

# Identifying Additional Areas Subject to Mitigation Plans Under the 2016 Exceptional Events Rule

Informational Webinar

May 19, 2022



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Questions**

# Topics for Discussion

- ▶ Background
- ▶ Identifying Initial Areas Subject to Mitigation Plans in the 2016 Exceptional Events Rule
- ▶ Identifying Subsequent Areas Subject to Mitigation Plan Requirements
- ▶ Mitigation Plan Components
- ▶ Public Input and Periodic Review
- ▶ EPA Review of Mitigation Plans
- ▶ Available Resources

# Identifying Areas Subject to Mitigation Plan Requirements

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# Background

- ▶ The 2016 Exceptional Events Rule promulgated new requirements to develop mitigation plans for areas experiencing recurring events. These requirements are consistent with EPA's mission to protect public health and the principles found in section 319(b)(3)(A) of the Clean Air Act
- ▶ Mitigation plan requirements apply to events of the same type and pollutant (e.g., high wind dust/PM or wildfire/ozone) that meet either of the following:
  - ▶ Three events or event seasons for which air agencies submitted an exceptional events demonstration in a 3-year period
  - ▶ Three events or event seasons that are the subject of an initial notification of a potential exceptional event in a 3-year period regardless of whether the state submits a demonstration
- ▶ Initial notifications were a new requirement in the 2016 Rule that promotes early communication between air agencies and EPA

# Identifying Initial Areas Subject to Mitigation Plans in the 2016 Exceptional Events Rule

- ▶ Preamble of the 2016 Rule identifies 29 initial areas subject to mitigation plan requirements
- ▶ Because the initial notification was a new requirement in the 2016 Rule, EPA did not use it to identify areas with recurring events
- ▶ For these initial areas, EPA identified areas with recurring events as those with:
  - ▶ Three events or event seasons for which an air agency submitted a demonstration within a 3-year period; or
  - ▶ Three events or event seasons in a 3-year period that resulted in a NAAQS exceedance or violation for which the air agency had previously flagged events for concurrence in Air Quality System (AQS) (regardless of whether the air agency submitted a demonstration).

# Identifying Subsequent Areas Subject to Mitigation Plan Requirements

## Step 1- Compiled Preliminary List of Areas

- ▶ EPA used initial notifications and submitted demonstrations to identify recurring events of the same type and pollutant (*i.e.*, high wind dust/PM, wildfire/ozone, fireworks/PM)
- ▶ EPA analyzed events since 2016 on a rolling 3-year basis (*e.g.*, 2016-2018; 2017-2019; and 2018-2020) to identify additional areas subject to mitigation plan requirements
- ▶ Areas with three recurring events in a 3-year period were added to this preliminary list of areas.

# Identifying Subsequent Areas Subject to Mitigation Plan Requirements (continued)

## Step 2- Finalized List of Areas

- ▶ EPA analyzed the preliminary list evaluating event seasons, where appropriate, and area boundaries
  - ▶ A season with multiple events of the same type and pollutant may be treated as a single event season for purposes of developing a mitigation plan
  - ▶ EPA identified boundaries for areas requiring mitigation plans as county boundaries or, in some cases, the boundaries of an existing nonattainment area
- ▶ Based on the review of air quality data and other information, the EPA prepared the final list for inclusion in the notification letters signed by the Regional offices and in the Notice of Availability (NOA)

EPA anticipates following this process every 5 years to identify any new areas subject to mitigation plan requirements.



# Newly Identified Areas

Pollutant	Type of Exceptional Event (AQS flag description)	State	County/Nonattainment area boundary
Ozone	Wildfire-U.S.	NV	Washoe
Ozone	Wildfire-U.S.	CA	Tehama (Tuscan Buttes)
Ozone	Wildfire-U.S.	CA	Ventura
PM <sub>10</sub>	High Winds	CA	Ventura
PM <sub>10</sub>	High Winds	WY	Campbell
PM <sub>10</sub>	High Winds	WY	Sweetwater
PM <sub>10</sub>	High Winds	NM	Bernalillo
PM <sub>10</sub>	Wildfire-U.S.	CA	Santa Barbara
PM <sub>10</sub>	Wildfire-U.S.	CA	San Joaquin Valley
PM <sub>2.5</sub>	Wildfire-U.S.	CA	Butte
PM <sub>2.5</sub>	Wildfire-U.S.	CA	San Joaquin Valley
PM <sub>2.5</sub>	Wildfire-U.S.	CA	South Coast
PM <sub>2.5</sub>	Fireworks	CA	San Joaquin Valley
PM <sub>2.5</sub>	Fireworks	CA	South Coast
PM <sub>2.5</sub>	High Winds	CA	San Joaquin Valley

# Developing Mitigation Plans

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# Mitigation Plan Components

- ▶ At a minimum, each mitigation plan developed shall contain the following components:
  - ▶ Public notification and education programs
  - ▶ Steps to identify, study, and implement mitigating measures, including:
    - ▶ Measures to abate or minimize contributing controllable sources
    - ▶ Methods to minimize public exposure to high concentrations of identified pollutants
    - ▶ Processes to collect and maintain data pertinent to the event
    - ▶ Mechanisms to consult with other air quality managers on appropriate responses to abate and minimize impacts
  - ▶ Provisions for periodic review and evaluation of the mitigation plan and its implementation and effectiveness by the State and all interested stakeholders

# Mitigation Plan Components (continued)

- ▶ The EPA encourages air agencies to leverage and incorporate by reference the applicable content of existing resource documents when developing mitigation plans for exceptional events
- ▶ Example resource documents include:
  - ▶ Natural Events Action Plans
  - ▶ High Wind Action Plan
  - ▶ Smoke Management Program
  - ▶ Subpart H Contingency Plan
  - ▶ Previously developed Exceptional Events Mitigation Plans

# Public Input and Periodic Review

- ▶ With the submission of the *initial* mitigation plan, the air agency must
  - ▶ Document that a draft version of the mitigation plan was available for public comment for a minimum of 30 days
  - ▶ Submit the public comments it received along with its mitigation plan to the Administrator
  - ▶ In its submission to the Administrator, for each public comment received, explain the changes made to the mitigation plan or explain why the State did not make any changes to the mitigation plan
- ▶ The air agency must specify in its mitigation plan the periodic review and evaluation process that it intends to follow for reviews following the initial review

# EPA Review of Mitigation Plans

- ▶ Air agencies with areas requiring mitigation plans must submit mitigation plans to the applicable EPA Regional Administrator within 2 years of notification of this requirement.
- ▶ After this initial 2-year timeframe, if an agency has not submitted a required mitigation plan, the EPA will not concur with the air agency's request to exclude data that have been influenced by an event of the type that is the subject of a required mitigation plan until the required plan is submitted and verified.
- ▶ This process maximizes the flexibility of the air agency while providing for the protection of public health.
- ▶ Once an agency has submitted a mitigation plan, the EPA will review each submitted plan and verify that it includes the required elements.
- ▶ EPA will notify the submitting air agency, usually within 60 days of receipt of the plan, that it has reviewed the mitigation plan and will either verify that the plan contains the required elements or identify any missing elements.

# Available Resources

- ▶ The Exceptional Events Webpage Includes:
  - ▶ Mitigation Plan Checklist
  - ▶ Exceptional Events Frequently Asked Questions (FAQ)
  - ▶ Example mitigation plans (to be added)

EPA Webpage Address:

<https://www.epa.gov/air-quality-analysis/treatment-air-quality-data-influenced-exceptional-events-homepage-exceptional>



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# Thank You for Attending!

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