December 14, 2018

Mr. Ben Gibson
Air Quality Policy Division
Office of Air Quality Planning and Standards
U.S. Environmental Protection Agency
109 T.W. Alexander Drive, C539-04
Research Triangle Park, NC. 27711

Dear Mr. Gibson,

Thank you for the opportunity to comment on the October 2018 draft titled *Additional Methods, Determinations, and Analysis to Modify Air Quality Data Beyond Exceptional Events*. The Western State Air Resources (WESTAR) Council appreciates the evaluation that EPA conducted to review additional methods to exclude data that are explicitly allowable under the Clean Air Act and EPA rules or guidance. The impact of uncontrollable and unpreventable sources of elevated air quality concentrations touches many aspects of the 15 western states air quality agencies that WESTAR represents. Having a clear understanding of when and how to remove these events from air quality data is important not only for satisfying federal regulatory requirements, but also state regulatory actions, communicating to the public, air quality research, and working with non-government organizations.

WESTAR appreciates that this memorandum addresses modeling, regional haze, limited maintenance plans, and monitoring requirements. WESTAR had hoped this guidance would provide significant clarification on a wide variety of situations that our states encounter when using ambient air quality data, including a streamlined submission process for straight-forward PM$_{2.5}$ wildfire events. These events impact almost all WESTAR states and are frequently caused by regional and international fire activity. Some other areas that WESTAR would recommend providing guidance are as follows.

- Consistency in ambient air data used for regulatory decisions at the state level vs. federal level.
- Existing agreements with EPA to use ambient monitored data to determine compliance with NAAQS.
- Use of ambient data from AQS/Data Mart for health and air quality studies.

- Use of ambient data by NGO's for modeling, reports to the public and petitions.
- Appropriate characterization of ambient data for any use in the public realm, such as media requests during wildfire season and requests from students for school projects.
- Anthropogenic pollutants from international sources and/or long-range transport.
- Reporting required by the State/EPA Performance Partnership Agreement.

WESTAR states maintain that many, if not all, exceedances caused by an exceptional event are significant, not just those with current regulatory significance, and that it is important to demonstrate to data users the difference between exceedances that are anthropogenic versus those that are non-anthropogenic and/or exceptional in nature. Properly characterizing these exceedances in the public record and providing scientific evidence supporting the claim of exceptionality is essential to our shared role of serving the public. These data are used by the public, researchers, and other agencies to make scientific, public health, and policy decisions. As of now, the only method to get these data excluded with certainty in the public record (AQS specifically) is to meet the provisions of regulatory determinations in (A) – (E) of the Exceptional Events Rule and obtain concurrence from EPA. WESTAR encourages EPA to consider regulatory significance beyond the NAAQS levels to events close to the exceedance threshold. When accounting for future growth, events near the NAAQS threshold can impact regulatory decisions.

WESTAR encourages EPA to update all of EPA’s electronic data systems (e.g. AQS, Data Mart, AirData, AirNow, AirNow Tech) to clearly and accurately show that data has been influenced by an exceptional event or non-anthropogenic event as flagged by the state, local, or other regulatory agency. This would include making flags, notes, and design values revised to exclude exceptional events available and easily accessible. WESTAR also encourages EPA to continue funding and development of the aging AQS and its interface, if AQS continues to be an integral part of compliance with 40 CFR Parts 50 and 58.

As WESTAR has commented previously, there may be other compelling reasons beyond the five regulatory determinations (A-E) why states would seek EPA action on an exceptional event demonstration. These could include exceedances that may contribute to a violating design value in a future year; existing agreements between EPA and state or local governments to use monitored data to determine NAAQS compliance; future exceptional event demonstrations that use historical data comparisons; and to address public perception of air quality in a region.

We appreciate that EPA has provided for an alternative to the Exceptional Events Rule, with the understanding that this alternative will address exceptional events that do not fall into the list of five regulatory determinations (A-E) identified in the Rule, allowing for other methods of data exclusion on a case-by-case basis (F).
On page 2 of the additional methods memo, the last sentence of the “Determination and actions covered by the Exceptional Events Rule” section states “… the case-by-case provision is not intended to serve as a data-exclusion mechanism for determinations by the Administrator not influenced by exceedances or violations of the NAAQS, nor for non-regulatory purposes”. We are concerned that the “nor for non-regulatory purposes” portion of this statement may lead to confusion and potential problems, depending on the intent of the phrase. States would benefit from further clarification and examples on what constitutes a regulatory action under the ‘case by case’ option. WESTAR encourages EPA to clarify the statement “… nor for non-regulatory purposes,” and, in doing so, to include an option for an EPA regional office and state to decide on a case-by-case basis that data from an event outside the listed regulatory actions may be considered for exclusion as an exceptional event.

WESTAR also encourages EPA to clarify the practical impacts of exceptional events on IMPROVE data used to comply with the Regional Haze Rule. Wildfire smoke is frequently the source of significant air pollution throughout the western U.S., impacting both populated and remote Class I areas. EPA has attempted to address the prevalence of wildfire smoke impacts to Class I areas in the Regional Haze Rule by creating an impairment metric intended to exclude these impacts. In the context of wildfire impacts to communities, the Exceptional Events Rule provides a different means of excluding these same impacts in the NAAQS context. WESTAR believes that the Exceptional Event Rule would, in practice, not provide a reasonable way to remove these data due to 1) the lag time between the event occurring and the data becoming available to states, 2) the remote locations of the IMPROVE monitors compared to the SLAMS monitors that are frequently flagged for exceptional events, and 3) the complicated relationship between particulate concentrations and visibility impairment.

On the one hand, EPA acknowledges that regional haze monitoring data affected by natural events does qualify for exclusion under the exceptional events rule. On the other hand, EPA does not provide any relevant guidance as to how it could be done in the context of the Exceptional Event Rule, other than to refer to the Regional Haze Rule. More explanation is needed in the guidance to describe the differences between these two programs and the reasons for treating data differently from the same pollution source.

WESTAR appreciates the confirmation that exceptional events that impact an area’s ability to initially qualify for the limited maintenance plan (LMP) approach may be excluded by submitting a demonstration. Areas with LMPs must report annually that they continue to qualify for the LMP approach. States often exclude values that could technically qualify as exceptional events without submitting an exceptional events package when they report the area continues to be below the limited maintenance plan threshold. WESTAR’s stance is that states should not be required to develop and submit demonstrations to show continued LMP qualification for future
years. WESTAR recommends adding language to limit the requirement to submit an exceptional event package to the initial LMP submission and not for annual status updates.

Lastly, regarding Table 2 of the guidance, WESTAR disagrees with EPA’s determination that exceptional events should not be considered when determining monitoring requirements. Exceptional events (primarily wildfires) are the direct cause of elevated concentrations and corresponding design values in many western communities. The inclusion of exceptional events could cause states to allocate more resources to satisfy additional monitoring requirements. WESTAR believes states should not have to set up new monitoring sites, increase the sampling frequency of filter-based monitors (FRM’s), or make any other significant alterations, if the agencies have confidently flagged data as exceptional events. WESTAR would like to further emphasize that monitoring requirements should be considered regulatorily significant since they are mandated through the code of federal regulations.

On behalf of WESTAR, I reiterate our appreciation that EPA has sought out comment in the additional methods memorandum. I encourage EPA to continue to include states in the development of future Clean Air Act implementation activities such as this one. Please do not hesitate to contact Kristen Martin of the Montana Department of Environmental Quality – Air Quality Bureau, or Bob Lebens at WESTAR, if you have any questions or need additional information about our comments.

Sincerely,

Nancy Vehr, President
Western States Air Resources Council