

Done in Washington, DC, this 8th day of August 1966.

Terry L. Medley,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96-20675 Filed 8-9-96; 9:21 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 64, 70 and 71

[FRL-5552-9]

Compliance Assurance Monitoring

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public meeting; notice of document availability.

SUMMARY: The EPA is planning to promulgate regulations concerning enhanced monitoring and compliance certification provisions under section 114(a)(3) and Title V of the Clean Air Act by July 1997. EPA originally proposed an enhanced monitoring rule on October 22, 1993 (58 FR 54648). In response to comments on that proposal, EPA is considering adopting a revised approach—known as Compliance Assurance Monitoring (CAM)—to the enhanced monitoring and compliance certification requirements. EPA sought comment on the CAM approach in September 1995. In response to comment on the CAM approach, EPA is now making available a revised version of the CAM approach for comment. Notice is hereby given that the EPA will hold a public meeting on September 10, 1996 to provide the persons potentially affected by these regulations with an opportunity to present their views regarding the issues raised by the regulations. This notice also announces the public availability of a draft regulatory package for review in advance of the public meeting. In addition, the Agency will accept written comments on the draft package provided that comments are received by October 15, 1996.

DATES: *Meeting:* The public meeting will be held September 10, 1996 from 8:30 a.m. to 4:30 p.m. at the address provided below.

Comments: Written comments may be submitted to the docket at the address provided below until October 15, 1996.

Document Availability: The draft regulations and accompanying summary and discussion document will be available on or before August 2, 1996 at the addresses provided below. Draft documents concerning required impact

analyses will also be available at the same locations no later than August 30, 1996.

ADDRESSES: *Meeting:* The public meeting will be held at the Sheraton Imperial Hotel and Convention Center, Research Triangle Park, NC, 27709 (919) 941-5050. Participants wishing to arrange for overnight accommodations should advise the hotel that they are attending the EPA meeting. To assist EPA in planning the public meeting, persons interested in attending should contact: Public Meeting Coordinator, at (804) 979-3700, telefax (804) 296-2860, Perrin Quarles Associates, Inc., 501 Faulconer Drive, Suite 2-D, Charlottesville, Virginia 22903, to give their name and affiliation. Please register by September 6, 1996.

Docket: Supporting information related to this rulemaking, including the draft rule, and the summary and discussion document, is contained in Docket No. A-91-52 (the draft rule and accompanying summary and discussion document are included as Item VI-C-13). This docket is available for public inspection and copying between 8:00 a.m. and 5:30 p.m. Monday through Friday, excluding government holidays, and is located at: EPA Air Docket (LE-131), Room M-1500, Waterside Mall, 401 M Street S.W., Washington, D.C. 20460. A reasonable fee may be charged for copying. Pursuant to section 307(d)(1)(V) of the Clean Air Act, this rulemaking is subject to the docketing and other procedural provisions of section 307(d) of the Act.

Comments: Comments must be mailed (in duplicate) to the docket at the address provided above. All comments should be marked to the attention of Docket No. A-91-52.

Document Availability: By the dates noted above, a copy of the draft regulations, the accompanying summary and discussion document, and the draft impact analysis materials will be located in the docket at the address provided above, and the draft regulations and summary and discussion document will also be available via the Emission Measurement Technical Information Center Computer Bulletin Board of the EPA's Technology Transfer Network at (919) 541-5742, 24 hours a day, 7 days a week (except Monday, 8-12 a.m. EST). Contact the system operator at (919) 541-5384 if you have any questions concerning access to the Technology Transfer Network.

FOR FURTHER INFORMATION CONTACT: Peter Westlin, Office of Air Quality Planning and Standards, (919) 541-1058.

SUPPLEMENTARY INFORMATION:

I. Procedural Background

Section 114(a)(3) of the Clean Air Act mandates that EPA require, by regulation, that enhanced monitoring be conducted and compliance certification be made for major sources. EPA first proposed an enhanced monitoring rule on October 22, 1993. (See 58 FR 54648). EPA sought additional comment on this proposal on December 24, 1994 (59 FR 66844). Following review of comments, EPA decided to consider alternative approaches to the enhanced monitoring requirements.

In September, 1995, EPA made available for comment a revised approach to enhanced monitoring and compliance certification. This revised approach was called Compliance Assurance Monitoring (CAM). EPA published a Federal Register notice (60 FR 48679) announcing the availability of the draft regulatory package (preamble and rule text) and solicited public comment. Additionally, on September 13, 1995, the EPA posted a copy of the draft CAM rule for public comment on the Office of Air Quality Planning and Standards (OAQPS) Technology Transfer Network electronic bulletin board system. The release of this document was followed by a national meeting held on September 22, 1995 in Durham, North Carolina. Written comments were submitted to OAQPS by industrial, environmental, and regulatory parties. All comments received have been filed in the docket (A-91-52) and are available for additional review by calling the docket office at (202-260-7548).

II. Request For Comment

EPA has now modified the proposed CAM approach in response to the comments received on the September 1995 regulatory package. The Agency has prepared a regulatory package for CAM and will make it available to the public on or before August 2, 1996, (see "Document Availability" above). Following release of this draft, the Agency will hold a public meeting, as described above, to review the major elements of the draft regulatory package and to solicit opinions and suggestions on the draft document. The meeting will include a number of representative parties that will sit at the main meeting table by invitation; they will include industry, State and local agencies, and environmental organizations. Additional seating is available by contacting the Public Meeting Coordinator listed in the **ADDRESSES** section above. It is important to note that the Agency will be seeking the

opinions of the individuals/organizations present and will not be seeking consensus.

The September 1995, Federal Register notice indicated that EPA intended to seek comment on the CAM approach through a formal proposal; however, EPA believes that notice and opportunity for comment it has provided through the September 1995 notice and the current notice fulfill EPA's procedural obligations under the Clean Air Act. Therefore, EPA intends to issue a final rule addressing the enhanced monitoring and compliance certification requirements of the Clean Air Act by July 1997 without seeking any additional comment beyond that solicited by this notice.

III. The CAM Approach

The CAM approach would impose monitoring and compliance certification requirements on sources subject to the Title V operating permits program. The CAM approach has been developed in consideration of the President's regulatory reform efforts to design performance-based environmental programs that provide industry with the flexibility to comply in cost-effective ways, while requiring accountability for achieving results. It focuses on enhancing and supplementing current operation and maintenance (O&M) monitoring requirements. The compliance assurance monitoring approach would require that a source owner document operation and maintenance of a control device or process operation in accordance with established, reliable operating and maintenance practices and implement any necessary corrective action to ensure that emissions have been reduced. The Agency has combined the enhanced and periodic monitoring requirements of Titles V and VII of the Clean Air Act Amendments of 1990 in the draft CAM approach so that all compliance-related monitoring requirements would be integrated in one set of requirements.

The CAM approach also addresses the requirements for compliance

certifications under Titles V and VII of the Clean Air Act Amendments of 1990. As such, the CAM approach, which EPA first gave notice of in September 1995, would amend the current compliance certification provisions in Part 70. To make the Part 71 consistent with the CAM approach, the CAM approach also would amend Part 71. Under the draft CAM proposal, the owner or operator would certify compliance with (1) The emission limitation or standard based on the results of CAM monitoring; and (2) the associated monitoring, reporting, and record keeping requirements in the permit that provide an assurance of ongoing compliance with the emission limitation or standard.

IV. Rulemaking on the Credible Evidence Provisions

The October 22, 1993 original proposed enhanced monitoring rule included revisions to 40 CFR parts 51, 52, 60 and 61. The Agency received full comment on those provisions during the initial and reopened public comment period on that proposal. The Agency received additional comment on those proposed revisions during and after a public meeting held on April 2, 1996. The Agency is considering the promulgation of revisions similar to those originally proposed, with minor changes.

The provisions that were proposed in 1993 would have amended 40 CFR parts 51, 52, 60, and 61 to allow data gathered using enhanced monitoring to be used as "presumptively credible evidence" in enforcement actions. The rule also would have modified parts 51, 52, 60 and 61, to specifically provide for the use of "credible evidence" (CE) other than compliance test method data to prove noncompliance in an enforcement action, and would have had the effect of eliminating any potential ambiguity regarding the use of data other than compliance or reference test method data as a basis for Title V compliance certifications. EPA is considering eliminating the "presumptively credible evidence" categories, but promulgating

the remaining portions of the original October 22, 1993 revisions separately from CAM.

EPA expects to issue a final rule on the proposed changes to 40 CFR parts 51, 52, 60, and 61 in December 1996, prior to completion of the CAM rulemaking. For the purposes of commenting on the CAM approach, interested parties should keep in mind that proposed changes to 40 CFR parts 51, 52, 60 and 61 may be promulgated (and that EPA may do so with the change regarding "presumptively credible evidence" noted above) prior to final action on the CAM approach (i.e. enhanced monitoring and compliance certification).

V. Impact on Small Entities

In the October 22, 1993, original enhanced monitoring proposal, EPA determined that approach to enhanced monitoring would not have a significant impact on a substantial number of small entities. EPA has reexamined that issue taking into account the CAM approach to the enhanced monitoring and compliance certification requirements and reached a similar conclusion. As noted above, EPA will make its analysis on this issue available for public comment shortly.

VI. Deadline Litigation

EPA is currently under a court-ordered deadline to issue a final rule regarding enhanced monitoring and compliance certification by July 31, 1996. On July 31, 1996, EPA filed an unopposed motion for extension of that deadline until December 13, 1996 regarding credible evidence provisions, and until July 7, 1997 with respect to the remaining obligations under section 114(a)(3). EPA expects that these deadlines will be adopted by the court.

Dated: August 6, 1996.

John S. Seitz,

Director, Office of Air Quality Planning and Standards.

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