



November 30, 2022

Energy Facilities Siting Board  
Department of Public Utilities  
1 South Station, 5th floor  
Boston, MA 02110

Submitted via electronic mail at [Geneen.Bartley@mass.gov](mailto:Geneen.Bartley@mass.gov)

RE: Alternatives for Community & Environment Comments on Eversource's Petition for a Certificate of Environmental Impact and Public Interest, Docket No. EFSB 22-01

To whom it may concern,

Alternatives for Community & Environment (ACE) is pleased to submit these comments regarding Eversource's Petition for a Certificate of Environmental Impact and Public Interest, Docket No. EFSB 22-01. ACE builds the power of communities of color and low-income communities in Massachusetts to eradicate environmental racism and classism, create healthy, sustainable communities, and achieve environmental justice. In line with our mission, we express our agreement with and support for the arguments made by GreenRoots and the Conservation Law Foundation against allowing Eversource to circumvent normal siting requirements.

Environmental justice requires procedural justice, and the community around this proposed substation has repeatedly been denied a respectful and fair process. The passage of the Roadmap for Massachusetts Climate Policy last year emphasized the importance of environmental justice in state decisions and the necessity of including those affected by harmful environmental impacts ("environmental justice populations") in those decisions. As shown in the EJScreen data below, the population located within a one-mile radius of the proposed site fulfills every requirement of the state definition of "environmental justice population"<sup>1</sup>:

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<sup>1</sup> The Roadmap Law defines "environmental justice population" as "a neighborhood that meets 1 or more of the following criteria: (i) the annual median household income is not more than 65 per cent of the statewide annual median household income; (ii) minorities comprise 40 per cent or more of the population; (iii) 25 per cent or more of households lack English language proficiency; or (iv) minorities comprise 25 per cent or more of the population and the annual median household income of the municipality in which the neighborhood is located does not exceed 150 per cent of the statewide annual median household income; provided, however, that for a neighborhood that does not meet said criteria, but a geographic portion of that neighborhood meets at least 1 criterion, the secretary may designate that geographic portion as an environmental justice population upon the petition of at least 10 residents of the geographic portion of that neighborhood meeting any such criteria; provided further, that the secretary may determine that a neighborhood, including any geographic portion thereof, shall not be designated an environmental justice population upon finding that: (A) the annual median household income of that neighborhood is greater than 125 per cent of the statewide median household income; (B) a majority of persons age 25 and older in that neighborhood have a college education; (C) the neighborhood does not bear an unfair burden of environmental pollution; and (D) the neighborhood has more than limited access to natural resources, including open spaces and water resources, playgrounds and other constructed outdoor recreational facilities and venues." AN ACT CREATING A

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**Figure 1.<sup>2</sup>**

Sites reporting to EPA					
Superfund NPL		0			
Hazardous Waste Treatment, Storage, and Disposal Facilities (TSDF)		7			
Selected Variables	Value	State		USA	
		Avg.	%tile	Avg.	%tile
<b>Pollution and Sources</b>					
Particulate Matter 2.5 ( $\mu\text{g}/\text{m}^3$ )	7.5	6.79	82	8.67	22
Ozone (ppb)	39.1	39.5	40	42.5	27
Diesel Particulate Matter* ( $\mu\text{g}/\text{m}^3$ )	0.631	0.307	90	0.294	90-95th
Air Toxics Cancer Risk* (lifetime risk per million)	30	24	99	28	80-90th
Air Toxics Respiratory HI*	0.51	0.3	99	0.36	95-100th
Traffic Proximity (daily traffic count/distance to road)	4800	2400	88	760	97
Lead Paint (% Pre-1960 Housing)	0.75	0.49	74	0.27	88
Superfund Proximity (site count/km distance)	0.068	0.18	24	0.13	54
RMP Facility Proximity (facility count/km distance)	2.1	0.74	91	0.77	90
Hazardous Waste Proximity (facility count/km distance)	20	5.6	93	2.2	99
Underground Storage Tanks (count/km <sup>2</sup> )	5.1	3.4	77	3.9	77
Wastewater Discharge (toxicity-weighted concentration/m distance)	0.23	0.21	97	12	88
<b>Socioeconomic Indicators</b>					
Demographic Index	58%	26%	90	35%	81
People of Color	77%	29%	91	40%	82
Low Income	40%	22%	82	30%	69
Unemployment Rate	7%	5%	72	5%	69
Limited English Speaking	30%	6%	96	5%	96
Less Than High School Education	31%	9%	94	12%	92
Under Age 5	7%	5%	74	6%	68
Over Age 64	7%	17%	13	16%	15

The neighborhood surrounding the proposed site, the neighborhood for which GreenRoots advocates, contains seven hazardous waste treatment, storage, and disposal facilities. The population is 77% people of color, 40% low income, and 30% limited English speaking. The area is in the 95-100th percentile nationally on the EPA’s Air Toxics Respiratory Health Index. With these metrics, and the state’s prioritization of environmental justice issues, this Board should encourage thorough review of the proposed site — not a shortcut.

Massachusetts has an incoming governor who included environmental justice as a key part of her campaign platform. The Massachusetts Environmental Policy Act, which determines procedure for new projects affecting the environment, is currently under review. A statewide environmental justice strategy is being developed. All of these forthcoming developments indicate that there will be deeper scrutiny of siting decisions in environmental justice communities in the future. A rush decision to expedite this proposed site gives the indication that the project is racing to avoid future, more comprehensive scrutiny. Opportunities to review siting decisions such as the one at issue may be inconvenient for the petitioning entity, but those reviews offer the potential to minimize further harm to vulnerable communities.

Due to the overwhelming opposition from residents, advocates, and elected officials to this certificate, and the importance of a thorough review of projects affecting environmental justice communities, EFSB should deny this certificate.

Sincerely,

*Sofia Owen*

Sofia Owen  
Senior Attorney & Director of Environmental Justice Legal Services

*Mary Claire Kelly*

Mary Claire Kelly  
Environmental and Climate Justice Attorney