from rooms, buildings and enclosures that contain permitted emissions units or activities from which local ventilation, controls and separate exhaust are provided" as "categorically exempt" IEUs if they are subject to no applicable requirements other than the generally applicable requirements of the Washington SIP. WAC 173-401-532(9) and 173-401-530(2)(a). EPA has received a title V application from one Washington facility which lists "furnace building roof monitor and other vents, doorways" as collectively emitting 922 tons of particulate per year. The application also indicates that these emission points are subject only to the generally applicable opacity limit (WAC 173-400-040(1)), grain loading standard (WAC 173-400-060), and sulfur dioxide standard (WAC 173-400-040(6)) in the Washington SIP. Based on the description provided in the application, EPA believes that these emission units would qualify as IEUs under WAC 173-401-532(9) and 173-401-530(2)(a). The application indicates that these emissions units are not in compliance with the State's opacity limit. Washington's current regulations would require that the title V permit for this source contain the generally applicable requirements that apply to these IEUs, but would exempt them from any other requirements of section 70.6, including the requirement to submit an annual compliance certification. The environmental benefit of requiring the title V permit for such a source to include an appropriate level of testing, monitoring, recordkeeping, and reporting, and to require annual certification of the compliance status of these IEUs, should be obvious. Requiring IEUs to be addressed in the permit puts the burden on sources to ensure that they are in compliance with the applicable requirements, rather than on permitting authorities to document that such sources are out of compliance. This shift in responsibility for ensuring compliance is one of the major objectives of the title V program.

The commenters final comment on the permit content issue is that, in finding that Washington's IEU regulations fail to meet the permit content requirements of section 70.6, EPA is holding the Washington program to a different standard than the agency has applied to other States. The commenters can point to no instance, however, in which EPA has given approval to an IEU program which expressly exempts IEUs from some or all permit content requirements, as does the Washington program. Instead, the commenters' argument appears to be

that EPA has approved State programs that exempt or require only the summary listing of IEUs in permit applications and that, "Because the [IEU] units are not listed in the permit application there is a clear inference to sources, and the tacit understanding by the permitting agencies that IEUs are not included in the operating permit." This is not the case.

EPA has approved State title V programs that exempt or allow sources to omit IEUs from or merely list IEUs in the permit application, but only if the States have shown to EPA's satisfaction that their programs meet the two minimum requirements of section 70.5(c) for the treatment of IEUs in permit applications. First, insignificant activities which are exempt because of size or production rate must be listed in the permit application. Second, the permit application may not omit information needed to determine the applicability of, or to impose, any applicable requirement or any required fee.4 EPA also required the State of Washington to satisfy these requirements as a condition of full approval of its IEU provisions and, as discussed below, EPA now finds that Washington has satisfied these requirements for permit applications.

But, contrary to the commenters' assertion, EPA has also required, as a condition for full approval of a State's IEU program, that the State ensure that permits issued for such sources comply with the requirements of section 70.6 with respect to all IEUs subject to applicable requirements. EPA disagrees with the inference drawn by the commenters, namely, that other State programs might be interpreted to exempt IEU's from permit content requirements because the State programs have provided sources relief from certain permit application requirements. Such an inference is not reasonable or appropriate given the fact that there is no language in the State program regulations cited by the commenters which contain or suggest an exemption from the permit content requirements and given the fact that the federal regulation under which the State programs have been approved does not allow for this result. Indeed, for obvious reasons, EPA's approval of these programs has been based on the assumption that State program

regulations will be interpreted in the same way that EPA has interpreted part 70. That is, where the State program does not specifically exempt IEU's from permit content requirements, EPA has assumed that no such exemption will be inferred. Where EPA has been concerned that a State program could be interpreted to provide an exemption from permit content requirements for IEUs subject to applicable requirements, EPA has clarified its expectation in the Federal Register notice acting on such programs that the permitting authorities must ensure that all permits issued "assure compliance with all applicable requirements at the time of permit issuance." See 60 FR 32603, 32608 (June 23, 1995); 60 FR 44799, 44801 (August 29, 1995). If, during implementation of such programs, permits are issued which do not comply with the requirements of section 70.6 with respect to IEUs subject to applicable requirements, EPA would consider this grounds for objecting to individual permits, 40 CFR 70.8(c)(1), as well as grounds for withdrawing approval of such State programs, 40 CFR 70.10(c)(1)(ii)(B).

In summary, the commenters can point to no instance in which EPA has approved a State program which expressly exempts IEUs with applicable requirements from the permit content requirements of section 70.6. Moreover, the commenters can point to no action on the part of EPA which has expressly or implicitly condoned a tacit exemption from the permit content requirements for such IEUs. EPA's decision to grant interim rather than full approval to the Washington IEU regulations for failing to comply with the requirements of section 70.6 is fully consistent with EPA's actions on other State IEU programs.

## 2. Permit Application Requirements

The commenters also objected to EPA's proposed finding that the Washington regulations fail to meet the requirements of section 70.5 for permit applications with respect to IEUs. The basis of EPA's position was that WAC 173–401–200(16) appears to specifically exempt activities and units deemed insignificant under WAC 173-401-530 from all of Washington's permit program requirements, except as provided in WAC 173-401-530. WAC 173-401-530, however, does not include all of the requirements of section 70.5 which a State must meet with respect to IEUs, most importantly, the requirement of section 70.5(c) that a permit application may not omit information needed to determine the applicability or to impose any

<sup>&</sup>lt;sup>4</sup>The Wisconsin program does not specifically contain this requirement. As EPA clarified in its technical support document supporting EPA's approval of the Wisconsin program, however, because the State very narrowly defined IEUs and required that all IEUs be listed in the application, the Wisconsin program met the requirements of section 70.5(c).