



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

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OFFICE OF
AIR AND RADIATION

MEMORANDUM

SUBJECT: Guidelines for State Implementation Plan (SIP) Submittals Due
November 15, 1992

FROM: Michael H. Shapiro
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TO: Director, Air, Pesticides and Toxics Management Division, Regions
I and IV
Director, Air and Waste Management Division, Region II
Director, Air, Radiation and Toxics Division, Region III
Director, Air and Radiation Division, Region V
Director, Air, Pesticides and Toxics Division, Region VI
Director, Air and Toxics Division, Regions VII, VIII, IX, and X

The Clean Air Act (CAA) requires numerous SIP submittals by November 15, 1992. The purpose of this memorandum is to discuss the Environmental Protection Agency's (EPA's) guidelines for the State submittals. The major focus of this memorandum is on ozone and carbon monoxide nonattainment area submittals.

In general, the CAA requires and EPA expects States to submit fully- adopted and technically and administratively complete SIP's and SIP elements by November 15, 1992. However, in some limited circumstances that merit special consideration EPA may accept committal SIP's. Under section 110(k)(4) of the CAA, EPA may approve a SIP revision submittal that consists of a commitment by the State--i.e., a committal SIP--to adopt specific enforceable measures within 1 year of the promulgation of EPA's conditional approval of the commitment. The EPA believes that such a committal SIP is acceptable only in limited circumstances. The EPA's rationales for accepting such committal SIP's are specific to the type of program area submittal. In most cases EPA's rationale for accepting a committal SIP appears in the "General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990" [57 FR 13498 (April 16, 1992)] (General Preamble). In other cases, EPA may provide such a rationale in subsequent supplements to the General Preamble or other guidance.

For such program areas, as identified in the attached table, EPA will accept a commitment submitted under section 110(k)(4) in which a State would commit to develop and adopt a specific enforceable SIP element within 1 year of the promulgation of EPA's conditional approval of the committal SIP. If the commitment is to adopt an entire rule or set of rules, the commitment must be a SIP revision submittal by the State. As with any SIP revision, in order for EPA to accept the commitment as a SIP revision, the State must have provided notice and public hearing on the submittal commitment consistent with sections 110(a)(2) and 110(1) of the CAA and 40 CFR Section

51.102.¹ The committal SIP must include the basis for the conditional approval. If EPA stated a rationale for potentially granting a conditional approval in the General Preamble, then the committal SIP should be based on this same rationale. In other cases, Headquarters will advise the Regions as to the rationale that should be used. The committal SIP should also include a State work plan detailing any specific measures to be adopted, the steps that will be taken to adopt the measures, and the schedule for adoption of those measures. However, for inspection and maintenance (I/M) programs, EPA expects the States to submit a schedule for implementation of such programs.

If a State's submission contains all of the items above, EPA would then consider conditionally approving the State's committal SIP through notice and comment rulemaking. As specified in section 110(k)(4), the State would be required to submit the fully-adopted plan within 1 year of the promulgation of the conditional approval of the committal SIP unless EPA establishes a more stringent deadline (e.g., EPA is proposing in its I/M regulation that fully-adopted SIP's covering I/M programs be submitted to EPA no later than November 15, 1993, regardless of when EPA takes action on the I/M committal SIP's).

The attached table lists the program areas for which a SIP is due by November 15, 1992, including both the areas for which a full submittal is expected and the areas for which EPA will accept a committal SIP, the section of the General Preamble which more specifically describes the detailed requirements of each submittal where applicable, and the staff person to contact for more information. The EPA expects States to be following the public hearing requirements contained in sections 110(a)(2) and 110(1) of the CAA and 40 CFR Section 51.102 for all program areas listed in the attached table prior to submission to EPA on November 15, 1992, except for emissions inventories. A separate memorandum addressing the public hearing requirements for emissions inventories will be distributed within the next few weeks.

If a State fails to make a submittal by the November 15, 1992 deadline, EPA will consider whether a section 179(a) finding of failure to submit a SIP or element of a SIP is appropriate. In cases where EPA does make such finding, then the 18-month clock for purposes of imposing one of the two sanctions provided for in section 179(b) will begin upon the date that EPA makes a finding. This action also activates the 24-month period for Federal implementation plan promulgation. In addition, in the case of new source review SIP deadlines, EPA will consider other corrective measures (see, e.g., General Preamble, 57 FR 1355556).

I hope that this information will be helpful to you in guiding your States in the development of the SIP submittals. Please share this information with your States and appropriate local agencies. For further information please contact Sheila Holman of the Office of Air Quality Planning and Standards (919-541-0861) or Jane Armstrong of the Office of Mobile Sources (313-668-4471).

Attachment

cc: Air Branch Chiefs, Regions I-X
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¹ To the extent that there is insufficient time to adequately complete this process prior to the November 15, 1992 deadline, one option is to parallel process the commitment SIP.

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* See follow-up memo of September 16, 1992, "Correction of State Implementation Plan Submittals Tables," from Michael H. Shapiro.