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June 7, 2019

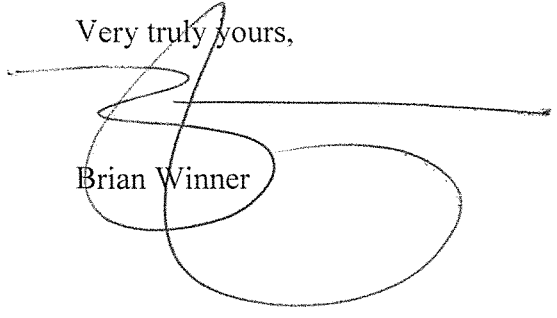
Donna C. Sharkey, Presiding Officer
Energy Facilities Siting Board
Department of Public Utilities
One South Station, 5th Floor
Boston, MA 02110

Re: Petition of NSTAR d/b/a Eversource Energy
EFSB 18-02

Dear Presiding Officer Sharkey,

Please find enclosed an original and four copies of the Town of Ashland's Reply Brief, along with a Certificate of Service.

Very truly yours,


Brian Winner

Enc.

cc: Town Manager, Town of Ashland
Service List

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COMMONWEALTH OF MASSACHUSETTS

**ENERGY FACILITIES SITING BOARD
DEPARTMENT OF PUBLIC UTILITIES**

EFSB 18-02

**Petition of NSTAR Gas Company d/b/a
Eversource Energy.**

TOWN OF ASHLAND'S REPLY BRIEF

I. INTRODUCTION

In accordance with the briefing schedule established by the Energy Facilities Siting Board ("Siting Board") on April 22, 2019 as amended May 2, 2019, the Town of Ashland ("Town" or "Ashland") hereby submits this brief in the above-captioned proceeding (the "Proceeding") in reply to the May 23, 2019 Initial Brief of NSTAR Gas Company d/b/a Eversource Energy ("Eversource" or the "Company").

As stated in the Town's Initial Brief filed simultaneously with Eversource's Initial Brief on May 23, 2019, the Company has failed to meet its burden of proof as the record in this proceeding fails to sufficiently demonstrate the necessity of the project when juxtaposed against the total impact to the Town and region, fails to adequately evaluate the potential environmental impacts associated with the Preferred Route, the community impacts of the Noticed Alternative Route, and fails to contain satisfactory mitigation measures in any event. For those reasons, based upon the limited record advanced by the Company the Siting Board should not, at this juncture, approve the Project. The Town also stated that if, however, the Siting Board does approve the Project, it should impose significant mitigation requirements in consideration of the

significant risk and impact borne by the Town. No fact or argument articulated in Eversource's Initial Brief changes that conclusion. In fact, Eversource's Initial Brief is essentially a regurgitation of its initial petition to the Siting Board and it utterly fails to acknowledge the significance and breadth of the issues covered in discovery and throughout the five-day public hearing. As detailed below, Eversource has failed to sufficiently address and/or has strategically ignored several critical points, any one of which the Town suggests strongly mandate a denial of the Project; namely:

- A. Eversource has failed to address, or even acknowledge, the vast public outcry from Ashland officials and residents despite extensive public comment opposing Project and disputing the Project need;
- B. Eversource has failed to address the lack of benefit to the Town of Ashland, the host community, despite extensive testimony and evidence as to the utter imbalance between the substantial risk and burden borne by Ashland and the remarkably inconsequential benefit enjoyed by Ashland;
- C. Eversource has failed to address that its so-called "systematic and comprehensive analysis of routing alternatives" fails to address numerous and significant obstacles and did not include coordination with or input from Ashland despite extensive testimony and evidence as to the Town's concerns as to route selection;
- D. Eversource has failed to address its lack of approval from the Ashland Conservation Commission despite extensive testimony and evidence as to clear environmental impacts;
- E. Eversource has failed to address its disputed rights to construct the Project within the easement despite extensive testimony and evidence as to the explicit limitations of the easement;
- F. Eversource has failed to address impacts to residential parcels despite extensive testimony and evidence as to the need for parcel-by-parcel agreements.

For these reasons, the Town urges the Siting Board to deny the Project or, in the alternative to require significant mitigation in consideration of the significant risk and impact borne by the Town.

II. REPLY TO EVERSOURCE'S INITIAL BRIEF

- A. Eversource has failed to address, or even acknowledge, the vast public outcry from Ashland officials and residents despite extensive public comment opposing Project and disputing the Project need.

Although the Siting Board should consider public support (or lack thereof) for a project as part of its balancing, *NSTAR Electric Company d/b/a Eversource Energy and New England Power Company d/b/a National Grid*, EFSB 15-04 at 135 (2018), the Company failed to acknowledge any public comment in its Initial Brief. This omission is even more startling considering the enormous public outcry opposing the Project. As noted in the Town's Initial Brief, those commentators object to, among other things, the disturbance of wetlands, the alleged violation of their easement rights, and the imposition of further traffic impacts. Additionally, they objected to the Company's alleged need for the Project in the first place. This public comment should be given special weight in this particular case because the Town raised these concerns in its responses to the Siting Board's record requests, EFSB-TOA-28, and during the public hearing. Tr. 559-560, 591 (citing Town government and public opposition and referencing, among other things, comments from a Framingham State University professor which have also been submitted in public comment on several occasions). Together both the Town's submissions and statements prior to and at the public hearing and the public comment demonstrate a consensus within the Ashland community. Significantly, despite extensive public comments and zealous participation at the public hearing by Town officials, no segment of the Ashland community appears to have stated support for the project on the record. That silence in the face of overwhelming opposition by a Town government and its community should be considered and given credence. Where the sole intervenor and host community by and through its duly elected representatives, the Board of Selectmen, and the public it represents take a

consistent position in opposition to the Project, the Siting Board should give special consideration to those concerns.

Since the public hearing and the filing of Initial Briefs, that opposition has grown louder and become more organized. For example, in a June 3, 2019 Memorandum to the Siting Board, an organization titled “No Ashland Pipeline” submitted a thoughtful, articulate and well-supported argument against the Project. A copy of the June 3, 2019 Memorandum is attached hereto as Addendum A for the Siting Board’s convenience. The Ashland Open Space and Recreation Committee provided similar comments and raised similarly grave concerns in a letter signed by Roberta Soolman dated May 28, 2019. A copy of the May 28, 2019 correspondence is attached hereto as Addendum B.

In light of the well-documented, significant, unaddressed concerns about route selection, need and Project costs, the lack of public support for this Project should be considered. *NSTAR Electric Company d/b/a Eversource Energy and New England Power Company d/b/a National Grid*, EFSB 15-04 at 135 (2018); *Colonial Gas*, n.29.

- B. Eversource has failed to address the lack of benefit to the Town of Ashland, the host community, despite extensive testimony and evidence as to the utter imbalance between the substantial risk and burden borne by Ashland and the remarkably inconsequential benefit enjoyed by Ashland.

While the Company now insists the Project results in ancillary benefits to Ashland, there is no mention of any direct benefits to Ashland in the Petition or in the Company’s responses to Information Requests. See, e.g., Application, 2.3-2.5 & EFSB-N-22. Significantly, the Company provided no testimony in its case-in-chief as to how the Project is designed to directly improve service to Ashland residents or how it is designed to directly benefit Ashland in general. Tr. 28, 127. Interestingly, in its Initial Brief, the Company only mentions the Prospect Street regulator once, p. 30, but details extensively how the Project could impact other communities.

See, e.g. pp. 23-24, particularly Table 2-2.

While the Prospect Street Regulator and the Pond Street Station both serve Ashland, the Company did not give testimony that the functioning of the Prospect Street Regulator and the Pond Street Station would be better, worse or the same for Ashland specifically. Tr. 127 (“I think although the existing pipeline could remain there and still serve the Prospect Street district regulator, at some point -- it could be ten years, it could be 30 years down the road -- that existing line may need replacement, whether it be for capacity again or for a condition concern at that point.” Considering that Ashland is the host community and the only intervenor in this proceeding, this omission is significant.

Whichever the route, this Ashland-wide Project is the largest and longest project affecting the Town and it traverses the entire width of Ashland. The Project will tax the Town’s limited resources which will need to be diverted to this enormous Project. With both routes, this Project will overwhelm Ashland’s limited resources.

For all of these reasons, a large portion of the Town’s case concerned mitigation if the Project were to proceed. Notwithstanding, the Company fails to even acknowledge the burden and risk forced upon the Town or any of the mitigation sought by the Town.

- C. Eversource has failed to address that its so-called “systematic and comprehensive analysis of routing alternatives” fails to address numerous and significant obstacles and did not include coordination or input from Ashland despite extensive testimony and evidence as to the Town’s concerns as to route selection.

Although the Company states that it conducted a so-called “systematic and comprehensive analysis of routing alternatives,” Initial Brief, p. 47, the Company has failed to account for numerous and significant obstacles any of which could substantially effect project impacts and costs.

Section 69J requires the Siting Board to review alternatives to planned projects, including

“other site locations.” In implementing its statutory mandate, the Siting Board requires a petitioner to demonstrate that it has examined a reasonable range of practical siting alternatives. *Colonial Gas Company d/b/a KeySpan Energy Delivery New England*, EFSB 05-02, p.31 (“*Colonial Gas*”)(citing *2006 Berkshire Gas Decision*, EFSB 05-01, at 21.). Notwithstanding, the Company has failed to sufficiently develop the Noticed Alternative to any useful degree, resulting in a lack of information for comparing the routes. There are no drawings and little information about the Noticed Alternative. Tr. 207, 252, 378-379, 381. The Company has admitted that that “the research will be done if that route were to be selected as the approved route...” Tr. 381. The Company has just chosen not to examine this route or to work with the Town to do so. Tr. 349. Without the material detail and sufficient information, a meaningful analysis cannot be achieved comparing the two routes. *Cape Wind* at 52; *Cambridge Electric Light Company*, EFSB 00-3 at 24, *Boston Edison Company*, EFSB 96-1 at 59.

Curiously, the Town does not appear to have even been consulted about an in-shoulder alignment. The Company never approached the Town, nor did it generate any meaningful information about an in-shoulder route. The entirety of the proposed Noticed Alternative Route is essentially a line shown on a plan.

In contrast, the Preferred Route poses extensive impacts. Despite crossing wetlands, streams and environmentally sensitive areas, and, significantly, eighty-six sensitive residential parcels consisting of homes with yards of lawns, gardens, landscaping, fences, pools, sheds, and swing-sets, which is very personal, there is no specific, well-defined plan for access, clearing, excavating, installing, backfilling, storage, and restoration for each parcel, to address both environmental and human sensitivities. There is no clarity or specificity as to BMPs. The Company’s Initial Brief, pp. 63-66, again cites only generally to following procedures outlined in

a Company manual. Although traffic would be a significant impact of the Preferred Route, there are no TMPs even with regard to those streets or neighborhoods that will be isolated during construction; particularly Joanne Drive, Tr. 357-358, 542-552, Cirrus Apartments, or the MBTA Station. Tr. 424, 542-552, 607-610. Again, the Company in its Initial Brief, pp. 71, simply continues its position that TMP's will be developed at some future date. The Petition does not address the significance of the Town as a regional commuter cut through. Commuters from the neighboring towns use Ashland's main roads to commute from and between their communities, Hopkinton, Hollis, Sherborn and to I-90, I-495, Route 9, the Commuter Rail at Ashland Station and the major commerce and business areas of Framingham and Natick. Ashland has numerous civic events that are not mentioned in the Petition. The Petition does not address upcoming projects that Ashland has over the next five years or any other state or federal agencies or other utilities.

None of the above concerns are addressed let alone addressed adequately in the Company's Initial Brief.

- D. Eversource has failed to address its lack of approval from the Ashland Conservation Commission despite extensive testimony and evidence as to clear environmental impacts.

Although the Company praises itself for its mitigation of environmental impacts, it has failed to gain approval from the Ashland Conservation Commission due in large part to omissions, inaccuracies and lack of detail, including the inexcusable omission of a known bordering vegetated wetland from the Company's Notice of Intent. TOA-MDA and RR-EFSB-19. Accordingly, the Company's extensive statements concerning environmental mitigation should be viewed with waning confidence. In fact, after detailing its unilateral position that the impacts are *de minimus* and mitigatable, the Company goes on to note that it has received a

“Section 404 authorization from the Army Corps of Engineers and an Order of Conditions from the Town of Hopkinton Conservation Commission.” Initial Brief, p. 68. Strikingly, the Company omits any mention of the Ashland Conservation Commission proceedings or its lack of approval or the reasons therefor. Were these environmental impacts so *de minimus* and easily mitigatable, it is hard to imagine the need to submit such extensive plan revisions over the course of a public hearing which has already spanned six months without a resolution. In light of the Company’s inexcusable omission of a known bordering vegetated wetland in its Notice of Intent, the Siting Board should view the Company’s self-aggrandizing statements concerning environmental mitigation with skepticism.

- E. Eversource has failed to address its disputed rights to construct the Project within the easement despite extensive testimony and evidence as to the explicit limitations of the easement.

In two limited pages, pp. 50-51 of the Company’s Initial Brief, the Company addresses its alleged rights to construct the Project within the easement. Again, the Company’s Initial Brief is simply tone deaf in that it utterly fails to acknowledge the ongoing and unsettled posture of the Company’s alleged rights, the outcry from public commenters disputing the Company’s rights, and the significance should it be determined that the Company lacks rights to proceed as planned within the easement. The Company has simply stated that it does not intend to renegotiate any easements, Tr.138, 636, notwithstanding the Company’s alleged rights being pervasive topic during the public hearing and within public comment. Considering some commentators have intimated about lawsuits to protect their rights, the Company’s failure to respect the seriousness of this concern is revealing. *See, e.g.* Public Comments, Cliff Wilson, April 18, 2019; Michele Hudak, May 3, 2019; Martin and Diane Brooks Ring, May 7, 2019; Katie Kiser, May 14, 2019; Charles W. Lidz, May 14, 2019.

The Company has offered no proposal nor begun evaluating a proposal involving removal of the existing line. If the existing pipeline must be removed within the easement, the existing environmental analysis will be meaningless. There are already significant wetlands impacts. If the existing pipeline were to be removed, an entirely new proposal or an amended proposal would have to be evaluated analyzing the environmental impacts of the removal of the pipe. New or further review would be required by each regulatory agency. While unclear, since the Company has never considered this possibility, such a modified proposal could significantly increase environmental impacts as well as the construction schedule and construction related impacts associated with a longer and/or more intense construction schedule.

Even a cursory balance of the very uncertain status of the Company's easement rights and the very significant consequences should the Company lack those rights, should compel a finding that the Company has not met its burden. At best, the Company has failed to show a meaningful comparison of the two routes. At worst, the Company has orchestrated a false choice between a illusory in-street route and an easement route that cannot be constructed.

F. Eversource has failed to address impacts to residential parcels despite extensive testimony and evidence as to the need for parcel-by-parcel agreements.

Although the Company is committed to entering into agreements with each affected property owner along the easement route, the details, communication, timeline and ultimate effectiveness of these so-called parcel agreements are unclear. Most importantly, the Company did not explain what, if any, recourse an individual owner had if the Company failed to adhere to its obligations under the parcel agreement. RR-TOA-4, EFSB-V-4, 6. EFSB-EI-1(1). Tr. 217-218. Tr. 234-235, 330, 387-400; Tr. 572-575. This last concern is even more significant in light of the testimony that there is already an established record of the Company not living up to its promises to landowners in Ashland. Tr. 483-484, 572-575.

The Company's failure to commit to parcel-by-parcel agreements and to acknowledge that commitment in its Initial Brief is revealing. These agreements are critical mitigation that the Company simply ignores. Considering the vast community engagement in this matter and the Company's choice to ignore it, the Town strongly suggests that the Siting Board consider whether the Company has truly met its burden for approval of this Project.

III. CONCLUSION

As stated in the Town's Initial Brief filed simultaneously with Eversource's Initial Brief on May 23, 2019, the Company has not met its burden of proof and the record in this proceeding fails to adequately evaluate the potential environmental impacts associated with the Preferred Route, the community impacts of the Noticed Alternative Route, and it does not contain satisfactory mitigation measures in any event. No fact or argument articulated in Eversource's Initial Brief changes that conclusion. As detailed above, Eversource has failed to sufficiently address several critical points. For these reasons, the Town urges the Siting Board to deny the Project or, in the alternative to require significant mitigation requirements in consideration of the significant risk and impact borne by the Town.

Respectfully submitted,

TOWN OF ASHLAND,

By its attorney,



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Dated: June 6, 2019

Addendum

A

June 3, 2019

Donna Sharkey, Presiding Hearing Officer
Energy Facilities Siting Board – Department of Public Utilities
1 South Station – 5th floor
Boston, MA 02110
Sent via email: donna.sharkey@mass.gov

Re: EFSB18-02

Dear Ms. Sharkey:

The No Ashland Pipeline organization, representing a group of concerned residents in Ashland, is in ardent opposition to the proposed Eversource Pipeline Project.

SUMMARY

- **Need:** Eversource has not made a credible case for the need for the pipeline.
- **Environmental impact and climate change:** The proposed pipeline poses grave environmental concerns, and is in violation of state law and the United Nations Intergovernmental Panel on Climate Change (IPCC) recommendations.
- **Health and safety hazards:** The pipeline itself poses major health and safety issues to residents, especially abutters who represent more than 24 acres of the total 90.5 acres involved (27+%) in Ashland alone.
- **Alternative route and incomplete application documents:** Eversource has not adequately provided information on an alternative route, making it impossible for the Town or the Siting Board to do due diligence and properly evaluate the project as a whole.
- **Potential illegal use of the easement:** The project is suggesting a use other than what is specified in the existing legal easement and is in violation of the easement as granted.

NEED: EVERSOURCE HAS NOT MADE A CREDIBLE CASE FOR THE NEED FOR THE PIPELINE.

DEMAND FOR ENERGY IS DECREASING, NOT INCREASING, MAKING IT CLEAR THAT A NEW AND EXPENSIVE FOSSIL FUEL INFRASTRUCTURE IS NOT NEEDED.

1. According to a study by Synapse Energy Economics, Inc. in 2017, “By 2023 . . . ‘natural’ gas-fired generation is estimated to be 27 percent lower than in 2015. And by 2030, ‘natural’ gas-fired electric generation is estimated to be 41 percent lower than in 2015.”¹
2. Another study by Synapse Energy Economics, Inc. in 2018 concluded that (emphasis provided)²:
 - “Correcting the ISO’s unreasonable assumptions (BAU scenario) shows few operational issues and no reliability threats (reserve depletions or rolling blackouts) for an extreme winter in 2024/25.”
 - “New England can achieve substantial improvements to the fuel security issues identified by the ISO without any new gas infrastructure (pipeline or LNG).”
 - “Without any expansion of gas supply infrastructure, New England can dramatically reduce operational issues and improve reliability with current regional programs that add more renewables and electricity imports, combined with ensuring that LNG and fuel oil are delivered in a timely manner.”
3. According to a study by Analysis Group, conducted in 2015 on behalf of Attorney General Maura Healey³:
 - New England’s power system is not facing an imminent reliability threat through 2030.
 - Further, Healey said “This study demonstrates that we do not need increased gas capacity to meet electric reliability needs, and that electric ratepayers shouldn’t foot the bill for additional pipelines.”
 - The study also stated that investment in energy efficiency and shifting consumer energy usage to non-peak times would result in the greatest customer savings while reducing greenhouse gas emissions.

¹ “New England’s Shrinking Need for Natural Gas: Analysis of policy impacts on natural gas use in New England’s electric sector”, prepared for the Connecticut Fund for the Environment, Consumers for Sensible Energy, Mass Energy Consumers Alliance, Pipe Line Awareness Network for the Northeast Sierra Club Connecticut, and Sierra Club Massachusetts February 7, 2017, Authors Pat Knight, Patrick Luckow, Bruce Biewald, Ariel Horowitz, PhD, Avi Allison Frank Ackerman, PhD, Synapse Energy. <http://www.synapse-energy.com/sites/default/files/New-Englands-Shrinking-Need-for-Natural-Gas-16-109.pdf>

² “Understanding ISO New England’s Operational Fuel Security Analysis”, prepared for the Conservation Law Foundation, Acadia Center, New Hampshire Office of the Consumer Advocate, PowerOptions, RENEW Northeast, Vermont Energy Investment Corporation, May 3, 2018, Authors Paul Peterson, Doug Hurley and Pat Knight, Synapse Energy Economics, Inc, <https://www.clf.org/wp-content/uploads/2018/05/Understanding-ISO-NE-OFSA1.pdf>

³ “Power System Reliability in New England: Meeting Electric Resource Needs in an Era of Growing Dependence on Natural Gas”, Prepared for Massachusetts Attorney General Maura Healey, November 2015 by Analysis Group, Inc., Authors Paul J. Hibbard and Craig P. Aubuchon https://www.masslive.com/news/2015/11/ag_healy_grid_reliability_fine.html

4. Energy efficiency is driving down energy demand according to data from ISO-New England⁴:
 - **-0.9%** average annual growth in regional electricity demand forecasted through 2027, after factoring in energy efficiency (EE) and distributed generation (DG);
 - **-0.04%** average annual growth in summer peak demand forecasted through 2027 under normal weather conditions after subtracting EE and DG;
 - **-0.2%** average annual growth in demand under extreme summer weather forecasted through 2027 after subtracting EE and DG; and
 - **-0.7%** average annual growth in winter peak demand forecasted through 2027 under both normal and extreme weather conditions after subtracting EE and DG.

5. The Massachusetts Comprehensive Energy Plan will further reduce demand for energy.
 - “ ‘The Commonwealth is already implementing the Comprehensive Energy Plan recommendations in our 2019-2021 Three Year Energy Efficiency Plan by prioritizing fuel switching and active demand reduction,’ said Energy and Environmental Affairs Secretary Matthew Beaton.”⁵
 - The Commonwealth of Massachusetts has instituted incentives for conversion to air-source heat pumps.
 - The Commonwealth also offers efficiency and weatherization programs through MassSave, which enable existing energy users to reduce need, helping Massachusetts attain the status of the most energy efficient state in nation for the last eight years.

6. The Board of Health for Framingham, an end-user community and designated Green Community, is one of 95 municipalities which has sent a letter of concern about fracked gas infrastructures to Governor Baker.⁶

7. Ashland, the host community for the majority of the proposed pipeline, is a designated Green Community and has a municipal aggregation program in accordance with (M.G.L. c. 164, § 134), enabling local governments to combine the purchasing power of its residents and businesses so that it can provide them with an alternative electricity supply.

⁴ "Key Grid and Market Stats: New England's Electricity Use", ISO New England website.
<https://www.iso-ne.com/about/key-stats/electricity-use>

⁵ "Baker-Polito Administration Releases First Comprehensive Energy Plan: Report Recommends Diverse Energy Portfolio and Targeted Deployment of Energy Efficiency to Continue Nation-Leading Progress", Baker Administration press release, 12/12/2018.

<https://www.mass.gov/news/baker-polito-administration-releases-first-comprehensive-energy-plan>

⁶ <https://nofrackedgasbulletins.wordpress.com/bohs-signed-on/>

- Ashland’s alternative electric supply utilizes 100 percent green energy, 77 percent of which is derived from national wind renewable energy certificates.⁷
- Because Ashland does not need the pipeline for its electric supply and the pipeline will not service Ashland, the town should not be required to endure all the risk and disruption of being the host community.

**ENVIRONMENTAL IMPACT AND CLIMATE CHANGE:
THE PIPELINE POSES GRAVE CLIMATE CHANGE AND ENVIRONMENTAL CONCERNS.**

THE URGENT NEED TO DRAMATICALLY REDUCE GREENHOUSE GAS EMISSIONS MAKES IT CLEAR THAT ADDING NEW FOSSIL FUEL INFRASTRUCTURES IS COUNTER TO SCIENTIFIC FINDINGS.

1. The United Nations Intergovernmental Panel on Climate Change (IPCC) stated in October 2018 that we have until 2030 to reduce our greenhouse gas emissions by 45% if we are to limit temperature increases to 1.5 degrees Celsius above pre-industrial levels. Increases beyond 1.5 degrees will pose an existential threat to the continued survival of all life on the planet.
 - “Pathways limiting global warming to 1.5°C with no or limited overshoot would require rapid and far-reaching transitions in energy, land, urban and infrastructure (including transport and buildings), and industrial systems (high confidence). These systems transitions are unprecedented in terms of scale, but not necessarily in terms of speed, and imply deep emissions reductions in all sectors, a wide portfolio of mitigation options and a significant upscaling of investments in those options (medium confidence).”⁸
 - “Systems transitions” cannot include “business as usual” investments in new fossil fuel infrastructures. Adding new infrastructures to increase capacity is a multi-decade commitment to increased fossil fuel use, making it likely these new infrastructures will become stranded assets as energy efficiency efforts expand and renewable energy projects move forward.
 - It is irresponsible and unconscionable to spend millions of dollars and 5 years expanding a fossil fuel infrastructure when we should be investing in renewable energy sources and reducing our carbon footprint to meet the non-negotiable goal of reducing greenhouse gas emissions by 45% in 12 years.

⁷ <https://www.ashlandmass.com/CivicAlerts.aspx?AID=235>

⁸ IPCC, 2018: Summary for Policymakers. In: Global Warming of 1.5°C. An IPCC Special Report on the impacts of global warming of 1.5°C above pre-industrial levels and related global greenhouse gas emission pathways, in the context of strengthening the global response to the threat of climate change, sustainable development, and efforts to eradicate poverty [Masson-Delmotte, V., P. Zhai, H.-O. Pörtner, D. Roberts, J. Skea, P.R. Shukla, A. Pirani, W. Moufouma-Okia, C. Péan, R. Pidcock, S. Connors, J.B.R. Matthews, Y. Chen, X. Zhou, M.I. Gomis, E. Lonnoy, T. Maycock, M. Tignor, and T. Waterfield (eds.)]. In Press https://www.ipcc.ch/site/assets/uploads/sites/2/2019/05/SR15_SPM_version_report_LR.pdf

2. Scientists have made clear that it will not be possible to prevent the world from warming more than 2 degrees celsius unless we stop releasing methane and black carbon (two potent, short-timeframe radiative forcing agents) within the next decade or so.⁹
 - While the exact percentage of the methane that will leak in Massachusetts is not known, we do know that overall leakage from well-head to burner-tip is in the vicinity of 4.1%.¹⁰
 - Although natural gas burns cleaner than oil or coal, methane is 30 times more powerful a greenhouse gas than carbon dioxide. Gas leaks containing methane are 33% worse for the environment than CO₂.
 - When looking at impacts to health, agriculture and environment, the social cost of carbon for CO₂ is calculated at \$38 per ton and for methane at \$2,900 per ton, stressing the importance of cutting methane emissions as quickly as possible.¹¹
 - Most new gas comes from fracking which is an extremely destructive process for the environment.

ANY NEW FOSSIL FUEL INFRASTRUCTURE, WHICH INCREASES NATURAL GAS CAPACITY, IS IN VIOLATION OF THE STATE'S GLOBAL WARMING SOLUTIONS ACT WHICH REQUIRES A SYSTEMATIC AND CONTINUED REDUCTION IN EMISSIONS.

1. The Global Warming Solutions Act (GWSA), signed into law in 2008, made Massachusetts one of the first states in the country to have a comprehensive regulatory program to combat climate change.¹² The GWSA required the Executive Office of Energy and Environmental Affairs (EOEEA), in consultation with other state agencies and the public, to set economy-wide greenhouse gas (GHG) emission reduction goals for Massachusetts that will achieve reductions of between 10 percent and 25 percent below statewide 1990 GHG emission levels by 2020; and 80 percent below statewide 1990 GHG emission levels by 2050.
2. Any new fossil fuel infrastructure or pipeline, which increases natural gas capacity, is in violation of the state's GWSA.

⁹ Drew Shindell 2.8.19 as cited by Robert Howarth, *ibid.* Also Table 4, page 25, "The Social Cost of Atmospheric Release", Drew T. Shindell, October 24, 2013.

<http://www.economics-ejournal.org/economics/discussionpapers/2013-56/file>

¹⁰ "The Role of Shale Gas Development In the Global Methane Cycle - 3.1.19", R. Howarth, Cornell University.

<https://www.youtube.com/watch?v=1NPuYr1LGMI&feature=youtu.be>

¹¹ Drew Shindell 2.8.19 as cited by Robert Howarth, *ibid.* Also Table 4, page 25, "The Social Cost of Atmospheric Release", Drew T. Shindell, October 24, 2013.

<http://www.economics-ejournal.org/economics/discussionpapers/2013-56/file>

¹² <https://www.mass.gov/service-details/global-warming-solutions-act-background>

THE PROPOSED PIPELINE RAISES GRAVE AND INDISPUTABLE CONCERNS FOR WETLANDS, WILDLIFE HABITATS AND HISTORIC ARCHAEOLOGICAL SITES.

1. There is absolutely no way to perform the construction and digging required by this project without doing irreparable damage to the wetland areas, wildlife habitats and Ashland State Park.
 - The construction requires machinery and digging that will inevitably result in profound disturbance to the environment.
 - When asked at a public meeting in Ashland, Eversource representatives were unable to identify any other project of this type that was ever successfully performed within a 20' easement in wetlands without damaging the environment.
 - This easement was granted more than 60 years ago, before the passage of the Wetlands Protection Act. The fact that the pipeline was allowed to pass through wetlands and Ashland State Park at that time does not automatically mean it should be allowed to proceed now.
2. At a public meeting in Ashland, Eversource representatives stated that wildlife would “move away” during the construction and then return after the construction is completed. This statement reflects an utter lack of understanding of wildlife, their migration and their habitats.
3. Wetlands¹³ and trees¹⁴, which are our most powerful weapons to curtail CO₂ in the atmosphere, will be destroyed during this project.
4. Dr. Curtiss Hoffman, a Professor Emeritus of Archaeology at Bridgewater State University, stated that the preferred route will disturb Native American religious sites, and that Eversource has done inadequate investigation and has inadequate plans to address this issue. He has written to the Siting Board and notified the relevant tribal authorities.

HEALTH AND SAFETY HAZARDS: THE PIPELINE ITSELF POSES MAJOR HEALTH AND SAFETY ISSUES TO RESIDENTS, ESPECIALLY ABUTTERS.

THE PROJECT PLAN HAS MAJOR SAFETY ISSUES.

1. The current easement within which Eversource will place its equipment, do the digging, pile the dirt and replace the pipe is only 20' wide. The pipe trench itself is only 2 to 2.5' wide. The existing gas pipe will remain live and pressurized with gas while they are digging and

¹³ Mitsch, W.J., Bernal, B., Nahlik, A.M. et al. Landscape Ecol (2013) 28: 583 <https://doi.org/10.1007/s10980-012-9758-8>

¹⁴ https://www.eurekaalert.org/pub_releases/2019-02/ez-pcc021119.php

installing a new pipe right next to it. Once the new pipe is installed, the old pipe will be cut and capped, but it will remain in the ground right next to the new pipe. When asked, Eversource could not provide one example of a similar project that has ever been done, let alone completed safely and without damaging the environment.

2. The easement for the preferred route involves 88 properties and, in some instances, travels right through private backyards and within 10' or less of homes which were built well after the easement was granted. At one point, the easement goes through an apartment complex with hundreds of residents. A 12" diameter pipeline pressurized at 800 psi, has an impact radius in the event of a pipeline explosion of approximately 250' on either side of the pipeline.¹⁵ This situation is causing great safety concerns, especially in light of the Columbia Gas explosions in Lawrence and Andover.

THE NEGATIVE HEALTH IMPACTS ASSOCIATED WITH HIGH PRESSURE FRACKED GAS INFRASTRUCTURE (FGI) ARE WELL DOCUMENTED.

1. Health risks of FGI include asthma and heart disease from particulate matter, neurologic disease and miscarriage due to heavy metals, and cancer due to carcinogens such as benzene and radioactive radon and lead. These health consequences are a hazard for the communities that abut the FGI, but also, due to meteorologic effects, for more distant communities, particularly due to leaks in our aging pipeline infrastructure.¹⁶
2. According to the Asthma and Allergy Foundation of America, two Massachusetts cities (Springfield and Boston) already rank among the top twenty cities in the country that are the most challenging to live in with asthma, with Springfield ranking as number one.¹⁷
3. According to a letter from the Brookline Board of Health to Governor Baker¹⁸, natural gas pipelines include contaminants acknowledged by pipeline companies in permit applications;¹⁹ inadvertently release pipeline contents through "fugitive" gas leaks,

¹⁵<http://www.pscoalition.org/content/upload/documents/Model%20Ordinances/Impact%20radius%20concept%202014.pdf>

¹⁶ Letter from Massachusetts Association of Health Boards to Local Boards of Health, <https://nofrackedgasbulletins.files.wordpress.com/2017/11/boh-mahb-pipelinesignonlettertobaker.pdf>

¹⁷ <https://www.aafa.org/asthma-capitals-top-100-cities-ranking/>

¹⁸ <https://nofrackedgasbulletins.files.wordpress.com/2018/11/bohbrookline-board-of-health-pipeline-1.pdf>

¹⁹ Spectra Energy Partners, Atlantic Bridge Project, Resource Report 9. Algonquin Gas Transmission LLC Weymouth Compressor Station Permit Application, Table B1A1. Cited by Nordgaard C., (2015) <https://drive.google.com/file/d/0ByMONoeZSvWSTVRYUjFGUDZubmM/view>

accidents and explosions which are well-documented²⁰ and cause adverse health impacts²¹
²². Among its recommendations, the Brookline Board of Health recommends:

- Do not authorize new natural gas infrastructure projects in Massachusetts until and unless adequate data have been gathered to allow making a valid health impact assessment specific to each project.
- Do not allow any new natural gas infrastructure in the state that primarily serves to export natural gas, if it subjects state residents even to small health effects.
- Consider renewable alternatives to natural gas such as solar and wind reducing our reliance on fossil fuels which add to global warming.

ALTERNATIVE ROUTE: EVERSOURCE HAS NOT ADEQUATELY PROVIDED INFORMATION ON AN ALTERNATIVE ROUTE.

EVSOURCE HAS NOT PROVIDED INFORMATION ON AN ALTERNATIVE ROUTE WHICH IS IN VIOLATION OF THE APPLICATION PROCESS.

1. Eversource has presumptively submitted their application to MEPA, the Siting Board and the Ashland Conservation Commission only for their preferred route which goes through wetlands, wildlife habitats, Ashland State Park and neighborhoods. They have not provided any information to any of the state or town permitting bodies or to the town administration about the alternative route which traverses under Route 135, Main Street, Fruit Street and Eliot Street.
2. **Without complete information on the alternative route, it is impossible for the Siting Board, the Ashland Conservation Commission, the Town or any entity involved to evaluate the myriad impacts of the two alternative routes for the project (e.g., environmental, health and safety, disruption).**
3. Documents submitted to the Ashland Conservation Commission were inaccurate and incomplete. The wetland system along Indian Spring Road and West Union Street was not included in the maps and needed to be corrected.

²⁰ Allen, DT Emissions from oil and gas operations in the United States and their air quality implications. Journal of the Air & Waste Management Association 66: 549-575 (2016). <http://www.tandfonline.com/doi/full/10.1080/10962247.2016.1171263>

²¹Steinzor N, Subra W,Sumi L. Investigating links between shale gas development and health impacts through a community survey project in Pennsylvania. New Solutions: A Journal of Environmental and Occupational Health Policy 23: 55-83 (2013) <https://doi.org/10.2190/NS.23.1.e>

²² Anderson AR. Health effects of cut gas lines and other petroleum product release incidents -seven states. Morbidity and Mortality Weekly Report 64: 601-605 (2015) <https://www.cdc.gov/mmwr/preview/mmwrhtml/mm6422a1.htm>

4. MEPA approved Eversource's Single Environmental Impact Review (SEIR) application with the inaccurate and incomplete documents Eversource originally submitted. **MEPA needs to reconsider the impact of the project with corrected and complete documents.**

POTENTIAL ILLEGAL USE OF THE EASEMENT

THE PROJECT IS SUGGESTING A USE OTHER THAN WHAT IS SPECIFIED IN THE EXISTING LEGAL EASEMENT AND IS IN VIOLATION OF THE EASEMENT AS GRANTED.

1. The existing easement states that only 1 pipe is allowed, not a live pipe and a disconnected pipe. Eversource argues that there will only be "1 live pipe" in the easement so they are within the limits of the easement. Residents and other attorneys disagree, and the Town's Initial Brief submitted to the Siting Board questions the legality of this change of use.
2. The existing easement passes through Ashland State Park, state-owned property protected by Article 97 of the Constitution for the Commonwealth of Massachusetts. If adding a second pipe constitutes a "change of use", the Massachusetts Legislature is the only entity which can grant permission to allow this change of use because the land is protected by Article 97. The Siting Board cannot approve Eversource's application without legislative approval for the change in the easement.

For all of the reasons cited above, the No Ashland Pipeline Group strongly opposes the proposed Eversource Pipeline project, and urges the Siting Board to reject Eversource's application.

Respectfully submitted on behalf of the No Ashland Pipeline Group by:

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cc: Ashland Board of Selectmen, Ashland Town Manager

Addendum

B



*Ashland Open
Space and
Recreation
Committee*

Roberta Soolman,
Chairperson

William Child

Martin Ring

Judith Sallet

Amy Sayed

Jeanne Walker

Greg Wands

May 24, 2019

Donna Sharkey, Presiding Hearing Officer
Energy Facilities Siting Board, Dept. of Public Utilities
1 South Station – 5th floor
Boston, MA 02110
Sent via email: Donna.Sharkey@mass.gov

Re: EFSB18-02 Presiding Hearing Officer

Dear Ms. Sharkey:

I am writing on behalf of Ashland's Open Space and Recreation Committee (OSRC) to register the committee's strong opposition to the proposed Eversource pipeline project through Ashland.

Eversource's preferred route for the pipeline would significantly impact existing open space by going through wetlands, wildlife habitats and Ashland State Park.

Because the Open Space and Recreation Committee's mission is to preserve and protect Ashland's natural resources and the environment, the committee is **strongly opposed** to the proposed pipeline project for the following reasons:

1. Eversource has made no credible case for the need for this project.

At a Public Comment Meeting at Ashland High School on 9/24/18 and a Board of Selectmen's meeting on 10/4/19, Eversource made the following comments when asked about the need for the project. These responses are not only inconsistent and contradictory, they clearly do not make a credible case for the need for the project.

- When asked if there's currently a supply shortage for their customers, they could not provide any data or information to support any claims that current customers are experiencing either a gas shortage or poor gas pressure. Residents point out that exponential growth has already occurred in the MetroWest area in the almost 70 years since the pipe was installed, and existing customers have no service issues.
- They repeatedly say that the pipe was installed in 1950-1952 and is old as if to imply it's a safety hazard. However, when asked directly if the pipe is having problems, they have explained how they monitor the pipe's condition, that there have been no failures or leaks, and that the pipe is not being replaced because it's deteriorating.

Donna Sharkey, Presiding Hearing Officer

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Re: EFSB18-02 Presiding Hearing Officer

2. There are grave climate change concerns.

- The United Nations Intergovernmental Panel on Climate Change (IPCC) stated in October 2018 that we have until 2030 to reduce our greenhouse gas emissions by 45% if we are to limit temperature increases to 1.5 degrees Celsius above pre-industrial levels. Increases beyond 1.5 degrees will pose an existential threat to the continued survival of all life on the planet.
- It is irresponsible and unconscionable to spend millions of dollars and 5 years expanding a fossil fuel infrastructure when we should be investing in renewable energy sources and reducing our carbon footprint (e.g., Net Zero initiatives) to meet the non-negotiable goal of reducing greenhouse gas emissions by 45% in 12 years.
- Although natural gas burns cleaner than oil or coal, methane is 30 times as powerful a greenhouse gas as carbon dioxide. Gas leaks containing methane are 33% worse for the environment than CO₂.

3. There are grave environmental concerns for wetlands and wildlife habitats.

- There is absolutely no way to do the construction and digging required by this project without doing irreparable damage to the wetland areas, wildlife habitats and Ashland State Park.
- Eversource representatives stated that wildlife would move away during the construction and then come back afterwards. This statement reflects an utter lack of understanding of wildlife and their habitats.
- At the public forum on 4/16/19, a member of the Ashland Town Forest Committee indicated that Eversource installed a power line in the Town Forest, destroyed wildlife habitats and forest areas, and did not mitigate the damage.
- Wetlands and trees, which are our most powerful weapon to curtail CO₂ in the atmosphere, will be destroyed during this project.
- Dr. Curtiss Hoffman, a Professor of Archaeology at Bridgewater State University, stated that the preferred route will disturb Native American religious sites, and that Eversource has done inadequate investigation and has inadequate plans to address this issue. He has also written to the Siting Board and notified the relevant tribal authorities.

Donna Sharkey, Presiding Hearing Officer
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Re: EFSB18-02 Presiding Hearing Officer

Ashland's Open Space and Recreation Committee adamantly opposes this project and urges the Siting Board to deny permission to Eversource to pursue it.

Thank you for your consideration.

ASHLAND OPEN SPACE AND RECREATION COMMITTEE

Handwritten signature of Roberta Soolman in cursive.

Roberta Soolman, Chairperson

robertasoolman@msn.com

cell: 508.479.4388

CERTIFICATE OF SERVICE

I, Brian Winner, hereby certify that a true and accurate copy of the foregoing was provided to the all parties on the below SERVICE LIST.

Dated: 6/7/19



Brian Winner

NSTAR d/b/a Eversource Engery, EFSB 18-02

SERVICE LIST

Energy Facilities Siting Board

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FOR: NSTAR