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New economic and energy laws enacted by Mass. Legislature

September 27, 2012 - Green Buildings

Several new laws, supporting green and development issues, were passed at the end of the Mass. Legislative Session, which formally ended July 31, 2012. These include a new Economic Development Law and an Energy Law; both of which were signed by the governor in early August. The Economic Development Law, "An Act Relative to Infrastructure Investment, Enhanced Competitiveness and Economic Growth in the Commonwealth," includes a stimulus package and incentives for job creation, tax relief (although the governor vetoed the proposed extension of the Brownfields Tax Credit, which will expire in August 2013), technology development, infrastructure development and improvement, grants, including support for small business and community development corporations, and various agency studies. It also extends for another two years (from the previously authorized extension) a vast array of permits, which have been approved by the state, region, or a local municipality issued during the four-year "qualifying period". The extension now encompasses a total of four (4) years from the original permit's expiration date. Any permit due to expire between August 15, 2008 and August 15, 2012, is automatically extended for 4 years. This will provide relief for developers with permitted projects, for which development has not yet occurred. The Energy Law, "An Act Relative to Competitively Priced Electricity in the Commonwealth" includes: a voluntary accelerated rebate pilot program made available to the five largest commercial or industrial electric and gas users in each utility service territory; an expanded role for the Mass. Clean Energy Technology Center (which is now seeking acoustic consulting teams to conduct wind turbine noise studies); net metering for anaerobic digestion facilities (which generates electricity from a biogas produced by the accelerated biodegradation of organic materials); funding upgrades and improvements to existing hydroelectric generation facilities; expansion of net-metering (from a 3% cap to a 6% cap); and incentives for developing renewable energy projects. It also includes a provision to allow any deed restriction placed on a closed publicly-owned landfill to be modified to allow for renewable energy use, provided the closure was conducted in an environmentally sound manner and the landfill existed as of August 3, 2012. Currently MassDEP has issued permits for renewable energy projects to approximately 25 closed landfills, the majority of which utilize solar power. Mass. continues to legislate and provide incentives for renewable energy in a variety of settings. Susan Bernstein is an attorney at law, Needham, Mass.

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