

Legislation 2017

Wind Wise Massachusetts supports these proposed bills.

HD2841-----sponsored by Representative Sarah Peake
HD1232 ----- sponsored by Representative David Vieira
SD953 -----sponsored by Senator Bruce Tarr
HD1958 ----- sponsored by Representative Todd Smola
HD1960 ----- sponsored by Representative Todd Smola
HD3754 -----sponsored by Representative Bruce Ayers
HD2844 -----sponsored by Representative Sarah Peake
HD2054 -----sponsored by Representative Todd Smola

Adverse Impacts from Wind Turbines

HD2841 – "Resolve to establish a commission to study the health impacts from land based wind turbines to protect the health of the citizens of the commonwealth" (Rep. Peake)

Description: This legislation establishes a commission to investigate and study the incidence and impacts of adverse health effects from land-based wind turbines and to recommend administrative and legislative changes to mitigate or eliminate adverse health effects from land-based wind turbines. Rep. Peake filed a similar bill previously and it was reported favorably out of committee.

Text: Resolved, there shall be a special commission to investigate and study the incidence and impacts in the commonwealth of adverse health impacts from land based wind turbines. The commission shall consist of 19 members: 1 member of the senate appointed by the senate president, 1 member of the senate appointed by the senate minority leader; 1 member of the house of representatives appointed by the speaker of the house of representatives, 1 member of the house of representatives appointed by the house minority leader; the commissioner of the department of public health or a designee; the commissioner of the division of health care finance and policy or a designee; the director of the state laboratory institute or a designee; the state epidemiologist or a designee; 8 members appointed by the governor as follows: one shall be a physician who has written a peer-reviewed journal article in an internationally recognized journal on the effects of industrial land based wind turbines on sleep and health; one shall be a NIH researcher with a PhD specializing in the field of otolaryngology; two who are physicians considered experts in the treatment or research of adverse health impacts of land based wind turbines; two members of local boards of health from different regions of the commonwealth where industrial land based wind turbines are sited and complaints of adverse health impacts have been registered with local officials in those communities; one member of the executive committee from the wind energy advocacy organization Wind Wise-Massachusetts; one member of the board from the wind energy advocacy organization Wind Wise – Cape Cod; and 3 members of the public who live within 5,000 feet of an operating land based wind turbine and who have registered health-related complaints with his or her local officials, one of each to be appointed by the regional planning agencies of Barnstable, Berkshire and southeastern Massachusetts.

Said study shall include, but not be limited to, a cost-benefit analysis of: (i) conducting a land based wind turbine adverse health impacts public health clinical screening study in high risk regions; (ii) developing educational materials and training resources for detecting signs and symptoms of adverse health impacts and illnesses in at risk populations including school-aged populations, to be used by clinical providers and school health personnel; (iii) statewide surveillance and testing for adverse health impacts in the proximity of land based wind turbines, and (iv) educating the medical community about research on all aspects of adverse health impacts of land based wind turbines, both acute and chronic. The commission shall also investigate the availability of grants and federal funds for the study of adverse health impacts from land based wind turbines to determine if future action is feasible and warranted to support adverse health impacts from land based wind turbines research in the commonwealth.

Said commission shall report to the senate and house of representatives the results of its investigation and study, together with drafts of legislation, if any, necessary to carry its recommendations into effect, by filing the same with the clerks of the senate and house of representatives, who shall forward the same to the joint committee on public health and the house and senate committees on ways and means by May 1, 2018.

HD1232 –“Wind Energy Relief Act” (Rep. Vieira)

Description: This legislation establishes a fund to compensate people, businesses, and municipalities adversely impacted by wind turbines, and another fund to help compensate municipalities to remove or relocate wind turbines. Monies already deducted from our electricity bills support both funds.

Text:

SECTION 1. This Act shall be entitled the “Wind Energy Relief Act,” and shall be construed in a manner to achieve its public purpose, which is to ensure that citizens, businesses, and municipalities adversely affected by the operation of a wind turbine receive appropriate remuneration and assistance from the Commonwealth.

SECTION 2. Chapter 10 of the General Laws is hereby amended by adding the following sections:-
Section 75.

(a) There shall be established and set up on the books of the commonwealth a separate fund known as the Wind Energy Relief Fund, hereinafter referred to as the Energy Relief Fund. Each year, there shall be credited to the Energy Relief Fund, from the Massachusetts Renewable Energy Trust Fund, which is credited all amounts collected under section 20 of chapter 25 and any income derived from the investment of amounts credited to the trust fund, or its successor entity, hereinafter referred to as the Trust Fund, \$15,000,000 by a transfer from the Trust Fund to the Energy Relief Fund. Said transfer shall occur before any other transfer of monies from the Trust Fund to any other account of the Commonwealth without exception. All available monies in the Energy Relief Fund that are unexpended at the end of each fiscal year shall not revert to the Trust Fund, the General Fund, or any other account of the Commonwealth and shall be available for expenditure by the Energy Relief Fund in the subsequent fiscal year.

(b) The Energy Relief Fund shall be held and applied by the Executive Office of Administration and Finance which is hereby authorized and directed to promulgate rules and regulations necessary to implement the provisions of this act. The Executive Office of Administration and Finance shall make available the Energy Relief Fund to citizens, businesses, and municipalities as compensation for losses incurred as a result of detrimental health effects or any property loss or any other adverse impact resultant from the siting of a wind turbine in the Commonwealth developed with any assistance from the Massachusetts Clean Energy Center, hereinafter referred to as the Clean Energy Center. The Executive Office of Administration and Finance shall make distributions from the Energy Relief Fund after developing a procedure for valuing the loss suffered by a citizen, local business, or municipality in consultation with the Executive Office of Housing and Economic Development, the Massachusetts Board of Realtors, the Massachusetts Assessors Association, the Massachusetts Municipal Association, and the Massachusetts Selectman's Association. Said procedure shall be developed prior to June 30, 2014. Further, an application for compensation from the Energy Relief Fund shall be approved or denied within 180 days after being submitted to the Commonwealth. Any such application not approved or denied within 180 days after being submitted to the Commonwealth shall be deemed approved by operation of law. An applicant who may be denied compensation from the Energy Relief Fund, whether a citizen, local business, or municipality, for a period of 30 days after said denial, shall be entitled to appeal to the Department of Public Utilities, hereinafter referred to as the Department, for a determination of the appeal by the Department no later than 60 days after submission of the appeal to the Department.

(c) Compensation to a citizen, local business, or municipality shall not be limited to direct monetary remuneration from the Energy Relief Fund and shall also include, but, not be limited to full payment for residential or business relocation so long as Executive Office of Administration and Finance consults with

the Department of Public Health concerning health-related claims prior to awarding such relocation assistance from the Energy Relief Fund.

(d) There shall be established and set up on the books of the Commonwealth a separate fund known as the Wind Turbine Decommissioning or Relocation Fund, hereinafter referred to as the Turbine Decommissioning Fund. Each year, there shall be credited to the Turbine Decommissioning Fund, from the Massachusetts Renewable Energy Trust Fund, which is credited all amounts collected under section 20 of chapter 25 and any income derived from the investment of amounts credited to the trust fund, or its successor entity, hereinafter referred to as the Trust Fund, \$7,500,000 by a transfer from the Trust Fund to the Turbine Decommissioning Fund. Said transfer shall occur after the transfer to the Energy Relief Fund, in accord with this Act, and before any other transfer of monies from the Trust Fund to any other account of the Commonwealth without exception. All available monies in the Turbine Decommissioning Fund that are unexpended at the end of each fiscal year shall not revert to the Trust Fund, the General Fund, or any other account of the Commonwealth and shall be available for expenditure by the Turbine Decommissioning Fund in the subsequent fiscal year.

(e) The Turbine Decommissioning Fund shall be held and applied by the Executive Office of Administration and Finance which is hereby authorized and directed to promulgate rules and regulations necessary to implement the provisions of this act. The Executive Office of Administration and Finance shall make available monies from the Turbine Decommissioning Fund to municipalities of the Commonwealth as compensation for decommissioning or relocation of a wind turbine located within their jurisdiction that was developed upon false, misleading, or inaccurate information, reasonably relied upon by the municipality, in its final determination to allow construction of the wind turbine.

(f) The Executive Office of Administration and Finance shall make distributions from the Turbine Decommissioning Fund after developing a procedure for reviewing a municipality's application for assistance under this act in consultation with the Massachusetts Municipal Association and the Massachusetts Selectman's Association. Said procedure shall be developed prior to June 30, 2015. Further, an application for assistance from the Turbine Decommissioning Fund shall be approved or denied within 180 days after being submitted to the Commonwealth. Any such application not approved or denied within 180 days after being submitted to the Commonwealth shall be deemed approved by operation of law. A municipality, which may be denied assistance from the Turbine Decommissioning Fund, for a period of 30 days after said denial, shall be entitled to appeal to Energy Facilities Siting Board for a determination of the appeal no later than 60 days after submission of an appeal.

SECTION 3. Chapter 10 of the General Laws is hereby amended by adding the following section: -Section 35FF (f). No funds shall be transferred or otherwise made available to the Massachusetts Alternative and Clean Energy Investment Trust Fund, or to any other fund or account administered by the Clean Energy Center, until after the Energy Relief Fund and the Turbine Decommissioning Fund have received their respective transfers from the Massachusetts Renewable Energy Trust Fund or its successor entity.

SECTION 4. Section 20(a) of Chapter 25 of the General Laws is amended by striking it in its entirety and replacing it with the following new section:- Section 20. (a) The department shall require a mandatory charge of 0.5 mill per kilowatt-hour for all electricity consumers, except those served by a municipal lighting plant which does not supply generation service outside its own service territory or does not open its service territory to competition at the retail level, to support the development and promotion of renewable energy projects and to provide assistance to consumers, businesses, and municipalities seeking relief from the effects of wind energy development. All revenues generated by the mandatory charge shall be deposited into the Massachusetts Renewable Energy Trust Fund, established under section 9 of chapter 23J.

SECTION 5. Section 9(b) of Chapter 23J of the General Laws is amended by striking it in its entirety and replacing it with the following new section:- Section 9. (b) After fully funding the Wind Energy Relief Fund and the Wind Turbine Decommissioning Fund, as established by the General Laws, the center may make expenditures from the trust fund for the public purpose of generating the maximum economic and environmental benefits over time from renewable energy to the ratepayers of the commonwealth through a

series of initiatives which exploit the advantages of renewable energy in a more competitive energy marketplace by: (i) promoting the increased availability, use and affordability of renewable energy; (ii) by making operational improvements to existing renewable energy projects and facilities which, in the determination of the center, would yield more significant results in the development of renewable energy if such funds were made available for the creation of new renewable energy facilities; and (iii) by fostering the formation, growth, expansion and retention within the commonwealth of preeminent clusters of renewable energy and related enterprises, institutions and projects which serve the citizens of the commonwealth consistent with a strategic plan or annual operational plan.

SECTION 6. The Department of Public Utilities is hereby authorized and directed to promulgate rules and regulations necessary to implement the provisions of this act. The Energy Facilities Siting Board is hereby authorized and directed to promulgate rules and regulations necessary to implement the provisions of this act.

Impact of the Green Communities Act

SD953 – "An Act relative to the green communities act" (Sen. Tarr)

Description: This legislation requires an investigation of the impact of the Green Communities Act, including a review and analysis of current and future benchmarks. It also requires that the findings be made public.

Text: Notwithstanding any general or special law to the contrary, the commissioner of the department of environmental protection in conjunction with the commissioner of energy resources, and the secretary of energy and environmental affairs shall conduct a comprehensive investigation of the impact of chapter 169 of the acts of 2008. This investigation shall include but not be limited to a review of benchmarks attained to date, and an analysis of the feasibility of attaining benchmarks set up at the time of the passage of the act, and any recommendations. The commissioner of the department of environmental protection in conjunction with the commissioner of energy resources and the secretary of energy and environmental affairs shall publish their findings on each department website and on the website of the executive office of energy and environmental affairs, and submit a copy to the clerks of the house and senate, the joint committee on environment, natural resources and agriculture, and joint committee on telecommunications, utilities and energy no later than December 31, 2019

Accountability of Public Funds for Wind Turbines

HD1958 – "An Act relative to accountability of public funds used for wind turbines" (Rep. Smola)

Description: This legislation requires the Massachusetts Clean Energy Center to post monthly updates on public funds spent for wind turbines. It also requires that the information be made public.

Text: Chapter 23J Section 5 of the general laws is hereby amended by adding at the end thereof the following paragraph. Expenditures of moneys for wind turbines from the Massachusetts Renewable Energy Trust grant, loan, or credits or federal finds distributed by the Commonwealth shall be posted on a web site maintained by the center for that purpose and updated monthly. The website information will include the recipient name, the program, date of award, award amount and the project name and location.

Transparency in Wind Generated Electricity Production

HD1960 – "An Act Promoting Transparency in Wind Generated Electricity Production" (Rep. Smola)

Description: This legislation requires wind projects to submit production statistics (megawatts per hour) if the project received public funds. It also requires that audited production statistics be made public.

Text: Chapter 23J section 9 (D) of the general laws in hereby amended by adding at the end thereof—
“(ix) Any wind turbine project which received a Massachusetts Renewable Energy Trust grant, loan, or credits, or federal funds distributed by the Commonwealth, shall be required to report its production statistics within 30 days of the end of each calendar year to the Massachusetts Department of Energy Resources (DOER). Said production statistics (megawatts per hour) shall be broken down into monthly production. Said production statistics shall be verified by a third party auditing entity approved by DOER, and shall be submitted to the DOER which shall post this information on its public website.

Transparency in Electric Bills

HD3754 – “The Electricity Bill Transparency Act” (Rep. Ayers)

Description: This legislation establishes a framework to ensure electricity rate savings by requiring annual, public reports of ratepayer cost and benefits under the Green Communities Act. It also requires that costs for programs and policies under the Green Communities Act be itemized on electric bills.

Text:

SECTION 1. This Act shall be entitled the “The Electricity Bill Transparency Act,” and shall be construed in a manner to achieve its public purpose, which is to ensure that affordable electric service be available to all consumers on reasonable terms and conditions.

SECTION 2. Section 116A of Chapter 169 of the acts of 2008 is hereby amended bus striking it in its entirety, and replacing it with the following new section:- SECTION 116A. The Executive Office of Energy and Environmental Affairs shall annually report the estimated or actual ratepayer cost and benefits of each program and policy required under Chapter 169 of the Acts of 2008 to the joint committee on telecommunications, utilities and energy. Said report shall be submitted to the committee by January 31 of each year. Whenever possible, the reported costs shall be presented on a volumetric percentage of electricity supplied from renewable resources to each end user customer class.

SECTION 3. Chapter 169 of the acts of 2008 is hereby amended by inserting after section 116A the following new sections:- SECTION 116B. All information reported by the Executive Office of Energy and Environmental Affairs as required under Section 116A of this act shall be made available as a public record and posted to the department of department of energy resources website simultaneously with submittal to the joint committee on telecommunications, utilities and energy. SECTION 116C. All actual ratepayer cost of each program and policy required under Chapter 169 of the Acts of 2008 shall be itemized on each end user’s electric utility bill.

SECTION 4. The department of public utilities is hereby authorized and directed to promulgate rules and regulations necessary to implement the provisions of this act. The department of energy resources is hereby authorized and directed to promulgate rules and regulations necessary to implement the provisions of this act.

Noise Pollution

HD2844 – "An Act relative to noise pollution" (Rep. Peake)

Description: The purpose of this legislation is to include low-frequency noise, infrasound and aerodynamic amplitude modulation in MassDEP’s power to regulate noise

Text: SECTION 1. Section 8 of Chapter 21A of the General Laws, as appearing in the 2012 official edition, is hereby amended by inserting in line 4 after the word “regulation,” the following: which shall include, but not be limited to, low-frequency noise, infrasound and aerodynamic amplitude modulation.

HD2054 – An Act Relative to Noise and Air Pollution (Rep. Smola)

Description: The purpose of this legislation is to include the terms low-frequency noise, infrasound, and aerodynamic amplitude modulation in the definitions of noise and air pollution regulated by MassDEP.

Text: Low-frequency noise, infrasound, and Aerodynamic Amplitude Modulation shall be included in the definitions of noise and air pollution regulated by the department of environmental protection under Massachusetts General Law Chapter 21A Section 8.
