

Illinois will begin to notify the approximately 5,400 employers in the Chicago area with 100 or more employees in three staggered groups. Beginning in January 1995, registration packages were to be sent to the largest 250 employers representing approximately one third of all affected employees. Registration packages will be mailed to the second and third groups of employers in April 1995, and July 1995, respectively. Registration packages will include a complete guidance document, all necessary forms, information regarding training and information regarding how to withdraw from the program if the number of employees at the worksite falls below 100. Registration, APO surveys, and compliance or maintenance plans will be required from employers 30, 90, and 240 days, respectively, following receipt of the registration packet.

Each affected employer will receive program guidance that explains the requirements of the program and provides guidelines for developing approvable compliance plans for two phases of the program. In Phase 1—Start-Up (1994 to 1996) employers have the option of developing initial compliance plans using one of 14 start-up packages or the option of utilizing the value-added system. In Phase 2—Compliance (1996 to 1998) employers that have implemented their initial compliance plan for two years, must develop a renewal compliance plan using the value-added approach.

Phase 1—Start-Up (1994 to 1996)

Option A, ECO Start-up packages, allows employers to choose one of 14 start-up packages, each of which contains a fixed set of support measures that must be implemented. The required measures are minimum requirements and employers may supplement these packages by implementing additional strategies.

The start-up packages include: (1) Rideshare with Support; (2) Ride-share with Guaranteed Ride Home; (3) Rideshare with On-Site Amenities; (4) Rideshare with Vanpool Support; (5) Transit with Guaranteed Ride Home; (6) Transit with On-Site Transit Pass/Token Sales; (7) Transit with Transit Check Participation; (8) Transit with Shuttle Service; (9) Bicycle/Walk Program; (10) Telecommuting; (11) Compressed Work Week; (12) Parking Cash Out; (13) Transportation Allowance; and, (14) Episodic Program. Each of these packages requires that a trained employee transportation coordinator be hired by the employer to develop and implement the package. USEPA believes that initial employer compliance plans

that include any of these start-up packages could convincingly demonstrate compliance during the first four years of the program.

Option B, the Value-Added System, would allow employers to develop an initial compliance plan that is customized to the worksite. Employers would work through a series of steps for building up the value of a compliance plan to a level that will ensure compliance by selecting from a menu of trip reduction strategies that each has a designated vehicle reduction value. These steps include: (1) Work hour programs (telecommuting and compressed work week); (2) trip reduction support functions for carpool, vanpool, transit, bicycle, and walk programs; and (3) use of financial incentives and disincentives. Vehicle reduction estimates were developed for each support function and financial incentive and disincentive for three APO ranges and three transportation environments. These values are applied using a series of worksheets to estimate both the singular and additive effects of the proposed trip reduction strategies.

Phase 2—Compliance (1996–1998)

After employers have implemented their initial compliance plan for two years, they must develop and implement a renewal compliance plan based on the value-added approach that is designed to attain the target APO.

The Illinois Department of Transportation shall within 90 days of a plan submittal evaluate the compliance plan. An employer whose compliance plan is not approved will be required to submit a revised plan within 60 days of notification.

USEPA proposes to accept the Illinois program as a viable ECO Program that will reduce vehicle miles traveled (VMT) in the Chicago severe ozone nonattainment area. The June 10, 1994, letter from Administrator Carol Browner to Senator Frank R. Lautenberg stresses USEPA's commitment to policies that demonstrate ongoing flexibility in the ECO Program. USEPA will allow "states to grant employers credit for any measure that reduces employee commute vehicle trips in gasoline-fueled vehicles." Further, the letter provides that States may approve employer plans that include seasonal components if the plans will achieve the trip reduction goal as determined by the State.

USEPA believes approval of the Illinois' episodic Start-up package provides full flexibility in establishing a viable, longterm ECO Program in Illinois. The Illinois Episodic Start-up package is a temporary, seasonal option

in a program that phases-in increasingly stringent requirements in which employers must achieve the State's trip reduction goals four years after the SIP submittal. Employer's may implement the episodic start-up package only during the first two years of the ECO Program. After which, all employers must switch to the value-added approach and be in compliance by July 8, 1998. For these reasons the episodic start-up package is being proposed for approval as part of Phase 1 of the Illinois ECO Program. During the Phase 1 period USEPA expects the episodic start-up package to serve as a demonstration project and for the purpose of collecting information on its effectiveness. The episodic strategy is not being proposed for approval for the period after the first two years of the ECO Program and all employers must meet the requirements associated with the value-added approach.

4. Enforcement Procedures

States and local jurisdictions need to include in their ECO regulations penalties and/or compliance incentives for an employer who fails to submit a compliance plan or an employer who fails to implement an approved compliance plan according to the compliance plan's implementation schedule. Penalties should be sufficient to provide an adequate incentive for employers to comply and no less than the expected cost of compliance.

Illinois' ECO SIP has met this requirement by including in its ECO legislation substantial penalties for failure to comply with any provision of the regulation. A violator may be subject to a fine of up to \$10,000 and up to \$1000 per day for each violation. Violations include: (1) Knowingly failing to register or to submit a survey, or a compliance plan for an affected worksite; (2) knowingly falsifying or misrepresenting information provided in an employer survey or compliance plan; (3) failing to make a good faith effort to implement a compliance plan. Affected employers who make a good faith effort to implement their approved compliance plans, but fail to achieve the target APO will not be subject to penalties.

III. Proposed Rulemaking Action and Solicitation of Comments

The USEPA proposes to approve the ECO SIP revision submitted by the State of Illinois. The State of Illinois has submitted a SIP revision that includes each of the ECO Program elements required by section 182(d)(1)(B) of the amended Act. The SIP includes a verifiable estimate of the areawide AVO