

Copies of Statutory Authority for Air Emissions Reporting Rule.

In compliance with the Office of Management and Budget (OMB) directives at 5 CFR 1320.5(a)(1)(iii)(G), this document provides copies of the pertinent statutory authority that forms the basis of the Air Emissions Reporting Rule (AERR; 40 CFR 51, Subpart A). All the citations below are from the Clean Air Act (42 U.S.C. §§ 7401 to 7671q)

42 U.S. Code Subchapter I - PROGRAMS AND ACTIVITIES

42 U.S. Code Part A - Air Quality and Emission Limitations

Section 110(a)(2)(F)

100 (§ 7410). State implementation plans for national primary and secondary ambient air quality standards

(a) Adoption of plan by State; submission to Administrator; content of plan; revision; new sources; indirect source review program; supplemental or intermittent control systems

(2) Each implementation plan submitted by a State under this chapter shall be adopted by the State after reasonable notice and public hearing. Each such plan shall—

(F) require, as may be prescribed by the Administrator—

(ii) periodic reports on the nature and amounts of emissions and emissions-related data from such sources, ...

42 U.S. Code Part D - Plan Requirements for Nonattainment Areas

42 U.S. Code Part D, Subpart 1 - nonattainment areas in general

Section 172(c)(3)

172 (§ 7502) Nonattainment plan provisions in general

(c) Nonattainment plan provisions

The plan provisions (including plan items) required to be submitted under this part shall comply with each of the following:

(3) Inventory

Such plan provisions shall include a comprehensive, accurate, current inventory of actual emissions from all sources of the relevant pollutant or pollutants in such area, including such periodic revisions as the Administrator may determine necessary to assure that the requirements of this part are met.

42 U.S. Code Part D, Subpart 2 - additional provisions for ozone nonattainment areas

Section 182(a)(1) and (3)

182 (§ 7511a) Plan submissions and requirements

(a) Marginal Areas

(1) Inventory

Within 2 years after November 15, 1990, the State shall submit a comprehensive, accurate, current inventory of actual emissions from all sources, as described in section 7502(c)(3) of this title, in accordance with guidance provided by the Administrator.

(3) Periodic inventory

(A) General requirement

No later than the end of each 3-year period after submission of the inventory under paragraph (1) until the area is redesignated to attainment, the State shall submit a revised inventory meeting the requirements of subsection (a)(1).

(B) Emissions statements

(i) Within 2 years after November 15, 1990, the State shall submit a revision to the State implementation plan to require that the owner or operator of each stationary source of oxides of nitrogen or volatile organic compounds provide the State with a statement, in such form as the Administrator may prescribe (or accept an equivalent alternative developed by the State), for classes or categories of sources, showing the actual emissions of oxides of nitrogen and volatile organic compounds from that source. The first such statement shall be submitted within 3 years after November 15, 1990. Subsequent statements shall be submitted at least every year thereafter. The statement shall contain a certification that the information contained in the statement is accurate to the best knowledge of the individual certifying the statement.

42 U.S. Code Part D, Subpart 3 - additional provisions for carbon monoxide nonattainment areas

Section 187(a)(1) and (5)

182 (§ 7512a) Plan submissions and requirements

(a) Moderate Areas

(1) Inventory

No later than 2 years from November 15, 1990, the State shall submit a comprehensive, accurate, current inventory of actual emissions from all sources, as described in section 7502(c)(3) of this title, in accordance with guidance provided by the Administrator.

(5) Periodic inventory

No later than September 30, 1995, and no later than the end of each 3 year period thereafter, until the area is redesignated to attainment, a revised inventory meeting the requirements of subsection (a)(1).

42 U.S. Code Subchapter III - GENERAL PROVISIONS

Section 301(a)

301 (§ 7601) Administration

(a) Regulations; delegation of powers and duties; regional officers and employees

(a) The Administrator is authorized to prescribe such regulations as are necessary to carry out his functions under this chapter. The Administrator may delegate to any officer or employee of the Environmental Protection Agency such of his powers and duties under this chapter, except the making of regulations subject to section 7607(d) of this title, as he may deem necessary or expedient.