

**Mandatory Reporting of Greenhouse Gases Rule
New Frequently Asked Questions
Posted November 11, 2009**

GENERAL INFORMATION ON RULE

I noticed the subpart that applies to my facility was not finalized. Please confirm that this means I will not have to report.

At this time, the Mandatory Reporting of Greenhouse Gases Rule does not include the following subparts: electronics manufacturing, ethanol production, fluorinated GHG production, food processing, magnesium production, oil and natural gas systems, SF₆ from electrical equipment, underground coal mines, industrial landfills, wastewater treatment, and Suppliers of coal.

Note, however, that other sources at these facility types may be subject to the requirements of the rule. For example, stationary fuel combustion sources at any facility are subject to the requirements of 40 CFR part 98, subpart C if general stationary fuel combustion emissions exceed the 25,000 metric ton CO₂e threshold.

EPA plans to further review public comments and other information before finalizing these subparts. For more information concerning the decision to exclude each of these subparts from the final rule, visit Section III of the [preamble to the final rule](#).

Was my comment submitted during the public comment period addressed?

EPA received nearly 17,000 comments regarding the proposed rule. EPA considered these comments in preparing the final rule signed on September 22, 2009. Responses to the comments received can be located in the “Response to Comments” documents at: <http://www.epa.gov/climatechange/emissions/responses.html>

When is the effective date of the rule?

The effective date is 60 days after the rule is published in the *Federal Register*. The Mandatory Reporting of Greenhouse Gases Rule was published in the *Federal Register* on October 30, 2009 and thereby the effective date is December 29, 2009.

Is this rule a cap and trade regulation?

The purpose of the final rule is to collect accurate and timely data on greenhouse gas (GHG) emissions that can be used to inform future policy decisions. It is not a cap and trade regulation.

APPLICABILITY

What representative of a reporting facility is in charge of reporting? For example, is it the operator or facility owner? What if a contractor operates a facility owned by someone else? Lastly, can a third party be hired to report on behalf of the reporting facility?

As described in Section II.A.4 of the preamble, reports must be submitted by the designated representative in accordance with the provisions in 40 CFR 98.4 (Authorization and Responsibilities of the Designated Representative). Facility owners and operators must select a designated representative for their facility. The rule allows owners and operators the flexibility to select any person as their designated representative, including third party representatives such as contractors. The designated representative must submit a certification of representation at least 60 days before the deadline of the facility or supplier's initial report (due on March 31, 2011 for the first reporting period). For additional information on how to submit reports and the role of the designated representative, see Sections V.A. and V.B. of the preamble.

How is the reporting of ethanol production and/or biogenic emissions being handled in the rule?

Ethanol production facilities are not excluded from the rule. The sources of GHG emissions at ethanol production facilities that were to be reported under the proposed rule were stationary fuel combustion, onsite landfills, and onsite wastewater treatment. At this time, the Mandatory Reporting of Greenhouse Gases Rule does not require emissions from onsite industrial landfills and wastewater treatment to be reported (see Question 1). Stationary fuel combustion sources at ethanol production facilities are subject to the requirements of the rule if those emissions exceed the 25,000 metric tons CO₂e threshold.

Refineries that meet the definition of petroleum supplier must report any ethanol that is co-processed with petroleum in order to subtract biogenic emissions from the final calculation of emissions that would result from the complete combustion or oxidation of products supplied. CO₂ suppliers that supply biogenic CO₂ to the economy (such as ethanol plants with CO₂ capture equipment) must report that supply.

Carbon dioxide emissions from the combustion of biomass are not counted toward a facility's emissions in the threshold determination, but emissions of CH₄ and N₂O from biomass combustion are counted in the threshold determination. All biogenic emissions are to be reported separately under the rule.

The Applicability Tool says I need to report, but I don't think the tool is right. Please confirm.

The applicability tool is intended solely as compliance assistance for potential reporters to aid in assessing whether they are required to report under the Mandatory Reporting of

Greenhouse Gases Rule. Any variation between the rule and the information provided in this tool is unintentional, and, in the case of such variations, the requirements of the rule govern.

The applicability tool and its contents do not constitute rulemaking or a decision by EPA and may not be relied upon to create a substantive or procedural right or benefit enforceable by law, or in equity, by any person. While this tool is designed to help potential reporters comply with the rule, compliance with all Federal, State, and Local laws and regulations remains the sole responsibility of each facility owner or operator subject to those laws and regulations. Use of this tool does not constitute an assessment by EPA of the applicability of the rule to any particular facility. In any particular case, EPA will make its assessment by applying the law and regulations to the specific facts of the case.

No information entered by the user is maintained by EPA, and any results generated by the applicability tool, along with additional information entered by the user, do not constitute a submission for purposes of compliance with the rule.

Is applicability based on actual emissions or potential emissions?

If you are required to estimate your emissions to determine if your facility is subject to the rule, the applicability determination is based on actual emissions.

RULE IMPLEMENTATION

There are currently no CEMS available at my facility. Is there a provision to allow calculations of Tier 1, 2 or 3 if the cost of purchasing and installing CEMS will be seriously detrimental to the company?

Only certain facilities are required to rely upon a continuous emissions monitoring system (CEMS). The six conditions that must be met in order for Tier 4 methodology to be required using CEMS are described in Section 98.33 (b)(4)(ii). One of the six conditions is that the unit has installed CEMS that are required either by an applicable Federal or State regulation or the unit's operating permit.

If a facility has a stationary combustion source and is required to report following Tier 4 methodology, the facility is required to begin reporting on January 1, 2010 using CEMS and the Tier 4 calculation methodology. If all of the monitors needed to measure CO₂ mass emissions have not been installed and certified by January 1, 2010, the facility has until January 1, 2011 to begin using Tier 4 methodology. In this case, the facility may use Tier 2 or Tier 3 methods to report GHG emissions for 2010, and the facility is not required to receive prior approval from EPA.

When will the electronic reporting system become available and when will EPA offer training?

EPA intends to have the electronic reporting system operational in January 2011, approximately three months in advance of the March 31, 2011 reporting deadline. EPA intends to make training on the emissions reporting system available in fall 2010 and continuing into 2011. The electronic reporting system will include a separate module for registering users and facilities, scheduled to be operational by summer 2010 and training should be offered at that time.

Will EPA provide the opportunity to review the data system, provide input and beta test?

Please contact EPA if you are interested in participating in beta testing. EPA will limit the number of beta testers by source category.

When are reporters required to complete their GHG Monitoring Plan?

The EPA requires that the Monitoring Plan will be developed by no later than April 1, 2010, which is the date when the full monitoring approach will be implemented by most sources. The purpose of plan is to document the process and procedures for collecting and reviewing the data needed to estimate annual GHG emissions. Therefore, this plan needs to be in place prior to collecting data to ensure that consistent and accurate data are collected. The EPA estimates that 3 months is a reasonable time for a source to develop this plan since, as explained in the preamble to the final rule, the plan does not have to be complex and can rely on existing corporate documents like SOPs and Monitoring Plans developed for compliance with other air programs. While some facilities may use best available methods to estimate GHG emissions for a period beyond 3 months (after April 1, 2010), facilities still need to have a plan developed for the basic procedures that will be used to collect data. A facility's data collection methods may change and evolve as the facility gains experience with monitoring equipment and develops more effective procedures for data management. Under the final rule, the Monitoring Plan must be revised to reflect these changes.

RELATIONSHIP OF RULE TO EXISTING ACTIVITIES

Would this rule need to be addressed in Title V operating permits?

Currently, the Mandatory Reporting of Greenhouse Gases Rule requirements do not have to be incorporated into a facility's Title V permit. For an explanation of why Title V permits are not impacted by this rule, please see Section II.S (Summary of Comments and Responses on Other Legal Issues) in the [preamble](#).

However, as part of a separate action, EPA proposed new regulatory requirements on September 30, 2009 that would establish thresholds for when Clean Air Act permits under the New Source Review and Title V operating permits programs would be

required. For a copy of the proposed rule and additional information on this action, please see <http://www.epa.gov/nsr> or contact Mr. Joseph Mangino, Air Quality Policy Division, Office of Air Quality Planning and Standards (C504-03), Environmental Protection Agency, Research Triangle Park, NC 27711 (telephone number: (919) 541-9778; e-mail address: mangino.joseph@epa.gov).

How could the passing of the Waxman-Markey Bill affect this regulation?

The purpose of the Final Mandatory Reporting of Greenhouse Gases Rule is to provide accurate data for a range of future policy decisions. It is premature for EPA to speculate at this time on what legislation will be passed and the potential affect on the rule.

How will the GHG Reporting Rule fit in or be harmonized with state and local reporting obligations for criteria pollutants, toxics, and state-specific GHG reporting requirements?

Greenhouse gas emissions data collected under the Final Mandatory Reporting of Greenhouse Gases Rule will be appended to NEI/EIS (National Emissions Inventory/Emissions Inventory System), the agency repository for criteria and toxics emissions data. EPA expects that most facilities and suppliers reporting under the rule will already be in EIS. Where state GHG reporting requirements closely align with the mandatory reporting rule, EPA is working with states to share data and minimize the reporting burden. Where state GHG reporting requirements go beyond the mandatory reporting rule, EPA is working with states and stakeholders to explore options to harmonize reporting requirements.