



**VIA ELECTRONIC FILING**

April 25, 2025

**re: BlueWave Energy and New Leaf Energy Comments on Standard Conditions for Consolidated Permits and Procedural Regulations**

Dear Commissioner Rubin, Undersecretary Judge, and Undersecretary Belen Power,

BlueWave Energy and New Leaf Energy appreciate the opportunity to provide comment on the Straw Proposal for Standard Conditions for Consolidated Permits and Procedural Regulations.

BlueWave's mission is to protect our planet by transforming access to renewable energy. BlueWave is a Boston-based community solar and energy storage developer, owner, and operator. We have developed over 200 megawatts of clean energy and are actively developing solar and energy storage at both the distribution- and transmission-scale.

New Leaf's mission is to accelerate the transition to a world powered by renewable energy. We are a national developer of distribution- and transmission-scale solar and energy storage, headquartered in Lowell with an additional office in Boston. We have developed 1.5 gigawatts of solar and nearly 800 MWh of energy storage nationwide; of which almost a third of our solar and 60% of our storage has been developed in Massachusetts.

Bluewave and New Leaf valued greatly the opportunity to participate in the Commission on Clean Energy Infrastructure Siting and Permitting, which led to the passage of the 2024 Climate Law. We feel that the Commission deliberations were extremely productive, and the robust multi-stakeholder discussions enabled the development of a compromise proposal that was broadly supported by the great majority of participants. While we appreciate the public input process that is currently being conducted and that is planned for the release of draft regulations, we respectfully request that the drafting parties re-establish a working group of expert stakeholders to discuss the more complex issues in parallel with the public process. We recommend inviting all prior Commission members to participate or designate a representative. While convening the group would require time and resources on the part of the drafting parties, we feel that the discussion that could take place among such a group would ultimately save time by working through issues and developing mutually agreeable compromises, rather than leaving it to the drafting parties to sift through many conflicting sets of written comments.

While we would appreciate the opportunity to participate in a multilateral discussion of the straw proposals, we have the following comments in response to the proposals and the drafting parties' questions for comment.

**STANDARD CONDITIONS STRAW PROPOSAL**

The Straw Proposal is generally agreeable and provides a common understanding of the types of conditions with which projects should expect to comply. Below, we provide feedback on a few aspects of the Straw Proposal that can be refined.

## **Universal Standard Conditions**

### *Updated/Certified Cost Estimate*

While it is reasonable that the EFSB has a continuing interest in the cost of grid infrastructure projects that are ratepayer funded, it is not clear to Bluewave and New Leaf why this continuing interest should be extended to clean generation and storage projects that receive private financing. While such generation and storage projects may be supported by ratepayer-funded incentive programs and/or procurements, those programs and procurements typically provide a fixed price, leaving project proponents responsible for any cost increases. The cost of clean generation and storage projects, therefore, is an issue to be addressed in the design of the programs and procurements that support those projects but does not seem relevant to those projects' ability to receive or retain a permit.

### *Diesel Vehicle Regulation Compliance and Electric Vehicle Conversion*

BlueWave and New Leaf are committed to decarbonizing our economy through the deployment of clean energy resources. That said, while we appreciate the aim of decarbonizing the construction process, the permitting process is not the right venue to require diesel compliance and EV conversion analysis. These requirements should be in the building code (or other appropriate venue), which will allow broader feedback on the proposal. This requirement will largely require compliance from subcontractors who may not be involved in this process.

Further, requiring an EV feasibility report will add administrative time and cost to project review. The 2024 Climate Act intended to remove barriers to development that simply add time and cost. Again, this would be better required through building code or compliance with Advanced Clean Trucks rules.

Lastly, the diesel requirement may even be counterproductive to decarbonization goals if it causes subcontractors to purchase new diesel vehicles to comply with this standard condition. These new diesel vehicles could then be in use for twenty years. For these reasons, we recommend addressing construction vehicle emissions in venues dedicated to vehicle regulations, such as building codes or Advanced Clean Trucks rulemakings.

## **Constructive Approval Conditions**

### *Flood Mitigation & Sea Level Rise*

Bluewave and New Leaf recognize the importance of ensuring long-term resilience of energy facilities in the face of a rapidly changing climate. However, requiring all facilities receiving a constructive permit to submit a flood mitigation report every five years may be overly burdensome for facilities at low risk of flooding, and is likely to be burdensome for EFSB staff that have to review the reports. Instead, the EFSB could establish an objective threshold for triggering this requirement. For example, facilities sited within the 30- or 100-year floodplain according to the most recent FEMA maps at the time of permit could be subject to this requirement, while facilities outside those areas are exempt.

## **Technology-Specific Conditions**

### *Energy Storage Resources*

BlueWave and New Leaf recommend requiring that energy storage resources comply with the most recent NFPA requirements as a standard condition.

## **Requested Comments**

In response to question 5, Bluewave and New Leaf recommend that standard permit conditions provide a reasonable range of options where applicable.

## **PROCEDURAL REGULATIONS STRAW PROPOSAL**

We have no comments on the straw proposal. In response to the questions posed, we have the following responses:

- We do not support opening Siting Board staff visits to proposed project sites for clean energy generation and storage projects to the public . In many cases, project proponents have only a lease or an option to lease property until the proposed project has completed interconnection and permitting. Third-party landowners are likely to be uncomfortable opening their property to a public site visit.
- Regarding decommissioning expectations, we recommend that the Siting Board develop standardized requirements for the filing of a decommissioning plan and associated cost estimates. Given the probability of advancements in decommissioning technology over the project's life, this plan should be for informational purposes and should allow the project owner to update, to give the project owner the opportunity to adapt to the decommissioning actions available at the end of the project's life.
- For de novo adjudications requested by a local government due to insufficient resources or expertise, we support a 12 month timeline assuming there has been no meaningful process completed at the local level when the request for de novo adjudication is made. If, on the other hand, the local process has already advanced, we would expect that the EFSB can pick up where the local process left off and not require the process restart from the beginning. In that case, the de novo adjudication should have a deadline 12 months from when the application was deemed complete at the local level, perhaps with an additional month to accommodate the extra step of requesting the de novo adjudication.
- For de novo adjudications requested by project proponents or other substantially and specifically affected stakeholders, there should not be an opportunity for reconsideration of the de novo adjudication because the de novo adjudication is itself a reconsideration of the decision at the local level. For de novo adjudications requested by a local government, there should be an opportunity to make a motion for reconsideration.
- We support efforts to increase efficiency for issuing permits by limiting the scope of subject matter. We do not have specific recommendations for such scope limits.

Thank you for the opportunity to provide this written comment. We expect to file additional comments on the other straw proposals not covered in this letter, and we look forward to continuing our engagement as this process continues. Please contact us if you have any questions.

Sincerely,

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