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Reporting of Greenhouse Gas (GHG) Emissions 310 CMR 7.71

Chapter 298 of the Acts of 2008, the Massachusetts Global Warming Solutions Act (GWSA),¹ was passed by the legislature and signed into law by Governor Patrick in August 2008 to address the challenges of climate change. The Act gives Massachusetts one of the most ambitious regulatory programs to address climate change in the country. This Act, along with the Green Communities Act, the Green Jobs Act, the Oceans Act and the Green Fuels Biofuels Act, demonstrate the Commonwealth's resolve to combat climate change while creating jobs and economic prosperity.

MassDEP adopted 310 CMR 7.71 Reporting of Greenhouse Gas Emissions on December 29, 2008, to comply with the requirements of GWSA. This regulation requires reporting of greenhouse gas emissions by facilities that: 1) emit more than 5,000 tons of greenhouse gases in carbon dioxide equivalents² (CO₂e) per year, and 2) report any emissions pursuant to Title V of the Clean Air Act (i.e., facilities that have an Operating Permit). Facilities subject to 310 CMR 7.71 must report electronically to the regional registry, where emissions from all Massachusetts facilities reporting will be available along with reporting for other locales with similar requirements. Beginning with 2008, GHG emissions from fuel combustion will be reported. Beginning with 2009, all GHG emissions will be reported. GHG emissions will be reported in accordance with the requirements of the General Reporting Protocol issued by The Climate Registry.³

MassDEP has proposed to amend 310 CMR 7.71 in order to address additional GHG reporting requirements that were not included in the December 2008 regulation. These amendments include: providing for voluntary reporting of GHG emissions by facilities that are not required to report, requiring triennial third-party verification of reported GHG emissions by all reporters, and reporting of all GHG emissions associated with electricity sales in the Commonwealth by retail sellers of electricity. These amendments are expected to be finalized by July 1, 2009.

¹ Found at: <http://www.mass.gov/legis/laws/seslaw08/sl080298.htm>

² Carbon dioxide equivalents (CO₂e) means that for gases other than carbon dioxide, the number of tons of emissions is adjusted to account for differing global warming potentials.

³ Found at: <http://www.theclimateregistry.org/downloads/GRP.pdf>

GWSA requires all retail sellers of electricity in Massachusetts, including electric utilities and municipal electric departments and light boards, to report greenhouse gas emissions “from generation sources producing all electricity consumed, including transmission and distribution line losses from electricity generated within the commonwealth or imported from outside the commonwealth...”⁴ GHG emissions from the power plants located in Massachusetts do not represent the total GHG emissions associated with consumption of electricity in Massachusetts, since Massachusetts imports approximately 20-25% of the electricity consumed in-state each year from generating plants in other New England states, or areas adjacent⁵ to New England. In the amendments expected to be finalized by July 1, 2009, MassDEP is proposing to allow credit to electricity sellers for their clean electricity purchases (i.e., electricity generated from renewable sources such as wind or solar power).

⁴ See M.G.L. Chapter 21N, Section 2(a)(5)

⁵ The control areas adjacent to New England that could send power to New England are New York, Quebec and New Brunswick.