

April 2, 2020

## **Frequently Asked Questions**

### **EPA Region 4's Withdrawal of Call for North Carolina State Implementation Plan (SIP) Revision and Air Plan Approval: Large Internal Combustion Engines NOx Rule Changes**

#### **General**

*Q: Describe the action that EPA Region 4 ("Region 4" or "the Region") is finalizing regarding startup, shutdown and malfunction (SSM) policy.*

A: Region 4's final action outlines an alternative interpretation regarding automatic exemption and director's discretion provisions for SSM events for the North Carolina State Implementation Plan (SIP) that departs from the EPA's policy on this subject that was outlined in EPA's 2015 SSM SIP Call Action at 80 FR 33840. Consistent with the alternative interpretation, Region 4's final action finds that provisions 15A N.C. Admin. Code 2D .0535(c) and 15A N.C. Admin. Code 2D .0535(g) in the North Carolina SIP are not substantially inadequate to meet Clean Air Act (CAA) requirements and, accordingly, withdraws the SIP Call for North Carolina that was issued as part of the 2015 SSM SIP Call Action with respect to those provisions. The Region 4 final action also approves a SIP revision submitted by North Carolina regarding nitrogen oxide (NOx) emissions from large internal combustion engines.

*Q: Why is Region 4 allowed to deviate from nationally applicable EPA policy?*

A: In accordance with EPA's Regional Consistency regulations at 40 CFR § 56.5(b), on March 13, 2020, the Region 4 Regional Administrator sought concurrence from the relevant headquarters office to finalize an action that is inconsistent with national policy. The Region 4 Regional Administrator obtained concurrence on March 19, 2020.

*Q: What is the impact of this final action?*

A: On the effective date of this action, North Carolina will no longer have an obligation to submit a SIP revision in response to EPA's 2015 SSM SIP Call Action. North Carolina may choose to withdraw the SIP revision it submitted on November 22, 2016, in response to the SIP call, on which the EPA has not proposed or taken action to approve or disapprove.

#### **Questions about how other states are impacted**

*Q: How does the alternative SSM policy regarding automatic exemptions apply to other states in Region 4?*

A: In this action, Region 4 only adopts an alternative interpretation with respect to the North Carolina SIP. This interpretation does not apply to any other state in Region 4.

*Q: Does today's final action affect the SIP Calls issued for other states in the 2015 SSM SIP Call Action?*

A: The final action has no effect for states other than North Carolina. In this action, Region 4 is withdrawing the SSM SIP Call previously issued to North Carolina as part of the 2015 SSM SIP Call Action. The alternative interpretation being announced in this final action does not change the national policy that was outlined in the 2015 SSM SIP Call 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 Call 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.