

**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)

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

December 19, 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 Standards for Applying 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 69J¼, 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. c. 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. c. 21A, § 30. EEA shall require project proponents to avoid or minimize

⁸ OEJE is also developing Standards and Guidelines for Community Benefit Plans and Community Benefit 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 criteria well in advance of July 1, 2026, the date by which Applicants must 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 Energy Infrastructure.”

or, if impacts cannot be avoided or minimized, mitigate siting impacts and environmental and land use concerns. St. 2024, c. 239, §§ 5, 130; G.L. c. 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. c. 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. The Siting Board conducted a hybrid Siting Board Meeting on December 15, 2025. Interpretation was provided in Spanish, Portuguese, Chinese, Haitian Creole, Vietnamese, and American Sign Language. At the Board meeting, the Siting Board heard presentations from Siting Board Staff, accepted public comment, deliberated on the Tentative Decision. The Siting Board voted to approve the Tentative Decision Opening Rulemaking, and to issue the Proposed Regulations for comment.

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

¹³ MES is available at: <https://mass-eoeea.maps.arcgis.com/apps/insight/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.

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.

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 Energy 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

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.

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: 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.

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 Energy 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

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 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

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 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

comments, EEA may revise this recommendation, and require Site Suitability Assessments for certain CEIF that also require a CIA.

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

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>.

determine if minimization or environmental mitigation measures should be required for a Project to receive a Consolidated Permit.

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 Energy Infrastructure and CEIF. CIA is one aspect of the Board’s evaluation of a Project’s overall impact. G.L. c. 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 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).

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

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

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 (§ 69J ^{1/4})	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 Energy 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 (emphasis added). 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 Energy 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 two hybrid public comment hearings, in person and on Zoom, to receive comments on the Proposed Regulations, 980 CMR 15.00. 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.mengsha@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.

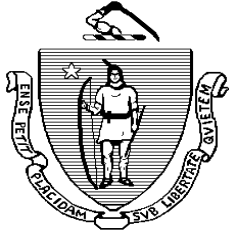
Dated this 12th day of December 2025

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 19th day of December 2025



COMMONWEALTH OF MASSACHUSETTS
ENERGY FACILITIES SITING BOARD

NOTICE OF PUBLIC COMMENT AND HEARINGS



<https://www.mass.gov/info-details/efsb-25-10-proposed-rulemaking>

EFSB 25-10-A – Proposed Rulemakings Pursuant to 2024 Climate Act – Cumulative Impact Analysis and Standards for Applying Site Suitability Criteria

The Energy Facilities Siting Board (“Siting Board”) invites you to attend two public comment hearings to learn about implementation of the siting and permitting changes required by the 2024 Climate Act ([An Act promoting a clean energy grid, advancing equity and protecting ratepayers](#)), and provide written and/or oral comments. The Siting Board proposes to issue new regulations 980 CMR 15.00, Cumulative Impact Analysis and Standards for Applying Site Suitability Criteria. The proposed regulations and guidance documents for 980 CMR 15.00 are posted on the Siting Board’s webpage at: <https://www.mass.gov/info-details/efsb-25-10-proposed-rulemaking>.

The Siting Board will conduct two hybrid public comment hearings with in-person and remote participation options:

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

The Siting Board also welcomes written comments on the proposed regulations. Written comments are due by 5:00 p.m., **Friday, February 13, 2026.**

Pre-registered commenters will speak first and others afterwards. To pre-register to provide oral comments (in person or remote), email 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.

Comments are sought regarding the proposed regulations and guidance documents. The Siting Board will not take comments on pending projects or other cases that are under review at the Siting Board. The public comment hearing will be transcribed by a court reporter. In addition, a recording of the public comment hearings will be available on the Siting Board’s YouTube channel at https://www.youtube.com/@MaDPU_hearing.

Important Dates

Siting Board Meeting on Rulemaking for Cumulative Impact Analysis and Site Suitability Criteria	Monday, December 15, 2025
Siting Board files Proposed Regulations with the Secretary of State	Friday, December 19, 2025
Proposed Regulations published in MassRegister	Friday, January 2, 2026
Public Comment Hearings	Monday, February 2, 2026, at 1:00 p.m., and 6:00 p.m.
Final Deadline for Written Comments	Friday, February 13, 2026

Procedural History

In November 2024, Governor Maura Healey signed into law the 2024 Climate Act, St. 2024, c. 239, which makes many changes to the way that energy infrastructure is sited and permitted in Massachusetts. The Siting Board is required to promulgate regulations and guidance to implement reforms related to siting and permitting by March 1, 2026. The Siting Board issued straw proposals and conducted public meetings to hear comments on the straw proposals. Based on comments received, the Siting Board drafted proposed regulations. For more information, visit: <https://www.mass.gov/climateact>. Siting Division staff issued for discussion purposes draft proposed regulations and guidance in July 2025, then the Siting Board conducted a public meeting to hear comments on the draft proposed regulations. Based on comments received, Siting Division staff revised the proposed regulations. For more information, visit: <https://www.mass.gov/info-details/2024-climate-act-regulations-meetings>. On September 8, 2025, the Siting Board heard staff presentations on the revised regulations and guidance proposals, and voted to open a formal rulemaking process. On September 12, 2025, the Siting Board issued a Final Decision to open the proposed rulemaking, docketed as EFSB 25-10. Available at: <https://www.mass.gov/info-details/efsb-25-10-proposed-rulemaking>.

The Siting Board is promulgating regulations to implement the Cumulative Impact Analysis and Site Suitability Criteria provisions of the 2024 Climate Act separately from its other regulations. The Office of Environmental Justice and Equity (“OEJE”) at the Executive Office of Energy and Environmental Affairs (“EEA”) has developed draft guidance on Cumulative Impact Analysis. EEA has developed draft guidance on Site Suitability Criteria. The 2024 Climate Act requires the Siting Board to promulgate regulations which incorporate the Cumulative Impact Analysis and Site Suitability Criteria guidance. The Siting Board issued draft proposed regulations on Cumulative Impact Analysis and Site Suitability Criteria for discussion purposes on October 31, 2025. Siting Board staff, along with staff from OEJE, conducted a virtual webinar on November 6, 2025, and accepted written comments on the draft proposed regulations and guidance. Based on comments received, Siting Division staff revised the draft proposed regulations. On December 15, 2025, the Siting Board heard staff presentations on the revised regulations proposals, and voted to open a formal rulemaking process. On December 19, 2025, the Siting Board issued a Final Decision to open a formal rulemaking, under the existing docket EFSB 25-10, on new regulations 980 CMR 15.00, Cumulative Impact Analysis and Standards for Applying Site Suitability Criteria.

Instructions for Filing Written Comments

Written comments on the Siting Board’s proposed regulations, docket EFSB 25-10-A, must be sent to

the following two email addresses: dpu.efiling@mass.gov and sitingboard.filing@mass.gov. Written comments are due by 5:00 pm, **Friday, February 13, 2026**. The text of the e-mail must specify: (1) the docket number of the proceeding (EFSB 25-10-A); (2) the name of the person or entity submitting the filing; and (3) a brief description of the document. The email should also include the name, title, and telephone number of a person to contact in the event of questions about the filing. Written comments will be posted to the Siting Board file room and accessible for the public to view.

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Melixza Esenyie
Non-Discrimination Coordinator and Director of Diversity, Equity, and Inclusion
Massachusetts Executive Office of Energy and Environmental Affairs
Human Resources, 9th Floor
100 Cambridge Street, Boston, MA 02114
eeadiversity@mass.gov, 617-626-1282

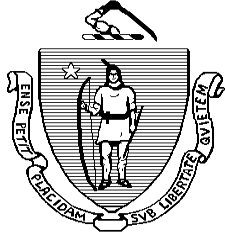
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Contacts

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**THE COMMONWEALTH OF MASSACHUSETTS
ENERGY FACILITIES SITING BOARD
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សូមកត់សម្គាល់៖ សេវាកម្មបកប្រែឯកសារ និង/ឬបកប្រែផ្ទាល់មាត់មានតាមការស្នើសុំដោយមិនគិតថ្លៃផ្ទាល់ចំពោះបុគ្គលដែលស្នើសុំសេវាកម្មនេះ។ បញ្ឈប់ទៅក្នុងសំណើរបស់អ្នកសម្រាប់ភាសាដែលត្រូវការ និងវិធីទាក់ទងអ្នកប្រសិនបើយើងត្រូវការព័ត៌មានបន្ថែម។ ប្រហែលជាមិនអាចបំពេញតាមសំណើ ដែលជូនដំណឹងយឺតបានទេ។ សូមទាក់ទង Yonathan Mengesha តាម Yonathan.Mengesha@mass.gov ដើម្បីស្នើសុំ។

980 CMR: ENERGY FACILITIES SITING BOARD

980 CMR 15.00: CUMULATIVE IMPACT ANALYSIS AND STANDARDS FOR APPLYING SITE SUITABILITY CRITERIA

Section

- 15.01: Purpose, Scope, Application, and Other General Provisions
- 15.02: Definitions
- 15.03: Overview of Cumulative Impact Analysis
- 15.04: Determination of Burdened Areas
- 15.05: Identification of Burdened Areas Intersecting the Specific Geographical Area of a Project Site or Route
- 15.06: Assessment of Burdened Areas for Elevated Indicators
- 15.07: Disproportionate Adverse Effect Analysis – Project Impacts that are Likely to Materially Exacerbate Elevated Indicators
- 15.08: Remedial Actions to Avoid, Minimize or Mitigate Disproportionate Adverse Effects
- 15.09: Contents of CIA Report
- 15.10: Standards for Applying Site Suitability Criteria
- 15.11: Board’s Findings in its Final Decision

15.01: Purpose, Scope, Application, and Other General Provisions.

- (1) Purpose. The purpose of 980 CMR 15.00 is to implement the provisions from M.G.L. c. 164, §§ 69G, 69H, 69J, 69J¼, 69T, 69U, 69V regarding Cumulative Impact Analysis (“CIA”) and standards for applying site suitability criteria to guide Energy Facilities Siting Board (“Board”) decisions. The purpose of those provisions is to evaluate existing environmental burdens and related public health consequences in a Specific Geographical Area (“SGA”) proximate to a proposed Project location, and to assess whether the Project would result in any Disproportionate Adverse Effects, including environmental and public health impacts, or the effects of climate change.
- (2) Scope. 980 CMR 15.00 applies to every Application submitted to the Board for a Clean Energy Infrastructure Facility (CEIF) (M.G.L. c. 164, §§ 69T, 69U, 69V), and to every Petition to Construct a Facility (M.G.L. c. 164, § 69J) or a Generating Facility (M.G.L. c. 164, § 69J¼). 980 CMR 15.00 also applies to every project change that triggers Board jurisdiction.
- (3) Context of Board Review. CIA is one aspect of the Board’s evaluation of a Project’s overall impacts. M.G.L. 164, § 69H. Nothing in 980 CMR 15.00 limits the Board’s consideration of the full range of Project Impacts (e.g., ecological, historical and archaeological resources, tree canopy cover, constructability, etc.) and geographical areas outside the Burdened Areas as defined in 980 CMR 15.00 when evaluating energy projects. M.G.L. c. 164, § 69H.
- (4) Underlying Guidance. 980 CMR 15.00 reflects the “Guidelines and Standards for Cumulative Impact Analysis” issued by the Massachusetts Office of Environmental Justice and Equity pursuant to M.G.L. c. 21A, § 29. See M.G.L. c. 164, §§ 69G, 69T.

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980 CMR 15.00 also applies the “Site Suitability Guidance” developed by the Executive Office of Energy and Environmental Affairs (“EEA”) pursuant to M.G.L. c. 21A, § 30, as applicable. See M.G.L. c. 164, § 69T. The Board shall consider revisions to 980 CMR 15.00, and related CIA implementation documents developed by the Board, in response to future modifications of the “Guidelines and Standards for Cumulative Impact Analysis” or the “Site Suitability Guidance.”

(5) Effective Date. 980 CMR 15.00 takes effect on [effective date of regulation] and applies to Applications or petitions to construct filed on or after July 1, 2026.

(6) Applicability of Earlier Sections. 980 CMR 15.00 relies upon provisions of 980 CMR that by their terms apply to all sections of chapter 980 CMR, unless otherwise noted.

(7) CIA Report Template and Instructions. The Board shall maintain and update, as appropriate, a document entitled “CIA Report Template and Instructions” (“CIA Report Template”). The CIA Report Template provides guidance to Applicants and other stakeholders engaged in preparation or review of a CIA Report pursuant to 980 CMR 15.00. The Board shall develop the CIA Report Template in accordance with 980 CMR 15.00, the “Guidelines and Standards for Cumulative Impact Analysis” by the Massachusetts Office of Environmental Justice and Equity, and “Site Suitability Guidance” developed by EEA. The Board will provide notice and the opportunity for comment on any changes to the CIA Report Template.

(8) Periodic Revision. The Board will assess 980 CMR 15.00 and the CIA Report Template no more than five years after promulgation, or sooner, as it deems appropriate.

15.02: Definitions.

(1) Definitions. 980 CMR 15.00 shall be subject to the definitions of 980 CMR 1.01(4): *Definitions*; 980 CMR 13.01(4): *Definitions*; 980 CMR 16.02: *Definitions*. The following additional definitions shall also apply unless the context or subject matter requires a different interpretation:

Benefit means a positive effect as it pertains to public health, the environment, or in ameliorating the effects of climate change. Benefits include, but are not limited to, access to: clean natural resources, including air, water resources, and open space; constructed playgrounds, outdoor recreational paths, facilities, and venues; clean renewable energy sources; affordable access to reliable electricity; improved public health from reduced pollution and environmental contaminants; improved socio-economic opportunity from additional jobs, education, training programs, tax revenues; enhanced environmental enforcement; and funding disbursed or administered by EEA. For the Board to consider Benefits as Project-related for CIA purposes, such Benefit must have a geographic, economic, public health, or scientific nexus to areas of overlap between Burdened Area(s) and a Project’s SGA. A Benefit incorporated into a Community Benefit Agreement is not required to have a geographic, economic, public health, or scientific nexus to a Project Impact.

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Burden means a negative effect such as destruction, damage or impairment of natural resources that is not insignificant, including but not limited to, climate change, air pollution, water pollution, improper sewage disposal, dumping of solid wastes and other noxious substances, excessive noise, activities that limit access to natural resources and constructed outdoor recreational facilities and venues, inadequate remediation of pollution, reduction of ground water levels, impairment of water quality, increased flooding or stormwater flows, and damage to inland waterways and waterbodies, wetlands, marine shores and waters, forests, open spaces, and playgrounds from private industrial, commercial, or government or private operations or activity that contaminates or alters the quality of the environment and public health.

Burdened Area means a Census Block Group, which is subject to an existing unfair or inequitable environmental burden or related health consequence. 980 CMR 15.00 identifies Burdened Areas as those areas that have a MassEnviroScreen Score (MES Score) of 75 or greater (i.e., at or above the 75th percentile, statewide), or an annual median household income of 65 percent or less of the statewide annual median household income.

Census Block Group means a statistical subdivision of a census tract used by the U.S. Census Bureau for data tabulation and presentation. It is a collection of census blocks and is the smallest geographic unit for which the U.S. Census Bureau publishes sample data from its household surveys.

Cumulative Impact means the combined effects of past and present private, industrial, commercial, state, or municipal projects, operations, development, and other economic activities, in addition to the effects of the proposed Project on: (1) the environment; (2) public health; and (3) reasonably foreseeable effects of climate change. For purposes of 980 CMR 15.00, Cumulative Impact is determined for the area where a Project's SGA intersects one or more Burdened Area(s).

Cumulative Impact Analysis (CIA) means the process by which Applicants and Petitioners shall identify, consider, and address the Cumulative Impact of a Project, as articulated in 980 CMR 15.00. The Board reviews the Applicant's CIA pursuant to 980 CMR 15.00.

Cumulative Impact Analysis Report (CIA Report) means the written report that an Applicant submits as part of an Application or petition to construct for applicable Projects, pursuant to 980 CMR 15.09: : *Contents of CIA Report*.

Disproportionate Adverse Effect means a Project Impact that is likely to materially exacerbate an Elevated Indicator in a Burdened Area intersecting a Project's SGA. As used in M.G.L. c. 164, §§ 69G and 69H, "disproportionate adverse impact" is the equivalent of "Disproportionate Adverse Effect." A Disproportionate Adverse Effect requires consideration of both positive and negative Project Impacts, and results in a net negative impact.

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Elevated Indicator for a Clean Energy Infrastructure Facility (“CEIF”) means an Indicator that is at or above the 50th percentile statewide in Massachusetts, prior to consideration of additional Project Impacts. For Fossil Fuel-Related Energy Infrastructure, each Indicator is treated as an Elevated Indicator. For purposes of 980 CMR 15.00, an Elevated Indicator is identified solely in those areas where a Project’s SGA intersects one or more Burdened Areas.

Facility Boundary means 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.

Fossil Fuel-Related Energy Infrastructure means Facilities subject to Board jurisdiction under M.G.L. c. 164, §§ 69J, 69J¼, that are not CEIF.

Indicator means a statistical measure, which is used to evaluate a Census Block Group’s environmental exposures, environmental effects, climate effects, sensitive populations, and socioeconomic factors.

MassEnviroScreen (MES) means a GIS-based mapping tool developed and administered by the Office of Environmental Justice and Equity that uses Indicators to produce an MES Score and provide Indicator data for every Census Block Group across the Commonwealth.

MassEnviroScreen Score (MES Score) means the numerical score output from the MES.

Noticed Alternative Site or Route means a site or route that an Applicant has submitted for review by the Board, in addition to a Proposed Site or Route, and provided Notice to affected abutters and others concerning this site or route. 980 CMR 15.00 does not impose upon the Applicant an obligation to propose an alternative site or route but recognizes that in certain circumstances the Applicant may be required to do so or may elect to do so.

Project Impact means an effect on the environment, socioeconomic and public health conditions, or climate change resiliency, resulting from construction and operation of the Project. A Project Impact can be either positive or negative.

Proposed Site or Route means the Applicant’s preferred location for a Project site or route that it submits for approval by the Board.

Remedial Action means an action taken that would avoid, minimize, or mitigate one or more Disproportionate Adverse Effects.

Site Footprint means 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.

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Site Suitability Mapping Tool means a web-based mapping tool established and maintained by the EEA in accordance with the Site Suitability Guidance, which contains geographic information system data layers used to determine Criteria-Specific Suitability Scores. The mapping tool shall have the capability to automatically calculate a CEIF's Criteria-Specific Site Suitability Scores by delineating the CEIF Site Footprint in the mapping tool.

Site Suitability Report means a written report documenting the Applicant's Criteria-Specific Site Suitability Scores, any Site Suitability Score Modifiers the Applicant is seeking to apply, and any other required supporting documentation, in a form and manner established by the EEA, in consultation with the Board and the Department of Energy Resources.

Specific Geographical Area (SGA) means an area in which a proposed facility may be located and is determined based on facility-specific radial distances from the Facility Boundary, as established by the Board in 980 CMR 15.05(1). Each Proposed Site or Route and each Noticed Alternative Site or Route, if any, has its own SGA.

15.03: Overview of Cumulative Impact Analysis. The following steps set forth the process for an Applicant to determine a Project's Cumulative Impact and prepare a CIA Report.

(1) For each Proposed Site or Route and Noticed Alternative Site or Route, as applicable, the Applicant shall determine the applicable SGA consistent with 980 CMR 15.05(1). If the SGA intersects a Burdened Area according to MES, the Applicant or Petitioner is required to conduct additional CIA review steps below.

(2) If the proposed Project's SGA does not intersect any Burdened Areas, no further CIA evaluation is necessary. However, a CEIF Project having an SGA that does not intersect a Burdened Area may be required to provide a Site Suitability Report, as applicable. See 980 CMR 15.10.

(3) If any part of the Project's SGA intersects one or more Burdened Area(s), the CIA must assess whether the Project imposes a Disproportionate Adverse Effect within each such Burdened Area, for each Elevated Indicator per 980 CMR 15.07.

(4) To determine whether a Disproportionate Adverse Effect may result from the Project, the Applicant shall evaluate the following for each Burdened Area intersecting the Project's SGA:

- (a) Whether any of the Indicators are Elevated Indicators; and
- (b) If there are one or more Elevated Indicator(s), whether the Project is likely to materially exacerbate such Elevated Indicators.

If the Project is likely to materially exacerbate one or more Elevated Indicator(s), the Project is deemed to have a Disproportionate Adverse Effect for such Indicator(s), in one or more of the applicable Burdened Areas.

(5) For a Project deemed to have a Disproportionate Adverse Effect, the Applicant must propose Remedial Actions that avoid, minimize, or mitigate such adverse effects.

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(6) The Applicant prepares a CIA Report that documents the above steps, as required, and submits the CIA Report as part of its CEIF Application or petition to construct a Facility to the Board. The Applicant shall share the results of its CIA Report with Key Stakeholders during the Pre-Filing Outreach Period in accordance with 980 CMR 16.04, and communicate with Key Stakeholders throughout the Board adjudication regarding the CIA Report.

15.04: Determination of Burdened Areas. The Board, working with the Massachusetts Office of Environmental Justice and Equity, maintains the MES, which differentiates Census Block Groups within the Commonwealth based on their MES Score, and provides other Indicator data relevant to 980 CMR 15.00.

- (1) Burdened Areas. MES identifies all Census Block Groups within the Commonwealth that are deemed to be Burdened Areas, based on either of the two following criteria:
 - (a) A MES Score of 75 or greater, indicating that the Census Block Group is at or above the 75th percentile of MES Scores in comparison with other census blocks, on a statewide basis; or
 - (b) Annual median household income in the Census Block Group is 65 percent or less of the statewide annual median household income.
- (2) MES Indicators. MES Scores shall be based on the following categories of Indicators, including but not limited to:
 - (a) pollution and climate burden (which consists of Indicators for environmental exposures, environmental effects, and climate risks); and
 - (b) population characteristics (which consist of Indicators for sensitive populations and socioeconomic factors).
- (3) Indicator Data. The Board shall ensure that MES relies on data that generally have the following characteristics:
 - (a) Indicator data are publicly available (or otherwise provided in a publicly available manner);
 - (b) Indicator data are collected for all parts of the Commonwealth at a geographic resolution that allows for meaningful comparison between locations, as appropriate;
 - (c) Indicator data are specifically identified and quantifiable;
 - (d) Indicator data are generally accepted statistical measurements for the type of Project Impacts they describe; and
 - (e) Indicator data are reasonably current, and updated regularly, as practicable.
- (4) The Board shall work with the Massachusetts Office of Environmental Justice and Equity and MassGIS (Bureau of Geographic Information) to ensure that MES is updated periodically with the most current data, is reliable, and continues to serve the needs of 980 CMR 15.00 implementation, including for Applicants and other stakeholders.

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(5) Indicator Data Used in CIA. Throughout the Pre-Filing process, the Application process, and the adjudication process, the Applicant may rely upon Indicator data that was current as of the beginning of the pre-filing process.

(6) Petition for a CIA in a Non-Burdened Area. 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 Burdened Area pursuant to 980 CMR 15.04(1): *Determination of Burdened Areas*, and to include the results of such CIA in its CIA Report filed pursuant to 980 CMR 15.09: *Contents of CIA Report*.

(a) Such request by a Key Stakeholder shall initially be presented to a designated representative of the Applicant with a copy to the DPP Director during the Pre-Filing process pursuant to 980 CMR 16.00.

(b) If the Applicant declines to perform the CIA for the requested portion of the SGA that is not a Burdened Area and declines to include the results in its CIA Report, a Key Stakeholder may file a petition with the Director of the Board to require such CIA no later than 14 days after the Applicant files its Application.

(c) The petition shall explain the extraordinary circumstances which support the request. Extraordinary circumstances may include, but are not limited to, significant adverse changes in conditions relevant to Indicators for such Non-Burdened Area(s) that are not accurately reflected in MES data, or other anomalies with MES data or functions that would obscure significant Burdens in the specified Census Block Group.

(d) The Director of the Board shall grant such request only if extraordinary circumstances are shown to exist regarding the requested Census Block Group. The Director shall rule on the request concurrently with the determination of completeness pursuant to 980 CMR 13.02. The Director's decision on whether to grant the request is non-appealable.

(e) If the Director grants the request, the Applicant shall conduct the CIA assessment and file its revised CIA Report within 60 calendar days.

15.05: Identification of Burdened Areas Intersecting the Specific Geographical Area of a Project Site or Route. For all Applications or petitions to construct facilities identified in 980 CMR 15.01(2): *Scope*, the Applicant shall assess for each Proposed Site or Route and each Noticed Alternative Site or Route, if any, whether the SGA intersects any Burdened Area pursuant to 980 CMR 15.04: *Determination of Burdened Areas*. This is a threshold analysis that determines whether the Applicant shall continue with its CIA. The Applicant conducts this assessment by doing the following:

(1) Identification of the Project SGA. For each Proposed Site or Route or Noticed Alternative Site or Route, the Applicant shall use the following Facility Boundary and radial distances from the Facility Boundary to determine the SGA:

(a) Facility Boundary. The SGA shall rely on 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;

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(b) Specific Geographical Area. For Projects that include multiple facility types (such as transmission and distribution lines, and a battery energy storage system), the SGA is determined using the Facility Boundary and the radial distance from the Facility Boundary applicable to each component of the Project, as described in the table below.

Facility Type (or component of a Facility)	Radial 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)

(2) Determine whether the SGA Intersects with a Burdened Area. The Applicant shall determine whether the SGA of the Project intersects with one or more Burdened Areas.

(3) Implications of the Burdened Area Assessment. If the SGA intersects with a Burdened Area, the Applicant shall comply with the requirements of 980 CMR 15.06. If the Project SGA does not intersect a Burdened Area, the Applicant shall: (1) conclude the CIA and complete 980 CMR 15.09: *Contents of CIA Report*; and (2) pursuant to 980 CMR 15.10: *Standards for Applying Site Suitability Assessments Guidance*, determine whether a Site Suitability Report is required, and, if so, include a Site Suitability Report in the Project’s Application to the Board. Applicants should refer to the CIA Report Template for detailed information regarding the preparation of a CIA Report. Applicants should refer to the Site Suitability Template for detailed information regarding preparation of a Site Suitability Report.

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15.06: Assessment of Burdened Areas for Elevated Indicators.

- (1) The CIA Report Template provides a list of Indicators that an Applicant must evaluate, as applicable, for its proposed Project. The Indicators are used in MES to produce the MES Score. The Applicant shall analyze the Indicators for all Burdened Areas that intersect the Project's SGA.
- (2) For each Burdened Area intersecting the Project's SGA, the Applicant shall use MES to identify all Indicators that are also Elevated Indicators. For Fossil Fuel-Related Energy Infrastructure, each Indicator is treated as an Elevated Indicator. An Applicant shall evaluate whether the Project is likely to materially exacerbate such Elevated Indicators, and therefore produce a Disproportionate Adverse Effect, in accordance with the requirements of 980 CMR 15.07: *Disproportionate Adverse Effect Analysis*.

15.07: Disproportionate Adverse Effect Analysis

The Applicant shall evaluate whether, and to what extent, the Proposed Project Site or Route and any Noticed Alternative Site or Route(s) are likely to increase or decrease Elevated Indicators identified for Burdened Areas intersecting the Project's SGAs. For purposes of making such assessment, the Applicant may consider the Project Impacts inclusive of any actions to avoid, minimize, or mitigate Project Impacts for which the Applicant has made a firm commitment to undertake. The Applicant shall use the following methods to identify and, where practicable, quantify such Project Impacts. See the CIA Report Template for additional details.

- (1) Determination of Disproportionate Adverse Effect on an Elevated Indicator. To determine if a negative Project Impact to an Elevated Indicator constitutes a Disproportionate Adverse Effect, the Project must materially exacerbate the condition reflected in the Elevated Indicator. A Project that materially exacerbates an Elevated Indicator likely causes additional negative Project Impacts to occur.
- (2) Qualitative Assessment Methods. In determining whether a Project materially exacerbates an Elevated Indicator during construction or operation, an Applicant shall first assess qualitatively whether, and how, the Project may impact each Elevated Indicator. 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, impervious surfaces, heat-island effect, 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.
- (3) Quantitative Assessment Methods. If qualitative assessment methods indicate Project Impacts to one or more Elevated Indicators, the Applicant shall endeavor to provide a quantitative assessment of each such Project Impact. Quantitative methods may include quantification of emissions and other discharges, modeling analysis, detailed assessment of Project Impacts through engineering or construction plan reviews, and other means. See CIA Report Template for examples of quantitative assessment methods.

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(4) Applicant's or Petitioner's Analysis and Findings. 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. The Applicant shall also include community input gathered during pre-Filing consultation and engagement pursuant to 980 CMR 16.00 and address that input in its CIA Report.

15.08: Remedial Actions to Avoid, Minimize or Mitigate Disproportionate Adverse Effects.

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): *Applicant's or Petitioner's Analysis and Findings*, the Applicant shall include in its CIA Report the following:

(1) Evaluation of Remedial Actions for Disproportionate Adverse Effects. A description of any actions the Applicant proposes to undertake to avoid, minimize, or, if Project Impacts cannot be avoided or minimized, mitigate, the Disproportionate Adverse Effects of the proposed Project on each Burdened Area, and how those actions address the Project Impacts.

(a) An Applicant is required to describe how its proposed actions could avoid one or more Project Impacts to each Elevated Indicator.

(b) If an Applicant cannot avoid one or more Project Impacts to an Elevated Indicator, it shall describe how its proposed actions could minimize one or more Project Impacts to an Elevated Indicator.

(c) If an Applicant cannot minimize one or more Project Impacts to an Elevated Indicator, it shall describe how its proposed actions could mitigate one or more Project Impacts to an Elevated Indicator. An Applicant is required to mitigate Project Impacts to the fullest extent practicable. Proposed mitigation actions shall ensure that Project Impacts will not materially exacerbate an Elevated Indicator.

(2) Cumulative Impact Summary. A summary of the Project's Cumulative Impact in light of any avoidance, minimization, or mitigation actions the Applicant or Petitioner proposes to undertake.

15.09: Contents of CIA Report. The Applicant shall describe in its CIA Report its assessment pursuant to 980 CMR 15.05(2): *Determine whether the SGA Intersects with a Burdened Area* and the implications of that assessment under 980 CMR 15.05(3): *Implications of the Burdened Area Assessment*. See CIA Report Template for additional details of contents in a CIA Report.

15.10: Standards for Applying Site Suitability Guidance. In 980 CMR 15.00, the Board follows the "Site Suitability Guidance" for CEIF, as issued and updated from time to time by EEA.

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- (1) Applicability. The Site Suitability Guidance is applicable to LCEGFs, SCEGFs, LCESFs, SCESFs, and also to LCTDIFs and SCTDIFs, as defined in 980 CMR 1.01, in newly established public rights of way. 980 CMR 15.10 does not apply to Projects exempted under 225 CMR 29.07(1).
- (2) Pre-filing. Applicants shall 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 proposed CEIF prior to submitting an Application for a Consolidated Permit or Consolidated State Permit to the Board. Applicants shall share these anticipated Criteria-specific Suitability Scores with stakeholders during the Pre-Filing process, per 980 CMR 16.00.
- (3) File with Application. An Applicant shall file a Site Suitability Report with its Application for a Consolidated Permit or Consolidated State Permit per 980 CMR 13.00, as applicable. Unless a Request for Score Revision by the Board pursuant to 980 CMR 15.10(4) is requested or a Social and Environmental Benefit Criteria Score Modifier is applied pursuant to 980 CMR 15.10(5), the Criteria-Specific Suitability Scores in the Site Suitability Report submitted by the Applicant shall be final.
- (4) Request for Score Revision by the Director. 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 in a form prescribed by the Director. The Director shall review one or more Criteria-Specific Suitability Scores subject to the request.
 - (a) Parties seeking a Request for Score Revision must identify the specific deficiencies that resulted in one or more erroneous Criteria-Specific Suitability Scores. Failure to specify such deficiencies may result in the Director's denial of the Request for Score Revision.
 - (b) The Director shall issue a decision on a Request for Score Revision not more than 30 days after receipt.
 - (c) Any revised Criteria-Specific Suitability Scores issued by the Director shall be final, subject to the application of one or more Site Suitability Score Modifier.
- (5) Social and Environmental Benefit Criteria Score Modifier. 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. Score modification may only occur upon the mutual written agreement between the Applicant and the Local Government.
- (6) Consideration by the Board During Adjudication of a Consolidated Permit.
 - (a) The Board shall consider the Site Suitability Report in its CIA and route and site scoring analysis. The Board shall consider Criteria-specific Suitability Scores to assess avoidance, minimization, and mitigation of Project Impacts. The Board shall consider the Criteria-Specific Suitability Scores in

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its decision on whether to grant a Consolidated Permit or Consolidated State Permit, as applicable.

(b) The Board may consider as evidence a Community Benefit Agreement between a host municipality and an Applicant regarding Benefits of a Project.

15.11: Board's Findings in its Final Decision.

(1) The Board shall assess the adequacy of the CIA Report and Site Suitability Report, including whether the Applicant, if required to, presented a comprehensive analysis of whether its Project Impacts will result in a Disproportionate Adverse Effect, and make findings based on that review. Findings shall include the extent to which the CIA Report and Site Suitability Report, as applicable, inform the evidentiary record upon which the Board may approve or deny an EFSB Consolidated Permit Application or Facility Petition to Construct.

(2) Pursuant to G.L. c. 164, § 69H, the Board shall, in issuing a final decision, make findings as to whether the Applicant has given due consideration to the Cumulative Impact of the Project, and whether the Applicant has adequately undertaken actions to avoid, minimize, or mitigate any Disproportionate Adverse Effects from the Project. In making such determinations, the Board may consider:

- (a) The population characteristics such as sensitive populations and socioeconomic factors of the population living within Burdened Areas intersecting the Project's SGA;
- (b) Pollutant exposures and environmental effects, and climate risks;
- (c) The extent, nature, magnitude, duration, and geographic reach of any Elevated Indicators on any of those populations;
- (d) Project Impacts related to the Elevated Indicators identified, including Benefits and Burdens;
- (e) The extent and efficacy of the obligations the Applicant has undertaken to remediate Project Impacts;
- (f) Any remaining Disproportionate Adverse Effects from the Project on the Burdened Areas within the SGA, in light of the Applicant's plans to avoid, minimize, or mitigate the negative Project Impacts;
- (g) Conditions obligating the Applicant to further address any remaining Disproportionate Adverse Effects from the proposed Project;
- (h) The Applicant's use of a Community Benefit Plan or Community Benefit Agreement to identify community needs and provide Benefits for a host community, in accordance with guidance from the Massachusetts Office of Environmental Justice and Equity.

(3) The Board shall consider whether an Applicant has made reasonable efforts to consider and develop a Community Benefit Plan or Community Benefit Agreement. See 980 CMR 2.02(3).

- (a) If an Applicant has developed a Community Benefit Plan or signed a Community Benefit Agreement, the Board shall give it due weight in the final decision;

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(b) If an Applicant has not developed a Community Benefit Plan or signed a Community Benefit Agreement for a Project in a Burdened Area, then the Board shall consider imposing additional Project conditions to address Disproportionate Adverse Effects in Burdened Areas intersecting the Project's SGA.

1. Mitigation is a mechanism to address Project Impacts related to construction or operational Impacts of the Project;
2. A Community Benefit Agreement is aimed at creating tangible, equitable Benefits that address a community's specific and local needs and priorities separate from required mitigation. See "Guidelines and Standards for Cumulative Impact Analysis" issued by the Massachusetts Office of Environmental Justice and Equity pursuant to M.G.L. c. 21A, § 29.

(c) The Board may add enforceable conditions to a final decision that it deems necessary to avoid, minimize, or mitigate Project Impacts to a Burdened Area. Conditions may include enforceable Remedial Actions designed to address Project Impacts.

REGULATORY AUTHORITY

980 CMR 15.00: M.G.L. c. 164, §§ 69G, 69H, 69J, 69J¼, 69T, 69U, 69V.

980 CMR 15.00 CIA REPORT TEMPLATE

PROJECT NAME: Enter Project name here
DOCKET NUMBER: Enter docket number here
APPLICANT: Enter Applicant name here

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CIA Report Template

Overview: The 2024 Climate Act requires that the Siting Board develop standards for applying the cumulative impact analysis standard and guidelines developed by the Executive Office of Energy and Environmental Affairs Office of Environmental Justice and Equity to apply to all jurisdictional projects submitted to the Siting Board on or after July 1, 2026. St. 2024, c. 239, §§ 74, 132, 139. 980 CMR 15.01(2) requires the submission of a CIA Report for every Application submitted to the Energy Facilities Siting Board for a Clean Energy Infrastructure Facility (M.G.L. c. 164, §§ 69T, 69U, 69V) and to every Petition to Construct a Facility (M.G.L. c. 164, § 69J) or a Generating Facility (M.G.L. c. 164, § 69J¼). 980 CMR 15.00 also applies to every project change that triggers the EFSB’s jurisdiction. This document is the CIA Report Template and Instructions to which 980 CMR 15.01(6) refers. Once completed and submitted, this document is the CIA Report required by 980 CMR 15.09. This document relies heavily upon the definitions in 980 CMR 15.02: *Definitions*.

I. IDENTIFICATION OF THE PROJECT SPECIFIC GEOGRAPHICAL AREA(S)

Overview: In this section, the Applicant determines the Specific Geographical Areas (“SGAs”) for the Proposed Site or Route, the Noticed Alternative Site or Route, if any, and the Noticed Variation Site or Route, if any (collectively, “Noticed Site or Route”). The SGA for a site or route is the area surrounding that site or route, as specified by 980 CMR 15.05(1): *Identification of the Project SGA*. The SGA defines the geographical area that the CIA Report examines.

General Instructions: *Follow the guidance in italicized text for each of the sections below. If your Project proposes more than one site or route, you will need to create additional tables. In general, you may modify tables in this CIA Report (table numbers, heading names, heading orientation, number of columns, colors, etc.) to suit your Project. A sample completed version of this form is available here: _____ . [SAMPLE LINK]. You may email sitingboard.filing@mass.gov if there are problems with this template.*

A. Sites or Routes

Instruction: *In the table below, briefly describe each Noticed Site or Route the Applicant proposes for the Project and the location in the Application or Petition of a full description of such site or route.*

Table 1. Proposed Sites or Routes

Site or Route Type	Site Address and Other Brief Description of Site or Route and Page(s) in Application or Petition Containing Full Description
Proposed	
Noticed Alternative (if any)	
Noticed Variation (if any)	

B. Facility Boundary

Instruction: For each Noticed Site or Route, complete the table below and attach (or insert below) a site map that shows the Facility Boundary/ies¹. In the table below, describe each Facility Boundary and explain how the boundary for the Project complies with the definition of Facility Boundary at 980 CMR 15.02.

Table 2. Description of Facility Boundaries (and Site Maps)

Site or Route Type	Attachment Number	Description of Boundary
Proposed		
Noticed Alternative (if any)		
Noticed Variation (if any)		

C. Specific Geographical Area

Instruction: For the Proposed Site or Route, indicate in the table below the Facility type or types and the corresponding radial distance from the Facility Boundary for that Facility type as described in 980 CMR 15.05: Identification of Burdened Areas Intersecting the Specific Geographical Area of a Project Site or Route. For a Project containing more than one Facility type, e.g., a transmission line and a substation, each different Facility type may correspond to a different radial distance. Prepare an additional table for any Noticed Alternative Site or Route and another table for any Noticed Variation Site or Route.

¹ Facility Boundary means the outermost boundaries 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, such as transmission lines or pipelines, the Facility Boundary shall be the edge of the right of way (ROW). See definition of Facility Boundary at 980 CMR 15.02: Definitions.

Table 3. Specific Geographic Area Radii from Facility Boundary for the Proposed Site or Route

	Facility Type(s)	Radial Distance from Facility Boundary (mi)
<input type="checkbox"/>	Transmission and Distribution Lines	0.25
<input type="checkbox"/>	Clean Energy Storage Facility	1
<input type="checkbox"/>	Substation	0.5
<input type="checkbox"/>	Ground-Mounted PV	0.5
<input type="checkbox"/>	Onshore Wind Facility	1
<input type="checkbox"/>	Anaerobic Digester > 25 MW	1
<input type="checkbox"/>	Liquefied Natural Gas Storage Facility	No air permit: 1 Non-major air permit: 2
<input type="checkbox"/>	Fossil Generating Facility	No air permit: 2 Non-major air permit: 5
<input type="checkbox"/>	Gas Compressor Stations	No air permit: 1 Non-major air permit: 2 Major air permit: 5

D. Explanatory Comments

Instruction: Comment on any of the above sections that merit further explanation or qualification.

Comment:

II. IDENTIFICATION OF ANY BURDENED AREA(S) INTERSECTING AN SGA OF A PROJECT SITE OR ROUTE

Overview: In this section, the Applicant uses the MassEnviroScreen mapping tool (<https://mass-eoeea.maps.arcgis.com/apps/instant/sidebar/index.html?appid=4be63e892a3d42d69334615a64095a39>) to identify within each SGA of the Project any areas of overlap between the SGA and a Burdened Area (BA). By definition, a BA is a Census Block Group that has a MassEnviroScreen score of 75 or greater and/or an annual median household income of 65 percent or less of the statewide annual median household income. The MassEnviroScreen score is a composite score that reflects the Census Block Group's percentile among all the Census Block Groups in the State based on the Indicators. Where the Director grants a petition

for a CIA in a non-Burdened area pursuant to 980 CMR 15.04(5): *Petition for a CIA in a Non-Burdened Area*, the Applicant shall perform a CIA Report as if the census block group is a BA.

A. SGA Overlay with MassEnviroScreen Burdened Areas

Instruction: *For each Noticed Site or Route, attach (or insert below) a site map that clearly shows the Facility Boundary, the SGA, and any overlapping BA. If the SGA only partially intersects a BA or SDA, include the full BA, if any on the map. Prepare the map(s) at a geographic resolution that clearly shows the geographic extent of the overlap, if any, between a Project’s SGA and any overlapping BA. Designate the Attachment number, if any, in the table below.*

Table 4. Attachment Designation for SGA Map(s)

Site or Route Type	Attachment Number
Proposed	
Noticed Alternative (if any)	
Noticed Variation (if any)	

B. Burdened Areas intersecting the SGA(s)

Instruction: *List the Census Block Group ID of any BA that intersects the SGA for a site or route.*

Table 5. List of Burdened Areas within Project SGA(s)

Site or Route Type	Burdened Area(s) Census Block Group ID(s)
Proposed	
Noticed Alternative (if any)	
Noticed Variation (if any)	

Check this box if no BA overlaps any SGA.

If this box is checked, the CIA Report concludes here and the remainder of the template may be deleted. Depending upon the Project type, the Applicant may still be required to prepare a Site Suitability Report. See 980 CMR 15.03(2) and 980 CMR 15.10.

C. Explanatory Comments

Instruction: *Comment on any of the above sections that merit further explanation or qualification.*

Comment:

III. ASSESSMENT OF BURDENED AREAS TO IDENTIFY ELEVATED INDICATORS

Overview: In this section, the Applicant identifies all Indicator values for each BA that intersects a Project SGA and then highlights the Elevated Indicators, as defined in 980 CMR 15.02: *Definitions*, for each BA. An SGA intersecting multiple BAs may have different Elevated Indicators in each BA.

A. Environment, Climate, and Population Indicators

Instruction: *For the Proposed Site or Route, use the data from MassEnviroScreen to list in the table below all Indicator percentile values for any BA that intersects the SGA for that site or route. Replace the generic “[Census Block Group #]” in the column headings with the appropriate Census Block Group ID number for the Project. Prepare an additional table for any Noticed Alternative Site or Route and another table for any Noticed Variation Site or Route.*

*Table 6. Statewide **Percentile Values** for each Indicator for each BA in Proposed Site or Route*

Indicators	Burdened Areas Census Block Groups							
	[BA Census Block Group #]	[BA Census Block Group #]	[BA Census Block Group #]	[BA Census Block Group #]	[BA Census Block Group #]	[BA Census Block Group #]	[BA Census Block Group #]	[BA Census Block Group #]
Fine Particulate Matter (PM2.5)								
Ozone								
Nitrogen Dioxide (NO2)								
Diesel Particulate Matter (DPM)								
Drinking Water Non-Compliance								
Air Toxics Cancer Risk								

Indicators	Burdened Areas Census Block Groups							
	[BA Census Block Group #]	[BA Census Block Group #]	[BA Census Block Group #]	[BA Census Block Group #]	[BA Census Block Group #]	[BA Census Block Group #]	[BA Census Block Group #]	[BA Census Block Group #]
Air Toxics Respiratory Hazard Index								
Traffic Proximity								
Pollution Cleanup Sites								
Groundwater Threats								
Hazardous Waste Generators/Facilities								
Solid Waste Sites/Facilities								
Impaired Water Bodies								
Drought								
Wildfire Risk								
Flood Risk								
Extreme Heat Days								
Pediatric Asthma								
Low Birth Weight Infants								
Elevated Blood Lead in Children								
Premature Mortality								
Adult High Blood Pressure								

Indicators	Burdened Areas Census Block Groups							
	[BA Census Block Group #]	[BA Census Block Group #]	[BA Census Block Group #]	[BA Census Block Group #]	[BA Census Block Group #]	[BA Census Block Group #]	[BA Census Block Group #]	[BA Census Block Group #]
Coronary Heart Disease								
Chronic Obstructive Pulmonary Disease (COPD)								
Adult Cancer								
Adults without High School Degree								
Housing Burdened Low-Income Households								
Linguistic Isolation								
Poverty								
Unemployment								

B. Median Household Income

Instruction: *In the chart below, record for each BA that overlaps the SGA of the Proposed Site or Route the Median Household Income (MHI) of that BA as a percentage of the Statewide MHI. Add a column for each Census Block Group identified as a BA. Prepare an additional table for any Noticed Alternative Site or Route and another table for any Noticed Variation Site or Route.*

Table 7. Median Household Income for each Burdened Area in the Proposed Site or Route as a Percentage of the State MHI

Indicator	Burdened Area Census Block Groups							
	[BA Census Block Group #]	[BA Census Block Group #]	[BA Census Block Group #]	[BA Census Block Group #]	[BA Census Block Group #]	[BA Census Block Group #]	[BA Census Block Group #]	[BA Census Block Group #]
Median Household Income of Census Block Group (as percentage of state MHI average)								

C. Elevated Indicators

Instruction: For each Proposed Site or Route that intersects a BA, complete the table below to show all Elevated Indicators and their values for such BA. Add or delete columns and rows as necessary. Do not include in the table data for any Indicator that is not (or is not treated as) an Elevated Indicator with respect to the corresponding BA. Put “—” or “N/A” instead. Add a table for each Noticed Alternative or Noticed Variation as applicable.

Table 8. Elevated Indicators for the Proposed Site or Route

Indicator	Burdened Area Census Block Groups							
	[BA Census Block Group #]	[BA Census Block Group #]	[BA Census Block Group #]	[BA Census Block Group #]	[BA Census Block Group #]	[BA Census Block Group #]	[BA Census Block Group #]	[BA Census Block Group #]
[Elevated Indicator #1]								
[Elevated Indicator #2]								
[Elevated Indicator #N]								

D. Explanatory Comments

Instruction: *Comment on any of the above sections that merit further explanation or qualification.*

Comment:

IV. ANALYSIS OF DISPROPORTIONATE ADVERSE EFFECTS

Background: In this section, the Applicant analyzes the Project’s Impact on each Elevated Indicator during the construction and operation phases to determine whether the Project is likely to cause a Disproportionate Adverse Effect, defined as a net negative Project Impact that is likely to materially exacerbate an Elevated Indicator in a BA intersecting a Project’s SGA, prior to the Project. See Appendix B: Method for Determining Whether Projects Materially Exacerbate Elevated Indicators for further explanation.

A. Construction Phase Project Impacts

Instruction: *For each BA within a Project SGA, as part of a separate attachment and as additional text inserted in the summary table below, qualitatively assess the expected Project Impacts (Benefits or Burdens or No/Insignificant Impact) on that BA during the construction phase as reflected by each Elevated Indicator. To the extent practicable, include in that assessment a quantitative assessment of such expected Project Impacts. For purposes of making such assessment, the Applicant may consider the Project Impacts inclusive of any measures to avoid, minimize, or mitigate Project Impacts the Applicant has made a firm commitment to undertake. The Applicant may also describe corresponding Project Burdens and Benefits outside the BA to provide context. Project Burdens and Project Benefits can occur concurrently. Assess the severity of an Impact in terms of its nature, magnitude, geographic extent, and duration.*

For each Proposed Site or Route, complete the table below to summarize your assessment of Project Impacts and the supporting rationale for your assessment. Create another table for each Noticed Alternative or Noticed Variation as applicable.

Table 9. Summary of Proposed Route’s Construction Phase Project Impacts Related to Elevated Indicators

Elevated Indicator	Project Impact (During Construction)	Disproportionate Adverse Effect? (Yes/No)	Supporting Rationale or Reference to Documentation in Support of Impact Determination
[Elevated Indicator #1]			
[Elevated Indicator #...]			
Elevated Indicator #N]			

B. Operations Phase Project Impacts

Instruction: *Do the same as in part IV.A above except with respect to the operations phase and summarize your assessment in the table below.*

Table 10. Summary of Proposed Route’s Operations Phase Project Impacts Related to Elevated Indicators

Elevated Indicator	Project Impact (During Operations)	Disproportionate Adverse Effect? (Yes/No)	Supporting Rationale or Documentation for Impact Determination
[Elevated Indicator #1]			
[Elevated Indicator #...]			

C. Explanatory Comments

Instruction: *Comment on any of the above sections that merit further explanation or qualification.*

Comment:

V. IDENTIFICATION OF REMEDIAL ACTIONS TO AVOID, MINIMIZE OR MITIGATE DISPROPORTIONATE ADVERSE EFFECTS

A. Construction Phase Remedial Actions

Instruction: *For each Noticed Site or Route, describe in the table below and in separate attachments the proposed avoidance, impact minimization, or mitigation measures to address the nature, magnitude, duration, and geographic extent of the Disproportionate Adverse Effect(s) associated with the site or route. Explain how the proposed remedial actions address the Disproportionate Adverse Effects. State and explain the expected cost of the proposed remedial action(s).*

[Insert text or reference attachments here.]

For the Proposed Site or Route, summarize the proposed remedial actions and their expected effectiveness in the table below. Add tables for each Noticed Alternative and each Noticed Variation, as applicable.

Table 10. Summary of Remedial Actions to Address Project Disproportionate Adverse Effects for Proposed Route Construction Phase

Elevated Indicator(s)	Proposed Impact Avoidance	Proposed Impact Minimization ¹	Proposed Impact Mitigation ²	How Proposed Remedial Actions Address Disproportionate Adverse Effects
[Elevated Indicator #1]				
[Elevated Indicator #...]				
<ol style="list-style-type: none"> 1. <u>If an Applicant cannot avoid one or more Project Impacts reflected by an Elevated Indicator, it shall describe how its proposed actions could minimize such Project Impacts.</u> 2. <u>If an Applicant cannot minimize one or more Project Impacts reflected by an Elevated Indicator, it shall describe how its proposed actions could mitigate such Project Impacts.</u> 				

B. Operations Phase Remedial Actions

Instruction: *Do the same as in part V.A above, except with respect to the operations phase.*

Table 11. Summary of Remedial Actions to Address Disproportionate Adverse Effects from Proposed Route in Operations Phase

Elevated Indicator(s)	Proposed Impact Avoidance	Proposed Impact Minimization¹	Proposed Impact Mitigation²	How Proposed Remedial Actions Address Disproportionate Adverse Effects
[Elevated Indicator #1]				
[Elevated Indicator #...]				
<p>3. <u>If an Applicant cannot avoid one or more Project Impacts reflected by an Elevated Indicator, it shall describe how its proposed actions could minimize such Project Impacts.</u></p> <p>4. <u>If an Applicant cannot minimize one or more Project Impacts reflected by an Elevated Indicator, it shall describe how its proposed actions could mitigate such Project Impacts.</u></p>				

VI. DESCRIPTION OF COMMUNITY BENEFIT PLAN AND/OR AGREEMENT

Overview: *Describe any Community Benefits Plan or Community Benefits Agreement the Applicant has committed to. In doing so, summarize the community needs that the plan or agreement identifies and the benefits the plan or agreement envisions for the host community. Explain how such plan or agreement, if any, constitutes action that addresses any Elevated Indicators.*

Description and Explanation:

VII. CONCLUSION (OPTIONAL)

Overview: Highlight the Disproportionate Adverse Effects of the Project as it pertains to individual Burdened Areas or to the Burdened Areas collectively; describe the measures the Applicant proposes to address the Disproportionate Adverse Effects; highlight the adequacy of the proposed measures; summarize any aspect of this CIA Report; and add relevant information not otherwise included in this report, as applicable.

APPENDIX A: Indicator Definitions and Sources

Indicator	Summary Description	Source
PM 2.5	Average annual 24-hour average concentration of particulate matter that is less than or equal to 2.5 micrometers in diameter (PM2.5) measured in micrograms per cubic meter ($\mu\text{g}/\text{m}^3$).	U.S. EPA
Ozone	Maximum 8-hour average model predictions of concentrations of ground-level ozone in parts per billion (ppb).	U.S. EPA
Nitrogen Dioxide (NO ₂)	Average annual nitrogen dioxide (NO ₂) levels expressed as part per billion (by volume) for 2020 at 1km grid resolution, aggregated to Census Block Groups using mean pixel values.	NASA
Diesel Particulate Matter	Diesel particulate matter (PM) level in air measured in micrograms per cubic meter ($\mu\text{g}/\text{m}^3$).	EJScreen 2024.
Drinking Water Non-Compliance	Safe Drinking Water Act (SDWA) compliance performance score of a community water system (CWS) serving a Census Block Group population.	EJScreen 2024
Air Toxics Cancer Risk	Risk of developing cancer due to inhalation exposure to air toxic compounds over a normal lifetime of 70 years, measured in incidents per million people.	U.S. EPA
Respiratory Hazard Index	Non-Cancer Respiratory Hazard Index; ratio of exposure concentration to a health-based reference concentration.	U.S. EPA
Proximity to Heavy Traffic	Heavy traffic proximity impact index.	EJScreen 2024
Pollution Cleanup Sites	Weighted count of environmental cleanup sites requiring federal or state oversight for cleanup due to contamination.	US EPA; MassGIS
Groundwater Threats	Weighted count of groundwater threats.	U.S. EPA; MassGIS
Hazardous Waste Generators and Facilities	Weighted count of hazardous waste facilities, and hazardous waste generators within each Census Block Group.	MassGIS
Solid Waste Sites and Facilities	Weighted count of solid waste sites and facilities.	MassGIS
Impaired Water Bodies	Count of pollutants across all water bodies designated as impaired within the area.	MassGIS

Indicator	Summary Description	Source
Drought	Sum of weekly total percent of an area experiencing a severe, extreme, or exceptional drought (categories D2, D3, or D4), adapted from Colorado EnviroScreen.	U.S. Drought Monitor 2019-2024
Wildfire Risk	Mean wildfire hazard potential.	USDA; USFS
Flood Risk	Percentage of each geographic area where there is at least a one percent chance of flooding annually.	FEMA; MassGIS
Extreme Heat Days	Number of days between May and September from 2015 through 2024 in which daily high temperature was 85 degrees Fahrenheit or higher.	Oregon State University
Premature Mortality	Age-adjusted premature mortality rate (per 100,000).	MassDEP
Adult Cancer	Prevalence of cancer (non-skin) or melanoma among adults.	CDC PLACES Health Outcomes
Chronic Obstructive Pulmonary Disease (COPD)	Prevalence of chronic obstructive pulmonary disease among adults.	CDC PLACES Health Outcomes
Coronary Heart Disease	Prevalence of coronary heart disease among adults.	CDC PLACES Health Outcomes
Elevated Blood Lead Levels in Children	5-year average prevalence of elevated (≥ 5 $\mu\text{g}/\text{dL}$ estimated confirmed) childhood blood lead levels in children (ages 9-47 months).	MassDEP
Adult High Blood Pressure	Prevalence of high blood pressure among adults.	CDC PLACES Health Outcomes
Pediatric Asthma	Population-weighted average asthma prevalence (percentage of K-8 enrollment).	MassDEP
Adults without a High School Degree	Percent of people age 25 or older whose education is less than a high school diploma.	US American Community Survey 5-year Estimates for 2019 – 2023
Poverty	Percent of households whose income is less than or equal to twice the poverty level.	US American Community Survey 5-year Estimates for 2019 – 2023
Linguistically Isolated Households	Percentage of limited English-speaking households.	US American Community Survey 5-year

Indicator	Summary Description	Source
		Estimates for 2019 – 2023
Housing Burdened Low Income Households	Percent of households that are both low income (making less than 80% of the HUD Area Median Family Income) and severely burdened by housing costs (paying greater than 50% of their income to housing costs).	US Department of Housing and Urban Development
Unemployment	Percentage of the population over the age of 16 that who are unemployed and eligible for the labor force. Excludes retirees, students, homemakers, institutionalized persons except prisoners, those not looking for work, and military personnel on active duty.	US American Community Survey 5-year Estimates for 2019 – 2023
Median Household Income	Median household income in the past 12 months (in 2023 inflation-adjusted dollars).	US American Community Survey 5-year Estimates for 2019 – 2023

This MassEnviroScreen document further explains the use and rationale of the Indicators:
<https://www.arcgis.com/sharing/rest/content/items/98e655e983ae40fb9b4749f58974009c/data>

APPENDIX B: Suggested Considerations in Determining Whether Project Impacts Are Likely to Materially Exacerbate Elevated Indicators

To materially exacerbate means to significantly or substantially worsen an existing condition, problem, or situation. Factors to consider when determining whether projects materially exacerbate Elevated Indicators include (but are not limited to) the following:

- Likelihood that project construction or operation would result in exceedances of public health, environmental, or climate regulatory standards (e.g., National Ambient Air Quality Standards);
- Perceptibility of impacts: would a casual observer notice any impacts measured by the Elevated Indicators?
- Measurability: Are impacts to an indicator able to be measured or quantified, whether quantitatively, qualitatively, or by level of significance?
- Duration and frequency of impacts: Long-term or frequent impacts are more likely to exacerbate conditions than short-term, infrequent ones.
- Increased geographic extent of impacts: Would a Project's Impact expand a Burden beyond the geographic extent of the baseline Burden exhibited by an Elevated Indicator?
- Resiliency and recovery rate: How would a Project adversely affect the ability of an Indicator to absorb Project-induced disturbances, adapt to maintain essential functions and services, and then recover? For example, extensive tree clearing in an urban environment during a project's construction phase may have immediate impact on localized tree canopy (and the cooling effect from shading) and take years to recover, assuming trees are planted to replace the lost tree canopy cover. However, pruning tree branches during construction instead of clearing trees may yield only minor shading impacts and recover much more quickly.
- Social, economic, and cultural impacts: Would a proposed project be likely to adversely impact the social fabric, economic vitality, or cultural resources of a BA as measured by Elevated Indicators?
- Public health conditions: Would the Project impact the public health condition of a BA as measured by Elevated Indicators?
- Potential for migration of contamination (on-site and off-site by air, ground, or water); To address these considerations, Applicants should consider these – and other pertinent – factors when evaluating the following issues:

- What is the baseline state (i.e., existing conditions before the introduction of the proposed project) of the Elevated Indicators in question – i.e., MES score, and baseline health, environmental, and climate resiliency states?
- Describe the states of each Elevated Indicator in the BA of concern.
- What are the drivers of Elevated Indicators baseline states – i.e., what are the major reasons for the indicators being elevated – in their baseline state?
- What aspects of a proposed energy project construction and operations would (adversely) impact each Elevated Indicator? Include an accounting of the project-related drivers that would likely adversely impact the Elevated Indicators during project construction and operational project phases, including a description of the nature, degree, extent, and duration of impacts.
- What municipal, state, or federal standards apply to the Elevated Indicators in question (list these).
 - Do any of the Elevated Indicators exceed these standards in their baseline state?
 - Would the project likely result in an exceedance of these standards? If so, why?
- What other likely diverse impacts would occur to the Elevated Indicators that are not addressed above?