

**COMMONWEALTH OF MASSACHUSETTS
ENERGY FACILITIES SITING BOARD**

Rulemaking Implementing the Requirements of)	
the 2024 Climate Act, St. 2024, c. 239, to)	
Establish New Requirements, Revise Existing)	EFSB 25-10-B
Requirements, and Repeal Unused Requirements)	
Governing the Energy Facilities Siting Board)	

TENTATIVE DECISION ON RULEMAKING: ADOPTING FINAL REGULATIONS

February 11, 2026

The Siting Board translates materials into other languages to assist people with limited English proficiency. The Siting Board has reasonably attempted to provide an accurate translation of the original material, but due to the nuances in translating to a foreign language, slight differences may exist. While the Siting Board has provided translated versions, the English version is the official version of the Siting Board's decision.

TABLE OF CONTENTS

I.	Introduction.....	2
II.	Description of the 2024 Climate Act	4
III.	Procedural History	7
A.	Background.....	7
B.	EFSB 25-10 – Formal Rulemaking.....	8
IV.	Final Regulations	10
A.	Introduction.....	10
B.	Summary of Changes in the Final Regulations.....	12
C.	Changes for Individual Regulation Chapters	17
1.	980 CMR 1.00 – Rules for the Conduct of Adjudicatory Proceedings	17
2.	980 CMR 2.00 – General Information and Conduct of Board Business .	19
3.	980 CMR 13.00 – Consolidated Permits for Clean Energy Infrastructure Facilities	20
4.	980 CMR 14.00 – De Novo Adjudication of Consolidated Local Permits	26
5.	980 CMR 16.00 – Pre-filing Consultation and Engagement Requirements	30
V.	Vote and Decision.....	35

The Energy Facilities Siting Board (“Siting Board” or “Board”) hereby [adopts] final regulations in a rulemaking to implement An Act Promoting a Clean Energy Grid, Advancing Equity and Protecting Ratepayers, St. 2024, c. 239 (“2024 Climate Act” or the “Act”). G.L. c. 30A, §§ 1-7. To implement the 2024 Climate Act, the Siting Board adopts the following regulatory changes: (1) revisions to 980 CMR 1.00, Rules for the Conduct of Adjudicatory Proceedings, and 980 CMR 2.00, General Information and Conduct of Board Business; (2) promulgation of new regulations 980 CMR 13.00, Consolidated Permits for Clean Energy Infrastructure Facilities; 980 CMR 14.00, De Novo Adjudications of Consolidated Local Permit Applications; and 980 CMR 16.00, Pre-Filing Consultation and Engagement Requirements; and (3) repeal of 980 CMR 4.00, Freedom of Information; Protection of Trade Secrets; 980 CMR 5.00, Environmental Assessment and Environmental Impact; 980 CMR 7.00, Long-Range Forecasts and Supplements; 980 CMR 8.00, Notices of Intention to Construct an Oil Facility; and 980 CMR 11.00, Licensing of Hydropower Generating Facilities.

I. INTRODUCTION

On November 20, 2024, Governor Maura Healey signed into law the 2024 Climate Act. The 2024 Climate Act reforms the siting and permitting process for clean energy infrastructure facilities (“CEIF”) and revises the statutory obligations of the Siting Board. A major focus of the 2024 Climate Act is reforming the siting and permitting process for CEIF to help achieve the Commonwealth’s ambitious climate and clean energy goals. Key provisions of the 2024 Climate Act will improve the speed and efficiency of siting and permitting CEIF at state and local levels, ensure that the benefits of the clean energy transition are shared equitably among all residents of the Commonwealth, while also ensuring communities and other stakeholders have meaningful opportunities for engagement and input in pre-filing and review processes. Specifically, the 2024 Climate Act requires the Siting Board to promulgate regulations to implement changes to G.L. c. 164, §§ 69G to 69J¼, inclusive, §§ 69O and 69P, §§ 69R and 69S, and §§ 69T to 69W, inclusive. The 2024 Climate Act requires the Siting Board to promulgate regulations by March 1, 2026, for Applications filed with the Siting Board on or after July 1, 2026. St. 2024, c. 239, § 132.

On September 12, 2025, the Siting Board issued a Decision Opening Rulemaking in EFSB 25-10 (“Decision Opening Rulemaking”). In that decision, the Siting Board opened a rulemaking and adopted proposed regulations (“Proposed Regulations”) to implement the 2024 Climate Act provisions. In addition, the Decision Opening Rulemaking identified a public comment process to receive comment on the Proposed Regulations. The Siting Board has completed its rulemaking proceeding, and now issues new final regulations and repeals existing regulations that are no longer consistent with, or necessary under, the Siting Board’s current statutory authority. In addition, the Siting Board adopts amendments to existing regulations to provide greater procedural efficiency and clarity. The Siting Board revises two chapters of existing regulations, promulgates three new chapters,¹ and repeals five existing chapters,² each noted below in Table 1 (together “Final Regulations”).³ Section IV describes each chapter in more detail. The Final Regulations – 980 CMR 1.00, 2.00, 13.00, 14.00, 16.00, along with two guidance documents (980 CMR 13.00 Application Guidance and 980 CMR 16.00 Pre-filing Engagement Completion Checklist) – are included as Attachments 1-5, 3-a, and 5-b, respectively. The Board is also attaching a glossary of terms, that reflects the regulatory definitions from 980 CMR chapters 980 CMR 1.00, 2.00, 13.00, 14.00, 16.00. The Siting Board will update this glossary when it

¹ In response to comments, the Siting Board will not issue a Final Regulation for 980 CMR 17.00, Constructive Approval, at this time. See below for more detail.

² While the 2024 Climate Act does not mandate the repeal of these five chapters, the Siting Board takes this opportunity to remove obsolete regulations that are no longer in use, in furtherance of the goal of increased clarity and efficiency. In its Proposed Regulations, the Siting Board proposed to also repeal 980 CMR 9.00. The Massachusetts Office of Coastal Zone Management filed comments indicating its recommendation that the Siting Board retain 980 CMR 9.00, as this regulation is the underlying state authority for a provision of the approved Massachusetts Coastal Management Program. The Siting Board will retain 980 CMR 9.00 in response to comments from the Office of Coastal Zone Management.

³ The Siting Board has proposed a new chapter of regulations (980 CMR 15.00) focused on cumulative impacts analysis and site suitability criteria. The Siting Board opened a rulemaking into 980 CMR 15.00 on December 19, 2025. <https://www.mass.gov/doc/efsb-25-10-a-final-decision-opening-rulemaking/download>.

finalizes the regulations for 980 CMR 15.00 and 980 CMR 17.00. See Attachment 6.⁴ Finally, attached to this decision is a list of commenters providing oral or written comments in this proceeding. See Attachment 7.

Table 1. Summary of Final Regulations.

Regulation	Status	Regulation Title
980 CMR 1.00	Revised	Rules for the Conduct of Adjudicatory Proceedings
980 CMR 2.00	Revised	General Information and Conduct of Board Business
980 CMR 13.00	New	Consolidated Permits for Clean Energy Infrastructure Facilities
980 CMR 14.00	New	De Novo Adjudications of Consolidated Local Permit Applications
980 CMR 16.00	New	Pre-filing Consultation and Engagement Requirements
980 CMR 4.00	Repealed	Freedom of Information; Protection of Trade Secrets
980 CMR 5.00	Repealed	Environmental Assessment and Environmental Impact
980 CMR 7.00	Repealed	Long-Range Forecasts and Supplements
980 CMR 8.00	Repealed	Notices of Intention to Construct an Oil Facility
980 CMR 11.00	Repealed	Licensing of Hydropower Generating Facilities

II. DESCRIPTION OF THE 2024 CLIMATE ACT

The Siting Board’s Decision Opening Rulemaking reviews in detail the siting and permitting provisions of the 2024 Climate Act. Specifically, the 2024 Climate Act creates a new Consolidated Permit process⁵ by which the Siting Board will issue all necessary local, regional, and state permits and approvals for Large Clean Energy Infrastructure Facilities⁶ (“LCEIF”). G.L. c. 164, § 69T. In addition, G.L. c. 164, § 69U allows proponents of Small Clean Transmission and Distribution Infrastructure Facilities (“SCTDIF”) to elect to seek a Consolidated Permit from the Siting Board that includes all necessary state, regional, and local permits. G.L.

⁴ The Siting Board notes that the glossary is provided for ease of reference. The definitions contained in the 980 CMR regulations are the official definitions.

⁵ A Consolidated Permit is a permit issued by the Siting Board to a CEIF Applicant that includes all state, regional, and local permits that the CEIF would otherwise need to obtain individually, except for certain federal permits that are delegated to specific state agencies.

⁶ Capitalized terms throughout this Decision refer to terms defined in the Final Regulations.

c. 164, § 69V allows proponents of Small Clean Energy Generation Facilities (“SCEGF”) and Small Clean Energy Storage Facilities (“SCESF”) to elect to seek a Consolidated State Permit from the Siting Board that includes all necessary state permits.^{7,8} The 2024 Climate Act establishes mandatory deadlines for the Siting Board to issue these permits; if the Siting Board fails to issue a decision on the permit Application by the deadline, the Application will be constructively approved, meaning that the Applicant will receive a Consolidated Permit with certain pre-determined common conditions. St. 2024, c. 239, § 74.

G.L. c. 164, § 69W allows Local Governments to elect to refer a request for all necessary local permits for a SCEIF to the Siting Board Director (“Director”) for “De Novo Adjudication” of a Consolidated Local Permit request initially submitted to local permit officials.⁹ G.L. c. 164, § 69W also allows Applicants and other substantially and specifically affected individuals and entities to seek De Novo Adjudication by the Director of Consolidated Local Permit decisions made by Local Government (or issued by Constructive Approval).¹⁰

The 2024 Climate Act establishes a new mandate, scope of review, and required findings for the Siting Board. The Act also expands the membership of the Siting Board to include new expertise, with the addition of the Commissioners, or their designees, of the Department of Fish and Game and the Department of Public Health, and new public members from the Massachusetts

⁷ Local permits for SCEGFs and SCESFs would be issued by Local Government as either a Consolidated Local Permit, pursuant to regulations established by the Department of Energy Resource (“DOER”), 225 CMR 29.00, or as individual local permits not subject to 225 CMR 29.00. 225 CMR 29.04(1).

⁸ An “EFSB Consolidated Permit” is defined in 980 CMR 1.01(4) as being either a Consolidated Permit or a Consolidated State Permit.

⁹ A Consolidated Local Permit is a permit issued by a Local Government for a SCEIF that includes all required local permits, approvals, or authorizations that the Applicant would otherwise need to obtain individually from the Local Government. DOER is promulgating 225 CMR 29.00 to implement the Consolidated Local Permit process.

¹⁰ A Local Government is a municipal or regional authority, board, commission, office, or other entity, as defined in G.L. c. 25A, § 21, that would have had jurisdiction to issue at least one permit for an LCEIF or SCEIF absent a Consolidated Permit.

Association of Regional Planning Agencies, a representative of the Massachusetts Municipal Association with expertise in municipal permitting matters, a public member with experience in environmental justice issues or Indigenous Sovereignty, and a continuing seat for a public member with experience in labor issues. St. 2024, c. 239, § 60.

Additionally, the 2024 Climate Act mandates that prior to filing an Application with the Siting Board, Applicants consult with state, regional, and local agencies regarding their project, and engage with community members and organizations in the area where a project is proposed. Id. at § 74. The Act also includes a cumulative impacts analysis (“CIA”) provision, which requires an Applicant to determine whether its project is to be sited in a specific geographical area that “is subject to an existing unfair or inequitable environmental burden or related health consequence.” If so, the Applicant must then identify whether the environmental and public health impact from the proposed project would likely result in a disproportionate adverse effect on such area, or would increase or reduce the effects of climate change to such area. In either case, the Applicant would propose remedial actions to address any disproportionate adverse impacts to the environment, public health and climate resilience that may be attributable to the proposed project in such geographical area. These requirements apply to CEIFs and legacy (i.e., fossil fuel) facilities. Id. at § 53. Further, the Siting Board is required to promulgate regulations that apply Site Suitability Report Guidance established by the Executive Office of Energy and Environmental Affairs (“EEA”).^{11,12} Id. at § 74.

The 2024 Climate Act requires the Siting Board to promulgate the regulations no later than March 1, 2026, to apply to jurisdictional CEIF projects submitted to the Siting Board on and after July 1, 2026. Id. at § 132. As noted above, the Siting Board will issue Final Regulations for 980 CMR 15.00, and 980 CMR 17.00 at a later time. In addition, the Siting Board will seek public

¹¹ EEA is responsible for developing Site Suitability Report (“SSR”) guidance; the EEA Office of Environmental Justice and Equity (“OEJE”) is responsible for developing guidance on CIA, and the Siting Board is responsible for promulgating regulations which incorporate the CIA and SSR guidance. The Siting Board will issue regulation 980 CMR 15.00, incorporating CIA and SSR guidance at a later date.

¹² OEJE is also developing Standards and Guidelines for Community Benefits Plans and Agreements.

comment on two additional Guidance documents: Uniform Set of Health, Safety Environmental and Other Standards, and Common Conditions for EFSB Consolidated Permits. Concurrent with the Siting Board's development of these regulations and guidance documents, other agencies are also drafting related regulations to implement the 2024 Climate Act. DOER is promulgating regulations and guidance documents to establish a process for Local Governments to issue Consolidated Local Permits. 225 CMR 29.00. The Department of Public Utilities ("Department") is promulgating regulations to implement the Intervenor Support Grant Program. 220 CMR 34.00. In addition, the Department will promulgate regulations setting revised filing fees for Applications filed with the Siting Board. 220 CMR 32.00.

III. PROCEDURAL HISTORY

A. Background

Governor Healey established the Commission on Energy Infrastructure Siting and Permitting ("Commission") on September 26, 2023, with the intention to remove barriers to expeditious and responsible CEIF development to meet greenhouse gas emissions limits outlined in the Commonwealth's Clean Energy and Climate Plan. The mandate of the Commission was 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. Executive Order 620. The Commission was composed of a robust and diverse group of leaders including members representing labor, environmental justice, economic development, housing and real estate, environmental protection and land use, agriculture, local government, electric utilities, and the clean energy industry. The Commission was supported by the Interagency Task Force, comprising representatives from 18 state agencies, and the Siting Practitioner Advisory Group, comprising attorneys with expertise in siting matters. The Commission met thirteen times, conducted two public listening sessions, and received over 1,500 public comments. The Commission issued a

final report in March 2024. Many of the recommendations from the Commission's report were enacted in legislation in November 2024.

The Siting Board has conducted extensive outreach during the development of the Proposed Regulations. The Siting Board's Decision Opening Rulemaking details this outreach process, including issuing straw proposals, conducting informal stakeholder sessions, and conducting public meetings of the Siting Board to inform the drafting of Proposed Regulations. As required by the 2024 Climate Act, Siting Board staff also conducted multiple interagency consultations, including with the Department, DOER, the Department of Environmental Protection ("MassDEP"), the Department of Fish and Game, the Department of Conservation and Recreation, the Massachusetts Department of Transportation, the Executive Office of Public Safety and Security, and the Massachusetts Environmental Policy Act Office ("MEPA"). Siting Board staff attended informal stakeholder meetings with EEA, OEJE, and DOER. Siting Board staff continue to meet with a variety of agencies and stakeholders affected by the new Consolidated Permit process. The Siting Board released draft Proposed Regulations for comment in July 2025 prior to initiating the formal rulemaking proceeding.

B. EFSB 25-10 – Formal Rulemaking

The Siting Board issued a Tentative Decision and Proposed Regulations on September 4, 2025. The Siting Board conducted a hybrid Board meeting on September 8, 2025. Interpretation was provided in Spanish, Portuguese, Chinese, Haitian Creole, Vietnamese, and American Sign Language. At the Board meeting, the Siting Board heard presentations from Siting Board staff, accepted public comment, and deliberated on the Tentative Decision. The Siting Board voted to approve the Tentative Decision, and to issue the Proposed Regulations for comment. On September 12, 2025, the Siting Board issued a Decision Opening Rulemaking in EFSB 25-10. The Proposed Regulations were published in the Massachusetts Register on September 26, 2025.

The notice of the public comment period was included in the September 12, 2025, Decision Opening Rulemaking. In addition, the notice was posted on the Siting Board and Department websites, and sent via email to a Siting Board distribution list, including persons requesting notification of any Siting Board rulemaking. The Notice was published in the Boston Globe on

September 26, 2025. Notice was also provided to the Local Government Advisory Committee (via the Massachusetts Municipal Association and Massachusetts Department of Housing and Community Development), and to the MassDEP.

The Siting Board established a public comment period of October 17 to November 7, 2025. The Siting Board accepted initial written comments on October 17, 2025, and reply comments on November 7, 2025. The Siting Board and Department conducted four hybrid public comment hearings in various locations around the Commonwealth: October 27 in New Bedford, October 29 in Pittsfield, November 3 in Boston, and November 5 in Lynn. Each public comment hearing was in a hybrid format, with availability to attend in person or remotely. In addition, the Siting Board provided interpretation in the following languages in addition to English: Spanish, Portuguese, Haitian Creole, Chinese, Vietnamese, and American Sign Language. The Siting Board posted recordings of each public comment hearing on its YouTube channel.

The Siting Board received approximately 540 written comments on the Proposed Regulations (of which approximately 475 were form letters) from a diverse range of stakeholders, including state agencies, local and other officials, utility representatives, clean energy developers, environmental groups, labor representatives, community-based organizations, and many individuals.¹³ All comments received by the Siting Board were posted to a dedicated webpage for the EFSB 25-10 docket: <https://eeaonline.eea.state.ma.us/dpu/fileroom/#!/dockets/docket/12678>. The Siting Board heard 25 oral comments during the public comment hearings.

The Siting Board staff revised the Proposed Regulations in response to comments received, and issued the draft Final Regulations for public comment on January 6, 2026. On January 7, 2026, the Siting Board conducted a hybrid Board meeting to receive a staff presentation on the draft Final Regulations and to hear additional public comment from 13 commenters. The Siting Board provided a further opportunity for written comments on the draft Final Regulations in addition to the earlier required comment period, and made revisions in response to the comments.

¹³ Some of the comments addressed Cumulative Impact Analysis and Site Suitability, as well as Constructive Approval (see e.g., The Nature Conservancy; Town of Charlton; Joint Comments of Eversource and National Grid). The Siting Board will address these issues in a later Decision.

The Siting Board released the Final Regulations, and a Tentative Decision explaining the changes to the public on February 11, 2026. The Siting Board conducted a hybrid Board meeting on February 12, 2026, to hear comment, deliberate, and vote on the Final Regulations. The Siting Board provided interpretation in Spanish, Portuguese, Haitian Creole, Chinese, Vietnamese, and American Sign Language. At the Board meeting, the Siting Board [approved] the Tentative Decision and Final Regulations for issuance. The Siting Board issued a Decision Adopting Final Regulations on [February 13, 2026]. The Final Regulations will go into effect February 27, 2026, once published in the Massachusetts Register, for Applications filed July 1, 2026, and afterwards.

IV. FINAL REGULATIONS

A. Introduction

The Siting Board's Regulations aim to implement a comprehensive program to accelerate the siting of CEIF while emphasizing participation by key stakeholders and community members in the Project development and review process. The 2024 Climate Act created new categories of facilities, new roles for state, regional, and local agencies and various stakeholders, and established new procedural mechanisms to enhance the efficiency and effectiveness of CEIF siting and permitting in the Commonwealth. The Siting Board's Decision Opening Rulemaking details many of these changes. The Siting Board highlights several important provisions of the Act.

The 2024 Climate Act provides the Siting Board with authority to issue all individual state, regional, and/or local permits, approvals or authorizations that would otherwise be necessary for the construction and operation of CEIF under its jurisdiction. In performing this function, the 2024 Climate Act directs the Board to adhere to mandatory review timeframes of no more than 12 months for SCEIF, or 15 months for LCEIF, following a determination of application completeness, and to develop administrative procedures to achieve this outcome. The Siting Board has drafted regulations and guidance documents to help Applicants prepare a well-organized, informative, clear, and consistent Application submission to assist the Siting Board, other state, regional, and local permitting agencies ("Permit Enforcement Agencies" or "PEA"), and community stakeholders in their review of the Applicant's proposed Project. Importantly, this approach will also help an Applicant obtain a "Notice of Completeness" from the Siting Board,

commencing the mandatory timeline for adjudication and issuance of a final decision for an EFSB Consolidated Permit.

The Siting Board's recommended approach to meet these goals is to require Applicants to consult with state, regional, and local permitting agencies to ensure that the Applicant is fully aware of the permitting requirements applicable to the proposed Project. The Regulations require an EFSB Consolidated Permit Application to the Siting Board to also include a completed permit application form and proposed draft permits applicable to each state and local permit sought by the Applicant from the Siting Board. The Siting Board notes that the 2024 Climate Act does not supersede the substantive laws governing various permitting programs. The Siting Board added explicit reference to the substantive law applicable to permits that are included in an EFSB Consolidated Permit. See 980 CMR 2.02(3), 13.05(1)(a), 13.10(1).

As noted above, a Consolidated Permit includes all state, regional, and local permits and approvals necessary for construction and operation of a CEIF, while a Consolidated State Permit would include all necessary state permits. Both types of consolidated permits issued by the Siting Board, collectively called an EFSB Consolidated Permit, would reflect the Siting Board's longstanding broad scope of review as well as other topics and information specifically required by state and local permit agencies that would otherwise have permit issuance authority applicable to certain portions of an EFSB Consolidated Permit Application.

The 2024 Climate Act creates new roles for multiple entities. As described above, the Siting Board becomes the entity issuing Consolidated Permits for LCEIFs and SCEIFs (in certain circumstances), ensuring robust review of Applications and timely decisions. If the Applicant or parties that are substantially and specifically affected file a valid petition for a De Novo Adjudication, the Siting Board Director is responsible for a review of Consolidated Local Permit decisions. While other state and local agencies, or PEAs are not the permit-issuing agencies for those permits included in an EFSB Consolidated Permit, they will provide expertise and input in multiple phases of Project development and review, and ultimately, enforcement of permits issued by the Board that relate to subject matter with their jurisdiction. In particular, PEAs play a vital role in pre-filing consultation with Applicants, and during the formal adjudication of proposed projects. Pursuant to the 2024 Climate Act, the Siting Board's regulations create special

intervention rights for PEAs and the opportunity for PEAs to provide statements of recommended permit conditions for each CEIF Project. The 2024 Climate Act returns enforcement of permit conditions, once determined by the Siting Board, to the agencies that would otherwise have jurisdiction over a project absent the Consolidated Permit process.

The 2024 Climate Act highlights the important role of local communities and stakeholders. The Act requires that the Applicant engage with local communities to gather insight into conditions near the proposed project site, and to understand local priorities and concerns. To assist with the pre-filing program, the 2024 Climate Act creates the Division of Public Participation (“DPP”) within the Department. The DPP also administers an Intervenor Support Grant Program designed to provide financial support for certain groups to participate in Siting Board and Department proceedings. Ultimately, the 2024 Climate Act places the responsibility of providing timely and complete information regarding a proposed Project on the Applicant.

B. Summary of Changes in the Final Regulations

As stated above, the Siting Board will not be repealing 980 CMR 9.00. In response to multiple comments, the Siting Board will not issue 980 CMR 17.00, Constructive Approval at this time, but will make further changes and release the draft final regulations for additional comment. 980 CMR 15.00, Cumulative Impact Analysis and Standards for Applying Site Suitability Report Guidance is also on a different schedule. The Siting Board is accepting public comment for 980 CMR 15.00, until February 13, 2026. The Siting Board will issue draft Baseline Standards and Common Conditions Guidance for public comment prior to approval by the Board. The Siting Board anticipates completing the rulemaking for 980 CMR 17.00 and 980 CMR 15.00, as well as completing the Guidance documents, in spring 2026.

Several commenters asked that the Siting Board provide guidance on the timing of the new requirements under the 2024 Climate Act (see Ocean Winds). In particular, commenters asked for the Board’s view on applicability of the new rules to projects that are currently before the Siting Board, and those projects that are currently in development. While a number of the statutory provisions of the 2024 Climate Act went into effect February 18, 2025 (see e.g., St. 2024, c. 239, §§ 8-11, 36-37, 62-63, 69, 120, 136), the 2024 Climate Act requires the Siting Board to implement

the changes from the Act by promulgating regulations by March 1, 2026. Those regulations shall apply to all jurisdictional projects filed with the Siting Board on or after July 1, 2026.¹⁴ As the changes reflected in the regulations include changes to requirements for both existing jurisdictional Facilities under G.L. c. 164, §§ 69J and 69J¼, as well as CEIF pursuant to G.L. c. 164, §§ 69T-69W, the Siting Board views the new regulations as applying to projects filed on or after July 1, 2026, and not to those projects currently pending before the Siting Board.¹⁵ The Siting Board further notes that the expanded Siting Board membership will go into effect March 1, 2026, with the promulgation of the Siting Board's regulations. St. 2024, c. 239, §§ 60, 132. The new statutory requirements of G.L. c. 164, § 69H will apply to projects that file with the Siting Board on or after March 1, 2026. St. 2024, c. 239, §§ 60, 132.

Regarding pre-filing consultation and engagement requirements in 980 CMR 16.00, the Siting Board expects that Applications filed on July 1, 2026 and afterwards to include information on pre-filing activities. An Applicant seeking specific feedback on pre-filing activities may contact the Director of DPP. If a request for a waiver or partial waiver under 980 CMR 16.03(1) may be appropriate, particularly during the first six months of implementation of the Consolidated Permit program, an Applicant may request such a waiver, and the Director of DPP will review the requested waiver and provide a response in writing. The Siting Board encourages Applicants to make every effort to meet pre-filing consultation and engagement requirements and to file requests for a waiver in a judicious manner.

In addition, several developers seek transition guidance on Siting Board rules to provide certainty for clean energy projects already in development and facing challenges from recent federal tax credit changes and restrictions (see RENEW Northeast, American Clean Power; Flatiron Energy; Ocean Winds; Joint Comments of Solar Energy Industries Association, Advanced

¹⁴ “The [Siting Board] shall promulgate regulations to implement the changes to [G.L. c. 164, §§ 69G to 69J¼, inclusive; §§ 69O and 69P; §§ 69R and 69S; and §§ 69T to 69W, inclusive] not later than March 1, 2026. Such regulations shall apply to all jurisdictional projects submitted to the [Siting Board] on and after July 1, 2026.” St. 2024, c. 239, § 132. This requirement goes into effect March 1, 2026. St. 2024, c. 239.

¹⁵ The Siting Board notes that DOER's regulations require Local Governments to implement their Consolidated Local Permit programs by October 1, 2026. 225 CMR 29.05.

Energy United Alliance for Climate Transition, and Coalition for Community Solar Access). In particular, battery energy storage developers requested clarification on the timing of requirements under Section 118(f) of the 2024 Climate Act. The commenters request that the Board clarify that existing CEIF projects may continue local permitting under current rules, without Siting Board review, if local permits have been requested by March 1, 2026, and possibly as late as July 1, 2026.¹⁶ In addition, commenters request that the Siting Board broadly interpret the Section 118(f) requirement that a CEIF “requested local permits or a grant of location” prior to March 1, 2026, to include various actions to initiate state and local permitting. St. 2024, c. 239, § 118. The Siting Board considers these requested transition guidance provisions to be consistent with the intent of the 2024 Climate Act to accelerate the deployment of CEIF. Accordingly, to clarify and resolve this transition concern, the Board finds that CEIF Projects that are not Siting Board jurisdictional projects prior to March 1, 2026, and have filed for one or more local permits or approvals prior to July 1, 2026, may continue to pursue local permits and approvals at the local level, without having to seek Siting Board approval.

The Final Regulations include two guidance documents: 980 CMR 13.00 Application Guidance and 980 CMR 16.00 Pre-filing Checklist. Several commenters questioned whether more detail should be added to regulations or to guidance (see Conservation Law Foundation). The Siting Board’s approach has been to include requirements in regulations and provide details on how to comply with the regulations in guidance documents. The reason for this choice is to reflect the more durable nature of regulations (which are revised through an extensive rulemaking process), and the more flexible nature of guidance documents, which can be updated to reflect details that may evolve as the Siting Board implements the 2024 Climate Act. In response to comments, the Siting Board added a provision requiring that the Siting Board announce any proposed changes to the guidance documents and allow for comment on the changes. The Siting Board will vote to approve any changes to the guidance documents. 980 CMR 13.01(5).

¹⁶ The Siting Board notes that it does not have jurisdiction (other than for zoning exemptions) over battery energy storage system projects until July 1, 2026.

The Siting Board received comments and questions on how the Board will determine which law applies when issuing state and local permits as part of a Consolidated Permit, including from sister agencies. The Siting Board recognizes that the substantive law governing state and local permits will still apply when the Siting Board issues those permits as part of a Consolidated Permit or Consolidated State Permit. Indeed, the Siting Board is requiring that Applicants include in their Application state and local permit applications and related draft permits proposed by the Applicant for inclusion in an EFSB Consolidated Permit. 980 CMR 13.05(1). The Final Regulations also include specific references to recognize the role of applicable substantive law, regulations, and guidance governing state and local permits included in the Siting Board's consideration of an EFSB Consolidated Permit Application. See 980 CMR 2.02(3), 13.05(1)(a), 13.10(1). However, as the 2024 Climate Act provides explicit procedural rules for adjudication of a Consolidated Permit Application, the Siting Board's procedural rules will be controlling in these proceedings.

The Final Regulations recognize two types of special permits: Ministerial Permits and federally delegated permits. 980 CMR 13.05(1)(d) and (e). The Final Regulations add Ministerial Permits, consistent with this category of permits added to DOER's regulations.¹⁷ The addition of Ministerial Permits recognizes that certain permits are typically issued later in the project development process, closer to construction, and are generally administrative in nature. A Ministerial Permit is defined as a non-discretionary permit or approval for a CEIF Project that meets objective, pre-defined codes and standards, and is typically approved in a streamlined, time-bound, administrative process that does not involve adjudication. 980 CMR 13.01(4). The Siting Board's regulations specify that the Applicant shall provide a list of each Ministerial Permit anticipated for the CEIF Project and specify whether such Ministerial Permits are sought from the Board, or directly from the applicable PEAs using standard procedures. Where Siting Board approval is sought, the Final Regulations provide a process for issuance of Ministerial Permits by the Director, after the Consolidated Permit has issued. 980 CMR 13.05(1)(d).

¹⁷ 225 CMR 29.02.

The Siting Board heard several comments about whether a Consolidated Permit should include federally delegated permits (see Joint Comments from Eversource and National Grid; MassDEP). The 2024 Climate Act provides that a Consolidated Permit includes all municipal, regional, and state permits that a CEIF would otherwise need to obtain individually, with the exception of certain federal permits that are delegated to specific state agencies as determined by the Board. St. 2024, c. 239, § 52. Commenters urged the Board to allow Applicants to include certain federally delegated permits in the issuance of a Consolidated Permit, consistent with the Siting Board’s issuance of federally delegated permits in some Certificate proceedings. Some agencies recommended that the Board explicitly exclude certain federally delegated permits from the definition of Consolidated Permit. These commenters noted that the timelines for certain federally delegated permits do not align with the Siting Board’s statutory deadlines for issuance of Consolidated Permits. The Siting Board notes that while it addressed federally delegated permits in two Certificate proceedings (see Cape Wind Associates LLC, EFSB 07-8 (2009) (“Cape Wind Certificate”); Footprint Power Salem Harbor Development LP, EFSB 13-1 (2014) (“Footprint Certificate”)), it has been a rare occurrence.¹⁸ The Siting Board views this issuance as an exception and not the rule. However, it is appropriate to allow an Applicant the opportunity to make the case that a certain federally delegated permit should be included in its Consolidated Permit, and as a practical matter may be issued in the timeframes envisioned in the 2024 Climate Act.¹⁹ Therefore, the Final Regulations include a provision relating to federally delegated permits that creates a presumption that federally delegated permits will not be included in scope of a

¹⁸ In the Cape Wind Certificate, the Siting Board issued a Section 401 Water Quality Certification. In the Footprint Certificate, the Siting Board declined to issue a Prevention of Significant Deterioration Permit.

¹⁹ Regarding the type of federally delegated permit that may be appropriate for the Board to issue, the Siting Board addressed its jurisdiction over this type of permit in Footprint Power Salem Harbor Development LP, EFSB 13-1 (2014). In that Certificate proceeding, the Siting Board issued a Comprehensive Plan Application Approval issued under Massachusetts state law, and declined to issue a Prevention of Significant Deterioration Permit which MassDEP issues pursuant to federal, not state, law.

Consolidated Permits, but allows Applicants to request that certain federally delegated permit(s) should be included in its particular Consolidated Permit. 980 CMR 13.05(1)(e).

The Siting Board heard comments on the importance of considering public health in its review of energy infrastructure projects (see Massachusetts Association of Health Boards; Alternatives for Community and Environment). The Siting Board notes that the 2024 Climate expressly addresses public health in energy infrastructure review. The Siting Board's new mandate under the 2024 Climate Act includes explicit reference to compliance with public health and safety policies of the Commonwealth, and the Commissioner of Public Health now sits as a Board member. St. 2024, c. 239, § 60. local Boards of Health are likely included in the definition of Key Stakeholder in 980 CMR 16.02 (which includes "elected or appointed municipal officials") and therefore may take an active role in pre-filing activities. In addition, a local Board of Health may seek to participate in a review of a CEIF Application under 980 CMR 13.07(2). The proposed regulations on CIA, 980 CMR 15.00, also address issues of public health.

C. Changes for Individual Regulation Chapters

1. 980 CMR 1.00 – Rules for the Conduct of Adjudicatory Proceedings

Proposed Regulations: The Siting Board proposed revisions to 980 CMR 1.00 to reflect the new consolidated permitting process, and revisions to make the Siting Board adjudicatory proceedings more efficient. As revised, 980 CMR 1.00 would apply to all Siting Board proceedings under G.L. c. 164, §§ 69H-69W, unless otherwise noted. Proposed revisions to 980 CMR 1.00 include:

- Amended definition subsection to reflect new definitions in the 2024 Climate Act. 980 CMR 1.01(4).
- Updated filing requirements based on improved practices, including electronic filings and a requirement that filings are in a searchable format. 980 CMR 1.03(2).
- Requirement that ex parte provisions prohibit the Department's new DPP, which oversees Applicant pre-filing activities, from having any substantive input or communication with the Siting Board's adjudicatory or decisional staff on pending matters. The Proposed Regulations also state that the director of the DPP may communicate with parties or individuals seeking to intervene in Siting Board proceedings about substantive matters before an Application is filed and that such communication shall not be deemed ex parte communication. 980 CMR 1.03(7).

- Requirement that Applicants comply with the CIA requirements of the 2024 Climate Act. 980 CMR 1.04(1)(c).
- Requirement that Applicants provide evidence with their Application that they have completed pre-filing consultation and community engagement activities prior to filing the Application with the Siting Board. A separate regulation at 980 CMR 16.00 defines these requirements. 980 CMR 1.04(1)(c).
- Requirement that reflects the Siting Board's existing mailed notice practices, including requiring mailed notice for specific distances from project boundaries, such as edges of rights-of-way. 980 CMR 1.04(3).
- Requirement that the Siting Board provide language access consistent with its most current Language Access Plan. 980 CMR 1.04(3)(h).
- Requirement that the Siting Board conduct its public comment hearings in hybrid form, as long as it remains practicable to do so. 980 CMR 1.04(5).
- Requirements for Applicants governing authentication of documents submitted to the Siting Board in proceedings, and the continuing obligation of parties to update discovery and record request responses, as well as testimony, until the Siting Board issues a final decision. 980 CMR 1.06(5)(g).
- Recognition that the Siting Board may incorporate certain documents by reference into its evidentiary records. 980 CMR 1.06(5)(i).
- Authority for the Presiding Officer to conduct evidentiary hearings virtually. 980 CMR 1.06(6)(d).
- Clarification that comments submitted regarding a tentative decision, whether made at Board meetings or in writing, do not constitute evidence and are not part of the evidentiary record in a proceeding. 980 CMR 1.08(2)(c).
- Authority for the Presiding Officer to determine whether to allow additional attendees on a site visit regarding a proposed project. 980 CMR 1.09(10).
- New subsections defining compliance filing and project change filing processes. 980 CMR 1.09(12), (13).
- Requirements for decommissioning and site restoration plans, which define what infrastructure must be removed, request a schedule for removal and an estimate of decommissioning and restoration costs, and request proposed financial instrument(s) to ensure the funding of decommissioning and restoration activities. 980 CMR 1.10.

Final Regulations: Many of the comments the Siting Board received on the procedural regulation 980 CMR 1.00 related to the timing of its various provisions (see DeChiara, Town of Shutesbury). Some commenters requested more time for steps in Siting Board proceedings (see Conservation Law Foundation) and some cautioned against an extended proceeding that could

cause the Siting Board to miss its statutory deadlines (see Joint Comments of Eversource and National Grid; Avangrid). The Siting Board is mindful of the need to balance the due process requirements of various parties to a proceeding, and the need to meet statutory deadlines to avoid Constructive Approvals. In response to comments, the Siting Board makes the following changes in the Final Regulations. 980 CMR 1.00 revises the definition of Local Government Representative to be consistent with the DOER definition. In addition, in implementation of the rule against segmentation in 980 CMR 1.02(3), the Siting Board recognizes that certain project development activities may be required to be pursued in a sequential manner, and the Siting Board's implementation of the segmentation rule should be flexible to respond to specific projects circumstances (see Ocean Winds; Joint Comments of Eversource and National Grid).

The Siting Board makes several refinements to the mailed notice requirement in 980 CMR 1.04(3)(f). The revisions in the Final Regulations allow for more limited mailing requirements for smaller projects, reflecting the generally lower impact of small projects. In addition, the Final Regulations provide that mailed notice must be provided at least two weeks prior to a public comment period, reflecting current Siting Board policy.

The Siting Board adds a provision that information protected by statute is automatically protected from disclosure in a Siting Board adjudication, 980 CMR 1.06(5)(f). In addition, the Final Regulations include a date by which a Presiding Officer must respond to a notice of project change in 980 CMR 1.09(13). The Final Regulations include additional clarifications.

2. 980 CMR 2.00 – General Information and Conduct of Board Business

Proposed Regulations: The Siting Board proposed to revise its regulations governing Board business to reflect requirements from the 2024 Climate Act. These revisions also reflect updated statutory references and process updates. Revisions proposed to 980 CMR 2.00 include:

- Expanding the primary functions of the Siting Board to include reviewing petitions for LCEIF and SCEIF. 980 CMR 2.02(2).
- Subsection establishing the Siting Board's authority to issue exemptions from local zoning bylaws. 980 CMR 2.02(2).
- A new subsection defining the Siting Board's new scope of review consistent with the new statutory mandate from the 2024 Climate Act. 980 CMR 2.02(3).

- Incorporation of the statutory provisions that exempt any action of the Siting Board or any other person pursuant to G.L. c. 164, §§ 69J to 69J¼, inclusive, or G.L. c. 164, §§ 69T to 69W, inclusive, from MEPA review, G.L. c. 30, §§ 61 to 62L. 980 CMR 2.02(6).
- Revisions to the Siting Board’s membership from nine to eleven members and the quorum requirement from four to five members. 980 CMR 2.03(1).
- A new subsection to provide a disclosure mechanism where an ex officio Siting Board member’s agency is also a party to a proceeding. 980 CMR 2.03(7).
- Specifying that Siting Board members may attend a hybrid Board meeting virtually. 980 CMR 2.04(7).
- A new subsection on “Constructive Approval,” indicating when a Presiding Officer must issue a constructive approval as identified in 980 CMR 1.00 and described in 980 CMR 17.00 when the Siting Board is unable to vote and issue a written final decision within the statutory time frame. 980 CMR 2.06(3), (4).
- Requirement that final decisions must include required findings as defined in the 2024 Climate Act. 980 CMR 2.06(3).
- Incorporation of the statutory requirement that the Siting Board establish and maintain a new online permitting Dashboard that includes information on Siting Board proceedings, the number of Applications deemed incomplete, the number of Applications deemed constructively approved, the average duration of Application review, and average staffing levels delineated by job classification. 980 CMR 2.10.

Final Regulations: The Siting Board received few comments on 980 CMR 2.00. The Siting Board received comments on the composition of the Board, but as Siting Board membership is set in statute, the Final Regulations do not propose any changes in this area (see Town of Blandford). In response to comments, the Final Regulations recognize the substantive law that applies to permits issued by the Siting Board in a Consolidated Permit. See explanation above. The Final Regulations reflect language in the Disclosure provision that was inadvertently deleted from the Proposed Regulations, at 980 CMR 2.03(7). The Final Regulations include additional clarifications.

3. 980 CMR 13.00 – Consolidated Permits for Clean Energy Infrastructure Facilities

Proposed Regulations: Proposed 980 CMR 13.00 creates a Consolidated Permit process by which the Siting Board will issue all necessary state, regional, and local approvals to construct and

operate LCEIFs and, in certain circumstances, for SCEIFs. The proposed Application regulations focused on Application requirements for a Consolidated Permit and the review and adjudication of a Consolidated Permit Application. Given the scope of Application requirements, the Siting Board also developed an Application Guidance document to provide technical information that informs the requirements in the proposed Application regulations. Features of 980 CMR 13.00 include:

- A standard Application that identifies specific criteria and information that an Applicant is required to provide to the Siting Board for a Consolidated Permit. The information required for the Application includes: (i) specific requirements based on previous precedent, statutory requirements, and stakeholder input; (ii) specific requirements for LCEIF or SCEIF that require zoning exemptions for construction; and (iii) specific requirements for permits from state, regional, and local agencies. 980 CMR 13.03, 980 CMR 13.04.
- Review timeframes for the Siting Board to issue a final decision on Consolidated Permit Applications. In accordance with the 2024 Climate Act, the review timeframe for a LCEIF Application is 15 months; the review timeframe for a SCEIF Application is 12 months. 980 CMR 13.02(4)(a).
- Provisions for baseline health, environmental, safety, and other standards for the Consolidated Permit process. 980 CMR 13.08.
- Establishing common conditions for a Consolidated Permit to be applied to all CEIF projects, common conditions to be applied based on facility thresholds, and a process for applying supplemental conditions to mitigate project-specific LCEIF or SCEIF related impacts.²⁰ 980 CMR 13.08.
- A process for a determination of Application completeness. The completeness determination ensures the Siting Board has sufficient information to make its statutory findings in G.L. c. 164, § 69H and provide transparency to stakeholders. A completeness determination begins the Siting Board's review timeframe to meet statutory deadlines to render a final decision. The completeness determination provision also identifies the process for an Applicant to follow if the Application is determined to be incomplete. 980 CMR 13.09.
- The content of the Siting Board's final decision, including: a decision on Siting Board approval; issuance of zoning exemptions; issuance of all necessary permits; and identification of each condition and which agency will be responsible for enforcement of the condition. 980 CMR 13.10.

²⁰

This provision was significantly refined in the Final Regulations, below.

Final Regulations: 980 CMR 13.00 create a Consolidated Permit process by which the Siting Board will issue all necessary state, regional, and local approvals to construct and operate CEIF, established pursuant to G.L. c. 164, §§ 69T, 69U, 69V. The regulations focus on Application requirements for a Consolidated Permit, review and adjudication of a Consolidated Permit Application, and enforcement of the Consolidated Permit Application. Given the scope of Application requirements, the Siting Board also developed an Application Guidance document to provide technical information that informs the requirements in the proposed Application regulations.

The Siting Board received numerous comments throughout the public comment process and has sought to incorporate many suggested improvements into the Final Regulations, particularly with regard to requests for zoning exemptions, expanded requirements and categories of permits, and refinement of process and procedures. After extensive review, the regulations reflect improvements to almost every section of 980 CMR 13.00, and the Siting Board has reorganized portions for clarity.²¹ In addition to the regulations, staff sought to incorporate many suggested improvements into the Application Guidance and are aware that further refinement will be necessary and ongoing as the Siting Board begins to implement and adjudicate Consolidated Permit Applications.

One of the areas of significant discussion pertains to zoning exemptions and questions of local decision-making regarding energy infrastructure siting (see Berkshire Environmental Action Committee; DeChiara, Town of Shutesbury). The Proposed Regulations required Applicants to file separately for zoning exemptions if requested and allowed the Presiding Officer to consolidate the zoning exemption petition with the Consolidated Permit Application to address both in one proceeding. This process is similar to how the Siting Board addresses zoning exemptions now. The Board received a number of comments opposing the Board's interpretation that authority for zoning exemptions is in G.L. c. 40A, § 3, or St. 1956, c. 665, § 6, and that zoning exemptions would become part of the Consolidated Permit Application only through consolidation by the

²¹ Because the Siting Board has decided on further refinement and comment for the Constructive Approval regulations at 980 CMR 17.00, all references to Constructive Approval in 980 CMR 13.00 have been changed to general references to 980 CMR 17.00.

Presiding Officer (see Avangrid; Joint Comments of Eversource and National Grid; Ocean Winds). According to some commenters, the 2024 Climate Act provides that a Consolidated Permit includes “all municipal, regional and state permits,” and therefore inherently includes zoning exemptions (see RENEW Northeast). The Board reviewed the 2024 Climate Act, the comments provided at the hearings, and written comments. After further consideration, the Siting Board modified the zoning exemptions requirement for CEIF projects in the Final Regulations. The Final Regulations indicate the Board may issue zoning exemptions based on G.L. c. 40A, 3; St. 1956, c. 665, § 6; and G.L. c. 164, §§ 69T-V, inclusive. Including the multiple authorities under which the Siting Board may issue zoning exemptions strengthens the Siting Board’s decisions. The Board further simplifies the procedure for zoning exemptions by (1) allowing an Applicant to include a request for zoning exemptions as part of its Consolidated Permit Application, and (2) reflecting that the request for zoning exemptions is automatically consolidated with the Consolidated Permit Application into a single proceeding. 980 CMR 13.04. The Siting Board notes that it is still required to make findings for the zoning exemptions as required in the zoning statute.

Another area in which the Siting Board received a significant number of comments is Application Completeness Determination (see Joint Comments of Eversource and National Grid; Ocean Winds). The Siting Board agrees that the review process for a Completeness Determination should be administrative in nature and should avoid a substantive review of each submitted document. 980 CMR 13.06. The Board notes that this change does not prevent the Application from later being determined incomplete if the Application is missing a required permit or if there is a substantial and material change to the Project. The Siting Board also notes that the standard articulated in the Proposed Regulations, that an Application must substantially and materially comply with the Board’s Application requirements to be deemed complete, remains in the Final Regulations.

Another area of note pertains to the use of the DOER Consolidated Permit if there is a local permit component to the Consolidated Permit Application to the Siting Board. Consistent with DOER’s regulations, the Final Regulations recognize an Applicant may elect to pursue local permits by requesting a Consolidated Local Permit or seeking local permits individually. See 225 CMR 29.04. Accordingly, the Board determines that it will allow the Consolidated Permit

Applicant to also have the choice of whether to submit the information pertaining to local permits using either individual local permit application forms, or the Consolidated Local Permit Application under DOER's regulations. The Final Regulations also now require many projects to submit a Site Suitability Report recognizing that the Site Suitability assessment provides valuable information in the review of a CEIF (see The Nature Conservancy). The Board notes that this requirement applies only to CEIF, including LCEGF, LCESF, SCEGF, and SCESF. The Site Suitability requirement also applies to LCTDIF and SCTDIF that are proposed to be constructed in newly established public right-of-way. Even for projects where the Final Regulations do not require a Site Suitability Report, the Siting Board retains broad authority to consider (and condition) all possible project impacts in its review of jurisdictional facilities.

The Siting Board made several improvements to the Conditions Conference process. First, the Final Regulations state that the Conditions Conference is now sequenced before briefing, therefore parties may comment on the Presiding Officer's Recommended Permit Conditions. 980 CMR 13.07(6). The Final Regulations also include an opportunity for Parties to provide written comments regarding Common Conditions discussed at the Condition Conference. 980 CMR 13.07(3). The Board received comments requesting it to clarify Recommended Permit Conditions. The Final Regulations provide that the Presiding Officer or the Board will provide a written response to each recommended condition submitted by a PEA or party. In addition, the Final Regulations clarify the sources of conditions. Conditions that are included in a Final Decision, which may include, but are not limited to: (a) conditions proposed by the Applicant in its Application (980 CMR 13.05(1)); (b) conditions proposed by PEAs in a statement of recommended Permit conditions and those proposed by Parties (980 CMR 13.07(5)); and (c) Presiding Officer Recommended Permit Conditions (980 CMR 13.07(6)).

The Board received comments requesting improvements for enforcement procedures (see DeChiara, Town of Shutesbury). The Board modifies the Final Regulations enforcement provisions to include a commitment to establish a portal to report alleged violations, and a 21-day timeline for the Director to respond to PEA requests for assistance. However, the Board declines a request that the Board resolve enforcement disputes between a Local Government and the

Applicant, as enforcement of local permits falls to the jurisdiction of Local Governments under the 2024 Climate Act.

Commenters also raised concerns related to other issues the Board considered but determined to not require any edits to the regulations as proposed. The Board declines to codify individual requirements of its Language Access Plan but does require its proceedings to be conducted consistent with the Language Access Plan (see Conservation Law Foundation). 980 CMR 1.04(3). As required by the 2024 Climate Act, the Board will establish a public dashboard, but declines to require more detailed information in the regulations at this time (see DeChiara, Town of Shutesbury). Some commenters requested that the Siting Board reconsider the application of the MassDEP noise policy to projects in its jurisdiction (see RENEW Northeast and American Clean Power). In the Final Regulations, the Siting Board maintains its longstanding use of the MassDEP noise policy; however, the Board understands that there are concerns about its use, and that further discussions with MassDEP and other stakeholders may be appropriate in the future to explore possible improvements.

In addition to the Final Regulations, the Board also considered revisions to the Application Guidance. The majority of comments focused on edits to regulations, but the Board received comments indicating that too much information has been left to guidance and requested that more information be included in the regulations (see Conservation Law Foundation). The Board emphasizes that future revisions to the Application Guidance are more practical given the technical nature of Consolidated Permit Applications. As stated above, the Board will vote on changes to the Application Guidance as needed; this procedure is memorialized in the regulations.

The Board also received comments for specific sections of the Application Guidance. Several commenters noted that language in the Application Guidance was not sufficiently clear on whether the Board is requiring a noticed alternative route or site for CEIFs, and argued that there is no basis for making this a requirement or leaving the wording open to such interpretation (see Joint Comments of Eversource and National Grid; RENEW Northeast and American Clean Energy). 980 CMR 13.03(3)(2)(d) requires Applicant for LCTDIF and SCTDIF projects to provide a description of other site or route locations considered and requires the Applicant to demonstrate certain considerations regarding its site or route analysis. 980 CMR 13.03(3)(a) requires

Applicants for LCEGF, LCESF, SCEGF and SCESF projects to describe its site selection process and alternative sites considered, and how this site selection process avoids, minimizes, and mitigates impacts. The Board is not requiring that the Applicant provide notice of an alternative site or route. The Board clarifies in the Application Guidance that it does not require a noticed alternative route or site, consistent with the Final Regulations.

The Board also received comments requesting the following additional information in the Application Guidance: (1) the Zoning Exemption Table needs more detail; (2) more information about the project developer and project landowner; (3) more information about project consultations with Local Government and community members; (4) improved mapping data; (5) that site suitability information should include drinking water; (6) that BioMap-Core Habitat information is needed; and (7) cultural resources should be included with historical and archeological resources. The Board will continue to refine and improve the Application Guidance and appreciates the many suggestions that have been made.

4. 980 CMR 14.00 – De Novo Adjudication of Consolidated Local Permits

Proposed Regulations: Proposed 980 CMR 14.00 created a process by which the Director may, upon request from the Local Government, project proponent, or person deemed substantially and specifically affected, conduct a “De Novo Adjudication” of a Consolidated Local Permit initially submitted to local permit officials. Proposed 980 CMR 14.00 also provides a process for the Director to adjudicate a Consolidated Local Permit Application in lieu of local review. This proposed 980 CMR 14.00 regulation defines the process for De Novo Adjudications of Consolidated Local Permit Applications for SCEIF; features of 980 CMR 14.00 include:

- Two pathways for initiating a De Novo Adjudication. First, an Applicant or other person substantially and specifically affected by an adverse final decision from a Local Government on a Consolidated Local Permit Application may petition the Director to review such final decision. Second, a Local Government lacking sufficient resources to process an Application may ask the Director to adjudicate the Application in its stead. 980 CMR 14.02(1).
- The process by which an Applicant or other person may petition the Director to conduct a De Novo Adjudication. 980 CMR 14.02(2), (3), (4).
- The standards by which the Director determines whether to accept such Application for De Novo Adjudication. 980 CMR 14.02(5), (6).

- If the Director accepts a request for De Novo Adjudication, the process by which the Director conducts the De Novo Adjudication of the underlying Consolidated Local Permit Application. 980 CMR 14.03, 14.04.
- Time frames for the Director to issue a decision: six months for a request for a De Novo Adjudication of a local permitting decision; twelve months for a request for a De Novo Adjudication by a local government. 980 CMR 14.05(b).
- Provision that the Director's decision on De Novo Adjudication is appealable to the Supreme Judicial Court. 980 CMR 14.06.

Final Regulations: De Novo Adjudications are a new area of jurisdiction for the Siting Board related to the Consolidated Local Permit process for SCEIF. Generally, the DOER will establish requirements for the local process for SCEIF consistent with the regulations and guidance set forth in 225 CMR 29.00. However, two categories of proceedings may bring the Consolidated Local Permit process for a proposed CEIF to the Siting Board for adjudication under 980 CMR 14.00: First, 980 CMR 14.02(1)(a) or (b), petitions related to a Final Decision of Local Government, and second, 980 CMR 14.02 (1)(c), a Local Government request based on lack of resources. The Final Regulations make clarifications to both categories of adjudicatory proceedings before the Siting Division Director.

The Final Regulations define who may make a request to the Director for a De Novo Adjudication. For an adjudication of a Final Decision of Local Government, the Applicant may request action under 980 CMR 14.00, or a person that may be substantially and specifically affected as determined by the Director may do so. Several commenters asked the Siting Board to provide detail in the regulations on the substantially and specifically affected standard for intervention, but the Siting Board declines to include additional detail in the regulations (see Conservation Law Foundation). This standard is from the Massachusetts Administrative Procedures Act, G.L. c. 30A, and has been incorporated in the Siting Board's regulations for many years. See 980 CMR 1.05. The Siting Board applies this standard specifically to project facts, and substantial Siting Board precedent illuminates its application in Siting Board proceedings.

A Local Government may ask the Director to initiate review of a Consolidated Local Permit Application when it lacks the resources to process the application locally. Several commenters stated that smaller municipalities with limited resources may lack the ability to process Consolidated Local Permit Applications in a timely manner (see, e.g., Towns of Blandford

and Shutesbury). Those resource limitations may include limitations on fiscal resources required to engage technical expertise to advise the Local Government on the potential impacts of different types of proposed SCEIF including relatively new technology related to a proposed facility, time limitations of volunteers serving on local boards who need to participate in the review of the applications, and the time commitment to effectively assess the multiple factors that could impact the community in which the proposed facility would be sited.²² In these instances, the Director could conduct a review on behalf of the Local Government. However, the Director's review is limited to the content of the request submitted by the Local Government for such assistance (see KP Law). 980 CMR 14.02(1)(c).

In written and oral comments at the public comment hearings and Board meetings, stakeholders raised questions regarding the scope of the Director's discretion in accepting, reviewing, and issuing decisions under this new De Novo Adjudication process (see January 7, 2026, Board Meeting Transcript; October 29, 2025, Public Comment Hearing Transcript; KP Law; Conservation Law Foundation). As an initial matter, the 2024 Climate Act provides certain procedural requirements that must be met by those seeking a De Novo Adjudication, and the Director may decline to proceed with a De Novo Adjudication if these procedural requirements are not met. A request for a De Novo Adjudication by an Applicant or person substantially and specifically affected by the Final Decision of Local Government must be filed within 30 days of the Final Decision of Local Government. A request made by a Local Government for a De Novo Adjudication must be filed no later than 60 days after the Local Government receives the Consolidated Local Permit Application. 980 CMR 14.02(2). There is some flexibility for an Applicant to consent to a longer filing timeframe by the Local Government.

In addition, for a De Novo Adjudication to proceed under 980 CMR 14.02(1)(b), the Director must determine that at least one person petitioning the Siting Board is substantially and specifically affected by the Final Decision of Local Government. 980 CMR 14.02(5). The Director will be guided by the Siting Board's procedural regulations at 980 CMR 1.05, and may

²² The Siting Board notes that DOER is available to provide technical assistance to Local Governments and Applicants regarding the Consolidated Local Permit process. 225 CMR 29.11.

allow comment prior to a determination that such person may be substantially and specifically affected by the Final Decision of Local Government. For a De Novo Adjudication to proceed under 980 CMR 14.02(1)(c), the Local Government must show that its resources, capacity, or staffing do not allow for review of a Consolidated Local Permit Application in the required 12-month statutory deadline. 980 CMR 14.02(6). The Final Regulations set out the substantive requirements for the Director's decision on a De Novo Adjudication in 980 CMR 14.05.²³

The Final Regulations define the notice, Completeness Determination, and adjudicatory process for the De Novo Adjudication before the Director, and reflect several improvements. The Director will provide notice for a proceeding and allow for written comments. While the Director has discretion to determine whether a public comment hearing is appropriate for proceedings under 14.02(1)(a) or (b) where there has already been a local public process, the Final Regulations require that the Siting Board conduct a public comment hearing for petitions under 980 CMR 14.02(1)(c), where a Local Government has not reviewed a Consolidated Local Permit Application (see Conservation Law Foundation; DeChiara, Town of Shutesbury). 980 CMR 14.03(1). For petitions from a Local Government, the Final Regulations include a Completeness Determination similar to 980 CMR 13.00, giving the Director discretion to determine whether a Consolidated Local Permit Application is complete and ready for adjudication. 980 CMR 14.03(3).

In reviewing the Application, the Director and Board staff may request additional information. Parties may introduce additional information into the record, and the Director may schedule an evidentiary hearing. The Final Regulations refine the role of DOER with respect to the Final Decision of Local Government and the consistency of the Local Government decision with the requirements of the DOER regulations and guidance in 225 CMR 29.00. The regulation allow the Director to consult with DOER regarding the application of the DOER regulations governing the Consolidated Local Permit process, which provides a flexible approach to including DOER's input in a De Novo Adjudication (see January 7, 2026, Board Meeting Transcript). 980 CMR 14.04(8). As both 980 CMR 14.00 and 225 CMR 29.00 establish procedures required

²³ The Siting Board notes that its review and decision under G.L. c. 164, § 69W does not include the grant of zoning exemptions.

by the 2024 Climate Act, the Siting Board seeks to ensure consistency between the two. In addition, 980 CMR 14.04(3) recognizes that the Director may consult with any PEA whose Permit is the subject of the De Novo Adjudication, or other state or local agency which may be concerned with the matter under review in the De Novo Adjudication. See G.L. c. 164, § 69H.

5. 980 CMR 16.00 – Pre-filing Consultation and Engagement Requirements

Proposed Regulations: Proposed 980 CMR 16.00 establishes processes and requirements for proponents of energy infrastructure projects jurisdictional²⁴ to the Siting Board to (1) consult with state, regional, and local agencies, and (2) engage with potentially affected communities and specifically identified key stakeholders prior to filing an Application with the Siting Board. The pre-filing consultation and engagement process will help project proponents identify potentially contentious issues sooner and establish collaborative relationships with key project stakeholders. The pre-filing consultation and engagement process will also give community members who may be impacted by a project early information on the project, and an opportunity to provide input in the project development process. The Siting Board also developed a completion checklist and self-attestation form to accompany the section of regulation. Features of 980 CMR 16.00 include:

- Provisions for the Department of Public Participation (“DPP”) (established under G.L. c. 25, § 12T) to administer the pre-filing requirements. 980 CMR 16.02.
- Requirements for the Applicant to disclose information regarding proposed energy infrastructure projects to the public including key stakeholders and conduct public meetings with the affected community. 980 CMR 16.04.
- Mandate for meetings between state, regional, and local agencies and proposed energy infrastructure Applicants. 980 CMR 16.05, 16.06.
- Prescription for project materials and information required for conducting individual and public meetings with stakeholders. 980 CMR 16.07, 16.08.
- Guidelines for conducting outreach including the use of multiple media channels, requirements for the conduct of public meetings, and for the creation of a project webpage accessible to the public with informational postings regarding a proposed project including contact information. 980 CMR 16.04(1)(a)(6), (7).

²⁴ The pre-filing consultation and engagement regulations apply to non-CEIF (G.L. c. 164, §§ 69J, 69J¼), but do not apply to De Novo Adjudications pursuant to 980 CMR 14.00 (G.L. c. 164, § 69W).

- Requirement that project proponents offer an email signup mechanism for interested persons to receive updated information throughout the pre-filing outreach and the permitting process. 980 CMR 16.04(1)(c).
- Requirement that Applicants complete a self-attestation form and checklist to certify that they have completed each step of the pre-filing consultation and community engagement process. 980 CMR 16.04(1)(i).
- Requirement that an Applicant provide notice of its intent to file an Application with the Siting Board. 980 CMR 16.10.

Final Regulations: The 980 CMR 16.00 pre-filing consultation and engagement requirements are the first regulations to be adopted by the Siting Board governing outreach to Key Stakeholders, Community, and Local Government and state permitting agencies who may have oversight over an evolving proposed energy infrastructure project. Through meetings and discussions as outlined in the Final Regulations, the Siting Board aims to facilitate dialogue between an Applicant and stakeholders to help influence a project in a manner that best meets the needs of the energy grid and the regulatory community at the federal, state and local level, and recognizes the interests of the host communities.

The prefiling requirements apply to the broad variety of projects that will now be subject to Siting Board jurisdiction, and the regulations provide Applicants with flexibility regarding the timing of required pre-filing actions to reflect these various types of projects and potential locations (see Joint Comments of Solar Energy Industries Association, Advanced Energy United, Alliance for Climate Transition, and Coalition for Community Solar Access; Joint Comments of Eversource and National Grid).²⁵ The Siting Board recognizes that residents and other stakeholders prefer to receive notice of a proposed jurisdictional energy facility at an early stage in the development process (see City of Boston). The Applicant will have to balance the goal of providing project information early during the process with the need to pursue adequate due

²⁵ 980 CMR 16.01(2) clarifies that the pre-filing consultation and engagement requirements apply to Applicants seeking a Consolidated State Permit under G.L. c. 164, § 69V, unless the Applicant also seeks a Consolidated Local Permit, in which case the pre-filing rules of 225 CMR 29.00 apply to that Project. This clarification recognizes that under DOER's rules, an Applicant may choose to apply for a Consolidated Local Permit or seek to obtain required local permits individually. 225 CMR 29.04(1).

diligence on potential site options under consideration for the proposed project. The Siting Board seeks to ensure that information regarding initial and potentially evolving project design reaches those who may be affected by a project and that those affected have the opportunity to weigh in on all aspects of a proposed project. The Siting Board received numerous comments throughout the regulatory process and has sought to incorporate many suggested improvements into the Final Regulations, particularly those that promote the exchange of information regarding updated project designs and materials related to agency review and comment.

The Siting Board received many comments regarding the definition of “Community,” and concerns about defining the geographic area included in regulations for outreach purposes (see DeChiara, Town of Shutesbury; Joint Comments of Eversource and National Grid; Berkshire Environmental Action Team). At least one commenter asked to have the defined area tied to the range of likely impacts from a project (see Conservation Law Foundation). The revisions to the definition of “Community” in 980 CMR 16.02 incorporate the radial distances adopted in proposed CIA regulations at 980 CMR 15.05(1)(b) as the specific geographic area in which environmental impacts are likely to be experienced based on the category of the proposed project. The Siting Board seeks to consistently track the potential scope of impacts, which will vary depending on the type of project, the site characteristics, and the proposed project’s demand on local resources. In the context of the pre-filing outreach regulations, the Siting Board relies on these distances to focus a developer on the reach of its use of media channels and other potential avenues of contact.

Commenters also raised concerns about the definition of “Key Stakeholders” as set forth in 980 CMR 16.02 (see Community Labor United; Joint Comments of Eversource and National Grid; BlueWave and New Leaf). In the initial meeting with DPP and OEJE, Applicants may discuss Key Stakeholders to be included in outreach regarding the proposed project. The Siting Board notes that the definition of Key Stakeholders is not meant to be an exhaustive list but instead, to illustrate potential entities to be consulted by the Applicant during the pre-filing outreach period. The Siting Board recognizes that the universe of Key Stakeholders will differ for each project depending on the characteristics of that proposed project.

In addition, to facilitate contact with potential Key Stakeholders for a proposed facility, OEJE, EFSB, DPP, MEPA, and DOER are collaborating on a stakeholder reference list of

environmental and community based organizations, Tribes, and Indigenous organizations that Applicants can use as a resource when developing an outreach plan (see Conservation Law Foundation). Interested organizations will have a way to join the stakeholder reference list. The stakeholder reference list does not replace the Applicant's due diligence in identifying community-based organizations in the vicinity of the proposed project.²⁶

The DPP Director has authority to grant waivers (including partial waivers) of pre-filing requirements as set forth in 980 CMR 16.03(1). 2024 Climate Act, Section 74, provides for waiver authority for proposed jurisdictional facilities. The Siting Board clarifies that it expects that waivers will be given infrequently but will provide flexibility that may be required in limited situations, e.g., during the transition period or potentially for minor project changes or upgrades for existing facilities (see Alternatives for Community and Environment; Conservation Law Foundation; Town of Charlton; DeChiara, Town of Shutesbury Avangrid; RENEW Northeast).

The DPP Director will review the pre-filing outreach applicable to Applicants that have undertaken outreach activities for a proposed project under other regulatory frameworks such as federal permits or for other state agencies. DPP's assessment of the outreach activities, including both meetings with the community and with state, regional, and local authorities (and possibly federal agencies), will be based on the degree to which those activities align with the goals of the 2024 Climate Act, such as building an open dialogue with the community, providing open and transparent communications regarding project development, and demonstrating how the outreach activities have complied with the spirit and requirements of the regulations.

²⁶ In addition to resources that help identify Key Stakeholders, MEPA currently maintains a database in which entities can register to receive email notifications for certain activities. Through the registration process, registrants can receive notifications when potential projects are proposed based on preferences regarding type of project and specific geographic areas. The Siting Board currently relies on that list to provide emails to environmental and community-based organizations, and other entities of the initiation of adjudication at the Siting Board for proposed projects. As mentioned at the January 7, 2026, Board meeting by staff, EEA will provide the opportunity for people to sign up for email notifications for proposed infrastructure projects including those proposed for Siting Board review.

Finally, the Final Regulations contain revised deadlines and comment opportunities related to the Pre-filing Notice (or Notification of Intent to File Application). An Applicant will need to file a Pre-filing Notice no less than 60 days before filing the Application. See 980 CMR 16.04(1)(h). Local Government and state permitting agencies may file their comments regarding the Applicant's pre-filing Agency Consultation and recommendations related to the draft permit application with DPP and the Applicant within 30 days of the Applicant's Pre-filing Notification of Intent. 980 CMR 16.10 (4)(b). The Applicant may submit a response to these comments within seven days (see Joint Comments of Eversource and National Grid; Ocean Winds).

The DPP will review those comments as well as others related to the Applicant's proposed project. The DPP Director shall issue a DPP Opinion to the Board for consideration during the adjudicatory process. The DPP Opinion shall include two parts. In the first part of the DPP Opinion, DPP shall review the documentation submitted by the Applicant and any comments received, and assess whether the Applicant has met the pre-filing consultation and engagement requirements. 980 CMR 16.10(4)(c). In preparing the DPP Opinion, DPP will also consider Local Governments' and state permitting agencies' assessment of the Applicant's pre-filing consultation, preparatory studies, analyses, and information submissions. The second part of the DPP Opinion shall identify significant concerns raised by Local Government and state permitting agencies, and the Applicant's responses. 980 CMR 16.10(4)(c). When filing a copy of the DPP Opinion with the Board, DPP will provide a copy of the DPP Opinion to the Applicant.

V. VOTE AND DECISION

The Siting Board hereby votes to [adopt] Final Regulations to implement provisions of the 2024 Climate Act, St. 2024, c. 239. The Siting Board adopts the following Final Regulations: revisions to 980 CMR 1.00, Rules for the Conduct of Adjudicatory Proceedings and 980 CMR 2.00, General Information and Conduct of Board Business; new regulations 980 CMR 13.00, Consolidated Permits for Clean Energy Infrastructure Facilities; 980 CMR 14.00, De Novo Adjudications of Consolidated Local Permit Applications; and 980 CMR 16.00, Pre-Filing Consultation and Engagement Requirements. The Siting Board also votes to [repeal] existing regulations at 980 CMR 4.00, Freedom of Information; Protection of Trade Secrets; 980 CMR 5.00, Environmental Assessment and Environmental Impact; 980 CMR 7.00, Long-Range Forecasts and Supplements; 980 CMR 8.00, Notices of Intention to Construct an Oil Facility; and 980 CMR 11.00, Licensing of Hydropower Generating Facilities. These changes shall take effect upon publication in the Massachusetts Register.

A handwritten signature in black ink, appearing to read "Joan Foster Evans", is centered on the page. The signature is written in a cursive, flowing style.

Joan Foster Evans, Esq.

Dated this 11th day of February 2026

[APPROVED] by [unanimous] vote of the Energy Facilities Siting Board at its meeting of February 12, 2026, by the members and designees present and voting. Voting for approval of the Final Decision: Rebecca L. Tepper, Secretary of Energy and Environmental Affairs and Chair, Energy Facilities Siting Board; Jeremy McDiarmid, Chair, Department of Public Utilities; Staci Rubin, Commissioner, Department of Public Utilities; Ben Dobbs, designee for Elizabeth Mahony, Commissioner, Department of Energy Resources; Bonnie Heiple, Commissioner, Department of Environmental Protection; and Douglas Gutro, Director of the Permit Regulatory Office and designee for Eric Paley, Secretary, Executive Office of Economic Development.

Rebecca L. Tepper, Chair
Energy Facilities Siting Board

Dated this — day of February, 2026

ENERGY FACILITIES SITING BOARD
GLOSSARY OF DEFINITIONS

Agency Consultation means written, oral, and other communications with Local Government and state agencies with an interest in the permitting of a proposed LCEIF, SCEIF, or other Facility. 980 CMR 16.02.

Anaerobic Digestion Facility means a facility that: (i) generates electricity from a biogas produced by the accelerated biodegradation of organic materials under controlled anaerobic conditions; and (ii) has been determined by the department of energy resources, in coordination with the department of environmental protection, to qualify under the department of energy resources regulations as a Class I renewable energy generating source under M.G.L. c. 25A, § 11F. 980 CMR 1.01(4).

Ancillary Structure means new or expanded equipment or structure which is an integral part of the operation of any CEIF or Facility. 980 CMR 1.01(4).

Applicant means a Person who submits to the Board a petition to construct a Facility, an application for a Consolidated Permit for a LCEIF or SCEIF, an application for a Consolidated State Permit for a SCEIF, or a petition for a certificate of environmental impact and public need. An Applicant also means a Person who submits an application for a Consolidated Local Permit with a Local Government pursuant to 225 CMR 29.00. 980 CMR 1.01(4).

Application means a submission to the Board, in such form and detail as prescribed by the Board, by an Applicant for an EFSB Consolidated Permit for the purpose of constructing, owning, or operating a CEIF Project. 980 CMR 13.01(4).

Board means the Energy Facilities Siting Board established under M.G.L. c. 164, § 69H. 980 CMR 1.01(4).

Board Member means any of the eleven individuals set forth in 980 CMR 2.03(1) or any individual named to serve as a designee under the terms of 980 CMR 2.03(3). 980 CMR 1.01(4).

Chair means the Chair of the Energy Facilities Siting Board. 980 CMR 1.01(4).

Clean Energy Infrastructure Facility (CEIF) means an LCEGF, LCESF, LCTDIF, SCEGF, SCESF, or SCTDIF. A CEIF is not a Facility as defined in M.G.L. c. 164, § 69G. 980 CMR 1.01(4).

Common Condition means a condition or requirement established by the Board for specific types of CEIF as identified in “13.00: EFSB Consolidated Permit Application Guidance,” Attachment 1: *Common Conditions and Requirements for EFSB Consolidated Permits*. 980 CMR 13.01(4).

Community means at a minimum members of the public residing or working within a distance set forth in 980 CMR 15.05 (1)(b) from the Facility Boundary of a proposed facility. 980 CMR 16.02.

Completeness Determination means a ruling by the Presiding Officer indicating whether an Application substantially and materially complies with the Board's Application requirements. 980 CMR 13.01(4).

Consolidated Permit means a permit issued by the Board for an LCEIF or a SCEIF that includes all municipal, regional, and state permits that the LCEIF or SCEIF would otherwise need to obtain individually, with the exception of certain federal permits that are delegated to specific state agencies as determined by the Board. 980 CMR 1.01(4).

Consolidated Local Permit means a permit issued by a Local Government for a SCEIF that includes all required local permits, approvals, or authorizations that the Applicant would otherwise need to obtain individually from the Local Government. 980 CMR 1.01(4).

Consolidated Local Permit Application means a submission by an Applicant, in such form and detail as prescribed in 225 CMR 29.00, that would otherwise go to a Local Government for a Consolidated Local Permit, for the purpose of obtaining permission to construct, own, or operate a CEIF Project. An Applicant may elect to submit a Consolidated Local Permit Application and the Board may issue a Consolidated Local Permit as part of an EFSB Consolidated Permit, pursuant to M.G.L. c. 164 §§ 69T and 69U. Alternatively, an Applicant may elect to use extant PEA Application forms, and receive individual local Permits under M.G.L. c. 164 §§ 69T and 69U. 980 CMR 13.01(4).

Consolidated State Permit means a permit issued by the Board for an SCESF or an SCEGF that includes all state permits, approvals, or authorizations that the Applicant would otherwise need to obtain individually from state agencies, authorities, boards, commissions, offices or other entities, with the exception of certain federal permits that are delegated to specific state agencies as determined by the Board. 980 CMR 1.01(4).

Construction means work performed by the Applicant, or on behalf of the Applicant, on the CEIF Project site, or along the Project route, but shall not include contractual obligations to purchase such facilities or equipment, or preliminary work in furtherance of permitting (e.g., soil boring, surveys) that does not impose significant adverse impacts. 980 CMR 13.01(4).

Constructive Approval means approval, pursuant to 980 CMR 17.00, of an Application for a CEIF where the Board fails to issue a final decision by the deadlines established in M.G.L. c. 164, §§ 69T, 69U, 69V, and 980 CMR 13.00. 980 CMR 1.01(4).

Criteria-specific Suitability Scores means the score for each criterion examined in the Site Suitability Guidance, as assessed following the methods outlined in the Site Suitability Guidance. 980 CMR 13.01(4).

Cumulative Impact Analysis Report means a written report as defined in 980 CMR 15.00. 980 CMR 1.01(4).

Department means the Massachusetts Department of Public Utilities. 980 CMR 1.01(4).

De Novo Adjudication means an adjudicatory proceeding where the Director will consider an application for a Consolidated Local Permit based on evidence submitted in the proceeding that

may include but is not limited to the information submitted to the Local Government as part of the application for a proposed SCEIF. 980 CMR 1.01(4).

Director means the individual appointed by the Chair of the Department of Public Utilities to direct the work of the siting division and to conduct the day-to-day business of the Board as well as to perform any other duty delegated by the Chair. The Director may issue decisions in De Novo Adjudications of local Permit applications pursuant to M.G.L. c. 164, § 69W. 980 CMR 1.01(4).

Distribution means delivery of electricity as defined in M.G.L. c. 164, § 1. 980 CMR 1.01(4).

Division of Public Participation (DPP) means the Division of Public Participation at the Department established under M.G.L. c. 25, § 12T to assist stakeholders with navigating the Department and the Board pre-filing requirements, clarifying filing requirements, and identifying opportunities to intervene. 980 CMR 16.02.

DOER means the Massachusetts Department of Energy Resources. 980 CMR 1.01(4).

DPP Opinion means a written communication from the Director of DPP to the Board assessing whether the Applicant has completed the pre-filing consultation and engagement requirements in 980 CMR 16.00. 980 CMR 16.02.

EFSB Consolidated Permit means a Consolidated Permit or a Consolidated State Permit. 980 CMR 1.01(4).

Facility means any “facility” described in M.G.L. c. 164, §69G including:

- (a) any generating unit designed for or capable of operating at a gross capacity of 25 megawatts or more, including associated buildings, Ancillary Structures, transmission and pipeline interconnections that are not otherwise facilities, and fuel storage facilities;
- (b) a new electric transmission line having a design rating of 69 kilovolts or more and which is one mile or more in length on a new transmission corridor;
- (c) a new electric transmission line having a design rating of 115 kilovolts or more which is ten miles or more in length on an existing transmission corridor except reconductoring or rebuilding of transmission lines at the same voltage;
- (d) an Ancillary Structure which is an integral part of the operation of any transmission line which is a facility;
- (e) a unit, including multiple tanks and associated buildings and structures, designed for, or capable of, the manufacture or storage of gas, except such units below a minimum threshold size as established by regulation;
 1. a unit with a total gas storage capacity of less than 25,000 gallons and also with a manufacturing capability of less than 2,000 MMBtu per day;
 2. a unit whose primary purpose is research, development, or demonstration of technology and whose sale of gas, if any, is incidental to that primary purpose; or
 3. a landfill or sewage treatment plant.

- (f) a new pipeline for the transmission of gas having a normal operating pressure in excess of 100 lbs. per square inch gauge, which is greater than one mile in length except restructuring, rebuilding, or relaying of existing pipelines of the same capacity; and
- (g) any new unit, including associated buildings and structures, designed for, or capable of, the refining, the storage of more than 500,000 barrels or the transshipment of oil or refined oil products and any new pipeline for the transportation of oil or refined oil products which is greater than one mile in length except restructuring, rebuilding, or relaying of existing pipelines of the same capacity. 980 CMR 1.01(4).

Final Decision of Local Government means a Consolidated Local Permit issued by a Local Government, a denial by a Local Government of an application for a Consolidated Local Permit, or a Constructive Approval of a Consolidated Local Permit Application, pursuant to 225 CMR 29.00. 980 CMR 14.01.

Gas means an energy source which includes natural gas, propane air, synthetic natural gas, liquefied natural gas, renewable natural gas, and hydrogen. 980 CMR 1.01(4).

Generating Facility means any generating unit designed for or capable of operating at a gross capacity of 25 megawatts or more, that is not a LCEGF or SCEGF, including associated buildings, Ancillary Structures, transmission and pipeline interconnections that are not otherwise facilities and fuel storage facilities. 980 CMR 1.01(4).

Hand Delivery means delivery by methods other than pre-paid U.S. mail (e.g., Federal Express or paid courier service). Hand Delivery shall not include delivery by electronic mediums such as facsimile or e-mail unless authorized by the Presiding Officer. 980 CMR 1.01(4).

Key Stakeholders means, at a minimum, public interest groups, organizations serving the local community in the vicinity of a proposed Project that could be affected by a proposed Project; abutters of the Project, including residents (both owners and renters) and businesses; community-based organizations, elected or appointed municipal officials (e.g., mayor or town/city manager, relevant Council/Select Board members, Chair(s) of the Conservation Commission, Planning Board, Zoning Board, and Head of the Department of Public Works), regional planning officials, representatives of labor groups (e.g., union locals, building trades councils, central labor councils, and the Massachusetts AFL-CIO) and apprenticeship programs, and federally recognized, state-acknowledged, or state-recognized Tribes. 980 CMR 16.02.

Language Access Plan means the Language Access Plan established by the Board pursuant to Executive Order No. 615. 980 CMR 1.01(4).

Large Clean Energy Generation Facility (LCEGF) means energy generation infrastructure with a nameplate capacity of not less than 25 megawatts that is an Anaerobic Digestion Facility, Solar Facility or Wind Facility, including any Ancillary Structure that is an integral part of the operation of the LCEGF. 980 CMR 1.01(4).

Large Clean Energy Infrastructure Facility (LCEIF) means an LCEGF, LCESF, or LCTDIF. 980 CMR 1.01(4).

Large Clean Energy Storage Facility (LCESF) means an energy storage system as defined under M.G.L. c. 164, § 1, with a rated capacity of not less than 100 megawatt hours, including any Ancillary Structure that is an integral part of the operation of the LCESF. 980 CMR 1.01(4).

Large Clean Transmission and Distribution Infrastructure Facility (LCTDIF) means electric transmission and distribution infrastructure and related ancillary infrastructure that is:

- (a) a new electric transmission line having a design rating of not less than 69 kilovolts and that is not less than 1 mile in length on a new transmission corridor, including any Ancillary Structure that is an integral part of the operation of the transmission line;
- (b) a new electric transmission line having a design rating of not less than 115 kilovolts that is not less than 10 miles in length on an existing transmission corridor except reconducted or rebuilt transmission lines at the same voltage, including any Ancillary Structure that is an integral part of the operation of the transmission line;
- (c) any other new electric transmission infrastructure requiring zoning exemptions, including standalone transmission substations and upgrades and any Ancillary Structure that is an integral part of the operation of the transmission line; and
- (d) facilities needed to interconnect offshore wind to the grid.

A LCTDIF shall be:

- (a) designed, fully or in part, to directly interconnect or otherwise facilitate the interconnection of a CEIF to the electric grid;
- (b) approved by the regional transmission operator in relation to interconnecting a CEIF;
- (c) proposed to ensure electric grid reliability and stability; or
- (d) designed to help facilitate the electrification of the building and transportation sectors.

A LCTDIF shall not include new transmission and distribution infrastructure that solely interconnects new and existing energy generation powered by fossil fuels on or after January 1, 2026. 980 CMR 1.01(4).

Limited Participant means any Person allowed to participate in an adjudicatory proceeding pursuant to M.G.L. c. 30A, § 10, and 980 CMR 1.05(2). A Limited Participant is not a Party. 980 CMR 1.01(4).

Local Government means a municipal or regional authority, board, commission, office, or other entity, as defined in M.G.L. c. 25A, § 21, that would have had jurisdiction to issue at least one permit for an LCEIF or SCEIF absent a Consolidated Permit. Local Governments enforce the portions of a Consolidated Permit that relate to subject matter within their jurisdiction as if that portion of the Consolidated Permit had been directly granted by the Local Government. 980 CMR 1.01(4).

Local Government Representative means the Chief Administrative Officer of the Local Government, or their designee(s), pursuant to 225 CMR 29.02. 980 CMR 1.01(4).

Local Request for Review Based on Lack of Resources means a notification filed by the Local Government that its resources, capacity, or staffing do not allow for review of a SCEIF's Consolidated Local Permit Application within the required maximum 12-month timeframe for Local Government review. 980 CMR 14.01.

MEPA Office means the Massachusetts Environmental Policy Act Office within the Executive Office of Energy and Environmental Affairs that administers MEPA and 301 CMR 11.00. 980 CMR 16.02.

Ministerial Permit means a non-discretionary permit or approval for a CEIF Project that meets objective, pre-defined codes and standards, and is typically approved in a streamlined, time-bound, administrative process that does not involve adjudication. A Ministerial Permit is usually issued after other adjudicatory or discretionary permits are issued, and the project is at a more advanced state of design completion, prior to the intended start of construction or operation of a CEIF Project. 980 CMR 13.01(4).

Notice of Completeness means notice by the Presiding Officer that the Application substantially and materially complies with all Application requirements. 980 CMR 13.01(4).

OEJE means the Office of Environmental Justice and Equity within the Executive Office of Energy and Environmental Affairs, as established in M.G.L. c. 21A, § 29. 980 CMR 16.02

Party means an applicant, any Person allowed to intervene in an adjudicatory proceeding pursuant to M.G.L. c. 30A, § 1(3), and 980 CMR 1.05(1), or any Person who intervenes in an adjudicatory proceeding by right. 980 CMR 1.01(4).

Person means a natural person, partnership, corporation, association, society, authority, agency, department, or division of the Commonwealth, or any body politic or political subdivision of the Commonwealth including municipal corporations. 980 CMR 1.01(4).

Permit means a municipal, regional, or state permit, authorization, determination, license, or approval that would otherwise be individually required to construct and operate a CEIF Project, absent an EFSB Consolidated Permit. 980 CMR 1.01(4).

Permit Enforcement Agency (PEA) means an agency, authority, board, commission, office, or other entity that would have jurisdiction to issue at least one Permit for a CEIF Project in the absence of an EFSB Consolidated Permit. PEAs enforce the portions of an EFSB Consolidated Permit that relate to subject matters within their jurisdiction as if such portions had been directly granted by the PEA. PEA may include Local Government and Local Government Representatives. 980 CMR 13.01(4).

Permit Advisory Agency (PAA) means a municipal, regional, or state agency, authority, board, commission, office, or other entity that would advise a PEA concerning recommended permit conditions on the issuance of at least one Permit for a CEIF Project that would otherwise be issued

without an EFSB Consolidated Permit, but does not have jurisdiction for issuance of such Permit(s). 980 CMR 13.01(4).

Pre-filing Engagement Status Checklist means a document to be filed by an Applicant with DPP approximately midway through the Pre-filing Outreach Period that catalogs the status of pre-filing consultation and engagement requirements and includes supporting documentation identified in 980 CMR 16.00. The checklist shall include an attestation by the Applicant that all statements contained therein are true. 980 CMR 16.02.

Pre-filing Engagement Completion Checklist means a document that reflects completed pre-filing consultation and engagement requirements to be filed by an Applicant with DPP, the Board, and Local Government and state permitting agencies at the completion of the Pre-filing Outreach Period and together with the Pre-filing Notice. The Applicant shall submit supporting documentation identified in 980 CMR 16.00 to DPP at the completion of the Pre-filing Outreach Period. If certain outreach or agency consultation requirements cannot be completed, the Applicant shall attach a statement clarifying the reason or a waiver or partial waiver that was requested from and approved by DPP pursuant to 980 CMR 16.03(1). The checklist shall include an attestation by the Applicant that all statements contained therein are true. 980 CMR 16.02.

Pre-filing Notice means the Notification of Intent to File Application filed by an Applicant with DPP, the Board and Local Government and state permitting agencies no less than 60 days and no more than 90 days prior to filing an Application or a petition to construct with the Board. 980 CMR 16.02.

Pre-filing Outreach Period means the period of time between the start of pre-filing consultation and engagement activities specified in 980 CMR 16.04 and the submission of the Pre-filing Notice to the Board and DPP. For purposes of 980 CMR 16.00, the Pre-filing Outreach Period begins when the Applicant meets with DPP and OEJE. The Applicant may meet with the stakeholders prior to the beginning of the Pre-filing Outreach Period. 980 CMR 16.02.

Presiding Officer means Board staff assigned by the Director to conduct adjudicatory proceedings for matters within the jurisdiction of the Board. 980 CMR 1.01(4).

Project means the structures, equipment, facilities, and land uses, and the construction and operation thereof, for which an applicant requires an approval, permits, or authorizations of the Board. The specific elements of a Project will be unique in each proceeding. 980 CMR 1.01(4).

Site Suitability Guidance means guidance and criteria for the assessment of the suitability of the proposed siting of a CEIFs, as established by the Executive Office of Energy and Environmental Affairs, pursuant to M.G.L. c. 21A, § 30. 980 CMR 13.01(4).

Site Suitability Score Modifier means positive or negative adjustments to a CEIF's Criteria-specific Suitability Scores that are reflective of development potential or social and environmental benefits, as prescribed in the Site Suitability Guidance. 980 CMR 13.01(4).

Small Clean Energy Generation Facility (SCEGF) means energy generation infrastructure with a nameplate capacity of less than 25 megawatts that is an Anaerobic Digestion Facility, Solar Facility or Wind Facility, including any Ancillary Structure that is an integral part of the operation of the SCEGF. 980 CMR 1.01(4).

Small Clean Energy Infrastructure Facility (SCEIF) means an SCEGF, SCESF or SCTDIF. 980 CMR 1.01(4).

Small Clean Energy Storage Facility (SCESF) means an energy storage system as defined in M.G.L. c. 164, § 1, with a rated capacity of less than 100 megawatt hours, including any Ancillary Structure that is an integral part of the operation of the SCESF. 980 CMR 1.01(4).

Small Clean Transmission and Distribution Infrastructure Facility (SCTDIF) means electric transmission and distribution infrastructure and related ancillary infrastructure, including:

- (a) electric transmission line reconductoring or rebuilding projects;
- (b) new or substantially altered electric transmission lines located in an existing transmission corridor that are not more than 10 miles long, including any Ancillary Structure that is an integral part of the operation of the transmission line;
- (c) new or substantially altered electric transmission lines located in a new transmission corridor that are not more than 1 mile long, including any Ancillary Structure that is an integral part of the operation of the transmission line;
- (d) any other electric transmission infrastructure, including standalone transmission substations and upgrades and any Ancillary Structure that is an integral part of the operation of the transmission line and that does not require zoning exemptions; and
- (e) electric distribution-level projects that meet a certain threshold, as determined by the Department of Energy Resources.

A SCTDIF shall be:

- (a) designed, fully or in part, to directly interconnect or otherwise facilitate the interconnection of a CEIF to the electric grid;
- (b) designed to ensure electric grid reliability and stability; or
- (c) designed to help facilitate the electrification of the building and transportation sectors. A SCTDIF shall not include new transmission and distribution infrastructure facilities that solely interconnect new or existing generation powered by fossil fuels to the electric grid on or after January 1, 2026. 980 CMR 1.01(4).

Solar Facility means a ground-mounted facility that uses sunlight to generate electricity. The nameplate capacity for a Solar Facility shall be calculated in direct current. 980 CMR 1.01(4).

Wind Facility means an onshore or offshore facility that uses wind to generate electricity. 980 CMR 1.01(4).