SENATE DOCKET, NO. 1400 FILED ON: 1/21/2011

SENATE . . . . . No. 1659

The Commonwealth of Massachusetts

PRESENTED BY:

Benjamin B. Downing

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 passage of the accompanying:

An Act relative to class I and class II renewable energy portfolio standards for hydropower facilities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Benjamin B. Downing	*Berkshire, Hampshire, and Franklin*
Stephen L. DiNatale	*3rd Worcester*

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SENATE . . . . . No. 1659

By Mr. Downing, a petition (accompanied by bill, Senate, No. 1659) of Benjamin B. Downing and Stephen L. DiNatale for legislation encouraging renewable energy generation. Telecommunications, Utilities and Energy.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
SENATE
, NO. *1485* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act relative to class I and class II renewable energy portfolio standards for hydropower facilities.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Subclause (i) of clause (6) of subsection (6) of section 11Fof Chapter 25A of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting, in line 62, after the words “having oversight and jurisdiction over hydropower facilities;”, the following words:- (“Environmental Standards”) and in any case in which pursuant to action initiated with or by the Federal Energy Regulatory Commission (FERC) after January 1, 1992 the FERC either reviewed and approved the new facility or increased capacity or efficiency at an existing facility, or issued an order with respect to increased capacity or efficiency improvements to revise the authorized installed capacity at an existing facility, where the operation of such increased capacity or efficiency does not exceed the maximum discharge of the original turbine or turbines, then such new facility or increased capacity or efficiency at each such existing facility shall be deemed to have satisfied the Environmental Standards, defined above, and except as limited by subclause (ii), shall be certified as a Class I renewable energy generating source, without further review;

SECTION 2. Clause (6) of subsection (d) of section 11F of said Chapter 25A, as so appearing, is hereby amended by striking clause (6) and inserting in place thereof the following clause:-

17 (6) energy generated by existing hydroelectric facilities, provided that, (i) each such
18 existing facility shall meet appropriate and site-specific standards that address adequate and
19 healthy river flows, water quality standards, fish passage and protection measures and mitigation
20 and enhancement opportunities in the impacted watershed as determined by the department in
21 consultation with relevant state and federal agencies having oversight and jurisdiction over
22 hydropower facilities ("Environmental Standards"), provided that: (a) in any case in which an
23 existing facility operates under Federal Energy Regulatory Commission (FERC) jurisdiction
24 pursuant to action initiated with or by the FERC after January 1, 1992, such existing facility shall
25 be deemed to have satisfied the Environmental Standards, defined above, and except as limited
26 by the subclause (iii), shall be certified as a Class II renewable energy generating source without
27 further review; or (b) in any case in which an existing facility, with FERC nameplate capacity
28 greater than 1 MW, operating under FERC jurisdiction, pursuant to action initiated with or by
29 and approved by the FERC prior to January 1, 1992, the department may, by appropriate means,
30 determine that such existing facility meets the Environmental Standards; (ii) existing, FERC
31 regulated facilities, with FERC nameplate capacity of 1 MW or less shall be certified as Class II
32 renewable energy generating sources, without further review of Environmental Standards, as
33 defined above; and (iii) provided further, that only energy from existing facilities up to 5
34 megawatts shall be considered renewable energy and no such facility shall involve pumped
35 storage of water;