

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 2006 24-Hour PM_{2.5} National Ambient Air Quality Standard

A State Implementation Plan (SIP) identifies how that state will attain and/or maintain the primary and secondary National Ambient Air Quality Standards (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 U.S. Environmental Protection Agency (EPA) on May 31, 1972 (46 FR 40005). The federally enforceable SIP for Oklahoma is compiled in 40 CFR Part 52, Subpart LL, including revisions approved on December 29, 2008 ([73 FR 79400](#)). Approval of additional submittals is pending. The miscellaneous requirements of Section 110(a)(2)(A)-(M) of the Clean Air Act (CAA) relevant to the National Ambient Air Quality Standards (NAAQS) are addressed in the current SIP or pending SIP revisions. The following table summarizes where these “infrastructure” requirements of Section 110(a)(2)(A)-(M) are addressed.

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. CAA Section 110(a)(1) requires the state to review and revise the SIP as necessary each time a NAAQS is issued or revised. In addition to SIP revisions to address specific program requirements (e.g., PSD/NSR Program), EPA requires the state to demonstrate that the “... plan provides for implementation, maintenance and enforcement of ...” each NAAQS. 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 change.

This Submittal: 2006 24-Hour PM_{2.5} NAAQS

In this review/revision to the SIP, Oklahoma is demonstrating that it has adequate resources and authority to implement, maintain, and enforce the 2006 24-Hour PM_{2.5} NAAQS.

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
<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 Clean Air Act (27A O.S. §§2-5-101 thru 117) & Oklahoma Administrative Code (OAC) 252:100, Oklahoma Air Pollution Control Rules.</p> <p>Oklahoma has an EPA-approved air permitting program for both major and minor facilities.</p> <p>February 2002 SIP submittal (“Big SIP”) – Portions approved 12/29/2008 and 11/26/2010; Additional SIP revisions are pending.</p> <p>Oklahoma has no maintenance areas.</p> <p>This NAAQS Revision: Specific issues or changes related to implementation of the 2006 24-Hour PM_{2.5} 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> <p>73 FR 79400 and 75 FR 72695</p>
<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>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. Monitoring results may also be accessed through Oklahoma DEQ’s web site at: http://www.deq.state.ok.us/aqdnew/monitoring/index.htm</p> <p>This NAAQS Revision: The program has monitored PM_{2.5} since 1999. Oklahoma does not anticipate that any significant changes to its air quality monitoring network would be required to implement the 2006 24-hour PM_{2.5} NAAQS. Changes to reporting have been implemented as appropriate.</p>	<p>40 CFR 52.1960(c)(22) 46 FR 40005</p>
<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 OS 2-5-105, and include authority to “... [e]nforce rules of the Board and orders of the Department and the Council” (27A OS 2-5-105(4)). More specific enforcement authorities are described throughout the Oklahoma Clean Air Act (27A OS 2-5-101, et seq.)</p> <p>This NAAQS Revision: Specific issues or changes related to implementation of the 2006 24-Hour PM_{2.5} NAAQS through Oklahoma’s permitting program (e.g., PSD) would be addressed through a separate SIP submission.</p>	<p>40 CFR 52.1920</p>

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
<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 Ozone or PM_{2.5} nonattainment for any other state, nor interfere with maintenance of the NAAQS in 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 EPA-approved air permitting program includes pre-construction review of PSD sources, including review for impacts of emissions of all “regulated NSR pollutants.” EPA approved the portion of the Transport SIP relating to §110(a)(2)(D)(i)(II) for the 1997 Ozone and PM_{2.5} NAAQS on 11/26/2010.</p> <p>Oklahoma’s <u>Regional Haze Implementation Plan Revision</u>, submitted in February 2010, demonstrates that Oklahoma’s 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>	<p>75 FR 72695</p>

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		<p>This NAAQS Revision: Any transport issues specific to the 2006 24-Hour PM_{2.5} NAAQS would be addressed through a separate SIP submission. However, EPA's analysis for the proposed Transport Rule (75 FR 45210, 8/2/2010) indicates that, for the 2006 24-Hour PM_{2.5} NAAQS, Oklahoma does not contribute significantly to nonattainment in, nor interfere with maintenance by, any other state¹. (See the proposed Transport Rule's preamble, particularly Section IV.C.4, beginning on page 45255)</p> <p>Any specific PM_{2.5}-related issues related to Oklahoma's permitting program (e.g., PM_{2.5} increments and significance impact levels) would be addressed through a separate submission.</p> <p>Oklahoma's <i>Regional Haze Implementation Plan Revision</i>, submitted 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>§110(a)(2)(E)(i) – Adequate Resources</p>	<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 fees, annual operating fees, and Federal §103 & §105 (and other) grants.</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 2006 24-hour PM_{2.5} NAAQS.</p>	<p>40 CFR 52.1920(e) and 52.1960(c)(45)(i) 47 FR 20771 and 59 FR 32365</p>

¹ EPA's analysis for the proposed Transport Rule focused on states east of the Rocky Mountains, and concluded that "... interstate emissions transport makes a relatively small contribution to exceedances in the western United States under the 2006 PM_{2.5} standards." See the Preamble's Section III.D, "Why does this proposed rule focus on the eastern half of the United States?" beginning on page 45227.

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§110(a)(2)(E)(ii) – Adequate Resources (State Boards)	<i>provide (ii) requirements that the state comply with the requirements respecting state boards under section 128, and</i>	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. Oklahoma does not anticipate that significant changes would be required as a result of a change in a particular NAAQS.	40 CFR 52.1920(e) and 40 CFR 52.1960(c)(17) and (45)(i) 47 FR 20771 and 59 FR 32365
§110(a)(2)(E)(iii) – Adequate Resources (Local or Regional Implementation)	<i>provide (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>	Not Applicable.	
§110(a)(2)(F) – Stationary Source Monitoring System	<i>require, as may be prescribed by the Administrator— (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, (ii) periodic reports on the nature and amounts of emissions and emissions-related data from such sources, and (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>	Source emissions monitoring requirements are addressed in OAC 252:100-43, Sampling and Testing and OAC 252:100-45, Monitoring of Emissions Source emissions inventory requirements are addressed in OAC 252:100-5, Registration of Air Contaminant Sources and pending SIP Revisions Area, mobile, and non-road data are reported to EPA on a 3-year cycle. OAC 252:100, Air Pollution Control; OAC 252:4-1-5, Availability of a Record; and pending SIP Revisions Oklahoma does not anticipate that significant changes would be required as a result of a change in a particular NAAQS.	40 CFR 52.1960(c) (48)

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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 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.</p> <hr/> <p>This NAAQS Revision: Oklahoma’s approved EEP 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 3 years of 2007 to 2009 was 53.1 µg/m³ (latest certified data), which is well below the expected 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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<p>§110(a)(2)(H) – Future SIP Revisions</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 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 OS 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 OS 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. Documentation of these changes, along with documentation of any implementation or infrastructure changes, is then submitted 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.</p> <p>This NAAQS Revision: Appendix E of OAC 252:100 was updated to incorporate the 2006 24-hour PM_{2.5} NAAQS effective 7/1/2008.</p> <p>This SIP submittal fulfills the stated requirement.</p>	<p>40 CFR 52.1920/1960; 73 FR 79400, 12/29/2008</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.</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>Approved SIP includes established consultation with various federal, local, regional, and state agencies. Oklahoma does not anticipate that significant changes would be required as a result of a change in a particular NAAQS.</p>	<p>40 CFR 52.1920/1960</p>

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<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 CAA Section 127 are established in Oklahoma’s SIP. DEQ provides notification of ambient air concentration levels for all NAAQS through its forecasting reports and health advisories</p>	<p>40 CFR 52.1920/1960</p>
		<p>This NAAQS Revision: The PM_{2.5} NAAQS is included in Oklahoma’s SIP public notification requirements. DEQ provides notification of PM_{2.5} concentration levels through its forecasting reports and health advisories. Oklahoma does not anticipate that any significant public notification changes would be required to implement the 2006 24-hour PM_{2.5} NAAQS.</p>	
<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 operates its EPA-approved PSD permitting program under Regulation 1.4.4 Major Sources – Prevention of Significant Deterioration (PSD) Requirements for Attainment Areas (now OAC 252:100-8, Part 7), the existing PSD delegation agreement, and approved and pending portions of the SIP</p> <p>Oklahoma’s <u>Regional Haze Implementation Plan Revision</u>, submitted in February 2010, describes Oklahoma’s measures to protect visibility, including provisions in OAC 252:100-8, Part 11.</p>	<p>40 CFR 52.1960(c)(48)(ii)</p>
		<p>This NAAQS Revision: Specific issues or changes related to implementation of the 2006 24-Hour PM_{2.5} NAAQS through Oklahoma’s PSD permitting program would be addressed through a separate SIP submission.²</p> <p>Oklahoma’s <u>Regional Haze Implementation Plan Revision</u>, submitted in February 2010, addresses Oklahoma’s measures to protect visibility as affected by PM_{2.5}-related emissions.</p>	

² Note that EPA has proposed to end the use of their 1997 PM₁₀ Surrogate Policy (75 FR 6287). The Oklahoma DEQ has committed to implement PM_{2.5} standards consistent with Federal case law and EPA Administrator petition decisions that are relevant to the use of the Surrogate Policy (e.g., 75 FR 6827, 683 L-32; 2/11/2010 and EPA’s response to Petition IV-2008-3, 8/12/2009). Therefore, the state will not proceed on the general presumption that PM₁₀ is always a reasonable surrogate for PM_{2.5}.

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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 support its demonstrations of attainment, and reports results to EPA. Oklahoma currently has no designated nonattainment areas. Source modeling requirements are also included in the PSD permitting program.</p>	<p>40 CFR 52.1920/1960</p>
		<p>This NAAQS Revision: Oklahoma’s modeling program includes modeling for PM₁₀, while continuing to update the protocol as appropriate to accommodate PM_{2.5}. (See footnote [2] regarding the use of EPA’s surrogate policy).</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 fees 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>This NAAQS Revision: Oklahoma does not anticipate that significant changes would be required to implement the 2006 24-hour PM_{2.5} NAAQS.</p>	

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<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.</p> <p>DEQ’s powers and duties to implement air quality programs (including implementing Oklahoma’s SIP) are described in 27A OS 2-5-105. The powers and duties of the Air Quality Advisory Council, as listed in 27A OS 2-5-107, include the following:</p> <p>“6. <i>The Council shall have the authority and the discretion to provide a public forum for the discussion of issues it considers relevant to the air quality of the state, and to:</i></p> <p>...</p> <p><i>c. hold public hearings to receive public comment in fulfillment of federal requirements regarding the State Implementation Plan and make recommendations to the Department concerning the plan; ...”</i></p> <p>[27A OS 2-5-107(6)]</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 OS §§ 250 – 323], and DEQ procedural rules in OAC 252:4.) 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 52.1920/1960</p>