

May 5, 1995

MEMORANDUM

SUBJECT: Fifteen Percent Rate-of-Progress Plans--Additional
Guidance

FROM: John S. Seitz, Director
Office of Air Quality Planning and Standards (MD-10)

TO: Director, Air, Pesticides and Toxics Management
Division, Regions I and IV
Director, Air and Waste Management Division,
Region II
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Region V
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Region VI
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Section 182(b)(1) of the Act required States to submit, by November 15, 1993 for all ozone nonattainment areas classified as moderate and above, a SIP that provides for a 15 percent reduction in emissions of VOC by November 15, 1996. The purpose of this memorandum is to provide guidance on completeness of 15 percent plans as they relate to the enhanced I/M program.

On December 20, 1994, Carol Browner, Administrator, sent a letter to the Governors to communicate her plan to provide flexibility for States required to implement vehicle emissions I/M. The EPA will propose to establish a new "low-enhanced" I/M performance standard applicable to States that have shown they do not need a full enhanced I/M program, as currently defined, to fulfill the 15 percent rate-of-progress plan requirement, or if a State can make up the emissions reductions needed for the 15 percent plan from other sources.¹ In most cases, States are relying on reductions from the enhanced I/M program as a portion

¹Memorandum from Margo T. Oge, Director, Office of Mobile Sources, to the Regional Air Division Directors, dated December 29, 1994, subject "I/M Requirements and Flexibilities."

of the 15 percent rate-of-progress plan. The EPA continues to believe that a high-tech, test-only I/M program provides a large (and cost-effective) contribution to the substantial overall emissions reductions required for the 15 percent plan. States should be aware that achieving these reductions with other programs may prove more difficult and costly.

Where a State can demonstrate that incremental reductions between what would have occurred under the I/M program that the State has chosen to adopt and what would have occurred with the high enhanced I/M program can be achieved from other sources by December 31, 1996, EPA will accept, for the purpose of completeness, a commitment for rules to achieve those incremental reductions. The commitment must identify the measure(s) and the amount of reductions expected to be achieved. If all other requirements are met, a 15 percent plan that contains such a commitment may be found complete. For States that are currently subject to a finding of failure to submit or incompleteness, this commitment must be submitted and found complete before the 18-month clock expires in order to avoid sanctions. However, any 15 percent plan that contains such a commitment may not be considered to be fully approvable until the measures are fully adopted.

This approach is acceptable and necessary, as a practical matter, because the changes in EPA's approach to provide flexibility for the I/M program are recent. Therefore, some States may need additional time to develop other measures in order to achieve the reductions necessary for the 15 percent plan. This guidance supersedes any statements to the contrary in the August 23, 1993 memorandum from Michael Shapiro, Acting Assistant Administrator for Air and Radiation.

Please share this information with your State and local air pollution control agencies. The contact persons for this guidance are Laurel Schultz (919-541-5511) or Kimber Scavo (919-541-3354). Please feel free to call Sally Shaver, Director, AQSSD, (919-541-5505), if there are any questions.

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