



Massachusetts Chemistry & Technology Alliance



By email to: [massdep.impact@mass.gov](mailto:massdep.impact@mass.gov)

November 15, 2021

Department of Environmental Protection  
1 Winter Street  
Boston, MA 01208

**RE: Cumulative Impact Analysis Stakeholder Engagement**

To Whom It May Concern:

On behalf of our members, the Massachusetts Chemistry & Technology Alliance (MCTA) and Associated Industries of Massachusetts (AIM) thank you for the opportunity to participate in the stakeholder engagement process on incorporating Cumulative Impact Analysis (CIA) in the review of applications for certain air permits and approvals.

MCTA is the professional organization representing the manufacturers, users and distributors of chemistry in the Commonwealth. Our membership ranges from small, multi-generational family-owned businesses operating with a handful of employees to large global companies employing thousands. Our members are located throughout the Commonwealth and rely on us to be their voice with regulatory and lawmaking bodies.

AIM is the largest general trade association in Massachusetts. AIM's mission is to promote the prosperity of the Commonwealth of Massachusetts by improving the economic climate, proactively advocating for fair and equitable public policy, and providing relevant, reliable information and excellent services.

In March 2021, Governor Baker signed *An Act Creating a Next Generation Roadmap for Massachusetts Climate Policy* (Chapter 8 of the Acts of 2021). The Act directed the Department of Environmental Protection (MassDEP) to evaluate and seek public comment on incorporating CIA into its review of applications for certain categories of air permits and approvals and propose regulations. This must be accomplished by late December 2022.

MCTA, AIM and our membership support sound environmental stewardship and the protection of human health and the environment and do not take issue with the new law or its intent.

However, as these regulations are being promulgated, we request consideration of the need for industry to have a degree of predictability and certainty as they make decisions about routine operations, siting, upgrades, and process changes.

Cumulative impacts come from a variety of sources, both stationary and non-stationary. For example, emissions come from power generation facilities, industrial processes, residential, institutional, and commercial buildings (including heating and non-heating), and motor vehicles, trains and air transportation. Emissions can also come from unpermitted sources or sources that are required to have permits but do not.

We support MassDEP's implementation of emission reductions through the State Implementation Plan (SIP) on all sources although we recognize that managing non-stationary emissions is challenging. Our members also support MassDEP's continued enforcement against those sources outside the regulatory system that are causing health problems. In some areas, these sources may be the dominant cause of concern.

Stationary sources have long been required to implement Best Available Control Technology (BACT) on all sources that require permitting or through permits by rule. MCTA and AIM understand and support the need for industry to evaluate and institute BACT, as that term is referred to in both state and federal regulatory programs.

It has been the experience of our members that MassDEP has a rigorous air permitting process in place that addresses impacts to areas surrounding stationary sources and that MassDEP has not been hesitant to require BACT and set conditions in permits to protect public health and the environment. Through MassDEP's air monitoring system, background baseline conditions are already being considered by MassDEP for many pollutants, including both criteria pollutants and air toxics with enhanced monitoring in EJ communities.

In fact, Massachusetts is one of the few states that require BACT for all levels of permitting. As a result, we believe that MassDEP is effectively performing its role to protect public safety and is not allowing sources near EJ communities to have less stringent controls.

Non-major comprehensive plan approval (NMCPA) applications must meet the requirements of BACT and include air dispersion modeling analyses when emissions exceed MassDEP's modeling thresholds. Modeling is also required in many cases for applications with emissions that are below modeling thresholds. Therefore, non-major comprehensive plan approval applicants should not be required to conduct a CIA. Since all limited plan approval (LPA) applications are below MassDEP's air dispersion modeling thresholds, LPA applications should not be required to include a CIA.

We support a CIA requirement for new major comprehensive plan applications that increase net emissions near overburdened communities. However, we do not believe that existing facilities should be required to conduct a CIA when they are renewing existing permits, adding or replacing air pollution control equipment, producing a net decrease in emissions, or expanding or modifying production lines without an increase in emissions.

As the Department develops CIA regulations we look forward to clarification of the following:

- Items that must be included in a total CIA “package” to avoid administrative or technical deficiencies in the permitting process.
- Timeframes over which CIAs must be looking forward and backwards (example: the NA-NSR program in 310 CMR 7.00 Appendix A has a 5-year lookback period) and that future projects (that are not required to be aggregated for permitting purposes) will not have to be considered.
- An understanding on what criteria could result in the refusal of permitting a project – whether expansions for existing facilities could be refused under the eventual MassDEP framework (as noted above we believe major expansions should be subject to CIA).
- Identification of communities that are currently so overburdened such that expansions for existing facilities or installation of new sources nearby would be refused.
- Clearly defined community engagement expectations and when they must be undertaken. If MEPA has required community engagement and outreach, does the process need to be repeated during each permitting process?

We also believe that industry needs clarity, stability, and a firm expectation of the additional conditions MassDEP regional offices could impose on stationary sources. We support the development of quantitative standards, so industry has a clear road map of what they need to do to secure and comply with permits and avoid any ambiguity that arises with a qualitative approach, which presents an unpredictable process and does not provide a quantitative target for design of control systems.

It is important to note that over the past several decades, industries working cooperatively with MassDEP have upgraded their facilities and dramatically reduced emissions and impacts to public health and the environment.

Our businesses and institutions are always looking for ways to reduce their air emissions, adopt best practices, and upgrade facilities to minimize waste. They have made a strong commitment to environmental stewardship and preservation of our families, employees, and neighbors. The perception that manufacturers, hospitals, colleges and universities, and municipalities will pollute if given the chance is false. These good business practices are developed by the companies, with their industry groups, or through regulatory programs such as the Toxic Use Reduction Act that requires many facilities in Massachusetts to develop plans to reduce the use of toxics. In addition, it makes good financial sense to limit wastefulness.

The reality is that good paying jobs lift people out of poverty and contribute to better health outcomes and overall quality of life. Whereas it is critical that EJ concerns be addressed, the CIA process should not needlessly discourage investment in our local economy, especially in the vicinity of EJ communities.

Thank you for allowing us to make these comments and we look forward to working with the stakeholder group throughout this process.

Should you have any questions please do not hesitate to contact us.

Sincerely,



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