

Fact Sheet



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

ACTION

- EPA is finalizing technical corrections, and clarifying and other amendments to the Greenhouse Gas Mandatory Reporting Rule. The proposed amendments were published in the *Federal Register* on June 15, 2010.
- In this action, EPA is amending 40 CFR part 86 and eighteen subparts in 40 CFR part 98 to correct technical and editorial errors, and to address certain issues identified as a result of working with reporters during rule implementation and outreach.
- 40 CFR part 86 includes reporting requirements for reporting of GHG emissions rates for manufacturers of engines used in mobile sources outside of the light-duty sector. 40 CFR part 98 require reporting of greenhouse gas (GHG) data and other relevant information from certain sources beginning in 2010.
- 40 CFR part 98 does not require control of GHGs, rather it only requires that sources emitting above certain thresholds monitor and report GHG information.
- Since the final part 86 and part 98 were signed in September 2009, EPA has been working closely with owners and operators of facilities subject to the rules to communicate reporting requirements. Through these discussions, EPA has identified specific sections of the final rules that were either not clear, or did not have the intended effect.
- EPA received 24 public comment letters on the proposed amendments and the related technical issues discussed in this action. We did not receive a request for a public hearing.
- Except in two cases, the technical corrections, clarifying and other amendments will apply to data reported to EPA in March 2011. EPA determined that additional time was needed to implement the CO₂ emissions reporting requirements for certain decarburization vessels under subpart Q (Iron and Steel Production) and the definition of “batch” under subpart MM (Suppliers of Petroleum Products). EPA is deferring full implementation of these changes until the annual GHG reports submitted to EPA in 2012.

FINAL RULE OVERVIEW

- The final amendments consist 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 specific provisions.
 - 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.
- In general, these rule amendments do not change the overall greenhouse requirements of part 86 and part 98. In part 86, EPA inadvertently omitted the regulatory text in the 2009 final rule for heavy-duty motor vehicle manufacturers and is amending part 86 to correct that error. Under part 98, the amendments further clarify the requirements and ensure consistency across the calculation, monitoring and data reporting requirements. EPA has also identified certain cases where it was appropriate to revise various subparts of part 98 to reflect facility-specific circumstances and enable those subparts to be implemented as originally intended.
- EPA expects that these final amendments will reduce or have no impact on the burden to implement the requirements of the final reporting rule.

- EPA is amending 40 CFR part 86 – Mobile Sources, and the following subparts of 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

PUBLIC INVOLVEMENT

- EPA has conducted and will continue to conduct extensive outreach with stakeholders affected by and interested in the GHG Reporting Program. Many of the amendments in today’s action are in response to questions received during these stakeholder meetings and outreach.
- Approximately 10,000 facilities are estimated to be subject to the GHG Reporting Program. These facilities cover a range of industries. Since September 2009, EPA has interacted with approximately 10,000 persons, including many who represent facilities subject to the final reporting rule.
- EPA offered the opportunity for a public hearing on the amendments being finalized in today’s actions, but a hearing was not requested. The comment period was open for 45 days after publication of the proposed amendments in the *Federal Register*.

NEXT STEPS AND IMPLEMENTATION

- The preamble and final regulatory text will be published in the *Federal Register* shortly after signature and will be made available at www.regulations.gov.

MORE INFORMATION

- Information on the final rule amendments and supporting background information is available electronically at www.regulations.gov, EPA’s electronic public docket and comment system. The Docket ID number is: EPA-HQ-OAR-2010-0109.
- Information is also available at the EPA Docket Center (EPA/DC) Public Reading Room. For more information, please call 202-566-1744 between the hours of 8:30 A.M. and 4:30 P.M. Eastern Time.
- For more information on other provisions of 40 CFR part 98 finalized in October 2009, including guidance and a schedule of training opportunities, please visit: www.epa.gov/climatechange/emissions/ghgrulemaking.html.
- For background information about GHGs and climate change science and policy, please see EPA’s climate change web site at: www.epa.gov/climatechange.