



Commonwealth of Massachusetts

*Executive Office of Energy and
Environmental Affairs*

**Massachusetts Environmental Policy Act
Feb. 25 & Mar. 4, 2022: MEPA Thresholds
(Transportation, Energy, Air)**



Transportation (301 CMR 11.03(6))

Mandatory EIR

- New roadway 2+ miles in length
- Widening of an existing roadway by 1+ travel lanes for 2+ miles
- New interchange on a completed limited access highway
- New airport or runway/terminal at an existing airport
- New rail or rapid transit line along a New, unused or abandoned right-of-way
- **3,000 or more New adt on roadways providing access to a single location**
- **1,000 or more New parking spaces at a single location**

Questions

- Any need for revision?



Transportation (301 CMR 11.03(6))

ENF

- **New roadway ¼+ miles in length; roadway widening by 4+ feet for ½+ miles**
- **Construction, widening or maintenance of a roadway or its right-of-way that will:** alter the bank or terrain located 10+ feet from the existing roadway for ½+ mile, cut 5+ public shade trees of 14+ inches dbh, eliminate 300+ feet of stone wall
- **All airports:** New taxiway; Expansion of existing runway; Expansion of existing terminal by 25K+ sf; New/Expansion of air cargo buildings by 100,000 or more sf; conversion of military to non-military airport
- **Logan:** Expansion of existing taxiway; Expansion of existing terminal by 100K+ sf
- **New rail or rapid transit line for passengers/freight;** discontinuation of service; abandonment of a substantially intact rail or rapid transit right-of-way
- **2,000 or more New adt on roadways providing access to a single location; 1,000+ New adt & 150+ New parking spaces; 300+ New parking spaces**

Questions

- Any need for revision?
- Are these impact levels appropriate for EJ neighborhoods?



Energy (301 CMR 11.03(7))

Mandatory EIR

- New or Expansion of electric generating facility by 100+ MW Capacity
- New fuel pipeline 10+ miles in length
- Electric transmission lines with 230+ kv Capacity, provided 5+ miles in length along New, unused or abandoned right of way

ENF

- New or Expansion of electric generating facility by 25+ MW Capacity
- New fuel pipeline 5+ miles in length
- Electric transmission lines with 69+ kv Capacity, provided 1+ miles in length along New, unused or abandoned right of way

Questions

- Any need for revision?
- Are these impact levels appropriate for EJ neighborhoods?



Air (301 CMR 11.03(8))

Mandatory EIR

- New Stationary Source with federal potential emissions (after controls) of 250 tpy of any criteria air pollutant; 40 tpy of any HAP; 100 tpy of any combination of HAPs; or **100,000 tpy of GHGs** based on CO₂ Equivalent
- Modification of existing Stationary Source with federal potential emissions (after controls) of **75,000 tpy of GHGs** based on CO₂ Equivalent

ENF

- New Stationary Source with federal potential emissions (after controls) of 100 tpy of PM₁₀, PM 2.5, CO, lead or SO₂; 50 tpy of VOC or NO_x; 10 tpy of any HAP; or 25 tpy of any combination of HAPs
- Modification of an existing Stationary Source resulting in a "significant net increase" in actual emissions (if facility is "major" for the pollutant) of 15 tpy of PM₁₀; 10 tpy of PM 2.5; 100 tpy of CO; 40 tpy of SO₂; 25 tpy of VOC or NO_x; 0.6 tpy of lead

Questions

- Any need for revision? Add GHG threshold for building sector?
- Are these impact levels appropriate for EJ neighborhoods?



MEPA Advisory Committee Feedback

Transportation

- Concerned about tree removal near state highways and rail lines
 - Could be “safety clear zones”; unclear whether this is maintenance work
- Reiterate prior proposals to add thresholds re hazardous material transport, highway designation changes and public transit service reductions
- Road widening thresholds (1/4- and 1/2- mile for ENF; 2 miles for EIR) appear low since new impervious area would be less than 5 acre ENF threshold under land category; need for consistency?
- New or expansion of “taxiway” may be overly inclusive
- Thresholds should consider increase in operations (such as passenger growth at airports), not just physical expansion



MEPA Advisory Committee Feedback

Energy

- MEPA should consider lower energy EIR threshold, especially for fossil fuel burning energy generation
- Pending bill (H. 3336) would similarly lower threshold for EFSB review from 100 MW to 35 MW.
- Should balance more reviews with the need for expanded infrastructure to support renewable energy and net zero goals
- Should consider implications for alternative technologies

Air

- MEPA should set air thresholds based on public health data rather than MassDEP permit thresholds; current thresholds are too high
- MassDEP's "cumulative impacts analysis" (CIA) stakeholder presentations included discussion of MassDEP permit types