

January 28, 2015

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Ron Curry, Regional Administrator (6RA)  
U.S. Environmental Protection Agency - Region VI  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733

Subject: Certification of SIP Elements for the 2010 Primary Sulfur Dioxide NAAQS under Clean Air Act Sections 110(a)(1) and (2)

Dear Administrator Curry:

In a letter dated September 24, 2013 Governor Mary Fallin appointed me as her designee for the purpose of submitting documents to the U.S. Environmental Protection Agency (EPA) for approval and incorporation into the State Implementation Plan (SIP) for the State of Oklahoma. The Oklahoma Department of Environmental Quality (DEQ) is given the primary responsibility and authority to prepare and implement the state's air quality management plan under Oklahoma Statutes.

Sections 110(a)(1) and (2) of the Clean Air Act require that each state review and revise as necessary its SIP following promulgation of a new or revised National Ambient Air Quality Standard (NAAQS) [*See* U.S.C. § 7410(a)(1) and (2)]. On June 2, 2010, EPA revised the Primary National Ambient Air Quality Standards for Sulfur Dioxide (SO<sub>2</sub>) [75 Fed.Reg. 35520, June 22, 2010]. EPA issued the "Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2)" in September 2013 ("EPA's 2013 I-SIP guidance"). Under this guidance, states may certify that their existing SIPs meet the "infrastructure" elements of § 110(a)(2), rather than submitting a SIP for revised NAAQS such as the 2010 SO<sub>2</sub> NAAQS.

Oklahoma's SIP is codified in 40 CFR Part 52, Subpart LL. On behalf of the State of Oklahoma, I hereby certify that, as indicated in the enclosed table titled "Oklahoma's State Implementation Plan (SIP) Submittal 'Infrastructure' Checklist," Oklahoma's SIP meets the infrastructure obligations for the 2010 Primary SO<sub>2</sub> NAAQS. To date, the only Program changes specifically required to meet the revised SO<sub>2</sub> NAAQS were revisions to Appendix E of OAC 252:100, to change the level and form of the Primary SO<sub>2</sub> standard [CAA § 110(a)(2)(H)].

State public participation procedures for such SIP submittals were submitted to EPA for review under 40 CFR § 51.102. In a letter dated August 23, 2012, EPA concurred that Oklahoma's procedures are consistent with the requirements of 40 CFR § 51.102 and associated guidance. Public notice for this submittal was posted on DEQ's web site beginning on April 30, 2014, to allow the opportunity to provide comments and to request a public hearing preliminarily scheduled for June 5, 2014 at DEQ's offices. No hearing request was received during the minimum 30-day comment period (5/1/14 – 6/1/14). Therefore, a notice of hearing cancellation was posted on June 2, 2014, and no hearing was held. Attached is documentation of this public notice and submittal process. Also attached are copies of comments received during the comment period and a Response to Comments document. It is our understanding that the final results of EPA's review of this submittal will be determined through rulemaking and will be published in the *Federal Register*.

Note that this letter and its supporting documentation do not address § 110(a)(2)(I), which pertains to the nonattainment planning requirements of Title I, Part D of the Clean Air Act. These requirements are not governed by the three-year SIP submission deadline under § 110(a)(1). In addition, Oklahoma currently has no SO<sub>2</sub> nonattainment areas, and no nonattainment plans are due.

Note also that, consistent with EPA's 2013 I-SIP guidance, this submittal is not intended to assert that Oklahoma meets all requirements of § 110(a)(2)(D)(i)(I), which relate to interstate pollutant transport affecting attainment and maintenance of the NAAQS. It is our understanding that EPA expects to address § 110(a)(2)(D)(i)(I) separately through issuance of further guidance. However, the checklist does describe certain related aspects of DEQ's infrastructure.

If you have questions, please contact Mr. Eddie Terrill, Director, Air Quality Division, Oklahoma Department of Environmental Quality at (405) 702-4100.

Sincerely,



Michael Teague  
Oklahoma Secretary of Energy and Environment

Enclosures

- cc: Scott Thompson, Executive Director, Department of Environmental Quality  
Eddie Terrill, Director, DEQ Air Quality Division
- cc: Guy Donaldson, Section Chief, Air Planning Section, EPA Region VI (6PD-L)  
Carrie Paige, Air Planning Section, EPA Region VI (6PD-L)  
Terry Johnson, Air Planning Section, EPA Region VI (6PD-L)