

SENATE No. 1764

The Commonwealth of Massachusetts

PRESENTED BY:

Benjamin B. Downing

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to renewable energy portfolio standards.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Benjamin B. Downing</i>	<i>Berkshire, Hampshire, Franklin and Hampden</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>

SENATE No. 1764

By Mr. Downing, a petition (accompanied by bill, Senate, No. 1764) of Benjamin B. Downing and Marjorie C. Decker for legislation relative to renewable energy portfolio standards. Telecommunications, Utilities and Energy.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1583 OF 2013-2014.]

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to renewable energy portfolio standards.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Subsection (c) of section 11F of Chapter 25A, as amended by section 15 of
2 chapter 209 of the acts of 2012, is hereby further amended by striking out paragraph (6) and
3 inserting in place thereof, the following paragraph:-

4 (6) energy generated by new hydroelectric facilities, or incremental new energy from
5 increased capacity or efficiency improvements at existing hydroelectric facilities; provided,
6 however, that (i) each such new facility or increased capacity or efficiency at each such existing
7 facility must meet appropriate and site-specific standards that address adequate and healthy river
8 flows, water quality standards, fish passage and protection measures and mitigation and
9 enhancement opportunities in the impacted watershed as determined by the department in
10 consultation with relevant state and federal agencies having oversight and jurisdiction over

11 hydropower facilities (“Environmental Standards”), and in any case in which pursuant to action
12 initiated with or by the Federal Energy Regulatory Commission (FERC) after January 1, 1992
13 the FERC either reviewed and approved the new facility or increased capacity or efficiency at an
14 existing facility, or issued an order with respect to increased capacity or efficiency improvements
15 to revise the authorized installed capacity at an existing facility, where the operation of such
16 increased capacity or efficiency does not exceed the maximum discharge of the original turbine
17 or turbines, then such new facility or increased capacity or efficiency at each such existing
18 facility shall be deemed to have satisfied the Environmental Standards, defined above, and
19 except as limited by the following sub-section (6) (ii), shall be certified as a Class I renewable
20 energy generating source, without further review; (ii) only energy from new facilities having a
21 capacity up to 30 megawatts or attributable to improvements that incrementally increase capacity
22 or efficiency by up to 30 megawatts at an existing hydroelectric facility shall qualify; and (iii) no
23 such facility shall involve pumped storage of water;

24 SECTION 2. Subsection (d) of section 11F of chapter 25A, as amended by section 16 of
25 chapter 209 of the acts of 2012, is hereby further amended by striking out paragraph (6) and
26 inserting in place thereof, the following paragraph:-

27 (6) energy generated by existing hydroelectric facilities, provided that, (i) each such
28 existing facility shall meet appropriate and site-specific standards that address adequate and
29 healthy river flows, water quality standards, fish passage and protection measures and mitigation
30 and enhancement opportunities in the impacted watershed as determined by the department in
31 consultation with relevant state and federal agencies having oversight and jurisdiction over
32 hydropower facilities (“Environmental Standards”), provided that: (a) in any case in which an
33 existing facility operates under Federal Energy Regulatory Commission (FERC) jurisdiction

34 pursuant to action initiated with or by the FERC after January 1, 1992, such existing facility shall
35 be deemed to have satisfied the Environmental Standards, defined above, and except as limited
36 by the following subsection 6 (iii), shall be certified as a Class II renewable energy generating
37 source without further review; or (b) in any case in which an existing facility, with FERC
38 nameplate capacity greater than 1 MW, operating under FERC jurisdiction, pursuant to action
39 initiated with or by and approved by the FERC prior to January 1, 1992, the department may, by
40 appropriate means, determine that such existing facility meets the Environmental Standards; (ii)
41 existing, FERC regulated facilities, with FERC nameplate capacity of 1 MW or less shall be
42 certified as Class II renewable energy generating sources, without further review of
43 Environmental Standards, as defined above; and (iii) provided further, that only energy from
44 existing facilities up to 7.5 megawatts shall be considered renewable energy and no such facility
45 shall involve pumped storage of water;