

COMMONWEALTH OF MASSACHUSETTS

SUPREME JUDICIAL COURT

No. SJC-11406

CITY OF BROCKTON
Appellant,

v.

ENERGY FACILITIES SITING BOARD,
Appellee.

FRANK J. BABBIN, et al.,
Appellants,

v.

ENERGY FACILITIES SITING BOARD,
Appellee.

TOWN OF WEST BRIDGEWATER,
Appellant,

v.

ENERGY FACILITIES SITING BOARD,
Appellee.

ON APPEAL FROM A FINAL DECISION OF THE ENERGY
FACILITIES SITING BOARD

MOTION OF HANDS ACROSS THE RIVER COALITION FOR LEAVE
TO FILE A LATE *AMICUS CURIAE* BRIEF IN SUPPORT OF
APPELLANTS

Hands Across the River Coalition ("HARC")
respectfully requests leave to file a brief as *amicus*

curiae in support of Appellants, pursuant to Massachusetts Rule of Appellate Procedure 17, because it has an interest in the above-captioned appeal as described below.

1. HARC is a nonprofit organization dedicated to the safe cleanup of legacy pollution in New Bedford, Massachusetts, and the pursuit of environmental justice throughout the Commonwealth. HARC's work primarily serves communities with significant populations of low-income and minority individuals, known as "environmental justice" communities, and includes educating people about the disproportionate impact of pollution on low-income and minority communities.

2. Both New Bedford and Brockton, the intended site for the proposed power plant at issue in this case ("the Project"), are similarly affected by environmental justice concerns. A large portion of the residents in both cities live in environmental justice neighborhoods, areas designated by the Massachusetts Executive Office of Energy and Environmental Affairs ("EOEEA") as most at risk of bearing disproportionately adverse environmental and public health impacts from pollution. Communities like these

are home to a disproportionately high number of pollution emitting facilities and hazardous waste sites and exhibit disproportionately low baseline health conditions.

3. The implications of this case extend beyond the Project, which is representative of large scale developments whose nature, scale and long-term impacts pose concerns to environmental justice communities throughout Massachusetts. It is essential to the well-being of environmental justice communities throughout the Commonwealth that the EOEEA Environmental Justice Policy be interpreted and implemented appropriately.

4. As a Massachusetts environmental advocacy organization working to protect the environment and public health in environmental justice communities, HARC has a significant interest in the robust application of the EOEEA Environmental Justice Policy, and in ensuring that the Energy Facilities Siting Board approves the construction of power plants only when doing so is consistent with the Environmental Justice Policy as required by G.L. c. 164, § 69J^{1/4}.

5. HARC's experience as an environmental advocacy organization based in an environmental justice

community gives it a perspective that can inform the Court's consideration of the environmental justice issues raised in this case.

WHEREFORE, HARC respectfully requests that its motion for leave to file an *amicus curiae* brief be granted.

Respectfully Submitted,

HANDS ACROSS THE RIVER COALITION

By its attorneys,



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CERTIFICATE OF SERVICE

I hereby certify that on February 14, 2014, I served a copy of Hands Across the River Coalition's Motion for Leave to File an Amicus Brief to all counsel of record as set forth below:


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