



# **2024 Climate Act:**

**Proposed Revisions to Proposed EFSB  
Regulations 980 CMR 1.00, 2.00, 13.00, 14.00,  
16.00, and 17.00**

**Energy Facilities Siting Board (“EFSB” or “Siting Board”)**

**January 7, 2026**



# Agenda

- 1:00 Opening Remarks
- 1:15 Draft Final Regulations Presentations, Board Discussions, and Public Comments
- 2:30 First afternoon break
- 3:45 Second afternoon break
- 4:50 Closing Remarks



# Goals of Board Meeting

- Provide a high-level summary of comments received on EFSB Proposed Regulations issued in September, and Staff responses to comments
- Update the Proposed Regulations to reflect comments received and changes proposed by Staff prior to formal Interagency Review
- Provide the Board and Stakeholders with the above information, and respond to further comments, questions, and suggestions before the next draft goes to Interagency Review
- General update on EFSB progress towards implementation of the 2024 Climate Act (the “Act”)



# Major Siting and Permitting Provisions of the 2024 Climate Act

- Creates a new category of infrastructure: Clean Energy Infrastructure Facilities (“CEIF”)
- Expands Siting Board jurisdiction to include Large Clean Energy Storage Facilities (“LCESF”)
- Creates two Consolidated Permit programs
  - Large CEIF – Consolidated Permit issued by the Siting Board
  - Small CEIF – Local Consolidated Permit issued by a municipality
- Establishes deadlines for deciding on an application; constructive approval if deadlines not met
- Establishes new requirements for CEIF applicants, including:
  - Pre-filing public outreach
  - Cumulative Impact Analysis (“CIA”) and Site Suitability Assessment
- Expands Siting Board membership; establishes a new mandate, scope of review, and required findings
- Moves certain Department of Public Utilities siting jurisdiction to the Siting Board



# Chapters of Proposed Final Regulations

Chapter of Draft Regulation	Title Summary
980 CMR 1.00 – EFSB revised	Adjudicatory Proceedings
980 CMR 2.00 – EFSB revised	Board Business
980 CMR 13.00 – EFSB new	Consolidated Permits
980 CMR 14.00 – EFSB new	De Novo Adjudication
980 CMR 15.00 – EFSB new	Cumulative Impacts Analysis and Site Suitability
980 CMR 16.00 – EFSB new	Pre-filing Consultation and Engagement
980 CMR 17.00 – EFSB new	Constructive Approval
980 CMR 4.00, 5.00, 7.00, 8.00, 11.00	Repeal of Unused Regulations * In response to comments from the Office of Coastal Zone Management, the Siting Board will no longer repeal 980 CMR 9.00.
220 CMR 32.00 – DPU new	EFSB Application Fees (forthcoming)
220 CMR 34.00 – DPU new	Intervenor Support Grant Program
225 CMR 29.00 – DOER new	Consolidated Local Permit



# Regulation Development Milestones

Milestone	Dates
Final Decision issuing Proposed Regulations and beginning formal rulemaking process	September 12, 2025
Proposed Regulations published in the Mass. Register	September 26, 2025
Public Comment Period	October 17 – November 7, 2025
Written Comments	Initial written comments October 17, 2025 Final written comments November 7, 2025
The Siting Board and Department conducted four hybrid public comment hearings	October 27 – New Bedford October 29 – Pittsfield November 3 – Boston November 5 - Lynn
The Siting Board received hundreds of written comments 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.	



# Important Future Dates

Milestone	Dates
Siting Board Meeting to Discuss Draft Final Regulations	January 7, 2026
Written Comment Deadline for Draft Final Regulations	January 9, 2026
Siting Board Meeting to Vote on Final Regulations	February 2026
Deadline for Siting Board to File Final Regulations with the Secretary of State	February 13, 2026
Final Regulations Published in Mass. Register	February 27, 2026
Statutory Deadline to Promulgate Regulations	March 1, 2026
Additional Stakeholder Engagement on Implementation	From March 1, 2026
Implementation of New Consolidated Permit Program	July 1, 2026



# Revisions to Adjudicatory Proceedings (980 CMR 1.00)

- The proposed 980 CMR 1.00 regulation revises the Siting Board's existing adjudicatory proceedings regulation to add new requirements from the Act and codifies certain existing practices
- New requirements from statute:
  - Revises and/or adds definitions, consistent with the Act
  - Supplements procedures for conditions compliance filings, project changes filings, and decommissioning plans
  - States that the form of a particular Application shall be specified by the Board
- Codification of existing practices:
  - Clarifies document filing procedures and requirements, including electronic filing, deadline for timely filing, electronic signatures
  - Requires adjudicatory proceedings to comply with the Siting Board's Language Access Plan





# Revisions to Adjudicatory Proceedings (980 CMR 1.00) cont'd

- Codification of existing practices (cont'd):
  - States the standards for mailed public notice for new facilities (i.e., providing notice to property owners and renters within 300 feet of a transmission line right-of-way or gas pipeline; within ¼ mile of a substation, switching station, small clean energy generation facility (“SCEGF”), small clean energy storage facility (“SCESF”); and ½ mile of a large clean energy generation facility (“LCEGF”), large clean energy storage facility (“LCESF”), fossil fueled generation facility, gas storage facility, or gas compressor station
  - Requires that public comment hearings facilitate in-person and remote participation
  - Provides that participating individuals or entities do not need attorney representation (only corporations participating as a party require attorney representation)
  - Requires that applicants maintain an updated exhibit list
  - Creates an obligation for all parties to supplement evidence it provided, as new, relevant information becomes available



# 980 CMR 1.00 - Comments (Adjudicatory Proceedings)

Comment Theme	Regulation Update or Response
Per 2024 Climate Act, EFSB must include consideration of cumulative impacts to any determination of the Board – not just Petitions to Construct a Facility or EFSB Consolidated Permit Applications (CLF).	No change. CIA requirement in 980 CMR 15.00 apply to legacy Facilities, and CEIF reviewed under c. 164, §§ 69T-V, but not § 69W (De Novo Adjudication). 980 CMR 2.06 incorporates required findings for the Board - including “due consideration” given to “cumulative burdens on host communities”
Project Segmentation provisions may be inconsistent with how federal reviews are conducted for offshore wind projects (Ocean Winds; Eversource/National Grid).	Revised language to increase flexibility in segmentation section to account for project phasing in response to federal or regional requirements.
Extension of time provisions could be a loophole around the 15-month statutory review timeline. Preliminary Procedural Conference could help scope the review to avoid this (Avangrid).	No change. These ideas are already reflected in the proposed regulations (both 980 CMR 1.00 and 13.00).
Clarify that “energy storage system” pertains solely to stationary equipment and not vehicle-related energy storage (MassDOT).	No change. Definition of energy storage system is statutory, however, the Board may want to consider distinguishing between permanent facilities and temporary energy storage using vehicles (aka “vehicle-to-grid” applications).



# 980 CMR 1.00 - Comments (Adjudicatory Proceedings)

Comment Theme	Regulation Update or Response
For Project Change notifications, the regulations should set timeframes for EFSB response, including 15-day comment and response period, and 15 days to determine whether a proposed project change results in significantly different kinds or degrees of impacts. If there are no significant changes identified, the Project Change shall be approved. (Avangrid)	Revised the regulation to include 15-day deadline for Presiding Officer to determine whether additional information is required to determine if Project Change impacts are significant, discovery is required, or a docketed review is needed.
Small clean energy facilities should have less extensive Notice requirements than for larger clean energy facilities. (Various commenters)	Revised the regulation to establish a distance of ¼ mile from a small facility (SCEGF or SCESF) for mailed Notice



# Revisions to Board Regulations (980 CMR 2.00)

- The proposed 980 CMR 2.00 regulation adds new requirements from the Act defining how the Siting Board conducts its business
- New requirements from the Act:
  - Revises the Siting Board's mandate and scope of review
  - Exempts Siting Board-jurisdictional facilities from Massachusetts Environmental Policy Act ("MEPA") review
  - Revises the Board membership and adds two Board seats. New board members reflect a wider range of expertise
  - Delegates authority for the Director to issue decisions on De Novo Adjudications
  - Adds new required findings for any determination of the Siting Board
  - Requires the Board to maintain an online dashboard of its progress reviewing and deciding on cases
  - Requires the Board to issue a constructive approval (under 980 CMR 17.00), when the Board fails to issue a final decision within its review timeframe
- Procedural clarifications:
  - Updates statutory references regarding procedures for public meetings, notice of public meetings, executive session, and the number of Board members that constitute a quorum
  - Makes other clarifying revisions



# 980 CMR 2.00 - Comments (Board Regulations)

Comment Theme	Regulation Update or Response
980 CMR 2.02(1)(d) should be updated to reflect that applications for competitive procurements are not subject to financial review by the Board. The results of competitive procurements are thoroughly vetted by DOER during Power Purchase Agreements (“PPA”) negotiations and by the DPU, which must review and approve a PPA for it to be effective (Avangrid)	No change. The 2024 Climate Act requires the Board to ensure facilities “are constructed in a manner that avoids or minimizes costs.” No carveout is made for competitive procurements. However, Board precedent has limited the scope of cost reviews in for facilities proposed by merchant developers and placed great weight on cost reviews by other state agencies.
Board should also include independent scientists with expertise in epidemiology, engineering, and climate (multiple commenters).	No change. Board membership is governed by the statutory provisions. Several of the Board members have expertise in the various fields specified.



# 980 CMR 14.00 (De Novo Adjudications)

- **New Regulation for De Novo Adjudications – 980 CMR 14.00**
  - (1) for certain entities that object to the decision at the local level
  - (2) to adjudicate a consolidated local permit when the local government lacks resources
- Expedited process (6 months/12 months)
- Decision made by the Siting Board Director
- Appeal directly to the Supreme Judicial Court



# 980 CMR 14.00 - Comments (De Novo Adjudication)

Comment Theme	Regulation Update or Response
14.02(1)(c) - Unclear how De Novo Adjudication will treat regional planning agencies (“RPAs”) if only the municipality seeks De Novo Adjudication due to resource constraint, but RPA does not (or reverse) (KP Law)	No change. De Novo Adjudication is activated by a Local Government request. The Board’s De Novo Adjudication is limited to the content of a request submitted by a Local Government. An RPA can request De Novo Adjudication.
14.02(3)(b)(4) - Local Government should have more than 60 days after receipt of Application to provide comments and recommended conditions to Board on a De Novo Adjudication. (KP Law)	The Applicant (not Local Government) provides the recommended permit conditions within 14 days of the De Novo Adjudication request to the Board. The De Novo Adjudication process will allow for Local Government recommended conditions later in the proceeding.
14.05 - How will the De Novo Adjudication decision address local zoning issues? Will the decision be able to grant zoning relief, or overturn zoning decisions made by the local government? (KP Law)	Unlike §§ 69T-69V, § 69W (De Novo Adjudication) does not include zoning exemption authority. If a zoning exemption is required for a small CEIF that is filed at the local level, the Applicant must separately file a zoning exemption petition with the Board.





# 980 CMR 14.00 - Comments (De Novo Adjudication)

Comment Theme	Regulation Update or Response
De Novo Adjudication petition should include CIA/site suitability analyses per 980 CMR 15.00 and pre-filing information per 980 CMR 16.00. (CLF)	§ 69W does not include CIA/Site Suitability analyses or pre-filing requirements by the Board for De Novo Adjudication. However, a Consolidated Local Permit Application must follow DOER regulations, which include Site Suitability and pre-filing requirements, and will be in the record reviewed by the Board.
Written comments, public comment hearings, and site visits should be required, not discretionary. (CLF)	For De Novo Adjudications initiated pursuant to 980 CMR 14.02(1) (a) or (b), the Director may, in their discretion, provide for a public comment hearing on the Consolidated Local Permit Application, and such hearing may be conducted virtually. For De Novo Adjudications initiated pursuant to 980 CMR 14.02(1) (c), the Director shall provide for a public comment hearing on the Consolidated Local Permit Application Site visit remains discretionary.
Automatically grant party status to any parties at the prior (local) review stage. Key stakeholders should be granted party status or limited participant status. (CLF)	No change. The Presiding Officer will consider petitions for intervention or limited participant status from such groups, and review using established Board standards and precedent.





# 980 CMR 16.00 Pre-filing Consultation and Engagement Requirements

- 980 CMR 16.00 applies to LCEIF, SCEIF, and all jurisdictional Facilities
- Establishes pre-filing requirements for Applicants to ensure that Project information reaches those who may be impacted by a Project, and provides stakeholders an opportunity to influence Project design
- Requires Applicant to consult with Key Stakeholders, MEPA Office, and permitting agencies, hold at least two public meetings with the Community, use multiple channels of outreach, and create a project webpage
- Provides Applicants with flexibility to tailor pre-filing schedules to the project and community, does not specify timing or duration for completion of pre-filing requirements
- Balances the goal of providing project information to Key Stakeholders early during project development with the Applicant's need to do adequate due diligence



# 980 CMR 16.00 - Comments (Pre-filing Consultation and Engagement)

Comment Theme	Regulation Update or Response
16.02 - Amend definition of <b>Community</b> to be broader, inclusive, and tailored for impacts that will arise from the proposed Project. Restricting distance to one mile is limiting. (Michael DeChiara, CLF)	Revised language to incorporate radial distances from the CIA regulations to consistently track the potential scope of Impacts. Distances to focus pre-filing outreach now align with the distance from the Facility Boundary used to determine Specific Geographical Area ("SGA") for different facility types.
16.02 - Include a centralized list of local stakeholders who can be made aware of the proposed Project during pre-filing as a part of <b>Key Stakeholder</b> outreach; clarify "labor groups." (CLF, Community Labor United)	No change. OEJE, DOER, EFSB, DPU, and MEPA will collaborate on a reference list of community-based organizations that applicants can use. Revised definition of 'Key Stakeholders' references union locals, building trades councils, central labor councils, and the Massachusetts AFL-CIO.
16.03 - Waiver requests should be rarely granted and only after a Board vote. Waivers should have an appeals process. (ACE, multiple commentors)	No change. Waiver requests will be decided by DPP Director which is consistent with requirements in the statute. Requires Applicant to email waiver requests to relevant Key Stakeholders, Local Government and state permitting agencies, and the Project distribution list.



# 980 CMR 16.00 - Comments (Pre-filing Consultation and Engagement)

Comment Theme	Regulation Update or Response
16.04 – Post, not summarize, all comments received as part of document submissions to accompany Pre-filing Engagement Status and Completion Checklists. (CLF)	Language revised to require the Applicant to submit and post a table summarizing oral and written comments that reflects all issues raised.
16.04(g)(4) – The duration of the public comment period should allow enough time for stakeholder input, especially if both the public meetings are held close to each other (Multiple commenters).	Language revised. Pre-filing public comment period after the second public meeting extended to 3 weeks to provide sufficient time for public input.
16.04(g)(5) - Notes for meetings with Key Stakeholders and public meetings with community should include an attendance sheet with the names and affiliation of participants to provide insight into the depth and breadth of engagement. (Michael DeChiara)	Regulation revised. For public meetings, the Applicant is required to have sign-in sheets. The sign-in sheets will not be publicly available, but the Applicant shall, upon request, submit the sign-in sheets to DPP or Board.
16.06 – Local Government and state permitting agencies should agree to a list of applicable permits during pre-filing; no new permits should be allowed during application process. (RENEW Northeast)	No change. The Applicant is responsible to identify all applicable permits and update the list if new permits are necessary.



# 980 CMR 16.00 - Comments (Pre-filing Consultation and Engagement)

Comment Theme	Regulation Update or Response
16.07 – Timeframes and meeting requirements should be moved to guidance to allow for flexibility. Only the MEPA Office, Local Government, and state permitting agencies should provide input on mitigation and minimization. (RENEW Northeast)	No change. The regulation timeframes and requirements are already flexible. Restriction on comments from community sources is not warranted.
16.08(b)(1) - Public meetings, open houses, and workshops should be recorded where possible and posted on the Project website. (CLF)	Language revised. Applicants are encouraged to record the presentation portion of virtual meetings, disclose it's being recorded, and post a recording on the Project website.
16.10(4)(b) - Applicants should receive copy of the comments submitted by Local Government and state permitting agencies and be able to respond to the comments. (National Grid & Eversource, Ocean Winds)	Regulation revised. Applicant to file the pre-filing notice no fewer than 60 days before filing Application. Local Government and state permitting agencies have 30 days to file their comments with DPP, and Applicant has 7 days to respond to the comments.



# Consolidated Permit Application: Regulations, Guidelines, Baseline Standards, and Common Conditions

- EFSB to establish a "common standard application" for: (1) Consolidated Permit (all state and local permits); and (2) Consolidated State permit (all state permits) (together, "EFSB Consolidated Permit")
  - Large Clean Energy Infrastructure Facilities ("CEIF") (§ 69T) (Consolidated Permit)
  - Small Clean Transmission and Distribution ("T&D") Facilities (§ 69U) (Consolidated Permit)
  - Small Clean Generation and Storage Facilities (§ 69V) (Consolidated State Permit)
- De Novo Adjudication (§ 69W) may result in a "Consolidated Local Permit" that would normally be issued by Local Government – Not included in definition of an "EFSB Consolidated Permit"



# Consolidated Permitting for Clean Energy Infrastructure Facilities

Facility Type/Description	Capacity/Size	Permitting Authority
<b>Generation</b> – Solar; Wind; Anaerobic Digester	≥ 25 MW ( <b>Large</b> )	EFSB – Consolidated Permit & Pre-filing Process per § 69T + Zoning Exemption (if requested separately)
	< 25 MW ( <b>Small</b> )	Local - Consolidated Local Permit & Pre-filing Process per c. 25A, § 21 <sup>1</sup> EFSB – Consolidated State Permit per § 69V (EFSB opt-in by developer); otherwise, individual state permits; + Zoning Exemption
<b>Energy Storage System</b>	≥ 100 MWh ( <b>Large</b> )	EFSB – Consolidated Permit & Pre-filing per § 69T + Zoning Exemption (if requested separately)
	< 100 MWh ( <b>Small</b> )	Local - Consolidated Local Permit & Pre-filing Process per c. 25A, § 21 <sup>1</sup> EFSB – Consolidated State Permit per § 69V + Zoning (EFSB opt-in by developer); otherwise, individual state permits; + Zoning Exemption
<b>Transmission Infrastructure</b> (and ancillary facilities) - <b>Large</b> - ≥ 69 kV and ≥ 1 mile (new corridor) - ≥ 115 kV and ≥ 10 miles (existing corridor) (except reconductoring at same voltage) - New transmission infrastructure (inc'l substations/structures) requiring zoning exemptions - Facilities needed to connect offshore wind to grid		EFSB – Consolidated Permit & Pre-filing Process per § 69T + Zoning Exemption
<b>Transmission Infrastructure</b> (and ancillary facilities) - <b>Small</b> - < 1 mile (new corridor) - < 10 miles (existing corridor) - Distribution-level projects meeting a size threshold TBD by DOER - Reconductoring/rebuild at same voltage - Substations/upgrades <u>not</u> requiring zoning exemptions		Local - Consolidated Local Permit & Pre-filing Process per c. 25A, § 21 <sup>1</sup>  - OR -  EFSB – Consolidated Permit & Pre-filing Process per § 69U (EFSB opt-in by developer; EFSB pre-filing process applies)

1. The Pre-filing process will occur solely under DOER's Consolidated Local Permitting Guidelines and will not be subject to the EFSB Pre-filing process. Local government may transfer a Consolidated Local Permit application to the EFSB Director, if resources and staffing do not allow for local review per § 69W. A request for de novo adjudication of a Local Consolidated Permit decision may also be submitted to the EFSB Director, per § 69W, and would not require additional Pre-filing process.

Color Key: EFSB Responsibility; DOER Responsibility to Develop Standards





# Consolidated Permit Application: Baseline Standards (New)

- 2024 Climate Act requires the Board to establish a “uniform set of baseline health, safety, environmental and other standards that apply to the issuance of a consolidated permit.”
- EFSB has collaborated with DOER on developing the baseline standards. EFSB’s proposed Baseline Standards will be in 980 CMR 13.00 Application Guidelines, Attachment 2.
- The Baseline Standards generally incorporate existing regulatory standards in effect; the EFSB may create some unique standards in the future (such as maximum magnetic fields).



# Consolidated Permit Application: Conditions

- The Board shall include conditions in its final decision on a Consolidated Permit
- Sources of Conditions
  - Common Conditions and Requirements established by the Board
  - Proposed conditions: from Applicant, PEAs, Parties. EFSB staff may propose additional conditions.
- Conditions Conference
- Presiding Officer Recommended Permit Conditions
- Permit conditions included in Tentative Decision; incorporated in Final Decision after Board vote.





# 980 CMR 13.00 - Comments (Consolidated Permit Application)

Comment Theme	Regulation Update or Response
Extend written comment and intervention petition deadline to minimum of 30 days after public comment hearing. (CLF)	No change. Decision deadlines in statute are mandatory, and avoiding constructive approval is a widely shared priority. Extending established timeframes for comment/intervention jeopardizes this objective.
Completeness review should be an administrative process and not a first cut at substantive review. (Eversource/National Grid)	Revised to clarify the administrative nature of a Completeness Determination.
Do not use DOER Consolidated Local Permit Application as part of EFSB Consolidated Permit application. (Eversource/National Grid)	Revised to make use of DOER Consolidated Local Permit Application optional; Applicant may use Local PEA Application forms as part of EFSB Consolidated Permit Application.
Zoning exemptions are part of Consolidated Permit (Eversource/National Grid, Avangrid); Local Government, not EFSB, should conduct zoning relief review (KP Law, others).	Revised to clarify that the Board may grant zoning exemptions pursuant to M.G.L. c. 40A, §3; Section 6 of Chapter 665 of the Acts of 1956; and M.G.L. c. 164, §§ 69T-V, inclusive. A separate Zoning Exemption Petition is still a required filing.



# 980 CMR 13.00 - Comments (Consolidated Permit Application)

Comment Theme	Regulation Update or Response
Reconsider EFSB's use of DEP Noise policy and promulgate new standards; existing DEP Policy tends to site facilities where there are already higher noise levels. (RENEW & American Clean Power Assoc.)	No change. EFSB understands the concern regarding DEP Noise Policy and will work with DEP to consider alternatives to the current Noise Policy for CEIF, and other projects.
Applicants should not be required to publicize a "Noticed Alternative" route/site, nor assess whether such alternatives are "clearly superior" to the Project. (Eversource/National Grid)	Clarified that there is no requirement in the regulation for a Noticed Alternative Site/Route. Applicants are required to describe alternatives considered. Board retains precedent on not overlooking "clearly superior" routes for T&D projects.
Require that the Board respond in writing to each Party/PEA statement of Recommended Permit Conditions. (CLF)	Change made to require a written response from Presiding Officer (in Recommended EFSB Consolidated Permit Conditions) or Board (in Final Decision) to each recommended condition submitted by a PEA/Party.
EFSB Application should include language requiring prevailing wage, and use of apprenticeship programs. (MA AFL-CIO; Climate Jobs Massachusetts Action)	No change. The labor provisions cited in the 2024 Climate Act are specific to DOER's use in Consolidated Local Permitting, not the Board's use in EFSB Consolidated Permit.



# 980 CMR 13.00 - Comments (Consolidated Permit Application)

Comment Theme	Regulation Update or Response
Enforcement improvements needed: (1) accessible reporting portal for alleged violations; (2) timelines for action; (3) protection for “whistle blowers” against retaliation. (CLF) Board should resolve potential enforcement disputes between Local Government and Project over Consolidated Permit requirement. (Ocean Winds)	Changes include: (1) commitment to establish portal to report alleged violations; and (2) 21-day timeline for Director to respond to PEA requests for assistance.  No change. The statute grants PEAs authority for enforcement of EFSB Consolidated Permit conditions normally within their jurisdiction.
EFSB’s own timeline delays should be tracked and publicly reported to ensure accountability. (CLF)	No change. Existing requirements for a CEIF Dashboard (in G.L. c. 25, § 12N) include this type of information and process transparency.
Baseline Environmental, Health, and Safety Standards must be established. (CLF)	Clarified that the Board shall issue Baseline standards. Baseline standards will be included in Attachment 2 to 980 CMR 13.00 Regulation Guidance.
The regulation should codify standards on language access rather than deferring to the Board’s Language Access Plan (“LAP”). (CLF)	No change. Reference in the regulation to the LAP is sufficient to ensure that EFSB Consolidated Permit reviews are conducted in accordance with all applicable language access requirements, and future LAP revisions.



# 980 CMR 13.00 - Comments (Consolidated Permit Application)

Comment Theme	Regulation Update or Response
Applicant should be required to demonstrate minimum financial and experience qualifications to get Board approval for a Project. (Robert Cherdack)	Application Guidance includes requested financial and organizational information about Applicant.
Common Conditions should not be a “one-size-fits all construct.” The Board must retain discretion to decide which common conditions are reasonable and appropriate as the facts for a particular project warrant. (Eversource/National Grid)	Clarified that Common Conditions are required only in the event of Constructive Approval. Also clarified that following the Conditions Conference, the Presiding Officer shall issue Recommended Permit Conditions to the Parties and PEAs, subject to Board approval. If approved, the Recommended Permit Conditions are used as the “Common Conditions and Requirements” for Constructive Approval.
Added a category of “ministerial permits”	Ministerial permits added to reflect the fact that some permits must be issued close to construction. Also consistent with DOER regulations;



# 980 CMR 13.00 - Comments (Application Guidance)

Comment Theme	Regulation Update or Response
Too many requirements are placed in Guidance rather than regulation. The regulation should codify more elements and leave less discretion to decision-making bodies. (CLF)	Some changes to both regs and Guidance, but the balance remains. Future revisions to Guidance are more practical given the technical nature of CEIF Applications, and the need to discover what works and what doesn't. The Board will vote on changes to the Guidances.
Improvements Needed (Michael DeChiara): <ul style="list-style-type: none"><li>- Zoning Exemption Table needs more detail</li><li>- More information needed about the Project developer and Project landowner</li><li>- Need more information about Project consultations with Local Government and community members</li><li>- Avoidance of impacts requires consideration of alternatives, and relevant information</li><li>- Improved mapping data needed</li><li>- Site suitability information should include drinking water</li><li>- BioMap-Core Habitat information is needed</li><li>- Cultural resources should be included with historical &amp; archeological resources.</li></ul>	<p>These (and other comments made) are helpful points that we are working to address in revisions to the Guidance document.</p> <p>Site Suitability will have an expanded role in proposed CIA/Site Suitability regulation (980 CMR 15.00). EEA is developing the guidance for the Site Suitability Assessment and is aware that some commenters would like more focus on drinking water.</p>



# 980 CMR 17.00 (Constructive Approval)

- **New Regulation for Constructive Approval – 980 CMR 17.00**
  - If the Siting Board does not issue a final decision on an Application for a Consolidated Permit by the statutory deadline, the Application is constructively approved
    - 15 months for Large Clean Energy Infrastructure Facilities
    - 12 months for Small Clean Energy Infrastructure Facilities
    - Does not apply to non-Clean Energy Infrastructure Facilities
  - Provides a process in anticipation of a Constructive Approval
  - Provides the content and form of a Constructive Approval
    - Constructive Approval would include “Common Conditions” established by the Board
  - Establishes a mechanism for issuance of the Constructive Approval





# Constructive Approval: Common Conditions (Revised)

- 2024 Climate Act requires Board to establish “Common Conditions” for EFSB Consolidated Permits in the event of Constructive Approval
  - Climate Act indicates that Common Conditions may differ by type of CEIF
- The proposed Common Conditions reflect “generic conditions” – some apply to all CEIFs, others only to specific types of CEIF.
- The Common Conditions identify the type of permit to which they attach, and the name of the permit enforcement agency (“PEA”).
- Proposed regulation has a “Conditions Conference” mechanism to tailor the Common Conditions to project and location-specific issues, subject to Board approval.



# 980 CMR 17.00 - Comments (Constructive Approval)

Comment Theme	Regulation Update or Response
The Board should release draft Common Conditions for review. (CLF)	Agreed. The Board intends to circulate proposed Common Conditions for feedback and improvement. The comment period is on a different schedule than the regulations.
The Presiding Officer should assess the likelihood of a Constructive Approval (CA) every sixty days (not just once 60-90 days before the final decision deadline) to ensure timely progress, reduce need for CA, and ensure community participation. (ACE/CLF).	No change. One required status check is enough. Additional requirements divert Presiding Officer from conducting necessary work. Community participation is built into the Consolidated Permit process regardless of whether Constructive Approval arises.
980 CMR 17.03 should require Constructive Approval to reflect the Board's statutory obligations related to Cumulative Impact Analysis, climate change, community engagement, and other required areas. (CLF)	No change. This topic is better addressed by 980 CMR 13.00, which addresses conditions and statutory obligations that apply to all permits, not only Constructive Approval.
The Notice of Likelihood of Constructive Approval should be more broadly disseminated, including to Key Stakeholders and individuals who attended public meetings or provided comment. (ACE)	Added language to 980 CMR 17.03(3) requiring an Applicant to forward the Notice of Likelihood of Constructive Approval to Key Stakeholders within two business days of receipt from the Presiding Officer.





# 980 CMR 17.00 - Comments (Constructive Approval)

Comment Theme	Regulation Update or Response
The conditions in a Consolidated Permit should be added on a rolling basis to ensure inclusion into a Constructive Approval (ACE and CLF)	No change. The proposed regulation includes a mechanism to timely and collectively incorporate the Presiding Officer Recommended Permit Conditions into the Constructive Approval. The proposed process will be similarly comprehensive and more efficient.
A Constructive Approval should incorporate conditions that agencies or communities have already established as part of the permitting process. (CLF)	No change. This topic is best addressed by 980 CMR 13.00 and development of Common Conditions.
The regulation should require the Presiding Officer to publicly post a report explaining the consideration of public input on any applicant-specific conditions. (ACE)	No change. The Presiding Officer needs to retain discretion in this regard to ensure time to tend to cases to prevent constructive approval.
The regulation should authorize the Board to update the draft Constructive Approval in response to comments. (ACE)	The revised proposed regulation authorizes the Presiding Officer to revise the draft Constructive Approval in response to comments.



# Cross-Cutting Issues: Zoning Exemptions

- Eversource and National Grid assert that the 2024 Climate Act makes clear that zoning exemption authority is within the scope of an EFSB Consolidated Permit, and that requiring a separate zoning exemption petition is inconsistent with the Act and risks adverse consequences.
- Avangrid generally agrees that the Act includes authority to grant zoning relief in a Consolidated Permit, but argues that the Board should address zoning under both the authority in the Act, and under G.L. c. 40A authority.
- The Board may grant zoning exemptions pursuant to M.G.L. c. 40A, §3; Section 6 of Chapter 665 of the Acts of 1956; or M.G.L. c. 164, §§ 69T-V, inclusive.
- The proposed regulation maintains the requirement for the submission of a separate zoning exemption petition to ensure a robust statutory basis for granting zoning exemptions as part of an EFSB Consolidated Permit.



# Cross-Cutting Issues: Transition Issues

- Several developers seek transition guidance on EFSB rules to provide certainty for clean energy projects already in development and facing challenges from federal tax credit changes and restrictions. The issues include:
  - Clarification that existing CEIF projects may continue local permitting under current rules, without EFSB review, if local permits have been requested by March 1, 2026, and possibly as late as July 1, 2026.
  - “Requested Local Permits” to be read broadly to include: ANRADs (wetlands delineation); Order of Conditions; special permits; variances; site plan reviews; subdivision plans; and other local permits.
- This guidance is consistent with the intent of the 2024 Climate Act to accelerate the deployment of clean energy infrastructure. EFSB Staff propose to include language in the Tentative Decision for the Final Regulations incorporating this concept.



# Cross-Cutting Issues: Alignment with DOER Consolidated Local Permit Rules

- EFSB continues to work closely with DOER on siting and permitting rules and implementation measures to achieve alignment.
- DOER's recent proposed regulations acknowledge that Applicants may choose whether to seek either a Consolidated Local Permit, or individual permits at the local level under existing rules.
- EFSB proposal now allows for Applicants to submit either: (1) DOER's Consolidated Local Permit Application and a draft of the Consolidated Permit, or (2) the individual local permit applications and draft permits.
- Consolidated State Permit (under § 69V) will require EFSB pre-filing procedures, if Applicant is not seeking a Consolidated Local Permit.
- Applicants that pursue local permits individually will not be eligible for De Novo Adjudication under 980 CMR 14.00.



# **Updates on 220 CMR 32.00 (Application Fees) and 220 CMR 34.00 (DPU and EFSB Intervenor Support Grant Program)**

- Application Fees regulations are being reviewed
  - DPU will issue Order opening rulemaking with proposed regulations attached
- Intervenor Support Grant Program regulations are being drafted
  - DPU will issue Order finalizing regulations



# Questions & Comments



# **Board Meeting – January 7/8, 2026**

## **Proposed Regulations**

*The meeting will begin/resume shortly*

**Technical Issues? Call or text 857-200-0065**