



Mandatory Greenhouse Gas Reporting Rule: EPA's Response to Public Comments

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Subpart K—Ferroalloy Production

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Subpart K—Ferroalloy Production

**U. S. Environmental Protection Agency
Office of Atmosphere Programs
Climate Change Division
Washington, D.C.**

FOREWORD

This document provides EPA's responses to public comments on EPA's Proposed Mandatory Greenhouse Gas Reporting Rule. EPA published a Notice of Proposed Rulemaking in the Federal Register on April 10, 2009 (74 FR 16448). EPA received comments on this proposed rule via mail, e-mail, facsimile, and at two public hearings held in Washington, DC and Sacramento, California in April 2009. Copies of all comments submitted are available at the EPA Docket Center Public Reading Room. Comments letters and transcripts of the public hearings are also available electronically through <http://www.regulations.gov> by searching Docket ID *EPA-HQ-OAR-2008-0508*.

Due to the size and scope of this rulemaking, EPA prepared this document in multiple volumes, with each volume focusing on a different subject area of the rule. This volume of the document provides EPA's responses to significant public comments received for 40 CFR Part 98, Subpart K—Ferroalloy Production.

Each volume provides the verbatim text of comments extracted from the original letter or public hearing transcript. For each comment, the name and affiliation of the commenter, the document control number (DCN) assigned to the comment letter, and the number of the comment excerpt is provided. In some cases the same comment excerpt was submitted by two or more commenters either by submittal of a form letter prepared by an organization or by the commenter incorporating by reference the comments in another comment letter. Rather than repeat these comment excerpts for each commenter, EPA has listed the comment excerpt only once and provided a list of all the commenters who submitted the same form letter or otherwise incorporated the comments by reference in table(s) at the end of each volume (as appropriate).

EPA's responses to comments are generally provided immediately following each comment excerpt. However, in instances where several commenters raised similar or related issues, EPA has grouped these comments together and provided a single response after the first comment excerpt in the group and referenced this response in the other comment excerpts. In some cases, EPA provided responses to specific comments or groups of similar comments in the preamble to the final rulemaking. Rather than repeating those responses in this document, EPA has referenced the preamble.

While every effort was made to include significant comments related to 40 CFR Part 98, Subpart K—Ferroalloy Production in this volume, some comments inevitably overlap multiple subject areas. For comments that overlapped two or more subject areas, EPA assigned the comment to a single subject category based on an assessment of the principle subject of the comment. For this reason, EPA encourages the public to read the other volumes of this document with subject areas that may be relevant to 40 CFR Part 98, Subpart K—Ferroalloy Production.

The primary contact regarding questions or comments on this document is:

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SUBPART K—FERROALLOY PRODUCTION

1. SELECTION OF PROPOSED GHG EMISSIONS CALCULATION AND MONITORING METHODS

Commenter Name: Lisa D. Schmidt

Commenter Affiliation: Dow Corning Corporation

Document Control Number: EPA-HQ-OAR-2008-0508-0562

Comment Excerpt Number: 9

Comment: With respect to the Ferroalloy Production Technical Support Document (TSD), Dow Corning, as the largest consumer of silicon metal in the United States, has the following comments. Dow Corning as part of the CCX membership developed a protocol for calculating the CO₂ emissions from a silicon smelter based on the WRI aluminum smelting protocol. This protocol was expert reviewed, and used during our membership to calculate the smelter's annual emissions. The protocol is more prescriptive than the IPCC Tier 3 method and uses facility specific factors. We would ask that the EPA considers allowing facilities to use other protocols other than those in the TSD, especially when it could be determined that using the TSD would give a less accurate result. We would be happy not only to provide the protocol for review but offer this to any facility as a means of calculation. We have previously released this to the WRI for public use.

Response: A response has been provided in section III of the preamble to this rule (see section K, Ferroalloy Production).

2. OTHER SUBPART K COMMENTS

Comment: Generally across the rule, commenters requested clarification on use of standards and in some cases proposed alternative standards for determining particular parameters used to estimate emissions.

Response: For Subpart K, we have proposed a specific list of standards for determining a key parameter, i.e. carbon contents of process inputs and outputs. We also allow facilities to use supplier data if available to minimize the testing burden. There are limited available methods for determining carbon contents of the inputs and outputs and they are listed in the rule. For the purposes of this rulemaking, the use of these standards assures consistency and comparability in estimates from sources.