

MEETING WITH OMB RE AERR RULE
Thursday, May 30, 2024, 1:00-1:30 pm Eastern.

NGO Attendees:

- Adam Kron, Earthjustice
- Jane Williams, California Communities Against Toxics & Sierra Club
- Courtney Bernhardt, Environmental Integrity Project
- Cynthia Palmer, Moms Clean Air Force

AGENDA

- 1. Introductions** (OMB, EPA, Groups)
- 2. Overview and discussion of the AERR rule in the broader regulatory context** (Jane Williams)
- 3. Key asks for the final AERR rule** (Adam Kron, Courtney Bernhardt, Cynthia Palmer)
 - a. The rule should require reporting of all malfunction emissions** (Adam Kron and Courtney Bernhardt)
 - i. EPA should revise the definition of “actual emissions” to include all malfunction emissions;
 - ii. Malfunction emissions are actual emissions;
 - iii. Malfunction emissions are quantifiable even if not “regular and predictable”;
 - iv. EPA should finalize the proposed “Malfunction Option.”
 - b. The rule should require greater reporting from non-major sources** (Adam Kron)
 - i. EPA should require reporting by all non-major sources;
 - ii. Alternatively, EPA must revise the proposed reporting thresholds for non-major sources (e.g., 1-bromopropane).
 - c. EPA should require reporting of PFAS and other toxic pollutants not listed as Hazardous Air Pollutants** (Cynthia Palmer)
 - i. EPA should require reporting of PFAS in the final rule, as it has proposed;
 - ii. EPA should also require reporting of other toxic pollutants that are not listed as HAPs.

- d. EPA should ensure that the rule requires the highest-quality data** (Courtney Bernhardt)
 - i. EPA should finalize the following proposed requirements: (a) use of best available emission estimation method; (b) reporting of coordinates, point source control data, etc.; (c) prohibiting confidential treatment of emissions data;
 - ii. EPA should also require: (a) reporting of certain temporal and geographic data; (b) sense checks and quality control.
 - e. The rule should have an earlier schedule of implementation** (Adam Kron)
 - f. The rule should ensure prompt and broad public access to information** (Adam Kron)
- 4. Closing** (Jane Williams)