

## Energy: Compilation of Frequently Asked Questions and Answers

- 1. May I be exempt from the energy efficiency and equipment standards for horticultural lighting, HVAC, and dehumidification systems if I annually purchase and retire alternative or renewable energy credits to offset 100% of my Cultivation Facility's onsite (nonrenewable) energy use?**

No. To qualify for exemption, the Cultivation Facility must first demonstrate that at least 80% of all energy generated onsite derives from an eligible onsite renewable source. The facility must then document that it has purchased and retired renewable or alternative energy credits representing the remaining portion, if any, of energy generated offsite. This means that the Cultivation Facility would, at most, be expected to purchase or retire energy credits offsetting 20% of energy usage in order to qualify for exemption.

- 2. When do I provide my energy compliance letter to the Cannabis Control Commission (Commission) if I am a Cultivator who already has a provisional license and has already completed Architectural Review?**

Licensees who have completed Architectural Review but have not yet received a final license should submit their energy compliance letter or their energy compliance exemption letter (if eligible) to their assigned Investigator or Compliance Officer during the Post-Provisional License Inspection process.

- 3. I am thinking about filing an application for initial licensure. Do I need to comply with the energy efficiency regulatory standards at the time of application?**

All applications submitted on or after July 1, 2020 must satisfy the energy efficiency standards and reporting requirements described in the Compiled Energy and Environmental Guidance if they are not otherwise exempted. Initial applications for licensure submitted before July 1, 2020, that do not yet have a final license must comply with those same requirements effective July 1, 2020, unless the applicant or licensee is otherwise exempted.



- 4. The regulations state that Horticultural Lighting Power Density cannot exceed 36 watts per square foot, or 50 watts per square foot for Tier 1 or Tier 2 Cultivators. Does “square foot” refer to the square footage of the canopy?**

Horticultural Lighting Power Density is a measure of total watts of Horticultural Lighting Equipment per total Horticultural Lighting Square Footage ( $HLE/HLSF = HLPD$ ) expressed as number of watts per square foot. Agency regulations define Horticultural Lighting Square Footage to mean canopy.

- 5. Does the square footage calculation for the Horticultural Lighting Power Density requirement extend to all crop growth areas in the facility to include areas dedicated to mother plants, clones, vegetation, and flower?**

No. Commission regulations define Horticultural Lighting Square Footage to mean canopy. Canopy is measured using clearly identifiable boundaries of all areas that will contain mature plants at any point in time. The [Massachusetts Seed-to-Sale Guidance](#) defines mature plants as plants greater than eight inches tall and defines immature plants as a non-flowering plant that is no taller than eight inches and no wider than eight inches produced from a cutting, clipping, or seedling. Consistent with the definition of canopy, the Horticultural Lighting Square Footage extends to all growth areas in the facility that will contain mature plants at any point in time. Therefore, the agency does not consider areas solely dedicated to the cultivation of immature plants part of the Horticultural Lighting Square Footage.

- 6. Does the measurement of canopy include aisles or walkways?**

No. Aisles and walkways are not counted as part of the canopy (Horticultural Lighting Square Footage) calculation. If a licensee intends to use tables for cultivation, then the length and width of each table is factored into the canopy measurement. If the licensee intends to use rows for outdoor cultivation, then the length and width of each row is factored into the canopy calculation.

- 7. Is there another list of approved lighting technologies, in addition to the Horticultural Qualified Products list?**

At this time, the Horticultural Qualified Products list is the only list of lighting technologies approved for purposes of meeting the horticultural lighting requirement in 935 CMR 500.120(11)(b)2 and 501.120(12)(b)2. Licensees seeking to use horticultural lighting not included on the Horticultural Qualified Products list must submit a [Waiver Request Form](#) supported by third-party certification of the energy efficiency features of the alternative lighting equipment proposed.



**8. Will licensees be able to digitally transmit their Cannabis PowerScore report directly to the Commission?**

No. Licensees will download the Cannabis PowerScore report as a PDF file and will include that document as an attachment to their renewal application.

**9. Are biogas-driven chillers that reduce electricity use eligible for exemptions from the regulatory requirements for horticultural lighting, HVAC, and dehumidification systems?**

Yes, biogas-driven systems that qualify for Alternative Energy Portfolio Standard (APS) as a Renewable Thermal Generating unit are eligible. Exemptions are available to Cultivation Facilities that generate 80% or more of their total annual onsite energy use for all fuels from either a clean or renewable energy generating source or renewable thermal generation as provided in M.G.L. c. 25A § 11F and 11F½. A “clean or renewable resource” should be understood to refer to renewable energy generating sources, as provided in M.G.L. c. 25A, § 11F and regulations promulgated thereunder, or renewable thermal generating sources, as provided in M.G.L. c. 25A, § 11F½ and regulations promulgated thereunder. Renewable Thermal Generation Unit is defined by 225 CMR 16 - see APS Renewable Thermal Statement of Qualification Application and [Guideline on Biomass, Bioga, and Biofuels for Eligible Renewable Thermal Generation Units](#).

Projects would not be eligible for an exemption if they chose to qualify under the APS as a combined heat and power system; they must qualify as a renewable thermal generation system.

**10. Will the Commission consider overall energy-use intensity targets as a basis for exemption from specific regulatory requirements for horticultural lighting, HVAC, and dehumidification systems?**

No. Indoor Marijuana Cultivators may be exempt from the lighting and HVAC/dehumidification requirements upon demonstrating that the licensee is generating 80% or more of the total annual onsite energy use for all fuels (expressed on a MWh basis) from an onsite clean or renewable generating source or renewable thermal generation. Additionally, the Marijuana Establishment must document that renewable energy credits or alternative energy credits representing the portion of the licensee’s energy usage not generated onsite (maximum of 20%) have been purchased and retired on an annual basis. In general, licensees may submit waivers seeking exemption from regulatory requirements by submitting a [Waiver Request Form](#) to [Licensing@CCCMass.com](mailto:Licensing@CCCMass.com).



**11. What are the Commission’s working definitions of “upgrades,” “renovations,” or “expansions” for determining when Marijuana Cultivators must create procedures for identifying energy savings opportunities?**

The Commission does not have working definitions of those terms. If the facility upgrade, renovation, or expansion contemplated by the licensee would require the licensee to file a [Structural Change Request Form](#) with the Commission, then procedures for identifying energy-savings opportunities must be developed accordingly.

**12. Can a Cultivation Facility qualify for exemption from the horticultural lighting and HVAC/dehumidification requirements if they are required to sell any renewable energy generated onsite back to the electric grid, instead of directly utilizing the energy generated?**

Yes. Marijuana Cultivators may qualify for exemption from the lighting and HVAC/dehumidification requirements upon demonstrating that the licensee is *generating* 80% or more of the total annual onsite energy use for all fuels (expressed on a MWh basis) from an onsite clean or renewable generating source or renewable thermal generation. Any requirement to sell the renewable energy generated onsite back to the electric grid does not negate the licensee’s qualification for the exemption. Additionally, however, Marijuana Cultivators must document that renewable energy credits or alternative energy credits representing the portion of the licensee’s energy usage (maximum of 20%) not generated onsite have been purchased and retired on an annual basis.

