

ENVIRONMENTAL LAW ALERT

Greenhouse Gas Reporting Becomes Mandatory

The requirements of EPA's new mandatory Greenhouse Gas Reporting regulations become effective in part, beginning January 1, 2010, with actual reporting required as of March 31, 2011.

Facilities and suppliers required to report must begin collecting data on January 1, 2010, and must have a monitoring plan in place by April 1, 2010.

Greenhouse gases include carbon dioxide, methane, nitrous oxide, sulfur hexafluoride, hydrofluorocarbons, perfluorochemicals, nitrogen trifluoride and hydrofluorinated ethers. Because different gases have different effects on the environment, referred to as their Global Warming Potential (GWP), all greenhouse gases are compared to the GWP of carbon dioxide for reporting purposes. So, for example, the GWP of carbon dioxide is 1, methane is 21 and nitrous oxide is 310. Generally, the trigger for reporting is the emission of 25,000 metric tons of carbon dioxide equivalent per year.

Identified emission sources required to report include both facilities, which report at the facility level, and suppliers which report at the corporate level. Included as identified emission sources are electricity generation facilities, aluminum production, ammonia manufacturing, cement production, phosphoric acid and silicon carbide production, and municipal solid waste landfills that generate methane equivalent to 25,000 metric tons of carbon dioxide. Other facilities included under the rule are those that produce ferroalloys, glass, hydrogen, iron, steel, lead, zinc and pulp or paper. Suppliers subject to reporting include coal-to-liquids suppliers, petroleum product suppliers, some importers and exporters of petroleum products, local natural gas distributors and carbon dioxide suppliers.

Data collection begins January 1, 2010; monitoring plans must be in place by April 1, 2010, and reporting begins March 31, 2011.

The Greenhouse Gas Reporting regulations are found at 40 CFR 98.

This alert is written by Diane W. Whitney, chair of the Environmental Law and Litigation practice at Pullman and Comley, LLC. Please feel free to contact Diane W. Whitney or any of the attorneys listed below for more information.

Charles K. (Sandy) Campbell Jr.	203-674-7940	ccampbell@pullcom.com
Bonnie L. Heiple	203-330-2267	bheiple@pullcom.com
Lee D. Hoffman	860-424-4315	lhoffman@pullcom.com
Christopher P. McCormack	203-330-2016	cmccormack@pullcom.com
Edward P. McCreery III	203-330-2216	emccreery@pullcom.com
Diane W. Whitney	860-424-4330	dwhitney@pullcom.com