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August 7, 2009

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
NOTICE OF PROJECT CHANGE

PROJECT NAME : Russell Biomass Power Plant
PROJECT MUNICIPALITY : Russell, Montgomery and Westfield
PROJECT WATERSHED : Westfield River
EEA NUMBER : 13635
PROJECT PROPONENT : Russell Biomass LLC
DATE NOTICED IN MONITOR : June 10, 2009

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62I) and Section 11.10 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **requires** the preparation of a Supplemental Environmental Impact Report (EIR). The Scope for the Supplemental EIR is limited primarily to the analysis of air quality and noise impacts and mitigation for the proposed change in the project's fuel delivery truck access route, and demonstration of compliance with a Department of Public Utilities (DPU) Order, which conditioned a zoning exemption for the project upon resolution of traffic-related issues with the Town of Russell.

The proposed project consists of a 50-megawatt (MW) (nominal net design output) biomass-fired power plant on an approximately 20-acre site in Russell, MA. The proposed power plant will consume approximately 510,000 tons of biomass fuel annually to generate heat to power the turbine and generate electricity. The energy generated from the plant will be transmitted to the existing electrical grid and the net annual energy production will be approximately 400,000,000 kilowatt hours (kWh). The project includes a new 115 kilovolt (kV) transmission line (approximately 5.1 miles) and ancillary facilities, and roadway construction

associated with truck access to the facility. The Notice of Project Change under review involves a change to the truck access route that originally proposed to utilize Main Street in Russell (the Main Street route) to a new route that diverts traffic away from the center of Town and creates a new extension road (the Frog Hollow Road access route).

A Certificate on the Final EIR for the project was issued on March 28, 2008 in which I determined that the analysis for the preferred alternative presented in the Final EIR adequately and properly complied with MEPA and its implementing regulations. The central purpose of MEPA is to inform subsequent Agency Actions with respect to environmental impacts, including in this instance the Department of Public Utilities' (DPU) decision on the Proponent's request for an exemption from local zoning. The Certificate on the FEIR approved the analysis of impacts for the preferred alternative, but acknowledged that the DPU would continue to assess appropriate site access alternatives in its permitting process.

Since the Certificate on the Final EIR was issued, the DPU issued two Orders for the project. In its August 22, 2008 Order, the DPU denied the proponent's request for an exemption from the Town's local zoning by-laws. The DPU found that the proposed increase in traffic on Main Street, and its associated safety and noise impacts, would have significant adverse impacts on the Town of Russell. The proponent subsequently filed a Motion for Reconsideration, and in its November 14, 2008 Order, the DPU granted exemption from local zoning height and setback requirements, conditional upon an agreement between the Town of Russell and the Proponent that would resolve the traffic issues to the satisfaction of the Town.

The Proponent has filed a Notice of Project Change (NPC) for an alternative truck access route which the NPC indicates is intended to comply with the DPU condition that the Proponent develop an agreement with the Town to resolve traffic issues. The NPC proposes a truck route from the facility along the existing Frog Hollow Road and a proposed extension to Frog Hollow Road that would extend around Turtle Bend Mountain to connect with Route 20 at the Mountain Laurel mobile home park. Project impacts associated with the proposed access road include an increase of 82 truck trips per day (for a total of 294), 100,000 sf of Riverfront Area alteration (approximately half of this related to repaving existing roadway), 6.3 acres of land alteration, and a new intersection with Route 20 (north of Mountain Laurel Drive). Portions of the proposed Frog Hollow Road access route are located within the 100-year floodplain and Riverfront Area of the Westfield River. In addition, the proposed Frog Hollow Road truck access route will impact residents and other receptors in the vicinity of the route.

The DPU Order also required a compliance filing, which the Proponent submitted in June 2009, shortly after filing the NPC with MEPA. In its compliance filing with the DPU, the Proponent indicates that an agreement has been reached with the Town of Russell approving the proposed Frog Hollow Road access route as an alternative to the previously proposed Main Street route. Although the DPU has not yet ruled on the compliance filing, the current record is not clear on whether the proposed access route has the appropriate approval of local officials. Although I have no desire to wade into what appears to be a largely local dispute over traffic routing, the record before me is troubling. The NPC was purportedly filed in response to the DPU's directive to present an alternative that would be acceptable to the Town. Yet many of the comments I have received indicate that the revised alternative may have similar or even greater

impacts than the Main Street access route originally proposed. Unfortunately, the NPC does not adequately address the potential environmental impacts of the Frog Hollow Road alternative at the level of detail that I required to be presented in the FEIR for the Main Street alternative, so I cannot evaluate the relative impacts of the new route on the basis of the NPC alone. Moreover, it appears that there is also a lack of consensus within the Town as to whether the proposed Frog Hollow Road alternative will ultimately be approved at the local level. There may therefore need to be yet further revisions to the access proposal for the project in order to comply with the DPU's condition.

As a result of the foregoing, I have determined that the Proponent must prepare a Supplemental EIR that will address the full scope of environmental impacts associated with the Frog Hollow Road alternative. The Supplemental EIR must also address alternatives for the proposed route that may have less impact as well as the mitigation of any unavoidable impacts resulting from truck traffic. This analysis should include an evaluation of the feasibility of utilizing rail access for deliveries to the site as a means of reducing overall truck trips. Importantly, the Supplemental EIR must also adequately demonstrate compliance with the conditions of the DPU Order dated November 14, 2008.

Basis for Supplemental EIR

I am requiring a Supplemental EIR to ensure full disclosure of the potential noise and vibration impacts associated with the proposed change in the truck access route and to ensure that appropriate measures are developed to avoid, minimize or mitigate any potentially significant impacts associated with this route change. I am also requiring that the proponent demonstrate compliance with the conditions of the DPU Order dated November 14, 2008.

Full disclosure of environmental impacts related to truck traffic:

The NPC does not include a noise impact study for the alternative truck access route. Therefore it is not possible to determine whether or not the project change would significantly increase noise impacts to residents and other receptors in the vicinity of the alternative route proposed over the impacts associated with the preferred alternative presented in the FEIR. As noted in the Certificate on the Draft EIR/NPC (dated September 7, 2007), MEPA jurisdiction over this project extends to potential environmental impacts related to project-generated traffic, and a truck-related noise impact study was required in the FEIR. The NPC does not discuss the trade-offs associated with the proposed Frog Hollow Road Extension, i.e. the potential increase in noise impacts to receptors along the proposed access route in order to reduce impacts along Main Street.

The NPC does not include the input files and additional detail on the assumptions for the truck diesel emissions modeling. Therefore, it is not clear whether the results of the analysis reasonably represent future conditions with regard to diesel particulate matter levels in the vicinity of the proposed access route.

Mitigation assessment for potential traffic-related impacts associated with the proposed alternative route:

The NPC presents the Frog Hollow Road route as a mitigation measure to avoid truck-related noise impacts along Main Street. However, the NPC does not assess the need for noise impact mitigation along the proposed alternate route. Without a revised noise impact analysis to account for the change in truck route and receptor locations, it is not possible to determine whether or not additional mitigation is required or what mitigation might be appropriate for the Frog Hollow Road Extension.

The NPC does not assess or commit to mitigation measures to reduce diesel emissions from truck traffic proposed along the Frog Hollow Road access route.

Consistency with Scope for FEIR and DPU Orders:

A revised noise impact analysis is required in order to ensure consistency with the MEPA scope for the FEIR (which required an analysis of noise impacts associated with the preferred alternative) and consistency with the DPU findings regarding the significance of noise impacts associated with the project's truck traffic. As a condition of its height and setback zoning exemption, the DPU Order on Reconsideration required that the Proponent reach an agreement with the town to resolve traffic issues. The NPC does not demonstrate this agreement has been reached.

Permits and Jurisdiction

The proposed project change requires a Vehicular Access Permit from MassHighway for the proposed intersection of the Frog Hollow Road Extension with Route 20, and an Order of Conditions from the Russell Conservation Commission (and, on appeal only, a Superseding Order from the Massachusetts Department of Environmental Protection (MassDEP)) for wetlands resource area impacts. The Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program (NHESP) has determined that the proposed Frog Hollow Road truck access route will not require a Conservation and Management Permit under the Massachusetts Endangered Species Act (MESA).

Other Agency permits required for the project as a whole include: a Major Comprehensive Plan Approval, a Water Management Act (WMA) Permit, a 401 Water Quality Certification, and a Beneficial Use Determination (BUD) from MassDEP; an Approval of a Request for Interconnection for a Large Generating Facility from the Independent System Operator-New England (ISO-NE); a Petition for Approval of Construction for the transmission lines and substation from the Energy Facilities Siting Board (EFSB); approvals of a Section 72 Petition from the DPU/EFSB; approval of a Petition for Zoning Exemption from the DPU; a Conservation and Management Permit from NHESP; and an Authorization to Access from the Massachusetts Turnpike Authority (MTA) for transmission line construction in the Turnpike Right of Way. The project is also subject to review by the Massachusetts Historical Commission.

The project requires the following federal permits: an Individual Permit from the U.S. Army Corps of Engineers (ACOE) pursuant to Section 404 of the Clean Water Act; a National Pollutant Discharge Elimination System (NPDES) Construction General Permit; a NPDES Individual Permit for Surface Water Discharge; and a NPDES Individual Permit for Operational Stormwater Discharges from the U.S. Environmental Protection Agency (EPA).

Local permits and review required include: an Order of Conditions from the Westfield and Russell Conservation Commissions; Site Plan Review by the Russell Planning Board; a Special Permit from the Russell Zoning Board of Appeals; Subsurface Sewage Disposal Works Permits from Russell and Westfield Boards of Health; and Fuel Oil Tank Permits and a Use Permit under 502 CMR 5.00 from the State Fire Marshall and the Russell Fire Department for ammonia and fuel oil storage tanks.

While the proponent did receive funding for a feasibility study from the Massachusetts Technology Collaborative (MTC), the Proponent is not seeking financial assistance from the Commonwealth for the construction or operation of the project. Therefore, MEPA jurisdiction is limited to those aspects of the project that are within the subject matter of any required or potentially required state permits and that may cause Damage to the Environment as defined in the MEPA regulations. In this case, MEPA jurisdiction for the project as a whole extends to energy, air quality, land alteration, state-listed species, Article 97 protection, stormwater and drainage, wetlands, wastewater, solid and hazardous waste, historical and archaeological resources, and issues considered by DPU in its review of the Proponent's request for Zoning Exemptions, which includes noise and other potential environmental impacts related to project-generated traffic.

REVIEW OF THE NOTICE OF PROJECT CHANGE (NPC)

Project Changes

The preferred access route proposed in the FEIR would bring truck traffic from Route 20 to and from the facility via Main Street and the Main Street Bridge. The alternative route proposed in the NPC avoids Main Street, and routes truck traffic via Frog Hollow Road and a new roadway extension around Turtle Bend Mountain to Route 20 where a new intersection is proposed in the vicinity of the Mountain Laurel mobile home park.

As further detailed in the wetlands section below and in the NPC, the project change will result in additional Riverfront Area and floodplain impacts along the Westfield River. The proposed change in truck access route will result in an additional 6.3 acres of land alteration, including 2.8 acres of new impervious area.

The existing Frog Hollow Road is a paved roadway extending approximately one-half mile from Main Street to the Russell Transfer Station. An extension of this road to connect with Route 20 was rejected in the Final EIR in part because it was not under the ownership of the Proponent, and would have to be advanced at the direction of the Town of Russell because it was proposed as a public way. Since then, the Proponent has acquired land on Turtle Bend Mountain, including the Mountain Laurel Mobile Home Park at the proposed intersection with Route 20 in

order to develop the road extension, which is now proposed as a private way. The proposed extension will require relocation of four mobile homes.

The Proponent indicates that the Main Street route proposed in the FEIR would impact 32 residences as well as the Post Office, Library and other municipal buildings and uses on Main Street. Based on the information in the NPC and comments received, it appears that the proposed Frog Hollow Road route may impact a similar number of residences (approximately 14 homes on Frog Hollow Road and River Road, and 20 mobile homes) and two schools.

As described in the NPC, the proposed truck route involves repaving of the existing Frog Hollow Road as well as widening of some sections to achieve a uniform width of 18.5 feet. The one-mile extension is proposed with a minimum width of 22 feet. Many commenters have expressed concerns regarding the adequacy of the 18.5 foot width to accommodate two trucks passing. Some commenters have also questioned whether the wider road proposed for the extension is necessary given the Proponent's claim that 18.5 feet is sufficient along the existing roadway. The Proponent should consider these comments and ensure that the road design will avoid and minimize land and wetlands resource alteration to the extent feasible while meeting applicable road design and safety requirements.

The NPC also identifies an increase of approximately 2,000 sf of Bordering Vegetated Wetlands (BVW) alteration associated with the proposed transmission line, compared with the amount of alteration reviewed in the FEIR.

Alternatives

In addition to Main Street and the Frog Hollow Road Extension, the Proponent considered a number of alternatives including a River Road/River Road Extension, rail access, a bridge over the Westfield River, the Huntington Route, and the Montgomery Route. The Huntington route was rejected due to significantly longer travel time for trucks coming to the site from the south and because of bridge upgrades and roadway improvements required. The Montgomery route was rejected because portions of the road are for seasonal use only and because of sharp turns unsuitable for large trucks. The rail access alternative was rejected for similar reasons the Proponent put forward in the FEIR. These include the additional cost estimates for handling and transport, and space constraints on-site.

The preferred alternative in the NPC is the Frog Hollow Road/Frog Hollow Extension. The NPC describes several alternative layouts considered for the intersection of Main Street and Frog Hollow Road, and for the intersection of the Frog Hollow Road Extension with Route 20. As noted in its comment letter, the Executive Office of Transportation (EOT) has some concerns with the proposed design for the intersection of Frog Hollow Road Extension with Route 20.

Wetlands

Frog Hollow Road Extension

The NPC identifies changes in wetlands impacts associated with the proposed access route and compares the total amount of alteration to the estimates provided in the FEIR. According to the NPC, Riverfront Area impacts are estimated to increase by approximately 100,000 square feet (sf) from 296,600 sf to 396,560. Approximately 56,000 sf of alteration is in the area of the existing Frog Hollow Road, and approximately 44,000 sf of Riverfront impact is associated with the proposed roadway extension to connect with Route 20. Alteration of Bordering Land Subject to Flooding (BLSF) will increase from 8,200 sf to 25,020 sf; and Bank impacts are reduced by 97 linear feet (lf) from 2,660 lf to 2,563 lf.

Transmission Line

Alteration of BVW has increased since the FEIR from 49,000 sf to 50,973 sf. The Proponent circulated supplemental information during MEPA review of the NPC, in which it provided additional detail on the changes in BVW alteration. According to the Proponent, the increase in BVW impacts since filing of the FEIR is due to refinement of the project design, recalculation of impact areas, and the wetlands permitting processes. The revised calculations include placement of timber mats and clearing of vegetation within BVW.

Wetlands Permitting

As noted in the comment letter from MassDEP, the proposed Frog Hollow Road extension has been submitted as a Limited Project. Limited project provisions require the applicant to demonstrate practicable avoidance and minimization of alteration to jurisdictional resource areas, and then describe appropriate mitigation measures for remaining unavoidable alteration. MassDEP issued its comments on the Notice of Intent (NOI) to the Russell Conservation Commission on May 19, 2009, which address issues relating to riverfront area and stormwater management standards. I acknowledge the comments received regarding the project's consistency with requirements of the Wetlands Protection Act including standards for Riverfront Area and stormwater management, and I expect that these issues can be resolved during the wetlands permitting process.

Rare Species

The NHESP has determined that the proposed Frog Hollow Road Extension will not impact state-listed species. Although no state-listed plants are located within the project footprint, state-listed plant populations occur nearby. The Proponent should modify the erosion control plan as recommended by NHESP to avoid introduction of invasive species and prevent barriers to wildlife.

As noted by NHESP in its comment letter, there are some outstanding issues related to state-listed species permitting for the proposed power plant and transmission line components of the project. The Proponent should continue consultations with NHESP on these issues.

I acknowledge MassAudubon's request that the proposed mitigation plan and Draft Conservation and Management Permit be made available for public review through the MEPA process. I am satisfied however that there will be adequate opportunity for public input during the NHESP review and permit process. NHESP indicates it is willing to provide the draft CMP to MassAudubon and others for comment. I encourage those interested in commenting to consult with NHESP regarding permit application and draft CMP review timelines.

Air and Noise

The NPC includes a diesel emissions and air quality modeling study for the expected peak truck trips on the proposed access route (including Route 20, Frog Hollow Road, and a section of Main Street). The study predicted levels of Diesel Particulate Matter (DPM) expected from 248 daily truck trips over a 12-hour period (6:00am – 6:00 PM) and combined this with estimated background levels in order to estimate the maximum DPM concentrations in the project area. Maximum predicted DPM levels were then compared to the EPA Reference Concentration (RfC) of 5 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$), which is the level set to protect sensitive subgroups in the population, with a margin of safety (U.S. EPA Health Assessment Document for Diesel Particulate Matter). The results indicate maximum DPM concentrations of approximately $0.8 \mu\text{g}/\text{m}^3$, which is significantly less than the EPA reference standard. The NPC also indicates that this is a conservative estimate and that actual DPM levels would likely be lower because the background level used was for DPM in the Boston urban area. The study notes that background DPM levels in Russell are likely to be lower than Boston, which would result in a lower overall DPM value for new truck emissions and background combined.

I acknowledge the many comment letters received expressing concern about potential health impacts associated with diesel truck emissions and comments on the deficiencies of the model used. Based on consultation with MassDEP, the model used by the Proponent, MOBILE 6.2, is the appropriate model to use at this time to predict truck diesel emissions. A new model is under development but will not be available until early 2010. The EPA AERMOD used by the Proponent is also an appropriate air dispersion model for the analysis. However, many commenters have questioned the model assumptions. While the NPC includes DPM emissions calculations and AERMOD output summaries, it does not include the input files and other information necessary to fully understand the assumptions used. As required in the Scope provided below, I expect the Supplemental EIR will include additional information on the emissions analysis and a detailed response to comments, including in particular a response to the comments that have raised issues with respect to air quality and other traffic-related issues.

The NPC did not include an analysis of noise impacts associated with the proposed new truck access route. A noise impact analysis is required in a Supplemental EIR as outlined in the Scope below.

Construction Impacts

I refer the Proponent to MassDEP's comments for guidance on regulatory requirements relating to air quality and solid waste, and recommendations on the use of blasting agents and

explosives. The Proponent should ensure that the contractors for the proposed access road are required to implement the measures recommended by MassDEP to minimize potential problems associated with the use of perchlorate-containing blasting agents and explosives. I strongly encourage the Proponent to participate in the MassDEP Diesel Retrofit Program as recommended by MassDEP and work with MassDEP on other mitigation measures for project-related diesel emissions.

Transportation

The NPC indicates that the number of vehicle trips per day will be approximately 294, an increase in 82 trips per day compared with the FEIR. The NPC estimates an average of 150-160 fuel delivery trucks per day, 8 fly-ash removal truck trips, and 46 employee trips. According to the NPC, the estimate of 294 trips per day accounts for expected peaks in truck trips (a maximum of 240 fuel delivery truck trips per day). Fuel deliveries are proposed between the hours of 6:30 am to 5:00 pm Monday through Friday.

The NPC includes plans for the proposed roadway improvements and an assessment of transportation impacts which, as noted by EOT in its comment letter, generally conforms to EEA/EOT guidelines. However, EOT does also note that preserving industrial rail access is an important state priority for reducing roadway congestion and air quality impacts. The project site is adjacent to an active rail line, and although the Proponent has considered and rejected rail delivery of fuel primarily for cost reasons, EOT has indicated that it will require further consideration of rail as an option during permitting. This issue must therefore be addressed in the Supplemental EIR as reflected in the Scope provided below.

Historical and Archaeological Resources

Several properties along River Street, in the vicinity of the proposed truck access route, are included in the Inventory of Historic and Archaeological Assets of the Commonwealth. The Proponent should provide additional information on historic structures to MHC and the Russell Historical Commission as requested in MHC's comment letter. MHC also requested an intensive (locational) survey for the proposed access route. The Proponent indicates, (in a letter dated July 23, 2009) that it will include the Frog Hollow Road Extension in the archaeological survey to be conducted for the project.

SCOPE

General

The Proponent should prepare a Supplemental EIR in accordance with the general guidance for outline and content found in Section 11.07 of the MEPA regulations as modified by this Scope. The DEIR should include maps, plans and other graphics at a reasonable scale to facilitate review and comment. The Supplemental EIR should include a project summary and schedule, a list of permits required, a description of any changes since the filing of the NPC and a copy of this Certificate.

Noise and Vibration

The FEIR noise impact study for the Main Street truck access route indicated that the project would not result in an exceedance of noise standards at any nearby residence on Main Street. However, in its analysis and findings on noise impacts, the DPU disagreed with the conclusions of the proponent's study and concluded that the Federal Highway Administration (FHWA) noise abatement criteria used in the proponent's analysis were inappropriate in the case of this project, and that instantaneous maximum noise levels should be evaluated for the truck access route, not representative averages. In its findings (August 2008 Order), the DPU considers project truck traffic noise to be a significant adverse impact on the local interest.

The Supplemental EIR should include a detailed noise and vibration analysis that evaluates potential impacts of the proposed access route to residents of Frog Hollow Road, River Road, the Mountain Laurel mobile home park, as well as receptors in the vicinity of the proposed Frog Hollow Road/Main Street intersection. The analysis should also evaluate potential impacts to receptors at the Russell Elementary School and the Mennonite School. The Supplemental EIR should include a detailed description of the methodology and assumptions in the analysis, identify any limitations inherent in the analysis, and identify sources of data on which analysis and conclusions are based.

The Supplemental EIR should include results of baseline ambient noise levels at representative locations along the proposed route in order to develop reasonable estimates of predicted changes resulting from the proposed truck traffic. The noise analysis should evaluate potential noise changes resulting from truck traffic based directly on the instantaneous maximum noise levels as recommended by DPU. The analysis should include predictions for max noise levels with and without use of jake brakes.

The Supplemental EIR should compare predicted maximum levels with the EPA reference level of 55dBA for residential areas and MassDEP's 10dBA limit for increases over pre-existing background. The analysis should identify which receptors may be exposed to increases in noise levels that exceed guidelines, and during what periods and over what length of time exposure may occur.

The Supplemental EIR should include a comprehensive evaluation of mitigation alternatives to reduce noise levels from truck traffic, including an evaluation of fuel delivery by rail. I note EOT's comments regarding future rail service and I expect that the Proponent will be required to explore this issue further during the MassHighway permitting process. Especially in light of the increase in truck traffic for the proposed new truck access route as compared to the Main Street route, the use of rail for all or a portion of the fuel delivery to the proposed facility should be investigated further as a mitigation measure for noise and other traffic-related impacts associated with the project. The Supplemental EIR should identify expected sources of fuel for the facility and include a map showing potential fuel sources, as well as rail and road infrastructure and delivery routes. The Supplemental EIR should include an analysis of noise and vibration associated with the use of rail for all or a portion of fuel deliveries and a comparative analysis of truck and rail impacts.

I acknowledge the Proponent's prior analysis of rail and its argument for not selecting rail as a preferred delivery mode. However, I strongly encourage the Proponent to re-engage in consultations with rail service providers to evaluate this mitigation option. The Proponent should explore what additional level of service can be provided by the railroad and include a detailed update on consultation with CSX railroad in the Supplemental EIR. If the Supplemental EIR concludes that it is infeasible to supply the entire facility with fuel using rail delivery, then the Proponent should evaluate whether it is possible to supply a portion of the fuel needed via rail. The Proponent should consult with EOT's Public/Private Development Unit to discuss alternatives for the site design and accommodations for future rail service.

For all mitigation alternatives evaluated, the Supplemental EIR should quantify the anticipated reduction in noise impacts that would result from implementing these measures. The Supplemental EIR should include clear commitments to specific noise mitigation measures and documentation to justify why other measures that could mitigate noise impacts are not being implemented by the Proponent.

Air Quality

The NPC indicates that the Proponent obtained model input files from MassDEP for the fuel delivery truck diesel emissions analysis, and the model accounted for peak truck trips as recommended in the DPU findings (Order dated August 22, 2008). The Supplemental EIR should include the input files and explain any changes that were made, and why, to model project-related diesel emissions. The Supplemental EIR should identify the posted speed limit for the truck access route and demonstrate that the model uses a speed that is consistent with the posted speed limit for the route. The Supplemental EIR should include a detailed narrative explaining the assumptions used in the model, including the type and age of the trucks.

The Supplemental EIR should include a revised air quality analysis as necessary to reflect any updates in modeling that may be required to respond to comments and to ensure the DPM projections are representative of the potential future scenario in the project area.

The Supplemental EIR should describe proposed mitigation measures to reduce diesel emissions from the fuel delivery truck traffic. The Proponent should commit to diesel retrofits for the trucks or to purchasing new trucks, which would be cleaner and result in less emissions compared with the older trucks used in modeling. The Proponent should also investigate state and federal funding programs to support diesel emission reductions. I encourage the Proponent to consult with MassDEP on this issue.

Public Safety and Roadway Improvements

The Supplemental EIR should include an evaluation of public safety impacts associated with the proposed truck access road including the safety of residents, access to homes and municipal services, and emergency service access. The evaluation of safety should address comments and concerns regarding the adequacy of the proposed road width to accommodate trucks travelling in opposite directions and other vehicles using Frog Hollow Road.

As noted in the alternatives section above and in EOT's comment letter, the Proponent should improve the proposed intersection design for Frog Hollow Road Extension/Route 20. The Proponent should also consult with MassRides, develop a Transportation Demand Management (TDM) Program, and report to EOT on the outcome of consultations with MassRides during permitting and prior to EOT issuing its Section 61 Findings. The Proponent should explore measures to improve the intersection design and bicycle/pedestrian safety as recommended by EOT. The Proponent should consult with EOT and the MassHighway District Office to discuss design modifications required to meet safety standards and other permit requirements.

DPU Compliance Filing

The Supplemental EIR should include documentation demonstrating compliance with the conditions of the DPU Order on the Motion for Reconsideration. The documentation should include a copy of an agreement between the Town of Russell and the Proponent that makes it clear that the traffic issues have been resolved to the satisfaction of the Town. The Supplemental EIR should also include an update on any further proceedings that have occurred at the DPU with respect to the zoning exemption.

Mitigation, Permitting and Section 61 Findings

The Supplemental EIR should include a detailed description of proposed measures to mitigate noise and other traffic-related impacts associated with the project's truck traffic along the proposed access route. The Supplemental EIR should include revised draft Section 61 Findings for the MassHighway Access Permit that incorporate intersection design changes and TDM measures as required by MassHighway/EOT. In addition, to the extent that rail delivery is being proposed as mitigation for truck-related impacts, the revised Section 61 findings should reflect the expected reduction in truck trips and specific commitments to accommodate fuel delivery by rail. The mitigation section of the Supplemental EIR should contain clear commitments to mitigation measures and a schedule for implementation, and identify parties responsible for funding and implementing the mitigation measures. The proposed Section 61 Findings will serve as the primary template for permit conditions. Final Section 61 Findings will be included with all state permits issued for this project and will include conditions considered binding upon the proponent as mitigation commitments.


Response to Comments

In order to ensure that the issues raised by commenters are addressed, the Supplemental EIR should include a response to comments to the extent they are within MEPA jurisdiction. This directive is not intended to, and shall not be construed to, enlarge the scope of the Supplemental EIR beyond what has been expressly identified in this Certificate. The Supplemental EIR should include a copy of each comment letter received on the NPC.

Circulation

The DEIR should be circulated in compliance with Section 11.16 of the MEPA regulations and copies should be sent to the list of "comments received" below. A copy of the Supplemental EIR should be made available for public review at the Russell Public Library

August 7, 2009



Ian A. Bowles, Secretary

Comments Received

6/24/09	Connecticut River Watershed Council
6/30/09	Michelle M. Graton
6/30/09	Margaret E. Sheehan, Esq.
7/11/09	Michelle P. Lesieur
7/13/09	Dona Farishta
7/14/09	Dale Nicodemi
7/15/09	Mary O'Connell
7/15/09	Linda Bush
7/16/09	Ed Ziskowski
7/17/09	Gene Theroux
7/17/09	Massachusetts Historical Commission
7/17/09	Meredith Babcock
7/18/09	Dale Nicodemi
7/19/09	Geoffrey S. Brown
7/19/09	Beth Adams
7/19/09	Sharon Friedner
7/19/09	Dennis M. Moran, Chairman, Russell Board of Selectmen
7/19/09	Ann Lucy Strickland Merritt
7/19/09	Catherine Moran
7/19/09	Catherine Moran, Chair, Russell Historic Commission
7/19/09	Janet Sinclair
7/19/09	Mark Koyama
7/20/09	Alice E. Taverna
7/20/09	Dona Farishta
7/20/09	Stefani Krug
7/20/09	Ava Gips
7/20/09	Peter Joppe
7/20/09	Melissa Bowles
7/20/09	Lynn Ballard
7/20/09	Melissa Brown
7/20/09	Christine Pellerin
7/20/09	Ellen E. Moyer, PhD, P.E.
7/20/09	Sandra and Charles Kosterman

7/20/09 Lee Ann Warner
7/20/09 Lucy Gionfriddo
7/20/09 Chris Matera, Massachusetts Forest Watch
7/20/09 Marc Belanger
7/20/09 Donald L. Randall Lacey
7/20/09 Howard N. Stone
7/20/09 Emma Morgan
7/20/09 Candace and Earl Lafreniere
7/20/09 Donna Farishta
7/20/09 Ilene Stahl
7/20/09 Richard Roy
7/20/09 Susan Laing
7/21/09 Division of Fisheries and Wildlife, Natural Heritage and Endangered Species
Program
7/21/09 Massachusetts Department of Environmental Protection, Western Regional Office
7/21/09 MassAudubon
7/21/09 Peter G. Bos, Managing Partner, Russell Biomass LLC (proponent)
7/21/09 Ruth Kennedy
7/21/09 Mark Koyama
7/21/09 John Chicoine
7/21/09 David S. Glater
7/21/09 Toxics Action Center
7/21/09 Jonathan Long
7/21/09 Mary S. Booth, PhD
7/21/09 Jim Liptak
7/21/09 Jana Chicoine
7/21/09 Dave and Tracy Meczymor
7/21/09 Rachel Smolker
7/21/09 Mary Serreze
7/21/09 Fred Williams
7/21/09 Stanley Herman
7/21/09 James E. Curtis
7/21/09 Mary Fernandez-Sierna
7/21/09 Donald Blair
7/21/09 Noreen Williams
7/21/09 Clifford L. Thayer
7/21/09 J. E. Platt
7/21/09 Mary Blair
7/21/09 Gloria Farrell
7/21/09 Cordelia Carpenter
7/21/09 Jacqueline Thayer
7/21/09 Michael Carpenter Sr.
7/21/09 Constance Herman
7/21/09 Madeline Cantwell
7/21/09 Jon Weissman and Joan Grenier
7/22/09 Watchdog for an Environmentally Safe Town (WEST)

7/22/09 Claudia M. Hurley
7/22/09 B&N Lands (Proponent)
7/23/09 Stephen H. Kaiser
7/23/09 Tighe & Bond (on behalf of the Proponent)
7/28/09 Executive Office of Transportation

IAB/AE/aec