

Information Collection Request Memo for the:
Fluorinated Greenhouse Gases Source Category and the
Petroleum and Natural Gas Systems Source Category of the
Greenhouse Gas Reporting Rule

ICR WORKSHEET CHANGE

2012 Technical Corrections, Clarifying and Other Amendments to the Greenhouse Gases Reporting Rule: Changes to the Data Reporting 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 subpart W (75 FR 74458; November 30, 2010) and subparts I, L, DD, QQ, and SS (75 FR 74774; December 1, 2010). This ICR change worksheet affects facilities subject to subparts I (through a change made to the General Provisions in subpart A), L and W.

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

- 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), Petroleum and Natural Gas Systems- Final Rule (EPA ICR number: 2376.05; OMB control number: 2060-0651)

EPA is finalizing specific provisions of the Greenhouse Gas Reporting Rule to provide greater clarity and flexibility to facilities subject to reporting emissions from certain source categories. The final rule includes technical corrections and clarifying amendments to subparts A, L, W and TT, but only the amendments to subparts A, L and W affect the data reporting requirements. For subpart TT, EPA is finalizing a minor amendment to clarify the provision in Part 98 that exempts industrial waste landfills that receive only inert materials from reporting under that subpart. The amendment does not affect any calculation, monitoring, reporting or recordkeeping requirements and, in fact, merely clarifies who is not subject to the rule.

The changes are designed to ensure consistency across the calculation, monitoring and reporting requirements of the Greenhouse Gas Reporting Rule and do not add additional requirements for reporters. The amendments are expected to correct errors, add flexibility, and clarify existing requirements in order to facilitate accurate and timely reporting.

Section 1 of this memorandum describes the clarifications, corrections, and modifications to the reporting requirements associated with the ICRs for the subparts affected by the final 2012 Technical Corrections, Clarifying and Other Amendments to the Greenhouse Gases Reporting Rule. Section 2 of this memorandum concludes that these changes would not impact the cost and burden estimated in the respective ICRs.

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

1.1 Mandatory Reporting of Greenhouse Gases: Petroleum and Natural Gas Systems; - Final Rule (EPA ICR number 2376.05; OMB control number 2060-0651)

EPA is finalizing a small number of technical corrections to the data reporting requirements affecting subpart W reporters by making the following amendments:

- 40 CFR (c)(5)(ii)(D) to clarify that the average internal casing diameter must be reported for all wells, as opposed to each well;
- 40 CFR 98.236(c)(9) to align the reporting requirements with the corresponding calculation methodologies in 40 CFR 98.233(k) by removing erroneous text;
- 40 CFR 98.236(c)(13)(i)(G), (ii)(C), (iv), (v)(B) to clarify the units of the reporting requirements.
- 40CFR 98.236(c)(13)(iii)(C) to correct the units of the reporting requirements and removing an incorrect reference and citation.
- 40 CFR 98.236(c)(14)(i)(C), (ii)(C), (iii)(C), (iv), (v)(B) to clarify the units of the reporting requirements and removing an incorrect reference and citation.
- 40 CFR 98.236(c)(15)(i)(B) and (C) to remove incorrect references and citations;
- 40 CFR 98.236(c)(15)(ii)(A) to remove unnecessary text which if not removed results in redundancy for reporters;
- 40 CFR 98.236(c)(17)(v) to remove reporting of CH₄ to make the reporting requirements consistent with the calculation procedures.

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

The amendments to the General Provisions (subpart A) and the reporting requirements in subpart L affect the information collection request of the Mandatory Reporting of Greenhouse Gases, Additional Sources of Fluorinated GHGs – Final Rule (EPA ICR number 2373.04; OMB control number 2060-0650).

Subpart A – General Provisions

EPA is amending Section 98.3(c)(4) of subpart A to specify for facilities subject to subpart I (Electronics Manufacturing), the types of data and format for reporting emissions in the annual GHG reports. The final amendment specifies that facilities subject to subpart I must include all fluorinated HTFs in the computation of CO₂e that is required by 40 CFR 98.3(c)(4)(i) and must report these substances separately from each fluorinated GHG reported under 40 CFR 98.3(c)(4)(iii)(E). This change is not a new reporting requirement but a harmonizing change to clarify how facilities subject to subpart I would report the emissions from fluorinated heat transfer fluids, as required by the recent amendments to subpart I (see 77 FR 10434). The EPA determined that this change would simplify reporting for facilities and reduce burden by amending subpart A to be consistent with the requirements in subpart I.

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To accomplish these changes, the EPA is amending 40 CFR 98.3(c)(4)(i) to add “For electronics manufacturing (as defined in §98.90), starting in reporting year 2012 the CO₂e calculation must include each fluorinated heat transfer fluid (as defined in §98.98) whether or not it is also a fluorinated GHG.”

In 40 CFR 98.3(c)(4)(iii)(E), EPA is also adding “(as defined in §98.6)” so the provision reads as, “ Each fluorinated GHG (as defined in §98.6), including those not listed in Table A–1 of this subpart.” EPA is further adding 40 CFR 98.3(c)(4)(iii)(F) to read, “For electronics manufacturing (as defined in §98.90), each fluorinated heat transfer fluid (as defined in §98.98) that is not also a fluorinated GHG as specified under (c)(4)(iii)(E). This requirement applies beginning in reporting year 2012.”

Finally, EPA is amending 40 CFR 98.3(c)(4)(iv) to read, “When applying paragraph (c)(4)(i) of this section to fluorinated GHGs and fluorinated heat transfer fluids, calculate and report CO₂e for only those fluorinated GHGs and fluorinated heat transfer fluids listed in Table A–1 of this subpart.”

Subpart L- Fluorinated Gas Production

EPA is requiring that owners and operators of facilities producing fluorinated gases would not be required to submit the following information until March 31, 2014¹:

- 40 CFR 98.3(c)(4)(iii) (for Subpart L only)
- 40 CFR 98.126 (a)(2), (a)(3), (a)(4), (a)(6),(b), (c), (d), (e), (f), (g), and (h).

With these changes, reporters will report emissions in a more aggregated manner for reporting year 2011 and reporting year 2012. Fluorinated gas producers will report, under subpart L, only the existing data elements in 40 CFR 98.126(a)(5) (the methods used) as well as three new data elements in 40 CFR 98.126(j) (for facility-level CO₂e emissions) for reporting year 2011 and reporting year 2012. The three new data elements require a facility, if it used one or more default or best-estimate GWPs, to report the share of its CO₂e emissions that were respectively based on the default and/or best estimate GWPs. We are also adding a minor recordkeeping requirement that would require retention of additional information related to a certain method that may be used to determine the GWP during these two reporting years.

2. CONCLUSIONS

EPA has reviewed the amendments and determined that these technical corrections, clarifying and other amendments provide either additional clarification regarding the existing regulatory requirements, minor revisions to the reporting requirements, or a temporary reduction in reporting requirements for two years. These amendments do not change the type of information that must be collected at the facility, nor do they impact the number of respondents. In addition, the changes do not affect how GHG emissions or quantities are calculated. These changes do not require any additional monitoring, calculation, or data collection above what was already included in 40 CFR part 98 and, therefore, impose no additional burden for facilities. If finalized, reporters would be required to submit reports in 2012 under the amended subparts.

¹ The information in these provisions would not be required to be reported until March 31, 2014 unless the deferral of inputs action (76 FR 53057) has already set forth a deferred reporting deadline of March 31, 2015.