

June 22, 2020

Frequently Asked Questions

EPA Region 7's Proposed Withdrawal of Call for Iowa State Implementation Plan (SIP) Revision for Startup, Shutdown and Malfunction (SSM) Provision

General

Q: Describe the action that EPA Region 7 ("Region 7" or "the Region") is proposing regarding startup, shutdown and malfunction (SSM) policy?

A: Region 7's proposed action sets forth an alternative interpretation regarding the permissibility of automatic exemption provisions for SSM events in the Iowa State Implementation Plan (SIP). This alternative interpretation departs from the EPA's policy on this subject that was outlined in EPA's 2015 SSM SIP Action at 80 FR 33840. In that action Iowa was SIP called for IAC 567-24.2(1) because the provision contains an exemption for SSM periods. In light of the alternative interpretation considered in today's action, Region 7 is also proposing that IAC 567-24.1(1) is not substantially inadequate to meet Clean Air Act (CAA) requirements and, accordingly, withdraws the SIP call for Iowa that was issued as part of the 2015 SSM SIP Action for that provision. The Region 7 proposed action includes additional modeling to support EPA's proposed approval of the attainment plan for the 2010 SO₂ Muscatine, Iowa attainment plan.

Q: Why is Region 7 allowed to deviate from nationally applicable EPA policy?

A: In accordance with EPA's Regional Consistency regulations at 40 CFR § 56.5(b), on June 12, 2020 the Region 7 Regional Administrator (RA) sought concurrence from the relevant headquarters office to propose an action that is inconsistent with national policy. The Region 7 RA obtained concurrence from the Office of Air Quality Planning and Standards on June 15, 2020.

Q: What is the impact of this proposed action?

A: In accordance with the Administrative Procedures Act, EPA is seeking public comment on an alternative policy regarding the permissibility of SSM provisions in SIPs, specifically the permissibility of IAC 567-24.1(1) in the Iowa SIP, and the withdrawal of the SIP call issued to Iowa as part of the 2015 SSM SIP Action.

Questions about how other states are impacted

Q: How does the alternative SSM policy regarding automatic exemptions apply to other states in Region 7?

A. In this action, Region 7 only considers adopting an alternative interpretation with respect to the Iowa SIP. If adopted, this interpretation would not apply to any other state in Region 7.

Q: Does today's proposed action affect the SIP calls issued for other states in the 2015 SSM SIP Action?

A: The proposed action has no effect for states other than Iowa. In this action, Region 7 is proposing to withdraw the SSM SIP Call previously issued to Iowa as part of the 2015 SSM SIP Action. The alternative interpretation being considered in this proposed action does not change the national policy that was outlined in the 2015 SSM SIP Action, which remains in effect.

Q: My state submitted a SIP revision that was consistent with the national policy on SSM exemptions outlined in the 2015 SSM SIP Action. What if the state no longer wants this submittal to be approved into its SIP?

A: EPA has a statutory duty to act on all complete SIP submittals before the Agency and to approve SIP submittals that meet all applicable CAA requirements. States may, at their discretion, withdraw SIP submittals that are currently before EPA such that EPA would no longer act on the subject submittal, but there could be consequences of such withdrawal. For further information, interested state agencies should contact their respective EPA regional office.