

March 26, 2021

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BY ELECTRONIC MAIL (MEPA@mass.gov)
AND FIRST CLASS MAIL

Secretary Kathleen Theoharides
Executive Office of Energy and Environmental Affairs
Attn. MEPA Office
EEA No. 15990
100 Cambridge Street, Suite 900
Boston, MA 02114

Re: Parallel Products of New England, LLC
100 Duchaine Boulevard, New Bedford, MA
Final Environmental Impact Report - EEA No. 15990

Dear Secretary Theoharides:

This firm serves as special counsel to the City of New Bedford (the “City”). On behalf of the City, Mayor Jonathan F. Mitchell, the City Council, and members of New Bedford’s state legislative delegation the following comments are hereby submitted with regard to the Parallel Products of New England, LLC Final Environmental Impact Report (“FEIR”), EEA No. 15990, which concerns the construction of a municipal solid waste and construction and demolition debris processing and handling facility and a biosolids facility.

This project, as proposed by Parallel Products of New England (“PPNE”), is unsuited for the location in the City and within an environmental justice area. The project does not serve local interests; instead, it purports to address long-term solid waste and biosolids needs of the Commonwealth while placing a disproportionate burden upon environmental justice populations within the City. Additionally, the project would have a detrimental impact on existing users of the business park, which is an important economic resource for the City. To date, PPNE has not conducted meaningful outreach with the City or its residents to address how PPNE’s proposed regional services will address local concerns, specifically how the burden the project will impose on the local community will be satisfactorily mitigated.

Further, PPNE has not properly analyzed impacts to public health, safety, or the environment from the combined facilities that make up the proposed project. While PPNE undertook studies during the MEPA review, many assumptions in those studies are inadequate for a solid waste transfer station or a biosolids drying project individually, much less for a project that combines both such operations. The studies segregate and thus underrepresent combined potential impacts related to air quality, noise, dust, and odor within each portion of the site from the dryer, the transfer station, the loading and unloading of materials, or mobile sources coming to and from the facility.

Secretary Kathleen Theoharides

March 26, 2021

Page 2

As a result, it is impossible for PPNE to properly characterize how this project would mitigate adverse health and environmental impacts, including specific impacts upon disadvantaged residents within the City. These unresolved concerns suggests that the project cannot be properly permitted or conditioned at this juncture.

Therefore, the City maintains its strong objection to the project as proposed, as it would have a clear negative impact on public health, safety, and the environment with little to no City need or City benefit demonstrated. The City requests that the MEPA office require PPNE to address the City's environmental justice concerns and the numerous deficiencies in the FEIR as part of the MEPA review process and require additional analysis of these impacts. As proposed, with the lack of adequate study and analysis, the project simply cannot be approved. A Supplemental Environmental Impact Report, answering each of the concerns listed in this letter, must be required from PPNE before a certificate may be issued for this proposed project.

Project Overview

As you are aware, the PPNE project site at 100 Duchaine Boulevard in the City of New Bedford is within a business park near full capacity with existing businesses. The site comprises 71 acres and currently contains 92,220 square feet of building space. The proposed project would include 150,175 square feet of additional building space and canopy space of 75,525 square feet, in addition to a 27,500 square foot expansion to the existing glass handling building. As noted in the FEIR, this would result in a two-acre increase in impervious area at the project site, or a total of 25.8% impervious surface lot coverage. Phase 1 of the project consists of expansion of a recycled glass handling facility, an associated rail spur for disposition of the glass product, and solar panels for generation of 1.9 MW of power. The rail spur was specifically proposed for Phase 1. Phase 1 is currently proceeding under a waiver included in the Final Record of Decision.

Phase 2 of the project would consist of construction of a municipal solid waste ("MSW") and construction and demolition debris ("C&D") processing and handling facility as well as a biosolids facility. A 5,000 square foot handling building would be constructed into which material would be delivered by truck in either baled or unbaled form, as well as loose material in trucks. C&D material and bulky waste would also be accepted. MSW would be processed in an existing building to allow for extraction of recyclable materials. Materials would be stored in rail cars on a rail spur and shipped from the facility by rail, or loaded on to trucks and shipped off-site. At full capacity, PPNE claims that the facility could produce 1300 tons per day of baled residual waste and up to 50 tons per day of dried biosolids, to be shipped from the site in rail cars or trucks. Up to 250 tons per day of recycled glass would also be shipped from the site by rail. However, the discussion in the studies and supplemental information provided by PPNE include additional options and operating scenarios. It is unclear how the proponent proposes that these variations in throughput could be conditioned or enforced.

Secretary Kathleen Theoharides

March 26, 2021

Page 3

Facility Need

The City is on the record declaring that this proposed facility was not solicited, desired, or needed as part of either the City's biosolids handling and disposal plan or its solid waste transfer station plans. In New Bedford alone, just a few miles to the south of the proposed facility, are two solid waste transfer stations with a combined capacity of up to 1,774 tons of solid waste per day (the City of New Bedford Transfer Station and the New Bedford Waste Services Transfer Station). Further, the City contracts for wastewater treatment processing and biosolids management on 20-year cycles and has already addressed those needs. Therefore, this project will provide little local benefit, but the City and the neighborhood will absorb the impacts. The need for the facility and its supposed benefit to the City must be properly balanced against the potential impacts. That balance has not been demonstrated by PPNE, with the proposed project imposing a disproportionate burden upon the City and the neighborhood.

The proponent's argument in support of this facility seems to center around the state's long-term solid-waste and biosolids handling needs. If a regional facility is the true purpose, then a regional or statewide site selection process should be undertaken to determine the optimal location for the facility to minimize potential local and regional environmental and greenhouse gas impacts. Such a process would surely result in a more favorable location elsewhere in the state where there is local, as well as state and regional, need.

Environmental Justice

Inextricably related to the above conclusion that there is no demonstrated need for the facility is concern that the facility will have disproportionate impacts on already overburdened environmental justice communities. The Executive Office of Energy and Environmental Affairs ("EEA") has mapped approximately one-half of the City of New Bedford as being composed of different and overlapping environmental justice populations, with the project itself located in a designated environmental justice area. The environmental justice populations are identified by the following characteristics: (i) income; (ii) income and minority characteristics; (iii) minority status; and (iv) income, minority and English isolation status. These populations have been burdened by a history of hosting a disproportionate share of solid waste facilities to support the economy and infrastructure of Massachusetts.

There are multiple active landfills and transfer stations in and near New Bedford, in addition to historical waste sites. Until a few years ago, just 14 miles to west was the BFI/Allied Waste landfill in Fall River, accepting up to 1,950 tons of solid waste per day. As identified by DEP on its list of inactive landfills, there are three closed landfills in the City of New Bedford, including the Hanford Demolition Dump, the New Bedford Landfill, and the Liberty Street Dump, that still must be monitored for potential off-gas and contaminant migration. Further, New Bedford is home to two Superfund sites, including Sullivan's Ledge, a former quarry where hazardous materials and other

Secretary Kathleen Theoharides

March 26, 2021

Page 4

wastes were deposited, and New Bedford Harbor, where manufacturers discharged PCBs into the harbor. Sullivan's Ledge has been permanently capped, and EPA has made significant progress toward reducing the concentration of PCBs in New Bedford Harbor. Now PPNE proposes to add significantly to this current and historic mix of waste disposal and processing.

This concentration of active and historical waste disposal and processing facilities created a disproportionate burden on the residents of the City historically, which continues to this day. Many thousands of tons of solid waste are transported through the streets of the City and adjacent communities every single day. The movement of wastes is well in excess of the wastes generated in the immediate region, with the attendant truck traffic, diesel emissions, odors, noise, air emissions and safety concerns. The City and its residents currently bear these burdens at a rate that is unfair in relation to other regions of the state that do not have environmental justice populations and that do not host this high concentration of waste facilities. This new facility would only add to that disproportionate burden.

Article 97 of the Massachusetts Constitution secures for residents of the Commonwealth the right to clean air and water and to freedom from excessive and unnecessary noise. The EEA Environmental Justice Policy explains how EEA will ensure these protections for members of environmental justice populations, committing to protect the environmental rights of Massachusetts residents, particularly those in urban neighborhoods in the Commonwealth's older industrial areas. The policy notes that residents in these communities are more likely to live near sources of pollution and old abandoned contaminated sites, which can pose risks to public health and the environment. The policy specifies that increased attention should be focused on communities located in older urban areas with a legacy of environmental pollution and, importantly, commits to promoting for environmental justice populations positive economic development that is consistent with environmental protections. For any projects triggering the MEPA environmental justice thresholds, the policy commits the MEPA Office to "ensure that appropriate measures are taken by project proponents to address any potential environmental impacts the project may have on the existing [environmental justice] populations."

In a community with significant environmental justice populations, it is a fundamental requirement of the Environmental Justice Policy that EEA take necessary steps to ensure these populations are protected. To achieve the appropriate protections, this project must pause, the applicant must engage with the City, there must be increased dialogue with concerned residents, and additional protections must be incorporated to address community concerns. EEA can require this engagement as a condition to completion of the MEPA review process, and the City requests that it do so now.

Secretary Kathleen Theoharides

March 26, 2021

Page 5

Insufficient Documentation Concerning Condition of Site

PPNE has not provided sufficient data to demonstrate that changes in intended use or construction activities at the site, given the current condition of the site soil and groundwater, will not adversely impact health, safety, or the environment. The existing site conditions and historical soil contamination, both surficial and sub-surface, must be fully analyzed before any proposed alterations may be considered and new uses could be properly conditioned. The FEIR review must be predicated upon the assumption there is contamination at the site given the known historical chemical usage by any camera and film producer.

The project site was operated for a number of years by the Polaroid Corporation. That historic use includes known contamination. While a Phase I Environmental Site Assessment was conducted by Sage Environmental, no favorable data or results were provided. Online data available from DEP includes two Release Tracking Numbers (“RTNs”) related to former operations on the site. RTN 4-10113 was issued in 1993 and relates to a 1986 fuel oil release at the site. Notices of Noncompliance were issued in 1995. On September 3, 1998, Parsons Infrastructure & Technology Group informed former site owner Polaroid of potential outcomes of abandonment in place of concrete bunkers classified as underground storage tanks (“USTs”) at the site. RTN 4-16316 addressed a limited release of sulfuric acid at the site in 2001. An audit was completed in 2008.

The City is unaware of the resolution of these RTNs, or the possibility of other undocumented releases or discharges at the site. No documentation presented to date in the DEIR or FEIR addresses concerns regarding residual site impacts, and there has been no known comprehensive soil, groundwater, or sediment data evaluation completed for the site. The absence of such documentation, given the past history, is a serious deficiency which must be addressed by PPNE before any new use may be considered. It is simply impossible to assess the potential environmental impact of site redevelopment without a thorough assessment of this industrial site, where complex organic compounds and specialty metal salts were used in vast quantities.

List of FEIR Deficiencies

In addition to the comments provided above, and those the City previously provided in response to the DEIR, the following is a listing of deficiencies with the FEIR. While many of these concerns are interrelated, these concerns should be addressed individually by PPNE through a Supplemental EIR. If they are not properly addressed, the proposed project cannot be approved with respect to potential adverse impacts to health, safety, and the environment. Project studies will need to clearly demonstrate that there is no undue burden placed upon an Environmental Justice area. Particularly, PPNE will need to properly explore the combined impacts upon health, safety, and the environment from existing facilities throughout the City and these two new co-located facilities proposed on the project site.

- 1. The MEPA Environmental Justice Policy Requires an Enhanced Analysis of Impacts.**

The proposed PPNE sludge facility triggered MEPA review because it exceeds the wastewater review threshold at 301 CMR 11.03 (5)(b)(5). Under the MEPA Environmental Justice Policy, a project exceeding a mandatory EIR threshold for solid waste or wastewater must be subject to an enhanced analysis of impacts, including but not limited to a mitigation measures assessment, I/I reduction assessment, and an analysis of any degradation of the stressed receiving water body, parts of which are still closed to shellfish harvesting because of the City's existing disproportionate burden of environmental pollution. The project simply cannot be considered without enhanced impact analyses.
- 2. Added PFAS to the City's Wastewater Treatment System Must be Evaluated.**

A major concern not addressed in the DEIR and given inadequate attention in the FEIR is the potential for polyfluoroalkyl substance ("PFAS") contamination present in the incoming waste materials. PFAS compounds have very low exposure thresholds because they do not break down easily inside or outside the human body, and the cumulative effect can be harmful to human health. PFAS compounds will be present in biosolids. PFAS compounds in leachate from the dewatering or sludge drying processes cannot be eliminated because of their high thermal destruction temperature. Thus, any wastewater created in processing, or cleaning, will transfer these compounds into the City's wastewater treatment system. The expected loading or partitioning must be explored and quantified, and the potential impact to the City must be explored, or the project simply cannot move forward. Further, PPNE does not evaluate the implications of being a Significant Categorical Industrial User. Without such evaluation, the project cannot be legally approved, nor approved with conditions.
- 3. PPNE Wrongly Suggests a "Wait and See" PFAS Approach is Sufficient.**

PPNE suggests that DEP is still developing regulations/restrictions for PFAS in biosolids and associated wastewater. PPNE states that it will develop the design of the biosolids processing facility in compliance with all new regulations that come into effect. Regulations are not needed to assess the potential exposure and risk from these compounds; therefore, at a minimum, these potential exposures and risks should be evaluated and predicted at the MEPA level before approval with PFAS conditions can even be considered. Without a full evaluation of proposed PFAS treatment and mitigation measures in the context of discharge to municipal wastewater treatment facilities, a substantial risk and cost liability burden is placed on the City. This "wait and see" approach cannot result in a favorable project finding.
- 4. Added PFAS in the Air Must be Properly Mitigated.**

The temperatures in a sludge drier are insufficient to break down any vaporized or adsorbed PFAS compounds. These compounds will be emitted from the drier and will touch down via standard dispersion characteristics or via wet deposition as the exhaust cools in the atmosphere. The emission and potential inhalation exposure must be explored, and an

assessment of this risk must be combined with the study of potential risks from other exposure pathways.

5. **Added PFAS to the Groundwater Must be Properly Mitigated.**

As mentioned above, a dryer does not have sufficient thermal energy to break down PFAS compounds, so any airborne PFAS will pass through a drier exhaust and settle out nearby via wet or dry deposition. It is notable that the site property is located on a potentially productive aquifer, which would be subject to PFAS contamination from the proposed project. Since PFAS compounds do not break down naturally and are very soluble in water, a large fraction would likely dissolve into the ground and make their way to groundwater. Further, any PFAS compounds that leach from the biosolids or solid waste materials on-site could be added to the surface water and eventually into the groundwater. It is imperative that potential groundwater exposure pathways be evaluated and that the potential for additional PFAS in the area be properly studied.

6. **Analysis of Potential Existing Background PFAS Must be Undertaken Before Any New Use May be Considered that Would Add to the Existing Background Conditions.**

PFAS compounds are not a single compound but a family of compounds that were created to protect and shield materials from water exposure. Polaroid made use of such chemicals when it operated at the site. In fact a former Polaroid employee is quoted as saying, “Polaroid film is, in my estimation, the world’s most chemically complex completely man-made product ever” and included “brand new chemicals that have never been used before.”¹ PFAS compounds were used in just about everything during Polaroid’s peak popularity. Potential existing contamination by PFAS and other compounds at the project site must be fully explored by any potential new user, prior to redevelopment. Since this project could add more contaminants to a site that already is compromised and is located adjacent to a residential neighborhood, PPNE must be completely thorough and transparent in this analysis before MEPA approval can be considered.

7. **The Wastewater Analyses Erroneously Assume Loading and Flows Based Upon Treatment of City of New Bedford Biosolids.**

The City takes exception to any assumption that this facility will treat the City’s biosolids. The City is under contract elsewhere and has no written agreement with PPNE. As a result, PPNE’s wastewater, leachate, and filtrate loadings assumptions in its analyses are flawed. These studies cannot be considered valid and must be redone with the maximum potential for flows and loading based upon unknown and uncommitted sources.

¹ <https://www.bostonglobe.com/lifestyle/2015/08/23/herchen/h0jiY73U0IEfdHES5aXopO/story.html>

8. **With Missing and Erroneous Filtrate Composition, Dryer Condensate Composition, Blowdown Composition, Washdown Composition, Loadings, and Water Quality Parameters Provided, PPNE Cannot Discharge to the City.**

Without inclusion of loading and composition data or assumptions, and analyses of how this wastewater stream will not adversely impact the existing wastewater plant, PPNE cannot assume that it can discharge into the City's wastewater treatment plant. Further, since the traffic studies do not consider this waste stream being shipped elsewhere for treatment, this project cannot be approved as proposed.

9. **A Commitment to Pay the City for the Treatment of All Flows Does Not Eliminate Potential Wastewater Treatment Fatal Flaws.**

PPNE would be required to pay for the facility discharge into the City's wastewater treatment plant in the same manner as any industrial operator. However, the project cannot be deemed viable, and therefore cannot be approved or conditioned, without the proper wastewater treatment plant loading and impact assessment. With little loading information provided to determine whether PPNE would create EPA "Interference" or "Pass Through" concerns, it is impossible to know whether its discharge would create violations at the treatment plant.

10. **Discussing Dry Tons of Biosolids Does Not Address the Potential Adverse Impacts from the Amount of Materials in All Stages of Receiving, Processing, Packaging, Emissions, and Hauling.**

The purpose of a drier is to transform a wetter material into a drier product. While PPNE characterizes its operations and drying efficiency on a "dry ton" basis with respect to heat demand, the City is very concerned that the evaluation of adverse impacts is based upon a maximum throughput potential of 50 tons, since the incoming material can be anywhere from three to twenty times more than the mere "dry tons". The City previously noted this concern in its prior comment letter to the MEPA office. The City remains very concerned that the City and MEPA cannot fully understand the full scope and magnitude of the number of trucks, size of facility, and overall impacts with analyses and studies based upon dry tonnage.

11. **The Default Traffic Impact Must be Considered Significant, Meaning Typical "Screening Thresholds" for Level of Service, Accidents, and Traffic Noises Cannot be Applied to Two Co-located Facilities of These Sizes.**

The City is concerned with the traffic impacts from each of the two facilities proposed for this site. Negative traffic impacts increase exponentially with two regionally sized wastewater and solid waste facilities co-located in this one location. The size of these facilities create Level of Service (LOS) concerns in many areas, especially at times of congestion and with normal traffic avoidance tactics. Based upon existing traffic conditions and the size of the proposed facilities, MEPA should adopt the premise that there will be a significant increase in adverse impacts based on the more intensive uses proposed at the site. The traffic study provided is inadequate in that it dismisses intersections globally based upon

a typical screening threshold. Additional analysis must be required as part of the MEPA office review.

12. **Available Accident Data Indicating that the Baseline Accident Rate is Above Average is Ignored.**

The crash history presented in the Updated Traffic Impact Study included as Appendix 13 indicates that the intersection of Theodore Rice Boulevard and Duchaine Boulevard experiences a crash rate that currently exceeds both the District and Statewide crash rates for unsignalized intersections. Given the unique geometry of this intersection, the proposed project will likely create a significant increase in truck traffic using the westbound left turn movement and northbound right turn movement during both the AM and PM peak hours. Furthermore, given that there are two co-located facilities, there may be more than one AM and PM peak. PPNE should provide additional analysis regarding the safety of this unique intersection as a result of the increased traffic generated by the proposed project

13. **Previously Expressed City Concerns and Readily Available Accident Data from Individual Crashes Are Ignored.**

The City had recommended that PPNE obtain crash reports for crashes at the Theodore Rice Boulevard-Duchaine Boulevard intersection from the local Police Department in order to provide more information on the nature of the crashes. The City also asked that PPNE consider performing a Road Safety Audit with the City to determine if there is an existing issue with the current geometry, lighting, signage, or pavement markings that might be addressed as part of this project to improve safety at this location. While PPNE provided a new study updating traffic volumes for 2020, it is recommended that the crash data also be updated to reflect the most recent five years. An Audit may shed light on the higher-than-expected crash rate at this intersection. It was noted that the fatality that occurred is suspected to have resulted from a street race, but no source was cited for this speculation. There is also a known pedestrian injury which is not discussed in the FEIR. While traffic and traffic improvements are ultimately local issues, this intersection is currently a potential fatal flaw that must be addressed at the MEPA level. Without true fatal flaw traffic analyses, the project cannot be approved at the state level. The inadequate traffic review must be updated to address specific issues from two new co-located facilities and the significantly higher existing industrial traffic percentage in this area.

14. **Existing Traffic Assessment Demonstrates a Level of Service Fatal Flaw.**

The Capacity Analysis Results tables have been updated to include more information on actual delay values; however, once the delay values at the Route 140 ramps exceed 500 seconds, it appears the information was not deemed significant and was not shown. A comparison of the increase in delay between 2027 No-Build and Build cannot be performed without referring to the Synchro Analysis in the Appendix. Upon review of the Synchro Analysis, it appears that some of the movements at the Route 140 ramps will experience an

increase in delay of more than 100 seconds at one location and over 3000 seconds at another, which would be considered significant impacts of the project. This obvious stress on the traffic system will compromise public safety, and so adequate review and mitigation strategy are necessary.

15. Current Roadway Layout, Markings, and Signage is not Adequate for any Increased Traffic.

The intersection of the existing site driveway and Duchaine Boulevard currently lacks adequate travel lane markings and signage. The fact that this basic concern is not identified or addressed indicates that there was insufficient effort applied to the traffic study to date, and so needs to be completely reassessed. This is especially necessary given the impacts from two regionally-sized facilities, with trucks, trains, and passenger cars traversing the two locations on-site, and with different needs and objectives occurring simultaneously. This proposed project will add further confusion in the area. With no plan offered to address, fund, and improve the roadways in this area as part of the PPNE traffic mitigation plan, the project cannot be properly conditioned or approved.

16. Proposed Truck Routes and Actual Truck Routes May Differ; Combined Traffic Impacts Must be Properly Assessed.

Further examination and analysis of the expected truck routes must be provided by PPNE regarding all potential traffic patterns near residences or other sensitive receptors. It is insufficient to compartmentalize potential traffic impacts from the two stationary facility operations. The potential combined impacts of traffic from both facilities, as well as the cumulative impacts from the stationary and on-site facilities, and from on-road and non-road equipment, must be examined. PPNE makes a proposal in the draft Section 61 finding (mitigation commitment) to try to enforce truck routes by contract, which would be inadequate and does not result in a workable or sustainable solution.. To properly assess the potential impacts from two large regional projects proposed in a single trucking endpoint, all potential truck routes should be evaluated at the MEPA level for compliance with any DEP policies, and to determine the potential for adverse impacts to health safety, or the environment.

17. No Rational Basis has been Provided for Trucking Hours outside of Normal Weekday Business Hours, Which Operations Will Have a Disproportionate Impact on Local Residents.

Even if Truck Routes can be reasonably enforced, traffic from both facilities will result in noticeable impacts to nearby residents and sensitive receptors. Further evaluation of truck routes is necessary before potential hauling hours for the two facilities can even begin to be discussed. While most facilities would like the most flexibility in operations, PPNE's intention to deliver sludge to the facility seven days a week, 5 AM to 9 PM from Monday through Saturday, 6 AM to 6 PM on Sundays, has not been properly examined or justified.

Biosolids and trash do not have any specific weekend or evening hauling requirements. Many such facilities have significantly narrower windows of operation. PPNE has not justified why these atypical non-business hours are necessary in comparison to the added impact these hours will cause the City and its residents.

18. Waste Handling Operations and Storage Quantities are not Adequately Defined to Prevent Adverse Operating Conditions.

PPNE indicates waste receiving, tipping, handling, and loading will occur in an enclosed area; however, the handling of the waste material at the facility before it is placed inside requires further analysis. Waste must be placed somewhere, and then be moved, packaged, and ultimately removed. A throughput of 1,300 tons per day is a significant quantity of material at the facility that must arrive, be processed, and packed for outbound shipment (via either rail-car or truck). Each day approximately 26 million pounds of trash, equivalent to approximately 120,000 bags of household trash (or other materials) would pass through the facility. PPNE does not fully commit to a maximum allowable residual waste left at the end of each processing day, whether it is baled or freshly tipped waste. The project simply cannot proceed without definition of basic data assumptions that impact waste movement patterns, timing and duration of open doors, fugitive emissions, elevated emissions from aged waste, and the ability to deal with upset conditions. With the equivalent of 120,000 bags worth of trash coming through the facility a day, PPNE must provide a contingency plan to address any outbound issue or concern which may delay or prevent off-site transport, and how such events would impact the undefined quantity of material present in the MSW operations area. The proposed project simply cannot be assessed without this most basic waste assumption included in any PPNE supplemental EIR study.

19. The MEPA Process is Not the Proper Venue to Review the Complex Air Quality Impact Potential from a Combined Sludge Drier and Solid Waste Transfer Station.

In Section 5.10 of the FEIR, the applicability section suggests that the proposed facility may be subject to DEP Air Plan approval. This project must be subject to a permit application, submission, review, and conditioning due to emissions for the following reasons:

- a. Odor can cause a condition of air pollution pursuant to 310 CMR 7.00, Air Pollution Control. While there is no numerical threshold for permitting, a facility processing 1,300 tons of waste and hundreds of tons of wet sludge will likely trigger an Air Plan Approval review requirement for odor nuisance alone.
- b. Air toxics will be emitted in the drier process that, while not triggering a weight per year threshold, will be a local health concern.
- c. Noise will be emitted from the combined facilities, from on-site and off-site equipment, and from potential “Build versus No Build” traffic increases from trucks, train engines, rail cars, non-road equipment operating outside and inside buildings

- with open doors, large odor control system fans and exhausts, and typical vehicular traffic.
- d. Dust from the facilities can cause a condition of air pollution from both a respirable basis and from a nuisance basis. The proposed facilities will have combined dust potential from solid waste and wastewater biosolids receiving, processing, packaging and hauling, and as a result, a non-major Air Plan approval is required to properly define and explain how the nuisance potential for dust will be properly addressed.
 - e. The site location is depressed in elevation with respect to the surrounding neighborhood; therefore, the complex terrain should be addressed in the proper combined impact assessment.
 - f. The City has many other industrial sites, requiring proper analysis of background conditions. The combined facilities will result in incremental emissions increases in addition to those of other historical or current uses on-site or in the area.
 - g. PPNE made many assumptions in its studies that would typically be reviewed in a protocol with DEP as part of the permitting process.
 - h. The proposed facility is in a potential Environmental Justice Area, and therefore should be carefully examined and scrutinized. This is simply not a project that can skip the Air Plan Application and Review Process involving appropriate officials at DEP.

20. **All Studies or Evaluations Need to Consider Both Facilities, Stationary and Mobile Sources, and Non-Road and On-Road Sources.**

The project, composed of two facilities, must be reviewed and permitted as a whole, and not with respect to individual facility aspects. While individual combustion sources operating independently may be exempt from permitting, such a perspective is not sufficient to justify a limited or no Air Plan application. Furthermore, the result of these combustion sources providing heat to buildings and dryers creates additional air contaminants by increasing the vapor pressure and through separate fugitive, point, area, and volume releases of air pollutants or air toxics. Any assessment of permitting applicability, or review of potential impacts, must consider all emissions and releases from the two facilities acting together.

21. **The Odor Control Technology Discussion Does Not Justify the Atypically High Percentage Removals Provided.**

The odor control technologies proposed have not been fully described. The odor destruction/removal percentages presented would suggest that odor is simply eliminated, which is contrary to how odor control actually works. Converting odorous compounds to less odorous compounds in an effort to limit odors will still result in the presence of odors. It is unrealistic to assume a very high blanket removal of total odor from the technologies presented. The removal percentages and justifications should be discussed along with other options in a formal Best Available Control Technologies analysis.

22. **All Potential Waste Odor Sources are not Included.**

While PPNE provides an odor analysis, it is unclear what sources are considered beyond those associated with waste bags breaking open. Clearly, the quantity of waste and the age of waste transported to and stored on-site will factor into the potential odor emissions. These concerns are not addressed in the application. All potential odor emission sources should be formally identified and the control technologies fully analyzed. As a result, the project currently cannot be properly assessed or conditioned with respect to odor control.

23. **Improper Capture Assumptions Result in Underestimating Fugitive Odor and Dust Emissions.**

PPNE provides a calculation that suggests with three doors open there is sufficient airflow to capture 90% of the odor and other emissions. The velocity through the open doors would be less than 1 mile per hour with a conservative assumption that all intake air came in through these doors. This general assumption is fatally flawed in that it drastically underestimates potential odor capture from this project as proposed. Any fugitive emissions occur with minimal to no dispersion potential, and 0% control efficiency. Reasonable fugitive emissions assumptions based upon the specific facility ventilation parameters need to be developed before an odor or dust assessment can be updated properly.

24. **A Total Odor Assessment is Intended to Examine Combined Odor from Multiple Facilities.**

PPNE analyzed odor from the two co-located facilities independently. The rationale provided was that the facilities will emit “different odors”. It does not matter to an abutter whether an offensive odor has the characteristics of MSW or biosolids, trucks or waste stored outdoors. To someone experiencing a malodor, all odor experiences combine and count against any abutter’s tolerance for odor as one net experience. In fact, the metric “total odor” or “D/T” is used specifically to combine different odors and evaluated the total or combined impact. The only way to properly assess odor is to “draw a box” around all sources on-site and off-site that currently add, or would add, additional odor potential, and assess the total odor potential from all combined sources. The independent odor studies are meaningless in assessing the potential for adverse impacts from the project as proposed.

25. **Noise is Unwanted Sound and its Nuisance Potential can Only be Assessed by Exploring the Incremental Change in Total Combined Sound for all Sources.**

PPNE analyzed noise from the stationary sources and mobile sources independently. The analysis should include all sources on-site and examine the total sound potential from all combined sources offsite, including backup beepers. A facility-wide sound study can be completed many different ways. The approach and assumptions in such a study should be formally proposed to DEP as part of the permitting process prior to undertaking the study.

26. **The Background Sound Assumption Needs to be Protective of all Potential Time Periods.**

It is unclear why PPNE did not use the lowest measured background sound over the long-term monitoring period to determine noise impacts from the combined facilities. One week of sound monitoring merely provides a snapshot of sound, as there are likely days throughout the year when the sound is higher and lower than this data set suggests. An examination of the increase in total sound during the quietest time periods, which will be apparent to the residents, will likely indicate that the combined sound from the proposed project would exceed the DEP allowable incremental threshold. The noise analysis needs to consider the potential impact to abutters or neighbors with the lowest known background conditions.

27. **Dust from all Sources Impact Should be Analyzed Cumulatively.**

Again, as with the other air quality or nuisance parameters, the application should consider the cumulative impact from all dust sources on-site and examine the total dust potential from all combined sources offsite, including existing and new stationary and mobile on-road and off-road emissions. The facility-wide dust study should be formally proposed in a protocol to DEP as part of an air permitting process.

28. **Wetlands Spatial Impact Area Triggers Other Permit Requirements.**

The Order of Conditions for the project lists the impacts for the project at 4,095 square feet (“SF”) permanent and 1,209 SF temporary bordering vegetated wetland (“BVW”) impacts (total 5,304 SF of impact). At greater than 5,000 SF of impacts to BVW, typically both a 401 Water Quality Certificate and an Army Corps of Engineers Pre-Constriction Permit are triggered. No evidence has been presented of such permitting. PPNE must be required to provide that documentation for consideration and comment as part of this review process.

29. **Increased Rainfall Could Impact Stormwater Management.**

PPNE must also be required to evaluate stormwater management resilience in light of projected increases in springtime and annual total precipitation and intensity.

30. **The New Substantial Wetland Crossing Structure Proposed Requires Public Input.**

The stream crossing has been revised from a culvert to a bridge. While this may be an appropriate proposal revision, PPNE should be required to conclude whether a Chapter 91 License is necessary for the stream crossing and, if so, there should be an analysis of this issue in the MEPA process so that public comment can be solicited and incorporated.

31. **Sludge Drying Greenhouse Gases (GHGs) can be Reduced via Heat Recovery.**

The GHG emission potential from sludge drying is directly related to the combustion of fuel to provide the energy necessary to achieve the desired drying temperature, and then to provide the heat of evaporation to vaporize moisture in the sludge. PPNE’s GHG analysis addressing sludge processing was limited to energy use associated with lighting, ventilation

and heating. The energy required to reach temperature can be reduced via heat recovery. The analysis indicates that PPNE was considering gasification and heat recovery, and might install these options in the future, but was not doing so now. However, PPNE provided no GHG benefits analysis regarding inclusion of heat recovery as a design requirement. The MEPA GHG policy requires consideration of project alternatives with greater GHG emissions-related mitigation than the preferred option. A mitigation analysis must be included in this MEPA process.

32. Sludge Drying Greenhouse Gases (GHGs) can be Reduced via Gasification.

The GHG emission potential from sludge drying is directly related to the combustion of anthropogenic fuel to provide the energy necessary for drying. One way to reduce the fuel demand is to gasify or digest the natural sludge material to pull energy or heat value out of the sludge itself to offset some of the anthropogenic fuel demand and thereby reduce the GHG impacts. Again, the analysis indicates that PPNE was considering gasification and heat recovery, and might install these options in the future, but was not doing so now. However, PPNE provided no GHG benefits analysis regarding inclusion of gasification as a design requirement. The MEPA GHG policy requires the consideration of project alternatives with greater GHG emissions-related mitigation than the preferred option. A mitigation analysis must be included in this MEPA process.

33. Sludge Drying is a Huge Contributor to Greenhouse Gases (GHGs).

PPNE should provide a GHG analysis that explores the cradle-to-grave GHG potential from the proposed sludge drying process, which is an energy intensive process. Other biosolids stabilization alternatives that may create significantly less GHG potential impact must be considered.

34. The City's GHG Commitment to its Residents is Contradicted by this Proposed Facility.

The City strongly disagrees with PPNE's position that GHG reduction is a global rather than a local issue. While the impact from not reducing GHG emissions in local communities will be felt on a global basis, the mechanisms for GHG reductions can only be accomplished locally, on a site-by-site, and project-by-project basis. The City considers GHG emissions reduction to be a local responsibility and its Climate Action and Resilience Plan commits to net zero Green House Gas emissions from the City by 2050. A demonstration must be made to show that this commitment can still be achieved with this project added to the City's existing baseline GHG emissions.

35. Construction Impact Assessments are Missing so the Proposed Project Studies and Information Provided are Incomplete.

PPNE does not provide a description of how construction period impacts will be controlled. No details are provided regarding means and mechanisms to be used to protect abutting

Secretary Kathleen Theoharides

March 26, 2021

Page 16

parcels and resource areas from noise, air quality impacts, dust, or erosion. PPNE must be required to provide a detailed development impact statement and associated construction schedule and demolition plan outlining mitigations for noise, odor, and air quality. PPNE must be required to provide more detail in these areas and provide a Stormwater Pollution Prevention Plan and a site-specific construction stormwater management plan outlining all Best Management Practices from the DEP Stormwater Handbook and the Massachusetts Erosion and Sediment Control Guidelines and how they will be utilized on a project specific level.

The City reiterates the concerns raised in its letter of comment on the project DEIR and repeats its assertion that PPNE has not sufficiently estimated the facility's potential impacts on the City. PPNE has not provided the necessary studies and analyses to ensure that the residents of New Bedford will be adequately protected with the addition of this combined facility within a designated Environmental Justice area, and within a City that does not need or desire these facilities or the services PPNE proposes to provide.

PPNE's incomplete and inadequately substantiated assessments are problematic. PPNE's permitting approach compartmentalizes the project, so as to view each of the co-located facilities individually, creating a false demonstration of health, safety, and environmental compliance. The combined impact of the two proposed facilities has never been evaluated, and therefore the co-located facilities simply cannot be approved or conditioned as proposed, in a reasonable or responsible manner.

It remains the City's position that this project is not in the best interest of the residents of New Bedford. The City stands strongly opposed to this project and the significant negative impacts it will bring to the City and the region.

Your attention to this important matter is greatly appreciated.

Very truly yours,



Mark R. Reich

MRR/cqm

cc: Mayor Mitchell
City Council
Senator Mark Montigny
Representative Antonio Cabral
Representative Christopher Hendricks
Representative Christopher Markey
Representative Paul Schmid
Representative William Straus