

---

What is a SIP?

State Implementation Plans

---



August 27, 2014

---

## So what is a SIP?

- *Clean Air Act 110, 42 U.S.C. § 7410*
  - The Clean Air Act (CAA) Section 110 requires a GENERAL plan to achieve and maintain the NAAQS in all states and SPECIFIC plans for each nonattainment area in the state
  - Each state is responsible for developing plans to demonstrate how standards will be achieved, maintained, and enforced
-

---

# What's in the SIP?

All state SIPs contain 5 sections:

- a) Purpose and scope
  - b) Incorporation by reference
  - c) EPA approved regulations
  - d) EPA approved state source specific requirements
  - e) EPA approved state non-regulatory provisions
-

---

# What is the purpose of the SIP?

- The SIP is a plan which demonstrates our ability to attain/maintain National Ambient Air Quality Standards (NAAQS)
  - Anytime we modify our state approach to addressing a criteria pollutant/NAAQS, we are amending our overall SIP
  - Sometimes, regulatory changes are made in conjunction with SIP amendments
  - When SIP changes involving regulatory changes are made, we follow the agency's regulation development process to make those changes
  - Any SIP change will also require pre-hearing review and final approval by the EPA
-

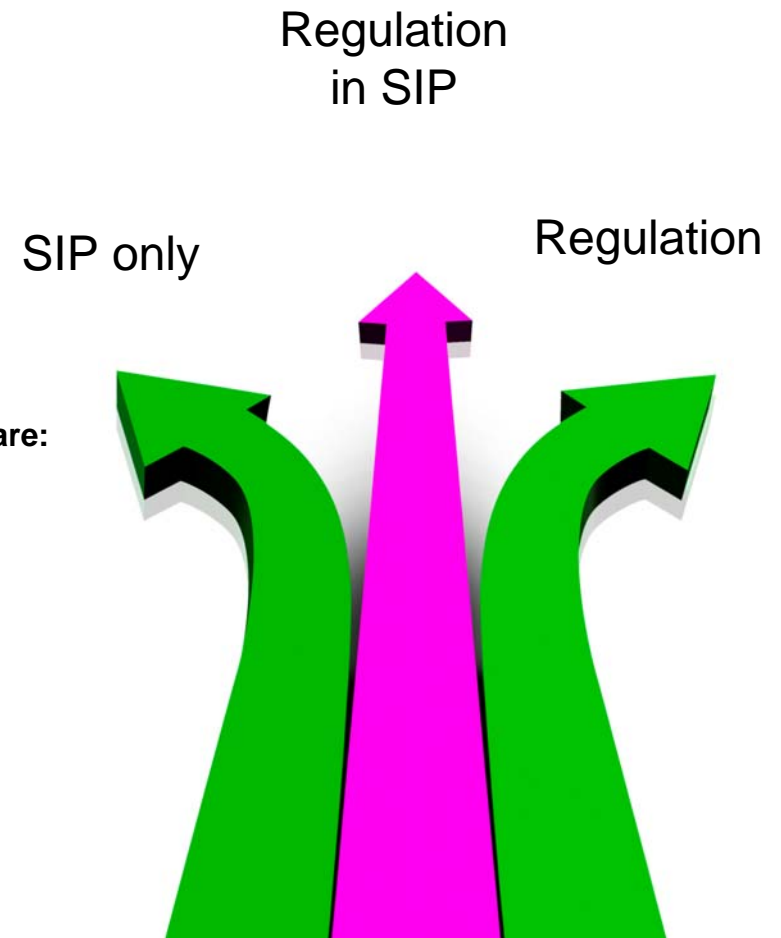
# When a SIP and Regulation Combine

## Regulations not included in the SIP are:

- R. 61-62.5, Std 3 – Waste Combustion and Reduction
- R. 61-62.5, Std 3.1 – HMIWI
- R. 61-62.5, Std 5.1 – Volatile Organic Compounds
- R. 61-62.5, Standard 8 – Toxic Air Pollutants
- R. 62.60 – NSPS
- R. 62.61 – NESHAP
- R. 62.63 - NESHAP for Source Categories
- R. 62.68 – Chemical Accident Prevention Provisions
- R. 62.70 – Title V Operating Permit Program
- R. 62.72 – Acid Rain

## EPA-approved regulations that are currently included in the SIP are:

- R. 61-62.1 – Definitions and General Requirements
- R. 62.2 – Prohibition of Open Burning
- R. 62.3 – Air Pollution Episodes
- R. 62.4 – Hazardous Air Pollution Conditions
- R. 61-62.5, Std 1 – Emissions from Fuel Burning Operations
- R. 61-62.5, Std 2 – Ambient Air Quality Standards
- R. 61-62.5, Std 4 – Emissions from Process Industries
- R. 61-62.5, Std 5 – Volatile Organic Compounds
- R. 61-62.5, Std 5.2 – Control of Oxides of Nitrogen
- R. 61-62.5, Std 6 – Alternative Emission Limitation Options
- R. 61-62.5, Std 7 – Prevention of Significant Deterioration
- R. 61-62.5, Std 7.1 – Nonattainment New Source Review
- R. 62.6 – Control of Fugitive Particulate Matter
- R. 62.7 – Good Engineering Practice Stack Height
- R. 62.96 – CAIR
- R. 62.99 – NOx SIP Call



---

# How do we change the SIP?

- To modify only the SIP, do not need Legislative approval; do need EPA approval
  - 40 CFR part 51, subpart F requires SIP amendments to be publicly noticed, to have a comment period of at least 30 days, and to provide opportunity for public hearing
  - We publish notice of comment period and public hearing opportunity in *State Register*
    - <http://www.scdhec.gov/PublicNotices/sip/>
    - [http://www.scstatehouse.gov/state\\_register.php](http://www.scstatehouse.gov/state_register.php)
  - Submit prehearing and final packages to EPA for approval
  - Publish notice of final SIP amendment in *State Register*
-

---

# Regulatory Revision

- Notice of Drafting (NOD) published in *State Register*
    - NOD provides 30-day comment period
    - External/Internal stakeholder meetings
  - Notice of Proposed Regulation (NPR)
    - NPR prepared; in-house review
    - Present NPR before DHEC Board for approval to publish
    - NPR published in State Register (30-day comment period)
    - Staff Informational Forum (SIF) – informal public hearing
  - Notice of Final Regulation (NFR) prepared
    - Present NFR before DHEC Board for approval – formal public hearing
    - If approved, forwarded to the Legislature for approval (if needed)
    - Presentation to subcommittees; 120 day clock-out period
  - NFR published in *State Register* (state effective)
-

---

# Pollutants Covered in the SIP

- EPA sets National Ambient Air Quality Standards (NAAQS) for pollutants harmful to public health & environment
    - Ozone
    - Particulate matter
    - Lead
    - Carbon monoxide
    - Nitrogen Dioxide
    - Sulfur Dioxide
  - Per CAA, EPA must review NAAQS every 5 years after advice from Clean Air Science Advisory Committee
-



---

# Types of SIP Amendments

- Infrastructure SIP (General, state-wide)
    - CAA, Section 110 (a)(1) and (2)
  - Nonattainment SIP (General)
    - CAA Section 172
  - Maintenance SIP (redesignated to attainment)
    - CAA Section 175A
  - Transportation Conformity (process specific)
  - Regional Haze SIP (visibility)
    - CAA Section 107(d)(7)
  - NOx SIP call/CAIR (interstate transport)
-

---

# Nonattainment SIP planning

- Nonattainment Boundary Recommendations
    - EPA has 1 year from promulgation of final standard to complete designation process
    - States have 4 months from promulgation of final standards to make designation recommendations to EPA
  - Designation Process
    - EPA Administrator can modify the state designations recommendation
      - Administrator notifies state no later than 120 days before designation
      - Gives state opportunity to provide additional information
    - Ambient monitoring stations (3-year averages)
-

---

# Nonattainment SIP Requirements

- Transportation Conformity is required if an area is designated nonattainment for: Carbon Monoxide, Particulate Matter, Nitrogen Dioxide, and Ozone
    - Interagency consultation: local governments in these nonattainment areas will need to work with other agencies and groups to ensure that road projects are consistent with our state's air quality goals.
  - Nonattainment New Source Review
  - Vehicle Inspection & Maintenance may be an issue in certain urban areas, to be determined by the final implementation rules.
  - Offsets
  - Additional controls (\$)
  - Stigma
-

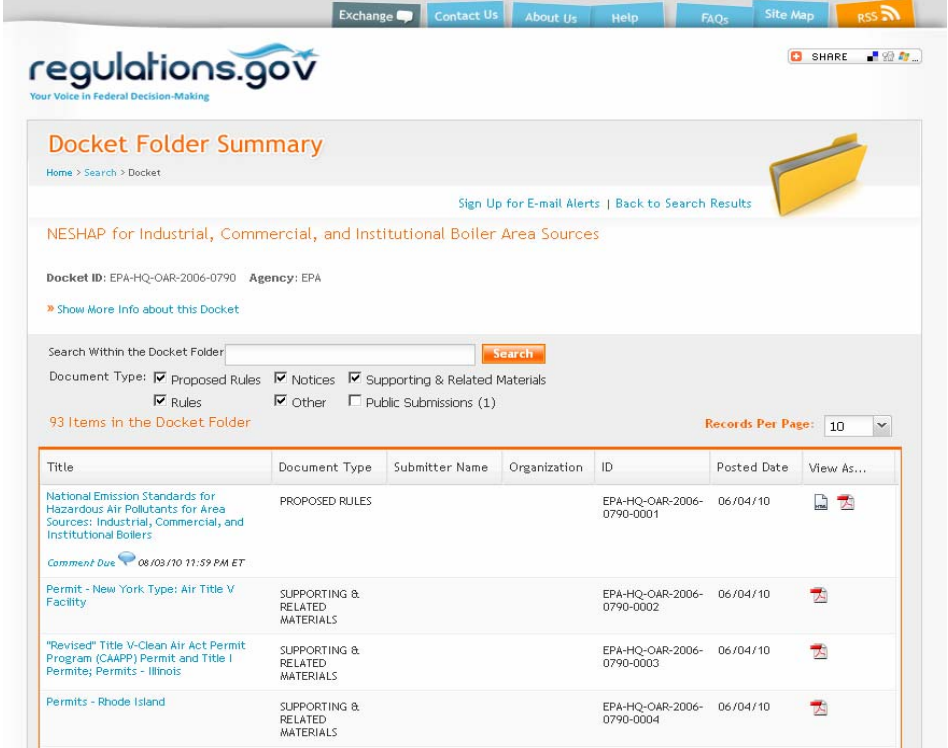
---

# What can you do?

- We can continue to make progress!
    - Local Solutions have an impact
    - Start your emission reduction strategies now
      - Use alternative fuels
      - Upgrade, retrofit, rebuild, replace
      - Promote car pooling and reduced idling
      - Utilize mass transit
      - Be aware of small engine exhaust impacts
      - Require clean diesel construction in contracts
      - Encourage telecommuting
      - Research info on web to find ideas...
-

# Rulemaking Involvement?

- For all federal regulations
- Includes proposed rules, public comments, supporting data
- Semi-annual regulatory agenda available here
- Search by docket number, keyword
- Email updates available for each docket number



The screenshot displays the 'regulations.gov' website interface. At the top, there is a navigation bar with links for Exchange, Contact Us, About Us, Help, FAQs, Site Map, and RSS. Below the navigation bar is the site logo and tagline 'Your Voice In Federal Decision-Making'. The main content area is titled 'Docket Folder Summary' and shows details for docket EPA-HQ-OAR-2006-0790, Agency: EPA. It includes a search bar and filters for document types: Proposed Rules, Notices, Supporting & Related Materials, Rules, Other, and Public Submissions (1). A table lists items in the docket folder, including 'National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers' and 'Permit - New York Type: Air Title V Facility'.

Title	Document Type	Submitter Name	Organization	ID	Posted Date	View As...
<a href="#">National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers</a>	PROPOSED RULES			EPA-HQ-OAR-2006-0790-0001	06/04/10	
<i>Comment Due</i> 06/03/10 11:59 PM ET						
<a href="#">Permit - New York Type: Air Title V Facility</a>	SUPPORTING & RELATED MATERIALS			EPA-HQ-OAR-2006-0790-0002	06/04/10	
<a href="#">"Revised" Title V-Clean Air Act Permit Program (CAAPP) Permit and Title I Permits; Permits - Illinois</a>	SUPPORTING & RELATED MATERIALS			EPA-HQ-OAR-2006-0790-0003	06/04/10	
<a href="#">Permits - Rhode Island</a>	SUPPORTING & RELATED MATERIALS			EPA-HQ-OAR-2006-0790-0004	06/04/10	

---

# Importance of Public Comments

- Federal Rulemaking & NAAQS Development
    - EPA writes proposals assuming stakeholders fill in possible gaps
    - EPA routinely amends proposals based on comments.
    - The US *Administrative Procedure Act* (APA) requires consideration of comments received
    - Executive Orders 12866 (Oct. 4, 1993) and 13563 (Jan. 18, 2011) set 60 days as the standard comment period
  
  - State Rulemaking and SIP development
    - All regulations must be approved by the Board, and follow APA
    - SIPs require 30-day public comment period, offer hearing
    - Regulations that require legislative review require a comprehensive stakeholder process
    - Need input on implementation and potential outcomes
-

---

# Questions & Thank you!

<http://www.scdhec.gov/HomeAndEnvironment/Air/MostCommonPollutants/Ozone/StateImplementationPlan/>

---

Maeve Mason, Manager  
Regulation and SIP Management  
Division of Air Assessment and Regulation  
(803) 898-2230  
[masonmr@dhec.sc.gov](mailto:masonmr@dhec.sc.gov)