

the Federally-approved SIP is primarily a State responsibility. However, after the regulation is Federally approved, we are authorized to take enforcement action against violators. Citizens are also offered legal recourse to address violations as described in the CAA.

What Is the Part 70 Operating Permits Program?

The CAA Amendments of 1990 require all States to develop operating permits programs that meet certain Federal criteria. In implementing this program, the States are to require certain sources of air pollution to obtain permits that contain all applicable requirements under the CAA. One purpose of the part 70 operating permits program is to improve enforcement by issuing each source a single permit that consolidates all of the applicable CAA requirements into a Federally-enforceable document. By consolidating all of the applicable requirements for a facility into one document, the source, the public, and the permitting authorities can more easily determine what CAA requirements apply and how compliance with those requirements is determined.

Sources required to obtain an operating permit under this program include "major" sources of air pollution and certain other sources specified in the CAA or in our implementing regulations. For example, all sources regulated under the acid rain program, regardless of size, must obtain permits. Examples of major sources include those that emit 100 tons per year or more of volatile organic compounds, carbon monoxide, lead, sulfur dioxide, nitrogen dioxide, or PM₁₀; those that emit 10 tons per year of any single hazardous air pollutant (HAP) (specifically listed under the CAA); or those that emit 25 tons per year or more of a combination of HAPs.

Revisions to the State and local agencies' operating permits program are also subject to public notice, comment, and our approval.

What Is Being Addressed in This Document?

The State of Iowa has requested that EPA approve as an amendment to the Iowa SIP and part 70 Operating Permits Program recently adopted revisions to its definitions rule, construction and operating permit rules, and monitoring and measurement rule. The specific rule revisions are discussed below.

Subrule 20.3(2) has been rescinded. This rule made reference to an application form to be used when applying for a variance from the open burning rules. This form is no longer

used by the department. The procedures for requesting a variance are specified in rule 21.2.

Rule 22.1, which pertains to permits required for new and existing sources, has been revised to add subparagraph 22.1(1) "c" (4). This provision clarifies the notification requirements for sources which begin construction prior to obtaining a construction permit as provided for in the rule. Subparagraph (4) requires a start construction notification within 30 days after starting construction, regardless of the permit issuance status.

Subrule 22.1(2), introductory paragraph, pertaining to exemptions, was revised to clarify that units subject to new source performance standards (NSPS), National Emission Standard for Hazardous Air Pollutants (NESHAP), and prevention of significant deterioration (PSD), for example, are not eligible for an exemption from the permitting construction rules.

Subparagraph 22.1(2) "i" was revised to clarify the exemption as it relates to hazardous air pollutants. Finally, subparagraph 22.1(2) "t" was added as a new exemption category. This subparagraph exempts containers, storage tanks, or vessels, containing fluid having a maximum true vapor pressure of less than 0.75 pounds per square inch absolute (psia).

Paragraph 22.3(3) "b" was revised to clarify the permit requirement of a source to notify the department of intended startup. This revision establishes a more specific time at which notification needs to be sent, as well as what information needs to be provided. The change also makes the department's deadline consistent with the deadlines in new source performance standards.

Rule 22.100—Definitions for title V operating permits, has been revised with respect to regulated air pollutant to clarify that only the PM₁₀ fraction of particulate matter is considered when determining if a source is a major source. It also clarifies that title V fees are not required for particulate matter (excluding PM₁₀).

Subrule 22.101(1), pertaining to sources subject to title V permits, was revised to correct an inconsistency between this rule and a reference to rule 22.102. This revision clarifies that all source categories listed in 22.102 are exempt from obtaining a title V permit.

Subrule 22.201(2), pertaining to voluntary operating permits, has been revised to clarify exemptions related to parts 60 and 63 sources.

Subrule 22.300(3), paragraphs "b" and "c," have been revised to clarify when sources would no longer be

eligible for coverage by the operating permit by rule for small sources if those sources are subject to NSPS or NESHAP.

Subrule 300(7), paragraph "c," has been revised to correct a reference to the record keeping required for emission units and emission control equipment. For clarification and consistency purposes, a revision was made which changes all of the references to "emission control units" to the term "emission control equipment."

Rule 25.1—Testing and sampling of new and existing equipment, was updated to adopt more recent Federal procedures in 40 CFR parts 60 and 75.

Further discussion and background information is contained in the technical support document prepared for this action, which is available from the EPA contact listed above.

Have the Requirements for Approval of a SIP Revision and Part 70 Program Revision Been Met?

The State submittals met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submittals also satisfied the completeness criteria of 40 CFR part 51, Appendix V. In addition, as explained above and in more detail in the technical support document which is part of this document, the revisions meet the substantive SIP requirements of the CAA, including section 110. Finally, the submittals met the substantive requirements of title V of the 1990 CAA Amendments and 40 CFR part 70.

What Action Is EPA Taking?

EPA is processing this action as a direct final action because the revisions make routine changes to the existing rules which are noncontroversial. Therefore, we do not anticipate any adverse comments.

Final Action: EPA is approving as an amendment to the Iowa SIP revisions to rules 20.3, 22.1, 22.3, 22.201, 22.300, and 25.1 pursuant to section 110. EPA is also approving rules 22.100, 22.101, 22.201, and 22.300 as a program revision to the State's part 70 Operating Permits Program pursuant to part 70.

Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001). This action merely approves