SIPs 101 & Flexible SIP Policy

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What is a SIP?

- CAA requires that federal standards be set to limit maximum levels of pollutants in outdoor air.
- Each state is responsible for developing plans to demonstrate how standards will be achieved, maintained, and enforced.
- These plans make up the *State Implementation Plan*.
- Plans and rules are enforced by the state (after federal approval, they are also federally enforceable).
- Plans are the framework for each state's program to protect the air.
What Triggers a SIP Revision?

- Nonattainment designation
- EPA finding of SIP deficiency
- State initiated (e.g. redesignation, state-specific regulation)
- EPA initiated (e.g. SIP call, §126)
What Does a SIP Include?

- Emissions inventory
- Emission control measures/regulations
- Rate of Progress Plans
- Attainment Plans (Modeling)
- Maintenance Plans
- New Source Review
- Commitment/Demonstration
  - Cannot interfere with attainment in other states
  - Resources and authority to implement and enforce
- Permit fee requirements
Who is Responsible for Developing the SIP?

- Governor or his designee

- Generally delegated to Environmental Secretary or equivalent

- Local or regional agencies in some states delegated some authority, but usually not SIP adoption
  - planning, policy/program development, inspections, monitoring
What Steps are Taken to Prepare a SIP?

- Determine emissions
- Develop strategy
- Determine emission changes
- Model to determine air quality changes
- Compare to NAAQS
- Adjust strategy as necessary and reanalyze
- Draft rules to implement strategy
- Adopt rules using state process and minimum federal public participation requirements
- Submit to EPA
- EPA rulemaking
Air Quality Management Process

- **NAAQS**
  - Ambient Air Quality Data
  - SIP Baseline = Emissions Inventory + Growth Assumptions
  - Modeling
    - RACT & RACM
    - Control Strategy
      - Federal + Regional Measures
    - SIP
      - NSR Program
      - Continued Air Quality Measurement
      - Surveillance and Enforcement

Feedback loops connect the processes to ensure continuous monitoring and adjustment.
Other Organizations involved in SIP Process

- Metropolitan Planning Organizations (MPOs)
- Other state/local agencies (transportation, energy)
- STAPPA/ALAPCO
- Western Regional Air Partnership (WRAP)
- Lake Michigan Air Directors Consortium (LADCO)
- Northeast States for Coordinated Air Use Management (NESCOUAM)
- Ozone Transport Commission (OTC)
- Metro4 - Southeastern State Air Resources Managers (SESARM)
- Mid-Atlantic Regional Air Management Association (MARAMA)
How Long Does A SIP Revision Typically Take?

- Technical Evaluation: 6 months to 1 year
- State Rulemaking: 6 months to 2 years
- EPA Approval: 6 months to 2 years
What is the State Process?

- Although not required, SIP revisions usually go through an environmental board (designated by environmental secretary)
- Comment period
- Public hearing/availability of SIP revision announced in state public forum (local newspapers, state register)
- Public hearing
- Response to comments
- Legislative review (State requirement)
- Formal adoption
- SIP submittal
What are the steps in EPA’s Rulemaking Process?

- Review state submittal (EPA Regions)
  - “Complete” findings
  - Partial approval
  - Limited approval/disapproval
  - Conditional approval
  - Approval (approval/disapproval determinations 1 year after completeness findings)

- Prepare technical support document
- Propose action in Federal Register
- Allow for comment period
- Response to comments
- Publish or final action in Federal Register
What Happens if a SIP Revision is Not Submitted/Disapproval?

- SIP revision required by a set date
- EPA finding of failure to submit starts 18-month clock
- After 18 months New Source permitting sanctions imposed (2 to 1 offset)
- After 24 months FHWA is required to impose funding moratorium for all but exempt projects (safety, mass transit)
- State air grants are subject to moratorium also
- After 24 months EPA to promulgate federal rules to correct SIP deficiency
EPA Flexibility

- EIP
- Mobile Voluntary Measures Policy
- Land Use SIP Guidance
- EE/RE Set-Aside Guidance
- Stationary Voluntary Measures Policy
Requirements for SIP Measures

- Surplus
- Enforceable
- Quantifiable
- Permanent
Flexible SIP Policy

- **Role**
  - Enforceability, quantification

- **Voluntary Measures**

- **Promising Measures**

- **Requirements**
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