

November 10, 2025

Secretary of Energy and Environmental Affairs
Executive Office of Energy and Environmental Affairs (EEA)
Attn: MEPA Office
100 Cambridge St.,
Suite 900
Boston, MA 02114

RE: Comments on Proposed Amendments to 301 CMR 11.00 MEPA Regulations

Dear Secretary Tepper:

The Lake Archer Association, a community organization dedicated to the protection and preservation of the water quality and ecological health of the Lake Archer watershed in Wrentham, Massachusetts, respectfully submits these comments on the proposed amendments to the Massachusetts Environmental Policy Act (MEPA) regulations at 301 CMR 11.00.

We strongly support the Administration's goal of addressing the Commonwealth's housing crisis and applaud the effort to streamline environmental review for housing and mixed-use projects. To ensure these worthy goals are met *without* inadvertently compromising the Commonwealth's vital natural resources, we offer the following recommendations for refinement.

Our recommendations are focused on ensuring the streamlined process established in 301 CMR 11.01(2)(c) is applied only to projects that are truly "not likely... to cause Damage to the Environment," thereby upholding the core mandate of MEPA. Our concerns, exemplified by the conditions in the Lake Archer watershed, focus on three specific, high-risk areas: pre-existing site contamination, impacts to sensitive resources, and new wastewater discharges.

1. Ineligibility of Contaminated Properties

Our first recommendation concerns the ineligibility of projects sited on "disposal sites" as defined by M.G.L. c. 21E. Construction and redevelopment activities on such sites—particularly those with an active Release Tracking Number (RTN), a "Temporary Solution" (as defined in 310 CMR 40.0006), or "Downstream Property Status" (as defined in 310 CMR 40.0180)—can disturb and mobilize pollutants.

This mobilization creates new pathways for contaminants to migrate via groundwater and surface water runoff, threatening downgradient resources. Such projects carry a foreseeable risk that is inconsistent with the "not likely to cause harm" presumption required for streamlining.

2. Protection of Sensitive Resources and Impaired Water Bodies

The proposed criteria do not sufficiently account for a project's proximity and potential impact on sensitive environmental resources. Our primary example, Lake Archer, experiences water

quality conditions that exceed the thresholds used by the Commonwealth to identify impaired water bodies, with nutrient loading from stormwater and wastewater as a significant source of this degradation.

Large-scale housing developments inherently generate new impervious surfaces and wastewater flows. Presuming such projects will not cause "Damage to the Environment" without a specific review of their impacts on a resource already exceeding impairment thresholds removes a critical safeguard.

A significant, high-risk subset of this concern is the introduction of new Wastewater Treatment Plants (WWTPs). These facilities have significant, far-field impacts on nutrient loading, hydrology, and groundwater that local boards are not equipped to regulate. The MEPA process is currently the only mechanism that ensures a thorough, inter-agency review of such systems.

Recommended Modifications

The purpose of MEPA is "to provide meaningful opportunities for public review... and to assist each Agency in using...all feasible means to avoid Damage to the Environment." To address the concerns outlined above, the Lake Archer Association strongly urges the adoption of the following specific amendments to the proposed 301 CMR 11.01(2)(c).

1. Explicitly Exclude Contaminated Sites from Streamlining

Projects on known "disposal sites" present foreseeable risks and are not appropriate for streamlined review. We propose adding an overarching disqualifier to this section.

Specific Proposed Language:

Insert the following text after the main paragraph of 301 CMR 11.01(2)(c) and before subsection 1.:

"Notwithstanding any other provision of 301 CMR 11.01(2)(c), no Project shall be eligible for the streamlined review provided herein if the Project site is a 'disposal site' as defined in M.G.L. c. 21E and 310 CMR 40.0000 (the 'Massachusetts Contingency Plan') and, as of the filing of the ENF, (i) is subject to an active Release Tracking Number (RTN), (ii) has achieved only a 'Temporary Solution' as defined in 310 CMR 40.0006, or (iii) is designated with 'Downstream Property Status' as defined in 310 CMR 40.0180."

2. Require Demonstration of No Harm to Sensitive Resources

The criteria must require proponents to affirmatively demonstrate that their project will not harm nearby sensitive resources, such as water bodies struggling with water quality.

Specific Proposed Language:

Insert a new subsection at 301 CMR 11.01(2)(c)1.h.:

"h. The Proponent demonstrates in the ENF that the Project will not cause new or exacerbated harm to any sensitive environmental resources, including but not limited to any water body formally listed as impaired on the Massachusetts Integrated List of Waters, or any water body with data demonstrating it exceeds the Commonwealth's thresholds for such impairment. This demonstration must, at a minimum, address all such resources within one (1) mile of the Project site and any other resource potentially impacted by the Project regardless of location (e.g., downstream or within the same watershed)."

3. Exclude Projects with New Wastewater Treatment Plants

Given their significant and far-ranging impacts, projects proposing new WWTPs are not appropriate for streamlining and require a full state-level review.

Specific Proposed Language:

Amend 301 CMR 11.01(2)(c)1.f. to read as follows (new text in bold):

"f. does not require approval of a new interbasin transfer of water or wastewater, unless determined to be insignificant by the Water Resources Commission pursuant to the Interbasin Transfer Act and implementing regulations at 313 CMR 4.00, **does not include a new wastewater treatment plant with a discharge to groundwater or surface water**, and does not require new or expanded gas mains; and"

We believe these targeted amendments are consistent with the Administration's dual goals of promoting housing development while upholding MEPA's core mission. They ensure that streamlining is reserved for projects with genuinely minimal impacts, while retaining MEPA's essential public review for projects that pose a foreseeable risk to the Commonwealth's environmental resources.

We support the proposed regulations, strengthened by these necessary safeguards. Thank you for the opportunity to comment.

Sincerely,

The Board of Directors

Lake Archer Association

Wrentham, MA 02093