



Environmental Law *Alert*

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► This Alert will highlight the EPA Issues Proposed Rule on Comprehensive Program for Regulation of Greenhouse Gases

► EPA ISSUES PROPOSED RULE ON COMPREHENSIVE PROGRAM FOR REGULATION OF GREENHOUSE GASES

On March 10, 2009, the United States Environmental Protection Agency signed a proposed rule for a comprehensive national program for the regulation of greenhouse gas emissions, which could introduce numerous environmental requirements for industrial and non-industrial facilities throughout the national economy.

In general, the EPA's proposed rule would require certain facilities which emit 25,000 metric tons or more per year of greenhouse gas emissions to submit annual reports to the EPA.

Greenhouse gases are generated from the burning of fossil fuels, as well as other industrial and biological processes. Carbon dioxide is the most well-known greenhouse gas. But other regulated gases would include methane, nitrous oxide, sulfur hexafluoride, hydrofluorocarbons, perfluorochemicals, and other fluorinated gases.



The new program would potentially apply to facilities that directly emit greenhouse gases, as well as to fossil fuel suppliers and industrial greenhouse gas suppliers (e.g., suppliers of petroleum products, natural gas and natural gas liquids, and carbon dioxide). Covered sources would include facilities in the sectors of iron and steel production, electricity generation, petrochemical production, municipal and industrial landfills, food processing, wastewater treatment, and many more. Certain manure management systems in the agricultural and livestock sectors would also be covered.

The program proposes quantitative thresholds for determining applicability to particular facilities. For applicable facilities, the program would impose data collection requirements, emissions calculation requirements, quality assurance requirements, recordkeeping requirements, and reporting requirements.

According to the EPA, the collection of the data is intended to allow it to collect accurate and comprehensive emissions data, to inform future policy decisions.

EPA has proposed rules for determining whether small businesses and owners of commercial and residential buildings with stationary fuel combustion units will be subject to reporting requirements.

EPA's proposed rule will be open for public comment for 60 days after publication in the Federal Register.



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