

AI List of Responsibilities the BOH Should Consider As Next Steps and Action Plan.

(Credit: Sandra Poole)

Now that the EFSB has approved the Hillman Energy Center with more than 100 conditions and an appeal has been filed with the Massachusetts Supreme Judicial Court (SJC), the project is **not yet at the construction stage**. There are still several important regulatory steps, and the Tewksbury Board of Health remains a key player. The Town's own project page notes that the EFSB approval incorporated over 100 conditions, many of which focus on public health and safety and were drawn from the Host Community Agreement (HCA).

The Board of Health's responsibilities will likely include:

Reviewing and enforcing all Board of Health provisions in the Host Community Agreement. This includes ensuring Hillman submits the required plans, studies, and documentation before construction or operation, where required by the approval.

Reviewing the Emergency Response Plan. The Board should work with the Fire Department, Police, Emergency Management, and outside technical experts to determine whether the plan adequately protects nearby residents, especially those at assisted-living or 55+ communities. Topics include evacuation procedures, shelter-in-place protocols, communication systems, and coordination with regional hazardous materials teams.

Reviewing the Public Health and Safety Plan. This may include:

- air monitoring procedures,
- thermal runaway response,
- toxic gas modeling,
- water contamination response,
- noise monitoring,
- complaint procedures,
- long-term health monitoring if required by the conditions.

Ensuring independent technical review. If the EFSB decision or HCA allows peer review, the Board of Health can retain independent experts at the developer's expense where authorized.

Monitoring compliance before operation. Many conditions are "pre-operation" requirements. The Board can verify that Hillman has satisfied those conditions before the facility begins operating.

Regarding the **SJC appeal**, the appeal **does not automatically stop the project**. Unless the SJC or another court issues a stay, permitting and compliance work may continue while the appeal is pending. The appeal will determine whether the EFSB followed the law and whether its decision should stand.

What AI would encourage the Board of Health to do now. If I were advising the Board, I would recommend that it:

1. Create a public checklist of every Board of Health-related EFSB condition.
2. Hold public meetings as Hillman submits each required plan.
3. Require independent peer review of emergency and health-related documents whenever permitted.
4. Coordinate closely with the Fire Department, Conservation Commission, Select Board, and Emergency Management Director.
5. Require public reporting of compliance before construction and before energizing the facility.

Given your long involvement with this project, one thing may be especially important: **the Board of Health's role has shifted from arguing whether the project should be approved to ensuring every health and safety condition is fully met before any batteries are installed or energized.** That oversight can be rigorous and transparent, even while the SJC appeal is pending.

REVIEW conditions that are specific to the Tewksbury Board of Health

104 numbered conditions (not 108—the Town's website refers to "over 100 conditions"), many incorporate multiple obligations from the Host Community Agreement. Based on the Final Decision and the Host Community Agreement, these are the conditions and responsibilities that most directly involve the **Tewksbury Board of Health.**

Highest-priority Board of Health responsibilities

1. Emergency Response Plan (ERP)

- This will likely be the Board of Health's single most important responsibility.
- The Board should insist that the ERP addresses:
 - ✓ Thermal runaway events
 - ✓ Toxic gas releases
 - ✓ Hydrogen fluoride and other hazardous byproducts
 - ✓ Evacuation procedures
 - ✓ Shelter-in-place procedures
 - ✓ Protection of assisted-living or 55+ communities and nearby neighborhoods
 - ✓ Public notification systems
 - ✓ Medical response coordination
 - ✓ Long-term monitoring after an incident

The Board of Health should not simply receive this plan—it should scrutinize it with independent experts if authorized.

2. Hazard Mitigation Analysis

The Board should verify that the Hazard Mitigation Analysis:

- reflects the actual battery technology being installed,

- analyzes worst-case fire scenarios,
- evaluates cascading battery failures,
- includes weather impacts,
- addresses impacts on nearby residents.

This was one of the major issues repeatedly raised during the proceedings.

3. Air Quality Monitoring

The Board should determine:

- What gases will be monitored?
- Where monitors will be located?
- How quickly residents will be warned?
- What concentration levels trigger evacuation?
- Who owns and maintains the monitoring equipment?

4. Public Health Notification

The Board should require a written notification plan covering:

- Reverse 911
- Text alerts
- Door-to-door notification if necessary
- Special provisions for elderly residents
- Multilingual communications if needed

5. Groundwater Protection

Although primarily overseen by the Conservation Commission, the Board of Health also has an interest in protecting drinking water and public health.

It should review:

- contaminated firefighting runoff,
- groundwater monitoring,
- testing protocols,
- reporting requirements.

6. Noise Monitoring

The Board should review:

- baseline noise,
- operational noise,
- nighttime noise,
- complaint investigations,
- corrective actions.

7. Complaint Investigation

Residents should have a clear process to report:

- odors,
- smoke,
- vibration,
- excessive noise,
- air quality concerns,
- health complaints.

The Board of Health should receive these complaints and require documented responses.

8. Independent Peer Review

One of the strongest protections in the Decision is that **the Company must cooperate with the Town's review efforts and reimburse the Town for eligible review costs under the HCA**. That means the Board of Health can advocate for independent technical review rather than relying solely on the developer's consultants.

Conditions I would monitor most closely

If I were creating a Board of Health compliance checklist, these would be my highest priorities:

- ☐ Emergency Response Plan approved
- ☐ Hazard Mitigation Analysis completed
- ☐ Fire Department approval
- ☐ Board of Health review completed
- ☐ Air monitoring system installed
- ☐ Toxic gas modeling verified
- ☐ Evacuation plan approved
- ☐ Shelter-in-place plan approved
- ☐ Public notification procedures tested
- ☐ Groundwater protection measures verified
- ☐ Firefighting water containment confirmed
- ☐ Noise monitoring program established
- ☐ Emergency drills completed
- ☐ Public complaint system operational
- ☐ Annual reporting requirements established

One condition that deserves special attention

Condition 6 of the Final Decision is particularly important. It directs Hillman to cooperate with the Town in reviewing and evaluating the project and to reimburse the Town for review costs as provided in the Host Community Agreement. This creates an opportunity for the

Board of Health to request independent technical expertise instead of relying only on information prepared by the developer.

Given your involvement representing concerns from residents of assisted-living or 55+ communities, I also think the Board of Health should ask a practical question before approving any health-related plans:

"Can we independently verify that the proposed health and emergency measures adequately protect the nearest residential neighborhoods, including older adults, under both normal operations and worst-case emergency scenarios?"

That question stays focused on the Board's public health responsibilities regardless of the outcome of the SJC appeal.

If you'd like, I can also prepare a **Board of Health Action Plan** that lists every health-related condition, identifies **who is responsible (Board of Health, Fire Department, Hillman, or EFSB), when it must be completed, and what questions the Board should ask before accepting compliance.** That could serve as a working oversight document for upcoming Board of Health meetings.

Action plan for the board of health

Based on the EFSB Final Decision, the Host Community Agreement (HCA), and the Board of Health's authority under Massachusetts public health laws, below is a practical oversight plan. It is designed to help the Board of Health ensure that Hillman complies with every health and safety requirement before construction and before the facility begins operation.

Tewksbury Board of Health Action Plan

Hillman Energy Center Battery Energy Storage Project

Mission Statement

The Board of Health's responsibility is to protect the health and safety of Tewksbury residents by independently verifying that all health-related conditions imposed by the EFSB have been fully satisfied before construction progresses and before the battery energy storage system is energized.

Phase 1 – Organization

The Board should:

- Appoint one Board member to oversee Hillman compliance.
- Establish a public "Hillman Compliance" agenda item at every Board meeting.
- Create a public checklist tracking every Board of Health-related condition.
- Request monthly status reports from Hillman.

Phase 2 – Independent Technical Review

Before accepting any plans, the Board should determine whether independent experts should review:

- Emergency Response Plan
- Fire Safety Plan
- Hazard Mitigation Analysis
- Toxic Gas Dispersion Modeling
- Air Monitoring Plan
- Water Protection Plan
- Environmental Monitoring Plan

If permitted under the HCA or applicable law, the Board should seek reimbursement from Hillman for reasonable review costs.

Phase 3 – Documents the Board Should Review

The Board should request and review the final versions of:

Public Health

- Emergency Response Plan
- Hazard Mitigation Analysis
- Public Notification Plan
- Medical Emergency Procedures
- Air Quality Monitoring Plan

Environmental Health

- Firewater containment plan
- Groundwater protection plan
- Spill response procedures
- Hazardous waste handling procedures

Operational Safety

- Battery monitoring procedures
- Fire suppression system
- Inspection schedule
- Maintenance schedule
- Incident reporting procedures

Phase 4 – Questions the Board Should Ask

For each submission, the Board should ask:

Emergency Planning

- What is the worst-case thermal runaway scenario?
- How quickly can toxic gases reach nearby homes?
- How will assisted-living or 55+ communities residents be warned?
- Who decides whether residents should evacuate or shelter in place?
- What hospitals have been consulted?

Air Monitoring

- What gases will be monitored?
- Where will sensors be located?
- Will monitoring operate continuously?
- What concentration levels trigger public warnings?
- Who receives alerts?

Fire Protection

- How much contaminated firefighting water could be generated?
- How will runoff be contained?
- Could runoff affect wetlands or groundwater?
- Who pays for cleanup?

Noise

- What is the projected nighttime noise level?
- How will complaints be investigated?
- What corrective action is required if limits are exceeded?

Public Health

- How are vulnerable populations protected?
- Have emergency procedures been adapted for older adults and individuals with mobility limitations?
- What accommodations are available for assisted-living or 55+ communities?

Phase 5 – Public Transparency

The Board should request:

- Public presentations before major approvals.
- Public access to non-confidential plans.
- Annual compliance reports.
- Public notification before emergency drills.

Phase 6 – Construction Monitoring

During construction, the Board should monitor:

- Dust control

- Noise
- Truck traffic affecting public health
- Hazardous materials storage
- Stormwater controls related to public health

Phase 7 – Before Energization

The Board should recommend that the facility not begin operation until it has verified that:

- Emergency Response Plan has been finalized and coordinated with emergency responders.
- Fire Department training is complete.
- Emergency drills have been conducted.
- Air monitoring equipment has been installed and tested.
- Public notification systems have been tested.
- Spill response equipment is in place.
- Hazardous waste procedures are operational.
- Contact information for responsible personnel is current.

Questions for Hillman

The Board could formally request written responses to questions such as:

- How will residents be notified within the first five minutes of an emergency?
- What independent testing confirms the accuracy of the gas dispersion model?
- How will residents with limited mobility receive assistance during an evacuation?
- What long-term health monitoring will be conducted after a significant battery incident?
- How will compliance with the EFSB conditions be demonstrated to the Board of Health over the life of the project?

Recommendation

One additional step could significantly strengthen oversight: ask the Board of Health to adopt a formal resolution stating that it will not consider any health-related condition satisfied until the Board has completed its own independent review at a public meeting. Such a resolution would emphasize transparency and document the Board's commitment to fulfilling its statutory duty to protect public health.

Given your leadership in raising concerns on behalf of assisted-living or 55+ communities, this type of action plan could help shift future discussions from general objections to specific, documented compliance questions that the Board can evaluate