



2024 Climate Act Stakeholder Session 2

April 17, 2025
Virtual Meeting

April 17, 2025

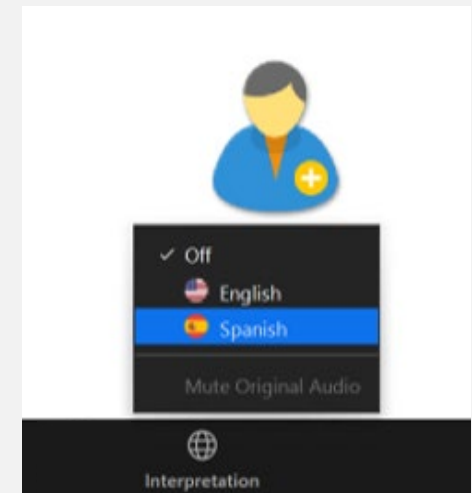
Interpretation Logistics

➞ 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.
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- 要以普通话参加会议，请单击口语图标并选择 "Chinese".
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- “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: Opening Remarks – Staci Rubin, DPU Commissioner
- 1:15: Overview of 2024 Climate Act – Katie Gronendyke, Clean Energy Policy Advisor
- 1:35: DOER Presentation – Rick Collins, Director, Clean Energy Siting and Permitting
- 1:45: Short Q&A
- 1:55: EFSB Introduction – Connor Tarr, Attorney, Siting Division
- 2:05: EFSB Application Straw Proposal – Andy Greene, Director, Siting Division
- 2:35: Q&A
- 2:50: Break
- 3:05: EFSB Dashboard Overview
- 3:10: Open Q&A
- 3:55: Wrap-up

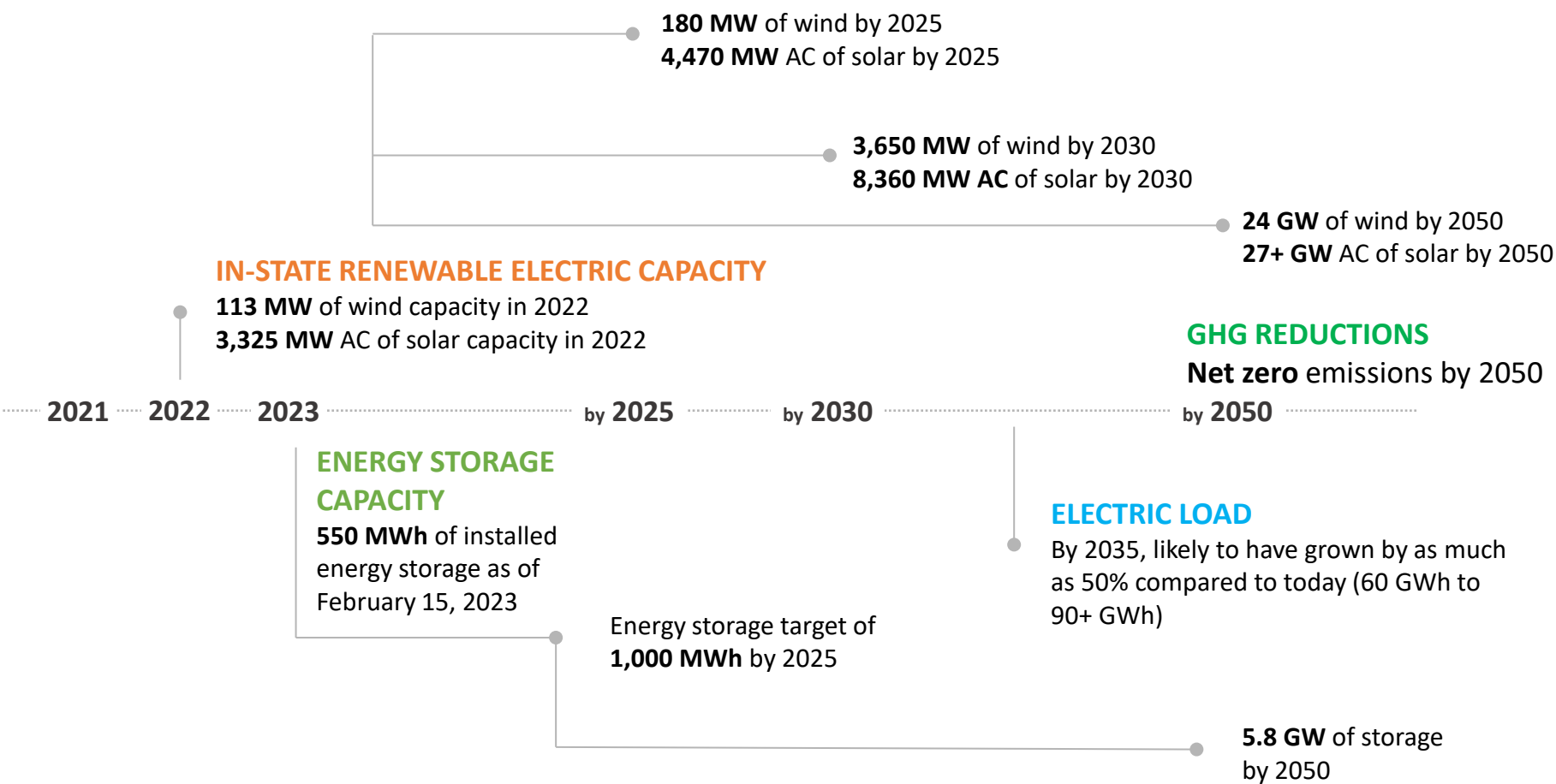


Energy Facilities Siting Board Implementation

- 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.



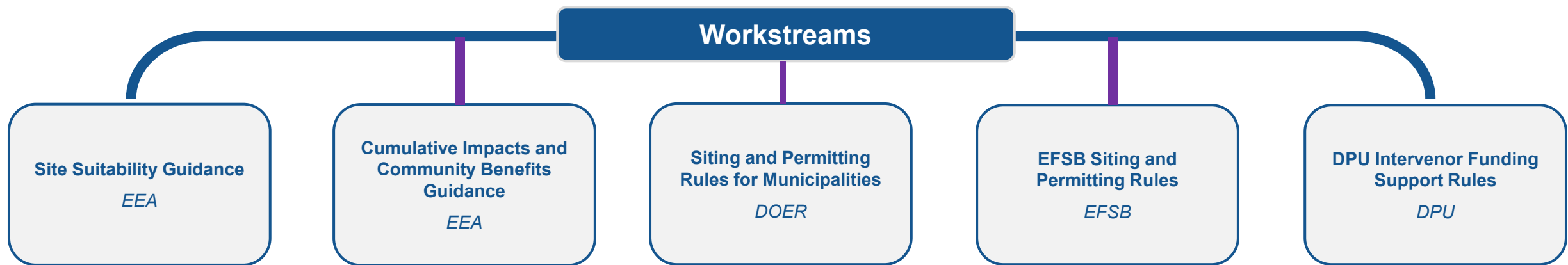
Additional Reforms

- 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



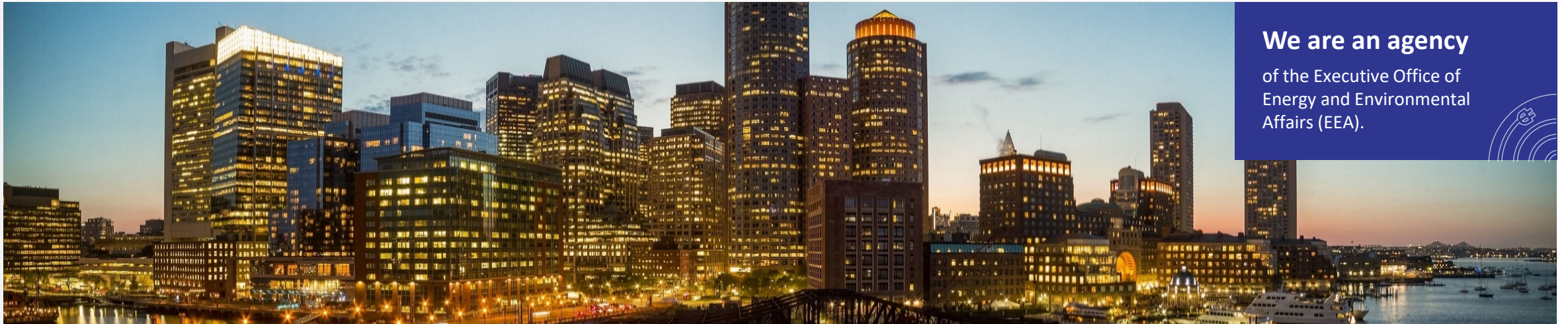
- Regulations are required to be promulgated by March 1, 2026.
 - Governor's supplemental FY25 budget filed on April 2nd proposes extending this deadline to May 1, 2026.
- EEA, DPU, and EFSB have scheduled four stakeholder meetings for April and May, and are releasing straw proposals on specific topics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

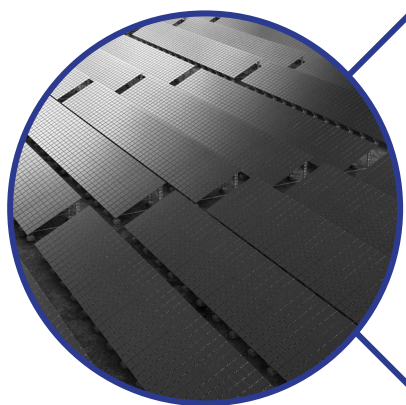


We are an agency

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.





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 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
 - For new corridor: ≥ 69 kV **and** ≥ 1 mile in length
 - Existing corridor: ≥ 115 kV **and** ≥ 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
 - Gas storage facilities (LNG or CNG) over 25,000 gallons
 - Oil facilities/pipelines over 1 mile in length; new storage tanks over 500,000 barrels
- The Siting Board conducts adjudicatory proceedings; issues decisions on petitions to construct and certificates of environmental impact and public interest, for jurisdictional facilities; also exercises zoning exemption authority.
- Siting Board decisions can be appealed directly to the Supreme Judicial Court.
- DPU Siting Division serve as staff to the EFSB and DPU Commission



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

- 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. 2024 Climate 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 requirements
 - Creation of Dashboard
 - Siting Board to meet in hybrid public Siting Board meetings
 - Common Standard Application



2024 Climate Act Provisions for a “Common Standard Application”

- “Common Standard Application” is the term used in the 2024 Climate Act for a filing by a proponent seeking “Consolidated Permits” from the EFSB and local government.
- Assigns responsibilities to EFSB and DOER for creating various types of CEIF applications.
- Provides high-level description of application contents for various types of CEIF.
- Does not prescribe the format and details of an application; this regulatory task is left to EFSB and; EFSB staff proposal for the EFSB application is the subject of today’s session.



EFSB & DOER Applications for Clean Energy Infrastructure Facilities

- **EFSB Role:** establish a "common standard application" for: (1) consolidated state and local permits; and (2) consolidated state permits
 - Large Clean Energy Infrastructure Facilities ("LCEIF") (§ 69T) [consolidated state + local permits].
 - Small Clean Transmission and Distribution ("SCT&D") Facilities (§ 69U) [consolidated state + local permits].
 - Small Clean Energy Generation ("SCEG") and Small Clean Energy Storage Facilities ("SCES") (§ 69V) [consolidated state permits].
- **DOER Role:** establish a "common standard application" for consolidated local permits for Small Clean Energy Infrastructure Facilities ("SCEIF"):
 - Small Clean Generation, Storage, and T&D Facilities.



Clean Energy Infrastructure Facilities

Facility Type/Description	Capacity/Size	Permitting Authority
Generation – Solar; Wind; Anaerobic Digester	≥ 25 MW (Large)	EFSB – Consolidated State and Local Permit & Pre-filing Process per § 69T
	< 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
Energy Storage System	≥ 100 MWh (Large)	EFSB – Consolidated State and Local Permit & Pre-filing per § 69T
	< 100 MWh (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
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 State and Local 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 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 Application Responsibility; DOER Responsibility to Develop Applications



2024 Climate Act Provisions for EFSB Clean Energy Infrastructure Applications

Specified Application Elements	LCT&D (or SCT&D)	LCES or LCEG (or SCES/SCEG)
Description of the facility site and surrounding areas	✓	✓
Analysis of need and energy benefits	✓	Only energy benefits
Description of alternatives to the facility, including siting and project alternatives	✓	Only siting alternatives
Description of environmental impacts of the facility, including burdens and benefits	✓	✓
Project cost	✓	
Evidence that all pre-filing consultation and community engagement requirements have been met	✓	✓
Cumulative impact analysis	✓	✓

EFSB Procedural Flow Chart

EFSB 15-MONTH PROCESS

➤ = application window

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

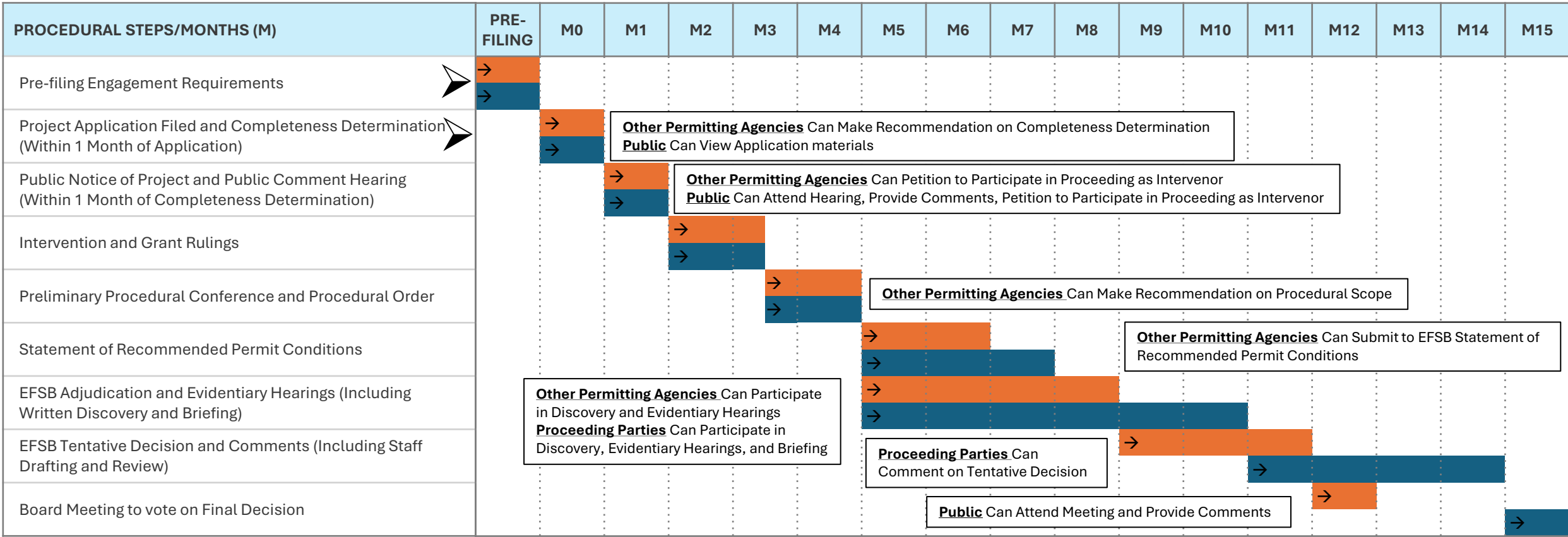
- Interconnection Lines for Offshore Wind Facilities
- Large Energy Storage Facilities (≥100 MWh)
- Large Clean Energy Generation Facilities (≥25 MW)

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)





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 sunset of MEPA for most CEIFs per 2024 Climate Act, consider adding useful and unique informational items that the MEPA process illuminated



Application Development Process by Staff

- Research on applications by siting/permitting agencies in other states, especially those with consolidated permitting programs: NY, OR, WI, MI, RI, NH, CA.
- Identify state, local, and regional permits typically issued for energy facilities in Massachusetts using years of EFSB cases and MEPA filings.
- Informal consultations with Massachusetts state and local permit agency colleagues, and officials in other states; seek additional stakeholder input (including a possible future questionnaire).
- Staff spent time brainstorming and meeting with other agency staff.



Aggregation of Existing Applications vs. Purpose-Built Applications

Consideration/Attribute	Aggregation of Existing Applications	Purpose-Built Applications
Description	Would include: (1) a “broad-scope section” like EFSB filings today; and (2) an “all other requirements” section, including permit applications and filings that would otherwise be required by state, regional, and local agencies	Single, integrated, comprehensive set of filing requirements, which would avoid the need to submit each permit application otherwise required
States using this approach	RI, NH, OR (partially)	NY, WI, MI (Note: WI and MI siting approvals have limited ability to issue other state and local permits)
Avoidance of duplicative information/conflicting provisions	Provide guidance to applicants on cross referencing information to avoid duplication; allow applicants to identify conflicting standards/provision and propose remedies	Built to avoid duplication and conflicting provisions
Ease of development and implementation	Builds on existing forms, agency guidelines, and targeted refinements of EFSB filing materials	Would involve an extensive research and development effort, and interagency development
Usefulness to other agencies for recommended permit conditions & enforcement oversight	Very useful since information is provided in a familiar format	Not as useful since agencies may struggle with unfamiliar application forms and filing documents
Staying current with new laws, policies, and programs	Remains current as agency laws, regulations, and practices evolve	Would require continuous updating



Application Model Evaluation by Staff

Application Criteria	Aggregation of Applications	Purpose-Built Applications
Effective, timely, robust results	=	=
Avoidance of duplicative information and conflicting provisions		✓
Ease of development and implementation	✓	
Usefulness to other state and local agencies for input and enforcement activities	✓	
Staying current with new laws, regulations, policies, and programs (self-updating)	✓	
Staffing demands	=	=



Application Development : Health, Safety and Environmental Standards

- 2024 Climate Act requires EFSB to establish a uniform set of baseline health, safety, environmental, and other standards for a consolidated permit.
- To date, EFSB has not set specific numerical standards that establish “compliant” environmental or other impacts – with some exceptions.
- EFSB relies on other standards set by federal, state, and local agencies, or other standard-setting organizations (e.g., National Fire Protection Association).
- Potential candidates for EFSB standards: electromagnetic fields, noise, emergency response plans, climate resiliency measures, SF₆ use, groundwater protection measures, etc.



Application Development: Site Suitability, Cumulative Impacts, Route/Site Scoring

- EFSB is required to establish standards for applying site suitability criteria developed by EEA to evaluate “the social and environmental impact” of proposed CEIFs.
- EEA Office of Environmental Justice and Equity (“OEJE”) to develop standards and guidelines for applicants conducting cumulative impact analysis (“CIA”); EFSB to develop standards to apply these in its regulations.
- EFSB has used route/site scoring systems based on environmental and engineering factors for many years and could refine for future use.
- EFSB could explore the integration of the above requirements in a new scoring process; could include this product in application regulations/guidance.



Application Development: IT Issues

- Consolidated Permit applications are likely going to be voluminous; could cover 10-20 or more individual permits formerly issued by other agencies.
- EFSB and stakeholders need an IT filing platform that works well; some important features to consider:
 - System must be able to handle very large file sizes.
 - Could the system include a user-uploaded comment portal (which does not require agency staff manual posting)?
 - Should the system provide automatic notifications to the service list (deadlines are tight)?
 - System must have the ability to efficiently port docket contents to EFSB that start as Consolidated Local Permit applications, if transferred by municipality, or per de novo adjudication.
- IT needs flagged by other state agencies
 - Need ability to transfer EFSB application information to IT systems used by other permitting agencies for compliance, fiscal, and other purposes.



Application Development: EFSB Approval to Construct

- EFSB has not had a “standard application” for its basic “approval to construct.” A standard application should include:
 - A well-structured format for basic project information
 - Summary of pre-filing process and evidence of its completion
 - Guidelines for demonstration of need (if applicable) and energy benefits
 - Description of project alternatives, including grid-enhancing technologies
 - Route/site selection process with scoring based on site selection criteria, cumulative impacts analysis, and other indicators suggested by EFSB
 - Structured information on environmental impacts, costs, reliability
 - Compliance with energy and environmental policies of the Commonwealth
 - Zoning exemption requests (if applicable)
 - Project overview video



Application Completeness

- Application “completeness” determination by presiding officer is required within 30 days of filing. Completeness determination starts the mandatory review clock (or need for further information).
- Important aspects of the completeness determination:
 - EFSB would look for “substantial and material compliance” with all informational requirements appropriate for the permits sought.
 - Applicant must identify all relevant local, regional, state permits, authorizations, approvals that would otherwise be required.
 - Applicant will be instructed to identify conflicting standards, use more restrictive standards, if feasible; propose resolution of conflicts.
 - EFSB will seek state and local agency input on completeness determination.



Application Fees

- 2024 Climate Act creates new funding mechanisms to support the work of the EFSB and related DPU functions.
 - Assessment of up to 0.1% on electric distribution companies to fund operation and general administration of the Siting Division, IT needs, and consultants for review of CEIFs.
 - Up to \$3.5 million yearly assessment on gas and electric utilities to fund the Intervenor Support Grant Program.
 - Application fees are to be promulgated by regulation for use in supporting the EFSB Trust Fund, and EFSB/DPU Intervenor Support Grant Program.
 - EFSB & DPU staff are working on a regulatory proposal for application fees.



Coordination with DOER

- For LCEIF, EFSB will develop applications that address local permit topics, in addition to state permits.
- EFSB also has review responsibilities for consolidated local permits for SCEIF, in certain cases.
- DOER has primary responsibility for developing applications and standards for consolidated local permit requests.
- EFSB and DOER are discussing whether to have similar, if not the same, applications and standards applicable to SCEIF, given overlapping roles on SCEIF.
- EFSB and DOER are coordinating closely.



Other Application Issues: Federal Permit Exclusions

- 2024 Climate Act states that consolidated permits will exclude federal permits that “are delegated to specific state agencies” as determined by the Siting Board. However, the EFSB may be able to issue a permit from a federal program if it is based on standards in state law. See e.g., Section 401 Water Quality Certificate.
- Historically, the determination of what is excluded is challenging:
 - In Footprint Power, the applicant requested EFSB issuance of a Prevention of Significant Deterioration (“PSD”) air permit, asserting that U.S. Environmental Protection Agency allowed EFSB to issue the permit.
 - MassDEP opposed this interpretation. EFSB agreed with MassDEP and did not include the PSD permit.
- DFG (and its Division of Fisheries and Wildlife) have raised concerns about delegated federal authority under the Massachusetts Endangered Species Act (“MESA”).



Other Application Issues: Timing Concerns

- 12- or 15-month deadlines for EFSB final decisions on state and local permits mean that data collection and studies will need to begin well in advance of application filing dates.
 - Evaluations of many ecological resources are dependent on particular seasonal data and must be conducted before applications are submitted.
 - Additional studies due to project changes after application submission may not fit within the EFSB timeline.
- EFSB will need to develop some type of mechanism to address specific permits that cannot be included in a consolidated permit due to incomplete data and analysis.
 - EFSB could consider carve-out provisions, or possibly treat as a project change.



Questions, Answers, Discussion



The meeting will resume at
3:05 p.m.



Clean Energy Infrastructure Dashboard

<https://www.mass.gov/info-details/efsb-permitting-dashboard>



Upcoming Stakeholder Sessions

- 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>



General Questions, Answers, Discussion

www.mass.gov/climateact

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