

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

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Steven Owens*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the protection and development of the thermal commons of the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Steven Owens</i>	<i>29th Middlesex</i>	<i>1/17/2025</i>

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

[Pin Slip]

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Fourth General Court  
(2025-2026)**

An Act relative to the protection and development of the thermal commons of the Commonwealth.

*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. Chapter 25 of the General Laws, as so appearing, is hereby amended by  
2 adding after Section 23 the following section:-

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

5 "Ambient geothermal energy", geothermal energy of less than 80 degrees Fahrenheit  
6 found at depths of 2,000 feet or less in the earth.

7 "Anthropogenic geothermal energy", geothermal energy of less than 80 degrees  
8 Fahrenheit found at depths of 2000 feet or less and originating from human-caused climate  
9 change.

10 "Geothermal energy", thermal energy that is sourced from (i) the ground, including  
11 bedrock and the earth beneath the bedrock, (ii) the surface water, including the rivers, ponds,  
12 lakes within the commonwealth and the sea adjacent to the commonwealth, and (iii) the water

13 beneath the surface of the earth within the commonwealth, including groundwater, springs, and  
14 aquifers. Such geothermal energy shall include the electricity derived therefrom.

15 “Hot geothermal energy”, geothermal energy of more than 80 degrees Fahrenheit found  
16 at depths of 10,000 feet or more in the earth .

17 “Waste Thermal Energy”, activities by humans that produce thermal energy as a  
18 byproduct and include thermal energy from sources including, but not limited to, wastewater,  
19 industrial sources, landfills, and data centers.

20 (b) It is hereby declared that ambient geothermal energy and anthropogenic geothermal  
21 energy within the commonwealth as defined herein are a thermal commons held for the benefit  
22 of the citizens of the commonwealth in public trust, except where found on property wholly  
23 owned by private property owners or where produced wholly on private land, including but not  
24 limited to waste thermal energy.

25 (c) To ensure that the commonwealth achieves its mandate to reduce greenhouse gas  
26 emissions to net zero by the year 2050, the secretary of the executive office of energy and  
27 environmental affairs shall establish a commission/working group to investigate and make  
28 recommendations to the legislature for a comprehensive, equitable and efficient framework to  
29 manage the opportunities presented to the commonwealth by the thermal energy transition from  
30 combusting to non-combusting sources of thermal energy. Such commission shall be called the  
31 Commission/Working Group for the Protection and Development of the Commonwealth’s  
32 Thermal Energy Commons.

33 (d) The commission/working group shall consist of 20 members, including 1 person  
34 representing each of the following: MAPC & other regional councils, energy efficiency experts,

35 thermal energy experts, utility experts, organized labor, EJ organization, AGO, DEP, DOER,  
36 MassCEC, Executive office of economic development, and Massachusetts Bar Association with  
37 expertise in land use. Interested parties shall apply to the secretary for designation as members.  
38 The commissioner of the department of public utilities shall serve as chair of the  
39 commission/working group.

40 (e) The commission/working group shall review available research and data and shall  
41 define the scope of the thermal energy derived from the commons of the commonwealth. It shall  
42 further solicit and consider relevant comments from stakeholders and shall develop  
43 recommendations for legislative and regulatory changes to facilitate the protection and  
44 development for the benefit of the citizens of the commonwealth the thermal commons, with due  
45 consideration given to land use impacts and categorizations, water quality, soil health, and  
46 restoration of and maintenance of the thermal stability of the commonwealth. The  
47 commission/working group shall work with the executive office of energy and environmental  
48 affairs to gather information and data to quantify how protection and development of the thermal  
49 energy commons of the commonwealth may contribute to meeting the greenhouse gas emission  
50 reductions requirements of chapter 21N. The recommendations of the commission/working  
51 group shall include, but not be limited to, the following areas of proposed legislation or  
52 regulation: (i) the extent of the thermal commons including but not limited to setbacks from the  
53 boundaries of any private or public property, differences in usage requirements between  
54 anthropogenic and non-anthropogenic ambient geothermal energy, (ii) any obligation to provide  
55 essential energy service in return for a grant of access to the thermal commons, and the resulting  
56 prioritization and regulatory framework of such thermal service; (iii) establish a reciprocal  
57 obligation to serve the public in return for a grant of access to the thermal commons; (iv) to

58 establish regulatory priorities for such service to the public based on the provision of essential  
59 energy services, safety, security, reliability, equity, emissions and affordability; (v) the scope of  
60 permission for the drawdown of anthropogenic ambient geothermal energy, which shall not be  
61 lower in annual average temperatures than experienced by the commonwealth in the year 1900;  
62 (vi) the extent to which drawdown of anthropogenic geothermal energy shall be considered  
63 restoration of the thermal commons and compensated for such restoration); (vii) to encourage  
64 drawdown of anthropogenic geothermal energy as an ecosystem restoration: (viii) to ensure  
65 annual stability of non-anthropogenic ambient geothermal energy through appropriate design and  
66 management of the thermal commons.

67 (f) The commission/working group shall conduct no fewer than three public hearings in  
68 conveniently accessible locations throughout the commonwealth. The executive office of energy  
69 and environmental affairs shall provide administrative support for the operations of the  
70 commission/working group. The commission/working group may retain independent expert  
71 consultants.

72 (g) The commission/working group shall submit a report and recommendations, together  
73 with any drafts of legislation that may be useful in carrying out its recommendations and  
74 otherwise putting them into effect to the department of public utilities, the joint committee on  
75 telecommunications, utilities and energy, the senate and house committees on global warming  
76 and climate change and the clerks of the senate and house of representatives not later than July  
77 31, 2026.