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OFFICE OF
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NOTE TO DIRECTOR, AIR PROGRAM DIVISION, REGION I - X

SUBJECT: Implementation of the PM-10 Natural Events Policy

Some time ago in a conference call on PM₁₀ data issues, a question was raised about how active the EPA Regional Offices should be in reviewing and accepting natural event action plans (NEAP's) prepared by States in response to PM₁₀ NAAQS violations caused by natural events. From my perspective, it is very important that the Regional Offices play an active role in implementing this policy. The role is different, however, than the regulatory oversight role played by EPA several years ago, when PM₁₀ State implementation plans were submitted. The Natural Events Policy was developed in partnership with State air quality agencies and implementation should also be viewed as an equal partnership. The partners agreed to five guiding principles when developing the policy (see page 3 of the policy statement). The first is that, "Protection of public health is the highest priority of Federal, State, and local air pollution control agencies." This policy relies on review by the public (the fourth partner) to make sure we follow the first guiding principle.

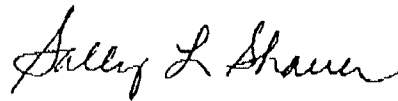
It was never the intent of the policy to increase the administrative burden to the States. The policy is a recognition that there are events which we cannot control which can have significant health effects. The primary purpose of the policy was not to hold States accountable for NAAQS violations due to these natural events while at the same time holding them accountable for mitigating public health impacts to the extent possible.

In view of the above, I am concerned that some States are raising the issue of burdensome oversight process of NEAP's and of excessive documentation of the event requirements being imposed upon them. The documentation process was never meant to be a high hurdle test but was meant to be one that was clearly credible and could withstand public scrutiny and legal challenge. For the types of events covered in this policy, it was anticipated that news articles and supporting weather reports could be adequate.

I would encourage you to discuss these issues with your staff with regard to EPA's oversight role and make sure that we are complying with the intent of the policy and are not trying to revert to an approval/disapproval role on the NEAP's. My staff have provided in the attachment analysis of some of the key guiding principles which you and your staff may find helpful in implementing the policy.

I would also encourage you to discuss with your States the need to have credible documentation of the events as well as adequate NEAP's in place. Failure to do so on their part will seriously jeopardize the policy itself.

I hope this will be helpful to you. Please call me at 919/541-5505 if you have any questions.

A handwritten signature in cursive script that reads "Sally L. Shaver".

Sally L. Shaver

Attachment

ATTACHMENT

Implementing the Natural Events Policy involves the following actions by State agencies, EPA and the general public.

Flagging and Documentation of Natural Events Data

Guiding principles 2 and 3: "The public must be informed whenever the air quality in an area is unhealthy. All valid ambient air quality data should be submitted to the EPA Aerometric Information Retrieval System and made available for public access".

State Actions

- Flag particulate matter (PM) data caused by natural events and document clear causal relationships between the measured values and the events. Show that the PM NAAQS would not have been exceeded if the event had not occurred (values normally below 150 $\mu\text{g}/\text{m}^3$). Document the sources of PM contributing to the event. Was the smoke from wildfires or fires managed to achieve resource benefits (fires managed within a prescription)? Did the dust entrained by high winds originate from anthropogenic sources (areas disturbed by human actions) or natural areas?
- Compare the conditions of high wind events with those determined to be likely to lead to high winds overcoming best available control measures (BACM) at anthropogenic sources. States are to identify the conditions (soil type, precipitation, wind speed, etc.) that can lead to high winds overcoming BACM in each region or subregion of the State.
- Send a copy of the documentation to the EPA Regional Office no later than 180 days from the time of the event.

EPA Regional Office Actions

- Review flagged data and the documentation. Is the documentation convincing?
- Review the actions taken to get public review. Has the public been treated as a partner and given adequate opportunity to review and comment on the data?
- Review the States identification of conditions that can lead to high winds overcoming BACM. Is it reasonable to consider dust generated from anthropogenic sources with BACM to be due to uncontrollable, natural events under these conditions? What are the bases for the determinations?

Public Actions

- Review the States' treatment of air quality data, especially data above the NAAQS.
- Review the conditions identified as likely to lead to high winds overcoming BACM.

Best Available Control Measures

Guiding principle 5: "Emission controls should be applied to sources that contribute to exceedances of the PM₁₀ NAAQS when those controls will result in fewer violations of the standards".

State Actions

- Require BACM to be implemented at contributing anthropogenic sources of dust within 3 years of the first PM NAAQS violation due to high wind events. Anthropogenic sources of dust that becomes airborne during high wind events must be controlled with BACM to be included under the Natural Events Policy.
- Document BACM determinations.
- Secure firm commitments and schedules for BACM implementation.

EPA Regional Office Actions

- Review the list of anthropogenic sources documented as contributing to high wind events.
- Review the BACM requirements for those sources. Are the measures comparable to other BACM determinations for those source categories? Was BACM implemented before the PM NAAQS was violated? Is there a firm schedule for implementing BACM at those sources where it has not already been implemented? Is there a firm schedule for developing and implementing BACM at those sources for which BACM has not been defined?
- Look at the opportunity for public review. Was the public given adequate opportunity to review and comment on BACM determinations and implementation schedules?

Public Actions

- Look for anthropogenic sources of dust documented as contributing to high wind events.
- Review requirements for BACM for anthropogenic sources of dust.
- Review BACM implementation schedules.

Natural Events Action Plans

Guiding principle 4: "State and local agencies must take appropriate reasonable measures to safeguard public health regardless of the source of PM₁₀ emissions".

State Actions

- Develop a natural event action plan (NEAP) for areas where natural events have caused PM NAAQS violations, within 18 months of the violation. Include the five requirements of a NEAP listed in the policy. Confer with the EPA Regional Office and all other stakeholders in developing the NEAP.
- Include documented agreements with stakeholders, implementation schedules (especially

for commitments to take action), and identify the parties responsible for carrying out actions.

- Seek and respond to public review and comment on the NEAP.
- Submit final NEAP's to the EPA Regional Office for review and comment.

EPA Regional Office Actions

- Discuss the goals, objectives and expectations of a NEAP with the State before it is developed.
- Monitor the public review process.
- Review and comment on the NEAP. Are the implementation schedules reasonable? Are the guiding principles of the policy being followed? Are "appropriate reasonable measures to safeguard public health" being taken?
- Notify the governor of the State that the area with a NAAQS violation should be redesignated as nonattainment, if the State fails to submit an adequate NEAP.

Public Actions

- Review and comment on the NEAP.