



State of Oregon Department of Environmental Quality

# Discussion Draft Rules – Division 215

Climate 2023 Rulemaking

May 16<sup>th</sup>, 2023, Advisory Committee Meeting #2

## Key to Identifying Changed Text:

~~Deleted Text~~

New/inserted text

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

### Division 215

## OREGON GREENHOUSE GAS REPORTING PROGRAM

**Summary of rule changes:** Amendments in this draft version of division 215 include redline focused on Climate 2023 RAC 2 topics. The proposed language is intended to provide clarification for the reporting and recordkeeping of biomethane using book and claim accounting methods and updates to third party verification recordkeeping and documentation requirements for specific entities subject to OAR 340, division 272.

### 340-215-0010

#### Purpose and Scope

- (1) This division establishes greenhouse gas registering, reporting, and other requirements for operators of certain facilities that emit greenhouse gases, fuel suppliers, and electricity suppliers.
- (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 14-2020, amend filed 05/07/2020, effective 05/07/2020](#)

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(7) 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 CO<sub>2</sub> emissions” means carbon dioxide emissions generated as the result of biomass or biomass-derived fuel combustion.
- (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 fuels” or “biofuels” or “biomass-derived fuels” means fuels derived from biomass.

(8) “Biomethane” or “Renewable Natural Gas” means refined biogas, or another synthetic stream of methane produced from biomass feedstock renewable resources, that has been upgraded to meet pipeline quality standards or transportation fuel grade requirements, such that it may blend with, or substitute for, natural gas. a near-pure methane content product. ~~Biomethane can be directly injected into natural gas pipelines or combusted in natural gas-fueled vehicles.~~

(X) “Book and Claim” refers to the accounting methodology where the environmental attributes of an energy source are detached from the physical molecules when they are commingled into a common transportation and distribution system for that form of energy. The detached attributes are then assigned by the owner to the same form and amount of energy when it is used. For the purposes of this division, the common transportation and distribution system must be connected to Oregon.

(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.

(X) “Compressed natural gas” or “CNG” means natural gas stored inside a pressure vessel at a pressure greater than the ambient atmospheric pressure outside of the vessel, (though not to the point of liquefaction), typically to pressures ranging from 2900 to 3600 psi.

(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) “Data year” means the calendar year in which emissions occurred.

(16) “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. For owners or operators of Oregon Title V Operating Permits the designated representative is the responsible official and certification must be consistent with OAR 340-218-0040(5).

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

(18) “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).

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

(20) “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.

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

(22) “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; and

(c) Consumer-owned utilities.

(23) “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, also known as the data year.

(X) “Environmental Attribute” for the purposes of this division, means greenhouse gas emission reduction recognition in any form, including verified emission reductions, voluntary emission reductions, offsets, allowances, credits, avoided compliance costs, emission rights and authorizations under any law or regulation, or any emission reduction registry, trading system, or reporting or reduction program for greenhouse gas emissions that is established, certified, maintained, or recognized by any international, governmental, or nongovernmental agency.

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

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

(26) “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 calculation and reporting are specified in 40 C.F.R. part 98, subpart A, Table A–1-Global Warming Potentials.

(27) “Greenhouse gas” or “GHG” means carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), sulfur hexafluoride (SF<sub>6</sub>), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and other fluorinated greenhouse gases or fluorinated GHG as defined in 40 C.F.R. part 98.

(28) “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.

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

(X) “Hydrogen” means diatomic molecular hydrogen.

(30) 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.

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

(a) With respect to any biomethane, the person who owns the biomethane when it is either physically transported into Oregon or injected into a pipeline located outside of Oregon and contractually delivered for use in Oregon through a book and claim accounting methodology.

(32) “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~~ gaseous biomass-derived fuel, the person who refines, treats, or otherwise ~~processes biogas into biomethane~~ produces the fuel in Oregon; ~~or~~

(c) With respect to any natural gas, the person who owns or operates one or more wells producing natural gas in Oregon.

(33) “Interstate pipeline” means a natural gas pipeline delivering natural gas across state boundaries for use in Oregon and that is subject to rate regulation by the Federal Energy Regulatory Commission (FERC).

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

(35) “Large natural gas end users” means any end user receiving greater than or equal to 460,000 Mscf during the previous year.

(36) “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 interstate pipelines.

(X) “Liquefied natural gas” or “LNG” means natural gas that has been liquefied.

(37) “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.

(38) “Metric ton,” “tonne,” “metric tonne,” or “MT” means a common international measurement for mass, equivalent to 2204.6 pounds or 1.1 short tons.

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

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

(X) “Natural gas” means a naturally occurring mixture of gaseous hydrocarbons and other compounds consisting primarily of methane. For the purposes of this definition the term includes natural gas in all gaseous and liquid forms.

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

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

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

(44) “Position holder” means any person that has an ownership interest in a specific amount of fuel in the inventory of a terminal operator. This does not include inventory held outside of a terminal, retail establishments, or other fuel suppliers not holding inventory at a fuel terminal.

(45) “Power contract” as used for the purposes of documenting specified versus unspecified sources of electricity means a written document, including associated verbal or electronic records if included as part of the written 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 that is designated at the time the transaction is executed. Power contracts may be, but are not limited to, power purchase agreements, enabling agreements, electricity transactions, and tariff provisions, without regard to duration, or written agreements to import or export on behalf of another person.

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

(47) “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).

(48) “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.

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

(50) “Related entity” means any direct parent company, direct subsidiary, or company under common ownership or control.

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

(52) “Shut down” means that the regulated entity 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.

(53) “Specified source of electricity” or “specified source” means a facility or unit which is allowed to be claimed as the source of electricity delivered. The regulated entity must have either full or partial ownership in the facility or unit, or a written power contract to procure electricity generated by that facility or unit. Specified facilities or units include cogeneration systems. Specified source also means electricity procured from an asset-controlling supplier recognized by DEQ.

(54) “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.

(55) “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.

(56) “Transmission loss correction factor” or “TL” means the correction to account for transmission losses between the busbar and receipt, which is either known if measured at the busbar, or is the default factor equal to 1.02.

(57) “Unspecified source of electricity” or “unspecified source” means a source of electricity that is not a specified source at the time of entry into the transaction to procure the electricity. For the purposes of this division, electricity imported, sold, allocated, or distributed to end users in this state through an energy imbalance market or other centralized market administered by a market operator is considered to be an unspecified source.

(58) “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.

(59) “Year” means calendar year.

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

**Statutes/Other Implemented:** ORS 468 & 468A

**History:**

[DEQ 14-2020, amend filed 05/07/2020, effective 05/07/2020](#)

[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) This division applies to all persons identified in sections (2) through (6) of this rule, except as provided in OAR 340-215-0032 and 340-215-0034.

(2) Air contamination sources. Any person that owns or operates a source listed in subsections (a) through (c) must register and report in compliance with this division, if the source’s direct GHG emissions meet or exceed 2,500 MT CO<sub>2</sub>e during the previous year. Once a source’s direct GHG emissions meet or exceed 2,500 MT CO<sub>2</sub>e during a year, the person that owns or operates the source must annually register and report in each subsequent



year, regardless of the amount of the source's direct GHG emissions in future years, except as provided in OAR 340-215-0032 and OAR 340-215-0034.

(a) Any source required to obtain a Title V Operating Permit.

(b) Any source required to obtain an Air Contaminant Discharge Permit.

(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 both did not accept waste during the previous year and are not required to report greenhouse gas emissions to EPA under 40 C.F.R. part 98;

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

(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.

(a) Except as provided in subsection (b), the following persons that import, sell, or distribute fuel for use in the state, must register and report in compliance with this division:

(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;

(C) Any person that produces, imports, sells, or distributes at least 5,500 gallons of gasoline, 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; and

(D) Any person that imports propane for use in the state if the person's total imports brought into the state are equal to or more than 10,500 gallons of propane in a year.

(b) Persons listed in paragraphs (3)(a)(B) and (C) are not required to register and report fuel that is separately reported under this division by dealers described in paragraph (3)(a)(A).

(4) Natural gas suppliers. Any person, including but not limited to local distribution companies, interstate pipelines, and owners or operators of facilities, that either produces natural gas, compressed natural gas, or liquefied natural gas in Oregon, or 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.

(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 in compliance with this division.

(6) Petroleum and natural gas systems. Any person that owns or operates a facility physically located in Oregon that contains petroleum and natural gas systems industry segments listed in 40 C.F.R. 98.230(a)(1) through (10) must register and report in compliance with this division, as applicable under subsections (a) through (e):

(a) For a facility, as defined in 40 C.F.R. 98.6 that contains the industry segments listed in 40 C.F.R. 98.230(1), (3), (4), (5), (6) or (7), if the facility's greenhouse gas emissions meet or exceed 2,500 MT CO<sub>2</sub>e per year;

(b) For a facility with respect to onshore petroleum and natural gas production as defined in 40 C.F.R. 98.238, if emission sources specified in 40 C.F.R. 98.232(c) meet or exceed 2,500 MT CO<sub>2</sub>e per year;

(c) For a facility with respect to natural gas distribution as defined in 40 C.F.R. 98.238, if emission sources specified in 40 C.F.R. 98.232(i) meet or exceed 2,500 MT CO<sub>2</sub>e per year;

(d) For a facility with respect to onshore petroleum and natural gas gathering and boosting as defined in 40 C.F.R. 98.238, if emission sources specified in 40 C.F.R. 98.232(j) meet or exceed 2,500 MT CO<sub>2</sub>e per year;

(e) For a facility with respect to the onshore natural gas transmission pipeline segment as defined in 40 C.F.R. 98.238, if emission sources specified in 40 C.F.R. 98.232(m) meet or exceed 2,500 MT CO<sub>2</sub>e per year.

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

**Statutes/Other Implemented:** ORS 468 & 468A

**History:**

[DEQ 14-2020, amend filed 05/07/2020, effective 05/07/2020](#)

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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**

DEQ may defer or exempt specific processes, 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:**

[DEQ 14-2020, adopt filed 05/07/2020, effective 05/07/2020](#)

### **340-215-0034**

#### **Changes in Ownership and Cessation of Reporting Requirements**

(1) Cessation of reporting for reduced emissions.

(a) A regulated entity is no longer required to report if the regulated entity retains records as required in subsection (b), makes the report required in subsection (c), and if any of the following are applicable:

(A) Direct total reported emissions for air contamination sources required to register and report under OAR 340-215-0030(2) are less than 2,500 MT CO<sub>2</sub>e per year for a consecutive three year period. If total reported emissions for an air contamination source meets or exceeds 2,500 MT CO<sub>2</sub>e in any year after the reporting cessation requirements have been met, persons that own or operate the air contamination source must resume reporting as required under this division;

(B) Fuel suppliers, including natural gas suppliers, and in-state producers 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, provided that:

(i) Fuel suppliers and in-state producers that cease to have a reporting obligation due to a change in ownership or sale or relinquishment of a permanent inventory position at a terminal must continue to report emissions from the reportable fuel transactions that occurred within the calendar year prior to the change; and

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

(C) Electricity 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) Persons that cease reporting under this section and are no longer subject to reporting under this division must retain the records required under OAR 340-215-0042 for a period of five years following the last year that they were subject to reporting, including all production information, fuel use records, emission calculations and other records used to document greenhouse gas emissions. Persons meeting cessation requirements specified in paragraph (1)(a)(A) must retain records for each of the three consecutive years that the person does not meet or exceed the emission threshold for a period of five years following the last year they met the cessation requirements; and

(c) Persons that meet the applicable cessation of reporting requirements of this section must notify DEQ in writing of their reason(s) for ceasing to report no later than the applicable reporting deadline for the year.

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

(a) The person that owns or operates the air contamination source 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 person that owns or operates the air contamination source must submit a written 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; and

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

(a) The new person that owns or operates the regulated entity must notify DEQ in writing of the ownership or operational control change, including providing the following information: the name of the previous owner or operator; the name of the new owner or operator; date of ownership or operator change, and name of a new designated representative.

(b) Reporting responsibilities. Except as specified in paragraph (B) below and OAR 340-215-0034(1)(a)(B)(i), the person that owns or operates the regulated entity at the time of a reporting deadline specified in this division has the responsibility for complying with the requirements of this division, and:

(A) 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; and

(B) 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 that has ceased reporting under this rule 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 as required by this division.

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

**Statutes/Other Implemented:** ORS 468 & 468A

**History:**

[DEQ 14-2020, adopt filed 05/07/2020, effective 05/07/2020](#)

### **340-215-0040**

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

(1) Each registration or emissions data 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, I certify under penalty of perjury that the statements and information submitted are true, accurate and complete.”

(2) DEQ may require a regulated entity to submit or make available additional information if the materials submitted with the emissions data report are not sufficient to determine or verify greenhouse gas emissions and related information. Regulated entities must provide within 14 days of notification, unless a different schedule is approved by DEQ, 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.

(3) Calculating total greenhouse gas emissions. Total carbon dioxide equivalent emissions (CO<sub>2</sub>e) must be calculated as the sum of the CO<sub>2</sub>, CO<sub>2</sub> from biomass-derived fuels, CH<sub>4</sub>, N<sub>2</sub>O, and each fluorinated GHG required to be reported in an emissions data report in compliance with this division using equation A-1 in 40 C.F.R. 98.2.

(4) Alternative calculation methods. Regulated entities may petition DEQ to use calculation methods other than those specified in this division. Regulated entities must receive written DEQ approval to use alternative calculation methods prior to reporting.

(5) 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.

(6) Regulated entities must report legal names and addresses of all related entities subject to any Oregon DEQ regulations and, if known, indicate which related entity may also be a regulated entity reporting under this division.

**Statutory/Other Authority:** ORS 468A.050

**Statutes/Other Implemented:** ORS 468 & 468A

**History:**

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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) Each regulated entity subject to the requirements under OAR chapter 340, division 272 must retain all records as required by this rule, and any records or other materials maintained under any applicable requirements of 40 C.F.R. part 98, in paper or electronic format, or both, for a period of at least seven years.

(2) Each regulated entity not subject to the requirements under OAR chapter 340, division 272 must retain all records as required by this rule, and any records or other materials maintained under any applicable requirements of 40 C.F.R. part 98, in paper or electronic format, or both, for a period of at least five years.

(3) Each regulated entity must retain records sufficient to document and allow for verification of each emissions data report submitted to DEQ and make such information available for verification upon request. This includes, but is not limited to the following:

(a) A list of all units, operations, processes, and activities for which GHG emission were calculated, as applicable;

(b) The data and information used to calculate emissions for each unit, operation, process, and activity, categorized by fuel or material type. These data include, but are not limited to the following:

(A) The GHG emissions calculations and methods used;

(B) Analytical results for the development of site-specific emissions factors;

(C) The results of any analyses for high heat value, carbon content, and other fuel or feedstock parameters conducted or as required under 40 C.F.R. part 98, if applicable; and

(D) Any facility operating data or process information used for the GHG emission calculations;

(c) Records of supporting documentation required by or used to prepare the emissions data report, including but not limited to underlying monitoring and metering data, invoices of receipts or deliveries, fuel use records, production information, sales transaction data, electricity or fuel transaction data, calibration records, and any other relevant information;

(d) Any annual emissions data report(s) submitted to DEQ, including any revised emissions data report(s);

(e) Documentation to support any revision(s) made to any emissions data report(s);

(f) Records of supporting documentation and calculations for any missing data computations according to 40 C.F.R. part 98, or otherwise. Retain a record of the cause of the event and the corrective actions taken to restore malfunctioning monitoring equipment;

(g) The results of all required certification and quality assurance tests of continuous monitoring systems, fuel flow meters, and other instrumentation used to provide data to calculate emissions reported under this division; and

(h) Maintenance records for all continuous monitoring systems, flow meters, and other instrumentation used to provide data to calculate emissions reported under this division.

(4) Regulated entities reporting biomass-derived fuels, as required under OAR [340-215-0044\(5\)](#), must retain supporting documentation that authenticates the purchase, [quantity, and quality](#) of gaseous or liquid biomass-derived fuel between parties. This supporting documentation:

(a) May include, but is not limited to, documentation from each upstream party, invoices, bills of lading, shipping reports, balancing reports, storage reports, in-kind nomination reports, allocation, contracts confirming the source of fuel supplied in the state, attestations, information on the environmental attributes associated with the sale or use of the fuel, [renewable thermal credit records](#), or any combination therein; ~~and~~

[\(b\) When reporting biogas or biomethane the documentation must include attestations from each upstream party collectively demonstrating that no other party can make a claim on environmental attributes that are being reported under this division. The quantity of energy covered by the environmental attributes must match or exceed the energy of fuel reported as biomethane under this division.](#)

[\(5\) When reporting direct delivery of biogas or biomethane in Oregon, that is not injected into a common carrier pipeline, regulated entities must retain documentation that shows the](#)

fuel type and quantity directly delivered from the point of origin to the point of use in Oregon.

(6) When reporting contractual deliveries of fuel injected into a natural gas pipeline connected to Oregon using book and claim accounting the regulated entity must retain and make available:

(a) Attestations regarding environmental attributes used for book and claim demonstrating that no other party can make a claim on attributes that are being reported under this division;

(b) Records demonstrating the specific quantity of fuel claimed was injected into a natural gas pipeline system directly connected to Oregon in the current data year and link those environmental attributes to a corresponding quantity of natural gas withdrawn for use in Oregon;

(c) Records demonstrating the quantity and quality of the fuel reported;

(d) Records documenting the fuel production facility, the facility's production and purification process, facility location and feedstock(s);

(e) If using an electronic tracking system approved by DEQ for book and claim accounting, the regulated entity must retain records demonstrating the retirement of all environmental attributes of that fuel that are being reported under this division. The quantity of energy covered by the environmental attributes must match or exceed the energy of fuel reported as biomethane under this division;

(f) Records must demonstrate that the retired or claimed environmental attribute was generated within the same reporting data year; and

(g) The environmental attributes must not have been used or claimed in any other program or jurisdiction with the exception of the federal RFS, any reporting required under OAR chapter 340, division 253, and the program under OAR chapter 340, division 271. To be validly used in compliance with this division, any such claims under the federal RFS or OAR chapter 340, divisions 253 and 271, must be made for the same use and volume of biomethane or its derivatives as it is being claimed under this division.

~~(b) Must be made available to DEQ for verification upon request.~~

~~(57) Each regulated entity that is an in-state producer or fuel supplier, including a natural gas supplier, must retain records for exported products to demonstrate final destination outside Oregon. Documentation must be made available for verification upon request.~~

~~(68) Each regulated entity that is an electricity supplier must retain documentation supporting claims of specified sources of electricity. Supporting documentation must be made available for verification upon request~~



(79) Electricity suppliers that sell wholesale electricity must maintain records for each sale of specified or unspecified source sales. ~~Documentation must be made available for verification upon request.~~

(810) Each person designated by DEQ as an asset-controlling supplier must retain documentation to confirm 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. ~~Documentation must be made available for verification upon request.~~

(911) Regulated entities subject to 40 C.F.R. part 98 federal requirements and any entity subject to the requirements under OAR chapter 340, division 272, except electricity suppliers, must complete and retain the-a written GHG data monitoring plan as required by that meets the requirements of 40 C.F.R. part 98.3(g)(5). The GHG data monitoring plan must be made available for verification upon request.

(a) Electricity suppliers subject to OAR 340 division 272 must complete and retain a written GHG data monitoring plan with the following information:

(A) Information to allow the verification team to develop a general understanding of entity boundaries, operations, and electricity transactions;

(B) Reference to management policies or practices applicable to reporting under this division;

(C) List of key personnel involved in compiling data and preparing the emissions data report;

(D) Documentation of training practices and policies applicable to reporting under this division for electricity suppliers;

(E) Query data to determine the quantity of electricity (MWh) reported and query description;

(F) Reference to other independent or internal data management systems and records, including written power contracts and associated verbal or electronic records, full or partial ownership, invoices, and settlements data used to document whether reported transactions are specified or unspecified;

(G) Description of steps taken and calculations made to aggregate data into reporting categories;

(H) Records of preventive and corrective actions taken to address verifier and DEQ findings of past nonconformances and material misstatements;

(I) Log of emissions data report modifications; and

(J) A written description of an internal audit program that includes emissions data report review and documents ongoing efforts to improve the GHG data management.

(12) Records, including all required documentation described in this division, must be made available for verification upon request within 14 calendar days of notification, unless a different schedule is approved by DEQ.

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

**Statutes/Other Implemented:** ORS 468 & 468A

**History:**

DEQ 14-2020, adopt filed 05/07/2020, effective 05/07/2020

### **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. Individual emissions data reports are identified as follows:

(a) An individual emissions data report must be submitted by each air contamination source required to register and report under OAR 340-215-0030(2) for each individual permitted source or facility identified under that section;

(b) An individual emissions data report including emissions from all electric power system facilities located in Oregon must be submitted by an investor-owned utility required to register and report under OAR 340-215-0030(2)(c)(C);

(c) An individual emissions data report must be submitted by each fuel supplier and in-state producer required to register and report under OAR 340-215-0030(3);

(d) An individual emissions data report must be submitted by each natural gas supplier and in-state producer required to register and report under OAR 340-215-0030(4);

(e) An individual emissions data report must be submitted by each electricity supplier required to register and report under OAR 340-215-0030(5) and by any third-party that reports on behalf of a consumer-owner utility. A third-party reporting on behalf of a consumer-owned utility must also include all information described under OAR 340-215-0120(4) and (5), as applicable;

(f) An individual emissions data report submitted by each asset-controlling supplier seeking designation by DEQ must include all information described under OAR 340-215-0120(7);

(g) An individual emissions data report must be submitted by the owner or operator of a facility containing petroleum and natural gas systems required to register and report under OAR 340-215-0030(6) and must include all emissions and related information described in OAR 340-215-0125;

(2) Regulated entities must:

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

(b) Submit and certify completed registration and emissions data reports. A separate emissions data report must be submitted for each sector and for each individual air contamination source, and must include all data and information 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. 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 the requirements under OAR chapter 340 division 272 must submit revisions in compliance with 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(1).

(4) Increases or decreases in emissions. In addition to the requirements of section (3), if a regulated entity subject to OAR 340-215-0105 submits an emissions data report that indicates emissions equaled or exceeded 25,000 MT CO<sub>2</sub>e 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 regulated entity 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 or hydrogen.

(a) In addition to the requirements of section (3), a regulated entity reporting biomass-derived fuels or hydrogen must retain records as required by OAR 340-215-0042, separately identify, calculate, and report all direct emissions of biogenic CO<sub>2</sub> resulting from the ~~combustion use~~ of biomass-derived fuels, and report additional information as provided in this section.

(b) When reporting ~~fuel combustion and~~ emissions from gaseous ~~or liquid~~ biomass-derived fuels or reporting hydrogen distribution or use, report the following information for each contracted delivery:

(A) Name and address of ~~the~~ all intermediary and direct vendor(s) from which the fuel is purchased;

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

(C) Annual amount contractually delivered by each vendor in MMBtu for biomethane, kilograms for hydrogen, ~~and~~ standard cubic feet for other gaseous fuels, ~~and gallons for liquid fuels~~;

(D) Feedstock(s) used to produce the gas;

(E) Production method;

(F) Month and year in which the gas was produced; and

(G) Name and air permit source identification number, if applicable, for the final end user of the gas, if any.

(c) In addition to the requirements in this division, when reporting gas injected into a natural gas pipeline connected to Oregon using book and claim accounting the regulated entity must also:

(A) Report the specific type and volume of gas claimed as injected into a natural gas pipeline and delivered to Oregon in the reporting data year;

(B) Report the quality of the gas, including the higher heating value of the claimed gas;

(C) Report the point of origin and point of receipt for the reported gas on a pipeline connected directly to Oregon;

(D) Submit records demonstrating that no other party can make a claim on environmental attributes that are being reported under this division. The quantity of energy covered by the environmental attributes must match or exceed the volume of fuel reported as biomethane under this division;

(i) Records must demonstrate that the retired renewable thermal credits or claimed environmental attribute were generated within the same reporting data year;

~~(E) Any regulated entity reporting gas injected into the pipe of a local distribution company must have an agreement with that company, along with any other purchaser of the physical gas, that they will not make any claims on the gas reported through book and claim under this division. That agreement must be submitted as part of the emissions data report;~~

(F) If using an electronic tracking system approved by DEQ for book and claim accounting, the regulated entity must submit records showing the retirement of all environmental attributes of the gas that are being reported under this division; and

(d) Retain and make available sufficient records to allow for verification of all reporting requirements in this section, including but not limited to those described in OAR 340-215-0042.

(6) Regulated entities subject to the requirements of 40 C.F.R. 98.3(i) must meet those requirements for data used in developing emissions data reports.

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

**Statutes/Other Implemented:** ORS 468 & 468A

**History:**

DEQ 14-2020, adopt filed 05/07/2020, effective 05/07/2020

### 340-215-0046

#### **Reporting Deadlines**

(1) Reporting deadlines.

(a) Air contamination sources required to register and report under OAR 340-215-0030(2) must register and submit annual 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 register and submit annual 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) Electricity suppliers required to register and report under OAR 340-215-0030(5) must retain documentation supporting claims of each specified source of electricity as required by OAR 340-215-0042(6) beginning in 2022 for data year 2021, and in each year thereafter (i.e., those persons do not have to report that information in reports submitted in 2021); and

(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

**History:**

[DEQ 14-2020, adopt filed 05/07/2020, effective 05/07/2020](#)

### **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 5-2012, f. & cert. ef. 7-2-12

DEQ 14-2011, f. & cert. ef. 7-21-11

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

DEQ 5-2011, f. 4-29-11, cert. ef. 5-1-11

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

### **340-215-0105**

#### **Requirements for Air Contamination Sources**

Regulated entities required to register and report to DEQ under OAR 340-215-0030(2) must:

(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. 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;

(2) As applicable, separately report fuel types, quantities, and emissions from 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;

(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) Regulated entities that own or operate 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;

(5) An investor-owned utility that owns or operates electric power system facilities as defined in 40 C.F.R. part 98 subpart DD in Oregon must report emissions utilizing calculation methodologies in 40 C.F.R. part 98 subpart DD and must submit an emissions data report including all emissions from electric transmission and distribution equipment and servicing inventory physically located in Oregon for the previous year;

(6) 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.

$$\text{CO}_2\text{e} = \sum \{[(Q_i \times \text{FYLE}_i) + (Q_i \times \text{AL}_i \times (Y-1)) + (Q_i \times \text{L}_i)] \times \text{GWP}_i\} / 2204.62$$

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

“Q<sub>i</sub>” means quantity of blowing agent, i, (in pounds) used to manufacture the foam;

“FYLE<sub>i</sub>” means first-year loss emission factor associated with the foam application;

“AL<sub>i</sub>” means annual loss emission factor associated with the foam application;

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

“L<sub>i</sub>” 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;

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

“GWP<sub>i</sub>” means GWP for each GHG from table A-1 of 40 C.F.R. part 98;

(7) Calculate and report emissions of [biogenic](#) CO<sub>2</sub> that originate from biomass-derived fuels separately from other greenhouse gas emissions. [Report and retain information described in OAR 340-215-0044\(5\) and OAR 340-215-0042, as applicable, and Use-use](#) the following



procedures when calculating emissions from biomass-derived fuels that are intermixed with fossil fuels:

(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;

[\(A\) Gas injected into a natural gas pipeline connected to Oregon may be reported under this division using book and claim accounting if the reporting entity meets all reporting and recordkeeping requirements of this division;](#)

(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;

(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.

(8) When reporting emissions from the combustion of natural gas, 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

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

**Statutory/Other Authority:** ORS 468A.050

**Statutes/Other Implemented:** ORS 468 & 468A

**History:**

[DEQ 14-2020, adopt filed 05/07/2020, effective 05/07/2020](#)

### [340-215-0110](#)

#### **Requirements for Fuel Suppliers and In-State Producers**

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

(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 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); and

(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);

(2) 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, default emission factors defined in 40 C.F.R. part 98 subpart MM must be used for emissions calculation purposes;

(3) 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 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

(4) For all fuel suppliers and in-state producers, calculate and report the CO<sub>2</sub>, CH<sub>4</sub>, N<sub>2</sub>O, and CO<sub>2</sub>e 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 CO<sub>2</sub> emissions and CO<sub>2</sub> from biomass-derived fuels that would result from the complete combustion of the fuel reported under this division;
- (b) Calculate CH<sub>4</sub> and N<sub>2</sub>O 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.

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

**Statutes/Other Implemented:** ORS 468 & 468A

**History:**

[DEQ 14-2020, adopt filed 05/07/2020, effective 05/07/2020](#)

### **340-215-0115**

#### **Requirements for Natural Gas Suppliers and In-State Producers**

Natural gas suppliers and in-state producers required to register and report under OAR 340-215-0030(4) must:

(1) Report the information required including the volume (Mscf), energy (MMBtu), type of natural gas and associated emissions for all gas imported, sold, [produced](#), 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 [contractually purchased and delivered to end users in Oregon](#) as specified under OAR 340-215-0044(5); [and](#)

[\(d\) Natural gas suppliers delivering hydrogen to end users in Oregon must also report information specified under OAR 340-215-0044\(5\).](#)

(2) For local distribution companies, calculate and report greenhouse gas emissions using quantification methodologies and report data and information described in 40 C.F.R part 98 subpart NN for suppliers of natural gas and natural gas liquids, as applicable, unless otherwise specified in this rule including 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; and

(c) Report identifying information for each natural gas marketer contracting use of the distribution system during the year including company name, and address;

(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 identifying information for each natural gas marketer contracting use of the distribution system during the year including company name, and address;

(4) ~~For I~~ 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, [and in-state producers of natural gas or biomethane](#); ~~must separately~~ report:

[\(a\) T](#)he total amount of natural gas, compressed natural gas, ~~and~~ liquefied natural gas [and biomethane imported or produced and delivered or sold for use in the state, excluding: imported into the state for use in the state. Such regulated entities must](#)

[\(A\) Volumes delivered to an Oregon local distribution company or injected into an interstate pipeline.](#)

~~(b) report the~~ The total annual amount of natural gas, compressed natural gas, ~~or~~ liquefied natural gas or biomethane 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 regulated entities that own or operate 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, 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 CO<sub>2</sub>, biogenic CO<sub>2</sub> from any reported biomass-derived fuel, CH<sub>4</sub>, N<sub>2</sub>O, and CO<sub>2</sub>e 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 and biomethane;

(b) Calculate and report CO<sub>2</sub> 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~~ in-state producers ~~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) Calculate and report CH<sub>4</sub> and N<sub>2</sub>O 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) CO<sub>2</sub> 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. Natural gas suppliers who report emissions from biomethane must report information required by OAR 340-215-0044(5) and ~~provide~~ retain supporting documentation as required under OAR 340-215-00424(5); and

(e) Not report data or emissions for products for which a final destination outside Oregon can be demonstrated.

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

**Statutes/Other Implemented:** ORS 468 & 468A

**History:**

[DEQ 14-2020, adopt filed 05/07/2020, effective 05/07/2020](#)

### **340-215-0120**

#### **Requirements for Electricity Suppliers**

Electricity suppliers required to register and report under OAR 340-215-0030(5) 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;

(1) 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, as follows:

(a) For unspecified sources, report the MWh of electricity and calculate and report the associated GHG emissions according to section (5)(a). Separately identify the MWh for power purchased from any energy imbalance market(s) or other centralized market(s);

(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 a fixed percentage of 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 was designated at the time the transaction was executed; and

(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); and
- (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;
- (c) For electricity suppliers that are multi-jurisdictional utilities that deliver or distribute electricity in Oregon, 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 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; and
- (d) For electricity suppliers that are not multi-jurisdictional utilities, proportionally adjust all resources on an annual basis to account for the sale of power to the wholesale market that is not known to be just specified or unspecified;
- (2) Use DEQ approved and published emission factors for calculating and reporting GHG emissions, including:
  - (a) The emission factor for calculating emissions from unspecified power is 0.428 MT CO<sub>2</sub>e/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); and
  - (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 (MT CO<sub>2</sub>e) per megawatt-hour of generation. Such a proposal to DEQ must include documentation describing how the proposed facility-specific or unit-specific emission factors are derived, including the necessary information for verification of these calculations. 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;

(3) For utilities that do not receive electricity from other sources and who serve load exclusively in Oregon, a third-party report from the Bonneville Power Administration (BPA), reporting the preference sales provided to Oregon consumer-owned utilities may satisfy such regulated party's obligations under this division. If BPA does not report this information to DEQ, those consumer-owned utilities must report the information as required by this division;

(4) For a consumer-owned utility, a third-party may submit the registration and report, and the report may include information for more than one consumer-owned utility, provided that the report contains all information required under this division for each individual consumer-owned utility, and:

(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;

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

(c) 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;

(d) 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; and

(e) Each consumer-owned utility must ensure that reports submitted on its 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:

$$\text{CO}_2\text{e} = \text{MWh} \times \text{TL} \times \text{EFunsp}$$

For the purposes of this calculation, "EFunsp" means default emission factor for unspecified electricity equal to 0.428 MT CO<sub>2</sub>e/MWh;

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



$$\text{CO2e} = \text{MWh} \times \text{TL} \times \text{EFsp}$$

For the purposes of this calculation, “EFsp” means facility-specific, unit-specific, or ACS system emission factor published by DEQ; and

(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:

$$\text{CO2e} = \text{MWhMJOR} \times \text{TL} \times \text{EFMJ}$$

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

“MWhMJOR” means total megawatt-hours of electricity delivered to retail customers in Oregon;

“EFMJ” means multi-jurisdictional utility system emission factor calculated according to equation (6)(b) (MT CO<sub>2</sub>e/MWh);

(6) For electricity suppliers, use emission factors calculated and published by DEQ for calculating and reporting emissions, as follows:

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

$$\text{EFsp} = \text{Esp} / \text{EG}$$

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

“EFsp” means the facility-specific or unit specific emission factor;

“Esp” means CO<sub>2</sub>e emissions for a specified facility or unit for the report year (MT CO<sub>2</sub>e);

“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:

$$\text{EFSYS} = \text{Sum of System Emissions MT CO}_2\text{e} \div \text{Sum of System MWh}$$

$$\text{Sum of System Emissions MT CO}_2\text{e} = \sum \text{Esp} + \sum (\text{PEsp} \times \text{EFsp}) + \sum (\text{PEunsp} \times \text{EFunsp}) - \sum (\text{SEsp} \times \text{EFsp})$$

$$\text{Sum of System MWh} = \sum \text{EGsp} + \sum \text{PEsp} + \sum \text{PEunsp} - \sum \text{SEsp}$$

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

“ΣEsp” means Emissions from Owned Facilities. Sum of CO<sub>2</sub>e emissions from each specified facility/unit in the supplier’s fleet, consistent with section (5)(b) (MT CO<sub>2</sub>e);

“ΣEGsp” 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);

“PEsp” 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);

“PEunsp” 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);

“SEsp” 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);

“EFsp” means CO<sub>2</sub>e emission factor as defined for each specified facility or unit calculated consistent with section (5)(b) (MT CO<sub>2</sub>e/MWh);

“EFunsp” means default emission factor for unspecified sources calculated consistent with section (5)(a) (MT CO<sub>2</sub>e/MWh);

(7) For 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, and:

(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;

(b) In addition to submitting the applicable information as required by this rule, persons seeking designation by DEQ as an asset-controlling supplier must also submit the following by June 1 of each year:

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

(B) A list of officer names and titles;

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

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

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

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

(c) DEQ will calculate and publish a supplier-specific system emission factor according to subsection (6)(b) for designated asset-controlling suppliers.

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

**Statutes/Other Implemented:** ORS 468 & 468A

**History:**

[DEQ 14-2020, adopt filed 05/07/2020, effective 05/07/2020](#)

### **340-215-0125**

#### **Requirements for Petroleum and Natural Gas Systems**

(1) Any person required to register and report under OAR 340-215-0030(6) must submit an emissions data report utilizing EPA quantification methodologies and data reporting requirements in 40 C.F.R. part 98 subpart W.

(2) The emissions data report submitted according to section (1) must:

(a) Include greenhouse gas emissions from each facility (or part of a facility for the onshore natural gas transmission pipeline industry segment) listed in OAR 340-215-0030(6)(a) through (e) that is physically located in Oregon and that meets the applicability threshold in OAR 340-215-0030(6); and

(b) If applicable, separately indicate subpart W emissions associated with an air permitted facility and report identifying information for that facility including the air permit identification number.

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

**Statutes/Other Implemented:** ORS 468 & 468A

**History:**

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