

Frequently Asked Questions

Mandatory Reporting of Greenhouse Gases



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

General Information

What is the action being taken?

On October 7 2010, the U.S. Environmental Protection Agency (EPA) issued a final rule amending 40 CFR part 86 and 40 CFR part 98. The Mandatory Reporting of Greenhouse Gases Rule was finalized on October 30, 2009, and requires reporting of greenhouse gas (GHG) data and other related information from large emissions sources and suppliers of fossil fuels and industrial greenhouse gases, and manufacturers of mobile sources in the United States. This final rule provided the regulatory framework for the GHG Reporting Program (GHGRP). Since October 2009, EPA has been working closely with owners and operators of covered facilities to communicate the rule requirements. Through these discussions, EPA has identified specific parts of the regulation text that were either incorrect, would benefit from clarification, or did not have the intended effect. This action amends 40 CFR part 86 and eighteen subparts in 40 CFR part 98 to address some of these issues.

What is the purpose of this rulemaking?

This final rule includes an amendment to 40 CFR part 86 to incorporate regulatory language that was inadvertently omitted from the final Greenhouse Gas Reporting Rule in 2009 covering requirements for manufacturers of highway heavy-duty vehicles. This final rule also amends eighteen subparts of 40 CFR part 98 to address specific issues and challenges that have been raised during implementation of those subparts. This final rulemaking ensures that the information submitted to EPA under the GHGRP enable EPA to collect the appropriate data to support future climate policy.

When will the rule go into effect?

With two exceptions, the rule is effective for the annual reports due to be submitted to EPA by September 30, 2011. The changes for CO₂ emissions reporting requirements for certain decarburization vessels under subpart Q (Iron and Steel Production) is deferred until 2012, and we are providing some flexibility in defining “batch” with respect to crude oil reporting under Subpart MM (Suppliers of Petroleum Products) for the first annual report. Based on comments received, EPA believes that additional time is required to fully implement the changes in these two subparts.

Subparts Affected

Which subparts in the final MRR are affected by this final rule?

EPA is finalizing amendments to the following subparts:

40 CFR part 86 – Mobile Sources

40 CFR part 98:

Subpart A – General Provisions

Subpart E – Adipic Acid Production

Subpart H- Cement Production

Subpart K – Ferroalloy Production

Subpart N – Glass Production

Subpart O - HCFC-22 Production and HFC-23 Destruction

Subpart P – Hydrogen Production

Subpart Q – Iron and Steel Production

Subpart S – Lime Manufacturing

Subpart V – Nitric Acid Production

Subpart Z – Phosphoric Acid Production

Subpart CC – Soda Ash Manufacturing

Subpart EE – Titanium Dioxide Production

Subpart GG – Zinc Production

Subpart HH – Municipal Solid Waste Landfills

Subpart LL – Suppliers of Coal-based Liquid Fuels

Subpart MM – Suppliers of Petroleum Products

Subpart NN – Suppliers of Natural Gas and Natural Gas Liquids

What types of changes are being finalized in today's action?

The final 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.

Does this action significantly change the requirements of the 2009 final rule?

Generally, this final rule does not change the overall requirements of the GHGRP. It does, however, further clarify the requirements and ensure consistency across the calculation, monitoring and data reporting requirements for the rule. EPA has also identified certain cases where it was appropriate to revise the regulatory text in the GHG Reporting Program to reflect facility-specific circumstances and enable the final rule to be implemented as originally intended. Except for the two exceptions noted above, owners and operators of facilities are required to follow this final rule once it is effective, including in the first annual reports submitted to EPA by September 30, 2011.

Costs

What is the estimated cost to implement this rule?

In most cases, this final rule will not affect the burden on reporting facilities. In some cases, the burden may 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 does this rule have on small businesses?

EPA estimates that this action will not have a significant economic impact on a substantial number of small businesses. The proposed rule amendments would not impose any new requirement on small entities that are not currently required by the rules promulgated on October 30, 2009.