

SECTION	DESCRIBE ERROR	PROPOSED CORRECTION
1.2.3.1 Applicability	<p>The term “subsection” is missing preceding reference to subsection 1.2.1.</p> <p>1.2.3.1 Applicability. Notwithstanding subsection 1.2.1 of this regulation, a CO2 budget source under 1.2.1 of this regulation that is a petroleum refinery may elect to participate in the CO2 budget trading program by securing a permit issued...</p>	<p>We propose adding “subsection” before 1.2.1.</p> <p>1.2.3.1 Applicability. Notwithstanding <u>subsection 1.2.1 of this regulation</u>, a CO2 budget source under <u>subsection 1.2.1 of this regulation</u> that is a petroleum refinery may elect to participate in the CO2 budget trading program by securing a permit issued</p>
1.2.2.3 Compliance	<p>The subsection is mislabeled. Note: this is the second instance that the subsection 1.2.2.3 is used,</p> <p>1.2.2.3 Compliance. For the purpose of applying permitting requirements under Section 3.0 of this regulation, and applying monitoring requirements under Section 8.0 of this regulation, the unit shall be treated as commencing operation on the date the permit required under subsection 1.2.3.1 of this regulation becomes final.</p>	<p>We propose the subsection number change so that it falls in the correct order.</p> <p>1.2.2.3.2 Compliance. For the purpose of applying permitting requirements under <u>Section 3.0 of this regulation</u>, and applying monitoring requirements under <u>Section 8.0 of this regulation</u>, the unit shall be treated as commencing operation on the date the permit required under <u>subsection 1.2.3.1 of this regulation</u> becomes final.</p>
1.3 Definitions		
Cost Containment Reserve trigger price, or CCR trigger price	<p>Nonsubstantive error; the word “year” is plural preceding 2015.</p> <p>“Cost Containment Reserve trigger price, or CCR trigger price” means the CCR trigger price is also the minimum price at which CO₂ CCR allowances are offered for sale by the Department at auction. The CCR trigger price shall be \$4.00 per CO₂ Allowance for calendar year 2014, \$6.00 per CO₂ Allowance in calendar years 2015, \$8.00 per CO₂ allowance in calendar year 2016, and \$10.00 per CO₂ Allowances in calendar year 2017, each calendar year thereafter, the CCR trigger price shall be 1.025 multiplied by the CCR trigger price from the previous calendar year, rounded to the nearest whole cent.</p>	<p>We propose to make “years” singular preceding 2015.</p> <p>... The CCR trigger price shall be \$4.00 per CO₂ Allowance for calendar year 2014, \$6.00 per CO₂ Allowance in calendar years 2015, \$8.00 per CO₂ allowance in calendar year 2016, and \$10.00 per CO₂ Allowances in calendar year 2017, each calendar year thereafter, the CCR trigger price shall be 1.025 multiplied by the CCR trigger price from the previous calendar year, rounded to the nearest whole cent.</p>
CO ₂ authorized <u>alternate</u> account representative	<p>The term “alternate” is omitted in the second paragraph of the definition, where it should be preceding the “natural,” as in each other instance in the definition.</p> <p>...If the CO₂ budget source is also subject to the Acid Rain Program, then for a CO₂</p>	<p>We propose adding “alternate” in the described location.</p> <p>...If the CO₂ budget source is also subject to the Acid</p>

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	Budget Trading Program compliance account, this natural person shall be the same person as the alternate designated representative under the Acid Rain Program.	Rain Program, then for a CO ₂ Budget Trading Program compliance account, this <u>alternate</u> natural person shall be the same person as the alternate designated representative under the Acid Rain Program.
CO ₂ cost containment reserve allowance, or CO ₂ CCR allowance	Language from the original Model Rule occurs in the final words of the definition. “CO ₂ cost containment reserve allowance or CO ₂ CCR allowance” means a CO ₂ allowance that is offered for sale at an auction by the Department for the purpose of containing the cost of CO ₂ Allowances. CO ₂ CCR allowances offered for sale at an auction are separate from and additional to CO ₂ allowances allocated from Delaware’s CO ₂ Budget Trading Program base and adjusted budgets. CO ₂ CCR allowances are subject to all applicable limitations contained in this Part .	We propose to change the term “Part” to “section.” “CO ₂ cost containment reserve allowance or CO ₂ CCR allowance” means a CO ₂ allowance that is offered for sale at an auction by the Department for the purpose of containing the cost of CO ₂ Allowances. CO ₂ CCR allowances offered for sale at an auction are separate from and additional to CO ₂ allowances allocated from Delaware’s CO ₂ Budget Trading Program base and adjusted budgets. CO ₂ CCR allowances are subject to all applicable limitations-contained in this Part <u>section</u> .
Undistributed CO ₂ allowances	Term “subsection” missing preceding reference to subsection 5.3. “Undistributed CO ₂ allowances” mean CO ₂ allowances originally allocated to a set aside account as pursuant to 5.3 that were not distributed.	We have propose adding “subsection” before 5.3. “Undistributed CO ₂ allowances” mean CO ₂ allowances originally allocated to a set aside account as pursuant to <u>subsection</u> 5.3 that were not distributed.
1.5.3.4	Language from the original Model Rule occurs in the subsection. 1.5.3.4 Each ton of excess interim emissions shall constitute a separate violation of this Part and applicable state law.	We propose to change the term “Part” to “section.” 1.5.3.4 Each ton of excess interim emissions shall constitute a separate violation of this Part <u>section</u> and applicable state law.
2.4.1	Nonsubstantive error; change of “an” to “a.” A complete account certificate of representation for a CO ₂ authorized account representative or an alternate CO ₂ authorized <u>alternate</u> account representative shall include the following elements in a format prescribed by the Department or its agent:	We have changed “an” to “a” to reflect the reposition of “alternate.” A complete account certificate of representation for a CO ₂ authorized account representative or a <u>an</u> alternate CO ₂ authorized <u>alternate</u> account representative shall include the following elements

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		in a format prescribed by the Department or its agent:																						
2.6.6	<p>Language from the original Model Rule occurs in the subsection.</p> <p>2.6.6 A CO₂ authorized account representative may delegate, to one or more natural persons, his or her authority to review information in the CO₂ allowance tracking system under this part.</p>	<p>We propose to change the term “part” to “section.”</p> <p>2.6.6 A CO₂ authorized account representative may delegate, to one or more natural persons, his or her authority to review information in the CO₂ allowance tracking system under this part section.</p>																						
2.6.7	<p>Language from the original Model Rule occurs in the subsection.</p> <p>2.6.7 A CO₂ authorized alternate account representative may delegate, to one or more natural persons, his or her authority to review information in the CO₂ allowance tracking system under this part.</p>	<p>We propose to change the term “part” to “section.”</p> <p>2.6.7 A CO₂ authorized alternate account representative may delegate, to one or more natural persons, his or her authority to review information in the CO₂ allowance tracking system under this part section.</p>																						
5.1.9	<p>5.1.9 For 2026, the State of Delaware CO₂ Budget Trading Program base budget is 2,280,690 tons.</p>	<p>5.1.9 For 2026, the State of Delaware CO₂ Budget Trading Program base budget is 2,870,690 tons.</p>																						
5.3.4.1 – Table 3	<p>Two columns in Table 3 represent year 2024 and the respective CCR allowances.</p> <table border="1" data-bbox="352 938 1318 1097"> <caption>Table 3. CCR allowances from 2021 forward.</caption> <thead> <tr> <th>2021</th> <th>2022</th> <th>2023</th> <th>2024</th> <th>2024</th> <th>2025</th> <th>2026</th> <th>2027</th> <th>2028</th> <th>2029</th> <th>2030 and each year there- after</th> </tr> </thead> <tbody> <tr> <td>338,331</td> <td>328,078</td> <td>317,826</td> <td>307,573</td> <td>307,573</td> <td>297,321</td> <td>287,069</td> <td>276,816</td> <td>266,564</td> <td>256,311</td> <td>246,059</td> </tr> </tbody> </table>	2021	2022	2023	2024	2024	2025	2026	2027	2028	2029	2030 and each year there- after	338,331	328,078	317,826	307,573	307,573	297,321	287,069	276,816	266,564	256,311	246,059	<p>We propose to remove one of the columns for year 2024 so the information is not repeated.</p>
2021	2022	2023	2024	2024	2025	2026	2027	2028	2029	2030 and each year there- after														
338,331	328,078	317,826	307,573	307,573	297,321	287,069	276,816	266,564	256,311	246,059														
5.3.5.1 – Table 5	<p>Two columns in Table 4 represent year 2024 and respective ECR allowances.</p> <table border="1" data-bbox="352 1214 1318 1471"> <caption>Table 4. ECR Allowances from 2021 forward.</caption> <thead> <tr> <th>2021</th> <th>2022</th> <th>2023</th> <th>2024</th> <th>2024</th> <th>2025</th> <th>2026</th> <th>2027</th> <th>2028</th> <th>2029</th> <th>2030 and each year thereaf- ter</th> </tr> </thead> <tbody> <tr> <td>338,331</td> <td>328,078</td> <td>317,826</td> <td>307,573</td> <td>307,573</td> <td>297,321</td> <td>287,069</td> <td>276,816</td> <td>266,564</td> <td>256,311</td> <td>246,059</td> </tr> </tbody> </table>	2021	2022	2023	2024	2024	2025	2026	2027	2028	2029	2030 and each year thereaf- ter	338,331	328,078	317,826	307,573	307,573	297,321	287,069	276,816	266,564	256,311	246,059	<p>We propose to remove one of the columns for year 2024 so the information is not repeated.</p>
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5.3.8 Third adjustment for banked allowances	<p>Break in the word “accounts” from transferring formats in the description of TA.</p> <p><u>TA, third adjustment, is the total quantity of allowances of vintage years prior to 2021 held in general and compliance accounts, including compliance accounts established pursuant to the CO₂ Budget Trading Program, but not including ac- counts opened by participating states, as reflected in the CO₂ Allowance Tracking System on March 15, 2021.</u></p>	<p>We propose to remove the hyphen separating “accounts.”</p> <p><u>TA, third adjustment, is the total quantity of allowances of vintage years prior to 2021 held in general and compliance accounts, including compliance accounts established pursuant to the CO₂ Budget Trading Program, but not including ac- counts accounts opened by participating states, as reflected in the CO₂ Allowance Tracking System on March 15, 2021.</u></p>
6.2.2.5.2	<p>Nonsubstantive error; change of “An” to “A.”</p> <p>6.2.2.5.2 An alternate CO₂ authorized <u>alternate</u> account representative may delegate, to one or more natural persons, his or her authority to make an electronic submission to the Department or its agent provided for under <u>Sections 6.0 and 7.0 of this regulation.</u></p>	<p>We have changed “An” to “A” to reflect the reposition of “alternate.”</p> <p>6.2.2.5.2 A an alternate CO₂ authorized <u>alternate</u> account representative may delegate, to one or more natural persons, his or her authority to make an electronic submission to the Department or its agent provided for under <u>Sections 6.0 and 7.0 of this regulation.</u></p>
8.2.4.3 Approval process for initial certifications and recertification	<p>A portion of the first sentence, post-title, is italicized, indicating it is part of the title; however it is not.</p> <p>8.2.4.3 <i>Approval process for initial certifications and recertification.</i> <u>Subsections 8.2.4.3.1 through 8.2.4.3.4 of this regulation</u> apply to both initial certification and recertification of a monitoring system under <u>subsection 8.1.1.1 of this regulation.</u> For re-certifications, replace the words “certification” and “initial certification” with the word “recertification,” replace the word “certified” with “recertified,” and proceed in the manner prescribed in 40 CFR 75.20(b)(5) and (g)(7) in lieu of <u>subsection 8.2.4.3.5 of this regulation.</u></p>	<p>We propose the removal of italics from the described term.</p> <p>8.2.4.3 <i>Approval process for initial certifications and recertification.</i> <u>Subsections 8.2.4.3.1 through 8.2.4.3.4 of this regulation</u> apply to both initial certification and recertification of a monitoring system under <u>subsection 8.1.1.1 of this regulation.</u> For re-certifications, replace the words “certification” and “initial certification” with the word “recertification,” replace the word “certified” with “recertified,” and proceed in the manner prescribed in 40 CFR 75.20(b)(5) and (g)(7) in lieu of <u>subsection 8.2.4.3.5 of this regulation.</u></p>

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<p>8.2.4.3.5 Procedures for loss of certification</p>	<p>In the word “If,” the letter “I” is italicized.</p> <p>8.2.4.3.5 <i>Procedures for loss of certification.</i> If the Department issues a notice of disapproval of a certification application under <u>subsection 8.2.4.3.4.3 of this regulation</u> or a notice of disapproval of certification status under <u>subsection 8.2.4.3.4.4 of this regulation</u>, then:</p>	<p>We propose to remove the italic on the “I” in “If.”</p> <p>8.2.4.3.5 <i>Procedures for loss of certification.</i> If the Department issues a notice of disapproval of a certification application under <u>subsection 8.2.4.3.4.3 of this regulation</u> or a notice of disapproval of certification status under <u>subsection 8.2.4.3.4.4 of this regulation</u>, then:</p>
<p>8.6.2.2</p>	<p>The term “Section” is missing preceding 8. In addition, the Section number should be 8.0.</p> <p>8.6.2.2 In the event that the Administrator declines to review a petition under <u>subsection 8.6.2.1 of this regulation</u>, the CO₂ authorized account representative of a CO₂ budget unit that is not subject to an Acid Rain emissions limitation may submit a petition to the Department requesting approval to apply an alternative to any requirement of <u>Section 8.0 of this regulation</u>. That petition shall contain all of the relevant information specified in 40 CFR 75.66. Application of an alternative to any requirement of <u>Section 8.0 of this regulation</u> is in accordance with 8 only to the extent that the petition is approved in writing by the Department.</p>	<p>We propose adding “Section” preceding the reference to Section 8.0, as well as corrected the section number appropriately.</p> <p>8.6.2.2 In the event that the Administrator declines to review a petition under <u>subsection 8.6.2.1 of this regulation</u>, the CO₂ authorized account representative of a CO₂ budget unit that is not subject to an Acid Rain emissions limitation may submit a petition to the Department requesting approval to apply an alternative to any requirement of <u>Section 8.0 of this regulation</u>. That petition shall contain all of the relevant information specified in 40 CFR 75.66. Application of an alternative to any requirement of <u>Section 8.0 of this regulation</u> is in accordance with <u>Section 8.0</u> only to the extent that the petition is approved in writing by the Department.</p>
<p>8.7.2.1</p>	<p>Formatting for equation is incorrect. The term above the summation is on the opposite side of the equation. In addition, the capital sigma (Σ) used for summation is a capital letter E.</p> <p>m</p> $F_j = \sum_{i=1}^E (1 - M_i) \times F_i$	<p>We have proposed edits for the errors described. The equation was redone using the Equation Editor function in Microsoft Word to clarify how the equation should read.</p> <p>$F_j = \sum_{i=1}^E (1 - M_i) \times F_i$</p>

SECTION	DESCRIBE ERROR	PROPOSED CORRECTION
		$F_j = \sum_{i=1}^m (1 - M_i) \times F_i$
8.7.3.2	<p>Formatting for equation is incorrect. The terms above and below the summation are on the opposite side of the equation. In addition, the capital sigma (Σ) used for summation is a capital letter E.</p> <p>n $CO_2 \text{ tons} = \sum_{j=1}^n F_j \times C_j \times O_j \times 44/12 \times 0.0005$</p>	<p>We have proposed edits for the errors described. The equation was redone using the Equation Editor function in Microsoft Word to clarify how the equation should read.</p> <p>n $CO_2 \text{ tons} = E \sum_{j=1}^n F_j \times C_j \times O_j \times 44/12 \times 0.0005$</p> <p>$CO_2 \text{ tons} = \sum_{j=1}^n F_j \times C_j \times O_j \times 44/12 \times 0.0005$</p>
8.7.4.1	<p>The term “subsection” is missing preceding the 8.7 (b) in the description of F_j. In addition, the language for the section number is incorrect.</p> <p>F_j = Total eligible biomass dry basis fuel input (lbs) for fuel type j, as calculated in <u>8.7(b)</u>;</p>	<p>We propose adding “subsection” before the subsection number, as well as correcting the 8.7 (b) to 8.7.2.</p> <p>F_j = Total eligible biomass dry basis fuel input (lbs) for fuel type j, as calculated in <u>subsection 8.7(b).2</u>;</p>
8.7.4.2	<p>Equation is missing summation – capital sigma (Σ) – on the right side. Terms that should be above and below summation symbol are on the opposite side of the equation.</p> <p>n $\text{Heat Input MMBtu} = H_j$ $j = 1$</p>	<p>We have proposed edits for the errors described. The equation was redone using the Equation Editor function in Microsoft Word to clarify how the equation should read.</p> <p>n $\text{Heat Input MMBtu} = H_j$ $j = 1$</p> <p>$\text{Heat Input MMBtu} = \sum_{j=1}^n H_j$</p>

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9.2.1.3	<p>With the addition of subsections 9.2.1.5 and 9.2.1.6, the conjunction “and” should now be at the end of subsection 9.2.1.5.</p> <p>9.2.1.3 The minimum reserve price for the auction; and</p>	<p>We propose removing “and” from subsection 9.2.1.3.</p> <p>9.2.1.3 The minimum reserve price for the auction; and</p>
9.2.1.4	<p>With the addition of subsections 9.2.1.5 and 9.2.1.6, subsection 9.2.1.4 is no longer the last subsection of 9.2.1. Therefore, the period at the end of subsection 9.2.1.4 will become a semicolon.</p> <p>9.2.1.4 The CCR trigger price for the auction.</p>	<p>We propose changing the period at the end of subsection 9.2.1.4 to a semicolon.</p> <p>9.2.1.4 The CCR trigger price for the auction;</p>
9.2.1.5	<p>The conjunction “and” should be added to the end of subsection 9.2.1.5 since subsection 9.2.1.5 is the second to last subsection with subsection 9.2.1.</p> <p><u>9.2.1.5 The maximum number of CO₂ allowances that may be withheld from sale at the auction if the condition of subsection 9.2.4.1 of this section is met;</u></p>	<p>We propose adding “and” to the end of subsection 9.2.1.5.</p> <p><u>9.2.1.5 The maximum number of CO₂ allowances that may be withheld from sale at the auction if the condition of subsection 9.2.4.1 of this section is met;</u> <u>and</u></p>
10.3.1.2 Offset project locations	<p>The sentence in subsection 10.3.1.2 after “Offset project location” should start a new subsection numbered subsection 10.3.1.2.1.</p> <p>10.3.1.2 <i>Offset project locations.</i> To qualify for the award of CO₂ allowances under Section 10.0 of this regulation, eligible offset projects may be located in any of the following locations:</p>	<p>We propose pulling the described sentence out as a new subsection. Subsequent subsections will be renumbered.</p> <p>10.3.1.2 <i>Offset project locations.</i> To qualify for the award of CO₂ allowances under Section 10.0 of this regulation, eligible offset projects may be located in any of the following locations:</p> <p><u>10.3.1.2.1 To qualify for the award of CO₂ allowances under Section 10.0 of this regulation, eligible offset projects may be located in any of the following locations:</u></p>
10.3.1.2.1	<p>This subsection becomes a subsection of subsection 10.3.1.2.1 and will be renumbered.</p> <p>10.3.1.2.1 In the State of Delaware</p>	<p>We propose the following new subsection number.</p> <p><u>10.3.1.2.1</u> In the State of Delaware</p>
10.3.1.2.2	<p>This subsection becomes a subsection of subsection 10.3.1.2.1 and will be renumbered.</p>	<p>We propose the following new subsection number.</p>

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	<p>10.3.1.2.2 In any state or United States jurisdiction in which a cooperating regulatory agency has entered into a memorandum of understanding with the appropriate regulatory agencies of all participating states to carry out certain obligations relative to CO₂ emissions offset projects in that state or U.S. jurisdiction, including but not limited to the obligation to perform audits of offset project sites, and report violations of <u>Section 10.0</u>.</p>	<p>10.3.1.2.2 <u>10.3.1.2.2</u> In any state or United States jurisdiction in which a cooperating regulatory agency has entered into a memorandum of understanding with the appropriate regulatory agencies of all participating states to carry out certain obligations relative to CO₂ emissions offset projects in that state or U.S. jurisdiction, including but not limited to the obligation to perform audits of offset project sites, and report violations of <u>Section 10.0</u>.</p>
<p>10.3.1.2.2.1</p>	<p>This subsection is incorrectly numbered, as it is the second subsection under subsection 10.3.1.2. In addition, the subsection is repeated.</p> <p>10.3.1.2.2.1 Projects located (in whole or in part) in one or more participating states are not eligible for CO₂ offset allowances under <u>Section 10.0</u> unless more of the CO₂ equivalent emissions reduction or carbon sequestration due to the offset project is projected to occur in the State of Delaware than in any other participating state.</p> <p>10.3.1.2.2.1 Projects located (in whole or in part) in one or more participating states are not eligible for CO₂ offset allowances under <u>Section 10.0</u> unless more of the CO₂ equivalent emissions reduction or carbon sequestration due to the offset project is projected to occur in the State of Delaware than in any other participating state.</p>	<p>We propose placing this subsection under the appropriate subsection 10.3.1.2 and renumbering the subsection. In addition, We propose deleting the repeated subsection.</p> <p>10.3.1.2.2.1 Projects located (in whole or in part) in one or more participating states are not eligible for CO₂ offset allowances under <u>Section 10.0</u> unless more of the CO₂ equivalent emissions reduction or carbon sequestration due to the offset project is projected to occur in the State of Delaware than in any other participating state.</p> <p>10.3.1.2.2.1 — Projects located (in whole or in part) in one or more participating states are not eligible for CO₂ offset allowances under <u>Section 10.0</u> unless more of the CO₂ equivalent emissions reduction or carbon sequestration due to the offset project is projected to occur in the State of Delaware than in any other participating state.</p>
<p>10.5.1.4 Calculating Emissions Reductions</p>	<p>Error in the unit for Volume of CH₄ collected (V). A subscript 3 is used where the 3 should be a superscript to indicate cubic feet.</p> <p>V = Volume of CH₄ collected (ft₃)</p>	<p>We propose adjusting the subscript to a superscript to reflect the correct unit for volume.</p> <p>V = Volume of CH₄ collected (ft³)</p>
<p>10.5.3</p>	<p>The term “Section” is missing preceding 10. In addition, the Section number</p>	<p>We propose adding “Section” preceding the</p>

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	<p>should be 10.0.</p> <p>10.5.3 <i>Sequestration of carbon due to reforestation, improved forest management, or avoided conversion.</i> To qualify for the award of CO₂ offset allowances under 10, offset projects that involve reforestation, improved forest management, or avoided conversion shall meet all requirements of <u>subsection 10.5.3</u> and the forest offset protocol of this regulation and all other applicable requirements of <u>Section 10.0</u> of this regulation.</p>	<p>reference to Section 8.0, as well as corrected the section number appropriately.</p> <p>10.5.3 <i>Sequestration of carbon due to reforestation, improved forest management, or avoided conversion.</i> To qualify for the award of CO₂ offset allowances under <u>Section 10.0</u>, offset projects that involve reforestation, improved forest management, or avoided conversion shall meet all requirements of <u>subsection 10.5.3</u> and the forest offset protocol of this regulation and all other applicable requirements of <u>Section 10.0</u> of this regulation.</p>
10.5.3.1	<p>The term “subpart” is used when the term “subsection” and the subsection number should be used.</p> <p>10.5.3.1 <i>Eligibility.</i> Eligible forest offset projects shall satisfy all eligibility requirements of the forest offset protocol and this Subpart.</p>	<p>We propose removing the term “this Subpart” and replacing it with the appropriate subsection – subsection 10.5.3.</p> <p>10.5.3.1 <i>Eligibility.</i> Eligible forest offset projects shall satisfy all eligibility requirements of the forest offset protocol and this Subpart <u>subsection 10.5.3</u>.</p>
10.5.3.5.1	<p>The term “subsection” is missing preceding reference to subsection 9.2.2.</p> <p>10.5.3.5.1 Monitoring and verification reports shall include all forest offset project data reports submitted to the Department, including any additional data required by 9.2.2 of the forest offset protocol.</p>	<p>We propose adding “subsection” before 9.2.2.</p> <p>10.5.3.5.1 Monitoring and verification reports shall include all forest offset project data reports submitted to the Department, including any additional data required by <u>subsection 9.2.2</u> of the forest offset protocol.</p>
10.5.3.5.2	<p>The term “section” is used where the term “subsection” should be used.</p> <p>10.5.3.5.2 The consistency application shall include a monitoring and verification plan certified by an independent verifier accredited pursuant to <u>subsection 10.6</u> of this regulation. The monitoring and verification plan shall consist of a forest carbon inventory program, as required by section 8.1 of the forest offset protocol.</p>	<p>We propose changing “section” to “subsection.”</p> <p>10.5.3.5.2 The consistency application shall include a monitoring and verification plan certified by an independent verifier accredited pursuant to <u>subsection 10.6</u> of this regulation. The monitoring and verification plan shall consist of a forest carbon</p>

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		inventory program, as required by section <u>subsection</u> 8.1 of the forest offset protocol.
10.5.3.7	<p>The term “subsection” is missing preceding reference to subsection 10.5.3.8.</p> <p>10.5.3.7 Prior to the award of CO₂ offset allowances pursuant to subsection 10.7 of this regulation, or to any transfer allowances pursuant to <u>10.5.3.8</u>, any quantity expressed in metric tons, or metric tons of CO₂ equivalent, shall be converted to tons using the conversion factor specified in subsection 1.2 of this regulation.</p>	<p>We propose adding “subsection” before 10.5.3.8.</p> <p>10.5.3.7 Prior to the award of CO₂ offset allowances pursuant to <u>subsection</u> 10.7 of this regulation, or to any transfer allowances pursuant to <u>subsection</u> 10.5.3.8, any quantity expressed in metric tons, or metric tons of CO₂ equivalent, shall be converted to tons using the conversion factor specified in <u>subsection 1.2 of this regulation</u>.</p>
10.5.3.8.3.1	<p>The word “or” should be added to describe the Department or its agent.</p> <p>10.5.3.8.3.1 The project sponsor must surrender to the <u>Department its agent</u> for retirement a quantity of CO₂ Allowances in the amount calculated pursuant to project termination provisions in the forest offset protocol within six months of project termination.</p>	<p>We propose adding the word “or” for clarity.</p> <p>10.5.3.8.3.1 The project sponsor must surrender to the Department <u>or</u> its agent for retirement a quantity of CO₂ Allowances in the amount calculated pursuant to project termination provisions in the forest offset protocol within six months of project termination.</p>
10.5.3.8.3.2	<p>Language from the original Model Rule occurs at the end of this subsection. In addition, a period is needed at the end of the subsection.</p> <p>10.5.3.8.3.2 If the project sponsor does not surrender to the Department or its agent a quantity of CO₂ Allowances in the amount calculated pursuant to project termination provisions in the forest offset protocol within six months of project termination, they will be subject to enforcement action and each CO₂ offset allowance not surrendered will constitute a separate violation <u>of this Part</u> and applicable state law</p>	<p>We propose to change the term “Part” to “section.” We have also added a period at the end of the subsection.</p> <p>10.5.3.8.3.2 If the project sponsor does not surrender to the Department or its agent a quantity of CO₂ Allowances in the amount calculated pursuant to project termination provisions in the forest offset protocol within six months of project termination, they will be subject to enforcement action and each CO₂ offset allowance not surrendered will constitute a separate violation of <u>this Part section</u> and applicable state law.</p>
10.5.3.10.3.2	The term “subsection” is missing preceding reference to subsection 10.7.	We propose adding “subsection” before 10.7.

SECTION	DESCRIBE ERROR	PROPOSED CORRECTION
	<p>10.5.3.10.3.2 The project sponsor or voluntary greenhouse gas program has canceled or retired all credits that were awarded for carbon sequestration that occurred during the time periods for which the project intends to be awarded CO₂ offset allowances pursuant to 10.7, and such credits were canceled or required for the sole purpose of allowing the project to be awarded CO₂ offset allowances pursuant to <u>subsection 10.7</u>.</p>	<p>10.5.3.10.3.2 The project sponsor or voluntary greenhouse gas program has canceled or retired all credits that were awarded for carbon sequestration that occurred during the time periods for which the project intends to be awarded CO₂ offset allowances pursuant to <u>subsection 10.7</u>, and such credits were canceled or required for the sole purpose of allowing the project to be awarded CO₂ offset allowances pursuant to <u>subsection 10.7</u>.</p>
<p>10.5.5.1.3.1</p>	<p>The term MP (%) is not defined for the equation in subsection 10.5.5.1.3.1. MP (%) is the market penetration rate that is discussed in the paragraph preceding the equation.</p> <p>10.5.5.1.3.1 The offset project is located in a state that has a market penetration rate for anaerobic digester projects of 5% or less. The market penetration determination shall utilize the most recent market data available at the time of submission of the consistency application pursuant to <u>subsection 10.4</u> of this regulation and shall be determined as follows:</p> $\text{MP (\%)} = \text{MG}_{\text{AD}} / \text{MG}_{\text{STATE}}$ <p>Where: MG_{AD} = Average annual manure generation for the number of dairy cows and swine serving all anaerobic digester projects in the applicable state at the time of submission of a consistency application pursuant to <u>subsection 10.4</u> of this regulation. MG_{STATE} = average annual manure production of all dairy cows and swine in the state at the time of submission of a consistency application pursuant to <u>subsection 10.4</u> of this regulation.</p>	<p>We propose adding MP in parentheses in the paragraph preceding the equation.</p> <p>10.5.5.1.3.1 The offset project is located in a state that has a market penetration rate (<u>MP (%)</u>) for anaerobic digester projects of 5% or less. The market penetration determination shall utilize the most recent market data available at the time of submission of the consistency application pursuant to <u>subsection 10.4</u> of this regulation and shall be determined as follows:</p> $\text{MP (\%)} = \text{MG}_{\text{AD}} / \text{MG}_{\text{STATE}}$ <p>Where: MG_{AD} = Average annual manure generation for the number of dairy cows and swine serving all anaerobic digester projects in the applicable state at the time of submission of a consistency application pursuant to <u>subsection 10.4</u> of this regulation. MG_{STATE} = average annual manure production of all dairy cows and swine in the state at the time of submission of a consistency application pursuant to <u>subsection 10.4</u> of this</p>

SECTION	DESCRIBE ERROR	PROPOSED CORRECTION
10.5.5.3.2	<p>The term VS_{deg} in the equation should be updated to reflect the change from degraded to decomposed, as in the text preceding the equation. In addition, VS_{deg} is not explicitly defined, although it is discussed in the text preceding the equation.</p> <p>10.5.5.3.2 The estimated amount of volatile solids degraded <u>decomposed</u> each month under the uncontrolled anaerobic storage baseline scenario (kg) shall be calculated as follows:</p> $VS_{deg} = VS_{avail} \times f$ <p>Where: VS = volatile solids as determined from the equation: $VS = M_m \times TS_{\%} \times VS_{\%}$ where: M_m = mass of manure or organic food waste produced per month (kg)</p> <p>$TS_{\%}$ = concentration (percent) of total solids in manure or organic food waste as determined through I-3750, "Solids, residue on evaporation at 105 degrees C, total, gravimetric," Methods for the Determination of Inorganic Substances in Water and Fluvial Sediments, Techniques of Water-Resources Investigations of the United States Geological Survey, Book 5, Chapter A1. Edited by Marvin J. Fishman and Linda C. Friedman.</p> <p>$VS_{\%}$ = concentration (percent) of volatile solids in total solids as determined through EPA 160.4 testing method (U.S.EPA Method Number 160.4, Methods for the Chemical Analysis of Water and Wastes (MCAWW) (EPA/600/4-79/020))</p> <p>VS_{avail} = volatile solids available for degradation <u>decomposition</u> in manure or organic food waste storage each month as determined from the equation:</p> $VS_{avail} = VS_p + \frac{1}{2} VS_{in} - VS_{out}$	<p>regulation.</p> <p>We propose changing the term VS_{deg} to reflect the change from degraded to decomposed. In addition we propose to add the term VS_{dec} in parentheses in the text preceding the equation.</p> <p>10.5.5.3.2 The estimated amount of volatile solids degraded <u>decomposed</u> (VS_{dec}) each month under the uncontrolled anaerobic storage baseline scenario (kg) shall be calculated as follows:</p> $VS_{deg} \quad VS_{dec} = VS_{avail} \times f$ <p>Where: VS = volatile solids as determined from the equation: $VS = M_m \times TS_{\%} \times VS_{\%}$ where: M_m = mass of manure or organic food waste produced per month (kg) $TS_{\%}$ = concentration (percent) of total solids in manure or organic food waste as determined through I-3750, "Solids, residue on evaporation at 105 degrees C, total, gravimetric," Methods for the Determination of Inorganic Substances in Water and Fluvial Sediments, Techniques of Water-Resources Investigations of the United States Geological Survey, Book 5, Chapter A1. Edited by Marvin J. Fishman and Linda C. Friedman.</p> <p>$VS_{\%}$ = concentration (percent) of volatile solids in total solids as determined through EPA 160.4 testing method (U.S.EPA Method Number 160.4, Methods for the Chemical Analysis of Water and Wastes (MCAWW) (EPA/600/4-79/020))</p>

SECTION	DESCRIBE ERROR	PROPOSED CORRECTION
		<p>VS_{avail} = volatile solids available for degradation <u>decomposition</u> in manure or organic food waste storage each month as determined from the equation:</p> $VS_{avail} = VS_p + \frac{1}{2} VS_{in} - VS_{out}$
10.5.5.3.3	<p>The term VS_{deg} should be updated to reflect the change from degraded to decomposed.</p> <p>10.5.5.3.3 The volume of CH_4 produced (ft^3) from degradation <u>decomposition</u> of volatile solids shall be calculated as follows:</p> $V_m = (VS_{deg} VS_{dec} \times B_o) \times 35.3147$ <p>Where: V_m = volume of CH_4 (ft^3) VS_{deg} = volatile solids degraded <u>decomposed</u> (kg) B_o = manure or organic food waste type-specific maximum methane generation constant ($m^3 CH_4/kg VS$ degraded <u>decomposed</u>). For dairy cow manure, $B_o = 0.24 m^3 CH_4/kg VS$ degraded <u>decomposed</u>. The methane generation constant for other types of manure shall be those cited at U.S. EPA, Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2010, Annex 3.10, Table A-162<u>180</u> (U.S. Environmental Protection Agency, April 2012 <u>February 2017</u>), unless the project sponsor proposes an alternate methane generation constant <u>and that alternate is approved by the Department</u>. If the project sponsor proposes to use a methane generation constant other than the ones found in the above-cited reference, the project sponsor must provide justification and documentation to the Department.</p>	<p>We propose changing the term VS_{deg} to VS_{dec} to reflect the change of degraded to decomposed.</p> <p>10.5.5.3.3 The volume of CH_4 produced (ft^3) from degradation <u>decomposition</u> of volatile solids shall be calculated as follows:</p> $V_m = (VS_{deg} VS_{dec} \times B_o) \times 35.3147$ <p>Where: V_m = volume of CH_4 (ft^3) VS_{deg} VS_{dec} = volatile solids degraded <u>decomposed</u> (kg) B_o = manure or organic food waste type-specific maximum methane generation constant ($m^3 CH_4/kg VS$ degraded <u>decomposed</u>). For dairy cow manure, $B_o = 0.24 m^3 CH_4/kg VS$ degraded <u>decomposed</u>. The methane generation constant for other types of manure shall be those cited at U.S. EPA, Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2010, Annex 3.10, Table A-162<u>180</u> (U.S. Environmental Protection Agency, April 2012 <u>February 2017</u>), unless the project sponsor proposes an alternate methane generation constant <u>and that alternate is approved by the Department</u>. If the project sponsor proposes to use a methane generation constant other than the ones found in the above-cited reference, the project sponsor must provide justification and documentation to the Department.</p>

SECTION	DESCRIBE ERROR	PROPOSED CORRECTION
10.7.3.2	<p>The term “subsection” is missing preceding reference to subsection 10.5.</p> <p>10.7.3.2 The CO₂ emissions reduction or CO₂ sequestration determination as required by the relevant provisions of 10.5 of this regulation, including a demonstration that the project sponsor complied with the required quantification, monitoring, and verification procedures under <u>subsection 10.5 of this regulation</u>, as well as those outlined in the consistency application approved pursuant to <u>subsection 10.4.5.2 of this regulation</u>.</p>	<p>We propose adding “subsection” before 10.5.</p> <p>10.7.3.2 The CO₂ emissions reduction or CO₂ sequestration determination as required by the relevant provisions of <u>subsection 10.5 of this regulation</u>, including a demonstration that the project sponsor complied with the required quantification, monitoring, and verification procedures under <u>subsection 10.5 of this regulation</u>, as well as those outlined in the consistency application approved pursuant to <u>subsection 10.4.5.2 of this regulation</u>.</p>
10.7.3.5	<p>Change of preposition from “at” to “of” when referring to subsection 10.5.</p> <p>10.7.3.5 A verification report and certification statement signed by an independent verifier accredited pursuant to <u>subsection 10.6 of this regulation</u> that documents that the independent verifier has reviewed the monitoring and verification report and evaluated the following in relation to the applicable requirements at subsection 10.5 of this regulation, and any applicable guidance issued by the Department.</p>	<p>We propose changing “at” to “of” to remain consistent with language of the regulation.</p> <p>10.7.3.5 A verification report and certification statement signed by an independent verifier accredited pursuant to <u>subsection 10.6 of this regulation</u> that documents that the independent verifier has reviewed the monitoring and verification report and evaluated the following in relation to the applicable requirements <u>at-of subsection 10.5 of this regulation</u>, and any applicable guidance issued by the Department.</p>