

**OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**Procedures for Notice of Opportunity for Public Hearing and Comment**  
**Oklahoma SIP Review/Revision Submittals**

**Background**

A State Implementation Plan (SIP) identifies how that state will attain and/or maintain the primary and secondary National Ambient Air Quality Standards (NAAQS). The SIP contains state regulations and procedures, source-specific requirements, and non-regulatory items such as plans and inventories. The federally enforceable SIP for Oklahoma is compiled in 40 CFR Part 52, Subpart LL. As documented in previously approved SIP submittals under the Clean Air Act (CAA) (including recent Infrastructure Certifications under CAA Section 110(a)(1) and (2)), the Oklahoma DEQ is given the primary responsibility and authority to prepare and implement Oklahoma's air quality management plan under the Oklahoma Environmental Quality Act and the Oklahoma Clean Air Act (*see generally* 27A Okla. Statutes (O.S.) § 2-1-101, *et seq.*).

In addition to these governing statutes, the bulk of Oklahoma's SIP consists of DEQ's Air Quality Rules, which are enacted under the agency, public, gubernatorial, and legislative review processes of the Oklahoma Administrative Procedures, Open Records, and Open Meetings Acts (*see generally* 75 O.S. §§ 250 through 323, 51 O.S. §§ 24A.1 through 24A.29, and 25 O.S. §§ 301 through 314, respectively) and associated administrative rules. SIPs are reviewed and revised by the state from time to time as necessary to accommodate changes in State and Federal statutes, rules, policies, and program requirements. For instance, the CAA requires EPA to periodically review the NAAQS, and Section 110(a)(1) of the CAA requires the state to then review and revise the SIP as necessary each time a NAAQS is issued or revised ("Infrastructure Certification"). Many of these revisions require changes to Title 252, Chapter 100 of the Oklahoma Administrative Code (DEQ's Air Quality Rules) that, once are finalized, are submitted to EPA for formal inclusion in Oklahoma's SIP.

The SIP also includes non-rule components, such as program & implementation descriptions, environmental evaluation documents, and certain individual control measures relied upon to maintain the NAAQS. The State's Regional Haze Plan and recent Infrastructure Certifications are examples of such submittals. After any necessary rulemaking and/or individual proceedings and staff evaluations are completed, a draft SIP document is prepared for submittal to EPA under the Governor's or the Executive Director's signature as appropriate. [For additional details see recently-approved Infrastructure Certification(s).] The remainder of this document describes DEQ's related public participation procedures.

**Public Participation Procedures**

The Oklahoma Department of Environmental Quality (DEQ) will use the following public participation procedures for State Implementation Plan (SIP) Review/Revision submittals. DEQ has prepared this document to describe related public participation procedures to be carried out under 40 CFR Part 51, as approved by EPA under 40 CFR § 51.102(g).

1. DEQ will provide public notification of the opportunity for participation by prominently posting a public notice on the DEQ web site. At a minimum, the notice will provide a 30-day period and procedures for submission of written comments on the proposed submittal, and the opportunity for a public hearing. The notice will provide the web address for the proposed submittal, and instructions for viewing or obtaining a hard copy. Attachment 1 provides an example of a public notice. At the time that the notification is posted, notification will also be provided to EPA's Region VI office in Dallas and to individuals and entities that have requested email notification. The DEQ may provide additional methods of notice (e.g., direct mail or a published newspaper notice), if the Director believes that significant public interest or other circumstances warrant additional notice<sup>1</sup>. For SIP revisions/submissions, the notice will also inform the public that such SIP will be submitted to EPA for approval into the SIP.

If the Director believes there is significant public interest, the notice will provide the date, place, and time for a scheduled public hearing. The following statement may be included in the notice: "If no request for a public hearing is received by the close of the 30-day notice period, the hearing will be cancelled, and a notice announcing that the hearing has been cancelled will be posted on this web site (*AQD website*) at least 24 hours prior to scheduled time for the hearing. You may call 405-702-4100 to find out if the hearing has been cancelled."

If the Director believes there is likely not sufficient public interest to schedule a public hearing, the notice will describe the opportunity and procedures to request a public hearing during the 30-day notification period.

2. If a public hearing is held, it will be conducted under the requirements of OAC 252:4, DEQ's Rules of Practice and Procedure, and the Oklahoma Administrative Procedures Act.
3. Following the close of the comment period and/or public hearing, DEQ will prepare a record of the comments and/or hearing, including a copy of all written comments, a list of all hearing attendees, a summary or transcript of oral comments, and a response to comments, as appropriate. A copy of the record will be provided to EPA upon request.

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<sup>1</sup> For example, if a particular action is likely to be of concern to a particular group or community that does not have routine and ready access to electronic notifications.

(Attachment 1)

**OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**Notice of Opportunity for Public Hearing and Comment**  
**Oklahoma's [SUBJECT] SIP Review/Revision**

The Oklahoma Department of Environmental Quality (DEQ) will hold a public hearing on the proposed [*Subject SIP Review/Revision*]. The hearing is scheduled for [*Day*], [*Date*], from [*Start Time*] to [*End Time*] in the Multipurpose Room of the DEQ, 707 North Robinson Avenue, Oklahoma City, OK 73102. **[OPTION:** If no request for a public hearing is received by the close of the 30-day notice period, the hearing will be cancelled, and a notice announcing that the hearing has been cancelled will be posted on this web site (<http://www.deq.state.ok.us/aqdnew/RulesAndPlanning/index.htm>) at least 24 hours prior to scheduled time for the hearing. You may call 405-702-4100 to find out if the hearing has been cancelled.]

**[OPTION:** The Oklahoma Department of Environmental Quality (DEQ) hereby announces a 30-day opportunity to comment on and request a public hearing on the proposed [*Subject SIP Review/Revision*]. If a request for a public hearing is received prior to the close of the 30-day notice period ([*Closing Date*]), a hearing will be scheduled and a notice announcing the hearing details will be posted on this web site (<http://www.deq.state.ok.us/aqdnew/RulesAndPlanning/index.htm>) at least 30 days prior to the hearing. You may call 405-702-4100 to find out if a hearing has been scheduled.]

Under the Oklahoma Clean Air Act (27A O.S. §§ 2-5-101 thru -117), DEQ is given the primary responsibility and authority to prepare and implement Oklahoma's air quality management plan, compiled in 40 CFR Part 52, Subpart LL. The DEQ prepared the proposed [*Subject SIP Review/Revision*] to comply with the requirements contained in Section [*Section*] of the federal Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of Implementation Plans. This [*Subject SIP Review/Revision*] was prepared for submittal to the U.S. Environmental Protection Agency (EPA) under [*EPA Guidance, etc.*].

All persons interested in these matters are invited to submit written comments prior to the close of the 30-day notice period ([*Closing Date*]) and/or provide oral comments at the public hearing (if a hearing is requested and held). Persons planning to comment at the hearing may submit a written statement and/or additional information relevant to this matter for inclusion in the record of proceedings of the public hearing. The hearing officer may limit the length of oral presentations to allow all those who wish to provide oral comments an opportunity to do so.

The proposed [*Subject SIP Review/Revision*] is available on the DEQ website at <http://www.deq.state.ok.us/aqdnew/RulesAndPlanning/index.htm>. Copies may also be obtained from the Department by contacting [*AQD Contact Person*], at (405) 702-4100 or [*AQD contact email address*].

Written comments regarding the proposed [*Subject SIP Review/Revision*] should be mailed to:

Department of Environmental Quality, Air Quality Division  
P.O. Box 1677  
Oklahoma City, Oklahoma 73101-1677  
ATTN: [*AQD Contact Person*]

or emailed to [*AQD contact email address*].

Comments may be submitted by fax to the Air Quality Division, ATTN: [*AQD Contact Person*], at (405) 702-4101.

Should you desire to attend the public hearing but have a disability and need an accommodation, please notify the Air Quality Division three (3) days in advance at (405)702-4216. For the hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.