TECHNICAL SUMMARY
New Mexico Environment Department
Proposed Greenhouse Gas Emission Reporting and Verification Rules
20.2.300 NMAC – Reporting of Greenhouse Gas Emissions
20.2.301 NMAC – Greenhouse Gas Reporting – Verification Requirements
July 8, 2010

Purpose of the rules

These new rules are intended to provide the data needed for New Mexico's participation in a regional Greenhouse Gas (GHG) cap-and-trade program. For emissions allowances to be traded across jurisdictions and to ensure market integrity, accurate data must be obtained by standardized methods across all the participating jurisdictions. Third-party verification is intended to ensure that audits of emissions data reports are conducted with a uniformly high standard of rigor across all jurisdictions.

Emissions Reporting

1. Overview of the reporting rule 20.2.300 NMAC ("Part 300")

Part 300 is largely based on the Western Climate Initiative's (WCI) Essential Requirements for Mandatory Reporting, which have been harmonized with the U.S. EPA greenhouse gas reporting rule (40 CFR 98). New Mexico is a member of the WCI and has actively participated in the development of the WCI Essential Requirements.

The WCI harmonized Essential Requirements are formatted as a markup of the EPA rule, with changes indicated. Because most of the text of the lengthy EPA rule is unchanged, Part 300 incorporates by reference the relevant Subparts of the EPA rule (see Section 20.2.300.100 NMAC), and then sets forth specific exceptions, modifications and omissions to the federal rule in Sections 20.2.300.102 NMAC through 20.2.300.106 NMAC. A markup of the federal rule showing the changes made by the draft Part 300 will soon be available on the NMED web site.

Part 300 specifies by incorporation of Subparts of 40 CFR 98 or in the text of the rule:

- the emissions threshold for reporting
- which GHG emissions are required to be reported (source category, unit type and/or process, GHG chemical species)
- which reported GHG emissions are covered under the cap, as implemented in proposed 20.2.350 NMAC – Greenhouse Gas Cap and Trade Provisions
- the methods that facilities must use to determine their GHG emissions (monitoring, metering, measurement, emissions factors, calculation method)
- report content
- schedule for reporting
- recordkeeping requirements

2. Source categories included

Part 300 requires reporting of emissions from <u>only</u> the following source categories, as defined in the EPA rule except as noted:

- General Stationary Fuel Combustion (40 CFR 98 Subpart C)

- Electricity Generation (40 CFR 98 Subpart D)
- Cement Production (40 CFR 98 Subpart H)
- Hydrogen Production (40 CFR 98 Subpart P)
- Lead Production (40 CFR 98 Subpart R)
- Lime Manufacturing (40 CFR 98 Subpart S)
- Nitric Acid Production (40 CFR 98 Subpart V)
- Petrochemical Production (40 CFR 98 Subpart X)
- Petroleum Refineries (40 CFR 98 Subpart Y)
- Zinc Production (40 CFR 98 Subpart GG)
- CO2 emissions from acid gas removal (AGR) vent stacks at gas processing plants

Some source categories that we currently do not have in NMED Air Quality Bureau's jurisdiction or in the state are included in this list, because New Mexico does have at least some quantity of the necessary raw materials and there is at least a remote possibility that a facility in one of these categories might start up in New Mexico in the next three years.

The rule does not include many source categories that are in the EPA reporting rule. Some of these source categories are not included because they have never been in New Mexico and are highly unlikely to be in the foreseeable future (e.g., aluminum manufacturing). Other excluded source categories are not currently in or anticipated to be in the scope of the WCI cap and trade program as cap emissions, such as manure management or fugitive methane emissions from landfills.

Carbon dioxide emissions from acid gas removal (AGR) vent stacks is an emissions stream proposed by EPA to be included in Subpart W of the federal reporting rule. We are including this emissions stream because it is a significant contributor to the state's total GHG emissions, and we anticipate that the emissions quantification method in the final EPA rule, to be promulgated later this year, will not differ in substance from that proposed by EPA. Section 20.2.300.107 NMAC and definitions in Section 20.2.300.7 NMAC relevant to this emissions stream are derived from EPA's proposed Subpart W – Oil and Natural Gas Systems (75 FR 18608, April 12, 2010). Other emissions streams in EPA's proposed Subpart W, primarily vented and fugitive methane sources, are not included in this proposed rulemaking because it is uncertain whether the quantification methods in the final rule will provide cap-and-trade quality data, and if not, what modifications might be needed to achieve this goal.

5. Threshold for reporting

The threshold for reporting is 10,000 metric tons CO2e per year. All of the emissions required to be reported under 20.2.300 NMAC count toward the threshold. Determining applicability of 20.2.300 NMAC will be a simple task for facilities already required to report to EPA, because the EPA rule has a higher threshold. Many of the facilities not required to report 2010 emissions to EPA will be those with General Stationary Fuel Combustion as their only source category. Such sources may easily determine if their emissions are over the 10,000 metric ton threshold of the New Mexico rule by using EPA's online Applicability Tool, where the only input required is annual fuel use.

6. Greenhouse gases to be reported
All of the GHGs gas species in the EPA rule (Table A-1 of Subpart A of 40 CFR 98) are covered by 20.2.300 NMAC However, for each particular unit, process, or source category, only a subset of these gases must be reported, as specified in the measurement and reporting requirements for each source category. For example, general stationary fuel combustion units must report only carbon dioxide, methane, and nitrous oxide emissions.

The EPA rule includes some fluorinated GHGs which are not in the designed scope of the WCI cap and trade program (e.g., fluorinated ethers). NMED is proposing that these emissions be reporting-only. Emissions that are reporting-only are not subject to the cap-and-trade provisions under Part 350, and are not required to be verified (see #2 under Verification below).

6. EPA changes to the federal GHG reporting rule (40 CFR 98)
Since October 2009 when 40 CFR 98 was first promulgated, EPA has proposed or finalized amendments, and additional amendments are expected later this year. In rules governing the New Mexico Administrative Code, "References to U.S. law shall be deemed to be references to the current version of such law, including subsequent amendments, unless otherwise expressly stated in the rule" (1.24.10.22 NMAC).

However, NMED does not intend to include in this rulemaking any source categories that have been or may be added to the federal rule by amendments made after October 2009, even if they are source categories which WCI is considering for inclusion in the design of the regional cap and trade program. We do intend to include the minor EPA amendments to Subpart A (General Provisions) which were finalized and signed by the EPA Administrator on June 28, 2010, and are expected to be published a few weeks thereafter. We also intend to include the finalized version of proposed technical corrections which were published June 15, 2010 (75 FR 33950).

We believe that the language in the current draft accomplishes the goals described above. However, if additional EPA rulemaking this year should cause the current language to no longer have the intended effect, then NMED will adjust the draft wording of the language incorporating 40 CFR 98 if necessary to accomplish the intentions stated above.

7. Modifications to EPA emissions quantification methods made by this rule
For some of the included source categories, the emissions quantification methods in the EPA rule would not yield data of sufficient accuracy for a cap and trade program. Sections 20.2.300.102 through 20.2.300.106 NMAC include modifications to the EPA methods to enhance the accuracy of the reported data, through such means as increasing fuel or feedstock sampling frequency or requiring that a higher-tier method in the EPA rule be used. No modifications to quantification methods were needed for several source categories (Electricity Generation, Cement Production, Lead Production, Lime Manufacturing, Nitric Acid Production, Petrochemical Production, and Zinc Production).

These modifications are ones which New Mexico and other WCI jurisdictions have agreed upon and released as a proposal for public comment in late May. New Mexico and other WCI jurisdictions are reviewing comments received, and will make any necessary revisions prior to

issuing a final document in July, 2010. At that time, the NMED proposed rule will be revised to ensure compatibility with the WCI requirements.

A summary of significant modifications to the EPA rule is attached.

8. Report submittal
EPA is building an online reporting tool and database to support reporting under their rule. EPA has stated their intention to support state GHG reporting programs by allowing facilities required to report by a state but not by EPA to report using the EPA tool and database, and by incorporating additional data fields. EPA also intends to make the non-confidential reported data available to states in a timely fashion through a data exchange network.

Therefore, we expect that reporters under the New Mexico rule will be able to submit their reports via the EPA reporting tool, and those required to report to EPA under their rule will not have to enter the same data twice. New Mexico will continue to closely monitor the development of the EPA tool and database and make every effort to ensure that the burden of submitting reports required by the New Mexico rule is minimized.

9. Phase-out of reporting if annual emissions drop below the threshold
Reporting may be phased out after annual emissions drop below the 10,000 metric ton CO2e threshold (see Subsection J of 20.2.300.102 NMAC). If the facility did not previously have to verify emissions, the only submission required is a certified statement that annual emissions were below the threshold in the previous year. When such statements have been submitted for three consecutive years, no further submittals by the facility are required.

If the facility was previously required to verify emissions (e.g., annual emissions were greater than 25,000 metric tons) and then emissions drop below the reporting threshold, the facility may discontinue reporting only after full emissions reports showing emissions were below 10,000 metric tons CO2e have been submitted for three consecutive years.

Facilities that have chosen to opt in to the cap-and-trade program under Part 350 will be subject to reporting regardless of their emissions level. This provision is in the cap-and-trade rule, in Subsection C of 20.2.350.300 NMAC.

Verification

1. Overview of the verification rule
Third party verification is needed to ensure the integrity of emissions data for capped sources, for which the data will directly translate into financial obligations or benefits. EPA has stated that their reporting rule, including their system of verification based on internal consistency of the reported emissions and production data, was not designed to support a cap and trade system.

The verification rule sets forth the requirements for:

- which emissions reports or portions of emissions reports must have third-party verification
- conduct of the verification process and standards to be applied

- accreditation of verifier bodies and recognition by NMED
- determinations of conflict of interest between a particular verifier and facility owner/operator

Content of the proposed verification rule is derived from requirements cooperatively developed by New Mexico and other WCI jurisdictions. Adoption of common verification standards is important to ensure that emissions allowances can be traded across all jurisdictions participating in a cap and trade program.

2. Threshold and scope of verification
Facilities with covered emissions equal to or greater than 25,000 metric tons CO2e per year must obtain verification, as well as any facilities that are otherwise obligated to surrender compliance instruments under the proposed cap and trade rule (20.2.350 NMAC). Emissions designated in the reporting rule as "reporting-only" (see Section 20.2.300.7 NMAC, Definitions) do not count toward this threshold and do not need to be included in the scope of verification activities.

3. Schedule for submission of verification statements
For the first year of the program (reports submitted in 2012 for 2011 emissions), verification statements are due August 1, 2012. This is four months after the emissions report deadline of April 1, which provides owner/operators extra time in this program startup year to arrange for verification services and to learn how the verification process works. In subsequent years, the verification report is due on April 1, the same data as the emissions report deadline.

4. Steps for verifiers
The first step for a company planning to provide verification services is to obtain accreditation from an accreditation body that is a member of the International Accreditation Forum, Inc. NMED is planning to develop a Memorandum of Understanding with the American National Standards Institute (ANSI) under which they would provide accreditation to verifiers of New Mexico emissions reporters. ANSI already provides such services to The Climate Registry.

The verifier must then obtain recognition from NMED by demonstrating knowledge of the New Mexico reporting and verification requirements.

Prior to verifying an emissions report, the verifier must submit to NMED a self-evaluation of potential conflicts of interest in relation to the owner/operator of the facility. Conflict of interest is rated as low, medium, or high. A high potential for conflict of interest precludes the verifier from providing verification services for that particular facility. If potential conflict of interest is medium, the verifier may outline the steps that will be taken to mitigate this potential. If NMED determines that the conflict of interest is low, or that sufficient steps will be taken to mitigate a medium level of conflict of interest, the verifier may proceed with verification services for that facility.

5. Less intensive verification
Full verification services must be performed the first year that a given verifier audits the emissions report of a facility. Less intensive verification services (see definition, 20.2.301.7 NMAC) may be performed the second and third years that the same verifier provides these

services for a given facility. This avoids the need to develop a new verification plan each year, and reduces the cost of verification in the second and third years. A new verification plan and full verification must be performed in the fourth year that the same verifier provides these services for a given facility. Facility owner/operators may not use the same verifier for more than six consecutive years, to ensure independence of the verifier.

ATTACHMENT TO TECHNICAL SUMMARY

Summary of Modifications to the EPA Rule Subparts Incorporated by Reference in Proposed 20.2.300 NMAC

New Mexico Environment Department

July 8, 2010

The following table summarizes the modifications to the EPA rule that the New Mexico Environment Department is proposing in 20.2.300 NMAC – *Reporting of Greenhouse Gas Emissions*, for reporting to the Department. The specific language for the changes is set forth in the rule and is shown in the form of a markup of the EPA rule available here on the Department web site.

References to the "WCI Essential Requirements" are to the Western Climate Initiative's "Final Essential Requirements for Mandatory Reporting", issued July 16, 2009. This document and the WCI's proposed harmonized Essential Requirements (ERs) are available here on the WCI web site.

Section in EPA rule (40 CFR 98)	Change to EPA Rule	Rationale
Subpart A—General Provisions		
98.1(a) and (b)	Omit fuel suppliers and industrial GHG suppliers from requirement to report.	These source categories are not included in the scope of the proposed New Mexico cap and trade regulation. Facilities which are both direct emitters and fuel suppliers are required to report only their direct emissions under the proposed rule.
98.1	Added new (c) substituting jurisdiction for EPA and EPA administrator throughout rule.	Clarifies who is responsible for administering the incorporated-by-reference version of the EPA rule. Since the EPA rule does not provide delegation, EPA will remain responsible for administering the original 40 CFR Part 98 requirements.

Section in EPA rule (40 CFR 98)	Change to EPA Rule	Rationale
98.1 and elsewhere	Added new (d) providing for identification of data that will be reported for informational purposes only and will not be subject to cap and trade. Added "reporting only" label to certain EPA subparts and specific quantification methods.	Not all quantification methods specified by the harmonized ERs are suitable for a cap-and-trade system. The "reporting only" label provides notice to stakeholders on NMED's current view on which emissions should not be subject to the cap-and-trade program.
98.1	Added new (e) to authorize NMED to allow submission of a report to EPA to meet the requirements of the harmonized ERs.	New Mexico and other WCI jurisdictions are working with EPA to allow reporting entities to use EPA's system to meet the requirements of both the EPA rule and state rules.
98.2 and elsewhere	Changed threshold for reporting from 25,000 metric tons to 10,000 metric tons CO2e.	Consistent with WCI design recommendation for reporting. EPA has indicated that it may be able to accommodate reports by facilities with emissions below the EPA rule threshold.
98.2(a)(3)(iii)	Changed heat input threshold for fuel combustion units from 30 mmBtu/hr to 12 mmBtu/hr.	The 30 mmBtu/hr threshold is designed to provide facilities whose only regulated GHG source is fuel combustion an easy method for determining whether they are above the 25,000 metric tons emission threshold. For NMED's 10,000 metric tons threshold, the equivalent heat input threshold is 12 mmBtu/hr.
98.2(b)(2)	Added exclusions from the applicability determination for certain emissions from the combustion of biomass.	Consistent with WCI Design Recommendations and existing WCI Essential Requirements [WCI.1(b)(2)].

Section in EPA rule (40 CFR 98)	Change to EPA Rule	Rationale
98.2(i)	Added new (4) providing additional off-ramp for facilities required to report to NMED but not EPA (i.e. emissions between 10,000 and 25,000 metric tons per year) that subsequently fall below the 10,000- metric-tons-per-year threshold.	Consistent with existing WCI Essential Requirements [WCI.1(e)(2)].
98.3(g), 98.3(g)(5)(iv)	Added requirement to submit records within 20 days of a request from a WCI jurisdiction.	Failure of EPA rule to specify a time period for responding may make enforcement difficult.
98.3(h)	Added a new (2) requiring facilities subject to NM rule but not EPA reporting requirements to submit correction only if cumulative errors exceed 5 % of total CO2e emissions.	Consistent with WCI Essential Requirements [WCI.2(f)]. This change cannot be applied to facilities subject to the EPA rule, since EPA requires the correction of any errors.
98.3(i)(6)	Modified to require calibration during any outage of sufficient duration to allow performance of the calibration procedure, not just during scheduled maintenance.	If outages occur for reasons other than scheduled maintenance (e.g. for repairs necessitated by unforeseen equipment failure), and the outages last long enough to complete a new calibration, there is no reason to put calibration off until the next schedule maintenance. This provision is being reconsidered in light of stakeholder comments to WCI.
98.3	Added a method for calculating weighted averages as new (j).	Weighted averages provide a more accurate estimate of emissions.
98.3	Added new (k) requiring NMED's approval before a facility may switch from a CEMS to a mass- or fuel-based monitoring method or vice versa.	This provision is designed to prevent facilities from using changes in monitoring methods to create an artificial reduction in GHG emissions.

Section in EPA rule (40 CFR 98)	Change to EPA Rule	Rationale
98.3	Added a modified version of the de minimis provision previously in the WCI Essential Requiremets [WCI.2(d)] as new (l). Instead of allowing the use of any alternative method approved by the verifier, the modified version requires the use of a method permitted by 40 CFR Part 98 for the facility. So, for example, a facility subject to verification could use Tiers 1 or 2, rather than Tier 3, for up to 3 percent of its combustion emissions.	The EPA rule does not include a de minimis provision. Allowing facilities to employ methods that are not specified by the EPA rule therefore would be inconsistent with harmonization. In some cases, however, the proposed rule requires the use of a higher tier than would otherwise be required by the EPA rule. In these cases, it is consistent with harmonization to allow the use of the lower tier for emissions determined to be de minimis.
98.3	Added new (m) to make it clear the missing data procedures included in the EPA rule (and therefore the proposed NMED rule) do not excuse facilities from possible enforcement action for failure to conduct the monitoring required by the rule.	NMED intends to exercise its enforcement discretion in applying this provision, which is intended to prevent abuse of the missing data procedures.
Subpart C—General Stationary Combustion		
98.32(b), 98.33(f)	Added requirement to report fugitive HFC emissions from cooling units.	Consistent with WCI Essential Requirements [WCI.42(h) and WCI.42(d)]. These emissions are designated reporting-only.
98.33(a)(2)(iii)	Limit availability of Equation C-2c (ratio of heat input to steam method) to municipal solid waste and solid biomass, rather than allowing its use for any other solid fuel listed in Table C-1.	Consistent with WCI Essential Requirements [WCI.23(b)(2)], to ensure more accurate estimation of emissions.
98.33(a)(4)(iv)	Require CEMS installed after beginning of first reporting year subject to rule to include a CO2 monitor, rather than an oxygen monitor.	There is no reason for newly installed CEMS not to include such a monitor, given that incremental costs relative to CEMS installation are minor.

Section in EPA rule (40 CFR 98)	Change to EPA Rule	Rationale
98.33(b)(1)	Limit use of Tier 1 (default emission factors and HHV) to units that are both (1) below both EPA's 250 mmBtu/hr heat input threshold and (2) located at facilities that are not subject to verification (i.e., emissions < 25,000 metric tons/yr).	To ensure more accurate estimation of emissions. Consistent with WCI Essential Requirements [WCI.23(e)(1)].
98.33(b)(1)(iv)	Require use of Tier 2 when a facility can obtain HHV from the fuel supplier, even if this information is not currently "routinely received."	If a facility is able to obtain this information, it should use the more accurate method.
98.33(b)(2)	Limit use of Tier 2 (default emission factors and measured HHV) to units that are both (1) below both EPA's 250 mmBtu/hr heat input threshold and (2) located at facilities that are not subject to verification (i.e., emissions < 25,000 metric tons/yr), except for facilities that burn pipeline quality natural gas or distillate fuel oil.	To ensure more accurate emissions estimation. Consistent with WCI Essential Requirements [WCI.23(e)(2)].
98.33(b)(3)	Require the use of Tier 3 (measured carbon content) for all units at a facility subject to verification (i.e. emissions > 25,000 metric tons/yr). Require Tier 3 for the combustion of *all* fuels that are not listed in Table C-1, not just for unlisted fuels that provide 10 % or more of a unit's annual heat input.	Consistent with WCI Essential Requirements [WCI.23(e)(3)]. Exempting unlisted fuels that provide less than 10 % of a unit's heat input could result in a significant gap in a facility's reported emissions.
98.33(c)	Add new (6) to allow an operator use a source-specific emission factor to calculate CH4 and N2O emissions.	Consistent with WCI Essential Requirements [WCI.24(d)]. Since this is optional, it does not conflict with harmonization principle 1.

Section in EPA rule (40 CFR 98)	Change to EPA Rule	Rationale
98.33(e)(2)	Require the use of 98.33(e)(3) for the combustion of any fossil fuel/biomass mixture containing an undeterminable quantity of fossil fuels, not just MSW.	The method specified in 98.33(e)(2) assumes that the amount of fossil fuel in a fossil fuel/biomass mixture can be determined and that a mass balance approach is therefore possible. Its use therefore must be limited to fuels where the amount of fossil fuel in a mixture can in fact be determined. Other mixtures must as a practical matter be subject to 98.33(e)(3).
98.34(b)(3)(ii)(E)	Require installation of equipment necessary to perform daily sampling and analysis of carbon content and molecular weight for refinery fuel gas by the one year after this rule is effective.	Refinery fuel is variable in composition, so daily sampling is needed to ensure accurate emissions estimate.
98.36(b), (d)	Added provisions requiring reporting of nameplate capacity and net power generated for EGUs and cogeneration data, as well as certain fuel data if not reported under 40 CFR Part 75.	Consistent with WCI Essential Requirements [WCI.40]. To obtain data needed to inform other policy decisions.
Subpart D—Electricity Generation		
98.46	Corrected cross-reference.	Clarification.
Subpart H—Cement Production		
No change to EPA rule.		
Subpart P—Hydrogen Production		
98.160(a)	Changed to apply subpart to production of hydrogen for use on site as well as hydrogen sold as a product.	Consistent with WCI Essential Requirements [WCI.131]. This change may require facilities not subject to the EPA rule to report but should not result in a facility subject to both the NMED and EPA programs being subject to inconsistent reporting obligations.

Section in EPA rule (40 CFR 98)	Change to EPA Rule	Rationale
98.163(b), 98.164(b)(2)-(4)	Require daily, rather than monthly or weekly, analysis of carbon feedstocks other than natural gas.	Consistent with WCI Essential Requirements [WCI.134(b)(1)]. Higher frequency sampling required to insure accuracy adequate for a cap-and-trade program.
98.166(b)	Added (7) requiring reporting of carbon in unconverted feedstock for which GHG emissions are calculated and reported by the facility using other methods.	In order to avoid possible double counting of emissions, WCI Essential Requirements [WCI.133, Equation 130-1] allows subtraction of carbon "accounted for elsewhere" from the amount of feedstock, before calculation of the mass balance. EPA's equations P-1, P-2 and P-3 do not allow for such a deduction. The equations themselves cannot be modified in the harmonized ERs, because that would require reporting different emissions to EPA and a U.S. WCI jurisdiction. The harmonized ERs therefore provide for the reporting of carbon accounted for elsewhere in bulk, which can then be subtracted from a facility's total emissions by NMED.
Subpart R—Lead Production		
No change.		
Subpart S—Lime Production		
No change.		
Subpart V—Nitric Acid Production		
No change.		
Subpart X—Petrochemical Production		
No change.		

Section in EPA rule (40 CFR 98)	Change to EPA Rule	Rationale
Subpart Y—Petroleum Refineries		
98.253(b)(1)(iii) 98.256(e)(8)	Amended to allow use of alternative equation Y-3 for flare emissions only during periods of startup, shutdown or malfunction.	The more accurate methods specified in equations Y-1 and Y-2 should be used for periods of normal operations.
98.253(c)(2) 98.256(f)(9)	Require calculation of emissions from catalytic cracking units that do not use CEMS and have rated capacities less than 10,000 barrels per stream day using this method (no less than hourly monitoring of O2, CO2 and CO), rather than 98.173(c)(3), which is deleted.	The EPA TSD for this sector states that the method specified in 98.173(c)(3) for units that do not have the necessary monitors is highly uncertain. Higher accuracy is needed for cap and trade.
98.253(h), (l), (m), (n)	Identified as reporting only.	NMED does not believe the methods specified in these sections are sufficiently accurate to support a cap-and-trade program, and we have not identified a harmonized method that would be of sufficient accuracy.
98.253(i)	Rather than allowing the use of default factors in Equation Y-18 for CO2 emissions from delayed coking units, require (1) the volumetric void fraction of the coking vessel prior to steaming to be based on engineering calculations and (2) the mole fraction of methane in coking vessel gas to be based on two samples per year.	Greater accuracy required for cap-and-trade.
98.253(k) 98.256(m)	Require the use the same method for process vents (paragraph (j)) and uncontrolled blowdown systems.	Consistent with WCI Essential Requirements [WCI.200]. Provides greater accuracy required for cap-and-trade.

Section in EPA rule (40 CFR 98)	Change to EPA Rule	Rationale
98.254	New (m) added to require installation of equipment needed for daily sampling of carbon content and molecular weight of gaseous fuels (other than natural gas and biogas) by no later than one year after this rule takes effect.	Needed to insure Tier 3 calculations of emissions from refinery gas are sufficiently accurate for cap-and-trade.
98.257(m)	New (b) added to require retention of records of the method used to demonstrate that the thresholds in §98.253(j) are not exceeded.	Needed for third-party verification.
Subpart GG—Zinc Production		
No change.		