



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

Maura T. Healey
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Rebecca L. Tepper
Secretary

Bonnie Heiple
Commissioner

October 30, 2023

Tim Cusson
Vice President
South Coast Renewables, LLC
100 Duchaine Boulevard
New Bedford, MA 02745

Re: Technical Comments
BWP SW01 – Site Suitability for Site Assignment Application
Application No. 23-SW01-0001-APP
Site Suitability Report No. 201-004-A

AT: South Coast Renewables, LLC (FKA Parallel Products of New England)
100 Duchaine Boulevard
New Bedford, MA 2745
Facility No. 600281

Dear Mr. Cusson,

MassDEP is in the process of conducting a Technical Review of the Site Suitability Report for South Coast Renewables, LLC (“SCR”). On October 20 and 26, 2023, we met to discuss MassDEP’s questions and technical comments regarding the traffic and sound analysis for the proposed facility located at 100 Duchaine Boulevard, New Bedford, Massachusetts. As a follow-up to our meetings, MassDEP is requesting that you provide additional information in response to MassDEP’s comments, included herein.

MassDEP BWP AQ Sound Form (<https://www.mass.gov/doc/supplemental-form-aq-sound/download>) (“AQ Sound Form” or “the form”): The AQ Sound Form was not fully completed and/or was completed incorrectly and some information required by the form was not submitted. MassDEP has determined that a revised and complete AQ Sound Form must be submitted in order for MassDEP to evaluate whether the proposed facility will result in nuisance conditions and if it is designed to mitigate sound impacts to the maximum extent practical. Each part of the form shall be completed, based on the guidance provided in each section of the form.

This information is available in alternate format. Please contact Melixza Esenyie at 617-626-1282.
TTY# MassRelay Service 1-800-439-2370
MassDEP Website: www.mass.gov/dep

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All required information in the form shall be included and submitted to DEP. Examples include, but are not limited to, the following:

1. The AQ sound form must include a PE stamp and signature, as well as a certification from the Responsible Official, as required in Sections F and G on pages 4 and 5 of the form, respectively. These sections were left blank.
2. The Sound Report and the AQ Sound Form must analyze all potential sound sources from the operation of the proposed facility, as required in **Section A Sound Emission Sources & Abatement Equipment/Mitigation Measures**. Potential sound sources that are missing include, but are not limited to, the track mobile railcar mover and street sweeper. Additionally,
 - a. It is unclear if the sound report modeled all on-site equipment (e.g., skid steer, front-end loader, and excavator operating inside the building to move materials). The Sound Report modeled Truck Inbound and Outbound Operations stating *“This source represents a waste delivery truck near the entrance to the facility where the sound will have the greatest impact on residential receptors. The sound level is based on measurements taken by Epsilon at a similar facility of a passing semitruck.”* SCR should clarify what the similar facility is and what facility operations this represents. If “Truck Inbound and Outbound Operations” does not include all on-site equipment, these sound sources should be included in the analysis.
 - b. It does not appear that SCR has addressed MassDEP’s Comment during NPC/SFEIR of MEPA review. MassDEP’s Comment 3.b on the NPC/SFEIR stated: *“The Proponent did not appear to consider noise associated with moving full railcars from the building to the rail spurs and moving empty railcars from the rail spurs into the building, which will occur throughout the day as part of regular operations.”* This sound source should be included in the analysis.
 - c. Additionally, the sound analysis should assume facility sound sources are operating simultaneously using **usage factors** to represent the percentage of time the equipment operates. All usage factors shall be stated and explained/justified.
3. All information required in **Section B Manufacturer’s Sound Emission Profiles & Sound Abatement Equipment** was not provided. The form and/or Sound Report did not include any manufacturer’s information for the sound sources or sound abatement equipment. In the Sound Report, power levels per noise source are listed but no reference is provided. There is no reference provided for the noise reductions for ventilation equipment or other sound sources. For the sound source included in comment 2.a above, SCR should provide supporting evidence/data from the similar facility that was utilized.
4. All information required in **Section C Plot Plan** was not provided. The form that was submitted referenced Figure 7-1. The plot plan shall be revised to reflect all the requirements as indicated in the description for this requirement. Distances from the source(s) to the property lines (SCR property lines) shall be clearly shown. All inhabited

buildings including all the residences, etc. shall be included, as applicable. The residences on Phillips Road may be considered as “elevated” receptors due to the elevation. The exclusion of the two residences owned by SCR from the sound analysis shall be clarified or justified in the report.

5. The AQ Sound Form, in **Section D Community Sound Level Criteria**, noted that for equipment that will operate continuously and is a significant source of sound, background shall be established via a minimum of seven consecutive days of continuous monitoring at multiple locations with the dBA L90 data and pure tone data reduced to one-hour averages.
 - a. SCR conducted sound monitoring for 7 days at two locations; however only one location was used for the purposes of the Sound Report and the AQ Sound Form. The location with a lower daytime background was eliminated. Sound level monitoring at one location does not meet the requirements of the form. Two locations may not adequately represent all property lines and the nearest inhabited building (i.e., nearest sensitive receptors). SCR should justify the choice of the monitoring location(s) or conduct sound monitoring at additional locations to represent all property lines and the nearest inhabited building (i.e., nearest sensitive receptors).
 - b. MassDEP recommends that the proposed corrective measures as indicated under Section D is evaluated carefully and the resulting evaluation is presented clearly in the report.
 - c. The noise monitoring was conducted without DEP consultation prior to DEP’s involvement in the project. In addition, the sound monitoring was conducted in June 2018 (i.e., 5 years ago). Please justify how the June 2018 data adequately represent the impact of the sound analysis for the project, taking into consideration the anticipated build-out year for the facility.

6. The AQ Sound Form, **Section D Community Sound Level Criteria**, requires an evaluation of “pure tone condition”, which was not included.

7. The AQ Sound Form, in **Section E Full Octave Band Analysis** requires: Modeling at the property line and the nearest inhabited building (i.e., nearest sensitive receptors), with and without sound abatement equipment.
 - a. Modeling was not conducted at all property lines (i.e., North, South, East, West). Sound impacts at the property line shall be clearly stated in the form and Sound Report.
 - b. All receptors (RES-1 through RES-5) were not included.
 - c. A detailed description of sound monitor calibration methodology was not included. The form did not include any manufacturer’s information as related to the sound abatement equipment.

8. **The analysis on sound mitigation measures did not meet the requirements of the traditional “top-down” BACT process required by the form.** The AQ Sound Form

states that when proposing sound suppression/mitigation measures, similar to the traditional “top-down” BACT process, the “top case” sound suppression/mitigation measures which deliver the lowest sound level increase above background are required to be implemented, unless these measures can be eliminated based upon technological or economic infeasibility. An applicant cannot “model out” of the use of the “top case” sound suppression/ mitigation measures by simply demonstrating that predicted sound levels at the property line when employing a less stringent sound suppression/mitigation strategy will result in a sound level increase of less than or equal to the 10 dBA (decibel, A – Weighted) above background sound level increase criteria contained in the MassDEP Noise Policy. A 10 dBA increase is the maximum increase allowed by MassDEP; it is not the sound level increase upon which the design of sound suppression/mitigation strategies and techniques should be based.

- a. During the MEPA Review Process of DEIR, to shield the residential neighborhood from noise generated by the proposed equipment, SCR proposed a 100-ft long, 24-ft high L-shaped barrier along the southwestern corner of the biosolids building. Subsequently, during the FEIR, the proposed barrier was expanded to a 325-ft long, 24-ft high L-shaped barrier around the eastern and southern ends of the rail spur. The barrier was no longer proposed in the NPC/SFEIR, which SCR stated as “not justified based on the short duration of locomotive activity expected at the site.” In this report, SCR stated that noise barrier closer to the locomotive (source of the sound) are infeasible because it will block the rail spur and impede on safe access to operations. SCR also stated that noise barrier closer to the residences would not be viable, as they would continually reflects existing noise from Phillips Road towards the residences.
 - b. The Sound Report did not present adequate discussion or justification to eliminating the sound barrier. No evaluation of alternative locations (closer to the receptors, at the property boundary)/designs/alignments or alternatives to a wall (earthen berm). There are no details on the type of material for the noise wall analysis, other than the height, and how the noise wall presents site constraints (i.e. topography, maintenance, etc.).
9. Please note, during the MEPA review process throughout 2020, 2021, and 2022, MassDEP provided sound comments stating that project generated sound must be mitigated to the maximum extent practical using a top-down approach, that SCR shall demonstrate the facility operations will not result in nuisance conditions, and that noise analysis shall include sound impacts at both at the property line and at the nearest inhabited building(s). Further, during site assignment pre-application on October 21, 2022, and again in the SW01 admin incomplete letter, MassDEP asked that a completed AQ Sound Form shall be submitted in the Site Suitability Report application for MassDEP review. Refer to attached comments: See comment No. 3 on the DEIR, comment No. 10 on the FEIR, comment No. 3 on the NPC/SFEIR, and guidance from MassDEP sent via email on October 8, 2020.

Traffic:

10. **Daily Trip Generation:** The Traffic Impact Study (“TIS” or “Traffic Study”) estimated that proposed 1,500 tons per day facility will generate 139 new waste-carrying trucks per day (278 truck trips per day) including 76 incoming trucks carrying an **average load of approximately 19.7 tons of waste**. To state this in another way, this assumes approximately 80% of incoming waste will arrive via 28-ton transfer trailers (“TT”) and 20% of incoming waste will arrive via 9-ton packer trucks. Although the SW01 application does not provide a rationale or explanation or data to support these assumptions, based on previous discussions, it appears that it is based on data from SEMASS. MassDEP previously provided comments during MEPA on this. The response was that the proposed facility is comparable to SEMASS because: Waste accepted is not sent for disposal by truck and the facility will accept larger trucks which originate at other transfer stations.
- a. As previous stated during MEPA review, in MassDEP’s experience, for a transfer station (with rail), an average load of 19.7 tons per truck is unreasonably high and not representative of the proposed facility. MassDEP does consider SEMASS to be a comparable site to base the incoming truck waste-carrying capacity on. The conditions being evaluated for the proposed facility are not comparable to SEMASS. Additionally, SCR’s justification does not align with the proposed operations: SCR would like to be able to ship waste by truck if rail is not available or is less feasible. SCR has not committed to accepting waste only from other transfer stations, has not established preliminary contracts with any small transfer stations nor has SCR identified any small transfer stations as potential customers. **Since the distribution of incoming waste volume by vehicle capacity directly affects the estimated traffic volumes, the TIS should be revised to reflect a more representative incoming waste vehicle capacity, using information from a similar facility, which shall be provided to MassDEP.**
 - b. SCR proposes to transport outgoing waste primarily by rail but states that trucks will be used when necessary or required. Therefore, the traffic Study should evaluate various scenarios including with and without rail. For the scenario without rail, the TIS evaluated 54 trucks per day to transfer waste off-site. When shipping outbound waste by truck rather than rail, the assumptions regarding inbound waste vehicle types and vehicle capacity is the same as the scenario with outbound waste by rail (80% incoming waste by TT). Although it is reasonable to assume that the facility may accept 28-ton transfer trailers originating from other solid waste transfer stations when shipping waste out by rail (NOTE: DEP does not consider 80% TT to be realistic – see comment above), it does **not seem reasonable to assume the facility would be accepting 28-ton tractor trailer loads when shipping outgoing waste by truck**. If only packer trucks are accepted at the facility, and not small vehicles, the average packer truck capacity should be used for traffic evaluation of the facility when operating with waste hauled out by truck.

11. **Peak Hour Analysis:** The TIS estimated that the proposed facility will result in an increase of 43 new vehicle trips, including 18 truck trips (9 new trucks) and 25 employee trips, during the weekday morning peak hour and the weekday afternoon school dismissal peak hour and 18 truck trips (9 new trucks) during the weekday afternoon commuter peak hour. The TIS stated that this assumes the peak hour of site generated truck traffic, 11%, which is projected to typically occur between 12:00 p.m. and 1:00 p.m., would occur during each of the 3 Peak Hours. It is also based on the assumption that the transportation of outbound materials would be restricted during these peak hours, and only incoming trucks were assumed to occur during the peak hours.

- a. Assuming a 13-hour day and 76 incoming trucks per day, the average incoming truck per hour is 5.85 trucks (11.7 truck trips per hour). The AM and PM peaks (9 trucks) represents 1.5:1 peak to average ratio.
 - i. Although the SW01 application does not provide a rationale or explanation or data to support the peak hour assumptions, in MassDEP's experience, a 1.5 times "peaking factor" for the peak hour analysis is low, does not represent a typical peak for a transfer station, and does not account for uncertainties regarding the normal hourly fluctuation in waste deliveries, uncertainties in the size of vehicles accessing the facility, uncertainties in traffic flow patterns, etc. **The 1.5:1 peak to average ratio is not supported and the peak hour analysis should be adjusted. SCR should utilize data from a comparable facility (not SEMASS) and submit all data to support the assumptions. MassDEP recommends SCR discuss the comparable facility and representative data set with DEP prior to revising the TIS.**

12. **Additional Traffic Comments:**

- a. SCR does not state whether they will restrict small vehicles including roll-offs, pick-up trucks, etc., from using the facility.
- b. Inbound waste is via only TT and packers. SCR is proposing to accept C&D and has not restricted C&D to only residuals transported via TT. SCR should commit to only accepting Category 2 residuals or update the trip generation to reflect accepting Category 1 and 3 via roll-offs/dump trucks/etc.
- c. SCR should consider revising employee shifts to avoid peak hours. Additionally, currently, SCR assumes that employees will arrive for their morning and evening shifts early, and therefore employees arriving for their shift are not traveling during peak hour traffic. SCR should state that employee contracts will require employees to arrive 15 minutes prior to the start of their shift or the TIS should be revised to include all employee trips.
- d. The TIS assumes 90 existing glass truck trips per day. Supporting data, from the day that traffic counts were collected, must be provided to support this assumption.

Should there be any questions or if you would like clarification on any comments, please contact me at mark.dakers@mass.gov or phone at (857) 207-0754 or Elza Bystrom at elza.bystrom@mass.gov or phone at (617) 413-2711 or Alison Cochrane at alison.cochrane@mass.gov or phone at (617) 694-3441. Any correspondence regarding this matter should reference the Application Number of 23-SW01-0001-APP and Site Suitability No. 201-004-A.

Very truly yours,

This final document copy is being provided to you electronically by the Department of Environmental Protection. A signed copy of this document is on file at the DEP office listed on the letterhead.

Mark Dakers, Chief
Solid Waste Management Section
Bureau of Air and Waste

D/AC/EB

Enclosures: see comment 9

ec: Massachusetts Department of Public Health
Bureau of Environmental Health Services
Steve.hughes@mass.gov
Bharathi.patimalla-dipali@mass.gov

City of New Bedford Mayor's Office
Attn: The Honorable Mayor Mitchell
Jonathan.Mitchell@newbedford-ma.gov

City of New Bedford City Planning
Attn: Jennifer Carloni - Director
Jennifer.Carloni@newbedford-ma.gov

City of New Bedford Health Department
Attn: Stephanie Sloan
Stephanie.Sloan@newbedford-ma.gov

Drohan Tocchio & Morgan, P.C.
Attn: Adam J. Brodsky, Esq.
abrodsky@dtm-law.com

Green Seal Environmental, LLC

Greg Wirsen - greg@gseenv.com

Laura Bugay - l.bugay@gseenv.com

DEP-Boston

ATTN: G. Cooper

J. Fischer

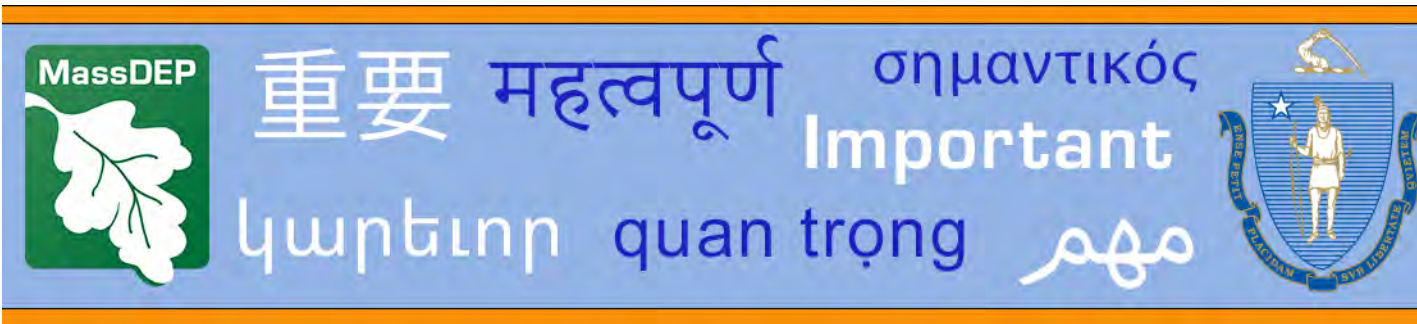
D. Simpson

DEP-SERO

ATTN: S. Pickering

M. Dakers

D. Marshall-Helwitt



Communication for Non-English-Speaking Parties

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简体中文 Chinese Simplified

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Ayisyen Kreyòl Haitian Creole

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Việt Vietnamese

Tài liệu này và quan trọng và phải được dịch ngay. Nếu quý vị cần bản dịch của tài liệu này, vui lòng liên hệ với Giám Đốc Phòng Công Lý Môi Trường của MassDEP theo số điện thoại được liệt kê bên dưới.

ប្រទេសកម្ពុជា Khmer/Cambodian

ឯកសារនេះមានសារៈសំខាន់
ហើយគួរត្រូវបានបកប្រែភ្លាមៗ។
ប្រសិនបើអ្នកត្រូវការអោយឯកសារនេះបកប្រែ
សូមទាក់ទងនាយកផ្នែកយុត្តិធម៌បរិស្ថានរបស់
MassDEPតាមរយៈលេខទូរស័ព្ទដែលបានរាយដូចខា
ងក្រោម។

Kriolu Kabuverdianu Cape Verdean

Es dokumentu sta important i tenki ser tradusidu imediatamenti. Se nho ta presisa ke es dokumentu sta tradisidu, por favor kontata O Diretor di Justisia di Environman di DEP ku es numero di telefoni menxionadu di baixo.

Contact Deneen Simpson 857-406-0738
Massachusetts Department of Environmental Protection
100 Cambridge Street 9th Floor Boston, MA 02114
TTY# MassRelay Service 1-800-439-2370 • <https://www.mass.gov/environmental-justice>
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Русский Russian

Это чрезвычайно важный документ, и он должен быть немедленно переведен. Если вам нужен перевод этого документа, обратитесь к директору Департамента экологического правосудия MassDEP (MassDEP's Director of Environmental Justice) по телефону, указанному ниже.

العربية Arabic

هذه الوثيقة مهمة وتحتاج ترجمتها على الفور.

إذا كنت بحاجة إلى ترجمة هذه الوثيقة فيرجى الاتصال بمدير
العمل البيئي في MassDEP على رقم الهاتف المذكور أعلاه.

한국어 Korean

이 문서는 중대하므로 즉시 번역되어야 합니다.
본 문서 번역이 필요하신 경우, 매사추세츠
환경보호부의 "환경정의" 담당자 분께
문의하십시오. 전화번호는 아래와 같습니다.

հայերեն Armenian

Այս փաստաթուղթը կարևոր է, և պետք է
անհապաղ թարգմանել այն:
Եթե Ձեզ անհրաժեշտ է թարգմանել այս
փաստաթուղթը, դիմեք Մասաչուսեթսի շրջակա
միջավայրի պահպանության նախարարության
(MassDEP) Բնապահպանական հարցերով
արդարադատության ղեկավարին (Director of
Environmental Justice)՝ ստորև նշված
հեռախոսահամարով

فارسی Farsi Persian

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زیست در MassDEP شماره تلفن ذکر شده زیرت را
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Français French

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MassDEP au numéro de téléphone indiqué ci-
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bitte an MassDEP's Director of Environmental
Justice (*Direktor für Umweltgerechtigkeit in
Massachusetts*) unter der unten angegebenen
Telefonnummer.

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Το έγγραφο αυτό είναι πολύ σημαντικό και
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επικοινωνήστε με τον Διευθυντή του Τμήματος
Περιβαλλοντικής Δικαιοσύνης της
Μασαχουσέτης στον αριθμό τηλεφώνου που
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Italiano Italian

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niezwłocznie przetłumaczony. Jeśli potrzebne
jest tłumaczenie tego dokumentu, należy
skontaktować się z dyrektorem
ds. sprawiedliwości środowiskowej MassDEP
pod numerem telefonu podanym poniżej.

हिन्दी Hindi

यह दस्तावेज महत्वपूर्ण है और इसका अनुवाद तुरंत
किया जाना चाहिए। यदि आपको इस दस्तावेज का
अनुवाद कराने की जरूरत है, तो कृपया नीचे दिए गए
टेलीफोन नंबर पर MassDEP के पर्यावरणीय न्याय
निदेशक से संपर्क करें।

Contact Deneen Simpson 857-406-0738

Massachusetts Department of Environmental Protection
100 Cambridge Street 9th Floor Boston, MA 02114

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Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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Charles D. Baker
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Matthew A. Beaton
Secretary

Martin Suuberg
Commissioner

January 23, 2020

Mathew A. Beaton,
Secretary of Environment and Energy
Executive Office of Energy &
Environmental Affairs
100 Cambridge Street, Suite 900,
ATTN: MEPA Office,
Boston, MA 02114

RE: DEIR Review EOEEA #15990
NEW BEDFORD.Parallel Products of New
England (PPNE) at 100 Duchaine Boulevard

Dear Secretary Beaton,

The Southeast Regional Office of the Department of Environmental Protection (MassDEP) has reviewed the Draft Environmental Impact Report n Form (ENF) for the Parallel Products of New England (PPNE) Project at 100 Duchaine Boulevard, New Bedford, Massachusetts (EOEEA # 15990). The Project Proponent provides the following information for the Project:

The Site is an industrially zoned, approximately 71-acre parcel, located within the New Bedford Business Park. The Site location and property boundaries are shown in Figure 1 using an aerial view. The Site was previously developed by Polaroid and already includes access roads, parking areas, and various buildings. Much of the existing infrastructure will be used in developing the proposed Project. New buildings will be constructed for glass processing, municipal solid waste (MSW) and construction and demolition (C&D) waste tipping, and biosolids drying.

PPNE is proposing to develop the Site in two phases. Phase 1 construction will consist of the construction of a glass processing building and equipment and construction of a rail sidetrack from the main line rail to the 100 Duchaine Boulevard Site. The glass processing area will consist of a 27,500 sf building to house the processing equipment.

Phase 2 of the Project includes the construction of a municipal solid waste (MSW) processing/handling facility and the biosolids processing facility. Currently, significant quantities of MSW and biosolids are being trucked out of state for treatment and disposal. PPNE will construct a facility to collect and process this material in Massachusetts and then ship the residual waste out of state by rail for disposal.

The processing proposed will also significantly increase transportation efficiencies and reduce greenhouse gas emissions. The proposed solid waste handling facility will accept up to 1,500 tons per

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

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day of MSW delivered to the facility by truck. The proposed facility will process the MSW to extract recyclable material from the MSW. PPNE expects to recover and recycle approximately 20% of the MSW received, which supports the Massachusetts solid Waste Master Plan and is state-of-the-art for the Commonwealth. The non-recyclable fraction of the MSW along with the C&D residuals/bulky waste will be then loaded in rail cars for transport to out of state disposal sites, primarily landfills.

Bureau of Water Resources Comments

Wetlands and Waterways. The DEIR has responded to the Wetlands Program's comments on the EENF. The DEIR includes a copy of the Notice of Intent that was filed with MassDEP on July 3, 2019.

Underground Injection Control. The Proponent acknowledges that Project is subject to the requirements of the Underground Injection Program.

Industrial Stormwater, Sector N - Recycling Facilities. The Proponent is reminded that this Project is subject to the EPA permitting requirements under the 2015 Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (MSGP), Sector N (SIC code 5093) recycling centers, commonly referred to as material recovery facilities (MRF), that accept waste for sorting and distribution, including material recovery facilities that receive paper, glass, plastic, and aluminum from non-industrial sources are required to apply for industrial stormwater permit coverage.

Bureau of Waste Site Cleanup Comments

Based upon the information provided, the Bureau of Waste Site Cleanup (BWSC) searched its databases for disposal sites and release notifications that have occurred at or might impact the proposed Project area. A disposal site is a location where there has been a release to the environment of oil and/or hazardous material that is regulated under M.G.L. c. 21E, and the Massachusetts Contingency Plan [MCP – 310 CMR 40.0000].

There are no listed MCP disposal sites located at or in the vicinity of the site that would appear to impact the proposed Project area. Interested parties may view a map showing the location of BWSC disposal sites using the MassGIS data viewer (Oliver) at:

http://maps.massgis.state.ma.us/map_ol/oliver.php Under "Available Data Layers" select "Regulated Areas", and then "DEP Tier Classified 21E Sites". MCP reports and the compliance status of specific disposal sites may be viewed using the BWSC Waste Sites/Reportable Release Lookup at: <https://eeaonline.eea.state.ma.us/portal#!/search/wastesite>

The Project Proponent is advised that if oil and/or hazardous material are identified during the implementation of this Project, notification pursuant to the Massachusetts Contingency Plan (310 CMR 40.0000) must be made to MassDEP, if necessary. A Licensed Site Professional (LSP) should be retained to determine if notification is required and, if need be, to render appropriate opinions. The LSP may evaluate whether risk reduction measures are necessary if contamination is present. The BWSC may be contacted for guidance if questions arise regarding cleanup

Bureau and Air and Waste Comments

Air Quality. With the exception of the Sound Report, the DEIR has responded to the Air Quality's comments on the EENF. In the absence of seeing the DEIR's proposed mitigations for noise in its Sound Report, the Department's solid waste comments address its expectations in the subsequent FEIR MEPA filing.

Solid Waste. MassDEP Solid Waste staff (Solid Waste) has reviewed the Draft Environmental Impact Report (“DEIR”) for the Parallel Products of New England Project at 100 Duchaine Blvd in New Bedford (“Project” or “Site” or “facility”) EEA No. 15990.

Solid Waste Comments:

1. The site contains agricultural lands classified by the USDA as prime farmland and farmland of statewide importance. The Land Use Map submitted within the DEIR depicted the proposed areas of waste handling setback a minimum of 100-feet from the agricultural lands; however, the proposed limit of site assignment is shown bordering the areas of agricultural lands. The Proponent may need to modify the boundaries of the proposed area to be site assigned pursuant to 310 CMR 16.40(4)(a).
2. MassDEP has comments on the assumptions presented within the Traffic Impact Study (TIS) regarding the distribution of incoming waste volume by vehicle capacity which directly affected the predicted Project related traffic volume. The Department recommends that the Proponent revise the traffic study in the subsequent MEPA filing and requests that the Proponent schedule a scoping meeting to discuss revisions to the Traffic Impact Study. MassDEP comments on the traffic study are summarized below:
 - The Traffic Impact Study estimated the Project related traffic volumes and the hourly distribution of trucks accessing the site, including the Project related peak hour traffic volumes, on data collected from a comparable site in Rochester, MA. The TIS estimated that 1,500 tons per day (tpd) of material (MSW and C&D) will arrive in trucks carrying an average of 19.7 tons per truck. It appears that the comparable site referenced in the DEIR is the Southeastern Massachusetts Resource Recovery Facility (SEMASS) in Rochester, which is a 3,000 tpd waste to energy disposal facility. The Proponent should provide rationale to explain how SEMASS is an appropriate comparable site or revise the traffic study in the subsequent MEPA filing. In addition, the Proponent should provide more information to support the Project related peak hour traffic volumes. It should be noted that MassDEP has analyzed data from existing solid waste facilities for incoming waste volume by vehicle capacity and the data indicates that an average load of 19.7 tons per truck is high compared to other solid waste transfer stations.
 - The Traffic Impact Study estimated the site-generated trips for the biosolid processing facility on the assumptions that biosolids will arrive in trucks with a 24-ton capacity. The Proponent should provide supporting information to justify the assumption that biosolids will arrive in trucks with a 24-ton capacity. In addition, the TIS did not appear to evaluate outbound trips associated with the biosolid processing facility.
 - The Traffic Impact Study within the DEIR adjusted the existing traffic volume to account for vehicle trips associated with the glass facility (Phase 1) and estimated site-generated traffic for the solid waste transfer station and biosolid facility (Phase 2). MassDEP recommends that the Proponent provide supporting information to justify the adjustment to existing traffic volumes and to demonstrate that the methods used to estimate the site-generated traffic comply with MassDOT’s Transportation Impact Assessment Guidelines.

- The Traffic Impact Study assumes that “all truck traffic entering the site will utilize Route 140 to Braley Road.” Because the TIS assumed all truck traffic will utilize Route 140 to Braley Road, the Proponent should commit to the truck routes as presented in the traffic study, or the Proponent must revise the traffic study. In addition to recommending a truck exclusion route along Phillips Road, the Proponent should implement an internal protocol that prohibits trucks accessing their facility from using Phillips Road. The Department recommends that the Proponent provide information on a protocol in the subsequent MEPA filing.

It should also be noted that During the ENF filing, Solid Waste provided comments on the Traffic Impact Study suggesting the Proponent should discuss mitigation measures with MassDOT or the City of New Bedford. The Proponent has not proposed or recommended any mitigation measures and the DEIR did not appear to contain information on discussions with MassDOT or the City of New Bedford. In addition, Solid Waste provided comments stating that the Proponent must commit to limiting the maximum number of vehicles utilizing the site to that presented in the traffic study. The DEIR did not appear to contain a commitment to a maximum number of vehicles utilizing the site per day.

3. During the ENF filing, Solid Waste commented that the Proponent’s Sound Level Assessment Report (“Sound Report”) has not considered all potential sound sources from proposed facility operations. The revised Sound Report included in the DEIR also has not considered all potential sound sources from proposed facility operations. The Sound Report considered the following potential sound sources: general rooftop exhaust fans, biosolids exhaust fans, biofilter stack exhaust and ID fan, cooling towers, makeup air fan, MSW tipping and loading, glass intake fan, and glass exhaust fan. Pursuant to 310 CMR 7.00 Air Pollution Control Section 7.10: U Noise, MassDEP regulates all sounds emanating from a solid waste facility operation. The Sound Report did not consider the following potential sound sources:
 - Waste delivery vehicles on-Site inside and outside the building;
 - MSW processing equipment, biosolid processing equipment, and glass processing equipment;
 - Biosolid tipping and loading and glass tipping and loading;
 - Loading of rail cars and movement of railcars; and
 - Short duration sounds from the outdoor operation of waste handling equipment, delivery vehicle back-up alarms, and dump truck tailgates.

The Department recommends that the Proponent revise the Sound Report in the subsequent MEPA filing. Solid Waste requests that the Proponent schedule a scoping meeting prior to the next revision to the Sound Report to discuss the following:

- Establishment of the ambient sound level based on the 7-day average of the lowest daytime and nighttime hourly L_{90} levels;
- Modeling of all potential sound sources as described above; and
- Modeling and analysis of Project generated sound sources using L_{90} sound levels.

The Proponent is advised that MassDEP’s Noise Pollution Policy Interpretation document does not establish a design standard. The Proponent must mitigate Project generated sound to the maximum extent practical using a top-down approach.

If you have any questions regarding the Solid Waste Management Program comments above, please contact Mark Dakers at (508) 946-2847.

Environmental Justice Comments

After reviewing the Secretary's Final Record of Decision (FROD) dated May 15, 2019 granting a Phase I Waiver and the comments submitted by residents and local officials, I offer the following comments regarding environmental justice:

The city of New Bedford is an Environmental Justice (EJ) community meeting all three criteria (minority, income and English isolation) with 69.6% or 66,180 residents residing in an EJ block group. The total population of the city of New Bedford based on the 2010 U.S. Census is 95,072.1

Public participation and community engagement are key when conducting activities in an environmental justice community, providing the residents of the community an opportunity to be heard as well as learn about proposed activities is crucial. According to the FROD, the community groups and other environmental justice groups were invited to site visits and meetings.

Pursuant to the Executive Office of Energy and Environmental Affairs 2017 EJ Policy – all EEA agencies shall enhance public participation... some considerations are:

- Scheduling public meetings or hearings at locations and times convenient for neighborhood stakeholders, and in consideration of public transportation availability;

On a case by case basis the Proponent should consider:

- Providing timely notices to neighborhoods potentially impacted by a decision, and providing clear guidance on applicable grievance/appeal procedures;
- Encouraging permit applicants to hold pre-application meetings with the local community and providing them with EJ Fact Sheets and EJ Organization contact lists.

Outreach:

The Department acknowledges outreach performed on behalf of the Project to community groups and EJ organizations however notes that MassDEP also recommended in previous comments of the Executive Summary and the Environmental Justice Populations sections found on pages 572-574 that notices be posted in community locations frequented by residents (shopping centers, houses of worship, community/cultural centers). Community outreach can also include publishing notices in local newspapers and alternative media outlets familiar to the community. As well as ensuring notice to the community prior to and during the public meeting and permitting process to ensure the community has opportunities to participate.

Comments appended to the DROD included concerns that some local officials and residents who could be impacted by the proposed Project were unaware of opportunities for public participation in the Project review. To respond to these comments, the Department recommends the Project Proponent consider holding an additional site visit or public meeting on the Project proposal.

¹ Data provided by the 2010 United States Census – American Fact Finder at https://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml.

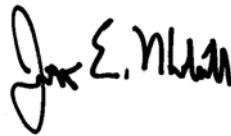
Additional EENF EJ Comments:

It is recommended that plans are in place that support the development and implementation of best management practices (BMPs) to alleviate the potential impacts of additional pollution from traffic, air quality emissions, and other air quality concerns and nuisances that affect the residents of New Bedford. When implemented, the proposed BMPs should help to alleviate the statistically higher rates of environmentally-related health outcomes that MassDPH's Environmental Public Health Tracker has identified for New Bedford.

Other Comments/Guidance

The MassDEP Southeast Regional Office appreciates the opportunity to comment on this proposed Project. If you have any questions regarding these comments, please contact George Zoto at (508) 946-2820.

Very truly yours,



Jonathan E. Hobill,
Regional Engineer,
Bureau of Water Resources

JH/GZ

Cc: DEP/SERO

ATTN: Millie Garcia-Serrano, Regional Director

David Johnston, Deputy Regional Director, BWR

Gerard Martin, Deputy Regional Director, BWSC

Seth Pickering, Deputy Regional Director, BAW

Jennifer Viveiros, Deputy Regional Director, ADMIN

Jim Mahala, Chief, Wetlands and Waterways, BWR

Deneen M. Simpson, Environmental Justice Director & Program Manager/Boston

Daniel Gilmore, Wetlands and Waterways, BWR

Mark Dakers, Chief, Solid Waste, BAW

Alison Cochrane, Solid Waste, BAW

Thomas Cushing, Chief, Air Quality Permitting, BAW

Allen Hemberger, Site Management, BWSC



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Kathleen A. Theoharides
Secretary

Martin Suuberg
Commissioner

March 26, 2021

Kathleen A. Theoharides
Secretary of Environment and Energy
Executive Office of Energy &
Environmental Affairs
100 Cambridge Street, Suite 900,
ATTN: MEPA Office,
Boston, MA 02114

RE: FEIR Review EOEEA #15990
NEW BEDFORD. Parallel Products of New
England (PPNE) at 100 Duchaine Boulevard

Dear Secretary Theoharides,

The Southeast Regional Office of the Department of Environmental Protection (MassDEP) has reviewed the Final Environmental Impact Report Form (FEIR) for the Parallel Products of New England (PPNE) Project at 100 Duchaine Boulevard, New Bedford, Massachusetts (EOEEA # 15990). The Project Proponent provides the following information for the Project:

The Site is an industrially zoned, approximately 71-acre parcel, located within the New Bedford Business Park. The Site location and property boundaries are shown in Figure 1 using an aerial view. The Site was previously developed by Polaroid and already includes access roads, parking areas, and various buildings. Much of the existing infrastructure will be used in developing the proposed Project. New buildings will be constructed for glass processing, municipal solid waste (MSW) and construction and demolition (C&D) waste tipping, and biosolids drying.

PPNE is proposing to develop the Site in two phases. Phase 1 construction will consist of the construction of a glass processing building and equipment and construction of a rail sidetrack from the main line rail to the 100 Duchaine Boulevard Site. The glass processing area will consist of a 27,500 sf building to house the processing equipment.

Phase 2 of the Project includes the construction of a municipal solid waste (MSW) processing/handling facility and the biosolids processing facility. Currently, significant quantities of MSW and biosolids are being trucked out of state for treatment and disposal. PPNE will construct a facility to collect and process this material in Massachusetts and then ship the residual waste out of state by rail for disposal.

The processing proposed will also significantly increase transportation efficiencies and reduce greenhouse gas emissions. The proposed solid waste handling facility will accept up to 1,500 tons per

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

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MassDEP Website: www.mass.gov/dep

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day of MSW delivered to the facility by truck. The proposed facility will process the MSW to extract recyclable material from the MSW. PPNE expects to recover and recycle approximately 20% of the MSW received, which supports the Massachusetts solid Waste Master Plan and is state-of-the-art for the Commonwealth. The non-recyclable fraction of the MSW along with the C&D residuals/bulky waste will be then loaded in rail cars for transport to out of state disposal sites, primarily landfills.

Bureau of Water Resources Comments

Wetlands. The FEIR addresses the Wetlands Program comments.

Waterways. Chapter 91 authorization is not required because the intermittent stream crossing is not considered a navigable waterway pursuant to the Waterways Regulations at 310 CMR 9.04(1)(e).

Underground Injection Control. The Proponent acknowledges the Project is subject to the requirements of the Underground Injection Program.

Wastewater Residuals. At the time of submittal of the FEIR, the Proponent is assuming that the wastewater residuals (biosolids) will be classified as a solid waste and disposed off at a permitted, out of state solid waste facility (personal communication with Gregory Wirsén (Green Seal Environmental, Inc.) or accept wastewater residuals (not a solid waste), the Proponent will be required to obtain a Certified Wastewater Treatment Operator at the appropriate grade to maintain continuity with state and federal wastewater regulations so that the material can be classified as a wastewater residual. This Certified Wastewater Treatment Operator may be a different grade or classification than that required by the Project's New Bedford Industrial Pretreatment Program Permit. To maintain the classification as a wastewater residual, the material cannot be mixed with a solid waste. This possibility will be addressed during the Solid Waste permitting process.

Bureau of Waste Site Cleanup Comments

Based upon the information provided, the Bureau of Waste Site Cleanup (BWSC) searched its databases for disposal sites and release notifications that have occurred at or might impact the proposed Project area. A disposal site is a location where there has been a release to the environment of oil and/or hazardous material that is regulated under M.G.L. c. 21E, and the Massachusetts Contingency Plan [MCP – 310 CMR 40.0000].

There are no listed MCP disposal sites located at or in the vicinity of the site that would appear to impact the proposed Project area. Interested parties may view a map showing the location of BWSC disposal sites using the MassGIS data viewer (Oliver) at:

http://maps.massgis.state.ma.us/map_ol/oliver.php Under “Available Data Layers” select “Regulated Areas”, and then “DEP Tier Classified 21E Sites”. MCP reports and the compliance status of specific disposal sites may be viewed using the BWSC Waste Sites/Reportable Release Lookup at: <https://eeaonline.eea.state.ma.us/portal#!/search/wastesite>

The Project Proponent is advised that if oil and/or hazardous material are identified during the implementation of this Project, notification pursuant to the Massachusetts Contingency Plan (310 CMR 40.0000) must be made to MassDEP, if necessary. A Licensed Site Professional (LSP) should be retained to determine if notification is required and, if need be, to render appropriate opinions. The LSP may evaluate whether risk reduction measures are necessary if contamination is present. The BWSC may be contacted for guidance if questions arise regarding cleanup

Bureau and Air and Waste Comments

Solid Waste. MassDEP Solid Waste staff (Solid Waste) has reviewed the Final Environmental Impact Report (“FEIR”) for the Parallel Products of New England Project at 100 Duchaine Blvd in New Bedford (“Project” or “Site” or “facility”) EEA No. 15990.

Solid Waste Comments:

1. Based on its review of the FEIR for the Parallel Products of New England Project at 100 Duchaine Blvd in New, EEA No. 15990, the Massachusetts Department of Environmental Protection (MassDEP) Solid Waste Management Section has determined that the Proponent has adequately addressed its comments previously provided in Draft Environmental Impact Report. Additional detail will be required in the site assignment permit application and authorization to construct permit application should the Project site receive a positive site determination from the MassDEP and be granted a site assignment by the City of New Bedford Board of Health.
2. Solid Waste Permitting: The proposed Project will require the following solid waste permits:
 - Site Suitability Report for a New Site Assignment (BWP SW 01);
 - Authorization to Construct a Large Handling Facility (BWP SW 05); and
 - Authorization to Operate a Large Handling Facility (BWP SW 06).
3. The site assignment process is meant to determine if a parcel of land is a suitable location for a solid waste management facility. Anyone proposing to build a new solid waste landfill, combustion facility or transfer station is required to submit a site suitability report to MassDEP which reviews the report to determine whether the parcel of land meets specific criteria for use as the site for a solid waste management facility. The Agency forwards its findings to the local Board of Health, which then must decide whether or not to issue a Site Assignment for the facility being proposed. The Site Suitability Report for a New Site Assignment (BWP SW 01) is unlike all other MassDEP solid waste permits, in that MassDEP does not make the decision whether to site assign or not site assign a property. Ultimately the local Board of Health will decide whether to approve or deny a Site Assignment for a proposed facility.
4. MassDEP seeks input from the public - including individuals, communities, and groups - before it issues certain types of solid waste management permits or approvals. The following permits or decisions have public comment periods:
 - BWP SW 01 applications: There is a 21-day public comment period.
 - Board of Health Site Assignment Decisions: The Board of Health must hold a public hearing in accordance with 310 CMR 16.20.
 - BWP SW 05 applications: There is a minimum 30-day public comment period.
 - BWP SW 06 applications: Public comments are not required prior to issuing a decision, but MassDEP may issue provisional approval with a deferred effective date to allow for 21-day public notice/comment period.

All solid waste applications may be reviewed online at:

<https://eeaonline.eea.state.ma.us/EEA/PublicApp/>.

See the following link to learn more about how to participate in MassDEP solid waste permitting decisions: <https://www.mass.gov/service-details/how-to-participate-in-massdep-solid-waste-permitting-decisions>

5. Outreach: MassDEP acknowledges the outreach performed by the Proponent which included the following:
 - Distribution of fact sheets and comment cards with pre-paid postage.
 - Public meetings at various locations.
 - Public meetings advertised on radio, social media, and newspapers including The Standard Times, Portuguese Times, and New Bedford Guide; and
 - Outreach to community leaders identified by MEPA.

MassDEP recommends the Proponent continue the same level of outreach throughout the permitting process.

If any future public meetings will be held virtually due to COVID-19, MassDEP recommends that the Proponent evaluate how a virtual format could impact public participation with additional consideration to residents who may not have access to a computer or broadband internet.

Additionally, MassDEP recommends that Project-related air pollution and environmental impact information be shared with EJ communities in alternative format (translation, interpreter services) if applicable. This information should be provided using terms that are easily understood to ensure the community understands the Project, its potential impacts, and can provide meaningful input.

6. Pre-application Meeting: MassDEP will require the Proponent to attend a pre-application meeting prior to submission of the BWP SW 01 application to discuss comments received from the public on the FEIR and to ensure the facility design and operational measures will comply with solid waste regulations and applicable policies with an emphasis on odor, noise, and traffic mitigation. These measures may include facility changes such as negative air pressure, carbon filters, neutralization agents, and operational changes such as door opening and closing, facility cleaning regiment, waste load management, vehicle queuing, and MSW/C&D/biosolid storage. For the Proponent to demonstrate the facility operations will not result in nuisance conditions, MassDEP reserves the right to require additional measures such as sound monitoring and odor surveys to demonstrate compliance with site assignment requirement to prevent and control nuisances at 310 CMR 16.40 and permit and operational requirement 310 CMR 19.000. Information pertaining to this requirement is available at: <https://www.mass.gov/how-to/sw-01-38-site-suitability-report>.
7. Biosolid Maximum Daily Tonnage: The FEIR states that “The facility will accept and process up to a maximum of 50 dry tons per day of biosolids”. The Proponent should be aware that any future solid waste permits will establish a maximum daily tonnage rate based on inbound “wet” tons and not on outbound “dry” tons. The Proponent should propose a biosolid maximum daily tonnage rate before commencing solid waste permitting. It should be noted that the Traffic Impact Study (TIS) assumed that the proposed facility would accept 400 tons per day of biosolids.

8. Construction and Demolition Debris: The FEIR states that the proposed facility intends to accept Category 2 C&D (C&D processing residuals) and Category 3 C&D (bulky waste). The Proponent should be aware that MassDEP's Construction & Demolition (C&D) Minimum Performance Standard (MPS) applies to permitted C&D Processors and Large C&D Transfer Stations (together referred to as C&D Handling Facilities) facilities. For more information about the C&D Minimum Performance Standard, please refer to the following:
 - C&D Minimum Performance Standard: <https://www.mass.gov/doc/minimum-performance-standard-for-construction-demolition-handling-facilities/download>
 - C&D Minimum Performance Standard FAQs: <https://www.mass.gov/doc/frequently-asked-questions-faq-minimum-performance-standard-for-cd-handling-facilities/download>
9. Noise: In general, the Proponent has addressed MassDEP's comments previously provided in Draft Environmental Impact Report regarding noise however, additional details will be required in MassDEP permit application submittals. The Proponent incorporated the following changes to the sound study and/or to the design of the proposed facility in response to MassDEP's comments on the DEIR:
 - The revised sound study in the FEIR evaluated short duration sounds including back-up alarms, idling locomotive, and railcar couplings. The revised sound study did not evaluate dump truck tailgates, however, MassDEP requires all solid waste facilities to implement Best Management Practices (BMPs) to prevent truck tailgates from slamming.
 - The revised sound study established background sound levels based on the lowest hourly L₉₀ sound level data point rather than the average of the daily lowest hourly L₉₀ sound levels. (Note, see comment 10.d below for a related comment)
 - The proposed biosolids building was increased in size such that all truck backing up to deliver biosolids will be within an enclosed building.
 - The noise wall was increased in size to minimize noise impacts from rail operations.
 - The proposed glass building extension was revised such that rail cars can be loaded with glass within an enclosed building.
10. The Proponent concluded that the revised sound study "documented that sound impacts will be avoided, minimized, and mitigated to the extent feasible." Based on a review of the revised sound study, MassDEP finds that there is not sufficient information to determine if sound impacts will be avoided, minimized, and mitigated to the extent feasible. MassDEP will require the Proponent to attend a pre-application meeting prior to submission of the BWP SW 01 application to discuss revisions to the sound study to address the following:
 - a) The revised sound study in the FEIR evaluated short duration sounds or "intermittent sound" in addition to evaluating continuous sound sources. The revised sound study evaluated the following intermittent sound sources: back-up alarms, idling locomotive, and railcar couplings. The revised sound study evaluated the following continuous sound sources: two (2) biosolids rooftop fans with fan silencers; one (1) biofilter fan with 5 dBA additional reduction; one (1) biofilter stack with silencer; four (4) cooling towers with 5 dBA additional reduction; seven (7) 25,000 CFM rooftop exhaust fans with 5 dBA additional reduction; MSW handling with the MSW building with (three 3) open bay doors on the west side of the building and

one (1) open railcar loading bay door; one (1) baghouse exhaust for the glass building with 2 dBA additional reduction; and one (1) ventilation opening for the baghouse exhaust.

The revised sound study evaluated the impact of intermittent sound sources separately and independently from the continuous sound sources. The evaluation for continuous sound sources predicted a maximum 8 dBA increase above background sound levels. The evaluation for intermittent sound sources for the idling locomotive predicted a maximum 10 dBA increase over background sound levels. The Proponent did not provide adequate information to justify the decision to evaluate continuous sound sources and intermittent sound sources separately. During MassDEP permitting, the Proponent must demonstrate that the sound study evaluates the cumulative noise impacts from the proposed Project.

- b) The revised sound study evaluated the Project-related sound impacts at the nearest inhabited building(s). MassDEP will require the Proponent to evaluate the Project-related sound impacts at both the nearest inhabited building(s) and at the property line.
- c) The revised sound study predicted Project-related sound impacts using “only whole numbers” and indicated that “calculations were performed using values with additional precision.” The Proponent should clarify this statement.
- d) The revised sound study states background sound levels were determined based on the lowest hourly L₉₀ sound level data point. The revised sound study states that “the existing ambient sound level that corresponds to this lowest hour is 30 dBA” and that “data from the last day of monitoring, July 3rd, was not included in the analysis as it was a holiday weekend and thus was not representative of a typical day.” Based on MassDEP’s review of the existing ambient sound level data that was presented in the DEIR, the lowest hourly L₉₀ data point is 28 dBA which occurred on July 3, 2018 at 3:00 A.M. The Proponent did not provide adequate justification for why data from July 3rd was excluded and did not demonstrate that the exclusion will not affect the outcomes and conclusions of the sound study. It should also be noted that July 3, 2018 was not a weekend day nor a state or federal holiday.
- e) MassDEP previously commented that pursuant to 310 CMR 7.00 Air Pollution Control Section 7.10: U Noise, MassDEP regulates all sounds emanating from a solid waste facility operation, including waste delivery vehicles on-site and outside the building. MassDEP previously commented that the Proponent should revise their sound study to include waste delivery vehicles. The revised sound study presented in the FEIR did not appear to evaluate waste delivery vehicles as a sound source. During MassDEP permitting, the Proponent must demonstrate that the sound study evaluates the cumulative noise impacts from the proposed Project, including waste delivery vehicles on-site both inside and outside the building.
- f) The revised sound study presented in the FEIR states that “operations from the Facility will not create any pure tones”, however the Proponent did not provide any

data to justify their conclusion.

- g) The revised sound study states “PPNE has proposed mitigation measures to minimize sound levels at residences to the extent practicable” and that “further controls were considered but not deemed either available or practicable.” The Proponent did not provide sufficient information for MassDEP to determine if the proposed facility is designed to mitigate noise to the maximum extent practical using a top-down approach. The Proponent did not identify the controls that were considered but deemed infeasible.

When proposing sound mitigation controls, similar to the traditional "top-down" BACT process, the "top case" sound mitigation controls which deliver the lowest sound level increase above background are required to be implemented, unless these measures can be eliminated based upon technological or economic infeasibility. An applicant cannot "model out" of the use of the "top case" sound controls and propose a less stringent sound control strategy by simply demonstrating that predicted sound levels at the property line will result in a sound level increase of less than or equal to the 10 dBA sound level increase criteria contained in the MassDEP Noise Policy. The 10 dBA noise policy is not a design standard - it is an enforcement standard, and it is not the sound level increase upon which the design of sound suppression/mitigation strategies and techniques should be based (DAQC Policy 90-001- <https://www.mass.gov/doc/massdep-noise-policy/download>).

- h) Project related sound impacts should be evaluated both with and without mitigation to demonstrate the effectiveness of proposed sound mitigation controls.
 - i) All sound mitigation controls measures should be analyzed at a preliminary screening level to determine the feasibility of their implementation given the site constraints, if any, and whether the noise abatement provides a minimum reduction in noise levels. Impacts to wetlands, abutting landowners, stormwater, etc. should be considered. Safety factors should be considered including fire access and emergency vehicle needs. For the noise barrier to be technically feasible, it must be able to be constructed given the existing topography. The height of the noise barrier should be evaluated if it could sustain excessive wind loads. Maintenance of the noise barrier must be considered as well.
11. Traffic: In general, the Proponent has addressed MassDEP’s comments previously provided in Draft Environmental Impact Report regarding traffic, however, additional details will be required in MassDEP permit application submittals. Regarding traffic, the Proponent concluded “the traffic impacts of the proposed development of this solid waste facility located at 100 Duchaine Boulevard do not constitute a danger to the public health, safety, or the environment with consideration to traffic congestion, pedestrian and vehicular safety, and roadway configuration.” Based on a review of the FEIR, MassDEP finds that there is not sufficient information to verify this conclusion. MassDEP will require the Proponent to attend a pre-application meeting prior to submission of the BWP SW 01 application to discuss traffic, including but not limited to, the following:

- The Proponent conducted a traffic signal warrant analysis for the intersection of Braley Road at Phillips Road/Theodore Rice Blvd and concluded “the installation of a traffic signal at the intersection of Braley Road at Phillips Road/Theodore Rice Boulevard is warranted under 2020 Existing traffic volumes independent of the Project, as a result of existing development in the area.”
- The traffic analysis indicates that the intersection of Route 140 SB at Braley Road is expected to degrade in level-of-service (“LOS”) for some turning movements under the Build scenarios.
- The traffic analysis indicates that three intersections, Route 140 NB at Braley Road, Route 140 SB at Braley Road, and Braley Road at Phillips Road/Theodore Rice Blvd, operate at LOS F for some turning movements under the 2020 Existing scenario.
- Potential impacts to delay time and queue lengths at some study area intersections under the Build scenario.
- Potential impacts to volume-to-capacity (v/c) ratio for some study area intersections under the Build scenario.
- Modeling various distribution scenarios that may occur to compensate for uncertainties regarding the normal hourly fluctuation in waste deliveries.

The Proponent indicated that they are having ongoing discussions with the City of New Bedford regarding potential mitigation, but nothing has been finalized. In accordance with MassDOT’s Transportation Impact Assessment Guidelines Project-related impacts must be mitigated to the extent feasible.

12. MassDEP has recently promulgated regulations pertaining to the presence of per- and poly-fluoroalkyl substances (PFAS). Other regulations are under development in all programs to minimize human and ecological exposure to PFAS. As part of the Solid Waste permitting process, the Proponent will be required to describe what, if any, pathways exist for discharges of PFAS into air, soil and water resources as a result of the biosolids drying process and as a result of any potential uses of the dried biosolids. The permits may require the reduction and monitoring of PFAS impacts to the environment.

If you have any questions regarding the Solid Waste Management Program comments above, please contact Mark Dakers at (508) 946-2847.

Environmental Justice Comments

MassDEP’s Environmental Justice (EJ) Program has reviewed the FEIR for the Parallel Products of New England Project and respectfully acknowledges PPNE’s outreach to the EJ population. Yet the following issues, as presented in sections 3.0 Environmental Justice /Public Outreach and 3.1 Potential Public Health Impacts, remain unanswered for the Proponent’s consideration and response:

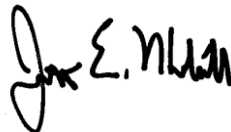
- Was air dispersion modeling ever discussed and explained to the EJ Stakeholders for a clear understanding of its technology and use for decision making? If not, please explain.
- The section of the report that discusses “minor significance of the facility on conditions that can lead to air quality alerts” appears to suggest that the PPNE’s contribution to air pollution, climate change and air quality is not significant. Is this what PPNE intended? Please explain the basis of this statement.

- Are the residents of the affected EJ community privy to the information that has been logged into the complaints log? If so, please explain how this information will be made known and shared and ultimately understood by New Bedford's diverse lay EJ residents/community members?
- Are the residents expected to ask if any complaints have been filed or will the complaints be shared with the community? If so, how often?
- How will all the complaints in the complaints log be handled in addressing everyone's expectations for follow-up?
- Was consideration made by the Proponent to explain the technical/scientific details of the FEIR? If so, the Proponent should present its findings and recommendations through words that are commonly used and understood by New Bedford's diverse lay EJ residents and community members - not through the FEIR's acronyms or scientific terminology.
- Outreach conducted by the Proponent during the pandemic is reported to have been of low interest and attendance at virtual meetings, etc. The Proponent should understand that communities of color were hardest hit with the COVID and were dealing with the impact of the virus - including food insecurity, evictions, and high rates of infection. The low attendance may not solely reflect disinterest but from being overwhelmed with life-threatening issues and by not having the bandwidth to participate in a virtual community meeting. It very important for the Proponent to be aware and sensitive to these possibilities.
- Connecting with community leaders that the residents trust is helpful in order to obtain input and/or interest from the residents. Was outreach conducted to community leaders, EJ leaders and municipal officials? Again, COVID was and continues to be a priority for EJ populations and EJ organizations, therefore we need to be mindful and sensitive to this very important issue.
- The Proponent should demonstrate the continuing need to conduct outreach and community engagement throughout the project's duration for each to this area's diverse EJ community.

Other Comments/Guidance

The MassDEP Southeast Regional Office appreciates the opportunity to comment on this proposed Project. If you have any questions regarding these comments, please contact George Zoto at (508) 946-2820.

Very truly yours,



Jonathan E. Hobill,
Regional Engineer,
Bureau of Water Resources

JH/GZ

Cc: DEP/SERO

ATTN: Millie Garcia-Serrano, Regional Director
David Johnston, Deputy Regional Director, BWR
Gerard Martin, Deputy Regional Director, BWSC

Seth Pickering, Deputy Regional Director, BAW
Jennifer Viveiros, Deputy Regional Director, ADMIN
Daniel Gilmore, Chief, Wetlands and Waterways, BWR
Deneen M. Simpson, Environmental Justice Director & Program Manager/Boston
Mark Dakers, Chief, Solid Waste, BAW
Elza Bystrom Solid Waste, BAW
Alison Cochrane, Solid Waste, BAW
Thomas Cushing, Chief, Air Quality Permitting, BAW
Allen Hemberger, Site Management, BWSC



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Bethany A. Card
Secretary

Martin Suuberg
Commissioner

August 22, 2022

Bethany A. Card,
Secretary of Environment and Energy
Executive Office of Energy &
Environmental Affairs
100 Cambridge Street, Suite 900,
ATTN: MEPA OFFICE
Boston, MA 02114

RE: NPC/SFEIR Review EOEEA #15990
NEW BEDFORD. South Coast Renewables,
LLC (FKA Parallel Products of New
England) at 100 Duchaine Boulevard

Dear Secretary Card,

The Southeast Regional Office of the Department of Environmental Protection (MassDEP) has reviewed the Notice of Project Change (NPC)/Supplemental Final Environmental Impact Report Form (SFEIR) for the South Coast Renewables, LLC (FKA Parallel Products of New England) Project at 100 Duchaine Boulevard, New Bedford, Massachusetts (EOEEA # 15990). The Project Proponent provides the following information for the Project:

An Affiliate of the Proponent, SMRE 100 LLC owns the properties located at 100 Duchaine Boulevard, New Bedford, MA. Prior to the purchase of the 100 Duchaine Boulevard site, the Proponent operations were located at 969 Shawmut Avenue, New Bedford.

Subsequent to the purchase of the site, the Proponent has relocated its operations from Shawmut Avenue to 100 Duchaine Boulevard, New Bedford.

Selected sheets of the plan set that depict design features that are addressed as required by the FEIR Certificate, including revised Phase 2 design plans, are included in this NPC-SFEIR when the specific design features are discussed in the text. Full-sized drawings with revisions to the Phase 2 design plans are included as Exhibit 6. For reference, full-sized versions of the Phase 2 design plans previously submitted with the FEIR are included as Exhibit 7 for ease of reference.

The proposed project (Phase 1 and Phase 2) is to be located at 100 Duchaine Boulevard, New Bedford. The site is an approximate 71-acre parcel identified by the New Bedford Tax Assessor as Lot 5 on Assessor's Plat 134. The site to be developed is located within a zoned Industrial C area. A locus plan of the site is included as Figure 2-1, presented on the following page. The site is located within the New Bedford Business Park. The site was previously owned by Multilayer Coating Technologies, and before that by the Polaroid Corporation. The site was used by both previous owners to manufacture film. The site as developed by Polaroid included access

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roads, parking areas, stormwater management features and numerous buildings. Existing conditions of the site are presented in Figure 2-2, Figure 2-3, and Figure 2-4 on the following pages. The Site Plans include dimensions of existing and proposed buildings as requested in the Secretaries DEIR Certificate. Additional plans have been added to the plan set to delineate wetland areas and impervious surfaces for the existing site. The Proponent intends to utilize the existing infrastructure to the fullest extent possible in developing the proposed project.

The site, as purchased by the Proponent affiliates included a 92,220 square foot building. A 27,500 square foot glass processing building has been constructed as part of the Phase 1 project development. This building was completed in January of 2020, and the Proponent moved their operations over to the facility in February of 2020. With the construction of the glass processing building, the two buildings have a combined total of 119,720 square feet. Existing wetland areas and areas of impervious surfaces are shown on Figure 2-2 presented on the following pages. Under predevelopment existing conditions, the site has 876,331 square feet of wetlands and 771,119 square feet of impervious surfaces. The total area of the site is 71 acres (3,092,760 square feet). Impervious lot coverage is approximately 25%.

Wetlands. The Proponent has identified the need to file with the New Bedford Conservation Commission for work that will take place in the Buffer Zone.

Underground Injection Control. The Proponent acknowledges the Project is subject to the requirements of the Underground Injection Program.

Wastewater. The Proponent should contact the New Bedford Department of Public Infrastructure Industrial Pretreatment Program to determine any need of permitting for any non-sanitary wastewater that will be discharged into sewer system

Drinking Water Program. The Proponent is reminded that Cross Connection devices will be necessary where there is a potential for backflow into the Public Water Supply system. The New Bedford Department Public Infrastructure manages the Cross Connection Program. The Cross Connection regulations can be found here: <https://www.mass.gov/doc/310-cmr-2222-cross-connection-regulations-0/download>

Bureau of Waste Site Cleanup Comments

Based upon the information provided, the Bureau of Waste Site Cleanup (BWSC) searched its databases for disposal sites and release notifications that have occurred at or might impact the proposed Project area. A disposal site is a location where there has been a release to the environment of oil and/or hazardous material that is regulated under M.G.L. c. 21E, and the Massachusetts Contingency Plan [MCP – 310 CMR 40.0000].

There are no listed MCP disposal sites located at or in the vicinity of the site that would appear to impact the proposed Project area. Interested parties may view a map showing the location of BWSC disposal sites using the MassGIS data viewer (Oliver) at:

http://maps.massgis.state.ma.us/map_ol/oliver.php Under “Available Data Layers” select “Regulated Areas”, and then “DEP Tier Classified 21E Sites”. MCP reports and the compliance status of specific disposal sites may be viewed using the BWSC Waste Sites/Reportable Release Lookup at: <https://eeaonline.eea.state.ma.us/portal#!/search/wastesite>

The Project Proponent is advised that if oil and/or hazardous material are identified during the implementation of this Project, notification pursuant to the Massachusetts Contingency Plan (310 CMR 40.0000) must be made to MassDEP, if necessary. A Licensed Site Professional (LSP) should

be retained to determine if notification is required and, if need be, to render appropriate opinions. The LSP may evaluate whether risk reduction measures are necessary if contamination is present. The BWSC may be contacted for guidance if questions arise regarding cleanup

Bureau and Air and Waste Comments

Solid Waste Management. MassDEP Solid Waste staff (Solid Waste) has reviewed the Notice of Project Change and Supplemental Final Environmental Impact Report (“NPC/SFEIR”) for the South Coast Renewables, LLC (FKA Parallel Products of New England) Project at 100 Duchaine Blvd in New Bedford (“Project” or “Site” or “facility”) EEA No. 15990.

Based on its review of the NPC/SFEIR for the South Coast Renewables, LLC (FKA Parallel Products of New England) Project at 100 Duchaine Blvd, EEA No. 15990, the Massachusetts Department of Environmental Protection (MassDEP) Solid Waste Management Section has determined that the Proponent has adequately addressed its comments previously provided in the Final Environmental Impact Report except where comments have been expanded and/or reiterated as discussed below.

1. MassDEP advised the Proponent to schedule a pre-application meeting to discuss previously provided comments. Additional detail will be required in the site assignment (BWP SW 01) permit application and authorization to construct (BWP SW 05) permit application should the Project site receive a positive site determination from the MassDEP and be granted a site assignment by the City of New Bedford Board of Health.
2. *Traffic:* MassDEP would like to note the following:
 - a. Potential impacts to delay time and queue lengths at some study area intersections under the 2028 Build conditions.
 - b. Potential impacts to volume-to-capacity (v/c) ratio for some study area intersections under the 2028 Build conditions.

During permitting process, MassDEP may require the Proponent to consider monitoring traffic levels and perform a post-development traffic impact study to determine if the actual traffic volumes are consistent with what was evaluated in the traffic study.

3. *Noise:* MassDEP would like to note the following:
 - a. Additional information and details will be required in MassDEP permit application submittals.
 - b. As part of the revised design included in the FEIR, a noise wall was proposed at end of rail spurs to mitigate noise associated with rail operations. However, the noise wall is no longer proposed in the SFEIR. The Proponent provided rationale as to why the noise wall is no longer proposed including, but not limited to, that locomotive activity is expected only once per day. The Proponent did not appear to consider noise associated with moving full railcars from the building to the rail spurs and moving empty railcars from the rail spurs into the building, which will occur throughout the day as part of regular operations. For this reason and others, MassDEP would like to discuss a noise wall in detail during pre-application.
 - c. The Bureau of Air and Waste Solid Waste section requested additional justification why July 3, 2018 sound data was excluded in comment 10.d. In their response, the Proponent appears to maintain that the July 3, 2018 data should be excluded.

MassDEP would like to advise the Proponent that it does not agree with the reasoning to exclude the data. MassDEP recommends that the Proponent revise the sound study to include the July 3, 2018, data in any subsequent sound study submitted to MassDEP as part of the site assignment permit application.

- d. Pursuant to 310 CMR 7.00 Air Pollution Control Section 7.10: U Noise, MassDEP regulates all sounds emanating from a solid waste facility operation, including waste delivery vehicles on-site and outside the building. MassDEP previously commented that the Proponent should revise their sound study to include waste delivery vehicles. The revised sound study presented in the FEIR and SFEIR did not appear to evaluate waste delivery vehicles as a sound source – except independently using the Federal Highway Administration (FHWA) Traffic Noise Model (TNM). During MassDEP permitting, the Proponent must demonstrate that the sound study evaluates the cumulative noise impacts from the proposed Project, including waste delivery vehicles on-site both inside and outside the building.
 - e. MassDEP asks that as part of the site assignment permit application, the Proponent prepare noise isopleth maps to depict No Build and Build (with and without mitigation) noise levels in the Project area.
 - f. It should be noted that a complete noise analysis was presented in the FEIR, however the noise analysis in the SFIER mainly consisted of a response to comments. Since there have been changes to the Project including eliminating the biosolids facility and the rail sound wall, the noise analysis in the FEIR may not entirely applicable. MassDEP requests further presentation of data and discussion of the modeled impacts as part of the site assignment permit application. The Proponent will be required to mitigate sound impacts to the maximum extent practical using a Best Available Control Technology (BACT)-like approach. See the MassDEP's AQ Sound at this link for guidance:
4. *Environmental Justice:* MassDEP would like to note the following:
- a. As part of MassDEP's Solid Waste permitting processes for SW01, the Proponent will be required to conduct robust outreach activities that enhance public participation opportunities as established in the most recent Environmental Justice (EJ) Policy. MassDEP intends to develop a Public Involvement Plan (PIP) that will enhance community enhancement and meaningful public involvement.
 - b. MassDEP will consult with the Proponent to assist with the development of the DEP-produced PIP. The Proponent will be responsible for developing the related Fact Sheets in consultation with the community. It is recommended that draft Fact Sheets be shared with the community/advocates to included them in the process. This will ensure the community understands the document and allows them to weigh in and be a part of the process. It also ensures that documents are not written in technical/scientific terms but in plain language that is easily understood.
 - c. This effort will be helpful in identifying the hard-to-reach populations. Engaging with the community and this Project's advocates will ensure those impacted are part of the conversation. The Proponent should rely on the community/advocates to help identify others that should be part of the conversation. The development of any educational materials produced by the Proponent must be in plain language to ensure the community understands the Project and can participate fully in the process. Meaningful public involvement ensures collaboration with the community and can help to identify:

- Location (virtual or in-person)
- Date of public meetings, if applicable.
- Time of meeting
- Information Repositories
- Posting of Notices in Traditional and Non-English media outlets

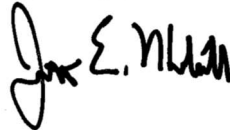
MassDEP recommends that the Proponent consult MassDEP's Environmental Justice Director at deneen.simpson@mass.gov to identify and coordinate outreach activities that meet the EEA EJ Policy.

If you have any questions regarding the Solid Waste Management Section comments above, please contact Mark.Dakers@mark.dakers@mass.gov or (508) 946-2847.

Other Comments/Guidance

The MassDEP Southeast Regional Office appreciates the opportunity to comment on this proposed Project. If you have any questions regarding these comments, please contact George Zoto at George.Zoto@mass.gov or Jonathan Hobill at Jonathan.Hobill@mass.gov.

Very truly yours,



Jonathan E. Hobill,
Regional Engineer,
Bureau of Water Resources

JH/GZ

Cc: DEP/SERO

ATTN: Millie Garcia-Serrano, Regional Director
Gerard Martin, Deputy Regional Director, BWR
John Handrahan, Acting Deputy Regional Director, BWSC
Seth Pickering, Deputy Regional Director, BAW
Jennifer Viveiros, Deputy Regional Director, ADMIN
Daniel Gilmore, Chief, Wetlands and Waterways, BWR
Deneen M. Simpson, Environmental Justice Director & Program Manager/Boston
Daniel Gilmore, Wetlands and Waterways, BWR
Mark Dakers, Chief, Solid Waste, BAW
Elza Bystrom Solid Waste, BAW
Alison Cochrane, Solid Waste, BAW
Thomas Cushing, Chief, Air Quality Permitting, BAW
Allen Hemberger, Site Management, BWSC

Mr. Hall,

On June 11, 2020, MassDEP BAW solid waste and air quality staff met via teleconference with Parallel Products of New England (PPNE) and their noise and facility design consultants discussed the noise analysis for PPNE that will be submitted within the FEIR. In response to our June 11th discussion, MassDEP is providing the following guidance and/or clarification:

- MassDEP will not consider a design that includes sound impacts >10 dBA, regardless of whether or not the sound impact will alter the nature of a neighborhood.
- The 10 dB(A) noise policy is not a design standard - it is an enforcement standard. Instead, a facility must be designed to mitigate noise to the maximum extent practical using a top-down approach. When proposing sound suppression/mitigation measures, similar to the traditional "top-down" BACT process, the "top case" sound suppression/mitigation measures which deliver the lowest sound level increase above background are required to be implemented, unless these measures can be eliminated based upon technological or economic infeasibility. An applicant cannot "model out" of the use of the "top case" sound suppression/ mitigation measures by simply demonstrating that predicted sound levels at the property line when employing a less stringent sound suppression/mitigation strategy will result in a sound level increase of less than or equal to the 10 dBA above background sound level increase criteria contained in the MassDEP Noise Policy. A 10 dBA increase is the maximum increase allowed by MassDEP; it is not the sound level increase upon which the design of sound suppression/mitigation strategies and techniques should be based.
- MassDEP monitors sound levels for the maximum sound level. MassDEP uses the 1 second Lmax dBA sound level as a metric to determine compliance with its regulations. Measuring the sound level increase by comparing the background Lmax to the project Lmax is not an accurate means to predict whether project-related noise will cause a nuisance. MassDEP establishes project impacts using project Lmax relative to background based on background L90.
- The noise analysis submitted within the DEIR modeled project-related sound impacts at the nearest inhabited buildings. MassDEP recommends that the noise analysis be revised to model project-related sound impacts at both at the property line and at the nearest inhabited building(s).
- For equipment that operates, or will be operated intermittently, the ambient or background sound measurements shall be performed during the hours that the equipment will operate and at the quietest times of the day. The quietest time of the day is usually between 1:00 a.m. and 4:00 a.m. on weekend nights. The nighttime sound measurements must be conducted at a time that represents the lowest ambient sound level expected during all seasons of the year.
- For equipment that operates, or will operate, continuously and is a significant source of sound, such as electrical generating equipment, background sound levels shall be established via a minimum of seven consecutive days of continuous monitoring at multiple locations with the dBA L 90 data and pure tone data reduced to one-hour averages. The noise analysis submitted within the DEIR established background sound levels based on the 7-day average of the lowest daytime

and nighttime hourly L_{90} levels. MassDEP recommends that the noise analysis be revised to establish daytime and nighttime background sound levels via the minimum one-hour average over a 7-day period and not via a 7-day average.

Please be advised that the draft noise analysis for the FEIR was not submitted to MassDEP for review; therefore, the comments above are general in nature. If you would like more specific guidance, please submit specific questions in writing (email is fine). For example, “PPNE is proposing to model non-stationary noise sources in the following manner...Does MassDEP consider the proposed method to be in compliance with its policies and regulations?”

For additional information, please visit the following link: <https://www.mass.gov/guides/massdep-air-plan-approval-applications#-supplemental-forms->

Please reach out to Mark Dakers at 508-946-2847 or Alison Cochrane at 508-946-2778 if you have any questions or if you would like to schedule a follow-up conference call.