

Oklahoma's State Implementation Plan (SIP) Submittal "Infrastructure" Checklist CAA § 110(a)(2)(A)-(M) Requirements in the Current SIP or Pending SIP Revisions

Updated for the 2010 Primary Nitrogen Dioxide (NO₂) National Ambient Air Quality Standard (NAAQS)

On January 22, 2010, the U.S. Environmental Protection Agency (EPA) established a new 1-hour primary National Ambient Air Quality Standard (NAAQS) for nitrogen dioxide (NO₂)¹. Section 110(a)(1) of the federal Clean Air Act (CAA) requires each state to submit a State Implementation Plan (SIP) to provide for the implementation, maintenance, and enforcement of each newly promulgated or revised NAAQS. A SIP identifies how that state will attain and/or maintain the primary and secondary NAAQS. The SIP contains state regulations, source-specific requirements, and non-regulatory items such as plans and inventories. The initial SIPs for states were approved by the EPA on May 31, 1972 (46 Fed.Reg. 40005). The Oklahoma Department of Environmental Quality (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* Title 27A Oklahoma Statutes (O.S.) §§ 2-1-101 et seq.). The federally enforceable SIP for Oklahoma is compiled in 40 CFR Part 52, Subpart LL. Approval of additional SIP submittals is pending.

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. In addition to SIP revisions to address specific program requirements (e.g., PSD/NSR Program), including those changes that directly result from a new or revised NAAQS, EPA has interpreted § 110(a)(1) of the federal CAA to require the state to demonstrate that the SIP meets the "infrastructure" requirements of CAA Section 110(a)(2)(A)-(M) each time a NAAQS is issued or revised.² The resulting submittal is now commonly referred to as an "infrastructure SIP" or "I-SIP." Under its September 2013 Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2)³ ("2013 I-SIP Guidance"), EPA allows for certification that "... the already-approved SIP contains or references provisions that satisfy all or some of the requirements of section 110(a)(2), as applicable, for purposes of implementing the new or revised NAAQS." The following table summarizes how and where the applicable infrastructure requirements are addressed in Oklahoma's current SIP or pending SIP revisions. In addition to a summary of infrastructure elements as they relate to the various existing NAAQS, the table lists any changes or pertinent information specific to the subject NAAQS change.

This Submittal: 2010 Primary Nitrogen Dioxide (NO₂) NAAQS

In this I-SIP submittal, Oklahoma is demonstrating that it has adequate resources and authority to implement, maintain, and enforce the 2010 Primary Nitrogen Dioxide (NO₂) NAAQS. This submittal was prepared under EPA's 2013 I-SIP Guidance and 40 CFR Part 51, Appendix V – Criteria for Determining the Completeness of Plan Submissions.

¹ EPA revised the primary NO₂ standard by adding a 1-hour level of 100 parts per billion (ppb), while retaining the previous annual primary and secondary standards [*see* 40 CFR 50.11(b) and (f) and 75 FR 6474 (February 9, 2010)]. The EPA has also recently reviewed the air quality criteria and the secondary NAAQS for nitrogen oxides and sulfur oxides and retained the current NO₂ and SO₂ secondary standards [*see* 77 FR 20218 (April 3, 2012)].

² E.g., EPA approved Oklahoma's Infrastructure SIP (or "I-SIP") for the 1997 Ozone and the 1997 and 2006 PM_{2.5} NAAQS on January 26, 2012 (77 FR 3933).

³ Distributed under September 13, 2013 memo from Stephen D. Page, Director, Office of Air Quality Planning and Standards, to EPA's Regional Air Directors, Regions 1-10.

| Section 110(a)(2) Element | Summary of Element (Statutory Language) | Provisions in State statutes and rules, and the Current SIP or Recent SIP Revision Submittals | Where Codified or Approved by EPA |
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| <p>§ 110(a)(2)(A) – Emission Limits and Other Control Measures</p> | <p><i>include enforceable emission limitations and other control measures, means, or techniques (including economic incentives such as fees, marketable permits, and auctions of emissions rights), as well as schedules and timetables for compliance as may be necessary or appropriate to meet the applicable requirements of this Act.</i></p> | <p>Oklahoma Environmental Quality Act (27A O.S. §§ 1-1-101 thru 1-4-107), Oklahoma Environmental Quality Code (27A O.S. §§ 2-1-101 thru 2-16-107) including the Oklahoma Clean Air Act (27A O.S. §§ 2-5-101 thru 2-5-117), and other relevant portions, Oklahoma Administrative Code (OAC) 252:4, Rules of Practice and Procedure, and OAC 252:100, Oklahoma Air Pollution Control Rules.</p> <p>Oklahoma has an EPA-approved air permitting program for both major sources (OAC 252:100-8) and minor facilities (OAC 252:100-7).</p> <p>Several SIP revisions are pending. These include portions of the February 14, 2002 SIP submittal (“Big SIP”); portions of the June 24, 2010 SIP submittal (SC-8 revision); the July 16, 2010 SIP submittal (excess emissions); portions of the July 23, 2010 SIP submittal (“Big SIP2”); the July 23, 2010 SIP submittal (NSR Reform); and the March 26, 2012 SIP submittal (GHG and PM_{2.5}); as well as the annual SIP revisions for 2010 (December 27, 2010), 2011 (February 6, 2012), and 2012 (February 4, 2013).</p> <p>The July 16, 2010 SIP submittal addressed EPA’s policy on excess emissions (e.g., SSM & variance/“director’s discretion” provisions) through the revision of OAC 252:100-9, Excess Emission Reporting Requirements. In the September 6, 2013 <i>Federal Register</i> (78 Fed.Reg. 54816), EPA proposed approval of certain provisions of the submittal, limited approval and limited disapproval of certain other provisions with a finding of substantial inadequacy and proposed a SIP call. This proposal has not yet been finalized.</p> <p>Oklahoma has no maintenance areas.</p> <p>This NAAQS Revision: No specific enforceable emission limitations or other control measures, means, or techniques have been identified as necessary to attain or maintain the 2010 Primary Nitrogen Dioxide (NO₂) NAAQS. OAC 252:100 includes Subchapter 33, Control of Emission of Nitrogen Oxides (252:100-33). The July 23, 2010 SIP submittal (“Big SIP2”) included changes to Subchapter 33. At this time, it is not anticipated that OAC 252:100-33 will need to be revised as a result of the new NAAQS. Any particular issues or changes related to implementation of this NAAQS through Oklahoma’s permitting program would be addressed through a separate SIP submission.</p> | <p>40 CFR §§ 52.1920 and 52.1960 (c)(48)</p> |

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| <p>§ 110(a)(2)(B) – Ambient Air Quality Monitoring/Data System</p> | <p><i>provide for establishment and operation of appropriate devices, methods, systems, and procedures necessary to monitor, compile, and analyze data on ambient air quality, and upon request, make such data available to the Administrator;</i></p> | <p>The Oklahoma Clean Air Act (27A O.S. §§ 2-5-101 thru 2-5-117) provides the authority to establish and operate ambient air quality monitors. OAC 252:100-3, in conjunction with Appendices E and F, enumerates the NAAQS and PSD increments.</p> <p>Oklahoma operates an air quality monitoring network consistent with EPA regulations (40 CFR Part 58), and regularly reports results to EPA under previously-approved SIP provisions. Each fiscal year, DEQ posts an Annual Network Review on its website for public review. Following the 30-day public review period, DEQ evaluates and responds to any comments, and submits the Review to EPA Region 6 monitoring staff for their review. Monitoring results may also be accessed through DEQ's web site at: http://www.deq.state.ok.us/aqdnew/monitoring/index.htm</p> <p>This NAAQS Revision: Oklahoma's program has monitored nitrogen dioxide since the 1970's. Oklahoma is on schedule with the updates to its air quality monitoring network necessary to implement the monitoring scheme required for the new NAAQS in accordance with EPA's <u>Revision to Ambient Nitrogen Dioxide Monitoring Requirements (78 Fed.Reg. 16184</u>, Mar. 14, 2013). It is currently projected that operation of NO₂ Near Road monitoring at one location will begin in May of 2014. Changes to reporting have been implemented as appropriate.</p> | <p>40 CFR §§ 52.1920 and 52.1960(c)(22)</p> |

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| <p>§ 110(a)(2)(C) – Program for Enforcement of Control Measures</p> | <p><i>include a program to provide for the enforcement of the measures described in subparagraph (A) and regulation of the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that national ambient air quality standards are achieved, including a permit program as required in parts C and D;</i></p> | <p>Oklahoma’s EPA-approved air permitting program includes appropriate enforcement authority and permitting for modification and construction of stationary sources. DEQ’s powers and duties to implement air quality programs (including implementing Oklahoma’s SIP) are described in 27A O.S. § 2-5-105, and include authority to “... [e]nforce rules of the Board and orders of the Department and the Council.” 27A O.S. § 2-5-105(4) More specific enforcement authorities are described throughout the Oklahoma Clean Air Act, 27A O.S. §§ 2-5-101 et seq., and in OAC 252:4-9, Administrative Proceedings. Oklahoma’s requirements for construction and operating permits for minor facilities and (minor) modifications to minor facilities are in OAC 252:100-7, Permits for Minor Facilities. The construction permit requirements for PSD and other major sources, and requirements for both major and minor modifications to PSD and other major sources, as well as requirements for the Part 70 (Title V) operating permit program, are in OAC 252:100-8, Permits for Part 70 Sources and Major New Source Review. OAC 252:4-7, Environmental Permit Process, contains additional permit requirements.</p> <p>The EPA interprets the portion of § 110(a)(2)(C) that pertains to a permitting program that applies to nonattainment NSR within nonattainment areas (CAA title I part D) to be outside the scope of the infrastructure SIP requirements and does not otherwise address it in the 2013 I-SIP Guidance. Although Oklahoma does not currently have any designated nonattainment areas or maintenance areas, Oklahoma’s SIP contains the provisions for the NSR nonattainment area permitting program in OAC 252:100-8, Part 9. Major Sources Affecting Nonattainment Areas.</p> <p>Changes to the permitting program are included in pending SIP revisions submitted on February 14, 2002 (minor facility permitting), July 23, 2010 (NSR Reform), December 28, 2010 (PSD Increment and NAAQS for Pb), February 6, 2012 (GHG Tailoring and PM_{2.5} Implementation), and the February 4, 2013 SIP submittal (2012 annual update). Note that Oklahoma’s PSD and Title V/Part 70 permitting program applies to sources that emit greenhouse gases (GHGs) in accordance with EPA’s tailoring rule, and subsequent narrowing of EPA’s approval of the PSD program.</p> <p>This NAAQS Revision: No specific enforceable emission limitations or other control measures, means, or techniques have been identified as necessary to attain or maintain the 2010 Primary Nitrogen Dioxide (NO₂) NAAQS. Any particular issues or changes related to implementation of this NAAQS through Oklahoma’s permitting, compliance, and enforcement programs (e.g., PSD) would be addressed through a separate SIP submission.</p> | <p>40 CFR §§ 52.1920 and 52.1929</p> |

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| <p>§ 110(a)(2)(D)(i) – Interstate Transport Provisions</p> | <p><i>contain adequate provisions—</i></p> <p><i>(i) prohibiting, consistent with the provisions of this title, any source or other type of emissions activity within the state from emitting any air pollutant in amounts which will--</i></p> <p><i>(I) contribute significantly to nonattainment in, or interfere with maintenance by, any other state with respect to any such national primary or secondary ambient air quality standard, or</i></p> | <p>EPA's 2013 I-SIP guidance does not address interstate transport provisions which prohibit significant contribution to nonattainment in, or interfere with maintenance by, any other state with respect to the NAAQS. If necessary, the requirements in § 110(a)(2)(D)(i)(I) will be handled in a separate Transport SIP.</p> <p>However, Oklahoma's air quality control rule at OAC 252:100-8-35 requires major stationary sources to demonstrate that the source's emissions would not cause or contribute to any increase in ambient concentrations that would exceed any NAAQS in any air quality control region. The State's PSD program meets the basic requirements for implementing all NAAQS. SIP revisions submitted on July 23, 2010 and February 6, 2012, which are still pending, contain modifications to OAC 252:100-8-35.</p> <p>EPA concluded that emissions from Oklahoma significantly contribute to interference with maintenance of the 8-hour 1997 Ozone NAAQS in another state and issued a Federal Implementation Plan (FIP) in a supplemental rule (76 Fed.Reg. 80760, Dec. 27, 2011) to the Transport Rule (aka Cross State Air Pollution Rule (76 Fed.Reg. 48208, Aug 8, 2011)) requiring Oklahoma to participate in the NO_x Ozone Season trading program. However, a December 30, 2011 order of the U.S. Court of Appeals for the District of Columbia Circuit stayed the Transport Rule. On August 21, 2012, that Court vacated the Transport Rule and the Transport Rule FIPs and remanded them to EPA. The Court allowed CAIR to remain in effect until the promulgation of a valid replacement. Oklahoma is not covered under CAIR. On June 24, 2013 the Supreme Court granted EPA's request to review the lower court ruling that overturned the Transport Rule.</p> <p>This NAAQS Revision: EPA designated all areas in the United States as unclassifiable/attainment for the 2010 Primary Nitrogen Dioxide (NO₂) NAAQS based on monitored air quality data from calendar years 2008-2010, which indicated no violation of the NAAQS (77 Fed.Reg. 9532, Feb. 17, 2012). Therefore, sources in Oklahoma do not contribute significantly to nonattainment in, or interfere with maintenance by, any other state with respect to the 2010 Primary Nitrogen Dioxide (NO₂) NAAQS.</p> | <p>40 CFR §§ 52.1920 and 52.1930</p> |

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| <p>§ 110(a)(2)(D)(i) – Interstate Transport Provisions</p> | <p><i>contain adequate provisions—</i></p> <p><i>(i) prohibiting, consistent with the provisions of this title, any source or other type of emissions activity within the state from emitting any air pollutant in amounts which will--</i></p> <p><i>(II) interfere with measures required to be included in the applicable implementation plan for any other State under part C to prevent significant deterioration of air quality or to protect visibility,</i></p> | <p>New major stationary sources and modifications are subject to a comprehensive PSD permitting program. Under OAC 252:100-8, Part 7, Oklahoma’s EPA-approved air permitting program includes pre-construction review of PSD sources, including review for impacts of emissions of all “regulated NSR pollutants,” and requires demonstration that any increase in emissions would not cause or contribute to any increase in ambient concentrations that would exceed any NAAQS in any air quality control region. EPA approved the portion of Oklahoma’s Transport SIP relating to § 110(a)(2)(D)(i)(II) (PSD) for the 1997 Ozone and PM_{2.5} NAAQS on November 26, 2010 (75 Fed.Reg. 72695).</p> <p>Oklahoma’s <i>Regional Haze Implementation Plan Revision</i>, (“RH SIP”), submitted in February 2010, describes Oklahoma’s measures to protect visibility and assure that emissions do not interfere with any other state’s measures to protect visibility. These measures include provisions in OAC 252:100-8, Part 11. EPA partially approved and partially disapproved Oklahoma’s Regional Haze SIP on December 28, 2011 (76 Fed.Reg. 81728) [See discussion under element § 110(a)(2)(J) – PSD and Visibility Protection (Part C)]. EPA stated that the RH SIP did not incorporate some emission reductions that were relied on to demonstrate non-interference with other states’ visibility protections. In the same <i>Federal Register</i> notice, EPA also partially approved and partially disapproved portions of the <i>Interstate Transport SIP for an Assessment of Oklahoma’s Impact on Downwind Nonattainment for the National Ambient 8-hour Ozone and PM_{2.5} Air Quality Standards</i> (“Transport SIP”), submitted May 10, 2007 and supplemented December 10, 2007, that address § 110(a)(2)(D)(i)(II) with respect to protection of visibility. EPA issued a FIP requiring reduction of SO₂ emissions for six units, and found that “the controls under this FIP, in combination with the controls required by the portion of the Oklahoma RH submittal that we are approving, will serve to prevent sources in Oklahoma from emitting pollutants in amounts that will interfere with efforts to protect visibility in other states.” Oklahoma submitted a revision to its RH SIP and Transport SIP on June 14, 2013 which is intended to replace the FIP as it relates to two of the six units concerned. This revision is pending.</p> | <p>40 CFR § 52.1920(c) and (e)</p> <p>40 CFR §§ 52.1920(e), 52.1923, and 52.1928</p> |

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| | | <p>This NAAQS Revision: Any specific nitrogen dioxide-related issues in Oklahoma’s permitting program (e.g., increments or significant impact levels) would be addressed through a separate submission.</p> <p>NO_x emissions react in the air to form fine particle pollution, which contributes to visibility impairment. Oklahoma’s <i>Regional Haze Implementation Plan Revision</i>, submitted in February 2010, includes reductions in NO_x emissions for certain facilities, and demonstrates that Oklahoma’s PM_{2.5} emissions do not interfere with any other state’s measures to protect visibility. This portion was approved by EPA on December 29, 2011 (76 Fed.Reg. 81838).</p> | 40 CFR § 52.1920(e) |

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| <p>§ 110(a)(2)(D)(ii) – Interstate and International Transport Provisions</p> | <p><i>contain adequate provisions—</i></p> <p><i>(ii) insuring compliance with the applicable requirements of sections 126 and 115 (relating to interstate and international pollution abatement);</i></p> | <p>Oklahoma’s EPA-approved Title V Operating (and PSD) Program includes requirements for providing a notice of draft permit to affected states under OAC 252:100-8-8 (SIP revision approved November 26, 2010 at 75 Fed.Reg. 72695). This notice meets the requirements of § 126 of the CAA.</p> <p>Evaluation requirements under the PSD Program are adequate to assure compliance with international pollution abatement requirements. There are no final findings under § 115 of the CAA against this State with respect to any existing NAAQS.</p> <p>This NAAQS Revision: No source or sources within Oklahoma are the subject of an active finding under § 126 of the CAA with respect to the 2010 Primary Nitrogen Dioxide (NO₂) NAAQS.</p> <p>There are no final findings under § 115 of the CAA against this State with respect to this NAAQS.</p> <p>Oklahoma does not anticipate that significant changes would be required to implement the 2010 Primary Nitrogen Dioxide (NO₂) NAAQS.</p> | <p>40 CFR § 52.1920(c)</p> |
| <p>§ 110(a)(2)(E)(i) – Adequate Resources</p> | <p><i>provide</i></p> <p><i>(i) necessary assurances that the state (or, except where the Administrator deems inappropriate, the general purpose local government or governments, or a regional agency designated by the state or general purpose local governments for such purpose) will have adequate personnel, funding, and authority under state (and, as appropriate, local) law to carry out such implementation plan (and is not prohibited by any provision of federal or state law from carrying out such implementation plan or portion thereof);</i></p> | <p>Oklahoma has previously demonstrated that it currently has and will continue to have adequate personnel and other resources to carry out its air quality programs. The powers and duties of the DEQ to implement air quality programs (including implementing Oklahoma’s SIP) are described in 27A O.S. § 2-5-105, and include authority to accept and expend funds necessary to carry them out. DEQ receives air quality program funds through state appropriations, permit application fees, annual operating fees, and federal grants under CAA §§ 103 & 105, among others.</p> <p>This NAAQS Revision: Oklahoma will continue to provide the resources needed to carry out its air quality responsibilities. No significant additional personnel or other resources have been identified as required to implement the 2010 Primary Nitrogen Dioxide (NO₂) NAAQS, except as otherwise noted.</p> | <p>40 CFR §§ 52.1920(e) and 52.1960(c)(45)(i)</p> |

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| § 110(a)(2)(E)(ii) – Adequate Resources (State Boards) | <p><i>provide</i></p> <p><i>(ii) requirements that the state comply with the requirements respecting state boards under section 128, and</i></p> | <p>The Oklahoma Environmental Quality Code lays out the composition and powers & duties of the Environmental Quality Board (EQB) (27A O.S. § 2-2-101) and the Air Quality Advisory Council (27A O.S. §§ 2-2-201(H) and 2-5-107). These powers & duties include their roles in promulgating DEQ rules, but do not include approving permits or enforcement orders under the CAA. The powers & duties and conflict of interest provisions for DEQ staff and Executive Director are described in 27A O.S. § 2-3-101 and 27A O.S. § 2-3-201, respectively.</p> <p>This NAAQS Revision: Oklahoma does not anticipate that significant changes would be required as a result of a change in a particular NAAQS, including the 2010 Primary Nitrogen Dioxide (NO₂) NAAQS.</p> | 40 CFR § 52.1920(e) and 40 CFR § 52.1960(c)(17) and (45)(i) |
| § 110(a)(2)(E)(iii) – Adequate Resources (Local or Regional Implementation) | <p><i>provide</i></p> <p><i>(iii) necessary assurances that, where the state has relied on a local or regional government, agency, or instrumentality for the implementation of any plan provision, the state has responsibility for ensuring adequate implementation of such plan provision;</i></p> | Not Applicable. | |
| § 110(a)(2)(F) – Stationary Source Monitoring System and Reporting | <p><i>require, as may be prescribed by the Administrator—</i></p> <p><i>(i) the installation, maintenance, and replacement of equipment, and the implementation of other necessary steps by owners or operators of stationary sources to monitor emissions from such sources,</i></p> <p><i>(ii) periodic reports on the nature and amounts of emissions and emissions-related data from such sources, and</i></p> <p><i>(iii) correlation of such reports by the state agency with any emission limitations or standards established pursuant to this Act, which reports shall be available at reasonable times for public inspection;</i></p> | <p>Source emissions monitoring requirements are addressed in OAC 252:100-43, Testing, Monitoring and Recordkeeping.</p> <p>Source emissions inventory requirements are addressed in OAC 252:100-5, Registration of Air Contaminant Sources.</p> <p>Area, mobile, and non-road data are reported to EPA on a 3-year cycle.</p> <p>OAC 252:100, Air Pollution Control; OAC 252:4-1-5, Availability of a Record; 51 O.S. §§ 24A.1 et seq, Oklahoma Open Records Act.</p> <p>This NAAQS Revision: Oklahoma does not anticipate that significant changes would be required as a result of a change in a particular NAAQS, including the 2010 Primary Nitrogen Dioxide (NO₂) NAAQS.</p> | <p>40 CFR § 52.1960(c) (48)</p> <p>40 CFR § 52.1920(c)</p> <p>40 CFR § 52.1920(c)</p> |

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| <p>§ 110(a)(2)(G) – Emergency Episodes</p> | <p><i>provide for authority comparable to that in section 303 and adequate contingency plans to implement such authority;</i></p> | <p>Chapter 6 of Oklahoma’s SIP, as submitted in 1972 and revised in 1988, sets forth the state’s Emergency Episode Plan (EEP), as required under § 110(a)(2)(G) and 40 CFR Part 51, Subpart H – Prevention of Air Pollution Emergency Episodes and, along with provisions included in the February 2002 SIP update, describes and implements State authority comparable to that in § 303. <i>(For the purpose of EEPs, 40 CFR § 51.150 classifies regions separately with respect to the following pollutants: sulfur oxides, particulate matter, carbon monoxide, nitrogen dioxide, and ozone.)</i></p> <p>As indicated in 40 CFR §§ 52.1934 and 52.1960(c)(38), EPA approved the plan as submitted in 1972 and revised in 1988.</p> | <p>40 CFR §§ 52.1934 and 52.1960(c)(38)</p> |
| | | <p>This NAAQS Revision:</p> <p>The measures in place in Oklahoma’s approved EEP are adequate to address an emergency episode and do not need to be updated due to the 2010 Primary Nitrogen Dioxide (NO₂) NAAQS. Note that all areas in Oklahoma are classified as Priority III for nitrogen dioxide for EEP purposes, and 40 CFR Part 51, Subpart H does not require a contingency plan for Priority III areas.</p> | |

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| <p>§ 110(a)(2)(H) – Future SIP Revisions</p> | <p><i>provide for revision of such plan—</i></p> <p><i>(i) from time to time as may be necessary to take account of revisions of such national primary or secondary ambient air quality standard or the availability of improved or more expeditious methods of attaining such standard, and</i></p> <p><i>(ii) except as provided in paragraph (3)(C), whenever the Administrator finds on the basis of information available to the Administrator that the plan is substantially inadequate to attain the national ambient air quality standard which it implements, or to otherwise comply with any additional requirements established under this Act;</i></p> | <p>Under authority of OAC 252:100-3-2 and 252:100-3-3, Appendices E and F of OAC 252:100 enumerate the primary and secondary air quality standards (NAAQS), respectively.</p> <p>DEQ's powers and duties to implement air quality programs (including implementing Oklahoma's SIP) are described in 27A O.S. § 2-5-105, and include authority to:</p> <p>“3. Prepare and develop a general plan for proper air quality management in the state in accordance with the Oklahoma Clean Air Act;”</p> <p>and</p> <p>“20. Carry out all other duties, requirements and responsibilities necessary and proper for the implementation of the Oklahoma Clean Air Act and fulfilling the requirements of the Federal Clean Air Act.”</p> <p>[27A O.S. § 2-5-105(3) and (20)]</p> <p>Any substantive changes to Oklahoma's SIP, such as NAAQS updates and resulting program modifications, are initiated through the rulemaking process, which includes agency, public, gubernatorial, and legislative review processes. Public notice is provided (published/posted) for all steps in the rulemaking process, in accordance with the state Administrative Procedures Act (75 O.S. §§ 250.1 through 323), Open Records Act (51 O.S. §§ 24A.1 through 24A.29), and Open Meetings Act (25 O.S. §§ 301 through 314), along with corresponding DEQ and state procedural rules. The notices include the opportunity to provide comments prior to and at the public hearing before the Air Quality Advisory Council and at the public hearing before the Environmental Quality Board.</p> <p>Documentation of these changes, along with documentation of any implementation or infrastructure changes, is then submitted by the Governor (or the Oklahoma Secretary of Energy and Environment, acting as the Governor's designee) to EPA as a SIP revision. This process is followed regardless of whether it results from a NAAQS update or a finding by the Administrator. State public participation procedures for SIP submittals that do not include rulemaking were submitted to EPA on August 17, 2012 for review. In a letter dated August 23, 2012, EPA concurred that the procedures are consistent with the requirements of 40 CFR § 51.102 and associated guidance.</p> | <p>40 CFR §§ 52.1920 and 52.1960</p> |

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| | | <p>This NAAQS Revision: Appendix E of OAC 252:100 was updated to incorporate the 2010 Primary Nitrogen Dioxide (NO₂) NAAQS effective July 1, 2011. The updated Appendix E was submitted to EPA as a SIP revision in February 2012.</p> <p>This SIP submittal fulfills the stated requirement.</p> | |
| <p>§ 110(a)(2)(I) – Nonattainment Area Plan Requirements</p> | <p><i>in the case of a plan or plan revision for an area designated as a nonattainment area, meet the applicable requirements of part D (relating to nonattainment areas);</i></p> | <p>Not applicable. EPA's 2013 I-SIP Guidance interprets the requirements of § 110(a)(2)(I) that pertain to specific requirements for attainment plans for designated nonattainment areas, to be outside the scope of the I-SIP requirements.</p> | |
| <p>§ 110(a)(2)(J) – Consultation with Government Officials (§ 121)</p> | <p><i>meet the applicable requirements of section 121 ... (relating to consultation), ...</i></p> | <p>Oklahoma's approved SIP includes established consultation with various entities. Section 2-5-105 of the Oklahoma Clean Air Act specifically gives the DEQ the authority to advise, consult, and cooperate with other agencies of the State, towns, cities and counties, industries, other states and the federal government, and with affected groups in the prevention and control of new and existing air contamination sources within the State. Oklahoma does not anticipate that significant changes would be required as a result of a change in a particular NAAQS.</p> | <p>40 CFR §§ 52.1920 and 52.1960</p> |
| <p>§ 110(a)(2)(J) – Public Notification (§ 127)</p> | <p><i>meet the applicable requirements of ... section 127 ...</i></p> | <p>Public notification procedures to meet the requirements of § 127 of the CAA are established in Oklahoma's SIP. DEQ provides notification of ambient air concentration levels for all NAAQS through its annual Air Data Reports, forecasting reports, and health advisories.</p> <p>This NAAQS Revision: The 2010 Primary Nitrogen Dioxide (NO₂) NAAQS is included in Oklahoma's SIP public notification requirements. DEQ provides notification of nitrogen dioxide concentration levels through its annual Air Data Reports. Oklahoma does not anticipate that any significant public notification changes would be required to implement this NAAQS.</p> | <p>40 CFR §§ 52.1920 and 52.1960</p> |

| Section 110(a)(2) Element | Summary of Element (Statutory Language) | Provisions in State statutes and rules, and the Current SIP or Recent SIP Revision Submittals | Where Codified or Approved by EPA |
|---|--|--|--|
| <p>§ 110(a)(2)(J) – PSD and Visibility Protection (Part C)</p> | <p><i>meet the applicable requirements of ... part C ... (relating to prevention of significant deterioration of air quality and visibility protection);</i></p> | <p>Oklahoma’s EPA-approved PSD permitting program, which addresses all regulated NSR air pollutants, operates under OAC 252:100-8, Part 7 – Prevention of Significant Deterioration (PSD) Requirements for Attainment Areas; the existing PSD delegation agreement; and approved and pending portions of the SIP.</p> <p>Oklahoma’s <i>Regional Haze Implementation Plan Revision</i> (“RH SIP”), submitted in February 2010 and amended in a revision submitted June 14, 2013, describes Oklahoma’s measures to protect visibility, including provisions in OAC 252:100-8, Part 11. EPA approved core elements of the Regional Haze SIP on December 28, 2011 (76 Fed.Reg. 81728). EPA disapproved Oklahoma’s Best Available Retrofit Technology (BART) determinations for several emissions units, and issued a Federal Implementation Plan covering those units.</p> <p>In the 2013 I-SIP Guidance, EPA stated the belief that there are no new visibility protection requirements under Part C of the CAA that would result from a revised NAAQS. Therefore, the visibility sub-element of Element J need not be addressed in an infrastructure SIP submission⁴.</p> <p>This NAAQS Revision: Specific issues or changes related to implementation of the 2010 Primary Nitrogen Dioxide (NO₂) NAAQS through Oklahoma’s PSD permitting program would be addressed through a separate SIP submission.</p> <p>As noted, no visibility protection obligations under § 110(a)(2)(J) are anticipated as a result of this NAAQS.</p> | <p>40 CFR § 52.1920(c)</p> <p>40 CFR §§ 52.1920(c) & (e), 52.1923, and 52.1928</p> |

⁴ page 55, Section III. Guidance on Individual Infrastructure SIP Elements, Element J – Section 110(a)(2)(J): Consultation with Government Officials, Public Notification, and PSD and Visibility Protection, 2013 I-SIP Guidance

| Section 110(a)(2) Element | Summary of Element (Statutory Language) | Provisions in State statutes and rules, and the Current SIP or Recent SIP Revision Submittals | Where Codified or Approved by EPA |
|--|--|--|---|
| <p>§ 110(a)(2)(K) – Air Quality Modeling/Data</p> | <p><i>provide for:</i> <i>(i) the performance of such air quality modeling as the Administrator may prescribe for the purpose of predicting the effect on ambient air quality of any emissions of any air pollutant for which the Administrator has established a national ambient air quality standard, and</i> <i>(ii) the submission, upon request, of data related to such air quality modeling to the Administrator;</i></p> | <p>Oklahoma conducts air quality modeling to support its demonstrations of attainment, and reports results to EPA. Oklahoma will continue to update modeling protocols as appropriate to accommodate evolving program requirements and standards.</p> <p>Oklahoma currently has no designated nonattainment areas. Source modeling requirements are also included in the PSD permitting program in OAC 252:100-8-35.</p> <p>This NAAQS Revision: Oklahoma’s source-oriented dispersion modeling program includes use of models such as AERMOD, which has been identified⁵ as the most appropriate for implementing the 2010 Primary Nitrogen Dioxide (NO₂) NAAQS under current protocols.</p> | <p>40 CFR §§ 52.1920 and 52.1960</p> |
| <p>§ 110(a)(2)(L) – Permitting Fees</p> | <p><i>require the owner or operator of each major stationary source to pay to the permitting authority, as a condition of any permit required under this Act, a fee sufficient to cover—</i> <i>(i) the reasonable costs of reviewing and acting upon any application for such a permit, and</i> <i>(ii) if the owner or operator receives a permit for such source, the reasonable costs of implementing and enforcing the terms and conditions of any such permit (not including any court costs or other costs associated with any enforcement action), until such fee requirement is superseded with respect to such sources by the Administrator's approval of a fee program under title V;</i></p> | <p>27A O.S. § 2-5-106 authorizes the DEQ through the EQB to promulgate rules regarding permit fees and 27A O.S. § 2-5-113 establishes that the owner or operator of any source required to have a permit must pay a permit fee to cover the cost of implementing and enforcing Oklahoma’s Air Quality permit program. Oklahoma’s EPA-approved Title V Operating Program includes permit application fees and annual operating fees under OAC 252:100-8-1.7 and 252:100-5-2.2, respectively (<i>formerly</i> Regulation 1.4.1(d) Permit fees).</p> <p>This NAAQS Revision: Oklahoma does not anticipate that significant changes would be required to implement the 2010 Primary Nitrogen Dioxide (NO₂) NAAQS.</p> | <p>40 CFR §§ 52.1920(c) and 52.1960(c)(48)(ii)(A)</p> |

⁵ Memo dated June 28, 2010 from Tyler Fox, EPA OAQPS, regarding the applicability of 40 CFR Part 51, Appendix W modeling guidance.

| Section 110(a)(2) Element | Summary of Element (Statutory Language) | Provisions in State statutes and rules, and the Current SIP or Recent SIP Revision Submittals | Where Codified or Approved by EPA |
|---|--|---|--------------------------------------|
| <p>§ 110(a)(2)(M) – Consultation/ Participation by Affected Local Entities</p> | <p><i>provide for consultation and participation by local political subdivisions affected by the plan.</i></p> | <p>Oklahoma’s approved SIP includes established opportunities for consultation and participation by local political subdivisions affected by Oklahoma’s SIP.</p> <p>DEQ’s powers and duties to implement air quality programs (including implementing Oklahoma’s SIP) described in 27A O.S. § 2-5-105 authorizes the DEQ to advise, consult and cooperate with other agencies of the State, towns, cities and counties, industries, other states and the federal government, and with affected groups in the prevention and control of new and existing air contamination sources within the State. The powers and duties of the Air Quality Advisory Council, as listed in 27A O.S. § 2-5-107, include the “authority and discretion to provide a public forum for the discussion of issues it considers relevant to the air quality of the state, and to ... hold public hearings to receive public comment in fulfillment of federal requirements regarding the [SIP] and make recommendations to the [DEQ] concerning the [SIP].”</p> <p>Any substantive changes to Oklahoma’s SIP, such as NAAQS updates and resulting program modifications, are initiated through the rulemaking process, which includes public notice and hearing procedures. (See the Oklahoma Administrative Procedures Act [75 O.S. §§ 250 – 323], DEQ procedural rules in OAC 252:4, and procedures approved under 40 CFR § 51.102(g).) Documentation of these changes, along with documentation of any implementation or infrastructure changes, is then submitted to EPA as a SIP revision.</p> <p>Oklahoma does not anticipate that significant changes would be required as a result of a change in a particular NAAQS.</p> | <p>40 CFR §§ 52.1920 and 52.1960</p> |