State's legislation concerning compliance certification by a responsible official. The Illinois statute requires that applications be certified for truth, accuracy, and completeness by a responsible official in accordance with applicable regulations. 415 ILCS 5/39.5(5)(e). Part 70 requires that certifications be based upon a "reasonable belief" or that statements be based upon "information and belief." 40 CFR 70.5(d) and 70.6(c)(1).

EPA agrees with the commentors to the extent that interim approval for this issue is not appropriate. Upon further review, Illinois' legislative authority for certification of responsible officials carries the same meaning as part 70. A responsible official of the permit applicant would presumably need to make some inquiry into the document being certified to ensure that the official's certification meets the requirements of the Illinois statute. In light of this, EPA will remove the compliance certification issue from the items needing further State action for final approval.

6. Enhanced NSR

Three commentors objected to EPA's proposal of interim approval for Illinois' inclusion of preconstruction review permits into part 70 permits via the administrative amendment procedures of part 70. To summarize, all three commentors object to requiring the development of specific regulations that would outline the substantive, procedural and compliance requirements necessary for incorporation of a preconstruction permit into a part 70 permit through the administrative amendment procedure. This incorporation of a preconstruction permit into a part 70 permit is known as "enhanced new source review (NSR).

In EPA's proposal, EPA stated that 40 CFR 70.7(d)(1)(v) allows such incorporation only when the State's preconstruction review program meets procedural and compliance requirements substantially equivalent to the requirements of 40 CFR 70.7 and 70.8 and compliance requirements substantially equivalent to those contained in 40 CFR 70.6. To utilize 40 CFR 70.7(d)(1)(v), the state must develop regulations which outline the actual requirements necessary for preconstruction permits to qualify for inclusion in part 70 permits using the administrative amendment procedure and for EPA to approve these regulations as "substantially equivalent." Without these regulations, the public and EPA cannot track the issuance and amendments of part 70

permits to ensure that the permits contain all requirements. The public also needs assurance that a source will not be able to avoid the requirements of the part 70 process through a different permitting program such as preconstruction review.

Although 40 CFR 70.7(d)(1)(v) is not a necessary element of a part 70 program, the State of Illinois submitted a title V permit program that provides for the use of this procedure. EPA, therefore, must determine the adequacy of this aspect of the State's submittal. Because Illinois' existing legislative authority allows the use of enhanced NSR, without any further regulations defining substantially equivalent procedures to 40 CFR 70.6, 70.7 and 70.8, this provision is currently deficient. To cure this deficiency, the State must: (1) develop regulations outlining the exact substantive, procedural and compliance requirements for incorporation of preconstruction permits into part 70 permits and (2) submit these regulations to EPA for review and approval to ensure that these regulations are "substantially equivalent" to the part 70 regulations.

415 ILCS 5/39.5(13)(c)(v), therefore, will remain on the interim approval list until the State corrects this deficiency. Until regulations are developed outlining the elements of an enhanced NSR program, the State will be expected to interpret "substantially equivalent" in 415 ILCS 5/39.5(13)(c)(v) consistently with part 70.

7. Knowingly Tampering with Monitoring Devices

Two commentors objected to EPA's inclusion of Illinois' statutory provision concerning enforcement of knowingly tampering with any "monitoring device or record." 415 ILCS 5/44(j)(4)(D). Part 70 requires that criminal fines be imposed upon one who knowingly renders inaccurate any required "monitoring device or method." 40 CFR 70.11(a)(3)(iii). One commentor stated that Illinois' enforcement provision is identical in meaning and effect to the language in part 70 and is appropriate in the context of Illinois' law.

Upon further review, EPA agrees with the commentors that the Illinois legislative provisions for enforcement for knowingly tampering with monitoring devices or records is equivalent in meaning to the requirements of part 70. EPA will, therefore, remove from the list of interim approval issues the requirement that the State make a legislative change to its enforcement provisions.

8. Prompt Reporting of Deviations

EPA received two comments supporting its review of Illinois' submittal concerning the prompt reporting of deviations from permit conditions required by 40 CFR 70.6(a)(3)(iii)(B). Because Illinois did not include a definition of "prompt" in its legislation or regulations, an acceptable alternative is for the State to define "prompt" in each part 70 permit. This definition will be dependent upon the individual circumstances of each source.

The commentors, however, believe that the EPA must revise several of its earlier interim approval notices, in which the Agency conditioned final approval on including a definition of prompt in the State program, in order to provide a consistent application of the appropriate interpretation of its rules. EPA is not aware of any program approval notices that need to be corrected at this time.

B. Additional Issues

The Illinois Environmental Protection Agency (IEPA) informed the EPA, after publication of the proposed interim approval of the State's title V program, that the State cannot meet its January 1, 1995, commitment for an effective acid rain program. In light of the structure of existing state legislation, in order for an eventual full approval of the State's CAAPP, the State must incorporate by reference the Federal acid rain program into the State's existing CAAPP legislation. 415 ILCS 5/39.5(17). IEPA requested an extension of its commitment to incorporate by reference the Federal program so that the State can combine this incorporation by reference with the amendments to its CAAPP legislation required for interim approval. This presentation to the legislature would occur in the January, 1996, legislative session, rather than the January, 1995, session originally contemplated. IEPA argues that amending its CAAPP legislation once rather than twice would not interfere with the State's implementation of Phase II of the Acid Rain Program.

On January 9, 1994, EPA received a letter from Bharat Mathur, Chief, Bureau of Air, IEPA, to Stephen Rothblatt, Chief, Regulation Development Branch, EPA Region 5, detailing why the State cannot meet its January 1, 1995, commitment and reiterating its commitment to implement the Acid Rain program.

Due to the State's existing enabling legislation for titles IV and V and its commitment to implement the acid rain program in the interim period between