



# 2024 Climate Act Stakeholder Session 1

April 10, 2025

Hybrid: Department of Public Utilities, Boston and Virtual

April 10, 2025

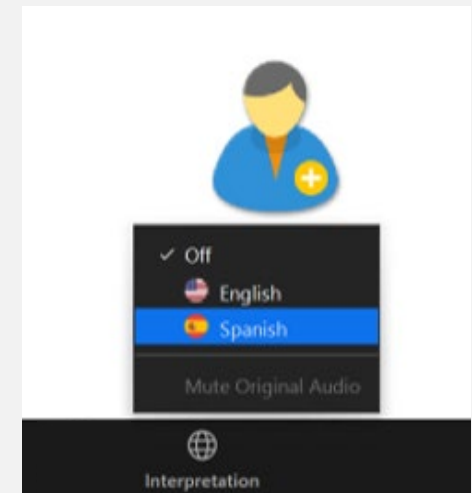
# Interpretation Logistics

➞ Language Interpretation is being offered in: Español, Português, Kreyòl ayisyen, Kriolu, Tiếng Việt, 普通话, عربي, русский, ខ្មែរ, 한국어, français, and American Sign Language (ASL).

- To participate in English, click the “Interpretation” icon and select English.
- Para entrar no canal em português, clique no ícone “Interpretation” e selecione “Portuguese”.
- Si alguien desea interpretación en español, haga clic en “Interpretation” y seleccione “Spanish”.
- Pou rantre nan chanèl kreyòl ayisyen an, klike sou ikòn “Interpretation” an epi chwazi “Haitian Creole”.
- Pa partisipa na Kriolu, klika na íkone "Intirpretason" y silisiona "Cape Verdean Kriolu".
- 要以普通话参加会议，请单击口语图标并选择 "Chinese".
- Để vào kênh bằng tiếng Việt, hãy nhấp vào biểu tượng “Interpretation” và chọn “Vietnamese”.
- “Arabic” تم اختر "الترجمة الفورية" للمشاركة باللغة العربية اضغط على أيقونة
- Чтобы принять участие на Русский языке, нажмите на ярлык «Устный перевод» и выберите “Russian”.
- ដើម្បីចូលរួមជាភាសាខ្មែរ សូមចុច រូបតំណាងការបកស្រាយ ហើយជ្រើសរើសភាសា”Khmer”។
- 한국어로 참여하려면 "통역" 아이콘을 클릭하고 “Korean”를 선택하세요.
- Pour participer en français, cliquez sur l’icône « Interprétation » puis choisissez « French ».

➞ Please speak slowly.

➞ All attendees must select a language channel, even if viewing the presentation in English.





# Today's Agenda

- 1:00: Welcome
- 1:05: Interpretation Overview
- 1:10: Overview of 2024 Climate Act
- 1:30: Update from Department of Energy Resources
  - Question and Answer Session
- 1:50: Energy Facilities Siting Board Procedural Regulations Straw Proposal
  - Question and Answer Session
- 2:35: Break
- 2:50: Energy Facilities Siting Board Standard Conditions Straw Proposal
  - Question and Answer Session
- 3:20: General Comments and Discussion
- 3:55: Closing and Next Steps

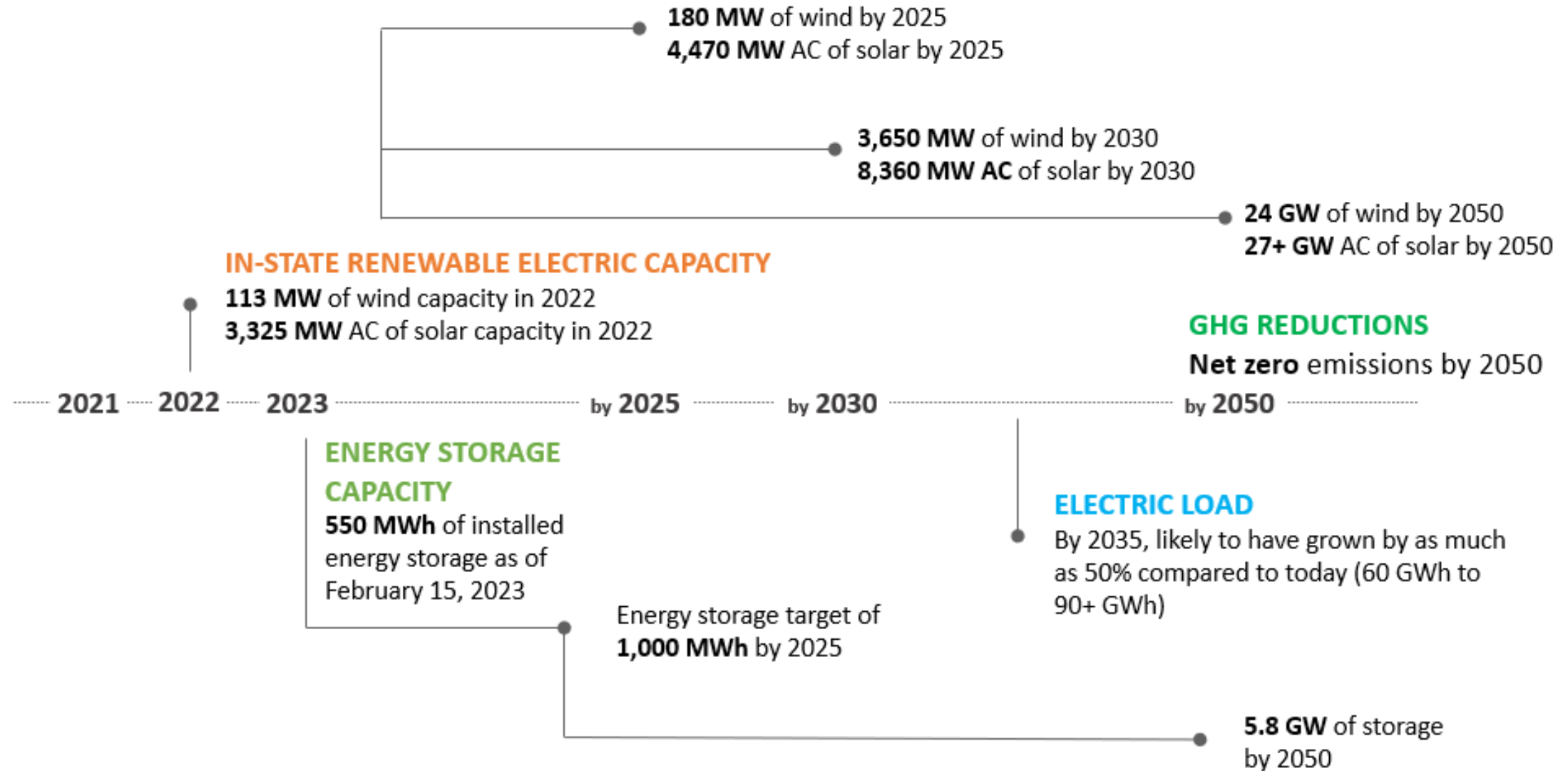


# Energy Facilities Siting Board Implementation

- Straw Proposals/Stakeholder Sessions – **Spring 2025**
- Public Hearings on Proposed Regulations – **Fall 2025**
- Regulation and Guidance Promulgation – **2025 – early 2026**
- New Regulations – **March 1, 2026**
- New Applications – **July 1, 2026**



# Massachusetts Clean Energy Needs





# Challenges with Existing Permitting Procedures

- Permitting processes are lengthy, unpredictable, and sometimes duplicative
  - Timelines vary significantly and some projects have taken up to a decade to complete.
  - Historically, it has taken the Energy Facilities Siting Board (EFSB) between 1 and 4 years to issue approval to construct, after which the project still needs to obtain all state and local permits individually.
- Opportunities for appeal of each separate permit can cause years of delays.
- Communities feel they often do not have sufficient or impactful input into the siting of major infrastructure projects.
- Communities may not have the resources necessary to fully engage in permitting processes.
- **Massachusetts will not meet our GHG reduction limits without reforms.**



# 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 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.
- 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.



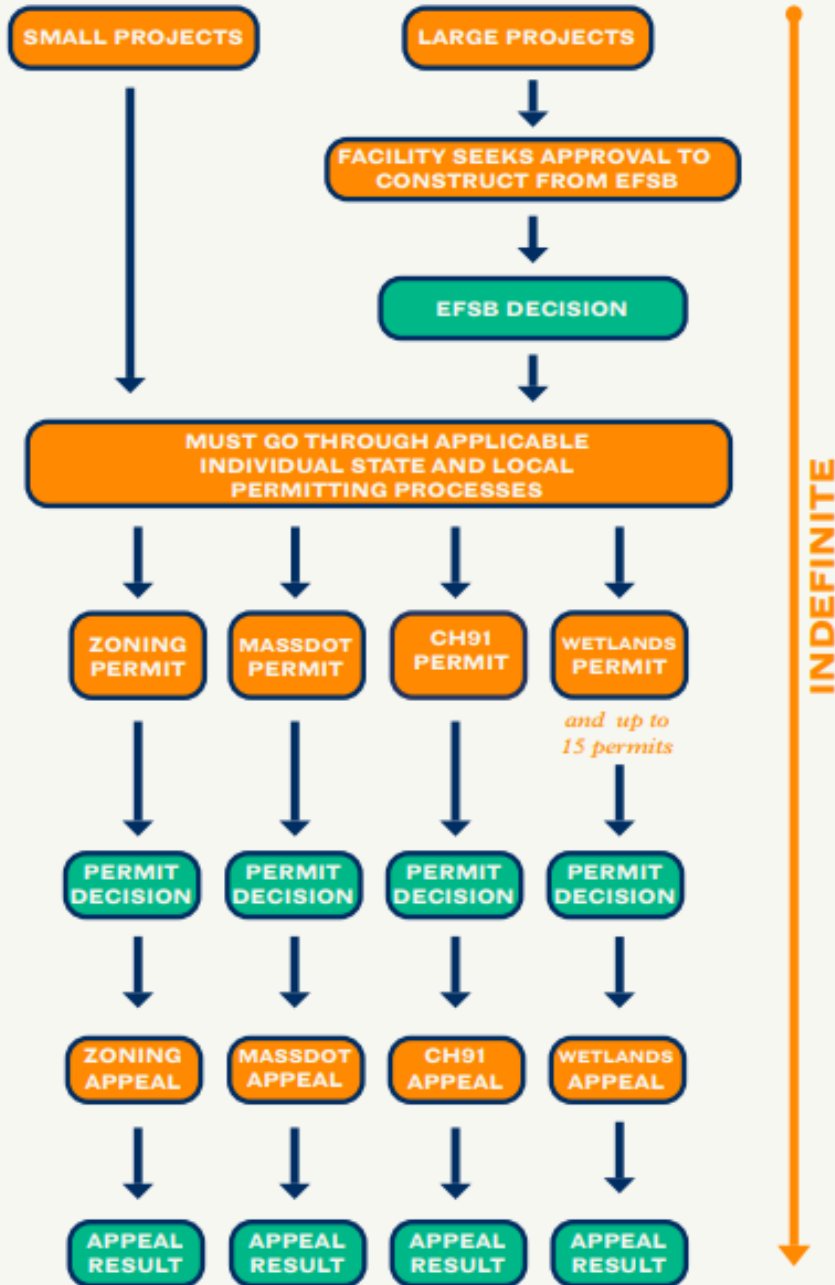
- Applies to generation facilities <25 MW, storage facilities <100 MWh, and non-EFSB jurisdictional transmission and distribution projects



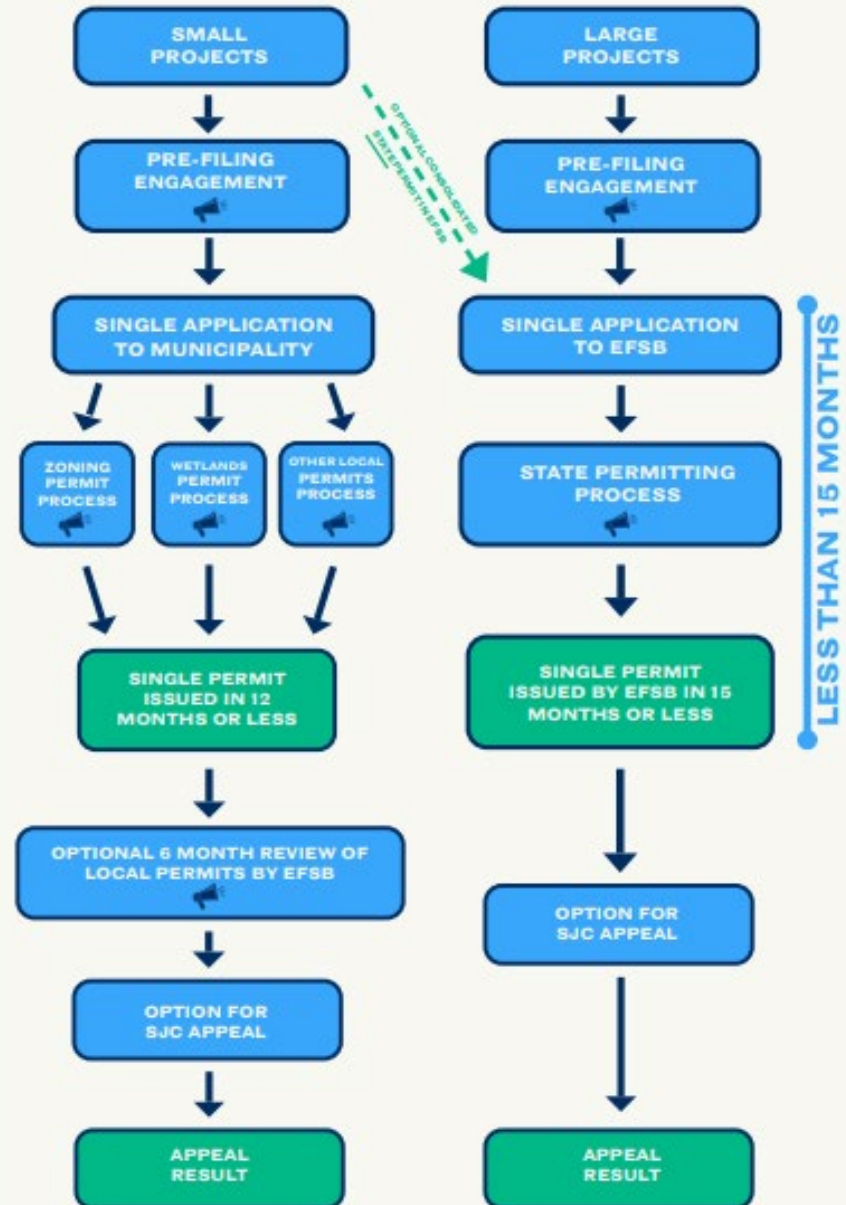
# More Meaningful & Just Community Engagement

- 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.

## CURRENT PROCESS EXAMPLE



## NEW PERMITTING PROCESS



 = Public Engagement Opportunity



# Additional Reforms

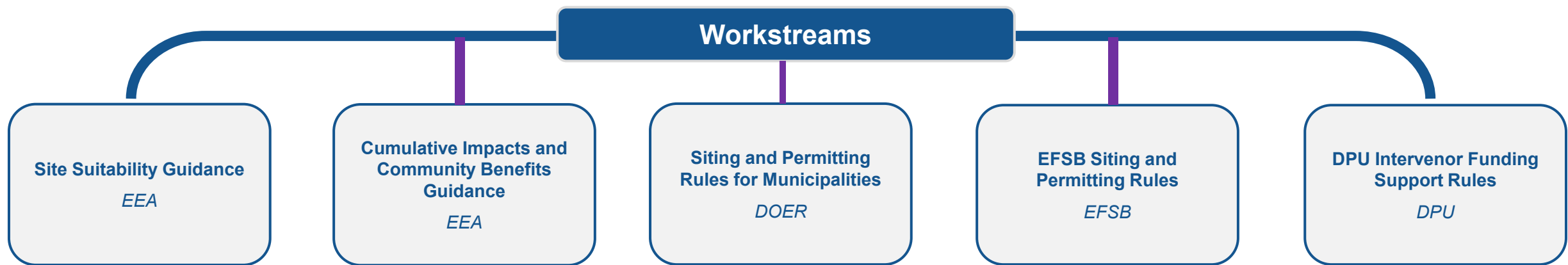
- EEA required to establish site suitability methodology and guidance to inform state and local permitting processes about the suitability of sites for clean energy development, and help developers to avoid, minimize and mitigate environmental impacts.
- Five new seats on EFSB:
  - Commissioner of Department of Fish and Game;
  - Commissioner of Public Health;
  - Representative of Massachusetts Municipal Association;
  - Representative of Massachusetts Association of Regional Planning Associations; and
  - Representative with expertise in environmental justice and/or Indigenous sovereignty.
- EFSB-jurisdictional clean energy infrastructure exempted from Massachusetts Environmental Policy Act (MEPA) review.
- Legacy DPU siting authority (e.g., comprehensive zoning permits and eminent domain for transmission and pipelines) transferred to EFSB.





# 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.
  - Governor's supplemental FY25 budget filed on April 2<sup>nd</sup> proposes extending this deadline to May 1, 2026.
- EEA, DPU, and EFSB have scheduled four stakeholder meetings for April and May, and are releasing straw proposals on specific topics ahead of these meetings.
- Draft regulations will be released for public comment in late summer/early fall.
- DOER and DPU are hiring new staff.
- More information on process can be found at: [www.mass.gov/energypermitting](http://www.mass.gov/energypermitting)
- Questions can be directed to [energypermitting@mass.gov](mailto:energypermitting@mass.gov)

# Our Mission

**The Department of Energy Resources' (DOER) mission is to create a clean, affordable, resilient, and equitable energy future for all in the Commonwealth.**

**Who We Are:** As the State Energy Office, DOER is the primary energy policy agency for the Commonwealth. DOER supports the Commonwealth's clean energy goals as part of a comprehensive Administration-wide response to the threat of climate change. DOER focuses on transitioning our energy supply to lower emissions and costs, reducing and shaping energy demand, and improving our energy system infrastructure.

**What We Do:** To meet our objectives, DOER connects and collaborates with energy stakeholders to develop effective policy. DOER implements this policy through planning, regulation, and providing funding. DOER provides tools to individuals, organizations, and communities to support their clean energy goals. DOER is committed to transparency and education, supporting access to energy information and knowledge.

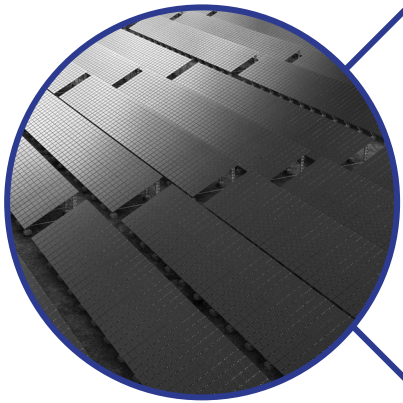


## We are an agency

of the Executive Office of  
Energy and Environmental  
Affairs (EEA).

# Clean Energy Siting & Permitting Responsibilities

The 2024 Climate Law's siting and permitting sections consolidated review and permit approval processes at the state and local level



## Large Projects – Energy Facilities Siting Board (EFSB)

- **Single, consolidated permit** from the ESFB rather than multiple state, regional, and local permits
- Decision **within 15 months**



## Small Projects – Municipalities

- **Single, consolidated permit from municipal entities** rather than multiple local permits
- Decision **within 12 months**



# DOER's Role

The law created a new role – and a new Division – for DOER to support the local siting and permitting process for small clean energy infrastructure.

The Division of Clean Energy Siting & Permitting will develop regulations and provide technical support and assistance to municipalities, project proponents, and other stakeholders.

Within the regulations, DOER is required to establish:

- Public health, safety, and environmental standards
- A common standard application
- Pre-filing requirements
- Standards for applying site suitability guidance
- Consolidated permit
- ***Guidance for procedures / timelines***
- Responsible parties subject to enforcement
- Processes for municipal fees for compensatory environmental mitigation (not required)
- ***Common conditions and requirements***

# 2025 Timeline

DOER's siting and permitting work in 2025 will have three phases:



# Contact Us



We look forward to hearing from you.





# Procedural Regulations Straw Proposal

- What is the Energy Facilities Siting Board (Siting Board or EFSB)?
- What changes did the 2024 Climate Act make to siting and permitting?
  - Changes to the Siting Board and how it makes decisions
  - Changes to Siting Board jurisdiction
  - Changes to Siting Board proceedings
  - Adds new type of proceeding
- Procedural regulations will reference and incorporate other regulations and guidance
- Request for comments



# What is the Energy Facilities Siting Board?

- An independent Board; created approximately 50 years ago (was EFSC)
- Consisting of nine members: six ex officio members and three public members; Chaired by Secretary of Energy and Environmental Affairs.
  - Siting Board jurisdiction is over large energy facilities – these facilities are defined by statute:
    - Generating facilities equal or more than 100 MW and ancillary structures (this threshold is reduced to 25 MW in the 2024 Climate Act)
    - Electric transmission lines
      - New Corridor equal or more than 69 kV line and equal or more than 1 mile in length
      - Existing Corridor equal or more than 115 kV line and more than 10 miles in length, except for reconductoring or rebuilding at same voltage
    - Intrastate gas pipelines over 100 psig and over one-mile length, except for rebuilding or relaying of existing pipelines
    - Oil facilities/pipelines over 1 mile in length; new storage tanks over 500,000 barrels
    - Gas storage facilities (LNG or CNG) over 25,000 gallons
- The Siting Board conducts adjudicatory proceedings; issues decisions on petitions to construct and certificates of environmental impact and public interest, for jurisdictional facilities.
- Siting Board decisions can be appealed directly to the Massachusetts Supreme Judicial Court.



# Major Siting and Permitting Provisions of the 2024 Climate Act

- Expands the Siting Board from nine to eleven members; establishes a new mandate, scope of review, and required findings.
- Creates a new category of infrastructure: clean energy infrastructure facilities (CEIF).
- Creates two Consolidated Permit programs.
  - A Consolidated Permit is a permit that includes all state, regional, and local permits that would otherwise be needed to construct and operate a CEIF. This definition excludes certain federal permits.
    - Large CEIF - Consolidated Permit to be issued by the Siting Board.
    - Small CEIF – Local Consolidated Permit to be issued by the municipality.
- Provides a deadline for review of CEIF, and constructive approval if the deadlines are not met.
- Establishes new requirements for applicants proposing CEIF, including:
  - Pre-filing consultation and engagement.
  - Cumulative Impact Assessments (CIA) (also required for non-CEIF).
- Moves certain Department of Public Utilities siting jurisdiction to the Siting Board consolidating siting responsibilities at the Siting Board.



# New Requirements for the Siting Board

## 980 CMR 2.00

- Revises the Siting Board membership. G.L. c. 164, § 69H.
  - Adds two new ex officio positions – Department of Fish and Game, and the Department of Public Health (and reduces Department of Public Utilities to one seat)
  - Increases public member seats from three to four: Mass. Association of Regional Planning Agencies; Mass. Municipal Association; environmental justice/Indigenous sovereignty; and labor (and deletes public members representing energy and environment).
- Expands Siting Board jurisdiction. For example, adds jurisdiction over battery energy storage systems.
- Creates new categories and new rules for CEIF.
- Creates a new process for the Siting Board to issue Consolidated Permits.





# New Requirements for the Siting Board (cont.)

- Defines new statutory mandate and scope of review for the Siting Board.
  - Siting Board currently determines whether a project will provide a reliable energy supply with a minimum impact on the environment at the lowest possible cost.
  - Under the 2024 Climate Act, when reviewing proposed projects, the Siting Board must consider among other things, cumulative burdens on a host community, public health impacts, and climate change impacts. Act also included a list of findings that the Siting Board must make in its decisions on proposed projects.
- Adds statutory deadlines for Siting Board review of proposed CEIF.
  - If the Siting Board does not issue a decision by the required deadline (no more than 15 months), a project would be constructively approved, and its consolidated permit issued with standard conditions.
- Additional regulations
  - Creation of Dashboard
  - Siting Board to meet in hybrid public Siting Board meetings





# Clean Energy Infrastructure Facilities

Facility Type/Description	Capacity/Size	Permitting Authority
<b>Generation</b> – Solar; Wind; Anaerobic Digester	≥ 25 MW ( <b>Large</b> )	EFSB – Consolidated State and Local Permit & Pre-filing Process per § 69T
	< 25 MW ( <b>Small</b> )	Local - Consolidated Local Permit & Pre-filing Process per c. 25A, § 21 <sup>1</sup> EFSB – Consolidated State Permit per § 69V (EFSB opt-in by developer); otherwise, individual state permits
<b>Energy Storage System</b>	≥ 100 MWh ( <b>Large</b> )	EFSB – Consolidated State and Local Permit & Pre-filing per § 69T
	< 100 MWh ( <b>Small</b> )	Local - Consolidated Local Permit & Pre-filing Process per c. 25A, § 21 <sup>1</sup> EFSB – Consolidated State Permit per § 69V (EFSB opt-in by developer); otherwise, individual state permits
<b>Transmission Infrastructure</b> (and ancillary facilities) - <b>Large</b> - ≥ 69 kV and ≥ 1 mile (new corridor) - ≥ 115 kV and ≥ 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 State and Local Permit & Pre-filing Process per § 69T  → EFSB Zoning Exemptions may <u>also</u> be required
<b>Transmission Infrastructure</b> (and ancillary facilities) - <b>Small</b> - < 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 State and Local 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



# Changes to How the Siting Board Conducts its Proceedings

- Siting Board proceedings:
  - Are adjudicatory proceedings. Proceedings must be consistent with Massachusetts Administrative Procedures Act – EFSB procedural regulations reflect these requirements
  - Notice must be provided
  - Allows for Intervention
  - Decisions must be based on the record of a proceeding
  - Decisions must be in writing
  - Final Decisions are appealable to the Supreme Judicial Court
- Changes
  - Revise existing procedures
  - Create new procedures



# Procedural Regulations

## 980 CMR 1.00

- Notice – EFSB required to give notice of its public comment hearings
  - Mailed notice rules defined
    - To residents (including property owners and renters) and businesses in area of project (distance based on project type)
    - Special rules for zoning exemptions – additional notice to planning boards of surrounding municipalities
  - Email notice to municipal officials
    - Mayor and City Council, or Selectboard and Town Administrator; Zoning Board of Appeals; Department of Public Works; Conservation Commission
  - Newspaper notice
  - Posting to websites: EFSB; Applicant; request to municipality to post notice
  - Posting at municipal clerk's office and local library;
  - Posting to all municipal office buildings, public libraries, senior centers, houses of worship within one mile
- Public comment hearings are hybrid and recorded; staff conducts site visit
- Language Access Plan applies to all proceedings



# Procedural Regulations - Participation

## Public Participation

- Pre-filing public engagement – required
- Public comment hearing – oral and/or written comments
- Opportunity for intervention or limited participant status
- Siting Board meetings are open to the public

## Municipalities and State Agencies

- Pre-filing consultation – required
- Intervention – full participation in Siting Board proceeding
- Statement of Recommended Permit Conditions for CEIF
- Separate consolidated local permit process for municipalities (DOER)



# Procedural Regulations – New Provisions

- Compliance Filings – Applicants required to file information on completion of required conditions
  - Must file with EFSB and service list
  - Opportunity for those on service list to file comments
  - Parties may request additional process – Presiding Officer to decide if additional process warranted
- Project Changes – The Applicant is required to construct and operate its facility in conformance with all aspects of its proposal as presented to the Siting Board.
  - The Applicant, or its successors in interest, required to notify the Siting Board of any changes other than minor variations to the proposal so that the Siting Board may decide whether to inquire further into a particular issue.
  - Must file Project Changes with EFSB and service list
  - Opportunity for those on service list to file comments
  - Director will determine if additional information or process is required.
- Decommissioning and Site Restoration
  - Define what must be removed and schedule for removal.
  - Estimate of cost – address way to ensure funds are available at the end of useful life of infrastructure to complete decommissioning



# New Regulations for Consolidated Permits

## 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 – Local Consolidated 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 (see 980 CMR 14.00)



# Consolidated Permits 980 CMR 13.00

- Requires that the Siting Board establish:
  - 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.



# EFSB Procedural Flow Chart

## EFSB 15-MONTH PROCESS

### Applicable to Large Clean Energy Infrastructure Facilities (e.g.):

- New (≥69 kV) Transmission Line in New Corridor (≥1 mile)
- New (≥115 kV) Transmission Line in Existing Corridor (≥10 mile)
- Substations Requiring Exemptions from Local Zoning Ordinances

- Interconnection Lines for Offshore Wind Facilities
- Large Energy Storage Facilities (≥100 MWh)
- Large Clean Energy Generation Facilities (≥25 MW)

## EFSB 12-MONTH PROCESS

### Applicable to Small Clean Transmission and Distribution Infrastructure Facilities (e.g.):

- Transmission Line Reconductoring and Rebuilding Projects
- New/Substantially Altered Transmission Lines in Existing Corridors (<10 mile)

- New/Substantially Altered Transmission Lines in New Corridors (<1 mile)
- Substations Not Requiring Exemptions from Local Zoning Ordinances
- Certain Distribution Level Projects (Threshold to be Determined by DOER)

PROCEDURAL STEPS/MONTHS (M)	PRE-FILING	M0	M1	M2	M3	M4	M5	M6	M7	M8	M9	M10	M11	M12	M13	M14	M15
Pre-filing Engagement Requirements	→																
Project Application Filed and Completeness Determination (Within 1 Month of Application)	→	→	Other Permitting Agencies Can Make Recommendation on Completeness Determination Public Can View Application materials														
Public Notice of Project and Public Comment Hearing (Within 1 Month of Completeness Determination)			→	Other Permitting Agencies Can Petition to Participate in Proceeding as Intervenor Public Can Attend Hearing, Provide Comments, Petition to Participate in Proceeding as Intervenor													
Intervention and Grant Rulings				→													
Preliminary Procedural Conference and Procedural Order					→												
Statement of Recommended Permit Conditions							→										
EFSB Adjudication and Evidentiary Hearings (Including Written Discovery and Briefing)								→									
EFSB Tentative Decision and Comments (Including Staff Drafting and Review)									→								
Board Meeting to vote on Final Decision													→				→





# New Regulations: De Novo Adjudications

## 980 CMR 14.00

- What is de novo adjudication? This process occurs when there is a request for the Siting Board Director to take a fresh look at a decision by a municipality on a local consolidated permit or when a municipality lacks resources to review an application for a consolidated permit within twelve months.
- Who may request a de novo adjudication of a local permit application (pursuant to G.L. c. 164, sec. 69W):
  - (1) 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
  - (2) parties substantially and specifically affected by the decision of the local government or the local constructive approval.
- Local governments may request that the Siting Board provide a de novo adjudication - upon a showing that local resources, capacity and staffing do not allow for review of a small clean energy infrastructure facility's permit application within the required maximum 12-month timeframe for local government review
- Procedure:
  - Notice and opportunity to comment; possible virtual public comment hearing
  - Intervention
  - Evidentiary Record
  - Standard: (a) consistency with the regulations adopting statewide permitting standards for such facilities established by the Department of Energy Resources pursuant to G.L. c. 25A, § 21; and (b) consistency with G.L. c. 164, § 69H.
- Decisions by the Director of the Siting Board – 6 months/12 months – appealable to the Supreme Judicial Court



# Repeal of Unused Regulations

The Siting Board's regulations contain several sections that are obsolete and have not been used by the Siting Board in many years. For clarity, the Siting Board proposes to repeal the following sections:

- 980 CMR 4.00 Freedom of Information; Protection of Trade Secrets
- 980 CMR 5.00 Environmental Assessment and Environmental Impact
- 980 CMR 7.00 Long-range Forecasts and Supplements
- 980 CMR 8.00 Notices of Intention to Construct an Oil Facility
- 980 CMR 9.00 Coastal Zone Facility Site Selection, Evaluation and Assessment
- 980 CMR 11.00 Licensing of Hydropower Generating Facilities



# Request for Comments

- Existing Siting Board regulations require newspaper notice of public comment hearings. Should the Siting Board eliminate the requirement for newspaper notice of public comment hearings? What type of notice would be more effective for these hearings?
- Should Siting Board staff site visits to the location of a proposed project be open to the public? How would the Siting Board manage such a process?
- How should the Siting Board reflect decommissioning activities and expectations?
- When local government, upon a showing that its resources, capacity and staffing do not allow for review of a small clean energy infrastructure facility's permit application within the required maximum 12-month timeframe for local government review, could request a de novo adjudication from the Siting Board Director, should the Siting Board establish a 12-month schedule for review, consistent with the 12-month schedule allowed for review at the local level?
- For de novo adjudications, should the Siting Board regulations provide for the opportunity for a motion for reconsideration by the Director of a de novo adjudication final decision?
- Permitting procedures for energy facilities in other states include steps that limit the scope of subject matter that may be explored during adjudication and decided upon in the final permit. This limitation can increase efficiency for issuing permits. Should the Siting Board adopt such practices? What limiting practices should the Siting Board consider? Describe any legal impediments for the Siting Board to adopt similar practices.



# Procedural Regulations

## Questions, Answers, Discussion



The meeting will resume at  
2:50 p.m.



# Standard Conditions (1) – Requirements from the 2024 Climate Act

- New statutory deadlines for EFSB review of CEIF after which projects receive constructive approval
- Constructive approval allows the CEIF to proceed to construction
- Constructive approval will include standard permit conditions in lieu of project-specific EFSB conditions, by project type
- Original permitting agencies will enforce applicable conditions in a consolidated permit



# Standard Conditions (2) – Proposal Overview

- Standard conditions will include the required constructive approval permit conditions
- Initial standard conditions drawn from previous EFSB Decisions/DPU Orders, MEPA Certificates, and existing siting regulations, policies and laws (e.g., SMART)
- Conditions will also reflect the new statutory mandate of the EFSB
- Staff will also reach out soon to other permitting agencies for proposed standard conditions to add to this list
- Three levels of standard condition categories
  - Level 1 – Universal Standard Conditions
  - Level 2 – Constructive Approval Conditions
  - Level 3 – Technology Specialized Conditions



# Standard Conditions (3) – Example Conditions

- Level 1 – Universal Standard Conditions
  - Standard conditions that would apply for all projects
  - E.g., mandatory compliance with state policies, construction outreach details, work hour requirements
- Level 2 – Constructive Approval Conditions
  - Conditions that apply to constructive approvals
  - E.g., conditional wetland replacement, emergency response plan details, sea level rise monitoring
- Level 3 – Technology Specialized Conditions
  - Conditions that would apply to decisions of specific technologies
  - E.g., shore-to-ship electrification, magnetic field confirmation testing, battery safety plan details





# Standard Conditions (4) – Questions

- What Universal Standard Conditions (Level 1) do you recommend for inclusion in future consolidated Siting Board permits?
- What Constructive Approval Conditions (Level 2) do you recommend for inclusion in future EFSB consolidated permits by constructive approval?
- What Technical Specialized Conditions (Level 3) do you recommend for inclusion in future EFSB consolidated permits by constructive approval?
  - What is the best avenue to get feedback on the specific conditions from stakeholders?
- How would you propose that the Siting Board consider an agency's project-specific Statement of Recommended Permit Conditions in the event of a constructive approval?
- Should the standard permit conditions be fixed or should they provide a reasonable range of options, where applicable?



# Standard Conditions

## Questions, Answers, Discussion



# General Questions, Answers, Discussion

[www.mass.gov/climateact](http://www.mass.gov/climateact)

[sitingboard.filing@mass.gov](mailto:sitingboard.filing@mass.gov) (DPU/EFSB)

[energypermitting@mass.gov](mailto:energypermitting@mass.gov) (EEA)

[doer.siting.permitting@mass.gov](mailto:doer.siting.permitting@mass.gov) (DOER)



# Upcoming Stakeholder Sessions

- Stakeholder Session 2 (April 17, **1-4 p.m.**): **New Applications**
    - Virtual: <https://www.zoomgov.com/j/1610000543>
  - Stakeholder Session 3 (April 24, **5:30-8:30 p.m.**, Roxbury): **Pre-Filing Engagement, Intervenor Support Grant Program, Community Benefit Plan Guidelines**
    - Hybrid: Roxbury Community College, Student Commons Room 3, 1234 Columbus Avenue, Roxbury, MA 02120
  - Stakeholder Session 4 (May 5, **5:30-8:30 p.m.**, Holyoke): **Cumulative Impact Analysis, Site Suitability Criteria**
    - Hybrid: Holyoke Heritage State Park, 221 Appleton Street, Holyoke, MA 01040
- <https://www.mass.gov/climateact>