- (5) Revise 030.960(C)(8) to state that the certifications must be based on information and belief formed after reasonable inquiry. (§ 70.6(c)(1) and § 70.5(d))
- (6) Revise 030.970(B) to state that schedules for compliance shall resemble and be at least as stringent as that contained in any judicial consent decree or administrative order.

(§ 70.5(c)(8)(iii)(C) and § 70.6(c)(3)) (7) Part 70 prohibits sources from implementing significant permit modifications prior to final permit action unless the changes have undergone preconstruction review pursuant to section 112(g) or a program approved into the SIP pursuant to part C or D of title I, and the changes are not otherwise prohibited by the source's existing part 70 permit. Washoe's regulations require sources to submit applications for significant permit modifications 6 months prior to implementing the change, yet final permit action may not occur until 9 months after receipt of a complete application. Hence, rule 030.950(E) must be revised to eliminate the 3 month time frame that sources are able to implement significant permit modifications without revised permits. (§ 70.5(a)(1)(ii))

2. Implications of Title V Interim Approval

As a result of today's final interim approval of Washoe's part 70 program, the requirement to submit a permit application to Washoe applies to all part 70 sources, as defined in the approved program, within Washoe's jurisdiction, except for any source of air pollution over which a federally recognized Indian Tribe has jurisdiction. See, e.g., 59 FR 55813, 55815–55818 (November 9, 1994).

This interim approval, which may not be renewed, extends until February 5, 1997. During this interim approval period, Washoe is protected from sanctions, and EPA is not obligated to promulgate, administer and enforce a Federal operating permits program in Washoe County. Permits issued under a program with interim approval have full standing with respect to part 70, and the 1-year time period for submittal of permit applications by subject sources begins upon the effective date of this interim approval, as does the 3-year time period for processing the initial permit applications.

If Washoe fails to submit a complete corrective program for full approval by August 5, 1996. EPA will start an 18-month clock for mandatory sanctions. If Washoe then fails to submit a corrective program that EPA finds complete before

the expiration of that 18-month period, EPA will be required to apply one of the sanctions in section 179(b) of the Act, which will remain in effect until EPA determines that Washoe has corrected the deficiency by submitting a complete corrective program. Moreover, if the Administrator finds a lack of good faith on the part of Washoe, both sanctions under section 179(b) will apply after the expiration of the 18-month period until the Administrator determines that Washoe has come into compliance. In any case, if, six months after application of the first sanction, Washoe still has not submitted a corrective program that EPA has found complete, a second sanction will be required.

If EPA disapproves Washoe's complete corrective program, EPA will be required to apply one of the section 179(b) sanctions on the date 18 months after the effective date of the disapproval, unless prior to that date Washoe has submitted a revised program and EPA has determined that it corrected the deficiencies that prompted the disapproval. Moreover, if the Administrator finds a lack of good faith on the part of Washoe, both sanctions under section 179(b) shall apply after the expiration of the 18-month period until the Administrator determines that Washoe has come into compliance. In all cases, if, six months after EPA applies the first sanction, Washoe has not submitted a revised program that EPA has determined corrects the deficiencies, a second sanction is required.

In addition, discretionary sanctions may be applied where warranted any time after the expiration of an interim approval period if Washoe has not submitted a timely and complete corrective program or EPA has disapproved its submitted corrective program. Moreover, if EPA has not granted full approval to the Washoe program by the expiration of this interim approval and that expiration occurs after November 15, 1995, EPA must promulgate, administer and enforce a Federal permits program for Washoe County upon interim approval expiration.

3. District Preconstruction Permit Program Implementing Section 112(g)

The EPA is approving Washoe's preconstruction permitting program found in District rules 030.000 and 030.002 under the authority of title V and part 70 solely for the purpose of implementing section 112(g) during the transition period between title V approval and adoption of a District rule implementing EPA's section 112(g) regulations. This approval is limited in

duration and will expire 12 months after EPA promulgates section 112(g) regulations.

4. Program for Delegation of Section 112 Standards as Promulgated

The EPA is approving under section 112(l)(5) and 40 CFR section 63.91 Washoe's program for receiving delegation of section 112 standards that are unchanged from the Federal standards as promulgated. Washoe has informed EPA that it intends to obtain the regulatory authority necessary to accept delegation of section 112 standards by incorporating section 112 standards into District regulations by reference to the Federal regulations. The details of this delegation mechanism will be set forth in a Memorandum of Agreement between Washoe and EPA. This program for delegations only applies to sources covered by the title V program.

III. Administrative Requirements

A. Docket

Copies of Washoe's submittal and other information relied upon for the final interim approval, including the one public comment received and reviewed by EPA on the proposal, are contained in docket number NV-WSH-94-1-OPS maintained at the EPA Regional Office. The docket is an organized and complete file of all the information submitted to, or otherwise considered by, EPA in the development of this final interim approval. The docket is available for public inspection at the location listed under the ADDRESSES section of this document.

B. Executive Order 12866

The Office of Management and Budget has exempted this action from Executive Order 12866 review.

C. Regulatory Flexibility Act

The EPA's actions under section 502 of the Act do not create any new requirements, but simply address operating permit programs submitted to satisfy the requirements of 40 CFR part 70. Because this action does not impose any new requirements, it does not have a significant impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.