

Subpart A—General Provision

§ 98.1 Purpose and scope.

(a) This part establishes mandatory greenhouse gas (GHG) reporting requirements for owners and operators of certain facilities that directly emit GHG as well as for certain suppliers. For suppliers, the GHGs reported are the quantity that would be emitted from combustion or use of the products supplied.

(b) Owners and operators of facilities and suppliers that are subject to this part must follow the requirements of this subpart and all applicable subparts of this part. If a conflict exists between a provision in subpart A and any other applicable subpart, the requirements of the applicable subpart shall take precedence.

(c) For facilities required to report under onshore petroleum and natural gas production under subpart W of this part, the terms *Owner* and *Operator* used in subpart A have the same definition as *Onshore petroleum and natural gas production owner or operator*, as defined in § 98.238 of this part.

[74 FR 56374, Oct. 30, 2009, as amended at 75 FR 39758, July 12, 2010; 76 FR 73898, Nov. 29, 2011; 76 FR 80573, Dec. 23, 2011]

§ 98.2 Who must report?

(a) The GHG reporting requirements and related monitoring, recordkeeping, and reporting requirements of this part apply to the owners and operators of any facility that is located in the United States or under or attached to the Outer Continental Shelf (as defined in 43 U.S.C. 1331) and that meets the requirements of either paragraph (a)(1), (a)(2), or (a)(3) of this section; and any supplier that meets the requirements of paragraph (a)(4) of this section:

(1) *A facility that contains any source category that is listed in Table A-3 of this subpart in any calendar year starting in 2010.* For these facilities, the annual GHG report must cover stationary fuel combustion sources (subpart C of this part), miscellaneous use of carbonates (subpart U of this part), and all applicable source categories listed in Table A-3 and Table A-4 of this subpart.

(2) *A facility that contains any source category that is listed in Table A-4 of this subpart and that emits 25,000 metric tons*

CO₂e or more per year in combined emissions from stationary fuel combustion units, miscellaneous uses of carbonate, and all applicable source categories that are listed in Table A-3 and Table A-4 of this subpart. For these facilities, the annual GHG report must cover stationary fuel combustion sources (subpart C of this part), miscellaneous use of carbonates (subpart U of this part), and all applicable source categories listed in Table A-3 and Table A-4 of this subpart.

(3) *A facility that in any calendar year starting in 2010 meets all three of the conditions listed in this paragraph (a)(3).* For these facilities, the annual GHG report must cover emissions from stationary fuel combustion sources only.

(i) The facility does not meet the requirements of either paragraph (a)(1) or (a)(2) of this section.

(ii) The aggregate maximum rated heat input capacity of the stationary fuel combustion units at the facility is 30 mmBtu/hr or greater.

(iii) The facility emits 25,000 metric tons CO₂e or more per year in combined emissions from all stationary fuel combustion sources.

(4) *A supplier that is listed in Table A-5 of this subpart.* For these suppliers, the annual GHG report must cover all applicable products for which calculation methodologies are provided in the subparts listed in Table A-5 of this subpart.

(5) Research and development activities are not considered to be part of any source category defined in this part.

(b) To calculate GHG emissions for comparison to the 25,000 metric ton CO₂e per year emission threshold in paragraph (a)(2) of this section, the owner or operator shall calculate annual CO₂e emissions, as described in paragraphs (b)(1) through (b)(4) of this section.

(1) Calculate the annual emissions of CO₂, CH₄, N₂O, and each fluorinated GHG in metric tons from all applicable source categories listed in paragraph (a)(2) of this section. The GHG emissions shall be calculated using the calculation methodologies specified in each applicable subpart and available company records. Include emissions