COMMONWEALTH OF MASSACHUSETTS
Energy Facilities Siting Board

Exelon West Medway, LLC and Exelon West Medway II, LLC, Notice of Project Change	)	EFSB 15-1A/D.P.U. 15-25A

FINAL DECISION

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Presiding Officer

August 4, 2017

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The Energy Facilities Siting Board hereby APPROVES, subject to the conditions set forth below, changes to the water supply plan for the previously approved Exelon West Medway, LLC and Exelon West Medway II, LLC electric generating facility to be located in Medway, Massachusetts, as further described below.

I. INTRODUCTION

A. Summary of the Previously Approved Facility and Water Supply Plan

On November 18, 2016, the Energy Facilities Siting Board ("Siting Board") approved the construction by Exelon West Medway, LLC and Exelon West Medway II, LLC (together, "Exelon" or "Company") of a 200 megawatt electric generating facility ("Facility") and ancillary facilities (together, "Project") in the Town of Medway, Massachusetts.[1] The Facility would be constructed on a 13-acre site within a larger 94-acre Exelon-owned site on Summer Street in Medway, on which an older, smaller Exelon generating facility is currently in operation.

As originally approved by the Siting Board, the Facility would have a maximum capacity factor of 60 percent, and an average daily water demand of 95,206 gallons per day ("gpd"). Final Decision at 68-70. As approved, the Facility's operational water would be supplied from two sources: an existing groundwater well on the Summer Street site, and the Town of Millis ("Millis") municipal water system, via an underground water distribution line to be constructed as part of the Project ("original water supply plan"). Id. at 3, 69-70.[2]

On February 24, 2017, Exelon filed notice with the Siting Board that the Company proposes to change its original water supply plan ("Project Change Notice") (Exh. EX-1, at 1-2). The Company now proposes to meet the Facility's operational water needs exclusively from two

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[1] See Exelon West Medway, LLC and Exelon West Medway II, LLC, EFSB 15-01/D.P.U. 15-25 (2016) ("Final Decision"). The Siting Board proceeding in which the Board approved the Facility and issued the Final Decision is referred to in this Decision as the "Original Proceeding."

[2] The Final Decision included six conditions related specifically to the original water supply plan: Conditions F, I, J, K, L, and M. See Final Decision at 83-85, 148-149. As discussed in Section II.C. below, the Company in its Project Change Notice has asked that certain of these conditions be modified or eliminated.

on-site wells, and therefore would eliminate the regular use of municipal water from Millis ("modified water supply plan").

As the basis for its modified water supply plan, Exelon stated that the Facility's average daily water use has decreased (Exh. EX-1, at 2). Exelon explained that on December 19, 2016, approximately one month after the issuance of the Final Decision by the Siting Board, the Massachusetts Department of Environmental Protection ("MassDEP") issued its final Air Quality Plan Approval ("Final Air Plan Approval") for the Facility (id. at 4).[3] The Company stated that the Final Air Plan Approval includes a declining cap on the Facility's carbon dioxide ("CO_2") emissions, which acts to limit the Facility's operations to a maximum 43 percent capacity factor, rather than a maximum of 60 percent as originally projected (id. at 6). According to the Company, the Facility's annual average daily water demand at a capacity factor of 43 percent would be 68,800 gpd, rather than 95,206 gpd as originally projected (id. at 2, 4). The Company states that it can meet this lower demand through the use of its existing on-site well ("primary well"), together with a second on-site well ("back-up well") that it has recently drilled; accordingly, the Company states that it no longer would be seeking to contract with Millis for regular operational water as part of the water supply plan for the Facility (Exh. EX-1, at 2).[4]

B. Procedural History

1. Original Proceeding

As noted above, the Siting Board approved the Facility in the Final Decision. Specifically, the Siting Board found that, upon compliance with the conditions set forth in the Final Decision, construction and operation of the Facility would provide a reliable energy supply for the Commonwealth with a minimum impact on the environment at the lowest possible cost, as required by G.L. c. 164, § 69J¼. Final Decision at 147. Consistent with all Siting Board

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[3] The Company submitted the Final Air Plan Approval to the Siting Board on January 9, 2017 in compliance with Condition D of the Final Decision. Final Decision at 61, 65 n.63, 147.

[4] As discussed below, the Company may at a later date elect to contract with Millis for water to be used in emergency situations.

facility approvals, the Final Decision required Exelon to notify the Siting Board of any proposed changes to the Facility after issuance of the Final Decision, other than minor variations, so that the Board could decide whether to inquire further into the proposed change or changes. Id. at 152. Exelon filed the Project Change Notice that is the subject of this proceeding pursuant to the project-change notification requirement in the Final Decision (Exh. EX-1, at 1).

2. The Current Project Change Proceeding

Exelon filed its Project Change Notice with the Siting Board on February 24, 2017 (Exh. EX-1). Consistent with Siting Board practice, the Siting Board included all intervenors and limited participants from the Original Proceeding in this proceeding.[5] See Cape Wind Associates, LLC and NSTAR Electric Company, EFSB 02-2B/EFSB 07-8A, at 4 (2014) ("Cape Wind 2014 Project Change Decision"). The Charles River Watershed Association ("CRWA"), an intervenor in the Original Proceeding, was the only active intervenor in the current proceeding. On March 17, 2017, Siting Board staff issued a set of written Information Requests to Exelon. On April 7, 2017, CRWA issued Information Requests to Exelon. On May 11, 2017, Siting Board staff and Exelon each issued Information Requests to CRWA.

Siting Board staff conducted two days of evidentiary hearings, on June 2 and June 5, 2017. Exelon and CRWA presented witnesses who testified regarding potential water resources impacts of the Company's modified water supply plan. CRWA presented the pre-filed testimony and Information Request responses of Katherine Bowditch, Interim Director of Projects for CRWA, who also testified and was subject during hearings to cross-examination by Siting Board staff and Exelon. Exelon presented four witnesses, each of whom provided responses to Information Requests and was subject to cross-examination during hearings by Siting Board staff and CRWA. The Company's witnesses included: Tammy D. Sanford, Principal Environmental Project Manager at Exelon Generation Company, LLC; Theodore A. Barten, P.E., and Andrew D. Magee, Principals at Epsilon Associates, Inc.; and Eric J. Las, P.E.,

[5] The Siting Board also expressly incorporated by reference into the current proceeding the entire record in the Original Proceeding (Presiding Officer Procedural Order (March 15, 2017) at 1).

Principal at Beals and Thomas. Exelon and CRWA filed initial briefs on June 12, 2017, and reply briefs on June 19, 2017.

On July 26, 2017, Siting Board staff issued a Tentative Decision for review by Exelon, the parties and the limited participant, and the Siting Board. Consistent with Siting Board regulations, the parties and limited participant were afforded seven days to file written comments regarding the Tentative Decision. Written comments were received from the Company and CRWA. The Siting Board reviewed the written comments. On August 4, 2017, the Siting Board met to consider the Tentative Decision.

C. Standards and Scope of Review

As noted above, in the Final Decision, the Siting Board required Exelon to notify the Siting Board of any proposed changes to the Facility as approved by the Board, other than minor variations, so that the Board might decide whether to inquire further into such issues. Final Decision at 152. The standard of review to determine whether further inquiry is warranted was first articulated by the Siting Board in Berkshire Power Development, Inc., EFSB 95-1, at 10 (1997) ("Berkshire Compliance Decision"). In the Berkshire Compliance Decision, the Siting Board declined to make further inquiry regarding certain project changes if the changes did not alter in any substantive way either the assumptions or conclusions reached in its analysis of the project's environmental impacts in the underlying proceeding. Id. at 10-12; see also Cape Wind 2014 Project Change Decision at 5; Colonial Gas Company d/b/a National Grid, EFSB 05-02A, at 7-8 (2014) ("Sagamore Project Change Decision"); Fore River Development, LLC, EFSB 98-7C, at 2 (2006).

Where the Siting Board determines that further inquiry is warranted, as in this case, the scope of the inquiry extends to, and is limited to, the issues raised by the proposed project change. See Cape Wind Associates, LLC and Commonwealth Electric Company d/b/a NSTAR Electric, EFSB 02-2A/D.T.E. 02-53, at 4-16 (2008) (Cape Wind 2008 Project Change Decision"); Sagamore Project Change Decision at 8. The Siting Board will approve the proposed project change if the Board determines that the project as modified, like the project as originally proposed, would provide a reliable energy supply for the Commonwealth with a minimum impact on the environment at the lowest possible cost, as required by G.L. c. 164, § 69J¼. See Cape Wind 2008 Project Change Decision at 26.

The Siting Board finds that the modified water supply plan for the Facility may have impacts on water resources in addition to, and different in kind or degree from, those of the original water supply plan. The lower capacity factor imposed on the Facility by the CO_2 limits in the Final Air Plan Approval may limit the average daily water demand under the modified water supply plan to a level that is below the average daily demand that could have occurred under the original water supply plan. However, the source of the Facility's operational water supply under the modified water supply plan differs significantly from the sources of supply under the original water supply plan. Under the original water supply plan, as much as half of the Facility's water would have come from the Millis municipal supply, a supply whose withdrawals are strictly regulated and monitored under the Massachusetts Water Management Act ("WMA"). Under the modified water supply plan, all of the Facility's water withdrawals would come from unregulated bedrock wells on the Summer Street site in Medway. This constitutes a substantive alteration in the assumptions and conclusions relied upon by the Siting Board in its analysis in the Final Decision of the Facility's potential environmental impacts, particularly its impacts on water resources, including local groundwater and wetlands resources. Accordingly, the Siting Board finds that further inquiry regarding the Project Change Notice is warranted. The Siting Board undertakes this further inquiry below.

II. ANALYSIS OF THE PROPOSED PROJECT CHANGE

A. Proposed Changes to the Company's Water Supply Plan

1. Water Use Requirements

In the Original Proceeding, the Company reported that the average daily water demand of the Facility, based on a 60 percent maximum annual capacity factor, would be 95,206 gpd. Final Decision at 68-70. Exelon reported that its original water supply plan would encompass three primary sources: (1) an on-site well; (2) an on-site water storage system; and (3) the Millis municipal water system. Id. at 68-70. Exelon reported that the primary on-site well would provide 51,840 gpd; that it would seek to obtain a water supply contract of 48,000 gpd from Millis; and that the on-site storage system would consist of a 450,000-gallon demineralized water storage tank and a 500,000-gallon raw water storage tank, for a total of 950,000 gallons of on-site water storage. Id. at 2, 70-71, 75. The Company further stated that trucked-in water would serve as a back-up, emergency, source of water for the Facility. Id. at 75. In the Original

Proceeding, the Company asserted that: (1) Exelon would always draw water from the on-site well before drawing from the Millis municipal system; (2) municipal water from Millis would be used only when the on-site well and on-site storage capacity could not keep up with demand; and (3) under many operating scenarios, there would be no need to use the Millis municipal water supply. Id. at 69-70.

As described above, the Company stated that the Final Air Plan Approval would limit the Facility's operations to a 43 percent capacity factor, which would correspond to an average daily water demand of 68,800 gpd (Exh. EFSB-PC-3). The Company noted that the Facility's capacity factor under the Final Air Plan Approval would decrease to 33 percent in 2025, corresponding to an average daily demand of 51,900 gpd, and would continue to decline annually until 2050 (Exh. EFSB-PC-12). Accordingly, Exelon concluded that it could meet the Facility's water supply needs through the use of two on-site wells and on-site storage, and would not need to contract with Millis for operational water (Exh. EFSB-PC-4).[6]

Exelon stated that, with the lower capacity factor imposed by the Final Air Plan Approval, and the resulting decrease in the Facility's average daily demand, the Facility will be "self-sufficient" with respect to water supply and would be able to fully meet its water needs through its on-site wells and on-site storage under "routine and reasonably foreseeable operating conditions" (Exh. EX-1, Att. A at 7).[7] The Company presented three different water use scenarios to illustrate the capability of the on-site wells and on-site storage to meet daily variations in the Facility's water demand under the Final Air Plan Approval (Exhs. EX-1, Att.

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6 The two on-site production wells are WS-1, the Company's primary well drilled during the July 2015 pump test, and WS-2, the Company's back-up well (Exh. EFSB-PC-3). Four additional wells are located at the Summer Street site: (1) WS-3, a bedrock well drilled for monitoring during for the October 2016 pump test; (2) OHI-BRI-2, a shallow bedrock monitoring well previously drilled for subsurface investigations of an oil spill; (3) GEI-1, an overburden monitoring well previously drilled for a geotechnical investigation; and (4) GEI-2, an overburden monitoring well previously drilled for a geotechnical investigation (Exh. EFSB-PC-2(1) at 5).

7 The Company reported that 150,000 gallons of its on-site storage would be reserved for fire suppression, limiting the amount of stored water available for plant operations to 800,000 gallons (Tr. 1, at 29-30). Exelon stated that the Facility would have enough on-site storage capacity to meet its water supply needs and maintain its fire suppression requirements (Exh. EFSB-PC-22).

A at 4-6; CRWA-PC-8). The scenarios are: (1) summer high demand with gas firing; (2) summer very high demand with gas firing; and (3) severe cold weather with ultra-low sulfur distillate ("ULSD") firing (Exhs. EX-1, Att. A at 4-6; CRWA-PC-8). The Company evaluated the Facility's ability to operate with water from the primary well only, and from the back-up well only, over the course of one week, as shown in Tables 1 and 2, below (Exhs. EX-1, Att. A at 4-6; CRWA-PC-8). In either case, the Company maintains that the Facility could operate successfully, although should the Facility withdraw water only from the back-up well, more water storage would be needed, as shown in Table 2, below (Exh. CRWA-PC-8).

Table 1: Water Use Summary - Primary Well Only

Scenario Type	Weekly Operating Hours	Weekly Water Requirements (gallons)	Water Available from Well (gallons)	Cumulative Water Required from Storage (gallons)
Summer High Demand	96	622,100	574,000	48,100
Summer Very High Demand	136	881,300	574,000	307,300
Winter Severe Cold Weather	76	565,500	574,000	0

Source: Exh. EX-1, Att. A at 4-6.

Table 2: Water Use Summary - Back-up Well Only

Scenario Type	Weekly Operating Hours	Weekly Water Requirements (gallons)	Water Available from Well (gallons)	Cumulative Water Required from Storage (gallons)
Summer High Demand	96	622,100	201,600	420,500
Summer Very High Demand	136	881,300	201,600	679,700
Winter Severe Cold Weather	76	565,500	201,600	363,900

Source: Exh. CRWA-PC-8.

2. On-Site Wells

The Company stated in the Original Proceeding that it conducted a six-day pump test for the primary well in July 2015 at a maximum pumping rate of 48 gallons per minute ("gpm") or 69,120 gpd (Exh. EFSB-PC-3). Exelon stated that based on this six-day pump test it did not believe that the primary well would be capable of providing enough water to meet the Facility's projected average daily water demand of 95,206 gpd, and therefore did not conduct additional testing seeking to increase the 48 gpm pumping rate (id.). Exelon reported, however, that it identified a "considerable indication" during the six-day July 2015 pump test that the primary well could be capable of a higher pump rate than 48 gpm (Exh. EFSB-PC-17).[8] Although it tested the primary well at 48 gpm, the Company reported that it subsequently applied a "safety factor" to its test results, resulting in a conservative assumption that the well could yield 36 gpm (Exh. EFSB-PC-3; Tr. 1, at 51-53).[9]

In October 2016, the Company drilled and tested a back-up well with the intention of conducting a concurrent ten-day pump test of both wells (Exhs. EFSB-PC-3; EFSB-PC-17). Exelon stated that an initial flow test of the back-up well indicated that it would not be capable of performing at the same pumping rate as the primary well, and therefore, the Company completed one ten-day pump test of the primary well and one five-day pump test of the back-up well (Exh. EFSB-PC-3). Exelon stated that performing a ten-day pump test of the primary well would allow the Company to verify the well's performance and ability to produce a higher yield (id.). The Company initiated a pumping rate of 60 gpm on the primary well, but the pump test stabilized at 57 gpm, which would correspond to a sustained yield of 82,080 gpd

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8 The Company concluded that there was an "indication" that a higher pumping rate might be possible based on the amount of water remaining in the water column above the pump when the on-site well stabilized during the pump test (Exh. EFSB-PC-17).

9 Exelon applied a safety factor to the results of the July 2015 pump test by multiplying the pumping rate, 48 gpm, by 0.75, which resulted in a conservative sustainable yield of 36 gpm or 51,840 gpd (Exhs. EFSB-PC-3; EFSB-PC-12). Exelon noted that the safety factor is defined in the MassDEP Guidelines for Public Water Systems and the specific factor referenced by the Company would apply to non-community public water supply wells of under 100,000 gpd (Exhs. EFSB-PC-11; Tr. 1, at 50-51; RR-EFSB-3(1)). The Company noted that the MassDEP Guidelines for Public Water Systems were developed for public drinking water systems and that the Facility's wells are non-potable, non-public sources (Exhs. EFSB-PC-11; EFSB-PC-13).

(Exh. EFSB-PC-10; EFSB-PC-17).[10] Additionally, Exelon reported that the pumping rate of the back-up well would be 20 gpm with a yield of 28,800 gpd (Exh. EX-1, Att. A at 3). The Company stated that it did not expect to exceed a pumping rate for the primary on-site well of greater than 82,080 gpd during Facility operations, and that it would use its on-site storage if demand exceeded that rate (Exh. CRWA-PC-12).

Exelon noted that due to drawdown observed in the back-up well during the primary well pumping, the Company's consultants recommended conducting a concurrent pump test before pumping the on-site wells simultaneously (Exh. EFSB-PC-2(1) at 12). However, Exelon asserted that it did not have future plans to pursue simultaneous pumping and noted that it had not evaluated the environmental impacts of simultaneous pumping of the on-site wells (Tr. 1, at 86-87).

Exelon indicated that since the cumulative withdrawals from the primary and back-up wells would be less than 100,000 gpd, its on-site wells would not require registration or permitting by MassDEP (Exhs. EFSB-PC-1; EFSB-PC-5; EFSB-PC-23).[11] Furthermore, the Company stated that no new permits would be required for its modified water supply plan (Exhs. EFSB-PC-1; EFSB-PC-5).

3. Emergency Water Supply Sources

Exelon stated that it would have enough capacity from its back-up well and on-site storage to operate under a very high demand scenario without requiring an off-site water source

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10 Exelon reported that it did not incorporate a conservative safety factor to the results of the ten-day October 2016 pump test for several reasons: (1) as its primary reason, Exelon stated that the ten-day pump test confirmed the results of the six day pump test; additionally, (2) the ten-day pump test occurred following a drought period; (3) the projected yield of 82,080 gpd would be 19 percent greater than the average daily demand of 68,800 gpd; (4) the Facility's capacity factor would decrease over time; and (5) the Project would incorporate 950,000 gallons of on-site storage (Exhs. EFSB-PC-3; EFSB-PC-12; Tr. 1, at 34-39, 42, 51-52, 58-60).

11 The MassDEP threshold volume for permitting under the Massachusetts Water Management Act is an average daily withdrawal volume of 100,000 gallons for any period of three consecutive months (Tr. 1, at 69). See also 310 C.M.R. § 36.03.

(Exh. CRWA-PC-8; Tr. 1, at 75). The Company stated that the back-up well would supplement and replenish the on-site water storage if the primary well were out of service for maintenance, testing, or repairs, and would be used before the Company sought an emergency supply of water (Exh. EFSB-PC-7). However, if the primary well, back-up well, or on-site storage could not meet the Facility's water needs, the Company would consider this an "emergency" and could use trucked-in water or municipal water from Millis (id.).

a. Trucked-In Water

As stated in the Original Proceeding, the Company has obtained two letters of intent from water-trucking companies (Exh. EFSB-PC-16; Tr. 1, at 106). See also Final Decision at 75. The letters of intent indicate that the two trucking companies would be available to provide Exelon with up to 40,000 and 190,000 gallons of water, respectively, for Facility operations in an emergency situation. Final Decision at 75. Exelon confirmed that the information presented in the Original Proceeding regarding water-trucking companies, including the number of trucks and amount of available water, remains the same for the modified water supply plan (Exh. EFSB-PC-16; Tr. 1, at 106).

b. Millis Municipal Supply

Exelon stated in the Original Proceeding that it was seeking to enter into a water supply contract with Millis for an average daily demand of 48,000 gpd and peak day demand of 190,000 gpd. Final Decision at 71.[12] As of the date of the issuance of the Final Decision, the Company had not finalized a water supply contract with Millis. Id. at 72. In its Project Change Notice, the Company reported that it continued to work with the Millis Drinking Water Committee and Board of Selectman throughout 2016 and 2017 to secure a water supply contract (Exh. EFSB-PC-4).

[12] The average daily demand of 48,000 gpd was based on the difference between the Facility's water demands at a 60 percent capacity factor (95,206 gpd) and the capacity of the on-site well (51,840 gpd), plus a ten percent contingency/safety factor. Final Decision at 71.

Exelon noted that following the issuance of the Final Air Plan Approval, and the subsequent reduction in its water supply needs, the Company concluded it would not need Millis municipal water for any "routine or reasonably foreseeable operating conditions" (Exhs. EFSB-PC-4; EFSB-PC-15(C)). Exelon notified Millis of the Facility's reduced water needs and provided Millis with a proposed term sheet for an emergency water supply arrangement (Exhs. EFSB-PC-4; EFSB-PC-15(C); RR-CRWA-1). The Company stated that if it were to contract with Millis in the future as an emergency water supply source, the Facility would require the water distribution infrastructure and intra-municipal agreement described in the Final Decision (Exhs. EFSB-PC-15(C); CRWA-PC-10). See also Final Decision at 74.

4. Environmental Impacts of the Modified Water Supply Plan

With respect to the original water supply plan for the Facility, the Final Decision concluded that "[g]iven the small quantitative impact of the Project on groundwater resources and streamflow, and with implementation of the above conditions relative to water withdrawals, the Siting Board concludes that the Project would have minimal impacts on groundwater and surface water resources." Final Decision at 85. Exelon stated in this proceeding that the impact of the modified water supply plan on water resources would be even less than the "already negligible" impacts of the original water supply plan (Exhs. EX-1, at 9; EFSB-PC-25; EFSB-PC-26).

In its Project Change Notice, the Company stated that the average daily water demand of the Facility would be reduced from 95,206 gpd to 68,800 gpd (Exh. EX-1, at 2). The Company characterized this level of withdrawal as "very small" and asserted that this withdrawal would not have any measurable impacts on the Charles River and its tributaries (Exh. EFSB-PC-25).

As discussed in the Original Proceeding, the Company reiterated that the location of the Facility's on-site wells within bedrock would minimize the environmental impacts of its withdrawals (Exhs. EFSB-PC-25; EFSB-PC-26; EFSB-PC-27). Exelon stated that its on-site wells would not directly withdraw water from the Charles River or its tributaries (Exh. EFSB-PC-27). Exelon also noted that since the travel time of bedrock groundwater resources is slower compared to surface water resources, withdrawals from the wells would have less impact than if the Facility were withdrawing water directly from the Charles River or its tributaries (Exhs. EFSB-PC-25; EFSB-PC-27). Finally, the Company stated that under the

modified water supply plan, the Facility's water withdrawals would come from bedrock wells in Medway, while under the original water supply plan, the withdrawals would have come, in part, from shallow overburden wells in Millis (Exh. EFSB-PC-25).[13]

The Company reiterated that, as described in the Final Decision, it has mitigated the impacts of the Facility's water withdrawals by identifying a 432,000 gpd leak in Medway's water distribution system;[14] proposing an enhanced stormwater infiltration system for the Facility;[15] and funding a mitigation study in Millis (Tr. 1, at 126-128). See also Final Decision at 82. Exelon characterizes this mitigation as substantial and, therefore, did not propose any additional water resource mitigation in its Project Change Notice (id. at 129-130). The Company also notes that, in the Final Decision, the Siting Board directed the Company to retrofit the stormwater management system for the existing generating facility on the Summer Street site prior to commencing construction of the proposed Facility. Final Decision at 84.[16] The Company stated that it has completed the retrofit, and calculated that it would result in an additional 9,409 gpd of stormwater recharge (RR-EFSB-4).

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13 The Company stated that groundwater flowing through overburden deposits feeds into streams and ponds; and therefore, shallow overburden wells have a more immediate impact than bedrock wells do on surface water resources (Exhs. EFSB-PC-25; EFSB-PC-27; Tr. 2, at 198-199). Exelon explained that the impacts of withdrawals from bedrock wells are dampened due to the depth of bedrock wells below the ground surface and the amount of time it would take water to travel from bedrock resources to surface water resources (id.).

14 As described in the Original Proceeding, the Company funded a $40,000 leak detection study of Medway's water distribution system that identified six leaks, including a 432,000 gpd leak, which has been repaired. Final Decision at 71, 82.

15 The Company stated that the stormwater infiltration system proposed for the Facility in the Original Proceeding would recharge an additional 7,700 gpd above what is required under current regulations (Tr. 1, at 125-126).

16 Condition G of the Final Decision states: "[t]he Siting Board directs the Company, prior to construction of the Facility, to retrofit the existing facility's stormwater management system to promote groundwater recharge, consistent with the MassDEP Stormwater Handbook and the Medway Stormwater Regulations and submit the final retrofit plan to the Siting Board. Final Decision at 84, 148.

B. Positions of the Parties

1. Charles River Watershed Association

CRWA argues that, under the modified water supply plan, Exelon would use more water from its on-site wells than under the original plan, and that the Company has failed to adequately identify and minimize the environmental impacts of its increased water withdrawals from the on-site wells (CRWA Brief at 2). CRWA points out that Exelon seeks an increased withdrawal of 30,240 gpd (58 percent) from its primary on-site well (id. at 3, citing Exh. CRWA-KB-1, at 2).

CRWA argues that the Company did not analyze environmental impacts during its pump tests of the primary and back-up wells, and this contributed to Exelon's failure to provide an accurate and complete description of the Facility's environmental impacts (CRWA Brief at 5, 10, citing Exhs. CRWA-KB-1, at 4; CRWA-1). CRWA disagrees with the Company's assertion in its Project Change Notice that its modified water supply plan would have no adverse environmental impacts, asserting "the impacts are unknown, and that is not the same as no adverse impact" (Exh. CRWA-KB-1, at 4). CRWA argues that the use of piezometers,[17] a streamflow gage, and the daily collection of static water levels from the on-site wells would contribute to understanding the impacts on groundwater and nearby wetlands of pumping from these on-site wells (CRWA Brief at 5).

CRWA states that the Company's pump test data illustrate significant uncertainties regarding the potential impacts of pumping the on-site wells, including the sources of the water to be withdrawn by the wells and their areas of contribution (CRWA Brief at 10, citing Exh. CRWA-KB-1, at 6). Specifically, CRWA concludes that the data show: (1) hydraulic connections between the bedrock wells; (2) an increase of the water level in a monitoring well following a rainfall event; and (3) pre-pump test water level fluctuations in the primary well (id. at 7-10). CRWA states that these observations lead to the conclusion that the on-site wells are hydraulically connected to the surface, contrary to the Company's assertion that there is no hydraulic connection (id. at 7-8).

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[17] A piezometer is an instrument used to measure water elevation, including groundwater levels (Exh. EFSB-CRWA-2). Piezometers that are installed to monitor groundwater levels typically have a cable connecting to a data logger to allow collection and storage of data (id.).

CRWA argues that the overall impact on streamflow in Hopping Brook of the proposed withdrawals from the on-site wells would approximate the average withdrawal rate from the on-site wells, and that the withdrawals would have a measurable impact on the flow of Hopping Brook (CRWA Brief at 6). CRWA argues that the Company's withdrawals would be highest in the summer, when impacts to wetlands, Hopping Brook, and groundwater impacts would be the greatest (CRWA Reply Brief at 4).

CRWA asserts that the Siting Board should impose conditions on the Facility's water withdrawals, in part, because the Company's usage of the on-site wells would not require MassDEP permitting (CRWA Brief at 3). CRWA makes several recommendations to the Siting Board: (1) require the Company to submit to the Siting Board, prior to the commencement of construction, contracts for emergency water supplies between Exelon and (a) Millis and (b) the two identified water-trucking companies; (2) limit the daily maximum pumping of the primary well to 82,020 gpd and of the back-up well to 28,800 gpd and require a project change filing for any plan to exceed that usage; (3) prohibit simultaneous pumping of the primary and back-up wells without (a) prior performance of a concurrent pump test, (b) notification to CRWA of the Company's intention to conduct a concurrent pump test, (c) provision of the pump test results to CRWA, (d) the filing of a project change notice with the Siting Board for any proposed concurrent pumping, and (e) an agreement by the Company to use WS-2 for back-up purposes only; (4) require installation of a streamflow gage and three piezometers in nearby water and wetlands resource areas and collection of monthly static water levels from the two on-site wells, and provide annual reports; and (5) require the Company to prepare and execute a stormwater recharge plan to recharge an additional 30,000 gpd of groundwater or, alternatively to contribute $218,000 to a dedicated Town of Medway stormwater recharge fund (id. at 2, 4, 10, 13; CRWA Reply Brief at 4).

CRWA recommends three specific wetland locations for the installation of piezometers (CRWA Brief at 5, citing Exh. EFSB-CRWA-2). CRWA states that daily monitoring results from a piezometer, streamflow gage, and static water level measurements would be useful to analyze short term impacts of the Facility's water withdrawals, and monthly monitoring results would be useful to analyze their long-term impacts (Tr. 2, at 304-306). CRWA concludes that the information collected from the recommended measurement devices would contribute to the evaluation of the impact of bedrock wells on overburden aquifers, groundwater levels, and

wetlands, both generally and with respect to the Facility's well withdrawals specifically (id. at 300-302). CRWA estimated the costs for the measurement devices as follows: $5,000 to $20,000 to install a streamflow gage, $2,000 to $5,000 annually to maintain a streamflow gage, and $500 to $1,000 to install a piezometer (Exh. EFSB-CRWA-2). CRWA notes that installing the piezometers as soon as possible, especially before low-flow conditions experienced in the month of August, would allow a baseline evaluation of wetland conditions prior to commencement of the Facility's water withdrawals (Tr. 2, at 309-312).

CRWA contends that the stormwater recharge projects it has recommended could mitigate the Company's water withdrawals and that Exelon should develop a stormwater recharge plan that would equal the 30,000 gpd increase in the primary on-site well withdrawals (CRWA Brief at 11, 13). In response to Siting Board information requests, CRWA presented three recharge projects, located upstream of or within the same sub-basin as the Facility that would total approximately 7,000 gpd of stormwater recharge (Exh. EFSB-CRWA-4; CRWA Brief at 12). In its Brief, CRWA highlighted an additional four sites in Medway, located in sub-basins downstream of the Facility (CRWA Brief at 12). CRWA maintains that the total project cost, excluding annual maintenance costs, for the seven projects is $520,000 (RR-EFSB-PC-6; CRWA Reply Brief at 2-3). CRWA states that the removal of one of the seven projects, which CRWA acknowledges would require land acquisition and related costs, would bring the cost to $218,285 in 2016 dollars (CRWA Reply Brief at 3). These projects are presented below in Table 3.

Table 3: Stormwater Recharge Projects Recommended by CRWA

Site ID	Proposed Practice	Annual Recharge Volume (gpd)	Construction Costs	Land Costs	Total Project Cost	Annual Maintenance Costs	Total Annual Site Costs ($/yr)
MED-6*	Infiltration Basin	3,571	$12,000	$0	$12,000	$250	$1,000
MED-4*	Infiltration Basin/ Trench	893	$20,000	$0	$20,000	$590	$1,000
MED-27*	Infiltration Basin	2,232	$16,000	$318,000	$334,000	$320	$14,000
MED-1	Infiltration Basin	10,981	$77,000	$0	$77,000	$1,530	$5,000
MED-22	Infiltration Basin	1,875	$26,000	$0	$26,000	$510	$2,000
MED-40B	Infiltration Basin	5,446	$38,000	$0	$38,000	$760	$2,000
MED-49A	Infiltration Basin	1,964	$13,000	$0	$13,000	$270	$1,000

Source: Final Report, 2014 Sustainable Water Management Initiative Grant, "Regional Evaluation of Water Management Alternatives to Reduce Streamflow Impacts in the Upper Charles River Watershed," MassDEP, BRP 2013-06, June 30, 2014 ("2014 SWMI Report") as cited in CRWA Brief at 12; CRWA Reply Brief at 3. CRWA presented the projects marked with an asterisk in its response to an information request from the Siting Board, Exh. EFSB-CRWA-4. The remaining projects were first suggested in CRWA's Initial Brief.

2. The Company

Exelon notes that, relative to the Facility's average daily demand under the original water supply plan, the Facility's revised water needs are reduced by 28 percent when operation commences, and by 45 percent by 2025, based on the requirements of the Final Air Plan Approval (Company Brief at 7). Exelon explains that the Facility's average daily demand would be 68,800 gpd, a decrease from 95,206 gpd discussed in the Original Proceeding, and the primary well could now be pumped at a rate of 82,080 gpd, an increase from 51,840 gpd discussed in the Original Proceeding (id. at 3). Additionally, the Company argues that there is no direct hydraulic connection between the Facility's bedrock groundwater wells and the surface water resources in the Charles River basin, and maintains that its withdrawals will not directly affect the overburden aquifer or surface water resources (Company Reply Brief at 6-7). Exelon asserts that it has adequately assessed and addressed "any and all" impacts resulting from the Project Change (id. at 3).

Exelon argues that the Project Change would not increase the environmental impacts of the Facility's water withdrawals and, therefore, no further Project mitigation should be required

(Company Brief at 20). The Company argues that, given the decrease in its average daily demand under the modified water supply plan, it has already minimized environmental impacts on the Charles River watershed and its sub-basins (id. at 16-17). The Company asserts that it has already completed substantial measures to mitigate impacts from the Facility's water withdrawals (id. at 19). Exelon states that in addition to actions discussed in the Original Proceeding, it has complied with Condition G of the Final Decision by completing a retrofit of the stormwater system on the existing facility site (id. at 19-20).

Exelon states that additional mitigation recommended by CRWA would not be useful or cost-effective (Company Reply Brief at 3). The Company notes that data collected through the measurement devices recommended by CRWA may be of general interest, but would not result in meaningful data regarding Facility-specific changes to nearby water resources due to withdrawals from the on-site wells (id. at 8-10). In addition, Exelon states that the recharge projects proposed by CRWA would not contribute to the minimization of impacts consistent with costs, and specifically notes that CRWA's cost values underestimate the costs of stormwater recharge projects (id. at 16).

In response to the five specific conditions recommended by CRWA, the Company states that it does not oppose the following: (1) limiting the daily maximum pumping rate of the primary and back-up on-site wells to 82,080 gpd and 28,800 gpd, respectively; and (2) requiring a concurrent pump test before any simultaneous pumping of the wells (Company Reply Brief at 15). Exelon stated that it opposes the additional three recommendations: (1) retention of Condition K of the Final Decision and its requirement of signed pre-construction contracts for trucked-in water and signed contracts for emergency water supply with Millis; (2) installation of measurement devices such as streamflow gages and piezometers; and (3) completion of additional recharge projects (id. at 8-16).

C. Analysis and Findings

In Section I.C., above, the Siting Board found that the Company's modified water supply plan for the Facility may have impacts on water resources in addition to, and different in kind or degree from, those of the original water supply plan. Consequently, we found that the Project Change could alter in a substantive way assumptions or conclusions reached in the Siting Board's analysis of the Project's environmental impacts in the Original Proceeding. We

therefore have conducted further inquiry with respect to the modified water supply plan. Here, we analyze, and state our findings regarding the potential environmental impacts of the modified water supply plan, based on the record in the Original Proceeding and the further inquiry we have conducted in this Project Change proceeding.

The record shows that the average daily water demand for the Exelon Facility has changed following issuance of the Siting Board's Final Decision approving the Facility on November 18, 2016. Specifically, based on air quality-related requirements in the Final Air Plan Approval for the Facility issued by MassDEP on December 19, 2016, the Facility's average daily demand would be no more than 68,800 gpd, a decrease from 95,206 gpd in the Original Proceeding.[18] In response to this reduction in allowable water use, the Company changed its original water supply plan and, in compliance with the Final Decision, submitted a Project Change Notice seeking approval for a modified water supply plan reflective of the requirements in the Final Air Plan Approval. The record shows that the Company's characterization of its withdrawals as "very small" was based on an annual average withdrawal of 68,800 gpd. To limit impacts, the Siting Board directs the Company to limit annual withdrawals from site groundwater to no more than 68,800 gpd on an annual average.

The Company's modified water supply plan relies on two on-site wells and a water storage system. Unlike the original water supply plan, it no longer includes use of off-site water from the Millis municipal water system. Based on the results of a Company-conducted pump test, the record shows that the Facility's primary on-site well would be capable of providing 82,080 gpd of operational water, and the on-site back-up well would be capable of providing 28,800 gpd. Accordingly, the Siting Board directs the Company to limit the daily maximum pumping of the primary on-site well to 82,080 gpd, and the back-up on-site well to 28,800 gpd. The record shows that, within these limits, the two wells would provide adequate on-site well capacity and water storage for the Facility's operation under reasonably foreseeable and high

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[18] The Final Air Plan allows for inter year over compliance credits for CO_2 emissions (Final Air Plan Approval at 73, Condition 25). However, in this proceeding Exelon represented that its capacity factor would not exceed 43 percent in any year, and as discussed above, the declining CO_2 emission limits on the Project would reduce the capacity factor to 33 percent in 2025 and would continue to decline annually until 2050 (id. at 72, Condition 23).

demand circumstances. Additionally, the record shows that Exelon has taken steps to secure an emergency trucked-in water supply should that become necessary.

To date, Exelon has not performed a pump test or modeling of the environmental impacts of a simultaneous pumping arrangement. The record shows that the Company is not currently planning to conduct simultaneous pumping. The record in this case does not provide information regarding the environmental impacts of simultaneous pumping of the primary and back-up on-site wells. Therefore, the Siting Board directs the Company to refrain from simultaneous pumping of the primary and back-up on-site wells. Should the Company at some point in the future intend to pump the primary and back-up on-site wells simultaneously, it shall first complete a concurrent pump test and file a Notice of Project Change with the Siting Board that includes the results of the pump test.

The Company argues that additional mitigation measures beyond those already implemented by Exelon or required in the Final Decision are not necessary, on the basis that the Facility's water withdrawals under the Project Change Notice would be less than those presented in the Original Proceeding. The Siting Board notes that in the Final Decision, it found that "[t]he withdrawals from the Millis municipal system would be subject to cumulative withdrawal limits under WMA regulations, and Millis would be required to mitigate impacts of water withdrawals if the baseline is exceeded." Final Decision at 84. The Siting Board did not order specific mitigation related to the Company's withdrawals from Millis' municipal system due to the mitigation and minimization efforts that may have been required under Millis' WMA permit. However, as noted above, the Siting Board did require mitigation related to the Company's use of its primary on-site well, in the form of stormwater management improvements. Here, the record shows that the Company could be increasing water withdrawals from the primary well by as much as 58 percent. This is a potentially significant increase. The Siting Board finds, based on the record, that the Company has not sufficiently demonstrated that this increase would have no adverse environmental impacts, in particular, on local groundwater or wetlands resources. Accordingly, the Siting Board finds that additional mitigation for the increase in on-site groundwater well withdrawals is appropriate.

With respect to potential mitigation measures, CRWA requested that the Company monitor water levels with three different technologies: piezometers for shallow groundwater in nearby wetlands; a stream gage station for surface water; and static water level monitoring in the

bedrock primary and back-up wells. The record shows that in this application, the piezometers would be a relatively low cost and effective way to gather data regarding the potential effect of withdrawals from the Facility's on-site wells on wetlands and groundwater. Accordingly, the Siting Board directs the Company to install three piezometers at the wetland locations recommended by CRWA in its response to Exhibit EFSB-CRWA-2(1). Alternatively, the piezometers may be installed at locations determined by the Medway Conservation Commission and any other Conservation Commission with jurisdiction over the wetland locations recommended by CRWA for piezometers. The Company shall provide monthly data from the piezometers to the local Conservation Commissions and to CRWA for the first five years of the Facility's commercial operation. The piezometers shall be installed within 120 days of the issuance of the final decision in this proceeding, or as soon as practicable given permitting requirements, to allow for data collection prior to the commencement of the Facility's operation, and the Company shall notify the Siting Board and CRWA of the dates and locations of the installations.

With respect to the proposed stream gage and static water level monitoring, the record shows that, if they were to occur, surface water level changes due to withdrawals from the two on-site wells on the Charles River and its tributaries, such as Hopping Brook, would be very small and difficult to detect. The record also shows that the installation and maintenance costs of a stream gage station are relatively high, as compared, for example, to piezometers. Accordingly, the Siting Board concludes that the record does not support a finding that the installation of a stream gage station would constitute appropriate mitigation for the Facility's potential water resource impacts. Measuring the static water levels of the on-site wells may provide information regarding the functionality of the wells themselves, which may be of use to the Company in evaluating the Facility's operation, but is less useful with regard to evaluating or mitigating environmental impacts. Further, the record does not contain evidence establishing an adequate nexus between monitoring of the on-site wells water levels and mitigation of the Facility's environmental impacts to warrant the requiring of such monitoring by the Siting Board as environmental impact minimization or mitigation. Additionally the Siting Board notes that the Final Air Plan Approval requires the metering of on-site wells (Final Air Plan Approval at 56, Condition 49).

Based on the 2014 SWMI Report specifically evaluating potential water recharge projects within Medway, CRWA identified three groundwater recharge projects that would promote recharge upstream or within the same Charles River sub-basin as the Facility. The Siting Board notes that the two sites identified as MED-27 and MED-4 have a considerably higher cost per recharge volume than the third site, MED-6. The third project, MED-6, would provide 3,571 gpd of groundwater recharge at a construction cost of $12,000.[19,20] The Siting Board finds, based on: (a) the 2014 SWMI Report; (b) the testimony of CRWA's expert; and (c) evidence on the potential impact of the Facility's withdrawals from its on-site wells in the record of this proceeding, that the recharge identified in the record as MED-6 is a reasonable, cost-effective mitigation measure that, consistent with G.L. c. 164, § 69J¼, would minimize environmental impacts of the Facility consistent with the minimization of costs associated with the mitigation, control, and reduction of such environmental impacts. Accordingly the Siting Board directs the Company to complete the recharge project identified as MED-6 in the MassDEP Report and notify the Siting Board and CRWA of compliance.

Finally, in its Project Change Notice, the Company stated that three conditions in the Final Decision are no longer applicable to the Project, due to the Project Change (Exh. EX-1, at 11). Conditions F, I, and K, relate to water supply from Millis, with two of the conditions requiring pre-construction compliance. The Siting Board finds that compliance with Conditions F, I, and K is no longer required since municipal water from Millis is no longer a planned,

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19 Site MED-6 is a 1.37-acre town-owned parcel located in the sub-basin upstream of the Facility at 1 Tulip Way in Medway (Exh. EFSB-CRWA-4). Information from the 2014 SWMI Report notes that there is sufficient space to construct an infiltration basin and that this site is the second highest priority recharge site in Medway with a high suitability and low cost rating (Exh. EFSB-CRWA-4; CRWA Brief at 12, citing Exh. EX-CRWA-1(7) at 52).

20 This compares to an 893 gpd annual recharge volume at a cost of $20,000 for MED-4, and an 2,232 gpd annual recharge volume at a cost $334,000 for MED-27. See Table 3, at page 16, above. This translates to approximately $22.40 per unit of recharge for MED-4; $149.64 per unit of recharge for MED-27; and $3.36 per unit of recharge for MED-6.

regular component of the water supply plan for the Facility. Accordingly, the Siting Board hereby releases Exelon from compliance with Conditions F, I, and K in the Final Decision.[21]

In addition, Condition M in the Final Decision directed the Company to submit an annual report for the first ten years of the Facility's operation that provides the following information on a monthly basis: (a) withdrawals from the on-site well; (b) purchases from Millis's municipal system; and (c) purchases from water trucking companies. Final Decision at 148-149. Given the potential use of the back-up well to meet the Facility's water needs, the Siting Board modifies this condition to read the following:

> Condition M: The Siting Board directs Exelon to submit an annual report for the first ten years of the Facility's operation that provides the following information on a monthly basis: (a) withdrawals from the primary on-site well; (b) withdrawals from the back-up on-site well; (c) any purchases from Millis's municipal system; and (d) any purchases from water trucking companies.

Based on the record of this project change proceeding, together with the record in the Original Proceeding, the Siting Board finds that upon compliance by the Company with (1) the conditions described above and set forth again in Section III below; and (2) all representations made by the Company in the record of this proceeding and relevant representations in the Original Proceeding, the Company's plans for implementation of its modified water supply plan would minimize the environmental impacts of the proposed Facility consistent with the minimization of costs associated with the mitigation, control, and reduction of the environmental impacts of the proposed Facility.

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[21] Pursuant to G.L. c. 30A, § 8, and 980 C.M.R. § 2.08, Exelon on June 8, 2017, filed with the Siting Board a Request for an Advisory Ruling, related to the Project ("Request"). In its Request, the Company asked: (1) for an advisory ruling regarding whether the term "construction" in G.L. c. 164, § 69G would include certain site-preparation activities at the Summer Street site; or, in the alternative, (2) that the Siting Board revise Conditions F and K in the Final Decision in a manner that would allow the Company to proceed with these site-preparation activities (Request at 1). In this decision, we have expressly released the Company from compliance with Conditions F and K in the Final Decision. Since this decision grants one of the two alternative forms of relief sought in the Request, the Request is now moot.

III. DECISION

The Siting Board approves the proposed changes to the Project, consisting of the modified water supply plan as presented in the Company's February 24, 2017, Project Change Notice and in the record of this proceeding. The approval is conditioned on Exelon's compliance with (1) the six new conditions, Conditions EE, FF, GG, HH, II, and JJ, below; (2) all conditions in the Final Decision, with the exception of Conditions F, I, and K; and (3) all relevant representations by the Company in the combined record of the Original Proceeding and this project change proceeding.

Exelon is released from compliance with Conditions F, I, and K of the Final Decision, in their entirety, because these conditions apply to the Facility's use of water from the Millis municipal water system, and municipal water from Millis is no longer a planned, regular component of the Facility's water supply plan. Exelon shall comply with Condition M in the Final Decision, but as modified below to reflect the changes to the original water supply plan:

> M. The Siting Board directs Exelon to submit an annual report for the first ten years of the Facility's operation that provides the following information on a monthly basis: (a) withdrawals from the primary on-site well; (b) withdrawals from the back-up on-site well; (c) any purchases from Millis's municipal system; and (d) any purchases from water trucking companies.

The six new conditions are as follows:

> EE. The Siting Board directs the Company to limit annual withdrawals from site groundwater to no more than 68,800 gpd on an annual average.
>
> FF. The Siting Board directs the Company to limit the daily maximum pumping of the primary on-site well to 82,080 gpd and the back-up well to 28,800 gpd.
>
> GG. The Siting Board directs the Company to refrain from simultaneous pumping of the primary and back-up on-site wells. Should the Company at some point in the future intend to pump the primary and back-up on-site wells simultaneously, it shall first complete a concurrent pump test and file a Notice of Project Change with the Siting Board that includes the results of the pump test.
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> HH. The Siting Board directs the Company to install three piezometers at wetland locations recommended by CRWA in its response to Exhibit EFSB-CRWA-2(1), or, alternatively, the piezometers may be installed at locations determined in consultation with the Medway Conservation Commission, and any other Conservation Commission with jurisdiction over the wetland locations

recommended by CRWA. The Company shall provide monthly data from the piezometers to the local Conservation Commissions and CRWA for the first five years of the Facility's commercial operation. These piezometers shall be installed within 120 days of the issuance of the final decision in this proceeding, or as soon as practicable given permitting requirements, to allow for data collection prior to the commencement of the Facility's operation and the Company shall notify the Siting Board and CRWA of the dates and locations of the installations.

II. The Siting Board directs the Company to complete the groundwater recharge project identified as MED-6 in Mass DEP's 2014 "Regional Evaluation of Water Management Alternatives to Reduce Streamflow Impacts in the Upper Charles River Watershed" report and notify the Siting Board and CRWA of compliance.

JJ. The Siting Board directs that the Company shall meter any well at the Project used to withdraw process water and read the meters and record the data monthly. The Company shall operate, maintain, calibrate and replace the meters according to the manufacturer's specifications.

Because issues addressed in this decision relative to this Project are subject to change over time, construction of the Project must be commenced within three years of the date of this decision.

In addition, the Siting Board notes that the findings in this decision are based upon the combined record in this case and the Original Proceeding, to the extent that the record in the Original Proceeding remains relevant once this decision is issued. Project proponents have an absolute obligation to construct and operate the project in conformance with all aspects of the proposal as presented to the Siting Board. Therefore, the Siting Board requires Exelon and/or its successors in interest, to notify the Siting Board of any changes other than minor variations to the proposal so that the Siting Board may decide whether to inquire further into a particular issue. Exelon or its successors in interest are obligated to provide the Siting Board with sufficient information on changes to the proposed Project to enable the Siting Board to make these determinations.

M. Kathryn Sedor
Presiding Officer

Dated this August 4, 2017

APPROVED by the Energy Facilities Siting Board at its meeting on August 4, 2017 by the members present and voting. Voting for the Tentative Decision as amended: Ned Bartlett, Undersecretary of the Executive Office of Energy and Environmental Affairs, Chairman; Angela M. O'Connor, Chairman of the Department of Public Utilities; Cecile M. Fraser, Commissioner of the Department of Public Utilities; Gary Moran, Deputy Commissioner and designee for the Commissioner of the Department of Environmental Protection; Judith Judson, Commissioner of the Department of Energy Resources; Jonathan Cosco, Senior Deputy General Counsel and designee for the Secretary of the Executive Office of Housing and Economic Development; Glenn Harkness, Public Member.

Ned Bartlett, Chairman
Energy Facilities Siting Board

Dated this August 4, 2017

Appeal as to matters of law from any final decision, order or ruling of the Siting Board may be taken to the Supreme Judicial Court by an aggrieved party in interest by the filing of a written petition praying that the order of the Siting Board be modified or set aside in whole or in part. Such petition for appeal shall be filed with the Siting Board within twenty days after the date of service of the decision, order or ruling of the Siting Board, or within such further time as the Siting Board may allow upon request filed prior to the expiration of the twenty days after the date of service of said decision, order or ruling. Within ten days after such petition has been filed, the appealing party shall enter the appeal in the Supreme Judicial Court sitting in Suffolk County by filing a copy thereof with the clerk of said court. Massachusetts General Laws, Chapter 164, Sec. 69P; Chapter 25, Sec. 5.