



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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November 8, 2024

Conservation Law Foundation
Attn: Caitlin Peale Sloan, Anxhela Mile, Katherine Lee Goyette
62 Summer Street
Boston, MA 02110

Dear Ms. Sloan, Ms. Mile and Ms. Goyette,

Thank you and your colleagues at the Conservation Law Foundation (CLF) for preparing and submitting to the Massachusetts Department of Environmental Protection (MassDEP) your *Petition for Massachusetts Department of Environmental Protection Rulemaking to Establish Regulations to Implement the Global Warming Solutions Act and An Act Creating a Next-Generation Roadmap for Massachusetts Climate Policy* (the "Petition"). Thank you, as well, for participating in the public meeting regarding the Petition on October 29, 2024.

MassDEP has carefully reviewed the proposals and supporting information in the Petition, as well as verbal and written comments from the public related to the Petition. The written response accompanying this letter constitutes notice to CLF of MassDEP's action on the Petition, as required by 310 CMR 2.03.

MassDEP appreciates and shares the Petition's objective of advancing climate action and environmental justice. We know states must lead the way on this work in the years ahead. While Massachusetts has been and continues to be a national leader in these areas, there is much more to be done. We look forward to working with CLF and other stakeholders as we continue to advance and expand on this critical work.

Sincerely,

Bonnie Heiple
Commissioner



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The Massachusetts Department of Environmental Protection’s Response to the Conservation Law Foundation’s Petition for Rulemaking

I. Introduction

On May 3, 2023, the Conservation Law Foundation (the “Petitioner”) filed with MassDEP a “Petition for Massachusetts Department of Environmental Protection Rulemaking to Establish Regulations to Implement the Global Warming Solutions Act and An Act Creating a Next-Generation Roadmap for Massachusetts Climate Policy” (the “Petition”). The Petition was filed pursuant to M.G.L. c. 30A, § 4, and 310 CMR 2.02, which allow any interested person to petition MassDEP to adopt, amend, or repeal any regulation. The Petitioner concurrently filed petitions with five other Massachusetts secretariats and agencies similarly proposing regulatory revisions related to implementing the Global Warming Solutions Act, M.G.L. c. 21N, as amended (the “GWSA”). The other entities receiving petitions were the Executive Office of Energy and Environmental Affairs (“EEA”), the Energy Facilities Siting Board, the Massachusetts Department of Energy Resources (“DOER”), the Massachusetts Department of Public Utilities (“DPU”), and the Massachusetts Department of Transportation (“MassDOT”).

Pursuant to regulatory requirements for responding to petitions for the adoption of regulations, MassDEP held a public meeting regarding the Petition on October 29, 2024. At the meeting, the Petitioner summarized the proposals in the Petition, and MassDEP provided an overview of the actions it is taking to implement the GWSA, address climate change, and promote environmental justice and equity.

The Department received comments on the Petition verbally at the public meeting and in writing. Numerous commenters expressed support for the Petition’s proposal to phase out the sale of natural gas-fired furnaces, boilers and water heaters by 2030. Several commenters urged more action to protect Massachusetts forests as a carbon sequestration strategy. Those comments are addressed below.

Following such a meeting, MassDEP is required to determine whether to schedule the petition for further proceedings in accordance with 310 CMR 2.05 or 2.06, and within ten days must notify the petitioners of MassDEP’s action. This letter constitutes notification to the Petitioner of MassDEP’s action on the Petition.

MassDEP shares with the Petitioner the ultimate goals of the Petition: reducing greenhouse gas (“GHG”) emissions to achieve the specified levels in the GWSA while prioritizing environmental justice. MassDEP believes the Clean Energy and Climate Plans for 2025 and 2030 (the “2025/2030 CECP”) and for 2050 (the “2050 CECP,” and, together with the 2025/2030 CECP, the “CECPs” or “Plans”) provide the best strategies and pathways for achieving emissions reductions.¹ Further, while the Petition contains exclusively regulatory proposals, MassDEP has used and continues to use a variety of tools (such as financial assistance through grants, in addition to regulations) to achieve GHG emissions reductions and advance environmental justice and equity. For the reasons detailed below, MassDEP is not adopting the regulations as proposed in the Petition at this time, and MassDEP will not schedule further proceedings related to the Petition. Still, MassDEP agrees with the spirit of many of the Petition’s proposals and has detailed herein additional measures that it is or will undertake that are responsive to concepts presented in the Petition.

II. Applicable State Law for Filing and Responding to the Petition

Section 4 of the Massachusetts Administrative Procedure Act, M.G.L. c. 30A, permits “any interested person” to petition an agency to request the “adoption, amendment or repeal of any regulation.”

MassDEP has promulgated regulations, 310 CMR 2.00, that govern the process by which an interested person petitions the Department and how the Department considers and responds to such petitions. Those regulations require MassDEP to “consider the petition ... at a meeting and shall, thereupon, determine whether to schedule the petition ... for further proceedings....” 310 CMR 2.03. MassDEP may, but is not required to, take comments from the audience at such a meeting. 310 CMR 2.04. Within ten days after the meeting, MassDEP must notify the petitioner of its action on the petition. 310 CMR 2.03.

III. Summary of the Petition

The Petitioner proposes that MassDEP promulgate new and amended regulations to implement the GWSA and the 2050 Decarbonization Roadmap Report² “to ensure the Commonwealth achieves its climate mandates and effectively decarbonizes the economy in a just and equitable manner.” Petition at 2. The Petitioner believes that the strategies in the CECPs are not sufficient without additional regulations, arguing that, “[w]hile the 2025/2030 CECP sets overall objectives for the Commonwealth to tackle the climate crisis, the Plan lacks concrete action goals in multiple areas. Regulatory action is timely as MassDEP needs to establish concrete opportunities to achieve those goals and promulgate adequate regulations to meet its climate mandates.” Petition at 8. The Petitioner further asserts that the 2050 CECP “is on the

¹ See 2050 CECP at <https://www.mass.gov/doc/2050-clean-energy-and-climate-plan/download>. See 2050 CECP at <https://www.mass.gov/doc/2050-clean-energy-and-climate-plan/download>.

² The 2050 Decarbonization Roadmap Report was commissioned by EEA and published in December 2020. The report is available at <https://www.mass.gov/doc/ma-2050-decarbonization-roadmap/download>.

right track on phasing out fossil fuels, but still requires additional work to ensure that no environmental justice populations are left behind.” *Id.*

One of the Petitioner’s major proposals is to amend MassDEP’s permitting programs to prohibit the approval of any permitted activity that would result in an increase in “net greenhouse gas emissions.”³ This proposal would involve amending regulations across MassDEP’s air, solid waste, wetlands, water management, and Chapter 91 permitting programs to require permit applicants to demonstrate that their proposed activity would not result in any net GHG emissions increase.

Other proposals in the Petition address emissions from the transportation, electricity, buildings, and solid waste sectors. Below is an overview of the Petition’s sector-specific proposals:

- *Transportation:* The Petitioner proposes several regulatory updates aimed at increasing the pace of electric vehicle penetration—including in state and municipal fleets—and phasing out the sale of internal combustion engine vehicles. Other proposals seek to encourage a shift in transportation modes from private vehicles to other modes like public transit and cycling, including by expanding bus, high-occupancy vehicle, and bicycle lanes. The Petitioner also seeks to prioritize environmental justice populations in transportation regulation, such as by implementing low-income fares on all public transportation modes.
- *Buildings:* The Petitioner states that it supports MassDEP’s current efforts to develop a Clean Heat Standard to reduce GHG emissions in buildings.⁴ To supplement that program, the Petitioner proposes a regulatory amendment aimed at reducing methane leaks from natural gas infrastructure by establishing annual methane emissions limits from 2025-2030 and phasing out the sale and installation of natural gas-fired furnaces and water heaters by 2030.
- *Electricity:* The Petitioner proposes to require electricity retailers to separately report GHG emissions associated with the creation of any reservoirs, and associated biological matter decomposition, for electricity derived from hydroelectric sources. The Petitioner also proposes to remove woody biomass as an eligible fuel under the Clean Energy Standard.
- *Solid Waste:* The Petitioner proposes to phase out high heat waste processing facilities (also known as municipal waste combustors) by 2030 through a combination of

3 The Petitioner proposes to define “net greenhouse gas emissions” as “the gross annual anthropogenic greenhouse gas emissions of a facility, development, project, or other entity subject to permitting in the Commonwealth, including construction, demolition or renovation emissions amortized over the first ten years of project life, less the emissions calculated by multiplying the total amount of zero-emissions electricity generated on-site, the environmental or zero-emissions attributes of which have been retained, by the average emissions factor of the ISO-NE at the time of calculation.” Petition at 44.

4 Petition at 25.

decommissioning existing facilities and prohibiting new permit approvals. The Petitioner also proposes to require increased inspections to enforce waste bans.

In total, the Petition proposes adoption of four new regulations and amendments to more than 30 existing regulations.

IV. MassDEP's Action on the Petition

MassDEP, including staff from our Bureau of Air and Waste, Bureau of Water Resources, and Office of General Counsel, carefully reviewed the proposals and supporting information in the Petition. For the reasons described in more detail below, MassDEP will not pursue adoption of the regulations as proposed at this time and does not intend to schedule further proceedings related to the Petition. The CECPs set forth the comprehensive and nation-leading strategies and pathways for achieving emissions reductions in an equitable and cost-effective manner, and implementation is being pursued vigorously by MassDEP and other state entities.

i. The Clean Energy and Climate Plans Guide MassDEP and Other Agencies in Reducing GHG Emissions as Quickly and Cost-Effectively as Possible

EEA published the 2025/2030 CECP in June 2022 and the 2050 CECP in December 2022 following years of analysis and planning, with extensive input from individual and group stakeholders (including active participation by the Petitioner), technical and subject matter experts, members of the public, and numerous state entities. As required by the GWSA, the CECPs were developed to guide Massachusetts' climate action to realize economy-wide emissions reductions and meet sector-specific emissions sublimits for 2025 and 2030 (in the case of the 2025/2030 CECP), and 2050 (in the case of the 2050 CECP). The Plans reflect a comprehensive set of specific strategies, policies, implementation goals, and benchmarks for the Commonwealth to reduce emissions cost-effectively, equitably, and within timeframes established in the GWSA.

The CECPs offer an organized, economy-wide approach to reducing emissions. They recognize that the policies and pathways to achieve the GWSA benchmarks for emissions reductions must account for multiple factors: GHG emissions reductions, consumer costs and benefits, energy supply and delivery, environmental justice and equity, stakeholder input, market transformation, and implementation feasibility. With all those factors in play, the CECPs are deliberately structured to implement strategies where GHG reductions can be achieved the fastest, most equitably, at the lowest cost, and sequenced in ways that facilitate additional future reductions.

MassDEP believes the economy-wide, sequential approach of the CECPs is the most effective path to achieving emissions reductions in a cost-effective and equitable manner. As described below, the Department is undertaking efforts across its programs, and using its regulatory and policymaking authority, to implement strategies from the CECPs and beyond to reduce GHG emissions and center environmental justice.

ii. *MassDEP Continues to Take Nation-Leading Action on Reducing GHG Emissions and Strengthening Resilience*

MassDEP appreciates and shares the Petitioner’s objective of advancing climate action and environmental justice in the Commonwealth. The Department, the EEA secretariat, and the entire Healey-Driscoll Administration recognize the urgent need to combat climate change and strengthen resiliency. Massachusetts continues to be a national leader in implementing laws, regulations, and policies to achieve those objectives. Governor Healey has made climate action a singular priority. Recognizing the critical importance and urgency of state leadership, as one of her first acts in office the Governor created the Office of Climate Innovation and Resilience (“Climate Office”) and appointed a Climate Chief to her cabinet to coordinate a whole-of-government approach to action at this critical moment. In October 2023, the Climate Office published recommendations focused on concrete strategies around funding, protecting environmental justice communities, and advancing workforce and economic development.⁵ Currently, the Climate Office is developing a Comprehensive Climate Action Plan (“CCAP”) to ensure the state achieves decarbonization across all sectors in the most effective manner. The Climate Office issued for stakeholder review a list of 60 measures for comment. The recommendations and the CCAP will help inform MassDEP’s ongoing policy and regulatory development.

As part of this whole-of-government approach, the Department continues to take significant action to address a broad range of effects from climate change on the environment and human health while also advancing environmental justice and equity for all people of the Commonwealth. Using a mix of regulatory and non-regulatory tools, MassDEP’s efforts to reduce emissions across sectors include the following:

1. Transportation

One of the 2025/2030 CECP’s primary strategies for reducing transportation sector GHG emissions is to rapidly transition cars on the road from gas vehicles to zero emissions vehicles (“ZEVs”).⁶ MassDEP’s main role in implementing this strategy is promulgating vehicle emissions standards that accelerate the Commonwealth’s transition to ZEVs. In 2023, MassDEP adopted California’s Advanced Clean Cars II Program to drive the sales of ZEVs and PHEVs to 100% in Massachusetts in model year 2035 and reduce emissions of criteria and toxic air pollutants and GHGs from the transportation sector.⁷ MassDEP also adopted California’s latest regulations to reduce emissions from trucks and other medium- and heavy-duty vehicles. This included the Advanced Clean Trucks Regulation, which requires an increasing percentage of ZEV truck sales starting with Model Year 2025 and ramping up through Model Year 2035; the Heavy-Duty Omnibus Regulation, which contains a comprehensive set of emission standards and

⁵ Office of Climate Innovation and Resilience, *Recommendations of the Climate Chief Pursuant to Section 3(b) of Executive Order No. 604*, Oct. 25, 2023, available at <https://www.mass.gov/doc/recommendations-of-the-climate-chief-october-25-2023>.

⁶ 2025/2030 CECP at 32.

⁷ See 310 CMR 7.40.

other emission-related requirements for heavy-duty vehicles and engines that will become effective for Model Year 2026⁸; and the GHG Phase 2 Standards for Model Year 2025.⁹

MassDEP adopted a Large Entity Reporting Rule, which required certain entities to report their medium and heavy-duty vehicle use.¹⁰ That information will inform strategies to expand charging infrastructure and programs to support and accelerate the medium-and heavy-duty zero emission vehicle market in Massachusetts. MassDEP also participated in a Multi-State ZEV Task Force, a coalition facilitated by the Northeast States for Coordinated Air Use Management, to develop an Action Plan with recommended strategies to accelerate the deployment of electric trucks and buses with a focus on communities overburdened by higher levels of air pollution.¹¹

The Department is evaluating additional regulatory options and programs to address transportation sector emissions. This includes working toward a transportation fuel reporting requirement under its Greenhouse Gas Reporting Program regulation, 310 CMR 7.71. MassDEP is also considering amendments to its regulations at 310 CMR 7.11 to reduce emissions from idling of diesel trains.

MassDEP also uses non-regulatory tools to accelerate transportation electrification. The Department partners with the Massachusetts Clean Energy Center to provide funding to Commonwealth municipalities to electrify school bus fleets, contributing nearly \$28.3 million towards MassCEC's Accelerating Clean Transportation School Bus Program since 2022.¹² MassDEP also administers the Massachusetts Electric Vehicle Incentive Program ("MassEVIP"), a rolling grant program aimed at making EVs more widely available across Massachusetts.¹³ The program provides incentives for public entities to buy or lease EVs and to public and private entities to install EV charging stations. To date, \$23 million has been awarded under MassEVIP.

2. Buildings

MassDEP and the Healey-Driscoll Administration are considering a number of ways to decarbonize the building sector. The Massachusetts Commission on Clean Heat, chaired by a designee of the Secretary of the EEA and comprised of a broad spectrum of stakeholders, explored a variety of options to accelerate building emissions reductions.¹⁴ Consistent with the 2025/2030 CECP, MassDEP is working with stakeholders to design a regulatory program that

⁸ <https://www.mass.gov/guides/massachusetts-low-emission-vehicle-lev-program>.

⁹ See 310 CMR 7.40.

¹⁰ See 310 CMR 7.41.

¹¹ ZEV Task Force, Multi-State Medium- and Heavy-Duty Zero-Emission Vehicle Action Plan, July 2022, available at <https://www.nescaum.org/documents/multi-state-medium-and-heavy-duty-zev-action-plan-dual-page.pdf>.

¹² <https://www.masscec.com/press/masscec-awards-42-million-help-electrify-public-school-bus-fleets#:~:text=Since%202022%2C%20MassDEP%20has%20contributed,funding%20and%20other%20agency%20resources>.

¹³ MassDEP, Apply for MassEVIP Fleets Incentives, <https://www.mass.gov/how-to/apply-for-massevip-fleets-incentives>.

¹⁴ Executive Office of Energy and Environmental Affairs, Commission on Clean Heat, <https://www.mass.gov/orgs/commission-on-clean-heat>.

would include a Clean Heat Standard to reduce GHG emissions from buildings.¹⁵ MassDEP is also close to finalizing a complementary new regulation requiring heating fuel suppliers to report on emissions from fuels delivered for sale in Massachusetts.¹⁶ MassDEP is also considering options to accelerate adoption of electric heat pump water heaters.

More broadly, Massachusetts recently joined a multi-state partnership with a shared goal to accelerate the adoption of heat pumps for residential heating, air conditioning, and water heating.¹⁷ The partnering states will collaborate to collect market data, track progress, and develop an action plan within a year to support the widespread electrification of residential buildings. This collaboration will advance Massachusetts' work to decarbonize the building sector.

3. Electricity

Other agencies, such as DOER and DPU, have critical roles in both regulating electric power generators and electric distribution companies and incentivizing those entities to generate and use clean energy. For its part, since 2017 MassDEP has administered two regulations to reduce carbon dioxide emissions from power plants in Massachusetts. 310 CMR: 7.75: Clean Energy Standard (“CES”) requires utilities and competitive suppliers of electricity to procure increasing amounts of clean energy. 310 CMR 7.74: Reducing CO₂ Emission from Electricity Generating Facilities sets annually declining emission limits for large in-state fossil fuel-powered power plants to ensure that emissions reductions occur in Massachusetts.¹⁸ In late 2023, MassDEP released a stakeholder document for strengthening the CES and is now considering comments. MassDEP also considering amendments to 310 CMR 7.74 to improve that program.

MassDEP also participates, with DOER, in the Regional Greenhouse Gas Initiative (“RGGI”), a regional emissions reduction initiative aimed at reducing GHG emissions from power plants across the ten member states.¹⁹ The RGGI states are currently undertaking a comprehensive program review to evaluate RGGI's impacts, set future program goals, and continue to strengthen and improve the program.

4. Solid Waste

MassDEP is implementing the 2030 Solid Waste Master Plan²⁰ to achieve ambitious waste reduction and management goals. The 2030 Solid Waste Master Plan aims to reduce disposal statewide by 30 percent (from 5.7 million tons in 2018 to 4 million tons) by 2030 and by 90 percent (to 570,000 tons) by 2050. The Department's innovative waste reduction programs

15 See 2025/2030 CECP at 52.

16 Massachusetts Clean Heat Standard, <https://www.mass.gov/massachusetts-clean-heat-standard>.

17 Northeast States for Coordinated Air Use Management, *Nine States Pledge Joint Action to Accelerate Transition to Clean Buildings* (Feb. 7, 2024), <https://www.nescaum.org/documents/2.7.24-nescaum-mou-press-release.pdf>.

18 MassDEP Fact Sheet, Electricity Sector Regulations, <https://www.mass.gov/doc/fact-sheet-massdep-electricity-sector-regulations/download>.

19 <https://www.rggi.org/>.

20 <https://www.mass.gov/guides/solid-waste-master-plan>.

put the Commonwealth on a path to achieve those goals, and also help limit GHG emissions. For example, MassDEP’s food waste ban diverts food from disposal toward reuse and composting--and has helped slash related methane emissions by an estimated 25 percent.²¹ In the last year, MassDEP hired two new waste ban inspectors to strengthen monitoring and enforcement of solid waste rules to divert wastes that can cause emissions of GHGs from landfills.

Looking ahead, as described in the 2025/2030 CECP, MassDEP will conduct a comprehensive review of the Solid Waste Master Plan in 2025. Through that review, MassDEP will make a concerted effort to improve the performance of existing combustion capacity and analyze potential approaches to reduce carbon dioxide emissions from municipal waste combustors²² The Department also is evaluating whether to update solid waste permitting regulations to include cumulative impact analysis principles, expanding on the recent adoption of cumulative impact analysis requirements in the air permitting program (described in more detail on page 9).

5. Natural and Working Lands

Although MassDEP does not have a primary role in this area, the CECPs also recognize the critical importance of the Commonwealth’s natural and working lands to remove and sequester carbon from the atmosphere.²³ Natural and working lands²⁴ include wetlands, which is a resource area over which MassDEP has jurisdiction pursuant to the Massachusetts Wetlands Protection Act. MassDEP’s Wetlands Program has established goals to update statewide mapping of wetlands (including high carbon wetlands), verify estimates of the amount of carbon stored in different types of wetlands, quantify the loss of carbon that occurs when wetlands are altered if possible, identify options to offset carbon loss that occurs when wetlands are altered, rank the feasibility of each offset option, and develop a concept for an accounting system to track carbon loss and carbon offset mitigation to demonstrate no net loss of carbon occurs on an annual basis. This work will inform the drafting of policies and regulations to prevent carbon loss from wetlands and ensure no net loss of carbon.²⁵

21 Anna Phillips, *These states tried, and failed, to cut food waste. One succeeded.*, THE WASHINGTON POST (Sept. 12, 2024) <https://www.washingtonpost.com/climate-environment/2024/09/12/food-waste-bans-massachusetts/>.

22 See 2025/2030 CECP at 78.

23 2025/2030 CECP, Chapter 8; 2050 CECP, Chapter 5e.

24 NWL is defined as “lands within the Commonwealth that: (i) are actively used by an agricultural owner or operator for an agricultural operation that includes, but is not limited to, active engagement in farming or ranching; (ii) produce forest products; (iii) consist of forests, grasslands, freshwater and riparian systems, wetlands, coastal and estuarine areas, watersheds, wildlands or wildlife habitats; or (iv) are used for recreational purposes, including parks, urban and community forests, trails or other similar open space land.” Chapter 8 of the 2021 Climate Acts, Section 4.

25 MassDEP received several comments at the public meeting urging more action to conserve forests as a climate strategy. While MassDEP does not have a primary role in conserving forests, the Healey-Driscoll Administration recognizes the importance of ensuring that Massachusetts’ forests are conserved and managed to optimize carbon sequestration and storage, and mitigate climate harms, as part of meeting the state’s climate goals. In June 2024 the Administration issued a comprehensive work plan outlining strategies to protect and manage forest lands while prioritizing efforts to address climate change impacts. The work plan is available at <https://www.mass.gov/info-details/forests-as-climate-solutions#implementation-work-plan->.

6. Resilience

While other state agencies and entities similarly have key roles in implementing resilience measures, for its part MassDEP has proposed updates to its wetlands regulations to improve the resiliency of inland and coastal wetlands resource areas.²⁶ These updates, which are expected to be finalized in early 2025, will facilitate greater resiliency to increased precipitation and stormwater in the face of more severe weather brought by climate change. MassDEP's Waterways Program is also working toward updating its regulations to improve the resiliency of work subject to Chapter 91 licensing.²⁷

7. Other Initiatives

The Department oversees the Clean Energy Results Program ("CERP"), an innovative initiative that integrates goals for creating sources of renewable energy and encouraging energy-efficient development with MassDEP's permitting and assistance functions. This joint initiative of MassDEP and DOER, with assistance from MassCEC, encourages the development of clean energy projects in Massachusetts. Through the program, MassDEP and DOER work to smooth out any technical and regulatory barriers and assist and improve the siting and permitting processes related to these projects.

iii. *Advancing Environmental Justice and Equity in the Commonwealth*

While working to address effects from climate change on the environment and our communities, MassDEP continues its commitment to advance environmental justice and equity, and to provide meaningful, inclusive opportunities for people to participate in agency review and decision-making processes. The Department's environmental justice and equity efforts include:

- Finalizing a first-of-its-kind rule requiring analysis of cumulative impacts for certain facilities seeking air emissions permits in or near communities with environmental justice populations.²⁸ The cumulative impact analysis requires those facilities to evaluate existing local environmental and health conditions in a community, providing both the Department and the public with a better basis to evaluate project proposals in real-world contexts. The regulations also require enhanced public outreach to, and meaningful involvement of, environmental justice populations in the permitting process. Finally, the regulations require facility permits to include emissions from nearby sources in air dispersion modeling and to meet new air toxics limits.
- Continuing to implement EEA's Environmental Justice Policy,²⁹ as amended to reflect additional requirements in the Climate Roadmap Act, codified at M.G.L. c. 30, §§ 62 – 63K, and MassDEP's Environmental Justice Strategy,³⁰ which outlines actions for

26 <https://www.mass.gov/regulations/310-CMR-1000-wetlands-protection-act-regulations>.

27 <https://www.mass.gov/regulations/310-CMR-900-the-massachusetts-waterways-regulation>.

28 <https://www.mass.gov/info-details/cumulative-impact-analysis-in-air-quality-permitting>.

29 <https://www.mass.gov/info-details/environmental-justice-policy>.

30 <https://www.mass.gov/doc/february-2024-environmental-justice-strategy-english/download>.

promoting and integrating environmental justice considerations across MassDEP's programs, policies, activities and other strategies.

- Expanding air quality monitoring in environmental justice areas and adding four ultrafine particle monitors at its monitoring stations in Boston-Von Hillern Street, Chelmsford, Boston-Chinatown, and Springfield to enhance particle pollution monitoring in or near urban environmental justice population areas near high traffic roadways. To date, MassDEP awarded 461 fine particulate matter (PM2.5) air quality sensors to 60 municipalities and community-based organizations. The new sensors, which are funded by the Massachusetts Office of Environmental Justice and Equity, will be deployed across the state with a majority installed in Environmental Justice areas. In addition, MassDEP is in the process of establishing two additional monitoring stations with PM2.5 and black carbon monitors in environmental justice populations, one in Saugus and one in Framingham.
- Adopting a Nondiscrimination Plan³¹ that includes a public involvement framework and language access plan to ensure meaningful public involvement and protection of civil rights for environmental justice and other disadvantaged communities across the Commonwealth. In addition, MassDEP has internal guidance and training for staff to ensure that this plan is implemented successfully.
- Hiring six new Environmental Justice Coordinators dedicated exclusively to working on environmental justice issues and coordinating across regions and bureaus. These hires strengthen the Department's language access capabilities and engagement with communities across the Commonwealth.
- Supporting the Director of Environmental Justice by dedicating additional legal resources to support the advancement and implementation of the environmental justice program at MassDEP.
- Moving the Director of Environmental Justice into the Commissioner's Office as a direct report to the Deputy Commissioner of Policy & Planning, centering environmental justice both within the agency and throughout agency decision-making.

V. MassDEP's Response to the Proposed Regulatory Amendments in the Petition

This section contains a summary of each regulatory amendment proposed by the Petitioner and the Department's corresponding response.

1. Proposal to Require Permit Applicants to Demonstrate No Net Increase in Greenhouse Gas Emissions

³¹ <https://www.mass.gov/info-details/massdep-nondiscrimination-civil-rights#notice-of-nondiscrimination->

Summary of Proposal: The Petitioner proposes multiple revisions to MassDEP’s permitting programs that, taken together, would prohibit any proposed development, facility, project or other permitted activity that would result in an increase in “net greenhouse gas emissions.” Petition at 30-32. The Petitioner proposes to define “net greenhouse gas emissions” as “the gross annual anthropogenic greenhouse gas emissions of a facility, development, project, or other entity subject to permitting in the Commonwealth, including construction, demolition or renovation emissions amortized over the first ten years of project life, less the emissions calculated by multiplying the total amount of zero-emissions electricity generated on-site, the environmental or zero-emissions attributes of which have been retained, by the average emissions factor of the ISO-NE at the time of calculation.” Petition at 44.

The proposal would revise MassDEP’s regulatory review of the following permits and approvals: (1) air emissions for facilities or emissions units (310 CMR 7.00); (2) waterways (Chapter 91) licenses and permits (310 CMR 9.00); (3) wetlands (310 CMR 10.00) orders of condition; (4) site assignments for solid waste facilities (310 CMR 16.00); (5) solid waste facility permits (310 CMR 19.00); and (6) water management permits (310 CMR 36.00). The prohibition of net greenhouse gas emissions would also be incorporated into administrative regulations at 310 CMR 4.00 governing MassDEP’s permitting fees and the timelines for review of permit applications.

MassDEP Response: MassDEP believes the comprehensive, economy-wide strategies and policies in the CECPs are the better approach to achieving required emissions reductions as compared to the Petitioner’s activity-specific permitting proposal. The Petitioner’s proposed approach is inconsistent with the CECPs, and the GWSA, by proposing to regulate emissions at the individual facility level (and indeed, at the level of any activity requiring a permit). The GWSA’s and the CECPs’ economy-wide framework allow adaptability to reduce emissions in the most efficient manner possible while also considering equity, feasibility, and other factors. By contrast, requiring every facility, development, or permitted activity to achieve net zero emissions would remove any flexibility and could lead to, for example, certain facilities incurring major expenses for minor emissions reductions when those resources could achieve greater emissions reductions if allocated in other ways. The Department declines to adopt these proposed regulatory amendments.

Although the Department declines to amend its permitting programs in the way the Petitioner proposes, MassDEP has used and continues to use its regulatory authority to achieve GHG emissions reductions and build climate resiliency. For example, since 2009 the air pollution regulations at 310 CMR 7.00 have already included programs that reduce net GHG emissions for large power plants, including 310 CMR 7.70 *Massachusetts CO2 Budget Trading Program*, 310 CMR 7.74: *Reducing CO2 Emissions from Electricity Generating Units*, and 310 CMR 7.75: *Clean Energy Standard*.

In addition, MassDEP is continuing to create new regulatory programs to address climate change. For example, in 2024, MassDEP proposed regulations to require reporting of GHG emissions from the building sector’s use of heating fuels, including to assist the agency in the

design of a Clean Heat Standard.³² And, in 2023, MassDEP’s Wetlands and Waterways Programs proposed important updates to their regulations (310 CMR 10.00 and 310 CMR 9.00, respectively) to improve the resiliency of inland and coastal wetlands resource areas and waterways. Those regulations are expected to be finalized in early 2025.³³

2. Transportation Sector Proposals

a. 310 CMR 7.11: U Transportation Media

Summary of Proposal: The Petitioner proposes to require all motor vehicles in state and municipal fleets to be electric by 2035, and to prohibit the operation of diesel trains by the MBTA after 2035.

MassDEP Response: MassDEP declines to adopt this proposal and instead refers to the strategies set forth in the 2025/2030 CECP.³⁴ Commonwealth agencies are already working to electrify their fleets pursuant to Executive Order 594, which requires agencies to increase the percentage of zero emission vehicles in the state fleet to 5 percent by 2025, 20 percent by 2030, 75 percent by 2040, and 100 percent by 2050.³⁵ To facilitate state fleet electrification, the Climate Office has convened a working group to develop a process for “electrifying the state-owned vehicle and equipment fleet and the effective deployment of EV charging stations for state fleet vehicles, including a draft strategy for ongoing maintenance and operation of these stations.”³⁶ Further, MassDEP administers the MassEVIP program to provide incentives for public entities at both the state and municipal level to buy or lease EVs.

MassDEP is also responsible for implementing California’s vehicle emissions standards. Under the Advanced Clean Cars II standards adopted by MassDEP in March 2023, car manufacturers will be required to incrementally increase the percentage of ZEVs they sell in Massachusetts, from 35% for the model year 2026 to 100% for the model year 2035. Under the Advanced Clean Trucks Regulation, manufacturers must sell an increasing percentage of ZEV trucks starting with Model Year 2025.

Regarding diesel trains, as noted above MassDEP also is considering amendments to its regulations at 310 CMR 7.11 to reduce emissions from locomotive idling.

b. 310 CMR 7.37: MB High Occupancy Vehicle Lanes

Summary of Proposal: The proposal would implement requirements aimed at increasing high-occupancy vehicle lanes and bike lanes. The proposal includes (1) requiring

32 See <https://www.mass.gov/info-details/heating-fuels-emissions-reporting-regulation>.

33 See <https://www.mass.gov/regulations/310-CMR-1000-wetlands-protection-act-regulations> and <https://www.mass.gov/regulations/310-CMR-900-the-massachusetts-waterways-regulation>.

34 See <https://www.mass.gov/doc/2050-clean-energy-and-climate-plan/download> at pp. 32-45.

35 Executive Order 594: *Leading By Example: Decarbonizing and Minimizing Environmental Impacts of State Government*, April 22, 2021

36 Office of Climate Innovation and Resilience, *Recommendations of the Climate Chief Pursuant to Section 3(b) of Executive Order No. 604*, Recommendation 7 (Oct. 25, 2023).

MassDOT to study the feasibility of bus-only or high-occupancy vehicle lanes for certain highway projects, (2) requiring MassDEP to consider HOV lanes for all highway projects that require an Environmental Impact Report pursuant to the Massachusetts Environmental Policy Act (M.G.L. c. 30 § 62B), and (3) requiring the construction of bus and bike lanes if doing so would reduce GHG emissions and provide a public benefit.

MassDEP Response: MassDEP believes a better approach to expanding bus and HOV lanes would include working with MassDOT to revise relevant MassDOT policies. MassDOT is best positioned to identify and coordinate funding for HOV and bus lane expansion on state highways.

c. 310 CMR 7.40: Low Emission Vehicle Program

Summary of Proposal: The Petitioner proposes to amend 310 CMR 7.40—the regulation through which Massachusetts adopts California’s motor vehicle emissions standards—to remove certain exceptions (including for rental vehicles registered and principally operated outside of Massachusetts and for test vehicles and emergency vehicles) from the standards and to require accelerated deployment of ZEVs in the state fleet. The proposal would also require that school buses owned, leased or contracted by municipalities be zero emission vehicles by 2035.

MassDEP Response: The proposed removal of the exception for rental vehicles registered and principally operated outside of Massachusetts (310 CMR 7.40(2)(c)1) is unwarranted because these vehicles are not subject to Massachusetts vehicle emissions standards. The proposed removal of the exception for test vehicles, emergency vehicles and certain other vehicles (310 CMR 7.40(2)(c)2) would conflict with California’s regulation and therefore MassDEP cannot adopt the proposal. To do so would violate the identity requirement in Section 177 of the federal Clean Air Act, pursuant to which Massachusetts is permitted to adopt California’s standards.

Regarding the proposed addition to 310 CMR 7.40 that would require new public vehicle purchases to be zero-emission vehicles, Commonwealth agencies are already working to electrify their fleets pursuant to Executive Order 594, which requires agencies to increase the percentage of zero emission vehicles in the state fleet to 5 percent by 2025, 20 percent by 2030, 75 percent by 2040, and 100 percent by 2050.³⁷ The Climate Office has also convened a working group tasked with facilitating the electrification of the state vehicle and equipment fleet and the effective deployment of EV charging stations for state fleet vehicles.³⁸

Regarding electrification of municipal school bus fleets, MassDEP has partnered with the Massachusetts Clean Energy Center to provide funding to Commonwealth municipalities to electrify school bus fleets. Since 2022, MassDEP has contributed nearly \$28.3 million towards

³⁷ Executive Order 594: *Leading By Example: Decarbonizing and Minimizing Environmental Impacts of State Government*, April 22, 2021

³⁸ Office of Climate Innovation and Resilience, *Recommendations of the Climate Chief Pursuant to Section 3(b) of Executive Order No. 604*, Recommendation 7 (Oct. 25, 2023).

MassCEC’s Accelerating Clean Transportation School Bus Program.³⁹ U.S. EPA has also provided significant funding to Massachusetts for clean and zero emissions school buses, including recent awards of \$20 million to the City of Boston and \$42 million to 17 other Massachusetts school districts.⁴⁰

- d. 310 CMR 60.03 U Conformity to the State Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. Or the Federal Transit Act

Summary of Proposal: The Petitioner proposes to integrate environmental justice and greenhouse gas reduction requirements into 310 CMR 60.03, the regulation pursuant to which MassDEP assures that transportation plans and other materials developed by MassDOT and metropolitan planning organizations conform to the Massachusetts State Implementation Plan. The proposal includes requiring that transportation plans and programs conform to “environmental justice principles” as defined in M.G.L. c. 30, § 62,⁴¹ and to the Commonwealth’s GHG emissions targets in M.G.L. c. 21N. The Petitioner also proposes a requirement to decrease sales of internal combustion engine vehicles in Massachusetts, culminating in no internal combustion engine vehicle sales allowed after 2039. The proposed amendments would also require EV charging stations at multi-unit commercial and residential buildings based on the number of parking spaces.

MassDEP Response: MassDEP does not believe 310 CMR 60.03 is the appropriate vehicle to advance environmental justice principles. Guided by the MassDEP Environmental Justice Strategy and EEA’s Environmental Justice Strategy, the Department is committed to promoting environmental justice by designing decision-making processes within its authority aimed at preventing disproportionate adverse human health and environmental effects, including social and economic effects on persons in the Commonwealth. MassDEP staff consider environmental justice principles throughout the daily work of the Department, including regulatory oversight, assistance, outreach, enforcement, policy-making, and other decisions and determinations.⁴²

39 <https://www.masscec.com/press/masscec-awards-42-million-help-electrify-public-school-bus-fleets#:~:text=Since%202022%2C%20MassDEP%20has%20contributed.funding%20and%20other%20agency%20resources>.

40 *Biden-Harris Administration announces over \$53.3 million in awards for Clean School Buses across Connecticut and Massachusetts as part of Investing in America agenda*, Jan. 8, 2024, <https://www.epa.gov/newsreleases/biden-harris-administration-announces-over-533-million-awards-clean-school-buses>; *Massachusetts School Districts Win \$42 Million in Federal Funding for Clean School Buses*, May 31, 2024, <https://www.mass.gov/news/massachusetts-school-districts-win-42-million-in-federal-funding-for-clean-school-buses>.

41 MGL 30 § 62: “Environmental justice principles,” principles that support protection from environmental pollution and the ability to live in and enjoy a clean and healthy environment, regardless of race, color, income, class, handicap, gender identity, sexual orientation, national origin, ethnicity or ancestry, religious belief or English language proficiency, which includes: (i) the meaningful involvement of all people with respect to the development, implementation and enforcement of environmental laws, regulations and policies, including climate change policies; and (ii) the equitable distribution of energy and environmental benefits and environmental burdens.

42 See MassDEP EJ Strategy at 91; EEA EJ Strategy, February 2024, at 13

The proposal to require decreasing sales of internal combustion engine vehicles cannot be adopted. Massachusetts adopts California’s motor vehicle standards and under federal law must match California’s timing and requirements. As noted above, California law requires a transition to all-EV sales by 2035.

Regarding the proposal to require that a certain percentage of parking spaces at multi-unit buildings have EV charging capabilities, 310 CMR 60.03 is not the appropriate regulatory vehicle to achieve this goal. MassDEP’s role in implementing 310 CMR 60.03 is to determine whether plans developed by MassDOT and metropolitan planning organizations conform to the Massachusetts State Implementation Plan. MassDEP recommends considering implementing EV charging station requirements through the Building Code’s permitting framework, which likely provides a more straightforward and efficient point of compliance. Further, as contemplated in the 2025/2030 CECP, in 2023 EEA and DOER updated the Stretch Energy Code, including raising the minimum number of EV-ready parking spaces required at new commercial and residential buildings.⁴³

e. 310 CMR 60.05: Global Warming Solutions Requirements for Transportation

Summary of Proposal: The proposal would require specific annual GHG emissions reduction targets for the transportation sector at large and for MassDOT specifically. The proposal would also require the Commonwealth’s sixteen Regional Transit Authorities (“RTAs”) to (1) electrify vehicles and buses, prioritizing the electrification of bus routes serving environmental justice populations; (2) ensure public transit fares are less than the cost of parking; and (3) offer fare-free buses or low-income fares on all public transit modes.

MassDEP Response: MassDEP believes the proposal to set specific annual GHG emissions targets for the transportation sector is unnecessary given the existing 5-year sector sublimits and the emissions reduction strategies set in the 2025/2030 CECP and 2050 CECP. These strategies include the adoption of California’s Advanced Clean Trucks Rule and the Advanced Clean Cars II rule, which MassDEP finalized in March 2022 and March 2023, respectively.

MassDEP believes it would not be an effective exercise of regulatory authority to require MassDOT to meet specific annual GHG emissions reduction targets, particularly in light of the significant efforts already underway. For example, regarding Petitioner’s proposal to electrify RTA buses, MassDEP has allocated \$48.8 million from Massachusetts’ Volkswagen Settlement funds to support the purchase of electric transit buses and chargers by RTAs.⁴⁴ Further, MassDOT and the Federal Transit Administration are providing funding to four RTAs for the

43 Massachusetts Department of Energy Resources, *2023 Technical Guidance, Massachusetts Stretch Energy Codes* at 41 (Sept. 2023), <https://www.mass.gov/doc/2023-stretch-code-technical-guidance-document-main-text/download>.

44 *Healey-Driscoll Administration Announces Final Allocation of Volkswagen Settlement Funds to Support Transition to Electric Vehicles* (April 21, 2023). Available at <https://www.mass.gov/news/healey-driscoll-administration-announces-final-allocation-of-volkswagen-settlement-funds-to-support-transition-to-electric-vehicles>.

purchase of hybrid-electric and battery-electric buses.⁴⁵ Fare Free programs were announced by the Healey-Driscoll Administration for RTAs for year round fare-free service on October 24, 2024, and the MBTA is developing a new reduced fare program for low-income adults.⁴⁶

3. Electricity sector proposals

a. 310 CMR 7.75: Clean Energy Standard

Summary of Proposal: The proposal would require electricity retailers to separately report hydroelectric power GHG emissions associated with the creation of any reservoirs and their ongoing biological matter decomposition. The proposal would also remove woody biomass as an eligible fuel under the Clean Energy Standard (“CES”).

MassDEP Response: The GWSA requires accounting for emissions associated with power imported from outside Massachusetts, including Canadian hydropower. Currently, however, the CECP and Massachusetts GHG emission inventory only account for direct emissions; no strategies or emission sources (for electric power or any other sector) are reported on a lifecycle basis. So, while large hydropower has lifecycle GHG emissions related to the creation of reservoirs, taking those into account is not consistent with the current scope of the CECP and GHG inventory for any fuel.

The proposal to remove woody biomass as an eligible fuel is unnecessary. The CES regulation already includes a reference to DOER’s Renewable Energy Portfolio Standard (“RPS”) regulation that has the effect of excluding from CES biomass that is excluded from RPS. No new or future biomass systems are allowed under the current RPS regulations.

As noted above, in 2023 MassDEP released a stakeholder document for strengthening the CES and is now considering comments. MassDEP also considering amendments to 310 CMR 7.74.

b. 310 CMR 7.78: Reducing Peak Electric Sector Emissions

Summary of Proposal: The proposal would require electric utilities to reduce the difference between peak and average electric system demand.

MassDEP Response: DOER has jurisdiction over issues related to peak demand and has already established a program to regulate that. DOER administers the Clean Peak Energy Portfolio Standard Regulation (225 CMR 21.00), which is designed to ensure that peak demand is met by clean generation, not inefficient fossil generation.

4. Buildings sector proposals

⁴⁵ *MassDOT Announces \$31.3 Million Total to 4 Regional Transit Authorities for Clean Bus Purchases and Initiatives* (June 28, 2023). Available at <https://www.mass.gov/news/massdot-announces-313-million-total-to-4-regional-transit-authorities-for-clean-bus-purchases-and-initiatives>. g

⁴⁶ *Healey-Driscoll Administration Announces Fare Free Regional Transit Across State* (Oct. 24, 2024). Available at <https://www.mass.gov/news/healey-driscoll-administration-announces-fare-free-regional-transit-across-state>.

- a. 310 CMR 7.32: Natural Gas-Fired Furnace NOx Emissions Standards; and
310 CMR 7.35: Water Heater NOx Emissions Standards

Summary of Proposals: These two proposals would phase out the sale of natural gas-fired furnaces, boilers, and water heaters in Massachusetts by 2030. The stated purpose of the proposals is to reduce nitrogen oxide (“NOx”) emissions.

MassDEP Response: MassDEP believes it is premature to adopt these proposals while the agency is actively working with stakeholders to design building sector GHG emissions reduction programs. MassDEP appreciates the comments it received supporting the proposal to phase out the sale and installation of natural gas-fired appliances and the concerns many commenters raised about the public health and emissions impacts of such appliances. Consistent with the 2025/2030 CECP and the 2050 CECP, MassDEP is currently developing a regulatory program to decarbonize the building sector that would include a Clean Heat Standard to accelerate adoption of electric heat pumps instead fossil fuel systems that emit NOx and other pollutants, including greenhouse gases.

MassDEP is also working toward NOx emissions reductions as a participant in the Ozone Transport Commission, a multi-state organization created pursuant to the federal Clean Air Act. Commission members will work together on technical analyses to develop regional and national recommendations for NOx emission reductions from buildings. Based on public process and technical analyses, the Commission will compile technical information that can support cost effective, scientifically sound recommendations leading to substantial reductions in ozone-forming NOx emissions.⁴⁷

- b. 310 CMR 7.73: Reducing Methane Emissions from Natural Gas
Distribution Mains and Services

Summary of Proposal: The Petitioner proposes to require that MassDEP establish annual methane limits and achieve a 65 percent reduction in methane emissions in 2030 as compared to 2020. Under this proposal, MassDEP would also establish regulations requiring gas operators to more promptly repair or retire gas pipeline infrastructure in environmental justice communities.

MassDEP Response: MassDEP believes it is premature to consider amending 310 CMR 7.73 as the Petitioner proposes at this time. The Gas System Enhancement Plan (“GSEP”) Working Group developed recommendations for regulatory and legislative changes that may be necessary to align GSEPs with statewide GHG emission limits and sublimits. The GSEP

⁴⁷ Ozone Transport Commission Resolution of the Ozone Transport Commission on Reducing Emissions of Nitrogen Oxides from Buildings, June 14, 2023 available at <https://otcair.org/upload/Documents/Formal%20Actions/20230614%20OTC%20Resolution%20buildings%20signed.pdf>.

Working Group Final Report and Recommendations was presented to the Legislature on January 31, 2024, and the Legislature is considering related legislation.

5. Solid waste sector proposals

- a. 310 CMR 16.01: General Requirements; 310 CMR 16.02: Definitions; 310 CMR 16.03: Exemptions from Site Assignment; 310 CMR 16.05: Permit for Recycling, Composting and Conversion (RCC) Operations; and 310 CMR 16.08: Site Assignment Application Submission Requirements

Summary of Proposals: The Petitioner proposes a suite of changes to 310 CMR 16.00: *Site Assignment Regulations for Solid Waste Facilities* that aim to (1) require diversion of 100 percent of residential food waste by 2027, and (2) phase out high heat waste processing facilities (incinerators) by 2030. Proposed changes also included prohibiting increases to net GHG emissions in site assignment permitting, which is addressed above on pages 10-12 as part of MassDEP’s response to the Petitioner’s permitting reform proposal.

MassDEP Response: The 2030 Solid Waste Master Plan (“SWMP”), published in October 2021, sets forth policies to aggressively facilitate food waste diversion and address emissions from incinerators, and the Department is currently undertaking a significant evaluation of emissions from the solid waste sector.

A SWMP program review will be conducted beginning in 2025. A goal for that review is to improve the performance of existing combustion capacity and explore the potential to establish a declining cap on carbon dioxide emissions on the municipal waste combustors. *2030 SWMP* at 13-14.⁴⁸ MassDEP believes the SWMP offers a realistic approach to reducing emissions from waste-to-energy facilities. The Petitioner’s phaseout proposal, meanwhile, could result in the closure of all Massachusetts waste-to-energy facilities which currently manage over half of all the solid waste generated for disposal in Massachusetts (three million tons annually). Existing Massachusetts landfills are operating at capacity and would not currently be able to absorb that loss, and, therefore, the closure of all of these facilities without provisions for alternative means of waste disposal or recycling could result in transporting more waste out of state for disposal—with related emissions and shifting of environmental burdens.

- b. 310 CMR 19.006: Definitions

Summary of Proposal: The Petitioner proposes to amend the definition of “post-consumer recyclables” and require MassDEP to create a guidance document on post-consumer recyclables every two years.

MassDEP Response: MassDEP believes this proposal is unnecessary given existing practices. MassDEP meets regularly with recycling stakeholders to establish and update a common set of standards and guidelines for recycling. The standards and guidelines are published and disseminated through the Department’s RecycleSmart education campaign and

⁴⁸ <https://www.mass.gov/guides/solid-waste-master-plan>.

reflected in the definitions within DEP’s Solid Waste Facility Regulations (310 CMR 19.017 – Waste Bans) and guidance.

c. 310 CMR 19.018: Third-party Inspections

Summary of Proposal: The proposal would establish more frequent third-party inspections at waste facilities.

MassDEP Response: The Department recognizes that increased enforcement is critical to ensuring compliance with solid waste regulations and has recently hired two additional staff dedicated to enforcement. The Department already requires a certain number of third-party inspections depending on the disposal facility’s throughput. In addition, waste-to-energy facilities conduct inspections as part of their Recycling Program permits under 310 CMR 19.300. Further, increases and/or amendments to MassDEP’s enforcement program will be considered as part of the planned evaluations of the solid waste sector as set forth in the 2025/2030 CECP and the SWMP.

6. Net Zero Community proposal

a. 310 CMR 7.77: Net Zero Communities Program

Summary of Proposal: The proposal would create a “Net Zero Community” designation for any municipality that is qualified as a green community pursuant to the Green Communities Act. A Net Zero Community designation would require municipalities to accelerate decarbonization efforts.

MassDEP Response: DOER administers the Green Communities Designation and Grant Program and establishes related requirements. MassDEP believes DOER is the more appropriate agency to consider this proposal.

VI. Conclusion

For the reasons outlined above, MassDEP is not adopting the Petitioner’s proposals at this time and will not hold further proceedings on the Petition. The Department recognizes the urgency of climate change and the immense work ahead to implement the GWSA, promote adaptation and resilience, and advance environmental justice. In that vein, MassDEP largely agrees with the ultimate goals of the Petition. However, the approach provided in the CECPs—the result of years of development and stakeholder input—provides the more appropriate path for achieving emissions reductions in an equitable manner. MassDEP looks forward to working with the Petitioner and other stakeholders as we continue this critical work.