

**Docket 21-29 Peabody Peaker Plant, Petition of MMWEC  
Comments Presented April 26, 2021**

Julie Smith-Galvin  
[julie.smithgalvin87@gmail.com](mailto:julie.smithgalvin87@gmail.com)  
781-606-1233

My name is Julie Smith-Galvin. I am the Vice Chair of the Wakefield Town Council and the Town Council liaison to the Wakefield Municipal Gas and Light Department (Wakefield MLP). While this testimony is made on my own behalf as a Wakefield resident and ratepayer, my comments are informed by my public roles in addition to my three decades of professional work in the energy industry.

In October of 2020, a concerned citizen forwarded me a copy of the Massachusetts Department of Environmental Protection (MassDEP) for Special Project 2015A (Peabody Peaker Plant or Plant). The [Draft Air Quality Plan Approval](#) was dated August ?, 2020 -- no specific date, just a question mark -- and addressed to the Massachusetts Municipal Wholesale Electric Company (MMWEC) as Permittee. The comment period ending September 21, 2020 had expired, as had the appeal period. Calls to the listed DEP contact were not returned.

I embarked on researching the Plant and found no central resource and frankly, not much at all in the public record. Despite the fact that the Plant is proposed by a non-profit, public corporation and political subdivision of the Commonwealth of Massachusetts with two board members appointed by the Governor, MMWEC had no information on its website except references in redacted Executive Session minutes. Similarly, participating MLPs (those that publicly publish minutes as not all do) only list the project in reference to Executive Sessions. I do want to acknowledge Wakefield's MLP for having honest and open discussions with me despite their limited ability to speak for MMWEC.

The Peabody Peaker Plant is proposed to be built on land owned by the City of Peabody and on which the Peabody Municipal Light Plant (PMLP) already operates a 68 MW fossil generating plant. As the majority participant and Plant host (and possibly a permittee – see ownership issue below), it is particularly disturbing that PMLP does not make any meeting minutes publicly available on their website.

Until this DPU docket, the only detailed information on the Peabody Power Plant has been the [MEPA Environmental Notification Form \(ENF\)](#) and [determination](#) and the aforementioned MassDEP Air Quality Plan, each with conflicting information and requirements. I am aware of no opportunities for public input before today.

This is why, while I have profound concerns about this Plant's environmental and economic impact on participating communities and surrounding areas, my comments today are focused on **process and transparency**.

MMWEC has made no attempt to solicit input on the Peabody Power Plant. Energy, and particularly capacity, issues are extraordinarily complex, but this does not negate the need to engage stakeholders. Yet, public input and the availability of information has been stifled by MMWEC and the MLPs' reliance on Executive Sessions to presumably discuss all, not just contractual and strategic, matters.

This lack and inconsistency of information leaves me, and I hope the DPU, with questions that must be answered prior to committing the Commonwealth to approving Plant financing. For over six months, I have been unable to get clarity on:

### **1. Ownership and Control**

- The MassDEP Air Quality Plan Approval letter is addressed to MMWEC, yet the EEA Data Portal shows the Applicant Name as the Peabody Municipal Light Plant. In fact, the portal lists the 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).
- This is confounding, because the Plan itself states “The City of Peabody owns, but PMLP controls and operates the existing generating assets at Waters River Station. While both MMWEC and PMLP are public entities, neither MMWEC nor PMLP (or the City of Peabody) has a statutory power or authority to dictate decisions regarding the other entity. Likewise, neither MMWEC, nor PMLP have the power to direct the actions of the other to the extent of affecting applicability and compliance with permitting requirements.” The Plan concludes with, “Based on the foregoing analysis, the Project is properly categorized as a separate, independent new source from the existing Waters River Station PMLP facility.” ([page 3 of Draft Air Quality Plan Approval](#))
- **My questions:** 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, perpetuated unclear delineations in municipal and state documents hinder the public's ability to access, understand the full history and impact of this Plant?

### **2. Public Input Opportunities:**

- 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](#)).

- 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.
- **My questions:** 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?

### 3. Consistency with current climate change, wetland protection and environmental/social justice laws, standards and executive initiatives:

- 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 will (1) “finalize wetland resource area mapping and proceed with review by the Peabody Conservation Commission in accordance with the Wetlands Protection Act” (page 5 of Certificate and PDF) and (2) “need to submit a Notice of Intent (NOI) to the Peabody Conservation Commission and MassDEP for buffer zone impacts (page 3 of letter, page 10 of PDF).
- The MEPA determination also required compliance with any GHG emissions reductions required by the promulgation of regulations related to the Global Warming Solutions Act, while telling MMWEC to consider raising that the 0.6-acre turbine site to mitigate against the flood impacts on the Waters River resulting from the “anticipate effects of climate change.”
- **Questions:** Has the Plant fulfilled the above-mentioned mapping, review, submission and compliance actions? Does the Plant have to comply with subsequently passed legislation and executive initiatives?

### 4. Alternatives:

- Since the Peabody Peaker Plant was first proposed, technological, as well as the above-mentioned policy, landscape has changed drastically, as have projected costs related to forward capacity pricing and the potentiality of carbon pricing.
- **Questions:** Has MMWEC evaluated the cost of alternative fuels for and/or alternative technologies to this Plant? Is there a way for MMWEC to sell their favorable FCM position to an emerging technology, like new offshore wind entrants in lieu of building the Plant?

In conclusion, I am concerned the public, from neighbors to ratepayers, are largely unaware of this project and have been denied the opportunity to engage in the process. The Peabody

Peaker Plant should be halted until the public can hear about and be heard on the environmental, economic, health and justice issue intertwined with the project. I consider myself to be an engaged citizen, knowledgeable about the energy industry and regulatory environment. The fact that I have not been able to put together a clear understanding of on the Plant is unacceptable.

I ask that the DPU think about the questions I have raised and deny public financing until it can be determined if the Peabody Peaker Plant is actually in the public interest.

**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 DL...	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

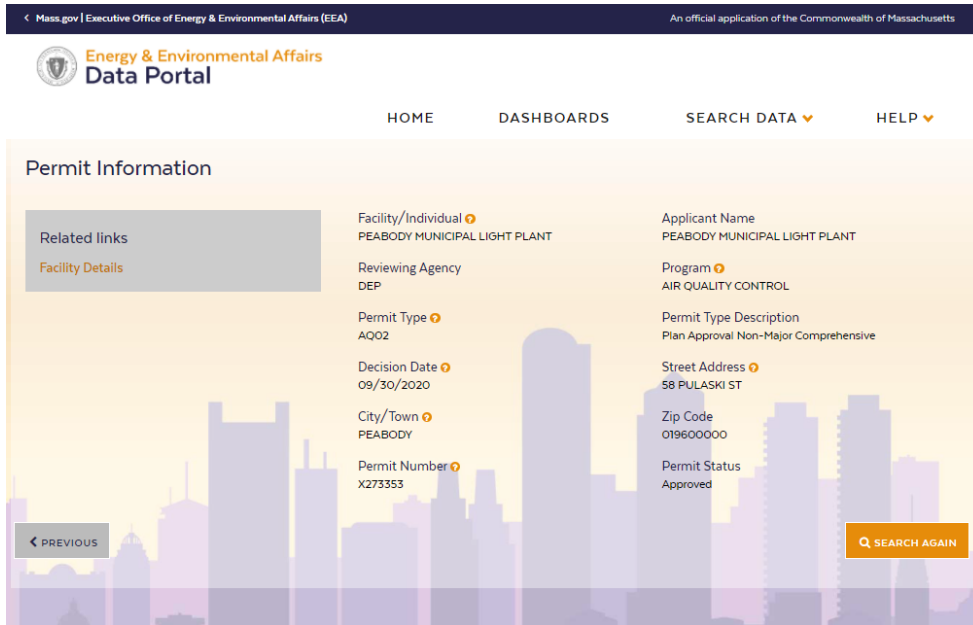
PREVIOUS EXPORT TO EXCEL

Source:

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

**Exhibit 1B:**

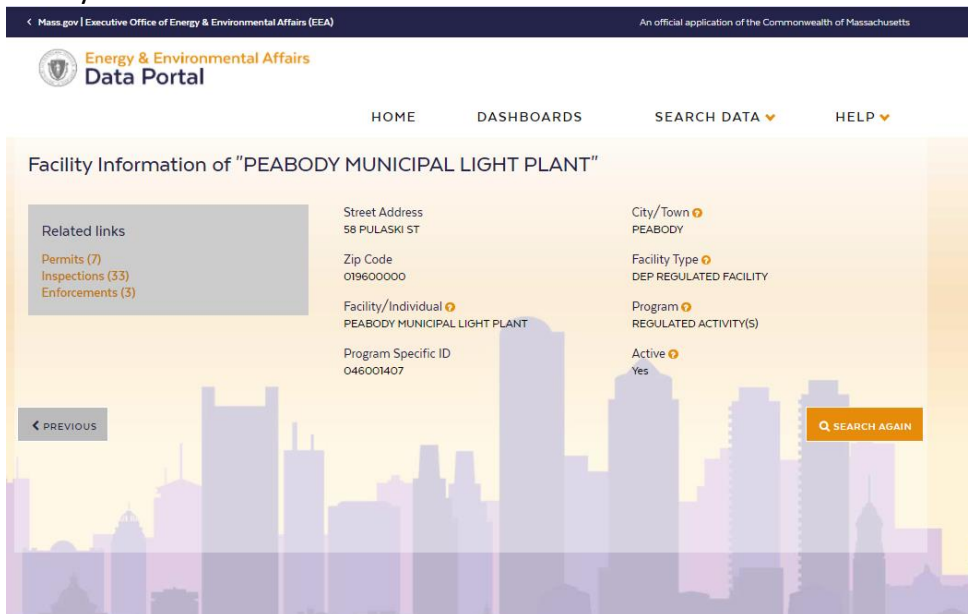
Clicking on far-left corner for “Details” lists Permit Information for the Plant



Source: [https://eaonline.eea.state.ma.us/portal#!/permits/PIM\\_75382](https://eaonline.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.



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