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), the District must be able to implement section 112(g) during the transition period between promulgation of the federal section 112(g) rule and adoption by the District of implementing regulations.

As described in the proposed rule, EPA believes that, although the District currently lacks a program designed specifically to implement section 112(g), the District's Chapter 3 operating permits program will serve as an adequate implementation vehicle during a transition period because it will allow the District to select control measures that would meet MACT, as defined in section 112, and incorporate these measures into federally enforceable source-specific permits for major sources of hazardous air pollutants (HAP).

A consequence of the fact that the District lacks a program designed specifically to implement section 112(g) is that the timing requirements for submitting permit applications to establish case-by-case MACT determinations will differ from those in the section 112(g) rule. However, EPA expects the District to be able to require sources to submit applications to obtain operating permits or permit revisions to establish case-by-case MACT determinations prior to construction where necessary for purposes of section 112(g) even if its own operating permits program does not require such permit applications to be submitted until twelve (12) months after commencing operations.

Although the Chapter 3 operating permits program does not at this time address critical 112(g) threshold questions with respect to de minimis levels and offsets, EPA believes that the District can adequately implement 112(g) prior to adoption of EPA's final promulgated 112(g) rule by relying on the authority established in the Chapter 3 operating permits program and using EPA's final 112(g) rule as guidance. Pursuant to the District's commitment "to adopt and implement expeditiously any additional regulations that might be needed to incorporate such [future section 112] requirements into operating permits", the District will be expected to establish additional authorities with respect to 112(g) de minimis levels and/ or offsets, if necessary, consistent with the 112(g) rule once EPA promulgates a rule addressing those provisions.

Final Action

EPA is promulgating interim approval of the operating permits program submitted by the District of Columbia on January 13, 1994, and supplemented on March 11, 1994. The District must make the changes identified in the proposed rule in order to fully meet the requirements of the July 21, 1992 version of part 70. (See 60 FR 14926). The District must also have acid rain regulations and adequate forms in place by November 15, 1995 consistent with the commitment made in a February 3, 1995 letter to EPA.

The scope of the District's part 70 program approved in this notice applies to all part 70 sources (as defined in the approved program) within the District of Columbia, 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 CAA; 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 September 8, 1997. During this interim approval period, the District is protected from sanctions, and EPA is not obligated to promulgate, administer and enforce a federal operating permits program in the District. 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 the District fails to submit a complete corrective program for full approval by March 7, 1997, EPA will start an 18-month clock for mandatory sanctions. If the District 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 the District has corrected the deficiency by submitting a complete corrective program. Moreover, if the Administrator finds a lack of good faith on the part of the District, both sanctions under section 179(b) will apply after the expiration of the 18month period until the Administrator determined that the District had come into compliance. In any case, if, six months after application of the first sanction, the District still has not submitted a corrective program that EPA has found complete, a second sanction will be required.

If EPA disapproves the District'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 the District 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 the District, both sanctions under section 179(b) shall apply after the expiration of the 18month period until the Administrator determines that the District has come into compliance. In all cases, if, six months after EPA applies the first sanction, the District 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 District has not timely submitted a complete corrective program or EPA has disapproved its submitted corrective program.

Moreover, if EPA has not granted full approval to the District's 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 District of Columbia upon interim approval expiration.

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 the State's program contain adequate authorities, adequate resources for implementation, and an expeditious compliance schedule, which are also requirements under part 70. Therefore, EPA is also promulgating approval under section 112(l)(5) and 40 CFR 63.91 of the District's program for receiving delegation of section 112 standards that are unchanged from federal standards as promulgated. This program for delegations only applies to sources covered by the Part 70 program.

Additionally, EPA is promulgating approval of Chapter 3 of Subtitle I of Title 20 of the District of Columbia Municipal Regulations (20 DCMR),