



Oregon Department of Environmental Quality  
Dec. 9-10, 2015  
Oregon Environmental Quality Commission meeting  
Rulemaking, Action item F

Greenhouse Gas Reporting Program Update

**DEQ recommendation to the EQC**

DEQ recommends that the Environmental Quality Commission adopt the proposed rules in Attachment A as part of chapter 340 of the Oregon Administrative Rules.

**Overview**

DEQ proposes changes to rules requiring certain businesses to report greenhouse gas emissions.

The proposed revisions would:

- Reduce the reporting burden for sources who meet the requirements for exemption
- Provide clarity and uniformity related to greenhouse gas reporting methods and emission factors
- Incorporate reporting protocols, including necessary data elements and quantification requirements into rule
- Update Oregon's list of greenhouse gases subject to reporting to ensure consistency with federal greenhouse gas reporting rules and
- Improve clarity of the rules by following plain language standards where possible.

Brief history

The Oregon Environmental Quality Commission adopted the initial greenhouse gas reporting rules in 2008 and updated the rules in 2010 to expand the number and types of facilities and operations required to report. The rules govern the collection of annual greenhouse gas emissions and related information from certain entities, including large commercial, institutional and industrial emitters, fuel suppliers and electric utilities. The rules provide DEQ with accurate data to assess Oregon's overall greenhouse gas emissions.

Regulated parties

Regulated parties subject to the greenhouse gas reporting requirements include:

- Air contamination sources that directly emit 2,500 metric tons or more of carbon dioxide equivalent during a year
- Gasoline, diesel and aircraft fuel dealers

- Natural gas suppliers
- Propane importers
- Investor-owned utilities
- Consumer-owner utilities
- Other electricity suppliers

#### Request for other options

During the public comment period, DEQ requested public comment on whether to consider other options for achieving the rule's goals while reducing the rule's negative economic impact on businesses.

## Statement of Need

Proposed Rule or Topic	Discussion
<b>Eliminate excessive reporting burden</b>	
What need would the proposed rule address?	Under the current rules a source must notify DEQ that it is no longer subject to greenhouse gas reporting. If a source fails to notify DEQ, it is required to report its greenhouse gas emissions for the calendar year. This notice requirement is excessive, unnecessary and difficult to enforce. It places a burden on a facility ceasing operations and closing permanently.
How would the proposed rule address the need?	The proposed rule changes would eliminate the requirement for a source to notify DEQ that it is no longer subject to greenhouse gas reporting.
How would DEQ know the rule addressed the need?	Sources no longer subject to reporting stopped submitting reports, which led to overall fewer reports and a reduction in DEQ's workload to administer the program.
<b>Clarify methods for reporting</b>	
What need would the proposed rule address?	The current rules are inconsistent in how they prescribe and reference requirements for reporting and calculating emissions. The greenhouse gas reporting program currently relies on reporting protocols and does not consistently specify the data elements required for submission in rule. Additionally, tables listed in the current rule reference emission factors no longer considered to be accurate.
How would the proposed rule address the need?	The proposed rule changes would incorporate data elements required for reporting, and currently found in protocols, into rule.
How would DEQ know the rule addressed the need?	DEQ would know the rule addressed the need if there is a reduction in errors, inconsistencies and questions about reporting requirements, methods and emission factors.
<b>Amend the list of greenhouse gases subject to the rule</b>	
What need would the proposed rule address?	The current list of greenhouse gases subject to reporting is inconsistent with federal greenhouse gas reporting rules. Reporters subject to both state and federal greenhouse gas reporting programs must recalculate their federal emissions to report to DEQ. This causes stakeholder confusion and can lead to miscalculated emissions.
How would the proposed rule address the need?	The proposed rule changes update the list of greenhouse gases subject to reporting to include all greenhouse gases currently subject to federal greenhouse gas reporting rules.

How would DEQ know the rule addressed the need?	DEQ would know the proposed rule changes addressed the need if there is a reduction in regulated entities and reporters needing to contact DEQ for clarification or submit additional information detailing reporting discrepancies.
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## Rules affected, authorities, supporting documents

### Lead division

Environmental Solutions Division

### Program or activity

Greenhouse Gas Reporting Program

### Chapter 340 action

Amend OAR 340-215-0010, 340-215-0020, 340-215-0030,  
340-215-0040, 340-215-0060

### Statutory authority

ORS 468.020, ORS 468A.050 & ORS 468A.280

### Statute implemented

ORS 468 & ORS 468A

Documents relied on for rulemaking ORS 183.335(2)(b)(C)

Document title	Document location
Greenhouse Gas Reporting Requirements and Fees: Statement of Need and Fiscal and Economic Impact.	<a href="#">Greenhouse Gas Reporting Update Rulemaking Webpage</a>
Greenhouse Gas Mandatory Reporting Rules Staff Report (2008) Attachment C: Summary of Public Comment and Agency Response	<a href="#">Greenhouse Gas Reporting Update Rulemaking Webpage</a>

## Fee analysis

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The proposed rule changes do not involve fees.

## Statement of fiscal and economic impact

### Fiscal and Economic Impact

The proposed changes to the greenhouse gas reporting rule would have slightly positive to no fiscal or economic impacts. The changes include reducing the reporting burden to sources that meet specified criteria. This reduced reporting burden may result in positive fiscal or economic impacts to the agency and businesses.

### Statement of Cost of Compliance

#### State and federal agencies

DEQ expects a slight positive fiscal or economic impact to the agency due to the reduced administrative burden. The proposed rule changes would not affect other state agencies or any federal agencies.

#### Local governments

The proposed rule changes would not create a fiscal or economic impact for local governments.

#### Public

The amended rules do not impose direct or indirect fiscal or economic impacts on the public.

#### Large businesses - businesses with more than 50 employees

In specific instances the proposed rules would reduce the administrative burden to large businesses, resulting in slightly positive fiscal or economic impacts. In all other instances the proposed changes would have no impact.

#### Small businesses – businesses with 50 or fewer employees [ORS 183.336](#)

The proposed rules may result in slightly positive fiscal or economic impacts to certain small businesses by reducing their administrative burden. In all other instances the proposed changes would have no impact on small businesses.

a. Estimated number of small businesses and types of businesses and industries with small businesses subject to proposed rule.	Approximately 50 small businesses are currently subject to the rule. These include fuel distributors, propane wholesalers and consumer-owned utilities.
b. Projected reporting, recordkeeping and other administrative activities, including costs of professional services, required for small businesses to comply with the proposed rule.	The proposed rules would not increase cost or administrative burden to small businesses. In certain cases small businesses would have reduced reporting and administrative activities.
c. Projected equipment, supplies, labor and increased administration required for small businesses to comply with the proposed rule.	The proposed rule changes would not increase costs to small businesses. For certain small businesses that are no longer subject to the reporting requirement, the proposed changes may reduce labor and administration costs.
d. Describe how DEQ involved small	DEQ did not directly involve small businesses for this

businesses in developing this proposed rule.

rulemaking because the rulemaking includes minor updates that improve rule implementation while having slightly positive to no fiscal impacts on small businesses.

DEQ did review the small business fiscal and economic impact statement developed by the Oregon Greenhouse Gas Reporting Advisory Committee in 2010.

#### Documents relied on for fiscal and economic impact

Document title	Document location
Greenhouse Gas Reporting Requirements and Fees: Statement of Need and Fiscal and Economic Impact	<a href="#">DEQ Administrative Rules</a>

#### Advisory committee

DEQ did not convene an advisory committee for this rulemaking because the rulemaking includes minor updates that improve rule implementation while having slightly positive to no fiscal impacts on stakeholders.

#### Housing cost

To comply with [ORS 183.534](#), DEQ determined the proposed rule changes would have no effect on the development cost of a 6,000-square-foot parcel and construction of a 1,200-square-foot detached, single-family dwelling on that parcel.



## Federal relationship

"It is the policy of this state that agencies shall seek to retain and promote the unique identity of Oregon by considering local conditions when an agency adopts policies and rules. However, since there are many federal laws and regulations that apply to activities that are also regulated by the state, it is also the policy of this state that agencies attempt to adopt rules that correspond with equivalent federal laws and rules..." [ORS 183.332](#)

### Relationship to federal requirements

This section complies with [OAR 340-011-0029](#) and [ORS 468A.327](#) to clearly identify the relationship between the proposed rules and applicable federal requirements.

The proposed rules are in addition to federal greenhouse gas requirements. Oregon's program has a lower emissions threshold than the federal greenhouse gas reporting rule and provides DEQ more comprehensive information about Oregon's emissions than the federal program is able to do at this time.

### What alternatives did DEQ consider, if any?

DEQ considered not altering the existing rules. However, the proposed changes clarify the rules and reduce the reporting and administrative burden to stakeholders while having slightly positive to no fiscal impacts. Changing the existing rules improves DEQ's reporting program and benefits stakeholders.

## Land Use

“It is the (*Environmental Quality*) Commission's policy to coordinate the Department's (*DEQ's*) programs, rules and actions that affect land use with local acknowledged plans to the fullest degree possible.” [OAR 340-018-0010](#)

### Land-use considerations

To determine whether the proposed rules involve programs or actions that are considered a *land-use action*, DEQ considered:

- Statewide planning goals for specific references. Section III, subsection 2 of the DEQ State Agency Coordination Program document identifies the following statewide goals relating to DEQ's authority:

Goal	Title
5	Open Spaces, Scenic and Historic Areas, and Natural Resources
6	Air, Water and Land Resources Quality
11	Public Facilities and Services
16	Estuarial Resources
9	Ocean Resources

[OAR 340-018-0030](#) for EQC rules on land-use coordination. Division 18 requires DEQ to determine whether proposed rules would significantly affect land use.

### Determination

DEQ determined that the proposed rules listed under the Chapter 340 Action section above **do not affect** existing rules, programs or activities considered land-use programs and actions in OAR 340-018-0030 or in the DEQ State Agency Coordination Program.

## Stakeholder and public involvement

### Advisory committee

DEQ did not convene an advisory committee for this rulemaking because the rulemaking includes minor updates that improve rule implementation while having a slightly positive to no fiscal impact on stakeholders.

### EQC prior involvement

DEQ shares general rulemaking information with the commission through the Director's Report and information items on the EQC agenda. DEQ did not present additional information specific to this proposed rule revision.

### Public notice

DEQ published the Notice of Proposed Rulemaking with Hearing for this rulemaking as follows:

On Aug. 14, 2015, DEQ submitted notice to:

- Secretary of State for publication in the Sept. 1, 2015, [\*Oregon Bulletin\*](#)
- The DEQ Rulemaking Web page [Greenhouse Gas Reporting Update](#)
- The public by posting information about the rulemaking on Facebook and Twitter
- Approximately 9,034 interested parties on the Agency Rulemaking List through [GovDelivery](#)
- The following key legislators required under [ORS 183.335](#)
  - Senator Chris Edwards, Chair, Senate Environment and Natural Resources Committee
  - Representative Jessica Vega-Pederson, Chair, House Energy and Environment Committee

### Request for other options

During the public comment period, DEQ requested public comment on whether to consider other options for achieving the rules' substantive goals while reducing the rules' negative economic impact on business. This document includes a summary of comments and DEQ responses.

### Public hearings and comment

DEQ held one public hearing. DEQ received five sets of public comments. The following is a summary of comments DEQ received during the public comment period with cross reference to commenter number. DEQ's response follows the summary. Original comments are on file with DEQ.

## Presiding Officers' Record

Meeting location: DEQ headquarters building, Room EQC-A on the 10<sup>th</sup> floor

Meeting date and time: Sept. 24, 2015, at 5 p.m.

Presiding Officer: Colin McConnaha

The presiding officer convened the hearing at 5 p.m. and summarized procedures for the hearing including notification that DEQ was recording the hearing. The presiding officer asked people who wanted to present verbal comments to complete, sign and submit a registration form or, if attending by Web conference to use the “chat” feature to indicate their intent to present comments.

As [Oregon Administrative Rule 137-001-0030](#) requires, the presiding officer summarized the content of the notice given under [Oregon Revised Statute 183.335](#).

One person attended the hearing but no comments were given. The presiding officer adjourned the hearing 30 minutes after the convened time.

## Summary of comments and DEQ responses

For public comments received by the close of the public comment period, the following table organizes comments into seven categories with cross references to the commenter number. DEQ's response follows the summary. Original comments are on file with DEQ.

<b>1 Comment</b>	Commenter is supportive of DEQ's approach to remove the default greenhouse gas emission factors for reportable fuels from rule and recommends treating the emission factor of unspecified market purchases similarly to the other default values by removing the reference. Specifically, the commenter recommends removing the numerical value of 1,100 pounds of carbon dioxide per megawatt hour as the emission factor of unspecified market purchases.
Response	<p>DEQ received one comment in this category from commenter three listed in the <i>Commenter</i> section below. DEQ changed the proposed rules in response to comments described in the response section below.</p> <p>DEQ agrees that removing the default emission factor of 1,100 pounds of carbon dioxide per megawatt hour for unspecified purchases would simplify the reporting process and make the rule more consistent while retaining data quality and integrity. In response DEQ updated the proposed rules to remove the default emission factor.</p>
<b>2 Comment</b>	Recommends allowing electricity generation facilities that are required to monitor and report carbon dioxide mass emissions to the EPA in accordance with 40 CFR part 75 to report emissions to DEQ utilizing 40 CFR part 98 subpart D emissions quantification methodology.
Response	<p>DEQ received two comments in this category from commenters one and two listed in the <i>Commenter</i> section below. DEQ changed the proposed rules in response to comments described in the response section below.</p> <p>DEQ agrees that allowing electricity generating facilities that are currently complying with 40 CFR part 75 to report greenhouse gas emissions utilizing 40 CFR part 98 subpart D would simplify the process for reporting entities while retaining data quality and integrity. DEQ has changed the proposed rules to allow electricity generating facilities to utilize 40 CFR part 98 subpart D methodologies.</p>
<b>3 Comment</b>	Recommends allowing companies that are required to report emissions from purchased electricity to utilize Energy Information Agency (EIA) default emission factors for electricity derived from coal or natural gas. For purchases of electricity generated by a source other than coal or gas, or if the source is unknown, companies should only be required to report megawatt hours provided in Oregon.

Response	<p>DEQ received two comments in this category from commenters one and two listed in the <i>Commenter</i> section below. DEQ changed the proposed rules in response to comments described in the response section below.</p> <p>DEQ took the approach of removing all default emission factors for purchased electricity from the rule to clarify and simplify the reporting requirements. The proposed rule requires companies to report the megawatt hours purchased and any or all of the following, if known: the identifying information of the seller, the generating facility fuel type and a facility specific emission factor.</p> <p>To calculate greenhouse gas emissions DEQ applies the appropriate emission factor to the data reported, using facility specific emission factors when available. If facility specific emission factors are not available, such as when the generating facility fuel type is unknown, DEQ utilizes the appropriate default emission factor to calculate emissions.</p> <p>DEQ changed the proposed rules in order to clarify the language in the rule pertaining to what must be reported, if it is known, by the reporting entity.</p>
<b>4 Comment</b>	<p>Recommends indefinitely deferring the requirement for wastewater treatment facilities that hold a National Pollutant Discharge Elimination System (NPDES) permit and emit over 2,500 metric tons of carbon dioxide equivalent, but do not hold an air quality permit, from reporting greenhouse gas emissions to DEQ.</p>
Response	<p>DEQ received two comments in this category from commenters four and five listed in the <i>Commenter</i> section below.</p> <p>The proposed rules allow DEQ to defer categories of sources from meeting the reporting requirement due to extenuating circumstances that make reporting unfeasible. Currently DEQ is temporarily deferring the reporting requirement for sources that hold a NPDES permit and emit over 2,500 metric tons of carbon dioxide equivalent but do not hold an air quality permit because the current reporting system and protocols cannot accommodate these sources.</p> <p>DEQ would continue to defer these sources from reporting until it is determined that the appropriate systems and protocols are in place to feasibly allow reporting. DEQ would not amend the rule to indefinitely defer the reporting requirement for these sources.</p>
<b>5 Comment</b>	<p>Recommends an indefinite deferral for wastewater treatment facilities from reporting fugitive emissions and emissions from flared digester gas because protocols have not been established.</p>
Response	<p>DEQ received two comments in this category from commenters four and five listed in the <i>Commenter</i> section below.</p> <p>Under the proposed rules DEQ may defer or exempt specific processes or categories of sources from complying with the reporting requirements if adequate protocols are not available. At this time DEQ has temporarily deferred the reporting of fugitive emissions and flared digester gas for municipal wastewater treatment facilities due to the lack of reporting protocols. DEQ would continue to temporarily defer reporting of these</p>

emissions while monitoring the greenhouse gas reporting protocols of EPA and other reputable sources to determine if adequate protocols are developed that make reporting of these emissions feasible.

**6 Comment**

Commenter notes that there are industrial processes without quantification methodologies in 40 CFR part 98.

Response

DEQ received two comments in this category from commenters four and five listed in the *Commenter* section below.

DEQ recognizes that 40 CFR part 98 does not include methodologies for calculating greenhouse gas emissions from all types of industrial processes. DEQ determined the quantification methods in 40 CFR part 98 cover the major sources of greenhouse gas emissions from industrial processes occurring in Oregon. For this reason DEQ is requiring facilities reporting industrial emissions to only report those emissions with methodologies found in 40 CFR part 98 subparts D through UU.

**7 Comment**

The proposed rules better reflect the reporting processes of companies and the edits result in clearer and more concise language that is easier to read and interpret.

Response

DEQ received one comment in this category from commenter two listed in the *Commenter* section below.

DEQ appreciates the comment and support to clarify the reporting requirements in the rule.

## Commenters

Comments received by close of public comment period

The table below lists five people and organizations that submitted public comments about the proposed rules by the deadline at 4 p.m. on Sept. 29, 2015. Original comments are on file with DEQ.

<b>1 Commenter</b>	Elysia Treanor
Affiliation	Portland General Electric Company
	This commenter submitted comments under categories two and three in the <i>Summary of comments and DEQ responses</i> section above
<b>2 Commenter</b>	Mary Wiencke
Affiliation	PacifiCorp
	This commenter submitted comments under categories two, three and seven in the <i>Summary of comments and DEQ responses</i> section above
<b>3 Commenter</b>	Wendy Simons
Affiliation	Oregon Department of Energy
	This commenter submitted comments under categories one and seven in the <i>Summary of comments and DEQ responses</i> section above.
<b>4 Commenter</b>	Bob Baumgartner
Affiliation	Clean Water Services
	This commenter submitted comments under categories four, five, and six in the <i>Summary of comments and DEQ responses</i> section above.
<b>5 Commenter</b>	Janet Gillaspie
Affiliation	Oregon Association of Clean Water Agencies (ACWA)
	This commenter submitted comments under categories in four, five, and six the <i>Summary of comments and DEQ responses</i> section above.



## Implementation

### Notification

If approved, the proposed rules would become effective upon filing on approximately Dec. 11, 2015. DEQ would notify affected parties by sending information to all affected parties by email. DEQ would also update all appropriate program webpages with new information and details on the adopted rules.

### Compliance and enforcement

- Affected parties – No changes in compliance and enforcement are anticipated.
- DEQ staff – Would continue to administer the program. No implementation changes to compliance and enforcement are anticipated.

### Measuring, sampling, monitoring and reporting

- Affected parties – Would utilize program developed reporting forms and online reporting tools to report emissions annually in accordance with the updated rule.
- DEQ staff – DEQ would update internal and external guidance documents. Staff would annually audit reported data to determine if the affected parties submitted correctly and in accordance with the updated rules.

### Systems

- Website – DEQ would update external websites with updated protocols and information to assist affected parties. This includes access to online reporting tools and systems.
- Database – The reporting program would update the EZ-Filer online reporting tool so that reporting parties can access the tool and report in accordance with the updated rules.
- Invoicing – Invoicing activities would continue to be coordinated through TRAACS and would not change as a result of this rulemaking.

### Training

- Affected parties – Reporting entities would receive email notification of the changes in the reporting process and tools. This includes updated protocols and guides to reporting and using DEQ's online reporting tools.
- DEQ staff – Program staff have been involved in the rulemaking and are aware of the changes. Staff would implement the program changes, train affected parties, and update the website, protocols, and reporting tools as needed.

### Requirement

Oregon law requires DEQ to review new rules within five years after EQC adopts them. The law also exempts some rules from review. DEQ determined whether the rules described in this report are subject to the five-year review. DEQ based its analysis on the law in effect when EQC adopted these rules.

### Exemption from five-year rule review

The Administrative Procedures Act exempts all of the proposed rules from the five-year review because the proposed rules would:

- Amend or repeal an existing rule. ORS 183.405(4).
- Correct errors or omissions in the existing rules. ORS 183.405(d).

**DEPARTMENT OF ENVIRONMENTAL QUALITY**

**DIVISION 215**

**GREENHOUSE GAS REPORTING REQUIREMENTS**

**340-215-0010**

**Purpose and Scope**

(1) ~~The purpose of this division is to establish~~ requirements and procedures for ~~the annual registration and reporting of~~ greenhouse gas emissions to ~~the Department using~~ DEQ-approved reporting protocols.

(2) Subject to the requirements in this division and OAR 340-200-0010(3), the EQC designates LRAPA to implement the rules in this division within its area of jurisdiction. ~~ORS 468A.100 through 468A.180, the Lane Regional Air Protection Agency is designated by the Environmental Quality Commission as the Agency to implement this division within its area of jurisdiction. The requirements and procedures contained in this division must be used by the Regional Agency to implement this division unless the Regional Agency adopts superseding rules that are at least as restrictive as this division.~~

Stat. Auth.: ORS 468.020, 468A.050 & 468A.280

Stats. Implemented: ORS 468 & 468A

Hist.: DEQ 13-2008, f. & cert. ef. 10-31-08; DEQ 12-2010, f. & cert. ef. 10-27-10; DEQ 11-2011, f. & cert. ef. 7-21-11

**340-215-0020**

**Definitions**

The definitions in OAR 340-200-0020 and this rule apply to this division. If the same term is defined in this rule and OAR 340-200-0020, the definition in this rule applies to this division.

(1) “Biomass” means non-fossilized and biodegradable organic material originating from plants, animals, and micro-organisms, including products, byproducts, residues and waste from agriculture, forestry, and related industries, as well as the non-fossilized and biodegradable organic fractions of industrial and municipal wastes, including gases and liquids recovered from the decomposition of non-fossilized and biodegradable organic matter.

~~(2) “Carbon dioxide” (CO<sub>2</sub>) means the chemical compound containing one atom of carbon and two atoms of oxygen.~~

~~(3) “Carbon dioxide equivalent” (CO<sub>2</sub>e) means the quantity of a given greenhouse gas multiplied by a Global Warming Potential factor provided in DEQ-approved emissions reporting protocols.~~

(2) “CFR” means Code of Federal Regulations and, unless otherwise expressly identified, refers to the July 1, 2015 edition.

(43) “Consumer-owned utility” means a people’s utility district organized under ORS chapter 261, a municipal utility organized under ORS chapter 225 or an electric cooperative organized under ORS chapter 62.

(54) “Direct emissions” means emissions from an air contamination source, including but not limited to: fuel combustion activities, process related emissions, and fugitive emissions.

(65) “Electricity service supplier” has the meaning given that term in ORS 757.600.

(6) “Fluorinated greenhouse gas” or “fluorinated GHG” means:

(a) Sulfur hexafluoride (SF6), nitrogen trifluoride (NF3), and,

(b) Any fluorocarbon, except for:

(A) Controlled substances as defined at 40 CFR part 82, subpart A and,

(B) Substances with vapor pressures of less than 1 mm of Hg absolute at 25 degrees C, including without limitation any hydrofluorocarbon, any perfluorocarbon, any fully fluorinated linear, branched or cyclic alkane, ether, tertiary amine or aminoether, any perfluoropolyether, and any hydrofluoropolyether.

(c) However, “fluorinated greenhouse gas” or “fluorinated GHG” does not include: fully fluorinated GHGs; saturated hydrofluorocarbons with 2 or fewer carbon-hydrogen bonds; saturated hydrofluorocarbons with 3 or more carbon-hydrogen bonds; saturated hydrofluoroethers and hydrochlorofluoroethers with 1 carbon-hydrogen bond; saturated hydrofluoroethers and hydrochlorofluoroethers with 2 carbon-hydrogen bonds; saturated hydrofluoroethers and hydrochlorofluoroethers with 3 or more carbon-hydrogen bonds; fluorinated formates; fluorinated acetates, carbonofluoridates, and fluorinated alcohols other than fluorotelomer alcohols; unsaturated PFCs, unsaturated HFCs, unsaturated HCFCs, unsaturated halogenated ethers, unsaturated halogenated esters, fluorinated aldehydes, and fluorinated ketones; fluorotelomer alcohols; or fluorinated GHGs with carbon-iodine bonds.

(7) “Global Warming Potential factor” (GWP) means the radiative forcing impact of one mass-based unit of a given greenhouse gas relative to an equivalent unit of carbon dioxide over a given period of time.

(7) “Greenhouse gas or GHG” means carbon dioxide (CO2), methane (CH4), nitrous oxide (N2O) and fluorinated greenhouse gases as defined in this section.

(8) “Hydrofluorocarbons” (HFCs) means gaseous chemical compounds containing only hydrogen, carbon and fluorine atoms.

(9) To “Import” means ~~to have ownership of~~ electricity or fuel from locations outside of Oregon at the time electricity is brought into this state through transmission equipment or at the time fuel is brought into this state by any means of transport, other than fuel brought into this state in the fuel tank of a vehicle used to propel for the propulsion of the vehicle.

(10) “Investor-owned utility” means a utility that sells electricity and that a corporation with shareholders ~~is operated by a corporation with shareholders.~~

~~(11) “Methane” (CH<sub>4</sub>) means the chemical compound containing one atom of carbon and four atoms of hydrogen.~~

~~(12) “Metric ton, tonne, or metric tonne” means one metric tonne (1000 kilograms) or 2204.62 pounds.~~

~~(13) “Nitrous oxide” (N<sub>2</sub>O) means the chemical compound containing two atoms of nitrogen and one atom of oxygen.~~

~~(14) “Perfluorocarbons” (PFCs) means gaseous chemical compounds containing only carbon and fluorine atoms.~~

~~(15) “Sulfur hexafluoride” (SF<sub>6</sub>) means the chemical compound containing one atom of sulfur and six atoms of fluorine.~~

~~(16) “Year” means calendar year.~~

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

Stat. Auth.: ORS 468A.050 & 468A.280

Stats. Implemented: ORS 468 & 468A

Hist.: DEQ 13-2008, f. & cert. ef. 10-31-08; DEQ 12-2010, f. & cert. ef. 10-27-10; DEQ 11-2011, f. & cert. ef. 7-21-11

### **340-215-0030**

#### **Applicability**

(1) The greenhouse gases defined in OAR 340-215-0020 are 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, ~~a~~Any owner or operator of a source listed in ~~paragraphs~~subsections ~~(aA)~~ through ~~(cC)~~ 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).

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

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

~~(cC)~~ The following sources not otherwise listed in ~~paragraphs~~subsection ~~(Aa)~~ or ~~(Bb)~~:

~~(Ai)~~ 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 that 40 CFR part 98 does not are not required the facility~~ to report greenhouse gas emissions to the ~~United States Environmental Protection Agency pursuant to 40 CFR, Part 98.~~

~~(Bii)~~ 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, a~~Any person listed in this section that imports, sells or distributes gasoline, diesel or aircraft fuel for use in ~~the~~this state must ~~annually register and report as OAR 340-215-0040(2) requires: 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 during a year ~~that is~~ for use in the is 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, a~~ Any person that imports, sells or distributes natural gas to end users in the is state must register and report in accordance with OAR 340-215-0040(3). 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, a~~ Any person that imports, sells or distributes propane for use in the is state must annually register and report greenhouse gas emissions that will result from the combustion of the propane imported during the previous year in accordance with OAR 340-215-0040(4).

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

(A) All imports are brought into the is 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 20.5 gallons or less.

(6) Electricity suppliers. ~~Beginning in 2011, a~~ All investor-owned utilities, electricity service suppliers, consumer-owned utilities, and other persons that import, sell, allocate or distribute electricity to end users in the is state must annually register and report as OAR 340-215-0040(5) through (6) require. greenhouse gas emissions from the generation of the electricity imported, sold, allocated and distributed during the previous year.

(7) General deferrals and exemptions. ~~DEQThe Department~~ may defer or exempt specific processes or categories of sources, or specific types of greenhouse gas emissions, from applicability under this division's requirements if ~~DEQthe 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)(~~eb~~), 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 throughout the entire year, such as if the source closes permanently prior to the beginning of the year. 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 40 CFR part 98 ~~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.~~

(~~eb~~) 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 the last year that they were subject to section (2) notification, all production information, fuel use records, emission calculations and other records used to document the source's direct greenhouse gas ~~direct~~ emissions for each of the three consecutive years that the source does not meet or exceed the emission threshold.

(~~dc~~) Notwithstanding subsections (8)(a) ~~through~~ and (8)(~~eb~~), 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 not included in rule text. [Click here for PDF copy of table\(s\).](#)}~~

Stat. Auth.: ORS 468A.050 & 468A.280

Stats. Implemented: ORS 468 & 468A

Hist.: DEQ 13-2008, f. & cert. ef. 10-31-08; DEQ 12-2010, f. & cert. ef. 10-27-10; DEQ 11-2011, f. & cert. ef. 7-21-11

**340-215-0040**

### **Greenhouse Gas Registration and Reporting Requirements**

(1) Air contamination sources. Any owner or operator required to register and report under OAR 340-215-0030(2) must:



(a) Report ~~the source's~~ direct emissions of greenhouse gases from stationary fuel combustion during the previous year as follows, excluding emissions from categorically insignificant activities as defined in OAR 340-200-0020, as follows:

(A) Report fuel type and quantity used for stationary fuel combustion during the previous year; or

(B) Report greenhouse gas emissions from stationary fuel combustion utilizing emission quantification methodology prescribed in 40 CFR part 98 subpart C tier 4; or

(C) Facilities required to monitor and report to EPA CO2 mass emissions year-round according to 40 CFR part 75 may report greenhouse gas emissions utilizing emission quantification methodology prescribed in 40 CFR part 98 subpart D.

(b) Report direct emissions of greenhouse gases from industrial processes during the previous year utilizing EPA emission quantification methodologies as prescribed in 40 CFR part 98 subparts E through UU, excluding emissions from categorically insignificant activities as defined in OAR 340-200-0020;

~~(A) Sources not required to report greenhouse gas emissions to the United States Environmental Protection Agency pursuant to 40 CFR, Part 98 may exclude all emissions from categorically insignificant activity, regardless of whether DEQ approved reporting protocols would otherwise include the reporting of those emissions;~~

~~(B) Sources required to report greenhouse gas emissions to the United States Environmental Protection Agency pursuant to 40 CFR, Part 98 must report emissions from categorically insignificant activity if DEQ approved reporting protocols include the reporting of those emissions;~~

(c) Report emissions of CO2 that originate from biomass separately from ~~the source's~~ other greenhouse gas emissions; and

(d) Submit an annual greenhouse gas emissions registration and report to ~~the Department~~ DEQ pursuant to under section (7) by the due date for the annual report for non-greenhouse gas emissions specified in the source's Title V Operating Permit or Air Contaminant Discharge Permit, or by March 31 of each year, whichever is later.

(2) Gasoline, diesel and aircraft fuel dealers. Any person required to register and report under OAR 340-215-0030(3) must:

(a) Report the fuel type and quantity of ~~the~~ gasoline, diesel or aircraft fuel imported, sold or ~~and~~ distributed for use in this state during the previous year as, ~~and the greenhouse gas emissions that will result from the combustion of the gasoline, diesel or aircraft fuel; and follows:~~

(A) Report individual fuel type as defined in 40 CFR part 98 subpart MM for suppliers of petroleum products, including the type of gasoline, diesel or aircraft fuel in each renewable fuel mixture and the ethanol or biodiesel content as a percent of that mixture; and

(B) Report net fuel quantities by fuel type.

(b) Submit annual reports to ~~the Department~~ DEQ by March 31 of each year, as follows:

(A) An annual greenhouse gas emissions registration and report pursuant to section (7); or

(B) Copies of the person's fuel tax reports filed with the Oregon Department of Transportation ~~pursuant to~~ under OAR chapter 735, divisions 170 and 176 for fuel imported, sold or distributed during the previous year. ~~\_, provided that the Department~~ DEQ may require the person to submit the submission of additional information if the ~~copies of the~~ reports submitted to the Oregon Department of Transportation are not sufficient to determine greenhouse gas emissions and related information that this division requires. ~~are otherwise required by this division.~~

(3) Natural gas suppliers. Any person subject to OAR 340-215-0030(4) must submit an annual greenhouse gas emissions registration and report including the type and quantity of the natural gas imported, sold or distributed for use in the state during the previous year to DEQ under section (7) by March 31 of each year.

~~Any person required to register and report under OAR 340-215-0030(4) must:~~

~~(a) Report the type and quantity of the natural gas sold and distributed for use in this state during the previous year, and the greenhouse gas emissions that will result from the combustion of the natural gas; and~~

~~(b) Submit an annual greenhouse gas emissions registration and report to the Department pursuant to section (7) by March 31 of each year.~~

(4) Propane wholesalers. Any person subject to OAR 340-215-0030(5) must submit an annual greenhouse gas emissions registration and report including type and quantity of propane imported, sold or distributed for use in the state during the previous year to DEQ under section (7) by March 31 of each year.

~~Any person required to register and report under OAR 340-215-0030(5) must:~~

~~(a) Report the type and quantity of propane imported for use in this state during the previous year, and the greenhouse gas emissions that will result from the combustion of the propane; and~~

~~(b) Submit an annual greenhouse gas emissions registration and report to the Department pursuant to section (7) by March 31 of each year.~~

~~(5) Investor-owned utilities, electricity service suppliers and other electricity suppliers (except consumer-owned utilities).~~ All investor-owned utilities, electricity service suppliers and other

personelectricity suppliers (except consumer-owned utilities) required to register and report under OAR 340-215-0030(6) must:

(a) Report greenhouse gas emissions from the generation of the electricity that was imported, sold, allocated or distributed to end users in this state during the previous year, regardless of whether the electricity was generated in this state or imported, as follows:

(A) For electricity generated by a facility owned or operated by the investor-owned utility, electricity service supplier or other electricity supplier, report the number of megawatt-hours of electricity distributed to end users in the state during the previous year, the generating facility's fuel type or types and a facility specific emission factor expressed as metric tons carbon dioxide equivalent per megawatt-hour of generation. For electricity not measured at the busbar of the generating facility a 2% transmission loss correction factor must be used when determining emission factors.~~Greenhouse gas emissions from generating facilities owned or operated by the person reporting;~~

(B) ~~Sulfur hexafluoride (SF6) emissions from transmission equipment owned or operated by the person reporting;~~Report the total sulfur hexafluoride (SF6) emissions from all transmission and distribution equipment owned or operated by the person reporting utilizing the quantification methods in 40 CFR part 98 subpart DD multiplied by the ratio of the amount of electricity the utility supplied to end users in the state compared to the total electricity the utility supplied within its jurisdiction;

(C) For purchased electricity, report The-the number of megawatt-hours of electricity purchased and distributed to end users in the state during the previous year ~~by the person reporting,~~ including, if known, identifying information; ~~if known,~~ on the seller of the electricity ~~to the person reporting, and the original~~ generating facility fuel type or types and a facility specific emission factor expressed as metric tons of carbon dioxide equivalent per megawatt-hour of generation.; For electricity not measured at the busbar of the generating facility a 2% transmission loss correction factor must be used when determining emission factors;

(D) ~~An estimate of the amount of greenhouse gas emissions, using default greenhouse gas emissions factors in Table 1, attributable to electricity purchases made by a particular seller to the person reporting.~~

(E) ~~An estimate of the amount of greenhouse gas emissions, using a default greenhouse gas emissions factor of 1,100 pounds of carbon dioxide equivalent of greenhouse gases per megawatt-hour, attributable to electricity purchases from an unknown origin or from a seller who is unable to identify the original generating facility fuel type or types.~~

(FD) The Report the number of megawatt-hours of electricity purchased for which a renewable energy certificate under ORS 469A.130 has been issued but subsequently transferred or sold to a person other than the person reporting; and

(GE) A multijurisdictional entity reporting under this section ~~(5)~~ may rely upon a cost allocation methodology approved by the Public Utility Commission for reporting emissions allocated in this state. ~~and~~

(b) Submit an annual greenhouse gas emissions registration and report to ~~the Department~~ DEQ pursuant to ~~under~~ section (7) by June 1 of each year.

(6) Consumer-owned utilities. All consumer-owned utilities required to register and report under OAR 340-215-0030(6) must:

(a) Report greenhouse gas emissions from the generation of the electricity that was imported, sold, allocated or distributed to end users in this state during the previous year, regardless of whether the electricity was generated in this state or imported, as follows:

(A) For electricity purchased from the Bonneville Power Administration, report the number of megawatt-hours of electricity purchased by the utility from the Bonneville Power Administration, segregated by the types of contracts the utility entered into ~~by the utility~~ with the Bonneville Power Administration, and, if known, the percentage of each fuel or energy type used to produce electricity purchased under each type of contract;

(B) For electricity generated by a facility owned or operated by that the consumer-owned utility, was not purchased from the Bonneville Power Administration, but was generated by the consumer-owned utility, report the number of megawatt-hours of electricity distributed to end users in the state during the previous year, the generating facility fuel type or types and a facility specific emission factor expressed as metric tons of carbon dioxide equivalent per megawatt-hour of generation. For electricity not measured at the busbar of the generating facility a 2% transmission loss correction factor must be used when determining emission factors ~~greenhouse gas emissions from the generation of the electricity~~; and

(C) For electricity ~~the consumer-owned utility purchased from an entity other than that was not purchased from the Bonneville Power Administration, and was not generated by the consumer-owned utility~~, report the number of megawatt-hours of electricity purchased and distributed to end users in the state during the previous year by the consumer-owned utility, including information, if known, on the seller of the electricity to the consumer-owned utility, ~~and the original generating facility fuel type or types~~ and a facility specific emission factor expressed as metric tons of carbon dioxide equivalent per megawatt-hour of generation; ~~and~~

(b) Submit an annual greenhouse gas emissions registration and report to ~~the Department~~ DEQ pursuant to ~~under~~ section (7) by June 1 of each year. A third party may submit the registration and report on behalf of a consumer-owned utility, and the report may include information for more than one consumer-owned utility, provided that the report contains all information required for each individual consumer-owned utility.

(7) Except as provided in section (8), the reporter must submit registration and reports ~~must be submitted~~ on paper or electronic forms (or both) issued by ~~the Department~~ DEQ, and include which will require the following information:

(a) Source information such as source name, address, contact person, phone number, and permit number, if applicable;

(b) ~~Emissions of the applicable greenhouse gases, pursuant to DEQ-approved reporting protocols~~ Information as required by OAR 340-215-0040(1) through (6), including but not limited to fuel volume and type, information such as estimated annual emissions, activity data, emission factors, conversion factors, ~~global warming potential factor,~~ and the ~~emissions~~ calculation methods used to determine emissions; and

(c) A signed statement certifying that the report is accurate to the best of the certifying individual's knowledge.

(8) Any person required to report greenhouse gases emitted during a year to the ~~United States Environmental Protection Agency pursuant to~~ 40 CFR, Part 98 may submit a copy of that report to ~~the Department~~ DEQ in lieu instead of the registration and report ~~required in~~ required by section (7) for greenhouse gases emitted during the same year. ~~provided that the Department~~ DEQ may require the submission of additional information if the copy of the report submitted to the ~~United States Environmental Protection Agency~~ is not sufficient to determine greenhouse gas emissions and related information. ~~that are otherwise required by this division.~~ The purpose of this section is to eliminate duplicative reporting where possible, but to retain ~~the Department~~ DEQ's authority to require reporting ~~of information that is required by this division~~ requires that was but not submitted in ~~the a report to the United States Environmental Protection Agency.~~

~~(9) The Department shall propose reporting protocols for use pursuant to this division and shall approve reporting protocols after holding a 30-day public comment period. The Department shall maintain a reference list of DEQ-approved reporting protocols to assist persons required to register and report under OAR 340-215-0030.~~

~~(409)~~ Any person required to report under this division must retain all production information, fuel use records, and emission calculations used to prepare the greenhouse gas annual report. These records and greenhouse gas annual reports must be retained for a minimum of 5 years.

~~{ED. NOTE: Tables referenced are not included in rule text. Click here for PDF copy of table(s).}~~

Stat. Auth.: ORS 468A.050

Stats. Implemented: ORS 468 & 468A

Hist.: DEQ 13-2008, f. & cert. ef. 10-31-08; DEQ 12-2010, f. & cert. ef. 10-27-10; DEQ 11-2011, f. & cert. ef. 7-21-11

**340-215-0060**

**Greenhouse Gas Reporting Fees**

~~(1) (1)-~~ Any person required to register and report under OAR 340-215-0030(2)(a) ~~(A) or 340-215-0030(2)(b)(A)~~ must submit greenhouse gas reporting fees to ~~the Department~~ DEQ as specified in OAR 340-220-0050 ~~(3) and 340-220-0110(6)~~. ~~The fees must be received by the Department within 30 days after the Department mails the fee invoice.~~

(2) Any person required to register and report under OAR 340-215-0030(2) ~~(b) (a)(B) or (C) or 340-215-0030(2)(b)(B)~~ must submit greenhouse gas reporting fees to ~~the Department~~ DEQ as specified in OAR ~~chapter 340, division 216, Table 2, Part 3~~ 340-216-8020 part 2.

~~The fees must be received by the Department within 30 days after the Department mails the fee invoice.~~

Stat. Auth.: ORS 468.020 & 468A.050

Stats. Implemented: ORS 468 & 468A

Hist.: DEQ 12-2010, f. & cert. ef. 10-27-10; DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11; DEQ 11-2011, f. & cert. ef. 7-21-11; DEQ 14-2011, f. & cert. ef. 7-21-11; DEQ 5-2012, f. & cert. ef. 7-2-12