



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

JUL 10 1995

MEMORANDUM

SUBJECT: Redlegation of Authority for Delegation 7-10 from the Assistant Administrator to the Regional Administrator's

FROM: Mary D. Nichols, Assistant Administrator
Office of Air and Radiation (6101)

TO: Regional Administrator, Regions I-X

Pursuant to Delegation 7-10, contained in the EPA Delegation Manual, the authority to approve/disapprove State Implementation Plans (SIPs) and SIP revisions required to be submitted to EPA under Section 110 of the Clean Air Act was delegated to the Regional Administrators for certain categories of actions. The categories of actions delegated for decision by Regional Administrators are the tables initially published in the Federal Register on January 19, 1989 (54 FR 2214) and subsequently revised in an October 4, 1993 Memorandum from Michael Shapiro, Acting Assistant Administrator, to the Regional Administrators. Delegation 7-10 states that the Assistant Administrator for Air and Radiation can periodically revise the tables via a memorandum to the Regional Administrators. This authority may not be redelegated. Effective today, all actions currently on Tables 1 and 2 are moved to Table 3 and are thus delegated to the Regional Administrators for signature.

Based upon recommendations made at the April, 1994 Regional Air Division Directors meeting in St. Louis, Missouri, a SIP Improvement Workgroup was established to examine EPA's procedures for promulgation of SIPs and to recommend improvements. Attached is the final report, which I have approved. The report contains numerous recommendations which I believe will simplify and streamline the SIP review process. A key recommendation of the workgroup is to maximize regional authority by delegating signature for all SIPs to the Regional Administrators. Today's memorandum is an important first step in implementing this recommendation. However, to more clearly indicate in the delegation itself what authority has been delegated to the Regional Administrators and what the limitations are on that

authority, we are preparing a new delegation for Green Border review which will effectively eliminate the SIP Tables. While this process may take a few months, the basic intent of the new delegation can be achieved in the interim by today's revision to the existing delegation.

I feel that it is important to highlight for you the basic limitations on the new delegation, which also apply during this interim period. The first of these limitations is the process recommended by the Consistency Committee for assuring clear accountability at the Regional level and adequate national consistency. I believe this process, as outlined in Chapter III of the final report (p.37), strikes a reasonable balance between the need to have consistent application of regulation and policy nationally with the need for regional flexibility to address local issues. These procedures, which go hand-in-hand with the delegation, will provide Regional Offices a mechanism to quickly identify issues that have national implications and should be discussed by all Regions, thus encouraging Regions to be accountable to one another when an individual Region feels a need to deviate from national policy. I consider this consistency process necessary for maintaining program integrity as we move forward to eliminate formal Headquarters review of SIP packages in our efforts to streamline the process and maximize Regional authority.

A second limitation of the delegation, which is discussed in some detail in the final report (recommendation 4b, p.23), is that the Office of General Counsel will be provided an opportunity to review SIP packages containing significant adverse comments and the responses to those comments. Thirdly, during this interim period, the Office of Management and Budget will continue to review those SIP categories and Federal Register actions as defined in the July 18, 1994 memo from John Seitz to the Air Division Directors.

Another issue for your consideration as we move forward to implement the recommendations in this report is that although OGC will be available for consultation on specific issues, the Offices of Regional Counsel (ORC) will carry the sole burden of providing legal review of SIP submittals (recommendation 3e, p.22). Therefore, early and thorough review by ORC will be increasingly necessary. The SIP Improvement Report specifically recommends that the Regional program office consult with other offices in the Region--particularly ORC--and reevaluate the Region's internal process for reviewing SIPs (recommendation 4p, p.31). This effort should occur as soon as possible in order to ensure a smooth transition to the new fully delegated program.

If you have any questions regarding this delegation please call Pam Johnson at (919) 541-5270.

Attachment

cc: J. Seitz
M. Oge
A. Eckert
G. Hanson
Regional Counsel, Regions I-X
Air Division Director, Regions I-X