

7.71: Reporting of Greenhouse Gas Emissions

(1) Purpose. The purpose of 310 CMR 7.71 is to implement the reporting and verification requirement for statewide greenhouse gas emissions and to monitor and ensure compliance with the reporting provisions of M.G.L. c. 21N, the Climate Protection and Green Economy Act, St. 2008, c.-298, § 6.

(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 310 CMR 7.71.

Carbon Dioxide Equivalent ~~means~~ t. 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 information from the Intergovernmental Panel on Climate Change. The global warming potentials included in 40 CFR Part 98 shall be used to quantify and report greenhouse gas emissions in carbon dioxide equivalents pursuant to 310 CMR 7.71.

Entity ~~means~~ a. 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. A building, structure or installation located on contiguous or adjacent properties of an entity, or a natural gas facility.

Greenhouse Gas ~~means~~ a. 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, sulfur hexafluoride, and any other gas for which 40 CFR Part 98 includes a method for calculating greenhouse gas emissions from any stationary emissions source.

Method ~~means~~ a. A way of calculating greenhouse gas emissions provided in 40 CFR Part 98 and any related monitoring, reporting, and recordkeeping requirements included in 40 CFR Part 98, but does not mean a reporting threshold, specific source category exemption, or any other type of requirement.

Natural Gas Facility ~~means~~ a. A collection of interconnected natural gas containing equipment (*e.g.*, transmission and distribution pipelines, service lines, customer meters, compressors, tanks, metering stations, regulating stations, and any other interconnected equipment that contains natural gas) that is owned or operated by an entity.

Short Ton ~~means~~ 2000 pounds or 0.9072 metric tons.

Stationary Emission Source ~~means~~ a. Any individual stationary piece of equipment or other stationary point from which any greenhouse gas is emitted to the ambient air. For the purpose of reporting greenhouse gas emissions pursuant to 310 CMR 7.71, a source of greenhouse gas emissions located within the facility is a stationary emission source if 40 CFR Part 98 includes a method for calculating greenhouse gas emissions that can be used to quantify emissions from the source.

(3) Applicability.

(a) Any entity owning, operating, or controlling a facility is subject to the requirements of 310 CMR 7.71(45) and (56) if:

1. said facility is required to report air emissions data to the Department pursuant to 310 CMR 7.00: *Appendix C* (The Air Operating Permit Program) and had stationary emission sources that emitted greenhouse gases during the previous calendar year;
2. said facility has one or more stationary emission 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. In determining whether a facility has one or more stationary emission sources that collectively emit greenhouse gases in

excess of 5,000 short tons, all greenhouse gas emissions from all stationary emission sources at the facility shall be included; or

3. said facility was subject to the requirements of 310 CMR 7.71 (3)(a)1. or 2. in any past year.

(b) Exemption for Facilities with Low or Reduced Emissions.

1. Notwithstanding 310 CMR 7.71(3)(a)3., any entity may petition the Department to be exempted from the requirement to report greenhouse gas emissions from a facility provided the following requirements are met. Said petition shall be submitted using a form provided by the Department.

a. The entity is not required to report greenhouse gas emissions from the facility pursuant to 310 CMR 7.71(3)(a)1. or 2.;

b. The entity is unlikely to be required to report greenhouse gas emissions from the facility pursuant to 310 CMR 7.71(3)(a)1. or 2. for any future year; and,

c. At least one greenhouse gas emission report documenting greenhouse gas emissions from said facility of less than or equal to 5,000 short tons of greenhouse gases in carbon dioxide equivalents has been submitted pursuant to 310 CMR 7.71(45) and (56).

2. The Department may approve a petition submitted pursuant to 310 CMR 7.71 (3)(b) only if the Department determines that all of the requirements set forth in 310 CMR 7.71(3)(b)1. have been met. In determining whether to approve or deny a petition pursuant to 310 CMR 7.71(3)(b), the Department may consider any information contained in said petition, and any other relevant information.

3. If the Department has approved a petition in accordance with 310 CMR 7.71(3)(b)2., the annual reporting requirement in 310 CMR 7.71(3)(a)3. shall not apply to said facility until such time as the reporting of greenhouse gas emissions from said facility is again required pursuant to 310 CMR 7.71(3)(a)1. or 2.

(45) Annual Reporting by Facilities that Emit Greenhouse Gases.

(a) Any entity owning, operating or controlling a facility that is required to report greenhouse gas emissions to the Department pursuant to 310 CMR 7.71, and is not subject to Source Registration at 310 CMR 7.12, shall annually report, certify, and verify greenhouse gas emissions from stationary emission sources for the previous calendar year in accordance with 310 CMR 7.71(45) and (56) by April 15, 2010, and April 15th of each year thereafter.

(b) Any entity owning, operating or controlling a facility that is required to report greenhouse gas emissions to the Department pursuant to 310 CMR 7.71 and is subject to Source Registration at 310 CMR 7.12 shall annually report, certify and verify greenhouse gas emissions from stationary emission sources for the previous calendar year in accordance with 310 CMR 7.71(45) and (56) and the following schedule:

1. By April 1, if the facility is required to submit Source Registration every three years in accordance with 310 CMR 7.12(2)(b).

2. By May 1 for a facility subject to 310 CMR 7.00: *Appendix C*.

3. By June 1 for a facility that:

a. Has an RES permit issued by the Department pursuant to 310 CMR 7.02(9);

b. Had actual emissions of lead equal to or greater than 0.5 tons in the previous calendar year, or actual emissions of NO_x or VOC equal to or greater than 25 tons per year in the previous calendar year;

c. Emits an air contaminant subject to a NESHAP or is subject to a MACT standard defined at 40 CFR Part 61 and Part 63, for which the Department has received delegation from EPA; and/or

d. Is required, as a condition of a plan approval issued by the Department since January 1, 1990 to submit a Source Registration annually in accordance with 310 CMR 7.12.

(c) Greenhouse gas emissions from stationary emission sources shall be reported in accordance with methods specified in 40 CFR Part 98.

(d) Greenhouse gas emissions shall be reported electronically to the Department in a format specified by the Department.

(e) If required by the Department, the reporting entity shall report emissions in metric tons. One metric ton equals 1.102 short tons.

(f) Once a facility files a report pursuant to 310 CMR 7.71(45) on or after January 1, 2011, it is considered to be a registered reporter unless the Department approves a petition pursuant to 310 CMR 7.71(3)(b)2.

(56) Requirements for Certification and Recordkeeping.

(a) Entities subject to the requirement to report greenhouse gas emissions in accordance with 310 CMR 7.71(45) shall certify and verify the truth, accuracy, and completeness of their greenhouse gas emissions reports using a format specified by the Department. The information shall include, but not be limited to, the following:

1. Any information deemed necessary by the Department to identify the reporting facility.
2. The following certification statement: "I certify that I have personally examined the greenhouse gas emissions report for this facility 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."
3. The authorized signature and contact information of a responsible official of the entity subject to the requirement to report greenhouse gas emissions in accordance with 310 CMR 7.71(45).

(b) Copies of documents and other information supplied to the Department to comply with 310 CMR 7.71(45) shall be retained at the facility for five years from the date of submittal.

(c) All supporting documentation and calculations related to quantifying and reporting greenhouse gas emissions from the facility shall be retained at the facility for five years from the date of submittal and made available to the Department upon request.

(68) Voluntary Reporting by Facilities. Any entity owning, controlling or operating a facility that is not subject to 310 CMR 7.71(45)(a) may voluntarily report greenhouse gas emissions from that facility in accordance with 310 CMR 7.71(45), provided that the facility is located in Massachusetts and that the entity complies with all requirements of 310 CMR 7.71(45) through (68).

310 CMR 7.75: Clean Energy Standard

310 CMR 7.75(9)(c)2.a.

Beginning with 2018 calendar year generation, MEDs and MLBs choosing to report under 310 CMR 7.75(9)(c)5.b. and c. shall submit those reports on a form provided by the Department no later than the 15thfifteenth day of November after the calendar year in which the MWh were generated.

310 CMR 7.75(9)(c)5.

5. Source of Megawatt Hour and Emissions Data for Retail Sellers That Are MEDs or MLBs.

a. In calculating biogenic and non-biogenic greenhouse gas emissions, MEDs and MLBs shall use the same number of MWh reported in the annual return to the Department of Public Utilities, inclusive of line losses.

b. Optional MED and MLB Reporting of Non-emitting Electricity. MEDs and MLBs may choose to subtract any MWh of electricity generated by non-emitting electricity generators from the amount of MWh reported in 310 CMR 7.75(9)(c)5.a., if such non-emitting MWh are reported in the annual report due under 310 CMR 7.75(9)(c)1., and provided the following criteria are met:

- i. for MWh neither owned nor contracted for, a report is provided from NEPOOL GIS showing that such non-emitting 225 CMR 14.00- or 225 CMR 15.00-eligible certificates are retired in the MED's or MLB's NEPOOL GIS Massachusetts Retail Subaccount or are transferred to the Reserved Certificate account, as defined in the NEPOOL GIS Operating Rules, or
- ii. for MWh owned or contracted for, the MED or MLB:
 - A. reports MWh by fuel and by state or province;
 - B. provides information from the NEPOOL GIS showing that the certificates associated with the non-emitting MWh of electricity were unsettled certificates

whose attributes were aggregated in residual mix certificates, or are retired in the MED's or MLB's NEPOOL GIS Massachusetts Retail Subaccount or are transferred to the Reserved Certificate account, as defined in the NEPOOL GIS Operating Rules; and

C. for contracted generators, the MED or MLB provides a copy of the contract or contracts establishing that it has purchased electricity from such generators and reports such MWh.

c. Optional MED and MLB Reporting of Emitting Electricity. MEDs and MLBs may choose to report calculations of biogenic and non-biogenic greenhouse gas emissions, based on the methodology provided in 310 CMR 7.75(9)(c)6., if such emitting MWh are reported in the annual report due under 310 CMR 7.75(9)(c)1., and provided the following criteria are met:

i. for MWh neither owned nor contracted for, a report is provided from NEPOOL GIS showing that such emitting 225 CMR 14.00- or 225 CMR 15.00-eligible certificates are retired in the MED's or MLB's NEPOOL GIS Massachusetts Retail Subaccount, as defined in the NEPOOL GIS Operating Rules, or

ii. for MWh owned or contracted for, the MED or MLB:

A. reports MWh by fuel and by state or province;

B. provides information from the NEPOOL GIS showing that the certificates associated with the emitting MWh of electricity were unsettled certificates whose attributes were aggregated in residual mix certificates, or are retired or reserved in the MED's or MLB's NEPOOL GIS Massachusetts Retail Subaccount or are transferred to the Reserved Certificate account, as defined in the NEPOOL GIS Operating Rules; and

C. for contracted generators, the MED or MLB provides a copy of the contract or contracts establishing that the MED or MLB has purchased electricity from such generators.

310 CMR 7.75(9)(d)

The Department may specify the format and process by which any submission required pursuant to 310 CMR 7.75 shall occur, including electronic submission requirements. The Department may specify that certain submissions required pursuant to 310 CMR 7.75 be transmitted electronically to DOER, as the Department's agent instead of, or in addition to, the Department.