



Oregon Department of Environmental Quality
Nov. 1, 2018

Notice of Proposed Rulemaking

Greenhouse Gas 2018 Update

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Introduction

DEQ invites public input on proposed permanent rule amendments to chapter 340 of the Oregon Administrative Rules.

Background

The Environmental Quality Commission approved greenhouse gas reporting rules in 2008 and updated the rules in 2010 and again in 2015 to align more closely with EPA reporting requirements for sources with air quality permits. These rules govern the collection of annual greenhouse gas emissions information from certain facilities, including industrial facilities with air quality permits, wastewater treatment facilities, fossil fuel suppliers, electricity suppliers and large landfills.

DEQ proposal

DEQ proposes the following changes to OAR 340, division number **215** that will:

- Clarify language and terms in the rule.
- Update the reference to the federal greenhouse gas reporting rule quantification methodology and definitions for use when reporting greenhouse gases.
- Provide the program with clear investigative authority to collect information from all entities required to report 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.

More information

Information about this rulemaking is on this rulemaking's web page: [Greenhouse Gas 2018](#)

Public Hearings

DEQ will hold public hearings on this rulemaking. See the Public Notice and Hearings section below for details.

How to comment on this rulemaking proposal

DEQ is asking for public comment on the proposed rules. Anyone can submit comments and questions about this rulemaking. A person can submit comments through an online web page, by regular mail or at the public hearing.

Comment deadline

DEQ will only consider comments on the proposed rules that DEQ receives by 4 p.m., on November 30th, 2018.

Submit comment online

[Greenhouse Gas 2018 Comment Page](#)

Note for public university students:

ORS 192.501(29) allows Oregon public university and OHSU students to protect their university email addresses from disclosure under Oregon's public records law. If you are an Oregon public university or OHSU student you may omit your email address when you complete the online form to submit a comment.

By mail

Oregon DEQ
Attn: Elizabeth Elbel
700 NE Multnomah St Ste 600
Portland, OR 97232-4100

At hearing

November 28th, 2018.

What will happen next?

DEQ will include a written response to comments in a staff report DEQ will submit to the Environmental Quality Commission. DEQ may modify the rule proposal based on the comments.

Present proposal to the EQC

Proposed rules only become effective if the Environmental Quality Commission adopts them. DEQ plans to present the proposed rules to the commission for a decision at its meeting in early 2019.

Sign up for rulemaking notices

Get email updates about future DEQ rulemaking by signing up through: [GovDelivery](#).

or on the rulemaking web site.

Accessibility information

You may review copies of all documents referenced in this announcement at:

Oregon Department of Environmental Quality
700 NE Multnomah St Ste 600
Portland, OR 97232-4100

To schedule a review of all websites and documents referenced in this announcement, call Elizabeth Elbel, Portland, at 503-229-6476 (800-452-4011, ext. 5622 toll-free in Oregon).

Please notify DEQ of any special physical or language accommodations or if you need information in large print, Braille or another format. To make these arrangements, contact DEQ,

Portland, at 503-229-5696 or call toll-free in Oregon at 1-800-452-4011, ext. 5696; fax to 503-229-6762; or email to deqinfo@deq.state.or.us. Hearing impaired persons may call 711.

Overview

Short summary

DEQ proposes the Oregon Environmental Quality Commission approve the proposed rules that:

- Clarify language and terms in the rule
- Update the reference to the federal greenhouse gas reporting rule quantification methodology and definitions for use when reporting greenhouse gases from sources.
- Provide the program with clear investigative authority to collect information from all entities required to report 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.

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. In 2015 the rules were updated again to align reporting requirements with EPA's quantification methodology for sources with air quality permits. 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 the authority to collect comprehensive data about Oregon's overall greenhouse gas emissions.

Regulated parties

- Air contamination sources that directly emit 2,500 metric tons or more of carbon dioxide equivalent during a year
- Fuel suppliers including gasoline, diesel and aircraft fuel dealers
- Natural gas suppliers
- Propane suppliers
- Investor-owned utilities
- Consumer-owner utilities
- Other electricity suppliers

Request for other options

During the public comment period, DEQ requests public comment on whether to consider other options for achieving the rules' substantive goals while reducing the rules' negative economic impact on business.

Statement of need

Proposed Rule or Topic	Discussion
Update rule language and terms	
What need would the proposed rule address?	Language and terms in the current rule need to be refined, defined and clarified to improve rule interpretation and applicability.
How would the proposed rule address the need?	The proposed changes would create consistency by updating terms used in the rule and updating language necessary for clarification of applicability determination.
How will DEQ know the rule addressed the need?	The updated language and terms will improve interpretation of the rule leading to more straightforward interpretations of applicability.
Update the reference to EPA rule	
What need would the proposed rule address?	The rule requires, by reference, the use of EPA’s greenhouse gas emissions quantification methodology for reporting by industrial facilities. This reference is currently out of date.
How would the proposed rule address the need?	The proposed changes would reference the most current version of EPA’s quantification methodology requiring the use of current methods for reporting emissions
How will DEQ know the rule addressed the need?	The update would remove any confusion for regulated entities in regards to the version of quantification methodology and quantification factors that must be used for reporting. This would create consistency for data collection and reduce the amount of technical assistance needed to clarify methodology
Clearly provide the GHG program with investigative authority for all sources and suspected sources subject to the rule	
What need would the proposed rule address?	The current language does not clearly grant authority to the program to request any documentation needed to allow for the determination of applicability for all suspected sources regulated by the rule.
How would the proposed rule address the need?	The proposed rule changes would clarify DEQ’s authority to request information from all actual and suspected GHG sources subject to the rule including air permitted sources, and fuel and electricity suppliers.

Proposed Rule or Topic	Discussion
	This will allow the program to more accurately assess applicability and ascertain compliance
How will DEQ know the rule addressed the need?	The reporting program will be able to request all information needed to assess and document applicability from all sources and suspected sources subject to the rule. The program will have greater assurance that the data reported to the program is accurate, complete and not duplicative.

Rules affected, authorities, supporting documents

Lead division

Air Quality

Program or activity

Greenhouse Gas Reporting

Chapter 340 action

Amend - OAR

340-215-0020

340-215-0030

340-215-0040

Statutory authority - ORS

ORS 468.020 ORS 468A.050 ORS 468A.280

Statute implemented - ORS

ORS 468 ORS 468A ORS 468.095

Documents relied on for rulemaking

Document title	Document location
DEQ 2010 Rulemaking Staff Report	700 NE Multnomah St Ste 600 Portland, OR 97232-4100
DEQ 2015 Rulemaking Staff Report	700 NE Multnomah St Ste 600 Portland, OR 97232-4100
EPA 40 CFR Part 98 Rules	https://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=be77ce6e756f0befaa0dd95743342e&tpl=/ecfrbrowse/Title40/40cfr98_main_02 1

Fee Analysis

The proposed rule changes do not involve changes to fees.

Statement of fiscal and economic impact

Fiscal and Economic Impact

DEQ estimates no change in fiscal impact as a result of the proposed changes to the rule. The proposed changes only clarify language in the rule and do not increase the reporting burden or fees to regulated entities.

Statement of Cost of Compliance

For all regulated entities DEQ estimates no change in the cost of compliance as a result of the proposed changes to the rule. The proposed changes only clarify language in the rule and do not increase the reporting burden to regulated entities.

State agencies

The proposed changes only clarify language in the rule and do not increase the reporting burden or fees to regulated entities or state agencies.

Local governments

The proposed changes only clarify language in the rule and do not increase the reporting burden or fees to regulated entities or local governments.

Public

The proposed changes only clarify language in the rule and do not increase the reporting burden or fees to regulated entities. There are no direct or indirect fiscal impacts as a result of the proposed rules to the public.

Large businesses - businesses with more than 50 employees

DEQ does not anticipate any change in the fiscal impacts from the proposed rules to large businesses. The proposed changes only clarify language in the rule and do not increase the reporting burden to regulated entities. This rulemaking would not change the existing cost of compliance or reporting fees

Small businesses – businesses with 50 or fewer employees

DEQ does not anticipate any change in the fiscal impacts from the proposed rules to small businesses. The proposed changes only clarify language in the rule and do not increase the reporting burden to regulated entities. This rulemaking would not change the existing cost of compliance.

a. Estimated number of small businesses and types of businesses and industries with small businesses subject to proposed rule.

An analysis of the companies currently subject to the reporting rule allowed DEQ to estimate that approximately 50 small business are currently subject to reporting. These include small 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.

No additional activities are required to comply with the proposed rules and no changes would be made to fees currently required by the program. To determine applicability for reporting DEQ will rely on records currently maintained by the businesses.

c. Projected equipment, supplies, labor and increased administration required for small businesses to comply with the proposed rule.

No additional resources are required for compliance with the proposed rules and no changes would be made to fees currently required by the program.

d. Describe how DEQ involved small businesses in developing this proposed rule.

DEQ involved small business in the original stakeholder advisory committee meetings in 2009 and sent letters to businesses that DEQ anticipated would be impacted by the original rules. DEQ has continued to provide notice of any changes to the rule or protocols to affected businesses and stakeholders.

Documents relied on for fiscal and economic impact

Document title	Document location
2015 Greenhouse Gas Rulemaking Notice	700 NE Multnomah St Ste 600 Portland, OR 97232-4100
Greenhouse Gas Reporting Requirements and Fees: Statement of Need and Fiscal and Economic Impact	700 NE Multnomah St Ste 600 Portland, OR 97232-4100

Advisory committee

DEQ did not convene an advisory committee. The changes proposed to the rule clarify and update rule language and do not change reporting obligations or fees under the rule. DEQ found that there would be no new significant adverse fiscal impacts due to the nature of the rule changes.

Housing cost

As ORS 183.534 requires, DEQ evaluated whether the proposed rules would have an 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. DEQ determined the proposed rules would have no effect on the development costs because the proposed changes clarify the rule language but do not change reporting obligations or fees for regulated entities creating no additional reporting burden.

Federal relationship

Relationship to federal requirements

ORS 183.332, 468A.327 and OAR 340-011-0029 require DEQ to attempt to adopt rules that correspond with existing equivalent federal laws and rules unless there are reasons not to do so.

The proposed rules would adopt federal quantification methodology from 40 CFR part 98 for calculating greenhouse gas emissions from large air permitted facilities.

The proposed rules add requirements in addition to federal requirements. The federal threshold for reporting by air permitted facilities is 25,000 metric tons of carbon dioxide equivalent. DEQ's rules have a lower threshold requiring any air permitted facility emitting over 2,500 metric tons of carbon dioxide equivalent to report. In addition, DEQ's rules require reporting from additional sources not subject to federal reporting rules including reporting by natural gas suppliers, fuel suppliers, electricity suppliers, and landfills.

The additional requirements allow DEQ to collect more comprehensive state level data on large sources of greenhouse gases needed to assess Oregon's contribution to global emissions for major emitting sectors and for emissions and policy analysis.

What alternatives did DEQ consider if any?

DEQ allows currently submitted to EPA but did not propose the alternative for adoption because the public reports were not sufficient for determining emissions from all sources of greenhouse gases. However, this rulemaking aligns the required quantification methodology with federal requirements reducing the reporting burden to sources.

Land use

Land-use considerations

In adopting new or amended rules, ORS 197.180 and OAR 340-018-0070 require DEQ to determine whether the proposed rules significantly affect land use. If so, DEQ must explain how the proposed rules comply with state wide land-use planning goals and local acknowledged comprehensive plans.

Under OAR 660-030-0005 and OAR 340 Division 18, DEQ considers that rules affect land use if:

- The statewide land use planning goals specifically refer to the rule or program, or
- The rule or program is reasonably expected to have significant effects on:
 - Resources, objectives or areas identified in the statewide planning goals, or
 - Present or future land uses identified in acknowledged comprehensive plans

To determine whether the proposed rules involve programs or actions that affect land use, DEQ reviewed its Statewide Agency Coordination plan, which describes the DEQ programs that have been determined to significantly affect land use. DEQ considers that its programs specifically relate to the following statewide goals:

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

Statewide goals also specifically reference the following DEQ programs:

- Nonpoint source discharge water quality program – Goal 16
- Water quality and sewage disposal systems – Goal 16
- Water quality permits and oil spill regulations – Goal 19

Determination

DEQ determined that the proposed rules do not affect land use under OAR 340-018-0030 or DEQ's State Agency Coordination Program.

Stakeholder and public involvement

Advisory committee

DEQ did not convene an advisory committee because the changes proposed to the rule clarify and update rule language but do not change reporting obligations or fees under the rule.

Public notice and hearings

Public notice

DEQ provided notice of the proposed rulemaking and rulemaking hearing on November 28th, 2018 by:

- On October 26, 2018 filing notice with the Oregon Secretary of State for publication in the November 1, 2018 Oregon Bulletin;
- Notifying the EPA by mail;
- Posting the Notice, Invitation to Comment and Draft Rules on the web page for this rulemaking, located at: [Greenhouse Gas 2018](#);
- Emailing approximately 11,335 interested parties on the following DEQ lists through GovDelivery:
 - Rulemaking
 - Greenhouse Gas Reporting
 - DEQ Public Notices
 - Climate Change
- Emailing 300 stakeholders currently registered in DEQ's greenhouse gas reporting program
- Emailing the following key legislators required under ORS 183.335:
 - Representative Tina Kotek, House Speaker,
 - Senator Peter Courtney, Senate President
 - Senator Michael Dembrow, Chair, Senate Environment and Natural Resources Committee
 - Representative Ken Helm, Chair, House Committee on Energy and Environment
- Postings on Twitter and Facebook
- Posting on the DEQ event calendar: [DEQ Calendar](#)

Public hearings

DEQ plans to hold one public hearing(s). The details are listed below. Anyone can attend a hearing in person, or by webinar or teleconference.

DEQ will consider all written comments received at the hearings listed below before completing the draft rules. DEQ will summarize all comments and respond to comments in the Environmental Quality Commission staff report.

Hearing 1

Date	November 28 th , 2018
Time	1pm
Street Address	700 NE Multnomah St Ste 600
Conference Room	1101
City	Portland, Oregon
Presiding Officer	DEQ staff
Staff Presenter	Elizabeth Elbel
Call-in Phone Number	888-278-0296
Participant ID	8040259
Instructions on how to access webinar and teleconference	Webinar instructions

How to comment on the proposed rules:

Submit comment online

[Greenhouse Gas 2018 Comment Page](#)

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By mail

Oregon DEQ
 Attn: Elizabeth Elbel
 700 NE Multnomah St Ste 600
 Portland, OR 97232-4100

At the hearing

Close of public comment period

The comment period will close 4 p.m. on November 30, 2018

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 700 NE Multnomah St., Ste. 600

Portland, OR, 97232

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Draft Rules - With Edits Highlighted

Key to Identifying Changed Text:

~~Deleted Text~~

New/inserted text

~~Text deleted from one location~~ - and moved to another location

DEPARTMENT OF ENVIRONMENTAL QUALITY

Division 215 GREENHOUSE GAS REPORTING REQUIREMENTS

340-215-0010

Purpose and Scope

- (1) This division establishes requirements and procedures for annually registering and reporting greenhouse gas emissions to DEQ.
- (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.

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) “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) “C.F.R.” means Code of Federal Regulations and, unless otherwise expressly identified, refers to the ~~July 1, 2015~~ [December 9, 2016](#) edition.

(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.

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

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

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

(9) 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.

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

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

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

(13) “Year” means calendar year.

Statutory/Other Authority: ORS 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

340-215-0030

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 meet or exceed 2,500 metric tons during a year, the owner or operator must annually register and report in each subsequent year, regardless of the amount of the source’s direct emissions of greenhouse gases in future years, except as provided in sections (7) and (8).

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

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

(c) The following sources not otherwise listed in 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) ~~Gasoline, diesel and aircraft fuel dealers~~ suppliers including but not limited to gasoline, diesel and aircraft dealers. Any person listed in this section that imports, sells or distributes ~~gasoline, diesel or aircraft~~ fuel for use in the state must register and report as OAR 340-215-0040(2) 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 imports, sells or distributes at least 5,500 gallons of gasoline, diesel 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 sections 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).

(4) Natural gas suppliers. Any person that imports, sells or distributes natural gas to end users in the state must register and report in accordance with OAR 340-215-0040(3).

(5) ~~Propane importers~~ 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.

(6) Electricity suppliers. 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 state must register and report as OAR 340-215-0040(5) through (6) require.

(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) Exemptions for air contamination sources.

(a) An owner or operator is no longer subject to section (2) if the owner or operator retains records under subsection (8)(b), 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~~ 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 that, under paragraph (8)(a)(A) is no longer subject to section (2), must retain, for five years following the last year that they were subject to section (2), 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 does not meet or exceed the emission threshold.

(c) 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.

Statutory/Other Authority: ORS 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

340-215-0040

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 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) 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 C.F.R. part 98 subpart C ~~tier 4~~; 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.

(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;

(c) Report emissions of CO₂ that originate from biomass separately from other greenhouse gas emissions; and

(d) Submit an annual greenhouse gas emissions registration and report to DEQ 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 suppliers including but not limited to gasoline, diesel and aircraft dealers. Any person required to register and report under OAR 340-215-0030(3) must:

(a) Report the fuel type and quantity ~~of gasoline, diesel or aircraft fuel~~ imported, sold, or distributed for use in this state during the previous year as follows:

(A) Report individual fuel type as defined in 40 C.F.R. 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 DEQ by March 31 of each year, as follows:

(A) An annual greenhouse gas emissions registration and report ~~pursuant to~~ 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.

(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.

(4) Propane ~~wholesalers~~suppliers. 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) All investor-owned utilities, electricity service suppliers and other electricity 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;

(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

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

(b) Submit an annual greenhouse gas emissions registration and report to DEQ 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 and distributed to end users in the bystate 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.

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

(a) 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(1) through (6), 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

(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 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 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) Any person required to report under this division must retain [records of supporting documentation](#) ~~all production~~ [including 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.

[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 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

DEPARTMENT OF ENVIRONMENTAL QUALITY

Division 215 GREENHOUSE GAS REPORTING REQUIREMENTS

340-215-0010

Purpose and Scope

- (1) This division establishes requirements and procedures for annually registering and reporting greenhouse gas emissions to DEQ.
- (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.

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

(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.

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

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

(7) “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.

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

(9) 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.

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

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

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

(13) “Year” means calendar year.

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

Statutes/Other Implemented: ORS 468 & 468A

History:

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 meet or exceed 2,500 metric tons during a year, the owner or operator must annually register and report in each subsequent year, regardless of the amount of the source's direct emissions of greenhouse gases in future years, except as provided in sections (7) and (8).

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

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

(c) The following sources not otherwise listed in 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 including but not limited to gasoline, diesel and aircraft dealers. Any person listed in this section that imports, sells or distributes fuel for use in the state must register and report as OAR 340-215-0040(2) 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 imports, sells or distributes at least 5,500 gallons of gasoline, diesel 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 sections 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).

(4) Natural gas suppliers. Any person that imports, sells or distributes natural gas to end users in the state must register and report in accordance with OAR 340-215-0040(3).

(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.

(6) Electricity suppliers. 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 state must register and report as OAR 340-215-0040(5) through (6) require.

(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) Exemptions for air contamination sources.

(a) An owner or operator is no longer subject to section (2) if the owner or operator retains records under subsection (8)(b), 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 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 that, under paragraph (8)(a)(A) is no longer subject to section (2), must retain, for five years following the last year that they were subject to section (2), 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 does not meet or exceed the emission threshold.

(c) 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.

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) 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) 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 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.

(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;

(c) Report emissions of CO₂ that originate from biomass separately from other greenhouse gas emissions; and

(d) Submit an annual greenhouse gas emissions registration and report to DEQ 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) Fuel suppliers including but not limited to gasoline, diesel and aircraft dealers. Any person required to register and report under OAR 340-215-0030(3) must:

(a) Report the fuel type and quantity imported, sold, or distributed for use in this state during the previous year as follows:

(A) Report individual fuel type as defined in 40 C.F.R. part 98 subpart MM for suppliers of petroleum products, including the type of 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 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.

(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.

(4) Propane suppliers. 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) All investor-owned utilities, electricity service suppliers and other electricity 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;

(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

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

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

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

(a) 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(1) through (6), 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

(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 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 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) Any person required to report under this division must retain records of supporting documentation including 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.

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 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

340-215-0060

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:

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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