

# Special Provisions for 2010



## Final Rule: Mandatory Reporting of Greenhouse Gases

*EPA has received numerous questions from owners and operators about greenhouse gas (GHG) reporting requirements in 2010. Generally, facilities and suppliers must begin collecting data and complying with all requirements of the rule starting on January 1, 2010. However, the rule contains some provisions for flexibility for the 2010 reporting year. These provisions mean that certain facilities or suppliers will not have to meet some of the requirements during part or all of 2010.*

*The special provisions for the 2010 reporting year are summarized in the table below.*

Special Provision	Eligibility	Reference
Reporting deadline of September 30, 2011	All facilities	§98.3(b)
Abbreviated reporting for the 2010 reporting year	Facilities containing only general stationary fuel combustion sources	§98.3(d)(3)
Use of best available monitoring methods through March 31, 2010 (with possible extension through December 31, 2010)	Any parameter for which it is not reasonably feasible to acquire, install, and operate a required piece of equipment	§98.3(d)(1)
Postponement of equipment calibrations beyond April 1, 2010	Monitoring devices with active calibrations and processes that cannot be calibrated without removing the device from service	§98.3(i)(5) and §98.3(i)(6)
Monitoring plan completed by April 1, 2010	All facilities	§98.3(g)(5)(i)

## Reporting Deadline

### When must I submit my annual GHG report?

The annual GHG report for reporting year 2010 must be submitted no later than September 30, 2011. This extended deadline applies exclusively to reporting year 2010. The annual report for reporting years 2011 and beyond must be submitted no later than March 31 of each calendar year for GHG emissions in the previous calendar year.

## Abbreviated Reporting

### Who can submit an abbreviated report?

If your facility is required to report emissions from stationary fuel combustion sources **only** (covered by subpart C of the rule) and none of the “all-in” or threshold sources listed in Tables A-3 or A-4, you may submit an abbreviated emission report for the **calendar year 2010 report only** (to be submitted by September 30, 2011).

### What must I include in the abbreviated report?

The abbreviated facility report must include the following information:

- Facility name and physical street address including the city, state, and zip code.
- The year and months covered by the report.
- Date of submittal.
- Total facility GHG emissions aggregated for all stationary fuel combustion units calculated according to any method specified in subpart C and expressed in metric tons of carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), and carbon dioxide equivalent (CO<sub>2</sub>e).
- A signed and dated certification statement provided by the designated representative.

Note that:

- You **DO NOT** have to *report* emissions at the combustion unit level, emissions by fuel, or the verification data specified in subpart C.
- You **DO** have to *collect* combustion-unit level, fuel type, and verification data in order to properly calculate and report your facility’s total emissions. You must also retain these data for three years in case EPA audits you.
- You may *calculate* facility-wide emissions using any calculation method from subpart C. For example, you could use the simplest calculation method in subpart C, even if subpart C specifies that you must use another calculation method.
  - If using the abbreviated report, you **DO NOT** have to request use of best available monitoring methods for quantifying fuel use (see below), because abbreviated emission reporting allows you to calculate your emissions using tier 1 or tier 2—both of which allow you to use company records.
- If your report contains missing data (e.g., high heating value, steam use, carbon content of fuel), you **DO** have to follow the rule’s missing data procedures, but you **DO NOT** have to report periods of missing data.

Beginning with the reporting year 2011 (report to be submitted March 31, 2012), all reporters must submit a full report using the applicable monitoring methods and reporting requirements specified in subpart C.

## Best Available Monitoring Methods (BAMMs)

### What are the 2010 provisions for BAMMs?

Each subpart establishes requirements for monitoring emission parameters (e.g., fuel use, daily carbon content of feed stock) and calculation methods for transforming the parameter data into GHG estimates. If you determine that it is not reasonably feasible to acquire, install, and operate the required monitoring equipment by January 1, 2010, you may automatically use BAMMs through **March 31, 2010**. However,

when you use BAMMs, you must estimate your facility's emissions using the calculation procedures in the rule. You **DO NOT** need to submit a request to EPA to use BAMMs through March 31, 2010.

BAMMs could include the following:

- Monitoring methods currently used by your facility that do not meet the specifications of a relevant subpart.
- Supplier data.
- Engineering calculations.
- Other company records.

If you decide to use BAMMs for first quarter 2010, then for your 2010 emission report you must include the following:

- Brief descriptions of each Bamm used;
- The parameter measured using that method; and
- The time period during which the method was used.

By **April 1, 2010**, you must begin using the rule's required monitoring methods, unless EPA grants you an extension (see below).

### **Can I obtain an extension to use BAMMs beyond March 31, 2010?**

In general, EPA will grant extensions for the following reasons:

- You can apply for an extension if the necessary monitoring equipment cannot be obtained, installed and operated by the April 1, 2010, deadline, despite good faith efforts by your facility (i.e., backlogs or unexpected delays prevent you from obtaining the equipment on time, despite efforts to order from multiple suppliers).
- Installation of the necessary monitoring equipment would require a full process unit shutdown that could not feasibly be scheduled prior to April 1, 2010.
  - In this case, you can apply for an extension, and if it is granted you will have until the next scheduled maintenance outage (but no later than December 31, 2010) to install and calibrate the monitor per 40 CFR 98.3(i) of subpart A.
- The ability to obtain, install and operate monitoring equipment may include other site-specific activities, if properly justified, such as calibration of meters, training of staff to properly operate the equipment, and safety or accessibility concerns.

EPA **DOES NOT** intend to approve extension requests for development of an emission data management system or for parameters that are measured by periodic sampling and analyses.

### **How do I request an extension?**

You must submit any request to extend the use of best available monitoring methods beyond March 31, 2010, to EPA by **January 28, 2010**, and include the following information:

- **General Information**  
Provide the point of contact and their contact information, facility name, and physical street address, including city, state, and zip code; the unit ID; and type of unit (e.g., boiler, process heater, cement kiln).
- **Monitoring Equipment and Applicable Requirement**  
Identify the monitoring equipment and rule requirement for which the extension is required. See table below for an example.

Monitoring Equipment ID	Monitoring Equipment Description	Monitored Parameter	40 CFR 98 Subpart	Rule Citation
Monitoring plan Monitor ID	Gas fuel flow meter	Amount of fuel combusted	C	§98.33(a)(3) (iii)

- **Identification of Equipment Location**  
Identify the location of the measurement equipment (e.g., attach a fuel or material flow diagram).
- **Reason for the Extension Request**  
Identify the reason for the extension. Primary reasons are: 1) the equipment cannot be purchased and delivered by April 1, 2010; 2) the unit/process operates continuously and the equipment cannot be installed by April 1, 2010, without a process/unit shutdown; 3) other unique site-specific circumstances.
- **If the Justification Is a Delivery Delay**  
Provide the following additional information if the equipment cannot be purchased and delivered by April 1, 2010:
  - Date equipment ordered;
  - Any alternative suppliers and alternative delivery dates;
  - Any backorder notices or description of unexpected delays from supplier;
  - Description of actions taken to expedite delivery; and
  - Current expected delivery date.
- **If the Justification Is Delayed Due to Operating Schedule**  
If the reason for the extension is that the unit/process operates continuously and the measurement equipment cannot be installed by April 1, 2010, without a process/unit shutdown, you must provide:
  - Date of the most recent process unit shutdown;
  - Frequency of shutdowns for this process unit;
  - Date of the next planned shutdown during which the monitoring equipment can be installed; and
  - Dates of any shutdown or planned process unit shutdown between promulgation of this part and April 1, 2010, and an explanation why the equipment was not obtained and installed during that shutdown.
- **If the Justification Is Due to Other Site-Specific Circumstances**  
If the reason for the extension is related to other site-specific circumstances that do not allow the measurement equipment to be installed and operated in accordance with the requirements of Part 98 by April 1, 2010 (e.g., staff training, calibration, safety concerns, accessibility issues) you must provide sufficient justification to describe your site-specific circumstances.
- **Planned Equipment Installation**  
Identify the planned installation date and specific actions the facility will take to obtain, install, and operate the equipment as soon as reasonably feasible.

EPA has developed an optional form to facilitate the submission of extension requests. While facility owners or operators do not have to use this form, it might facilitate review and approval. EPA will respond to all extension requests with a written notice. As a general matter, EPA will base its decision on the information provided in the extension request and does not intend to negotiate on specific issues. As time allows, EPA may follow up on extension requests with additional questions. The optional form is available at: [http://epa.gov/climatechange/emissions/downloads10/BAMM\\_Petition\\_Form\\_121809.pdf](http://epa.gov/climatechange/emissions/downloads10/BAMM_Petition_Form_121809.pdf).

**All extension requests must be submitted to one of the following addresses:**

Effective immediately, any future Notice of Intent (NOI) and Best Available Monitoring Method (BAMM) requests must be submitted in hard copy to one of the following addresses:

For package delivery (Preferred): Carole Cook, c/o Director, Climate Change Division, U.S. Environmental Protection Agency, 1310 L Street, NW, 802e, Washington, DC 20005.  
Phone: 202-343-9263

For U.S. mail: Carole Cook, c/o Director, Climate Change Division, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Mail Code: 6207J, Washington, DC 20460

**Can I use BAMMs beyond December 31, 2010?**

In general, EPA will not grant extensions beyond December 31, 2010. However, facilities that are subject to reporting under subpart P (Hydrogen Production), subpart X (Petrochemical Production), and subpart Y (Petroleum Refineries) may submit requests to extend the use of BAMMs beyond December 31, 2010 but not to extend beyond December 31, 2013. Under certain circumstances, these facilities may apply for one additional extension beyond December 31, 2013. For information on submitting BAMM extension requests beyond December 31, 2010, please refer to §98.3(j) and [http://www.epa.gov/climatechange/emissions/downloads10/2011-Revisions-BAMM\\_FAQ.pdf](http://www.epa.gov/climatechange/emissions/downloads10/2011-Revisions-BAMM_FAQ.pdf).

**If I need additional time to upgrade a unit to Tier 4, do I need to request an extension?**

If your facility is required to upgrade its continuous emission monitoring system (CEMS) by installing a CO<sub>2</sub> analyzer or flow meter, you are allowed until January 1, 2011, to complete the upgrade and begin collecting data using CEMS. In that case, you may report emissions for 2010 using tier 2 or tier 3 without requesting an extension for best available monitoring methods. But you may begin using your CEMS at any time during the year after achieving monitor certification.

**Generally, if the use of a specific monitoring method in the rule is dependent on the equipment currently in place at my facility, and I choose to upgrade my facility in the middle of the year, do I need to request an extension?**

No. Some subparts require the use of a different methodology if certain measurement equipment is in place. If you choose to install the equipment, you must then switch methodologies once the equipment is in place. You do not need to request an extension from EPA to make such a change. However, you must provide a written explanation in your annual GHG report of any changes in emission calculation methodologies. This applies to 2010 and subsequent years.

## **Equipment Calibration**

When specified by an applicable subpart, liquid and gas flow meters must be calibrated to meet 5 percent accuracy requirements prior to **April 1, 2010**. For facilities and suppliers that become subject to the rule after April 1, 2010, calibration is required by the date that data collection is required to begin.

**In what situations can I postpone initial calibration?**

Initial calibration may be postponed after April 1, 2010, in two cases. You **DO NOT** need to request the use of best available monitoring methods if your facility meets either of the following two conditions:

- If your monitoring equipment has already been calibrated according to a method specified in the applicable subpart and the previous calibration is still active, meaning that the device is not due for recalibration according to the specification of the applicable calibration method used. In this case, you do not need to recalibrate until the previous calibration has elapsed.
- Initial calibration may also be postponed for units that operate continuously with infrequent outages if calibration would require removing the device from service, thereby disrupting process operation. In this case, initial calibration may be postponed until the next scheduled maintenance outage.

## Monitoring Plans

### When must I submit a monitoring plan?

All facilities must develop a monitoring plan by April 1, 2010. Monitoring plans **DO NOT** need to be submitted to EPA for approval; rather, they must be kept on site as a recordkeeping requirement.

Your facility's data collection methods could change and evolve as you gain experience with monitoring equipment and develop more effective procedures for data management. Your monitoring plan must be revised to reflect these changes.

### If my extension request for BAMMs is approved, do I still need to have a completed monitoring plan by April 1, 2010?

Yes. The monitoring plan must include the information in section 98(g)(5), including a description of the processes and methods used to collect the necessary data for the GHG calculations. This includes any methods used during the interim time period during which BAMMs are allowed. Under all circumstances, your monitoring plan must be completed by April 1, 2010. The monitoring plan must be revised when there are any changes in methods or procedures.

### Will EPA provide a template for the monitoring plans and review plans?

At this time, EPA has no plans to specify a monitoring plan template because the Agency wants to provide the flexibility to rely on references to existing corporate maintenance plans, operating procedures, quality assurance plans, and other documents, including those prepared under other rules (e.g., acid rain, New Source Performance Standards). However, the monitoring plan must include all of the elements listed in 40 CFR 98.3(g)(5)(i) of the rule. Plans will not be reviewed by EPA unless EPA requests such a review as part of an audit.

## For More Information

This document is provided solely for informational purposes. It does not provide legal advice, have legally binding effect, or expressly or implicitly create, expand, or limit any legal rights, obligations, responsibilities, expectations, or benefits in regard to any person. The series of information sheets is intended to assist reporting facilities/owners in understanding key provisions of the final rule.

Visit EPA's Web site ([www.epa.gov/climatechange/emissions/ghgrulemaking.html](http://www.epa.gov/climatechange/emissions/ghgrulemaking.html)) for more information, including the final preamble and rule, additional information sheets on specific industries, the schedule for training sessions, and other documents and tools. For questions that cannot be answered through the Web site, please contact us at: [GHGReporting@epa.gov](mailto:GHGReporting@epa.gov).