ATTACHMENT 1

Exceptional Events Rule Frequently Asked Questions

The Exceptional Events Rule of 2007[1] supersedes EPA's previous Exceptional Events guidance and policy documents and creates a regulatory process codified at 40 CFR parts 50 and 51 (50.1, 50.14 and 51.930). The Exceptional Events Rule (EER) recognizes that each potential event can have different or unique characteristics, and thus, requires a case-by-case demonstration and evaluation. Therefore, the EER adopts a "weight of evidence" approach in evaluating each demonstration to justify excluding data affected by an exceptional event.

Technical questions and issues related to implementation have arisen since the EER was promulgated. This Question and Answer (Q&A) document is intended to respond to some of these frequently asked questions and to provide instruction and clarification to state[2], local, and tribal agencies implementing the EER. For organizational ease, this document has been divided into the following topical sections:

A. Historical Fluctuations
B. "But For" Test
C. Exceptional Event Data Flagging Schedules
D. General AQS Procedures
E. General Exceptional Events Rule Applicability and Implementation Issues
F. Exceptional Event Data Flagging for Air Quality Concentrations that Could Contribute to an Exceedance or Violation of the National Ambient Air Quality Standards

Each section contains related questions. Readers of this document can find additional information at EPA's Exceptional Events website located at http://www.epa.gov/ttn/analysis/exevents.htm.

Disclaimer
The Exceptional Events Rule is the source of the regulatory requirements for exceptional events and exceptional event demonstrations. This Q&A document provides guidance and interpretation of the Exceptional Events Rule rather than imposing any new requirements and shall not be considered binding on any party.

[1] "Treatment of Data Influenced by Exceptional Events; final Rule," 72 FR at 13563, March 22, 2007.
[2] All subsequent references to "state" are meant to include state, local and tribal agencies responsible for implementing the EER.

EE FAQs

the data as an exceptional event, and the state may, therefore, delete the flag or retain the "I" series flag. EPA does not intend to review or concur on the Information Only "I" series flags. States should ensure that they have submitted the correct flag by July 1 of the calendar year following the year in which the flagged measurement occurred or by the other deadlines identified with individual NAAQS revisions (see Question C7).

11. **Question:** The "j" flag was "Construction/Demolition." The new IE/RE flag is demolition; can it also be used for construction?

    Answer: No, the IE/RE flag should not be used for construction.

    Generally, construction activity is not considered to be exceptional. Reasonable and appropriate controls capable of preventing localized NAAQS exceedances are expected to be available during most construction events. In some cases, however, construction activities may involve very high-energy emissions-generating physical processes, such as explosive excavation. This might be a scenario in which dust control measures are not adequate to prevent exceedances / violations in the vicinity of the activity.

    If an agency wishes to "flag" data related to exceedances caused by some construction activity, the agency should use the IL/RL "other" exceptional events flag. The IE/RE flag should only be used when an exceptional demolition event occurred and the agency wishes to flag the data for exclusion as an exceptional event. States using either the IE/RE (demolition) flag or the IL/RL (other, including construction) flag to identify an exceptional event would be expected to show in a demonstration submittal that all reasonable and appropriate controls were in place during the construction / demolition activity, and that those controls proved inadequate to prevent NAAQS exceedances. The demonstration would also need to meet all other requirements of the Exceptional Events Rule.

12. **Question:** The National Park Service operates ozone monitors in some locations that meet all requirements of 40 CFR part 58. Can a state request exclusion of data from such monitors under the EER, and exclusion of other data not collected by the state itself that may lead to a nonattainment finding?

    Answer: Yes. However, special steps need to be taken with regard to data handling within AQS. Under normal circumstances, a state will not have access rights to apply event flags to data from monitors operated by the National Park Service or other federal agencies. The state should first contact the agency operating the monitor to request it to flag the data in question. If the request is unsuccessful, the state should contact the EPA Regional Office for assistance. Regardless of whether the monitor operator or the EPA Regional Office flags the data in question, it is the state's responsibility to prepare the demonstration and submit it to EPA under the applicable schedule. The agency operating the monitor may choose to assist in this process.

bum schedule

13. **Question:** Events can make an air concentration significantly higher than it would have been in the absence of the event contribution, and elevate the 3-year design value for

→2011 data