

Questions for Consideration and Discussion

Exceptional Events Listening Session in Advance of Anticipated Rule Revisions

1. Should we maintain the position presented in the interim guidance that the historical fluctuations criterion is not a “test” but a weight-of-evidence analysis that informs “clear causal” and “but for”?
2. Do the following High Wind elements provide streamlining and flexibility?
 - a. Wind speed threshold
 - b. Prospective controls analysis
 - c. High Wind Action Plan
3. Would it be helpful to incorporate the following “not reasonably controllable or preventable” elements in rule language?
 - a. Recently approved SIP measures meet “not reasonably controllable or preventable” requirements
 - b. For natural sources and interstate/international transport no control = reasonable control
4. How should we address the “but for” criterion? Examples might include the following:
 - a. Address adjustment of design values and daily values for events that are not “exceptional” by definition
 - b. Revise definition away from “absolute” to more “weight of evidence”
 - c. Other suggestions?
5. Do we need to provide definitions for the following terms?
 - a. Event/natural event
 - b. Recurrence of natural events
 - c. Reasonable
 - d. Other terms?
6. Should we address mitigation elements, including the relationship between Subpart H emergency episodes / contingency planning and exceptional events?
7. Would it be helpful to clarify those activities that constitute an EPA final agency action?

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8. Do we need to clarify that concurrences are NAAQS-specific, not pollutant specific?
9. Should we address whether EPA can consider a request for exclusion even if the air agency makes the request after the deadline?
10. Have air agencies experienced difficulty when flagging concurrences of PM_{2.5} and PM₁₀ filter based (single 24-hour value) versus continuous (24 1-hour values)? Has this created a difference in design values?
11. Would it be helpful to “clean-up” the EER to address the following?
 - a. Scheduling provisions included in reg text that have been made irrelevant by the passage of time (e.g., 50.14(c)(2)(iv) For PM_{2.5} data collected during calendar years 2004-2006....)
 - b. Scheduling deadlines following promulgation of new NAAQS to avoid case-by-case revisions
12. Do we need to address fire-related components? If so, how?