

**“BROCKTON CLEAN ENERGY” POWER PLANT  
MAYOR’S COMMENTS ON TENTATIVE DECISION  
ENERGY FACILITIES SITING BOARD, JULY 30, 2009**

I want to first thank the Siting Board and Chairman Bowles for this opportunity to address you today.

As you know from the written comments I submitted earlier this month, the proposed project to build a power plant in Brockton remains a pressing issue for our City – one that continues to arouse serious concerns among my constituents as well as the local board of health and the majority of our elected officials. As you can see from the showing of citizens who trekked into Boston in this stifling heat, we remain united in our position that building this power plant is not good for our city. Our concerns about air quality, health impacts and environmental justice, cannot simply be shrugged off as mere “NIMBY” thinking. They are backed up by hard data which was revealed to you over 20 days of evidentiary hearings last summer. Despite the power company’s promise of economic benefits to Brockton and despite supposed improvements in the project design, allowing this project to proceed would be nothing short of deplorable.

With that in mind, I carefully reviewed your Tentative Decision. I would like to commend you for recognizing the adverse local impacts that will result if this project is allowed to go forward. I thank you, too, for leaving intact the City’s ability to address these impacts through the local zoning process.

I also applaud your finding that the proposed facility is not “reasonably necessary for the public convenience and welfare.” This is especially true in light of Governor Patrick’s

renewable energy initiative, testimony that the state is looking to the future, seeking energy sources that would lower – not add to – the existing pollution rate. Building a 350- MW gas turbine facility in Oak Hill Way flies in the face of that policy.

But, while we agree with you on these issues, we also think that the Board – in order to support its decision to allow the Petition – understated the extent of certain local impacts and failed to consider the Environmental Justice issue in any meaningful way.

### **AIR QUALITY**

First, we do not agree that the air quality impacts from this facility have been adequately described. The Company should have used meteorological conditions from Brockton – not from Boston, and not from Taunton – to construct its air pollution model. That could have been done, and absolutely should have been done, and we object to the Siting Board’s endorsement of the shortcut taken by the Company in estimating the air pollution impacts from the facility.

We also disagree with the finding that local air quality will not worsen significantly.

That finding is not supported by the record, which indicates significant increases in PM2.5 and other contaminants. The City of Brockton is already overloaded with significant pollutants. A major new source of emissions as proposed by Brockton Power Company is simply unacceptable. I cannot support subjecting my constituents to additional exposure when PM2 levels in Brockton are already elevated and dangerously close to breaching the National Ambient Air Quality Standard. Despite the Power Company’s propaganda, we do not think that air quality impacts have been minimized or that the right balance was struck between mitigation costs and pollution reduction.

## **CUMULATIVE HEALTH IMPACTS**

Second, we disagree on the issue of cumulative health impacts. We reject the notion that mere compliance with NAAQS is sufficient to minimize health impacts. Brockton has a demonstrated problem with pediatric asthma, and there is already noncompliance with the NAAQS for ozone in Brockton. The cumulative effect of this power plant on local populations has not been adequately studied, or minimized.

Children in particular, are especially susceptible to hazardous air pollutants, which can lead to cancer, respiratory illnesses and other diseases. The proposed plant will be located within one mile from four of our public schools, comprising more than 2,300 children, all below high-school age. Since December we have learned that the City's asthma levels – which were already among the highest in the state – are considerably higher than was previously estimated. This new information is startling. At minimum, it calls for local studies to adequately evaluate the impacts of air pollution on sensitive subpopulations in Brockton. Even if you decide to approve the Tentative Decision, you would be remiss to not require such studies as a condition of the permit.

## **WATER RESOURCES**

Third, we disagree with the Board regarding the minimization of impacts on downstream water resources. The Company did not adequately describe or evaluate the downstream impacts of a major reduction in water flow, especially during extreme low flow conditions. Only recently, did we learn that modifications to the City's wastewater treatment facility will yield higher levels of sludge, resulting in elevated PM2.5 levels. There are endangered species habitat areas along the Taunton River that will be affected

by this project, and those impacts have yet to be evaluated. This is another area where further study is necessary.

## **ENVIRONMENTAL JUSTICE**

But what perhaps most dismayed me in the Tentative Decision, was the interpretation of the state's Environmental Justice Policy. The Board gave little weight to the arguments set forth by the City and interveners that the project would disproportionately harm disadvantaged neighborhoods. The record shows that the power plant would foist a major new source of pollution on a minority, low-income, non-English-speaking community that already bears a disproportionate environmental burden.

To the extent the Board addressed this issue, it engaged in a token discourse on the history of EJ policy. It reasoned that there is “no useful precedent to guide us in this matter” and that “it is difficult to know how to apply requirements that are implicit at best.” As a result, EJ concerns did not even factor into the Board's underlying analysis. By reducing EJ policy to a mere procedural speed-bump for the Company, and by failing to treat the EJ issue in any meaningful way, the Board disserves the very citizens who will be most affected by this project.

It is true that the City has presented a case of first impression on this issue – and that's something we're quite proud of. **BUT** the absence of explicit requirements is not a license for the Board to dodge the most important EJ issues. Brockton is one of just **20** municipalities in Massachusetts with neighborhoods that satisfy all four of the EJ criteria. It is unlikely that you will again be faced with such an extraordinary opportunity to send the message that low-income, minority neighborhoods are simply not a dumping ground.

I ask you: If **this** isn't the case to begin developing EJ precedent, then what is? You have to start somewhere- and there is nothing implicit about the guarantee of equal protection.

## **CONCLUSION**

Over the past three years, I have dedicated significant resources, time and energy, toward opposing this power plant. At the outset, I hired environmental experts to perform a technical review of the project. I enlisted the skills of my Law Department and engaged outside counsel to lead the City's opposition to the project. In short, I have taken every measure possible to safeguard the interests of the residents and businesses of Brockton. And you can be assured that I fully intend to take this fight to the next level. There is too much at stake for the City of Champions; this is no time to relent.