

December 12, 2010

The Honorable Deval Patrick  
Governor State of Massachusetts  
Massachusetts State House  
Office of the Governor  
Room 280  
Boston, MA 02133

Dear Gov. Patrick:

We, the Citizens for a Better Brockton (CBB) and the Undersigned, respectfully request that you ban the construction of a gas-fired power plant being proposed for Oak Hill Way in Brockton.

The proposed plant is slated to be constructed on a 13.2-acre site located within view of homes, a 60-unit apartment complex, two elderly-housing hi-rise projects, a commuter-rail line, two 55-and-older mobile home parks, an elementary school, a licensed daycare center and a busy business district along a portion of the city's main street.

The large-scale project would also be located within a community determined by the state to be an environmental-justice community.

After three years of extensive research, discussion and careful observation in relation to the project, we have concluded that federal and state safeguards, policies and regulations are not adequate to protect the health and safety of the citizens of the greater Brockton area if the power plant is constructed as planned.

Enclosed you will find several examples relating to this oversight on the part of the state, as it relates to the proposed plant on Oak Hill Way in Brockton.

We feel that protection of our present quality of life and our safety far outweigh any benefits derived from the project.

We also feel that current requirements by the state, in relation to site selection, are flawed.- in relation to the environmental impact report (EIR) relating to the project and state Energy Facilities Siting Board (EFSB) approval.

At the present time, the state requires that the proponent of projects, such as Brockton Power Company LLC, submit only one site plan for review. Alternate site plans, that might be less invasive to surrounding communities, are not required.

In the event of a catastrophic event, such as that which recently occurred at the power plant in Connecticut, it doesn't take much imagination to estimate the

resulting damage and potential carnage from such an explosion at a plant such as one being proposed for the city of Brockton.

And this is not taking into account the day-to-day effect on surrounding communities as a result of emissions from the plant and regular use of duct firing.

Our studies have indicated that duct firing is considered an optional procedure by a power company and that it is used, primarily, to reduce capital costs.

According to a Major Comprehensive Plan Application (MCPA) submitted by Brockton Power to the Massachusetts Department of Environmental Protection, duct-firing will result in a dramatic increase of harmful air pollutants, or volatile organic compounds (VOC).

This procedure will also release high amounts of oxides of nitrogen (NO<sub>x</sub>) - in excess of guidelines established by federal national ambient air quality standards (NAAQS) - and it is one of the contributors to ground-level ozone, sometimes referred to as smog, and they are highly toxic. (See: 6)

As you know, Massachusetts already exceeds NAAQS guidelines relating to ozone and that the state is now considered to be in nonattainment.

Because of this fact, the state should be working to ensure that any new power plant coming online does not exacerbate the state's already higher-than-average ozone levels.

We would like to make you aware of the fact that representatives of the proposed power plant in Brockton have stated that they plan to duct fire 2,000 hours per year, with most of this occurring during peak usage times or during the summer months when ozone levels are at their highest within the state.

Ozone is known to cause death and serious heart and lung problems according to 18 of the top health organizations within the country, including the American Heart Association and the American Lung Association.

In a letter forwarded to the Environmental Protection Agency in March 2010 and signed by all 18 health organizations, EPA was urged to work harder to protect the public from the occurrence of ozone by lowering allowable limits or standards currently in place under the Clean Air Act.

The letter claimed that current ozone standards, were not protective enough of human health and the environment especially to children, seniors, outdoor workers and people with asthma and other lung diseases.

It should be noted that NAAQS standards were established to protect public health within an adequate margin of safety. But according to the letter, and a follow-up

letter from the American Lung Association, current NAAQS do not adequately protect public health ( See: 1 and 2 )

It should also be noted that in Massachusetts, ozone levels are higher than current national standards.

Because of this, we feel that the health of the citizens of Brockton - who already are above the state average, as far as heart and lung related emergency rooms visits and hospitalization and asthma are concerned - will be further compromised due to the proposed power plant and resulting duct firing as a regular procedure associated with the plant.

Under the Clean Air Act, the citizens of Brockton have the right to breath clean air and this right should be protected by those who have taken an oath of office to protect the health and safety of all citizens of the commonwealth regardless of social status or income.

Other grave concerns relating to the proposed Brockton power plant include:

The fact that meteorological data or modeling for the project was collected from Logan Airport, a site that lacks conditions of stagnant air such as that found at the inland site in Brockton.

Because of this, concentrated levels of pollution - released as a result of duct firing and general operation of the plant - would not disperse at the same level of safety as that existing at Logan Airport.

Please read:

Documents submitted to EFSB by Paul Eisen, CCM, principal scientist at Roux Associates, N.Y. (See: 8)

Testimony provided to EFSB by Johnathon Levy, Ph.D, of Harvard School of Public Health. (See: 3)

These documents and testimony to EFSB state that meteorological modeling data, collected from Logan Airport, and used for modeling to determine dispersion rates of emissions estimates for the Brockton project, is faulty. They point out that the modeling being used by the company does not accurately represent air conditions for the site in Brockton.

We feel that, as a result of this disparity, Brockton residents are at greater risk of harm from emissions from the proposed plant than what is being reported by the company to the state.

We feel that concerns expressed by national health organizations, in relation to ozone, and concerns expressed by local experts, in relation to the proposed power plant in Brockton, validate our concerns relating to the project.

And we feel that these concerns have been grossly minimized by the state, and, in some cases, completely ignored.

We are requesting that you, as governor of the state of Massachusetts: implement:

All aspects of the national Environmental Justice (EJ), Executive Order 12898;

All aspects of the Massachusetts EJ Policy; and

Title VI of the 1964 Civil Rights Act (See: 5)

We are requesting this in order to ensure that Brockton is not discriminated against in regards to the siting of the proposed Brockton plant and does not suffer another indignity through a disproportionate environmental burden imposed upon the citizens of the community through the siting of another stationary and major source of pollution.

On several occasions, we have requested that the state consider its current policy, as it relates to environmental justice and the decision-making process associated with the siting of a power plant within the city of Brockton.

But each time our requests have been ignored or diverted.

The state's EJ policy clearly states that no one community shall have to bear a disproportionate amount of pollution compared with other communities in the state.

Historically, the grassroots movement was to ensure that people of color, minorities and low-income communities should not have to bear a disproportionate share of industrial pollution.

In 1994, President William Clinton issued Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations."

The order, in accordance with Title VI of the Civil Rights Act of 1964, directs federal agencies to address environmental justice in their operations and in communities across the country.

The order also directs that states and municipalities develop policies and programs to address environmental-equity concerns., ensuring that minority and low-income communities are not disproportionately impacted by environmental hazards.

According to several recent studies on the unequal exposure of environmental hazards in EJ communities throughout Massachusetts, including a Brockton study entitled: The Proposed Brockton Power Plant: Disparities in Brockton, MA, the city ranked 9th most extensively environmentally overburdened out of a total of 362 communities. Based on environmental hazard points per cities and towns in the state, Brockton had a total of 709 hazard points compared to a statewide average of 166 points. The study, dated March 2008, cited Brockton as having 43,040 industrial chemical emissions or releases per square mile compared to 12,656 chemical releases per square mile in high income towns. (See: 4)

As a result of these and other findings, we ask that the proposed power plant, considered by the Environmental Protection Agency (EPA) under New Source Review (NSR) program guidelines as a new major stationary source of nitrogen oxides (NO<sub>x</sub>) pollution, not be allowed in Brockton. (See: 6)

In relation to our right to public safety, we respectfully request that you and your administration look into the process of "gas blow," as way of clearing lines at a power plant through the use of flammable natural gas.

And we request that you review current state safety codes - relating to both construction and operation of gas plants within the state that are located within one mile of heavily-populated areas.

Gas blow, using flammable natural gas as a purging tool, is a highly risky procedure and should be stopped immediately.

This was the same procedure used at the power plant in Middletown, CT, on February 7, 2010 that resulted in a massive explosion, six deaths and 50 injuries. If this had occurred in a densely-populated area such as Brockton, the results would have been devastating.

The Occupational Health and Safety Administration (OSHA) report relating to the Connecticut incident, revealed that 225 of 371 safety violations associated with the explosion were found by OSHA to be willful and deliberate. As a result of this, \$16.6 million in fines were issued to companies involved in construction of the plant.

In Massachusetts, there are currently no federal or state safety regulations or oversight in place relating to gas blow or any other risky procedure associated with gas-fired power plants during the construction process.

We also feel that state safety codes and oversight, during the operation of such plants, are currently too lax. They offer little in the way of protection of the general public, especially when there is little or no buffer zone between the general population and the power plant.

We respectfully request that you, like former Connecticut governor Jodi Rell, issue a temporary executive order banning the practice of gas blow at gas-fired power plants in the state until a permanent ban on the practice is in place. (See: 7)

We are urging that you, as governor in the state of Massachusetts, use your power to protect our right to say no to the proposed plant in Brockton and our right to breath clean air without interference or compromise on our part.

We are requesting that you respect and protect the rights of the citizens of an environmental-justice community - who are either uninformed about the issues surrounding construction of a fossil-fuel burning power plant in their midst, or who are unable to speak on their own behalf - while there is still time and before this plant, constructed while on your watch as governor, looms over the city as a last reminder of the use of fossil fuel.

We are respectfully requesting that this terrible injustice to the citizens of Brockton, a community typically targeted for the siting of toxic industrial sites, be halted now by those in power who are able, in good conscience, to still do so.

Respectfully,  
Virginia Jeppson Pres./CBB

Citizens for a Better Brockton and the Undersigned  
Mayor Linda Balzotti

Ron Bethoney, President Campello Business Assoc.

Francis Pina, Community Organizer/ NAACP

Eldon Moreira, Chair West Bridgewater Board of Selectmen

Theresa McNulty, Chair East Bridgewater Board of Selectmen

Rev. Filipe Teixeira, Bishop Diocese of St. Francis of Assisi

Representative Michael Brady

1.(<http://www.lungusa.org/get-involved/advocate/advocacy-documents/organizational-sign-on-for.pdf>)

2.(<http://www.lungusa.org/press-room/press-releases/unacceptable-ozone-delay-puts.html>)

3.(EFSB 07-7/PDU 07-58/DPU 07-59)

4.(EFSB 07-7/DPU 07-58/DPU 07-59)-(The Proposed Brockton Power Plant:Disparities in Brockton, MA).

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[http://www.mass.gov/?pageID=eoeeterminal&L=2&L0=Home&L1=Grants+%26+Technical+Assistance&sid=Eoeea&b=terminalcontent&f=eea\\_sgse\\_env\\_equity&csid=Eoeea](http://www.mass.gov/?pageID=eoeeterminal&L=2&L0=Home&L1=Grants+%26+Technical+Assistance&sid=Eoeea&b=terminalcontent&f=eea_sgse_env_equity&csid=Eoeea))

6.(<http://www.epa.gov/oar/tribal/pdfs/nsrbasicsfactsheet103106.pdf>)

7.([www.wfsb.com/25104180/detail.html](http://www.wfsb.com/25104180/detail.html))

8. p://db.state.ma.us/dpu/qorders/frmDocketSingle.asp?docknum=EFSB07-7A/07-58/59