

Section 110 Infrastructure SIP Certification – Element 110(a)(2)(D)(i)(I)
2012 Primary PM_{2.5} NAAQS
“Good Neighbor Provisions”
Technical Support Document

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. Oklahoma’s SIP is codified in 40 CFR Part 52, Subpart LL.

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 described certain transport-related aspects of DEQ’s infrastructure:

Section 110(a)(2) Element	Summary of Element (Statutory Language)	Provisions in State statutes and rules, and the Current SIP or Recent SIP Revision Submittals	Where Codified or Approved by EPA
<p>§ 110(a)(2)(D)(i)(I) – Interstate Transport Provisions</p>	<p><i>Each such [SIP] shall ... 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</i></p>	<p>The 2013 I-SIP guidance states that EPA expects to issue guidance with respect to this Subelement,¹ but does not otherwise address interstate transport provisions which prohibit significant contribution to nonattainment in, or interfere with maintenance by, any other state with respect to the NAAQS. EPA has indicated that it expects to address § 110(a)(2)(D)(i)(I) separately through issuance of further guidance, and that the requirements would likely be addressed in a separate Transport SIP.²</p> <p>However, Oklahoma’s air quality control rule at OAC</p>	<p>40 CFR §§ 52.1920 and 52.1930</p>

¹ Page 3, Section I. Introduction, *2013 I-SIP Guidance*

² Oklahoma submitted its *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* (“Transport SIP”) to EPA in May 2007, with supplemental information submitted in November 2007. EPA approved portions of the Transport SIP relating to § 110(a)(2)(D)(i)(I) for the 1997 PM_{2.5} NAAQS and the 2006 24-hour PM_{2.5} NAAQS (76 Fed.Reg. 81838, (Dec. 29, 2011)). In the same action, EPA approved the portions of the Transport SIP relating to the prohibition against significant contribution to nonattainment of the 8-hour 1997 Ozone NAAQS in any other state. However, EPA’s analyses performed in conjunction with issuance of the Transport Rule (aka Cross State Air Pollution Rule or “CSAPR,” 76 Fed.Reg. 48208, (Aug. 8, 2011)) concluded that emissions from Oklahoma significantly contribute to interference with maintenance of the 8-hour 1997 Ozone NAAQS in another state and issued a Federal Implementation Plan (FIP) in a supplemental rule (76 Fed.Reg. 80760, (Dec. 27, 2011)) requiring Oklahoma to participate in the NO_x Ozone Season trading program. In February 2016, EPA revised the CSAPR implementation schedule following resolution of extensive litigation.

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	<i>maintenance by, any other state with respect to any such national primary or secondary ambient air quality standard, or</i>	<p>252:100-8-35 requires major stationary sources to demonstrate that the source's emissions would not cause or contribute to any increase in ambient concentrations that would exceed any NAAQS in any air quality control region. The State's PSD program meets the basic requirements for implementing all NAAQS. SIP revisions submitted on July 23, 2010 and February 6, 2012, which are pending EPA action, contain modifications to OAC 252:100-8-35.</p> <p>This NAAQS Revision: As stated, EPA's 2013 I-SIP guidance does not address the requirements of this Subelement. Therefore, this evaluation is not intended to assert that Oklahoma meets all requirements of the interstate transport provisions of § 110(a)(2)(D)(i)(I). However, EPA's analyses performed in conjunction with issuance of the Transport Rule (aka Cross State Air Pollution Rule or "CSAPR", 76 Fed.Reg. 48208, Aug. 8, 2011) concluded that emissions from Oklahoma did not significantly contribute to interference with attainment or maintenance of the 1997 annual PM_{2.5} NAAQS or the 2006 24-hour PM_{2.5} NAAQS in another state. Oklahoma expects to accommodate any future related guidance and implement any applicable program changes. DEQ's preliminary analyses of possibly significant emission sources in Oklahoma do not indicate that, for the revised PM_{2.5} NAAQS, Oklahoma contributes significantly to nonattainment in nor interferes with maintenance by any other state.</p>	

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](#)"). The memo provides an analysis of available modeling data and a framework for addressing element (D)(i)(I) in 2012 PM_{2.5} I-SIPs. The four basic steps and how they are addressed are:

1. Identifying downwind receptors that are expected to have problems attaining or maintaining the NAAQS.

In Attachment 1 to the Memo, EPA has identified downwind receptors that are expected to have problems attaining or maintaining the NAAQS. The information also noted that modeling results were not available for certain states/counties with incomplete ambient monitoring data. None of these projected "problem" receptors are within Oklahoma, nor any state bordering Oklahoma.

2. Identifying which upwind states contribute to these identified problems in amounts sufficient to warrant further review and analysis.

Contribution modeling for purposes of the 2012 PM_{2.5} NAAQS is not available. However, a weight of evidence approach to assess PM_{2.5} transport from Oklahoma emission sources to locations projected by EPA as likely "problem" receptors indicates

that Oklahoma does not, and is not likely to, significantly contribute to nonattainment or interfere with maintenance of the 2012 PM_{2.5} NAAQS in any other state.

This conclusion is supported by the following information:

- a. None of the identified problem receptors are within close proximity of Oklahoma or its significant PM_{2.5} emission sources. The closest such receptor locations are over 650 miles from the closest Oklahoma border and substantially further from any significant PM_{2.5} emission sources within Oklahoma. The guidance memo identified a number of areas with incomplete ambient monitoring data – the closest point in Oklahoma from one of these areas is approximately 230 miles, and again substantially further from any significant PM_{2.5} emission sources.
 - b. DEQ comprehensively tracks PM_{2.5} emissions from sources within Oklahoma, and both current and projected future emissions, collectively and individually, are within levels expected to avoid significant impacts.
 - c. Meteorological conditions in the state of Oklahoma neither hinder the long-range transport of precursor pollutants nor do they tend to concentrate pollutants in basins or other geophysical traps. Prevailing winds tend to disperse pollutants, and Oklahoma is favored by relatively low levels of emissions and large distances between sources and problem receptors. All of these features tend to limit the impacts of Oklahoma sources on downwind problem receptors.
 - d. Monitoring data confirm that all Oklahoma counties are in attainment (or are considered “unclassifiable/attainment”) for the PM_{2.5} NAAQS, as is every county in each adjoining state with the exception of a single “unclassifiable” five-county area in eastern Missouri.
 - e. Additional air quality modeling is not warranted.
3. For states identified as contributing to downwind air quality problems, identifying upwind emission reductions necessary to prevent an upwind state from significantly contributing to nonattainment or interfering with maintenance of the NAAQS downwind;

This submittal has demonstrated by total weight of all the evidence taken together that sources from Oklahoma do not significantly contribute to nonattainment or interfere with maintenance of the applicable NAAQS in any other state. Therefore, no emission reductions need be identified for Oklahoma.

4. For states that are found to have emissions that significantly contribute to nonattainment or interfere with maintenance of the NAAQS downwind, reducing the identified upwind emissions through adoption of permanent and enforceable measures.

Based on the above analysis, this provision is not applicable to Oklahoma.

Conclusion

DEQ has concluded that, based on an evaluation of EPA’s March 2016 Good Neighbor Memo including the data and analyses provided in its Attachments 1 & 2, and 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, DEQ has prepared and submitted for the Governor's approval and issuance, a certification 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.

Public Participation

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. {Option: 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 ~~XX~~, 2016.} Attached is documentation of this public notice and submittal process. Also attached are copies of comments received during the comment period and public hearing, and a Response to Comments document.

Note that this documentation does 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.