

TITLE 20 ENVIRONMENTAL PROTECTION  
CHAPTER 2 AIR QUALITY (STATEWIDE)  
PART 87 GREENHOUSE GAS EMISSIONS REPORTING

20.2.87.1 ISSUING AGENCY: Environmental Improvement Board.  
[20.2.87.1 NMAC - N, 01/01/08]

20.2.87.2 SCOPE: All persons who own or operate an applicable source of greenhouse gas emissions in the geographic areas within the jurisdiction of the Environmental Improvement Board.  
[20.2.87.2 NMAC - N, 01/01/08]

20.2.87.3 STATUTORY AUTHORITY: Environmental Improvement Act, NMSA 1978, Section 74-1-8(A)(4), and Air Quality Control Act, NMSA 1978, Sections 74-2-1 et seq., including specifically Sections 74-2-5(B)(1) & 74-2-5(C)(5)(d) & (e).  
[20.2.87.3. NMAC - N, 01/01/08]

20.2.87.4 DURATION: Permanent.  
[20.2.87.4 NMAC - N, 01/01/08]

20.2.87.5 EFFECTIVE DATE: January 1, 2008 except where a later date is cited at the end of a section or paragraph.  
[20.2.87.5 NMAC - N, 01/01/08]

20.2.87.6 OBJECTIVE: The objective of this Part is to establish requirements for the reporting of GHG to the Department for the purpose of developing an improved GHG inventory.  
[20.2.87.6 NMAC - N, 01/01/08]

20.2.87.7 DEFINITIONS: In addition to the terms defined in 20.2.2 NMAC, the following definitions shall apply to terms used in this Part.

A. "carbon dioxide equivalent" means quantity of a given greenhouse gas multiplied by its total global warming potential.

B. "de minimis emissions" means the quantity of greenhouse gas emissions, expressed as carbon dioxide equivalent, from any combination of sources and/or gases, as identified in the Protocol, as defined in this subpart.

C. "direct emissions" means emissions from sources under operational control of the entity.

D. "emission report or inventory" means a listing, by source type, of the amount of air pollutants discharged into the atmosphere.

E. "equity share" means the extent of economic interest held in an operation, which is typically the same as ownership percentage.

F. "greenhouse gas" or "greenhouse gases" or "GHG" means any of the following: carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydrofluorocarbons (HFC), perfluorocarbon (PFC) or sulfur hexafluoride (SF<sub>6</sub>).

G. "greenhouse gas emissions reporting year" means the calendar year in which reported data is required to be collected under this Part.

H. "indirect emissions" means emissions associated with direct import of heat/steam and/or electricity that are a consequence of the operations under the operational control of the reporting entity, but which occur at sources owned or controlled by another reporting entity.

I. "metric ton" or "metric tonne" means 2204.62 pounds

J. "operational control" means having the authority or contractual authority to introduce and implement operating and environmental, health, and safety (EHS) policies at the facility or venture.

K. "reporting entity" means the organization responsible for the total facilities, operations, and ventures within predetermined boundaries that a company is reporting under 20NMAC 2.87.

L. "Protocol" means any protocol accepted by the Californian Climate Action Registry (CCAR) and/or "The Climate Registry"

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Deleted: G. "facility" means any building, structure, facility, or installation that emits or may emit any greenhouse gas.

H. "greenhouse gas" means a substance that is released into the air as a result of human activity and the presence of which in the atmosphere inhibits the release of outgoing terrestrial radiation. For purposes of this part, greenhouse gases include any

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[20.2.87.7 NMAC - N, 01/01/08]

**20.2.87.8 SEVERABILITY.** If any provision of this Part, or the application of such provision to any person or circumstance, is held invalid, the remainder of this Part, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.  
[20.2.87.8 NMAC - N, 01/01/08]

**20.2.87.9 CONSTRUCTION.** This Part shall be liberally construed to carry out its purpose.  
[20.2.87.9 NMAC - N, 01/01/08]

**20.2.87.10 SAVINGS CLAUSE.** Repeal or ~~supersession~~ ~~suppression~~ of prior versions of this Part shall not affect any administrative or judicial action initiated under those prior versions.  
[20.2.87.10 NMAC - N, 01/01/08]

**20.2.87.11 COMPLIANCE WITH OTHER REGULATIONS.** Compliance with this Part does not relieve a person from the responsibility to comply with any other applicable federal, state, or local regulations.  
[20.2.87.11 NMAC - N, 01/01/08]

**20.2.87.12 to 20.2.87.199 [RESERVED]**

**20.2.87.200 APPLICABILITY**

A. The following ~~entities~~ shall report greenhouse ~~gas emissions~~ under this Part, with 2008 as the first greenhouse gas reporting year.

(1) ~~An entity with operational control~~ of a facility at which the sum of the nameplate capacity of all electrical generating units is equal to or greater than twenty five megawatts of electricity.

(2) ~~An entity with operational control~~ of a petrochemical refining facility with a NAICS code 32411.

(3) ~~An entity with operational control~~ of a cement manufacturing facility with a NAICS code 32731.

B. ~~An entity who is~~ required to report under this Part may register and third-party verify their greenhouse gas emissions with "The Climate Registry". ~~Entities~~ that have registered and verified their greenhouse gas emissions in accordance with the ~~Protocols of the "The Climate Registry"~~ shall be deemed to be in compliance with this Part for that reporting year if:

(1) ~~The~~ greenhouse gas emissions reported for each reporting year include the emissions that would be reported for that ~~entity~~ for that year under this Part; and

(2) ~~The~~ department has access to the emissions information that would be provided by that ~~entity~~ under this Part.

C. Entities that are not required to report greenhouse gas emissions under this Part may do so voluntarily ~~to The Climate Registry~~.

D. ~~Entities~~ that are required to report greenhouse gas emissions under this Part may voluntarily include additional emissions that are not required under this Part.  
[20.2.87.200 NMAC - N, 01/01/08]

**20.2.87.201 GREENHOUSE GAS EMISSIONS REPORTING REQUIREMENTS**

A. Requirements for the first reporting year. The ~~entity~~ shall report ~~direct emissions~~ ~~under operational control~~ of carbon dioxide ~~as per the Protocol~~. The ~~entity~~ is not required to include emissions from mobile sources.

B. Requirements for the second and subsequent reporting years. The ~~entity~~ shall report:

(1) ~~Direct~~ emissions of carbon dioxide ~~under operational control~~. The ~~entity~~ is not required to include emissions from mobile sources; and

(2) ~~Indirect~~ greenhouse gas emissions from all electricity, steam, and heat purchased and consumed.

~~C. De minimis emissions may be omitted from the GHG report as specified in the Protocol. For GHGs which the reporting entity does not emit, the entity may make a one time demonstration of no emissions of GHG's with the first reporting submittal.~~

[20.2.87.201 NMAC - N, 01/01/08]

**20.2.87.202 GREENHOUSE GAS EMISSIONS REPORTING PROCEDURES**

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A. ~~Entities~~ that meet the applicability requirements in section 20.2.87.200 NMAC shall submit annual greenhouse gas emissions reports under this Part. Greenhouse gas ~~emission~~ reports shall apply to a calendar year.

B. Reporting shall be conducted using the greenhouse gas emissions ~~Protocol as defined in this Part~~. Such ~~Protocols~~ shall:

- (1) ~~Be~~ made available by the Department to the public for review and comment at least sixty days prior to the beginning of a greenhouse gas emission reporting year. Department notifications of the availability of the ~~Protocol~~ and procedures for review may be made electronically or in writing;
- (2) ~~Be~~ consistent with generally accepted ~~Protocols~~ for estimation of greenhouse gas emissions;
- (3) ~~Include provisions to:~~
  - (a) ~~report~~ the name and address of the reporting ~~entity~~;
  - (b) ~~report~~ the name and telephone number of the person to contact regarding the ~~GHG~~ emissions report;
  - (c) ~~identify the geographical boundaries of the report~~;

C. ~~All emissions reporting under this Part shall be verified according to the Protocol.~~

D. ~~Reporting entities shall submit unverified and verified reports, as required under this Part, as per the Protocol schedule.~~

[20.2.87.202 NMAC - N, 01/01/08]

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- Deleted: (f) for emissions from facilities located in another country, if reported, the country;¶
- Deleted: (g) fuel use, including amounts and specifications of each fuel type, directly related to reported emissions;¶
- Deleted: (h) the means to document methods utilized to make emissions calculations, if different from the methods incorporated into the tool;¶
- Deleted: (i) calculations for emissions of each reported greenhouse gas and the means to sum all reported greenhouse gases, in units of tons of carbon dioxide equivalent, including emissions occurring during regular operation, maintenance, start-ups, shutdowns, upsets, and malfunctions; ¶
- Deleted: (j) a description of de minimis emissions not reported; and¶
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