

## Section 110 Infrastructure SIP Certification 2012 Primary PM<sub>2.5</sub> NAAQS

Given below is the proposed language for the body of the I-SIP 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).

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<sub>2.5</sub>) [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 2010 SO<sub>2</sub> 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," Oklahoma's SIP meets the infrastructure obligations for the 2012 Primary PM<sub>2.5</sub> NAAQS. To date, the only Program change required to meet the revised PM<sub>2.5</sub> NAAQS was a revision to Appendix E of OAC 252:100, to change the level of the Primary PM<sub>2.5</sub> standard [CAA § 110(a)(2)(H)].

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 May 6, 2016, to allow the opportunity to provide comments and to request a public hearing preliminarily scheduled for June 8, 2016 at the DEQ Headquarters. {Option: No hearing requests were received during the minimum 30-day comment period (5/6/16 – 6/8/16). Therefore, a notice of hearing cancellation was posted on the DEQ web site on June 6, 2016.} Attached is documentation of this public notice and submittal process. Also attached are copies of comments received during the comment period and the public hearing, and a Response to Comments document. 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<sub>2.5</sub> nonattainment areas, and no nonattainment plans are due.

Note also that this submittal is not intended to assert that Oklahoma meets all requirements of § 110(a)(2)(D)(i)(I), commonly referred to as the "good neighbor provision", which prohibits interstate pollutant transport from an upwind state that would contribute significantly to nonattainment or interfere with maintenance of the NAAQS in a downwind state. However, the

checklist does describe certain related aspects of DEQ's infrastructure. We are aware that on March 17, 2016, EPA issued a memo from Stephen D. Page to the Regional Air Division Directors, Regions 1-10 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)." Oklahoma plans to address its good neighbor obligations for the 2012 PM<sub>2.5</sub> NAAQS in a separate SIP revision.