



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

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### NOTICE REGARDING ENFORCEMENT DISCRETION DIRECTIVE FOR VERIFICATION OF GHG EMISSION REPORTS

The following information was communicated to facilities required to report GHG emissions pursuant to 310 CMR 7.71 via email on August 26, 2015:

MassDEP will no longer require compliance with 310 CMR 7.71(7), which requires facilities to "employ an approved verification body to verify the greenhouse gas emissions report for that facility once every three years."

MassDEP is planning to propose regulations to amend 310 CMR 7.71(7) in the future to replace the current verification requirement, and will seek public comment on options for verifying GHG emissions reports. Until that process is complete, MassDEP will consider reports that have been certified and submitted to have been verified by the facilities, consistent with the information included in the Technical Support Document provided by MassDEP when the GHG reporting regulation was amended to add the third party verification requirement in 2009.

Specifically, that document stated: "Another option MassDEP considered is for verification to be defined as the self-certification of reported emissions, subject to potential MassDEP audits. MassDEP does not currently require third-party verification for reporting other air pollutants, as current reporting rules require self-certification by facilities that their reported emissions are, "true, accurate, and complete" under pains of perjury.

To date, MassDEP believes that the third party verification has been successful in improving the quality of reported GHG emissions data. Since the third-party verification requirement was added, each facility subject to 310 CMR 7.71 has completed verification for at least one emission year, in accordance with the staggered, triennial verification schedule. These verifications have resulted in significant changes to many reports, and going forward MassDEP is confident that facilities will continue to implement such changes in future years as part of their internal verification processes. MassDEP intends to publish a draft report on the verification requirement in the near future. This draft report will include data that MassDEP considered in deciding to no longer enforce the third-party verification requirement, including the results of the facility survey that was completed in 2014.

This information is available in alternate format. Call Michelle Waters-Ekanem, Diversity Director, at 617-292-5751. TTY# MassRelay Service 1-800-439-2370

MassDEP Website: [www.mass.gov/dep](http://www.mass.gov/dep)

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Please note that this decision applies to 2014 and future year emissions only. Facilities that have not yet completed verification of earlier emissions years are still required to comply with 310 CMR 7.71(7) with respect to those years, and all terms of any applicable notices of noncompliance (NONs) or other MassDEP communications.

If you have questions about this notice, please contact Will Space at [william.space@state.ma.us](mailto:william.space@state.ma.us) or 617-292-5610.

Please note that this communication does not constitute "final agency action," and is not a "regulation" as that term is used in M.G.L. c.30A. It may not be relied upon to create rights, duties, obligations or defenses, implied or otherwise, enforceable by any party in any administrative proceeding with the Commonwealth. In addition, this does not exempt any person from complying with the other requirements in 310 CMR 7.71 or any other applicable local, state or federal law.