

Appendix 1

State Implementation Plan Submittals What goes in and what stays out

Region 10 – Updated August 13, 2013

This document discusses the types of regulations that are appropriate and not appropriate for inclusion into State Implementation Plans (SIPs) pursuant to section 110 and elsewhere in the Clean Air Act (CAA). The CAA has multiple obligations for the states to develop and submit programs to EPA for approval. A SIP submittal is one such obligation and is unique from other obligations (e.g., a Title V permit program). The purpose of this document is to help prevent unnecessary work in the submittal and review of rules not appropriate for inclusion into SIPs. It is not intended as an exhaustive list of all rule titles sufficient to comply with the CAA. In addition, since each SIP is unique, this document should not be used in lieu of case-by-case analysis of state/local rules and the specific requirements of the CAA. Nonetheless, we intend to update this document if we find ways to make it more useful in the future.

1. **Appropriate for SIPs.** SIPs are designed to achieve and maintain National Ambient Air Quality Standards (NAAQS) for the criteria pollutants as described in 40 CFR 50, and to meet certain other requirements of the Title I of the CAA, such as Prevention of Significant Deterioration (PSD) permit rules required by sections 160-171 and nonattainment permit rules required by section 173 (Part D NSR).¹ SIPs may include state measures that are not required by the CAA and relate to attainment and maintenance of the NAAQS if the state requests EPA approval. 40 CFR Part 51 addresses SIP requirements and submissions to EPA. EPA will review and, when appropriate, approve SIP submittals into 40 CFR Part 52 which includes the SIP elements for each state. Generally, SIPs should include:
 - a. All control measures relied on in attainment demonstrations developed for purposes of attaining or maintaining the NAAQS under sections 110(a)(1) or (a)(2)(A) (general SIP provisions); section 169A (Class I area visibility protection); section 172(c) (general nonattainment provisions); or in response to an attainment demonstration requirement in the pollutant-specific provisions of CAA Part D Subparts 2 through 5.
 - b. Any control measures relied upon to meet a specific rate of progress requirement (e.g., 15% requirement in section 182(b)(1)).
 - c. Any control measures relied on for purposes of a maintenance plan under section 175A, including any contingency measures that have been triggered.
 - d. Control measures or other rulemaking-related items otherwise required by the CAA. These include RACM or RACT, motor vehicle I/M, and any other specified

control measure (see, e.g., sections 182 for ozone, 187 for CO, or 190 for PM); or, negative declarations certifying that these elements are not needed in specific geographic areas.

- e. Preconstruction permit rules such as PSD, part D NSR, and minor preconstruction permit rules required by section 110(a)(2)(C) and 40 CFR 51.160 (minor NSR). These may include, for example, permits required, standards for approving permits, and emission banking rules.
 - f. Title, definition of terms,ⁱⁱ definition of geographic area, recordkeeping, and some other administrative rules relied on by SIP prohibitory and permit rules.
 - g. Air pollution emergency episode plan requirements pursuant to section 110(a)(2)(G), section 303, and 40 CFR 51 Subpart H and Appendix L.
 - h. Provisions relied on by other rules that have been submitted as part of the SIP that describe testing, monitoring, recordkeeping or reporting requirements or procedures such as many titled recordkeeping and reporting, source tests, stack monitoring, sampling and test facilities and analytical methods.
 - i. Emission statement rules and other measures requiring emission reports or inventories as necessary to fulfill sections 110(a)(2)(F), 40 CFR 51.1-50 and similar requirements.
 - j. Stack height and dispersion techniques provisions required by 40 CFR 51.118 and 51.119.
 - k. Credible evidence rules consistent with 40 CFR 51.212 (see 62 FR 8314, February 24, 1997).
 - l. Statutes and rules describing state agency investigative, information gathering, inspection, enforcement, and penalty authority. Such provisions should generally be submitted as part of a SIP (and resubmitted as a SIP revision when revised) to demonstrate adequate enforcement authority under section 110(a)(2) (general SIP provisions), although we do not generally incorporate such provisions by reference.ⁱⁱⁱ
 - m. Federal Implementation Plans (FIPs). Note that if a state fails to submit approvable rules for programs mandated by the CAA, appropriate federal rules implementing such programs will be incorporated as a FIP into the Part 52 implementation plan for that state.
2. **Inappropriate for SIPs.** These rules generally should not be submitted for incorporation into SIPs. It may be, however, appropriate and/or necessary to submit some of these rules to EPA for approval under other non-SIP CAA authorities as noted below.

- a. Regulations developed solely to control non-criteria or non-precursor pollutants such as some rules controlling asbestos, hydrogen sulfide, ozone depleting substances (e.g., Freon), nuisance, odors, pathogens, worker safety, noise, Hazardous Air Pollutants (HAPs), other toxic air pollutants or greenhouse gases, except as provided elsewhere in this document. This may include, for example, some state and local rules intended to substitute NESHAP standards pursuant to section 112(l) and reviewed and approved under 40 CFR Part 63.
- b. Control measures that are otherwise federally enforceable and do not also need to be made federally enforceable through approval into the SIP. This includes, for example:
 - i. **New Source Performance Standards (NSPS)** and other regulations implementing section 111, including state section 111(d) plans.
 - ii. **Regulations implementing section 129** (waste incinerators).
 - iii. **Acid Rain** and other regulations implementing Title IV.
 - iv. **NESHAP** standards implementing section 112.
 - v. **Outer Continental Shelf** rules adopting portions of 40 CFR 55 into state law pursuant to section 328.
- c. Title V (Federal operating permit) programs and rules as required by 40 CFR Part 70. Operating permit programs and rules are approved under 40 CFR Part 70, which is independent from the SIP approval process.
- d. Administrative procedures before state or local agency hearing boards, except as provided in #3d and except for statutes and regulations implementing CAA section 128.
- e. Fee provisions that are not SIP permit fees or SIP-related economic incentives programs.

3. **Should be evaluated case-by-case.** These types of regulations should be evaluated case by case.

- a. Prohibitory rules that control criteria pollutants or their precursors but are not otherwise required in SIPs (e.g., as described in #1 above). This might include, for example, rules that are designed to limit a source's potential to emit or those controlling reduction of animal matter and photochemically reactive organic solvents that are not needed to maintain attainment in an attainment area but do reduce levels of criteria pollutants or their precursors. If states want these rules in the SIP, they may request that EPA approve them into the SIP if they meet the requirements of section 110(a) (general SIP provisions) and section 172(c) (general nonattainment provisions). Note that once such rules are in the SIP, however, states must also comply with sections 110(l) (SIP revisions) and 193 (general savings clause) in order to remove such provisions from the SIP.^{iv}

- b. Rules to authorize issuance of non-Title V federally enforceable state operating permits (referred to as FESOPs) but approval of such programs under the SIP should be limited to those pollutants that are regulated under section 110 of the CAA and for purposes of Section 110 of the CAA (e.g., that relate to attainment or maintenance of the NAAQS or meet or avoid a specific requirement of Section 110). See 54 FR 27274 (June 28, 1989) regarding EPA criteria for approval of such rules. See also 68 FR 37973 (June 26, 2003) (approval of Allegheny, PA FESOP under CAA sections 111 and 112).
- c. Upset/breakdown, startup/shutdown, emergency, and other rules that allow (or excuse through affirmative defenses) excess emissions during certain operating conditions. See proposed action “State Implementation Plans: Response to Petition for rulemaking; Findings of Substantial Inadequacy; and SIP Calls To Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown, and Malfunction,” published on February 22, 2013 at 76 FR 12460.
- d. Variance and similar provisions that allow state/local agencies to waive SIP requirements can be approved into the SIP but only if they are consistent with sections 110(i) (SIP modification prohibition), 110(l) (SIP revisions), and 193 (general savings clause). It is unlikely that variance provisions will be consistent with these sections of the CAA.
- e. Regulations promulgated to control HAPs or other toxic air pollutants if the State is relying on such standards to reduce criteria pollutants under section 110.
- f. Permit fees that are required as a condition for obtaining one of the permits listed in #1e above. Region 10 will approve permit fees for permits covered under the SIP on a case-by-case basis if a state or local agency requests for them to be included in the SIP.

ⁱ Note that PSD rules must include all “regulated NSR pollutants” (e.g., non-criteria pollutants such as greenhouse gases, hydrogen sulfide and ozone depleting substances must be included in PSD), which term does not include hazardous air pollutants listed in section 112. PSD-avoidance mechanisms (e.g., minor NSR or FESOPs) that apply to all “regulated NSR pollutants” are appropriate for inclusion in the SIP as well.

ⁱⁱ Note that revisions to definitions for NESHAPs, Title V and NSPS provisions that are also used for the SIP must also be included as a SIP revision.

ⁱⁱⁱ Note that EPA approval of these State and local enforcement authorities in the SIP for purposes of demonstrating adequate enforcement authority does not affect EPA’s independent investigative, inspection, enforcement, and penalty authority in CAA section 113 (federal enforcement), section 114 (recordkeeping, inspections, monitoring, and entry), and elsewhere.

^{iv} Rules limiting potential to emit for HAPs are approved under Section 112. See “Guidance on Enforceability Requirements for Limiting Potential to Emit through SIP and Section 112 Rules and General Permits,” dated January 25, 1995.

Appendix 2

SIP Development Plans

Purpose:

The purpose of the SIP development plan is to document expectations among various agencies that will be responsible for SIP revision development and final SIP approval. These agencies may include, among others, the local air pollution control agency, state control agency, local (metropolitan) planning organizations, cities, counties, fire districts, Tribes, and EPA Region 10. The SIP Development Plan could include other “pre-SIP” development documents such as the Technical Analysis Protocol (TAP), Inventory Preparation Plan (IPP), Modeling Protocol, etc. It should include discussion and agreement on all potential technical and policy/legal issues before SIP work is initiated. The SIP Development Plan should be a living document to which sections are added as they are developed.

Contents: The SIP Development Plan should include the following. Please contact EPA Region 10 for sample SIP Development Plans

- 1) Purpose and objectives of the SIP revision. This section should also include a discussion of this SIP revision in relation to the Annual SIP Priorities Document and the priority relative to other SIP revisions proposed in the year.
- 2) Who will be involved in the development, approval and implementation of the revision? What is their role at each step of the SIP development?
- 3) Schedule of milestones and due dates from initial development of the SIP Development Plan to final approval by EPA.
- 4) Potential technical and legal/policy issues and their agreed upon resolution
- 5) Appendices: (as appropriate)
 - TAP
 - IPP
 - Modeling protocol
 - Rule revision analysis

Process: The process for preparing the SIP development plan should follow these steps:

- The State should notify EPA and other appropriate agencies that they propose a SIP revision. The State should then develop a draft SIP Development Plan that includes items 1, 2, 3, and 4 above.
- The State should provide the draft Development Plan to EPA and other appropriate agencies for review and comment.
- EPA and State reach agreement and jointly sign the plan.
- The State should add additional documentation (TAP, IPP etc) as they are developed and signed.

Q&A for SIP Development Plan Clarification

What is a SIP Development Plan?

The SIP Development Plan is a document that details the purpose of the SIP revision or plan, a schedule of major milestones, the roles of each contact and agency in the process, and identification of potential technical, legal and policy issues. Major milestones include draft deadlines, EPA review dates (prior to public hearing), agency adoption dates, etc.

How is the SIP Development Plan useful to EPA, State and local agencies?

The SIP Development Plan helps States, locals and EPA schedule work more effectively because commitments to due dates are negotiated and agreed upon by all parties. Issues are identified and resolved in a timely manner. The SIP Development Plan allows all parties to add value to the project and give their perspective from the beginning of the process.

For what types of revisions should a SIP Development Plan be prepared?

SIP Development Plans should be used for complex and moderate SIP revisions. Minor SIP revisions may not require a SIP Development Plan. This would be agreed to on a case by case basis.

When should the SIP Development Plan be prepared?

The SIP Development Plan should be prepared after the State/local agency has defined the project's scope but before the State/local initiates work on a SIP revision. Particularly for rule revisions, we encourage SIP Development Plans (at the minimum a timeline) be drafted at least six (6) months prior to expected EPA review.

How is the SIP Development Plan negotiated?

The State/local project lead and EPA project lead negotiate issues, deliverables, and timelines that can be met given everyone's workload.

What format should be used for a SIP Development Plan?

The format could be structured in many different ways. The following is a basic outline:

- I. Background
- II. Purpose and Objectives
- III. Priority
- IV. Who is Involved
- V. Schedule of Milestones and Projected Due Dates
- VI. Potential Technical, Legal, and Policy Issues

How many pages should the SIP Development Plan be?

The SIP Development Plan is usually from 1 to 3 pages.

Has the concept of a SIP Development Plan changed since the original SIP PIP Report?

The concept has changed based on our experience. Originally the SIP PIP Report envisioned a preliminary SIP Development Plan that included role clarification, timeline, and resources, followed by a final SIP Development Plan that incorporated decisions on policy and legal issues and elements such as the TAP, IPP, modeling protocol, and rule revision analysis. Now we simply use one dynamic plan rather than making a distinction between a preliminary and final plan. The SIP Development Plan guides and documents the development process and may evolve as the project changes over time.

How is the SIP Development Plan revised as elements change?

The SIP Development Plan should be revised when changes in roles and deadlines are made and agreed upon. This could be as simple as a phone call with a follow-up email. Agreement and resolution of all technical, legal and policy issues should be documented in some way, and could be but do not have to be included/attached to the SIP Development Plan.

Appendix 3

SIP Guidance

A. Technical Air Pollution Resources:

SIP Guidance can generally be found on the EPA Technical Air Pollution Resources webpage: <https://www.epa.gov/technical-air-pollution-resources>:

1. Monitoring Guidance at: <https://www.epa.gov/amtic>
2. Modeling Guidance at: <https://www.epa.gov/scram>
3. Emission Inventory Guidance at: <https://www.epa.gov/chief>
4. Policy Guidance at: <https://www.epa.gov/laws-regulations/policy-guidance>

B. Title I General Preamble (EPA's interpretation of 1990 Amendments for SIPs)

1. "State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990." Proposed Rule. *Federal Register*. 57 FR 13498, April 16, 1992.

This notice is available at: <https://www.epa.gov/sites/production/files/2016-03/documents/57fedreg13498.pdf>

2. "State Implementation Plans: General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990, Supplemental." *Federal Register*. 57 FR 18070, April 28, 1992.

This notice is available from the EPA Region 10 State SIP Coordinator.

3. "State Implementation Plans for Serious PM-10 Nonattainment Areas, and Attainment Date Waivers for PM-10 Nonattainment Areas Generally; Addendum to the General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990." *Federal Register*. 59 FR 41998, August 16, 1994.

This notice is available from the EPA Region 10 State SIP Coordinator.

C. Redesignation Policy Memo:

1. *Procedures for Processing Requests to Redesignate Areas to Attainment*, September 4, 1992, John Calcagni.

This memo is available at: https://www.epa.gov/sites/production/files/2016-03/documents/calcagni_memo_-_procedures_for_processing_requests_to_redesignate_areas_to_attainment_090492.pdf

2. *Limited Maintenance Plan Option for Nonclassifiable CO Nonattainment Areas*, October 6, 1995, Joseph W. Paisie.

This memo is available at: <https://www.epa.gov/state-and-local-transportation/1995-limited-maintenance-plan-nonclassifiable-co-nonattainment-areas>

3. *Limited Maintenance Plan Option for Moderate PM₁₀ Nonattainment Areas*, August 9, 2001, Lydia Wegman.

This memo is available at: <https://www.epa.gov/state-and-local-transportation/2001-limited-maintenance-plan-moderate-pm10-and-attachment>

D. SIP Processing:

1. *Options and Efficiency Tools for EPA Action on State Implementation Plan (SIP) Submittal*, October 31, 2011, Janet McCabe.

This memo is available at: <https://www.epa.gov/sites/production/files/2016-02/documents/finaloetoolssipaction.pdf>

2. *Guidelines for Preparing Letters Submitting State Implementation Plans (SIPs) to EPA and Preparing Public Notices for SIPs*, November 22, 2011, Janet McCabe.

This memo is available at: <https://www.epa.gov/sites/production/files/2016-02/documents/finalsipguidelinessubltrspn.pdf>

Appendix 4

Nonattainment Area SIP Template

I. INTRODUCTION AND BACKGROUND

A. Purpose:

The “purpose section” should provide a brief overview why the SIP was developed, the name of the nonattainment area (NAA), designation date and classification status of the area, and identification of the pollutants covered.

Each SIP for a nonattainment area that requires a demonstration of projected compliance with the NAAQS, will be unique.

B. Description of Area

This section is a description of the geographic location, geographic extent, geographic features, population, local governmental entities, economy, and meteorology of the area. This section should also include the legal description of the area (boundary) as in 40 CFR Part 81. It will be used in future maintenance area planning requirements such as trigger dates for PSD increment baseline (which will be different from other areas of the state.)

C. Area Designation and SIP History

This section should provide answers to the following questions. Provide Federal Register citations.

- When was the area originally designated nonattainment and what was the classification?
- What actions have occurred since original designation: reclassification to serious, extension of attainment dates, changing boundaries, etc?
- What is the attainment date for the area?

II. AMBIENT DATA

CAA section 110(a)(2)(B): The State must provide for the establishment and operation of appropriate devices, methods, systems, and procedures necessary to monitor, compile, and analyze data on ambient air quality and upon request, make such data available to the Administrator.

A. Ambient Air Monitoring Surveillance

Discuss the ambient air quality monitoring network and include such things as scale of representativeness, purpose of site, location of monitors, and when EPA last approved the network. Discuss when monitoring began at each site. Discuss samplers or monitoring instruments and whether they are Federal Reference or Equivalent Methods. Discuss quality assurance and validity of data. Discuss data reporting to AIRS data base. You might want to include special studies such as saturation monitoring.

B. Air Quality Data and Analysis

Present an analysis of air quality data. Highlight when violations were recorded. Discuss any analysis of the data to characterize the source, transport, and fate of the pollution including seasonal variation, correlation to meteorological conditions, and trends.

Present violation data for each monitoring site for all averaging times for the pollutant. Specify the base year and the rationale for selection as the base year. Calculate the design value for each site for the base year.

I. CLEAN AIR ACT REQUIREMENTS

Summarize the Clean Air Act requirements contained in subpart D of the Act that are applicable to this SIP revision.

IV. SIP ELEMENTS

A. Emission Inventory

Requirements: Section 172(c)(3) of the CAA requires that nonattainment plan provisions include a comprehensive, accurate, current inventory of actual emissions from all sources of relevant pollutants in the NAA. The CAA requires that all NAAs prepare a base year inventory that is comprehensive, accurate, and current with respect to actual emissions in the area including such periodic revisions as the Administrator may determine necessary. [Section 182(a)(1)]. Because the submission of such inventories are necessary to an area's attainment demonstration (or demonstration that the area cannot practicably attain), the emissions inventories must be received with the submission (see 57 FR 13539). Attainment year emission inventory needs to be based on allowable emissions depending on pollutant and source type. For some emission categories, the worst case actual emission will be used. Detailed explanation of how the emission inventory was developed should be in an appendix.

Provide adequate documentation to clearly show how emission estimates were calculated. Include all assumptions, data sources, emission factors and calculations so that the inventory could be recreated at some point in the future.

- 1. Base Year Emissions Inventory**
- 2. Periodic and/or Projected Attainment Year Inventory**

B. Attainment Demonstration

EPA guidance generally requires dispersion modeling be used to demonstrate attainment of the NAAQS. While the use of a model not specified in EPA's Guidelines on Air Quality Models may be allowed, any alternative technique used by the State must be approved by EPA and include justification.

C. Control Measures

Describe each control measure contained in the control strategy including the sources covered (applicability), the control requirements, how the measure will be implemented, how the measure will be enforced, and how emission reductions are determined. For voluntary measures include

reduction credit requested, how effectiveness will be tracked, and how the implementing agency will respond to shortfalls in emission reductions.

Include a copy of the official version of each rule or measure.

D. Contingency provisions

Contingency measures should be structured to take effect, without any further action by the State or EPA. States may implement contingency measures early to obtain additional emission reductions, without being required to adopt replacement contingency measures to put in place should one of the triggering events for implementation of contingency measures occur. This policy is described in a memorandum from Tom Helms, Chief of the OAQPS Ozone Policy and Strategies Group entitled "Early Implementation of Contingency Measures for Ozone and Carbon Monoxide Nonattainment Areas," August 13, 1993.

E. Reasonable Further Progress (RFP)

Describe how implementation of the control strategy will achieve RFP through tracking emission reductions along with effective dates of each control measure.

F. Motor Vehicle Emissions Budget

The on-road motor vehicle emissions for the attainment year is the motor vehicle emission budget against which transportation conformity determinations will be made.

V. Conclusion

Appendices:

Air Quality Data

Emission Inventories

Dispersion Model Input files

Dispersion Model results

Public Hearing Announcements

Public Hearing transcripts or summary

Response to Comments

SIP Adoption Certificate

Appendix 5

Maintenance Plan Template

I. INTRODUCTION AND BACKGROUND:

A. Purpose

The “purpose section” should provide a brief overview why the original SIP was developed, the name of the nonattainment area (NAA), designation date and classification status of the area, and identification of the pollutants covered.

Each SIP for a nonattainment area that requires a demonstration of projected compliance with the NAAQS will be unique.

B. Description of Area

This section is a description of the geographic location, geographic extent, geographic features, population, local governmental entities, economy, and meteorology of the area. This section should also include the legal description of the area (boundary) as in 40 CFR Part 81. It will be used in future maintenance area planning requirements such as trigger dates for PSD increment baseline (which will be different from other areas of the state.)

C. Designation and SIP Planning History

Describe the history of the area’s designation including air quality data upon which it was based and cite the Federal Register notices designating area nonattainment. Provide Federal Register citations. This section should provide answers to the following questions:

- When was the area originally designated nonattainment and what was the classification?
- What actions have occurred since original designation: reclassification to serious, extension of attainment dates, changing boundaries, etc?
- What is the attainment date for the area?

Provide a history of the approval of the nonattainment area SIP that was prepared for the area. Provide a citation of the Federal Register notice. This discussion should also include actions including; attainment findings, re-classification, failure to attain, and other actions related to the area.

II. AMBIENT DATA

CAA section 110(a)(2)(B): The State must provide for the establishment and operation of appropriate devices, methods, systems, and procedures necessary to monitor, compile, and analyze data on ambient air quality and upon request, make such data available to the Administrator.

A. Ambient Air Monitoring Surveillance

Discuss the ambient air quality monitoring network and include such things as scale of representativeness, purpose of site, location of monitors, and when EPA last approved the network. Discuss when monitoring began at each site. Discuss samplers or monitoring instruments and whether they are Federal Reference or Equivalent Methods. Discuss quality assurance and validity of data. Discuss data reporting to AIRS data base. You might want to include special studies such as saturation monitoring.

B. Air Quality Data and Analysis

Present an analysis of air quality data. Highlight when violations were recorded. Discuss any analysis of the data to characterize the source, transport, and fate of the pollution including seasonal variation, correlation to meteorological conditions, and trends.

Present violation data for each monitoring site for all averaging times for the pollutant. Specify the base year and provide a rationale for selection as the base year. Calculate the design value for each site for the base year.

III. Nonattainment Area SIP

Discuss the control measures that were included in the approved nonattainment area plan. Include the date of adoption by the State of each measure. Discuss whether the control measure will continue into the future as a maintenance plan measure.

Discuss Section 110 Requirements. This discussion should include when these provisions were previously approved. Provide FR citations for such approval and whether these measures continue into the period covered by the maintenance plan.

Discuss Part D Requirements. This discussion should include when these provisions were previously approved. Provide FR citations for such approval and whether these provisions continue into the period of the maintenance.

Assure that rules approved for the nonattainment area remain in effect for the maintenance area as appropriate. PSD baseline year will need to be clearly identified for maintenance area.

IV. Maintenance Plan

A. Emission Inventory

Provide emission inventories; 1) base year inventory of actual emissions, and 2) ten year projected inventory of allowable emissions. The allowable emissions for stationary sources is based on permitted emission limits. Allowable emissions for unregulated sources or source categories, or for which there are no quantified emission limits, should be based on anticipated worst case emissions for the averaging time periods of the NAAQS. The base year inventory presents actual emissions for the same year that is the base year for the air quality design value. Provide adequate documentation to clearly show how emission estimates were calculated. Include all assumptions, data sources, emission factors and calculations so that the inventory could be recreated at some point in the future. The projected inventory may provide a new

motor vehicle emission budget against which transportation conformity will be judged.

B. Maintenance Plan Control Strategy

Specify those control measures from the nonattainment area SIP, any new control measures that are adopted for this plan, and any other measures that will remain in effect that will protect the NAAQS. This could be presented in a table that lists each control measure, the effective date of the measure, and as appropriate the date EPA previously approved the measure. Accompanying the Table should be a brief description of the measure, how it will be implemented (i.e. how will it work) and the emission reductions that are projected by the measure.

C. Maintenance Demonstration

Demonstrate that the control strategy is adequate to protect the NAAQS. This demonstration is usually done through air quality modeling, in particular dispersion modeling. In general the level of demonstration will need to be comparable with the level of modeling contained in the original nonattainment area SIP. In many instances modeling technology has significantly improved since the original SIP was prepared. Therefore a different model will most likely be used.

D. Contingency Plan

Contingency measures will need to be included in the plan. These can be a continuation of the contingency measures in the original nonattainment area SIP, or they could be new measures. They could be triggered at some specified level less than a measured violation. Control measures contained in the original NAA SIP that are removed from the maintenance plan, must be included in the maintenance plan as contingency measures.

E. Transportation Conformity

Transportation conformity rules have either been previously approved by EPA, or the EPA rules apply. The maintenance plan however, will contain an on road motor vehicle emissions budget. Discuss the emission budget and how it will be used for conformity determinations.

V. Conclusion

Appendices:

Attachment C – Redesignation Checklist

Air Quality Data

Emission Inventories

Dispersion Model Input files

Dispersion Model results

Public Hearing Announcements

Public Hearing transcripts or summary

Response to Comments

SIP Adoption Certificate

Appendix 6

Rule SIP Revision Template

I. Introduction: Submittal Summary

- What agency has submitted the SIP revision?
- What has the State/local agency submitted?
 - *What rules are being submitted?
 - *What documentation has been submitted to support administrative requirements?
- What does the State/Local agency want EPA to do with submittal, approve or remove?

II. Analysis of Submittal

1. What rules were revised?
 - Provide list of rules and State/Local effective dates
2. Describe the revised rules.
 - Generally describe the sources or source categories that are affected.
 - Describe why the rules were revised. If it is a new rule, describe why the rule is needed.
 - Describe the effect of the revision including the pollutants regulated.
3. Describe why the pollutant is being regulated.
 - Where in the CAA does the authority reside?
 - Where in State law is the State/Local agency given authority to regulate the pollutant and/or sources?
4. What are the differences between the SIP-approved rules and the revised rules?
 - What are the general differences?
 - Will allowable or actual emissions increase, decrease; or be de minimis, provide an analysis?
 - Does the revision interfere with any applicable requirement concerning attainment of the NAAQS and reasonable further progress or other applicable requirements of the CAA? - See Appendix 8, "Rule Revision Analysis Guidelines".

Appendix 7

SIP Submittal Guidelines

A SIP submittal should include the following items, consistent with 40 CFR Appendix V to Part 51:

1. A formal letter of submittal from the Governor or the designee, requesting EPA approval of the plan or revision.
2. One hard copy and a disk with an electronic copy of the submittal, including a MS Word version of any submitted rules. The submittal shall be a copy of the official State regulation/document. The effective date of the regulation/document shall, whenever possible, be indicated in the document itself.
3. Provide a redline-strikeout version of the proposed rule(s) comparing the proposed rule with the current SIP rule.
4. Evidence that the State has adopted the plan in the State code or body of regulations, including the date of adoption, as well as the effective date.
5. Legal Review - Appendix 9.
6. Evidence that public notice was given of the proposed change consistent with procedures approved by EPA, including the date of publication of such notice.
7. Certification that public hearing(s) was held in accordance with the information provided in the public notice and the State's laws and constitution, if applicable.
8. Compilation of public comments and the State's response.
9. Provide a copy of the product from the Appendix 8 - Rule Revision Analysis Guidelines, if applicable.

Appendix 8

Rule Revision Analysis Guidelines

Principles

- A SIP revision may not interfere with any applicable requirement concerning attainment of the NAAQS and reasonable further progress or other applicable requirements of the CAA (e.g., applicable PSD increments, progress towards meeting the national visibility goal in mandatory federal Class I areas). See CAA 110(l).
- In general, no technical demonstration is required for rule revisions that are simply administrative or procedural in nature (e.g. registration, reporting requirements) unless the effect of the rule was explicitly relied upon in an attainment or maintenance demonstration.
- The nature of the technical demonstration required for revisions to emission limitations (including test methods) or control measures will depend on the effect of the revision on the emission of air pollutants.
- In most cases, it is reasonable to assume that a rule revision that does not increase emissions (e.g., that is not a relaxation) will not interfere with attainment of the NAAQS and other CAA requirements.
- A more robust Section 110(l) demonstration may be needed in specific cases, including in response to comments raised during the public comment period on EPA's proposed approval of a SIP revision.

Determine if Revision is a Relaxation

- Describe the revision and document the change in emissions which would occur. The documentation should:
 - 1) explain the difference in requirements,
 - 2) identify all affected sources or source categories, and
 - 3) quantify changes in both actual and allowable emissions.
- Revisions that could increase emissions include, but are not limited to:
 - 1) a simple change in an emission limitation,
 - 2) a change to source applicability,
 - 3) a change in the nature or form of the requirement, and/or
 - 4) a change in the compliance test method or procedures.

Level of Technical Demonstration

- If emission changes cannot be quantified, then a qualitative assessment should be made.
- If the change in emissions is deemed de minimis, no additional demonstration is generally needed. For purposes of these guidelines, de minimis means that the total change in emissions does not exceed

EPA's significant emission rates for any facility (i.e., entire plant) that has emissions subject to the rule. A demonstration could be needed even for a change in emissions that is less than EPA's significant emission rates for an area that is very close to applicable standards.

- If the revision tightens emission limits, no further demonstration is generally needed. If the tighter limits are part of an attainment or maintenance plan, the effect of the revision must be included in the attainment or maintenance plan demonstration. Further demonstration could also be needed where available information shows the SIP revision, in conjunction with existing SIP requirements would interfere with attainment of the NAAQS and reasonable further progress or other applicable requirements of the CAA.
- For relaxations in attainment or unclassifiable areas, demonstrate that the increase in allowable emissions will not violate the NAAQS, that the increase in actual emissions will not violate any applicable PSD increment, and that the increase in allowable emissions is consistent with any applicable visibility/regional haze protection plan.

For relaxations in nonattainment areas demonstrate that the increase in allowable emissions resulting from the new emission limits are offset by decreases in allowable emissions from other new controls on other sources and either demonstrate that the new emission limits will attain and maintain the NAAQS, or document that the new emission limits are consistent with the approved demonstration of attainment. See also CAA Section 193.

Appendix 9

Legal Review by States

Purpose:

The purpose of the legal review by each State, prior to submitting a SIP revision, is to assure that the State has met both state and federal legal requirements. Depending on circumstances, EPA may request an Attorney General's opinion that the SIP meets the identified legal requirements.

Guideline:

The legal review should consist of a determination:

- That both the State and Federal administrative procedures were followed;
- That the Agency implementing the revision has the legal authority to implement the requirements;
- For rules or measures that are locally adopted and implemented that the State has the authority, should the local agency fail, to implement the rule or measure;
- That each measure is enforceable, and that:
 - * source applicability is clearly described;
 - * emissions limitations and work practice requirements are clearly described;
 - * appropriate test methods are clearly set out; and
 - * record keeping and reporting requirements are clearly described

Appendix 10

Memorandum of Understanding

MOUs between agencies establishing how they will work together on SIP projects were signed in 2002. The following basic elements were included in these agreements.

- 1) Commitment to a cooperative, inter-agency approach to SIP development.
- 2) Commitment to provide resources and abide by the time lines as negotiated in the SIP project plans.
- 3) Commitment to establish a process by which a SIP Development Plan may be amended.
- 4) Commitment to abide by the dispute resolution process.
- 5) The dispute resolution contacts within each agency and their roles in the dispute resolution process.
- 6) Commitment to an on-going evaluation process to allow for continued process improvement.
- 7) Commitment for agencies to share cumulative workload information on SIP packages at least annually in order to allow for improved processing efficiency.
- 8) Process for updating the working agreement when needed for process improvement.

**EXAMPLE MEMORANDUM OF UNDERSTANDING
BETWEEN
<INSERT AGENCY NAME>
AND
ENVIRONMENTAL PROTECTION AGENCY REGION 10
FOR STATE IMPLEMENTATION PLAN DEVELOPMENT**

I. Purpose

This agreement between <Insert Agency Name> and the Environmental Protection Agency, Region 10 will serve to establish the basis for how the agencies will work together on State Implementation Plan (SIP) projects. Both agencies recognize the importance of developing quality SIPs and processing them in a timely manner. A SIP development process has been cooperatively developed within Region 10 to address concerns related to SIP processing and development. To assist in achieving the process objectives, these two parties enter into this basic working agreement.

II. Working Principles

1. <Insert Agency Name> and EPA Region 10 commit to a cooperative, inter-agency approach to SIP development.

2. <Insert Agency Name> and EPA Region 10 commit to provide resources and abide by the time lines as negotiated in the SIP project planning phase.
3. <Insert Agency Name> and EPA Region 10 commit to follow the basic procedures in the SIP-PIP Report.

III. SIP Development Plan

1. SIP Development Plans will be developed as defined within the mutually agreed to Region 10 SIP process. These development plans are working documents that guide the planning process for each SIP revision and submittal.

IV. Dispute Resolution

1. <Insert Agency Name> and EPA Region 10 commit to abide by a three-step dispute resolution process for the SIP development process as defined within the Region 10 SIP process.
2. <Insert Agency Name> and EPA Region 10 commit to resolving disputes at the lowest possible level within the respective organizations. However, disputes should be elevated when resolution is not forthcoming, in order to insure that the SIP development process continues to move forward.

V. On-Going Evaluation and Improvement

1. <Insert Agency Name> and EPA Region 10 commit to an on-going evaluation process to allow for continued process improvement.
2. <Insert Agency Name> and EPA Region 10 commit to share cumulative workload information on SIP packages at least annually in order to allow for improved processing efficiency. This will occur during the <Insert 1st, 2nd, 3rd, or 4th> calendar quarter each year.

VI. Execution/Modification and Duration of Agreement

This agreement will be in effect from the date signed by both parties and will remain in effect until amended or revoked. The agreement may be terminated immediately by either party. Amendments to this agreement may be made according to the process established in section V of this agreement.

VII. Disclaimer

This MOU is not intended to contravene any other agreements between EPA and the State, including any delegation of authority under the Clean Air Act to the State. The State and EPA recognize that each has and reserves all rights, powers, and remedies now or hereafter existing at law or in equity, or by statute, treaty or otherwise. The MOA is intended solely to facilitate inter-governmental coordination between the Parties, and

neither creates any rights in third parties nor gives rise to any right of judicial review.

<INSERT AGENCY NAME>

Environmental Protection Agency
Region 10

By _____
<Insert Name/Title>

Date _____

Date _____

Appendix 11

Fast Track Checklist

... (a checklist) for Minor SIP Revisions

Purpose: To provide a checklist to help inform EPA Region 10’s determination of whether a SIP revision is appropriate for Fast Track processing. Minor SIP revisions often are non-controversial, do not need legal or additional technical review, and need minimal explanation to support EPA’s action on the SIP. The purpose of Fast Track processing is to identify SIP revisions that can be developed with less EPA involvement and processed in less than 12 months of receipt of the SIP submittal.

Process:

1. State project lead completes the checklist.
2. State project lead submits checklist to EPA R10 project manager in Air Planning Unit (APU).
3. EPA R10 project lead reviews checklist and discusses with state project lead, if needed.
4. EPA R10 project lead provides a recommendation to APU Team Lead and Manager.
5. Determination made and transmitted to EPA R10 project lead.
6. EPA R10 project lead communicates decision to State project lead and EPA/State SIP Coordinators and APU Manager communicates decision to State Manager.

Note: The EPA R10 project lead may determine at any time that a SIP revision initially deemed appropriate for “Fast Track” will no longer be processed as “Fast Track.”

Fast Track Checklist:

Title

Provide title and brief narrative of SIP Revision:

Type of SIP

(In this section: Yes = more likely to be Fast Track.)

Yes No

- Is this a Limited Maintenance Plan for CO or PM? (note: SIPs that remove or revise control requirements are not appropriate for limited maintenance plan approval)

- Is this a Second 10-Year Maintenance Plan? (whether or not the plan qualifies for Limited Maintenance Plan approval)

Effect on Emissions

(In this section: No = more likely to be Fast Track.)

Yes No

- Does this affect emissions allowable under the SIP?

- Does this revise an emission limit or applicability criteria?

- Does this add exemptions or exceptions to an emission limit or applicability criteria?

- Does this revise a test method?

- Does this revise an averaging period?

Incorporation by Reference (IBR):

If the submittal does not address IBR, skip this section.

(In this section: Yes = more likely to be Fast Track.)

Yes No

- Does this update IBR dates for (circle all that apply): federal regulations, state regulations, local regulations, guidance, test manual, other (describe)?

- If this updates IBR for PSD or Part D NSR, does it adopt ALL PSD and Part D NSR requirements WITHOUT CHANGE that have been promulgated by EPA since the State/Local's last IBR update?

