Note to Users: This Word table identifies the regulatory elements needed in a mitigation plan. All of the content comes directly from the regulations. The requirement to develop mitigation plans was new in the 2016 Exceptional Events Rule revisions and, as of April 2017, applies only to those areas identified in Table 6 of the preamble to the final rule who were identified as having recurring events during the 2013-2015 time period. The EPA intends to use this document to guide our review of forthcoming mitigation plans but we believe it may also be helpful to air agencies as they prepare mitigation plans under the Exceptional Events Rule as it clearly identifies the regulatory requirements and what EPA expects to see in a mitigation plan. We are providing this document in Microsoft Word format so that air agencies can incorporate it into their mitigation plans, if they wish to do so.

Exceptional Events Mitigation Plan Checklist

Area Subject to Mitigation Requirements in 40 CFR 51.930: _____

Applicable Pollutant and Event Type: _____

Date of Mitigation Document: _____

Element Addressed	Plan Page No.	40 CFR 51.930 Mitigation of Exceptional Events Regulatory Citation		EPA Review Notes
		51.930(a)	A State requesting to exclude air quality data due to exceptional events must take appropriate and reasonable actions to protect public health from exceedances or violations of the NAAQS. At a minimum, the State must:	
		51.930(a)(1)	Provide for prompt public notification whenever air quality concentrations exceed or are expected to exceed an applicable ambient air quality standard;	

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Element Addressed	Plan Page No.	40 CFR 51.930 Mitigation of Exceptional Events Regulatory Citation		EPA Review Notes
		51.930(a)(2)	Provide for public education concerning actions that individuals may take to reduce exposures to unhealthy levels of air quality during and following an exceptional event;	
		51.930(a)(3)	Provide for the implementation of appropriate measures to protect public health from exceedances or violations of ambient air quality standards caused by exceptional events	
		51.930(b)	Development of mitigation plans for areas with historically documented or known seasonal events	
		51.930(b)(1)	*Generally*. All States having areas with historically documented or known seasonal events shall be required to develop a mitigation plan with the components identified in 51.930(b)(2) and submit such plan to the Administrator according to the requirements in 51.930(b)(3).	
		51.930(b)(1)(i)	For purposes of the requirements set forth in 51.930, historically documented or known seasonal events shall include those events of the same type and pollutant that recur in a 3-year period and meet any of the following:	
		51.930(b)(1)(i)(A)	Three events or event seasons for which a State submits a demonstration under the provisions of 40 CFR 50.14 in a 3-year period; or	
		51.930(b)(1)(i)(B)	Three events or event seasons that are the subject of an initial notification of a potential exceptional event as defined in 40 CFR 50.14(c)(2) in a 3-year period regardless of whether the State submits a demonstration under the provisions of 40 CFR 50.14.	
		51.930(b)(1)(ii)	The Administrator will provide written notification to States that they are subject to the requirements in 51.930(b) when the Administrator becomes aware of applicability.	

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Element Addressed	Plan Page No.	40 CFR 51.930 Mitigation of Exceptional Events Regulatory Citation		EPA Review Notes
		51.930(b)(2)	*Plan components.* At a minimum, each mitigation plan…shall contain provisions for the following:	
		51.930(b)(2)(i)	Public notification to and education programs for affected or potentially affected communities. Such notification and education programs shall apply whenever air quality concentrations exceed or are expected to exceed a NAAQS with an averaging time that is less than or equal to 24-hours.	
		51.930(b)(2)(ii)	Steps to identify, study and implement mitigating measures, including approaches to address each of the following:	
		51.930(b)(2)(ii)(A)	Measures to abate or minimize contributing controllable sources of identified pollutants.	
		51.930(b)(2)(ii)(B)	Methods to minimize public exposure to high concentrations of identified pollutants.	
		51.930(b)(2)(ii)(C)	Processes to collect and maintain data pertinent to the event.	
		51.930(b)(2)(ii)(D)	Mechanisms to consult with other air quality managers in the affected area regarding the appropriate responses to abate and minimize impacts.	
		51.930(b)(2)(iii)	Provisions for periodic review and evaluation of the mitigation plan and its implementation and effectiveness by the State & interested stakeholders.	
		51.930(b)(2)(iii)(A)	With the submission of the initial mitigation plan according to the requirements in 51.930(b)(3) that contains the elements in 51.930(b)(2), the State must:	
		51.930(b)(2)(iii)(A)(*1*)	Document that a draft version of the mitigation plan was available for public comment for a minimum of 30 days;	
		51.930(b)(2)(iii)(A)(*2*)	Submit the public comments received along with its mitigation plan to the Administrator	
		51.930(b)(2)(iii)(A)(*3*)	In its submission to the Administrator, for each public comment received, explain the changes made to the	

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Element Addressed	Plan Page No.	40 CFR 51.930 Mitigation of Exceptional Events Regulatory Citation		EPA Review Notes
			mitigation plan or explain why the State did not make any changes to the mitigation plan	
		51.930(b)(2)(iii)(B)	The State shall specify in its mitigation plan the periodic review and evaluation process that it intends to follow for reviews following the initial review identified in 51.930(b)(2)(iii)(A).	
		51.930(b)(3)	*Submission of mitigation plans.* All States subject to the provisions of 51.930(b) shall, after notice and opportunity for public comment identified in 51.930(b)(2)(iii)(A), submit a mitigation plan to the Administrator for review and verification of the plan components identified in 51.930(b)(2).	
		51.930(b)(3)(i)	States shall submit their mitigation plans within 2 years of being notified they are subject to 51.930(b).	
		51.930(b)(3)(ii)	The Administrator shall review each mitigation plan developed according to the requirements in paragraph (b)(2) of this section and shall notify the submitting State upon completion of such review.	
		50.14(b)(9)	Mitigation plans.	
		50.14(b)(9)(i)	Except as provided for in 50.14(b)(9)(ii), where a State is subject to the requirements of 40 CFR 51.930(b), the Administrator shall not place a concurrence flag in the appropriate field for the data record in the AQS database, as specified in 50.14(c)(2)(ii), if the data are of the type and pollutant that are the focus of the mitigation plan until the State fulfills its obligations under the requirements of 40 CFR 51.930(b). The Administrator may nonconcur or defer action on such a demonstration.	
		50.14(b)(9)(ii)	The prohibition on placing a concurrence flag in the appropriate field for the data record in the AQS database by the Administrator stated in 50.14(b)(9(i) does not apply	

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Element Addressed	Plan Page No.	40 CFR 51.930 Mitigation of Exceptional Events Regulatory Citation		EPA Review Notes
			to data that are included in an exceptional events demonstration that is:	
		50.14(b)(9)(ii)(A)	submitted in accordance with 50.14(c)(3) that is also of the type and pollutant that is the focus of the mitigation plan, and	
		50.14(b)(9)(ii)(B)	submitted within 2-year period allowed for mitigation plan development specified in 51.930(b)(3).	

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