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OFFICE OF
AIR AND RADIATION

SUBJECT: Options and Efficiency Tools for EPA Action on State Implementation Plan (SIP) Submittals

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TO: Air Division Directors, Regions 1-10 & ECOS/NACAA

The purpose of this memorandum is to transmit the document entitled "Options and Efficiency Tools for EPA Action on State Implementation Plan (SIP) Submittals." This document was prepared as part of the Region 7 SIP Kaizen event to explore possible efficiencies available for SIP and air quality planning through enhancements of the current processes. The Kaizen participants included representation from EPA Region 7, Region 6, Region 4, and Headquarters, as well as the Iowa Department of Natural Resources, the Kansas Department of Health and Environment, the Missouri Department of Natural Resources, the Nebraska Department of Environmental Quality, and the Mid-America Regional Council.

It became evident to participants of the Kaizen event as the group mapped the SIP process that, in some cases, there were multiple options for EPA action on SIP submissions. The Kaizen participants thought it was important to review existing *Federal Register* action options and explore any new options and then better understand how these could be used to move SIPs forward more efficiently. The participating states thought it would be helpful to all states if EPA outlined these options for action, and explained the pros and cons of these options. As a result, a workgroup was convened and the document entitled "Options and Efficiency Tools for EPA Action on State Implementation Plan (SIP) Submittals," was developed.

The attached document was vetted through the SIP Kaizen participants, all EPA Regions, and the ECOS/NACAA SIP Reform Workgroup for review and comment. Nothing in this document is intended to require changes to the Clean Air Act, or to supersede existing guidance for SIP processing. Rather, the intent of the document is to highlight viable avenues for EPA action along with the pros and cons of the option, and to identify some additional tools for increased efficiency for the SIP process. In addition, we hope this document encourages discussion among regions and states to ensure they are utilizing the most efficient option available to them. State and local air agencies should consider the attached document for informational purposes and should consult with the applicable EPA regional office to discuss the most appropriate efficiency option for taking action on a particular SIP submission.

cc: Regional Air Division Directors
Regional Air Program Managers
Regional Counsels for Air
OAR Office Directors in OAQPS, OTAQ, and OAP
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Region 7 SIP Kaizen Team

Options and Efficiency Tools for EPA Action on State Implementation Plan (SIP) Submittals

Region 7 SIP Kaizen Workgroup

A goal of the Region 7 SIP Kaizen Workgroup was to develop tools and resources that lead to fully approvable SIP submittals by the state. However, participants recognized that full approval was not always appropriate due to legal, technical, or policy considerations and other options may be available in specific situations to move the process forward. This document highlights 1) the viable avenues for EPA *Federal Register* action on SIPs along with the pros and cons, and 2) identifies additional tools for increased efficiency in the SIP process.

The avenues for action are:

- Full Approval
- Partial Approval/Disapproval
- Limited Approval/Limited Disapproval
- Conditional Approval
- Disapproval

The potential tools for efficiency are:

- Technical Support Document (TSD) Efficiencies
- Early Development of Checklist
- Early development of *Federal Register* template (well before SIP submittal required)
- Early Collaboration
- Parallel Processing
- Letter Approval
- Direct Final Rulemaking
- Proposing Alternatives

Avenues of Action

Full Approval

This option is the preferred option and will be used when the submittal meets all applicable requirements of the Clean Air Act (CAA or Act) statute and regulations¹.

Pros:

- Allows completion of the SIP process and puts federally-enforceable state requirements in place.
- Conserves EPA and state resources to be used for other priority SIPs because, in contrast with other actions listed below, follow-up action would not be required. Provides regulatory certainty.

Cons:

- None.

References: Section 110(k)(3) of the CAA, 42 U.S.C. § 7410(k)(3); General Preamble for implementation of title I of the CAA Amendments April 16, 1992 (57 FR 13498).

Partial Approval/Disapproval

This option may be used when some portions of the submittal meet all applicable requirements of the CAA, and other portions do not. The portions must be separable (i.e., independent from one another) because EPA's disapproval action cannot change the stringency of the portion of the submittal it approves.² For example, EPA cannot approve a revision to an emission limit and disapprove the underlying test method. However, where a state submits several rules addressing reasonable available control technology (RACT), EPA can approve some and disapprove others as long as the disapproved rules are not interrelated with the approved rules.

Approval/Disapproval of the separable portions should occur concurrently.

Pros:

¹ To the extent that the state provides an organized submission that clearly demonstrates that it meets the applicable requirements of CAA § 110, EPA will be able to process these submissions more quickly. While EPA will still process demonstrations that are not as clear and organized, it will likely take more time for EPA to determine that the demonstration meets the applicable requirements and prepare the submission for approval.

² Bethlehem Steel Corporation v. Gorsuch, 742 F.2d 1028 (7th Cir. 1984)

- Allows completion of the SIP process for the portions which are approvable.
- Lessens the impact of inability to timely resolve issues relating to portions of the submittal.
- Provides regulatory certainty for at least part of the submittal (the portions approved are federally enforceable).

Cons:

- Partial disapproval starts the federal implementation plan (FIP) clock (and sanctions clock for nonattainment SIPs) for the disapproved portion.
- “Separable” requirement limits the use of this option.

References: General Preamble for implementation of title I of the CAA Amendments April 16, 1992 (57 FR 13498)

Limited Approval/Disapproval

Limited approval may be an option where some provisions of the submittal meet the requirements of the CAA and other, non-separable, provisions do not. If, overall, the submittal strengthens the SIP, limited approval may be used. Unlike a partial approval, this action approves the entire rule, but with a limitation. In conjunction with the limited approval, the limited disapproval is also for the entire rule, but only relates to whether the submittal meets all of the requirements of the Act. The disapproval does not affect the inclusion of the rule in the SIP. If the statutory deadline for acting on the SIP submittal has not yet passed, it may be possible, in specific factual situations, to promulgate the limited approval and temporarily withhold action on the limited disapproval. For example, it might be possible to approve an underlying control strategy SIP while the state is correcting defects in the attainment demonstration. If the deficiencies are corrected, this might result in a full approval as the final action by EPA.

Pros:

- Makes the state submittal federally enforceable, thus enhancing the SIP’s ability to achieve emissions reductions.
- Allows progress toward goal of SIP approval.
- Can be used in more situations than partial approval/disapproval.
- Can be used where the state is unable to make a specific commitment to fix, by a date certain, the deficiency causing the disapproval (i.e., does not meet the “conditional approval” criteria described below).

Cons:

- Limited approval does not discharge EPA’s duty to act on SIP, so limited disapproval is a necessary component.

- Limited disapproval starts FIP clock (and sanctions clock for nonattainment SIPs) for promulgation of FIP or approval by EPA of SIP which corrects the deficiency leading to the limited disapproval.

References: General Preamble, cited above under Partial Approval

Conditional Approval

This option can be used in limited circumstances where the submittal contains one or more deficiencies, and the state has made a commitment to adopt specific enforceable measures to address the deficiency, by a date certain within one year approval of the SIP submission. This option cannot be used where the submission consists solely of a commitment to submit a SIP in the future, i.e. a “committal SIP”, nor can it be used where the SIP has so many deficiencies that the entire SIP is defective. The amount of detail in the commitment (e.g., description of the specific measures to be adopted and time line for adoption of the measures) generally depends on the complexity of the necessary corrective measures. The conditional approval reverts to a disapproval if the state does not meet the commitment.

Pros:

- Makes the state submittal federally enforceable, thus strengthening the SIP.
- Conditional approval discharges EPA duty to act on submittal and does not immediately start a FIP clock (or sanction clock for nonattainment submittals).
- Moves the approval process forward and sets a specific schedule (date certain) for producing a fully approvable SIP submittal.

Cons:

- Cannot be used where the state is unable to commit to corrective measures by a date certain (or when corrective measures will take more than one year to develop).
- May provide incentives to delay resolution of issues which could lead to full approval of the submittal.
- If the issues are not resolved within one year, the approval reverts to an automatic disapproval, including starting FIP and sanctions clocks.
- Since a conditional approval is not a full approval, it cannot be used to replace a portion of a SIP that is fully approved.

References: General Preamble; *Natural Resources Defense Council, Inc. v. EPA*, 22 F.3d 1125, 1133-34 (D.C.Cir.1994)

Disapproval

This option can be used in situations where the state provides a submission that does not meet statutory and regulatory requirements; and the state is unable to make changes to provide a submission that does meet applicable requirements.

Pros:

- Leads to decisions on issues rather than avoidance and delay.
- Provides clarity on what the state or EPA must do to correct the deficiency.
- A state may then be able to make the necessary changes to correct the deficiency.

Cons:

- Generally not preferred by our state partners³.
- EPA may have to use resources, including potentially 105 funding, to implement FIPs.
- Depending on the type of SIP that is disapproved, states may face sanctions as a result.

References: Section 110(k)(3) of the CAA, 42 U.S.C. § 7410(k)(3); General Preamble for implementation of title I of the CAA Amendments April 16, 1992 (57 FR 13498).

Tools for Efficiency

Collaboration on Technical Support Information

States are already tasked with the responsibility of developing the technical support information to support their actions and EPA also has to develop this supporting information. The more that EPA can rely on the state's documentation, the more efficient the process will be. To this goal, collaboration between EPA and the state during the development of the state's technical support information is an important tool to avoid duplication. If the state and EPA work together early in the process to coordinate the technical basis for the SIP revision, this will avoid duplication of effort and therefore avoid back-end delays. It may also be advantageous for the early development of a technical support document template for boundary recommendations so that states could be informed regarding how EPA will consider the factors for designations, and thus could foster early agreement between the states and EPA on boundaries for potential nonattainment areas. An example of where this may be advantageous is for the upcoming designations for ozone and sulfur dioxide.

Pros:

- Will provide consistency between information that is being used at the state and federal level to implement air quality programs and make air quality planning decisions.

³ Based on experience and discussions with states, states would prefer some form of approval.

- Although EPA is still obligated to explain how the state's submittal demonstrates the technical requirements of the rule, resources may be saved by referencing the state's technical documentation and docket rather than re-writing significant portions of the state's information.
- May maximize the efficiencies at both the federal and state level and leverage staff and technical resources in a more effective way.
- Avoid back-end delays.

Cons:

- It can be challenging for states and EPA to agree on the analysis necessary to meet statutory and regulatory requirements, thus there may be times where collaboration on technical analyses, and use of the states technical work, may not be feasible.

Use of National SIP Submittal Checklists

This option involves the use of a national checklist for critical elements of a SIP revision well in advance of the anticipated date of a submission from states. The goal behind the checklist is that, to the extent possible, it would include the minimum requirements for states to include in their submissions to address requirements. States would be provided these checklists in advance and EPA Regions would use the checklists to review state submissions. Some examples of submissions for which early checklists could be developed include infrastructure submissions; attainment demonstrations; maintenance plans; reasonable further progress (RFP) plans; and RACT submissions.

Pros:

- Consistency, because regions would be able to use the checklist as a guide to identify what basic elements are needed for an approvable SIP. Although there is great effort to include requirements in implementation guidance, the level of detail in general guidance is not always adequate.
- More efficient EPA processing of submissions because submissions will more likely meet all the necessary requirements if all elements of the checklist are addressed.
- Could be used as a tool for the states and a tool to guide new staff on what is absolutely critical for a submission.

Cons:

- The checklist may not cover all situations and the checklist would have to be detailed so that it captures everything that is statutorily required. Checklist could become outdated if there are changes to regulations, guidance or policy based on legal challenges.
- Obtaining resource commitments from Regions and HQ may be challenging.
- It may be difficult to obtain consensus across the Regions and EPA Headquarters for specific checklist language.

References: Not applicable, although checklists have been developed for previous submissions such as the PM_{2.5} attainment demonstrations and regional haze.

Early development of Federal Register template (well before SIP submittal)

This option involves the development of *Federal Register* action templates (e.g., approval; disapproval; partial approval and conditional approval) and associated TSDs, if necessary, in advance of the anticipated date of a submission from states for major EPA actions for which we know that rulemaking or other action in the *Federal Register* will be required. Some examples include infrastructure submissions; attainment demonstrations; maintenance plans; RFP plans; RACT submissions and others.

Pros:

- More efficient EPA processing of submissions because Regions would be in a position to take action on submissions upon receipt, and EPA Regions and Headquarters could focus reviews and efforts on substantive legal, technical and policy considerations related to submitted SIPs versus focusing on logistics of getting buy-in on development of the *Federal Register* and TSDs post SIP submission.
- Consistency in regional actions because all regions will have a role in developing the template versus one region or another taking action potentially without input from interested regions.

Cons:

- Obtaining resource commitments from Regions and Headquarters may be challenging.
- It may be difficult to obtain consensus across the Regions and EPA Headquarters for specific template language.

References: <http://intranet.epa.gov/adplibrary/adp-milestones/fedreg.htm#handbook>;
http://www.epa.gov/ttncaaa1/t1/memoranda/evm_iev_m_g.pdf;
http://www.epa.gov/ne/topics/air/sips/Revised2_SIP_TIMELINE.pdf;
[http://yosemite.epa.gov/r10/airpage.nsf/webpage/Region+10+SIP+Process+Improvement+Project+\(SIP-PIP\)](http://yosemite.epa.gov/r10/airpage.nsf/webpage/Region+10+SIP+Process+Improvement+Project+(SIP-PIP))

Early Collaboration

Early collaboration between the state and EPA allow for the early review, discussion and resolution of problematic/approval issues in a draft SIP submittal package. This is the primary focus of the new R7 SIP Kaizen process. Beginning discussions and sharing complete or near-complete draft SIP submittals as early as possible in the process provides the state and EPA the opportunity to identify expectations and problematic issues up front. This allows for these issues to be resolved early in the process, when changes are more easily made to any draft rules or legal agreements, and time is maximized for any additional needed technical analysis. This also allows for EPA to provide a more complete set of comments, so the state and EPA may address any possible issues with the SIP submittal as early as possible.

Pros:

- Addresses problematic/approvability issues, and sets expectations up front.
- Full set of comments provided on a full draft SIP submittal package earlier in process.
- Allows for early collaboration when draft regulatory requirements are more easily changed to address comments.
- Allows for maximum time for additional technical analysis, if needed.
- For attainment demonstration, maintenance plans and reasonable further progress plans, the state and EPA may work together early in the process to develop a submittal including the motor vehicle emissions budgets (MVEBs), which may facilitate availability of the MVEBs for transportation conformity use upon receipt of the state's final submission and an adequacy finding or approval by EPA.

Cons:

- Lack of resources may make it difficult for states to justify early work on SIP submittals given competing priorities.
 - Early collaboration, setting of expectations and resolution of issues may be difficult if implementation rule and guidance are delayed.
-

Parallel Processing

Administrative parallel processing refers to a concurrent state and federal proposed rulemaking action. Under this procedure, EPA works closely with the state while the state is developing new or revised regulations/requirements. In this process, the state submits a copy of the proposed regulation or other SIP revisions to EPA before conducting its public hearing. EPA reviews this proposed state action, and prepares a notice of proposed rulemaking. EPA's notice of proposed rulemaking is published in the *Federal Register* during the same time frame that the state is holding its public hearing. The state and EPA then provide for independent public comment periods on both the state action and federal action. After the state submits the formal SIP revision request, EPA prepares a final rulemaking notice. If the state's final rule contains changes which were not described in EPA's notice of proposed rulemaking, and if the state's changes are substantive, EPA must re-propose the state's action.

Pros:

- If there are no substantive changes made to the SIP submittal following EPA's notice of proposed rulemaking, this process saves total processing time.

Cons:

- In complex or controversial actions, it is more likely the state will need to revise its proposed action in response to public comments/hearing. In those cases, EPA would need to re-propose action on the state rule adding additional time and resources to the process. This may also confuse the record.

Letter Approvals

This option can be used to approve SIP revisions that are only administrative in nature and do not change the substance of the rule in any way. Administrative has been defined in very strict terms, e.g. correction of typos, erroneous section references. If a state is making administrative SIP revisions for which this option would be appropriate, at the time the state public notices the revisions it may request a letter approval from EPA.

Pros:

- Provides a quick way to approve administrative SIP revisions.

Cons:

- Very limited use and cannot be used for the submissions that are backlogged or have a potential of being backlogged due to approvability issues.

References: The McCabe SIP Consistency Memo signed April 6, 2011 provides additional detail in Attachment D on the use of letter notices.

Direct Final Rulemaking

If a SIP revision is considered noncontroversial, and EPA does not expect adverse or critical comments, the initial EPA action can be published as a concurrent proposed and final rule. The final rule would consist of a detailed notice published in the Rules and Regulations section of the *Federal Register*, while the proposed rule would consist of a short informational notice published simultaneously in the Proposed Rules section of the *Federal Register*. The purpose of the proposal notice is to inform the public of the direct final rulemaking action, and indicate that if adverse written comments are received during the public comment period, then a notice to withdraw the final action will be published in the *Federal Register*. If such comments are received, then 1) the direct final document serves as the detailed basis for the proposal, and the adverse comments will be addressed in the final notice; and 2) EPA must publish the withdrawal notice before the effective date of the final Agency action. If no adverse comments are received, then no further Agency activity is necessary, and the action would become effective automatically as of the date established in the direct final rulemaking action, generally 45 to 60 days.

Pros:

- For routine, noncontroversial SIP changes, this process saves total processing time.

Cons:

- If EPA receives adverse comments, EPA must prepare and publish in the *Federal Register* a notice withdrawing the final rule before the effective date of the action (45-60 days after the direct final rulemaking). EPA must then respond to comments and promulgate a final rule. If EPA receives adverse comments and does not prepare and publish the notice of withdrawal prior to the effective date (45-60 days after the direct final rulemaking action), EPA additionally must propose to withdraw the original rulemaking.
 - Stakeholders may perceive that EPA is “cutting corners” on public participation.
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Proposing alternatives

This proposed option could be used in circumstances where EPA has some discretion regarding approval or disapproval, and would benefit from additional public input. A number of SIP submissions are on “hold” due to policy or unclear guidance considerations that have yet to be decided although contemplated for a number of months and in some cases years. The Agency believes that there are limited circumstances where this option could be used (i.e., only appropriate where requirements, or EPA guidance is not clear) and does not anticipate use of this to allow clear requirements to be waived.

Pros:

- Without making a firm commitment to one alternative or another, EPA could develop *Federal Register* actions and take comment to help inform a decision on a policy or guidance issue through rulemaking action.
- EPA would be able to process a SIP submission potentially without long delays to consider a policy or guidance issue, and would give EPA the benefit of public comment for a policy or guidance issue.
- May minimize litigation on EPA final actions because the public would have already weighed in and in the event of litigation, EPA might be in a better position to defend the action.

Cons:

- May create additional workload for responding to comments on the alternatives.
- Closer attention would have to be paid among regions and by EPA Headquarters because these actions could set precedent.
- While EPA has done alternative notices in the past, the basis for each option (approval or disapproval) must be individually laid out and can take additional staff resources. These notices have the potential to raise more legal/policy concerns than a traditional notice of approval or disapproval, as well as attract more comments, to which EPA must respond, causing delays.

Appendix

Example for Options and Efficiency Tools for EPA Action on State Implementation Plan (SIP) Submittals¹

The following are examples of some of the actions where the options and efficiency tools have been used in the past. The purpose of this listing is illustrative and does not relate to the technical or legal analyses of the individual action. The substantive issues discussed in the notices may or may not be applicable to a particular action, which would be case and fact specific.

Partial Approval/Disapproval

- Approval and Promulgation of Implementation Plans; South Carolina; Prevention of Significant Deterioration and Nonattainment New Source Review Rules. Partial approval, disapproval and conditional approval of changes to South Carolina's Prevention of Significant Deterioration Program. See 73 FR 31368, June 2, 2008.
- Approval and Promulgation of Implementation Plans; State of Missouri; partial approval and partial disapproval of revisions to the Restriction of Emission of Sulfur Compounds rule in the Missouri SIP. See 71 FR 12623, March 13, 2006.
- Clean Air Act Approval and Promulgation of State Implementation Plan; Wyoming; Revisions to Air Pollution Regulations; Direct final action partially approving and partially disapproving revisions. See 67 FR 5485, February 6, 2002.

Limited Approval/Limited Disapproval

- Approval and Promulgation of Air Quality Implementation Plans; State of California; Interstate Transport of Pollution; Interference with Prevention of Significant Deterioration Requirement. See 76 FR 48002, August 8, 2011.
- Revisions to the California State Implementation Plan, Sacramento Metropolitan Air Quality Management District. Limited approval and limited disapproval of permitting rules. See 76 FR 43183, July 20, 2011.
- Approval and Promulgation of Air Quality Implementation Plans; Montana; Billings/Laurel Sulfur Dioxide State Implementation Plan. See 68 FR 27908, May 22, 2003.

Conditional Approval

- Approval and Promulgation of State Implementation Plan Revisions; Infrastructure Requirements for the 1997 8-Hour Ozone National Ambient Air Quality Standard; Utah.

¹ There is a large volume of examples of where EPA has either taken approval or direct final action to approve a SIP revision so those types of examples are not listed in this document. For a comprehensive listing of examples of these types of actions and the types of actions provided in this Appendix, please visit the SIP Processing Manual, currently accessible at <http://mapsweb.rtpnc.epa.gov/sipman/>.

Approving and conditionally approving submission from Utah for 1997 8-hour ozone infrastructure requirements. See 76 FR 43898, July 22, 2011.

- Approval and Promulgation of Air Quality Implementation Plans; Ohio; Final Approval and Promulgation of State Implementation Plans; Carbon Monoxide and Volatile Organic Compounds. Disapproval of VOC regulations and conditional approval of Ohio's SIP revision. See 75 FR 50711, August 17, 2010.
- Approval and Promulgation of Air Quality Implementation Plans; Michigan; PSD Regulations. Conditionally approving into Michigan's state Implementation Plan specified revisions to add prevention of significant deterioration (PSD) construction permit program to meet New Source Review requirements. See 73 FR 53366, September 16, 2008.

Disapproval

- Approval and Promulgation of Implementation Plans; Texas; Revisions to the New Source Review State Implementation Plan (SIP); Nonattainment NSR (NNSR) for the 1-Hour and the 1997 8-Hour Ozone Standard, NSR reform, and a Standard Permit. Disapproval of Submittals to Revise the Texas Major and Minor NSR SIP. See 75 FR 56423, September 15, 2010.
- Approval and Promulgation of Air Quality Implementation Plans; Ohio; Final Approval and Promulgation of State Implementation Plans; Carbon Monoxide and Volatile Organic Compounds; disapproving an Ohio regulation revision pertaining to volatile organic compound (VOC) limits for high performance architectural coatings contained in Ohio Administrative Code (OAC) 3745-21-09(U)(1)(h). See 75 FR 50711, August 17, 2010.
- Disapproval of California State Implementation Plan Revisions, Monterey Bay Unified Air Pollution Control District; disapproval for opacity standards related to multiple pollutants, including particulate matter (PM) emissions, from a wide variety of sources. See 75 FR 37727, June 30, 2010.

Parallel Processing

- Approval and Promulgation of Implementation Plans; South Carolina: Prevention of Significant Deterioration and Nonattainment New Source Review; Fine Particulate Matter and Nitrogen Oxides as a Precursor to Ozone. See 76 FR 36875, June 23, 2011.
- Approval and Promulgation of Implementation Plans; Connecticut: Prevention of Significant Deterioration; Greenhouse Gas Permitting Authority and Tailoring Rule Revision. See 76 FR 26933, May 10, 2011.
- Approval and Promulgation of Implementation Plans; Alaska: Prevention of Significant Deterioration; Greenhouse Gas Permitting Authority and Tailoring Rule Revision. See 76 FR 7116, February 9, 2011.

Letter Approval

- Approval of Transportation Control Measure Substitution for Conversion of High Occupancy Vehicle (HOV) lanes to High Occupancy Toll (HOT) lanes; Georgia; Letter from EPA Region 4 to State of Georgia. November 5, 2009.²

Proposing Alternatives³

- Approval and Promulgation of Implementation Plans: Alabama: Proposed Approval of Revisions to the Visible Emissions Rule and Alternative Proposed Disapproval of Revisions to the Visible Emissions Rule. See 74 FR 50930, October 3, 2009.
- Clean Air Act Finding of Attainment and Alternative Finding of Nonattainment and Reclassification to Serious; California-Imperial Valley Planning Area; Particulate Matter of 10 microns or less (PM-10). See 66 FR 42187, August 10, 2001.
- Approval and Promulgation of Implementation Plans; Illinois and Missouri; Ozone; Proposing to Approve the St. Louis 1-Hour Ozone Attainment Demonstration and Alternatively Proposing to Disapprove the St. Louis 1-Hour Ozone Attainment Demonstration. See 65 FR 20404, April 17, 2000.

² This letter is provided as an example that the Letter Approval approach has been used. This example is not addressing TCM substitutions specifically. Not all TCM substitutions can be addressed through letter notice.

³ For this example, only the proposed action is included to illustrate the situation of proposing alternatives. The final actions for these examples do not include alternatives but rather takes a final action on one of the alternatives that was proposed.