E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA

August 16, 2011

VIA ELECTRONIC MAIL AND U.S. MAIL

Ms. Doris Price
Clean Air Markets Division
Office of Atmospheric Programs
Mail Code 6204J
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460
Docket No. EPA-HQ-OAR-2009-0491

Re: Request for Extension of the Public Comment Period on "Federal Implementation Plans for Iowa, Kansas, Michigan, Missouri, Oklahoma and Wisconsin To Reduce Interstate Transport of Ozone; Proposed Rule; Supplemental," Docket No. EPA-HQ-OAR-2009-0491.

Dear Ms. Price:

On behalf of the State of Oklahoma, we respectfully request a 30-day extension of the public comment period for the U.S. Environmental Protection Agency ("EPA") supplemental proposal to conclude that certain states, including Oklahoma, significantly contribute to nonattainment or interfere with maintenance of the 1997 ozone National Ambient Air Quality Standards in other states. EPA published the supplemental proposal on July 11, 2011 with a comment deadline of August 22, 2011. We request that EPA extend the comment period until at least September 22, 2011.

EPA should consider that its modeling for Oklahoma in this proposal is entirely new and was not part of the 2010 Proposed Transport Rule or any of the related Notices of Data Availability ("NODAs"). In fact, Oklahoma was included in the 2010 Proposed Rule based on modeled impacts in Texas, whereas in the proposed Federal Implementation Plan EPA now proposes to include the State based exclusively on different modeled impacts in Michigan. EPA also drastically reduces the ozone season NO_X emissions budget assigned to the State by more than 15,000 tons, or roughly 41%, compared to the State's budget in the 2010 Proposed Rule.

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An extension is needed to allow a meaningful opportunity for review and comment on several aspects of the proposal, including the potentially significant impacts of the proposed NO_x budget on the Oklahoma economy and the reliability of its electric generation resources. A comment period of 42 days is not sufficient to allow a coordinated review of these matters.

In short, the proposal requires interested parties in Oklahoma to perform a time-intensive review of complicated issues on par with the 2010 Proposed Transport Rule and other major EPA rulemakings, like the Electric Utility and Boiler maximum achievable control technology (MACT) standards. EPA allowed 60 days for general comment on the 2010 Proposed Transport Rule, with an additional 30-45 days allowed for each NODA. For the Boiler MACT and the Electric Utility MACT, EPA allowed 80 days and 93 days for public comment, respectively. The comment period for EPA's supplemental proposal under Clean Air Act §110(a)(2)(D)(i)(I) is not consistent with those other rulemakings and should be extended.

Thank you for your consideration of this request.

Sincerely,

E. Scott Pruitt
Attorney General of Oklahoma

Dana L. Murphy

Dana Murphy
Chair, Oklahoma Corporation Commission