**Section 187.406 Criteria for Approval of an EMSA**

a) In accordance with Section 52.3-1 of the Act, the Agency may approve an EMSA only if the sponsor demonstrates that the proposed pilot project would:

1) *Achieve emissions reductions or reductions in discharges or wastes beyond the otherwise applicable statutory and regulatory requirements through pollution prevention or other suitable means; or*

2) *Achieve real environmental risk reduction or foster environmental compliance by other persons regulated under* *the Act in a manner that is clearly superior to the existing regulatory means*.

b) An EMSA under this Part shall contain adequate provisions to ensure that its terms and conditions are performed by the sponsor. Performance of the terms and conditions of an EMSA must be measurable and verifiable, and shall be monitored, documented and reported by a sponsor in a clear and complete manner.