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July 14, 2026

Lauren Robbins
Louisville Metro Air Pollution Control District
701 W. Ormsby Ave., Suite 303
Louisville, Kentucky 40203

**Re: Louisville Metro Air Pollution Control District 2023 Ozone
Wildfire Exceptional Event Demonstration Final Report**

Dear Ms. Robbins:

On June 12, 2026, the Louisville Metro Air Pollution Control District (LAPCD) opened a public comment period regarding its 2024 Ozone Wildfire Exceptional Event Demonstration. The purpose of the proposal is to request exclusion of certain 2024 ozone monitoring data due to wildfire smoke impacts from Northwestern and Canadian wildfires measured at the Cannons Lane (AQS #211-111-0067) and Carrithers Middle School (AQS #21-111-0080) ambient air quality monitors. Excluding exceptional events data from the 2022-2024 three-year annual mean design value has regulatory significance as the exclusion of this data will positively impact the Area's NAAQS status under the 2015 8-Hour ozone standard. The demonstration has been drafted and is being submitted consistent with USEPA guidance. The comment deadline is July 14, 2026. The Midwest Ozone Group ("MOG")¹ is pleased to provide comments² in support of this proposed demonstration.

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 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 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 ozone NAAQS.

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 at 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.

MOG notes that EPA's 2016 rule and guidance on exceptional event demonstrations represent but one interpretation of what is required under Section 319. Many commenters on the 2016 US EPA guidance for ozone exceptional event demonstrations from wildfires criticized the guidance for its prescriptive nature and the burdens it imposes on states, which burdens actually discourage the development of demonstrations. In reference to these requirements, MOG does not endorse them as the best approach to implementing this crucial statutory provision but, rather, emphasizes that LAPCD's compliance with these requirements in the draft exceptional event demonstration for the Louisville, Kentucky-Indiana area (Area) further supports its prompt approval. MOG supports further changes to the 2016 rule and related guidance to affirm EPA's role in conducting multi-state analyses of exceptional events, simplify the required demonstrations, and allow greater discretion in how evidence is produced and assessed.

II. LAPCD Exceptional Event Demonstration

The proposed exceptional events demonstration addresses exceptional events requirements for the six total event days the ozone episode occurring on August 5, August 6, August 26, August 27, August 28, and August 29, 2024. Monitoring data in the Area exceeded the 2015 standard at the Cannons Lane monitor during the three-year data period between 2022-2024. Monitoring data in the Area also exceeded the ozone standard at the Cannons Lane, Carrithers Middle School, and Charlestown State Park (Indiana) monitors during the three-year data period between 2023-2025. Significantly, if EPA approves the proposed exceptional events demonstration and excludes the data, the Cannons Lane 2021-2023 design value excluding exceptional events would attain the NAAQS.

The proposed demonstration also explains that, “[o]n June 11, 2025, LMAPCD submitted to EPA an exceptional events demonstration entitled *2023 Ozone Wildfire Exceptional Event Demonstration Final Report*. That exceptional events demonstration, which was for the Cannons Lane monitor, requested the exclusion of nine days in 2023 due to wildfire smoke exceptional events. These days were 6/2/23, 6/6/23, 6/10/23, 6/15/23, 6/24/23, 6/28/23, 7/25/23, 8/4/23, and 8/23/23, which were the nine highest monitored ozone days in 2023 at the Cannons Lane monitor. This exceptional events demonstration was prepared for the 2021-2023 design value and stated that EPA concurrence with six of the nine requested dates was projected to show attainment of the 2015 ozone NAAQS.”

Further, on August 12, 2025, in a letter to LAPCD Director Rachael Hamilton from EPA Air and Radiation Division (ARD) Director Denisse Diaz, the EPA concurred with six of the nine requested dates, bringing the 2023 design value into attainment for the Cannons Lane monitor. EPA concurred with the event days on June 2, 6, 10, 15, 24, and 28, 2023 but deferred action on July 23, August 4, and August 23, 2023, because they were deemed “not regulatory (*sic*) significant” at the time of the Director’s letter, inasmuch as the concurrence with the six days brought the 2023 DV into attainment with the 0.070 ppm 2015 ozone standard. The EPA concurrence was published in the Federal Register in January 2026 (91 Fed Reg 3847) with the associated proposed action of determination of moderate attainment by the attainment date. As a result, the Area has attained the 2015 Ozone NAAQS 2019 – 2023.

The remaining three days from the 2025 exceptional events demonstration were deferred by EPA for future consideration. LAPCD states in the proposed demonstration that its position is that the three deferred 2023 days carried regulatory significance at the time of EPA’s August 2025 determination because their inclusion would have lowered the applicable 2024 design value, bringing it closer to, although not yet meeting, the standard. With the additional 2024 dates analyzed in this proposed exceptional events demonstration, the relevant design values fully comply with the standard and the LAPCD is requesting EPA action on all submitted dates to bring both the 2024 and 2025 design values into compliance with the NAAQS. MOG supports this LAPCD request.

LAPCD notes in the proposed demonstration that the Indiana Department of Environmental Management is expected to prepare and submit to EPA Region 5 a separate exceptional events demonstration evaluating 2025 monitoring data to

address the 2023-2025 design value at the Charlestown State Park monitor and that this demonstration, if concurred with, is anticipated to reduce the 2023-2025 design value at the Charlestown State Park monitor to 70 ppb or below.

LAPCD also documents the fact that wildfire smoke has affected both ozone and PM_{2.5} 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.

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 also includes a myriad of analyses that support a clear causal relationship:

- (A) Historical concentration analysis
- (B) Satellite-based evidence
- (C) Statistical and spatial analysis of surface-level monitoring data
- (D) Back-trajectory analyses using the National Oceanic and Atmospheric Administration (NOAA) HYSPLIT Model
- (E) Synoptic meteorological analysis and National Weather Service (NWS) products
- (F) Meteorological matching day analysis
- (G) Generalized Additive Modeling (GAM)

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

MOG supports the proposed exceptional events demonstration. While it is clear that approval of the exceptional events demonstration contained within the LAPCD demonstration would be enough to bring the area into attainment with the

2015 Ozone NAAQS, MOG also urges LAPCD 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, LAPCD would assure that air quality monitoring data affected by exceptional events would be removed from future consideration.

Very truly yours,



Edward L. Kropp
Legal Counsel
Midwest Ozone Group