



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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Dr. Mr. Ells:

I received your email of July 17th regarding the May 20, 2024 email I sent to Councilor Terkelson.

I apologize for any confusion my response to Dr. Terkelsen may have caused. In my response, I was answering Dr. Terkelsen's questions with general responses about authorities that the local Board of Health might have in some situations to protect public health. However, such authorities may not be applicable in all situations. In regards to concerns about the electric substation, I was not aware of the recent decision by the Energy Facilities Siting Board in EFSB Docket No. 20-01 relative to this substation. The decision limits the Town of Barnstable's authority over the substation project by providing a comprehensive exemption from all local Town of Barnstable bylaws as well as a specific exemption from compliance with the Town's groundwater protection bylaw. It is more appropriate for Town Counsel to advise the officials and boards of the town as to the limitations included in this decision. I was also unaware of the detailed conditions in the EFSB decision and other protections which have been put in place to protect the groundwater. Please refer to the attached letter dated June 28, 2024, from Undersecretary Michael Judge of our Secretary of Energy and Environmental Affairs and Dr. Robbie Goldstein, Commissioner of the Department of Public Health, which summarizes the many protections put in place for groundwater.

As to any other authority of the Board of Health relative to the sole source aquifer, it is more appropriate for Town Counsel to advise on the scope and nature of those authorities regarding the substation project. I did not intend my communication to be considered as advice to the Board of Health on its authority with respect to this particular project. I had listed actions that MassDEP has observed that boards of health have taken in the past on other projects, but this does not mean these actions would be within the scope of the Barnstable Board of Health either generally or as to the electric substation project, particularly given the restrictions in the EFSB decision.

Finally, I want to acknowledge that local boards of health do not have authority over public water suppliers. Town Counsel is correct that MassDEP has sole authority to regulate public water suppliers.

Sincerely,

John Beling
Deputy Commissioner
Massachusetts Department of
Environmental Protection

cc: Dr. Christine Terkelson