

THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
FINAL DECISION TO ALLOW PAYMENTS INTO GREENHOUSE GAS
EXPENDABLE TRUST BY FACILITIES SUBJECT TO THE CARBON
DIOXIDE STANDARDS OF 310 CMR 7.29

On December 24, 2007, MassDEP published a notice in the Environmental Monitor and on the MassDEP website seeking public comment on the Commissioner's proposal to allow facilities subject to the carbon dioxide emission standards of 310 CMR 7.29(5)(a)5. ("affected facilities") to comply with those standards by making payment into the Greenhouse Gas ("GHG") Expendable Trust. MassDEP anticipates that one or more 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. The Commissioner's proposal was based on the determination that, as of the publication date of the notice, there were no GHG Credits available for affected facilities to obtain to demonstrate compliance with 310 CMR 7.29(5)(a)5.

MassDEP accepted comments on the Commissioner's proposal through January 24, 2008. MassDEP received comments from two entities, both agreeing with the Commissioner's conclusion that there are currently no GHG Credits available and supporting the Commissioner's proposal to allow payments into the GHG Expendable Trust.

As of the date of this final decision, there are no certified or verified GHG Credits available for affected facilities to demonstrate compliance with 310 CMR 7.29(5)(a)5. MassDEP, therefore, determines that there are insufficient GHG Credits available at this time, and will allow affected facilities to demonstrate compliance with the carbon dioxide emission standards of 310 CMR 7.29(5)(a)5. by paying into the GHG Expendable Trust at the rate established in 310 CMR 7.00: Appendix B(7)(d)5. (annual trigger price calculations can be found at: <http://www.mass.gov/dep/air/laws/triggers.htm>). MassDEP will allow affected facilities to make payments into the GHG Expendable Trust until September 1, 2009, the final deadline for compliance with the carbon dioxide standards of 310 CMR 7.29(5)(a)5.

Affected facilities planning to make payments into the GHG Expendable Trust must submit a letter of intent to Nicholas Bianco no later than August 1, 2009. Letters should be addressed to Nicholas Bianco, Bureau of Waste Prevention,

MassDEP, One Winter St., Boston, MA 02108. The Department will contact those facilities to provide them with instructions on making payments to the GHG Expendable Trust. Payments must be received no later than September 1, 2009.

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.