



Commonwealth of Massachusetts

*Executive Office of Energy and
Environmental Affairs*

**Massachusetts Environmental Policy Act
*Environmental Justice Update
As of 9-23-22***



MEPA Project Data

Project filings submitted Jan. 1 to Aug. 31, 2022

- 159 filings accepted (average 10 per cycle)
- 84 **new** projects (ENF/EENFs)
 - 51 within designated geographic areas (DGA) around EJ populations
 - 30 with language translation needs
- 3 additional projects subject to 2021 EJ policy

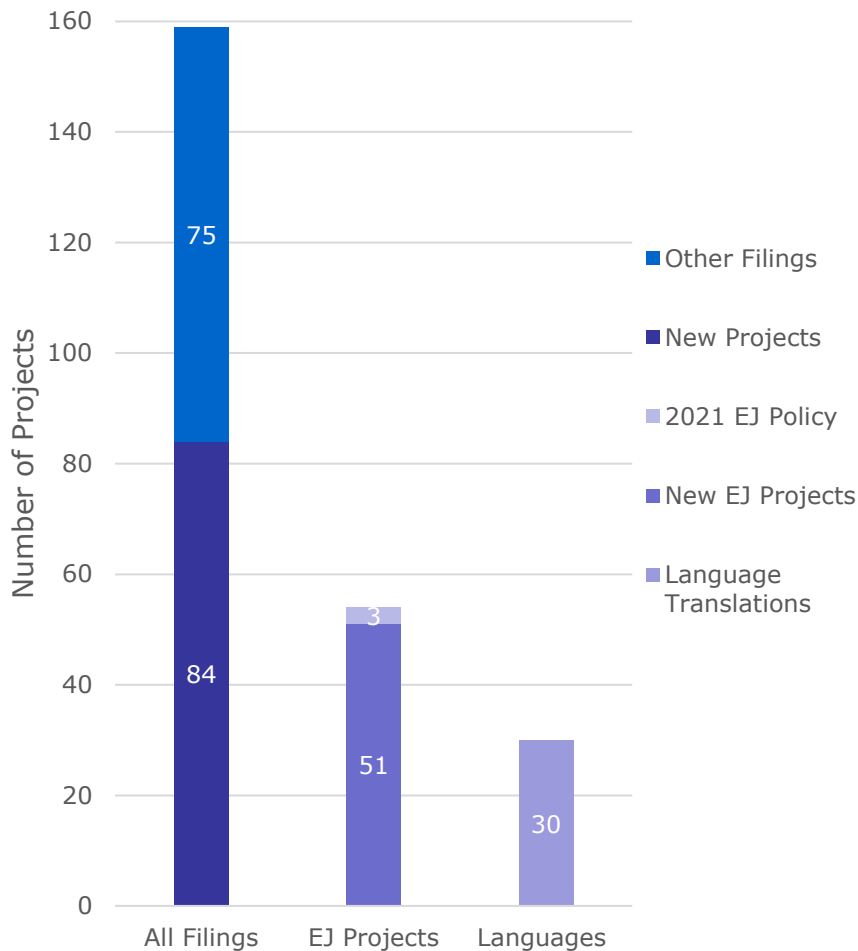
Rollover/Single EIR requests (out of 51 EJ projects)

- 26 projects that exceed mandatory EIR thresholds
- 33 requests for Single EIR
- 12 requests for Rollover or Single EIR
- 18 with no request for streamlined procedure

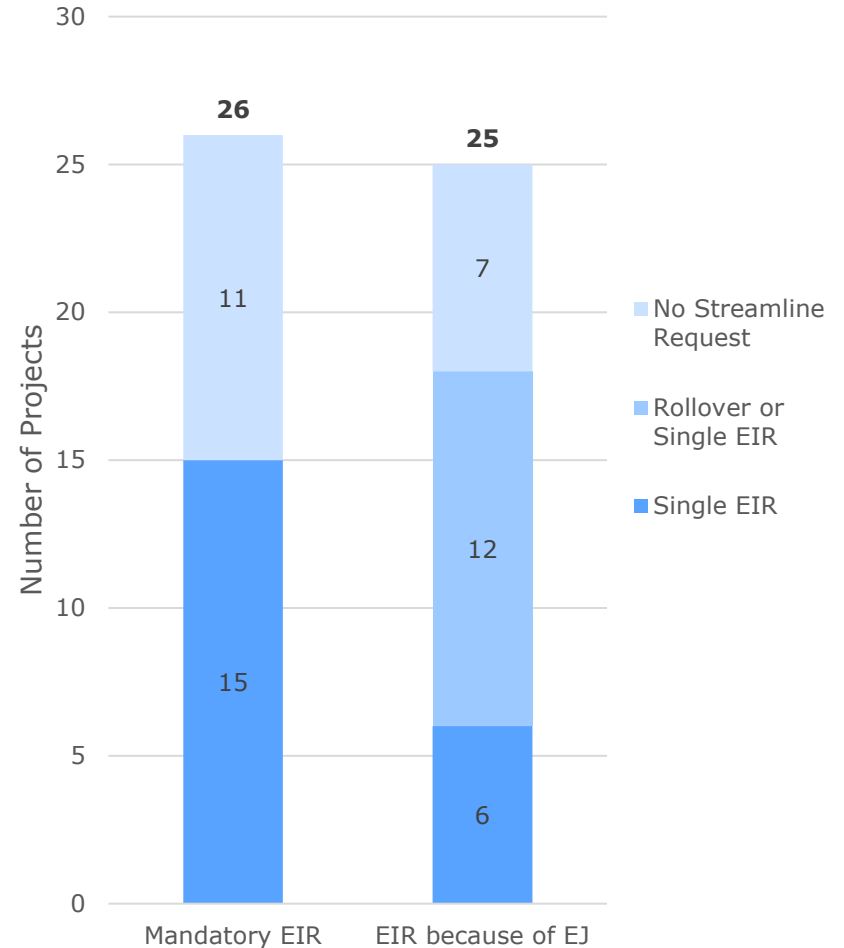


MEPA Projects Near EJ Populations (Jan 1 – Aug 31, 2022)

Projects Filed from Jan 1 – Aug 31

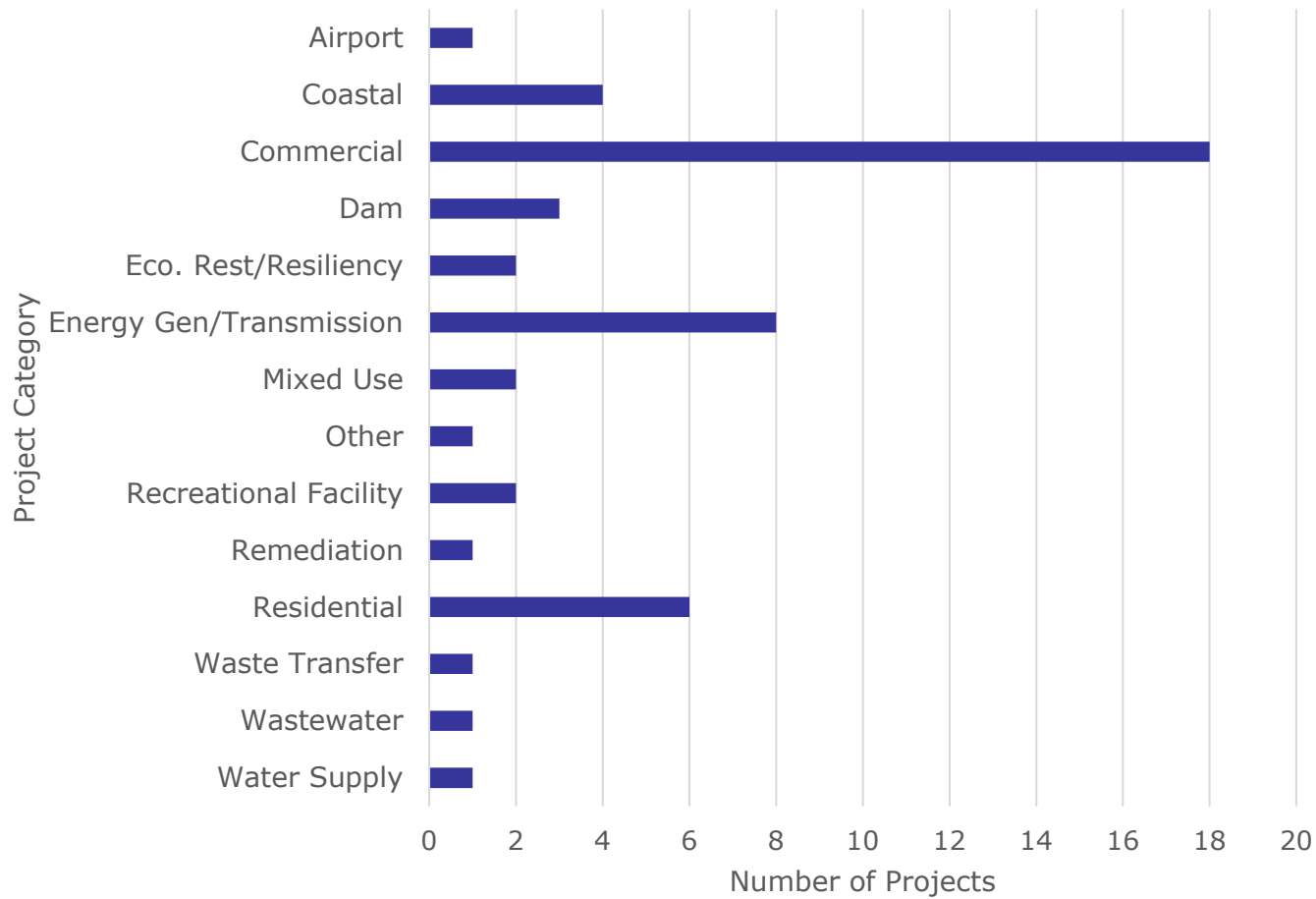


New EJ Projects: Review Type





EJ Projects by Project Type (Jan 1 – Aug 31, 2022)





Key Observations

Advance Notification

- Most projects are complying with 45-day advance notice requirement, even if not strictly required (such as NPCs)
- Some notices have lapsed (after 90 days), causing concerns about delay
 - Eff. 9/23/22, MEPA will require 20-day notice for any “repeat” notices
- Some recipients have requested to be removed from EJ Reference List, and a few requests to be added were received

Public Involvement

- “Joint” MEPA-EJ prefilings times (Thu’s) are booked each week
- Very few projects are employing truly “community-based” strategies
- There may be a need for “MEPA 101” trainings for EJ communities, so that the public has a basic understanding of how MEPA works



Key Observations

Analysis of EJ Impacts

- “Dual filings” requesting rollover EIR often omit the “Proposed EIR,” necessitating scope for Single EIR
- **Baseline conditions assessment is poor:**
 - “Vulnerable health EJ criteria” (110% above statewide average) is mistaken to mean “statistical significance”
 - Public health data are not provided at census tract level
 - Survey of polluting facilities from DPH EJ Tool is missing
- **Assessment of project impacts is inconsistent:**
 - Traffic / air quality analysis is cursory
 - Discussion focuses on generalized community benefits
 - Draft Section 61 findings do not address EJ separately
 - Public health section is not provided separately



Potential Refinements / Future Work

Make Project Information More Readily Available

- Working to add searchable “EJ Notice” to Environmental Monitor
- Working to add project filters such as “1 mile DGA”

Improve Public Involvement and Outreach

- Consider requiring 45-day advance notification for all EJ projects (would require regulatory change)
- Provide better guidance on public involvement strategies, possibly focusing on specific project types (EEA EJ staff has been expanded)

Improve EJ Analysis

- Coordinate with MassDEP’s cumulative impacts analysis stakeholder effort
- **Hold further stakeholder discussions to inform scoping, esp. for traffic/air quality impacts**