

Michael J. Teague
Secretary of Energy & Environment



Mary Fallin
Governor

STATE OF OKLAHOMA
OFFICE OF THE
SECRETARY OF ENERGY & ENVIRONMENT

December 19, 2016

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Mr. Ron Curry, Regional Administrator (6RA)
U.S. Environmental Protection Agency - Region VI
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Subject: Certification of I-SIP Element (D)(i)(I) ("Good Neighbor Provisions") for the 2012 Primary PM_{2.5} NAAQS under Clean Air Act Sections 110(a)(1) and (2)

Dear Administrator Curry:

In a letter dated September 24, 2013 Governor Mary Fallin appointed me as her designee for the purpose of submitting documents to the U.S. Environmental Protection Agency (EPA) for approval and incorporation into the State Implementation Plan (SIP) for the State of Oklahoma. The Oklahoma Department of Environmental Quality (DEQ) is given the primary responsibility and authority to prepare and implement the state's air quality management plan under Oklahoma Statutes. Oklahoma's SIP is codified in 40 CFR Part 52, Subpart LL.

Sections 110(a)(1) and (2) of the Clean Air Act (CAA) require that each state review and revise as necessary its State Implementation Plan (SIP) following promulgation of a new or revised National Ambient Air Quality Standard (NAAQS). (*See* 42 U.S.C. 7410(a)(1) and (2)) On December 14, 2012, the U.S. Environmental Protection Agency (EPA) established a new primary NAAQS for fine particulate matter (PM_{2.5}) ([78 Fed.Reg. 3086](#) (January 15, 2013)). EPA issued the "Guidance on Infrastructure State Implementation Plan (SIP) Elements under CAA Sections 110(a)(1) and 110(a)(2)" in September 2013 ("[EPA's 2013 I-SIP Guidance](#)"). Under this guidance, states may certify that their existing SIPs meet the "infrastructure" elements of § 110(a)(2), rather than submitting a SIP for a revised NAAQS such as the 2012 Primary PM_{2.5} NAAQS. Following an opportunity for public hearing and comment, Oklahoma submitted its I-SIP certification for the 2012 Primary PM_{2.5} NAAQS in June 2016. EPA recently proposed approval of this I-SIP submittal for the required infrastructure elements of Sections 110(a)(2)(A), (B), (C), (D)(i)(II) for interference with PSD, (D)(ii), (E)(i), (E)(ii), (F), (G), (H), (J), (K), (L), and (M) ([81 Fed.Reg. 83184](#) (November 21, 2016)).

EPA's 2013 I-SIP Guidance did not address the requirements of § 110(a)(2)(D)(i)(I) – the infrastructure element that concerns interstate pollutant transport affecting attainment and maintenance of the NAAQS (commonly referred to as the "good neighbor provision"). Therefore, Oklahoma's June 2016 I-SIP submittal did not assert that Oklahoma meets all requirements of § 110(a)(2)(D)(i)(I). However, the checklist included in the I-SIP submittal did describe certain transport-related aspects of DEQ's infrastructure. On March 17, 2016, EPA issued a memo from Stephen D. Page to the Regional Air

Division Directors, Regions I-X entitled “Information on the Interstate Transport ‘Good Neighbor’ Provision for the 2012 Fine Particulate Matter National Ambient Air Quality Standards under Clean Air Act § 110(a)(2)(D)(i)(I)” (“[March 2016 Good Neighbor Memo](#)”). DEQ’s analysis of this memo, including the data and analyses provided in its Attachments 1 & 2, indicates that, taken together with related aspects of DEQ’s infrastructure, there exists sufficient assurance and evidence that Oklahoma does not significantly contribute to nonattainment or interfere with maintenance of the 2012 Primary PM_{2.5} NAAQS in a downwind state.

Therefore, on behalf of the State of Oklahoma, I hereby certify that Oklahoma’s SIP meets the infrastructure obligations, including all requirements of § 110(a)(2)(D)(i)(I), for the 2012 Primary PM_{2.5} NAAQS.

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 the Department of Environmental Quality’s (DEQ) web site on November 4, 2016, to allow the opportunity to provide comments and to request a public hearing, preliminarily scheduled for December 9, 2016 at the DEQ Headquarters. No hearing requests were received during the minimum 30-day comment period (11/5/16 – 12/4/16). Therefore, a notice of hearing cancellation was posted on the DEQ web site on December 6, 2016. Attached is documentation of this public notice and submittal process. No comments were received during the comment period, and therefore a Response to Comments document was not prepared. It is our understanding that the final results of EPA’s review of this submittal will be documented 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 CAA. These requirements are not governed by the three-year SIP submission deadline under § 110(a)(1). In addition, Oklahoma currently has no PM_{2.5} nonattainment areas, and no nonattainment plans are due.

If you have questions, please contact Mr. Eddie Terrill, Director, Air Quality Division, Department of Environmental Quality at (405) 702-4100.

Sincerely,



Michael Teague
Oklahoma Secretary of Energy and Environment

Enclosure: I-SIP Technical Support Document – CAA Element 110(a)(2)(D)(i)(I) for 2012 PM_{2.5} NAAQS

cc: Scott Thompson, Executive Director, Department of Environmental Quality
Eddie Terrill, Director, DEQ Air Quality Division
Mary Stanton, Chief, Air Implementation Section, EPA Region VI (6MM-AB)