

## Greenhouse Gas Reporting Program: Proposed Amendments and Confidentiality Determinations for Fluorinated Greenhouse Gas Production

### Overview of Proposed Action

- EPA is proposing amendments to subpart L, Fluorinated Gas Production, of the Greenhouse Gas Reporting Program. The proposed changes would reduce the level of detail in which emissions were reported, remove the mass-balance method from the rule, clarify the emission factor method, and revise the set of default global warming potentials (GWPs) used by subpart L reporters to calculate and report their carbon-dioxide equivalent (CO<sub>2</sub>e) emissions.
- EPA is also proposing confidentiality determinations for the reporting of the new and substantially revised data elements proposed in this rule.

### Background

- On January 10, 2012, EPA published proposed confidentiality determinations regarding whether the Greenhouse Gas Reporting Program data elements in eight subparts of Part 98, including subpart L, would or would not be entitled to confidential treatment under the CAA (77 FR 1434). In that proposed rule, EPA proposed that the chemical identities and quantities of the fluorinated GHG emissions at the process level, reported under subpart L, are “emission data.” Under section 114(c) of the CAA, “emission data” are not eligible for confidential treatment and must be made publicly available.
- In their comments on the proposed rule, fluorinated gas producers raised concerns that the disclosure of the identity and quantities of the fluorinated GHGs emitted at the process level would reveal “trade secrets” regarding individual chemical production processes, putting the originators of the processes at a “competitive disadvantage.”
- In response to these comments, EPA proposed and promulgated temporary, less detailed reporting requirements for reporting years 2011 and 2012 (77 FR 51477, August 24, 2012). EPA subsequently proposed to apply these requirements to reporting year 2013 as well (78 FR 19802, April 2, 2013). This was intended to allow EPA additional time to evaluate the concerns raised by the commenters and to consider how the rule might be changed to balance these concerns with EPA’s need to obtain the data necessary to inform the development of future GHG policies and programs.

### Proposed Changes to Reporting Requirements

- EPA is proposing to require owners and operators of facilities producing fluorinated gases to report:
  - Emissions by fluorinated GHG group (chemical type) at the process level for each generically defined production or transformation process, and
  - Emissions by chemical at the facility level for certain fluorinated GHG emissions.

- Where the emission factor or emission calculation factor approaches were used, facilities would be required to further disaggregate process emissions by emission type, i.e., into vented vs. leaked emissions.
- Fluorinated GHG emissions would be reported by chemical at the facility level when:
  - The fluorinated GHG was emitted in quantities above 1,000 mtCO<sub>2</sub>e and the facility produced more than one fluorinated gas product, or
  - For facilities that produced only one fluorinated gas product, the fluorinated GHG emitted was a major fluorinated GHG constituent of a fluorinated gas product and the fluorinated gas product was sold or otherwise transferred to another person.
 Other fluorinated GHG emissions at the facility level would be reported by fluorinated GHG group.
- These changes would apply only to emissions from production and transformation processes; emissions from venting of container heels and destruction of previously produced fluorinated GHGs would be reported by chemical and by process as required by the December 1, 2010 rule that finalized the original subpart L reporting requirements (75 FR 74774).
- In addition to the changes above, EPA is proposing to replace the requirements to report process-specific emission factors, activity data, and destruction efficiencies with a requirement to identify, as a range, the level by which the emissions of each process are reduced or controlled, e.g., by destruction devices.
- The amended reporting requirements would apply to the previously deferred reporting of detailed reporting year 2011, 2012, and 2013 emissions as well as to the reporting of reporting year 2014 and subsequent emissions.
- Lastly, EPA is proposing harmonizing changes to subpart A (general provisions) to ensure that this section is consistent with the proposed reporting changes to subpart L.

## Other Proposed Changes

- EPA is proposing to replace the two default GWPs that are currently used to calculate and report CO<sub>2</sub>e emissions under subpart L with five default GWPs based on fluorinated GHG group. This would significantly increase the precision and accuracy of the CO<sub>2</sub>e emissions calculated and reported under subpart L.
- EPA is proposing to remove the mass-balance method, which is no longer used by any facility to report emissions, from subpart L.
- EPA is proposing to clarify that facilities using the emission factor method to estimate their emissions are required, in future testing, to test for any fluorinated GHG identified in the scoping speciation, and to report emissions of all fluorinated GHGs that are identified in the scoping speciation. Emissions that fall below the detection limit of the measurement technology would be required to be reported at one half of that limit.

## More Information

- This proposal will be published in the *Federal Register* and will be available at

[www.regulations.gov](http://www.regulations.gov).

- A prepublication version is available on our Web site at: <http://www.epa.gov/ghgreporting/reporters/subpart/l.html>.
- **The public comment period is open for 60 days after publication in the *Federal Register*. Detailed instructions on how to provide comments are included in the Preamble of the proposed rule.**
- For more information on subpart L: <http://www.epa.gov/ghgreporting/reporters/subpart/l.html>.
- For more information on subpart A: <http://www.epa.gov/ghgreporting/reporters/subpart/a.html>.