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October 31, 2025

Executive Office of Energy and Environmental Affairs  
ATTN: Energy Infrastructure Siting and Permitting Reforms  
100 Cambridge Street, 9th Floor  
Boston, MA 02114

**Re: Comments on Draft Guidance on Site Suitability Assessments for  
Clean Energy Infrastructure and 225 CMR 29.00**  
**VIA EMAIL TO: [EnergyPermitting@mass.gov](mailto:EnergyPermitting@mass.gov);**  
**DOER.Siting.Permitting@mass.gov**

To Whom It May Concern

The Massachusetts Water Works Association (MWWA) appreciates the opportunity to comment on the *Draft Guidance on Site Suitability Assessments for Clean Energy Infrastructure* released by the Executive Office for Energy and Environmental Affairs (EEA), as well as the draft regulations 225 CMR 29.00. MWWA is a non-profit membership organization representing over 1,500 water supply professionals throughout the Commonwealth, including municipal, regional, and private water systems responsible for providing safe, reliable drinking water to Massachusetts residents and businesses.

While MWWA supports the Commonwealth's goal of advancing clean energy infrastructure to mitigate climate change, we are concerned that the current draft guidance and regulations do not adequately consider the protection of drinking water supplies. Clean energy development and drinking water protection can and must coexist—but only if siting policies properly recognize the critical importance of protection of public water resources.

## 1. Concern Regarding Lack of Stakeholder Engagement

MWWA is disappointed that our association was **not included in EEA's stakeholder engagement process** for developing this guidance. As the statewide organization representing the drinking water sector, MWWA regularly collaborates with EEA agencies on matters affecting water supply protection and infrastructure resilience and should have been consulted given the potential of clean energy siting to impact public water supply.

As we just became aware of potential concerns with the proposed site suitability criteria so close to the close of the public comment deadline, and our request to extend the public comment period was denied, we will reiterate our concern that this is a very complicated regulatory process with too many separate components for us to have the time for much thoughtful review or in-depth engagement with EEA regarding some of our questions.

Given that clean energy projects increasingly intersect with water supply lands—through solar siting, battery storage, and transmission corridors—it is essential that the water supply community be actively engaged in the development of siting frameworks that may directly affect these areas and we hope our comments spark further dialogue and engagement prior to proposals being finalized to ensure that water supply protection considerations are integrated early and comprehensively into energy siting considerations.

## 2. Drinking Water Supply Protection Should Be a Core Site Suitability Criterion

The current site suitability criteria include:

- Climate Change Resilience
- Carbon Storage and Sequestration
- Biodiversity
- Agricultural Resources
- Social and Environmental Burdens

However, **drinking water protection** is notably absent from the core criteria. Including Drinking Water Supply in “*Other Considerations of Note*” suggests that potential impacts on public water supplies are being treated as an afterthought rather than a core environmental consideration. Given that access to clean drinking water is foundational to public health and economic stability, **drinking water protection should be included as a formal criterion** in the site suitability scoring system.

We recommend the following approach to integrate drinking water protection directly into the scoring framework:

Location Relative to Drinking Water Protection Areas	Proposed Score
Outside of Zone I, II, or Surface Water Zones A–C	0 points
Within Surface Water Zone C	2 points
Within Zone II or Surface Water Zones A & B	5 points
Within Zone I (solar array only, associated with water system)	5 points
Within Zone I or Surface Water Zone A (battery storage)	Prohibited

## 3. Existing References to Drinking Water Are Inadequate

Within the section on “*Drinking Water Supply*” it references **MassDEP Water Supply Guideline #2011-1**<sup>1</sup>. This document, developed in 2011 and last updated in 2018, is narrowly focused on clean energy projects located on land **owned** by public water suppliers and does not provide meaningful protection for areas within **Zone II or Surface Water Zones A–C** that are not under direct ownership or control of a water system.

Many of these critical recharge areas fall outside of the municipality that the Public Water System serves. As a result, local controls—often cited as the mechanism for protection—are rarely feasible. Without state-level inclusion of drinking water protection criteria, significant regulatory gaps will remain.

Furthermore, since this guidance was last reviewed at the infancy of our awareness about PFAS contamination of water sources and from fire foams containing PFAS, MassDEP should be directed to review their policy to ensure that it is appropriately protective before this guidance is finalized (we outline more concerns on this below).

#### **4. Limited Protection for Monitoring Wells Does Not Address Public Water Supplies**

The Draft Guidance suggests avoiding construction activities within 100 feet of groundwater monitoring wells, referencing the U.S. Geological Survey’s network. While important, this protection is limited to **USGS monitoring wells**, not **active public water supply wells**. The guidance should explicitly extend protection to public water supply wells and recharge areas.

#### **5. Waivers for Transmission Infrastructure Could Undermine Water Supply Protection**

The *Score Modifiers* section allows waivers for infrastructure crossing *Protected Open Space* if no other suitable route exists. This could allow transmission lines or other facilities through **protected water supply lands**, resulting in activities such as vegetation clearing and herbicide use within areas specifically protected to prevent contamination.

Waivers that would impact **Zone II or Surface Water Zones A–C** should be **prohibited**, as they conflict with the intent of protected lands and water resource safeguards.

#### **6. Battery Storage Facilities Pose Risks to Drinking Water**

MassDEP’s 2011 guideline requires fire suppression systems containing **Novec 1230 or equivalent**, but 3M is phasing out this PFAS-containing product by 2025. It is our understanding that the common replacement, **FK-5-1-12**, contains similar PFAS chemistry. In addition, lithium-ion batteries may leak electrolytes that are flammable and water soluble. The combination of **PFAS-based fire suppression** and **lithium**

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<sup>1</sup> <https://www.mass.gov/doc/pwss-and-windsolar-energy-projects-guidance/download>

**compounds** presents a risk to nearby water supplies that some communities may find unacceptable.

In other regulatory and policy areas, EEA has operated out of an “abundance of caution” principle and MWWA would argue that battery storage facilities should be approached in the same way until more research is conducted to prove that the risk can be appropriately managed. **Prohibiting them from all drinking water protection zones** to prevent potential contamination from PFAS or lithium would be the most protective stance.

## 7. Emerging Concerns Regarding Lithium

Lithium, included in EPA’s *UCMR 5 monitoring program*, currently carries a **health advisory level of 10 ppb** and could potentially be regulated under the Safe Drinking Water Act at some point in the future. Treatment options are limited and costly. Before widespread siting of lithium-ion storage facilities proceeds, EEA should ensure comprehensive understanding and regulation of potential lithium and electrolyte leakage risks.

## 8. 225 CMR 29.00: SMALL CLEAN ENERGY INFRASTRUCTURE FACILITY SITING AND PERMITTING

The proposed regulations, 225 CMR 29.00, references guidelines for public health, safety and environmental standards and guidelines for minimization and mitigation measures as well as the aforementioned Site Suitability Assessment Guidance. Fire safety provisions refer to **NFPA 855** and recommend *water* as the primary fire suppression method. The guidelines also state that a *dedicated water supply and firewater collection system* must be provided for facilities meeting applicable thresholds.

This approach **conflicts directly** with **MassDEP’s Water Supply Guidance #2011-1**, which requires battery storage systems proposed on water supply protection lands (by the water supplier) to include **high-pressure extinguishers containing Novec 1230 or an equivalent agent**—both of which are **PFAS-containing chemicals**. With 3M phasing out Novec 1230 due to PFAS content, and its replacement (FK-5-1-12) being chemically similar, the continued reliance on these agents for fire suppression on water supply lands is extremely concerning.

The inconsistency between **NFPA 855’s water-based suppression recommendation** and **MassDEP’s PFAS-based extinguishing requirement** illustrates a lack of coordination between agencies. MWWA strongly urges EEA, DOER, and MassDEP to reconcile these conflicting requirements and establish a unified, PFAS-free fire safety standard that adequately protects drinking water supplies.

In addition, while the **preliminary guidelines** include a provision allowing local governments to **prohibit battery energy storage facilities in Zone II groundwater recharge areas**, there is **no corresponding protection for Surface Water Zones A**,

**B, or C.** Given that many surface water supplies are more exposed and serve large populations, these zones should receive **equal, if not greater, consideration**.

Finally, MWWA is concerned that the *guidelines* are **not formal regulations**, meaning they can be **changed at any time without public notice or comment**. Given the potential impacts of battery energy storage siting on public water supplies, it is critical that any siting provisions—particularly those affecting water supply protection areas—be codified through **formal regulatory rulemaking** rather than left to discretionary guidance.

## Conclusion

MWWA strongly supports Massachusetts' clean energy goals but urges EEA to ensure that **drinking water protection is fully integrated** into the *Site Suitability Guidance* and the proposed regulations 225 CMR 29.00. This includes:

- Adding *Drinking Water Supply Protection* as a core criterion;
- Prohibiting waivers or battery storage sitting in water supply protection zones;
- Establishing a formal process for engagement with the public water supply community, including MWWA, in future regulatory actions and/or guidance revisions; and
- Requiring notification to the Public Water System(s) in any community where Battery Energy Storage facilities are being contemplated regardless of proximity to water supply sources both within the site suitability guidance and within 225 CMR 29.00.

Thank you for the opportunity to provide these comments. We stand ready to participate in future discussions and technical workgroups to help balance the Commonwealth's clean energy goals with the protection of its most essential natural resource—our drinking water.

Sincerely,



Jennifer A. Pederson  
Executive Director

cc: Vandana Rao, PhD, EEA  
Kathleen Baskin, MassDEP  
Yvette DePeiza, MassDEP