



REGION 3 ADMINISTRATOR

PHILADELPHIA, PA 19103

July 17, 2024

Mr. Richard Jackson
Director
Department of Energy and Environment
1200 First Street, NE
Washington, D.C. 20002

Dear Mr. Jackson:

This letter responds to the Department of Energy and Environment's (DOEE) two submittals dated March 20, 2024, requesting that the Environmental Protection Agency (EPA) concur with the DOEE's request to exclude data associated with exceptional event claims for ozone data influenced by wildfires in Canada on June 1-2, 2023, and June 29, 2023. In the two submittals, DOEE determined that wildfires in Canada caused exceedances of the 2015 ozone National Ambient Air Quality Standards (NAAQS) at the River Terrace and McMillan monitors.

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. See "Treatment of Data Influenced by Exceptional Events," 81 FR 68216 (Oct. 3, 2016). After careful consideration of the information in the demonstrations (referred to in 40 CFR 50.14(a)(2) and (b)(1)) provided by DOEE, the EPA concurs on one monitor day and defers action on three monitor days. EPA's decisions are summarized in the attached table. In addition, DOEE has met the schedule and procedural requirements in section 50.14(c) with respect to the same information. The basis for EPA's 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 contributions to violations which have relevance to specific regulatory determinations by the EPA. The 8-hour ozone concentrations measured at the monitors marked with "Defer" in the attached table, do not currently have regulatory significance and EPA will defer action as this time. The EPA will retain DOEE'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 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 2015 ozone standard data for the June 1-2,

2023, and June 29, 2023, events, 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, please do not hesitate to contact me or have your staff contact Cristina Fernandez, Director, Air and Radiation Division, Four Penn Center, 1600 John F. Kennedy Boulevard, Philadelphia, Pennsylvania 19103, at 215-814-2178, or Fernandez.Cristina@epa.gov

Sincerely,

Adam Ortiz
Regional Administrator

ENCLOSURES

1. DOEE_06292023_03_Exceptional_Event_TSD

cc: Hannah Ashenafi, DOEE
Collin Burrell, DOEE