

What is a State Implementation Plan?

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The State Implementation Plan (SIP) is the federally-enforceable plan for each State which identifies how that State will attain and/or maintain the primary and secondary National Ambient Air Quality Standards (NAAQS) set forth in Section 109 of the Clean Air Act (CAA) and 40 Code of Federal Regulations 50.4 through 50.12. Each State is required to have a SIP which contains the control measures and strategies developed through a public process, formally adopted by the State, and submitted by the Governor's designee to EPA (which EPA must formally act on) as revisions to their plan to attain and maintain the national ambient air quality standards.

The SIP is required and approved by EPA pursuant to Section 110 of the Clean Air Act (CAA). SIP requirements particular to nonattainment areas are mandated by Part D of the CAA. Section 110 and Part D describe the elements of a SIP, which is extensive, containing such elements as emission inventories, monitoring network, an air quality analysis, modeling results, attainment demonstrations, enforcement mechanisms, and regulations which have been adopted by the State to attain or maintain NAAQS (see Section C). Additional regulatory requirements which spell out the procedures for preparing, adopting and submitting SIP's and SIP revisions are codified in 40 CFR part 51 (see Section D).

The contents of a typical SIP fall into three categories -- 1) State-adopted control measures which consists of either rules/regulations or source-specific requirements (e.g., orders and consent decrees); 2) State-submitted "non-regulatory" components (e.g., attainment plans, rate of progress plans, emission inventories, transportation control measures, statutes demonstrating legal authority, monitoring networks, etc.); 3) additional requirements promulgated by EPA (in the absence of a commensurate State provision) to satisfy a mandatory section 110 or Part D (CAA) requirement. The SIP is a living document which can be revised by the State as necessary to address the unique air pollution problems in the State. Therefore, EPA from time to time must take action on SIP revisions which may contain new and/or revised regulations as being part of the SIP. On May 31, 1972 (37 FR 10842), EPA approved, with certain exceptions, the initial SIPs for 50 states, four territories and the District of Columbia. [Note: EPA approved an additional SIP -- for the Northern Mariana Islands -- on November 10, 1986 (51 FR 40799)]. Since 1972, each State and territory has submitted numerous SIP revisions, either on their own initiative, or because they were required to as a result of various amendments to the CAA.

Each State must submit revisions to its SIP to EPA, and EPA reviews the SIP for conformance with federal policies and regulations into the 40 CFR part 52, making the State regulations federally enforceable. The codification is usually accomplished by first announcing EPA's intent

in the Federal Register through a Notice of Proposed Rulemaking (NPR), with an appropriate public comment period, and then publishing a Final Rulemaking (FRN) which will codify the SIP regulation.

Once these control measures are approved by EPA after notice and comment, they are incorporated into the SIP and are identified in Part 52 (Approval and Promulgation of Implementation Plans), Title 40 of the Code of Federal Regulations (40 CFR part 52). The actual State regulations which are approved by EPA are not reproduced in their entirety in 40 CFR part 52, but are "incorporated by reference (IBR'ed)," which means that the citation of a given State regulation with a specific effective date has been approved by EPA. This format allows both EPA and the public to know which measures are contained in a given SIP and insure that the State is enforcing the regulations. It also allows EPA and the public to take enforcement action, should a State not enforce its SIP-approved regulations.

As mentioned above, EPA may promulgate comprehensive control measures for a given SIP in the absence of State-adopted provisions. This action is known as a Federal Implementation Plan (FIP). Such control measures are codified verbatim in the applicable Part 52 subpart. For FIP actions, EPA publishes an NPR which proposes the provisions to be codified into 40 CFR Part 52, holds public hearings on the proposed action, and then publishes the FRN which will codify the promulgated provisions. If a State subsequently adopts the necessary SIP provisions, and EPA approves such provisions as part of the applicable State SIP, EPA can then remove the federally-promulgated provisions.

In recognition of the fluidity of a given State SIP, Section 110(h) of the CAA requires EPA to periodically publish SIP compilation documents. The first two notices were published in the Federal Register on November 1, 1995 [i.e., five years after the enactment of the 1990 Clean Air Act amendments] and November 18, 1998 [i.e., every three years thereafter]. Section C of this Chapter describes the Section 110(h) process in more detail.

The CAA also establishes requirements which address air quality planning and air pollution control, but which are considered not to be part of the SIP. Section F of this chapter briefly describes these additional CAA provisions.