



# The Commonwealth of Massachusetts

Executive Office of Environmental Affairs

100 Cambridge Street, Suite 900

Boston, MA 02114

Deval Patrick  
GOVERNOR

Timothy Murray  
LIEUTENANT GOVERNOR

Ian Bowles  
SECRETARY

Tel: (617) 626-1000  
Fax: (617) 626-1181  
<http://www.mass.gov/envir>

January 29, 2007

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS  
ON THE  
EXPANDED ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME :Chelsea Peak Energy Facility  
PROJECT MUNICIPALITY :Chelsea  
PROJECT WATERSHED :Boston Harbor: Mystic  
EOEA NUMBER :13927  
PROJECT PROPONENT :Chelsea Energy, LLC  
DATE NOTICED IN MONITOR :December 23, 2006

Pursuant to the Massachusetts Environmental Policy Act (M.G.L. c. 30, ss. 61-62H) and Sections 11.04 and 11.06 of the MEPA regulations (301 C.M.R. 11.00), I hereby determine that this project **requires** the preparation of an Environmental Impact Report (EIR).

According to the Expanded Environmental Notification Form (EENF), the project is designed to enhance the reliability of the regional energy supply system during peak power demand periods. The project proponent proposes to develop a quick-start electrical generating plant in response to a call from the Independent System Operator for the New England (ISO-NE) electric grid for additional quick-start resources in the Northeast Massachusetts area (NEMA). The proponent asserts that the project will achieve net air quality benefits by displacing existing 'spinning reserve' sources of electricity, including the Mystic 7 and Salem 4 turbines at Mystic Station in Everett and the Salem power plant.

The EENF provides a substantive document that frames the issues that must be addressed to identify the potential benefits and environmental impacts of the power plant. However, much of the information is provided in summary form, and many fundamental questions remain about the proposed project. Based on a careful review of the EENF and comments from the permitting agencies and the public, I find that significant additional information and analysis of alternatives and cumulative air quality impacts is required to adequately characterize the project and its potential impacts. I am therefore requiring that the proponent prepare a Draft and Final EIR to ensure a comprehensive review of the project.

Project Description

The project involves the construction of a peak power generating facility, consisting of two combustion turbines each capable of producing 130 megawatts (MW) (for a total of 260 MW), fueled by ultra low-sulfur diesel fuel (ULSD) on a 6.45-acre industrially-zoned site located on Eastern Avenue in Chelsea. The facility will contain a switchyard to connect to existing 115kV power transmission lines located adjacent to the project site and will obtain its fuel via a pipeline connection to the Gulf Oil tank farm located to the immediate south of the project site. The project will also consist of an approximately 34,000 square foot (sf) equipment building, two, 20' diameter, 135' tall stacks, a 500,000 gallon above ground ULSD fuel storage tank, a 20,000 gallon above ground aqueous ammonia storage tank, and a 1,000,000 gallon above ground water storage tank. Additional equipment on site will include a small warehouse and maintenance building, trailer for water purification systems, auxiliary cooling water heat exchangers (fin-fan coolers), and an onsite switchyard. The EENF states that the proponent will limit facility operation to no more than 1,600 turbine hours per year.

The project is undergoing review and requires the preparation of an EIR pursuant to Section 11.03 (7)(a)(l) of the MEPA regulations, because the project involves the development of a new electric generating facility with a capacity greater than 100-megawatts. The project also exceeds an ENF threshold due to the proposed alternation of ½ or more acres of an other wetlands (Section 11.03 (3)(b)(1)(f)). The project will require numerous State, Federal and local permits including: a Certificate of Environmental Impact and Public Need from the Energy Facilities Siting Board (EFSB); a Non Major Comprehensive Plan Air Approval from the Massachusetts Department of Environmental Protection (MassDEP); a Chapter 91 License from MassDEP; an MCP Release Abatement Measure (RAM) Plan from MassDEP; a Permit for Above Ground Storage Tanks from the Office of the State Fire Marshall; an Order of Conditions from the Chelsea Conservation Commission, and in the case of an appeal, a Superseding Order of Conditions from MassDEP; a Section 10 and Section 404 permit from the United States Army Corps of Engineers (U.S. ACOE); a National Pollutant Discharge Elimination System (NPDES) Construction General Permit from the United States Environmental Protection Agency (U.S. EPA); a Notice of Proposed Alteration or Construction from the Federal Aviation Administration; a Special Permit from the Chelsea Zoning Board of Appeals; Site Plan Approval from the Chelsea Planning Board; and a Municipal Water Supply Connection and Alteration from the Chelsea Department of Public Works. The project may also require a Sewer Use and Discharge Permit from the Massachusetts Water Resources Authority (MWRA).

Because the proponent is not seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction is limited to those aspects of the project that are likely to directly or indirectly cause Damage to the Environment and that are within the subject matter of required or potentially required state permits or agency actions. Given the numerous permits and agency actions (and the broad scope of the EFSB and MassDEP permit reviews), MEPA subject matter jurisdiction exists over virtually all of the potential environmental impacts of the project. The project will be a new, non-major source of air pollutants. The project must meet the Best

Available Control Technology (BACT) requirements for air pollutants as required by MassDEP's Division of Air Quality Control and must demonstrate that the project will comply with MassDEP's Noise Policy.

I have received numerous comment letters requesting that I deny the project based on air quality and human health impacts, and on general principles of environmental justice. MEPA is not a permitting process, and does not allow me to approve or deny a project. Rather, it is a process designed to ensure public participation in the state environmental permitting process, to ensure that state permitting agencies have adequate information on which to base their permit decisions and their Section 61 Findings, and to ensure that potential environmental impacts are fully described and avoided, minimized and mitigated to the maximum extent feasible. I also note that while the Executive Office of Environmental Affairs (EOEA) has designated the City of Chelsea as an environmental justice community, the project as presented in the EENF does not exceed review thresholds that trigger implementation of the EOEA environmental justice policy. However, I am confident that the level of description and analysis required by the following scope will ensure that the potential impacts of the project are thoroughly evaluated.

#### Request for Single EIR

In accordance with Section 11.05(7) of the MEPA regulations, the proponent has submitted an Expanded ENF with a request that I allow the proponent to fulfill its EIR obligations under MEPA with a Single EIR, rather than require the usual two-step Draft and Final EIR process. The Expanded ENF received an extended public comment period pursuant to Section 11.06(1) of the MEPA regulations. I have reviewed the proponent's request for a Single EIR in accordance with Section 11.06(8) of the MEPA regulations, and I find that the proponent has not met the criteria to allow the granting of a Single EIR review process. While the proponent has generally provided information across the spectrum of potential impact areas, the lack of a thorough alternatives analysis, assessment of direct, indirect and cumulative impacts, and more substantial air quality data and analysis within the Expanded ENF does not allow me to evaluate whether all feasible means to avoid potential environmental impacts have been identified and evaluated. Therefore, the proponent must prepare a Draft and a Final EIR in fulfillment of the requirements of Section 11.03 of the MEPA regulations.

#### SCOPE

##### General

The DEIR should follow the general guidance for outline and content contained in section 11.07 of the MEPA regulations, as modified by this Certificate.

### Existing Environment

The DEIR should present a description of the existing environment that includes an evaluation of air quality and public health in the City of Chelsea and its immediate surroundings. The DEIR should assess whether any increase in air quality impacts would result in a disproportionate effect on environmental quality or public health. The analysis should be of sufficient detail, in accordance with 301 CMR 11.07(g) of the MEPA regulations, to provide a baseline in relation to which the project and its alternatives can be analyzed and its potential impacts and mitigation measures assessed. The proponent should consult with the Massachusetts Department of Public Health in developing this baseline information.

### Alternatives

A critical purpose of the DEIR is to provide the necessary context for evaluating the proposed project. The DEIR should clearly describe the environmental impacts of each alternative and its ability to meet the objectives of the project. The DEIR should provide a comparative analysis that clearly shows the differences between the environmental impacts associated with each of the alternatives. For context, the proponent should include a detailed discussion of ISO New England's most recent Regional System Plan and other relevant studies of the region's projected future electrical energy demands. This section of the DEIR should discuss the proposed project's contribution to the region's projected future electrical energy demands in light of other peak power generating facilities and the projected regional demand for more peaking power resources for Massachusetts. The DEIR should evaluate the following alternatives:

#### *Preferred Alternative*

The DEIR should include an analysis of project design, layout, and site conditions. It should contain a site plan that includes information on proposed lighting, vegetative plantings or buffers, and the proposed stormwater drainage system. The DEIR should also include schematics and diagrams to describe the proposed facility in terms of structural design, project height, the power generation process and its parameters, and the proposed pollution control systems. The proponent should provide estimates of anticipated actual operating hours based upon past peaking power facility use within the NEMA region and demonstrate how the facility will be limited to 1600 hours of operation per year. The DEIR should evaluate site-design alternatives that can further avoid, minimize and mitigate impacts.

The proponent has presented as its preferred alternative a project dependent on water-based ULSD fuel oil delivery. In support of this preferred alternative, the DEIR should include detailed information on the assumptions behind projected winter fuel consumption, the preferred alternative's incompatibility with the gas delivery system, and the economic, contractual, logistic, or other significant impediments to reliance on truck deliveries or other sources of fuel.

The DEIR should clarify the proposed project (operating hours, power generation capabilities, etc.), as well as any changes to the project since the filing of the EENF. The DEIR should briefly describe each State permit or agency action required for the project, and should discuss how the project meets the performance standards associated with each permit. The DEIR should also discuss applicable environmental regulatory requirements, and demonstrate that the proposed project is consistent with applicable regulations. The DEIR should provide information regarding the consistency of the project with any applicable local or state open space plans, and should include an update on the status of the local review and approval process (see Section 11.01(3) of the MEPA regulations). The DEIR should provide sufficient detail for the state permitting agencies to make informed permitting decisions, and otherwise meet their Section 61 obligations. I also encourage the proponent to include similar information for federal permits and regulations as well.

#### *No-Build Alternative*

The DEIR should present and assess the environmental impacts associated with a no-build scenario for the project site based on the baseline conditions established by analysis of the existing environment. I note that the City of Boston has worked closely with NSTAR on siting issues related to the substantially completed 345 kV line that will provide additional capacity and reliability for the Boston area. The DEIR should project operating hours by spinning reserve units and peak reliability expectations for the year 2009 based only on the NSTAR 345kV line. The same information plus related net emissions benefit expectations should be identified for a scenario that incorporates the proposed project.

#### *Upland Alternative*

The MEPA Office has recently reviewed other peak energy generating facilities that did not require siting criteria as stringent as those used by this project to identify the Chelsea location; I note in particular that one of the proponent's key criterion, related to the objective of providing a reliable source of fuel, is the facility's proximity to tidal waters. The MassDEP, assisted by EFSB review, will eventually make the licensing determination regarding water-dependency. To that end, MassDEP indicates in its comments that they will look to the analysis of alternatives in the MEPA process to enhance the EFSB evaluation and facilitate consultation between MassDEP and the EFSB in the course of their proceedings. The DEIR should describe a similarly sized, nonwater-dependent peak energy facility located outside of Chelsea, and compare the impacts against the other alternatives required by this scope, pursuant to 301 CMR 11.07 of the MEPA regulations.

#### *Natural Gas Alternative*

The DEIR states that it is not economically feasible to secure a firm supply of natural gas to fuel the turbines. MassDEP requests, and I concur, that the DEIR include an analysis to justify this conclusion. This analysis should include use of natural gas as the project's only fuel

and as either its primary or secondary fuel in combination with ULSD fuel. The DEIR should document any technical feasibility issues surrounding the use of natural gas as the only, and/or primary, fuel for a quick start peaking plant.

### *Cumulative Impact*

The DEIR should assess (in quantitative terms, to the maximum extent practicable) the direct and indirect potential environmental impacts from all aspects of the project that are within MEPA jurisdiction. This assessment should include both short-term and long-term impacts for all phases of the project and cumulative impacts of the project, any other projects, and other work or activity in the immediate surroundings and region.

The proponent asserts that the project will achieve net air quality benefits by displacing existing sources of electricity, including the Mystic 7 and Salem 4 turbines at Mystic Station in Everett and the Salem power plant. The DEIR should include a detailed discussion of the model used to determine projected emissions reductions. This review should include the model's baseline assumptions and other significant data as appropriate. It would appear that higher-emitting generating units now operating at low loads to provide reserve capacity and other emergency and demand response resources would have to significantly reduce or cease operation for the emissions reductions identified within the EENF. No supporting information is provided within the EENF to document that the use of spinning reserve units will change or that commercial and industrial facilities will significantly reduce the use of emergency engines/generators. Data from the ISO 2005 and 2006 Regional Systems Plans, cited as a source for the conclusion that spinning reserve units would be reduced with the addition of quick-start capacity, should be reproduced in the DEIR. In addition, the DEIR should describe and analyze existing operations of Boston-area power plants and explain how those operations would be changed by the proposed project.

There is no discussion in the EENF of monitored ambient air quality and the potential cumulative affect of the project and existing air quality stressors. The Massachusetts Department of Public Health is presently conducting a study of the potential health effects from emissions generated by activities as Logan Airport and the Massachusetts Port Authority (Massport) is in the process of scoping a study to assess the levels of toxic emissions along the perimeter of the airport and in proximate neighborhoods. The connection between this existing use and the potential for project impacts on air quality characteristics should be discussed in the DEIR.

### Air Quality

The EENF included a dispersion modeling analysis to assess potential air quality impacts associated with the proposed project. The dispersion model concluded that the project will not cause or contribute to an exceedance of National Ambient Air Quality Standards (NAAQS), and maximum worst case impacts are below levels established as "significant" by the U.S. EPA. As required by MassDEP, the proponent has indicated that the project will be required to implement Best Available Control Technologies (BACT) to minimize air emissions.

The proponent will need to provide additional information in the DEIR submittal to satisfactorily demonstrate that the project will not have significant impacts on air quality. The proponent should work with MassDEP's Division of Air Quality to demonstrate that the project meets the requirements for MassDEP's Non-Major Comprehensive Plan Approval pursuant to 310 CMR 7.02 prior to project construction.

To meet the requirements for BACT, the project is proposing to use ULSD fuel oil, Selective Catalytic Reduction (SCR), and a variety of add-on emission controls. The DEIR should include information to satisfactorily demonstrate that the project meets the Best Available Control Technology (BACT) requirements for air pollutants including any/all proposed combustion and post-combustion controls to demonstrate that the project will meet these requirements. At the direction of MassDEP, the DEIR should include a Top-down Best Available Control Technology Analysis for the proposed Chelsea Peak Energy Facility project that uses the specific emissions limitations identified in MassDEP's comment letter.

The DEIR should include a MassDEP air toxics analysis of the project's emissions, including U.S. EPA-approved air quality computer dispersion modeling results for the applicable non-criteria air pollutants as outlined in the MassDEP comment letter. The DEIR should include a comparison of the project's potential air toxics emissions to the MassDEP's air toxics guideline levels. Furthermore, the DEIR should address each comment outlined by MassDEP with regards to clarifications or corrections to the air quality analysis provided in the EENF.

The DEIR should contain data on the air quality impacts of fine particulate matter (PM<sub>2.5</sub>) due to PM<sub>2.5</sub> emissions from the proposed facility. The proponent should consult with MassDEP and the Massachusetts Department of Public Health to establish the appropriate test parameters and methodology for the air quality analysis, including, but not limited to, appropriate baseline conditions, hours of facility operation, and consideration for sensitive population receptors.

The DEIR should include projections of annual carbon dioxide emissions. As several commenters have noted, the Commonwealth recently joined the Regional Greenhouse Gas Initiative (RGGI), and any power plants above nameplate capacity of 25 megawatts will be subject to RGGI carbon dioxide implementation mechanisms.

#### Noise

The EENF included a noise analysis outlining how the proposed project would meet MassDEP's Noise Policy and the City of Chelsea's Noise Ordinance. The EENF provided existing and proposed conditions noise modeling, conducted using eight sensitive receptors near the project site. The DEIR should clarify the location of each sensitive receptor site, and in addition, evaluate the project's noise impact on the nearest receptor southeast of the site, across the Chelsea River. Furthermore, the DEIR should explain the derivation of the pure tone data contained in Appendix E of the EENF and describe all proposed pure tone mitigation measures.

The proponent should commit to implementing all feasible noise attenuation measures to mitigate the project's potential noise impacts to existing residential neighborhoods located in the project area. Should the DEIR present modifications to the Preferred Alternative that may alter noise impacts associated with the project, noise modeling data should be updated and revised to reflect changes.

### Stormwater

The DEIR should include existing and proposed conditions stormwater drainage calculations, including clear plans delineating drainage areas, stormwater flow patterns, best management practices (BMP) designs, and discharge points. Of note, the DEIR should provide details of the stormwater drainage system in the vicinity of the fuel and ammonia tanks. The drainage analysis should ensure that on- and off-site wetlands are not impacted by changes in stormwater runoff patterns. The DEIR should evaluate stormwater runoff impacts during construction and post-construction, and demonstrate that source controls, pollution prevention measures, erosion and sediment controls, and the post-development drainage system will be designed in compliance with the MassDEP Stormwater Management Policy (SMP). The DEIR should demonstrate that water quality and quantity impacts will be controlled in compliance with the SMP. The DEIR should demonstrate that the project will be constructed and operated in a manner consistent with the anticipated NPDES Construction General Permit and Chelsea's Storm Water Program under the NPDES Storm Water General Permit.

The DEIR should address how stormwater management will occur in relation to the on-site Activity and Use Limitation, and the site's classification as an area of higher potential pollutant load. If necessary, alternative methods of stormwater management should be presented in the DEIR to ensure compliance with the AUL and the SMP. I encourage the proponent to consider use of integrated management practices (IMP) or low impact development measures as a part of their overall stormwater management plan.

### Wetlands

The project site is located adjacent to the Chelsea River and contains expansive areas of land subject to coastal storm flowage, as well as limited area of Salt Marsh, Coastal Bank, and Riverfront Area. The Chelsea River is tidally influenced within the reach adjacent to the project site. The DEIR should provide plans of improved legibility to accurately discern the location of each wetland area regulated under the Wetlands Protection Act (WPA). Each wetland resource area and riverfront area should be characterized according to 310 CMR 10.00. The text should explain whether the local conservation commission had accepted the resource area boundaries, and any disputed boundary should be identified. The DEIR should provide an accurate measurement of each wetland resource area that will be affected by the project.

The DEIR should demonstrate that all wetland impacts have been avoided, and where unavoidable impacts occur, impacts are minimized and mitigated. The DEIR should illustrate



that the project will be accomplished in a manner that is consistent with the Performance Standards of the Wetlands Regulations (310 CMR 10.00). The DEIR should address the significance of the wetland resources on site, including public and private water supply; riverfront areas; flood control; storm damage prevention; fisheries; shellfish; and wildlife habitat. Additionally, in accordance with the request from MassDEP, the DEIR should evaluate the potential offsite impacts associated with filling on the project site, including changes in flood storage capacity and alteration of existing flooding and drainage patterns.

Proposed activities, including construction mitigation, erosion and sedimentation control, phased construction, and drainage discharges or overland flow into wetland areas, should be evaluated. The locations of any detention basins and their distances from wetland resource areas, and the expected water quality of the effluent from said basins should be identified. The DEIR should specifically address the impact, if any, to the removal or placement of stormwater outfalls within resource areas. This analysis should address current and expected post-construction water quality (including winter deicing and sanding analyses) of the predicted final receiving water bodies. The proponent will need to provide wetlands replication at a ratio of at least 1:1 for any unavoidable impacts to wetlands.

#### Waterways

The EENF states that pursuant to 310 CMR 9.04(2), the proposed project is subject to Chapter 91 licensing by the MassDEP because the majority of the electric generating facility will be located on licensed filled and flowed Private Tidelands. The Project would require licensing under the provisions for 310 CMR 9.05(1)(a) because the proponent is seeking authorization to construct and maintain an electric generating facility on these filled and flowed tidelands. The project site is also located within the Chelsea Creek Designated Port Area (DPA). The proponent has purported in the EENF that the proposed project is a "water-dependent-industrial" use pursuant to 310 CMR 9.12(2)(b)(9) and 310 CMR 9.12(2)(c)(1), as the project, as presented in the EENF, is dependent on the marine transportation of fuel oil. The facility will receive fuel oil via a pipeline from an adjacent fuel storage depot that is a water dependent use.

The DEIR should include a plan showing the Chapter 91 jurisdiction at the project site. The proponent should consider the direction provided in the MassDEP comment letter with regards to the determination of this jurisdictional boundary. The determination whether the proponent qualifies as a water-dependent facility will be made during the subsequent licensing review process by MassDEP, after review by the EFSB. A key component of the Chapter 91 licensing process will be the determination of water dependency, and therefore it is imperative that an alternatives analysis conducted within the DEIR consider a power plant alternative that is not dependent upon delivery of fuel via waterways. I have requested that such an alternative be explored earlier in this Certificate, and I expect that such an analysis will adequately address the waterways and DPA related concerns raised in the MassDEP comment letter.

### Water Supply

The EENF states that the project will utilize approximately 216,969 gallons per day of water based upon four (4) hours of operation per day. The proponent should clarify in the DEIR the anticipated amount of water use (gallons per minute versus per hour of operation), and confirm that sufficient water supply is readily available to service the project, particularly during periods of extended use (beyond 4 hours per day).

### Wastewater

The EENF states that there are a number of alternatives associated with wastewater under the Preferred Alternative. The DEIR should clarify whether wastewater will be treated on-site or shipped off-site, characterize the wastewater on site (i.e. industrial, sanitary, etc.) and anticipated flow generations, discuss which system (City of Chelsea or MWRA) will receive wastewater flows, and demonstrate that the proposed plan for treating and disposing of the wastewater would be approvable by the appropriate permitting authority.

### Hazardous Waste

The EENF indicates that the project site is presently being regulated under MGL c. 21E and has been assigned Release Tracking Number (RTN) 3-1795. MassDEP has also noted that the project site has been assigned additional tracking numbers including, RTN #3-11596 and RTN #3-13665. The project site has a lengthy history of industrial uses, as well as the installation (and subsequent removal) of above ground and underground storage tanks. Remediation activities were conducted on site under the Massachusetts Contingency Plan (MCP) beginning in 1988 to remove oil and hazardous materials through excavation. Subsequent to a series of remediation activities under the MCP, an Activity and Use Limitation (AUL) was established for the property. Under existing conditions and subject to the provisions of the current AUL, the property may not be used for residential, agricultural, or recreational purposes. The proponent should include a copy of the current AUL within the DEIR for review. Furthermore, in accordance with MassDEP's request, the DEIR should include a Release Abatement Measure (RAM) plan in order to provide information in the DEIR on the controls (e.g. engineering and odor controls) that will be necessary to use during project construction. The DEIR should also describe the proposed monitoring program for site contaminants.

The project facility will utilize ammonia to assist in the removal of emission pollutants. The DEIR should document site design and safety measures to be incorporated into facility operations, storage and delivery in accordance with applicable local, state and federal regulations.

### Traffic

As described in the ENF submittal, the proposed project is anticipated to result in a minor increase (12 vehicle trips per day (vtd)) to traffic within the project area when the project is fully operational. The proponent has indicated that occasional truck trips will be required to deliver chemicals to be used in the energy generation process and to remove wastewater from the site. Traffic impacts during the 14-month construction period have been estimated at a maximum of 230 vtd. The DEIR should elaborate upon and clarify the anticipated type and frequency of traffic associated with delivery of chemicals to the site, as well as truck trips associated with removal of wastewater. These trips should be discussed in a comparative manner to existing conditions within the project area and a characterization of such trips with regard to air or noise impacts should be provided.

The DEIR should provide an analysis of the anticipated increase in fuel tanker trips within the Chelsea River to the Gulf Oil tank farm based upon the maximum amount of fuel needed to operate the plant at its maximum permitted capacity (1600 hours).

I ask that the proponent work closely with City of Chelsea officials, and local residents to establish a specific distribution route to and from the facility for bulk chemical deliveries to and from the project site. Any proposed truck distribution route should concentrate on using major thoroughfares (i.e., Eastern Avenue, or other suitable route) and should avoid use of residential roadways, and roadways abutting schools and open space recreational areas. The DEIR should include a description of the proponent's proposed truck distribution route for trucks coming to and leaving the site. Distribution routes should distinguish between those to be used during the construction period and those to be used during facility operation for deliveries of chemicals or removal of wastewater.

### Construction Management

The proponent should analyze and mitigate construction-period impacts, including temporary or permanent impacts to wetlands, potential conflict with nearby school and recreational operations, and the extent of any re-grading during construction. The proponent should consult with MassDEP to ensure that the proponent will meet any performance standards associated with a NPDES Construction General permit for all project construction activities. I strongly encourage the proponent to outline a commitment within the DEIR to using lower emission equipment in addition to requiring its contractors to retrofit diesel-powered equipment with emissions controls, such as particulate filters or traps, and use low-sulfur diesel fuel. The proponent should require its contractors to use On-Road Low Sulfur Diesel (LSD) fuel in their off-road construction equipment which can increase the removal of particulate matter (PM) by approximately 25% beyond that which can be removed by retrofitting diesel-powered equipment. All construction-related refueling and equipment maintenance activities should be conducted under cover on impervious surface areas with containment, and outside of any wetlands resource areas. The DEIR should describe measures that the proponent will use to mitigate dust, noise, and odor impacts during construction activities.

Mitigation

The DEIR should include a Draft Section 61 Finding for all state permits. The Draft Section 61 Finding should contain a clear commitment to mitigation, an estimate of the individual costs of the proposed mitigation, and the identification of the parties responsible for implementing the mitigation. A schedule for the implementation of mitigation, based on the construction phases of the project, should also be included. As requested by MassDEP, I encourage the proponent to identify and commit to on-site and off-site air quality mitigation measure that would lead to concrete, local pollution reductions within the immediate area of the project site. Given that the emissions of the plant would include known asthmagens (e.g., particulate matter including diesel) and that the peak demand periods during which the plant would operate includes periods of less optimal air quality (e.g., hot summer months), I encourage the proponent to consult with the Massachusetts Department of Public Health in developing these measures.

Response to Comments / Circulation

The DEIR should include a copy of each comment received. The DEIR need not reproduce every form letter, but should include one "template" from each form letter category. The DEIR should respond to the substantive comments received, including the substantive issues raised in the form letters, to the extent that it is within MEPA jurisdiction. The proponent should circulate a hard copy of the DEIR to each state agency from which the proponent will seek permits or approvals. The proponent should also circulate a copy of the DEIR to those submitting individual written comments.

To save paper and other resources, I will allow the proponent to circulate the DEIR in CD-ROM format to individual commenters, although the proponent should make available a reasonable number of hard copies available on a first come, first served basis, to accommodate those without convenient access to a computer. In the interest of broad public dissemination of information, the proponent should send a notice of availability of the DEIR (including relevant comment deadlines, locations where hard copies may be reviewed and electronic copies obtained, and appropriate addresses) to those who submitted letters. This notification may be made by email in the instance that e-mail addresses are available in association with some many commenters. A hard copy of the DEIR should be made available for review at the Chelsea, Revere, East Boston and Everett Public Libraries.

January 29, 2007

Date



Ian A. Bowles

## Comments Received:

01/05/2007 Analisa Viggiani  
01/06/2007 Tom Todisco (2 letters)  
01/06/2007 James Linthwaite  
01/07/2007 Peter Hubbard  
01/08/2007 Kelly Wallask  
01/08/2007 David Prusky (3 letters)  
01/08/2007 Kevin Kovalcik  
01/08/2007 David D'Amore (2 letters)  
01/08/2007 Maria Capogreco (2 letters)  
01/09/2007 Lurie Family  
01/09/2007 Barbara Carignan  
01/09/2007 Bob Wegener  
01/09/2007 Urszula Bosek (2 letters)  
01/10/2007 Nadav Carmel  
01/10/2007 James Healy  
01/10/2007 Paul Nachtwey  
01/10/2007 Charlene Callahan  
01/11/2007 Mr. and Mrs. Thomas Troville  
01/11/2007 Susan and Metro Voloshin  
01/11/2007 Richard Cookson & Family  
01/11/2007 Mr. and Mrs. D'Annolfo  
01/11/2007 Erin Rodriguez  
01/12/2007 Antoinette Vangel  
01/12/2007 Roberta and Richard Zonghi  
01/12/2007 Venessa Tormes  
01/12/2007 Marilyn Vega-Torres, Chelsea City Councilor (District 6)  
01/15/2007 Marie Sullivan  
01/16/2007 Jane Davis  
01/16/2007 Clark Moulaison  
01/16/2007 Sarah Cronin  
01/16/2007 Sarah Forney (2 letters)  
01/16/2007 Stephanie Daniels  
01/16/2007 Gordon Grisinger  
01/16/2007 Jason Forney (2 letters)  
01/16/2007 Lillian Forney  
01/16/2007 Stacy Grisinger  
01/16/2007 Bruce MacKinnon  
01/16/2007 Diane Arciero  
01/16/2007 PETITION / signed by 21 Chelsea residents

01/16/2007	Angelica Rivera
01/16/2007	Johanna Mateo
01/16/2007	Jon-Carlo Vega
01/16/2007	Eunice Lopez Miranda
01/16/2007	Christina Dwyer
01/16/2007	Latrice Pina
01/16/2007	Betsy Torres
01/16/2007	Maria Cahal
01/16/2007	Marco dos reis
01/16/2007	Taisa Sharif
01/16/2007	Joanna Romero
01/16/2007	Jesenia Lara
01/16/2007	Terrance Kennedy
01/16/2007	Channary Kelly Sue
01/16/2007	Marla Castro
01/16/2007	Edgar Funes
01/16/2007	Cesar Hernandez
01/16/2007	David Kimili
01/16/2007	Vanessa Jimenez
01/16/2007	Randy Jones
01/16/2007	Maribel Buenrostro
01/17/2007	New England Produce Center, Inc.
01/17/2007	Susan Horn
01/17/2007	CUOIOSHOE
01/17/2007	Leejames Kugler
01/17/2007	Diane Paxton
01/17/2007	Arlene Black
01/17/2007	Joyce Black
01/17/2007	Mark Morelli
01/17/2007	Peggy Hoganson
01/17/2007	Rebecca Lisi
01/17/2007	Carolyn McKinley
01/18/2007	Kricia Portillo
01/18/2007	Weldon & Lorraine Brown
01/18/2007	Dom Prochillo
01/18/2007	Harvey Cohen
01/18/2007	Emilio Favorito
01/18/2007	Rozena Renik
01/18/2007	Ala Renik
01/18/2007	Stefania Krawczyk
01/18/2007	Mirian Hubbard
01/18/2007	William Dellorusso
01/18/2007	Richard Russo

01/18/2007 Gerald Bellavia  
01/18/2007 Paul Mazarella  
01/18/2007 Donna Fontenot  
01/18/2007 Sandra Katzman  
01/18/2007 MaryEllen Welsh  
01/18/2007 Marie DiCesare  
01/18/2007 Brenda Thornell  
01/18/2007 Nick Schmansky  
01/18/2007 Roberta Horn  
01/18/2007 William James  
01/18/2007 Eugene L. O'Flaherty, State Representative (2<sup>nd</sup> Suffolk District)  
01/18/2007 John J. DaMore, Jr., 295 Eastern Avenue, Inc.  
01/18/2007 Channel Fish Co, Inc.  
01/18/2007 Boston Market Terminal Company  
01/18/2007 JSB Industries  
01/18/2007 Lisitano Produce, Inc.  
01/18/2007 Park, Shuttle & Fly  
01/19/2007 Paul Woods  
01/19/2007 Barbara Comins  
01/19/2007 Dawn Heisey-Grove  
01/19/2007 Charles David Sprenger  
01/19/2007 Susan Hurst and Paul McHahan  
01/19/2007 Melanie Armstrong  
01/19/2007 Llana Ascher (2 letters)  
01/19/2007 Whitney Huynn (2 letters)  
01/19/2007 Carlos Fuerites & Norma Mejia (2 letters)  
01/19/2007 Wanda Williams  
01/19/2007 Madeline Rosa  
01/19/2007 Karen Burke  
01/19/2007 Maureen Perkins  
01/19/2007 Paul Teixeira  
01/19/2007 Carrie Jones / Health Teacher – Berkowitz School (2 letters)  
01/19/2007 Janice Fields  
01/19/2007 Eileen Carmody  
01/19/2007 Marie Washington  
01/19/2007 Millie Roman  
01/19/2007 Gregory Smith  
01/19/2007 Paula Meleis  
01/19/2007 Dr. David Kaplan  
01/19/2007 Anna Colletta  
01/19/2007 Skip Miller  
01/19/2007 Nancy Mojica  
01/19/2007 Elba Mojica

01/19/2007 Michael Lopez II (3 letters)  
01/19/2007 Elizabeth Pekich  
01/19/2007 Susan Adler  
01/19/2007 Janice Avery  
01/19/2007 Carolyn Mills Membuca  
01/19/2007 Mrs. Carrie Aho  
01/19/2007 Mrs. D.Catte / Special Ed. Teacher Berkowitz School  
01/19/2007 Marielle Silva  
01/19/2007 Katelyn O'Donoghue / 4<sup>th</sup> grade teacher Berkowitz School  
01/19/2007 Jean Garge  
01/19/2007 Mimi Spillane  
01/19/2007 Eileen Wilky  
01/19/2007 Rosemarie McAuley / School Nurse Berkowitz School  
01/19/2007 Karen Brogna  
01/19/2007 Nancy Fucarilli  
01/19/2007 Amanda Lerd  
01/19/2007 David Gotilich  
01/19/2007 Sandy Lao  
01/19/2007 Kathryn Mattos Franklin  
01/19/2007 David Kaplan  
01/19/2007 Jacqueline Leary  
01/19/2007 Anne-Marie Hakstian  
01/19/2007 Manlio Mendez  
01/19/2007 Orlando Franklin  
01/19/2007 Theresa Englen  
01/19/2007 Nancei Radicchi  
01/19/2007 Linda Consolo  
01/19/2007 Barbara Hubley  
01/19/2007 Charlotte Dumont  
01/19/2007 dm  
01/19/2007 Robert Walling  
01/19/2007 Margaret Carsley (2 letters)  
01/19/2007 Ron D. Morgese, Chelsea City Councilor (District 8)  
01/19/2007 Robert A. DeLeo, State Representative (19<sup>th</sup> Suffolk District)  
01/19/2007 Sam Yoon, Boston City Councilor at-Large  
01/19/2007 Paula S. Barton, Chelsea City Councilor  
01/19/2007 Chelsea Chamber of Commerce  
01/19/2007 Charlestown Waterfront Coalition  
01/20/2007 Patricia Valverde  
01/20/2007 Robert Boulrice  
01/20/2007 George Rotundo, Revere City Council  
01/21/2007 Dana Demetrio  
01/21/2007 Maryellen Cahill



01/21/2007	Ali Clift
01/21/2007	Marlena Yannetti
01/21/2007	Maureen Quinn
01/21/2007	Darlene DeVita (2 letters)
01/21/2007	Raymond Rassi
01/21/2007	Marcos Luna
01/21/2007	Neenah Estrella-Luna
01/21/2007	Damaris
01/21/2007	Lyn Meza
01/21/2007	Edward Ellis
01/21/2007	Mike Mekonnen Tsegaye, Chelsea City Councilor (District 2)
01/22/2007	Abdi Osman
01/22/2007	Victoria Biveria
01/22/2007	Beatriz Galo
01/22/2007	Veronica Penella
01/22/2007	Jenny Sivaris
01/22/2007	Vandana Sori
01/22/2007	Morena Olivares
01/22/2007	Jose Cruiz
01/22/2007	James Swanson
01/22/2007	Carolina Ownw
01/22/2007	Jeffar Hussaini
01/22/2007	Mohamed Ky
01/22/2007	Diane Arciero
01/22/2007	Andres Builes
01/22/2007	Tatiana Avarez
01/22/2007	Jacqueline Pinedo
01/22/2007	Sindi Portillo
01/22/2007	Marlen Buenrosmro
01/22/2007	Kelly School 3 <sup>rd</sup> grade class
01/22/2007	Muska Husan
01/22/2007	Julia Salaras
01/22/2007	Renee Alves
01/22/2007	Catherine Rodriquez
01/22/2007	Karl Celis
01/22/2007	Lance Ruelas
01/22/2007	Michael Chung
01/22/2007	Dounte Rvelas
01/22/2007	Joseph Costello
01/22/2007	Joselinne Mendoza
01/22/2007	Jarrett Etheridge
01/22/2007	Milton Ruiz
01/22/2007	Sarah Izzo

01/22/2007 Amada Nguyen  
01/22/2007 Gianna Celona  
01/22/2007 Diana Viera  
01/22/2007 Shannon Brandt  
01/22/2007 Dorian Salinas  
01/22/2007 Stephanie Vasco  
01/22/2007 Hoai Tran  
01/22/2007 Roselyn Hernandez  
01/22/2007 Bladimir Hernandez  
01/22/2007 Jose Noel Lopez  
01/22/2007 Sean Levigshvili  
01/22/2007 Camila Dias (2 letters)  
01/22/2007 Mayara  
01/22/2007 Marco Flores  
01/22/2007 Justine Castellon  
01/22/2007 Elvis Madrid  
01/22/2007 Kimberly Ortega  
01/22/2007 Amanda Panico  
01/22/2007 Kimberly Salazar  
01/22/2007 Bonnie Sofia Ramos Ramos  
01/22/2007 Jennifer Zavala  
01/22/2007 Carlos Pemberthy  
01/22/2007 Bianca J.  
01/22/2007 Bianca Bova  
01/22/2007 Kenia Giron  
01/22/2007 Donieta Duka  
01/22/2007 Jesenia Olencioza  
01/22/2007 Jalpa Patil  
01/22/2007 Ronald (2 letters)  
01/22/2007 Erik Mendoza (2 letters)  
01/22/2007 Romario Santos  
01/22/2007 Jarvis Grout  
01/22/2007 Salvador Q.  
01/22/2007 Reginal Charles Perkins III (2 letters)  
01/22/2007 Jason Cruz  
01/22/2007 Erendira Martinez  
01/22/2007 Eric Galdames  
01/22/2007 Martha Galdamez  
01/22/2007 Andrew Tyler Smith  
01/22/2007 Juliann Gillis  
01/22/2007 Susan Hurst  
01/22/2007 Lillian Darcy (2 letters)  
01/22/2007 Fred Darcy (2 letters)

01/22/2007 Antainette Sarrentino  
01/22/2007 Carolyn Gillis  
01/22/2007 Jack McMahon  
01/22/2007 Chauncey Steele  
01/22/2007 **Stella and Steven Zitz**  
01/22/2007 Maria Gillis Keane  
01/22/2007 Marilyn Carroll  
01/22/2007 Danielle Fauteux Jacques  
01/22/2007 Larry Carroll  
01/22/2007 Sylvia Lorin  
01/22/2007 John Gillis  
01/22/2007 Bianca Fernandez  
01/22/2007 Siera Sim  
01/22/2007 Christopher Pazos  
01/22/2007 Bory Sok  
01/22/2007 Margaret Carlan  
01/22/2007 Maureen Chamberlin  
01/22/2007 Brian Smith  
01/22/2007 Vincenza Joy  
01/22/2007 John Markley  
01/22/2007 Jonathan Collado  
01/22/2007 Justin Dinsmore  
01/22/2007 Amber Fernandez  
01/22/2007 Deanna Reilly  
01/22/2007 Chris Carney  
01/22/2007 Rebecca Zimmerman  
01/22/2007 Joseph Yacus  
01/22/2007 **Dorothy Allen (2 letters)**  
01/22/2007 Patricia Fiorelli  
01/22/2007 Amy Gomez  
01/22/2007 Kristina Brown-Viesca  
01/22/2007 Mimi Loss  
01/22/2007 Robertson Ward  
01/22/2007 Dianne Massa  
01/22/2007 Philip Janice  
01/22/2007 Michael Albano  
01/22/2007 Jonathan Levy  
01/22/2007 Lisa Harless  
01/22/2007 Bridget McKenna  
01/22/2007 John Cadiz  
01/22/2007 Scott Wallask  
01/22/2007 **Mr. & Mrs. Coreas**  
01/22/2007 Jose

01/22/2007 Sandra Umana  
01/22/2007 Nina McKay  
01/22/2007 Elizabeth Ortiz  
01/22/2007 Jasmine Lopez  
01/22/2007 Maria Garcia  
01/22/2007 Madeleine Kangsen Scammell  
01/22/2007 Danialle Pazos  
01/22/2007 Gregory Howard  
01/22/2007 T.J. Hellmann  
01/22/2007 Pamela Neave  
01/22/2007 Nigal Hernandez  
01/22/2007 Ted Coates  
01/22/2007 **Carmen Vega - Henao**  
01/22/2007 Lauren Doucette  
01/22/2007 Meghan Udell  
01/22/2007 Stephen Sarikas (2letters)  
01/22/2007 Jerson Neves  
01/22/2007 Hector Morales  
01/22/2007 Julio Melendez  
01/22/2007 Liusangel Ramirez  
01/22/2007 Kevin Otero  
01/22/2007 Bianca Lee Arroyo  
01/22/2007 Karol Erazo  
01/22/2007 Milagros Ojeda Robles  
01/22/2007 Angelica Ayala  
01/22/2007 Marco Mancio  
01/22/2007 Jemiar Dunbar  
01/22/2007 April Davis  
01/22/2007 Freddy Paz  
01/22/2007 Matthew McKoy  
01/22/2007 Alalberto Santiago Avales  
01/22/2007 Jose Baris Ayala  
01/22/2007 Luis Morales  
01/22/2007 Nourto Kastani  
01/22/2007 Michael Chung  
01/22/2007 Jorge Correa  
01/22/2007 Hayle Sarro  
01/22/2007 Andrea Cuartas  
01/22/2007 Yoselinne Mendoza  
01/22/2007 Tyhgita Cicpedes  
01/22/2007 Scott Kelley  
01/22/2007 John Kennard  
01/22/2007 Yaritza Ocasio

01/22/2007 Christine Shields  
01/22/2007 Chris Sullivan  
01/22/2007 Salvador Quinores  
01/22/2007 Alison Ross  
01/22/2007 Andrew Tan  
01/22/2007 Jessica Carvalho  
01/22/2007 Ofelia Sermenon  
01/22/2007 Xzavier Kenny  
01/22/2007 Luar  
01/22/2007 Erik Men  
01/22/2007 Jorge Molina  
01/22/2007 Soira Moore  
01/22/2007 Yaritza Gonzalez  
01/22/2007 Ragnhild Whitaker  
01/22/2007 Kelly Wallask  
01/22/2007 James  
01/22/2007 Susan Foster  
01/22/2007 Ana Marie Rodriguez  
01/22/2007 Travis Welch  
01/22/2007 Eric Franklin  
01/22/2007 Jacqueline Garcia  
01/22/2007 Sanya Garcia  
01/22/2007 Karen Maddalena  
01/22/2007 Joanne Zaharis  
01/22/2007 Janice Fields  
01/22/2007 Tamara Semidey  
01/22/2007 Hector Jiminian  
01/22/2007 Jacqueline Lizama  
01/22/2007 Bridget Mckenna  
01/22/2007 Evelyn Acromero  
01/22/2007 **Massachusetts Water Resources Authority**  
01/22/2007 Office of Coastal Zone Management  
01/22/2007 Massachusetts Department of Environmental Protection – NERO  
01/22/2007 Roseann Bongiovanni, President, Chelsea City Council  
01/22/2007 Paul R. Nowicki, Chelsea City Councilor  
01/22/2007 Jay Ash, Chelsea City Manager  
01/22/2007 Chelsea Board of Health  
01/22/2007 Senator Jarrett T. Barrios (Middlesex, Suffolk and Essex District)  
01/22/2007 Senator Jarrett T. Barrios and Representative Kathi-Anne Reinstein  
01/22/2007 Roy A. Avellaneda, Chelsea City Councilor (Councilor-at-Large)  
01/22/2007 Calvin T. Brown, Chelsea City Councilor  
01/22/2007 Felix D. Arroyo, Boston City Councilor at-Large

01/22/2007 Salvatore LaMattina, Boston City Councilor, District 1 and Anthony Petruccelli,  
State Representative

01/22/2007 Thomas G. Ambrosino, Mayor, City of Revere

01/22/2007 Sam Yoon, Boston City Councilor at-Large (2<sup>nd</sup> letter)

01/22/2007 Conservation Law Foundation (CLF)

01/22/2007 Alternatives for Community & Environment (ACE)

01/22/2007 Neighborhood of Affordable Housing (NOAH) (2 letters)

01/22/2007 Urban Ecology Institute

01/22/2007 MassPIRG

01/22/2007 Safer Waters in Massachusetts (Nahant SWIM)

01/22/2007 Sierra Club

01/22/2007 Maritime Trades Council of Greater Boston and New England AFL-CIO

01/22/2007 Associated Industries of Massachusetts

01/22/2007 Town of Wellesley Municipal Light Plant

01/22/2007 Concord Municipal Light Plant

01/22/2007 Forbes Park LLC

01/22/2007 Spencer Lofts Board of Trustees

01/22/2007 Jeffries Point Neighborhood Association

01/23/2007 Amy Dirsmore

01/23/2007 Samantha Nelson

01/23/2007 Christopher Etheridge

01/23/2007 Karen O'Donoghue

01/23/2007 John Patrick Mulligan

01/23/2007 Division of Energy Resources

01/24/2007 Giuseppe and Blanca Rullo

01/24/2007 Whowants4

01/24/2007 Minika Corneille

01/24/2007 Michael Rullo

01/24/2007 David Lopes

01/24/2007 Daniel Thompson

01/24/2007 Chris Masiello

01/24/2007 Linda Ledswith

01/24/2007 Mark McDonough

01/24/2007 Penbano

01/24/2007 Cheryl Frye

01/24/2007 Paul Dietz

01/24/2007 Sherrill Boudreau

01/24/2007 Stacy Grisinger

01/24/2007 Marisol Santiago

01/24/2007 Joanne Gabriel

01/24/2007 Nancy Serrell

01/24/2007 Tink Martin

01/24/2007 Blanca Hernandez

01/24/2007 City of Boston – Environmental and Energy Services  
01/24/2007 Boston Public Health Commission  
01/24/2007 Boston Harbor Association  
01/24/2007 Clean Water Action  
01/25/2007 Metropolitan Area Planning Council  
01/26/2007 Jean Marchand

19 Letters with illegible signatures  
Form Letters 105

IAB/HSJ/hsj