modifies the Polk County Board of Health regulation Chapter 5, Air Pollution. Polk County Ordinance No. 132, which was adopted by the Polk County Board of Supervisors on October 26, 1993, and became effective December 2, 1993, made a number of revisions to the Polk County air pollution control regulations. The state has provided evidence of control regulations. The state has provided evidence of the lawful adoption of regulations, public notice, and public hearing requirements.

The state has requested that these revisions be approved as a modification of the SIP, with the exception of the following articles and sections: Chapter V, Article VI, Section 5–16 (n) and (p) (Specific Emissions Standards); Chapter V, Article VIII (Emission of Odors; Slaughterhouses; Reduction of Animal Matter); and Chapter V, Article XIII (Variances). The revisions include air pollution control definitions that parallel those in the IAC and in various Federal requirements for state programs; for example, definitions relating to new source permitting.

Other revisions that were made in the Polk County air pollution control regulations include the following items.

1. Visible Emission Measurement. In Chapter V, Articles III and IV, Sections 5–6, 5–8, and 5–9, references to the Ringelmann Chart as a measure of visible emissions were deleted, leaving opacity as the standard by which visible emissions are measured. The opacity standard by which visible emissions are measured has not been modified from that in the approved SIP. The deletion of the Ringelmann Chart as a measure of visible emissions makes the requirements consistent with the EPA-approved, state rules, in chapter 23, sections 3(d) and 4(12).

2. Stack Testing. In Chapter V, Article VII, Section 5–18, the conditions that must be satisfied when stack emission tests are required were revised to include earlier notification of stack testing by equipment owners. The revisions make the requirements consistent with the state rule in chapter 25, section 1(7).

3. Fuel-Burning Permit Exemptions. In Chapter V, Article X, Sections 5–33 and 5–39, the capacity of fuel-burning equipment that is exempt from needing a permit was reduced from equipment with a capacity of less than 50 million Btu per hour input (in the previously approved SIP) to equipment with a capacity of less than 10 million Btu per hour input.

Additionally, the exemption from needing a permit for fuel-burning equipment for indirect heating with a capacity less than one million Btu per hour input when burning No. 1 or No. 2 fuel, exclusively, was deleted. These revisions expand the coverage of emission-control requirements for fuel-burning sources. In addition, the revisions make these local requirements consistent with the state rule in chapter 22, section 1(2).

4. Sulfuric Acid Emissions Limits. Polk County Ordinance No. 132 also sets emissions limits for sulfuric acid mist from sulfuric acid manufacturing. The sulfuric acid mist emissions limit, as set in the ordinance, is 0.5 pounds of sulfuric acid mist per ton of acid produced. This is identical to the limit contained in EPA's ''Final Guideline Document: Control of Sulfuric Acid Mist Emissions from Existing Sulfuric Acid Production Units'' (EPA–450/2–77–019).

For additional information on revisions made in the Polk County air pollution control regulations, the reader may refer to EPA's TSD prepared for this Iowa SIP revision.

EPA Action: EPA is taking final action to approve the revisions to the SIP and 111(d) plan submitted on May 5, 1994, for the state of Iowa, Polk County. As discussed previously, this does not include the rules contained in Chapter V, Article VI, Section 5–16(n) and (p); Chapter V, Article VIII; and Chapter V, Article XIII.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP or 111(d) plan. Each request for a revision to the SIP or 111(d) plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities (5 U.S.C. 603 and 604). Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, part D of the CAA, and 111(d) plan approvals under section 111 of the CAA do not create any new requirements, but simply approve requirements that the state is already imposing. Therefore, because the Federal SIP approval and 111(d) plan approval do not impose any new requirements, EPA certifies that they do not have a significant impact on any small entities affected.

Moreover, due to the nature of the Federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds (*Union Electric Co.* v. *U.S. E.P.A.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2)).

The Office of Management and Budget has exempted these actions from review under Executive Order 12866.

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 14, 1995. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review, nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in the **Federal Register** publication, the EPA is proposing to approve the SIP revisions and 111(d) plan revision should adverse or critical comments be filed.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent notice that will withdraw the final action. All public comments received will then be addressed in a subsequent rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

**List of Subjects in 40 CFR Parts 52 and 62**

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.