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Category: 48 – General VOC Issues

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

DATE: October 29 1982

SUBJECT: Questions and Answers on 1982 Ozone and CO SIP's

FROM: Darryl D. Tyler, Director
Control Programs Development Division (MD-15)

TO: Director, Air and Waste Management Division,
Region I – IV, VI – VIII, X
Director, Air Management Division,
Regions I, V, IX

The following questions and answers are in response to issues raised by Regions regarding the processing of 1982 ozone and CO SIP's. Two previous memorandums dated August 6, 1982, and August 11, 1982, have been distributed. This is the third of that series. The following questions and answers have been reviewed and agreed upon by all affected Headquarters staff offices.

1. Can nonattainment areas which previously were approved as demonstrating attainment for carbon monoxide or ozone by December 31, 1982, now apply for an extension?

No. Section 129(c) of Public Law 95-95 (which was not codified as part of the Clean Air Act) required submittal of these extension requests by January 1, 1979. Accordingly, any State that did not request and receive an extension of the attainment date for ozone and carbon monoxide at that time cannot get one now.

2. Can areas which have received extensions beyond December 31, 1982, for a date prior to December 31, 1987, now modify their attainment dates?

Yes. If the revised estimates in the July 1982 submittal demonstrate that the attainment date needs to be modified, it is possible to revise the date. However, the control strategy measures must be implemented expeditiously and result in attainment no later than December 31, 1987. It is not appropriate to extend the attainment date simply to allow a State to delay the implementation of a measure which otherwise could be reasonably implemented sooner.

3. Can areas which have received extensions beyond December 31, 1982, now rescind the requests if they can now demonstrate attainment by December 31, 1982?

Yes. However, given the proximity of the 1982 attainment date, care should be taken to consider all available air quality data.

4. How should attainment demonstrations based on ranges of reduction rather than a specific reduction target be reviewed?

The EPA review should be based on a specific emission target. If the State identifies a "most probable" value within the range, this should be the value chosen. Where the State does not distinguish this value within the range, efforts should be made to ask the State to clarify the "most probable" emission target. Where the State will not provide any additional clarification and the entire range represents values which the State indicates are possible, then the review should be based on the high end of the range. (See Attachment 1-memorandum from OGC.) In such cases, the Federal Register proposal notice should clearly describe the emission target that the review is based upon.

5. How long a period should we allow for public comments?

The minimum required comment period is 30 days. Since the Act requires expeditious processing, we would recommend extending the comment period beyond 30 days only for unusual circumstances. To assure adequate public notice, I also strongly recommend a notice of availability for the SIP submittal. Attachment 2 is an example notice.

6. Could Headquarters provide recommended Federal Register boilerplate language for proposing disapproval of SIP's?

Attachment 3 to this memorandum is language prepared by OGC. For additional information or clarification please contact Tina Kareen at 755-9301.

3 Attachments ¹

cc: Chief, Air Branch, Regions I - X
Charles Carter
Charles Elkins
Jack Hidingier
Sheldon Meyers
Ed Reich
Richard Wilson

¹ The three attachments are not included in the Policy and Guidance Notebook.