

July 28, 2025

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Subject: 2024 Climate Act Siting and Permitting Reforms Draft Regulations

RENEW Northeast, Inc. (“RENEW”)¹ submits these comments in response to the Energy Facilities Siting Board (“EFSB”) request for written comment on the 2024 Climate Act Siting and Permitting Reforms draft regulations and guidance proposals. Thank you for providing an opportunity for public input on the design of the single consolidated permit that comprises all state, regional and local permits that a “clean energy infrastructure facility” would otherwise be required to obtain to commence construction and operation.

I. Areas of Agreement

RENEW thanks the EFSB and agencies for incorporating our comments regarding the considerations clean energy developers undertake in selecting a proposed clean energy project site. We support the provisions envisioned in 980 CMR 13.03(12) whereby an applicant is required to provide a narrative of the methods in the site selection process used to choose the singular location of the proposed clean energy infrastructure project.

Further, RENEW appreciates the EFSB incorporating considerations of the benefits that derived from clean energy infrastructure deployment in a community as part of the “Social and Environmental Benefits” criteria scoring modifiers to the Site Suitability score. Incorporation of positive attributes of clean energy resources will allow for better weighting of projects that will provide tangible benefits to host communities.

II. Completeness Determination

RENEW is concerned that 980 CMR 13.09, the completeness determination, possesses the potential to extend the deadlines set in the Climate Act. The EFSB should endeavor to make the factors for determining application completeness as clear and objective as possible and avoid any unnecessary uncertainty or vagueness. For large clean energy projects, the fifteen-month permitting timeline is moot if a completeness determination is uncertain or dragged out due to ambiguities as to when completeness is achieved. RENEW recommends that the EFSB provide

¹ The comments expressed herein represent the views of RENEW and not necessarily those of any particular member of RENEW. RENEW Northeast (www.renew-ne.org) unites environmental advocates with developers and operators of the region’s largest clean energy projects to coordinate their ideas and resources with the goal of increasing environmentally sustainable power generation in New England from the region’s abundant renewable energy resources.

project proponents with a completeness determination checklist to allow proponents to avoid or mitigate the potential for application deficiencies. Without a completeness determination checklist in guidance, the current completeness determination process is highly problematic as it potentially extends the statutory deadlines minimally upwards of 15- or 18-months, depending on consolidated permit. Additional technical sessions to discuss the design of a completeness determination checklist would ensure proponents have clarity of the necessary requirements and would allow for any concerns to be addressed.

III. Pre-Filing Requirements

RENEW supports the establishment of clear and consistent pre-filing requirements that foster meaningful community engagement and outreach. At the same time, we recognize the inherent challenge of applying uniform standards to projects with diverse characteristics and contexts. While we are concerned that the proposed framework may, in some cases, be overly prescriptive, particularly with rigid timelines that risk delaying project development and straining relationships with host communities, we appreciate that the language in 980 CMR 13.03(6)(b) regarding potential waivers offers a pathway for flexibility. This provision could help accommodate project-specific needs and promote more effective, responsive engagement.

While we await the publication of draft regulations and guidance for 980 CMR 16.00, we reiterate our concern that the outreach requirements could potentially double the statutory deadline for the consolidated permitting process.

Unfortunately, as currently proposed, the draft regulation would make developing clean energy generation and storage more time consuming, more complicated, and more expensive—all attributes that run contrary to the intent of the Climate Act, significantly limiting the Commonwealth's ability to meet the prescribed climate and energy goals.

RENEW suggests the EFSB prioritize a prefiling process that is streamlined, clear, and direct in its requirements while retaining flexibility with the consultation timeline requirements. Should the EFSB adopt strict timeframes, they should be guidelines and suggestions, not rigid requirements subject to strict enforcement. Any redundant approach will add unnecessary burdens to all parties, benefiting no one. Meaningful engagement is not a “one-size-fits-all” process because no two projects or communities are the same. Each project is highly fact, design, technology and location specific. Procedures should be flexible to recognize a project's uniqueness and prior engagement history.

Furthermore, the draft regulation does not provide interim guidance for clean energy projects that have begun community engagement and outreach prior to the implementation of these regulations. The EFSB must promulgate interim guidance for how to best grandfather in existing projects. A lack of guidance or requiring existing projects to restart the process under the new regulations would needlessly delay critical energy infrastructure crucial to meeting the Commonwealth's climate and energy goals. Additional technical sessions with project proponents would allow for stronger interim guidance and mitigate any concerns or uncertainties while the new rules regime is being implemented.

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IV. Conclusion

RENEW appreciates the opportunity to provide input on this important regulatory process. We remain committed to supporting the successful implementation of the 2024 Climate Act and welcome the opportunity to participate in future working groups and technical sessions, to ensure Massachusetts stays on track to attain its climate goals.

Sincerely,

Nathan Raike
State & Local Affairs Manager