

What's not in a SIP

This document is from Chapter 1 of “**The On-line State Implementation Plan Processing Manual.**” EPA’s On-Line SIP Processing Manual is available on the internet at <https://cfpub.epa.gov/oarwebadmin/sipman/sipman/> . You may login by clicking on the text box “Guest Entrance” on the home page.

What's not in a SIP

For the most part, the philosophy of the Clean Air Act (Act) is that EPA develops regulations and guidance for States to develop implementation plans that regulate industry. However, certain sections of the Act require EPA to establish emissions standards applicable to industries on a nationwide basis. EPA publishes the standards in the Federal Register and they are subsequently codified in the Code of Federal Regulations (CFR). 40 CFR where all of EPA's regulations are contained, is updated July 1 of each year. In order for States to assume EPA's enforcement role for these industries the State must adopt measures at least as stringent as the federal rules.

The States typically adopt these provisions into the SIP and submit to EPA for review. After EPA's review the State is delegated authority/responsibility for enforcement of those provisions. EPA does not adopt these provisions into the federally-approved SIP because these provisions are already enforceable by EPA through the Federal rulemaking process and are already published in the CFR. Until such time as these programs are delegated to the State, EPA is the primary enforcement agency.

Section 111

Section 111 of the Act requires EPA to develop standards of performance for new stationary sources (NSPS). NSPS are found in 40 CFR part 60. Section 111(d) requires the States to determine appropriate control limits for existing sources for which there is an NSPS. These 111(d) plans are submitted to EPA, reviewed and then approved in 40 CFR part 62.

Section 112

Section 112 of the Act requires EPA to develop National Emission Standards for Hazardous Air Pollutants (NESHAPS). NESHAPS are found in 40 CFR part 61. When the Act was amended in 1990 congress established a list of hazardous air pollutants in 112(b)(1). The regulations establishing emission standards for each list of source categories for the hazardous air pollutants is found in 40 CFR part 63.

Title V

Title V of the Act requires EPA to promulgate regulations containing requirements for operating permits programs. These regulations are contained in 40 CFR Parts 70 and 71. There are some permitting regulations that are incorporated into the federally-approved SIP. These deal with the federally enforceable source operating permit (FESOP) requirements.

FESOP requirements typically restrict a source's operation (and thus emissions) such that the source becomes a minor source and thus exempt from major source requirements.

Section 110

Many States develop administrative requirements or regulations for non criteria pollutants, e.g. odor or nuisance regulations. These requirements are not to be included in the federally-approved SIP, since EPA was charged by the Act to regulate emission relating to the national ambient air quality standards (criteria pollutants), NESHAPS, HAPS, or industries subject to NSPS. EPA also has no authority to enforce regulations that are subjective in nature, e.g. noise regulations.