

THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF PUBLIC COMMENT PERIOD

Notice is hereby given that, in accordance with 310 CMR 7.00 Appendix B(7)(d)6., the Commissioner of the Massachusetts Department of Environmental Protection (MassDEP) has determined that insufficient GHG (Greenhouse Gas) Credits are available for affected facilities to demonstrate compliance with the carbon dioxide (CO₂) emissions standards set forth in 310 CMR 7.29(5)(a)5. The Commissioner is proposing to allow payments into the GHG Expendable Trust, at the rate set forth in 310 CMR 7.00 Appendix B(7)(d)5., as an alternative means of complying with 310 CMR 7.29(5)(a)5. A copy of the GHG Expendable Trust is available at <http://www.mass.gov/dep/air/laws/regulati.htm>.

MassDEP anticipates that one or more facilities subject to 310 CMR 7.29 (“affected facilities”) will exceed the carbon dioxide emission standards of 310 CMR 7.29(5)(a)5. and may, therefore, need GHG Credits for compliance. As of the publication date of this notice, there are no GHG Credits available for affected facilities to obtain to demonstrate compliance with 310 CMR 7.29(5)(a)5. Therefore, there are insufficient GHG Credits available at this time.

The Commissioner’s proposal to allow payments into the GHG Expendable Trust will provide an additional mechanism for affected facilities to demonstrate compliance with the CO₂ emission standards set forth in 310 CMR 7.29(5)(a)5. MassDEP intends to continue to allow payments into the GHG Expendable Trust until September 1, 2009, the final deadline for compliance with the CO₂ requirements of 310 CMR 7.29(5)(a)5.

Written comments on this proposal to open the GHG Expendable Trust will be accepted until 5:00 p.m. on January 24, 2008. MassDEP requests that written comments be submitted electronically via e-mail to: climate.strategies@state.ma.us. Written comments may also be sent to: William Space, Department of Environmental Protection, Bureau of Waste Prevention, One Winter Street, Boston, MA 02108. For questions and other correspondence about this proposal, contact Will Space at (617)292-5610 or william.space@state.ma.us, or Bill Lamkin at (978)694-3294 or william.lamkin@state.ma.us.

In addition, MassDEP intends to promulgate, in January 2008, amendments to 310 CMR 7.29 and 310 CMR 7.00 Appendix B(7) that will postpone the deadline to demonstrate compliance with 310 CMR 7.29(5)(a)5. from January 30, 2008 and 2009 to September 1, 2009; will expand the geographic scope within which GHG Credits may be created from the geographic region specified in 310 CMR 7.00 Appendix B(7)(d)3. to the entire United States; and will postpone the date by which the department will make the determination whether to further expand the geographic scope, as described in 310 CMR 7.00 Appendix B(7)(d)4.b and c., from February 15 to no later than May 1. These amendments were the subject of a public notice and comment period which ended on September 24, 2007.

MassDEP also intends to propose, early in 2008, additional amendments to 310 CMR 7.00 Appendix B(7) that will clarify the process and requirements by which emission reduction, avoided emission or sequestered emission projects located outside of the United States may be used for compliance with the CO₂ emissions standards of 310 CMR 7.29. Projects from outside the United States may be allowed for compliance with the CO₂ provisions of 310 CMR 7.29 if MassDEP determines that certain conditions exist, as described in 310 CMR 7.00 Appendix B(7)(d)4.b and c.

This information is available in alternative format upon request by contacting Donald M. Gomes, MassDEP ADA Coordinator, at 617-556-1057, TDD Service 1-800-298-2207, One Winter Street, Boston, MA 02108.