



Memorandum

From: CJ Hoss, Community Planning Program Manager

To: Regional Issues Committee

Date: January 17, 2024

Subject: Senate Bills S.2148 and S.2150; Overarching comments regarding Renewable Energy legislation

In advance of the next Regional Issues Committee, the below is a summary of Senate Bills 2148 and 2150, which were both presented by Senator Mark. Also below is a summary of the companion Senate/House bills 3215, as well as overall concerns previously raised over the past few months and prior years related to renewable energy priorities.

1) Senate Bill S.2148, An Act Relative to Solar for State Agencies

The overall purpose of this bill is to require state agencies to incorporate the use of solar energy systems into new construction and renovation projects of commonwealth owned or operated facilities.

- The bill provides a threshold of construction projects that exceed \$25,000 and involve “the replacement of systems, components or other building elements which affect energy consumption to install a solar energy system on or near the facility.”
- If the rooftop (or canopy?) area is large enough, the installation should be sufficient to meet 100% of the projected annual electricity demand.
- If the rooftop area is not large enough, then the state agency has the option of building out as much as possible as rooftop solar or installing a ground-mounted system, as long as the ground-mounted system meets 100% of energy needs and does not create any significant adverse impacts to historic or natural resources.
- Exemptions would be allowable under certain circumstances of this requirement and offers the potential substitution of other renewable energy systems in place of solar.

2) Senate Bill S.2150, An Act to Encourage Solar Development on Built and Disturbed Land

The overall purpose of this bill is to attempt to incentivize the potential for constructing solar projects on built lands (canopies or rooftop).

- Under 11B (page 2), the bill requires that the Department of Energy Resources provide “additional adders” and remove “declining incentive blocks” for solar facilities located over impervious surfaces and rooftops.
- Under 11C (page 3), the bill calls for the state to identify potential funding sources to “encourage the equitable deployment of solar facilities located on built land”. This action requires a report to be prepared and transmitted to the Executive Office of Energy and Environmental Affairs and the chairs of the Joint Committee on Telecommunications, Utilities, and Energy.
- Under 11D (page 3), the bill requires the state to create an incentive program for roof repair or replacement in order to increase the viability of rooftop solar projects.

Sections 11B and 11D each end with a requirement of implementation by December 31, 2024 or for the administration “provide its rationale” for objection to the program.

3) Senate Bill S.3215 and House Bill H.3215, An Act to Expedite Permitting for Electric Decarbonization Infrastructure Projects

This discussion in November started with a discussion that included the above referenced House and Senate bills. The stated purpose of the bill is to “consolidate and expedite the state review and permitting processes for electric utility infrastructure projects that contribute to decarbonization and to provide a single forum in which the electric decarbonization infrastructure permitting office created by this chapter may undertake coordinated, timely, and standardized review of such projects to facilitate achievement of the commonwealth’s climate change, renewable energy and emissions reduction goals while protecting the environmental resources of the commonwealth.”

As presented, electric decarbonization infrastructure project is defined as electric sector infrastructure projects that:

- A. Improve grid reliability, communications, and resiliency;

- B. Enable increased, timely adoption of and interconnection to renewable energy and distributed energy resources;
- C. Promote energy storage and electrification technologies necessary to decarbonize the environment and economy
- D. Prepare for future, climate-driven impacts on the transmission and distribution systems;
- E. Accommodate increased transportation electrification, increased building electrification, and other potential future demands on distribution, interconnection and, where applicable, transmission systems; or
- F. Otherwise facilitate or expand the commonwealth's capacity to realize its statewide greenhouse gas requirements and goals

The proposal would result in the creation of an office located within the Department of Environmental Protection, whose sole focus is creating the process for which projects would be subject to a consolidated permit, and for the subsequent review of consolidated permits.

Regarding applicability, as proposed the language explicitly states that this newly created office will have "exclusive authority over qualifying projects. No City or town shall have authority over any qualifying project nor shall any city or town enact any bylaw, ordinance, or regulation with respect to qualifying projects."

The bill outlines further authority provided to the office and specific provisions for how the consolidated permitting process will be managed, including specific timing requirements.

4) Overall Concerns Expressed Previously by the Regional Issues Committee

In relation to the discussion over the past few months and in previous years related to solar and renewable energy, commentary typically has revolved around the following:

- 1) Providing greater incentives for solar development on buildings and impervious surfaces, including requiring new construction to be built to standards that can support rooftop solar and developing programs that allow for the reinforcement of existing walls and rooftops;
- 2) Reducing the frequency of commercial scale ground-mounted solar on agricultural and forested lands (or "greenfield" sites);

- 3) Creating greater (or at least clearer) local control over permitting to provide clear capacity for communities to shift solar development to appropriate locations in Town (there is still some debate over what exactly the Attorney General's office will approve re: local regulation) and protect sensitive environmental features and lands; and,
- 4) Ensuring an equitable distribution of ground-mounted solar development throughout Massachusetts, especially when considering relatively lower land values in portions of the Berkshires versus the rest of the Commonwealth.

The Regional Issues Committee may wish to develop a communication in the near term to relevant parties outlining priorities for inclusion in new legislation.