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Ms. Tori Kim, Director  
MEPA Office  
100 Cambridge Street, Suite 900  
Boston, MA 02114

Re: Comments on Revised MEPA Public Involvement Protocol for EJ Populations

Dear Ms. Tori Kim:

Eversource Energy Service Company (“Eversource”) appreciates the opportunity to submit this comment letter in response to the Revised MEPA Public Involvement Protocol for EJ Populations (“EJ Protocol”). We look forward to continuing to work in close collaboration with your Office as you update the MEPA regulations.

Eversource operates New England’s largest utility system, serving more than 4 million electric, natural gas and water customers in Connecticut, Massachusetts, and New Hampshire. We take seriously our responsibility to be a strong environmental partner and responsible steward in the communities we serve and on behalf of our customers. This commitment requires us to be attentive to environmental justice communities, which often are overburdened with negative, ongoing environmental impacts and justice disparities.

Eversource is committed to the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to our business and the energy systems we operate. Reliable energy service is vital to public safety, community health, and the economic welfare of the Commonwealth's citizens. Our attention to reliability of the energy system often results in enhancements and repairs in environmental justice communities, where our intended purpose is to bolster reliability, enable growth and provide access to clean energy for our customers in these areas. As we work together towards enabling a cleaner energy future and achieving the Commonwealth’s net-zero carbon goal, we must ensure the complementary goals of reliability and justice are simultaneously accomplished with benefits for all. As part of this commitment, and in conformance with our legal obligations to our communities in siting and permitting activities related to operation, maintenance, upgrade and installation of new energy system facilities, we regularly communicate with all our stakeholders, including community neighbors, abutters, landowners, local businesses and other potentially impacted stakeholders.

To further demonstrate our focus on equity and environmental justice as core commitments of our business, we recently named a Vice President of Corporate Citizenship and Equity. We have also identified a cross-functional working team dedicated to operationalizing our commitment across key business areas, including understanding

where community impacts intersect with work needed to maintain a reliable energy system. This focus on equity and environmental justice will benefit all customers, especially those underserved communities.

Eversource supports the intent of the EJ Protocol to encourage public involvement and participation through expanded public outreach and access to language interpretation services. Eversource also supports MEPA's consideration of proposals for mitigation of environmental burdens borne by EJ communities as part of its regulatory review of applications from project proponents.

Eversource respectfully asks for the following clarifications on certain points to ensure its continued ability to comply both with new protocol objectives as well as the various state laws and MEPA regulations that apply to its projects:

- Bill S.9., "An Act Creating a Next Generation Roadmap for Massachusetts Climate Policy" (c.8 of the Acts of 2021) (the "Climate Act") defined the environmental justice communities in Massachusetts, and the MEPA Office has adopted a useful interactive EJ Map link in the draft Protocol. However, neither the map itself nor the protocol provide an inventory of the existing environmental burdens borne by such communities, nor a methodology by which proponents could make such a determination on their own as part of their project planning. We believe that any protocol from the MEPA Office should include a methodology for the agency to make determinations of existing EJ communities' environmental burdens and make such information public to inform project proponents of the burdens they should consider when determining incremental impacts to EJ communities, and to ensure proponents have the tools needed to propose mitigations to such existing and/or incremental additional impacts of their project.
- Please clarify how MEPA will factor positive benefits of projects (such as addressing critical neighborhood reliability needs and climate resiliency) into this protocol and decision making.
- The protocol states that *"the MEPA Office will presume that any project impacts will negatively affect EJ populations located within a 1-mile radius of the project, absent compelling information to the contrary"*. Please clarify what constitutes a "negative affect" as well as "compelling information" sufficient to demonstrate there is not a negative impact. Without any guidance on what constitutes "compelling information" to disprove that there is a "negative affect", this presumption may be overly onerous on the proponents and may unnecessarily delay the MEPA process. As stated above, clarity on how positive benefits of a project play into this determination is needed.
- Please clarify the process indicated in the *"Public Involvement Requirements Prior to Filing ENF/EENF"* section. With the current language of a presumption of "negative affect" on EJ populations, coupled with a required advance 45-day LOI and all requisite enhanced public outreach, meetings, etc., a proponent does not have the ability to obtain concurrence from MEPA that an EJ population is not "reasonably likely to be affected negatively by the project," prior to filing an ENF/EENF. As a result the presumption, in order to be conservative and ensure no unintended noncompliance with the EJ Protocol, seems to assume that every proponent must err on the side of caution and always undertake the pre-filing requirements of the 45-day Letter of Intent notification, project summary distribution, public information meeting, etc. Please

clarify the timing and process of demonstrating there is no “negative affect” and whether that is the intended result of the Protocol assumption.

- Please clarify what MEPA defines as an “*unusually large volume of project- or construction-related diesel trucks or equipment.*” For example, over the life of a project, at any given time, or during any given set period of work being done in an area with respect to a project?
- Please clarify whether the need for the ENF/EENF to describe any air emissions and anticipated impacts within an area up to 5 miles around the project site is only required for projects exceeding the MEPA review threshold for air emissions, or if this applies to all projects occurring within 5 miles of an EJ community. (Presumptions of Project Impacts on EJ Populations section, 3<sup>rd</sup> Paragraph, Last Sentence). Please also clarify whether “emissions” are intended only to cover emissions already subject to MA environmental regulations, or whether MEPA intends that the language be read to cover other types of emissions.

In closing, we appreciate your consideration of our comments with Revised MEPA Public Involvement Protocol for EJ Populations and look forward to opportunities for continued discussions with you and your Office as you incorporate additional EJ principles and criteria into your regulatory process.

Sincerely,



Denise M. Bartone  
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Cc: Theresa Hopkins-Staten, President, Eversource Foundation and VP Corporate Citizenship and Equity