



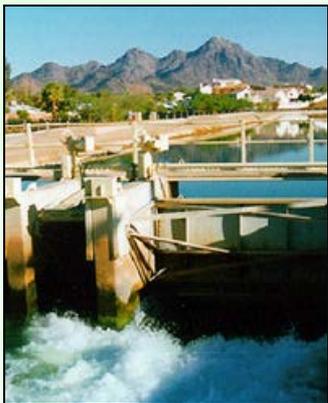
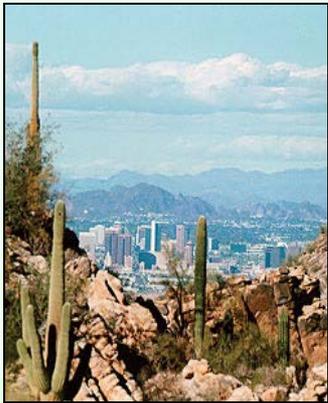
Review of Revised Draft EPA Guidance Documents on the Implementation of the Exceptional Events Rule

MAG Air Quality Technical Advisory Committee

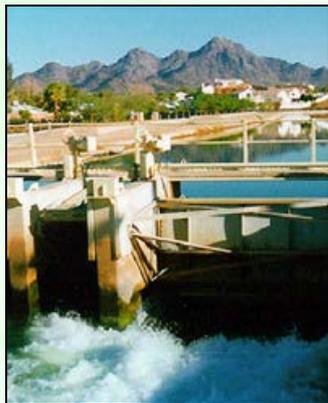
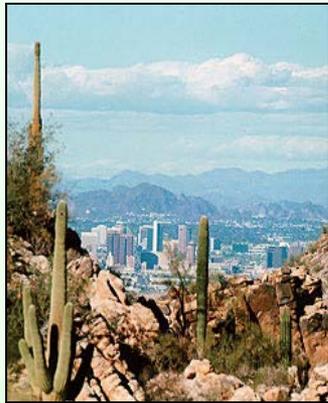
July 26, 2012

EPA Revised Draft Guidance Documents

- **On June 27, 2012 EPA released revised draft guidance documents related to the implementation of the exceptional events rule for public review. These documents are in response to comments provided by state, local and tribal agencies on the initial draft guidance documents issued in May 2011**
 - "Draft Guidance to Implement Requirements for the Treatment of Air Quality Monitoring Data Influenced by Exceptional Events"
 - "Draft Exceptional Events Rule Frequently Asked Questions"
 - "Draft Guidance on the Preparation of Demonstrations in Support of Requests to Exclude Ambient Air Quality Data Affected by High Winds under the Exceptional Events Rule"
 - "Request for Comments on the Draft Guidance Documents on the Implementation of the Exceptional Events Rule"
 - "Responses to Significant First-Round Comments on the Draft Guidance Documents on the Implementation of the Exceptional Events Rule"
- **Notice of Availability of Draft Guidance Documents published in the Federal Register on July 6, 2012; public comments due to EPA by September 4, 2012**



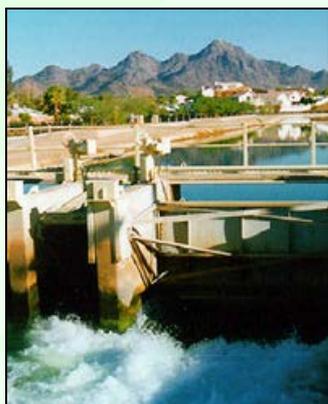
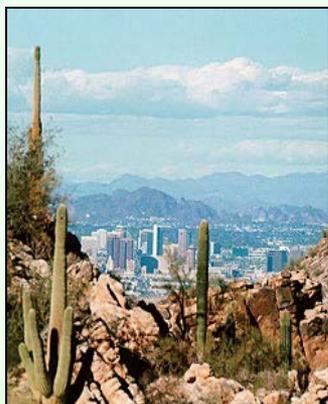
MAG Comments on May 2011 Guidance



- EPA should provide that implementation of RACM and BACM will be considered to meet EER requirements related to “reasonably controllable or preventable”
- EPA should not specify a minimum wind speed for definition of an EE or create a regulatory presumption as to minimum wind speed
- EPA should not link the “recurrence” criteria in the statutory EE definition to requirements for additional controls or to otherwise establish a “more than once a year” definition of recurrence
- If the EPA decides to allow for voluntary High Wind Action Plans, the Agency should not require continual revision and updating of the plans (e.g., upon recurrence of EEs)
- EPA should recognize that EEs can and do occur at one monitor while other monitors in the same area may not violate an air quality standard
- EPA should accelerate the time frames for review and decisions on EEs and not require up to 18 months for Agency review of complete requests for treatment of data as an EE
- EPA should consider additional technical information with regard to wind speed and aerodynamic entrainment and correct errors in its analysis of these matters

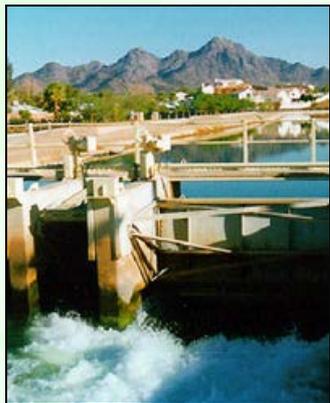
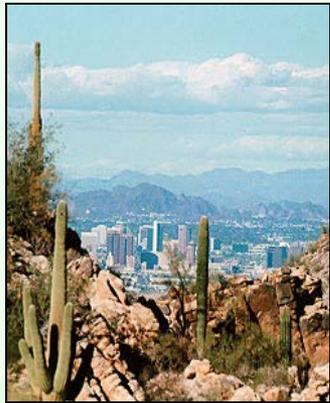
EPA response to MAG May 2011 Comments

- **Comment: EPA should provide that implementation of RACM and BACM will be considered to meet EER requirements related to “reasonably controllable or preventable”**
- Response: EPA refers to responses given to other commenters. Summary of EPA’s responses include:
 - Creation of a Prospective Controls Analysis, a generic review of an area’s current windblown dust controls and high wind threshold which would be valid for three years;
 - If EPA has an approved SIP (less than three years old) with high wind controls and an agreed upon high wind threshold, those controls would be considered reasonable;
 - “We have revised the draft High Winds Guidance document to indicate that implementing windblown dust BACM that has been recently approved or reviewed (within the past three years) generally should be adequate to satisfy the “not reasonably controllable” element provided the high wind threshold is exceeded. Further we have revised the BACM/RACM language...to clarify that we will only consider windblown dust BACM as relevant BACM measures to reasonably control windblown dust during high winds.”



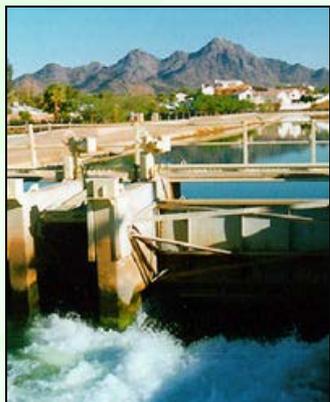
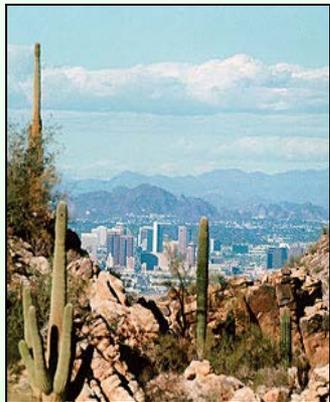
EPA response to MAG May 2011 Comments

- **Comment: EPA should not specify a minimum wind speed for definition of an EE or create a regulatory presumption as to minimum wind speed**
- **Response: EPA refers to response given to other commenters. Summary of EPA's response includes:**
 - "In identifying a high wind threshold, the EPA does NOT intend to set a bright line as to what speed constitutes a high wind dust event or to categorically concur with all events with sustained winds above a given threshold. The high wind threshold is the minimum threshold wind speed capable of overwhelming reasonable controls on anthropogenic sources or causing emissions from natural undisturbed areas."
 - "Given numerous commenters concerns regarding the EPA's use of a default threshold, the EPA has modified its revised draft guidance. The EPA now suggests that agencies develop a high wind threshold for each area experiencing high wind dust events."
 - A high wind threshold analysis can be submitted separately, as part of an event demonstration, or as a component of a Prospective Controls Analysis of High Wind Action Plan. Wind tunnel tests, scientific literature, and/or monitoring data can be used to identify local thresholds.



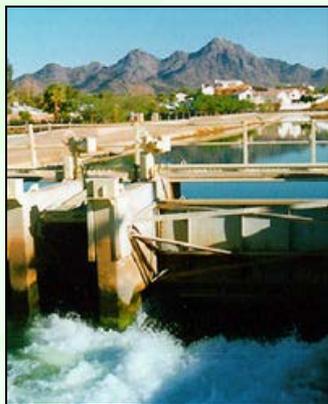
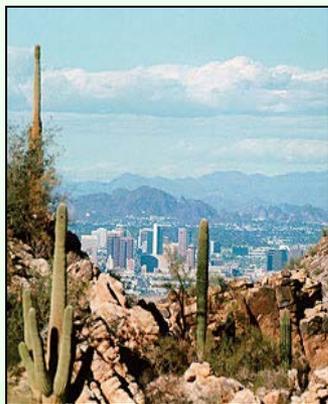
EPA response to MAG May 2011 Comments

- **Comment: EPA should not link the “recurrence” criteria in the statutory EE definition to requirements for additional controls or to otherwise establish a “more than once a year” definition of recurrence**
- **Response: EPA refers to response given to other commenters. Summary of EPA’s response includes:**
 - “The draft guidance said that in assessing whether an event was not reasonably controllable, the EPA would take into account whether the high wind event type was recurring such that more effective, but costly, controls would be reasonable compared to the situation in which a high wind event had been a unique occurrence...the EPA has reconsidered this approach and is de-emphasizing recurrence.”
 - High Winds Guidance document modified to de-emphasize recurrence when assessing “not reasonably controllable or preventable” analysis; made a basic controls analysis more robust; added Prospective Controls Analysis and High Wind Action Plan options



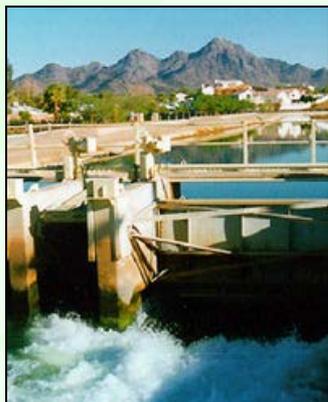
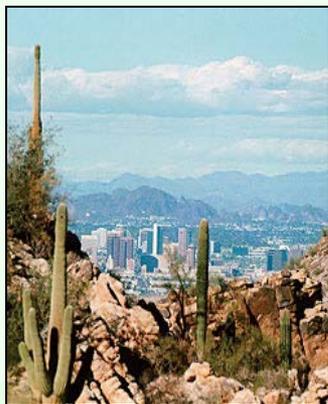
EPA response to MAG May 2011 Comments

- **Comment:** If the EPA decides to allow for voluntary High Wind Action Plans, the Agency should not require continual revision and updating of the plans (e.g., upon recurrence of EEs)
- **Response:** “The EPA is de-emphasizing consideration of recurrence and adding a prospective controls analysis, which should address these concerns. See response to comment 7.4.1 and 7.5.9.”
- In the revised guidance documents, a High Wind Action Plan largely is designed for newly-identified sources of windblown dust.
- The EPA does address nonattainment areas in regards to High Wind Action Plans specifically in the draft High Winds Guidance document. “A PM nonattainment area is expected to have reasonable controls in place, but there may be new sources or improved controls that are identified after the original implementation of reasonable controls. Additionally, during high wind conditions, sources outside the designated area may contribute to violations in the nonattainment area. The EPA will consider the wind speeds in the event(s) in question relative to the high wind threshold in determining if additional controls are reasonable.”
- EPA may request an area submit a High Wind Action Plan in order to concur on some events if EPA believes additional reasonable controls are required



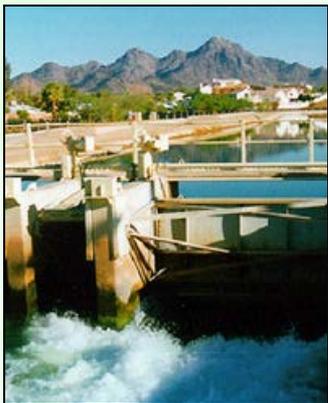
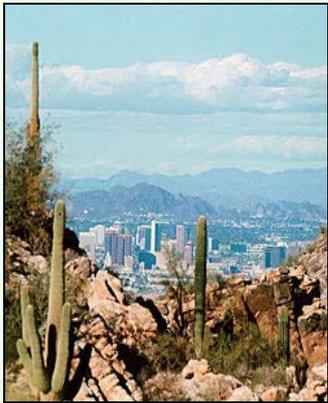
EPA response to MAG May 2011 Comments

- **Comment: EPA should recognize that EEs can and do occur at one monitor while other monitors in the same area may not violate an air quality standard**
- **Response:** “The EPA agrees that high wind dust events can affect one monitor and not others and has revised the draft High Winds Guidance document to more clearly reflect this point. Agencies believing this scenario occurred in their areas are encouraged to explain the spatial extent of the exceedance in the conceptual model of their demonstration. For example, if the agency describes the event as a **regional** dust storm, then the EPA would expect monitors within the same **regional scale** to be similarly affected by the dust storm. Note that if the exceedance is due to low wind speeds, or sources that should have been reasonably controlled (e.g., lack of implementation or enforcement of controls) then this event would not meet the ‘not reasonably controllable or preventable’ requirement.”



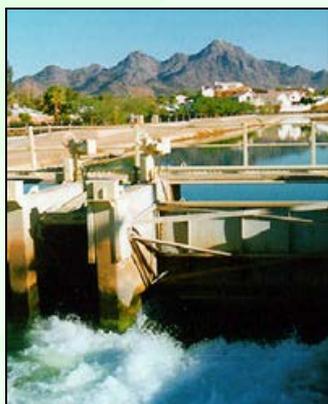
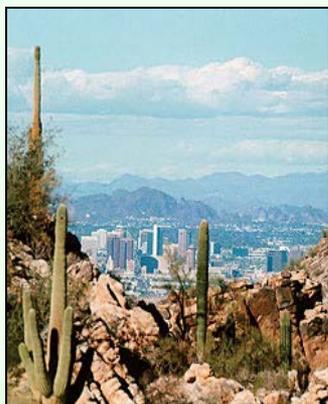
EPA response to MAG May 2011 Comments

- **Comment:** EPA should accelerate the time frames for review and decisions on EEs and not require up to 18 months for Agency review of complete requests for treatment of data as an EE
- **Response:** "The EPA will strive to review packages in less than 18 months, but the EPA's review of some demonstrations may take a full 18 months."



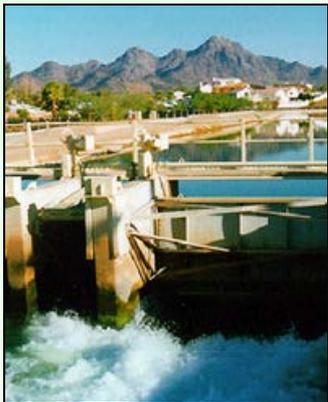
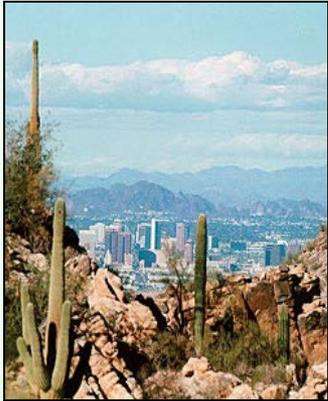
EPA response to MAG May 2011 Comments

- **Comment: EPA should consider additional technical information with regard to wind speed and aerodynamic entrainment and correct errors in its analysis of these matters**
- Response includes: “While the information presented in MAG’s detailed comments provides useful information on the mechanics of windblown dust in some areas, the high wind threshold is intended to represent the conditions that are capable of overwhelming reasonable controls on anthropogenic sources (i.e., significant emissions from controlled sources) or causing emissions from natural undisturbed areas, not the wind speed at which *any* level of emissions could occur from *any* source. This approach is also consistent with the Natural Events Policy where EPA required air agencies to define the conditions in which BACM level controls were overwhelmed.”
- “The EPA now suggests that agencies develop a high wind threshold for each area experiencing high wind dust events...local high wind thresholds should define the local conditions capable [of] overwhelming reasonable controls on anthropogenic sources...or causing emissions from natural undisturbed areas and should be supported and justified by local research.”



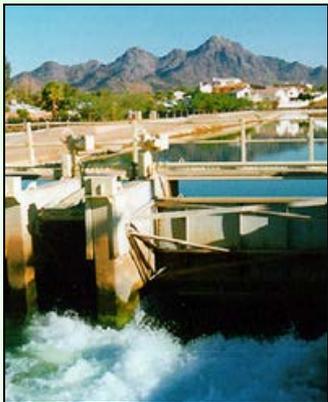
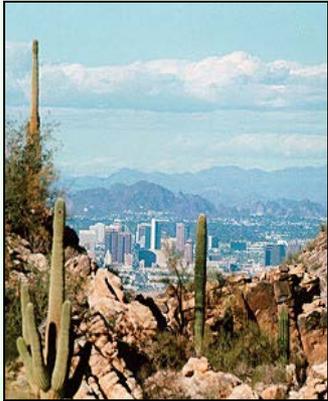
Additional Highlights from Revised Guidance Documents

- EPA acknowledges the existence of “extreme” exceptional events (haboobs, tornados, volcanic eruptions) and that those events “may require more limited documentation”
- Reasonable controls generally would not need to be implemented for undisturbed natural landscapes
- “The EPA still maintains that the reasonableness of controls can depend on the number of days per year on which they will have an air quality benefit”
- Intrastate transport requires an evaluation on whether neighboring county emissions are not reasonably controllable or preventable
- The EPA is deferring a decision of whether to revise the Exceptional Events Rule
- No new dispute resolution process proposed in guidance or as a possible rule revision



Additional Highlights from Revised Guidance Documents

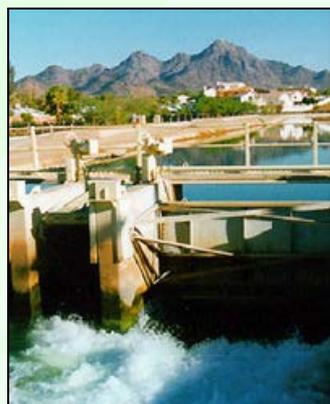
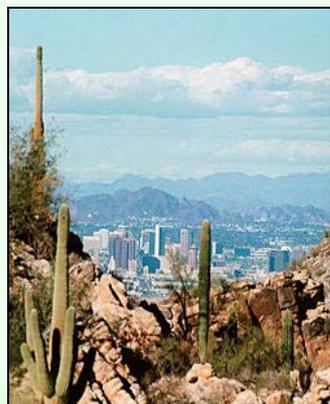
- EPA is requiring that wind speed be expressed as hourly averages in determining whether the threshold wind speed was exceeded; If one hour exceeds the threshold EPA will “generally accept” that high winds caused the exceedance. EPA is allowing for the use of modeled wind speeds if meteorological data is not available
- EPA’s Notice of Availability considers Arizona’s recent submittal for the July 2-8, 2011 exceptional events an example of a “stream-lined” submittal, chiefly because multiple exceedances are included in the same demonstration





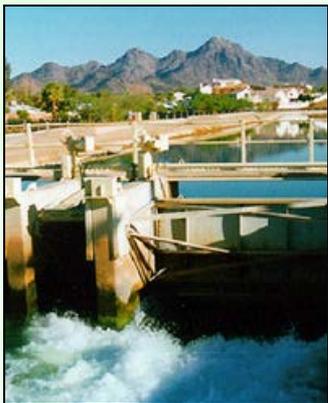
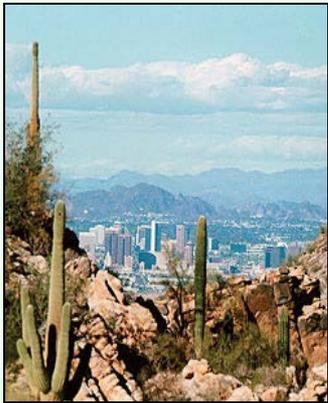
EPA Soliciting Comments on These Topics

- **Specific, broadly applicable, streamlining mechanisms**
- **Available web-based information, links, tools, or methodologies**
- **Available sources of wind data and their use in local high wind thresholds**
- **Additional feedback and tools converting 1-5 minute wind speed data to hourly data**
- **The anticipated use and functionality of the Prospective Controls Analysis and High Wind Action Plan**
- **Technical analyses demonstrating wind speeds exceeding high wind threshold and that the exceedance was caused by not reasonably controllable emissions**
- **The utility of the "Information only" ("I") flags in AQS**
- **Characterizing "extreme" events**



Implications of Revised Guidance for the Maricopa Region Exceptional Events

- Workload required to document exceptional events unlikely to be less under revised guidance; An approved Prospective Controls Analysis may help in regard to future events, but significant work is required to produce a Prospective Controls Analysis
- High Wind Action Plan unlikely to be of use, since EPA associates these primarily with newly-identified sources; However, EPA may require an HWAP if EPA identifies new sources or new “reasonable” controls
- The region will need to develop a local high wind threshold for when BACM and other local controls are overwhelmed, as the 25mph default is too high for this region
- EPA still maintains that it can require additional controls beyond RACM/BACM, or what may exist in the SIP and/or local rules if EPA determines additional controls are “reasonable” through their analysis of an exceptional event demonstration
- Timeframe for EPA approval of demonstrations unchanged, still may take up to 18 months to approve





For More Information

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