

The notice postpones the effective date of 112(g) until after EPA has promulgated a rule addressing that provision. The notice sets forth in detail the rationale for the revised interpretation.

The section 112(g) interpretive notice explains that EPA is still considering whether the effective date of section 112(g) should be delayed beyond the date of promulgation of the Federal rule 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), Missouri must have a Federally enforceable mechanism for implementing section 112(g) during the period between promulgation of the Federal section 112(g) rule and adoption of implementing Federal regulations.

The EPA is aware that Missouri lacks a program designed specifically to implement section 112(g). However, Missouri does have a program for review of new and modified hazardous air pollutant sources that can serve as an adequate implementation vehicle during the transition period, because it would allow Missouri to select control measures that would meet MACT, as defined in section 112, and incorporate these measures into a Federally enforceable preconstruction permit.

The EPA is proposing to approve Missouri's preconstruction permitting program under the authority of Title V and part 70, solely for the purpose of implementing section 112(g) to the extent necessary during the transition period between 112(g) promulgation and adoption of a state rule implementing EPA's section 112(g) regulations. Although section 112(l) generally provides authority for approval of state air programs to implement section 112(g), Title V and section 112(g) provide for this limited approval because of the direct linkage between the implementation of section 112(g) and Title V. The scope of this approval is narrowly limited to section 112(g) and does not confer or imply approval for purposes of any other provision under the Act (e.g., section 110). This approval will be without effect if EPA decides in the final section 112(g) rule that sources are not subject to the requirements of the rule until state regulations are adopted. The duration of this approval is limited to 18 months following promulgation by EPA of the 112(g) rule to provide adequate time for the state to adopt regulations consistent with the Federal requirements.

c. Section 112(l)—State Air Toxics Programs.

Requirements for approval, specified in 40 CFR 70.4(b), encompass section 112(l)(5) approval requirements 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. Missouri has demonstrated that it meets these requirements. Therefore, EPA is proposing to grant approval under section 112(l)(5) and 40 CFR part 63.91 to Missouri for its program mechanism for receiving delegation of all existing and future section 112(d) standards for both part 70 and non-part 70 sources, and section 112 infrastructure programs, that are unchanged from Federal rules as promulgated. Missouri has informed EPA that it intends to accept delegation of section 112 standards through adoption by reference. In addition, EPA is also proposing delegation of all existing standards and programs under 40 CFR parts 61 and 63 for part 70 and non-part 70 sources.

d. Title IV/Acid Rain. The legal requirements for approval under the Title V operating permits program for a Title IV program were cited in EPA guidance distributed on May 21, 1993, titled "Title V-Title IV Interface Guidance for States." Missouri has met the criteria of this guidance and has adopted by reference acid rain rules at 40 CFR 72.

#### *B. Options for Approval/Disapproval and Implications*

1. The EPA is proposing to grant interim approval for two years to the operating permits program submitted by the state of Missouri. In order to receive full approval, the state must adopt and submit to the EPA the rule changes identified above within 18 months of receiving final interim approval. Specifically, the state must amend rules 10 CSR 10-6.020, Definitions, and 10 CSR 10-6.065, Operating permits, for consistency with part 70.

2. Program for Straight Delegation of Section 112 Standards.

As discussed above, EPA is proposing to grant approval under section 112(l)(5) and 40 CFR part 63.91 to Missouri for its program mechanism for receiving delegation of all existing and future section 112(d) standards for both part 70 and non-part 70 sources, and infrastructure programs under section 112 that are unchanged from Federal rules as promulgated. In addition, EPA proposes to delegate existing standards

under 40 CFR parts 61 and 63 for both part 70 and non-part 70 sources.

### *III. Administrative Requirements*

#### *A. Request for Public Comments*

The EPA is requesting comments on all aspects of this proposed interim approval. Copies of the state's submittal and other information relied upon for the proposed approval are contained in a docket maintained at EPA Regional Office. The docket is an organized and complete file of all the information submitted to, or otherwise considered by, EPA in the development of this proposed interim approval. The principal purposes of the docket are:

1. To allow interested parties a means to identify and locate documents for participating in the rulemaking process, and

2. To serve as the record in case of judicial review. The EPA will consider any comments received by January 16, 1996.

#### *B. Executive Order 12866*

The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

#### *C. Regulatory Flexibility Act*

The EPA's actions under section 502 of the Act do not create any new requirements, but simply address operating permits programs submitted to satisfy the requirements of 40 CFR part 70. Because this action does not impose any new requirements, it does not have a significant impact on a substantial number of small entities.

#### *D. Unfunded Mandates*

Under sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of \$100 million or more to the private sector, or to state, local, or tribal governments in the aggregate.

Through submission of this state operating permit program the state has elected to adopt the program provided for under Title V of the CAA. These rules may bind the state government to perform certain actions and also require the private sector to perform certain duties. To the extent that the rules being proposed for approval by this action will impose new requirements, sources are already subject to these regulations under state law. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, result from this action. The EPA has