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Exceptional Events Rule/Clean Air Act: National Association of Clean Agencies Comments on U.S. Environmental Protection Agency Proposed Revisions

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The National Association of Clean Air Agencies (“NACAA”) has submitted February 2nd comments to the United States Environmental Protection Agency (“EPA”) on its proposed revisions to the Clean Air Act Exceptional Events Rule (“EER”).

The proposal rule titled *Treatment of Data Influenced by Exceptional Events* was published in the Federal Register on November 20, 2015. See 80 Fed. Reg. 72,839.

The EER’s purpose is to ensure that monitored air quality data over which a state or local air pollution control agency has little or no control (i.e., data related to “exceptional events”) do not bias regulatory decisions under the Clean Air Act and to:

...allow states and localities to exclude data affected by exceptional events when regulatory decisions are made.

The organization’s February 2nd comments address issues such as:

- Elimination of the “but-for” criterion (NACAA supports)
- Submittal by Federal Land Managers of EE demonstrations (NACAA opposes)
- Best Smoke Management Practices (NACAA expresses certain concerns)
- Not reasonably controllable or preventable (NACAA supports but suggest revisions)
- Dispute resolution (NACAA requests establishment of such a process)
- Types of data and data uses that may be affected by the EER (NACAA supports actions identified but notes others could qualify)
- Mitigation plans (NACAA supports Option 1)

[Click here to download a copy of the February 2nd letter.](#)