



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Bethany A. Card
Secretary

Martin Suuberg
Commissioner

November 28, 2022

In the Matter of
Palmer Renewable Energy, LLC

OADR Docket No. 2021-010
DEP File No. : X224282
Springfield, MA

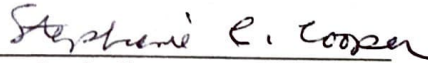
FINAL DECISION

I adopt the Recommended Final Decision of the Presiding Officer as my Final Decision in this appeal. I also add the following.

Having reviewed the evidentiary record in this appeal, I am certain that MassDEP exercised its authority and discretion appropriately in revoking the Air Quality Plan Final Approval ("FPA"). MassDEP's revocation of the FPA was warranted under MassDEP's Air Pollution Regulations at 310 CMR 7.00, and for the reasons explained in detail by the Presiding Officer in his Recommended Final Decision. Given the significant time period that has elapsed since the FPA was approved, it is necessary and appropriate to update the applicable technical analyses, as well as to consider available data pertaining to community health issues if Palmer Renewable Energy, LLC desires to obtain MassDEP approval in the future for construction and operation of the proposed Facility. Furthermore, the more recent societal context and heightened focus on Environmental Justice are relevant to this matter, as are the related requirements codified in Chapter 8 of the Acts of

2021 entitled “An Act Creating a Next Generation Roadmap for Massachusetts Climate Policy” and in the Executive Office of Energy and Environmental Affairs’ Environmental Justice policy, most recently updated in 2021. MassDEP has changed its processes for reviewing these types of permit applications, to ensure both that people living in Environmental Justice communities have a genuine opportunity to participate in decision-making impacting their health and environment, and that the environmental burdens on these communities are considered. Any future permit application seeking approval of construction and operation of the proposed Facility must be evaluated with the benefit of enhanced public engagement and the best available current scientific and public health information.

The Parties to this proceeding are notified of their right to file a motion for reconsideration of this Final Decision, pursuant to 310 CMR 1.01(14)(d). The motion must be filed with the Case Administrator and served on all parties within seven business days of the postmark date of this Final Decision. A person who has the right to seek judicial review may appeal this Final Decision to the Superior Court pursuant to M.G.L. c. 30A, §14(1). The complaint must be filed in the Court within thirty days of receipt of this Final Decision.


Stephanie Cooper
Deputy Commissioner for
Policy and Planning

SERVICE LIST/FINAL DECISION

**IN THE MATTER OF PALMER RENEWABLE ENERGY, LLC
OADR DOCKET No. 2021-010**

Petitioner/Applicant: Palmer Renewable Energy, LLC

Legal representatives: Thomas A. Mackie, Esq.
Burns & Levinson LLP
125 High Street
Boston, MA 02110
e-mail: tmackie@burnslev.com;

Peter F. Durning, Esq.
Burns & Levinson LLP
125 High Street
Boston, MA 02110
e-mail: pdurning@burnslev.com;

Peter M. Vetere, Esq.
Burns & Levinson LLP
125 High Street
Boston, MA 02110
e-mail: pvetere@burnslev.com;

MassDEP: Michael Gorski, Regional Director
MassDEP/Western Regional Office
436 Dwight Street
Springfield, MA 01103
e-mail: Michael.Gorski@mass.gov;

Legal representatives: Rebekah Lacey, Senior Counsel
MassDEP/Office of General Counsel
One Winter Street, 3rd Floor
Boston, MA 02108
e-mail: Rebekah.Lacey@mass.gov;

Marilyn Levenson, Senior Counsel
Office of General Counsel
MassDEP/Main Office
One Winter Street
Boston, MA 02108
e-mail: Marilyn.Levenson@mass.gov;

[continued next page]

[continued from preceding page]

Christine LeBel,
Chief Regional Counsel
MassDEP/Western Regional Office
436 Dwight Street
Springfield, MA 01103
e-mail: Christine.LeBel@mass.gov;

cc: Deneen Simpson, Environmental Justice Director
MassDEP Commissioner's Office
e-mail: deneen.simpson@mass.gov;

Benjamin Ericson, General Counsel
MassDEP/Office of General Counsel
e-mail: benjamin.ericson@mass.gov;

Bruce E. Hopper, Deputy General Counsel
for Litigation
MassDEP/Office of General Counsel
e-mail: bruce.e.hopper@mass.gov;

Staci Rubin, V.P., Environmental Justice
Conservation Law Foundation
62 Summer Street
Boston 02110
email: srubin@clf.org;

Peter Shelley, Senior Counsel
Conservation Law Foundation
62 Summer Street
Boston 02110
email: pshelley@clf.org;

Margaret L. Sullivan, Senior Attorney
Conservation Law Foundation
62 Summer Street
Boston 02110
email: msullivan@clf.org