



EFSB/DPU Rulemaking

EFSB 25-10/D.P.U. 25-75

Public Comment Hearings

October and November 2025

Energy Facility Siting Board & Department of Public Utilities, Division of Public Participation

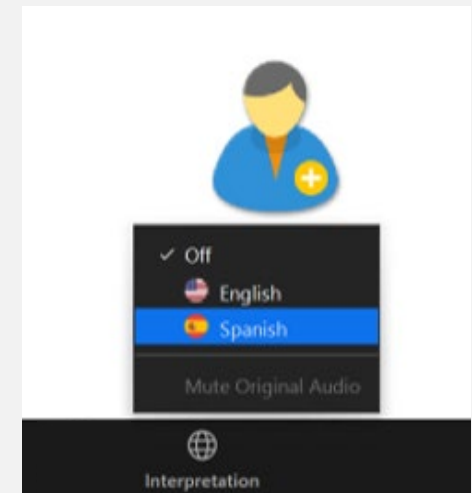
Interpretation Logistics

➡ **Language Interpretation is being offered in: Español, Português, Kreyòl ayisyen, Tiếng Việt, 普通话, 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 rantr nan chanèl kreyòl ayisyen an, klike sou ikòn “Interpretation” an epi chwazi “Haitian Creole”.
- 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”.

➡ Please speak slowly.

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





Agenda

- 6:00-6:20: Opening Remarks
- 6:20-7:00: Presentation/Overview of Proposed Regulations
- 7:00-7:45: Comment Period
- 7:45-8:00: Break
- 8:00-8:55: Comment Period (cont.)
- 8:55-9:00: Closing Remarks



Opening Remarks

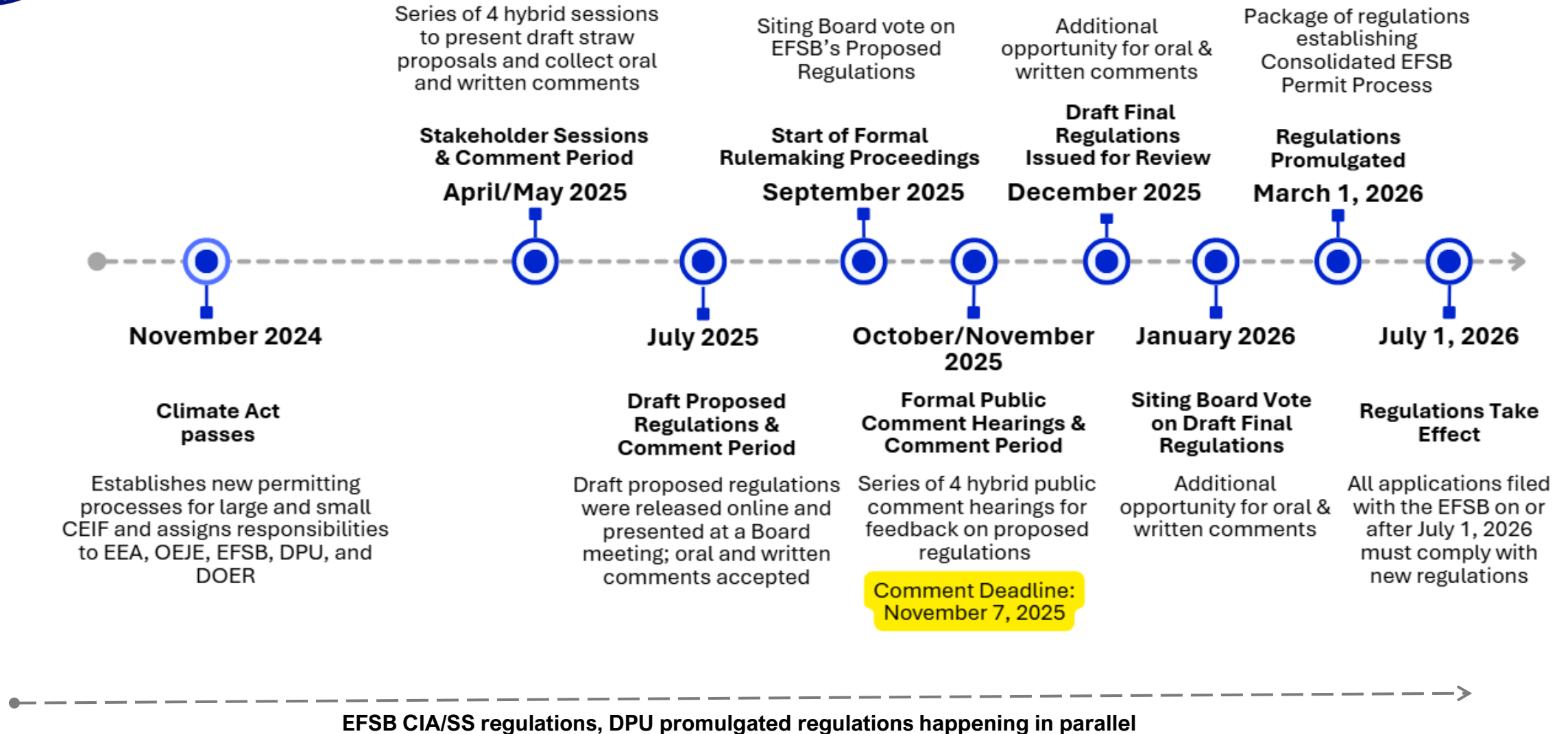


2024 Climate Act

- Reform the siting and permitting process for clean energy infrastructure facilities (solar, wind, batteries, associated transmission & distribution infrastructure)
- Improve speed & efficiency of permitting process to help achieve the ambitious climate and clean energy goals of the Commonwealth
 - (Expected) increase in # of projects
 - Consolidated permitting of Clean Energy Infrastructure Facilities (CEIF)
 - More meaningful community & stakeholder engagement in pre-filing and review processes
 - New Intervenor Grant Support Program created
- Create a new infrastructure category: Clean Energy Infrastructure Facilities (CEIF)
 - Facilities classified as either small CEIF or large CEIF



Stakeholder Engagement and Rulemaking Process





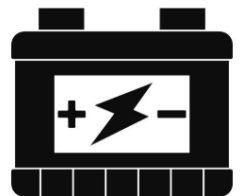
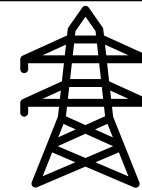
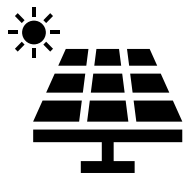
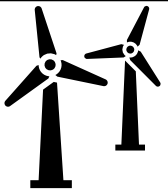
Purpose of Public Comment Hearing

- Provide an opportunity to gather feedback on proposed regulations
- We will keep track of all comments and questions and incorporate feedback, to the extent possible, into the final regulations.
- To submit written comments on EFSB regs, please email comments as attachments to both dpu.efiling@mass.gov and sitingboard.filing@mass.gov.
- Regarding Intervenor Support Grant Program (D.P.U. 25-75), send comments to dpu.efiling@mass.gov and julianne.desmet@mass.gov.



Large or Small CEIF?

	Large CEIF	Small CEIF
Regulations Created By	EFSB	DOER
Permitting Authority	EFSB	Municipality
Generation	≥ 25 MW	< 25 MW
Storage	≥ 100 MWh	< 100 MWh
Transmission and Distribution	≥ 1 -mile-long new corridor ≥ 10 -mile-long existing corridor	< 1 -mile-long new corridor < 10 -mile-long existing corridor
Opt-in		Small T&D can seek Consolidated Permit from EFSB; Small generation & storage can seek Consolidated State Permit from EFSB





New Features of Permitting Process

- Consolidated Permit for large CEIF (all local, regional, and state permits and approvals) and opt-in
- Mandatory review deadlines
 - If deadlines are not met, constructive approval (12 or 15 months)
- New pathways established for projects to move from local permitting process to decision from EFSB Director (De Novo Adjudication)
- New roles and improved communication/coordination between state, regional, and local permitting agencies
 - Permitting agencies will provide input on permit conditions (recommended conditions) and are responsible for enforcement



Changes to the EFSB

- Decision-making body for applications to construct energy facilities
- 2024 Climate Act increase in Board membership, and
- Adds new required considerations, such as:
 - Formal requirement for Board to follow the hierarchy of avoid, minimize, and mitigate project impacts
 - Formalizes additional longstanding policy considerations including: labor, economic & environmental justice and equity, public health, and safety
 - Requires consideration of recommended permit conditions by Local Government and other state agencies
 - Cumulative impact analysis for all projects reviewed by the Board
 - Reasonably foreseeable climate change impacts

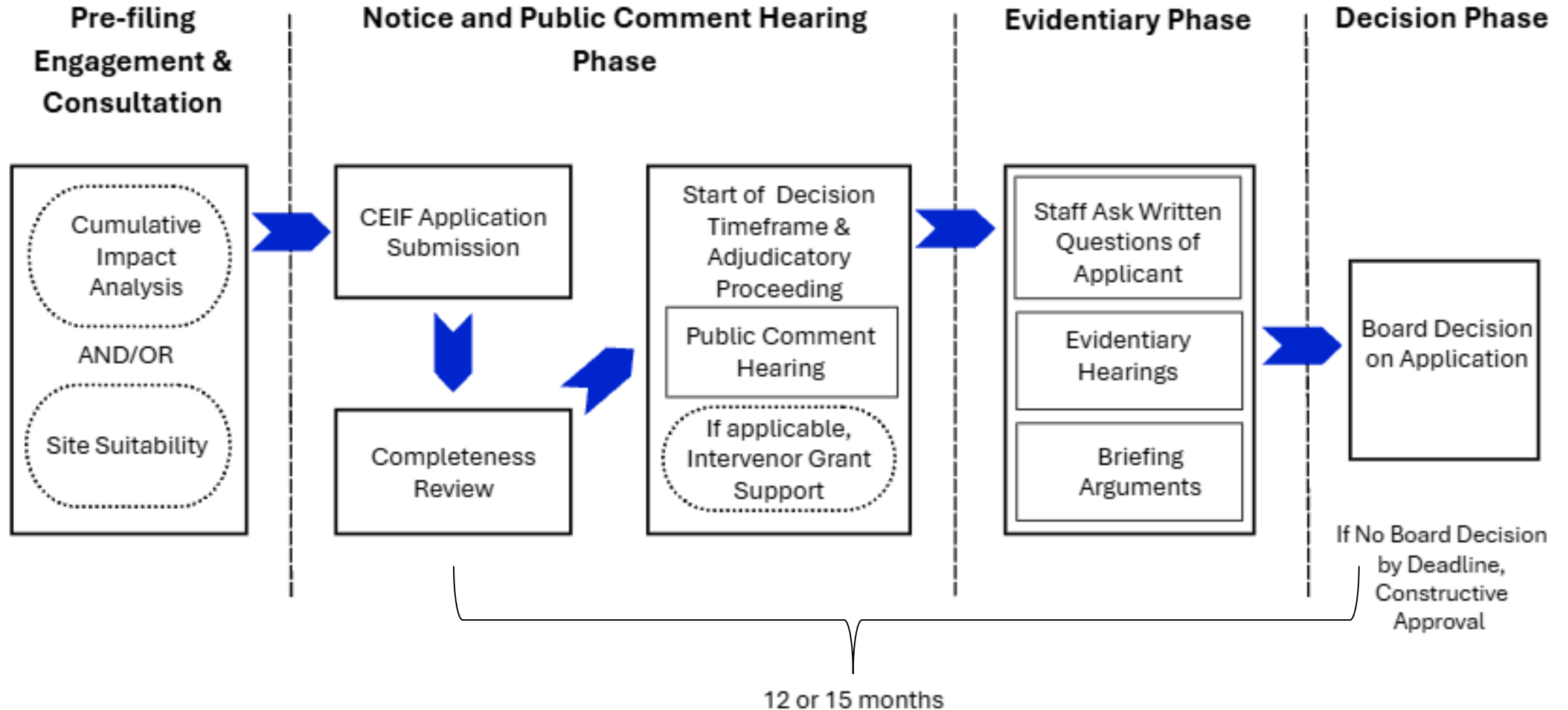


Chapters of Proposed Regulations

Chapter of Draft Regulation	Title Summary
980 CMR 1.00 – EFSB revised	Adjudicatory Proceedings
980 CMR 2.00 – EFSB revised	Board Business
980 CMR 13.00 – EFSB new	Consolidated Permits
980 CMR 14.00 – EFSB new	De Novo Adjudication
980 CMR 15.00 – EFSB new	Cumulative Impacts Analysis and Site Suitability (forthcoming)
980 CMR 16.00 – EFSB new	Pre-filing Consultation and Engagement
980 CMR 17.00 – EFSB new	Constructive Approval
980 CMR 4.00, 5.00, 7.00, 8.00, 9.00, 11.00	Repeal of Unused Regulations
220 CMR 32.00 – DPU new	EFSB Application Fees (forthcoming)
220 CMR 34.00 – DPU new	Intervenor Support Grant Program
225 CMR 29.00 – DOER new	Consolidated Local Permit



General Application Process





Pre-filing Consultation and Engagement

- Overseen by DPU Division of Public Participation (DPP)
- Provides expanded opportunities for community input into project design, greater transparency, and access to project information via multiple outreach channels
- Establishes pre-filing requirements for Applicant to:
 - Consult with the MEPA Office, state, regional, and local permitting agencies
 - Engage with key stakeholders and conduct community outreach
 - Hold at least 2 public meetings, create a project webpage, provide project updates via email
- Provides flexibility in the duration for completion of pre-filing requirements
 - Requires submission of Pre-filing Engagement Status and Completion Checklists
 - Requires pre-filing notice to be submitted no less than 45 days and no more than 90 days before filing Application with the Board

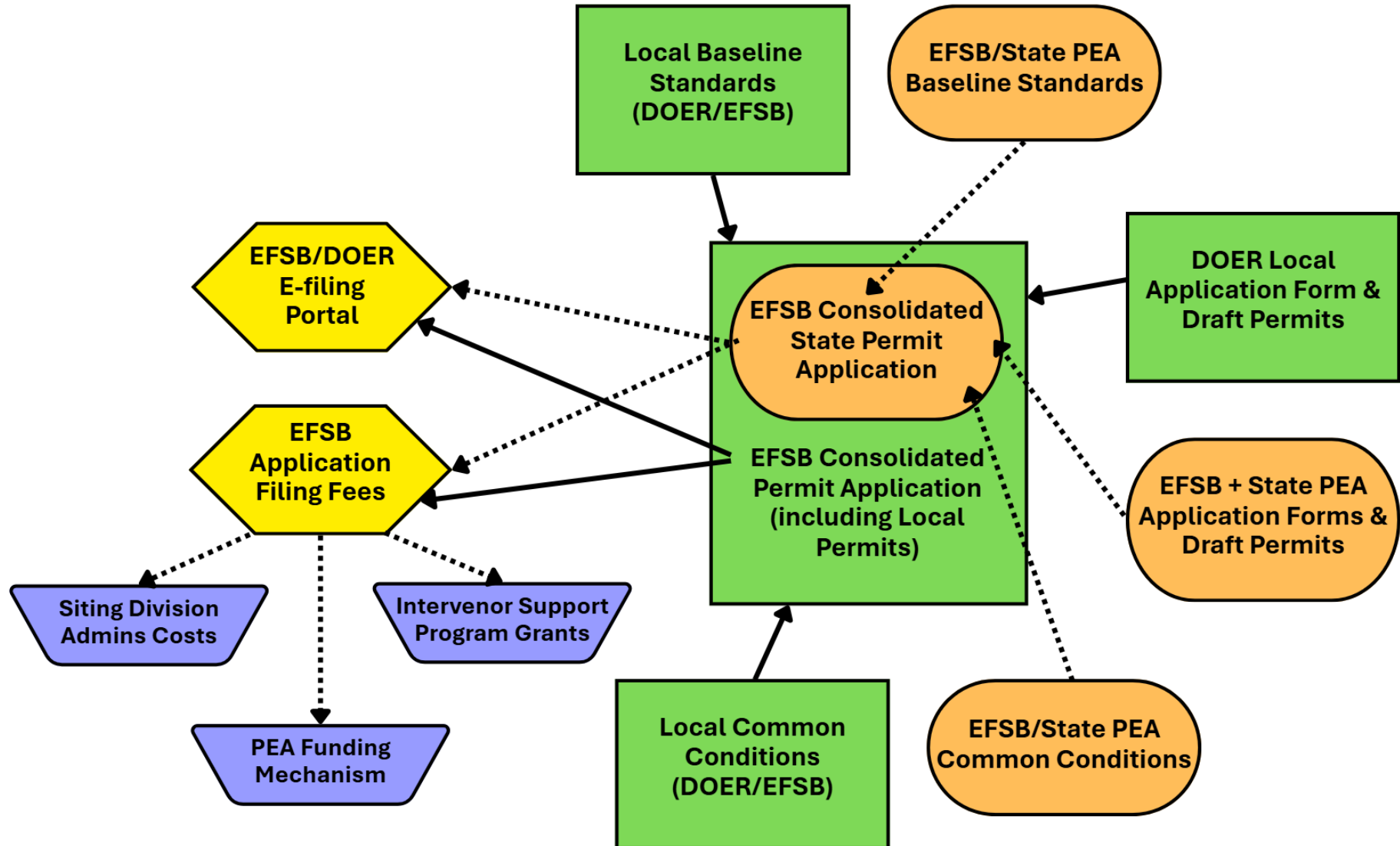
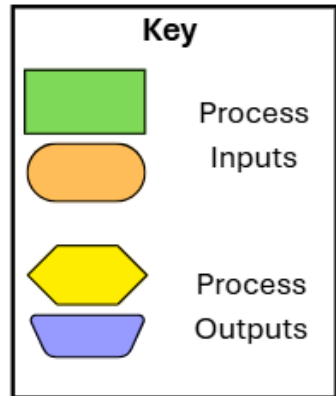


Consolidated Permit Application

- Clear, uniform standards applied throughout permit review process (e.g., evaluation of application completeness)
- Extensive guidance document(s) → well-organized, informative, clear, and consistent submissions
- Compilation of previous permit requirements and informational requirements unique to EFSB decisions
- Uniform set of baseline health, safety, environmental and other standards
- Completeness determination within 30 days of filing—begins review timeframe (15 months for large and 12 months for small)



Conceptual Map of EFSB Application





Intervenor Support Grant Program

- Intervenorors have a formal role in influencing decision making in a proceeding
- Intervenor Support Grant Program will:
 - Provide grants to community groups and other eligible entities who are unable to participate in DPU or EFSB proceedings due to financial hardship
 - Enable diverse voices to represent their interests
 - Allow grantees to cover fees for attorneys, expert witnesses, community experts, administrative, and other eligible expenses
- Regulations detail eligibility criteria, grant application process, maximum grant amounts, eligible uses of funding, and reporting requirements



Constructive Approvals

- Automatic approval of a Consolidated Permit Application if mandatory Board decision timeframes are not met
 - “Notice of likelihood of constructive approval” issued if Presiding Officer evaluates proceeding progress and determines compliance with timeframe is unlikely
 - Draft Constructive Approval Permit and comment period
- Ensures a final decision is issued within 12- or 15-month timeframe
- Constructive Approval includes “Common Conditions,” which are based on facility type and size, and may have a process for considering supplemental, project-specific conditions

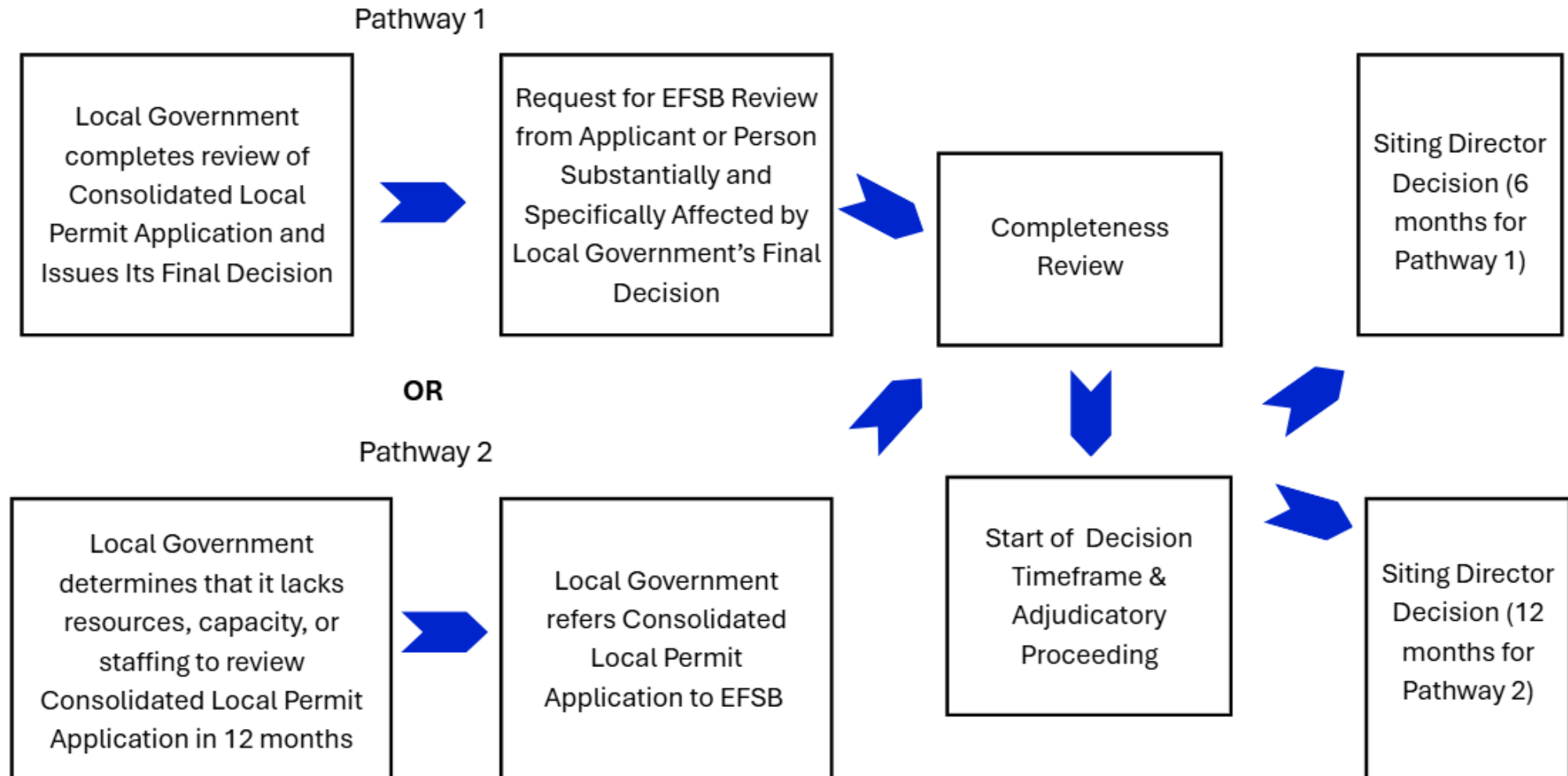


De Novo Adjudication

- 2 possible pathways for Consolidated Local Permit
 - Request from Applicant or other person substantially and specifically affected by an adverse final decision of Local Government
 - 6-month timeframe
 - Request from a Local Government that lacks the resources to process an Application
 - 12-month timeframe
- Final Decision by EFSB Director
- Opportunity to resolve issues with the municipality-led Consolidated Local Permit process



De Novo Adjudication





Cumulative Impact Analysis

- Cumulative Impact is the combined effect of past and present private, industrial, commercial, state, or municipal projects, operations, development, and other economic activities, in addition to the effect of the proposed Project on: (1) the environment; (2) public health; and (3) reasonably foreseeable effects of climate change.
- Burdened Area is defined as a Census Block Group where specified environmental, public health, sensitive populations, and socioeconomic indicators are elevated and could be further impacted by the Project
- Guidance developed by OEJE
- Determine whether the Facility Boundaries, plus a buffer distance, overlaps with Burdened Areas
 - Burdened Areas identified in statewide map based on public health, environmental, and socioeconomic data on a statewide percentile basis
- Applicant required to evaluate whether project would likely cause any disproportionate adverse effects in Burdened Areas and propose remedial actions for such Burdened Areas
- Applicant shares results of analysis with stakeholders during pre-filing engagement activities
- CIA Webinar scheduled for Thursday, November 6, 2025, 2:00 pm – 5:00 pm



Site Suitability Assessments

- Guidance developed by EEA
- Use of publicly available datasets/tools to evaluate sites based on the following criteria: climate change resilience, carbon storage/sequestration, biodiversity, agricultural resources, and social & environmental burdens
- Applicants estimate scores during pre-filing and share with stakeholders to allow time for changes to project design or use of alternative sites
- Results considered in review/adjudication of Consolidated Permits



General Guidelines for Public Comments

- We will allow comments from public officials first, before taking comments from those who preregistered
- Please limit your comments to approximately 3 minutes.
- We will alternate between in-person and virtual commenters.
- We will aim to respond to as many comments as possible, depending on the topic and the time available.



Public Comment Hearing

The meeting will resume shortly



Public Comment Hearings

▪ Public Comment Hearing 1



▪ Monday, October 27, 6:00-9:00 p.m.



▪ Greater New Bedford Regional Vocational Technical High School, 1121 Ashley Blvd, New Bedford, MA 02745, Auditorium

▪ Public Comment Hearing 2



▪ Wednesday, October 29, 6:00-9:00 p.m.



▪ Berkshire Innovation Center, 45 Woodlawn Ave, Pittsfield, MA 01201

▪ Public Comment Hearing 3 (Intervenor Grant Support Program)



▪ Monday, November 3, 6:00-9:00 p.m.



▪ One South Station, Boston, MA 02110, 3rd floor, Large Hearing Room

▪ Public Comment Hearing 4



▪ Wednesday, November 5, 6:00-9:00 p.m.



▪ North Shore Community College, 300 Broad St, Lynn, MA 01901, Cafeteria



Submitting Written Comments

- Regarding EFSB 25-10, send to dpu.efiling@mass.gov and sitingboard.filing@mass.gov
- Regarding Intervenor Support Grant Program (D.P.U. 25-75), send to dpu.efiling@mass.gov and julianne.desmet@mass.gov
- **Final written comment deadline: November 7, 2025**
- Comments should be sent as an attachment and email should include docket #, name of person/entity submitting filing, and brief description of document. Email should also include contact info (name, title, telephone #) in case of questions.
- Comments will be publicly accessible and posted to the DPU's FileRoom.



Contact

- Email for questions about comment hearings or regulations:
sitingboard.filing@mass.gov
- EFSB 25-10 webpage for EFSB regulations package:
<https://www.mass.gov/info-details/efsb-25-10-proposed-rulemaking>
- D.P.U. 25-75 webpage for Intervenor Support Grant:
<https://www.mass.gov/info-details/dpu-25-75-proposed-rulemaking>



Thank you for joining us! Today's public hearing on the EFSB regulations package and the Intervenor Support Grant Program has concluded.

We would like to hear from you. Please join us in-person or online for any of the remaining public hearings. All public hearings start at 6 p.m.

1. Wednesday, October 29, Berkshire Innovation Center, 45 Woodlawn Ave, Pittsfield, MA 01201
2. Monday, November 3, One South Station, Boston, MA 02110, 3rd floor, Large Hearing Room
3. Wednesday, November 5, North Shore Community College, 300 Broad St, Lynn, MA 01901, Cafeteria

Link to join online - <https://www.zoomgov.com/j/1612425626>

Final written comment deadline: **November 7, 2025**

For more information, visit: <https://www.mass.gov/energypermitting>.