

**SIP Reform**  
**The Need for the EPA Regional**  
**Offices to be Consistent**

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# **April 6, 2011 “McCabe Memo”**

- **To respond to the ECOS/NACAA request that EPA reduce the number of hard paper copies required when submitting SIP revisions.**
- **To address other consistency concerns raised by the ECOS/NACAA members of the National SIP Reform Work Group.**
- **To demonstrate EPA’s commitment to SIP Reform by having a “work product” out in writing as soon as possible.**

# 10 Region Survey Results

- **Conducted a survey of the 10 Regions with emphasis on the number and types of copies of SIP submittals required of States.**
- **The results were eye-opening to Regional EPA Managers. We were not consistent. In fact we were “all over the map.”**
- **All 10 Regions agreed we had to “get consistent” when it came to 40 CFR 51.103. For some Regions this meant significant changes.**

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- **Attachment A** - Addresses the issue raised by ECOS and NACAA urging EPA to reduce the number of hard paper copies required when submitting SIP revisions.
- **Attachment B** - Covers issues related to the public notice/hearing requirements for SIP revisions. Puts in writing that “prominent advertisement” is media neutral and that if no one requests a hearing, no hearing must be held.

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- **Attachment C – Clarifies the differences, requirements, and effects of Clean Data Determinations v. Findings of Attainment v. Redesignations (to ensure EPA Regions provide consistent guidance to all States).**
- **Attachment D – Explains the kinds of SIPs for which Letter Notices may be used by EPA versus Full Rulemaking.**

# **April 6, 2011 “McCabe Memo” Attachment A**

- **One paper submittal – Even for the single official paper copy, States do not have to submit paper copies of large data files such as ambient air quality data, emissions inventories, model input files, etc. if the State puts such supporting data files on a disk (or disks) and submits the disk along with the paper copy.**
- **No longer any need for SIP submittals to arrive in cartons of paper.**

# **April 6, 2011 “McCabe Memo” Attachment A**

- **One electronic copy of the entire SIP revision along with the paper copy, preferably on disk(s) or otherwise made available to the Regional Office e.g., by e-mail, from a File Transfer Protocol (FTP) site or from the State website at the same time the paper copy is submitted.**
- **It makes it much easier for EPA if the electronic copy is made available in searchable.pdf format because that is the format required to be uploaded in to the FDMS.**

# **April 6, 2011 “McCabe Memo” Attachment A**

- **If the State is unable to provide an electronic copy in searchable.pdf format, the Regional Office can accept an electronic copy in image.pdf format, Microsoft Word, or Microsoft Excel and convert it to searchable.pdf format to load into the FDMS.**
- **Likewise, if a State only submits a paper copy and has no means of making an electronic copy available to EPA, the EPA Regional Office will scan the paper copy and create an electronic copy in searchable.pdf format to load into the FDMS.**
- **Notes: The use of STAG (105) funds by States to purchase the software/equipment needed to create electronic copies in searchable.pdf format is an acceptable expense, and many States have opted to do so. A State may indicate such purchases in the appropriate portion of its 105 grant application.**



# April 6, 2011 “McCabe Memo” Attachment A

- To implement Attachment A – must satisfy the requirements of 40 CFR Part 51.103(a) as to the number and types of copies of a SIP revision that must be submitted by the State to EPA.
- 40 CFR Part 51.103(a) says the State must provide “five hard copies or at least two hard copies with an electronic version of the hard copy **(unless otherwise agreed to by the State and Regional Office)** of the plan to the appropriate Regional Office with a letter giving notice of such action.

# **April 6, 2011 “McCabe Memo” Attachment A**

- **Given the flexibility afforded in Part 51.103(a), its requirements can be met by having an agreement between the EPA Region and its States that the procedures outlined in Attachment A be followed when submitting a SIP revision.**
- **The Office of General Counsel (OGC) has advised that all ten Regions could easily pursue such an agreement with a presumptive letter from each Regional Administrator (RA) to the States in his/her Region, i.e. “We are agreeing to the following procedures for SIP submittals from you, and assume that you agree to these procedures unless we hear otherwise from you by [date].”**

# **April 6, 2011 “McCabe Memo” Attachment A**

- **Such letters would enclose the McCabe Memo and its attachments.**
- **A model letter was developed for use by all ten Regions.**
- **Those letters have been sent by the RA’s of all 10 Regions to the States.**

# **More Reforms to Come**

- **The Regions are working together to address our SIP Backlogs:**
  - **Transparent tracking systems from submittal through to final rulemaking.**
  - **Development of a Key Performance Indicator for EPA Regions to reduce and eliminate SIP Backlogs.**