

(a) The permit shall not expire until the renewal permit has been issued or denied; or

(b) All terms and conditions of the permit shall remain in effect until the renewal permit has been issued or denied.

(8) Revise PCR § 3-1-107(C) to include a provision for giving public notice "by other means if necessary to assure adequate notice to the affected public." (§ 70.7(h)(1))

(9) A.R.S. § 49-514(G) provides for criminal enforcement of a knowing violation of a "material permit condition" as defined by the Director of ADEQ by rule. Pinal is therefore required to use ADEQ's definition of "Material Permit Condition." For this reason and the reasons discussed above in II.A.3. and II.B.1.a.(9), revise PCR § 3-1-109 in the same way as required for ADEQ in II.B.1.a.(9).

(10) For the same reasons discussed above in II.A.B.1.a.(10) and II.A.B.1.d.(9), revise PCR § 3-1-109(A)(3) to include fee and filing requirements in the definition of "Material Permit Condition." Section 70.11(a)(3)(ii) requires that criminal fines shall be recoverable against any person who knowingly violates any fee or filing requirement. A.R.S. § 514(L)(3) provides for criminal enforcement of a violation of fee or filing requirements due to criminal negligence only. A.R.S. § 514(G) provides for criminal enforcement of a knowing violation of a "material permit condition" as defined by the Director by rule. Thus, defining "Material Permit Condition" to include fee and filing requirements will give Pinal the authority to bring criminal charges for knowing violations of fee and filing requirements.

(11) Revise PCR § 3-4-420 to provide that a conditional order that allows a source to vary from the requirement to obtain a Class A permit may not be granted to any source that meets the Class A permit applicability criteria pursuant to PCR § 3-1-040.

(12) Revise PCR § 3-5-500, which contains public notice procedures for the issuance of general permits, to include requirements that Pinal shall:

(a) Provide notice by other means if necessary to assure adequate notice to the affected public. (§ 70.7(h)(1))

(b) Provide notice of any public hearing, including the time and place of the hearing, at least 30 days in advance of the hearing. (§ 70.7(h)(4))

(c) Provide for keeping a record of the commenters and of the issues raised during the public participation process. (§ 70.7(h)(5))

(d) Provide a copy of the final general permit to EPA. (§ 70.8(a)(1))

2. Program for Delegation of Section 112 Standards as Promulgated

Requirements for approval, specified in 40 CFR 70.4(b), encompass section 112(l)(5) requirements for approval of a program for delegation of section 112 standards as promulgated by EPA as they apply to part 70 sources. Section 112(l)(5) requires that state and county programs contain adequate authorities, adequate resources for implementation, and an expeditious compliance schedule, which are also requirements under part 70. Therefore, EPA is also proposing to grant approval under section 112(l)(5) and 40 CFR 63.91 of ADEQ's, Maricopa's, Pima's, and Pinal's programs for receiving delegation of section 112 standards that are unchanged from the federal standards as promulgated and that apply to sources covered by the part 70 program.

Because Pima and Pinal require all sources (including nonmajor sources) subject to a requirement under section 112 of the Act to obtain a part 70 permit, the proposed approval of Pima's and Pinal's program for delegation extends to section 112 standards as applicable to all sources. ADEQ and Maricopa will not issue part 70 permits to nonmajor sources subject to a section 112 standard (unless such sources are designated by EPA to obtain a permit) but these agencies submitted addenda to their title V programs in which they specifically requested approval under section 112(l) of a program for delegation of unchanged section 112 standards applicable to non-part 70 sources. (See letter from Nancy Wrona, Director, Air Quality Division, ADEQ to David Howekamp, Director, Air and Toxics Division, EPA Region IX, dated March 20, 1995. See letter from David Ludwig, Acting Director, Maricopa County Environmental Services Department, to David Howekamp, dated March 21, 1995.) Therefore, today's proposed approval under section 112(l) of ADEQ's and Maricopa's program for delegation extends to non-part 70 sources as well as part 70 sources.

ADEQ, Maricopa, Pima, and Pinal have informed EPA that each intends to obtain the regulatory authority necessary to accept delegation of section 112 standards by incorporating section 112 standards into State and county codes of regulations by reference to the federal regulations. The details of this delegation mechanism will be set forth in a Memorandum of Agreement between each Arizona agency and EPA, expected to be completed prior to approval of each agency's section 112(l) program for straight delegations. This

program applies to both existing and future standards.

III. Administrative Requirements

A. Request for Public Comments

The EPA is requesting comments on all aspects of this proposed interim approval. Copies of the State and county submittals and other information relied upon for the proposed interim approval are contained in a docket maintained at the EPA Regional Office. The docket is an organized and complete file of all the information submitted to, or otherwise considered by, EPA in the development of this proposed interim approval. The principal purposes of the docket are:

(1) To allow interested parties a means to identify and locate documents so that they can effectively participate in the approval process, and

(2) To serve as the record in case of judicial review. The EPA will consider any comments received by August 14, 1995.

B. Executive Order 12866

The Office of Management and Budget has exempted this action from Executive Order 12866 review.

C. Regulatory Flexibility Act

The EPA's actions under section 502 of the Act do not create any new requirements, but simply address operating permits programs submitted to satisfy the requirements of 40 CFR part 70. Because this action does not impose any new requirements, it does not have a significant impact on a substantial number of small entities.

D. Unfunded Mandates Act

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a federal mandate that may result in estimated costs to state, local, or tribal governments in the aggregate; or to the private sector, of \$100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The EPA has determined that the proposed interim approval action promulgated today does not include a federal mandate that may result in estimated costs of \$100 million or more to either state, local, or tribal