

SENATE No. 1870

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 to protect our environment and update our climate action plan.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>	
<i>John W. Scibak</i>	<i>2nd Hampshire</i>	<i>1/25/2017</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>	<i>1/26/2017</i>
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>	<i>1/31/2017</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	<i>2/1/2017</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>	<i>2/1/2017</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>2/1/2017</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/1/2017</i>
<i>Solomon Goldstein-Rose</i>	<i>3rd Hampshire</i>	<i>2/2/2017</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>2/2/2017</i>
<i>Carlos Gonzalez</i>	<i>10th Hampden</i>	<i>2/2/2017</i>
<i>Cynthia S. Creem</i>	<i>First Middlesex and Norfolk</i>	<i>2/3/2017</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>	<i>2/3/2017</i>

SENATE No. 1870

By Mr. Pacheco, a petition (accompanied by bill, Senate, No. 1870) of Marc R. Pacheco, John W. Scibak, Lori A. Ehrlich, Thomas J. Calter and other members of the General Court for legislation to protect our environment and update our climate action plan. Telecommunications, Utilities and Energy.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1785 OF 2015-2016.]

The Commonwealth of Massachusetts

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

An Act to protect our environment and update our climate action plan.

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. (a) Notwithstanding any general or special law to the contrary, no power
2 generating facility in operation on and after January 1, 2019 shall utilize or gasify coal, and no
3 utility may purchase and seek to sell electricity, in or out of state, from coal-fired power plant
4 facilities.

5 (b) On or before January first, two thousand eighteen, the Secretary of Energy and
6 Environmental Affairs shall publish a plan detailing:

7 (1) how the Commonwealth will provide support for all communities that hosted
8 operational coal plants as of January first, two thousand ten to enable a full site transition toward

9 something that meets the needs of the towns as laid out by their elected municipal
10 representatives; and

11 (2) how the Commonwealth will provide re-training and employment placement support
12 for all currently unemployed workers who worked in a coal-burning power plant operational on
13 or after January first, two thousand ten.

14 (c) Section 26A of chapter 21 of the General Laws, as appearing in the 2014 Official
15 Edition, is hereby amended by adding, after the definition of “Effluent limitation,” the following
16 definition:-

17 “Fluid,” means any material or substance which flows or moves whether in semi-solid,
18 liquid, sludge, gas, or any other form or state.

19 (d) Said section 26A of said chapter 21, as so appearing, is hereby further amended by
20 adding, after the definition of “FWPCA,” the following definitions:-

21 “Gas,” means all natural gas, whether hydrocarbon or nonhydrocarbon, including
22 hydrogen sulfide, helium, carbon dioxide, nitrogen, hydrogen, casinghead gas, and all other fluid
23 hydrocarbons not defined as oil.

24 “Hydraulic fracturing,” means the process of pumping a fluid into or under the surface of
25 the ground in order to create fractures in rock for the purpose of the production or recovery of oil
26 or gas

27 “Oil,” means crude petroleum, oil, and all hydrocarbons, regardless of specific gravity,
28 that are in the liquid phase in the reservoir and are produced at the wellhead in liquid form.

29 “Oil and gas,” means oil and gas collectively, or either oil or gas, as the context may
30 require to give effect to the purposes of this chapter.

31 (e) Said section 26A of said chapter 21, as so appearing, is hereby further amended by
32 inserting in the definition of “Pollutant” after the word “effluent,” in line 36, the following
33 words:-

34 “hydraulic fracturing fluid,”

35 (f) Section 27 of said chapter 21, as so appearing, is hereby amended by inserting, after
36 clause 13, in line 83, the following new clause:-

37 (14) Enforce prohibitions on drilling, waste treatment and disposal, and mining activities
38 which have been enacted to protect the water quality and the natural resources of the
39 commonwealth.

40 (g) Chapter 21 of the General Laws, as so appearing, is hereby amended by inserting after
41 section 39 the following section:-

42 Section 39A. (a) No person may engage in hydraulic fracturing in the commonwealth.

43 (b) No person may collect, store, treat, or dispose of wastewater hydraulic fracturing
44 fluid, wastewater solids, drill cuttings or other byproducts from hydraulic fracturing within the
45 commonwealth.

46 (h) Section 42 of said chapter 21, as so appearing, is hereby amended by inserting after
47 the word “commonwealth,” in line 3, the following words:-

48 “or into an injection well or into a treatment works in the commonwealth.”

49 SECTION 2. Notwithstanding any general or special law to the contrary, commencing
50 180 days after the enactment of this legislation, no person shall construct or install any new oil or
51 coal generation facility or any fossil fuel generation facility that raises the state’s carbon
52 footprint.

53 SECTION 3. (a) As used in this section, the following words shall, unless the context
54 otherwise requires, have the following meanings:—

55 “Fossil fuel companies” shall mean companies identified by a Global Industry
56 Classification System code in one of the following sectors: (1) coal and consumable fuels; (2)
57 integrated oil and gas; (3) oil and gas exploration and production.

58 “Public fund” shall be defined as the Massachusetts Pension Reserves Investment Trust
59 or the Pension Reserves Investment Management Board.

60 (b) Notwithstanding any general or special law to the contrary, within 180 days of the
61 effective date of this act, the public fund shall identify all of the fossil fuel companies in which
62 the fund owns holdings and shall divest all publicly-traded holdings of each company identified
63 within 5 years of the effective date of this act. At no time shall the public fund acquire new assets
64 or securities of fossil fuel companies.

65 SECTION 4. (a) Section 1 of chapter 21N of the General Laws, as appearing in the 2014
66 Official Edition, is hereby amended by inserting, in line 60, after the word “chapter” the
67 following words:- ; or (iii) an economy-wide price on carbon

68 (b) Said section 1 of said chapter 21N, as so appearing, is hereby amended by striking
69 out, in line 54, the word:- “or”

70 (c) Subsection (b) of said section 7 of said chapter 21N of the General Laws, as so
71 appearing, is hereby amended by striking out, in line 15, the word “may” and inserting in place
72 thereof the following word:- shall

73 (d) Said subsection (b) of said section 7 of said chapter 21N of the General Laws, as so
74 appearing, is hereby amended by inserting, in line 16, after the word “mechanisms” the
75 following words:- , including, but not limited to, an economy-wide price on carbon,

76 (e) Said subsection (b) of said section 7 of said chapter 21N of the General Laws, as so
77 appearing, is hereby amended by inserting after the last sentence the following words:- All
78 revenue derived from said economy-wide price on carbon shall be returned to all Massachusetts
79 residents through a revenue rebate program established by the Department of Revenue.

80 SECTION 5. (a) Within 180 days of the effective date of this act, the Department of
81 Environmental Protection shall identify Massachusetts public, private and agricultural enterprises
82 providing methane emissions.

83 (b) Within one year of the effective date of this act, the Department of Environmental
84 Protection shall promulgate regulations to encourage and provide incentives for increased use of
85 anaerobic digesters.

86 SECTION 6. (a) Notwithstanding any general or special law to the contrary the state shall
87 establish a goal of generating 20% of our total electricity use from solar energy by 2025. Within
88 one year of the effective date of this Act, the Department of Energy Resources shall report back
89 to the legislature with a comprehensive plan to achieve this goal, considering numerous policy
90 options including: (1) increasing the state’s Renewable Portfolio Standard; (2) adding a carve-out
91 within the RPS for solar energy; (3) increasing the net metering cap; (4) providing purchase

92 incentives for solar, and increasing energy storage and microgrids within the state. The
93 department's analysis shall also specifically consider ways to expand solar access to low and
94 moderate-income consumers.

95 (b) Within one year of the effective date of this act, the Department of Energy Resources
96 shall promulgate regulations to provide incentives to encourage increased use of smart meters in
97 the state. Said incentives may include, but are not limited to: (1) savings for utilities if a certain
98 number of customers adopt smart meters; and (2) offer utility bill savings for customers who
99 adopt smart meters.

100 (c) Within one year of the effective date of this act, the Department of Public Safety shall
101 promulgate regulations to work toward updating and strengthening the Stretch Energy Code.

102 (d) Within one year of the effective date of this act, the Department of Transportation
103 shall promulgate regulations to develop and implement a clean fuel standard. Said clean fuel
104 standard shall aim to reduce the carbon intensity of transportation fuels, while accounting for the
105 full lifecycle greenhouse gas emissions of all fuels.

106 SECTION 7. Section 4 shall take effect on January 1, 2020 if the Commonwealth fails to
107 meet the 2020 statewide greenhouse gas emissions limit set pursuant to subsection (b) of section
108 3 of chapter 21N of the General Laws and adopted pursuant to subsection (a) of section 4 of said
109 chapter by January 1, 2020.