

December 20, 2021

Equity and Access - Examples from Regulatory Proceedings

MA Attorney General's Workgroup on DPU Access

Nancy L. Seidman

Senior Advisor

The Regulatory Assistance Project (RAP)[®]

Cambridge, Massachusetts

United States

+1 781 980 8006

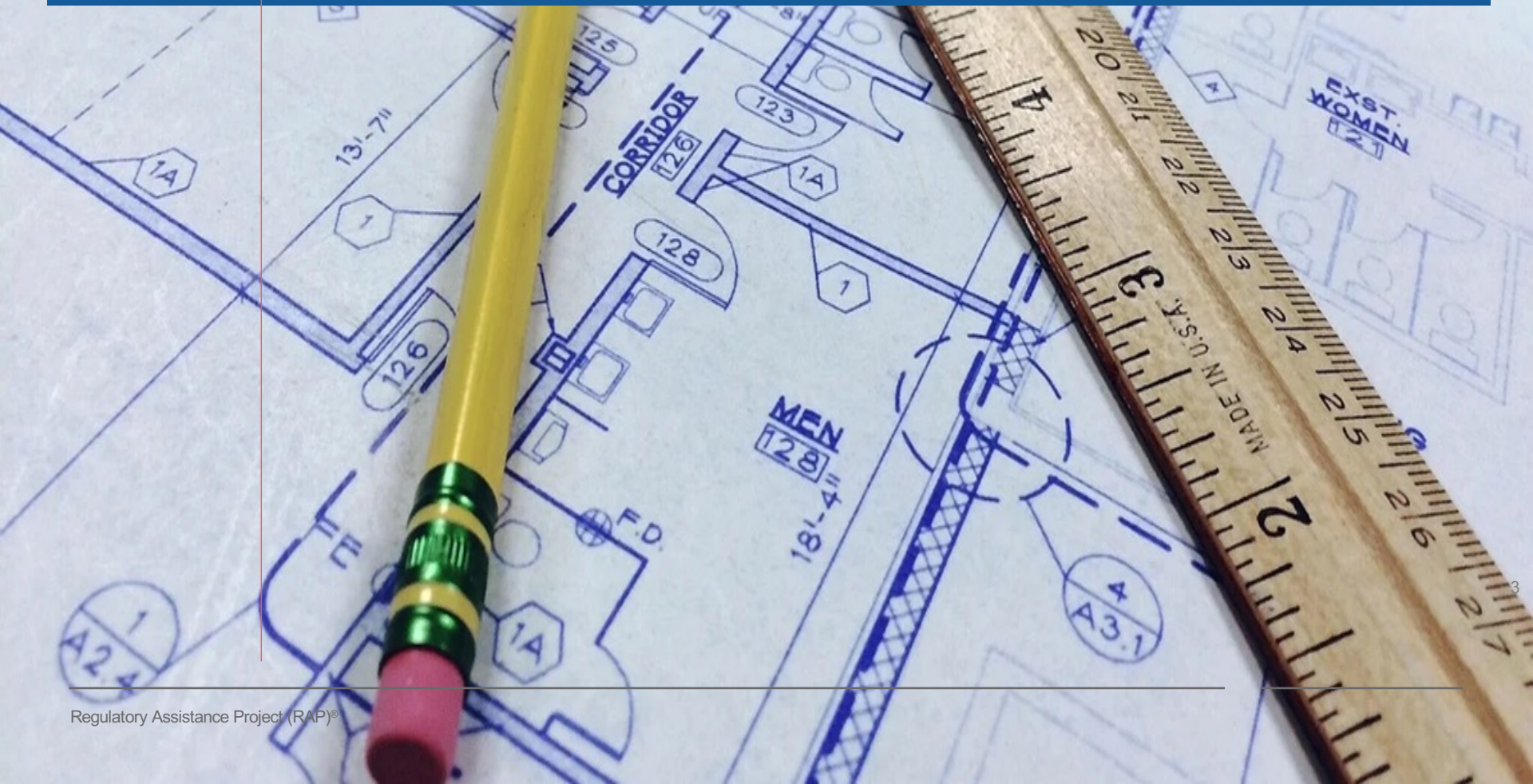
nseidman@raponline.org

raponline.org

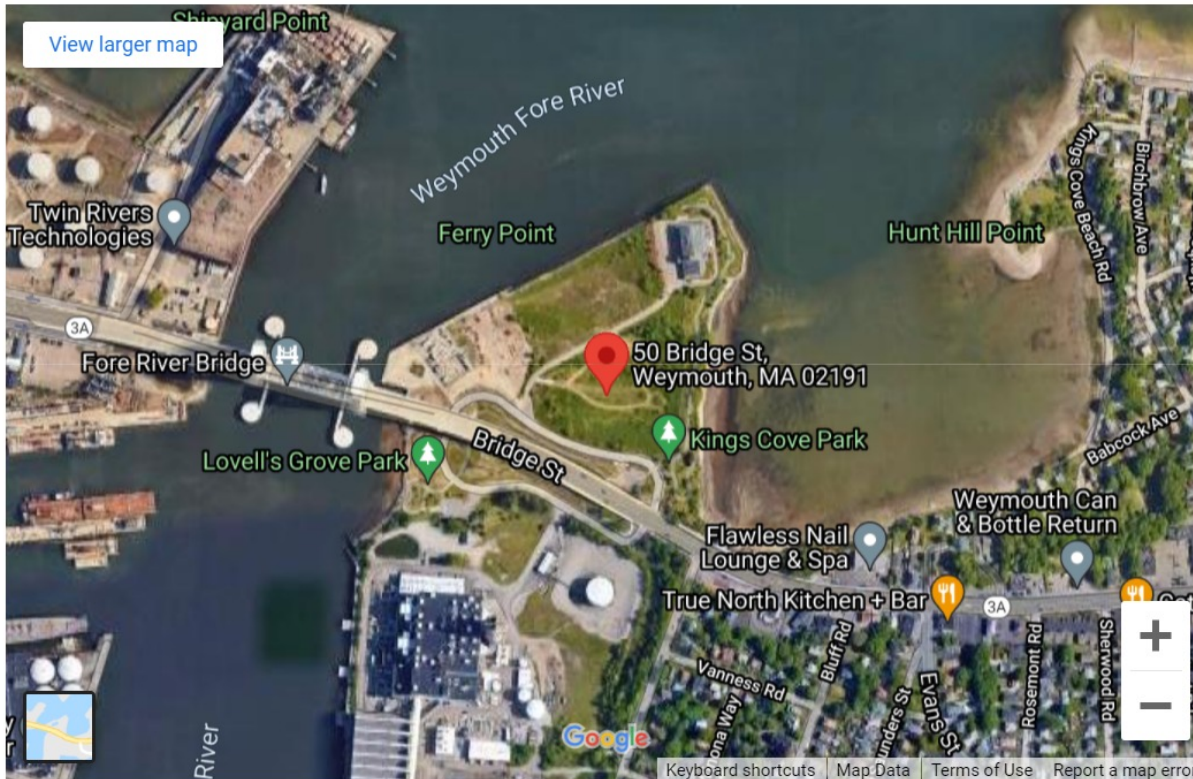
Relevant MassDEP Proceedings

- “Significant” Permit Reviews
- Regulation Development
 - Proposed regulations
 - Hearings – Opportunities/Challenges
 - Final regulation documents

1 “Significant” Permits



Weymouth Compressor Station



<https://www.mass.gov/service-details/algonquin-natural-gas-compressor-station-weymouth>

Weymouth documents

- Helpful?
 - <https://www.mass.gov/service-details/algonquin-natural-gas-compressor-station-weymouth>
- Less helpful?
 - <https://www.mass.gov/lists/revised-bact-assessment-determination-algonquin-natural-gas-compressor-station-weymouth>
- Acronyms, Permit terms, Permit documents

Another idea

- Helpful?
 - <https://www.mass.gov/service-details/how-to-participate-in-massdep-air-quality-permitting-decisions>
- Title a bit misleading
- New requirement
 - “To help ensure that Environmental Justice (EJ) populations are notified of Comprehensive Plan Applications with the potential to affect them, and are meaningfully involved in the agency review process, MassDEP requires applicants to submit draft two- to four-page Fact Sheets providing details about their proposed projects and neighboring communities.”

2 Regulation Development



REGULATIONS

Regulation Steps - 1

- Pre-regulation workshops
- Technical Support Document (TSD) with regulation – areas for comments usually included
 - Example regulation - 310 CMR 7.74 – Power plant cap regulation
<https://www.mass.gov/guides/electricity-generator-emissions-limits-310-cmr-774>
 - “an archive of documents related to development of the regulation establishing a declining limit on CO2 emissions from large power plants in Massachusetts.”
 - Sample TSD from April 2018 – <https://www.mass.gov/doc/310-cmr-774-technical-support-document-0/download>

Regulation Steps - 2

- Hearings – oral/written comment
- Limitations – comment period, time per speaker at public hearings
- Challenges to providing comments—
technical issues, needed expertise

Regulation Steps - 3

- Final Regulation
- Response to Comments (RTC)
- Sample Response to Comments (RTC) from Power Plant Cap rule
 - <https://www.mass.gov/doc/310-cmr-774-response-to-comment-0/download> - short and sweet document from 2018

Other State Examples

- [California Public Utility Commission](#)
- [Maine Public Utility Commission - Case Management System](#)
- [Colorado PUC guide to public participation](#)

About RAP

The Regulatory Assistance Project (RAP)® is an independent, non-partisan, non-governmental organization dedicated to accelerating the transition to a clean, reliable, and efficient energy future.

Learn more about our work at raponline.org



Nancy L. Seidman
Senior Advisor
The Regulatory Assistance Project (RAP)®

Cambridge, Massachusetts
United States

+1 781 980 8006
nseidman@raponline.org
raponline.org