

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. EPA expects that Clark County would 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, and would use the applicability criteria in the final 112(g) rule to determine whether review is required.

2. Permit Modification Procedures

The commenter stated that Clark County appears to include minor NSR in the definition of title I modification, and requested that EPA "clarify" that minor NSR modifications are not title I modifications because title I modifications are not eligible for processing as minor permit modifications. The commenter also requested that the County allow streamlined processing for minor new source review (NSR) changes instead of requiring significant permit modifications.

EPA believes that Clark County's permit revision procedures are consistent with the requirements of part 70 and do not need further clarification. As noted in EPA's proposal and the commenter's letter, Clark County requires a significant modification for all title I modifications. The County's rule includes all New Source Review (NSR) modifications, including minor NSR changes, in the significant modification track. For instance, the County requires significant permit modifications for all changes to case-by-case emissions limits such as NSR limits and for net emissions increases (District Board of Health of Clark County Air Pollution Control Regulations, section 19.5). EPA believes that the best reading of the term title I modification includes minor NSR and is consistent with the County's rule. See 59 FR 44573. In addition, § 70.7(e)(2)(A)(6) allows the County to adopt a more inclusive significant permit modification track than the minimum requirements in part 70. Therefore, EPA is not requiring that the County change its permit revision procedures.

B. Final Action

1. Title V Operating Permits Program

The EPA is promulgating interim approval of Clark County's title V operating permits program as submitted on January 12, 1994 and amended on July 18 and September 21. EPA did not receive any comments on the changes that are necessary for full approval and is requiring that the County implement these changes to obtain full approval. The County must submit enforcement commitments, including commitments to adequately enforce the part 70 program. The County must also ensure that provisions concerning confidential business information consistent with part 70. The County must add a 9-month deadline for issuing early reductions permits to its rules and modify the following provisions: operational flexibility, applicable requirements, and insignificant activities. See 60 FR 13683 (March 15, 1995) for more detailed information regarding approval issues for Clark County.

The scope of this approval of Clark County's part 70 program applies to all part 70 sources (as defined in the approved program) within Clark County, Nevada, except any sources of air pollution over which an Indian tribe has jurisdiction. See, e.g., 59 FR 55813, 55815-18 (Nov. 9, 1994). The term "Indian tribe" is defined under the Act as "any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village, which is federally recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians." See section 302(r) of the Act; see also 59 FR 43956, 43962 (Aug. 25, 1994); 58 FR 54364 (Oct. 21, 1993).

This interim approval, which may not be renewed, extends until August 13, 1997. During this interim approval period, Clark County is protected from sanctions, and EPA is not obligated to promulgate, administer and enforce a federal operating permits program in Clark County. Permits issued under a program with interim approval have full standing with respect to part 70, and the 1-year time period for submittal of permit applications by subject sources begins upon the effective date of this interim approval, as does the 3-year time period for processing the initial permit applications.

If Clark County fails to submit a complete corrective program for full approval by February 13, 1997, EPA will start an 18-month clock for mandatory sanctions. If Clark County then fails to submit a corrective program that EPA finds complete before the expiration of

that 18-month period, EPA will be required to apply one of the sanctions in section 179(b) of the Act, which will remain in effect until EPA determines that Clark County has corrected the deficiency by submitting a complete corrective program. Moreover, if the Administrator finds a lack of good faith on the part of Clark County, both sanctions under section 179(b) will apply after the expiration of the 18-month period until the Administrator determines that Clark County has come into compliance. In any case, if, six months after application of the first sanction, Clark County still has not submitted a corrective program that EPA has found complete, a second sanction will be required.

If EPA disapproves Clark County's complete corrective program, EPA will be required to apply one of the section 179(b) sanctions on the date 18 months after the effective date of the disapproval, unless prior to that date Clark County has submitted a revised program and EPA has determined that it corrected the deficiencies that prompted the disapproval. Moreover, if the Administrator finds a lack of good faith on the part of Clark County, both sanctions under section 179(b) shall apply after the expiration of the 18-month period until the Administrator determines that the Clark County has come into compliance. In all cases, if, six months after EPA applies the first sanction, Clark County has not submitted a revised program that EPA has determined corrects the deficiencies, a second sanction is required.

In addition, discretionary sanctions may be applied where warranted any time after the expiration of an interim approval period if the Clark County has not submitted a timely and complete corrective program or EPA has disapproved its submitted corrective program.

Moreover, if EPA has not granted full approval to the Clark County program by the expiration of this interim approval and that expiration occurs after November 15, 1995, EPA must promulgate, administer and enforce a federal permits program for the Clark County upon interim approval expiration.

2. County Preconstruction Permit Program Implementing Section 112(g)

EPA is approving the use of Clark County's preconstruction review program found in Sections zero and 19 as a mechanism to implement section 112(g) during the transition period between promulgation of EPA's section 112(g) rule and Clark County's adoption