
EXCEPTIONAL EVENTS UPDATES

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MIDWEST AND CENTRAL STATES AIR QUALITY WORKSHOP

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BACKGROUND

- Origin of the 2007 Exceptional Events Rule
 - Required by statute (Section 319 of the Clean Air Act)
 - Applies to all criteria pollutants and NAAQS and all event types
- Elements of the Exceptional Events Rule
 - Establishes procedures and criteria for identifying, evaluating, interpreting, and using air quality monitoring data affected by exceptional events
 - Provides a mechanism by which air quality data can be excluded from regulatory decisions and actions
 - Affects design value calculations, NAAQS designation decisions, attainment determinations, and State / Tribal Implementation Plan development

BACKGROUND

- Implementation of the 2007 Rule has been challenging
 - Exceptional events are unique and varied
 - Difficult to provide guidance that is both concrete and generally applicable
 - Difficult to pre-determine how much evidence / technical analysis for demonstrations is enough
 - Final rule text and preamble left room for interpretation
- EPA efforts to address challenges
 - May 2013 - EPA finalized Interim Exceptional Events Implementation Guidance
 - May 2013 – EPA announced intent to revise the Exceptional Events Rule and develop wildfire/ozone implementation guidance
 - August thru November 2013 – Stakeholder outreach and listening sessions related to rule revisions
 - December 2014 – Exceptional events website redesign and development/publication of exceptional events criteria/pollutant matrix with linked examples
 - Mid-2014 thru early 2015 – Focused best practices conference calls with EPA Regional offices and states

EXCEPTIONAL EVENTS

- Exceptional Events Rule Revisions and Wildfire Guidance Development
 - November 10, 2015 – sign Notice of Proposed Rulemaking for rule revisions and Notice of Availability for draft guidance
 - November 20, 2015 – publication in Federal Register (80 FR 72840)
 - December 8, 2015 – public hearing in Phoenix, Arizona
 - February 3, 2016 – close of comment period
 - Summer 2016 – sign final rule and issue final guidance document

- Communication and Outreach
 - Summer/Fall 2016
 - Additional draft guidance document(s) available for stakeholder review
 - Revisions to 2013 Interim Exceptional Events Implementation Guidance
 - Continued development of exceptional events tools (e.g., website, templates)
 - Implementation workshop(s)/webinars for states, tribes, and other affected stakeholders following promulgation

PROPOSED EXCEPTIONAL EVENTS RULE REVISIONS

- Clarify the types of determinations and actions to which the authorizing statutory authority in CAA section 319(b) applies
- Return to the core statutory elements and implicit concepts of CAA section 319(b)
- Clarify “not reasonably controllable or preventable” criteria
- Clarify high wind elements currently addressed in guidance
- Codify requirements for the content and organization of exceptional events submittals
- Remove “general schedule” deadlines for data flagging and demonstration submittal
- New fire-related rule language and preamble text

DRAFT WILDFIRE/OZONE EXCEPTIONAL EVENTS IMPLEMENTATION GUIDANCE

- Full document name: *Draft Guidance on the Preparation of Exceptional Events Demonstrations for Wildfire Events that May Influence Ozone Concentrations*
- What does the draft guidance do?
 - Incorporates and applies the proposed rule revisions to wildfire/ozone events
 - Provides example analyses, conclusion statements, and technical tools that air agencies can use to provide evidence that the wildfire event influenced the monitored ozone concentration
 - Invites comment on the appropriateness of either expanding the wildfire/ozone guidance, or developing a separate guidance document, to specifically address demonstration components for prescribed fires

DRAFT WILDFIRE/OZONE EXCEPTIONAL EVENTS IMPLEMENTATION GUIDANCE

- What does the draft guidance do?
 - Identifies fire and monitor-based characteristics that would allow for a streamlined demonstration package using a three-tiered approach
 - Tier 1 demonstrations
 - Simplest and least resource intensive
 - Apply when fire events cause clear O₃ impacts in areas or during times of year that typically experience lower O₃ concentrations
 - Use time series plot and evidence of transport to the monitor
 - Tier 2 demonstrations
 - Apply when the impacts of the fire on O₃ levels are less clear and would require more evidence than Tier 1 demonstrations
 - Use Q/D (emissions/distance) screening criterion, threshold-based monitored concentrations and evidence of transport to and influence at the monitor
 - Tier 3 demonstrations
 - Apply when the relationship between the subject fires and influenced O₃ concentrations is more complicated
 - Build upon tiers 1 and 2
 - Appropriate tier to be determined by affected air agency and reviewing EPA regional office during proposed “Initial Notification” process

EXCEPTIONAL EVENTS

■ 94 Total Commenters on Rule Revisions

- 36 – State/Local Agencies
- 2 - Tribal Organizations
- 20 – National/Regional Planning Organizations
- 8 – Environmental Groups
- 4 – Elected Officials
- 24 – Industry/Trade Associations

■ General Themes

- Overall, feedback was specific and constructive and addressed the issues on which we requested comment.
- States/Industry generally supportive of streamlining efforts and asked for additional measures to improve efficiency. Environmental community not supportive of majority of proposed revisions.
- 56 commenters included some discussion of fire-related issues/proposals

EXCEPTIONAL EVENTS

■ Specific Comments

■ States/Industry generally support:

- Restructuring 6 criteria in 2007 Rule to 3 (includes removing “but for”)
- Presumption that event-related emissions originating outside of jurisdiction are not reasonably controllable or preventable
- Relying on EPA-approved attainment/maintenance SIPs to satisfy not reasonably controllable or preventable
- Removing flagging and demonstration submittal deadlines
- Clarification regarding components of a demonstration package

■ States/Industry generally do not support:

- Allowing Federal Land Managers to submit demonstrations
- Not relying on infrastructure SIPs to satisfy not reasonably controllable or preventable
- Using Air Quality Control Region boundaries to define the bounds for an area subject to event recurrence
- General timelines for EPA response (prefer promulgated timelines)
- Lack of a formal dispute resolution process

EXCEPTIONAL EVENTS

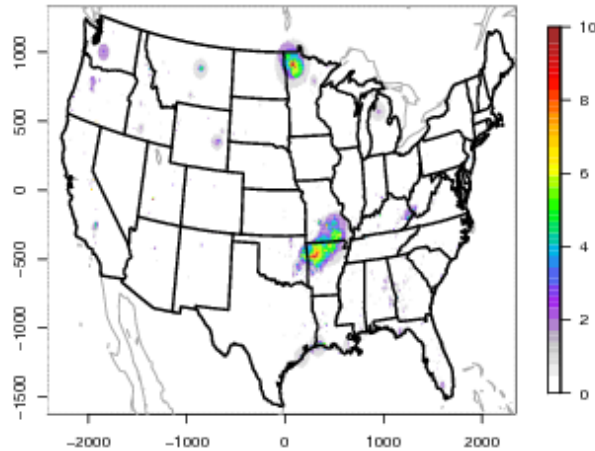
- 31 Total Commenters on Draft Wildfire/Ozone Guidance Document
 - 13 – State/Local Agencies
 - 6 – National/Regional Planning Organizations
 - 3 – Environmental Groups
 - 1 – Elected Officials
 - 8 – Industry/Trade Associations

- General Themes
 - Commenters generally support tiering concept, but believe identified approach is too restrictive.
 - Commenters do not fully support the Q/D methodology proposed as a key factor for defining a Tier 2 demonstration. Commenters note the difficulty in calculating Q/D and the limitations of identified tools (e.g., SMARTFIRE/BlueSky).
 - Commenters ask for prescribed fire guidance.

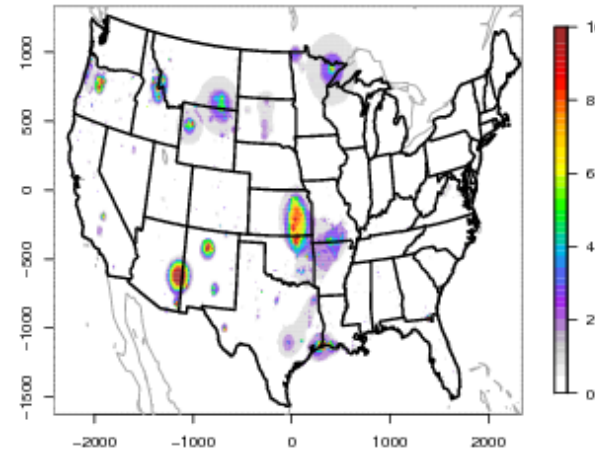
APPENDIX

TIER 2: HISTORICAL ESTIMATES OF Q/D

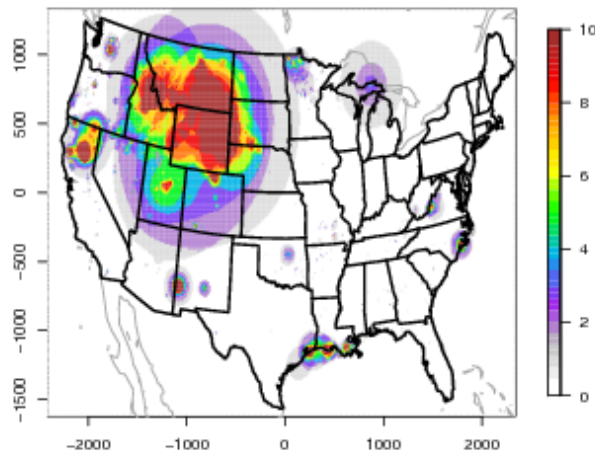
2010 – Annual Count of Q/D > 100



2011 – Annual Count of Q/D > 100



2012 – Annual Count of Q/D > 100



2013 – Annual Count of Q/D > 100

