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## Comments on proposed changes to the Air Emissions Reporting Requirement

Dear EPA:

The National Steering Committee (NSC) for the national network of state Small Business Ombudsman (SBO) and Small Business Environmental Assistance Programs (SBEAPs) appreciates the opportunity to comment on the U.S. Environmental Protection Agency (EPA) proposed changes to the Air Emission Reporting Requirements (AERR) (Docket ID: EPA-HQ-OAR-2004-0489).

The National SBEAPs note that in the proposed AERR, there is the question of whether the Potential to Emit (PTE) or actual emissions of a facility should be taken into account and determine whether a small business meets the threshold for reporting or not. The National SBEAPs would like to comment that actual emissions would work better in determining the threshold of whether a facility is required to report or not. PTE calculations are often significantly higher (four or more times higher) than the actual emissions from a facility. As such, using PTE to determine who would need to report would result in a much higher level of the number of facilities that are reporting as well as the amount that is being reported and provide unrealistic numbers. Instead, actual emissions are often being recorded by facilities per their permit conditions and are required to have those records on hand for review for inspection staff. As such, actual emissions data would be more readily available to a business and be more understood than PTE. Plus, as there are some actual emissions amounts that is proposed to be reported in the AERR, such as lead, it would create less confusion to have all emissions reported by actual emissions.

The National SBEAPs would like to comment their support and appreciation for the proposal to have a specific list of NAICS codes that the changes to the AERR will affect. This specific list enables better focused outreach and better development of tools for those industry groups so as to provide better data to the facilities and EPA. This should also reduce the affected sources to a more manageable level for both the States and EPA.

The National SBEAPs feel that the proposal to require identification of all federally enforceable regulations that apply to each unit at certain facilities is an unnecessary step, unless the EPA develops a checklist based on the different industry groups in order to make it easier for facilities to indicate which regulations apply. It is felt unnecessary as this information should already be part of a permit for a permitted source and if the source is reporting and does not have a permit due to being below a state's insignificant source threshold, the facility would not likely know or even be subject to a federal regulation.

The proposal to require location information for stack and fugitive release points would likely only have an impact on larger facilities that may cover large areas. And as such, these are more likely to be classed as major sources. The National SBEAPs propose that this requirement for specific location information for stack and fugitive release points be only applicable to major sources or sources above a certain square footage of building footprint (such as 100,000 square feet). Most facilities that may be reporting and are not major sources or have a smaller building area would have little difference between a specific stack point and the facility-wide location.

The National SBEAPs support the use of the Clean Air Act Amended 1990 definition of a small business. While this would reduce the number of businesses that may qualify for the small entity designation, it is a definition contained within the Clean Air Act and would keep the definition of a small business consistent with air regulatory definitions.

The National SBEAPs support the inclusion of PFAS in the AERR reporting as this is an emerging pollutant of concern and while has not been specifically identified as a carcinogenic substance yet, there is significant evidence that it is a group of substances that do elevate health risks.

Of the three alternatives relating to small generating units that supply electrical power to the grid or for facility use on a non-emergency basis, the National SBEAPs most agree with the requirement for reporting from those States with ozone non-attainment areas and those States linked to downwind non-attainment areas.

The National SBEAPs appreciate the clarification of a definition of portable sources such as asphalt plants. The National SBEAPs suggest that EPA consider additional clarification on how States may permit or otherwise regulate portable sources in future rulemaking. This would help with confusion as to how to treat a portable source as opposed to a mobile source and reduce permitting burdens for both the facility and the State.

EPA has stated a plan to develop emissions calculation tools. The National SBEAPs urge EPA to examine available state level tools and develop a consistent tool that is able to be applied nationwide or potentially with state specific options in order to lessen the burden by providing one tool that is sufficient for both AERR and State requirements. Also, this tool should be frequently evaluated to make sure it is understandable and easy to use and accurate in calculating emissions data.

The National SBEAPs noted that in the breakdown of the two groups of multi-compound HAPs, polycyclic organic matter (POM) and polycyclic aromatic hydrocarbon (PAH), some compounds are repeated. Namely, Indeno [1,2,3-c,d] pyrene (CAS# 193-39-5) appears in both groups. In the PAH group, Benzo(c)phenathrene and Benzolphenathrene have the same CAS# indicating they are the same compound. It is proposed that Indeno [1,2,3-c,d] pyrene be included in the PAH group and removed from the POM group and that Benzo(c)phenathrene be used as opposed to Benzolphenathrene as Benzo(c)phenathrene is the correct nomenclature.

Thank you for your consideration of these comments and please do not hesitate to reach out if you have questions or would like additional information.

Sincerely,

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