

Appendix C: Criteria for Determining the Completeness of Plan Submissions

Appendix C.1. Requirements for preparation, adoption, and submittal of implementation plans, 40 CFR Appendix V to Part 51.

Appendix V sets forth the minimum criteria for determining whether a State implementation plan submitted for consideration by EPA is an official submission for purposes of review under § 51.103.

Clean Air Act Title I - Air Pollution Prevention and Control, Parts A through D | Overview of the Clean Air Act and Air Pollution | US EPA

Table 1 Requirements for Preparation, Adoption and Submittal of Implementation Plans, Appendix V, Section 1 and 1.

40 CFR Part 51 - REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS, Appendix V, 40 CFR Appendix V to Part 51 - Criteria for Determining the Completeness of Plan Submissions	Requirement Comment
1.0. Purpose	
1.1 The EPA shall return to the submitting official any plan or revision thereof which fails to meet the criteria set forth in this appendix V, and request corrective action, identifying the component(s) absent or insufficient to perform a review of the submitted plan.	EPA requirement

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<p>1.2 The EPA shall inform the submitting official whether or not a plan submission meets the requirements of this appendix V within 60 days of EPA's receipt of the submittal, but no later than 6 months after the date by which the State was required to submit the plan or revision. If a completeness determination is not made by 6 months from receipt of a submittal, the submittal shall be deemed complete by operation of law on the date 6 months from receipt. A determination of completeness under this paragraph means that the submission is an official submission for purposes of § 51.103.</p>	<p>EPA requirement</p>
<p>2.0. Criteria</p>	
<p>The following shall be included in plan submissions for review by EPA:</p>	
<p>2.1. Administrative Materials</p>	
<p>(a) A formal signed, stamped, and dated letter of submittal from the Governor or his designee, requesting EPA approval of the plan or revision thereof (hereafter “the plan”). If electing to submit a paper submission with a copy in electronic version, the submittal letter must verify that the electronic copy provided is an exact duplicate of the paper submission.</p>	<p>Ecology submittal letter from Washington Department of Ecology Director, the Governor's designee for SIP matters.</p>
<p>(b) Evidence that the State has adopted the plan in the State code or body of regulations; or issued the permit, order, consent agreement (hereafter “document”) in final form. That evidence shall include the date of adoption or final issuance as well as the effective date of the plan, if different from the adoption/issuance date.</p>	<p>Ecology's SIP Adoption Order signed by Director; Submittal letter from DNR leadership showing date of adoption of Smoke Management Plan.</p>

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(c) Evidence that the State has the necessary legal authority under State law to adopt and implement the plan.	Letter from Dixie Lee Ray, Governor to Donald P. Dubois, Regional Administrator, dated March 20, 1980.
(d) A copy of the actual regulation, or document submitted for approval and incorporation by reference into the plan, including indication of the changes made (such as redline/strikethrough) to the existing approved plan, where applicable. The submission shall include a copy of the official State regulation/document, signed, stamped, and dated by the appropriate State official indicating that it is fully enforceable by the State.	Document submitted and incorporated is the DNR 2022 Smoke Management Plan. Changes made shown in reline strikeout in DNR SMP Demonstration Appedices, includes redline strikeouts, cross walks.
The effective date of any regulation/document contained in the submission shall, whenever possible, be indicated in the regulation/document itself; otherwise the State should include a letter signed, stamped, and dated by the appropriate State official indicating the effective date.	Effective date for 2022 Smoke Management Plan (DNR signed May 11, 2022, effective May 11, 2022).
If the regulation/document provided by the State for approval and incorporation by reference into the plan is a copy of an existing publication, the State submission should, whenever possible, include a copy of the publication cover page and table of contents.	The relevant document is provided in the Ecology SIP submission, the 2022 Smoke Management Plan authored by DNR, approved May 11, 2022.
(e) Evidence that the State followed all of the procedural requirements of the State's laws and constitution in conducting and completing the adoption/issuance of the plan.	See Ecology Adoption Order, description of public involvement and notification efforts by both Ecology and DNR.
(f) Evidence that public notice was given of the proposed change consistent with procedures approved by EPA, including the date of publication of such notice.	See the DNR Submittal packet for DNR comments; See ECY publication appendices for ECY outreach and comments.

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(g) Certification that public hearing(s) were held in accordance with the information provided in the public notice and the State's laws and constitution, if applicable and consistent with the public hearing requirements in 40 CFR 51.102.	See DNR Submittal packet for DNR comments; See ECY Appendix for ECY outreach and comments.
(h) Compilation of public comments and the State's response thereto.	See DNR Submittal packet (Appendix B of the Ecology SIP publication) for DNR public notice information; See Ecology SIP publication Appendix for Ecology public hearing information and public notice efforts.
2.2. Technical Support	
(a) Identification of all regulated pollutants affected by the plan.	All criteria pollutants included in Demonstration; key pollutants for silvicultural burning are particulate matter and contribution to ozone.
(b) Identification of the locations of affected sources including the EPA attainment/nonattainment designation of the locations and the status of the attainment plan for the affected areas(s).	Smoke can travel great distances and forestland burning under DNR jurisdiction could potentially impact any part of the state. However, using the state-wide SMP, DNR intends to manage smoke to avoid impacts and minimize any impacts that may occur. Therefore, impacts to any area or source are likely to be very infrequent and short in duration (day or days likely multiple years apart). Washington does not have any nonattainment areas for pollutants emitted by silvicultural burning.


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<p>(c) Quantification of the changes in plan allowable emissions from the affected sources; estimates of changes in current actual emissions from affected sources or, where appropriate, quantification of changes in actual emissions from affected sources through calculations of the differences between certain baseline levels and allowable emissions anticipated as a result of the revision.</p>	<p>This particular part of Appendix V is more suited for changes such as commercial industrial facilities, vehicle emissions, etc. that lend themselves to either known past/future emissions or projections, or it is reasonably easy to account for variables (make assumptions) that will inform future projections of emissions. The better approach for this SIP revision is to provide a weight of evidence (i.e., a Demonstration of Noninterference) that the changes to the SMP will allow silvicultural burning around the state to continue to meet CAA Section 110(l) requirements.</p>
<p>(d) The State's demonstration that the national ambient air quality standards, prevention of significant deterioration increments, reasonable further progress demonstration, and visibility, as applicable, are protected if the plan is approved and implemented. For all requests to redesignate an area to attainment for a national primary ambient air quality standard, under section 107 of the Act, a revision must be submitted to provide for the maintenance of the national primary ambient air quality standards for at least 10 years as required by section 175A of the Act.</p>	<p>The Demonstration provides a weight of evidence that the NAAQS, visibility and regional haze goals continue to be protected. No request to redesignate any nonattainment area. The PSD increments do not apply. Section 107, 175A (maintenance plans) of CAA not applicable.</p>
<p>(e) Modeling information required to support the proposed revision, including input data, output data, models used, justification of model selections, ambient monitoring data used, meteorological data used, justification for use of offsite data (where used), modes of models used, assumptions, and other information relevant to the determination of adequacy of the modeling analysis.</p>	<p>see Technical Protocols and Results of Analyses for details on models used in DNR Demonstration.</p>

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(f) Evidence, where necessary, that emission limitations are based on continuous emission reduction technology.	This section is more applicable to other types of emission sources. For the SMP emission, limitations are based smoke management plan requirements, smoke approval decision protocols, best management practices, alternatives to burning and emission reduction techniques. State law RCW 70A.15.5130 includes the allowed state threshold for forestland burning.
(g) Evidence that the plan contains emission limitations, work practice standards and recordkeeping/reporting requirements, where necessary, to ensure emission levels.	Emission limitations are based smoke management plan requirements, smoke management practices, emission reduction techniques. RCW 15.5130 for allowed state threshold for burning; DNR burn portal allows for entry of tons burned, etc.
(h) Compliance/enforcement strategies, including how compliance will be determined in practice.	The SMP describes DNR enforcement strategies. The strategy is based on education and penalties for civil and criminal violations. See the SMP and DNR Demonstration.
(i) Special economic and technological justifications required by any applicable EPA policies, or an explanation of why such justifications are not necessary.	Ecology is not aware of special economic or technological justifications required by EPA policies.
2.3. Exceptions	

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<p>2.3.1. The EPA, for the purposes of expediting the review of the plan, has adopted a procedure referred to as “parallel processing.” Parallel processing allows a State to submit the plan prior to actual adoption by the State and provides an opportunity for the State to consider EPA comments prior to submission of a final plan for final review and action. Under these circumstances, the plan submitted will not be able to meet all of the requirements of paragraph 2.1 (all requirements of paragraph 2.2 will apply). As a result, the following exceptions apply to plans submitted explicitly for parallel processing:</p> <p>(a) The letter required by paragraph 2.1(a) shall request that EPA propose approval of the proposed plan by parallel processing.</p> <p>(b) In lieu of paragraph 2.1(b) the State shall submit a schedule for final adoption or issuance of the plan.</p> <p>(c) In lieu of paragraph 2.1(d) the plan shall include a copy of the proposed/draft regulation or document, including indication of the proposed changes to be made to the existing approved plan, where applicable.</p> <p>(d) The requirements of paragraphs 2.1(e)-2.1(h) shall not apply to plans submitted for parallel processing.</p> <p>2.3.2. The exceptions granted in paragraph 2.3.1 shall apply only to EPA's determination of proposed action and all requirements of paragraph 2.1 shall be met prior to publication of EPA's final determination of plan approvability.</p>	<p>Parallel processing is rare and not appropriate for the SMP revision.</p>

Appendix C.2. Letter from Dixie Lee Ray, Governor to Donald P. Dubois, Regional Administrator, dated March 20, 1980.

07/02/92 18:09 WASHINGTON GOVERNOR'S OFFICE 803
TEL. NO: 206-386-9137 #532 P02

 STATE OF WASHINGTON
Dixie Lee Ray
Governor

OFFICE OF THE GOVERNOR
Legislative Building, Olympia, Washington 98504

MAR 25

March 20, 1980

Mr. Donald P. Dubois
Regional Administrator
Environmental Protection Agency
Region X
1200 Sixth Avenue
Seattle, WA 98101

FILE

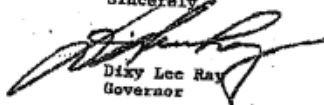
Dear Mr. Dubois:

There have been questions raised regarding appropriate submittal of changes to the State Implementation Plan for attainment and maintenance of national ambient air quality standards. Many of these actions are routine and should not require a governor's approval and submittal.

Staff from your office and the Department of Ecology have recommended that the legal and practical requirements of submittal could be met through delegation to an appropriate official.

I have, therefore, delegated to the Director of the Department of Ecology the authority to submit all amendments to the State Implementation Plan that occurred or will occur after May 1, 1979.

Sincerely,


Dixie Lee Ray
Governor

PERSONAL SIGNATURE