

National Air Quality Conference

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AIR QUALITY FORECASTING & MAPPING BREAKOUT

Exceptional Events Rule Updates and Perspectives

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Exceptional Events Rule an Industry Perspective

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Exceptional Events & NAAQS

- Primary NAAQS – health based standards
Health studies and Exceptional Events
- Flexibility consistent with NAAQS
- Limits to develop implementable plans
- What is within the control of non-attainment area regulators
- What would help to achieve attainment

Business as a stakeholder

NAAQS Attainment Designations and SIP Attainment Demonstrations

- Employee / Customer Concerns
- Macro Economic Situation of Non-attainment
- Impact of Additional Regulations/Controls

Exceptional Event process

- Critical for EPA to provide maximum flexibility to the states/tribes/local agencies, ultimately it is up to each regulator to utilize the tools and resources EPA provides.
- In supporting cooperative federalism, EPA should work directly with states that have non-attainment areas to assist them in identifying opportunities to utilize flexibility mechanisms as well as achieve final approval by EPA.

Further areas to investigate

- Expand the types of events which can be considered exceptional
- Expand the use of Exceptional Events for use outside designations
- Provide further guidance for Exceptional Event determinations

Expand the types of events which can be considered Exceptional Events

- EER limited the types of events that could be considered an exceptional event thus excluding some events.
- Arguably EPA had the authority to include other events in the rule.
- Other types could include lightning strikes, unusually high biogenic emissions, and unusual meteorological conditions which bring additional emissions into an area.

Possible Actions:

- EPA could conduct additional rulemaking to include additional types of exceptional events to the maximum extent allowable under the CAA.
- EPA could consider adding provisions to account for situations in which multiple sources of emissions are significantly contributing to an exceptional event.

Expand the use of Exceptional Events for use outside designations

- The current EER provides for the exclusion of data resulting in a NAAQS exceedances or violations.
- There are other situations where event-influenced data may provide additional regulatory flexibility to states.
- For example, exceptional events data could reduce the design value for a areas thus reducing the reductions needed within the area to comply with the SIP planning requirements or even drop an area into a lower non-attainment category.

Possible Action:

- EPA stated in the preamble to the final rule that it intended to address this concern via guidance. EPA could issue this guidance so states can utilize the exceptional events rule for a broader application.

Provide further guidance for Exceptional Event determinations

- While EPA has provided some guidance and tools for submittal of exceptional event demonstrations (e.g. wildfires), additional updates would be helpful to states.
- For example, EPA is working on, but has not yet issued, guidance on exceptional event demonstrations for stratospheric intrusion events.
- As a significant amount of work is required for an exceptional event determination without guidance, states appear to be hesitant to pursue an exceptional events determination without additional certainty.

Possible Action:

- Issue technical guidance to allow for the exclusion of high ozone events resulting from stratospheric intrusions. Issue technical guidance for any new types of events added during future revisions to the EER.

Other assistance to states

- In the proposed Implementation Rule for the 2015 Ozone NAAQS, EPA suggests to limit relief under CAA 179(B) International Transport Provisions to international emissions from Canada and Mexico to border areas .
- EPA also proposed to require marginal ozone nonattainment areas to adopt Reasonably Available Control Measures (RACM) in order to make a 179(B) demonstration. RACM is not required for marginal areas.

Possible Actions:

- If EPA does not reconsider the 2015 Ozone NAAQS, then it could issue the final 2015 Ozone NAAQS Implementation Rule without restrictions proposed regarding the use of 179(B) provisions.
- EPA could allow jurisdictions to make a 179(B) demonstration to show that, but for internationally transported emissions, a nonattainment area would be in compliance with the ozone NAAQS.