



# Commonwealth of Massachusetts

*Executive Office of Energy and  
Environmental Affairs*

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**Massachusetts Environmental Policy Act  
MEPA GHG Policy Updates (Straw Proposal)  
*Comments Due by September 30, 2024***



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*\*<https://www.mass.gov/info-details/mepa-advisory-committee>*



# MEPA Program

## Modeled on National Environmental Policy Act (NEPA)

- NEPA (1970) premised on federal actions
- MEPA (1972) premised on state actions

## Key principles

- Comprehensive environmental review before permitting
- Alternatives analysis
- Public participation
- 2008 Global Warming Solutions Act added requirement to consider climate change





# 2010 MEPA GHG Policy

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## Key Components

- **For stationary sources:** quantification of energy use (EUI) and associated GHG emissions from proposed new buildings; mitigation expressed as % improvement over code requirements
- **For mobile sources:** quantification of estimated vehicle miles traveled (VMT)/GHG based on traffic study and any mitigation measures
- **Potential additional sources:** incl. “unusually large amount” of forest/land clearing (50 acres), construction activity, etc.
- Applies to **EIR projects** (required to prepare environmental impact reports) and requires “GHG self-certification” to be filed with MEPA



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# **MEPA GHG Emissions Policy**

## **Stationary Sources** *[Department of Energy Resources]*



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# **MEPA GHG Emissions Policy**

## **Land Alteration**



# MEPA and Decarbonization Goals

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## Clean Energy and Climate Plan

### MEPA Commitments (2025/2030 & 2050 CECP)

- By end of 2022, deliberate with MEPA Advisory Board the potential to add new review threshold related to forest clearing (*presented on 6/10/22*)
- Develop carbon accounting methodology for forest clearing

### MEPA Commitments (2023 Climate Chief Recommendations)\*

- Consider regulatory and policy changes to address forest clearing, **including lowering acreage at which MEPA GHG Policy requirements would apply**
- Consider mitigation fund to offset carbon impacts of forest clearing

### Key Goals

- 40% of MA lands and waters permanently conserved by 2050 (30% by 2030)
- 64,400 acres of new tree cover by 2050 (16,100 acres by 2030)

\* <https://www.mass.gov/info-details/recommendations-of-the-climate-chief>



# Current MEPA Review Thresholds (Land)

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## 301 CMR 11.03(1)

### **(a) Mandatory EIR**

1. Direct alteration of 50 or more acres of land, unless the Project is consistent with an approved conservation farm plan or forest cutting plan or other similar generally accepted agricultural or forestry practices.
2. Creation of ten or more acres of impervious area.

### **(b) ENF threshold**

1. Direct alteration of 25 or more acres of land, unless the Project is consistent with an approved conservation farm plan or forest cutting plan or other similar generally accepted agricultural or forestry practices.
2. Creation of five or more acres of impervious area.





# MEPA GHG Policy: Potential Updates

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**Policy Update**: Lower acreage at which GHG analysis is required for large-scale land clearing

“... Projects that will alter greater than ~~50 acres of land~~ (the ~~current~~ **any MEPA** review threshold for land alteration ~~at a level that requires preparation of a mandatory EIR~~) may potentially be subject to this requirement.” [*currently, 25 acres is lowest review threshold for land alteration*]



# MEPA GHG Policy: Potential Updates

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**Guidance**: Develop carbon accounting methodology to be used to estimate GHG impacts of forest conversion.

- **MEPA Office to establish standard methodology** using publicly available mapping resources. Option to conduct site-specific assessment if proponent wishes to present lower estimates.
- **Provide mitigation options**, including reuse of wood products, contributions to tree planting programs, permanent land conservation, and heat reduction strategies in overburdened areas. Potentially create fund for in-lieu fee mitigation.

*\*\*MEPA is considering additional regulatory changes to be discussed in future stakeholder meetings.*



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# **MEPA GHG Emissions Policy**

## **Mobile Sources**



# Clean Energy & Climate Plan for 2025 and 2030

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Transportation (<https://www.mass.gov/info-details/massachusetts-clean-energy-and-climate-plan-for-2025-and-2030>)

## GHG Emission Sublimits

- 24.9 MMTCO<sub>2</sub>e in 2025 (18% below 1990)
- 19.8 MMTCO<sub>2</sub>e in 2030 (34% below 1990)

## Key Targets & Metrics

- 200,000 electric vehicles (EVs) on the road (2025); 900,000 EVs (2030)
- 15,000 public charging ports installed (2025); 75,000 installed (2030)
- 1% reduction in VMT/household from 2015 baseline (2025)
- 3% reduction in VMT/household from 2015 baseline (2030)



# MEPA GHG Policy: Potential Updates

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## **Policy Update:** Technical edits to align with existing practice based on traffic study methodology

For projects involving transportation related emissions, the proponent will be required to analyze the following:

- (Current) Estimate change in GHG emissions from Build Without Mitigation and Build With Mitigation (“% better”);
- (New) Estimate change in GHG emissions from Existing to future No Build Conditions;
- (New) Estimate change in GHG emissions from future No Build to future Build Conditions



## MEPA GHG Policy: Potential Updates

**Guidance**: Potential methodology for reporting of VMT/household to track progress towards CECF goals.

- **MEPA Office is considering a standard methodology** for reporting total VMT and VMT/household for the project, using publicly available mapping resources.
- **Provide guidance on mitigation strategies**, including potential opt-outs from GHG analysis for projects making high commitments (e.g., mode share targets).

*\*\*MEPA Office is also considering changes to MEPA EJ protocols to address air emissions from traffic, to be presented at future stakeholder meetings.*



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# **MEPA GHG Emissions Policy**

## **Social Cost of Carbon**



# MEPA GHG Policy: Potential Updates

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## 2023 Climate Chief Recommendations\*

- Recommends that MEPA follow Council on Environmental Quality's (CEQ) recent NEPA Guidance and formally incorporate the Social Cost of Carbon (SC-C) into environmental reviews.

### **Policy Update: At Secretary's discretion, require SC-C analysis consistent with NEPA guidance**

- To be included in EIR scope on case-by-case basis
- Reference MassSave values adopted by EEA in [March 2024](#)

*\*<https://www.mass.gov/info-details/recommendations-of-the-climate-chief>*





# POTENTIAL SCHEDULE FOR 2024-25

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Date	Activity
June 2024	Issue straw proposal for public comment ( <b>comments due by September 30, 2024</b> )
Summer 2024	Public information sessions (June 18 and 20) and stakeholder discussions
Fall 2024	Issue full text of policy update for public comment
<b>Winter/Spring 2025</b>	<b>Anticipated effective date of MEPA GHG Policy update</b>



## WAYS TO KEEP INFORMED

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- Submit comments on straw proposal to [MEPA-regs@mass.gov](mailto:MEPA-regs@mass.gov) by **September 30, 2024**.
- Send blank email to [subscribe-mepa\\_reg\\_review@listserv.state.ma.us](mailto:subscribe-mepa_reg_review@listserv.state.ma.us) to receive ongoing alerts. To request translation, email [MEPA-regs@mass.gov](mailto:MEPA-regs@mass.gov).
- Updates will be posted at MEPA website at <http://mass.gov/service-details/information-about-upcoming-regulatory-updates>.