



# Air Resources Board



Linda S. Adams  
Acting Secretary for  
Environmental Protection

Mary D. Nichols, Chairman  
1001 I Street • P.O. Box 2815  
Sacramento, California 95812 • [www.arb.ca.gov](http://www.arb.ca.gov)

Edmund G. Brown Jr.  
Governor

June 24, 2011

Ms. Gina McCarthy  
Assistant Administrator  
Office of Air and Radiation  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004

Dear Ms. McCarthy:

The California Air Resources Board (ARB) appreciates the opportunity to comment on the U.S. Environmental Protection Agency's (U.S. EPA) Draft *Guidance on the Preparation of Demonstrations in Support of Requests to Exclude Ambient Air Quality Data Affected by High Winds under the Exceptional Events Rule* (Draft Guidance). ARB and U.S. EPA have a mutual interest in developing an effective process for addressing these types of events and we appreciate U.S. EPA staff's efforts in preparing the Draft Guidance. In a previous communication on July 22, 2010, ARB suggested simplified procedures for implementing the Exceptional Events Rule, particularly in regard to high wind events. We still believe these comments are appropriate and relevant.

U.S. EPA's first principle in developing the Draft Guidance states, "States should not be held accountable for exceedances due to events that were beyond their control at the time of the event." High wind events will recur in the naturally dry arid regions of the West. Although reasonable measures to help mitigate the impact of these events should be implemented, such exceedances are fundamentally not preventable. We are especially concerned that the Draft Guidance suggests that despite a state's documentation that an uncontrollable wind event occurred, U.S. EPA could still disapprove the exceptional event based on U.S. EPA staff concerns regarding the adequacy of PM10 control measures. The determination as to whether a state has reasonable control measures in place should be an independent analysis taking into account technical feasibility and cost-effectiveness.

If U.S. EPA were to implement the guidance as proposed, states could be required to develop an attainment demonstration based on a value that is the result of an uncontrollable wind event. Such a State Implementation Plan would not be approvable, since there is no attainment strategy that can prevent exceedances caused by high

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website: <http://www.arb.ca.gov>.*

California Environmental Protection Agency

Ms. Gina McCarthy  
June 24, 2011  
Page 2

wind events. This is precisely the situation U.S. EPA's first principal is designed to prevent.

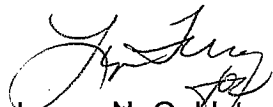
In addition, we are also concerned that U.S. EPA's proposal implies that if a high wind event occurs more than once, new control measures would be more feasible and cost-effective. The frequency of unpreventable high wind events should not change the assessment of what constitutes reasonable controls for windblown dust.

To address the U.S. EPA concerns that we believe underlie this proposal, ARB plans to develop a technical document which discusses the nature of sources for key regions, a conceptual model of the types of conditions under which high wind events occur, and an analysis of reasonable controls for that region. Subsequent requests for approval of specific events would then focus on documenting the technical aspects of that individual event rather than a re-analysis of reasonable controls each time. This provides for region specific considerations. For example, California State law provides unique authority for the Great Basin Unified Air Pollution Control to establish mitigation requirements for the Owens dry lakebed which does not apply elsewhere in the State.

We greatly appreciate the hard work being done by U.S. EPA and, in particular, the recognition that certain impacted values could be removed in determining design values in cases where an exceptional event increased the level of an exceedance. This will allow states to assemble more realistic tools to attain and maintain the National Ambient Air Quality Standards.

If you have any questions, please contact Ms. Lynn Terry, Deputy Executive Officer, at (916) 322-2739, or have your staff contact Ms. Karen Magliano, Chief, Air Quality Data Branch, at (916) 322-7137.

Sincerely,



James N. Goldstene  
Executive Officer

cc: See next page.

Ms. Gina McCarthy  
June 24, 2011  
Page 3

Ms. Deborah Jordan, Director  
United States Environmental Protection Agency  
Air Division, Region 9  
75 Hawthorne Street  
San Francisco, California 94105

Ms. Lynn Terry  
Deputy Executive Officer

Ms. Karen Magliano, Chief  
Air Quality Data Branch

---

[EEGuidanceComments@epa.gov](mailto:EEGuidanceComments@epa.gov)