



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

JAN 30 1996

OFFICE OF
AIR AND RADIATION

MEMORANDUM

SUBJECT: SIP Credits for Federal Nonroad Engine Emissions
Standards and Certain Other Mobile Source Programs

FROM: Mary D. Nichols ORIGINAL SIGNED BY
Assistant Administrator
for Air and Radiation MARY D. NICHOLS

TO: Regional Administrators
Regions 1-10

The purpose of this memorandum is to revise existing guidance on how the Environmental Protection Agency (EPA) intends to allow State Implementation Plan (SIP) credits for national mobile source measures not yet promulgated. The memorandum describes current policy and does not constitute final action. Final action will be taken in the context of notice-and-comment rulemaking or other appropriate actions concerning the relevant SIP submissions.

A previous memorandum to you on this same subject, dated November 23, 1994, authorized states to take credit in their SIPs for reductions from Federal measures which are required by the Clean Air Act or court order but are not yet promulgated. As a condition for credit, however, states were required to commit to adopting gap-filling measures to account for any shortfall between currently anticipated and actual benefits from the final rule.

EPA encourages states to include contingencies in their plans and planning processes to address possible shortfalls, including discrepancies between our present estimates of reductions from Federal measures and the credits from the rules as promulgated. However EPA does not believe that the Clean Air Act compels states to include in their SIPs a commitment to adopt

gap-filling measures. EPA believes that the same justification for granting the SIP credits as described in the November 23, 1994, memorandum applies even without the state commitment. Therefore, EPA is now eliminating the requirement for these state commitments. If the final national measure delivers less than credited in the SIP, EPA has the authority to issue a call for plan revision under section 110(k)(5) should the SIP become, as a result, substantially inadequate to comply with any requirement of the Act, including the provisions relating to demonstrations of progress and attainment.

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