

TABLE 3.—EPA APPROVED MECKLENBURG COUNTY REGULATIONS—Continued

| State citation | Title/subject | State effective date | EPA approval date | Explanation |
|--|--|----------------------|-------------------|-------------|
| Section 1.5200 Air Quality Permits | | | | |
| 1.5212 | Applications | 07/01/96 | 06/30/03 | |
| 1.5213 | Action on Application; Issuance of Permit | 07/01/96 | 06/30/03 | |
| 1.5214 | Commencement of Operation | 07/01/96 | 06/30/03 | |
| 1.5215 | Application Processing Schedule | 07/01/96 | 06/30/03 | |
| 1.5231 | Permit Fees | 07/01/96 | 06/30/03 | |
| 1.5232 | Issuance, Revocation, and Enforcement of Permits | 07/01/96 | 06/30/03 | |
| Section 1.5300 Enforcement; Variances; Judicial Review | | | | |
| 1.5305 | Variances | 07/01/96 | 06/30/03 | |
| 1.5306 | Hearings | 07/01/96 | 06/30/03 | |
| Section 1.5600 Transportation Facility Procedures | | | | |
| 1.5604 | Public Participation | 07/01/96 | 06/30/03 | |
| 1.5607 | Application Processing Schedule | 07/01/96 | 06/30/03 | |

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ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52****[SIP NO. CO–001–0075a; FRL–7512–7]****Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Credible Evidence****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Direct final rule.

SUMMARY: EPA is taking direct final action approving a State Implementation Plan (SIP) revision submitted by the Governor of Colorado on July 31, 2002. The July 31, 2002, submittal revises Colorado Air Quality Control Commission (AQCC) Common Provisions Regulation by adding a credible evidence rule. The intended effect of this action is to make the credible evidence rule Federally enforceable. Also, the Governor's July 31, 2002, submittal contains other SIP revisions which will be addressed separately. This action is being taken under section 110 of the Clean Air Act (CAA).

DATES: This rule is effective on August 29, 2003, without further notice, unless EPA receives adverse comment by July 30, 2003. If adverse comment is

received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Written comments may be mailed to Richard R. Long, Director, Air and Radiation Program, Mailcode 8P–AR, Environmental Protection Agency (EPA), Region 8, 999 18th Street, Suite 300, Denver, Colorado, 80202. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air and Radiation Program, Environmental Protection Agency, Region 8, 999 18th Street, Suite 300, Denver, Colorado, 80202 and copies of the Incorporation by Reference material are available at the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, Room B–108 (Mail Code 6102T), 1301 Constitution Ave., NW., Washington, DC 20460. Copies of the State documents relevant to this action are available for public inspection at the Colorado Department of Public Health and Environment, Air Pollution Control Division, 4300 Cherry Creek Drive South, Denver, Colorado 80246–1530.

FOR FURTHER INFORMATION CONTACT: Laurel Dygowski, EPA, Region 8, (303) 312–6144.

SUPPLEMENTARY INFORMATION: Throughout this document, wherever “we” or “our” is used means EPA.

I. Summary of SIP Revision

Colorado has adopted a credible evidence rule (Colorado AQCC Common

Provisions Regulation, section II.I) to comply with the EPA's final rule concerning credible evidence. On February 24, 1997, EPA promulgated regulations under section 113(a) and 113(e)(1) of the CAA that gave EPA authority to use all available data to prove CAA violations (*see* 62 FR 6314–8328, February 24, 1997). The final rule requires states to include provisions in their SIPs to allow for the use of credible evidence for the purposes of submitting compliance certifications and for establishing whether or not a person has violated a standard in a SIP.

In accordance with section 110(k)(5) of the CAA, a SIP call was issued to the State of Colorado on July 7, 1994, which was later superseded by another SIP call on October 20, 1999. In the October 20, 1999, letter, from William P. Yellowtail, EPA Regional Administrator, to Bill Owens, Governor of Colorado, EPA notified the State of Colorado that their SIP was inadequate to comply with sections 110(a)(2)(A) and (C) of the CAA because the SIP could be interpreted to limit the types of credible evidence or information that may be used for determining compliance and establishing violations. In response to the SIP call, the State of Colorado adopted and submitted a new credible evidence rule, Colorado AQCC Common Provisions Regulation, section II.I, titled Compliance Certifications. EPA believes that section II.I of Colorado AQCC Common Provisions Regulation meets the requirements of 40 CFR 51.212(c) and is approving it into the SIP.