

Environment & Energy Insights

March 2026 Edition

Welcome to the March edition of Nutter's *Environment & Energy Insights*, a periodic update of current trends in environment and energy law. This month we cover:

- **Massachusetts House of Representatives' passage of an energy affordability and clean power act; and**
- **Massachusetts Department of Environmental Protection proposes changes to its 1990 noise policy.**

Massachusetts House of Representatives Passes Energy Affordability, Clean Power Act

The Massachusetts House of Representatives recently passed a bill, [H.5175](#), for the purpose of "provid[ing] energy affordability, independence, and innovation in the commonwealth." The bill passed the House after debate on and amendment of its prior iteration, H.5151.

Many of the bill's provisions seek to reduce utility customers' bills. Perhaps most pertinently, the bill includes a one-time \$1 billion cut to the Mass Save program. Mass Save is an energy efficiency program aimed at reducing greenhouse gas emissions that is funded by charges on residents' utility bills. This cut to the program is intended to reduce the total amount charged to customers on their bills without completely undermining Mass Save, which would still have \$3.5 billion in its budget after the cut. A parallel measure seeks to return 70% of alternative compliance payments (fees paid by utility companies that do not meet renewable energy targets) to customers until July 1, 2029. Other cost-saving measures include a requirement that utilities provide low-income customers with discounted rates and a reduction to net metering credit amounts on electric bills.

The bill also seeks to improve the existing electrical grid in Massachusetts and to facilitate the grid's shift to clean energy. For instance, the bill requires the Department of Energy Resources to take affirmative steps towards offshore wind power development. The bill also repeals Chapter 503 of the acts of 1982, a provision that makes it more difficult to approve new nuclear power facilities in the Commonwealth. Additionally, the bill creates a "smart solar permitting platform" to automate and expedite the solar energy system permitting process.

Other provisions of the bill include the following:

- Authorizing the state Department of Transportation to permit the installation of high voltage transmission lines along state highways (including the interstate highway system);
- Requiring the Department of Public Utilities to create a real time dashboard for utility customers' bills;
- Creating an electric rate task force, which must issue a report by September 2027 on future costs of electricity in Massachusetts; and
- Authorizing municipalities to restrict competitive electrical suppliers' ability to execute new contracts.

The bill is now with the Senate for consideration and potential amendments. We aim to provide updates on the future of this bill as it develops.

MassDEP Proposes Updates to Noise Policy

The Massachusetts Department of Environmental Protection (“MassDEP”) released a discussion document that proposes updates to its 1990 Noise Policy. The proposed update stems in part from comments from the Clean Energy Infrastructure Siting and Permitting Commission, seeking to address the disparity of treatment of energy projects proposed in rural versus urban areas.

MassDEP has authority to regulate noise as a form of air pollution under M.G.L. c. 111, §§ 142 A–M. Accordingly, the noise policy provides guidance on compliance with MassDEP’s noise regulations at 310 CMR 7.10 whereby a sound source violates the Policy if the sound level increases by 10 dBA above the ambient background level or creates a “pure tone condition”. These criteria

are measured at both the noise-creating property line and the nearest receptor (such as a residence). MassDEP sought comment on proposed revisions to the noise policy, including:

- Adjusting the baseline sound level for noise increases to address differences between rural and urban projects;
- Clarifying where sound measurements should be taken;
- Updating the definition of “tonal sound” based on improvements in sound meter technology since 1990; and
- Revising the process for establishing background sound when conducting new sound studies.

MassDEP accepted comments through March 23 and will be considering any such comments before taking next steps in revising the policy.

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