

April 29, 1998

Christine Spackman
Supervisor
Air Operating Permits Section
Iowa Department of Natural Resources
7900 Hickman Road
Urbandale, IA 50322

Dear Ms. Spackman:

In a letter dated March 23, 1998, you asked if construction permitting, with the exception of PSD and NSPS, would be considered as a title I modification. The EPA believes that the term title I modification should be read to not include minor new source review (NSR) programs established by States pursuant to section 110(a)(2)(C) of the Clean Air Act. This was discussed in the August 31, 1995, Federal Register notice starting on page 45545.

EPA believes that the term title I modification or modification under any provision of title I of the Act means any modification under parts C and D of title I or sections 111(a)(4), 112(a)(5), or 112(g) of the Act; under regulations promulgated by EPA thereunder or in §61.07 of 40 CFR part 61.

Therefore, since title I is not defined in Iowa's regulations, Iowa could be consistent with EPA's interpretation and not include minor NSR modifications.

If you have any questions, please contact Ward Burns of my staff at (913) 551-7960.

Sincerely,

Donald C. Toensing
Chief
Air Permitting & Compliance Branch