

THE EXCEPTIONAL EVENTS RULE: U.S. EPA Updates and Overview

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Exceptional Events Background

- As part of the 2005 amendments of the Clean Air Act (CAA), Section 319(b) provides definitions and requirements for excluding air quality data influenced by exceptional events from certain types of regulatory determinations.
- Pursuant to Section 319(b), the EPA originally promulgated the Exceptional Events Rule on March 22, 2007.
- The EPA received a lot of feedback concerning implementation of the 2007 rule, especially about the burden associated with the development of demonstrations and EPA's review of demonstrations.
- On September 16, 2016, the EPA finalized the **2016 Revisions to the Exceptional Events Rule** in an effort to address issues raised by stakeholder consultations and streamline the exceptional events process.

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2016 Exceptional Events Rule – Key Revisions

- Specifies the types of determinations and actions to which the statutory authority in CAA section 319(b) applies
- Mirrors the core statutory elements of CAA section 319(b)
- Introduces the Initial Notification Process to promote early engagement, establish mutual expectations to “right size” effort, assess the purpose for the data exclusion, and confirm what is needed for an approvable demonstration based on the rule
- Establishes high wind provisions initially addressed in 2013 guidance
- Expands fire-related rule language
- Clarifies process for mitigation plans
 - Required elements are intended to balance public awareness of air quality and resources
 - Areas can leverage other plans/resources for mitigation plans
- Introduces intended timelines for EPA responses to demonstrations
- Codifies requirements for the content and organization of exceptional events demonstrations

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Key Messages

- EPA's intent with the 2016 exceptional events rule is to address issues raised by stakeholders and to increase administrative efficiency and reduce the burden of the demonstration process.
- The exceptional events rule addresses specific events and criteria identified under the CAA. This session focuses on Section 319(b) of the CAA and the Exceptional Events Rule. There are other opportunities for data exclusion that we will not cover today.
- Early coordination and communication between EPA and air agencies is critical to ensure that the burden reduction and administrative efficiency benefits of the rule are achieved.
- EPA continues to look for opportunities to improve the process and efficiency – our goal is continuous improvement.

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Next Steps: What Else Would Be Helpful?

- EPA is committed to ongoing and coordinated implementation of this rule. November 2016 workshops were an important first step in successful implementation. EPA is also working internally to ensure nationally consistent and efficient implementation.
- Possible additional implementation tools
 - Revisions to 2013 *Interim Exceptional Events Guidance Documents*
 - Prescribed Fire/Ozone Document
 - Stratospheric Ozone Intrusion Document
 - “Alternate Paths” for Data Exclusion Document
 - Example mitigation plans
- Continued engagement and development of exceptional events resources
 - Templates and supporting documents, including *Best Practices for Multi-State Events*
 - Examples of recently concurred demonstrations
- Check back frequently to EPA’s website!
<https://www.epa.gov/air-quality-analysis/treatment-data-influenced-exceptional-events>

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