

# EXCEPTIONAL EVENTS UPDATES

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# Exceptional Events

- On September 16, 2016, the EPA finalized the **2016 Revisions to the Exceptional Events Rule**, which address issues raised by stakeholders and increase the administrative efficiency of the Exceptional Event demonstrations process
  - <https://www.epa.gov/air-quality-analysis/treatment-data-influenced-exceptional-events>
  - Rule effective date was September 30, 2016
  - Published in Federal Register on October 3, 2016 (81 FR 68216)
  - NRDC/Sierra Club filed a Petition for Review on December 2, 2016 (petitioners' brief due 5/17/17, EPA response due 8/17/17)
- General Exceptional Events Rule Background
  - Establishes procedures and criteria for identifying and evaluating air quality monitoring data affected by exceptional events
  - Provides a mechanism by which air quality data can be excluded from regulatory decisions and actions
  - Applies to all criteria pollutants and NAAQS and all event types to which the rule applies
  - Applies to all state air agencies, to (delegated) local air agencies, to tribal air agencies that operate air quality monitors that produce regulatory data and to federal land managers/federal agencies if agreed by the state
  - Affects design value calculations, NAAQS designation decisions, attainment determinations, and State / Tribal / Federal Implementation Plan (SIP/FIP/TIP) development



## Exceptional Events Rule Revisions

- Clarify the types of determinations and actions to which the authorizing statutory authority in Clean Air Act (CAA) section 319(b) applies
- Return to the core statutory elements 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



# Exceptional Events Rule Revisions and Guidance

- New fire-related rule language and preamble text
- Mitigation Regulatory Requirements
- Other provisions
  - Address who may submit a demonstration
  - Event aggregation
  - Identified in preamble intended timelines for EPA response
- Final Wildfire/Ozone Exceptional Events Implementation Guidance



# Exceptional Events Implementation: Stakeholder Feedback

- November 2016 implementation workshops for states and tribes (Denver – 11/8/16; Dallas – 11/30/16)
- General feedback
  - Participants were generally pleased with both the rule revisions and the content of the workshop
  - Participants requested further guidance and similar implementation workshops (both for exceptional events and other EPA programs) and asked for follow-up communication and outreach workshops/webinars following promulgation
  - Participants asked that EPA continue to find ways to reduce the transaction costs in exceptional events demonstrations
  - Participants called for continued EPA communication and support with more tools and examples as they become available



# Exceptional Events Implementation: Available Resources

- Exceptional Events Website at <http://www2.epa.gov/air-quality-analysis/treatment-data-influenced-exceptional-events>
- Quick reference guide for exceptional events demonstrations
- Examples of reviewed exceptional event submissions
- Best practices documents
- Links to publicly available support information and tools
- Links to rule and guidance resources
  - Final rule
  - Final wildfire/ozone guidance
  - Fact sheets
  - 2013 interim guidance documents



# Exceptional Events Implementation: Next Steps

- The 2016 rule revisions and final wildfire/ozone guidance were needed first steps, but efficient and coordinated implementation is critical.
- What is next?
- Additional Implementation Materials
  - Revisions to 2013 *Interim Exceptional Events Guidance Documents*
  - Stratospheric Ozone Intrusion Document
  - Alternate Paths for Data Exclusion Document
  - Prescribed Fire/Ozone Document
- Continued development of exceptional events tools
  - Templates
  - Website updates
  - AQS modifications to reflect rule revisions guided by feedback from newly created AQS workgroup
  - Standardized metrics and tracking
  - Targeted efforts with FLMs – communications and tools
  - Best practices for multi-state exceptional events demonstrations



# Questions and Comments

