relevant materials where they are current and clear with respect to information required in the permit application. Such might be the case where a source is seeking to update its title V permit based on the same information used to obtain a NSR permit or where a source is seeking renewal of its title V permit and no change in source operation or in the applicable requirements has occurred. Any crossreferenced documents would have to be included in the title V application that is sent to the permitting authority and that is made available as part of the public docket on the permit action.

3. Application Completeness Determinations

As provided by proposed §71.5(c), a complete application would be one that the permitting authority has determined contains all the information needed to begin processing. The preamble to the proposed revisions to part 70 discusses two options for providing flexibility when determining application completeness. The first option addresses applications for sources with futureeffective compliance dates, and the second option addresses the submittal of less detailed applications for sources that are scheduled to be permitted in the second and third years of the initial phase-in of a part 70 program. See 59 FR 44460 (Aug. 29, 1994).

Although the regulatory language concerning completeness determinations in the part 71 proposal is consistent with the regulatory language in the proposed part 70 revisions, EPA is not anticipating revising the proposed part 71 regulatory language to specifically implement either of the flexibility options discussed in the preamble to the proposed revisions to part 70. As EPA is not as familiar with sources as State and local permitting authorities, EPA is not in a position to adequately quality assure applications that apply such flexibility options. Thus, the use of such flexibility options in determining application completeness could increase the risk of inappropriate completeness determinations by EPA, as well as increase EPA's administrative burden. As a result of this concern, EPA is not proposing to provide for the flexibility options described in the preamble to the revisions to part 70, but solicited comment on this position in the part 71 proposal.

E. Section 71.6—Permit Content

Many of the proposed provisions of § 71.6 follow the provisions of 40 CFR 70.6, which were described and discussed at length in the proposed and final preambles to 40 CFR part 70, and in the recently proposed revisions to part 70. This notice incorporates the rationale provided in the part 70 notices by reference, as appropriate. This discussion focuses on those provisions that are affected by the legal challenges to the part 70 rule and those issues for which the approach proposed to be taken in part 71 differs from that taken in part 70 or the proposed revisions thereto.

The provisions of proposed § 71.6 have been formatted differently than those in 40 CFR 70.6 to consolidate the provisions related to compliance and to make the section easier to follow. The EPA solicits comment on the proposed formatting change.

1. Prompt Reporting of Deviations

Like part 70, proposed part 71 would require that each permit contain provisions for prompt notification of deviations. In both cases, the definition of "deviation" is consistent with the definition of deviation in the proposed enhanced monitoring rule. However, part 71 proposes to define "promptly" for purposes of reporting deviations from federally-issued permits.

Under this proposal and the proposed enhanced monitoring rule, deviation means any of the following conditions: Where emissions exceed an emission limitation or standard; where process or control device parameter values demonstrate that an emission limitation or standard has not been met; or where observations or data collected demonstrates noncompliance with an emission limitation or standard or any work practice or operating condition required by the permit. These conditions (except in cases where provisions that exempt such conditions from being federally enforceable violations have been promulgated or approved by the Administrator) would be deemed deviations from part 71 permit requirements and would require prompt reporting to the permitting authority.

Part 71 sources would be required to promptly notify the permitting authority of any deviations. Under part 71, promptly has more than one meaning. This follows the model established in part 70. Where the underlying applicable requirement contains a definition of prompt or otherwise specifies a time frame for reporting deviations, that definition or time frame shall govern. Where the underlying applicable requirement fails to address the time frame for reporting deviations, prompt is defined differently depending on the type of pollutant emitted. For deviations concerning a HAP or toxic air pollutant that exceed a permit requirement for at least a one hour duration, prompt reporting would be defined as within 24 hours. Sources emitting other regulated air pollutants at levels that exceed permit requirements for at least two hours would be required to report the deviation within 48 hours.

The EPA recognizes that there are other notification requirements that have been established under other statutes that require sources to provide immediate notification of releases of specific chemicals in reportable quantities to agencies other than EPA and State permitting authorities. Generally these notifications apply to a potential emergency situation such as those requirements in CERCLA and SARA title III. In addition, pursuant to section 112(r), the Chemical Safety and Hazards Investigation Board has the authority to develop regulations for reporting accidental releases of section 112(r) substances. If a reporting regulation is established, it would become an applicable requirement on the source. The EPA stresses that sources must comply with such notice requirements even if they have provided notice to the permitting authority pursuant to proposed § 71.6(f)(3). Failure to provide notices required by these other statutes and their implementing regulations may result in enforcement actions and penalties.

Because the emissions from sources could cover a very large spectrum with a wide range of health effects, the permitting authority may also define in the permit the concentration and time duration of a deviation that must be reported promptly and the schedule for such reporting.

Sources may notify the permitting authority of a deviation by telephone or facsimile within their required time schedule, and must then submit certified written notice within ten working days. All deviations would still have to be included in monitoring reports which would be required to be submitted at least every 6 months or more frequently if required by another applicable requirement (e.g., NSPS or enhanced monitoring).

2. General Permits

Proposed § 71.6(l) would implement section 504(d), which authorizes the permitting authority to issue a "general permit covering numerous similar sources." The approach proposed for part 71 would follow that of part 70 and the recently proposed revisions thereto.

In response to the concerns raised in the legal challenges to the part 70 rule, EPA has reevaluated its approach to