2016 EXCEPTIONAL EVENTS RULE REVISIONS: MITIGATION PLANS

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Contents

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Key Messages on Exceptional Events

- EPA's intent with the 2016 revisions to the Exceptional Events Rule was to address issues raised by stakeholders and reduce the burden of the demonstration process while continuing to protect public health
- Early coordination and communication between EPA and air agencies is critical to ensure that benefits of the rule are achieved
- EPA continues to seek feedback and opportunities to streamline the implementation process – our goal is continuous improvement
- EPA's exceptional events webpage provides key resources, including a mitigation plan checklist, and will be updated as new materials become available
  - https://www.epa.gov/air-quality-analysis/exceptional-events-rule-and-guidance

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Guiding Statutory Principles for Exceptional Events

- Section 319(b)(3)(A) of the Clean Air Act (CAA) specifies five principles that the EPA "shall follow" in promulgating regulations for exceptional events:
  - Protection of public health is the highest priority;
  - Timely information should be provided to the public in any case in which the air quality is unhealthy;
  - All ambient air quality data should be included in a timely manner in an appropriate federal air quality database that is accessible to the public;
  - Each state must take necessary measures to safeguard public health regardless of the source of the air pollution; and
  - Air quality data should be carefully screened to ensure that events not likely to recur are represented accurately in all monitoring data and analyses.
- These principles recognize that air quality's impacts on public health do not change when air quality data is excluded for regulatory purposes

Applying Statutory Principles to Mitigation Plans

- The mitigation plan component of the exceptional events rule was developed with the goal of protecting public health in accordance with CAA Section 319(b)(3)(A) in a low-burden and efficient manner
  - Helps area officials meet minimum public communication obligations
  - Only required for areas with recurring events of the same type and pollutant
  - Air agencies may cross-reference relevant existing plans to meet requirements
    - Examples include Natural Events Action Plans; High Wind Action Plans; Smoke Management Programs; Subpart H Contingency Plans
  - EPA reviews plans for completeness and verifies public comment process but does not substantively "approve" plans

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Initial Identification of Areas that Require Mitigation Plans

- Table 6 in the preamble of the 2016 Exceptional Events Rule identifies the 29 initial areas with recurring events (three events or event seasons in a 3-year time period) that require development of mitigation plans (SEE ALSO APPENDIX TO THIS DOC)
  - Prepared after notice and opportunity for public comment
  - Submitted for EPA's review and verification of the plan components

- Identified areas have until 2 years from the rule effective date (9/30/18 for initially identified areas) to submit a mitigation plan
  - After the submission deadline, EPA will not concur on demonstrations for events for the same area, event type, and pollutant that are the focus of a mitigation plan if the air agency has not submitted the relevant plan

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How EPA Identifies Areas that Require Mitigation Plans

- Areas that experienced three or more events or event seasons of the same type and pollutant in a 3-year period
  - Seasons generally considered to be three months, but seasonality is evaluated on a case-by-case basis
  - "Areas" generally bounded at the county level, CBSA, or, where applicable, the nonattainment area

- ("R") flags should be applied in AQS only when an initial notification or demonstration will be submitted, in consultation with EPA Regional offices
  - Informational ("I") flags do not count toward mitigation plan requirements, and are encouraged for broader air agency reference purposes
  - If EPA nonconcurs with a demonstration, that event will not be counted

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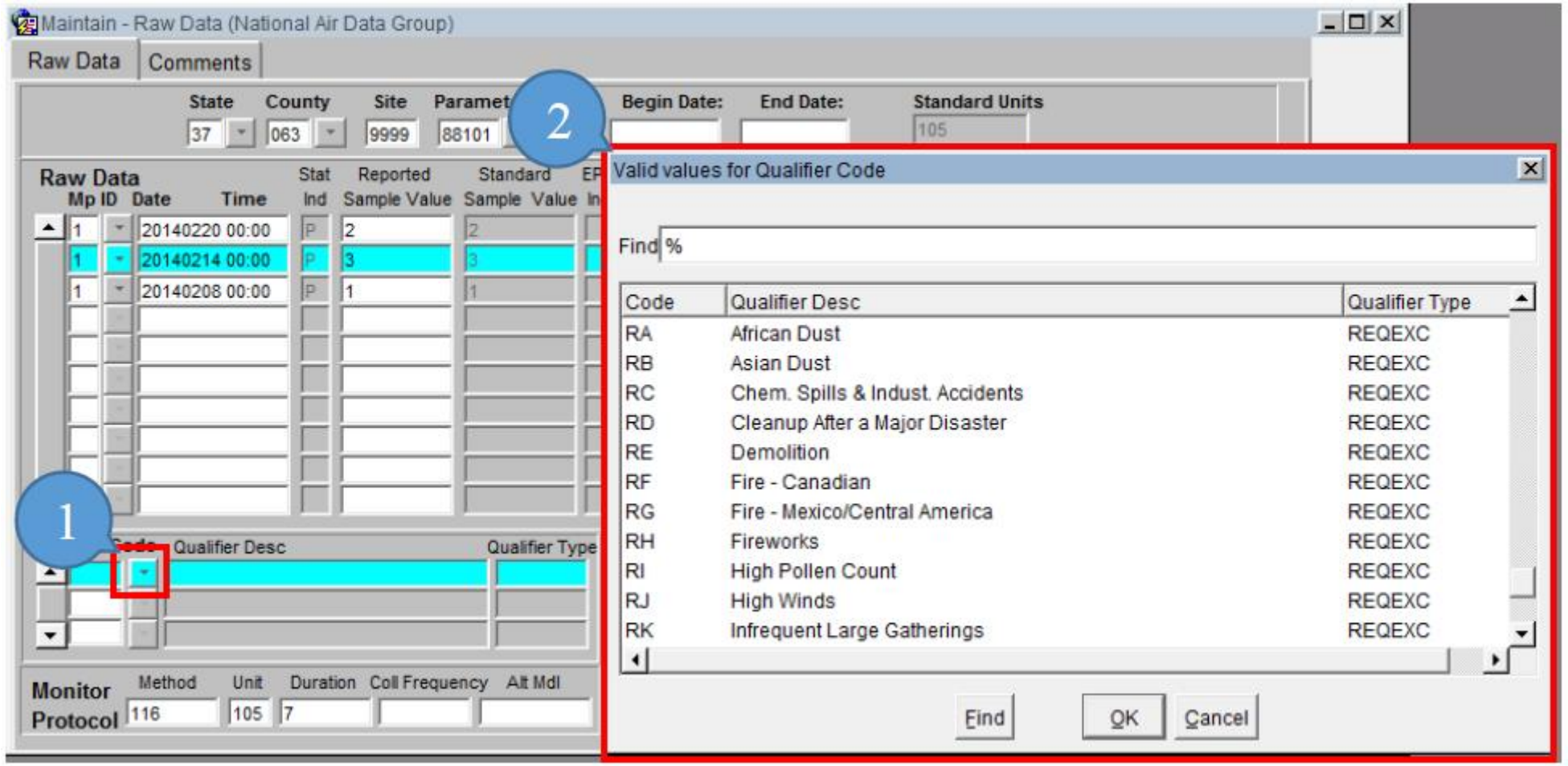
‘R’ Series Flags in AQS



https://www.epa.gov/aqs/aqs-manuals-and-guides

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Identifying New Areas for Mitigation Plans

- EPA-OAQPS is working to develop a consistent and transparent process to identify new areas that require mitigation plans, and welcomes input on key considerations
  - The concept of seasonality
  - Boundary determination for areas

- Once developed, EPA intends to test the new process as a pilot program that does not require mitigation plans
  - Process would be refined with air agency input before full rollout
  - Subsequent identification rounds would take place on a regular basis

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Required Mitigation Plan Components

1. Public notification to and education programs for affected or potentially affected communities

2. Steps to identify, study, and implement mitigating measures

3. Provisions for periodic review and evaluation of the mitigation plan and its implementation and effectiveness by the air agency and all interested stakeholders

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1. Public Education and Notification

- Steps to activate public notification and education systems in advance of expected short-term NAAQS exceedances
- Outreach mechanisms could include: Web site alerts, National Weather Service alerts, telephone or text bulletins, television or radio campaigns, social media announcements
- Supporting actions could include: Adoption of forecasting methods, consultation with health department regarding health advisories, suggested actions for sensitive populations (*e.g.*, remain indoors, avoid vigorous outdoor activity)

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2. Mitigating Measures

- Measures to abate or minimize controllable sources, such as:
  - Continuous operation of normally intermittent controls
  - Modified work practices (*e.g.*, spray for dust suppression)
  - Contingent emissions limits during extreme events
- Methods to minimize public exposure
- Processes to collect and maintain event-related data
- Mechanisms to consult with other air quality managers in the affected area regarding the appropriate responses
  - Collaboration between potentially affected local, state, tribal and federal air quality managers and/or emergency response personnel

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3. Review and Evaluation

- Should include review of implementation and effectiveness by the air agency and all interested stakeholders (*e.g.*, public and private land owners/managers, relevant government agencies, the public)
- Similar to 30-day public comment process required for the public review of an exceptional events demonstration
- Plan for periodic review, including opportunity for new input from stakeholders
  - Air agencies may elect to summarize and submit public comments for subsequent reviews and plan reassessments, but it is not required

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Public Comment Process for Initial Submission

- With the submission of the initial mitigation plan, air agency must
  - Document that a draft version of the mitigation plan was available for public comment for a minimum of 30 days
  - Explains in its submission, for each public comment received, any changes made to the mitigation plan or explain why the air agency did not make changes

- EPA reviews submissions only to ensure that air agencies included required mitigation plan components and conducted public comment process

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Next Steps for Rule Implementation and Mitigation Plans

- EPA is committed to successful implementation of the exceptional events rule, continuing with plans for this year
  - Additional supporting materials, including an update to the 2013 FAQs and new documents to further assist with the development of demonstrations for specific types of events
  - Develop pilot process with air agency input for identifying new mitigation plan areas
  - Mitigation plans for initially identified areas are due September 30, 2018
    - We will begin sharing example plans once finalized

- Visit EPA's website for currently available resources including the final rule, guidance and best practices documents, the mitigation plan checklist, and example demonstrations, with new materials to be posted as they become available
  - https://www.epa.gov/air-quality-analysis/treatment-data-influenced-exceptional-events (or search "EPA Exceptional Events" online)

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Questions and Comments

Email: gibson.benjamin@epa.gov

EPA Exceptional Events webpage:
https://www.epa.gov/air-quality-analysis/treatment-data-influenced-exceptional-events

APPENDIX A, part 1: Table 6. Areas Subject to the Mitigation Requirements in 40 CFR 51.930(b)[a]

Pollutant	AQS Flag[b]	AQS Flag Description	State	Nonattainment Area, County or City Boundary
Ozone	RO	Stratospheric Ozone Intrusion	CO	Denver-Boulder-Greeley-Ft. Collins-Loveland, CO Ozone Nonattainment Area
Ozone	RT	Wildfire-U. S.	CO	Denver-Boulder-Greeley-Ft. Collins-Loveland, CO Ozone Nonattainment Area
Ozone	RT	Wildfire-U. S.	NV	Clark County
PM_{10}	RJ	High Winds	AZ	Phoenix, AZ PM_{10} Nonattainment Area
PM_{10}	RJ	High Winds	AZ	Rillito, AZ PM_{10} Nonattainment Area
PM_{10}	RJ	High Winds	AZ	West Pinal, AZ PM_{10} Nonattainment Area
PM_{10}	RJ	High Winds	AZ	Yuma, AZ PM_{10} Nonattainment Area
PM_{10}	RJ	High Winds	AZ	Gila River Indian Community
PM_{10}	RJ	High Winds	AZ	Salt River Pima-Maricopa Indian Community
PM_{10}	RJ	High Winds	CA	Coso Junction, CA PM_{10} Nonattainment Area
PM_{10}	RJ	High Winds	CA	Imperial Valley, CA PM_{10} Nonattainment Area
PM_{10}	RJ	High Winds	CA	Coachella Valley, CA PM_{10} Nonattainment Area
PM_{10}	RJ	High Winds	CA	San Joaquin Valley PM_{10} Nonattainment Area
PM_{10}	RJ	High Winds	CA	Los Angeles South Coast Air Basin PM_{10} Nonattainment Area

[a] The areas noted in this table were identified using monitoring data in AQS for the January 1, 2013, through December 31, 2015, timeframe. The EPA downloaded data with request exclusion flags in May 2016, matched these data to exceedance days and then identified those areas with three seasons of events within a 3-year period.

[b] The complete list of AQS qualifier codes and descriptions is available at *https://aqs.epa.gov/aqsweb/documents/codetables/qualifiers.html.*

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APPENDIX A, part 2: Table 6. Areas Subject to the Mitigation Requirements in 40 CFR 51.930(b)[a]

Pollutant	AQS Flag[b]	AQS Flag Description	State	Nonattainment Area, County or City Boundary
PM_{10}	RJ	High Winds	CO	Alamosa County
PM_{10}	RJ	High Winds	CO	Prowers County
PM_{10}	RJ	High Winds	NM	Anthony, NM PM_{10} Nonattainment Area
PM_{10}	RJ	High Winds	NM	Luna County
PM_{10}	RJ	High Winds	NV	Nye County
PM_{10}	RJ	High Winds	NV	Clark County PM_{10} Nonattainment Area
PM_{10}	RJ	High Winds	WA	Wallula PM_{10} Maintenance Area
$PM_{2.5}$	RA	African Dust	TX	Harris County
$PM_{2.5}$	RJ	High Winds	TX	El Paso County
$PM_{2.5}$	RS	Volcanic Eruptions	HI	Hawaii County
$PM_{2.5}$	RT	Wildfire-U. S.	CA	Nevada County
$PM_{2.5}$	RT	Wildfire-U. S.	CA	Sacramento, CA $PM_{2.5}$ Nonattainment Area
$PM_{2.5}$	RT	Wildfire-U. S.	MT	Missoula County
$PM_{2.5}$	RT	Wildfire-U. S.	MT	Ravalli County
$PM_{2.5}$	RT	Wildfire-U. S.	NV	Carson City (City)
$PM_{2.5}$	RT	Wildfire-U. S.	NV	Douglas County
$PM_{2.5}$	RT	Wildfire-U. S.	NV	Washoe County
SO_2	RS	Volcanic Eruptions	HI	Hawaii County

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