

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 70**

[AD-FRL-5346-6]

Clean Air Act (CAA) Proposed Interim Approval of Operating Permits Program and Delegation of 112(l) Authority; State of Missouri**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Proposed interim approval.

SUMMARY: The EPA proposes interim approval of the operating permits program submitted by the state of Missouri for the purpose of complying with Federal requirements for states which develop, and submit to EPA, programs for issuing operating permits to all major stationary sources and to certain other sources. This notice explains EPA's rationale for the proposed action, and identifies revisions to the program which must be made before EPA can take final action to fully approve it.

DATES: Comments on this proposed action must be received in writing by January 16, 1996.

ADDRESSES: Comments should be addressed to Joshua A. Tapp, U.S. Environmental Protection Agency, Region VII, Air Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101.

Copies of the Missouri submittal and other supporting information used in developing the proposed interim approval are available for inspection during normal business hours at the U.S. Environmental Protection Agency, Region VII, Air Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Joshua Tapp at (913) 551-7606.

SUPPLEMENTARY INFORMATION:**I. Background and Purpose****A. Introduction**

As required under Title V of the Clean Air Act (the Act) as amended (1990), EPA has promulgated rules which define the minimum elements of an approvable state operating permits program, and the corresponding standards and procedures by which EPA will approve, oversee, and withdraw approval of state operating permits programs (see 57 FR 32250 (July 21, 1992)). These rules are codified at 40 Code of Federal Regulations (CFR) part 70. Title V requires states to develop, and submit to EPA, programs for issuing these operating permits to all major stationary sources and to certain other sources.

The Act requires that states develop and submit these programs to EPA by November 15, 1993, and that EPA act to approve or disapprove each program within one 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 two years. If EPA has not fully approved a program by two years after the November 15, 1993, date, or by the end of an interim period, it must establish and implement a Federal program.

B. Federal Oversight and Sanctions

If EPA were to finalize this proposed interim approval, it would extend for 18 months following the effective date of final interim approval and could not be renewed. During the interim approval period, the state of Missouri would be protected from sanctions for failure to have an approved program, and EPA would not be obligated to promulgate, administer, and enforce a Federal permits program for Missouri. Permits issued under a program with interim approval have full standing with respect to part 70, and the one-year time period for submittal of permit applications by subject sources begins upon the effective date of interim approval, as does the three-year time period for processing the initial permit applications.

Following the final interim approval, if Missouri has failed to submit a complete corrective program for full approval by the date six months before expiration of the interim approval, an 18-month clock for mandatory sanctions would commence. If Missouri then failed to submit a corrective program that EPA found complete before the expiration of that 18-month period, EPA would apply sanctions as required by section 502(d)(2) of the Act, which would remain in effect until EPA determined that the state of Missouri had corrected the deficiency by submitting a complete corrective program.

If, following final interim approval, EPA were to disapprove Missouri's complete corrective program, EPA would be required under section 502(d)(2) to apply sanctions on the date 18 months after the effective date of the disapproval, unless prior to that date Missouri had submitted a revised program and EPA had determined that it corrected the deficiencies that prompted the disapproval.

If EPA has not granted full approval to Missouri's program by the expiration of an interim approval, EPA must promulgate, administer, and enforce a Federal permits program for Missouri upon interim approval expiration.

II. Proposed Action and Implications**A. Analysis of Submission by State Authority**

The analysis contained in this notice focuses on specific elements of the Missouri Department of Natural Resources (MDNR) Title V operating permits program that must be corrected to meet the minimum requirements of part 70. The full program submittal; the Technical Support Document (TSD), which contains a detailed analysis of the submittal; and other relevant materials are available for inspection as part of the public docket. The docket may be viewed during regular business hours at the address listed above.

1. Support Materials

The Governor of Missouri submitted an administratively and technically complete Title V Operating Permit Program on January 13, 1995. The EPA deemed the program submittal complete on March 2, 1995. At EPA's request, the State provided supplemental program information on August 14, 1995; September 19, 1995; and October 16, 1995.

The program submittal includes a legal opinion from the Attorney General of Missouri stating that the laws of the State provide adequate legal authority to carry out all aspects of the program, and a description of how the state intends to implement the program. The submittal additionally contains evidence of proper adoption of the program regulations, permit application forms, a data management system, and a permit fee demonstration.

2. Program Description

The Governor's letter states that the entire geography of Missouri will be covered by this program. There are no Indian tribal lands in Missouri. The letter also states that MDNR will be the official permitting authority responsible for implementation of the program. Finally, the state requested approval and delegation of authority to implement section 112(l) of the Act.

In addition to the state's part 70 permit rules, the state has established a State Implementation Plan (SIP) based permit system for creating Federally enforceable limitations, called the intermediate program. This permit mechanism will allow qualifying sources to avoid having to obtain a part