of hazardous air pollutants participating in the early reduction program under section 112(i)(5) of the Act.

In terms of initial permit applications, adequate procedures are outlined to satisfy Part 70 requirements. The application process includes affected state and EPA review. Each program's procedures and guidance are designed to ensure that a permit is issued within 18 months of application.

Both programs have established criteria for monitoring source compliance which include compliance inspections, citizen complaint responses, follow-up inspections, and permit application review. Each Title V source will be inspected at least once per year. Surveillance through monitoring will also be conducted to ensure compliance.

- (3) Personnel. Each submittal includes a workload analysis estimating the number of personnel needed for the Title V program. Since both the state and the city of Omaha have selected a fee equal to or greater than the \$25 plus CPI as outlined in Part 70, EPA is presuming that the requirements of \$70.9(b)(1) are met with respect to personnel. Either agency could be required to provide additional analysis if comments are received that propose to rebut the presumption of this Part 70 provision in accordance with \$70.9(5)(ii).
- (4) Data Management. All permit application information will be entered into the state's computer data base and be submitted to the EPA. The proposed permits will be made available for EPA review. A permit decision schedule will ensure that a permit is issued within 18 months of initial application.

Each program requires the retention of permit information by the source for five years. Additionally, each agency has committed to maintain records for five years in its respective program descriptions.

(5) Applicability Provisions. These programs provide for permitting of all major sources, affected sources, sources that opt to apply for a permit, and all sources subject to sections 111 or 112 standards (new source performance standards and standards for hazardous air pollutants).

Both the state and the city of Omaha exempt sources that are not major sources, affected sources, or solid waste incineration units required to obtain a permit pursuant to section 129(e) of the Act. This exemption is allowed by § 70.3(b)(1) until the Administrator completes a rulemaking to determine how the program should be structured for nonmajor sources.

Since the city of Omaha has incorporated the state's rules by reference, the above-mentioned items apply to that local Title V program as well.

(6) Permit Content. Nebraska's regulations require Title V permits to include Part 70 terms and conditions for all applicable requirements. These rules also stipulate that the duration of the permit will be specified in the permit. Both programs also provide for the inclusion of enhanced monitoring in permits.

Title 129 requires the permit to contain a condition prohibiting emissions exceeding any allowances that the source lawfully holds under Title IV of the Act as required by § 70.6(a)(4). The regulations also meet the requirements of $\S 70.6(a)(5)$, § 70.6(a)(6), § 70.6(a)(7), and § 70.6(a)(8). Part 70 also requires terms and conditions for reasonably anticipated operating scenarios to be included in the permit. Title 129 requires that the terms and conditions of each alternative scenario meet all the requirements of Part 70. Section 70.6(a)(10) requires the permit to contain terms and conditions, if the permit applicant requests them, for the trading of emissions increases and decreases at the facility. Title 129 fulfills this requirement.

Part 70 also has requirements for the terms and conditions in a Part 70 permit at § 70.6(b), compliance requirements at § 70.6(c), and emergency provisions at § 70.6(g). Title 129 complies with these requirements.

Both programs provide for general permits. The director will identify criteria by which sources may qualify for the general permit as required by § 70.6(d)(1).

The permitting program can also have provisions for permitting temporary sources and for permit shields. Title 129 has both of these options and meets the requirements of Part 70. Title 129 also provides for operational flexibility and closely follows EPA's requirements.

The program does make provision to exempt the listing of insignificant activities in permit applications. The state has submitted a list to EPA that was adopted in December 1994. This list will be used by the city of Omaha as well.

(7) Permit Applications. Title 129 addresses permit application requirements in Chapters 5 and 7. Within these rules adequate procedures are outlined for the following: duty to apply, complete applications, confidential information, correcting a permit application, standard forms, and compliance certification. A detailed analysis of how the submittal meets

these Part 70 requirements is included in the TSD.

(8) Permit Issuance. Title 129 satisfies both the complete and timely component of section 503 of the Act and 40 CFR 70.5(a). Sources are required to submit permit applications within 12 months after becoming subject to the permit program, or on or before some earlier date established under the state operating permit registry. Source permit applications must conform to the standard application forms developed by each of the respective agencies. These applications must contain information sufficient to determine all applicable requirements with respect to the applicant. Both submittals demonstrate that a source will receive a completeness determination within 30 days

Both programs also require that final action be taken on complete applications within 18 months of submittal of a complete application, except for initial permit applications which are subject to the three-year transition plan set forth by the Clean Air Act Amendments of 1990. Title 129 requires compliance with public participation procedures, notification to affected states, compliance with all applicable requirements, and allows for a 45-day period for EPA objection.

The regulations provide for priority on applications for construction or modification under an EPA approved preconstruction review program. The operating permit regulations do not affect the requirement that any source have a preconstruction permit under an EPA-approved preconstruction review. The programs also provide that permits being renewed are subject to the same procedural requirements, including those for public participation and affected state and EPA review, that apply to initial permit issuance. Title 129 provides for administrative amendments which meet the requirements of the Federal rule.

Permit modification processing procedures are equivalent to Federal requirements as they provide for the same degree of permitting authority, EPA, and affected state review and public participation. The program satisfies all of the Federal minor permit modification procedures.

The programs provide for promptly sending to EPA any notice that either agency refuses to accept all recommendations of an affected state regarding a proposed minor permit modification. In addition, the programs provide that the permitting authority may approve, but may not issue, a final permit modification until after EPA's 45-day review period or until the EPA