

**SENATE . . . . . No. 1785**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Marc R. Pacheco***

*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 to protect our environment and update our climate action plan.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>	
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>	
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>	
<i>Denise Provost</i>	<i>27th Middlesex</i>	
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	
<i>Gailanne M. Cariddi</i>	<i>1st Berkshire</i>	<i>6/25/2015</i>

**SENATE . . . . . No. 1785**

By Mr. Pacheco, a petition (accompanied by bill, Senate, No. 1785) of Marc R. Pacheco, Frank I. Smizik, Lori A. Ehrlich, Denise Provost and other members of the General Court for legislation to protect our environment and update our climate action plan. Telecommunications, Utilities and Energy.

**The Commonwealth of Massachusetts**

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

An Act to protect our environment and update our climate action plan.

*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. (a) Notwithstanding any general or special law to the contrary, no power  
2 generating facility in operation on and after January 1, 2017 shall utilize or gasify coal, and no  
3 utility may purchase and seek to sell electricity, in or out of state, from coal-fired power plant  
4 facilities.

5 (b) On or before January first, two thousand eighteen, the Secretary of Energy and  
6 Environmental Affairs shall publish a plan detailing:

7 (1) how the Commonwealth will provide support for all communities that hosted  
8 operational coal plants as of January first, two thousand ten to enable a full site transition toward  
9 something that meets the needs of the towns as laid out by their elected municipal  
10 representatives; and

11 (2) how the Commonwealth will provide re-training and employment placement support  
12 for all currently unemployed workers who worked in a coal-burning power plant operational on  
13 or after January first, two thousand ten.

14 (c) Section 26A of chapter 21 of the General Laws, as appearing in the 2014 Official  
15 Edition, is hereby amended by adding, after the definition of “Effluent limitation,” the following  
16 definition:-

17 “Fluid,” means any material or substance which flows or moves whether in semi-solid,  
18 liquid, sludge, gas, or any other form or state.

19 (d) Said section 26A of said chapter 21, as so appearing, is hereby further amended by  
20 adding, after the definition of “FWPCA,” the following definitions:-

21 “Gas,” means all natural gas, whether hydrocarbon or nonhydrocarbon, including  
22 hydrogen sulfide, helium, carbon dioxide, nitrogen, hydrogen, casinghead gas, and all other fluid  
23 hydrocarbons not defined as oil.

24 “Hydraulic fracturing,” means the process of pumping a fluid into or under the surface of  
25 the ground in order to create fractures in rock for the purpose of the production or recovery of oil  
26 or gas

27 “Oil,” means crude petroleum, oil, and all hydrocarbons, regardless of specific gravity,  
28 that are in the liquid phase in the reservoir and are produced at the wellhead in liquid form.

29 “Oil and gas,” means oil and gas collectively, or either oil or gas, as the context may  
30 require to give effect to the purposes of this chapter.

31 (e) Said section 26A of said chapter 21, as so appearing, is hereby further amended by  
32 inserting in the definition of “Pollutant” after the word “effluent,” in line 36, the following  
33 words:-

34 “hydraulic fracturing fluid,”

35 (f) Section 27 of said chapter 21, as so appearing, is hereby amended by inserting, after  
36 clause 13, in line 83, the following new clause:-

37 (14) Enforce prohibitions on drilling, waste treatment and disposal, and mining activities  
38 which have been enacted to protect the water quality and the natural resources of the  
39 commonwealth.

40 (g) Chapter 21 of the General Laws, as so appearing, is hereby amended by inserting after  
41 section 39 the following section:-

42 Section 39A. (a) No person may engage in hydraulic fracturing in the commonwealth.

43 (b) No person may collect, store, treat, or dispose of wastewater hydraulic fracturing  
44 fluid, wastewater solids, drill cuttings or other byproducts from hydraulic fracturing within the  
45 commonwealth.

46 (h) Section 42 of said chapter 21, as so appearing, is hereby amended by inserting after  
47 the word “commonwealth,” in line 3, the following words:-

48 “or into an injection well or into a treatment works in the commonwealth.”

49 SECTION 2. Notwithstanding any general or special law to the contrary, commencing  
50 180 days after the enactment of this legislation, no person shall construct or install any new oil or

51 coal generation facility or any fossil fuel generation facility that raises the state’s carbon  
52 footprint.

53 SECTION 3. (a) As used in this section, the following words shall, unless the context  
54 otherwise requires, have the following meanings:—

55 “Fossil fuel companies” shall mean companies identified by a Global Industry  
56 Classification System code in one of the following sectors: (1) coal and consumable fuels; (2)  
57 integrated oil and gas; (3) oil and gas exploration and production.

58 “Public fund” shall be defined as the Massachusetts Pension Reserves Investment Trust  
59 or the Pension Reserves Investment Management Board.

60 (b) Notwithstanding any general or special law to the contrary, within 180 days of the  
61 effective date of this act, the public fund shall identify all of the fossil fuel companies in which  
62 the fund owns holdings and shall divest all publicly-traded holdings of each company identified  
63 within 5 years of the effective date of this act. At no time shall the public fund acquire new assets  
64 or securities of fossil fuel companies.

65 SECTION 4. (a) Section 1 of chapter 21N of the General Laws, as appearing in the 2014  
66 Official Edition, is hereby amended by inserting, in line 60, after the word “chapter” the  
67 following words:- “; or (iii) an economy-wide price on carbon”

68 (b) Said section 1 of said chapter 21N, as so appearing, is hereby amended by striking  
69 out, in line 54, the word:- “or”

70 (c) Subsection (b) of said section 7 of said chapter 21N of the General Laws, as so  
71 appearing, is hereby amended by striking out, in line 15, the word “may” and inserting in place  
72 thereof the word:- “shall”

73 (d) Said subsection (b) of said section 7 of said chapter 21N of the General Laws, as so  
74 appearing, is hereby amended by inserting, in line 16, after the word “mechanisms” the word:- “,  
75 including, but not limited to, an economy-wide price on carbon,

76 (e) Said subsection (b) of said section 7 of said chapter 21 of the General Laws, as so  
77 appearing, is hereby amended by inserting after the last sentence the following sentences:- “All  
78 revenue derived from said economy-wide price on carbon shall be placed into a Clean Energy  
79 and Transportation Fund. 20 percent of the fund shall be used for public transportation and  
80 energy projects which will reduce carbon emissions and help Massachusetts transition from  
81 fossil fuels. The remaining revenue shall be returned to all Massachusetts residents through a  
82 revenue rebate program established by the Department of Revenue.

83 SECTION 5. (a) Within 180 days of the effective date of this act, the Department of  
84 Environmental Protection shall identify Massachusetts public, private and agricultural enterprises  
85 providing methane emissions.

86 (b) Within one year of the effective date of this act, the Department of Environmental  
87 Protection shall promulgate regulations to encourage and provide incentives for increased use of  
88 anaerobic digesters.

89 SECTION 6. (a) Notwithstanding any general or special law to the contrary the state shall  
90 establish a goal of generating 20% of our total electricity use from solar energy by 2025. Within  
91 one year of the effective date of this Act, the Department of Energy Resources shall report back

92 to the legislature with a comprehensive plan to achieve this goal, considering numerous policy  
93 options including: (1) increasing the state’s Renewable Portfolio Standard; (2) adding a carve-out  
94 within the RPS for solar energy; (3) increasing the net metering cap; (4) providing purchase  
95 incentives for solar, and increasing energy storage and microgrids within the state. The  
96 department’s analysis shall also specifically consider ways to expand solar access to low and  
97 moderate-income consumers.

98 (b) Within one year of the effective date of this act, the Department of Energy Resources  
99 shall promulgate regulations to provide incentives to encourage increased use of smart meters in  
100 the state. Said incentives may include, but are not limited to: (1) savings for utilities if a certain  
101 number of customers adopt smart meters; and (2) offer utility bill savings for customers who  
102 adopt smart meters.

103 (c) Within one year of the effective date of this act, the Department of Public Safety shall  
104 promulgate regulations to work toward updating and strengthening the Stretch Energy Code.

105 (d) Within one year of the effective date of this act, the Department of Transportation  
106 shall promulgate regulations to develop and implement a clean fuel standard. Said clean fuel  
107 standard shall aim to reduce the carbon intensity of transportation fuels, while accounting for the  
108 full lifecycle greenhouse gas emissions of all fuels.