

**NOTICE
OF INTENT TO FLAG AIR QUALITY DATA
KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT
BUREAU OF AIR**

This notice will provide public review and opportunity for comments to be submitted to the Kansas Department of Health and Environment's (KDHE) Bureau of Air (BOA) regarding the Bureau's intent to flag certain ambient air monitoring data generated during calendar year 2009 that may be affected by exceptional events.

Promulgated federal regulations, found at 40 CFR Parts 50 and 51 "Treatment of Data Influenced by Exceptional Events, Section V, The Management of Air Quality Data Affected by Exceptional Events, Section G, Public Availability of Air Quality Data and Demonstrations Related to Exceptional Events" published in Federal Register / Vol. 72, No. 55 / Thursday, March 22, 2007, formally define the procedures to be followed by monitoring agencies that desire to flag certain ambient monitoring data believed to be affected by exceptional events. The regulations also provide for public notice of the intent to flag the data (found on page 13581). This regulation can be found at the following web site:

<http://www.epa.gov/EPA-AIR/2007/March/Day-22/a5156.pdf>

Paragraph 3 of Part 50.14 grants EPA the authority to exclude data from use in determination of exceedances and NAAQS violations provided that emissions from prescribed fires meets §50.1 (j), if the State has ensured that the burner employed basic smoke management practices. The Kansas State University Agricultural Extension Service has taken extensive measures to ensure that basic smoke management practices are followed through education and outreach efforts to farmers and ranchers using prescribed burning as a management practice.

After the opportunity for public inspection, the BOA will submit the final requested flagging documentation to the U.S. Environmental Protection Agency for concurrence.

The opportunity to review the potential data to be flagged will be provided through posting of the summary data as a part of this notice on the 3rd day of August 2009.

Written comments will be responded to if they are received before the close of business September 3, 2009, at the Kansas Department of Health and Environment, Bureau of Air and Radiation, Attention: Douglas Watson, 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366.

Any individuals with disabilities, who wish to review this information, should contact the KDHE to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact may be in person, by writing, telephone, or other means, and should be made no less than ten (10) days prior to September 3, 2009 or the date such party intends to review such filings, to allow time to provide such aid or service. Contact the Kansas Department of Health and Environment, Bureau of Air and Radiation, Attention: Douglas Watson, 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366.

If you have any questions about the proposed data to be flagged, you may contact Mr. Douglas Watson at (785) 296-0910. Copies of documents concerning this matter are available for review

at the office of the BOA. For information about reviewing these documents, please contact Mr. Douglas Watson, Kansas Department of Health and Environment, Bureau of Air and Radiation, 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366, telephone (785) 296-0910.

Summary of Data to be Flagged

The KDHE submitted a letter of intent to the U. S. EPA Regional Office in Kansas City, Kansas on June 19, 2009 in which the Bureau identified dates that were impacted by emissions from prescribed fires in the Flint Hills region of the state during April 2009. This letter emphasizes that PM_{2.5}, PM₁₀ and ozone levels were affected by fires. The initial list of dates submitted was:

April 7, 2009

April 8, 2009

A summary of the data in question for the dates specified is provided as a separate submittal and can be found at: [“Exceptional Event Data April 2009”](#).

What is an exceptional event? Exceptional event means an event that affects air quality, is not reasonably controllable or preventable, is an event caused by human activity that is unlikely to recur at a particular location or a natural event, and is determined by the EPA Administrator in accordance with 40 CFR 50.14 to be an exceptional event. It does not include stagnation of air masses or meteorological inversions, a meteorological event involving high temperatures or lack of precipitation, or air pollution relating to source noncompliance. Natural event means an event in which human activity plays little or no direct causal role.

What must be done to request exceptional event status for data? A State may request EPA to exclude data showing exceedances or violations of the national ambient air quality standard that are directly due to an exceptional event from use in determinations by demonstrating to EPA’s satisfaction that such event caused a specific air pollution concentration at a particular air quality monitoring location.

Demonstration to justify data exclusion may include any reliable and accurate data, but must demonstrate a clear causal relationship between the measured exceedance or violation of such standard and the event in accordance with paragraph (c)(3)(iii) of this section. The demonstration to justify data exclusion shall provide evidence that: (A) The event satisfies the criteria set forth in 40 CFR 50.1(j); (B) There is a clear causal relationship between the measurement under consideration and the event that is claimed to have affected the air quality in the area; (C) The event is associated with a measured concentration in excess of normal historical fluctuations, including background; and (D) There would have been no exceedance or violation but for the event. (With the submission of the demonstration, the State must document that the public comment process was followed.)

The supporting documentation that is proposed to be used for justification of the flags to be applied will consist of a combination of satellite imagery, back and forward trajectories, weather maps and data, media reports of smoke intrusion into an area where there are no known local fire events and local extension agent reports of fires in the Flint Hills areas as examples of the sources that may be used. The actual ambient air quality monitoring data also will be used to help determine if the measured values during the proposed exceptional event timeframes are significantly elevated in comparison to previous historic data for the monitoring site(s). The

final documentation process and selection of the source(s) of data that best support the requested flagging actions are not complete at this time and are not required to be submitted to EPA until September 3, 2009.

Materials concerning the proposed flagging of exceptional affected event data will be available for public inspection during normal working hours starting on August 3, 2009, at the following location:

Kansas Department of Health and Environment
Bureau of Air
Curtis State Office Building
Suite 310
1000 SW Jackson
Topeka, Kansas 66612-1366

All persons interested in ambient air monitoring in the State of Kansas are urged to review and comment on the proposed data to be flagged. Any person desiring to present lengthy comments should provide a written statement. Written statements will only be considered if received by 4:30 p.m. September 3, 2009 at the office of the Bureau of Air, Kansas Department of Health and Environment, Curtis State Office Building, Suite 310, 1000 SW Jackson, Topeka, Kansas, 66612-1366.