

August 9, 2021

VIA ELECTRONIC MAIL

Ms. Tori Kim, MEPA Director
Executive Office of Energy and Environmental Affairs
Commonwealth of Massachusetts
MEPA-regs@mass.gov

Re: Draft MEPA Public Involvement Protocol for Environmental Justice Populations

Dear Ms. Kim:

On behalf of New England Power Company, Massachusetts Electric Company, Nantucket Electric Company and Boston Gas Company (collectively referred to as “National Grid”), thank you for your many efforts to engage MEPA stakeholders on the Draft MEPA Public Involvement Protocol for Environmental Justice Populations (the “EJ Protocol”) and this opportunity to provide comments and suggestions. National Grid supports efforts to enhance public involvement in the MEPA review process, especially for environmental justice populations. The goals of the proposed EJ Protocol align with National Grid’s goals to address systemic racism and bias in its many forms, including the disproportionate impacts shouldered by environmental justice populations. National Grid supports the EJ Protocol. We believe, however, that the EJ Protocol can be improved in a number of ways that will add clarity to the process and enhance notice to and actual participation by environmental justice populations, while also maintaining the statutory process for utilizing the ENF and the EIR process to review the details of projects and their impacts.

Consolidate the Letter of Intent and Project Summary Through the Use of a Single Environmental Justice Notification Form

National Grid supports early notification of environmental justice communities as a way to enhance awareness of projects undergoing MEPA review and to increase participation by environmental justice populations in the MEPA process. We are concerned, however, that the current proposal, which requires two different steps, a Letter of Intent (LOI) and then a separate Project Summary, is unnecessarily complicated and misses the opportunity to focus on the goal: early notice to environmental justice populations that allows the public to quickly understand the project and make an informed decision about whether to participate in the MEPA process.

We believe that achieving this goal is best accomplished by combining the LOI and Project Summary into a simple and clear “Environmental Justice Notification Form.” We have developed a draft form for your consideration (attached). It summarizes the project and the types of impacts that it may cause and provides key information on project timing. To the extent that the project is

located in an area of limited English language proficiency, the form would be translated consistent with the protocols for language translation. The form would then be sent to MEPA (for posting on its website), the Executive Office of Energy and Environmental Affairs Environmental Justice Director, public officials and community-based organizations (CBOs). This is an effective and efficient way to provide notice and improve participation of EJ populations in the MEPA process.

EJ Mapping Tool

National Grid supports the use of a common EJ mapping tool. However, in order for the tool to be effective, it needs additional information including information on language isolation, and CBOs and public officials that should receive notice of projects. Leaving this information to be identified by proponents on a project-by-project basis is inefficient and is likely to result in inconsistency and an inadvertent failure to notify individuals and organizations that may wish to participate in the MEPA process. Moreover, a number of Commonwealth agencies are seeking to improve public participation by environmental justice populations and would benefit from a common source of consistent information. With respect to identification of CBOs, we suggest that the MEPA Office create a website where CBOs across the Commonwealth could register for inclusion in the EJ mapping tool by providing their contact information indicating their geographic areas of interest on a simple, online form. At a minimum, the MEPA Office should provide proponents with more certainty that the organizations and officials they have notified are sufficient by notifying the proponent of any deficiencies within 10 business days of MEPA receiving an Environmental Justice Notification Form. With respect to the public officials, we recommend using the same list that is required for ENF service to ensure consistency.

Mapping Tool/Measuring

For linear projects, the draft EJ Protocol states that a proponent should measure the applicable one- or five-mile distance from “representative locations” along the line and that if there are any “close calls” the proponent should err on the side of inclusiveness. This language is unnecessarily vague and should be clarified to simply state that the proponent should measure one-mile out from the edge of the ROW in all directions along the entire length of the project and if any portion of an environmental justice population that falls within the resulting one-mile radius of edge of ROW then it must be included. This is consistent with the EFSB/DPU abutter notice requirement for linear projects.

“Unusually large” volume of diesel trucks or equipment required for construction

The EJ Protocol states that “any project that will require an unusually large volume of project- or construction-related diesel trucks or equipment may be regarded as affecting air quality up to a 5-mile radius, depending on the specific routes of travel for the trucks or equipment.” The phrase “unusually large” is vague and should be clarified with a specific standard. We also suggest a clarification that any project that complies with the Commonwealth’s ultra-low sulfur diesel standard for trucks and equipment will not be regarded as affecting air quality.

Requirement to File the ENF/EENF within 180 days

The EJ Protocol requires proponents to file an ENF/EENF within 180 days of filing an LOI (or, under our proposal, the Environmental Justice Notification Form) or it must repeat the process. We believe that this is unnecessary and inefficient for projects that, except for timing, have not materially changed. We suggest amending the language to state that if 180 days has passed since the filing of the EJ Notification Form without an ENF/EENF being filed and there has been a material change in the scope of the project, circulation of a new Environmental Justice Notification Form is required. If there are material changes to the project, then the proponent should be required to update their project website with the new proposed filing date and notify the parties that were included in the Environmental Justice Notification Form of the change by email.

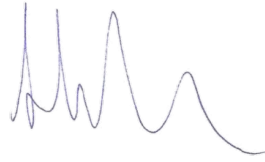
Provision of Translation Services if Requested within 48-hours

We have several concerns about this requirement. First, 48 hours does not leave enough time for proponents to arrange for a translator, especially for National Grid projects that require a translator who is familiar with utility industry terminology. This will be compounded in communities where several languages may need to be translated. As a result, we are concerned that this will lead to situations where translation will be requested but could not be provided on such short notice and the hearing would have to be cancelled, leading to confusion and delays. One way to potentially address this is for National Grid to book translators in advance for all languages that could be potentially requested at the hearing. But we are concerned about the impact this requirement may have on those that provide translation services. If no request is actually made, National Grid will then have to cancel the service. While most translation services do provide a 48-hour cancellation policy, repeatedly canceling on translators on short notice may deprive them of other opportunities. One translation company we spoke with expressed concern that, repeated short-notice cancellations impact the individual translators who would likely be unable to take on other work during that time slot. Moreover, they cautioned that translators may be reluctant to work at our hearings if we have a history of cancelling on short notice. To avoid this unintended consequence, we recommend that any request for translation services be made within two weeks of circulation of the EJ Notification Form. This gives members of the community sufficient time to review the EJ Notification Form, gauge their interest and then request a translator, while also limiting short-notice cancellations and the impact to translators.

Thank you again for the opportunity to provide these comments and we look forward to working with you as you continue the process of refining the EJ Protocols. If you have any questions, please do not hesitate to call me (978-732-3051) or Wendy Levine (617-594-5210).

Ms. Tori Kim, MEPA
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Very truly yours,

A handwritten signature in blue ink, appearing to read 'Andrea D. Agostino'. The signature is fluid and cursive, with several loops and a long tail.

Andrea D. Agostino
Manager – New England Environmental Permitting

Attachment: Environmental Justice Notification Form

CC: Wendy B. Levine, Esq., National Grid
Lauren Peloquin Shea, Esq., National Grid
Margaret Kinsman, Director-New England Environmental, National Grid

Massachusetts Environmental Policy Act
Environmental Justice Notification Form

Name of Project:

Name of Project Proponent:

Location of Project:

Brief Description (including project purpose, uses of the project site and types of facilities):

Anticipated Construction Schedule:

Anticipated Date of Environmental Notification Form/Expanded Environmental Notification Form Filing:

Anticipated Massachusetts Environmental Policy Act Review Procedures:

- Environmental Notification Form Only
- Expanded Environmental Notification Form/Single Environmental Impact Report
- Draft and Final Environmental Impact Report
- Other (specify):

Local, State and Federal Permits/Approvals Anticipated:

How to Obtain Further Information and Translation of Documents (Proponent Contact and/or Website):

Types of Environmental Impacts Triggering Environmental Review:

- Land***
Specify threshold:
- State Listed Species***
Specify threshold:
- Wetlands, Waterways and Tidelands***
Specify threshold:
- Water***
Specify threshold:
- Wastewater***
Specify threshold:
- Transportation***
Specify threshold:
- Energy***
Specify threshold:
- Air***
Specify threshold:
- Solid and Hazardous Waste***
Specify threshold:
- Historical and Archaeological Resources***
Specify threshold:
- Areas of Critical Environmental Concern***
Specify threshold:
- Regulations***
Specify threshold:

Service List

Executive Office of Energy and Environmental Affairs Environmental Justice Director:

Public Officials:

Community Based Organizations:

Within 10 business days of receiving this form, the MEPA office will review the list of public officials and community-based organizations and notify the applicant of individuals or organizations that should also receive the notice.

Translation

This document has been translated into the following languages based on available Language Isolation information: