



# Green Seal Environmental, LLC

MassDOT Certified

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September 25, 2023

Mark Dakers, Section Chief  
MASSDEP- SOLID WASTE  
20 Riverside Drive  
Lakeville, MA 02347

Re: Response to Public Comments  
South Coast Renewables, LLC  
100 Duchaine Boulevard  
New Bedford, Massachusetts  
Application No.: 23-SW01-001-APP

Mr. Dakers:

On behalf of South Coast Renewables, LLC (SCR), Green Seal Environmental, LLC (GSE) submits this response to public comments that were received during the public comment period for the Site Suitability Application (BWP SW 01). Public comments were provided to the MassDEP by residents and other concerned citizens in response to the Site Suitability Application - Determination of Administrative Completeness dated June 9, 2023. After proper advertising, the public comment period began July 13<sup>th</sup> and ended on August 24, 2023.

This letter constitutes SCR's response to the public comments submitted to MassDEP for the above-referenced Site Suitability Application issued following MassDEP's administrative review (the Application). The public comments were submitted during the 42-day (extended) public comment period. An index of the public comments is attached as Attachment 1. Out of 257 comments submitted, 115 were from residents of the City of New Bedford, where the facility is proposed. Also, it should be noted that 30 of the comments received did not list a municipality and as such, these comments could have been submitted by New Bedford residents. Additionally, out of the 257 comments submitted, 15 comment letter were submitted to the MassDEP after the end of the comment period on August 24<sup>th</sup>.

## **Public Comments and GSE/SCR's Responses**

Many of the comments focused around the same or similar issues as approximately 200+ of the comment letters were very similar (form letter) in nature. Where possible, GSE/SCR has combined similar comments into a single issue-based response below. For each public comment, the actual comment or a general summary of the comment(s) is provided first in **bold** font, with SCR's response following in *italics* font.

### **Public Comment 1 - Traffic**

**Summary of Public Comments:** Public comments stated generally that traffic is a concern in the area and that increased truck traffic will further exacerbate congestion, air pollution, and safety issues. Several comments received misunderstood or misrepresented the total number of new one-way truck trips estimated to be generated as a result of the proposed facility expansion, the possibility of trucks idling on City roadways during restricted time periods, and differences in the projected trip generation in the Draft Environmental Impact Report (DEIR), Final Environmental Impact Report (FEIR), and Supplemental Final

**Environmental Impact Report (SFEIR).**

*As part of the Site Suitability Application process, McMahon, a Bowman company (McMahon) compiled an Updated Traffic Impact Study (April 2023 TIS), which was submitted as part of GSE/SCR's "Response to Determination of Administrative Completeness" dated May 15, 2023. MassDEP requested that the April 2023 TIS for the Site Suitability Application be compiled in one document and not require the reader to reference the various Traffic Impact Study reports that were previously prepared during the MEPA process. Additionally, it was requested that a summary of the April 2023 TIS observations be included into the Site Suitability Narrative with specific reference to 310 CMR 16.40(4)(b). This portion of the regulation states "No site shall be determined to be suitable or be assigned as a solid waste management facility where traffic impacts from the facility operation would constitute a danger to the public health, safety, or the environment taking into consideration the following factors:*

- 1. traffic congestion;*
- 2. pedestrian and vehicular safety;*
- 3. road configurations;*
- 4. alternate routes; and*
- 5. vehicle emissions."*

*Taking the above referenced criteria into consideration, McMahon concluded that "based on the analyses presented, the proposed mitigation measures mitigate project-generated impacts to the greatest extent feasible and satisfies the MassDOT Traffic Impact Assessment Guidelines." McMahon also provided its "opinion that the traffic impacts of the proposed development of this solid waste facility located at 100 Duchaine Boulevard do not constitute a danger to the public health, safety, or the environment with consideration to traffic congestion, pedestrian and vehicular safety, and roadway configuration in conformance with 310 CMR 16.40(4)(b)." (See SCR Response Air Quality and Emissions under Public Comment #6 for discussion of vehicle emissions.)*

*It should also be noted that SCR has committed to Mitigation and Transportation Demand Management (TDM) measures including:*

- Providing opportunities for employees to participate in transit subsidy or reimbursement programs.*
- Informing employees of nearby transit stops and bicycle and pedestrian amenities.*
- Coordinate with the Southeastern Regional Transit Authority (SRTA) to consider revising existing transit service to better service the project site.*
- Implementing a carpool system among employees.*
- Offering direct deposit to employees.*
- Providing preferential parking for carpools and vanpools.*
- Providing incentives to encourage bicycle ridership to the site, such as bike racks and other storage facilities on site.*
- Subject to request and subsequent approval by the City of New Bedford and New Bedford Business Park, providing striped bicycle lanes along Duchaine Boulevard and shared bicycle markings along Theodore Rice Boulevard to provide connectivity to the existing bicycle amenities along Braley Road.*
- Subject to approval by the City of New Bedford, SCR proposes to construct a fully actuated traffic signal at the intersection of Braley Road at Phillips Road/Theodore Rice Boulevard to mitigate existing congestion. As stated in the April 2023 TIS, the proposed traffic signal is warranted under existing conditions, and peak period operations at the intersection with the signal installed under future Build*

volumes would be significantly improved over existing traffic operations at the currently unsignalized intersection.

- To deter existing truck traffic from Phillips Road south of Braley Road, SCR is amenable to allocating up to \$5,000 toward a Heavy Commercial Vehicle Exclusion (HCVE) study for Phillips Road from Route 140 to Braley Road should the City of New Bedford choose to pursue a HCVE through MassDOT.

The April 2023 TIS expresses the net generation of new truck trips as (a) round trips, which includes both a vehicle's arrival at the facility and its departure; and (b) as one-way trips, which count each truck's arrival and departure as separate trips. Hence, one-way trips are twice the number of round trips.

As shown in Table 4 of the April 2023 TIS and in Table 1 of Attachment 3 within the Site Suitability Application, the total number of daily weekday truck round trips associated with the Facility, including the Phase 1 glass expansion, is projected to be 139, for a total of 278 (139 entering trucks and 139 exiting trucks) one-way trips. Combined with projected new employee trips (75 daily round trips, or 150 one-way trips), the Facility is projected to generate a total of 428 total daily one-way vehicle trips, including both truck trips and passenger car trips generated by new employees. This value is conservative in so far as it does not attribute any waste removal by rail and does not include any backhaul events where an arriving truck removes waste during its departure from the Facility.

The Facility, as reported in Table 5 of the April 2023 TIS, is projected to generate a total of 368 daily one-way truck trips, which reflects 90 trips associated with existing operations, and 278 trips associated with the proposed operations of the Facility under Phases 1 and 2 as discussed above. The 278 one-way truck trips include 18 trips associated with the expanded glass processing previously approved under Phase 1, and 260 new trips associated with the Facility, which is shown in Table 5 as the Phase 2 expansion. This total was corrected in the April 2023 TIS from Table 2 of Attachment 3 to the Site Suitability Application, which double-counted the 18 trips associated with expanded glass processing and reported an incorrect total of 386 trips.

The April 2023 TIS prepared for the Site Suitability Application estimates that once the Facility is permitted, the Facility will have a total daily truck trip generation of 278 one-way truck trips related to the Phase 1 glass operations and the Phase 2 MSW and C&D processing. This has been revised from previous iterations of the Facility truck trip generation as presented in the DEIR and SFEIR documents prepared during the MEPA process. To address comments by MassDEP on the DEIR seeking to reduce the average tons of material assumed to be transported per truck, the number of daily truck trips presented in the SFEIR reflects an increase of 28 one-way truck trips in comparison to the DEIR findings. In addition, SCR's decision to eliminate the biosolids processing operation from the Facility eliminated 50 daily one-way truck trips (25 truck round trips) compared with the iteration of the project described in the SFEIR. The result is reflective of the 278 daily one-way truck trips presented in Table 5 of the April 2023 TIS.

Although not stated in the April 2023 TIS, the most favored pricing clause for the City of New Bedford in the Host Community Agreement could encourage a higher proportion of waste to originate closer to the facility, reducing the total vehicle miles traveled and total emissions generated by truck trips to and from the Facility. Without the Facility, trucks transporting waste originating within the City of New Bedford may need to travel to a farther facility once the Crapo Hill Landfill closes.

In MassDOT's comment letter to the SFEIR dated August 22, 2022, MassDOT requested that SCR schedule trucks transporting both inbound and outbound material to occur during off-peak hours to avoid periods of existing congestion on the study area roadways. SCR is able to hold trucks transporting outbound material from the Facility and has committed to schedule these trips outside of the peak hours identified. However, as SCR is not

able to control the scheduling of trucks operated by independent contractors transporting material to the Facility, restricting the hours of these deliveries would likely result in trucks idling or circling until such time that they would be permitted to enter the Facility. Therefore, SCR does not propose to prohibit acceptance of inbound material during peak hours; trucks will be allowed to enter the Facility and will not idle or circulate on study area roadways. MassDOT considered this an acceptable response to their comment, per e-mail correspondence dated December 5, 2022 and included in Appendix H of the April 2023 TIS, and as Attachment A of Attachment 3 to the Site Suitability Report.

For these reasons, the traffic impacts from the Facility will not constitute a danger to the public health, safety, or the environment, taking into consideration the conditions specified in 310 CMR 16.40(4)(b)(1)–(4).

#### **Public Comment 2- Nuisance Conditions (sounds, litter, odor, vermin)**

**Summary of Public Comments:** Public comments stated that there are various nuisance-related concerns related to the operation of the Facility. These concerns included sound, litter, and odor from the Facility affecting local residents, as well as comments regarding potential vermin, particularly rats and birds, impacting areas near the Facility.

**SCR Response to Sound Concerns:** Sound assessments for this project have historically been presented within the Executive Office of Energy and Environmental Affairs MEPA filings including the Draft Environmental Impact Report [DEIR] (November 2019), the Final Environmental Impact Report [FEIR] (January 2021), and the Supplemental Final Environmental Impact Report [SFEIR] (July 2022). Previous reports have addressed noise from truck traffic due to operation of the Facility, as well as continuous operating sources of sound such as rooftop HVAC equipment and building ventilation stacks.

Additionally, as part of the Site Suitability Application process, Epsilon modeled the truck tipping /back-up alarms/locomotive operations from 5AM to 9PM (Monday- Saturday) although tipping hours are only from 6AM to 7PM Monday-Friday and 7AM to 4PM on Saturdays. This off hours analysis was conducted to evaluate any potential incidental exterior movements prior to and/or after the proposed hours of waste acceptance. Epsilon opined that pursuant to 310 CMR 16.40(4)(g) the Facility will not cause a sound condition which would constitute a danger to the public health, safety, or the environment. Please refer to Attachment 7 for a copy of the sound analysis within the Site Suitability Report. It should also be noted that by limiting the delivery hours to the above referenced times, the potential for nuisance sound conditions has been significantly reduced.

Noise on site will be minimized by conducting all tipping, handling, and loading of materials within an enclosed building. Trucks delivering waste to the Site will utilize major roadway networks (Route 140 to New Bedford Industrial Park). Off-site noise impacts from truck traffic to the residential neighborhood along Phillips Road will be mitigated by not allowing trucks to use Phillips Road to access the Site. In addition, the placement of the new tipping building has been strategically located on the site. Other mitigation measures include the following with respect to sound:

- Design the tipping/delivery doors on the west building elevation, which is directed away from the closest receptors.
- Allow the building itself act as a sound buffer to the closest receptor.
- Addition to the existing glass building to enclose the rail where railcars are being loaded.
- Rail track constructed to the west side of the building, opposite side of the building from residents to the east for noise attenuation.

- *Rail track constructed without at-grade crossings, eliminating the need for the use of bells, horns, or whistles on locomotives.*
- *Glass unloading designed as a “drive forward” delivery system, eliminating backup alarms as a noise source at that location.*
- *Use of an electric rail car mover instead of diesel-powered.*
- *Air handling units and fans to be low-noise units, fitted with silencers, or be placed within rooftop barriers for sound attenuation.*
- *Acoustic, louvered air intakes to provide baffling for noise attenuation.*

*Please note that further refinements to on-site engineering controls, policies, and procedures will be developed as the Project progresses. Once final designs are prepared for the MassDEP Authorization to Construct (ATC) application, an O&M Plan will be developed following 310 CMR 19.205, 19.206, and 19.207 coupled with any additional requirements set forth within future City approvals, policies and bylaws.*

***SRC Response to Litter Concerns:*** *All waste handling activities will occur within the confines of the proposed solid waste tipping and processing buildings, with the exception of railcar storage that will occur following the most recent MassDEP approved and CSX transportation requirements in terms of containment and rail car covers. The buildings will provide for significant protection from the elements, thus significantly reducing the potential for windblown litter.*

*All commercial vehicles that will transport materials either to or from the Facility will be required to be covered in order to prevent incidental littering. Shipment of materials by rail will be conducted in conformance with then applicable MassDEP approved and CSX requirements. Additionally, the Facility will provide a phone number and website for the public to use to report any complaints regarding vehicles traveling on roads without covering on their trucks, and such, drivers violating the requirement will be banned from delivering to the Facility.*

*Facility personnel will implement a daily inspection program as part of the Operations & Maintenance Program. When the O&M plan is developed, SCR will develop more in-depth protocols for litter patrols (on and off-site), sweeping, and other policies and procedure to properly control and mitigate the potential for nuisance litter.*

*For these reasons, the establishment or operation of the Facility will not result in a nuisance condition that would constitute a danger to the public health, safety, or the environment, taking into account litter pursuant to 310 CMR 16.40(4)(g)(2).*

*Please note that further refinements to on-site engineering controls, policies, and procedures will be developed as the Project progresses. Once final designs are prepared for the MassDEP Authorization to Construct (ATC) application, an O&M Plan will be developed following 310 CMR 19.205, 19.206, and 19.207 coupled with any additional requirements set forth within future City approvals.*

***SCR Response to Odor Concerns:*** *Odor is regulated under 310 CMR 7.09 in that operations that emit odors shall not permit their emissions to create a nuisance. A Draft Odor Policy for Composting Facilities was published by MassDEP in January 1996. This draft guidance document recommended a minimum design standard benchmark of 5 D/T (dilutions to threshold). A study to model odor emissions from the proposed Facility was conducted by Epsilon Associates. A conservatively lower odor concentration threshold of 1 D/T was used for the design of the facility. Based on Epsilon’s modelling, there will be no occurrences of odors greater than 1 D/T at any residential neighborhood location (modelling results indicate 0 events over a 5-year period using a 1-minute average). The design criteria Epsilon used is more conservative than the MassDEP Draft Policy. The Epsilon report is included*

*in Attachment 5 of the Site Suitability Application.*

*The Epsilon report demonstrates that odor associated with the establishment or operation of the Facility will not result in nuisance conditions that would constitute a danger to public health, safety, or the environment taking into consideration odors pursuant to 310 CMR 16.40(4)(g)(4).*

*Additionally, SCR has proposed draft policies and procedures with respect to nuisance odor conditions that include the following measures, subject to revision as operations are finalized and during subsequent operational permitting with MassDEP:*

- *Confining all waste handling to within the buildings only except for waste contained within a loaded rail car or truck (within approved waste handling areas).*
- *Storing waste in a properly-covered railcars (following then-applicable MassDEP approvals and CSX policy/regulation) or truck.*
- *Having the ability to entirely enclose/secure the Facility.*
- *Utilize a first in/first out handling procedure.*
- *Using a fine water mist and odor counteractants when deemed appropriate to reduce odor.*

*It should be noted that there are many safe and effective odor neutralizing agents presently on the market that are safe for human exposure. A specification sheet was presented to MEPA during the previous filings. GSE has attached a sample product sheet to this submittal (Attachment 2) for reference. This product and similar products can be used as an additive to atomized odor/dust control systems and is safe to handle and apply in areas where there may be human contact.*

*Please note that further refinements to on-site engineering controls, policies, and procedures will be developed as the Project progresses. Once final designs are prepared for the MassDEP Authorization to Construct (ATC) application, an O&M Plan will be developed following 310 CMR 19.205, 19.206, and 19.207 coupled with any additional requirements set forth with future City approvals.*

*It should also be noted that there were a few comments noting that landfill odors from the Crapo Hill landfill can be detected in the neighborhood during certain weather conditions. Unlike the landfill, the SCR facility will involve no on-site disposal of waste, open air disposal, decomposition of landfilled waste, or other sources of landfill odors such as gas vents or landfill leachate that contribute to landfill odors. In addition, the facility has a significantly greater ability to control what odors may be generated because it will include engineering controls such as handling materials indoors, ability to close doors, an engineered odor control system and the ability to load odorous materials immediately for off-site shipment.*

**SCR Response to Vermin Concerns:** *Vectors such as vermin and insects, will be mitigated by confining the waste handling operations to the inside of buildings. Additionally, MSW will be handled in such a way as to avoid the attraction of rodents and insects by efficiently moving the material from the tipping floor to the processing lines and then baler and/or loaded loose for off-site disposal. For these reasons, coupled with the mitigation measures presented below, the establishment or operation of the Facility will not result in nuisance conditions that would constitute a danger to public health, safety, or the environment taking into consideration vermin such as rodents and insects pursuant to 310 CMR 16.40(4)(g)(3). SCR will implement mitigation measures to ensure that vectors do not pose a nuisance condition.*

*The following measures will be incorporated into SCR's Operation and Maintenance Plan that will be developed as part of the Authorization to Construct permitting phase to further describe and illustrate the processes and*

*procedures for the control of nuisance conditions. Proposed measures include, but are not limited to, the following subject to revision as operations are finalized and during subsequent operational permitting with MassDEP:*

- *Contracting with a vector control management firm that will perform third-party documented inspections. These documented inspections can be provided to the New Bedford BOH, MassDEP and/or posted on SCR's website for ease of reference.*
- *Installing rodent stations within and around the interior and exterior of the building.*
- *Minimizing door openings within the proposed building.*
- *Conducting all waste handling activities indoors.*
- *Maintaining equipment on-site that will efficiently remove the materials from the tipping floor for subsequent handling and/or loadout.*
- *Covering the containers and trailers prior to leaving the waste handling building.*
- *Sweeping the paved areas and the interior of the building (as needed) at regular intervals.*
- *Follow first in/first out procedures.*
- *Instituting a daily inspection program for vectors following the Operations and Maintenance Plan that will be prepared for the proposed Facility.*

*Please note that further refinements to on-site engineering controls, policies, and procedures will be developed as the Project progresses. Once final designs are prepared for the MassDEP Authorization to Construct (ATC) application, an O&M Plan will be developed following 310 CMR 19.205, 19.206, and 19.207 coupled with any additional requirements set forth with future City approvals.*

### **Public Comment 3- Environmental Justice**

**Summary of Public Comment:** **Public comments stated that the facility is located within and/or close to Environmental Justice populations and as such should follow requirements with respect to enhanced participation.**

**SCR Response to Environmental Justice:** *Appropriate and enhanced Environmental Justice (EJ) outreach has been conducted throughout the entire permitting process. Public notice for the public comment period was published in four different languages and was available in print and online as requested by MassDEP in consideration of the new EJ guidance. Additionally, MassDEP performed its own outreach activities. Previously, similar public notices were provided in multiple languages for the MEPA process. Communication, outreach, and consideration to nearby EJ communities were conducted appropriately as required. Appropriate studies required as part of the solid waste permitting process assessed air (including emissions and greenhouse gas impacts), sound, odor, and traffic impacts to the surrounding EJ area and appropriate engineering and operational controls have been incorporated into the conceptual design and operational aspects of the Facility.*

*Below is a summary of SCR's past outreach efforts:*

- *Since the inception of the permitting phases, the Proponent has offered multiple meeting opportunities to discuss plans for the New Bedford Facility and address community members' questions and concerns. The goal from the beginning was to be transparent with everyone in the community.*
- *On March 18, 2019, the Proponent presented a development overview for the mayor's office. The mayor and city council were notified of upcoming meetings and critical dates throughout the Project.*

- *The Proponent has conducted over 30 visits to or meetings with business stakeholders in the community and local vendors. The meetings were a way for the Proponent to create an open dialog with neighbors and concerned residents and discuss the project facts with other members of the New Bedford Business Park.*
- *On April 29, 2019, the Proponent held a public meeting at the Pulaski School. Approximately 150 people attended. This meeting was advertised on radio, Facebook, and in The Standard Times on multiple publication dates. The Proponent gave a detailed presentation that addressed misinformation; the project history and the relocation to the new facility location; the proposed site layout, MSW processing, glass processing, biosolid processing; the facility's use of solar energy; MassDEP siting criteria; and information on nearby facilities.*
- *On July 24, 2019, the Proponent hosted its future neighbors in the New Bedford Business Park for a community meeting. Every company received notices via email in advance of the meeting and five individuals attended. Greg Wirsen, the Proponent's lead project manager, was present to answer any questions attendees may have had about the project. In attendance were Tim Cusson, Vice President of business development for the Proponent; Chris Koczela, Principal, Fort Point Strategies; Chris Farland, Farland Corp.; Derek Santos, Executive Director of the New Bedford Economic Development Council; and representatives from companies in New Bedford Business Park.*
- *On October 13, 2019, the Proponent helped sponsor New Bedford Seaport Chowder Fest and connected with hundreds of community members. Chowder Fest was an opportunity to educate other areas of New Bedford about the Proponent, and the Proponent heard little concern or resistance to the Project. The Proponent also had a full-page ad in the event brochure and a banner in front of the stage.*
- *The Proponent's community outreach efforts hosted open houses on January 2 and 3, 2020 at 100 Duchaine Boulevard. Approximately six residents attended each open house and shared the same concerns: odor, noise, and traffic. Paul Pacheco, Vice Chairman of the Conservation Commission, attended the second open house.*
- *The Proponent hosted two public meetings on January 6 and 7, 2020. Attendees who RSVP'd for the meetings were asked if they needed a translator to ensure everyone could understand the topics discussed in the meeting. In advance, the community outreach team reached out to key environmental justice community groups and group leaders identified by MEPA to find a convenient location and time, including the Coalition for Social Justice, Hands Across the River Coalition, Old Bedford Village, Alternative for Community & Environment, the executive director of the Toxics Action Center, and Conservation Law Foundation.*
- *Public meetings were advertised on the Project website, [www.parallelproductsustainability.com](http://www.parallelproductsustainability.com), social media, The Standard Times, Portuguese Times, New Bedford Guide, and WBSM 1420. At the meetings, the Proponent's engineers and experts presented their plans and results from their various studies. The Proponent has continually committed to answering all questions from the community.*
- *Public meetings were held at the Vocational Technical High School at 1121 Ashley Blvd on January 6 and 7 of 2020. The Proponent presented on all aspects of the project, including: the site location, site zoning, the phases of the proposed project development, the MEPA process, visuals of the proposed facility, permitting, its use of solar energy, MSW processing, biosolid processing, MassDEP siting*



*criteria, and studies conducted. Turnout for the meetings was minimal with roughly 12 people attending each meeting. The Proponent answered questions written on comment cards that were handed out at the beginning of the meeting and took live questions from audience members. A microphone was provided to ensure questions and answers could be heard by other audience members. The questions were typical - mostly regarding noise, odor, and traffic. Representative Christopher Hendricks, 11<sup>th</sup> Bristol District; Representative Paul Schmid's legislative aide, 8th Bristol District; Councilman William Markey, Ward 1; the New Bedford Planning Director Jennifer Carloni; and MEPA Assistant Director Page Czepiga were also in attendance. Questions and answers during the community meetings were posted on the [parallelproductsustainability.com](http://parallelproductsustainability.com) website.*

- *On March 18, 2020, the Proponent scheduled a meeting with David Slutz and the Chamber of Commerce. The meeting was cancelled due to the growing emergency of COVID-19. Subsequent community outreach activities and plans had to be changed to stay compliant with CDC guidelines on COVID-19 protocols.*
- *The Proponent hosted two virtual Community Meetings on December 14 and 16, 2020. The meetings were advertised on the website, social media, and in The Standard Times, Portuguese Times, New Bedford Guide, and WBSM 1420 for the two weeks leading up to the meetings. Roughly 3 to 7 people attended the virtual meetings. At the meetings, the Proponent provided attendees with an update on the South Coast Green Energy Center and allowed attendees to ask questions.*
- *The Proponent's community outreach also met with the former manager of the business park, Liz Isherwood and Tony Sapienza, President of the New Bedford Regeneration Committee. The meetings were insightful, identifying additional individuals and local stakeholders the Proponent outreach could meet with to discuss the project.*
- *When COVID-19 impacted the opportunity to discuss the project in person, the Proponent began hosting virtual meetings with the other companies in the business park on April 7, 2021. Roughly twenty people attended the meeting. The meeting was structured similarly to the community meetings, with the Proponent providing a presentation and update on the project and the approval process, and then opening it up for a roundtable discussion and answering questions from business park neighbors. The Proponent also sent a letter to the Mayor and City Council of New Bedford requesting a meeting to update the City on project plans and collaborate to ensure the project benefitted everyone.*
- *Additional community virtual meetings were held on May 5 and 6, 2021. At the May 5th meeting, 30 people attended, including three council members and representatives from Rep. Hendrick's and Rep. Schmid's offices. At the meeting, the Proponent presented and answered questions from residents who were strongly opposed to the project.*
- *The Proponent hosted additional community meetings on June 17 and 18, 2021, with 12 attendees. The meeting lasted approximately one hour and the Proponent answered questions from Councilman Markey and local residents. Many in attendance online were MassDEP or MEPA representatives.*
- *Parallel Products has continued to host community meetings virtually and in-person to engage the New Bedford community and discuss the South Coast Renewables Center at 100 Duchaine Blvd. Virtual meetings were held on August 3, August 18, September 21, and October 12 of 2022 in compliance with COVID-19 protocol.*

- *Due to suggestions from community members that in-person meetings would encourage more discussion and inclusion from residents with limited access to technology, SCR began hosting in-person meetings again on October 13, 2022. Additional in-person meetings were held November 2 and December 15 of 2022 and January 11, March 1, and April 13 of 2023.*
- *After receiving requests from community members for a meeting to be held at a different location, SCR hosted a final in-person meeting on June 13, 2023. This meeting was held at Normandin Middle School.*

*Since August of 2023, Spanish and Portuguese interpreter services have been available for virtual and in-person meetings. Meetings were advertised via social media, the project website, [parallelproductssustainability.com](http://parallelproductssustainability.com), and extensive email invitation as well as via radio and newspaper advertisements.*

*For all meetings prior to the meeting held on June 13, 2023, attendees were asked to register prior to the meeting to request interpreter services, ask questions, and receive meeting information. Registration is available in English, Spanish, and Portuguese on the project website. At no point did any attendee request interpreter services.*

*Consistent with all meetings, advertisements ran on multiple dates. The October 12<sup>th</sup> (virtual) and 13<sup>th</sup> (in person), 2022 informational meetings were advertised in South Coast Today as ¼-page color advertisements that ran on September 30<sup>th</sup>, October 2<sup>nd</sup>, 7<sup>th</sup>, and 9<sup>th</sup>. On WBSM 1420, SCR ran 30 second ad spots four times per day in the week leading up to the meeting above referenced meetings. The New Bedford Guide ran banner advertisements on its website the month leading up to scheduled meetings. The Portuguese Times also ran a ¼-page ad that was advertised a week prior to the meeting. All future meeting dates/times are currently available on the Project website and registration is available months in advance of meetings.*

*Additionally, emails with meeting information are sent to all MEPA-recommended EJ groups, Massachusetts agencies, indigenous organizations, federal tribes, and approximately 367 residents who provided contact information. The emails are sent in advance of all meetings with follow-up reminder emails sent to registered attendees prior to the meeting.*

#### **Public Comment 4- Protection of Wildlife Impacts**

**Summary of Public Comments: Facility does not take into concern wildlife impacts especially those associated with the Acushnet Cedar Swamp.**

***SCR Response to Wildlife Habitat Concerns:*** *GSE on behalf of SCR has assessed the impacts to the Acushnet Cedar Swamp relative to the proposed facility. As part of the response to Site Suitability Application Determination of Administrative Incompleteness dated June 9, 2023, GSE provided additional information regarding impact assessment to the Acushnet Cedar Swamp. Several facts to note are:*

- *The presently proposed site assignment area is a minimum of 3,839 feet (0.73 miles) to the nearest trail in the Acushnet Cedar Swamp State Reservation.*
- *The designated available waste handling area will be a minimum of 3,848 feet to the closest trail system within the Acushnet Cedar Swamp State Reservation.*
- *No construction activities will occur within the Acushnet Cedar Swamp State Reservation boundaries.*
- *The rail line that will service the site is already an active rail line utilized by Mass Coastal Railroad and physically separates the Site from the Reservation.*

- *Based on the design/location of the Facility and proposed waste handling areas and distances to the trails where the public may use, access, and enjoy the Acushnet Cedar Swamp State Reservation, it is GSE's and SCR's opinion that the proposed facility will not yield any adverse impacts on the reservation or the enjoyment of it.*
- *Additionally, all construction associated with the Facility is located on previously-developed land with the exception of the rail line which has already been approved (MEPA and City). As such, the Facility will not impact habitats and/or the use of the Acushnet Cedar Swamp and the surrounding area.*

*Within GSE's/SCR's Response to Administrative Incompleteness dated May 15, 2023, GSE prepared several revised plans to supersede the plans that were originally submitted within the Site Suitability application dated February 2023, these include.*

- *Insert 2 – Revised Water Resources Plan*
- *Insert 3 – Revised Land Use Plan*
- *Insert 5 – Revised Sheet 10 of 10*

*Based on MassDEP comments, GSE slightly modified the Site Assignment Limits and the reduced the size of the waste handling area moving it further away from the Acushnet Cedar Swamp*

*The waste handling area ends where the pre-existing driveway/road and proposed truck scales have been conceptually located to the west of the proposed waste handling building. SCR has no intention of creating waste handling areas further west and towards the Acushnet Cedar Swamp. If there were future scenarios where an expanded waste handling area would be proposed, they would be to the east to the proposed scales on previously developed lands (e.g., within the existing on-site building).*

*The waste handling area provides significant buffering from the Acushnet Cedar Swamp (560 feet). Thus, all present and future waste handling will occur to the east of the proposed scales on previously-developed land. There is adequate buffer distance to receptors coupled with controls such as conducting all handling operations indoors that affords the proper protection to the Acushnet Cedar Swamp and therefore satisfies 310 CMR 16.40(4)(c). It should be noted that this would hold true if the Acushnet Cedar Swamp becomes an ACEC at some point in the future as well under 310 CMR 16.40(4)(d).*

#### **Public Comment 5- Stormwater, Drinking Water, Water Supply, Wastewater and PFAS**

**Summary of Public Comments: Public comments includes concerns with protecting drinking water supplies, discharges to the New Bedford WWTP, stormwater impacts, and impacts associated with PFAS.**

***SCR Response to Stormwater, Drinking Water, Water Supply and PFAS:*** *the proposed design will protect drinking water supplies as well as groundwater and stormwater.*

***Stormwater:*** *Stormwater controls on-site will meet and/or exceed all current standards associated with the MA Stormwater Policy. The Stormwater Policy has established Stormwater Management Standards aimed at encouraging recharge and preventing stormwater discharges from causing or contributing to the pollution of the surface waters and groundwaters of the Commonwealth. The design and operation of the Facility has incorporated state of the art features and Best Management Practices to prevent impacts to stormwater and groundwater at the Facility.*

***Drinking Water:*** *The Site is much further away from drinking water resources than the siting criteria for*

protection of drinking water would allow. None of the comments provide any evidence to the contrary. The following was previously provided within the Site Suitability Application with respect to groundwater and surface water supplies:

- The proposed waste handling area is not within an Interim Wellhead Protection Area or a Zone II of a public water supply well. The nearest Zone II is approximately 2.6 miles northeast of the proposed Facility. The nearest IWPA is approximately 2.0 miles northeast of the proposed facility.
- The proposed waste handling area is not within the Zone A of a public water supply. The closest Public Surface Water Supply is located approximately 1,300 feet east of the Site.
- Private well locations in the vicinity of the site were obtained from the Commonwealth of Massachusetts Energy & Environmental Affairs Data Portal and through communication with the City of New Bedford. No private wells were identified within 500 feet of the of the proposed site assignment limits and waste handling areas. Private wells identified are hydrologically upgradient of the subject site.

The proposed design of the Facility, indoor and undercover operations, and distance to drinking water protection zones will protect of groundwater and drinking water supplies. Engineering controls such as buildings, leachate collection, paved surfaces, etc. coupled with operational plans such as an Operation and Maintenance Plan, Stormwater Pollution Prevention Plan (SWPPP) and other required plans and/or operational plans procedures will be developed to ensure that the local aquifer is protected.

**Water Use:** Water use for employees is estimated to be 2,250 gpd. Water will also be required for the misting system proposed for the MSW tipping building. Water use for the misting system is estimated to be 10 gpm or 14,400 gpd. No significant quantities of wastewater will be generated from the misting system. The water will either evaporate and/or absorbed by the waste. Hose bibs will be provided in the tipping building and MSW processing building as part of facility cleanup and maintenance activities. Washdown water use is estimated at 500 gallons per day. All water usage previously associated with the biosolids building will not be necessary, reducing the Proponent's proposed water use by approximately 50,500 gpd. With the elimination of the previously proposed biosolids building, total water use is expected to be less than 19,650 gpd.

**Wastewater:** Wastewater from employee sanitary and washing use is estimated to be 2,250 gpd. As construction of the formerly proposed biosolids building and associated biosolids drying operations are no longer being proposed, all wastewater generation associated with the biosolids facility has been removed. As such, wastewater generated at the Facility will be reduced from a previously estimated 113,750 gpd to 2,750 gpd (2,250 gpd employee use and less than 500 gpd of washdown water). Water use for the misting system is estimated to be 10 gpm or 14,400 gpd but will not result in significant quantities of wastewater generation as the water associated with the misting system evaporates and/or is absorbed by the waste. Note that GSE is mentioning the biosolids facility as several of the public comments noted that SCR was handling biosolids. The Facility does not intend to receive, ship, and/or process biosolids on-site.

The existing site buildings are presently connected to the City sewer system. Wastewater generated in the proposed structure will either be connected to the City sewer system or to a storage tank (e.g., for contact water) for periodic transport by tanker truck to a properly-permitted wastewater facility for disposal.

**Control of PFAS:** It should be noted that all waste handling will be indoors (including truck/railcar loading and covering operations). Given the fact that waste handling will occur indoors on concrete floors equipped with

trench drains, the potential for stormwater contact is low. During past filings GSE also assessed the protection factors that the concrete floor will provide. The permeability of cured, good-quality concrete is estimated to be approximately  $1 \times 10^{-10}$  centimeters per second (cm/sec), where industry publications range from  $1.7 \times 10^{-9}$  to  $3.5 \times 10^{-13}$  cm/sec. While thickness of the floor may increase in portions of the Facility during future design phases, the Proponent is proposing a minimum 6-inch-thick, high quality, high compressive strength (4,000 to 5,000 pounds per square inch) concrete floor. Given an industry-accepted standard permeability of  $1 \times 10^{-10}$  cm/sec and the thickness of the proposed concrete floor being a minimum of 15.24 cm (equivalent to 6 inches), water in contact with solid waste (i.e., "leachate") on the tipping floor, if constantly present, would take an estimated  $6.56 \times 10^{-12}$  seconds or 4,829 years to permeate a standard 6-inch-thick concrete floor. Porosity or permeability will be further reduced by sloped drainage to floor drains, thus reducing contact time, and the use of a Portland cement mix which contains a higher percentage of slag cement in order to increase the strength of the proposed concrete floor. The additional slag cement mixture further reduces the permeability of concrete, making the above calculation a highly conservative estimate on the permeability of the proposed concrete floor.

With respect to solid waste handling and PFAS releases, the proposed on-site design and controls are adequate to handle potential PFAS-impacted materials including leachate. PFAS concentrations in leachate from solid wastes are at much lower concentrations than many other more common and typical exposure pathways such as food packaging, carpet, and household dust<sup>1</sup>. PFAS exposures at the facility will be properly mitigated through the following controls:

- Handling all waste material indoors on concrete floors.
- Installing floor/trench drains on-site that will collect water that comes into contact with the solid waste.
- Contact water will be directed to a tight tank for off-site disposal. Please note that SCR would only discharge leachate to the New Bedford WWTP if allowed so by the City. If not, SCR would have to make alternative arrangements with a third party to transport it off-site to a fully permitted WWTP that is permitted to treat and handle this type contact water.
- The misting system to control dust and odor is considered a high pressure atomized misting system. This technology does not create excess water waste as most of the water evaporates. This is important as the facility certainly does not want to add water weight to the outbound tonnage.
- Any storage of railcars will follow all current and future MassDEP approved and CSX transportation requirements. When it comes to transporting MSW, proper controls need to be in place to prevent stormwater contact and discharge from the railcars. This can include lidding, baling, alternative covering as well as sealing the weep holes in the railcars to prevent leakages. Since the facility still has several years of permitting and construction ahead, SCR intend to following the standard policies and procedures governing the transportation of waste at that point in time.

#### **Public Comment 6- Air Quality and Emissions (Odor Covered in Public Comment #2)**

**Summary of Public Comment:** Many commentors expressed concerns about emissions including diesel emissions in areas where there are sensitive populations.

**SCR Response Air Quality and Emissions:** Epsilon Associates has evaluated air impacts associated with the proposed project, including the on-site and off-site truck traffic associated with project operations, and has

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<sup>1</sup> PFAS Concentrations and Exposure Factsheet [https://swana.org/docs/default-source/resources-documents/pfas-resources/pfas-concentrations\\_and\\_exposures-factsheet\\_final.pdf?sfvrsn=ce8242d\\_6#:~:text=PFAS%20have%20been%20detected%20in,PFOS%20combined%20representing%20836%20ppt](https://swana.org/docs/default-source/resources-documents/pfas-resources/pfas-concentrations_and_exposures-factsheet_final.pdf?sfvrsn=ce8242d_6#:~:text=PFAS%20have%20been%20detected%20in,PFOS%20combined%20representing%20836%20ppt).

*prepared several reports detailing their findings. There are three attachments within the Site Suitability Application Report that are relevant to air emissions:*

- 1. Air and Odor Modeling – Attachment 5*
- 2. Environmental Justice – Attachment 10*
- 3. Greenhouse Gas Emissions (GHG) – Attachment 11*

*These reports **were not** updated to remove the biosolids portion of the project that was eliminated in the MEPA SFEIR permitting process. However, within these reports, emissions from each project component have been calculated independently.*

*Epsilon reports demonstrate... “The analysis shows that, under maximum expected operating conditions and using conservative assumptions, the project’s impacts will comply with all applicable standards. Specifically:*

- The National Ambient Air Quality Standards (NAAQS) will not be exceeded. Per USEPA, these standards “provide public health protection, including protecting the health of “sensitive” populations such as asthmatics, children, and the elderly.” The Ambient Air Quality Standards for the Commonwealth of Massachusetts (MAAQS) will not be exceeded. Per 310 CMR 6.00, the MAAQS are currently identical to the NAAQS.*

*The NAAQS/MAAQS include air pollutants related to vehicle emissions, including truck emissions. These air pollutants are for example, NO<sub>2</sub> and PM<sub>2.5</sub> (of which diesel particulate matter is a subset). The analysis shows that any project-related emissions, when added to background (including any additional air pollution sources) are well below the health-based NAAQS/MAAQS. This means that any project-related emissions will not contribute to any adverse impacts to the communities around the project, including the Environmental Justice (EJ) communities and will not constitute a danger to the public health, safety, or the environment, taking into consideration vehicle emissions per 310 CMR 16.40(4)(b)(5).*

*In addition, MassDEP has developed “health- and science-based air guidelines - known as Ambient Air Limits (AALs) and Threshold Effect Exposure Limits (TELs) - to evaluate potential human health risks from exposures to chemicals in air.” In some cases, MassDEP had not developed an AAL or TEL for a particular chemical. In these cases, the USEPA Integrated Risk Information System (IRIS) was reviewed for that chemical to determine if a reference concentration (RFC) existed. The reference concentration is derived in a similar manner as the AAL and TEL concentrations and represents a concentration protective of the general population and sensitive subpopulations. The Epsilon Air Quality analysis shows that no project-related AALs and TELs or RFCs were exceeded. This additional level of analysis supports the fact that project emissions will not adversely impact the communities in the area of the project, including EJ communities.*

*As part of the EOEEA MEPA process, an Environmental Justice report was prepared to present an enhanced analysis of air impacts; data on baseline public health conditions within the affected EJ population; analysis of technological, site planning, and operational alternatives to reduce impacts; and proposed on-site and off-site mitigation measures to reduce multiple impacts and increase environmental and energy benefits for the affected EJ population. This report was also prepared while the biosolids portion of the project was being proposed. Even with the biosolids solids operations proposed, Epsilon concluded the following (See Section 5.0 of their report in Attachment 10 of the Site Suitability application):*

- Under maximum expected operating conditions which include the stationary sources as well as the mobile on-site and off-site (i.e., diesel emissions from trucks) sources and using conservative assumptions, that the project’s air impacts will comply with all applicable health-protective standards.*

- *The National Ambient Air Quality Standards (NAAQS) will not be exceeded. Per EPA, these standards “provide public health protection, including protecting the health of “sensitive” populations such as asthmatics, children, and the elderly.*
- *MassDEP has developed “health- and science-based air guidelines - known as Ambient Air Limits (AALs) and Threshold Effect Exposure Limits (TELS) - to evaluate potential human health risks from exposures to chemicals in air.” The Massachusetts AALs and TELS will not be exceeded offsite.*
- *If MassDEP had not developed a specific AAL or TEL for a given chemical, the EPA Integrated Risk Information System was reviewed to determine if the EPA had developed a Reference Concentration. The EPA reference concentrations will not be exceeded off-site.*

*As noted above, these analyses show that there are no adverse effects associated with the proposed project.*

*With regards to greenhouse gas emissions, Attachment 11 of the Site Suitability Application Report shows that the proposed development will create 473 tons/year of GHG emissions, the additional solar will offset well over 1,000 ton/year of GHG emissions making this site net negative with respect to GHG emissions.*

*The MEPA Public Involvement Protocol for Environmental Justice Populations (the “EJ Involvement Protocol”) and the MEPA Interim Protocol for Analysis of Project Impacts on Environmental Justice Populations (the “EJ Analysis Protocol”) became effective date of January 1, 2022, and therefore were not in place when this project was originally seeking MEPA review.*

*Epsilon evaluated the potential impacts on the EJ population in compliance with the MEPA Environmental Justice Policy in effect at the time and showed that the EJ communities would not be adversely harmed. Specifically, the vulnerable health criteria were assessed, including many of the key health outcomes and others not available currently through the Department of Public Health (DPH) tool (e.g., chronic obstructive pulmonary disease or COPD). Although health vulnerabilities were identified, the extensive air quality evaluation showed that any Project-related emissions either from on-site or off-site operations will not contribute to poor air quality. This was shown by comparing the Project-related impacts, added to background concentrations (which include any other sources of air pollution), to health-based standards. If concentrations are below the health-based standards, this indicates that there will be no adverse health impact as a results of Project operations.*

*Similarly, any climate-related impacts were evaluated including any heat-related health vulnerabilities and the potential for flooding. Our analysis showed that the area around the Project-site would not be vulnerable to climate impacts. Furthermore, with the commitment to add multiple solar arrays, the Project will result in net negative impact on GHG emissions.*

*Lastly, Epsilon conducted a preliminary EJ Screen analysis of the area within 5 miles of the project. EJ Screen presents results for environmental and socioeconomic indicators. There are 13 environmental indicators and seven socioeconomic indicators. In addition, data are presented in terms of EJ and supplemental indexes that combine specific environmental indicators with socioeconomic indicators to evaluate combined vulnerabilities. EJ Screen analyses are conducted at the Census “block group” level, which is the finest level of detail. Analyses can also be conducted using a buffer around a point. EJ Screen will aggregate portions of the block groups that the buffer intersects, weighted by population in order to provide representative data for that buffer region. EJ Screen analyses are presented in terms of percentiles, which is a relative term that compares each block group with either the rest of the state, or the whole US. Importantly, EJ Screen is meant to be used as a screening level analysis and USEPA has determined that the 80<sup>th</sup> percentile is an appropriate percentile to identify areas that*

warrant further investigation. In the EJ Screen Technical Document<sup>2</sup> EPA notes that “a high percentile is not necessarily a real concern from a health or legal perspective. To understand the actual health or other implications of any screening results requires looking at the actual data and the indicator represents, and also looking at other relevant data if available.” Other data that EPA refers to includes whether the air pollution measurements exceed health-based standards.

USEPA notes that there are a number of limitations to an EJ Screen analysis. These limitations are generally associated with uncertainty in the underlying data for a particular indicator since data often are not available at the block group level. Also, as noted by USEPA, many of the indicators are screening-level proxies of potential health impacts, and do not represent actual health impacts. This is especially true for the “proximity” indicators such as the indicator for proximity to a superfund site or to traffic.

Table 1 presented below shows the environmental indicator values and percentiles compared to the State. The only indicators that are elevated (> 80<sup>th</sup> percentile) in the block groups within 5 miles of the Project Site are the potential toxic releases to air, superfund site proximity, and RMP (Risk Management Program). The SCR project will not have any significant toxic releases to air, has no significant potential for subsurface releases, and does not store chemicals subject to the Risk Management Program, so these are not relevant to this project. Importantly, the majority of the most important environmental indicators, including for particulate matter, ozone, diesel particulate matter, air toxics cancer and respiratory risks are all below the 80th percentile for the state. This is consistent with the extensive air quality analyses that was conducted that confirms that there is no anticipated significant adverse impact to air from the facility.

**Table 1**

SELECTED VARIABLES	VALUE	STATE AVERAGE	PERCENTILE IN STATE
<b>POLLUTION AND SOURCES</b>			
Particulate Matter ( $\mu\text{g}/\text{m}^3$ )	5.86	6.62	11
Ozone (ppb)	59.5	58.3	75
Diesel Particulate Matter ( $\mu\text{g}/\text{m}^3$ )	0.169	0.253	32
Air Toxics Cancer Risk* (lifetime risk per million)	20	21	3
Air Toxics Respiratory HI*	0.22	0.26	2
Toxic Releases to Air	4,400	2,800	87
Traffic Proximity (daily traffic count/distance to road)	550	630	69
Lead Paint (% Pre-1960 Housing)	0.55	0.51	52
Superfund Proximity (site count/km distance)	0.7	0.18	95
RMP Facility Proximity (facility count/km distance)	0.67	0.36	85
Hazardous Waste Proximity (facility count/km distance)	2.8	6.7	45
Underground Storage Tanks (count/km <sup>2</sup> )	5	3.4	77
Wastewater Discharge (toxicity-weighted concentration/m distance)	0.00013	0.2	28

<sup>2</sup> EJSCREEN Technical Documentation 2014 - environmental justice screening and mapping tool (epa.gov)



## Public Comment 7- Closure

**Summary of Public Comment:** Several commentors expressed concerns about closure contingencies.

**SCR Response to Closure:** SCR will follow all City and State (MassDEP) requirements with respect to proper closure of the proposed Facility. The following are excerpts from 310 CMR 19.030(5) and 19.051 regarding closure and financial assurance mechanisms:

310 CMR 19.030 (b)(5) requires that facility permit applications to MassDEP (after a site assignment has been obtained) include:

*A closure and post-closure plan which shall provide such diagrams, reports, studies and other information as the Department deems necessary to describe and evaluate the procedures the applicant proposes to use to close the facility and maintain and care for the site during the post-closure period in a manner that minimizes the impacts to public health and safety and the environment. A closure and post-closure plan shall include:*

- *a description of the activities, and the sequence of activities necessary to close the facility;*
- *a description of measures to be utilized to comply with the closure and post-closure requirements set forth in 310 CMR 19.045 and other applicable sections of 310 CMR 19.000;*
- *a description of proposed subsequent use of the site and/or facility, if any; and*
- *other provisions that the Department deems necessary on a site or facility specific basis to ensure proper closure of the facility.*

*Financial Responsibility for Closure, Post-Closure and Corrective Action- 310 CMR 19.051 requires as a condition of a MassDEP permit, the facility comply with the following requirement to establish financial assurance for closure of the facility:*

- *The owner or operator of a facility identified in 310 CMR 19.051(1) shall establish or obtain, and continuously maintain, financial assurance that is adequate to assure the Department that the owner or operator is at all times financially capable of complying with the provisions of 310 CMR 19.00 governing the closure of the facility and its post-closure maintenance. An owner or operator of a facility shall meet this financial assurance obligation by using any of the methods authorized in 310 CMR 19.051 (an approved financial assurance mechanism) and shall file with the Department and maintain in current form approved documents constituting or evidencing compliance with this obligation. Where the Department establishes a form for a financial assurance instrument the instruments submitted must be identical to the approved form. Where the Department does not establish a form, the applicant shall submit a draft of the proposed financial assurance mechanism for Department approval.*
- *An approved financial assurance mechanism shall be in full effect on or before the date that an owner or operator of a facility receives an authorization to operate under 310 CMR 19.042 and shall remain in full force and effect until the owner or operator obtains a release from this obligation pursuant to the provisions of 310 CMR 19.051(11). The Department shall not issue or renew an authorization to operate unless an owner or operator first complies with the provisions of 310 CMR 19.051 and may, pursuant to 310 CMR 19.081, revoke an approval, permit or authorization previously issued or take other appropriate enforcement should an owner or operator fail to remain in compliance with the provisions of 310 CMR 19.051.*
- *The initial and revised amounts of an approved financial assurance mechanism shall be no less than the estimate of the cost of closure and post-closure maintenance of the facility submitted to and approved*

by the Department according to the provisions of 310 CMR 19.051(5). No financial assurance mechanism shall be terminated by an owner or operator without the approval of the Department.

- An approved financial assurance mechanism shall be structured so that the Department shall be a party to said mechanism to the extent that it shall have the right to obtain, without the consent of the owner or operator, exclusive direction and control over the transfer, use and disbursement of the secured funds or performance benefits to perform approved closure and post-closure maintenance or secure reimbursement for costs incurred for so performing upon its determination that an owner or operator has failed in whole or in part to carry out closure or post-closure requirements in accordance with 310 CMR 19.000 or any plan or permit conditions or orders issued hereunder.

The MassDEP has the regulatory authority to ensure that the facility establishes an appropriate closure plan and maintains an adequate financial assurance mechanism in the event of a closure.

### **Public Comment 7- Emergency Plans and Fire Prevention**

**Summary of Public Comment:** Many commentors expressed concerns about emergency preparedness and fire protection for the facility.

**SCR Response to Fire Risk Management:** SCR will create a fire-safe environment to prevent accidents and protect the facility, its employees, and the surrounding environment. The critical function of handling solid waste involves receiving a stream of material that can increase fire risk. While small thermal events may occur, large scale incidents can be prevented. SCR has consulted with experts in fire safety in the recycling industry, a fire protection engineer, and will collaborate with local fire officials to establish the following steps to create this safe environment:

**a. Design for Fire Safety**

- i. Adhere to all local:
  1. Zoning regulations
  2. Building codes
  3. Fire codes and regulations
- ii. Comply with all national fire safety codes, regulations, and standards including:
  1. OSHA's General Industry Standard (29 CFR 1910) regulations related to fire prevention, emergency action plans, and electrical safety.
  2. OSHA's Fire Safety Standards (29 CFR 1910 Subpart L)
  3. OSHA's Electrical Safety Standards (29 CFR 1910.303)
  4. NFPA 1: Fire Code
  5. NFPA 13: Standard for the Installation of Sprinkler Systems
  6. NFPA 25: Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems
  7. NFPA 70: National Electrical Code (NEC)
  8. International Building Code (IBC)
  9. International Fire Code (IFC)
- iii. Design the facility layout with clear pathways for equipment movement and emergency access.
- iv. Ensure adequate water supply is established on site.
- v. Provide fire protection systems that meet or exceed NFPA 13 standards to address risks, including:

1. *Upgrades to existing sprinkler systems as needed.*
2. *Adding advanced fire detection and response systems in high hazard areas, including the tipping floor. (See Fire Protection Addendum presented as Attachment 3 of this response document for examples of additional fire protection controls.)*

**b. Plan for Fire Safety**

- i. *Develop a comprehensive Emergency Response Plan specific to pile fires in cooperation with the local fire department. As an amendment to the overall Emergency Action Plan, this response plan may include the following:*
  1. *Specific response procedures*
  2. *Emergency Response Team of employees with specific training*
  3. *Additional emergency response equipment*
  4. *Coordinated training and drills with the local fire department*
- ii. *Develop a comprehensive Fire Prevention Plan per OSHA 29 CFR 1910.39, to include:*
  1. *Types of hazards*
    - a. *Pile management*
    - b. *Flammable liquid storage*
    - c. *Electrical safety*
    - d. *Hot work safety*
    - e. *Housekeeping*
  2. *Proper handling and storage procedures*
  3. *Procedures for regular maintenance of safeguards on heat producing equipment*
  4. *Procedures to control accumulations of flammable and combustible waste materials*
  5. *Fire prevention responsibilities*
  6. *Fire detection and response equipment with maintenance procedures in accordance with NFPA 25 standards*
  7. *Employee training*
  8. *Audit procedures*
  9. *Record keeping*
  10. *Review and update procedures*
- iii. *Develop a comprehensive Emergency Action Plan per OSHA 29 CFR 1910.38, to include:*
  1. *Types of emergencies that may occur at the facility*
  2. *Emergency notification and alarms*
  3. *Evacuation procedures and emergency escape routes*
  4. *Accountability for all employees and visitors*
  5. *Emergency contact information*
  6. *Communication*
  7. *Rescue and medical assistance*
  8. *Emergency equipment*
  9. *Assistance for persons with special needs and disabilities*
  10. *Training and drills*
  11. *Incident review and documentation*
  12. *Review and update procedures*

- c. **Plan for Continual Improvement of Fire Safety in the Operations.** *In addition to measures outlined in the Fire Prevention Plan and Emergency Action Plan, the following actions will be a part of the SCR culture:*
- i. *Benchmarking and best practice improvements as developed throughout the industry.*
  - ii. *Ongoing engagement with local emergency responders. This will include pre-planning tours, cooperative training, and drills.*
  - iii. *SCR will work to support any specialized response needs that the fire department may identify.*
  - iv. *Obtain RIOS (the Recycling Industry Operating Standard) certification to control all environmental, health and safety risks.*
  - v. *Engage a third-party auditor with expertise in recycling industry fire safety to audit fire risk at the facility on a regular basis. These audits would identify deficiencies and make recommendations for improvement. Audits will also track fire risk through a fire risk scoring system.*

#### **Public Comment 8 – Historical On-site Subsurface Investigations**

**Summary of Public Comment:** There were several comments regarding the historical environmental investigations that were performed on-site and whether their conclusions are still valid based on changes the MCP (e.g., 2019 MCP revisions).

**SCR Response to Historical Investigations:** *Based on the historical use of the subject property, a Phase I Environmental Site Assessment, and a Limited Subsurface Investigation (LSI) was conducted at the subject site. The LSI report compared the laboratory data to the listed Reportable Concentrations (RCs) for soil classified as S-2 and groundwater classified as GW-2. With the exception of lead which had been reported in a groundwater sample collected at one monitoring well, all other parameters were below reportable concentrations for the applicable GW-2 category.*

*In addition, the LSI noted that groundwater from the monitoring well noted above was turbid during sampling, which may have accounted for the elevated lead concentration. Accordingly, and as allowed in the MCP, that monitoring well was resampled and the collected sample was filtered in the field to remove sediment prior to delivery to the laboratory for metals analysis. The laboratory reported that lead was still present, but at a much lower concentration than the previous report and well below the lead RC for GW-2 groundwater. Based on the age of the LSI (2016), GSE compared the LSI-reported analytes to the current Massachusetts Contingency Plan (MCP) Oil and Hazardous Materials List. The results contained in the LSI report are all below their respective reportable concentrations. Thus, the following conclusion of the LSI report remains true: “Based on the results of this LSI, SAGE has not identified the presence of subsurface impacts at the site that would require reporting to MassDEP. As such, SAGE is of the opinion that further actions are not warranted at this time.”*

*It is GSE’s opinion existing pollution will not contribute to combined impacts on the public health, safety, and the environment taking into consideration 310 CMR 16.40(4)(k).*

#### **Public Comment 9 – Light Pollution**

**Summary of Public Comment:** There were several comments regarding the potential for nuisance light pollution.

**SCR Response to Nuisance Light Pollution:** *All lighting on-site will follow all state and City building code including dark sky compliance when required. SCR will ensure that lighting on-site does not present an off-site nuisance condition associated with lighting.*

#### **Public Comment 10 – Rail Line Order of Conditions**

**Summary of Public Comment:** **There was mention that the facility does not have an Order of Conditions (OOC) from the City of New Bedford to construct the additional rail sidetrack.**

**SCR Response to the Order of Conditions:** *The Phase 1 construction of rail spur and sidetracks has already been approved by the Conservation Commission under an Order of Conditions. A copy of the Order of Conditions (OOC) for the rail spur and sidetracks was presented in Attachment 6 of the Site Suitability Application. Construction of the additional rail side tracks and the new tipping building addition requires the filing a Notice of Intent with the New Bedford Conservation Commission due to their location partially within the buffer zone to wetland resource areas. However, none of these features are located within the wetlands themselves. SCR will obtain an additional OOC for the construction of these features prior to applying for the MassDEP ATC permit.*

#### **Public Comment 11 – Setbacks to Receptors**

**Summary of Public Comment:** **There were a few comments that stated that SCR does not meet the requisite setbacks from receptors or criteria set forth in 310 CMR 16.40 (3) and (4).**

**SCR Response to Setbacks to Receptors:** *There are no existing occupied residential dwellings, prisons, health care facilities, elementary schools, middle schools or high schools, children’s preschools, licensed day care centers, senior centers, or youth centers within 500 feet of the proposed site assignment limits or waste handling areas at the Facility. The locations of these sensitive receptors are presented within Insert 3 of the updated Site Suitability Narrative (This can be found within the “Response to Determination of Administrative Completeness” submittal dated May 15, 2023.)*

*The residential dwellings nearest the proposed waste handling facility are located on Phillips Road to the east of the Property. The closest residential dwelling is located 590 feet from the proposed site assignment limits and 610 feet from the nearest proposed waste handling area (closest being the eastern most portion of the rail spur). Interior waste handling (not including the general recycling/glass processing operations) at it’s closest point will be approximately 1,210 feet from the closest residential dwelling and the tipping doors to the facility will be approximately 1,580 feet from the closest residential dwelling.*

*Additionally, the site meets other required setbacks such as distance of waste handling areas to property lines and site assignment distances to prime farmland, farmland of unique importance, or farmland of statewide importance.*

*The site complies to all setback requirements set for the within 310 CMR 16.40(3) (4) and will not require any waivers under 310 CMR 16.40(6).*

*It should be noted that the Facility’s present operations (e.g., truck and trailer storage) is not solid waste handling and SCR has no intention of storing solid waste outside of any identified waste handling areas.*

**Public Comment 11 – Compliance with 310 CMR 16.40 (3) (4) & (5)**

**Summary of Public Comment:** There was a comment that stated that SCR does not meet the burden of proving the site meets the criteria set forth in 310 CMR 1640 (3) (4) &(5).

**SCR Response to Compliance to 310 CMR 16.40 (3) (4) & (5):** *The information provided to MassDEP meets and satisfies the letter and intent of all the applicable regulations. GSE and other experts have provided numerous reports on impacts (including cumulative impacts), mitigation measures (policies, procedure, and engineering controls) as well as supporting calculations that show that the Facility will not constitute a danger to the public health, safety, or the environment. It should be noted, although stated in one of the comments that 310 CMR 16.40(5) is pertinent to landfills and combustion facilities. As such it is not applicable to SCR’s facility.*

*Moreover, SCR draws the Department’s attention to the following provisions of the Site Assignment Regulations which govern the Department and the Board’s review of SCR’s application. In SCR’s opinion the comments submitted do not rebut the applicable presumption of compliance with state and federal statutory, regulatory or policy requirements nor does the application call for review of detailed design or operational plans beyond those contained in SCR’s application or called for by MassDEP:*

(c) Facility Design Review.

1. General. All applications shall be evaluated with the presumption that the proposed facility shall be designed and constructed to meet all relevant state and federal statutory, regulatory and policy requirements.
2. Design Considerations. The review of an application shall not consider detailed facility designs or operations except where:
  - a. the Department determines that specific design or operation plans or data are necessary to determine whether potential discharges or emissions from the proposed facility could render the site not suitable and requires the applicant to submit such relevant and detailed information; or
  - b. the applicant intends to alter the site or design the facility to meet specific site suitability criteria and submits such plans or other information as the Department deems necessary to determine if the criteria are satisfied.

**Public Comment 12- Regional Need and Solid Waste Master Plan (SWMP)**

**Summary of Public Comment:** Commentors expressed concerns about the facility not meeting regional need or complying with the SWMP.

**SCR Response to Regional Need and SWMP:** *The following was submitted as part of SRC’s Response to Determination Administrative Completeness on May 15, 2023:*

*The proposed project is being developed to fill a need in the Commonwealth for processing and economical transfer of generated solid waste materials to out of state disposal sites. Massachusetts solid waste disposal capacity is currently impacted by the closures of in-state landfills and the fact that no new landfills or incinerators are being constructed. The Fall River landfill has recently closed, the Bourne landfill has become an ash landfill for ash generated at SEMASS, and the Crapo Hill Landfill is largely limited to member towns. The Taunton Landfill closed in 2020, the Southbridge Landfill closed at the end of 2018, and the Chicopee Landfill is presently closed. Additionally, two incinerators that had reached their useful life were shut down in 2022, further reducing in-state disposal capacity and increasing the reliance on transfer and rail.*

*The Massachusetts 2030 Solid Waste Master Plan reports:*

- *Landfill capacity for municipal solid waste and construction and demolition debris (C&D) is projected to decline to virtually zero by the end of the next decade.*
- *Massachusetts has extensive waste transfer capacity; however, most waste transfer facilities do not increase overall waste management capacity because they are not able to deliver waste beyond Massachusetts and our neighboring states, where disposal capacity is also limited. Some facilities are investing in capacity to transfer waste out of the region by rail, though those facilities face logistical challenges arranging rail shipments and ensuring an adequate supply of the right type of railcars.*

*By providing additional annual capacity of 468,000 tons to the region, this Facility will complement local and regional need for disposal capacity as well as recycling/diversion. Additionally, should the City of New Bedford utilize this facility in the future (post-Crapo Hill Landfill Closure), it could satisfy the City's need for a long-term waste disposal outlet, as well as long-term needs of surrounding communities. The Proponent acknowledges in the hierarchy of solid waste that diversion and recycling is of the utmost importance.*

We trust these responses coupled with our submitted application adequately addresses general amalgamated public comments related to the project.

Should you have any questions or need additional information, please do not hesitate to contact me at (508) 888-6034.

Sincerely,

**GREEN SEAL ENVIRONMENTAL, LLC**



Laura A. Bugay, P.E.  
Executive Vice President

cc: Tim Cusson, South Coast Renewables  
Thomas Mackie, Burns & Levinson LLP  
Stephanie Sloan, New Bedford Board of Health

Attachments:

- 1- Public Comment Index
- 2- Sample Odor Counteractant Product Sheet
- 3- Fire Protection Addendum

ATTACHMENT 1

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PUBLIC COMMENT INDEX





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A13-2	Rep Chris Hendricks	House Of Representatives		8/22/2023
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M1	Carol Stripczewski	New Bedford, MA		8/23/23/

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SAMPLE ODOR COUNTERACTANT PRODUCT SHEET





## AirSolution 23

Ideal for trash or recycling rooms

**AirSolution™ 23 is a concentrated non-toxic liquid odor counteractant for treating airborne odors that originate from solid waste materials including, trash rooms, dumpsters, compactors, recycling areas, landfills, transfer stations, material recovery facilities and food waste disposal.**

AirSolution™ 23 is a water soluble liquid, with a distinct scent, used to neutralize and completely eliminate various organic odors arising from a multitude of sources. The basis of AirSolution is a complex blend of essential oils and odoriferous organic compounds found in plants. AirSolution also contains surfactant, isopropyl alcohol, dyes (product class: FD&C color) and water. When the diluted product is misting in contact with odorous air it effectively reduces the concentration and intensity of airborne odors by converting odor molecules into non-volatile compounds.

AirSolution™ 23 is safe to handle and apply in areas where there may be human contact.

### Product Specification on AirSolution Concentrate

Properties: Transparent liquid  
Color: Green  
Odor: Citrus blend  
Gravity at 20°C: 0.935-0.950  
pH at 25°C: 5.5-7.0

### Instructions for Use

**Dilution Range:** 4:1 to 10:1 for trash rooms,  
200:1 to 500:1 outdoor misting systems

**Application Method:** Atomization / Misting

**Application Areas:** Trash chutes, trash rooms, compactors, dumpster areas, food waste areas, landfills, transfer stations.

- Mix product with clean potable water before use.
- Mixed product should be used within 30 days for optimal performance.
- Guidelines for calculating chemical usage are estimates only. Actual usage is affected by odor concentration, temperature, particulate levels, etc.

### Ordering Information: AirSolution™ #23 Concentrate

Code	Size	Wt.	Dimensions
50-AIR-0830-C20	20 L 5.28 gal	21.8 kg. 48 lbs.	23 x 28 x 38 cm 9" x 11" x 15"
50-AIR-0830-D20	200 L 52.8 gal	228 kg. 500 lbs.	57 x 57 x 89 cm 23" x 23" x 35"

## Odor Neutralizer Concentrated Liquid Air-Contact Technology Safe & Effective

### Applications

- Trash rooms
- Compactors
- Dumpster storage
- Trash chutes
- Recycling areas
- Organics collection

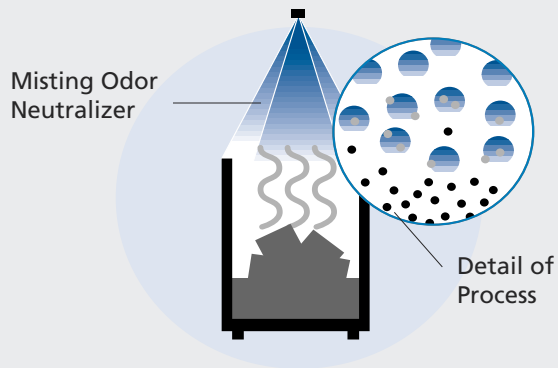
### Types of Odors Treated



- Hydrogen sulfide
- Mercaptans
- Reduced sulfur compounds
- Organic Acid Odors
- Decay

TDG Classification: Flammable liquid class 3, packing group III



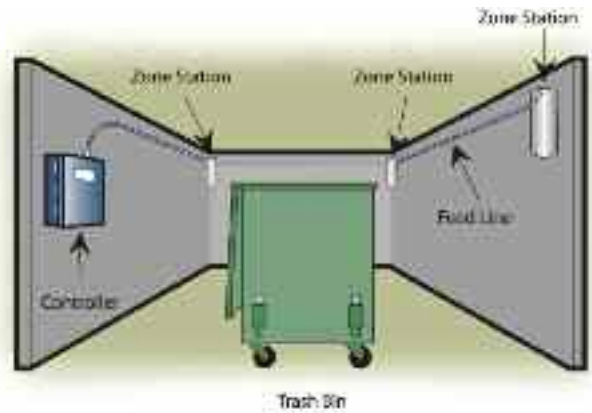
## Airborne Odor Control



-  Airborne Misting Odor Neutralizer
-  Neutralized Odor

**Our misting odor neutralizers contain powerful reactants made from essential oils, surfactants and aromatics. Airborne droplets attract and neutralize odors through active chemical processes.**

## Trash Room Installation



## Types of Odors Treated

- Garbage
- Food waste areas
- Trash chutes
- Building perimeters

### Storage

Store product in the unopened container in a dry location. Storage information may be indicated on the product container labeling. Optimal Storage: 8 °C to 21 °C. Storage below 8 °C or greater than 28 °C can adversely affect product properties. Material removed from containers may be contaminated during use. Do not return product to the original container. Ecolo cannot assume responsibility for product which has been contaminated or stored under conditions other than those previously indicated. If additional information is required, please contact your local representative or Ecolo Technical Support Department.

### Material Specification

Test reports for each batch are available for the indicated properties. Test reports include selected QC test parameters considered appropriate to specifications for customer use. Additionally, comprehensive controls are in place to assure product quality and consistency. Special customer specification requirements may be coordinated through Ecolo.

### Conversions

$(^{\circ}\text{C} \times 1.8) + 32 = ^{\circ}\text{F}$   
 $\text{L} / 3.785 = \text{Gal}$   
 $\text{cm} / 2.54 = \text{inch}$

### Note

The data contained herein are furnished for information only and are believed to be reliable. We cannot assume responsibility for the results obtained by others over whose methods we have no control. It is the user's responsibility to determine suitability for the user's purpose of any production methods mentioned herein and to adopt such precautions as may be advisable for the protection of property and of persons against any hazards that may be involved in the handling and use thereof.

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The discussion herein of various processes or compositions is not to be interpreted as representation that they are free from domination of patents owned by others or as a license under any Ecolo patents that may cover such processes or compositions. We recommend that each prospective user test the proposed application before repetitive use, using this data as a guide. This product may be covered by one or more United States or foreign patents or patent applications.

### Trademark usage

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FIRE PROTECTION ADDENDUM



## Attachment 3

### Fire Protection Addendum

Early detection and a quick and effective fire response will keep early-stage fires from growing out of control. In addition to meeting or exceeding all NFPA 13 requirements for fire protection as interpreted by the New Bedford, MA Fire Department (AHJ), SCR will be working to incorporate advanced fire detection and suppression systems to address incipient stage fires. An example of one such system is outlined here:

**FireRover** uses advanced fire detection analytics, with human verification, to identify incipient stage fires where combustible materials are stored or processed.



Early Detection is achieved through military-grade thermal detection and high-definition video.

All information is fed into sophisticated false alarm filtering analytics before final verification by human agents. Verified threats are immediately addressed by remote operators with targeted suppression that concentrates fire-fighting agents at the base of the fire.

FireRover is a self-contained system but can also be used to enhance existing protection systems and include fire department connections to augment fire department response.



This system has proven effectiveness in waste handling facilities and is recommended by fire prevention experts in the recycling industry.

FireRover is just one example of 24/7/365 thermal monitoring and advanced suppression capabilities. SCR is committed to finding and utilizing the best available technology to control any incipient stage fires.