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SAB Biogenic Carbon Emissions Panel Public Meeting Comments

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EPA Regulation of Biogenic CO₂ Emissions: PSD and Title V GHG Tailoring Rule

- **Proposed Tailoring Rule Maintains EPA Exclusion of Biogenic CO₂ Emissions**

- “The applicable GWPs and guidance on how to calculate a source’s GHG emissions in tpy CO₂e can be found in EPA’s Inventory of U.S. Greenhouse Gas Emissions and Sinks.”

-74 Fed. Reg. 55292, 55351 (Oct. 27, 2009)

- **Final Tailoring Rule Reverses Course to Regulate Biogenic and Fossil CO₂ Emissions in the Same Manner**

- “[W]e have determined that our application of the ‘absurd results,’ ‘administrative necessity,’ and one-step-at-a-time legal rationales that support this rule . . . does not provide sufficient basis to exclude emissions of CO₂ from biogenic sources in determining permitting applicability provisions at this time.”

-75 Fed. Reg. 31514, 31591 (June 3, 2010)

- **NAFO Petitions EPA to Reconsider the Tailoring Rule’s Treatment of Biogenic CO₂ Emissions**

-July 30, 2010

- **EPA Issues Call for Information: Information on Greenhouse Gas Emissions Associated with Bioenergy and Other Biogenic Sources**

- “This Call for Information serves as a first step for EPA in considering options for addressing emissions of biogenic CO₂ under the PSD and Title V programs.”

-75 Fed. Reg. 41173, 41174 (July 15, 2010)

EPA Reconsideration of Biogenic CO₂ Emissions Regulations

- **EPA Grants NAFO's Petition for Reconsideration**

- Complete Rulemaking to Defer Application of Tailoring Rule for 3 Years
- Issue Interim Guidance That Will Apply Until Deferral Rule Is Finalized
- Undertake a Scientific and Technical Study of Accounting Methods for Biogenic Emissions That Are “Scientifically Sound and also Manageable in Practice”
- Complete Rulemaking Regarding Applicability of PSD and Title V Permitting to Biogenic CO₂ Emissions

-Jan. 12, 2011

- **EPA Issues Proposed Deferral Rule and Interim Guidance**

-76 Fed. Reg. 15249 (Mar. 21, 2011)

- **EPA Issues Final Deferral Rule**

-76 Fed. Reg. 43490 (July 20, 2011)

- **EPA Issues Draft Accounting Framework for Biogenic CO₂ Emissions from Stationary Sources**

-September 2011

- **EPA Announces SAB Biogenic Carbon Emissions Panel**

-October 2011

Biogenic CO₂ Emissions Are Consistently Treated as Carbon Neutral in Energy Sector

- **EPA – Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2009 (2011)**
 - “[CO₂] Emissions from Wood Biomass and Ethanol Consumption are not included specifically in summing energy sector totals. Net carbon fluxes from changes in biogenic carbon reserves are accounted for in the estimates for Land Use, Land-Use Change, and Forestry.”
- **U.S. Dept. of Energy - Technical Guidelines: Voluntary Reporting of Greenhouse Gases (1605(b)) Program (2007)**
 - “Reporters that operate vehicles using pure biofuels within their entity should not add the carbon dioxide emissions from those fuels to their inventory of mobile source emissions because such emissions are considered biogenic and the recycling of the carbon is not credited elsewhere.”
- **EU - Guidelines for the monitoring and reporting of greenhouse gas emissions (2004)**
 - “Biomass is considered as CO₂-neutral. An emission factor of 0 [t CO₂/TJ or t or m²] shall be applied to biomass.”
- **IPCC – Land Use, Land-Use Change and Forestry (2000)**
 - “Biomass fuels are included in the national energy and carbon dioxide emissions accounts for informational purposes only. Within the energy module biomass consumption is assumed to equal its regrowth. Any departures from this hypothesis are counted within the Land Use Change and Forestry Model.”

Panel Should Engage in Full and Fair Scientific Review of Biogenic CO₂ Emissions

- **Panel must “conduct an independent review of the scientific and technical issues associated with EPA’s assessment of accounting methodologies for biogenic CO₂ emissions.”**

-76 Fed. Reg. 23587 (Apr. 27, 2011)

- The Panel should not be constrained by pre-determined policy restrictions in conducting a full scientific analysis
- A full, fair, and neutral scientific review should help policy makers at end, not be limited by policy decisions at beginning
- **EPA’s Accounting Framework Makes Policy Determinations that Appear to Prejudge the Science of Biomass Accounting**
 - The Panel must distinguish between scientific assertions and policy choices in the draft accounting framework
 - The Panel should identify constraining limits on full review where appropriate
 - For example, a full and fair scientific review warrants an evaluation at all spatial scales, not just regional accounting
- **Panel Should Not Prejudge Need for Any Accounting Methodology, and Should Not Preclude Scientific Review Supporting a Categorical Exclusion**
 - A categorical exclusion is not the same as an emissions factor of zero
- **Stakeholders Are Prepared to Offer Panel Further Assistance During this Process**

Thank You

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