

On September 22, 2009, EPA Administrator Lisa P. Jackson signed the Final Mandatory Reporting of Greenhouse Gases Rule. This rule requires that the nation's largest sources and suppliers of greenhouse gas (GHG) emissions begin reporting emissions data on January 1, 2010.

Suppliers of fossil fuels or industrial greenhouse gases, manufacturers of vehicles and engines, and facilities that emit 25,000 metric tons or more per year of GHG emissions will, as of the new year, be required to monitor and submit annual reports to EPA regarding emissions of several GHGs, including carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydrofluorocarbons (HFC), perfluorocarbons (PFC), sulfur hexafluoride (SF<sub>6</sub>), and other fluorinated gases including nitrogen trifluoride (NF<sub>3</sub>) and hydrofluorinated ethers (HFE). This new program will apply to roughly 10,000 facilities and will cover approximately 85 percent of the nation's GHG emissions.

Many such facilities, however, currently lack the monitoring systems necessary to collect the required emissions data and may not have time to install and begin operating those systems in time for the January 1, 2010 deadline. Accordingly, EPA has agreed to provide flexibility by establishing a best available monitoring methods option for the first quarter of 2010 for such facilities. Facilities requiring additional time, beyond April 1, 2010, to install and begin operating a monitoring system must submit requests to EPA as explained in the new rule.

Although the new rule does not require that emissions levels be controlled, such regulations are likely not far off. This rule requiring the monitoring of GHGs is likely the first in a series of GHG rules from EPA. In the final rule, EPA explains that the purpose of the GHG emissions data will be to "gather GHG information to assist EPA in assessing how to address GHG emissions and climate change under the Clean Air Act." Additionally, the Waxman-Markey legislation currently pending in the U.S. Senate and previously passed in the House, would mandate a 17 percent reduction in greenhouse gas emissions by 2020 and an 83 percent reduction by 2050 (based on 2005 levels). And on September 30, 2009, Senators Barbara Boxer and John Kerry introduced an even more aggressive alternative to the Waxman-Markey bill in the Senate.

If you would like to discuss how the new reporting requirements may impact your facility or the best available monitoring methods option, or if you would like assistance with requesting additional time to comply with the new rule, please contact Kevin R. Murray, Patrick S. Malone or Nicole C. Squires at 801-533-0066.

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