

Oklahoma's PM_{2.5} State Implementation Plan (SIP) Submittal Checklist

1997 PM_{2.5} National Ambient Air Quality Standard

§110(a)(2)(A)-(M) Requirements in the Current SIP or Pending SIP Revisions

The federally enforceable State Implementation Plan (SIP) for Oklahoma is compiled in 40 CFR Part 52 Subpart LL. Revisions to Oklahoma's SIP submitted in 2002 received approval on December 29, 2008. Approval of additional submittals is still pending. Many of the miscellaneous requirements of Section 110(a)(2)(A)-(M) of the Clean Air Act (CAA) relevant to the fine particulate (PM_{2.5}) National Ambient Air Quality Standards (NAAQS) are already contained in the current SIP or pending SIP revisions. The following table summarizes where these requirements of Section 110(a)(2)(A)-(M) are addressed.

| Section 110(a)(2) Element | Summary of Element (Statutory Language) | Provisions in the Current SIP or Recent SIP Revision Submittals | Where Codified or Approved by EPA |
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| §110(a)(2)(A) – Emission Limits and Other Control Measures | <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> | Oklahoma Clean Air Act (27A O.S. §§2-5-101 thru 117) & Oklahoma Administrative Code (OAC) 252:100, Oklahoma Air Pollution Control Rules Oklahoma has an EPA-approved air permitting program for both major and minor facilities. February 2002 SIP submittal ("Big SIP") approved 12/29/2008; Additional SIP revisions pending Oklahoma has no maintenance areas. | 40 CFR 52.1920 and 52.1960(c)(48) 73 FR 79400 |
| §110(a)(2)(B) – Ambient Air Quality Monitoring/Data System | <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> | Oklahoma operates an air quality monitoring network consistent with EPA regulations (40 CFR Part 58), and regularly reports results to EPA. The program has monitored PM _{2.5} since 1999. PM _{2.5} data is updated in EPA's Air Quality System (AQS) database quarterly. Monitoring results may be accessed through Oklahoma DEQ's web site at: http://www.deq.state.ok.us/aqdnew/monitoring/index.htm | 40 CFR 52.1960(c)(22) 46 FR 40005 |

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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. Any specific PM_{2.5}-related issues related to Oklahoma's permitting (e.g., PSD) program would be addressed through a separate submission.</p> <p>Note: EPA has proposed to end the use of their 1997 PM₁₀ Surrogate Policy (75 FR 6287).</p> | <p>40 CFR 52.1920</p> |
| <p>§110(a)(2)(D)) – 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><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><i>(ii) insuring compliance with the applicable requirements of sections 126 and 115 (relating to interstate and international pollution abatement);</i></p> | <p>The <u>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</u>, submitted to EPA in May 2007 (including supplemental information submitted in November 2007), demonstrates that Oklahoma does not have a significant impact on PM_{2.5} nonattainment for any other state. This "Transport SIP" also demonstrates that Oklahoma does not interfere with any other state's measures to prevent significant deterioration of air quality.</p> <p>Oklahoma's <u>Regional Haze Implementation Plan Revision</u>, submitted to EPA in February 2010, demonstrates that Oklahoma's PM_{2.5} emissions do not interfere with any other state's measures to protect visibility.</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 approval pending). Evaluation requirements under the PSD Program are adequate to assure compliance with international pollution abatement requirements.</p> | |

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| §110(a)(2)(E)(i) – Adequate Resources | <p><i>provide</i> <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 adequate personnel and other resources to carry out its air quality programs. The powers and duties of the Oklahoma Department of Environmental Quality (DEQ) to implement air quality programs (including implementing Oklahoma's SIP) are described in 27A OS 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 and annual operating fees, and Federal §103 & §105 (and other) grants. We do not anticipate that significant additional personnel or other resources would be required to implement the PM_{2.5} NAAQS. However, Oklahoma will continue to provide the resources needed to carry out its air quality responsibilities.</p> | <p>40 CFR 52.1920(e) and 52.1960(c)(45)(i) 47 FR 20771 and 59 FR 32365</p> |
| §110(a)(2)(E)(ii) – Adequate Resources (State Boards) | <p><i>provide</i> <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 (27A OS 2-2-101) and the Air Quality Advisory Council (27A OS 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 OS 2-3-101 and 27A OS 2-3-201, respectively.</p> | <p>40 CFR 52.1920(e) and 40 CFR 52.1960(c)(17) and (45)(i) 47 FR 20771 and 59 FR 32365</p> |
| §110(a)(2)(E)(iii) – Adequate Resources (Local or Regional Implementation) | <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> | |

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| <p>§110(a)(2)(F) – Stationary Source Monitoring System</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></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>OAC 252:100-43, Sampling and Testing OAC 252:100-45, Monitoring of Emissions</p> <p>OAC 252:100-5, Registration of Air Contaminant Sources and pending SIP Revisions</p> <p>Area, mobile, and non-road data are reported on a 3-year cycle.</p> <p>OAC 252:100, Air Pollution Control; OAC 252:4-1-5, Availability of a Record; and pending SIP Revisions</p> | <p>40 CFR 52.1960(c) (48)</p> |
| <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 sets forth the state's Emergency Episode Plan (EEP), as required under §110(a)(2)(G) and 40 CFR Part 51, Subpart H and, along with the February 2002 SIP update, describes and implements State authority comparable to that in section 303. .</p> <p>As indicated in 40 CFR §52.1934, EPA approved the plan as submitted in 1972 and revised in 1988. The plan currently addresses particulate matter measured as PM₁₀. Although the plan does not currently specifically address PM_{2.5}, the measures in place are adequate to address a particulate matter emergency episode.</p> <p>Guidance provided by EPA (dated 3/24/2008) expresses EPA's intent to propose a Significant Harm Level (SHL) for PM_{2.5} of 500 µg/m³ (24-hour maximum), with Priority I (& IA) and II classification levels of 210.5 – 280.4 µg/m³ and 140.5 – 210.4 µg/m³, respectively. Oklahoma's EEP will be updated once EPA has promulgated the SHL for PM_{2.5} in 40 CFR §51.151 and the priority classification levels in 40 CFR §51.150, as well as the episode criteria in Appendix L to Part 51. It should be noted that the highest monitored PM_{2.5} value for the previous 3 years (2006 to 2008) was 46.9 µg/m³, well below the proposed Priority II classification level. Therefore a PM_{2.5} contingency plan would not be required for any region of Oklahoma.</p> | <p>40 CFR 52.1934 and 73 FR 79400</p> |

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| §110(a)(2)(H)) – Future SIP Revisions | <i>provide for revision of such plan— (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 (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> | Appendices E and F of OAC 252:100 were updated to incorporate the PM _{2.5} NAAQS, effective 6/1/1999. This SIP submittal fulfills the stated requirement. | 40 CFR 52.1920/1960; 73 FR 79400, 12/29/2008 |
| §110(a)(2)(I) – Nonattainment Area Plan Requirements | <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> | Not applicable | |
| §110(a)(2)(J) – Consultation with Government Officials (§ 121) | <i>meet the applicable requirements of section 121 ... (relating to consultation), ...</i> | Approved SIP includes established consultation with various federal, local, regional, and state agencies. We do not anticipate that significant changes would be required to implement the PM _{2.5} NAAQS. | 40 CFR 52.1920/1960 |
| §110(a)(2)(J) – Public Notification (§127) | <i>meet the applicable requirements of ... section 127 ...</i> | The PM _{2.5} NAAQS has been incorporated into the public notification procedures established in Oklahoma's SIP to meet the requirements of CAA Section 127. DEQ provides notification of PM _{2.5} concentration levels through its forecasting reports and health advisories | 40 CFR 52.1920/1960 |
| §110(a)(2)(J) – PSD and Visibility Protection (Part C) | <i>meet the applicable requirements of ... part C ... (relating to prevention of significant deterioration of air quality and visibility protection);</i> | Regulation 1.4.4 Major Sources – Prevention of Significant Deterioration (PSD) Requirements for Attainment Areas OAC 252:100-8, Part 7 – SIP revision pending | 40 CFR 52.1960(c)(48)(ii) |

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| <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 demonstrate attainment and reports results to EPA. Oklahoma has no nonattainment areas. Source modeling requirements are also included in the PSD permitting program.</p> <p>Oklahoma's modeling program includes modeling for PM₁₀, and, per EPA's 1997 PM₁₀ Surrogate Policy, these protocols are used to assess PM_{2.5} while continuing to update the protocol as appropriate to accommodate PM_{2.5}.</p> <p>Note: EPA has proposed to end the use of their surrogate policy (75 FR 6287).</p> | <p>40 CFR 52.1920/1960</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>Oklahoma's EPA-approved Title V Operating Program includes permit application and annual operating fees under OAC 252:100-8 -1.7 and 100-5-2.2, respectively (<i>formerly</i> Regulation 1.4.1(d) Permit fees)</p> | <p>40 CFR 52.1960(c)(48)(ii)(A) 61 FR 4220 66 FR 63170</p> |
| <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>Approved SIP includes established opportunities for consultation and participation by local political subdivisions affected by Oklahoma's SIP. We do not anticipate that significant changes would be required to implement the PM_{2.5} NAAQS.</p> | <p>40 CFR 52.1920/1960</p> |