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February 27, 2026

Weston Freund  
Air Regulatory Management Section  
Air Planning and Implementation Branch  
Air and Radiation Division  
U.S. Environmental Protection Agency Region 4  
61 Forsyth Street, SW, Atlanta, Georgia 30303- 8960

**Re: Determination of Attainment by the Attainment Date for the  
Louisville Moderate Area for the 2015 Ozone National Ambient Air  
Quality Standard, Docket ID No. EPA-R04-OAR-2025- 1443**

Dear Mr. Freund:

The Midwest Ozone Group<sup>1</sup> (“MOG”) is pleased to provide comments<sup>2</sup> in support of the proposal of the U.S. Environmental Protection Agency (EPA) proposed on January 29, 2026, (91 Fed. Reg. 3847) to determine, with the

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<sup>1</sup> 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, 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.

<sup>2</sup> These comments were prepared with the technical assistance of Alpine Geophysics, LLC.

consideration of exceptional events, that the Kentucky portion of the Louisville, KY-IN Area attained the 2015 ozone NAAQS standard by the applicable August 3, 2024, attainment date. This action, if finalized, will fulfill EPA's statutory obligation to determine whether the Kentucky portion of the Louisville, KY-IN Area attained the 2015 8-hour ozone NAAQS by the Moderate attainment date. As part of this rulemaking, EPA also proposed to take final agency action on the portion of an exceptional events request submitted by the Louisville Metro Air Pollution Control District (LMAPCD) on June 11, 2025, addressing six days in June 2023. EPA concurred on those six days on August 12, 2025. The proposed determination by the attainment date is based on EPA's partial concurrence on the exceptional events demonstration. Comments on the proposed action are due March 2, 2026.

EPA notes in its proposal that “[o]n June 11, 2025, LMAPCD submitted a request to exclude data associated with exceptional event claims for ozone data influenced by Canadian wildfires for nine days in June through August 2023. EPA reviewed the request and determined it adequately demonstrated that long-range transport of smoke from the Canadian wildfires caused exceedances of the NAAQS measured at the Cannons Lane ambient monitor in Louisville for six days and determined that all of the criteria of the Exceptional Events Rule found in 40 CFR Sections 50.14 and 51.930 for those six days were met. Therefore, on August 12, 2025, EPA sent a letter to LMAPCD concurring with their exceptional event claim for these six regulatorily significant days, all in June 2023, that resulted in the DV for the Louisville KY-IN Area being reduced from 0.072 ppm to 0.070 ppm.”

MOG submitted comments in support of the June 11, 2025, LMAPCD exceptional events. MOG stated in its comments in support that it agreed that the proposed demonstration showed that the events that affected the Cannons Lane monitor were properly analyzed as Tier 1 (June 28, 2023) and Tier 3 (remaining eight days in 2023) events in accordance with the USEPA tiering guidance. MOG also agreed that the demonstration properly showed that the weight of evidence supported an exceptional event determination for all nine days. MOG concluded that it fully supported the LMAPCD request that the USEPA Administrator exclude the ambient ozone concentrations measured at the Cannons Lane monitor site during all these documented events from calculations of annual ozone design values and from other regulatory determinations.

In the Technical Support Document for its August 2025 letter concurring with six of the nine requested days, EPA includes a section titled "Regulatory

Significance,” in which it states that “[t]he 2016 Exceptional Events Rule includes regulatory language that applies the provisions of CAA section 319 to a specific set of regulatory actions. As identified in 40 CFR §50.14(a)(1)(i), these regulatory actions include initial area designations and redesignations; area classifications; attainment determinations (including clean data determinations); attainment date extensions; findings of State Implementation Plan (SIP) inadequacy leading to a SIP call; and other actions on a case-by-case basis as determined by the Administrator. Air agencies and the EPA should discuss the regulatory significance of an exceptional events demonstration during the Initial Notification of Potential Exceptional Event prior to the air agency submitting a demonstration for the EPA’s review. If the demonstration is found to not have regulatory significance, the EPA will defer making a concurrence determination.”

That Technical Support Document also cited LMAPCD’s statement in Section 1.4 of its demonstration that “if any six of the nine events listed in Table 1 are concurred upon by the EPA, then the Cannons Lane 2021-2023 design value would attain the 2015 8-hour O<sub>3</sub> NAAQS.” EPA then noted that it “...normally defers any event days that do not have regulatory significance,” adding that “...EPA is deferring decisions on the July 25, August 4, and August 23, 2023, event days as they are no longer regulatory (sic) significant for the 2021-2023 design value.”

MOG disagrees on the deferral in this case. The Exceptional Events Rule cited in the Technical Support Document identifies a series of actions that were deemed to be the types of regulatory determinations that provide the basis for approval by the Administration of an exceptional events demonstration. In addition to the several specific categories involved, this guidance recognizes that the regulatory significance of events is also a matter of case-by-case determinations of the Administrator, as set forth below:

- (A) An action to designate an area, pursuant to Clean Air Act §107(d)(1), or redesignate an area, pursuant to Clean Air Act §107(d)(3), for a particular national ambient air quality standard;
- (B) The assignment or re-assignment of a classification category to a nonattainment area where such classification is based on a comparison of pollutant design values, calculated according to the specific data handling procedures in 40 CFR Part 50 for each national ambient air quality standard, to the level of the relevant national ambient air quality standard;

- (C) A determination regarding whether a nonattainment area has attained the level of the appropriate national ambient air quality standard by its specified deadline;
- (D) A determination that an area has data for the specific NAAQS, which qualify the area for an attainment date extension under the CAA provisions for the applicable pollutant;
- (E) A determination under Clean Air Act §110(k)(5), if based on an area violating a national ambient air quality standard, that the state implementation plan is inadequate under the requirements of Clean Air Act §110; and
- (F) Other actions on a case-by-case basis as determined by the Administrator.

40 C.F.R. Section 50.14(a)(i); 81 Fed. Reg. at 68217 (emphasis added).

LMAPCD clearly demonstrated that each of the nine days for which it requested data exclusion satisfies the requirements for data exclusion under the Exceptional Events Rule. Deferral simply because of an arbitrary decision that a day isn't regulatorily significant ignores the fact that those days were negatively impacted by Canadian wildfires. Indeed, MOG believes that, had EPA concurred on July 25, 2023, August 4, 2023, and August 23, 2023, exceptional events days as requested, the Cannons Lane monitor 2023 8-hr ozone design value would be 0.067 ppm. That would clearly make those days regulatorily significant and therefore excludable under the conditions established at 40 CFR 50.14(a)(i)(F) cited above.

MOG urges EPA to exclude data for any monitor on any day on which NAAQS are exceeded because of demonstrated negative air quality impacts due to exceptional events which, by definition, are events that are both not reasonably controllable and not reasonably preventable. Canadian wildfires are archetypical exceptional events.

MOG does agree with and supports both the EPA concurrence regarding six of the nine days for which exceptional events exclusion was requested and the LMAPCD request that the USEPA Administrator exclude the ambient ozone concentrations measured at the Cannons Lane monitor site during all nine of the documented events from calculations of annual ozone design values and from other regulatory determinations.

MOG appreciates this opportunity to offer comments in support of the proposed determination.

Very truly yours,

A handwritten signature in blue ink that reads "Edward L. Kropp". The signature is written in a cursive style with a large, prominent "E" and "K".

Edward L. Kropp  
Legal Counsel  
Midwest Ozone Group