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**Category:** 45 – Criteria for Plan Revisions for Nonattainment Areas

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

November 9, 1981

OFFICE OF  
AIR, NOISE, AND RADIATION

**SUBJECT:** New Procedures for Review of State Implementation Plans

**FROM:** Kathleen M. Bennett, Assistant Administrator  
for Air, Noise and Radiation (ANR-443)

**TO:** Regional Administrators, Regions I-X

I am very encouraged by the response of regional offices to the goal of eliminating the backlog of state implementation plan (SIP) revisions. The number of SIP revisions being sent to headquarters has increased dramatically over the past several months. There are, however, additional steps that need to be taken to streamline the review process and improve the overall quality of the SIP packages.

To help improve the flow of SIP revisions during review by headquarters offices and ensure that each revision receives the appropriate degree of review, I am instituting new headquarters review procedures.

#### New Categories of SIP Revisions

The two existing categories of SIP revisions, special and normal, are now replaced with three categories: Major, moderate, and minor. The category into which a SIP revision falls depends on the potential effects of the revision on air quality. The criteria that regional offices should use to identify the appropriate category for a SIP revision are included in Attachment A. Headquarters staff will help regional offices identify the appropriate category and will do some initial screening to ensure that revisions are properly classified. The new categories should be used for all SIP revisions sent to headquarters after November 13, 1981.

#### Revised Procedures for Review

The three categories will be used to determine the level of review for each revision. A major SIP revision will undergo the full 14-day review previously given special actions. A moderate SIP revision will be reviewed primarily by the appropriate offices within the Office of Air, Noise, and Radiation. A minor SIP revision will be reviewed primarily by the regional office. The review procedures for each category of revision are described more fully in Attachment B.

## Relationship to Experimental Processing Techniques

The three categories will also be used to determine whether a SIP revision may be processed as a final rule without first being proposed for approval. A major SIP revision may be processed as a direct final action if adverse comments appear unlikely. A minor revision may be routinely processed as a direct final. Use of parallel processing is encouraged for all three categories of revisions.

## Better Identification of Important Issues

Many of the action memos accompanying notices of final rulemaking for SIP revisions have not adequately identified the potential effects of the proposed action on air quality, the extent to which the affected states agree or disagree with the action, and other factors important to the Administrator in deciding whether to sign the Federal Register notice. Future action memos should clearly describe the air quality implications of the SIP revision. You, as Regional Administrator, should assure that the state understands the action to be taken. Coordination with the state should be described in the action memo. If the state does not agree with an action, the reason for the disagreement should be identified.

In addition to describing the effects of the action on air quality and on relationships with the states, the action memo should discuss any associated litigation, describe any local controversy associated with the action, and identify any organizations or individuals particularly affected by the action. Comments from the affected organizations and individuals should be noted in the action memo. The statutory requirement for the action should also be included.

As you know, I am reviewing each notice of proposed rulemaking prior to its publication in the Federal Register. An action memo requesting my concurrence should now accompany each proposal. This action memo should contain the same type of information as the action memo requesting the Administrator to sign a final rulemaking. The general format to be used for both types of action memos is shown in Attachment C.

## General Improvement of SIP Packages

One of the primary reasons for preparing the Federal Register notice is to provide interested organizations and individuals with an adequate understanding of the action being taken. Regional Office staff should attempt to better organize the notices and write in plain English. The technical and legal jargon in the notices generally needs to be reduced.

## Tracking the Progress of SIP Revisions

The Office of Transportation and Land Use Policy has established a computerized tracking system to help regional offices determine the status of SIP revisions during review by headquarters offices. Status reports will be provided to regional offices on a regular basis. The reports will be transmitted directly to the computer facilities at your offices.

I intend to take additional steps to improve the overall process for review and approval of SIPs. I welcome any suggestions that you may have to improve the process.

Attachments

## Attachments

### Attachment A: NEW CATEGORIES OF SIP REVISIONS

#### MAJOR ACTIONS<sup>1</sup>

Major SIP actions have the greatest potential effect on air quality in terms of the populations and geographic areas affected. Major actions will include:

- Actions establishing area-wide or state-wide control requirements submitted to meet Part D requirements (e.g., Set II VOC regulations)
- Actions establishing or modifying statewide progress for preconstruction review of major new sources or source modifications (e.g., prevention of significant deterioration plans and generic bubble rules)
- Actions relaxing sulfur dioxide limits for major power plants
- Actions establishing new Agency precedents
- Actions involving litigation
- Actions likely to lead to section 126 petitions
- Actions involving major unresolved Agency policy issues (i.e., stack heights)
- Actions disapproving SIP revisions

#### MODERATE ACTIONS<sup>1</sup>

Moderate actions affect the air quality of more limited geographic areas. Moderate actions will include:

- Actions changing the emission limits for major point sources
- Actions approving variances for major sources that delay attainment dates
- Actions where a state does not fully agree
- Actions receiving significant local interest and comments

#### MINOR ACTIONS<sup>1</sup>

Minor actions are generally routine SIP revisions having little effect on air quality and generating minimal public interest. Minor actions will include:

- Actions where the Agency simply affirms a state action, except where the action falls into the major or moderate category

- Final actions where no comments were received on the proposal, even though the proposed action was categorized as major or moderate
- Actions generally causing minimal changes in air quality. The subjects of such actions include:
  - Section 111(d) negative declarations
  - Lead SIPs relying solely on the lead-in-fuel program
  - Composition of state boards
  - Air quality monitoring networks and procedures
  - Variances for sources not delaying attainment dates
  - Section 107 designation changes to attainment
  - Approval of emission offsets for a new source permit
  - Relaxation of emission limits for minor sulfur dioxide sources
  - Bubbles for individual sources

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<sup>1</sup> These procedures replace those described in the March 1981 guideline, "Processing Procedures for SIP Revisions [And 111(d) Plans]," prepared by the Office of Air Quality Planning and Standards. That guideline will be updated to reflect the new procedures.

Attachment B: REVIEW PROCEDURES FOR EACH CATEGORY OF REVISION

MAJOR ACTIONS<sup>1</sup>

Major actions will be subject to the same 14-day review process used for the old special category of SIP revisions. Federal Register packages for major actions should be sent to the Office of Regional Liaison.

MODERATE ACTIONS<sup>1</sup>

Moderate actions will be reviewed primarily by the appropriate offices within the Office of Air, Noise, and Radiation (Office of Air Quality Planning and Standards, Office of Mobile Source Air Pollution Control, Office of Transportation and Land Use Policy, and the Office of Air, Noise, and Radiation Enforcement). The Office of General Counsel will participate in the review when necessary. Review of moderate actions will be completed in 14 days or less. The Office of Transportation and Land Use Policy will coordinate the review. Federal Register packages for moderate actions should be sent to the Federal Register Officer with copies sent to the same offices previously receiving copies of normal actions.

MINOR ACTIONS<sup>1</sup>

Minor actions will be reviewed primarily by the regional office. Federal Register packages should be sent to the Federal Register Officer with courtesy copies sent to the same offices that receive moderate actions. Proposed actions will be sent by the Assistant Administrator to the Federal Register for publication. Final actions will be sent by the Assistant Administrator to the Administrator for signature.

These procedures replace those described in the March 1981 guideline, "Processing Procedures for SIP Revisions [And 111(d) Plans]," prepared by the Office of Air Quality Planning and Standards. That guideline will be updated to reflect the new procedures.

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<sup>1</sup> These procedures replace those described in the March 1981 guideline, "Processing Procedures for SIP Revisions [And 111(d) Plans]," prepared by the Office of Air Quality Planning and Standards. That guideline will be updated to reflect the new procedures.

Attachment C: ACTION MEMO FORMAT

SUBJECT:

FROM: Regional Administrator

TO: Administrator (Final rulemaking action)

OR

Assistant Administrator for Air, Noise and  
Radiation (Proposed rulemaking action)

IDENTIFICATION OF ACTION

This brief introductory paragraph should describe the action in one or two sentences, indicate whether the action is a proposed or final rule, and identify the category (major, moderate, or minor) into which the action falls.

SUMMARY OF ACTION

This section of the memo should discuss the action in more detail. The discussion should include:

- Sources or source categories affected
- Geographic area affected, including the potential for long-range transport
- Potential changes in air quality, including the effects on national ambient air quality standards and prevention of significant deterioration increments
- Statutory requirements for the action

COOPERATION WITH STATE OR STATES

This section of the memo should describe the coordination between the state and the regional office and indicate the state's position on the action. The reason for any disagreement between the regional office and the state should be included. If the SIP revision affects other states, a summary of any discussions with those states and, if appropriate, other regional offices should also be included.

ISSUES

This section should identify the major issues associated with the action and describe the response or recommendations of the regional office for these issues. This section should discuss any associated litigation, describe any local controversy associated with the action, and identify any organizations or individuals particularly affected by the action. An action memo for a notice of final rulemaking should describe any comments received on the proposal.