
Final Rule: 2011 Technical Corrections, Clarifying and Other Amendments to Certain Provisions of the Mandatory Reporting of Greenhouse Gases Rule

ACTION

- The U.S. Environmental Protection Agency (EPA) is issuing technical corrections, clarifying and other amendments to specific provisions of the Greenhouse Gas Reporting Rule (referred to as part 98).
- EPA is promulgating amendments to specific provisions in 40 CFR part 98, subparts A (General Provisions), FF (Underground Coal Mines), II (Industrial Wastewater Treatment), OO (Suppliers of Industrial Greenhouse Gases), RR (Geologic Sequestration of Carbon Dioxide) and TT (Industrial Landfills) to correct certain technical and editorial errors that have been identified and to clarify amendments to certain provisions that have been the subject of questions from reporting entities. The changes include providing additional information to clarify compliance obligations, correcting data reporting elements, and making other minor corrections and amendments.
- The action promulgates a one-time extension of the 2012 reporting deadline – from March 31, 2012 to September 28, 2012 – for a specific list of source categories for which data collection began January 1, 2011, (referred to as the “new 2011 reporting year source categories”) including the following source categories:
 - Electronics Manufacturing (subpart I),
 - Fluorinated Gas Production (subpart L),
 - Magnesium Production (subpart T),
 - Petroleum and Natural Gas Systems (subpart W),
 - Use of Electric Transmission and Distribution Equipment (subpart DD),
 - Underground Coal Mines (subpart FF),
 - Industrial Wastewater Treatment (subpart II),
 - Imports and Exports of Equipment Pre-charged with Fluorinated GHGs or Containing Fluorinated GHGs in Closed-cell Foams (subpart QQ),
 - Geologic Sequestration of Carbon Dioxide (subpart RR),
 - Manufacture of Electric Transmission and Distribution (subpart SS),
 - Industrial Waste Landfills (subpart TT), and
 - Injection of Carbon Dioxide (subpart UU).

FINAL RULE OVERVIEW

- EPA is finalizing technical, clarifying and other amendments to the following subparts:

Subpart A	General Provisions
Subpart FF	Underground Coal Mines
Subpart II	Industrial Wastewater
Subpart OO	Suppliers of Industrial Greenhouse Gases
Subpart RR	Geologic Sequestration of Carbon Dioxide

- In general, this action does not change the overall reporting requirements under 40 CFR part 98. It does clarify the requirements and ensures consistency across the calculation, monitoring and data reporting requirements for the rule. In certain cases, EPA has revised reporting to reflect facility-specific circumstances and enable the reporting rule to be effectively implemented.

Subpart A (General Provisions)

Final amendments include:

- A one-time extension of the 2012 reporting deadline for facilities and suppliers required to report under source categories for which data collection began January 1, 2011 (see list above).
- Clarifying the applicability of the rule for electrical transmission and distribution equipment use, by revising the Table A-3 entry for subpart DD to reference the capacity threshold language of §98.301.
- Revising the threshold for underground coal mines to include only those that have ventilation emissions of 36,500,000 actual cubic feet (acf) of CH₄ or more per year (equivalent to 100,000 acf of CH₄ or more per day).
- Clarifying that the annual GHG report and any subsequent re-submissions can be submitted after the regulatory date in the event that a deadline falls on a weekend or a Federal holiday.
- Amending the reporting requirements on use of Best Available Monitoring Methods (BAMM), clarifying that the general information regarding use of BAMM must be reported for all source categories.
- Clarifying the definition of “supplier” to specifically refer to those source categories listed in Table A-5 to subpart A of part 98.
- Clarifying the method of submission of specific reports and other communications to the Administrator through either electronic tools, as specified by the Administrator, or through the mail to the Director of the Climate Change Division.
- Amending §98.2(i)(3) to add a date by which owners and operators must notify EPA that they no longer need to submit an annual GHG report because their operations have changed and they are no longer subject to the rule.
- Revising the introductory paragraph of §98.3(g) to clarify that the 3-year requirement for retention of records starts from the date of submission of the annual GHG report for the reporting year in which the record was generated.
- Finalizing other technical corrections to correct typographical errors, correct equations, and provide minor clarifications.

Subpart W (Petroleum and Natural Gas)

- EPA is not finalizing any of the proposed amendments, pending additional analysis and consideration of comments from the September 9, 2011 proposed revisions to subpart W (76 FR 56010).

Subpart FF (Underground Coal Mines)

Final amendments include:

- Promulgating technical corrections to Equations FF-1 and FF-2.
- Clarifying the placement and timing of sampling for moisture content, and including reference to calibration and documentation of procedures for moisture content monitors.
- Allowing facilities to use the annual average barometric pressure from the nearest National Oceanic and Atmospheric Administration (NOAA) weather service station as a default to measuring ventilation system pressure.

- Clarifying the sampling requirements for facilities that may use Mine Safety and Health Administration data.
- Clarifying language for consistency with the types of monitoring equipment required.

Subpart II (Industrial Wastewater Treatment)

Final amendments include:

- Clarifying the requirements for weekly sampling.
- Correcting Equations II-4 and II-6.
- Clarifying the language in §§98.356(a) and 98.356(d)(2) to provide guidance to reporters on information required to be reported.
- Clarifying the values used as inputs to Equations II-1 and II-2.
- Finalizing other technical corrections to correct typographical errors, correct equations, and provide minor clarifications.

Subpart OO (Suppliers of Industrial Greenhouse Gases)

Final amendments include:

- Amending the data reporting requirements to require that two data elements currently reported under 40 CFR 98.416(a)(8) and (9) be kept as a record rather than reported.

Subpart RR (Geologic Sequestration of Carbon Dioxide)

Final amendments include:

- Amending language to account for CO₂ entrained in produced water that is not processed through a gas-liquid separator in the mass balance equation.
- Clarifying that the reporter must include additional information regarding the measurement methods used to determine the concentration of CO₂ in fluids, and a discussion of how the amount of produced CO₂ would be determined, in the monitoring, reporting and verification (MRV) plan.
- Revising the term “CO₂ equipment leakage and vented CO₂ emissions” to ensure consistency in terminology and to more accurately describe the equipment between flow meters and wellheads for which monitoring requirements are specified.
- Finalizing other technical corrections to correct typographical errors, correct equations, and provide minor clarifications.

Subpart TT (Industrial Waste Landfills)

Final amendments include:

- Amending the text to provide methodologies to determine the volatile solids concentration or to determine the waste-specific degradable organic carbon (DOC) values for historically disposed waste streams.
- Amending the definition of the methane correction factor (MCF) to allow landfills with active aeration units to use a default MCF value or develop a site-specific MCF factor.
- Revising the footnote to Table TT-1 to clarify the determination of leachate recirculation rates.
- Deleting Equation TT-7 and amending Equation TT-8 to correct errors, and revising Equation TT-1 and TT-9 to correct the measured CH₄ concentration for zero percent oxygen.
- Adding Equation TT-4b for use in calculating W_x when historical waste quantity data are sporadic.
- Adding the option to use an alternative test procedure to determine an appropriate DOC value using a 60-day anaerobic biodegradation test, and is making conforming edits for recordkeeping and reporting requirements.

- Finalizing other technical corrections to correct typographical errors, correct equations, and provide minor clarifications.

NEXT STEPS AND IMPLEMENTATION

- The action will be published in the *Federal Register* shortly and will be available at: www.regulations.gov.
- A version is available on our website at: www.epa.gov/ghgr/ghgr4233

MORE INFORMATION

For more information on this action and other aspects of the Greenhouse Gas Reporting Program please visit EPA's Web site: www.epa.gov/ghgr