Mr. Ben Grumbles
Secretary
Maryland Department of the Environment
1800 Washington Boulevard
Baltimore, MD 21230

Dear Secretary Grumbles,

This letter responds to the Maryland Department of the Environment (MDE) submittal dated May 31st, 2017, requesting that the EPA concur with the MDE's request to exclude data associated with exceptional event claims for 8-hour ozone data influenced by northwestern Canada wildfires on July 21 and 22, 2016. MDE determined that the northwestern Canada wildfires caused elevated ozone concentrations at 12 monitors throughout Maryland.

In 2016, the Environmental Protection Agency revised the Exceptional Events Rule (EER) found in sections 50.14 and 51.930 of 40 CFR parts 50 and 51 of the Clean Air Act. *See* "Treatment of Data Influenced by Exceptional Events," 81 FR 68216 (Oct. 3, 2016). After careful consideration of the information provided, the EPA concurs on two monitor days, defers action on 3 monitor days, and non-concurs on 10 monitor days, based on the weight of evidence that the agency has made the demonstrations referred to in 40 CFR 50.14(a)(2) and (b)(1). In addition, the agency has met the schedule and procedural requirements in section 50.14(c) with respect to the same information. The EPA has reviewed the documentation provided by the MDE to demonstrate that the exceedances at the **Fair Hill (240150003)** and **PG Eq Cntr (240338003)** monitors on July 22, 2016 meet the criteria for an exceptional event in the EER. The basis for our concurrence is set forth in the enclosed technical support document. My staff has entered or shortly will enter "concurrence flags" for these data into the EPA's Air Quality System data repository.

The 2016 rule revisions at 40 CFR 50.14(a)(1)(i) limit the applicability of the EER to NAAQS exceedances or violations which have relevance to specific regulatory determinations by the EPA. The 8-hour ozone concentrations measured at the **HU-Beltsville (240330030), Frederick (240210037),** and **Hagerstown (240430009)** monitors on July 21, 2016 do not currently have regulatory significance and EPA will defer action at this time. The EPA will retain the MDE demonstration for future consideration should any of the data on which the EPA is deferring action at this time become significant for a future regulatory action.

The 8-hour ozone concentrations measured at the **Beltsville CASTNET (240339991), Edgewood (240251001), Glen Burnie (240031003), Padonia (240051007), Furley (245100054), Essex (240053001),** and **Aldino (240259001)** monitors on July 21 and the **Edgewood (240251001), Aldino (240259001),** and **Essex (240053001)** monitors on July 22, 2016 do not have current or projected future regulatory significance. Exclusion of the requested 8-hour ozone data from these monitors does not result in one or more of the following:

- 2016 design value attainment of NAAQS
- Change in 2016 4th highest 8-hour O_3 concentration

Therefore, the EPA non-concurs with the MDE's request for exclusion of data from these monitors.

The EPA's concurrence is a preliminary step in the regulatory process for actions that may rely on the dataset containing the event-influenced data and does not constitute final agency action. If the EPA takes a regulatory action that is affected by exclusion of the ozone data for the July 22, 2016 event at the **Fair Hill (240150003)** and **PG Eq Cntr (240338003)** monitors, the EPA intends to publish notice of its proposed action in the Federal Register. The EPA's concurrence letter and accompanying technical support document will be included in the record as part of the technical basis for that proposal. When the EPA issues that regulatory action, it will be a final agency action subject to judicial review.

If you have any questions or wish to discuss this matter further, please have your staff contact Alice Chow, Associate Director of the Office of Air Monitoring & Analysis, (215) 814-2144.