

Draft Rules – Edits Highlighted

Key to Identifying Changed Text:

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DEPARTMENT OF ENVIRONMENTAL QUALITY

DIVISION 215

GREENHOUSE GAS REPORTING REQUIREMENTS

340-215-0010

Purpose and Scope

(1) This division establishes mandatory requirements and procedures for annually registering and reporting greenhouse gas emissions to DEQ and other requirements for operators of certain facilities that emit greenhouse gases, fuel suppliers, and electricity system providers.

(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.

(3) This division incorporates provisions of title 40, Code of Federal Regulations (C.F.R.), part 98. These provisions are a portion of the U.S. Environmental Protection Agency (EPA) Final Rule on Mandatory Reporting of Greenhouse Gases. Unless otherwise specified, references to 40 C.F.R. part 98 are to those requirements promulgated by EPA and published in the Federal Register on December 9, 2016.

(a) Except as otherwise specifically provided:

(A) Wherever the term “Administrator” is used in the federal rules, the term “Director of DEQ” will be substituted.

(B) Wherever the term “EPA” is used in the federal rules, the term “Oregon Department of Environmental Quality” or “DEQ” will be substituted.

(C) For purposes of reporting greenhouse gas emissions in Oregon, reporting entities must follow the requirements of this division where any incorporated provisions of 40 C.F.R. part 98 or part 75 appear in conflict with it.

Statutory/Other Authority: ORS 468.020, 468A.050 & 468A.280

Statutes/Other Implemented: ORS 468 & 468A

History:

DEQ 12-2015, f. & cert. ef. 12-10-15
DEQ 11-2011, f. & cert. ef. 7-21-11
DEQ 12-2010, f. & cert. ef. 10-27-10
DEQ 13-2008, f. & cert. ef. 10-31-08

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) “Air contamination source” has the meaning given the term in ORS 468A.005.

(2) “Asset-controlling supplier” means any person that owns or operates inter-connected electricity generating facilities or has exclusive rights to claim electricity from these facilities even though it does not own them, and is assigned a supplier-specific system emission factor by DEQ for the wholesale electricity procured from its system and delivered in Oregon. Asset controlling suppliers are considered specified sources.

(3) “Balancing authority area” means the collection of generation, transmission, and loads within the metered boundaries of a balancing authority. A balancing authority maintains load-resource balance within this area.

(4) “Barrel” means a volume equal to 42 U.S. gallons.

(5) “Best available data” means DEQ methods for emissions calculations set forth in this division where reasonably feasible, or fuel use and other process data used in conjunction with DEQ-provided emission factors and other data, or other industry standard methods for calculating greenhouse gas emissions.

(6) “Biogas” means gas that is produced from the breakdown of biomass in the absence of oxygen, including anaerobic digestion, anaerobic decomposition, and thermochemical decomposition.

(7) “Biogenic CO₂ emissions” means carbon dioxide emissions generated as the result of biomass-derived fuel combustion from combustion units.

(8) “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.

(9) “Biomass-based fuels” or “biofuels” means fuels derived from biomass.

(10) “Biomethane” means biogas that meets pipeline quality natural gas standards.

(11) “Bulk transfer/terminal system” means a fuel distribution system consisting of refineries, pipelines, vessels or terminals. Fuel storage and blending facilities that are not fed by pipeline or vessel are considered outside the bulk transfer system.

(12) “Busbar” means a power conduit of a facility with electricity generating units that serves as the starting point for the electricity transmission system.

(13) “Carbon dioxide equivalent” or “CO₂e” means an amount of a greenhouse gas or gases expressed as the equivalent amount of carbon dioxide, and is computed by multiplying the mass of each of the greenhouse gases by the global warming potential published for each gas at 40 C.F.R. part 98, subpart A, Table A–1-Global Warming Potentials, and adding the resulting value for each greenhouse gas to compute the total equivalent amount of carbon dioxide.

(14) “Cease to operate” for the purposes of this division means the air contamination source did not operate any GHG –emitting processes for an entire calendar year. Continued operation of space heaters and water heaters as necessary until operations are restarted in a subsequent year does not preclude a source from meeting this definition.

(15~~2~~) “C.F.R.” means Code of Federal Regulations and, unless otherwise expressly identified, refers to the December 9, 2016 edition.

(16) “Cogeneration unit” means a unit that produces electric energy and useful thermal energy for industrial, commercial, or heating and cooling purposes, through the sequential or simultaneous use of the original fuel energy and waste heat recovery.

(17~~3~~) “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.

(18~~4~~) “Direct emissions” means emissions from an air contamination source, including but not limited to fuel combustion activities, ~~process-related~~ emissions occurring due to certain manufacturing processes, and fugitive emissions.

(19) “Distillate fuel oil” means one of the petroleum fractions produced in conventional distillation operations and from crackers and hydrotreating process units. The generic term distillate fuel oil includes kerosene, kerosene-type jet fuel, diesel fuels (Diesel Fuels No. 1, No. 2, and No. 4), and fuel oils (Fuel Oils No. 1, No. 2, and No. 4).

(20) “EIA” means the Energy Information Administration. The Energy Information Administration (EIA) is a statistical agency of the United States Department of Energy.

(21~~5~~) “Electricity service supplier” has the meaning given that term in ORS 757.600.

(22) “Electricity system provider” means any person that operates, owns or markets electricity generating facilities, or purchases wholesale electricity, as needed to manage the load for wholesale or retail electricity customers within a balancing authority area that is at least partially located in Oregon, including but not limited to the following types of entities:

(a) Investor-owned utilities;

(b) Electricity service suppliers;

(c) Consumer-owned utilities;

(d) The Bonneville Power Administration (BPA); and

(e) Electric generation and transmission cooperatives.

(23) “Emissions data report” means the report prepared and submitted to DEQ that provides the information required by this division. The emissions data report is for the calendar year prior to the year in which the report is due.

(24) “Fuel supplier” means a supplier of petroleum products, liquid petroleum gas, biomass-derived fuels, or natural gas including operators of interstate pipelines, or liquefied natural gas.

(25) “Global warming potential” or “GWP” means the ratio of the time-integrated radiative forcing from the instantaneous release of one kilogram of a trace substance relative to that of one kilogram of a reference gas, i.e., carbon dioxide. The GWP used for emissions estimation and reporting are specified in Table A-1 of Subpart A of 40 C.F.R. Part 98.

(26) “Greenhouse gas or GHG” means carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), sulfur hexafluoride (SF₆), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and other fluorinated greenhouse gases or fluorinated GHG as defined in 40 C.F.R. part 98.

(27) “Higher heat value” or “HHV” means the high or gross heat content of the fuel with the heat of vaporization included. The water vapor is assumed to be in a liquid state.

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

(298) To “Import” means owning 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 the vehicle.

(30) “Importer” means any person, company or organization of record that for any reason brings a product into Oregon from outside of the state

(311) “In-state producer” means:

(a) With respect to any liquid fuel, the person who makes the fuel in Oregon; or

(b) With respect to any biomethane, the person who refines, treats or otherwise processes biogas into biomethane in Oregon.

(32) “Interstate pipeline” means a natural gas pipeline delivering natural gas to consumers in the state and is subject to rate regulation by the Federal Energy Regulatory Commission. (FERC)

~~(339)~~ “Investor-owned utility” means a utility that sells electricity and that a corporation with shareholders operates.

(34) “Large end users” means any end-user receiving greater than or equal to 188,500 MMBtu during the previous calendar year.

(35) “Local distribution company” or “LDC” means a legal entity that owns or operates distribution pipelines and that physically delivers natural gas to end users in the state. This includes public utility gas corporations and intrastate pipelines engaged in the retail sale, delivery, or both of natural gas.

(36) “Marketer” means persons that arrange for the purchasing or selling of natural gas but that do not own physical assets in Oregon commonly used in the supply of natural gas such as pipelines.

(37) “MMBtu” means million British thermal units.

~~(3810)~~ “Metric ton, tonne, ~~or metric tonne~~ or MT” means a common international measurement for mass, equivalent to 2204.6 pounds or 1.1 short tons.
~~means one metric tonne (1000 kilograms) or 2204.62 pounds.~~

(39) “Natural gas supplier” means any person that imports, sells or distributes natural gas to end users in Oregon.

(40) “NERC e-Tag” means North American Electric Reliability Corporation (NERC) energy tag representing transactions on the North American bulk electricity market scheduled to flow between or across balancing authority areas.

~~(4111)~~ “Perfluorocarbons” (PFCs) means gaseous chemical compounds containing only carbon and fluorine atoms.

(42) “Position holder” means any person that holds an inventory position in gasoline, distillate fuel oil, propane or aircraft fuel as reflected in the records of the terminal operator or a terminal operator that owns fuel in its terminal. “Position holder” does not include

inventory held outside of a terminal, fuel jobbers (unless directly holding inventory at the terminal), retail establishments or other fuel suppliers not holding inventory at a fuel terminal.

(43) “Power contract” as used for the purposes of documenting specified versus unspecified sources of electricity, means a written document, including associated verbal or electronic records if included as part of the power contract, arranging for the procurement of electricity. Power contracts may be, but are not limited to, power purchase agreements, enabling agreements, electricity transactions, and tariff provisions, without regard to duration, or written agreements to import or export on behalf of another person. A power contract for a specified source is a contract that is contingent upon delivery of power from a particular facility, unit or asset-controlling supplier’s system that is designated at the time the transaction is executed.

(44) “Rack” means a mechanism for delivering fuel from a refinery or terminal into a truck, trailer, railroad car or other means of non-bulk transfer.

(45) “Regulated entity” means any person subject to requirements listed under this division.

(46) “Shut down” for purposes of this division means that the reporting person has evidence that all industrial operations are permanently shut down, including but not limited to, decommissioning and cancelling air permits. Permanent shutdown may include continued operations of space heaters and water heaters as necessary to support decommissioning activities.

(47) “Specified sources” means a facility or unit which is permitted to be claimed as the source of electricity delivered.

(48) “Terminal” means a fuel storage and distribution facility that is supplied by pipeline or vessel, or at which the fuel is produced and stored, and from which fuel may be removed at a rack.

(49) “Unspecified source of electricity” or “unspecified source” means a source of electricity that is not a specified source at the time of entry into the transaction to procure the electricity.

(50) “Verification” has the meaning given the term under OAR 340 division 272.

(51) “Verification services” has the meaning given the term under OAR 340 division 272.

(52) “Verifier” has the meaning given the term under OAR 340 division 272.

(53+2) “Year” means calendar year.

Statutory/Other Authority: ORS 468A.050 & 468A.280

Statutes/Other Implemented: ORS 468 & 468A

History:

[DEQ 5-2019, amend filed 01/24/2019, effective 01/24/2019](#)

[DEQ 124-2018, minor correction filed 04/11/2018, effective 04/11/2018](#)

DEQ 12-2015, f. & cert. ef. 12-10-15

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DEQ 12-2010, f. & cert. ef. 10-27-10

DEQ 13-2008, f. & cert. ef. 10-31-08

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.

(2) Air contamination sources. Any owner or operator of a source listed in subsections (a) through (c) 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 meets or exceeds 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) through (9) ~~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 subsection (a) or (b):

(A) 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 that 40 C.F.R. part 98 does not require the facility to report greenhouse gas emissions to ~~the~~ EPA.

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

(3) Fuel suppliers and in-state producers including but not limited to gasoline, ~~diesel distillate fuel oil, propane,~~ and aircraft fuel dealers, ireraft dealers. ~~Any person~~ Persons listed in this section that imports, sells or ~~distribut~~distributes fuel for use in the state, must register and report as all greenhouse gas emissions associated with reported fuel as required in OAR 340-215-0040 ~~(32) requires:~~

(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 produces, imports, sells or distributes at least 5,500 gallons of gasoline, ~~diesel distillate fuel oil, biofuels~~ or aircraft fuel during a year for use in the 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 subsections ~~OAR 340-215-0030~~(3)(b) and (c) are not required to register and report ~~gasoline, diesel or aircraft~~ fuel reported under this division by dealers described in ~~OAR 340-215-0030~~(3)(a).

(e) Persons that import propane for use in the state are not subject to this section if annual imports brought into the state are less than 3,500 gallons of propane.

(4) Natural gas suppliers. Any person, including but not limited to local distribution companies, interstate pipelines, owners or operators of facilities that produce natural gas or any person that imports, sells or distributes natural gas to end users in the state must register and report all greenhouse gas emissions associated with all gas supplied in accordance with OAR 340-215-0040(~~3~~4).

~~(5) Propane suppliers.~~

~~(a) Any person that imports, sells or distributes propane for use in the state must register and report in accordance with OAR 340-215-0040(4).~~

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

~~(A) All imports are brought into the 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 5 gallons or less.~~

~~(5) Electricity system providerssuppliers. All investor-owned utilities, electricity service suppliers, consumer-owned utilities, and other ~~persons~~entities that import, sell, allocate or distribute electricity to end users in the state must register and report as required in -OAR 340-215-0040(~~5~~)~~through (6)~~require.~~

(6) Petroleum and natural gas systems. Any person that owns or operates a petroleum or natural gas system with one or more industry segments as defined in 40 C.F.R. part 98.230(a)(1) through (10) physically located in Oregon must register and report all emissions associated with those industry segments according to OAR 340-215-0040(6).

(7) General deferrals and exemptions. DEQ may defer or exempt specific processes, ~~or~~ categories of sources, ~~;~~ or specific types of greenhouse gas emissions, ~~;~~ from this division's requirements if DEQ determines that adequate protocols are not available or that other extenuating circumstances make reporting unfeasible.

(8) Cessation of reporting for reduced emissions~~Exemptions for air contamination sources.~~
The reporting requirements for reporting entities whose emissions are reduced below certain reporting thresholds are as follows.

(a) An owner or operator is no longer subject to sections (12) through (6) if ~~the owner or operator retains~~ records are retained under subsection (88)(b), and any of the following are applicable:

(A) ~~The source's d~~Direct total reported emissions for air contamination sources subject to section (2) are less than 2,500 metric tons of carbon dioxide equivalent of greenhouse gases~~MT CO₂e per year for a three consecutive three years period.;~~ ~~or~~ If total reported emissions for an owner or operator exceeds 2,500 MT CO₂e in any year after the reporting cessation requirements have been met, the owner or operator must resume reporting as required under this division.

(B) Fuel suppliers that cease to supply fuel in Oregon after submitting an emissions data report for the year in which emissions drop to zero.

(i) Fuel suppliers that cease to have a reporting obligation due to a change in ownership or sale or relinquishment of an inventory position at a terminal according to OAR 340-215-0040(1)(e)(B)(iii) must continue to report emissions from the reportable fuel transactions that occurred prior to the change.

(ii) If a fuel supplier supplies fuel in Oregon in any year after the reporting cessation requirements have been met, the fuel supplier must resume reporting as required under this division.

(C) Electricity system providers that cease to supply or import electricity in Oregon, after submitting an emissions data report for the year in which they cease to supply or import electricity. If an electricity system provider supplies or imports electricity in Oregon in any year after the reporting cessation requirements have been met, the electricity system provider must resume reporting as required under this division.

~~(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 before the beginning of the year. This paragraph does not apply to seasonal or other temporary cessation of operations, and does not apply to solid waste disposal facilities that 40 C.F.R. part 98 requires to report greenhouse gas emissions to the EPA.~~

~~(b) An owner or operator~~Persons- no long subject to reporting under this division that, under paragraph (8)(a)(A) is no longer subject to section (2), must maintain the corresponding records required under OAR 340-215-0040(8) and ~~retain,~~ such records for five years following the last year that they were subject to ~~section (2) reporting, including,~~ all production information, fuel use records, emission calculations, and other records used to document direct greenhouse gas emissions for each of the three consecutive years that the ~~source-person~~ does not meet or exceed the emission threshold.

(c) Persons that meet the applicable requirements of OAR 340-215-0030(8) must notify DEQ of their reason(s) for ceasing to report no later than the applicable reporting deadline for the year.

~~(e) Notwithstanding subsections (8)(a) and (8)(b), section (2) becomes applicable to the owner or operator again if annual direct emissions equal or exceed 2,500 metric tons of carbon dioxide equivalent of greenhouse gases in any future year.~~

(9) Cessation of reporting for shut down air contamination sources.

(a) If the operations of an air contamination source are changed such that all applicable GHG-emitting processes and operations cease to operate or are permanently shut down, the owner or operator must submit an emissions data report for the year in which the source's GHG-emitting processes and operations ceased to operate, and for the first full year of non-operation that follows.

(b) The owner or operator must submit a notification to DEQ that announces the cessation of reporting and certifies to the cessation of all GHG-emitting processes and operations no later than the reporting deadline of the year following the cessation of operations or permanent shutdown.

(c) This section does not apply to seasonal, other temporary cessation of operations, or solid waste disposal facilities that are required to report under 40 C.F.R. part 98.

(d) Any person subject to OAR 340-215-0030 must resume reporting for any future calendar year during which any of the GHG-emitting processes or operations resume operation and are subject to reporting.

Statutory/Other Authority: ORS 468A.050 & 468A.280

Statutes/Other Implemented: ORS 468 & 468A

History:

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DEQ 12-2010, f. & cert. ef. 10-27-10

DEQ 13-2008, f. & cert. ef. 10-31-08

340-215-0040

Greenhouse Gas Registration and Reporting Requirements

(1) General requirements. Persons specified in OAR 340-215-0030 must monitor emissions and submit emissions data reports to DEQ following the requirements specified in 40 C.F.R. 98.3 and 98.4, except as otherwise provided in this division and must comply with the following general requirements:

(a) Meet the applicable requirements for monitoring, missing data procedures, standardized methods, data reporting, and records retention that are specified in 40 C.F.R. part 98, except when modified by this division; and

(b) Document methods and procedures, and retain records according to the recordkeeping requirements of this division, including but not limited to the procedure used for all missing data estimates, standardized methods applied, and the GHG monitoring plan. Records must be made available for verifier or DEQ review upon request.

(c) Subsequent revisions according to the requirements of 40 C.F.R. 98.3(h) must be submitted if an error is discovered within 120 days of discovery.

(d) Persons subject to the reporting requirements of this division must designate a reporting representative and adhere to the requirements of 40 C.F.R. 98.4 for this representative and for any named alternate designated representatives.

(e) Changes in ownership or operational control. If a reporting entity undergoes a change of ownership or operational control, the following requirements apply regarding notifications to DEQ and reporting responsibilities.

(A) Prior to the change of ownership or operational control, the previous owner or operator and the new owner or operator must provide the following information to DEQ:

(i) The previous owner or operator must notify DEQ in writing of the ownership or operational control change including the name of the new owner or operator and the date of the ownership or operational control change.

(ii) The new owner or operator must notify DEQ in writing of the ownership or operational control change, including the following information: previous owner or operator; new owner or operator; date of ownership or operator change, and name of a new designated representative for the affected person's registration in reporting tools issues by DEQ.

(B) Reporting responsibilities. Except as specified in subparagraph (iii) below, the owner or operator of record at the time of a reporting deadline specified in this division has the responsibility for compliance, including certifying that the emissions data report is accurate and complete, obtaining verification services, and completing verification.

(i) If an ownership change takes place during the calendar year, reported data must not be split or subdivided for the year, based on ownership. A single annual emissions data report must be submitted by the current owner or operator.

(ii) Previous owners or operators are required to provide data and records to new owners or operators that is necessary and required for preparing annual emissions data reports required by this division.

(iii) Fuel suppliers that cease to have emissions subject to reporting under this division as a result of an ownership change that affects supplier operations retain the responsibility for complying with the requirements of this division, including certifying that the emissions data report is accurate and complete, obtaining verification services as required under division 272, and completing verification for the emissions from all fuel transactions that occurred prior to the date of the change of ownership.

(f) DEQ may alter deadlines and will issue notice of an updated deadline for that reporting year.

(g) Verification of emissions data reports. Persons specified in OAR 340-215-0030 must comply with the requirements of division 272 for third-party verification of the emissions data report, as applicable.

(h) Calculating total greenhouse gas emissions. Unless otherwise specified carbon dioxide equivalent emissions must be calculated using the following equation unless otherwise specified in this division:

$$CO_2e = \sum GHG_i * GWP_i$$

Where:

CO₂e = Carbon dioxide equivalent, metric tons per year

GHG_i = Mass emissions of greenhouse gases as defined in this division

GWP_i = Global warming potential for each greenhouse gas from table A-1 of 40 C.F.R. part 98, or as otherwise provided by DEQ

n = Number of greenhouse gases emitted.

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

~~(a) Report 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:~~
(a) Calculate and report emissions of greenhouse gases using quantification methodology in 40 C.F.R. part 98 subparts C through UU, as applicable, unless otherwise specified in this rule.

(A) Emissions data reports submitted to DEQ must include all direct emissions with calculation methodology in 40 C.F.R. part 98 subparts C through UU or listed in this division

but may exclude emissions from categorically insignificant activities as defined in OAR 340-200-0020. If categorically insignificant activities cannot be separated from other activities, entities may report aggregate emissions that include categorically insignificant activities.

~~(A) If not already required under 40 C.F.R. part 98 separately r~~Report fuel type and quantity used for stationary fuel combustion during the previous year.

(i) Separately report fuel types, quantities, and emissions from fuel combustion calculated utilizing 40 C.F.R. part 98, subpart H – Cement Production and subpart AA- Pulp and Paper Manufacturing quantification methodology.

~~;~~

(C) Provide supplemental documentation, including data inputs for equations to describe how emissions are calculated. Data inputs include but are not limited to fuel throughput, emission factors, and production volumes or product usage that are used to calculate emissions.

~~(B) Report greenhouse gas emissions from stationary fuel combustion utilizing emission quantification methodology prescribed in 40 C.F.R. part 98 subpart C; or~~

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

(D) The owner or operator of an air contamination source that includes electricity generating units, cogeneration units or both that meet the applicability criteria of section OAR 340-215-0030(2) must report to DEQ following the requirements of Subparts C and D of 40 C.F.R. part 98, as applicable, in reporting emissions and other data from electricity generating and cogeneration units to DEQ. In addition report the following information:

(i) Information for each facility as defined in 40 C.F.R. 98.6, including separately for each facility under the same air contamination source permit: name, address, and contact person and phone number.

(ii) If applicable, report facility identification numbers assigned by the U.S. Energy Information Administration, California Air Resources Board and Federal Energy Regulatory Commission's PURPA Qualifying Facility program.

(iii) Report net and gross electricity generated in megawatt-hours.

(iv) The owner or operator of a cogeneration unit must report the thermal energy in MMBtu generated by a combustion source that is used directly as part of a manufacturing process, industrial/commercial process or heating/cooling application separately for the following categories: generated thermal energy provided to end-users outside the air contamination source facility boundary and generated thermal energy for on-site industrial applications not

related to electricity generation.

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

(E) In-state producers of goods containing fluorinated greenhouse gases in pre-charged equipment or closed-cell foams ~~and in-state producers of goods that require the use of fluorinated greenhouse gases during the manufacture process~~ must report the mass of each fluorinated greenhouse gas in all goods produced in a calendar year and comply with 40 C.F.R. part 98 subpart QQ in reporting emissions to DEQ, as modified below:

(i) Report total mass in metric tons of each fluorinated greenhouse gas contained within pre-charged equipment or closed cell foams.

(ii) For each type of pre-charged equipment with a unique combination of charge size and charge type, report the identity of the fluorinated greenhouse gas used as a refrigerant or electrical insulator, charge size, holding charge, where applicable and number produced.

(iii) For closed-cell foams the identity of the fluorinated greenhouse gas in the foam, the density of the fluorinated GHG in the foam (kilograms of fluorinated greenhouse gas per cubic feet), and the volume of foam produced (cubic feet) for each type of closed-cell foam with a unique combination of F-GHG density and identity.

(iv) Utilize the following equation to calculate greenhouse gas emissions from foam blowing operations. When the blowing agent is a blend of gases emissions must be calculated separately for each constituent of the blowing agent used during the foam manufacture process.

$$CO_{2e} = \sum \{ [(Q_i \times FYLE_i) + (Q_i \times AL_i \times Y) + (Q_i \times L_i)] / 2204.62 \} \times GWP_i$$

Where:

CO_{2e} = Carbon dioxide equivalent, metric tons per year

Q_i = Quantity of blowing agent, i, (lbs) used to manufacture the foam

FYLE_i = First-year loss emission factor associated with the foam application

AL_i = Annual loss emission factor associated with the foam application

Y = Number of years remaining in the project

L_i = Quantity of blowing agent, i, released during product output including all processes (such as foam shaping, grinding, trimming, and shaving) leading to product formation

2204.62 = Pounds to metric tons conversion

GWP_i = Global warming potential for each greenhouse gas from table A-1 of 40 C.F.R. part 98, or as otherwise provided by DEQ

(F) Calculate and rReport emissions of CO₂ that originate from biomass-derived fuels separately from other greenhouse gas emissions. Use the following procedures when calculating emissions from biomass-derived fuels that are intermixed with fossil fuels; ~~and~~

(i) When calculating emissions from the combustion of municipal solid waste (MSW) or any other fuel for which the biomass fraction is not known, follow the procedures specified in 40 C.F.R. 98.33(e)(3) to specify a biomass fraction.

(ii) When calculating emissions from a biomethane and natural gas mixture as described in 40 C.F.R. 98.33(a)(2) calculate emissions based on contractual deliveries of biomethane.

(iii) When calculating emissions from a biomethane and natural gas mixture as described in 40 C.F.R. 98.33(a)(4) using a continuous emission monitoring system (CEMS), or when calculating those emissions according to Subpart D of 40 C.F.R. part 98, calculate the biomethane emissions as described above, with the remainder of emission being from natural gas.

(iv) When calculating emissions from a biogas and natural gas mixture using 40 C.F.R. 98.33(a)(4) or the carbon content method described in 40 C.F.R. 98.33(a)(3) or when calculating those emissions according to Subpart D of 40 C.F.R. part 98, calculate biogas emissions using a carbon content method as described in 40 C.F.R. 98.33(a)(3), with the remainder of emissions being from natural gas.

(G) Additional information on natural gas. The owner or operator who is reporting emissions from the combustion of natural gas must report the name(s) of the supplier(s) of natural gas to the facility, including information identifying the seller of natural gas, natural gas customer account, and the annual MMBtu delivered to each account according to billing statements (10 therms = 1 MMBtu).

(db) Submit an annual greenhouse gas emissions registration and report to DEQ under section (78) 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.

(23) Fuel ~~suppliers~~ suppliers and in-state producers including but not limited to gasoline, diesel distillate fuel oil, propane and aircraft fuel dealers. ~~Any person~~ Persons required to register and report under OAR 340-215-0030(3) must comply with the following requirements. Natural gas suppliers should refer to section (4) for reporting requirements;

(a) Report all quantities of fuel disbursed for use in the state by fuel type, regardless of whether the fuel is intended for transportation or non-transportation use and regardless of whether the fuel is subject to state or federal fuel taxes.

(Aa) Utilize DEQ online reporting tools to Rreport the fuel type and quantity -imported, sold,

or distributed for use in this state during the previous year. Report quantities in standard cubic feet for gaseous fuels and gallons for liquid fuels.

(i) Fuel suppliers and in-state producers who report renewable biomass-derived fuels must provide supporting documentation as required under section (7).

(ii) Meeting the requirements of this division does not replace the requirements that must be met in order to satisfy the requirements of OAR Chapter 340 Division 253 for any given fuel supplier subject to the Oregon Clean Fuels Program (CFP).

(B) Submit annual reports to DEQ by April 30 of each year as an annual greenhouse gas emissions registration and report as required by section (8).

(C) Retain for verification purposes records for products-, including records to demonstrate final destination outside Oregon, as applicable.

(b) For reporting of regulated fuels as defined in OAR 340-253 fuel suppliers and in-state producers must comply with division 253 and submit quarterly and annual reports using DEQ approved online reporting tools.

(A) In annual reports, regulated persons dealing in regulated fuels as defined by OAR 340-253-0200(2) may further report fuel volumes by individual fuel type as defined in 40 C.F.R. part 98 subpart MM. If volumes are not reported by individual fuel type, DEQ will assign default emission factors to reported data by fuel types as defined in 40 C.F.R. part 98 subpart MM for emissions calculation purposes.

(c) For reporting all other fuels not reported as regulated fuels under section (3)(b) including, but not limited to, importers and producers of opt-in fuels and small importers of finished fuels as defined by OAR 340-253-0040(86) fuel suppliers and in-state producers must annually report fuel imported or produced during the previous year by fuel type as defined in 40 C.F.R. part 98 subpart MM for suppliers of petroleum products. Report as follows:

(A) Report the type and quantity in gallons of fuel owned at the time the fuel is brought into Oregon from out of state or produced in Oregon that is delivered directly to intermediate storage, retail or end-users. Exclude fuels that are imported and subsequently delivered into the bulk system in Oregon and fuel for which a final destination outside of Oregon can be demonstrated.

(B) Report the type and quantity in gallons of fuel owned and dispersed from terminals in Oregon as a Position Holder. This applies to the fuel supplier owning the fuel at the loading rack as it is being dispensed. Exclude fuel for which a final destination outside of Oregon can be demonstrated.

(C) If formulations are unknown for a given quantity of gasoline, report that quantity of gasoline using the fuel type "Gasoline formulation unknown." If distillate or residual fuel oil

numbers are unknown for a given quantity of distillate fuel oil, report that quantity using the fuel type “Diesel type unknown.”

(d) Emissions calculations. All fuel suppliers and in-state producers must utilize DEQ online reporting tools to calculate and report the CO₂, CO₂ from biomass-derived fuels, CH₄, and N₂O that would result from the complete combustion or oxidation of the annual quantity of fuel sold or delivered in this state. Greenhouse gas emissions must be calculated as follows:

(A) Utilize emission quantification methodology prescribed in 40 C.F.R. part 98 subpart MM and equation MM-1 as specified in 40 C.F.R. 98.393(a)(1) to estimate the CO₂ emissions and CO₂ from biomass-derived fuels that would result from the complete combustion of the fuel reported under this division.

(B) Calculate CH₄ and N₂O emissions using equation C-8 and Table C-2 as required in 40 C.F.R. 98.33(c)(1).

(C) DEQ will assign emission factors for fuel and emission types not listed in 40 C.F.R. part 98.

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

~~(A) An annual greenhouse gas emissions registration and report as required by section (7); or~~

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

~~(34) 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 (78) by March 31 of each year. Report data as follows:~~

~~(a) Report the information required in 40 C.F.R. 98.3(c), the net quantity, energy and type of natural gas imported, for all gas sold or distributed for use in the state for the previous year. Report the annual MMBtu of biomethane as specified under section (7). Natural gas suppliers must report as follows:~~

~~(A) Local distribution companies. Comply with 40 C.F.R part 98 subpart NN for suppliers for natural gas and natural gas liquids in reporting emissions and related data and report the following:~~

~~(i) In addition to submitting all data needed to meet the requirements of 40 C.F.R. 98.406(b)(1) through (b)(7), report the annual MMBtu of natural gas associated with the volumes reported.~~

(ii) Report the annual energy in MMBtu for natural gas delivered to each large end user separately in the state including customer information required in 40 C.F.R. 98.406(b)(12), and source identification number if available. Large end users are end users receiving greater than or equal to 188,500 MMBtu of natural gas during the previous calendar year.

(iii) Report identifying information for each marketer contracting use of the distribution system during the year including name, address, and the total annual MMBtu transported for the marketer.

(B) Interstate pipeline owners and operators. Report the total annual MMBtu of natural gas delivered to end users in the state for use in the state, excluding gas delivered to an Oregon local distribution company.

(i) Report the annual energy in MMBtu of natural gas delivered to each large end user separately in the state including customer information required in 40 C.F.R. 98.406(b)(12), and source identification number if available. Large end users are end users receiving greater than or equal to 188,500 MMBtu of natural gas during the previous calendar year.

(ii) Report the name, address, and total annual MMBtu transported for each marketer contracting use of the distribution system during the year.

(C) Importers of natural gas. Any person that imports natural gas, compressed natural gas, or liquefied natural gas into the state by any means other than a pipeline distribution system, including but not limited to imports by rail or truck must report the total annual MMBtu of natural gas, compressed natural gas, and liquefied natural gas imported into the state for use in the state.

(i) Report the annual energy in MMBtu of natural gas delivered to each large end user in the state including customer information required in 40 C.F.R. 98.406(b)(12), and source identification number if available. Large end users are defined as end-users registering a supply equal to or greater than 188,500 MMBtu during the previous calendar year.

(D) Owners and operators of facilities that make liquefied natural gas or compressed natural gas products. Report the total annual MMBtu of natural gas delivered or sold for use in the state, excluding volumes delivered to an Oregon local distribution company.

(i) Report the annual energy in MMBtu of natural gas delivered to each large end user in the state including customer information required in 40 C.F.R. 98.406(b)(12), and source identification number if available. Large end users are defined as end-users registering a supply equal to or greater than 188,500 MMBtu during the previous calendar year.

(b) Emissions calculations. All natural gas suppliers must report the CO₂, CO₂ from any reported biomass-derived fuel, CH₄, N₂O, and CO₂e emissions in metric tons that would result from the complete combustion or oxidation of the annual quantity of natural gas sold, delivered or imported for use in this state. Calculate and report greenhouse gas emissions for

the previous year utilizing reporting tools issued by DEQ and emission quantification methodology prescribed in 40 C.F.R. part 98 as follows:

(A) Calculate greenhouse gas emissions separately for natural gas, compressed natural gas and liquefied natural gas.

(B) Calculate and report CO2 emissions as follows:

(i) For the calculation of CO2 from natural gas local distribution companies must utilize quantification methodology and report all data elements as required by 40 C.F.R. 98 subpart NN – Suppliers of Natural Gas and Natural Gas liquids for the total volume of gas supplied in the state.

(ii) All other natural gas suppliers including interstate pipeline owners or operators, importers of natural gas and owners or operators of facilities that make natural gas products must calculate and report CO2 emissions using calculation methodology 1 as specified in 40 C.F.R. 98.403(a)(1).

(C) All natural gas suppliers must calculate and report CH4 and N2O emissions based on the MMBtu of natural gas imported, sold or delivered in this state using equation C-8 and Table C-2 as required in 40 C.F.R. 98.33(c)(1) for all fuels subject to reporting.

(D) CO2 emissions from biomass-derived fuel are based on the fuel the natural gas supplier contractually purchased on behalf of and delivered to end users. Emissions from biomethane are calculated using the methods for natural gas required by this section, including the use of the emission factor for natural gas found in 40 C.F.R. 98.408, table NN-1. Report biomass CO2 emissions from biomethane, for each contracted delivery, as specified under section (7). Natural gas suppliers that report biomethane directly purchased by an end user and delivered by the natural gas supplier must provide supporting documentation as required under section (7).

(E) Do not report data or emissions for products for which a final destination outside Oregon can be demonstrated. Retain for verification purposes records for products to demonstrate final destination outside Oregon, as applicable.

(F) Determination of pipeline quality natural gas is based on the annual weighted average HHV determined according to equation C-2b of 40 C.F.R. §98.33(a)(2)(ii)(A), for natural gas from a single city gate, storage facility or connection with an in-state producer, interstate pipeline or local distribution company. If the HHV is outside the range of pipeline quality natural gas, emissions will be calculated by replacing the default emission factor with a reporter-specific emission factor as calculated in 40 C.F.R. §98.404(b)(2).

~~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.~~

(5) Electricity system providers. All investor-owned utilities, electricity service suppliers, consumer-owned utilities and other ~~electricity suppliers~~entities ~~(except consumer-owned utilities)~~ required to register and report under OAR 340-215-0030(56) must comply with the following requirements:

(a) Utilize reporting tools issued by DEQ to r~~Report information relating to 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, r~~Report the number of megawatt-hours (MWh) of electricity from unspecified sources and from each specified source that was delivered or 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;

(i) When reporting electricity delivered in the state from specified facilities or units, electricity deliveries and associated greenhouse gas emissions must be disaggregated by facility or unit.

(ii) Report details about each specified generating facility or unit including fuel type or types and information about the seller including company name and contact information.

(iii) Separately report electricity supplied by asset-controlling suppliers recognized by DEQ.

(iv) The sale or resale of specified source electricity is permitted as long as each sale or resale is for specified source electricity in which sellers have purchased and sold specified source electricity, such that each seller warrants the sale of specified source electricity from the source through the market path.

(v) Claims of emissions from specified sources of electricity are calculated according to subsection (5)(b), must meet the requirements in paragraphs (5)(d) and must include the amount of electricity from specified facilities or units as measured at the busbar. If not measured at the busbar, report the amount of electricity delivered in Oregon, including estimated transmission losses as required in subsection (5)(b), and provide the reason why measurement at the busbar is not known in supplemental documentation.

~~(B) 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 C.F.R. 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 number of megawatt-hours of electricity purchased and distributed to end users in the state during the previous year, including, if known, identifying information on the seller of the electricity, 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;~~

~~(D) 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~~

(B) Do not report exported electricity or associated greenhouse gas emissions with a final point of delivery outside Oregon unless otherwise specified in this division. Do not report electricity wheeled through Oregon or wheeled power transactions from reported imports.

(C) Electricity system providers that are retail providers must also report total retail sales (MWh) in Oregon.

(D) Electricity system providers that are multi-jurisdictional retail providers that provide electricity into Oregon must also report the following:

(i) Total retail sales (MWh) in the contiguous service territory or power system that includes consumers in Oregon;

(ii) Retail sales (MWh) to Oregon customers served in Oregon's portion of the service territory; and

(iii) Multi-jurisdictional retail providers that serve Oregon load must report as specified power all power purchased or taken from facilities or units in which they have operational control or an ownership share or power contract.

(b) Utilize reporting tools issued by DEQ to calculate and 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 according to the following calculation methods:

(A) For electricity from unspecified sources, calculate the annual CO₂ equivalent emissions using the following equation:

$$CO_2e = MWh \times TL \times EF_{unsp}$$

Where:

CO₂e = $\frac{\text{Annual CO}_2 \text{ equivalent mass emissions from the unspecified electricity deliveries (MT CO}_2\text{e).}{\text{}}$

MWh = Megawatt-hours of unspecified electricity deliveries.
EF_{unsp} = Default emission factor for unspecified electricity imports equal to 0.428 MT CO₂e/MWh.
TL = Transmission loss correction factor for power not measured at the busbar is equal to 1.02 to account for transmission losses between the busbar and receipt in Oregon.

(B) For electricity from specified facilities or units, utilize reporting tools issued by DEQ to calculate the annual CO₂ equivalent emissions using the following equation:

$$CO_2e = MWh \times TL \times EF_{sp}$$

Where:

CO₂e = Annual CO₂ equivalent mass emissions from the specified electricity deliveries from each facility or unit identified (MT CO₂e).

MWh = Megawatt-hours of specified electricity deliveries from each facility or unit identified.

EF_{sp} = Facility-specific or unit-specific emission factor published by DEQ.

TL = Transmission loss correction factor for power not measured at the busbar is equal to 1.02 to account for transmission losses between the busbar and receipt in Oregon.

(i) Facility-specific or unit-specific emission factors published by DEQ must be used for calculating and reporting greenhouse gas emissions for a specified source of electricity. For facilities or units not found on DEQ's list, report facility-specific or unit-specific anthropogenic and biogenic emission factors expressed as metric tons of carbon dioxide equivalent per megawatt-hour of generation. DEQ may adopt the reported emission factors or may develop and assign facility-specific or unit-specific emission factors for the specified source.

(C) Based on annual reports submitted to DEQ according section (5)(e), DEQ will calculate and publish system emission factors for all approved asset-controlling suppliers. Calculate emissions for electricity supplier using the following equation:

$$CO_2 = MWh \times TL \times EF_{ACS}$$

Where:

CO₂e = Annual CO₂ equivalent mass emissions from the specified electricity deliveries from DEQ-recognized asset-controlling suppliers (MT CO₂e).

MWh = Megawatt-hours of specified electricity deliveries.

EF_{ACS} = Asset-controlling supplier system emission factor published by DEQ (MT CO₂e/MWh).

TL = Transmission loss correction factor for power not measured at the busbar is equal to 1.02 to account for transmission losses between the busbar and receipt in Oregon.

(i) DEQ will assign the system emission factors for all asset-controlling suppliers based on previous reports submitted to DEQ according to section (5)(e) or based on best available

data. The supplier-specific system emission factor is calculated annually by DEQ and is based on data from two years prior to the reporting year. DEQ will calculate the system emission factor for asset-controlling suppliers using the following equations:

$$EF_{ACS} = \text{Sum of System Emissions MT CO}_2e \div \text{Sum of System MWh}$$

$$\text{Sum of System Emissions MT CO}_2e = \frac{\sum E_{asp} + \sum (PE_{sp} \times EF_{sp}) + \sum (PE_{unsp} \times EF_{unsp}) - \sum (SE_{sp} \times EF_{sp})}{\sum (SE_{sp} \times EF_{sp})}$$

$$\text{Sum of System MWh} = \sum EG_{asp} + \sum PE_{sp} + \sum PE_{unsp} - \sum SE_{sp}$$

Where:

$\sum E_{asp}$ = Emissions from Owned Facilities. Sum of CO2e emissions from each specified facility/unit in the asset-controlling supplier's fleet, consistent with paragraph (5)(b)(B) (MT CO2e).

$\sum EG_{asp}$ = Net Generation from Owned Facilities. Sum of net generation for each specified facility/unit in the asset-controlling supplier's fleet for the data year as reported to DEQ under this division (MWh).

PE_{sp} = Electricity Purchased from Specified Sources. Amount of electricity purchased wholesale and taken from specified sources by the asset-controlling supplier for the data year as reported to DEQ under this division (MWh).

PE_{unsp} = Electricity Purchased from Unspecified Sources. Amount of electricity purchased wholesale from unspecified sources by the asset-controlling supplier for the data year as reported to DEQ under this division (MWh).

SE_{sp} = Electricity Sold from Specified Sources. Amount of wholesale electricity sold from specified sources by the asset-controlling supplier for the data year as reported to DEQ under this division (MWh).

EF_{sp} = CO2e emission factor as defined for each specified facility or unit calculated consistent with paragraph (5)(b)(B) (MT CO2e/MWh).

EF_{unsp} = Default emission factor for unspecified sources calculated consistent with paragraph (5)(b)(A) (MT CO2e/MWh).

(D) Multijurisdictional calculation. For a multijurisdictional entity reporting under this section, DEQ will rely upon a cost allocation methodology approved by the Oregon Public Utility Commission (OPUC) prior to the year 2020 for calculating emissions allocated in this state.

(E) Calculate and report the total sulfur hexafluoride (SF6) emissions from all transmission and distribution equipment owned or operated. Utilize the quantification methods in 40 C.F.R. 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.

(b)(c) Submit an annual greenhouse gas emissions registration and report to DEQ under section (78) by June 1 of each year.

(A) Utilize reporting tools issued by DEQ to calculate and report greenhouse gas emissions and supporting data as required above.

(B) 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.

(i) Third parties reporting on behalf of a consumer-owned utility must contact DEQ to request authorization prior to submitting any reports.

(C) For any reported emission factors for specified sources not found of DEQ's published list, provide supplemental documentation for the following:

(i) Describe how reported facility-specific or unit-specific emission factors are derived, including the necessary information for verification of these calculations. For verification purposes, retain meter generation data to document that the power claimed by the reporting person was generated by the facility or unit at the time the power was delivered in the state.

(ii) Provide documentation supporting claims of a specified source of electricity as defined by section (5)(d)(D).

(D) Retain for verification purposes NERC e-tags, power contracts, and all other necessary information to confirm reported electricity procurements and deliveries according to the recordkeeping requirements of this division.

(d) Requirements for claims of specified sources of electricity.

(A) Electricity system providers must claim a specified source when the electricity is considered to be delivered for use in Oregon and one of the following applies:

(i) The electricity importer is a facility or unit operator, full or partial owner, party to a contract for generation from the facility or generating unit, party to a tolling agreement and rents a facility or unit from the owner or is an exclusive power deliverer that is not a retail provider and that has prevailing rights to claim electricity from the specified source; or

(ii) The electricity importer has a power contract for electricity generated by the facility or unit, subject to meeting all other specified source requirements.

(B) Electricity procured from an asset-controlling supplier recognized by DEQ is considered a specified source.

(C) The emission factor published by DEQ must be used when reporting greenhouse gas emissions for a specified source of electricity.

(D) For specified source of electricity that is not found on DEQ's published list and for which facility-specific or unit-specific emission factors are reported, the electricity system provider must provide supplementation documentation detailing identifying information of the specified source, details and data elements of the emission factor calculation, and information on contracts or claims of the specified source.

(e) Electricity system providers that are asset-controlling suppliers may apply for an asset-controlling supplier designation from DEQ. Owners or operators of electricity generating facilities or those with exclusive rights to market electricity for certain generating facilities qualify as asset-controlling suppliers, and approved asset-controlling suppliers may request that DEQ calculate a supplier-specific emissions factor according to paragraph (5)(b)(C). To apply for asset-controlling supplier designation, the applicant must:

(A) Meet the requirements in this division, including reporting as described by this rule as applicable for each generating facility or unit in the supplier's fleet;

(B) Include in its emissions data report wholesale power purchased and taken (MWh) from specified and unspecified sources and wholesale power sold from specified sources according to the specifications in this section, and as required for DEQ to calculate a supplier-specific emission factor;

(C) Retain for verification purposes documentation that the power sold by the supplier originated from the supplier's fleet of facilities and either that the fleet is under the supplier's operational control or that the supplier has exclusive rights to market electricity for the fleet or facility;

(D) To apply for and maintain asset-controlling supplier status, submit the following information annually as part of an emissions data report:

(i) General business information, including business name and contact information;

(ii) List of officer names and titles;

(iii) Data requirements according to paragraph (5)(b)(C);

(iv) A list and description of electricity generating facilities for which the reporting entity is the facility or generating unit operator, full or partial owner, party to a contract for generation from the facility or generating unit, party to a tolling agreement with the owner, or has exclusive rights to claim the electricity; and

(v) An attestation, in writing and signed by an authorized officer of the applicant that the information submitted is true, accurate, and complete. Asset-controlling suppliers must annually adhere to all reporting requirements of this division, or be removed from asset-controlling supplier designation. Asset-controlling suppliers will also lose their designation if they receive an adverse verification statement according to the requirements of division 272, but may reapply in the following year for re-designation.

(6) Petroleum and natural gas systems. Any person subject to OAR 340-215-0030(6) must submit an annual greenhouse gas emissions registration and report for all emissions from industry segments physically located in Oregon utilizing EPA emission quantification methodologies as prescribed in 40 C.F.R. part 98 subpart W.

(7) Biomass-derived fuels. Persons reporting biomass-derived fuels must separately identify, calculate and report all direct emissions of CO2 resulting from the combustion of biomass-derived fuels as specified in sections (2) through (6).

(a) When reporting fuel consumption and emissions from renewable biomass-derived fuels, including but not limited to biomethane, renewable diesel, and renewable propane, report the following information for each contracted delivery:

(A) Name and address of the vendor from which the fuel is purchased;

(B) Name, address, and facility type of the facility from which the fuel is produced; and

(C) Annual amount delivered by each vendor in MMBtu for biomethane, standard cubic feet for other gaseous fuels, gallons for liquid fuels, and bone dry short tons for biomass-derived solids.

(b) Retain for verification purposes supporting documentation that authenticates the purchase of biomass-derived fuel between parties. The authentication may include bills of lading, invoices, or contracts confirming the source of fuel supplied in the state.

(A) Relevant documentation including invoices, shipping reports, allocation, and balancing reports, storage reports, in-kind nomination reports, and contracts must be made available for verifier or DEQ review to demonstrate the receipt of any biomass-derived fuels.

~~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 and distributed to end users in the state by the utility from the Bonneville Power Administration, segregated by the types of contracts the utility entered into 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 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; and

~~(C) For electricity the consumer-owned utility purchased from an entity other than the Bonneville Power Administration, report the number of megawatt hours of electricity purchased and distributed to end users in the state during the previous year including information, if known, on the seller of the electricity to the consumer-owned utility, 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.~~

~~(b) Submit an annual greenhouse gas emissions registration and report to DEQ 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.~~

~~(78) Emissions data reports. Except as provided in section (8),~~ The reporter must develop, submit, and certify registration and reports, and any revisions to the reports on paper or electronic forms (or both) and through reporting tools issued by DEQ, and include the following information:

(a) In addition to the items specified at 40 C.F.R. 98.3(c), each reporting entity must include in the emissions data reports ~~s~~ Source information such as source name, address, contact person, phone number, and permit number, if applicable.

~~(b) Information as required by OAR 340-215-0040~~ sections (1) through (66), including but not limited to fuel volume and type, estimated annual emissions, activity data, emission factors, conversion factors, and the calculation methods used to determine emissions; ~~and,~~

(A) The owner or operator of an air contamination source identified in OAR 340-215-0030(2) with emissions exceeding 25,000 MT CO₂e during the previous calendar year must include the following information in the emissions data report:

(i) Whether a change in the source's operations or status resulted in an increase or decrease of more than five percent in emissions of greenhouse gases in relation to the previous data year.

(ii) If there is an increase or decrease of more than five percent in emissions of greenhouse gases in relation to the previous year, the owner or operator must provide a brief narrative description of what caused the increase or decrease in emissions. Include in this description any changes in air contamination source permit status.

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

(A) Each reporting entity must designate a reporting representative and adhere to the requirements of 40 C.F.R. 98.4 for this representative and for any named alternate designated representatives.

~~(8d) Any person required to report greenhouse gases emitted during a year to the EPA under 40 C.F.R. part 98 may submit a copy of that report to DEQ instead of the registration and report required in section (7) for greenhouse gases emitted during the same year. DEQ may require the submission of additional information if the copy of the report submitted to the EPA is not materials are not sufficient to determine or verify greenhouse gas emissions and related information. The purpose of this section is to eliminate duplicative reporting where possible, but to retain DEQ's authority to require reporting information this division requires that was not submitted in the EPA report.~~

(9) Recordkeeping requirements. Any person required to report under this division must retain records as required in 40 C.F.R. 98.3(g)-(h) with the following qualifications, and must retain supporting documentation including production information, fuel use records, and emission calculations used to prepare the greenhouse gas annual report.

~~(a) These records and greenhouse gas annual reports must be retained~~ Persons subject to this division must maintain all records required in 40 C.F.R. 98.3(g), and records associated with revisions to emissions data reports as provided under 40 C.F.R. 98.3(h), for a minimum of ten years from the date of emissions data report certification. The retained documents, including greenhouse gas emissions data and input data; data associated with thermal energy provided, sold, purchased or acquired; and data associated with electricity provided, sold, purchased or acquired, must be sufficient to allow for verification of each emissions data report.

(b) Copies of any records or other materials maintained under the requirements of 40 C.F.R. part 98 or this division must be made available to DEQ upon request, within 14 days of receipt of such request by the designated representative of the reporting entity, unless a different schedule is agreed to by DEQ. This includes, but is not limited to, information used to quantify or report emissions in the data report, underlying monitoring and metering data, invoices of receipts or deliveries, sales transaction data, calculation methods, protocols used, analysis results, calibration records, electricity transaction data, and other relevant information.

(10) All persons required to report under this division must provide in a reasonably timely manner any and all information that DEQ requires for the purposes of assessing applicability, verifying or investigating either actual or suspected sources of greenhouse gas emissions or to ascertain compliance or noncompliance with rules in this division.

Statutory/Other Authority: ORS 468A.050

Statutes/Other Implemented: ORS 468 & 468A

History:

[DEQ 5-2019, amend filed 01/24/2019, effective 01/24/2019](#)

[DEQ 125-2018, minor correction filed 04/11/2018, effective 04/11/2018](#)

DEQ 12-2015, f. & cert. ef. 12-10-15

DEQ 11-2011, f. & cert. ef. 7-21-11

DEQ 12-2010, f. & cert. ef. 10-27-10

DEQ 13-2008, f. & cert. ef. 10-31-08

340-215-0060

Greenhouse Gas Reporting Fees

(1) Any person required to register and report under OAR 340-215-0030(2)(a) must submit greenhouse gas reporting fees to DEQ as specified in OAR 340-220-0050(3) and 340-220-0110(6).

(2) Any person required to register and report under OAR 340-215-0030(2)(b) must submit greenhouse gas reporting fees to DEQ as specified in OAR 340-216-8020 part 2.

Statutory/Other Authority: ORS 468.020 & 468A.050

Statutes/Other Implemented: ORS 468 & 468A

History:

DEQ 12-2015, f. & cert. ef. 12-10-15

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