



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

April 13, 2020

THE ADMINISTRATOR

Mr. Cameron F. Field
Michael Best & Friedrich LLP
Attorneys at Law
One South Pinckney Street, Suite 700
Madison, Wisconsin 53703

Dear Mr. Field:

I am responding to your April 3, 2018, letter in which you filed a “Petition for Administrative Reconsideration” on behalf of Patel Industrial Park (Petitioner) concerning the U.S. Environmental Protection Agency’s final rule titled “Additional Air Quality Designations for the 2015 Ozone National Ambient Air Quality Standards.” *See* 83 FR 25776 (June 4, 2018). The Petitioner requested that the EPA reconsider the nonattainment designation for the Uinta Basin, Utah area based on air quality data concerns. The petition includes what it terms a “provisional exceptional events demonstration” that claims snow cover in the Uinta Basin is an exceptional event that influenced the monitoring data the EPA relied on in designating the area as nonattainment. The Petitioner also requested that the EPA stay the effectiveness of the final ozone designations rule for 3 months under *Clean Air Act* section 307(d)(7)(B) and then extend the stay, if necessary, to allow revisions to the final rule.

The EPA has evaluated the information and issues raised in the petition.¹ Under the EPA’s Exceptional Event Rule, “Treatment of Data Influenced by Exceptional Events; Final Rule,” (81 FR 68216, October 3, 2016), only a “state, federal land manager or other federal agency may request the Administrator to exclude data showing exceedances or violations of any national ambient air quality standard that are directly due to an exceptional event.” (40 CFR Part 50.14(1)(ii)). The EPA may not consider the “provisional exceptional events demonstration” because it was not submitted by an authorized agency. In addition, the regulations require that exceptional events demonstrations for designations for the 2015 Ozone National Ambient Air Quality Standards must have been submitted by May 31, 2017; the petition was filed more than a year after that deadline. 40 CFR 50.14(c)(2)(vi). Therefore, the EPA is denying the petition on those bases and need not reach any other issues with the petition. Because the EPA is denying the petition, the EPA is also denying Petitioner’s request to stay the ozone designations final rule.

¹ Although the Petitioner framed its request under CAA section 307(d)(7)(B), that provision is not applicable here because the agency action at issue was not promulgated under CAA section 307(d). Therefore, we are responding to the request as a petition to revise or modify the EPA’s final rule under the Administrative Procedure Act.

The EPA considers the designation of nonattainment areas with appropriate boundaries to be an important step in implementing the 2015 Ozone NAAQS. The EPA continues to believe that the Uinta Basin, Utah area is properly designated nonattainment.

Thank you for your interest in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew R. Wheeler", with a long horizontal flourish extending to the right.

Andrew R. Wheeler