



Draft Rules – Division 215

Key to Identifying Changed Text:

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DEPARTMENT OF ENVIRONMENTAL QUALITY

DIVISION 215

OREGON GREENHOUSE GAS REPORTING REQUIREMENTS PROGRAM

Summary of Changes: Incorporate existing reporting and emissions accounting protocols into rule; streamline reporting requirements of the Greenhouse Gas Reporting Program and Clean Fuels Program; and require records retention to allow for third-party verification of emissions data reports submitted under this division.

340-215-0010

Purpose and Scope

(1) This division establishes greenhouse gas registering, reporting, verification and other requirements ~~and procedures for annually registering and reporting greenhouse gas emissions to DEQ~~ 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 the provisions of title 40, Code of Federal Regulations (C.F.R.), part 98 that are specifically referenced in rules within the division. 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 in this division to 40 C.F.R. part 98 are to those requirements promulgated by EPA and published in the Federal Register on December 9, 2016. Unless otherwise specifically provided, for the provisions of 40 C.F.R. part 98 (the “federal rules”) that are incorporated by reference in this division:

(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; and;

(c) Where any incorporated provisions of 40 C.F.R. part 98 are in conflict with requirements in this division, the requirements in this division shall take precedence and are the provisions that reporting entities must follow.

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” or “ACS” means a 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 that has been designated by DEQ as an asset-controlling supplier under OAR 340-215-0120(8) and received a DEQ-published emission factor. Asset controlling suppliers are specified sources.

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

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

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

~~(6)~~ “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.

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

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

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

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

(11) “Cease to operate” for the purposes of this division means the air contamination source did not operate any GHG –emitting processes for an entire 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.

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

(13) “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.

(14) “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.

(15) “Designated representative” means the person responsible for certifying, signing, and submitting a greenhouse gas emissions data report, and any registration or report required to be submitted under this division, on behalf of a regulated entity.

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

(17) “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).

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

(19) “Electricity generating unit” means any combination of physically connected generator(s), reactor(s), boiler(s), combustion turbine(s), or other prime mover(s) operated together to produce electric power.

~~(205)~~ “Electricity service supplier” has the meaning given that term in ORS 757.600.

(21) “Electricity supplier” means persons that import, sell, allocate, or distribute electricity to end users in the state, including but not limited to the following types of entities:

(a) Investor-owned utilities;

(b) Electricity service suppliers;

(c) Consumer-owned utilities;

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

(23) “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.

(24) “Fluorinated heat transfer fluids” is a fluorinated GHG that has the meaning given to that term in 40 C.F.R. -98.98.

(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 carbon dioxide (the reference gas). The GWPs used for emissions estimation and reporting are specified in 40 C.F.R. part 98, subpart A, Table A-1-Global Warming Potentials.

~~(626)~~ “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.

~~(829)~~ 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

(31) “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 across state boundaries for consumer use in Oregon and that 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 natural gas end users” means any end user receiving greater than or equal to 460,000 Mscf during the previous 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. This excludes intrastate pipelines.

(36) “Multi-jurisdictional utility” means a utility that is an electricity retail provider to customers in a service territory that is at least partially located in Oregon and at least one other state.

(3710) “Metric ton,” “tonne,” “~~or~~ metric tonne,” or “MT” means ~~one metric tonne (1000 kilograms)~~ ~~or~~ a common international measurement for mass, equivalent to 2204.62 pounds or 1.1 short tons.

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

(39) “Mscf” means one thousand standard cubic feet.

(40) “Natural gas marketer” means a person that arrange for the purchasing or selling of natural gas but that does not own physical assets in Oregon commonly used in the supply of natural gas such as pipelines.

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

(4211) “Perfluorocarbons” (PFCs) means gaseous chemical compounds containing only carbon and fluorine atoms.

(43) “Position holder” means any person that holds the inventory position in gasoline,

distillate fuel, ethanol, biodiesel, renewable diesel, 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.

(44) “Power contract” means a written document, including associated verbal or electronic records if included as part of the power contract, arranging for the procurement of electricity. 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 identified and agreed upon at a time prior to the delivery of the 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 to written agreements to import or export on behalf of another person.

(45) “Pre-charged equipment” has the meaning in 40 C.F.R. 98.438.

(46) “Preference sales” means power distributed by Bonneville Power Administration to Oregon consumer-owned utilities, other than “surplus” power as that term is defined in 16 U.S.C. 839c(f) (2017).

(47) “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.

(48) “Regulated entity” means any person subject to requirements to register and report under this division, as identified in OAR 340-215-0030.

(49) “Retail sales” means electricity sold to retail end users.

(50) “Shut down” means that the reporting person has evidence that all industrial operations of a regulated entity 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.

~~(51)~~ (51) “Specified source” means electricity from a facility, unit, or ACS which is identified and agreed upon through a power contract ~~for electricity~~ as the source of electricity prior to the delivery of that electricity.

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

(53) “Thermal energy” means the thermal output produced by a combustion source used directly as part of a manufacturing process, industrial or commercial process, or heating or cooling application, but not used to produce electricity.

(54) “Transmission loss correction factor” or “TL” means the correction to account for transmission losses between the busbar and receipt in Oregon, which is either known if measured at the busbar, or is the default factor equal to 1.02 for power not measured at the busbar.

(56) “Unspecified source of electricity” or “unspecified source” means a source of electricity that is not from a specified source.

(57) “Verification” means a systematic and documented process for evaluation of an emissions data report as conducted by DEQ or in accordance with OAR -chapter 340, division 272.

(58~~12~~) “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

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 in compliance with this division~~greenhouse gases directly emitted during the previous year~~, if the source’s direct GHG emissions ~~of carbon dioxide equivalent of greenhouse gases~~ meet or exceed 2,500 ~~metric tons~~MT CO₂e during the previous year. Once a source’s direct GHG emissions ~~of carbon dioxide equivalent of greenhouse gases~~ meet or exceed 2,500 ~~metric tons~~MT CO₂e 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 GHG emissions ~~of greenhouse gases~~ in future years, except as provided in ~~sections (7) and (8)~~OAR 340-215-0032 and OAR 340-215-0034.

(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 are not required to report greenhouse gas emissions to EPA under 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.

(C) Electric power system facilities as defined in 40 C.F.R. part 98 subpart DD located in Oregon and owned or operated by investor-owned utilities.

(3) Fuel suppliers and in-state producers including but not limited to gasoline, ~~diesel distillate fuel oil, propane,~~ and aircraft fuel dealers ~~ircraft dealers.~~

(a) Except as provided in subsections (b) and (c), Any person ~~persons~~ listed in this section that imports, sells, or ~~distribut~~distributes fuel for use in the state, must register and report ~~as in compliance with this division~~ OAR 340-215-0040(2) requires:

~~(aA)~~ (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;

~~(bB)~~ (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

~~(eC)~~ (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)~~ (b) Persons listed in subsections ~~OAR 340-215-0030(3)(a)(bB)~~ and ~~((eC)~~ 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)(aA)~~.

(c) Persons that import propane for use in the state are not subject to reporting if annual imports brought into the state are less than 10,500 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, compressed natural gas, or liquefied natural gas, or any person that imports, sells, or distributes natural gas, compressed natural gas, or liquefied natural gas to end users in the state must register and report in compliance with this division ~~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.~~

~~(5) Electricity suppliers. All investor-owned utilities, [multi-jurisdictional 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~~ [in compliance with this division](#).~~

[\(6\) Petroleum and natural gas systems. Any owner or operator of a facility as defined in 40 C.F.R. 98.238 with one or more industry segments listed in 40 C.F.R. 98.230\(a\)\(1\) through \(10\) physically located in Oregon must register and report in compliance with this division, if GHG emissions for industry segments physically located in Oregon meet or exceed 2,500 MT CO₂e during the previous 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 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

[340-215-0032](#)

[Deferrals and Exemptions](#)

~~(17) 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 [reporting](#) protocols are not available or that other extenuating circumstances make reporting unfeasible.

[Statutory/Other Authority: ORS 468A.050 & 468A.280](#)

[Statutes/Other Implemented: ORS 468 & 468A](#)

[History:](#)

340-215-0034

Changes in Ownership and Cessation of Reporting Requirements

(1) Cessation of reporting for reduced emissions.

(a) ~~A n owner or operator regulated entity~~ regulated entity -is no longer required to report ~~subject to section (2) if the regulated entity retains the owner or operator retains~~ records as required in ~~under~~ subsection ~~(8)(b)~~, makes the report required in subsection (c), and if any of the following are applicable: ~~and:~~

(A) ~~The source's d~~Direct total reported emissions for air contamination sources are less than 2,500 ~~metric tons of carbon dioxide equivalent of greenhouse gases~~MT CO₂e per year for ~~at three~~ consecutive three years period; ~~or~~ If total reported emissions for an owner or operator meets or 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, including natural gas suppliers, that cease to supply fuel in Oregon after submitting an emissions data report for the year in which they ceased to supply fuel in Oregon.

(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(4)(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; or:

(C) Electricity suppliers that cease to supply electricity in Oregon, after submitting an emissions data report for the year in which they ceased to supply electricity in Oregon.; If an electricity supplier provides electricity in Oregon in any year after the reporting cessation requirements have been met, the electricity supplier 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 must maintain the records required under OAR 340-215-0042 ~~retain,~~ for a period of ~~five~~ seven 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 cessation of reporting requirements of this section 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.~~

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

(a) If the operations of an air contamination source are changed such that all applicable greenhouse gas 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 greenhouse gas emitting processes and operations ceased to operate.

(b) The owner or operator must submit a notification to DEQ that announces the cessation of reporting and certifies to the cessation of all greenhouse gas 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 operational cessations, other temporary cessation of operations, or solid waste disposal facilities that are required to report under 40 C.F.R. part 98.

(3) Changes in ownership or operational control.

(a) If a regulated entity undergoes a change of ownership or operational control, the following requirements apply regarding reporting and providing notice to DEQ.

(A) Upon 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 providing 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 operated by DEQ.

(B) Reporting responsibilities. Except as specified in subparagraph (iii) below and OAR 340-215-0034(1)(a)(B)(i), the owner or operator of record at the time of a reporting deadline specified in this division has the responsibility for complying with the requirements of this division.

(i) If an ownership change takes place during the 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.

(4) Any person specified in OAR 340-215-0030 must resume reporting for any future year during which any of the greenhouse gas 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

340-215-0040

Greenhouse Gas Registration and Reporting Requirements

(1) Each regulated entity must meet the applicable requirements for monitoring, missing data procedures, standardized methods, data reporting, and records retention as specified in 40 C.F.R. part 98, except as modified by this rule.

(2) Each registration or report submitted by a regulated entity according to this division must contain certification by a designated representative of the truth, accuracy, and completeness of the submission. This certification and any other certification required under this division must state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. The certification must contain the following statement: “Based on information and belief formed after reasonable inquiry, the statements and information submitted are true, accurate and complete.”

(3) DEQ may require a regulated entity to submit additional information if submitted materials are not sufficient to determine or verify greenhouse gas emissions and related information. Regulated entities must provide within 45 days of notification any and all information that DEQ requires for the purposes of assessing applicability, verifying or investigating either or both actual and suspected sources of greenhouse gas emissions, and to

ascertain compliance and noncompliance with rules in this division.

(4) Calculating total greenhouse gas emissions. Total carbon dioxide equivalent emissions (MTCO₂e) must be calculated as the sum of the CO₂, CO₂ from biomass-derived fuels, CH₄, N₂O, and each fluorinated GHG required to be reported in an emissions data report in compliance with this division using equation A-1 in C.F.R. 98.2(b)(4).

(5) Alternative calculation methods. Regulated entities may petition to use calculation methods other than those specified in this division. Regulated entities must receive DEQ approval to use alternative calculation methods prior to reporting and must meet the requirements of this division.

(6) Third-party verification of emissions data reports. Regulated entities must comply with the requirements of OAR chapter 340, division 272 for third-party verification of emissions data reports, as applicable.

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

340-215-0042

Recordkeeping Requirements

(1) Regulated entities must document methods and procedures, including but not limited to the procedure used for all missing data estimates and standardized methods applied, and retain records according to the recordkeeping requirements of this rule.

(2) Regulated entities must retain records of supporting documentation, including production information, fuel use records, emission calculations and emissions data, and any other data or information required by or used to prepare the emissions data report.

(3) Regulated entities must retain records sufficient to document and allow for verification of each emissions data report submitted to DEQ. This includes, but is not limited to, information used to quantify or report emissions, 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. Fuel suppliers must retain records for exported products.

(4) Regulated entities must retain all records as required by this division, including annual emissions data reports submitted to DEQ, for a minimum of seven years.

(5) Regulated entities must provide to DEQ, upon request, copies of any records or other materials maintained under the requirements of 40 C.F.R. part 98 or this division. Regulated entities must provide such records to DEQ within 14 business days of receipt of such request, unless a different schedule is approved by DEQ.

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

Statutes/Other Implemented: ORS 468 & 468A

History:

340-215-0044

Emissions Data Reports

(1) Regulated entities must monitor emissions and submit emissions data reports to DEQ following the requirements specified in this division.

(a) For air contamination sources required to register and report under OAR 340-215-0030(2), an emissions data report must include all information described under OAR 340-215-0105 and meet all requirements of this division.

(b) For fuel suppliers and in-state producers required to register and report under OAR 340-215-0030(3) an emissions data report must include all information described under OAR 340-215-0110 and meet all requirements of this division.

(c) For natural gas suppliers required to register and report under OAR 340-215-0030(4) an emissions data report must include all information described under OAR 340-215-0115 and meet all requirements of this division.

(d) For electricity suppliers required to register and report under OAR 340-215-0030(5) an emissions data report must include all information described under OAR 340-215-0120 and meet all requirements of this division.

(e) For owners and operators of petroleum and natural gas systems required to register and report under OAR 340-215-0030(6) an emissions data report must include all information described under OAR 340-215-0125 and meet all requirements of this division.

(2) Regulated entities must:

(a) Utilize registration and reporting tools approved and issued by DEQ for all submissions;

(b) Submit and certify completed registration and emissions data reports on forms and through reporting tools as required under subsection (a). A separate emissions data report must be submitted for each sector and for each individual air contamination source, as

required by OAR 340-215-0105 through OAR 340-215-0125, as applicable; and

(c) Submit and certify any revisions to emissions data reports on paper or electronic forms (or both), in addition to using reporting tools as required by subsection (a). If a regulated entity identifies an error in a submission, or is notified of such an error, the regulated entity must submit a revision to correct the error within 45 days of discovery. Regulated entities subject to OAR chapter 340 division 272 must submit revisions in compliance with OAR division 272.

(3) Emissions data reports submitted to DEQ must include the following information:

(a) Facility name or supplier name (as appropriate), facility or supplier ID number, and physical street address of the facility or supplier, including the city, state, and zip code;

(b) Year and months covered by the report;

(c) Date of submittal;

(d) All information required by this division to calculate and report greenhouse gas emissions;

(e) Annual emissions of each greenhouse gas, as required under this division; and

(f) A certification from the designated representative as required under OAR 340-215-0040(2).

(4) Increases or decreases in emissions. In addition to the requirements of section (3), if an emissions data report indicates emissions equaled or exceeded 25,000 MT CO₂e during the previous year, then the regulated entity must include the following information in the emissions data report:

(a) Whether a change in 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; and:

(b) 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.

(5) Reporting biomass-derived fuels. In addition to the requirements of section (3), a regulated entity reporting biomass-derived fuels must separately identify, calculate and report all direct emissions of CO₂ resulting from the combustion of biomass-derived fuels, as provided in this section.

(a) When reporting fuel combustion 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 supporting documentation that authenticates the purchase of biomass-derived fuel between parties, as follows:-

(A) Obtain and keep documentation from each upstream party collectively demonstrating that:

(i) The person claiming the environmental attributes has the exclusive right to claim environmental attributes associated with the sale or use of the fuel; and

(ii) The environmental attributes have not been used or claimed in any other program or jurisdictions with the exception of the federal Renewable Fuel Standard;-

(B) Authentication documentation may also include bills of lading, invoices, or contracts confirming the source of fuel supplied in the state;

(C) Relevant documentation including attestations, invoices, shipping reports, allocation, and balancing reports, storage reports, in-kind nomination reports, and contracts must be made available for verification upon request to demonstrate the receipt and authentication of any biomass-derived fuels;

(D) Retain records and documentation according to the recordkeeping requirements under OAR 340-215-0042.

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

Statutes/Other Implemented: ORS 468 & 468A

History:

340-215-0046

Reporting Deadlines

(1) Reporting deadlines.

(a) Air contamination sources required to register and report under OAR 340-215-0030(2) must submit annual registration and emissions data reports to DEQ under OAR 340-215-0044 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.

(b) The following regulated entities must submit annual registration and emissions data reports to DEQ by March 31 of each year:

(A) Natural gas suppliers required to register and report under OAR 340-215-0030(4);

(B) Petroleum and natural gas systems required to register and report under OAR 340-215-0030(6).

(c) Fuel suppliers and in-state producers required to register and report under OAR 340-215-0030(3) must submit annual registration and emissions data reports to DEQ by April 30 of each year.

(d) Electricity suppliers required to register and report under OAR 340-215-0030(5) must submit an annual registration and emissions data report to DEQ by June 1 of each year.

(2) Reports submitted in the years 2020 and 2021. All registrations and reports submitted under this division after the effective date of these rules must comply with these rules, notwithstanding that regulated entities may be reporting information for years prior to the effective date of these rules, except that:

(a) Fuel suppliers and in-state producers required to register and report under OAR 340-215-0030(3) must submit an annual registration and emissions data report to DEQ under OAR 340-215-0044 by March 31, 2020 for reporting data for 2019 and in accordance with subsection (1)(c) in each year thereafter;

(b) Electricity suppliers required to register and report under OAR 340-215-0030(3) must provide documentation supporting claims of each specified source of electricity as required by OAR 340-215-0120(3)(b)(B) beginning in 2021 for data year 2020, and in each year thereafter (i.e., those persons do not have to report that information in reports submitted in 2020); and

(c) Any person that owns or operates a petroleum or natural gas system required to register and report under OAR 340-215-0030(6) must comply with the requirements of this division beginning in 2021 and in each year thereafter (i.e., those persons are not required to report in 2020).

(3) DEQ may extend reporting deadlines or effective dates as DEQ deems necessary and will issue notice of any extensions.

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

Statutes/Other Implemented: ORS 468 & 468A

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

340-215-0105

Requirements for Air Contamination Sources

~~(1) Air contamination sources. Any owner or operator required to~~ Regulated entities required to register and report to DEQ 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:~~ (1) Calculate and report greenhouse gas emissions using quantification methodologies and report data and information described in 40 C.F.R. part 98 subparts C through UU, as applicable, unless otherwise specified in this rule, including:

(a) Emissions data reports submitted to DEQ must include all 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; and

~~(A2) Separately report fuel types, and quantities, and emissions from y used for stationary fuel combustion during the previous year~~ fuel combustion reported utilizing 40 C.F.R. part 98, subpart H - Cement Production, subpart W Petroleum and Natural Gas Systems, and subpart AA - Pulp and Paper Manufacturing quantification methodology;
~~;~~

(3) 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 used to calculate emissions;

(b) Any regulated entity required to report utilizing calculation methodologies in 40 C.F.R. part 98 subpart DD must submit an emissions data report for all emissions from electric transmission and distribution equipment and servicing inventory physically located in Oregon for the previous year.

~~(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.~~

(4) For air contamination sources that include electricity generating units, cogeneration units, or both that meet the applicability requirements of section OAR 340-215-0030(2), follow 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. In addition, such regulated entities must report the following information:

(a) 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;:

(b) 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;:

(c) Report net and gross electricity generated in megawatt-hours; and

(d) 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, industrial or commercial process, or as part of as heating or 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;~~

(5) For in-state producers of goods containing fluorinated greenhouse gases in pre-charged

equipment or closed-cell foams, report the mass of each fluorinated greenhouse gas in all goods produced in a year and comply with 40 C.F.R. part 98 subpart QQ in reporting emissions to DEQ, as modified below:

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

(b) 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.

(c) 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; and

(d) Calculate greenhouse gas emissions from foam blowing operations using the following equation. 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.

$$CO2e = \sum\{[(Q_i \times FYLE_i) + (Q_i \times AL_i \times Y) + (Q_i \times L_i)]/2204.62\} \times GWP_i$$

(A) For the purposes of the calculation in subsection (d), the following definitions apply:

(i) “Q_i” means quantity of blowing agent, *i*, (in pounds) used to manufacture the foam;

(ii) “FYLE_i” means first-year loss emission factor associated with the foam application;

(iii) “AL_i” means annual loss emission factor associated with the foam application;

(iv) “Y” means number of years remaining in the project;

(v) “L_i” means quantity of blowing agent, *i*, released during product output including all processes (such as foam shaping, grinding, trimming, and shaving) leading to product formation;

(vii) “2204.62” is applied to convert pounds to metric tons conversion; and

(viii) “GWP_i” means GWP for each GHG from table A-1 of 40 C.F.R. part 98.

~~(F6)~~ 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~~

(a) 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.

(b) 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.

(c) 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; and.

(d) 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.

(G7) For an owner or operator who is reporting emissions from the combustion of natural gas, also 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); and

(8) Report the air permit numbers and NAICS codes according to 40 C.F.R. 98.3(c)(10).

~~(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.~~

Statutory/Other Authority: ORS 468A.050

Statutes/Other Implemented: ORS 468 & 468A

History:

340-215-0110

Requirements for Fuel Suppliers and In-State Producers

~~(2) Fuel suppliers-suppliers and in-state producers including but not limited to gasoline, diesel, distillate fuel oil, propane, and aircraft fuel dealers. Any person required to register and report under OAR 340-215-0030(3), but not including natural gas suppliers, must: must~~

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(1) 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. Such reports must include the fuel
(a) Report the fuel type and quantity -imported, sold, or distributed for use in this state during
the previous year and quantities must be reported in standard cubic feet for gaseous fuels and
gallons for liquid fuels. In addition:

(a) Fuel suppliers and in-state producers who report renewable biomass-derived fuels must
provide supporting documentation as required under OAR 340-215-0044(5):-

(b) 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).

(3) For reporting of regulated fuels as defined under OAR chapter 340 division 253, comply
with OAR chapter 340 division 253 and submit quarterly and annual reports. In annual
reports, 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;

(4) For reporting all other fuels not reported as regulated fuels under section (3) 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), report annually fuel imported or produced in the
state during the previous year by fuel type as defined in 40 C.F.R. part 98 subpart MM.
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.

(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.

(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;” and

(d) Exclude fuel for which a final destination outside of Oregon can be demonstrated; and

(5) For all fuel suppliers and in-state producers, calculate and report the CO₂, CO₂ from
biomass-derived fuels, CH₄, N₂O, and CO₂e emissions in metric tons that would result from
the complete combustion or oxidation of the annual quantity of fuel imported, sold, or
distributed for use in this state. In such reports, GHG 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 calculate 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); and

(c) Utilize a DEQ assigned emission factor 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.~~

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

Statutes/Other Implemented: ORS 468 & 468A

History:

340-215-0115

Requirements for Natural Gas Suppliers

~~(3) Natural gas suppliers. Any person subject to~~required to register and report under 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.;~~

(1) Report the information required including the volume (Mscf), energy (MMBtu), type of natural gas and associated emissions for all gas imported, sold, or distributed for use in the state for the previous year, and:

(a) If the regulated entity has developed reporter-specific emission factors or high heating values, then report the following:

(A) Information used to develop the reporter-specific emission factor(s) and/or higher heating value(s);

(B) The developed emission factor(s); and

(C) The developed higher heating value(s).

(b) For the purposes of this section large natural gas end users are end users receiving greater than or equal to 460,000 Mscf of natural gas during the year; and

(c) Report biomethane as specified under OAR 340-215-0044(5).

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

(a) In addition to submitting all information 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;:-

(b) Report the amount of natural gas delivered to each large natural gas 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;

(c) Report identifying information for each natural gas marketer contracting use of the distribution system during the year including name, address, and, if known, the total amount transported for the natural gas marketer.

(3) For interstate pipeline owners and operators, report the total amount of natural gas delivered to end users in the state for use in the state, excluding gas delivered to an Oregon local distribution company, and:

(a) Report the annual amount of natural gas delivered to each large natural gas end user separately in the state including customer information required in 40 C.F.R. 98.406(b)(12), and source identification number(s) if available. In instances where multiple end users are downstream of a delivery point that registers at least 460,000 Mscf annually report the total gas delivered and identifying information for each user downstream of the delivery point; and

(b) Report the name, address, and, if known, the total annual amount of natural gas transported for each natural gas marketer contracting use of the distribution system during the year.

(4) For importers of natural gas, compressed natural gas, or liquefied natural gas into the state by any means other than a pipeline distribution system or interstate pipeline, including but not limited to imports by rail or truck, report the total amount of natural gas, compressed natural gas, and liquefied natural gas imported into the state for use in the state. Such regulated entities must report the total amount of natural gas, compressed natural gas, or liquefied natural gas delivered to each large natural gas end user in the state including customer information required in 40 C.F.R. 98.406(b)(12), and source identification number if

available;

(5) For owners and operators of facilities that make liquefied natural gas or compressed natural gas products report the total annual amount of natural gas delivered or sold for use in the state, excluding volumes delivered to an Oregon local distribution company. Such regulated entities must report the annual amount of natural gas delivered to each large natural gas end user in the state including customer information required in 40 C.F.R. 98.406(b)(12), and source identification number if available; and;

(6) For all natural gas suppliers, calculate and 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 imported, sold, or distributed for use in this state. Calculate and report greenhouse gas emissions for the previous year utilizing emission quantification methodology prescribed in 40 C.F.R. part 98 and 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:

(A) Local distribution companies must utilize quantification methodologies 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; and

(B) 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 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 from natural gas imported, sold, or distributed for use 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 in 40 C.F.R. 98.408, table NN-1.

(A) Natural gas suppliers who report emissions from biomethane must provide supporting documentation as required under OAR 340-215-0044(5);

(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, including records to demonstrate final destination outside Oregon, as applicable according to the recordkeeping requirements under OAR 340-215-0042; and;

(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.~~

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

Statutes/Other Implemented: ORS 468 & 468A

History:

340-215-0120

Requirements for Electricity Suppliers

(1) Electricity suppliers must report information and emissions related to the generation of electricity delivered or distributed to end users in this state during the previous year, regardless of whether the electricity was generated in this state or imported. Such reports must comply with the requirements of this rule.

(2) Report the megawatt-hours (MWh) and greenhouse gas emissions from the generation of electricity from unspecified sources and from each specified source delivered or distributed to end users in Oregon during the previous year.

(a) For unspecified sources, report the MWh of electricity and calculate and report the associated GHG emissions according to section (5)(a).

(b) For specified sources of electricity, report as follows:

(A) Report specified sources when one of the following applies:

(i) The electricity supplier is a facility or unit operator, full or partial owner, party to a power 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 supplier has a power contract for electricity from a DEQ-approved asset-controlling supplier (ACS) or generated by a facility or unit, subject to meeting all other specified source requirements and can provide documentation that the contract specified the

source prior to the delivery of the specified electricity.

(B) Electricity suppliers reporting specified sources must:

(i) Report the MWh of electricity disaggregated by facility or unit, and by fuel type or ACS, as measured at the busbar. If not measured at the busbar, report the amount of electricity delivered in Oregon, including estimated transmission losses using the default transmission loss correction factor of 1.02;

(ii) Report the GHG emissions associated with the electricity calculated according to subsection (5)(b).

(iii) Report details about each specified facility, unit, or ACS, including fuel type or types and information about the seller, including company name and contact information; and

(iv) Provide documentation supporting claims of a specified source of electricity.

(c) Electricity suppliers that are multi-jurisdictional utilities that deliver or distribute electricity in Oregon must report total MWh and greenhouse gas emissions from the generation of electricity from specified and unspecified sources in the utility's service territory or power system as required by subsections (a) and (b), and must also report the following:

(A) Wholesale electricity purchased and taken from specified sources (MWh);

(B) Wholesale electricity purchased from unspecified sources (MWh);

(C) Wholesale electricity sold from specified sources (MWh); and

(D) Retail sales (MWh) to customers in Oregon's portion of the utility's service territory or power system.

(3) DEQ will approve and publish emission factors, which must be used for calculating and reporting GHG emissions.

(a) The emission factor for calculating emissions from unspecified power is 0.428 MT CO₂e/MWh.

(b) Electricity suppliers reporting specified source power provided by a multi-jurisdictional utility or DEQ-approved ACS must calculate emissions using a system emission factor published by DEQ, which will be calculated by DEQ according to subsection (6)(b).

(c) Electricity suppliers reporting specified source power from a specific facility or unit must calculate emissions using emission factors published by DEQ, which will be calculated according to subsection (6)(a).

(d) For reporting emissions from specified sources for which DEQ has not published an approved emission factor, electricity suppliers may propose facility-specific or unit-specific anthropogenic and biogenic emission factors expressed as metric tons of carbon dioxide equivalent per megawatt-hour of generation.

(A) Submit documentation to DEQ describing how the proposed facility-specific or unit-specific emission factors are derived, including the necessary information for verification of these calculations.

(B) DEQ may adopt the proposed emission factors or may develop and assign facility-specific or unit-specific emission factors for the specified source. The regulated entity may use such an emission factor only if approved by DEQ.

(4) Third-party reporting.

(a) The Bonneville Power Administration (BPA) may report the preference sales provided to Oregon consumer-owned utilities.

(A) For those utilities that do not receive electricity from other sources and who serve load exclusively in Oregon, this report from BPA will satisfy their obligations under this division.

(B) If BPA does not report this information to DEQ, those consumer-owned utilities must report the information as required by this division.

(b) In addition to the provisions in subsection (a), 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 and the report meets all requirements of this division.

(A) The consumer-owned utility must notify DEQ at least 30 days prior to the reporting deadline that a third-party will be reporting on its behalf. This notification must include the name and contact information for the third-party and:

(i) This notification may include notice that the third-party will report on behalf of the consumer-owned utility for future years; and

(ii) For any future year in which there is a change in the third-party reporting on behalf of the consumer-owned utility, the consumer-owned utility must provide notification to DEQ at least 30 days prior to the reporting deadline.

(B) Third-parties reporting on behalf of a consumer-owned utility must notify DEQ and request authorization from DEQ prior to submitting any reports. This notification must include identifying information of the consumer-owned utility.

(C) Consumer-owned utilities must ensure that reports submitted on their behalf meet all

requirements of this division.

(5) Calculate and report greenhouse gas emissions as follows:

(a) Emissions reported for electricity associated with unspecified sources must be calculated using the following equation:

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

For the purposes of this calculation, “EF_{unsp}” means default emission factor for unspecified electricity equal to 0.428 MT CO₂e/MWh.

(b) Emissions reported for electricity associated with specified sources must be calculated using the following equation:

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

For the purposes of this calculation, “EF_{sp}” means facility-specific, unit-specific, or ACS system emission factor published by DEQ.

(c) Emissions reported by a multi-jurisdictional utility may be calculated according to a cost allocation methodology approved by the Oregon Public Utility Commission (OPUC) using the following equation:

$$CO_2e = MWh_{MJOR} \times TL \times EF_{MJ}$$

For the purposes of this calculation, the following definitions apply:

(A) “MWh_{MJOR}” means total megawatt-hours of electricity delivered to retail customers in Oregon; and

(B) “EF_{MJ}” means multi-jurisdictional utility system emission factor calculated according to equation (6)(b) (MT CO₂e/MWh).

(6) DEQ will calculate and publish emission factors that must be used by electricity suppliers for calculating and reporting emissions, as follows:

(a) DEQ will calculate facility-specific or unit-specific emission factors using the following equation:

$$EF_{sp} = E_{sp} / EG$$

For the purposes of this calculation, the following definitions apply:

(A) “EF_{sp}” means the facility-specific or unit specific emission factor;

(B) “Esp” means CO2 equivalent emissions for a specified facility or unit for the report year (MT CO2e);

(C) “EG” means net generation from a specified facility or unit for the report year.

(b) DEQ will calculate multi-jurisdictional utility and asset-controlling supplier system emission factors using the following equations:

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

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

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

For the purposes of the calculations, the following definitions apply:

(A) “ΣE_{sp}” means Emissions from Owned Facilities. Sum of CO2e emissions from each specified facility/unit in the supplier’s fleet, consistent with section (5)(b) (MT CO2e);

(B) “ΣEG_{sp}” means Net Generation from Owned Facilities. Sum of net generation for each specified facility/unit in the supplier’s fleet for the data year as reported to DEQ under this division (MWh);

(C) “PE_{sp}” means Electricity Purchased from Specified Sources. Amount of electricity purchased wholesale and taken from specified sources by the supplier for the data year as reported to DEQ under this division (MWh);

(D) “PE_{unsp}” means Electricity Purchased from Unspecified Sources. Amount of electricity purchased wholesale from unspecified sources by the supplier for the data year as reported to DEQ under this division (MWh);

(E) “SE_{sp}” means Electricity Sold from Specified Sources. Amount of wholesale electricity sold from specified sources by the supplier for the data year as reported to DEQ under this division (MWh);

(F) “EF_{sp}” means CO2e emission factor as defined for each specified facility or unit calculated consistent with section (5)(b) (MT CO2e/MWh); and

(G) “EF_{unsp}” means default emission factor for unspecified sources calculated consistent with section (5)(a) (MT CO2e/MWh).

(7) Asset-controlling suppliers. A 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 may request that DEQ designate them as an asset-controlling supplier.

(a) Persons seeking designation by DEQ as an asset-controlling supplier must annually adhere to the requirements of this division, or be removed from asset-controlling supplier designation, and must also do the following:

(A) In addition to submitting the information as required by this rule to DEQ, submit the following by June 1 of each year:

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

(ii) A list of officer names and titles;

(iii) Wholesale electricity purchased and taken from specified sources (MWh);

(iv) Wholesale electricity purchased from unspecified sources (MWh);

(v) Wholesale electricity sold from specified sources (MWh); and

(vi) An attestation, in writing and signed by designated representative of the applicant that the information submitted is true, accurate, and complete.

(B) Retain documentation according to the recordkeeping requirements under OAR 340-215-0042 to allow for verification 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.

(b) DEQ will calculate and publish a supplier-specific system emission factor according to subsection (5)(b) for designated asset-controlling suppliers.

~~(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~~

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

Statutes/Other Implemented: ORS 468 & 468A

History:

340-215-0125

Requirements for Petroleum and Natural Gas Systems

(1) ~~(6)~~ Any person required to register and report under OAR 340-215-0030(6) must submit an emissions data report for all emissions from industry segments physically located in Oregon for the previous year utilizing EPA emission quantification methodologies in 40 C.F.R. part 98 subpart W.

~~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 & [468A.280](#)

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~~