

Best Practices for Preparation of Multi-Agency Exceptional Events Demonstrations **April 12, 2017**

The EPA's Office of Air Quality Planning and Standards (OAQPS) developed this best practices document in response to input from EPA Regional offices and state/local air agencies (air agencies) in anticipation of receiving and reviewing exceptional events demonstrations (demonstrations) that involve more than one air agency's jurisdiction potentially affected by the same event. We developed these best practices to conform to the provisions of the 2016 revisions to the Exceptional Events Rule (81 FR 68216, October 3, 2016).

This document is not intended to provide best practices for how to conduct technical analyses, nor to indicate a preference for multi-agency demonstrations. Rather, this document is intended to present options for air agencies that are interested in collaborating on multi-agency demonstrations. EPA Regional offices and air agencies may find that applying the following best practices will result in more efficient preparation and review of: 1) a single joint multi-agency demonstration, or 2) multiple demonstrations with common elements (*e.g.*, shared analyses or other supporting information).

OAQPS plays an important role in multi-agency demonstrations by facilitating communication between EPA Regional offices with the aim of nationally consistent application of the Exceptional Events Rule. OAQPS expects to explore cross-office coordination opportunities promptly once a potential multi-agency event is identified through regular communication with EPA Regional offices. Likewise, the relevant EPA Regional offices are encouraged to engage with one another and their respective air agency partners to promote information-sharing and to ensure consistent review of related demonstrations. This can be accomplished in several ways including, but not limited to, coordinating meetings between EPA Regional offices, and coordinating communication and collaboration between the relevant EPA Regional offices and affected air agencies. The initial notification process for demonstrations, as detailed in the Exceptional Events Rule, also plays an important role in fostering early communication between air agencies and EPA Regional offices.

Air agency collaboration on multi-agency demonstrations can range from informal information-sharing to a closely coordinated joint demonstration. The information below describes how different elements of a demonstration may be shared or jointly developed. Air agencies are encouraged to contact their EPA Regional office if they identify other potential areas for collaboration.

Under the Exceptional Events Rule, a demonstration must contain the following five elements:

1. A narrative conceptual model
2. Evidence of a clear causal relationship between the specific event and the monitored exceedance or violation (supported in part by a comparison to historical concentrations)
3. Evidence that the event was not reasonably controllable or preventable
4. Evidence that the event was due to human activity that is unlikely to recur at a particular location or was a natural event
5. Documentation that the air agency conducted a public comment process and addressed comments received, as necessary

While some aspects of a multi-agency demonstration are likely to be different for each air agency, such as the affected monitor and the authorizing official within that state, other aspects do provide an opportunity for multi-agency collaboration. For example, elements 1 and 4 could be generally common

elements across multiple locations. Element 3 could be common across multiple locations if the event occurred outside the jurisdiction of multiple air agencies, but additional information would need to be provided by an air agency if it had jurisdiction over the location where the event occurred. Individual air agencies should generally prepare separate clear-causal analyses for element 2 (*e.g.*, comparisons to historical concentrations, back trajectories, analyses of ground level pollutant concentrations, *etc.*) because potentially affected monitors have different characteristics (*e.g.*, meteorology, contributing source mix, historical air quality patterns, *etc.*), but some analyses of areas further upwind could be shared if similarly applicable to the potentially affected areas of multiple air agencies.

As one possible approach, an air agency or regional planning organization (*i.e.*, regional association or partnership of air agencies) could coordinate work with EPA representatives to compile all of the relevant information into a single demonstration with separate analyses for each affected monitor. To the extent possible, air agencies can leverage the common elements so as to avoid duplicating efforts. Although each air agency is required to submit the demonstration, it may be possible for one demonstration to be submitted by a group of air agencies, so long as the demonstration contains the requisite information for each air agency, signatures from appropriate air agency officials, and is submitted to the appropriate EPA Regional official(s). Ultimately, the EPA appreciates that attempting to prepare one submittal may not be the most efficient process; however, the EPA remains flexible in supporting opportunities for efficiency in this program.

With respect to element 5, the EPA might be able to assist with the public comment process for demonstrations that include monitors from multiple air agencies with separate jurisdictions (*e.g.*, multiple states, delegated local agencies or tribal agencies). Air agencies are welcome to contact EPA to discuss options for a coordinated public comment process.

In cases where each air agency opts to develop its own demonstration, some rule criteria (*i.e.*, elements) as noted above may still be satisfied by the same or very similar documentation. Frequent communication between EPA Regional offices and air agencies throughout the demonstration development process will help ensure successful implementation of these best practices. Air agencies are encouraged to coordinate early in the process with EPA Regional offices, who can work together, along with EPA headquarters, to support submission of a coordinated demonstration or set of demonstrations.

This document will be updated as additional lessons are drawn from future multi-agency demonstrations. In addition, OAQPS expects to continue adding new “tools” such as this document to the Exceptional Events website (<https://www.epa.gov/air-quality-analysis/treatment-air-quality-data-influenced-exceptional-events>) in order to support air agencies in the development of exceptional events demonstrations. New tools may include example demonstrations, helpful documents, and other best practices.