

# Air Emissions Reporting Requirements (AERR) Rulemaking

Marc Houyoux

Emissions Inventory and Analysis Group

Office of Air Quality Planning and Standards, US EPA

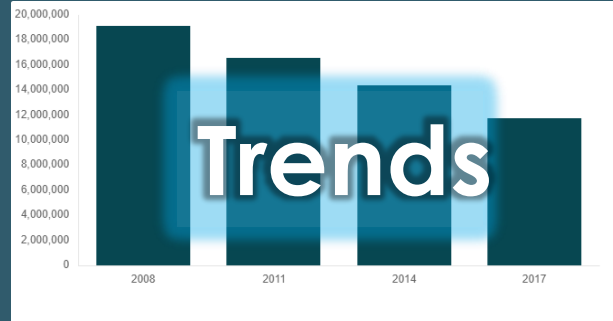
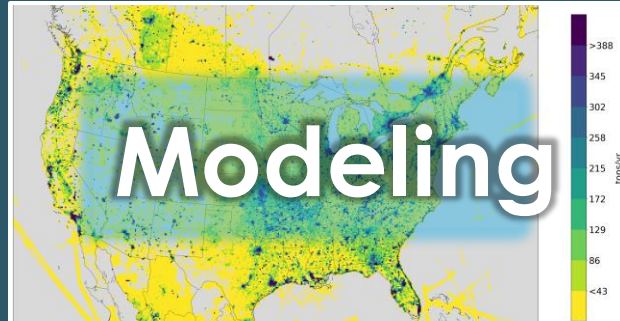
# What is the AERR?

- ▶ The AERR is a regulation that requires states, local agencies<sup>1</sup>, and some Tribes<sup>2</sup> (SLT) to report annual air emissions data to EPA
  - ▶ Criteria pollutants and precursors (CAPs) are required: carbon monoxide (CO), sulfur dioxide (SO<sub>2</sub>), particulate matter (PM) ≥ 10 and 2.5 microns in diameter (PM<sub>10</sub> and PM<sub>2.5</sub>), and lead (Pb), volatile organic compounds (VOC), nitrogen oxides (NO<sub>x</sub>) and ammonia (NH<sub>3</sub>)
  - ▶ Certain sources of emissions are reported as “point sources.” At each such facility, emissions are required to be reported as emissions releases within the facility
  - ▶ States report other emissions sources such as residential wood combustion and mobile sources as county-wide emissions totals or input data to emissions models
- ▶ The current regulation allows for voluntary reporting of hazardous air pollutant (HAP) emissions, prescribed burning, and wildfire data
- ▶ EPA uses the data collected and other resources to create the National Emissions Inventory (NEI)

<sup>1</sup> States may delegate reporting authority to local agencies

<sup>2</sup> For Tribes with Treatment as a State (TAS) for emissions inventory reporting

# EPA Uses the HAP Emissions Data



Regulatory  
Risk Analysis  
SLT needs  
Government research  
Non-regulatory  
(AirToxScreen)

National and State  
Air Quality Trends  
Report  
Report on the  
Environment  
International  
Reporting

NEI Report  
Website  
Congress  
Press  
Individuals  
University research

# Proposed AERR Updates

- ▶ EPA published proposed updates to the AERR on August 9, 2023
- ▶ Primary objectives of the proposal:
  - ▶ Ensure that EPA has sufficient information to identify and solve air quality and exposure problems to support and carry out provisions of the Clean Air Act
  - ▶ Ensure that communities have data they can use to understand significant environmental risks that may impact them
  - ▶ Address other known limitations of the current AERR

# Overview - Selected Proposed Revisions

## All Reporters:

- ▶ Changes, additions, and clarifications to point source reporting
- ▶ Clarifies that data submitted are “emissions data” and not entitled to confidential treatment

## Owners/operators:

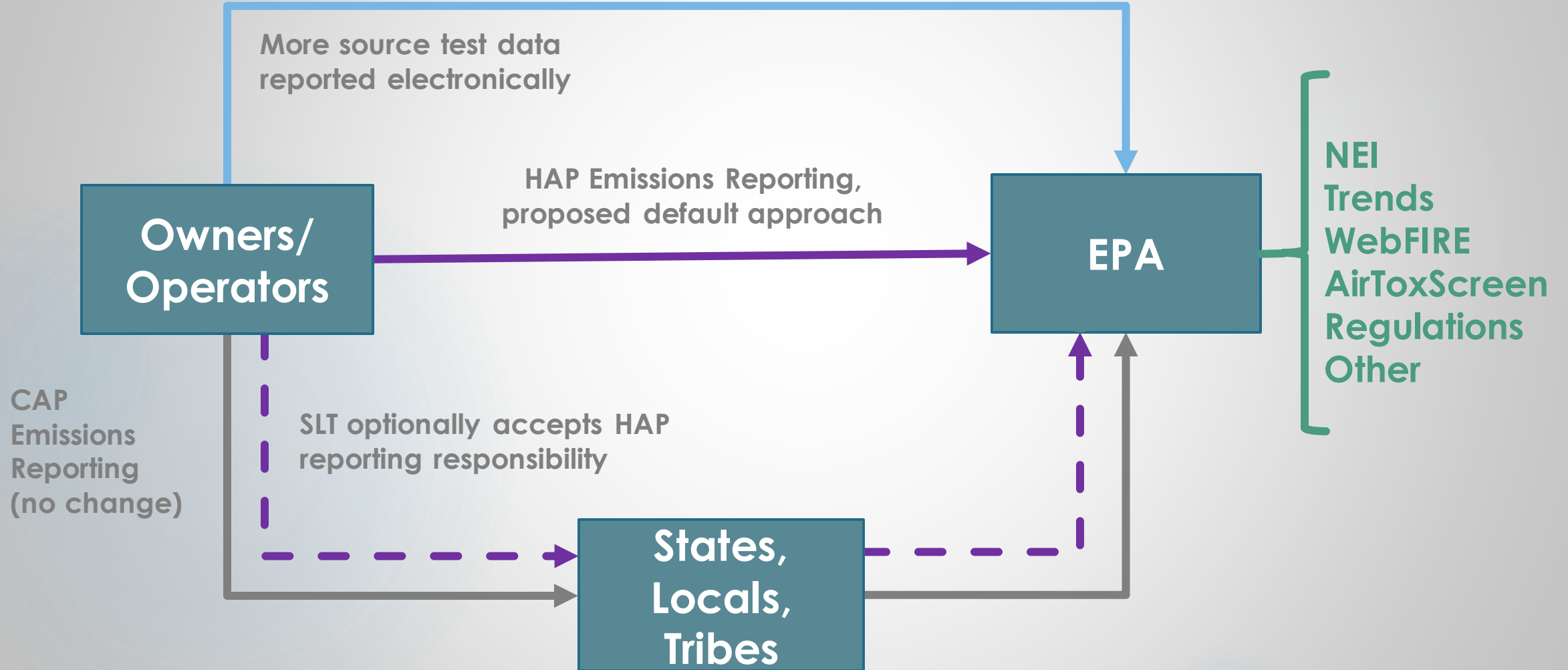
- ▶ Requirements for (a) annual reporting of HAP emissions directly to EPA for certain facilities within states and (b) provisions to reduce burden on small entities
- ▶ Requirements for annual reporting of emissions and other data directly to EPA for certain facilities outside of the geographic scope of a SLT’s implementation planning authority
- ▶ Requirement for owners/operators to use electronic reporting to submit certain source tests to EPA (CEDRI)
- ▶ Required to use the Combined Air Emissions Reporting System (CAERS)

## SLTs:

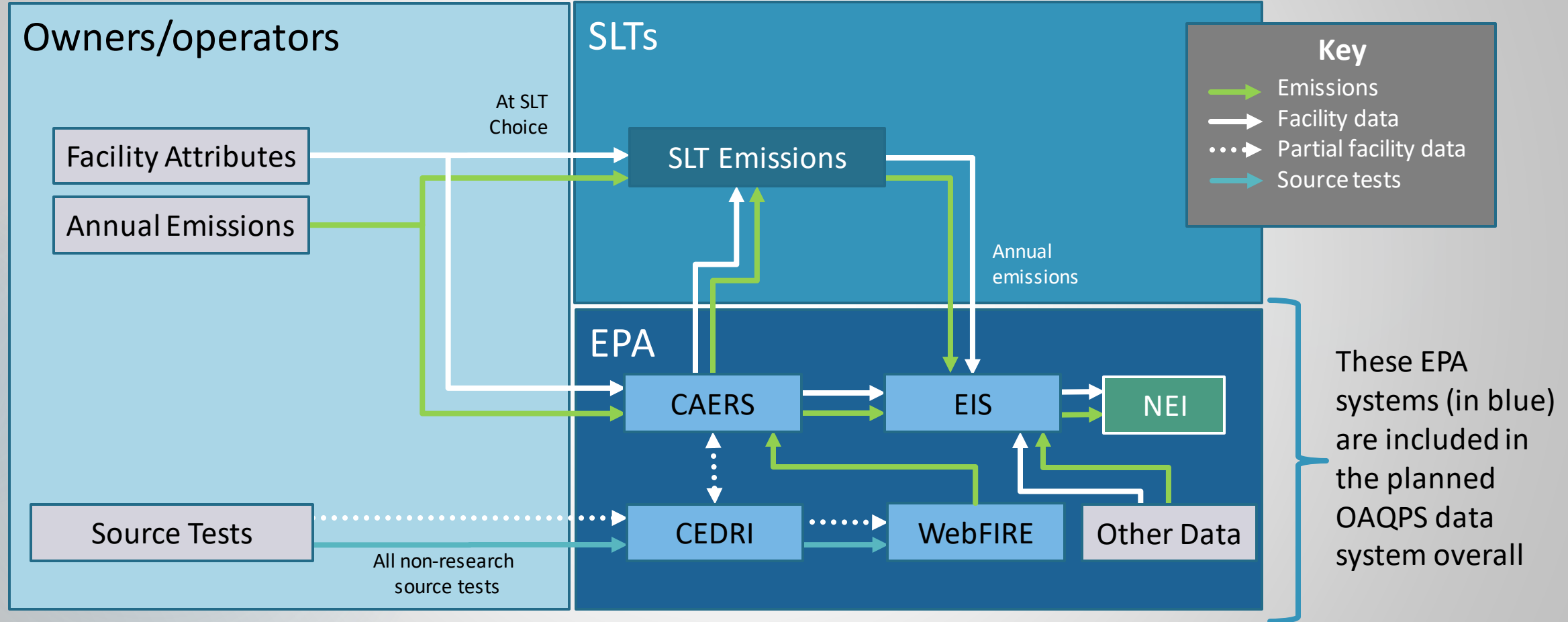
- ▶ Optional HAP reporting for point sources on behalf of owners/operators
- ▶ Requirement to report prescribed burning activity information
- ▶ Additions and changes for (a) nonpoint (county-wide) sources and (b) mobile sources



# Proposed AERR Point Source Collection

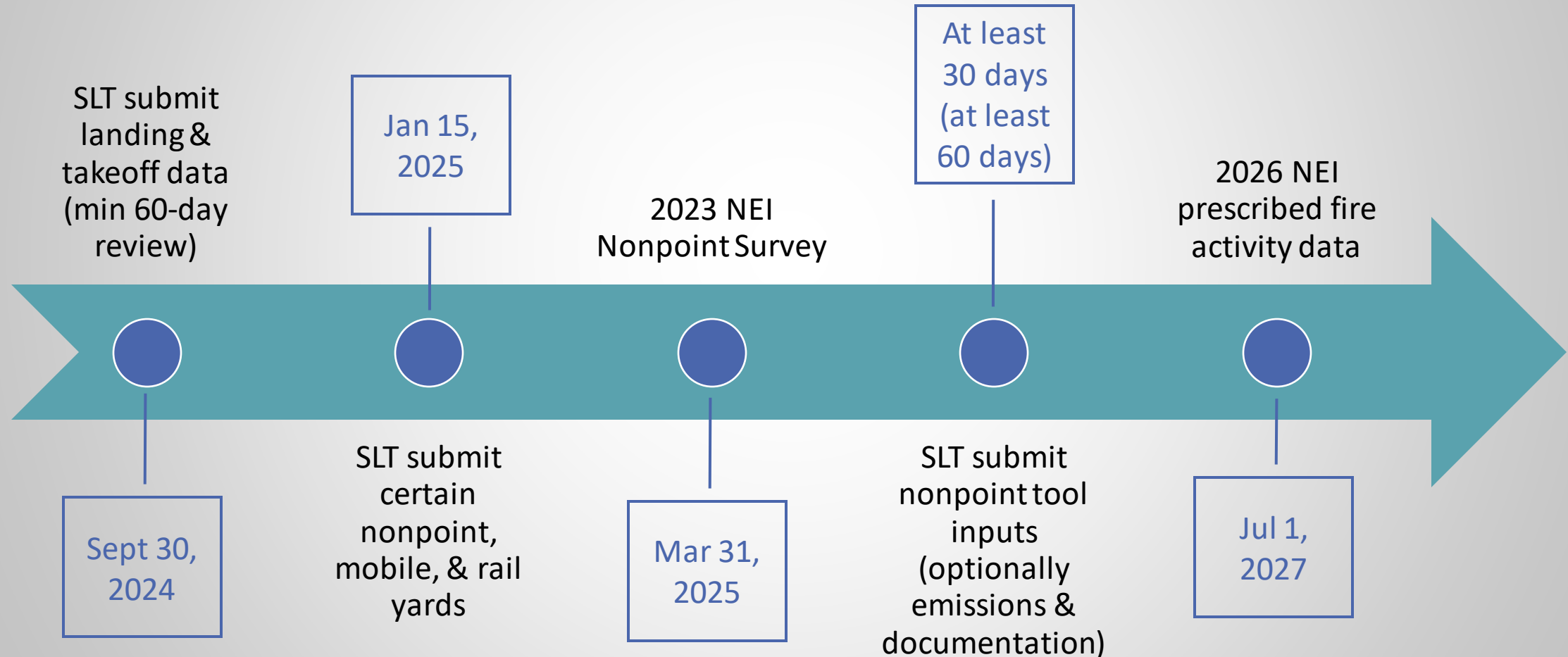


# Data Flows (with CAERS) as Envisioned Under Proposed AERR



# Timeline of Proposed AERR Deadlines

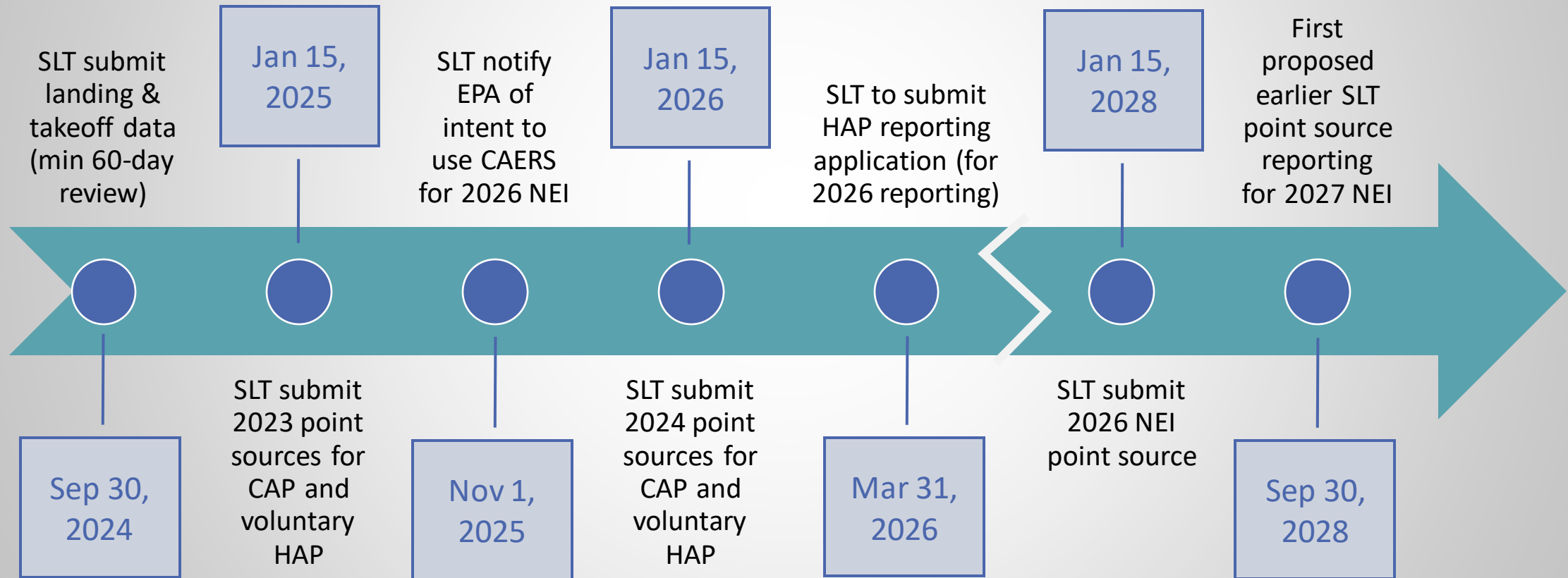
SLTs for nonpoint, mobile, and fires





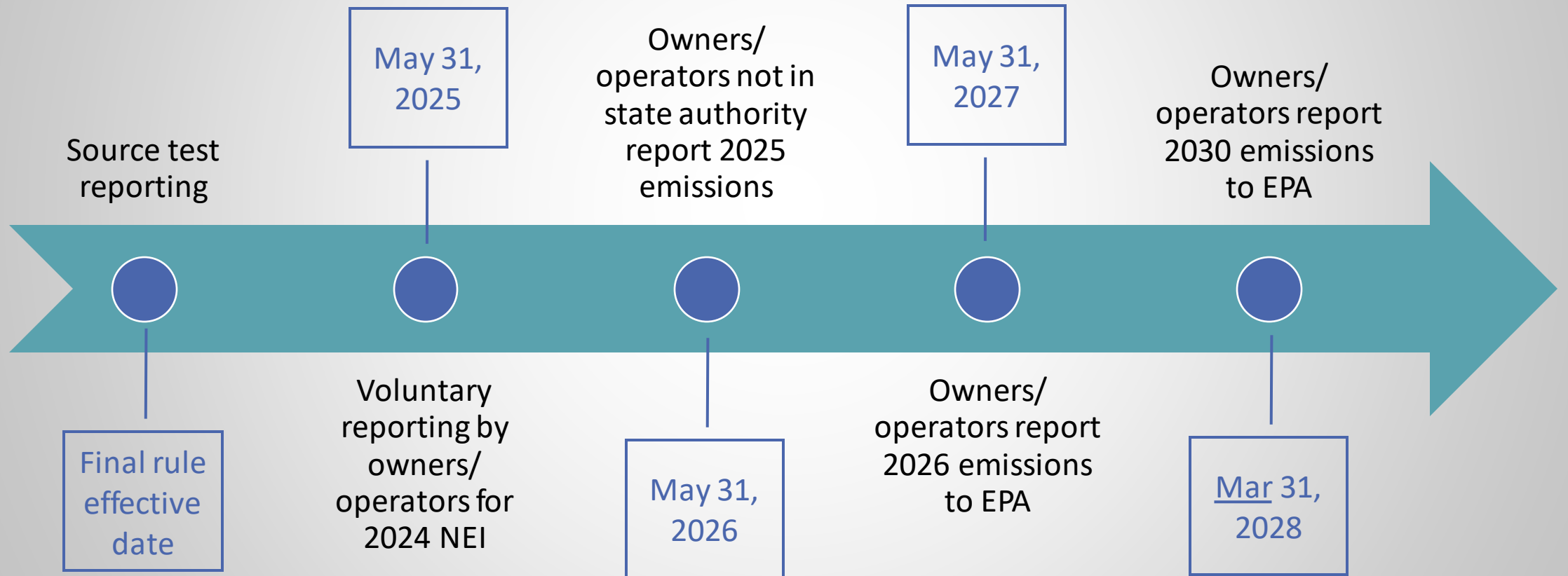
# Timeline of Proposed AERR Deadlines

## SLTs for point sources



# Timeline of Proposed AERR Deadlines

Owners/operators for point sources



# Estimated Number of Facilities Per NAICS

(Top 10 NAICS or groups with estimated largest changes under the proposal)

NAICS3	NAICS Description	2017 NEI	Proposal estimated
493	Warehousing and Storage	268	14,164
332	Fabricated Metal Product Manufacturing	2,817	12,940
221122	Electric Power Distribution	138	7,073
21311x	Support Activities and Drilling for Oil & Gas	193	6,316
622	Hospitals	876	6,375
327	Nonmetallic Mineral Product Manuf (e.g., concrete)	2,138	7,001
562	Waste Management and Remediation Services	1,828	6,013
211	Oil and Gas Extraction	2,715	6,401
611310	Colleges, Universities, and Professional Schools	391	3,573
339	Miscellaneous Manufacturing (primarily medical)	534	3,517

# SLT Concerns to Date

Based on webinar questions

- ▶ Concern about the process for an SLT to get approval to report HAP on behalf of facilities
- ▶ Concern about SLTs and EPA identifying facilities that do not have air permits that would be subject to reporting
- ▶ Cost of update SLT emissions collection systems
- ▶ How to get the data for prescribed burns if their state doesn't collect it now

# Industry Concerns to Date

Based on public hearing and webinar questions

- ▶ Public hearing had 1 industry commenter (3 commenters total)
  - ▶ Concern that the proposed data collection is not enough to properly estimate risk; if EPA publicly shared those results with bad information, that would be bad for companies and for EPA's credibility
- ▶ Concerns from webinars
  - ▶ Concern that the confidential treatment exclusion for "emission data" will cause trade secrets (*e.g.*, product formulations) to be made public
  - ▶ Concern about having to include mobile source emissions in reports
  - ▶ Concern about whether they need to use MOVES to estimate mobile source emissions
  - ▶ Concern about the level of effort for reporting locations of all release points of emissions
  - ▶ Concern that requiring reporting state-required source tests to EPA would require duplicative reporting to both state and EPA

# AERR Proposal Comments and Questions

- ▶ The proposal published in the Federal Register on August 9, 2023  
<https://www.federalregister.gov/documents/2023/08/09/2023-16158/revisions-to-the-air-emissions-reporting-requirements>
- ▶ AERR website: <https://www.epa.gov/air-emissions-inventories/air-emissions-reporting-requirements-aerr>
- ▶ You may submit written comments through October 18, 2023
  - ▶ Comments can be sent via [www.regulations.gov](http://www.regulations.gov), docket ID EPA-HQ-OAR-2004-0489
  - ▶ Email and fax options are available in the preamble
- ▶ Clarifying questions can be sent to [NEI\\_Help@epa.gov](mailto:NEI_Help@epa.gov)  
(Please include AERR in the subject line)



# Acknowledgements

- ▶ Thank you to the entire AERR team who provide input, review, and guidance in developing the AERR proposal and related materials
- ▶ Thanks to Madeleine Strum and Alison Davis for review of slides that contributed to this presentation