

May 9, 2001

FACT SHEET
FINAL REVISION OF PROVISIONS FOR INTERIM APPROVAL
OF OPERATING PERMIT PROGRAMS

TODAY'S ACTION

- ! Today's action revises the Environmental Protection Agency's (EPA) operating permits regulations by removing provisions that allow the Agency to extend interim approvals of State and local operating permits programs.

- ! In 1990, Congress established an innovative program to consolidate all air pollution control requirements into single, comprehensive "operating permit." An operating permit contains all of the federally-enforceable air pollution control requirements that apply to an industrial source. EPA has worked to establish operating permit programs with every state, including 60 local programs, the District of Columbia, and two territories. Through these efforts, State and local agencies have programs in place and they have issued approximately 11,000 operating permits nationwide to industrial sources.

- ! During its initial review and approval of operating permit programs in the 1990's, EPA identified deficiencies in 98 of the state and local programs. For these 98 programs, EPA granted interim approval which meant that permits could be issued, but that the interim approval issues would be fixed in the future. Fifteen of these programs have been corrected and EPA has granted full approval. The states and EPA expect to take action by December 1, 2001 for the remaining 83 programs to correct their interim approval deficiencies.

- ! EPA has extended interim approvals of operating permits programs four times. In the last extension, EPA indicated that it would not extend interim approvals further. EPA also agreed not to further extend interim approvals as part of a settlement agreement in federal court. In today's action, EPA is removing from its regulations governing operating permits programs the provisions that allowed extending interim approvals.

BACKGROUND

- ! In 1990, Congress amended the Clean Air Act to require all states to develop operating permit programs to improve compliance with Federal air regulations by issuing a single operating permit to each major pollution source. The operating permit consolidates all Clean Air Act requirements into a single, federally-enforceable document.

- ! In 1992, EPA issued regulations outlining the minimum requirements that states must meet in their operating permit programs. The Clean Air Act required state and local agencies to submit

programs to EPA for approval. Some of the state and local programs did not fully meet, but substantially met, the requirements of EPA's operating permit regulations. EPA, therefore, granted those programs interim approval rather than full approval. For interim-approved programs, the state and local agencies could begin implementing their programs and plan to correct these deficiencies at a later time.

- ! EPA extended the deadline until December 1, 2001 for interim approved programs to be corrected and fully approved. State and local authorities must submit to EPA no later than June 1, 2001 program revisions that correct the interim approved program deficiencies in order for EPA to take final action on these programs no later than December 1, 2001. For any area without a fully approved program on December 1, 2001, EPA must begin implementation of the Federal operating permits program in that area.
- ! As part of a recent settlement agreement with the Sierra Club and New York Public Interest Research Group, EPA agreed that it would no longer extend interim approvals of programs that currently have interim approval. EPA also agreed to remove from its regulations the provisions that provided for extending interim approvals.

FOR FURTHER INFORMATION

- ! To download today's proposal from EPA's web site on the Internet, go to "Recent Actions: at the following address: <http://www.epa.gov/ttn/oarpg/>.
- ! For further information about this notice, contact Mr. Roger Powell of EPA's Office of Air Quality Planning and Standards at (919) 541-5331.
- ! For more information regarding operating permit programs, visit EPA's web site at: <http://www.epa.gov/air/oaqps/permits/index.html>.