



# 2024 Climate Act Stakeholder Session 3

April 24, 2025, Roxbury Community College

Hybrid Meeting

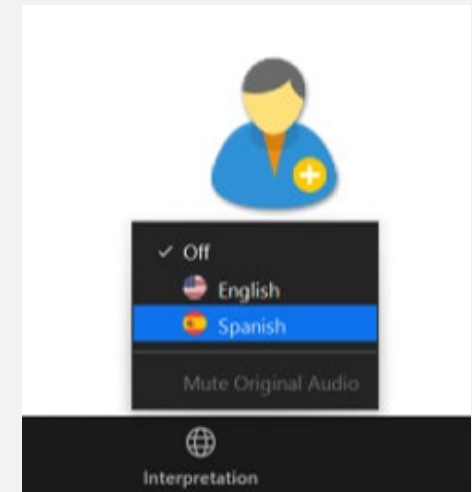
# Interpretation Logistics

➔ 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.



# Welcome from Alternatives for Community & Environment



## Environmental Racism Is Nothing New

Race is the most significant predictor of a person living near contaminated air, water, or soil.

**56%**

of the population near **toxic waste** sites are people of color.



Are

**2x**

more likely to live without **potable water** and **modern sanitation**.

Have

**38%**

higher **nitrogen-dioxide** exposure.

People of color:

Have seen

**95%**

of their claims against polluters **denied by the EPA**.

**THE Nation.**  
ENVIRONMENTAL RACISM: SOURCE: EPA

ENVIRONMENTAL INJUSTICE IS **CUMULATIVE**



**Figure 7. Asthma Among Adults by Neighborhood, 2017, 2019, and 2021 Combined**

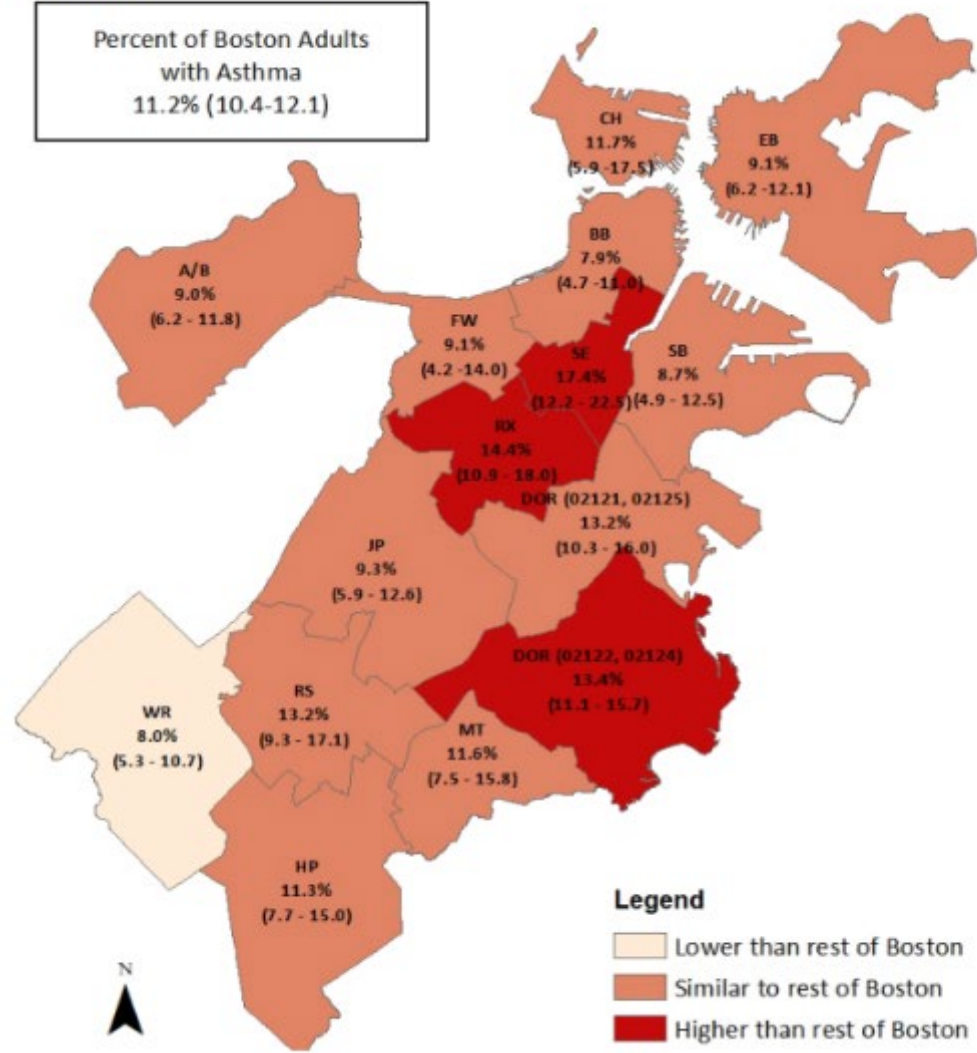
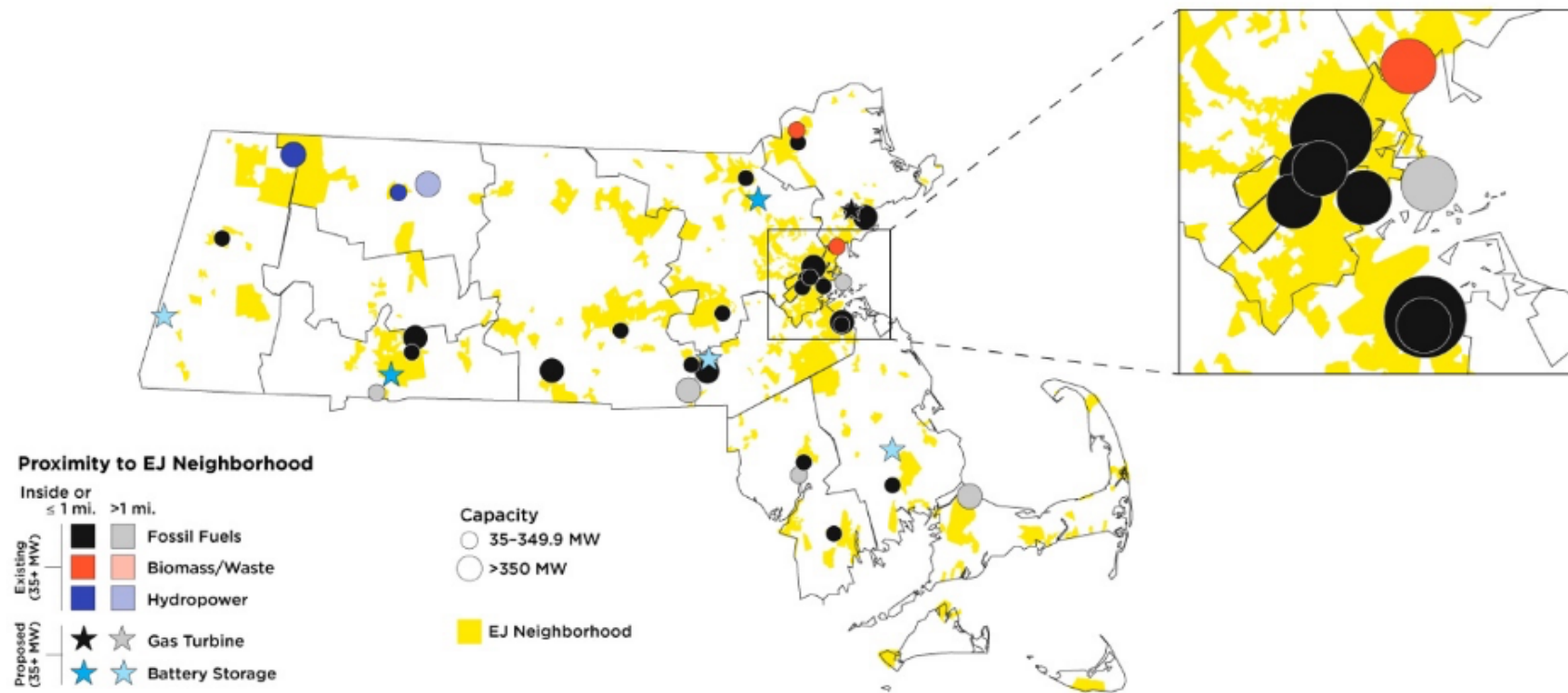


Figure 1. Proximity of Existing and Proposed Electricity Generating Projects to Environmental Justice Neighborhoods



*While EJ neighborhoods and power plants are located across the state, the largest emitting electricity generating units are disproportionately in or beside EJ neighborhoods. Of the proposed power projects larger than 35 MW, the one emitting power plant (gas-fueled) would be located in an EJ neighborhood, as would one-third of the proposed energy storage projects (two of six).*

*Note: Circles represent power capacity per site aggregated by fuel/technology. Not included are the state's four proposed offshore wind projects and one associated battery storage project.*



**Table 1. Proximity of Electricity Generating Units to Environmental Justice Neighborhoods**

	Emitting Sources				Non-Emitting Sources			
	Gas	Other Fossil Fuels	Waste	Biomass	Solar	Wind	Hydro	Storage
Units within an EJ neighborhood	60	56	6	1	122	12	57	26
Units within 1 mile of an EJ neighborhood	33	11	11	5	189	6	14	28
Total units in state	114	77	17	9	598	35	98	96
Percentage within or within 1 mile of an EJ neighborhood	<b>82%</b>	<b>87%</b>	<b>100%</b>	<b>67%</b>	<b>52%</b>	<b>51%</b>	<b>72%</b>	<b>56%</b>

*Emitting electricity generating units are located disproportionately near EJ neighborhoods: 84 percent are in or within one mile of EJ neighborhoods, which make up only 52 percent of the census block groups in the state. Fifty-five percent of non-emitting sources are located in or next to EJ neighborhoods.*

*Note: Waste includes landfill gas and municipal solid waste. Biomass includes wood and wood processing waste, agricultural crops and waste materials, and animal manure and human sewage for producing biogas.*

# TODAY'S AGENDA



- 5:30: Interpretation Overview
- 5:40: Welcome by Alternatives for Community and Environment (ACE)
- 5:45: Opening Remarks – María Belén Power, Undersecretary of Environmental Justice & Equity, EEA and Staci Rubin, DPU Commissioner
- 5:55: Overview of 2024 Climate Act – Michael Judge, Undersecretary of Energy, EEA
- 6:05: DOER Presentation – Rick Collins, Director, Clean Energy Siting and Permitting, DOER
- 6:15: Short Q&A
- 6:20: EFSB Pre-filing Engagement Requirements – Veena Dharmaraj, Director, EJ & Public Participation, DPU
- 6:40: Short Q&A
- 6:50: Remarks by James Van Nostrand, Chair, DPU
- 7:00: DPU and EFSB Intervenor Support Grant Program – Veena Dharmaraj, Director, EJ & Public Participation, DPU
- 7:20: Short Q&A
- 7:25: Break
- 7:40: Community Benefits Plan Guidelines – María Belén Power, Undersecretary of Environmental Justice and Equity, EEA, and Crystal Johnson, Assistant Secretary of EJ, Office of Environmental Justice and Equity, EEA
- 8:05: General Q&A
- 8:25: Upcoming Stakeholder Session and Closing Remarks





- 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**



# 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:  $\geq 69$  kV **and**  $\geq 1$  mile in length
    - Existing corridor:  $\geq 115$  kV **and**  $\geq 10$  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.
- Department of Public Utilities (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.

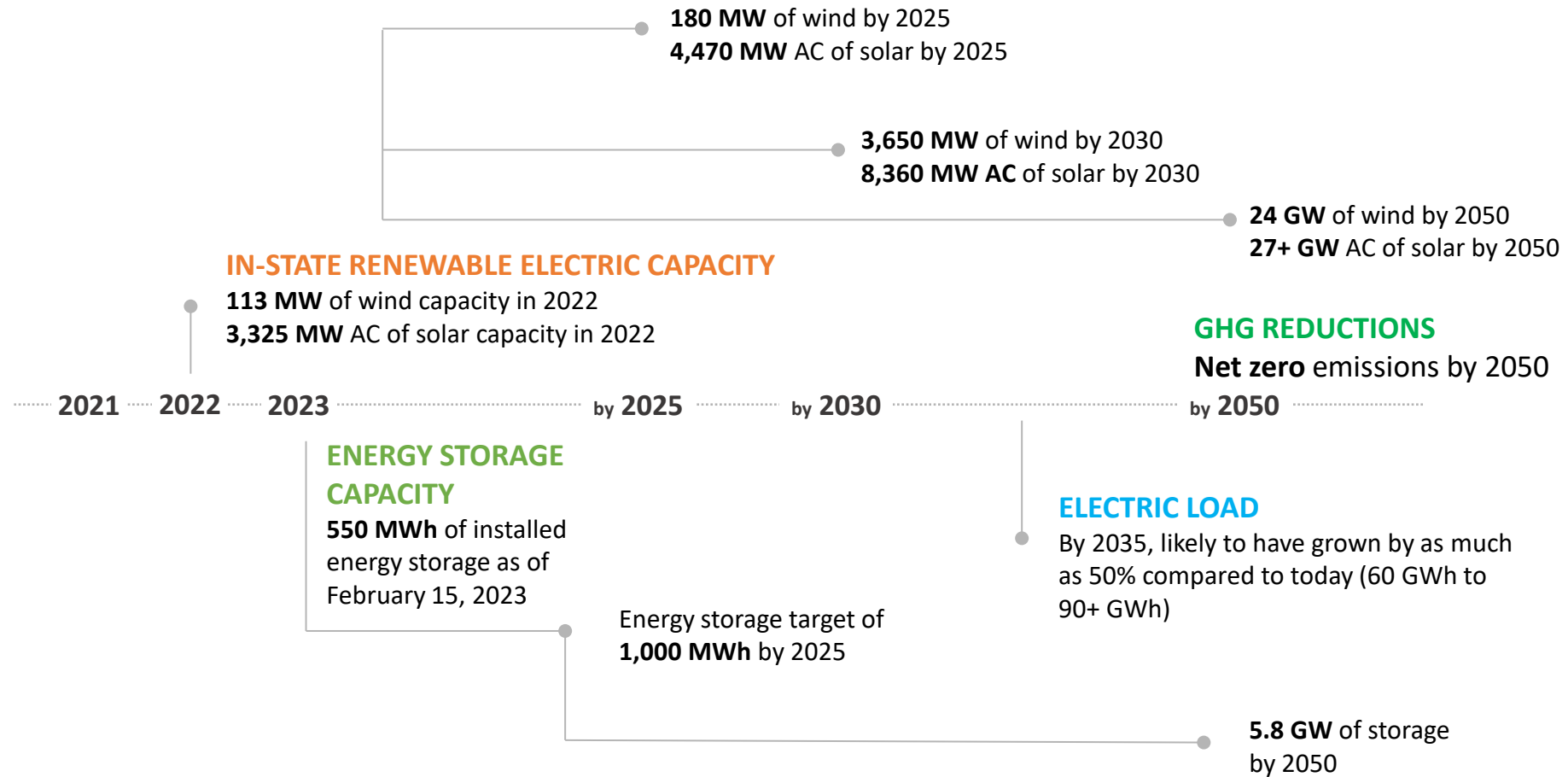


# New Requirements for the Siting Board (cont.)

- 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



# 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

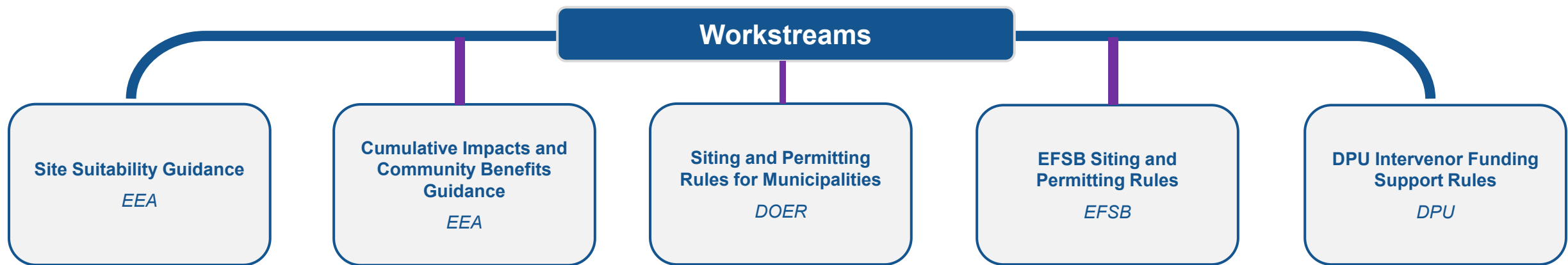
- EEA required to establish site suitability methodology and guidance to inform state and local permitting processes about the suitability of sites for clean energy development, and help developers to avoid, minimize and mitigate environmental impacts.
- Five new seats on EFSB:
  - Commissioner of Department 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 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 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](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.

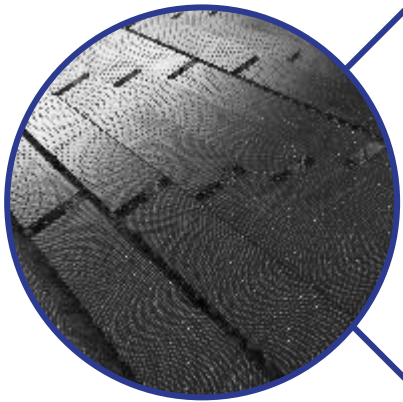


## We are an agency

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.





# EFSB Pre-filing Engagement Requirements

DPU and EFSB Staff Straw Proposal

April 24, 2025

## EFSB Pre-filing Requirements

- Requires the EFSB to establish pre-filing requirements. G.L. c. 164, § 69T
  - Calls for pre-filing consultations with permitting agencies and the Massachusetts Environmental Policy Act (MEPA) office.
  - Requires public meetings and other forms of outreach before the applicant submits its application to EFSB.
- Requires applicants to provide evidence that all pre-filing consultation and community engagement requirements have been satisfied.

## Role of the Division of Public Participation

- Creates the Division of Public Participation (DPP) at the DPU to:
  - Assist stakeholders in navigating and clarifying pre-filing requirements in coordination with EEA's Office of Environmental Justice and Equity (OEJE); and
  - Facilitate dialogue among stakeholders involved in the permitting process.

# Existing EFSB Pre-filing Practices



Currently EFSB does not have a prescriptive pre-filing engagement requirement



Pre-filing outreach has varied across projects



Pre-filing outreach by project proponents has included:

- Door-to-door outreach to project abutters, open houses, and municipal consultation
- Emails, and information on project websites



Proponents have provided information including on project need, design considerations, and schedule for the project



Energy infrastructure projects going through a (MEPA) review need to comply with pre-filing requirements for environmental justice populations

# Objectives for EFSB Pre-filing Engagement Requirements



Establish explicit EFSB 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

# 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



# EFSB Pre-filing Outreach Requirements

- Pre-filing outreach requirements
  - Phase 1 pre-filing outreach requirements
  - Phase 2 pre-filing outreach requirements
- Pre-filing notice of intent to file application
- Documents to be submitted (filed) along with the pre-filing notice

## Phased Pre-filing Outreach Requirements

**Phase 1 Pre-filing Outreach**

- Occurs early during project planning when multiple potential routes and/or sites are under consideration.
- Seeks targeted feedback from key stakeholders including state and local permitting agencies, project abutters, community groups, and municipal representatives

**Phase 2 Pre-filing Outreach**

- Occurs when there are a narrower set of potential routes and/or sites that respond to input from Phase 1 outreach.
- Includes outreach to Phase 1 stakeholders and the wider community to gather feedback and requires applicant to conduct at least two public meetings.

### Duration of Pre-filing Engagement

Large Clean Energy Infrastructure Facilities – at least 15 months  
Small Clean Energy Infrastructure Facilities – at least 12 months

Pre-filing Outreach Requirement for Proponent	Large Clean Energy Infrastructure Facilities		Small Clean Energy Infrastructure Facilities	
	Timing	Duration	Timing	Duration
Meet with DPP & OEJE to confirm outreach & clarify documentation needs	At least 12 months prior to pre-filing notice with EFSB	n/a	At least 9 months prior to pre-filing notice with EFSB	n/a
Consult MEPA and state & local permitting agencies as appropriate	Begins at least 12 months prior to pre-filing notice with EFSB	At least 3 months	Does not require consultation with MEPA	At least 3 months
Consider site suitability criteria and cumulative impact analysis guidance			Begins at least 9 months prior to pre-filing notice with EFSB	
Meet with key stakeholders including municipal officials, potential project abutters, & community group			Signifies end of Phase 1 outreach	
Submit self-attested Phase 1 outreach completion checklist to DPP & update project webpage with Phase 1 outreach info	Signifies end of Phase 1 outreach			

## Timing and Duration of Phase 1 Pre-filing Outreach Requirements

Pre-filing Outreach Requirement for Proponent	Large Clean Energy Infrastructure Facilities		Small Clean Energy Infrastructure Facilities	
	Timing	Duration	Timing	Duration
Demonstrate efforts to inform, involve, and partner with community organizations, state, and municipal officials	Throughout Phase 2 outreach	9 months	Throughout Phase 2 outreach	6 months
Publicize project information and maintain updated project website				
Conduct first public meeting	Near start of Phase 2		Near start of Phase 2	
Conduct (second) consultation with MEPA and state & local permitting agencies	After first public meeting		After first public meeting	
Submit pre-filing notice to EFSB	No less than 90 days and no more than 120 days before filing project application	3 months	No less than 90 days before filing project application	3 months
Conduct second public meeting	At least 45 days before filing project application with EFSB		At least 45 days before filing project application with EFSB	
Submit self-attested Phase 2 outreach completion checklist to DPP	Signifies end of Phase 2 outreach		Signifies end of Phase 2 outreach	

## Timing and Duration of Phase 2 Pre-filing Outreach Requirements

# Information Communicated with Stakeholders During Phase 1 Pre-filing Outreach



Project description  
Purpose & need of project  
All potential routes / sites under consideration with location maps  
General comparison of anticipated impacts of each alternative under consideration



How routes/sites under consideration meet site suitability criteria and cumulative impacts analysis (CIA) guidance



List of required federal, regional, state, and local permits



Estimated timeline for filing application with EFSB



Future opportunities for input on the project

- 
- ✓ At the end of Phase 1 outreach, proponent should post the following on project website - Materials shared during Phase 1 meetings, list of stakeholders contacted, feedback received and how it was considered, including modifications or deselection of routes/sites under consideration

## Phase 1 – Targeted Outreach to Key Stakeholder

# Information Communicated with Stakeholders During Phase 2 Pre-filing Outreach



How project applicant responded to Phase 1 feedback including criteria used for deselection of certain route/site alternatives or ranking alternatives



How routes/sites meet site suitability criteria and cumulative impacts analysis guidance, potential environmental, health, and safety impacts



Results of any studies or analyses that are ongoing or completed



Project webpage should include current project information, plain language summary, current information on route/site options under consideration, outreach materials, contact information of project proponent, how to request translation and/or interpretation, option to sign up to a project email distribution list



Those signed up to the email distribution list should receive quarterly project progress updates, reminders about how to submit comments/participate, and estimated timeline for filing application with EFSB

- 
- ✓ At the end of Phase 2 outreach proponent should submit a self-attested Phase 2 outreach completion check-list to DPP before filing the project application with EFSB

## Phase 2 – Wider Community Outreach + Outreach to Phase 1 Stakeholders

# Pre-filing Engagement Requirements for Project Proponents



Arrange for interpretation and/or translated materials upon request for Phase 1 and, in line with the EFSB's practice for identifying limited English proficiency designated geographic areas as per the EFSB Language Access Plan (LAP), during Phase 2. Outreach materials should also include information on how to request translation and/or interpretation services



Tailor outreach based on project impacts and benefits, and demographics of the potentially impacted population



Hold public meetings at reasonable times and in locations that community members routinely use



Use multiple outreach channels including door-knocking, emails, social media, flyers in community gathering spaces, radio spots



Include sufficient time for receiving public comments and answering stakeholder questions during public meeting. Hosting hybrid meetings is encouraged to make it accessible for more people



## Documentation to be Submitted with Pre-Filing Notice

- ✓ Confirm timing of meeting with DPP and OEJE staff
- ✓ Self-certification that all requirements of Phase 1 outreach were met and status of Phase 2 outreach efforts
- ✓ Information on outreach materials created, outreach recipients, date of contact, and tools used to involve and encourage input from stakeholders
- ✓ Agenda for community meetings held, meeting notes that include any concerns, suggestions, and site alternatives/modifications
- ✓ An appendix summarizing pre-filing comments received, how they were considered in project design, and any significant design revisions
- ✓ Any partnerships developed with local stakeholders to provide input as an advisory body
- ✓ Community benefits plan developed, if applicable

# Request for Comments

- How many site/route alternatives are typically considered for different project types (e.g., solar, wind, battery storage, transmission)? At what stage of the project development cycle are the project site/route options under consideration ready to be shared with stakeholders during Phase 1 outreach?
- At what point should pre-filing engagement change from Phase 1 (targeted outreach to key stakeholders) to Phase 2 (broader information sharing with wider community)? Should it be based on the number of routes/sites under consideration or other parameters?
- The straw proposal suggests that Phase 2 outreach requirements for large clean energy infrastructure facilities should commence at least 9 months before the proponent submits the pre-filing notice to EFSB. For small clean energy infrastructure facilities that will obtain EFSB review, Phase 2 should commence at least 6 months before. Does this timing need to be modified? If yes, what is a proposed timeline?
- Are there additional pre-filing requirements that should be considered to improve transparency and ensure that potentially impacted stakeholders have an opportunity to provide input, especially around route/site selection?



# DPU & EFSB Intervenor Support Grant Program

Staff Straw Proposal

April 24, 2025

# 2024 Climate Act Provisions for the DPU and EFSB Intervenor Support Grant Program

- Establishes the Intervenor Support Grant Fund (G.L. c. 25, §12S)
- Requires DPU and EFSB in consultation with OEJE and the Office of the Attorney General to promulgate regulations to implement the Intervenor Support Grant Program by March 1, 2026 (G.L. c. 164, § 149)
- Establishes the DPU Division of Public Participation (DPP) (G.L. c. 25, § 12T)
  - Tasks 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 (G.L. c. 164, § 149)

## Goal of Intervenor Support Grant Program

- Provide financial assistance to eligible entities (e.g., community groups, smaller municipalities) 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
- Enable diverse voices and viewpoints in energy-related decision making

# Funding Mechanism and Assessment Authority

- ✓ G.L. c. 25, §12S authorizes the DPU to credit the following appropriations to the Fund:
  - Appropriations specifically designated to be transferred to the Fund;
  - A portion of annual assessments collected from electric and gas companies under DPU's jurisdiction;
  - A portion of application fees to construct EFSB-jurisdictional facilities;
  - Non-ratepayer funded sources or income derived from investments of amounts credited to the Fund; **and**
  - Any unused balance shall remain in the Fund for use in subsequent fiscal years.
  
- ✓ G.L. c. 25, §18 authorizes the DPU Commission to make the following assessments:
  - Assess 0.1% of intrastate operating revenues of electric companies under DPU jurisdiction. A portion of this assessment will be credited to the Fund;
  - Assess intrastate operating revenues of gas and electric companies under DPU jurisdiction to produce an amount not more than \$3.5 million annually to support the Program;
  - A portion of the assessments shall be credited to the EFSB Trust Fund and the DPU and EFSB Intervenor Support Fund; and
  - Unexpended funds shall be credited against assessments made the following year and assessments in the following fiscal year will be reduced by unexpended amount.

# Parties Eligible for Intervenor Support Grant 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 that may be specifically and substantially affected by a proceeding

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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. Whether an applicant lacks financial resources



2. Whether the applicant has previously intervened in a proceeding or participated since creation of the Program. Municipalities with a population < 7,500 are exempt from this criterion



3. How the applicant proposes to substantially contribute to the proceeding



4. Whether the applicant proposes an achievable, reasoned, and clearly stated plan for participating in the proceeding



5. Whether the applicant has a unique perspective not adequately represented by other parties to the proceeding



6. The amount and reasonableness of funds requested and proposed budget items

Eligibility criteria 1 and 2 are from G.L. c. 164, § 149 (b) of the 2024 Climate Act



## Timing of Grant Application & Decisions

- Application request forms should be submitted no later than the deadline to intervene in a DPU or EFSB proceeding as specified in the notice of the proceeding
- Application is reviewed for completeness within 14 business days of receipt
- Director of DPP will make conditional grant awards provided grant is not awarded until intervenor status is granted
- 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
- DPP Director's decision on whether to approve grant funding is final and not subject to further review ([Section 82 \(i\)](#))

## Grant Funding

- 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
- DPU 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 in which the applicant has participated
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

# Grant Payment Request and Compliance Requirements



Grant payment requests can be **submitted upfront** before costs are incurred upon showing of financial hardship



Request will include basic information about grantee (e.g., name, address, contact details), proceeding docket # and case caption, grant amount awarded, funds received to date



Advanced payment should include itemized details of planned expenses with a brief description and invoices. Grant payments will be made within 30 days of receipt of request.



Grant payment can be **requested as reimbursements** of costs multiple times during a proceeding as costs are incurred



Request will include basic information about grantee (e.g., name, address, contact details), proceeding docket # and case caption, grant amount awarded, funds received to date



Reimbursement payment should include itemized details of funds spent and activities conducted with funds, receipts, and an attestation of the veracity of information submitted. Grant payments will be made within 30 days of receipt of request.

## Compliance Requirements

Within 30 days of completion of the proceeding, grantee must submit a report with details of

- (i) How funds were used;
- (ii) Grantee's substantial contribution to the proceedings; and
- (iii) Demonstrate that their participation and use of funding did not delay the proceeding.

# Eligible and Ineligible Uses of Grant Funds

## Eligible Uses of Grant Funding (G.L. c. 164, § 149 (g))



Retain qualified legal counsel, experts including qualified community experts and consultants



Up to 10% can be used on non-legal and non-expert, and non-consultant administrative costs associated with participation

## Ineligible Uses of Grant Funding



Purchase or lease of equipment



Political lobbying related to the project



Advertising or marketing costs to publicize the applicant's view on the proceeding



Costs to appeal DPU or EFSB final decision in a proceeding

# Program Outreach Efforts and Metrics Tracking

## G.L. c. 164, § 149 (k) requires Director of DPP to develop:



An accessible, multi-lingual, and plain language web-based educational materials, including forms and templates to educate prospective grantees and the public about the Program



A robust virtual and in-person outreach program to educate prospective grantees and the public about funding opportunities

## G.L. c. 164, § 149 (j) requires DPP to:



Describe in its annual report all activities of the Fund e.g., money awarded, number of applicants, and intervenors' impact and contributions to DPU and EFSB proceedings.

## Section 136 of the 2024 Climate Act requires DPP to:



Review the Program no later than June 1, 2029, and provide public comment opportunity to determine whether the Program and corresponding regulations should be amended.

- What additional eligibility criteria should be considered, if any, to determine allocation of funding to prospective grantees?
- What criteria should be applied to determine if intervenors can share costs through collaboration with other parties in a proceeding to encourage cost efficiency and minimize redundancy?
- When should a fund-supported intervenor be able to obtain funding that exceeds the maximum funding threshold of \$150,000 for a proceeding? What circumstances could qualify as “new, novel or complex issues” that may warrant additional funding?
- What informational resources should be available on the DPU DPP webpage for those applying for intervenor funding?
- Should there be a maximum amount of the grant award (e.g., 75%) that can be provided upfront for those with financial hardship, or should this be determined on a case-by-case basis?



# Questions, Answers, Discussion





**The meeting will resume at 7:40 p.m.**



# Community Benefits Plans (CBP) in Energy Infrastructure Siting

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

April 2025



# The Office of Environmental Justice and Equity

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- 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 analyses.



# Key Terms to Know

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- ✓ **Environmental Justice (EJ):** Environmental justice is the equal protection and meaningful involvement of all people and communities with respect to the development, implementation, and enforcement of energy, climate change, and environmental laws, regulations, and policies and the equitable distribution of energy and environmental benefits and burdens.
- ✓ **Disadvantaged Community(-ies):** A community or communities experiencing disproportionate environmental, climate, public health, and economic burdens.
- ✓ **Meaningful Engagement:** Early, continuous, accessible, and culturally competent public involvement that allows for community input to inform decision-making and public policy.
- ✓ **Just Transition:** Economic and social shift to clean energy that centers equity, environmental justice, workers and frontline communities.



# What is a Community Benefits Plan?

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



# Why CBPs Matter

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- Historically, disadvantaged communities 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





# Community Engagement Process – Core Principles

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- ✓ **Begin Early:** Communities should be engaged early in the project development process — before decisions are finalized—to shape meaningful outcomes.
- ✓ **Ensure Inclusion:** Impacted disadvantaged communities and those historically marginalized should be prioritized. Participation should be accessible and equitable.
- ✓ **Build Trust Through Transparency:** Open, honest communication about project goals, risks, benefits, and limitations fosters trust and credibility between communities and project proponents.
- ✓ **Respect Cultural Relevance:** Engagement efforts should reflect and respect the community's language, values, history, and communication styles to be meaningful and accessible.
- ✓ **Make Engagement Ongoing:** Engagement is not a checkbox—it's a continuous, iterative, two-way dialogue throughout the project development, siting and permitting.
- ✓ **Embed Accountability:** Create mechanisms to track progress, honor commitments, and empower community oversight.



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

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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

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## 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**



# Components of the CBP

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1. **Executive Summary:** A concise overview of the project, the engagement process, key benefit outcomes, and intended outcomes.
2. **Project Description and Context:** A summary of the proposed energy infrastructure, including need for the project, location, size, type of technology, timeline, and potential impacts.
3. **Community Engagement Summary:** A description of the outreach and engagement process used to develop the CBP. Include: methods of outreach, meeting dates and locations, participation metrics, key themes from community input, and how feedback informed benefit commitments. Identify all community-based partners or advisory bodies involved in the process.
4. **Identified Community Priorities:** A summary of the needs, concerns, and priorities expressed by community members and stakeholders.



## Components of the CBP (cont.)

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5. **Benefit Commitments:** Detailed list of SMARTIE commitments
6. **Monitoring and Accountability Framework:** A description of how progress will be tracked, reported, and evaluated over time, including modifications made in response to community feedback.
7. **Sustainability and Long-Term Impact:** A description of how benefits will be sustained beyond the construction phase.
8. **Appendices (if applicable):** Supporting documents such as letters of support, community engagement materials, survey results, or partnership agreements.



# Examples of Effective & Meaningful Commitments

These examples reflect common priorities such as environmental justice, economic development, infrastructure, sustainability, and environmental protections. 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.

Environmental Justice and Equity	Economic Development and Workforce
<ul style="list-style-type: none"><li>• A local hiring plan with clearly defined goals for participation from EJ Populations.</li><li>• Funds for the installation of air quality monitors and a community-led environmental health monitoring program.</li><li>• A Community Advisory Council, including labor, Tribal, and environmental justice representatives.</li></ul>	<ul style="list-style-type: none"><li>• Project Labor Agreements (PLAs)</li><li>• Workforce development investments, including critical supportive services.</li><li>• Training and apprenticeship programs.</li><li>• Investments in affordable housing.</li></ul>



## Examples of Effective & Meaningful Commitments (cont.)

### Infrastructure and Community Support

- Investment in transportation and access improvements (e.g., bus lanes and bus shelters, public transit infrastructure, road upgrades, public access routes).
- Co-development with the community of community infrastructure (e.g., broadband expansion, community-owned microgrids, public EV charging, shared EVs).
- Investment in public open and green spaces.
- Investment in community centers and parks, local community organizations, mental health and substance abuse services, etc.

### Environmental and Public Health Protections

- Support for long-term energy efficiency programs, such as retrofitting buildings to meet higher energy performance standards, installing solar panels, or supporting community-based renewable energy cooperatives.
- Integration of wildlife and habitat protection into the development plan, such as creating wildlife corridors, preserving wetlands, or planting native vegetation to restore natural ecosystems.
- Systems for monitoring environmental impacts, including air, water, and soil quality.
- Designation of an environmental compliance officer for the project.





# Oversight & Accountability

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- 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 are 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.



# Request for Comments

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- What role should the EFSB play in this process?
- What are other categories or specific examples of community benefits that clean energy developers and utilities can offer?
- Projects are required to avoid, minimize, and mitigate impacts. CBPs are one tool to illustrate and memorialize those commitments. What are other tools?
- What are some barriers for clean energy developers to actualizing CBPs/CBAs?
- Is this a question we could ask during the stakeholder meeting to the audience? On whether CBPs could be applied to smaller municipal projects?
- In most cases, CBAs will add to the overall cost of the project, which is then passed on to ratepayers. Given this factor, is there concern about the impact CBAs could have on communities?



# 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)



## Stakeholder Session 4

(May 5, **5:30-8:30 p.m.**, Holyoke): **Cumulative Impact Analysis, Site Suitability Criteria**

Hybrid: Holyoke Heritage State Park Visitor Center, 221 Appleton Street, Holyoke, MA 01040

<https://www.mass.gov/climateact>