

MEMORANDUM

SUBJECT: Electronic Reporting Requirements for New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) Rules

FROM: Measurement Policy Group

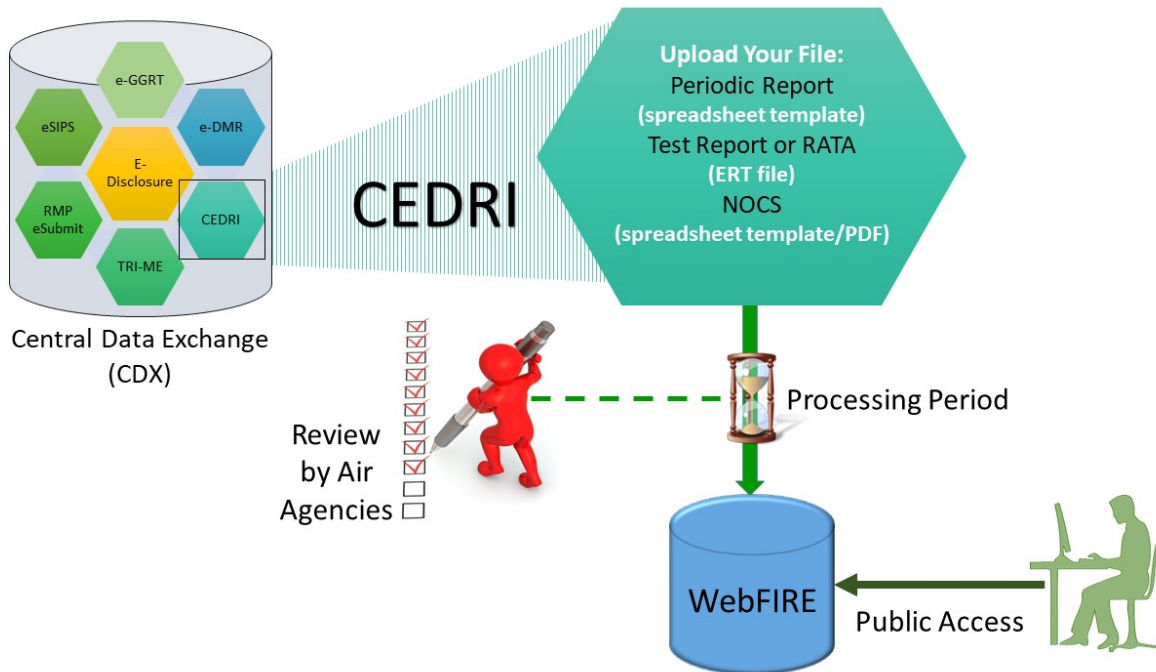
TO: SPPD Rule Writers

DATE: August 19, 2020

Electronic Reporting Overview

Owners and operators of affected sources are required to submit specified reports electronically to the Compliance and Emissions Data Reporting Interface (CEDRI), located on the Environmental Protection Agency’s (EPA’s) [Central Data Exchange](#) (CDX). This section describes the electronic reporting process. Figure 1 below provides a graphical overview of the electronic reporting system.

Figure 1 – Electronic Reporting Process Overview



The Electronic Reporting Tool (ERT)

EPA's ERT creates electronic versions of stationary source sampling test plans and reports of test results for performance tests and performance evaluations. Once an ERT package is created, it must be uploaded to CDX for submittal.¹ Currently, the ERT is a Microsoft Access® application. EPA has posted an extensible markup language (XML) schema of data elements contained in the ERT on the [ERT website](#) to allow for the development of alternative software options. Third-party software must contain all of the same data elements that would be required in an ERT file. EPA will not preapprove third-party software or maintain a list of available third-party software. Third-party software will be validated through CEDRI submittal; only software that meets the requirements of the XML schema located on the ERT website will be accepted by CEDRI. If an owner or operator chooses to use third-party software, it is that person's responsibility to ensure that the third-party software is acceptable. Use of a third-party software that does not meet the requirements of the posted XML schema does not relieve owners and operators of the responsibility to electronically submit the report by the submittal deadline.

Performance test reports and performance evaluation reports involving test methods and performance specifications that are supported by EPA's ERT, as listed on the ERT website at the time of the test, must be submitted in the format generated through the use of the ERT or an electronic file consistent with the XML schema on the ERT website. Data from other test methods and performance specifications must be submitted as an attachment in the ERT. EPA expects the list of supported test methods and performance specifications to change and expand over time. As such, EPA encourages owners, operators, and performance testing contractors to check the website regularly for up-to-date information on methods and performance specifications supported by the ERT.

CEDRI Templates

Periodic reports (e.g., semiannual reports, annual reports, compliance reports) and certain Notification of Compliance Status (NOCS) reports are submitted using a specific spreadsheet template designed by EPA.² The templates contain the reporting elements required by the referencing subpart, as well as space for additional explanatory information. Regulatory references are contained throughout the templates. The spreadsheet templates allow data to be submitted for a single facility or multiple facilities for the same parent company (i.e., facilities with the same owner/operator or responsible official) in a single workbook, regardless of the locations of the different facilities.³ Data for each facility must be entered into a separate row in the main worksheet (usually labeled "Company Information" or "Facility Information"); a company record number is either entered by the user or automatically generated for each row. This company record number is used throughout the workbook to index the data on each worksheet to the appropriate facility.

¹ Users must click the "Create ERT Submission Package File" button in the ERT in order to create a file that can be uploaded to CDX. This zip file will contain two files: an xml file and a zip file containing an accdb file.

² Some NOCS are required to be submitted using a spreadsheet template, and some NOCS are required to be submitted as a PDF upload. Each subpart specifies the type of submittal required.

³ To submit a single workbook for multiple facilities in CEDRI, users must select (or add) one of the facilities referenced in the spreadsheet template. It is not necessary to submit the file individually for each facility.

The final file uploaded to CEDRI must be a single zip file, which includes the spreadsheet template and any related attachments. Attachment files can be in any format except a spreadsheet. Spreadsheet files must be zipped or included as part of a zip file in order to be used as an attachment. The user may reference only one attachment file for each individual facility (i.e., each row in the main worksheet), but the attachment file can be a zip file containing an unlimited number of individual files in any format. The name of the attachment file for each facility should be included in the cell provided on the main worksheet of the template in order to ensure that the attachment is linked to the correct facility. For more information on submitting spreadsheet templates, see the [Preparing and Submitting Periodic Reports](#) Job Aide on the CEDRI website.

CDX/CEDRI

In order to electronically submit reports, users need to first visit the [CDX homepage](#) and register in CDX, the point of entry for submission of electronic data to EPA. Once in CDX, CEDRI, the interface on CDX that allows users to submit required NSPS and NESHAP reports electronically, can be selected from the Active Program Service List. Detailed instructions for registering and accessing CDX and CEDRI are outlined in [Job Aides](#) available on the [CEDRI website](#).

Once CEDRI is selected from the Active Program Service List, users must then select a CEDRI role. The available roles are “Preparer” and “Certifier.” Additionally, certifiers can use the CDX role sponsorship function to designate another user as a “Delegated Certifier.” For more information on designating a delegated certifier, see the [CEDRI Role Sponsorship Job Aide](#) on the CEDRI website. The preparer compiles the data and assembles the report(s) by uploading files to CEDRI. However, the preparer may not submit or sign report(s) unless the preparer is also a registered certifier for the facility. A certifier can also assemble reports and can modify reports that a preparer has assembled. The certifier is responsible for submitting and signing reports using an electronic signature. The certifier is generally referred to as the owner or operator or responsible official of the facility. A delegated certifier is a person granted signatory authority by a registered certifier. A delegated certifier can perform all of the same tasks that a certifier performs but cannot delegate their role to another representative.

EPA designed this process to be compliant with the Cross-Media Electronic Reporting Rule (CROMERR). The CROMERR (under 40 CFR part 3) provides the legal framework for electronic reporting under all of EPA’s environmental regulations and includes criteria for assuring that the electronic signature is legally associated with an electronic document for the purpose of expressing the same meaning and intention as would a handwritten signature if affixed to an equivalent paper document. In other words, documents submitted using an electronic signature are equally enforceable as documents submitted using a handwritten (or “wet”) signature. For more information on CROMERR, see the [CROMERR website](#). Users should be aware that certifiers and delegated certifiers must go through a one-time identity-proofing process when registering. This process (by which registrants prove their true identity) can be done in real time or can take up to two weeks, depending upon the method of identity proofing used. Additionally, certifiers who are not principals at the company will need proof of signing authority. As with identity-proofing, CDX provides a fast, online process and a slower, paper-based option to demonstrate signing authority. Affected facilities may want to consider

registering alternate certifiers or delegated certifiers to reduce the chance that unavailability of the primary certifier prevents submission of an electronic report.

Once in CEDRI, users can upload an ERT file, a portable document format (PDF) file, or a zip file containing a spreadsheet template, depending on the type of report that is being submitted. When the certifier determines that the report is ready for submission, the certifier will certify the submission with a CROMERR electronic signature and submit the report through CEDRI. Facilities can submit reports for multiple subparts or multiple reports for the same subpart at the same time. Following submission, the certified signature file will be stored with each report contained in the submission as the CROMERR Copy of Record in CDX.

Confidential Business Information (CBI)

CEDRI is not designed to handle information claimed to be CBI. Certifiers must not submit CBI via CEDRI. All information submitted through CEDRI is made available to the public without further notice to the certifier and cannot later be claimed to be CBI. Although EPA does not expect certifiers to assert claims of CBI for the information required to be submitted through CEDRI, if a certifier wishes to assert a CBI claim, the certifier must submit two versions of the report. A version of the report with the CBI omitted must be submitted through CEDRI. A complete version of the report, including any information claimed to be CBI, must be mailed to EPA on a compact disc, flash drive, or other commonly used electronic storage media via U.S. postal service. The outside of the digital storage media must be marked as CBI, and the specific information claimed as CBI must be identified electronically within the digital storage media. Each subpart provides information on the address to which the digital storage media must be mailed.

Accessibility by Air Agencies and the Public

Air agency staff will have access to data within their jurisdiction immediately upon submittal if they are registered in CEDRI. Following a processing period in CEDRI, each report will be sent to EPA's Web Factor and Information Retrieval ([WebFIRE](#)) database, where it is publicly accessible. The standard processing period is 60 days for performance test reports and performance evaluation reports and 30 days for all other report submissions. During the standard processing period, air agency reviewers may extend the processing period for individual reports by up to 60 days for performance test reports and performance evaluation reports and up to 30 days for all other report submissions. During the air agency's review, a report may be pushed back by the air agency reviewer if information is found to be missing or incorrect. If a report is pushed back, the certifier who submitted the report and any preparers assigned to the report will be notified via email.

Certifiers may submit changes to a report, either as a result of the company's own internal review or at the request of an air agency reviewer. If a revised report is submitted prior to the end of the processing period, the processing period will start over to allow air agency reviewers time to review the revised report. In order to ensure that only one version of a report is available in WebFIRE, when submitting a correction to a report that has previously been submitted, users should submit the revised report using the "Revise & Re-submit Report" button in the Report Details section of CEDRI. If the report has been pushed back by an air agency

reviewer, users may also follow the link provided in the email notification to resubmit the report. While only the corrected report will be available in WebFIRE, all versions of submitted reports will remain as part of the official record and be available to EPA and air agency reviewers in CEDRI. Corrections to reports may still be submitted after the processing period ends. However, in this case, the original report will be available in WebFIRE until the end of the processing period for the revised report, at which time the corrected report will replace the original report in WebFIRE. See the [Revising and Resubmitting a Report Job Aide](#) for more information.

Extensions for Electronic Reporting

EPA has identified two broad circumstances in which electronic reporting extensions may be provided. In both circumstances, the decision to accept a claim of needing additional time to report is within the discretion of the Administrator, and reporting should occur as soon as possible.

If either the CDX or CEDRI is unavailable at any time beginning five business days prior to the date that the submission is due, and the unavailability prevents submission of a report by the required date, an owner or operator may assert a claim of EPA system outage. EPA considers five business days prior to the reporting deadline to be an appropriate timeframe because if the system is down prior to this time, owners and operators still have one week to complete reporting once the system is back online. However, if the CDX or CEDRI is down during the week a report is due, EPA realizes that this could greatly impact the ability to submit a required report on time. EPA will notify owners or operators about known outages as far in advance as possible by an email message from CDX to active CEDRI registered users, posting on the CEDRI website, and posting on the CDX website so that an owner or operator can plan accordingly and still meet the reporting deadline. However, if a planned or unplanned outage occurs and an owner or operator believes that it will affect or it has affected the ability to comply with an electronic reporting requirement, EPA has provided a process to assert such a claim.

If a force majeure event occurs or is still occurring or if there are still lingering effects of the event in the five business days prior to a submission deadline, EPA has provided a process to assert a claim of force majeure. A force majeure event is defined as an event that will be or has been caused by circumstances beyond the control of the affected facility, its contractors, or any entity controlled by the affected facility that prevents an owner or operator from complying with the requirement to submit a report electronically as required by this rule. Examples of such events are acts of nature, acts of war or terrorism, or equipment failure or safety hazards beyond the control of the facility.

EPA is providing these potential extensions to protect owners or operators from noncompliance in cases where a report cannot be submitted successfully by the reporting deadline for reasons outside the control of the owner or operator as described above. EPA is not providing an extension for other instances. Owners or operators should register for CEDRI far in advance of the initial compliance date, to ensure that the identity proofing process can be completed prior to the initial compliance date. Additionally, EPA recommends owners or operators start developing reports early, in case any questions arise during the reporting process.

Rationale for Electronic Reporting

The electronic submittal of reports increases the usefulness of the data contained in those reports, is in keeping with current trends in data availability, further assists in the protection of public health and the environment, and ultimately results in less burden on regulated facilities. It also will improve compliance by facilitating the ability of regulated facilities to demonstrate compliance and the ability of air agencies and EPA to assess and determine compliance. Electronic storage of reports make data more accessible for review, analysis and sharing. Electronic reporting also eliminates paper-based, manual processes; thereby saving time and resources, simplifying data entry, eliminating redundancies, minimizing data reporting errors and providing data quickly and accurately to affected facilities, air agencies, EPA, and the public.

In 2011, in response to Executive Order 13563, EPA developed a plan to periodically review its regulations to determine if they should be modified, streamlined, expanded or repealed in an effort to make regulations more effective and less burdensome.⁴ The plan includes replacing outdated paper reporting with electronic reporting. In keeping with this plan and the Digital Government Strategy,⁵ in 2013, EPA established an agency-wide policy on electronic reporting.⁶ By requiring electronic submission of specified reports in NSPS and NESHAP rules, EPA is taking steps to implement this policy.

Benefits of Electronic Reporting

By making records, data and reports readily available, EPA, the regulated community and the public will benefit when EPA conducts its Clean Air Act (CAA)-required technology and risk-based reviews. As a result of having performance test reports and air emission data readily accessible, EPA's ability to carry out comprehensive reviews will be increased and achieved within a shorter period of time. These data will provide useful information on control efficiencies being achieved and maintained in practice within a source category and across source categories for regulated sources and pollutants. These reports can also be used to inform the technology-review process by providing information on improvements to add-on control technology and new control technology.

Additionally, under an electronic reporting system, EPA's Office of Air Quality Planning and Standards (OAQPS) would have air emissions and performance test data in hand; OAQPS would not have to collect these data from EPA Regional Offices or from delegated air agencies or industry sources in cases where these reports are not submitted to EPA Regional Offices. Thus, EPA anticipates fewer or less substantial information collection requests (ICRs) in conjunction with prospective CAA-required technology and risk-based reviews may be needed, which results in a decrease in time spent by industry to respond to data collection requests as well as reduced testing costs.

Electronic reporting minimizes submission of unnecessary or duplicative reports in cases where facilities report to multiple government agencies and the agencies opt to rely on EPA's

⁴ [Improving our Regulations: Final Plan for Periodic Retrospective Reviews, August 2011.](#)

⁵ Digital Government: [Building a 21st Century Platform to Better Serve the American People, May 2012.](#)

⁶ [E-Reporting Policy Statement for EPA Regulations, September 2013.](#)

electronic reporting system to view report submissions. Moreover, maintenance and storage costs associated with retaining paper records could likewise be minimized by replacing those records with electronic records of electronically submitted data and reports.

Air agencies, as well as EPA, can benefit from more streamlined and automated review of electronically submitted data. Standardizing report formats allows air agencies and EPA to review reports and data more quickly. Electronic reports and associated data facilitate downloading and analyzing data in spreadsheet format. Additionally, air agencies and EPA can access reports wherever and whenever they want or need, as long as they have access to the Internet. The ability to access and review reports electronically will also assist air agencies and EPA to more quickly and accurately determine compliance with the applicable regulations, potentially allowing a faster response to violations, which could minimize harmful air emissions. This benefits both air agencies and the general public.

By making data readily available, electronic reporting increases the amount of data that can be used for many purposes. One example is the development of emissions factors. An emissions factor is a representative value that attempts to relate the quantity of a pollutant released to the atmosphere with an activity associated with the release of that pollutant (*e.g.*, pounds of particulate emitted per million British thermal unit of heat input). Such factors facilitate the estimation of emissions from various sources of air pollution and are an important tool in developing emissions inventories, which in turn are the basis for numerous efforts, including trends analysis, regional and local scale air quality modeling, regulatory impact assessments, and human exposure modeling. Emissions factors are also widely used in regulatory applicability determinations and in permitting decisions.

EPA has received feedback from stakeholders asserting that many of EPA's emissions factors are outdated or not representative of a particular industry emission source. While EPA believes that the emissions factors are suitable for their intended purpose, EPA recognizes that the quality of emissions factors varies based on the extent and quality of underlying data. EPA also recognizes that emissions profiles on different pieces of equipment can change over time due to a number of factors (fuel changes, equipment improvements, industry work practices), and it is important for emissions factors to be updated to keep up with these changes. EPA is currently pursuing emissions factor development improvements that include procedures to incorporate the source test data that is submitted electronically. By requiring the electronic submission of test reports, EPA is able to access and use the submitted data to update emissions factors more quickly and efficiently, creating factors that are characteristic of what is currently representative of the relevant industry sector. Likewise, an increase in the number of test reports used to develop the emissions factors will provide more confidence that the factor is of higher quality and representative of the whole industry sector.

Electronic reporting of environmental data is already common practice in many media offices at EPA. Changes to incorporate electronic reporting into the NSPS and NESHAP rules are needed to continue EPA's transition to electronic reporting.