

Amend 310 CMR 60.06 as follows:

60.06 CO<sub>2</sub> Emission Limits for State Fleet Passenger Vehicles

(1) Purpose, Scope and Authority. The purpose of 310 CMR 60.06 is to assist the Commonwealth in achieving the greenhouse gas emissions reduction goals adopted pursuant to M.G.L. c. 21N, § (3)(b) by reducing carbon dioxide (CO<sub>2</sub>) emissions from certain vehicles owned or leased by Commonwealth of Massachusetts Executive Offices through the imposition of declining annual aggregate emission limits. 310 CMR 60.06 is promulgated pursuant to M.G.L. c. 21N, § 3(d) and is also promulgated pursuant to M.G.L. c. 21A, §§ 2, 8 and 16, and M.G.L. c. 111, §§ 2C and 142A through 142M, to prevent and abate conditions of air pollution from the CO<sub>2</sub> emissions from the mobile sources specified in 310 CMR 60.06. The CO<sub>2</sub> emissions limits set forth in 310 CMR 60.06(6) are applicable for the years 2021 through 2025 and thereafter beginning January 1, 2021.

(2) Definitions. The terms used in 310 CMR 60.06 are defined in 310 CMR 60.06 and in 310 CMR 60.00. Where a term is defined in 310 CMR 60.06 and in other sections of 310 CMR 60.00, the definition in 310 CMR 60.06 shall apply.

Department means the Massachusetts Department of Environmental Protection.

Emergency Vehicle means any publicly owned or leased vehicle operated by a sworn officer in performance of their duties, any authorized emergency vehicle used for fighting fires, any publicly owned or leased authorized emergency vehicle used by an emergency medical technician or paramedic, or used for towing or servicing other vehicles, or repairing damaged lighting or electrical equipment, or any ambulance used by a private entity under contract with a public agency.

Executive Office means the Executive Office of Administration and Finance (A&F), the Executive Office of Education (EOE), the Executive Office of Energy and Environmental Affairs (EEA), the Executive Office of Health and Human Services (EOHHS), the Executive Office of Housing and Economic Development (EOHED), the Executive Office of Labor and Workforce Development (EOLWD), the Executive Office of Public Safety and Security (EOPSS), and the Massachusetts Department of Transportation (MassDOT), including the agencies, boards, bureaus, commissions, committees, councils, departments, divisions, groups, guards, homes, laboratories, libraries, offices, police, programs, systems, trusts, universities and other entities within each Executive Office, and entities whose governing members or board include(s) the Secretary of an Executive Office pursuant to appointment by the Governor, or to the requirements of a Massachusetts General or Session Law.

Passenger Vehicle means any motor vehicle with a gross vehicle weight rating of less than 10,000 pounds designed primarily for transportation of persons and having a design capacity of 12 persons or less and that has an Environmental Protection Agency fuel economy sticker pursuant to 40 CFR Part 600. Passenger vehicle does not include transit vehicles or vehicles primarily designed to transport property or with special features enabling off-road operation and use, including but not limited to, pickup trucks, cargo vans, emergency vehicles, test vehicles, non-road vehicles.

Test Vehicle means an experimental or prototype motor vehicle which appears to have very low emission characteristics or a used motor vehicle within which an experimental motor vehicle pollution control device is installed, and which has also received a test vehicle or fleet permit

from the California Air Resources Board pursuant to Manufacturers Advisory Correspondence No. 83-01.

Transit Vehicle means any vehicle used to transport paying customers.

(3) Applicability. 310 CMR 60.06 is applicable to Executive Offices, except that an Executive Office is not subject to annual CO<sub>2</sub> emission limits unless it owns or leases 30 or more passenger vehicles, as determined by the Department in its sole discretion.

(4) General Requirements.

(a) For calendar year 2018 and for every calendar year thereafter, each Executive Office shall meet its passenger vehicle CO<sub>2</sub> emission limit specified in 310 CMR 60.06(6).

(b) By November 1, 2017, each Executive Office shall provide the Department with the information specified in 310 CMR 60.06(8) for the time period from January 1, 2016 through December 31, 2016 for each of its vehicles that is not a passenger vehicle.

(c) By March 1, 2018, each Executive Office shall provide the Department with the information specified in 310 CMR 60.06(8) for the time period from January 1, 2017 through December 31, 2017 for each of its vehicles that is not a passenger vehicle.

(d) By March 1, 2019 and by March 1<sup>st</sup> of each year thereafter, each Executive Office shall submit a report to the Department for the previous calendar year on its passenger vehicles as specified in 310 CMR 60.06(7).

(e) The Department may specify the format and process by which any submission required pursuant to 310 CMR 60.06 shall occur, including electronic submission requirements.

(5) Calculation of CO<sub>2</sub> Emissions. Each Executive Office shall calculate the CO<sub>2</sub> emissions for passenger vehicles by using the applicable equation:

(a) for gasoline fueled vehicles:

metric tons CO<sub>2</sub> emitted/year = gallons of gasoline used \* 19.8416 pounds of CO<sub>2</sub>/gallon of gasoline/2000 pounds/short ton / 1.10231 short tons/metric ton

(b) for diesel fueled vehicles:

metric tons CO<sub>2</sub> emitted/year = gallons of diesel used \* 22.38 pounds of CO<sub>2</sub>/gallon of diesel/2000 pounds/short ton / 1.10231 short tons/metric ton

(c) for natural gas fueled vehicles:

metric tons CO<sub>2</sub> emitted/year = thousand cubic feet of natural gas used \* 121.25 pounds of CO<sub>2</sub>/thousand cubic feet of natural gas/ 2000 pounds/short ton / 1.10231 short tons/metric ton

(6) Annual CO<sub>2</sub> Emission Limits.

(a) Individual Executive Office Limits. For each calendar year specified in 310 CMR 60.06(6): *Tables 1 through 5*, each Executive Office shall ensure the annual CO<sub>2</sub> emissions from passenger vehicles, as calculated pursuant to 310 CMR 60.06(5), shall not exceed the following:

Calendar Year	Maximum Allowable CO <sub>2</sub> Emissions (metric tons)
2018	589
2019	564
2020	539
2021	509
2022	490

2023	461
2024	437
2025, and each calendar year thereafter	401

Table 2 - Maximum Annual CO<sub>2</sub> Emissions – Executive Office of Energy and Environmental Affairs (EEA)

Calendar Year	Maximum Allowable CO <sub>2</sub> Emissions (metric tons)
2018	568
2019	558
2020	548
2021	545
2022	539
2023	537
2024	471
2025, and each calendar year thereafter	445

Table 3 - Maximum Annual CO<sub>2</sub> Emissions – Executive Office of Health and Human Services (EOHHS)

Calendar Year	Maximum Allowable CO <sub>2</sub> Emissions (metric tons)
2018	1,443
2019	1,435
2020	1,427
2021	1,407
2022	1,403
2023	1,399
2024	1,259
2025, and each calendar year thereafter	1,081

Table 4 - Maximum Annual CO<sub>2</sub> Emissions – Executive Office of Public Safety and Security (EOPSS)

Calendar Year	Maximum Allowable CO <sub>2</sub> Emissions (metric tons)
2018	1,795
2019	1,657
2020	1,518
2021	1,499
2022	1,486
2023	1,479
2024	1,334
2025, and each calendar year thereafter	1,319

Table 5 - Maximum Annual CO<sub>2</sub> Emissions – Massachusetts Department of Transportation (MassDOT)

Calendar Year	Maximum Allowable CO <sub>2</sub> Emissions (metric tons)
2018	3,853
2019	3,827
2020	3,800
2021	3,739
2022	3,682
2023	3,092

2024	2,646
2025, and each calendar year thereafter	2,421

(b) Aggregate Limit. For each calendar year specified in 310 CMR 60.06(6): *Table 6*, the annual CO<sub>2</sub> emissions from passenger vehicles owned or leased by all Executive Offices named in 310 CMR 60.06(6): *Tables 1* through *5* shall not exceed the following:

Table 6 - Annual Aggregate CO <sub>2</sub> Emissions from passenger vehicles owned or leased by Executive Offices named in 310 CMR 60.06(6): <i>Tables 1</i> through <i>5</i>	
Calendar Year	Maximum Allowable CO <sub>2</sub> Emissions (metric tons)
2018	8,249
2019	8,040
2020	7,832
2021	7,699
2022	7,600
2023	6,968
2024	6,147
2025, and each calendar year thereafter	5,668

(c) CO<sub>2</sub> Set-Aside and Petition Process for Modifying CO<sub>2</sub> Emission Limit.

1. The Department has set-aside the quantities of CO<sub>2</sub> in 310 CMR 60.06(6)(c): *Table 7* each calendar year for Executive Offices that petition to modify their limits in 310 CMR 60.06(6)(a) based on one of the reasons in 310 CMR 60.06(6)(c)3.

Table 7 – Set-aside of CO <sub>2</sub> and Summary of Maximum Annual Aggregate CO <sub>2</sub> Emissions Limit		
Calendar Year	Set-aside of CO <sub>2</sub> (metric tons)	Maximum Annual Aggregate CO <sub>2</sub> Emissions Limit (metric tons)
2018	31,734	39,983
2019	31,734	39,775
2020	31,734	39,566
2021	31,734	39,433
2022	31,734	39,334
2023	31,734	38,702
2024	31,734	37,882
2025, and each calendar year thereafter	31,734	37,402

2. Upon written petition from an Executive Office, the Department may modify the CO<sub>2</sub> emission limits and allocate additional CO<sub>2</sub> in excess of the limits in 310 CMR 60.06(6)(a) provided that the set-aside amount of CO<sub>2</sub> in each calendar year in 310 CMR 60.06(6): *Table 7* is not exceeded.

3. The basis for the petition shall be one or more of the following:

- a. The Executive Office did not provide the Department with complete information about the inventory of its passenger vehicles prior to August 11, 2017;
- b. The Executive Office believes that the Department made a mathematical error in its calculation of the CO<sub>2</sub> emission limit(s);
- c. The Executive Office is required to increase its passenger vehicle fleet due to unforeseen circumstances or new legislative or regulatory requirements; and/or

- d. The Executive Office increases its passenger vehicle fleet to 30 or more passenger vehicles thereby becoming subject to the CO<sub>2</sub> emission limits in 310 CMR 60.06(a) and (b).
4. Requirements for the petition.
- a. The Executive Office shall submit the petition to the Department no later than 60 days after the end of the calendar year in which the Executive Office seeks to have additional CO<sub>2</sub> allocated.
  - b. If the basis for the petition is 310 CMR 60.06(6)(c)3.a., the Executive Office shall provide all the information in 310 CMR 60.06(7)(b).
  - c. If the basis for the petition is 310 CMR 60.06(6)(c)3.b., the Executive Office shall provide a detailed explanation of the alleged mathematical error and any supporting documentation.
  - d. If the basis for the petition is 310 CMR 60.06(6)(c)3.c., the Executive Office shall describe the event leading to the need to expand the passenger vehicle fleet for the Executive Office and also provide all the information in 310 CMR 60.06(7)(b).
  - e. The petition shall be signed and certified in accordance with the requirements at 310 CMR 60.06(7)(b)8.
5. In its sole discretion, the Department will approve or deny the petition in writing within 60 days of receipt of the petition. During the 60 day review period, the Department may request additional information from the Executive Office. Depending on when the Department receives the information, and the volume of the information, the Department may extend the 60 day review period.
- a. If the Department approves the petition, calculates a modified or new limit, and/or allocates additional CO<sub>2</sub>, the modified CO<sub>2</sub> emission limit(s) in the approval letter shall be enforceable in *lieu* of the CO<sub>2</sub> emission limit in 310 CMR 60.06(6)(a).
  - b. If the petition is approved, the Department will calculate the metric tons of CO<sub>2</sub> emissions remaining in the set-aside for the applicable calendar year and publish that figure on its website.
- (d) Petition Process for Executive Offices with Less than 30 Passenger Vehicles.
1. If an Executive Office decreases its passenger vehicle fleet to less than 30 passenger vehicles for one or more years, it may petition the Department to be excluded from CO<sub>2</sub> emission limits on its passenger vehicles.
  2. Requirements for the petition.
    - a. The Executive Office shall submit the petition to the Department no later than 60 days after the end of the calendar year in which the Executive Office seeks to be excluded from the CO<sub>2</sub> emission limits.
    - b. The Executive Office shall provide all the information in 310 CMR 60.06(7)(b).
    - c. The petition shall be signed and certified in accordance with the requirements at 310 CMR 60.06(7)(b)8.
  3. In its sole discretion, the Department will approve or deny the petition in writing within 60 days of receipt of the petition. During the 60 day review period, the Department may request additional information from the Executive Office. Depending on when the Department receives the information, and the volume of the information, the Department may extend the 60 day review period.
    - a. If the Department approves the petition, the Executive Office shall not have a CO<sub>2</sub> emission limit(s) unless and until the Executive Office increases its passenger vehicle fleet to 30 or more passenger vehicles.
    - b. If the petition is approved, the Department will calculate the metric tons of CO<sub>2</sub> emissions remaining in the set-aside for the applicable calendar year and publish that figure on its website.

(7) Annual Passenger Vehicle Reporting Requirements.

(a) By March 1, 2019 and by March 1<sup>st</sup> of each year thereafter, each Executive Office shall submit a report to the Department for the previous calendar year.

(b) The annual report shall be submitted electronically in a format specified by the Department, and shall include all of the following information as well as any additional information specified in the form provided by the Department for reporting:

1. The Executive Office name, physical address, and mailing address;
2. The location of records and documents;
3. The name and contact information including e-mail address and telephone number of the Climate Change Coordinator or authorized Executive Office official submitting the report, and the person primarily responsible for preparing the report;
4. The calendar year for which the information is submitted;
5. For each passenger vehicle owned or leased:
  - a. vehicle identification number (VIN);
  - b. vehicle make;
  - c. vehicle model;
  - d. vehicle model year; and
  - e. entity within the Executive Office that owns or leases the vehicle;
6. The total gallons of gasoline and diesel, cubic feet of hydrogen and natural gas and megawatt hours of electricity used by the passenger vehicles owned or leased by the Executive Office;
7. Metric tons of CO<sub>2</sub> emissions from passenger vehicles, by fuel, as calculated using the equations specified in 310 CMR 60.06(5); and
8. The signature of the Climate Change Coordinator or authorized Executive Office official, and the following certification statement: "I certify that I have personally examined the foregoing and am familiar with the information contained in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment."

(8) Non-passenger Vehicle Reporting Requirements.

(a) By the deadlines in 310 CMR 60.06(4)(b) and (c), each Executive Office shall also submit reports to the Department with information about non-passenger vehicles owned or leased by that Executive Office.

(b) The reports shall be submitted electronically in a format specified by the Department, and shall include all of the following information as well as any additional information specified in the form provided by the Department for reporting:

1. The Executive Office name, physical address, and mailing address;
2. The location of records and documents;
3. The name and contact information including e-mail address and telephone number of the Climate Change Coordinator or authorized Executive Office official submitting the report, and the person primarily responsible for preparing the report;
4. The calendar year for which the information is submitted;
5. For each vehicle owned or leased that is not a passenger vehicle, and that has an odometer:
  - a. vehicle identification number (VIN);
  - b. vehicle make;
  - c. vehicle model;
  - d. vehicle model year;
  - e. gross vehicle weight rating (GVWR);

- f. entity within the Executive Office that owns or leases the vehicle;
  - g. VMT;
  - h. primary type of fuel used;
  - i. gallons of gasoline or diesel, or cubic feet of hydrogen or natural gas or megawatt hours of electricity used as primary fuel;
  - j. secondary type of fuel used, if applicable;
  - k. gallons of gasoline or diesel, or cubic feet of hydrogen or natural gas or megawatt hours of electricity used as secondary fuel;
  - l. a description of what the vehicle is used for (for example, snow plow, street sweeper, bus, emergency response, off-road use); and
6. The signature of the Climate Change Coordinator or authorized Executive Office official, and the following certification statement: "I certify that I have personally examined the report and am familiar with the information contained in that report and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment."

(9) Monitoring and Recordkeeping Requirements.

- (a) Each Executive Office shall collect, record and maintain information sufficient to demonstrate compliance with 310 CMR 60.06.
- (b) Each Executive Office shall retain for five years documentation sufficient to demonstrate compliance with 310 CMR 60.06 and shall provide such documentation to the Department upon request. The documentation shall be submitted in the format and within the time limit requested by the Department.

(10) Compliance Verification. The Department may verify compliance with 310 CMR 60.06 by conducting inspections, requesting information and records and requiring the collection of information; provided that 310 CMR 60.06(10) does not limit the authority of the Department as otherwise provided by law or in an authorization, determination, modification, permit, or other approval, or by the terms of any order or other enforcement document.

(a) Access to Information. Where necessary to ascertain compliance with 310 CMR 60.06, including actual or potential CO<sub>2</sub> emissions, the Department may request of an Executive Office information or records. The Executive Office shall, within a reasonable time, furnish the requested information or records and shall permit Department personnel or authorized representatives to have access to and to take images of such records.

(b) Requirement to Collect Information. When the Department has reason to believe that an Executive Office has exceeded its CO<sub>2</sub> emissions limit or violated any other condition in 310 CMR 60.06, the Department may require the Executive Office to submit the necessary information or records to determine compliance. In doing so, the Department may require an Executive Office to:

1. Perform audits on CO<sub>2</sub> emissions records using standard procedures and methods;
2. Quantify CO<sub>2</sub> emissions in accordance with the procedures and methods as the Department may prescribe;
3. Make periodic reports to the Department, as necessary, to assure continuous compliance with 310 CMR 60.06; and
4. Maintain other records and provide any other information as the Department might reasonably require.

(11) Enforcement. The Department shall enforce the requirements of 310 CMR 60.06 in accordance with applicable federal and Massachusetts law, including but not limited to M.G.L. c.

21A, § 16; 310 CMR 5.00: *Administrative Penalty*; M.G.L. c. 111, §§ 2C, 142A through 142M; and c. 21N § 7(d).

REGULATORY AUTHORITY

310 CMR 60.00: M.G.L. c. 111, §§ 2C and 142A through M; M.G.L. c. 21N; M.G.L. c. 21A, §§ 2, 8 and 16.