

**NACAA-ECOS-EPA SIP Reform Workgroup  
Commitments and Best Practices for Addressing the SIP Backlog**

**Background on the Workgroup**

In 2010, the NACAA-ECOS-EPA SIP Reform Workgroup (SRWG) was formed following a NACAA-EPA leadership “summit” and similar discussions between ECOS and EPA leaders. The SRWG was presented with a consolidated list of SIP reform recommendations taken from a variety of previous initiatives, including the CAAAC Air Quality Management Subcommittee, focusing on efforts that fit within the confines of the Clean Air Act. With input from the NACAA and ECOS memberships, the list of issues was refined.

The mission of the SRWG was “to make the SIP process more efficient and effective while ensuring the fulfillment of statutory responsibilities to attain the NAAQS as expeditiously as practicable.” Over the past several years, the SRWG identified and discussed ways to improve the process of States developing and submitting and EPA taking action on SIPs. The SRWG’s discussions and collaboration to date have provided a much better understanding of the challenges EPA and States face when implementing the NAAQS through the SIP process.

A significant portion of the workgroup’s discussions focused on the SIP backlog. A backlog occurs when SIPs are submitted by states and found to be complete (or deemed to be complete) for more than 12 months, but not yet acted upon by EPA. At issue is what can be done to clear the backlog and process newly submitted SIPs in a timely manner. EPA and the states respect and recognize their partnership in addressing the SIP backlog and acknowledge that they both share the responsibility for effective and timely SIP development and processing. To best achieve the goal of clearing the SIP backlog and processing newly submitted SIPs in a timely manner, the workgroup recommends that EPA and states adopt the following commitments and best practices.

**Commitments**

1. EPA will clear the existing SIP backlog (as of October 1, 2013) by no later than the end of 2017, and manage the review of all other SIPs consistent with Clean Air Act deadlines.
2. Consistent with the commitment above, each EPA Region will establish, with the agreement of each state in the Region, a four-year management plan to set the priorities and rate of progress for a) clearing the existing SIP backlog (as of October 1, 2013) by no later than the end of 2017, and b) managing the review of all other SIPs consistent with Clean Air Act deadlines. Each plan shall include, among other things, processes for:
  - a. collaboratively prioritizing each SIP and/or type of SIP and a commitment to process the higher-priority SIPs first;

- b. consistent, collaborative and mutually beneficial communication between the Region and each state including routine, scheduled conference calls;
  - c. routinely providing each state (including upon request) reports on the status of the SIP; and
  - d. working cooperatively and early to resolve any identified deficiencies in the state's SIP submittals.
3. EPA and States will identify common impediments to timely processing of SIPs and, to the extent practicable, address those impediments uniformly across all regions by using tools, such as EPA's national SIP issues management dashboard.
4. EPA will include additional detail when tracking the progress of SIPs, including:
  - e. the level of priority (as a qualitative assessment) the SIP is being given – high, medium, low – and related notes;
  - f. the general category of the SIP, by criteria pollutant and date of the relevant NAAQS, as well as the subcategory (the specific topic) the SIP addresses (e.g., RACT, I/M, PSD); and
  - g. target dates for *Federal Register* notices on proposed and final SIP actions.
5. EPA will ensure that the agency's SIP consistency and elevation processes are transparent and inclusive with the States.
6. The NACAA-ECOS-EPA SIP Reform Workgroup will reconvene annually to review progress in clearing the SIP backlog.

### **Best Practices**

1. EPA and states acknowledge that addressing and preventing the SIP backlog will require mutual actions and commitments, and that regular and open communication is critical to reducing/preventing the SIP backlog and prioritizing EPA actions on SIPs.
2. EPA should understand states' administrative procedures for adoption of rules and regulations and for submission of SIPs so that EPA provides comment and input within the appropriate timeframes.
3. States should work to provide early drafts (prior to public comment period) of SIPs to EPA Regions with ample time for review and comment; the Regions will identify and discuss approvability issues, including key policy and legal concerns, early in the process.
4. EPA and states should have open discussions about substantive approvability issues. EPA will inform the affected state of its intended action as early in the SIP review process as possible.

5. For each Region, EPA and states should ensure that there is a process in place for the state to elevate issues that cannot be resolved at the staff level (i.e., priorities, technical or policy disagreements, timelines, etc.).
6. For multi-state and multi-region areas, EPA and states should work together as early as possible.
7. EPA and states should communicate regularly on the status of SIPs, which could include approval, partial approval, disapproval, or withdrawal by the State.

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