

SENATE No. 1501

The Commonwealth of Massachusetts

PRESENTED BY:

Patrick M. O'Connor

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 protecting air quality from carbon-emitting energy generators.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | |
|----------------------------|--------------------------------------|------------------|
| <i>Patrick M. O'Connor</i> | <i>Plymouth and Norfolk</i> | |
| <i>James M. Murphy</i> | <i>4th Norfolk</i> | <i>2/25/2021</i> |
| <i>John F. Keenan</i> | <i>Norfolk and Plymouth</i> | <i>3/15/2021</i> |
| <i>Walter F. Timilty</i> | <i>Norfolk, Bristol and Plymouth</i> | <i>3/15/2021</i> |
| <i>Mark J. Cusack</i> | <i>5th Norfolk</i> | <i>3/15/2021</i> |

SENATE No. 1501

By Mr. O'Connor, a petition (accompanied by bill, Senate, No. 1501) of Patrick M. O'Connor, James M. Murphy, John F. Keenan, Walter F. Timilty and others for legislation to protect air quality from carbon-emitting energy generators. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1319 OF 2019-2020.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to protecting air quality from carbon-emitting energy generators.

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

1 Chapter 111 of the General Laws is hereby amended by inserting after section 142E the
2 following new section:-

3 Section 142E 1/2. The department shall not approve an air quality plan or operating
4 permit for a facility associated with the generation or transport of carbon-emitting energy sources
5 to be located in any area where any air pollutant chemical or air pollutant compound as defined
6 in 42 USC s. 7412 exceeds the ambient air toxics guidelines set forth by the department of
7 environmental protection unless the applicant demonstrates to the department, and the
8 department makes a finding, that operation of the facility is impossible at any other site in the
9 commonwealth and that denial of the application is incompatible and irreconcilable with the

10 policies established under section 69H of chapter 164 to provide a necessary energy supply for
11 the commonwealth with a minimum impact on the environment.

12 SECTION 2. Section 69J of Chapter 164 of the General Laws, as appearing in the 2016
13 Official Edition, is hereby amended by inserting after the word “policies” in line 65 the
14 following words:-

15 “permitting, and licensure requirements,”