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January 30, 2020

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
DRAFT ENVIRONMENTAL IMPACT REPORT

PROJECT NAME	: Parallel Products of New England
PROJECT MUNICIPALITY	: New Bedford
PROJECT WATERSHED	: Buzzards Bay
EEA NUMBER	: 15990
PROJECT PROPONENT	: Parallel Products of New England, LLC
DATE NOTICED IN MONITOR	: November 22, 2019

Pursuant to the Massachusetts Environmental Policy Act (MEPA; M.G.L. c. 30, ss. 61-62I) and Section 11.08 of the MEPA regulations (301 CMR 11.00), I have reviewed the Draft Environmental Impact Report (DEIR) and hereby determine that it **adequately and properly complies** with MEPA and its implementing regulations. The Proponent may prepare and submit for review a Final Environmental Impact Report (FEIR).

I received comments from elected officials, the City of New Bedford (City) and residents opposed to the project because of its noise, air quality, odor and traffic and roadway impacts and its proximity to residences and schools. Many commenters are residents of the neighborhood adjacent to the project site and are concerned that the project would affect the quality of life of residents, change the overall character of the neighborhood and impact property values. Many commenters expressed the need for a longer comment period to review the DEIR. The Proponent is required to submit additional analyses in the FEIR documenting the project's impacts and proposed mitigation measures and responding to all comments received on the DEIR. MEPA requires Proponents to prepare documents to provide opportunities for the public to understand a project's impacts, identify additional relevant information and analyses that should be provided, challenge the assumptions of the Proponent's analyses and recommend design revisions and mitigation measures. A key purpose of MEPA is to "assist each Agency in using (in addition to applying any other applicable statutory and regulatory standards and requirements) all feasible means to avoid Damage to the Environment or, to the extent Damage to the Environment cannot

be avoided, to minimize and mitigate Damage to the Environment to the maximum extent practicable.” 301 CMR 11.01(1)(a). However, MEPA does not ultimately approve or deny permits for the project. For this reason, while I expect that the FEIR will serve to provide further transparency and explanations of environmental impacts and mitigation, the many concerns about the design of the project will continue to be reviewed as the final design of the project proceeds to permitting at the conclusion of the MEPA process before the Massachusetts Department of Environmental Protection (MassDEP) and the City. This certificate is not intended to prejudge the outcome of those subsequent permitting procedures.

Project Description

As described in the DEIR, the project includes the construction of a waste management facility comprised of a glass recycling/processing facility; a solid waste handling and processing facility that will accept 1,500 tons per day (tpd) of municipal solid waste (MSW) and construction & demolition (C&D) waste; and a biosolids drying facility that will accept 50 dry tpd of biosolids.

The project will be constructed in two phases. Phase 1 includes construction of: a 27,500-square foot (sf) building for glass recycling/processing, a 23,050-sf bunker building attached to the north side of the new glass recycling/processing building, a 22,819-sf side bunker building southeast of the new glass recycling/processing building, a railroad (RR) sidetrack from the main RR line to the glass processing facility, and installation of a 1.9-megawatt (MW) solar photovoltaic (PV) array. The glass recycling/processing facility will also occupy an approximately 50,000-sf portion of an existing 92,200-sf building (“existing building”). The glass recycling/processing facility will recycle glass collected through the Massachusetts bottle deposit system. Glass processing will include crushing, sizing and separation of the glass by color. Processed glass will be stored in bunkers until it is loaded into rail cars or trucks to shipment for bottle manufacturers. Phase 1 was proposed to meet an immediate regional need for glass processing in the region by providing an alternative market for glass that would otherwise be discarded. The proponent submitted an Expanded Environmental Notification Form (EENF) in February 2019 with a Phase 1 Waiver request to allow Phase 1 to proceed prior to completion of MEPA review of the second phase of the project. A Phase 1 Waiver was granted in a Final Record of Decision (FROD) issued on May 15, 2019 and no further MEPA review of the Phase 1 project components, as described in the EENF, is required. The glass recycling facility is operating in the existing building and the 27,500-sf building has been constructed but is not yet in use. Construction of the other Phase 1 components has not commenced.

The DEIR provided additional information and analysis regarding Phase 2, which includes the MSW and C&D transfer station, the biosolids drying facility and extension of the RR sidetrack to service these facilities. The transfer station will be comprised of a 48,900-sf MSW and C&D tipping and processing building attached to the west side of the existing building, which will house sorting and processing equipment to remove waste ban items and separate out recyclable materials. The MSW tipping building will have four 70-ft high (above ground level) exhaust stacks and the MSW processing building will have three 70-ft high exhaust stacks. The biosolids facility will be constructed as a stand-alone 30,000-sf building northeast of the glass recycling facility. Biosolids processing will consist of drying the biosolids to reduce the volume and tonnage of the material prior to off-site disposal. The biosolids building will include 12 40-ft high exhaust stacks. Shipment of all outbound material will primarily occur via rail car.

Project Site

The 71-acre project site is located within the New Bedford Industrial Park at 100 Duchaine Boulevard in New Bedford. The site is generally bounded by industrial properties and Samuel Barnet Boulevard to the north, Phillips Road to the east, undeveloped land to the south, and RR tracks and the Acushnet Cedar Swamp State Reservation to the west. The site was previously developed by the Polaroid Corporation and contains access roads, parking areas, stormwater management infrastructure and numerous buildings. The Proponent purchased the site in 2016 and has relocated a portion of its processing and recycling operations from 969 Shawmut Avenue in New Bedford to the project site. The site also contains a 1.5-MW solar PV system mounted on a series of carport canopies. Access to the site is provided from Duchaine Boulevard, via an internal one-way loop roadway surrounding the proposed facility.

Most of the northern and western parts of the site are comprised of wetland resource areas, including Bank, Bordering Vegetated Wetlands (BVW), Land Under Water (LUW), and Riverfront Area. The project site is not located in Priority and/or Estimated Habitat as mapped by the Division of Fisheries and Wildlife's (DFW) Natural Heritage and Endangered Species Program (NHESP) or an Area of Critical Environmental Concern (ACEC). The site does not contain any structures listed in the State Register of Historic Places or the Massachusetts Historical Commission's (MHC) Inventory of Historic and Archaeological Assets of the Commonwealth.

Environmental Impacts and Mitigation

Potential environmental impacts associated with full-build of the project include alteration of 2.8 acres of land; creation of 2.2 acres of new impervious area (18.2 acres total at the site); alteration of 4,095 sf of BVW, generation of 568 new average daily trips (adt), use of 70,150 gallons per day (gpd) of potable water, and generation of 113,750 gpd of wastewater. Of these impacts, the following are attributable to Phase 2: alteration of 2.24 acres of land, addition of 2.2 acres of impervious area, generation of 450 adt (including 300 truck trips), use of 70,150 gpd of potable water and generation of 113,750 gpd of wastewater. Construction and operation of the facilities will emit air pollutants and odors and generate noise. The project will also emit Greenhouse Gasses in connection with its energy use and trip generation.

Measures to avoid minimize, and mitigate project impacts include constructing the project on a previously altered site; enclosing all areas where discharge, handling and processing of glass, solid waste and biosolids will occur; use of rail to transport the majority of material from the site; installation of a floor drain collection system that drains to a holding tank or sanitary sewer system to prevent groundwater contamination; operation of a 3.5-megawatt (MW) canopy-mounted solar photovoltaic (PV) generating system; erosion and sedimentation controls; stormwater management controls and implementation of Best Management Practices (BMPs) to minimize odor, dust, noise, and litter impacts.

Jurisdiction and Permitting

The project is undergoing MEPA review and requires the preparation of a mandatory EIR pursuant to Sections 11.03(5)(a)(6) and 11.03(9)(a) of the MEPA regulations because it requires State Agency Actions and will result in: New Capacity for storage, treatment, processing,

combustion or disposal of 150 or more wet tpd of sewage sludge and New Capacity of 150 or more tpd for storage, treatment, processing, or disposal of solid waste (respectively). Because it requires an EIR, the project is subject to review in accordance with the MEPA Greenhouse Gas (GHG) Emissions Policy and Protocol. The project is also subject to the Executive Office of Energy and Environmental Affairs' Environmental Justice (EJ) Policy as it is located within an EJ Population and exceeds mandatory thresholds for sewage and solid waste.

Phase 1 of the project will receive Financial Assistance from the Massachusetts Department of Transportation (MassDOT) Industrial Rail Access Program (IRAP) in the amount of \$500,000. Phase 1 will require an Order of Conditions from the New Bedford Conservation Commission (or in the case of an appeal, a Superseding Order of Conditions from MassDEP) and a new or amended Site Plan Approval from the New Bedford Planning Board.

The remainder of the project will require a Determination of Site Suitability, Authorization to Construct, and Authorization to Operate and may require a Limited Plan Approval (LPA) for air emissions from MassDEP and a NPDES General Permit (GP) for Construction and/or Multi-Sector General Permit (MSGP) for Stormwater Discharges Associated with Industrial Activity from the U.S. Environmental Protection Agency (EPA). The project will also require a number of local permits from the City of New Bedford, including: Site Assignment from the Board of Health, a new and/or Amended Order of Conditions from the Conservation Commission, and a new and/or amended Site Plan Approval from the Planning Board.

Because the Proponent is seeking Financial Assistance, MEPA jurisdiction is broad in scope and extends to all aspects of the project that may cause Damage to the Environment, as defined in the MEPA regulations. The impacts arising from Phase 2 also are closely related to the required State Permits, including MassDEP's site suitability standards for solid waste handling facilities.

Changes Since the Filing of the EENF

The Proponent identified the following changes to the project design since the filing of the EENF:

- The design of the southwest corner of the MSW building has been modified resulting in a reduction of the area of the building from 50,000 sf to 48,900 sf;
- The solar canopy has been expanded to cover the eastern end of the rail spurs;
- The configuration of the side building building has changed (but not its overall size);
- The bunker buildings will be completely enclosed to minimize noise impacts; and,
- The size of the proposed noise barrier adjacent to the biosolids building has increased to increase its noise mitigation value.

Review of the DEIR

The DEIR provided a detailed description of Phase 2, including plans of existing and proposed conditions, identified potential environmental impacts and described mitigation measures. It included reports documenting the project's air quality, odor, noise, and traffic impacts, its GHG emissions, and public outreach and public health data provided in accordance

with the EEA Environmental Justice Policy. The DEIR included a copy of the Notice of Intent and a detailed drainage study submitted to the New Bedford Conservation Commission and described impacts to wetland resource areas and proposed BVW replication and other mitigation measures. It provided a brief description of applicable statutory and regulatory standards and requirements, reviewed how the project will meet relevant standards and provided an update on the state, federal, and local permitting process. The DEIR included a Response to Comments received on the EENF and provided draft Section 61 Findings identifying the Proponent's mitigation commitments. While providing a substantial amount of information about the project, the DEIR did not follow the format prescribed in the Scope included in the EENF. The Proponent should review the formatting requirements included in the Scope below and consult with the MEPA office prior to completing the FEIR.

Solid Waste

The DEIR provided additional information on the operation of the proposed facilities, including how C&D, baled and loose MSW, and dewatered cake and thickened wet slurry biosolids, will be delivered, transferred from vehicles, processed, and shipped-off site. It described safety measures to be implemented at the facilities and reviewed how the project would seek to meet the Site Suitability criteria. As discussed below, the ultimate determination of whether these criteria are met will be left to local and state agencies at subsequent permitting stages after the conclusion of MEPA review.

Facility Operations

According to the DEIR, MSW, C&D and biosolids will be delivered to the facility by truck between 5:00 AM and 9:00 PM, Monday through Saturday. Biosolids delivery may also occur on Sunday between 6:00 AM and 6:00 PM. The facility will receive C&D, baled MSW, and loose MSW in live floor trailers, transfer trailers, and packer trucks (respectively). All material will be deposited and processed within the tipping and processing building. Trucks will be weighed on a truck scale and backed into the proposed tipping building to tip their load. Processing equipment and manual picking lines will remove waste ban items, including recyclables, from the mixed waste and separate other recyclable materials for recycling or diversionary uses. Extracted recyclables are expected to comprise 20 percent of the MSW throughput and will be sent to recycling markets by rail or truck. The facility will include two processing lines with a total capacity of 40 tons of MSW per hour. Residual waste will be baled, shrink-wrapped, and transported via rail for disposal at off-site locations. The facility will receive Category 2 (pre-processed) and Category 3 (bulky waste with minimal recyclable material) C&D, which will be delivered to the tipping facility by in trailers. According to the DEIR, MSW to be transported by rail is currently required by CSX, the company that will provide rail service to the site, to be placed in intermodal containers that are loaded on flat bed rail cars. The Proponent expects that in the future, CSX will allow MSW that is either baled and shrink-wrapped or baled and bagged to be shipped in open-topped gondola rail cars. If the MSW transport requirements are not changed, the Proponent will not install a baler and will ship all loose material by intermodal containers. The facility is anticipated to generate 1,300 tons per day (tpd) of processed MSW and C&D for disposal, which would fill approximately 14.5 rail cars (each with a capacity of 90 tons) each day.

The biosolids processing facility will accept solids from wastewater treatment plants and will have a maximum processing capacity of 50 dry tpd. All biosolids processing will be done within a separate enclosed building with ionization and biofilter odor control systems. The facility will accept dewatered cake biosolids with a solids content between 15 percent and 30 percent and thickened wet slurry biosolids with a solids content of 5 percent to 10 percent. Wet slurry biosolids will be delivered to the site in tanker trucks, which will discharge the slurry through piping to storage tanks that will be sized to hold a volume equivalent to three days of deliveries. The slurry will be dewatered to produce a biosolids cake with a solids content of 30 percent. Approximately 52,000 gallons of wastewater per day is expected to be extracted from the dewatering process and discharged into the City of New Bedford's Sewer system. The dewatered biosolids cake will be delivered to the site in covered dump trucks. The trucks will drive into the facility and dump the material into a receiving area. The dewatered cake biosolids and dewatered slurry cake will be blended together and directed to a thermal dryer that utilizes a natural gas burner. The facility will be equipped with four dryers arranged in a parallel configuration, three of which will be typically in use and the fourth on standby if another dryer becomes unavailable; if all four dryers are inoperable, the biosolids and cake will be stored within the facility until its storage capacity is reached and no more material can be accepted. Moisture evaporated from the drying process will be condensed at a rate of 30,000 gallons per day and discharged into the City's sewer system. The biosolids will be dried to approximately 90% solids and sent via railcar or truck for disposal or for beneficial reuse as landfill daily cover. According to the DEIR, the facility will include fire alarms and fire suppression systems recommended by the National Fire Protection Association to minimize the potential the risk of fires during drying operations. The dryers will include safety features such as temperature controls, measures to minimize flammable dust from entering the dryers and a fire suppression system, and will be operated to maintain oxygen-deficient conditions within the dryer. Dried biosolids will be cooled before being transferred to storage tanks, stored in oxygen-deficient conditions and monitored for temperature.

The following Best Management Practices (BMP) were incorporated into the project design to minimize potential impacts to the site and surrounding environment:

- All tipping, handling, and loading of MSW/C&D and all biosolids processing will occur within fully enclosed buildings;
- To prevent contamination of groundwater, the tipping floor will be constructed of impervious concrete and include a floor drain collection system that drains to a holding tank, or if permitted, to the sanitary sewer system;
- Use of a fine atomized misting system within the MSW handling and processing buildings to control fugitive dust and odor;
- Regular daily clean-up and sweeping to control fugitive dust on external paved surfaces;
- Use of a negative pressure air collection system, biofilter, and ionization system to reduce odors from the biosolids facility; and
- Designing building stacks with adequate heights and exit velocities to facilitate air dispersion.

On-site Rail System

The DEIR described the movement of empty rail cars from the rail spurs to the MSW facility and of full cars from the MSW facility to the rail system for transport off-site. Five rail spurs will extend onto the site from the RR at the western edge of the property. Rail cars will be delivered and removed from the site by a locomotive and an electric rail car pusher will be used to move rail cars within the site. The southernmost spur (Track 1) will end inside the northern end of the MSW transfer station. The other four spurs (Tracks 2 through 5) will be parallel and to the north of the Track 1 and extend across to the eastern part of the site. Two of the tracks will not have any rail cars in order to receive rail cars once they are filled, and the other two will have 8 to 10 empty rail cars that will be sequentially moved, two at a time, into the MSW transfer station to be filled with waste. Two rail cars will be moved into the transfer station on Track 1, filled, and moved onto an empty track. Two more empty rail cars will then be moved onto Track 1 to be filled within the MSW transfer station, then moved to the track where the two previously-filled rail cars have been stored. This pattern will continue until 10 full cars are located on one track and eight full cars are on another track, at which point a locomotive will deliver 10 empty cars to an empty track and eight empty cars to the other empty track and haul away the 18 filled cars. The DEIR did not describe how the loading and transport of rail cars will occur for the operation of the glass recycling and biosolids processing facilities; this information should be provided in the FEIR.

Site Suitability Criteria

The regulations for siting of solid waste handling facilities (310 CMR 16.00) specify 20 siting criteria that must be evaluated for a proposed facility. The EENF included an analysis of these criteria, which was supplemented in the DEIR. The DEIR asserted that the project will comply with each criterion. However, MassDEP will make the final determination regarding site suitability based on its review of the Proponent's permit application and the New Bedford Board of Health must issue a Site Assignment for the facility.

In the DEIR, the Proponent provided supplemental information regarding the proposed facility's setbacks from residences and the Riverfront Area, and its potential impacts on the Acushnet Cedar Swamp (ACS). The DEIR included land use maps showing that all waste handling facilities will be greater than 500 feet away from residences and other sensitive uses and will not be located in the Riverfront Area. To support the Proponent's finding that the project will not adversely impact the ACS, the DEIR stated that the sites are separated by the RR and a drainage swale, that waste handling will occur within buildings located at least 800 feet away from the ACS and that treated stormwater will be discharged into and will travel through a wetland system for a distance of 4,000 feet before entering another wetland system that is hydraulically connected to the ACS.

Wetlands/Stormwater

According to the DEIR, Phase 2 will not impact wetland resource areas. As previously described in the EENF, Phase 1 includes the construction of a three-sided culvert to provide a stream crossing for the main rail spur in the western part of the site. The DEIR provided updated information about the impacts and proposed mitigation associated with the crossing and included a copy of the Notice of Intent filed with the New Bedford Conservation Commission in October,

2019 (DEP File #049-0831). The proposed stream crossing will impact 4,936 sf of BVW, 60 lf of Bank, 504 sf of LUW and 2,110 sf of Riverfront Area. A BVW replication area of 8,208 sf will be constructed adjacent to the wetland impacted to the crossing. The Proponent will restore a 4,425-sf area of Riverfront Area by planting native vegetation with wildlife habitat value. According to the DEIR, the stream crossing has been designed to conform to the Massachusetts Stream Crossing Standards and will include a span exceeding 1.2 times the bankfull width of the stream, a natural bottom substrate matching adjacent sections of the stream and a wide and tall opening relative to the length of the crossing.

The project will increase impervious area by 2.2 acres. The Notice of Intent included in the DEIR described the proposed stormwater management system and reviewed how it will comply with MassDEP's Stormwater Management Standards (SMS). The stormwater management system will be designed to reduce peak discharge rates and flow volumes under post-development conditions compared to existing conditions, remove at least 80 percent of Total Suspended Solids (TSS) in runoff prior to discharge and infiltrate runoff to recharge groundwater. The project is considered a land use with higher potential pollutant loading (LUHPPL); in addition to standard requirements of the SMS, the stormwater management system must be designed to treat the first inch of runoff and remove 40 percent of the TSS prior to discharge into an infiltration system. Runoff will be directed through new drain pipes to BMPs such as sediment forebays and constructed wetlands. The project also includes Low Impact Design (LID) measures such as rain gardens. The DEIR included a Long-Term Pollution Prevention Plan and a Long Term Operation and Maintenance Plan that described operational measures to minimize release of pollutants and maintenance activities and schedule. The project's compliance with the Wetlands Regulations (310 CMR 10.00), including the SMS, will be determined by the New Bedford Conservation Commission or, upon an appeal of the conservation commission's decision, by MassDEP.

Water/Wastewater

According to the DEIR, the project's water demand will be 70,150 gpd, including approximately 2,250 gpd to be used by employees and 67,900 gpd used for operation of the facility (e.g., biosolids building cooling tower makeup water, misting system and washdown water). The project will generate 113,750 gpd of wastewater, including 2,250 gpd associated with employees, 52,000 gpd from dewatering of biosolids, 53,000 gpd from drying of biosolids and 9,500 gpd from blowdown of the cooling tower at the biosolids building. The site is connected to the City's water and sewer systems as a result of the previous use of the site. In connection with applying for increased water and sewer use, the Proponent has been coordinating with the City to establish the capacity and condition of the water and sewer systems and compliance and mitigation requirements.

The City has expressed concern that the project's wastewater discharges may include concentrations of polyfluoroalkyl substances (PFAS) that would contaminate effluent and solids produced at the City's wastewater treatment plant. According to supplemental information provided by MassDEP, while there are no state or federal effluent standards currently for PFAS, MassDEP is evaluating the implications of PFAS in wastewater, including potential sources of PFAS in the influent from industrial dischargers, and potential effects of elevated PFAS

concentrations in the effluent on downstream water supplies.¹ To the extent these efforts result in new effluent limits or testing requirements, the Proponent should be prepared to comply with those requirements. The project's wastewater discharges must also conform with any requirements the City may impose through its EPA-approved Industrial Wastewater Pretreatment Program (IPP). The Proponent must address potential contamination of wastewater and solids generated by the project in the FEIR by analyzing its ability to conform to any future regulatory requirements through installation of new testing equipment or testing as needed, or other means. More detail on this type of analysis is provided in the Scope below.

Traffic and Transportation

The EENF had previously provided an analysis of the project's transportation impacts, including a review of existing roadway conditions, a summary of crash data and traffic safety concerns and an analysis of traffic operations at area intersections under existing and proposed conditions; in the DEIR, the Proponent provided a transportation analysis that specifically addressed the vehicle trips generated by Phase 2. Because Phase 2 was included as part of the Full Build condition evaluated in the EENF, the results of the traffic study are similar. As required by the Scope for the DEIR, the DEIR provided a revised traffic analysis, including queue lengths, reflecting the four-way stop-sign controlled intersection at Braley Road/Theodore Rice Boulevard at Phillips Road. As noted in the Scope below, a revised analysis must be provided in the FEIR to support the method of calculating truck trip generation, clarify impacts of each phase and review potential mitigation measures.

The analysis in the DEIR was prepared in general conformance with the EEA/Massachusetts Department of Transportation (MassDOT) *Transportation Impact Assessment (TIA) Guidelines* issued in March 2014. It included a detailed description of existing and proposed roadway conditions, traffic patterns and crash data. The DEIR provided traffic counts in the study area, trip generation estimates and likely travel routes for vehicles arriving to and departing from the site under proposed conditions. It described future No Build and Build traffic operations over a seven-year planning period and identified mitigation measures that will be implemented to minimize impacts to the local transportation network, including Transportation Demand Management (TDM) measures. The DEIR analyzed the transportation impacts of the project in a study area including the following intersections:

- Route 140 Northbound Ramps at Braley Road;
- Route 140 Southbound Ramps at Braley Road;
- Braley Road/Theodore Rice Boulevard at Phillips Road;
- Theodore Rice Boulevard at Duchaine Boulevard;
- Duchaine Boulevard at Samuel Barnet Boulevard;
- Phillips Road at Samuel Barnet Boulevard; and,
- Duchaine Boulevard at Site Driveway.

¹ See January 29, 2020 email from Stephanie Cooper to Alex Strycky. MassDEP does plan to finalize standards for drinking water this year, and has already finalized PFAS standards for its c. 21E hazardous waste clean-up program.

Vehicles are expected to travel to the site from Exit 7 on Route 140 to Braley Road/Theodore Rice Boulevard to Duchaine Boulevard and to follow the same route back to Route 140 when leaving the site.

Trip Generation

According to the DEIR, Phase 2 will generate 300 truck trips per day on each day the facility is open, in addition to the 108 truck trips per day generated by Phase 1. Employees of the facility, including Phase 1 and Phase 2 components of the project, will generate 150 adt. Accordingly, at full buildout the project will generate 558 adt, including 408 truck trips. As noted in the DEIR, each trip represents one trip either to or from the site. Estimates of the volume and hourly distribution of truck trips was based on observations of truck traffic patterns and the number of each type (size) of trucks used to deliver and transport waste at a similar facility in Rochester. According to the DEIR, the trip generation estimate is conservative because it assumes that all material will be brought to the site and transported from the site by truck. The actual number of truck trips are expected to be approximately 300 trips per day for the full buildout because most of the material will be transported from the site by rail.

Traffic Operations

The DEIR compared traffic operations in the study area under Existing 2019, No Build 2026 and Build 2026 conditions. The Existing 2019 scenario incorporated traffic counts collected in 2018, a background annual growth rate in traffic volume of one percent per year and the trips generated by Phase 1. The No Build 2026 was based on traffic volumes in the Existing 2019 scenario with added trips due to the background growth rate over the seven-year period. The Build 2026 condition was developed by adding trips generated by Phase 2 to the No Build 2026 traffic volumes.

The DEIR provided a capacity analysis, including volume-to-capacity (v/c) ratios, delay and Level of Service (LOS) designations, under each scenario for intersections in the study area during weekday morning and evening peak periods. The LOS reflects the overall peak period operations based on the average delay per vehicle entering an intersection, including traffic speed, delay, and capacity. In general, LOS D reflects an acceptable level of operations. The analysis indicated that under Existing 2019 conditions, intersections generally operate at an overall LOS D or better, except for the following:

- The northbound movement at the Route 140 Northbound Ramps at Braley Road operates at LOS F in both weekday peak periods;
- The southbound movement at the Route 140 Southbound Ramps at Braley Road operates at LOS F in both weekday peak periods;
- The eastbound movement at the Braley Road/Theodore Rice Boulevard at Phillips Road intersection operates at LOS F in the weekday evening peak period; and,
- The westbound movement at the Braley Road/Theodore Rice Boulevard at Phillips Road intersection operates at LOS F in both weekday peak periods.

Under the No Build 2026 and Build 2026 scenarios, all intersections are expected to operate under the same conditions as the Existing 2019 scenario. Several intersections

experiencing significant delays and congestion under existing conditions (LOS F) will continue to do so under future conditions; project-generated traffic is not expected to cause any additional intersection movements to operate below LOS D. However, queue lengths at the intersection of Braley Road/Theodore Rice Boulevard at Phillips Road appear to extend to the Route 140 ramps under certain conditions. The FEIR should include a more detailed assessment of the project's contribution to lengthened queues at this intersection during peak periods.

Transportation Demand Management (TDM)

The project will implement a TDM plan to minimize single-occupant vehicle (SOV) trips to the site. As proposed in the DEIR, the TDM plan will include the following:

- Transit subsidies and/or reimbursement program for employees;
- Inform employees of transit options and bicycle and pedestrian facilities;
- Work with Southeastern Regional Transit Authority (SRTA) to improve transit service to the site;
- Implement an employee carpool program;
- Offer direct deposit to employees;
- Provide preferential parking for carpools and vanpools;
- Provide bike racks and other bike storage amenities to encourage bicycling to work by employees; and,
- Work with the City of New Bedford to Provide striped bicycle lanes on Duchaine Boulevard and shared bicycle markings along Theodore Rice Boulevard to connect the site to bicycle facilities on Braley Road.

Greenhouse Gas Emissions

The DEIR included a revised GHG analysis based on the updated site plan and comments submitted by the Department of Energy Resources (DOER) on the EENF. Conditioned buildings that must meet Building Code energy requirements include the glass processing building, the glass recycling north bunker building, and the biosolids building. According to the DEIR, the conditioned buildings will meet or exceed the applicable energy requirements of the Building Code, including the following energy-related features:

- Building envelope: Wall and roof insulation with an R-value of R-19; the biosolids will additionally have a roof insulation linear system with R-11;
- Space heating: gas heating systems (82 percent efficiency) in the glass processing and biosolids buildings;
- Ventilation: Variable frequency drives (VFD) will be incorporated into the ventilation system of the biosolids building; and,
- Lighting: LED lighting will be used throughout the site (including non-conditioned spaces) and the buildings will have a lighting power density (LPD) that is at least 20 percent below the Building Code baseline.

If the project includes only the design features listed above, stationary-source GHG emissions generated the project were estimated as 11,241 tons per year (tpy), a reduction of 152 tpy (approximately 1.3 percent) compared to the baseline design corresponding to minimum

Building Code requirements. This reduction is small, given that “stretch code” communities (currently over 275 cities and towns in the Commonwealth) requires 10 percent more reductions in GHG emissions as compared to minimum Building Code levels. The project will include a 3.5-MW solar PV generating system that will offset 1,649 tpy of GHG emissions. The DEIR included an evaluation of the use of electric cold climate heat pumps to provide space heating. The analysis concluded that GHG emissions associated with heating would decrease by up to 42 percent compared to the proposed gas-fired system, but that the system would be too costly to install and operate. Comments from DOER request clarification of several aspects of the project design and GHG modelling, the selection of a biosolids building space heating system of lower efficiency than the one proposed in the EENF and the reduced roof insulation in the glass recycling building under construction. As indicated in the Scope below, the FEIR will be required to address DOER’s comments and provide an updated analysis.

The DEIR calculated the project’s mobile-source emissions associated with vehicle trips to the site associated with hauling of waste and employees and the use of front-end loaders to move waste within the site. These GHG emissions were estimated to be 1,721 tpy. The DEIR also compared GHG emissions associated with the off-site transport of processed waste to out-of-state landfills recycling facilities by truck and rail car. The use of rail for this purpose is estimated to reduce GHG emissions by approximately 60 percent (18,802 tpy) compared to the use of trucks. The FEIR should include a revised mobile-source estimate, as necessary, if the estimate of truck trips increases.

Noise

The DEIR included a revised a Sound Level Assessment Report which provided a description of the applicable noise regulatory requirements including the MassDEP Noise Policy, a brief explanation of noise terminology, a summary of the results of the complete ambient sound level monitoring program, and a discussion of the sound level modeling analysis for the proposed project. The facility will operate 24 hours per day, seven days per week, with waste deliveries to the site from 5:00 AM to 9:00 PM. The revised analysis modelled the following primary noise sources:

- Glass recycling building: eight sidewall inlet and exhaust fans;
- MSW/C&D transfer station: tipping and loading, front-end loaders operating inside the building and seven exhaust fans on the rooftop; and,
- Biosolids facility: two dewatering process exhaust fans on the rooftop, a makeup air fan at ground level, a biofilter exhaust stack equipped with an induced draft fan at ground level and four cooling towers; apart from the rooftop fans, all equipment will be on the west side of the building to provide shielding from the residential neighborhood.

According to the DEIR, noise generated by tipping/dumping and spreading of waste by front end loaders was modelled with three garage doors open at all times to produce a conservative analysis; however, the facility will typically operate with all doors closed. The analysis also modelled updated site conditions that are expected to minimize noise intensity, including enclosing glass recycling operations in two bunker buildings, use of an electric rail car pusher, fan silencers on the inlet/exhaust fans and induced draft fan, use of a low-noise makeup

air handling unit and construction of a 100-ft long, 24-ft high L-shaped sound barrier along the southwestern corner of the biosolids building to shield the residential neighborhood from noise generated by equipment on that side of the building.

Sound levels were measured at four locations at the western and eastern boundaries of the site and at two locations closer the residential neighborhood east of Phillips Road to establish background noise levels. The analysis modelled four sound levels at four nearby residential buildings under facility operating conditions. The model predicts that daytime noise levels at the four residential sites will increase by 2-3 decibels (dBA) over existing sound levels and that nighttime sound levels will increase by 6-8 dBA compared to existing conditions. According to the DEIR, the project will comply with the MassDEP Noise Policy because the increase over background noise levels is modelled as less than 10 dBA. The modeling results also indicated that the project is not expected to create any "pure tone" conditions, as defined by MassDEP, when combined with existing background sound levels at any modeled receptor locations. The project's noise levels modelled in the DEIR are generally less than those modelled in the EENF due to the updated site conditions described above, which have been designed to minimize noise impacts.

The DEIR included an analysis of the noise impacts of on-site truck traffic based on the Federal Highway Administration (FHWA) Traffic Noise Model (TNM). Noise levels were modelled for the peak hour of trucking activity based on the traffic study estimate of the number of truck trips to the site anticipated throughout the day. Modelled noise levels from peak hour on-site trucking activity were compared to modelled existing sound levels at the same four residential locations. Noise levels under operating conditions were modelled to be below FHWA's threshold of 66 dBA and will increase by up to 3 dBA, below the Massachusetts Department of Transportation's significance threshold of a 10dBA increase over existing sound levels. Noise impacts from trucks will be minimized by enforcing a low speed limit on roadway leading to the site and prohibiting truck idling and queuing on the east side of the site closest to residential areas.

Comments from MassDEP note that the Sound Level Assessment Report did not analyze all noise sources. The noise model omitted waste delivery vehicles, processing equipment, tipping and loading of biosolids and glass, loading and movement of rail cars and short duration sounds such as backup alarms. In addition, the DEIR did not evaluate a full range of mitigation measures that could be implemented at the site to minimize noise impacts. The Proponent will be required to provide a revised noise analysis in the FEIR.

Air Quality

The DEIR included an updated analysis of the project's air and odor emissions incorporating design refinements since the EENF was filed. It provided estimates of emissions from the project, included air dispersion modelling based on emission rates, exhaust parameters and weather patterns and compared the results to state and federal standards. According to the DEIR, sources of emissions include boiler and dryer emissions through stacks on the biosolids and glass recycling buildings, vents on the biosolids, glass recycling and transfer station buildings, cooling towers associated with the biosolids building, processing equipment and trucks.

The DEIR summarized the results of an air dispersion model that predicted the spread of air pollutants emitted by the project from both stationary and mobile sources. The analysis used the Environmental Protection Agency's (EPA) AEROMOD model, which incorporates emissions from the site, local meteorological data, orientation of buildings and stacks and surrounding terrain to estimate concentrations of air contaminants outside the site boundary. The analysis modelled criteria air pollutants regulated by the EPA through the National Ambient Air Quality Standards (NAAQS), including carbon monoxide (CO), nitrogen dioxide (NO₂), coarse particulate matter (PM₁₀), fine particulate matter (PM_{2.5}) and sulfur dioxide (SO₂). According to the DEIR, the project's emissions will not contribute to an exceedance of any of the NAAQS established for these criteria pollutants.

The DEIR also included an evaluation of the project's emissions of non-criteria air pollutants using MassDEP Air Toxics Guidelines. MassDEP has established allowable ambient limits (AAL) for chemicals and threshold effect exposure limits (TELS), which are developed through an analysis of health effects of the pollutants. Non-Threshold Effects Exposure Limits (NTELS) are developed to represent exposure limits to carcinogenic chemicals associated with a one in a million excess cancer risk over a lifetime of exposure to the chemical. The TEL addresses non-cancer health effects of a chemical, including impacts to sensitive populations such as children, and takes into account pathways such as indoor air, food, soil and water, in addition to outside air. The AAL corresponds to the lower of either NTEL or TEL, which for this analysis corresponded to the TEL. According to the DEIR, the project will not cause an off-site exceedance of either the AAL or TEL for any of the pollutants. The DEIR identified site design features that will further minimize air quality impacts, including the maintenance of a vegetated buffer between the site and residential areas, support for a truck restriction on Phillips Road, monthly monitoring of air emissions and development of a system to track odor, noise and dust complaints.

The air quality analysis evaluated the maximum 5-minute-averaged odor concentrations associated with the emissions from the biosolids and MSW facilities at on-site and off-site receptors. The analysis included odor mitigation measures to be implemented by the Proponent, including handling material indoors, the use of biofiltration with carbon/zeolite polishing, ionization and the proposed configuration and location of stacks and vents. According to the DEIR, the odor concentrations were below the concentrations identified in MassDEP's draft odor policy. As detailed below in the Scope for Solid Waste, the Proponent should provide supplemental information on air quality impacts, including a plan for ongoing monitoring.

Environmental Justice and Public Outreach

The DEIR described public outreach conducted by the Proponent since the filing of the EENF and included a report providing baseline health data consistent with the enhanced analysis of impacts and mitigation required by the EJ Policy. The Proponent has prepared a project fact sheet, consulted with community groups to expand distribution of information about the project and held community meetings in the evenings of April 29, 2019 and January 6 and 7, 2020 with Portuguese and Spanish language translators in attendance. Many commenters expressed concern that many residents potentially impacted by the project remain unaware of its details. As recommended by MassDEP, the Proponent should continue its outreach efforts by scheduling additional public meetings and site visits. The Proponent requested an extension of the comment period from the standard 30 days to 62 days to facilitate public review of the DEIR, and has

committed to providing notice of the FEIR at least 30 days prior to the comment period to allow for at least a 60 day review period for the FEIR.

The DEIR included an Environmental Justice report that reviewed baseline public health data for areas within one mile of the site, including sections of New Bedford, Acushnet and Dartmouth, available on the Department of Public Health's (DPH) Massachusetts Environmental Public Health Tracking (EPHT) website. The analysis reviewed rates of asthma hospitalizations and emergency room visits for the years 2000-2015; incidences of cancer for the years 2000-2013; rates of Chronic Obstructive Pulmonary Disease (COPD) hospitalizations and emergency room visits for the years 2000-2015; rates of Acute Myocardial Infarction (AMI) hospitalizations for the years 2000-2015; and prevalence of pediatric asthma for the years 2009-2017 (based on data from three schools in New Bedford). According to the DEIR, the data indicate that New Bedford suffers from elevated incidences of these parameters as compared to statewide averages, while Acushnet and Dartmouth have rates similar to or lower than the statewide average. As detailed in the Air Quality section above, the DEIR included analyses of the project's air emissions that indicated that the project will not exceed air quality standards that are protective of human health.

The DEIR Scope required the Proponent to evaluate the future climate conditions, such as extended periods of drought and extreme temperatures, on air quality within the EJ populations. As a potential measure of the effects of extreme temperature, the DEIR summarized EPHT data on incidences of heat-related illness hospitalizations and emergency room visits in the area. Heat-related illness hospitalizations were not statistically elevated at the community and county levels compared to the statewide average; emergency room visits due to heat-related illness were elevated at the county level, but not at the community level. The DEIR also indicated that no air stagnation watches or warnings were issued by the National Weather Service (NWS) for Bristol County from 1986 to 2018. The FEIR should provide a more detailed explanation and analysis of air quality impacts under future climate conditions.

As described in the Scope below, the FEIR should include additional analysis regarding factors related to air quality that may contribute to public health impacts for EJ communities, including a plan for ongoing monitoring of air pollution, noise and odor and supplemental analysis of weather related impacts. The risk of drinking water contamination appears low because all waste processing will occur within buildings equipped with floor drains leading to holding tanks or the sanitary sewer system. However, there is some indication that the presence of PFAS in treated wastewater could pose health risks. For this reason, the FEIR should also include additional analysis of potential measures to address future regulatory changes related to PFAS in wastewater, as described in the Scope below.

Hazardous Waste

The DEIR included a draft Spill Contingency Plan identifying proposed measures to be implemented by the Proponent to prevent and minimize releases of oil and other hazardous materials at the site. Measures to prevent spills include enclosing the facility operations, monitoring loading and refueling operations, and performing daily inspections of equipment and storage containers. Spill containment equipment, such as absorbent booms, spill pillows, wood chips, vermiculite and sand will be stored on-site in well-marked locations. Any used material

will be placed in 55- or 85-gallon drums that will be stored, handled and disposed of as hazardous material.

Construction Period

The FEIR identified construction-period mitigation measures to minimize noise and impacts to air, water, and wetlands. The measures include sedimentation and erosion controls, minimizing emissions from construction equipment using emission control devices such as oxidation catalysts, minimizing idling by construction vehicles and complying with the City's hours of construction and noise limitations.

Conclusion

Based on a review of the DEIR, comments letters and consultation with State Agencies, I have determined that the DEIR adequately and properly complies with MEPA and its implementing regulations. The MEPA regulations indicate that a DEIR can be determined adequate, even if certain aspects of the Project or issues require additional description or analysis in a FEIR, provided that it is generally responsive to 301 CMR 11.07 and the Scope. The DEIR was generally responsive to the Scope included in the EENF Certificate. It provided a detailed description of Phase 2, identified potential environmental impacts and described mitigation measures. As noted above and by several commenters, the FEIR did not provide all of the information and analyses required in the DEIR Scope and included inconsistencies in the description of project components and operations. The Proponent should provide detailed and comprehensive responses to the issues identified in the Scope below in order to avoid the need for foiling supplemental documentation after the FEIR.

SCOPE

General

The FEIR should follow Section 11.07 of the MEPA regulations for outline and content, in addition to the information and analyses identified in this Scope. While providing much of the information and analysis required in the Scope for the DEIR, the DEIR was not prepared in the format specified in the Scope, which required a full and self-contained description and analysis of the project and a comprehensive narrative with a separate chapter for each of the categories in this Scope. Each chapter should provide an overview of the topic, additional information and analysis in response to the Scope, and a narrative to explain and support the analysis of the project's impacts and mitigation. Each chapter should include relevant documentation and tables extracted from technical appendices to supplement the narrative; supporting information should not be presented only in the appendices. Technical documentation, such as drainage calculation, traffic counts and similar data, should be provided in a digital format such as CD-ROM, DVD, flash drives or download. The FEIR should be prepared following these specifications, and those identified in specific sections of the Scope below, in order to facilitate the understanding of the project by agencies and the public, including how the project will meet all relevant regulatory standards and all mitigation measures incorporated into the design of the facility's buildings and operations and exterior features of the site or provided at off-site locations. I encourage the Proponent to consult with the MEPA office prior to filing the FEIR to ensure that it has been

prepared consistent with the MEPA regulations and this Scope to avoid the need for supplemental MEPA review of the project.

Many commenters requested additional extensions of the comment period to provide sufficient time for a detailed review of the extensive technical documentation provided in the DEIR. I note that the MEPA regulations do not provide for an extension of the comment period on a FEIR beyond the 30-day period specified in the statute and regulations. However, the Proponent has agreed to distribute the FEIR at least 30 days prior to the formal start of the comment period to ensure that the public has at least 60 days to review the document.

Project Description and Permitting

The FEIR should include a detailed and consistent description of the project, including existing and proposed conditions at the project site at a legible scale. It should include dimensions of all existing and proposed buildings and structures, including height of buildings and stacks, plans showing the uses of and/or within each existing and proposed structure, a delineation of uses on exterior areas of the site under existing and proposed conditions, a quantification of the existing and proposed uses within each structure and on exterior areas, boundaries of wetland resources area under existing and proposed conditions and graphical and quantitative comparisons of impervious area under existing and proposed conditions. The FEIR should show areas of land alteration for buildings, roadways, parking, wastewater, water and stormwater infrastructure, lawns and landscaping, and other project components. The FEIR should clearly and consistently describe the project, including building designs and other components. All analyses presented in the FEIR should be based on the same structural and operational designs of the project.

The FEIR should include an analysis of the project that demonstrates that the Preferred Alternative includes all feasible means to avoid Damage to the Environment, or to the extent that Damage to the Environment cannot be avoided, that it includes measures to minimize and mitigate Damage to the Environment to the maximum extent practicable. It should clearly describe any changes to structural and operational components of the project from the designs presented in the EENF and the DEIR, including plans illustrating the changes, a narrative describing and quantifying the changes and any associated impacts. The FEIR should provide a brief description and analysis of applicable statutory and regulatory standards and requirements, and a description of how the project will meet those standards and provide an update on the state, federal, and local permitting process. It should include a table listing all required state, local and federal permits or other approvals and the status of the permit application. It should specifically identify any changes to the list of required permits since the filing of the EENF and DEIR.

Environmental Justice and Public Outreach

As detailed below, the FEIR must include additional information about the operations of the facility and potential public health, environmental and transportation impacts. The Proponent should continue its public outreach efforts to ensure that the additional information is available and presented to the public. MassDEP recommends that the Proponent schedule additional public meetings and site visits at times that are convenient to the public. Consistent the public outreach efforts already conducted, I commend the Proponent for committing to distribute the

FEIR at least 30 days prior to the start of the MEPA public comment period to facilitate public review of the document.

According to the DEIR, the Proponent will be required by MassDEP to monitor emissions on a monthly basis. In addition, the Proponent will prepare a system to log odor, noise and dust complaints associated with the operation of the facility to be provided to MassDEP and the New Bedford Board of Health. The FEIR should include additional details on the air quality parameters to be monitored, ongoing modelling of the cumulative concentration of contaminants affecting sensitive receptors and the method by which the data will be made available to the public. It should include a draft of the complaint log sheet and describe response measures and mitigation action levels that will be implemented by the Proponent.

The FEIR should expand upon the DEIR's discussion of potential climate-related air quality impacts. It should review NWS data on air quality alerts based on air quality index and discuss how extreme temperatures might affect the frequency and severity of future air quality alerts. As described below, supplemental analysis of odor, noise and wastewater impacts should be provided.

Solid Waste

The FEIR should respond to comments from MassDEP and the City of New Bedford requesting clarification of the delineation of the waste handling site assignment areas on the Land Use plan included in the DEIR. It should review the site assignment boundary relative to adjacent agricultural lands and describe any changes to the site assignment area that may be necessary. The FEIR should explain why the waste handling areas are shown on the plan to include exterior portions of the site despite the Proponent's commitment to limit waste handling operations to enclosed buildings. Any waste handling activities outside of the buildings should be described.

The FEIR should include a revised or supplemental plan of rail car movements showing how loading of material from the glass recycling and biosolids buildings will occur. It should explain and illustrate with plans how the rail cars will be moved from the rail car storage spurs to each of the buildings while all buildings are in operation. The FEIR should explain how long waste material may be stored in rail cars waiting to be transported off site, describe any potential odor, air quality or nuisance impacts that may result and identify mitigation measures.

The City of New Bedford expressed concern that the wastewater discharged into the City's sewer system could add PFAS to its wastewater treatment system. Because PFAS is not removed by wastewater treatment systems, the City notes that the PFAS could impact the environment by its presence in treated wastewater discharges and potentially affect the City's ability to meet future effluent standards. While the Proponent does not state any current plans to land-apply or sell biosolid residuals as fertilizer, the FEIR should review how the biosolids facility may be operated if it is subject to future PFAS standards related to both its wastewater and solids (residuals) imposed by state, federal or City regulations. It should evaluate alternatives for monitoring and managing PFAS, including, at a minimum, refusing to accept biosolids from treatment plants with elevated PFAS levels; on-site testing and treatment of solids and wastewater to achieve PFAS standards; and alternate disposal methods, such as transport of wastewater and dried solids to an off-site treatment facility. The FEIR should describe any

facilities that may be necessary to address PFAS-contaminated biosolids, including expanded or additional buildings.

Traffic

The FEIR should include a revised traffic analysis prepared in accordance with the EEA/MassDOT *Transportation Impact Assessment (TIA) Guidelines* that compares intersection operations under Existing, Phase 1 Build, 2026 Baseline and 2026 Full Build scenarios. In addition to weekday morning and evening peak periods, it should analyze traffic operations for the Saturday midday peak period for all scenarios. The FEIR should discuss how the lengths of project-generated trucks contribute to lengthened queues at study area intersections. It should include diagrams showing queues at the Braley Road/Theodore Rice Boulevard at Phillips Road intersection at all peak periods, describe any impacts to traffic using the Route 140 ramps and identify any necessary mitigation measures. The FEIR should include modelled queue lengths that may be supplemented by field observations.

As requested by MassDEP, the FEIR should include additional documentation and analysis in support of the truck trip generation estimate, including peak hours, used in the DEIR. It should discuss how traffic patterns at the Rochester facility were used to model the project's volume and hourly distribution of truck trips. The FEIR should provide greater detail on the average truck load used to calculate the number of trucks required to deliver waste to the project site and clarify whether outbound truck trips from the biosolids facility were included. If necessary, the traffic analysis should incorporate this revised data.

The DEIR identified TDM measures to be implemented by the Proponent but did not propose roadway improvements to mitigate the project's traffic impacts. The FEIR should identify any roadway mitigation measures to be implemented by the Proponent based on the results of the revised traffic analysis and/or consultation with MassDOT and the City. According to MassDEP, the FEIR must include commitments to restrict project-generated truck traffic to the truck route identified in the DEIR (Route 140 to Braley Road/Theodore Rice Boulevard to Duchaine Boulevard) or revise the traffic study to evaluate other routes that could be used by trucks. The FEIR should include a commitment by the Proponent to restrict project-generated truck access on Phillips Road and provide a protocol showing how this could be implemented and monitored. It should provide additional detail concerning the Proponent's recommendation that a general truck exclusion be implemented on Phillips Road.

Noise

The FEIR should include a revised analysis that takes into account additional potential sound sources identified by MassDEP, including waste delivery vehicles inside and outside the building; MSW, biosolids and glass processing equipment; biosolid and glass tipping and loading; loading and movement of rail cars; and short duration sounds from the outdoor operation of waste handling equipment, delivery vehicle back-up alarms, and dump truck tailgates. The Proponent should consult with MassDEP prior to completing the FEIR for guidance on establishing the ambient sound level based on the 7-day average of the lowest daytime and nighttime hourly L90 levels, modeling of all potential sound sources as described above, and modeling and analysis of project-generated sound sources using L90 sound levels.

The FEIR should identify measures to be implemented by the Proponent to mitigate project-generated noise to the maximum extent practical using a top-down approach.

Greenhouse Gas Emissions

The FEIR should address the questions and comments in DOER's comment letter, which is incorporated herein by reference. It should clarify which buildings were included in the energy model, the number of ventilation fans on the glass processing building, and the apparent reduction in the energy-efficiency of the biosolids building heating system. The FEIR should provide additional details regarding the lighting needs of the facility in the format specified in DOER's comment letter and explain how the analysis credited LPD with respect to Building Code requirements. It should address DOER's comments concerning the design of the biosolids building envelope and the wall insulation proposed in the conditioned buildings.

The FEIR should include commitments to GHG mitigation measures and provide a revised analysis comparing a Base Case design to the Preferred Alternative incorporating energy-efficient design measures. As requested by DOER, the FEIR should provide a table listing all energy systems, minimum Code requirements for the systems, proposed systems and the difference in performance. According to the DEIR, the Proponent has constructed the roof of the glass recycling building without R-11 linear system insulation committed to in the EENF. The FEIR should address the building's compliance with the Building Code, any necessary changes to the building that may be required to meet Code requirements and mitigation measures to compensate for the elimination of this mitigation measures described in the EENF. At a minimum, the FEIR should commit to GHG mitigation measures included in the EENF. I note that a new Building Code will be in effect by the time the FEIR is filed. The building designs described in the FEIR should be updated to reflect the updated Building Code. The FEIR should provide the additional analyses identified in DOER's comment letter regarding Alternative Energy Credits applicable to heat pumps and opportunities for achieving above-Code building envelopes. It should provide an update on the status of construction of the PV system and, if necessary, provide a revised schedule for its completion. The FEIR should review the proposed biosolids drying equipment and document that energy-efficient models will be used.

Mitigation and Draft Section 61 Findings

The FEIR should include a separate chapter summarizing proposed mitigation measures for both Phase 1 and Phase 2. This chapter should also include draft Section 61 Findings for each State Agency that will issue Permits for the project. The FEIR should contain clear commitments to implement mitigation measures, estimate the individual costs of each proposed measure, identify the parties responsible for implementation (either funding design and construction or performing actual construction), and contain a schedule for implementation. To ensure that all GHG emissions reduction measures adopted by the Proponent in the Preferred Alternative are actually constructed or performed by the Proponent, the FEIR must include a to self-certification to the MEPA Office indicating that all of the required mitigation measures, or their equivalent, have been completed. The commitment to provide this self-certification in the manner outlined above should be incorporated into the draft Section 61 Findings.

Response to Comments

The FEIR should contain a copy of this Certificate, and a copy of each comment letter received. Based on the large volume of form letters received, copies of form letters may be provided electronically. To ensure that the issues raised by commenters are addressed, the FEIR should include a separate chapter with direct responses to comments to the extent that they are within MEPA jurisdiction. A single response to form letters can be provided. This directive is not intended, and shall not be construed, to enlarge the scope of the FEIR beyond what has been expressly identified in this certificate. The Proponent should provide a direct response to individual responses or to groups of indexed comments raising the same issue. Responses must specifically address each comment letter on the DEIR; references to a chapter or extensive section of the FEIR are not adequate.

Circulation

The Proponent should circulate a hard copy of the FEIR to any State and City Agencies from which the Proponent will seek permits or approvals, and to any parties specified in Section 11.16 of the MEPA regulations. The Proponent must circulate a copy of the FEIR to all other parties that submitted individual written comments. In accordance with 301 CMR 11.16(5), the Proponent may circulate copies of the FEIR to these other parties in CD-ROM format or by directing commenters to a project website address. However, the Proponent should make available a reasonable number of hard copies to accommodate those without convenient access to a computer and distribute these upon request on a first-come, first-served basis. The Proponent should send correspondence accompanying the CD-ROM or website address indicating that hard copies are available upon request, noting relevant comment deadlines, and appropriate addresses for submission of comments. In addition, a hard copy of the FEIR should be made available for review at the New Bedford Public Library. The FEIR submitted to the MEPA office should include a digital copy (e.g., CD-ROM, USB drive) of the complete document.

January 30, 2020

Date

Kathleen A. Theoharides

Comments received:

62 form letters expressing concern about the project beginning "In early February of this year..."

21 form letters expressing concern about the project beginning with "First, let me thank you..."

10/31/2019 William J. Pires
11/22/2019 Charles Kennedy
11/25/2019 Tracy Wallace
11/26/2019 Sharon Pickering
12/01/2019 Vincent Carolan
12/01/2019 Claudia B. Ostiguy
12/01/2019 Ken Costa
12/03/2019 Robert H. Ladino
12/04/2019 Nelson Ostiguy
12/06/2019 Paul Schofield
12/07/2019 Michael J. McHugh
12/08/2019 David Amaral
12/09/2019 Carol Strupczewski
12/11/2019 Wendy M. Graça
12/13/2019 Senator Mark Montigny, Second Bristol and Plymouth District
12/16/2019 Claudia B. Ostiguy
12/18/2019 Robert H. Ladino
12/23/2019 Richard W. Fournier
12/23/2019 Jennifer Silva
12/26/2019 Kayla Trahan
12/27/2019 Claudia and Stanley Koska
12/30/2019 William Andrews
01/02/2020 Karen A. Chin
01/03/2020 Michelle T. Roza
01/03/2020 Carl E. Roza
01/03/2020 William Andrews
01/05/2020 Carl P. Anctil
01/05/2020 Corine Anctil
01/05/2020 Jenna Anctil
01/06/2020 Thomas Grota
01/06/2020 Betty Grota
01/07/2020 Richard Hatten
01/08/2020 Becca Kurie
01/09/2020 Donna Poyant
01/10/2020 Thomas Rua
01/12/2020 Jose Da Costa
01/13/2020 Brittany Furtado
01/14/2020 Kenneth Costa
01/14/2020 Deborah J. Fleet
01/15/2020 Eileen S. Dunleavy
01/15/2020 Giselda Rodrigues
01/15/2020 Robert H. Ladino
01/16/2020 Barbara J. Bouchard

01/17/2020 Carole Sherman
01/20/2020 Roger Cabral
01/20/2020 Charles F. Kennedy
01/20/2020 Susana Carreiro
01/20/2020 Manuel Carreiro
01/20/2020 Frances Heggie
01/21/2020 Rita Lizotte
01/22/2020 Tracy L. Wallace
01/22/2020 William Andrews
01/22/2020 Brad Markey, New Bedford City Council
01/22/2019 Elizabeth Saulnier
01/22/2020 Town of Acushnet Board of Selectmen
01/22/2020 Lisa Marie Andrews
01/23/2020 Representative Paul A. Schmid, 8th Bristol District
01/23/2020 Ariane Lambert
01/23/2020 KP Law on behalf of the City of New Bedford
01/23/2020 Massachusetts Department of Environmental Protection (MassDEP)/Southeast
Regional Office (SERO)
01/23/2020 Elizabeth Isherwood
01/23/2020 Wallace A. Greely
01/23/2020 Alexia Orphanides
01/23/2020 Rick Kidder
01/23/2020 Department of Energy Resources (DOER)
01/29/2020 Massachusetts Department of Environmental Protection (MassDEP)

KAT/AJS/ajs