



Environmental Council of the States

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March 8, 2024

Gobeil McKinley
Office of Air (OAR), Office of Air Quality Planning and Standards (OAQPS)
Air Quality Policy Division, (AQPD)
Environmental Protection Agency
109 TW Alexander Dr.
Durham, NC 27711

Re: Exceptional Events Documents and Tools
Docket ID No. EPA-HQ-OAR-2023-0586
[Submitted electronically through www.regulations.gov]

Dear Gobeil McKinley:

The Environmental Council of the States (ECOS) is writing to provide input to the U.S. Environmental Protection Agency (EPA) on the recently released *Exceptional Events Documents and Tools*. ECOS is the national, non-partisan, non-profit association of state and territorial environmental agency leaders. Throughout our comments, the use of the word “states” is inclusive of states, territories, and the District of Columbia. These comments do not necessarily reflect the views of every state environmental protection agency. As such, ECOS asks EPA to carefully consider the input of our individual member agencies, which are best positioned to convey their own unique perspectives.

More frequent and intense wildfires have triggered an unprecedented number of significant smoke events that are impacting states’ ability to comply with the National Ambient Air Quality Standards (NAAQS). The Exceptional Events Program provides an important framework for state agencies to request exclusion of air quality data influenced by these exceptional events and states appreciate EPA taking action to provide analytical tools and products that assist with the implementation of the Exceptional Events Program.

ECOS believes that EPA’s Wildland Fire Exceptional Events Tiering Document for PM_{2.5} can foster greater uniformity and understanding among states and EPA regional offices regarding the requisite level of technical analysis required for events of different severity. This will help states more efficiently develop approvable exceptional events demonstrations for each tier. EPA could improve this guidance by identifying a specific timeframe for the EPA to review and notify states of the Agency’s determination of the appropriate tier for an exceptional event demonstration. That timeframe should adequately account for the deadlines that states must meet to finalize and submit the relevant demonstrations. Both states and the EPA would gain from additional clarity and commitment concerning the tier determination timelines.

More broadly, ECOS urges EPA to collaborate with states to assess the performance of the Exceptional Events Rule and identify meaningful changes that will improve the efficiency of the demonstration process and reduce the workload on air agencies. EPA and states should cooperatively identify ways to

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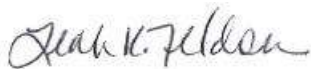
streamline and update current rules and processes for exceptional events demonstrations to better account for the increased frequency of wildfires, the need to improve landscape resiliency through increased size and scale of prescribed burns, and other exceptional events that trigger short-term NAAQS exceedances and nonattainment. The Agency should better integrate the increased frequency of exceptional events into NAAQS implementation, attainment planning, and SIP development.

ECOS also encourages EPA to facilitate more opportunities to share data and information that can help states develop exceptional events demonstrations. Preparing a demonstration is an extremely time- and resource-intensive activity. All agencies would benefit from better sharing of satellite imagery, modeling data, and approved demonstration packages so that certain inputs may be reused as appropriate. ECOS encourages EPA to continue working with states to improve and enhance the Exceptional Events Tracking System (EETS) as one potential mechanism for sharing and reusing data and other resources.

Finally, ECOS underscores the critical need for resources and appropriate flexibility for underfunded air programs. The strain on agency capacity will only grow as the number and severity of exceptional events increases. ECOS asks Congress and EPA to provide states with funding for FY25 based on 2010 funding adjusted by a 1.4% yearly inflation factor through FY23 to begin to address funding needs. That equates to \$271.9M for State and Local Air Quality Management grants (CAA §§103, 105, and 106). Without sufficient resources and meaningful process improvements, state agencies will struggle to keep pace with the anticipated demands of implementing the Exceptional Events program.

Thank you for the opportunity to provide comments on this important matter. ECOS looks forward to increased and urgent engagement on exceptional events and welcomes expanded opportunities for collaboration through the ECOS Air Committee and the leadership of ECOS and EPA. Please do not hesitate to contact me if you have any questions or suggestions. Thank you for your consideration of our comments.

Sincerely,



Leah Feldon
ECOS Air Committee Chair
Oregon Department of Environmental Quality