马萨诸塞州能源
设施选址委员会

实施 2024 年气候法案 St. 2024， c. 239 要求的规则制定，以制定新要求、修订现有要求并废除管理能源设施选址委员会的未使用要求	)))))	EFSB 25-10

<u>暂定决定开庭规则制定</u>

9月 4， 2025

目录

能源设施选址委员会（“选址委员会”）特此启动一项规则制定，以实施《促进清洁能源电网、促进公平和保护纳税人的法案》，St. 2024，c. 239（“2024 年气候法案”或“法案”）。 G.L. c. 30A §§ 1-7。 为实施 2024 年气候法案，选址委员会提议进行以下监管变更：修订 980 CMR 1.00，裁决程序进行规则和 980 CMR 2.00，一般信息和董事会业务行为;颁布新法规 980 CMR 13.00，清洁能源基础设施综合许可证;980 CMR 14.00，对合并当地许可证申请的重新裁决;980 CMR 16.00，申请前咨询和参与要求;和 980 CMR 17.00，推定批准。 选址委员会还提议废除以下法规：980 CMR 4.00，信息自由;商业秘密保护;980 CMR 5.00，环境评估和环境影响;980 CMR 7.00，长期预报和补充;980 CMR 8.00，建造石油设施的意向通知;980 CMR 9.00，沿海地区设施选址、评估和评估;和 980 CMR 11.00，水力发电设施许可。

一.　<u>介绍</u>

2024 年 11 月 20 日，州长莫拉·希利 （Maura Healey） 签署了《2024 年气候法案》成为法律。 2024 年气候法案改革了清洁能源基础设施 （“CEIF”） 的选址和许可流程，并修订了选址委员会的法定义务。 2024 年气候法案的一个主要重点是改革 CEIF 的选址和许可流程，以帮助实现英联邦雄心勃勃的气候和清洁能源目标。 《2024 年气候法案》的关键条款将提高州和地方层面选址和许可 CEIF 的速度和效率，同时确保社区和其他利益相关者在预备案和审查过程中有有意义的参与和投入机会。 具体来说，2024 年《气候法》要求选址委员会颁布法规，以实施对 GL c. 164、§§ 69G 至 69J1/4（含）、§§ 69O 和 69P、§§ 69R 和 69S 以及 §§ 69T 至 69W（含）的变更。 《2024 年气候法案》要求选址委员会在 2026 年 3 月 1 日之前颁布法规，适用于 2026 年 7 月 1 日或之后向选址委员会提交的项目。 St. 2024，c. 239，第 132 条。

认识到对选址委员会职责的广泛修订，选址委员会正在发布新的拟议法规，并删除不再符合选址委员会当前法定权限或不必要的现有法规。

此外，还建议进一步修正，以提高程序效率和清晰度。

选址委员会建议修订现有法规的两章，颁布四章新章节，并废除六章现有章节，[1]每章均见下表 1。[2] 第四节更详细地描述了每一章。 拟议法规 – 980 CMR

1.00、2.00、13.00、14.00、16.00 和 17.00 – 分别包含在附件 1 – 6、3-a 和 5-b 中。

表 1. 拟议法规摘要。

调节	**地位**	**法规标题**
980 厘米 1.00	修订	审裁程序进行规则
980 厘米 2.00	修订	一般资料及董事会业务的纵
980 厘米 13.00	新增功能	清洁能源基础设施综合许可证
980 厘米 14.00	新增功能	综合本地许可证申请的重新裁决
980 厘米 16.00	新增功能	申请前咨询和参与要求
980 厘米 17.00	新增功能	推定批准
980 厘米 4.00	废除	信息自由;商业秘密保护
980 厘米 5.00	废除	环境评估和环境影响
980 厘米 7.00	废除	长期预测和补充
980 厘米 8.00	废除	建造石油设施意向通知书
980 厘米 9.00	废除	沿海带设施选址、评价和评估
980 厘米 11.00	废除	水力发电设施发牌

[1] 虽然 2024 年《气候法案》并未强制废除这六章，但选址委员会借此机会删除了不再使用的过时法规，以促进提高清晰度和效率的目标。

[2] 选址委员会还计划提出新的法规章节 （980 CMR 15.00），重点关注累积影响分析和场地适用性标准。 该法规将在稍后提出。

二. 2024 年气候法案的描述

2024 年气候法案创建了一个新的综合许可流程[3]，根据该流程，选址委员会将为大型清洁能源基础设施设施 （“LCEIF”） 颁发所有必要的地方、区域和州许可证和批准，在某些情况下，也为小型清洁能源基础设施 （“SCEIF”） 设施颁发所有必要的许可证和批准。 此外，GL c. 164， § 69U 允许小型清洁输配电基础设施 （“SCTDIF”） 的支持者选择向选址委员会寻求综合许可证，其中包括所有必要的州、地区和地方许可证。 G.L. c. 164， § 69V 允许小型清洁能源发电设施 （“SCEGF”） 和小型清洁能源存储设施 （“SCESF”） 的支持者选择向选址委员会寻求综合州许可证，其中包括[4]所有必要的州许可证。 2024 年《气候法案》规定了选址委员会颁发这些许可证的强制性截止日期;如果选址委员会未能在截止日期前对许可证申请做出决定，则该申请将获得建设性批准，这意味着申请人将获得具有某些预先确定标准条件的综合许可证，而无需选址委员会投票批准任何特定项目的组成部分和条件。 St. 2024， c. 239， 第 74 条。

GL c. 164， § 69W 允许地方政府选择将 SCEIF 所有必要的地方许可证请求提交给选址委员会主任（“主任”）， 以对最初提交给当地许可证官员的综合地方许可证请求进行“从头裁决”。[5] GL c. 164， § 69W

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3 综合许可证是选址委员会向 CEIF 颁发的许可证，其中包括 CEIF 需要单独获得的所有州、地区和地方许可证，但委托给特定州机构的某些联邦许可证除外。

4 本决定中大写的术语是指拟议法规中定义的术语。

5 综合地方许可证是地方政府为 SCEIF 颁发的许可证，其中包括申请人需要从地方政府单独获得的所有必需的地方许可证

还允许申请人和其他受到重大和具体影响的各方寻求地方政府做出的（或通过推定批准发布）的综合地方许可证主任的 De Novo 裁决。[6]

《2024 年气候法案》为选址委员会规定了新的任务、审查范围和所需的调查结果。这些变化扩大了选址委员会目前的任务范围（即确保为联邦提供可靠的能源供应，同时以尽可能低的成本对环境的影响最小），以包括遵守联邦（及其分支机构和市政当局）的政策，例如能源、环境、土地使用、劳工、经济正义、环境正义和公平， 公共卫生和安全。St. 2024，c. 239，第 60 条。

此外，该法案要求选址委员会的任何决定都必须包括以下调查结果：（1）已努力避免、尽量减少或减轻环境影响;（2）已适当考虑地方政府的调查结果和建议;（3）对于LCTDIF、SCTDIF和天然气管道，已适当考虑先进导体、先进输电和电网增强技术以及非电线或非管道替代方案（包括管道和其他替代方案的维修或报废）;（4）LCTDIF和SCTDIF提高大电力客户、电动汽车供应设备、清洁能源发电和存储互联的容量，并促进建筑和交通部门的电气化;（5）适当考虑了东道国社区的累积负担，并努力避免、尽量减少或减轻此类负担。 同上。

在考虑和发布决定时，董事会还需要考虑合理可预见的气候变化影响，包括额外的温室气体或其他已知对健康产生负面影响的污染物排放、预测的海平面上升、洪水以及对特定地理区域的任何其他不成比例的不利影响。 同上。

该法案还扩大了选址委员会的成员范围，包括新的专业知识，增加了鱼类和狩猎部和公共卫生部的专员或其指定人员，以及来自马萨诸塞州区域规划机构协会的新公众成员，马萨诸塞州市政协会的代表，在市政许可事务方面具有专业知识，

、批准或授权。 能源资源部 （“DOER”） 正在颁布 225 CMR 29.00 以实施综合地方许可证流程。

[6] 地方政府是市或地区当局、委员会、委员会、办公室或其他实体，如 GL c. 25A， § 21 所定义，在没有综合许可证的情况下，它们有权为 LCEIF 或 SCEIF 颁发至少一份许可证。

具有环境正义问题或土著主权经验的公共成员，以及具有劳工问题经验的公共成员的连续席位。 同上。 《2024
年气候法案》将某些选址权从公用事业部（“部门”）移交给，包括授予分区豁免和授予行使征用权的权利的权力，从而将该权力整合到选址委员会中。 同上，第
72、73、75、76、83 条。 此外，《2024
年气候法案》规定，在向选址委员会提交申请之前，申请人必须就其项目与州、地区和地方机构进行协商，并与提议项目地区的社区成员和组织接触。 同上， 第 74 条。
该法案还包括累积影响分析（“CIA”）条款，要求申请人确定是否 （1）
他们的项目将位于“受到现有不公平或不公平的环境负担或相关健康后果的影响”的地区，如果是这样，（2）
拟议项目的环境和公共卫生影响是否可能对该地区造成不成比例的不利影响，或者会增加或减少气候变化，并提议减轻这些影响。 这两项要求适用于 CEIF
和遗留（即化石燃料）设施。 同上， 第 53 条。
此外，选址委员会还需要颁布适用能源和环境事务执行办公室（“EEA”）制定的选址适宜性标准的法规。[7, 8] 同上， 第 74 条。

《2024 年气候法案》要求选址委员会不迟于 2026 年 3 月 1 日颁布法规，适用于 2026 年 7 月 1 日及之后提交给选址委员会的管辖项目。 同上， 第 132 条。
在选址委员会制定这些法规的同时，其他机构也在起草相关法规以实施 2024 年气候法案。
DOER 将颁布法规和指导文件，为地方政府颁发综合地方许可证建立流程。 225 CMR

[7] 欧洲经济区负责制定场地适宜性标准（“SSC”）指南;欧洲经济区环境正义与公平办公室（“OEJE”）负责制定有关 CIA 的指南，选址委员会负责颁布包含 CIA 和 SSC 指南的法规。 选址委员会将在晚些时候发布法规 980 CMR 15.00，纳入 CIA 和 SSC 的指导。

[8] OEJE 还在制定社区福利计划和协议的标准和指南。

29.00。 该部门将颁布实施干预者支持补助金计划的法规。 220 CMR 34.00。 此外，该部门将颁布法规，为向选址委员会提交的申请和一些部门事项设定修订后的申请费。 220 CMR 32.00。

三.　　程序历史

希利州长于 2023 年 9 月 26 日成立了能源基础设施选址和许可委员会（“委员会”）， 旨在消除快速和负责任的 CEIF 开发的障碍，以满足联邦清洁能源和气候计划中概述的温室气体排放限制。 委员会的任务是就以下方面向总督提供建议：（1） 以符合适用法律要求和清洁能源和气候计划的方式，通过选址和许可改革，加速负责任地部署清洁能源基础设施;（2） 促进社区对清洁能源基础设施选址和许可的投入;（3） 确保清洁能源转型的好处在英联邦所有居民之间公平分享。 第 620 号行政命令。 该委员会由一个强大而多元化的领导人组成，包括代表劳工、环境正义、经济发展、住房和房地产、环境保护和土地利用、农业、地方政府、电力公司和清洁能源行业的成员。 该委员会得到了由来自 18 个州机构代表组成的机构间工作组和由具有选址事宜专业知识的律师组成的选址从业者咨询小组的支持。 委员会举行了13次会议，举行了两次公众听证会，并收到了1 500多份公众意见。 委员会于 2024 年 3 月发布了最终报告。 委员会报告中的许多建议已于 2024 年 11 月在立法中颁布。

选址委员会在拟定拟议条例期间进行了广泛的外展活动。 选址委员会、OEJE、欧洲经济区的其他机构和 DOER 从非正式的利益相关者流程开始。 2025 年 4 月，选址委员会工作人员就 2024

年气候法案的关键主题（即共同条件、程序法规、新申请和申请前参与[9]）发布了稻草提案。 所有秸秆提案均在标题为“2024 年气候法案利益相关者会议”的专用网页上提供。[10]随后，选址委员会与欧洲经济区和该部门一起于 2025 年 4 月和 5 月在全州举办了一系列虚拟和混合会议，向利益相关者介绍情况并提供口头评论论坛。 每次利益攸关方会议都包括从英语翻译成英联邦使用的前 11 种语言和美国手语;稻草提案和利益相关方会议幻灯片也从英语翻译成前十种语言并发布在网上。 选址委员会还要求对秸秆提案提出书面意见。

选址委员会在这些会议期间收到了广泛的口头意见和至少 274 份书面意见;书面意见已发布在 2024 年气候法案利益相关者会议网页上。 选址委员会还与委员会举行了一次会议，介绍了稻草提案。 根据 2024 年《气候法案》的要求，选址委员会工作人员还进行了多次机构间磋商，包括与该部、DOER、环境保护部（“MassDEP”）、鱼类和狩猎部、保护和娱乐部、马萨诸塞州交通部、公共安全与安保执行办公室以及马萨诸塞州环境政策法案办公室（“MEPA”）。 选址委员会工作人员参加了与欧洲经济区、OEJE 和 DOER 的非正式利益相关者会议。 选址委员会工作人员继续与受新综合许可证流程影响的各种机构和利益相关者会面。

选址委员会考虑了在指导拟议法规草案制定时收到的关于其秸秆提案的意见，该草案于 2025 年 7 月发布以征询非正式公众意见。 拟议法规草案发布在选址委员会的网页“2024 年气候法案法规会议”上。[11] 2025 年 7 月 21

[9] 该部门、欧洲经济区和 OEJE 还分别发布了关于新的干预者支持补助金计划、SSC 和社区福利计划要求的稻草提案。 选址委员会工作人员和 OEJE 展示了有关中央情报局的幻灯片。 选址委员会工作人员还对新的选址委员会许可仪表板发表了征求意见的请求。

[10] https://www.mass.gov/info-details/2024-climate-act-stakeholder-sessions.

[11] https://www.mass.gov/info-details/2024-climate-act-regulations-meetings.

日，选址委员会召开了一次混合选址委员会会议，听取意见并讨论拟议法规草案，并对英联邦使用的前五种语言和美国手语进行口译。

选址委员会听取了工作人员对拟议条例草案的介绍，并邀请公众在董事会会议上提供口头意见和书面意见。

选址委员会收到了公用事业公司、开发商、感兴趣的个人和组织的意见。

书面意见发布在“2024 年气候法案法规会议”网页上。

根据选址委员会成员的意见以及机构和公众的意见，选址委员会工作人员进一步完善了拟议条例草案。

选址委员会现在正在发布这些拟议法规，以进行正式的公众意见征询程序。

选址委员会于 2025 年 9 月 4 日发布了临时决定和拟议法规。 选址委员会于 2025 年 9 月 8 日召开了混合式董事会会议。

提供西班牙语、葡萄牙语、中文、海地克里奥尔语、越南语和美国手语的口译。

在董事会会议上，选址委员会听取了选址委员会工作人员的介绍，接受了公众意见，并审议了临时决定。

选址委员会投票[批准]了临时决定开放规则制定，并发布了拟议法规以征求意见。

四. 拟议法规

一. 介绍

选址委员会的拟议法规实施了一项综合计划，以加速清洁能源基础设施的选址，同时强调主要利益相关者和社区成员参与开发和审查过程。 2024 年气候法案为州、地区和地方机构以及各种利益相关者创建了新的设施类别和新角色，并建立了新的程序机制，以提高 CEIF 在英联邦选址和许可的效率和有效性。

《2024 年气候法案》赋予选址委员会颁发所有单独的州、地区和/或地方许可证、批准或授权的权力，否则这些许可证、批准或授权对于在其管辖范围内的 CEIF 的建设和运营是必要的。

在履行这一职能时，《2024 年气候法案》指示董事会遵守在确定申请完整性后不超过 12 或 15 个月的强制性审查时间框架，并制定行政程序以实现这一结果。

选址委员会起草了法规和指导文件，以帮助申请人准备一份组织良好、信息丰富、清晰和一致的申请提交，以协助选址委员会、其他州、地区和地方许可机构（“许可证执法机构”或“PEA”）和社区利益相关者审查申请人的拟议项目。

重要的是，这种方法还将帮助申请人从选址委员会获得“完整性通知”，开始强制性的时间表来裁决和签发最终决定和综合许可证。

选址委员会为实现这些目标而建议的方法是要求申请人咨询州、地区和地方许可机构，以确保申请人充分了解适用于拟议项目的许可要求。
拟议法规要求每个申请人向选址委员会提交每个许可计划的申请草案和许可证草案。
选址委员会指出，2024
年气候法案并未取代管理各种许可计划的实体法，例如《马萨诸塞州湿地保护法》或《马萨诸塞州濒危物种法》。[12] 然而，与其他州 PEA 法规相关的程序要求可能会被 2024
年《气候法案》以及选址委员会实施条例和指南所定义的选址委员会程序所取代。
选址委员会认为，要求申请人以 PEA
熟悉的形式提供信息可以更有效地审查许可证申请，并更有效地执行 PEA
执行许可证条件。
如果申请人确定不同州和地方许可计划和申请中的重复信息要求，申请人可以在其提交的申请中交叉引用信息以避免此类重复。

综合许可证包括长期的选址委员会建设批准（或“EFSB 施工许可证”）以及 CEIF 建设和运营所需的所有其他州、地区和地方许可证和批准。
综合州许可证将包括所有必要的州许可证。
选址委员会提出了一份指导文件，其中包含为申请人和公众提供更多信息（“申请指南”）

[12] 马萨诸塞州湿地保护法见 GL c. 131，§ 40。 马萨诸塞州濒危物种法位于 GL c. 131A。

，该文件侧重于 EFSB 施工许可证特有的信息要求，同时在很大程度上依赖于 DOER 即将发布的 SCEIF 综合地方许可证申请表的内容，以及相应州许可证的其他州机构许可证申请。 见 225 CMR 29.00。 寻求其项目分区豁免的申请人必须根据 GL c. 40A，§ 3 或 St. 1956， c. 665，§ 6 向选址委员会提交单独的分区申请。 主持人将把分区请愿书与综合许可证申请合并并进行一项程序。 参见 980 CMR 1.09（2）。

选址委员会对申请的审查范围很广，包括选址委员会审查特有的主题，以及其他机构的许可计划中主要涉及的其他主题，这些主题将合并到综合许可证中。 《2024 年气候法案》指示选址委员会制定管理 LCEIF 和 SCEIF 选址和许可的标准，其中包括“一套适用于颁发综合许可证的统一基线健康安全、环境和其他标准”。 G.L. c. 164，§§ 69T（b）、69U（b）、69V（b）。 该语言反映了 2024 年气候法案中对 DOER 制定地方政府选址和许可 SCEIF（“综合地方许可证”）计划的要求。 鉴于选址委员会和 DOER 在建立基线标准方面的职责之间的相似性、重叠的范围以及一致方法的好处，选址委员会工作人员和 DOER 正在合作制定许可标准，这些标准将成为申请指南的一部分。 选址委员会和 DOER 在制定适用于 CEIF 许可证的“共同条件”方面也负有类似的责任。 出于上述相同原因，选址委员会工作人员和 DOER 也在合作制定 CEIF 的共同条件。 2024 年气候法案为多个实体创造了新的角色。 如上所述，选址委员会成为为 LCEIF 和 SCEIF 颁发综合许可证的实体（在某些情况下），确保对申请进行严格审查并及时做出决定。 如果申请人或受到重大和具体影响的各方提交有效的重新裁决申请，选址委员会主任负责审查合并当地许可证的决定。 对申请相关决定的上诉应提交给最高法院，而不是多个国家机构和法院地点。 DOER 负责为所有 351 个城市的 SCEIF 以及科德角委员会等区域实体制定统一许可计划。

虽然他们将不再为 CEIF

颁发所需的许可证，但州和地方机构在项目开发和审查的多个阶段提供专业知识和意见，并最终执行董事会颁发的任何许可证。 这些机构的作用反映在大量的申请前咨询要求中。 此外，《2024 年气候法案》将 PEA 纳入拟议项目的正式裁决，为 PEA 创造特殊干预权，并有机会为每个项目提供推荐条件的陈述。 2024 年《气候法案》将许可条件的执行权（一旦由选址委员会确定）交还给那些在没有综合许可程序的情况下对项目拥有管辖权的机构。 《2024 年气候法案》赋予 MEPA 办公室在申请前咨询中发挥明确作用，并有机会向选址委员会提供建议条件。[13]

《2024 年气候法案》强调了当地社区和利益相关者的重要作用。

该法案要求申请人与当地社区接触，深入了解拟议项目地点附近的情况，并了解当地的优先事项和关注点。 拟议条例考虑了申请人与当地社区之间的双向沟通，以造福双方。 拟议法规规定，申请人须遵守选址委员会或 DOER 为 SCEIF 制定的计划的预申请要求，但不适用于这两个计划。 为了协助预备案计划，2024 年气候法案在该部门设立了公众参与司 （“DPP”）。 DPP 还管理一项干预者支持补助金计划，旨在为某些团体参与选址委员会和部门程序提供财政支持。

最终，《2024 年气候法案》将提供有关拟议项目的及时、完整信息的责任赋予了申请人。 选址委员会预计，在未来几年内，申请人将提交许多 CEIF 项目的申请。[14]

13　然而，《2024 年气候》还规定，申请前咨询之外的 MEPA 要求不适用于选址委员会或 LCEIF 或 SCEIF 的申请人，根据 GL c. 164，§§ 69T-69W（含），或根据 GL c. 164，§§ 69J-69J1/4（含）的设施申请人。 St. 2024， c. 239，第 63 条。

14　看 GreenerU 的管理研究报告，2025 年 7 月。 https://www.mass.gov/doc/greeneru-management-study/download.

申请人在确保这些项目获得许可和建设方面发挥着至关重要的作用，从而有助于实现英联邦的能源目标。

二. 980 CMR 1.00 – 裁决程序的进行规则

选址委员会提议对 980 CMR 1.00 进行修订，以反映新的综合许可流程，并进行修订以使选址委员会的裁决程序更加高效。 经修订，除非另有说明，否则 980 CMR 1.00 将适用于 GL c. 164， §§ 69H-69W 下的所有选址委员会程序。 拟议的修订 980 CMR 1.00 包含在附件 1 中。 980 CMR 1.00 的修订包括：

- 修订了定义小节，以反映 2024 年气候法案中的新定义。 980 CMR 1.01（4）。
- 根据改进的做法更新了申报要求，包括电子申报和申报采用可搜索格式的要求。 980 CMR 1.03（2）。
- 要求单方面条款禁止该部门监督申请人申请前活动的新 DPP 就未决事项与选址委员会的裁决或决策人员进行任何实质性意见或沟通。 拟议的法规还规定，DPP 主任可以在提交申请之前与寻求干预选址委员会实质性事项程序的当事人或个人进行沟通，并且此类沟通不应被视为单方面沟通。 980 CMR 1.03（7）。
- 要求申请人遵守 2024 年气候法案的 CIA 要求。 980 CMR 1.04（1）（c）。
- 要求申请人在提交申请时提供证据，证明他们在向选址委员会提交申请之前已完成申请前咨询和社区参与活动。 980 CMR 16.00 中的一组单独法规定义了这些要求。 980 CMR 1.04（1）（c）。
- 反映选址委员会现有邮寄通知做法的要求，包括要求在距项目边界的特定距离（例如通行权边缘）上邮寄通知。 980 CMR 1.04（3）。
- 要求选址委员会提供符合其最新语言访问计划的语言访问。 980 CMR 1.04（3）（h）。
- 要求选址委员会以混合形式举行公众意见听证会，只要这样做仍然可行。 980 CMR 1.04（5）。

- 对申请人的要求，管理在诉讼中提交给选址委员会的文件的认证，以及当事人在选址委员会做出最终决定之前更新证据开示和记录请求响应以及证词的持续义务。 980 CMR 1.06（5）（g）。
- 承认选址委员会可以通过引用将某些文件纳入其证据记录。 980 CMR 1.06（5）（i）。
- 主持人以虚拟方式进行证据听证会的权力。 980 CMR 1.06（6）（d）。
- 澄清就临时决定提交的意见，无论是在董事会会议上还是以书面形式提出的，都不构成证据，也不属于诉讼中证据记录的一部分。 980 CMR 1.08（2）（c）。
- 主持官员决定是否允许更多与会者就拟议项目进行实地考察的权力。 980 CMR 1.09（10）。
- 定义合规备案和项目变更备案流程的新小节。 980 CMR 1.09（12），（13）。
- 退役和场地恢复计划的要求，其中定义了必须拆除的基础设施，要求提供拆除时间表以及退役和恢复成本的估计，并要求拟议的财务工具，以确保为退役和恢复活动提供资金。 980 CMR 1.10。

三.　980 厘米 2.00 – 董事会业务的一般信息和行为

选址委员会提议修订其董事会业务管理法规，以反映 2024 年气候法案的要求。 这些修订还反映了更新的法定参考和流程更新。 拟议的修订 980 CMR 2.00 包含在附件 2 中。 对 980 CMR 2.00 的拟议修订包括：

- 扩大选址委员会的主要职能，包括审查 LCEIF 和 SCEIF 的申请。 980 CMR 2.02（2）。
- 小节规定选址委员会发布地方分区章程豁免的权力。 980 CMR 2.02（2）。
- 根据 2024 年《气候法案》的新法定授权，定义选址委员会的新审查范围的新小节。 980 CMR 2.02（3）。

- 纳入法定条款，根据 G.L. c. 164 §§ 69J 至 69J1/4（含）或 G.L. c. 164 §§ 69T 至 69W（含）免除选址委员会或任何其他人采取的任何行动，纳入 MEPA 审查，G.L. c. 30，§§ 61 至 62L。 980 CMR 2.02（6）。
- 将选址委员会的成员人数从九名成员修改为十一名成员，法定人数要求从四名成员修改为五名成员。 980 CMR 2.03（1）。
- 新小节提供披露机制，其中当然选址委员会成员的代理机构也是程序的一方。 980 CMR 2.03（7）。
- 指定选址委员会成员可以虚拟方式参加混合董事会会议。 980 CMR 2.04（7）。
- 关于“推定批准”的新小节，指示当选址委员会无法在法定时间范围内投票时，主持官员何时必须发布 980 CMR 1.00 中确定和 980 CMR 17.00 中描述的推定批准。 980 CMR 2.06（3）、（4）。
- 要求最终决定必须包括 2024 年气候法案中定义的所需调查结果。 980 CMR 2.06（3）。
- 纳入法定要求，即选址委员会建立并维护一个新的在线许可仪表板，其中包括有关选址委员会程序的信息、被视为不完整的申请数量、被视为推定批准的申请数量、申请审查的平均持续时间以及按职位分类划定的平均人员配备水平。 980 CMR 2.10。

四.　980 CMR 13.00 – 清洁能源基础设施设施的综合许可证

拟议的 980 CMR 13.00 创建了一个综合许可证流程，根据该流程，选址委员会将颁发所有必要的州、地区和地方批准，以建造和运营 LCEIF，并在某些情况下为 SCEIF 颁发批准。 新的拟议法规侧重于综合许可证的申请要求以及综合许可证申请的审查和裁决。 拟议的 980 CMR 13.00 包含在附件 3 中。 鉴于申请要求的范围，选址委员会还制定了一份申请指导文件，以提供技术信息，为拟议法规中的要求提供信息。 申请指南包含在附件 3-a 中。 980 CMR 13.00 的特点包括：

- 一份标准申请，用于确定申请人向选址委员会提供综合许可证的具体标准和信息。申请所需的信息包括：（i） 基于先前先例的具体要求、法定要求和利益相关者的意见;（ii） LCEIF 或 SCEIF 要求建筑分区豁免的具体要求;（iii） 对州、地区和地方机构许可的具体要求。 980 CMR 13.03、980 CMR 13.04。
- 审查选址委员会就综合许可证申请发布最终决定的时间表。 根据 2024 年气候法案，LCEIF 申请的审查期限为 15 个月;SCEIF 申请的审查期限为 12 个月。 980 CMR 13.02（4） （a）。
- 综合许可证流程的基线健康、环境、安全和其他标准规定。 980 CMR 13.07。
- 建立适用于所有 CEIF 项目的综合许可证的通用条件、基于设施阈值的通用条件以及应用补充条件以减轻特定项目的 LCEIF 或 SCEIF 相关影响的流程。 980 CMR 13.08。
- 建立确定申请完整性的流程。 完整性确定确保选址委员会有足够的信息来根据 GL c. 164 § 69H 做出法定调查结果，并为利益相关者提供透明度。 完整性确定开始了选址委员会的审查时间框架，以满足做出最终决定的法定截止日期。 完整性确定条款还确定了申请人在申请被确定为不完整的过程中的流程。 980 CMR 13.09。
- 选址委员会最终决定的内容，包括：选址委员会批准决定;发放分区豁免;颁发所有必要的许可证;以及确定每个条件以及哪个机构将负责执行该条件。 980 CMR 13.10。

五. 980 CMR 14.00 – 对综合地方许可证的重新裁决

拟议的 980 CMR 14.00 创建了一个流程，通过该流程，主任可以根据地方政府、项目提案人或被认为受到重大和具体影响的人的要求，对最初提交给当地许可证官员的综合地方许可证进行“从头裁决”。 拟议规例亦为署长提供程序，以裁定综合本地许可证申请，以代替本地检讨。 拟议的 980 CMR 14.00 包含在附件 4 中。 该拟议法规定义了 SCEIF 综合地方许可证申请的重新裁决程序;980 CMR 14.00 的特点包括：

- 启动从头裁决的两种途径。 首先，申请人或其他受地方政府对综合地方许可证申请的不利最终决定严重和具体影响的人可以请求署长审查该最终决定。 其次，缺乏足够资源处理申请的地方政府可以要求署长代替其裁决申请。 980 CMR 14.02（1）。
- 申请人或其他人士可呈请署长进行重新裁决的程序。 980 CMR 14.02（2）、（3）、（4）。
- 署长决定是否接受该重新审裁申请的标准。 980 CMR 14.02（5），（6）。
- 如果署长接受从头裁决请求，则署长对相关综合本地许可证申请进行重新裁决的过程。 980 CMR 14.03、14.04。
- 局长发布决定的时限：请求对当地许可决定进行重新裁决的六个月;地方政府请求重新裁决十二个月。 980 CMR 14.05（b）。
- 规定主任关于重新裁决的决定可向最高法院上诉。 980 CMR 14.06。

六. 980 CMR 16.00 – 申请前咨询和参与要求

拟议的 980 CMR 16.00 为选址委员会管辖的能源基础设施项目的支持者制定 了流程和[15]要求，以 （1） 与州、地区和地方机构协商，以及 （2） 在向选址委员会提交申请之前与可能受影响的社区接触并具体确定主要利益相关者。

备案前咨询和参与流程将帮助项目支持者更快地发现潜在的争议问题，并与主要项目利益相关者建立合作关系。

申请前咨询和参与过程还将为可能受项目影响的社区成员提供有关项目的早期信息，并有机会在项目开发过程中提供意见。 拟议的 980 CMR 16.00 包含在附件 5 中。 选址委员会还

[15] 申请前咨询和聘用规定适用于非 CEIF（GL c. 164，§§ 69J，69J1/4），但不适用于根据 980 CMR 14.00（GL c. 164，§ 69W）进行的重新裁决。

制定了一份完成清单和自我证明表格，以配合法规部分;清单和自我证明表包含在附件 5-a 中。 980 CMR 16.00 的特点包括：

- DPP（根据 G.L. c. 25， § 12T 设立）管理申请前要求的规定。 980 CMR 16.02。
- 要求申请人向公众（包括主要利益相关者）披露有关拟议能源基础设施项目的信息，并与受影响的社区举行公开会议。 980 CMR 16.04。
- 州、地区和地方机构与拟议的能源基础设施申请人之间举行强制会议。 980 CMR 16.05、16.06。
- 与利益相关者举行个人和公开会议所需的规定项目材料和信息。 980 CMR 16.07、16.08。
- 开展外联的准则，包括使用多种媒体渠道，举行公开会议的要求，以及创建可供公众访问的项目网页，其中包含有关拟议项目的信息，包括联系信息。 980 CMR 16.04（1）（a）（6）、（7）。
- 要求项目支持者为感兴趣的人提供电子邮件注册机制，以便在整个申请前外展和许可过程中接收最新信息。 980 CMR 16.04（1）（c）。
- 要求申请人填写自我证明表和清单，以证明他们已完成申请前咨询和社区参与流程的每个步骤。 980 CMR 16.04（1）（i）。
- 要求申请人向选址委员会提交申请的意图通知。 980 CMR 16.10。

七. <u>980 CMR 17.00 – 推定批准</u>

拟议的 980 CMR 17.00

规定了与推定批准相关的流程和要求，即自动批准合并许可证申请，如果选址委员会未根据 980 CMR 13.00 及时颁发综合许可证或综合州许可证，则主持人应颁发该许可证。

推定批准程序适用于提交给选址委员会的所有 CEIF 申请。[16] 拟议的 980 CMR 17.00 包含在附件 6 中。 980 CMR 17.00 的特点包括：

- 规定，如果选址委员会未在其审查时间范围内发布最终决定，则合并许可证申请的批准是自动的（审查时间范围在 980 CMR 13.00 中确定，并在 980 CMR 17.00 中交叉引用）。 980 CMR 17.01（1）、17.04（1）。
- 规定，主持人应评估诉讼的进展情况，如果主持人发现"没有合理保证"满足适用的审查时间范围，则主持人将发出"推定批准的可能性通知"。 980 CMR 17.02（1）。
- 要求主持人在推定批准可能性通知后两周内签发推定批准许可证草案，并开始对推定批准许可证草案的评论期。 980 CMR 17.02（3）。
- 建设性批准许可证的所需内容，包括通过建设性批准的综合许可证颁发的州、地区和地方许可证，包括要求的分区豁免和建设性批准许可证中包含的常见条件。 980 CMR 17.03（1）。
- 主持人分发推定批准许可证的流程。 980 CMR 17.04。
- 规定由主审官分发的推定批准许可证被视为最终决定，可向最高法院上诉。 980 CMR 17.05（2）。

五.　<u>公众意见征询期和征求意见</u>

选址委员会在选址委员会决定开放规则制定的同时发布公众意见征询期通知。 <u>参见</u> [附件XX]。 在该通知中，选址委员会欢迎对拟议条例和相关指导文件发表意见。 选址委员会将在英联邦各地举行混合公众意见听证会，此外还要求提供书面意见。 选址委员会将考虑收到的口头和书面意见，并相应地修订其拟议条例。 根据 2024 年气候法案的规定，选址委员会打算在 2026 年 3 月 1 日之前完成这一规则制定并颁布最终法规。

16　推定批准条款不适用于根据 980 CMR 14.00 进行的从头裁决，也不适用于根据 GL c. 164、§§ 69J、69J1/4 建造非 CEIF 设施的申请。

选址委员会将在 2025 年 10 月 17 日下午 5：00 之前就拟议法规征求初步书面意见。所有文件必须通过电子邮件附件提交给选址委员会，并发送给 dpu.efiling@mass.gov 和 sitingboard.filing@mass.gov。 电子邮件文本必须指定：（1） 诉讼的案卷编号 （EFSB 25-10）；（2） 提交备案的个人或公司的名称;（3） 文件的简短描述性标题。

电子申报还应包括在对申报有疑问时要联系的人员的姓名、职务和电话号码。

以电子格式提交的文件将登载于选址委员会的网页，地址为 https://eeaonline.eea.state.ma.us/dpu/fileroom/#/dockets/docket/12678。

提交给选址委员会或由选址委员会签发的所有文件、诉状或文件将在切实可行的情况下尽快在选址委员会的网站上提供。

要索取残疾人无障碍格式的材料（盲文、大字体、电子文件、音频格式），请致电 eeadiversity@mass.gov 或 （617） 626-1282 联系选址委员会的 ADA 协调员。

为了提供进一步的意见机会，选址委员会将亲自和在 Zoom 上举行混合公众意见听证会，以听取对拟议法规的意见。

利害关系人可以在公众意见听证会上就拟议条例进行口头辩论。

将提供西班牙语、葡萄牙语、中文、海地克里奥尔语、越南语和美国手语的口译服务。

可应要求提供其他语言的笔译和口译服务。 如需其他语言的笔译或口译，请致电 yonathan.mengesha@mass.gov 联系 Yonathan Mengesha, 最迟于（日期）。

选址委员会将在以下日期和地点举行混合公众意见听证会：[在最终决定之前完成]

公众意见听证会 1： **10 月 27 日星期一下午 6：00** 大新贝德福德地区职业技术高中，1121 Ashley Blvd，新贝德福德，马萨诸塞州 02745，礼堂。	公众意见听证会 2： **10 月 29 日星期三下午 6：00** 伯克希尔创新中心，45 Woodlawn Ave，皮茨菲尔德，马萨诸塞州 01201
公众意见听证会 3： **11 月 3 日星期一下午 6：00**	公众意见听证会 4： **11 月 5 日星期三下午 6：00**

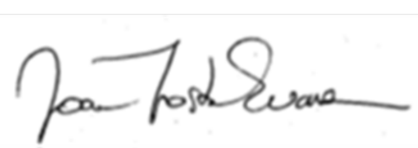
马萨诸塞州公用事业部，One South Station，3rd Floor，Boston，MA 02110	北岸社区学院，300 Broad St，Lynn，MA 01901，自助餐厅。

远程与会者可以通过从计算机、智能手机或平板电脑输入链接 [Zoom 链接] 来加入。 对于仅音频访问听证会，与会者可以拨打 **1 （312） 626-6799**（非免费电话），然后输入 ID# [会议 ID]。

如果您预计在公开听证会期间提供意见，请在 **2025 年 XX 月**之前向 **ERG** 发送电子邮件，地址**为 meetings@erg.com**，并附上您的姓名和电子邮件地址。

六. 投票

选址委员会特此投票决定启动一项规则制定，以实施《2024 年气候法案》第 2024 条第 239 条的条款。 选址委员会发布以下拟议条例：修订 980 CMR 1.00，裁决程序进行规则和 980 CMR 2.00，一般信息和董事会业务行为;新法规 980 CMR 13.00，清洁能源基础设施综合许可证;980 CMR 14.00，对合并当地许可证申请的重新裁决;980 CMR 16.00，申请前咨询和参与要求;和 980 CMR 17.00，推定批准。 选址委员会还提议废除 980 CMR 4.00 中的现有法规，信息自由;商业秘密保护;980 CMR 5.00，环境评估和环境影响;980 CMR 7.00，长期预报和补充;980 CMR 8.00，建造石油设施的意向通知;980 CMR 9.00，沿海地区设施选址、评估和评估;和 980 CMR 11.00，水力发电设施许可。



琼·福斯特·埃文斯先生

日期为 2025 年 9 月 4 日

[批准] 能源设施选址委员会在 2025 年 9 月 8 日的会议上，由出席并投票的成员和指定人员一致投票通过。

投票批准最终决定：能源和环境事务部长兼能源设施选址委员会主席 Rebecca L. Tepper;James M. Van Nostrand，公用事业部主席;Staci Rubin，公用事业部专员;伊丽莎白·马霍尼（Elizabeth Mahony），能源资源部专员;Bonnie Heiple，环境保护部专员;经济发展执行办公室许可证监管办公室主任兼临时秘书阿什利·斯托尔巴的指定人员道格拉斯·古特罗;和 Joseph C. Bonfiglio，公共成员。

Rebecca L. Tepper，主席
能源设施选址公猪

附件1

条例草案

980 CMR 1.00 – 裁决程序

980 CMR 1.00: RULES FOR THE CONDUCT OF ADJUDICATORY PROCEEDINGS

Section

1.01: Scope and Construction of Rules

(1) Scope. 980 CMR 1.00 shall govern the conduct of adjudicatory proceedings before the Energy Facilities Siting Board.

(2) Application of 980 CMR 1.00. 980 CMR 1.00 shall apply to all adjudications conducted by the Board except when a specific provision of 980 CMR indicates otherwise.

(3) Effective Date. 980 CMR 1.00 shall take effect on ~~February 19, 2010~~March 1, 2026, and shall apply to proceedings initiated ~~after that date~~July 1, 2026, and afterwards.

(4) Definitions. For the purpose of 980 CMR, the following definitions shall apply unless the context or subject matter requires a different interpretation:

Anaerobic Digestion Facility means a facility that: (i) generates electricity from a biogas produced by the accelerated biodegradation of organic materials under controlled anaerobic conditions; and (ii) has been determined by the department of energy resources, in coordination with the department of environmental protection, to qualify under the department of energy resources regulations as a Class I renewable energy generating source under M.G.L. c. 25A, § 11F.

Ancillary Structure means new or expanded equipment or structure which is an integral part of the operation of any CEIF or Facility.

Applicant means a ~~person~~Person who submits to the Board a petition to construct a Facility, an application ~~or petition seeking determination of a matter within the Board's jurisdiction, or~~ for a Consolidated Permit for a LCEIF or SCEIF, an application for a Consolidated State Permit for a SCEIF, or a petition for a certificate of environmental impact and public need. An Applicant also means a Person who~~,~~ submits an application for a Consolidated Local Permit to a Local Government pursuant to ~~M.G.L. c. 25, § 4, has a matter referred to the Board by the Chairman of the Department of Public Utilities pursuant to M.G.L. c. 164, § 69H~~225 CMR 29.00.

Board means the Energy Facilities Siting Board established under M.G.L. c. 164, § 69H.

Board Member means any of the ~~nine persons~~eleven individuals set forth in 980 CMR 2.03(1) or any ~~person~~individual named to serve as a designee under the terms of 980 CMR 2.03(3).

Chair~~man~~ means the ~~Chairman~~Chair of the Energy Facilities Siting Board~~, as described in 980 CMR 2.03(3).~~ .

Clean Energy Infrastructure Facility (CEIF) means an LCEGF, LCESF, LCTDIF, SCEGF, SCESF, or SCTDIF. A CEIF is not a Facility as defined in M.G.L. c. 164, § 69G.

Consolidated Permit means a permit issued by the Board for an LCEIF or a SCEIF that includes all municipal, regional and state permits that the LCEIF or SCEIF would otherwise need to obtain individually, with the exception of certain federal permits that are delegated to specific state agencies as determined by the Board.

Consolidated Local Permit means a permit issued by a Local Government for a SCEIF that includes all required local permits, approvals, or authorizations that the Applicant would otherwise need to obtain individually from the Local Government.

Consolidated State Permit means a permit issued by the Board for an SCESF or an SCEGF that includes all state permits, approvals, or authorizations that the Applicant would otherwise need to obtain individually from state agencies, authorities, boards, commissions, offices or other entities, with the exception of certain federal permits that are delegated to specific state agencies as determined by the Board.

Constructive Approval means approval, pursuant to 980 CMR 17.00, of an Application for a CEIF where the Board fails to issue a final decision by the deadlines established in M.G.L. c. 164, §§ 69T, 69U, 69V, and 980 CMR 13.00.

Cumulative Impact Analysis Report means a written report as defined in 980 CMR 15.00.

Department means the Massachusetts Department of Public Utilities.

De Novo Adjudication means an adjudicatory proceeding where the Director will consider an application for a Consolidated Local Permit based on evidence submitted in the proceeding that may include but is not limited to the information submitted to the Local Government as part of the application for a proposed SCEIF.

Director means the individual appointed by the Chair of the Department of Public Utilities to direct the work of the siting division and to conduct the day-to-day business of the Board as well as to perform any other duty delegated by the ~~Chairman~~Chair. The Director may issue decisions in De Novo Adjudications of local permit applications pursuant to M.G.L. c. 164, § 69W.

Distribution means delivery of electricity as defined in M.G.L. c. 164, § 1.

DOER means the Massachusetts Department of Energy Resources.

EFSB Consolidated Permit means a Consolidated Permit or a Consolidated State Permit.

Facility means any "facility" described in M.G.L. c. 164, §69G including:

(a) any generating unit designed for or capable of operating at a gross capacity of ~~100~~25 megawatts or more, including associated buildings, Ancillary Structures, transmission and pipeline interconnections that are not otherwise facilities, and fuel storage facilities;

(b) a new electric transmission line having a design rating of 69 kilovolts or more and which is one mile or more in length on a new transmission corridor;

(c) a new electric transmission line having a design rating of 115 kilovolts or more which is ten miles or more in length on an existing transmission corridor except reconductoring or rebuilding of transmission lines at the same voltage;

(d) an Ancillary Structure which is an ~~integrated~~integral part of the operation of any transmission line which is a facility;

(e) a unit, including multiple tanks and associated buildings and structures, designed for, or capable of, the manufacture or storage of gas, except~~:~~ such units below a minimum threshold size as established by regulation;

1. a unit with a total gas storage capacity of less than 25,000 gallons and also with a manufacturing capability of less than 2,000 MMBtu per day;
2. a unit whose primary purpose is research, development, or demonstration of technology and whose sale of gas, if any, is incidental to that primary purpose; or
3. a landfill or sewage treatment plant.

(f) a new pipeline for the transmission of gas having a normal operating pressure in excess of 100 lbs. per square inch gauge, which is greater than one mile in length except restructuring, rebuilding, or relaying of existing pipelines of the same capacity; and

(g) any new unit, including associated buildings and structures, designed for, or capable of, the refining, the storage of more than 500,000 barrels or the transshipment of oil or refined oil products and any new pipeline for the transportation of oil or refined oil products which is greater than one mile in length except restructuring, rebuilding, or relaying of existing pipelines of the same capacity.

Gas means an energy source which includes natural gas, propane air, synthetic natural gas, liquefied natural gas, renewable natural gas, and hydrogen.

Generating Facility means any generating unit designed for or capable of operating at a gross capacity of ~~100~~25 megawatts or more, that is not a LCEGF or SCEGF, including associated buildings, Ancillary Structures, transmission and pipeline interconnections that are not otherwise facilities~~,~~ and fuel storage facilities.

Hand Delivery means delivery by methods other than pre-paid U.S. mail (*e.g.*, Federal Express or paid courier service). Hand ~~delivery~~Delivery shall not include delivery by electronic mediums such as facsimile or e-mail unless authorized by the Presiding Officer.

Language Access Plan means the Language Access Plan established by the Board pursuant to Executive Order No. 615.

Large Clean Energy Generation Facility (LCEGF) means energy generation infrastructure with a nameplate capacity of not less than 25 megawatts that is an Anaerobic Digestion Facility, Solar Facility or Wind Facility, including any Ancillary Structure that is an integral part of the operation of the LCEGF.

Large Clean Energy Infrastructure Facility (LCEIF) means an LCEGF, LCESF, or LCTDIF.

Large Clean Energy Storage Facility (LCESF) means an energy storage system as defined under M.G.L. c. 164, § 1, with a rated capacity of not less than 100 megawatt hours, including any Ancillary Structure that is an integral part of the operation of the LCESF.

Large Clean Transmission and Distribution Infrastructure Facility (LCTDIF) means electric transmission and distribution infrastructure and related ancillary infrastructure that is:

(a) a new electric transmission line having a design rating of not less than 69 kilovolts and that is not less than 1 mile in length on a new transmission corridor, including any Ancillary Structure that is an integral part of the operation of the transmission line;
(b) a new electric transmission line having a design rating of not less than 115 kilovolts that is not less than 10 miles in length on an existing transmission corridor except reconductored or rebuilt transmission lines at the same voltage, including any Ancillary Structure that is an integral part of the operation of the transmission line;
(c) any other new electric transmission infrastructure requiring zoning exemptions, including standalone transmission substations and upgrades and any Ancillary Structure that is an integral part of the operation of the transmission line; and
(d) facilities needed to interconnect offshore wind to the grid.

A LCTDIF shall be:

(e) designed, fully or in part, to directly interconnect or otherwise facilitate the interconnection of a CEIF to the electric grid;
(f) approved by the regional transmission operator in relation to interconnecting a CEIF;
(g) proposed to ensure electric grid reliability and stability; or

(h) designed to help facilitate the electrification of the building and transportation sectors.

A LCTDIF shall not include new transmission and distribution infrastructure that solely interconnects new and existing energy generation powered by fossil fuels on or after January 1, 2026.

Limited Participant means any ~~person~~Person allowed to participate in an adjudicatory proceeding pursuant to M.G.L. c. 30A, § 10, and 980 CMR 1.05(2). A Limited Participant is not a Party.

Local Government means a municipal or regional authority, board, commission, office, or other entity, as defined in M.G.L. c. 25A, § 21, that would have had jurisdiction to issue at least one permit for an LCEIF or SCEIF absent a Consolidated Permit. Local Governments enforce the portions of a Consolidated Permit that relate to subject matter within their jurisdiction as if that portion of the Consolidated Permit had been directly granted by the Local Government.

Local Government Representative means a decision-making entity within a Local Government.

Party means an applicant, any ~~person~~Person allowed to intervene in an adjudicatory proceeding pursuant to M.G.L. c. 30A, § 1(3), and 980 CMR 1.05(1), or any ~~person~~Person who intervenes in an adjudicatory proceeding by right.

Person means a natural person, partnership, corporation, association, society, authority, agency ~~or~~, department, or division of the Commonwealth, or any body politic or political subdivision of the Commonwealth including municipal corporations.

Permit means a municipal, regional, or state permit, authorization, determination, or approval that would otherwise be individually required to construct and operate a CEIF Project, absent an EFSB Consolidated Permit.

Presiding Officer means Board staff assigned by the Director to conduct adjudicatory proceedings for matters within the jurisdiction of the Board.

Project means the structures, equipment, facilities, and land uses, and the construction and operation thereof, for which an applicant requires an approval, permits, or authorizations of the Board. The specific elements of a Project will be unique in each proceeding.

Small Clean Energy Generation Facility (SCEGF) means energy generation infrastructure with a nameplate capacity of less than 25 megawatts that is an Anaerobic Digestion Facility, Solar Facility or Wind Facility, including any Ancillary Structure that is an integral part of the operation of the SCEGF.

Small Clean Energy Infrastructure Facility (SCEIF) means an SCEGF, SCESF or SCTDIF.

Small Clean Energy Storage Facility (SCESF) means an energy storage system as defined in M.G.L. c. 164, § 1, with a rated capacity of less than 100 megawatt hours, including any Ancillary Structure that is an integral part of the operation of the SCESF.

Small Clean Transmission and Distribution Infrastructure Facility (SCTDIF) means electric transmission and distribution infrastructure and related ancillary infrastructure, including:

(i) electric transmission line reconductoring or rebuilding projects;
(j) new or substantially altered electric transmission lines located in an existing transmission corridor that are not more than 10 miles long, including any Ancillary Structure that is an integral part of the operation of the transmission line;
(k) new or substantially altered electric transmission lines located in a new transmission corridor that are not more than 1 mile long, including any Ancillary Structure that is an integral part of the operation of the transmission line;
(l) any other electric transmission infrastructure, including standalone transmission substations and upgrades and any Ancillary Structure that is an integral part of the operation of the transmission line and that does not require zoning exemptions; and
(m) electric distribution-level projects that meet a certain threshold, as determined by the Department of Energy Resources.

A SCTDIF shall be:

(a) designed, fully or in part, to directly interconnect or otherwise facilitate the interconnection of a CEIF to the electric grid;
(b) designed to ensure electric grid reliability and stability; or
(c) designed to help facilitate the electrification of the building and transportation sectors. A SCTDIF shall not include new transmission and distribution infrastructure facilities that solely interconnect new or existing generation powered by fossil fuels to the electric grid on or after January 1, 2026.

Solar Facility means a ground-mounted facility that uses sunlight to generate electricity. The nameplate capacity for a Solar Facility shall be calculated in direct current.

Wind Facility means an onshore or offshore facility that uses wind to generate electricity.

(5) Adding Facility Type to the Definition of LCEGF. The Board may promulgate regulations to include additional facility types that do not emit greenhouse gases to the definition of a LCEGF. In promulgating the regulations, the Board shall consult with DOER.

1.02: Rules of General Applicability

(1) Waiver of Rules. Where good cause appears, not contrary to statute, the Board and any Presiding Officer may permit deviation from any rules contained in 980 CMR.

(2) Severability. If any provision of 980 CMR is held to be invalid, such invalidity shall not affect the provisions or the applications thereof not specifically held invalid.

(3) Project Segmentation. In determining whether a CEIF or Facility is subject to Board jurisdiction or meets or exceeds any review threshold, the Board will consider the entirety of a CEIF or Facility, including any future expansion that is reasonably likely to occur in the next five years, and not be limited to review of separate phases or segments of a CEIF or Facility. The Board shall consider all circumstances as to whether various work or activities constitute one CEIF or Facility including, but not limited to, whether the work or activities, taken together, comprise a common plan or independent undertakings, regardless of whether there is more than one CEIF or Facility owner; any time interval between the work or activities; and whether the environmental and public health impacts caused by the work or activities are cumulative in nature and collectively would have a disproportionate adverse effect, as defined in 980 CMR 15.00. An Applicant may not segment a CEIF or Facility such that a CEIF or Facility is constructed in phases to evade, defer, or curtail Board review, or restrict the means by which potential environmental and public health impacts from any other phase of a CEIF or Facility may be avoided, minimized or mitigated.

1.03: General Procedures

(1) Docket. A numbered docket shall be maintained for all adjudicatory proceedings and shall contain all documents filed in a proceeding and other relevant material.

(2) Filing of Documents with the Board.

(a) Filing.

1. Any document ~~to be~~ filed with the Board pursuant to 980 CMR 1.00 shall be ~~hand delivered, or mailed first class, to~~filed electronically with the ~~Energy Facilities Siting~~ Board or ~~to~~ the Presiding Officer at the ~~Energy Facilities Siting~~ Board. Documents containing confidential or critical energy infrastructure information must be filed separately consistent with 980 CMR 1.06(5)(f). The Presiding Officer may allow documents to be filed by other means.

2. A document shall be deemed to be timely filed ~~on the date stamped "Received"~~ if received by the Board ~~or its agent during usual business hours. Documents~~on or before 5:00 p.m. on the day it is due. A document received after ~~usual business hours~~5:00 p.m. shall be deemed filed on the following business day.

(b) Filing Format.

1. ~~Printing~~Format Requirements. All documents filed for possible inclusion in the record shall be clear and legible and shall be presented in

accordance with the standards established by the Presiding Officer. All documents electronically filed with the Board shall be in a searchable electronic file format.

2. Form. Every document filed shall contain a title which indicates the nature of the proceeding, the name of the applicant, and the docket number if available. The ~~Director or~~ Presiding Officer shall determine ~~the number of~~ whether hard copies ~~to be filed~~of documents are required. The Board may provide forms to be used for specific purposes by any Person or Party; in such cases, use of forms provided shall be mandatory.

~~(3) Electronic Filing. The Presiding Officer may require documents to be filed electronically. Where documents are required to be filed electronically, a separate paper copy must also be served in accordance with 980 CMR 1.03(4).~~

~~(4)~~(3) Service to Board, Parties and Participants.

(a) Service of a document upon the Board or the Presiding Officer shall be in accordance with 980 CMR 1.03(2).

(b) Any Person filing documents with the Board or Presiding Officer shall simultaneously serve ~~a~~an electronic copy on all Parties and Limited Participants required to be served in the proceeding~~, by hand delivery or by first class mail postage prepaid~~ using the name(s) and email address(es) stated on the service list issued by the Presiding Officer. The Presiding Officer may ~~allow~~require delivery of hard copies of any documents ~~to be served by other means~~.

(c) All documents filed with the Board or the Presiding Officer shall be accompanied by a statement certifying the date and means of service and the Persons to whom service was made. Failure to comply with these rules may be grounds for the Board or Presiding Officer to refuse to accept documents for filing.

(d) Electronic documents shall be deemed served on the date and time the email is received by the Board or Presiding Officer. If the email is received on or before 5:00 p.m., the document is deemed served on that date. If the email is received after 5:00 p.m., the document is deemed served on the next business day. Documents shall be deemed served on the day of ~~hand delivery~~Hand Delivery or, if mailed, on the earlier of receipt or three days after mailing. The postmark shall be evidence of the date of mailing.

~~(5)~~(4) Signatures. Every document filed pursuant to 980 CMR 1.03(2) or served pursuant to 980 CMR 1.03(~~4~~3) shall be signed by the Party making such filing or service or by the Party's authorized representative. Electronic signatures shall satisfy this requirement. Such signature shall constitute certification by the signatory or authorized representative that ~~he or she has~~they have read the document, that, to the best of his or her knowledge, every statement contained in the document is true, and that the document is not being filed to delay the proceeding.

~~(6)~~(5) Computation of Time. Unless otherwise specifically provided by 980 CMR 1.00 or 2.00 or by other applicable law, computation of any time period referred to in 980 CMR 1.00 or 2.00 shall begin with the first day following the act which initiates the running of the time period. The last day of the time period is included unless it is a Saturday, Sunday, or legal holiday or any other day on which the office of the Board is closed, in which case the period shall run until the end of the next following business day. When the time period is less than seven days, intervening days when the office of the Board is closed shall be excluded.

~~(7)~~(6) Extensions of Time. At the discretion of the Board or the Presiding Officer, for good cause shown, any time limit prescribed or allowed in 980 CMR may be extended. All requests for extensions of time must be made either by oral motion during a hearing or conference or by written motion served upon all Parties or as directed by the Presiding Officer. All requests for extensions of time must be made before the expiration of the original time period or before the expiration of any subsequent extension(s) granted. Provisions contained in 980 CMR 1.03(~~7~~6) shall not apply to any limitation of time prescribed by statute, unless extensions are permitted by the applicable statute.

~~(8)~~(7) *Ex Parte* Communications in Adjudicatory Proceedings.

(a) From the initial filing in an adjudicatory proceeding until the rendering of a final decision, no ~~party~~Party or ~~limited participant~~Limited Participant may communicate *ex parte* with the Presiding Officer, any ~~board member~~Board Member or the ~~Siting~~ Board staff involved in the decision process for the adjudicatory proceeding regarding the merits of such adjudicatory proceeding.

(b) Communications concerning scheduling and other procedural matters, as well as the receipt of information available in the public docket file are not prohibited by 980 CMR 1.00.

(c) The director of the Department's Division of Public Participation and staff of the Division of Public Participation shall not participate as adjudicatory staff, nor have any input or substantive communication with adjudicatory or decisional staff, in adjudicatory matters before the Department or Board, nor shall they serve as legal counsel to or otherwise represent any Party before the Department or the Board. The director of the Department's Division of Public Participation may communicate with Parties or Persons seeking to intervene in Board proceedings about substantive matters and such communication shall not be deemed an *ex parte* communication.

~~(c)~~(d) If a ~~party~~Party or ~~limited participant~~Limited Participant makes or attempts to make an *ex parte* communication prohibited by 980 CMR 1.03(~~8~~7)(a), the Board Member, Presiding Officer, or staff member shall advise the ~~person~~Person that the communication is prohibited and shall immediately terminate the prohibited communication.

~~(d)~~(e) If a Board ~~member~~Member, Presiding Officer, or staff member violates the *ex parte* rule, ~~he or she~~they shall, no later than two business days after determining that the communication was prohibited, serve on each Party and place in the docket file associated with the adjudicatory proceeding the following:

1. A written statement including the substance and circumstances surrounding the communication; the identity of each Person who

participated in the communication; the time, date, and duration of the communication; and whether, in ~~his or her~~their opinion, the receipt of the *ex parte* communication disqualifies ~~him or her~~them from further participation in the adjudicatory proceeding; and

2. Any written or electronic documentation of the communication. The above documents shall be placed in the docket file associated with the adjudicatory proceeding but shall not be made ~~a~~ part of the evidentiary record.

~~(e)~~(f) The Board may, upon the motion of any ~~party~~Party or on its own motion, accept or require the submission of additional evidence of the substance of a communication prohibited by 980 CMR 1.03(~~8~~7).

~~(f)~~(g) Where a ~~party~~Party or ~~limited participant~~Limited Participant has violated 980 CMR 1.03(~~8~~7), the Board or Presiding Officer may take such action as is deemed appropriate within the circumstances.

1.04: Institution of an Adjudicatory Proceeding

(1) Commencement of Proceeding.

(a) Proceedings may be initiated by a petition to construct, a petition for a certificate of environmental impact and public interest, an application for a Consolidated Permit or a De Novo Adjudication, a petition for other matters over which the Board has jurisdiction, or the Board's own motion. Commencement of a proceeding does not begin the review time frame that is used to determine the deadline for issuance of a Constructive Approval as described in 980 CMR 13.02(3)(a): *Review Time Frame* or 980 CMR 17.00.

(b) In filing a petition to construct a Facility, a petition for a certificate of environmental impact and public interest, an application for a Consolidated Permit, or an application for a De Novo Adjudication, an Applicant shall follow the form required by the Board, as updated from time to time. A petition for a certificate of environmental impact and public interest shall be filed consistent with the requirements in 980 CMR 6.00. An application for a Consolidated Permit shall be filed consistent with the requirements in 980 CMR 13.00. A petition for a De Novo Adjudication of a Consolidated Local Permit application shall be filed consistent with the requirements in 980 CMR 14.00.

(c) An Applicant filing a petition to construct a Facility or an application for an EFSB Consolidated Permit shall demonstrate compliance with the cumulative impact analysis requirements in 980 CMR 15.00. An Applicant filing a petition to construct a Facility or an application for an EFSB Consolidated Permit shall demonstrate compliance with the pre-filing consultation and community engagement requirements in 980 CMR 16.00.

(2) Presiding Officer.

(a) A Presiding Officer shall be assigned by the Director to conduct each adjudicatory proceeding. The Presiding Officer shall have the authority to take all actions necessary to ensure a fair, orderly and efficient proceeding. Such actions may include, but are not limited to: conducting evidentiary and public comment hearings; conducting site visits; ruling on petitions to intervene or to participate in a proceeding; establishing ground rules for a proceeding; holding procedural or other conferences; regulating the course and schedule of the hearing; prescribing the order in which evidence shall be presented; administering oaths and affirmations; examining witnesses and requiring them to produce evidence which will aid in the determination of any question of law or fact at issue; disposing of procedural requests or similar matters; hearing and ruling upon motions; issuing subpoenas; causing depositions to be taken; ruling upon offers of proof and receiving relevant material and probative evidence; fixing the time for filing briefs, motions and other documents in connection with hearing; and excluding any Person from a hearing for disrespectful, disorderly, or contumacious language or conduct.

(b) A Presiding Officer may at any time withdraw from a proceeding if the Presiding Officer deems himself or herself disqualified. Should a Presiding Officer withdraw, another Presiding Officer shall be appointed. Any ~~party~~Party who becomes aware of grounds that may exist for the disqualification of a Presiding Officer ~~must~~shall immediately file an affidavit which clearly sets forth the grounds for the disqualification.

(3) Notice of Adjudication.

(a) Notice shall be given at the beginning of any adjudicatory proceeding. The Presiding Officer shall give notice or shall require the Applicant to give notice of an adjudication.

(b) A notice shall set forth a summary statement of the matter to be adjudicated. The notice shall state:

1. the name and address of the Applicant;
2. the address of the Board and the statement that any Person desiring further information or wishing to participate in the proceeding may contact the Board; and
3. the date, time, and address of any scheduled public comment hearing.

(c) In cases where a proposed CEIF or Facility is the subject of the proceeding, notice shall be given by publication in at least two newspapers available in the vicinity of the proposed CEIF or Facility and as otherwise ordered by the Presiding Officer. In cases where a proposed CEIF or Facility is not the subject of the proceeding, notice by publication shall be given as ordered by the Presiding Officer. Notice shall further be given by first class mail or ~~hand delivery~~Hand Delivery to any Person required by law or regulation to be so notified and to such other Persons as the Presiding Officer may direct. Additional notice or publication shall be made, if required by statute or regulation, in the manner prescribed therein. Unless otherwise directed by the Board or Presiding Officer, the Applicant is responsible for all costs related to the publication and distribution of notice.

(d) In cases where a proposed CEIF or Facility is the subject of the proceeding, the notice shall contain a deadline for the filing of petitions to intervene as a Party or participate as a Limited Participant. This deadline shall be no less than 14 days after the public comment hearing.

(e) In cases where a proposed CEIF or Facility is not the subject of the proceeding, the deadline for the filing of petitions to intervene as a Party or participate as a Limited Participant shall be as ordered by the Presiding Officer.

(f) The Presiding Officer shall require the Applicant to provide notice by U.S. Mail to all property owners and renters within the following distances from a proposed project:

1. 300 feet from the edge of the right-of-way for linear projects or linear project components such as transmission lines and Gas pipelines;
2. one-quarter mile from the property line for projects and project components for electrical switching stations, substations, pipeline meter stations, and Gas regulators; and
3. one-half mile from the property line for electric Generating Facilities, LCEGF or SCEGF, Gas storage Facilities, LCESF or SCESF, and Gas compressor stations.

Property owners and renters shall be determined by using publicly available data sources (such as MassGIS), to notify by first class mail or Hand Delivery any abutter who occupies, but does not own, the subject abutting real property. For Applicants seeking zoning exemptions, property owners shall be determined consistent with M.G.L. c. 40A, § 11. For purposes of satisfying this requirement, such notice shall be mailed (or hand delivered) to each known U.S. Mail address within the geographic areas prescribed above, and may be addressed without the occupant's name.

(g) Notice shall include notice of the availability of the Intervenor Support Grant Program as defined in 220 CMR 34.00.

(h) The Board shall provide language access services, including translation of documents and interpretation, consistent with its current Language Access Plan. The Board's notice requirements shall be consistent with the current Public Involvement Plan developed by the Board pursuant to Executive Order No. 552.

(4) Repository of Documents. The Presiding Officer may require an Applicant to place certain documents in one or more repositories to provide for public access to these documents. The Presiding Officer shall require the repository of documents consistent with the Board's current Language Access Plan. A repository of documents is a public library, public office, Applicant's office, or similar location where documents involved in a particular proceeding may be kept and made available to members of the public. If a repository is required, the Applicant shall be responsible for placing the documents therein and making adequate arrangements for convenient public access to the documents. The Presiding Officer may require the Applicant to post documents on its project website, and to ensure that the documents remain posted until the Board issues a final decision in the proceeding.

(5) Public Comment Hearing. When required by statute or otherwise determined appropriate by the Presiding Officer, the Board shall ~~hold~~conduct a public comment hearing in one or more of the affected cities or towns~~.~~ in which a CEIF or Facility would be located. The Board shall conduct its public comment hearings in a mode that allows for both in-person and remote participation, where practicable. The Applicant shall be responsible for any costs relating to audio-video, and language

interpretation services required to conduct the public comment hearing in such manner. A public comment hearing shall be conducted to afford members of the ~~general~~ public an opportunity to comment on that matter. A public comment hearing shall be held as soon as practicable after the commencement of a proceeding. Comments made at a public comment hearing are not deemed to be evidence.

1.05: Intervention

(1) Parties.

(a) Any Person who desires to intervene as a Party in any proceeding shall file a written petition to intervene as a Party. A petition to intervene as a Party shall be deemed to constitute, in the alternative, a petition to participate as a Limited Participant under 980 CMR 1.05(2).

(b) If a petitioner desires to intervene pursuant to M.G.L. c. 30A, § 10, the petition shall state the name and address of the petitioner, the manner in which the petitioner is substantially and specifically affected by the proceeding, the representative capacity, if any, in which the petition is brought, and shall state the contention of the petitioner and the purpose for which intervention is requested.

(c) If ten or more Persons desire to intervene pursuant to M.G.L. c. 30A, § 10A, the petition shall state the names and addresses of the petitioners, the representative capacity, if any, in which the petition is brought, and the damage to the environment as defined in M.G.L. c. 214, § 7A that is or might be at issue. Intervention pursuant to M.G.L. c. 30A, § 10A shall be limited to the issue of damage to the environment and the elimination or reduction thereof in order that any decision in such proceeding shall include the disposition of such issue.

(d) Each petitioner under M.G.L. c. 30A, § 10A shall file an affidavit stating the intent to be part of the group and to be represented by its authorized representative.

(e) 1n accordance with M.G.L. c. 30A, § l0A, an intervenor pursuant to M.G.L. c. 30A, § 10A may introduce evidence, present witnesses and make written or oral argument, excepting that the Presiding Officer may exclude repetitive or irrelevant material.

(f) The Presiding Officer shall rule on the petitions to intervene as a Party under M.G.L. c. 30A, §§ 10 and l0A, and may condition any allowance of a petition on such reasonable terms as ~~he or she~~the Presiding Officer may set or as otherwise required by law.

(g) Persons who are granted leave to intervene as a Party must comply with all requirements of 980 CMR 1.00 and with all directives of the Presiding Officer. In addition, Parties may be required to respond to discovery by the Presiding Officer and by other Parties if allowed by the Presiding Officer after motion.

(h) Generally, the rights of a ~~person~~Person who is granted leave to intervene as a Party include the right to present witnesses, the right to cross-examine witnesses, the right to file a brief, the right to file comments on a tentative decision and the appellate status as a Party in interest who may be aggrieved by any final decision. In addition, Persons who are granted leave to intervene as a

Party may also be afforded an opportunity to issue discovery and to present oral or written comments regarding a tentative decision under such conditions as the Board may provide.

(i) An individual ~~appearing prose, all parties~~or entity filing a petition to ~~a proceeding shall~~intervene is not required to be represented by an attorney, with the exception of corporations, which must be represented by an attorney in good standing. ~~The Presiding Officer may grant~~For entities appearing without an attorney, a ~~waiver for good cause shown. A request for a waiver~~petition to intervene shall include:

1. an affidavit ~~stating the good cause and~~ naming a duly authorized representative; and
2. an affidavit by the duly authorized representative accepting the appointment and certifying that ~~he or she~~they will abide by the procedural rules set forth in 980 CMR and the Presiding Officer's directives.

(2) ~~Participation~~ Limited Participants.

~~(j)~~(a) Any Person who desires to participate as a Limited Participant in any proceeding shall make a written request for such status. Every request to participate as a Limited Participant shall describe the manner in which the petitioner is interested and his or her representative capacity, if any, and it shall state the contention of the petitioner and the purpose for which participation is requested.

~~(k)~~(b) The Presiding Officer may grant leave to a Person to participate as a Limited Participant and may condition any grant on such reasonable terms as ~~he of she~~the Presiding Officer may set.

~~(l)~~(c) Unless otherwise provided for in 980 CMR 1.00 or directed by the Presiding Officer, a Limited Participant's rights shall be limited to filing a brief and to filing comments on a tentative decision pursuant to 980 CMR 1.08(2). A Limited Participant may be afforded an opportunity to present oral comments regarding a tentative decision under such conditions as the Board may provide.

~~(m)~~(d) Limited Participants are not Parties. Therefore, a grant of leave to participate as a Limited Participant in a proceeding, unless so stated, does not confer status as a Party in interest who may be aggrieved by any final decision.

(3) Additional rules for intervention that may apply in CEIF proceedings are contained in 980 CMR 13.00.

1.06: Conduct of Adjudication

(1) Procedural Conferences.

(a) The Presiding Officer may schedule a procedural conference, either on his or her own initiative or upon written request by a Party.

(b) At a procedural conference the following matters may be considered:

1. the schedule for the proceeding;
2. simplification and limitation of issues; and
3. such other matters as will aid in the efficiency of the proceeding.

(c) Unless the Presiding Officer has approved a stipulation to the contrary, statements made by any ~~person~~Person at a procedural conference shall not be evidence in the proceeding or in any subsequent proceeding.

(2) Evidentiary Record. For every adjudicatory proceeding, there shall be an evidentiary record which shall include testimony as well as exhibits properly entered into evidence. An Applicant shall prepare and update a draft exhibit list identifying all exhibits filed in the proceeding, including a brief description of each exhibit and the date on which it was filed. The Applicant shall prepare a final exhibit list upon request of the Presiding Officer.

(3) Motions.

(a) Any Party may request that the Presiding Officer take any action by filing a motion which clearly states the order or action sought and the grounds therefor. Such a motion may either be made during a hearing or timely filed in writing. The Presiding Officer may require any oral motion made to be reduced to writing. A copy of all motions made in writing or reduced to writing shall be served upon all Parties in accordance with 980 CMR 1.03(~~4~~3).

(b) Unless the Presiding Officer directs otherwise, a Party may file a written response to a written motion with the Presiding Officer within seven days after such motion is filed. The moving Party may then file a written reply within seven days after such response is filed. Additional filings will be permitted at the discretion of the Presiding Officer only.

(c) A Party may request a hearing on the motion at the time the motion is filed or with a response or reply filed timely in accordance with 980 CMR l.06(3)(b). It is within the Presiding Officer's discretion to determine whether a hearing on the motion is necessary.

(d) Motions, except motions seeking intervention, responses to motions and replies to motions may be filed only by Parties.

(4) Evidence; Privileges.

(a) All Parties shall have the right to introduce both oral and documentary evidence. All witnesses shall testify under an oath or affirmation administered by the Presiding Officer and shall be subject to cross-examination.

(b) Evidence shall be submitted in accordance with the schedule established by the Presiding Officer. Generally, Parties will be required to submit documentary evidence, including exhibits and written direct testimony, in advance of evidentiary hearing.

(c) The Presiding Officer shall be guided by, but need not observe, the rules of evidence observed by Massachusetts state courts.

(d) The Board shall observe the rules of privilege recognized by law.

(5) Discovery. Discovery is allowed at the discretion of the Presiding Officer.

(a) Purpose. The purpose of discovery is to facilitate the hearing process by permitting the Parties and the Board to gain access to all relevant information in an efficient and timely manner. Discovery is intended to reduce hearing time, narrow the scope of issues, protect the rights of the Parties, and ensure that a complete and accurate record is compiled.

(b) Rules Governing Discovery. In exercising ~~his or her~~their discretion, the Presiding Officer may be guided by the principles and the procedures underlying the Massachusetts Rules of Civil Procedure, Rule 26 *et seq*. Massachusetts Rules of Civil Procedure, Rule 26 *et seq*, however, shall be instructive, rather than controlling.

(c) Information Requests. After the commencement of an adjudicatory proceeding, a Party may serve written information requests, as permitted by the Presiding Officer, for the purpose of discovering relevant information. A Party may serve information requests only during the time specified by the Presiding Officer. The Presiding Officer may, at ~~his~~their discretion, serve written information requests on any Party to the proceeding.

(d) Responses to Information Requests. Each information request shall be separately and fully answered under the penalties of perjury by the witness(es) who can testify during hearings regarding the content of the response, unless an objection to the information request with supporting reason is stated in lieu of a response. A response shall be served within 14 days of service of the information request, or within such other time as the Presiding Officer may specify. Responses shall be filed in the form specified by the Presiding Officer.

(e) Motions to Compel Discovery. A Party may move for an order to compel compliance with its discovery request. Unless otherwise permitted by the Presiding Officer for good cause shown, such motion shall be made no later than seven days after the deadline for responding to the request. If the Presiding Officer finds that a Party has failed to comply in a reasonable manner with a legitimate discovery request without good cause, ~~he or she~~the Presiding Officer may, after issuance of an order compelling discovery, order whatever sanctions are deemed to be appropriate, including, but not limited to, suspending proceedings until the Party has complied with the order or other appropriate sanctions listed in the Massachusetts Rules of Civil Procedure, Rule 37. Massachusetts Rules of Civil Procedure, Rule 37, however, shall be instructive, rather than controlling. A Party's failure to file a motion to compel discovery in a timely manner, absent a showing of good cause, may result in a waiver of its right to compel the response.

(f) Protective Orders. A request for a protective order shall be made by motion and shall include (i) a redacted version of the document to be filed with the service list; and (ii) an unredacted version of the document filed separately with the Presiding Officer. Upon a request for protective treatment of documents and a showing that a protective order is necessary, the Presiding Officer may make an order to protect any such document(s). The Presiding Officer may be guided by the principles and the procedures underlying the Massachusetts Rules of Civil Procedure, Rule 26 *et seq*. Massachusetts Rules of Civil Procedure, Rule 26 *et seq*, however, shall be instructive, rather than controlling.

(g) Authentication. Unless otherwise directed by the Presiding Officer, prepared written testimony and discovery responses shall be authenticated by an affidavit of the witness at the time of filing. The Presiding Officer may allow prepared direct testimony or discovery responses of any witness to be offered as an exhibit and may omit oral presentation of the testimony. Copies of such proposed exhibit shall be served upon all Persons on the service list for the proceeding, at least seven days in advance of the session of the hearing at which such exhibit is to be offered.

(h) Continuing Obligation to Supplement Answers. Each Party has a continuing obligation to supplement its information request responses and record request responses during the course of the proceeding if the Party later receives or generates new material information that also is responsive to the request and shall file a supplemental response containing that information. This obligation continues until the Board issues a final decision in the proceeding.

(i) Incorporation by Reference. Any matter contained in any records, investigations, reports, and documents in the possession of the Board of which a Party or the Board desires to avail itself as evidence in making a decision, shall be offered and made a part of the record in the proceeding. Such records and other documents need not be produced or marked for identification, but may be offered in evidence by specifying the report, document, or other file containing the matter so offered.

(6) Evidentiary Hearings.

(a) Purpose. Evidentiary hearings will be held when required by law or at the discretion of the Presiding Officer in order to allow Board staff and Parties to examine witnesses with respect to the content of their pre-filed testimony and any responses to relevant information requests.

(b) Hearing Schedule. Prior to commencement of evidentiary hearings, the Presiding Officer shall notify all Parties and Limited Participants, and any Persons whose petitions to intervene or participate are pending, of the hearing schedule. The hearing schedule shall include the times, dates, place, and nature of the hearings. There may be multiple hearing dates and times during the course of a proceeding. Hearing dates and times may change. It is the responsibility of each Party and Limited Participant to keep abreast of all changes to the hearing schedule.

(c) Rescheduling. The Presiding Officer may grant a request to reschedule a hearing. A request for rescheduling should be made timely and in writing so as not to burden or delay the proceedings.

(d) Location. ~~All~~The Presiding Officer may establish that evidentiary hearings are conducted virtually. Evidentiary hearings conducted in person shall be held at the Boston offices of the Board, unless a different location is designated by the Board or the Presiding Officer or a different location is required by statute.

(e) Public Access. All evidentiary hearings of the Board shall be open to the public and the press to the extent required by law.

(f) Off the Record Discussions. The Presiding Officer may go off the transcribed record during the course of any hearing for consultation among the Parties if the Presiding Officer deems that such consultation would facilitate the conduct of the hearing. In the absence of a stipulation to the contrary, statements made by any ~~person~~Person during such consultation shall not be considered as evidence in the proceeding or any subsequent proceeding.

(g) Record Requests. During the course of evidentiary hearings, the Presiding Officer or Parties may ask witnesses to provide documents or written responses to questions asked at the hearing. Responses to record requests are written substitutes to oral answers where fault of memory, complexity of subject or lack of immediate access to documentation precludes a responsive answer by the witness in the hearing. Upon proper filing, responses to record requests become part of the record and the evidence, unless challenged as unresponsive and expunged in whole or part. Record requests shall not be used as a substitute for discovery. The ordinary time for response will be seven calendar days following the day on which the request is made. Objections to record requests shall be made at the time the request is made, and in no event later than the end of the next business day. Objections to the response given to a record request shall be made within seven days unless otherwise allowed by the Presiding Officer.

(h) Transcript.

1. The Presiding Officer shall arrange for the hearing to be reported by a court reporter. The transcript shall be included in the evidentiary record of the proceeding. ~~Obtaining~~The Board will post a copy of the hearing transcript ~~shall be~~on its website within a reasonable time after the ~~responsibility of each person.~~ hearing. The Presiding Officer has discretion to order expedited preparation of transcripts as the needs of the case may warrant.

2. Any objections regarding the accuracy of the transcripts shall be brought to the attention of the Presiding Officer. Objections not raised within 30 days after the transcript is made available to the Parties shall be deemed to be waived. If the accuracy of the reporting of witness testimony is in question, the Presiding Officer may require an affidavit of the witness who gave such testimony or may require further inquiry. The cost of the transcript preparation shall be the responsibility of the Applicant~~.~~, unless otherwise assumed by the Board. The cost of copies of the transcript shall be the responsibility of the Person requesting the copies.

(7) Matters for Official Notice.

(a) Official notice may be taken in such matters as might be judicially noticed by the courts of the United States or of Massachusetts. The Presiding Officer also may take notice of general, technical, or scientific facts within the Board's specialized knowledge, provided that Parties are afforded an opportunity to contest the matters of which official notice is to be taken.

(b) Official notice also may be taken of any facts found in any other Board proceeding. In all circumstances where such notice is taken, the Parties shall be afforded an opportunity to contest the matter of which official notice is to be taken.

(c) Any Party requesting that any fact be officially noticed must supply every Party with a copy of the fact they are requesting to be noticed.

1.07: Post-hearing

(1) Briefs. The Presiding Officer may set a schedule for the filing of briefs to be submitted by Parties and Limited Participants. The purpose of briefs is to allow Parties and Limited Participants to provide written argument based on the evidence properly entered into the record. Briefs also may be used to address specific briefing questions posed by the Presiding Officer. Briefs may not be used to submit new evidence.

(2) Oral Arguments. Oral argument at the close of a hearing may, upon motion, be allowed at the discretion of the Presiding Officer.

(3) Other Post Hearing Filings. No post-hearing filings other than those allowed for in 980 CMR 1.07(1) may be made without the permission of the Presiding Officer.

1.08: Rendering of Decisions in Adjudicatory Proceedings

(1) Form of Decisions. Every tentative and final decision shall be in writing and shall contain a statement of the reasons therefor, including a determination of issues of fact or law necessary to the decision.

(2) Tentative Decisions.

(a) A written tentative decision shall be issued on each matter adjudicated by the Board unless a quorum of the Board has heard the matter or has read the evidence.

(b) A copy of any tentative decision shall be sent to each Party and Limited Participant in the proceeding. The Presiding Officer shall designate a comment period, extending at least seven days from the issuance of the tentative decision, during which Parties and Limited Participants may file written comments regarding the tentative decision.

(c) Comments submitted regarding the tentative decision, whether made at Board meetings or in writing, do not constitute evidence and are not part of the evidentiary record in the proceeding.

(3) Final Decisions.

(a) Every final decision of the Board in an adjudicatory proceeding shall be issued following a vote taken at a meeting of the Board conducted pursuant to 980 CMR 2.04.

(b) If a tentative decision was issued in a matter, the Board shall meet following the comment period to vote on the tentative decision. At such meeting, Parties and Limited Participants may be afforded an opportunity to present oral comments under such conditions as the Board may provide. The Board shall render a final decision after considering the tentative decision, all timely-filed written comments and any oral comments permitted. The Board need not consider written comments received after the close of the comment period.

(c) If a quorum of the Board has heard a matter, the Board may at its discretion render a final decision without first issuing a tentative decision pursuant to 980 CMR 1.08(2).

(4) Judicial Review. By the terms of M.G.L. c. 25, § 5, as made applicable to the Board by M.G.L. c. 164, § 69P, a Party may seek judicial review of a final Board decision, or a final decision of the Director in a De Novo Adjudication.

1.09: Supplemental Procedures

(1) Re-opening Hearings. A party may, at any time before the Board renders a final decision, move that the hearing be reopened for the purpose of receiving new evidence. The motion should clearly show good cause for re-opening the hearing, state the nature and relevance of the evidence to be offered, and explain why the evidence was unavailable at the time of the hearing.

(2) Consolidation. The Presiding Officer may consolidate proceedings involving a common question of law or fact for hearing or decision on any or all of the matters at issue in such proceedings.

(3) Referral by the Department. Acting under the provisions of M.G.L. c. 25, § 4, in order to promote efficiency in administration, the ~~Chairman~~Chair of the Department of Public Utilities may refer matters to the ~~Siting~~ Board for review and approval or rejection of petitions pursuant to M.G.L. c. 164, § 69H(2).

(4) Stipulations. At the discretion of the Presiding Officer, the Parties may agree upon any fact or issue pertinent to the proceeding, either by filing a written stipulation at any point in the proceeding, or by making an oral stipulation at the hearing. In making findings, the Board need not be bound by any such stipulation.

(5) Technical Sessions. A technical session is a meeting during which experts may provide detailed oral or written information in order to facilitate understanding of complex technical issues. The Presiding Officer may convene a technical session if ~~he or she deems~~they deem that such session would facilitate the efficient conduct of the proceeding. The Presiding Officer shall permit representatives of the ~~applicant, parties~~Applicant, Parties and ~~limited participants~~Limited Participants to attend a technical session and shall make a reasonable effort to schedule and notice the time and place of any such session to permit attendance. Unless otherwise required by the Presiding Officer, technical sessions shall not be transcribed and statements made by any ~~person~~Person during a technical session shall not be referred to or considered as evidence in the proceeding or in any subsequent proceeding. Board ~~members~~Members, staff and ~~parties~~Parties may ask questions during a technical session.

(6) Subpoenas. The Presiding Officer may issue, vacate or modify subpoenas, in accordance with the provisions of M.G.L. c. 30A, § 12.

(7) Depositions. The Presiding Officer may at ~~his or her~~their discretion allow a deposition to be taken upon a showing that the ~~person~~Person to be deposed cannot make an appearance at the hearing without substantial hardship and that the testimony being sought is significant, not privileged, and not discoverable by an alternative means. If the Presiding Officer allows the taking of a deposition, ~~the Presiding Officer~~they shall specify the rules and procedures that will govern said deposition.

(8) Reconsideration. Any ~~party~~Party may file a written motion requesting the Presiding Officer reconsider a ruling as long as the motion is received within five days of the issuance of the ruling.

(9) Offers of Proof. Any offer of proof made in connection with an evidentiary ruling shall consist of a statement, which may be in writing, of the substance of the evidence the Party making the offer contends would be adduced by such testimony. If the offer of proof consists of documentary evidence, a copy of the document shall be marked for identification and shall constitute the offer of proof.

(10) Site Visit of a Proposed Facility. The Board and Board staff may visit a proposed CEIF or Facility site and any alternative ~~sites~~site in order to facilitate an understanding of the pending matter. The Presiding Officer may determine whether to allow additional attendees on the site visit. A site visit is for informational purposes only and shall not be considered as evidence in the proceeding.

(11) Production or View of Objects. Of ~~his or her~~their own accord, or upon the motion of a Party, the Presiding Officer may order the production or view of any object which relates to the subject matter of a proceeding.

(12) Compliance Filing Procedures. The Applicant shall identify compliance with each condition in the final decision issued by the Board. Compliance filings shall be made with the Board and sent to the service list for the proceeding. Parties and Limited Participants on the service list may file any comments on the compliance filing within ten business days of the compliance filing. The Applicant may file a response to comments within five business days of the filing of the comments. The Presiding Officer shall promptly determine whether additional information or process required.

(13) Project Changes.

(a) Obligation. The Applicant shall construct and operate a CEIF or Facility in conformance with all aspects of its proposal as presented to the Board. The Applicant, or its successors in interest, shall notify the Board of any changes other than minor variations to the proposal so that the Board may decide whether to inquire further into a particular issue.

(b) Process. The Applicant shall file any notice of project change with the Board and the service list of the proceeding. Parties and Limited Participants on the service list may file any comments on the notice of project change within ten business days of the filing of the notice of project change. The Applicant may file a response to comments within five business days of the filing of the comments. The Presiding Officer shall promptly determine whether additional information or process is required.

1.10: Decommissioning and Site Restoration Plan

An Applicant for a petition to construct or an application for a Consolidated Permit shall file with its application a decommissioning and site restoration plan for the Facility or CEIF, respectively. Prior to filing the plan with the Siting Board, the Applicant shall consult with the community in which the CEIF or Facility is proposed to be located, about the plan. The plan shall include: (i) identification of materials to be removed and how the Applicant plans to recycle or dispose of materials; (ii) a schedule for removal; (iii) an estimate of decommissioning and restoration costs; (iv) a description of any financial instrument to ensure decommissioning and restoration activities are funded; and (v) a description of site restoration activities. Additional requirements that may apply to an application for a Consolidated Permit are in 980 CMR 13.00. The application of this rule to LCTDIF and SCTDIF shall be determined on a case-by-case basis.

REGULATORY AUTHORITY

980 CMR 1.00: M.G.L. c. 30A and c. 164, §§ 69G, 69H.

附件2

条例草案

980 CMR 2.00 – 董事会业务

980 CMR 2.00: GENERAL INFORMATION AND CONDUCT OF BOARD BUSINESS

Section

2.01: Purpose and Scope.

(1) Purpose. 980 CMR 2.00 describes the Energy Facilities Siting Board and establishes rules for the conduct of Board business.

(2) Scope. 980 CMR 2.00 is of general applicability and applies, whenever appropriate, to all other sections of 980 CMR.

(3) Effective Date. 980 CMR 2.00 shall take effect on ~~February 19, 2010~~March 1, 2026, and shall apply to proceedings initiated ~~after that date~~July 1, 2026, and afterwards.

2.02: Purpose and Functions of the Board.

(1) Purpose of the Board. The Board has been established by M.G.L. c. 164, § 69H. ~~The Board is responsible for implementing the energy policies contained in its enabling legislation in order to provide a reliable energy supply for Massachusetts with a minimum impact on the environment at the lowest possible cost.~~ The powers and duties of the Board are enumerated in M.G.L. c. 164, § 69H. The Board shall implement the provisions contained in sections 69H to 69Q, inclusive, and sections 69S to 69W, inclusive, to:

(a) provide a reliable, resilient and clean supply of energy consistent with the commonwealth's climate change and greenhouse gas reduction policies and requirements;

(b) ensure that CEIFs, Facilities and oil Facilities avoid or minimize or, if impacts cannot be avoided or minimized, mitigate environmental impacts and negative health impacts to the extent practicable;

(c) ensure that CEIFs, Facilities and oil facilities are, to the extent practicable, in compliance with energy, environmental, land use, labor, economic justice, environmental justice and equity, and public health and safety policies of the commonwealth, its subdivisions and its municipalities; and

(d) ensure CEIFs, Facilities and oil facilities are constructed in a manner that avoids or minimizes costs.

(2) Primary Functions of the Board. The Board reviews matters pursuant to M.G.L. c. 164, §§ 69G-69W, §§ 72, 72A, 75C, M.G.L. c. 166, § 28, M.G.L. c. 40A, § 3, and St. 1956, c. 665, § 6. Matters reviewed by the Board include petitions for:

(a) electric transmission lines
(b) electric ~~generating facilities~~Generating Facilities
(c) ~~gas~~Gas pipelines and storage ~~facilities~~Facilities
(d) oil refining, storage, and transportation ~~facilities~~Facilities
(e) hydropower ~~generation facilities~~Generation Facilities
(f) CEIFs.

The Board also has the authority to issue certificates of environmental impact and public need, or public interest, exemptions from local zoning bylaws, to approve the promulgation, amendment or repeal of the Board's regulations at 980 CMR; and to issue civil penalties to any applicant, or successor in interest, who violates an order of the Board.

(3) Scope of Review. The Board shall review:

(a) the need for, cost of and environmental and public health impacts of transmission lines, natural gas pipelines, Facilities for the manufacture and storage of Gas, oil Facilities, CEIFs; and
(b) the environmental and public health impacts of Generating Facilities, LCEGFs, SCEGFs, LCESFs, and SCESFs.

The Board shall also consider the Applicant's reasonable efforts to engage in discussions with municipalities hosting such infrastructure and affected stakeholders regarding avoidance, minimization, and mitigation of impacts, including discussions regarding a community benefits plan or community benefits agreement, as defined in 980 CMR 16.00.

The Board review shall be conducted consistent with M.G.L. c. 164, § 69J¼ for Generating Facilities, M.G.L. c. 164, § 69T for LCEIFs, M.G.L. c. 164, §§ 69U to 69W, inclusive, for SCEIFs, M.G.L. c. 164, § 69J for all other types of Facilities, and M.G.L. c. 40A, § 3 and St.1956, c. 665, § 6 for zoning exemption petitions.

~~(3)~~(4) Adjudicatory Proceedings. The Board reviews the following matters which shall be resolved through adjudicatory proceedings in accordance with M.G.L. c. 30A and 980 CMR 1.00: a hearing on a petition to construct a Facility ~~held~~ pursuant to M.G.L. c. 164, § 69J or § 69J¼; a hearing on an initial petition ~~filed~~ pursuant to M.G.L. c. 164, § 69K or ~~M.G.L. c. 164,~~ § 69K½; a hearing on an application for a certificate ~~filed~~ pursuant to M.G.L. c. 164, § 69L or ~~M.G.L. c. 164,~~ § 69L½; ~~and~~ a hearing on appeal ~~under~~pursuant to M.G.L. c. 164, § 69H½, a hearing on an Application for a Consolidated Permit pursuant to M.G.L. c. 164, §§ 69T, 69U, and 69V; a De Novo Adjudication pursuant to M.G.L. c. ~~164, § 69H½.~~164, § 69W; an eminent domain proceeding pursuant to M.G.L. c. 164, §§ 69R, 69S, 72, 75C; a grant of location proceeding pursuant to M.G.L. c.166, § 28; and a zoning exemption proceeding pursuant to M.G.L. c. 40A, § 3 or St. 1956, c. 665, § 6.

~~(4)~~(5) Mailing List. The Board shall maintain a mailing list, shall place upon the list the name and address of any ~~person~~Person or group so requesting, and shall give to such ~~persons~~Persons and groups ~~written~~electronic notice of activities of the Board for which notice may be appropriate. Failure to give notice to any ~~person~~Person or group on the list shall not, in itself, render any act of the Board invalid. The Board may from time to time remove from the list ~~persons~~Persons or groups no longer expressing interest in receiving notices.

(6) MEPA exemption. M.G.L. c. 30, §§ 62A-62L, inclusive, shall not apply to actions of the Board. Neither the Board nor any other Person shall, in taking any action pursuant to M.G.L. c. 164, §§ 69J to 69J¼, inclusive, or M.G.L. c. 164, §§ 69T to 69W, inclusive, be subject to M.G.L. c. 30, §§ 61 to 62L, inclusive. This section shall apply to any state agency issuing, in relation to an application or petition under said M.G.L. c. 164, §§ 69T to 69V inclusive, a federal permit that is delegated to that agency and determined by the Board to be excluded from the definition of Consolidated Permit.

Though the Board and the Applicant are not required to comply with M.G.L. c. 30, §§ 62A-62L, inclusive, an Applicant is required to consult with the MEPA Office during the pre-filing stage of a proceeding in accordance with 980 CMR 16.00.

2.03: Board Membership.

(1) Description of the Board. Pursuant to M.G.L. c. 164, § 69H, the Board shall be composed of ~~nine members: the Secretary of Energy and Environmental Affairs; the Secretary of Housing and Economic Development; the Commissioner of the Department ofEnvironmental Protection; the Commissioner.~~: the Secretary of Energy and Environmental Affairs or a designee, who shall serve as Chair; the Secretary of ~~Housing and~~ Economic Development or a designee; the Commissioner of the Department of Environmental Protection or a designee; the Commissioner of the Department of Energy Resources or a designee; ~~two Commissioners of the Commonwealth Utilities Commission~~ the chair of the Department of Public Utilities or a designee; the Commissioner of Fish and Game or a designee; the Commissioner of Public Health or a designee; and four public members to be appointed by the ~~G~~governor for a term ~~co-terminus~~coterminous with that of the ~~G~~governor, one of whom shall be a representative of the Massachusetts Association of Regional Planning Agencies, one of whom shall be a representative of the Massachusetts Municipal Association, Inc. with expertise in municipal permitting matters, one of whom shall be experienced in environmental justice issues~~,~~ or indigenous sovereignty, and one of whom shall be experienced in labor issues~~, and one of whom shall be experienced in energy issues.~~.

(2) ~~Chairman.~~Chair. In accordance with M.G.L. c. 164, § 69H, the Secretary of ~~the Executive Office of~~ Energy and Environmental Affairs, or the Secretary's designee, shall serve as ~~Chairman~~Chair of the Board. In the event of the absence, recusal, or disqualification of the ~~Chairman~~Chair, the Commissioner of the Department of

Energy Resources shall appoint an acting ~~chairman~~chair from the remaining members of the Board.

(3) Designees. A Board member other than a public member may nominate a designee to serve in his or her stead. Nomination shall be made by a letter addressed to the ~~Chairman~~Chair and signed by the nominating official. The nominating letter shall state whether the nomination is general or limited. The nominating official may revoke a nomination at any time by letter to the ~~Chairman~~Chair.

Once nominated, a general designee shall assume all responsibilities of the nominating official ~~pursuant to M.G.L. c. 164, §§ 69G through 69S and 980 CMR 2.00.~~for matters over which the Board has jurisdiction. The nominating official may temporarily suspend a general nomination by appearing personally at a Board meeting or proceeding and performing the responsibilities of a Board member.

A limited designee shall assume only those responsibilities set forth in the nominating letter. The nominating official may retain and perform or may further name another designee to perform all other responsibilities.

(4) Replacement of Public Members. ~~–~~In the event of the resignation of a public member, the Board ~~Chairman~~Chair shall notify the Governor in writing within 15 days and shall request the appointment of a new public member.

(5) Compensation. Any public member appointed by the Governor shall receive compensation for his or her services in the amount allowable by law, and shall be reimbursed by the State for all reasonable expenses actually and necessarily incurred in the performance of his or her official duties.

(6) Effect of Board Actions. No action taken by the Board pursuant to 980 CMR 2.00 shall bind any member of the Board or any designee for the purposes of any responsibilities of such member or designee not solely related to the operation of the Board.

(7) Disclosure. Where an ex officio Board Member's agency is also a Party to a proceeding, the Board Member's participation in the decision on the matter within ten business days of the disclosure. The Chair of the Board will make a determination whether participation of the Board Member would likely compromise the integrity of the decision of the Board, or whether the Board Member may participate in the matter.

2.04: Meetings; Voting

(1) Public Meetings. All meetings of the Board shall be open to the public to the extent required by M.G.L. c. 30A, §§ ~~11A and 11A½.~~18 through 25. All meetings of the Board shall be open to the press to the extent required by law. The Board may establish specific policies regarding the use of video cameras and other recording devices as necessary. Each calendar year, the Board shall schedule a standing monthly meeting or meetings to ensure timely consideration of Applications.

(2) Notice of Public Meetings. Except in an emergency as provided by 980 CMR 2.04(3), a notice of each meeting of the Board shall be filed with the Secretary of State, and a copy thereof posted in the public office of the Executive Office for Administration and Finance, at least ~~24~~48 hours, not including Saturdays, Sundays, or legal holidays, prior to the time of such meeting or session.

(3) Emergencies. The Board may conduct a public meeting or executive session without giving notice as required by 980 CMR 2.04(2), if it determines that an emergency exists and that immediate, undelayed action by the Board is imperative.

(4) Executive Sessions. The Board may in the course of a public meeting vote to go into executive session. An executive session may be held only as authorized by M.G.L. c. 30A, §§ ~~llA and llA½.~~18 through 25.

(5) Records of Meetings. The Board shall maintain accurate records of its meetings, setting forth the action taken at each meeting, including executive sessions. Either a full transcript of the meeting or a summary of all matters voted shall be made available with reasonable promptness after each meeting; provided, however, that votes taken in executive session may be withheld from public disclosure for so long as their publication would defeat the lawful purposes of the executive session, but no longer.

(6) Quorum; Voting.

(a) A quorum consisting of ~~four~~five Board members shall be required to conduct any meeting of the Board held for the purpose of considering and voting upon an adjudicatory decision, or a proposal to adopt, amend or rescind regulations, or any other matter requiring a vote of the Board. A majority of members in attendance at a meeting shall be sufficient to dispose of any question properly before the Board during the meeting at which the question is taken up.

(b) Each Board member or designee in attendance at a meeting shall be entitled to vote on any matter which is properly before the ~~Siting~~ Board at that meeting.

(7) Remote Participation. Board Members may attend meetings virtually in accordance with 940 CMR 29.10. At the start of any meeting during which a member of a public body will participate remotely, the Chair must announce the name of any member who is participating remotely; such information must also be recorded in the transcript. Members of a public body who participate remotely and all Persons present at the meeting location must be clearly audible to each other. All votes taken during a meeting in which a member participates remotely must be by roll call vote.

2.05: Delegation of Duties; Board Staff.

(1) Delegation of Duties. The Board may delegate Board-specific responsibilities other than responsibility for the final decision in any matter to the Board

~~Chairman~~Chair or to the Board staff. The staff of the Siting Division of the Department of Public Utilities shall serve as Board staff.

(2) Director. The Director of the Board shall be appointed by the ~~Chairman~~Chair of the Department of Public Utilities pursuant to M.G.L. c. 25, § 12N to direct the work of the Board staff and to conduct the day-to-day business of the Board. The Board, the ~~Chairman~~Chair, or the ~~Chairman~~Chair of the Department of Public Utilities may delegate to the Director Board-specific responsibilities other than the responsibility for the final decision in any matter. The Director shall have authority to issue decisions in De Novo Adjudications pursuant to 980 CMR 14.00.

(3) Board Staff. The ~~Chairman~~Chair of the Department of Public Utilities may appoint Board staff to assist the Board in performing its functions. Staff functions shall include, among others: conducting adjudicatory, rulemaking, or public comment hearings; rendering tentative decisions; and intervening in the proceedings of other agencies. The ~~Chairman~~Chair of the Department of Public Utilities may authorize the Director to appoint a Presiding Officer for an adjudicatory or other proceeding conducted under 980 CMR.

2.06: Board Decisions

(1) Issuance by the Board of a final decision in an adjudicatory proceeding shall be governed by 980 CMR 1.08.

(2) Every final decision shall be in writing, and shall contain a statement of the reasons therefore, including a determination of the facts or law necessary to the decision. A signature page shall be attached to each final decision. The signature page shall be signed by the Board ~~Chairman~~Chair and shall indicate the vote of each Board member.

(3) Required Findings. Any determination made by the Board shall describe the environmental and public health impacts, if any, of the CEIF, Facility or oil Facility and shall include findings, including, but not be limited to, findings that:

(a) efforts have been made to avoid or minimize or, if impacts cannot be avoided or minimized, mitigate environmental impacts;

(b) due consideration has been given to the findings and recommendations of Local Governments;

(c) in the case of LCTDIFs, SCTDIFs and natural Gas pipelines, due consideration has been given to advanced conductors, advanced transmission technologies, grid enhancement technologies, non-wires or non-pipeline alternatives, the repair or retirement of pipelines and other alternatives in an effort to avoid or minimize expenditures;

(d) in the case of LCTDIFs and SCTDIFs, the infrastructure or Project will increase the capacity of the system to interconnect large electricity customers, electric vehicle supply equipment, clean energy generation, clean energy storage, or other clean energy generation sources that qualify under 310 CMR

7.75 or will facilitate the electrification of the building and transportation sectors;
(e) due consideration has been given to any cumulative burdens on host communities and efforts that must be taken to avoid or minimize or, if impacts cannot be avoided or minimized, efforts to mitigate such burdens; and
(f) reasonably foreseeable climate change impacts, including additional greenhouse gas or other pollutant emissions known to have negative health impacts, predicted sea level rise, flooding, and any other disproportionate adverse effects on a specific geographical area.

(4) Constructive Approval. The Board shall issue a Constructive Approval as identified in 980 CMR 1.00 and described in 980 CMR 17.00. A Constructive Approval is deemed a final decision.

2.07: Action by Consent.

(1) Scope. Any decision of the Board, except the final decision in any adjudicatory proceeding, may be made by action by consent pursuant to the procedures of 980 CMR 2.07. These procedures shall be used only when the Board, in its discretion, determines that expeditious action is necessary.

(2) Procedure. The ~~Chairman~~Chair shall prepare a document entitled "Action by Consent" which sets forth the decision proposed to be taken by the Board. The document or copies thereof shall be presented to each member of the Board for review. A member may indicate consent by affixing his signature to the document or copy. The proposed action by consent shall be deemed to have been taken when the document and copies bearing the signatures of all Board members are returned to the ~~Chairman.~~Chair. A proposed action by consent shall become void if it does not receive all required signatures before the beginning of any meeting of the Board held pursuant to 980 CMR 2.04.

(3) Notice.
(a) Except in an emergency, a notice of each proposed "Action by Consent" shall be filed with the Secretary of State, and a copy thereof posted in the public office of the Executive Office for Administration and Finance at least ~~24~~48 hours, not including Saturdays, Sundays and legal holidays, prior to the circulation of such proposed decision to Board members for signature.
(b) The notice shall state:
1. that the notice is for an action proposed to be taken by unanimous written consent of the Board rather than by meeting;
2. that the proposed action by consent shall become void if not signed by all Board members prior to the next meeting of the Board; and
3. the full and complete text of the proposed action by consent, or, if the proposed action by consent consists of more than 200 words, a summary of its terms and a statement that the full text may be obtained at the offices of the Board.

(c) For the purpose of 980 CMR 2.06, "emergency" shall mean a situation in which immediate action without delay is deemed by the Board to be imperative.

(4) Records of Actions by Consent. The Board shall maintain accurate records of all proposed actions by consent. A record of the Board's action on a proposed action by consent shall be made available with reasonable promptness after its approval by all Board members or after it becomes void.

2.08: Advisory Rulings.

In accordance with M.G.L. c. 30A, § 8, any ~~person~~Person may at any time request, via written petition, an advisory ruling with respect to the applicability of any statute or regulation enforced or administered by the Board to any ~~person~~Person, property or factual situation. A petition shall be signed by the ~~applicant~~petitioner, contain the ~~applicant's~~petitioner's address, state clearly and concisely the substance or nature of the request, and contain an affidavit or attestation that all of the facts presented are true to the best of the ~~applicant's~~petitioner's knowledge. The petition shall be accompanied by any supporting data, views or arguments. Upon receipt of the petition, the Board shall consider it and shall, within 60 days after the receipt of the request, notify the ~~applicant~~petitioner either that the request is denied or that the Board will render an advisory ruling. In order to assist the Board in considering the request, the Director may require additional information as ~~he or she deems~~they deem appropriate. At any time before issuance of an advisory ruling, the Board may rescind a decision to render an advisory ruling. If the advisory ruling is rendered, a copy of the ruling shall be sent to the ~~applicant~~petitioner. A complete record of every advisory ruling shall be maintained by the Board. No advisory ruling shall bind or otherwise ~~e~~stop the Board in any pending or future matter. There shall be no obligation to render an advisory ruling. An advisory ruling proceeding is not an adjudicatory proceeding.

2.09: Determination of Board Jurisdiction.

(1) ~~An applicant~~A petitioner may at any time petition the Board for a determination of whether construction, expansion, or other modification of a proposed electric ~~generating unit~~Generating Facility, electric transmission line, ancillary structure, ~~natural gas~~Gas pipeline, ~~natural gas~~Gas storage facility, oil pipeline, oil refinery, oil storage facility, oil transshipment facility, or other facility is subject to Board jurisdiction, is not subject to Board jurisdiction, or may qualify for a ~~Certificate~~certificate pursuant to 980 CMR 6.00.

(2) The petition shall state the name of the ~~applicant~~petitioner and describe the nature of the facility for which a determination is being sought. The petition shall be accompanied by a draft legal notice for publication and such written legal argument or other information as the ~~applicant~~petitioner may consider appropriate. The Board may require that the ~~applicant~~petitioner provide additional information after the petition is filed.

(3) The ~~applicant~~petitioner shall give notice of the petition by publishing the legal notice approved by the Presiding Officer in at least one newspaper of general circulation and as otherwise ordered by the Presiding Officer. The notice shall specify that any ~~person~~Person may submit written legal argument or other information regarding the petition. The notice shall specify the deadline for such submissions, which shall be not less than 14 days after the initial date of publication.

(4) Within four months of the petition filing date, the Board shall issue a final ~~decision on~~determination of jurisdiction. The final ~~decision~~determination shall address only those issues necessary to decide the extent to which a proposed facility is within Board jurisdiction, is not subject to Board jurisdiction, or may qualify for a ~~Certificate~~certificate pursuant to 980 CMR 6.00. A determination of jurisdiction proceeding is not an adjudicatory proceeding. The Board's decision shall be final.

2.10: Permitting Dashboard.

The Board shall maintain a real-time, online, CEIF dashboard. The Board shall collect and report data in the aggregate on: the number of applications filed, decided or pending information, including, but not limited to: (i) the number of applications deemed incomplete; (ii) the number of applications constructively approved; (iii) the average duration of application review; and (iv) average staffing levels delineated by job classification. The Board shall ensure that comprehensive data and information are publicly available in a machine-readable format. The Board may add or remove additional data, metrics, or information to the dashboard at its discretion.

REGULATORY AUTHORITY

980 CMR 2.00: M.G.L. c. 30A and c. 164, § 69H.

附件3

条例草案

980 CMR 13.00 – 综合许可证

980 CMR: 13.00: CONSOLIDATED PERMITS FOR CLEAN ENERGY INFRASTRUCTURE FACILITIES

Section

13.01: Scope and Purpose.

(1) Purpose. 980 CMR 13.00 establishes the Board's rules for preparation and review of an Application for an EFSB Consolidated Permit for a request to construct CEIFs.

(2) Scope. 980 CMR 13.00 shall apply to an Application for an EFSB Consolidated Permit for requests to the Board to construct CEIFs, pursuant to M.G.L. c. 164 §§ 69T, 69U, 69V. The review of an Application for an EFSB Consolidated Permit for CEIFs described in 980 CMR 13.00 shall be subject to 980 CMR 1.00: *Rules for the Conduct of Adjudicatory Proceedings* and 980 CMR 2.00: *General Information and Conduct of Board Business*, unless otherwise noted.

(3) Effective Date. 980 CMR 13.00 shall take effect on March 1, 2026, and shall apply to each Application for an EFSB Consolidated Permit to construct CEIFs, pursuant to M.G.L. c. 164 §§ 69T, 69U, 69V, filed on or after July 1, 2026.

(4) Definitions. 980 CMR 13.00 shall be subject to the definitions of 980 CMR 1.01(4): Definitions. The following additional definitions shall also apply unless the context or subject matter requires a different interpretation:

Application means a submission to the Board, in such form and detail as prescribed by the Board, by an Applicant for an EFSB Consolidated Permit for the purpose of constructing, owning, or operating a CEIF Project.

Common Condition means a condition applied to a CEIF Project that is applied to each CEIF Project of the same type, which exceeds specified thresholds, or is subject to the same Permits.

Completeness Determination means a written ruling made by the Presiding Officer indicating the Application has been reviewed for substantial and material compliance with the Board's requirements for an Application for an EFSB Consolidated Permit.

Consolidated Local Permit Application means a submission by an Applicant, in such form and detail as prescribed in 225 CMR 29.00, that would otherwise go to a Local Government for a Consolidated Local Permit, for the purpose of constructing, owning, or operating a CEIF Project. The Board will receive the Consolidated Local Permit Application and issue a Consolidated Local Permit as part of a Consolidated Permit, pursuant to M.G.L. c. 164 §§ 69T and 69U.

Construction means work performed by the Applicant or on behalf of the Applicant on the CEIF Project site or along the route, but shall not include contractual obligations to purchase such facilities or equipment, or preliminary work in furtherance of permitting (e.g., soil boring, surveys) that does not impose significant adverse impacts.

Criteria-specific Suitability Scores. The scores for each criterion examined in the Site Suitability Guidance, as assessed following the methods outlined in the Site Suitability Guidance, which represent the suitability of a site for a given CEIF.

Notice of Completeness means a determination made by the Presiding Officer that the Application is in substantial and material compliance with all Application requirements.

Permit Enforcement Agency (PEA) means a state agency, authority, board, commission, office, or other entity that would have had jurisdiction to issue at least one Permit for a CEIF Project that would otherwise be issued without an EFSB Consolidated Permit. PEAs enforce the portions of an EFSB Consolidated Permit that relates to subject matters within their jurisdiction as if such portion of an EFSB Consolidated Permit had been directly granted by the PEA.

Permit Advisory Agency (PAA) means a municipal, regional, or state agency, authority, board, commission, office, or other entity that would advise the Board through statements of recommended permit conditions on the issuance of at least one Permit for a CEIF Project that would otherwise be issued without an EFSB Consolidated Permit, but does not have jurisdiction for issuance of such Permit(s).

Site Suitability Guidance means guidance and criteria for the assessment of the suitability of the proposed siting of a CEIFs, as established by the Executive Office of Energy and Environmental Affairs, pursuant to M.G.L. c. 21A, § 30.

Site Suitability Score Modifier. Positive or negative adjustments to a CEIF's Total Site Suitability Score that are reflective of development potential or social and environmental benefits, as prescribed in the Site Suitability Guidance.

Total Site Suitability Score. The sum of all Criteria-Specific Suitability Scores and any Site Suitability Score Modifiers, representing how suitable a site is for a CEIF, across all criteria measured in the Site Suitability Guidance.

13.02: Overview of EFSB Consolidated Permit Application and Approval Process.

(1) Application. The Applicant shall submit to the Board an Application that complies with requirements of 980 CMR 13.00: *Consolidated Permit Regulations*.

(a) An Applicant submitting a SCTDIF Application pursuant to M.G.L. c. 164, § 69U, shall include a showing of good cause for the petition, and a description of how the SCTDIF will serve public convenience and is consistent with the public interest.

(2) Completeness Determination. The Presiding Officer shall determine whether the Application satisfies each Application requirement. See 980 CMR 13.09: *Completeness Determination*. If the Presiding Officer provides Notice of Completeness, the Application may be adjudicated on the merits and the applicable statutory timeline commences.

(3) Adjudication of the Application. The Presiding Officer shall conduct the adjudicatory process on behalf of the Board for a CEIF Project, as described in 980 CMR 13.06: *EFSB Consolidated Permit Procedures*.

(4) Board Decision. The Board shall render a decision for an EFSB Consolidated Permit as described in 980 CMR 13.10: *EFSB Consolidated Permit Decisions*. The decision shall include conditions and permit requirements as described in 980 CMR 13.08: *Conditions for EFSB Consolidated Permit*.

(a) Review Time Frame. The Board shall issue a decision on each CEIF Project Application within the following deadlines following a Notice of Completeness:

1. 15 months for LCEIF Applications, pursuant to M.G.L. c. 164 § 69T(i);
2. 12 months for SCTDIF Applications, pursuant to M.G.L. c. 164 § 69U(c); and
3. 12 months for SCEGF and SCESF Applications, pursuant to M.G.L. c. 164 § 69V(c).

The Board may establish shorter time frames than the deadlines for reviewing different types of CEIFs based on the complexity of the CEIF Project and number of parties.

(b) Construction of a CEIF Project. No Applicant shall commence Construction of a CEIF Project at a site or along a route until an Application for an EFSB Consolidated Permit has been approved by the Board.

(5) Constructive Approval. Pursuant to M.G.L. c. 164 §§ 69T(i), 69U(c), 69V(c), a CEIF Project Application shall be deemed approved pursuant to 980 CMR 17.00: *Constructive Approval by Operation of Law*, if the Board does not issue a final decision described in 980 CMR 13.10: *EFSB Consolidated Permit Decisions*, within the applicable statutory review time frame, 980 CMR 13.02(4)(a): *Review Time Frame*.

13.03: EFSB Consolidated Permit Application Requirements.

(1) General Requirements. The following shall apply to an Application for an EFSB Consolidated Permit submitted to the Board, unless otherwise stated.

(a) Application Summary Form. The Applicant shall submit a completed Application summary form. The Application Summary Form shall meet Board specifications in "13.00: EFSB Consolidated Permit Application Guidance."

(b) CEIF Project Overview Presentation. The Applicant may include visual media illustrating the CEIF Project, the site, and the surrounding area. Visual media shall meet Board specifications in "13.00: EFSB Consolidated Permit Application Guidance."

(c) Description of the CEIF Project, Site, and Surrounding Area. The Applicant shall describe the CEIF Project, site, and surrounding area with relevant maps, figures, drawings, or other attachments. The description shall meet Board specifications in "13.00: EFSB Consolidated Permit Application Guidance."

(d) Accessibility. The Applicant shall describe how the public can access CEIF Project information, how CEIF Project materials are consistent with the Board's Language Access Plan, and provisions for meeting additional locality specific accessibility needs. Accessibility shall meet the Board specifications in "13.00: EFSB Consolidated Permit Application Guidance."

(e) Consultation and Community Engagement.

1. Pre-filing Consultation and Community Engagement. The Applicant shall demonstrate compliance with 980 CMR 16.00: *Prefiling Consultation and Engagement Requirements*. The Applicant shall describe all pre-filing consultation and community engagement for the CEIF Project. Pre-filing Consultation and Community Engagement shall comply with requirements in 980 CMR 16.00 and shall meet Board specifications in "13.00: EFSB Consolidated Permit Application Guidance." This paragraph shall not apply to M.G.L. c. 164 §69V Applications for a Consolidated State Permit for SCEGF or SCESF.

2. Waiver. If the Applicant has not complied with Pre-filing Consultation and Community Engagement requirements in 980 CMR 16.00, the Applicant may request a waiver of applicable requirements. The Applicant shall include the Division of Public Participation decision rendered in the 980 CMR 16.03(1): *Waiver of Re-filing Rules* with the request for waiver. To obtain a waiver, the Applicant shall demonstrate good cause why such requirements could not be satisfied.

3. Continuing Consultation and Community Engagement. The Applicant shall describe continuing consultation and community engagement during Construction and after the CEIF Project is operational.

(f) Benefits of the CEIF Project. The Applicant shall describe the benefits of the CEIF Project, including, but not limited to, energy benefits, local benefits, and other benefits. Benefits of the CEIF Project shall meet Board specifications in "13.00: EFSB Consolidated Permit Application Guidance."

(g) Climate Change Impacts. The Applicant shall describe consideration of reasonably foreseeable long-term climate change impacts related to the CEIF

Project, as well as climate change impact related mitigation and resilience measures the Project will employ; impacts may include additional greenhouse gas or other air pollutant emissions known to have negative health impacts, predicted sea level rise, flooding, and any other disproportionate adverse effects of climate change on a specific geographical area. See M.G.L. c. 164, § 69H and instructions in "13.00: EFSB Consolidated Permit Application Guidance."

(h) Cumulative Impact Analysis (CIA). The Applicant shall provide a CIA report specified in 980 CMR 15.05: *Applicant's Preparation of Cumulative Impact Analysis Report* and as further specified in "13.00: EFSB Consolidated Permit Application Guidance."

(i) Environmental Impacts. The Applicant shall describe environmental impacts of the proposed CEIF Project, including both environmental benefits, burdens, and a description of efforts to avoid, minimize, and mitigate burdens. The Applicant shall also include efforts to enhance benefits, such as shared use, recreational paths, or access to nature. The Application shall include, but is not limited to, a description of the following environmental impacts resulting from the CEIF Project: (i) land-based resources, including land use and land resources; (ii) water resources and aquatic ecology; (iii) transportation; (iv) air quality; (v) climate mitigation and resiliency; (vi) public health, safety, and security; (vii) solid waste and hazardous materials; (viii) radiation, including magnetic fields; (ix) noise and vibration; and (x) visual. The environmental impacts shall meet Board specifications in "13.00: EFSB Consolidated Permit Application Guidance."

(j) CEIF Project Reliability. The Applicant shall provide an analysis of the reliability benefits of the CEIF Project as specified by the Board in "13.00: EFSB Consolidated Permit Application Guidance."

(k) Policies of the Commonwealth. The Applicant shall describe, in summary form, relevant energy, environmental, land use, labor, economic justice, environmental justice and equity, and public health and safety policies of the Commonwealth, its subdivisions and its municipalities that apply to the proposed Project. The Applicant shall demonstrate how the CEIF Project complies with each applicable policy as specified by the Board in "13.00: EFSB Consolidated Permit Application Guidance."

(l) Decommissioning and Site Restoration Plan. The Applicant shall file a decommissioning and site restoration plan as described in 980 CMR 1.10: *Decommissioning and Site Restoration Plan*. The Applicant shall indicate if the CEIF Project does not require decommissioning or site restoration with an explanation.

(2) LCTDIF and SCTDIF Requirements. The following shall apply only to M.G.L. c. 164 §§ 69T, 69U Applications for LCTDIF and SCTDIF.

(a) LCTDIF and SCTDIF Need. The Applicant shall provide analysis demonstrating the need for an LCTDIF and SCTDIF, in Massachusetts and outside Massachusetts, if applicable. The Applicant shall provide analysis based on reliability considerations, load projections, state policy, a combination of these, or another reason with explanation. LCTDIF and SCTDIF need shall meet Board specifications in "13.00: EFSB Consolidated Permit Application Guidance."

(b) System Benefits. The Applicant shall describe how the LCTDIF and SCTDIF will increase the capacity of the system to interconnect large electricity customers, electric vehicle supply equipment, clean energy generation, clean energy storage or other clean energy generation sources that qualify under 310 CMR 7.75, or will facilitate the electrification of the building and transportation sectors. System benefits shall meet Board specifications in "13.00: EFSB Consolidated Permit Application Guidance."

(c) LCTDIF and SCTDIF Alternatives. The Applicant shall describe alternative methods of transmitting or storing energy; siting and LCTDIF and SCTDIF alternatives to avoid or minimize or, if impacts cannot be avoided or minimized, mitigate impacts; other sources of electrical power; or a reduction of requirements through load management. The Applicant shall describe consideration or implementation of advanced conductors, advanced transmission technologies, grid enhancement technologies, non-wire alternatives, and other alternatives to avoid or minimize expenditures. LCTDIF and SCTDIF alternatives shall meet Board specifications in "13.00: EFSB Consolidated Permit Application Guidance."

(d) Route and Site Selection. The Applicant shall describe other site locations. The Applicant shall demonstrate: (i) the Applicant has considered a reasonable range of practical siting alternatives; (ii) the Applicant's proposed LCTDIF and SCTDIF is sited in locations that avoid or minimize or, if impacts cannot be avoided or minimized, mitigate environmental impacts and negative health impacts to the extent practicable while ensuring a reliable, resilient, and clean supply of energy consistent with the commonwealth's climate change and greenhouse gas reduction policies and requirements; (iii) the Criteria-specific Suitability Scores and Total Site Suitability Score for the Applicant's proposed LCTDIF and SCTDIF, if applicable; and (iv) the proposed LCTDIF and SCTDIF will be constructed in a manner that avoids or minimizes costs. Route and site selection shall meet Board specifications in "13.00: EFSB Consolidated Permit Application Guidance."

(e) LCTDIF and SCTDIF Cost. The Applicant shall provide an analysis of cost estimates associated with the LCTDIF or SCTDIF, including net present value of an LCTDIF or SCTDIF cost and impacts on ratepayers. LCTDIF or SCTDIF cost shall be specified by the Board in "13.00: EFSB Consolidated Permit Application Guidance."

(3) LCEGF, LCESF, SCEGF, and SCESF Requirements. The following shall apply to M.G.L. c. 164 §§ 69T, 69V Applications for LCEGF, LCESF, SCEGF, and SCESF.

(a) Site Selection and Alternatives. The Applicant shall describe the LCEGF, LCESF, SCEGF, or SCESF site selection process and alternatives analysis used to choose the location of the LCEGF, LCESF, SCEGF, or SCESF to avoid or minimize or, if impacts cannot be avoided or minimized, mitigate impacts. The Applicant shall: (i) provide the Criteria-specific Suitability Scores and Total Site Suitability Score for the Applicant's proposed LCEGF, LCESF, SCEGF, or SCESF, if applicable; and (ii) demonstrate the Applicant's proposed LCEGF, LCESF, SCEGF, or SCESF Project is sited in a location which will provide a reliable, resilient, and clean supply of energy consistent with the commonwealth's climate change and greenhouse gas reduction policies and requirements. Site selection and alternatives shall meet Board specifications in "13.00: EFSB Consolidated Permit Application Guidance."

13.04: Zoning Exemption Requirements.

(1) If an Applicant seeks zoning exemptions for a CEIF Project, the Applicant shall:

(a) File a companion zoning exemption petition, pursuant to M.G.L. c. 40A §3, or St. 1956, c. 665, § 6.

(b) Submit a copy of the companion zoning exemption petition with the Application.

(c) Describe each zoning exemption the CEIF Project needs to be constructed which shall include: (i) a copy of the applicable zoning bylaws or ordinances; (ii) the type of zoning exemption requested; and (iii) a reason the zoning exemption is necessary for the CEIF Project. Zoning exemption requirements shall be specified by the Board in "13.00: EFSB Consolidated Permit Application Guidance."

(2) The Presiding Officer may consolidate a zoning exemption petition with an EFSB Consolidated Permit proceeding pursuant to 980 CMR 1.09(2): *Consolidation*. In the order consolidating the zoning exemption request with the EFSB Consolidated Permit proceeding, the Presiding Officer shall indicate that in the event of a constructive approval, the Constructive Approval would include the requested zoning exemption(s).

(3) The Applicant shall state no zoning exemptions are required if the Applicant does not file a companion zoning exemption petition, pursuant to M.G.L. c. 40A §3, or Section 6 of Chapter 665 of the Acts of 1956.

13.05: Agency Permit Requirements.

(1) The Applicant shall provide the following information for the requested Permits:

(a) State Permits. The Applicant shall provide the following for each state Permit required for the CEIF Project:

1. A description of the state Permit, the related PEA, and the name of the agency permitting program.

2. A description of why the state Permit is necessary for the CEIF Project.

3. A completed Permit application form and required filing documents applicable to the CEIF Project, to the extent possible.

4. The baseline state PEA environmental, health, safety, and other standards applicable to the CEIF Project, as specified by the Board in "13.00: EFSB Consolidated Permit Application Guidance."

5. A draft state Permit proposed for the CEIF Project, including but not limited to Board Common Conditions for each state Permit, Common

Conditions on a state Permit approval form that would otherwise have been issued individually, and supplemental conditions proposed by the Applicant, to the extent possible.

(b) Local Government Permits. This section shall not apply to M.G.L. c. 164 § 69V, Applications for SCEGF and SCESF. The Applicant shall provide the following for each Local Government Permit required for LCEIF under M.G.L. c. 164 § 69T or SCTDIF under M.G.L. c. 164 § 69U:

1. A description of the Local Government Permit, the Local Government, and the name of the regulatory authority permitting program.
2. A description of why the Local Government Permit is necessary.
3. A completed Consolidated Local Permit Application and required filing documents.
4. The baseline Local PEA environmental, health, safety, and other standards applicable to the CEIF Project, as specified by the Board in "13.00: EFSB Consolidated Permit Application Guidance."
5. A draft Local Government Permit proposed for the LCEIF or SCTDIF Project, including but not limited to Local Government Common Conditions, and supplemental conditions proposed by the Applicant.

(c) Federal Permits. For context and general informational purposes only, the Applicant shall provide a list of federal permits required for the CEIF; the list shall include the following for each federal permit:

1. The completed federal permit form.
2. A description of the federal permit.
3. The date the Applicant requested a federal permit and the date the Applicant received or anticipates receiving the federal permit.
4. The status of the federal permit when the Application is submitted.

(2) Additional Permit Procedures.

(a) The Applicant shall determine the applicability of Permits for the CEIF Project or pursuant to 980 CMR 16.00: *Prefiling Consultation and Engagement Requirements*, prior to the submission of an Application to the Board.

(b) The Applicant shall expressly identify duplicative information or conflicting requirements across Permits included in the Application. The Applicant shall provide a proposed resolution of such conflicting or duplicative requirements, with an explanation.

(c) The Applicant shall provide proof to the Board that each PEA, PAA, and Local Government received notice of each Permit, for which they would have had subject matter jurisdiction if the Applicant had sought Permits with that agency, to the Board.

13.06: EFSB Consolidated Permit Procedures.

(1) General.

(a) Filing. The Applicant shall file an Application in the manner specified by the Board in "13.00: EFSB Consolidated Permit Application Guidance."

(b) Concurrent Filings. The Applicant shall submit a copy of each draft Permit filed with the Board pursuant to 980 CMR 13.05: *Agency Permit Requirements* to the PEA or Local Government to which that Permit may be enforced.

(2) Intervention and Grant Rulings. The following shall apply to PEAs, PAAs, and Local Governments regarding requests for intervention:

(a) Each PEA and Local Government is deemed to be substantially and specifically affected by the proceeding if the PEA or Local Government would have had subject matter jurisdiction of a Permit included in the Application and shall be granted intervenor status upon written request to the Board.

(b) If a PAA seeks to intervene or participate in the EFSB Consolidated Permit proceeding, the PAA shall follow intervention rules pursuant to 980 CMR 1.05: *Intervention*.

(3) Procedural Schedule. The Presiding Officer shall set a preliminary procedural schedule following Notice of Completeness. The procedural schedule shall be in substantial compliance with the form and timeline specified by the Board in "13.00: EFSB Consolidated Permit Application Guidance." The procedural schedule shall include the following steps for an EFSB Consolidated Permit proceeding unless the Presiding Officer rules otherwise:

(a) Public Comment Hearing(s). The Presiding Officer shall schedule a date for the public comment hearing(s) that is within 45 days of a Notice of Completeness.

(b) Deadline for Public Comments. The Presiding Officer shall set the deadline for public comments not less than two weeks following the last date of public comment hearing(s).

(c) Deadline for Petitions for Intervention and Limited Participant Status. The Presiding Officer shall set the deadline for petitions for intervention and Limited Participant status not less than two weeks after the last date of public comment hearing(s).

(d) PEA and Local Government Representative Notification of Intention to Intervene. PEA and Local Government Representative shall notify the Presiding Officer at or before the deadline for petitions for intervention or intention to intervene in the CEIF Project proceeding.

(e) Presiding Officer Rulings and Procedures. The Presiding Officer shall issue a ruling on petitions for intervention and Limited Participant status in a reasonable timeframe. The Presiding Officer shall issue the service list and procedural ground rules for the proceeding with the ruling for intervention and Limited Participant status.

(f) Preliminary Procedural Conference and Procedural Order. The Presiding Officer shall schedule a preliminary procedural conference at their discretion after the ruling on intervention and Limited Participant status is issued.

(g) Issuance of Information Requests and Responses. A Party shall not issue information requests prior to the issuance of procedural ground rules, except information requests issued by the Presiding Officer or the Board. The Presiding Officer shall issue the deadline for responses to information requests not less than two weeks from the issuance of information requests, unless good cause is shown for a different date.

(h) Deadline for Pre-Hearing Testimony to be Filed by Intervenor(s). The Presiding Officer shall set the deadline for pre-hearing testimony filed by Parties with intervenor status not less than two weeks prior to the initial evidentiary hearing.

(i) Deadline to Submit Statements of Recommended Permit Conditions. The Presiding Officer shall set the deadline for intervenors, PEAs, and Local Government Representatives to submit to the Board statements of recommended Permit conditions not less than three weeks before the initial evidentiary hearing.

(j) Conditions Conference. The Presiding Officer may schedule a conditions conference prior to the initial evidentiary hearing(s).

(k) Evidentiary Hearing(s). The Presiding Officer shall schedule the evidentiary hearing(s) at their discretion and in consultation with each Party.

(l) Record Requests and Responses. The Presiding Officer may set the deadline for responses to record requests at the evidentiary hearing in consultation with each Party but may not set the deadline more than two weeks from the date of the last evidentiary hearing, unless good cause is shown for a different date.

(m) Initial Brief(s). The Presiding Officer shall set the deadline for the Parties to file initial brief(s) within three weeks of the deadline for record request responses, unless good cause is shown for a specific delayed filing.

(n) Reply Brief(s). The Presiding Officer shall set the deadline for reply brief(s) to be filed not more than two weeks after the deadline for initial brief(s), unless good cause is shown for a different date.

(o) Tentative Decision. The Presiding Officer shall determine the timeline for a 980 CMR 1.08(2): *Tentative Decision* based upon a Board meeting within the applicable deadline for final decisions.

(p) Board Meeting. The Presiding Officer shall schedule a Board meeting within the applicable deadline for 980 CMR 1.08(3): *Final Decisions*.

(4) Preliminary Procedural Conference and Procedural Order. The Presiding Officer shall provide notice to each PEA and Local Government Representative of the opportunity to participate in the preliminary procedural conference, regardless of intervention status. The Presiding Officer may provide notice to a PAA, at the Presiding Officer's discretion, of the opportunity to participate in the preliminary procedural conference. At the preliminary procedural conference, the Presiding Officer shall establish the scope of an EFSB Consolidated Permit, including, but not limited to:

(a) Topics which require discussion and analysis.
(b) Topics each Party agree meet the requirements of the Board.
(c) Topics each Party agrees do not necessitate extensive analysis or inquiry.
(d) Possible conditions to be applied to the CEIF Project.

(5) Statement of Recommended Permit Conditions. Each PEA and Local Government Representative may submit a statement of recommended Permit conditions regarding the subject matter for which the PEA or Local Government would otherwise issue a Permit, regardless of intervention status. If a PEA or Local

Government Representative has consulted with a PAA in the creation of their statement of recommended Permit conditions, the PAA shall be identified. Each intervenor may submit a statement of recommended Permit conditions for the CEIF Project. The Applicant may submit a statement of recommended Permit conditions for the CEIF Project to supplement the conditions previously submitted as part of the Application. Each statement of recommended Permit conditions shall comply with the form and requirements specified by the Board in "13.00: EFSB Consolidated Permit Application Guidance."

(6) Conditions Conference. The Presiding Officer shall provide each Party with a copy of proposed EFSB Consolidated Permit conditions, compiled by the Presiding Officer from Common Conditions, supplemental conditions submitted by the Applicant, and the statement of recommended Permit conditions submitted by the Parties, prior to the scheduled conditions conference. The conditions conference shall provide discussion on all conditions anticipated for the CEIF Project.

(a) Recommendation on Conditions. The Presiding Officer shall provide each Party with a recommendation stating each Board Common Condition, DOER Common Condition, PEA Common Condition, and supplemental condition to be applied to an EFSB Consolidated Permit, pending Board approval.

(7) Board Decision on EFSB Consolidated Permit.

(a) Consolidated Permit Decision. The Board shall issue an EFSB Consolidated Permit in the form of all individual Permits otherwise necessary for the construction and operation of the LCEIF or SCTDIF pursuant to M.G.L. c. 164 §§ 69T & 69U.

(b) Consolidated State Permit Decision. The Board shall issue a Consolidated State Permit in the form of all individual state Permits otherwise necessary for the construction and operation of the SCEGF or SCESF pursuant to M.G.L. c. 164 § 69V.

(c) Final Decision of the Board. Final decisions of the Board for consolidated permitting shall be as described in 980 CMR 13.10: *EFSB Consolidated Permit Decisions*.

(8) Unexcused Delay.

(a) Applicant Responses. The Applicant shall be responsible for responding to all inquiries and requests for information from the Board and Parties within a specified time.

1. Delay. An Applicant's response to inquiries and requests for information from the Board and Parties shall be unexcused if provided after the specified time and no extension of time is granted by the Presiding Officer.

2. Remedies. The Presiding Officer may take one or more of the following actions in response to an unexcused delay:

a. Warning. Issue a written warning to the Applicant that any additional delay may result in additional penalties.

b. Incomplete Due to Delay. Deem the Application Incomplete, as described in 980 CMR 13.09(3): *Incomplete*

Application, if the Applicant's responses to inquiries are beyond the time specified more than once and no extension is granted by the Presiding Officer.

(b) Delay Cure. After an Application is deemed incomplete due to delay, the Presiding Officer may issue a Notice of Completion if the Applicant provides the responses to the delayed inquiries, an explanation for the delay, and an explanation for how future delays will be avoided. The Presiding Officer shall set the review time frame, as described in 980 CMR 13.02(4)(a): *Review Time Frame*, using the updated Notice of Completion date.

(c) Penalties. The Board may issue penalties to an Applicant who violates an order of the Board pursuant to M.G.L. c. 164 § 69H(4).

13.07: Baseline Health, Environmental, Safety, and Other Standards.

(1) Baseline Standards. The Board may develop Baseline Health, Environmental, Safety, and Other Standards ("Baseline Standards") to be applied for CEIF. The Baseline Standards shall ensure a minimum uniform set of standards for all proposed CEIF reviewed by the Board. Baseline Standards shall be specified by the Board in "13.00: EFSB Consolidated Permit Application Guidance."

13.08: Conditions for EFSB Consolidated Permit.

(1) Board Common Conditions. The Board shall include the following Common Conditions in an EFSB Consolidated Permit:

(a) General Conditions. The Board shall apply each general condition to an EFSB Consolidated Permit or a Constructive Approval permit. These conditions shall ensure a minimum uniform standard for all proposed CEIF reviewed by the Board. General Conditions shall be specified by the Board in "13.00: EFSB Consolidated Permit Application Guidance, Attachment 1."

(b) Threshold-Specific Conditions. The Board may apply each threshold-specific condition based upon use of technology or other relevant thresholds. Thresholds shall be determined by the Board. Threshold-specific Conditions shall be specified by the Board in "13.00: EFSB Consolidated Permit Application Guidance, Attachment 1."

(2) PEA Common Conditions. The Board shall apply Common Conditions that would otherwise apply to a state Permit approval and are submitted with the Application pursuant to 980 CMR 13.05(1)(a): *State Permits*.

(3) DOER Common Conditions. The Board shall apply Common Conditions in the form established by DOER on a Local Government Permit pursuant to 225 CMR 29.00.

(4) Supplemental Conditions. The Board shall determine and apply supplemental conditions for an EFSB Consolidated Permit. The Presiding Officer shall provide recommendations to the Board for the inclusion of supplemental conditions in the recommendation on conditions as described in 980 CMR 13.07(6)(a): *Recommendation on Conditions*.

13.09: Completeness Determination.

(1) Completeness Review.

(a) The Presiding Officer shall review an Application and make a Completeness Determination in writing within 30 days.

(b) The Presiding Officer's Completeness Determination shall not be subject to appeal.

(c) The Presiding Officer or staff may communicate with a PEA, PAA, Local Government Representative, or Local Government and such communications shall not be considered ex parte communication unless the communication is substantive and occurs after a Notice of Completeness.

(d) The Presiding Officer may require the Applicant to provide supplemental evidence to the Application, where appropriate, for the Board to make the required findings for an EFSB Consolidated Permit. Supplemental evidence may include supporting documents, work papers, modeling, studies, authorities cited, and reference to any other evidence relied upon in the Application.

(2) Notice of Completeness. The Presiding Officer shall determine an Application is complete if the Application is in substantial and material compliance with the following:

(a) Application requirements in 980 CMR 13.03: *EFSB Consolidated Permitting Application Requirement*s.

(b) Zoning exemption requirements in 980 CMR 13.04: *Zoning Exemption Requirements*, if applicable.

(c) Permitting requirements in 980 CMR 13.05: *Agency Permit Requirements*.

(d) Conditions in 980 CMR 13.08: *Conditions for EFSB Consolidated Permit*.

(e) The Completeness Determination Checklist. The Completeness Determination Checklist shall be specified by the Board in "13.00: EFSB Consolidated Permit Application Guidance."

(3) Incomplete Application. The Applicant shall respond within 30 days from a notice of incomplete Application to cure each deficiency identified by the Presiding Officer. The Application may only be determined to be incomplete twice before the Application shall be rejected per 980 CMR 13.06(6): *Rejected Applications*.

(a) Missing Permit. If the Presiding Officer, prior to the final decision, determines that a Permit was not included in the Application, the Presiding Officer may deem the Application incomplete. The Applicant shall file an amended Application with the Board and the omitted Permit with the PEA that would have subject matter jurisdiction. The Presiding Officer may extend the Board's review time frame when reasonable to ensure adequate participation by each PEA; the Presiding Officer may start a new review timeframe when the Presiding Officer issues a Notice of Completeness.

(b) Changes to a CEIF Project before Final Decision. If an Applicant identifies significant changes to a CEIF Project before the Board issues a final decision, the Presiding Officer may determine the Application incomplete and shall be subject to a Completeness Determination upon filing a supplemented Application. The Presiding Officer may extend the Board's review time frame when reasonable to ensure adequate review of the changes to a CEIF Project; the Presiding Officer may start a new review timeframe when the Presiding Officer issues a Notice of Completeness.

(c) Agency Deficiencies. Each PEA, PAA, Local Government Representative, or Local Government may describe any deficiencies in the Permit documentation provided by the Applicant within 21 days of receipt of notice of a Permit for which they would have subject matter jurisdiction. The Presiding Officer shall determine if a deficiency is substantial and material. The Presiding Officer may deem the Application incomplete as described in 980 CMR 13.09(3): *Incomplete Application* if a deficiency is determined to be substantial and material.

(4) Deficiencies. The Applicant shall file the following within 30 days of notice of the deficiency if the Presiding Officer determines the Application does not substantially and materially comply:

(a) Identify each deficiency in the Application, including the section or permit, and the page number or exhibit.

(b) The complete cured section or Permit for each identified deficiency. If a section or Permit contains multiple deficiencies, provide the complete cured section or Permit for the group of deficiencies identified for that section or Permit.

(c) Include proof of service of notice of the filing of the cured Permit to the PEA, PAA, Local Government Representative, or Local Government whose jurisdictional responsibilities are affected by the deficiency.

(5) Extensions of Time. The Presiding Officer may provide extensions of time to exceed 30 days to cure deficiencies if the Applicant demonstrates extenuating circumstances for the delay. The Applicant shall provide a request for an extension in writing within 30 days of filing the Application. The Presiding Officer shall state a reason for the extension and a new deadline in a ruling on an extension request.

(6) Rejected Applications.

(a) Failure to Timely Cure. The Presiding Officer shall reject Applications if determined to be incomplete and the Applicant does not file a modified Application addressing each identified deficiency within the time permitted. If the Application is rejected for failure to timely cure, absent extenuating circumstances, the Applicant may not file an Application for the same CEIF Project within three months of rejection.

(b) Failure to Cure. The Presiding Officer shall reject an Application determined to be incomplete three consecutive times. If the Application is rejected for Failure to Cure, absent extenuating circumstances, the Applicant may not file an Application for the same CEIF Project within six months of rejection.

(c) Previously Rejected Applications. The Presiding Officer shall deem a rejected Application docket closed. The Presiding Officer shall review any subsequent Application for a CEIF Project independent of any prior Application submitted to the Board.

13.10: EFSB Consolidated Permit Decisions.

(1) Final Decision. The Board shall approve, approve with conditions, or reject each Application for an EFSB Consolidated Permit. The Board shall include findings described in 980 CMR 2.06(3): *Required Findings*.

(2) Zoning Exemptions. Zoning exemptions, if granted by the Board, shall be issued as part of the final decision for an EFSB Consolidated Permit.

(3) Permits. The Board's issuance of an EFSB Consolidated Permit shall be a composite of all individual Permits that would otherwise be necessary for the Construction and operation of a CEIF Project.

(4) Conditions Applicable to the CEIF Project. The Board shall state each common condition and permitting requirement applicable to the CEIF Project. The Board shall identify the entity with jurisdiction to enforce each condition and Permitting requirement.

13.11: Enforcement of EFSB Consolidated Permit Requirements.

(1) Jurisdiction.

(a) The PEA or Local Government shall enforce each condition and Permit requirement whose subject matter is within their jurisdiction as if an EFSB Consolidated Permit had been directly granted by said PEA or Local Government.

(b) The Board shall enforce each condition or Permit requirement whose subject matter is not within the jurisdiction of a PEA or Local Government.

(2) Enforcement Procedure. An alleged violation of conditions or other permitting requirements may be reported to the Board. A copy of the alleged violation shall be provided to the Board and the affected PEA or Local Government.

(a) A violation of conditions or permitting requirement enforced by a PEA or Local Government shall follow enforcement procedures as prescribed by that PEA or Local Government.

1. A PEA or Local Government may request clarification or guidance from the Board regarding a condition or Permitting requirement.

2. The Director shall provide guidance or clarification if a request is made for clarification or guidance.

(b) A violation of the conditions or Permitting requirement enforced by the Board shall proceed as follows:

1. The Board shall receive notice of the alleged violation in writing. The Board may develop a form for submitting a written alleged violation. The form for a written alleged violation shall be specified by the Board in "13.00: EFSB Consolidated Permit Application Guidance."

2. The Director may request additional information on the alleged violation.

3. The Director shall make a timely ruling on the alleged violation. The Director shall provide a copy of the draft ruling to the Person alleging the violation, and the Parties and Limited Participants in the proceeding where the Board granted the EFSB Consolidated Permit. The Director shall set a

deadline for comment on the draft ruling, and consider such comments before issuing a final ruling.

4. The Director may take one or more of the following actions as part of their ruling:

a. Dismiss the alleged violation;

b. Provide time to remedy the alleged violation;

c. Subject the CEIF Project to a probationary period during which the Director may apply additional conditions to maintain compliance with conditions or permitting requirements; or

d. Impose a reasonable penalty pursuant to M.G.L. c. 164, § 69H(4).

REGULATORY AUTHORITY

980 CMR 13.00: M.G.L. c. 164 §§ 69G, 69H, 69P, 69T, 69U, 69V; M.G.L. c. 25A, §21; M.G.L. c. 40A, §3.

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Energy Facilities Siting Board

APPENDIX-1 TO 980 CMR 13.00 APPLICATION GUIDANCE

Draft Guidance

September 4, 2025

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I. OVERVIEW AND GENERAL INSTRUCTIONS

A. Purpose and Scope

The purpose of this Guidance is to inform Applicants seeking consolidated siting and permit approvals from the Energy Facilities Siting Board ("Board" or "EFSB") for Clean Energy Infrastructure Facilities ("CEIF) as to what should be included in an Application. See 980 CMR 13.00. The Guidance is intended to help Applicants prepare a well-organized, informative, clear, and consistent Application submission to assist the Board, other state, regional, and local permitting agencies ("Permit Enforcement Agencies" or "PEA"), and community stakeholders in their review of the Applicant's proposed Project. Importantly, this Guidance will also help an Applicant obtain a "Notice of Completeness" from the EFSB, commencing a mandatory timeline for EFSB adjudication and issuance of a final decision and Consolidated Permit. This Guidance will apply to Project Applications filed on or after July 1, 2026. This Guidance is intended to explain the Board's regulations at 980 CMR 13.00.[1] This Guidance will be updated from time to time.

A Consolidated Permit includes the longstanding EFSB Approval to Construct ("EFSB Construction Permit") and all other state, regional, and local permits and approvals necessary for construction and operation of a CEIF. A Consolidated State Permit would include all necessary state permits.[2] The Guidance focuses on informational requirements that are unique to the EFSB Construction Permit, while relying substantially on the content of Massachusetts Department of Energy Resources' ("DOER") forthcoming small CEIF ("SCEIF") Application Form(s) for Consolidated Local Permits, and other state agency permit applications for the corresponding state permits.[3] See 225 CMR 29.00. To the extent that zoning exemptions are sought by an Applicant, the Board encourages Applicants to prepare their Applications inclusive of the separately requested zoning exemptions.[4] See 980 CMR 13.04.

The Board's scope of review for an Application is broad and includes topics unique to the EFSB review, and other topics largely addressed in the other agencies' permit programs which would be folded into an EFSB Consolidated Permit. The EFSB Construction Permit would address compliance with the wide-ranging statutory requirements applicable to EFSB. See M.G.L. c. 164 §§ 69G – 69W. To the extent that Applicants identify duplicative information requirements across different state and local permit programs and applications, the Applicant may cross-reference information in its Application submission to avoid such duplication.

The Board has endeavored to make the Guidance as useful as possible for Applicants. However, the Board is aware that it may not have anticipated and addressed all the informational needs that could be relevant to a particular Application. Therefore, prospective Applicants are strongly encouraged to consult with staff of the Board prior to submission of an Application to address any unique or Project-

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1 The definitions in 980 CMR apply to this Guidance.

2 A Consolidated Permit pertains to CEIF Applications filed with the Board under M.G.L. c. 164, §§ 69T and 69U; a Consolidated State Permit would pertain to M.G.L. c. 164, § 69V Applications. When referring to them jointly, "**EFSB Consolidated Permit**."

3 DOER is developing its Application Form to support Consolidated Local Permitting.

4 A separate zoning exemption petition would be submitted to the Board, if requested by an Applicant. The zoning exemption petition and EFSB Consolidated Permit would be consolidated in a single EFSB proceeding to be issued together in an ESFB Consolidated Permit. See 980 CMR 13.04(2).

specific informational considerations. In the event of a conflict between this Guidance and applicable statutes, regulations, or decisions of the Board, said statutes, regulations, and decisions shall govern.[5]

Current Status: The 2024 Climate Act directs the Board to establish criteria governing the siting and permitting of LCEIF and SCEIF that include "a uniform set of baseline health safety, environmental and other standards that apply to the issue of a consolidated permit." M.G.L. c. 164, §§ 69T(b), 69U(b), 69V(b). This language mirrors the requirements in the 2024 Climate Act for DOER's development of a program for siting and permitting of SCEIF by Local Governments. Given the similarities between the EFSB's and DOER's responsibilities in establishing baseline standards, the overlapping scope, and the benefits of a consistent approach, EFSB and DOER are collaborating on developing permitting standards. The intention of this joint undertaking is to compile a comprehensive database of existing permitting standards, by energy facility type, seen in general use by state and local PEAs. Using this database, and with substantial input from state and local permit agencies and other stakeholders, EFSB and DOER will endeavor to develop a uniform set of baseline health safety, environmental and other standards, as each agency is required to do by the 2024 Climate Act.

EFSB and DOER also have similar responsibilities in developing "common conditions" applicable to CEIF permits. For the same reasons described above, EFSB and DOER also see considerable benefit in collaborating on developing common conditions for CEIFs. Again, this effort will involve compiling information from other state and local PEAs in a database, and working jointly to develop common conditions, by energy facility type, with agency and stakeholder input.

B. Application Filing Process

1. Filing Instructions

a. The Applicant should use clear, concise, and plain language that presents relevant and material facts regarding the Project. The Application should specifically address each required finding, determination, and consideration that the Board will need to make in its decision, as well as the basis for the Applicant's request that the state and local permits should be granted by the Board.

b. Applicants should provide all data, assumptions, and calculations relied upon and provide the source of, and basis for, all data and assumptions employed.

i. Include all studies, reports, and planning documents from which data, estimates, or assumptions were drawn, and support for how the data or assumptions were used in developing the projections or estimates.

ii. Provide and explain each supporting work paper.

c. For state Permits and approvals, Applicants should use the application forms, procedures, and required content specified by the relevant PEAs whose permits are being sought in an EFSB Consolidated Permit. See 980 CMR 13.05(a). For local and regional permits included in DOER's Consolidated Local Permit program, Applicants should use the appropriate DOER SCEIF Application Form(s), with modifications described in this Guidance.

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5 To the extent that any requirements in this Guidance request information that is confidential, the Applicant may provide that information consistent with the procedures in 980 CMR 1.06(5)(f).

d. In the event an Applicant identifies conflicting requirements between different permitting programs, or where relief from zoning ordinances is being sought under a separate petition filed with the Board, and the Applicant cannot resolve any such conflicting requirements through pre-filing Agency Consultation (as defined in 980 CMR 16.02), then the Applicant may propose a resolution in its Application. Such proposed resolutions to conflicting requirements must be identified and explained in the Application with the Board. See Section III.D: Application Conflicting Requirement Summary.

e. If the same information is required for more than one permit application or exhibit, it may be supplied in a single permit application or exhibit and cross-referenced (and hyperlinked) in the other permit applications or exhibit(s) where it is also required. See 980 CMR 13.05

f. For all maps, include a map title, a north arrow, an accurate scale, a detailed legend, the source of the data, and the date the map was published, if applicable. Project overview maps should typically include:

   i. The outline and centroid of every major Project component;

   ii. The Project area as defined by the Applicant; and

   iii. Boundaries of lots/parcels associated with the Project.

g. Geospatial data should be filed in common file formats such as GIS shapefiles (.shp), and in the projection and datum (e.g., NAD 1983 State Plane Massachusetts Mainland FIPS 2001 Feet) appropriate for Board review of the Project.

h. Submit each document in a searchable PDF file format, unless prior permission to submit in another form is obtained from the Presiding Officer. Other file types may be submitted, if appropriate (e.g., Excel, Word, PowerPoint files). However, a searchable PDF of such files is also required.

i. File names must include the exhibit number (which provides a recognizable abbreviation for the Applicant) and a brief descriptive phrase. For example, "Exh. GET-1 Initial Petition" ("GET" for "Grid-Enhancing Tech Company").

j. For each file consisting of ten or more pages, add a table of contents (hyperlinked to the specific page) citing the related sections by page and section number.

2. Electronic and Hard Copy Filing

a. Pre-filing requirements in 980 CMR 16.00 for projects under M.G.L. c. 164, §§ 69T and 69U require prospective Applicants to notify the Board no less than 45 days and no more than 90 days prior to filing an Application with the EFSB.[6] Upon

6 Pre-filing requirements for Consolidated State Permits (under M.G.L. c. 164, § 69V) will follow the pre-filing requirements established by DOER for Consolidated Local Permits. See 980 CMR 16.00; 225 CMR 29.00.

notification, Board staff will create a docket number(s) for the Application and enable posting for pre-filing materials.

b. Submit each document electronically to the Board through the Board's electronic filing system (e.g., the Department of Public Utilities' ("DPU") Electronic Fileroom). Each document submitted will be posted on the electronic filing system.[7]

c. The Board requires a minimum of one hard copy of the complete Application filing for record and public viewing purposes. In addition, prior to submission of the Application, the Applicant must contact the Program Coordinator assigned to the proceeding to inquire if additional hard copies will be necessary, and, if so, how many.

II. REQUIRED COMPONENTS OF EFSB CONSOLIDATED PERMIT APPLICATION

The following sections provide an overview of the main components of an Application:

A. Completeness Determination Checklist

The Completeness Determination Checklist provides a means of confirming that the necessary components of an Application have been prepared and submitted. The Presiding Officer, with input from PEAs and Local Governments, will make a determination based on a review of the Application as to whether it satisfies the requirements for "Notice of Completeness." See 980 CMR 13.01(4) [See Attachment 3 TBD].

B. Draft Notice Templates

The Board requires the Applicant to distribute Notices of Public Comment Hearing and Adjudication by mail and other media to formally announce the submission of the Applicant's Project to the EFSB for review, and upcoming public comment opportunities. Such notices include information on how to participate in the public comment hearing and also in the proceeding, as well as an overview of the Project. Recent examples of notices, which generally conform to a standard form, can be found on Board's website: EFSB/Siting Calendar | Mass.gov. (Click here for a direct link to a notice.) [The Board will provide a template to assist Applicants in preparing a standard draft Notice with the Application -- TBD.]

C. Other State, Regional, and Local Permits and Approvals

This section of the Application will contain the specific documents required for the Board, PEAs, permit advisory agencies ("PAAs"), Local Government(s), and other stakeholders to evaluate the Applicant's request for Permits that are within the Board's authority to issue in an EFSB Consolidated

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[7] The Board may create a new filing portal in coordination with DOER. The new portal would enable applicants to upload files directly, similar to existing Massachusetts Environmental Policy Act ("MEPA") and Massachusetts Department of Environmental Protection ("MassDEP") filing portals.

Permit.[8]

For state permits, the Guidance relies on existing Permit application forms and filing requirements by the PEAs whose permits and approvals will be included in an EFSB Consolidated Permit. For the local components of Applications, the Board intends to rely extensively (but not exclusively) on DOER's SCEIF Application Form(s).[9] To the extent that zoning relief is sought by Applicants, Applicants should prepare their Applications inclusive of the separately requested zoning exemptions.

The Board intends to align EFSB Consolidated Permit Application requirements with DOER's Consolidated Local Permit regulations, to the greatest extent practicable. The EFSB will supplement and update this Guidance after DOER releases the details of its Consolidated Local Permit program and application(s).

D. Proposal and Analysis Sections ("P&A")

The purpose of the P&A Sections is to explain the type of information required for the Board to issue an EFSB Construction Permit, as well as context supporting other Permits and approvals. Existing Applications to the Board have largely relied on using Applications from previous years as a basis. This Guidance is intended to explain and standardize what has largely evolved over time through Board precedent and practice. The Guidance establishes the minimum filing requirements, which may need to be supplemented by the Applicant, as appropriate.

In appearance, the P&A should closely resemble the type of information that the Board has previously received in an Application or "Analysis" sections supporting petitions (filed under M.G.L. c. 164, §§ 69J, 69J¼) and Zoning Exemption requests (M.G.L. c. 40A, § 3 and St. 1956, c. 665, § 6). The P&A would also contain similar material to past MEPA filings for Energy Facilities, i.e., Expanded Environmental Notification Forms, Draft Environmental Impact Reports, and Final Environmental Impact Reports. As good practice, Applicants are encouraged to meet with EFSB Staff prior to filing to clarify the scope and type of information required.

E. Zoning Exemptions

If applicable, the Applicant will describe all zoning exemptions that the Applicant asserts the Project would need in order to be constructed and operated, as summarized in Exhibit Y below:

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8 M.G.L. c. 164, § 69G recognizes that certain federal permits may be delegated to specific state agencies, and therefore, would not be included in an EFSB Consolidated Permit.

9 M.G.L. c. 25A, § 21 defines "Local Government" as a municipality or ***regional agency***, [emphasis added] including, but not limited to, the Cape Cod Commission and the Martha's Vineyard Commission. See St. 2024, c. 239, § 23.

Exhibit Y
Zoning Exemption Table

Zoning Provision from which Exemption is Requested	**Local Zoning Exemption Required**	**Why Exemption is Required**

F. Fee Worksheet [TBD]

[The EFSB and DPU will issue updated EFSB fee regulations for the EFSB Consolidated Permit process. See 220 CMR 32.00. The Board will issue a fee schedule based on the forthcoming Application fee regulations.]

G. Project Overview Presentation

Applicants are encouraged to supplement the written Application materials with a short (approximately 5-minute) visual presentation overview of the Project (e.g., a video). The Applicant should also link the video on its Project website. The Board will post a link to the presentation in the DPU/EFSB Fileroom and on the EFSB's website for the Project.

The presentation should provide factual information using neutral language and avoiding a tone of "marketing advocacy" for the proposed Project, with images of proposed Project sites/routes, and visual renderings that would aid the public in gaining an understanding of the Project. The presentation must be compatible with on-demand closed captioning, translated closed captioning, and other accessibility features.

III. STATE, REGIONAL AND LOCAL PERMITS REQUESTED

The following information and attachments shall be provided by Applicants for each Permit and approval which would otherwise be required, absent an EFSB Consolidated Permit:

- Permit name;
- Permit type: state/regional/local;
- PPEA, and the related permit program (e.g. "Wetlands Program");
- Application fee that would have otherwise applied to this type of facility, if submitted to the PEA;

- PAA[10] (if required by law or regulation);
- PEA statutory and regulatory authorities for Permit;
- Website (URLs) for PEA's Permit rules, forms, and general requirements and guidance;
- Completed Permit application form, i.e., the application for the permit that would normally be submitted to the State PEA, or to a Local Government under the DOER Consolidated Local Permit application requirements at 225 CMR 29.00 (or the actual local agency PEA forms, if not covered by the DOER Consolidated Local Permit application); and
- A proposed draft Permit for the Project, including all applicable EFSB, DOER and State Agency Common Conditions, and any other site-specific conditions proposed by the Applicant. For State Permits, Applicants shall use the standard PEA permit format and include State Agency Common Conditions; for local permit(s) Applicants shall use DOER's Permit format and DOER's Common Conditions.[11] See Attachment 1: EFSB Standard Conditions.

The Applicant's proposed draft PEA permit(s) shall highlight all instances where established PEA program requirements are in conflict and the Applicant's proposed resolution(s) thereto. All such proposed resolutions must be identified in the Permit Application submission and summarized in the Draft Permit Conflicting Requirement Summary Table (see example below):

Exhibit X
Application and Draft Permit Conflicting Requirement Summary Table

Permit Name	Description of Conflicting Requirement(s) Between Different PEA Permit Programs	Proposed Resolution (Please cite (and hyperlink) to Application page where the proposed resolution occurs)

10 A PAA describes agencies that have a statutory or regulatory responsibility to advise a PEA during the usual review process for a particular permit. See 980 CMR 13.01(4).

11 To facilitate the efficient review and adjudication of the Applicant's proposed permits, such forms must be submitted as editable text, in Microsoft Word, regardless of the PEA's normal permit issuance format (e.g., PDF, Excel, etc.).

IV. PROPOSAL & ANALYSIS: GENERAL SECTION

A. Executive Summary

Describe the proposed Project in a concise and clear narrative that uses plain English in an Executive Summary, which should include:

- Basic description of the Applicant's proposed Project, major components, locations, and surrounding community and land uses;
- Purpose of the proposed Project and intended energy/environmental benefits;
- Estimated Cost (for LCTDIF and SCTDIF only);
- Construction timing and key methods;
- Potential environmental, health, and safety impacts, and how the proposed Project avoids, minimizes, and mitigates them through Project design and the use of Common Conditions or Applicant-proposed site-specific conditions;
- Summary of Cumulative Impact Analysis ("CIA") (if applicable; See 9 80 CMR 15.00), Site Suitability Criteria scoring evaluation (if applicable), and other mitigation strategies; and
- Summary of pre-construction outreach plan and intended follow-on communication and engagement plan with community during construction and operational phases; sources of Project information (e.g., websites, hotlines, meetings, electronic filing systems.)

B. Application Overview

Provide the following listed information in the Application Overview:

1. Applicant Information

- Applicant's legal name;
- Applicant's mailing address, phone number, email address, Project webpage URL;
- A brief explanation of Applicant's type of business entity, including its date and location of formation and the name and address of any parent entities;
- Name of Applicant's representative, mailing address, phone number, email address (if different from Applicant company);
- Project owner(s) (if different from Applicant) and ownership percentages;
- If the Project is to be owned by a corporation, a copy of the charter of such corporation. If the Project is not to be owned by a corporation, a copy of the certificate or other documents of formation; and
- Project owner(s) mailing address, company webpage URL (if different from Applicant).

2. Application Information

- Project name;
- Municipalities where Project would be located;
- Assigned EFSB docket number(s) for the Application;
- Does the Application include a separate request for zoning exemptions? If so, provide the docket number;
- Project type (e.g., LCTDIF, SCTDIF, LCEGF, SCEGF, LCESF, SCESF);
- Status of Project design (percent completed);
- Proceeding Type (e.g., M.G.L. c. 164, §§ 69T, 69U, or 69V);
- Has the Project, or any portion of it, been filed with the Board or the DPU for siting/permitting approvals before;?
- Have any projects on this site been filed with the Board or DPU before for any type of siting/permitting or other regulatory approvals? If yes, list the projects' EFSB/DPU docket number(s);
- List any related EFSB/DPU docket(s) that explicitly address the Project, including but not limited to, the following areas of review: planning, ratemaking, safety, operations, contract review, and enforcement actions. If any such reviews have taken place as informal (non-docketed) matters, provide relevant summary details;
- List all federal permits and approvals required for the proposed Project. See 980 CMR 13.05. [Note: This question is for context only; the EFSB does not issue federal permits.] Provide the following for each such permit:
    - Permit name;
    - Permit Agency, and issuing program entity;
    - Statutory and regulatory authorities for permit issuance;
    - Status of the permit process;
    - Website URLs to permit agency's permit rules, forms, and general requirements and guidance; and
    - Website URLs for Project application(s) filed with federal agencies.

3. Project Description

Describe the Project in detail in the Project Description and include the following information:

- An overview of the proposed Project including a brief description of size, ratings, purpose, location, and expected use;
- General description of the community where the Project would be located (e.g., land use, population);
- The major components of the Project, which may include, but are not limited to: generating equipment, energy storage units, conductors, structures/towers/containers, insulators, splice

vaults, transition vaults, interconnection facilities, substations and switching stations, inverters, converter stations, collection lines, access roads, laydown areas, stormwater facilities, parking and vehicle access points, administrative, maintenance and control facilities, and any other related on-site facilities and equipment;

- Estimated Cost (only required for LCTDIF and SCTDIF -- other than generator interconnection lines);
- General Project construction methods, including the following:
  - Construction phases;
  - Construction methods;
  - Construction crews;
  - Staging areas and material delivery procedures; and
  - Any other details necessary for the Board review of Project construction, including a Construction Management Plan.
- A Gantt Chart showing the timing and duration of the entire Project and the stages of construction;
- Identification and discussion of any site-specific adverse environmental impacts of the proposed Project and the manner in which the Applicant has proposed these impacts would be avoided, minimized, or mitigated by Project design or the EFSB and DOER's Common Conditions, the Applicant's proposed site-specific mitigation, design improvements, Project and/or site alternatives, or community benefit plans or agreements;
- Append the following, or include as figures as appropriate:
  - Area Locus Map (or United States Geological Survey) Quadrangle Map with Project and Project Area delineated;
  - Map of the Project Area as defined by the Applicant;
  - Site plans, including general construction plans and elevation view drawings;
  - Design and technical drawings;
  - Transmission and distribution system diagrams/maps of the existing electric system in the Project Area, including other projects in development; and
  - Visual simulations, before and after construction, from key vantage points of greatest visibility.

4. Project Site

Describe all property (e.g., parcels, lots, easements) involved in the Project, including the following:

- The proposed location of the Project facility, including proposed electric collection and transmission lines and interconnections, as well as ancillary features located on the Project site such as roads, railroads, switchyards, energy storage or regulation facilities, substations and similar facilities;
- General dimensions of the Project site including area in acres or square feet;

- A description of the maximum height of transmission and distribution structures, substations, solar panels, wind turbines, storage tanks, energy storage facilities, and associated electrical equipment;
- The proposed limits of clearing and disturbance for construction of all Project components and ancillary features including laydown yards and temporary staging or storage areas;
- Existing land ownership, including whether ownership is private, public, tribal, conservation-based, and/or other;
- Proposed land ownership status (e.g., would the Applicant own the land);
- Identify any financial assistance or land transfer from an agency of the Commonwealth, including the agency name and the amount of funding or land area in acres;
- The location of noise-emitting facilities during operation, such as inverters and transformers, including the distance to occupied structures, property lines, and public rights-of-way;
- A map using satellite imagery (or aerial photograph) with depictions of planned facilities, fences, roads, occupied buildings, and planned screening, landscaping, and vegetative cover;
- The proposed location of any off-site utility interconnections, including all electric transmission lines, communications lines, stormwater drainage lines connecting to and servicing the site of the facility; and
- Output report from ResilientMass Action Team ("RMAT") Climate Resilience Design Standards Tool.

5. Surrounding Area

Describe the general characteristics of the area surrounding the Project (within at least one-half mile of the proposed facilities) using maps and related geospatial data where appropriate. The Application description should include the following information:

- Geophysical, environmental, cultural resource, land use, and other constraints impacting facility design and layout within the Project area. Constraints shall include but are not limited to: state protected wetlands and waterbodies, lands used in agricultural production, prime agricultural soils, environmentally sensitive areas (e.g., threatened or endangered species locations, archaeologically sensitive areas), required setbacks;
- State, regional, and municipal boundaries;
- Adjacent neighborhoods and the populations residing therein;
- Recreation and conservation areas;
- Major institutions, landmarks, and facilities;
- Waterbodies and other notable topographical features; and
- Major overhead and underground energy facility infrastructure, including transmission lines, electrical stations, generation facilities, energy storage facilities, gas pipelines, telecommunications, and water/sewer facilities.

V. PROPOSAL & ANALYSIS: CONSULTATION AND COMMUNITY ENGAGEMENT

A. Community Demographic Information

Describe the following language and demographic information for the community or communities affected by the Project, including the following information:

- Pursuant to the Board's current Language Access Plan ("LAP")https://www.mass.gov/info-details/efsb-environmental-justice-information: Identify the presence of any Census Block Groups within designated geographic areas[12] of the Project's boundaries in which five percent or more of the population reports speaking a specific non-English language and also indicate that they "speak English less than very well" ("Limited English Proficiency" or "LEP"); identity each Census Block Group that meets this population threshold, and the relevant languages in each Census Block Group;
- Presumptive translation and interpretation required by the Board LAP;
- Burdened Areas ("BA") within the Specific Geographic Area of the Project for CIA purposes [The Board is in the process of drafting regulations for application of CIA for EFSB-jurisdictional CEIF under 980 CMR 15.00].

B. Pre-Filing Consultation and Community Engagement

Provide an affidavit and documentation of compliance pursuant to 980 CMR 16.00 and provide a summary of pre-filing consultation and community engagement conducted. Describe the Applicant's past and ongoing efforts towards establishing a Community Benefits Plan or Community Benefits Agreement with stakeholders in the affected communities.

C. Community Outreach Plan

This section details how Applicants should develop communication and engagement plans ("Community Outreach Plan" or "COP") for construction and operation phases of the Project, for inclusion in EFSB Consolidated Permit.

The COP should use plain language, and include:

1. Coordination Component

The Applicant is expected to coordinate with stakeholders, including abutters, municipal officials, community groups, and property owners regarding:

- Development of the COP; and

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12 The current designated geographic area varies according to project type, as follows: (a) one quarter mile from the boundaries (such as edges of rights-of-way) of linear projects or linear project components that are not site-specific and lack a single point address, such as transmission lines and gas pipelines; and (b) one mile from the boundary of projects and project components for electrical switching stations, substations, pipeline meter stations, gas regulators, electric generating facilities, gas storage facilities, energy storage systems, or gas compressor stations. The Applicant should ensure that it is using the designated geographic area from the current EFSB LAP.

- Discussion of upcoming construction activities prior to each major construction stage, including: (1) those that would create significant adverse impacts on or affect access to stakeholders' properties, including traffic lane and street closures and detours; and (2) planned or unplanned construction activities that would occur outside of regular work hours, including during nighttime, weekends, and public holidays.

2. Notification Component

- Notice sent via email, U.S. mail, or hand-delivered flyers or door hangers to abutters and other stakeholders regarding advance notice of scheduled construction activities in affected neighborhoods, including: (1) the scheduled start, duration, and hours of construction in particular areas; (2) the methods of construction that will be used in particular areas (including any use of nighttime construction); and (3) anticipated traffic lane and street closures and detours, as well as special deliveries such as involving outsized equipment or components;
- Translations into appropriate languages for the Project area, consistent with the EFSB current LAP provisions for presumptive language services;
- Outreach protocols to sensitive receptors of upcoming construction; and
- Work area signage.

3. Communication Component

- Project representative(s) contact information;
- Creation of webpages displaying Project information;
- Creation of a telephone hotline, email address, and point of contact for public inquiries and complaints and a protocol to respond to complaints in a timely manner;
- Regular email updates to municipal officials and email lists; and
- Opportunity to sign up for updates via the Applicant's Project website.

VI. PROPOSAL & ANALYSIS: PROJECT NEED (FOR LCTDIF AND SCTDIF)

A. Basis of Need

- Describe the basis of need for the Project and provide supporting documentation;
- Identify transmission and/or distribution system reliability issues (including due to system planning criteria from NERC, NPCC, ISO-NE, etc., or environmental risk to system infrastructure);
- Provide current Project area load projections by substation, over a 10-year (or longer) period;
- Describe asset condition improvement or modernization needs (e.g., damage to electric line structures, cable, obsolescence, outdated specifications);
- Describe performance improvement/economic benefit objectives of the Project supporting need;
- Describe interconnection need for generation or energy storage facilities; and
- Other state and federal policies that support Project need.

B. System Background Conditions

Describe system background conditions, including:

- The Project Area's electric system topology, including: transmission and major distribution lines, generation/storage sources and expected retirements, substations, customer energy requirements served, and particular concerns regarding critical infrastructure or vulnerable populations;[13]
- If applicable, any electrical load pocket(s) in the electric system which require relief;
- Information about whether the Project facilities would be part of a regional transmission system (e.g., pool transmission facilities, "PTF") or local transmission (non-PTF);
- The nameplate capacities and long-term emergency ("LTE") ratings of transformers, the firm capacity for substations, and the N-1 and N-1-1 contingency scenarios and timelines for potential overloads; and
- If applicable, equipment performance concerns or recurring line outage history.

C. Load Forecast Studies

If the Project need is based on ISO New England ("ISO-NE") system studies, or company-specific load forecast studies, provide said studies. Other relevant studies (such as Electric Sector Modernization Plans (ESMPs), or Long-Term System Planning Program studies) may also be provided (or referenced) to demonstrate Project need.

- If the Project need is based on existing or forecasted demand for interconnection of CEIF, describe the interconnecting facility and current interconnection queue related to the Project.
- If Project need is based on a load projection, provide a reviewable, appropriate, and reliable load forecast or forecasts. Such forecasts:
    - Are based on accurate historical information and reasonable statistical projection methods, which should include an adequate consideration of conservation and load management;
    - Include a full description of the load forecast methodology, including the relevant standards, and expected accuracy levels; and
    - Address significant trends including: energy efficiency, clean energy generation, energy storage, major known step-load additions or expected load retirements, and electrification of buildings and transportation uses, and provide relevant breakdowns of these sub-categories of demand.

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13 Applicants shall file confidential system information pursuant to 980 CMR 1.06(5)(f).

D. State Policies

If Project need is related to implementation of state policies, identify the policies (e.g., policy documents, statutes, regulations, rulings, orders and decisions) and describe how they influence Project need.

E. Consequences of "No Build"

Regardless of the asserted basis of Project need, describe the consequences of leaving the existing transmission and distribution system as is. Relevant considerations include:

- System failures (e.g., areas/number of customers affected, anticipated time to restore service, damage to the system, economic/public health/safety consequences of outages);
- Non-compliance with state policies, or established reliability standards; and
- Whether any stopgap improvements, and/or operational measures could defer the need, and if so, for how long and at what cost/impact.

VII. PROPOSAL & ANALYSIS: DESCRIPTION OF ENERGY BENEFITS

- For LCTDIF and SCTDIF Applications, describe any additional benefits the Project would provide in addition to the Project need identified in the section above and append any supporting studies or calculations.
- For LCEGF, LCESF, SCEGF and SCESF Applications, describe any energy benefits the Project would provide, in the following context:
  - In light of the Board's goal to "provide a reliable, resilient and clean supply of energy," energy benefits could include, but are not limited to:
    - Enhancing energy system reliability;
    - Meeting future energy load projections;
    - Achieving state policy goals such as Net Zero climate goals;
    - Offering financial savings or stability to customer or wholesale market energy costs; and
    - Expanding energy access or service quality to underserved communities.
  - Specify to whom the benefits would be provided (e.g., the ISO-NE region, the Commonwealth, the affected municipalities, specific ratepayers, Project partners, etc.).
  - Append any supporting studies or calculations.

VIII. PROPOSAL & ANALYSIS: PROJECT ALTERNATIVES (FOR LCTDIF AND SCTDIF)

For LCTDIF and SCTDIF Projects:

- Describe how the Applicant has considered or implemented alternative approaches to meet the identified Project need, including but not limited to the following:
  - Advanced transmission technologies;
  - Grid enhancement technologies;
  - Non-wires alternatives, such as energy storage, distributed energy resources, etc.

- Alternative methods of transmitting or storing energy, including distribution system solution alternatives;
- Alternative sources of power;
- A reduction of demand requirements through load management;
- How the Project will increase the capacity of the system to interconnect large electricity customers, electric vehicle supply equipment, clean energy generation, clean energy storage or other clean energy generation sources that qualify under any clean energy standard regulation established pursuant to M.G.L. c. 21N, § 3(d), or will facilitate the electrification of the building and transportation sectors; and
- Other alternatives to avoid or minimize expenditures.

- Provide a comparison of the above Project alternatives with the Project in terms of ability to meet the identified Project need; cost (both capital and net present value ("NPV") of capital and operating costs); energy benefits and other co-benefits; environmental impacts; reliability; feasibility; other state policy considerations, such as Environmental Justice or CIA; and Project management considerations;
- Describe whether, on balance, the proposed Project is superior to the alternative approaches identified; and
- Append any supporting studies or calculations.

IX. PROPOSAL & ANALYSIS: ROUTE SELECTION AND SITE SELECTION (FOR LCTDIF AND SCTDIF)

The Board's statutes do not impose the same requirements on LCTDIF or SCTDIF as compared with clean generation/energy storage facilities for the Board's evaluation of site and Project alternatives. For LCTDIF or SCTDIF (under both M.G.L. c. 164 §§ 69T and 69U)], the Applicant must provide "a description of the alternatives to the large [and small] clean transmission and distribution infrastructure facility, including siting and Project alternatives to avoid or minimize or, if impacts cannot be avoided or minimized, mitigate impacts."

Regarding clean energy storage and clean generation facilities, the Applicant must provide "a description of the Project site selection process and alternatives analysis used in choosing the location of the proposed large [or small] clean energy generation facility or large clean energy storage facility to avoid or minimize or, if impacts cannot be avoided or minimized, mitigate impacts." Unlike the requirements for LCTDIF or SCTDIF projects, the Board's statute does not specifically mandate "siting and project alternatives" for clean energy storage and generation facilities.[14]

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14 The statutory language for clean generation and energy storage facilities is similar to the language for legacy generation facilities contained in M.G.L. c. 164, § 69J¼ that imposes only a ***descriptive*** requirement on the applicant regarding its site selection. In contrast, the Site Suitability Criteria, established by EEA, are specifically intended to help guide the proponent's selection of sites for clean generation and clean energy storage facilities, and not be limited to an after-the-fact "descriptive" use. The Board is required to develop standards for applying the Site Suitability Criteria.

A. Route/Site Selection

The route/site selection process involves the following steps in EFSB proceedings:

- T&D Project route/site selection often revolves around connecting existing, upgraded, or new substations or switching stations to other such substations (or switching stations) to address identified system needs. This is generally the starting point for analysis of transmission line routing options;
- Where new substations/switching station locations are required, Applicants shall identify relevant factors for consideration of potential sites, such as ownership status, local zoning, community input, engineering and planning considerations, constructability, environmental impacts, site security, and cost;
- The Applicant shall also identify the objectives for route selection for the LCTDIF or SCTDIF. Such factors may include environmental impact avoidance, minimization and mitigation to built and natural environments, constructability constraints, reliability, and cost, among others;
- The Applicant shall describe geographical diversity among the proposed routes/sites and the alternatives considered for the Project. The Applicant should evaluate geographical diversity as a function of land use, vegetation cover, population density, presence or proximity to sensitive receptors, archeological and historical resources, pollutant sources and regulated contaminated sites, water resource areas, existing public roads and utility corridors, cost, and reliability considerations. In general, the Applicant must establish that it identified at least two noticed sites or routes with some measure of geographic diversity.[15]
- Consideration of CIA – the Board is required to evaluate cumulative impacts for all jurisdictional energy facilities. The Board is proposing a route/site scoring system that integrates CIA factors into the evaluations; See 980 CMR 15.00; and
- EEA's Site Suitability Criteria apply to LCTDIF or SCTDIF where Applicants propose to construct them in newly established public rights of way.

B. Superior Route/Site Not Overlooked

The Applicant must establish that it developed and applied a reasonable set of criteria for identifying and evaluating alternative routes/sites in a manner that ensures that it has not overlooked or eliminated any routes/sites that, on balance, are clearly superior to the proposed route/site. The following steps describe a method, based on precedent, to achieve this objective:

- Identification of a Project Study Area: defines the geographic boundaries of where facilities could be located that would serve the identified Project need, and provides a wide range of siting options to consider;

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15 Given that the designation of a noticed alternative route: (a) is not required by statute; (b) necessitates that a project proponent expend significant funds in both developing and supporting a noticed alternative route; and (c) has the potential to raise concern unnecessarily among potential abutters and others in the affected communities, the Board has indicated that a noticed alternative route may not be warranted in all cases. See e.g., Mid-Cape Main Replacement Project, EFSB 16-01, at 21 (2016).

- Development of a Universe of Routes: this step involves considering many possible routing options between two or more points (such as substations) that offer geographic diversity, and a wide variety of route characteristics such as distance, environmental impacts, construction challenges, community factors, cost, and reliability. In urban areas, the number of routing possibilities can be quite large, and various screening procedures can be used to down select to the more promising candidates;
- Identification of Candidate Routes: This step allows an Applicant to screen the Universe of Routes to reduce the number of options to a more manageable number of promising candidates. In this step, Applicants will typically consider early stakeholder input, and conduct pre-filing meetings with local and state regulatory agencies, and elected officials. Screening procedures include desktop and GIS analysis, document and plan review, site reconnaissance, general constructability assessments, cost considerations, deed research/property rights evaluations, evaluation of the presence of wetlands/waterways, traffic analyses, and a review of active and future planned developments;
- Route Scoring: Environmental, Constructability, and CIA [tbd];
- Cost Analysis: A more detailed comparison of estimated cost for the Candidate Routes;
- Reliability Analysis: A more detailed evaluation of any differences in reliability of the LCTDIF or SCTDIF infrastructure related to the routing characteristics;
- Selection of a Preferred Route and Noticed Alternative Route: This step results in two remaining route choices for final evaluation based on relevant factors such as environmental impacts, reliability, cost, and cumulative impact considerations. May also include "route variations," which are short alternative segments of a route intended to address potential issues such as land acquisition/access constraints and construction impediments; and
- Pre-Filing Consultation and Engagement: As part of 980 CMR 16.00, the Applicant should provide ample information about the process and substance of communications between the Applicant and the host community, its stakeholders, elected officials, and state and local agency representatives. The Board has found that contemporaneous meeting minutes are of great value in its review process. Applicants should share these minutes with meeting participants to ensure their accuracy.

X. PROPOSAL & ANALYSIS: SITE SUITABILITY CRITERIA (CEIF)

A. General Requirements

In 980 CMR 15.00, the Board is establishing standards for applying Site Suitability Criteria developed by EEA. The Board was directed establish "standards for applying site suitability criteria developed [by EEA pursuant to M.G.L. c. 21A, § 30] to evaluate the social and environmental impacts of proposed clean energy infrastructure project sites include a mitigation hierarchy to be applied during the permitting process to avoid or minimize or, if impacts cannot be avoided or minimized, mitigate impacts of siting on the environment, people and goals and objectives of the commonwealth for climate mitigation, carbon storage and sequestration, resilience, biodiversity and protection of natural and working lands to the extent practicable." M.G.L. c. 164, § 69T. With respect to LCTDIF and SCTDIF, the applicability of the Site Suitability Criteria is limited to LCTDIF or SCTDIF in "newly established public rights of way." M.G.L. c. 21A, § 30.

B. Applicant Instructions

CEIF Applicants must:

- Use the Site Suitability Criteria established by EEA to evaluate proposed sites and routes, as applicable. In the case of proposed LCTDIF and SCTDIF that are not in "newly established public rights of way," there is no required evaluation for such facilities using the Site Suitability Criteria in such locations; and
- Include a report summarizing an analysis of candidate routes and sites using the Site Suitability Criteria, and explain how, and to what degree, the Site Suitability Criteria influenced the Applicant's selection of a preferred route/site versus alternative locations. Include a narrative on how the Site Suitability Criteria guided the Applicant's Project development approach in terms of avoiding, minimizing, and mitigating impacts on the environment and people to the greatest extent possible.

XI. PROPOSAL & ANALYSIS: ENVIRONMENTAL IMPACTS

A. Land Use and Land-Based Resources

1. Project Site Locus

Provide a detailed description of the Project locus (reference above sections on Project Description, Project Site, and Surrounding Area, as necessary), including:

- All zoning designations applicable to the Project site (e.g., districts, overlays) and corresponding compliance criteria (e.g., permitted uses; dimensional, setback, parking, open space requirements);
- The topography of the Project site(s) and surrounding area(s); and
- A qualitative description of the general character (e.g., urban, rural, industrial) of the surrounding land uses and describe any anticipated challenges with integrating the Project accordingly. Specify any anticipated physical alteration(s) to surrounding land uses from Project construction, operations, or decommissioning, and how such alterations would contribute to the above challenges, if applicable.

2. Terrestrial Ecology

- Describe the Project's consistency with municipal or state land use planning documents and studies regarding: (1) economic development objectives; (2) adequacy of infrastructure; (3) open space impacts; and (4) compatibility with adjacent land uses;
- Provide maps specifying the location and extent of any ecologically significant resource areas, e.g., areas of critical environmental concern (ACECs). For such areas, specify the delineation methodology (e.g., field delineation, mapping records, use of MassGIS data layers);
- Describe the terrestrial ecology within and surrounding the Project site(s);
- Provide a description of vegetation cover, and how vegetation is integrated with other defining topographical features – built and natural;

- Describe any anticipated adverse ecological impacts of the Project (e.g., vegetation loss, soil destabilization, habitat (including rare species) destruction, and biodiversity loss);
- Describe the following features of the Project site and surrounding area, as applicable:
    - Agricultural uses at present or past five years;
    - Active forestry use;
    - Article 97 land; and
    - Conservation restrictions, preservation restrictions, agricultural preservation restrictions, or watershed preservation restrictions
- If applicable, describe any impervious surface increase and resultant impact(s) on urban heat island conditions, including (?)anticipated impacts on public shade trees;
- Describe mitigation, best practices, or regulatory requirements (e.g., public shade tree requirements, avoidance of sensitive areas, establishment or continuation of wildlife corridors, preservation, rehabilitation, or generation of vegetation or other ecological features); and
- Describe consultations to date and anticipated with the Massachusetts Historical Commission ("MHC") and Natural Heritage and Endangered Species Program ("NHESP"), respectively.

B. <u>Rare Species</u>

- Discuss presence of both common and rare species (including migratory species); overall biodiversity; ecological stressors, e.g., human activity, threats to habitat connectivity, disease prevalence, and presence of invasive species; and recent ecological history;
- Describe whether the Project site includes Estimated and/or Priority Habitat of State-Listed Rare Species. If so, specify.
- Describe whether the Project site falls within mapped rare species habitat in the current Massachusetts Natural Heritage Atlas. If so, provide the relevant page(s); and
- Describe any past or intended future consultations with NHESP regarding the Project.

C. <u>Historical/Archeological Resources</u>

- Does the Project site include any structure, site or district listed in the State Register of Historic Places or the inventory of tribal, Historic and Archaeological Assets of the Commonwealth? If so, does the Project involve any demolition or destruction of any listed resources?
- Provide an unanticipated archaeological discoveries plan. The plan should outline procedures to be followed in the event of an unanticipated discovery of archaeological resources or human remains during construction activities for the Project.

D. Water Resources and Aquatic Ecology

1. Water Use and Wastewater

- Describe the Project's water use and wastewater generation. Describe the water source and disposal method of wastewater. Describe any designated classification to the water use (e.g., potable water, reclaimed water) and wastewater (e.g., sanitary, industrial); and
- If the water source is municipal or regional supply, and/or would discharge to a wastewater facility, describe the total capacity of such water supply and/or wastewater facility. Describe the impact of the Project's water use and wastewater generation on such water supply and/or wastewater facility. If the water source and/or disposal method are something else, describe the impact and mitigation in the appropriate sub-sections below.

2. Description of Wetland Resources Areas

- Using maps and tables, describe the occurrence, location, and acreage, of the following surface water resources within or near the Project. Describe the delineation methodology of the water resources in both lists, including, but not limited to, the use of MassGIS data layers, mapping records, and field delineations. Provide the total sum of these areas by type in a table.
    - Surface watercourses, including but not limited to streams, rivers, ponds, and lakes;
    - Public waterways or tidelands, and land under Chapter 91 jurisdiction;
    - Waters of the United States (per 40 CFR Part 120);
    - Outstanding Resource Water ("ORW");
    - Wild and Scenic River;
    - Jurisdictional federal, state, and locally regulated wetlands and adjacent areas (e.g., wetland buffers and setbacks);
    - Vernal pools;
    - Other local water resources, wetland resources, conservation and protection zoning districts or overlays;
    - Coastal resource areas;
    - Land Subject to Coastal Sorm Flowage ("LSCSF") and Land Subject to Flooding ("LSF");
    - Currently impaired water, specify by pollutants; and
    - Any other jurisdictional waters and resource areas.
- Using maps and tables, describe the occurrence location of the following subsurface water resources within or near the Project. Describe the delineation methodology of the water resources in both lists, which could include, but is not limited to, the use of MassGIS data layers, mapping records, and field delineations. Provide the total sum of these areas by type in a table.
    - Notable underground aquifers, especially those used as public water sources;
    - Public water wellheads and protection areas;

- Major water discharge and drainage outfalls;
- Private water wells and protection areas; and
- Private septic systems including leech fields.

3. Water Discharges and Impacts on Water Quality

- For any water discharge not to a wastewater facility, describe the purpose, amount, and timing of the discharges, as well as any pollutants involved;
- Describe any proposed dewatering operations on the Project site (e.g., necessary for Project construction), associated impacts on water quality, and corresponding mitigation;
- Describe any changes that the Project would make to stormwater runoff and erosion at the Project site, and potential impacts on surrounding properties and waters based on the Massachusetts Stormwater Handbook; and
- Describe any proposed mitigation, including the stormwater infrastructure. These descriptions may be presented and discussed in the context of a Stormwater Management and Erosion Control Plan.

4. Water Withdrawal and Extraction

- Describe any proposed water withdrawal and extraction for the Project from surface water or groundwater, including the purpose, amount, and timing of the withdrawals; and
- Describe the impacts that the proposed water withdrawal and extraction would have on the source waters, including any impacts that would lead to depletion of water resources, and/or impairment of water quality and classified water use.

5. Wetlands and Waterbodies

- Provide the delineation of all wetland resource areas on and near the Project site. Include a description of the method(s) used to identify wetland presence and boundaries within the Project area and the credentials of the person who completed the delineation.
- Discuss the existing functional values of the wetlands present in the area of the Project site. Functional values include but are not limited to floristic diversity, fish and wildlife habitat, flood storage, protection of public and private water supply, groundwater discharge and recharge, public use, prevention of pollution, storm damage prevention, etc. Discuss how the Project may impact existing functional values of wetlands.
- Describe any direct impacts such as alterations and impediments, including dredging, that the Project would have on any waterbodies, including but not limited to watercourses, wetlands, and the ocean. Describe areas of waterbodies the Project would affect, as grouped in the following categories:
    - Wetlands and their resource areas and adjacent areas;
    - Surface watercourses, including but not limited to streams, rivers, ponds, and lakes;
    - Coastal areas including tidelands;

- Ocean including federal and state waters and the Outer Continental Shelf ("OCS");

- Estimate the extent and type of impacts that the Project will have on wetland resources, and indicate whether the impacts are temporary or permanent. If proposing any offsite mitigation such as enhancement to existing wetlands, replication of wetlands, or a mitigation fund, provide the details including the mitigation location(s).
- Provide the methods to be used for avoiding, minimizing, and mitigating construction impacts in and near wetlands. This discussion should include, but is not limited to, how wetland impact was first avoided then minimized by Project design, shifting the Project boundary, relocating structures and/or fill outside of wetland, minimizing construction through wetlands, by installation methods (i.e., directional bore versus open-cut trenching, soil segregation during trenching, etc.), equipment crossing methods (i.e. use of construction matting, frozen ground conditions, etc.), sediment and erosion controls, invasive species protocols for equipment, etc.

6. Underwater Archeological Resources

For Projects that have components that are located underwater or offshore, provide the following:

- Describe underwater archaeological resources at or near the Project site, by type if applicable; and
- Provide a summary of and attach to the Application any relevant archeological surveys and studies.

7. Aquatic Ecology

- Describe the aquatic ecology within and near the Project, including the type of aquatic ecosystems, presence of both common and rare wildlife, overall biodiversity, recent ecological history if applicable, and ecological health (e.g., degradation from human activities, habitat connectivity, and invasive species);
- Provide maps and sums of these areas by types in a table:
  - Rare wetland wildlife habitat;
  - Wild and Scenic River;
  - Marine protected areas, including ocean sanctuaries, wildlife refuges, and estuarine research reserves; and
  - Waterbodies with the presence of fish runs and shell fishing, if not covered above.
- Describe impacts associated with the Project on the following, and corresponding mitigation:
  - General health and condition of the aquatic ecology;
  - Ecological health of resource areas such as tidelands;
  - Rare species and habitat including migratory species with a local presence, by species;
  - Habitat connectivity (e.g., fragmentation of habitats);
  - Fishery; and
  - Wildlife-based recreation.

E. Transportation

1. Disruption and Congestion of Road

- Describe transportation corridors in the Project area with maps and information gathered from MassGIS data layers, aerial photography, field reconnaissance, mapping records, traffic data collection etc.;
- Describe the MassDOT classification of roads (i.e., Limited Access Highway, Multi- Lane Highway, Major Road, and Minor Street), and any other characteristics pertinent to the analysis of impacts on transportation (e.g., road width, number, and direction of lanes); on-street parking; dedicated bike lanes; sidewalks;
- Include any traffic studies and traffic management plans as required by applicable permits;
- Provide a description of the pre-construction adjacent roadways' characteristics in the vicinity of the proposed Project site including:
    - Existing data on vehicle traffic and accidents on surrounding roads;
    - A review of non-rail transit facilities and routes, including areas of school bus service;
    - Access routes to and from the Project site for police, fire, ambulance and other emergency vehicles; and
    - Available load bearing and structural rating information for construction equipment to access the Project site (including bridges and culverts).
- Provide for each major phase of construction, and for the operation phase, an estimate of the number and frequency of vehicle trips, including an estimation of daily trips (identifying whether trips will occur during day or night) by size, weight and type of vehicle;
- Provide for major cut or fill activity (spoil removal or deposition at the Project site and affected interconnection areas) a separate estimate of the number and frequency of vehicle trips. Describe approach and departure routes, by size and type of vehicle;
- Identify approach and departure routes to and from the Project site for construction workers and employees of the facility;
- Specify expected road closures and timelines as well as alternative routes; and
- Describe overlap with other construction projects in proximity including but not limited to municipal public works departments and MassDOT.

2. Public Transportation

- Describe nearby public transportation operations and public access. Describe how entrances and exits will remain accessible for transit stations, including for bus routes and stops; and
- Discuss initiatives to encourage or provide shuttling, carpooling, or public transportation options for employees.

3. Cyclists and Pedestrians

- During construction, describe if the Project would result in restricted access to cyclists and pedestrians, and how the Applicant will manage these restrictions; and
- Highlight any co-benefits of the Project for pedestrian or bicycle infrastructure.

4. Parking

- Describe the Project's parking demand and supply, during Project construction and operation;
- Describe temporary parking to be used during Project construction and operation; and
- Describe disruption to both on-street and off-street parking during Project construction.

5. Marine Traffic and Navigation

- Provide any U.S. Coast Guard authorizations as necessary including proposed private aid to navigation (e.g., buoys);
- Describe any use of watercraft for the Project, including any expected bulk or large items to be delivered by barge or specialty vessel; and
- Provide for each major phase of construction, and for the operation phase, an estimate of the number and frequency of vessel trips (identifying whether trips will occur during day or night) by size, weight and type of vehicle.

6. Air Traffic

- Describe use of aircraft during the Project, such as construction helicopters;
- Describe any Federal Aviation Agency ("FAA") regulations or guidelines that must be adhered to such as a notice of proposed construction to the administrator of the FAA; and
- Include impacts on military training and operations in the national airspace system and special use airspace designated by the FAA.

F. Air Quality

1. General Requirements

- Describe air quality impacts of the Project and compliance with air quality requirements;
- Describe air quality impacts to sensitive receptors and Burdened Areas in the Project area;
- As part of a Construction Management Plan for the Project, provide
    - Baseline characterization of existing air quality with information on types of existing pollutants emitted, existing ambient concentrations of pollutants and their sources; and
    - Air Quality Modeling based on federal and state recommended modeling approaches, if required by MassDEP or other regulatory authorities;
- If a MassDEP air quality permit would otherwise be required, describe how Project emissions will conform with the National Ambient Air Quality Standards ("NAAQS"), as applicable;

- Describe whether the Project is required to perform a MassDEP CIA for air emissions (per 310 CMR 7.02(14)); and

- Describe fugitive dust level monitoring and mitigation including but not be limited to onsite dust control measures such as installing stabilized construction entrances/exits (using stone aprons, tracking pads, etc.) at road access points to reduce tracking of soil onto public roadways or adjacent properties, limiting the amount of bare soil exposed at one time, watering, surface roughening, wind barriers and covers to suppress dust generation during construction as well as precautions during transport/handling of construction materials, land infills and such that can cause fugitive dust impacts.

2. <u>Standard Mitigation Measures</u>

For onshore construction and operational impacts, wherever applicable:

- Describe how the Project meets applicable regulations and air quality operational requirements including but not limited to:
    - MassDEP Air Quality Regulations at 310 CMR 7.10 (1), Air Quality Approval Plan and 310 CMR 7.72, Sulfur Hexafluoride Emissions from Gas-Insulated Switchgear;
    - The state's anti-idling law, M.G.L. c. 90, §16A, during the construction and operational phases of the Project, including the installation of on-site anti-idling signage;
    - U.S. Environmental Protection Agency's ("EPA") Nonroad Diesel Rule aimed at reducing air emissions from diesel-powered construction equipment;
    - EPA Tier 4 emission requirements;
    - Use of electric-powered construction equipment and vehicles;
    - New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants (NESHAPS); and
    - The Dust Control measures outlined in the Massachusetts Erosion and Sediment Control Guidelines for Urban and Suburban Areas: A Guide for Planners, Designers, and Municipal Officials for soil stockpile management.

For offshore construction and operational impacts, wherever applicable:

- Describe any Bureau of Ocean Energy Management ("BOEM") and Outer Continental Shelf ("OCS") air permit requirements that apply to the Project;
- For OCS sources, describe how the Project complies with the New Source Performance Standards and the National Emissions Standards for Hazardous Air;
- Describe the choice of emissions estimation method used that prioritizes the use of BOEM and US EPA recommended methods; and
- Describe how the Project would comply with requirements on Annex VI of the International Maritime Organization's International Convention for the Prevention of Pollution from Ships ("MARPOL") treaty requirements; and

- Use of shore-to-ship electric power for marine construction activities in lieu of diesel-powered construction equipment.

G. Climate Mitigation and Resiliency

1. Greenhouse Gas Emissions

- Provide a greenhouse gas inventory of the Project utilizing the MEPA Greenhouse Gas Policy and Protocol, and/or other analysis framework, including direct and indirect emissions sources where applicable based on technology;
- Describe any steps taken to minimize emissions sources compared to 1990 standards specific to the construction and operation of the Project. Describe any mitigation techniques through measures such as carbon offsetting or sequestration. The Applicant may describe and credit any greenhouse gas emissions mitigated against Project alternatives, including the no-built alternative, as mitigation; and
- Given the inventory and mitigation above, describe how the Applicant has considered foreseeable long-term climate change impacts, including additional greenhouse gas or other pollutant emissions known to have negative health impacts, predicted sea level rise, flooding and any other disproportionate adverse effects on communities in a specific geographical area/within or near the Project area.

2. Climate Resiliency

- Provide climate vulnerabilities of the Project, if applicable, including vulnerabilities from projected sea level rise, extreme temperature, humidity, flooding, severe weather events, wildfires, and other climate-related hazards in the Project area. Utilize state and federal geospatial data from the RMAT Climate Resilience Design Standards Tool, the NOAA Climate Mapping for Resilience and Adaptation ("CMRA") tool, or similar;
  - Consider high (RCP 8.5) and low (RCP 4.5) emissions climate change scenarios in the assessment of Project vulnerabilities if utilizing the CMRA tool; and
  - Include relevant figures, maps, and metrics outlining the site-specific risks extending to at least 2070;
- Provide a risk assessment for the Project as a whole and major components of the Project. Describe any proposed adaptation techniques to address these vulnerabilities, if relevant, and the timeline for implementation; and
- Describe how the Project has taken measures to adapt to climate change for all of the climate parameters analyzed in the RMAT Climate Resilience Design Standards Tool (sea level rise/storm surge, extreme precipitation (urban or riverine flooding), extreme heat).

H. Public Health, Safety and Security

- Describe how the Project would comply with all applicable public health and safety regulations, standards and codes at the federal, state, regional, and local levels during the site development, design, construction, and operation phases of the Project;

- Describe all applicable performance testing standards, performance testing results, and risks associated with the energy transmission, generation, and storage technologies on a Project and how the choice of technologies minimizes performance risks, promotes and maintains public safety; and

- Provide a roadmap for engagement with the local planning department, fire department, advisory bodies, and first responders to inform them about the Project, understand their safety needs, and receive timely local input on the design and construction phases of the Project (e.g., as part of the COP). The COP must also describe public health and safety education as well as training opportunities the Applicant will provide to ensure safe construction and operations.

1. Design and Construction Safety

- Provide all building codes, technical performance and safety standards as well as structural design standards that apply to the Project site in the development, design, construction, and operation phases;

- Describe how the proposed Project would be in conformance with these codes, regulations, and standards to promote and maintain public safety; and

- Describe how the choice of construction sites/routes, staging areas, construction schedules/constructions hours would avoid or minimize public inconvenience and ensure public safety during and outside construction hours.

2. Public Health

- Provide all applicable public health policies and programs at the federal, state, regional, and local levels and describe how the Project would conform to them; and
- Describe public health concerns that already exist in the Project area and describe how the Project will alleviate or at the least avoid further exacerbation of these concerns through the design, construction, operation, and decommissioning phases of the Project.

3. Site Safety and Security

- Identify all applicable daytime, nighttime, and emergency lighting standards that apply to the Project and describe how the proposed lighting would comply with these requirements;

- Describe how the Project considered Dark Sky standards;

- Describe the site safety and security arrangements in the case of unmanned and remotely monitored facilities, including but not limited to 24/7 security camera monitoring, automatic and manual system shutdowns, fire suppression system activation, and alarm/emergency notification to the local fire department in the case of Project emergencies;

- Describe how stormwater management systems convey and collect runoff from fire suppression activities such that any potential pollutants would not be discharged directly into the Project site, local stormwater system, or natural water bodies;

- Identify local codes and standards that apply to site access and fencing and describe how the Project would conform with these requirements;

- Describe the consultation process with the local planning authority, the fire department, advisory committees, and the public in designing the Project's perimeter fence, including the fencing material, fence façade treatments, dimensions, determining setbacks, and signage installations on and around the fence;

- Describe how electrical structures are clearly marked with warning signs to alert the public to potential hazards;

- Identify all cybersecurity requirements that apply to the Project and describe how the Project will conform with these requirements;

- Describe how access restrictions and identity verification mechanisms for personnel would provide protection against security risks;

- In the case of Project sites that have egress to public roadways including highways, provide all egress safety design standards, traffic safety permits, and regulations that apply to the Project and describe how the Project would meet these requirements. Describe how the design of such egress meets these requirements, supplementing such description with road safety audits, crash analysis reports, sight distance determinations, and other analyses that apply; and

- Provide all applicable height and clearance standards for Project components/structures and describe how the Project conforms with these requirements to ensure public safety during construction, operation, maintenance, and decommissioning.

4. <u>Occupational Safety</u>

Describe all occupational safety standards, programs, and regulations that apply to the Project at the federal, state, regional, and local levels, including the Occupational Safety and Health Administration ("OSHA") and Massachusetts Department of Labor standards, and how the Applicant proposes to comply with them.

5. <u>Fire Safety</u>

- Identify the following:
    - All international, national, and state level fire safety standards, codes, and best practices that apply to the Project;
    - All applicable technology and performance standards to promote and maintain fire safety, both to the public and on-site personnel;
    - Requirements of local permits, ordinances, and standards on the Project that promote and maintain fire safety; and

   - All applicable codes, regulations, and standards that are being updated at the time of filing and describe the nature of updates or new provisions that the Applicant would incorporate into the Project;
- Wherever applicable, describe how the Project would be in conformance with these standards, local requirements, and local permits and codes to prevent, mitigate, and manage incidents of fire within the Project site or in the vicinity of the Project site; and
- Describe how fire safety considerations have been incorporated into determining site size and site design on the Project.

6. Hazard Mitigation and Disaster Preparedness

- Describe any proposed hazard mitigation and disaster preparedness measures, such as an Emergency Response Plan and Spill Prevention Control and Countermeasure Plan and provide such plans; and
- Describe post-incident emergency maintenance procedures as part of the Project's operation and maintenance plan to restore site conditions and safe facility operations following a fire event, hazard, or disaster.

I. Non-Hazardous Waste and Hazardous Materials

1. Non-Hazardous Waste

Detail any non-hazardous waste types that would be generated by the Project, and for each type specify anticipated protocols for handling, transport, processing, disposal, and recycling, including, if applicable:

- Protocols for ensuring that waste is not co-mingled with hazardous waste;
- All hazardous waste transport haulers licensed per MassDEP;
- Disposal or processing facilities for each waste stream (e.g., recycling, composting, municipal solid waste landfill, or transfer station);
- Documentation of compliance with 310 CMR 19.00;
- Recycling and waste diversion strategies, including estimated recycling/diversion rate(s); use of LEED or Envision construction waste tracking, if applicable; any plans to reuse materials onsite; and compliance with local waste diversion bylaws, if applicable; and
- Data maintenance protocols for audits.

2. Hazardous Materials and Waste

Provide a Hazardous Materials and Waste Management Plan detailing:

- Protocols and regulatory requirements for encountering hazardous materials and contaminated sites;
- Hazardous waste planned for use or storage onsite during each Project phase, e.g., battery chemistries, oils and coolants, transformer fluids, cleaning solvents, adhesives, antifreeze, diesel. For each material, provide quantities, storage methods, and safety data sheets, and

address compliance with the Massachusetts Toxics Use Reduction Act ("TURA"), if applicable;

- Hazardous material types that may be generated by the Project (e.g., spent batteries, electrolyte contaminated soil, fire-damaged equipment) and their respective classifications per the Federal Resource Conservation and Recovery Act ("RCRA") regulations (40 CFR 261) and Massachusetts Hazardous Waste Regulations (310 CMR 30.000);
- Materials/waste storage locations and containment designs (e.g., secondary containment, berms, fire-rated rooms), maximum onsite storage durations and quantities, labeling and signage protocols, and security measures to prevent unauthorized access or tampering;
- Hazardous waste manifests and chain-of-custody and cradle-to-grave documentation, if applicable; and
- For problems/emergencies: emergency contact information, government agencies that would be informed, and a public engagement strategy.

J. Decommissioning and Site Restoration

1. Useful Life

Describe the designed and anticipated useful life of the Project and every major Project component, including the following:

- Thresholds for decommissioning (e.g., end of life, structural conditions, use hours, performance degradation);
- Planned major maintenance and overhaul events;
- Opportunities for extension of useful life; and
- Considerations for premature decommissioning.

2. Plan for Decommissioning and Site Restoration

Describe plans for Project decommissioning and subsequent site restoration, if any, including the following information:

- Decommission and deconstruction procedures;
- Disposal of post-decommissioned waste, including any hazardous waste and recycling;
- Site clean-up and remediation, if anticipated;
- Restoration of grade and top soil, including revegetation;
- Stormwater management and erosion control;
- Continued maintenance of visual screening and buffer, if applicable;
- Post-decommission land use and opportunities for redevelopment; and
- Contingency plan for premature decommissioning.

3. Cost and Financial Surety

Describe the anticipated cost of decommissioning and site restoration, including the following information:

- Total cost of decommissioning and site restoration;
- Breakdown of cost by major cost items;
- Calculations of the cost estimates;
- Methodologies of the above calculations; and
- A reasonable surety amount to guarantee proper decommissioning and site restoration. If the Applicant considers the surety amount unnecessary, provide an explanation.

K. Magnetic Fields

1. Baseline and Modeled Magnetic Fields Levels

- Describe the magnetic fields associated with the Project using maps, tables, and figures, including the following information:
    - Existing/baseline magnetic field levels;
    - Source(s) of new magnetic fields; and
    - Modeled average/sustained changes in magnetic field levels, including modeled maximum levels, during Project operation.
- Provide modeled magnetic field levels in the following contexts:
    - At a reasonable range of distances, heights, and depths away from the source;
    - At average loading or capacity and at maximum loading or capacity; and
    - At nearby residences, sensitive receptors, and at the edges of the Project site.
- Describe methodologies used, assumptions and data sources. Note any mitigation (e.g., configuration, shielding) incorporated in the modeling of magnetic field levels above.
- Append the following or include as figures;
    - Isoline diagrams of existing and modeled magnetic field levels across the Project site including the property line of adjacent properties and structures; and
    - For any proposed transmission lines, distribution lines, or other linear project components that could be a significant source of magnetic fields, cross-section profiles of magnetic field levels.
- In Applications that involve any other types of notable radiation (e.g., microwave, ionizing), describe the basic characteristics of such radiation and provide modeled radiation levels and other information similar to the requirements for magnetic fields above.

2. Impacts

- Describe the impacts of electric and magnetic fields, as well as of any other types of concerning radiation, associated with the Project on the following:

  - Human health;
  - Health of domestic animals and agricultural livestock;
  - Health of wildlife, particularly any rare species identified within or near the Project site (e.g., Magnet-sensitive fish species, bats); and
  - Plans for addressing public concerns during construction and operation of the Project.
- Discuss the above in reference to the following:
  - The most recent exposure limits and guidance on electric and magnetic fields published by authoritative subject-matter organizations such as the World Health Organization ("WHO"); International Commission on Non-Ionizing Radiation Protection ("ICNIRP"); International Committee on Electromagnetic Safety ("ICES") – part of Institute of Electrical and Electronics Engineers ("IEEE"); and American Conference of Governmental and Industrial Hygienists ("ACGIH"), or any other relevant peer-reviewed research; and
  - Describe any available low-cost/no-cost measures that would minimize magnetic fields along transmission ROWs and elsewhere. Such measures may include, but are not limited to the following:
    - Increasing distance between the source and abutting properties;
    - Using higher voltage transmission lines;
    - Putting conductors close to each other and optimizing conductor arrangement to maximize magnetic field cancellation effects;
    - Installing ferromagnetic shielding; and
    - Inducing active or passive parallel currents.

L. Noise and Vibrations

1. Description of Noise

- Describe the sound producing sources during Project construction and operation. Include expected times when noise will be produced during construction work, also list sound producing equipment and associated sound levels in decibels A-Weighted ("dBA");
- Include a study showing existing sound levels, as well as a model simulation estimating operational sound results. At a minimum, the sound study should include:
  - Maximum sound levels produced during different times of day and at different times of the year;
  - A map of the sound modeling study area showing the location of sensitive receptors within a one-mile radius in relation to the proposed locations of all noise sources;
  - Ambient pre-construction baseline sound conditions using L90 (i.e., A-weighted sound level that is exceeded 90% of the time measured during equipment operating hours); and
  - Future sound levels after construction of the Project including predicted dBA sound levels using computer-modeled sound projections.
- In addition, the sound study should consider the following:

  - Noise impacts during both “leaf on” and “leaf off” conditions;
  - Exclude data collected during hours with rain or snow, as noted during data collection; and
  - A seven day-long period of measurements.

2. Noise Impacts on Humans

- Include the following information:
  - The noisiest activities during construction and the sound levels of the major sound-generating pieces of equipment;
  - Equipment which could result in permanent noise impacts (e.g., exhaust fans, transformers, high voltage transmission lines);
  - Sound information from the manufacturers, if available, including transformers and any other relevant sound sources;
  - Compliance with the MassDEP noise policy for Project operation (i.e., maximum 10 dBA increase over baseline conditions and pure tone limits);
  - Sound mitigation strategies that the Applicant could use during noisy construction activities (e.g., sound barriers); and
  - Complaint procedures/construction activity notification protocols specific to noise.

3. Vibrations

- Describe any blasting, underground construction (e.g., Horizontal Directional Drilling), or other work which could cause intense vibrations that may impact the integrity of nearby structures; and
- Describe the use of critical grade silencers, enclosures, or other strategies where practicable, on continuously operating equipment such as compressors and generators for noise reduction.

4. Noise and Vibrations Impacts on Wildlife

- Describe impacts on wildlife during operations that include noise and vibrations, especially in areas of natural habitat. Consider:
  - Different Project technologies (i.e., wind, solar, battery) may require solutions to unique environmental concerns based on location and technology type and scenarios.

M. Visual

1. Visual Assessment

- Describe the visual impacts of the Project. Include representative front, side, and rear simulations, and describe current and anticipated visual conditions. Detail:
  - Visual character of the existing area;

  - General nature and degree of visual change expected from Project construction and operations;
  - Anticipated visibility of the Project, including effects from Project operations, e.g., shading, lighting, glare, shadow flicker; and
  - Visibility of any proposed above-ground interconnections and roads.

- Provide viewshed maps depicting views of the Project by sensitive receptors, e.g., views from cultural, historic, scenic, and recreational sites/areas; transportation corridors; public and private vantage points; and areas of local, regional, or statewide concern. Develop the maps to:
  - Depict any sensitive views beyond the study area, as necessary;
  - Depict line-of-sight profiles for all sensitive receptor views;
  - Illustrate visual screening and permeability conditions integral to the profiles; and
  - Detail all quantitative and qualitative data sources and baselines used in profile development, e.g., topography and vegetation; elevation of Project structures; distance zone - foreground, midground, and background; consultation with local officials and community members;

2. Light Pollution

Describe any light emitted by the Project during operations. Detail lighting levels at the edges of the Project site(s); any lighting impacts on adjacent properties, including on wildlife; and any proposed mitigation (e.g., light shrouds, downward facing lighting).

N. Other Environmental Impacts

Describe any other environmental impacts associated with the Project not covered by any sections above, as well as corresponding mitigation.

XII. PROPOSAL & ANALYSIS: PROJECT COST FOR LCTDIF AND SCTDIF

For LCTDIF and SCTDIF Projects:

- Describe the Project cost including the following:
  - Capital cost of the Project, total cost and breakdown by Project components;
  - Annual operating and maintenance cost, total cost and breakdown by major cost item; and
  - Net Present Value cost estimate for the Project over its useful life.

- Describe cost escalation contingencies, or the lack thereof, in the estimated costs. Describe risks to the costs from foreseeable trends of inflation, economic conditions, materials costs and supply chain shortage, labor costs, etc., and mitigation to these;
- Identify costs that would be recovered regionally, and those costs that would be recovered locally;
- Describe the percentage of utility-proposed Project costs would be borne by ratepayers, if any. Describe how the Project would change the monthly utility bill for an average residential customer, with one example from a summer month and another from a winter month; and
- Describe sources of Project funding other than cost recovery from ratepayers, if applicable.

XIII. PROPOSAL & ANALYSIS: RELIABILITY

A. Grid Reliability

- Describe the reliability benefits or impacts on the Massachusetts and regional energy transmission system, as well as any applicable local energy transmission or distribution systems, from the Project.
- Describe any proposed mitigation that would enhance benefits or minimize impacts on such systems.

B. Project System Reliability

- Describe the designed and anticipated reliability of the Project as a whole, over its useful life.
- Describe any foreseeable reliability risks. Describe any proposed mitigation to such risks and major maintenance or overhaul efforts planned or anticipated.

C. Project Component Reliability

- Describe the designed and anticipated reliability of each major component of the Project, if applicable, over the component's useful life.
- Describe any foreseeable reliability risks. Describe any proposed mitigation to such risks and major maintenance or overhaul efforts planned or anticipated.

XIV. PROPOSAL & ANALYSIS: POLICIES OF THE COMMONWEALTH

M.G.L. c. 164, § 69H establishes a set of expanded policy requirements for consideration by the Board when reviewing CEIF. Specifically, the Board must: "ensure that large clean energy infrastructure facilities, small clean energy infrastructure facilities, facilities and oil facilities are, to the extent practicable, in compliance with energy, environmental, land use, labor, economic justice, environmental justice and equity and public health and safety policies of the commonwealth, its subdivisions and its municipalities." See 980 CMR 13.03.

Describe how the Project would comply with the policies of the Commonwealth as identified in M.G.L. c. 164, § 69H.

XV. DEFINITIONS/ACRONYMS [TBD]

"Major Project Component" means a major sub-part of a proposed Project, which could be one facility in a Project that consists of multiple facilities (e.g., one of two proposed new substations), an ancillary facility (e.g., a new transmission line proposed between two new substations), a major work component involving a facility (e.g., proposed upgrade to an existing substation), or a major standalone component of the Project (e.g., an major off-site mitigation project).

"Sensitive Receptors" means, existing (or in active development) facilities that are particularly affected by noise, pollutants, and other environmental and construction-related impacts, including: (1) healthcare facilities; (2) elder care facilities including nursing homes; (3) education facilities; (4) licensed daycare facilities; (5) cemeteries; (6) places of worship; (7) district courts; (8) police stations; (9) fire stations; and (10) other locations which provide essential services to the public.

"Residences" means existing residential properties, or the location of such facilities that are in active development.

"Project" means the proposed Project as a whole, and includes all plant, property and equipment and related construction activities for which the Applicant seeks EFSB approval.

"Project-adjacent elements" include related facilities and construction activities that do not require EFSB approval but are undertaken by the Project Applicant and/or others in concert with the Project, whether prior to, concurrently with, or after Project Construction.

"Project Site" means the actual physical location(s) of all Project components.

"Project Fenceline Boundaries" means the outer boundaries of a Project site demarcated by the edge of a right of way or fenced areas.

A "Project Impact Area" means the geographic area(s) that are estimated to be directly affected by the Project, including its environmental impacts. At a minimum, Applicants must use the Specific Geographic Areas, defined in 980 CMR 15.00 (as applicable to the Project components), as the basis for the Project Impact Area.

See 980 CMR 13.01(4) for additional definitions.

XVI. ATTACHMENT 1: COMMON CONDITIONS [TBD]

The purpose of Attachment 1: Common Conditions is to define conditions that would attach to an EFSB Consolidated Permit through Board approval, 980 CMR 13.00, or Constructive Approval, 980 CMR 17.00.

Note: EFSB and DOER are collaborating on developing a comprehensive database of common conditions applicable to local, regional, and state PEAs, including the Board.

The conditions in the database will be retrieved by an automated sorting function by technology type (e.g LCTDIF or SCTDIF, BESS, generation), the size of the Project (Large or Small) and the type of Consolidated Permit sought (Consolidated Permit, Consolidated State Permit, or Consolidated Local Permit). The Common Conditions will also specify the relevant PEA permit under which the conditions would be enforced, once issued by the Board, or Local Government.

XVII. ATTACHMENT 2: UNIFORM SET OF BASELINE HEALTH, SAFETY, ENVIRONMENTAL AND OTHER STANDARDS [TBD]

The purpose of Attachment 2: Uniform Set Of Baseline Health Safety, Environmental and Other Standards ("Uniform Standards") is to define the permitting standards applicable to an EFSB Consolidated Permit through Board approval, 980 CMR 13.00, or Constructive Approval, 980 CMR 17.00. The Applicant would be required to consult the Uniform Standards in preparing its Application, based on type of CEIF Project, size, and the specific PEA permits requested as part of the Consolidated Permit.

Note: EFSB and DOER are collaborating on developing a comprehensive database of Uniform Standards applicable to local, regional, and state PEAs, including the Board.

The Uniform Standards in the database will be retrieved by an automated sorting function by technology type (e.g LCTDIF or SCTDIF, BESS, generation), the size of the Project (Large or Small) and the type of Consolidated Permit sought (Consolidated Permit, Consolidated State Permit, or Consolidated Local Permit). The Uniform Standards will also specify the relevant PEA permit(s) or under which the Uniform Standards would apply and be enforced, once a permit is issued by the Board, or Local Government.

XVIII. ATTACHMENT 3: APPLICATION COMPLETION CHECKLIST [TBD]

附件4

条例草案

980 CMR 14.00 – De Novo 奖

980 CMR 14.00: DE NOVO ADJUDICATIONS OF CONSOLIDATED LOCAL PERMIT APPLICATIONS

Section

14.01: Scope and Construction of Rules

(1) Scope. 980 CMR 14.00 shall govern the conduct of De Novo Adjudications of Consolidated Local Permit Applications before the Board. De Novo Adjudications apply to Consolidated Local Permit Applications for SCEIF and shall be conducted by the Director.

(2) Application of 980 CMR 14.00. 980 CMR 1.00: *Rules for the Conduct of Adjudicatory Proceedings* shall apply to De Novo Adjudications conducted pursuant to 980 CMR 14.00, except where 980 CMR 14.00 provides otherwise.

(3) Effective date. 980 CMR 14.00 shall take effect on March 1, 2026, and shall apply to requests for De Novo Adjudications filed on or after July 1, 2026.

(4) Delegation. The Director may delegate the authority to conduct the De Novo Adjudication, with the exception of the final decision, to a Board staff member.

(5) Definitions. The definitions in 980 CMR 1.00 and 980 CMR 13.00 shall apply to 980 CMR 14.00. The following additional definitions shall also apply unless the context or subject matter requires a different interpretation:

Consolidated Local Permit Application means an application for Permits for a SCEIF filed with a Local Government.

DOER Opinion means an opinion from the Department of Energy Resources assessing a Local Government's compliance with 225 CMR 29.00 in its review of a Consolidated Local Permit Application.

Final Decision of Local Government means a Consolidated Local Permit issued by a Local Government, a denial by a Local Government of an application for a Consolidated Local Permit, or a Constructive Approval of a Consolidated Local Permit Application, pursuant to 225 CMR 29.00.

Local Request for Review Based on Lack of Resources means a notification filed by the Local Government that its resources, capacity, or staffing do not allow for review of a SCEIF's Consolidated Local Permit Application within the required maximum 12-month timeframe for Local Government review.

14.02: Initiation of a De Novo Adjudication.

(1) Entities that May Initiate a De Novo Adjudication. The following entities may petition the Director for a De Novo Adjudication:

(a) An owner or proponent of a SCEIF that has received a final decision on, or a Constructive Approval of, a Consolidated Local Permit Application from a Local Government where the SCEIF at issue is proposed to be sited;

(b) A Person substantially and specifically affected by a Final Decision of Local Government, as determined by the Director; or

(c) A Local Government upon a showing that its resources, capacity, or staffing do not allow for review of a SCEIF's Consolidated Local Permit Application within the required maximum 12-month timeframe for Local Government review. The Director will make a determination whether the Local Government has made this showing.

The Director shall determine that at least one party, seeking a De Novo Adjudication is substantially and specifically affected for the De Novo Adjudication to proceed.

(2) Timing of Petition for a De Novo Adjudication.

(a) A petition of an Applicant or Person pursuant to 980 CMR 14.02(1)(a) or (b) shall be filed within 30 days of the Final Decision of the Local Government.

(b) A submission pursuant to 980 CMR 14.02(1)(c) shall be filed by a Local Government no later than 60 days after the Local Government's receipt "of such application or any later time with the Applicant's consent.

(3) Form of Petition for a De Novo Adjudication. For petitions pursuant to 980 CMR 14.02(1), the petition shall include:

(a) For petitions from the Applicant or from an entity that may be substantially and specifically affected by a Final Decision of a Local Government, the petition shall include:

1. the petitioner's name and address;
2. identification of the proposed SCEIF;
3. a copy of the Consolidated Local Permit Application and a link to the online portal containing that application;
4. a copy of any action taken by the Local Government on the Consolidated Local Permit Application;
5. a description of any objections to the Local Government action and the bases for the objections, including how the Local Government action was inconsistent with 225 CMR 29.00;
6. for Persons other than the Applicant or Local Government, how the Person may be substantially and specifically affected by the action of the Local Government; and
7. relief sought, including any recommended conditions.

(b) For requests for a De Novo Adjudication from a Local Government, the Local Government shall provide a copy of the petition for adjudication to the Applicant for a Consolidated Local Permit. The Applicant shall provide to the Siting Board:

1. identification of the location of the proposed SCEIF project;
2. a copy of the Application for a Consolidated Local Permit;
3. any documents received by the Local Government to date concerning the Application for a Consolidated Local Permit;
4. any comments on the proposed SCEIF or recommended permit conditions; and
5. The Local Government shall provide a statement explaining why the Local Government lacks the resources, capacity, or staffing to review the SCEIF Consolidated Local Permit Application within twelve months.

(4) Filing Procedure for a Petition for a De Novo Adjudication.

(a) Filing. A petition for a De Novo Adjudication shall be filed with the Board.

(b) Copies. The petitioner shall provide a copy of the petition to the Local Government having taken action on the Application, and to the Applicant (if different from the petitioner).

(5) With respect to a petition from a Person submitted pursuant to 980 CMR 14.02(1)(b), the Director shall grant the petition if the Director determines that at least one such person is substantially and specifically affected by the action of the Local Government.

(6) With respect to a petition initiated by a Local Request for Review Based on Lack of Resources, the Director will grant the petition if the Director determines that the Local Government has made the showing required by 980 CMR 14.02(1)(c).

14.03: Notice; Parties; Completeness; Procedural Conference.

(1) Notice. The Director shall determine recipients for the Notice of the De Novo Adjudication. The Director shall allow for written comments on the petition for De Novo Adjudication. The Director may, in their discretion, provide for a public comment hearing on the petition, and such hearing may be conducted virtually. The Director may, in their discretion, schedule a site visit.

(2) Parties. The Applicant and the Local Government shall automatically be Parties to the De Novo Adjudication. Other Persons seeking intervention shall file a petition for intervention consistent with 980 CMR 1.05, demonstrating how they may be substantially and specifically affected in the De Novo Adjudication. Such petition must be filed consistent with the Notice issued by the Director. The Person petitioning for a De Novo Adjudication may file a response to petitions for intervention up to seven days from the filing of the petition.

(3) Completeness Determination. For requests for a De Novo Adjudication filed by a Local Government pursuant to 980 CMR 14.02(1)(c), the Applicant shall provide the documents in 980 CMR 14.02(3)(b) to the Board within 14 days of the Director's determination that the Local Government has made the showing required by 980 CMR 14.01(1)(c). Within 30 days of the Applicant filing the documents required by 980 CMR 14.02(3)(b), the Director shall determine whether the Consolidated Local Permit Application is complete, pursuant to 225 CMR 29.00. If the Director determines that the application is not complete, the Director shall identify the additional required information or documents, and the Applicant shall have 30 days to complete the application. If the Applicant does not complete the application in 30 days, the application shall be rejected, without prejudice.

(4) Procedural Conference. The Director may schedule a procedural conference to inform the scope of the proceeding, or other procedural matters governing the De Novo Adjudication.

(5) Procedural Order. The Director shall issue a procedural order: (i) identifying additional Parties to the adjudication, (ii) establishing the scope of the adjudication, (iii) establishing a procedural schedule, and (iv) addressing any other procedural matters governing the De Novo Adjudication.

14.04: Adjudicatory Procedure.

(1) Evidence. The Local Government shall file all documents produced for the Consolidated Local Permit process with the Board. Board staff may request additional information. Parties may introduce additional evidence for consideration by the Director. All evidence introduced in the De Novo Adjudication shall be accompanied by an affidavit. Such an affidavit must comply with the requirements of 980 CMR 1.05, including a signature by an authorized representative attesting that the representative has read and reviewed the document and that all statements contained therein are true.

(2) Evidentiary Hearing. The Director may schedule an evidentiary hearing. The evidentiary hearing may be conducted virtually.

(3) DOER Opinion. The Director may request an opinion from the Department of Energy Resources whether the Local Government complied with 225 CMR 29.00 in its review of the Consolidated Local Permit Application.

(4) Briefs. The Director may allow for oral argument at the hearing or the filing of written briefs by Parties.

14.05: Decision.

(1) Decision by Director.
(a) Standard for Decision. For petitions submitted pursuant to 980 CMR 14.02(1)(a) or (b), the Director shall review the request and the Local Government's Final Decision for:

1. consistency with the regulations at 225 CMR 29.00, established pursuant to M.G.L. c. 25A, § 21; and
2. consistency with M.G.L. c. 164, § 69H.

(b) Timing of Decision.
1. For petitions from an Applicant or a Person pursuant to 980 CMR 14.02(1)(a) or (b), the Director shall issue a decision on the De Novo Adjudication within six months of receipt of the petition for De Novo Adjudication, and such decision shall be final.
2. For petitions from a Local Government pursuant to 980 CMR 14.02(1)(c), the Director shall issue a decision on the De Novo Adjudication pursuant to M.G.L. c. 25A, § 21(g), within twelve months of a determination that the Consolidated Local Permit Application is complete, and such decision shall be final.

(2) If the Director finds that the Local Government's decision is inconsistent with (a) the regulatory standards established by the Department of Energy Resources at 225 CMR 29.00; or (b) M.G.L. c. 164, § 69H, the Director shall issue a final decision that may supersede the Local Government's prior decision and impose new permit conditions that are consistent with the laws of the Commonwealth.

(3) No work shall be undertaken by the Applicant until the Director has issued a final decision on the De Novo Adjudication request.

14.06: Appeal of Director's Decision.

(1) The decision of the Director on a De Novo Adjudication of a Consolidated Local Permit Application may be appealed within 20 days of the Director's decision to the Supreme Judicial Court. Such appeal shall be governed by M.G.L. c. 164, § 69P.

REGULATORY AUTHORITY

980 CMR 14.00: M.G.L. c. 30A and c. 164, §§ 69H, 69W.

附件5

条例草案

980 CMR 16.00 – 申请前咨询和参与

980 CMR 16.00: PRE-FILING CONSULTATION AND ENGAGEMENT REQUIREMENTS

Section

16.01: Purpose and Scope

(1) Purpose. 980 CMR 16.00 describes, pursuant to M.G.L. c. 164 §§ 69J, 69J¼, 69T, 69U, the pre-filing requirements of the Energy Facilities Siting Board ("Board") for Applicants of proposed energy infrastructure seeking approval from the Board.

(2) Scope. 980 CMR 16.00 describes outreach obligations applicable to CEIFs seeking a Consolidated Permit under M.G.L. c. 164, §§ 69T and 69U, and Facilities seeking approval to construct under M.G.L. c. 164, §§ 69J and 69J¼. 980 CMR 16.00 does not apply to requests for a De Novo Adjudication pursuant to M.G.L. c. 164, § 69W, by an owner or proponent of a SCEIF or other party substantially and specifically affected by a final decision of a Local Government; those Projects are subject to provisions of 980 CMR 14.00. 980 CMR 16.00 does not apply to Applicants seeking a Consolidated Local Permit or Consolidated State Permit; those Projects are subject to outreach obligations pursuant to 225 CMR 29.00.

(a) Applicability to Facilities. 980 CMR 16.00 shall apply to all jurisdictional Facilities. Applicants of petitions to construct Facilities must comply with all pre-filing consultation and engagement requirements for LCEIFs. 980 CMR 16.00 relies upon provisions of 980 CMR that by their terms apply to all sections of chapter 980 CMR, unless otherwise noted.

(b) Exemption from Outreach Requirements for SCEGF and SCESF. For an Applicant proposing a SCEGF or SCESF submitting an Application with the Board for a Consolidated State Permit pursuant to M.G.L. c. 164, § 69V, and initiating the process for a Consolidated Local Permit, the Applicant is subject to the pre-filing engagement and outreach requirements in 225 CMR 29.00. The Applicant is not required comply with 980 CMR 16.00 pre-filing requirements.

(3) Effective Date. 980 CMR 16.00 shall take effect on March 1, 2026, and shall apply to all Applications and petitions to construct filed with the Board for approval on or after July 1, 2026.

16.02: Definitions

The definitions in 980 CMR 1.01 (4): *Definitions* shall apply to 980 CMR 16.00. For the purposes of 980 CMR 16.00, the additional definitions set forth in 980 CMR 16.02 shall apply, unless the context otherwise requires.

Agency Consultation means written, oral, and other communications with Local Government and state agencies with an interest in the permitting of a proposed LCEIF, SCEIF, or other Facility.

Community means members of the public and at a minimum people residing or working a distance of either (1) one mile from a LCEIF, SCEIF, or Facility site boundary or any Project component, or (2) in the instance of a linear LCEIF, SCEIF, or Facility, such as transmission lines or pipelines, ¼ mile from any part of the LCEIF or SCEIF or Facility.

Division of Public Participation (DPP) means the Division of Public Participation at the Department established under M.G.L. c. 25, § 12T to assist stakeholders with navigating the Department and the Board pre-filing requirements, clarifying filing requirements, and identifying opportunities to intervene.

DPP Opinion means a written communication from the Director of DPP to the Board as to whether the Applicant has completed the pre-filing consultation and engagement requirements in 980 CMR 16.00.

Key Stakeholders means, at a minimum, public interest groups, organizations within the local community in the vicinity of a proposed Project that could be affected by a proposed Project, Project abutting residents (both owners and renters) and businesses, community-based organizations, elected or appointed municipal officials (e.g., mayor or town/city manager, relevant Council/Select Board members, Chair(s) of the Conservation Commission, Planning Board, Zoning Board, and Head of the Department of Public Works), regional planning officials, representatives of labor groups and apprenticeship programs, and federally recognized, state-acknowledged, or state-recognized tribes.

MEPA Office means the Massachusetts Environmental Policy Act Office within the Executive Office of Energy and Environmental Affairs that administers MEPA and 301 CMR 11.00.

OEJE means the Office of Environmental Justice and Equity within the Executive Office of Energy and Environmental Affairs, as established in M.G.L. c. 21A, § 29.

Pre-filing Engagement Status Checklist means a document to be filed by an Applicant with DPP approximately midway through the Pre-filing Outreach Period that catalogs the status of pre-filing consultation and engagement requirements and includes supporting documentation identified in 980 CMR 16.00. The checklist shall include an attestation by the Applicant that all statements contained therein are true.

Pre-filing Engagement Completion Checklist means a document that reflects completed pre-filing consultation and engagement requirements to be filed by an Applicant with DPP, the Board, and Local Government and state permitting agencies at the completion of the Pre-filing Outreach Period and together with the Pre-filing Notice. The Applicant shall submit supporting documentation identified in 980 CMR 16.00 to DPP at the completion of the Pre-filing Outreach Period. If certain outreach or agency consultation requirements cannot be completed, the Applicant shall attach a statement clarifying the reason or a waiver demonstrating good cause that was requested from and approved by DPP. The checklist shall include an attestation by the Applicant that all statements contained therein are true.

Pre-filing Notice means the Notification of Intent to File Application filed by an Applicant with DPP, the Board and Local Government and state permitting agencies no less than 45 days and no more than 90 days prior to filing an Application or a petition to construct with the Board.

Pre-filing Outreach Period means the period of time between the start of pre-filing consultation and engagement activities specified in 980 CMR 16.04 and the submission of the Pre-filing Notice to the Board and DPP. For purposes of 980 CMR 16.00, the Pre-filing Outreach Period begins when the Applicant meets with DPP and OEJE. The Applicant may meet with the stakeholders prior to the beginning of the Pre-filing Outreach Period.

16.03: Rules of General Applicability

(1) Waiver of Pre-filing Rules. Where good cause appears, but not contrary to the statute, the Director of DPP may permit deviation from any rules contained in 980 CMR 16.00. In evaluating whether good cause exists to grant a waiver from 980 CMR 16.00, DPP shall evaluate the interest of the Applicant requesting the waiver, the interests of any other affected Person, the efficient administration of 980 CMR 16.00, and the public interest. Any waiver request must be in writing with documentation supporting the Applicant’s request and posted on the Applicant’s project website. All such requests must be filed on a timely basis to meet the requirements of 980 CMR 16.04. The Director shall review a requested waiver and provide a response in writing.

(2) Outreach Costs. The Applicant shall bear responsibility for all costs associated with outreach activities and obligations.

(3) Ex Parte Communication. The Director and staff of DPP may communicate with parties or individuals and entities seeking to intervene in Board proceedings about substantive matters and such communication shall not be deemed an ex parte communication consistent with 980 CMR 1.03(7)(c). The Director and staff of DPP shall not participate as adjudicatory staff, nor have any input or substantive communication with adjudicatory or decisional staff in adjudicatory matters before the Department or Board, nor shall they serve as legal counsel to or otherwise represent any Party before the Department or Board.

16.04: Pre-filing Consultation and Engagement Requirements

(1) During the Pre-filing Outreach Period, the Applicant shall employ substantial, good faith efforts and endeavor to balance the goal of providing available information on Project design criteria to Key Stakeholders at an early point during Project development with the need to pursue due diligence on potential site options to develop the optimal Project design.

(a) During the Pre-filing Outreach Period, the Applicant shall:

1. Review and implement applicable site suitability criteria, cumulative impact analysis requirements, and the cumulative impact analysis tool as described in 980 CMR 15.00. The Applicant shall consider input from Key Stakeholders, Agency Consultations, and public meetings with the Community to inform the selection of the preferred site/route;

2. Discuss during Agency Consultations, meetings with Key Stakeholders, and public meetings with the Community, how site and design options were or are being considered based on the applicable site suitability criteria, cumulative impact analysis requirements, and the cumulative impact analysis tool. Outreach shall include a discussion of how the preferred site/route option avoids, minimizes, or mitigates the potential for disproportionate adverse impacts. See 980 CMR 13.03(1)(e);

3. Document efforts to inform, involve, and partner with Key Stakeholders and the Community;

4. Maintain notes from meetings with Key Stakeholders, Agency Consultation, and Community meetings that include date of the meeting, names of participants, key discussion points, and takeaways;

5. Summarize comments received and how they influenced Project design;

6. Publicize Project information using multiple outreach channels that have wide reach within the Community, including multi-lingual and multi-cultural media options; and

7. Create a Project webpage at the start of the Pre-filing Outreach Period and maintain up-to-date information as it becomes available on Project webpage(s).

(b) The Applicant shall meet with DPP and OEJE individually or jointly at the start of the Pre-filing Outreach Period, in accordance with 980 CMR 16.05 (1), to discuss its proposed outreach plan and clarify pre-filing consultation and engagement requirements.

(c) The Applicant shall meet with relevant Key Stakeholders early during the Pre-filing Outreach Period to inform, seek input, and be responsive to questions and feedback received on the proposed Project. The Applicant shall maintain a Project email distribution list and add Key Stakeholders they meet and those who opt-into the Project email distribution list. The Applicant shall send quarterly updates to the Project email distribution list that include but are not limited to new Project developments, any changes to site or Project design, Project contact person(s), including email, phone number, and mailing address, and an estimated date to submit the Pre-filing Notice to the Board. Emails sent to the Project email distribution list shall be by blind copy and shall include a link or process for addressees to opt-out.

(d) The Applicant shall submit to DPP a Pre-filing Engagement Status Checklist and the following supporting documentation related to its pre-filing consultation and engagement efforts approximately midway through the Pre-filing Outreach Period:

1. A list of Key Stakeholder, Agency Consultation, and public meetings with the Community held to date, including date/time and location;
2. A summary of how the site suitability criteria, cumulative impact analysis requirements, and cumulative impact analysis tool, as applicable, are informing Project design and planning;
3. A summary of any related improvements proposed by Local Government or state agencies during Agency Consultation; and
4. A table summarizing comments received at meetings with Key Stakeholders, Agency Consultation, and public meetings with the Community held to date, and any modifications in Project design made in response to the comments.

(e) The Applicant shall consult with the MEPA Office at least once during the Pre-filing Outreach Period.

1. The consultation with the MEPA Office shall be held early during the Pre-filing Outreach Period to receive feedback on the Applicant's compliance with regulatory requirements and other best practices to avoid or minimize impacts, as well as to receive recommendations on project-specific studies or analyses that may be needed to inform the agencies' review of the Application or a petition to construct once it is filed with the Board.
2. The Applicant may hold subsequent consultation(s) with the MEPA Office as appropriate.

(f) The Applicant shall complete Agency Consultation, as appropriate, to receive feedback on compliance with regulatory requirements, including necessary pre-filing studies and analyses (such as wetlands delineation, or endangered species surveys).

(g) The Applicant shall publicize and conduct at least two public meetings for Key Stakeholders and the Community.

1. The Applicant shall endeavor to hold the first mandatory public meeting after meeting with Key Stakeholders and addressing feedback received, as appropriate.
2. The Applicant shall hold the second mandatory public meeting prior to submitting the Pre-filing Notice with the Board. The Applicant shall present any changes to the Project design and how input received during the first public meeting was considered.
3. In addition to the two mandatory public meetings, as appropriate, Applicants shall endeavor to use other engagement channels such as open houses, workshops, or meetings that are tailored to discuss specific topics of interest to Key Stakeholders and the Community. See 980 CMR 16.07.
4. The pre-filing comment period shall remain open from when the first public meeting is announced until the deadline to submit public comments after the second mandatory public meeting. The Applicant shall provide at least two weeks after the second mandatory public meeting for Key Stakeholders and Community to submit written comments and for comments to be considered prior to filing the Pre-filing Notice.

(h) No less than 45 days and no more than 90 days prior to filing an Application or a petition to construct with the Board, the Applicant shall submit a Pre-filing Notice (Notification of Intent to File Application) to the Board. If the Applicant does not file its Application or a petition to construct with the Board within 90 days after filing the Pre-filing Notice, the Applicant shall resubmit a Pre-filing Notice. If more than 90 days pass after the second Pre-Filing Notice has been filed without the filing of an Application or a petition to construct, the Applicant shall submit to DPP written communication with the reason for the delay and an estimated timeline or date to resubmit the Pre-filing Notice. The Applicant may also meet with DPP staff to provide an update and discuss any additional outreach planned. DPP staff shall review documentation submitted by the Applicant with the Pre-filing Engagement Status Checklist and the Pre-filing Engagement Completion Checklist and provide a written assessment if additional outreach is necessary before a Pre-filing Notice can be resubmitted to the Board.

(i) At the conclusion of the Pre-filing Outreach Period, the Applicant shall file the Pre-filing Notice and the Pre-filing Engagement Completion Checklist with DPP, the Board, and relevant Local Government and state permitting agencies. The Applicant shall also submit the following supporting documentation related to its pre-filing consultation and engagement efforts with DPP:

1. An overview of all pre-filing consultation and engagement efforts that have occurred to date including:
    a. List of Key Stakeholder, Agency Consultation, and Community meetings held, including date/time and location;
    b. Description of the outreach materials created and outreach recipients, including date and method(s) of contact; and
    c. Notes from meetings with Key Stakeholders, Agency Consultation, and public meetings with the Community;

2. A table summarizing all comments received throughout the Pre-filing Outreach Period, how the comments were considered, and any modifications in Project design made in response to the comments;
3. A description of how the site suitability criteria, cumulative impact analysis requirements, and cumulative impact analysis tool as described in 980 CMR 15.00, as applicable, were incorporated into the selection of the Applicant's preferred Project site;
4. A description of any partnerships developed with Key Stakeholders and/or Community, including any advisory bodies formed to provide ongoing input;
5. Any waiver demonstrating good cause that was requested and approved or not approved by DPP;
6. A copy of the Pre-filing Engagement Status Checklist; and
7. An update on any ongoing discussions regarding Community Benefits Plans and Community Benefits Agreements. See Standards and Guidelines for Community Benefits Plans and Agreements, Executive Office of Energy and Environment.

16.05: Pre-filing Requirements for Consultation with DPP and OEJE

(1) At least two weeks before the meeting(s) with DPP and OEJE at the start of the Pre-filing Outreach Period, the Applicant shall share a brief plain language description of the Project, the reason for the Project, location map, anticipated Project impacts and benefits, any alternative sites/routes under consideration, potential environmental impacts, a list of Key Stakeholders and Agency Consultations relevant to the Project, and a list of meetings already held or planned with Key Stakeholders and the Community. The Applicant may meet with DPP and OEJE individually or jointly.

16.06: Pre-filing Requirements for Consultation with MEPA Office and Agency Consultation

(1) The Applicant shall consult with the MEPA Office and all relevant Local Government and state permitting agencies identified by the Applicant to receive feedback on compliance with regulatory requirements and other best practices to avoid or minimize impacts, as well as receive recommendations for project-specific studies or analyses that may be needed to inform the permitting agencies' review of the project once it is filed with the Board. The MEPA Office may recommend additional state or federal agencies with which the Applicant shall consult. Applicants shall meet the following requirements:

(a) During the consultation with the MEPA Office and other relevant Agency Consultation, the Applicant shall:

1. Provide basic Project details including a description of proposed work activities and potential Project impacts on the Community;
2. List all required Local Government, state, and federal Permits it anticipates either to be issued by or would have otherwise been issued by relevant Local Government, state, and federal permitting entity. See 980 CMR 13.05(1);

3. If available, present copies of relevant draft applications for applicable state, regional and local Permits and approvals that would otherwise be issued by each relevant Local Government, state, and federal permitting entity;
4. If available, present copies of relevant draft Permits that would otherwise be issued by each relevant Local Government, state, federal permitting entity;
5. Discuss with the MEPA Office the need for meetings with additional state or federal agencies;
6. For LCEGFs, SCEGFs, LCESFs, SCESFs and Generating Facilities, present a description of the site selection process used in selecting the Applicant's proposed option along with locus maps/lists showing any alternate Project designs considered and associated environmental resource constraints (e.g., Article 97 land, wetlands, M.G.L. c. 91 boundaries, rare species habitat, Areas of Critical Environmental Concern, etc.) as well as potential environmental, public health, public welfare, or public safety impacts from the Project as proposed;
7. For LCTDIFs, SCTDIFs, and transmission Facilities, present a description of the route/site selection process and the alternatives analysis used in selecting the Applicant's preferred option. Include a description of Project alternatives and alternative sites/routes considered along with locus maps/lists showing anticipated Project locations and associated environmental resource constraints (e.g., Article 97 land, wetlands, M.G.L. c. 91 boundaries, rare species habitat, Areas of Critical Environmental Concern, etc.);
8. Discuss how site suitability criteria, cumulative impact analysis requirements, and cumulative impact analysis tool as described in 980 CMR 15.00 were incorporated into the selection of the Applicant's proposed Project site in the case of LCEGFs, SCEGFs, LCESFs, SCESFs, and Generating Facilities, as applicable, and how it was incorporated during the route/site selection process for LCTDIFs, SCTDIFs, and transmission Facilities, as applicable;
9. Identify any Burdened Areas using the Burdened Areas Map referenced in 980 CMR 15.04. Include a map showing Project location and proximity of Burdened Areas;
10. Identify any Burdened Areas that touch any parcel boundaries that will host one or more portions of a Project for each site location using the Commonwealth's Burdened Areas Map;
11. Share preliminary information on environmental impacts and potential avoidance, minimization, and mitigation measures. Rare species information shall not be shared without written approval by MassWildlife's Natural Heritage and Endangered Species Program (M.G.L. c. 66, § 17D); and
12. Discuss decommissioning and site restoration plans developed pursuant to 980 CMR 1.10.

(b) During any subsequent meetings with the MEPA Office and relevant Agency Consultation, the Applicant may discuss specific issues of interest to the agency and/or the Applicant. At these meetings the Applicant shall also present relevant:

1. Project design changes that have occurred since the previous meeting and describe how the Applicant has responded to feedback provided during Agency Consultation and by Key Stakeholders and the Community;
2. A status update and/or results of any project-specific scientific studies or analyses that are ongoing or have been completed; and
3. The Applicant shall communicate to the Local Government and state permitting agencies any design changes that affect that agency's Permit.

16.07: Pre-filing Engagement Requirements for Meetings with Key Stakeholders and Public Meetings with the Community

(1) Applicants shall meet the following requirements:

(a) For one-on-one or joint introductory meeting(s) with Key Stakeholders and public meetings, the Applicant shall:

1. Present a brief plain language description of the Project, the reason for the Project, potential Project benefits and impacts on the Community, and location map(s) that delineates project boundaries, identifies Project components, and includes key landmarks and natural features within one mile of the Project boundary;
2. Describe anticipated impacts from the Project and solicit input on minimization and mitigation of those impacts;
3. For LCTDIFs, SCTDIFs, and transmission Facilities, present potential route/site alternatives that were or are under active consideration, the Applicant's preferred alternative, a comparison of anticipated impacts of any alternatives, and proposed mitigation measures;
4. For LCEGFs, SCEGFs, LCESFs, SCESFs and Generating Facilities, present the site selection process used in selecting the proposed option, the anticipated health, environmental, and safety impacts of the proposed alternative, and proposed mitigation measures;
5. Discuss decommissioning and site restoration plans pursuant to 980 CMR 1.10 at the public meetings;
6. Share the estimated timeline for filing the Pre-filing Notice with the Board and future opportunities for public comment or input on the Project;
7. Share Project contact person(s) including email, phone, and mailing address;
8. Provide information on Project-specific issues or topics of interest to Key Stakeholders and the Community;
9. Share link to main Project webpage that will serve as repository of up-to-date Project information; and

10. Provide hard copies of Project materials to Key Stakeholders upon request.

(b) For any subsequent meetings with Key Stakeholders and when using engagement channels like open houses, or workshops for Community meetings, the Applicant may tailor the agenda to respond to Project-specific issues or topics of interest to Key Stakeholders and the public. At these meetings, the Applicant shall present a brief update on any changes that have occurred since the previous meeting.

(c) The Applicant shall provide translated meeting materials and interpretation upon request for meetings with Key Stakeholders. The Applicant shall provide translation and interpretation according to the current Board Language Access Plan for public meetings with the Community.

16.08: Pre-filing Outreach Requirements for Public Meetings with the Community

(1) The Applicant shall make substantial good faith efforts to meet the following pre-filing outreach requirements for public meetings with the Community:

(a) Tailor outreach for public meetings to the Project and characteristics of potentially impacted populations and publicize Project information using at least two outreach channels that have wide reach within the Community.

1. Outreach channels can include, but are not limited to, door-knocking, emails, phone calls, social media posts, flyers posted in community gathering spaces, radio spots, and contacting local cable channel(s). The Applicant may consult with local officials and community-based organizations on the appropriate outreach channels that will have the broadest reach in the Project area including multi-media and multi-cultural media options.

2. Outreach materials shall note the availability of intervenor funding to eligible entities through the Department and the Board's Intervenor Support Grant Program and include a link to the program website.

3. Outreach materials shall include information on how to request translation and/or interpretation services.

4. Outreach materials shall link to the Applicant's Project webpage.

5. Paper copies of the outreach materials shall be available for review in municipal office buildings (e.g., clerk's office) and public libraries within the municipality(ies) in which the proposed Project boundaries fall, and locations suggested by Key Stakeholders and members of the Community.

(b) Guidelines for Public Meetings

1. Hold public meetings in a format that allows for both in-person and virtual participation, where possible.

2. Translate flyers announcing the public meetings, the meeting agenda, presentation, and other materials and provide simultaneous interpretation according to the current Board Language Access Plan.

3. Provide translation and interpretation in additional languages as requested.

4. Hold public meetings at reasonable times that reflect Community availability (e.g., weekends and evenings) and in accessible locations that Community members routinely use (e.g., community centers and public libraries).
5. Where possible, meeting locations shall be near public transit and/or have ample no-cost parking.
6. Provide notice of the public meeting at least two weeks in advance and communicate event date/time through a variety of outreach channels.

16.09: Pre-filing Requirements for Project Webpage(s)

(1) The Applicant shall establish a Project webpage, and include the following information as it becomes available during the Pre-filing Outreach Period:
(a) Project webpage(s) shall be updated as new information becomes available and include the following information:
1. Plain language Project summary that includes Project benefits and impacts and translated versions as per the current Board Language Access Plan;
2. Project description including Project size, Project footprint, and plain language description of Project area and abutting properties, and translated versions as per the current Board Language Access Plan;
3. Location map(s) that delineates project boundaries, identifies project components, and includes key landmarks and natural features within one mile of the Project boundary;
4. A summary of how site suitability criteria and cumulative impacts analysis requirements, as applicable, have been incorporated into the selection of the preferred Project site/route and Project design;
5. For all LCEGF, SCEGF, LCESF, SCESF and Generating Facilities, the Project webpage shall include a description of the process to select the proposed option, the anticipated health, environmental, and safety impacts of the proposed option, and any proposed mitigation measures;
6. For LCTDIF, SCTDIF, and transmission Facilities, the Project webpage shall present details of potential route/site alternatives under active consideration, the preferred alternative, a general comparison of anticipated health, environmental, and safety impacts of any alternatives under consideration, and any proposed mitigation measures;
7. Relevant materials of general interest shared during meetings with Key Stakeholders;
8. Relevant materials shared during Community meetings including but not limited to slide decks and printed project information;
9. Date, time, and location of scheduled public engagement events;
10. Prominently placed link to sign up for a Project email distribution list that provides subscribers with a quarterly (or more) progress report, reminders of how Community members can participate (e.g., upcoming public engagement events), and an estimated timeline for filing the Pre-filing Notice with the Board;

11. Project contact person(s) including email, phone, and mailing address;
12. A comment submission form or link with information on how to submit comment and any comment deadlines;
13. List of meetings with relevant Key Stakeholders regarding the proposed Project, including the names of organization, or community-based organizations and date of the meeting;
14. A summary of the feedback received from Key Stakeholders and the Community and how the Applicant considered this feedback in the Project design (e.g., any modification or deselection of potential routes or sites under consideration or changes to Project design);
15. Information and timeframe to request translation and/or interpretation services;
16. Any waiver demonstrating good cause that was requested and approved or not approved by DPP;
17. Pre-filing Engagement Status Checklist and Pre-filing Engagement Completion Checklist submitted to DPP. The Applicant shall not post documents with personally identifiable information;
18. Prominent note that funding is available to eligible entities through the Department and the Board's Intervenor Support Grant Program and include a link to the program website; and
19. Pre-filing Notice along with any translated versions required as per the current Board Language Access Plan.

<u>16.10: Pre-filing Notice (Notification of Intent to File Application) Requirements</u>

(1) Pre-filing Notice requirements shall apply to all Applicants seeking permit approval by the Board. The Pre-filing Notice shall be emailed to DPP, the Board, and Local Government and state permitting agencies consulted. In addition to posting the Pre-filing Notice and any translated versions as per the current Board Language Access Plan on the Project webpage, the Applicant shall also email the Pre-filing Notice to Person(s) on the Project email distribution list and relevant Key Stakeholders

(2) The Applicant shall also submit to relevant Local Government and state permitting agencies, copies of draft application and draft permit with recommended conditions for applicable state, regional and local permits and approvals that would otherwise be issued by each relevant state/regional/local permitting entity. Such draft applications and permits shall include technical and other materials required by the permitting agency's application and guidance materials, including mapping, jurisdictional delineations, evaluations, analyses and other requested information.

(3) Pre-filing Notice shall include:

(a) Basic Project details such as a plain language Project summary, Project name, location map, anticipated Project filing date, link to main Project webpage; and
(b) Clarifying or supporting information, if appropriate.

(4) DPP Opinion:

(a) The Applicant shall submit the Pre-filing Engagement Completion Checklist and supporting documentation as described in 16.04(i) together with the Pre-filing Notice to DPP. At the same time the Applicant shall submit the Pre-filing Engagement Completion Checklist to the Board and relevant Local Government and state permitting agencies.

(b) Local Government and state permitting agencies may file their comments regarding the Applicant's pre-filing Agency Consultation and recommendations related to the draft permit application with DPP within 30 days.

(c) DPP shall review the documentation submitted by the Applicant and any comments received, and assess if the pre-filing consultation and engagement requirements are met, insufficient, or incomplete and provide a DPP Opinion to the Board for consideration during the adjudicatory process. In preparing the DPP Opinion, DPP will incorporate feedback received from Local Government and state permitting agencies regarding their assessment of the Applicant's pre-filing consultation, and sufficiency of necessary preparatory studies and analyses. DPP shall copy the Applicant on the DPP Opinion sent to the Board.

16.11: Pre-filing Consultation and Engagement Documents to be Submitted with Application or Petition to Construct to the Board

(1) The Applicant shall submit the Pre-filing Engagement Completion Checklist and supporting documentation as described in 980 CMR 16.04(i) to the Board as part of the Project Application or petition to construct package as defined in 980 CMR 13.00.

REGULATORY AUTHORITY

980 CMR: M.G.L. c. 164, §§ 69J, 69J1/4, 69T, 69U, 69V.

附件5-A

申请前参与完成清单草案

DIVISION OF PUBLIC PARTICIPATION
PRE-FILING ENGAGEMENT COMPLETION CHECKLIST
980 CMR 16.00

The Applicant shall submit the completed Pre-filing Engagement Completion Checklist and supporting documentation to the Division of Public Participation (DPP) and the Energy Facilities Siting Board (Board) together with the Pre-filing Notice. The Applicant shall also submit the Pre-filing Notice and completed Pre-filing Engagement Completion Checklist with Local Government and state permitting agencies. If a certain outreach requirement noted in the checklist cannot be completed, the Applicant shall attach a statement describing why it was not completed or attach a waiver demonstrating good cause that was requested from and approved by DPP.

PART 1: GENERAL INFORMATION

Applicant legal name:
Applicant representative:
Project type (e.g., large, small, clean etc.):
Project name:
Brief (1-2 sentence) plain language description of project:
Project location and alternative sites, if applicable:
Link to Main Project Webpage:
Anticipated Application filing date with the Board:
Start of Pre-filing Outreach Period (date):
Pre-filing Outreach Period Complete (date):

PART 2: STATUS OF PRE-FILING CONSULTATION AND ENGAGEMENT REQUIREMENTS

☐Met with DPP & Executive Office of Energy and Environmental Affairs' (EEA) Office of Environmental Justice and Equity (OEJE) to share proposed engagement plan & clarify pre-filing consultation and engagement requirements.
☐Consulted site suitability criteria, cumulative impacts analysis guidance and cumulative impact analysis tool as applicable and communicated during the Pre-filing Outreach Period how it informed the selection of the preferred site/route.
☐Demonstrated efforts to inform, involve, and partner with Key Stakeholders and the Community during the Pre-filing Outreach Period.
☐Publicized project information using multiple outreach channels and maintained up-to-date project webpage(s) as information became available.
☐Met with Key Stakeholders and provided quarterly updates.
☐Discussed Community Benefits Plan (CBP) with relevant Key Stakeholders, if applicable.
☐Submitted the Pre-filing Engagement Status Checklist and supporting documentation to DPP.

☐Completed consultation(s) with the Massachusetts Environmental Policy Act (MEPA) Office and all relevant Agency Consultations.

☐Held first public meeting for Key Stakeholders and Community.

☐Held second public meeting for Key Stakeholders and Community.

☐Translated written outreach materials and provided interpretation for public meetings as required by the current Board Language Access Plan (LAP).
Please list all non-English languages used to conduct community engagement, if applicable:

____

☐Submitted Pre-filing Notice to the Board.

PART 3: SUPPORTING DOCUMENTATION

The Applicant shall attach the following supporting documentation along with the Pre-filing Engagement Completion Checklist:

☐Overview of all pre-filing consultation and engagement efforts that have occurred to date and any planned future outreach including:

☐Description of how project information was publicized including project webpage(s), outreach materials created, and outreach recipients including date and method(s) of contact;

☐ Notes from meetings with Key Stakeholders, Agency Consultation and Community meetings;

☐A table summarizing all comments received throughout the Pre-filing Outreach Period, how these comments were considered, and any modifications in project design in response to the comments;

☐Description of how applicable site suitability criteria, cumulative impact analysis requirements, and cumulative impact analysis tool as described in 980 CMR 15.00 were incorporated into the selection of the Applicant's preferred project site;

☐Description of any partnerships developed with Key Stakeholders and/or Community, including any advisory bodies formed to provide ongoing input;

☐A copy of the Pre-filing Engagement Status Checklist; and

☐An update on any discussions regarding Community Benefits Plans and Community Benefits Agreements, if applicable.

I have made best efforts to inform all stakeholders about the project, consider feedback, and negotiate regarding core aspects of the proposed project, including alternate sites/designs, project impact mitigations, public safety service or equipment standards.

I declare under penalty of perjury that all information provided is complete and accurate to the best of my knowledge. Upon request, I agree to provide DPP with additional information or documentation.

Name of signatory:
Title:
Date:

DIVISION OF PUBLIC PARTICIPATION

PRE-FILING ENGAGEMENT STATUS CHECKLIST
980 CMR 16.00

The Applicant shall submit the Pre-filing Engagement Status Checklist to the Division of Public Participation (DPP) approximately midway through the Pre-filing Outreach Period. The Applicant shall attach the supporting documentation listed in Part 3 as an appendix to this checklist.

PART 1: GENERAL INFORMATION

Applicant legal name:
Applicant representative:
Project type (e.g., large, small, clean etc.):
Project name:
Brief (1-2 sentence) plain language description of project:
Project location:
Link to Main Project Webpage:
Anticipated timeline to submit the Pre-filing Notice to the Board:
Start of Pre-filing Outreach Period (date):

PART 2: STATUS OF PRE-FILING CONSULTATION AND ENGAGEMENT REQUIREMENTS

Completed	In Progress or Ongoing	Not Started	Task
☐	☐	☐	Meeting with Division of Public Participation (DPP) & Executive Office of Energy and Environmental Affairs (EEA) Office of Environmental Justice and Equity (OEJE) (individually or jointly) to share proposed engagement plan & clarify pre-filing consultation and engagement requirements.
☐	☐	☐	Consulted site suitability criteria, cumulative impacts analysis requirements and cumulative impact analysis tool as applicable to inform selection of the proposed option. Communicating during stakeholder outreach how site suitability criteria and cumulative impact analysis is informing project design and planning.
☐	☐	☐	Inform, involve, and partner with Key Stakeholders and the Community.
☐	☐	☐	Publicize project information using multiple outreach channels and maintain up-to-date project webpage(s).
☐	☐	☐	Meetings with Key Stakeholders and quarterly project updates
☐	☐	☐	Discussions on Community Benefits Plan (CBP) with relevant Key Stakeholders, if applicable.

☐	☐	☐	Consultation with the Massachusetts Environmental Protection Act (MEPA) Office and relevant Agency Consultations.
☐	☐	☐	First public meeting for Key Stakeholders and Community.
☐	☐	☐	Second public meeting for Key Stakeholders and Community.
☐	☐	☐	Translating outreach materials and providing interpretation as per current Board Language Access Plan (LAP). Please list all non-English languages used to conduct community engagement, if applicable: ______________________________
☐	☐	☐	Pre-filing comment period has commenced.

PART 3: SUPPORTING DOCUMENTATION

- List of Key Stakeholder, Agency Consultation, and Community meetings held to date, including date/time and location;
- A summary of how the site suitability criteria, cumulative impact analysis requirements, and cumulative impact analysis tool informed project design and planning, and any related improvements proposed by state, regional or local agencies during Agency Consultation to date; and
- A table summarizing comments received from meetings with Key Stakeholders, during Agency Consultation, and public meetings with Community held to date, and any modifications in project design in response to the comments.

I declare under penalty of perjury that all information provided is complete and accurate to the best of my knowledge. Upon request, I agree to provide DPP with additional information or documentation.

Name of signatory:
Title:
Date:

附件6

条例草案

980 CMR 17.00 – 推定批准

980 CMR 17.00: CONSTRUCTIVE APPROVALS

Section

17.01: Purpose and Scope.

(1) Purpose. 980 CMR 17.00 establishes the requirements pertaining to a Constructive Approval, which the Board shall issue if it has not timely issued a Consolidated Permit or Consolidated State Permit under 980 CMR 13.00.

(2) Scope. 980 CMR 17.00 applies to every Application submitted to the Board for a CEIF. M.G.L. c. 164, §§ 69T, 69U, 69V. 980 CMR 17.00 does not apply to De Novo Adjudications pursuant to 980 CMR 14.00.

(3) Applicability of Earlier Sections. 980 CMR 1.00, 2.00, 13.00, and 15.00 apply to 980 CMR 17.00, unless otherwise noted.

(4) Definitions. The definitions in 980 CMR 1.00 and 13.00 shall apply to 980 CMR 17.00. For the purpose of 980 CMR 17.00, the following additional definition applies unless the context or subject matter requires a different interpretation:

Constructive Approval Permit means a Consolidated Permit or Consolidated State Permit that the Board issues in the event of Constructive Approval. Unlike a Consolidated Permit or Consolidated State Permit issued through the process defined in 980 CMR 13.00, a Constructive Approval Permit may include both zoning relief and necessary zoning exemptions, if the Applicant includes a Zoning Statement pursuant to 980 CMR 17.03(1)(b)(3). The contents and form of Constructive Approval Permits are defined in 980 CMR 17.03.

17.02: Preparations for Possibility of Constructive Approval.

(1) Procedural Assessment. Between sixty and ninety days before the applicable deadline established by 980 CMR 13.02(4)(a), the Presiding Officer shall assess the progress of the proceeding to determine whether there is reasonable assurance that the Board will issue a Consolidated Permit or Consolidated State Permit by the applicable deadline.

(2) Notice of Likelihood of Constructive Approval. If the Presiding Officer does not have reasonable assurance that the Board will meet its deadline to issue a Final Decision, the Presiding Officer shall prepare and issue to the Parties, Permit Enforcement Agencies, and the Board a Notice of Likelihood of Constructive Approval that references 980 CMR

17.02: *Preparations for Possibility of Constructive Approval,* states that a Constructive Approval is likely, and describes the reasons for that assessment.

(3) Issuance of Draft Constructive Approval Permit. Within two weeks after the issuance of the Notice of Likelihood of Constructive Approval, the Presiding Officer shall prepare and issue to the Parties, Limited Participants, the Permit Enforcement Agencies, and the Board a draft Constructive Approval Permit. The Permit shall comply with the requirements of 980 CMR 17.03: *Contents and Form of a Constructive Approval Permit*, except that the document will be titled "draft Constructive Approval Permit" and will be marked "DRAFT" on all pages.

(4) Comment Period. The Presiding Officer shall designate a comment period, extending at least seven days from the issuance of the draft Constructive Approval Permit. During that time, the recipients of the draft Constructive Approval Permit may file written comments regarding the draft to ensure compliance with 980 CMR 17.03: *Contents and Form of a Constructive Approval Permit*.

(5) Continuing Right to Issue a Decision on a Consolidated Permit or Consolidated State Permit. Neither the Presiding Officer's likelihood assessment pursuant to 980 CMR 17.02(2) nor its issuance of a draft Constructive Approval Permit pursuant to 980 CMR 17.02(3) shall prohibit the Board from issuing a decision on a Consolidated Permit or Consolidated State Permit pursuant to 980 CMR 13.00 prior to the issuance deadline.

17.03: Contents and Form of a Constructive Approval Permit.

(1) Contents. A Constructive Approval Permit shall be in writing and shall include the following contents:

(a) Identifying Information.

1. Name of the Applicant, docket number(s), and project name.
2. Name, address, telephone number, and email address of the Applicant Representative(s). See 980 CMR 13.01(4): *Definitions* and 13.03(3) *Application Summary Form*.
3. The Applicant's Description of the Project, Site, and Surrounding Area pursuant to 980 CMR 13.03(4): *Description of the Project, Site, and Surrounding Area*, including any updates in the evidentiary record of the proceeding.

(b) Required Permits and Approvals.

1. List. A list of all state, regional, and local permits and approvals listed on the Application pursuant to 980 CMR 13.05: *Agency Permit Requirements*, as the Applicant may have validly updated that information.
2. Documents. All draft permits and approvals provided by the Applicant pursuant to 980 CMR 13.05(1)(a), (b), and (c), as the Applicant may have validly updated that documentation.
3. Zoning Statement. A statement of the zoning exemptions that the Applicant requests and that the Presiding Officer has consolidated with the

Application for a Consolidated Permit or Consolidated State Permit pursuant to 980 CMR 1.09(2).

(c) Common Conditions , all pursuant to 980 CMR 13.08: *Conditions for EFSB Consolidated Permit*.

1. Board Common Conditions,
2. DOER Common Conditions, and
3. PEA Common Conditions.

(d) Abbreviated Procedural History (substantially complying with the following text, completed as indicated).

The Applicant(s), _____________________[name(s)], filed its/their Application in this proceeding on ___________[date]. On _______________[date], pursuant to 980 CMR 13.09: *Completeness Determination*, the Presiding Officer issued a Completeness Determination. The Determination confirmed that the Applicant had complied with all Application filing requirements. As a consequence of this determination date, the Board was required, pursuant to 980 CMR 13.02(4): *Review Time Frame*, to issue a Consolidated Permit or Consolidated State Permit by _____________[date].

The Board did not issue a Consolidated Permit or Consolidated State Permit by ____________ [date]. Under these circumstances, M.G.L. c. 164, § 69T (for a large clean energy infrastructure facility), § 69U (for a small clean transmission and distribution infrastructure facility), or § 69V (for a small clean energy generation facility or small clean energy storage facility) requires the Board to issue a Constructive Approval Permit approving the Project. The Applicant is approved for all required state, regional, and local permits and approvals listed on part b(1) of this Constructive Approval Permit as if the accompanying draft permits had issued in final form. The Applicant is likewise granted all requested zoning exemptions as referenced in part b(3) of this Permit.

(e) Statement of Decision's Effect and Appeal Rights. The Constructive Approval Permit shall contain the text of 980 CMR 17.05(1): *Effect of Decision*; and 17.05(2): *Rights of Appeal*.

(f) Additional Information. Such additional information as the Board may deem necessary.

(2) Form. The Board may specify the form of the Constructive Approval Permit and may make available a template for that purpose.

17.04: Constructive Approval and Issuance of a Constructive Approval Permit.

(1) If the Board has not timely issued a Consolidated Permit or Consolidated State Permit, the Constructive Approval Permit will be deemed issued on the applicable deadline date as a final Constructive Approval Permit.

(2) The Presiding Officer will distribute to the Parties the Constructive Approval Permit itself, in compliance with 980 CMR 17.03: *Contents and Form of a Constructive Approval Permit* within five business days of the applicable deadline date.

(3) The evidentiary record closes upon the distribution of the Constructive Approval Permit.

17.05: Effect of Decision and Rights of Appeal.

(1) Effect of Decision. In accordance with M.G.L. c. 164, §§69T(i), 69U(c), 69V(c), a Constructive Approval Permit acts as an approval of all relevant permits and approvals from all state, regional, and local agencies required to construct and operate the project.

(a) No state, regional, or local agency shall require any other approval, consent, permit, certificate or condition for the construction, operation, or maintenance of the project.

(b) No state, regional, or local agency shall impose or enforce any law, ordinance, by-law, rule or regulation nor take any action nor fail to take any action, other than reasonably enforcing the conditions and requirements of the Constructive Approval Permit, that would delay or prevent construction, operation, or maintenance of the Project.

(2) Rights of Appeal. Under M.G.L. c. 164, § 69T, 69U, or 69V, a Constructive Approval Permit is deemed a final decision, and is subject to appeal under M.G.L. c. 164, § 69P. The appeal deadline will be calculated from the date the Presiding Officer distributed the Constructive Approval Permit pursuant to 980 CMR 17.04(2).

(3) Scope of Review. The scope of such judicial review is governed by M.G.L. c. 164, § 69P. The scope of the appeal shall be limited to whether the Constructive Approval Permit: (i) is in conformity with the Constitution of the Commonwealth and the United States Constitution; (ii) was made in accordance with the procedures established in M.G.L. c. 164, §§ 69H to 69O, inclusive, and §§ 69T to 69W, inclusive, and the rules and regulations of the Board with respect to such provisions; (iii) was supported by substantial evidence of record in the board's proceedings; or (iv) was arbitrary, capricious or an abuse of the Board's discretion under M.G.L. c. 164, §§ 69H to 69O, inclusive, and said sections §§ 69T to 69W, inclusive.

REGULATORY AUTHORITY

980 CMR 17.00: M.G.L. c. 164, §§69T(i), 69U(c), 69V(c).