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Mass. Environmental Policy Act

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Since 2007, changes to the Massachusetts Environmental Policy Act ("MEPA"), have required certain projects to include a review of their impact on the quantity of greenhouse gas ("GHG") emissions to be generated; and to identify measures to avoid, minimize or mitigate such emissions. As mandated by the state's Global Warming Solutions Act of 2008, portions of the MEPA statute were amended to require consideration of a project's reasonably foreseeable climate change impacts, including additional GHG emissions and predicted sea level rise.

In February of 2010, a draft revised MEPA GHG Emission Policy (the "Policy") was released, designed to strengthen its mandate to "avoid, minimize and mitigate damage to the environment to the maximum extent feasible." Although no new MEPA review thresholds will be created, the draft includes: emission quantification for potential annual emissions for both direct and indirect mobile and stationary source emissions; GHG emission calculations performed for both the proposed project and the alternative, as well as other mitigation measures; and Opt-out provisions for projects that commit in advance to "exceptional GHG reduction measures", such as windfarms or large-scale solar installations. The public comment period on the draft proposed Policy will end mid-March.

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