

US EPA ARCHIVE DOCUMENT



Brad Henry
Governor

March 9, 2009

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INTERNAL AFFAIRS DIVISION

RECEIVED

The Honorable Lawrence E. Starfield
Acting Regional Administrator
EPA Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202

RE: Oklahoma ozone classifications and boundaries per §107(d)(1), Clean Air Act

Dear Mr. Starfield:

I am writing pursuant to §107 (d) (1) of the Clean Air Act. I would like to take this opportunity to provide my thoughts on Oklahoma's attainment/nonattainment classifications and boundaries for the revised National Ambient Air Quality Standard for ozone.

As you are likely aware, monitored data collected by the Oklahoma Department of Environmental Quality ("DEQ") over the most recent three-year period of 2006 through 2008 indicate violations of the new health-based standards. These violations exceed the standard by less than 0.05 ppm and have been observed only within Oklahoma and Tulsa Counties. Current ozone values, however, are at their lowest point in years, and the trend is definitely downward; so much, in fact, that there is a good chance that this year, when the 2006 data are dropped from the three year average, attainment at all monitors may be demonstrated.

Given the circumstances, I would like to defer recommendation on this matter until the 2007 through 2009 monitoring data confirms either compliance or nonattainment. If violations occur this year, I likely will recommend nonattainment areas smaller than EPA's default Metropolitan Statistical Area given the rural make up of the counties surrounding the metropolitan areas and our analysis of the 9 factors to be considered in making a recommendation. I have been assured by DEQ that certification of the monitored data will be expedited so Oklahoma's attainment/nonattainment boundary recommendations can be made prior to, or immediately following, the end of the 2009 ozone season. This should allow ample time to meet EPA's March 2010 deadline. In no case will my recommendation occur more than 30 days after a monitor indicates a violation of the standard.

During the upcoming year, the Department of Environmental Quality will be committed to working with our metropolitan planning organizations in carrying out and implementing longstanding proactive programs to notify the public of health concerns, as well as reducing the production of ozone. If next year's data confirm a nonattainment situation, please be assured that Oklahoma will take the formal state implementation measures to protect the health of our citizens. We do not believe that making this recommendation will in any way hinder or delay the final designation process which is set to conclude on March 12, 2010. To the contrary, it will allow Oklahoma to be evaluated on the best, most current ozone data covering the years 2007-2009.

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I sincerely appreciate your consideration of this important matter. Of course, should you have any questions or concerns, please feel free to contact Mr. Eddie Terrill, Director of Air Quality, at 405-702-4100.

Sincerely,


Brad Henry
Governor

cc: J. D. Strong, Secretary of the Environment
Steven Thompson, Executive Director, Oklahoma Department of Environmental Quality
Eddie Terrill, Director of Air Quality