particulate matter may be considered to limit sources' potential to emit HAPs.

Minnesota satisfies these additional requirements for HAPs. (1) The State has adequate authority to assure compliance with section 112 requirements since the third criterion of the June 28, 1989, notice is met, that is, the program does not allow waiving any section 112 requirement. Nonmajor sources would still be required to meet applicable section 112 requirements. (2) Minnesota has committed to provide adequate resources to implement and enforce the program, which it will obtain from fees collected under Title V. USEPA believes that this mechanism will provide sufficient resources to implement this program. USEPA will monitor the State's implementation of the program to assure that adequate resources continue to be available. (3) Minnesota's permitting program also meets the requirement for an expeditious schedule for assuring compliance. A source seeking a voluntary limit on potential to emit is probably doing so to avoid a Federal requirement applicable on a particular date. Nothing in this program would allow a source to avoid or delay compliance with the Federal requirement if it fails to obtain the appropriate federally enforceable limit by the relevant deadline. (4) Finally, Minnesota's permitting rules are consistent with the objectives of the section 112 program since its purpose is to enable sources to obtain federally enforceable limits on potential to emit to avoid major source classification under section 112. USEPA believes that this purpose is consistent with the overall intent of section 112. Accordingly, USEPA finds that Minnesota's program satisfies applicable criteria for establishing federally enforceable limitations on potential to emit both criteria and hazardous air pollutants.

Minnesota has requested that eligibility for Federal enforceability extend not only to permits issued after the effective date of this rule but also extend to permits issued under the State's current rule prior to the effective date of today's rulemaking. If the State followed its own procedures, each permit issued under this regulation to establish a Title I condition (e.g. for a source to have minor source potential to emit) was subject to public notice and prior USEPA review. Therefore, USEPA will consider all such operating permits issued which were processed in a manner consistent with both the State regulations and the five criteria to be federally enforceable with the promulgation of this rule provided that

any permits that the State wishes to make federally enforceable are submitted to USEPA and accompanied by documentation that the procedures approved today have been followed. USEPA will expeditiously review any individual permits so submitted to ensure their conformity to the program requirements.

B. Use of State Permits as SIP Revisions

The second purpose of Minnesota's submittal was to facilitate future SIP revisions. For cases when a single source or a small number of sources require limitations to bring about attainment or to meet other Title I requirements, Minnesota intends that such limitations could be incorporated into the source's permit. Minnesota would then submit the permit as a SIP revision in lieu of the current practice of developing and submitting an administrative order. Minnesota's submittal does not include any such permits for USEPA rulemaking. Thus, the following discussion expresses the approach and criteria that USEPA anticipates using in the future if and when Minnesota does provide such submittals.

The first criterion for USEPA approval of this approach is that the relevant permit conditions be nonexpiring and enforceable. Minnesota's rules address this criterion by defining such permit conditions as "Title I conditions." Minnesota's Rule 7007.0100 (25) defines this term to mean (1) any conditions in a permit which are based on new source review, (2) any conditions imposed to assure attainment, or (3) any conditions established to avoid being subject to new source review (i.e., limitations on potential to emit to become "synthetic minor sources"). Rule 7007.0450 declares that title I conditions are permanent "without regard to permit expiration or reissuance * * *." USEPA will review practical enforceability of permit-based SIP submittals on a permit by permit basis. Assuming that other relevant requirements are met (e.g., any attainment demonstration requirements), USEPA anticipates that well written permits would satisfy the substantive requirements for SIP revisions.

The second criterion for USEPA approval of permits as SIP revisions is that administrative requirements for the adoption of SIP revisions be met. These requirements are specified in 40 CFR 51, particularly Subpart F (Procedural Requirements) and Appendix V (Completeness Criteria). Most notably, any SIP revision must have been subject to proper public notice and opportunity for comment. In particular, the State

must have published a newspaper notice of the intended SIP revisions and have provided a 30-day opportunity for comments and opportunity for a public hearing.

Minnesota's rules have different public notice provisions depending on applicability of Title V permitting requirements, i.e., for major versus minor sources. For sources obtaining or amending a Title V permit, Rule 7007.0850 (Public Notice and Comment) subpart 2 dictates satisfaction of the SIP notice and comment requirements discussed previously. It is less clear whether Minnesota's rules mandate satisfaction of these requirements in the case of minor sources. Rule 7007.0850 subpart 4 states that Minnesota "shall also comply with all other federal requirements for public participation applicable to permits and permit amendments which include Title I conditions [including establishment of attainment-based limitations], including requirements in [40 CFR 51.102, 51.161, and 51.166(Q)]." On the other hand, Rule 7007.1500 subpart 3 indicates (seemingly inadvertently) that such amendments need not be subject to notice and comment. However, it is not necessary to determine here exactly what Minnesota's rules require. Instead, the real issue is whether each permit submitted for SIP revision purposes has been issued in accordance with the notice and comment requirements applicable to SIP revisions (as described above), irrespective of what notice and comment provisions are mandated by Minnesota rules. USEPA will conduct a submittal-by-submittal review of whether the notice and comment requirements for SIP revisions have been satisfied at the time it rulemakes on each submittal.

The above discussion addresses Minnesota's request that USEPA accept permits as the enforceable elements of future SIP revisions. Minnesota's submittal also requested that administrative orders currently in the SIP be replaced with permits. USEPA cannot grant this request now; no Title V permits have yet been issued and so none are available to replace the existing administrative orders. When such permits do become available, the substitution of a permit for an administrative order will not occur on an automatic basis, but rather will be reviewed as a SIP revision following the normal SIP review process.

C. Review of Updated New Source Review Requirements

A third purpose of Minnesota's submittal was to update the federally approved regulations to reflect the