

**COMMONWEALTH OF MASSACHUSETTS
ENERGY FACILITIES SITING BOARD**

Rulemaking Implementing the Requirements of)
the 2024 Climate Act, St. 2024, c. 239, to)
Establish New Requirements, Revise Existing) EFSB 25-10-A
Requirements, and Repeal Unused Requirements)
Governing the Energy Facilities Siting Board)

**TENTATIVE DECISION IN RULEMAKING ON CUMULATIVE IMPACT ANALYSIS
AND SITE SUITABILITY CRITERIA**

December 12, 2025

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The Energy Facilities Siting Board (“Siting Board”) hereby issues this decision in a rulemaking to implement An Act Promoting a Clean Energy Grid, Advancing Equity and Protecting Ratepayers, St. 2024, c. 239 (“2024 Climate Act” or the “Act”). G.L. c. 30A §§ 1-7. This decision opens a rulemaking on the Cumulative Impact Analysis and Siting Suitability Criteria provisions of the 2024 Climate Act, 980 CMR 15.00. St. 2024, c. 239, §§ 5, 53, 60, 62, 74.

I. INTRODUCTION

On November 20, 2024, Governor Maura Healey signed into law the 2024 Climate Act. The 2024 Climate Act reforms the siting and permitting process for clean energy infrastructure facilities (“CEIF”) and revises the statutory obligations of the Siting Board. A major focus of the 2024 Climate Act is reforming the siting and permitting process for CEIFs to help achieve the Commonwealth’s ambitious climate and clean energy goals. Key provisions of the 2024 Climate Act will improve the speed and efficiency of siting and permitting CEIFs at state and local levels, while also ensuring communities and other stakeholders have meaningful opportunities for engagement and input in pre-filing and review processes. Specifically, the 2024 Climate Act requires the Siting Board to promulgate regulations to implement changes to G.L. c. 164, §§ 69G to 69J¹/₄, inclusive, §§ 69O and 69P, §§ 69R and 69S, and §§ 69T to 69W, inclusive. The 2024 Climate Act requires the Siting Board to promulgate regulations by March 1, 2026, for projects filed with the Siting Board on or after July 1, 2026. St. 2024, c. 239, § 132.

On September 12, 2025, the Siting Board issued a Decision Opening Rulemaking in EFSB 25-10 (“Decision Opening Rulemaking”). In recognition of those broad revisions to the Siting Board’s mandate, the Siting Board issued new proposed regulations and proposed to delete existing regulations that are no longer consistent with, or necessary under, the Siting Board’s current statutory authority. In addition, further amendments to existing regulations were proposed to provide greater procedural efficiency and clarity. The Siting Board proposed to revise two

chapters of existing regulations, promulgate four new chapters, and repeal six existing chapters,¹ each noted below in Table 1 (together “Proposed Regulations”).²

Table 1. Summary of Proposed Regulations.

Regulation	Status	Regulation Title
980 CMR 1.00	Revised	Rules for the Conduct of Adjudicatory Proceedings
980 CMR 2.00	Revised	General Information and Conduct of Board Business
980 CMR 13.00	New	Consolidated Permits for Clean Energy Infrastructure Facilities
980 CMR 14.00	New	De Novo Adjudications of Consolidated Local Permit Applications
980 CMR 16.00	New	Pre-filing Consultation and Engagement Requirements
980 CMR 17.00	New	Constructive Approval
980 CMR 4.00	Repealed	Freedom of Information; Protection of Trade Secrets
980 CMR 5.00	Repealed	Environmental Assessment and Environmental Impact
980 CMR 7.00	Repealed	Long-Range Forecasts and Supplements
980 CMR 8.00	Repealed	Notices of Intention to Construct an Oil Facility
980 CMR 9.00	Repealed	Coastal Zone Facility Site Selection, Evaluation and Assessment
980 CMR 11.00	Repealed	Licensing of Hydropower Generating Facilities

¹ While the 2024 Climate Act does not mandate the repeal of these six chapters, the Siting Board used this opportunity to remove obsolete regulations that are no longer in use, in furtherance of the goal of increased clarity and efficiency. The Massachusetts Office of Coastal Zone Management filed comments indicating its recommendations that the Siting Board retain 980 CMR 9.00, as this regulation is the underlying state authority for a provision of the approved Massachusetts Coastal Management Program. The Siting Board will address this comment in a future decision.

² The Siting Board noted that it planned to also propose a new chapter of regulations (980 CMR 15.00) focused on cumulative impacts analysis and site suitability criteria. This Decision opens the rulemaking on 980 CMR 15.00.

II. DESCRIPTION OF THE 2024 CLIMATE ACT

A. Background on the 2024 Climate Act

The 2024 Climate Act creates a new Consolidated Permit process³ by which the Siting Board will issue all necessary local, regional, and state permits and approvals for large clean energy infrastructure facilities (“LCEIF”). G.L. c. 164, § 69T. In addition, in certain circumstances, the Siting Board will issue Consolidated Permits for small clean energy infrastructure (“SCEIF”) facilities: G.L. c. 164, § 69U allows proponents of small clean transmission and distribution infrastructure facilities (“SCTDIF”) to elect to seek a Consolidated Permit from the Siting Board that includes all necessary state, regional, and local permits; G.L. c. 164, § 69V allows proponents of small clean energy generation facilities (“SCEGF”) and small clean energy storage facilities (“SCESF”) to elect to seek a Consolidated State Permit⁴ from the Siting Board that includes all necessary state permits. The 2024 Climate Act establishes mandatory deadlines for the Siting Board to issue these permits; if the Siting Board fails to issue a decision on the permit Application by the deadline, the Application will be constructively approved, meaning that the Applicant will receive a Consolidated Permit with certain pre-determined standard conditions without the Siting Board voting to approve any project-specific components and conditions. St. 2024, c. 239, § 74. G.L. c. 164, § 69W allows Local Governments to elect to refer a request for all necessary local permits for a SCEIF to the Siting Board Director (“Director”) for “De Novo Adjudication” of a Consolidated Local Permit request initially submitted to local permit officials.⁵ G.L. c. 164, § 69W also allows Applicants and other

³ A Consolidated Permit is a permit issued by the Siting Board to a CEIF that includes all state, regional, and local permits that the CEIF would otherwise need to obtain individually, except for certain federal permits that are delegated to specific state agencies.

⁴ Capitalized terms throughout this Decision refer to terms defined in the Proposed Regulations.

⁵ A Consolidated Local Permit is 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. The Department of Energy Resources (“DOER”) will promulgate 225 CMR 29.00 to implement the Consolidated Local Permit process.

substantially and specifically affected parties to seek De Novo Adjudication by the Director of Consolidated Local Permit decisions made by Local Government (or issued by constructive approval pursuant to 225 CMR 29.10(8)).⁶

In its Decision Opening Rulemaking issued on September 12, 2025, the Siting Board described in detail the various siting and permitting provisions of the 2024 Climate Act. Specifically, the 2024 Climate Act establishes a new mandate, scope of review, and required findings for the Siting Board. Included in these changes is an expansion of the Siting Board's current mandate, (i.e., ensuring a reliable supply of energy for the Commonwealth with a minimum impact on the environment at the lowest possible cost) to include compliance with policies of the Commonwealth (and its subdivisions and municipalities) such as energy, environmental, land use, labor, economic justice, environmental justice and equity, public health and safety. St. 2024, c. 239, § 60.

The Act also expands the membership of the Siting Board to include new expertise, with the addition of the Commissioners, or their designees, of the Department of Fish and Game and the Department of Public Health, and new public members from the Massachusetts Association of Regional Planning Agencies, a representative of the Massachusetts Municipal Association, Inc. with expertise in municipal permitting matters, a public member with experience in environmental justice issues or Indigenous Sovereignty, and a continuing seat for a public member with experience in labor issues. St. 2024, c. 239, § 60. The 2024 Climate Act transfers certain siting authority from the Department of Public Utilities ("Department"), including authority to grant zoning exemptions and to grant the right to exercise the power of eminent domain, consolidating that authority in the Siting Board. St. 2024, c. 239, §§ 72, 73, 75, 76, 83. Additionally, the 2024 Climate Act mandates that prior to filing an Application with the Siting Board, Applicants consult with state, regional, and local agencies regarding their project, and engage with community members and organizations in the area where a project is proposed. St. 2024, c. 239, § 74. The 2024 Climate Act requires the Siting Board to promulgate the regulations no later than March 1,

⁶ A Local Government is a municipal or regional authority, board, commission, office, or other entity, as defined in 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.

2026, for jurisdictional projects submitted to the Siting Board on and after July 1, 2026. St. 2024, c. 239, § 132.⁷

B. Statutory Requirements for Cumulative Impact Analysis and Site Suitability Provisions

The Act contains two provisions that require the Board to consider the cumulative burdens or impacts of a Project on the location in which it is proposed to be sited. The Board’s statutory mandate, in G.L. c. 164, § 69H, requires that any determination by the Siting Board include findings that due consideration has been given to cumulative burdens on host communities and efforts to avoid, minimize, or mitigate such burdens. St. 2024, c. 239, § 60.

The Act also includes a cumulative impact analysis (“CIA”) provision, which requires Applicants to determine (1) whether their project is to be sited in an area that “is subject to an existing unfair or inequitable environmental burden or related health consequence,” and if so, (2) whether the environmental and public health impact from the proposed project would likely result in a disproportionate adverse effect on the area or would increase or reduce the effects of climate change on the area. St. 2024, c. 239, § 53. If the Project is likely to result in a disproportionate adverse effect on an area, the Applicant must propose potential remedial actions to address any disproportionate adverse effect to the environment, public health, and climate resilience of the area that may be attributable to the proposed project. St. 2024, c. 239, § 53.

The 2024 Climate Act requires that the Executive Office of Energy and Environmental Affairs Office of Environmental Justice and Equity (“OEJE”) develop, by March 1, 2026, standards and guidelines governing the potential use and applicability of CIA in developing energy infrastructure, with input from representatives of utilities, the renewable energy industry, local government, environmental justice community organizations, environmental sectors and other

⁷ Concurrent with the Siting Board’s development of these regulations, other agencies are also drafting related regulations to implement the 2024 Climate Act. DOER will promulgate regulations and guidance documents to establish a process for Local Governments to issue Consolidated Local Permits. 225 CMR 29.00. The Department will promulgate regulations to implement the Intervenor Support Grant Program. 220 CMR 34.00. In addition, the Department will promulgate regulations setting revised filing fees for Applications filed with the Siting Board. 220 CMR 32.00.

representatives as deemed appropriate by OEJE.⁸ St. 2024, c. 239, §§ 5, 129, 139; G.L. c. 21A, § 29. The 2024 Climate Act requires that the Siting Board develop standards for applying the cumulative impact analysis standard and guidelines developed by OEJE, by March 1, 2026, to apply to all jurisdictional projects submitted to the Siting Board on or after July 1, 2026. St. 2024, c. 239, §§ 74, 132, 139.⁹ The 2024 Climate Act further requires the Siting Board to promulgate regulations for cumulative impact analysis as part of its review of Facilities, LCEIF and SCEIF provided, however, that such regulations shall be informed by the cumulative impact analysis standards and guidelines issued by OEJE. St. 2024, c. 239, §§ 62, 132. Finally, the 2024 Climate Act requires Applicants for Consolidated Permits, and entities filing petitions to construct to include in its Application or Petition a CIA. St. 2024, c. 239, §§ 61 (projects subject to G.L. c. 164, §§ 69H, 69K, 69K½), 65 (projects subject to G.L. c. 164, § 69J), 68 (projects subject to G.L. c. 164, § 69J¼), 74 (projects subject to G.L. c. 164, §§ 69T, 69U, 69V). 980 CMR 15.00 also applies to every project change that triggers the EFSB’s jurisdiction.

Further, the 2024 Climate Act includes provisions relating to the suitability of sites for CEIF.¹⁰ St. 2024, c. 239, § 5. The 2024 Climate Act requires EEA, by March 1, 2026, to establish and periodically update a methodology for determining the suitability of sites for LCEGF and SCEGF, LCTDIF and SCTDIF established in new public rights of way. St. 2024, c. 239, §§ 5, 130; G.L. 21A. § 30. EEA’s methodology shall include multiple geospatial screening criteria to evaluate sites for: (i) development potential; (ii) climate change resilience; (iii) carbon storage and sequestration; (iv) biodiversity; and (v) social and environmental benefits and burdens. St. 2024, c. 239, §§ 5, 130; G.L. 21A. § 30. EEA shall require project proponents to avoid or minimize or, if

⁸ OEJE is also developing Standards and Guidelines for Community Benefits Plans and Community Benefits Agreements.

⁹ The Siting Board acknowledges that it will not promulgate final regulations to implement the cumulative impact analysis and site suitability criteria before March 1, 2026. The Siting Board anticipates promulgating final regulations pertaining to cumulative impact analysis and site suitability well in advance of July 1, 2026, the date that triggers Applicants to meet the new requirements pursuant to the 2024 Climate Act.

¹⁰ The Siting Board notes that the 2024 Climate Act does not apply the site suitability requirements to “legacy” Facilities, aka “Fossil-Fuel-Related Infrastructure.”

impacts cannot be avoided or minimized, mitigate siting impacts and environmental and land use concerns. St. 2024, c. 239, §§ 5, 130; G.L. 21A. § 30. EEA shall develop and periodically update guidance to inform state, regional, and local regulations, ordinances, by-laws and permitting processes on ways to avoid, minimize, or mitigate impacts on the environment and people to the greatest extent practicable. St. 2024, c. 239, §§ 5, 130; G.L. 21A. § 30.

The 2024 Climate Act requires the Siting Board to establish, by March 1, 2026, standards for applying site suitability criteria established by EEA to evaluate the social and environmental impacts of proposed LCEIF project sites. St. 2024, c. 239, § 74, 132, 139. The Siting Board's standards shall 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 and people while contributing to the 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. St. 2024, c. 239, §§ 74, 132, 139.

III. PROCEDURAL HISTORY

Governor Healey established the Commission on Energy Infrastructure Siting and Permitting (“Commission”) on September 26, 2023, with the intention to remove barriers to expeditious and responsible CEIF development to meet greenhouse gas emissions limits outlined in the Commonwealth’s Clean Energy and Climate Plans. The mandate of the Commission was 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. Executive Order No. 620. The Commission issued a final report in March 2024. Many of the recommendations from the Commission’s report were enacted in the Act in November 2024.

The Siting Board’ Decision Opening Rulemaking, issued September 12, 2025, includes a description of the extensive outreach conducted during the development of the Proposed Regulations. This outreach process included an informal stakeholder process, with straw

proposals, stakeholder meetings in April and May, and written comments. The Siting Board conducted a stakeholder meeting on May 5, 2025 focused particularly on CIA.¹¹

The Siting Board received extensive oral comments during these sessions and at least 274 written comments; written comments were posted on the 2024 Climate Act Stakeholder Sessions webpage.¹² The Siting Board also conducted a meeting with the Commission to present the straw proposals. As required by the 2024 Climate Act, Siting Board staff also conducted multiple interagency consultations, including with the Department, DOER, the Department of Environmental Protection (“MassDEP”), the Department of Fish and Game, the Department of Conservation and Recreation, the Massachusetts Department of Transportation, the Executive Office of Public Safety and Security, and the Massachusetts Environmental Policy Act Office (“MEPA”). Siting Board staff attended informal stakeholder meetings with EEA, OEJE, and DOER. Siting Board staff continue to meet with a variety of agencies and stakeholders affected by the new Consolidated Permit process.

The Siting Board considered the comments received on its straw proposals in guiding the development of the draft Proposed Regulations, and the Siting Board released draft Proposed Regulations and related guidance on 980 CMR 1.00, 2.00, 13.00, 14.00, 16.00, and 17.00 for informal public comment in July 2025. On July 21, 2025, the Siting Board conducted a hybrid Siting Board meeting to hear comments and discuss the draft Proposed Regulations. The Siting Board received comments from utilities, developers, interested individuals, and organizations. As a result of the input from the Siting Board members and comments from agencies and the public, Siting Board staff further refined the draft Proposed Regulations.

The Siting Board issued Proposed Regulations for a formal public comment process focusing on all aspects of the 2024 Climate Act implementation with the exception of CIA. The

¹¹ The Department, EEA, and OEJE also issued straw proposals for requirements for a new intervenor support grant program, Site Suitability Criteria, and community benefits plans, respectively. The straw proposals are available at <https://www.mass.gov/info-details/2024-climate-act-stakeholder-sessions>. The Siting Board staff and OEJE presented a slide deck regarding CIA. The Siting Board staff also issued a request for comments for a new Siting Board permitting dashboard.

¹² <https://www.mass.gov/info-details/2024-climate-act-stakeholder-sessions>.

Siting Board conducted a hybrid Board meeting on September 8, 2025. The Siting Board voted to approve the Tentative Decision Opening Rulemaking, and to issue the Proposed Regulations for comment focused on 980 CMR 1.00, 2.00, 13.00, 14.00, 16.00, and 17.00. Decision Opening Rulemaking, EFSB 25-10 (September 12, 2025).

OEJE developed draft guidance on CIA during the summer and fall of 2025. In addition, EEA developed draft guidance on Site Suitability Criteria during this same timeframe. Both guidances have been released for public comment, and OEJE and EEA have conducted multiple informal stakeholder meetings regarding each guidance document. Siting Board staff have attended many of those informal stakeholder meetings. In addition, EEA conducted a Site Suitability webinar on October 9, 2025.

The Siting Board issued draft proposed regulations on CIA and Site Suitability Criteria (“Proposed CIA and SSC Regulations”) for discussion purposes on October 31, 2025. Siting Board staff, along with staff from OEJE, conducted a virtual webinar on November 6, 2025, at which staff provided an overview of the OEJE CIA guidance and Siting Board draft Proposed CIA and SSC Regulations. The Siting Board accepted written comments on the draft Proposed CIA and SSC regulations and OEJE accepted written comments on the draft OEJE CIA guidance. The Siting Board staff considered the extensive oral and written comments received during the informal outreach process and revised the draft Proposed CIA and SSC Regulations. The Siting Board now opens a formal rulemaking on new regulations 980 CMR 15.00, Cumulative Impact Analysis and Standards for Applying Site Suitability Criteria.

IV. GUIDANCE DOCUMENTS

A. OEJE CIA Guidelines

1. Description

Given its statutory role in developing guidance for CIA, OEJE initiated the development of an informational tool that could help address key data and analytical requirements for CIA and Site Suitability, as detailed in the Act. In collaboration with other agencies in the EEA Secretariat, including the DPU and Siting Board, as well as outside experts and stakeholders, OEJE initiated development work on MassEnviroScreen (“MES”). OEJE’s objective for MES is to provide a consistent, data-driven basis for evaluating community-level burdens and integrating those

findings into siting and permitting decisions. MES is intended to satisfy key requirements of the 2024 Climate Act by supporting the development and application of site suitability and cumulative impact processes required by statute. MES is also intended to complement the Site Suitability Guidance and Cumulative Impact Analysis (CIA) Standards and Guidelines that EEA and OEJE are developing respectively, as well as the procedural and permitting reforms being developed by the Siting Board.

In designing MES, OEJE evaluated national and state-level precedents and analytical tools that are used for similar purposes and sought to adapt those models to the particular needs in Massachusetts. OEJE evaluated several such models including the Agency for Toxic Substances and Disease Registry’s (“ATSDR”) Environmental Justice Index (“EJI”). EJI ranks each U.S. census tract on a composite of dozens of environmental, health, and demographic indicators. Under EJI’s methodology, the tool displays EJI scores as both percentiles and labeled ratings, determining scores between the 75th to 100th percentile to be high. OEJE also evaluated state-level cumulative impact and EJ tools, such as California’s “CalEnviroScreen” and similar tools in Maryland (MDEnviroScreen), New Jersey (New Jersey EJMAP), New York (NYS Disadvantaged Communities Map), Pennsylvania (PennEnviroScreen), and Washington (Washington Environmental Health Disparities Map).

On October 31, 2025, OEJE released its draft “Standards and Guidelines for Cumulative Impact Analysis” (“CIA Guidelines”) following numerous meetings with stakeholders. The purpose of the CIA Guidelines is to establish a clear and consistent framework for the preparation of a CIA that incorporates cumulative impacts and environmental justice considerations in siting and permitting decisions for energy infrastructure projects, particularly as they impact areas experiencing an existing unfair or inequitable environmental burden or related public health consequence. St. 2024, c. 239, §§ 5, 53, 129. The CIA Guidelines outline core principles of the newly required CIA and provides a practical roadmap for integrating those principles in the regulatory and decision-making processes of the Siting Board.

2. Key Parameters

A key component of the CIA process is the MES.¹³ MES is a statewide environmental screening tool designed to identify communities facing the greatest environmental burdens and levels of social vulnerability. The MES tool is being developed to support consistent, data-informed approaches to understanding cumulative environmental and social burdens across the state. The MES was modeled after other state screening tools, California’s CalEnviroScreen, Michigan’s MiEnviroScreen, and Colorado’s EnviroScreen. OEJE has led the development of the MES, with its consultant, and consultation with state agencies and geographic information systems (“GIS”) teams, academic and public health experts, community-based organizations, environmental justice advocates, and Tribal governments and Indigenous representatives. OEJE continues to review MES Indicators and gather public feedback. OEJE and Siting Board staff intend to convene a forum to further consider opportunities to improve the MES.

The MES uses 30 statewide Indicators to characterize Pollution and Climate Burden and Population Characteristics.¹⁴ The MES uses percentiles to assign scores for each of the Indicators in a given geographic area. The percentile represents a relative score for the Indicators with the higher percentiles indicating greater cumulative burden. A higher percentile score does not necessarily mean that the indicator exceeds regulatory thresholds or poses direct human health risks at that score.

¹³ MES is available at: <https://mass-eoeea.maps.arcgis.com/apps/instant/sidebar/index.html?appid=4be63e892a3d42d69334615a64095a39>

¹⁴ Based on its review, OEJE is recommending the use of 30 Indicators in MES, and the CIA overall process. These Indicators provide data coverage across the entire state, with varying geographic scale (e.g., data at county, census tract, or census block group levels). OEJE’s consultant transformed all data into percentile values, across all census block groups, in Massachusetts so that that data could be used in a consistent manner in an overall cumulative impact score, in percentile terms (0 -100). OEJE emphasized that even at the highest percentiles, Indicators provide comparative information on the ranking of such data across Massachusetts, and do not necessarily mean that an Indicator exceeds regulatory thresholds or poses direct human health risks at a particular score.

The MES Score reflects two main factors: (1) pollution and climate burden, and (2) population characteristics, which together are made up of five component scores. These five component scores are: Environmental Exposures, Environmental Effects, Climate Risks, Sensitive Populations, and Socioeconomic Factors. Pollution and Climate Burden comprises: environmental exposure Indicators that are based on measurements of different types of pollution that people may experience; environmental effects Indicators that are based on the locations of toxic chemicals in or near communities; and climate risk Indicators that are based on exposures to climate hazards. Population Characteristics comprise: Sensitive Populations Indicators that measure the number of people in a community who may be more severely affected by pollution or climate hazards because of their health; and Socioeconomic Factor Indicators that are conditions that may increase people's stress or make healthy living difficult and cause them to be more sensitive to pollution's effects.

MES combines the component scores to produce a cumulative burden score (0-100) for every census block group in Massachusetts that is relative to other census block groups in the state. After the Indicators are scored within Pollution and Climate Burden and Population Characteristics, scores for the Pollution and Climate Burden and Population Characteristics categories are multiplied to calculate the overall MES Score.

The cumulative burden score is in percentile ranks, which means that a community's score also indicates the percentage of cumulative burden scores for all census block groups in Massachusetts that it equals or exceeds. MES is one tool to determine those census block groups that are identified as Burdened Areas ("BAs"). Communities are designated as BAs when they meet one or both of the following criteria: (1) cumulative burden percentile score (i.e., MES Score) of 75 or greater; or (2) annual median household income is 65 percent or less of the statewide annual median household income.

The draft CIA Guidelines outline the CIA process. The first step is for Project Applicants to identify the Specific Geographical Area(s) ("SGA") of the proposed Project. The SGA relies on the outermost boundaries of the Project site (this is the Facility Boundary and means the outermost boundary of a Project building or other structures, or the outermost areas of construction activity or disturbance), or the Project fence line, and for linear projects, such as transmission lines or

pipelines, the Facility Boundary is the edge of the right-of-way (“ROW”).¹⁵ Second, the Applicant must then examine whether the SGA overlaps with any BAs as identified by the MES. Applicants must complete a CIA for any BA that intersects the SGA. If the Project’s SGA does not overlap with any BAs, then the Applicant is not required to conduct any further CIA analysis but must complete the CIA Report detailing the steps it took to confirm that the SGA does not overlap with a BA and that no further CIA steps are necessary. Site Suitability Assessment may be required based on Project type. Third, the Applicant must identify Indicator values and any Elevated Indicators within the BA. MES provides the percentile values for each Indicator in a census block group. The Indicator values for the BA are the baseline conditions that will be used when assessing the Project’s Impact. For each BA within the SGA, the Applicant must document the Elevated Indicators (i.e., for CEIF, Elevated Indicators are those at or above the 50th percentile for the specific Indicator; for Fossil-Fuel-Related Infrastructure (i.e., legacy Facilities), Elevated Indicators are all 30 Indicators in MES).

For each Elevated Indicator, the Applicant provides a written description of the Project’s Impact related to that Elevated Indicator in the BA for both the construction and the operations phases. To the extent feasible, the Applicant must provide both a qualitative and a quantitative assessment of each such Project Impact. A Project may have negative, positive (benefits), or no Impacts on a given Indicator. Applicants must provide an explanation of how it assessed the projected level of such Impacts. In assessing severity of an impact, the Applicant should consider:

¹⁵ The draft Proposed CIA and SSC Regulations define Facility Boundary as “the outermost boundary of the Project site (such as a Project building or other structures, or the outermost areas of construction activity or disturbance), or the Project fence line. For linear projects, or project components, such as transmission lines or pipelines, the Facility Boundary shall be the edge of the right-of-way.” The draft Proposed CIA and SSC Regulations define Site Footprint as “the area of land and water encompassed by a CEIF’s equipment, plus any land significantly impacted by construction of the CEIF, including, but not limited to, land altered for clearing, grading, and roadways.” The distinction between these two definitions is that a Site Footprint can be slightly larger than the Facility Boundary because it can encompass construction areas that extend beyond the Project fence line or edge of the right-of-way.

the nature of Impacts, the magnitude/degree of Impacts, the geographic extent of Impacts, and the Impact duration.

The Applicant recommends whether the Project results in a Disproportionate Adverse Effect related to an Elevated Indicator, which the Board will review to make an independent determination. The Project will result in a Disproportionate Adverse Effect if the Project causes a negative Impact during construction and/or operation that materially exacerbates the condition reflected by the Elevated Indicator. Applicants must describe anticipated impacts from the proposed project and solicit input from Key Stakeholders, starting during the pre-filing process, on minimization and mitigation of those Project Impacts in compliance with 980 CMR 16.07 (Pre-filing Engagement Requirements for Meetings with Key Stakeholders and Public Meetings with the Community).

Finally, where the Project will cause a Disproportionate Adverse Effect in a BA, the Applicant must propose remedial actions to address the Project's Impact to that Elevated Indicator in the BA. Proposed remedial actions should include a description of any actions the Applicant proposes to remediate Disproportionate Adverse Impacts, using the mitigation hierarchy: Avoidance (avoiding impacts where possible); minimization (reducing unavoidable impacts to the greatest extent feasible); and mitigation (addressing remaining effects through appropriate mitigation measures, which may include rehabilitation, restoration, or offsets). Remedial actions should proportionately address the nature, degree, and spatial/temporal extent of Disproportionate Adverse Impacts resulting from a proposed Project.

B. EEA Site Suitability Guidance

1. Description

On September 12, 2025, EEA issued a draft "Site Suitability Assessments for Clean Energy Infrastructure" ("Site Suitability Guidance"). EEA conducted a series of stakeholder meetings to discuss the draft Site Suitability Guidance and conducted a webinar on October 9, 2025.¹⁶ EEA also accepted written comments on the draft Site Suitability Guidance.

¹⁶ On September 12, 2025, OEJE issued its Draft Standards and Guidelines for Community Benefit Plans and Community Benefit Agreements. The October 9, 2025 webinar was

The draft Site Suitability Guidance describes the methodology for determining the suitability of sites for applicable clean energy infrastructure and provides recommendations for using the Site Suitability methodology in the review of Applications for Consolidated Permits and Consolidated State Permits by the Siting Board, and Consolidated Local Permits by Local Governments, and how to use the methodology to avoid, minimize, or mitigate impacts on the environment and people to the greatest extent practicable. The draft Site Suitability Guidance is intended to inform regulations promulgated by the Siting Board governing the siting and permitting of LCEIF and regulations promulgated by DOER establishing standards, requirements, and procedures governing the siting and permitting of SCEIF by Local Governments.¹⁷

2. Key Parameters

Proponents of Fossil-Fuel-Related Infrastructure are not required to complete a Site Suitability Assessment. CEIF proponents applying to the Siting Board or Local Governments for Consolidated Permits will be required to complete a Site Suitability Assessment, with certain exceptions. The draft Site Suitability Guidance includes definitions and exemptions for those types of projects to which the Site Suitability provisions are to apply. In addition, the draft Site Suitability Guidance exempts certain projects from its requirements, including very small generation facilities.¹⁸ The 2024 Climate Act limits the application of Site Suitability Assessments for transmission and distribution infrastructure to “newly established public rights of way.” St. 2024, c. 239, § 5. The Site Suitability Assessment uses a scoring framework that evaluates

conducted jointly with OEJE, and included discussion of OEJE’s Draft Standards and Guidelines for Community Benefit Plans and Community Benefit Agreements.

¹⁷ The draft Site Suitability Guidance is still being revised in response to public comments as of the date of this Decision. Siting Board staff has been in close coordination with EEA and DOER on these revisions.

¹⁸ The draft Site Suitability Guidance exempts CEIF located in a BA that are required to complete a CIA per 980 CMR 15.00. The Siting Board notes that in response to comments, EEA may revise this recommendation, and require Site Suitability Assessments for certain CEIF that also require a CIA.

certain social and environmental criteria using publicly available datasets and tools. The draft Site Suitability Guidance establishes a process by which a potential site for CEIF siting is scored on five criteria, and that score reflects the site's suitability for the siting of the CEIF. These scores will be taken into consideration by permitting authorities, and impact the types and level of minimization or environmental mitigation measures needed to be issued a permit.

The draft Site Suitability Guidance calculates for each CEIF site: (1) Criteria-Specific Suitability Scores, a quantitative rating (0.0 to 5.0) of the suitability of a given project site with respect to specific social, environmental, and physical criteria (climate change resilience, carbon, biodiversity, agriculture, social and environmental burdens); (2) Score Modifiers that can subtract or add points to a score based on project-specific features reflecting particular social, environmental, and physical criteria (development potential and social and environmental benefits); and (3) a Total Site Suitability Score, which represents how suitable a site is for a given CEIF infrastructure project across all criteria and score modifiers. The five criteria are:

(1) Climate Resilience (exposure of the site to two climate hazards: riverine flooding and coastal flooding from sea level rise and storm surge); (2) Carbon Storage and Sequestration (estimated carbon stocks and 50-year projections of carbon sequestration at a site, reflecting anticipated carbon losses associated with site clearing for an energy facility); (3) Biodiversity (site-specific values of a biodiversity index, based on specific BioMap elements and NHESP Priority Habitat, as well as ecological integrity value); (4) Agricultural Resources (site-specific values of an agricultural resources index, overlap with areas designated as: (i) Prime Farmland; (ii) Farmland of Statewide Importance; and (iii) Farmland of Unique Importance, with greater weight given to areas under active agricultural use); and (5) Social and Environmental Burdens (assessed by examining a CEIF's Site Footprint and its intersection with the scores established for each census block group in the MES tool). Score modifiers include (1) development potential (points added or subtracted for projects located in Open Protected Space, CIP investment area, or for Solar Canopies, Brownfields, Eligible Landfills, and Previously Developed Lands); and (2) Social and Environmental Benefits (points subtracted for providing certain social and environmental benefits, if agreed to by the host municipality). Total scores may range from 0-25, with lower scores reflecting more suitable sites and higher scores reflecting less suitable sites.

The draft Site Suitability Guidance establishes a process for Site Suitability Assessments. During the initial pre-filing stage, the Applicant estimates its own Criteria-Specific Suitability Scores, Score Modifiers, and Total Site Suitability Score, and provides an estimated score to stakeholders during pre-filing engagement.¹⁹ Prior to filing an Application with the Siting Board or Local Government, the Applicant provides documentation to the Site Suitability Score Reviewer, which issues a score determination within 30 days. If the Site Suitability Score is disputed, the Applicant or affected stakeholder may request a score review with the Siting Board Director or DOER, depending on the type of permit at issue.

The draft Site Suitability Guidance includes recommendations for how the Siting Board may use the Site Suitability Score.²⁰ The draft Site Suitability Guidance recommends that the Siting Board incorporate the elements of the Site Suitability Criteria (e.g., carbon sequestration, habitat, etc.) in its CIA as feasible. The draft Site Suitability Guidance further recommends that the Siting Board consider the Total Site Suitability Score in its decisions alongside other aspects of the project, and that the Total Site Suitability Score should be considered in the context of the project's design plan and planned mitigation measures. The draft Site Suitability Guidance also recommends that the Siting Board use the Criteria-Specific Suitability Scores as a resource to determine if minimization or environmental mitigation measures should be required for a Project to receive a Consolidated Permit.

¹⁹ EEA has developed a webmap depicting several of the geospatial criteria proposed in the draft Site Suitability Guidance. The map includes layers indicating site suitability for the following criteria: carbon sequestration and storage (Ecosystem Carbon Index), biodiversity (Biodiversity Index), agricultural resources (Agricultural Resources Index), and Social and Environmental Burdens (MES). This webmap is intended to provide an indication of how areas across the state might score under Site Suitability Assessments as proposed.

²⁰ Site Suitability Guidance at 19, available at <https://www.mass.gov/doc/draft-guidance-on-site-suitability-assessments-for-clean-energy-infrastructure/download>.

V. PROPOSED CIA AND SSC REGULATIONS, 980 CMR 15.00

The Siting Board's 2024 Climate Act regulations package implements a comprehensive program to accelerate the siting of clean energy infrastructure while emphasizing participation by Key Stakeholders and community members in the development and review process. The 2024 Climate Act created new categories of facilities, new roles for state, regional, and local agencies and various stakeholders, and established new procedural mechanisms to enhance the efficiency and effectiveness of CEIF siting and permitting in the Commonwealth. See EFSB 25-10, Decision Opening Rulemaking for a detailed description of the context of Proposed Regulations.

Understanding and accounting for cumulative impacts is essential to making equitable decisions about energy infrastructure that assess population vulnerabilities and public health impacts. Rather than evaluating a proposed project in isolation, a cumulative impacts framework considers how multiple environmental and social Indicators interact and build over time in a given area. Cumulative impacts are the compounding effects resulting from exposures to multiple stressors experienced by a person or community. These cumulative impacts are focused on historical burdens of industrial, commercial, and other activities and those effects on people. Cumulative impacts include past and present activities and conditions that affect pollution and climate burden, and population characteristics through the lens of environmental exposures, environmental effects, climate risks, sensitive populations, and socioeconomic factors.

Cumulative burden has direct implications for public health, as communities facing multiple overlapping Indicators tend to experience higher rates of chronic disease, lower life expectancy, and greater vulnerability to environmental hazards. Incorporating cumulative impact considerations into energy planning and permitting is therefore a critical strategy for protecting human health and reflects the Commonwealth's priority of ensuring that state agencies meaningfully address the longstanding and interconnected inequities concerning environmental exposure and infrastructure development.

Clean energy projects, such as solar, wind, storage, and transmission upgrades, are intended to support statewide reductions in greenhouse gas emissions, improve air quality, strengthen system reliability, and advance the transition to a clean energy system. Some clean

energy projects may also bring localized improvements – such as reducing reliance on older, higher emitting facilities in or near certain communities. The CIA process provides a structured, transparent way to understand how new energy infrastructure will interact with existing environmental and social conditions and support new energy projects that do not exacerbate existing inequities.

VI. APPLICATION OF THE CIA GUIDELINES AND SITE SUITABILITY GUIDANCE IN 980 CMR 15.00

A. CIA Analysis

The Siting Board’s draft Proposed CIA and SSC Regulations implement the provisions of the CIA Guidelines and the Site Suitability Guidance. 980 CMR 15.01(4). The Siting Board addresses the Site Suitability Guidance in Section VI.B, below. As an initial matter, 980 CMR 15.01 explicitly states that the CIA regulations apply to both Fossil-Fuel-Related Infrastructure and CEIF. CIA is one aspect of the Board’s evaluation of a Project’s overall impact. G.L. 164, §69H. Pursuant to G.L. c. 164, § 69H, nothing in 980 CMR 15.00 limits the Board’s consideration of the full range of Project Impacts (e.g., ecological, historical/archaeological resources, tree canopy cover, constructability, etc.) or geographical areas outside the BAs as defined in 980 CMR 15.02 when evaluating energy projects. G.L. c. 164, § 69H. 980 CMR 15.01 also references the CIA Report Template and Instructions, attached to this Tentative Decision.²¹

The draft Proposed CIA and SSC Regulations outline the CIA process, closely mirroring the CIA process as defined in the CIA Guidelines. The CIA process begins with a Project Applicant identifying the SGA of the proposed Project (including any Noticed Alternative Site or Route) based on the Facility Boundary and the facility-specific radial distances (Table 3) outward from the Facility Boundary. 980 CMR 15.03, 15.05(1).

Table 3: SGA Radial Distances from the Facility Boundary (980 CMR 15.05(b))

²¹ The CIA Report Template and Instructions provide detailed guidance to Applicant for completing their CIA Reports.

Facility Type	Distance from Facility Boundary
Transmission and Distribution Line (part of an LCTDIF or SCTDIF)	1/4 Mile
Clean Energy Storage Facility (LCECF or SCECF)	1 Mile
Substation (Part of an LCTDIF or SCTDIF)	1/2 Mile
Ground-Mounted Photovoltaics (LCEGF or SCEGF)	1/2 Mile
Onshore Wind Facility or Anaerobic Digester (LCEGF or SCEGF)	1 Mile
Liquefied Natural Gas Facility (§ 69J)	1 Mile (no Air permit) 2 Miles (non-Major Air Permit)
Gas Pipeline (§ 69J)	1/2 Mile
Fossil Generating Facility (§ 69J¼)	2 Miles (non-Major Air Permit) 5 Miles (Major Air Permit)
Gas Compressor Station (§ 69J, as part of a Gas Pipeline)	1 Mile (no Air permit) 2 Miles (non-Major Air Permit) 5 Miles (Major Air Permit)

The 2024 Climate Act does not set specific distances from Project Boundaries for purposes of determining Specific Geographical Areas, or whether Burdened Areas beyond the Project Boundary are sufficiently close to warrant CIA review. Therefore, in this regulation, the Siting Board is proposing to specify “radial distances” from the Project Boundary to establish these geographic parameters for CIA purposes. The radial distances proposed vary based on the type of facility, and in some cases, the types of air permits that may be required for the type of facility.

The radial distances from the Facility Boundary described above were established through consideration of the Siting Board’s past experience reviewing CEIF and Fossil Fuel-Related Energy Infrastructure. In establishing radial distances, the Siting Board notes that the Act’s purpose is for a CIA to assess whether there are existing “unfair or inequitable” environmental, public health, or climate effect burdens, and whether a project would have a “disproportionate adverse effect” on those burdens – that is, materially exacerbate such burdens.

In considering how to set appropriate radial distances from Project Boundaries for CIA purposes, the Siting Board has been guided by its extensive experience in reviewing numerous projects, both CEIF and fossil-fuel-related, and a wide range of evidence and public concerns

about such project impacts, over the course of many years and many proceedings. The proposed radial distances reflect the Siting Board's experience evaluating a range of environmental and public health impacts for different types of facilities including noise, air and water pollution, traffic, electric and magnetic fields, visual disturbances, vibration, heat effluent, and impacts to historic and cultural resources, habitat, and other natural resources, as well as climate-related effects. Projects that involve air emissions, and particularly major source air permitting categories, tend to have the widest dispersion of Project Impacts and, therefore, require the greatest radial distances. We have also given consideration to Impacts that could occur under atypical (or emergency conditions), and whether an expanded distance beyond that appropriate for typical construction and operational impacts may be warranted.

The Siting Board observes that most project impacts are closely correlated with distance from the Project and diminish in significance with increasing distance. This observation applies during both construction and operational phases for a project. At a certain distance, depending on the type of facility, the typical impacts from project construction and operation can reasonably be expected to diminish to near background levels and not present a significant measurable or perceptible source of Burden to such areas.

The radial distances from the Facility Boundary described above were established through consideration of the Siting Board's experience reviewing past CEIF and Fossil Fuel-Related Energy Infrastructure. Where an SGA intersects a BA, an Applicant must assess Elevated Indicators for the entire BA, which will assess Impacts beyond the SGA Radial Distances.

Once the Applicant has determined the Project SGA, the Project Applicant must then examine whether the Project SGA overlaps with any BAs as identified by MES.²² 980 CMR 15.04 describes how MES identifies BAs.²³ The CIA must be completed for any BA that intersects the

²² A Key Stakeholder may petition the Director of the Board requesting that an Applicant be required to conduct a CIA for a census block group, intersecting the SGA, which is not a BA pursuant to 980 CMR 15.04(1): Determination of Burdened Areas, and to include the results of such CIA in its CIA Report.

²³ For Fossil Fuel-Related Energy Infrastructure, each Indicator is treated as an Elevated Indicator, regardless of its percentile value. Therefore, the 50th percentile Elevated

SGA. 980 CMR 15.03(1), 15.05. If the SGA does not intersect any BAs, then no further analysis is conducted, but a CIA Report is required. 980 CMR 15.03(2).²⁴

For Project SGAs that intersect a BA, the Applicant must identify Indicator values and any Elevated Indicators of the BA. 980 CMR 15.06. The Indicator values for the BA are the baseline conditions that will be used when assessing the Project's Impact. MES provides the percentile values (0-100) for every MES Indicator in every census block group in the state.²⁵ For each BA that overlaps the SGA, the Project Applicant must identify the Elevated Indicators for that BA (i.e., those that equal or exceed the 50th percentile statewide for the specific Indicator for CEIF, and any percentile value for Fossil-Fuel-Related Infrastructure). 980 CMR 15.06(2).

After the Applicant identifies Elevated Indicators in a BA, the Applicant must identify Project Impacts, including Disproportionate Adverse Effects, in the BA related to Elevated Indicators. 980 CMR 15.04(3), (4), 15.07. For each Elevated Indicator, the Applicant provides a written description of the Project's Impact related to that Elevated Indicator in the BA for both the construction and the operations phases. 980 CMR 15.07. A Project may have negative, positive (Benefits), or no Impacts on a given Indicator. The draft Proposed Regulations provide requirements for how to assess a Project's Impacts on a BA: To the extent feasible, the Applicant shall endeavor to provide both a qualitative and a quantitative assessment of each such Project Impact. 980 CMR 15.07. The Applicant must provide an explanation of how the Applicant assessed the projected level of such Impacts. 980 CMR 15.07(4). In assessing severity of an Impact, the Applicant should consider the: nature of Impacts, magnitude/degree of Impacts, geographic extent of Impacts, and Impact duration. See 980 CMR 15.11(2).

The Applicant then assesses whether the Project results in a Disproportionate Adverse Effect related to an Elevated Indicator. 980 CMR 15.03, 15.07. The Project will result in a

Indicator threshold used for CEIF does not apply for Fossil Fuel-Related Energy Infrastructure.

²⁴ Site Suitability Assessment may be required based on Project type.

²⁵ The list of MES Indicators is subject to revisions after notice and an opportunity to be heard.

Disproportionate Adverse Effect if the Project causes a negative Impact that is likely to *materially exacerbate* the condition reflected by the Elevated Indicator. 980 CMR 15.03(4), 15.07. Project Impacts related to an Elevated Indicator may include (but are not limited to) air emissions, stormwater or wastewater discharges, solid or hazardous waste generation, traffic, climate change effects such as heat, flooding or wildfire risk, impacts to natural resources and habitat, impacts to public health or socioeconomic conditions, among other possible Project Impacts.

980 CMR 15.07(3), (4). A Project that materially exacerbates an Elevated Indicator likely causes additional negative Project Impacts to occur. 980 CMR 15.07(1). Based on the qualitative and quantitative information developed, the Applicant shall assess whether the Project is expected to materially exacerbate one or more of the Elevated Indicators and shall include a narrative analysis and findings of supporting data, as appropriate, in its CIA Report. 980 CMR 15.07(4). The Applicant shall also include relevant community input gathered during pre-filing consultation and engagement pursuant to 980 CMR 16.00 and address that input in its CIA Report.

980 CMR 15.07(4).

When the Siting Board uses the term “materially exacerbate,” it is replicating the use of this term by the MEPA Office work on cumulative impacts. See MEPA Interim Protocol for Analysis of Project Impacts on Environmental Justice Populations (January 1, 2022) (a project “will create a disproportionate adverse effect if it will have adverse impacts on the EJ population that will *materially exacerbate* any existing unfair or inequitable environmental or public health burden impacting the [Environmental Justice] population”) (emphasis added). The Board is intending to establish a standard that considers Impacts to an Elevated Indicator that are more substantial than de minimis Impacts. In the CIA Report Template, the Siting Board includes factors to consider as to whether the Impacts are likely to materially exacerbate an Elevated Indicator.

If the Project is expected to materially exacerbate one or more Elevated Indicators, based on the finding made according to 980 CMR 15.07(4), and a Disproportionate Adverse Effect is determined, the Applicant must propose Remedial Actions to address the Project’s Impact to that Elevated Indicator(s). 980 CMR 15.03(5), 15.08. Proposed Remedial Actions should include a description of any actions the Applicant proposes to remediate Disproportionate Adverse Impacts,

using the mitigation hierarchy, in the following order of priority: avoidance (avoiding impacts where possible), minimization (reducing unavoidable impacts to the greatest extent feasible, and mitigation (addressing the remaining effects through appropriate mitigation measures, to the fullest extent practicable). 980 CMR 15.08(1). Remedial Actions should proportionately address the nature, degree, and spatial/temporal extent of Disproportionate Adverse Effect resulting from a proposed Project.

The Applicant is required to prepare a CIA Report that documents its CIA analysis. 980 CMR 15.03(6). The Applicant shall describe in its CIA Report its assessment pursuant to 980 CMR 15.05(2), 15.05(3). 980 CMR 15.09. In its Final Decision, the Board assesses whether the CIA Report and Site Suitability Assessment meet regulatory criteria pursuant to 980 CMR 15.11 after considering comments from the public and arguments from intervenors.

B. Site Suitability Analysis

In 980 CMR 15.10, the Board follows the Site Suitability Guidance for CEIF, as issued and updated from time to time by EEA.²⁶ The Site Suitability Guidance is applicable to Large Clean Energy Facilities (LCEGFs), Small Clean Energy Facilities (SCEGFs), Large Clean Energy Storage Facilities (LCESEFs), Small Clean Energy Storage Facilities (SCESEFs), and also to Large Clean Energy Transmission and Distribution Infrastructure Facilities (LCTDIFs) and Small Clean Energy Transmission and Distribution Infrastructure Facilities (SCTDIFs) in newly established public rights of way.²⁷ Site Suitability Assessments are not required for Projects exempted under 225 CMR 29.07(1).²⁸ 980 CMR 15.10(1). SCEIF that are exempted from Site Suitability Analysis per 225 CMR 29.07 shall be exempted from the requirements of 980 CMR 15.10.

Applicants utilize the Site Suitability Mapping Tool, pursuant to instructions provided in the Site Suitability Guidance, to derive the anticipated Criteria-Specific Suitability Scores for a

²⁶ <https://www.mass.gov/doc/draft-guidance-on-site-suitability-assessments-for-clean-energy-infrastructure/download>

²⁷ Site Suitability requirements do not apply to Fossil-Fuel-Related Infrastructure.

²⁸ Certain projects may be required to conduct both a CIA and a Site Suitability assessment.

proposed CEIF prior to submitting an Application for a Consolidated Permit or Consolidated State Permit to the Board. 980 CMR 15.10(2). Applicants share these estimated Criteria-specific Site Suitability Scores with stakeholders during the pre-filing process, per 980 CMR 16.00; and shall file a Site Suitability Report, including any Formal Score Determination, with its Application for a Consolidated Permit or Consolidated State Permit per 980 CMR 13.00, as applicable. 980 CMR 15.10(2), (3).

If the Applicant, the Local Government, or any other Key Stakeholder asserts that one or more Criteria-Specific Suitability Scores were calculated based on materially erroneous, incomplete, or otherwise faulty data, they may request a score revision from the Director (“Request”) in a form prescribed by the Director pursuant to 980 CMR 15.10(4). The Director shall review one or more Criteria-Specific Suitability Scores subject to the Request and issue a decision on a Request for Score Revision within 30 days after Request receipt.

980 CMR 15.10(4). The Applicant’s Criteria-Specific Suitability Scores may be modified by the Board when the Applicant agrees to provide certain social or environmental benefits as described in the Site Suitability Guidance. 980 CMR 15.10(4). Score modification may only occur upon the mutual written agreement between the Applicant and the Local Government. 980 CMR 15.10(4).

The Board considers Site Suitability Assessments in its review of a Project. 980 CMR 15.10(6). The Board considers Criteria-Specific suitability scores to assess avoidance, minimization and mitigation of Project Impacts. 980 CMR 15.10(6). The Board shall consider the Criteria-Specific Site Suitability Scores in its decision on whether to grant a Consolidated Permit or Consolidated State Permit, as applicable. 980 CMR 15.10(6). Further, the Board may consider as evidence a community benefit agreement between a host municipality and an Applicant regarding social and environmental Benefits of a Project. 980 CMR 15.10(6).

VII. PUBLIC COMMENT PERIOD AND REQUEST FOR COMMENTS

The Siting Board is issuing a notice of public comment and hearings (“Notice”) concurrently with the Siting Board’s Decision to Open Rulemaking, EFSB 25-10-A. See the Notice of Public Comments and Hearings attached to this Decision. In that Notice, the Siting Board welcomes comment on the Proposed Regulations at 980 CMR 15.00, and related guidance documents. The Siting Board will conduct hybrid public comment hearings, and in addition requests written comments. The Siting Board will consider oral and written comments received and revise its Proposed Regulations accordingly.

The Siting Board seeks written comments on the Proposed Regulations no later than **Friday, February 13, 2026, at 5:00 p.m.** All documents must be submitted to the Siting Board by e-mail attachment to dpu.efiling@mass.gov and sitingboard.filing@mass.gov. The text of the email must specify: (1) the docket number of the proceeding (EFSB 25-10-A); (2) the name of the person or company submitting the filing; and (3) a brief descriptive title of the document. The electronic filing should also include the name, title, and telephone number of a person to contact in the event of questions about the filing. Documents submitted in electronic format will be posted on the Siting Board’s webpage at <https://eeaonline.eea.state.ma.us/dpu/fileroom/#/dockets/docket/12678>.

All documents, pleadings, or filings submitted to or issued by the Siting Board will be available on the Siting Board’s website as referenced above as soon as practicable. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), contact the Siting Board’s ADA coordinator at eeadiversity@mass.gov or (617) 626-1282.

To provide further opportunity for comment, the Siting Board will conduct hybrid public comment hearings, in person and on Zoom, to receive comments on the Proposed Regulations. Interested persons may present oral arguments relating to the Proposed Regulations at the public comment hearing. Interpretation will be provided in Spanish, Portuguese, Chinese, Haitian Creole, Vietnamese, and American Sign Language. Translation and interpretation in additional languages is available upon request. To request translation or interpretation in an additional language, please contact Yonathan Mengesha at yonathan.mengesha@mass.gov no later than one week before the

particular public comment hearing. The Siting Board will conduct two hybrid public comment hearings with in-person and remote participation option, at the following date and location:

Public Comment Hearing 1:

Monday, February 2, 2026, 1:00 p.m.
One South Station, Boston, MA 02110
3rd floor, Large Hearing Room

Public Comment Hearing 2:

Monday, February 2, 2026, 6:00 p.m.
One South Station, Boston, MA 02110
3rd floor, Large Hearing Room

Remote attendees: join by using this link: <https://us06web.zoom.us/j/88522157975> from a computer, tablet, or smart device. For audio-only participation, attendees can dial-in at (646) 558 8656 (not a toll-free number) and then enter the Webinar ID: 885 2215 7975

If you anticipate providing comments during the public hearing (in person or remotely), please send an email by noon, the day of the hearing, to SitingBoard.Filing@mass.gov with the subject line “EFSB 25 10-A SPEAKER SIGN UP,” or leave a voice mail at (617) 305-3544. Please provide your name and email address by noon, February 2, 2026.

VIII. VOTE

The Siting Board hereby votes to open a rulemaking to implement the provisions of the 2024 Climate Act, St. 2024, c. 239. relating to Cumulative Impact Analysis and Site Suitability Criteria. The Siting Board issues the following Proposed CIA and SSC Regulations: new regulations 980 CMR 15.00: Cumulative Impact Analysis and Standards for Applying Site Suitability Criteria.



Joan Foster Evans, Esq.

Dated this 12th day of December 2025

[APPROVED] by [unanimous] vote of the Energy Facilities Siting Board at its meeting of December 15, 2025, by the members and designees present and voting. Voting for approval of the Final Decision: Rebecca L. Tepper, Secretary of Energy and Environmental Affairs and Chair, Energy Facilities Siting Board; Jeremy McDiarmid, Chair, Department of Public Utilities; Staci Rubin, Commissioner, Department of Public Utilities; Elizabeth Mahony, Commissioner, Department of Energy Resources; Bonnie Heiple, Commissioner, Department of Environmental Protection; Douglas Gutro, Director of the Permit Regulatory Office and designee for Eric Paley, Secretary, Executive Office of Economic Development; and Joseph C. Bonfiglio, Public Member.

Rebecca L. Tepper, Chair
Energy Facilities Siting Board

Dated this [15th] day of December, 2025