

SENATE No. 1873

The Commonwealth of Massachusetts

PRESENTED BY:

Marc R. Pacheco

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 solar siting.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>	
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>2/3/2017</i>

SENATE No. 1873

By Mr. Pacheco, a petition (accompanied by bill, Senate, No. 1873) of Marc R. Pacheco and Michael D. Brady for legislation relative to solar siting. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to solar siting.

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 11F of chapter 25A is hereby amended by striking out subsection (c), as so
2 appearing, and inserting in place thereof the following:-

3 (c) New renewable energy generating sources meeting the requirements of this subsection
4 shall be known as Class I renewable energy generating sources. For the purposes of this
5 subsection, a Class I renewable energy generating source is one that began commercial operation
6 after December 31, 1997, or represents the net increase from incremental new generating
7 capacity after December 31, 1997 at an existing facility, where the facility generates electricity
8 using any of the following: (1) solar photovoltaic or solar thermal electric energy; provided,
9 however, that (i) each such new facility with a nameplate capacity greater than 100 KW or
10 increased capacity of greater than 100KW at existing facilities shall meet appropriate and site-
11 specific standards that avoid and minimize impacts on soils, habitat, and water quality including
12 mitigation and enhancement measures as determined by the department in consultation with

13 relevant state and federal environment and natural resource agencies; (2) wind energy; (3) ocean
14 thermal, wave or tidal energy; (4) fuel cells utilizing renewable fuels; (5) landfill gas; (6) energy
15 generated by new hydroelectric facilities, or incremental new energy from increased capacity or
16 efficiency improvements at existing hydroelectric facilities; provided, however, that (i) each such
17 new facility or increased capacity or efficiency at each such existing facility must meet
18 appropriate and site-specific standards that address adequate and healthy river flows, water
19 quality standards, fish passage and protection measures and mitigation and enhancement
20 opportunities in the impacted watershed as determined by the department in consultation with
21 relevant state and federal agencies having oversight and jurisdiction over hydropower facilities;
22 (ii) only energy from new facilities having a capacity up to 25 megawatts or attributable to
23 improvements that incrementally increase capacity or efficiency by up to 25 megawatts at an
24 existing hydroelectric facility shall qualify; and (iii) no such facility shall involve pumped
25 storage of water or construction of any new dam or water diversion structure constructed later
26 than January 1, 1998; (7) low emission advanced biomass power conversion technologies using
27 fuels such as wood, by-products or waste from agricultural crops, food or animals, energy crops,
28 biogas, liquid biofuel including but not limited to biodiesel, organic refuse-derived fuel, or algae;
29 (8) marine or hydrokinetic energy as defined in section 3; or (9) geothermal energy. A Class I
30 renewable generating source may be located behind the customer meter within the ISO -NE
31 control area if the output is verified by an independent verification system participating in the
32 NEPOOL GIS accounting system and approved by the department.