July 21, 2023

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U.S. Environmental Protection Agency
EPA Docket Center
Attention: Docket ID No. EPA-HQ-OAR-2019-0424
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Re: Revisions and Confidentiality Determinations for Data Elements Under the Greenhouse Gas Reporting Rule; Docket ID No. EPA-HQ-OAR-2019-0424

Dear Docket Clerk,

Thank you for the opportunity for GPA Midstream Association ("GPA Midstream" or "GPA") to provide comments to the U.S. Environmental Protection Agency's ("EPA" or the "Agency") supplemental notice of proposed rulemaking, titled "Revisions and Confidentiality Determinations for Data Elements Under the Greenhouse Gas Reporting Rule." 88 Fed. Reg. 32,852 (May 22, 2023).

GPA Midstream has served the U.S. energy industry since 1921 and has over 60 corporate members that directly employ more than 56,000 employees that are engaged in a wide variety of services that move vital energy products such as natural gas, natural gas liquids ("NGLs"), refined products, and crude oil from production areas to markets across the United States, commonly referred to as "midstream activities." The work of our members indirectly creates or impacts an additional 396,000 jobs across the U.S. economy. GPA Midstream members gather over 77% of the natural gas and recover more than 80% of the NGLs such as ethane, propane, butane, and natural gasoline produced in the United States from more than 380 natural gas processing facilities. In the 2019-2021 period, GPA Midstream members spent over $100 billion in capital improvements to serve the country's needs for reliable and affordable energy.

GPA and its members have participated in each EPA rulemaking to address greenhouse gas ("GHG") emissions from the oil and natural gas midstream industry, including the initial development of the greenhouse gas reporting program ("GHGRP") in 2009. Since that time, GPA has continued to work with EPA to improve, streamline, and clarify the requirements of 40 C.F.R. Part 98. We recently provided extensive comments on EPA's proposed rulemaking "Revisions and Confidentiality Determinations for Data Elements Under the Greenhouse Gas Reporting Rule," 87 Fed. Reg. 36,920 (June 21, 2022), Docket ID No. EPA-HQ-OAR-2019-0424.

We hope EPA finds the enclosed information useful. GPA welcomes the opportunity to continue discussions with the Agency as it develops its revisions to the GHGRP and implements the MERP.

Respectfully submitted,

Matt Hite
Vice President of Government Affairs
GPA Midstream Association

Executive Summary

GPA does not believe EPA has authority to collect energy usage data under Subpart B, nor does GPA believe EPA can meet its stated objectives even with this enormous data collection effort. Moreover, if EPA proceeds with its proposal, reporters will not have many of the records EPA seeks, and EPA cannot force reporters to collect information and create such records that would require access to third party equipment, which reporters do not own, operate, or maintain. To the extent EPA needs this data, EPA should seek it directly from the owners or operators of that equipment (i.e., the energy providers).

Additionally, EPA does not appear to appreciate the amount of information it is asking reporters to collect under this Proposed Rule. There are thousands of very small usage electricity meters in oil and gas (e.g., supplying a small amount of electricity for pipeline cathodic protection), and because a "facility" under Subpart W covers entire geographic regions for some industry segments, EPA is requesting a stunning amount of data. As such, EPA should both reduce the recordkeeping and reporting requirements *and* apply a threshold(s) appropriate for basin-level reporters and small usage meters.

As detailed in our comments below, GPA has identified significant issues with this proposal, the most critical being:

1) EPA has not justified its authority to collect the data it seeks under Subpart B, and regardless, energy consumption data is better suited for collection by the Department of Energy, which already collects similar information.
2) EPA proposes a Metered Energy Monitoring Plan ("MEMP") which is redundant to the existing monitoring plan requirements of Subpart A. Even more problematic, the MEMP attempts to force operators to collect records on, and compel replacement of, third-party equipment.
3) EPA grossly underestimates the burden associated with the proposed requirements. This is exacerbated by the fact that oil and gas operators have thousands of very small use electricity meters that EPA failed to contemplate.
4) EPA has not provided a justification for requiring reporting on every single billing record for every single meter. If anything is required from reporter companies, only annual usage data should be reported.
5) EPA failed to consider important implementation issues, like the fact that billing records are often received 2 to 3 months after the usage period, meaning that reporters will not have the required reporting records by March 31.

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Introduction

On May 22, 2023, the U.S. Environmental Protection Agency ("EPA") published a proposed rule in the Federal Register, titled "Revisions and Confidentiality Determinations for Data Elements Under the Greenhouse Gas Reporting Rule." 88 Fed. Reg. 32,852 (May 22, 2023) ("Proposed Rule"). The Proposed Rule would revise EPA's Greenhouse Gas Reporting Program ("GHGRP"). GPA supports aspects of the Proposed Rule but believes that certain elements of the proposal, in particular the provisions adding new Subpart B, raise serious legal and policy issues that EPA must revisit.

Subpart A

1. **GPA supports EPA's decision to continue utilizing the GWP-100 values in the GHG Reporting Program.** Given that the prime objective under Article 2 of the United Nations Framework Convention on Climate Change ("UNFCCC") is to "achieve…stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system," any movement towards a reporting framework that reduces mitigation focus on CO2 and adds to long-term warming potential compared to the present 100-year GWP framework would not be well justified.

Subpart B – Authority and Intent

2. **EPA lacks authority to collect the information it seeks under the proposed Subpart B.** EPA has proposed to add a new Subpart B to the GHGRP that would require reporting entities to provide information on their energy consumption, effectively requiring the reporting of Scope 2 data for covered sources. This proposed requirement exceeds EPA's legal authority under the Clean Air Act ("CAA"). Even if EPA could impose such a requirement, the Proposed Rule does not provide a reasonable justification for mandating the reporting of energy consumption or Scope 2 data.

   Section 114 of the CAA allows EPA to request information for the purpose of developing new air regulatory requirements, for determining whether a person is in violation of EPA rules, or for carrying out any other provision of chapter I of the CAA.[1] EPA has not established that its proposed Subpart B would fulfill any of these statutory purposes. As such the proposal is arbitrary and capricious and contrary to law.

   As an initial matter, section 114 does not authorize EPA to require reporting for the vast majority of the economy without a clear regulatory or enforcement purpose. In the preamble, EPA says that it is appropriate to require the submission of energy consumption information because "direct GHG emissions do not enable a comprehensive assessment of the quantity of energy required to operate the facility because industrial operations can consume a significant amount of energy for which direct GHG emissions do not occur at the production site, primarily through purchased electricity and thermal energy products."[2] EPA goes on to state that it "is interested in collecting data on energy consumption to gain an improved understanding of the energy intensity (i.e., the amount of energy required to produce a given level of product or activity, both through onsite energy produced from fuel combustion and purchased energy) of specific facilities or sectors, and to better inform our understanding of energy needs and the

[1] 42 U.S.C. § 7414(a).
[2] 88 Fed. Reg. 32,852, 32,885 (May 22, 2023).

potential indirect GHG emissions associated with certain sectors."[3] This information, EPA asserts "would also allow the EPA to identify industry-specific best operating practices for increasing energy efficiency and reducing GHG emissions, and to evaluate options for expanding the use of these best practices or other potential policy options."[4] Further, EPA asserts that energy consumption information might be useful in identifying the most energy efficient facilities in each sector and that EPA will be able "to complete facility-level, energy efficiency comparisons within discrete sectors."[5]

Although EPA may find this information interesting, it has not identified any policy option or regulatory action that it is considering. EPA cannot reasonably invoke the first prong of the section 114 statutory justifications for requesting information unless it explains a specific regulatory action that the agency plans to develop using the information collected.

Without an existing regulatory requirement related to Scope 2 emissions or combustion information, there likewise cannot be any potential violation that EPA is seeking to investigate. Accordingly, the second possible statutory justification for an information request under section 114 does not apply.

That leaves EPA with the third prong of section 114 authorization, which EPA cites as the basis for this rulemaking: information related to carrying out any of chapter of the CAA.[6] Indeed, EPA asserts that Scope 2/energy consumption information "is relevant to the EPA's ability to carry out a wide variety of CAA provisions."[7] Further, EPA says it may develop regulatory or non-regulatory policies to address GHG emissions.[8] These generalized assertions as to how the information might be used at some indeterminate time in the future are not adequate justifications for an information request of the size, scope, and duration that EPA has proposed.

First, EPA has a fundamental obligation to assert a rational basis for implementing its authority under section 114. In this case, that requires a particularized explanation of the reasons EPA actually, currently needs this information, even when EPA involves the "carrying out any provision of this chapter" provision of section 114. Without a more concrete explanation for why this information is needed, EPA cannot impose these reporting requirements.

Further, section 114 only authorizes EPA to collect information "as the Administrator may *reasonably* require."[9] Without a clear plan to regulate Scope 2 emissions or to use energy consumption information to develop a regulatory requirement and with no specific statutory authority identified to support such a rulemaking, EPA's proposed Subpart B requirements are not reasonable.

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[3] *Id*.
[4] *Id*.
[5] *Id*. at 32,887-88.
[6] *See id*. at 32,886.
[7] *Id*.
[8] *Id*.
[9] 42 U.S.C. § 7414(a)(1)(G) (emphasis added).

EPA also inappropriately dismisses concerns about double-counting. EPA argues that double-counting is not implicated because EPA is not requiring indirect emission estimates.[10] EPA further argues that double-counting is not the same as double reporting.[11] These positions are not persuasive. First, according to EPA, the point of collecting this information is to allow EPA to evaluate potential GHG policies. If the energy consumption is not ultimately tied to GHG impacts, then it is not appropriate to include it in a GHG reporting program at all. If, on the other hand, energy consumption information is intended to provide additional data on GHG emissions, EPA must acknowledge the confusion this information is going to create. EPA explains in the preamble that the purpose of this Proposed Rule is to better provide "a more comprehensive nationwide GHG profile reflective of the origins and distribution of GHG emissions in the United States."[12] By creating an inventory that will reflect emissions from power generation as direct emissions by power producers and as Scope 2 emissions information for energy users, the Proposed Rule will undoubtedly create a less useful, less accurate picture of nationwide emissions. EPA must take a clear stance. Does proposed Subpart B collect GHG information or not? If it does not, how can that information reasonably be included in a GHG reporting program? If Subpart B does collect GHG information, how does that information clarify, rather than confuse the nation's overall inventory of GHG emissions?

Finally, EPA has not clearly presented how its proposed Subpart B compares to emission information and energy consumption data collected by other agencies. As acknowledged by EPA,[13] the Department of Energy's Energy Information Administration collects this sort of data and reports annually on energy consumption by sector.[14] At the very least, EPA must thoroughly evaluate potential overlap with existing data collection by its sister agencies. The fact that this overlap exists, moreover, supports the conclusion that requiring Scope 2-related information pursuant to the GHGRP exceeds EPA's authority under section 114 and is not relevant to the implementation of any specific CAA authorization. Accordingly, EPA should leave collection of this type of information to the Department of Energy and focus the GHGRP on direct emissions of GHGs by covered sources.

3. **If EPA pushes forward with Subpart B despite lack of authority, EPA should shift the focus from non-pertinent and unnecessarily detailed data to information that could be used to truly assess energy intensity.** In this proposal, EPA requests overly burdensome—and, in some cases, impossible—data quality assurances and recordkeeping/reporting requirements that are mired in minutia (as detailed in our comments below). At the same time, EPA does not request information that is relevant, and in some cases even critical, to assessing facility energy intensity. If EPA's goal is to understand facility energy intensity, this Proposed Rule is inadequate. If EPA's goal is to collect information to understand Scope 2 emissions, then EPA already has this information from the energy generators. If EPA's goal is to understand Scope 2 emissions per facility, then EPA merely needs to request annual kWh or mmBtu, not ancillary

[10] 88 Fed. Reg. at 32,887.
[11] *Id*. at 32,888.
[12] *Id*. at 32,857.
[13] "Due to the very close similarity between the information to be collected under the GHGRP and the information collected by DOE, EPA does not believe there is any reason to treat the information differently in the context of reporting this information to the EPA under this rule." Memorandum, "Proposed Confidentiality Determinations and Emission Data Designations for Data Elements in Proposed Supplemental Revisions to the Greenhouse Gas Reporting Rule" (May 2, 2023).
[14] *See* https://www.eia.gov/totalenergy/data/annual/.

data like pictures of bills and names of service providers. As detailed in our following comments, EPA should eliminate all requirements of Subpart B that are not directly related to the amount of energy purchased. If EPA believes it has the authority under this rule to collect data "to gain an improved understanding of the energy intensity… of specific facilities or sectors, and to better inform our understanding of energy needs and the potential indirect GHG emissions associated with certain sectors," then EPA will need to repropose a rule that identifies the source of this authority and that actually endeavors to understand the energy balance of a facility.[15]

4. **Reporting power generation sources should be optional.** EPA proposes reporting the quantity of purchased electricity generated by each of the following sources: nonhydropower, including solar, wind, geothermal and tidal; hydropower; natural gas; oil; coal; nuclear; and other **if this information is known**. Reporting this information should be optional only (not required). As described elsewhere in our comments, EPA's proposal would request excessive information about power generation from customers instead of from the electricity supply service providers, who are much better positioned to accurately provide this information. Also, as described in the previous comment, by focusing only on purchased energy and not considering other energy sources or sinks, EPA is not proposing to collect information required to understand a facility's energy balance (i.e., the stated goal of the proposal), so why is EPA collecting this secondary level of information (generation source of purchased energy)? We support reporting of this information only on an optional basis as reporters may want to demonstrate their efforts to secure renewable sources for power generation.

Subpart B – Requirements for Third Party-Equipment

5. **EPA should eliminate the requirement to create and maintain a Metered Energy Monitoring Plan ("MEMP").** For reasons unexplained, EPA proposes to require a new, *additional* monitoring plan under Subpart B instead of relying on, or adjusting, the existing requirement to have a monitoring plan.[16] To avoid duplication alone, EPA should eliminate most requirements of the MEMP. Beyond duplication concerns, the MEMP also includes requirements that would force operators to collect records on equipment they do not own. Even more problematic, the MEMP would require reporters to try to compel third parties to replace their equipment. These provisions are unworkable, and, as detailed below and summarized in Appendix B, the MEMP should be removed from Subpart B. If EPA does retain some version of the MEMP or MEMP requirements, GPA requests that EPA allow companies to develop a companywide MEMP to reduce the burden of these requirements, rather than requiring one plan per facility as proposed.

    a. **Reporters do not maintain records for equipment they do not own.** Among other things, the MEMP would specify recordkeeping activities for electricity meters, "including an indication of whether the meter conforms to American National Standards Institute."[17] Facilities would be required to retain the results of all required certification

[15] 88 Fed. Reg. at 32,885.
[16] 40 C.F.R. § 98.3(g)(5).
[17] 88 Fed. Reg. at 32,872.

and quality assurance tests referenced in the MEMP for all purchased electricity meters or thermal energy products meters.[18]

The Proposed Rule does not evaluate or even acknowledge a critical issue that will have major implications for potential compliance with the MEMP provisions: facilities such as those owned and operated by GPA members do not themselves own or control the meters that are subject to the rule. Electricity service providers are responsible for meters. Accordingly, the service providers are the only entities that reasonably have access to the meters and the information the Proposed Rule seeks to obtain. For instance, the service provider would be the only entity that will be familiar with the following information that would be required by the Proposed Rule:

- "Description of the procedures and methods that are used for quality assurance, maintenance, and repair of all monitoring systems, flow meters, and other instrumentation used to collect the energy consumption data reported under this part."

- "Manufacturer's certification that the electricity meter model number conforms to the accuracy specifications required by § 98.24(b), with a copy of the associated manufacturer's technical data."

- "The results of all required certification and quality assurance tests referenced in the MEMP for all purchased electricity or thermal energy product meters used to develop the energy consumption data reported under this part."

- "Maintenance records for all monitoring systems, flow meters, and other instrumentation used to provide data on consumption of purchased electricity or thermal energy products under this part."[19]

Because EPA has not evaluated any of the complications that will result from the disconnect between the Proposed Rule's requirements and equipment ownership and control, the agency has not provided a reasoned basis for its proposal. When an agency "fail[s] to consider an important aspect of the problem," its action is arbitrary and capricious.[20] The ownership and control of meters renders much of the MEMP provisions unworkable for GPA members. EPA should substantially revise the Proposed Rule to provide appropriate relief for entities that do not own or control meters.

b. **The end-user cannot mandate the performance specifications (let alone repair) of equipment used and owned by the supplier.** EPA has proposed to require that facilities certify that electricity meters conform to the C12.1–2022 Electric Meters—Code for Electricity Metering standard established by the American National Standards Institute ("ANSI") or with another standard that is at least as stringent as the ANSI standard.[21] If a

[18] *Id*. at 32,891.
[19] *Id*. at 32,924 (proposing new § 98.24).
[20] *Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983).
[21] 88 Fed. Reg. at 32,890.

meter does not comply with such a standard, the reporting entity would be required to ask the electricity service provider to install a conforming meter.[22]

EPA does not have authority pursuant to CAA § 114 to impose this requirement. Section 114 addresses information related to air emissions. A metering requirement does not fall into that category. Indeed, section 114 specifies the type of equipment and information EPA may seek. It says that EPA may require maintenance of records and the provision of reports.[23] EPA can require the use of monitoring equipment, require the submission of compliance certifications, and require "records on control equipment parameters, production variables or other indirect data when direct monitoring of emissions is impractical."[24] None of these things include metering equipment owned by the electricity provider. At the very least, EPA should explain what it believes is the source of its authority to enact this requirement. EPA should also explain how it expects reporters will go about opening and renegotiating contracts to ensure compliance with these meter performance standards, and EPA should further explain who the agency believes will pay for the equipment upgrades it envisions. Absent these explanations, EPA will have failed to provide an adequate record in support of this aspect of the Proposed Rule.

Additionally, for thermal meters, the Proposed Rule states that "[i]f the audit indicates that the meter is producing readings with errors greater than specified by § 98.3(i)(2) or (3), the meter must be repaired or replaced and retested to demonstrate compliance with the specifications at § 98.3(i)(2) or (3)." GPA members have no authority to repair meters owned by third parties. EPA cannot impose legal obligations on parties that have no manner in which to comply with them.

c. **Many MEMP requirements are duplicative of existing requirements.** Facilities subject to reporting under the GHGRP are *already required* to develop and implement a "GHG Monitoring Plan" pursuant to 40 C.F.R. Part 98, Subpart A, 98.3 (g)(5) requirements.[25] Many aspects of the MEMP are duplicative of these existing requirements. EPA should simply make appropriate updates to the existing monitoring plan rule text to encompass energy use.

d. **Many MEMP requirements are focused on intensive data perfection and proof of perfection instead of more appropriate information gathering.** Many elements of the proposed MEMP appear to be in line with "Next Generation Compliance" provisions,[26] where EPA is asking for extensive proof of data collection perfection, such as example billing records and a picture of the meter (presumably to associate the meter with billing records) and proof of meter accuracy standards, etc. We remind EPA that GHGRP is a data collection rule for information purposes and not a compliance-oriented rule (such as NSPS OOOOa where emissions standards, controls, and monitoring requirements apply). This level of "data perfection" is not even required in the actual greenhouse gas

[22] *Id*.
[23] 42 U.S.C. § 7414(1)(A)-(B).
[24] *Id*. § 7414(C)-(F).
[25] Duplicative requirements are described in Appendix B.
[26] https://www.epa.gov/compliance/next-generation-compliance.

emissions portions of the GHGRP. Additionally, EPA has not considered the resources and time that would be required to implement the provisions of the proposed MEMP on hundreds or thousands of electricity meters that a production or gathering reporter may have in a "facility" (i.e., an entire basin). This rule is not an appropriate place to mandate extensive records just to prove that energy use data is good. EPA should consider that reporters pay money for purchased energy and energy providers collect money for purchased energy, and the reliability of the market is reason alone for EPA to consider this data to be sufficiently accurate without the MEMP.

e. **Reporters cannot access or photograph many electricity meters.** Reporters may simply not be allowed to access or photograph equipment that does not belong to them. End-users are commonly not allowed access to utility infrastructure, particularly electricity meters. For example, meters may be located at the top of utility poles. GPA members are not permitted to climb utility poles because the poles are not the property of GPA members. GPA members would need to rent a bucket truck to get up to the meter(s). For larger electricity loads, like meters for fractionators, the meters could be in a substation miles away. Even if the substation is near the facility, the substation is owned by the utility company and these meters will be behind a locked gate that GPA members do not have access to. In the cases where meters are accessible, collecting and maintaining on-file records of those meters would be a very difficult task and would become a compliance trap. As described elsewhere in our letter, GPA reporters have thousands of meters that are constantly being taken out of service or put in service or replaced, and ensuring GPA members have current pictures of several thousand meters would be incredibly burdensome.

f. **The proposed requirement to include a "description of the portions of the facility served by the meter" is overly vague and burdensome.** Without referring, in some cases, to electrical wiring diagrams, this would be an estimate of which general areas a meter might serve. This estimate/description would not ensure better monitoring, reporting, or recordkeeping on the facility's energy use data. Therefore, GPA is also requesting the removal of this requirement.

6. **EPA should align Subpart B requirements for third-party meters with Subpart C.** EPA's requirement to develop a metered energy monitoring plan and retain billing statements, certifications, and quality assurance tests for purchased electricity meters is inconsistent with EPA's current requirements for utility fuel meters found in 40 C.F.R. § 98.33 – Calculating GHG Emissions, Tier 1 Calculation Methodology. In that methodology, EPA simply and reasonably requires reporters to use annual fuel usage from the utility meters (via billing records) to calculate combustion-associated GHG emissions. Documentation of billing records, certification, calibration, and maintenance for fuel meters is not required. This straightforward approach for fuel meters is carried forward in section 98.24(b)(1)(iii) of the Proposed Rule: Fuel billing meters are exempted from the initial and ongoing calibration requirements of this paragraph and from the Monitoring Plan and recordkeeping requirements of 40 C.F.R. §§ 98.3(g)(5)(i)(C), (g)(6), and (g)(7), provided that the fuel supplier and the unit combusting the fuel do not have any common owners and are not owned by subsidiaries or affiliates of the same company. Meters used exclusively to measure the flow rates of fuels that are only used for unit startup are also exempted from the initial and ongoing calibration requirements of this paragraph. EPA can, and should, take a similar approach for purchased electric meters to calculate indirect GHG

emissions from purchased electricity. This approach has served EPA and the reporting community well for over a decade without complication or criticism. Exclusively reporting annual kWh of purchased electricity consumed for each facility electric meter is a reasonable, efficient, and defensible approach that will effectively enable EPA to better understand energy intensity without unnecessarily burdening the EPA and reporters.

7. **EPA must clarify that reporters cannot be held accountable for any errors in purchased metered energy use.** Reporters are not in control of this equipment or any related data, and EPA cannot hold reporters accountable for the accuracy of this third-party information.

8. **EPA seeks information from reporters that GPA members simply do not know.** EPA states, "W*e are seeking comment on existing industry standards for assessing the accuracy of electric and thermal energy monitoring systems, the frequency of audits of these systems, and the accuracy specification(s) used for thermal energy product metering systems."* As noted above, GPA members have no expertise on this. This is equipment owned and operated by others.

Subpart B – Technical and Implementation Issues

9. **EPA failed to provide justification for the collection of many data elements.** GPA describes in this comment letter why many of the Proposed Rule's requirements should be changed or removed for legal, technical, or implementation reasons. Beyond that, however, GPA could not find in the Proposed Rule, the technical support document, the burden assessment, or the confidentiality determinations EPA's justification for why the records listed below are needed for EPA to meet its stated goals. EPA is not authorized to collect data simply because it exists. EPA should remove the following requirements due to lack of justification for the data collection:
    a. A photograph that shows the meter identifier, manufacturer's name, and model number [98.24(a)(2)].
    b. For each meter, an indication of the billing frequency (e.g., monthly, quarterly, or semi-annually) [98.24(a)(3)].
    c. A copy of one typical billing statement that includes all pages for each meter with the meter identifier, the name of the energy delivery service provider, the name of the energy supply service provider (if applicable in deregulated states), the dates of service, the usage, and the rate descriptor [98.24(a)(4), 98.26(m)].
    d. The state in which each meter is located [98.26(a)].
    e. The locality of the meter [98.26(b)].
        i. To associate electricity use data with eGRID subregions,[27] EPA should collect the physical zip code of the meter, not locality.
    f. For purchased electricity, the zip code associated with the payment address for the provider 98.26(d)(1)].
        i. To associate electricity use data with eGRID subregions, EPA should collect the physical zip code of the meter. EPA does not provide a reason why it would ask for—and there is no reason EPA should need to know—where utility bill payments are sent, as that location has little to do with the facility consuming energy or the facility generating energy.

[27] https://www.epa.gov/system/files/documents/2023-02/power_profiler_zipcode_tool.xlsx.

g. For purchased thermal energy products, the public GHGRP facility identifier of the energy supply service provider. If the provider does not have an assigned GHGRP facility identifier, report the zip code for the physical location in which the thermal energy product was produced. [98.26(d)(2)].
h. Energy delivery service provider's name (i.e., the name of the entity to whom the purchasing facility will send payment) [98.26(e)].
i. Annual sequence of bill [98.26(g)].[28]
j. You must report the kWh used as reported on each periodic billing statement received during the reporting year [98.26(j)(1)].
k. You must report the quantity of thermal energy products purchased as reported on each periodic billing statement received during the reporting year, converted to mmBtu. [98.26(j)(2)].
l. Rate descriptor for each electricity billing statement [98.26(k)].[29]
m. Copy of one billing statement per energy delivery service provider [98.26(m)].[30]

10. **EPA must extend the reporting deadline for Subpart B due to normal billing cycles.** As it is currently proposed, Subpart B will require annual purchases of electricity and thermal energy products to be reported by March 31st for the previous year, consistent with other GHGRP subparts. Billing records for the previous year are not available early enough to allow sufficient time for the required information to be compiled, allocated, reviewed, and put into a reporting format prior to March 31st. Most end-year billing cycles will straddle December and January (including from late December through late January). Because it takes time for bills to reach reporters (or their billing management vendors) and to be entered in a database and QA/QC'd, final billing records will not be available until after March 31st. This will result in operators reporting estimated usage for the last billing cycle of each year and submitting a revised final report at a later date, resulting in an additional reporting burden to estimate missing data and then amend data and resubmit reports. Additionally, utility bills are often disputed. It is expected that annual purchases of electricity and thermal energy products, summed from individual billing records, will change after March 31, thus requiring resubmittal of a revised report.

    In consideration of these issues, EPA should extend the reporting deadline for Subpart B to May 31st *at the earliest* to ensure that data reported under Subpart B accurately reflects actual annual total purchased electricity and thermal energy products and does not burden reporters with resubmittals. By this date, most (but not all) year-end data should be available with a reasonable amount of time for compilation, allocation, and review.

    EPA should also define what magnitude of change in purchased electricity and thermal energy products necessitates a report resubmittal. Even after May 31st, a bill dispute may be resolved

[28] In the confidentiality determination document, EPA says "[t]his identifier is valuable for characterizing the seasonality of readings," but a number (integer) does no such thing. EPA would be making assumptions correlating a number like "4" to a "season" [which could be correlated to March or April or May (monthly billing), or August (bi-monthly billing) or winter (quarterly billing)].

[29] In the confidentiality determination document, EPA says "[t]hese codes are valuable for characterizing daily and weekly usage patterns," but EPA does not justify why it needs information on daily or weekly usage patterns.

[30] In the confidentiality determination document, EPA says, "[a] copy of one typical billing statement is valuable for verification of reported data and units of measure," but "valuable" is not the same as "necessary."

resulting in a different annual energy use. To avoid frequent, likely insignificant, report resubmittals, EPA should define a minimum magnitude of change to require a report resubmittal. GPA suggests 5% change in the total facility energy use would be appropriate.

11. **Only annual, not monthly, usage data should be reported.** For the numerous reasons provided below, EPA should request annual energy usage only and not require per-billing-statement information. Reporting per billing statement presents numerous, significant challenges and would result in an excessive volume of data being reported. EPA should be able to meet the goal and intent of Subpart B collecting annual usage only.

    a. **The preamble indicates only annual energy usage reporting is required.** The Proposed Rule preamble and the Proposed Rule text for § 98.26 would require conflicting levels of reporting. The Selection of Proposed Data Reporting Requirements for Subpart B in the proposal seems to require reporting of only annual energy usage: "facilities would be required to report the annual purchases of electricity (in kilowatt hours (kWh)) and thermal energy products (in million British thermal units (mmBtu))" *Id.* at 32,891. The proposed text for § 98.26, however, appears to require data from each periodic billing statement to be reported. This could be as frequent as monthly usage. Consistent with Section IV.A.8 of the preamble, GPA requests that EPA clarify that the reporting requirements are only for annual usage and that EPA revise the proposed text in § 98.26 accordingly.

    b. **Reporting every bill for every meter is an enormous amount of data for GPA reporters.** Because gathering and boosting assets are reported basin-wide, every small electricity meter in the basin could be within the scope of Subpart B. Requiring per-meter-per-bill information is thus a huge amount of data. One member company has approximately 2,000 meters that EPA might determine would be subject to reporting under the proposed Subpart B, and in 2022 those meters had 21,659 unique bills, most of which covered one month. This is multiplied by six records requested per meter-bill (meter number, sequence, start date, end date, use, rate descriptor). Under the Proposed Rule, this company would have to report nearly 130,000 data points for this requirement alone. EPA should limit data reporting to annual usage only. This would be a more manageable level of data for reporters as well as EPA.

    c. **Reporting monthly data is excessive compared to other reporting requirements under 40 C.F.R. Part 98.** Subpart C, for example, allows companies to obtain the amount of fuel combusted from gas billing records, and calculate and report emissions based on those billing records. Subpart C does not, however, require the amount of fuel combusted per billing statement to be reported. Purchased fuel and purchased energy are comparable data points from a billing perspective, and the reporting requirements for purchased energy should be consistent with those for purchased fuel. In other words, if EPA has not previously justified collecting monthly data under Subpart C, then it makes little sense for EPA to collect beyond-annual data under Subpart B.

    d. **EPA does not adequately justify collecting per-bill data.** The only place EPA speaks to collecting more-frequent-than-annual data for Subpart B appears to be in the confidentiality determination document (not the preamble, the technical support document, or the burden assessment, all of which would be a more appropriate

setting), where EPA says of requesting billing dates, "[t]he dates corresponding to meter readings are chronological records used to log meter readings into a database. *These dates are valuable for characterizing the seasonality of readings and for comparing usage by month from year to year*, but these dates are not anticipated to convey useful information when viewed separately from usage data (which the EPA proposes to be eligible for confidential treatment in this document)."[31] EPA offers just 20 words to justify this incredible level of effort. Especially given the exponential increase in reported records associated with beyond-annual data reporting, EPA must provide a more robust justification of its need and authorization to collect seasonal energy usage data under the GHGRP. GPA does not believe such a justification exists. The purported intent of Subpart B is for EPA to collect "data on energy consumption to gain an improved understanding of the energy intensity (i.e., the amount of energy required to produce a given level of product or activity, both through onsite energy produced from fuel combustion and purchased energy) of specific facilities or sectors, and to better inform our understanding of energy needs and the potential indirect GHG emissions associated with certain sectors." To achieve this goal, annual energy consumption should be sufficient.

e. **EPA cannot burden certain reporters with vastly more information to report simply because they receive energy bills more frequently than other reporters.** This is fundamentally unfair, and it does not result in better or more useful information being reported to EPA.

f. **Reporting monthly data would also present significant challenges related to rebills or corrections to previously paid bills.** Most companies maintain such bills as separate records in a database, possibly with negative or zero usage (see Examples A and B). It would be extremely burdensome to filter out these types of records for the sole purpose of meeting Part 98 reporting requirements, especially for zero usage rebills that have no conceivable relevance to the EPA.

g. **Reporting the sequence of bills will be challenging and is unlikely to meet EPA's expectations.** The proposed sequence is a number from 1 to 12 for monthly billing cycles, from 1 to 4 for quarterly billing cycles, and 1 to 2 for semi-annual billing cycles. EPA does not contemplate other billing frequencies. Meters may not have the expected number of records depending on when the start and end dates for the cycle are and how allocation is performed. For example, there may be 11 or 13 monthly records for a given reporting year (*see* Examples C and D). It is extremely rare for billing cycles to end on December 31, so most facilities will have bills that straddle reporting years. Depending on how allocation is done, the number of records assigned to a reporting year could vary. Meters are also frequently placed into and taken out of service (*see* Examples D and E). This is especially common for a gathering and boosting "facility" that includes hundreds or thousands of (mostly small usage) electricity meters. EPA does not seem to account for this in its reporting provisions. Specific in-service and out-of-service dates are also not readily available, and it would be burdensome for EPA to require

[31] Proposed Confidentiality Determinations and Emission Data Designations for Data Elements in Proposed Supplemental Revisions to the Greenhouse Gas Reporting Rule. Table 2, column "Rationale for the Proposed Confidentiality Determinations" for Citation 98.26(h)

them to be reported. GPA assumes EPA envisions data consistency checks built into e-GGRT to ensure billing start and end dates align and billing sequence numbers are as expected, but the reality is that actual billing meter data is just not that "clean." These are important and additional reasons why reporting should be limited to annual usage.

h. **EPA's Assessment of Burden Impacts for the Proposed Rule substantially underestimates the level of effort required by the Proposed Rule, which could be reduced with annual reporting.** Although EPA based the burden assessment on a total of 7,840 reporters, that number is misleading for the upstream and midstream oil and gas industry. Under Subpart W reporting for Onshore Petroleum and Natural Gas Production and Onshore Petroleum and Natural Gas Gathering and Boosting, entire production and gathering systems are reported as a single "facility" on a single report. For reporting under Subpart B, a single "facility" in either of these segments will have dozens to hundreds of electricity meters to track. The burden assessment fails to account for this as it applies the exact same (low) level of effort to all reporters. To compile and report the volume of data EPA is requesting for this huge number of facilities and meters is a substantial burden. Reporting only annual usage would relieve much of this excessive burden.

12. **EPA must alleviate the Proposed Rule's reporting burden by providing exemptions or accommodations for small usage meters.** EPA does not contemplate small-use electricity meters or consider appropriate exemptions to data collection on meters that have negligible impact on overall facility energy use. In addition to limiting data collection to annual data, EPA must also consider ways to alleviate reporting burden for the thousands of small use meters, specifically in oil and gas.

    a. **Oil and gas reporters have a huge number of small use electricity meters.** In the field (between booster stations), this electricity is used for pipeline cathodic protection. At gathering and boosting compressor stations, electricity might be used for control power, electric heat tracing, and/or air compressors. These uses have little power demand compared to facilities that run electrically driven gas compression. One GPA member company reports that of their 1,999 active meters ("active" meaning greater than zero electricity use during 2022), just 69 meters (3.5%) accounted for 95.5% of their electricity usage and 95.8% of their Scope 2 emissions. This member company reports that the 1,930 low-use meters accounted for just 17,604 mtCO2e in 2022 for all 1,930 meters combined;[32] this is less than 10 mtCO2e per meter on average. All 1,999 of these meters would be subject to Subpart B. Another member company reports that of their 2,295 meters, just 82 (2.5%) account for 95% of their electricity usage. This is similar for all midstream reporters, i.e., reporters use many electricity meters, the vast majority of which use have very little usage. GPA notes this is yet another example of why EPA's basin-wide reporting continues to be problematic. Because most (i.e., 90%+) meters in the midstream segment have very little electricity use, EPA must reduce the number of meters subject to reporting under Subpart B.

    b. **EPA is expecting perfection of data on thousands of very small use electricity meters.** The fact is that EPA is expecting 100% perfection in billing data for 100% of reported

[32] Using eGrid emission factors

meters – no missing bills,[33] alignment of start and end dates, no missing usage, etc. This is not even an expectation reporters or utilities have for billing purposes.[34] Because midstream operators have thousands of power use bills (most of which reflect very small electricity use), GPA members do not seek to correct every possible error or inconsistency; instead, those members apply thresholds where certain records are flagged, and companies may or may not follow up on them depending on the situation. Without an exemption for small use meters, EPA is imposing a level of billing perfection that reporters have never sought, and Subpart B as proposed will therefore increase regulatory burden significantly.

c. **GPA offers conditional support of limiting Subpart B to "anyway" GHGRP reporters; however, additional threshold options must be considered to minimize reporter burden.** EPA only considered three threshold options (1) no threshold; (2) "anyway" GHGRP reporters; and (3) CO2e threshold for indirect emissions. EPA did not consider thresholds for small usage meters.[35] First, EPA should exempt facilities from reporting under Subpart B if usage across all meters is small. EPA applies reporting thresholds for direct emissions to minimize burden, and it is arbitrary and capricious for EPA to "do away" with the concept of applying reporting thresholds for energy usage. For example, a facility may be subject to reporting but use very minimal electricity. There is no valid reason to subject such a facility to the onerous requirements of Subpart B for a very small amount of purchased electricity usage.

   For basin-level reporters, EPA should consider simply allowing facility-wide (i.e., basin-wide) usage, and remove any per-meter requirements. Because all other energy use data (e.g., Subpart W fuel combustion) will be at the basin level, EPA would have no reasonable use for locational granularity for purchased energy beyond basin level. Additionally, for the reasons articulated throughout this letter, nearly all per-meter data that EPA requests is unnecessary, overly burdensome, and/or not executable.

   EPA must also consider exempting small usage meters from reporting. For example, if a facility has larger use meter(s) but also has small use meter(s), the small use meters should be exempt from Subpart B. EPA does not need data, let alone quality assurances, on small use meters that have a negligible impact on a facility's energy intensity. In conjunction with these exemptions (or even if EPA does not allow reasonable facility and meter applicability thresholds in Subpart B), EPA should at least allow aggregation of small use meters. For example, small use meters could be aggregated for reporting, just as fuel burning equipment is allowed to be aggregated under Subpart C. EPA does not need intense quality assurance or detailed records for small use meters that have little impact on a facility's energy intensity.

d. **As an additional option to minimize burden for midstream reporters, EPA should distinguish data required for actual operating facilities (such as gathering and boosting compressor stations) from non-facility "basin" operations such as field pipeline**

[33] *E.g.*, 98.27(a) Copies of all purchased electricity or thermal energy product billing statements.
[34] For example, if a bill is missing, a reporter might contact the utility about the missing bill, and the utility may issue an invoice, but not the full bill with usage, rates, etc.
[35] TSD, "Options for Reporting Thresholds."

cathodic production. Specifically, EPA should only require reporting under Subpart B for natural gas processing plants, gathering and boosting compressor stations, and transmission compressor stations. This will account for 95%+ of usage for midstream and comprise less than 5% of the records. This aligns with part 98 philosophy of capturing the majority (not all) of emissions and minimizing burden.

EPA should at the very least exempt transmission pipelines from Subpart B. This facility type is subject to Subpart W. Transmission pipelines have a small amount of electricity usage, which is primarily for tiny rectifiers and cathodic protection.

13. **EPA should not propose more prescriptive requirements regarding procedures for estimating missing data.** EPA considered proposing more prescriptive requirements regarding procedures for estimating missing data but ultimately concluded that each individual facility is in the best position to determine the most appropriate approach for determining the period of similar operations. EPA is seeking comment on this approach to estimating missing data.

    Estimation of missing data should be left to each individual facility. GPA members may have contractual terms that dictate how missing data will be estimated should any meter fail to register the power and energy delivered during any period. The estimation procedures may vary depending on the physical location of the meter. In the ERCOT grid, ERCOT Protocol 10 provides the Verification, Editing and Estimating methodology which may be contractually required. Additionally, where electricity is bought and sold between the end user and the electricity provider, there is already a financial motivation for both parties to resolve missing data as accurately and timely as practical.

    In the case of missing billing statements, EPA also should permit each individual facility to estimate the missing data. The 40 C.F.R. Part 98 reporting requirements cover a large variety of facilities with different operations whose electricity usage may vary by production, throughput, seasonal variations, etc., and prescriptive missing data procedures would not be appropriate for all facilities.

14. **Remove the requirement to speculate as to a decimal fraction of purchased energy attributable to other subparts.** EPA proposes that "[f]acilities subject to multiple direct emitting part 98 subparts must report, for the quantities reported under paragraph (j) of this section, the decimal fraction of purchased electricity or thermal energy products attributable to each subpart. The fraction may be estimated based on company records or engineering judgment."[36] First, EPA provides no justification for why it needs this data, as required by law. Second, this requirement is very unclear. If a natural gas processing plant has an electrically driven compressor and it reports combustion emissions under Subpart C and compressor emissions under Subpart W, is the electricity used to drive the compressor "attributable" to Subpart C (the electricity is offsetting the combustion emissions that would otherwise have been reported under Subpart C) or is the electricity "attributable" to Subpart W? EPA should eliminate this requirement or, at the very least, clarify how electricity used to offset combustion emissions should be considered.

[36] 88 Fed. Reg. at 32,926 (proposing new section 40 C.F.R. § 98.26(l)).

Second, EPA is asking reporters to either guess (i.e., use bad data) or undertake a huge amount of work. At the burden level that EPA estimates (just a few hours a year per facility for all of Subpart B), it appears the agency expects a rough guess. Something more robust would require tremendous effort because a facility reporting under Part 98 may have electricity usage associated with office or communication equipment that is not part of any emissions unit but is at the site and using electricity. Determining which meters are serving which pieces of equipment at each facility and excluding equipment that is not an emissions unit would require an extensive and burdensome level of effort and research. Because the result of this intensely burdensome exercise would ultimately just be an estimate, GPA believes this requirement should be removed. Reporters are also uncomfortable with certifying reports that contain highly estimated data, as this requirement would.

15. **Allow allocation to be optional.** Allocating purchased electricity data [98.26(j)(3)] over two separate reporting years would be a best guess in most cases, providing little value. It would also be an enormously burdensome exercise given the large number of meters used by midstream reporters. Most reporters would utilize billing records/databases as the source of information for Subpart B reporting, and these databases are not necessarily set up to support allocation. Allocation would be difficult to implement and be a source of confusion since the same billing cycle could be bill 12 in one year, then bill 1 the following year. These allocation difficulties are another reason data reporting should just be on an annual basis without requiring billing sequence data. However, some reporters may already allocate for other reasons, so GPA recommends that reporters be allowed to report allocated data as an option.

    Non-allocated data should be "close enough" to assess energy use, especially over the course of a few years of data. If EPA will be creating policy or rules based on just one year of data, and therefore needs allocated data, then this data collection effort should be a one-time ICR request and not an annual data collection effort continuing into the indeterminate future.

16. **Clarity is needed on several requirements if they are not removed.** First, EPA requires reporters to keep records of all purchased electricity or thermal energy product billing statements [98.27(a)]. However, many midstream companies use a third party to manage power bills. EPA should confirm that third party retention of billing statements satisfies 98.27(a).

    Second, EPA requests, for purchased electricity, the zip code associated with the payment address for the provider [98.26(d)(1)]. The zip code associated with the payment address will not help EPA meet its goal of understanding energy usage and/or indirect emissions. The payment address zip code could be in a different state versus where the energy is consumed. EPA must provide justification for this reporting requirement if it intends to retain it. Additionally, eGRID data links meter physical zip code with eGRID subregion.[37] It seems to make much more sense for EPA to collect the zip code of the physical meter to reasonably estimate indirect emissions, since the GHGRP "facility" will likely cover hundreds of possible zip codes for basin-level reporters. EPA should therefore change this to the zip code of the meter. EPA seems to think the payment zip code is somehow an "identifying number"[38] that EPA will somehow

[37] https://www.epa.gov/system/files/documents/2023-02/power_profiler_zipcode_tool.xlsx

[38] Proposed 98.26(d) *An identifying number for the energy delivery service provider as specified in paragraph (d)(1) or (2) of this section:* 98.26(d)(1) *For purchased electricity, the zip code associated with the payment address for the provider.*

associate with the energy delivery service provider. Without explanation of what EPA is aiming to achieve with this "number," we cannot comment other than to request removal of this requirement.

17. **If a facility is acquired, EPA must clarify that reporters are not responsible for updating Subpart B reported data for reporting years that occurred prior to the acquisition.** EPA often asks reporters to update reports as many as five or more years in the past. This is especially difficult, if not impossible, when a facility was acquired and EPA requests data that pre-dates the acquisition. EPA should clearly indicate in Subpart B that reporters are not responsible for addressing data that pre-dates their ownership.

18. **EPA once again grossly underestimates the burden of the GHGRP.** GPA has commented repeatedly about EPA's extreme underestimation of the burden imposed on reporters for the GHGRP, and we find ourselves here again as EPA estimated a miniscule initial $1,119 per facility per year reporting burden, and $600 annually thereafter.[39] As described above in our comments, EPA is requesting a huge amount of information for gathering and processing reporters, which does not seem to be contemplated in the burden assessment, and EPA should simplify Subpart B and eliminate most requirements. Doing so will reduce the cost burden of this rule and bring it closer to EPA's estimate. But, as proposed, the burden of this rule is at least ten times higher than EPA has estimated, driven by monthly reporting, reporting of thousands of small use meters, mandated allocation, expected perfection of billing data, and the impracticable task of gathering records on equipment that the reporter neither owns, operates, or maintains.

    Additionally, especially for basin-wide reporters (gathering and boosting, production), not all reporters have billing data associated with the physical location of the meter and so are not prepared to associate meter/electricity data with GHGRP "facilities." Because these reporters have hundreds or thousands of these meters, this will be an enormous effort; something like 100-300 hours per reporter to field verify meter physical zip code and update (or create) a billing records database. This is another reason small use meters should be exempt from Subpart B.

    As noted in a previous comment, many midstream companies used a third party just to manage power bills because the number of records is so significant. EPA does not contemplate this or any efforts that might be needed to update third party databases and potentially adjust contracts such that the vendor can ensure the data perfection EPA seeks.

    In the preamble, EPA says, "[t]he EPA understands that contracts between host facilities and energy producers are governed by clear metering and billing requirements. Accordingly, we are seeking comment on our understanding that monitoring and recordkeeping systems are already in place for purchased energy transactions, and our assessment that the incremental reporting burden would be minimal." What EPA is asking for is vastly above and beyond the normal management of electricity usage/billing data for GPA members. As described, oil and gas reporters have thousands of meters, 90%+ of which have small usage, and companies do not have the bandwidth to keep the types of records EPA appears to believe already exist for this

[39] Assessment of Burden Impacts for Proposed Supplemental Notice of Revisions for the Greenhouse Gas Reporting Rule, Table A-3

large population of meters. As such, and as described above, EPA's assessment of the reporting burden is wildly incorrect.

19. **While we do not support most of the proposed Subpart B reporting requirements, we do agree with the proposed confidentiality determinations.** To the extent EPA finalizes the proposed reporting requirements of § 98.26, EPA should treat data as confidential as proposed in "Proposed Confidentiality Determinations and Emission Data Designations for Data Elements in Proposed Supplemental Revisions to the Greenhouse Gas Reporting Rule."

20. **"The EPA also seeks comment on measures that could minimize the burden of reporting parameters related to purchased metered electricity or metered thermal energy transactions."** In summary, and as described in our preceding comments and in Appendix B, EPA should minimize burden as follows:
    a. Remove the MEMP and most requirements related to recordkeeping, quality assurance, and maintenance for third party equipment.
    b. Require only annual usage data.
    c. Allow basin-level energy usage reporting.
    d. Exempt small use meters.
    e. Move the Subpart B reporting deadline to May 31.
    f. Remove requirement to report following data:
        i. The state in which each meter is located [98.26(a)]
        ii. The locality of the meter (county/city) [98.26(b)]
        iii. Energy delivery service providers name [98.26(c)]
        iv. An identifying number for the energy delivery service provider [98.26(d)]
            1. The zip code associated with the payment address for the provider [98.26(d)(1)]
            2. The GHGRP facility identifier of thermal energy products [98.26(d)(2)]
        v. Electricity supply service providers name [98.26(e)]
        vi. Meter number [98.26(f)]
        vii. Annual sequence of bill [98.26(g)]
        viii. Start date of periods billed [98.26(h)]
        ix. End date of periods billed [98.26(i)]
        x. Quantities of purchased electricity and thermal energy products (other than annual) [98.26(j)]
        xi. Rate descriptor for each electricity billing statement [98.26(k)]
        xii. Decimal fraction attributable to each subpart [98.26(l)]
        xiii. Copy of one billing statement per energy delivery service provider [98.26(m)]

Appendix A

Example A – Negative use. Utility most likely found an error in the meter and applied a correction. In this case, subsequent monthly readings were lower.

Meter Number	Annual Sequence of Bill	Start Date of Period Billed	End Date of Period Billed	kWH Used	Rate Descriptor
Blinded	1	1/7/2022	2/7/2022	63	
Blinded	2	2/7/2022	3/7/2022	61	
Blinded	3	3/7/2022	3/22/2022	38	
Blinded	4	3/22/2022	5/6/2022	56	
Blinded	5	5/6/2022	6/7/2022	54	
Blinded	6	6/7/2022	7/7/2022	53	
Blinded	7	7/7/2022	7/20/2022	**-25**	
Blinded	8	7/20/2022	9/7/2022	47	
Blinded	9	9/7/2022	10/6/2022	45	
Blinded	10	10/6/2022	11/7/2022	42	
Blinded	11	11/7/2022	11/29/2022	24	
Blinded	12	11/29/2022	1/6/2023	44	

Example B – Payment Adjustment. The bill for 5/16/2022-6/15/2022 with 0 use was to address a payment adjustment.

Meter Number	Annual Sequence of Bill	Start Date of Period Billed	End Date of Period Billed	kWH Used	Rate Descriptor
Blinded	1	12/14/2021	1/18/2022	1759133	
Blinded	2	1/18/2022	2/16/2022	1388126	
Blinded	3	2/16/2022	3/17/2022	1414152	
Blinded	4	3/17/2022	4/15/2022	1476646	
Blinded	5	4/15/2022	5/16/2022	1701586	
Blinded	6	5/16/2022	6/15/2022	0	
Blinded	7	5/16/2022	6/16/2022	1695584	
Blinded	8	6/15/2022	7/15/2022	1769674	
Blinded	9	7/15/2022	8/15/2022	1723638	
Blinded	10	8/15/2022	9/14/2022	1535376	
Blinded	11	9/14/2022	10/13/2022	1285053	
Blinded	12	10/13/2022	11/11/2022	1439920	
Blinded	13	11/11/2022	12/14/2022	1707442	
Blinded	14	12/14/2022	1/18/2023	1578213	

Example C – 13 bills for one year of data.

Meter Number	Annual Sequence of Bill	Start Date of Period Billed	End Date of Period Billed	kWH Used	Rate Descriptor

Blinded	1	12/20/2021	1/21/2022	0	
Blinded	2	1/21/2022	2/23/2022	0	
Blinded	3	2/23/2022	3/23/2022	26	
Blinded	4	3/23/2022	4/21/2022	0	
Blinded	5	4/21/2022	5/20/2022	0	
Blinded	6	5/20/2022	6/21/2022	28	
Blinded	7	6/21/2022	7/21/2022	0	
Blinded	8	7/21/2022	8/19/2022	30	
Blinded	9	8/19/2022	9/20/2022	33	
Blinded	10	9/20/2022	10/19/2022	27	
Blinded	11	10/19/2022	11/16/2022	24	
Blinded	12	11/16/2022	12/20/2022	29	
Blinded	13	12/20/2022	1/23/2023	0	

Example D – 11 bills for one year of data. The first bill covers two months. Meter taken out of service on (or before) 12/27/2022 so there is no bill covering 12/27/2022-12/31/2022.

Meter Number	Annual Sequence of Bill	Start Date of Period Billed	End Date of Period Billed	kWH Used	Rate Descriptor
Blinded	1	12/28/2021	2/25/2022	75260	
Blinded	2	2/25/2022	3/28/2022	26511	
Blinded	3	3/28/2022	4/26/2022	22508	
Blinded	4	4/26/2022	5/25/2022	17416	
Blinded	5	5/19/2022	6/20/2022	15507	
Blinded	6	6/24/2022	7/25/2022	14345	
Blinded	7	7/25/2022	8/24/2022	16549	
Blinded	8	8/24/2022	9/23/2022	15538	
Blinded	9	9/23/2022	10/25/2022	19761	
Blinded	10	10/25/2022	11/22/2022	24478	
Blinded	11	11/22/2022	12/27/2022	27093	

Example E – Meter taken out of service on (or before) 7/31/2022.

Meter Number	Annual Sequence of Bill	Start Date of Period Billed	End Date of Period Billed	kWH Used	Rate Descriptor
Blinded	1	12/31/2021	1/31/2022	413597	
Blinded	2	1/31/2022	2/28/2022	355249	
Blinded	3	2/28/2022	3/31/2022	404664	
Blinded	4	3/31/2022	4/30/2022	263702	
Blinded	5	4/30/2022	5/31/2022	403612	
Blinded	6	5/31/2022	6/30/2022	529064	
Blinded	7	6/30/2022	7/31/2022	561829	

Appendix B – Proposed rule text with reference to comments

Proposed Rule section	Proposed Rule citation	Proposed Rule text	Suggested action	GPA comment reference
§ 98.20 Definition of the source category.	98.20(a)	The energy consumption source category consists of direct emitting facilities that (1) purchase metered electricity or metered thermal energy products; (2) are required to report under §§ 98.2(a)(1), (2), or (3) or are required to resume reporting under §§ 98.2(i)(1), (2), or (3); and (3) are not eligible to discontinue reporting under the provisions at §§ 98.2(i)(1), (2), or (3).	Change	Comment 12. Provide exemptions or accommodations for small usage meters.
§ 98.20 Definition of the source category.	98.20(b)	This source category does not include:		
§ 98.20 Definition of the source category.	98.20(b)(1)	Purchases of fuel and the associated direct emissions from the use of that fuel on site.		
§ 98.20 Definition of the source category.	98.20(b)(2)	Electricity and thermal energy products that are not subject to purchasing agreements.	Change	Comment 3. Shift focus from details to energy intensity.
§ 98.21 Reporting threshold.	98.21	You must report the quantity of purchased electricity and thermal energy products in accordance with the reporting requirements of § 98.26 of this subpart.	See below	
§ 98.22 GHGs to report.	98.22	This subpart does not require the reporting of either direct or indirect greenhouse gas emissions.		
§ 98.23 Calculating GHG emissions	98.23	This subpart does not require the calculation of either direct or indirect greenhouse gas emissions.		

§ 98.24 Monitoring and QA/QC requirements.	98.24	Facilities subject to this subpart must develop a written Metered Energy Monitoring Plan (MEMP) for purchased electricity and thermal energy products in accordance with paragraph (a) of this section. The MEMP may rely on references to existing corporate documents (e.g., purchasing agreements, standard operating procedures, quality assurance programs under appendix F to 40 CFR part 60 or appendix B to 40 CFR part 75, and other documents) provided that the elements required by paragraphs (a)(1) through (7) of this section are easily recognizable. Facilities must complete QA/QC requirements in accordance with paragraphs (b) and (c) of this section.	Remove	Duplicative of 98.3(g)(5)(ii) The GHG Monitoring Plan may rely on references to existing corporate documents (e.g., standard operating procedures, quality assurance programs under appendix F to 40 CFR part 60 or appendix B to 40 CFR part 75, and other documents) provided that the elements required by paragraph (g)(5)(i) of this section are easily recognizable.
§ 98.24 Monitoring and QA/QC requirements.	98.24(a)	MEMP Requirements. At a minimum, the MEMP must specify recordkeeping activities at the same frequency as billing statements from the energy delivery service provider and must include the elements listed in this paragraph (a).	Remove	See below. Comment 5. Eliminate requirement to create and maintain a MEMP. Comment 5.d. Requirements inappropriate for a broad data collection rule. Comment 6. Align third-party meter requirements with Subpart C.
§ 98.24 Monitoring and QA/QC requirements.	98.24(a)(1)	Identification of positions of responsibility (i.e., job titles) for collection of the energy consumption data.	Remove	Comment 5.c. Duplicative of 98.3(g)(5)(i)(A) Identification of positions of responsibility (i.e., job titles) for collection of the emissions data.
§ 98.24 Monitoring and QA/QC requirements.	98.24(a)(2)	The identifier of each meter shown on periodic billing statements with a description of the portions of the facility served by the meter and a photograph that shows the meter identifier, manufacturer's name, and model number.	Remove	Comment 5.e. Reporters cannot access or photograph many electricity meters. Comment 5.f. Description is burdensome and non-informative. Comment 9. Failure to provide justification. Comment 18. Underestimate of burden.

§ 98.24 Monitoring and QA/QC requirements.	98.24(a)(3)	For each meter, an indication of the billing frequency (e.g., monthly, quarterly, or semi-annually).	Remove	Comment 9. EPA failed to provide justification. Comment 11. Only annual data should be reported.
§ 98.24 Monitoring and QA/QC requirements.	98.24(a)(4)	A copy of one typical billing statement that includes all pages for each meter with the meter identifier, the name of the energy delivery service provider, the name of the energy supply service provider (if applicable in deregulated states), the dates of service, the usage, and the rate descriptor.	Remove	Comment 9. EPA failed to provide justification. Comment 18. Underestimate of burden.
§ 98.24 Monitoring and QA/QC requirements.	98.24(a)(5)	An indication of whether each electricity meter conforms to the accuracy specifications required by § 98.24(b). The MEMP must include one of the potential outcomes listed in paragraphs (a)(5)(i) through (iii) of this section for each electricity meter serving the facility:	See below	
§ 98.24 Monitoring and QA/QC requirements.	98.24(a)(5)(i)	Manufacturer's certification that the electricity meter model number conforms to the accuracy specifications required by § 98.24(b), with a copy of the associated manufacturer's technical data. If this option is selected the owner or operator must include a picture of the meter with a copy of the technical data from the manufacturer indicating conformance to the accuracy specifications required by § 98.24(b).	Remove	Comment 5.a. Reporters do not maintain records for equipment they do not own. Comment 5.e. Reporters cannot access or photograph many electricity meters. Comment 18. Underestimate of burden.
§ 98.24 Monitoring and QA/QC requirements.	98.24(a)(5)(ii)	Certification letter from the electricity delivery service provider indicating the meter conforms to the accuracy specifications required by § 98.24(b).	Remove	Comment 5.b. End-user cannot mandate performance specifications. Comment 18. Underestimate of burden.
§ 98.24 Monitoring and QA/QC requirements.	98.24(a)(5)(iii)	An indication that either the conformance status of the meter to the accuracy specifications required by § 98.24(b) could not be determined, or the meter was determined to have accuracy specifications less stringent than required by § 98.24(b), according to paragraphs (a)(5)(iii)(A) through (C) of this section.	Remove	Comment 5.b. End-user cannot mandate performance specifications. Comment 18. Underestimate of burden.

§ 98.24 Monitoring and QA/QC requirements.	98.24(a)(5)(iii)(A)	A copy of the certified letter sent to the electricity delivery service provider, requesting installation of a meter that conforms to the accuracy specifications required by § 98.24(b).	Remove	Comment 5.b. End-user cannot mandate performance specifications. Comment 18. Underestimate of burden.
§ 98.24 Monitoring and QA/QC requirements.	98.24(a)(5)(iii)(B)	The return receipt for the certified letter.	Remove	Comment 5.b. End-user cannot mandate performance specifications. Comment 18. Underestimate of burden.
§ 98.24 Monitoring and QA/QC requirements.	98.24(a)(5)(iii)(C)	Any correspondence from the electricity delivery service provider related to the request.	Remove	Comment 5.b. End-user cannot mandate performance specifications. Comment 18. Underestimate of burden.
§ 98.24 Monitoring and QA/QC requirements.	98.24(a)(6)	For both purchased electricity and thermal energy product meters, an explanation of the processes and methods used to collect the necessary data to report the total annual usage of purchased electricity in kWh and the total annual usage of purchased thermal energy products in mmBtu. For thermal energy products the plan must include a clear procedure and example of how measured data are converted to mmBtu.	Remove	Comment 5.c. Duplicative of 98.3(g)(5)(i)(B) Explanation of the processes and methods used to collect the necessary data for the GHG calculations.
§ 98.24 Monitoring and QA/QC requirements.	98.24(a)(7)	Description of the procedures and methods that are used for quality assurance, maintenance, and repair of all monitoring systems, flow meters, and other instrumentation used to collect the energy consumption data reported under this part.	Remove	Comment 5.c. Duplicative of 98.3(g)(5)(i)(C) Description of the procedures and methods that are used for quality assurance, maintenance, and repair of all continuous monitoring systems, flow meters, and other instrumentation used to provide data for the GHGs reported under this part.
§ 98.24 Monitoring and QA/QC requirements.	98.24(a)(8)	The facility must revise the MEMP as needed to reflect changes in production processes, monitoring instrumentation, and quality assurance procedures; or to improve procedures for the maintenance and repair of monitoring systems to reduce the frequency of monitoring equipment downtime.	Remove	Comment 5.c. Duplicative of 98.3(g)(5)(iii) The owner or operator shall revise the GHG Monitoring Plan as needed to reflect changes in production processes, monitoring instrumentation, and quality assurance procedures; or to improve procedures for the maintenance and

				repair of monitoring systems to reduce the frequency of monitoring equipment downtime.
§ 98.24 Monitoring and QA/QC requirements.	98.24(a)(9)	Upon request by the Administrator, the facility must make all information that is collected in conformance with the MEMP available for review. Electronic storage of the information in the plan is permissible, provided that the information can be made available in hard copy upon request.	Remove	Comment 5.c. Duplicative of 98.3(g)(5)(iv) Upon request by the Administrator, the owner or operator shall make all information that is collected in conformance with the GHG Monitoring Plan available for review during an audit. Electronic storage of the information in the plan is permissible, provided that the information can be made available in hard copy upon request during an audit.
§ 98.24 Monitoring and QA/QC requirements.	98.24(b)	Quality assurance for purchased electricity monitoring. The facility must determine if each electricity meter conforms to ANSI C12.1–2022: Electric Meters—Code for Electricity Metering (incorporated by reference, see § 98.7) or another similar consensus standard with accuracy specifications at least as stringent as the ANSI standard, using one of the methods under paragraphs (b)(1) through (3) of this section.	Remove	Comment 5.b. End-user cannot mandate performance specifications. Comment 18. Underestimate of burden.
§ 98.24 Monitoring and QA/QC requirements.	98.24(b)(1)	The facility may identify the manufacturer and model number of the meter and obtain a copy of the meter's technical reference guide or technical data sheet indicating the meter's conformance with the requirements of § 98.24(b). If this option is selected the facility must include a picture of the meter with a copy of the technical data from the manufacturer indicating conformance with the requirements of § 98.24(b).	Remove	Comment 5.a. Reporters do not maintain records for equipment they do not own. Comment 5.e. Reporters cannot access or photograph many electricity meters. Comment 18. Underestimate of burden.

§ 98.24 Monitoring and QA/QC requirements.	98.24(b)(2)	The facility may obtain a certification from the electricity delivery service provider that owns the meter indicating that the meter conforms to the accuracy specifications required by § 98.24(b).	Remove	Comment 18. Underestimate of burden.
§ 98.24 Monitoring and QA/QC requirements.	98.24(b)(3)	If the facility determines that either the conformance status of the meter under § 98.24(b) could not be determined, or that the meter does not conform to the accuracy specifications required by § 98.24(b), the facility must submit, via certified mail (with return receipt requested) to the electricity delivery service provider that owns the meter, a request that the existing meter be replaced by an electricity meter that meets the accuracy specifications required by § 98.24(b). The facility must maintain in the MEMP a copy of the written request, the return receipt, and any correspondence from the electricity delivery service provider. Any meters that do not conform to the accuracy specifications required by § 98.24(b)must be flagged as such in the MEMP, until such time that they are replaced with meters that conform to the accuracy specifications required by § 98.24(b).	Remove	Comment 5.a. Reporters do not maintain records for equipment they do not own. Comment 5.b. End-user cannot mandate performance specifications. Comment 18. Underestimate of burden.

§ 98.24 Monitoring and QA/QC requirements.	98.24(c)	Quality assurance for purchased thermal energy product monitoring. The facility must contact the energy delivery service provider of each purchased thermal energy product and request a copy of the most recent audit of the accuracy of each meter referenced in the purchasing agreement. If an audit of the meter has never been completed or if the audit is more than five years old, the facility must request that the energy delivery service provider complete an energy audit consistent with the terms of the purchasing agreement. If the purchasing agreement does not include provisions for periodic audits of the meter, the facility must complete an audit of the meter using a qualified metering specialist with knowledge of the associated thermal medium. Every five years an audit of the meter must be completed. If the audit indicates that the meter is producing readings with errors greater than specified by § 98.3(i)(2) or (3), the meter must be repaired or replaced and retested to demonstrate compliance with the specifications at § 98.3(i)(2) or (3).	Remove	Comment 5.a. Reporters do not maintain records for equipment they do not own. Comment 5.b. End-user cannot mandate performance specifications.
§ 98.25 Procedures for estimating missing data.	98.25	For both purchased electricity and thermal energy products, a facility with missing billing statements must request replacement copies of the statements from its energy delivery service provider. If the energy delivery service provider is unable to provide replacement copies of billing statements, the facility must estimate the missing data based on the best available estimate of the energy use, based on all available data which may impact energy usage (e.g., processing rates, operating hours, etc.). The facility must document and keep records of the procedures used for all missing data estimates.	Remove or reduce applicability	Comment 12.b. EPA is expecting perfection of data on thousands of very small use electricity meters. Comment 13. EPA should not propose more restrictive requirements for missing data. Comment 18. Underestimate of burden.

§ 98.26 Data reporting requirements.	98.26	In addition to the facility-level information required under § 98.3, the annual GHG report must contain the data specified in paragraphs (a) through (m) of this section for each purchased electricity and thermal energy product meter located at the facility.	Delay reporting deadline	Comment 10. Extend Subpart B deadline due to normal billing cycles.
§ 98.26 Data reporting requirements.	98.26(a)	The state in which each meter is located.	Remove	Comment 9. Failure to provide justification. Comment 12. Provide exemptions or accommodations for small usage meters. Comment 18. Underestimate of burden.
§ 98.26 Data reporting requirements.	98.26(b)	The locality of the meter. You must report the county in which each meter is located. If the meter is not located in a county (e.g., meters in Alexandria, Virginia), you must report the city in which the meter is located.	Remove	Comment 9. Failure to provide justification. Comment 12. Provide exemptions or accommodations for small usage meters. Comment 18. Underestimate of burden.
§ 98.26 Data reporting requirements.	98.26(c)	Energy delivery service provider's name (i.e., the name of the entity to whom the purchasing facility will send payment).	Remove	Comment 9. Failure to provide justification. Comment 12. Provide exemptions or accommodations for small usage meters. Comment 18. Underestimate of burden.
§ 98.26 Data reporting requirements.	98.26(d)	An identifying number for the energy delivery service provider as specified in paragraph (d)(1) or (2) of this section:	See below	
§ 98.26 Data reporting requirements.	98.26(d)(1)	For purchased electricity, the zip code associated with the payment address for the provider.	Remove or change	Comment 9. Failure to provide justification. Comment 12. Provide exemptions or accommodations for small usage meters. Comment 16. Clarity is needed. Comment 18. Underestimate of burden.

§ 98.26 Data reporting requirements.	98.26(d)(2)	For purchased thermal energy products, the public GHGRP facility identifier of the energy supply service provider. If the provider does not have an assigned GHGRP facility identifier, report the zip code for the physical location in which the thermal energy product was produced.	Remove	Comment 9. Failure to provide justification.
§ 98.26 Data reporting requirements.	98.26(e)	Electricity supply service provider's name. This reporting requirement applies only to purchased electricity in states with deregulated markets where the electricity billing statements have separate line items for electricity delivery services and electricity supply services. In these states, the electricity delivery service provider may be a different entity from the electricity supply service provider.	Remove	Comment 9. Failure to provide justification. Comment 12. Provide exemptions or accommodations for small usage meters. Comment 18. Underestimate of burden.
§ 98.26 Data reporting requirements.	98.26(f)	Meter number. This is the meter number that appears on each billing statement.	Remove or change	Comment 12. Provide exemptions or accommodations for small usage meters. Comment 18. Underestimate of burden.
§ 98.26 Data reporting requirements.	98.26(g)	Annual sequence of bill. This is a number from 1 to 12 for monthly billing cycles, from 1 to 4 for quarterly billing cycles, and 1 to 2 for semi-annual billing cycles.	Remove	Comment 11. Only annual data should be reported. Comment 12. Provide exemptions or accommodations for small usage meters. Comment 18. Underestimate of burden.
§ 98.26 Data reporting requirements.	98.26(h)	Start date(s) of period(s) billed. This is the date designating when the usage period began for each billing statement. For monthly billing cycles, the annual report would include 12 start dates. For quarterly billing cycles the annual report would include four start dates. For semi-annual billing cycles the annual report would include two start dates.	Remove	Comment 11. Only annual data should be reported. Comment 12. Provide exemptions or accommodations for small usage meters. Comment 18. Underestimate of burden.

§ 98.26 Data reporting requirements.	98.26(i)	End date(s) of period(s) billed. This is the date designating when the usage period ends for each billing statement. For monthly billing cycles, the annual report would include 12 end dates. For quarterly billing cycles the annual report would include four end dates. For semi-annual billing cycles the annual report would include two end dates.	Remove	Comment 11. Only annual data should be reported. Comment 12. Provide exemptions or accommodations for small usage meters. Comment 18. Underestimate of burden.
§ 98.26 Data reporting requirements.	98.26(j)	Quantities of purchased electricity and thermal energy products as specified in paragraphs (j)(1) through (3) of this section, excluding any quantities described in paragraph (j)(4) of this section.	See below	
§ 98.26 Data reporting requirements.	98.26(j)(1)	Purchased electricity. You must report the kWh used as reported on each periodic billing statement received during the reporting year. For each meter on each electricity billing statement received during the reporting period, the usage will be clearly designated for the month, quarter, or semi-annual billing period. This value may be listed on the billing statement in megawatt-hours (MWh). To convert values on billing statements that report usage in MWh to kWh, the MWh value should be multiplied by 1,000.	Change	Comment 11. Only annual data should be reported. Comment 12. Provide exemptions or accommodations for small usage meters. Comment 18. Underestimate of burden.
§ 98.26 Data reporting requirements.	98.26(j)(2)	Purchased thermal energy products. You must report the quantity of thermal energy products purchased as reported on each periodic billing statement received during the reporting year, converted to mmBtu. This value must be calculated in accordance with the method described and documented in the MEMP.	Change	Comment 11. Only annual data should be reported. Comment 12. Provide exemptions or accommodations for small usage meters. Comment 18. Underestimate of burden.
§ 98.26 Data reporting requirements.	98.26(j)(3)	Allocation. If the periodic billing statement specified in paragraph (j)(1) or (2) of this section spans two reporting years, you must allocate the quantity of purchased electricity and thermal energy products using either the method specified in paragraph (j)(3)(i) or (ii) of this section:	See below	

§ 98.26 Data reporting requirements.	98.26(j)(3)(i)	You may allocate the purchased electricity and thermal energy products to each reporting year based on operational knowledge of the industrial processes for which energy is purchased, or	Change	Comment 12. Provide exemptions or accommodations for small usage meters. Comment 15. Allow allocation to be optional. Comment 18. Underestimate of burden.
§ 98.26 Data reporting requirements.	98.26(j)(3)(ii)	You may allocate to each reporting year the portion of purchased electricity and thermal energy products in the periodic billing statement proportional to the number of days of service in each reporting year.	Change	Comment 12. Provide exemptions or accommodations for small usage meters. Comment 15. Allow allocation to be optional. Comment 18. Underestimate of burden.
§ 98.26 Data reporting requirements.	98.26(j)(4)	Excluded quantities. For the purpose of reporting under this paragraph (j), the facility may exclude any electricity that is generated outside the facility and delivered into the facility with final destination and usage outside of the facility. The facility may also exclude electricity consumed by operations or activities that do not support any activities reporting direct emissions in this part. The excluded quantities may be estimated based on company records or engineering judgment.		
§ 98.26 Data reporting requirements.	98.26(k)	Rate descriptor for each electricity billing statement. Each electricity billing statement should have a statement that describes the rate plan in effect for the billing location. This rate descriptor can indicate if the customer is billed based on a time-of-use rate or if the customer is purchasing a renewable energy product. For example, a typical rate statement could be ‘‘Your current rate is Large Commercial Time of Use (LC–TOUD).’’ In this case the GHGRP reporter would enter ‘‘LC–TOUD’’ as the rate descriptor for the associated billing period.	Remove	Comment 9. Failure to provide justification. Comment 12. Provide exemptions or accommodations for small usage meters. Comment 18. Underestimate of burden.

§ 98.26 Data reporting requirements.	98.26(l)	Facilities subject to multiple direct emitting part 98 subparts must report, for the quantities reported under paragraph (j) of this section, the decimal fraction of purchased electricity or thermal energy products attributable to each subpart. The fraction may be estimated based on company records or engineering judgment.	Remove	Comment 14. Remove decimal fraction requirement; burdensome rough guess. Comment 12. Provide exemptions or accommodations for small usage meters. Comment 18. Underestimate of burden.
§ 98.26 Data reporting requirements.	98.26(m)	Copy of one billing statement per energy delivery service provider of purchased electricity or thermal energy products, as specified in paragraphs (m)(1) through (3) of this section.	Remove	Comment 9. Failure to provide justification. Comment 12. Provide exemptions or accommodations for small usage meters. Comment 18. Underestimate of burden.
§ 98.26 Data reporting requirements.	98.26(m)(1)	The first annual report under this subpart must include an electronic copy of all pages of one billing statement received by the facility from each energy delivery service provider of purchased electricity or thermal energy products.	Remove	Comment 9. Failure to provide justification. Comment 12. Provide exemptions or accommodations for small usage meters. Comment 18. Underestimate of burden.
§ 98.26 Data reporting requirements.	98.26(m)(2)	If the facility changes or adds one or more energy delivery service providers after the first reporting year, the annual report must include an electronic copy of all pages of one billing statement received from each new energy delivery service provider for only the first reporting year of each new purchasing agreement.	Remove	Comment 9. Failure to provide justification. Comment 12. Provide exemptions or accommodations for small usage meters. Comment 18. Underestimate of burden.
§ 98.26 Data reporting requirements.	98.26(m)(3)	The electronic copy specified in paragraph (m)(2) of this section must be submitted in the format specified in the reporting instructions published for the reporting year.	Remove	Comment 9. Failure to provide justification. Comment 12. Provide exemptions or accommodations for small usage meters. Comment 18. Underestimate of burden.

§ 98.27 Records that must be retained.	98.27(a)	Copies of all purchased electricity or thermal energy product billing statements.	Remove or change	Comment 12. Provide exemptions or accommodations for small usage meters. Comment 16. Need clarity that third party retention of billing statements suffices. Comment 18. Underestimate of burden.
§ 98.27 Records that must be retained.	98.27(b)	The results of all required certification and quality assurance tests referenced in the MEMP for all purchased electricity or thermal energy product meters used to develop the energy consumption data reported under this part.	Remove	Comment 5.a. Reporters do not maintain records for equipment they do not own. Comment 12. Provide exemptions or accommodations for small usage meters. Comment 18. Underestimate of burden.
§ 98.27 Records that must be retained.	98.27(c)	Maintenance records for all monitoring systems, flow meters, and other instrumentation used to provide data on consumption of purchased electricity or thermal energy products under this part.	Remove	Comment 5.a. Reporters do not maintain records for equipment they do not own. Comment 12. Provide exemptions or accommodations for small usage meters. Comment 18. Underestimate of burden.
§ 98.28 Definitions.	98.28	Except as provided in this section, all terms used in this part shall have the same meaning given in the Clean Air Act and subpart A of this part.		
§ 98.28 Definitions.	98.28	*Indirect emissions* are an attribute of activities that consume energy and are intended to provide an estimate of the quantity of greenhouse gases associated with the production and delivery of purchased electricity and thermal energy products delivered to the energy consumer. Indirect emissions are released to the atmosphere at a facility that is owned by the energy supply service provider, but the indirect emissions attribute is associated with the consuming activity.		

§ 98.28 Definitions.	98.28	*Metered* means, as applied to electricity, that the quantity of electricity is determined by an electricity meter installed at the location of service by an electricity delivery service provider who periodically conducts meter readings for billing purposes. As applied to thermal energy products, metered means that the thermal energy product is metered in accordance with the purchasing agreement with additional information, as necessary, such as design or operating temperature, pressure, and mass flow rate to determine the supplied quantity of thermal energy products.		
§ 98.28 Definitions.	98.28	*Purchased electricity* means metered electricity that is delivered to a facility subject to this subpart.		
§ 98.28 Definitions.	98.28	*Purchasing agreement* means, for purchased electricity, the terms and conditions governing the provision of electric services by an electricity delivery service provider to a consumer seeking electric service (i.e., the applicable part 98 source). For purchased thermal energy products, this term means a contract, such as a steam purchase contract, between a supplier of thermal energy products and a consumer of thermal energy products (i.e., the applicable part 98 source). Purchasing agreements include specific provisions for metering the purchased electricity or thermal energy products.		
§ 98.28 Definitions.	98.28	*Thermal energy* products means metered steam, hot water, hot oil, chilled water, refrigerant, or any other medium used to transfer thermal energy and delivered to a facility subject to this subpart.		