

Fact Sheet

Proposed Confidentiality Determinations for Subpart W under the Mandatory Reporting of Greenhouse Gases Rule

Overview of Proposed Action

- This action proposes to determine which data elements under the Petroleum and Natural Gas Systems source category (subpart W) of part 40 CFR 98¹ (the Greenhouse Gas Reporting Rule, or Part 98) would or would not be entitled to confidential treatment under the Clean Air Act (CAA). These data elements will be reported to EPA for the first time in 2012 under the Greenhouse Gas Reporting Program (GHGRP).
- This proposal does not propose confidentiality determinations for data elements that are inputs to emission equations, the reporting of which EPA deferred until 2015 for subpart W reporting elements in an August 25, 2011 final action.
- This action also proposes to amend Table A-7 of the general provisions to include additional data elements that are inputs to emissions equations that have been added as a result of recent technical revisions to subpart W. EPA is proposing to defer reporting of the additional data elements added to table A-7 until 2015.
- EPA will release and withhold part 98 subpart W data in accordance with the outcome of this rulemaking and the confidential business information (CBI) regulations at 40 CFR 2.301. EPA intends to finalize the confidentiality determinations for the data elements in subpart W before the September 28, 2012 reporting deadline.

Background

- Typically, EPA makes confidentiality determinations under the CAA on a case-by-case basis. However, for the GHG Reporting Program, EPA has taken a categorical approach for addressing claims of confidential business information that identifies the data elements that will be treated as CBI in advance of reporting. This approach was necessary due to the thousands of entities reporting under the GHGRP and the hundreds of data elements across the rule. Because of this volume, case-by-case determinations of confidentiality would inhibit timely release of the data.
- On May 26, 2011, EPA finalized a rule outlining and codifying this approach for the GHGRP and making confidentiality determinations for data elements for 34 subparts of part 98. This action proposes confidentiality determinations for data elements in subpart W of part 98.

Proposed Confidentiality Determinations

EPA is proposing confidentiality determinations for 10 data categories as follows:

- Data elements in the following data categories are proposed to be categorized as “emission data” and would therefore be released to the public:
 - Facility and Unit Identifier Information (e.g., facility name and physical address);
 - Emissions;
 - Calculation Methodology and Methodological Tier; and
 - Data elements reported for periods of missing data that are not inputs to equations.

¹ On October 30, 2009, EPA published the Mandatory GHG Reporting Rule at 40 CFR part 98 for collecting information regarding greenhouse gases from a broad range of industry sectors. Under part 98 and its subsequent amendments, certain facilities and suppliers above specified thresholds are required to report greenhouse gas information to EPA annually.

- Data elements in the following data category are not proposed to be emission data nor are they proposed to be CBI. Therefore, the data elements in the following data category would be released to the public:
 - Test and Calibration Methods.
- Data elements in the following data categories are proposed to be treated as CBI and would qualify as CBI. Therefore, the data elements in the following data categories would not be released to the public:
 - Production/Throughput Data (that are not inputs to emission equations);
 - Raw Materials Data (that are not inputs to emission equations); and
 - Detailed Process Information Submitted in Petitions to Extend the Use of BMM.
- EPA proposed CBI determinations for individual data elements in the following categories, so some are proposed to be CBI and some are not (and would be released to the public):
 - Unit Static Characteristics (that are not inputs to emission equations); and
 - Unit Operating Characteristics (that are not inputs to emission equations).

Next Steps and Implementation

- This proposal will be published in the *Federal Register* shortly and will be available at www.regulations.gov.
- A prepublication version is available on our Web site at: <http://www.epa.gov/ghgreporting/reporters/subpart/w.html>
- The public comment period is open for 30 days after publication in the *Federal Register*.
- After consideration of public comments, EPA intends to issue final confidentiality determinations for subpart W in 2012.

More Information

For more information on the mandatory GHG reporting rule, including guidance and a schedule of training opportunities, please visit EPA's GHG Mandatory Reporting Rule Website: <http://www.epa.gov/ghgreporting/index.html>.

For more information on the rulemakings related to confidential business information under the GHG Reporting Program: <http://www.epa.gov/ghgreporting/reporters/cbi/index.html>.

For more information on the recently finalized subpart W technical revisions rule and for other related rulemakings: <http://www.epa.gov/ghgreporting/reporters/subpart/w.html>.