

US EPA ARCHIVE DOCUMENT



July 31, 2012

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The Honorable Lisa P. Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Dear Administrator Jackson:

The Local Government Advisory Committee (LGAC) appreciates having the opportunity to work with you and the US EPA on a wide range of issues of interest and concern to local governments. More specifically, the Committee is particularly grateful to have the opportunity to comment again on the *Draft Guidance to Implement Requirements for the Treatment of Air Quality Monitoring Data Influenced by Exceptional Events* (the Exceptional Events Rule (EER)). The LGAC provided a comment letter to you dated July 14, 2011 in response to previous versions of these draft guidance documents released by EPA for comment in May 2011. The Committee greatly appreciates the opportunity to see how EPA meaningfully incorporates some of the comments received by the Committee, as well as many state, local, and tribal agencies, into revised documents that reflect and address our concerns.

In the July 2011 letter, the LGAC focused on the need for: 1) Clear guidance on determining what qualifies as an exceptional event and detailed requirements for a successful exceptional events package; 2) Reducing the regulatory burden on local governments, both in terms of time and of cost; and 3) Providing separate guidance documents for exceptional events related to wildfires, prescribed burning, and agricultural burning. The LGAC recognizes and appreciates that many of these concerns are addressed in the updated draft guidance.

The LGAC supports EPA's goal to establish clear expectations to enable affected agencies to better manage resources as they prepare the documents required under the EER. Providing examples of demonstrations from air agencies that have been approved by EPA is vital and will greatly help local agencies prepare successful demonstration packages efficiently. The LGAC appreciates that EPA addressed its concerns about the lack of clear guidance for submitting an exceptional events package. The online examples, outlines, frameworks, and the presentation "Presenting Evidence to Justify Data Exclusion as an Exceptional Event: Ideas based on how the EPA has recently documented events to support regulatory decisions" will prove to be an immense aid to local agencies and

governments as they prepare their own event packages, and the LGAC hopes that some of these successful packages could be transferable and serve as a model for future events.

The LGAC previously commented that EPA's proposed deadline of 18 months for a decision on a submitted package is rather long; instead, the Committee recommended, and continues to support, a timeline of six months to one year. While EPA's current draft guidance keeps the 18 month deadline, the LGAC does appreciate that EPA will generally prioritize exceptional event determinations that affect near-term regulatory decision. Local agencies and governments often face timelines by which they must make regulatory decisions that can be affected by the inclusion or exclusion of event-affected data.

The LGAC appreciates EPA's recognition of the limited resources of the local agencies that prepare and submit exceptional event demonstration packages. The preparation and submittal of a package is a resource intensive process, and delays in processing and making decisions on submitted packages create regulatory uncertainty and potentially increase the workload for both the submitting agency and EPA. By providing examples of approved packages online, EPA will help local agencies reduce delays by making sure the package is complete and includes all necessary documents and data. The detailed draft guidelines for identification, preparation, submittal, and review process for events is similarly valuable and helpful for local agencies. The LGAC anticipates that as EPA continues to review packages, additional streamlining opportunities will become apparent, and the resources required to prepare and review these packages will continue to decrease.

Additionally, the Committee appreciates EPA's proposed optional "High Wind Action Plan" and guidance document, which will help states, tribes, and local governments and agencies streamline the development of high wind demonstrations by sharing information on in-place and needed controls and mitigation processes.

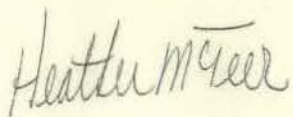
As stated in the May 2011 letter, the Committee anticipates separate guidance documents addressing the preparation of demonstrations to support wildfire-related event claims, prescribed burning, and agricultural burning events. It would seem reasonable and necessary to address prescribed burning as a tool to improve air quality, or at least to lessen the harmful effects of wildfires on air quality. The failure to allow for an exception for these types of activities could, in the long run, be detrimental to long-term air quality in western and rural communities.

Finally, the LGAC is still unsure as to how this EER guidance will be impacted by current and upcoming EPA rules and regulations, such as the PM 2.5 revisions and review of the ozone standard. Lowering these standards could make exceptional events demonstrations more important for local governments to use in order to keep an area in attainment status. The Committee anticipates additional guidance from EPA regarding this aspect.

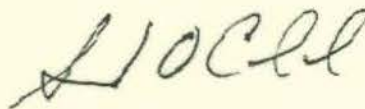
The Committee appreciates the reforms the Agency is considering to streamline the Exceptional Events process and is grateful that EPA has addressed many of its concerns in the recent draft guidance for implementation of the EER. However, there are still outstanding issues for local governments that need attention, as outlined above, and the Committee believes there are likely more opportunities for EPA to

simplify and streamline the process. As EPA continues to look at issues such as agricultural burning and prescribed burning, the Committee looks forward to providing comment on those separate guidance documents as they are proposed.

Sincerely,



Mayor Heather McTeer
Chair, LGAC



Supervisor Salud Carbajal
Chair, Air, Climate & Energy Workgroup

