

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Patrick M. O'Connor

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

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

An Act requiring local approval for battery storage facility permitting.

PETITION OF:

NAME:

Patrick M. O'Connor

DISTRICT/ADDRESS:

First Plymouth and Norfolk

SENATE No.

By Mr. O'Connor, a petition (accompanied by bill) (subject to Joint Rule 12) of Patrick M. O'Connor for legislation to require local approval for battery storage facility permitting. Municipalities and Regional Government.

The Commonwealth of Massachusetts

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

An Act requiring local approval for battery storage facility permitting.

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 40A of the General Laws, as appearing in the most recent edition,
2 is hereby amended by adding the following new section:-

3 Local Approval Requirement for Battery Storage Facilities.

4 (a) Definitions- As used in this section, the following words shall have the following
5 meanings:

6 "Battery storage facility"- a facility that uses batteries to store and distribute electrical
7 energy.

8 "Municipal governing body"- the elected city council, selectboard, or other legislative
9 authority of a municipality.

10 "State permitting authority"- any state agency responsible for granting permits related to
11 energy infrastructure, including but not limited to the Department of Public Utilities and the
12 Energy Facilities Siting Board.

13 (b) Local Approval Requirement- (1) No state permitting authority shall approve a
14 battery storage facility unless the municipal governing body of the municipality in which the
15 facility is proposed has voted to approve the project. (2) Municipalities shall have the authority
16 to establish additional siting, safety, and environmental requirements for battery energy storage
17 facilities, provided such requirements do not conflict with state law.

18 (c) Public Hearing Requirement- (1) Prior to any municipal vote on a proposed battery
19 storage facility, the municipality shall hold at least one public hearing to solicit input from
20 residents and stakeholders. (2) The project applicant shall be required to present detailed plans,
21 including risk assessments, emergency response protocols, and environmental impact analyses,
22 at the public hearing. (3) The municipal governing body shall consider public input in making its
23 determination on the project.

24 (d) Coordination with State Agencies- (1) The state permitting authority shall provide
25 technical assistance to municipalities in evaluating proposed projects but shall not override a
26 municipality's decision to deny a project. (2) Municipalities and state agencies shall coordinate
27 to ensure compliance with all applicable safety, environmental, and zoning regulations.

28 (e) Enforcement and Penalties- (1) Any battery storage facility constructed or operated
29 without municipal approval in violation of this section shall be subject to fines of up to \$100,000
30 per violation and shall be required to cease operations until compliance is achieved. (2) The

31 Attorney General shall have the authority to enforce this section and seek injunctive relief where
32 necessary.

33 SECTION 2. This act shall take effect immediately upon passage.