

Layman's Summary of Proposed 225 CMR 29.00.

In November 2024, Governor Maura Healey signed into law *An Act promoting a clean energy grid, advancing equity and protecting ratepayers* ("2024 Climate Act"), which streamlined the siting and permitting process for clean energy infrastructure. The current siting and permitting process for small energy infrastructure is a key barrier to the development of clean energy and the Commonwealth's ability to achieve our mandated reduction in greenhouse gas emissions by 2050. The law calls for the Department of Energy Resources (the "Department") to create an optional streamlined local permitting process for small clean energy facilities that caps the permitting timeline at 12 months, and establishes a single appeals process, while also enhancing community input and supporting equitable project review.

By setting forth new regulations and guidance for small clean energy infrastructure projects, the Department seeks to provide a more efficient and consistent permitting pathway that will facilitate and expedite the development of necessary clean energy infrastructure, while respecting the historic autonomy of cities and towns.

225 CMR 29.00 establishes the processes that local governments will utilize to issue one consolidated permit for a small clean energy facility that encompasses all decisions from local boards, commissions, and relevant decision makers within twelve 12 months of the application's submission. The regulation is intended to provide consistency and reduce administrative delay in the siting and permitting of small clean energy facilities while protecting public health, safety, and the environment. Key provisions of 225 CMR 29.00 include:

- (1) The application of the site suitability methodology that is developed by the Executive Office of Energy and Environmental Affairs to the local siting and permitting process. That methodology encourages energy infrastructure development in desirable areas, including in the existing built environment, on previously developed, impacted, or otherwise lower conservation value lands. This additionally includes steps the Applicant must take to minimize or mitigate environmental impacts;
- (2) Pre-filing requirements that establish the outreach steps the Applicant needs to undertake with stakeholders ahead of formally filing its project application. These pre-filing requirements include meeting with local officials to ensure design and permitting accuracy and hosting at least one collaborative meeting with stakeholders, as well as other outreach efforts;
- (3) An application process created by the Department that will be used by project proponents to apply for a single local siting permit;
- (4) The review process for an application by a Local Government, including how Local Governments can determine if an application is complete;
- (5) A framework and guidance for the common conditions and requirements for projects eligible for constructive approval as a result of a Local Government's failure to issue a decision on the application within twelve 12 months;

- (6) A framework and guidance for the baseline public health, safety, and environmental standards to guide project design and operation;
- (7) The technical assistance the Department may provide to Local Governments and Applicants during the application review process;
- (8) The process for filing a petition for De Novo Adjudication of a decision on the application with the Energy Facilities Siting Board; and
- (9) Guidance for a Clean Energy Infrastructure Permitting bylaw or ordinance Local Governments may adopt.