

23.1(6), "Calculation of Emission Limitations Based Upon Stack Height." This revision is consistent with the state rule which has been approved by EPA.

14. *Exemptions from Construction Permit Requirements.* Article X, 5-33(6) was changed to include certain pyrolysis cleaning furnaces in the exemption from construction permits and to specifically exclude salt bath units from the exemption. Also, Article X, 5-33(11) was changed to broaden the exemption to any storage tank with a capacity of less than 10,570 gallons and an annual throughput less than 40,000 gallons. This revision is consistent with the state rule which has been approved by EPA.

15. *Exemptions from Operating Permit Requirements.* Article X, 5-39(a)(1) was changed to include certain pyrolysis cleaning furnaces in the exemption from operating permits and to specifically exclude salt bath units from the exemption.

16. *Special Requirements for Non Attainment Areas.* The reference in Article XII, 5-58 to the "Special Requirements for Non Attainment Areas", Rule 567-22.5(455B) was updated to include any amendments or changes in the state rule through July 21, 1999. Polk County is currently in attainment for all NAAQS, so this change does not impact any sources.

The EPA is not acting on the following revisions:

1. Article I, 5-2, definition of variance: The definition of variance will not be approved in this SIP as the provisions for variances found in Article XIII are not currently a part of the EPA-approved SIP.

2. Civil Penalties. Article XVI, 5-75(b) was amended to define when separate violations exist and to add a schedule of penalties which the Health Officer shall normally request unless in the judgement of the Health Officer the offense is so minor that a lesser penalty would be appropriate. This provision will not be approved because EPA has separate authority under section 113 of the CAA to seek penalties for violations, and would apply its own policies developed under that section to determine the appropriate penalty to be sought.

#### **Have the Requirements for Approval of a SIP Revision Been Met?**

The state submittal has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submittal 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 revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

#### **What Action Is EPA Taking?**

We are taking direct final action to approve this revision with the exception of Article I, 5-2, and Article VI, 5-17 (a), (b), and (d). The revisions make routine changes to the existing rules which are noncontroversial. Therefore, we do not anticipate any adverse comments. Please note that if EPA receives adverse comment on part of this rule and if that part can be severed from the remainder of the rule, EPA may adopt as final those parts of the rule that are not the subject of an adverse comment.

You may submit comments either electronically or by mail. To ensure proper receipt by EPA, identify the appropriate rulemaking identification number, IA 187-1187a, in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." EPA is not required to consider these late comments.

1. *Electronically.* If you submit an electronic comment as prescribed below, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

a. *Electronic mail.* Comments may be sent by e-mail to Heather Hamilton at [hamilton.heather@epa.gov](mailto:hamilton.heather@epa.gov). Please include identification number, IA 187-1187a, in the subject line. EPA's e-mail system is not an "anonymous access" system. If you send an e-mail comment directly without going through Regulations.gov, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket.

b. *Regulations.gov.* Your use of Regulations.gov is an alternative method of submitting electronic comments to EPA. Go directly to <http://www.regulations.gov>, click on "To Search for Regulations," then select Environmental Protection Agency and use the "go" button. The list of current EPA actions available for comment will be listed. Please follow the online instructions for submitting comments. The system is an "anonymous access" system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

2. *By Mail.* Written comments should be sent to the name and address listed in the ADDRESSES section of this document.

#### **Statutory and Executive Order Reviews**

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 state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4).

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in