



Huntington Center, Suite 2200
41 South High Street
Columbus, Ohio 43215
Phone: 614-221-5100 Fax: 614-221-0952
www.steptoe-johnson.com

Writer's Contact Information
317-946-9882
skipp.kropp@steptoe-johnson.com

May 19, 2026

Mr. Jeff Stoakes
Indiana Department of Environmental Management
Office of Air Quality
Indiana Government Center North
100 North Senate Avenue, Room 13W
Indianapolis, Indiana 46204.

Re: Draft Exceptional Events Demonstration Addressing the 2015 8-Hour
Ozone National Ambient Air Quality Standard for Lake and Porter
Counties, Indiana

Mr. Stoakes:

The Midwest Ozone Group¹ (“MOG”) is pleased to offer these comments² regarding the Indiana Department of Environmental Management (IDEM) notice seeking comments on a Draft Exceptional Events Demonstration Addressing the 2015 8-Hour Ozone (O3) National Ambient Air Quality Standard (NAAQS) for Lake and Porter Counties, Indiana. The deadline for the submittal of comments is May 19, 2026.

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.

¹ The members of the Midwest Ozone Group include: 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., Citizens Energy Group, City Water, Light & Power (Springfield IL), Cleveland Cliffs Inc., Council of Industrial Boiler Owners, East Kentucky Power Cooperative, ExxonMobil, Hoosier Energy REC, Inc., Indiana Energy Association, Indiana-Kentucky Electric Corporation, Indiana Municipal Power Agency, LGE/KU, Marathon Petroleum Company, Monongahela Power 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.

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

MOG has been actively engaged in a variety of issues and initiatives related to the development and implementation of air quality policy, including the development of transport rules, NAAQS standards, attainment/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, exceptional events and 179B demonstrations, and related regional haze and climate change issues.

I. Regulatory 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 U.S. Environmental Protection Agency (“U.S. EPA”) could exclude air quality monitoring data directly related to an exceptional event. *See* 42. U.S.C. § 7619. Subsequently, U.S. EPA promulgated the exceptional events rule. 40 C.F.R. § 50.14.

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 the following:

- (A) A narrative conceptual model that describes 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 CFR 50.14(c)(3)(iv).

The requesting state must also comply with pre-request requirements, which include notifying U.S. EPA 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 U.S. EPA 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, U.S. EPA 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).

U.S. EPA has recognized that 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. 68,216. U.S. EPA's guidance on wildfire events that may influence ozone concentrations outlines a tiered approach for addressing the clear causal relationship element within a wildfire/ozone demonstration as follows:

Tier 1 clear causal analyses should be used for wildfire events that cause clear O₃ impacts in areas or during times of year that typically experience lower O₃ concentrations, and are thus simpler and less resource intensive than analyses for other events. Tier 2 clear causal analyses are likely appropriate when the impacts of the wildfire on O₃ levels are less clear and require more supportive documentation than Tier 1 analyses. Tier 3 clear causal analyses should be used for events in which the relationship between the wildfire and the O₃ exceedance or violation is more complicated than the relationship in a Tier 2 analysis, and thus would require more supportive documentation than Tier 2 analyses.

U.S. EPA, *Guidance on the Preparation of Exceptional Events Demonstrations for Wildfire Events that May Influence Ozone Concentrations* (September 2016) at 4.

II. IDEM Exceptional Event Demonstration

The proposed exceptional events demonstration shows that the ozone episodes impacting Lake and Porter counties on at least twelve days in 2023 and five additional days in 2025 were influenced adversely by wildfire smoke in Lake and Porter counties. The exceptional events demonstration also notes that, “[s]ince the current attainment deadline of August 3, 2027, falls in the middle of an ozone season, attainment will be determined based on the most recent complete three years of data,” (*See* Exceptional Events Demonstration Addressing the 2015 8-Hour Ozone (O₃) National Ambient Air Quality Standard (NAAQS) for Lake and Porter Counties, Indiana at page 3) adding that, “[i]n this case, ozone data from 2024-2026 will be used for each county’s design value to determine its attainment status. If the area fails to attain by this deadline, it will be reclassified to ‘severe’ nonattainment and even more stringent permitting and costly control requirements may be required. The design value should not include the impacts from naturally occurring or non-manmade precursor emissions; emissions associated with wildfire and firework smoke. These events cannot be controlled.” *Id*. Therefore, IDEM believes that concurrence and approval of an ozone exceptional event demonstration for both Lake and Porter counties will result

in a more accurate assessment of air quality in the area and a more obtainable regulatory target as the state strives to attain the current 8-hour ozone standard.

IDEM correctly notes in the draft demonstration that monitor data on twelve days in 2023 and five days in 2025, if excluded from ozone design value calculations, would provide design values at the Lake and Porter County ozone monitors that would be at or below the ozone NAAQS. IDEM also documents the fact that wildfire smoke has affected both ozone and PM2.5 levels across the Midwest and that emissions from these natural events can act as precursors that promote ozone formation under certain conditions, leading to concentrations that exceed typical expectations. IDEM identifies PM2.5 exceptional events dates that were previously requested by Indiana³ as exceptional event days as well as the days from that demonstration which the U.S. EPA concurred⁴ with for the requested PM2.5 EE day.

MOG supports the request that U.S. EPA exclude ozone enhanced days already concurred with for PM2.5 as the burden of proof to demonstrate concentration enhancements has already been met in earlier demonstrations. MOG also recommends concurrence of the dates which U.S. EPA did not previously approve due to either PM2.5 sampling frequency or the narrow definition of regulatory significance as “attainment only” in the previous PM2.5 EE demonstration response.

The proposed demonstration addresses such remaining factors as a narrative conceptual model describing the events as not reasonably controllable and not caused by human activity and satisfy requirements related to notification of the public of the events and participation of the public in the submission of these requests.

The demonstration includes a myriad of analysis that support a clear causal relationship:

- (1) A summary of maximum daily 8-hour ozone values from 2021-2025 are compared for each of the Lake and Porter County ozone monitors;
- (2) An analysis of daily ozone events;
- (3) Meteorological Episode Overview;
- (4) Hourly Pollutant Analyses and Comparison;
- (5) AOD and Satellite Analyses;
- (6) NOAA Smoke Narrative;
- (7) TROPOMI Satellite Daily Formaldehyde Monitoring;
- (8) Smoke Maps and Ozone/PM2.5 Map Analyses;
- (9) Statistical Modeling Analyses;

³ <https://acrobat.adobe.com/id/urn:aaid:sc:VA6C2:808eb7c0-3e60-4995-b4ed-d0de51d6939b>

⁴ https://www.in.gov/dA/f244662b4f/pm25_exceptional_events_epa_concurrence_lake_co.pdf

- (10) Matching Day Analysis;
- (11) Backward Trajectories and Smoke Map Analyses; and
- (12) HRRR Model Runs.

The monitor and episode days that are carefully addressed in the proposed IDEM demonstration are far from the only ones that have influenced air quality during those time frames. Many ozone monitors in the same area also observed 8-hour average ozone concentrations at significantly elevated levels on the same exclusion dates, as well as on days around these dates.

Multiple states in addition to Indiana have submitted ozone exceptional events demonstrations for the May-August 2023 period and identified the wildfires as originating to the northwest of their region from Canada which again corroborates the analysis in this ozone exceptional events demonstration. Therefore, exceptional events demonstrations submitted by other agencies provide additional weight of evidence supporting this ozone exceptional events demonstration.

While it is clear that approval of the exceptional events demonstration contained within the IDEM demonstration would be enough to bring the area into attainment with the 2015 Ozone NAAQS and prevent the nonattainment area from future bump-up action, MOG urges IDEM to follow-up on this demonstration by preparing similar exceptional events demonstrations for additional days as appropriate for both attainment, bump-up, permitting, and PSD action across the state. This action would not only improve the design values in the area covered by the current demonstration but would also likely improve the design values in other areas in this state. In doing so, IDEM would assure that air quality monitoring data affected by exceptional events would be removed from future consideration.

III. Conclusion

For the reasons set forth above, MOG urges IDEM to finalize this demonstration as a first step in addressing exceptional events. In addition, MOG urges the U.S. Environmental Protection Agency to concur with this demonstration.

Sincerely,



Edward "Skipp" Kropp
Counsel for the Midwest Ozone Group