



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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OFFICE OF
AIR AND RADIATION

MEMORANDUM

SUBJECT: Policy Guidance on the Adoption and Use of SIP TCM Substitution Mechanisms in SIPs

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Office of Transportation and Air Quality

TO: EPA Regional Air Division Directors

This memorandum transmits the Environmental Protection Agency's (EPA's) final policy guidance that describes the adoption and use of transportation control measure (TCM) substitution mechanisms. A TCM substitution mechanism serves to establish a process by which TCMs in an approved state implementation plan (SIP) can be removed and replaced with substitute TCMs without the need for EPA to conduct notice and comment rulemaking on the individual substitutions. The flexibility provided by this type of mechanism is intended to assist States with TCMs in their approved SIPs to meet the Clean Air Act's conformity requirements for timely TCM implementation. By providing this flexibility it may also encourage additional States to include TCMs in their SIPs.

We have appreciated working closely with you and your staff and the Department of Transportation on the development of this guidance.

We intend to post this guidance on the transportation conformity website at: <http://www.epa.gov/otaq/transp/traqconf.htm>. Please ensure that all of the agencies involved in the air quality and transportation planning processes in your region are aware of the availability of this guidance. If there are any questions regarding this guidance, please contact Rudy Kapichak at 734-214-4574.

I. Introduction

This guidance provides States with information on the EPA's basic process for incorporating a TCM substitution mechanism into a new or previously approved SIP. A TCM is any transportation project or program that reduces vehicle use or changes traffic flow or congestion conditions for the purposes of reducing emissions from transportation sources and improving air quality. Examples of TCMs are found in Clean Air Act section 108(f) and include measures such as improved public transit and employer-sponsored programs to permit flexible work schedules. See Section III. for more information regarding what types of SIP changes can be done through a TCM substitution mechanism.

To meet air quality goals, some States have chosen to adopt TCMs into their SIPs. Once EPA approves a TCM as part of a SIP, the TCM then becomes federally enforceable and must be implemented. If an area subsequently wants to change or substitute a specific TCM in an approved SIP, it can only do so through a formal SIP revision that must be approved by EPA through notice and comment rulemaking unless the SIP includes an approved TCM substitution mechanism. This guidance addresses a TCM substitution mechanism and includes specific guidelines and procedures for replacing TCMs in an approved SIP with "substitute" TCMs without having to conduct formal SIP revisions. Such a mechanism could significantly reduce the time that it takes to replace a TCM in a SIP.

States and areas that are considering adopting a TCM substitution mechanism in their SIPs may consider substitution mechanisms that EPA has already approved. Portland, Oregon and the State of Texas have adopted TCM substitution mechanisms, and EPA has approved these mechanisms into their SIPs (62 FR 31398 and 67 FR 72379, respectively). EPA recommends that States or areas that are considering adopting a TCM substitution mechanism use the Portland or Texas SIPs as a starting point for their substitution mechanism.

EPA will consider other substitution processes that meet the key elements as discussed in Section V. below. Any mechanism that meets the provisions of this guidance could be proposed for approval by EPA into the SIP through rulemaking. Both the Portland and Texas substitution mechanisms are available on the transportation conformity website at:
<http://www.epa.gov/otaq/transp/traqconf.htm>.

This document provides guidance to EPA regional offices and State and local agencies as well as to the general public on how EPA intends to exercise its discretion in implementing the statutory and regulatory provisions that concern TCM substitution mechanisms. The guidance is designed to implement national policy on these issues. The statutory provisions and EPA regulations described in this document contain legally binding requirements. This document does not substitute for those provisions or regulations, nor is it a regulation itself. Thus, it does not impose legally binding requirements on EPA, States, or the regulated community, and may not apply to a particular situation based upon the circumstances. EPA and State decisionmakers retain the discretion to adopt approaches on a case-by-case basis that differ from this guidance

where appropriate. Any decisions regarding a particular substitution mechanism will be made based on the statute and regulations. Therefore, interested parties are free to raise questions and objections about the substance of this guidance and the appropriateness of the application of this guidance to a particular situation. EPA will, and States should, consider whether or not the recommendations or interpretations in the guidance are appropriate in that situation. This guidance is a living document and may be revised periodically without public notice.

II. Purpose of This Guidance

EPA is issuing this guidance to clarify the parameters of TCM substitution mechanisms and to respond to requests from a wide range of stakeholders including transportation organizations and environmental groups. Stakeholders have indicated support for a SIP mechanism that would allow areas to substitute TCMs in an approved SIP without the need for individual formal SIP revisions. This guidance will enable States to take better advantage of the flexibility and resource savings that a TCM substitution mechanism can offer without any adverse environmental impact.

In addition, EPA believes this guidance will provide timely assistance to existing nonattainment and maintenance areas that have TCMs in their approved SIPs or are considering adding TCMs to their SIPs. Also, a number of areas will soon be designated nonattainment under the 8-hour ozone and PM_{2.5} national ambient air quality standards (NAAQS). Areas designated under the new NAAQS will be developing SIPs between 2004 and 2007 and some of these areas may include TCMs. These areas may want to consider including a TCM substitution mechanism as part of their SIP in order to facilitate future revisions to these TCMs, when necessary.

Furthermore, this guidance could assist areas in meeting the transportation conformity requirements in a more efficient and practicable manner when TCMs are significantly delayed or need to be changed. In areas that have approved TCMs in their SIPs, the Clean Air Act or the transportation conformity regulation (40 CFR 93.113) require that those TCMs be implemented according to the schedules in the approved SIPs. Specifically, §93.113 states that the transportation plan and transportation improvement program (TIP) cannot be found to conform if they interfere with the timely implementation of SIP-approved TCMs. In addition, the plan and TIP must demonstrate that the TCMs are on or ahead of schedule, or that maximum funding priority has been given to SIP-approved TCMs and that any obstacles to their implementation have been or are being overcome (58 FR 62197-8). Therefore, in the case where a non-regulatory TCM¹ in an approved SIP is no longer feasible and the State wishes to have it replaced quickly before a conformity deadline, a TCM substitution mechanism would provide a quick, efficient and reasonable process for replacing that TCM, consistent with the approved SIP, and could potentially minimize adverse conformity-related consequences for other transportation projects.

¹ A non-regulatory TCM is any TCM that is not adopted in the form of a regulation.

III. Scope of This Guidance

TCMs can only be changed through the use of a TCM substitution mechanism if such TCMs do not require a rule or regulation for implementation. Examples of non-regulatory TCMs include construction and operation of park and ride lots, expanded mass transit service and carpooling programs. If a State has adopted a regulation that implements a TCM and EPA has approved that regulation, it can only be changed by EPA through notice-and-comment rulemaking. Such a TCM could not be changed through a TCM substitution mechanism.

EPA has developed a process that, where approved into a SIP through notice-and-comment rulemaking, allows non-regulatory provisions in approved SIPs, which include most TCMs, to be changed without the need for EPA to conduct additional notice-and-comment rulemaking. We should note that this guidance provides only for the substitution of TCMs with other TCMs. Substitution mechanisms approved into the SIP under this policy could not be used to modify other types of control measures in the approved SIP, such as inspection and maintenance programs or stationary source controls, because the vast majority of these measures are regulatory in nature. EPA's ability to change approved SIPs without notice-and-comment rulemaking under this procedure is limited to non-regulatory measures. Additionally, replacing TCMs with new or more stringent controls on stationary, area or non-road sources would also necessitate a change to the area's motor vehicle emissions budget and a change to a SIP-approved motor vehicle emission budget can only be made through notice-and-comment rulemaking. Finally, section 176(c)(2)(B) of the Clean Air Act and §93.113 of the transportation conformity rule require that a plan, TIP or project not from a conforming plan and TIP can only be approved if the plan, TIP or project not from a conforming plan or TIP provides for the timely implementation of SIP-approved TCMs and does not interfere with the timely implementation of these TCMs. This requirement for timely implementation is unique to SIP-approved TCMs. This guidance is meant to provide areas with a mechanism to assist them in successfully fulfilling this Clean Air Act and conformity rule requirement that is unique to TCMs.

In summary, TCM substitution mechanisms are only applicable in the situation where an area wishes to remove non-regulatory TCMs from its SIP and replace those TCMs with one or more non-regulatory TCMs of equivalent or greater emissions benefit. In most cases TCMs provide small emissions reductions compared to the overall on-road motor vehicle inventory; therefore, EPA believes that it can approve TCM substitution mechanisms as long as certain criteria are satisfied as described below.

IV. Example of a TCM Substitution Mechanism

The following example illustrates how a TCM substitution could work:

- Selection of substitute TCM: Federal, State, and local air quality and transportation agencies would consult to determine what new TCMs are available to replace a delayed SIP-approved TCM. As part of the consultation, State and local agencies would evaluate

the potential emission reductions from the new TCMs, and select a substitute TCM. All necessary documentation would be compiled as part of the substitute TCM, as described in Section V. of this guidance document.

- Public participation: The public would be given an opportunity to comment on the proposed substitute TCM, equivalence of emissions reductions, and whether EPA should concur with the substitution.
- State or local air agency concurrence: After review and response to public comments has been completed, the State or local air agency would concur on the substitute TCM, and submit the substitute TCM for EPA review.
- EPA concurrence: After reviewing the TCM substitution documentation, EPA would concur on the substitution within a reasonable period of time.
- State or local air agency adoption of substitute TCM: After EPA's concurrence, the State or local air agency would adopt the substitute TCM and rescind the original SIP-approved TCM.

V. Key Elements of a TCM Substitution Mechanism SIP Revision

In order for an area to substitute TCMs in approved SIPs in a streamlined fashion, the State would first need to adopt a TCM substitution mechanism as a SIP revision and submit it for approval by EPA. Such a TCM substitution mechanism must meet the same administrative and public involvement requirements at the State and local level as any other SIP revision to be approved by EPA. At the time EPA approves the substitution mechanism into the SIP through notice-and-comment rulemaking, EPA would be pre-approving any future substitution that complied with all of the requirements of the approved mechanism. It is also important that all of the relevant federal, State and local agencies have early involvement in the development of an area's TCM substitution mechanism. To fulfill the general Clean Air Act requirements for SIP control measures, the TCM substitution mechanism needs to assure that the following key elements would be applied to each substitution:

- Project Specificity
- Equivalent Emissions Reductions and Implementation Schedule
- Adequate Resources for TCM Implementation
- Legal Authority and Enforceability
- Consultation between Federal, State and Local Agencies
- Public Participation
- State or Local Air Agency and EPA Concurrence
- Modification to Affected SIP and Documentation

The following paragraphs provide details on the key elements that should be addressed by any TCM substitution mechanism in order to be proposed for approval by EPA.

A. Project Specificity:

The TCM substitution mechanism should provide that the TCM in the approved SIP and the substitute TCM be clearly identified and described. The substitute TCM should meet all of the requirements of Clean Air Act section 110 and EPA's TCM SIP Guidance (EPA 450/2-89-020). Specifically, the documentation for each substitution should include: 1) the name of the TCM in the approved SIP that is proposed to be replaced; 2) the name of the proposed substitute TCM; 3) a brief but thorough description of both the original and substitute TCMs including their locations and implementing agencies; 4) the steps and schedule for completing and operating the substitute TCM; and 5) a brief explanation of why the substitution is necessary.

B. Equivalent Emissions Reductions and Implementation Schedule:

EPA believes that the Clean Air Act requires that each substitute TCM must provide equal or greater emission reductions than the TCM that is being replaced to ensure that the purpose of the control strategy or maintenance SIP for the area is not compromised and that the SIP's motor vehicle emission budgets are not changed. To demonstrate that the new TCM provides equal or greater emission reductions, the emission benefits of the substitute TCM should be analyzed in a manner that is consistent with the methodology used for analysis of the existing TCMs in the approved SIP, unless a better methodology is currently available. EPA believes that the Clean Air Act requires that the latest planning assumptions, transportation models, and emissions models must also be used. If hot-spot analyses are needed, the most recent version of the EPA-approved hot-spot model should be used.

It should be noted that some approved SIPs include TCMs for which no emission reduction credit was claimed. If such a TCM is to be replaced through a TCM substitution mechanism, an emissions analysis should be performed for both the existing SIP-approved TCM and the proposed substitute TCM. It should be demonstrated that there will be no increase in emissions caused by the substitution.

In determining whether or not a substitute TCM provides equivalent emission reductions, the area should document that the substitute TCM provides emission reductions that are:

- permanent for the time period relied upon in the applicable SIP;
- for the same time of year (e.g., during the winter carbon monoxide (CO) season) or during a specific time of day (e.g., the morning or evening rush hour) relied upon in the applicable SIP;
- for the same pollutant or precursor as the original SIP TCM; and

- for the same geographic location, if the such a location is identified as critical for the emission reductions for the applicable SIP (e.g., in a CO or PM₁₀ nonattainment or maintenance area).

An area should also consider whether or not the substitution will have an effect on any other SIPs for the area. For example, if a TCM is relied upon in more than one SIP (e.g., a TCM is included in both an ozone attainment demonstration and a CO maintenance plan) or is included in the baseline emissions, the emissions analysis that is performed for the substitution would need to consider the impacts on all the affected SIPs and motor vehicle emissions budgets.

The substitute TCM should also be implemented within the same time frame as the measure that is being replaced or if the implementation date has passed the substitute TCM should be implemented as expeditiously as practicable within the limits described below. If it is not possible for the substitute TCM to be implemented by the same deadline, the substitute TCM should be implemented as expeditiously as practicable so that emission reductions can be achieved by the year required by the SIP. For example, if the TCM that is being replaced was to be implemented in 2006 and was included in the area's 2007 ozone attainment demonstration, the substitute TCM should be fully implemented no later than the beginning of the 2007 ozone season. In this case, the substitute TCM should be included in the first year of the MPO's transportation plan and TIP for the area and should be implemented by the time reductions are needed to support the SIP, in this case by the beginning of the 2007 ozone season.

A TCM substitution mechanism would not be approvable if it allowed any substitutions that would interfere with any applicable requirement for reasonable further progress or timely attainment or maintenance of any NAAQS. Use of an approved TCM substitution mechanism would not be appropriate in the case where both the implementation date for the original TCM and SIP milestone date have passed. For example, if a TCM which was to be in place in 2007 and was included in an area's 2007 ozone attainment demonstration became delayed, it would not be appropriate to use a TCM substitution mechanism to replace this delayed TCM in 2008. In this case a formal SIP revision would be required to address the attainment demonstration as well as the substitute TCM.

Finally, nonattainment areas must continue to meet the Clean Air Act's requirements for implementation of RACM;² serious PM₁₀ nonattainment areas must continue to meet requirements for implementation of BACM.³ Serious, severe and extreme ozone areas and

²RACM requirements do not apply in maintenance areas.

³Provided that all applicable RACM and BACM requirements are met, EPA believes that TCMs substituted through the use of a SIP-approved TCM substitution mechanism would fulfill the requirements of Clean Air Act sections 110(l) and 193 because the TCM substitution mechanism would require that the substitute TCMs provide equivalent emission reductions and

moderate and serious CO areas that have adopted TCMs to comply with Clean Air Act sections 182(c)(5), 182(d)(1)(A), 182(e)(4), 187(a)(2)(A) or 187(b)(2) may use a substitution mechanism to change non-regulatory TCMs and must also continue to comply with those Clean Air Act requirements.

C. Adequate Resources for Substitute TCM Implementation:

A TCM substitution mechanism should ensure that adequate support and resources are available to implement a substitute TCM over the time frame specified in the SIP. Specifically, a substitution mechanism should require that the documentation for each request to replace a TCM in an approved SIP include evidence that the implementing agency has sufficient resources to implement the substitute TCM. TCMs that are included in an area's transportation plan and TIP must meet all applicable requirements in U.S. DOT's metropolitan planning regulations including the metropolitan plan and TIP fiscal constraint requirement (23 CFR 450). Therefore, inclusion of the substitute TCM in a fiscally constrained metropolitan plan and TIP generally would serve as sufficient evidence that adequate resources are available to implement the TCM. However, if the TCM is not federally funded or is not part of the plan and TIP, the implementing agency should provide additional information on the availability and commitment of adequate resources as necessary to implement the substitute TCM.

D. Legal Authority and Enforceability of the Substitute TCM:

The substitution mechanism should require that the documentation that is prepared to support a TCM substitution include evidence that the implementing agency has adequate legal authority to implement and enforce the substitute TCM. For example, inclusion of the project in a metropolitan area's plan and TIP or in the case of an isolated rural area inclusion of the substitute TCM in the Statewide Transportation Improvement Program would indicate that the implementing agency had legal authority to carry out the project.

Since the substitute TCM becomes part of the approved SIP for the area, Clean Air Act sections 113 and 179(a) of the Clean Air Act grant EPA the authority to enforce the implementation of the substitute TCM. Implementation of the substitute TCM may also be enforced by citizen suits under Clean Air Act section 304.

E. Consultation Between Federal, State and Local Agencies:

Each TCM substitution mechanism should provide for consultation between all jurisdictions that are affected by each substitution. For example, when it is determined that it may be necessary to substitute a SIP TCM, the affected jurisdictions should evaluate possible new TCMs. Those involved in this evaluation may be similar to the group that participates in the area's interagency consultation process. This group should include members from the State and/or local air quality

therefore would not interfere with reasonable further progress or attainment.

and transportation agencies and all of the jurisdictions affected by the substitution that is being considered. Early involvement of the State and local air agency is especially important since air agency concurrence is required on the final substitution as described below. The consultation process should include representatives from EPA, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA). Early consultation with Federal agencies is essential to facilitate subsequent concurrence on each substitution by EPA, and on conformity determinations based in part on timely implementation of substituted TCMs by FHWA and FTA.

F. Public Participation:

A TCM substitution mechanism should provide for a 30-day public comment period and at least one public hearing when the TCM substitution mechanism is used. Similar to the public process for a SIP revision, the State and/or local air agency should provide reasonable notice to the public that a hearing on a TCM substitution is being scheduled and provide the public access to all material relevant to the substitution, as well as respond in full to all comments submitted. The State and/or local air agency should ensure that the TCM substitution process complies with all applicable laws and regulations for public participation including State or local sunshine laws. Copies of the hearing announcement and any prepared supporting documentation should be sent to the EPA regional office, FHWA division office, the FTA regional office and any other relevant State and local air and transportation agencies. Since EPA's approval of a TCM substitution process into a SIP will constitute pre-approval of any subsequent substitution that complies with the mechanism, and EPA's concurrence on a specific substitution would be EPA's conclusion that the substitution does comply with the mechanism, commenters should be made aware through the hearing announcement that they should submit comments not only on whether the state should approve the substitution but also on whether EPA should concur with that substitution.

The public hearing on the TCM substitution could be held in conjunction with the local MPO's public hearing on changes to its transportation plan, TIP or conformity determination, if such events in a given area are scheduled to take place simultaneously. The public would need to be informed of all of the topics being covered at such a public hearing. It is likely that the State or local air agency would need to have a hearing officer present to conduct the portion of the hearing on the TCM substitution. Also, the involved agencies would need to ensure that comments received during the hearing would be directed to the State or local air agency for response.

G. State or Local Air Agency and EPA Concurrence:

The TCM substitution mechanism should indicate which State or local agency is authorized to submit substitute TCMs to EPA for concurrence. In most cases this will be the State or local air agency that is designated by the Governor to submit SIP revisions.

Following the public hearing and the close of the comment period, the State or local air agency would summarize the comments received and prepare responses. Both the comments and the responses would be submitted to the EPA regional office along with the final version of all other materials related to the substitution for EPA's concurrence. Formal submittal of these materials by the State or local air agency to EPA indicates that the State or local air agency concurs with the substitution. EPA should be allowed 30 days to review the public comments, the responses to the comments and the information supporting the substitution. Following its review, EPA would notify the State or local air agency in a formal letter as to whether or not it concurs with the substitution. A substitution could not go into effect unless EPA has concurred on the substitution. As noted above, since EPA will not be conducting further rulemaking at the federal level, commenters should raise all comments relating to EPA's concurrence during the comment period on the state substitution.

If EPA concurs on a proposed substitution, the State or local air agency would adopt the substitute TCM and rescind the original TCM from its SIP. The substitute TCM becomes effective on the date of the State's adoption. The State or local air agency should notify the EPA regional office and the MPO of the effective date of its adoption of the substitute TCM and the rescission of the original TCM⁴. As part of that notification the State or local air agency should request EPA to update the Code of Federal Regulations (CFR). Finally, the TCM substitution mechanism should include procedures for the State to provide timely notification to the public of the final adoption of individual TCM substitutions. The State or local air agency should complete these actions in a timely fashion (e.g., 30 days or less) after EPA's concurrence on the substitution.

H. Modification to Affected SIP and Documentation:

Once a state has made a final substitution under an approved mechanism, EPA will need to update the Code of Federal Regulations (CFR) to reflect the changes to the SIP. EPA has two mechanisms to do this.

1) In order to provide for expedited incorporation of SIP changes into the CFR generally EPA developed a revised SIP compilation system that was described in the Notice of Administrative Change which was published in the Federal Register on May 22, 1997 (62 FR 27968). Under this system, EPA regional offices use a "notebook system"⁵ to keep SIPs up to date. As part of

⁴ It is at this point that the substitute TCM may be used to satisfy the transportation conformity rule's requirements for timely implementation of TCMs.

⁵The notebook system for compiling SIPs is a process under which EPA revises 40 CFR Part 52 by: 1) revising charts listed in the Identification of Plan section; 2) submitting State regulatory revisions for incorporation by reference into the SIP by means of a revised annual compilation (generally in a looseleaf notebook) of all State regulations listed in these Identification of Plan charts rather than by piecemeal regulation updates; and 3) updating the list

the conversion to this revised SIP compilation system EPA would have made appropriate changes to place the non-regulatory TCMs into the non-regulatory section of the State's SIP notebook.

EPA regional offices have compiled the SIPs of 22 States into notebook systems. If a State is considering adopting a TCM substitution mechanism and the EPA regional office has not yet switched the State to the notebook system, EPA recommends that the State and regional office should work together to convert the State to the notebook system as soon as possible to facilitate future substitutions.

Assuming the EPA regional office is using the notebook system for compiling SIPs, the EPA regional office would then proceed to update the CFR to remove references to the original TCM and to add information on the substitute TCM. The regional offices will update the CFR as described in the Notice of Administrative Change which was published in the Federal Register on May 22, 1997 (62 FR 27968). Specifically, when EPA completes notice and comment rulemaking to approve a TCM substitution mechanism, EPA will add the approved TCM substitution mechanism to subsection (c) of the State's section of 40 CFR part 52. Subsection (c) includes regulations that EPA has approved in the SIP. After EPA has concurred on a TCM substitution and the State or local air agency has requested that EPA update the CFR, EPA would proceed to update subsection (e) of the State's section of 40 CFR part 52. Subsection (e) contains non-regulatory provisions including TCMs. The May 22, 1997 Notice of Administrative Change indicates that the EPA regional offices accomplish these updates by publishing an informational notice in the rules section of the Federal Register. The regional offices are to make these updates annually although more frequent updates may be made when necessary. The regional offices should consider whether annual updates are sufficient or if more frequent updates should be made so that the public can obtain accurate information on changes to the SIP(s) affected by the substitution, so that the substitute TCM is added to the formal codification of the federally enforceable SIP, and so that the original TCM is rescinded from the codified federally enforceable SIP. It should be noted that because the documents and materials listed in subsection (e) are non-regulatory they will not undergo the Incorporation by Reference process described in 1 CFR part 51. Therefore, these materials will be available for public inspection only at the regional office.

2) Where a state has not yet been converted to the notebook system, EPA would need to take a final action in the Federal Register to incorporate the substituted TCM into the CFR. Since EPA will have pre-approved any subsequent substitutions that comply with the mechanism at the time it approved the substitution mechanism into the SIP, EPA would take the final action incorporating the specific substitution into the CFR without additional notice-and-comment

of non-regulatory measures in the State's SIP through the use of an informational notice in the rules section of the Federal Register. Non-regulatory measures are not incorporated by reference into the Code of Federal Regulations; therefore, these materials are maintained in the notebook for the State at the EPA regional office.

rulemaking. EPA believes that it would have good cause under the Administrative Procedures Act to take these actions without additional opportunity for public comment because EPA would have already taken comment on the appropriateness of the substitution process at the time it approved the mechanism into the SIP, and because the public would have had the opportunity to comment on the specific substitution during the public comment period and public hearing at the state level on the specific substitution.

In both of the above situations, the State or local air agency or other designated agency would also be responsible for maintaining the documentation for each TCM substitution. The documentation should include descriptions, schedules, commitments and any other requirements for the original and substitute TCMs. The documentation should also include a list of the State, local and federal agencies that participated in developing the substitute TCM, the emissions reductions analysis for the substitution, information relevant to the public hearing including a summary of comments received and responses, EPA's concurrence letter and the State or local air agency's adoption of the substitute TCM. This material should be readily available to the public. The State or local air agency should ensure that the material is attached to their copies of the affected SIP(s).