

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTIONJANET T. MILLS
GOVERNORMELANIE LOYZIM
COMMISSIONER

MEMORANDUM

TO: Board of Environmental Protection

FROM: Stacy Knapp, Bureau of Air Quality

DATE: October 21, 2021

RE: Proposed rule establishing reduction targets for annual greenhouse gas emissions in accordance with 38 M.R.S. §576-A – request for adoption

On June 26, 2019, Governor Mills signed into law LD 1679, “An Act to Establish the Maine Climate Change Council to Assist Maine to Mitigate, Prepare and Adapt to Climate Change.”¹ In addition to establishing the Maine Climate Council, this law established statutory requirements for greenhouse gas emission reductions in 38 M.R.S. Section 576-A. By January 1, 2030, statewide annual greenhouse gas emissions must be reduced to a level at least 45% below the 1990 gross annual greenhouse gas emissions (or baseline) level, with emissions being reduced at least 80% below the 1990 baseline level by January 1, 2050.²

This proposed rule translates the statutory statewide percentage reduction requirements into tonnage reductions based on million metric tons of carbon dioxide equivalents (MMT_{CO₂e}) for gross emissions of greenhouse gases for each of the target years: 14.41 MMT_{CO₂e} for 2030 and 26.62 MMT_{CO₂e} for 2050.

The statewide emission reduction requirements established by the proposed rule will be the foundation for multiple components of Maine’s Climate Action Plan and are critically important for the successful implementation of both regulatory and non-regulatory programs. Maine’s Climate Action Plan includes a wide range of recommendations regarding regulatory measures and other State actions to ensure attainment of the statewide greenhouse gas emission reduction requirements. Similarly, the statewide greenhouse gas emission limits established in the proposed rule will serve as the baseline for the promulgation of future regulations by the Department, which are required to ensure compliance with the statewide emission reduction requirements.³

The Department posted the proposed Chapter 168: Statewide Greenhouse Gas Emissions Regulation to a public comment period, which ended on September 17, 2021. The Department received two letters with a total of six comments from five interested parties during the public comment period and has provided responses. No changes were made to the rule as a result of these comments.

Departmental Recommendation: The Department recommends that the Board adopt this rule.
Estimated Time of Presentation: 20 minutes

¹ P.L. 2019, ch. 476

² The statute also requires a 2040 interim annual trajectory sufficient to achieve the mandated 2050 level.

³ The proposed rule will work in concert with the recently adopted Chapter 167: Tracking and Reporting Gross and Net Annual Greenhouse Gas Emissions, which requires the Department to track Maine’s progress towards meeting these gross greenhouse gas emission reduction targets.

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