

also fulfill these criteria. The cited notice describes five criteria.

A. The program is submitted to and approved by EPA into the SIP.

The state correctly submitted this revision to the EPA and subsequently received a letter of completeness. Also, the EPA is proposing approval of this revision into the SIP.

B. The SIP imposes a legal obligation that operating permit holders adhere to the terms and limitations of such permits, including revisions, and provide that permits that do not conform to the operating permit program requirements and the requirements of EPA's underlying regulations will be deemed not Federally enforceable.

The state's rules do require terms and conditions to operate; emission limitations and standards that ensure compliance; a certified statement that each emissions unit is in compliance; and monitoring, recordkeeping, and reporting requirements that ensure compliance with the terms and conditions of the permit.

Moreover, pursuant to section 22.206, each permit must contain a statement that the permittee shall comply with all conditions of the permit, and that failure to comply with the permit is grounds for enforcement action. This action may include termination or revocation and immediate requirement to obtain a Title V permit.

The director shall specifically designate as not Federally enforceable any terms and conditions of the permit that are not required under the Act or under any of its applicable requirements.

C. The permit program requires that all emissions limitations, controls, and other requirements will be at least as stringent as any other applicable limitations and requirements contained in the SIP or enforceable under the SIP. Furthermore, the permit program may not issue permits that waive, or make less stringent, any limitations or requirements contained in or issued pursuant to the SIP, or that are otherwise Federally enforceable.

The state rules specifically provide in section 22.206(2)(c) that all emissions limitations, all controls, and all other requirements included in a voluntary permit shall be at least as stringent as any other applicable limitation or requirement in the SIP or enforceable under the SIP. Furthermore, the state rules provide in section 22.206(2)(d) that the director shall not issue a permit that waives any limitation or requirement under the SIP or that is otherwise Federally enforceable.

D. The limitations, controls, and requirements in the permits are permanent, quantifiable, and otherwise enforceable as practical matter. The state rules provide that the limitations, controls, and requirements in a voluntary operating permit shall be permanent, quantifiable, and otherwise enforceable. While the rule does not presently conform to the Federal requirements as set forth in section V, the state has indicated that it will amend this provision.

E. The permits are issued subject to public participation which includes the timely notice of proposal and issuance of these permits. This also includes providing to EPA a copy of each draft and final permit intended to be Federally enforceable. This process must also provide for an opportunity for comment on the permit applications prior to issuance of the final permit.

In rule 22.205(1)b, the state outlines adequate procedures for public participation. These procedures set forth requirements for public notice, including notifying both the public and the Administrator before issuing or renewing a permit. The state will use newspapers with a general circulation, as well as a state publication to provide this notice. The rule requires at least 30 days will be provided for public comment.

In a letter to the EPA dated February 16, 1995, the state has further clarified that it commits to provide EPA with timely notice of proposed and final permits within 60 days of an action by the IDNR.

### III. Delegation of 112(l) Authority

In a letter to the EPA dated April 25, 1995, the state of Iowa has also requested approval of the voluntary operating permit program under section 112(l) of the Act. This enables any limitation on potential-to-emit of HAP to be enforceable by EPA. In other words, by incorporating the voluntary operating permit program into the SIP and approving the 112(l) program while requiring that permittees comply with such permits, any violation of such a permit will be enforceable under the Act and will be subject to EPA enforcement.

The criteria for establishing Federally enforceable limitations for criteria pollutants pursuant to section 110 of the Act, are the same criteria the EPA uses in approving state operating permit programs to establish Federally enforceable limitations for HAPs pursuant to section 112 of the Act. As outlined in section II of this notice, the state has satisfied the criteria contained in the June 1989 **Federal Register** notice

for creating Federally enforceable limitations on potential to emit.

Moreover, the state must also meet the requirements of section 112(l). In a letter dated March 1, 1995, from Larry Wilson, Director, IDNR, to Dennis Grams, Administrator, EPA Region VII, these requirements have been addressed and met as described in the following paragraphs.

A. *Adequate Authority.* Section 112(l)(5)(A) of the Act requires adequate authority within the program to ensure compliance with each applicable standard, regulation, or requirement established by the Administrator by all sources in the state. The state's letter of March 1, 1995, cites the state's authority that fulfills this requirement.

B. *Adequate Resources.* Section 112(l)(5)(B) further requires that adequate resources must be available to implement the program. The state submitted a resource demonstration on November 15, 1993, for the Title V program that also addressed the voluntary permit program. EPA has determined that the state, in that submittal, has demonstrated that adequate resources are available to implement the voluntary permit program. It should be noted, however, that this determination is for the voluntary permit program only. It does not affect EPA's proposed interim approval of the Title V program, or the EPA's finding as to the adequacy of the resources available for implementation of that program.

C. *Implementation Schedule.* Section 112(l)(5)(C) requires that the state submit an expeditious schedule for implementing the program and ensuring compliance by the affected sources. The state submitted a schedule for implementing section 112 requirements on November 15, 1993, that satisfies this requirement.

D. *Ability to Take Enforcement Action.* The state's Title V submittal of November 15, 1993, includes an opinion by the Iowa Attorney General that the state has the legal authority to take civil and enforcement action against any source regulated under section 112 of the Act.

Based on the fulfillment of the above criteria, the EPA is therefore proposing approval of the voluntary operating permit program for the control of air toxics that allow sources to limit their potential-to-emit of HAPs.

### IV. Additional Program Description

In section II of this notice, the state's rules were only discussed insofar as they generally met the criteria outlined in the cited **Federal Register** notice. In this section, various provisions of the