

administrative amendments, which meets part 70 requirements.

Permit modification processing procedures in the Iowa program are consistent with part 70 requirements as they provide for the same degree of permitting authority, EPA and affected state review, and public participation.

The Iowa program also meets the Federal minor permit modification procedures. The Iowa program provides for promptly sending to EPA any notice that the IDNR refuses to accept all recommendations of an affected state regarding a proposed minor permit modification. In addition, the Iowa program provides that the permitting authority may approve, but may not issue, a final permit modification until after EPA's 45-day review period or until EPA has notified the permitting authority that EPA will not object to issuance, whichever is first.

Significant modification procedures as defined in the Iowa program also parallel the Federal program. Iowa has included provisions which provide that a permit shall be reopened and revised when additional requirements become applicable to a major source with a remaining permit term of three or more years. The state also requires that such a reopening be completed within 18 months after promulgation of the applicable requirement. In addition, the Iowa program provides that proceedings to reopen a permit will follow the same procedures as apply to initial issuance, will affect only those parts of the permit for which cause to reopen exists, and will ensure reopenings are made as expeditiously as practicable.

i. Compliance Tracking and Enforcement. The requirement for a compliance tracking and enforcement program has been met by the state. Compliance tracking will be accomplished through two means. The first is monthly entry of compliance and enforcement information into AIRS. The second is an ongoing commitment in the annual section 105 grant workplans to provide EPA with copies of all enforcement documents. The enforcement program will consist of periodic "for cause" inspections, followed by any appropriate enforcement action consistent with the State/EPA Enforcement Agreement. The state has demonstrated adequate enforcement authority consistent with § 70.1 to seek injunctive relief, to assess or sue to recover civil penalties, and to seek criminal remedies, including fines. Civil and criminal penalties are recoverable in a maximum amount of not less than \$10,000 per day.

j. Public Participation, EPA, and Affected States Review. Iowa's submittal

ensures that all permit applications are available to the public. All requirements are included to ensure that each interested citizen will be aware of proposed and final permit actions. This includes the commitment to keep a record of proceedings that will allow citizens to object to a permit up to 60 days after the EPA review period.

Iowa has adopted rules that ensure mutual review by affected states and the EPA. The state will not issue a permit when it is objected to in accordance with Part 70.8(c).

3. Fee Demonstration

The state's rules provide for a fee of \$24 per ton per year, which is required to be reviewed and adjusted as necessary by the Environmental Protection Commission annually. Thus, a detailed fee demonstration was submitted by the state since this amount is below the presumptive minimum set forth in § 70.9(b)(12). The IDNR provided a list of sources and the estimated actual and potential emissions from each source with a projected total revenue. This estimate adequately covers the program's anticipated operating costs if the \$24 fee is maintained. If this fee is reduced, a revised demonstration will be required from the state.

The state is also required by § 70.9(d) to provide an initial accounting of how required fee revenues are to be used solely to cover the costs of meeting the various functions of the permitting program. IAC § 455.133B provides that any Title V fees collected shall be deposited in an air contaminant source fund. This provision further states that these fees "shall be used solely to defray the costs related to the permit, monitoring, and inspection program, including the small business stationary source technical and environmental compliance assistance program required pursuant to the Federal Clean Air Act Amendments of 1990, sections 502 and 507." The State Auditor will also audit the program according to the supplemental letter.

Section 70.4(b)(8)(v) requires the permitting authority to submit an estimate of the permit program costs for the first four years after approval, and a description of how the state plans to cover those costs. The IDNR provided an estimate that adequately satisfies the four-year projection requirement if the \$24 fee is maintained. A new forecast will be required if the fee is reduced.

4. Provisions Implementing the Requirements of Other Titles of the Act

a. 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, entitled "Title V—Title IV Interface Guidance for States." Iowa has met the five major criteria of this guidance which include legal authority, regulatory authority, forms, regulatory revisions, and a commitment to acid rain deadlines. Iowa developed acid rain rules based on a model state acid rain rule described in guidance issued by the EPA in May 1993.

The EPA's Acid Rain Division has identified necessary rule changes in its January 27, 1994, review of the state's program. The state has committed to make these changes in its supplemental letter.

b. Section 112. The state has demonstrated adequate authority to adopt section 112 standards and other requirements in a timely manner. The specific Title V program approval criteria with respect to section 112 provisions are enumerated in a memorandum from John Seitz, Office of Air Quality Planning and Standards, dated April 13, 1993. Iowa has met these criteria as described in the following topics:

(1) Section 112(d), (f), and (h).—EPA Emissions Standards. In accordance with Part 70, Iowa will not issue any permit (or permit revision addressing any emissions unit subject to a newly promulgated section 112 standard) unless it would ensure compliance with all applicable section 112 standards. Additionally, Part 70 permits will be reopened which have three or more years remaining before their expiration date to incorporate any newly promulgated standard (section 70.7(f)(1)(i)).

(2) Section 112(g)—The EPA has issued an interpretive notice on February 14, 1995 (60 FR 8333), which outlines EPA's revised interpretation of 112(g) applicability. 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), Iowa must have a Federally enforceable mechanism for implementing section 112(g) during the period between