

SENATE No. 30

Senate, March 11, 2021 -- Report of the committee on Bills in the Third Reading, to whom was referred the amendment recommended by His Excellency the Governor to the engrossed Bill creating a next-generation roadmap for Massachusetts climate policy (see Senate, No. 9)

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

1 The Committee on Bills in the Third Reading reported that the amendment recommended
2 by the Governor be adopted as follows:

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4 Amend the bill, in section 1, by striking out, in lines 5 to 6, the words “in the
5 commonwealth including, but not limited to, emissions from any transportation vehicle,” and
6 inserting in place thereof the following words:- including, but not limited to, emissions from
7 transportation or heating fuels or from any.

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9 And amend the bill, in section 2, by inserting after the word “emissions” in line 12, the
10 first time it appears, the following words:- , including but not limited to greenhouse gas
11 emissions from transportation fuels, heating fuels, or electricity that are used, distributed,
12 consumed, combusted, or sold into the commonwealth,

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14 And further amend section 2 by inserting after the word “sublimits”, in line 15, the
15 following words:- ; provided, however when used in relation to the regulation of emissions, a
16 person or entity that sells or distributes transportation fuels, heating fuels, or electricity may be
17 considered to be the source of greenhouse gas emissions from the use, distribution, consumption,
18 combustion, or sale of such fuels or electricity.

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20 And amend the bill, in section 4, by striking out, in line 26, the word “gases” and
21 inserting in place thereof the following words:- gas emissions.

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23 And further amend section 4 by striking out, in line 29, the word “annual”.

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25 And further amend section 4 by striking out, in lines 32 to 34, inclusive, the words
26 “secretary, the regional greenhouse gas initiative or other regional program that result in the
27 same greenhouse gas emissions reduction, over the same time period, as direct compliance with a
28 greenhouse gas emissions limit or emission reduction measure adopted pursuant to this chapter”
29 and inserting in place thereof the following words:- secretary and the department, the regional

30 greenhouse gas initiative or other similar multi-jurisdictional program that results in greenhouse
31 gas emissions reductions.
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33 And amend the bill, in section 5, by striking out lines 45 to 47, inclusive, and inserting in
34 place thereof the following sentence:- The department shall establish programs to monitor and
35 reduce emissions of greenhouse gases and shall promulgate regulations regarding sources or
36 categories of sources that emit greenhouse gases in order to achieve the greenhouse gas
37 emissions limits and sublimits and implement the roadmap plans required by this chapter.
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39 And amend the bill, in section 9, in proposed subsection (b) of section 3A of chapter
40 21N, by inserting after the figure “3”, in line 78, the following words:- provided, however, that a
41 sublimit shall not be found to have been binding for a given prior year if the commonwealth is
42 found to have complied with the statewide greenhouse gas limit adopted pursuant to subsection
43 (b) of section 3 for the same year.
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45 And amend section 10 by striking out, in lines 182 to 184, inclusive, the words
46 “promulgate regulations regarding all sources or categories of sources that emit greenhouse gases
47 in order to achieve the emissions limits and sublimits and implement the roadmap plans set forth
48 in subsection (b) of section 3” and inserting in place thereof the following words:- establish
49 programs to reduce emissions of greenhouse gases and promulgate regulations regarding sources
50 or categories of sources that emit greenhouse gases in order to achieve the greenhouse gas
51 emissions limits and sublimits and implement the roadmap plans required by this chapter.
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53 And amend the bill by inserting after section 11 the following 2 sections:-
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55 SECTION 11A. Section 7 of said chapter 21N, as so appearing, is hereby amended by
56 striking out subsection (b) and inserting in place thereof the following subsection:-
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58 (b) The secretary and the department may adopt regulations governing market-based
59 compliance mechanisms to reduce greenhouse gas emissions from sources or categories of
60 sources in order to achieve the statewide greenhouse gas emissions limits and sublimits required
61 by this chapter.
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63 SECTION 11B. Said section 7 of said chapter 21N, as so appearing, is hereby amended
64 by inserting after the word “office” in line 28 the following words:- and the department.
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66 And amend the bill, in section 14, in proposed section 13 of chapter 23J, by striking out
67 subsection (b) and inserting in place thereof the following words:-
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69 (b) The department of public utilities shall annually direct the electric and gas distribution
70 companies and municipal aggregators with certified energy plans to jointly transfer funds
71 collected pursuant to section 19 of chapter 25 to the center for the purposes of implementing the
72 clean energy equity workforce and market development program; provided, that the electric and
73 gas distribution companies and municipal aggregators with certified energy plans shall transfer
74 no less than \$12,000,000 no later than December 31 each year. Such transfer shall not reduce the

75 amount expended on low-income programs pursuant to subsection (c) of said section 19 of said
76 chapter 25.

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78 And amend the bill, in section 16, by inserting after the word “reductions”, in line 229,
79 the following words:- , except in the cases of conversions from fossil fuel heating and cooling to
80 fossil fuel heating and cooling.

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82 And amend the bill, in section 17, by inserting after the word “reductions”, in line 233,
83 the following words:- , except in the cases of conversions from fossil fuel heating and cooling to
84 fossil fuel heating and cooling.

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86 And amend the bill, in section 18, by inserting after the word “reductions”, in line 237,
87 the following words:- , except in the cases of conversions from fossil fuel heating and cooling to
88 fossil fuel heating and cooling.

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90 And amend the bill, in section 19, by inserting after the word “annually” in line 241, the
91 following words:- direct the electric and gas distribution companies and municipal aggregators
92 with certified energy plans to jointly.

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94 And further amend section 19 by striking out, in line 244, the words “low-income
95 program funds allocated” and inserting in place thereof the following words:- the amount
96 expended on low-income programs.

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98 And amend the bill, in section 21, by inserting after the word “reductions”, in line 253,
99 the following words:- , except in the cases of conversions from fossil fuel heating and cooling to
100 fossil fuel heating and cooling.

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102 And amend the bill, in section 22, by inserting after the word “reductions”, in line 261,
103 the following words:- , except in the cases of conversions from fossil fuel heating and cooling to
104 fossil fuel heating and cooling.

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106 And amend the bill, in section 23, by inserting after the word “reductions”, in line 261,
107 the following words:- , except in the cases of conversions from fossil fuel heating and cooling to
108 fossil fuel heating and cooling.

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110 And amend the bill by striking out section 25 and inserting in place thereof the following
111 section:-

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113 SECTION 25. Said section 21 of said chapter 25, as so appearing, is hereby further
114 amended by inserting after the words “peak load,” in line 73, the following words:- reducing
115 greenhouse gas emissions,.

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117 And amend the bill, in section 26, by adding the following words:- , except in the cases of
118 conversions from fossil fuel heating and cooling to fossil fuel heating and cooling.

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120 And amend the bill by inserting after section 26 the following section:-

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SECTION 26A. Said section 21 of said chapter 25, as so appearing, is hereby further amended by striking out, in lines 109 to 111, inclusive, the words “identified and shall capture all energy efficiency and demand reduction resources that are cost effective or less expensive than supply” and inserting in place thereof the following words:- complied with the requirements of this section.

And amend the bill, in section 27, by adding the following words:- , except in the cases of conversions from fossil fuel heating and cooling to fossil fuel heating and cooling.

And amend the bill, in section 28, by striking out, in line 283, the word “The”, the first time it appears and inserting in place thereof the following words:- Notwithstanding the requirements of paragraph (1) of subsection (b), the.

And further amend section 31, in proposed section 6 of chapter 25A, by striking out clause (14) and inserting in place thereof the following clause:-

(14) develop and promulgate, in consultation with the state board of building regulations and standards, a municipal opt-in specialized stretch energy code that includes, but is not limited to, net-zero building performance standards and a definition of net-zero building, designed to achieve compliance with the commonwealth’s statewide greenhouse gas emission limits and sublimits established pursuant to chapter 21N.

And amend the bill, in section 34, by striking out, in line 374, the figure “32” and inserting in place thereof the following figure:- 33.

And amend the bill, in section 56, by inserting after the word “to” in line 658 the following words:- , climate change.

And amend the bill, in section 58, by striking out, in lines 707 and 710, each time they appear, the words “that is not insignificant”.

And amend the bill, in section 60, by striking out, in line 740, the words “is significant and”.

And further amend section 60 by striking out, in line 753, the words “non-significant projects” and inserting in place thereof the following words:- projects that do not require the filing of an environmental notification form pursuant to section 62A.

And amend the bill, in section 72, by inserting after the word “any” in line 876 the following words:- more stringent.

And amend the bill, in section 73, by striking out, in line 880, the word “adopted” and inserting in place thereof the following word:- promulgated.

And amend the bill by inserting after section 74 the following section:-

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SECTION 74A. Section 100 of said chapter 143 is hereby amended by striking out, in line 9, the word “ninety-six” and inserting in place thereof the following words:- 96, other than the specialized stretch energy code developed and promulgated by the department of energy resources.

And amend the bill, in section 78, by striking out, in lines 940 to 942, inclusive, the words “Paragraph (8) of section 1F of said chapter 164, as so appearing, is hereby amended by adding the following subparagraph:- (g)” and inserting in place thereof the following words:- Section 1F of said chapter 164, as so appearing, is hereby amended by adding the following paragraph:- (10).

And amend the bill, in section 85, by striking out, in line 981, the word “non-station” and inserting in place thereof the following word:- station.

And amend the bill, in section 86, in proposed section 144 of chapter 164, by striking out subsections (g) and (h) and inserting in place thereof the following 2 subsections:-

(g) The department shall establish requirements for the maintenance, timely updating, accuracy, and security of gas company maps and records. The department shall incorporate these requirements as a metric in the department’s service quality indicators for gas companies.

(h) The department shall incorporate into its service quality indicators for gas companies a metric or metrics related to disruptions in the provision of electronic data, including but not limited to, maps and records relevant to inspections, maintenance, repairs, and construction to its in-house workforce and contractors.

And amend the bill by striking out section 92.

And amend the bill, in section 96, by striking out, in lines 1060 to 1061, the words “11F of chapter 25A of the General Laws” and inserting in place thereof the following words:- 11 of chapter 75 of the acts of 2016.

And amend the bill, in section 98, by striking out, in line 1076, the words “sections 61and” and inserting in place thereof the following words:- 61 and.

And amend the bill, by inserting after section 98 the following section:-

SECTION 98A. Notwithstanding the promulgation of the municipal opt-in specialized stretch energy code under section 6 of chapter 25A of the General Laws or any other provisions of this act, any stretch energy code adopted by the state board of building regulations and standards and in effect on March 1, 2021, shall remain in full force and effect; provided, however, that the department of energy resources, in consultation with the state board of building regulations and standards, may update such stretch energy code from time to time. A community designated as a green community under subsection (c) of section 10 of said chapter 25A that

212 elects not to adopt the municipal opt-in specialized stretch energy code under section 6 of
213 chapter 25A shall not lose its designation as a green community as a result of that election.

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215 And amend the bill, in section 101, by striking out lines 1116 to 1120, inclusive, and
216 inserting in place thereof the following words:-

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218 households; and (ii) develop and promulgate the municipal opt-in specialized stretch
219 energy code required by section 6 of chapter 25A of the General Laws not later than 18 months
220 after the effective date of this act. In so doing, the department may phase in requirements based
221 on building types, uses, or load profiles. Notwithstanding any special or general law, rule or
222 regulation to the contrary, any municipality may adopt the municipal opt-in specialized stretch
223 energy code following its promulgation.

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225 And amend the bill by inserting after section 102 the following 3 sections:-

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227 SECTION 102A. The secretary of energy and environmental affairs shall promulgate
228 regulations to implement sections 57 and 58 not later than 180 days after the effective date of
229 this act.

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231 SECTION 102B. The requirements imposed by sections 57 and 58 shall apply to new
232 projects filed under section 62A of chapter 30 of the General Laws on or after the effective date
233 of regulations promulgated under section 102A.

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235 SECTION 102C. The department of environmental protection shall evaluate and seek
236 public comment on the incorporation of cumulative impact analyses in the assessment and
237 identification of certain categories of permits and approvals. Not later than 18 months after the
238 effective date of this act, the department of environmental protection shall propose regulations to
239 include cumulative impact analyses for defined categories of air quality permits identified
240 through the evaluation and public comment process.

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242 And amend the bill, in section 103, by striking out, in line 1129, the words “and
243 regulations”.

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245 And amend the bill, in section 106, by striking out, in line 1143, the word
246 “Notwithstanding” and inserting in place thereof the following word:- “Notwithstanding”.

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248 And further amend the bill in said section 106, by striking out, in line 1145, the word
249 “April” and inserting in place thereof the following word:- July.

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251 And amend the bill, in section 107, by striking out, in lines 1148 and 1149, the words
252 “2030 emissions reduction roadmap plan required by said section 3 of said chapter 21N shall be
253 adopted and published not later than January 1, 2022” and inserting in place thereof the
254 following:- 2025 and 2030 emissions reduction roadmap plans required by said section 3 of said
255 chapter 21N shall be adopted and published not later than July 1, 2022.