

## **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 2015 Primary and Secondary Ozone National Ambient Air Quality Standard (NAAQS)**

On October 1, 2015, the U.S. Environmental Protection Agency (EPA) revised the levels of the primary and secondary 8-hour ozone National Ambient Air Quality Standards (NAAQS) to 0.070 parts per million (ppm) [40 CFR § 50.19, 80 Fed. Reg. 65292, Oct. 26, 2015]. 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. 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 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.<sup>1</sup> The resulting submittal is 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)<sup>2</sup> (“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: 2015 Primary and Secondary Ozone NAAQS**

In this I-SIP submittal, Oklahoma is demonstrating that it has adequate resources and authority to implement, maintain, and enforce the 2015 Primary and Secondary Ozone 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.

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<sup>1</sup> For Example, EPA approved Oklahoma’s Infrastructure SIP (or “I-SIP”) for the 1997 Ozone and the 1997 and 2006 PM<sub>2.5</sub> NAAQS on January 26, 2012 (77 Fed. Reg. 3933).

<sup>2</sup> Distributed under September 13, 2013 memorandum 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
<p><b>§ 110(a)(2)(A) – Emission Limits and Other Control Measures</b></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/part 70 sources (OAC 252:100-8) and minor facilities (OAC 252:100-7). <i>[see discussion under element 110(a)(2)(C) – Program for enforcement of control measures.]</i></p> <p>EPA actions on 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 (SC-9 excess emissions reporting requirements revision<sup>3</sup>); 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<sub>2.5</sub>); as well as the annual SIP revisions for 2010 (December 28, 2010), 2011 (February 6, 2012), and 2012 (February 4, 2013), a multiyear revision for years 2013 through 2016 (February 23, 2017), and an annual revision for 2017 (January 12, 2018).</p> <p>Oklahoma currently has no designated Nonattainment or maintenance areas.</p> <p><b>This NAAQS Revision:</b> No additional specific enforceable emission limitations or other control measures, means, or techniques have been identified as necessary to attain or maintain the 2015 Ozone NAAQS (“revised Ozone NAAQS”). OAC 252:100 includes Subchapter 33, Control of Emission of Nitrogen Oxides (252:100-33), Subchapter 37, Control of Emission of Volatile Organic Compounds (VOCs) (252:100-37), and Subchapter 39, Emission of Volatile Organic Compounds (VOCs) in Nonattainment Areas and Former Nonattainment Areas (252:100-39). The July 23, 2010 SIP submittal (“Big SIP2”) included changes to Subchapters 33 and 37. At this time, it is not anticipated that OAC 252:100-33 or 100-37 will need to be revised as a result of the new NAAQS. Any particular issues or changes related to implementation of the 2015 Ozone 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>

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><b>§ 110(a)(2)(B) – Ambient Air Quality Monitoring/Data System</b></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 (ANR) on its web site 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. The FY18 ANR was posted for public review from May 1, 2017 to June 1, 2017. No public comments were received, and the final FY18 ANR was submitted to EPA. Monitoring results may also be accessed through DEQ's web site at: <a href="http://www.deq.state.ok.us/aqdnew/monitoring/index.htm">http://www.deq.state.ok.us/aqdnew/monitoring/index.htm</a></p>	<p>40 CFR §§ 52.1920 and 52.1960(c)(22)</p>
		<p><b>This NAAQS Revision:</b></p> <p>Oklahoma's program has monitored ozone from the 1970's to present. Oklahoma's ambient air monitoring network is consistent with the ozone-related monitoring requirements of 40 CFR Part 58. No changes to the ozone monitoring network were required by the 2015 Ozone NAAQS.</p>	

<sup>3</sup> In a letter dated March 14, 2014 and at EPA's request, DEQ withdrew its July 16, 2010 SIP submittal, which included changes to implement EPA's policy on excess emissions associated with Start-up, Shut-down, and Malfunction (SSM) that was in place at the time. Withdrawal allows EPA to deal with the revised policy issues on a national basis.

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><b>§ 110(a)(2)(C) – Program for Enforcement of Control Measures</b></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.</p> <p>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 requirements for construction and operating permits for all sources, regardless of size, that are subject to the Part 70 (Title V) operating permit program, are in OAC 252:100-8, Permits for Part 70 Sources and Major New Source Review. These include 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. OAC 252:4-7, Environmental Permit Process, contains additional permit requirements.</p> <p>Although no areas in Oklahoma are currently designated as nonattainment or maintenance areas, Oklahoma’s SIP contains the provisions for the nonattainment area New Source Review (NSR) permitting program in OAC 252:100-8, Part 9 Major Sources Affecting Nonattainment Areas. 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<sup>4</sup> and does not otherwise address it in the 2013 I-SIP Guidance.</p> <p>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>A number of changes to Oklahoma’s permitting program are included in pending SIP revisions noted under element § 110(a)(2)(A) – <i>Emission Limits and Other Control Measures</i>.</p>	<p>40 CFR §§ 52.1920 and 52.1929</p>

<sup>4</sup> Page 4, Section II. General Guidance on Infrastructure SIPs, 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><b>This NAAQS Revision:</b> No additional specific enforceable emission limitations or other control measures, means, or techniques have been identified as necessary to attain or maintain the 2015 Ozone NAAQS. Any particular issues or changes related to implementation of the 2015 Ozone NAAQS through Oklahoma’s permitting, compliance, and enforcement programs (e.g., PSD) would be addressed through a separate SIP submission.</p>	
<p><b>§ 110(a)(2)(D)(i) – Interstate Transport Provisions</b></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>The 2013 I-SIP guidance states that EPA expects to issue guidance with respect to this Sub-element,<sup>5</sup> but does not otherwise address interstate transport provisions which prohibit significant contribution to nonattainment in, or interfere with maintenance by, any other state with respect to the NAAQS. EPA has indicated that it expects to address § 110(a)(2)(D)(i)(I) separately through issuance of further guidance, and that the requirements would likely be addressed in a separate Transport SIP.<sup>6</sup></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. A SIP revision submitted on January 12, 2018 which is pending EPA action, contains modifications to OAC 252:100-8-35.</p> <p>EPA concluded that emissions from Oklahoma significantly contribute to, or interfere with maintenance of the 8-hour 2008 Ozone NAAQS in another state and issued a Federal Implementation Plan (FIP) in an update rule (81 Fed. Reg. 74599, Oct. 26, 2016) to the Transport Rule (aka Cross State Air Pollution Rule (76 Fed. Reg. 48208, Aug. 8, 2011)) requiring Oklahoma to participate in the NO<sub>x</sub> Ozone Season trading program.</p>	<p>40 CFR §§ 52.1920 and 52.1930</p>

<sup>5</sup> Page 3, Section I. Introduction, 2013 I-SIP Guidance

<sup>6</sup> Oklahoma submitted its *Interstate Transport SIP for an Assessment of Oklahoma’s Impact on Downwind Nonattainment for the National Ambient 8-hour Ozone and PM<sub>2.5</sub> Air Quality Standards* (“Transport SIP”) to EPA in May 2007, with supplemental information submitted in November 2007. EPA approved portions of the Transport SIP relating to § 110(a)(2)(D)(i)(I) for the 1997 PM<sub>2.5</sub> NAAQS and the 2006 24-hour PM<sub>2.5</sub> NAAQS (76 Fed. Reg. 81838, Dec. 29, 2011). In the same action, EPA approved the portions of the Transport SIP relating to the prohibition against significant contribution to nonattainment of the 8-hour 1997 Ozone NAAQS in any other state. EPA’s analyses performed in conjunction with issuance of the Transport Rule (aka Cross State Air Pollution Rule, 76 Fed. Reg. 48208, Aug. 8, 2011) 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) requiring Oklahoma to participate in the NO<sub>x</sub> Ozone Season trading program. On February 2016, EPA revised the CSAPR implementation schedule following resolution of extensive litigation, and on September 2016, EPA finalized an update to the CSAPR for the 2008 Ozone National Ambient Air Quality Standard.

	<p><b>This NAAQS Revision:</b>  On March 27, 2018, EPA issued a Memorandum from Peter Tsirigotis, EPA OAQPS, to Regional Air Division Directors, entitled <i>Information on the Interstate Transport State Implementation Plan Submission for the 2015 Ozone National Ambient Air Quality Standards under Clean Air Act Section 110(a)(2)(D)(i)(I)</i>. The Tsirigotis March 2018 Memo provided newly-available contribution modeling results, along with a list of potential flexibilities in analytical approaches for developing good neighbor SIPs for the 2015 Ozone NAAQS. The State of Oklahoma, through DEQ, has used those flexibilities, and is requesting EPA approve the <i>Oklahoma Demonstration of Compliance with the Good Neighbor Requirements of Clean Air Act Section 110(a)(2)(D)(i)(I) for the 2015 Ozone National Ambient Air Quality Standard</i> as a revision to the SIP. This revision supplements EPA's <i>Determination Regarding Good Neighbor Obligations for the 2008 Ozone National Ambient Air Quality Standard</i> proposal [83 Fed. Reg. 31915, 10 July 2018], in which EPA finds that the 2016 CSAPR Update fully addresses CAA section 110(a)(2)(D)(i)(I) (i.e., "Good Neighbor") requirements for Oklahoma.</p>	
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<p><b>§ 110(a)(2)(D)(i) – Interstate Transport Provisions</b></p>	<p>contain adequate provisions—</p> <p>(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--</p> <p>(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,</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 2008 Ozone NAAQS on December 9, 2016 (81 Fed. Reg. 89008).</p> <p>Oklahoma’s <u>Regional Haze Implementation Plan Revision</u>, (“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). 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 <u>Interstate Transport SIP for an Assessment of Oklahoma’s Impact on Downwind Nonattainment for the National Ambient 8-hour Ozone and PM<sub>2.5</sub> Air Quality Standards</u> (“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 SO<sub>2</sub> 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 to replace the FIP as it relates to two of the six units concerned. EPA approved this revision effective April 7, 2014. (79 Fed. Reg. 12944 &amp; 12954, March 7, 2014).</p>	<p>40 CFR § 52.1920(c) and (e)</p> <p>40 CFR §§ 52.1920(d) and (e), 52.1923, and 52.1928</p>
		<p><b>This NAAQS Revision:</b> Any specific ozone-related issues in Oklahoma’s permitting program (e.g., increments or significant impact levels) would be addressed through a separate submission.</p> <p>Ozone from ozone precursor emissions is not believed to contribute significantly to visibility impairment. Oklahoma’s <u>Regional Haze Implementation Plan Revision</u>, submitted in February 2010, demonstrates that Oklahoma’s PM<sub>2.5</sub> 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>	<p>40 CFR § 52.1920(e)</p>

<p><b>§ 110(a)(2)(D)(ii) – Interstate and International Transport Provisions</b></p>	<p>contain adequate provisions—</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>40 CFR § 52.1920(c)</p>
		<p><b>This NAAQS Revision:</b></p> <p>No source or sources within Oklahoma are the subject of an active finding under § 126 of the CAA with respect to the 2015 Ozone 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 2015 Ozone NAAQS.</p>	
<p><b>§ 110(a)(2)(E)(i) – Adequate Resources</b></p>	<p>provide</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 &amp; 105, among others.</p>	<p>40 CFR §§ 52.1920(e) and 52.1960(c)(45)(i)</p>
		<p><b>This NAAQS Revision:</b></p> <p>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 2015 Ozone NAAQS, except as otherwise noted.</p>	
<p><b>§ 110(a)(2)(E)(ii) – Adequate Resources (State Boards)</b></p>	<p>provide</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 &amp; 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 &amp; duties include their roles in promulgating DEQ rules, but do not include approving permits or enforcement orders under the CAA. The powers &amp; 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>40 CFR § 52.1920(e) and 40 CFR § 52.1960(c)(17) and (45)(i)</p>



		<p><b>This NAAQS Revision:</b> Oklahoma does not anticipate that significant changes would be required as a result of a change in a particular NAAQS, including the 2015 Ozone NAAQS.</p>	
<p><b>§ 110(a)(2)(E)(iii) – Adequate Resources (Local or Regional Implementation)</b></p>	<p><i>provide</i> <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>	<p>Not Applicable.</p>	
<p><b>§ 110(a)(2)(F) – Stationary Source Monitoring System and Reporting</b></p>	<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> <i>(ii) periodic reports on the nature and amounts of emissions and emissions-related data from such sources, and</i> <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>Public access to agency records is assured through OAC 252:100, Air Pollution Control; OAC 252:4-1-5, Availability of a Record; and 51 O.S. §§ 24A.1 Oklahoma Open Records Act.</p> <p><b>This NAAQS Revision:</b> Oklahoma does not anticipate that significant changes would be required as a result of a change in a particular NAAQS, including the 2015 Ozone NAAQS.</p>	<p>40 CFR § 52.1960(c)</p> <p>40 CFR § 52.1920(c)</p> <p>40 CFR § 52.1920(c)</p>

<p><b>§ 110(a)(2)(G) – Emergency Episodes</b></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, based on ambient concentrations. § 51.152 requires a contingency plan for priority I, IA, &amp; II regions.)</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 (56 Fed. Reg. 5656, Feb. 12, 1991).</p> <p>The Executive Director of the DEQ is empowered by the Oklahoma Environmental Quality Code to respond to air pollution episodes and other air quality emergencies, and the DEQ has contingency plans to implement emergency episode provisions in the SIP. Oklahoma’s Emergency Episode Plan was approved into the SIP by EPA on February 12, 1991 (56 FR 05653). Oklahoma’s Emergency Episode Plan includes alert, warning, and emergency levels for emergency episodes involving PM<sub>10</sub> and ozone concentrations. The episode criteria and contingency measures are found in the Emergency Episode Plan. The criteria for ozone are based on a 1-hour average ozone level. These episode criteria and contingency measures are adequate to address ozone emergency episodes and are in the federally approved SIP. We propose that the Oklahoma Emergency Episode Plan provides for the pollutants specified under 40 CFR 51.150 and is consistent with the provisions of 40 CFR 51.151 and 152, and Appendix L to Part 51.</p>	<p>40 CFR §§ 52.1934 and 52.1960(c)(38)</p>
<p><b>This NAAQS Revision:</b> 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 2015 Ozone NAAQS.</p>			

<p><b>§ 110(a)(2)(H) – Future SIP Revisions</b></p>	<p><i>provide for revision of such plan—</i>  <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>  <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><b>This NAAQS Revision:</b>  Appendix E of OAC 252:100 was updated to incorporate the 2015 Ozone NAAQS effective September 15, 2016. The updated Appendix E was submitted to EPA as a SIP revision in February 2017.</p> <p>This SIP submittal fulfills the stated requirement.</p>	<p>40 CFR §§ 52.1920 and 52.1960</p>
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<p><b>§ 110(a)(2)(I) – Nonattainment Area Plan Requirements</b></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), which pertain to specific requirements for attainment plans for designated nonattainment areas, to be outside the scope of the I-SIP requirements.<sup>7</sup></p>	
<p><b>§ 110(a)(2)(J) – Consultation with Government Officials (§ 121)</b></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><b>§ 110(a)(2)(J) – Public Notification (§ 127)</b></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><b>This NAAQS Revision:</b> The 2015 Ozone NAAQS is included in Oklahoma’s SIP public notification requirements. DEQ provides notification of ozone concentration levels through its annual Air Data Reports, near real-time health advisories, and Ozone Watch days. 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>

<sup>7</sup> Page 52, Section III. Guidance on Individual Infrastructure SIP Elements, Element I – Section 110(a)(2)(I): Plan Revisions for Nonattainment Areas, 2013 I-SIP Guidance

<p><b>§ 110(a)(2)(J) – PSD and Visibility Protection (Part C)</b></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. . [See discussion under Element § 110(a)(2)(C) – Program for Enforcement of Control Measures.]</p> <p>Oklahoma’s <u>Regional Haze Implementation Plan Revision</u> (“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. [See discussion under Element § 110(a)(2)(D)(i) – Interstate Transport Provisions, Subelement (II)].</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 submission<sup>8</sup>.</p> <p><b>This NAAQS Revision:</b> Specific issues or changes related to implementation of the 2015 Ozone 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), (d) &amp; (e), 52.1923, and 52.1928</p>
<p><b>§ 110(a)(2)(K) – Air Quality Modeling/Data</b></p>	<p><i>provide for:</i></p> <p><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></p> <p><i>(ii) the submission, upon request, of data related to such air quality modeling to the Administrator;</i></p>	<p>Under its general statutory authority (e.g., 27A O.S. §§ 2-3-202 and 2-5-105), DEQ conducts air quality modeling to support its demonstrations of attainment, and reports results to EPA. Source modeling requirements are also authorized in 27A O.S. § 2-5-112, and included in the PSD permitting program in OAC 252:100-8-35. Oklahoma currently has no designated nonattainment areas. Oklahoma will continue to update modeling protocols as appropriate to accommodate evolving program requirements and standards.</p> <p><b>This NAAQS Revision:</b> Oklahoma’s modeling program includes modeling for ozone. Oklahoma has not had a designated nonattainment areas for ozone since 1990, and no ozone SIP modeling has been required. DEQ will continue to review and update modeling protocols as appropriate to implement the revised ozone NAAQS. DEQ will also continue to utilize appropriate modeling to evaluate the significant sources of emissions of ozone precursors in Oklahoma that potentially impact attainment of the ozone NAAQS.</p>	<p>40 CFR §§ 52.1920 and 52.1960</p>

<sup>8</sup> 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

<p><b>§ 110(a)(2)(L) – Permitting Fees</b></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></p> <p><i>(i) the reasonable costs of reviewing and acting upon any application for such a permit, and</i></p> <p><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><b>This NAAQS Revision:</b> Oklahoma does not anticipate that significant changes would be required to implement the 2015 Ozone NAAQS.</p>	<p>40 CFR §§ 52.1920(c) and 52.1960(c)(48)(ii)(A)</p>
<p><b>§ 110(a)(2)(M) – Consultation/ Participation by Affected Local Entities</b></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. (<i>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).</i>) 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>

