



Mary Fallin  
Governor

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EXTERNAL AFFAIRS DIVISION

May 27, 2011

Dr. Alfredo Armendariz, Regional Administrator  
U.S. Environmental Protection Agency, Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, Texas 75202-2733

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Subject: Designation Recommendation for 2010 Sulfur Dioxide NAAQS

Dear Dr. Armendariz:

On June 2, 2010, the U.S. Environmental Protection Agency (EPA) strengthened the National Ambient Air Quality Standard for sulfur dioxide (SO<sub>2</sub>). The final rule, published in the Federal Register on June 22, 2010 (75 FR 35520), sets a new 1-hour SO<sub>2</sub> NAAQS of 75 parts per billion (ppb). As required by Section 107 (d) (1) (A) of the federal Clean Air Act, my recommendations for Oklahoma's initial designations under the new SO<sub>2</sub> standard are outlined below. This recommendation is based on an evaluation of actual monitored SO<sub>2</sub> data collected by the Department of Environmental Quality (DEQ) in Oklahoma during the last ten (10) years with emphasis given to 2008-2010.

Monitored 1 hour exceedances of the standard at monitors in Tulsa and Muskogee Counties indicate the possibility of violating the standard, therefore, I recommend that these areas be designated as unclassifiable. Based on existing monitored data, I recommend a designation of "attainment" for all other 75 counties in Oklahoma.

Oklahoma disagrees with EPA's position that modeling data should be used in the recommendation of nonattainment designations. As a result, the DEQ has prepared a Brief of Amicus Curiae in support of Petitioners' Petition for Review of the Final Rule issued by EPA ("Primary National Ambient Air Quality Standard for Sulfur Dioxide; Final Rule" 75 Fed. Reg. 35520 (June 22, 2010)), to be filed in the case of National Environmental Development Association's Clean Air Project, et al. v. United States Environmental Protection Agency, Docket No. 10-1252 (and consolidated cases) before the United States Court of Appeals for the District of Columbia Circuit. In the brief, ODEQ states that by promulgating the Final Rule EPA has acted in violation of the federal Clean Air Act, as well as arbitrarily and capriciously under the federal Administrative Procedures Act, because EPA (1) denied the public notice and opportunity to comment on the implementation approach (i.e., modeling) for the revised SO<sub>2</sub> NAAQS and (2) promulgated an SO<sub>2</sub> NAAQS that is more stringent than necessary under the

CAA. The ODEQ believes the designation recommendations made herein are consistent with the statements made in the Brief of Amicus Curiae filed by ODEQ in the above-cited case.

If you desire additional information, or you have any questions on this matter, please contact Eddie Terrill at 405-702-4100.

Sincerely,  
*Mary Fallin*  
Mary Fallin

*Thank you for  
your help.*

cc: Gary Sherrer, Secretary of Environment  
Steven Thompson, Executive Director, Oklahoma Department of Environmental Quality  
Eddie Terrill, Director of Air Quality, Oklahoma Department of Environmental Quality