



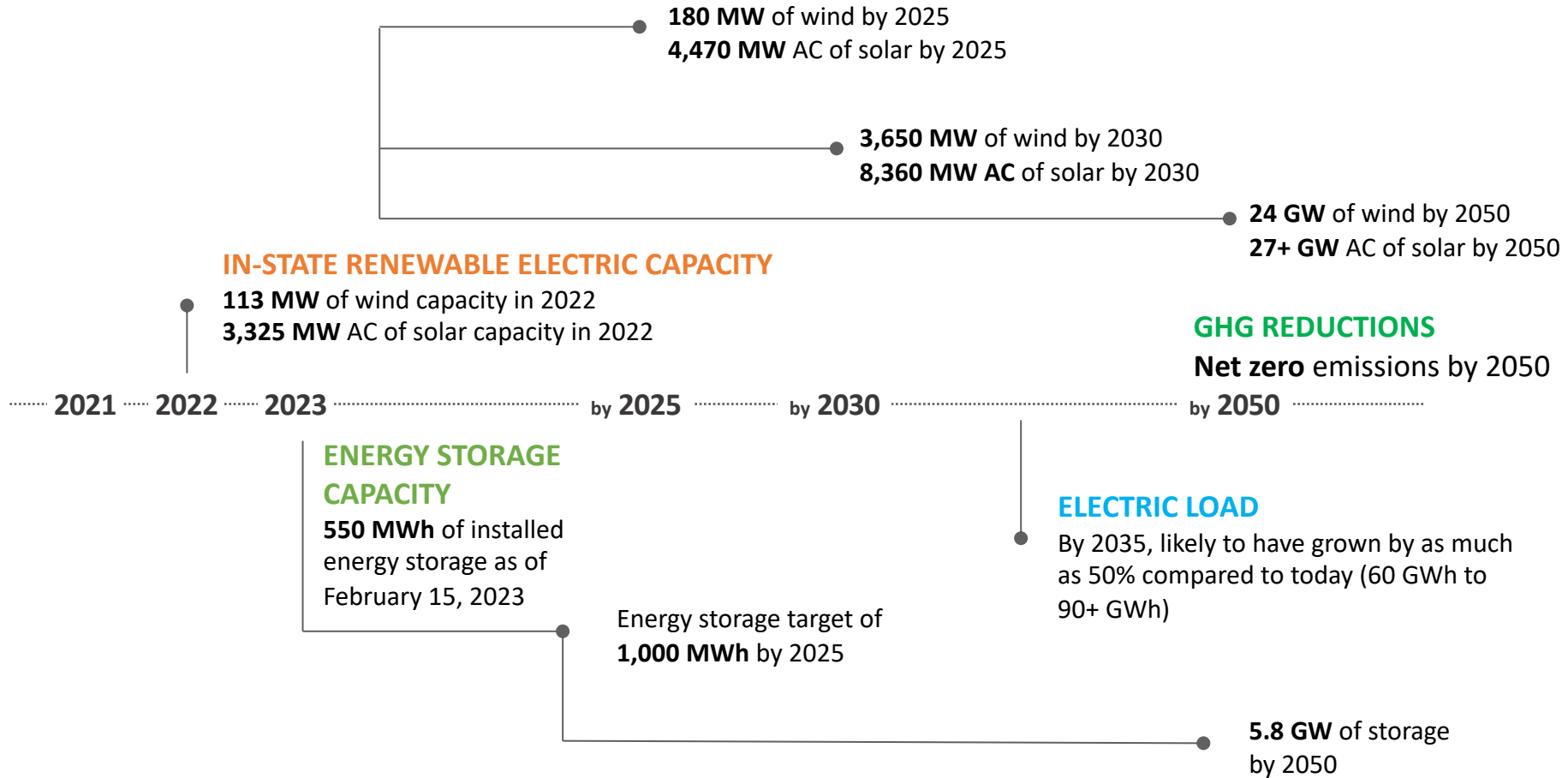
# Commonwealth of Massachusetts

## *Energy Infrastructure Siting and Permitting Reform Overview*

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# Massachusetts' Clean Energy Needs





# Challenges with Current Process

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- Permitting processes are lengthy, unpredictable, and sometimes duplicative
  - Timelines vary significantly and some projects have taken up to a decade to complete.
  - Historically, it has taken the Energy Facilities Siting Board (EFSB) between 1 and 4 years to issue approval to construct, after which the project still needs to get all other permits.
- Opportunities for appeal of each separate permit can cause years of delays.
- Communities feel they often do not have sufficient or impactful input into the siting of major infrastructure projects.
- Communities may not have the resources necessary to fully engage in permitting processes.
- **Massachusetts will not meet our GHG reduction limits without reform.**



# Overview

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- Commission was established by [Executive Order 620](#)
- Required to advise the Governor on:
  1. **accelerating the responsible deployment of clean energy infrastructure through siting and permitting reform** in a manner consistent with applicable legal requirements and the Clean Energy and Climate Plan;
  2. **facilitating community input** into the siting and permitting of clean energy infrastructure; and
  3. **ensuring that the benefits of the clean energy transition are shared equitably** among all residents of the Commonwealth.
- Supported by an Interagency Siting and Permitting Task Force and a Siting Practitioner Advisory Group.
- 15 meetings held over eight months.
- Two public listening sessions held and over 1,500 public comments received.
- Commission voted on a series of recommendations over multiple meetings in March, reaching consensus on some, but not all, topics.
- Recommendations sent to Governor Healey on March 29, 2024.



# Commission Members

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- State agencies
- Municipalities
- Environmental justice organizations
- Climate, environmental, and land-use advocates
- Electric utilities
- Agricultural interests
- Energy siting practitioner
- Clean energy industry
- Housing and real estate
- Labor
- Chairs of the Joint Committee Telecommunications, Utilities, and Energy (non-voting members)




# Recommendations

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- **Define clean energy infrastructure** as solar, wind and anaerobic digestion facilities; storage facilities; and transmission and distribution infrastructure.
- **Consolidate permitting** at both state and local levels
- **Set mandatory timeframes** for permit decisions
- **Streamline appeals** processes
- Establish **community engagement requirements** for developers
- **Provide support to municipalities and organizations** to better engage in permitting processes
- Create **guidance on the suitability of sites** for future energy infrastructure development



# Consolidated State Permitting

- Consolidate all state, regional, and local permits larger projects into one consolidated permit issued by the Energy Facilities Siting Board (EFSB).
  - All state and local agencies that would otherwise have a permitting role would be able to automatically intervene and would participate by issuing statements of recommended permit conditions.
  - EFSB decisions can be appealed directly to the Supreme Judicial Court.
  - Permit must be issued in less than 15 months from determination of application completeness.
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- Would apply to generation facilities >25 MW, storage facilities >100 MWh, and large new transmission projects



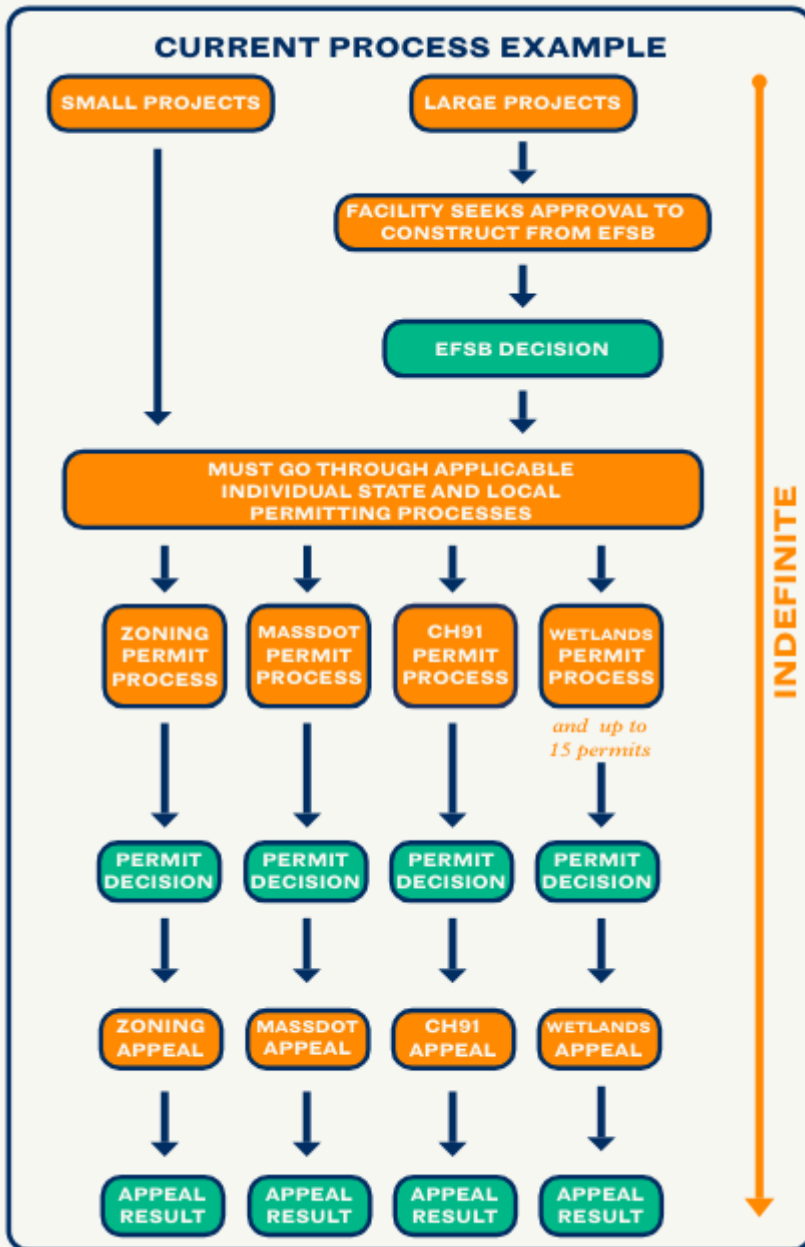
# Consolidated Local Permitting

- Local governments (municipalities and regional commissions such as the Cape Cod and Martha's Vineyard Commissions) retain all permitting powers for projects not subject to review by the EFSB.
- DOER to create a standard municipal permit application and a uniform set of baseline health, safety, and environmental standards to be used by local decision makers when permitting clean energy infrastructure.
- Local governments may run separate approval processes concurrently (e.g., wetlands, zoning, etc.), but would be required to issue a single permit within 12 months, inclusive of all individual approvals/denials.
- Local governments can refer permitting review directly to the EFSB if they do not have sufficient resources.
- EFSB review of a local government decision can be requested by parties that can demonstrate they are substantially and specifically impacted by the decision, with appeals of EFSB going directly to the Supreme Judicial Court.

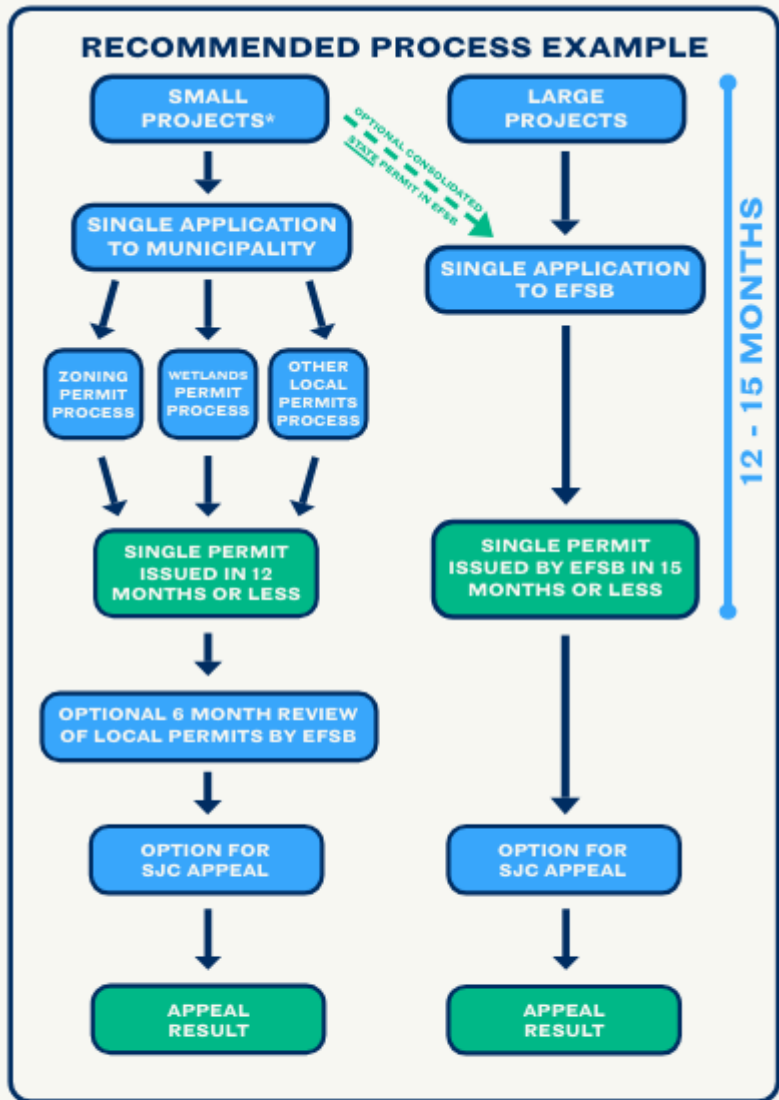


- Would apply to generation facilities <25 MW, storage facilities <100 MWh, and non-EFSB jurisdictional transmission and distribution projects





Current processes are confusing and delay much needed clean energy infrastructure as much as a decade.



Local and state permitting authorities remain largely the same, but timelines are shortened.

\*Small utility projects like small transmission expansions can opt into the EFSB permitting process.



# More Meaningful & Just Community Engagement

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- Formal establishment of the Office of Environmental Justice and Equity in statute, with a specific mandate to develop guidance regarding community benefits agreement and cumulative impact analyses.
- A new Division of Public Participation at DPU to assist communities and project applicants with engagement and process questions in DPU and EFSB proceedings.
- A new Division of Siting and Permitting at DOER to assist communities and project applicants with engagement and process questions in local permitting.
- First-ever mandatory community engagement requirements, including:
  - Project information to be posted on a public website and in locations where communities commonly gather at least 15 days prior to an initial public meeting, with translation provided;
  - Specificity on the number and types of meetings that must occur prior to filing with the EFSB;
  - 60-day written public comment period prior to filing with EFSB; and
  - Demonstration of efforts to involve community organizations and develop community benefit agreements.



# Additional Recommendations

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- Create explicit seat for municipal interests on EFSB.
- Conduct management study to identify increased staffing requirements and clarify and expand funding sources for EFSB.
- Create site suitability methodology and guidance to inform state and local permitting processes about the suitability of sites for clean energy development, and help developers to avoid, minimize and mitigate environmental impacts.
- Additional complementary reforms to ensure more efficient permitting processes, provide public education, and incentivize responsible clean energy development.
  - Permit extensions for projects delayed by interconnection
  - Clarification on appeals process for local permits
  - Allow for large storage projects to apply for EFSB certificate
  - MassDEP noise policy review
  - Statewide education, zoning guidance, and technical assistance
  - Expand incentives and requirements for solar canopies



## Current Status and Next Steps

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- The Administration drafted legislative language that closely aligns with Commission's recommendations.
- Includes proposals for several important issues that were not included in the Commission's recommendations:
  - Exempts EFSB-jurisdictional clean energy infrastructure from Massachusetts Environmental Policy Act (MEPA) review;
  - Requires cumulative impact analysis for projects before the EFSB to ensure that existing environmental and public health burdens are considered in the siting and permitting process;
  - Proposal developed in coordination with the AGO for providing intervenor funding support in DPU and EFSB proceedings;
  - Changes to EFSB board composition;
  - EFSB and DOER regulations would need to be promulgated by March 1, 2026; and
  - Transfers legacy DPU siting authority to EFSB.
- Working closely with legislature to reach agreement on final language.