6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R06-OAR-2017-0052; FRL-9977-89-Region 6]

Approval and Promulgation of Implementation Plans; Oklahoma; Interstate Transport Requirements for the 2012 $PM_{2.5}$ NAAQS

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Pursuant to the Federal Clean Air Act (CAA or Act), the Environmental Protection Agency (EPA) is proposing to approve portions of the Oklahoma State Implementation Plan (SIP) submittal addressing the CAA requirement that SIPs address the potential for interstate transport of air pollution to significantly contribute to nonattainment or interfere with maintenance of the 2012 fine particulate matter ($PM_{2.5}$) National Ambient Air Quality Standards (NAAQS) in other states. EPA is proposing to determine that emissions from Oklahoma sources do not contribute significantly to nonattainment in, or interfere with maintenance by, any other state with regard to the 2012 $PM_{2.5}$ NAAQS.

DATES: Written comments must be received on or before **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].**

ADDRESSES: Submit your comments, identified by Docket Number EPA-R06-OAR-2017-0052, at *http://www.regulations.gov* or via email to *fuerst.sherry@epa.gov*. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from Regulations.gov. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions

(audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (i.e. on the web, cloud, or other file sharing system). For additional submission methods, please contact Sherry Fuerst, 214-665-6454, *fuerst.sherry@epa.gov*. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets*.

Docket: The index to the docket for this action is available electronically at *www.regulations.gov* and in hard copy at the EPA Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas. While all documents in the docket are listed in the index, some information may be publicly available only at the hard copy location (e.g., copyrighted material), and some may not be publicly available at either location (e.g., CBI).

FOR FURTHER INFORMATION CONTACT: Sherry Fuerst, 214-665-6454, *fuerst.sherry@epa.gov*. To inspect the hard copy materials, please schedule an appointment with Ms. Fuerst or Mr. Bill Deese at 214-665-7253.

SUPPLEMENTARY INFORMATION: Throughout this document wherever "we," "us," or "our" is used, we mean the EPA.

I. Background

A. The $PM_{2.5}$ NAAQS and Interstate Transport of Air Pollution

Under section 109 of the CAA, we establish NAAQS to protect human health and public welfare. In 2012, we established a new annual NAAQS for $PM_{2.5}$ of 12 micrograms per cubic meter ($\mu g/m^3$), (78 FR 3085, January 15, 2013). The CAA requires states to submit, within three

years after promulgation of a new or revised standard, SIPs meeting the applicable "infrastructure" elements of sections 110(a)(1) and (2). One of these applicable infrastructure elements, CAA section 110(a)(2)(D)(i), requires SIPs to contain provisions to prohibit certain adverse air quality effects on neighboring states due to interstate transport of pollution. There are four sub-elements within CAA section 110(a)(2)(D)(i). This action reviews how the first two sub-elements, contained in CAA section 110(a)(2)(D)(i)(I), were addressed in an infrastructure SIP submission from Oklahoma for the 2012 $PM_{2.5}$ NAAQS. These sub-elements require that each SIP for a new or revised NAAQS contain adequate provisions to prohibit any source or other type of emissions activity in one state that will "contribute significantly to nonattainment" or "interfere with maintenance" of the applicable air quality standard in any other state.

The EPA has addressed the interstate transport requirements of CAA section 110(a)(2)(D)(i)(I) with respect to $PM_{2.5}$ in several past regulatory actions. In 2011, we promulgated the Cross-State Air Pollution Rule (CSAPR, 76 FR 48208, August 8, 2011) in order to address the obligations of states – and of the EPA when states have not met their obligations – under CAA section 110(a)(2)(D)(i)(I) to prohibit air pollution contributing significantly to nonattainment in, or interfering with maintenance by, any other state with regard to several NAAQS, including the 1997 annual and 2006 24-hour $PM_{2.5}$ NAAQS.[1] In that rule, we considered states linked to downwind nonattainment or maintenance receptors[2] if they were projected by air quality modeling to contribute more than the threshold amount (1% of the standard) of $PM_{2.5}$ pollution for the 1997 and 2006 $PM_{2.5}$ NAAQS (76 FR 48208, 48239-43). The EPA has not established a threshold amount for the 2012 $PM_{2.5}$ NAAQS. In 2016 we

[1] Federal Implementation Plans; Interstate Transport of Fine Particulate Matter and Ozone and Correction of SIP Approvals, 76 FR 48207 (August 8, 2011) (codified as amended at 40 CFR 52.38 and 52.39 and 40 CFR part 97).
[2] Nonattainment or maintenance receptors are monitors projected to have air quality problems.

provided an informational memorandum (the memo) about the steps states should follow as they develop and review SIPs that address this provision of the CAA for the 2012 $PM_{2.5}$ NAAQS.[3]

B. Oklahoma SIP Submittal Pertaining to the 2012 $PM_{2.5}$ NAAQS and Interstate Transport of Air Pollution

On December 19, 2016, Oklahoma submitted a SIP revision to address the requirements of CAA section 110(a)(2)(D)(i)(I) for the 2012 $PM_{2.5}$ NAAQS. In the submittal Oklahoma used a weight of evidence analysis to assess interstate transport of Oklahoma emissions to locations projected in the 2016 EPA memo as receptors of concern. In their analysis Oklahoma 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. A copy of the Oklahoma SIP submittal is available in the electronic docket for this action.

We propose to approve the December 19, 2016 SIP revision submittal intended to ensure that the SIP met the requirements of the CAA section 110(a)(2)(D)(i)(I) for the 2012 $PM_{2.5}$ NAAQS.

II. The EPA's Evaluation

As stated above, Section 110(a)(2)(D)(i) requires SIPS to include adequate provisions prohibiting any source or other type of emissions activity in one state that will (I) contribute significantly to nonattainment, or interfere with maintenance of the NAAQs in another state, and (II) interfering with measures required to prevent significant deterioration of air quality, or to protective visibility in another state. This action address only CAA section 110(a)(2)(D)(i)(I).

[3] Information on the Interstate Transport "Good Neighbor" Provision for the 2012 Fine Particulate Matter National Ambient Air Quality Standards under Clean Air Act Section 110(a)(2)(D)(i)(I) March 17, 2016 from Stephen D. Page.

The 2016 EPA memo outlined the four-step framework EPA has historically used to evaluate interstate transport under section 110(a)(2)(D)(i)(I), including the EPA's CSAPR.

1) Identification of potential downwind nonattainment and maintenance receptors;
2) Identification of upwind states contributing to downwind nonattainment and maintenance receptors;
3) For states identified as contributing to downwind air quality problem, identification of upwind emissions reductions necessary to prevent upwind states from significantly contributing to nonattainment or interfering with maintenance of receptors, and;
4) For states that are found to have emissions that significantly contribute to non-attainment or interfere with maintenance downwind, reducing the identified upwind emissions through adoption of permanent and enforceable measures.

We will be following the framework outlined in the memo for our evaluation. Based on this approach, the potential receptors are outlined in Table 1 in the memo. Most of the potential receptors are in California, located in the San Joaquin Valley or South Coast nonattainment areas. However, there is also one potential receptor in Shoshone County, Idaho, and one potential receptor in Allegheny County, Pennsylvania.

The memo did note that because of data quality problems nonattainment and maintenance projections were not completed for all or portions of Florida, Illinois, Idaho, Tennessee and Kentucky. After issuance of the memo, data quality problems were resolved for Idaho, Tennessee, Kentucky and most of Florida, identifying no additional potential receptors, with those areas having design values (DV) below the 2012 $PM_{2.5}$ NAAQS and expected to maintain the NAAQS due to downward emission trends for NO_x and SO_2 (www.epa.gov/air-trends/air-quality-design-values and www.epa.gov/air-emissions-inventories/air-pollutant-emissions-trends-data). Florida certified its 2017 $PM_{2.5}$ ambient air data for the counties in Florida with 2009-2013 data gaps in March, 2018 allowing us to develop 2015-2017 preliminary design values. The highest preliminary design value in Florida is 8 $\mu g/m^3$ and the highest monitored

value in Florida is 7.5 µg/m^3, well below the NAAQS. For these reasons, we find that none of the counties in Florida with monitoring gaps between 2009-2013 should be considered either nonattainment or maintenance receptors for the 2012 $PM_{2.5}$ NAAQS. Therefore, as of April, 2018, only Illinois still has data quality issues preventing projections of nonattainment and maintenance receptors. Illinois will be evaluated to determine if they have potential nonattainment or maintenance receptors for 2012 $PM_{2.5}$ NAAQS.

Therefore, for "Step 1" of this evaluation, the areas identified as "potential downwind nonattainment and maintenance receptors" are:

- Seventeen potential receptors in California, located in the San Joaquin Valley or South Coast nonattainment areas;
- Shoshone County, Idaho;
- Allegheny County, Pennsylvania; and,
- All of Illinois

As stated above, "Step 2" is the identification of states contributing to downwind nonattainment and maintenance receptors, such that further analysis is required to identify necessary upwind reductions. For this step, we will be specifically determining if Oklahoma emissions contribute to downwind nonattainment and maintenance receptors.

Each of the potential receptors is discussed below, with a more in depth discussion provided in the Technical Support Document (TSD) for this notice. For additional information, links to the documents relied upon for this analysis can be found throughout the document, more information is available in the TSD and the documents can be found in the docket for this action.

California:

As described in our TSD, our analysis shows that Oklahoma's $PM_{2.5}$ emissions and/or $PM_{2.5}$ precursors do not significantly impact the California potential receptors identified in the memo. In our analysis we found specifically that the majority of the emissions impacting $PM_{2.5}$ levels in California are directly emitted $PM_{2.5}$ and/or $PM_{2.5}$ precursors from within the state, and that meteorological and topographic conditions serve as barriers to transport from Oklahoma. We note that air quality designations are not relevant to our evaluation of interstate transport, however, the analysis developed for the 2012 annual $PM_{2.5}$ NAAQS designations process provides an in depth evaluation of factors critical in evaluating transport of $PM_{2.5}$ and $PM_{2.5}$ precursors, including evaluation of local emissions, wind speed and direction, topographical and meteorological conditions and seasonal variations recorded at the monitors, which all support the conclusion that Oklahoma's $PM_{2.5}$ and $PM_{2.5}$ precursors do not significantly contribute to nonattainment or interfere with maintenance of the California potential receptors. Furthermore, Oklahoma is more than 800 miles to the east and generally downwind of the California receptors.[4]

For these reasons, we propose to find that Oklahoma does not significantly contribute to nonattainment, nor will it interfere with maintenance of the 2012 $PM_{2.5}$ NAAQS for California.

Shoshone County, Idaho:

As discussed in the TSD, our analysis shows that Oklahoma's $PM_{2.5}$ emissions and/ or $PM_{2.5}$ precursors do not significantly impact the Idaho potential receptor identified in the memo. In our analysis, we found specifically that the majority of the emissions impacting $PM_{2.5}$ levels, came during the winter time and could be attributed to residential wood combustion. We note

[4]California: Imperial County, Los Angeles-South Coast Air Basin, Plumas County, San Joaquin Valley Area Designations for the 2012 Primary Annual $P_{M2.5}$ National Ambient Air Quality Standard Technical Support Document https://www.regulations.gov/document?D=EPA-HQ-OAR-2012-0918-0330

that air quality designations are not relevant to our evaluation of interstate transport; however, the analysis developed for the 2012 annual $PM_{2.5}$ NAAQS designations process provide an in depth evaluation of factors critical in evaluating transport of $PM_{2.5}$ and $PM_{2.5}$ precursors, including evaluation of local emissions, wind speed and direction, topographical and meteorological conditions and seasonal variations recorded at the monitor, which all support the conclusion that Oklahoma $PM_{2.5}$ and $PM_{2.5}$ precursors do not significantly contribute to nonattainment nor interfere with maintenance of the Idaho potential receptor.[5] Furthermore, Oklahoma is more than 1,000 miles to the southeast and downwind of this receptor.

For these reasons, we propose to find that Oklahoma does not significantly contribute to nonattainment, nor will it interfere with maintenance of the 2012 $PM_{2.5}$ NAAQS for Shoshone, Idaho.

Allegheny County, Pennsylvania:

As discussed in the TSD, our analysis shows that Oklahoma's $PM_{2.5}$ emissions and/or $PM_{2.5}$ precursors do not significantly impact the Allegheny County, Pennsylvania (Liberty monitor) potential receptor identified in the memo. In our analysis, we found that there were strong local influences throughout Allegheny County and contributions from nearby states that contributed to its nonattainment for both the 1997 and 2006 $PM_{2.5}$ NAAQS. Contributors to the Liberty monitor in Allegheny County, Pennsylvania in recent years, have taken steps to improve air quality which will likely bring the monitor into compliance with the 2012 $PM_{2.5}$ annual NAAQS by the 2021 attainment date.

[5] Idaho: West Silver Valley Nonattainment Area- 2012 Primary Annual $PM_{2.5}$ National Ambient Air Quality Standard Technical Support Document. Prepared by EPA Region 10.

Another compelling fact is that in previous modeling, Oklahoma emissions were not linked to Allegheny County. [6]

For these reasons, we propose to find that Oklahoma does not significantly contribute to nonattainment, nor will it interfere with maintenance of the 2012 $PM_{2.5}$ NAAQS for Allegany County, Pennsylvania.

Illinois:

Due to ambient monitoring data gaps in the 2009-2013 data that should have been used to identify potential $PM_{2.5}$ nonattainment and maintenance receptors in Illinois and the modeling analysis of potential receptors could not be completed for the state, therefore the entire state is considered unclassifiable. Illinois did have a nonattainment receptor identified through the CSAPR modeling analysis for the 1997 $PM_{2.5}$ NAAQS. The receptor was in Madison, Illinois, located near St. Louis, Missouri.

As stated above, Oklahoma was included in the CSAPR modeling analysis for the 1997 $PM_{2.5}$ NAAQS. The modeling did not show a linkage for nonattainment or maintenance between Oklahoma and Illinois. Recent DV for the monitors in Madison, Illinois have shown downward trends. There are three active monitors in Madison. The DVs for the monitors are shown in Table 1 below.

Table 1: Annual Standard 3-year Averages (μg/m^3) for Madison, Illinois Monitors

Monitor Number	2012-2014	2013-2015	2014-2016
171191007	12.9	11.6	10.8
171192009	10.4	9.7	9.4
171193007	12.5	10.8	10.1

[6] Air Quality Modeling for 2011 Cross-State Air Pollution Rule (CSAPR) (76 FR 48207, August 8, 2011).

For these reasons, we propose that Oklahoma will not significantly contribute to nonattainment, nor will it interfere with maintenance of the 2012 $PM_{2.5}$ NAAQS in Illinois.

Since we determined that Oklahoma's SIP includes provisions prohibiting any source or other type of emissions activity from contributing significantly to nonattainment in, or interfering with maintenance of the NAAQS, in another state, steps 3 and 4 of this evaluation are not necessary.

In conclusion, based on our review of the potential receptors presented in the March 17, 2016 informational memo, an evaluation identifying likely emission sources affecting these potential receptors, and the 2014 base case modeling in CSAPR final rule, we propose to determine that emissions from Oklahoma sources will not contribute significantly to nonattainment in, nor interfere with maintenance by, any other state with regard to the 2012 annual $PM_{2.5}$ NAAQS.

III. Proposed Action

For the reasons discussed above and in the TSD, we are proposing to approve the December 19, 2016 Oklahoma SIP submittal concluding that emissions from Oklahoma will not significantly contribute to nonattainment or interfere with maintenance of the 2012 $PM_{2.5}$ NAAQS in any other state.

IV. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely proposes to

approve state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq*.);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq*.);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and

- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the proposed rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Particulate matter.

Authority: 42 U.S.C. 7401 *et seq*.

Dated: May 14, 2018.

Anne Idsal,
Regional Administrator, Region 6.
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