Reporting and recordkeeping requirements, Volatile organic compounds.

**Note:** Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the Federal Register on July 1, 1982.

Dated: January 3, 1995.

#### Felicia Marcus,

Regional Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

## PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7671q.

## Subpart F—California

2. Section 52.220 is amended by adding paragraph (c)(191)(i)(B) to read as follows:

### §52.220 Identification of plan.

\* \* \* \* (c) \* \* \* (191) \* \* \*

(B) Santa Barbara County Air Pollution Control District.

(1) Rule 346, adopted on October 13, 1992.

[FR Doc. 95–1687 Filed 1–23–95; 8:45 am] BILLING CODE 6560–50–W

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## 40 CFR Part 70

[CO-001; FRL-5143-5]

# Clean Air Act Final Interim Approval of Operating Permits Program; State of Colorado

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final interim approval.

SUMMARY: The EPA is promulgating interim approval of the Operating Permits Program submitted by the State of Colorado for the purpose of complying with Federal requirements for an approvable State Program to issue operating permits to all major stationary sources, and to certain other sources. **EFFECTIVE DATE:** February 23, 1995. **ADDRESSES:** Copies of the State's submittal and other supporting information used in developing the final interim approval are available for inspection during normal business hours at the following location: U.S. Environmental Protection Agency, Region 8, 999 18th Street, suite 500, Denver, Colorado 80202.

FOR FURTHER INFORMATION CONTACT: Laura Farris, 8ART-AP, U.S. Environmental Protection Agency, Region 8, 999 18th Street, suite 500, Denver, Colorado 80202, (303) 294– 7539.

#### SUPPLEMENTARY INFORMATION:

## I. Background and Purpose

#### A. Introduction

Title V of the 1990 Clean Air Act Amendments (sections 501-507 of the Clean Air Act ("the Act")), and implementing regulations at 40 Code of Federal Regulations (CFR) part 70 (part 70) require that States develop and submit operating permits programs to EPA by November 15, 1993, and that EPA act to approve or disapprove each program within 1 year after receiving the submittal. The EPA's program review occurs pursuant to section 502 of the Act and the part 70 regulations, which together outline criteria for approval or disapproval. Where a program substantially, but not fully, meets the requirements of part 70, EPA may grant the program interim approval for a period of up to 2 years. If EPA has not fully approved a program by 2 years after the November 15, 1993 date, or by the end of an interim program, it must establish and implement a Federal

On October 14, 1994, EPA published a **Federal Register** document proposing interim approval of the Operating Permits Program for the State of Colorado (PROGRAM). See 59 FR 52123. The EPA received adverse comments on this proposed interim approval, which are summarized and addressed below. In this rulemaking EPA is taking final action to promulgate interim approval of the Colorado PROGRAM.

# **II. Final Action and Implications**

# A. Analysis of State Submission

The Governor of Colorado submitted an administratively complete title V Operating Permit Program for the State of Colorado on November 5, 1993. The Colorado PROGRAM, including the operating permit regulations (part C of Regulation No. 3), substantially meets the requirements of 40 CFR 70.2 and 70.3 with respect to applicability; 40 CFR 70.4, 70.5, and 70.6 with respect to permit content including operational flexibility; 40 CFR 70.5 with respect to complete application forms and criteria which define insignificant activities; 40 CFR 70.7 with respect to public participation and minor permit modifications; and 40 CFR 70.11 with respect to requirements for enforcement authority.

Comments noting deficiencies in the Colorado PROGRAM were sent to the State in a letter dated April 8, 1994. The deficiencies were segregated into those that require corrective action prior to interim PROGRAM approval, and those that require corrective action prior to full PROGRAM approval. The State committed to address the deficiencies that require corrective action prior to interim PROGRAM approval in a letter dated May 12, 1994, and subsequently held a public hearing to consider and finalize these changes on August 18, 1994. EPA has reviewed these changes and has determined that they are adequate to allow for interim approval. One issue noted in the April 8th letter related to insignificant activities that requires further corrective action prior to full PROGRAM approval is discussed below in section C "Final Action." An additional deficiency that requires corrective action prior to full PROGRAM approval regarding the implementation of section 112(r) of the Act is also discussed below in section C "Final Action."

# B. Response to Comments

The comments received on the October 14, 1994 **Federal Register** document proposing interim approval of the Colorado PROGRAM, and EPA's response to those comments, are as follows:

Comment #1: The commenter objected to EPA's proposed approval of Colorado's preconstruction permitting program for purposes of implementing section 112(g) of the Act during the transition period between PROGRAM approval and adoption of a State rule implementing EPA's section 112(g) regulations. The commenter argued that there is no legal basis for delegating to Colorado the section 112(g) program until EPA has promulgated a section 112(g) regulation and the State has a section 112(g) program in place. In addition, the commenter argued that the Colorado PROGRAM fails to address critical threshold questions of when an emission increase is greater than de minimis and when, if it is, it has been offset satisfactorily.

EPA Response: EPA disagrees with the commenter's contention that section 112(g) cannot take effect until after EPA has promulgated implementing regulations. The statutory language in section 112(g)(2) prohibits the modification, construction, or reconstruction of a hazardous air pollutant (HAP) source after the effective date of a title V program unless a Maximum Achievable Control Technology (MACT) standard (determined on a case-by-case basis, if