

EMERGENCY REGULATION FOR MANADATORY GHG REPORTING
DRAFT - December 5, 2008

7.71: Mandatory Reporting of Greenhouse Gas Emissions to a Regional Registry.

(1) Purpose The purpose of this regulation is to require the reporting and verification of statewide greenhouse gas emissions and to monitor and ensure compliance with the reporting provisions of the Climate Protection and Green Economy Act of 2008.

(2) Definitions The definitions in 310 CMR 7.00: *Definitions* apply to 310 CMR 7.71. The following additional terms have the following meanings when they appear in 310 CMR 7.71. Where a term defined in 310 CMR 7.00: *Definitions* also appears in 310 CMR 7.71, the definition in 310 CMR 7.71 is applicable for the purpose of this regulation.

*Carbon dioxide equivalent means the amount of carbon dioxide by weight that would produce the same amount of global warming impact as a given weight of another greenhouse gas, based on the best available science, including from the Intergovernmental Panel on Climate Change.

Direct emissions means emissions from sources that are owned or operated, in whole or in part, by an entity or facility including, but not limited to, emissions from factory stacks, manufacturing processes and vents, and company owned or company leased motor vehicles, fugitive emissions, and other process emissions.

Direct stack emissions means direct emissions except emissions from motor vehicles.

*Entity means a person that owns or operates, in whole or in part, a source of greenhouse gas emissions from a generator of electricity or a commercial or industrial site including, but not limited to, a transportation fleet.

*Facility means a building, structure or installation located on contiguous or adjacent properties of an entity.

General Reporting Protocol means version 1.1 of The Climate Registry's General Reporting Protocol, dated May 2008.

*Greenhouse gas means any chemical or physical substance that is emitted into the air and that the department may reasonably anticipate will cause or contribute to climate change including, but not limited to, carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride. [NOTE to reviewers: At this time, MassDEP plans to require reporting of only those gases explicitly identified in this definition.]

The Registry means a regional greenhouse gas registry and reporting system for greenhouse gas emission sources.

Short ton means 2000 pounds or 0.9072 metric tons.

[*Note to reviewers: Definitions marked with an asterisk are taken verbatim from the Climate Protection and Green Economy Act.]

(3) Applicability.

(a) Any person owning, operating, or controlling a facility is subject to the requirements of 310 CMR 7.71 if said facility:

1. is required to report air emissions data to the Department pursuant to 310 CMR 7.00: Appendix C and had stationary emissions sources that emitted greenhouse gases during the previous calendar year; or
 2. has one or more stationary emissions sources that collectively emitted greenhouse gases in excess of 5,000 short tons of greenhouse gases in carbon dioxide equivalents during the previous calendar year.
- (b) Reserved. [Note to reviewers: Reserved for possible provisions allowing MassDEP to waive the requirement to report emissions for a specific category of sources if adequate quantification methodologies do not exist.]

(4) Registration By April 15, 2009, any person owning, operating or controlling a facility that: 1) combusted any combination of solid, liquid, and gaseous fossil fuels that resulted in more than 5,000 short tons of carbon dioxide emissions during 2008; or 2) reported air emissions pursuant to 310 CMR 7.00: Appendix C and combusted any quantity of any fossil fuel during 2008, shall register with the Department using a form provided by the Department.

(5) Annual Reporting

(a) Deadlines and General Reporting Requirements

1. Sources that are Required to Report Air Emissions Data Pursuant to 310 CMR 7.00: Appendix C

a. By April 15, 2010, and April 15 of each year thereafter, any person owning, operating or controlling a facility that is required to report air emissions data to the Department pursuant to 310 CMR 7.00: Appendix C and had stationary emissions sources that collectively emitted greenhouse gases in excess of 5,000 short tons of greenhouse gases in carbon dioxide equivalents during the previous calendar year shall report, certify, and verify direct emissions of greenhouse gases for that year in accordance with 310 CMR 7.71(5).

b. By April 15, 2010, and April 15 of each year thereafter, any person owning, operating or controlling a facility that is required to report air emissions data to the Department pursuant to 310 CMR 7.00: Appendix C and had stationary emissions sources that collectively emitted an amount of greenhouse gases that is less than or equal to 5,000 short tons of greenhouse gases in carbon dioxide equivalents during the previous calendar year shall report, certify, and verify direct stack emissions of greenhouse gases for that year in accordance with 310 CMR 7.71(5). [Note to reviewers: The reference to “direct stack emissions” in this provision means that sources that report emissions under 310 CMR 7.00: Appendix C, but do not emit more than 5,000 tons of greenhouse gases, do not need to report emissions from motor vehicles.]

2. Sources that are not Required to Report Air Emissions Data Pursuant to 310 CMR 7.00: Appendix C. By April 15, 2010, and April 15 of each year thereafter, any person owning, operating, or controlling a facility that is not required to report air emissions data to the Department pursuant to 310 CMR 7.00: Appendix C and had stationary emissions sources that collectively emitted in excess of 5,000 short tons of greenhouse gases in carbon dioxide equivalents

during the previous calendar year shall report, certify, and verify direct stack emissions of greenhouse gases for that year in accordance with 310 CMR 7.71(5).

- (b) Greenhouse gas emissions shall be reported in accordance with all applicable requirements of the General Reporting Protocol. [Note to reviewers: The Department will provide additional guidance explaining how to use the General Reporting Protocol to comply with this regulation. The inclusion of the phrase “all applicable requirements” in this provision is intended to acknowledge that some provisions of the General Reporting Protocol, such as provisions related to financial control, may not be relevant to this regulation.]
 - (c) Greenhouse gas emissions shall be reported electronically to the Department in a format that can be accommodated by the registry. [Note to reviewers: The Department will provide additional guidance explaining how to report and electronic reporting will be required.]
 - (d) If required by the registry or the Department, reporters shall report emissions in metric tons. One metric ton equals 1.102 short tons.
 - (e) A facility-specific report submitted in accordance with 310 CMR 7.71 shall be considered to constitute a complete report, regardless of how the General Reporting Protocol defines or uses the word “entity” to specify organizational boundaries.
 - (f) Notwithstanding any contradictory provisions in the General Reporting Protocol, all stationary emission units and processes at the facility shall be included in the report. [NOTE to reviewers: For facilities that are also required to report pursuant to 310 CMR 7.12, stationary units that are subject to reporting requirements under 310 CMR 7.71 are the same stationary units that are subject to 310 CMR 7.12).]
 - (g) Notwithstanding the inclusion of gases other than carbon dioxide in the definition of greenhouse gases, and notwithstanding any contradictory requirements contained in the General Reporting Protocol, for emissions that occur during calendar year 2009, only emissions of carbon dioxide that result from combustion of fuels must be reported.
 - (h) Notwithstanding the inclusion of any gas that the department may reasonably anticipate will cause or contribute to climate change in the definition of greenhouse gas, reporting of emissions of gases other than carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride is not required.
- (6) Reserved. [Note to reviewers: Reserved for provisions related to certification, verification, record keeping, and public release of information.]
- (7) Reserved. [Note to reviewers: Reserved for provisions related to voluntary reporting.]