

My name is Julie Smith-Galvin. I currently am in my second term as a Wakefield Town Council and have served as liaison to the Wakefield Municipal Gas and Light Department (Wakefield MLP) for the past three years. While my comments here tonight are on my own behalf as a Wakefield resident and ratepayer, they are informed by my public role in addition to my three decades of professional work in the energy industry.

Energy, and especially capacity issues are extraordinarily complex topics, but that should not be an excuse to exclude robust education and input on a decision that is going to affect ratepayers and neighbors for decades to come. The lack of public input and transparency is my number one concern about this project, and this is a late, but appreciated, opportunity for important questions to be answered. I expect that a similar forum will be held in everyone of the 14 participating communities as it is unreasonable to expect them all to travel to Peabody tonight.

I do want to thank Wakefield Municipal Gas and Light management and commissioners for their attentiveness to my questions over the past 9 months.

I have been asking questions about this power plant since October of 2020, when I first discovered that the Massachusetts Department of Environmental Protection had issued MMWEC an Air Quality permit. The actual [Draft Air Quality Plan Approval](#) was dated August ?, 2020 -- no specific date, just a question mark. That was my first indication to dig deeper.

Information was very hard to find. Some permits, like the Air Quality Permit, were issued to MMWEC but listed in the state's database as belonging to PMLP, leading to questions over ownership and control (see [Exhibits 1A](#) and [1B](#), below). The only references on MMWEC and the participating MLP websites were buried in redacted Executive Session agendas and minutes. Shockingly many MLP's, do not regularly post minutes. For example, PMLP has minutes posted for only one meeting in the past 5 years.

I am profoundly disappointed by the MMWEC's lack of public engagement and transparency on this matter, particularly at a time when they were negotiating and celebrating their inclusion in recent ground-breaking climate bill. I spoke with no legislator that was aware of this project at the time the legislation was being negotiated. I know that many municipal utilities, including Wakefield have made strides in pursuing energy efficiency and renewable energy, but not revealing this project is a setback in for the environment and frankly for community trust.

Finally, I know there will angst over costs already incurred or committed. This is not an inconsequential issue, and we should have a full accounting of these costs. MLP's do not have shareholders, just ratepayers. The ratepayers have a right to know the business plan and costs of this project. MMWEC has put tremendous risk on the backs of municipal utilities and their ratepayers, which they could have been avoided by pursuing other capacity alternatives like contracting with an independent power producer. For comparison, the recently canceled Springfield biomass plant resulted in little to no loss to MLPs because they had not funded its development but had only entered into a contract for services. When the project was canceled

the contract was canceled. Did MMWEC have the opportunity to take a similar approach with the Footprint facility in Salem or another capacity resource?

Before making any decision, I expect MMWEC to publicly share its full costs incurred to date and clearly outline any cost recovery mechanisms including contractual offramps, resale of commissioned equipment and the possibility of monetizing the project's position in the forward capacity market.

I do not know what the solution is. I do not doubt the need for capacity, but I also know there are many more options available today than there were when this project was first proposed, and that the Texas and California grids are very different from New England's. I also know that honest dialogue and input results in better outcomes.

My concern is that the public, from neighbors to ratepayers, have been largely unaware of this project and, until today have been denied the opportunity to engage in the process. I consider myself to be an engaged citizen, knowledgeable about the energy industry and regulatory environment. The fact that I have been unable to put together a clear understanding of the Plant demonstrates the need for MMWEC to take the time and diligence to engage the public.

In conclusion, I call on all elected officials, from the governor's office to elected light commissioners to understand the full risks, economic, environmental and health impacts of this facility and work together to figure out how to either delay, modify or halt it until financial and technological impacts and alternatives can be fully vetted.

[Below are some of my questions.](#)

My questions:

1. What permits and reviews are still required?

- The [September 27, 2016 letter from Secretary Beaton issuing the decision on the ENF](#) outlines future steps that MMWEC, need to take, including the expectation that the it
 - Develop a wetland resource mapping and proceed with review by the Peabody Conservation Commission (p. 5; requirement);
 - Require an Order of Conditions from the Peabody Conservation Commission, or in the case of an appeal, a Superseding Order of Conditions from MassDEP (p.2; requirement)
 - Comply with any GHG emissions reductions required by the promulgation of regulations related to the Global Warming Solutions Act (GWSA) (p. 5, requirement);
 - Consider raising the 0.6-acre turbine site, or providing an alternative method of protection, to mitigate against "anticipated effects of climate change"

Have any of these actions been taken? What reviews have to be conducted to ensure the project is consistent with the new Climate Roadmap law?

2. What is the ownership structure of this project?

- The Air Quality plan and the MEPA determination were both issued to MMWEC as the project proponent. Yet the state's Environmental and Energy Data Portal shows the Applicant Name as the Peabody Municipal Light Plant. In fact, the portal lists the Peabody Plant together with permits, inspections and enforcements issued for the adjacent, operating 68-MW Waters River facility, implying that PMLP is responsible for DEP compliance (see Exhibit 1a,b,c).
- The Air Quality permit clearly walks through an analysis of why this Project a separate, independent new source from the existing Waters River Station PMLP facility based on the fact that neither MMWEC nor PMLP or the City of Peabody has a statutory power or authority to dictate decisions regarding the other.

If this the Plant is a separate and independent new source why does it not have its own DEP ID? Did the Peabody Peaker Plant receive expedited review, permitting and approval because of its co-location with the existing plant? Does the ambiguity in ownership and control, do unclear delineations in municipal and state documents hinder the public's ability to access, understand the full history and impact of this Plant? Will it make it harder to track compliance and take recourse should the plant be built?

3. Evidence of community interests?

- a. I understand purpose of Executive Sessions. There were certainly valid reasons for MMWEC to go into Executive Session, particularly when participants were strategizing bid information in preparation for the Forward Capacity Market bid and contracting. I am surprised that no participants proactively sought input, particularly since, in its MEPA Environmental Notification Form (ENF), MMWEC espouses the importance that “the Project is compatible with zoning and community needs and concerns.” ([page 4 of MEPA Environmental Notification Form](#)).
- b. In the past six months, I have reached out to the Peabody Conservation Commission, members of the legislative delegation for Peabody and members of the Peabody business community, none of which had heard of the Plant until I raised it.

What evidence do we have that community needs and interests have been considered? Did MMWEC and certain MLPs exceed the parameters of Executive Sessions denying ratepayers access to general information and the opportunity to question alternatives, impacts and justification for the Plant?

Exhibit 1A:

Search of 58 Pulaski provides listing of data for both the proposed Peabody Peaker Plant and the existing Waters River Station:

Mass.gov | Executive Office of Energy & Environmental Affairs (EEA) An official application of the Commonwealth of Massachusetts

Energy & Environmental Affairs Data Portal

HOME DASHBOARDS SEARCH DATA ▾ HELP ▾

Search for Permits Results

Search Criteria Street Address: 58 PULASKI ST

1 - 10 of 10 items

PERMIT NUMBER	FACILITY/INDIVIDUAL	PROGRAM	PERMIT TYPE	PERMIT TYPE DESCRIPTION	CITY/TOWN	STREET
137415	PEABODY MUNICIPAL LIGHT P...	AIR QUALITY CONTROL	AQ19	CERTIFY ECP / NOX CAP W/O PUBLIC C...	PEABODY	58 PL
51004600	MICHAEL LISTRO	TOXIC USE REDUCTION	TU02	LIMITED PRACTICE TUR PLANNER	PEABODY	58 PL
W022393	PEABODY MUNICIPAL LIGHT P...	AIR QUALITY CONTROL	AQ02	PLAN APPROVAL NON-MAJOR COMPRE...	PEABODY	58 PL
W024887	PEABODY MUNICIPAL LIGHT P...	AIR QUALITY CONTROL	AQ23	PERSCRIBED OR ALTERNATIVE NOX EMI...	PEABODY	58 PL
W079839	PEABODY MUNICIPAL LIGHT P...	AIR QUALITY CONTROL	AQ08A	EMISSION CONTROL PLAN NOX/VOC S...	PEABODY	58 PL
X007579	PEABODY MUNICIPAL LIGHT P...	AIR QUALITY CONTROL	AQ30	EMISSION CONTROL PLAN - CARBON DI...	PEABODY	58 PL
X228081	ALLIANCE LEATHER INC	AIR QUALITY CONTROL	AQ12	OPERATING PERMIT RENEWAL	PEABODY	58 PL
X238345	PEABODY MUNICIPAL LIGHT P...	AIR QUALITY CONTROL	AQ12	OPERATING PERMIT RENEWAL	PEABODY	58 PL
X273353	PEABODY MUNICIPAL LIGHT P...	AIR QUALITY CONTROL	AQ02	PLAN APPROVAL NON-MAJOR COMPRE...	PEABODY	58 PL
X274738	ALLIANCE LEATHER INC	AIR QUALITY CONTROL	AQ12	OPERATING PERMIT RENEWAL	PEABODY	58 PL

1 - 10 of 10 items

PREVIOUS EXPORT TO EXCEL

Source:

<https://eeaonline.eea.state.ma.us/portal#!/search/permits/results?StreetName=58%20PULASKI%20ST>

Exhibit 1B:

Clicking on far-left corner for “Details” lists Permit Information for the Plant

The screenshot shows the 'Permit Information' page for the Peabody Municipal Light Plant. The page includes a 'Related links' section with a 'Facility Details' link. The main content area displays the following information:

Facility/Individual	PEABODY MUNICIPAL LIGHT PLANT	Applicant Name	PEABODY MUNICIPAL LIGHT PLANT
Reviewing Agency	DEP	Program	AIR QUALITY CONTROL
Permit Type	AQ02	Permit Type Description	Plan Approval Non-Major Comprehensive
Decision Date	09/30/2020	Street Address	58 PULASKI ST
City/Town	PEABODY	Zip Code	019600000
Permit Number	X273353	Permit Status	Approved

Navigation buttons include 'PREVIOUS' and 'SEARCH AGAIN'.

Source: https://eeaonline.eea.state.ma.us/portal#!/permits/PIM_75382

Exhibit 1c:

Selecting Facility Details under Related Links leads further links listing Permits (7), Inspections (33) and Enforcements (3), all but one of these 43 documents related to the Waters River facility.

The screenshot shows the 'Facility Information of "PEABODY MUNICIPAL LIGHT PLANT"' page. The page includes a 'Related links' section with links for 'Permits (7)', 'Inspections (33)', and 'Enforcements (3)'. The main content area displays the following information:

Street Address	58 PULASKI ST	City/Town	PEABODY
Zip Code	019600000	Facility Type	DEP REGULATED FACILITY
Facility/Individual	PEABODY MUNICIPAL LIGHT PLANT	Program	REGULATED ACTIVITY(S)
Program Specific ID	046001407	Active	Yes

Navigation buttons include 'PREVIOUS' and 'SEARCH AGAIN'.

Source: <https://eeaonline.eea.state.ma.us/portal#!/facilities/131118>