

## **ICR Worksheet Change**

2011 Technical Corrections, Clarifying and Other Amendments to Certain Provisions of the Reporting of Greenhouse Gases Rule: Changes to the Data Reporting and Recordkeeping Requirements

## **OVERVIEW**

In October 2009, EPA finalized the Mandatory Reporting of Greenhouse Gases Rule (the GHG Reporting Rule) (74 FR 56260; October 30, 2009). The 2009 final rule, which became effective on December 29, 2009, includes reporting of GHGs from certain facilities and suppliers. Subsequent rules included requirements for additional facilities and suppliers. Specifically, in 2010, EPA promulgated requirements for subparts T, FF, II, and TT (75 FR 39736; July 12, 2010); subparts I, L, DD, QQ, and SS (75 FR 74774; December 1, 2010); and subparts RR and UU (75 FR 75060; December 1, 2010).

EPA addressed the cost and burden for the recordkeeping and reporting requirements associated with these rules in the following Information Collection Requests (ICRs):

- Mandatory Reporting of Greenhouse Gases - Final Rule (EPA ICR number: 2300.09; OMB control number: RIN 2060-0651), which addressed the subparts in the October 2009 rule (EPA ICR number 2300.09; OMB control number 2060-0629)
- Mandatory Reporting of Greenhouse Gases from Magnesium Production, Underground Coal Mines, Industrial Wastewater Treatment, and Industrial Waste Landfills - Final Rule (EPA ICR number: 2396.02; OMB control number 2060-0647)
- Information Collection Request for the Mandatory Reporting of Greenhouse Gases, Additional Sources of Fluorinated GHGs – Final Rule (EPA ICR number 2373.04; OMB control number 2060-0650)
- Mandatory Reporting of Greenhouse Gases (GHG Reporting Rule), Subparts RR and UU: Injection and Geological Sequestration of Carbon Dioxide - Final Rule (EPA ICR number: 2372.03; OMB control number: 2060-0649)

In August 2011, EPA published a proposed rule, which would correct certain technical and editorial errors, technical corrections and editorial errors, and clarify or modify certain provisions that have been the subject of questions from reporting entities (76 FR 47392, August 4, 2011). EPA considered the public comments received on the proposal and is now finalizing the amendments. The final changes include additional information to clarify compliance obligations, correct data reporting elements so they more closely conform to the information used to perform calculations, and make other corrections and amendments.

Section 1 of this memorandum describes the clarifications, corrections, and modifications to the reporting and recordkeeping requirements associated with the ICRs for the subparts affected by final 2011 Technical Corrections, Clarifying and Other Amendments to Certain Provisions of the Mandatory Reporting of Greenhouse Gases. Section 2 of this memorandum concludes that these changes would not impact the cost and burden estimated in the respective ICRs.

# 1. TECHNICAL CORRECTIONS, CLARIFYING, AND OTHER AMENDMENTS AFFECTING PRIOR ICRs FOR THE GHG REPORTING RULE

## 1.1 Mandatory Reporting of Greenhouse Gases - Final Rule (EPA ICR number 2300.09; OMB control number 2060-0629)

### Subpart A – General Provisions

The technical corrections and other amendments to subpart A (General Provisions) affect the information collection requests of the Mandatory Reporting of Greenhouse Gases - Final Rule (EPA ICR number 2300.09; OMB control number 2060-0629).<sup>1</sup> Significant technical clarifications and amendments to subpart A include the following.

Computation of Time. EPA is adding a provision to 40 CFR 98.3(b) to allow information, including but not limited to, the annual GHG report and any subsequent re-submissions, the certificate of representation, and requests to use best available monitoring methods, to be submitted to EPA on the next business day in the event that a regulatory deadline falls on a weekend or a federal holiday.

2012 Reporting Deadline. EPA is promulgating a one-time extension of the 2012 reporting deadline for facilities and suppliers that contain one or more source categories for which data collection began in 2011 in order to allow sufficient time for development, and more importantly stakeholder testing, of the electronic-GHG Reporting Tool (e-GGRT). The deadline extension from March 31, 2012 to September 28, 2012 applies to any facility that contains one or more of the following source categories in Table A-3 or Table A-4: Electronics Manufacturing (subpart I), Fluorinated Gas Production (subpart L), Magnesium Production (subpart T), Petroleum and Natural Gas Systems (subpart W), Use of Electric Transmission and Distribution Equipment (subpart DD), Underground Coal Mines (subpart FF), Industrial Wastewater Treatment (subpart II), Geologic Sequestration of Carbon Dioxide (subpart RR), Manufacture of Electric Transmission and Distribution (subpart SS), Industrial Waste Landfills (subpart TT), and Injection of Carbon Dioxide (subpart UU). In addition, the extension of the reporting deadline from March 31, 2012 to September 28, 2012 applies to the following source category in Table A-5: Imports and Exports of Equipment Pre-charged with Fluorinated GHGs or Containing Fluorinated GHGs in Closed-cell Foams (subpart QQ).

Reporting on use of Best Available Monitoring Methods (BAMM). EPA is amending 40 CFR 98.3(c)(7) to remove the phrase “according to paragraph (d) of this section”, thereby requiring all facilities and suppliers that use BAMM to provide a brief description of each “best available monitoring method” used, the parameter measured using the method, and the time period during which the “best available monitoring method” was used, if applicable.

Submission of reports and other information to EPA. EPA is amending 40 CFR 98.9 to clarify that the annual GHG report, the certificate of representation, and all other requests, notifications, or communications must be submitted electronically and in a format as specified by the Administrator.

EPA is revising the introductory paragraph of 40 CFR 98.3(g) to clarify that the 3-year requirement for retention of records starts from March 31st of the year following the reporting year.

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<sup>1</sup> The recordkeeping and provisions of subpart A were documented EPA ICR number: 2300.03; OMB control number: RIN 2060-0629. To the extent that these provisions impacted the recordkeeping and reporting burden for facilities subject to subsequent rulemakings, burden was estimated in the ICR for the respective rulemaking.

EPA is amending 40 CFR 98.2(i)(3) to add a date by which owners and operators must notify EPA that they no longer need to submit an annual GHG report because their operations have changed such that all applicable GHG-emitting processes and operations cease to operate. Similar to the requirements in 40 CFR 98.2(i)(1) and (i)(2), EPA is requiring owners or operators to notify EPA by March 31 of the year following the reporting year in which such conditions have been met.

Applicability and Thresholds. EPA is clarifying in Table A-5 that coverage and the applicability determination for importers and exporters under subpart MM includes suppliers of natural gas liquids in addition to suppliers of petroleum products. Additionally, EPA is revising the threshold for underground coal mines (subpart FF) and clarifying the threshold for electrical transmission and distribution equipment use (subpart DD). Details about these changes can be found under in the discussion for subpart DD and subpart FF.

### **Subpart OO - Suppliers of Industrial Greenhouse Gases<sup>2</sup>**

EPA is requiring that the data currently reported under 40 CFR 98.416(a)(8) and (9) be kept as a record rather than reported. With these changes, fluorinated GHG and nitrous oxide production facilities will be required to keep dated records of the total mass in metric tons of each reactant fed into the F-GHG or nitrous oxide production process, by process, and the total mass in metric tons of the reactants, by-products, and other wastes permanently removed from the F-GHG or nitrous oxide production process, by process. They will not be required to report these quantities.

### **1.2 Mandatory Reporting of Greenhouse Gases from Magnesium Production, Underground Coal Mines, Industrial Wastewater Treatment, and Industrial Waste Landfills - Final Rule (EPA ICR number: 2396.02; OMB control number 2060-0647)**

The technical corrections and other amendments to subpart FF (Fugitive Methane Emissions from Underground Coal Mines), subpart II (Industrial Wastewater Treatment), and subpart TT (Industrial Waste Landfills) affect the information collection requests of the Mandatory Reporting of Greenhouse Gases from Magnesium Production, Underground Coal Mines, Industrial Wastewater Treatment, and Industrial Waste Landfills - Final Rule (EPA ICR number: 2396.02; OMB control number 2060-0647).

The following describes the changes to subparts FF, II, and TT. In addition, the changes to subpart A, which are described above in Section 1.1 of this memorandum, affect the reporting requirements for facilities in subparts T, FF, II, and TT.

### **Subpart FF - Underground Coal Mines**

EPA, at Table A-3 in subpart A as well as 40 CFR 98.322(f), is revising the threshold for underground coal mines to include only those that have ventilation emissions of 36,500,000 actual cubic feet (acf) of methane (CH<sub>4</sub>) or more per year (equivalent to an average of 100,000 acf of methane or more per day).

EPA is finalizing the amendments, as proposed, to provide clarification for terms in Equations FF-1 and FF-3. In particular, EPA is clarifying that the variables “V,” “MCF,” “C,” “T,” and “P” are not “daily” but “quarterly” rates. EPA is also changing the units of “V” to cubic feet per minute (cfm) instead of standard cubic feet per minute (scfm) and revising the units for “C” to read “%” to allow for the use of “C” on a dry basis.

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<sup>2</sup> Subpart OO was also addressed in previous technical corrections, which were addressed in ICR No. 2300.07 and approved under OMB control number 2060-0629.

## **Subpart II - Industrial Wastewater Treatment**

EPA is amending 40 CFR 98.356(a) by replacing the term “explain” with “indicate.” EPA is also replacing the term “all anaerobic lagoons” with “each anaerobic lagoon.”

EPA is amending 40 CFR 98.356 (b)(3) and (4) to clarify that the values for “ $B_0$ ” and “MCF” that are used as inputs to Equation II-1 or II-2, are to be taken from Table II-1.

EPA is also amending 40 CFR 98.356(d)(2) by replacing the text “Cumulative volumetric biogas flow for each week” with “Total weekly volumetric biogas flow for each week (up to 52 weeks/year).”

## **Subpart TT - Industrial Waste Landfills**

In 40 CFR 98.466(b), EPA is amending the text by replacing “Report the following waste characterization information...” with “Report the following waste characterization and modeling information....”

In 40 CFR 98.466(b)(2), EPA is amending the text by adding “...for which Equation TT-1 of this subpart is used to calculate modeled CH<sub>4</sub> generation.”

EPA is adding the following clarifications:

- The fraction of CH<sub>4</sub> in the landfill gas, F, (volume fraction, dry basis, corrected to 0% oxygen) for the reporting year and an indication as to whether this was the default value or a value determined through measurement data.
- The methane correction factor (MCF) value used in the calculations. If an MCF value other than the default of 1 is used, provide a description of the aeration system, including aeration blower capacity, the fraction of the landfill containing waste affected by the aeration, the total number of hours during the year the aeration blower was operated, and other factors used as a basis for the selected MCF value.

In 40 CFR 98.466(c)(3)(ii), EPA is replacing “The year, the waste disposal quantity and production quantity for each year Equation TT-2 applies” with “The year, the waste disposal quantity and production quantity for each year used in Equation TT-2 of this subpart to calculate the average waste disposal factor (WDF).”

In 40 CFR 98.466(d), EPA is adding the phrase “and each year thereafter up” so that the paragraph reads “For each year of landfilling starting with the “Start Year” (S) and each year thereafter up to the current reporting year, report the following information....”

EPA is further revising paragraph (d) by adding a new paragraph 40 CFR 98.466(d)(1) to read “The calendar year for which following data elements apply,” renumbering existing paragraphs 98.466(d)(1) and (2) to (d)(2) and (3), and adding the phrase “for the specified year” in 40 CFR 98.466(d)(1) to ensure the data elements are reported with specified year in the new paragraph 98.466(d)(1).

EPA is amending the definition of the methane correction factor (MCF) to allow landfills with active aeration units to use an MCF value other than the default value of 1 and EPA is adding 40 CFR 98.466(d)(4) to require reporting of the MCF value and the basis for using an MCF value other than the default value of 1.

EPA is also revising the recordkeeping requirements at 40 CFR 98.467 to read as: “Records that must be retained. In addition to the information required by §98.3(g), you must retain the calibration records for all monitoring equipment, including the method or manufacturer’s specification used for calibration, and all measurement data used for the purposes of paragraph §98.460(c)(2)(xii) or used to determine landfill-specific DOCx values.”

### **1.3 Mandatory Reporting of Greenhouse Gases, Additional Sources of Fluorinated GHGs – Final Rule (EPA ICR number 2373.04; OMB control number 2060-0650)**

The amendment to electric transmission and distribution equipment use (subpart DD) affect the information collection requests of the Mandatory Reporting of Greenhouse Gases, Additional Sources of Fluorinated GHGs – Final Rule (EPA ICR number 2373.04; OMB control number 2060-0650)). EPA is revising the Table A-3 entry for subpart DD to reference the capacity threshold language of 40 CFR 98.301 as follows: “Electrical transmission and distribution use at facilities where the total nameplate capacity of SF<sub>6</sub> and PFC containing equipment exceeds 17,820 pounds, as determined under §98.301 (subpart DD).” This revision clarifies that only those facilities above the capacity threshold requirements of 40 CFR 98.301 must submit an annual report. This clarification does not modify any reporting requirements. In addition, the changes to subpart A, which are described above in Section 1.1 of this memorandum, affect the reporting requirements for facilities reporting under subparts I, L, DD, QQ, and SS covered in the Additional Sources of Fluorinated GHG’s Final Rule.

### **1.4 Mandatory Reporting of Greenhouse Gases (GHG Reporting Rule), Subparts RR and UU: Injection and Geological Sequestration of Carbon Dioxide - Final Rule (EPA ICR number: 2372.03; OMB control number: 2060-0649)**

The technical corrections and other amendments to subpart RR (geologic sequestration of carbon dioxide) affect the information collection requests of the Mandatory Reporting of Greenhouse Gases (GHG Reporting Rule), Subparts RR and UU: Injection and Geological Sequestration of Carbon Dioxide - Final Rule (EPA ICR number: 2372.03; OMB control number: RIN 2060-0649). In addition, the changes to subpart A, which are described above in Section 1.1 of this memorandum, affect the reporting requirements for facilities in subparts RR and UU.

In addition, EPA is finalizes the following changes to subpart RR:

EPA is amending an incorrect cross reference in the introductory language of 40 CFR 98.446(a)(2) and 40 CFR 98.446(a)(3).

EPA is amending the heading of 40 CFR 98.448(e) to correct a typographical error and provide clarity on when reporters report total amount sequestered.

EPA is amending the introductory text at 40 CFR 98.446(f) to provide clarity on when reporters report total amount sequestered. EPA is amending an incorrect cross reference at 40 CFR 98.446(f)(1)(vii).

EPA is amending the term “CO<sub>2</sub> equipment leakage and vented CO<sub>2</sub> emissions” throughout subpart RR so that it reads “CO<sub>2</sub> emissions from equipment leaks and vented emissions of CO<sub>2</sub>.” Specifically, EPA is revising the term “mass of CO<sub>2</sub> emitted (in metric tons) annually as equipment leakage or vented emissions” to read “mass of CO<sub>2</sub> emitted (in metric tons) annually from equipment leaks and vented emissions of CO<sub>2</sub>” at 40 CFR 98.446(f)(3)(i) and 98.446(f)(3)(ii).

Likewise, EPA is revising the term “CO<sub>2</sub> emitted as equipment leakage or vented emissions” to read “CO<sub>2</sub> emitted from equipment leaks and vented emissions of CO<sub>2</sub>” at 40 CFR 98.447(a)(5) and 98.447(a)(6).

## **2. CONCLUSIONS**

EPA has reviewed the final amendments and determined that these revisions primarily provide additional clarification regarding the existing regulatory requirements and, in some cases, minor revisions to the reporting dates or trade-offs between recordkeeping and reporting requirements. These amendments do not change the type of information that must be collected, nor do they impact the number of respondents. In additions, the changes do not materially affect how GHG emissions or quantities are calculated. These changes do not require any additional monitoring or data collection above what was already included in 40 CFR part 98 and, therefore, impose no additional burden for facilities. Reporters would be expected to calculate and report GHG information for 2011 and submit reports in 2012 under the amended subparts. Further information on EPA responses to significant public comments on the proposal and EPA’s assessment on the impact on burden can be found in Docket ID number EPA-HQ-OAR-2011-0147.