

AERR ICR, first notice, Response to Comments

List of commenters

Table 1: List of commenters

Docket number (EPA-HQ-OAR-2004-0489-XXXX)	Commenter
0319	Anonymous
0320	Anonymous
0321	Stacey Gifford
0322	Anonymous
0323	Anonymous
0324	Mass comment campaign, sponsoring organization unknown (sample provided)
0325	Texas Commission on Environmental Quality (TCEQ)
0326	Western States Air Resources Council (WESTAR)
0327	Oklahoma Department of Environmental Quality (ODEQ)
0328	Cheryl Greer
0329	Lis S
0330	Elizabeth Sanders
0331	April Rodeghero
0332	Anonymous
0333	Anonymous
0334	Anonymous
0335	Katie Hunter
0336	Nancy Nelson
0337	Rayna Burmeister
0338	Michelle Adler
0339	Anonymous
0340	Anonymous
0341	Anonymous
0342	Anonymous
0343	Elizabeth Catelli
0344	Jane Rapinchuk
0345	Erin Rectanus
0346	Anonymous

Docket number (EPA-HQ-OAR-2004-0489-XXXX)	Commenter
0347	Anonymous
0348	Giselle Gibbons
0349	Angela Rice
0350	Matthew Bolanos-Wood
0351	Katherine Kretchmar
0352	Laura Spehar
0353	Lisa Hesse
0354	Elizabeth Kramer
0355	Kimberly Kaufmann
0356	Venetia Charles
0357	Noel Russell
0358	Sarah Holt
0359	Anonymous
0360	Eileen ODonnell
0361	Maria Kramer
0362	Anonymous
0363	B. Moyer
0364	Ibeya Allf
0365	Anonymous
0366	Tanya King
0367	Anonymous
0368	Tammis Dowling
0369	Allegra DiNetta
0370	Anonymous
0371	Leslie McCollam
0372	Sarah Riley
0373	Ruth Fink-Winter
0374	Michelle Velez
0375	Ryann Larson
0376	Anonymous
0377	Anonymous
0378	Anonymous
0379	Beth Cooper
0380	Lindsay Eanet
0381	Becky Stark
0382	Anonymous
0383	Karen Solliday
0384	Aaron Klaus
0385	Karl Drobic
0386	Katie Anonymous
0387	Anonymous

Docket number (EPA-HQ-OAR-2004-0489-XXXX)	Commenter
0388	Anonymous
0389	Anonymous
0390	Alexa Pengelly
0391	Anonymous
0392	Anonymous
0393	Janice Schroeder
0394	M H
0395	Anonymous
0396	Ken Novak
0397	Danielle Hajdufi
0398	Eileen Campbell
0399	Anonymous
0400	Anonymous
0401	Michael Aniskovich
0402	Eugene Debs
0403	Erin Rosenfeld
0404	Zachary Steckel
0405	Molly Park
0406	Anonymous
0407	Julie Barber
0408	Sarah Sewick
0409	LJ Herman
0410	Anonymous
0411	Lissa Willis
0412	Rosann Geiser
0413	Lynnette Simon
0414	Anonymous
0415	Elizabeth Penman
0416	Anonymous
0417	Madeline Bach
0418	Anonymous
0419	Radha Newsom
0420	Jessica Barlow
0421	Anonymous
0422	Anonymous
0423	Anonymous
0424	Anonymous
0425	Anonymous
0426	Kevin Miller
0427	Amber Keating
0428	Antoinette Rose MD

Docket number (EPA-HQ-OAR-2004-0489-XXXX)	Commenter
0429	Marianne Walter
0430	Anonymous
0431	Anonymous
0432	Jennifer Lantrip
0433	Anonymous
0434	Kendra Eshleman
0435	Patrick Murphy
0436	Carol Wilson
0437	Anonymous
0438	Elliott Rabin
0439	Anonymous
0440	Anonymous
0441	Anonymous
0442	Alexandra Ross
0443	Thomas Weissert
0444	Fara OSullivan
0445	Sandra Eskrich
0446	Savannah Salazar
0447	Julianne Griep
0448	Anonymous
0449	Anonymous
0450	Anonymous
0451	Anonymous
0452	Adam Auerbach
0453	Nicole Voss
0454	Guy Desrochers
0455	Anonymous
0456	Sharon Roy
0457	Sean Sweeney
0458	Anonymous
0459	Kami Eugenio
0460	Anonymous
0461	Anonymous
0462	Jared Jamesson
0463	Carol Lubkowski
0464	Anonymous
0465	A Kuester
0466	Amber Wilcox
0467	Sandra Riverman
0468	Marcia E Fehl
0469	Melinda Mueller

Docket number (EPA-HQ-OAR-2004-0489-XXXX)	Commenter
0470	Jessica Windham
0471	Erin Pellecchia
0472	Beatrice Zovich
0473	Anonymous
0474	R. Swinford
0475	Lauren Tozzi
0476	Lea Langdon
0477	Anonymous
0478	Sandra Oshea
0479	James Threatte
0480	Environmental Integrity Project (via email)
0482	Clark County, Nevada (via email)

Introduction

In this document, some comments are shown in whole, while other more complex comments have been separated into different sections. The comments shown in whole are those comments identified with a prefix “Comment XXXX” where “XXXX” is the last four digits of the docket number (see Table 1). Comments that have been separated are identified with the 4-digit number shown in parentheses as part of the paragraph.

Supportive Comments

The EPA received several comments generally supporting the collection of emissions data.

Commenter 0322 stated that air quality emissions studies are absolutely necessary to the mission and function of the EPA. Our air quality cannot be protected without this data, and eliminating the studies would cause irreparable damage to the air and environment of the U.S.

Commenter 0325 stated their support of EPA issuing an AERR ICR that acknowledges that States collect air emissions data to fulfill multiple regulatory obligations. The collection of high quality, State-specific emissions data is essential for Texas’ air quality planning purposes and to implement other State or Federal regulatory programs beyond the AERR, including State implementation plan revisions, Federal Clean Air Act Title V air fee

assessment, emissions banking and trading program administration, and compliance evaluations, among other purposes. Therefore, EPA should allow States to provide summary information on how air emissions data are used.

Commenter (0326) indicated that their member agencies support accurate estimation, collection, and reporting of emissions data while being mindful of the resources required to do so. Therefore, WESTAR often assists member agencies by sharing resources to collect regional emissions inventory data that can be used for planning and analysis, submitted to the National Emissions Inventory (NEI), and used as inputs for emissions and photochemical modeling. Our member agencies acknowledge that the Air Emissions Reporting Rule (AERR) is an important rule that supports EI data collection and subsequent dissemination to agencies and the public for use in air quality management across all jurisdictions. WESTAR supports EPA's continued effort to collect and maintain high-quality emissions inventory data, which supports these important planning and public health functions.

Commenter 0328 stated that the public has a right to this information as a simple matter of public health.

Commenter 0333 stated that we need more quality control, oversight, and continued follow-up on all sources of environmental health impacts and hazards. This equals increased knowledge, efficiency, better products, health interventions and progress.

Commenter 0335 stated their concern for air quality and that companies should be held accountable for their pollution and need to continue to report their air emissions to the EPA.

Commenter 0344 stated that more regulations and inspections protecting the public from private polluters is needed.

Commenter 0351 requested that the EPA maintain current policy for reporting on and limits to emissions that have clear measurable harm to American families to protect health and allow the public to track what is happening in their communities.

Commenter 0353 stated that it is the job of the EPA to protect U.S. citizens and our environment from harm. Anything less than full, accurate, and transparent disclosure of emissions is contrary to the interests of the country and its citizens. The downstream costs of the obfuscation and subsequent pollution that will result from this change will be magnitudes greater than the cost of reporting. Corporations must have designated persons that will be

held legally and criminally responsible for errors, omissions, or blatant misinformation about their emissions.

Commenter 0356 stated that we cannot enact meaningful changes or legislation without accurate and continuous reporting. They also stated the need for transparency, not only of the government, but also of corporations who are having such a huge impact on their life.

Commenter 0410 stated that they are fully in favor of renewing this data collection requirement and keeping the American public informed about what pollutants are in the air and potentially killing, or at least adding to possible illnesses suffered by, this country's citizenry. They requested that the EPA keep the reporting limits the same and keep collecting and sharing this data.

Commenter 0464 stated that air quality emissions studies are essential to the EPA's mission and operations. This data is critical for protecting our air, and discontinuing these studies would result in lasting harm to the environment and public health across the U.S.

Commenter 0467 stated that it is crucial to the health of the citizens of this country that we breathe clean air. Businesses and corporations that emit harmful pollution into this air must be regulated and fined if they exceed the established limitations. It is imperative that they report their air emissions.

Commenter (0480) expressed support by stating that they urge EPA and OMB to renew the ICR. It is an important, common-sense way to collect basic data that enables the Agency to efficiently implement the Clean Air Act. It also improves the efficiency of State, local, and Tribal clean air programs because it provides shared methodologies and software for collecting emission information. The NEI also provides useful information to dockets, scientists, policy makers, and the general public.

Response: The EPA acknowledges these supportive comments.

Commenter 0459 stated their support of the continuation of this data collection, and offered the following comments regarding its necessity, burden, and opportunities for improvement. Commenter 0459 stated that the data collected through the AERR is essential to fulfilling EPA's responsibilities under the Clean Air Act (CAA), particularly for developing and implementing the National Ambient Air Quality Standards (NAAQS) and maintaining the National Emissions Inventory (NEI). As outlined in the Federal Register: Revisions to AERR (2023), this emissions data supports essential regulatory functions, including air quality modeling, State Implementation

Plans (SIPs), and risk assessments. Without these emissions inventories, EPA and State, local, and Tribal agencies would lack the foundational data necessary to monitor air pollution trends, target emission reduction strategies, and meet both legal and scientific goals. In addition, the NEI provides transparency to the public and other stakeholders, making it a critical tool for environmental justice, academic research, and community planning. They also stated that the estimated burden associated with this ICR is justified by the public health and environmental benefits resulting from accurate emissions data and that the approach of triennial reporting for comprehensive inventories, combined with limited annual reporting for large point sources, is a practical method that balances thorough data collection with manageable administrative effort. This commenter also believes that while the total estimated burden of over 200,000 hours (across all entities) is large, it is reasonable in the context of the AERR's role in supporting federal and state-level compliance with the CAA. Commenter 0459 also stated that the AERR data collection is necessary to further our understanding of how air pollution impacts our environment as well as ensuring the health standards for future generations. With guided assistance the burden is reasonable, and with improvements to digital systems with support, it can be made even more efficient. Continued investment in tools like the Compliance and Emissions Data Reporting Interface and the Emissions Collection and Monitoring Plan System, along with increased training and outreach for under-resourced agencies, can further streamline reporting and enhance data quality.

Response: EPA acknowledges these supportive comments and the recognition of EPA's efforts to use electronic reporting to make data collection efficient. The data systems used for emissions data collection under the AERR are the Emissions Inventory System (EIS) and, optionally for States, the Combined Air Emissions Reporting System (CAERS). The other data systems mentioned in this comment are not used by the EPA as part of the AERR implementation.

Commenter 0460 stated their support of the U.S. Environmental Protection Agency's proposed updates to the Air Emissions Reporting Requirements (AERR), as outlined in the *Federal Register* (88 FR 84596) and provided several examples: meaningful improvement in emissions data collection, transparency, and consistency: all necessary for effective environmental management under the Clean Air Act (CAA).

Commenter 0460 also provided suggestions aimed to support the EPA's goals while promoting transparency, accountability, and environmental justice.

Response: The EPA acknowledges these supportive comments. However, this ICR renewal is not associated with any revisions to the AERR. It is simply renewing the existing AERR collection requirements. Thus, comments associated with making the rule stronger are not applicable in the context of this ICR notice.

Commenter 0482 stated that they are generally supportive of the proposed changes, particularly efforts to enhance data consistency and streamline reporting across programs. However, they believe that successful implementation will require enhanced budgets and resources for State, local, and Tribal agencies. Adequate funding will be essential to address the increased technical and administrative demands that may result from these revisions.

Response: The EPA acknowledges these supportive comments. The ICR notice does not impact the funding provided to reporting agencies. Further, there is no increase in the technical or administrative demands compared to past ICRs for the AERR, rather the EPA is quantifying costs that have previously been incurred but not reflected in the ICR cost estimates.

Comments about the AERR rule

The EPA received several comments related to the AERR rule.

Commenter 0360 stated their opposition to the Air Emissions Reporting Requirements as written because they believe the requirements are weakening the protections needed for clean air, climate change and public health, and noted that the EPA should not be scaling back critical greenhouse gas reporting. Commenter 0360 noted the need for strong, enforceable and transparent emissions reporting so that meaningful climate action can be pursued, and our children and environment can be protected. Commenter 0360 urged the EPA to pause this process and take a serious look at how the AERR could be improved to meet the scale of the climate and public health challenges we're facing.

Response: The ICR notice addresses the current AERR rule, which does not require reporting of greenhouse gas emissions. The ICR notice does not impact the collection of greenhouse gases. The commenter may have

confused this notice with the Greenhouse Gas Reporting Program (<https://www.epa.gov/ghgreporting>), which is a separate air emissions reporting program.

The EPA received several comments on the ICR notice related to weakening or eliminating emissions reporting requirements within the AERR.

Commenter 0362 requested that the EPA not remove these reporting requirements or relax the restrictions.

Commenter 0370– stated their opposition to these rule changes without these reports, the Federal Government won't have the necessary data to measure and limit sources of pollution such as soot and mercury, which are highly harmful to human health and the planet.

Commenter 0383 requested that the EPA not weaken rules and requirements surrounding air emissions.

Commenter 0384 stated that they are opposed to these harmful rule changes without these reports, the Federal Government will lack necessary data to measure and limit sources of pollution heating the planet.

Commenter 0386 stated that it is the mission of the EPA to protect people, and the environment and that Docket ID No. EPA-HQ-OAR-2004-0489 would allow the opposite to happen. The commenter stated that this changed requirement only helps polluters.

Commenter 0395 stated that removing these protections will increase exposure to harmful pollution, damage whole communities, and eliminate accountability for companies that prioritize profits over human lives

Commenter 0397 stated that limiting tracking and regulation removes necessary data points which are needed to make policy. We cannot make effective policy without having all the information available.

Commenter 0402 stated that they vehemently oppose this proposed rule! The commenter demands that our government protect our public health by compiling data on pollution emitted by fossil fuel industries, and that without these reports, the Federal Government will lack necessary data to measure and limit sources of pollution that are destroying our planet. Commenter 0402 demands that the EPA immediately withdraw this proposal!

Commenter 0416 stated that they oppose these harmful rule changes.

Commenter 0424 stated that they oppose these changes to the reporting requirements. This data is essential for measuring and limiting sources of pollution.

Commenter 0425 requested the EPA to not repeal reporting requirements! This is not helpful or useful in any way and doesn't serve the people.

Commenter 0428 strongly opposes the stopping of reporting on emissions. This change would further put our heads in the sand and is the opposite of what we should be doing, as stewards of this Earth.

Commenter 0429 stated that these requirements should not be repealed because they are necessary to collect the necessary data to measure and limit sources of pollution.

Commenter 0432 stated that repealing these requirements for reporting is heinous. These reporting requirements were put there to protect our citizens. Repealing these requirements will result in our citizens' illness and death due to pollution, without question.

Commenter 0444 requested that the EPA does not repeal the AERR.

Commenter 0447 stated that they oppose the proposal. These regulations and reporting standards protect the health and safety of everyday Americans.

Commenter 0448 Stated that rolling back pollution regulations will kill people.

Commenter 0449 stated that pollution is a very large problem and that the younger generation, those in third world countries, and many animal species will suffer. They also mentioned that government no longer works for the people.

Commenter 0450 stated that they are opposed to reducing or eliminating any data collection and reporting on said data, and that failure to maintain public records regarding environmental pollution and polluters would be damaging to the health and welfare of millions of Americans.

Commenter 0454 stated that reporting requirements are a necessary part of the work that the EPA has done. They also stated that the proposed actions to remove reporting requirements serve to deny inhabitants of the United States clean air and clean water. The proposed provision essentially acts guts an essential provision of the clean air and water acts, important pieces of legislation. While not constitutionally protected at present, a clean

and safe environment form the cornerstones of the right of people to pursue life, liberty and happiness. The commenter insists that the provisions pertaining to reporting on air and water be retained.

Commenter 0465 opposes these harmful rule changes! Without these reports, the Federal Government will lack necessary data to measure and limit sources of pollution affecting the planet.

Commenter 0474 stated that we need to know what is being released into our air and water so we can protect ourselves and our environment. Please do not roll back reporting or protections.

Commenter 0475 opposes any changes to current rules to protect the people and the planet from environmental toxins in our air and water!!

Commenter 0478 stated that these changes will make the air polluted, causing people with asthma more breathing problems.

Commenter 0479 stated their opposition to the reduction in reporting requirements contained in EPA-HQ-OAR-2004-0489.

Response: The ICR notice does not include any changes to the data reporting requirements included in the AERR. The ICR notice is simply a renewal of the existing emissions data collection.

Commenter 0418 stated that they think it's essential to even the playing field for companies by keeping regulations the same across the country. The commenter believes that this is a dumb change to a law that's working well for businesses and communities.

Response: The AERR rule includes consistent reporting requirements across the U.S., with one exception – California is required to report mobile source annual emissions totals rather than inputs to the mobile source MOVES model. This is because California has EPA approval to use a different model that estimates mobile source emissions. No changes have been proposed to the AERR with this ICR notice.

Concerns about AERR implementation

Commenter (0326) noted that the ICR also attempts to estimate the cost burden of reporting voluntary data elements such as hazardous air pollutants (HAPs), smaller point sources, and fire emissions data. In past ICRs, the cost burden to the States for voluntary reporting has not been characterized, and WESTAR member agencies appreciate the new direction. However, EI

reporters have noted that, in practice, these elements are often treated as expected parts of a complete emissions inventory submission. For example, while the AERR allows agricultural fires to be reported as nonpoint sources, EPA's data reporting systems request that these be submitted as events, which means the agency must adjust its data tracking and preparation for this sector. In some cases, this is not possible. Similarly, control path data, while not mandated in the rule and lacking a fully implemented schema, is requested during data validation. The situation created is one in which voluntary reporting seemingly becomes necessary in order to submit an inventory to EPA successfully.

While this issue isn't directly related to the technical details of the ICR – where EPA has mentioned it is mainly looking for feedback – WESTAR wants to bring this to EPA's attention. In many cases, States, locals, and Tribes are willing to submit voluntary data to improve the overall dataset, but without regulatory authority or simpler data formats and submission methods, submitting voluntary data should not get in the way of submitting the required data.

Response: EPA acknowledges that some aspects of voluntary reporting are more burdensome for States if they choose to report such information. In this renewal, the EPA has included cost estimates associated with voluntary reporting of agricultural fires as events. Regarding the comment about control paths that EPA implemented via EIS (several years ago); these changes were made previously so that the control data could better represent the actual controls at facilities. This ICR renewal action does not alter any requirements related to control paths or the EIS. The cost and burden estimates included in this ICR renewal are intended to reflect the current EIS data system including both required and voluntary aspects.

Suggested approaches for the ICR

Comments on the ICR process:

Commenter 0319 recommended that EPA only consider the burden on the lives who are impacted by polluters. The people affected by poor air quality are the ONLY stakeholders. Disregard emitters and polluters costs in reporting and enforce reporting. The commenter further recommends as a penalty for late or failing to report ICR result in mandatory prison time.

Commenter 0388 urged the EPA to consider the well-being of the individuals and the environment that this Agency was established to

safeguard, rather than prioritizing the financial interests of corporations. They concur with others suggesting that penalties for delayed or failed reporting of ICR should include mandatory prison time corresponding to the number of people affected.

Response: The ICR notice must meet the requirements of the Paperwork Reduction Act enacted by Congress, which directs EPA to consider the burden to those affected by the reporting requirements – in this case States, their delegated agencies, and owners/operators of certain facilities. Thus, the EPA is unable to disregard the costs as suggested by the commenters. The ICR also does not impact how the EPA would enforce a lack of reporting by States or their delegated agencies, so that part of the comment is outside of the scope of the ICR notice.

Support EPA's choices in the burden calculations

Commenter (0326) supported EPA's use of publicly available data sources to estimate the cost burden estimates. They said this is helpful and in keeping with previous ICRs, making it easier for stakeholders to verify updates and changes. For example, the updated labor costs, while for some western States are somewhat high, seem reasonable overall. We recognize that a conservative approach to calculating the overall cost burden can ultimately support States in operating their programs effectively.

The commenter also appreciates that EPA has tried to estimate in the ICR the actual costs associated with an air agency's own IT systems that collect EI data. Tasks such as internal EI database management and maintenance, as well as data formatting and QA/QC, all require significant time and resources. The fact that EPA has attempted to include these costs in the ICR is helpful to agencies. Also appreciated are the estimated costs to industry to comply with state rules that are aligned with the AERR. Together, these new data points provide a better picture of the cost burden of the AERR.

Response: The EPA acknowledges these supportive comments.

Recommended changes to burden estimate calculations

Commenter (0325) stated that the EPA should update certain assumptions to enhance the utility of the information collected under the AERR ICR. The commenter stated that in the AERR burden calculation spreadsheet provided in the docket associated with the renewal (EPA-HQ-OAR-2004-0489-0317), the burden estimate for States' quality assurance of submitted AERR data is assumed to be equal to the time to run EPA Emissions Information System

(EIS) quality-assurance checks and resolve critical errors, and noted that the EIS checks are just a few of many quality assurance procedures that TCEQ performs on air emissions data. They also stated that numerous other quality assurance checks are detailed in TCEQ's EPA-approved National Emissions Inventory Quality Assurance Project Plan. Commenter (0325) believes that the EPA's estimation of burden is based on an inadequate assumption and, therefore, fails to consider the resources required to perform quality assurance of submitted data. They state that the EPA should use a more complete methodology, including using regional hourly rates instead of national average rates, to determine the AERR-related costs since labor costs vary by region.

Response: The time included in the burden estimates for the States to perform quality assurance are intended to reflect not only the time it takes to run EIS critical errors, but also the time for quality assurance activities outside of that process. Without specific information provided by the commenter regarding the amount of time it takes for a State to perform the quality assurance, there is no specific information provided that would allow the EPA to update its estimates. Further, the commenter does not acknowledge that some of the quality assurance of emissions data is in support of other programs besides reporting emissions to the EPA, such as accurate emissions for State Implementation Plans, evaluating compliance, and for assessing emissions fees. Thus, the costs associated with emissions quality assurance should not be completely attributed to the AERR ICR.

With respect to the recommendation to use regional hourly rates rather than national average rates, the EPA has considered how regional hourly rates could be included without making the ICR overly complicated, since the costs for the many summary tables still need to be reflected at the national level. The EPA appreciates that it is difficult for individual States to comment on the average rates being used and that providing State- or region-specific rates would not be useful unless the calculations were setup to include those.

In response to this comment, the EPA has devised a method of developing a weighted average national labor rate based on the regional rates and the number of facilities (for point source activities) and counties (for nonpoint and mobile activities). These average national labor rates are calculated on the "Labor information" tab of the ICR calculation spreadsheet "2025 ICR tables for notice2_v11 for docket.xlsx", which has been updated for the second ICR notice based on this comment. Absent other information, the EPA maintains that this change is an improvement to the overall calculation

approach. However, the Agency notes that the State-specific BLS labor rate data are not available separately for State Government and private ownership, thus the resulting ICR calculations in the second ICR notice use the same labor rates for both State and owner/operator activities, which is different from the approach used in the first ICR notice. The approach in the second ICR notice could tend to overstate the State-specific cost burden and understate the industry-specific cost burden included in the second ICR notice.

Commenter (0327) indicated that use of different CAERS “Cases” is confusing and not explained in the ICR. Throughout this comment, there are frequent references to the spreadsheet that EPA provided to estimate the burdens from the ICR (“ICR Spreadsheet”).¹ This ICR spreadsheet contains a sheet titled “ICR Final Summary Tables” that includes four different CAERS “Cases.” These cases are simply titled CAERS Case 1, Case 2, Case 3, and Case 4,² with no defining characteristics, which makes the table and its data unclear. The commenter respectfully requests that EPA include definitions for each Case on the ICR renewal notice submitted to OMB. As it stands, the confusion in the layout of the table leads to lingering questions, such as whether the different cases involving CAERS are necessary to differentiate in this renewal or if all the cases are actually in use right now. The commenter notes that if some of the cases are hypothetical, then it doesn’t seem proper to include them in this ICR. The commenter believes that the sample group informing the analysis of CAERS-use seems skewed and incorrectly applied to scenarios and costs.

Furthermore, the commenter notes that the percentage values of burden hours placed on the various CAERS Cases seem arbitrary and inaccurate. For example, on the “SLT NEI Burden Details” sheet of the ICR Spreadsheet, Table 4a (SLT data system operation and maintenance hours for NEI Collection from owners/operators) there is an “Activity” row for “User support and training for point source emissions data reporting.” On this row, just 50% of the listed non-CAERS SLT hours are assumed to apply to CAERS Case 3 and Case 4. The commenter notes that the basis for this percentage is unclear and likely too low. Commenter 0327 states that even if there are no modifications to CAERS over time, in their experience, continuous training is necessary for industry simply due to turnover in industry personnel completing the reporting. Another example lies in Table 4b (SLT point source reporting burden hours by activity) under the “Activity” row “Quality

¹ EPA Docket ID No. EPA-HQ-OAR-2004-0489-0317.

² ICR Final Summary Tables, Table 8, EPA Docket ID No. EPA-HQ-OAR-2004-0489-0317.

assurance of submitted data and revision support.” Again, in this row, only 50% of the listed non-CAERS SLT hours are assumed to apply to CAERS Case 4, and it is not clear what the basis is for that 50%. The commenter states that it appears that this activity is mislabeled as quality assurance, when it should actually be quality control, since the data has already been submitted. Activity 8 is labeled as “Run EIS quality-assurance checks and resolve critical errors” therefore it seems like Activity 4 is meant to be about performing quality control on submitted data. If EPA assumes that only 50% of these hours apply to CAERS Case 4, then that seems to imply that less quality control is being performed on submitted data, which calls into question the adequacy of the quality control. As an example for why this seems inaccurate, the commenter noted that its reporting system has all of EPA’s EIS quality assurance requirements built-in, presumably the same as CAERS does, and has many additional quality assurance checks that are particular to State data. They also note that it seems unlikely that CAERS gains better reported data than other systems. Due to the above observations, Commenter 0327 respectfully requests that on the ICR submitted to OMB, EPA include reasoning and evidence for the general percent savings applied to the CAERS Cases.

Response: Additional information about the different CAERS cases is provided as part of the supporting statement for this second ICR notice. Regarding the commenter’s question about which cases are in use currently, CAERS cases 3 and 4 are currently in use, and these are the 2 cases with cost reductions for States. CAERS cases 1 and 2 have the same costs as the current approach of using the EIS, so they are included for completeness of documentation but do not impact the cost estimates. Furthermore, the estimates do not have any SLTs projected to adopt CAERS cases 1 or 2 in the 3-year period covered by this ICR, which addresses the concern raised by the commenter about EPA including cases in the ICR that are not currently being used. Only cases that are in use currently (i.e., cases 3 and 4) are forecast to be adopted in the 3-year period associated with this ICR renewal, thus any perception by the commenter of a skewed situation is because the Agency is relying on its experience to date with the cases that have already been adopted.

Regarding the comment about the burden hours for the various CAERS cases seeming arbitrary and inaccurate, the EPA has used its best judgement based on the following considerations. With regard to the training burden, the EPA prepares the CAERS training materials for each new version of CAERS. SLT representatives can customize and augment the training, but

they are not responsible for building the training for each year, leading to the burden reduction expected. Thus, SLTs would have lower burden to adjust training materials to accommodate each NEI collection cycle.

With regard to the reduction in quality assurance burden, the EPA has assumed that during the period of this ICR, the States/local agencies that would migrate to CAERS would be those that have inefficient approaches in place rather than those who have custom systems in place as described by the commenter. In these cases, the SLT staff would have less time spent on quality assurance needed to get the data submitted to EPA because CAERS handles all such quality assurance. The EPA agrees that the burden change would be lower or perhaps nonexistent for SLTs with robust systems. Rather than less quality assurance being performed, more of the quality assurance would be automatic and, therefore, have less burden for those SLTs.

Commenter (0327) stated that the EPA's use of environmental engineering hourly mean data for burden cost estimation is unrepresentative and should be substituted with more accurate data. The ICR Spreadsheet contains a sheet titled "Labor Information."³ The sheet lists assumptions for mean hourly wage using data provided by the Bureau of Labor Statistics ("BLS"). These assumed hourly wages would be used for calculations across the other sheets in the spreadsheet. However, one of the assumptions appears inaccurate and unrepresentative, as described below.

The mean hourly wage value of \$45.97 provided in the burden cost estimation spreadsheet for the "Environmental Engineer" employee under the "State Government" employer was not present within any of the source files cited for said employee and employer. "Employee" refers to OCC_TITLE column in the source files. "Employer" refers to the NAICS_TITLE column in the source files. The only employers where the mean hourly wage of \$45.97 was present for the "Environmental Engineer" employee were "Educational Services" and "Colleges, Universities, and Professional Schools."⁴ Therefore, it is unclear where the \$45.97 value derived from. After reviewing similar employees and employers, this value was not found. Calculations using the mean hourly wage across similar employees were conducted, but ODEQ staff were not able to replicate the \$45.97 value.

³ Labor Information, Table 1, EPA Docket ID No. EPA-HQ-OAR-2004-0489-0317.

⁴ The source files linked within the "Labor Information" table: <https://www.bls.gov/oes/specialrequests/oesm24in4.zip>, Files "nat3d_owner_M2024_dl" and "nat4d_owner_M2024_dl" for "Educational Services" and "Colleges, Universities, and Professional Schools," respectively.

Regardless of the accuracy of the proposed assumed mean hourly rate, commenter 0327 recommends using a different OCC_Title and corresponding mean hourly wage from the provided source for the burden spreadsheet calculations. The commenter noted that they do not employ an environmental engineer to conduct this work for its Emission Inventory (“EI”) section, which is responsible for completion of the requirements set by the AERR ICR. Rather, the commenter’s EI section consists of “Environmental Programs Specialists,” which is likely to have broader requirements, and a lower mean hourly wage compared to environmental engineers. This can be seen by comparing the mean hourly wages for environmental scientist and environmental engineering employee OCC titles within the BLS files.

After reviewing the BLS data cited by EPA, commenter 0327 believes the “Environmental Scientist and Specialist, Including Health” title with a mean hourly rate of \$38.54 is the most appropriate assumption to replace the “Environmental Engineering” title with the “State Government” employer from the BLS referenced data.⁵ Further, according to Occupational Information Network (O*NET) data, the “Environmental Programs Specialist” position is under the “Environmental Scientist and Specialist, Including Health” employee title, which supports this suggested alternate approach.⁶

Response: The EPA agrees that the mean hourly wage applied for an “Environmental Engineer” employee under the “State Government” employer included in the first ICR renewal notice is not consistent with the data now available on the BLS website. The EPA appreciates the information provided and the rates have been corrected in the “Labor information” tab of the spreadsheet “2025 ICR tables for notice2_v11 for docket.xlsx” and in the second notice for the ICR renewal.

In addition, the EPA agrees with the suggestion that the OCC Title “Environmental Scientist and Specialist, Including Health” is a reasonable and perhaps improved approach for setting the average hourly wage and has adopted that OCC Title as the default approach in the new wage rate calculations described in this document (i.e., using a weighted State average).

Commenter (0327) stated that the EPA’s use of 2.1 multiplier to calculate the Loaded Hourly Rate for state employees seems overly high for their State. In the ICR Spreadsheet, within the sheet titled “Labor Information,” in

⁵ The source provided in the “Labor Information” sheet of the spreadsheet provided by EPA: <https://www.bls.gov/oes/special-requests/oesm24in4.zip>, File “nat4d_M2024_dl”.

⁶ See <https://www.onetonline.org/link/summary/19-2041.00>.

addition to the Mean Hourly Wage, there is a column of “Loaded Hourly Rate.” There is a comment for Loaded Hourly Rate that states “Multiplier of 2.1 from Larry Sorrels as per latest OMB guidance”.⁷ When requested, the commenter received additional details from EPA staff regarding this 2.1 multiplier, which stated that EPA’s ICRs have been using a 110% rate increase for a number of years, which accounts for varying industry wage rates and the additional business expenses of employing a worker beyond their wages and benefits, such as those associated with hiring, training, and equipping their employees.⁸

While the additional information is helpful, Commenter 0327 requests that the calculations for the referenced 110% (or “2.1 multiplier”) be included in EPA’s ICR submittal to OMB. Without knowing the detailed calculations, the 110% amount on its face seems overly high. Also of note is that the 110% increase accounted for hiring, training, and equipping. For the commenter, hiring costs are included in existing managerial job duties, not as an added cost. Further, if the 110% increase includes “equipping” staff, then EPA may be double counting costs since there is already a capital cost of \$1,500 and capital maintenance cost of \$1,500 included in Table 8: Annual Total SLT Burden and Cost by Activity.⁹ The commenter would also note that IT costs for States are likely included in the loaded rate as well as included as a separate cost in multiple tables as “IT Admin Hours” within the ICR Spreadsheet.¹⁰ Utilizing both loaded government rate costs for State government employees and the abovementioned IT admin costs appears to be double counting.

Further, if the discrepancies in costs noted above are noticed in Oklahoma, then it is likely that other States have their own variances. As such, the commenter would recommend that EPA use spatially weighted costs based on regional or State-specific operational scenarios and financial statistics. Regardless, the commenter would request that the full calculations behind the 2.1 multiplier and the Loaded Hourly Rate be included with EPA’s ICR submittal to OMB.

Response: The BLS wage rates we use do include the basic “benefits packages.” Regarding the 2.1 multiplier, the 110% added accounts for the additional business cost of employing a worker beyond their wages and

⁷ Labor Information, Table 1, EPA Docket ID No. EPA-HQ-OAR-2004-0489-0317.

⁸ See docket EPA-HQ-OAR-2004-0489, supporting materials item “Oklahoma Q & A – 2025 AERR ICR renewal.”

⁹ ICR Final Summary Tables, Table 8, EPA Docket ID No. EPA-HQ-OAR-2004-0489-0317.

¹⁰ *Id.*

benefits, such as Social Security and Medicare contributions, unemployment insurance, and all the other business expenses associated with hiring, training, and equipping their employees. Detailed calculations are not available.

The EPA acknowledges the commenter's remarks that hiring costs are covered elsewhere in their State's financial accounting and, therefore, may be double counted in EPA's burden estimates. The EPA also acknowledges the IT administrative costs that could be double counted in some or all the SLTs loaded rates.

However, the EPA disagrees that it would be a feasible or reasonable solution to develop State-specific operational scenarios. The first goal of the ICR is to make sure that the costs are covered, and it appears that the Agency's approach has done so, though perhaps with burden overestimates. The extra complexity that would be added by the Agency needing to establish and maintain State- or region-specific operational scenarios seems unwarranted given the uncertainties already present in the ICR process. An overestimate is preferred to an underestimate and none of these comments suggest that the EPA has underestimated the burden.

Commenter (0327) stated that EPA's account of the reported number of voluntary non-major entities is inaccurate. In the ICR spreadsheet, within the sheet titled "Facility counts worksheet", the EPA estimates 64,066 non-major facilities voluntarily reported by SLTs for inventory year 2026, which is a triennial year.¹¹ The commenter believes that a large portion of these facilities would be oil and gas facilities, for which the AERR requires States to submit emissions data on triennial years. In that case, many of those reports would not be classified as voluntary.

Response: The AERR requires reporting as point sources only for major sources - i.e., if the potential to emit exceeds pollutant-specific thresholds associated with major sources and reiterated in Table 1 to Appendix A of 40 CFR Part 51 Subpart A. The only exception to the major source definition is for lead (Pb), for which the AERR includes an emissions reporting threshold of 0.5 tons/year of *actual* emissions. Thus, the only non-major sources that are required by the AERR are those non-major sources that emit 0.5 tons/year of lead. The EPA methodology for specifying the number of required facilities captures these sources. Thus, the EPA disagrees with the commenter's assertion that a large portion of the non-major facilities should be included as required by the AERR.

¹¹ Facility Counts worksheet, EPA Docket ID No. EPA-HQ-OAR-2004-0489-0317.

The EPA agrees that the AERR requires emissions from such sources to be reported as nonpoint sources. To facilitate doing so, the EPA provides an emissions calculation tool for estimating emissions from the oil and gas sector on a county-wide basis. The costs of SLTs using this tool are included in the required costs of the ICR. If SLTs choose to collect and report these sources as point sources, the burden associated with doing so is considered part of the voluntary reporting since the AERR does not require that States do so.

Commenter (0480) said that EPA should further refine the costs to owners/operators in the burden estimate for this ICR. Many States, localities, and Tribes (SLTs) collect and compile annual emission information from owners and operators for purposes other than supplying information to EPA. For example, they collect and use their own emission inventories in program evaluation, planning, and to run pollution trading and offset programs.

SLTs also require owners and operators to:

- Submit annual emission certifications, which include annual emissions estimates, so they can assess and collect Title V fees. These fees fund SLT's Title V permitting programs.
- Submit reports that contain emission information used to determine compliance with permit requirements.
- Submit additional emission inventory that EPA does not request through the AERR, like hazardous air pollutant emissions, and emissions from malfunctions and other unplanned events.

EPA's burden estimate for owners and operators does not appear to account for SLTs other obligations that require them to collect and compile emission inventory. EPA should revise the burden estimate for owners/operators, so it should exclude them from the burden estimate.

Response: The first notice of the ICR covered those aspects of the collection that are required to be covered by an ICR for a regulation. Namely, it covered the costs associated with required and voluntary activities for State, local, and Tribal agencies and those activities that these agencies pass along to industry for required elements of the AERR. The EPA disagrees that the PRA requires the Agency to include costs of other activities required by the CAA or other regulations in the ICR for the AERR.

In the case of emissions reporting collection and reporting of HAP emissions, the ICR does include the associated burden as voluntary for the SLTs. However, the only required activities that SLTs pass along to

owners/operators (i.e., the reporting of facility data such as name, address, coordinates, unit attributes, emissions processes, and emissions controls attributes and emissions of criteria pollutants and precursors) must be included in the overall burden estimate in accordance with direction from OMB.

Comments asking for more information on ICR burden estimates

Commenter (0325) stated that the EPA should provide more information to assist States in evaluating the accuracy of EPA's burden estimate for AERR data collection. They reviewed information provided in previous EPA AERR ICRs. EPA's average estimated burden underrepresents Texas' burden due to its high population of stationary sources, extensive transportation network, and large and widespread industrial base in the State. Further, for States like Texas that have a high-cost burden, EPA's average cost burden estimates are not useful or representative. The commenter stated that EPA's estimates of the anticipated burden should be updated to provide cost percentiles (such as quartile of estimated cost impacts) to allow for a more accurate evaluation of the burden on States with a range of cost factors, such as a large population of major stationary sources, nonattainment areas, or other factors. If EPA intends to re-propose the AERR to require centralized collection and development of AERR data directly by the Federal Government, State burden estimates will increase for Texas, since Texas has existing State regulations that require collection of the same emissions data. The commenter stated that EPA should allow States to provide burden estimates in the ICR for each data collection scenario that EPA intends to propose.

Response: The EPA disagrees with the requested approach of providing burden estimates that States could attribute to their own situations. Doing so would go far beyond the expected scope of ICRs under the PRA. However, the previously described approach for weighted average labor rates allows something more concrete for States to provide comment. The new approach allows States to comment on the State-specific labor rates and the States' degree of contribution, through the weighing calculations, to the weighted average labor rates.

Other comments on the ICR

Commenter (0325) stated that EPA's AERR ICR should acknowledge that Federal-State partnership is key to collecting high quality air emissions data.

EPA should not design the ICR to presume Federal systems will replace existing State data collection systems. EPA should not draft the ICR to assume that centralized collection and development of AERR data directly by the Federal Government is the most cost-effective approach. For Texas, State collection of AERR data remains the most efficient collection method due to the need to use the data to fulfill multiple State and Federal program obligations as well as to provide information to the government, the public, industry, and other stakeholders. State collection of AERR data allows for a system that is more responsive to the unique needs of data recipients and reporters in the State.

Response: The AERR requires States to report emissions to EPA and that is reflected in the AERR ICR's quantification of burden. Even under the scenario by which a State chooses to use the EPA-provided Combined Air Emissions Reporting System (CAERS) for their data collection, the collection is still being done by the State. The collection by a State using CAERS relies on the State's reporting requirements, the State's outreach to their owners/operators for reporting, the State's quality assurance, and includes the State submitting data via CAERS to the Emissions Inventory System (EIS) as do all other States.

The AERR ICR appropriately reflects the reduced costs for States that use CAERS because they do not need to maintain their own electronic emissions collection system and because CAERS ensures that the data provided by owners/operators will meet the quality assurance requirements of the EIS.

Comments on other regulations:

Many commenters (0320, 0321, 0323, 0324, 0329, 0330, 0331, 0332, 0334, 0336, 0337, 0339, 0340, 0341, 0342, 0343, 0345, 0346, 0347, 0348, 0349, 0350, 0352, 0354, 0355, 0357, 0358, 0359, 0361, 0363, 0364, 0365, 0366, 0367, 0368, 0369, 0371, 0372, 0373, 0374, 0375, 0377, 0378, 0379, 0380, 0381, 0382, 0385, 0387, 0389, 0390, 0391, 0392, 0393, 0394, 0396, 0398, 0399, 0400, 0403, 0404, 0405, 0406, 0407, 0408, 0409, 0411, 0412, 0413, 0414, 0415, 0417, 0419, 0420, 0421, 0422, 0423, 0426, 0427, 0430, 0431, 0433, 0434, 0435, 0436, 0437, 0438, 0439, 0440, 0441, 0442, 0443, 0445, 0446, 0451, 0452, 0453, 0455, 0456, 0457, 0458, 0461, 0462, 0463, 0466, 0468, 0469, 0470, 0471, 0472, 0473, 0474, 0474, 0476, 0477, 0479) described their opinion about the importance of reporting emissions of greenhouse gases and limiting emissions of soot and mercury from coal-fired

power plants. Additionally comment 0324 was a mass comment campaign with 49 commenters included in the docket.

Response: These comments are outside of the scope of the ICR first notice, which does not cover the topics of reporting of greenhouse gas emissions or limits on pollutants from facilities.

Other comments:

Commenter 0359 stated that they found that behavioral energy modeling frameworks can complement emissions reporting standards.

Response: The AERR ICR is not an appropriate mechanism to incorporate behavioral energy modeling frameworks.

Commenter 0376 asked why on Earth are we trying to destroy the place where we live? While some are trying to preserve our home, others are happy to sell it out for pennies in their pockets. Isn't that something criminal? They are taking my home from me both without my permission and certainly no compensation. In some places, that's called stealing. Here in the U.S., only public servants can get away with that.

Response: The AERR ICR supports collection of data that the EPA and States use to determine emissions levels from all sources. These data help the EPA maintain the places we live through implementation of the National Ambient Air Quality Standards.

Commenter 0401 stated that we all need clean air and water. Do NOT do this!

Response: There is nothing about the AERR ICR that will prevent clean air or clean water.