



# Exemptions from Annual Emissions Reporting

March 2023

This document provides general guidance and examples to assist reporters in determining if their facilities are exempt from Annual Emissions Reporting (AER). Prior to discussion of any reasons a facility would be exempt from AER, it is important to understand the main reasons why a facility would be subject to AER:

## **Following Are Conditions That Require Emissions Reporting (Preempts Any Exemptions)**

1. Actual emissions in the data year (DY) exceed the criteria pollutant emission thresholds of Rule 301 (e), which are four tons or more of NO<sub>x</sub>, SO<sub>x</sub>, VOC, SPOG, PM emissions, and/or 100 tons or more of CO emissions;
2. Identified as an AB 2588 facility;
3. Subject to CARB CTR for the data year, whether the facility is identified as a Criteria (“Core”) facility or a Sector Phase 1 Additional Applicability Facility in CTR Table A-3 for the Data Year 2022.

There are situations where a facility does not meet any of the conditions (see above) that require reporting and may be exempt from reporting.

## **Following are the main exemption criteria:**

1. Facilities without South Coast Air Quality Management District (South Coast AQMD) Permits. Any facility that does not have equipment permitted with the South Coast AQMD is not subject to emissions reporting under Rule 301 (e)(1)(A) or the California Air Resources Board (CARB) Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants (CTR) Section 93401(a). This exemption includes facilities that **only** have equipment Not Requiring a Permit in accordance with Rule 219, equipment registered under Rule 222, or CARB’s Portable Equipment Registration Program (PERP). If a facility has equipment permitted by the South Coast AQMD, then annual emissions reporting may be required under Rule 301 (e) or CARB’s CTR.
2. Facilities that emit less than the criteria thresholds in Rule 301 (e) **and** are not subject to CARB’s AB 2588 Air Toxics “Hot Spots” program or CTR are not required to report annual emissions under the South Coast AQMD’s AER program.
3. Facilities that are not subject to reporting according to Rule 301 (e) are not subject to CARB’s CTR reporting if they fall under the facility exclusions detailed in CTR section 93401(b).

Questions about Rule 301 applicability can be directed to South Coast AQMD AER staff by email: [aer@aqmd.gov](mailto:aer@aqmd.gov) or by telephone: (909) 396-3660.

Questions about CTR applicability can be directed to ARB CTR staff by email: [ctr-report@arb.ca.gov](mailto:ctr-report@arb.ca.gov) or telephone: (916) 382-0997.

Using available information, AER staff have identified a list of the facilities subject to reporting for Data Year (DY) 2022 (see <http://www.aqmd.gov/aer>). In some cases, CTR applicability is based on either NAICS, SIC, or on activity or emissions data that staff has not collected previously (e.g., facilities may never have been subject to reporting, previously). Since this list is not comprehensive, it is the responsibility of the facility to perform their own applicability analysis and report emissions, even if they are not identified in the list.

The reporting applicability categories are shown in the Facility Information section of the AER Reporting Tool (see screenshot below). The applicability categories have been identified for each facility, as described earlier in this document.

Work In Progress · Facility ID: 999002 · SOUTH COAST AIR QUALITY MGT DIST(SCAQMD) · Reporting period: 2022

**Facility ID: 999002**

- 1. Facility Information
- 2. Status Update
- 3. Combustion Fuels
- 4. Emissions Release Locations
- 5. Emission Sources (ES)
- 6. Report Process/Emissions
- 7. Additional Toxic Substances Production and Usage
- 8. Perform Data Validation
- 9. Review Summaries
- 10. Print Facility Report
- 11. Report Submission

### Facility Information

**Summary:** This section contains general facility information such as business classification, business location, operating schedule, and contact information.

**Instruction:** Verify that all pre-filled information is correct and fill in any missing information. All fields and checkboxes with a red asterisk (\*) must be completed to certify and submit the AER.

Fields and checkboxes that are grey cannot be changed by users. To correct these fields and/or checkboxes, please contact AER staff at [aer@aqmd.gov](mailto:aer@aqmd.gov) or (909) 396-3660.

#### General Facility Info

Facility ID	999002
Reporting Year	2022
RECLAIM	<input type="checkbox"/>
RECLAIM Designation	
Title V	<input type="checkbox"/>
AB2588	<input type="checkbox"/>
- AB2588 Phase	3
- AB2588 Reporting Year	<input checked="" type="checkbox"/>

AER	<input checked="" type="checkbox"/>
CTR	<input checked="" type="checkbox"/>
- Core CTR	<input checked="" type="checkbox"/> CARB GHG Mandatory Reporting Regulation (MRR)
	MRR CARB ID: <input type="text"/> <span style="color: blue; font-weight: bold;">i</span>
	<input type="checkbox"/> Over 250 tons/yr (pte) non-attainment pollutants or precursors
	<input type="checkbox"/> Elevated Prioritization Toxic Facilities
- Additional Applicability	<input type="checkbox"/> Actual Criteria Air Pollutants >= 4tpy (100 tpy CO)
	<input type="checkbox"/> Sector Phase 1
	<input type="checkbox"/> Sector Phase 3B

## Exemption Scenarios Examples:

Below are sample scenarios where a facility is exempt from reporting and the steps necessary for the reporters to document their exemption determination findings in the AER Reporting Tool. Please note that for the scenarios shown below, no Annual Emission Report is required to be submitted.

### 1. Facility does not have a permit with the South Coast Air Quality Management District:

The facility does not have any permitted equipment with South Coast AQMD. The AER Reporting Tool is updated with all permitted equipment the first year an AER is added to the AER Reporting Tool. Users can use this preloaded list to help identify permitted equipment. Please note that there may be equipment permitting activity that occurred after the time the permit data was uploaded to the AER Reporting Tool; therefore, the reporter must refer to the facility's latest permits for determining the exemption under this scenario. So, permits that have been retired after the time the data was uploaded to the AER Reporting Tool will still appear active in the AER Reporting Tool.

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Status Update

Summary: This page informs AER staff about any changes in business operation status.

Instruction: Click on the status change check box(es) that apply to the facility. If no changes have occurred, select the "No Changes" check box. If the user believes that the facility is not subject to annual emission fees per Rule 301(e), please contact AER staff at [aer@aqmd.gov](mailto:aer@aqmd.gov) or (909) 396-3660.

Facility shutdown, change of ownership, and/or change of equipment location should also be reported to Permit Services at [permitservices@aqmd.gov](mailto:permitservices@aqmd.gov) or (909) 396-3385.

Status Update \*

Facility ID999002

☐ No Change

☐ Facility Shutdown

☐ Change of Ownership

☐ Change in Equipment Location

☐ Emissions are zero for this year's report, or emissions reduced by 50%

☐ Use of Alternative Calculation methodology

☒ Other

Explanation

Save updated information

You must click the following button if changes in this form should be saved.

Save

[AQMD web site Home](#) | [AER Web Site](#) | [Submit question/comment](#) | [Report a Bug](#)

Exemptions from AER

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**2. Facility with permitted equipment meeting all of the following criteria:**

- a. Are identified only as CTR Sector Phase 1 (i.e., only Sector Phase 1 and AER checkbox are selected on the Facility Information page of the AER Reporting Tool in the first screenshot above) for DY 2022 reporting;
- b. All of the permitted equipment does not match any of the process descriptions and associated activity levels listed in CTR Table A-3 for the current CTR Sector Phase, and the NAICS and SIC codes for the permitted equipment also do not match CTR Table A-3 for the current CTR Sector Phase;
- c. Does not meet any other reporting conditions (see “Conditions That Require Emissions Reporting” above).

This example is for a facility identified by AER staff as a CTR Sector Phase 1 facility but in reality, the permitted equipment, NAIC or SIC code, and/or activity levels do not match the criteria shown in CTR Table A-3. If a facility does not have permitted equipment that matches the process description, NAICS and SIC codes, or activity levels listed in CTR Table A-3, then it does not need to report DY 2022 emissions.

Example: A South Coast AQMD-permitted print shop was identified as Sector Phase 1 (see Sector No. 18 in CTR Table A-3). However, the print shop does not use isocyanates and uses less than 0.5 gallon per day of graphic arts materials. Because of the low activity level, the facility is exempt from reporting.

Note that the facility would not be exempt if they are required to report annual emissions because of Rule 301, AB 2588, or other CTR provisions (i.e., have other permitted processes thereby triggering other applicability criteria in CTR Table A-3).

**3. Facility that is below the reporting threshold that**

- a. Are labeled as AER and “Actual Criteria Air Pollutants $\geq$  4tpy (100 tpy CO)” on the Facility Information page, yet actual criteria emissions during the reporting year are less than the Rule 301 and CTR Additional Applicability thresholds (less than four tons for NO<sub>x</sub>, SO<sub>x</sub>, VOC, SPOG, PM, lead, and ammonia; and less than 100 tons of CO);
- b. All of the permitted equipment does not match any of the process descriptions and associated activity levels listed in CTR Table A-3 for the current CTR Sector Phase, and the NAICS and SIC codes for the permitted equipment also do not match CTR Table A-3 for the current CTR Sector Phase; and
- c. Does not meet any other reporting conditions (see ‘Conditions That Require Emissions Reporting’ above).

This example is for a facility that was identified as exceeding the reporting thresholds but did not exceed the criteria pollutant thresholds during the reporting period, and therefore is not subject to reporting.

Example: A South Coast AQMD-permitted gas station was identified by staff as subject to Sector Phase 1 and flagged as possibly exceeding the reporting thresholds. However, the actual emissions from this gas station are below the criteria pollutant thresholds, the facility is exempt from reporting.

**4. Facility that is CTR Sector Phase 3B but otherwise meet no other reporting criteria (only have the Phase 3B checkbox selected in the AER reporting tool) in the AER Reporting tool.**

- a. Facility has been identified as CTR Sector Phase 3B
- b. Do not meet any other reporting conditions (see “Conditions That Require Emissions Reporting” above).

This example is for a facility that was identified as a CTR Sector Phase 3B facility as shown in CTR Table A-3.

Facilities that are subject to CTR Phase 3B but were not added in the AER Reporting Tool do not need to report or take any further actions.

Example: A waste collection facility was identified as Sector Phase 3B (see Sector No. 48 in CTR Table A-3). This facility exceeded the activity reporting threshold or one pound of vinyl chloride and benzene. However, the facility did not otherwise exceed any threshold to trigger reporting requirements as their DY 2022 emissions were less than four tons for criteria pollutants. The facility is not subject to AB 2588 and does not have any permitted process described in other applicability requirements of Sector Phase 1. Because this facility is solely in Sector Phase 3B, they are exempt from reporting until 2027 when they are required to report for DY 2026.