

Given below is draft language for the body of the certification letter. The language would be provided to the Governor's office to assist in preparing the certification letter for the Governor's signature or her designee (e.g., the Secretary of Energy and Environment).

Sections 110(a)(1) and (2) of the Clean Air Act requires that each state review and revise as necessary its SIP following promulgation of a revised National Ambient Air Quality Standard (NAAQS). [See 42 U.S.C. 7410(a)(1) and (2)] On January 22, 2010, the U.S. Environmental Protection Agency (EPA) established a new 1-hour primary NAAQS for nitrogen dioxide (NO₂) [75 FR 6474, 2/9/10]. 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. Under this guidance, states may certify that their existing SIPs meet the "infrastructure" elements of § 110(a)(2), rather than submitting a revised SIP for the 2010 Primary NO₂ NAAQS.

Oklahoma's SIP is codified in 40 CFR Part 52, Subpart LL. 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 NO₂ NAAQS. To date, the only SIP changes required to meet the revised 2010 Primary NO₂ NAAQS have been the modification of the ambient air quality monitoring network to include a near-road NO₂ monitor [CAA § 110(a)(2)(B)] and a revision to Appendix E of OAC 252:100, to add the new primary 1-hour NO₂ 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 January 15, 2014, to allow the opportunity to provide comments and to request a public hearing [held on] [scheduled for] February 19, 2014 at DEQ's offices. [No comments or hearing requests were received during the comment period. Therefore, a notice of hearing cancellation was posted on 2/14/14.] [Attached are copies of comments received during the comment period and/or the public hearing, 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 and is not governed by the three year SIP submission deadline under § 110(a)(1), because Oklahoma currently has no NO₂ nonattainment areas and no nonattainment plans are due.