

hours of the occurrence. *All other deviations shall be reported promptly, as defined in the permittee's permit.* The probable cause of deviations and remedial measure taken to correct this shall also be reported at this time." The EPA believes that prompt should generally be defined as requiring reporting within two to ten days of the deviation. Two to ten days is sufficient time in most cases to protect public health and safety as well as to provide a forewarning of potential problems. For sources with a low level of excess emissions, a longer time period may be acceptable. However, prompt reporting must be more frequent than the semiannual reporting requirement, given this is a distinct reporting obligation under § 70.6(a)(3)(iii)(A). Where "prompt" is defined in the individual permit but not in the program regulations, EPA may veto permits that do not contain sufficiently prompt reporting of deviations.

As a third alternative, Santa Barbara could revise Rule XIII to include definitions of "prompt" for other types of deviations in addition to those caused by emergency upset conditions. Part 70 allows the permitting authority to define "prompt" in relation to the degree and type of deviation. Therefore, Santa Barbara may also revise Rule XIII to define reporting times for other types of deviations, if the types of deviations and their related reporting times are specifically defined in Santa Barbara's rule.

Meeting the requirements of § 70.6(a)(3)(iii)(B) through one of the three methods outlined above is a requirement for full approval of Santa Barbara's part 70 program.

k. Exemptions—Delete Rule 1301.B.4. Section 70.3(b) requires that major sources, affected sources (acid rain sources), and solid waste incinerators regulated pursuant to section 129(e) of the CAA may not be exempted from the program. Although section 129(g)(1)(3) of the CAA exempts solid waste incineration units subject to section 3005 of the Solid Waste Disposal Act, part 70 does not exempt these units. Any solid waste incineration unit that meets the definition of "major source" under part 70 would be subject to the requirement to obtain a part 70 permit regardless of the unit's applicability under section 129.

l. Recordkeeping for off-permit changes—Santa Barbara's rule does not require that the permittee keep records describing off-permit changes and the emissions resulting from these changes. Santa Barbara's rule must be revised to be consistent with the requirements of § 70.4(b)(14)(iv).

m. Definition of Title I Modifications and Significant Part 70 Permit Modifications—Rule 1301 defines "modification" to include all modifications under 40 CFR part 60. However, the definitions of "title I (or major) modification" and "significant part 70 permit modification" do not clearly define all modifications under part 60 as title I modifications and do not clearly ensure they will be treated as significant permit modifications. See discussion in Section II.A.2.d of this notice. Santa Barbara submitted a June 15, 1995 letter from Peter Cattle, Engineering Division Manager, Santa Barbara County Air Pollution Control District, committing to provide interpretive guidance demonstrating that all modifications under 40 CFR part 60 will be treated as significant permit modifications. In order to receive final interim approval, Santa Barbara must finalize and submit to EPA interpretive guidance demonstrating that all modifications under 40 CFR part 60 will be treated as significant permit modifications. In order to receive full approval, Santa Barbara must clarify the definitions of "title I (or major) modification" and "significant part 70 permit modification" to include all modifications under 40 CFR part 60.

n. Reporting of an Emergency—In order to obtain an affirmative defense in an emergency, Santa Barbara requires in Rule 1303.F.d., among other things, that the permittee submit a description of the emergency within 4 days of the emergency. Santa Barbara must revise 1303.F.d to require submittal of notice of emergency to the permitting authority within 2 working days of the time when emission limitations were exceeded due to the emergency, to be consistent with § 70.6(g)(3)(iv) and in order to maintain the affirmative defense of emergency. Prior to amending the rule, Santa Barbara should insure that sources are aware that this 2 day notice is necessary in order to maintain the affirmative defense. This could be accomplished by including a permit condition in all permits issued that requires notice of emergency to be submitted within 2 days.

2. California Enabling Legislation—Legislative Source Category Limited Interim Approval Issue

Because California State law currently exempts agricultural production sources from permit requirements, the California Air Resources Board has requested source category-limited interim approval for all California districts. The EPA is proposing to grant source category-limited interim approval to the operating permits program submitted by

the California Air Resources Board on behalf of Santa Barbara on November 15, 1993. In order for this program to receive full approval (and to avoid a disapproval upon the expiration of this interim approval), the California Legislature must revise the Health and Safety Code to eliminate the exemption of agricultural production sources from the requirement to obtain a permit.

The above described program and legislative deficiencies must be corrected before Santa Barbara can receive full program approval. For additional information, please refer to the TSD, which contains a detailed analysis of Santa Barbara's operating permits program and California's enabling legislation.

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

The EPA has published an interpretive notice in the **Federal Register** regarding section 112(g) of the Act (60 FR 8333; February 14, 1995). The revised interpretation postpones the effective date of section 112(g) until after EPA has promulgated a rule addressing that provision. The interpretive notice explains that EPA is considering whether the effective date of section 112(g) should be delayed beyond the date of promulgation of the federal rule so as to allow States time to adopt rules implementing the federal rule, and that EPA will provide for any such additional delay in the final section 112(g) rulemaking. Unless and until EPA provides for such an additional postponement of section 112(g), Santa Barbara must be able to implement section 112(g) during the period between promulgation of the federal section 112(g) rule and adoption of implementing District regulations.

For this reason, EPA is proposing to approve the use of Santa Barbara's preconstruction review program as a mechanism to implement section 112(g) during the transition period between promulgation of the section 112(g) rule and adoption by Santa Barbara of rules specifically designed to implement section 112(g). However, since the sole purpose of this approval is to confirm that the District has 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 there will be no transition period. The EPA is limiting the duration of this proposed approval to 12 months following promulgation by EPA of the section 112(g) rule.