

reporting requirements, contained in Title 326 IAC 8-1-2, do not provide for adequate enforcement of the graphic arts rule. Region 5 has provided the Indiana Department of Environmental Management with a copy of the June 1992 Model VOC Rules. The following deficiencies must be corrected in order for USEPA to take final action approving the rule:

#### 1. General

(a) The monitoring, recordkeeping and reporting (MRR) requirements must be made more comprehensive to include more than: (1) Daily volume-weighted averages of all coatings applied in a coating or printing line; and (2) records of daily usage of gallons of solids coating and VOC content of each coating or ink solvent. For instance, when a source does not comply with daily weighted averaging (i.e., when the source complies with "complying coatings or inks" such as low VOC coating), then daily recordkeeping must be kept which specifies both the VOC content and the ink or coating identification. Alternatively, when a source complies by using control devices, then records of monitoring parameters and other information must also be kept (See (B) Sources Using Control Devices, below; See also, June 1992 Model VOC Rules).

(b) The MRR requirements, should specify a period of time (i.e., 5 years) during which records shall be maintained at the facility. The rules only require that: (1) The owner/operator "keep records to demonstrate compliance with the permit or document restrictions" (326 IAC 8-1-1); and (2) "records \* \* \* shall be made available upon request" (326 IAC 8-1-2).

#### 2. Sources Using Control Devices

The Indiana recordkeeping/reporting rules do not contain the requirement for the recordkeeping or reporting of new or existing control devices. Records and reports that should be maintained include monitoring data, calibration and maintenance logs, and logs of operating time. Indiana rule 326 IAC 8-1-2(7) only requires the maintenance of records of daily usage of gallons of solids coating, VOC content of each coating or ink solvent, and daily emissions in pounds of VOC (See June 1992 Model VOC Rules).

#### 3. Exempt Sources

The Indiana rules do not require the maintenance of records and reports for exempt sources such as: Information pertaining to the initial certification, calculations demonstrating that total

potential emissions of VOC from all flexographic and rotogravure printing presses at the facility will be less than the required limits for each year, the maintenance of records for a period of 5 years, and the requirement that any exceedances will be reported to the Administrator within 30 days after the exceedance occurs (See Model VOC Rules). Exempt sources should calculate: (1) Yearly potential emissions, (2) yearly actual emissions, and (3) the name, identification, VOC content, and yearly volume of coatings/inks.

Based on EPA's preliminary analysis that the State's submittal was unapprovable, Indiana submitted to USEPA, a letter dated December 14, 1994, committing to the necessary rule revision. In accordance with an attached schedule, Indiana expects a final rule to be adopted and submitted to USEPA by January 1996.

### III. Proposed Rulemaking Action and Solicitation of Public Comment

The USEPA has reviewed the Indiana graphic arts rule against the June 1992 Model Rule and is proposing a conditional approval because the State has committed to correct the rule so that it fully comports with the Federal requirements described above. Upon a final conditional approval by USEPA, if the State ultimately fails to meet its commitment to correct the deficiency, noted herein, by January 31, 1996, the date the State committed to in its commitment letter, then USEPA's action for the State's requested SIP revision will automatically convert to a final disapproval.

Public comments are solicited on the requested SIP revision and on USEPA's proposed conditional approval. Public comments received by February 9, 1995 will be considered in the development of USEPA's final rulemaking action.

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989, (54 FR 2214-2225), as revised by an October 4, 1993, memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866 review.

Nothing in this action should be construed as permitting, allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to any SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., USEPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. (5 U.S.C. 603 and 604.) Alternatively, USEPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, Part D of the Act do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The Act forbids USEPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. E.P.A.*, 427 U.S. 246, 256-66 (S. Ct. 1976); 42 U.S.C. 7410(a)(2).

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Volatile organic compounds.

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

Dated: December 29, 1994.

**Valdas V. Adamkus,**

*Regional Administrator.*

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#### 40 CFR Part 70

[FRL-5136-6]

#### Operating Permits Program Rule Revisions

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

**ACTION:** Extension of comment period for proposal to revise the operating permits program regulations.

**SUMMARY:** On August 29, 1994, EPA proposed in the **Federal Register** (59 FR 44460) revisions to the operating permits regulations in part 70 of chapter I of title 40 of the Code of Federal Regulations. The comment period provided in that notice was 90 days, closing on November 28, 1994. On November 21, 1994, a **Federal Register** notice was published (59 FR 59974)