



Commonwealth of Massachusetts

*Executive Office of Energy and
Environmental Affairs*

**Massachusetts Environmental Policy Act
M.G.L. c. 30A Rulemaking Proposal**

Public comments due by October 31, 2025



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MEPA Review

Overview



MEPA OVERVIEW

➤ MEPA statute (M.G.L. c. 30, s. 61 et seq.): Basic rule

- MEPA review needed if there is Agency Action **and** “review thresholds” (defined in regulation) are exceeded

➤ MEPA regulations (301 CMR 11.00)

- Review thresholds define project impacts that are **“likely to cause Damage to the Environment”**
 - “ENF” thresholds require filing of environmental notification form (ENF)
 - “Mandatory EIR” thresholds require environmental impact report (EIR)



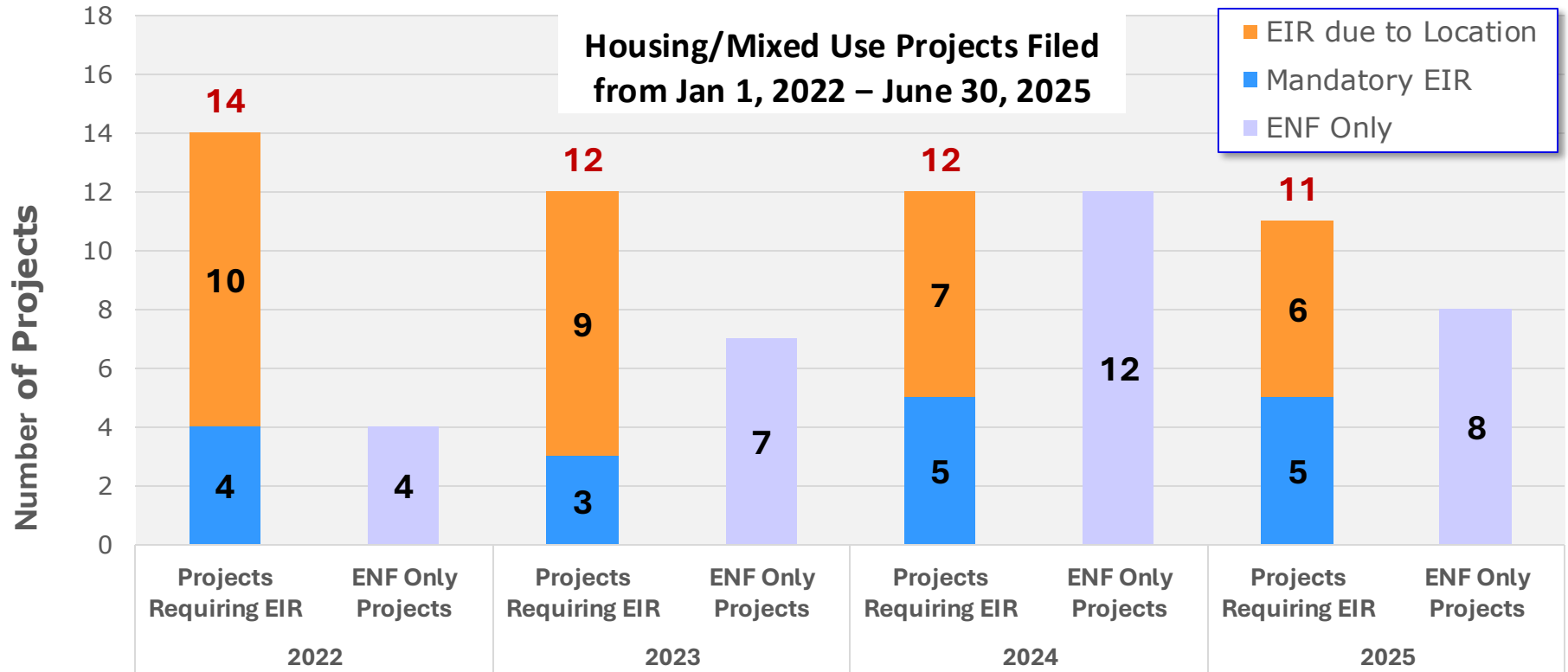
EIR based on location (M.G.L. c. 30, § 62B)

- EIR is required for project that is “likely to cause Damage to the Environment” and located within 1 mile of EJ population (5 miles if project impacts air quality)
- EIR must analyze existing unfair or inequitable environmental burden and public health consequences from any prior or current project or operation, as well as potential for “disproportionate adverse effects” on EJ population
- Added by Climate Roadmap Act (St. 2021, Section 58)
 - New requirements became **effective January 1, 2022**, with amended regulations and EJ protocols. EJ outreach requirements include 45-day advance notice to designated entities.



Housing/Mixed Use Projects Since 2022

ENF/EIR Requirements for Filings



80* housing/mixed use projects were filed between January 2022 and June 2025

32 projects did not exceed mandatory EIR thresholds, but required EIR due to location

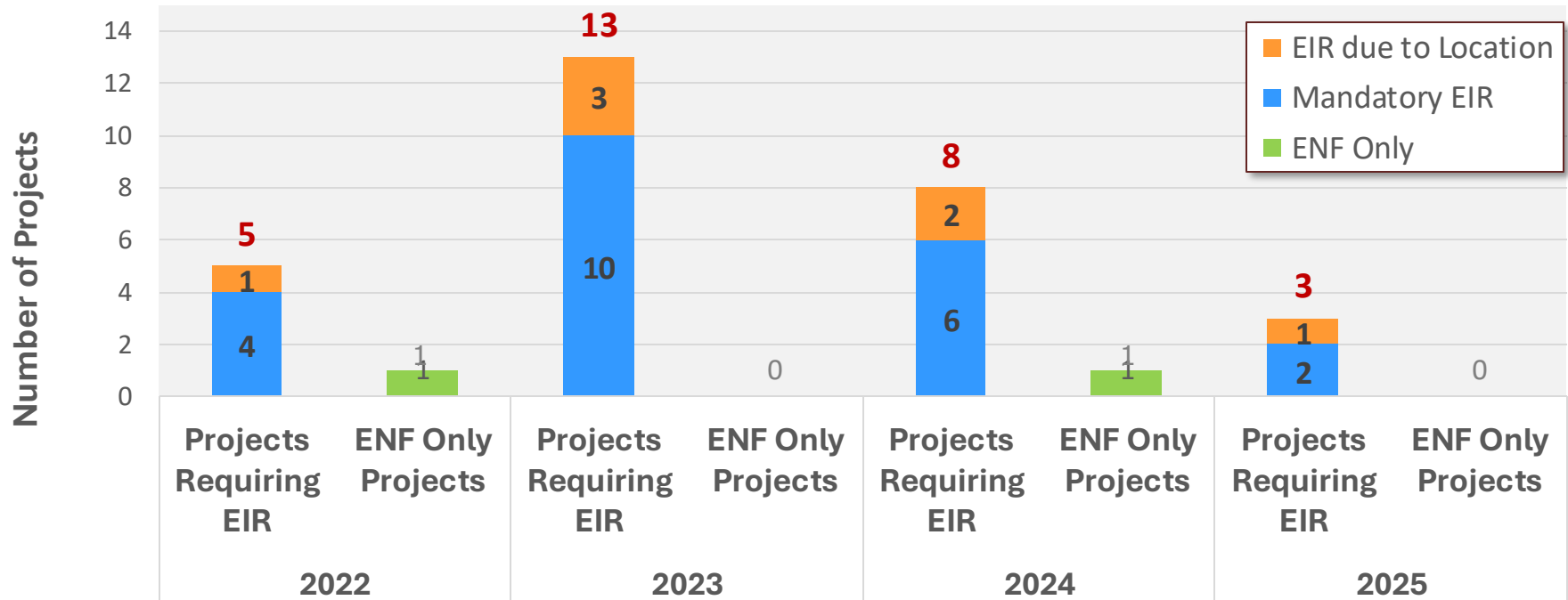
*This count does not include new project filings that were subsequently withdrawn.



Ecological Restoration Projects Since 2022

ENF/EIR Requirements for Filings

Ecological Restoration Projects Filed from Jan 1, 2022 – June 30, 2025



7 out of 31 projects did not exceed mandatory EIR thresholds, but required EIR due to location

Note: 19 additional projects proposed as “full” (not limited) ecological restoration under wetlands regulations qualified for streamlining effective January 6, 2023, and did not file an ENF.



MEPA Regulations

Proposed Amendments



Regulatory Proposal for Housing

Identify characteristics of housing projects that are not presumed likely to cause damage to the environment.

- **Qualifying housing projects criteria are based on core principles:**
 - Housing-centered
 - Dense
 - Infill
 - Flood and erosion
 - Energy efficient
 - Adequately served by utilities
 - Accessible
- **Housing projects meeting all criteria will not require an EIR.**
- **Housing projects that do not exceed any mandatory EIR threshold and meet select criteria will not require an EIR.**
- **Single family homes proposing 1 dwelling unit are exempt if the only MEPA trigger is a wetlands appeal to MassDEP (Superseding Order of Conditions).**
- **Environmental justice (EJ) outreach and 45-day advance notice requirements will remain for all projects within designated geographic area of EJ neighborhoods.**



Regulatory Proposal for Restoration Projects

Ecological restoration limited projects benefit the environment and are not presumed likely to cause damage to the environment.

- Must qualify as ecological restoration limited project under wetlands regulations at 310 CMR 10.00 and cannot exceed mandatory EIR threshold. Full ecological restoration is already streamlined under MEPA regulations.
- Qualifying projects will not be required to file an EIR.
- EJ outreach requirements, including 45-day advance notice, will remain for all projects within designated geographic area of EJ neighborhoods.
- Technical clarification to definition of “replacement project” will exempt projects, as long as permits are not needed for new impacts.
- Anticipated to affect ~23% of new ecological restoration filings based on 2022-25 data, though more projects may seek streamlining in the future.



Regulatory Proposal for Regulations and Planning

Urban renewal plans with no immediate work, project, or activity proposed are not presumed likely to cause damage to the environment.

- Create new threshold category in 301 CMR 11.03, consolidating existing thresholds related to agency regulations and urban renewal plans.
- Because no immediate work is proposed, these thresholds are not presumed likely or reasonably likely to cause damage to the environment.
- Qualifying regulations and plans will not be required to file an EIR.
- **Separate “Special Review Procedure” (SRP) proposed under 301 CMR 11.09 to be issued for public comment as an alternative to regulatory amendment.**
 - Seeking comment on whether regulatory or SRP approach is preferred.
 - Comments on Draft SRP may be submitted to MEPA-regs@mass.gov or through [Environmental Monitor](#).



Anticipated Schedule

Date	Event
September 12, 2025	Draft regulation published in Massachusetts Register
Oct 14-15, 2025	Public hearings with end of comment period on October 31, 2025
November 2025	Prepare final M.G.L. c. 30A regulatory package
~ December 2025	Effective date of amended regulation



WAYS TO PARTICIPATE

- ❑ Attend October 14-15 public hearings and submit comments by October 31, 2025 at MEPA-regs@mass.gov.

October 14, 2025, 2-4pm (register at link below):
[Zoom Registration Link \(10/14 2-4pm\)](#)

October 15, 2025, 2-4pm (register at link below):
[Zoom Registration Link \(10/15 2-4pm\)](#)

October 15, 2025, 6:30-8:00pm (register at link below):
[Zoom Registration Link \(10/15 6:30-8pm\)](#)
- ❑ Send blank email to subscribe-mepa_reg_review@listserv.state.ma.us to receive ongoing alerts.
- ❑ Updates and proposal materials will be posted to the [MEPA Statute and Regulation webpage](#).