

Frequently Asked Questions



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

General Information

What is the action being taken?

The Mandatory Reporting of Greenhouse Gases Rule (called “Part 98”) was finalized on October 30, 2009, and requires annual reporting of greenhouse gas (GHG) data and other related information from large direct emitters of GHGs, and certain suppliers (e.g., of fossil fuels, petroleum products, industrial gases and CO₂) beginning in 2011, for 2010 data. This final rule established EPA’s Greenhouse Gas Reporting Program (GHGRP). EPA established additional requirements for underground coal mines, industrial wastewater treatment, and industrial waste landfills on July 12, 2010; requirements for petroleum and natural gas facilities on November 30, 2010; and requirements for geologic sequestration of carbon dioxide on December 1, 2010.

Since finalization, EPA has been working closely with owners and operators of facilities and suppliers subject to the GHGRP to communicate the rule requirements. Through ongoing discussions, EPA has identified specific parts of the regulation text that had technical errors, could benefit from clarification, or did not have the intended effect. With this action, EPA is amending seven subparts of 40 CFR part 98 to address technical and other issues that have been raised by stakeholders during the implementation phase of the GHGRP. In addition, ERG is proposing a six month extension of the reporting deadline for reporting GHG information from the subparts finalized during 2010 and for which data collection began in 2011.

What is the purpose of this rulemaking?

This rule amends seven subparts of 40 CFR part 98 to address specific issues and challenges that were raised during implementation of those subparts. This rulemaking ensures that the information submitted to EPA under the GHGRP enables EPA to collect the appropriate data to support future climate policy.

This rule also provides a one-time extension of the 2012 reporting deadline for facilities and suppliers subject to source categories for which data collection began in 2011. The extension is consistent with the timing for the 2011 reporting deadline and will allow sufficient time for stakeholders to test the updated online reporting software.

Subparts Affected

Which subparts in Part 98 does this rule amend?

EPA is amending the following subparts:

Subpart A	General Provisions
Subpart DD	Use of Electric Transmission and Distribution Equipment
Subpart FF	Underground Coal Mines
Subpart II	Industrial Wastewater Treatment
Subpart OO	Suppliers of Industrial Greenhouse Gases
Subpart RR	Geologic Sequestration of Carbon Dioxide
Subpart TT	Industrial Waste Landfills

What types of changes are being made with this action?

The rule consists of the following types of changes:

- Changes to correct cross references within and between subparts.
- Additional information to better or more fully understand compliance obligations in a specific provision.
- Amendments to certain equations to better reflect actual operating conditions.
- Corrections to the terms and definitions in certain equations.
- Corrections to data reporting requirements so that they more closely conform to the information used to perform emission calculations.
- Other amendments related to certain issues identified as a result of working with the affected sources during rule implementation and outreach.

Which subparts would be affected by the change in the March 2012 reporting date?

EPA is making a limited, one time extension of the 2012 reporting deadline for reporting GHG information for subparts required to start collecting data in 2011. The six- month deadline extension applies only to the following subparts:

Subpart I	Electronics Manufacturing
Subpart L	Fluorinated Gas Production
Subpart T	Magnesium Production
Subpart W	Petroleum and Natural Gas Systems
Subpart DD	Use of Electric Transmission and Distribution Equipment
Subpart FF	Underground Coal Mines
Subpart II	Industrial Wastewater Treatment
Subpart QQ	Imports and Exports of Equipment Pre-charged with Fluorinated GHGs or Containing Fluorinated GHGs in Closed-cell Foams
Subpart RR	Geologic Sequestration of Carbon Dioxide
Subpart SS	Manufacture of Electric Transmission and Distribution
Subpart TT	Industrial Waste Landfills
Subpart UU	Injection of Carbon Dioxide

All facilities and suppliers subject to the GHGRP that do not have any of the above specified source categories on site would be required to report their 2011 GHG information by April 2, 2012.

Does this rule significantly change the requirements of 40 CFR part 98?

This rule does not change the overall requirements of the GHGRP. Rather, it further clarifies the requirements and ensures consistency across the calculation, monitoring and data reporting requirements for the rule. EPA has also identified certain cases where it is appropriate to revise the regulatory text in 40 CFR part 98 to reflect facility-specific circumstances and enable the GHGRP to be implemented as originally intended.

When do the final rule amendments go into effect?

EPA publish the final rule amendments in the Federal Register on November 29, 2011. EPA believes that it would be straightforward for facilities to implement the amendments in this action in the first GHG reports to be submitted for these subparts in 2012. The ability to implement these changes for the 2011 reporting year is further enabled by the extension of the reporting deadline for most of these subparts by six months, to September 28, 2012. EPA also believes it is appropriate to implement the subpart OO amendments by March 31, 2012 (the 2012 reporting deadline for subpart OO is not extended) as the amendments to that subpart just change reporting requirements to recordkeeping requirements.

Costs

What is the estimated cost to implement the rule amendments?

The rule amendments do not increase the burden on reporting facilities. In fact, in some cases, the burden will be reduced because the amendments make the reporting requirements more consistent with actual facility operations or reduce the recordkeeping and reporting burden by making the requirements consistent with how emissions are calculated.

What impact do the rule amendments have on small businesses?

EPA estimates that this action will not have a significant economic impact on a substantial number of small businesses. The rule amendments do not impose any new requirement on small entities that are not currently required.