



IOWA DEPARTMENT OF NATURAL RESOURCES

LEADING IOWANS IN CARING FOR OUR NATURAL RESOURCES

Disclaimer

- This presentation does not include all the requirements proposed in the July 2023 AERR rulemaking. Please refer to the rule published in the Federal Register for the proposed amendments:
<https://www.federalregister.gov/documents/2023/08/09/2023-16158/revisions-to-the-air-emissions-reporting-requirements>
- FAQ: <https://www.epa.gov/system/files/documents/2023-09/AERR%20FAQ%20part%201.pdf>
- This presentation focuses on the most impactful changes to point sources in Iowa, both stationary and portable.
- The rule is proposed at this time and has not been finalized.

Expansion of 40 CFR 51.50 Definition of Point Source

For emissions reporting per the AERR, point source means a stationary or portable facility that:

1. Is a major source under 40 CFR Part 70 (Title V) 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 the AERR, or
3. Has a primary NAICS code listed in Table 1C to Appendix A and annual actual emissions of pollutants greater than or equal to the HAP reporting thresholds in Table 1B to Appendix A of the AERR
 - Each HAP has its own individual reporting threshold

Mandatory HAP Reporting to EPA

- DNR currently reports all Title V emissions (CAPs and HAPs) reported to DNR to EPA.
 - This is more data than is required by the current AERR.
- The proposed AERR revisions would require **annual** mandatory reporting of HAPs from Title V and minor sources starting with the 2026 Emissions Inventory Year.
- The HAPs that minor sources would be required to report are determined by a reporting threshold set for each individual HAP.
 - If the reported HAP is also a VOC or particulate matter (incidental CAPs) then the minor facility would also be required to report the incidental CAP.

Reporting Options

- The AERR offers 2 options:
 1. Owner/Operators (facilities) report HAP emissions directly to EPA via the new Combined Air Emissions Reporting System (CAERS), or
 2. DNR collects the HAP emissions data in SLEIS and reports it to EPA on behalf of owner/operators
- Option #1:
 - Title V sources would report HAPs to EPA annually via CAERS & submit a full inventory (all pollutants) annually to DNR via SLEIS.
 - DNR would then report the Title V CAP data to EPA.
 - Minor sources would report HAPs to EPA annually and submit a full inventory (all pollutants) every three years to DNR via SLEIS.
 - DNR would not report any minor source data to EPA.
- Option #2, DNR must:
 - Promulgate a State regulation to collect facility equipment and actual emissions for HAP to meet the requirements of the AERR.
 - Apply in writing by 3/31/2026 for EPA approval to collect the data

Point Source Annual Inventory Deadlines – If DNR Reports to EPA on Facilities’ Behalf

EI Year	EPA Deadline	Data to Report
2023	01/15/2025	Title V CAPs, Title V HAPs (Voluntary), Lead \geq 0.5 tons actual,
2024	01/15/2026	
2025	01/15/2027	
2026	01/15/2027	Title V CAPs & HAPs, Minor HAPs, Minor Incidental CAPs, Lead \geq 0.5 tons actual, and Small Generating Unit Activity Data
2027	09/30/2028	
2028	09/30/2029	
2029	09/30/2030	
2030	05/31/2031	

Point Source Annual Inventory Deadlines – If Owners/Operators Report HAPs Directly to EPA

El Year	EPA Deadline	Data to Report
2026	05/31/2027	Title V HAPs, Minor HAPs, and Minor Incidental CAPs
2027	05/31/2028	
2028	05/31/2029	
2029	05/31/2030	
2030 and beyond	03/31/2031	

Additional Required Data Elements for Point Sources

- Title V operating permit number
- Identification of all federally enforceable regulations for each emission unit
- 5 or 6-digit facility NAICS code
- Release point latitude/longitude
- Fugitive release midpoint latitude/longitude
- Unit design capacity/UOM
- Regulatory code/regulation start year/regulation end year

Additional Required Data Elements for Point Sources

- Control percent effectiveness
- Site path name/site path identifier/site path percent effectiveness/site path pollutant code/site path control measure percent reduction/site path definition
- Emissions operating type
- Daily fuel use for combustion sources
- Elimination of confidentiality requests
- Emissions data from mobile sources operating within a facility (ex. mining equipment)
- Distinguish between malfunction and routine emissions

Portable Sources

- The rule proposes to include portable facilities in the revised definition of *point source*.
- *Portable facility* means a facility that does not have a fixed location such as an asphalt plant or portable land-based drilling rig.
- Facilities would be defined as portable and required to report as portable sources only for periods when the source remains within a 1-km radius for fewer than 30 days.
 - Would require that county identifier and coordinates of the centroid of operations be reported during each time period
- Facilities would be defined as stationary and be required to report as a stationary point source when the facility operates within a 1-km radius for 30 days or more.
- Alternative “E1”

Stack Test Reporting

- EPA proposes to require owner/operators to report stack test data directly to EPA
 - Applies to any stack test conducted to comply with a state or federal regulation
 - Must be reported electronically using the Compliance and Emissions Data Reporting Interface (CEDRI)
 - EPA uses stack test data to develop and improve emission factors published in WebFIRE and AP-42

Options for Small Entities

- Small entity definition: facilities that have 100 or fewer employees, is a small business concern as defined in the Small Business Act, is not a major source, does not emit 50 tons or more per year of any regulated pollutant, and emits less than 75 tons per year or less of all regulated pollutants
- Facility-wide reporting in certain situations
- Release point and process-level details may be collected by States
- Excludes autobody, paint, and interior repair shops (NAICS = 811121)
- EPA intends to provide an emissions estimation tool for small entities to estimate facility-wide emissions; when an estimation tool is not available, EPA does not expect small entities to develop their own reporting mechanism

Small Generating Unit (SGU) Requirements

- *Small generating unit (SGU)* means any boiler, turbine, internal combustion engine or other unit that combusts fuel on an occasional basis to generate electricity for the electricity grid or for on-site use by a facility other than emergency use.
- Starting with the 2026 inventory year, DNR would be required to report the facility inventory and daily fuel consumption and associated required data elements as described in 51.40 for SGUs when:
 - Hourly or daily emissions and activity data from the unit are not otherwise reported to EPA, and
 - The unit was operated to offset electricity demand from the electricity grid; and
 - The unit is located on a facility that operates on land.
- Because DNR exempts many of these units from construction permitting and/or emissions reporting, DNR does not know how many SGUs will be affected or even where the SGUs are located.

Questions

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 - Marnie Stein (marnie.stein@dnr.iowa.gov)
- EPA Staff
 - Marc Houyoux (NEI_help@epa.gov)
 - Include “AERR” in the subject line
- EPA Docket Number: EPA-HQ-OAR-2004-0489
- E-Mail Comments to: a-and-r-docket@epa.gov or submit comments at www.regulations.gov
- Comments due November 17, 2023