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April 2, 2021

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
FINAL 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, Inc.
DATE NOTICED IN MONITOR	: February 24, 2021

Pursuant to Section 11.08(8)(c)(2) of the MEPA regulations, I hereby determine that the Final Environmental Impact Report (FEIR) submitted on this project **does not adequately and properly comply** with the Massachusetts Environmental Policy Act (MEPA; M.G.L. c. 30, ss. 61-62I) and with its implementing regulations (301 CMR 11.00), and therefore requires the filing of a Supplemental FEIR. Specifically, I find that further analysis of the project's impacts and mitigation measures is required to satisfy the MEPA requirements that the project's environmental impacts have been clearly described and fully analyzed or that it has incorporated all feasible means to avoid Damage to the Environment.

I received over 450 comment letters from elected officials, the City of New Bedford (City), legislators, community and environmental organizations, and residents, including more than 350 letters opposed to the project because of its noise, air quality, odor and traffic impacts and its proximity to residences and schools. I note these topics were a significant focus of the Scope for the FEIR. Most commenters opposed to the project also highlighted the environmental burden placed on Environmental Justice (EJ) populations and residents in nearby sections of New Bedford associated with the cumulative impacts of existing solid waste facilities, including active and inactive landfills, hazardous waste sites and traffic congestion. The need to address the disproportionate environmental burden experienced by EJ populations was recognized by Governor Baker and the Massachusetts Legislature with the recent passage into law of Senate Bill 9 - An Act Creating a Next Generation Roadmap for Massachusetts Climate Policy, which includes provisions that significantly increase protections for EJ communities across the

Commonwealth. Regulations for administering the EJ-related provisions of this legislation will be developed in the near future. The MEPA review process offers an appropriate forum for addressing cumulative environmental impacts, including those disproportionally affecting EJ populations.

The information and analyses to be provided in the Supplemental FEIR are necessary to comprehensively address the issues identified in comment letters submitted by the City and others and issues identified in the Scope for the FEIR, issued on January 30, 2020. As detailed below, the Scope is largely consistent with comments provided by the Massachusetts Department of Environmental Protection (MassDEP), which identify information that will be required during the solid waste permitting process, including additional analyses of the project's noise and traffic impacts and potential discharges of per- and polyfluoroalkyl substances (PFAS). The Supplemental FEIR will provide an opportunity for public review and comment on this information prior to the project entering the permitting phase.

Project Description

As described in the FEIR, 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 (400 wet tpd) of biosolids, which are residual solid materials left over from the treatment of sewage at municipal wastewater treatment plants (commonly referred to as sludge).

The project will be constructed in two phases. Phase 1 includes construction of: a 27,500-square foot (sf) building for glass recycling/processing ("Glass Processing Building"), a 23,050-sf bunker building ("Glass Processing Bunker Building") attached to the north side of the Glass Processing Building, a 22,819-sf side bunker building ("Glass Processing Side Bunker Building") southeast of the Glass 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 for shipment to bottle manufacturers. Phase 1 was proposed by the Proponent to meet a regional need for glass processing 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 in the 27,500-sf Glass Processing building. Construction of the other Phase 1 components has not commenced.

Phase 2 includes the MSW and C&D transfer station, the biosolids drying facility ("Biosolids Building") 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 twelve (12) 40-ft high exhaust stacks. Shipment of all outbound material will primarily occur via rail car. According to the FEIR, two changes have been made to the project design since the filing of the Draft Environmental Impact Report (DEIR) to minimize noise impacts. The Biosolids Building has been expanded to allow delivery trucks to enter the building and unload the wet biosolids, and a proposed 24-ft high noise barrier will be lengthened to 325 ft and extended along the eastern and southern end of the RR spurs to shield sounds from locomotives, railcar coupling and mechanical equipment at the Biosolids Building.

According to the FEIR, 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 will 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. Baled waste delivered to the site will not be further processed by transported off-site. 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 in trailers. Processed MSW will be baled and shrink-wrapped prior to being loaded onto rail cars. The facility is anticipated to generate 1,300 tpd of processed MSW and C&D for disposal, which would fill approximately 15 rail cars each day.

The biosolids processing facility will accept solids from wastewater treatment plants and will have a maximum processing capacity of 50 dry tpd (400 wet 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 per day (gpd) of wastewater is expected to be extracted from the dewatering process and discharged into the City'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 gpd and discharged into the City's sewer system. The biosolids will be dried to approximately 90 percent solids and sent via railcar or truck for disposal or for beneficial reuse as landfill daily cover. According to the FEIR, 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. Dried biosolids will not be marketed or sold for reuse as fertilizer.

Project Site

The 71-acre project site is located within the New Bedford Industrial Park at 100 Duchaine Boulevard. 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 1.6-MW solar photovoltaic (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; a net addition of 0.3 acres of new impervious area (18.03 acres total at the site); alteration of 4,095 sf of BVW, 45 linear feet (lf) of Bank, 4,700 sf of Bordering Land Subject to Flooding and 4,700 sf of Riverfront Area; generation of 718 new average daily trips (adt), including 418 daily truck trips; 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, generation of 478 adt (including 328 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 (GHG) 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 3.9-megawatt (MW) canopy-mounted solar 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 received an Order of Conditions (DEP File No. SE49-0381) from the New Bedford Conservation Commission on July 30, 2020 and an amended Site Plan Approval from the New Bedford Planning Board on December 23, 2020.

The remainder of the project will require a Determination of Site Suitability, Authorization to Construct, and Authorization to Operate 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, including: Site Assignment from the Board of Health (BOH), 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.

Review of the FEIR

The FEIR described the project and its environmental impacts and identified mitigation measures. It provided detailed site plans, including existing conditions and site conditions under Phases 1 and 2. It included a review of the project's permitting status, a response to comments

received on the DEIR and draft Section 61 Findings. As noted below, the FEIR did not adequately respond to several issues raised in the Scope. These issues should be addressed in the Supplemental FEIR.

Environmental Justice and Public Outreach

The Scope included in the DEIR Certificate required the FEIR to: describe how the project's air emissions will be monitored during operation of the facility to track its contribution to contaminants affecting sensitive receptors and the data made available to the public; develop a system for logging odor, noise and dust complaints associated with the operation of the facility and identify response measures; and include additional information about the operations of the facility and potential public health, environmental and transportation impacts, including a review of potential climate-related air quality impacts and an expanded discussion of how extreme temperatures might affect the frequency and severity of future air quality alerts issued by the National Weather Service (NWS).

According to the Proponent, the modeling of the project's air emissions previously provided in the DEIR, and summarized in the FEIR, described a worse-case scenario based on maximum site processing rates. The analysis documented that concentrations of air contaminants emitted by the facility will be below MassDEP's air permitting thresholds and MassDEP has not identified the need for an air permit for the project. According to the FEIR, the results of the air dispersion model address cumulative air impacts and varying climate conditions. As described in the FEIR, the ambient air toxic standards are intended to address the cumulative effect of the project's emissions and the project's emissions of criteria pollutants are evaluated against the standards after adding background pollutant concentration for other sources. The air dispersion model was prepared using methods prescribed by the EPA and incorporated weather conditions reflected in five years of hourly weather data; according to the FEIR, dispersion of pollutants is affected by colder temperatures rather than the prolonged period of high temperature projected under future climate conditions. As detailed below, the Supplemental FEIR should include a review of the analysis of the project's air emissions written in non-technical language.

Public Outreach

The FEIR described additional public outreach efforts conducted by the Proponent prior to filing the FEIR, including two virtual meetings held in December 2020. The Proponent will be required to continue to inform the public and seek additional input about the project during the subsequent permitting process. In connection with the MassDEP's Site Assignment review, the Proponent will be required to develop a Public Involvement Plan (PIP); the Supplemental FEIR should include an outline of public participation measures that may be included in the PIP.

I appreciate that the Proponent distributed the FEIR 30 days prior to the start of the formal MEPA comment period to provide additional time for public review of the project The public will continue to have opportunities to learn about the project and to review and comment on subsequent permit applications. Commenters on the FEIR and previously-filed MEPA documents for this project will receive a copy of the Supplemental FEIR as described below and will have an opportunity to comment during the 30-day comment period. The project will also require three permits or approvals from MassDEP. The Site Suitability review will include a 21-day comment period and the Authorization to Construct permit review will include a 30-day

public comment period; MassDEP may also allow for a 21-day comment period in connection with the issuance of a provisional Authorization to Operate permit. In addition, the BOH must hold a public hearing prior to making a decision on the Site Assignment.

The FEIR included a draft of a log sheet that will be used by the Proponent to document complaints received from the public regarding noise, odor and/or dust generated by the facility. Upon receipt of a complaint, staff of the facility will note weather conditions, attempt to confirm the odor, noise and/or dust impact reported by the complainant, implement mitigation measures to eliminate or minimize the impact, evaluate the cause of the complaint and determine whether new practices or procedures are necessary to avoid a repetition of the impact, and respond to the complainant. In the FEIR, the Proponent committed to monitoring the facility's emissions of Volatile Organic Compounds (VOC) and Particulate Matter (PM_{10}) by tracking monthly mass rates of air emissions and applying an air emissions factor based on the corresponding tonnage of processed glass, MSW and biosolids. The Proponent has proposed to make this data available for review by MassDEP, and if requested by MassDEP to do so, publicly available. As detailed below, the Supplemental FEIR should include additional details about the distribution of air quality data and implementation of the complaint logging system.

Solid Waste

The Scope for the FEIR required additional information about the delineation of the waste handling site assignment areas, the proposed site assignment boundary relative to adjacent agricultural lands, movement of rail cars through the site and potential modifications that could be made to the facility and its operations to address potential future regulations concerning the handling, treatment and disposal of PFAS in wastewater and biosolids.

The FEIR included an updated land use plan with a revised site assignment boundary that establishes a 100-ft buffer between mapped agricultural soils to the west of the site and the proposed site assignment area. The change to the proposed site assignment area boundary will not affect the proposed layout of the proposed facility. The FEIR clarified that the waste handling area shown on the land use plan includes all areas that meet the regulatory criteria for waste handling pursuant to Site Assignment Regulations (310 CMR 16.00); however, the Proponent has committed to conduct all waste handling and processing within the enclosed buildings.

According to the FEIR, the Proponent anticipates that most waste will be transported off-site by rail. The FEIR included additional details regarding the movement of rail cars from the RR tracks to the west to on-site rail spurs and loading tracks. One track (Track 1) will pass into loading areas within the MSW and Glass Handling buildings to minimize noise associated with loading of waste into the rail cars. The other four spurs (Tracks 2 through 5) will be parallel to and north of the Track 1 and extend to the eastern part of the site. Empty rail cars stored on two of the tracks will be sequentially moved onto Track 1, loaded, then moved back onto two empty tracks until hauled away. 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. Dried biosolids will be trucked in covered containers from the Biosolids building to the loading area within the MSW building, loaded onto a rail car on Track 1, and transported off-site with the other wastes as described above.

The Scope for the FEIR required the Proponent to review how the biosolids facility may be operated if it is subject to future PFAS standards applicable to wastewater and/or solids (residuals) imposed by state, federal or City regulations. According to the FEIR, construction of the biosolids facility will not commence for at least a year and will be designed in accordance with all applicable regulations that will be in place at that time. During the review period, the Proponent acknowledged that future PFAS regulations may influence the design, construction and operation of the biosolids drying facility in the following ways:

- No changes may be necessary if the facility as currently designed is determined to comply with future standards and/or if the City's wastewater treatment system is modified to address PFAS in wastewater;
- A pre-treatment system may have to be added to the project to remove or reduce PFAS prior to discharge of wastewater into the City's sewer system;
- The facility may accept only wet biosolids that have been processed or treated to meet PFAS standards; or,
- The Proponent may decide to eliminate biosolids drying from the project or cease operations of the biosolids drying facility.

Standards for PFAS in drinking water were promulgated in 2020 and MassDEP is developing regulations to address potential human and ecological exposure to PFAS from other sources. Many commenters, including MassDEP and the City, identified the need for additional analysis of potential discharges of PFAS from the biosolids handling, transport and drying process; this analysis should be provided in the Supplemental FEIR.

Traffic

The FEIR included an updated traffic analysis prepared in accordance with the EEA/MassDOT *Transportation Impact Assessment (TIA) Guidelines* used to analyze transportation-related impacts of projects subject to MEPA review. The analysis compared traffic volumes and roadway and intersection operations under 2020 Base, 2020 Existing, 2027 No Build and 2027 Build conditions. Traffic conditions prior to the addition of truck and vehicle traffic generated by Phase 1 of the project are reflected in the 2020 Base scenario; because traffic counts could not be collected due to abnormally low traffic volumes associated with the COVID-19 pandemic, previously-collected counts from 2018 were adjusted using traffic counts collected by MassDOT prior to the pandemic in February 2020. The 2020 Existing condition was developed by adding truck and automobile trips generated by Phase 1 of the project to the 2020 Base scenario. Future conditions were modeled by increasing traffic volumes in the 2020 Existing scenario by one percent per year over the seven-year study horizon and are represented by the 2027 No Build condition. The 2027 Build condition was developed by adding the truck and automobile trips generated by the full buildout of the project to the 2027 No Build scenario. The analysis reviewed traffic operations at the seven same intersections that were studied in the DEIR:

- Route 140 Northbound (NB) Ramps at Braley Road;
- Route 140 Southbound (SB) 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.

Vehicles are expected to travel to the site along a route from Route 140 to Braley Road/Theodore Rice Boulevard and onto Duchaine Boulevard, and to follow the same route in reverse when leaving the site. The FEIR included a commitment to prohibit trucks associated with the facility from using Phillips Road, which abuts the residential neighborhood east of the site, to travel to or from the facility; this prohibition will be included in contracts with waste haulers which will specify financial penalties for trucks using Phillips Road and will ban repeat offenders from using the facility.

The FEIR included revised trip generation estimates for the project. Phase 2 will generate up to 328 truck trips per day on each day the facility is open, in addition to the 90 truck trips per day generated by Phase 1, for a total of up to 418 truck trips per day under full-build conditions. Employees of the facility will generate 150 trips per day in Phase 1 and an additional 150 trips in Phase 2 for a full-build total of 300 daily trips. Estimates of the volume and hourly distribution of truck trips were based on observations of truck traffic patterns and the number of each type (size) of trucks used to deliver and transport waste at facilities in Rochester and Taunton. Under 2027 Build conditions, Phase 2 of the project will generate a total of 478 daily trips, including 59 vehicle trips in the morning peak period and 59 trips in the evening peak period. According to the FEIR, 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 number of truck trips will be lower if the proposed rail service to the site is implemented.

The results of the revised analysis of traffic operations at study area intersections provided in the FEIR are consistent with the DEIR analysis. According to the FEIR, several intersections in the study area experience congestion and long delays under existing conditions and project-generated traffic will further exacerbate these conditions. I note that the analysis indicated that the level of service (LOS) of the westbound left turn at the Route 140 SB Ramps at Braley Road will degrade from LOS D under 2027 No Build conditions to LOS E under 2027 Build conditions. An LOS D indicates an acceptable level of traffic operations through an intersection; an intersection operating at LOS E or LOS F will experience increased congestion and delays. The FEIR documented that several intersections, most notably Route 140 NB Ramp at Braley Road and Braley Road/Theodore Rice Boulevard at Phillips Road, operate at LOS E or LOS F with long delays and queues under the Existing 2027 and No Build 2027 conditions. The addition of project-generated traffic, as modeled under the 2027 Build scenario, will cause even longer delays and queues at these intersections, including queues that may cause traffic to back up onto Route 140.

According to the FEIR, roadway mitigation to address the impacts of project-generated traffic is not necessary because the project will cause minor delays at intersections that already operate over capacity under existing conditions. In addition, the FEIR suggested that the project's traffic impacts may be less than represented in the FEIR because the analysis assumed that all waste will be transported off-site by truck rather than by rail. As noted above, the traffic analysis in the FEIR documented that project-generated traffic will cause lengthened queues at the Route 140 NB off-ramp that may extend beyond the ramp onto the highway and add to

delays and congested at intersections that already experience poor levels of traffic operations. The FEIR also included a traffic signal warrant analysis for the Braley Road/Theodore Rice Boulevard at Phillips Road intersection that confirmed that the intersection meets traffic volume and delay criteria for installation of a traffic signal under both 2020 Existing and 2027 Build conditions. As detailed in the Scope below, the Supplemental FEIR should provide additional transportation information as requested by MassDEP and review potential mitigation measures to address the impacts identified above.

Noise

The FEIR included a revised noise analysis that incorporated additional sources of noise identified by MassDEP in its comment letter on the DEIR, including waste delivery vehicles inside and outside the buildings; 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. Project-generated noise was modeled as either continuous noise or incidental noise. Continuous noise sources included exterior fans associated with the MSW, Biosolids and Glass Processing Buildings; cooling towers, biofilter exhaust stack and makeup air fan associated with the Biosolids Building; MSW tipping, dumping and moving with three open bay doors on the west side of the MSW Building; an open railcar loading bay door on the west side of the MSW Building; and exhaust and ventilation systems at the Glass Processing Bunker Building. Incidental sources included back-up alarms on trucks operating on the west side of the MSW Building; an idling locomotive near the northeast corner of the MSW Building; and railcar couplings at the eastern end of the rail spurs. Noise generated from these sources was modeled under the assumption that the following noise mitigation measures have been incorporated into the project design:

- Siting of noise generating equipment and material handling routes away from residences;
- Reducing truck backup alarms by arranging a forward traffic flow for unloading of biosolids;
- The use of an electric rather than diesel-powered rail car pusher;
- Conducting all waste handling activities within enclosed buildings;
- The use of low noise equipment, silencing equipment and insulated walls to minimize noise from stationary equipment;
- Require trucks to drive through the site at slow speeds and locate truck scales away from residences; and
- Construction of a 325-ft long, 24-ft high L-shaped sound barrier around the eastern and southern ends of the rail spur to shield noise generated by locomotives, railcar coupling and ground level equipment at the Biosolids Building.

The analysis of continuous noise sources assumed that all stationary equipment was operating at full load at the same time. Sound levels produced by continuous and incidental sources were modeled separately and compared to ambient sound levels at five residences nearest to the project site. The analysis indicated that the continuous and incidental sources will cause an increase of up to eight decibels (dBA) and 10 dBA, respectively, at one of the residences. According to the FEIR, the results indicate that the project will comply with

MassDEP's Noise Policy, which prohibits an increase of more than 10 dBA over ambient conditions. As detailed below, MassDEP has identified additional analyses that must be provided to support the conclusions of the noise analysis, including more information to support the analysis of noise impacts and mitigation measures identified in the FEIR.

Greenhouse Gas Emissions

The FEIR provided additional information about the project's stationary-source GHG emissions in response to the Scope included in the DEIR Certificate. It clarified that full energy models were prepared for the Biosolids, Glass Processing and Glass Processing Bunker buildings, which are considered to be conditioned spaces; the unconditioned space in the MSW Building and the Glass Processing Side Bunker Building were modeled only with respect to energy use associated with the lighting and ventilation needs of these buildings. The FEIR confirmed that the 90-percent efficient heating system originally proposed for the Biosolids building is not feasible because a direct-fired burner cannot be used in the building due to the risk of combustion of gases produced in the drying process. The Proponent has proposed to use an 82-percent efficient heating system in the Biosolids Building, which exceeds the minimum Building Code requirement for an 80-percent efficient heating system.

As described in the FEIR, the proposed buildings will emit 11,721 tons per year (tpy) of GHG, a 0.7 percent reduction compared to the emissions produced by buildings designed to meet the Baseline energy requirements of the Building Code (11,833 tpy). This marginal improvement is due to the use of an 82-percent efficient heating system rather than an 80-percent efficient heating system and reduced lighting power density (LPD) in the buildings.

According to the Department of Energy Resources (DOER), the proposed buildings appear to have been designed to meet outdated Building Code energy conservation requirements. While the GHG Policy allows for a Proponent to use a consistent baseline throughout MEPA review of a project, the building designs must meet all applicable standards of the Building Code that is in effect when the application for a Building Permit is filed with the City. As noted by DOER, the project design includes only two of the three specific measures identified under Section C406 of the Building Code and therefore may not be eligible to be granted a Building Permit by the City. The FEIR also indicated that the Glass Processing Building constructed in Phase 1 of the project does not comply with the Building Code because it was constructed without a required roof insulation liner. In the FEIR, the Proponent requested that the project be allowed to forgo retrofitting the Glass Processing Building with this required energy conservation measure. The Proponent should consult with the City to determine what additional improvements can be made to the existing Glass Processing Building in order to conform to the Building Code and to ensure that the project's other buildings are designed to meet all requirements of the Building Code that are in effect at the time a Building Permit application is filed. The Supplemental FEIR should review additional measures that will be incorporated into the design of the existing and proposed buildings to conform to Building Code requirements.

The FEIR documented that the project will reduce mobile-source GHG emissions by approximately 60 percent (18,802 tpy) by using rail rather than trucks to transport waste off-site. In the FEIR, the Proponent committed to installing a 1.9-MW solar PV system in addition to the existing 1.6-MW PV system; during the review period, the Proponent indicated that an additional 0.4 MW PV system will be constructed if the electric utility approves of the interconnection. The

FEIR did not review the proposed biosolids drying equipment and document that energy-efficient models will be used, as previously requested in the Scope for the FEIR; this information should be provided in the Supplemental FEIR.

Conclusion

As noted above, the FEIR did not adequately address the requirements of the Scope included in the DEIR Certificate and additional information and analysis is necessary to demonstrate that the project has taken all feasible measures to avoid, minimize, and mitigate impacts. As such, I cannot find that the FEIR and supplemental information have satisfied the regulatory requirements to ensure that the project's environmental impacts have been clearly described and fully analyzed and that the project takes all feasible means to avoid Damage to the Environment. In addition, comments from MassDEP identified additional information and analysis requested in the agency's comments on the DEIR that will be required to determine whether impacts will be avoided, minimized, and mitigated to the extent feasible and to demonstrate compliance with permitting requirements. Accordingly, I am requiring the Proponent to file a Supplemental FEIR pursuant to Section 11.08(8)(c)(2) of the MEPA regulations.

SCOPE

General

The Supplemental FEIR should follow Section 11.07 of the MEPA regulations for outline and content, and include the information and analyses identified in this Scope. It should clearly demonstrate that the Proponent has sought to avoid, minimize and mitigate Damage to the Environment to the maximum extent feasible. I expect the Supplemental FEIR will provide a comprehensive response to comments on the FEIR that specifically address each issue raised in the comment letter; references to a chapter or sections of the Supplemental FEIR alone are not adequate and should only be used, with reference to specific page numbers, to support a direct response. The Supplemental FEIR should identify measures the Proponent will adopt to further reduce the impacts of the project since the filing of the FEIR, or, if certain measures are infeasible, the Supplemental FEIR should discuss why these measures will not be adopted.

The information and analyses identified in this Scope should be addressed within the main body of the Supplemental FEIR and not in appendices. In general, appendices should be used only to provide raw data, such as drainage calculations, traffic counts, capacity analyses and energy modeling, that is otherwise adequately summarized with text, tables and figures within the main body of the Supplemental FEIR. Information provided in appendices should be indexed with page numbers and separated by tabs, or, if provided in electronic format, include links to individual sections. Any references in the Supplemental FEIR to materials provided in an appendix should include specific page numbers to facilitate review.

The Supplemental FEIR should address, in a detailed and comprehensive manner, issues raised in comment letters submitted by MassDEP and DOER, which are incorporated by reference herein. In general, information and analyses provided in response to these comment letters should be incorporated into the main body of the Supplemental FEIR rather than provided solely in the Response to Comments section.

Project Description and Permitting

The Supplemental FEIR should provide a description of the project, including updated plans that clearly identify existing and post-development conditions. It should include a detailed description of all project components and activities associated with each phase. The Supplemental FEIR should identify and describe State, federal and local permitting and review requirements associated with the project and provide an update on the status of each of these pending actions. It should include a description and analysis of applicable statutory and regulatory standards and requirements, and a discussion of the project's consistency with those standards. The Supplemental FEIR should include a comprehensive list of all mitigation measures and draft Section 61 Findings that include a detailed list of all mitigation commitments. As noted above, the information and analyses required in this Scope largely reflect the information identified by MassDEP that will be required during the permitting process; the Proponent should consult with MassDEP and the MEPA Office prior to filing the Supplemental FEIR to ensure that the document is responsive to this Scope.

Solid Waste

The Solid Waste Site Assignment Regulations (310 CMR 16.00) require MassDEP to determine whether the site is suitable for the proposed facility based on Site Suitability Criteria listed at 310 CMR 16.40. The regulations specify that a determination that the site is suitable for the proposed solid waste management facility include an evaluation of whether the impacts of the facility "by itself, or in combination with impacts from other sources within the affected area, constitute a danger to public health or safety or the environment." The information and analyses related to MassDEP's evaluation of site suitability provided in the Supplemental FEIR, including those addressing noise and traffic, should address this standard to the extent possible. To assist in characterizing impacts from other sources, the Supplemental FEIR should identify existing solid waste facilities, including those identified in the City's comment letter, describe how they are clustered geographically, and summarize the authorized operation and capacity of the facilities. The Supplemental FEIR should evaluate on-site and off-site measures to adequately mitigate environmental impacts. I encourage the Proponent to consult with MassDEP and the MEPA Office prior to completing these analyses.

The Supplemental FEIR should provide a comprehensive review of potential pathways for discharges of PFAS into air, soil and water resources associated with the biosolids drying process and as a result of any potential uses of the dried biosolids. It should provide a detailed analysis of direct and indirect impacts that may result from emissions of PFAS into the air. According to MassDEP, the solid waste permits may require that the Proponent reduce and monitor PFAS impacts to the environment. The Supplemental FEIR should review potential PFAS reduction measures and monitoring procedures. It should review potential permitting requirements related to the discharge of wastewater into the City's sewer system, including any pre-treatment for removal of PFAS and other pollutants.

Noise

According to MassDEP, the Noise Policy identifies a sound level increase of 10 dBA as an enforcement standard, rather than a design standard. The Supplemental FEIR should document that the project's noise impacts will be mitigated to the maximum extent practical by

evaluating a full set of potential noise control measures and adopting all mitigation measures that are technologically and economically feasible. It should include a comparison of noise impacts with and without mitigation to evaluate the effectiveness of each measure. The Supplemental FEIR should include an updated noise analysis consistent with MassDEP's comment letter and the following:

- Continuous and incidental sources should be modeled together, or the Proponent should justify the separate modelling of these sources presented in the FEIR;
- Project-related sound impacts should be modeled at both the nearest inhabited building(s) and at the property line;
- The noise study should evaluate the cumulative noise impacts from the project, including waste delivery vehicles on-site both inside and outside the building;
- The assertion that facility operations will not create any pure tones must be supported by appropriate data and analyses; and,
- As appropriate, the specific BMPs should be evaluated, including measures to prevent noise generated by truck tailgates.

The Supplemental FEIR should identify appropriate mitigation to address the project's noise impacts as documented by the revised noise analysis.

Traffic

According to MassDEP, further analysis is required to support the Proponent's conclusion that the traffic impacts associated with the facility will not constitute a danger to public health or safety or the environment with consideration to traffic congestion, pedestrian and vehicular safety, and roadway configuration. The Supplemental FEIR should provide a supplemental traffic analysis that addresses MassDEP's comments and the following:

- Potential impacts to delay time and queue lengths at some study area intersections under the Build scenario and mitigation measures;
- Potential impacts to volume-to-capacity (v/c) ratio for some study area intersections under the Build scenario and mitigation measures;
- Modeling of various distribution scenarios that may occur to compensate for uncertainties regarding the normal hourly fluctuation in waste deliveries;
- Modeling of operations at study area intersections under mitigated conditions, including signalization of the intersection of Braley Road at Phillips Road/Theodore Rice Boulevard;
- Potential mitigation measures to address degradation of LOS of turning movements at the Route 140 SB at Braley Road intersection under the 2027 Build scenario;
- Potential mitigation measures to address congested conditions and delays at the intersections of Route 140 NB Ramps at Braley Road, Route 140 SB Ramps at Braley Road, and Braley Road at Phillips Road/Theodore Rice Boulevard under existing and future conditions; and,
- Potential mitigation measures to minimize extended queues throughout the study area, including the Route 140 NB Ramp.

The Proponent should consult with MassDEP, MassDOT and the City regarding this analysis and potential mitigation measures prior to filing the Supplemental FEIR.

Environmental Justice

The Proponent should continue its public outreach efforts prior to filing the Supplemental FEIR. The Supplemental FEIR should include a draft of the PIP that will be required by MassDEP in its solid waste permitting process. The PIP should address recommendations for public outreach and information efforts identified in MassDEP's comment letter and the measures listed below:

- Distribution of fact sheets and comment cards with pre-paid postage;
- Public meetings within the community with interpreter services;
- Advertisement of public meetings on radio, social media, and newspapers including The Standard Times, Portuguese Times, and New Bedford Guide;
- Outreach to EJ leaders, community leaders and municipal officials; and,
- Distribution of project-related air pollution and environmental impact information written in clear, non-technical language and translated as necessary.

The Supplemental FEIR should address how the Proponent will encourage the public to submit complaints in a confidential manner and how the complaint log and air quality data will be made available to the public in a convenient manner. It should provide a review of the analysis of the project's air emissions and baseline public health data written in non-technical language. Additionally, as noted above in the Solid Waste section, the Supplemental FEIR should include information and analyses that addresses impacts from other solid waste facilities in the area in order to provide context for the analyses in this Scope.

Greenhouse Gas Emissions

The Supplemental FEIR should respond to the issues identified in DOER's comment letter, which is incorporated by reference herein. It should review the building designs presented in the FEIR and identify additional energy conservation measures that will be incorporated into the design of the buildings to meet all Building Code energy requirements. As previously requested in the Scope for the FEIR, the Supplemental EIR should include a discussion of the proposed biosolids drying system, including energy efficiency features, and compare the proposed drying system to other drying systems with respect to energy use and GHG emissions.

Mitigation and Draft Section 61 Findings

The Supplemental FEIR provided draft Section 61 Findings for use by State Agencies. The Section 61 Findings should be provided to State Agencies to assist in the permitting process and issuance of final Section 61 Findings. The Proponent will provide a GHG self-certification to the MEPA Office that is signed by an appropriate professional (e.g., engineer, architect, transportation planner, general contractor) indicating that all of the GHG mitigation measures, or equivalent measures that are designed to collectively achieve identified reductions in stationary source GHG emission and transportation-related measures, have been incorporated into the project. To the extent the project will take equivalent measures to achieve the identified

reductions, I encourage the Proponent to commit to achieving the same level of GHG emissions identified in the mitigated (design) case expressed in volumetric terms (e.g., tpy).

Response to Comments

The Supplemental FEIR should contain a copy of this Certificate, and a copy of each comment letter received on the FEIR. 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 Supplemental 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 Supplemental 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 FEIR; references to a chapter or extensive section of the Supplemental FEIR are not adequate.

Circulation

The Proponent should circulate a hard copy of the Supplemental FEIR to those parties who commented on the EENF, DEIR and/or FEIR, to any State 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 should consult with the MEPA Office prior to filing the Supplemental FEIR to determine whether additional distribution or outreach may be warranted to the surrounding community. Per 301 CMR 11.16(5), the Proponent may circulate copies of the Supplemental FEIR to commenters in CD-ROM format or by directing commenters to a project website address. However, the Proponent must make a reasonable number of hard copies available 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. The Supplemental FEIR submitted to the MEPA office should include a digital copy of the complete document. A copy of the Supplemental FEIR should be made available for review at the New Bedford Public Library.[1]

K. Theoharides

April 2, 2021
Date

Kathleen A. Theoharides

[1] Requirements for hard copy distribution or mailings will be suspended during the Commonwealth's COVID-19 response, to the extent public facilities are closed. Please consult the MEPA website for further details on interim procedures during this emergency period: https://www.mass.gov/orgs/massachusetts-environmental-policy-act-office.

Comments received:

335 form letters opposed to the project beginning "This letter is to express opposition…"
74 form letters in support of the project beginning "Over the last three years…"
9 form letters opposed to the project beginning "Parallel Products of New England…"

02/26/2021 Ron Cabral
02/18/2021 Robert H. and Judith B. Ladino
03/08/2021 Sherry Hanlon
03/10/2021 Robert Michael Pittsley
03/11/2021 Diane Fine
03/11/2021 Sabine von Mering
03/12/2021 John Dufresne
03/17/2021 Representative Paul Schmid
03/18/2021 Carol Strupczewski
03/18/2021 Andrea Stone
03/18/2021 Representative Christopher Hendricks
03/19/2021 Senator Mark Montigny
03/22/2021 Elizabeth Saulnier
03/24/2021 Jacob Chin
03/24/2021 Karen Chin
03/26/2021 Linda M. Morad
03/26/2021 Brad Markey
03/26/2021 Wendy M. Graca
03/26/2021 Zeb Arruda
03/26/2021 Tracy L. Wallace
03/26/2021 Conservation Law Foundation/South Coast Neighbors United, Inc./Community Action Works
03/26/2021 Mark R. Reich, KP Law on behalf of:
Mayor Jon Mitchell, City of New Bedford
Senator Mark C. Montigny
Representative Antonio F.D. Cabral
Representative Christopher Hendricks
Representative Christopher Markey
Representative Paul A. Schmid III
Representative William M. Straus
City Council President Joseph P. Lopes
City Councillor Ian Abreu
City Councillor Derek Baptiste
City Councillor Naomi R.A. Carney
City Councillor Debora Coelho
City Councillor Hugh Dunn
City Councillor Maria E. Giesta
City Councillor Brian K. Gomes
City Councillor Scott J. Lima
City Councillor William Brad Markey
City Councillor Linda M. Morad
03/26/2021 Massachusetts Department of Environmental Protection (MassDEP)/Southeast Regional Office (SERO)

04/02/2021 Department of Energy Resources (DOER)

KAT/AJS/ajs