

# **State Role in Clean Air Act Implementation**

January 2015

**Request: State Role in Clean Air Act Implementation** - Not later than 180 days after the date of enactment of this Act, the Agency is directed to provide the House and Senate Committees on Appropriations a report that lists by region, all State Implementation Plan submittals that are currently before EPA, the date received, and any deadline for required action.

**Response:**

Successful implementation of EPA's National Ambient Air Quality Standards (NAAQS) relies on a well-functioning federal-state partnership. State Implementation Plans (SIPs) are a cornerstone of the partnership and play a critical role in protecting and improving the quality of our nation's air. The Clean Air Act specifies not only due dates for states to submit SIPs, but also timeframes within which EPA must act to approve or disapprove them.

Recognizing the importance of processing SIPs on a timely basis, EPA and state and local air agencies have been collaborating over the past few years to address SIP processing delays and the growth of a SIP processing backlog. This collaboration has provided both EPA and air agencies a better understanding of the challenges each faces when implementing air quality programs, with a particular focus on SIP development and SIP processing, and steps we can each take to help meet these challenges.

EPA and states have acknowledged several factors that contribute to a SIP not being acted on in a timely manner, including litigation, complexity of SIP requirements, quality of SIP submittals, resource constraints and the volume of SIPs submitted by each state/local air agency given EPA's review and revision of the NAAQS in accordance with Clean Air Act requirements. Another key factor is the states' own priorities which they routinely share with EPA; often they want EPA to act on the more recently submitted SIPs before the backlogged ones.

EPA and states have agreed to and are working to meet commitments and implement best practices to eliminate the current SIP backlog and prevent recent and any future SIP submissions from becoming backlogged. EPA agreed to work with states to complete work on SIPs that formed the existing backlog at the start of the project within four years (by end of 2017) and that work is moving forward. In FY 2014, EPA acted on 25% of the SIPs backlogged at the end of FY 2013. Together, we have begun implementing the practices, tools and strategies captured by the mutual commitments and best practices agreed upon and are making progress.

EPA is required to review and act on a SIP submittal (in whole or in part) on a schedule outlined within the Clean Air Act. A SIP submittal that is determined administratively complete is considered backlogged if it has been waiting for EPA final action for more than 12 months. The table below reflects, by EPA Region, the SIP submittals currently at EPA and notes whether the SIPs have been pending for more than 12 months after the administrative completeness determination. Some Regions have states with multiple local air agencies that each submit SIPs creating a high volume of SIPs to be reviewed and acted on in those Regions.

In FY 2014, EPA acted on 408 SIPs. As of November 10, 2014, there are 668 SIPs considered backlogged and an additional 367 SIPs pending action. EPA expects to take action on 450 – 500 SIPs in FY 2015. EPA received 354 new SIPs in FY 2014, but that annual number can vary widely from as low as 200 to as high as 500 depending upon whether new rules or air quality standards have been issued recently by EPA.

Region	Backlogged SIPs (pending more than 12 months from completeness date)	Recently submitted SIPs (pending less than 12 months from completeness date)	Total SIPs
1	68	24	92
2	8	4	12
3	17	49	66
4	121	28	149
5	13	37	50
6	100	30	130
7	24	31	55
8	55	45	100
9	246	107	353
10	16	12	28
Total	668	367	1035

We are beginning to see a reduction in the backlog as we have instituted new practices and realigned our resources to meet our SIP backlog reduction commitment. We are working ever more closely with our state partners to streamline and find efficiencies wherever possible and, importantly, prioritize the review of SIPs that are the highest priority for the states and most significant for the protection of public health. We are evaluating progress thus far to see what adjustments in resources and practices will be needed in FY 2016 and FY 2017 to meet our mutual EPA and state commitment to eliminate the SIP backlog by 2017.