: (415) 744-1252.

Alaska - The EPA received a complete permit program from Alaska on June 5, 1995. The program has not yet been granted final approval because the State requested that EPA delay action until permit program revisions could be submitted to EPA. These revisions were formally submitted to EPA on July 5, 1996 and EPA is currently reviewing them. The Agency expects to propose interim program approval in August 1996, with a final interim approval in September 1996. However, until Alaska's program receives EPA approval, part 71 is effective in the State. Although part 71 applications are due to the permitting authority by July 31, 1997 (and some may be due earlier if sources are informed of such by EPA, or by Alaska if EPA delegates administration of part 71 to the State), the

part 71 application deadline will be superceded by the State's part 70 application deadline if EPA finalizes approval of Alaska's part 70 program prior to the part 71 application deadline. For further information on application due dates and details on obtaining and submitting applications, contact Ms. Joan Cabreza, U.S. Environmental Protection Agency, Office of Air Quality, OAQ-108, 1200 Sixth Avenue, Seattle, WA 98101. Telephone: (206) 553-8505.

Idaho - The EPA received a complete permit program from Idaho on January 20, 1995. On October 27, 1995, the Agency proposed disapproval of Idaho's program and, in the alternative, interim approval if Idaho were to correct the proposed disapproval issues before EPA takes final action on Idaho's submittal. See 60 FR 54990. The State has resubmitted portions of its program in response to the proposed disapproval issues. On June 17, 1996, the Agency published a supplemental notice identifying additional audit and immunity provisions as interim approval issues and also proposed approval of the State's air toxics program under section 112(1) of the Act and delegation of the existing National Emission

Standards for Hazardous Air Pollutants. See 61 FR 30570.

The Agency expects to take final action on the Idaho program as soon as possible after the end of the 30 day public comment period on the supplemental proposal.

However, until Idaho's program receives approval, part 71 is effective in the State. Sources should continue to work directly with the State in submitting applications and paying fees according to State requirements.

Although

part 71 applications are due to the permitting authority by July 31, 1997 (and some may be due earlier if sources are informed of such by EPA, or by Idaho if EPA delegates administration of part 71 to the State), the part 71 application deadline will be superceded by the State's part 70 application deadline if EPA finalizes approval of Idaho's part 70 program prior to the part 71 application deadline. For further information, contact Ms. Joan Cabreza, U.S. Environmental Protection Agency, Office of Air Quality, OAQ-108, 1200 Sixth Avenue, Seattle, WA 98101. Telephone: (206) 553-8505.

Dated: July 29, 1996

Richard Wilson

Acting Assistant Administrator