

Air Emissions Reporting Requirements Proposal

Frequently Asked Questions

The Federal Register citation for the proposed AERR is [88 FR 54118](#).

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Acronyms

These acronyms are used throughout this document and are defined here for reference.

AERR: Air Emissions Reporting Requirements

CAERS: Combined Air Emissions Reporting System

CAP: Criteria Air Pollutant

CDX: Central Data Exchange

CEDRI: Compliance and Emissions Data Reporting Interface

ERT: Emissions Reporting Tool

HAP: Hazardous Air Pollutant(s)

NESHAP: National Emission Standards for Hazardous Air Pollutants

OAQPS: Office of Air Quality Planning and Standards

SLT: State/Local/Tribal (generally refers to an air agency)

TRI: Toxics Release Inventory

1 Questions on Source Test Data Reporting

1.1 The proposal asks for reporting stack test results by owners/operators. Will the proposed AERR rule require new stack testing?

The proposal applies to stack tests that are already required by other rules; it would not create new testing requirements. By requiring owners and operators to report test results, the proposal would increase the data available to EPA to develop and improve emissions factors. EPA, states, and industry use emission factors to estimate emissions from various industrial activities.

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1.2 Are the source tests required to be put in Emissions Reporting Tool (ERT) even if the facility doesn't exceed the rule's emissions reporting thresholds?

The proposal would require owners/operators to report data from source tests only if the facility for which the test was performed meets the proposed definition of a point source. The proposal would require reporting using ERT to the Compliance and Emissions Data Reporting Interface (CEDRI) in that case. If it is not a point source, then the source test does not need to be reported.

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1.3 Does the AERR proposal include reporting of stack test reports that occurred prior to the final AERR?

No, the proposal indicates that only source tests conducted after the rule is final would be required. See section IV.C of the preamble and the proposed regulatory text of 40 CFR § 51.30(e), which reads “Test results conducted on and after the effective date of the final rule must be reported by (1) the earliest scheduled reporting date for any form of reporting (electronic or otherwise) as required by the Federal or State action motivating the measurements; or (2) if no scheduled date exists, within 60 days of completing the measurements.”

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1.4 If a major source is already required to submit source test data due to NESHAP requirements using ERT/CEDRI, how does this impact the requirements for those same sources potentially being required to submit these results for the AERR?

The AERR proposal is designed so that source tests already reported due to existing National Emission Standards for Hazardous Air Pollutants (NESHAP) requirements would continue to be reported under those NESHAP requirements. Point sources that are not required to report under those NESHAPs would need to start reporting to meet the AERR requirement if the AERR is finalized as proposed. The proposed AERR would include owners/operators of point sources from reporting source tests electronically under the AERR if “such results are not otherwise reported to the EPA

based on regulations listed at <https://epa.gov/electronic-reporting-air-emissions/cedri#list>,” among other conditions (see also the response to question 1.5).

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1.5 Would the proposed AERR require electronic reporting of source testing that EPA requires be conducted as part of Residual Risk Reviews (or other testing requirements made by EPA)?

The proposed regulatory text at 40 CFR § 51.25(b) specifies which sources tests would need to be reported. It reads: “(1) Such results are not otherwise reported to the EPA based on regulations listed at <https://epa.gov/electronic-reporting-air-emissions/cedri#list>; (2) Such results are gathered to meet any other Federal or State requirement; (3) Such results are supported by an EPA electronic reporting system at the time the test conducted as described in §51.35 of this subpart; and (4) The tests are not subject to confidential treatment in accordance with exceptions for emission data provided by 40 CFR §2.301 subparagraphs (a)(2)(ii)(A) and (a)(2)(ii)(B).”

Any test that meets these conditions would need to be reported according to the AERR proposal.

1.6 Will “like” source test data be able to still be used for emissions estimation or will each source require its own testing information? Example: Multiple cooking stacks - One stack test being used on each of those emission points.

The proposed AERR would require the use of the best available data for each emission point within the facility. If there are not source tests data available for each stack, then the next best available data could be data from any testing done on a similar stack. Under the AERR proposal, using such source tests for similar equipment would be allowed if the data are the best available data to estimate emissions.

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1.7 Why is EPA proposing to require more information to be put into the ERT when the current ERT still has limitations?

The ERT would need to be used when it supports the source test or performance evaluation. In other cases, a spreadsheet-based approach could be required.

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1.8 Will EPA be using the stack tests to update AP-42?

EPA is seeking to improve emissions factors to support improved emissions inventories via the proposed collection of additional source test data. As the preamble to the proposed rule notes, one of the sources of emission factors is AP-42.

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1.9 Does the AERR proposal include collecting fenceline emissions?

Some other EPA rules currently require electronic reporting of fenceline concentrations to EPA. These fenceline concentrations of pollutants in the air are measured after the emissions have been mixed with ambient air and moved from their emission point within a facility to the fenceline of the facility.

This proposal would collect data at all points of emission *within* the facility, except for small businesses, as described in the preamble, in section IV, A, 11 and 12.

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2 Point source reporting requirements.

2.1 What is a point source under the AERR proposal?

The proposed AERR would change the definition of point sources for purposes of reporting under the AERR. In the proposed regulatory text 40 CFR § 51.50, EPA has proposed:

“Point source means a stationary or portable facility that (1) is a major source under 40 CFR part 70 for any pollutant, or (2) has PTE or annual actual emissions of pollutants greater than or equal to the reporting thresholds in Table 1A to Appendix A of this subpart, or (3) has a primary NAICS code listed in Table 1C to Appendix A of this subpart and annual actual emissions of pollutants greater than or equal to the reporting HAP reporting thresholds (presented in Table 1B to Appendix A of this subpart). In assessing whether emissions levels exceed reporting thresholds, all provisions of this subpart related to emissions estimation approaches apply, including §§51.5 and 51.10 of this subpart.”

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2.2 What is the definition of a major source that EPA is using for the applicability of the proposed requirement to report all HAP?

In the definition for point sources, the preamble and regulatory text for the proposed rule cite [40 CFR Part 70.2](#).

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2.3 Would the proposed AERR replace the State emissions inventory reporting whereby permitted sources are required to report to the state annually? What would be the advantage to sending identical reports to both the state and to the EPA as well?

The AERR proposal does not specifically address owners/operators reporting to a state, except in the context of whether the state chooses to report HAP on behalf of owners/operators. As described in the preamble section IV.A.6, “a State could choose to report for all owners/operators

within the State who would have to report HAP. This proposed approach allows for States that already report HAP to continue to do so, but also avoids a burden increase for other States while making CAERS available to further reduce burden for States reporting HAP.”

In the proposal, EPA attempts to address the potential for duplicative reporting requirements via CAERS. As noted in section IV.A.4, “CAERS can implement the requirements of this proposed rule without undue burden on facilities or States by: (1) avoiding duplicative reporting requirements, (2) supporting consistency of data across programs, and (3) supporting States, locals, and Indian tribes that collect HAP data.”

Finally, in section IV.A.5 of the preamble, EPA describes “[t]his proposed action does not eliminate the possibility that industry may face a duplicative reporting requirement for the State. States are free to use a data collection approach of their choice and implement regulations that meet State needs. For example, if a State chooses for owners/operators of facilities to continue to report to a State system and those facilities are also required to report HAP to the EPA via CAERS, then duplication could exist. This duplication could take the form of requiring the same HAP emissions data be reported via two separate collection mechanisms to both the State and to EPA. This proposal provides mechanisms to avoid duplicative reporting requirements, but the Agency is aware that it may not completely eliminate the possibility of duplicative requirements because it provides States choices in how they comply with the proposed requirements. The EPA seeks comments on how we might reduce or eliminate the possibility of duplicative requirements.”

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2.4 If the proposed AERR were finalized and a state was not approved to report HAP on behalf of owners/operators, how would EPA prevent that state from voluntarily submitting HAP?

The proposed rule does not specifically address this situation. The preamble describes that EPA is providing approaches (CAERS) so that facilities would not have to report the same information both to the State and directly to EPA.

Under current practice for the National Emissions Inventory (NEI), EPA allows voluntarily submitted data to be reported, and the proposal would not change this.

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2.5 Under the proposed AERR, owners/operators would report criteria pollutants and precursors to the state/local/Tribal (SLT) air agency and would report HAP to EPA (unless the SLT is approved to do so). What is the SLT role when the SLT is using CAERS to collect emissions?

There is no difference in the SLT role when they use CAERS to collect CAP (or HAP) data versus using their own data system. CAERS supports SLT staff review of the emissions data for which they are responsible for reporting. The SLT can use CAERS to submit the data to EIS.

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2.6 Under the proposed AERR, would major and non-major point sources have to account for mobile source emissions? Will they have to use the MOVES model to estimate those emissions?

The AERR proposal would require emissions reporting for all point sources (major and non-major) to include those “mobile sources (excluding aircraft and ground support equipment) operating primarily within the facility site boundaries of a point source or multiple adjacent point sources” (proposed 40 CFR 51.5(b)). As described in the preamble Section IV.I.16, “these mobile sources can include mining equipment and other vehicles and have emissions both from combustion engines and from road dust generated by the vehicles.” The AERR proposal at § 51.5(b) would also require these emissions to be included for two purposes: “when assessing whether its facility emissions exceed the emissions reporting thresholds” and “when submitting point source emissions data under this subpart.”

The proposal does not address how an owner/operator would need to estimate mobile source emissions. The proposed requirement is to use the “best available” emissions estimation methods.

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2.7 For the new proposed inclusion of certain mobile sources operating at stationary facilities, to which mobile sources would this apply? Does this include any of the following: mobile generators, temporary engines that are not actually part of the stationary source, non-emergency engines for welding machines or light stands, temporary alternative equipment brought in such as a mobile temporary crusher, a lawn mower, pickup trucks, golf carts, fork trucks, or a locomotive that stays within the facility boundary?

Under the proposal in § 51.50, a mobile source “means a motor vehicle, nonroad engine or nonroad vehicle, where: (a) a motor vehicle is any self-propelled vehicle designed for transporting persons or property on a street or highway; (b) a nonroad engine is an internal combustion engine (including the fuel system) that is not used in a motor vehicle or a vehicle used solely for competition, or that is not subject to standards under sections 111 or 202 of the CAA; and (c) a nonroad vehicle is a vehicle that is powered by a nonroad engine and that is not a motor vehicle or a vehicle used solely for competition.”

The proposal limits inclusion to “mobile sources (excluding aircraft and ground support equipment) operating *primarily* within the facility site boundaries of a point source or multiple adjacent point sources” (proposed 40 CFR 51.5(b), emphasis added). If operation of a vehicle occurs primarily outside the facility site boundaries of a point source, then emissions from such a vehicle would not need to be reported under this proposal.

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2.8 Does EPA proposal include sources at ports such as diesel trucks picking up and cargo handling equipment? Does EPA proposal include emissions from rail yards?

Equipment at Ports -- The AERR proposal includes commercial marine vessel emissions within the NEI operating at ports. It does not specifically discuss diesel trucks and cargo handling equipment at ports.

Emissions of diesel trucks – The AERR proposal and the current rule include requirements for states to report inputs to the MOVES model, and EPA estimates county-wide emissions from these trucks.

Rail Yards - The AERR proposal includes rail yards, with a unique approach for gathering data to estimate emissions from such sources. The proposed AERR would require SLTs to report rail yard emissions; however, EPA collects the initial rail activity information through voluntary participation from the rail companies. This approach considers both the on-rail and rail yard activity. Using the data from rail companies, EPA estimates draft emissions and then provides to states for review, comment, or revision prior to completing the emissions.

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2.9 Does the AERR proposal include emissions reporting from “last mile” warehouses, such as those owned by Amazon?

If any such facility were to meet the point source definition, then it would be included. For non-major sources, one of the proposed industry codes includes “warehousing and storage.” Whether a “last mile” warehouse would be included in the proposed AERR would depend on the particular facility and their estimated emissions.

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2.10 Would the proposal allow using AP-42 or other emissions factors?

The proposed AERR would require using the best available information to estimate emissions. If emission factors are the best available information, they could be used. For example, if a unit has a source test available, the source test for such a unit would be considered better than an emission factor and should be used for reporting. The proposal would allow the emissions report to use an emission factor in this case only if the emissions report included an explanation about why an available source test is not useful for estimating annual emissions.

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2.11 If there is no source test or any AP-42 emission factor available for calculating individual HAP emissions from an emission source, is EPA planning to provide an emission factor so the emission calculations can be performed?

The AERR proposal does not address this question specifically but references other approaches that may be used (e.g., mass balance, engineering judgement) when emissions factors are not available.

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2.12 Does the AERR proposal include *de minimis*, exempt, or insignificant sources for the purpose of this reporting?

According to the AERR proposal, the only emissions sources within a facility that would not need to be included would be those mobile sources that are aircraft and ground support equipment or do not operate “primarily within the facility site boundaries of a point source or multiple adjacent point sources.”

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2.13 Why does the AERR proposal include geographic coordinates for each fugitive release point when for a single facility, that could be hundreds or thousands of release points?

As described in Section IV.A.11 of the preamble, we included these because including emissions by release point can have a significant impact on risk estimates from a facility.

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2.14 For the additional requirement of geographic coordinates of the release points, are coordinates more specific than the facility coordinates needed?

The AERR proposal specifies that the individual release locations be provided. These are more specific than the facility coordinates.

Under the proposal, small businesses would not need to report the individual release locations unless risk modeling using the single facility location is showing 20 in 1 million or more cancer risk from the facility.

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2.15 For the proposed requirement to report applicable federal regulations, what level of detail would be required?

The AERR proposal would require that applicable regulations would need to be reported by emissions unit. This would apply to all point sources, including small businesses.

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2.16 How would states or EPA find sources that could be subject to reporting under any final AERR if they are not currently permitted?

This is an implementation and enforcement issue that is not directly addressed in the proposed rule.

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2.17 How would compliance of the proposed provisions be enforced?

The AERR proposal does not address enforcement. Once the AERR revisions are final, EPA will work with co-regulators and the regulated community to transition to the new AERR requirements.

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2.18 How does the proposed AERR compare to the requirements for HAP reporting for the Toxics Release Inventory (TRI)? Would the proposed AERR affect more sources for air emissions than does TRI?

There may be some overlap in the information that industry would report under the proposed Air Emissions Reporting Requirements (AERR) and what they must report under the TRI. But reporting thresholds for the two inventories are different, and the AERR would require some detailed data that the TRI does not require. EPA needs the more detailed information for air quality modeling and to conduct risk assessments. To make it easier to report to both inventories, industry would be able to use EPA's Combined Air Emissions Reporting System (CAERS) to report under the AERR, then import that data for TRI reporting.

The proposed AERR differs from TRI air emissions reporting in the following key ways:

- The AERR proposal is based on authorities in the Clean Air Act, whereas the TRI is based on the authorities of the Emergency Planning and Community Right-to-Know Act (EPCRA).
- The AERR proposal would collect HAP emissions by unit, process, and release point (except for small businesses), whereas the TRI collects "chemicals" (which is a different list than HAP but includes most HAP plus other substances) as a facility total of all stacks and all fugitives. The AERR proposal would also require that the individual locations of each emissions release be reported for a facility (rather than a single location for all release points). Such release point detail can be important when estimating risk to surrounding communities.
- The AERR proposal and TRI have different emissions reporting thresholds – both the form of the threshold and the values. The AERR proposal thresholds are actual emissions whereas the TRI thresholds consider how much of a material is used in addition to how much is emitted, for example. The AERR proposal thresholds were based on an analysis that considered risk analysis using available data.
- For the AERR proposal, EPA estimates that more facilities will need to report for the AERR than report to TRI currently.

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2.19 If EPA is collecting more detailed emissions data than for TRI, why would TRI still need to collect emissions information?

The TRI is mandated by the Emergency Planning and Community Right-to-Know Act (EPCRA) and includes not only air emissions but also land disposal and water releases. However, the proposed AERR describes that states and owners/operators can leverage the Combined Air Emissions Reporting System (CAERS) to reduce duplicative reporting. CAERS already includes a feature whereby an owner/operator reporting to TRI can import their emissions data from what was reported via CAERS. If the information is duplicative for submitting to TRI and doesn't need further refinement, then owners/operators can use it in their TRI report to minimize any potential duplication.

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2.20 Would the proposed AERR require all activity data regardless of whether it is used for emission calculations? For example, chemical plants may calculate emissions based on vapor outlet flow rate and vapor pressure calculated from temperature using literature data or a calibration curve developed for their specific operation.

The proposed AERR would require the activity data associated with the emissions calculation with one exception. For combustion units, the proposed AERR would also require fuel use for combustion processes if it was not the activity used for estimating emissions. See sections IV.1.4 and IV.1.9 of the preamble and proposed Table 2b to Appendix A.

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2.21 If a state does not choose to report HAP on behalf of owners/operators, what would the role of the state be for quality assurance under the proposal?

The proposal does not specify a role for states with regard to quality assurance in the case where owners/operators would report HAP emissions to EPA directly. Section IV.5 of the preamble notes: "By proposing CAERS as the reporting system for owners/operators of facilities, the EPA also provides States a choice about the degree to which the State will take on additional burden."

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2.22 How and when would states be able to get the data that the owners/operators submit to EPA?

The AERR proposal does not specifically address this issue. The CAERS includes the functionality for states to access the data; however, that is within the existing context of a state using CAERS to collect data from owners/operators rather than EPA being the party collecting the data. CAERS provides an application program interface (API) so that states can program their existing data systems to access data from CAERS. In addition, CAERS allows states to create data reports for download.

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2.23 Can you please say more about the optional inclusion of reporting PFAS? What PFAS substances are being considered?

Section IV.A.16 of the proposal states that the PFAS list would be “consistent with the PFAS list included as part of the TRI.”

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3 Reporting software for point sources

3.1 What platform will owners/operates use to report their emissions to EPA?

AERR proposal would require owners/operators who report to EPA to use the Combined Air Emissions Reporting System (CAERS) (See proposed 40 CFR 51.5 (h)). Owners/operators of facilities within states that voluntarily report on behalf of owners/operators would report using the approach specified by the state.

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3.2 If a state takes on the HAP reporting, can the state use their existing systems to report CAPs and use CAERS just for HAP?

The proposed AERR does not specify the data systems a state must use to report or whether the same system must be used for both CAP and HAP. The proposal does specify that when CAP and HAP are emitted from the same unit, process, and release point that the same unit identifier, process identifier, and release point identifiers (and control identifiers if applicable) must be used. Given this, under the scenario posed by this question, the state would need to make sure that it coordinated its CAP reporting and HAP reporting to ensure that it meets the proposed requirement for using consistent identifiers.

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3.3 States were told that EPA was not going to require CAERS, but the AERR seems to be requiring it. Why?

The proposed AERR does not require that states use CAERS, but it does require owners/operators who are reporting HAP emissions data directly to EPA to use it. If a state is reporting HAP emissions data on behalf of owners/operators, the proposed AERR says only that states must report via the Emissions Inventory System (EIS). States who wish to reduce their burden for air emissions reporting and streamline reporting for their owners/operators can use CAERS to collect data from owners/operators.

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3.4 If states choose not to collect the HAP data on behalf of facilities, is EPA going to provide training and ongoing support to owners/operators to use CAERS?

EPA currently provides training on CAERS to owners/operators within states and local air districts that use CAERS. EPA expects to continue CAERS training for all CAERS users.

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3.5 How would EPA update CAERS to implement the AERR?

While the proposal does not cover this issue, EPA plans to update CAERS to support a final version of the AERR. To implement the AERR if the final rule were the same as the proposal, then we believe at this time that some key updates to CAERS would be needed:

- Support for direct facility reporting to EPA via CAERS (rather than through the state first);
- Facility data management (units, processes, release points, and controls) across CAERS, EIS, and CEDRI (in addition to the TRI and GHGRP envisioned by CAERS but not related to the AERR);
- Facility data management sharing with states (to support states that report CAP but not HAP)
- Updates to implement collection and quality assurance of any new point source data fields;
- Updates to support use of source test data reported to CEDRI to estimate emissions (when available) and to enter reasons why such source test data cannot be used, if necessary; and
- Facility-wide emissions estimation tool to support small businesses.

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3.6 How many states plan to change their reporting system requirements to meet the requirements outline in this proposal?

We cannot answer that at this time. We are awaiting input from states about the proposal via the notice and comment process.

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3.7 How do CAERS, CEDRI, and CDX relate now and how might that change under the proposal?

Currently, CAERS and CEDRI are both hosted in EPA's CDX environment. This hosting approach is independent of the AERR proposal. EPA/OAQPS is continually looking for ways to improve emissions data collection and sharing in support of streamlined data systems.

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4 Confidential Business Information

4.1 My company is concerned that the proposed changes would cause disclosure of our product recipes. Why does the proposal address issues of confidential business information?

As described in section IV.H of the preamble to the proposed AERR, emissions data are exempt from confidential treatment as per 40 CFR 2.301. In this proposal, EPA is clarifying the connection between the “emissions data” collected under the AERR and the “emission data” of 40 CFR 2.301.

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4.2 How would concerns regarding using Material Balance to calculate emissions and maintaining confidentiality be addressed?

The AERR proposal would require reporting of the resulting CAP and HAP emissions estimates from the material balance calculation. The EPA is not aware of a proposed requirement that would cause confidentiality concerns when using material balance to estimate emissions.

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4.3 Can throughput information be generic, i.e., throughput of product A results in ... tpy emissions.

The proposed AERR (section IV, I. 9 of the preamble), states that “the EPA plans to reject data submitted to EIS for emissions estimation methods that require throughput to calculate emissions (e.g., emissions factors) when the throughput data are not included in the submitted emissions reports.” (see section IV.I.9 of the preamble).

The proposed AERR would also require fuel use for combustion units (see section IV.I.4 of the preamble). The currently available units of measure for reporting to EPA are available in the [docket for the proposed rule](#) (see docket entry EPA-HQ-OAR-2004-0489-0104, “EISReportingCodeTables”). EPA currently coordinates on the available units of measure with SLTs.

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4.4 If the throughput data were not required to be disclosed, how would EPA and the states be able to verify that the emission data being reported is grounded in the facts?

Section IV.I.9 of the preamble to the proposed AERR describes this situation as follows: “Accurate and complete data about throughputs used to estimate emissions is critical to include so that the EPA can quality assure the resulting emissions data and have all information needed to transparently provide the origin of the emissions estimates in the NEI.”

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5 State reporting on behalf of owners/operators

5.1 What is the process for a State to get approval to report HAP on behalf of its facilities?

Please see section IV.A.6 of the preamble to the proposed rule and the proposed 40 CFR 51.1 (d) “State Optional Reporting” for the answer to this question.

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5.2 How will a facility know if the applicable SLT will be reporting on their behalf?

EPA would post a list of SLT agencies approved to report HAP on its website (see also the response to the previous question).

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5.3 Under the proposal, can some owners/operators within a State report through CAERS while the State reports on behalf of other owners/operators)?

The AERR proposal would not allow this. As described in Section IV.A.5 of the proposal, “EPA’s experience suggests that such an approach would be too complicated to implement because it would require EPA and States to track reporting responsibility individually for the hundreds of required pollutants. The approach proposed by the EPA provides for a simpler tracking approach with just two categories of pollutants: ‘CAP’ and ‘HAP’. This straightforward approach helps ensure that the EPA and States will know whether the State or owner/operator is expected to report HAP for a given facility and inventory year. The approach also allows the EPA to administer the reporting program more robustly, including assessing completeness of data submissions and compliance with the proposed requirements. This proposed approach also makes it easier for owners/operators and States to know which party is responsible for reporting each pollutant to EPA.”

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5.4 Does a State still have to apply for approval to report HAP emissions if the State has been requiring and reporting HAPS to NEI for years (before 2002)?

Yes, the AERR proposed application process would apply the same to all States. Please see section IV.A.6 of the preamble to the proposed rule and the proposed 40 CFR 51.1 (d) “State Optional Reporting” for the answer to this question.

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5.5 Can a States' HAP requirements include additional provisions that do not match the EPA requirements? For example, if the State wants to collect additional pollutants, can they do that?

The proposal would require that the State meet certain requirements of the AERR (see proposed 40 CFR 51.1(d)). The proposed AERR does not prevent states from issuing HAP requirements that might go beyond the AERR.

In addition, proposed 40 CFR 51.15(a)(5) says that "A State may report additional pollutants not required by §51.12 of this subpart when supported by the EPA electronic reporting approaches (as described by §§51.5(g) and (h) of this subpart)."

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