- (I) TNRCC Order No. 94–17 for Merichem Company, as adopted by the TNRCC on June 29, 1994.
- (J) TNRCC Order No. 94–18 for Mobil Mining and Minerals Company, as adopted by the TNRCC on June 29, 1994.
- (K) TNRCC Order No. 94–19 for Phibro Energy USA, Inc., as adopted by the TNRCC on June 29, 1994.
- (L) TNRCC Order No. 94–20 for Shell Chemical and Shell Oil, as adopted by the TNRCC on June 29, 1994.
- (M) TNRCC Order No. 94–21 for Shell Oil Company, as adopted by the TNRCC on June 29, 1994.
- (N) TNRCC Order No. 94–22 for Simpson Pasadena Paper Company, as adopted by the TNRCC on June 29, 1994.
 - (ii) Additional material.
- (A) May 27, 1994, letter from Mr. Norman D. Radford, Jr. to the TNRCC and the EPA Region 6 requesting approval of an equivalent method of monitoring sulfur in fuel and an equivalent method of determining compliance.
- (B) June 28, 1994, letter from Anthony C. Grigsby, Executive Director, TNRCC, to Crown Central Petroleum Corporation, approving an alternate monitoring and compliance demonstration method.
- (C) June 28, 1994, letter from Anthony C. Grigsby, Executive Director, TNRCC, to Exxon Company USA, approving an alternate monitoring and compliance demonstration method.
- (D) June 28, 1994, letter from Anthony C. Grigsby, Executive Director, TNRCC, to Lyondell Citgo Refining Co., LTD., approving an alternate monitoring and compliance demonstration method.
- (E) June 28, 1994, letter from Anthony C. Grigsby, Executive Director, TNRCC, to Phibro Energy, USA, Inc., approving an alternate monitoring and compliance demonstration method.
- (F) June 28, 1994, letter from Anthony C. Grigsby, Executive Director, TNRCC, to Shell Oil Company, approving an alternate monitoring and compliance demonstration method.
- (G) June 8, 1994, letter from Mr. S. E. Pierce, Mobil Mining and Minerals Company, to the TNRCC requesting approval of an alternative quality assurance program.
- (H) June 28, 1994, letter from Anthony C. Grigsby, Executive Director, TNRCC, to Mobil Mining and Minerals Company, approving an alternative quality assurance program.
- (I) August 3, 1994, narrative plan addressing the Harris County Agreed Orders for SO₂, including emission inventories and modeling analyses (i.e. the April 16, 1993, report entitled

- "Evaluation of Potential 24-hour SO₂ Nonattainment Area in Harris County, Texas–Phase II" and the June, 1994, addendum).
- (J) TNRCC certification letter dated June 29, 1994, and signed by Gloria Vasquez, Chief Clerk, TNRCC. [FR Doc. 95–5352 Filed 3–3–95; 8:45 am] BILLING CODE 6560–50–F

40 CFR Part 70

[WI001; FRL-5164-9]

Clean Air Act Final Interim Approval of the Operating Permits Program; Wisconsin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final interim approval.

SUMMARY: The EPA is promulgating interim approval of the Operating Permits Program submitted by the State of Wisconsin for the purpose of complying with Federal requirements for an approvable State program to issue operating permits to all major stationary sources, and to certain other sources.

EFFECTIVE DATE: April 5, 1995.

ADDRESSES: Copies of the State's submittal and other supporting information used in developing the final interim approval are available for inspection during normal business hours at the following location: EPA Region 5, Air and Radiation Division (AT–18J), 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Beth Valenziano, Permits and Grants Section (AT–18J), EPA, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–2703.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

A. Introduction

Title V of the Clean Air Act (Act), and implementing regulations at 40 Code of Federal Regulations (CFR) part 70 require that States develop and submit operating permits programs to EPA by November 15, 1993, and that EPA act to approve or disapprove each program within 1 year after receiving the submittal. The EPA's program review occurs pursuant to section 502 of the Act and the part 70 regulations, which together outline criteria for approval or disapproval. Where a program substantially, but not fully, meets the requirements of part 70, EPA may grant the program interim approval for a period of up to 2 years. If EPA has not fully approved a program by 2 years

after the November 15, 1993 date, or by the end of an interim program, it must establish and implement a Federal program.

On October 19, 1994, EPA proposed interim approval of the operating permits program for the State of Wisconsin. See 59 FR 52743. The EPA received public comment from 7 organizations on the proposal and compiled a Technical Support Document (TSD) responding to the comments and briefly describing and clarifying aspects of the operating permits program. In this notice EPA is taking final action to promulgate interim approval of the operating permits program for the State of Wisconsin.

II. Final Action and Implications

A. Analysis of State Submission and Response to Public Comments

The EPA received comments on a total of 14 topics from 7 organizations. The EPA's response to these comments is summarized in this section.

Comments supporting EPA's proposal are not addressed in this notice; however, EPA's complete response to comments TSD is available in the official file at the Region 5 address noted in the ADDRESSES section above.

1. Indian Lands

The EPA proposed that interim approval of Wisconsin's operating permits program not extend to lands within the exterior boundaries of reservations of federally recognized Indian Tribes in the State of Wisconsin. The proposal indicated that the Wisconsin Department of Natural Resources (WDNR) had not demonstrated the legal authority to regulate sources on tribal lands. WDNR submitted several comments on this issue, which are summarized and addressed below.

Comment: "[W]ho will be responsible for issuance of permits to sources on Indian reservations prior to promulgation of either a tribal operation permits program or the federal operation permits program under 40 CFR Part 71? We are not aware of any tribal programs being developed or implemented in Wisconsin, and the federal part 71 rules have not yet been formally proposed. We are concerned about the apparent lack of any regulatory authority over sources on Indian reservations until a federal or tribal program is promulgated."

Response: At this time, EPA is not aware of any facility within the exterior boundaries of a reservation in the State of Wisconsin that requires a title V operating permit. Further, the Act