

**SENATE . . . . . No. 2838**

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Senate, June 25, 2024 -- Text of the Senate Bill upgrading the grid and protecting ratepayers  
(Senate, No. 2838) (being the text of Senate, No. 2829, printed as amended)

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Third General Court  
(2023-2024)**  
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An Act upgrading the grid and protecting ratepayers.

*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 30 of chapter 7C of the General Laws, as appearing in the 2022  
2 Official Edition, is hereby amended by striking out, in line 4, the words “the energy consumption  
3 of” and inserting in place thereof the following words:- the: (i) energy consumption of; (ii)  
4 energy efficiency of; and (iii) greenhouse gas emissions directly attributable to.

5           SECTION 2. Said section 30 of said chapter 7C, as so appearing, is hereby further  
6 amended by striking out, in lines 10 and 11, the words “energy conservation maintenance and  
7 operating procedures” and inserting in place thereof the following words:- maintenance and  
8 operating procedures for energy conservation, energy efficiency and greenhouse gas emissions  
9 reductions.

10           SECTION 3. Said section 30 of said chapter 7C, as so appearing, is hereby further  
11 amended by striking out, in line 13, the words “energy efficiency standards” and inserting in

12 place thereof the following words:- standards for energy efficiency and greenhouse gas  
13 emissions reductions.

14 SECTION 4. Section 31 of said chapter 7C, as so appearing, is hereby amended by  
15 striking out the first paragraph and inserting in place thereof the following paragraph:-

16 The division of capital asset management and maintenance shall evaluate the potential for  
17 increasing energy efficiency and reducing greenhouse gas emissions, including, but not limited  
18 to, by installing and maintaining electric vehicle supply equipment, as defined in section 2 of  
19 chapter 25B, in each building owned by an authority or state agency or leased by such authority  
20 or agency for not less than a 10-year period.

21 SECTION 5. Chapter 21A of the General Laws is hereby amended by inserting after  
22 section 2A the following section:-

23 Section 2B. (a) There shall be within the office a drought management task force. The  
24 task force shall consist of: the secretary or a designee, who shall serve as co-chair; the director of  
25 the Massachusetts emergency management agency or a designee, who shall serve as co-chair; the  
26 commissioner of agricultural resources or a designee; the commissioner of conservation and  
27 recreation or a designee; the commissioner of environmental protection or a designee; the state  
28 fire marshal or a designee; the commissioner of fish and game or a designee; the commissioner  
29 of public health or a designee; the commissioner of public utilities or a designee; the executive  
30 director of the Massachusetts Water Resources Authority or a designee; the executive director of  
31 the Massachusetts Association of Health Boards, Inc.; the executive director of the  
32 Massachusetts Rivers Alliance, Inc., or a designee; the executive director of the Massachusetts  
33 Water Works Association Inc.; and the executive director of the Water Supply Citizens advisory

34 committee to the Massachusetts Water Resources Authority. The co-chairs may invite officials  
35 from federal agencies to provide scientific and technical input and shall have joint responsibility  
36 for coordinating the task force. The task force shall meet not less than monthly when drought  
37 conditions exist. The task force shall be staffed by a director appointed by the secretary.

38 (b) The task force shall: (i) assist in collecting and assessing technical information; (ii)  
39 facilitate coordination and communication among task force members, agencies and the public;  
40 and (iii) provide recommendations to the secretary, the secretary of public safety and security  
41 and the governor on the existing drought level and any proposed responses to such drought level.  
42 The task force shall also make recommendations for the end of a drought or the reduction of the  
43 drought level or for the commencement or cessation of a drought declaration.

44 (c) The task force shall maintain and periodically update a statewide drought  
45 management plan that addresses drought preparedness and response protocol to drought  
46 conditions and protects public health, public safety and the environment. The task force may  
47 update the statewide drought management plan at any time; provided, however, that the plan  
48 shall be reviewed not less than every 5 years and updated not less than every 10 years; provided  
49 further, that the drought management plan shall be approved by the water resources commission.

50 (d) The task force may create and maintain a map that shall seek to create drought regions  
51 consistent with watersheds.

52 (e) The secretary may order water conservation measures, including limits on  
53 nonessential outdoor water use, based on the severity of drought in drought regions to protect  
54 public health, safety or the environment. Such water conservation measures shall apply to all

55 water users within a drought region unless otherwise determined by the secretary with prior  
56 notice to the task force.

57 (f) Notwithstanding section 27C of chapter 29 or any other general or special law,  
58 ordinance, by-law, rule or regulation to the contrary, cities and towns shall enforce water  
59 conservation restrictions issued by the secretary to the fullest extent permitted by law.

60 SECTION 6. Said chapter 21A is hereby further amended by adding the following 3  
61 sections:-

62 Section 29. There shall be an office of environmental justice and equity within the  
63 executive office of energy and environmental affairs, which shall be administered by an  
64 undersecretary of environmental justice and equity who shall be appointed and may be removed  
65 by the secretary. The office shall be responsible for implementing environmental justice  
66 principles as defined in section 62 of chapter 30 in the operation of each office and agency under  
67 the executive office. The office shall develop standards and guidelines governing the potential  
68 use and applicability of community benefit plans and agreements and cumulative impact  
69 analyses in developing energy infrastructure with input from representatives from utilities, the  
70 renewable energy industry, local governments, low and moderate income community  
71 organizations, environmental sectors and other representatives as deemed appropriate by the  
72 office. Annually, not later than July 30, the office shall submit a report to the executive office of  
73 energy and environmental affairs and the clerks of the senate and house of representatives that  
74 compiles data regarding the proportion of benefits attributable to clean energy programs received  
75 by low and moderate income communities as defined in section 38EE of chapter 63.

76           Section 30. The executive office of energy and environmental affairs shall establish and  
77 periodically update a methodology for determining the suitability of sites for clean energy  
78 generation facilities, clean energy storage facilities and clean transmission and distribution  
79 infrastructure facilities in newly established public rights of way. The methodology shall include  
80 multiple geospatial screening criteria to evaluate sites for development potential, climate change  
81 resilience, carbon storage and sequestration, biodiversity and social and environmental benefits  
82 and burdens. The executive office shall require facility development project proponents to avoid  
83 or minimize or, if impacts cannot be avoided or minimized, mitigate siting impacts and  
84 environmental and land use concerns. The executive office shall develop and periodically update  
85 guidance to inform state, regional and local regulations, ordinances, by-laws and permitting  
86 processes on ways to avoid, minimize or mitigate impacts on the environment and people to the  
87 greatest extent practicable.

88           Section 31. (a) For the purposes of this section, the following words shall have the  
89 following meanings unless the context clearly requires otherwise:

90           “Charger”, a device having at least 1 charging port and connector for charging electric  
91 vehicles; provided, however, that “charger” shall also mean electric vehicle supply equipment.

92           “Charging network provider”, the entity that operates the digital communication network  
93 that remotely manages the chargers which may include charging station operators and  
94 manufacture chargers.

95           “Charging station”, a charger or group of chargers and the area in the immediate vicinity  
96 of such charger or group of chargers, which may include, at the discretion of the regulating  
97 entity, supporting equipment, parking areas adjacent to the chargers and lanes for vehicle ingress

98 and egress; provided, however, that a charging station may comprise only part of the property on  
99 which it is located.

100 “Charging station operator”, an entity that owns or provides the chargers and the  
101 supporting equipment and facilities at charging stations and is responsible for the operation and  
102 maintenance of the chargers and the supporting equipment and facilities; provided, however, that  
103 such operator may delegate responsibility for certain aspects of the charging station operation  
104 and maintenance to subcontractors.

105 “Connector”, a device that attaches an electric vehicle to a charging port to transfer  
106 electricity; provided, however, that the term “connector” may also be referred to as a plug.

107 “Direct current fast charger”, a charger that enables rapid charging by delivering direct-  
108 current, or DC current, electricity directly to an electric vehicle’s battery.

109 “Electric vehicle”, a battery electric vehicle that is either a zero-emission vehicle or a  
110 plug-in hybrid electric vehicle equipped with an on-board electrical energy storage device that  
111 can be recharged from an external source of electricity and has the capability to run on another  
112 fuel; provided, however, that “electric vehicle” shall not include a golf cart, electric bicycle or  
113 other micromobility device.

114 “Electric vehicle charging services”, the transfer of electric energy from an electric  
115 vehicle charging station to a battery or other storage device in an electric vehicle and related  
116 billing services, networking and operation and maintenance.

117 “Electric vehicle supply equipment”, a device, including at least 1 charging port and  
118 connector, for charging electric vehicles; provided, however, that the term “electric vehicle  
119 supply equipment” may also be referred to as a charger.

120 “Level 1”, a galvanically-connected electric vehicle supply equipment with a single-  
121 phase input voltage nominally 120 volts AC and maximum output current of not more than 16  
122 amperes AC.

123 “Level 2”, a galvanically-connected electric vehicle supply equipment with a single-  
124 phase input voltage range from 208 volts to 240 volts AC and maximum output current of not  
125 more than 80 amperes AC.

126 “National Electric Vehicle Infrastructure Formula program”, the federal program  
127 established pursuant to the Infrastructure Investment and Jobs Act, Pub.L.117-58, pursuant to  
128 which the Federal Highway Administration provides funding to the states to facilitate the  
129 strategic, nationwide deployment of electric vehicle infrastructure and the related establishment  
130 of an interconnected, interstate network that is designed to facilitate data collection, access and  
131 reliability in association with the increased use of electric vehicles and electric vehicle  
132 infrastructure.

133 “Public electric vehicle charging station”, an electric vehicle charging station located at a  
134 publicly-available parking space.

135 "Publicly-available parking space", a parking space that has been designated by a  
136 property owner or lessee to be available to and accessible by the public and may include on-  
137 street parking spaces and parking spaces in surface lots or parking garages; provided, however,  
138 that “publicly-available parking space” shall not include a parking space that is part of or

139 associated with residential real property containing not more than 4 dwelling units or that is  
140 reserved for the exclusive use of an individual driver or vehicle or for a group of drivers or  
141 vehicles, including employees, tenants, visitors, residents of a common interest development and  
142 residents of an adjacent building.

143 “Publicly-funded and available charging station”, a public electric vehicle charging  
144 station installed on or after January 1, 2025, that has received, or expects to receive, a grant, loan  
145 or other incentive from a federal or state government source or through a charge on ratepayers  
146 and is located at a publicly available parking space.

147 (b) The executive office of energy and environmental affairs shall promulgate regulations  
148 to: (i) monitor the utilization or frequency of use of such chargers and charging stations; (ii)  
149 monitor the reliability and availability of such chargers and charging stations, including, but not  
150 limited to, whether reliability varies by the income of municipalities or neighborhoods or by  
151 regions of the commonwealth; and (iii) require charging network providers and charging station  
152 operators to share, free of charge, certain data fields, with third-party software developers via  
153 application programming interfaces; provided, however, that any such data sharing may be  
154 conditioned on measures to protect sensitive or confidential business information. The executive  
155 office of energy and environmental affairs may designate any of its agencies to promulgate such  
156 regulations.

157 (c) In promulgating regulations under this section, the executive office or its designated  
158 agency may apply different requirements to publicly-funded and available charging stations or  
159 other charging stations.



160 (d) Regulations promulgated under this section may vary by technology type, power  
161 levels, number of chargers per site, site ownership and according to whether chargers: (i) are  
162 networked; (ii) are public; (iii) are publicly-funded and available; (iv) are level 1, level 2 or  
163 direct current fast chargers; or (v) are or are not all-inclusive mobile solar charging stations. Such  
164 regulations may apply to charging stations other than publicly-funded and available charging  
165 stations but shall not apply to chargers or charging stations installed at a residential real property  
166 containing not more than 4 dwelling units. The executive office or its designated agency may, in  
167 its discretion, set such standards as it deems necessary for data formats that comply with electric  
168 vehicle charging industry best practices and standards.

169 (e) With respect to any regulations that may be promulgated pertaining to reliability, the  
170 office or its designated agency shall develop definitions of “uptime” and “exempted downtime”  
171 through a public process and in such a manner to promote, as much as is practicable, consistency  
172 with other jurisdictions and the National Electric Vehicle Infrastructure formula program  
173 requirements; provided, however, that the office or designated agency may: (i) set standards for  
174 uptime; (ii) consider which events, if any, may count as exempted downtime; and (iii) take into  
175 account the quality and condition of software and hardware.

176 SECTION 7. Section 1 of chapter 23J of the General Laws, as appearing in the 2022  
177 Official Edition, is hereby amended by striking out the definitions of “Clean energy” and “Clean  
178 energy research” and inserting in place thereof the following 2 definitions:-

179 “Clean energy”, advanced and applied technologies that significantly reduce or eliminate  
180 the use of energy from non-renewable sources including, but not limited to: (i) energy efficiency;  
181 (ii) demand response; (iii) energy conservation; (iv) carbon dioxide removal; (v) embodied

182 carbon reduction; or (vi) technologies powered, in whole or in part, by the sun, wind, water,  
183 geothermal energy, including networked geothermal and deep geothermal energy, hydrogen  
184 produced by non-fossil fuel sources and methods, alcohol, fuel cells, fusion energy, any other  
185 renewable, nondepletable or recyclable fuel and nuclear fission; provided, however, that “clean  
186 energy” shall include an alternative energy generating source as defined in clauses (i) to (vi),  
187 inclusive, of subsection (a) of section 11F½ of chapter 25A.

188 “Clean energy research”, advanced and applied research in new clean energy  
189 technologies including: (i) solar photovoltaic; (ii) solar thermal; (iii) wind power; (iv) geothermal  
190 energy, including networked geothermal and deep geothermal energy; (v) wave and tidal energy;  
191 (vi) advanced hydropower; (vii) energy transmission and distribution; (viii) energy storage; (ix)  
192 renewable biofuels, including ethanol, biodiesel and advanced biofuels; (x) renewable,  
193 biodegradable chemicals; (xi) advanced thermal-to-energy conversion; (xii) fusion energy; (xiii)  
194 hydrogen produced by non-fossil fuel sources and methods; (xiv) carbon capture and  
195 sequestration; (xv) carbon dioxide removal; (xvi) energy monitoring; (xvii) green building  
196 materials and embodied carbon reduction; (xviii) energy efficiency; (xix) energy-efficient  
197 lighting; (xx) gasification and conversion of gas to liquid fuels; (xxi) industrial energy  
198 efficiency; (xxii) demand-side management; (xxiii) fuel cells; and (xxiv) nuclear fission;  
199 provided, however, that “clean energy research” shall not include advanced and applied research  
200 in coal, oil or natural gas.

201 SECTION 8. Section 2 of said chapter 23J, as so appearing, is hereby amended by  
202 inserting after the word “ventures”, in line 23, the following words:- , which may include carbon  
203 sequestration and other clean energy sources.

204 SECTION 9. Chapter 25 of the General Laws is hereby amended by striking out section  
205 12N, as so appearing, and inserting in place thereof the following section:-

206 Section 12N. There shall be within the department and under the general supervision and  
207 control of the commission a facility siting division, which shall be under the charge of a director  
208 appointed by the commission. The division shall perform such functions as the commission  
209 deems necessary for the administration, implementation and enforcement of sections 69G to  
210 69W, inclusive, of chapter 164 imposed upon the department and the energy facilities siting  
211 board.

212 The division shall maintain a real-time, online, clean energy infrastructure dashboard.  
213 The division shall, in cooperation with the executive office of energy and environmental affairs  
214 and its affiliated departments and offices, create, maintain and update the dashboard by  
215 collecting, facilitating the collection of and reporting comprehensive data and information related  
216 to: (i) accelerating the responsible deployment of clean energy infrastructure through siting and  
217 permitting reform in a manner consistent with applicable legal requirements including, but not  
218 limited to, emissions limits and sublimits set under chapter 21N; (ii) facilitating community input  
219 into the siting and permitting of clean energy infrastructure; and (iii) ensuring that the benefits of  
220 clean energy deployment are shared equitably among all residents of the commonwealth. The  
221 dashboard shall, at a minimum, report for the most recent reporting period and in the aggregate  
222 the number of facility applications filed, decided or pending information including, but not  
223 limited to: (a) the number of applications deemed incomplete and the number of applications  
224 constructively approved; (b) the average duration of application review; and (c) average staffing  
225 levels delineated by job classification. The dashboard shall make use of bar charts, line charts  
226 and other visual representations to facilitate public understanding of both recent performance and

227 long-term and cumulative trends and outcomes of clean energy deployment. The division shall  
228 convene a stakeholder process to develop and inform the design and content of the dashboard;  
229 provided, however, that comprehensive data and information shall be made publicly available in  
230 a machine-readable format.

231 SECTION 10. The first paragraph of section 12Q of said chapter 25, as so appearing, is  
232 hereby amended by striking out the second sentence and inserting in place thereof the following  
233 sentence:- The department shall credit to the fund: (i) appropriations or other money authorized  
234 or transferred by the general court and specifically designated to be credited to the fund; (ii)  
235 application fees collected pursuant to section 69J1/2 of chapter 164; and (iii) income derived  
236 from the investment of amounts credited to the fund.

237 SECTION 11. Said chapter 25 is hereby further amended by inserting after section 12R  
238 the following 2 sections:-

239 Section 12S. There shall be a Department of Public Utilities and Energy Facilities Siting  
240 Board Intervenor Support Fund. The department shall credit to the fund: (i) appropriations or  
241 other money authorized or transferred by the general court and specifically designated to be  
242 credited to the fund; (ii) a portion of application fees, as determined by the department, collected  
243 pursuant to sections 69J1/2, 69T, 69U, 69V and 69W of chapter 164; (iii) any nonratepayer  
244 funded sources obtained through gifts, grants, contributions and bequests of funds from any  
245 department, agency or subdivision of federal, state or municipal government or any individual,  
246 foundation, corporation, association or public authority; and (iv) income derived from the  
247 investment of amounts credited to the fund. All amounts credited to the fund shall be held in trust  
248 and shall be expended solely, without further appropriation, for the purposes of section 149 of

249 chapter 164, consistent with the requirements of said section 149 of said chapter 164 and any  
250 regulations promulgated thereunder. Any unexpended balance in the fund at the close of a fiscal  
251 year shall remain in the fund and shall be available for expenditure for the purposes of the fund  
252 in subsequent fiscal years.

253           Section 12T. There shall be a division of public participation within the department and  
254 under the general supervision and control of the commission, which shall be under the charge of  
255 a director appointed by the commission. The division shall perform such functions as the  
256 commission may determine and shall be responsible for assisting individuals, local governments,  
257 community organizations and other entities with business before the department or the energy  
258 facilities siting board. With respect to matters before the department, the division shall assist  
259 such parties with navigating filing requirements, opportunities to provide comment and intervene  
260 and facilitating dialogue among parties to proceedings. With respect to siting and permitting  
261 matters under the jurisdiction of the energy facilities siting board, the division shall assist  
262 individuals, local governments, community organizations, project applicants, and other entities  
263 with navigating pre-filing consultation and engagement requirements, clarifying filing  
264 requirements, identifying opportunities to intervene and facilitating dialogue among stakeholders  
265 involved in the permitting process and shall assist with coordinating with other state, regional  
266 and local officials, including the office of environmental justice and equity established in section  
267 29 of chapter 21A, involved in pre-filing consultation and engagement processes and permitting  
268 processes generally. The director and staff of the division shall not participate as adjudicatory  
269 staff in matters before the department or in reviewing applications submitted to the energy  
270 facilities siting board and shall not serve as legal counsel to or otherwise represent any party  
271 before the department or the energy facilities siting board. The director shall make final

272 determinations with respect to intervenor funding support requests made pursuant to section 149  
273 of chapter 164 and administering all aspects of the intervenor support grant program established  
274 in said section 149 of said chapter 164.

275 SECTION 12. Section 22 of said chapter 25 is hereby amended by striking out, in line 6,  
276 as appearing in the 2022 Official Edition, the words “the manufacturing industry” and inserting  
277 in place thereof the following words:- low and moderate income interests.

278 SECTION 13. Said section 22 of said chapter 25 is hereby further amended by inserting  
279 after the word “labor”, in line 7, as so appearing, the following words:- appointed by the  
280 president of the Massachusetts AFL-CIO”.

281 SECTION 14. Said section 22 of said chapter 25 is hereby further amended by striking  
282 out, in lines 11 and 12, as so appearing, the words “employing fewer than 10 persons”.

283 SECTION 15. Said section 22 of said chapter 25 is hereby further amended by striking  
284 out, in lines 24 and 25, as so appearing, the words “energy efficiency businesses” and inserting  
285 in place thereof the following words:- the Massachusetts clean energy center.

286 SECTION 16. Said section 22 of said chapter 25 is hereby further amended by striking  
287 out subsection (b), as so appearing, and inserting in place thereof the following subsection:-

288 (b) The council shall, as part of the approval process by the department, seek to: (i)  
289 maximize net economic benefits through energy efficiency, demand management and beneficial  
290 electrification resources; and (ii) achieve energy, capacity, climate and environmental goals  
291 through a sustained and integrated statewide energy efficiency and decarbonization effort.

292           The council shall: (i) review and approve plans and budgets; (ii) work with program  
293 administrators in preparing energy resource assessments; (iii) determine the economic, system  
294 reliability, climate and air quality benefits of energy efficiency, demand management and  
295 beneficial electrification resources; (iv) conduct and recommend relevant research; and (v)  
296 recommend long-term energy efficiency, demand management and beneficial electrification  
297 goals consistent with meeting greenhouse gas emissions limits and sublimits imposed by law or  
298 regulation and with mitigating ratepayer impacts. Approval of energy efficiency, demand  
299 management and beneficial electrification plans and budgets shall require a 2/3 vote. The  
300 council shall, as part of its review of plans, examine opportunities to offer joint programs. Any  
301 costs for such joint programs shall be allocated equitably among the efficiency programs.

302           SECTION 17. Said chapter 25 is hereby further amended by adding the following  
303 section:-

304           Section 24. (a) As used in this section, the following words shall have the following  
305 meanings unless the context clearly requires otherwise:-

306           “Division”, the division of capital asset management and maintenance.

307           “Environmental product declaration” or “EPD”, an independently verified and registered  
308 declaration that provides a life cycle assessment of a product’s global warming potential and  
309 facilitates a comparison of environmental impacts between products fulfilling the same function;  
310 provided, however, that such declaration shall be a Type III or higher as defined by the  
311 International Organization for Standardization (“ISO”), 14025:2006, or substantially similar life  
312 cycle assessment and comparative methodologies that have uniform standards in data collection

313 and scientific integrity, and any pertinent product category rule developed in conformance with  
314 ISO 14025.

315 “Global warming potential”, a numeric value that measures the total contribution to  
316 global warming from the emission of greenhouse gasses or the elimination of greenhouse gas  
317 sinks.

318 “Life cycle assessment” or “LCA”, an assessment used to calculate the environmental  
319 primary and secondary impacts of a product, service or process over the lifetime of such product,  
320 service or process.

321 “Low-embodied carbon material”, material used in building and transportation  
322 construction that has been verified to embody carbon emissions that are sufficiently low, based  
323 on a threshold set by the division, as compared to the embodied carbon emissions of a  
324 conventional material fulfilling the same function.

325 (b) There shall be within the division of capital asset management and maintenance, but  
326 not subject to the control of the division, an embodied carbon intergovernmental coordinating  
327 council. The council shall consist of: the commissioner of capital asset management and  
328 maintenance or a designee, who shall serve as co-chair; the climate chief or a designee, who shall  
329 serve as co-chair; the secretary of energy and environmental affairs or a designee; the secretary  
330 of transportation or a designee; the secretary of housing and livable communities or a designee;  
331 the secretary of administration and finance or a designee; the secretary of economic development  
332 or a designee; the chief executive officer of the Massachusetts Port Authority or a designee; the  
333 general manager of the Massachusetts Bay Transportation Authority or a designee; the chief  
334 executive officer of the Massachusetts clean energy technology center or a designee; the chair of



335 the board of building regulations and standards or a designee; the chairs of the joint committee  
336 on telecommunications, utilities and energy or their designees, who shall serve as nonvoting  
337 members with respect to any spending matters; and 5 persons who shall be appointed by the  
338 governor, 1 of whom shall be a representative of the building trades, 1 of whom shall be a  
339 general contractor; 1 of whom shall be a licensed architect with expertise in using low-embodied  
340 carbon materials of construction, 1 of whom shall be 1 structural engineer who shall be a  
341 licensed professional engineer with expertise in using low-embodied carbon materials of  
342 construction and 1 of whom shall be the executive director of a regional planning agency . The  
343 council shall not be a public body as defined in section 18 of chapter 30A; provided, however,  
344 that the council shall hold a public meeting not less than quarterly while the council is  
345 developing the plan pursuant to subsection (f).

346 (c) The council shall prepare an embodied carbon reduction plan, which shall include, but  
347 shall not be limited to, strategies to measure, monitor and reduce embodied carbon. The plan  
348 shall: (i) with respect to major building and transportation projects of executive offices,  
349 departments, divisions, centers, agencies and authorities of state and municipal governments,  
350 include, but not be limited to, steps to encourage and, where appropriate, recommend requiring:  
351 (a) environmental product declarations for construction materials commonly used in such  
352 projects; and (b) the use of low-embodied carbon materials, with particular attention to cement  
353 and concrete mixtures, steel, glass, asphalt and asphalt mixtures and wood, in such projects; (ii)  
354 review progress in research, development and commercialization of low-embodied carbon  
355 technologies and materials in the government, private and nonprofit sectors within and outside of  
356 the commonwealth; (iii) make recommendations for establishing a process to set, on or before  
357 January 1, 2026, maximum global warming potential values for products likely to be used in

358 such building and transportation projects including, but not limited to, cement and concrete  
359 mixtures, steel, glass, asphalt and asphalt mixtures and wood; (iv) develop recommended  
360 procedures for the use of: (a) EPDs in state government contracting and procurement; and (b)  
361 low-embodied carbon materials in the commonwealth, where available and at reasonable cost,  
362 including conditions under which waivers may be obtained; (v) examine current laws,  
363 regulations, policies and guidelines that affect the use of EPDs and low-embodied carbon  
364 materials in the private and nonprofit sectors and recommend laws, regulations, policies or  
365 guidelines to increase the use of EPDs and low-embodied carbon materials; and (vi) consider  
366 interactions between embodied carbon and operational carbon to ensure policy recommendations  
367 to reduce embodied carbon will also contribute to the reduction of operational carbon. The  
368 council shall consider: (i) the best approaches to integrate the reduction of embodied carbon into  
369 the state building code, including the stretch and specialized stretch energy code pursuant to  
370 section 96 of chapter 143 and the state building code; and (ii) best practices to incentivize and  
371 enhance the reuse of building materials and decrease building demolition.

372 (d) The council shall meet regularly and seek data, input and advice related to EPDs and  
373 low-embodied carbon materials from stakeholders which shall include, but not be limited to,  
374 companies, contractors and subcontractors involved in construction, architecture, engineering,  
375 design and procurement and organizations and associations of such companies, contractors and  
376 subcontractors, academic and nonprofit institutions with relevant missions and activities, labor  
377 organizations involved in construction and transportation, organizations focused on  
378 environmental, energy and climate policy and perspectives and groups representing consumers,  
379 including, but not limited to, low-income consumers. The council shall hold not less than 3  
380 public hearings in geographically diverse areas of the commonwealth prior to finalizing the plan.

381 (e) The division and the executive office of energy and environmental affairs shall  
382 provide administrative support to the council.

383 (f) The council shall update the plan and submit the updated plan and a progress report at  
384 least every 2 years to the senate and house committees on ways and means, the joint committee  
385 on state administration and regulatory oversight and the joint committee on telecommunications,  
386 utilities and energy and shall cause the plan and the report to be publicly available on the website  
387 of each cabinet official, executive office, department, division, center, agency and authority  
388 represented on the council.

389 SECTION 18. Section 2 of chapter 25A of the General Laws, as appearing in the 2022  
390 Official Edition, is hereby amended by striking the second paragraph and inserting in place  
391 thereof the following paragraph:-

392 There shall be within the department: (i) a division of energy efficiency, which shall  
393 work with the department of public utilities regarding energy efficiency programs; (ii) a division  
394 of renewable and alternative energy development, which shall oversee and coordinate activities  
395 that seek to maximize the installation of renewable and alternative energy generating sources that  
396 will provide benefits to ratepayers, advance the production and use of biofuels and other  
397 alternative fuels as the division may define by regulation and administer the renewable portfolio  
398 standard and the alternative portfolio standard; (iii) a division of green communities, which shall  
399 serve as the principal point of contact for local governments and other governmental bodies  
400 concerning all matters under the jurisdiction of the department of energy resources, excluding  
401 matters involving the siting and permitting of small clean energy infrastructure facilities; (iv) a  
402 division of clean energy procurement, which shall develop resource solicitation plans, administer

403 procurements for clean energy generation and energy services and negotiate and manage  
404 contracts with clean energy generation and energy service facilities as required by section 21;  
405 and (v) a division of clean energy siting and permitting, which shall establish standard  
406 conditions, criteria and requirements for the siting and permitting of small clean energy  
407 infrastructure facilities by local governments and provide technical support and assistance to  
408 local governments, small clean energy infrastructure facility project proponents and other  
409 stakeholders impacted by the siting and permitting of small clean energy infrastructure facilities  
410 at the local government level. Each division shall be headed by a director appointed by the  
411 commissioner and who shall be a person of skill and experience in the field of energy efficiency,  
412 renewable energy or alternative energy, energy regulation or policy and land use and planning,  
413 respectively. The directors shall be the executive and administrative heads of their respective  
414 divisions and shall be responsible for administering and enforcing the law relative to their  
415 division and to each administrative unit thereof under the supervision, direction and control of  
416 the commissioner. The directors shall serve at the pleasure of the commissioner, shall receive  
417 such salary as may be determined by law and shall devote full time during regular business hours  
418 to the duties of the office. In the case of an absence or vacancy in the office of a director or ,in  
419 the case of disability as determined by the commissioner, the commissioner may designate an  
420 acting director to serve as director until the vacancy is filled or the absence or disability ceases.  
421 The acting director shall have all the powers and duties of the director and shall have similar  
422 qualifications as the director.

423 SECTION 19. Section 6 of said chapter 25A, as so appearing, is hereby amended by  
424 striking out, in lines 56 and 57, the words “and (14)” and inserting in place thereof the following  
425 words:-

426 (14) develop resource solicitation plans, conduct procurements pursuant to such plans as  
427 approved by the department of public utilities and negotiate and execute contracts with clean  
428 energy generation and energy services providers pursuant to section 21;

429 (15) develop and promulgate regulations, criteria, guidelines, standard conditions and  
430 requirements that establish parameters for the siting, zoning, review and permitting of small  
431 clean energy infrastructure facilities by local governments pursuant to section 22; and

432 (16).

433 SECTION 20. Section 7 of said chapter 25A, as so appearing, is hereby amended by  
434 striking out, in lines 21 and 22, the words “with total storage capacity of fifty thousand gallons”.

435 SECTION 21. Said Section 7 of said chapter 25A, as so appearing, is hereby further  
436 amended by striking out the third paragraph and inserting in place thereof the following 2  
437 paragraphs:-

438 All electric and gas companies, transmission companies, distribution companies,  
439 suppliers and aggregators, as defined in section 1 of chapter 164, and suppliers of natural gas,  
440 including aggregators, marketers, brokers and marketing affiliates of gas companies, excluding  
441 gas companies, as defined in said section 1 of said chapter 164, engaged in distributing or selling  
442 electricity or natural gas in the commonwealth shall make accurate reports to the department in  
443 such form and at such times, which shall be at least quarterly, as the department shall require  
444 pursuant to this section. Each such company, supplier and aggregator shall report semi-annually  
445 to the department the average of all rates charged for default, low-income and standard offer  
446 service to each customer class and for each subclass within the residential class, respectively;  
447 provided, however, that all such rate information so reported pursuant to this paragraph shall be

448 deemed public information and no such rate information shall be protected as a trade secret,  
449 confidential, competitively sensitive or other proprietary information pursuant to section 5D of  
450 chapter 25. Each such company, supplier and aggregator shall report to the department, in such  
451 form and at such times as the department shall require, detailed and accurate information  
452 including, but not limited to, data regarding number of customers, load served, amounts, in  
453 dollars, billed to customers, renewable and clean energy attribute certificate purchases and  
454 supply product offerings. The department shall make such information, or aggregates of such  
455 information, available to the public on its website.

456 All resellers of petroleum products, including retail heating oil and propane suppliers,  
457 doing business in the commonwealth shall make accurate reports of price, inventory and product  
458 delivery data to the department in such form and at such time as the department shall require. A  
459 retail heating oil or propane supplier who operates in the commonwealth shall make the daily  
460 delivery price of heating oil or propane for residential heating customers available in a clear and  
461 conspicuous manner. If the retail heating oil or propane supplier operates a website for  
462 commonwealth customers, the daily delivery price shall be clearly and conspicuously displayed  
463 on the dealer's website.

464 SECTION 22. Section 11F1/2 of said chapter 25A, as so appearing, is hereby amended  
465 by striking out, in line 18, the words "naturally occurring".

466 SECTION 23. Section 12 of said chapter 25A is hereby repealed.

467 SECTION 24. Section 17 of said chapter 25A, as appearing in the 2022 Official Edition,  
468 is hereby amended by striking out, in line 38, the figure "2018" and inserting in place thereof the  
469 following figure:- 2021.

470 SECTION 25. Said section 17 of said chapter 25A, as so appearing, is hereby further  
471 amended by striking out, in line 39, the words “in the Clean Peak Standard Incentive program”.

472 SECTION 26. Said section 17 of said chapter 25A, as so appearing, is hereby further  
473 amended by striking out, in line 46, the figure “2023” and inserting in place thereof the following  
474 figure:- 2024.

475 SECTION 27. Said chapter 25A is hereby further amended by adding the following 2  
476 sections:-

477 Section 21. (a) As used in this section, the following words shall have the following  
478 meanings unless the context clearly requires otherwise:

479 “Clean energy generation”, electrical energy output, or that portion of the electrical  
480 energy output, excluding any electrical energy utilized for parasitic load of a clean existing  
481 generation unit, that qualifies under clean energy standard regulations established pursuant to  
482 subsection (c) of section 3 of chapter 21N.

483 “Clean energy solicitation”, a competitive solicitation for clean energy associated  
484 environmental attributes or energy services completed by the department conducted pursuant to  
485 this section.

486 “Distribution company”, a distribution company as defined in section 1 of chapter 164.

487 “Energy services”, operation of infrastructure that increases the deliverability or  
488 reliability of clean energy generation or reduces the cost of clean energy generation, including,  
489 but not limited to, transmission, energy storage and demand response technologies.

490 “Environmental attributes”, all present and future attributes under any and all  
491 international, federal, regional, state or other law or market, including, but not limited to, all  
492 credits or certificates that are associated, either now or by future action, with unit specific clean  
493 energy generation, including, but not limited to, those provided for in regulations promulgated  
494 pursuant to subsection (c) of section 3 of chapter 21N and sections 11F and 17.

495 “Long-term contract” a contract for a period of not more than 20 years.

496 (b) Notwithstanding any general or special law to the contrary, in order to maximize the  
497 commonwealth’s ability to achieve compliance with limits and sublimits established pursuant to  
498 sections 3 and 3A of chapter 21N, the department shall investigate the necessity, benefits and  
499 risks of solicitations for environmental attributes or energy services, competitively solicit for  
500 environmental attributes or energy services established pursuant to said sections 3 and 3A of said  
501 chapter 21N and may negotiate and enter into long-term contracts for such environmental  
502 attributes or energy services.

503 (c) Not less than every 3 years, the department shall publish a resource solicitation plan,  
504 which shall include, but not be limited to: (i) a description of the clean energy generation needs  
505 sufficient to maximize the commonwealth’s ability to achieve compliance with limits and  
506 sublimits established pursuant to sections 3 and 3A of chapter 21N, including resource  
507 generation type, nameplate capacity amounts and commercial operation dates for new resources;  
508 (ii) a schedule recommendation for clean energy solicitations that the department will conduct  
509 within the next 3 years; (iii) economic development objectives and requirements for the clean  
510 energy solicitations; (iv) a mechanism for the distribution companies to recover the costs  
511 associated with long-term contracts for clean energy associated environmental attributes or



512 energy services entered into by the department under this section, including any administrative  
513 costs to support the department's requirements under this section; and (v) a review of the  
514 previous clean energy solicitations, if applicable. The department shall consult with the  
515 department of public utilities and attorney general's office in the development of this resource  
516 plan in advance of publishing it. Any ex parte rules established by the department of public  
517 utilities shall not apply to this consultation process.

518 (d) The department shall file the resource solicitation plan and its recommendations with  
519 the department of public utilities. The department of public utilities shall review the resource  
520 solicitation plan and recommendations to determine whether the resource solicitation plan is a  
521 reasonable, appropriate and cost-effective mechanism to achieve the goals of this section. The  
522 department of public utilities shall approve, approve with modifications or reject the plan within  
523 7 months of submission. Upon approval of the resource solicitation plan, the department of  
524 public utilities shall require the distribution companies to jointly propose tariffs consistent with  
525 the approved resource solicitation plan to recover costs associated with all contracts pursuant to  
526 this section not later than 3 months following the approval; provided, however, that the  
527 distribution companies shall not receive any remuneration, benefit or fee to compensate for costs  
528 associated with such contracts. The tariffs shall apportion costs associated with the contracts to  
529 be recovered from ratepayers among the distribution companies.

530 (e) The method for the clean energy solicitations shall be proposed by the department and  
531 shall utilize a competitive bidding process. The department shall consult with the attorney  
532 general regarding the choice of solicitation methods. The department may coordinate any  
533 solicitation under this section with other states, municipal light plants or other governmental and  
534 non-governmental organizations; provided, however, that the department shall describe any

535 impacts coordination may have on the solicitation, including any impacts to nameplate capacity  
536 amounts or quantities of clean energy generation attributes sought in its solicitation. After notice  
537 and the opportunity for public comment, the department shall proceed with the clean energy  
538 solicitation. The department may competitively solicit proposals for long-term contracts for: (i)  
539 environmental attributes from clean energy generation; or (ii) energy services contracts. The  
540 department may consult with other states, federal agencies and regional organizations, including,  
541 but not limited to, ISO New England Inc. or its successor; provided, however, that reasonable  
542 proposals have been received, the department shall make or cause to be made filings as necessary  
543 through the appropriate jurisdictional mechanism and enter into long-term contracts that are  
544 consistent with the roadmap plans published pursuant to chapter 21N.

545 (f) The department shall propose draft contracts and take all reasonable actions to  
546 structure the contracts, pricing or administration of the products purchased under this section to  
547 contribute towards achieving compliance with limits and sublimits established pursuant to  
548 sections 3 and 3A of chapter 21N in a cost-effective manner that minimizes rate-payer impacts.

549 (g) Long-term contracts executed pursuant to this section shall be subject to the approval  
550 of the department of public utilities. The department of public utilities shall consider the  
551 potential costs and benefits of the proposed long-term contract and shall approve a long-term  
552 contract if the department finds that the contract is cost-effective and consistent with the  
553 roadmap plans published pursuant to chapter 21N, taking into account the factors outlined in this  
554 section, consistency with the approved resource solicitation plan and the department's  
555 recommendations. The department of public utilities shall complete its review of long-term  
556 contracts submitted for its approval not later than 90 days after the contracts are filed by the  
557 department of energy resources.

558 (h) The department may retire any environmental attributes purchased pursuant to  
559 approved long-term contracts under this section on behalf of the commonwealth to be used  
560 toward satisfying compliance with the limits and sublimits established pursuant to sections 3 and  
561 3A of chapter 21N and any regulations or programs established pursuant to sections 3 and 6 of  
562 said chapter 21N or sections 11F and 17. If any retired environmental attributes are eligible  
563 under a clean, renewable, clean peak or other energy portfolio standard established by the  
564 department or the department of environmental protection, the portfolio standard minimum  
565 obligations of suppliers subject to such standards may be reduced in proportion to any eligible  
566 environmental attributes retired pursuant to this section, subject to the discretion of the  
567 department and the department of environmental protection.

568 (i) There shall be a separate, non-budgeted special revenue fund known as the central  
569 procurement fund, which shall be administered by the department, without further appropriation,  
570 for funding long-term contracts consistent with this section. The fund shall be credited with: (i)  
571 funds or revenue collected by distribution companies pursuant to a tariff approved by the  
572 department of public utilities in furtherance of the objectives and requirements of this section;  
573 (ii) revenue from appropriations or other money authorized by the general court and specifically  
574 designated to be credited to the fund; (iii) interest earned on such funds or revenues; (iv) bid fees  
575 collected by the department from participants in clean energy solicitations conducted pursuant to  
576 this section; (v) other revenue from public and private sources, including gifts, grants and  
577 donations; and (vi) any funds provided from other sources. All amounts credited to the fund shall  
578 be used solely for activities and expenditures consistent with the public purposes of this section,  
579 including the ordinary and necessary administrative and personnel expenses of the department  
580 related to the administration and operation of the fund and performance of the duties established

581 by this section. Revenues deposited in the fund that are unexpended at the end of a fiscal year  
582 shall not revert to the General Fund and shall be available for expenditure in the following fiscal  
583 year. No expenditure made from the fund shall cause the fund to be in deficit at any point.

584 (j) A request for proposal or solicitation under this section shall include:

585 (i) documentation reflecting the applicant's demonstrated commitment to workforce or  
586 economic development within the commonwealth;

587 (ii) a statement of intent concerning efforts that the applicant and its contractors and  
588 subcontractors will make to promote workforce or economic development through the project;

589 (iii) documentation reflecting the applicant's demonstrated commitment to expand  
590 workforce diversity, equity and inclusion in its past projects within the commonwealth;

591 (iv) documentation as to whether the applicant and its contractors and subcontractors  
592 participate in a state or federally certified apprenticeship program and the number of apprentices  
593 the apprenticeship program has trained to completion for each of the last 5 years;

594 (v) a statement of intent concerning how or if the applicant and its contractors and  
595 subcontractors intend to utilize apprentices on the project;

596 (vi) documentation relative to the applicant and its contractors and subcontractors  
597 regarding their history of compliance with chapters 149, 151, 151A, 151B and 152, 29 U.S.C. §  
598 201, et seq. and applicable federal antidiscrimination laws;

599 (vii) documentation that the applicant and its contractors and subcontractors are currently,  
600 and will remain, in compliance with chapters 149, 151, 151A, 151B, and 152, 29 U.S.C. § 201,  
601 et seq. and applicable federal anti-discrimination laws for the duration of the project;

602 (viii) documentation of the applicant’s history with picketing, work stoppages, boycotts  
603 or other economic actions against the applicant and a description or plan on how the applicant  
604 intends to prevent or address such actions; and

605 (ix) documentation relative to whether the applicant and its contractors have been found  
606 in violation of state or federal safety regulations in the previous 10 years.

607 The department may require a wage bond or other comparable form of insurance in an  
608 amount to be set by the department to ensure compliance with law, certifications or department  
609 obligations.

610 (k) A proposal or solicitation issued by the department shall notify applicants that  
611 applicants shall be disqualified from the project if the applicant has been debarred by the federal  
612 government or commonwealth for the entire term of the debarment.

613 (l) An applicant shall, in a timely manner, provide documentation and certifications as  
614 required by law or otherwise directed by the department. Incomplete or inaccurate information  
615 may be grounds for disqualification, dismissal or other action deemed appropriate by the  
616 department.

617 (m) Applicants that demonstrate compliance with sections 26 to 27F, inclusive, of chapter  
618 149 and the use of state or federally certified apprenticeship programs, shall receive added  
619 weight in clean energy solicitations under subsection (e).

620 Section 22. (a) For the purposes of this section, the following words shall have the  
621 following meanings unless the context clearly requires otherwise:

622 “Anaerobic digestion facility”, a facility that: (i) generates electricity from a biogas  
623 produced by the accelerated biodegradation of organic materials under controlled anaerobic  
624 conditions; and (ii) has been determined by the department of energy resources, in coordination  
625 with the department of environmental protection, to qualify under department of energy  
626 resources regulations as a Class I renewable energy generating source under section 11F.

627 “Local government”, the chief executive officer of a municipality or regional agency,  
628 including the Cape Cod commission and the Martha’s Vineyard commission.

629 “Small clean energy generation facility”, energy generation infrastructure with a  
630 nameplate capacity of less than 25 megawatts that is an anaerobic digestion facility, solar facility  
631 or wind facility, including any ancillary structure that is an integral part of the operation of the  
632 small clean energy generation facility or, following a rulemaking by the department in  
633 consultation with the energy facilities siting board in which the facility type is added to the  
634 regulatory definition of a small clean energy generation facility, any other type of generation  
635 facility that produces no greenhouse gas emissions or other pollutant emissions known to have  
636 negative health impacts; provided, however, that the nameplate capacity for solar facilities shall  
637 be calculated in direct current.

638 "Small clean energy infrastructure facility”, a small clean energy generation facility,  
639 small clean energy storage facility or small clean transmission and distribution infrastructure  
640 facility.

641 “Small clean energy storage facility”, an energy storage system as defined in section 1 of  
642 chapter 164 with a rated capacity of less than 100 megawatt hours, including any ancillary  
643 structure that is an integral part of the operation of the small clean energy storage facility.

644 “Small clean transmission and distribution infrastructure facility”, electric transmission  
645 and distribution infrastructure and related ancillary infrastructure including: (i) electric  
646 transmission line reconductoring or rebuilding projects; (ii) new or substantially altered electric  
647 transmission lines located in an existing transmission corridor that are not more than 10 miles  
648 long, including any ancillary structure that is an integral part of the operation of the transmission  
649 line; (iii) new or substantially altered electric transmission lines located in a new transmission  
650 corridor that are not more than 1 mile long, including any ancillary structure that is an integral  
651 part of the operation of the transmission line; (iv) any other new electric transmission  
652 infrastructure, including standalone transmission substations and upgrades and any ancillary  
653 structure that is an integral part of the operation of the transmission line, that does not require  
654 zoning exemptions; and (v) electric distribution-level projects that meet a certain threshold as  
655 determined by the department; provided, however, that the “small clean transmission and  
656 distribution infrastructure facility” shall be: (A) designed, fully or in part, to directly interconnect  
657 or otherwise facilitate the interconnection of clean energy infrastructure to the electric grid; (B)  
658 designed to ensure electric grid reliability and stability; or (C) designed to help facilitate the  
659 electrification of the building and transportation sectors; provided further, that a “small clean  
660 transmission and distribution infrastructure facility” shall not include new transmission and  
661 distribution infrastructure facilities that solely interconnect new or existing generation powered  
662 by fossil fuels to the electric grid on or after January 1, 2026.

663 “Solar facility”, a ground mounted facility that uses sunlight to generate electricity.

664 “Wind facility”, an onshore or offshore facility that uses wind to generate electricity.

665 (b) The department shall establish standards, requirements and procedures governing the  
666 siting and permitting of small clean energy infrastructure facilities by local governments that  
667 include: (i) uniform sets of public health, safety, environmental and other standards, including  
668 zoning criteria, that local governments shall require for the issuance of permits for small clean  
669 energy infrastructure facilities; (ii) a common standard application for small clean energy  
670 infrastructure facility project applicants submitting a permit application to local governments;  
671 (iii) uniform pre-filing requirements for small clean energy infrastructure facilities, which shall  
672 include specific requirements for public meetings and other forms of outreach that must occur in  
673 advance of an applicant submitting an application; (iv) standards for applying site suitability  
674 guidance developed by the executive office of energy and environmental affairs pursuant to  
675 section 30 of chapter 21A to evaluate the social and environmental impacts of proposed small  
676 clean energy generation facilities, small clean energy storage facilities and small clean  
677 transmission and distribution infrastructure facilities in new rights of way, which shall include a  
678 mitigation hierarchy to be applied during the permitting process to avoid or minimize or, if  
679 impacts cannot be avoided or minimized, mitigate negative impacts of siting on the environment,  
680 people and the commonwealth's goals and objectives for climate mitigation, resilience,  
681 biodiversity and protection of natural and working lands, to the extent practicable; (v) common  
682 conditions and requirements for a single permit consolidating all necessary local approvals to be  
683 issued for different types of small clean energy infrastructure facilities in the event that  
684 constructive approval is triggered through the non-issuance of a final decision by a local  
685 government pursuant to subsection (d); (vi) guidance for procedures and potential extensions of  
686 time should an applicant fail to respond to a request for information within a specified timeframe  
687 or proposes a significant revision to a proposed project; provided, however, that the department



688 shall solicit public input in the development of such guidance; and (vii) responsible parties  
689 subject to enforcement actions, including in the event of sale of small clean energy infrastructure  
690 facilities after permitting. The department of energy resources may promulgate rules and  
691 regulations allowing local governments to set fees for compensatory environmental mitigation  
692 for the restoration, establishment, enhancement or preservation of comparable environmental  
693 resources through funds paid to the local government or a non-profit entity to be used at the  
694 election of an applicant to satisfy the standard of mitigation to the maximum extent practicable.  
695 Local governments acting in accordance with the standards established by the department for  
696 small clean energy generation facilities and small clean energy storage facilities pursuant to this  
697 subsection shall be considered to have acted consistent with the limitations on solar facility and  
698 small clean energy storage facility zoning under section 3 of chapter 40A. The department shall  
699 establish a transition or concurrency period for the effective date of any standards that it  
700 establishes.

701 (c) The proponent of a small clean energy infrastructure facility may submit a  
702 consolidated small clean energy infrastructure facility permit application seeking a single permit  
703 consolidating all necessary local permits and approvals. To initiate the permitting of a small  
704 clean energy infrastructure facility, an applicant may elect to submit an application, with  
705 supporting information in the form developed by the department pursuant to subsection (b), for  
706 the local government to conduct a consolidated review pursuant to the criteria and standards set  
707 forth in subsection (b) and using the process set forth in subsection (d). Local governments shall  
708 determine whether such consolidated small clean energy infrastructure facility permit application  
709 is complete within 30 days of receipt. If an application is deemed incomplete, the applicant shall  
710 have 30 days, and any additional time as determined by the local government, to cure any

711 deficiencies before the application is rejected. In the event of a rejection of the application, the  
712 local government shall provide a detailed reasoning for the rejection.

713 (d) Local governments shall issue a single, final decision on a consolidated small clean  
714 energy infrastructure facility permit application submitted pursuant to subsection (c), including  
715 all decisions necessary for a project to proceed with construction, but not including any state  
716 permits that may be required to proceed with construction and operation of said facility, within  
717 12 months of the receipt of a complete permit application. All local government authorities,  
718 boards, commissions, offices or other entities that may be required to issue a decision on 1 or  
719 more permits in response to the application for the small clean energy infrastructure facility may  
720 conduct reviews separately and concurrently. Such permits shall adhere to any requirements  
721 established by the department pursuant to subsection (b). If a final decision is not issued within  
722 12 months of the receipt of a complete permit application, a constructive approval permit shall be  
723 issued by the local government that adopts the common conditions and requirements established  
724 by the department for the type of small clean energy infrastructure facility under review.

725 (e) An appeal or review may be made only of the single, final decision of a local  
726 government on an application for a small clean energy infrastructure facility, including all  
727 decisions necessary to complete the application and permitting process, but not including  
728 decisions on any state permits that may be required to proceed with construction and operation of  
729 said facility. Decisions of local government authorities, boards, commissions, offices or other  
730 entities on the issuance of 1 or more permits to the applicant for the small clean energy  
731 infrastructure facility shall not be subject to independent appeal or review. Decisions on any state  
732 permits that may be required shall be subject to de novo adjudication of the permit application by  
733 the director of the energy facilities siting division, as provided in subsection (f).

734 (f) Within 30 days of the single, final decision on a consolidated permit application by a  
735 local government described in subsections (d) and (e), project proponents and other individuals  
736 or entities substantially and specifically affected by a proposed small clean energy infrastructure  
737 facility may file a petition to request in writing a de novo adjudication of the permit application  
738 by the director of the facilities siting division pursuant to section 69W of chapter 164 following  
739 permit issuance, including constructive approval permits or denial by a local government.

740 (g) If a local government lacks the resources, capacity or staffing to review a small clean  
741 energy infrastructure facility permit application within 12 months, it may, not later than 60 days  
742 after receipt of such application or at any time thereafter with the consent of the applicant,  
743 request in writing a de novo adjudication of the such application by the director pursuant to  
744 section 69W of chapter 164.

745 (h) The department shall promulgate regulations to implement this section in consultation  
746 with local governments, Massachusetts Municipal Association, Inc., the department of public  
747 utilities, the department of environmental protection, the department of fish and game, the  
748 department of conservation and recreation, the department of agricultural resources, the  
749 Massachusetts environmental policy act office, the office of environmental justice and equity, the  
750 executive office of health and human services, the executive office of housing and livable  
751 communities and the executive office of public safety and security.

752 (i) Nothing in subsections (c) to (g), inclusive, shall apply to a comprehensive permit  
753 pursuant to sections 20 to 23, inclusive of chapter 40B. For the purpose of this section, the  
754 procedures and standards for filing and review of an application for a comprehensive permit that

755 includes a small clean energy infrastructure facility shall be in accordance with said sections 20  
756 to 23, inclusive, of said chapter 40B.

757 (j) If more than 50 per cent of applications for small clean energy infrastructure facilities  
758 processed in a 24-month period have been constructively approved, the department of energy  
759 resources, the department of public utilities, and the office of environmental justice and equity  
760 shall, within 6 months, analyze and report on the cause of the high rate of constructive approvals  
761 and make recommendations to local governments, the general court, and the governor on how to  
762 reduce the number of constructive approvals and increase the number of decisions issued within  
763 the 12-months for local governments and, for small clean energy infrastructure facilities that the  
764 energy facilities siting board reviews, within the deadlines established for such reviews by the  
765 energy facilities siting board.

766 SECTION 28. Section 2 of chapter 25B of the General Laws, as appearing in the 2022  
767 Official Edition, is hereby amended by inserting after the definition of “Compensation” the  
768 following definition:-

769 “Connector”, a device that attaches an electric vehicle to a charging port to transfer  
770 electricity; provided, however, that “connector” shall include a plug.

771 SECTION 29. Said section 2 of chapter 25B, as so appearing, is hereby further amended  
772 by striking out the definition of “Electric vehicle supply equipment” and inserting in place  
773 thereof the following definition:-

774 “Electric vehicle supply equipment” or “EVSE”, a device, including at least 1 charging  
775 port and connector, for charging electric vehicles; provided, however, that “electric vehicle  
776 supply equipment” shall include a charger.

777 SECTION 30. Said section 2 of said chapter 25B, as so appearing, is hereby further  
778 amended by inserting after the definition of “Electricity Ratio (ER)” the following definition:-

779 “Fast DC”, galvanically-connected electric vehicle supply equipment that includes an off-  
780 board charger and provides DC current of not less than 80 amperes.

781 SECTION 31. Said section 2 of said chapter 25B, as so appearing, is hereby further  
782 amended by inserting after the definition of “Faucet” the following definition:-

783 “Flexible demand”, the capability to schedule, shift or curtail the electrical demand of a  
784 load-serving entity’s customer through direct action by the customer or through action by a third  
785 party, the load-serving entity or a grid balancing authority, with the customer’s consent.

786 SECTION 32. Said section 2 of said chapter 25B, as so appearing, is hereby further  
787 amended by inserting after the definition of “Lamp” the following 2 definitions:-

788 “Level 1”, galvanically-connected electric vehicle supply equipment with a single-phase  
789 input voltage nominally 120 volts AC and maximum output current of not more than 16 amperes  
790 AC.

791 “Level 2”, a galvanically-connected electric vehicle supply equipment with a single-  
792 phase input voltage range from 208 to 240 volts AC and maximum output current of not more  
793 than 80 amperes AC.

794 SECTION 33. Said section 2 of said chapter 25B, as so appearing, is hereby further  
795 amended by inserting after the definition of “Plumbing fixture” the following definition:-

796 “Port”, a system or connecting outlet on a charger that provides power to charge an  
797 electric vehicle; provided, however, that a port may be equipped with multiple connectors but  
798 use only 1 connector at a time to provide such power.

799 SECTION 34. Section 5 of said chapter 25B, as so appearing, is hereby amended by  
800 striking out the first and second paragraphs and inserting in place thereof the following  
801 paragraph:-

802 The commissioner may, by regulation, update energy efficiency standards for the types of  
803 new products set forth in clauses (f) to (y), inclusive, of section 3. Any revision of such  
804 efficiency standards shall be based upon the determination of the commissioner; provided,  
805 however, that a revision of said efficiency standards for electric vehicle supply equipment may  
806 allow the use of equipment that consumes additional kilowatts per hour. Any standard revised  
807 pursuant to this section which conflicts with a corresponding standard in the state plumbing code  
808 shall take precedence over the standard in said state plumbing code. Any standard revised  
809 pursuant to this section shall not take effect for at least 1 year after its adoption.

810 SECTION 35. Said section 5 of said chapter 25B, as so appearing, is hereby further  
811 amended by striking out clause (20) and inserting in place thereof the following clause:-

812 (20) Electric vehicle supply equipment included in the scope of the ENERGY STAR  
813 Program Requirements Product Specification for Electric Vehicle Supply Equipment, Version  
814 1.2 (Rev. June 2023), shall meet the qualification criteria of that specification.

815 SECTION 36. Said section 5 of said chapter 25B, as so appearing, is hereby further  
816 amended by striking out, in line 198, the words “, electric vehicle supply equipment”.

817 SECTION 37. Said section 5 of said chapter 25B, as so appearing, is hereby further  
818 amended by inserting after the fifth paragraph the following paragraph:-

819 The commissioner may adopt and update regulations for the standards for any appliances  
820 to facilitate the deployment of flexible demand technologies. The regulations may include  
821 labeling provisions to promote the use of appliances with flexible demand capabilities. The  
822 flexible demand appliance standards shall be based on feasible and attainable efficiencies or  
823 feasible improvements that will enable appliance operations to be scheduled, shifted or curtailed  
824 to reduce emissions of greenhouse gases associated with electricity generation. The standards  
825 shall become effective not earlier than 1 year after the date of their adoption or updating.

826 SECTION 38. The second paragraph of section 62A of chapter 30 of the General Laws,  
827 as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof  
828 the following sentence:- This section and sections 62B to 62L, inclusive, shall not apply to the  
829 energy facilities siting board established under section 69H of chapter 164 or to any proponent or  
830 owner of a large clean energy infrastructure facility as defined in section 69G of said chapter 164  
831 or small clean energy infrastructure facility as defined in section 22 of chapter 25A in relation to  
832 an application or petition for a consolidated permit or de novo adjudication filed under sections  
833 69T to 69W, inclusive, of said chapter 164.

834 SECTION 39. Chapter 30B of the General Laws is hereby amended by striking out  
835 section 23, as so appearing, and inserting in place thereof the following section:-

836 Section 23. Notwithstanding section 39M of chapter 30 or any other general or special  
837 law to the contrary, a governmental body may, pursuant to this chapter, procure electric school  
838 buses and the installation of electric vehicle supply equipment as defined in section 2 of chapter

839 25B for such school buses. Electric school buses and the installation of related electric vehicle  
840 supply equipment may be procured separately or in a single procurement. For the purposes of  
841 this section, electric school buses shall be considered supplies and electric vehicle supply  
842 equipment and its installation shall be considered services; provided, however, that if electric  
843 school buses and electric vehicle supply equipment and its installation are procured in a single  
844 procurement both shall be considered supplies.

845 A contract under this section shall only be awarded to a bidder who: (i) possesses the  
846 skill, ability and integrity necessary for the faithful performance of the work; (ii) certifies that it  
847 is able to furnish labor that can work in harmony with all other elements of labor employed or to  
848 be employed in the work; (iii) certifies that all employees to be employed at the worksite will  
849 have successfully completed a course in construction safety and health approved by the United  
850 States Occupational Safety and Health Administration that is not less than 10 hours in duration at  
851 the time the employee begins work and furnish documentation of successful completion of such  
852 course with the first certified payroll report for each employee; and (iv) obtains within 10 days of  
853 the notification of contract award the security by bond required under section 29 of chapter 149.  
854 For the purposes of this section, “security by bond” shall mean the bond of a surety company  
855 qualified to do business under the laws of the commonwealth and satisfactory to the awarding  
856 authority; provided, however, that if there is more than 1 surety company, the surety companies  
857 shall be jointly and severally liable.

858 SECTION 40. Section 23 of said chapter 30B is hereby repealed.



859 SECTION 41. Section 1A of chapter 40A of the General Laws, as appearing in the 2022  
860 Official Edition, is hereby amended by inserting after the definition of “Permit granting  
861 authority” the following definition:-

862 “Public service corporation”, (i) a corporation or other entity duly qualified to conduct  
863 business in the commonwealth that owns or operates or proposes to own or operate assets or  
864 facilities to provide electricity, gas, telecommunications, cable, water or other similar services of  
865 public need or convenience to the public directly or indirectly including, but not limited to, an  
866 entity that owns or operates or proposes to own or operate electricity generation, storage,  
867 transmission or distribution facilities or natural gas facilities including pipelines and  
868 manufacturing and storage facilities; (ii) any transportation company that owns or operates or  
869 proposes to own or operate railways and related common carrier facilities; (iii) any  
870 communications company, including a wireless communications company or cable company that  
871 owns or operates or proposes to own or operate communications or cable facilities; and (iv) any  
872 water company that owns or operates or proposes to own or operate facilities necessary for its  
873 operations.

874 SECTION 42. Section 3 of said chapter 40A, as so appearing, is hereby amended by  
875 striking out, in lines 64 to 65, 74 and 82, the words “department of public utilities” and inserting  
876 in place thereof, in each instance, the following words:- energy facilities siting board.

877 SECTION 43. Section 5 of chapter 40C of the General Laws, as so appearing, is hereby  
878 amended by inserting after the word “districts”, in line 20, the following words:- ; the words  
879 “solar energy system” shall mean a device or structural design feature, a substantial purpose of

880 which is to provide for the collection, storage and distribution of solar energy for space heating  
881 or cooling, electricity generation or water heating.

882 SECTION 44. The first paragraph of section 7 of said chapter 40C, as so appearing, is  
883 hereby amended by striking out the third sentence and inserting in place thereof the following  
884 sentence:- Notwithstanding any general or special law to the contrary, the commission shall give  
885 substantial weight to the threat posed by climate change and to the commonwealth's obligation  
886 to meet statewide greenhouse gas emission limits and sublimits established under chapter 21N  
887 when ruling on applications for certificates of appropriateness for solar energy systems.

888 SECTION 45. Section 321 of chapter 94 of the General Laws, as so appearing, is hereby  
889 amended by striking out the definitions of "Beverage" and "Beverage container" and inserting in  
890 place thereof the following 2 definitions:-

891 "Beverage", any drinkable liquid intended for human consumption; provided, however,  
892 that "beverage" shall not include: (i) a drug regulated under the Federal Food, Drug, and  
893 Cosmetic Act of 1938, 21 U.S.C. 301 et seq; (ii) infant formula; (iii) a meal replacement liquid;  
894 or (iv) products for which the first ingredient is derived from animal milk.

895 "Beverage container", an individual, separate, sealed glass, metal, plastic or multi-  
896 material bottle, can or jar designed to hold not more than 3.79 liters; provided, however, that  
897 "beverage container" shall not include a container: (i) of not more than 150 milliliters that  
898 contains no alcohol content; (ii) that is a carton or pouch; and (iii) that is aseptic.

899 SECTION 46. Said section 321 of said chapter 94, as so appearing, is hereby further  
900 amended by inserting after the definition of "Consumer" the following definition:-

901           “Contracted agent”, a person acting for, or on behalf of, a registered deposit initiator to  
902 collect, process or administer payments of deposits and handling fees on empty beverage  
903 containers accepted from redemption centers and dealers.

904           SECTION 47. Said section 321 of said chapter 94, as so appearing, is hereby further  
905 amended by inserting after the definition of “Dealer” the following 2 definitions:-

906           “Department”, the department of environmental protection.

907           “Deposit initiator”, the first dealer, distributor, retailer or other party to collect the deposit  
908 on a beverage container sold to any person within the commonwealth.

909           SECTION 48. Said section 321 of said chapter 94, as so appearing, is hereby further  
910 amended by inserting after the definition of “Plastic bottle” the following 3 definitions:-

911           “Recycle”, the series of activities by which a covered product is: (i) collected, sorted and  
912 processed; (ii) converted into a raw material with minimal loss of material quality; and (iii) used  
913 in the production of a new product, including the original product; provided, however, that  
914 “recycle” shall not include any method of sorting, processing or aggregating materials from solid  
915 waste that substantially degrades the original material quality, such that the aggregated material  
916 is no longer usable for its initial purposes or for a substantially similar product.

917           “Reusable beverage container”, a beverage container designed and constructed to be  
918 structurally capable of being refilled and resold by a bottle not less than 50 times after its initial  
919 use as part of a washing system that meets the health and safety standards of the commonwealth.

920           “Reverse vending machine” a mechanical device that accepts used beverage containers  
921 from consumers and provides a means of refunding the refund value for such beverage container  
922 to the user of such device.

923           SECTION 49. Section 322 of said chapter 94, as so appearing, is hereby amended by  
924 striking out, in line 2, the word “five” and inserting in place thereof the following figure:- 10.

925           SECTION 50. Section 323 of said chapter 94, as so appearing, is hereby amended by  
926 inserting after the word “returned”, in line 8, the following words:- ; provided, however, that this  
927 subsection shall not apply to a dealer whose place of business is not more than 2,000 square feet;  
928 provided further, that a redemption center or dealer shall pay the refund value at the time the  
929 beverage container is returned; and provided further, that, at the request of a consumer, a  
930 redemption center or dealer may repay deposits through an account system in which the amount  
931 of refund value is placed into an account to be held for the benefit of the consumer and such  
932 account is funded in a manner that allows the customer to obtain deposits due within 2 business  
933 days of the time of return.

934           SECTION 51. Said section 323 of said chapter 94, as so appearing, is hereby further  
935 amended by striking out, in line 13, the words “at least one” and inserting in place there of the  
936 following words:- not less than 3.25.

937           SECTION 52. Said section 323 of said chapter 94, as so appearing, is hereby further  
938 amended by striking out, in line 37, the words “at least one” and inserting in place thereof the  
939 following words:- not less than 4.

940 SECTION 53. Section 325 of said chapter 94, as so appearing, is hereby amended by  
941 inserting after the word “container”, in line 6, the following words:- and a universal product code  
942 barcode to identify and validate participation in the redemption program.

943 SECTION 54. Said section 325 of said chapter 94, as so appearing, is hereby further  
944 amended by striking out, in line 22, the word “five” and inserting in place thereof the following  
945 figure:- 10.

946 SECTION 55. Said section 325 of said chapter 94, as so appearing, is hereby further  
947 amended by adding the following subsection:-

948 (c) Each deposit initiator shall provide such universal product code barcode, with  
949 packaging information, to reverse vending machine system administrators and contracted agents  
950 not less than 30 days prior to placement of any such beverage container on the market.

951 SECTION 56. Section 326 of said chapter 94, as so appearing, is hereby amended by  
952 inserting after the first paragraph the following paragraph:-

953 The secretary of energy and environmental affairs shall review and may increase  
954 handling fees not less than every 3 years. In setting and reviewing handling fees, the secretary  
955 shall consider whether there are enough points of redemption across the commonwealth and  
956 whether a higher handling fee would increase the number of points of redemption.

957 SECTION 57. Said chapter 94 is hereby further amended by inserting after section 327  
958 the following section:-

959 Section 327A. (a) Annually, not later than June 1, the department shall publish a report  
960 containing information including, but not limited to, the average statewide redemption rate for

961 the preceding calendar year, calculated as the number of beverage containers redeemed for  
962 deposit divided by the number of beverage containers sold; provided, however, that the  
963 commissioner of revenue shall make the data necessary to compile this information available to  
964 the department.

965 (b) Annually, not later than February 1 and as determined by the commissioner of  
966 revenue, each deposit initiator shall provide to the department a report that includes the: (i)  
967 locations where its redeemed containers were delivered for processing and recycling; (ii) number  
968 of its redeemed containers processed and recycled at each location; and (iii) number of beverage  
969 containers it sold.

970 Annually, not later than June 1, the department shall report the information provided  
971 pursuant to this subsection to the joint committee on telecommunications, utilities and energy  
972 and the joint committee on environment and natural resources.

973 (c) A dealer shall post a conspicuous sign, at the point of sale, that states: “STATE LAW  
974 REQUIRES US TO REDEEM EMPTY RETURNABLE BEVERAGE CONTAINERS OF THE  
975 TYPE, SIZE AND BRAND SOLD BY US WITHIN THE PAST 60 DAYS. TO REPORT  
976 REFUSAL OF REDEMPTION, CONTACT THE MASSACHUSETTS DEPARTMENT OF  
977 ENVIRONMENTAL PROTECTION AT 617-556-1054 or [mass.gov/orgs/massachusetts-](http://mass.gov/orgs/massachusetts-department-of-environmental-protection)  
978 [department-of-environmental-protection.](http://mass.gov/orgs/massachusetts-department-of-environmental-protection)” The posted sign may also include the toll-free  
979 telephone number as established by the department of environmental protection; provided,  
980 however, that the sign shall be not less than 8 inches by 10 inches in size and have lettering a  
981 minimum of 1/4 inch high and of a color which contrasts with the background. The department

982 shall maintain a website and toll-free telephone number for a “bottle bill hotline” that shall be  
983 available from 9:00 a.m. to 5:00 p.m. each business day to receive reports of violations.

984 (d) There shall be a commission to study and examine the effectiveness of bottle and  
985 beverage container recycling and to study and make recommendations, if necessary, to improve  
986 the effectiveness of programs designed to improve and increase the recycling of bottles and  
987 beverage containers as defined in section 321. The commission shall review and report on the  
988 best practices in other states or countries.

989 The commission shall consist of: the chairs of the joint committee on  
990 telecommunications, utilities and energy, who shall serve as co-chairs; the commissioner of  
991 environmental protection or a designee; the commissioner of revenue or a designee; 2 persons to  
992 be appointed by the president of the senate; 2 persons to be appointed by the speaker of the house  
993 of representatives; 1 person to be appointed by the minority leader of the senate; 1 person to be  
994 appointed by the minority leader of the house of representatives and 3 persons to be appointed by  
995 the governor, 1 of whom shall have expertise in beverage container recycling, 1 of whom shall  
996 represent consumers and be familiar with container deposit systems and 1 of whom shall  
997 represent municipalities.

998 The commission shall conduct at least 3 public hearings annually in geographically  
999 diverse locations of the commonwealth and, not later than April 30, submit a report and any  
1000 recommendations to the clerks of the senate and house of representatives. The report shall detail  
1001 findings from such public hearings, best practices in other states and countries and any  
1002 recommendations to improve the effectiveness of the commonwealth’s recycling programs.

1003 SECTION 58. Section 327A of said chapter 94, inserted by section 57, is hereby  
1004 amended by adding the following subsection:-

1005 (d) The department shall, through its own communications and by engaging deposit  
1006 initiators and dealers, educate consumers regarding the redemption value for beverage containers  
1007 and how and where they can redeem containers for deposit money.

1008 SECTION 59. Chapter 98 of the General Laws is hereby amended by adding the  
1009 following section:-

1010 Section 59. (a) For the purposes of this section, the following words shall have the  
1011 following meanings unless the context clearly requires otherwise:

1012 “Charger”, a device having at least 1 charging port and connector for charging electric  
1013 vehicles; provided, however, that “charger” shall also mean electric vehicle supply equipment.

1014 “Charging network provider”, the entity that operates the digital communication network  
1015 that remotely manages the chargers which may include charging station operators and  
1016 manufacture chargers.

1017 “Charging station”, a charger or group of chargers and the area in the immediate vicinity  
1018 of such charger or group of chargers, which may include, at the discretion of the regulating  
1019 entity, supporting equipment, parking areas adjacent to the chargers and lanes for vehicle ingress  
1020 and egress; provided, however, that a charging station may comprise only part of the property on  
1021 which it is located.

1022 “Charging station operator”, an entity that owns or provides the chargers and the  
1023 supporting equipment and facilities at charging stations and is responsible for the operation and



1024 maintenance of the chargers and the supporting equipment and facilities; provided, however, that  
1025 such operator may delegate responsibility for certain aspects of the charging station operation  
1026 and maintenance to subcontractors.

1027 “Connector”, a device that attaches an electric vehicle to a charging port to transfer  
1028 electricity; provided, however, that the term “connector” may also be referred to as a plug.

1029 “Direct current fast charger”, a charger that enables rapid charging by delivering direct-  
1030 current, or DC current, electricity directly to an electric vehicle’s battery.

1031 “Electric vehicle”, a battery electric vehicle that is either a zero-emission vehicle or a  
1032 plug-in hybrid electric vehicle equipped with an on-board electrical energy storage device that  
1033 can be recharged from an external source of electricity and has the capability to run on another  
1034 fuel; provided, however, that “electric vehicle” shall not include a golf cart, electric bicycle or  
1035 other micromobility device.

1036 “Electric vehicle charging services”, the transfer of electric energy from an electric  
1037 vehicle charging station to a battery or other storage device in an electric vehicle and related  
1038 billing services, networking and operation and maintenance.

1039 “Electric vehicle supply equipment”, a device, including at least 1 charging port and  
1040 connector, for charging electric vehicles; provided, however, that “electric vehicle supply  
1041 equipment” shall also mean a charger.

1042 “Level 1”, a galvanically-connected electric vehicle supply equipment with a single-  
1043 phase input voltage nominally 120 volts AC, or alternating current, and maximum output current  
1044 of not more than 16 amperes AC.

1045           “Level 2”, a galvanically-connected electric vehicle supply equipment with a single-  
1046 phase input voltage range from 208 volts to 240 volts AC, or alternating current, and maximum  
1047 output current of not more than 80 amperes AC.

1048           “Public electric vehicle charging station”, an electric vehicle charging station located at a  
1049 publicly-available parking space.

1050           "Publicly-available parking space", a parking space that has been designated by a  
1051 property owner or lessee to be available to and accessible by the public and may include on-  
1052 street parking spaces and parking spaces in surface lots or parking garages; provided, however,  
1053 that “publicly-available parking space” shall not include a parking space that is part of or  
1054 associated with residential real property containing not more than 4 dwelling units or that is  
1055 reserved for the exclusive use of an individual driver or vehicle or for a group of drivers or  
1056 vehicles, including employees, tenants, visitors, residents of a common interest development and  
1057 residents of an adjacent building.

1058           “Publicly-funded and available charging station", a public electric vehicle charging  
1059 station installed on or after January 1, 2025, that has received, or expects to receive, a grant, loan  
1060 or other incentive from a federal or state government source or through a charge on ratepayers  
1061 and is located at a publicly available parking space.

1062           (b) The division of standards shall promulgate regulations to: (i) inventory the number  
1063 and location of charging stations; and (ii) ensure the accuracy of pricing and volumes of  
1064 electricity purchased at public electric vehicle charging stations; provided, however, that, with  
1065 respect to such public charging stations, such regulations shall include setting minimum  
1066 requirements for the communication and display of pricing information; provided further, that

1067 the division of standards shall not prevent a charging station from operating due to an omission  
1068 or inability by the division to test, inspect, seal or inventory the charging station or otherwise  
1069 administer and enforce such regulations or, in the case of a public electric vehicle charging  
1070 station, due to an omission or inability to ensure the accuracy of pricing and volumes of  
1071 electricity purchased at, and information communicated by, such charging station.

1072 (c) Any regulations promulgated pursuant to this section may vary by technology type,  
1073 power levels, number of chargers per site, site ownership and according to whether charging  
1074 stations and chargers: (i) are networked; (ii) are level 1, level 2 or direct current fast chargers;  
1075 and (iii) are or are not all-inclusive mobile solar charging stations. Such regulations shall not  
1076 apply to chargers or charging stations installed at a residential real property containing not more  
1077 than 4 dwelling units. The division may set standards for data formats that comply with electric  
1078 vehicle charging industry best practices and standards, as determined by the division.

1079 (d) Annually, not later than May 1, the division shall submit a report and accompanying  
1080 data with respect to the inventory required under subsections (b) and (c) and other findings made  
1081 and activities undertaken pursuant to said subsections (b) and (c) to the joint committee on ways  
1082 and means, the joint committee on telecommunications, utilities and energy, the secretary of  
1083 energy and environmental affairs and the secretary of administration and finance.

1084 (e) In promulgating regulations under this section, the division may apply different  
1085 requirements to publicly-funded and available electric vehicle chargers and other charging  
1086 stations

1087 SECTION 60. Section 13 of chapter 142 of the General Laws, as appearing in the 2022  
1088 Official Edition, is hereby amended by inserting after the word “thereof”, in line 9, the following

1089 words:- ; and provided further, that, notwithstanding any general or special law to the contrary,  
1090 grounds for such variances by examiners may include the advancement of reductions in  
1091 greenhouse gas emissions needed to advance the health of building occupants and reductions in  
1092 greenhouse gas emissions needed to meet the statewide greenhouse gas emissions limits and  
1093 sublimits established in chapter 21N.

1094 SECTION 61. Said section 13 of said chapter 142, as so appearing, is hereby further  
1095 amended by inserting after the word “thereof”, in line 24, the following words:- ; provided,  
1096 however, that notwithstanding any general or special law or rule or regulation to the contrary,  
1097 grounds for making, altering, amending and repealing such rules and regulations may include the  
1098 advancement of the health of building occupants and reductions in greenhouse gas emissions  
1099 needed to meet the statewide greenhouse gas emissions limits and sublimits established pursuant  
1100 to chapter 21N.

1101 SECTION 62. Section 95 of chapter 143 of the General Laws, as so appearing, is hereby  
1102 amended by inserting after the word “conservation”, in line 6, the following words:- , energy  
1103 efficiency, reductions in greenhouse gas emissions, reductions in embodied carbon.

1104 SECTION 63. Said section 95 of said chapter 143, as so appearing, is hereby further  
1105 amended by inserting after the word “buildings”, in line 21, the following words:- ; provided  
1106 however, that, notwithstanding any general or special law or regulation to the contrary, the  
1107 board may vary such standards, regulations and requirements and prefer the treatment of certain  
1108 types of classes of materials, products and methods of construction, in order to advance  
1109 reductions in greenhouse gas emissions needed to meet the statewide greenhouse gas emissions  
1110 limits and sublimits established pursuant to chapter 21N; and provided further, that any such

1111 variation in standards, regulations and requirements and any such preferential treatment shall not  
1112 affect the health, safety and security of the occupants or users of buildings.

1113 SECTION 64. Said chapter 143 is hereby further amended by adding the following  
1114 section:-

1115 Section 101. Notwithstanding the of the state building code, specialized code or any  
1116 other general or special law to the contrary, refrigerants identified as an alternative for use in  
1117 accordance with, 42 U.S.C. 7671k shall be acceptable for use in the commonwealth.

1118 SECTION 65. Section 1 of chapter 164 of the General Laws, as so appearing, is hereby  
1119 amended by striking out, in lines 213 and 214, the words “gas company shall not mean an  
1120 alternative energy producer” and inserting in place thereof the following words:- a gas company  
1121 may make, sell or distribute geothermal energy, including networked geothermal and deep  
1122 geothermal energy.

1123 SECTION 66. Section 1B of said chapter 164, as so appearing, is hereby amended by  
1124 striking out, in line 83, the words “periods of up to six months” and inserting in place thereof the  
1125 following words:- the period of time resulting from the competitive bidding process.

1126 SECTION 67. Section 1F of said chapter 164, as so appearing, is hereby amended by  
1127 striking out paragraph (4) and inserting in place thereof the following paragraph:-

1128 (4)(i) The department shall require that distribution companies provide discounted rates  
1129 for low-income customers and eligible moderate-income customers comparable to the low-  
1130 income discount rate in effect prior to March 1, 1998. Such discounts shall be in addition to any  
1131 reduction in rates that becomes effective pursuant to subsection (b) of section 1B on March 1,

1132 1998 and to any subsequent rate reductions provided by a distribution company pursuant to said  
1133 subsection. The cost of such discounts shall be included in the rates charged to all other  
1134 customers of a distribution company upon approval by the department. Each distribution  
1135 company shall guarantee payment to the generation supplier for all power sold to low-income  
1136 and eligible moderate-income customers at the discounted rates. Eligibility for the discount rates  
1137 provided for in this section shall be established upon verification of a low-income customer's  
1138 receipt of any means-tested public benefit or verification of eligibility for the low-income home  
1139 energy assistance program, or its successor program, for which eligibility does not exceed 200  
1140 per cent of the federal poverty level based on a household's gross income and by criteria  
1141 determined by the department for verification of an eligible moderate-income customer. Such  
1142 public benefits may include, but shall not be limited to including, assistance which provides  
1143 cash, housing, food or medical care including, but not limited to, transitional assistance for needy  
1144 families, supplemental security income, emergency assistance to elders, disabled and children,  
1145 food stamps, public housing, federally-subsidized or state-subsidized housing, the low-income  
1146 home energy assistance program, veterans' benefits and similar benefits. The department of  
1147 energy resources shall make available to distribution companies the eligibility guidelines for said  
1148 public benefit programs. Each distribution company shall conduct substantial outreach efforts to  
1149 make the low-income or moderate-income discount available to eligible customers and shall  
1150 report to the department of energy resources, at least annually, as to its outreach activities and  
1151 results. Outreach may include establishing an automated program of matching customer accounts  
1152 with: (A) lists of recipients of said means-tested public benefit programs and, based on the  
1153 results of said matching program, to presumptively offer a low-income discount rate to eligible  
1154 customers so identified; and (B) criteria established by the department for verification of a

1155 moderate-income customer to presumptively offer a moderate-income discount rate to eligible  
1156 customers so identified; provided, however, that the distribution company, within 60 days of said  
1157 presumptive enrollment, informs any such low-income customer or eligible moderate-income  
1158 customer of said presumptive enrollment and all rights and obligations of a customer under said  
1159 program, including the right to withdraw from said program without penalty.

1160 In a program year in which maximum eligibility for the low-income home energy  
1161 assistance program, or its successor program, exceeds 200 per cent of the federal poverty level, a  
1162 household that is income eligible for the low-income home energy assistance program shall be  
1163 eligible for the low-income discount rates required by this subparagraph.

1164 (ii) A residential customer eligible for low-income or moderate-income discount rates  
1165 shall receive the service on demand. Each distribution company shall periodically notify all  
1166 customers of the availability and method of obtaining low-income or moderate-income discount  
1167 rates. An existing residential customer eligible for a low-income or moderate-income discount on  
1168 the date of the start of retail access who orders service for the first time from a distribution  
1169 company shall be offered basic service by that distribution company.

1170 The department shall promulgate rules and regulations requiring utility companies  
1171 organized pursuant to this chapter to produce information, in the form of a mailing, webpage or  
1172 other approved method of distribution, to their consumers, to inform them of available rebates,  
1173 discounts, credits and other cost-saving mechanisms that can help them lower their monthly  
1174 utility bills and send out such information semi-annually, unless otherwise provided by this  
1175 chapter.

1176 (iii) There shall be no charge to any residential customer for initiating or terminating low-  
1177 income or moderate-income discount rates, default service or standard offer service when said  
1178 initiation or termination request is made after a regular meter reading has occurred and the  
1179 customer is in receipt of the results of said reading. A distribution company may impose a  
1180 reasonable charge, as set by the department through regulation, for initiating or terminating low-  
1181 income or moderate-income discount rates, default service or standard offer service when a  
1182 customer does not make such an initiation or termination request upon the receipt of said results  
1183 and prior to the receipt of the next regularly scheduled meter reading. For purposes of this  
1184 subsection, there shall be a regular meter reading conducted of every residential account not less  
1185 often than once every 2 months. Notwithstanding the foregoing, there shall be no charge when  
1186 the initiation or termination is involuntary on the part of the customer.

1187 SECTION 68. Said chapter 164 is hereby further amended by inserting after section 1K  
1188 the following section:-

1189 Section 1L. On or after January 1, 2026, no supplier, energy marketer or energy broker  
1190 shall execute a new contract or renew an existing contract for generation services with any  
1191 individual residential retail customer. This section shall not apply to, or otherwise affect, any  
1192 government body that aggregates the load of residential retail customers as part of a municipal  
1193 load aggregation program pursuant to section 134. A violation of this section shall be deemed an  
1194 unfair and deceptive act pursuant to chapter 93A. The attorney general may bring an action under  
1195 section 4 of said chapter 93A to enforce this section and to obtain restitution, civil penalties,  
1196 injunctive relief or any other relief available under said chapter 93A.



1197 SECTION 69. Section 30 of said chapter 164, as appearing in the 2022 Official Edition,  
1198 is hereby amended by adding the following paragraph:-

1199 Notwithstanding any general or special law to the contrary, in deciding whether to  
1200 exercise its authority pursuant to this section, the department shall consider whether a request to  
1201 authorize gas distribution service is reasonable and in the public interest; provided, however, that  
1202 in determining reasonableness and the public interest, the department shall consider factors  
1203 including, but not limited to: (i) the commonwealth’s interest in complying with the greenhouse  
1204 gas emissions limits and sublimits established pursuant to chapter 21N, including the statewide  
1205 emissions limit set for 2050; (ii) the commonwealth’s interest in avoiding the stranding of assets  
1206 and the likelihood of its costs being borne by ratepayers; and (iii) whether an alternative to gas  
1207 service is available and likely to provide substantially similar service, which shall include  
1208 consideration of cost.

1209 SECTION 70. Section 69G of said chapter 164, as so appearing, is hereby amended by  
1210 striking out, in line 1, the words “sixty-nine H to sixty-nine R” and inserting in place thereof the  
1211 following words:- 69H to 69W.

1212 SECTION 71. Said section 69G of said chapter 164, as so appearing, is hereby further  
1213 amended by striking out the definition of “Applicant” and inserting in place thereof the following  
1214 5 definitions:-

1215 “Advanced conductors”, any hardware technology that can conduct electricity across  
1216 transmission and distribution lines and demonstrate enhanced performance over traditional  
1217 conductor products.

1218 “Advanced power flow control”, any hardware and software technologies used to push or  
1219 pull electric power in a manner that balances overloaded lines and underutilized corridors within  
1220 the distribution or transmission system.

1221 “Advanced reconductoring”, the application of advanced conductors to increase the  
1222 capacity and efficiency of the existing electric grid.

1223 “Anaerobic digestion facility”, a facility that: (i) generates electricity from a biogas  
1224 produced by the accelerated biodegradation of organic materials under controlled anaerobic  
1225 conditions; and (ii) has been determined by the department of energy resources, in coordination  
1226 with the department of environmental protection, to qualify under the department of energy  
1227 resources regulations as a Class I renewable energy generating source under section 11F of  
1228 chapter 25A.

1229 “Applicant”, a person or group of persons who submits to the department or board a long-  
1230 range plan, a petition to construct a facility, a petition for a consolidated permit for a large clean  
1231 energy infrastructure facility or small clean energy infrastructure facility, a petition for a  
1232 certificate of environmental impact and public need, a notice of intent to construct an oil facility  
1233 or any application, petition or matter referred by the chair of the department to the board  
1234 pursuant to section 69H.

1235 SECTION 72. Said section 69G of said chapter 164, as so appearing, is hereby further  
1236 amended by inserting after the definition of “Certificate” the following definition:-

1237 “Consolidated permit”, a permit issued by the board to a large clean energy infrastructure  
1238 facility or a small clean energy infrastructure facility that includes all municipal, regional and  
1239 state permits that the large or small clean energy infrastructure facility would otherwise need to

1240 obtain individually, with the exception of certain federal permits that are delegated to specific  
1241 state agencies as determined by the board.

1242 SECTION 73. Said section 69G of said chapter 164, as so appearing, is hereby further  
1243 amended by striking out the definition of “Department” and inserting in place thereof the  
1244 following 3 definitions:-

1245 “Cumulative impact analysis”, a written report produced by the applicant assessing any  
1246 existing inequitable environmental burden and related public health consequences impacting a  
1247 specific geographical area in which a facility, large clean energy infrastructure facility or small  
1248 clean energy infrastructure facility is proposed from any prior or current private, industrial,  
1249 commercial, state or municipal operation or project that has damaged the environment; provided,  
1250 however, that the analysis shall be limited to the types of exposures and risks that are attributable  
1251 to the type of proposed project; provided further, that if the analysis indicates that such a  
1252 geographical area is subject to an existing inequitable environmental burden or related health  
1253 consequence, the analysis shall identify any: (i) environmental and public health impact from the  
1254 proposed project that would likely result in a disproportionate adverse effect on such  
1255 geographical area; (ii) potential impact or consequence from the proposed project that would  
1256 increase or reduce the effects of climate change on such geographical area; and (iii) proposed  
1257 potential remedial actions to address any disproportionate adverse impacts to the environment,  
1258 public health and climate resilience of such geographical area; and provided further, that the  
1259 analysis shall be developed in accordance with guidance established by the office of  
1260 environmental justice and equity established pursuant to section 29 of chapter 21A and  
1261 regulations promulgated by the board.

1262 “Department”, the department of public utilities.

1263 “Director”, the director of the facilities siting division appointed pursuant to section 12N  
1264 of chapter 25, who shall serve as the director of the board; provided, however, that the director  
1265 may issue decisions on de novo adjudications of local permit applications pursuant to section  
1266 69W.

1267 “Dynamic line rating”, any hardware or software technology used to appropriately update  
1268 the calculated thermal limits of existing distribution or transmission lines based on real-time and  
1269 forecasted weather conditions.

1270 SECTION 74. Said section 69G of said chapter 164, as so appearing, is hereby further  
1271 amended by inserting after the word “capacity”, in line 46, the following words:- ; provided,  
1272 however, that “facility” shall not include a large clean energy infrastructure facility or small  
1273 clean energy infrastructure facility.

1274 SECTION 75. Said section 69G of said chapter 164, as so appearing, is hereby further  
1275 amended by striking out, in line 48, the words “and liquified natural gas” and inserting in place  
1276 thereof the following words:- liquified natural gas, renewable natural gas and hydrogen.

1277 SECTION 76. Said section 69G of said chapter 164, as so appearing, is hereby further  
1278 amended by striking out, in line 61, the figure “100” and inserting in place thereof the following  
1279 figure:- 25.

1280 SECTION 77. Said section 69G of said chapter 164, as so appearing, is hereby further  
1281 amended by inserting after the definition of “Generating facility” the following 5 definitions:-

1282 “Grid enhancing technology”, any hardware or software technology that enables  
1283 enhanced or more efficient performance from the electric distribution or transmission system  
1284 including, but not limited to, dynamic line rating, advanced power flow control technology,  
1285 topology optimization and energy storage when used as a distribution or transmission resource.

1286 “Large clean energy generation facility”, energy generation infrastructure with a  
1287 nameplate capacity of not less than 25 megawatts that is an anaerobic digestion facility, solar  
1288 facility or wind facility, including any ancillary structure that is an integral part of the operation  
1289 of the large clean energy generation facility, or, following a rulemaking by the board in  
1290 consultation with the department of energy resources that includes the facility within the  
1291 regulatory definition of a large clean energy generation facility, any other type of generation  
1292 facility that does not emit greenhouse gas; provided, however, that the nameplate capacity for  
1293 solar facilities shall be calculated in direct current.

1294 “Large clean energy infrastructure facility”, a large clean energy generation facility, large  
1295 clean energy storage facility or large clean transmission and distribution infrastructure facility.

1296 “Large clean energy storage facility”, an energy storage system as defined under section  
1297 1 with a rated capacity of not less than 100 megawatt hours, including any ancillary structure that  
1298 is an integral part of the operation of the large clean energy storage facility.

1299 “Large clean transmission and distribution infrastructure facility”, electric transmission  
1300 and distribution infrastructure and related ancillary infrastructure that is: (i) a new electric  
1301 transmission line having a design rating of not less than 69 kilovolts and that is not less than 1  
1302 mile in length on a new transmission corridor, including any ancillary structure that is an integral  
1303 part of the operation of the transmission line; (ii) a new electric transmission line having a design

1304 rating of not less than 115 kilovolts that is not less than 10 miles in length on an existing  
1305 transmission corridor except reconducted or rebuilt transmission lines at the same voltage,  
1306 including any ancillary structure that is an integral part of the operation of the transmission line;  
1307 (iii) any other new electric transmission infrastructure requiring zoning exemptions, including  
1308 standalone transmission substations and upgrades and any ancillary structure that is an integral  
1309 part of the operation of the transmission line; and (iv) facilities needed to interconnect offshore  
1310 wind to the grid; provided, however, that the large clean transmission and distribution facility is:  
1311 (A) designed, fully or in part, to directly interconnect or otherwise facilitate the interconnection  
1312 of clean energy infrastructure to the electric grid; (B) approved by the regional transmission  
1313 operator in relation to interconnecting clean energy infrastructure; (C) proposed to ensure electric  
1314 grid reliability and stability; or (D) will help facilitate the electrification of the building and  
1315 transportation sectors; provided further, that a “large clean transmission and distribution  
1316 infrastructure facility” shall not include new transmission and distribution infrastructure that  
1317 solely interconnects new and existing energy generation powered by fossil fuels on or after  
1318 January 1, 2026.

1319 SECTION 78. Said section 69G of said chapter 164, as so appearing, is hereby further  
1320 amended by inserting after the definition of “Significant portion of his income”, the following 6  
1321 definitions:-

1322 “Small clean energy generation facility”, a small clean energy generation facility as  
1323 defined in section 22 of chapter 25A.

1324 “Small clean energy infrastructure facility”, a small clean energy infrastructure facility as  
1325 defined in section 22 of chapter 25A.

1326 “Small clean energy storage facility”, a small clean energy storage facility as defined in  
1327 section 22 of chapter 25A.

1328 “Small clean transmission and distribution infrastructure facility”, a small clean  
1329 transmission and distribution infrastructure facility as defined in section 22 of chapter 25A.

1330 “Solar facility”, a ground mounted facility that uses sunlight to generate electricity.

1331 “Topology optimization”, any hardware or software technology that identifies  
1332 reconfigurations of the distribution or transmission grid and can enable the routing of power  
1333 flows around congested or overloaded distribution or transmission elements.

1334 SECTION 79. Said section 69G of said chapter 164, as so appearing, is hereby further  
1335 amended by adding the following definition:-

1336 “Wind facility”, an onshore or offshore facility that uses wind to generate electricity.

1337 SECTION 80. Section 69H of said chapter 164 is hereby amended by striking out the first  
1338 3 paragraphs, as amended by section 292 of chapter 7 of the acts of 2023, and inserting in place  
1339 thereof the following 4 paragraphs:-

1340 There shall be an energy facilities siting board within the department, but not under the  
1341 supervision or control of the department. The board shall implement the provisions contained in  
1342 sections 69H to 69Q, inclusive, and sections 69S to 69W, inclusive, to: (i) provide a reliable,  
1343 resilient and clean supply of energy consistent with the commonwealth’s climate change and  
1344 greenhouse gas reduction policies and requirements; (ii) ensure that large clean energy  
1345 infrastructure facilities, small clean energy infrastructure facilities, facilities and oil facilities  
1346 avoid or minimize or, if impacts cannot be avoided or minimized, mitigate environmental

1347 impacts and negative health impacts to the extent practicable; (iii) ensure that large clean energy  
1348 infrastructure facilities, small clean energy infrastructure facilities, facilities and oil facilities are,  
1349 to the extent practicable, in compliance with energy, environmental, land use, labor, economic  
1350 justice, environmental justice and equity and public health and safety policies of the  
1351 commonwealth, its subdivisions and its municipalities; and (iv) ensure large clean energy  
1352 infrastructure facilities, small clean energy infrastructure facilities, facilities and oil facilities are  
1353 constructed in a manner that avoids or minimizes costs. The board shall review: (A) the need for,  
1354 cost of and environmental and public health impacts of transmission lines, natural gas pipelines,  
1355 facilities for the manufacture and storage of gas, oil facilities, large clean transmission and  
1356 distribution infrastructure facilities and small clean transmission and distribution infrastructure  
1357 facilities; and (B) the environmental and public health impacts of generating facilities, large  
1358 clean energy generation facilities, small clean energy generation facilities, large clean energy  
1359 storage facilities and small clean energy storage facilities.

1360 A determination made by the board shall describe the environmental and public health  
1361 impacts, if any, of the large clean energy infrastructure facility, small clean energy infrastructure  
1362 facility, facility or oil facility and shall include findings including, but not be limited to, findings  
1363 that: (i) efforts have been made to avoid or minimize or, if impacts cannot be avoided or  
1364 minimized, mitigate environmental impacts; (ii) due consideration has been given to the findings  
1365 and recommendations of local governments; (iii) in the case of large clean transmission and  
1366 distribution infrastructure facilities, small clean transmission and distribution infrastructure  
1367 facilities and natural gas pipelines, due consideration has been given to advanced conductors,  
1368 advanced transmission technologies, grid enhancement technologies, non-wires or non-pipeline  
1369 alternatives, the repair or retirement of pipelines and other alternatives in an effort to avoid or



1370 minimize expenditures; (iv) in the case of large clean transmission and distribution infrastructure  
1371 facilities and small clean transmission and distribution infrastructure facilities, the infrastructure  
1372 or project will increase the capacity of the system to interconnect large electricity customers,  
1373 electric vehicle supply equipment, clean energy generation, clean energy storage or other clean  
1374 energy generation sources that qualify under any clean energy standard regulation established by  
1375 the department of environmental protection pursuant to subsection (c) of section 3 of chapter  
1376 21N or will facilitate the electrification of the building and transportation sectors; and (v) due  
1377 consideration has been given to any cumulative burdens on host communities and efforts to be  
1378 taken to avoid or minimize or, if impacts cannot be avoided or minimized, efforts to mitigate  
1379 such burdens. In considering and issuing a decision, the board shall also consider reasonably  
1380 foreseeable climate change impacts, including additional greenhouse gas or other pollutant  
1381 emissions known to have negative health impacts, predicted sea level rise, flooding and any other  
1382 disproportionate adverse effects on a specific geographical area. Such reviews shall be conducted  
1383 consistent with section 69J1/4 for generating facilities, section 69T for large clean energy  
1384 infrastructure facilities, sections 69U to 69W, inclusive, for small clean energy infrastructure  
1385 facilities and section 69J for all other types of facilities.

1386         The board shall be composed of: the secretary of energy and environmental affairs or a  
1387 designee, who shall serve as chair; the secretary of economic development or a designee; the  
1388 commissioner of environmental protection or a designee; the commissioner of energy resources  
1389 or a designee; the commissioner of public utilities or a designee; the commissioner of fish and  
1390 game or a designee; and 3 public members to be appointed by the governor for a term  
1391 coterminous with that of the governor, 1 of whom shall be a representative of Massachusetts  
1392 Municipal Association, Inc. with expertise in municipal permitting matters, 1 of whom shall be

1393 experienced in advocating for low and moderate income communities or indigenous sovereignty  
1394 and 1 of whom shall be experienced in labor issues; provided, however, that public members  
1395 shall not have received within the 2 years immediately preceding appointment a significant  
1396 portion of their income directly or indirectly from the developer of an energy facility or an  
1397 electric, gas or oil company. The public members shall serve on a part-time basis, receive \$100  
1398 per diem of board service and be reimbursed by the commonwealth for all reasonable expenses  
1399 actually and necessarily incurred in the performance of official board duties. Upon the  
1400 resignation of any public member, a successor shall be appointed in a like manner for the  
1401 unexpired portion of the term. Appointees may serve for not more than 2 consecutive full terms.

1402           Upon the absence, recusal or disqualification of the chair, the commissioner of energy  
1403 resources shall appoint an acting chair from the remaining members of the board. The board shall  
1404 meet at such time and place as the chair may designate or upon the request of 3 members. The  
1405 board shall render a final decision on an application by a majority vote of the members in  
1406 attendance at a meeting and 5 members shall constitute a quorum.

1407           SECTION 81. The fifth paragraph of said section 69H of said chapter 164, as appearing  
1408 in the 2022 Official Edition, is hereby amended by striking out clause (1) and inserting in place  
1409 thereof the following clause:-

1410           (1) to adopt and publish rules and regulations consistent with this section and sections 69I  
1411 to 69S, inclusive, and from time to time to amend the same including, but not limited to, rules  
1412 and regulations for the conduct of the board's public hearings under sections 69H1/2, 69J,  
1413 69J1/4, 69M and 69T to 69W, inclusive.

1414 SECTION 82. Said section 69H of said chapter 164, as so appearing, is hereby further  
1415 amended by adding the following 2 paragraphs:-

1416 The board shall promulgate regulations for cumulative impact analysis as part of its  
1417 review of facilities, large clean energy infrastructure facilities and small clean energy  
1418 infrastructure facilities in consultation with the office of environmental justice and equity and  
1419 Massachusetts environmental policy act office, which shall be informed by the cumulative  
1420 impact analysis guidance under section 29 of chapter 21A.

1421 The board and any proponent or owner of a large clean energy infrastructure facility or  
1422 small clean energy infrastructure facility shall not be subject to any provisions of sections 61 to  
1423 62L, inclusive, of chapter 30 in relation to an application or petition for a comprehensive permit  
1424 or de novo adjudication filed under sections 69T to 69W, inclusive. This section shall apply to  
1425 any state agency issuing, in relation to an application or petition under said sections 69T to 69V,  
1426 inclusive, a federal permit that is delegated to that agency and determined by the board to be  
1427 excluded from the definition of consolidated permit in section 69G.

1428 SECTION 83. The third paragraph of section 69I of said chapter 164, as so appearing, is  
1429 hereby amended by striking out the last sentence and inserting in place thereof the following  
1430 sentence:- The board or any other person, in taking any action pursuant to this section, sections  
1431 69J to 69J1/4, inclusive, or sections 69T to 69W, inclusive, shall not be subject to sections 61 to  
1432 62H, inclusive, of chapter 30.

1433 SECTION 84. Section 69J of said chapter 164, as so appearing, is hereby amended by  
1434 inserting after the word “facility”, in lines 1 and 2, the following words:- that is not a large clean  
1435 energy infrastructure facility or small clean energy infrastructure facility.

1436 SECTION 85. Said section 69J of said chapter 164, as so appearing, is hereby further  
1437 amended by striking out the second to fourth paragraphs, inclusive, and inserting in place thereof  
1438 the following paragraph:-

1439 A petition to construct a facility shall include, in such form and detail as the board shall  
1440 from time to time prescribe: (i) a description of the facility, site and surrounding areas; (ii) an  
1441 analysis of the need for the facility, either within or outside or both within and outside the  
1442 commonwealth, including a description of the energy benefits of the facility; (iii) a description of  
1443 the alternatives to the facility, such as other methods of transmitting or storing energy, other site  
1444 locations, other sources of electrical power or gas or a reduction of requirements through load  
1445 management; (iv) a description of the environmental impacts of the facility, including both  
1446 environmental benefits and burdens, that includes a description of efforts to avoid, minimize and  
1447 mitigate burdens and efforts to enhance benefits, such as shared use, recreational paths or access  
1448 to nature; (v) evidence that all prefiling consultation and community engagement requirements  
1449 established by the board have been satisfied and, if not, the applicant shall demonstrate good  
1450 cause for a waiver of the requirements that could not be satisfied by the applicant; and (vi) a  
1451 cumulative impact analysis. The board may issue and revise filing guidelines after public notice  
1452 and a period for comment. Said filing guidelines shall require the applicant to provide a  
1453 minimum of data for review concerning climate change impact, land use impact, water resource  
1454 impact, air quality impact, fire and other public safety risks, solid waste impact, radiation impact,  
1455 noise impact and other public health impacts as determined by the board.

1456 SECTION 86. Said section 69J of said chapter 164, as so appearing, is hereby further  
1457 amended by striking out the last paragraph and inserting in place thereof the following  
1458 paragraph:-

1459           This section shall not apply to petitions submitted under sections 69U to 69W, inclusive,  
1460 or petitions to construct a generating facility or a large clean energy infrastructure facility, which  
1461 shall be subject to sections 69J1/4 and 69T, respectively.

1462           SECTION 87. Section 69J1/4 of said chapter 164, as so appearing, is hereby amended by  
1463 inserting after the word “facility”, in line 2, the following words:- that is not a large clean energy  
1464 infrastructure facility or small clean energy infrastructure facility.

1465           SECTION 88. Said section 69J1/4 of said chapter 164, as so appearing, is hereby further  
1466 amended by striking out the third paragraph and inserting in place thereof the following  
1467 paragraph:-

1468           A petition to construct a generating facility shall include, in such form and detail as the  
1469 board shall from time to time prescribe, the following information: (i) a description of the  
1470 proposed generating facility, including any ancillary structures and related facilities, including a  
1471 description of the energy benefits of the generating facility; (ii) a description of the  
1472 environmental and public health impacts of facility, including both environmental and public  
1473 health benefits and burdens that includes a description of efforts to avoid or minimize or, if  
1474 impacts cannot be avoided or minimized, mitigate the burdens and enhance the benefits and the  
1475 costs associated with the mitigation, control or reduction of the environmental and public health  
1476 impacts of the proposed generating facility; (iii) a description of the project development and site  
1477 selection process used in choosing the design and location of the proposed generating facility;  
1478 (iv) either: (a) evidence that the expected emissions from the facility meet the technology  
1479 performance standard in effect at the time of filing; or (b) a description of the environmental  
1480 impacts, costs and reliability of other fossil fuel generating technologies and an explanation of

1481 why the proposed technology was chosen; (v) evidence that all pre-filing consultation and  
1482 community engagement requirements established by the board have been satisfied and, if not, the  
1483 applicant shall demonstrate good cause for a waiver of the requirements that could not be  
1484 satisfied by the applicant; (vi) a cumulative impact analysis; and (vii) any other information  
1485 necessary to demonstrate that the generating facility meets the requirements for approval  
1486 specified in this section.

1487 SECTION 89. Said chapter 164 is hereby further amended by striking out section 69J1/2,  
1488 as so appearing, and inserting in place thereof the following section:-

1489 Section 69J1/2. Notwithstanding any general or special law to the contrary, the  
1490 department may charge a fee as specified by its regulations for each application to construct a  
1491 facility that generates electricity, a large clean energy generation facility, a small clean energy  
1492 generation facility, a large clean energy storage facility, a small clean energy storage facility, a  
1493 non-utility-owned large clean transmission and distribution infrastructure facility or a small clean  
1494 transmission and distribution infrastructure facility. If the application to construct any such  
1495 facility is accompanied by an application to construct an additional facility that does not generate  
1496 electricity, the department may charge a fee as specified by its regulations for the combined  
1497 application. If an application to construct a facility that generates electricity is accompanied by  
1498 applications to construct 2 additional facilities that do not generate electricity, the department  
1499 may charge a fee as specified by its regulations for the combined application. If an application to  
1500 construct a facility that does not generate electricity is filed separately, the department may  
1501 charge a fee as specified by its regulations for each such application; provided, however, that, the  
1502 department may charge a lower fee for applications to construct facilities that do not generate

1503 electricity and that are below a size to be determined by the department. The fees shall be  
1504 payable upon issuance of the notice of adjudication and public hearing.

1505           The department may retain the fees for the purpose of reviewing applications to construct  
1506 or consolidated permit applications for large clean energy infrastructure facilities, small clean  
1507 energy infrastructure facilities or other facilities subject to this section and to create a clean  
1508 energy infrastructure dashboard pursuant to section 12N of chapter 25.

1509           Any remaining balance of fees at the end of a fiscal year shall not revert to the General  
1510 Fund and shall remain available to the department during the following fiscal year for the  
1511 purposes of this section or section 12S of chapter 25.

1512           The department shall issue an annual report summarizing the data and information  
1513 required by this section including, but not limited to: (i) the number of applications filed for  
1514 facilities, large clean energy infrastructure facilities and small clean energy infrastructure  
1515 facilities, decided and pending; (ii) the average duration of review; and (iii) average staffing  
1516 levels; provided, however, that the annual report shall make use of bar charts, line charts and  
1517 other visual representations in order to facilitate public understanding of events of the immediate  
1518 preceding year and of long-term and cumulative trends and outcomes. The board shall file a  
1519 report with the clerks of the senate and house of representatives, the senate and house  
1520 committees on ways and means and the joint committee on telecommunications, utilities and  
1521 energy not later than January 31.

1522           Nothing in this section shall be construed to change the statutory mandates of the  
1523 department or board or the type of facilities that may be constructed by applicants that are not  
1524 utilities. Nothing in this section shall be construed as changing the regulations or body of

1525 precedent of the department or board., Nothing in this section shall be construed as changing the  
1526 rights of intervenors before the department or board.

1527 SECTION 90. Section 69O of said chapter 164, as so appearing, is hereby amended by  
1528 striking out, in lines 7 and 8, the words “sixty-one to sixty-two H, inclusive, of chapter thirty”  
1529 and inserting in place thereof the following words:- 61 to 62L, inclusive, of chapter 30.

1530 SECTION 91. Said chapter 164 is hereby further amended by striking out section 69P, as  
1531 so appearing, and inserting in place thereof the following section:-

1532 Section 69P. Any party in interest aggrieved by a final decision of the board or the  
1533 director shall have a right to judicial review in the manner provided by section 5 of chapter 25.  
1534 The scope of such judicial review shall be limited to whether the decision of the board or the  
1535 director is in conformity with the Constitution of the Commonwealth and the United states  
1536 Constitution, was made in accordance with the procedures established in section 69H to section  
1537 69O, inclusive, and section 69T to section 69W, inclusive, and the rules and regulations of the  
1538 board with respect to such provisions, was supported by substantial evidence of record in the  
1539 board’s proceedings and was arbitrary, capricious or an abuse of the board’s discretion under  
1540 said section 69H to 69O, inclusive, and said section 69T to 69W, inclusive.

1541 SECTION 92. Said chapter 164 is hereby further amended by striking out section 69R, as  
1542 so appearing, and inserting in place thereof the following section:-

1543 Section 69R. An electric or gas company, generation company or wholesale generation  
1544 company may petition the board for the right to exercise the power of eminent domain with  
1545 respect to a facility, large clean transmission and distribution infrastructure facility or small clean  
1546 transmission and distribution infrastructure facility, specified and contained in a petition or



1547 application submitted in accordance with sections 69J, 69T or 69U or a bulk power supply  
1548 substation if such company is unable to reach agreement with the owners of land for the  
1549 acquisition of any necessary estate or interest in land. The applicant shall forward, at the time of  
1550 filing such petition, a copy thereof to each city, town and property owner affected.

1551           The company shall file with such petition or have annexed thereto: (i) a statement of the  
1552 use for which such land is to be taken; (ii) a description of land to be taken sufficient for the  
1553 identification thereof; (iii) a statement of the estate or interest in the land to be taken for such  
1554 use; (iv) a plan showing the land to be taken; (v) a statement of the sum of money established by  
1555 such utility to be just compensation for the land to be taken; and (vi) such additional maps and  
1556 information as the board requires.

1557           The board, after such notice as it may direct, shall hold at least 1 public hearing in the  
1558 community in which the land to be taken is located. For facilities involving takings in several  
1559 communities, the hearing shall be held in communities in proximity to the land to be taken, as  
1560 determined by the board. The board may thereafter authorize the company to take by eminent  
1561 domain under chapter 79 such lands necessary for the construction of the facility as are required  
1562 in the public interest, convenience and necessity. The board shall transmit a certified copy of its  
1563 order to the company and to the town clerk of each affected community.

1564           If the board dismisses the petition at any stage in the proceedings, no further action shall  
1565 be taken thereon and the company may file a new petition not sooner than 1 year after the date of  
1566 such dismissal.

1567           Following a taking under this section, the electric or gas company may forthwith proceed  
1568 to utilize the land. If the electric or gas company shall not utilize the lands so taken for the

1569 purposes authorized in the department's order within such time as the board shall determine, its  
1570 rights under such taking shall cease and terminate.

1571 No land, rights of way or other easements therein in any public way, public park,  
1572 reservation or other land subject to article 97 of the amendments to the Constitution of the  
1573 Commonwealth shall be taken by eminent domain under this section, except in accordance with  
1574 said article.

1575 This section shall not be construed as abrogating the board's jurisdiction described in  
1576 section 72 in respect to transmission lines or the board's jurisdiction described in sections 75B to  
1577 75G, inclusive, in respect to natural gas transmission lines.

1578 SECTION 93. The second paragraph of said section 69S of said chapter 164, as so  
1579 appearing, is hereby amended by striking out the first sentence and inserting in place thereof the  
1580 following sentence:- The board, after such notice as it may direct, shall hold at least 1 public  
1581 hearing in the city or town in which the greater portion of said land in question is located.

1582 SECTION 94. Said chapter 164 is hereby further amended by inserting after section 69S  
1583 the following 4 sections:-

1584 Section 69T. (a) The energy facilities siting board may issue consolidated permits for  
1585 large clean energy infrastructure facilities. No applicant shall commence construction of a large  
1586 clean energy infrastructure facility at a site unless an application for a consolidated permit for  
1587 such facility pursuant to this section has been approved by the board and no state agency shall  
1588 issue a construction permit for any such facility unless the petition to construct such facility has  
1589 been approved by the board. For purposes of this section, construction shall not include  
1590 contractual obligations to purchase facilities or equipment.

1591 (b) The board shall establish the following criteria governing the siting and permitting of  
1592 large clean energy infrastructure facilities: (i) a uniform set of baseline health, safety,  
1593 environmental and other standards that apply to the issuance of a consolidated permit; (ii) a  
1594 common standard application to be used when submitting an application to the board; (iii) pre-  
1595 filing requirements commensurate with the scope and scale of the proposed large clean energy  
1596 infrastructure facility, which shall include specific requirements for pre-filing consultations with  
1597 permitting agencies and the Massachusetts environmental policy act office, public meetings and  
1598 other forms of outreach that must occur in advance of an applicant submitting an application; (iv)  
1599 standards for applying site suitability criteria developed by the executive office of energy and  
1600 environmental affairs pursuant to section 30 of chapter 21A to evaluate the social and  
1601 environmental impacts of proposed large clean energy infrastructure project sites and which shall  
1602 include a mitigation hierarchy to be applied during the permitting process to avoid or minimize  
1603 or, if impacts cannot be avoided or minimized, mitigate impacts of siting on the environment,  
1604 people and goals and objectives of the commonwealth for climate mitigation, carbon storage and  
1605 sequestration, resilience, biodiversity and protection of natural and working lands to the extent  
1606 practicable; (v) standards for applying the cumulative impacts analysis standards and guidelines  
1607 developed by the office of environmental justice and equity pursuant to section 29 of chapter  
1608 21A to evaluate and minimize the impacts of large clean energy infrastructure facilities in the  
1609 context of existing infrastructure and conditions; (vi) standard permit conditions and  
1610 requirements for a single permit consolidating all necessary local, regional and state approvals to  
1611 be issued to different types of large clean energy infrastructure facilities in the event that  
1612 constructive approval is triggered through the non-issuance of a permit by the board pursuant to  
1613 subsection (i); and (vii) entities responsible for compliance and enforcement of permit

1614 conditions, including in the event of sale of large clean energy infrastructure facilities after  
1615 permitting.

1616 (c) An application for a consolidated permit for a large clean transmission and  
1617 distribution infrastructure facility shall include, in such form and detail as the board shall from  
1618 time to time prescribe, the following information: (i) a description of the large clean transmission  
1619 and distribution infrastructure facility, site and surrounding areas; (ii) an analysis of the need for  
1620 the large clean transmission and distribution infrastructure facility, either within or outside or  
1621 both within and outside the commonwealth, including a description of energy benefits; (iii) a  
1622 description of the alternatives to the large clean transmission and distribution infrastructure  
1623 facility including siting and project alternatives to avoid or minimize or, if impacts cannot be  
1624 avoided or minimized, mitigate impacts; (iv) a description of the environmental impacts of the  
1625 large clean transmission and distribution infrastructure facility, including both environmental  
1626 benefits and burdens, including shared use, recreational paths and access to nature; (v) evidence  
1627 that all pre-filing consultation and community engagement requirements established by the board  
1628 have been satisfied and, if not, demonstrate good cause for a waiver of the requirements that  
1629 could not be satisfied by the applicant; and (vi) a cumulative impact analysis. The board may  
1630 issue and revise filing guidelines after public notice and a period for comment.

1631 (d) An application for a consolidated permit for a large clean energy generation facility or  
1632 large clean energy storage facility shall include, in such form and detail as the board shall from  
1633 time to time prescribe: (i) a description of the large clean energy generation facility's or large  
1634 clean energy storage facility's site and surrounding areas, including any ancillary structures and  
1635 related facilities and a description of the energy benefits of the large clean energy generation  
1636 facility or large clean energy storage facility; (ii) a description of the environmental impacts of

1637 the large clean energy generation facility or large clean energy storage facility, including both  
1638 environmental benefits and burdens; (iii) a description of the project site selection process and  
1639 alternatives analysis used in choosing the location of the proposed large clean energy generation  
1640 facility or large clean energy storage facility to avoid or minimize or, if impacts cannot be  
1641 avoided or minimized, mitigate impacts; (iv) evidence that all pre-filing consultation and  
1642 community requirements established by the board have been satisfied and, if not, demonstrate  
1643 good cause for a waiver of the requirements that could not be satisfied by the applicant; and (v) a  
1644 cumulative impact analysis. The board shall be empowered may issue and revise filing  
1645 guidelines after public notice and a period for comment.

1646 (e) A review by the board of the application shall be an adjudicatory proceeding under  
1647 chapter 30A. The authority of the board to conduct the adjudicatory proceeding under this  
1648 section may be delegated in whole or in part to the employees of the department. Pursuant to the  
1649 rules of the board, such employees shall report back to the board with recommended decisions  
1650 for final action thereon.

1651 (f) The board shall determine whether a large clean energy infrastructure facility permit  
1652 application is complete within 30 days of receipt. If an application is deemed not complete, the  
1653 applicant shall have 30 days to cure any deficiencies identified by the board before the  
1654 application is rejected. The board may provide extensions of time to cure deficiencies if the  
1655 applicant can demonstrate there are extenuating circumstances.

1656 (g) The board shall conduct a public hearing in at least 1 of the affected cities or towns in  
1657 which a large clean energy infrastructure facility would be located.

1658 (h) Following a determination that an application for a large clean energy infrastructure  
1659 facility is complete, all municipal, regional and state agencies, authorities, boards, commissions,  
1660 offices or other entities that would otherwise be required to issue at least 1 permits to the facility  
1661 shall be deemed to be substantially and specifically affected by the proceeding and upon  
1662 notification to the board shall have intervenor status in the proceeding to review the facility's  
1663 application. All municipal, regional and state agencies, authorities, boards, commissions, offices  
1664 or other entities that would otherwise be required to issue at least 1 permit to the facility shall be  
1665 afforded an opportunity to submit statements of recommended permit conditions to the board  
1666 relative to the respective permits that each agency would be responsible for otherwise issuing  
1667 themselves.

1668 (i) The board shall establish timeframes for reviewing different types of large clean  
1669 energy infrastructure facilities based on the complexity of the facility, the need for an exemption  
1670 from local zoning requirements and community impacts but the board shall not take more than  
1671 15 months from the determination of application completeness to render a final decision on an  
1672 application. The board may approve, approve with conditions or reject a consolidated permit  
1673 application. If no final decision is issued within the deadline established by the board for the type  
1674 of large clean energy infrastructure facility, the board shall issue a permit granting approval to  
1675 construct that adopts the common conditions and requirements established by the board through  
1676 regulations for the type of large clean energy infrastructure facility under review, which shall be  
1677 deemed a final decision of the board. A consolidated permit, if issued, shall be in the form of a  
1678 composite of all individual permits, approvals or authorizations which would otherwise be  
1679 necessary for the construction and operation of the large clean energy infrastructure facility and  
1680 that portion of the consolidated permit which relates to subject matters within the jurisdiction of

1681 a state or local agency shall be enforced by said agency under other applicable laws of the  
1682 commonwealth as if it had been directly granted by the said agency.

1683 Section 69U. (a) Upon request by an applicant and upon a showing of good cause, the  
1684 board may issue a consolidated permit for a small clean transmission and distribution  
1685 infrastructure facility that is not automatically subject to the jurisdiction of the board pursuant to  
1686 section 69G if the applicant petitions the board to be granted a consolidated permit for such  
1687 facility. The board shall review such petition in accordance with subsections (b) and (c). The  
1688 board may issue such consolidated permit upon finding that the small clean transmission and  
1689 distribution infrastructure facility will serve the public convenience and is consistent with the  
1690 public interest. Upon application for a consolidated permit under this section, no applicant shall  
1691 commence construction of a small clean transmission and distribution infrastructure facility at a  
1692 site unless a consolidated permit for construction of that small clean transmission and  
1693 distribution infrastructure facility pursuant to this section has been approved by the board. For  
1694 purposes of this section, “construction” shall not include contractual obligations to purchase such  
1695 facilities or equipment.

1696 (b) The board shall establish the same criteria governing the siting and permitting of  
1697 small clean transmission and distribution infrastructure facilities eligible to submit an application  
1698 under this section as it is required to establish for large clean energy infrastructure facilities  
1699 under subsection (b) of section 69T. An application for a consolidated permit for a small clean  
1700 transmission and distribution infrastructure facility shall include the same elements as required  
1701 for large clean transmission and distribution infrastructure facilities under subsection (c) of said  
1702 section 69T. Subject to subsection (c) of this section, subsections (d) to (i), inclusive, of section

1703 69T shall apply to the process followed by the board regarding the issuance of a consolidated  
1704 permit to any small clean transmission and distribution infrastructure facility under this section.

1705 (c) The board shall establish timeframes and procedures for reviewing different types of  
1706 small clean transmission and distribution infrastructure facilities based on the complexity of the  
1707 facility and the need for an exemption from local zoning requirements, but in no instance shall  
1708 the board take more than 12 months from the determination of application completeness to  
1709 render a final decision on an application. The board shall have the authority to approve, approve  
1710 with conditions or reject a permit application. If no final decision is issued within the deadline  
1711 for the type of small clean transmission and distribution infrastructure facility established by the  
1712 board, the board shall issue a permit granting approval to construct that adopts the common  
1713 conditions and requirements established by the board in regulation for the type of small clean  
1714 transmission and distribution infrastructure facility under review, which shall be deemed a final  
1715 decision of the board. A consolidated permit, if issued, shall be in the form of a composite of all  
1716 individual permits, approvals or authorizations which would otherwise be necessary for the  
1717 construction and operation of the clean transmission and distribution infrastructure facility and  
1718 that portion of the consolidated permit which relates to subject matters within the jurisdiction of  
1719 a state or local agency shall be enforced by said agency under the other applicable laws of the  
1720 commonwealth as if it had been directly granted by said agency.

1721 Section 69V. (a) The board may issue consolidated state permits for small clean energy  
1722 generation and small clean energy storage facilities. Owners or proponents of small clean energy  
1723 generation facilities and small clean energy storage facilities may submit an application to the  
1724 board to be granted a consolidated permit that shall include all state permits necessary to  
1725 construct the small clean energy generation facility or small clean energy storage facility. All



1726 local government permits and approvals for such small clean energy generation facilities and  
1727 small clean energy storage facilities shall be issued separately pursuant to section 22 of chapter  
1728 25A.

1729 (b) The board shall establish the same criteria governing the siting and permitting of  
1730 small clean energy generation facilities and small clean energy storage facilities eligible to  
1731 submit an application under this section as it is required to establish for large clean energy  
1732 infrastructure facilities under subsection (b) of section 69T. An application for a consolidated  
1733 permit for a small clean energy generation facility or small clean energy storage facility eligible  
1734 to submit an application under this section shall include the same elements as required for large  
1735 clean energy generation facilities and large clean energy storage facilities under subsection (d) of  
1736 said section 69T. Subsections (e) to (g), inclusive, of said section 69T shall apply to the issuance  
1737 of a consolidated permit to any small clean energy generation facility or small clean energy  
1738 storage facility under this section.

1739 (c) The board shall not take more than 12 months from the determination of application  
1740 completeness to render a final decision on an application. The board may approve, approve with  
1741 conditions or reject a permit application. If no final decision is issued within the deadline for the  
1742 type of small clean energy generation facility or small clean energy storage facility established  
1743 by the board, the board shall issue a permit granting approval to construct that adopts the  
1744 common conditions and requirements established by the board in regulation for the type of small  
1745 clean energy generation facility or small clean energy storage facility under review, which shall  
1746 be deemed a final decision of the board. A consolidated permit shall be in the form of a  
1747 composite of all individual permits, approvals or authorizations which would otherwise be  
1748 necessary for the construction and operation of the small clean energy generation facility or

1749 small clean energy storage facility and that portion of the consolidated permit which relates to  
1750 subject matters within the jurisdiction of a state or local agency shall be enforced by the agency  
1751 under other applicable state laws as if it had been directly granted by the agency.

1752           Section 69W. (a) Owners or proponents of small clean energy infrastructure facilities that  
1753 have received a final decision on or a constructive approval of a consolidated local permit  
1754 application from a local government, as defined in section 22 of chapter 25A, or other parties  
1755 substantially and specifically affected by the decision of the local government may submit a  
1756 request for a de novo adjudication of the local permit application by the director. Subject to the  
1757 provisions of subsection (g) of said section 22 of said chapter 25A, a local government may also  
1758 submit a request for a de novo adjudication if their resources, capacity and staffing do not allow  
1759 for review of a small clean energy infrastructure facility's permit application within the required  
1760 maximum 12-month timeframe for local government review established by said section 22 of  
1761 said chapter 25A. Review by the director of the board of the request for de novo adjudication  
1762 shall be deemed an adjudicatory proceeding under the provisions of chapter 30A.

1763           (b) A request for a de novo adjudication by an owner or proponent of a small clean  
1764 energy infrastructure facility or other party substantially and specifically affected by a final  
1765 decision of a local government shall be filed within 30 days of such decision.

1766           (c) Upon determination that at least 1 party seeking a de novo adjudication is  
1767 substantially and specifically affected, the director of the board shall review the request and the  
1768 local government's final decision for consistency with the regulations adopting statewide  
1769 permitting standards for such facilities established by the department of energy resources  
1770 pursuant to section 22 of chapter 25A. The director shall render a decision on the request within

1771 6 months of receipt of the application and such decision shall be final. If the local government's  
1772 decision is found to be inconsistent with the regulatory standards established by the department  
1773 of energy resources, the director may issue a final decision that supersedes the local  
1774 government's prior decision and impose new local permit conditions that are consistent with  
1775 applicable laws.

1776 (d) The board shall establish regulations governing the process that the director of the  
1777 facility siting division shall follow to conduct the review of requests for de novo adjudication  
1778 under this section.

1779 SECTION 95. Said chapter 164 is hereby further amended by striking out sections 72  
1780 and 72A, as appearing in the 2022 Official Edition, and inserting in place thereof the following 2  
1781 sections:-

1782 Section 72. An electric company, distribution company, generation company or  
1783 transmission company or any other entity providing or seeking to provide transmission service  
1784 may petition the energy facilities siting board for authority to construct and use or to continue to  
1785 use as constructed or with altered construction a line for the transmission of electricity for  
1786 distribution in some definite area or for supplying electricity to itself or to another electric  
1787 company or to a municipal lighting plant for distribution and sale or to a railroad, street railway  
1788 or electric railroad for the purpose of operating it and shall represent that such line will or does  
1789 serve the public convenience and is consistent with the public interest. The company shall  
1790 forward at the time of filing such petition a copy thereof to each city and town within such area.  
1791 The company shall file with such petition a general description of such transmission line and a  
1792 map or plan showing the towns through which the line will or does pass and its general location.

1793 The company shall also furnish an estimate showing in reasonable detail the cost of the line and  
1794 such additional maps and information as the energy facilities siting board requires. The energy  
1795 facilities siting board, after notice and a public hearing in at least 1 of the towns affected, may  
1796 determine that said line is necessary for the purpose alleged and will serve the public  
1797 convenience and is consistent with the public interest. If the electric company, distribution  
1798 company, generation company or transmission company or any other entity providing or seeking  
1799 to provide transmission service shall file with the energy facilities siting board a map or plan of  
1800 the transmission line showing the towns through which it will or does pass, the public ways,  
1801 railroads, railways, navigable streams and tide waters in the town named in said petition which it  
1802 will cross and the extent to which it will be located upon private land or upon, under or along  
1803 public ways and places the energy facilities siting board, after such notice as it may direct, shall  
1804 hold a public hearing in at least 1 of the towns through which the line passes or is intended to  
1805 pass. The energy facilities siting board may by order authorize an electric company, distribution  
1806 company, generation company or transmission company or any other entity to take by eminent  
1807 domain under chapter 79 such lands, or such rights of way or widening thereof or other  
1808 easements therein, as may be necessary for the construction and use or continued use as  
1809 constructed or with altered construction of such line along the route prescribed in the order of the  
1810 energy facilities siting board. The energy facilities siting board shall transmit a certified copy of  
1811 its order to the company and the town clerk of each affected town. At any time before such  
1812 hearing, the company may modify the whole or a part of the route of such line, either of its own  
1813 motion or at the insistence of the energy facilities siting board or otherwise and, in such case,  
1814 shall file with the energy facilities siting board maps, plans and estimates as aforesaid showing  
1815 such changes. If the energy facilities siting board dismisses the petition at any stage in the

1816 proceedings, no further action shall be taken thereon and the company may file a new petition  
1817 not sooner than 1 year after the date of such dismissal. When a taking under this section is  
1818 effected, the company may forthwith, except as hereinafter provided, proceed to erect, maintain  
1819 and operate thereon the line. If the company shall not enter upon and construct such line upon the  
1820 land so taken within 1 year thereafter, its right under such taking shall terminate. No lands or  
1821 rights of way or other easements therein shall be taken by eminent domain under this section in  
1822 any public way, public place, park or reservation or within the location of any railroad, electric  
1823 railroad or street railway company except with the consent of such company and on such terms  
1824 and conditions as it may impose or except as otherwise provided in this chapter No electricity  
1825 shall be transmitted over any land, right of way or other easement taken by eminent domain as  
1826 provided herein until the electric company, distribution company, generation company or  
1827 transmission company or any other entity shall have acquired from the select board or such other  
1828 authority having jurisdiction all necessary rights in the public ways or public places in the town  
1829 or towns or in any park or reservation, through which the line will or does pass. No entity shall  
1830 be authorized under this section or section 69R or section 24 of chapter 164A to take by eminent  
1831 domain any lands or rights of way or other easements therein held by an electric company or  
1832 transmission company to support an existing or proposed transmission line without the consent  
1833 of the electric company or transmission company.

1834         No electric company, distribution company, generation company or transmission  
1835 company or any other entity providing or seeking to provide transmission services shall be  
1836 required to petition the energy facilities siting board under this section unless it is seeking  
1837 authorization to take lands, rights of way or other easements by eminent domain under chapter  
1838 79.

1839           Section 72A. Upon petition, the energy facilities siting board may authorize an electric  
1840 company to enter upon lands of any person or corporation for the purpose of making a survey  
1841 preliminary to eminent domain proceedings. The energy facilities siting board shall give notice  
1842 of the authorization granted, by registered mail, to the landowners involved not less than 5 days  
1843 prior to any entry by such electric company. The company entering upon any such lands shall be  
1844 subject to liability for any damages occasioned thereby to be recovered under chapter 79.

1845           SECTION 96. Said chapter 164 is hereby further amended by striking out section 75C,  
1846 as so appearing, and inserting in place thereof the following section:-

1847           Section 75C. A natural gas pipeline company may petition the energy facilities siting  
1848 board for the right to exercise the power of eminent domain under chapter 79. Such company  
1849 shall file with the petition a general description of the pipeline and a map or plan thereof  
1850 showing the rights of way, easements and other interests in land or other property proposed to be  
1851 taken for such use, the towns through which the pipeline will pass, the public ways, railroads,  
1852 railways, navigable streams and tide waters in the towns named in the petition that it will cross  
1853 and the extent to which it will be located upon private land and upon, under or along public  
1854 ways, lands and places. Upon the filing of such petition, the energy facilities siting board, after  
1855 such notice as it may direct, shall provide notice to each municipality through which the pipeline  
1856 is intended to pass and hold a public hearing in at least 1 of the towns through which the pipeline  
1857 is intended to pass and may, by order, authorize the company to take by eminent domain under  
1858 said chapter 79 such lands or such rights of way, easements or other interests in land or other  
1859 property necessary for the construction, operation, maintenance, alteration and removal of the  
1860 pipeline, compressor stations, appliances, appurtenances and other equipment along the route  
1861 described in the order of the energy facilities siting board. The energy facilities siting board shall

1862 transmit a certified copy of its order to the company and the town clerk of each affected town. At  
1863 any time before such hearing, the company may modify the whole or a part of the route of the  
1864 pipeline, either of its own motion or at the insistence of the energy facilities siting board or  
1865 otherwise and, in such case, shall file with the energy facilities siting board maps, plans and  
1866 estimates showing such changes. If the energy facilities siting board dismisses the petition at any  
1867 stage in the proceedings, no further action shall be taken thereon and the company may file a  
1868 new petition not sooner than 1 year after the date of such dismissal.

1869           When a taking under this section is effected, the company may forthwith, except as  
1870 hereinafter provided, proceed to construct, install, maintain and operate thereon such pipeline. If  
1871 the company shall not enter upon and construct such line upon the land so taken within 1 year  
1872 thereafter, its right under such taking shall cease and terminate. No lands or rights of way or  
1873 easements therein shall be taken by eminent domain under the provisions of this section in any  
1874 public way, public place, park or reservation or within the location of any railroad, electric  
1875 railroad or street railway company, except that such pipeline may be constructed under any  
1876 public way or any way dedicated to the public use; provided, however, that the rights granted  
1877 hereunder shall not affect the right or remedy to recover damages for an injury caused to persons  
1878 or property by the acts of such company and such company shall put all such streets, lanes and  
1879 highways in as good repair as they were when opened by such company and the method of such  
1880 construction and the plans and specifications therefor have been approved either generally or in  
1881 any particular instance by the energy facilities siting board or, in the case of state highways, by  
1882 the department of highways. Natural gas pipeline companies may construct such lines under,  
1883 over or across the location on private land of any railroad, electric railroad or street railway  
1884 corporation subject to section 73. Rights of way, buildings, structures or lands to be used in the

1885 construction of such pipelines over or upon the lands referred to therein shall be governed by  
1886 section 34A of chapter 132.

1887 SECTION 97. The first paragraph of section 92 of said chapter 164, as so appearing, is  
1888 hereby amended by adding the following sentence:- Notwithstanding any general or special law  
1889 to the contrary, in determining whether to issue an order directing a corporation to supply a  
1890 petitioner with gas service, the department shall consider: (i) whether the grant of the petition is  
1891 in the public interest, including the public interest in reducing greenhouse gas emissions and  
1892 complying with the limits and sublimits established pursuant to chapter 21N; and (ii) whether, in  
1893 the totality of the circumstances, the petitioner can secure adequate substitutes for gas-fired  
1894 services for space heating, water heating and cooking appliances which, in the case of space  
1895 heating, may include thermal energy that provides heating or cooling without combustion. The  
1896 department may, in order to advance the public interest in reducing greenhouse gas emissions  
1897 and complying with the limits and sublimits established pursuant to said chapter 21N, order  
1898 actions that may vary the uniformity of the availability of natural gas service.

1899 SECTION 98. Section 139 of said chapter 164, as so appearing, is hereby amended by  
1900 striking out, in line 210, the words “such solar”.

1901 SECTION 99. Said section 139 of said chapter 164, as so appearing, is hereby further  
1902 amended by inserting after the word “each”, in lines 218 and 221, each time it appears, the  
1903 following word:- solar.

1904 SECTION 100. Section 141 of said chapter 164, as so appearing, is hereby amended by  
1905 striking out the last sentence and inserting in place thereof the following sentence:- Where the  
1906 scale of on-site generation would have an impact on affordability for low-income or eligible



1907 moderate-income customers, a fully compensating adjustment shall be made to the low-income  
1908 or moderate-income rate discount.

1909 SECTION 101. Said chapter 164 is hereby further amended by striking out section 145,  
1910 as so appearing, and inserting in place thereof the following section:-

1911 Section 145. (a) For the purposes of this section, the following words shall, unless the  
1912 context clearly requires otherwise, have the following meanings:-

1913 “Customer”, a retail natural gas customer.

1914 “Decommissioning proposal”, a proposal to decommission a portion of existing natural  
1915 gas infrastructure to be retired or replaced by a non-gas pipe alternative.

1916 “Eligible infrastructure measure”, a retirement, repair or replacement of existing  
1917 infrastructure of a gas company that: (i) is made on or after January 1, 2015 and not later than  
1918 December 31, 2028; (ii) seeks in a balanced manner to preserve and improve public safety,  
1919 improve infrastructure reliability, minimize ratepayer impacts, minimize the risk of stranded  
1920 assets and reduce greenhouse gas emissions in compliance with the limits and sublimits  
1921 established in chapter 21N; (iii) does not increase the revenue of a gas company by connecting  
1922 an improvement for a principal purpose of serving new customers; (iv) is not included in the  
1923 current rate base of the gas company as determined in the gas company's most recent rate  
1924 proceeding; (v) may include use of advanced leak repair technology approved by the department  
1925 to repair an existing leak-prone gas pipe to extend the useful life of the such gas pipe by not less  
1926 than 10 years; (vi) may include replacing gas infrastructure with utility-scale non-emitting  
1927 renewable thermal energy infrastructure; (vii) involves circumstances in which a non-gas pipe  
1928 alternative has been shown to be infeasible or not cost effective; (viii) reduces, or has the

1929 potential to reduce, natural gas emissions through a reduction in natural gas system leaks; and  
1930 (ix) is not inconsistent with the greenhouse gas emissions limits and sublimits established in said  
1931 chapter 21N.

1932 “Non-emitting renewable thermal energy infrastructure”, utility-scale distribution  
1933 infrastructure that supplies heating or cooling from energy sources that do not emit greenhouse  
1934 gas emissions as defined in section 1 of chapter 21N; provided, however, that such infrastructure  
1935 may include, but shall not be limited to including, infrastructure for networked geothermal and  
1936 deep geothermal energy.

1937 “Non-gas pipe alternative”, an activity or investment that delays, reduces or avoids the  
1938 need to build or upgrade combustible gas infrastructure including, but not limited to,  
1939 electrification or non-emitting renewable thermal energy infrastructure.

1940 “Plan”, a detailed compilation of eligible infrastructure measures and decommissioning  
1941 proposals that a gas company files pursuant to subsection (b).

1942 “Project”, an eligible infrastructure measure or decommissioning proposal as proposed by  
1943 a gas company in a plan filed under this section.

1944 (b) A gas company shall file with the department a plan that shall include annual targets  
1945 for the department's review. The department shall review such annual targets to ensure each gas  
1946 company is meeting the appropriate pace to preserve and improve public safety, improve  
1947 infrastructure reliability, minimize the risk of stranded assets and reduce greenhouse gas  
1948 emissions in compliance with the limits and sublimits established in chapter 21N. A gas  
1949 company filing a plan shall update the targets each year based on overall progress. The  
1950 department may levy a penalty against any gas company that fails to meet its most recently

1951 updated annual target in an amount up to and including the equivalent of 2.5 per cent of such gas  
1952 company's transmission and distribution service revenues for the previous calendar year.

1953 (c) Any plan filed with the department shall include, but not be limited to: (i) capital  
1954 investment in eligible infrastructure measures and decommissioning proposals concerning mains,  
1955 services, leak-prone meter sets and other ancillary facilities composed of non-cathodically  
1956 protected steel, cast iron and wrought iron, prioritized to implement the federal gas distribution  
1957 pipeline integrity management plan annually submitted to the department and consistent with  
1958 subpart P of 49 C.F.R. part 192; (ii) an evaluation of the cost to retire, replace or repurpose  
1959 natural gas infrastructure with non-gas pipe alternatives including, but not limited to, utility-scale  
1960 non-emitting renewable thermal energy infrastructure; (iii) an anticipated timeline for the  
1961 completion of each project; (iv) the estimated cost of each project; (v) rate change requests; (vi) a  
1962 description of customer costs and benefits under the plan, including the costs of potential  
1963 stranded assets and the benefits of avoiding financial exposure to such assets; (vii) the  
1964 relocations, where practical, of a meter located inside a structure to the outside of the structure to  
1965 improve public safety; (viii) a comparison of costs and benefits of proposed eligible  
1966 infrastructure measures in low and moderate income communities with costs and benefits of such  
1967 measures in upper income communities; (ix) a comparison of projected greenhouse gas  
1968 emissions reductions from eligible infrastructure measures with other investment alternatives,  
1969 including electrification; (x) an analysis of how the proposed plan fits within the company's  
1970 climate compliance plan approved by the department; and (xi) any other information the  
1971 department considers necessary to evaluate the plan.

1972 As part of each plan filed under this section, a gas company shall include a timeline for  
1973 remedying leak-prone infrastructure to preserve and improve public safety, improve

1974 infrastructure reliability, minimize the risk of stranded assets and reduce greenhouse gas  
1975 emissions, on an accelerated basis specifying an annual remediation pace and an end date of  
1976 November 1, 2030. After filing the initial plan required under this section, a gas company shall  
1977 annually provide the department with a summary of its remediation progress to date, a summary  
1978 of work to be completed during the next 2 years and any similar information the department may  
1979 require.

1980 (d) If a gas company files a plan on or before October 31 for the subsequent construction  
1981 year, the department shall review the plan within 6 months. The plan shall be effective as of the  
1982 date of filing, pending department review. The department may modify a plan prior to approval  
1983 at the request of a gas company or make other modifications to a plan as a condition of approval.  
1984 The department shall consider the costs and benefits of the plan, including preserving and  
1985 improving public safety, minimizing ratepayer impacts, improving infrastructure reliability,  
1986 minimizing the risk of stranded assets and reducing greenhouse gas emissions in compliance  
1987 with the greenhouse gas emissions limits and sublimits established in chapter 21N.

1988 (e) If a plan is in compliance with this section and the department determines the plan  
1989 operates in a balanced manner to reasonably preserve and improve public safety, minimize  
1990 ratepayer impacts, improve infrastructure reliability, minimize the risk of stranded assets and  
1991 reduce greenhouse gas emissions in compliance with the limits and sublimits established in  
1992 chapter 21N, the department shall issue preliminary acceptance of the plan in whole or in part. A  
1993 gas company shall then be permitted to begin recovery of the estimated costs of projects included  
1994 in the plan beginning on May 1 of the year following the initial filing and collect any revenue  
1995 requirement, including depreciation, property taxes and return associated with the plan.

1996 (f) Annually, not later than May 1, a gas company shall file final project documentation  
1997 for projects completed in the prior year to demonstrate substantial compliance with the plan  
1998 approved pursuant to subsection (e) and that project costs were reasonably and prudently  
1999 incurred. The department shall investigate project costs within 6 months of submission and shall  
2000 approve and reconcile the authorized rate factor, if necessary, upon a determination that the costs  
2001 were reasonable and prudent. Annual changes in the revenue requirement eligible for recovery  
2002 shall not exceed the applicable percentages of the gas company's most recent calendar year total  
2003 firm revenues, including gas revenues attributable to sales and transportation customers as  
2004 established in subsection (i).

2005 (g) All rate change requests made to the department pursuant to an approved plan shall be  
2006 filed annually on a fully reconciling basis, subject to final determination by the department  
2007 pursuant to subsection (f). The rate change included in a plan pursuant to section (c), reviewed  
2008 pursuant to subsection (d) and taking effect each May 1 pursuant to subsection (e) shall be  
2009 subject to investigation by the department pursuant to subsection (f) to determine whether the gas  
2010 company has overcollected or undercollected its requested rate adjustment with such over  
2011 collection or under collection reconciled annually. If the department determines that any of the  
2012 costs were not reasonably or prudently incurred, the department shall disallow the costs and  
2013 direct the gas company to refund the full value of the costs charged to customers with the  
2014 appropriate carrying charges on the overcollected amounts. If the department determines that any  
2015 of the costs were not in compliance with the approved plan, the department shall disallow the  
2016 costs from the cost recovery mechanism established in this section and shall direct the gas  
2017 company to refund the full value of the costs charged to customers with the appropriate carrying  
2018 charges on the overcollected amounts.

2019 (h) Notwithstanding any general or special law to the contrary, pursuant to a  
2020 decommissioning proposal approved by the department, a gas company may terminate natural  
2021 gas service to a customer where such proposal ensures that the affected customer retains  
2022 continuous access to safe, reliable and affordable energy services and can secure adequate  
2023 substitutes, with consideration of the cost of such substitutes, for gas-fired services as determined  
2024 by the department.

2025 (i) For the purposes of subsection (f), the applicable percentage of the local gas  
2026 distribution company's most recent calendar year total firm revenues, including gas revenues  
2027 attributable to sales and transportation customers, beginning:

2028 (A) on or after November 1, 2024 and before November 1, 2025 shall be 2.8 per cent;

2029 (B) on or after November 1, 2025 and before November 1, 2026 shall be 2.5 per cent;

2030 (C) on or after November 1, 2026, and before November 1, 2027 shall be 2.0 per cent;

2031 (D) on or after November 1, 2027 and before November 1, 2028 shall be 1.5 per cent;

2032 (E) on or after November 1, 2028 and before November 1, 2029 shall be 1.0 per cent;

2033 (F) on or after November 1, 2029 and before November 1, 2030 shall be 0.5 per cent; and

2034 (G) on or after November 1, 2030 shall be 0 per cent.

2035 (j) The department may promulgate rules and regulations to carry out this section. The  
2036 department may discontinue a plan and require a gas company to refund any costs charged to  
2037 customers due to failure to substantially comply with such plan or failure to reasonably and  
2038 prudently manage project costs.

2039 SECTION 102. Said chapter 164 is hereby further amended by adding the following 2  
2040 sections:-

2041 Section 149. (a) For the purposes of this section, the following words shall have the  
2042 following meanings unless the context clearly requires otherwise:-

2043 “Director”, the director of public participation established in section 12T of chapter 25.

2044 “Governmental body”, a city, town, district, regional school district, county, agency,  
2045 board, commission, authority, department or instrumentality of a city, town, district, regional  
2046 school district or county.

2047 “Grantee”, an organization, entity, governmental body, federally recognized tribe, state  
2048 acknowledged tribe or state recognized tribe that has received a grant award under this section.

2049 “Prospective grantee”, an organization, entity, governmental body, federally recognized  
2050 tribe, state acknowledged tribe, or state recognized tribe that has applied or plans to apply for a  
2051 grant under this section.

2052 (b) The department may make available as grants, funds deposited into the Department of  
2053 Public Utilities and Energy Facilities Siting Board Intervenor Support Fund established in  
2054 section 12S of chapter 25 to parties that have been granted intervenor status by the department or  
2055 the board pursuant to clause (4) of the second sentence of the first paragraph of section 10 of  
2056 chapter 30A and corresponding department and board regulations and that are: (i) organizations  
2057 and entities that advocate on behalf of a relevant subset of residential customers defined  
2058 geographically or based on specific shared interests; (ii) organizations and entities that advocate  
2059 on behalf of low-income or moderate-income residential populations, residents of historically

2060 marginalized or overburdened and underserved communities; or (iii) governmental bodies,  
2061 federally recognized tribes, state acknowledged tribes or state recognized tribes.

2062 (c) The director, in consultation with the office of environmental justice and equity  
2063 established in section 29 of chapter 21A, shall establish criteria to determine whether and to what  
2064 extent a prospective grantee shall be eligible to receive a grant award pursuant to this section.  
2065 Such criteria shall include, but not be limited to, whether the prospective grantee: (i) lacks the  
2066 financial resources that would enable it to intervene and participate in a department or board  
2067 proceeding absent a grant award pursuant to this section; and (ii) previously intervened in  
2068 department or board proceedings prior to the establishment of the intervenor support grant  
2069 program pursuant to this section; provided, however, that a municipality with a population of less  
2070 than 7,500 and that is a prospective grantee for a proceeding pertaining to a facility, large clean  
2071 energy infrastructure facility or small clean energy infrastructure facility as those terms are  
2072 defined in section 69G within its boundaries shall not be required to meet the criteria set forth in  
2073 this paragraph to receive a grant award pursuant to this section.

2074 (d) A prospective grantee seeking funding under this section shall submit a grant  
2075 application in a form and manner developed by the director demonstrating that it meets the  
2076 criteria established by the director in accordance with subsection (c). Such grant application shall  
2077 include: (i) a statement outlining the prospective grantee's anticipated participation in the  
2078 department or board proceeding, to the extent it is known at the time of making the grant  
2079 application; (ii) a detailed estimated budget of anticipated attorney, consultant and expert,  
2080 including community expert, costs and fees and all other costs related to the preparation for, and  
2081 intervention and participation in, the proceeding; and (iii) background information on the  
2082 attorneys, consultants and experts, including community experts, that the prospective applicant



2083 plans to retain if awarded grant funding. The director may, at their discretion, make conditional  
2084 grant awards to grant applicants that have not yet been granted intervenor status by the  
2085 department or board; provided, however, that no grant may be awarded until such intervenor  
2086 status is granted.

2087 (e) The director shall, in the director's sole discretion, determine the amount of financial  
2088 support to be granted to an applicant under this section, taking into account the demonstrated  
2089 needs of the intervenor and the complexity of the proceeding. No such grant to be awarded shall  
2090 exceed \$150,000 for a single department or board proceeding; provided, however, that the  
2091 director may, in the director's sole discretion: (i) upon the petition of a prospective grantee,  
2092 award a grant exceeding \$150,000 upon a demonstration of good cause, including the complexity  
2093 of the proceeding in which the grantee is intervening; and (ii) upon the petition of a grantee,  
2094 provide additional grant funding than initially requested under section (c) upon a showing that  
2095 new, novel or complex issues have arisen in the proceeding since the time the grant application  
2096 was submitted. The director shall consider the potential for intervenors to share costs through  
2097 collaborative efforts with other parties to a proceeding as part of determining the amount of  
2098 funding awarded to a prospective grantee and such intervenors shall be expected to reduce  
2099 duplicative costs to the extent possible in instances where the positions of multiple intervenors  
2100 align.

2101 (f) The aggregate grant funding for any individual department or board proceeding shall  
2102 not exceed \$500,000; provided, however, that where the aggregate amount of funding being  
2103 requested exceeds \$500,000, funding shall be allocated to prospective grantees on the basis of  
2104 their relative financial hardship. The director may, at the director's discretion and upon a

2105 determination of good cause, provide funding that exceeds \$500,000 for an individual  
2106 department or board proceeding.

2107 (g) Ten per cent of grant funds awarded to a grantee, or a greater percentage as  
2108 determined by the director at the director's sole discretion, may be expended on nonlegal, non-  
2109 expert and non-consultant administrative costs directly attributable to the intervention and  
2110 participation in a proceeding before the department or board. All remaining grant funds may be  
2111 expended to retain legal counsel, experts and consultants to assist in proceedings before the  
2112 department or board; provided, however, that such funds may be used to retain qualified  
2113 community experts, which shall include residential ratepayers and residents with lived  
2114 experience that can inform such proceedings. Such funding may be expended for administrative,  
2115 legal, consultant and expert costs associated with an intervention petition submitted pursuant to  
2116 clause (4) of the second sentence of the first paragraph section 10 of chapter 30A or pursuant to  
2117 section 10A of said chapter 30A and any applicable regulations.

2118 (h) All grants under this section shall be made from the Department of Public Utilities  
2119 and Energy Facilities Siting Board Intervenor Support Trust Fund established in chapter 12S of  
2120 chapter 25. Such grant payments shall be made only for reasonable costs incurred and upon  
2121 submission of a grant payment request by an applicant therefor. Such grant payment requests  
2122 shall be in a form and manner as prescribed by the director and grant payments shall be made  
2123 within 30 days of receipt of such grant payment requests by the director to the grantee or to the  
2124 entity designated by the grantee to receive grant payments. The director, at the director's  
2125 discretion or as provided for in regulations promulgated pursuant to this section, may provide  
2126 grant payments before such costs are incurred by the grantee upon a showing of financial  
2127 hardship by the grantee.

2128 (i) All decisions pertaining to the issuance of financial support shall be made solely by  
2129 the director. The director shall have sole discretion to deny funding to a prospective grantee that  
2130 demonstrates a pattern of repeatedly delaying or obstructing, or attempting to repeatedly delay or  
2131 obstruct, proceedings or that otherwise has misused funds.

2132 (j) In the department's annual report required under section 2 of chapter 25, the director  
2133 shall include a report describing all activities of the Department of Public Utilities and Energy  
2134 Facilities Siting Board Intervenor Support Trust Fund established in section 12S of chapter 25  
2135 including, but not limited to: (i) amounts credited to the fund, amounts expended from the fund  
2136 and any unexpended balance; (ii) a summary of the intervenor support grant fund application  
2137 process; (iii) the number of grant applications received, the number and amount of awards  
2138 granted and the number of grant applications rejected; (iv) the number of intervenors who  
2139 participated in proceedings, with or without support from the fund; (v) an itemization of costs  
2140 incurred by and payments made to grantees; (vi) an evaluation of the impact and contribution of  
2141 grantees in department and board proceedings; (vii) a summary of education and outreach  
2142 activities conducted by the division of public participation established in section 12T of said  
2143 chapter 25 related to the intervenor support grant program; and (viii) any recommended changes  
2144 to the program.

2145 (k) The director shall develop:

2146 (i) accessible, multilingual and easily comprehensible web-based educational materials,  
2147 including forms and templates, to educate prospective grantees and the public on the intervenor  
2148 support grant program established in this section; and

2149 (ii) a robust virtual and in-person outreach program to educate prospective grantees and  
2150 the public about the intervenor support grant program established in this section.

2151 (l) The department, in consultation with the board, shall promulgate regulations to  
2152 implement this section.

2153 Section 150. (a) As used in this section, the following words shall have the following  
2154 meanings unless the context clearly requires otherwise:

2155 “Advanced conductors”, any hardware technology that can conduct electricity across  
2156 transmission and distribution lines and demonstrate enhanced performance over traditional  
2157 conductor products.

2158 “Advanced power flow control”, any hardware and software technologies used to push or  
2159 pull electric power in a manner that balances overloaded lines and underutilized corridors within  
2160 the distribution or transmission system.

2161 “Advanced reconductoring”, the application of advanced conductors to increase the  
2162 capacity and efficiency of the existing electric grid.

2163 “Dynamic line rating”, any hardware or software technology used to appropriately update  
2164 the calculated thermal limits of existing distribution or transmission lines based on real-time and  
2165 forecasted weather conditions.

2166 “Grid enhancing technology”, any hardware or software technology that enables  
2167 enhanced or more efficient performance from the electric distribution or transmission system  
2168 including, but not limited to, dynamic line rating, advanced power flow control technology,  
2169 topology optimization and energy storage when used as a distribution or transmission resource.

2170 “Topology optimization”, any hardware or software technology that identifies  
2171 reconfigurations of the distribution or transmission grid and can enable the routing of power  
2172 flows around congested or overloaded distribution or transmission elements.

2173 (b) To the extent authorized by federal law, for base rate proceedings and other  
2174 proceedings in which a distribution or transmission company proposes capital improvements or  
2175 additions to the distribution or transmission system, such distribution or transmission company  
2176 shall conduct a cost-effectiveness and timetable analysis of multiple strategies including, but not  
2177 limited to, the deployment of grid enhancing technology, advanced conductors or energy storage  
2178 used as a distribution or transmission resource. Where grid enhancing technology, advanced  
2179 conductors or energy storage used as a distribution or transmission resource, whether in  
2180 combination with or instead of capital investments, offer a more cost-effective strategy to  
2181 achieve distribution or transmission goals including, but not limited to, distributed energy  
2182 resource interconnection, grid reliability and enhanced cyber and physical security, the  
2183 department may approve the deployment of grid enhancing technology, advanced conductors or  
2184 energy storage used as a distribution or transmission resource as part of the overall solutions  
2185 strategy.

2186 (c) As part of a base rate filing or other filing in which capital improvements or additions  
2187 to the distribution or transmission system are proposed, the distribution or transmission company  
2188 may propose a performance incentive mechanism that provides a financial incentive for the cost-  
2189 effective deployment of grid enhancing technologies, advanced reconductoring or energy storage  
2190 used as a distribution or transmission resource.

2191 (d) The department may promulgate regulations to implement subsections (b) and (c).

2192 (e) At least every 5 years, each distribution company and, to the extent authorized by  
2193 federal law, each transmission company shall make a compliance filing with the department and  
2194 provide a separate report to the joint committee on telecommunications, utilities and energy not  
2195 later than September 1 on the deployment of grid enhancing technology, advanced conductors or  
2196 energy storage used as a distribution or transmission resource in a format determined by the  
2197 department.

2198 SECTION 103. Chapter 166 of the General Laws is amended by striking out section 28,  
2199 as appearing in the 2022 Official Edition, and inserting in place thereof the following section:-

2200 Section 28. A company subject to this chapter, except a telegraph or telephone company,  
2201 desiring to construct a line for the transmission of electricity that will of necessity pass through at  
2202 least 1 city or town to connect the proposed termini of such line, whose petition for the location  
2203 necessary for such line has been refused or has not been granted within 3 months after the filing  
2204 thereof by the city council or the select board of the town through which the company intends to  
2205 construct such line, may apply to the energy facilities siting board for such location. The energy  
2206 facilities siting board shall hold a public hearing thereon after notice to the city council or select  
2207 board refusing or neglecting to grant such location and to all persons owning real estate abutting  
2208 upon any way in the city or town where such location is sought, as such ownership is determined  
2209 by the last assessment for taxation. The energy facilities siting board shall, if requested by the  
2210 city council or select board, hold the hearing in the city or town where the location is sought. If it  
2211 appears at the hearing that the company has already been granted and has accepted a location for  
2212 such line in 2 cities or in 2 towns or in a city and town adjoining the city or town refusing or  
2213 neglecting to grant a location or, if it appears at the hearing that the company has already been  
2214 granted and has accepted locations for such line in a majority of the municipalities through

2215 which such line will pass and if the energy facilities siting board deems the location necessary  
2216 for public convenience and in the public interest, the board may issue an order granting a  
2217 location for such line in the city or town with respect to which the application has been made and  
2218 shall have and exercise the powers and authority conferred by section 22 upon the city council or  
2219 select board and, in addition to any laws governing such company, may impose any other terms,  
2220 limitations and restrictions as public interest may require. The energy facilities siting board shall  
2221 cause an attested copy of its order, with the certificate of its clerk endorsed thereon that the order  
2222 was adopted after due notice and a public hearing, to be forwarded to the city or town clerk who  
2223 shall record the same and furnish at the tested copies thereof. The company in whose favor the  
2224 order is made shall pay for the record and attested copies in the amount provided therefor in  
2225 clauses (31) and (32) of section 34 of chapter 262.

2226 SECTION 104. Section 6 of chapter 183A of the General Laws, as so appearing, is  
2227 hereby amended by striking out, in lines 37 to 42, inclusive, the words “any energy conservation  
2228 device installed in a unit, not already separately metered for water and utilities, including but not  
2229 limited to the installation of separate water meters, low-flow toilets and showerheads, faucet  
2230 aerators, windows and storm windows; provided, however, that a unit owner required to install  
2231 such energy conservation” and inserting in place thereof the following words:- a device installed  
2232 pursuant to an action taken by a corporation, trust or association pursuant to section 10;  
2233 provided, however, that a unit owner required to install such.

2234 SECTION 105. Subsection (b) of section 10 of chapter 183A of the General Laws, as so  
2235 appearing, is hereby amended by striking out clause (6) and inserting in place thereof the  
2236 following clause:-

2237 (6) to require reasonable measures to facilitate energy savings, energy efficiency and  
2238 greenhouse gas emissions reductions and, in furtherance of such measures, to cause the  
2239 installation of devices that result in energy savings, energy efficiency and greenhouse gas  
2240 emissions reductions in all units not already separately metered for water and utilities; provided,  
2241 however, that such measures and devices shall not include solar energy systems, the installation  
2242 of which shall be governed by section 18; provided further, that electric vehicle supply  
2243 equipment as defined in section 2 of chapter 25B shall only be required in the common areas  
2244 and facilities in the condominium; provided further, that such devices may include, but shall not  
2245 be limited to including, separate meters for each unit to monitor the use of water, electricity and  
2246 other utilities for the unit to which it is attached, low-flow toilets and showerheads, faucet  
2247 aerators, windows and storm windows; provided further, that such devices and, in the case of  
2248 electric vehicle supply equipment installed in common areas and facilities, such supply  
2249 equipment shall not be considered improvements for the purposes of said section 18 if the board  
2250 of trustees of the organization of unit owners or, if there is no board of trustees, the entity  
2251 performing its duties, receives the approval of the majority of unit owners in attendance at a  
2252 meeting for which notice was duly given and which was held for the purpose of voting on the  
2253 installation of such devices and supply equipment; provided further, that the cost of installation  
2254 of such devices and, in the case of supply equipment installed in common areas and facilities, of  
2255 such supply equipment shall be an expense of the organization of unit owners, which may be  
2256 assessed to the individual unit owners as a special assessment, the amount of which, if such  
2257 device was installed in each individual unit or in substantially all of the units in the  
2258 condominium, may be attributable to each unit owner in the amount of the cost of the item  
2259 installed. The organization of unit owners may assess to each unit owner their proportionate



2260 share of the costs for water, electricity and other utilities as measured by the meter attached to  
2261 the unit. In the event of a conflict between this clause and the master deed, trust or by-laws of a  
2262 condominium under of this chapter, this clause shall control; provided further, that nothing  
2263 herein shall be construed to conflict with the state sanitary code, the state building code, the  
2264 stretch energy code or any municipal opt-in specialized energy code; provided further, that  
2265 notwithstanding any rights to use common areas reserved for individual unit owners, if the  
2266 governing board of the organization of unit owners determines to install electric vehicle supply  
2267 equipment in a common area for the use of all members of the organization, the organization  
2268 shall develop appropriate terms of use of the supply equipment; and provided further, that the  
2269 expenses incurred in and proceeds accruing from the exercise of the rights and powers under this  
2270 clause shall be common expenses and common profits.

2271 SECTION 106. Said chapter 183A is hereby further amended by inserting after section  
2272 10 the following section:-

2273 Section 10A. (a) As used in this section, the following words shall have the following  
2274 meanings unless the context clearly requires otherwise:

2275 “Association”, a condominium association, homeowners’ association, community  
2276 association, cooperative, trust or other nongovernmental entity with covenants, by-laws and  
2277 administrative provisions with which the compliance of a homeowner or unit owner is required.

2278 “Dedicated parking space”, a parking space located within an owner’s separate interest or  
2279 a parking space in a common area but subject to exclusive use rights of an owner including, but  
2280 not limited to, a deeded parking space, a garage space, a carport or a parking space specifically  
2281 designated for use by a particular owner.

2282 “Historic district commission”, a commission or other body responsible for administering  
2283 the rules and regulations of an historic district established by a community pursuant to any  
2284 general or special law.

2285 “Municipal governing body”, the legislative body of a city or town.

2286 “Neighborhood conservation district”, a district established by a municipal governing  
2287 body as part of the local zoning code or by-laws for the express purpose of protecting the  
2288 architectural character of a neighborhood.

2289 “Owner”, a person or group of persons who owns a separate lot, unit or interest, along  
2290 with an undivided interest or membership interest in the common area of the entire project  
2291 including, but not limited to, a condominium, planned unit development and parcel subject to a  
2292 homeowners’ association.

2293 “Reasonable restrictions”, restrictions that do not significantly: (i) increase the cost of  
2294 electric vehicle supply equipment as defined in section 2 of chapter 25B or the installation  
2295 thereof; or (ii) significantly decrease its efficiency or specified performance or effectively  
2296 prohibit the installation.

2297 “Separate interest”, a separate lot, unit or interest to which an owner has exclusive rights  
2298 of ownership.

2299 (b) Notwithstanding chapters 21, 40C, 183A or any other general or special law to the  
2300 contrary, a historic district commission, commission or board of a neighborhood conservation  
2301 district or manager or organization of unit owners of an association shall not prohibit or  
2302 unreasonably restrict an owner from installing electric vehicle supply equipment, as defined in

2303 section 2 of chapter 25B, on or in an area subject to the owner’s separate interest on or in an area  
2304 to which the owner has exclusive use or on or in a common element as long as the common  
2305 element is within a reasonable distance of the owner’s dedicated parking space. Nothing in this  
2306 section shall prohibit a historic district commission, a commission or board of a neighborhood  
2307 conservation district or a manager or organization of unit owners of an association from setting  
2308 reasonable restrictions; provided, however, that in setting such restrictions, the commission,  
2309 board, manager or organization shall give substantial weight to threats posed by climate change  
2310 and the commonwealth’s obligation to meet the statewide greenhouse gas emission limits and  
2311 sublimits established under chapter 21N.

2312 (c) Electric vehicle supply equipment shall: (i) be installed at the owner’s expense; (ii) be  
2313 installed by a licensed contractor or electrician; and (iii) conform to all applicable health and  
2314 safety standards and requirements imposed by national, state and local authorities and all other  
2315 applicable zoning, land use or other ordinances and land use permits.

2316 (d) A historic district commission, a commission or board of a neighborhood  
2317 conservation district or a manager or organization of unit owners of an association may require  
2318 an owner to submit an application before installing electric vehicle supply equipment. If the  
2319 commission, board, manager or organization requires an application, the application shall be  
2320 processed and approved by the commission, board, manager or organization in the same manner  
2321 as an application for approval of an architectural modification to the property and such  
2322 application shall not be willfully avoided or delayed; provided further, that the commission,  
2323 board, manager or organization shall approve the application if the owner complies with this  
2324 section and the architectural standards of the association, historic district or neighborhood  
2325 conservation district The approval or denial of an application shall be in writing and if an

2326 application is not denied in writing within 60 days after the date of receipt thereof , the  
2327 application shall be deemed approved unless the delay is the result of a reasonable request for  
2328 additional information. The association, historic district or neighborhood conservation district  
2329 shall not assess or charge the owner any fees for the placement of any electric vehicle supply  
2330 equipment above any reasonable fees for processing the application if any fees exist for all  
2331 applications for approval of architectural modifications.

2332 (e) The owner and each successive owner of the separate interest or with exclusive rights  
2333 to the area where the electric vehicle supply equipment is installed shall be responsible for: (i)  
2334 disclosing to prospective buyers the existence of such supply equipment, its owner and the  
2335 related responsibilities of the owner pursuant to this section; (ii) disclosing to prospective buyers  
2336 whether such supply equipment is removable and whether the owner intends to remove the  
2337 supply equipment in order to install it elsewhere; (iii) the costs of the maintenance, repair and  
2338 replacement of such supply equipment until such equipment has been removed and the common  
2339 area is restored after removal; (iv) the costs of any damage to such supply equipment, common  
2340 area, exclusive common area or separate interest resulting from the installation, maintenance,  
2341 repair, removal or replacement of such equipment; (v) the cost of electricity associated with the  
2342 electric vehicle supply equipment; provided, however, that the owner shall connect such supply  
2343 equipment to the owner's own electric utility account unless the licensed contractor performing  
2344 the installation deems that to be impossible; provided further that if the connection is deemed  
2345 impossible, the association, historic district commission or neighborhood conservation district  
2346 shall allow the owner to connect such supply equipment to the common electricity account but  
2347 may require reimbursement by the owner to the association, historic district commission or  
2348 neighborhood conservation district for electricity costs; and (vi) removing the electric vehicle

2349 supply equipment if reasonably necessary for the repair, maintenance or replacement of any  
2350 property of the association, historic district commission, neighborhood conservation district or  
2351 separate interest.

2352 (f) A historic district commission, a commission or board of a neighborhood conservation  
2353 district or a manager or organization of unit owners of an association may install electric vehicle  
2354 supply equipment in a common area reserved for the use of all members or residents of the  
2355 association or district; provided, however, that the commission, board, manager or organization  
2356 shall develop appropriate terms of use for such supply equipment.

2357 SECTION 107. Section 3A of chapter 185 of the General Laws, as appearing in the 2022  
2358 Official Edition, is hereby amended by striking out, in lines 35 to 37, inclusive, the words  
2359 “involves either 25 or more dwelling units or the construction or alteration of 25,000 square feet  
2360 or more of gross floor area or both” and inserting in place thereof the following words:-  
2361 involves: (i) not less than 25 dwelling units; (ii) the construction or alteration of not less than  
2362 25,000 square feet of gross floor area; (iii) the construction or alteration of a Class I renewable  
2363 energy generating source as defined in subsection (c) of section 11F of chapter 25A; or (iv) the  
2364 construction or alteration of an energy storage facility as defined in section 1 of chapter 164.

2365 SECTION 107A. Said section 3A of said chapter 185 is hereby further amended by  
2366 striking out the words “involves: (i) not less than 25 dwelling units; (ii) the construction or  
2367 alteration of not less than 25,000 square feet of gross floor area; (iii) the construction or  
2368 alteration of a Class I renewable energy generating source as defined in subsection (c) of section  
2369 11F of chapter 25A; or (iv) the construction or alteration of an energy storage facility as defined  
2370 in section 1 of chapter 164”, inserted by section 107, and inserting in place thereof the following

2371 words:- involves either 25 or more dwelling units or the construction or alteration of 25,000  
2372 square feet or more of gross floor area or both.

2373 SECTION 108. The first paragraph of section 2 of chapter 465 of the acts of 1956 is  
2374 hereby amended by inserting after the first sentence the following sentence:- In discharging its  
2375 responsibilities and exercising its powers under this chapter, the Authority shall, with respect to  
2376 itself and the entities with which it contracts or conducts business and in a manner consistent  
2377 with any act of congress relating to aeronautics or any regulations promulgated or standards  
2378 established pursuant thereto, promote commerce, economic prosperity, safety and security in and  
2379 for the commonwealth while prioritizing environmental resilience and equity and reductions in  
2380 greenhouse gas emissions.

2381 SECTION 109. Section 3 of said chapter 465, as most recently amended by section 2 of  
2382 chapter 660 of the acts of 1977, is hereby further amended by striking out clause (g) and  
2383 inserting in place thereof the following clause:-

2384 (g) to extend, enlarge, improve, rehabilitate, lease as lessor or lessee, maintain, repair and  
2385 operate the projects under its control and to establish rules and regulations for the use of any  
2386 such project; provided, however, that the Authority shall, with respect to itself and the entities  
2387 with which it contracts or does business and in a manner consistent with any act of congress  
2388 relating to aeronautics or to any regulations promulgated or standards established pursuant  
2389 thereto, undertake such activities and promulgate such rules and regulations to promote  
2390 commerce, economic prosperity, safety and security in and for the commonwealth while  
2391 prioritizing environmental resilience and equity and reductions in greenhouse gas emissions;  
2392 provided further, however, that no such rules or regulations shall conflict with the rules and

2393 regulations of any state or federal regulatory body having jurisdiction over the operation of  
2394 aircraft; provided further, that in the enforcement of such rules and regulations, police officers  
2395 appointed or employed by the Authority under section 23 shall have within the boundaries of all  
2396 projects all the powers of police officers and constables of the cities and towns of the  
2397 commonwealth, except the power of serving and executing civil process.

2398 SECTION 110. Section 2A of chapter 395 of the acts of 1970, as most recently amended  
2399 by section 1 of chapter 57 of the acts of 2000, is hereby further amended by inserting after the  
2400 definition of “Razed” the following definition:-

2401 “Solar energy system”, a device or structural design feature, a substantial purpose of  
2402 which is to provide for the collection, storage and distribution of solar energy for space heating  
2403 or cooling, electricity generation or water heating.

2404 SECTION 111. Subsection (b) of section 9 of said chapter 395, as amended by section 2  
2405 of said chapter 57, is hereby further amended by adding the following sentence:- The  
2406 commission shall give substantial weight to the threat posed by climate change and to the  
2407 commonwealth’s obligation to meet statewide greenhouse gas emission limits and sublimits  
2408 established under chapter 21N of the General Laws when ruling on applications for certificates  
2409 of appropriateness for solar energy systems

2410 SECTION 112. Section 3 of chapter 470 of the acts of 1973 is hereby amended by  
2411 inserting after the definition of “Public place”, inserted by section 3 of chapter 845 of the acts of  
2412 1975, the following definition:-

2413           “Solar energy system”, a device or structural design feature, a substantial purpose of  
2414 which is to provide for the collection, storage and distribution of solar energy for space heating  
2415 or cooling, electricity generation or water heating.

2416           SECTION 113. Clause (a) of the first paragraph of section 10 of said chapter 470 is  
2417 hereby amended by adding the following words:- ; provided, however, that the commission shall  
2418 give substantial weight to the threat posed by climate change and to the commonwealth’s  
2419 obligation to meet statewide greenhouse gas emission limits and sublimits established under  
2420 chapter 21N of the General Laws when ruling on applications for certificates of appropriateness  
2421 for solar energy systems.

2422           SECTION 114. Chapter 149 of the acts of 2014 is hereby amended by striking out section  
2423 3.

2424           SECTION 115. Chapter 8 of the acts of 2021 is hereby amended by striking out section  
2425 34 and 112.

2426           SECTION 116. Subsection (a) of section 81 of chapter 179 of the acts of 2022 is hereby  
2427 amended by striking out the figure “11”.

2428           SECTION 117. Said subsection (a) of said section 81 of said chapter 179 is hereby  
2429 further amended by inserting after the words “utilities or designee” the following words:- ; the  
2430 commissioner of standards or a designee; the chief executive officer of the Massachusetts clean  
2431 energy technology center or a designee; the executive director of the Cape Cod commission or a  
2432 designee.



2433 SECTION 118. The second paragraph of said subsection (a) of said section 81 of said  
2434 chapter 179 is hereby amended by striking out the words “and ( ix)” and inserting in place  
2435 thereof the following words:- (ix) estimates of the number of zero-emission medium- and heavy-  
2436 duty vehicle charging stations required to meet the commonwealth’s emissions limits and  
2437 sublimits pursuant to said chapter 21N; (x) a discussion of costs, permitting processes and  
2438 estimated timelines for installing charging stations for medium- and heavy-duty vehicles; and  
2439 (xi).

2440 SECTION 119. Said section 81 of said chapter 179 is hereby further amended by adding  
2441 the following subsection:-

2442 (f) The council shall be responsible for providing leadership and direction for the  
2443 deployment of electric vehicle charging infrastructure and electric vehicle chargers and shall  
2444 strive to ensure a network of convenient, affordable, reliable and equitable electric vehicle  
2445 chargers in the commonwealth. Responsibilities of the council shall include, but not be limited  
2446 to: (i) achieving the objectives and serving the purposes enumerated in this section; (ii)  
2447 monitoring the preparedness, staffing level, staff training and overall effectiveness of public and  
2448 private initiatives, activities, programs, agencies, offices and divisions involved in siting,  
2449 permitting, financing, installing, inspecting, maintaining or protecting consumer interactions  
2450 with electric vehicle chargers in the commonwealth; (iii) facilitating intergovernmental  
2451 coordination and effectiveness with respect to achieving the objectives and serving the purposes  
2452 enumerated in this section; (iv) achieving timely compliance with, and implementation and  
2453 administration of, standards, requirements and regulations promulgated by the National Electric  
2454 Vehicle Infrastructure Formula Program established pursuant to the Infrastructure Investment

2455 and Jobs Act, Public Law 117-58; and (v) ensuring wayfinding signage on highways and on  
2456 streets adjacent to charging locations with information on such locations .

2457 Not later than July 31, 2025 or as part of the next periodic assessment compiled pursuant  
2458 to subsection (d), whichever occurs later, and every 2 years thereafter, the council shall report on  
2459 its efforts to lead and direct such deployment and its results to the senate and house committees  
2460 on ways and means and the joint committee on telecommunications, utilities and energy. The  
2461 council shall make such reports publicly available on the website of each secretariat with a  
2462 member serving on the council.

2463 SECTION 120. Said chapter 179 is hereby further amended by striking out section 82  
2464 and inserting in place thereof the following section:-

2465 Section 82. The department of energy resources may coordinate with 1 or more New  
2466 England states to consider competitive solicitations for long-term clean energy generation,  
2467 associated environmental attributes, transmission or capacity for the benefit of residents of the  
2468 commonwealth and the region. If the department of energy resources determines not later than  
2469 December 31, 2025 that a project would satisfy all of the benefits listed below, the electric  
2470 distribution companies shall enter into cost-effective long-term contracts. In its determination,  
2471 the department of energy resources shall determine if any proposals: (i) provide cost-effective  
2472 clean energy generation to electric ratepayers in the commonwealth and the region over the term  
2473 of the contract; (ii) provide the benefits of clean energy and associated transmission towards  
2474 meeting the commonwealth's decarbonization goals; (iii) where possible, avoid, minimize or  
2475 mitigate, to the maximum extent practicable, environmental impacts and impacts to low-income  
2476 populations; and (iv) reduce ratepayer costs in winter months and improve energy security

2477 during winter months. For the purposes of this section, a long-term contract shall mean a contract  
2478 with a term of 10 to 20 years. Eligible clean energy generation must contribute to achieving  
2479 compliance with limits and sublimits established pursuant to sections 3 and 3A of chapter 21N of  
2480 the General Laws. Associated transmission costs must be incorporated into a proposal. All  
2481 proposed contracts shall be subject to the review and approval of the department of public  
2482 utilities. The department of public utilities shall consider both potential costs and benefits of such  
2483 contracts and shall approve a contract only upon a finding that it is cost-effective, taking into  
2484 account the factors provided in this section.

2485 SECTION 121. Subsection (c) of section 84 of said chapter 179 is hereby amended by  
2486 striking out, the first, second and seventh time it appears, the figure “10” and inserting in place  
2487 thereof, in each instance, the following figure:- 11.

2488 SECTION 122. Said subsection (c) of said section 84 of said chapter 179 is hereby  
2489 further amended by inserting after the word “court”, the third time it appears, the following  
2490 words:- ; provided further, that such substitute applications shall have been submitted not later  
2491 than November 10, 2023.

2492 SECTION 123. The Massachusetts clean energy technology center shall conduct and  
2493 publish a study of prospects and opportunities for carbon dioxide removal innovation and  
2494 operations within the commonwealth or in waters not more than 50 nautical miles of the  
2495 commonwealth. Methods of carbon dioxide removal shall include, but not be limited to: (i)  
2496 sequestration and storage involving terrestrial mineralization or enhanced rock weathering; (ii)  
2497 sequestration and storage involving biochar, woody waste, agricultural waste or other waste  
2498 products; (iii) ocean-based solutions including electro-chemical alkalinity enhancement, marine

2499 permaculture, deep-ocean sequestration and storage of biomass and coastal enhanced  
2500 weathering; (iv) construction materials and products, the production of which directly contributes  
2501 to the sequestration and storage of carbon dioxide or other greenhouse gases, including mass  
2502 timber; and (v) direct air capture paired with either durable geologic sequestration and storage or  
2503 durable sequestration and storage in the built environment including in concrete.

2504           The study shall include, but not be limited to: (i) cost considerations, including ranges of  
2505 likely prices per ton of carbon dioxide removed; (ii) the scale potential of various potential  
2506 carbon dioxide removal processes; (iii) the likely duration of various potential carbon dioxide  
2507 removal operations; (iv) projected start times of various activities and operations; (v) the  
2508 conservation efficiency of various activities and operations in terms of their use of water, land  
2509 and energy resources with explicit consideration of projects with low water, land and energy  
2510 requirements and of projects that exclusively employ renewable energy; (vi) the number of  
2511 potential jobs within the commonwealth, including research and development jobs, that are likely  
2512 to be created by various activities and operations; (vii) the potential of various activities and  
2513 operations to involve purchases of equipment and supplies from businesses located in the  
2514 commonwealth; (viii) the potential of various activities and operations to generate significant  
2515 agricultural, ecological or ecosystem co-benefits, harms or effects of ocean acidification on the  
2516 marine environment, habitats and species, including shellfish, lobsters and other commercially-  
2517 important fisheries in the waters of the commonwealth; (ix) the extent to which various activities  
2518 and operations may generate economic benefit to 1 or more disadvantaged communities; (x)  
2519 methods of measuring, reporting and verifying carbon dioxide removal technologies; and (xi)  
2520 recommended next steps, if any, for legislative or executive branch action.

2521           The center shall publish a draft study for comment not later than December 31, 2025 and  
2522 a final study not later than April 30, 2026.

2523           SECTION 124. Notwithstanding any general or special law to the contrary and subject to  
2524 availability of sufficient proceeds, the department of energy resources shall expend amounts  
2525 from the RGGI Auction Trust Fund established in section 35II of chapter 10 of the General Laws  
2526 to fund the green communities program established in section 10 of chapter 25A of the General  
2527 Laws and the Electric Vehicle Adoption Incentive Trust Fund established in section 19 of said  
2528 chapter 25A through June 30, 2027. Payments made from the fund shall be prioritized by  
2529 directing initial payments to the green communities program and the Electric Vehicle Adoption  
2530 Incentive Trust Fund; provided, however, that not less than \$27,000,000 shall be available for the  
2531 Electric Vehicle Adoption Incentive Trust Fund each fiscal year.

2532           SECTION 125. Notwithstanding any general or special law to the contrary, an energy  
2533 storage system, as defined in section 1 of chapter 164 of the General Laws, that is not less than  
2534 100 megawatt hours and has received a comprehensive exemption from local zoning by-laws  
2535 from the department of public utilities pursuant to section 3 of chapter 40A of the General Laws,  
2536 may petition the energy facilities siting board to obtain a certificate of environmental impact and  
2537 public interest if the petition is filed prior to the date when regulations are promulgated pursuant  
2538 to section 130.

2539           The energy facilities siting board shall consider such petition if the applicant is prevented  
2540 from building the energy storage system because: (i) it cannot meet standards imposed by a state  
2541 or local agency with reasonable and commercially available equipment;(ii)the processing or  
2542 granting by a state or local agency of any approval, consent, permit or certificate has been unduly

2543 delayed for any reason; (iii) the applicant believes there are inconsistencies among resource use  
2544 permits issued by such state or local agencies; (iv) the applicant believes that a nonregulatory  
2545 issue or condition has been raised or imposed by such state or local agencies, including, but not  
2546 limited to, aesthetics and recreation; (v) the generating facility cannot be constructed due to any  
2547 disapprovals, conditions or denials by a state or local agency or body, except with respect to any  
2548 lands or interests therein, excluding public ways, owned or managed by any state agency or local  
2549 government; or (vi) the facility cannot be constructed because of delays caused by the appeal of  
2550 any approval, consent, permit, or certificate.

2551           The energy facilities siting board shall, upon petition, consider an application for a  
2552 certificate of environmental impact and public interest if it finds that any state or local agency  
2553 has imposed a burdensome condition or limitation on any license or permit. An energy storage  
2554 system, with respect to which a certificate is issued by the energy facilities siting board, shall  
2555 thereafter be constructed, maintained and operated in conformity with such certificate and any  
2556 terms and conditions contained therein.

2557           Notwithstanding any general or special law to the contrary, such certificate may be so  
2558 issued; provided, however, that when so issued no state agency or local government shall require  
2559 any approval, consent, permit, certificate or condition for the construction, operation or  
2560 maintenance of the energy storage system with respect to which the certificate is issued and no  
2561 state agency or local government shall impose or enforce any law, ordinance, by-law, rule or  
2562 regulation nor take any action nor fail to take any action which would delay or prevent the  
2563 construction, operation or maintenance of such energy storage system except as required by  
2564 federal law; provided, however, that the energy facilities siting board shall not issue a certificate,  
2565 the effect of which would be to grant or modify a permit, approval or authorization, which, if so

2566 granted or modified by the appropriate state or local agency, would be invalid because of a  
2567 conflict with applicable federal water or air standards or requirements. A certificate, if issued,  
2568 shall be in the form of a composite of all individual permits, approvals or authorizations that  
2569 would otherwise be necessary for the construction and operation of the energy storage system  
2570 and that portion of the certificate which relates to subject matters within the jurisdiction of a state  
2571 or local agency shall be enforced by said agency under the other applicable laws of the  
2572 commonwealth as if it had been directly granted by the said agency.

2573 Energy storage systems that have not petitioned the department of public utilities for a  
2574 comprehensive exemption from local zoning by-laws pursuant to section 3 of chapter 40A prior  
2575 to March 1, 2026 shall not be eligible to petition the energy facilities siting board to obtain a  
2576 certificate of environmental impact and public interest under this section.

2577 SECTION 126. (a) For purposes of this section, the following words shall have the  
2578 following meanings unless the context clearly requires otherwise:

2579 "Approval", except as otherwise provided in subsection (b), any permit, certificate, order,  
2580 excluding enforcement orders, license, certification, determination, exemption, variance, waiver,  
2581 building permit or other approval or determination of rights from any municipal, regional or state  
2582 governmental entity, including any agency, department, commission or other instrumentality of  
2583 the municipal, regional or state governmental entity, concerning the use or development of real  
2584 property, including certificates, licenses, certifications, determinations, exemptions, variances,  
2585 waivers, building permits or other approvals or determination of rights issued or made under  
2586 chapter 21, chapter 21A excepting section 16, chapter 21D, sections 61 to 62H, inclusive, of  
2587 chapter 30, chapters 30A, 40, 40A to 40C, inclusive, 40R, 41, 43D, section 21 of chapter 81,

2588 chapter 91, chapter 131, chapter 131A, chapter 143, sections 4 and 5 of chapter 249 or chapter  
2589 258 of the General Laws or chapter 665 of the acts of 1956 or any local by-law or ordinance.

2590 "Clean energy infrastructure project", a project involving the construction, reconstruction,  
2591 conversion, relocation or enlargement of any renewable energy generating source, as defined in  
2592 subsection (c) of section 11F of chapter 25A of the General Laws, any energy storage system, as  
2593 defined in section 1 of chapter 164 of the General Laws, any transmission facility or distribution  
2594 facility, as defined in said section 1 of said chapter 164, or related infrastructure, including  
2595 substations, and any other project that may be so designated as a clean energy infrastructure  
2596 project by the department of energy resources.

2597 (b) (1) Notwithstanding any general or special law to the contrary, any approval granted  
2598 for a clean energy generation or storage project that was in effect from October 22, 2020 to  
2599 August 1, 2024, inclusive, shall be extended to August 1, 2029.

2600 (2) A clean energy infrastructure project shall be governed by the applicable provisions  
2601 of any state, regional or local statute, regulation, ordinance or by-law, if any, in effect at the time  
2602 of the initial approval granted for such project, unless the owner or petitioner of such project  
2603 elects to waive the provisions of this section.

2604 (3) Nothing in this section shall extend or purport to extend: (i) a permit or approval  
2605 issued by the government of the United States or an agency or instrumentality of the government  
2606 of the United States or to a permit or approval of which the duration of effect or the date or terms  
2607 of its expiration are specified or determined by or under law or regulation of the federal  
2608 government or any of its agencies or instrumentalities; or (ii) a permit, license, privilege or



2609 approval issued by the division of fisheries and wildlife under chapter 131 of the General Laws  
2610 for hunting, fishing or aquaculture.

2611 (4) If an owner or petitioner sells or otherwise transfers a property or project, in order to  
2612 receive approval for an extension, the new owner or petitioner shall agree to assume all  
2613 commitments made by the original owner or petitioner under the terms of the approval,  
2614 otherwise the approval shall not be extended under this section.

2615 SECTION 127. The office of environmental justice and equity established pursuant to  
2616 section 29 of chapter 21A of the General Laws shall establish standards and guidelines for  
2617 community benefit plans and agreements as required by said section 29 of said chapter 21A not  
2618 later than March 1, 2026 and shall establish the cumulative impacts analysis guidance required  
2619 under said section 29 of said chapter 21A before the energy facilities siting board regulations  
2620 required by section 130 are promulgated.

2621 SECTION 128. The executive office of energy and environmental affairs shall coordinate  
2622 and convene a stakeholder process with the agencies and offices under its jurisdiction and any  
2623 other relevant local, regional and state agencies with a permitting role in energy related  
2624 infrastructure to establish the methodology for determining the suitability of sites and associated  
2625 guidance required by section 30 of chapter 21A of the General Laws not later than March 1,  
2626 2026.

2627 SECTION 129. The department of energy resources shall promulgate regulations to  
2628 implement section 22 of chapter 25A of the General Laws not later than March 1, 2026.

2629 SECTION 130. The energy facilities siting board shall promulgate regulations to  
2630 implement the changes to sections 69G to 69J1/4, inclusive, sections 69O and 69P, sections 69R

2631 and 69S and sections 69T to 69W, inclusive, of chapter 164 of the General Laws not later than  
2632 March 1, 2026. In promulgating said regulations, the board shall consult with the department of  
2633 public utilities, the department of energy resources, the department of environmental protection,  
2634 the department of fish and game, the department of conservation and recreation, the department  
2635 of agricultural resources, the Massachusetts environmental policy act office, the Massachusetts  
2636 Department of Transportation, the executive office of public safety and security and all other  
2637 agencies, authorities and departments whose approval, order, order of conditions, permit, license,  
2638 certificate or permission in any form is required prior to or for construction of a facility, small  
2639 clean energy infrastructure facility or large clean energy infrastructure facility.

2640 SECTION 131. The department of public utilities and the energy facilities siting board, in  
2641 consultation with the office of environmental justice and equity established by section 29 of  
2642 chapter 21A of the General Laws and the office of the attorney general, shall promulgate  
2643 regulations to implement section 149 of chapter 164 of the General Laws not later than March 1,  
2644 2026.

2645 SECTION 132. The department of public utilities shall commission a management study  
2646 to assess: (i) the likely workload of the energy facilities siting board based on the new  
2647 requirements of this act and the commonwealth's clean energy and climate plans; (ii) the  
2648 workforce qualifications needed to implement this act; (iii) the cost associated with the hiring  
2649 and retention of qualified professionals and consultants to successfully complete that work  
2650 required pursuant to this act; and (iv) the design, population and maintenance of a real-time,  
2651 online clean energy infrastructure dashboard, as required to be maintained by the facility siting  
2652 division pursuant to section 12N of chapter 25 of the General Laws. The funding and staffing  
2653 resource requirements identified in the management study shall be reported to the joint

2654 committee on ways and means, the joint committee on telecommunications, utilities and energy,  
2655 the secretary of energy and environmental affairs and the secretary of administration and finance  
2656 not later than December 1, 2024. The secretary of energy and environmental affairs and the  
2657 secretary of administration and finance shall within 60 days of their receipt of the study provide  
2658 recommendations to the joint committee on ways and means and the joint committee on  
2659 telecommunications, utilities and energy on options to implement any proposed  
2660 recommendations of the study.

2661 SECTION 133. The department of energy resources shall convene a stakeholder working  
2662 group to develop recommendations for regulatory and legislative changes that may be necessary  
2663 to encourage the construction and operation of solar power generating canopies. The  
2664 recommendations shall be designed to contribute to the state's greenhouse gas emission limits  
2665 and sublimits established pursuant to chapter 21N of the General Laws and facilitate the  
2666 development and deployment of solar canopies in a cost-effective manner. The working group  
2667 shall be convened not later than September 30, 2024. The working group shall consist of the  
2668 commissioner of energy resources or a designee, who shall serve as chair, and the following  
2669 members to be appointed by the secretary of energy and environmental affairs: a representative  
2670 of the commercial real estate sector; a representative of the residential real estate sector; a  
2671 representative of the organized labor industry; a representative of the solar energy industry; a  
2672 representative of an environmental group concerned with energy; a representative of the  
2673 construction industry; a representative of an electric utility or organization representing electric  
2674 utilities; a representative of local government; a person with expertise in energy siting; and a  
2675 person with expertise in solar energy and energy efficiency. The working group shall submit its  
2676 report to the joint committee on telecommunications, utilities and energy, the senate and house

2677 committees on global warming and climate change and the clerks of the senate and house of  
2678 representatives not later than December 31, 2024.

2679 SECTION 134. Notwithstanding any general or special law to the contrary, the  
2680 department of public utilities, in consultation with the department of energy resources, shall  
2681 amend any applicable rules, regulations and tariffs to permit the transfer of credits from an  
2682 alternative on-bill credit generation unit, as defined by regulations of the department of energy  
2683 resources, to customers of any electric distribution company located in the commonwealth.

2684 SECTION 135. The office of coastal zone management, in consultation with the  
2685 department of fish and game, shall study the process and efficacy of storing carbon in coastal and  
2686 marine ecosystems including, but not limited to, wetlands, salt marshes, seagrasses and  
2687 waterways. The office shall submit the results of the study to the secretary of energy and  
2688 environmental affairs and the clerks of the senate and house of representatives not later than  
2689 January 1, 2028.

2690 SECTION 136. Notwithstanding any general or special law to the contrary, the executive  
2691 office of housing and livable communities, in consultation with the department of public health,  
2692 shall study whether to apply for funding to include cooling assistance in the application to the  
2693 United States Department of Health and Human Services for the Low Income Home Energy  
2694 Assistance Program. The study shall include, but not be limited to: (i) the number of households  
2695 that could qualify for cooling assistance, including the number of qualifying households that  
2696 reside in heat islands; (ii) the potential health impacts of offering cooling assistance including,  
2697 but not limited to, the impact on the rate of heat-related illness and the effect on individuals  
2698 suffering from chronic illnesses; and (iii) whether offering cooling assistance would impact the

2699 ability of the commonwealth to offer heating assistance. The secretary of housing and livable  
2700 communities shall report the findings of this study and a recommendation for any actions taken  
2701 pursuant to this section to the clerks of the senate and house of representatives, the senate and  
2702 house committees on ways and means, the joint committee on telecommunications, utilities and  
2703 energy and the joint committee on housing not later than January 1, 2025.

2704 SECTION 137. The secretary of energy and environmental affairs shall review existing  
2705 flood risk mapping resources and assess the need for and feasibility of creating additional flood  
2706 risk mapping resources to identify areas vulnerable to current and future flooding across the  
2707 commonwealth.

2708 The secretary shall develop recommendations, including any legislation or funding  
2709 necessary, to support any additional required flood risk mapping resources and shall its submit  
2710 recommendations to the joint committee on environment and natural resources, the climate chief,  
2711 the house and senate committees on ways and means and the clerks of the senate and house of  
2712 representatives not later than December 31, 2024. The recommendations shall also be made  
2713 available to the public on the website of the executive office of energy and environmental affairs.

2714 SECTION 138. (a) The Massachusetts Bay Transportation Authority shall develop and  
2715 implement short-term, medium-term and long-term plans for each line of the commuter rail  
2716 system ensuring that the line is fully integrated into the commonwealth's transportation system  
2717 and designed to make the system more productive, equitable and decarbonized. Each plan shall  
2718 maximize the ridership returns on investment and shall be designed to meet statewide  
2719 greenhouse gas emissions limits and sublimits established in chapter 21N of the General Laws.

2720 (b)(1) The authority shall include in the short-term plan immediate action items to run  
2721 fully decarbonized service along the Providence/Stoughton commuter rail line, the Fairmont  
2722 commuter rail line and the segment of the Newburyport commuter rail line and the Rockport  
2723 commuter rail line that extends from the city of Boston to the city of Beverly. The plan shall  
2724 include, but not be limited to: (i) a detailed critical path schedule for each phase; (ii) cash flow  
2725 needs organized by fiscal year through completion of each phase; (iii) a regional strategy to  
2726 receive all necessary environmental approvals and permits; (iv) identification of needs from  
2727 utilities to achieve adequate and redundant power to update the system; (v) a platform strategy  
2728 that would enable the utilization of fully automated doors; (vi) target completion dates; (vii) a  
2729 conceptual work plan; and (viii) a schedule outlining the work to be pursued in 2025 and 2026.

2730 (2) The authority shall include in its medium-term and long-term plans a comprehensive  
2731 and specific plan to electrify the remainder of the commuter rail fleet for all commuter rail lines  
2732 not later than December 31, 2029 as necessary to maximize the ridership returns on investment  
2733 and meet statewide greenhouse gas emissions limits and sublimits established in chapter 21N of  
2734 the General Laws. The plan shall include, but not be limited to, necessary updates to layover and  
2735 maintenance facilities, necessary infrastructure upgrades and a schedule for fleet design, testing,  
2736 procurement and deployment. The plan shall also include a detailed approach to platform heights  
2737 that would enable the deployment of fully automated doors.

2738 (c) The authority shall publish and receive public comment on its short-term plan under  
2739 paragraph (1) of subsection (b) not later than November 1, 2024 or 180 days after the effective  
2740 date of this act, whichever is later. The authority shall publish and receive public comment on its  
2741 medium-term and long-term plans under paragraph (2) of said subsection (b) not later than  
2742 December 31, 2025 or 180 days after the effective date of this act, whichever is later.

2743 SECTION 139. Orders restricting coastal wetlands recorded pursuant to section 105 of  
2744 chapter 130 of the General Laws prior to July 1, 2024, and orders restricting inland wetlands  
2745 recorded pursuant to section 40A of chapter 131 of the General Laws prior to July 1, 2024, shall  
2746 permit or allow ecological restoration projects as defined in 310 CMR 10.04; provided, however,  
2747 that such ecological restoration project is permitted by the department of environmental  
2748 protection or local issuing authority pursuant to section 40 of said chapter 131 and applicable  
2749 regulations.

2750 SECTION 140. There shall be a special commission to study the impacts on the fossil  
2751 fuel workforce caused by public and private efforts to reduce greenhouse gas emissions and  
2752 transition from fossil fuels to clean energy. The commission shall seek to measure and monitor  
2753 the impact on fossil fuel workers and industries and examine ways to increase access to  
2754 employment, training and workforce opportunities in clean energy industries and related fields.

2755 The commission shall consist of: the secretary of labor and workforce development or a  
2756 designee, who shall serve as co-chair; the commissioner of energy resources or a designee, who  
2757 shall serve as co-chair; the secretary of economic development or a designee; the director of  
2758 environmental justice and equity or a designee; the executive director of the Massachusetts clean  
2759 energy technology center or a designee; 8 members to be appointed by the governor, 1 of whom  
2760 shall be a representative of employers in the gas utility sector, 1 of whom shall be a  
2761 representative of employers in the electric power generation sector, 1 of whom shall be a  
2762 representative of employers in the renewable electricity sector, 1 of whom shall be a  
2763 representative of employers in the energy efficiency sector, 1 of whom shall be a representative  
2764 of employers in the clean transportation sector, 1 of whom shall be a representative of employers  
2765 in the clean heating sector and 2 of whom shall work in or be affiliated with a higher education

2766 university with educational expertise in labor policy and the fossil fuel or clean energy workforce  
2767 and 5 of whom shall be recommended by the president of the Massachusetts AFL-CIO, 1 of  
2768 whom shall be a representative of employees in the gas utility sector, 1 of whom shall be a  
2769 representative of employees in the electric power generation sector, 2 of whom shall be  
2770 representatives of employees in the clean energy sector and 1 of whom shall be a representative  
2771 of employees in the transportation sector; the president of the Massachusetts Building Trades;  
2772 and 2 representatives of environmental justice communities appointed by the director of  
2773 environmental justice and equity.

2774         The work of the commission shall include, but not be limited to, identifying workers  
2775 currently employed in the energy sector by industry, trade and job classification, including an  
2776 analysis of wage and benefit packages and current licensing, certification and training  
2777 requirements. The commission shall recommend education and training programs to enhance re-  
2778 employment opportunities within the energy sector and services to support dislocated workers  
2779 displaced from jobs within the energy sector as a result of public or private efforts to reduce  
2780 greenhouse gas emissions or transition from fossil fuels to clean energy and advancements in  
2781 clean energy technology. The commission shall, not later than December 31, 2024, issue a  
2782 report, including any plans and recommendations, to the clerks of the senate and house of  
2783 representatives and shall issue a final report, including any plans and recommendations, not later  
2784 than December 31, 2025.

2785         SECTION 141. The department of environmental protection shall conduct a study of the  
2786 opportunities for, and potential strengths and weaknesses of, an expanded reusable beverage  
2787 container return and refill system pursuant to which beverage containers would be collected for  
2788 reuse, washed and refilled. For the purposes of this section, “reusable beverage container” shall



2789 have the same meaning as ascribed to it in section 321 of chapter 94 of the General Laws. Not  
2790 later than December 31, 2025, the department shall publish for public comment a draft of the  
2791 study required under this section and shall submit the final study to the clerks of the senate and  
2792 the house of representatives not later than May 1, 2026; provided, however, that the final study  
2793 shall also be published on the department's website.

2794 SECTION 142. Not later than July 31, 2025, the department of public utilities shall open  
2795 a proceeding to encourage right-of-way or pole-mounted electric vehicle supply equipment  
2796 throughout the commonwealth and shall require certain parties as it may identify, including, but  
2797 not limited to, electric distribution companies as defined in section 1 of chapter 164 of the  
2798 General Laws, to submit plans to facilitate the deployment of such equipment.

2799 Not later than December 31, 2025, electric distribution companies and such other parties  
2800 as the department may identify shall file plans with the department for establishing such  
2801 equipment throughout the commonwealth. Such plans may: (i) include schedules and calendar  
2802 dates for deploying the equipment, making chargers operational and meeting other requirements  
2803 as set by the department; (ii) promote partnerships between companies and municipalities or  
2804 other governmental entities; (iii) ensure accessibility and affordability for rural communities and  
2805 low and moderate-income populations, including renters; (iv) favor chargers at Level 2 and  
2806 higher capacity; (v) promote the use of poles owned by, or under the control of, electric  
2807 distribution companies; (vi) review potential funding mechanisms and sources including, but not  
2808 limited to, off-peak charging rate structures; (vii) review potential funding mechanisms, sources  
2809 and liability provisions for ensuring routine maintenance and a state of good repair; and (viii)  
2810 require annual reporting and tabulations including, but not limited to: (A) the number of  
2811 equipment installations completed, identified by specific location; (B) pricing and consumer

2812 costs; (C) the number of supply equipment outages, identified by specific location, together with  
2813 estimates of downtime; and (D) identification of software and hardware malfunctions or  
2814 characteristics or labor or parts shortages that may have contributed to excessive equipment  
2815 outages or downtimes; provided, however, that such annual reporting and tabulations may be  
2816 coordinated with, or delegated to, the division of standards.

2817 Not later than July 31, 2026, the department shall approve, approve with conditions or  
2818 reject such plans; provided, however, that nothing in this section shall conflict with or delay  
2819 pole-mounted electric vehicle supply equipment installations that are underway before a relevant  
2820 departmental approval.

2821 SECTION 143. The department of public utilities shall promulgate regulations to  
2822 implement section 67 including, but not limited to, the establishment of a moderate income  
2823 discount eligibility rate following an investigation thereof.

2824 SECTION 144. Not later than December 31, 2024, the department of public utilities shall  
2825 promulgate regulations governing the terms, including notice requirements and provisions  
2826 protecting customers from service interruption, under which a gas company may terminate  
2827 natural gas service pursuant to subsection (h) of section 145 of chapter 164 of the General Laws.

2828 SECTION 145. The department of energy resources shall publish the first resource  
2829 solicitation plan required under subsection (c) of section 21 of chapter 25A of the General Laws  
2830 not later than July 31, 2026.

2831 SECTION 146. Not later than June 1, 2029, the director of public participation  
2832 established in section 12T of chapter 25 of the General Laws shall complete a review of the  
2833 intervenor support grant program established in section 149 of chapter 164 of the General Laws

2834 and provide an opportunity for public comment to determine whether the program and  
2835 corresponding regulations should be amended.

2836 SECTION 147. Notwithstanding any general or special law to the contrary and not later  
2837 than July 31, 2025, the executive office of housing and livable communities, in consultation with  
2838 the executive office of energy and environmental affairs, shall promulgate rules or regulations to  
2839 implement a cradle-to-grave life cycle assessment in accordance with International Standard ISO  
2840 14040 and ISO 14044 of state-funded housing projects. The assessment shall encompass the full  
2841 life cycle including, but not limited to: (i) resource extraction through demolition and disposal;  
2842 and (ii) on-site construction, operations, maintenance and replacement, and material-and  
2843 product-embodied acquisition, processing and transportation energy.

2844 SECTION 148. The embodied carbon intergovernmental coordinating council shall  
2845 submit the initial embodied carbon reduction plan under section 24 of chapter 25 of the General  
2846 Laws to the clerks of the senate and house of representatives not later than July 31, 2025.

2847 SECTION 149. The initial regulations required to be promulgated by the executive office  
2848 of energy and environmental affairs or its designated agency under section 31 of chapter 31A of  
2849 the General Laws and the initial regulations required to be promulgated by division of standards  
2850 in the office of consumer affairs and business regulation under section 59 of chapter 98 of the  
2851 General Laws shall be completed not later than February 1, 2026 and shall apply to chargers  
2852 installed on or after June 1, 2026.

2853 SECTION 150. Sections 12 to 15, inclusive, shall take effect on January 1, 2028.

2854 SECTION 151. Section 40 shall take effect on June 30, 2029.

2855 SECTION 152. Section 55 shall take effect on January 1, 2026.

2856 SECTION 153. Section 58 shall take effect on February 1, 2026.

2857 SECTION 154. Section 107A shall take effect on March 1, 2027.