

Guide for Tribal Governments



Proposed Mandatory Reporting of Greenhouse Gases Rule

The proposed Mandatory Reporting of Greenhouse Gases (GHGs) rule, in general, would require annual reporting to EPA by suppliers of fossil fuels or industrial gases, manufacturers of vehicles and engines, and facilities that emit 25,000 metric tons or more per year of carbon dioxide equivalent (CO₂e). The emissions that would be reported are carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), sulfur hexafluoride (SF₆), and other fluorinated compounds.

Purpose of the Rule

The FY 2008 Consolidated Appropriations Act instructed the U.S. Environmental Protection Agency (EPA) to develop a mandatory reporting program for GHG emissions above appropriate thresholds in all sectors of the U.S. economy. The goal of the reporting program is to provide accurate data to inform future climate change policies. These policies could include research and development initiatives, economic incentives, new or expanded voluntary programs, adaptation strategies, emission standards, a carbon tax, or a cap and trade program.

How Would the Rule Affect Tribes?

Tribes could be required to submit an annual GHG report for any facility they own or operate that is subject to the rule. Landfills and stationary combustion equipment are the types of facilities owned or operated by tribes that would most likely trigger applicability. Tribes that own or operate large industrial emission sources such as cement plants, coal mines, or oil and gas operations could also be required to report emissions under this rulemaking. It should be noted that the owner or operator of any privately owned sources located on a reservation would be required to report for any applicable facility.

The rule would apply to all types of stationary combustion equipment (except for emergency generators and portable equipment) if the aggregate maximum rated heat input capacity of all stationary fuel combustion units at a facility is 30 million British thermal units per hour (mmBtu/hr) or greater, and the facility emits 25,000 metric tons of CO₂e or more per year from all stationary fuel combustion sources.

The rule would apply to landfills that generate CH₄ in amounts equal to 25,000 metric tons of CO₂e or more per year. It would also apply to municipal power generation plants that report to the Acid Rain Program or emit 25,000 metric tons of CO₂e or more per year.

How Would Tribal Governments Be Involved?

EPA welcomes input from tribal governments on all issues relating to the rulemaking. The rule was published in the Federal Register on April 10, 2009, and two public hearings were held. A public comment period is open until June 9, 2009. Instructions on submitting written comments can be found in the preamble and on EPA's Proposed Greenhouse Gas Reporting Rule Web site: www.epa.gov/climatechange/emissions/ghgrulemaking.html#written.

How Would the Rule Be Implemented?

Facilities and suppliers that are subject to the rule would submit the emission data reports directly to EPA in an electronic format to be specified later by the Administrator, in order to provide timely data necessary for policymaking purposes. EPA will verify the data (e.g., perform the quality assurance/quality control checks) by conducting automated checks for data completeness, quality, and consistency and by other means. Under the proposal, EPA would make emissions data available by publishing it once a year. EPA also plans to develop mechanisms to provide feedback to reporters as a way of improving the quality of future reports.

To facilitate implementation and compliance, EPA plans to conduct an active outreach and technical assistance program, including consultation with Tribal governments, as needed. Outreach materials might include compliance guides, brochures, fact sheets, sample reporting forms, and GHG emission calculation tools.

For More Information

This series of information sheets is intended to assist reporting facilities/owners in understanding key provisions of the proposed rule. However, these information sheets are not intended to be a substitution for the rule. Visit EPA's Web site (www.epa.gov/climatechange/emissions/ghgrulemaking.html) for more information, including the proposed preamble and rule and additional information sheets on specific industries, or go to www.regulations.gov to access the rulemaking docket (EPA-HQ OAR-2008-0508). For questions that cannot be answered through the Web site or docket, call 1-877-GHG-1188.