

**COMMONWEALTH OF MASSACHUSETTS
ENERGY FACILITIES SITING BOARD**

Initial Petition and Application of
Hillman Energy Center, LLC
Pursuant to Section 118 of Chapter 239 of
the Acts of 2024 for a Certificate of Environmental
Impact and Public Interest

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EFSB 26-02

**APPLICATION OF HILLMAN ENERGY CENTER, LLC
PURSUANT TO SECTION 118 OF CHAPTER 239 OF THE ACTS OF 2024 FOR A
CERTIFICATE OF ENVIRONMENTAL IMPACT AND PUBLIC INTEREST**

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I INTRODUCTION

Hillman Energy Center, LLC (“Hillman” or the “Company”) hereby files this Application seeking a Certificate of Environmental Impact and Public Interest (“Certificate”) from the Energy Facilities Siting Board (the “Siting Board” or “EFSB”), pursuant to Section 118 of Chapter 239 of the Acts of 2024 (the “2024 Climate Act”) and 980 C.M.R. 6.00, for a 125 megawatt (“MW”) standalone battery energy storage system (“BESS”) project with a four hour duration in Tewksbury, Massachusetts (the “Project”).^{1 2} On June 30, 2026, the Siting Board voted to approve the Tentative Decision approving, subject to conditions, a zoning exemption pursuant to G.L. c. 40A, § 3. *Hillman Energy Center, LLC*, EFSB 25-08, Tentative Decision (June 19, 2026) (“Tentative Decision”).³ The Siting Board should issue the Certificate because, as discussed further below and in the Initial Petition, the processing and granting of local approvals required to construct the Project have been unduly delayed and constructively denied.⁴

As required by the 980 CMR 6.05(3), by way of the underlying Siting Board decision, the Company has demonstrated (i) the need for the Project to meet the energy requirements of the applicant's market area taking into account wholesale bulk power, gas or oil sales or purchases or other cooperative arrangements with other utilities or oil companies and energy policies as adopted by the Commonwealth; (ii) the compatibility of the Project with considerations of environmental protection, public health and public safety; (iii) the extent to which construction

¹ For ease of reference, the attachments to the Initial Petition and this Application are numbered together as one sequential set.

² A draft of the Company’s proposed Certificate is provided as Attachment E.

³ The Final Decision with the Siting Board’s vote was not available in time for the statutory deadline by which to submit this Petition and Application for a Certificate. The Company reserves its right to make a supplemental filing with reference to the Final Decision, as opposed to the Tentative Decision.

⁴ As required by 980 C.M.R. § 6.02(2)(b), the Company sent written notice to the Town agencies by certified mail on May 27, 2026, thereby providing 30 days’ advance notice of the Company’s intent to file the Initial Petition if the agencies did not take immediate action to process the Company’s permit applications. See Initial Petition.

and operation of the facility will fail to conform with existing state and local laws, ordinances, bylaws, rules and regulations and reasonableness of exemption thereunder, if any consistent with the implementation of the energy policies contained in this act to provide a necessary energy supply for the Commonwealth with a minimum impact on the environment at the lowest possible cost; and (iv) the public interest, convenience and necessity requiring construction and operation of the facility.

The Company requests that the Certificate, as directed by the Legislature in Section 118 of 2024 Climate Act, comprehensively include not only those local approvals at issue, but all state and local permits, approvals, licenses, certificates or other forms of authorization that are otherwise necessary to construct and operate the Project.

To minimize administrative burdens and to allow construction the Project to proceed expeditiously, the Company is filing this Application contemporaneously with the Initial Petition (the “Initial Petition”). The Initial Petition, incorporated herein by reference and made a part hereof, demonstrates that the Company has met the criteria to file the Application and seeks approval to do so pursuant to Section 118 of the 2024 Climate Act and 980 CMR §§ 6.00 *et seq.* Accompanying the Initial Petition and Application is the Company’s motion requesting that the Siting Board accept the Company’s application for a Certificate of Environmental Impact and Public Interest and Approve Service and Notice (the “Motion for Simultaneous Filing”),⁵ and the Company’s motion requesting that the Siting Board take official notice and incorporate the record from EFSB 25-08.

⁵ The procedure of submitting the Initial Petition and Application simultaneously, accompanied by a motion to approve their concurrent filing, was previously approved by the Siting Board in *Vineyard Wind LLC*, EFSB 19-05, Presiding Officer Stamp Approval of Motion to Serve and Notice Application for a Certificate Subsequent to Filing Application (August 7, 2019), and *NSTAR Electric Company d/b/a Eversource Energy*, EFSB 22-01, Ruling on Eversource’s Motion (March 8, 2022).

II. PROJECT DESCRIPTION

The Project will consist of a 125 MW / 500 MWh BESS and related infrastructure, including a new substation, located on approximately 4.3 acres of previously developed industrial land at 73-75 Hillman Street in Tewksbury. The Project also includes a new electric transmission interconnection (“the Transmission Interconnection”). The Project will be interconnected to National Grid’s existing Tewksbury 22 Substation (the “Interconnection Substation”) located off Power Company Road in Tewksbury.⁶ The Project is further described in more detail in the Initial Petition (at 4-5) and in the Tentative Decision at 1-6.

III. SITE SELECTION

As determined by the Siting Board based on the extensive record evidence in the underlying docket, the Company conducted a reasonable analysis of alternative sites prior to choosing the Project Site. (*Tentative Decision* at 30-32). The Company chose the Project Site due to the Project Site’s proximity to a point of interconnection with sufficient capacity to accommodate the Project, the adequate size of the lot, the distance from residential developments, location in an industrial zone, and history of industrial and commercial uses. As the EFSB found in the Tentative Decision, the Project Site “has clear advantages over other Candidate Sites, adequately demonstrating that the preferred site is reasonably necessary for the convenience and welfare of the public.” (*Tentative Decision* at 31-32).

IV. PROCEDURAL BACKGROUND

The procedural background is set forth in the Initial Petition, which is incorporated herein by reference. The Initial Petition sets forth the reasons for which it is necessary and appropriate

⁶ Exh. HEC-1 at 1 (see Attachment A-Supplemental thereto for the Project’s Civil Drawings).

for the Siting Board to issue a Certificate and provides the specific grounds and bases supporting the Company’s request for a Certificate pursuant to Section 118 of the 2024 Climate Act.

Table 4-1 provides a complete list of all licenses, permits, and other regulatory approvals already obtained for the Project, in accordance with 980 C.M.R. 6.03(k).

Table 4-1 Licenses, Permits, and Approvals Already Obtained

Regulatory Authority	Permit/Review/Approval
Massachusetts Energy Facilities Siting Board	Tentative Decision on the Petition of Hillman Energy Center, LLC Pursuant to G.L. c 40A § 3 approved by the Siting Board on June 30, 2026.
Massachusetts Historic Commission	The Company initiated a formal consultation with the MHC through the submission of a Project Notification Form in March of 2025. By email, dated July 16, 2025, the MHC confirmed that it did not have comments on the Project, indicating that the MHC did not require any additional studies related to historic or cultural resources. ⁷ See

Per 980 C.M.R. 6.03(1), Table 4-2 provides a complete list of all other licenses, permits, and approvals expected to be required for the Project, including a description of whether applications have been filed and their status.

Table 4-2 Licenses, Permits, and Approvals Not Yet Obtained

Regulatory Authority	Permit/Review/Approval	Application Date	Status
Federal			
Environmental Protection Agency	NPDES Construction General Permit for Stormwater Discharges	Not yet filed.	Anticipate filing the Notice of Intent (NOI) approximately 45 days prior to the start of construction.

⁷ EFSB 25-08, Tr. 1, at 34-35 (“We have received additional communication by email from the Massachusetts Historic Commission regarding our project notification form. . . . In that email . . . they indicated that they have no concerns.”); *Tentative Decision* at 32 n. 19, 92.

			Coverage begins 14 days after NOI filing.
Army Corps of Engineers	Self-Verification Notification Filing under Massachusetts General Permit of Section 404 Federal Clean Water Act	Not yet filed.	May be needed depending on path of Transmission Interconnection. Anticipate filing at least 3 months prior to the start of construction. Anticipate approval within 60 days of filing.
State			
Tewksbury Conservation Commission	Massachusetts Wetlands Protection Act Order of Conditions for BESS and new substation	Filed May 7, 2026.	Under review. Expect a 90-day approval process.
Tewksbury Conservation Commission	Massachusetts Wetlands Protection Act Order of Conditions for Transmission Interconnection	Not yet filed.	May be needed depending on path of Transmission Interconnection. Expect a 90-day approval process.
Local			
Tewksbury Conservation Commission	Tewksbury Wetland Bylaw Order of Conditions for BESS and new substation	Filed May 7, 2026.	Under review. Expect a 90-day approval process.
Tewksbury Conservation Commission	Land Disturbance Permit for BESS and new substation	Filed May 7, 2026.	Under review. Expect a 90-day approval process.
Tewksbury Conservation Commission	Tewksbury Wetland Bylaw Order of Conditions for Transmission Interconnection	Not yet filed.	May be needed depending on path of Transmission Interconnection. Expect a 90-day approval process.
Tewksbury Conservation Commission	Land Disturbance Permit for Transmission Interconnection	Not yet filed.	May be needed depending on path of Transmission Interconnection. Expect a 90-day approval process.

Tewksbury Inspectional Services Department	Building Permit Electrical Permit Mechanical Permit Demolition Permit Certificate of Occupancy Alarm System Permit	Not yet filed.	Anticipate filing Q3 2026. Expect a 60-day Approval process.
Tewksbury Department of Public Works	Trench Permit Right-of-Way Permit	Not yet filed.	Anticipate filing Q3 2026. Expect a 60-day Approval process.
Tewksbury Fire Department	Massachusetts Fire Code, 527 CMR 1.00 <i>et seq.</i> Fire Permit	Not yet filed.	Anticipate filing Q3 2026. Expect a 60-day Approval process.

V. LEGAL AUTHORITY AND STANDARD OF REVIEW

A. Siting Board Authority

The Siting Board is the preeminent state agency in Massachusetts charged by the Legislature with overseeing and permitting the siting, construction and operation of jurisdictional energy facilities in the Commonwealth to ensure a reliable supply of energy at the lowest possible cost and with the least environmental impact. G.L. c. 164, §§ 69G *et seq.*; *see, e.g., Alliance to Protect Nantucket Sound, Inc. v. Energy Facilities Siting Bd.*, 457 Mass. 663, 667 (2010) (“Alliance II”); *Alliance to Protect Nantucket Sound, Inc. v. Energy Facilities Siting Bd.*, 448 Mass. 45, 46-47 (2006) (“Alliance I”); *City Council of Agawam v. Energy Facilities Siting Bd.*, 437 Mass. 821, 822 (2002) (“Agawam”); *Box Pond Ass’n. v. Energy Facilities Siting Bd.*, 435 Mass. 408, 409-10 (2001) (“Box Pond”); *Town of Andover v. Energy Facilities Siting Bd.*, 435 Mass. 377, 378-79 (2001) (“Town of Andover”).

On November 20, 2024, Governor Maura Healey signed legislation to accelerate progress towards the state’s goals of net zero greenhouse gas (“GHG”) emissions by 2050. “An Act Promoting a Clean Energy Grid, Advancing Equity and Protecting Ratepayers,” St. 2024, c. 239 (“2024 Climate Act”). Under Section 118 of the 2024 Climate Act, the Siting Board has also

been delegated the statutory authority to issue Certificates of Environmental Impact and Public Interest for energy storage systems that are at least 100 megawatt hours in size if the developer receives a comprehensive zoning exemption from the Siting Board within a defined window of time, prior to the implementation of the Consolidated Permit provisions of the 2024 Climate Act, which go into effect July 1, 2026.

The energy facilities siting board shall, consider an application for a certificate of environmental impact and public interest if it finds that any state or local agency has imposed a burdensome condition or limitation on any license or permit. An energy storage system, with respect to which a certificate is issued by the energy facilities siting board, shall thereafter be constructed, maintained and operated in conformity with such certificate and any terms and conditions contained therein.

2024 Climate Act, § 118(c). Notably, the Legislature provided that no state or local government agency can prevent the construction or operation of a facility for which the Siting Board has granted a Certificate, as follows:

when so issued no state agency or local government shall require any approval, consent, permit, certificate or condition for the construction, operation or maintenance of the energy storage system with respect to which the certificate is issued and no state agency or local government shall impose or enforce any law, ordinance, by-law, rule or regulation nor take any action nor fail to take any action that would delay or prevent the construction, operation or maintenance of such energy storage system except as required by federal law; and provided further, that the energy facilities siting board shall not issue a certificate, the effect of which would be to grant or modify a permit, approval or authorization, which, if so granted or modified by the appropriate state or local agency, would be invalid because of a conflict with applicable federal water or air standards or requirements.

Id. § 118 (d).

Section 118 is modeled after the Siting Board's existing Certificate statute, G.L. c. 164, §§ 69K1/2-69O1/2, and its implementing regulations at 980 CMR 6.00. *See Tentative Decision* at 164. The Siting Board has adjudicated numerous Certificate petitions under its existing authority and has amassed a body of precedent on Certificate proceedings which informs its

current review. *Id.* at 164. Pursuant to 980 C.M.R. § 6.05(3)(a), the decision must include the Siting Board’s findings and opinions on the following topics:

1. the need for the facility to meet the energy requirements of the applicant’s market area taking into account wholesale bulk power or gas sales or purchases or other cooperative arrangements with other utilities and energy policies as adopted by the Commonwealth;
2. the compatibility of the facility with considerations of environmental protection, public health and public safety;
3. the extent to which construction and operation of the facility will fail to conform with existing state and local laws, ordinances, by-laws, rules and regulations and reasonableness of exemption thereunder, if any, consistent with the implementation of the energy policies contained in this chapter to provide a necessary energy supply for the Commonwealth with a minimum impact on the environment at the lowest possible cost; and
4. the public interest, convenience and necessity requiring construction and operation of the facility.

980 CMR § 6.05(3)(a).

The Siting Board bases its findings and opinions “on both the record developed in the Certificate proceeding and the record developed in the underlying Siting Board proceeding in which the Board reviewed and approved the proposed facility.” *Woburn-Wakefield*, at 25; *see also Exelon West Medway, LLC*, EFSB 17-01, at 12 (2017) (“Exelon West Medway”); *Cape Wind Associates, LLC*, EFSB 07-8, at 13 (2009) (“Cape Wind”). The Siting Board will not “relitigate. . . issues already fully and fairly determined in the underlying proceedings;” it will review “the decision from the underlying EFSB proceeding,” and “determine[] the extent to which new information has been developed or the circumstances of a project may have changed in the intervening period.” *Woburn-Wakefield*, EFSB 18-03, at 25. When an applicant challenges an adverse agency permitting decision, the Siting Board will also “verif[y] that issues raised by the state or local agency . . . whose actions are the subject of the Application have been addressed in a comprehensive manner by the Board,” either in its initial review of the facility

under § 69J or in its subsequent review under § 69K. *Cape Wind*, EFSB 07-8, at 13; *see also Woburn-Wakefield*, EFSB 18-03, at 25. Finally, the Siting Board considers whether an applicant has made a good faith effort to obtain necessary approvals, but, consistent with G.L. c. 164, § 69O, does not require a finding of good faith effort as a prerequisite for the grant of a Certificate. *Woburn-Wakefield*, EFSB 18-03, at 45; *Exelon West Medway*, EFSB 17-01, at 34-35.

B. Application Requirements

The Siting Board's regulations at 980 C.M.R. 6.03(3) specify the required contents of this Application. Many of these requirements were provided comprehensively in the record in EFSB 25-08.⁸ Hillman provides the required contents of the Application as follows⁹:

1. A 1:24,000 scale United States Geologic Survey (USGS) topographical map with transparent overlays showing the boundaries of the site and the precise location of the subject facility. (980 CMR 6.03(3)(d) (*see* Attachment K));
2. Aerial Locus Map and Existing Conditions Map. (980 CMR 6.03(3)(e) (*see* Attachments L-M));
3. A detailed description of and plans for the Project. (980 CMR 6.03(3)(f) (*see* Section II for a detailed description of the Project. *See* Attachment A-Supplemental in EFSB 25-08 and Exh. RR-EFSB-21(1) for design plans of the Project));
4. Photographs of the Project Site, and, if relevant, of the facility. The photographs shall be accompanied by a description of the camera or cameras and lens or lenses used and by a map showing the points from which and direction in which the photographs were taken (980 CMR 6.03(3)(g) (Exhs. EFSB-V-1; EFSB-V-1(S1); D/S-G-16(1); RR-EFSB-3(1); RR-EFSB-4; *see* Attachment N));
5. Aerial photographs of the Project Site. (980 CMR 6.03(3)(h) (*see* Exhibits RR-EFSB-3(1); RR-EFSB-3(2); RR-EFSB-4(1); RR-EFSB-4(2); and Attachment L);
6. A copy of each study that Hillman has made of the environmental impact of the Project (980 CMR 6.03(3)(i) (*see* Section VI below and Attachments D and E of Hillman's Zoning Exemption Petition (Exhs. HEC-1(4), HEC-1(5), and HEC-1(6);

⁸ As noted above, Hillman is including a motion that official notice be taken of the evidentiary record in the underlying proceeding in EFSB 25-08. *See* 980 C.M.R. 1.06(7).

⁹ The Siting Board has held that those provisions of 980 C.M.R. § 6.03(3) relating to long-term forecasts, 980 C.M.R. § 6.03(3)(a), (b), (c), and (o), are not applicable to entities such as the Company that do not prepare such forecasts. *See, e.g., Exelon West Medway*, EFSB 17-01 at 6 (2017).

Attachments C-Supplemental and D-Supplemental, and Attachments H-K of Hillman’s December 4, 2025 supplemental filing in EFSB 25-8; EFSB-NO-1 through EFSB-NO-8; EFSB-W-1 through EFSB-W-17; *see* the Stormwater Management Report included as Attachment H to Exh. RR-EFSB-21(1));¹⁰

7. A statement of the reasons for the choice of the Project location. (980 CMR 6.03(3)(j) (*see* Section III));
8. A complete list of all licenses, permits and other regulatory approvals already obtained for the Project. (980 CMR 6.03(3)(k) (*see* Section IV));
9. A complete list of all other licenses, permits and approvals expected to be required for the Project, along with a description of the status of each such application. (980 CMR 6.03(3)(l) (*see* Section IV));
10. A statement setting forth Hillman’s need for the Certificate. (980 CMR 6.03(3)(m) (*see* Section I));
11. A copy of every decision by and study by the agency or agencies complained of concerning the subject facility. (980 CMR 6.03(3)(n) (*see* Attachments A-D and G-J, herein; Exhs. BOH RR-EFSB-21, RR-EFSB-22, and RR-EFSB-23 (May 22, 2026));
12. Such other information as the applicant deems relevant. (980 CMR 6.03(3)(p))

The Company is requesting, through its attached Motion for Approval to Serve and Notice Subsequent to Filing, for a waiver of the requirement of 980 CMR 6.03(4) that an application for a Certificate shall be accompanied by an affidavit of notice.

VI. ANALYSIS

As Hillman has detailed in its Initial Petition, the Tewksbury Board of Health’s (“BOH”) assertion of jurisdiction has unduly precluded and delayed construction of the Project and necessitates the need for Certificate in order for the Project to proceed.

Consistent with its statutory mandate, the Siting Board should issue Hillman a composite Certificate. Issuing a Certificate would be consistent with Section 118 of the 2024 Climate Act and the Siting Board’s regulations at 980 C.M.R. § 6.05(3) because: (i) the BOH’s actions have

¹⁰ The Siting Board thoroughly reviewed the Project’s environmental impacts in EFSB 25-08 and are discussed at length in the Tentative Decision. *See Tentative Decision* at 32-110.

imposed burdensome limitations on and delayed the Project, preventing its construction and operation; (ii) the Project is needed; (iii) the Project is compatible with environmental protection, public health, and public safety; (iv) the Project conforms to state and local laws and reasonable exemptions thereunder; and (v) the Project is in the public interest. These and related matters were comprehensively evaluated and decided favorably in the Tentative Decision and need not be relitigated. *See Woburn-Wakefield*, EFSB 18-03, at 25, *citing Exelon West Medway*, EFSB 17-01, at 12 and *Berkshire Power Development, Inc.*, EFSB 98-6, at 18-19 (1999). In addition, Hillman has made a good faith effort to obtain all relevant permits and approvals. Accordingly, this Application should be approved.

A. The Board of Health's Actions Have Imposed Burdensome Limitations

Pursuant to Section 118(c) of the Climate Act, “[t]he energy facilities siting board shall, upon petition, consider an application for a certificate of environmental impact and public interest if it finds that any state or local agency has imposed a burdensome condition or limitation on any license or permit.”

Delay may constitute a burdensome condition or limitation. *Conservation Law Found. v. Energy Facilities Siting Bd.*, 494 Mass. 594, 600 (2024). A denial of a permit may also constitute a burdensome condition or limitation. *City Council of Agawam v. Energy Facilities Siting Bd.*, 437 Mass. 821, 827-828 (2002). Here, the BOH has asserted jurisdiction over the Project and continues to claim that it is obligated to exercise its authority to regulate “nuisances” under G.L. c. 111. (*See* BOH Position Statement at 4; *Tentative Decision* at 164). The BOH has demonstrated that it will exercise its alleged jurisdiction, having already commenced a site assignment proceeding under G.L. c. 111 § 143 and/or §150A, only later voting to withdraw that proceeding. (Attachment C - Tewksbury BOH Meeting Minutes from October 16, 2025; Attachment D Tewksbury BOH Special Emergency Meeting Minutes from October 29, 2025). The BOH has stated that it may

institute a proceeding at any time under its jurisdiction. (BOH Initial Brief at 5). If it does so, the BOH is expected to either a) deny the Project or b) implement conditions that far exceed what has been imposed by the Siting Board in the underlying docket, EFSB 25-08. As discussed in the Initial Petition, many of those conditions are onerous and contradict the findings of the Tentative Decision. The inherent risk of an adverse site determination proceeding or the imposition of such conditions constitutes a burdensome condition or limitation on the Project.

B. The Project is Needed to Meet the Commonwealth’s Legislative and Policy Goals to Increase the Use of Clean and Renewable Energy and Attain Net Zero Carbon Emissions By 2050

The Siting Board fully and fairly determined that the Project serves a public need and that the public would benefit from its operation in the Tentative Decision. Consistent with applicable standards, the Siting Board found that the Project is necessary to achieving the Commonwealth’s clean energy and environmental goals, including the Commonwealth’s procurement targets for energy storage capacity under the Global Warming Solutions Act, St. 2008, c. 298, the Clean Peak Program, and 2024 Climate Act, Section 98. *Tentative Decision* at 19-20. Specifically, the 2024 Climate Act calls for the procurement of 5,000 MW of energy storage capacity by July 31, 2030 (St. 2024, c. 239, § 98) and Executive Order 654 calls for an additional 5,000 MW of energy storage to be available online or under development by 2035. *Id.* The Siting Board also cited MassDEP guidance in the record, Exh. D/S-2, at 3, which states that energy storage facilities like the Project displace fossil-fuel powered peaker plants and therefore are “critical for Massachusetts to meet Net Zero by 2050 and to improve public health outcomes.” *Id.* at 20.

The Siting Board also reiterated its past findings that a Project’s participation in the ISO-NE wholesale market indicates “such a resource is needed for reliability purposes by Massachusetts customers and the New England market.” *Id.* at 20-21, citing *Medway Grid, LLC*, D.P.U. 22-18/22-19 (2023) and *Cranberry Point Energy Storage, LLC*, D.P.U. 22-59 (2023).

C. The Project is Compatible with Environmental Protection, Public Health, and Public Safety.

The Siting Board analyzed, in detail, the Project's compatibility with the Commonwealth's public health and safety and environmental protection policies and found that the Project was consistent with those policies. The Siting Board found that Hillman will comply with the requirements of the Massachusetts Wetlands Protection Act and its regulations, the Town of Tewksbury Wetland Bylaw, the National Pollutant Discharge Elimination System ("NPDES") General Permit for storm water discharges from construction activities. *Tentative Decision* at 62. The stormwater system will comply with the MassDEP Stormwater Standards and the MassDEP Stormwater Handbook, and the potential for any Project impacts is minimized through planned secondary containment measures, development of a Long-Term Pollution Prevention Operation and Maintenance Plan, a Construction Period Soil, Erosion, and Sediment Control Plan; and an SPCC Plan. *Id.* at 63-64. As a result, the Siting Board found that the Project will have "limited temporary impacts and negligible long-term or permanent impacts." *Id.* at 64. In fact, compared with the current condition of the Project Site, the Siting Board found that the minimal wetlands impacts coupled with a decrease in impervious surface area "results in an improvement to the existing site condition and a reduction in area flooding potential." *Id.*

Regarding the potential of contamination from stormwater or firewater, the Siting Board found that the proposed stormwater management system will be effective in filtering out pollutants and maintain water quality and aquifer recharge. *Id.* at 65. The Siting Board found that "the Project would have minimal potential to impact public water supply sources and other water resources" and that the pollution management strategies employed by the Company will minimize any potential for Project pollution. *Id.* at 66.

The Project will comply with the MassDEP Noise Policy and the Tewkesbury Use Area Noise Limit. *Tentative Decision* at 86-87. Normal operations of the Project will not produce air pollutants and will in fact reduce air emissions by displacing non-renewable generating sources. *Id.* at 103.

Additionally, the Siting Board found that Project Site-related traffic will be “negligible and significantly lower than current levels” during operation, and that the roads surrounding road network can accommodate industrial transport. *Id.* at 101. The Company will coordinate with the Town for traffic planning for additional safety during the construction process. *Id.*

The Siting Board found the Project will not produce solid or hazardous waste during operations and that the Company will manage and dispose of all construction and battery waste in compliance with applicable requirements. *Id.* at 106. Magnetic fields produced by the Project are “expected to be low and far below health-based exposure guidelines.” *Id.* at 109.

With regard to safety, the Siting Board found that the Company has committed to meeting or exceeding all relevant regulatory, design, and safety requirements for the Project, and that the Project will comply with all relevant structural engineering codes, fire protection codes, and industry standards, including NFPA 855. *Id.* at 148, 156. The Siting Board found that “the Project’s emergency monitoring, notification, training, and response measures satisfy all applicable requirements and provide a robust framework for managing and mitigating emergency scenarios.” *Id.* at 151. Finally, the Siting Board found that any fire emissions would generate “localized and rapidly dissipating impacts that *do not pose significant off-site health hazards* under potential failure scenarios.” *Tentative Decision* at 156 (emphasis added). Therefore, the Project is compatible with environmental protection, public health, and public safety.

D. The Project Conforms to State and Local Laws the Project's Operation will Result in Downward Pressure on Wholesale Electric Prices

The Siting Board found that the Project will comply with the requirements of the Massachusetts Wetlands Protection Act and its regulations, and the Town of Tewksbury Wetland Bylaw. *Tentative Decision* at 62. The stormwater system will comply with the MassDEP Stormwater Standards and the MassDEP Stormwater Handbook. *Id.* at 63, 64. While the Project will not comply with the Town of Tewksbury's strict stormwater standards in Section 5.6 of the Zoning Bylaw, the Siting Board exempted the Project from that standard. *Id.* at 64. The proposed stormwater system is consistent with MassDEP stormwater treatment requirements. *Id.* at 65.

The Siting Board found that with all noise mitigation measures, nearby sensitive receptor locations would experience noise impacts consistent with MassDEP's Noise Policy, and that the Project would meet the Tewksbury Use Area Noise Limit and would not produce any air pollutants. *Tentative Decision* at 86-87, 103.

The Siting Board found the Company will manage and dispose of all construction waste in accordance with applicable regulations and dispose of any battery waste in compliance with applicable requirements, though the Project will not routinely produce solid or hazardous waste. *Id.* at 106. The Project will comply with all relevant structural engineering codes, fire protection codes, and industry standards, including NFPA 855, and the Project will commence construction only after the Fire Department has verified the same. *Id.* at 148, 152.

Furthermore, in *Moraga Storage, LLC*, EFSB 25-07 (2026), which also had to do with a utility scale BESS, the Siting Board found that the Moraga Storage project would provide additional benefits beyond facilitating renewable energy integration, including lowering peak demand and improving grid reliability and flexibility, which would place downward pressure on costs for all ratepayers. *Moraga Storage, LLC*, EFSB 25-07 at 26 (2026).

E. The Public Interest, Convenience and Necessity Require Construction and Operation of the Project

The Siting Board found that project impacts “have been minimized and are consistent with the public convenience and welfare.” *Tentative Decision* at 156. Based on the need for or public benefit of the use, alternatives explored, and the impacts of the proposed use, the Siting Board found “the Project is reasonably necessary for the convenience or welfare of the public and is consistent with the public interest.” *Id.* at 156, 182. Delay of the Project would result in “substantial public harm.” *Id.* at 182.

F. The Company Has Made Good Faith Effort to Work With the Town of Tewksbury

As the Siting Board found, the Company has demonstrated a good faith effort to work with municipal officials of the Town of Tewksbury. *Tentative Decision* at 171, 182. The Town testified in support of the issuance of the Tentative Decision and entered into a Host Community Agreement (“HCA”) with Hillman. *Id.* at 182.

G. The Siting Board Should Issue a Composite Certificate.

As demonstrated herein, the Siting Board should grant Hillman a Certificate representing a composite of all remaining state and local permits required for construction of the Project. See Section 118 of the 2024 Climate Act. Otherwise, it is anticipated that construction of the Project would be prevented or further unduly delayed. This will in turn jeopardize the Commonwealth’s energy needs and environmental policies. It was the Legislature’s intent in the 2024 Climate Act to provide much-needed energy storage systems which have obtained zoning exemptions the option of obtaining composite certificates to proceed to construction and development. The legislature utilized the same language as that of G.L. c. 164, s. 69K, granting the Siting Board the authority to issue a “certificate...in the form of a composite of al individual permits, approvals or authorizations that would otherwise be necessary.” 2024 Climate Act, Section 118(d). When so

issued, the Legislature instructs that “no state agency or local government shall require any approval, consent, permit, certificate or condition” for the construction, operation or maintenance of the Project. Id. Nor may any state agency or local government take any action that would “delay or prevent” the construction operation or maintenance of an energy storage system. Id.

In order to effectuate the 2024 Climate Act’s purpose, fulfill its mandate, and ensure consistency with the Tentative Decision, the Siting Board should issue a Certificate representing a composite permit for the Hillman Project with respect to:

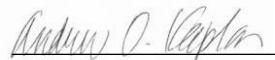
- Order of Conditions from the Tewksbury Conservation Commission under the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40) and its implementing regulations (310 CMR 10.00) for the BESS and new substation
- Order of Conditions from the Tewksbury Conservation Commission under the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40) and its implementing regulations (310 CMR 10.00) Transmission Interconnection
- Order of Conditions from the Tewksbury Conservation Commission under the Tewksbury Wetland Protection Bylaw, Title 18, Chapter 18.04 of the Town of Tewksbury Town Bylaws, and the Town of Tewksbury Wetland Protection Regulations for the BESS and new substation
- Order of Conditions from the Tewksbury Conservation Commission under the Tewksbury Wetland Protection Bylaw, Title 18, Chapter 18.04 of the Town of Tewksbury Town Bylaws, and the Town of Tewksbury Wetland Protection Regulations for the Transmission Interconnection
- Building Permit from the Tewksbury Building Department pursuant to 780 CMR
- Electrical Permit from the Tewksbury Building Department pursuant to 527 CMR 12.00
- Mechanical Permit from the Tewksbury Building Department pursuant to 780 CMR
- Demolition Permit from the Tewksbury Building Department
- Fire Permit from the Tewksbury Fire Chief pursuant to M.G.L. c. 148 and the Massachusetts Fire Code, 527 CMR 1.00 *et seq.*
- Land Disturbance Permit for the BESS issued by the Tewksbury Conservation Commission pursuant to Title 19, Chapter 19 of the Town of Tewksbury Town Bylaws.

- Land Disturbance Permit for the Transmission Interconnection issued by the Tewksbury Conservation Commission pursuant to Title 19, Chapter 19 of the Town of Tewksbury Town Bylaws.
- Certificate of Occupancy issued by the Tewksbury Building Commissioner pursuant to 780 CMR.
- Alarm System Permit in the Town of Tewksbury, pursuant to Chapter 8.04, Article I, Section 8.04.050-5.2 of the Town of Tewksbury Town Bylaws, ordinarily issued by the Tewksbury Building Department.
- An approval that is the equivalent of a Trench Permit in the Town of Tewksbury, pursuant to G.L. c. 82A and 520 CMR 14.00, and Chapter 12.04, Article VIII, Section 12.04.90 of the Town of Tewksbury Town Bylaws, ordinarily issued by the Tewksbury Department of Public Works.
- Right-of-Way Permit in the Town of Tewksbury, pursuant to Chapter 11.04, Section 11.04.040 of the Town of Tewksbury Town Bylaws ordinarily issued by the Tewksbury Department of Public Works.

VII. CONCLUSION

Hillman respectfully requests that the Siting Board approve this Application for a Certificate pursuant to Section 118 of the 2024 Climate Act and 980 C.M.R. 6.00, issue a Certificate of Environmental Impact and Public Interest for the Project with respect to the permits and approvals identified above, and grant such further relief as may be deemed necessary or appropriate by the Siting Board.

Respectfully submitted
Hillman Energy Center, LLC
 By its attorneys



Andrew O. Kaplan
 Nicholas Salalayko
 Tess Edwards
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 100 Summer Street
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Dated: June 30, 2026

List of Attachments¹¹

INITIAL PETITION	
ATTACHMENT IDENTIFIER	CONTENTS OF ATTACHMENT
Attachment A	Initial Brief of Intervenor Tewksbury Board of Health dated March 19, 2026 in EFSB 25-08
Attachment B	Position Statement of Tewksbury Board of Health, dated January 27, 2026 submitted in EFSB 25-08
Attachment C	Tewksbury BOH Meeting Minutes from October 16, 2025
Attachment D	Tewksbury BOH Special Emergency Meeting Minutes from October 29, 2025
Attachment E	Draft of Company's proposed Certificate of Environmental Impact and Public Interest
Attachment F	Company's Letter providing notice pursuant to 980 CMR 6.02(2)(b).
Attachment G	Reply Brief of Intervenor Tewksbury Board of Health dated April 3, 2026 in EFSB 25-08
Attachment H	Intervenor Tewksbury Board of Health Comments on Test Pit and Groundwater Sampling Memorandum dated April 27, 2026 in EFSB 25-08
Attachment I	Intervenor Tewksbury Board of Health Comments Regarding Hillman Supplemental Responses to Responses RR-EFSB-21(S1), RR-EFSB-22, and RR-EFSB-23(S1) dated May 22, 2026 in EFSB 25-08.
Attachment J	Intervenor Tewksbury Board of Health Comments on the Tentative Decision dated June 26, 2026.
APPLICATION	
Attachment K	A 1:24,000 scale United States Geologic Survey (USGS) topographical map with transparent overlays showing the boundaries of the site and the precise location of the subject facility.
Attachment L	Aerial Locus Map

¹¹ This is a complete list of the attachments to both the Initial Petition and the Application.

Attachment M	Existing Conditions Map
Attachment N	Photographs of the Project Site