



Mandatory Greenhouse Gas Reporting Rule: EPA's Response to Public Comments

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Subpart N—Glass Production

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Subpart N—Glass Production

**U. S. Environmental Protection Agency
Office of Atmosphere Programs
Climate Change Division
Washington, D.C.**

FOREWORD

This document provides EPA's responses to public comments on EPA's Proposed Mandatory Greenhouse Gas Reporting Rule. EPA published a Notice of Proposed Rulemaking in the Federal Register on April 10, 2009 (74 FR 16448). EPA received comments on this proposed rule via mail, e-mail, facsimile, and at two public hearings held in Washington, DC and Sacramento, California in April 2009. Copies of all comments submitted are available at the EPA Docket Center Public Reading Room. Comments letters and transcripts of the public hearings are also available electronically through <http://www.regulations.gov> by searching Docket ID *EPA-HQ-OAR-2008-0508*.

Due to the size and scope of this rulemaking, EPA prepared this document in multiple volumes, with each volume focusing on a different subject area of the rule. This volume of the document provides EPA's responses to all significant public comments received for 40 CFR Part 98, Subpart N—Glass Production.

Each volume provides the verbatim text of comments extracted from the original letter or public hearing transcript. For each comment, the name and affiliation of the commenter, the document control number (DCN) assigned to the comment letter, and the number of the comment excerpt is provided. In some cases the same comment excerpt was submitted by two or more commenters either by submittal of a form letter prepared by an organization or by the commenter incorporating by reference the comments in another comment letter. Rather than repeat these comment excerpts for each commenter, EPA has listed the comment excerpt only once and provided a list of all the commenters who submitted the same form letter or otherwise incorporated the comments by reference in table(s) at the end of each volume (as appropriate).

EPA's responses to comments are generally provided immediately following each comment excerpt. However, in instances where several commenters raised similar or related issues, EPA has grouped these comments together and provided a single response after the first comment excerpt in the group and referenced this response in the other comment excerpts. In some cases, EPA provided responses to specific comments or groups of similar comments in the preamble to the final rulemaking. Rather than repeating those responses in this document, EPA has referenced the preamble.

While every effort was made to include all significant comments related to 40 CFR Part 98, Subpart N—Glass Production in this volume, some comments inevitably overlap multiple subject areas. For comments that overlapped two or more subject areas, EPA assigned the comment to a single subject category based on an assessment of the principle subject of the comment. For this reason, EPA encourages the public to read the other volumes of this document with subject areas that may be relevant to 40 CFR Part 98, Subpart N—Glass Production.

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SUBPART N–GLASS PRODUCTION

1. DEFINITION OF SOURCE CATEGORY

Commenter Name: Angus E. Crane

Commenter Affiliation: North American Insulation Manufacturers Association (NAIMA)

Document Control Number: EPA-HQ-OAR-2008-0508-0537.1

Comment Excerpt Number: 4

Comment: EPA should exempt from the proposed rule all fiber glass and rock and slag wool insulation facilities within the glass production source category. The glass production facilities subject to the proposed rule are a miniscule portion of the total national emissions of CO₂e, and the subset of fiber glass and rock and slag wool insulation facilities is an even smaller portion. The total amount of CO₂e emitted by the glass industry is 4,425,269 metric tons, which is less than 0.1 % of the total GHG emissions in the U.S. in 2005. (Technical Support Document for the Glass Manufacturing Sector: Proposed Rule for Mandatory Reporting of Greenhouse Gases at 6). Based on the EPA's decision to set the reporting threshold at 25,000 metric tons of CO₂e, the proposed rule's reporting requirements will apply to only about 15% of the industry's facilities, which account for little more than half the glass industry's emissions. Assuming EPA persists in creating a never-ending reporting scheme, and CO₂e emissions ultimately are reduced at some point in the future by 20%, 50% or 80% from 2005 levels, the net effect would be to reduce CO₂e emissions by 448,717, 1,121,792 or 1,794,866 metric tons. Those numbers represent roughly 0.00636 %, 0.017 19 % and 0.02546 %, respectively, of the total GHG emissions in the U.S. (using total GHG emissions of 7,051,100,000 metric tons reported by the EPA in the U.S. in 2006). There is virtually no benefit to having the glass production source category, and in particular, the subset of fiber glass and rock and slag wool insulation facilities, report their emissions. Moreover, any benefit is outweighed by the burden imposed on these facilities. Equally important, given that the fiber glass and rock and slag wool insulation industry's products are uniquely beneficial in helping meet the nation's energy needs and reducing greenhouse gases associated with climate change, EPA should exempt this industry from the proposed rule's reporting requirements. This will help the industry focus more of its scarce resources on producing insulation.

Response: The response has been provided in section III of the preamble to this rule (see section N, Glass Production).

2. REPORTING THRESHOLD

Commenter Name: Angus E. Crane

Commenter Affiliation: North American Insulation Manufacturers Association (NAIMA)

Document Control Number: EPA-HQ-OAR-2008-0508-0537.1

Comment Excerpt Number: 5

Comment: EPA should raise the threshold for reporting for fiberglass and rock and slag wool insulation entities. Raising the threshold to 35,000, 40,000, 50,000, or even more metric tons of CO₂e would reduce the number of entities reporting -- namely, those at the margins -- with only a minimal impact on the amount of emissions covered. Oddly, EPA's analysis did not address such reasonable alternative thresholds above the 25,000 metric ton threshold it ultimately chose. Instead, EPA analyzed only a 100,000 metric ton threshold -- four times the 25,000 metric ton threshold. In the case of the glass production source category, only one facility reportedly has annual emissions above 100,000 metric tons of CO₂e. (Id. at 16,508, Table N-1). Such a deliberately skewed choice of a single alternative threshold guaranteed that EPA's analysis would support the 25,000 metric ton threshold -- to the exclusion of other reasonable alternative thresholds.

Response: The response has been provided in section III of the preamble to this rule (see section N, Glass Production).

3. SELECTION OF PROPOSED GHG EMISSIONS CALCULATION AND MONITORING METHODS

Commenter Name: William Yanek

Commenter Affiliation: Glass Association of North America (GANA)

Document Control Number: EPA-HQ-OAR-2008-0508-0586.1

Comment Excerpt Number: 11

Comment: GANA fully supports EPA's proposed rule for measuring, estimating, monitoring, and reporting emissions from the glass melting process. Subpart N, Part 98 represents a good balance between site reporting burden, cost, and data accuracy and consistency. Specifically, GANA supports using raw-material emissions factors and usage rates, as proposed, to estimate emissions from glass production in lieu of requiring installing CEMs on sources that another regulation does not currently require to be installed.

Response: The response has been provided in section III of the preamble to this rule (see section N, Glass Production).

4. DATA REPORTING REQUIREMENTS

Commenter Name: Angus E. Crane

Commenter Affiliation: North American Insulation Manufacturers Association (NAIMA)

Document Control Number: EPA-HQ-OAR-2008-0508-0537.1

Comment Excerpt Number: 14

Comment: At various places in the preamble and proposed rule, EPA uses the phrase "glass produced." (See, e.g., proposed Sections 98.146(c) and 98.147(b)). EPA apparently has not

defined this phrase. The phrase could be interpreted to mean either glass melted or glass product produced. Presumably EPA means glass melted. NAIMA respectfully asks that EPA clarify the meaning of this phrase.

Response: The response has been provided in section III of the preamble to this rule (see section N, Glass Production).

Commenter Name: Jeffry C. Muffat

Commenter Affiliation: 3M Company

Document Control Number: EPA-HQ-OAR-2008-0508-0793.1

Comment Excerpt Number: 22

Comment: In Subpart N of the proposed rule dealing with Glass Production, production facilities would have to report the following information in metric tons: (1) Annual process emissions of CO₂, in metric tons/yr. (2) Annual quantity of each carbonate-based raw material charged, in metric tons/yr. (3) Annual quantity of glass produced, in metric tons/yr. (4) Depending on how CO₂ emissions are calculated, the carbonate-based mineral mass fraction (as percent) for each carbonate-based raw material charged to a continuous glass melting furnace. Much of this information would be considered confidential information by 3M in that competitors would be able to use the data to back calculate our product formula. Since the quantity of each carbonate-based raw material charged is already accounted for when CO₂e is calculated in equation N-1, we request that EPA remove these reporting requirements from the rule and that the data be retained by the facility and made available for review by EPA. Should EPA require the reporting of all of this information in the final rule, 3M requests that EPA explicitly state in the final rule and confirm in the preamble to the final rule that all information provided under Subpart N, other than the annual process emissions of CO₂, is considered confidential information and would not be considered “emission data” under this reporting rule. 3M requests that a new paragraph (e) be added to proposed Section 98.146 that reads: “No information required to be reported by this section, other than the information required by Section 98.146(a), is considered to be emission data under 40 CFR Section 2.301(a)(2)(i) and (ii).”

Response: The response has been provided in section III of the preamble to this rule (see section N, Glass Production).

5. OTHER SUBPART N COMMENTS

Comment: Generally across the rule, commenters requested clarification on use of standards and in some cases proposed alternative standards for determining particular parameters used to estimate emissions.

Response: For Subpart N, EPA has not specified the use of standards and allows for use of existing information that is readily available from suppliers for determining key parameters such as the mass fraction of carbonate in the raw material. Should facilities opt to determine the

calcination fraction of carbonate raw material rather than assume the defaults provided (of 100%), we have allowed flexibility for determining based on available industry consensus standards. We have allowed this flexibility because currently there are no specific approved ASTM standards or EPA methods for this determination.