by Minnesota of rules established to implement section 112(g). However, since the approval is for the single purpose of providing a mechanism to implement section 112(g) during the transition period, the approval itself will be without effect if EPA decides in the final section 112(g) rule that sources are not subject to the requirements of the rule until State regulations are adopted. The EPA is limiting the duration of this proposal to 18 months following promulgation by EPA of the section 112(g) rule.

The EPA believes that, although Minnesota currently lacks a program designed specifically to implement section 112(g), Minnesota's preconstruction review program will serve as an adequate implementation vehicle during a transition period because it will allow Minnesota to select control measures that would meet MACT, as defined in section 112, and incorporate these measures into a federally enforceable preconstruction permit. Minnesota should be able to impose federally enforceable measures reflecting MACT for most if not all changes qualifying as a modification, construction, or reconstruction under section 112(g). This is because most section 112(b) HAPs are also criteria pollutants, and moreover because measures designed to limit criteria pollutant emissions will often have the incidental effect of limiting non-criteria pollutant HAPs.

Another consequence of the fact that Minnesota lacks a program designed specifically to implement section 112(g) is that the applicability criteria found in its preconstruction review program may differ from those in the section 112(g)rule. However, whether a particular source change qualifies as a modification, construction, or reconstruction for section 112(g) purposes during any transition period will be determined according to the final section 112(g) rule. The EPA would expect Minnesota to be able to issue a preconstruction permit containing a case-by-case determination of MACT where necessary for purposes of section 112(g) even if review under its own preconstruction review program would not be triggered.

8. Title I Modifications

For the reasons set forth in EPA's proposed rulemaking to revise the interim approval criteria of 40 CFR part 70 (59 FR 44572, August 29, 1994), the EPA believes the phrase "modification under any provisions of title I of the Act" in 40 CFR 70.7(e)(2)(i)(A)(5) is best interpreted to mean literally any change at a source that would trigger permitting

authority review under regulations approved or promulgated under title I of the Act. This would include State preconstruction review programs approved by EPA as part of the State Implementation Plan under section 110(a)(2)(C) of the Act. The definition of "title I modification" at Minnesota Rules 7007.0100, subpart 26, includes "any change that constitutes a modification under any provision of title I of the act * * " In addition, **Commissioner Charles Williams states** in a letter dated April 19, 1994, that MPCA does consider "modifications of limits promulgated in the SIP and SIF required permit amendments" to be title I modifications. Therefore, in the September 13, 1994, proposal, EPA states that in light of the clarification in the April 19, 1994, letter, Minnesota's definition would be consistent with any definition of title I modification that EPA may adopt.

EPA received 3 comments on the definition of title I modifications. American Forest and NEDA asserted that neither MPCA nor EPA has the authority to include changes made pursuant to a preconstruction permitting program approved into the SIP as title I modifications. American Forest also asserted that Minnesota has no legal authority to fund its preconstruction permitting program from title V fees. MPCA commented that it does not consider SIP required permit amendments to be title I modifications, as was stated in the April 19, 1994, letter.

Although MPCA's interpretation of title I modification does not conform with EPA's current interpretation, EPA will take no action on Minnesota's program at this time with respect to the definition of title I modification. EPA is not taking action at this time because the definition of title I modification and the criterion for approving part 70 programs with respect to this issue are still being debated. For further explanation, please refer to the TSD or to the Final Interim Approval of the Operating Permit Program for the State of Washington (59 FR 55813).

9. Section 112(l)

In the September 13, 1994 notice, EPA proposed to grant approval under section 112(l)(5) and 40 CFR 63.91 of Minnesota's program for receiving delegation of section 112 standards that are unchanged from the Federal standards as promulgated. In addition, EPA noted that Minnesota intended to accept delegation of section 112 standards through automatic delegation. However, in its comments on the September 13, 1994 notice, MPCA stated that it has not requested delegation to implement section 112 standards, and that it does not intend to request delegation at this time. Therefore, EPA is not approving a mechanism for delegation of section 112 standards at this time. If MPCA does request delegation of section 112 standards in the future, EPA will approve a mechanism for delegation of the 112 standards in a separate rulemaking.

The fact that EPA is not approving a mechanism for delegation of section 112 standards does not affect the approvability of Minnesota's Operating Permits Program. Title V requires a State to be able to incorporate these terms into a permit and to be able to enforce the terms of that permit. Minnesota's program does meet those requirements.

B. Final Action

The EPA is promulgating interim approval of the operating permits program submitted by MPCA on November 15, 1993. The State must make the following changes to receive full approval:

1. Revise Minnesota Rules 7007.0800, subpart 6(B) to require at least semiannual monitoring reports from any source required to monitor at least every six months, and to require any source required to monitor less frequently than every six months to submit at least an annual monitoring report.

2. Revise Minnesota Rules 7007.1400 to be consistent with the requirements of 40 CFR 70.7(d). Minnesota Rules 7007.1400 provides that the administrative amendment procedure may be used to "clarify a permit term." This ambiguous provision is not consistent with the requirements of 40 CFR 70.7(d) and could be interpreted broadly enough to allow changes to a permit which should be handled through the permit modification procedures.

3. Revise Minnesota Rules 7007.0800, subpart 16, to require that the permit terms included in 40 CFR 70.6(a) that are included in this subpart be expressly stated in part 70 permits. Minnesota Rules 7007.0800, subpart 16, allows permit terms which are required by 40 CFR 70.6(a) to be include in the permit by reference to the State regulation. Failure to have these provisions expressly stated in the permit may create difficulties in enforcing those terms and may make it difficult for citizens to understand what provisions apply to a source.

4. Revise Minnesota Rules 7002 in such a way that the State will collect an amount equivalent to the presumptive minimum, or submit a detailed fee