



Implementing the 2024 Climate Act

Draft Regulations and Guidance

July 21, 2025



Agenda

■ Monday, July 21, 2025

- 9:00 Opening
 - 9:00 Energy Facilities Siting Board Chair Remarks
 - 9:20 Executive Office of Energy and Environmental Affairs (“EEA”) Remarks
 - 9:30 EEA Office of Environmental Justice and Equity Remarks
 - 9:40 Department of Energy Resources Remarks
- 10:00 Proposed Regulations Presentations, Board Discussion, and Public Comments
 - 11:00 Mid-morning Break
 - 12:40 Lunch Break
 - 3:00 Mid-afternoon Break
- 4:55 Close

■ Tuesday, July 22, 2025

- After Mid Cape Reliability Project Board Meeting: Additional Public Comments on Proposed Regulations, As Necessary



Commonwealth of Massachusetts

**Executive Office of
Energy and Environmental Affairs**

Site Suitability Methodology for Energy Infrastructure *Draft Guidance*

July 2025





Commission on Energy Infrastructure Siting and Permitting

- Commission was established by [Executive Order 620](#)
- Required to advise the Governor on:
 1. **accelerating the responsible deployment of clean energy infrastructure through siting and permitting reform** in a manner consistent with applicable legal requirements and the Clean Energy and Climate Plan;
 2. **facilitating community input** into the siting and permitting of clean energy infrastructure; and
 3. **ensuring that the benefits of the clean energy transition are shared equitably** among all residents of the Commonwealth.
- Two public listening sessions held and over 1,500 public comments received.
- Recommendations sent to Governor Healey on March 29, 2024.
- The Commission's recommendations were largely passed into law through *An Act promoting a clean energy grid, advancing equity, and protecting ratepayers* (2024 Climate Act), signed by Governor Healey in November 2024.

Consolidated State Permitting

- All state, regional, and local permits for Large Clean Energy Infrastructure Facilities combined into **one consolidated permit** issued by the EFSB.
- All state and local agencies that would otherwise have a permitting role are able to **automatically intervene and participate** by issuing statements of recommended permit conditions.
- All projects must submit cumulative impact analysis as part of application to Energy Facilities Siting Board (EFSB).
- Permit decision must be issued in **less than 15 months** from determination of application completeness.
- EFSB decisions can be appealed directly to the Supreme Judicial Court.



- Applies to generation facilities >25 MW, storage facilities >100 MWh, offshore wind related infrastructure, and large new transmission projects

Consolidated Local Permitting

- Local governments (municipalities and regional commissions such as the Cape Cod and Martha's Vineyard Commissions) **retain all permitting powers for projects not subject to review by the EFSB.**
- Local governments **may continue to run separate approval processes** concurrently (e.g., wetlands, zoning, etc.), but are required to **issue a single permit** that includes individual approvals for clean energy infrastructure.
- Permit decision must be issued in **within 12 months.**
- Local governments can refer permitting review directly to the EFSB if they do not have sufficient resources.
- Permit applications can also be reviewed by EFSB following a local government's final decision if a review is requested by parties that can demonstrate they are substantially and specifically impacted by the decision, then further appealed directly to the Supreme Judicial Court.
- Department of Energy Resources (DOER) is responsible for **creating a standard municipal permit application and a uniform set of baseline health, safety, and environmental standards** to be used by local decision makers when permitting clean energy infrastructure.



- Applies to generation facilities <25 MW, storage facilities <100 MWh, and non-EFSB jurisdictional transmission and distribution projects



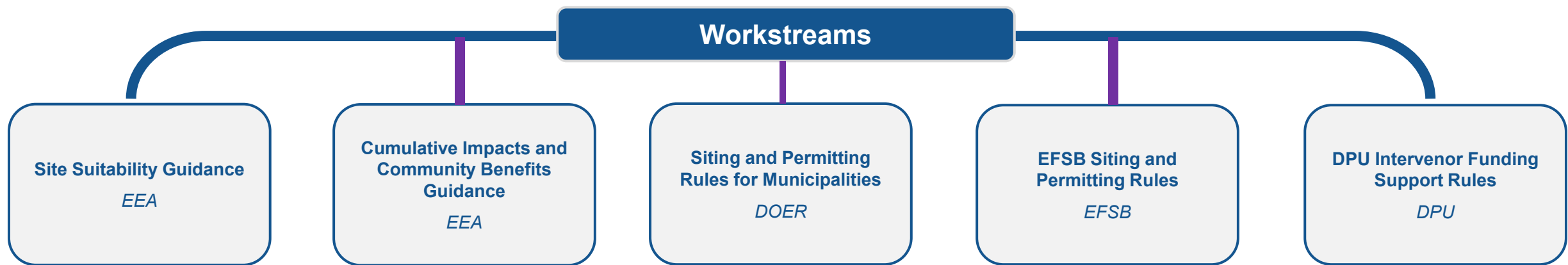
More Meaningful & Just Community Engagement

- Formal establishment of the Office of Environmental Justice and Equity in statute, with a specific mandate to develop guidance regarding community benefits agreement and cumulative impact analyses.
- First-ever mandatory community engagement requirements, including documentation of efforts to involve community organizations and demonstration of efforts to develop community benefit agreements.
- New Division of Public Participation at DPU to assist communities and project applicants with engagement and process questions in DPU and EFSB proceedings.
- New Division of Siting and Permitting at DOER to assist communities and project applicants with engagement and process questions in local permitting.
- Intervenor financial support is available to under-resourced organizations that wish to participate in an EFSB proceeding and are granted intervenor status. Municipalities with a population of 7,500 or less are automatically eligible for financial support.



Roles and Responsibilities

- There are five workstreams that stem from the bill that are being administered by three different agencies: EEA, DPU, and DOER
- Most of these are interrelated in some way but each serve a separate purpose and meet specific statutory requirements
- All three agencies are in close communication with each other
- Other state agencies that have significant energy permitting roles have also been consulted as proposals are being developed





Next Steps

- Regulations are required to be promulgated by March 1, 2026.
- Draft regulations will be released for public comment likely in late summer/early fall.
- More information on process can be found at: www.mass.gov/energypermitting
- Questions can be directed to energypermitting@mass.gov



Site Suitability Assessments



2024 Climate Act Requirements

The 2024 Climate Act ([St. 2024, c. 239, § 5](#)) requires the Executive Office of Energy and Environmental Affairs (EEA) to develop the following, to be completed by March 1, 2026:

- A methodology for determining the suitability of sites for clean energy generation facilities, clean energy storage facilities and clean transmission and distribution infrastructure facilities in newly established rights of way. The methodology must include multiple geospatial screening criteria to evaluate sites for: (i) development potential; (ii) climate change resilience; (iii) carbon storage and sequestration; (iv) biodiversity; and (v) social and environmental benefits and burdens; and
- Guidance to inform state, regional and local regulations, ordinances, by-laws and permitting processes on ways to avoid, minimize or mitigate impacts on the environment and people to the greatest extent practicable.

Overview



- Many Clean Energy Infrastructure Facility projects applying to the EFSB or municipalities for consolidated permits will be required to complete the Site Suitability Assessment.
- Transmission and distribution infrastructure will not be required to complete Site Suitability Assessments unless they are located in newly established public rights of way.
- Most projects required to complete Site Suitability Assessments will be storage and solar projects.
- Applicants should use the scoring framework to determine their project's score before submitting their permit application. This allows the methodology to work as a **pre-filing screening tool that discourages developers from submitting applications for sites with poor scores**, and encourages developers to proactively incorporate impact minimization and mitigation measures.
- Applicants will be able to use publicly available datasets and tools to score their projects. If an applicant needs to request a review or change to their score because the underlying GIS data is not accurate, they may submit a Request for Score Review.



- EEA proposes calculating for each site both a *Total Site Suitability Score*, which represents how suitable a site is for a given energy infrastructure project across all criteria, and *Criteria-Specific Suitability Scores*, which represent the suitability of a site for a given energy infrastructure project with respect to each criterion.
- Each criterion would be scored from 0 to 10, adding up to a possible Total Site Suitability Score of 40. There are also several modifiers that could subtract or add points to a score.
- Criteria-Specific Site Suitability scores will be calculated for a proposed site based on the area-weighted average score across the entire site footprint.
- Lower suitability scores would indicate more suitable locations for energy infrastructure development.



Criteria and Scoring

Criteria	Reason	Potential Suitability Scoring Methods	Potential Data Source
Carbon Sequestration and Storage	<ul style="list-style-type: none">Carbon storage is critical to achieving net zero emissions in 2050Required by 2024 Climate Act	0-10, scaled to maximum and minimum total ecosystem carbon storage, plus 30 or 50-year sequestration potential.	National Forest Carbon Monitoring System
Biodiversity	<ul style="list-style-type: none">Protecting habitat for the plants, animals, and other living organisms is essential for conserving the state's biological diversity.Required by 2024 Climate Act	<p>0 to 4: Areas outside of BioMap, scored based on index of ecological integrity.</p> <p>5 to 9: Areas covered by other BioMap elements (e.g. Critical Natural Landscape, Regional, or Local components), with scores based on number of elements and percent overlap with these areas</p> <p>10: Areas in BioMap Core Habitat</p>	<p>MassWildlife BioMap: Core Habitat, Critical Natural Landscapes, and other components</p> <p>UMass Conservation Assessment and Prioritization System, Index of Ecological Integrity</p>

Criteria and Scoring



Criteria	Reason	Potential Suitability Scoring Methods	Potential Data Source
Agricultural production potential	<ul style="list-style-type: none"> Productive farmland is an essential, limited, and diminishing resource for Massachusetts' local food economy. 	<p>0: Areas outside farmland/soils designations</p> <p>2 to 4: Areas designated as Farmland of Unique Importance, scored based on percent overlap</p> <p>5 to 7: areas designated as Farmland of Statewide Importance, scored based on percent overlap</p> <p>8 to 10: areas designated as Prime Farmland, scored based on percent overlap</p> <p>Scores could be adjusted based on land use or land cover data, or for solar generation facilities designed for compatibility with farming. Anaerobic digesters designed to process farm related organic waste shall receive a 10 regardless of underlying soil classification.</p>	MassGIS NRCS SSURGO-certified soils data for Massachusetts: Prime Farmland Soils
Climate resilience	<ul style="list-style-type: none"> Ensuring the resilience of energy infrastructure as our climate changes Required by 2024 Climate Act 	<p>0-10, calculated using exposure scores for (1) riverine flooding and (2) sea level rise and storm surge</p>	Climate Resilience Design Standards Tool



Score Modifiers

Criteria	Reason	Potential Suitability Scoring Methods	Potential Data Source
Development potential	<ul style="list-style-type: none">Required by 2024 Climate Act	Automatic High Total Site Suitability Score: Located in Protected Open Space 5-point subtraction: Located in a CIP investment area 10-point subtraction: Solar Canopies or Applicable Facilities located on a Brownfield, Eligible Landfill, or Previously Developed Lands	
Social and environmental burdens	<ul style="list-style-type: none">Important to consider any burdens a community faces when hosting infrastructure, and community's existing burdensRequired by 2024 Climate Act	If any portion of the Site Footprint is located in a UBA, and the Total Site Suitability Score is greater than a certain threshold, the Project Applicant will be required to provide an analysis demonstrating that the facility will not add to existing burdens in the UBA.	OEJE Environmental Burdens Mapping Tool
Social and environmental benefits	<ul style="list-style-type: none">Important to also consider any benefits a clean energy infrastructure project provides a communityRequired by 2024 Climate Act	Projects can subtract up to 2 points to their score for each of the following project components: <ul style="list-style-type: none">Expected habitat benefitsImproves outdoor air quality in specific geographic area by displacing emitting sourceCreates expanded recreational opportunitiesCreates local jobsPollinator friendly design	



Recommendations for Use by EFSB

- Projects that are located in an Unfairly Burdened Area and thus required to complete a Cumulative Impact Analysis will not be required to complete a Site Suitability Assessment.
- For any Applicable Facilities, the EFSB is recommended to consider the Total Site Suitability Score in conjunction with other analyses such as EFSB's Route and Site Scoring analysis and give due consideration to all results in its decisions.
- The Total Site Suitability Score should be considered in the context of the project's design plan and planned mitigation measures.
- The EFSB should use the criteria-specific suitability scores as a resource to determine if minimization or environmental mitigation measures should be required for a project to receive a consolidated permit.



Recommendations for Use by Municipalities

- Municipalities are recommended to consider a project's Total Site Suitability Score and Criteria-Specific Suitability Scores when determining permit conditions.
- Sites with a Total Site Suitability Score below a certain level should be assumed to be highly suitable and require minimal to no mitigation, regardless of Criteria-Specific Suitability Scores. Significant deference should be given to municipalities seeking mitigation measures for high Criteria-Specific Suitability Scores if the project's Total Site Suitability Score is above a certain score.
- Municipalities should use the criteria-specific suitability scores as a resource to determine if minimization or environmental mitigation measures should be required for a project to receive a Consolidated Local Permit.
- The level and type of mitigation measures required should be based on the Criteria-Specific Site Suitability score. Requirements should be relevant to the category in which the score was assessed. For example, a project receiving a low score in the biodiversity category may be required to complete a habitat restoration project.



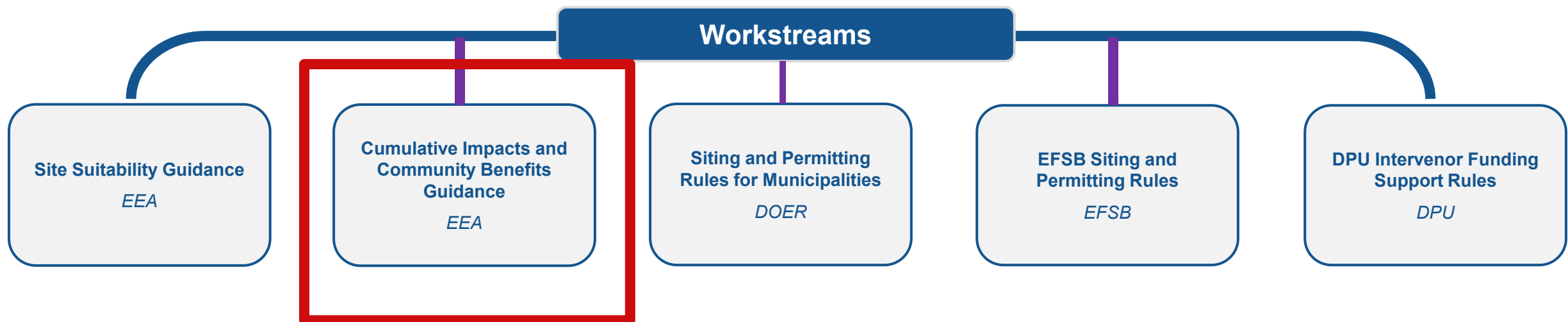
Siting and Permitting Regulations

Executive Office of Energy and Environmental Affairs (EEA)
Office of Environmental Justice and Equity (OEJE)
July 2025



Roles and Responsibilities

- There are five workstreams that stem from the bill that are being administered by three different agencies: EEA, DPU, and DOER
- Most of these are interrelated in some way but each serve a separate purpose and meet specific statutory requirements
- All three agencies are in close communication with each other
- Other state agencies that have significant energy permitting roles have also been consulted as proposals are being developed





The Office of Environmental Justice and Equity

- The **Massachusetts Office of Environmental Justice and Equity (OEJE)** is responsible for implementing environmental justice principles, as defined in the General Laws, chapter 30, section 62, in the operation of each office and agency under the executive office. Environmental justice principles are:
 1. the meaningful involvement of all people with respect to the development, implementation and enforcement of environmental laws, regulations and policies, including climate change policies; and
 2. the equitable distribution of energy and environmental benefits and environmental burdens.
- The **2024 Climate Act** enshrined OEJE into statute, with a specific mandate to develop standards and guidelines governing the potential use and applicability of community benefits plans and agreements, and cumulative impact analysis.



Stakeholder Engagement

- **4** statewide public stakeholder meetings, including two hybrid meetings in Roxbury and Holyoke
- **13** targeted meetings with key stakeholders which include representatives of utilities, the renewable energy industry, local government, regional planning authorities, environmental justice community organizations, and environmental and public health sectors



What is a Cumulative Impact Analysis (CIA)?

- The 2024 Climate Act required OEJE to develop standards and guidelines governing **cumulative impact analysis**.
- A “**cumulative impact analysis**” (CIA) is a written report produced by the applicant assessing impacts and burdens, including but not limited to any **existing environmental burden** and **public health consequences** impacting a specific geographical area in which a facility, large clean energy infrastructure facility or small clean energy infrastructure facility is proposed from any prior or current private, industrial, commercial, state or municipal operation or project; provided, that if the analysis indicates that such a geographical area is subject to an existing unfair or inequitable environmental burden or related health consequence, the analysis shall identify any:
 - (i) **environmental and public health impact** from the proposed project that would likely result in a disproportionate adverse effect on such geographical area;
 - (ii) potential impact or consequence from the proposed project that would **increase or reduce the effects of climate change on such geographical area**; and
 - (iii) **proposed potential remedial actions** to address any disproportionate adverse impacts to the environment, public health and climate resilience of such geographical area that may be attributable to the proposed project.



Purpose of this Guidance

- The purpose of this guidance is to establish a **clear and consistent framework** for evaluating the combined effects of burdens from a multitude of sources, including energy infrastructure projects on communities, particularly those already experiencing existing unfair or inequitable burdens
- Outlines **core principles** of the newly required CIA and provides a **practical roadmap** for integrating those principles in the regulatory and decision-making processes of the EFSB
- Advances environmental justice, **mitigates inequities** for unfairly burdened areas, and **fosters sustainable and inclusive outcomes** in energy and utility decision-making



Awareness of Combined Impact

- CIAs provide a vital framework for understanding how multiple stressors intersect to affect communities, particularly those already facing systemic inequities, and can help contribute to a just transition
- No resident lives a single-issue life. Impacts from different sectors create burdens and benefits. By fostering an awareness of how various stressors interact and compound over time, the EFSB can properly assess disparities, require appropriate mitigation, and ensure that its decisions promote environmental justice, mitigate inequities for unfairly burdened areas, and protect vulnerable populations
- Recognizing these combined impacts is critical to creating policies that balance development goals with equity and sustainability



Step #1: Identifying UBAs - MassEnviroScreen

- The Office of Environmental Justice and Equity has been developing a screening tool similar to California's *CalEnviroScreen* - a standardized resource to identify baseline conditions, highlight overburdened communities, and support consistent evaluation across projects and geographies
- The mapping tool uses standard population risk model, which is a formula for cumulative impact = existing burden X population vulnerability
- By integrating the **MassEnviroScreen** into the cumulative impact analysis process, project proponents will have access to a reliable, data-driven foundation for understanding existing community burdens, informing more equitable assessments of project impacts



Step #2: Evaluate Potential Impacts

- Once it is established that the proposed project or activity will occur in or near a UBA, the applicant must evaluate whether the proposed project or activity will contribute any amount to adverse environmental burdens or related health consequences in those communities.
- Consideration of potential contributions to adverse environmental burdens and related health consequences should be comprehensive, incorporating community input, qualitative data, and information supplied by independent experts, and not merely relying on quantitative metrics or assurances provided by the project proponent
- Emphasis should be placed on stressors that have a known or likely compounding effect when layered with new project impacts
- Potential adverse effects should be considered at least across the following six areas and be technology specific.



Categories of Stressors

- **Natural Environment:** Impacts on and access to ecosystems, natural resources, and overall environmental quality, connectivity, including changes to air, water, land, and biodiversity
- **Built Environment:** Strain on or changes to infrastructure, land use, housing, and essential services that support daily life and community functioning. This includes understanding other planned developments in the area, and the potential for compounding negative impacts.
- **Climate Vulnerability:** Influences on climate risks as well as individual or collective capacity to respond to climate risks and climate events.
- **Public Health:** Impacts on physical and mental health outcomes resulting from environmental exposures, health disparities, and access to care.
- **Socioeconomic:** Influences on economic opportunity, community stability, and social equity, particularly for overburdened communities.
- **Cultural:** Disruptions to cultural heritage, community identity, and traditional practices, including impacts to sacred or historically significant spaces.



Step #3: Identifying Remedial Actions

- After it is established that the proposed project has potential adverse environmental or related health effects on already unfairly burdened communities (or would create a situation of unfair burden in a community), the last crucial step is undertaking remedial actions to prevent such effects.
- Any necessary remediation for adverse impacts would need to be identified and could be written into the permit conditions.



Cumulative Impact Analysis Process

Step 1: Gather Baseline Data

Step 2: In Consultation with Communities, Identify Potential Impacts of the Proposed Project

Step 3: Evaluate the Significance of Impacts

Step 4: Score Project Site or Route for Cumulative Impacts

Step 5: Assess Mitigation and Management Strategies

Step 6: Share Draft Report for Feedback and Finalize (develop draft report and update it during the EFSB siting and permitting process)

Project proponents should be engaged in meaningful and consistent collaboration with community-based organizations, municipal representatives, and residents most impacted.



Community Benefits Plans and Agreements (CBP/CBA)



What is a Community Benefits Plan?

A Community Benefits Plan outlines **commitments** by project developers to provide meaningful, measurable benefits to communities—especially those who are historically disadvantaged, overburdened, and underserved.

Community benefits are the **tangible and lasting outcomes** that a project delivers in response to the priorities, needs, and concerns of the communities it impacts.



CBP vs. CBA

Community Benefits Plan (CBP)	Community Benefits Agreement (CBA)
<ul style="list-style-type: none">• Non-legally enforceable plan created by a project developer, in consultation with the affected community• Summary of community engagement• Outline a developer's commitment to the community's needs (e.g., affordable housing, job creation, increased access to green spaces, etc.)• Begin development during the Energy Facilities Siting Board (EFSB) or municipal consolidated permit pre-filing process	<ul style="list-style-type: none">• Legally binding agreements negotiated between municipalities or community organizations and developers• Outline specific benefits that the developer will provide to the community• Enforceable in court, which gives communities a stronger guarantee that the developer will follow through on their commitments• A CBA can be an outcome of a CBP



Why CBPs Matter

- Historically, unfairly burdened areas (UBAs) have borne the brunt of fossil fuel energy infrastructure and related pollution while lacking access to the benefits.
- **CBPs reframe development of clean energy projects to:**
 1. Center community voices
 2. Reduce harm and displacement
 3. Build local wealth and capacity
 4. Reduce legal, political, and community risk for developers
- A CBP will not replace or reduce required mitigation for environmental or public health impacts, but instead are intended to support broader community priorities.



Step-by-Step: How to Develop a Strong CBP

While every community is different and may require different needs, this structure ensures a consistent approach to transparency, inclusion, and accountability. Each step is intended to be flexible enough to adapt to local context, while rigorous enough to ensure the process leads to real, measurable community benefits.

- 1 Stakeholder Mapping and Community Identification**
- 2 Develop a Community Engagement Plan**
- 3 Conduct Pre-Filing Community Outreach**
- 4 Co-Create Benefit Commitments**
- 5 Develop a Written, Public CBP**
- 6 Formalize Accountability**



Turning Commitments into Action

A well-structured CBP should:

- Clearly describe each proposed benefit, including what is being delivered and who it is intended to serve.
- Provide a clear timeline for delivery, aligned with project phases (i.e., pre-construction, construction, operations).
- Identify responsible parties for implementation.
- Outline the funding sources and budget for each benefit, providing transparency into how resources are allocated and sustained.
- Include **SMARTIE** milestones for each commitment, ensuring that goals are:
Specific // Measurable // Achievable // Relevant // Time-Bound // Inclusive // Equitable



Examples of Effective & Meaningful Commitments

Commitments made will depend on the type and size of the project, the impacts on the community and be adapted to the context of each community's goals and challenges.

Category	Examples
Environmental Justice and Equity	<ul style="list-style-type: none">Funds for the installation of air quality monitors and a community-led environmental health monitoring program.
Economic Development and Workforce	<ul style="list-style-type: none">Training and apprenticeship programs
Infrastructure and Community Support	<ul style="list-style-type: none">Investment in transportation and access improvements (e.g., bus lanes, road upgrades, public access routes).
Environmental and Public Health Protections	<ul style="list-style-type: none">Integration of wildlife and habitat protection into the development plan, such as creating wildlife corridors, preserving wetlands, or planting native vegetation.



Oversight & Accountability

- A CBP is only as strong as the systems in place to monitor and evaluate its implementation. To maintain public trust and ensure follow-through, CBP plans should include commitments to regular, transparent reporting and open communication with the community.
- Proponents should establish clear accountability mechanisms that may include:
 - a monitoring and reporting schedule, aligned with project milestones
 - designated point(s) of contact for community members and regulatory bodies
 - public-facing progress reports, published at least quarterly and made available in multiple languages and accessible formats; or
 - opportunities for community to review progress—through advisory committees, listening sessions, or other forums
- **Proponents will be encouraged to take the next step by entering into Community Benefit Agreements (CBAs) with community-based organizations, municipalities, or coalitions that reflect the interests and needs of impacted residents.** These agreements can help solidify expectations, clarify roles, and provide a legal or contractual framework for follow-through.



DOER Remarks



Major Siting and Permitting Provisions of the 2024 Climate Act

- Creates a new category of infrastructure: Clean Energy Infrastructure Facilities (CEIF)
- Creates two Consolidated Permit programs
 - Large CEIF – Consolidated Permit issued by the Siting Board
 - Small CEIF – Local Consolidated Permit issued by municipality(ies)
- Establishes deadlines for deciding on an application; constructive approval if deadlines not met
- Establishes new requirements for CEIF applicants, including:
 - Pre-filing public outreach
 - Cumulative Impact Analysis (CIA)
- Expands Siting Board membership; establishes a new mandate, scope of review, and required findings
- Moves certain Department of Public Utilities siting jurisdiction to the Siting Board



Consolidated Permitting for Clean Energy Infrastructure Facilities

Facility Type/Description	Capacity/Size	Permitting Authority
Generation – Solar; Wind; Anaerobic Digester	≥ 25 MW (Large)	EFSB – Consolidated Permit & Pre-filing Process per § 69T + Zoning Exemption (if requested separately)
	< 25 MW (Small)	Local - Consolidated Local Permit & Pre-filing Process per c. 25A, § 21 ¹ EFSB – Consolidated State Permit per § 69V (EFSB opt-in by developer); otherwise, individual state permits; + Zoning Exemption (if requested separately)
Energy Storage System	≥ 100 MWh (Large)	EFSB – Consolidated Permit & Pre-filing per § 69T + Zoning Exemption (if requested separately)
	< 100 MWh (Small)	Local - Consolidated Local Permit & Pre-filing Process per c. 25A, § 21 ¹ EFSB – Consolidated State Permit per § 69V + Zoning (EFSB opt-in by developer); otherwise, individual state permits; + Zoning Exemption (if requested separately)
Transmission Infrastructure (and ancillary facilities) - Large - ≥ 69 kV <u>and</u> ≥ 1 mile (new corridor) - ≥ 115 kV <u>and</u> ≥ 10 miles (existing corridor) (except reconductoring at same voltage) - New transmission infrastructure (inc'l substations/structures) requiring zoning exemptions - Facilities needed to connect offshore wind to grid		EFSB – Consolidated Permit & Pre-filing Process per § 69T EFSB Zoning Exemptions may <u>also</u> be required
Transmission Infrastructure (and ancillary facilities) - Small - < 1 mile (new corridor) - < 10 miles (existing corridor) - Distribution-level projects meeting a size threshold TBD by DOER - Reconductoring/rebuild at same voltage - Substations/upgrades <u>not</u> requiring zoning exemptions		Local - Consolidated Local Permit & Pre-filing Process per c. 25A, § 21 - OR - EFSB – Consolidated Permit & Pre-filing Process per § 69U (EFSB opt-in by developer)

1. The Pre-filing process will occur one time under DOER's Consolidated Local Permitting Guidelines and will not be subject to the EFSB Pre-filing process. Local government may transfer a Consolidated Local Permit application to the EFSB Director, if resources and staffing do not allow for local review per § 69W. A request for de novo adjudication of a Local Consolidated Permit decision may also be submitted to the EFSB Director, per § 69W, and would not require additional Pre-filing process.

Color Key: EFSB Responsibility; DOER Responsibility to Develop Standards



New and Revised Chapters of Draft Proposed Regulations

Chapter of Draft Regulation	Title Summary
980 CMR 1.00 – EFSB revised	Adjudicatory Proceedings
980 CMR 2.00 – EFSB revised	Board Business
980 CMR 13.00 – EFSB new	Consolidated Permits
980 CMR 14.00 – EFSB new	De Novo Adjudication
980 CMR 15.00 – EFSB new	Cumulative Impacts Analysis and Site Suitability
980 CMR 16.00 – EFSB new	Pre-filing Consultation and Engagement
980 CMR 17.00 – EFSB new	Constructive Approval
220 CMR 32.00 – DPU new	EFSB Application Fees
220 CMR 34.00 – DPU new	Intervenor Support Grant Program
225 CMR 29.00 – DOER new	Consolidated Local Permit



Revisions to Adjudicatory Proceedings (980 CMR 1.00)

- The proposed draft 980 CMR 1.00 regulations revise the Siting Board's existing adjudicatory proceedings regulations to add new requirements from the Act and codify certain existing practices
- New requirements from statute:
 - Revises and/or adds definitions, consistent with the Act
 - New supplemental procedures for conditions compliance filings, project changes filings, and decommissioning plans
 - States that the form of a particular application shall be specified by the Board
- Codifying existing practices:
 - Clarifies document filing procedures and requirements, including electronic filing, deadline for timely filing, electronic signatures.
 - Requiring adjudicatory proceedings to comply with the Siting Board's Language Access Plan
 - States the standards for mailed public notice (i.e., providing notice to property owners and renters within 300 feet of a transmission line right-of-way, within ¼ mile of a substation, and ½ mile of a generation facility, gas storage facility, or an energy storage system)
 - Requires that public comment hearings facilitate in-person and remote participation
 - Provides that participating individuals or entities do not need attorney representation (only corporations participating as a party require attorney representation)
 - Requires that applicants maintain an updated exhibit list
 - Creates an obligation for all parties to supplement evidence it provided, as new, relevant information becomes available



Revisions to Board Regulations (980 CMR 2.00)

- The proposed draft 980 CMR 2.00 regulations revise the regulations defining how the Siting Board conducts its business to add new requirements from the Act
- New requirements from the Act:
 - Revises the Siting Board's mandate and scope of review
 - Exempts Siting Board-jurisdictional facilities from Massachusetts Environmental Policy Act ("MEPA") review
 - Revises the Board membership and adds two Board seats. New board members reflect a wider range of expertise
 - Delegates authority for the Director to issue decisions on de novo adjudications
 - Adds new required findings for any determination of the Siting Board
 - Requires the Board to maintain an online dashboard of its progress reviewing and deciding on cases
 - Requires the Board to issue a constructive approval (under 980 CMR 17.00), when the Board fails to issue a final decision within its review timeframe
- Procedural clarifications:
 - Updates statutory references regarding procedures for public meetings, notice of public meetings, executive session, and the number of Board members that constitute a quorum
 - Makes other clarifying revisions



De Novo Adjudications (980 CMR 14.00)

- De novo adjudication occurs when:
 - (1) there is a request for the Siting Board Director to take a fresh look at a decision by a local government on a consolidated local permit or
 - (2) when a local government lacks resources (e.g., capacity, staffing) to review an application for a consolidated local permit within twelve months
- Who can request a de novo adjudication?
 - An owner or proponent of a small clean energy infrastructure facility that has received a final decision on, or a constructive approval of, a consolidated permit application from a local government; and parties substantially and specifically affected by the decision of the local government or the local constructive approval may request a de novo adjudication of a local permit application - within 30 days of a municipality's final decision
 - When a local government lacks the resources to review an application for a small clean energy infrastructure facility - within 60 days of receiving an application for a consolidated local permit



De Novo Adjudications (980 CMR 14.00)

- What happens during a de novo adjudication proceeding?
 - The Director may schedule a public hearing; the Director will take evidence from the parties (including information from the local process); the Director may allow briefs
- What is the timing of a de novo adjudication?
 - Six months for a request for a de novo adjudication of a local permitting decision
 - Twelve months for a request for a de novo adjudication by a local government
- Director Decisions:
 - Director of the Siting Board to consider and make decisions on de novo adjudications for Consolidated Local Permits
 - Standard: (a) consistency with 225 CMR 29.00; and (b) consistency with G.L. c. 164, § 69H. The Director may request an opinion from the Department of Energy Resources whether the local government complied with 225 CMR 29.00 in its review of the application for consolidated local permit.
 - Director's decision on de novo adjudication is appealable to the Supreme Judicial Court.



Constructive Approval (980 CMR 17.00)

Statutory Requirements/Attributes

- Pursuant to the Act, the regulations establish deadlines for the Siting Board to issue final decisions on CEIF applications. Those deadlines are: 15 months for LCEIF and 12 months for SCEIF.
- If no timely final decision, then automatic ("constructive") approval. ("If no final decision is issued within the deadline . . . , the board shall issue a permit")
- LCEIF permit shall "includ[e] the common conditions and requirements established by the board through regulations for the type of . . . facility"
- The permit "grants approval to construct," which is interpreted to mean that it encompasses all state, regional, and local permits required for the project.
- Presiding Officer issues a Constructive Approval Permit to parties.
- The constructive approval permit is a "final decision" and therefore appealable to court.



Constructive Approval (980 CMR 17.00)

Draft proposed regulations establish the following process:

- 60-90 days before deadline, Presiding Officer assesses deadline achievability.
 - If the Presiding Officer finds "no reasonable assurance" of meeting the deadline, the Presiding Officer issues a Notice of Likelihood of Constructive Approval and drafts a Constructive Approval Permit for review and comment.
 - The draft Constructive Approval Permit includes the following information:
 - basic project information (contact information, project description, procedural history);
 - requested agency permits and approvals;
 - statement on requested zoning relief;
 - standard/common conditions applicable to the type of facility under review; and
 - explanation of effect of permit.
 - If deadline missed, Presiding Officer issues Constructive Approval Permit within five days of the deadline.



Discussion Questions

- Should the Board require a specific process for a de novo adjudication that mandates an evidentiary hearing or briefing, or should the Director have flexibility to determine the appropriate level of process?

Issues and Questions Raised by 17.00:

- The Constructive Approval draft regulations includes the zoning relief requested by the Applicant. What factors should the Presiding Officer consider, if any, when issuing a Constructive Approval?
- No Special Conditions—Based on language in the Act that requires the issuance of a permit with "common conditions and requirements established by the board" and reference such approval as a "constructive approval," the draft regulations require automatic approval, i.e., not involving Board deliberation and not permitting special conditions. Under the Act, what room exists for prudent conditions tailored to the project?
- Contents of Permit—are the proposed contents appropriate and sufficient?

Energy Facilities Siting
Board (EFSB)



Board Hearing – July 21/22, 2025

2024 Climate Act Regulations/

The meeting will begin/resume shortly

Technical Issues? Call or text 857-200-0065



Consolidated Permit Application Regulations (980 CMR 13.00)

- For proceedings pursuant to G.L. c. 164, sec. 69T, 69U, 69V.
- Consolidated Permits – for large and small CEIF
 - Generally:
 - Large projects – Consolidated Permit from the Siting Board.
 - Small projects – Consolidated Local Permit, with some exceptions.
- Applies to CEIF; EFSB “legacy” facilities still go through standard process.
- Small transmission and distribution facilities can come to the Siting Board (upon a showing of good cause) for a Consolidated Permit. G.L. c. 164, § 69U.
- Small generation and small storage can come to the EFSB for a Consolidated State Permit. G.L. c. 164, § 69V.
- Small CEIF can come to EFSB for de novo adjudication (980 CMR 14.00)



Consolidated Permit Application Regulations (980 CMR 13.00)

- Requirements from the Act:
 - Uniform set of standards
 - Common standard application
 - Standard permit conditions
 - Standards to apply cumulative impact analysis and site suitability criteria.
 - Identify entities responsible for compliance and enforcement of permit conditions.
- Special considerations:
 - Completeness determination by staff (starts the clock for adjudication timeline).
 - Statements of Recommended Permit Conditions by permitting agencies.
 - Constructive approval – if deadlines are not met.
 - Enforcement of permit conditions goes back to permitting agencies.



Consolidated Permit Application Regulations (980 CMR 13.00)

- The proposed draft 980 CMR 13.00 regulations add new requirements from the Act and codify certain existing practices, including:
 - Zoning exemption petition will be consolidated with the Consolidated Permit proceeding (applicant provides zoning ordinance text, type of variance/exemption requested, reasoning)
 - Guidance for Applicants on preparing Application sections
 - Attach project overview videos/presentations
 - Attach draft permit application and approval forms for each state, regional, and local permit required for the consolidated permit
 - Completeness determination processes, i.e., curing deficiencies, time extensions, rejecting applications, renewing applications, and changes to the project
 - Requirement to comply with pre-filing consultations and public outreach requirements pursuant to 980 CMR 16.00
 - Permit enforcement procedures for the permit agency that would have otherwise issued the permit



Consolidated Permit Application Regulations (980 CMR 13.00) – Conditions

- The proposed draft regulations establish:
 - Categories of common/standard conditions that would apply to all Consolidated Permits (including Constructive Approval), in addition to supplemental conditions derived from the normal course of a proceeding
 - Requirement of a conditions conference to discuss supplemental conditions, resulting in a Presiding Officer ruling on conditions that is subsequently recommended to the Board
 - The Siting Board may modify, remove, or add new supplemental conditions
- Common/standard conditions are derived from:
 - EFSB common conditions: (1) standard conditions and (2) threshold specific conditions apply based on the technology and scope of a particular project
 - DOER common conditions pursuant to 225 CMR 29.00 for Consolidated Local Permits
 - Existing state permit agency conditions
- Supplemental conditions are derived from:
 - Agency-recommended permit conditions from relevant permitting agencies
 - Draft supplemental conditions proposed in the Application
 - Project-specific conditions generated based on the adjudicatory proceeding



Key Objectives for EFSB Applications

- **Application must contain or reflect:**
 - Sufficient information for a completeness determination
 - Address all applicable standards and guidance, such as:
 - Site Suitability criteria/guidance
 - Cumulative Impacts Analysis
 - “Baseline health, safety, environmental, and other standards” established by EFSB
- **Staff Suggestions for Application “Best Practices”:**
 - Standard filing formats and organization for ease of finding information
 - Include plain language summary information about project
 - Include supporting documentation to avoid delays in completeness determination
 - Include submission of short project overview [videos](#), especially for major projects
 - Make use of helpful technology (OCR, data links, hyperlinked TOCs and definitions)
 - With exemption from MEPA for most CEIFs per 2024 Climate Act, consider adding useful and unique informational items that the MEPA process illuminated



Consolidated Permit Application Guidance Contents (980 CMR 13.00)

- General instructions on filings and formats; draft Notice templates (TBD).
- Uniform Baseline Health, Safety, Environmental and Other Standards (TBD).
- Application guidance for other state, regional and local permits and approvals.
- Guidance for EFSB Construction Permit application. General context for the overall application, and a focus on EFSB-specific review areas:
 - Executive Summary
 - General information about Applicant, Project description, Project site, surrounding area.
 - Demographic information about the community; confirmation of pre-filing process completion
 - EFSB-focused topics: (1) need; (2) energy benefits; (3) Project alternatives; (4) route selection; (5) Site Suitability scoring; (6) climate mitigation and resiliency; (7) public health and safety; (8) decommissioning; (9) electric and magnetic fields; (10) noise; (11) visual impacts; (12) cost (for T&D); (13) reliability; physical and cybersecurity; and (14) policies of the Commonwealth
 - Standard Conditions



Application Guidance (980 CMR 13.00)

Work in Progress: Baseline Standards

- Baseline Standards – EFSB is working closely with DOER to develop a consistent set of baseline standards, where practicable, for use with EFSB Consolidated Permits and DOER's Consolidated Local Permits;
- EFSB is proposing to use State Permit Agency baseline standards, and will either incorporate these by reference, or compile them, and update them periodically. EFSB is reaching out to other state agencies.
- EFSB may delineate some particular baseline standards for topics that do not overlap with other agencies' permits, such as: electric and magnetic fields, reliability, project need, project alternatives/non-wire alternatives, route alternatives, physical and cybersecurity; and project cost.
- EFSB Final Guidance will address all of the above in greater detail.
- EFSB does not foresee major changes to existing state agency permit standards, but will review as needed.



Application Guidance (980 CMR 13.00)

Work in Progress: Standard Conditions

- EFSB is working closely with DOER to develop a consistent set of standard conditions, where practicable, for use with EFSB Consolidated Permits and DOER's Consolidated Local Permits;
- EFSB is proposing to use State Permit Agency standard conditions, and will either incorporate these by reference, or compile them, and update them periodically. EFSB is reaching out to other state agencies.
- EFSB may delineate *some* particular standard conditions for topics that do not overlap with other agencies' permits, such as: electric and magnetic fields, reliability, project need, project alternatives/non-wire alternatives, route alternatives, physical and cybersecurity; and project cost.
- EFSB Final Guidance will address all of the above in greater detail.
- EFSB does not foresee major changes to existing state agency permit standard conditions, but will review as needed.
- The final conditions would apply to constructive approvals as well.



Application Guidance (980 CMR 13.00)

Work in Progress: Other Items

- EFSB is working closely with DOER to develop specifications for a new electronic filing portal that would rely on user-uploaded information; will help ensure that siting a permitting files can migrate efficiently from local government to EFSB, if necessary (de novo review); relevant models: MassDEP Online Filing System (EDEP); MEPA Data Portal.
- Exploring permit fees mechanisms to assist other agencies that no longer receive permit applications (and related fees), but still have review responsibilities
- Application completion checklist
- Completion of CIA, CIA scoring, and related route scoring regs and guidance
- Development of more polished electronic filing formats
- Public Notice templates



Discussion Questions

- The staff proposal includes a recommendation that an application may be determined to be incomplete twice before an Application is rejected. How can we achieve the best balance between the Board seeking complete information at the Application filing date and allowing Applicants to cure deficiencies?
- Should the EFSB rely substantially on existing baseline standards of state agencies and those for Consolidated Local Permitting? Same for application requirements?
- Would it be helpful and clarify issues up front for EFSB to require Applicants to submit the proposed draft permits with their applications?

Energy Facilities Siting
Board (EFSB)



Board Hearing – July 21/22, 2025

2024 Climate Act Regulations

The meeting will begin/resume shortly

Technical Issues? Call or text 857-200-0065



Pre-filing Consultation and Engagement

- **Act requires DPU in coordination with the Board to establish pre-filing requirements**
 - Calls for pre-filing consultations with permitting agencies and the MEPA Office.
 - Requires public meetings and other forms of outreach before the Applicant submits its application to the Board.
 - Requires Applicants to provide evidence that all pre-filing consultation and community engagement requirements have been satisfied.

- **Act creates the Division of Public Participation (“DPP”) at the DPU**
 - Assist stakeholders in navigating and clarifying pre-filing requirements in coordination with EEA’s Office of Environmental Justice and Equity (“OEJE”).
 - Facilitate dialogue among stakeholders involved in the permitting process.



Objectives of Pre-filing Consultation and Engagement



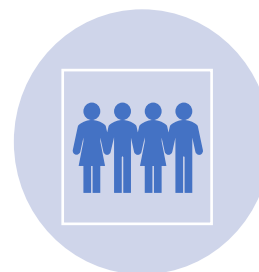
Establish explicit pre-filing requirements to ensure consistency in outreach practices across projects



Ensure project information reaches persons or entities who may be impacted by the project early in the project development process



Provide key stakeholders an opportunity to influence project design during different phases of project development



Encourage wider public participation



Pre-filing Consultation and Engagement Requirements

- Applies to LCEIF, SCEIF, and all jurisdictional Facilities
- Throughout the pre-filing outreach period:
 - ✓ Review and implement site suitability criteria, Cumulative Impacts Analysis (“CIA”) guidance, and CIA tool
 - ✓ Describe how alternative analysis used in the selection of the preferred site/route option avoids or minimizes disproportionate adverse impacts
 - ✓ Document all efforts to inform, involve, and partner with Key Stakeholders (abutters, municipal officials, community-based organizations, businesses, federal and state recognized/acknowledged Tribes) and the community
 - ✓ Maintain meeting notes. Summarize comments received and how they influenced project design
 - ✓ Publicize project information using multiple outreach channels
 - ✓ Create project webpage(s) at the start of the pre-filing outreach period and maintain an up-to-date project information



Pre-filing Consultation and Engagement Requirements

- ✓ Meet with DPP and OEJE at the start of the pre-filing outreach period
- ✓ Meet with relevant Key Stakeholders early and send quarterly project updates
- ✓ Consult with MEPA Office at least once and meet with relevant state, regional, and local permitting agencies (Agency Consultations) as appropriate to receive feedback on compliance with regulatory requirements
- ✓ Publicize and conduct at least two public meetings for Key Stakeholders and the Community. Second meeting should be held no less than two months prior to submitting the Pre-filing Notice to the Board
- ✓ Submit Pre-filing Notice no less than 45 days and no more than 60 days prior to filing an Application with the Board.
- ✓ Submit to DPP a self-attested Pre-filing Engagement Status Checklist and supporting documentation midway through pre-filing outreach period
- ✓ Submit self-attested Pre-filing Engagement Completion Checklist and supporting documentation at the conclusion of the pre-filing outreach period to DPP and the Board along with the Pre-filing Notice



Requirements for Consultation with DPP and OEJE

Applicant may meet with DPP and OEJE individually or jointly at the start of the pre-filing outreach period



Plain language description of the project, its need, and location map



Any alternative sites/routes under consideration



Meetings already held or planned with Key Stakeholders and the community

Share at least two weeks before the meeting



Requirements for Consultation with MEPA Office and Agency Consultations



Provide basic project details including proposed work activities.

List anticipated local, state, regional, and federal permits.

Present copies of relevant draft project applications for applicable permits and approvals (*if available*).

Present copies of relevant draft-permits that would otherwise be issued by relevant permitting entity (*if available*).



For transmission facilities – present potential route/site alternatives considered and associated environmental resource constraints.

Describe alternatives analysis used in selecting the preferred option.



For generation and storage facilities – describe the alternative analysis used in the selection of the preferred location.

Present project locations considered and associated environmental resource constraints.



Discuss how site suitability criteria, CIA guidance and tool were incorporated in the selection of the preferred route/site.

Include map identifying any Unfairly Burdened Areas (UBAs) in proximity to project locations.



Share estimates of environmental impacts and potential mitigation measures.

Discuss decommissioning and site restoration plans.



Requirements for Meetings with Key Stakeholders and Community Meetings



Present brief plain language description of the project, its need, and location map(s).

Describe impacts from the proposed project and solicit input on mitigation of impacts.



For transmission facilities – present potential route/site alternatives under consideration and a comparison of anticipated impacts and proposed mitigation measures. Identify the preferred alternative.



For generation and storage facilities – present the alternative analysis used in the selection of the preferred location, its anticipated impacts and proposed mitigation measures.



Share estimated timeline for filing Pre-filing Notice with the Board.

Share future opportunities for public comment or input on the project.

Provide link to the main project webpage.



Outreach Requirements and Guidelines for Public Meetings



Publicize project information using at least two outreach channels that have the broadest reach.

Keep paper copies of outreach materials for review in municipal office buildings and public libraries.



Outreach materials should include:

Link to and note availability of intervenor funding through the Intervenor Support Grant Program.

Link to Applicant's main project webpage.

Information on how to request translation and/or interpretation.



Provide notice at least two weeks in advance using multiple channels.

Hold hybrid public meetings, where possible, and at reasonable times.



Hold public meetings in accessible locations.

Where possible, meeting location should be near public transit.

Provide translation/interpretation as per Board's Language Access Plan ("LAP") and in additional languages as requested.



Pre-filing Notice Requirements

- Submit Pre-filing Notice together with Pre-filing Engagement Completion Checklist and supporting documents to DPP and Board no less than 45 days and no more than 60 days prior to filing an Application with the Board.
- DPP to review documentation submitted to assess if pre-filing consultation and engagement requirements are met, insufficient, or incomplete and provide its opinion to Board and the Applicant.
- Pre-filing Notice shall include:
 - Basic project details – Project name, plain language project summary, location map, anticipated project filing date, link to main project webpage, and decommissioning and site restoration plans.



List of Supporting Documentation to be Submitted with Pre-filing Engagement Completion Checklist

- ✓ An overview of pre-filing consultation and engagement efforts including:
 - ✓ List of Key Stakeholders, Agency Consultation, and public meetings held, including date, time, location
 - ✓ Description of outreach materials created and recipients including date and method of contact
 - ✓ Notes for meetings with Key Stakeholders, Agency Consultation, and public meetings
- ✓ A table summarizing comments received, how they were considered, and any modifications in project design in response to comments
- ✓ Describe how site suitability criteria, CIA tool were incorporated into the selection of the preferred site/route
- ✓ Details of any partnerships developed with Key Stakeholders including any advisory bodies formed to provide input
- ✓ A copy of the Pre-filing Engagement Status Checklist
- ✓ An update on any ongoing discussions regarding Community Benefits Plans and Community Benefits Agreements



Discussion Questions

- How can we best achieve the goals of ensuring municipalities and communities receive information about a project early enough to provide meaningful comments to an Applicant and ensuring an Applicant has flexibility to complete the pre-filing requirements on its own timeline?
- Applicants may be reluctant to provide details during the pre-filing process of site and route alternatives. What requirements should the Board impose on the information shared about alternative routes/sites during pre-filing? How should those requirements differ between T&D and generation and storage projects?

Energy Facilities Siting
Board (EFSB)



Board Hearing – July 21/22, 2025

2024 Climate Act Regulations

The meeting will begin/resume shortly

Technical Issues? Call or text 857-200-0065



Cumulative Impact Analysis: The Basics

- **What is a Cumulative Impact?** (EFSB staff definition): The combined effect of past and present projects, likely future projects, and the proposed energy project on: (1) public health; (2) natural environment; (3) resilience to climate change; and (4) the built environment, all within a specific geographic area.
- **What is EFSB required to do?** Issue regulations by March 1, 2026, implementing cumulative impact analysis (“CIA”) provision in the 2024 Climate Act, based on guidance from the EEA Office of Environmental Justice and Equity (“OEJE”).



What is a CIA Report?

- The Act requires a CIA report that describes:
 - project proximity to “unfairly burdened areas” (“UBA”); baseline conditions in project areas; impacts of the project; whether the project impacts are disproportionate; and proposed mitigation of such disproportionate impacts.
- EF SB staff also proposes a cumulative impact scoring process to quantitatively evaluate candidate routes and sites; score would be part of the CIA report.

Cumulative impact scoring will not require significant added time or expense for applicants.



CIA Requirements in the 2024 Climate Act: Concepts in Need of Regulatory Definition

Concept	2024 Climate Act Requirement
Specific Geographical Area (SGA)	The SGA is a buffer area around a proposed project. The Act requires analysis of impacts within the SGA. The Climate Act does not specify the SGA distance(s).
Existing Environmental and Public Health Burden	Existing “environmental burden[s] and public health consequences” (and perhaps other burdens) within the SGA. Not specified in 2024 Climate Act.
Project Impact on Effects of Climate Change in SGA (Resilience)	Potential impact or consequence from the proposed project that would increase or reduce the effects of climate change (climate resilience) within the SGA. Not specified in 2024 Climate Act.
Unfair or Inequitable Burden	The Applicant assesses whether the SGA is “subject to an existing unfair or inequitable environmental burden or related health consequence.” The 2024 Climate Act does not specify a burden threshold.
Disproportionate Adverse Impact	For any SGA subject to such unfair or inequitable burden, the proponent must consider whether the proposed project would “likely result in a disproportionate adverse effect ” on the SGA. The 2024 Climate Act does not define “disproportionate.”



EFSB Cases That Require a CIA Report, CIA Scoring, and/or Site Suitability Scoring (SSS) (Clean Energy)

EFSB Energy Facility Type (either Consolidated Permit or Consolidated State Permit)	EFSB CIA Report Req'd?	EFSB Cumulative Impact Mitigation Required?	CIA Comparative Scoring Required in CIA Report? (Staff Proposal)	SSS Required?
Clean Transmission and Distribution (§§ 69T, 69U)	Yes	Yes , if Project imposes "disproportionate impact"	Yes , <u>unless</u> only one (1) route/site is proposed (and allowed) by EFSB	No , unless in a newly established public ROWs <u>and</u> there is no UBA in the SGA
Clean Energy Generation (§§ 69T, 69V)	Yes	Yes , if Project imposes "disproportionate impact"	No (<u>unless</u> more than 1 site is proposed)	Yes , unless there is a UBA within the SGA
Clean Energy Storage (§§ 69T, 69V)	Yes	Yes , if Project imposes "disproportionate impact"	No (<u>unless</u> more than 1 site is proposed)	Yes , unless there is a UBA within the SGA



EFSB Cases That Require a CIA, CIA Scoring, and/or Site Suitability Scoring (SSS) (**Fossil Fuel**)

EFSB Energy Facility Type (not “Clean”)	EFSB CIA Report Req’d?	EFSB Cumulative Impact Mitigation Required?	EFSB CIA Scoring Required in CIA Report? (Staff Proposal)	SSS Required?
Transmission and Distribution (§ 69J)	Yes	Yes , if Project imposes “disproportionate impact”	Yes , <u>unless</u> only one (1) route/site is proposed (and allowed) by EFSB	No
Generation (§ 69J ¼)¹	Yes	Yes , if Project imposes “disproportionate impact”	No (<u>unless</u> more than 1 site is proposed)	No
Gas Pipeline or LNG (§ 69J)	Yes	Yes , if Project imposes “disproportionate impact”	Yes , <u>unless</u> only one (1) route/site is proposed (and allowed) by EFSB	No

1. Additional CIA requirements may apply due to § 69J¼ and MassDEP Air CIA Regulations (310 CMR 7.02(14)).

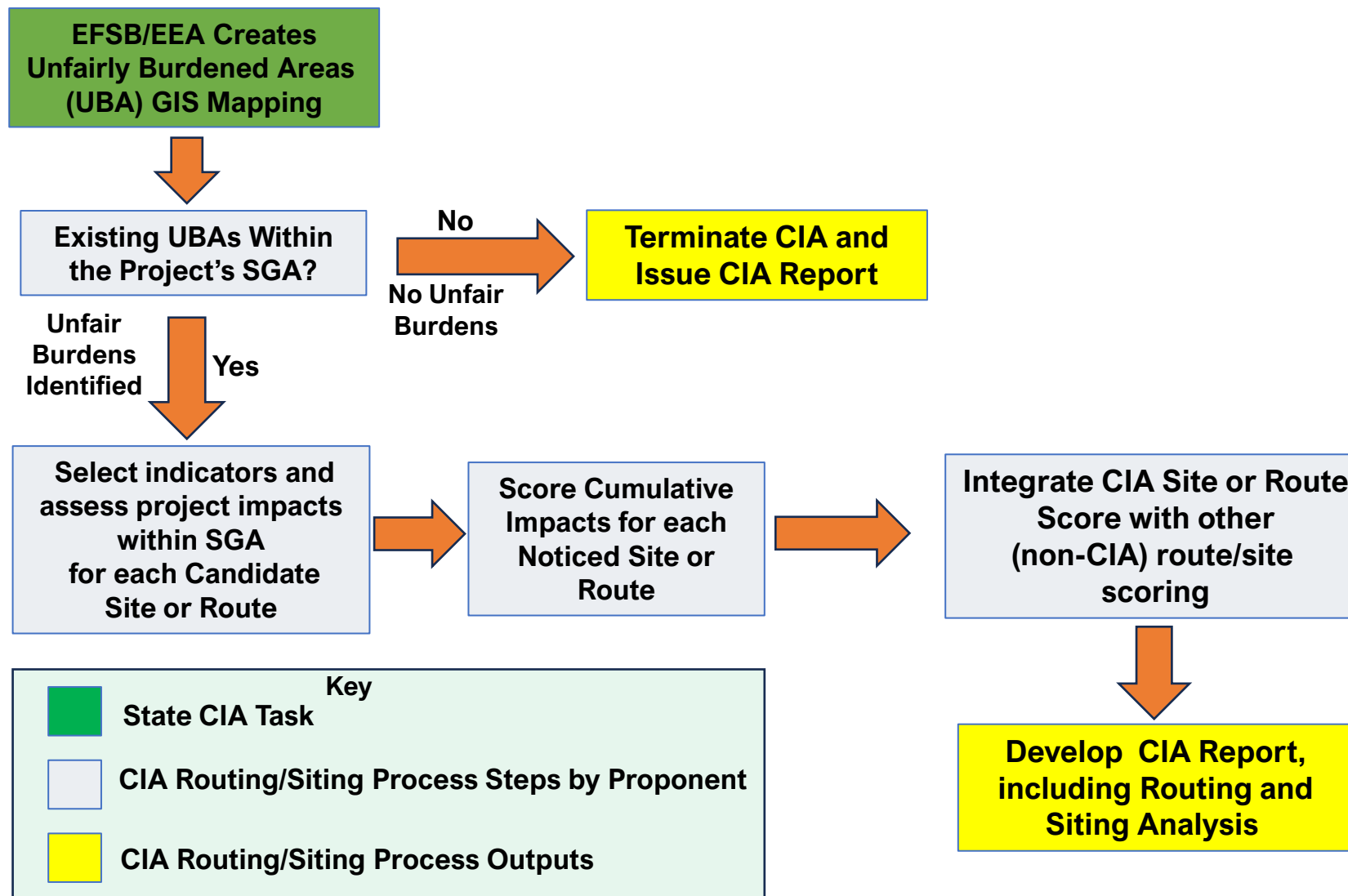


EFSB Staff Objectives for CIA Design and Implementation

- Adapt and integrate OEJE CIA guidance, EEA Site Suitability criteria, and EFSB's core statutory objectives.
- The goal is to improve siting outcomes by incorporating CIA knowledge at key decision points – from early stages of project design (pre-filing) to EFSB review and decision; Make CIA “actionable” – not just a report.
- CIA scoring is useful to reduce subjectivity and define clear thresholds where specific determinations and actions may be appropriate, such as what level of burden constitutes a “disproportionate impact.” However, CIA scoring is informative, but not dispositive of the Board's decision making.
- CIA scoring can be coupled with traditional EFSB route and site scoring methods, to provide an overall route/site score for comparison with other serious route/site candidates.
- Make CIA process streamlined, efficient and easy to use for Applicants and stakeholders; complement Site Suitability Scoring – avoid duplication.



Staff Proposed CIA Scoring and Reporting

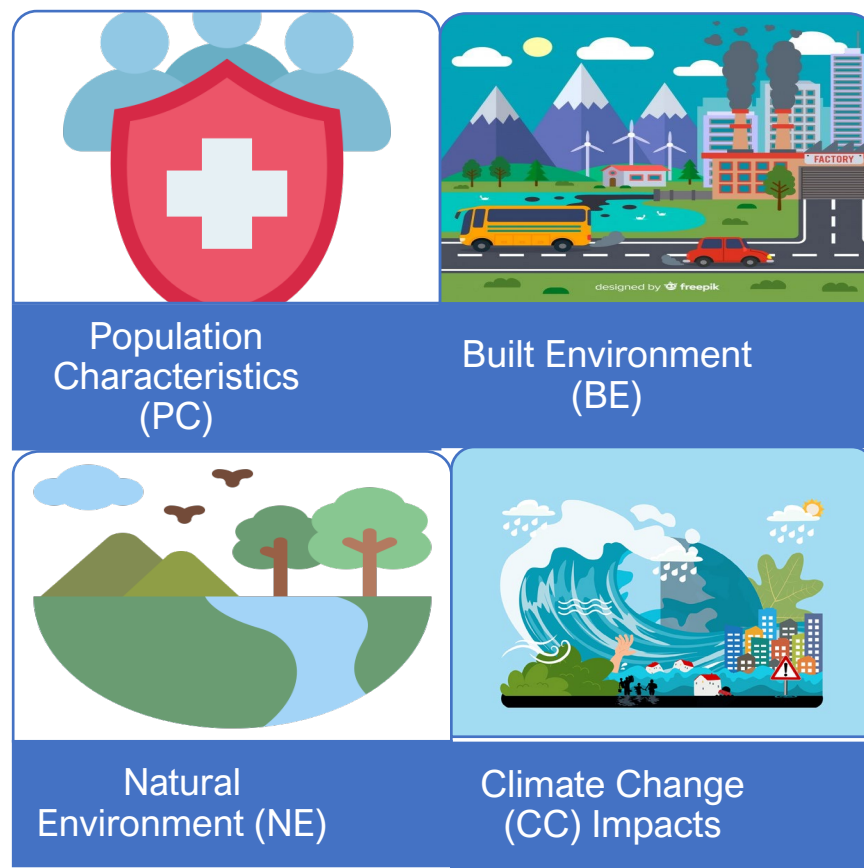




Proposed Indicator Categories

- **Population Characteristics (PC):** indicators characterizing public health, socio-economic conditions, sensitive populations, and cultural resources
- **Built Environment (BE):** addressing major pollution sources: Environmental exposures and effects
- **Climate Change (CC) Impacts:** addressing flooding, sea level rise, wildfire, heat exposure
- **Natural Environment (NE)** – Addresses ecological integrity, connectivity, and biodiversity, Core Habitat

EFSB Indicator Categories





Proposed CIA Indicator Data Sources

- Identify UBAs and assess energy project cumulative impacts (during construction and facility operation) relative to baseline conditions
- Models and state data under consideration help power and inform UBA and CIA analyses:
 - Population Characteristics: For example, a mapping tool similar to CalEnviroScreen
 - Flood, extreme heat, wildfire risks (e.g., First Street Foundation, RMAT)
 - MassCAPS and ecoConnect models (UMass)
 - Other data sources: e.g., MDPH, MassGIS, MassDEP, MEPA, USEPA, BioMap



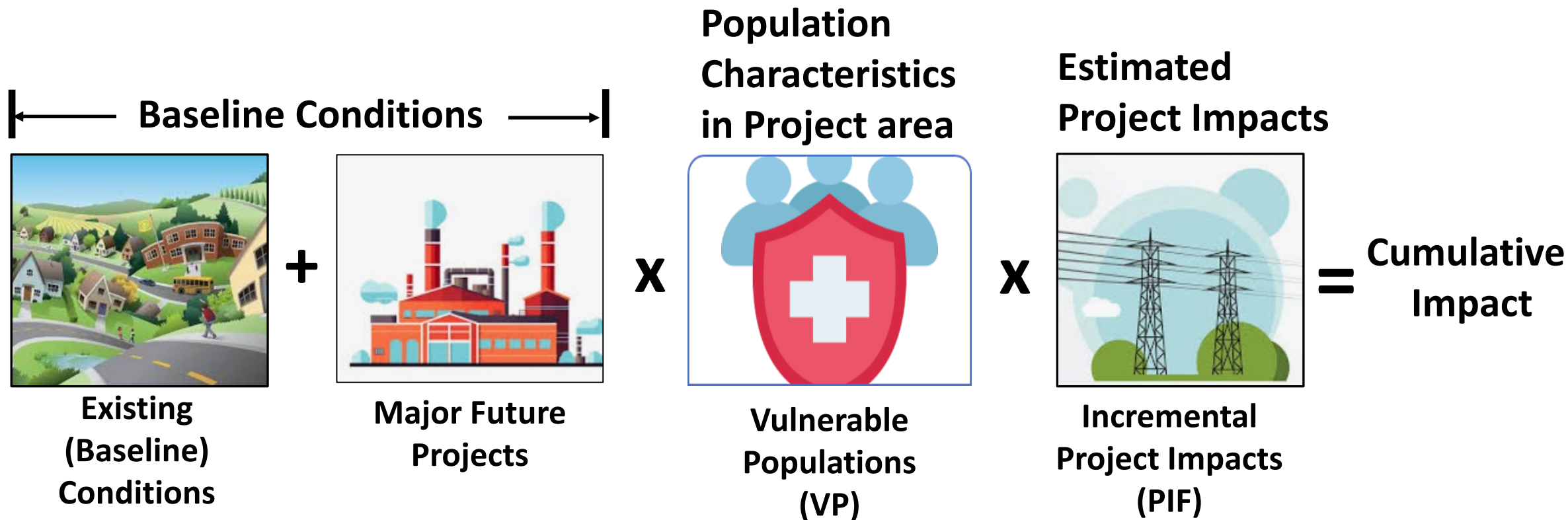
Massachusetts
Environmental Policy Act
Office (MEPA)





How Are Cumulative Impacts Quantified for Individual Indicators?

- For each indicator: determine baseline conditions; the vulnerability of the population in the vicinity of the Project to adverse impacts; and expected incremental impacts of the Project (during construction and operation).





Key Ingredients of a Cumulative Impact: Baseline Conditions Potential Indicators

Indicator Name	Indicator Category
PM 2.5	Built Environment
Diesel Particulate Matter	Built Environment
Drinking Water Non-Compliance	Built Environment
Traffic Proximity	Built Environment
Toxic Releases to Air	Built Environment
Superfund Site Proximity	Built Environment
Underground Storage Tanks	Built Environment
Hazardous Waste Proximity	Built Environment
Wastewater Discharge	Built Environment
Fire Factor	Climate Change Resiliency
Flood Factor	Climate Change Resiliency
Heat Factor	Climate Change Resiliency
Wind Factor	Climate Change Resiliency
Index of Ecological Integrity	Natural Environment
Core Habitat	Natural Environment
Critical Natural Landscape	Natural Environment



Key Ingredients of a Cumulative Impact: Vulnerable Populations Potential Indicators

Indicator Name	Indicator Category
Asthma Prevalence	Public Health
Cancer Prevalence	Public Health
Heart Disease Prevalence	Public Health
Persons with a Disability	Public Health
Low Life Expectancy	Public Health
Low Income	Socio-Economic
Unemployment Rate	Socio-Economic
Limited English Proficiency	Socio-Economic
Less than High School Education	Socio-Economic



Key Ingredients of a Cumulative Impact: Project Impact Factors (PIF)

PIF Designation for Each Indicator	Construction Phase PIF	Operation Phase PIF	Definition of PIF Designation
Major Benefits	-0.10	-0.20	Very significant improvement in local/regional effects
Moderate Benefits	-0.05	-0.10	Significant improvement in local/regional effects
Minor Benefits	-0.03	-0.06	Small, but measurable improvement in local effects
Negligible Benefits	-0.01	-0.02	Localized benefits are likely, but difficult to measure
No Discernible Project Benefits or Burdens	0.00	0.00	De minimis (or no measurable) Project-related benefits <u>or</u> burdens to the Environment, Public Health, or Climate Change Resiliency
Negligible Burdens	0.01	0.02	Localized negative impacts are likely, but difficult to measure
Minor Burdens	0.03	0.06	Small, but measurable local negative impacts
Moderate Burdens	0.05	0.10	Significant negative impacts to local/regional area
Major Burdens	0.1	0.20	Very significant negative impacts to local/regional



Cumulative Impact Analysis: Example of the Core Concept

Indicator (Examples)	Baseline Value (Percentile)	Vulnerable Population (VP) (Percentile)	Project Impact Factor (PIF)	Disproportionate Impact Index (Baseline x VP x PIF)
PM 2.5	72	39	+3.00%	84.2
Wastewater Discharge	56	39	0.00%	0
Drinking Water Non-Compliance	71	39	-4.00%	-110.8
Proximity to Heavy Traffic	18	39	+3.00%	21.1
Toxic Releases to Air	49	39	+3.00%	57.3

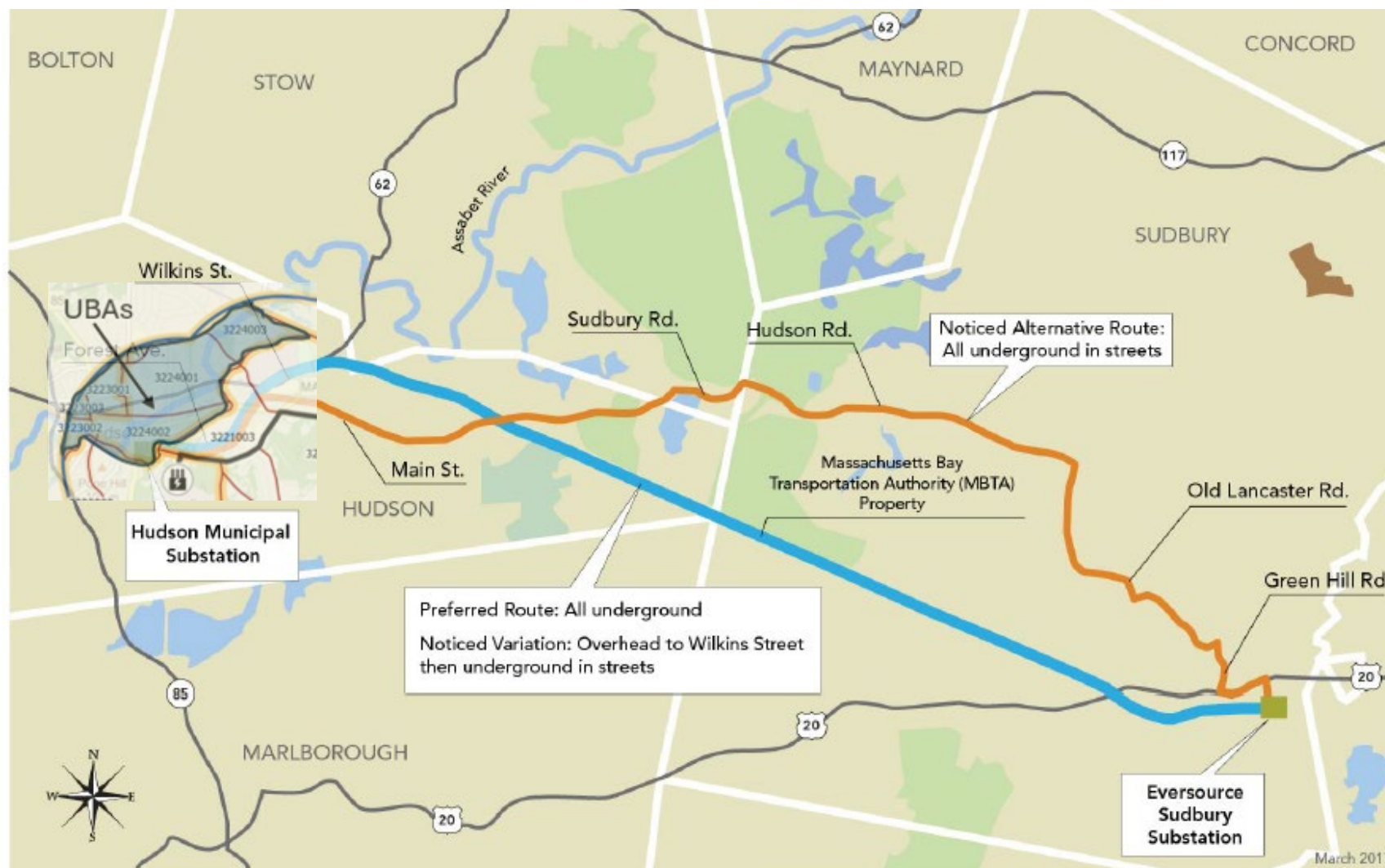


Use of Weighting Factors in Cumulative Impact Scoring

Weighting Factor	Range of Values	Reason for Weighting	Who Decides?
Indicator Weighting Factor	1-5	Assessment of relative importance of an indicator to others	Applicant, with community and other expert input; EFSB review
Population Weighting Factor	0-100%	Share of the population in a single CBG's SGA to the total population in SGA Project-wide	GIS data
Area Weighting Factor	0-100%	Share of the area in a single CBG's SGA to the total area in SGA Project-wide	GIS data
Share of Total Score	1-10%	Final weighting to each CIA and Non-CIA indicator result to achieve overall CIA/Non-CIA target share of total score	Applicant; EFSB guidance and review



Case Study: Sudbury-Hudson T&D Project



Sudbury-Hudson Transmission Line

- 9-mile new transmission line with substation modifications on each end
- Three alternatives (two mostly in MBTA rail corridor; one completely in roadways)
- Preferred Route (and Rail Trail) shown; use of inactive MBTA rail corridor
- UBAs in northwest portion (Hudson); > 20 Census Block Groups impacted



SudHud CIA (and Non-CIA) Scoring Results

Total Impacts Index: Scoring of All Share-Weighted (Cumulative and Non-Cumulative) Indicators for Sudbury Hudson Project

Indicator Class	MBTA Overhead Route	MBTA Underground Route	All Streets Route
Cumulative Indicators (see CII Worksheet)	0.5358	0.3938	0.5580
Non-Cumulative Indicators (NCII Worksheet)	1.2192	0.7659	0.9708
Total Index Score	1.76	1.16	1.53



Development of Tools for Ease in Agency, Applicant, and Public's Use

- GIS Mapping tools that provide CIA-related data layers
- Statewide maps of UBAs
- Sample spreadsheets for use by Applicants, including cumulative impact algorithms (see below)
 - Spreadsheets for deriving cumulative impacts
 - Spreadsheets for deriving impacts from other indicators
 - Spreadsheet for combining all indicators in **Total Index Score**
- Desktop Exercise
- EFSB regulations/guidance on specified data layers and possible weighting factors approaches (expert and community input)
- Detailed Guidance Document (Training also proposed)



What is in a CIA Report Filed with EFSB?

1. Descriptions of Project sites/routes and proximity to mapped Unfairly Burdened Areas (“UBAs”), and whether SGA distances overlap with one or more UBAs.
2. If there is no overlap with UBAs, then the CIA report will require only limited information.

If UBA’s overlap with Project SGAs, then the following additional steps are required:

3. Evaluation of existing baseline conditions in the Project areas using EFSB-specified indicators, and data sources (which may be available directly through a state GIS mapping tool).
4. Narrative describing public input during the pre-filing process that relates to cumulative impacts and related concerns.
5. Analysis of potential adverse effects and benefits – quantitative assessment of the Project using Project Impact Factor (PIF) designations and scoring, vulnerable population prevalence, and baseline indicator conditions. Exceedance of a specified threshold value would define a “Potentially Disproportionate Adverse Effect” (“PDAE”).
6. Applicant’s additional analytics on the above, as may be deemed appropriate.
7. If PDAE are identified, then report must include mitigation targeted to the PDAE issues, among other impacts.



Discussion Questions

- How can all stakeholders best utilize the CIA and SSS tools to inform project siting and design?
- CIA scoring involves judgment in selecting indicators and developing various weighting factors. How should the EFSB balance flexibility vs. need for standardization and oversight?
- EFSB intends to develop tools to make GIS and data readily and efficiently accessible. What else could make the process easier and more efficient?
- What do you see as the tradeoffs between CIA quantification (with some judgment required) vs. a more qualitative review of CIA?

Energy Facilities Siting
Board (EFSB)



Board Hearing – July 21/22, 2025

2024 Climate Act Regulations

The meeting will begin/resume shortly

Technical Issues? Call or text 857-200-0065



DPU Promulgated Regulations – Application Fees (220 CMR 32.00)

- ***DPU and EFSB Staff are drafting the regulation for release later this year***
- Updated fees will support:
 - DPU Siting Division staff operations with or without utility assessments
 - Intervenor Support Fund supplement with rebate
 - Portions of existing permitting agency application fees
- Fees will vary based on facility type reviewed



DPU and EFSB Intervenor Support Grant Program (220 CMR 34.00)

- Provide financial assistance to eligible entities who are unable to participate in proceedings before the DPU and EFSB because of financial hardship
- Allow grantees to cover fees for attorneys, expert witnesses, community experts, administrative, and other eligible expenses
- Up to 10% can be used on non-legal and non-expert, and non-consultant administrative costs associated with participation
- Enable diverse voices and viewpoints in energy-related decision making

Statutory Requirements:

- Tasks DPU's Division of Public Participation (DPP) with providing guidance to identify opportunities to intervene, facilitate dialogue among parties to proceedings
- Authorizes Director of DPP to make determinations on funding requests and administer all aspects of the Intervenor Support Grant Program



Parties Eligible for Funding

- ✓ Organizations and entities that advocate on behalf of residential customers defined geographically or based on specific shared interests
- ✓ Organizations and entities that advocate on behalf of low- or moderate-income residential populations, residents of historically marginalized or overburdened and underserved communities
- ✓ Governmental bodies, including regional planning agencies, federally recognized Tribes, state-acknowledged Tribes or state-recognized Tribes
- ✓ A group of individuals (unincorporated individuals) that may be specifically and substantially affected by a proceeding

Only parties that have been granted intervenor status in a DPU or EFSB proceeding are eligible to receive grant awards.

Individuals are not eligible to receive grant funding.



Eligibility Criteria for Grant Funding



1. Demonstrate significant financial hardship with respect to ability to intervene and participate in the absence of a grant



2. State whether the applicant has previously intervened in a proceeding or participated since creation of the Program.



3. Describe how the applicant proposes to substantially contribute to the proceeding



4. State an achievable, reasoned, and clear plan for participating in the proceeding



5. Identify the grant applicant's unique perspective that is not adequately represented by other parties to the proceeding



6. Explain how funds requested are reasonable and provide an itemized budget

Municipalities with a population < 7,500 are exempt from eligibility criteria 1 and 2.



Grant Application Process and Funding

- Application request forms should be submitted no later than the deadline to intervene in a DPU or EFSB proceeding as specified in the notice for the proceeding
- Application is reviewed for completeness within 10 business days of receipt
- A written determination of grant approval and payment decision to all applicants will be made within 30 days after the deadline to apply for intervenor funding
- Director of DPP can make conditional grant awards provided grant is not disbursed until intervenor status is granted
- DPP Director's decision on whether to approve grant funding is final and not subject to further review

- Grant awards for a single DPU or EFSB proceeding should not exceed \$150,000 for each party, and \$500,000 in aggregate for a single proceeding
- Funding can be increased past these maximums on demonstration of good cause or if novel, new, or complex issues arise
- DPP to consider the potential for intervenors that receive grant funding to share costs when positions align



Grant Application Form

1. A statement outlining the breadth and scope of the applicant's anticipated participation in a proceeding. A description of how funds will be used and how the applicant anticipates making a substantial contribution

2. An itemized estimate of the costs and fees of anticipated attorneys, consultants, and experts (including community experts) and all other costs for participation in a proceeding

3. Background information on attorneys, consultants, experts (including community experts) that the applicant plans to retain and the services each will provide

4. A statement describing the position and nature of the interests that the applicant represents, and a summary of questions and concerns raised during pre-filing engagement meetings, if applicable

5. Amount of funds sought

6. A brief description of the organization seeking the grant, the organization's nature of work, and a narrative to demonstrate that participating in the proceeding will be a significant financial hardship

7. The docket number(s) and case caption(s) of previous DPU and EFSB proceedings the applicant has participated in

8. An unincorporated group of individuals applying for a grant should submit a self-attestation that includes the name and address of all individuals in the group requesting funding, number of additional volunteers or supporters if applicable, and narrative to demonstrate the level of financial hardship.

Grant application form requirements 1, 2, 3 are from G.L. c. 164, §149 (d) of the 2024 Climate Act



Discussion Questions

- Are we striking the right balance between increasing access to participation before the Board and DPU and requiring applicants to provide sufficient documentation to ensure that funds are used in accordance with the program goals?