

" We need a clean energy revolution. Yesterday."...

June 19, 2024, letter from Senator Jo Comerford on the Mass. State Senate's major clean energy bill:

Greetings,

On Thursday, the Senate will debate a major clean energy bill, **S.2829 — *An Act upgrading the grid and protecting ratepayers***. You can see the bill [here](#). It advanced out of Ways and Means on Monday and amendments were filed yesterday.

The legislation implements many of the [recommendations of Governor Healey's Commission on Clean Energy Infrastructure Siting and Permitting Commission](#) and *begins to address challenges, frustration, and potential for exploitation that many of our towns have experienced when navigating clean energy siting.*

Since I first took office, climate change and the environment have been a top focus for our team and I have come to believe the residents of our district are among the most informed and effective advocates on climate change and the environment in the Commonwealth.

We (you and I) have worked together to pass one of the first laws in the country focused specifically on healthy soils. We codified a carbon sequestration goal in statute for the first time. We passed a law to make the stretch energy building code require net-zero emissions buildings. We passed laws to create an electricity grid accountable to public oversight that *is ready for* and that *will facilitate* our transition to clean energy and rooftop solar, and to address the single parcel rule that prevented non-homeowners from having equitable access to solar. We led legislation to ensure incentives for pollinator-friendly solar development. We have taken action to end large-scale biomass, and more.

When it comes to siting clean energy infrastructure, my position has been clear:

We need a clean energy revolution. Yesterday. *Yet western Massachusetts cannot bear an undue burden for the state's lack of progress in siting clean energy infrastructure.* The state must make a plan for equitably siting clean energy across the Commonwealth that prioritizes siting infrastructure on the built and disturbed environment *and* that recognizes that local governments know best how and where to site infrastructure within their borders.

It's clear that the current process is not working as municipalities in our region grapple with their solar bylaws being struck down. And even when their bylaws are approved, developers can pursue exemptions to those bylaws at the Energy Facilities Siting Board

(EFSB) and the Department of Public Utilities (DPU), where in order to engage effectively one needs to become an Intervenor, which can take years and cost many thousands of dollars in legal fees.

Bolstered by your input, I commented on the Siting and Permitting Commission's recommendations. You can read my testimony [here](#).

I have also discussed these policies extensively with Senator Mike Barrett (the lead author of the climate bill) and with the Executive Office of Energy and Environmental Affairs. I have also helped bring these discussions to you in partnership with the UMass Clean Energy Extension, through the [Western Mass Solar Forum](#).

The bill that is coming to the Senate floor for a vote includes some of the things I have been advocating for:

- Ensuring that towns of less than 7,500 residents do not need to demonstrate a financial need in order to receive funding to become an intervenor, which is the formal way to participate in DPU and EFSB proceedings.
- Providing a mechanism to fund municipal or citizen intervenors in the siting process, along with providing municipal technical assistance.
- Requiring the development of a methodology to evaluate whether a site is well suited for hosting clean energy infrastructure, and to consider climate change resilience, carbon storage and sequestration, biodiversity and social and environmental benefits and burdens in that methodology.
- Requiring developers to *avoid, minimize, or mitigate* (in that priority order) siting impact and environmental and land use concerns.
- Creating a new office (the Division of Public Participation) responsible for assisting individuals, local governments, and community organizations with navigating the EFSB and DPU, opportunities to provide comment and intervene and facilitating dialogue among stakeholders involved in the permitting.

I have **filed amendments** (see all the amendments [here](#)) that are in line with my testimony to the Clean Energy Siting and Permitting Commission *and* in line with legislation I have filed this session, including:

- ***Embodied carbon in buildings***

Embodied carbon is the greenhouse gas emissions associated with the manufacturing, transportation, installation, maintenance, and disposal of building materials. It also relates to the carbon that can be captured and stored in building materials. I filed an

amendment to ensure this bill begins the work necessary to incorporate embodied carbon standards into building codes.

- ***Incentivize solar canopies on built and disturbed land***

We should be doing everything possible to install solar on the built or disturbed environment, like Washington State or France which passed laws incentivizing solar over parking lots. I filed an amendment to incentivize solar canopies.

- ***Provide funding for intervenors***

I am proposing to create an assured revenue stream so that intervenor assistance funding will always be available, without relying on the state budget. This funding will be a game-changer for small towns and community organizations that want to be represented in the energy permitting process. I have been working with the Attorney General's office on this initiative.

- ***Local Permitting Timeline Safety Valve***

Local governments must issue a final permit for proposals within 12 months of receiving a completed final application. But this deadline can put municipalities in a bind when they are waiting for information from the developer or from the federal government while the permitting clock is ticking. I filed an amendment to allow *extra time* when information comes in late in the process.

- ***Consider Advanced Grid Technology***

Technological advances allow advanced cables to carry up to twice as much electricity as current designs, at less cost (see [this article](#) for more). Upgrading cables can avoid the need for new transmission lines. I filed an amendment that requires utilities to look at deploying these technologies, and authorizes performance incentives to be included in electric rates to encourage their use.

- ***Solar Panels Recycling***

As we work to deploy solar more widely throughout the Commonwealth, we should have a plan for recycling and reusing solar panels and associated materials. I filed an amendment to require a plan for recycling solar, including considering producer responsibility or incentives for purchasing solar from a company that has a take-back program.

- ***Land Decommissioning Requirements and PILOT Negotiations***

Right now, when a large energy developer negotiates a payment in lieu of taxes (PILOT) agreement with a town, it is *not* an even negotiation. I filed an amendment to ensure that PILOT negotiations can consider how much money the developer will make, and also to consider requiring some money be set aside for decommissioning land restoration work necessary at the end of the energy infrastructure's useful life.

- ***Green and Healthy Schools***

In the 2022 climate law, the Senate included a policy I filed to collect data on the environmental health and energy efficiency of K-12 school buildings throughout the state, and to make recommendations for making our school buildings green and healthy. I filed an amendment to galvanize and structure the working group of state agencies engaging around the data to create health and energy efficiency standards for renovating existing school buildings and for new school building construction so that this work can be sustained and implemented.

- ***Interconnection Standards***

Currently, electric utilities can make their own decisions regarding interconnections with other systems. This is one of the biggest pain points in our clean energy transition. I filed an amendment to establish an obligation on public utilities to facilitate interconnections access at reasonable costs and on reasonable terms that are fair and transparent.

Thanks to your advocacy, I will also **co-sponsor** a number of amendments.

What's true is that siting energy infrastructure needs to reflect a delicate and thoughtful balance.

Move too slowly and we will keep relying on dirty fuels, not comply with our emissions reduction requirements, and will have abdicated our responsibility in the fight against climate change.

Move too quickly and without sufficient nuance and we will be left with infrastructure that is not sited thoughtfully — where our invaluable natural and working lands once were.

In either scenario: What will we tell future generations?

This keeps me up at night and it's why I have made this work a top priority since taking office.

However there's one sleepless night that I'm actually looking forward to, and that's tomorrow, when we'll debate amendments to this clean energy bill for as long as it takes to grapple with these policies with the thoughtfulness they deserve.

Let me know what you think, and follow along with Thursday's debate [here](#).

Warmest regards — yet with the hope that you find relief from this heat,

Jo

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