

MEPA Advisory Committee

October 22, 2021, 2:00PM-4:00PM

Remote Meeting

Organizations Represented/In Attendance

- Air, Inc.
- American Council of Engineering Companies of MA
- Cape Cod Commission
- Boston Harbor Now
- Cape Cod Commission
- Conservation Law Foundation
- Environmental Business Council
- Eversource
- GreenRoots
- Home Builders & Remodelers Association of Massachusetts (HBRAMA)
- MassAudubon
- Massachusetts Association of Conservation Commissioners
- Mystic River Watershed Association
- NAIOP Commercial Real Estate Development Association of MA
- National Grid
- Stantec
- VHB

State agency/authority attendees

- EEA EJ Director
- MassDEP
- MassDOT
- DER
- EOHEd

Meeting Summary

This week's meeting provided an overview of potential screening metrics, impact analysis requirements, and mitigation guidelines for projects subject to the new "EIR Requirement" set forth in Section 58 of St. 2021, c. 8. Staff from Stantec provided an overview of community engagement strategies that have been used for impactful transportation projects subject to federal NEPA proposed in EJ neighborhoods, focusing on a pending project in South Carolina as an example. Four key questions were raised by the MEPA Office for discussion regarding the screening, impact assessment, and mitigation guidelines/regulations:

- What types of factors should be included in assessing “existing environmental burdens” for EJ populations and how should this assessment be conducted?
- How should the MEPA process analyze whether a project will have a “disproportionate adverse effect” on an environmental justice population, or increase or reduce climate change effects?
- How should the MEPA process assess the public health impacts of a project, in addition to its environmental impacts?
- What interim approaches should MEPA adopt in 2021 while the MassDEP CIA (cumulative impact analysis) stakeholder effort is ongoing?

Committee members reiterated comments from prior meetings about requiring broad outreach and community engagement for a wide range of MEPA projects, with limited exceptions. There was ongoing discussion about the definition of an “EIR” in the MEPA statute and whether certain projects should be allowed to proceed without a multiple step review process. The potential for streamlining process for ecological restoration projects and others with environmental benefits was discussed. There was discussion about how this streamlined process would affect “Section 61 findings,” and where there would be opportunities for comments to inform a Scope (as well as responses to comments). These perspectives are reflected in public comments received on MEPA’s regulations, available at <https://www.mass.gov/lists/public-comments-received-on-proposed-amendments-to-mepa-regulations-at-301-cmr-1100>.

Some committee members offered suggestions about specific factors to consider in assessing “existing burdens” in EJ populations. There was discussion of the limitations of the EPA EJ Screen tool, and suggestions that other mapping layers (such as “brownsfields” layer) and public health data could be considered.

Next Steps

The MEPA Office requests that committee members continue to consider how the new EIR requirement could potentially be streamlined for projects that have minimal impacts or provide environmental benefits. The MEPA Office is continuing to prepare guidance documents, and will propose a time as appropriate to provide a brief preview to the MEPA advisory committee before the documents are released for comment.