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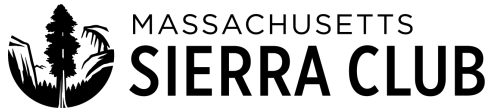
Below is a broad summary of the siting and permitting provisions in [S.2967](#)

**New definitions of large and small clean energy infrastructure:**

	Large	Small
Generation	Not less than 25MW of anaerobic digestion, solar, or wind	Less than 25MW of anaerobic digestion, solar, or wind
Storage	Not less than 100 MWh rated capacity	Less than 100 MWh rated capacity
Transmission and distribution (does not include infrastructure that only connects new and existing energy generated by fossil fuels on or after 2026)	<ul style="list-style-type: none"> <li>• New transmission that is greater than 69 kilovolts, not less than 1 mile in length</li> <li>• Existing transmission that is greater than 115 kilovolts, not less than 10 miles in length</li> <li>• Connecting offshore wind cables</li> <li>• Anything else definitions didn't cover</li> </ul>	<ul style="list-style-type: none"> <li>• Reconductoring projects</li> <li>• New transmission that is less than 1 mile in length</li> <li>• Existing transmission that is less than 10 miles in length</li> <li>• Electric distribution-level projects (substations etc.) that meet a certain threshold, as determined by the department</li> </ul>

**Redesigns our siting and permitting authority**, the energy facilities siting board (EFSB). Changes made in accordance with this bill will go into effect on July 1, 2026.

- Redefines the EFSB by adding to its mandate that it provide energy that is consistent with GHG emissions mandates and avoids or minimizes or mitigates environmental impacts and negative health consequences to the greatest extent practical



- Adds that all determinations by the EFSB must report on environmental and health impacts, that efforts have been made to avoid or minimize or, if impacts cannot be avoided or minimized, mitigate environmental impacts; due consideration to the findings and recommendations of local governments; in the case of large clean transmission and distribution infrastructure facilities, small clean transmission and distribution infrastructure and natural gas pipelines, due consideration has been given to advanced conductors, advanced transmission technologies, grid enhancement technologies, non-wires or non-pipeline alternatives, the repair or retirement of pipelines and other alternatives in an effort to avoid or minimize expenditures; and consideration has been given to any cumulative burdens on host communities and efforts that must be taken to avoid or minimize or, if impacts cannot be avoided or minimized, efforts to mitigate such burdens
- Changes the EFSB composition: allows for designees; adds the commissioner of fish and game and the commissioner of public health; adds regional planning association representation; adds Mass Municipal Association representation; adds environmental justice/Indigenous sovereignty representation
- Clarifies that decisions are made by a majority vote of those in attendance
- Maintains current siting process for energy infrastructure not defined as “clean”
- Directs the EFSB to create criteria to govern siting and permitting, including health, safety, environmental standards, a common application, pre-filing consultation requirements specific to different projects, requirements for outreach required before an application is submitted, site suitability criteria including a mitigation hierarchy to avoid, minimize, and mitigate impacts of siting, standards for applying cumulative impact analysis, etc.
  - Site suitability criteria will be created by a stakeholder group by March 1, 2026.
- Gives the EFSB the power to issue a “consolidated permit” for clean energy infrastructure. This consolidated permit includes all municipal, regional, and state permits. Construction cannot begin until a consolidated permit is approved.
  - The board will create common conditions and requirements that are to be used for each type of infrastructure if an application receives automatic approval because time has expired
  - The board can approve, approve with conditions, or reject applications.
  - The consolidated permit includes a Massachusetts Environmental Policy Act (MEPA) review process. The EFSB review of a large clean energy infrastructure project, or de novo review of a small clean energy



infrastructure project by the director of the DPU siting division (see below) will not also have a MEPA process

- “Large” clean energy infrastructure consolidated permits
  - All “large” clean energy infrastructure can apply for a consolidated permit. This process takes place at the EFSB.
  - The board will have 30 days after submission to determine whether an application is complete. The board must conduct at least one public hearing in an affected town. Once the application has been deemed complete, all municipal, regional and state agencies, authorities, boards, commissions, offices or other entities affected can be granted intervenor status in the review of the application.
  - All authorities that would otherwise have permitting authority are afforded the opportunity to submit a recommendation to the board.
  - The EFSB has 15 months to render a final decision on the application. If no final decision is issued by the deadline, automatic conditions will be applied, and the permit approved.
- “Small” clean energy infrastructure consolidated permits
  - Small infrastructure projects go through consolidated local processes unless the project successfully petitions the EFSB to be allowed to apply for an EFSB consolidated permit.
    - A small clean energy project developer or other stakeholder can also request an adjudication of the permit application (“de novo”) by the director of the energy facilities siting division of the Department of Public Utilities after a municipality has issued a final decision. This could overturn a municipality’s decision.
    - A municipality can request the EFSB review a small clean energy project if it does not feel it has the resources and/or capacity.
  - The local government entity or the EFSB has 12 months to render a final decision on the application. If no final decision is issued by the deadline, automatic conditions will be applied, and the permit approved
  - The EFSB can exempt land and structures from local zoning by-laws if they find it is in the public interest
- Support for small clean infrastructure siting
  - Creates a division of clean energy siting and permitting, tasked with establishing standard conditions, criteria and requirements for the siting and permitting of small clean energy infrastructure facilities by local



governments and providing technical support and assistance to local government.

- Small transmission siting
  - If a transmission line has not received municipal approval within 3 months of application, the applicant can move the matter to the EFSB, which will conduct a hearing in the municipality. If it is clear at the hearing that the applicant also has permission in the majority of cities and towns through which the line will pass or has permission in two adjoining communities to the municipality where it lacks approval, the EFSB can grant approval.

### **Participation, transparency, and equity**

- Creates a division of public participation to assist applicants and intervenors in participating and to administer the intervenor support fund
- Establishes an intervenor support fund, funded by electric bills, general funds, and application fees, to be given to those granted intervenor status who are:
  - organizations and entities that advocate on behalf of a relevant subset of residential customers defined geographically or based on specific shared interests
  - organizations and entities that advocate on behalf of low-income or moderate-income residential populations, residents of historically marginalized or overburdened and underserved communities; or
  - governmental bodies, including regional planning agencies, federally recognized tribes, state-acknowledged tribes or state-recognized tribes
- Creates a facility siting division that will oversee a data dashboard, which will track real-time clean energy data, including data about the new siting process. A stakeholder group will inform the creation of this dashboard.
- Codifies an Office of Environmental Justice and Equity and requires it to develop standards and guidelines governing the potential use and applicability of community benefit plans and agreements (by March 2026) and cumulative impact analyses for developing energy infrastructure (before March 2026), with stakeholder input.

### **Timeline:**

- Site suitability criteria will be created by a stakeholder group by March 1, 2026.



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- The energy facilities siting board (EFSB). Changes made in accordance with this bill will go into effect on July 1, 2026.
- Office of Environmental Justice and Equity must develop standards and guidelines governing the potential use and applicability of community benefit plans and agreements (by March 2026) and cumulative impact analyses for developing energy infrastructure (before March 2026), with stakeholder input.