**340-215-0030**

**Applicability**

(1) The greenhouse gases subject to OAR 340-215-0030 through 340-215-0060 are carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

(2) **Air contamination sources**.

(a) In 2010, any owner or operator of a source listed in paragraphs (A) through (C) below that directly emits 2,500 metric tons or more of carbon dioxide equivalent in 2009, must register and report greenhouse gas emissions regarding greenhouse gases emitted during 2009:

(A) Any source required to obtain a Title V Operating Permit, including those issued under OAR chapter 340, division 218;

(B) Any source required to obtain an Air Contaminant Discharge Permit, including those issued under OAR chapter 340, division 216 and that is referred to by one or more of the selected activities and source types listed in **Table 1**;

(C) Any source required to obtain an Air Contaminant Discharge Permit, including those issued under OAR chapter 340, division 216 that is referred to by the activities and source types listed in Table 1 Part B number 83 of OAR chapter 340, division 216, and by the Standard Industrial Classification (SIC) codes in Table 2.

(b) Beginning in 2011, any owner or operator of a source listed in paragraphs (A) through (C) below must register and report greenhouse gases directly emitted during the previous year, if the source’s direct emissions of carbon dioxide equivalent of greenhouse gases meet or exceed 2,500 metric tons during the previous year. Once a source’s direct emissions of carbon dioxide equivalent of greenhouse gases meet or exceed 2,500 metric tons during a year, the owner or operator must annually register and report in each subsequent year, regardless of the amount of the source’s direct emissions of greenhouse gases in future years, except as provided in sections (7) and (8).

(A) Any source required to obtain a Title V Operating Permit, including those issued under OAR chapter 340, division 218.

(B) Any source required to obtain an Air Contaminant Discharge Permit, including those issued under OAR chapter 340, division 216.

(C) The following sources not otherwise listed in paragraphs (A) or (B):

(i) Solid waste disposal facilities required to obtain a permit issued under OAR chapter 340, divisions 93 through 96, excluding facilities that did not accept waste during the previous year and which are not required to report greenhouse gas emissions to the United States Environmental Protection Agency pursuant to 40 CFR, Part 98.

(ii) Wastewater treatment facilities required to obtain an individual National Pollutant Discharge Elimination System permit issued under OAR chapter 340, division 45.

(iii) Electric generating units.

(3) Gasoline, diesel and aircraft fuel dealers. Beginning in 2011, any person listed in this section that imports, sells or distributes gasoline, diesel or aircraft fuel for use in this state must annually register and report greenhouse gas emissions that will result from the combustion of the gasoline, diesel and aircraft fuel imported, sold and distributed during the previous year:

(a) Any dealer, as that term is defined in ORS 319.010, that is subject to the Oregon Motor Vehicle and Aircraft Fuel Dealer License Tax under OAR chapter 735, division 170;

(b) Any seller, as that term is defined in ORS 319.520, that is subject to the Oregon Use Fuel Tax under OAR chapter 735, division 176; and

(c) Any person that imports, sells or distributes during a year at least 5,500 gallons of gasoline, diesel or aircraft fuel that is for use in this state and that is not subject to the Oregon Motor Vehicle and Aircraft Fuel Dealer License Tax or the Oregon Use Fuel Tax under OAR chapter 735, divisions 170 and 176.

(d) Persons listed in sections OAR 340-215-0030(3)(b) and (c) are not required to register and report greenhouse gas emissions that will result from the combustion of any gasoline, diesel or aircraft fuel reported under this division 215 by dealers described in OAR 340-215-0030(3)(a).

(4) Natural gas suppliers. Beginning in 2011, any person that sells or distributes natural gas to end users in this state must annually register and report greenhouse gas emissions that will result from the combustion of the natural gas sold and distributed during the previous year.

(5) Propane importers.

(a) Beginning in 2011, any person that imports propane for use in this state must annually register and report greenhouse gas emissions that will result from the combustion of the propane imported during the previous year.

(b) Persons that import propane for use in this state are not subject to subsection (5)(a) if:

(A) All imports are brought into this state by delivery trucks with a maximum capacity of 3,500 gallons of propane or less, or

(B) All imports consist of propane in canisters of 20 gallons or less.

(6) Electricity suppliers. Beginning in 2011, all investor-owned utilities, electricity service suppliers, consumer-owned utilities, and other persons that import, sell, allocate or distribute electricity to end users in this state must annually register and report greenhouse gas emissions from the generation of the electricity imported, sold, allocated and distributed during the previous year.

(7) General deferrals and exemptions. The Department may defer or exempt specific processes or categories of sources, or specific types of greenhouse gas emissions, from applicability under this division if the Department determines that adequate protocols are not available or that other extenuating circumstances make reporting unfeasible.

(8) Exemptions for air contamination sources.

(a) An owner or operator is no longer subject to section (2) for a source if the owner or operator submits a notification to the Department pursuant to subsection (8)(b), the owner or operator retains records pursuant to subsection (8)(c), and:

(A) The source’s direct emissions are less than 2,500 metric tons of carbon dioxide equivalent of greenhouse gases per year for three consecutive years; or

(B) The source ceases all operations that lead to direct emissions of greenhouse gases, such as if the source closes permanently. This paragraph (8)(a)(B) does not apply to seasonal or other temporary cessation of operations, and does not apply to solid waste disposal facilities that are required to report greenhouse gas emissions to the United States Environmental Protection Agency pursuant to 40 CFR, Part 98.

(b) The owner or operator must submit notification that the source is no longer subject to section (2) by March 31 of any year to avoid the requirement to register and report greenhouse gases directly emitted during the previous year. The notification must be submitted on paper or electronic forms issued by the Department.

(c) An owner or operator that, pursuant to paragraph (8)(a)(A), is no longer subject to section (2) for a source, must retain, for five years following notification, all production information, fuel use records, emission calculations and other records used to document the source’s greenhouse gas direct emissions for each of the three consecutive years that the source does not meet or exceed the emission threshold.

(d) Notwithstanding subsections (8)(a) through (8)(c), section (2) becomes applicable to the owner or operator again if the source’s annual direct emissions equal or exceed 2,500 metric tons of carbon dioxide equivalent of greenhouse gases in any future year.

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 468A.050

Stats. Implemented: ORS 468 & 468A

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