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SENATE . . . . . No. 30

Senate, March 11, 2021 -- Report of the committee on Bills in the Third Reading, to whom was referred the amendment recommended by His Excellency the Governor to the engrossed Bill creating a next-generation roadmap for Massachusetts climate policy (see Senate, No. 9)

The Commonwealth of Massachusetts

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

The Committee on Bills in the Third Reading reported that the amendment recommended by the Governor be adopted as follows:

Amend the bill, in section 1, by striking out, in lines 5 to 6, the words "in the commonwealth including, but not limited to, emissions from any transportation vehicle," and inserting in place thereof the following words:- including, but not limited to, emissions from transportation or heating fuels or from any.

And amend the bill, in section 2, by inserting after the word "emissions" in line 12, the first time it appears, the following words:- , including but not limited to greenhouse gas emissions from transportation fuels, heating fuels, or electricity that are used, distributed, consumed, combusted, or sold into the commonwealth,.

And further amend section 2 by inserting after the word "sublimits", in line 15, the following words:- ; provided, however when used in relation to the regulation of emissions, a person or entity that sells or distributes transportation fuels, heating fuels, or electricity may be considered to be the source of greenhouse gas emissions from the use, distribution, consumption, combustion, or sale of such fuels or electricity.

And amend the bill, in section 4, by striking out, in line 26, the word "gases" and inserting in place thereof the following words:- gas emissions.

And further amend section 4 by striking out, in line 29, the word "annual".

And further amend section 4 by striking out, in lines 32 to 34, inclusive, the words "secretary, the regional greenhouse gas initiative or other regional program that result in the same greenhouse gas emissions reduction, over the same time period, as direct compliance with a greenhouse gas emissions limit or emission reduction measure adopted pursuant to this chapter" and inserting in place thereof the following words:- secretary and the department, the regional

greenhouse gas initiative or other similar multi-jurisdictional program that results in greenhouse gas emissions reductions.

And amend the bill, in section 5, by striking out lines 45 to 47, inclusive, and inserting in place thereof the following sentence:- The department shall establish programs to monitor and reduce emissions of greenhouse gases and shall promulgate regulations regarding sources or categories of sources that emit greenhouse gases in order to achieve the greenhouse gas emissions limits and sublimits and implement the roadmap plans required by this chapter.

And amend the bill, in section 9, in proposed subsection (b) of section 3A of chapter 21N, by inserting after the figure "3", in line 78, the following words:- provided, however, that a sublimit shall not be found to have been binding for a given prior year if the commonwealth is found to have complied with the statewide greenhouse gas limit adopted pursuant to subsection (b) of section 3 for the same year.

And amend section 10 by striking out, in lines 182 to 184, inclusive, the words "promulgate regulations regarding all sources or categories of sources that emit greenhouse gases in order to achieve the emissions limits and sublimits and implement the roadmap plans set forth in subsection (b) of section 3" and inserting in place thereof the following words:- establish programs to reduce emissions of greenhouse gases and promulgate regulations regarding sources or categories of sources that emit greenhouse gases in order to achieve the greenhouse gas emissions limits and sublimits and implement the roadmap plans required by this chapter.

And amend the bill by inserting after section 11 the following 2 sections:-

SECTION 11A. Section 7 of said chapter 21N, as so appearing, is hereby amended by striking out subsection (b) and inserting in place thereof the following subsection:-

(b) The secretary and the department may adopt regulations governing market-based compliance mechanisms to reduce greenhouse gas emissions from sources or categories of sources in order to achieve the statewide greenhouse gas emissions limits and sublimits required by this chapter.

SECTION 11B. Said section 7 of said chapter 21N, as so appearing, is hereby amended by inserting after the word "office" in line 28 the following words:- and the department.

And amend the bill, in section 14, in proposed section 13 of chapter 23J, by striking out subsection (b) and inserting in place thereof the following words:-

(b) The department of public utilities shall annually direct the electric and gas distribution companies and municipal aggregators with certified energy plans to jointly transfer funds collected pursuant to section 19 of chapter 25 to the center for the purposes of implementing the clean energy equity workforce and market development program; provided, that the electric and gas distribution companies and municipal aggregators with certified energy plans shall transfer no less than $12,000,000 no later than December 31 each year. Such transfer shall not reduce the

amount expended on low-income programs pursuant to subsection (c) of said section 19 of said chapter 25.

And amend the bill, in section 16, by inserting after the word “reductions”, in line 229, the following words:- , except in the cases of conversions from fossil fuel heating and cooling to fossil fuel heating and cooling.

And amend the bill, in section 17, by inserting after the word “reductions”, in line 233, the following words:- , except in the cases of conversions from fossil fuel heating and cooling to fossil fuel heating and cooling.

And amend the bill, in section 18, by inserting after the word “reductions”, in line 237, the following words:- , except in the cases of conversions from fossil fuel heating and cooling to fossil fuel heating and cooling.

And amend the bill, in section 19, by inserting after the word “annually” in line 241, the following words:- direct the electric and gas distribution companies and municipal aggregators with certified energy plans to jointly.

And further amend section 19 by striking out, in line 244, the words “low-income program funds allocated” and inserting in place thereof the following words:- the amount expended on low-income programs.

And amend the bill, in section 21, by inserting after the word “reductions”, in line 253, the following words:- , except in the cases of conversions from fossil fuel heating and cooling to fossil fuel heating and cooling.

And amend the bill, in section 22, by inserting after the word “reductions”, in line 261, the following words:- , except in the cases of conversions from fossil fuel heating and cooling to fossil fuel heating and cooling.

And amend the bill, in section 23, by inserting after the word “reductions”, in line 261, the following words:- , except in the cases of conversions from fossil fuel heating and cooling to fossil fuel heating and cooling.

And amend the bill by striking out section 25 and inserting in place thereof the following section:-

SECTION 25. Said section 21 of said chapter 25, as so appearing, is hereby further amended by inserting after the words “peak load,” in line 73, the following words:- reducing greenhouse gas emissions,.

And amend the bill, in section 26, by adding the following words:- , except in the cases of conversions from fossil fuel heating and cooling to fossil fuel heating and cooling.

And amend the bill by inserting after section 26 the following section:-

SECTION 26A. Said section 21 of said chapter 25, as so appearing, is hereby further amended by striking out, in lines 109 to 111, inclusive, the words “identified and shall capture all energy efficiency and demand reduction resources that are cost effective or less expensive than supply” and inserting in place thereof the following words:- complied with the requirements of this section.

And amend the bill, in section 27, by adding the following words:- , except in the cases of conversions from fossil fuel heating and cooling to fossil fuel heating and cooling.

And amend the bill, in section 28, by striking out, in line 283, the word “The”, the first time it appears and inserting in place thereof the following words:- Notwithstanding the requirements of paragraph (1) of subsection (b), the.

And further amend section 31, in proposed section 6 of chapter 25A, by striking out clause (14) and inserting in place thereof the following clause:-

(14) develop and promulgate, in consultation with the state board of building regulations and standards, a municipal opt-in specialized stretch energy code that includes, but is not limited to, net-zero building performance standards and a definition of net-zero building, designed to achieve compliance with the commonwealth’s statewide greenhouse gas emission limits and sublimits established pursuant to chapter 21N.

And amend the bill, in section 34, by striking out, in line 374, the figure “32” and inserting in place thereof the following figure:- 33.

And amend the bill, in section 56, by inserting after the word “to” in line 658 the following words:- , climate change.

And amend the bill, in section 58, by striking out, in lines 707 and 710, each time they appear, the words “that is not insignificant”.

And amend the bill, in section 60, by striking out, in line 740, the words “is significant and”.

And further amend section 60 by striking out, in line 753, the words “non-significant projects” and inserting in place thereof the following words:- projects that do not require the filing of an environmental notification form pursuant to section 62A.

And amend the bill, in section 72, by inserting after the word “any” in line 876 the following words:- more stringent.

And amend the bill, in section 73, by striking out, in line 880, the word “adopted” and inserting in place thereof the following word:- promulgated.

And amend the bill by inserting after section 74 the following section:-

SECTION 74A. Section 100 of said chapter 143 is hereby amended by striking out, in line 9, the word “ninety-six” and inserting in place thereof the following words:- 96, other than the specialized stretch energy code developed and promulgated by the department of energy resources.

And amend the bill, in section 78, by striking out, in lines 940 to 942, inclusive, the words “Paragraph (8) of section 1F of said chapter 164, as so appearing, is hereby amended by adding the following subparagraph:- (g)” and inserting in place thereof the following words:- Section 1F of said chapter 164, as so appearing, is hereby amended by adding the following paragraph:- (10).

And amend the bill, in section 85, by striking out, in line 981, the word “non-station” and inserting in place thereof the following word:- station.

And amend the bill, in section 86, in proposed section 144 of chapter 164, by striking out subsections (g) and (h) and inserting in place thereof the following 2 subsections:-

(g) The department shall establish requirements for the maintenance, timely updating, accuracy, and security of gas company maps and records. The department shall incorporate these requirements as a metric in the department’s service quality indicators for gas companies.

(h) The department shall incorporate into its service quality indicators for gas companies a metric or metrics related to disruptions in the provision of electronic data, including but not limited to, maps and records relevant to inspections, maintenance, repairs, and construction to its in-house workforce and contractors.

And amend the bill by striking out section 92.

And amend the bill, in section 96, by striking out, in lines 1060 to 1061, the words “11F of chapter 25A of the General Laws” and inserting in place thereof the following words:- 11 of chapter 75 of the acts of 2016.

And amend the bill, in section 98, by striking out, in line 1076, the words “sections 61and” and inserting in place thereof the following words:- 61 and.

And amend the bill, by inserting after section 98 the following section:-

SECTION 98A. Notwithstanding the promulgation of the municipal opt-in specialized stretch energy code under section 6 of chapter 25A of the General Laws or any other provisions of this act, any stretch energy code adopted by the state board of building regulations and standards and in effect on March 1, 2021, shall remain in full force and effect; provided, however, that the department of energy resources, in consultation with the state board of building regulations and standards, may update such stretch energy code from time to time. A community designated as a green community under subsection (c) of section 10 of said chapter 25A that

elects not to adopt the municipal opt-in specialized stretch energy code under section 6 of chapter 25A shall not lose its designation as a green community as a result of that election.

And amend the bill, in section 101, by striking out lines 1116 to 1120, inclusive, and inserting in place thereof the following words:-

households; and (ii) develop and promulgate the municipal opt-in specialized stretch energy code required by section 6 of chapter 25A of the General Laws not later than 18 months after the effective date of this act. In so doing, the department may phase in requirements based on building types, uses, or load profiles. Notwithstanding any special or general law, rule or regulation to the contrary, any municipality may adopt the municipal opt-in specialized stretch energy code following its promulgation.

And amend the bill by inserting after section 102 the following 3 sections:-

SECTION 102A. The secretary of energy and environmental affairs shall promulgate regulations to implement sections 57 and 58 not later than 180 days after the effective date of this act.

SECTION 102B. The requirements imposed by sections 57 and 58 shall apply to new projects filed under section 62A of chapter 30 of the General Laws on or after the effective date of regulations promulgated under section 102A.

SECTION 102C. The department of environmental protection shall evaluate and seek public comment on the incorporation of cumulative impact analyses in the assessment and identification of certain categories of permits and approvals. Not later than 18 months after the effective date of this act, the department of environmental protection shall propose regulations to include cumulative impact analyses for defined categories of air quality permits identified through the evaluation and public comment process.

And amend the bill, in section 103, by striking out, in line 1129, the words “and regulations”.

And amend the bill, in section 106, by striking out, in line 1143, the word “Nothwithstanding” and inserting in place thereof the following word:- “Notwithstanding”.

And further amend the bill in said section 106, by striking out, in line 1145, the word “April” and inserting in place thereof the following word:- July.

And amend the bill, in section 107,by striking out, in lines 1148 and 1149, the words “2030 emissions reduction roadmap plan required by said section 3 of said chapter 21N shall be adopted and published not later than January 1, 2022” and inserting in place thereof the following:- 2025 and 2030 emissions reduction roadmap plans required by said section 3 of said chapter 21N shall be adopted and published not later than July 1, 2022.