



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Charles D. Baker  
Governor

Karyn E. Polito  
Lieutenant Governor

Bethany A. Card  
Secretary

Martin Suuberg  
Commissioner

This Public Hearing Notice is available in alternative languages (Español -- Tiếng Việt -- Chinese -- Kreyòl Ayisyen -- Português) on MassDEP's website at:  
<https://www.mass.gov/service-details/massdep-public-hearings-comment-opportunities>.

Notice is hereby given that the Massachusetts Department of Environmental Protection (MassDEP), in accordance with Chapter 8 of the Acts of 2021, is proposing to amend 310 CMR 7.00 *Air Pollution Control* to require a cumulative impact analysis for Comprehensive Plan Applications for facilities located in or near environmental justice populations. The proposed cumulative impact analysis regulations include enhanced public outreach to and involvement of environmental justice populations, assessment of existing community conditions, and analysis of cumulative impacts.

The proposed regulation and background document are available on MassDEP's web site at  
<https://www.mass.gov/service-details/massdep-public-hearings-comment-opportunities>.

The date and time for the public hearings are:

Tuesday March 7, 2023 at 10:00 AM (EST) and at 6:00 PM (EST)

Thursday March 9, 2023 at 1:00 PM (EST) and at 6:00 PM (EST)

Register in advance for these public hearings at the links below. After registering, you will receive a confirmation email containing information about joining the hearing.

### March 7, 2023

10:00 AM (EST) <https://us06web.zoom.us/meeting/register/tZAvd-mvqzovE9WhkQdZwuVkhQIrc5Pi351v>

6:00 PM (EST) <https://us06web.zoom.us/meeting/register/tZlqdOippzopH9KAi-jD0DsyCT-ZuSBqfELE>

### March 9, 2023

1:00 PM (EST) <https://us06web.zoom.us/meeting/register/tZAodO-grj4vHN1Sz-9NrLNPCHj5oFMIrOA>

6:00 PM (EST) [https://us06web.zoom.us/meeting/register/tZckd-2rqDkiH9MU\\_qRiglKGszvqY9L3W3kG](https://us06web.zoom.us/meeting/register/tZckd-2rqDkiH9MU_qRiglKGszvqY9L3W3kG)

This information is available in alternate format. Please contact Melixza Esenyie at 617-626-1282.

TTY# MassRelay Service 1-800-439-2370  
MassDEP Website: [www.mass.gov/dep](http://www.mass.gov/dep)

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For special accommodations at these hearings, please call the MassDEP Diversity Office at 617-626-1282. TTY# MassRelay Service 1-800-439-2370. This information is available in alternate format upon request. MassDEP provides language access interpreter/translation services to limited English proficient individuals free of charge. If you need an interpreter to participate in this meeting, translation services can be found at the following link: <https://www.mass.gov/info-details/massdep-language-translation-assistance>.

Testimony may be presented orally and/or in writing at the public hearing. Written comments will be accepted until 5:00 PM on April 7, 2023. Written comments must be submitted by email to [massdep.impact@mass.gov](mailto:massdep.impact@mass.gov) or by mail to Joanne Morin, MassDEP, 100 Cambridge Street, Boston, MA 02114.

By order of the Department.  
Martin Suuberg, Commissioner

### Small Business Impact Statement

*(As required by M.G.L. c. 30A §§ 2, 3 & 5)*

CMR No: 310 CMR 7.00

Estimate of the Number of Small Businesses Impacted by the Regulation: Unknown

Select Yes or No and Briefly Explain

Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	<p>Will small businesses have to create, file, or issue additional reports?</p> <p>The proposed amendments require any entity (which could include a small business) to conduct a cumulative impact analysis (CIA) for an application for a comprehensive plan approval that increases air pollutant emissions in or near environmental justice populations. If a small business becomes subject to the regulation, it would have to include a CIA report in the comprehensive plan approval application.</p>
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	<p>Will small businesses have to implement additional recordkeeping procedures?</p> <p>Any affected small business would have to keep the CIA report as part of its comprehensive plan approval application records for five years.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Will small businesses have to provide additional administrative oversight?</p> <p>The regulation does not require additional administrative oversight.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Will small businesses have to hire additional employees in order to comply with the proposed regulation?</p> <p>MassDEP expects that the environmental consulting firms already hired by applicants to prepare applications for comprehensive plan approvals would conduct CIAs.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Does compliance with the regulation require small businesses to hire other professionals (e.g. a lawyer, accountant, engineer, etc.)?</p> <p>MassDEP expects that the environmental consulting firms already hired by applicants to prepare applications for comprehensive plan approvals would conduct CIAs.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation?</p> <p>The proposed amendments do not add new requirements for the purchase of products or making new capital investments.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Are performance standards more appropriate than design/operational standards to accomplish the regulatory objective? (Performance standards express requirements in terms of outcomes, giving the regulated party flexibility to achieve regulatory objectives and design/operational standards specify exactly what actions regulated parties must take.)</p> <p>The proposed regulations establish specific requirements for conducting a CIA to provide as much certainty as possible to businesses subject to the new CIA requirements.</p>

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Do any other regulations duplicate or conflict with the proposed regulation?</p> <p>Other regulations do not duplicate or conflict with the proposed amendments. If a proposed project in or near an environmental justice population also requires an Environmental Impact Report (EIR) under the Massachusetts Environmental Policy Act (MEPA), the EIR may include information that could be used to conduct the CIA for the comprehensive plan approval.</p>
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	<p>Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities?</p> <p>The proposed regulation is mandatory and would require the regulated parties to cooperate with any inspections, investigations, or other enforcement of its terms; however, the proposed regulation does not create any new inspection or enforcement requirements.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements?</p> <p>The proposed regulation does not require small businesses to provide additional educational services.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Is the regulation likely to <i>deter</i> the formation of small businesses in Massachusetts?</p> <p>The proposed regulation is not likely to deter the formation of small businesses in Massachusetts.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Is the regulation likely to <i>encourage</i> the formation of small businesses in Massachusetts?</p> <p>The proposed regulation is not likely to encourage the formation of small businesses in Massachusetts.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Does the regulation provide for less stringent compliance or reporting requirements for small businesses?</p> <p>The proposed regulation does not create different requirements for small businesses.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses?</p> <p>The proposed regulation does not establish less stringent schedules or deadlines for small businesses.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Did the agency consolidate or simplify compliance or reporting requirements for small businesses?</p> <p>The proposed regulation does not create different requirements for small businesses.</p>
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	<p>Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective?</p> <p>The proposed regulations establish specific requirements for conducting a CIA to provide as much certainty as possible to businesses subject to the new CIA requirements.</p>

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	Are there alternative regulatory methods that would minimize the adverse impact on small businesses?  No, the governing statute requires MassDEP to institute regulations to implement the new CIA requirements. The proposed regulations establish specific requirements for conducting a CIA to provide as much certainty as possible to businesses subject to the new CIA requirements.
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