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VIA HAND DELIVERY

June 3, 2011

Robert J. Shea, Presiding Officer
Energy Facilities Siting Board
One South Station
Boston, MA 02110

**RE: Brockton Power Company, LLC, EFSB 07-7A
Our File No. 2538/Comments on Issues Memorandum**

Dear Presiding Officer Shea:

Thank you for the unanticipated and brief opportunity to provide comments on the 24-page “Issues Memorandum” attached to your May 24, 2011 Memorandum to the parties in the above-captioned proceeding. Please accept this letter (and five enclosed copies) as the City of Brockton’s comments.

1. On Page 5, the table labeled “Modeled Air Quality Impacts v. SILs and NAAQS” does not include the 1-hour NO₂ National Ambient Air Quality Standard (“NAAQS”) (see 75 FR 6474, February 9, 2010) or the 1-hour SO₂ NAAQS (75 FR 35520, June 22, 2010). Such information is needed for a “substantially accurate and complete” description of the air quality impacts.¹

2. On page 9, the paragraph titled, “c. Land Use”, suggests that the only disagreement on zoning between two of the parties in this forum is whether the Industrial-3 zoning district in which the project site is located prohibits electric power generating plants. The City submits that the City and Brockton Power’s main disagreement in this forum with respect to zoning is whether the 116-foot, roof-less “sound wall system” proposed in the Project Change Filing complies with the height limitations in the City of Brockton Zoning Ordinance. The City maintains that it does not, irrespective of whether the June 28, 2010 zoning amendments apply.

¹ An impact assessment should be done in accordance with applicable EPA guidance, including “Guidance Concerning the Implementation of the 1-hour NO₂ NAAQS for the Prevention of Significant Deterioration”, June 29, 2010, Office of Air Quality Planning and Standards; and “Additional Clarification Regarding Application of Appendix W Modeling Guidance for the 1-hour NO₂ National Ambient Air Quality Standard, Air Quality Modeling Group,” March 1, 2011.



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The zoning amendments also introduced a requirement for a densely planted landscape buffer of 100 feet in width for each 10 feet in height of any sound attenuation walls, structures, or similar protections required by federal, state, or local law for industrial uses. The City asserts the project does not comply with this zoning requirement.

3. Finally, the City refers to and relies upon the facts and arguments set forth in its Post-Hearing Brief and Reply Brief.

Please note that by not commenting on other aspects of the Issues Memorandum at this time, the City is not necessarily in agreement and reserves the right to comment upon such other issues when they are raised in the future.

Please docket and file these comments. Thank you.

Very truly yours,



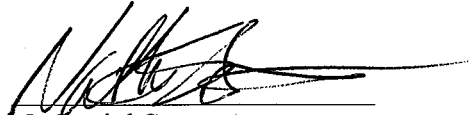
Nathaniel Stevens

cc: Service List (via first-class mail or e-mail)



CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served on June 3, 2011, as required by the Procedural Ground Rules of March 20, 2008, by hand delivery to the Energy Facilities Siting Board Presiding Officer and by email to the parties that agreed to email service, and by first class mail postage prepaid to the other parties.



Nathaniel Stevens