

Fact Sheet



Final Rule: Mandatory Reporting of Greenhouse Gases from Magnesium Production, Underground Coal Mines, Industrial Wastewater Treatment, and Industrial Waste Landfills

Action

- On June 28, 2010, the U.S. Environmental Protection Agency (EPA) issued a final rule that requires annual greenhouse gas (GHG) emissions reporting from four source categories: magnesium production, underground coal mines, industrial waste landfills and industrial wastewater treatment. This reporting rule amends the 40 CFR part 98, published on October 30, 2009, to require reporting from additional large emission sources. Implementation of Part 98 is referred to as the Greenhouse Gas Reporting Program (GHGRP).
- This action also announced EPA's final decision not to include ethanol production and food processing as distinct subparts in 40 CFR part 98, as well as the final decision not to include suppliers of coal in 40 CFR part 98 at this time.
- In general, this national greenhouse gas reporting program will provide EPA with accurate and timely GHG emissions data from facilities that emit 25,000 metric tons or more of carbon dioxide equivalent (CO₂e) per year. This data will provide a better understanding of where GHGs are coming from and will guide development of the best possible policies and programs to reduce emissions.

Background

- On April 10, 2009, the U.S. Environmental Protection Agency (EPA) proposed greenhouse gas (GHG) reporting requirements for 42 emissions source categories across the economy. The proposal was open for public comment until June 9, 2009.
- Part 98 was published on October 30, 2009 and included reporting requirements for 31 of the 42 emissions source categories originally proposed.
- This action finalizes four of the source categories that were proposed but not finalized in the October 30, 2009 action: subpart T (magnesium production), subpart FF (underground coal mines), subpart II (wastewater treatment) and subpart TT¹ (industrial waste landfills). Facilities are required to report their emissions to EPA if they emit 25,000 metric tons CO₂e or more per year in combined emissions from source categories covered by 40 CFR part 98.
- EPA did not include ethanol production and food processing as distinct subparts in 40 CFR part 98 because the proposals for these subparts did not include any unique requirements for monitoring or reporting of process emissions. These types of facilities are still required to report emissions under other subparts of the rule if they meet the reporting threshold of 25,000 metric tons of CO₂ equivalent per year for all covered emissions sources such as subpart C (stationary combustion), subpart HH (landfills), and subpart II (wastewater treatment).

¹ The industrial waste landfills source category was proposed as a part of the municipal solid waste landfills subpart (subpart HH) in the April 10, 2009 proposal (74 FR 16448). However, EPA has since decided to separate these landfills into two subparts: subpart HH for municipal solid waste landfills (promulgated October 30, 2009 (74 FR 56374)) and subpart TT for industrial waste landfills.

- EPA did not include reporting requirements for suppliers of coal as a subpart in 40 CFR part 98 at this time because EPA's near-term needs for information on GHG emissions from coal consumption can be met through existing reporting requirements under Part 98, as well as other readily available and existing data sources.
- EPA estimates that approximately 680 facilities, responsible for 1 percent of U.S. GHG emissions, will report under this final rule. The estimated total cost of reporting by the private sector under this rule would be \$7.0 million for the first year of reporting and \$5.5 million in subsequent years.

Overview of Reporting Requirements

- All underground coal mines that are subject to quarterly (or more frequent) sampling of ventilation systems by the Mine Safety and Health Administration (MSHA) must report emissions to EPA.
- Underground coal mines, magnesium production facilities, industrial waste landfills and industrial wastewater treatment facilities that meet the reporting threshold must begin monitoring GHG emissions on January 1, 2011 and must submit the first annual report to EPA by March 31, 2012.
- The monitoring requirements for magnesium production, underground coal mines, industrial waste landfills and industrial wastewater treatment have not changed significantly from those requirements proposed in April 2009. However, EPA has added a provision that will allow facilities in these source categories to submit a request to use Best Available Monitoring Methods as specified in 40 CFR 98.3(d)(1) instead of using the monitoring methods specified in each subpart for calendar year 2011 monitoring. The use of Best Available Monitoring Methods will not be approved beyond December 31, 2011.

Public Involvement

- EPA has been proactive in informing the trade associations about the requirements of 40 CFR part 98, the implementation of which is referred to as the Greenhouse Gas Reporting Program (GHGRP). EPA actively engaged industries and trade associations during the initial development of Part 98 and had meetings with stakeholders as requested during the comment period.

Next Steps and Implementation

- The Final Rule for Mandatory Reporting of Greenhouse Gases from Magnesium Production, Underground Coal Mines, Industrial Wastewater Treatment, and Industrial Waste Landfills will be published in the *Federal Register* shortly after signature, and will be made available at www.regulations.gov. A prepublication version is available on our website at: <http://www.epa.gov/climatechange/emissions/remaining-source-categories.html>
- Data collection for the source categories included in this rule will begin on January 1, 2011, with the first reports due to EPA on March 31, 2012.

More Information

- For more information on this rulemaking, please visit: <http://www.epa.gov/climatechange/emissions/remaining-source-categories.html>

- For more information on other provisions of 40 CFR part 98 finalized in October 2009, including guidance and a schedule of training opportunities, please visit: <http://www.epa.gov/climatechange/emissions/ghgrulemaking.html>
- Information on this rule and supporting background information is available electronically at www.regulations.gov, EPA's electronic public docket and comment system. The Docket ID number is: EPA-HQ-OAR-2008-0508.
- Information is also available at the EPA Docket Center (EPA/DC) Public Reading Room. For more information, please call 202-566-1744 between the hours of 8:30 A.M. and 4:30 P.M. Eastern Time.
- For background information about GHGs and climate change science and policy, please see EPA's climate change web site at: www.epa.gov/climatechange.