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# COVID-19/Part 75 Clean Air Act Regulations: U.S. Environmental Protection Agency Publishes Interim Final Rule Addressing Certain Monitoring/Reporting Requirements

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The United States Environmental Protection Agency (“EPA”) published in the Federal Register Notice an Interim Final Rule (“IFR”) amending the 40 C.F.R. Part 75 emission reporting requirements applicable to sources that monitor the report emissions under the:

- Acid Rain Program
- Cross-State Air Pollution Rule
- NOx SIP Call

See 85 Fed. Reg. 22362.

EPA states that the reason for an IFR is the current COVID-19 national emergency.

The IFR provides that:

If an affected unit fails to complete a required quality-assurance, certification or recertification, fuel analysis, or emission rate test by the applicable deadline under the regulations because of travel, plant access, or other safety restrictions implemented to address the current COVID–19 national emergency and if the unit’s actual monitored data would be considered valid if not for the delayed test, the unit may temporarily continue to report actual monitored data instead of substitute data.

To fall within the scope of this provision, sources are required to:

- Maintain documentation
- Notify EPA when a test is delayed and later completed
- Certify to EPA that they meet the criteria for using the amended reporting procedures
- Report substitute data if those criteria are not met or if monitored data are missing or are invalid for any non-emergency-related reason

The units must complete any delayed test as soon as practicable after the emergency-related restrictions no longer apply. As a result, the emergency period for which a unit can report valid data under the IFR is limited to the duration of the COVID-19 national emergency plus a grace period of 60 days to complete delayed tests. Regardless, it must be accomplished no later than the date of expiration of the IFR.

EPA's rationale for the rule is stated to be the need to protect on-site power plant operators and other essential personnel from unnecessary risk of exposure to the coronavirus.

A copy of the Federal Register Notice can be found [here](#).