

**COMMONWEALTH OF MASSACHUSETTS  
ENERGY FACILITIES SITING BOARD**

**DRAFT LANGUAGE ACCESS PLAN**

## I. DEFINITIONS

**Environmental Justice Population:** A neighborhood that meets one or more of the following criteria: (i) the annual median household income is not more than 65 percent of the statewide annual median household income; (ii) minorities comprise 40 percent or more of the populations; (iii) 25 percent or more of the households lack English language proficiency; or (iv) minorities comprise 25 percent or more of the population and the annual median household income of the municipality in which the neighborhood is located does not exceed 150 percent of the statewide annual median household income.

**Individual with Limited English Proficiency or Individual with LEP:** Means an individual who does not speak English as a primary language and who has a limited ability to read, speak, write, or understand English.<sup>1</sup>

**Interpretation:** The act of listening, understanding, analyzing, and processing a spoken communication in one language (source language) and then faithfully<sup>2</sup> rendering it orally into another spoken language (target language) while retaining the same meaning. For individuals with certain disabilities that affect communication, this can include understanding, analyzing, and processing a spoken or signed communication in the source language and faithfully conveying that information into a spoken, captioned, or signed target language while retaining that same meaning.

**Language Access:** Providing Individuals with LEP with meaningful access to the same services as English-speaking individuals.

**Meaningful Access:** Language assistance that results in accurate, timely, and effective communication at no cost to the Individual with LEP needing assistance to eliminate communication barriers, such as sign language interpretation, real-time captioning, or other accessible form of communication as required by Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972; and Section 13 of the Federal Water Pollution Control Act Amendments of 1972 (collectively as the “federal non-discrimination statutes”). Meaningful access denotes access that is not significantly delayed, restricted, or inferior as compared to programs or activities provided to individuals with English proficiency.

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<sup>1</sup> Executive Office of Administration and Finance, Office of Access and Opportunity, *Language Access Policy and Implementation Guidelines 2* (March 20, 2015) available at [www.mass.gov/doc/language-access-guidelines/download](http://www.mass.gov/doc/language-access-guidelines/download).

<sup>2</sup> Interpreting accurately and completely without adding or taking away from the meaning.

**Translation:** The process of converting written text from a source language into an equivalent written text in a target language as fully and accurately as possible while maintaining the style, tone, and intent of the text, and while considering differences of culture and dialect.

**Vital Document:** Means a document that contains information that is critical for obtaining services or providing awareness of rights or is required by law.

## II. INTRODUCTION

The Energy Facilities Siting Board (“EFSB” or “Siting Board”) is a nine-member independent board that is responsible for reviewing and approving or denying proposals to build large energy facilities in Massachusetts, including primarily: (1) electric generating facilities, (2) electric transmission lines and related facilities such as substations, (3) natural gas pipelines extending within (but not beyond) Massachusetts borders, and (4) natural gas storage tanks. To obtain Siting Board approval, an applicant for a proposed facility must demonstrate that the facility would provide: (1) a reliable energy supply, (2) with a minimum impact on the environment, (3) at the lowest possible cost.<sup>3</sup>

The Department of Public Utilities (“Department” or “DPU”) – another Massachusetts state government agency – provides staff and administrative support for the Siting Board. DPU Siting Division staff includes attorneys, analysts, and engineers. There are certain issues related to the siting of energy facilities that fall within the jurisdiction of the DPU (and not the Siting Board), and Siting Board staff also work directly with the DPU Commissioners and other DPU divisions to carry out those responsibilities.<sup>4</sup>

The nine-member Siting Board includes: six state government officials comprising (1) the Secretary of the Executive Office of Energy and Environmental Affairs (who serves as the Chair); (2) the Secretary of Economic Development; (3) the Commissioner of the Department of Environmental Protection; (4) the Commissioner of the Department of Energy Resources; (5) two Commissioners from the DPU; and three public (i.e., non-state government) members with expertise in energy, environmental, and labor matters, respectively, appointed by the Governor.

## III. BACKGROUND

The Siting Board has developed and prepared this Language Access Plan outlining ongoing efforts to provide language services to Individuals with Limited English Proficiency (“LEP”). The Language Access Plan also defines the actions our office is taking to ensure meaningful access to

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<sup>3</sup> On November 20, 2024, Governor Healy signed into law An Act Promoting a Clean Energy Grid, Advancing Equity and Protecting Ratepayers (“Act”). St. 2024, c. 239. The Act, among other provisions, expands the Siting Board and revises its statutory mandate. See St. 2024, c. 239, §§ 60-62. In addition, the Act moves certain DPU siting functions to the EFSB. See St. 2024, c. 239, §§ 37, 72, 73, 75, 76, 91.

<sup>4</sup> The Department reviews certain energy facilities under its own statutory jurisdiction, which pre-dates the establishment of the Energy Facilities Siting Council in 1973 (the predecessor agency of the EFSB). The Siting Board is an independent agency administratively located within the Department although, by statute, it is not subject to the Department’s supervision or control.

programs, services, activities, and materials for all Individuals with LEP or other communication accessibility needs that may have an interest in matters before the Siting Board. The Language Access Plan is intended to achieve compliance with the requirements of Executive Order 615, among other state policies and legislative enactments, and additional obligations of the Siting Board.<sup>5</sup>

The Siting Board serves a diverse population of residents that speak a wide variety of languages. An Individual with LEP, as defined above, is someone who does not speak English as a primary language and who has limited ability to read, speak, write, or understand English. The Siting Board seeks to communicate effectively with Individuals with LEP. An individual maintains the right to self-identify as an Individual with LEP.

#### IV. PURPOSE

The purpose of this plan is to ensure meaningful access to Siting Board proceedings, services, programs, activities, and materials for all Individuals with LEP. The Siting Board is committed to making its services available to Individuals with LEP or other communications accessibility needs as part of its mission. Based on this commitment, the Siting Board makes resources available to assist Individuals with LEP and others in accessing our services, programs, activities, and materials.

This Language Access Plan does not create new services; rather, it strives to eliminate barriers for Individuals with LEP in accessing existing services and ensures that agency staff can assist Individuals with LEP seeking to access those resources. The Siting Board will make reasonable efforts to provide professional language assistance to Individuals with LEP in a fair and timely manner, ensuring meaningful access to the agency's services.

The objectives of this Language Access Plan are to:

- Improve access to and quality of state services, programs and activities for Individuals with LEP; and
- Reduce any disparities and delays in the provision of services and programs to Individuals with LEP.

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<sup>5</sup> Executive Order No. 615, "Promoting Access to Government Services and Information by Identifying and Minimizing Language Access Barriers," (September 13, 2023) available at <https://www.mass.gov/executive-orders/no-615-promoting-access-to-government-services-and-information-by-identifying-and-minimizing-language-access-barriers>.

## V. POLICY

It is the Siting Board's policy to provide meaningful access to programs and services to Individuals with LEP through translated materials and interpretation, as appropriate.<sup>6</sup>

## VI. APPLICABILITY

This policy applies to Siting Board proceedings, while DPU LAP applies to proceedings that fall within the jurisdiction of the DPU .

## VII. LANGUAGE ACCESS SERVICES AND PRACTICES

This Language Access Plan shall be fully implemented, subject to the availability of the necessary fiscal resources. It represents the Siting Board's commitment to ensuring that all Massachusetts residents can readily access information and resources from the Siting Board. This section describes how the Siting Board will implement the Language Access Plan.

### Language Demographic Analysis

Siting Board proceedings address proposals for projects in specific locations. Siting Board staff undertake a Language Demographic Analysis to identify language services that may be needed in a particular project area. Siting Board staff use the most recent available U.S. Census Bureau data and interactive mapping tools regarding environmental justice populations and languages spoken to identify languages regularly encountered in the vicinity of proposed projects and also to assess English language proficiency. This Language Demographic Analysis achieves two objectives: (1) it provides an overview of the languages spoken in the project area, and (2) it identifies the necessary interpretation and translation services for Siting Board proceedings to achieve compliance with state laws and policies.

To undertake the Language Demographic Analysis, Siting Board staff examine the census tract(s) in the project area.<sup>7</sup> Staff identify all census tract(s) wholly or partially within a designated geographic area of the proposed project, based on the type of project proposed, and its components. The designated geographic area varies according to project type, as follows: (a) one quarter mile from the boundaries (such as edges of rights-of-way) of linear projects or

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<sup>7</sup> Census tracts are used by the United States Census Bureau to collect information about the people who live in every part of the country. The entire country is divided into census tracts, and, for each tract, distinct information is provided about the people who live there, including information on languages spoken.

linear project components that are not site-specific and lack a single point address, such as transmission lines and gas pipelines; and (b) one mile from the boundary of projects and project components for electrical switching stations, substations, pipeline meter stations, gas regulators, electric generating facilities, gas storage facilities, energy storage systems, or gas compressor stations. Staff assess each census tract (in whole or part) within these designated geographic areas for any languages spoken by at least five percent (5%) of the population who also identify as individuals with LEP.<sup>8</sup>

If any languages are identified through the Language Demographic Analysis, the Siting Board requires for each such language: (1) translation of public notices mailed to area residents,<sup>9</sup> and posted online, prior to public comment hearings; and (2) interpretation services for those languages at the public comment hearing. Siting Board staff also will provide language services in additional languages, upon request. Siting Board public notices also include instructions in each of the ten most spoken languages (other than English) in the Commonwealth describing how to obtain additional language services for the proceeding. Additionally, the Siting Board requires that a copy of the public notice be provided to town and city hall buildings, public libraries, adult community centers, and places of worship as obtained from data layers in MassGIS and best efforts, within the designated geographic area.

If interpretation and translation are needed for a public meeting on a statewide initiative or project, documents would be translated, and meetings interpreted into the five most spoken languages in the Commonwealth and American Sign Language (ASL).

### Interpretation At Siting Board Public Events

The Siting Board provides a range of opportunities for individuals and organizations to participate throughout the various phases of its proceedings, from public comment hearings and evidentiary hearings to Siting Board meetings. If the Language Demographic Analysis or a request identifies the need for translation and interpretation, the Siting Board will require translation of the public comment hearing notices and interpretation during public comment hearings and EFSB meetings into those identified languages. The Siting Board will also continue to provide interpretation for evidentiary hearings, upon request.

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<sup>8</sup> In the U.S. Census, this data is captured under the heading “People That Speak English Less Than ‘Very Well.’”

<sup>9</sup> The Siting Board uses the following distances from project boundaries (such as edges of rights-of-way) for the purpose of establishing required addresses for mailed notices: (a) 300 feet from linear projects or linear project components such as transmission lines and gas pipelines; (b) one-quarter mile from projects and project components for electrical switching stations, substations, pipeline meter stations, and gas regulators; and (c) one-half mile from electric generating facilities, gas storage facilities, energy storage systems, or gas compressor stations.

## Language Access Services

The Siting Board provides language access services through various resources. The Siting Board provides oral interpretation through qualified interpreters. As a state government agency, the Siting Board must use translation and interpretation services provided by pre-approved vendors pursuant to a state contract for services. In some cases, the Siting Board will require applicants to obtain qualified interpreters necessary for public comment hearings relating to their proposed projects. Qualified interpreters are entities that have sufficient knowledge of Siting Board matters that are able to meaningfully interpret between English and other languages and retain the technical content of the information.

The Siting Board also relies on professional translation services and licensed translation software to translate multiple written documents. See Translation of Siting Board documents. The Siting Board continues to evaluate these services and to explore ways to improve the quality and efficiency of translation services to ensure that Individuals with LEP have the opportunity to participate in Siting Board matters. These services will be at no direct cost to the individuals using or requesting language access services.

The DPU will maintain assisted listening and interpretation equipment for hearings for use by the Siting Board. The Siting Board will ensure that all Presiding Officers serving the Siting Board are trained on the proper uses and functions of the assisted listening and interpretation equipment. When accessing the Siting Board's website, users have the option to view translated webpages in several languages using Mass.gov's built-in automatic translation capability powered by Google Translate. Users can choose the desired language using the drop-down menu and selecting "Select Language," accessible from the globe icon on the website's tool bar.

## Meaningful Access for People with Disabilities

The purpose of meaningful access for effective communication for people with disabilities is to promote compliance with federal non-discrimination laws and ensure that an individual with vision, speech, language, hearing, or other disability can convey information to, communicate with, and receive information from the EFSB. Auxiliary aids and services may be required to meaningfully communicate with individuals with disabilities. Individuals with disabilities may require different auxiliary devices or assistive technology for language and communication access depending on their functional needs.

On request, the EFSB will provide screen readers for individuals who are blind or low-vision as well as alternative text to describe images that screen readers cannot interpret. The EFSB will also provide American Sign Language (ASL) or Communication Access Real-Time Translation (CART) services for individuals who are Deaf or Hard of Hearing upon request. Additionally, the Siting Board also provides attendees with the ability to access closed captioning, in multiple



languages, during remote/hybrid public events. For individuals that are blind/low vision, the Siting Board can make written materials available, upon request, in formats that support text-to-voice technologies, or in Braille.

Reasonable accommodations for individuals with disabilities are available upon request. To submit a request for an accommodation, please email ADA Coordinator Melixza Esenyie, [eeadiversity@mass.gov](mailto:eeadiversity@mass.gov), or call 617-626-1282. In your communication, please include a description of the request in as much detail as possible and a way we can contact you if we need more information. Please allow at least one-week advance notice. Last minute requests will be accepted but we may be unable to fulfill the request. A link to the EFSB Policy on Ensuring Meaningful Access for Persons with Disabilities is found at <https://www.mass.gov/info-details/executive-office-of-energy-environmental-affairs-ensuring-meaningful-access-for-persons-with-disabilities-policy>.

### Translation of Siting Board Documents

Siting Board staff provide (or require applicants to provide) document translation so that publications will be accessible in the languages prevalent in each community simultaneously with the English versions. If the Language Demographic Analysis identifies a need for translation for a particular proceeding, the Siting Board ensures that translation of certain documents occurs to provide comprehensive and meaningful access for Individuals with LEP, as follows:

- **Public Comment Hearing Notices** – notices required by Siting Board staff to be sent to residents and businesses surrounding the proposed project site, alerting them to upcoming public comment hearings at which they may provide input to the EFSB about proposed projects. If the Language Demographic Analysis (as described above) identifies a need for translation, notices will be provided in all applicable languages. Where possible, these translated notices will be published in local newspapers that are written in the same (non-English) languages.
- **Presiding Officer Correspondence** – a Presiding Officer is the Siting Board staff member who conducts the EFSB's proceedings for project proposals; Presiding Officer correspondence with parties and the public will be translated, as appropriate.
- **Tentative and Final Decisions** (i.e., official EFSB decisions about whether proposed projects are approved or not, and whether the Siting Board requires certain parts of projects to be implemented in particular ways).
- The Siting Board's **web-based content**.
- **Other documents**, upon request.

## Vital Documents

The Siting Board requires that certain documents which apply to all proposed projects (i.e., vital documents) be translated into the five most-spoken languages (other than English) in Massachusetts. These documents contain information that is critical for obtaining services or providing awareness of how to participate in Siting Board proceedings. Below are some of the vital documents (hyperlinked):

- [Energy Facilities Siting Handbook: An Overview of the Energy Facilities Siting Board Review Process](#)
- [980 CMR 1.05: EFSB regulations on intervention in proceedings](#)

## How to Make a Language Services or Accommodation Requests

The Siting Board can provide interpretation in additional languages upon request for public comment hearings and other public events. Requests should be submitted to Yonathan Mengesha at [Yonathan.Mengesha@mass.gov](mailto:Yonathan.Mengesha@mass.gov) at least one week in advance of the public event. The Siting Board accommodates interpretation requests in two ways:

- If the Siting Board has already arranged interpretation services, the Siting Board can provide the additional requested languages through the interpretation service; or
- If there are no previously arranged interpretation services, the Siting Board can arrange for the requested interpretation services.

Requests by the public for accommodations such as Braille, large print, electronic files, audio format and American Sign Language interpretation should be made at least one week in advance of the public event. The Siting Board will request American Sign Language interpreters from the Massachusetts Commission for the Deaf and Hard of Hearing according to the instructions on the [Commission's website](#). The Siting Board will attempt to accommodate such requests to the best of its ability.

## Staff Training

The Language Access Plan will be:

- Posted internally for all Siting Board staff and staff will receive periodic reminders about the document;
- Incorporated into the orientation for new Siting Board staff;
- Communicated to Siting Board management so they are fully aware of and understand the Language Access Plan, to reinforce the plan's importance and ensure its implementation by staff; and

- Communicated to Siting Board staff having contact with the public, so such staff is trained to work effectively with Individuals with LEP and those individuals requiring Deaf and Hard of Hearing services.

The Department's Director of Environmental Justice and Public Participation will lead trainings for staff and notify Siting Division employees of additional trainings available through the Executive Office of Energy and Environmental Affairs' Office of Environmental Justice and Equity.

## MONITORING AND UPDATING LANGUAGE ACCESS PLAN

The Siting Board will monitor the effectiveness of its Language Access Plan and update its Language Access Plan no less frequently than every two years or more often if needed.

Monitoring the effectiveness of a Language Access Plan may include:

- Analyzing current and previous data on language assistance usage, including languages served;
- Surveying staff on how well it understands the document, how often it uses language assistance services, whether there should be changes to the services provided or the providers used, and whether staff thinks the language assistance services in place are meeting the needs of the Individuals with LEP;
- Monitoring feedback from community-based organizations, legal services and other stakeholders about the EFSB's effectiveness and performance in ensuring meaningful access for Individuals with LEP; or
- The Siting Board will provide a survey after the provision of language assistance services to collect feedback on the accuracy and quality of the language assistance services provided.

The review assesses:

- Whether there have been any significant changes in the composition or language needs of the public served;
- Whether staff knows and understands the Language Access Plan document, and is comfortable using the services described within;
- Whether additional documents require translation;
- Identification of any issues or problems related to serving individuals with LEP which may have emerged during the past year; and
- Identification of any recommended actions to provide more responsive and effective language services (e.g., adding documents to be translated, creating, or expanding partnerships with community-based organizations, or changing staffing priorities).

A designated Siting Board representative shall attend bimonthly meetings hosted by the Executive Office of Energy and Environment Affairs' designated Secretariat Language Access Coordinator to discuss implementation of the Plan and topics related to language access. The Siting Board will post this draft Language Access Plan for a 60-day public comment period and will consider all comments received, with improvements to its draft Language Access Plan incorporated as necessary. The Siting Board will publish its final Language Access Plan, translated into the five most spoken languages (other than English) in the Commonwealth, on its website.

## VIII. LANGUAGE ACCESS COMPLAINT PROCEDURE

Complaints regarding the implementation of this Language Access Plan may be filed with the DPU's Language Access Coordinator or with the Massachusetts Governor's Office of Access and Opportunity. Complaints must be filed within six (6) months of the alleged deficiency in the administration of service outlined in this Language Access Plan. To file a complaint with the EFSB, please submit the complaint in writing (by U.S. mail or email) to:

Yonathan Mengesha  
Program Coordinator  
Department of Public Utilities  
One South Station  
Boston, MA 02110  
Direct Dial: (617) 305-3544  
[yonathan.mengesha@mass.gov](mailto:yonathan.mengesha@mass.gov)

To file a complaint with the Office of Access and Opportunity, please submit the complaint in writing (by U.S. mail) to:

Yarlennys Villaman  
Director of Community Affairs  
Language Access Coordinator  
24 Beacon Street  
Office of the Governor  
State House, Room 54  
Boston, MA 02133  
(617) 947-9759  
[Yarlenys.k.villaman@mass.gov](mailto:Yarlenys.k.villaman@mass.gov)

## IX. QUESTIONS

The Siting Board has designated Wayne Wang, Assistant Director at [wayne.wang@mass.gov](mailto:wayne.wang@mass.gov) to answer questions regarding this LAP or any other language access related matter. The Assistant

Director is also available to discuss ways to improve language access.