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Category: 45 – Criteria for Plan Revisions for Nonattainment Areas

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D. C. 20460

172 - Nonattainment Plan Provisions

Office of
Air and Waste Management

JAN 16, 1979

SUBJECT: Continuity of SIP Regulations--Revised Enclosure

FROM: David G. Hawkins, Assistant Administrator
for Air, Noise and Radiation

TO: Regional Administrators
Regions I-X

In a memo dated September 11, 1978 you were informed of the Agency policy regarding the continuity of SIP regulations during this period of extensive SIP revisions. The attachment to that memo contained suggested wording of EPA's Federal Register notices proposing to approve and final approval of SIP revisions. Since that time, substantial comment has been received in regard to the suggested wording and a revision has been made. Attached is the revised suggested wording for EPA's Federal Register notices regarding approval of State Implementation Plan revisions.

Attachment

cc: M. Durning
J. Bernstein

Attachment

REDRAFT OF LANGUAGE FOR 1979 SIP PREAMBLES

The measures proposed/promulgated today would/will be additional to, and not in lieu of, existing SIP regulations. The present emission control regulations for any source would/will remain applicable and enforceable to prevent a source from operating without controls, or under less stringent controls, while it is moving toward compliance with the new regulations (or, if it chooses, challenging the new regulations). Failure of a source to meet applicable pre-existing regulations would/will result in appropriate enforcement action, including assessment of noncompliance penalties. Furthermore, if there is any instance of delay or lapse in the applicability or enforceability of the new regulations, because of a court order or for any other reason, the pre-existing regulations would/will be applicable and enforceable.

The only exception to this rule is in cases where there is a conflict between the requirements of the new regulations and the requirements of the existing regulations such that it would be impossible for a source to comply with the new regulations. In these situations, the State may exempt a source from compliance with the pre-existing regulations. Any exemption granted would/will be reviewed and acted on by EPA either as part of these proposed/promulgated regulations or as future SIP revisions.