

**HOUSE . . . . . No. 2689**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Michelle M. DuBois***

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*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 regulating the location of generation facilities.**

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PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>Claire D. Cronin</i>	<i>11th Plymouth</i>
<i>Gerard Cassidy</i>	<i>9th Plymouth</i>

**HOUSE . . . . . No. 2689**

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By Ms. DuBois of Brockton, a petition (accompanied by bill, House, No. 2689) of Michelle M. DuBois and others relative to the locating of generation facilities within one mile of certain public areas and areas of critical environmental concern. Telecommunications, Utilities and Energy.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
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An Act regulating the location of generation facilities.

*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. Section 1 of Chapter 164 of the General Laws as appearing in the 2014  
2 Official Edition, is hereby amended by inserting after the definition of "Energy storage system"  
3 the following:

4           “Environmental justice,” the right to be protected from environmental pollution and to  
5 live in and enjoy a clean and healthful environment regardless of race, income, national origin or  
6 English language proficiency. Environmental justice shall include the equal protection and  
7 meaningful involvement of all people with respect to the development, implementation, and  
8 enforcement of environmental laws, regulations, and policies and the equitable distribution of  
9 environmental benefits.

10           "Environmental Justice Population," a neighborhood whose annual median household  
11 income is equal to or less than 65 percent of the statewide median or whose population is made

12 up 25 percent minority or lacking English language proficiency or as determined by the  
13 Executive Office of Energy and Environmental Affairs pursuant to Executive Order 552.

14 SECTION 2. Chapter 164 of the General Laws is hereby amended by adding the  
15 following section:-

16 Section 69J1/4A. Notwithstanding any general or special law, rule or regulation to the  
17 contrary no generating facility shall be located in an area which is less than 1 mile in linear  
18 distance from an environmental justice community, playground, licensed day-care center, school,  
19 church, area of critical environmental concern, as determined by the secretary of environmental  
20 affairs pursuant to 301 CMR 12.00, or an area occupied by residential housing. This linear  
21 distance shall be measured from any point along a generating facility to the outermost point of  
22 aforementioned zones; provided, however, that repairs or replacements that do not increase  
23 megawatts generated in any generation facility in operation prior to January 1, 2017, shall not be  
24 subject to this section.