

Proposed Revisions to the 2007 Exceptional Events Rule and Notice of Availability for Related Draft Guidance

FACT SHEET

ACTIONS

- On November 10, 2015, the U.S. Environmental Protection Agency (EPA) proposed revisions to the 2007 Exceptional Events Rule, and announced the availability for public comment of a draft guidance document, which applies the proposed rule revisions to wildfire events that could influence monitored ozone concentrations.

Proposed Revisions to the 2007 Exceptional Events Rule

- The proposed revisions to the Exceptional Events Rule address issues raised by stakeholders since promulgation of the rule and are intended to provide clarity and increase the administrative efficiency of the Exceptional Events Rule criteria and process. Exceptional events include natural events such as wildfires, stratospheric ozone intrusions and volcanic and seismic activities.
- Highlights of the proposal include:
 - More clearly defining the scope of the Exceptional Events Rule to apply only to certain types of regulatory actions,
 - Revising the rule language to more closely align with the language in the CAA,
 - Relying on SIP controls to satisfy the “not reasonably controllable or preventable” criterion provided the EPA has approved the SIP within the last 5 years,
 - Clarifying the analyses, content and organization for exceptional events demonstrations,
 - Requiring an initial notification by the state to the EPA of a potential exceptional event request,
 - Removing the specific deadlines that apply in situations other than initial area designations following promulgation of a new or revised NAAQS, and
 - Clarifying fire-related definitions and demonstration components.
- The EPA intends to finalize these rule revisions before October 1, 2016, which is the date by which states, and any tribes that wish to do so, are required to submit their initial designation recommendations for the 2015 National Ambient Air Quality Standards (NAAQS) for ozone.

Notice of Availability of Draft Exceptional Events Guidance

- The EPA is announcing the availability for public comment of the *Draft Guidance on the Preparation of Exceptional Events Demonstrations for Wildfire Events that May Influence Ozone Concentrations*. The EPA anticipates finalizing this guidance when we promulgate revisions to the Exceptional Events Rule.

- The *Draft Guidance on the Preparation of Exceptional Events Demonstrations for Wildfire Events that May Influence Ozone Concentrations* includes example analyses, conclusion statements, and technical tools that air agencies can use to provide evidence that a wildfire event influenced a monitored ozone concentration(s). In particular, this guidance identifies event characteristics (e.g., season of occurrence, fire emissions, the fire's distance from the ozone monitor and how high ozone levels reached during the fire) that could enable a state air agency to submit a simpler and less resource-consuming demonstration package. The draft guidance reflects and implements the proposed changes to the Exceptional Events Rule.

Notice of Public Hearing

- The EPA will hold a public hearing to solicit and incorporate input from stakeholders and the public. The public hearing will provide interested parties the opportunity to present data, views or arguments concerning the proposed revisions to the 2007 Exceptional Events Rule.
- The public hearing will be held on Tuesday, December 8, 2015, in room 3175 in the Arizona Department of Environmental Quality main office building located at 1110 W. Washington Street, Phoenix, Arizona 85007. The public hearing will convene at 10 a.m. and continue until the earlier of 6:00 p.m. or 1 hour after the last registered speaker has spoken.

BACKGROUND

- On March 22, 2007, the EPA promulgated the “Treatment of Data Influenced by Exceptional Events; Final Rule” (72 FR 13560) pursuant to the 2005 amendment of Clean Air Act (CAA) Section 319. This rule is known as the Exceptional Events Rule.
- The Exceptional Events Rule contains definitions, procedural requirements, requirements for air agency demonstrations and criteria for EPA approval for the exclusion of air quality data from regulatory decisions.
- Interpreting and implementing the 2007 Exceptional Events Rule has been challenging both for the air agencies developing exceptional events demonstrations and for the EPA regional offices reviewing and acting on these demonstrations. As a result of our experiences and stakeholder requests related to implementing the 2007 Exceptional Events Rule, the EPA developed and released Interim Exceptional Events Implementation Guidance documents in May of 2013, available on EPA’s Exceptional Events website at <http://www2.epa.gov/air-quality-analysis/treatment-data-influenced-exceptional-events>.
- When EPA released the Interim Exceptional Events Implementation Guidance, we acknowledged the need to consider additional changes that could only be accomplished through a notice-and-comment rulemaking. This proposed action reflects these changes.
- During the preparation of this proposed action, the EPA held conference calls with air agencies to discuss recent implementation experiences and to better understand currently employed exceptional events implementation processes and practices. As a result of these

discussions, the EPA developed a list of best practices for communication and collaboration between the EPA and air agencies. When implemented, these best practices, also available on EPA's Exceptional Events website, and other steps being taken by EPA will optimize resources and save time during the demonstration development and review process.

FOR MORE INFORMATION

- To download a copy of this proposed rule, go to the EPA's Exceptional Events website at <http://www2.epa.gov/air-quality-analysis/treatment-data-influenced-exceptional-events>.
- Today's Proposed Rule and other associated information are available either electronically at <http://www.regulations.gov>, the EPA's electronic public docket and comment system, or in hardcopy at the EPA Docket Center's Public Reading Room. (Docket ID No. EPA-HQ-OAR-2013-0572)
- The draft guidance document and other associated information are available either electronically at <http://www.regulations.gov>, the EPA's electronic public docket and comment system, or in hardcopy at the EPA Docket Center's Public Reading Room. (Docket ID No. EPA-HQ-OAR-2015-0229)
- The Public Reading Room is located in the EPA Headquarters, Room Number 3334 in the William Jefferson Clinton West Building, located at 1301 Constitution Avenue, NW, Washington, D.C. Hours of operation are 8:30 a.m. to 4:30 p.m. eastern standard time, Monday through Friday, excluding Federal holidays.
- Visitors are required to show photographic identification, pass through a metal detector, and sign the EPA visitor log. All visitor materials will be processed through an X-ray machine as well. Visitors will be provided a badge that must be visible at all times.

HOW TO COMMENT

- EPA will accept written comments on the proposed rule and/or draft guidance between the date of publication in the *Federal Register* and January 19, 2016.
- Comments on the proposed rule (identified by Docket ID Number EPA-HQ-OAR-2013-0572) and/or comments on the draft guidance (identified by Docket ID Number EPA-HQ-OAR-2015-0229), may be submitted by one of the following methods:
 - Go to www.regulations.gov and follow the on-line instructions for submitting comments.
 - Mail your comments to:
U.S. Environmental Protection Agency
EPA Docket Center
[Enter Docket ID Number EPA-HQ-OAR-2013-0572 or EPA-HQ-OAR-2015-0229]
Mail Code 2821T

1200 Pennsylvania Avenue, NW
Washington, DC 20460

- Deliver your comments in person or via courier to the address below. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

EPA Docket Center
WJC West Building, Room 334
1301 Constitution Avenue, NW
Washington, DC 20004

For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.