

Fact Sheet — Proposed Revisions to Appendix P to 40 CFR Part 51, Concerning Minimum Emission Reporting Requirements in SIPs

ACTIONS

- On February 7, 2020, the U.S. Environmental Protection Agency (EPA) proposed revisions to its regulations guiding the preparation of state implementation plans (SIPs). These regulations are found in 40 CFR Part 51.
- The proposed action would revise the minimum reporting frequency requirement for source categories listed in Appendix P to 40 CFR Part 51 from quarterly to semiannual. This revision would be generally consistent with the current reporting frequency requirements to which these sources are subject under other Clean Air Act programs (*e.g.*, New Source Performance Standards). As a result, each state could — but would not be required to — revise its SIP to allow semiannual reporting for the four Appendix P source categories:
 - fossil fuel-fired steam generators of more than 250 million BTU per hour heat input;
 - fluid bed catalytic cracking unit catalyst regenerators at petroleum refineries;
 - sulfuric acid plants; and
 - nitric acid plants.
- This action would also correct an erroneous cross-reference in Appendix P. EPA will accept public comment on this proposal for 30 days after publication in the *Federal Register*.

BACKGROUND

- Each state is required under section 110 of the Clean Air Act to have a plan to achieve and maintain clean air called a state implementation plan, or SIP. In general SIPs must demonstrate how national air quality standards will be achieved, maintained, and enforced. EPA established SIP preparation regulations in 1971, under 40 CFR Part 51.
- In 1975, EPA added continuous emission monitoring specifications for SIPs under Part 51 as Appendix P. At the same time, EPA added continuous emission monitoring specifications for New Source Performance Standards (NSPS) under Part 60. Sources subject to requirements specified under either set of regulations were required to submit continuous emission monitor reports of their excess emissions and other information on a quarterly basis. It was by design that the minimum requirements under the SIP regulations for continuous emission monitoring (which states would apply to existing sources) were similar to the requirements simultaneously added under the NSPS regulations (which EPA would apply to new and modified sources).
- In 1999, EPA promulgated a Burden Reduction Rule which revised numerous NSPS and other regulations to allow sources to submit continuous emission monitoring reports semiannually. Because the 1999 rule did not revise Appendix P to 40 CFR Part 51, the minimum reporting frequency requirement specified in Appendix P generally no longer

aligned with the reporting requirements under the NSPS regulations applicable to the four Appendix P source categories.

HOW TO COMMENT

- EPA will accept comments for 30 days after the proposal is published in the *Federal Register*.
- Comments, identified by Docket ID No. EPA-HQ-OAR-2018-0633, may be submitted by one of the following methods:
 - Go to <https://www.regulations.gov> and follow the online instructions for submitting comments.
 - Send comments by email to a-and-r-docket@epa.gov, Attention Docket ID No. EPA-HQ-OAR-2018-0633.
 - Fax your comments to: (202) 566-9744, Attention Docket ID. No. EPA-HQ-OAR-2018-0633.
 - Mail your comments to: EPA Docket Center, Environmental Protection Agency, Mail Code: 28221T, 1200 Pennsylvania Ave., NW, Washington, DC 20460, Attention Docket ID. No. EPA-HQ-OAR-2018-0633.
 - Deliver comments in person to: EPA Docket Center, 1301 Constitution Ave., NW, Room 3334, Washington, DC. Attention Docket ID. No. EPA-HQ-OAR-2018-0633. Note: In-person deliveries (including courier deliveries) are only accepted during the Docket's normal hours of operation. Special arrangements should be made for deliveries of boxed information.

FOR MORE INFORMATION

- For more information on developing an air quality SIP, go to EPA's website at <https://www.epa.gov/air-quality-implementation-plans/develop-air-quality-sip#guidance>.
- For questions about this action, contact Ms. Lisa Sutton of EPA's Office of Air Quality Planning and Standards at (919) 541-3450 or by email at sutton.lisa@epa.gov.