



COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

DBB

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ELLEN ROY HERZFELDER  
Secretary

ROBERT W. GOLLEDGE, Jr.  
Commissioner

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MAY 25 2005

MEPA

May 23, 2005

Deerin Babb-Brott, Acting Director  
MEPA Program  
Executive Office of Environmental Affairs  
100 Cambridge St., Suite 900  
Boston, MA 02114

Dear Acting Director Babb-Brott:

In accordance with the Memorandum of Understanding between our two agencies dated July 10, 1990, the Department of Environmental Protection (DEP) hereby notifies you of proposed amendments to existing regulation 310 CMR 7.40, the Low Emission Vehicle (LEV) Program. In the past, DEP sent hard copies of proposed regulations and background documents; however, in an effort to reduce waste, DEP has instead made the documents available on its website. If you wish to review the subject documents, please visit: <http://www.state.ma.us/dep/bwp/daqc/daqcpubs.htm#LEV>.

Copies of the regulation and background document will also be available for inspection during normal business hours at the Department of Environmental Protection, One Winter Street, Boston, MA.

The amendments to 310 CMR 7.40 reintroduce the Alternative Compliance Plan (ACP) into the Zero Emission Vehicle (ZEV) requirements of the Low Emission Vehicle program regulation. The ACP provides flexibility to the manufacturers and allows them to determine what technologies to develop and place in service. At the same time, it further promotes the early introduction of cleaner, more durable, advanced technology vehicles into the state.

On July 21, 2005, the Department will conduct a public hearing, under the provisions of M.G.L. Chapter 30A, to receive comments on the proposed amendments to 310 CMR 7.40. If you have any questions, please feel free to contact Thomas Hannah of my staff at (617) 292-5762.

Sincerely,

Sharon Weber  
Acting Branch Chief for Transportation Management Programs  
Massachusetts Department of Environmental Protection

Enclosure

THE COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF WASTE PREVENTION  
DIVISION OF CONSUMER AND TRANSPORTATION PROGRAMS

**NOTICE OF PUBLIC HEARING**

Notice is hereby given that the Department of Environmental Protection, under its authority pursuant to M.G.L. Chapter 111, Sections 142A through 142M, and in conformance with M.G.L. Chapter 30A, will hold a public hearing on amendments to 310 CMR 7.40, The Massachusetts Low Emission Vehicle (LEV) Program. The purpose of the public hearing is to solicit comments on the proposed amendments to 310 CMR 7.40 which adopt a voluntary Alternative Compliance Plan (ACP) that may be pursued in conjunction with existing Zero Emission Vehicle (ZEV) requirements. The ACP provides manufacturers the option to earn and apply credits to their ZEV obligations through the early introduction of cleaner, advanced technology vehicles in Massachusetts.

A public hearing will be conducted to receive public comment, both oral and written, on the regulation.

On: July 21, 2005 - 1:00 pm until 2:30 pm  
At: Washington Street Conference Center, 2<sup>nd</sup> Floor, Rooms A & B  
Department of Environmental Protection  
One Winter Street  
Boston, Massachusetts 02108

The public hearing site is wheelchair accessible. This information is available in alternative format upon request by contacting Donald M. Gomes, DEP's ADA coordinator, at (617) 556-1057. TDD Service 1-800-298-2207, One Winter Street, Boston, MA 02108.

Testimony may be presented orally and/or in writing at the public hearing. Following the hearing, written testimony will be accepted until 5:00 p.m. on July 31, 2005. The Department requests that written testimony be submitted electronically via e-mail to: [thomas.hannah@state.ma.us](mailto:thomas.hannah@state.ma.us). Written testimony may also be sent to: Thomas Hannah, Department of Environmental Protection, Bureau of Waste Prevention, One Winter Street, 10th Floor, Boston, MA 02108.

Copies of the regulation and background document will be available for inspection during normal business hours at the Department of Environmental Protection, One Winter Street, Boston, MA. In addition, these documents will be available on DEP's website at:  
<http://www.state.ma.us/dep/bwp/daqc/daqcpubs.htm#LEV>

By order of the Department.  
Robert W. Golledge, Jr., Commissioner