

MEPA Advisory Committee

March 18, 2022, 1:00PM-3:00PM

Remote Meeting

Organizations Represented/In Attendance

- Air, Inc.
- Alternatives for Community & Environment
- Boston Harbor Now
- Cape Cod Commission
- Charles River Watershed Association
- Connecticut River Conservancy
- Environmental Business Council (EBC)/VHB
- GreenRoots
- Home Builders & Remodelers Association of Massachusetts (HBRAMA)
- MassAudubon
- Massachusetts Association of Conservation Commissions (MACC)
- Massachusetts Water Works Association (MWWA)
- Metropolitan Area Planning Council (MAPC)
- NAIOP Commercial Real Estate Development Association of MA
- National Grid
- Pioneer Valley Regional Planning Commission (PVPC)
- Solid Waste Association of North America (SWANA), New England Chapter

State agency/authority attendees

- EEA EJ Director
- DHCD
- MassDEP
- MassPort
- MWRA

Meeting Summary

Discussion of MEPA's "Phase II" regulatory review effort continued with review of MEPA thresholds (301 CMR 11.03). There was follow-up discussion from the last Advisory Committee meeting, which focused on thresholds for Wetlands/Waterways (11.03(3)); Water (11.03(4)); Wastewater (11.03(5)); and Solid Waste (11.03(9)).

Regarding Water thresholds, a question was raised as to why EIR thresholds for surface water versus groundwater withdrawals are set at different volumes; it was suggested that these thresholds could be aligned and lowered. There was additional discussion regarding the difference between average daily and maximum daily withdrawals; MassDEP permitting relies on average daily numbers.

Regarding Wastewater thresholds, committee members continued discussion as to whether combined sewer overflows (CSOs) control plans could be reviewed through MEPA; for instance, water quality variances are issued by MassDEP to authorize CSO discharges.

A member of the public raised a question as to whether MEPA review should extend to projects at the point of license renewal. The example of hydro power relicensing was noted. A potential threshold was suggested in connection with relicensing an energy generation facility that increases capacity, changes operating parameters that increase impacts, or increases investment by some percentage.

Solid Waste thresholds (301 CMR 11.03(9)) were discussed, in particular, the "transfer station" exemption to EIR thresholds. Concerns were raised as to multiple siting of solid waste facilities in EJ neighborhoods. It was noted that the number of transfer station projects and associated rail transfer facilities may increase in the future, due to the reduction in landfill capacity in the Commonwealth. There was discussion that the transfer station exemption should be clarified in any event. Additional discussion centered on potential "programmatic reviews" of solid waste master planning. Comments were also made regarding reducing waste overall and the need to prepare for temporary transfer stations after a major disaster.

The meeting concluded with a preliminary discussion of MEPA procedures. It was suggested that MEPA advisory rulings should be made more public and transparent. There was also brief discussion of Fail-Safe Provisions (at 301 CMR 11.04) and the strict standard for granting fail safe review.

Next Steps

The next meeting of the MEPA Advisory Committee will take place on Friday, April 1, 2022, at 1-3pm. The meeting will continue discussion of MEPA procedures. Power point presentations summarizing discussion at each meeting will be made available on the MEPA website at <https://www.mass.gov/info-details/mepa-advisory-committee>.