

Draft Section 110 Infrastructure SIP Certification 2015 Primary and Secondary Ozone NAAQS

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).

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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 Standards (NAAQS) (See U.S.C. § 7410(a)(1) and (2)). On October 1, 2015, the EPA administrator signed the Primary National Ambient Air Quality Standards for Ozone (80 Fed. Reg. 65292, October 26, 2015). 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 revised NAAQS such as the 2015 Ozone 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," and the enclosed Technical support document titled "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," Oklahoma's SIP meets the infrastructure and Good Neighbor obligations for the 2015 Primary and Secondary Ozone NAAQS. To date, the only SIP change required to meet the revised 2015 Ozone NAAQS was a revision to Appendix E and F of OAC 252:100, to add the new 8-hour Ozone standard [CAA § 110(a)(2)(H)], which became effective September 15, 2016.

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 on August 15, 2018, to allow the opportunity to provide comments and to request a public hearing scheduled for September 17, 2018 at DEQ's Central Office, 707 North Robinson, Oklahoma City, Oklahoma, 73102.

Either Passage #1 or #2 will be included in the letter depending upon whether public hearing was conducted.

#1 No hearing request was received during the minimum 30-day comment period (8/15/18 – 9/14/18). Therefore, a notice of hearing cancellation was published on DEQ's website on September 14, 2018. Attached is documentation of this public notice of cancellation and comment submittal process.

#2 DEQ conducted a public hearing on September 17, 2018. A copy of the transcript from that hearing is included. 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*.

Please note that Oklahoma currently has no designated Ozone nonattainment or maintenance areas so no nonattainment plans are due.