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May 5, 2025

Reyna Knight
Ohio Environmental Protection Agency, DAPC
Lazarus Government Center
P. O. Box 1049
Columbus, Ohio 43216-1049

Re: Draft Exceptional Events Demonstration for the Wildfire Smoke-Driven PM_{2.5} Episode on July 17, 2023, in the Toledo, OH Metropolitan Statistical Area (MSA)

Dear Ms. Knight:

The Midwest Ozone Group¹ (“MOG”) is pleased to provide comments in support of the proposed “Exceptional Events Demonstration for the Wildfire Smoke-Driven PM_{2.5} Episode on July 17, 2023, in the Toledo, OH Metropolitan Statistical Area (MSA).”

While the Clean Air Act (the “Act”) requires States to meet certain air quality standards, the Act also recognizes that exceptional events, including wildfires and

¹ The membership of the Midwest Ozone Group includes: Ameren, American Electric Power, American Forest & Paper Association, American Iron and Steel Institute, American Wood Council, Appalachian Region Independent Power Producers Association, Associated Electric Cooperative, Berkshire Hathaway Energy, Big Rivers Electric Corp., Buckeye Power, Inc., Citizens Energy Group, City Water, Light & Power (Springfield IL), Cleveland-Cliffs Inc., Council of Industrial Boiler Owners, Duke Energy Corp., East Kentucky Power Cooperative, ExxonMobil, FirstEnergy Corp., Indiana Energy Association, Indiana-Kentucky Electric Corporation, Indiana Municipal Power Agency, Indiana Utility Group, Hoosier Energy REC, inc., LGE/ KU, Marathon Petroleum Company, National Lime Association, North American Stainless, Nucor Corporation, Ohio Utility Group, Ohio Valley Electric Corporation, Olympus Power, Steel Manufacturers Association, and Wabash Valley Power Alliance.

prescribed burns, may sometimes prevent that from happening. Exceptional events can cause air quality monitoring data to exceed permissible concentrations of a pollutant, also called an exceedance. When that happens, the Act directs the Administrator of the United States Environmental Protection Agency (USEPA) to exclude that data from further consideration if the state demonstrates to USEPA's satisfaction that the event caused the exceedance.

On April 4, 2025, the Ohio Environmental Protection Agency (OEPA) published a notice of availability for comment of a draft “Exceptional Events Demonstration for the Wildfire Smoke-Driven PM_{2.5} Episode on July 17, 2023, in the Toledo, OH Metropolitan Statistical Area (MSA).” OEPA notes that the draft exceptional events demonstration establishes that the PM_{2.5} episode on July 17, 2023, in the Toledo, OH MSA was driven by smoke from wildfires in Canada traveling to and impacting the ambient air quality at the Eastside Pump St (39-095-1003), Erie (39-095-0024), and RAPS (39-095-0026) monitoring sites in Lucas County, OH.

In addition, OEPA states that the PM_{2.5} data measured by the Eastside Pump St monitoring site on that date shows that the event contributed to a monitored violation of the 2024 revised PM_{2.5} annual National Ambient Air Quality Standard (NAAQS), and that the exclusion of the PM_{2.5} data measured by the Eastside Pump St monitoring site on this date would result in a valid 2022-2024 PM_{2.5} annual design value that is at or below the 2024 revised PM_{2.5} annual NAAQS value of 9.0 µg/m³, proving the regulatory significance of this exceptional event. OEPA therefore requests the exclusion of the ambient PM_{2.5} concentration data measured at the Eastside Pump St, Erie, and RAPS monitoring sites on July 17, 2023, from regulatory determinations, including calculations of PM_{2.5} annual design values. Comments are due May 5, 2025.

The following comments are offered on behalf of MOG in support of these proposed exceptional event demonstrations and the demonstrations of other states seeking to recognize the same events.²

MOG is an affiliation of companies and associations that draws upon its collective resources to seek solutions to the development of legally and technically sound air quality programs that may impact on their facilities, their employees, their communities, their contractors, and the consumers of their products. MOG's primary efforts are to work with policy makers in evaluating air quality policies by encouraging the use of sound science. MOG has been actively engaged in a variety

² These comments were prepared with the technical assistance of Alpine Geophysics, LLC.

of issues and initiatives related to the development and implementation of air quality policy, including the development of transport rules (including exceptional events demonstrations, implementation of NAAQS standards, nonattainment designations, petitions under Sections 126, 176A and 184(c) of the Clean Air Act (“CAA”), NAAQS implementation guidance, the development of Good Neighbor State Implementation Plans (“SIPs”), the development of greenhouse gas and Mercury and Air Toxics Standards Rules and related regional haze issues. MOG Members and Participants own and operate numerous stationary sources that are affected by air quality requirements including the PM_{2.5} NAAQS.

By way of background, when amending the Clean Air Act in 2005, Congress intended to provide regulatory relief for NAAQS nonattainment resulting from exceptional events negatively affecting air quality that were outside of a state's control. That concern led to enactment of provisions specifically establishing the process by which USEPA could exclude air quality monitoring data directly related to an exceptional event. *See* 42. U.S.C. § 7619. Subsequently, USEPA promulgated the exceptional events rule. 40 C.F.R. § 50.14. Under the exceptional events rule, USEPA excludes “any data of concentration of a pollutant above the NAAQS (exceedances) if the air quality was influenced by exceptional events.” *Bahr v. Regan*, 6 F.4th 1059, 1066 (9th Cir. 2021) (cleaned up).

A state requesting data exclusion under the exceptional events rule must demonstrate “to the Administrator's satisfaction that such event caused a specific air pollution concentration at a particular air quality monitoring location.” 40 C.F.R. § 50.14(a)(1)(ii). That demonstration must include certain regulatory required information:

- (A) A narrative conceptual model that described the event(s) causing the exceedance or violation and a discussion of how emissions from the event(s) led to the exceedance or violation at the affected monitor(s);
- (B) A demonstration that the event affected air quality in such a way that there exists a clear causal relationship between the specific event and the monitored exceedance or violation;
- (C) Analyses comparing the claimed event-influenced concentration(s) to concentrations at the same monitoring site at other times to support the requirement at paragraph (c)(3)(iv)(B) of this section. The Administrator shall not require a State to prove a specific percentile point in the distribution of data;

- (D) A demonstration that the event was both not reasonably controllable and not reasonably preventable; and
- (E) A demonstration that the event was a human activity that is unlikely to recur at a particular location or was a natural event.

40 C.F.R. § 50.14(c)(3)(iv).

A state must also comply with pre-request requirements, which include notifying USEPA of the intent to request exclusion, flagging data to be excluded, engaging in public comments, and implementing mitigation measures. See 40 C.F.R. § 50.14(c)(2)(i); 40 C.F.R. § 50.14(c)(3)(v); 40 C.F.R. § 51.930. In short, there are three core statutory elements: (1) a clear causal relationship; (2) a showing that the event was not controllable, and (3) a showing that the event was human activity unlikely to recur a particular location or was a natural event.

Depending on the circumstances of a particular exceptional event, a particular tier of evidence is required to provide a compelling case to USEPA to exclude data under the Exceptional Events Rule. In instances where a state provides sufficient evidence to showcase that a given event is indeed an irregularity, USEPA will make a concurring determination and issue an exclusion of that specific event from the dataset. 40 C.F.R. 50.14(c)(2)(ii).

Wildland fires make up 44% of primary PM_{2.5} emissions. See 89 Fed. Reg. 16214. As such, these events can cause exceedances that impact design values in a particular area.

USEPA has recognized that these particular events are exceptional and that states may request to exclude them from the dataset, given that a sufficient evidentiary standard is met. *Id.*; see generally, 81 Fed. Reg. 68216. There are several tiers of evidentiary showings related to PM_{2.5} demonstrations. These three tiers create a ladder of increasing evidentiary burdens on the states to convince USEPA that an event merits exclusion.

- Tier 1 clear causal analyses are intended for wildland fire events that cause unambiguous PM_{2.5} impacts well above historical 24-hour concentrations, thus requiring less evidence to establish a clear causal relationship.

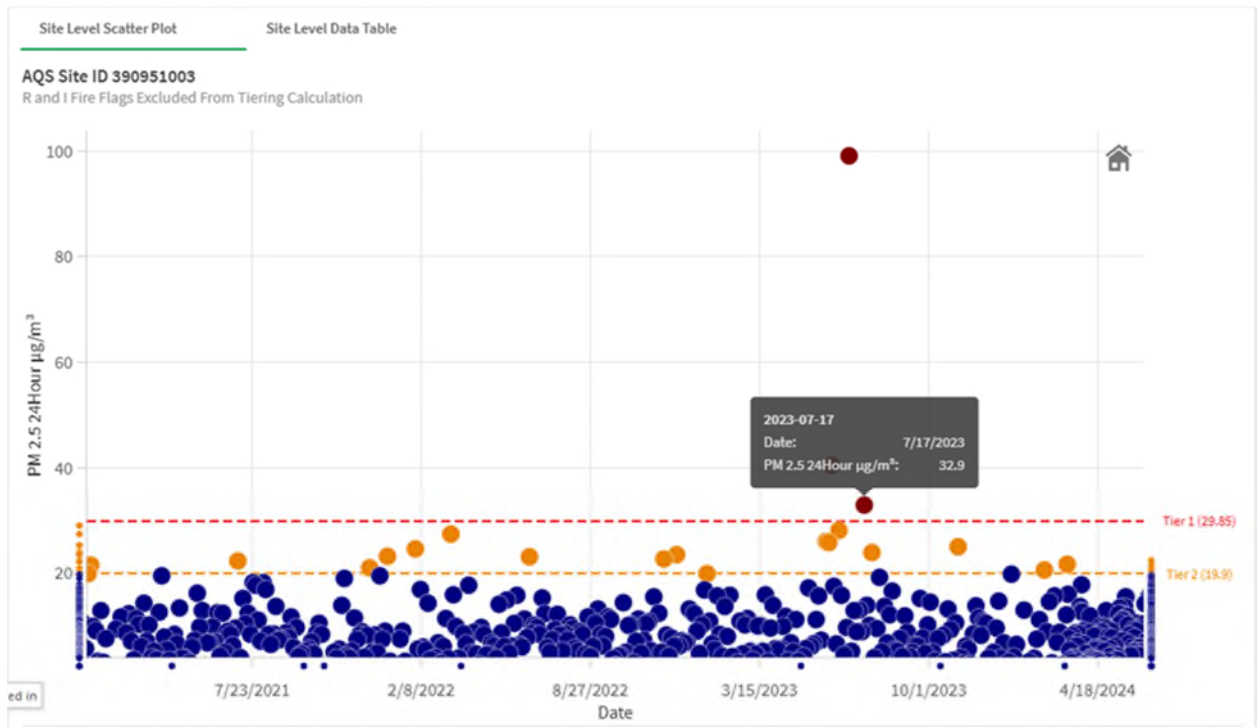
- Tier 2 clear causal analyses are likely appropriate when the impacts of the wildland fire on PM_{2.5} concentrations are less distinguishable from historical 24-hour concentrations, and require more evidence, than Tier 1 analyses.
- Tier 3 clear causal analyses should be used for events in which the relationship between the wildland fire and PM_{2.5} 24-hour concentrations are more complicated than a Tier 2 analysis, when 24-hour PM_{2.5} concentrations are near or within the range of historical concentrations, and thus require more evidence to establish the clear causal relationship than Tier 2 or Tier 1.

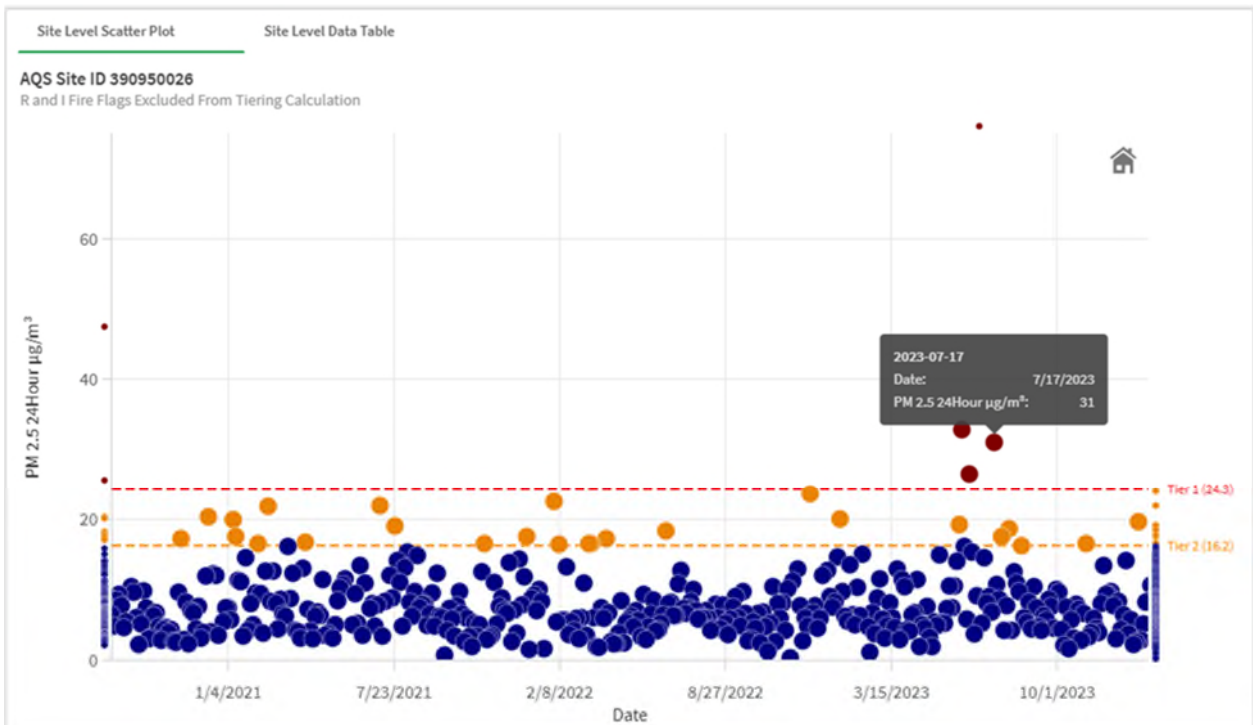
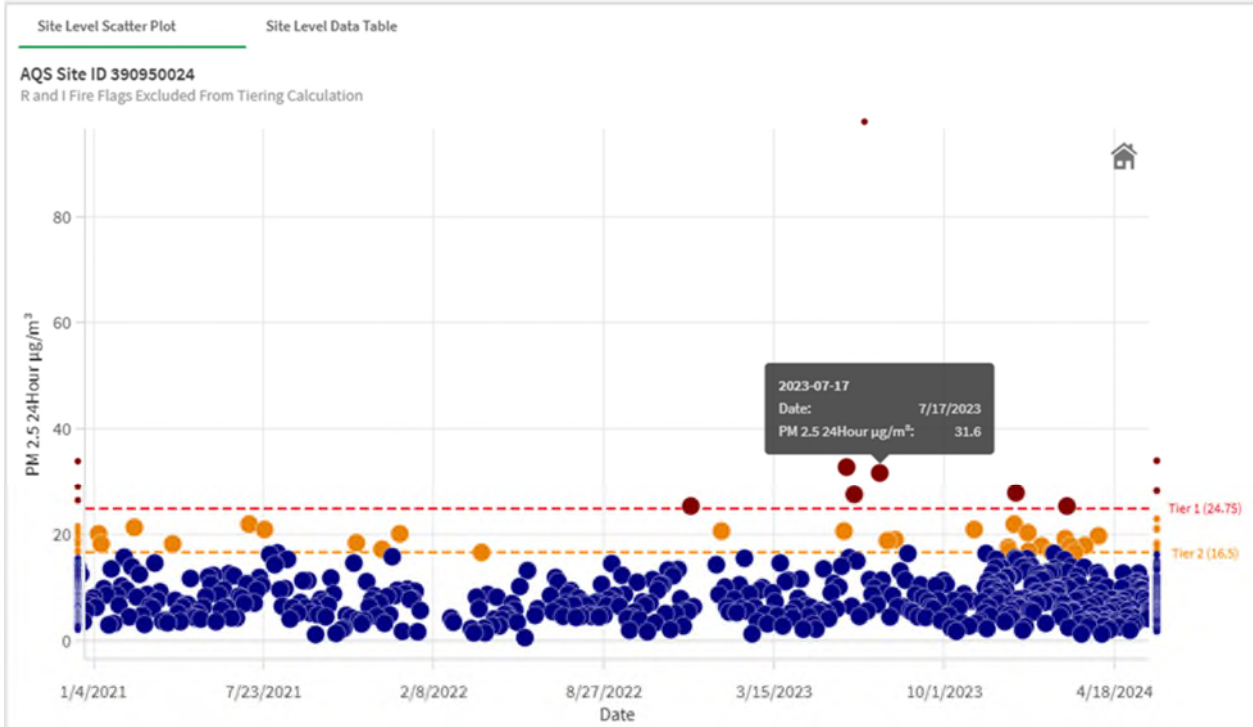
U.S. Environmental Protection Agency, *PM_{2.5} Wildland Fire Exceptional Events Tiering Document* (April 2024) at 5. It is important to note that the overall processes for exceptional event demonstrations for wildfire ozone and wildland fire PM_{2.5} are the same. See *id.* at 6.

MOG agrees that the proposed OEPA demonstration shows that the levels of PM_{2.5} concentration measured at the Eastside Pump St (39-095-1003), Erie (39-095-0024), and RAPS (39-095-0026) monitoring sites in Lucas County, OH, during this event were highly unusual because the measured PM_{2.5} concentration exceedances for those monitors during the week were more than 1.5 times the most recent 5-year monthly specific 98th percentile for 24-hour PM_{2.5} data, as identified in the Environmental Protection Agency's Tiering Tool.³

³ U.S. Environmental Protection Agency. "Tiering Tool – for Exceptional Events Analysis." Air Quality Analysis. U.S. Environmental Protection Agency, March 26, 2024, <https://www.epa.gov/air-quality-analysis/tiering-tool-exceptional-events-analysis>

MOG notes that the proposed demonstration shows that the Canadian wildfire event affected the Eastside Pump St (39-095-1003), Erie (39-095-0024), and RAPS (39-095-0026) monitoring sites in Lucas County, OH. This caused daily average PM_{2.5} concentrations to reach 32.9 µg/m³, 31.6 µg/m³, and 31.0 µg/m³, on July 17, 2023, respectively as seen in Ohio EPA's demonstration using EPA's Tiering Tool and presented in the figures below.





MOG fully supports the OEPA request that the USEPA Administrator excludes the ambient PM_{2.5} concentrations measured at the Eastside Pump St (39-095-1003), Erie (39-095-0024), and RAPS (39-095-0026) monitoring sites in Lucas County, OH, from calculation of annual PM_{2.5} design values and from other regulatory determinations.

As set forth in its proposed demonstrations, OEPA has shown that transported smoke from the Canadian Wildfires on wildlands caused the PM_{2.5} exceedances at the Eastside Pump St (39-095-1003), Erie (39-095-0024), and RAPS (39-095-0026) monitoring sites on July 17, 2023. OEPA correctly notes that exclusion of the data on the relevant date would result in attainment of the 2024 revised primary annual PM_{2.5} NAAQS for the Eastside Pump monitor.

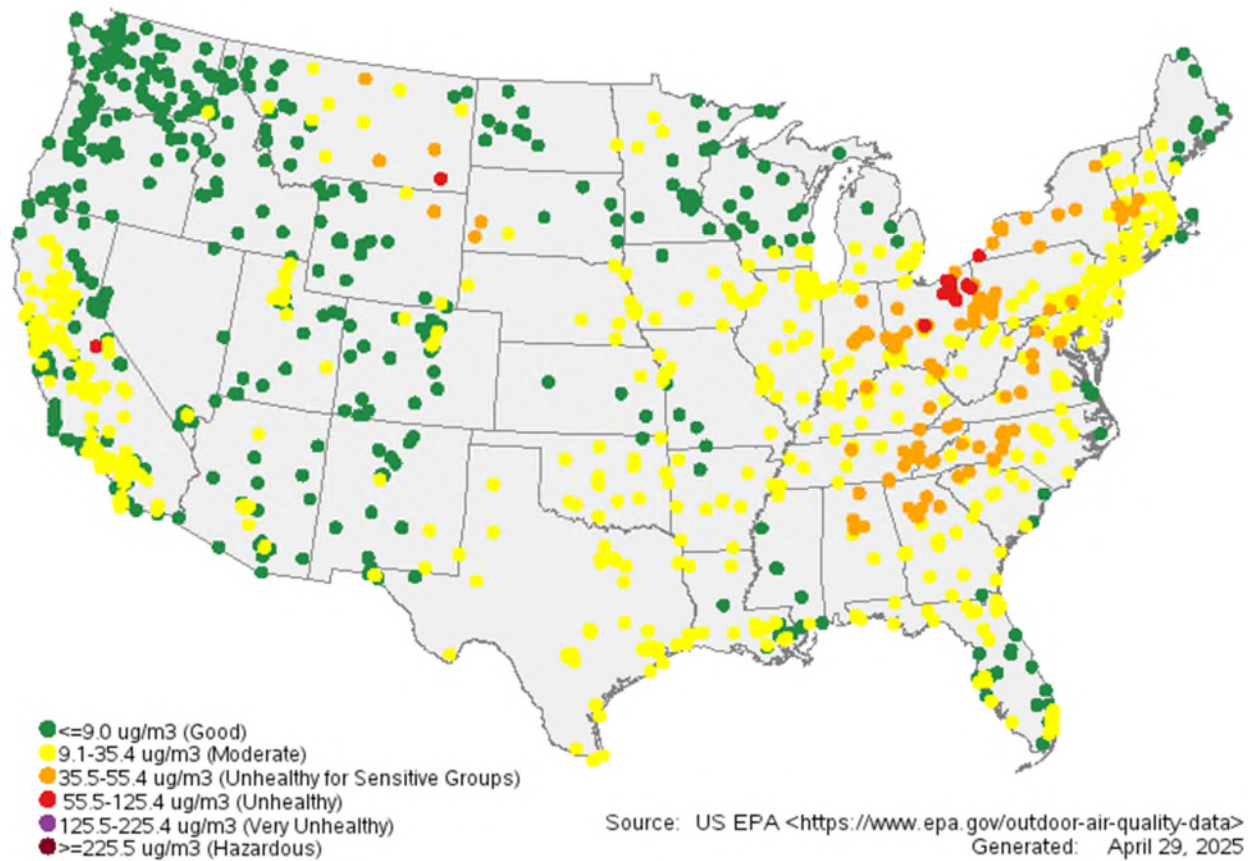
Additionally, since the ambient PM_{2.5} concentration data measured at the Erie and RAPS monitoring sites on July 17, 2023, were also affected by the same regulatorily significant wildfire smoke-driven PM_{2.5} episode, OEPA is also requesting the exclusion of these data from regulatory determinations, including calculations of PM_{2.5} annual design values for the Erie and RAPS monitoring sites.

The proposed demonstration goes on to address such remaining factors as a narrative conceptual model describing the event as not reasonably controllable and not caused by human activity and satisfies requirements related to notification of the public of the events and participation of the public in the submission of this request.

The monitor and episode days that are carefully addressed in the proposed OEPA demonstration are far from the only ones that have influenced air quality during those time frames. Many PM_{2.5} monitors in the same area also observed 24-hour average PM_{2.5} concentrations at significantly elevated levels on the same exclusion dates, as well as on days around these dates. As has been noted, additional days, even if not currently ‘regulatorily significant,’ may in the future be relevant and significant not only to Ohio but also to other states. USEPA should consider allowing this proposed demonstration to stand for those additional monitors and days, as needed.

Air quality data and maps demonstrate that air quality during these identified episodes also had significant impact on multiple other monitors in the Midwest and northeastern US. Below is a PM_{2.5} air quality index plot from the July 17, 2023, that illustrate that multiple monitors in the region are also likely to have Tier 1 threshold exceedances of current or future regulatory significance.

PM2.5 AQI Values by site on 07/17/2023



MOG urges USEPA to accept other demonstrations that may utilize this technical work to demonstrate wildfire influence on other regional monitors during the same episodes of record.

MOG appreciates this opportunity to offer comments in support of the proposed OEPA exceptional events demonstration for the exceedances of the 2023 Annual PM_{2.5} NAAQS at the Eastside Pump St (39-095-1003), Erie (39-095-0024), and RAPS (39-095-0026) monitoring sites in Lucas County, OH, on July 17, 2023, due to smoke from Canadian Wildfires. MOG also appreciates the opportunity to express support for consideration of this data in the development of demonstrations by other states related to these events. Congress has made it clear that data of the nature described in this proposed demonstration cannot and should not be used to implement a National Ambient Air Quality Standard and other matters of regulatory significance.

Very truly yours,



Edward L. Kropp
Legal Counsel
Midwest Ozone Group