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# **2017 ASSOCIATION OF AIR POLLUTION CONTROL AGENCIES SPRING MEETING MARCH 27-29, 2017**

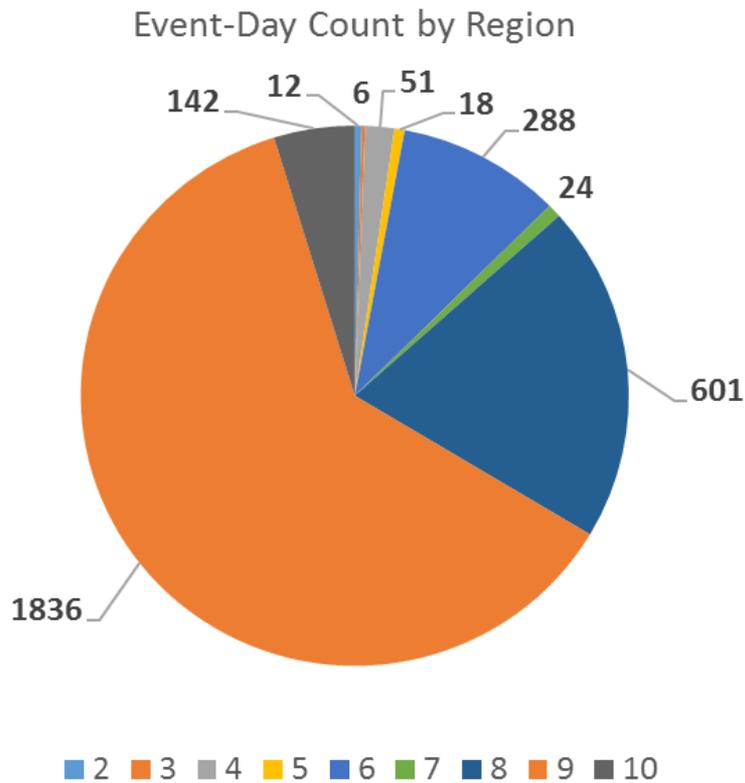


# OUTLINE

- Region 9 Exceptional Event Picture
- Region 9 Efforts on Exceptional Events
- Exceptional Events and Phoenix 5 % Plan
- Washoe County Wildfire Exceptional Events



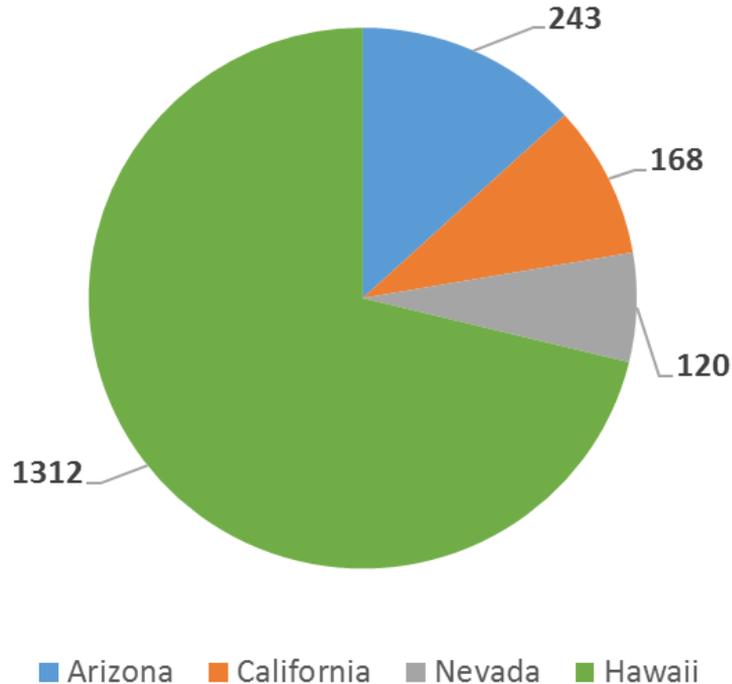
# EVENT-DAY COUNT 2011-2015



- Region 9: 67%
- Region 8: 20%
- Region 6: 10%

# REGION 9 EVENT-DAY COUNTS

Event-Day Count by State



- Hawaii: 71%
- Arizona: 13%
- California: 9%
- Nevada: 7%
- Only 6 event days affect O<sub>3</sub> designations

## PRIMARY CONCERNS FROM R9 AGENCIES

Potential conflicting priorities between EPA and State and local agencies on how to determine regulatory significance and priority for EPA review and action.

- Influence on future design value years is difficult to assess
- Changing deadlines, submittal dates, etc

Complex exceptional events demonstrations (ozone – wildfire/stratospheric intrusion) can be a challenge, the rule is too burdensome, and more streamlining is needed.

## WHAT REGION 9 IS DOING

- To help inform our partners, Region 9 has been an early adopter of the Initial Notification process, which is an attempt to communicate EPA's intent with respect to a particular demonstration.
- Early communication and coordination w/ EPA can provide clear deadlines and expectations.
- Generally, we provide assistance, review, and input on the appropriate technical analysis on a case-by-case basis and typically work closely with the affected agency during the development of the demonstrations.
- Region 9 is following the principles in the revised rule with respect to the applicable actions in which EPA will act on exceptional events requests.
- Generally, we have been focusing efforts on demonstrations that affect attainment/nonattainment decisions.

## PHOENIX 5% PM-10 PLAN

- In order to demonstrate attainment by 2012, ADEQ had to prepare 137 high wind EE claims for 2011 and 2012 (25 days).
- In order to approve the plan as meeting the CAA, EPA had to concur on most of these EEs as part of plan review.
- EPA approved 135 out of the 137 EE claims and was able to approve the plan as attaining the PM-10 standard by 2012 (79 FR 33107, June 10, 2014)
- Petition for Review from ACLPI on behalf of Sierra Club followed, specifically citing the exclusion of the 135 EEs things as “an abuse of discretion and is contrary to law”

## PHOENIX 5% PM-10 PLAN (CONT'D)

- Ninth Circuit upheld EPA's approval of the EEs and stated that "In order to obtain EPA approval to exclude exceptional event data , a state must provide evidence that the event satisfies the criteria set forth in 40 CFR 50.1(j) and meets other criteria." ADEQ provided such evidence.
- Ninth Circuit also agreed with ADEQ and EPA that the control measures in existing SIPs meant that reasonable controls were in place, a requirement to concur on the EEs.
- Technically and legally defensible demonstrations are key to success.

# WASHOE COUNTY

## ■ Washoe County: Wildfire Ozone

- Washoe County's 2013-2015 and preliminary 2014-2016 ozone design values are just over the new 2015 ozone NAAQS of 70ppb. Exceptional event demonstrations could impact their designation status.
- 2015 ozone wildfire: Washoe sent an initial notification of intent to prepare a demonstration for an ozone wildfire exceptional event that occurred over three days in August 2015.
  - If EPA concurs on one of the exceedance days, the 2013-2015 design value will be below the 2015 NAAQS.
  - Washoe has submitted demonstrations and additional analysis in March 2017
- 2016 ozone wildfire: Washoe also has sent an initial notification for an ozone wildfire event that occurred over three exceedance days in July 2016
  - Even if EPA concurs on a combination of event days from 2015 and 2016, the 2014-2016 design value will be below the 2015 NAAQS.
  - EPA continues to work very closely with Washoe on the preparation of 2016 event demonstrations to meet regulatory deadlines of the designations process.

# QUESTIONS/COMMENTS

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