

## **MEPA Advisory Committee**

March 4, 2022, 1:00PM-3:00PM

### **Remote Meeting**

#### Organizations Represented/In Attendance

- Alternatives for Community & Environment
- American Council of Engineering Companies
- Berkshire Regional Planning Commission
- Boston Harbor Now
- Cape Cod Commission
- Connecticut River Conservancy
- Conservation Law Foundation
- Eversource
- Green Roots
- Home Builders & Remodelers Association of Massachusetts (HBRAMA)
- MassAudubon
- Massachusetts Highway Association
- Massachusetts Rivers Alliance
- Massachusetts Water Works Association
- Metropolitan Area Planning Council
- NAIOP Commercial Real Estate Development Association of MA
- National Grid
- Pioneer Valley Regional Planning Commission
- Solid Waste Association of North America (SWANA), New England Chapter
- VHB

#### State agency/authority attendees

- EEA EJ Director
- CZM
- DER
- DHCD
- MassDEP
- MassPort
- MWRA
- NHESP

## Meeting Summary

Discussion of MEPA's "Phase II" regulatory review effort continued with review of MEPA thresholds (301 CMR 11.03), focusing on Wetlands, Waterways, and Tidelands (11.03(3)); Water (11.03(4)); and Wastewater (11.03(5)). Regarding Wetlands thresholds, committee members discussed clarifying the "Provided a Permit is required" clause at 301 CMR 11.03(3)(a)(1), 11.03 (3)(b)(1), and 11.03(3)(b)(5). Similarly, clarity around what resource areas are included within the phrase "any other wetlands" (described at 301 CMR 11.03(3)(a)(1)(b) and 11.03(3)(b)(1)(f)) was requested. Distinguishing between already developed areas and alteration of wetlands in a "natural state" was discussed.

Regarding Water thresholds, committee members discussed how desalination plants would be addressed through the MEPA review process; it was noted that a recent project obtained a federal NPDES permit and underwent federal consistency review by CZM. Committee members noted that some of the projects that are subject to the Water thresholds are beneficial projects, such as water treatment plants that are increasingly necessary to address PFAS contamination. MassDEP noted that state permitting for water withdrawal are tied to average daily volumes; MEPA regulations could be revised for consistency.

Regarding Wastewater thresholds, committee members inquired as to whether combined sewer overflows (CSOs) control plans are reviewed through MEPA. MWRA noted that CSO control plans are a requirement of a legal consent order and that EJ impacts are considered as part of the approval process. The Solid Waste thresholds (301 CMR 11.03(9)) were introduced but discussion was tabled due to lack of time.

## Next Steps

The next meeting of the MEPA Advisory Committee will take place on Friday, March 18<sup>th</sup> at 1-3pm. The meeting will start with a discussion of the Solid Waste thresholds and then proceed to 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>.