



# The Town of Barnstable

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June 20, 2024

The Honorable Maura T. Healey  
Governor of Massachusetts  
Massachusetts State House  
24 Beacon Street, Room 280  
Boston, MA 02133

### **RE: Onshore Components of Offshore Wind Projects**

Dear Governor Healey,

I am following up on my letter of April 4, 2024, in which the Town of Barnstable identified concerns with the safety and compliance of onshore electric infrastructure associated with offshore wind projects as they land in and traverse through communities such as Barnstable.

Having entered into Host Community Agreements with two offshore wind generating projects, the Town of Barnstable has had more skin in the game to date than any other Massachusetts community, perhaps more than any other community in the nation, to support furthering large scale offshore renewable electric generating projects. Along the way, however, these projects have brought a deep learning curve on the potential risks and the potential costs posed from a catastrophic failure of any of the physical components of these large-scale electric generating projects, particularly their substations, which use large volumes of oil and hazardous materials. A catastrophic event at a substation has the potential to release large volumes of oil (such as dielectric fluids) or hazardous material (including sulfuric acid and lead from battery systems) into surface or groundwater resources. A catastrophic fire could carry dangerous toxic smoke to nearby residences and beyond. We continue to worry about these risks, and their potential effect on public safety and natural resources, including the Cape Cod Sole Source Aquifer upon which the entire Cape relies as its only source of drinking water.

We do not believe that these risks have been considered seriously enough to date or, if that is not the case, we have not been kept informed of such developments. Our concerns should not be seen as NIMBY agitation because, again, the Town has accepted more offshore wind project landings than any other community. In doing so, the Town continues to believe that gaps exist within the existing state framework for oversight of electric infrastructure and the response to emergency conditions, and these gaps come with financial, public safety and environmental risks to cities and towns. I write regarding prudent measures that should be considered and ask for your assistance in implementing these measures, with the goal of state oversight for ensuring that such infrastructure is safe and compliant.

The state Energy Facilities Siting Board (EFSB) and Department of Public Utilities (DPU) permit projects at the state level and, in doing so, override local zoning and the public health, safety and welfare considerations on which the zoning was put in place. These decisions place more infrastructure in neighborhoods and closer to residential development and critical resources than contemplated by the Town. Once the EFSB and DPU permit a project and the project is complete, as far as we can tell, both agencies go away and leave substation oversight and compliance to the involved public utility. The Town has been used to its relationship with Eversource and their longstanding capable management of electric transmission infrastructure. With offshore wind projects landing in Massachusetts, we observe large-scale critical infrastructure now being operated by new players, with no longstanding track record of operating such infrastructure and who do so by isolating their risk through limited liability companies.

The Town has been concerned with who will respond quickly and thoroughly to a catastrophic event, if the involved LLC fails to do; and whether the involved LLC is sufficiently prepared and with financial resources. We note, for example, that Vineyard Wind's Emergency Response Plan, in the event of a fire, explosion or spill of oil or hazardous material seems to rely on "Call 9-1-1." Certainly, local first responders have a role here; but we observe better planning and coordination is needed. As the state overrides local interests, we believe the Commonwealth should ensure that risks to public health, safety and the environment are addressed quickly, including by the Commonwealth if the project proponent refuses or fails to do so, and with no cost burden to the host municipality. In that regard, the Town recommends the following, with the most important issues to the Town being covered in the first 4 bullets:

- Legislation should be enacted requiring EFSB- and DPU-permitted entities to indemnify cities and towns for their costs in responding to and cleaning up an event, such as a fire or release of oil or hazardous materials. This framework should include the Commonwealth holding harmless cities and towns for their costs to respond and address the consequences from such events. This should include legal costs arising from the need to address unsafe conditions or a threat to public health, safety or the environment. We believe this entirely appropriate because, if cities and towns shall be required by the Commonwealth to host such facilities, the Commonwealth should stand behind its permitting decision to override a city or town.
- The Commonwealth should consider and adopt enhanced safety and maintenance regulatory standards for substations with an inspection and reporting component, including for risk assessments and routine audits of equipment to ensure compliance with safety standards. Financial assurance mechanisms should be adopted to ensure that facility operators have the ability to safely operate and respond over time to planned and unplanned conditions. A regulatory official should be designated to respond to public inquiries, address complaints, and questions regarding a facility's safety and compliance.
- The Commonwealth should have a clear plan for coordination across relevant state agencies, such as the EFSB, DPU, DPH, MEMA and DEP, for emergency response to a catastrophic event, particularly a release of oil or hazardous materials from a substation. Such planning should not be left to the facility operator without a backstop at the state level. Such

plans should include the immediate-, near- and longer-term actions of state agencies, roles and responsibilities, and local notification and assistance.

- Facility-specific emergency response plans should be required, including an obligation to consult with local public safety officials, so that first responders know what they're walking into and how they may safely contain and control the situation without unnecessary personal risk. Plans should detail what tasks will be completed by the facility operator beyond "call 9-1-1", what materials are use or stored onsite, and the suggested responses to various emergency conditions.
- The Commonwealth should improve interagency coordination, perhaps with a task force including state and local officials, to coordinate efforts related to safety and liability concerns, with regular updates to municipalities regarding regulatory changes, best practices, training and emerging threats.
- Research should be funded into advanced substation technologies and risk mitigation strategies for safer and more responsible technologies, such as safer dielectric fluids and the phase out of SF6 gas.
- Statewide cybersecurity standards should be implemented for critical infrastructure, along with incident response teams, to protect against cyber-attacks that could lead to substation failures.
- An improved public education and awareness campaign should be developed to inform the public and to respond regarding project concerns. We have found challenging during projects that the public contacts the Town with concerns regarding EFSB- and DPU-permitted projects because they cannot identify a state official designated to discuss compliance matters.

We ask that you please assist us in addressing these concerns so that the risk of such an event does not become the responsibility of any city or town in the Commonwealth, and that we can move forward responsibly as part of a balanced effort to address the risks of climate change. I am available at your convenience to further discuss this important matter.

Respectfully,



Mark S. Ells  
Town Manager

cc: Lieutenant Governor Kim Driscoll  
State Senator Julian Cyr  
State Representative Kip Diggs  
State Representative Steven Xiarhos  
Town Council President Felicia Penn  
Karen L. Nober, Barnstable Town Attorney