Mr. Ben Grumbles

Secretary

Maryland Department of the Environment

1800 Washington Boulevard

Baltimore, Maryland 21230

Dear Secretary Grumbles,

This letter responds to the Maryland Department of the Environment (MDE) submittals dated May 31st, 2017, requesting that the Environmental Protection Agency (EPA) concur with MDE's requests to exclude data associated with exceptional event claims for 8-hour ozone data influenced by the Fort McMurray wildfire on May 25 and 26, 2016, and northwestern Canada wildfires on July 21 and 22, 2016. MDE determined that the Fort McMurray and northwestern Canada wildfires caused elevated ozone concentrations at 16 and 12 monitors, respectively, throughout Maryland.

In 2016, the EPA 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 17 monitor days, defers action on 16 monitor days, and non-concurs on 10 monitor days, based on the weight of evidence that the agency has made in 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 MDE to demonstrate that exceedances at the **Fair Hill (AQS: 240150003)**, **Furley (AQS: 245100054)**, **Millington (AQS: 240290002)**, **Edgewood (AQS: 240251001)**, and **PG Eq Cntr (AQS: 240338003)** monitors on May 25 2016, the **Fair Hill (AQS: 240150003)**, **Furley (AQS: 245100054)**, **Millington (AQS: 240290002)**, and **Edgewood (AQS: 240251001)** monitors on May 26, 2016, the **Glen Burnie (AQS: 240031003)**, **Edgewood (AQS: 240251001)**, and **Furley (AQS: 245100054)** monitors on July 21, 2016, and the **Fair Hill (AQS: 240150003)**, **PG Eq Cntr (AQS: 240338003)**, and **Edgewood (AQS: 240251001)** 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 documents. 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 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 **Aldino (AQS: 240259001)**, **Essex (AQS: 240053001)**, **HU-Beltsville (AQS: 240330030)**, and **South Carroll (AQS: 240130001)** monitors on May 25, 2016, the **Aldino (AQS: 240259001)**, **Essex (AQS: 240053001)**, **HU-Beltsville (AQS: 240330030)**, **Calvert (AQS: 240130001)**, and **South Carroll (AQS: 240130001)** monitors on May 26, 2016, the **Aldino (AQS: 240259001)**, **Essex (AQS: 240053001)**, **Frederick (AQS: 240210037)**, **Hagerstown (AQS: 240210037)**, and **HU-Beltsville (AQS: 240330030)** monitors on July 21, 2016, and the **Aldino (AQS: 240259001)** and **Essex (AQS: 240053001)** monitors on July 22, 2016 do not currently have regulatory significance and EPA will defer action at this

time. The EPA will retain MDE's demonstrations 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 (AQS: 240339991)**, **Padonia (AQS: 240051007)**, and **Horn Point (AQS: 240190004)** monitors on May 25, 2016, the **Beltsville CASTNET (AQS: 240339991)**, **Padonia (AQS: 240051007)**, **Blackwater NWR CASTNET (AQS: 240199991)**, **S. Maryland (AQS: 240170010)**, and **Horn Point (AQS: 240190004)** monitors on May 26, 2016, and the **Beltsville CASTNET (AQS: 240339991)** and **Padonia (AQS: 240051007)** monitors on July 21, 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 or 2017 design value attainment of NAAQS
- Change in 2016 4th highest 8-hour ozone concentration

Therefore, the EPA non-concurs with 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 May 25 and 26, 2016 and/or July 21 and 22, 2016 events at the **Fair Hill (AQS: 240150003)**, **Glen Burnie (AQS: 240031003)**, **PG Eq Cntr (AQS: 240338003)**, **Edgewood (AQS: 240251001)**, **Furley (AQS: 245100054)**, and/or **Millington (AQS: 240290002)** monitor(s), the EPA intends to publish notice of its proposed action in the Federal Register. The EPA's concurrence letter and accompanying technical support documents 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.

Sincerely,

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Regional Administrator