

May 19, 2011

The Honorable Lisa P. Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Dear Administrator Jackson:

The Local Government Advisory Committee (LGAC) appreciates having the opportunity to work with you and the US EPA on a wide range of issues of interest and concern to local governments. More specifically, the Committee is particularly grateful to have the opportunity to comment on the Draft Guidance for implementing the Exceptional Events Rule (EER). The LGAC has reviewed and considered the policy, and pursuant to its charter, the Committee would like to offer the following comments regarding the draft guidance.

To meet the criteria for exceptional events, a tremendous amount of analysis on the part of the local government is required with no guarantee of EPA acceptance. The process takes considerable time, and EPA has a huge backlog of Exceptional Event demonstration packages and requests. Each demonstration package takes approximately 150 – 400 hours to review and document, and EPA Region IX currently has around 100 submitted demonstration packages awaiting review. This places extensive financial and time-consuming burdens on local governments, which are already under the pressures of today's economy. In order to prove a "clear causal relationship," a requirement under EER, local jurisdictions in many cases must purchase their own Particulate Matter (PM) monitors to assist in documenting the required causal relationship.

The bar for exceptional event demonstration is very high for ozone exceedances, partly due to the fact that most wildfires occur during the high ozone season and under meteorological conditions that are conducive to the formation of higher levels of ozone, as well as being optimal for the propagation of wildfires.

With the pending reviews of the PM and 8-hour ozone standards, local governments are concerned that if the current standards are lowered, Exceptional Event demonstrations would become more important to keep an area in attainment status.

We respectfully request that EPA simplify the Exceptional Event process and reduce the amount of analysis required. Furthermore, the Committee asks EPA to develop additional guidance to define more clearly what issues need to be addressed in the demonstration. There needs to be a clear and concise written guidance document, implemented consistently both regionally and nationally, which includes: 1) U.S. EPA straightforward technical review based on the "Event" itself and the analysis of air quality and weather conditions to show that the elements justifying the exclusion are met; 2) A clearly defined EPA position on what would be deemed an

acceptable Exceptional Event demonstration package in both scope and content; 3) Streamlined Documentation to ensure review in a timely manner; 4) Establishment of default condition assumptions (e.g., wind speed greater than X mph) for which an exception is automatically granted.

The Committee appreciates the reforms the Agency is considering to streamline the Exceptional Event process, yet there are still outstanding issues for local governments that need attention, as outlined above. The Committee appreciates the opportunity to provide input to the Agency at this time, and looks forward to continuing its efforts throughout the review process of EER.