

would authorize the construction of any structure which would cast a new shadow on the Public Garden; provided, however, that the provisions of this section shall not apply to actions authorizing:

(a) Any structure which casts a new shadow upon the Public Garden only during the first hour after sunrise or before seven o'clock in the morning, whichever is later, or the last hour before sunset;

(b) Any structure within the Midtown Cultural District established by Article 38 which casts no new shadow upon the Public Garden after ten o'clock in the morning on any day from March 21 to October 21, inclusive, in any calendar year; or

(c) Any structure in the city of Boston included in a development plan or a master plan within a planned development area, all as approved on or before May 1, 1990, by the Boston Zoning Commission in accordance with chapter 665 of the acts of 1956, as such development plan or master plan may thereafter be amended; provided, however, that such amendment shall not permit construction of a structure which casts additional new shadow on any area of the Public Garden.

**SECTION 3.** This act shall take effect upon its passage.

Approved January 14, 1993.

**Chapter 385. AN ACT REQUIRING A REPORT OF CARBON DIOXIDE EMISSIONS FROM POWER GENERATING FACILITIES.**

*Be it enacted, etc., as follows:*

**SECTION 1.** All power generating facilities shall provide a report indicating the amount of carbon dioxide emissions released from each facility and the installation of continuous emission monitors for carbon dioxide shall not be required. Fuel sampling coupled with unit operating data or any scientifically feasible method may be used.

**SECTION 2.** The report required pursuant to section 1 shall commence on January first, nineteen hundred and ninety-three and terminate December thirty-first, nineteen hundred and ninety-three and shall include carbon dioxide emissions released during said time period along with the previous two years' emissions so that a three year average of carbon dioxide emissions can be calculated. Said report shall be submitted to the house and senate chairmen of the joint committee on energy, the director of the department of environmental protection, and the Director of Air Quality, Environmental Protection Agency, Region I, on or before, March thirty-first, nineteen hundred and ninety-four.

Approved January 14, 1993.