

MEPA Interim Protocol for Environmental Justice Outreach

Issuance Date: **[TBD], 2021**

Background

In 2017, the Executive Office of Energy and Environmental Affairs (EEA) issued a revised Environmental Justice (EJ) Policy (the [2017 EJ Policy](#)). Among other items, the 2017 EJ Policy requires that projects triggering certain MEPA ENF review thresholds provide opportunities for “enhanced public participation” by surrounding EJ neighborhoods,¹ and that projects triggering certain EIR thresholds conduct an “enhanced analysis of impacts and mitigation,” in addition to enhanced public participation.² The MEPA thresholds to which these EJ requirements apply are those related to wastewater (301 CMR 11.03(5)), air emissions (11.03(8)), and solid and hazardous waste (11.03(9)).

Starting in 2020, the MEPA Office has embarked on an effort to update its EJ related review protocols, in consultation with the EEA EJ Director and other EEA agencies. This effort will coincide with parallel efforts to update MEPA regulations at 301 CMR 11.00 et seq. While these efforts are ongoing, the MEPA Office is issuing this interim protocol to improve notification and outreach to, and engagement with, EJ neighborhoods by project proponents. The interim protocol shall remain in place until amended, if necessary, to comply with statutory requirements or superseded by a formal MEPA EJ strategy and associated policy or guidance to be developed through a public stakeholder process.

Interim Protocol

Effective [TBD], 2021, all new projects filing with the MEPA Office will be required to identify the location of the project relative to Environmental Justice Populations as depicted [on this mapping tool](#), and include a printout of the project location shown on the mapping tool as an attachment to the Environmental Notification Form (ENF) (or EENF) submittal.

If any portion of the project site is located within an “EJ population” as defined in the [2017 EJ Policy](#), the Proponent is required to consult with the MEPA Office at least 10 days prior to filing to determine an appropriate EJ outreach strategy. In most cases, such strategy shall include, at a minimum, conducting outreach to local EJ groups and, if “English Isolation” (limited English proficiency) is indicated on the [mapping tool](#) as an identifying feature of the EJ population, offering, to the extent practicable, translation and interpretation services in languages spoken by a significant portion of the population. These language service requirements shall apply to notices, documents and community meetings that pertain to the proposed project. The MEPA Office can provide assistance in identifying the relevant languages for the neighborhood. In lieu of pre-filing consultation, the Proponent may voluntarily conduct EJ outreach prior to filing and include a summary of these outreach activities as part of the ENF/EENF filing. Remediation projects will be exempted from this requirement.

In addition to these pre-filing requirements, the MEPA Office will consider the potential need for enhanced outreach to EJ neighborhoods during the course of MEPA review, for any project that is subject to the requirement to file a mandatory environmental impact report (EIR). This determination will be made on a case-

¹ The specific ENF thresholds are 301 CMR 11.03(5)(b)(1)-(2), (5); 301 CMR 11.03(8)(b); and 301 CMR 11.03(9)(b).

² The specific EIR thresholds are 301 CMR 11.03(5)(a)(1)-(2), (5); 301 CMR 11.03(8)(a); and 301 CMR 11.03(9)(a).

by-case basis, in consideration of the project's proximity to EJ neighborhoods and its specific impacts. If required, enhanced outreach activities will be specified in the EIR Scope.

This Interim Protocol is intended to supplement, and shall not supersede, the requirements of the 2017 EJ Policy. The 2017 EJ Policy shall remain in effect for all projects to which its requirements apply.

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