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October 23, 2020

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME	: 246 Peru Road
PROJECT MUNICIPALITY	: Hinsdale
PROJECT WATERSHED	: East Branch Housatonic River
EEA NUMBER	: 16264
PROJECT PROPONENT	: Ipswich Pharmaceutical Associates, Inc.
DATE NOTICED IN MONITOR	: August 26, 2020

Pursuant to the Massachusetts Environmental Policy Act (MEPA; M.G. L. c. 30, ss. 61-62I) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **does not require** an Environmental Impact Report (EIR).

Project Description

As described in the Environmental Notification Form (ENF), the project involves the construction of facilities and associated infrastructure for the cultivation of adult-use cannabis. Outdoor field areas will comprise the majority of cultivation space and will include two fields totaling 80,000 square feet (sf). Four greenhouses, each 2,750 sf for a total of 91,000 sf of cultivation space, will also be constructed. A 10,800 sf head house building will provide supplemental use areas, including employee facilities, restrooms and offices, to support the outdoor fields and greenhouse operations.

The Proponent also intends to be licensed as a marijuana product manufacturer and to produce extracts and infused food products (i.e., "edibles") in the proposed headhouse building. According to supplemental information provided by the Proponent, the project will use hydrocarbon extraction, which

utilizes a butane- or propane-based solvent to strip the desired compounds from the plant material. The process then separates the hydrocarbon solvent from the extract and returns it to a reservoir leaving a wax or solid extraction product. According to the Proponent, this process is "closed-loop" and does not discharge any solvent or other liquids. Separately, the Proponent will operate a commercial kitchen to produce and package food products. This kitchen will operate identically to any commercial kitchen, with the exception that marijuana extract will be utilized as an ingredient in each item.

A proposed gravel driveway and parking lot will provide vehicle access from Peru Road. This work will include upgrading an existing dirt road to a gravel surface. Water for irrigation, domestic use, and fire protection will be supplied by a new private well. Public sewer is unavailable, and a new septic tank and leach field will be installed and connected to the head house restroom facilities. A stormwater management system is proposed to attenuate runoff, improve water quality, and promote groundwater recharge.

Project Site

As described in the ENF, the property is located on the south side of Peru Road and east of Creamery Road in Hinsdale. The only site access is from Peru Road. The lot contains approximately 185 acres of land, which is 90 percent forested and includes over 20 acres of forested wetland. The site currently includes a single-family home and three cleared agricultural fields totaling approximately 12 acres. A large system of wetlands runs through the site from northwest to southeast. The wetlands running toward the northwest of the property are bordering on an intermittent stream that is located between the proposed site and Peru Road. The stream flows through a human-built farm pond. The pond receives inflow from the stream and discharges through a 15-inch partially exposed culvert under the existing dirt road that accesses the proposed site. The pond is listed as a potential vernal pool on the Massachusetts Geographic Information System (Mass GIS).

The project site is not located in *Priority* and/or *Estimated* Habitat as mapped by the Division of Fisheries and Wildlife's Natural Heritage and Endangered Species Program (NHESP). The site does not contain any structures listed in the State Register of Historic Places or the Massachusetts Historical Commission's (MHC) Inventory of Historic and Archaeological Assets of the Commonwealth. The project site is located within the Hinsdale Flats Area of Critical Environmental Concern ("ACEC").

Environmental Impacts and Mitigation

According to the ENF, the project will alter 3.5 acres of land and create 0.5 to 0.7 acres of new impervious area (0.8 to 1.0 acres total for the site).[1] The project will add 118 new average daily vehicle

[1] While the initial ENF showed an increase in impervious area of 0.5 acres (total 0.8 acres), supplemental information provided by the Proponent shows that the increase in buildings and pavement will total 0.7 acres, bringing the total impervious area onsite to 1.0 acres.

trips (adt) (128 adt total), and generate 3,060 gallons per day (gpd) of water demand (3,500 gpd total)[2] and 460 gpd of wastewater generation (900 gpd total).

Measures proposed to avoid, minimize and mitigate environmental impacts include limiting the overall conversion of "undeveloped" areas, preserving two acres of land as open space without use for marijuana operations, utilizing outdoor cultivation methods to lower energy and water demand, construction of a stormwater management system, and use of best management practices during the construction period. All proposed work is located outside wetland resource areas, and the vast majority of work activities (except 32,000 sf), including the buildings, parking lot, cultivation areas, and stormwater management system, will be located outside the buffer zone to wetland resources.

Jurisdiction and Permitting

This project is subject to MEPA review and preparation of an ENF pursuant to 301 CMR 11.03(11)(b) because it requires a State Agency Action and involves a project within a designated ACEC that is not a single-family dwelling. The project requires a license from the Massachusetts Cannabis Control Commission (CCC).

The project will require an Order of Conditions from the Hinsdale Conservation Commission (or in the case of an appeal, a Superseding Order of Conditions from the Massachusetts Department of Environmental Protection (MassDEP)). It also requires multiple local approvals, including a Marijuana Establishment Host Community Agreement, Special Permit and site plan approval, a Title 5 Disposal System Construction Permit for the septic system, and a Well Construction Permit for the private well. The project will require a NPDES General Permit for Construction from the U.S. Environmental Protection Agency (EPA).

Because the Proponent is not seeking State Financial Assistance, MEPA jurisdiction for any future review would extend to those aspects of the project that are within the subject matter of required or potentially required Permits that are likely, directly or indirectly, to cause Damage to the Environment. The subject matter of the CCC licensure is sufficiently broad such that jurisdiction is functionally equivalent to full scope jurisdiction and extends to all aspects of the project that are likely, directly or indirectly, to cause Damage to the Environment.

Review of the ENF

The ENF provided a description of existing and proposed conditions, a discussion of project alternatives, and preliminary project plans, and identified measures to avoid, minimize and mitigate project impacts. Additional information on various elements of the project was requested at the September 10, 2020 remote MEPA consultation session. An extension of the comment period to October 13, 2020 was granted to allow for the preparation and distribution of these materials. This supplemental information was provided to the MEPA Office and ENF distribution list on October 5, 2020, and additional clarifications were provided to the MEPA Office on October 5 and 20, 2020. For the purposes

[2] The ENF indicates that annual average daily water use is projected to be 3,500 gpd as averaged over 12 months, but that irrigation use will be highly seasonal. During the peak month, water use will total an average of 9,800 gpd, and on the peak day, the use will be approximately 12,000 gallons.

of this Certificate, this supplemental information in combination with the original filing materials is referred to as the ENF.

Comments from MassDEP do not identify any significant impacts that were not reviewed in the ENF, nor do they note deficiencies in the alternatives analysis or recommend additional alternatives for further review.

Alternatives Analysis

As described in the ENF, the proposed project seeks to relocate an existing cannabis cultivation operation from a smaller site in the Town of Hinsdale (the Town) to allow for a larger grow operation, improved access/logistics, and on-site product manufacturing. The Proponent currently controls both properties through separate legal entities.

Two alternatives, in addition to the Preferred Alternative described above, were considered. The "No Build" alternative would keep operations at the existing site in Hinsdale. This alternative was dismissed as not meeting project goals, as the Proponent seeks to expand outdoor cultivation and add product manufacturing to its operations. The existing site on Bullards Crossing in Hinsdale is limited to 20,000 sf of grow space, including just 10,000 sf of outdoor space, versus a total of 90,000 sf of space at the proposed site including 80,000 sf of outdoor cultivation.

The Proponent also considered alternative locations for grow operations at the project site location at 246 Peru Road. According to the ENF, the proposed location is optimal as it is located at a part of the property that is farthest from the road and is already clear of trees. Another clearing is available for the cultivation facility at the north end of the site. However, much of this field has been delineated as Bordering Vegetated Wetland (BVW), and, thus, wetland impacts would be far greater if this field were used. Other upland areas available for grow operations would require significant clearing of mature trees. The ENF indicates that the Town and nearby residents have expressed a strong desire for the facility to be located at a distance from Peru Road to reduce the visibility of this operation from the road. The location of the Preferred Alternative achieves this objective.

According to the ENF, the Preferred Alternative is consistent with town and regional planning efforts (2017 Hinsdale Vision Plan from the Town and 2000 Regional Plan for the Berkshires issued by the Berkshire Regional Planning Commission), as it contributes to economic growth while minimizing impacts to open space and other natural resources of the area. Additionally, the ENF indicates that the Preferred Alternative will maximize the advantages of outdoor cultivation (vs indoor cultivation), including reduced energy and water demand and the ability to compost biomass on site.

Supplemental information provided by the Proponent indicates that the project will take a "multi-pronged" approach to odor management, including locating the site more than 400 feet from the nearest residence, maintaining vegetated buffers, identifying strains of marijuana with a more favorable odor profile, and use of mechanized odor control devices that deliver odor neutralizers (mist sprays) attached to exhaust fans. The information notes that the Host Community Agreement with the Town of Hinsdale includes requirements for odor management.

Land Alteration

As noted, the project has selected an alternative that requires minimal land clearing, as the operations will be located on an area that is largely cleared. The project will require clearing a small grove of trees and other undeveloped areas (total of about 1.3 acres, of which 0.2 acres pertain to the removal of the tree grove). The Proponent has indicated that it proposes to place a conservation restriction (CR) on approximately 62 acres of land to compensate for this land clearing. The restriction would be granted to the Hinsdale Conservation Commission, or a land trust recommended by the Conservation Commission, and be based on the model CR language approved by the Executive Office of Energy and Environmental Affairs. Based on the 3.5-acre total project footprint, the conservation of land would represent a more than 17:1 ratio of conserved land to project land. I applaud the Proponent for making this significant commitment to permanent land conservation.

ACEC

The project is located in the Hinsdale Flats ACEC, for which a resource management plan has not yet been developed. See https://www.mass.gov/service-details/hinsdale-flats-watershed-acec. The ACEC designation document is based on the outstanding water quality of the wetland resource areas of the region, and lists the following natural resources that the designation was intended to protect: surface water, wetlands, habitat resources, water quality, natural hazard areas (i.e., areas of soil erosion that create constraints on development), agricultural areas, historical and archaeological resources, and "special use" destination areas such as the Appalachian National Scenic Trail and the Hinsdale Flats Wildlife Management Area.

According to the ENF, the proposed project is designed to be protective of water quality by avoiding construction in or near wetland resource areas, and by making "judicious use" of the water supply. The project also proposes to use pesticides listed on the EPA's 25B Minimum Risk list, which refers to pesticides that the EPA has determined pose "little or no risk to human health or the environment." The CCC, will test the finished marijuana products to verify they do not contain banned substances. As discussed below, the project will install stormwater controls to reduce peak runoff, promote groundwater recharge, and protect water quality.

I acknowledge the comment received from a neighboring resident, who has expressed concerns about impacts to the ACEC, including the volume of water withdrawals required by the project and potential impacts to water quality from marijuana growing and manufacturing operations. As for water supply, the Proponent has confirmed that it will comply with all local Board of Health requirements applicable to private wells. Comments from MassDEP indicate that the project must remain below the threshold of serving 25 persons or more, 60 days or more per year, in order to avoid characterization as a public water system. The Proponent should work with MassDEP and obtain certification as an approved source and registered public water system if it intends to increase employees and visitors at the facility over the above threshold. According to the ENF, outdoor cultivation requires far less water consumption compared to indoor cultivation since rain is a viable source of watering plants throughout the season. The irrigation system will be a sensor-based, subsurface irrigation system that provides water only as soil moisture levels indicate that additional irrigation is required. This technology significantly reduces water use and leads to near-zero runoff and water loss, as water is applied at a rate no faster than it can be taken up by the plants. Supplemental information provided by the Proponent provides a detailed

explanation of the irrigation system, and addresses the criteria set forth in the CCC's "Guidance on Best Management Practices for Water Use."

According to supplemental information from the Proponent, sanitary sewage from the proposed facility will be discharged to a Title 5 septic system, which will be permitted through the Hinsdale Board of Health. As part of the septic system permit process, the Proponent may request a determination from MassDEP that the proposed discharges from the head house operations are substantially similar to sanitary sewage and may be discharged to the septic system. If such a determination is not granted, the project will be required to discharge this water to an industrial waste holding tank that complies with 314 C.M.R. 18 and is issued a WP 56 Industrial Wastewater Holding Tank Certification. As noted above, the Proponent indicates that the manufacturing/extraction process does not produce any wastewater discharge. Supplemental information also indicates that, after the proposed septic system is constructed, Title 5 requires that a Certificate of Compliance be issued by the Board of Health. In order to obtain a Certificate of Compliance, 310 C.M.R. 15.021 requires that both the septic system designer and an agent of the Board of Health must inspect the system, and the designer must certify that the system has been constructed in accordance with Title 5 requirements, which include a prohibition against any discharges of non-sanitary wastewater.

The Proponent has confirmed that the project will not include generation of any waste requiring registration as a hazardous waste generator. I refer the Proponent to the detailed comments from MassDEP, outlining the regulatory requirements for odor, noise, solid waste and hazardous waste management, and spills prevention. MassDEP comments indicate that, if any energy needs will be met through the combustion of liquid, gaseous, or solid fuels, then such systems may need to be certified by MassDEP or permitted under MassDEP's air pollution control regulations. The Proponent has indicated that, while mechanical design of the project is still preliminary, it is likely that some propane-burning equipment will be installed. The Proponent indicates that it will comply with the applicable air permitting requirements.

Greenhouse Gas Emissions (GHG)

The ENF addressed the project's consistency with CCC's licensing requirements related to energy efficiency. The Proponent asserts that, when compared to an indoor horticultural facility, the environmental impacts of this project are reduced through its outdoor cultivation strategy, which minimizes energy and water use by taking advantage of natural light and rainfall. The ENF indicates that artificial grow lighting needed for indoor cultivation requires a high electrical demand and creates a large heat load, which must be offset using industrial HVAC systems that also draw large amounts of power. By containing plants in an indoor space, the humidity from plant transpiration is trapped, and must be removed through dehumidification requiring even larger total power consumption. The ENF notes that the CCC has stringent licensing requirements for indoor lighting, which do not apply if outdoor cultivation is pursued.

For outdoor cultivation, the CCC requires that any necessary mechanical systems be designed and certified by a Professional Engineer to meet the Massachusetts State Building Code, and be evaluated and sized for the anticipated loads of the facility. See 950 CMR 500.120(11)(c). The Proponent will comply with these requirements. According to the ENF, indoor grow rooms require supplemental CO_2 gas to replenish CO_2 levels in an enclosed space. This is not required with outdoor

cultivation as plants acquire CO_2 from the atmosphere. In addition to the requirements of 950 CMR, all buildings will be subject to the Massachusetts building code including all Massachusetts energy efficiency amendments. The proposed processing building will be constructed to the code-prescribed solar-readiness so that rooftop PV panels can be installed at a future time.

Construction Period

The ENF indicates that the project proposes no demolition, and that the Proponent has no plans for additional facilities to make use of recycled construction waste. Contractors will be required to comply with all applicable regulations for recycling and solid waste disposal and will allow the contractor to salvage and reuse excess material on other sites. The contractor will be required to post signs reminding operators of the requirements of anti-idling regulations. I refer the Proponent to detailed comments from MassDEP outlining requirements for the construction period, including solid and hazardous waste handling and disposal.

The project should include measures to prevent nuisance conditions such as dust, noise, and odors during construction and reduce emissions of air pollutants from construction equipment, including anti-idling measures in accordance with the Air Quality regulations (310 CMR 7.11). I encourage the Proponent to require that its contractors use construction equipment with engines manufactured to Tier 4 federal emission standards, or select project contractors that have installed retrofit emissions control devices or vehicles that use alternative fuels to reduce emissions of volatile organic compounds (VOCs), carbon monoxide (CO) and particulate matter (PM) from diesel-powered equipment. Off-road vehicles are required to use ultra-low sulfur diesel fuel (ULSD). All construction activities should be undertaken in compliance with the conditions of all State and local permits.

Conclusion

The ENF has adequately described and analyzed the project and its alternatives, and assessed its potential environmental impacts and mitigation measures. Based on review of the ENF and comments received on it, and in consultation with MassDEP, I have determined that an EIR is not required.

October 23, 2020
Date

K. Theoharides
Kathleen A. Theoharides

Comments received:

10/9/20 Brigid Glackin
10/13/20 Massachusetts Department of Environmental Protection (MassDEP)

KAT/TTK/ttk

PUBLIC COMMENT EEA # 1624 MEPA analyst TORI KING

PROJECT NAME 246 PERU ROAD, HINSDALE, MA : IPSWICH PHARMA

I am very concerned about the impact of the development of a facility for marijuana cultivation, but in particular for marijuana plant drying, extraction and processing within the Hinsdale Flats ACEC, at 245 Peru Road, EFA#16264

I have been a homeowner at 121 Franklin Road , Hinsdale, MA since 1986. My house sits just up the hill from the state owned Ashmere Lake. The shoreline of the lake is home to 3 children's camps, the undeveloped Ashmere State Park with a state-owned boat ramp very actively used by many local fishermen, and a retirement community. The Hinsdale Flats ACEC was granted because the area is unique as a high plateau with land honeycombed with wetlands. The site of the development on a state highway sits at the top of the ridge. Down below are the town center with the elementary school, Ashmere Lake, the Plunkett Reservoir, and the headwaters of the Housatonic River, all within a 1 to 2 mile radius.

I feel that everything that the developers do up on that ridge will impact the aquifer beneath it, and the water resources of the new facility's neighbors. The town has a water supply system but the developers will not make the capital investment to utilize it. They propose the construction of "private wells.". The daily water consumption estimated by the facility is greater than my family would use in 6 months. The proposed volume of water to be removed is possibly equivalent to the consumption if 150 to 200 new homes were constructed on the site. While the acreage there might support that type of construction, the ubiquitous wetlands on the site would not permit that type of development.

There is a sewer system along Peru Road in front of the site, placed there when the highway was rebuilt in 1989. Homeowners living near Ashmere Lake, about 2003, petitioned the town and took on an individual additional tax burden (in my case, 25% for my family)to get the town to obtain a bond to bring the sewer system to the small roads near the lake. They did this to clean up the Lake and protect the aquifer. The developer has declined to hook up to the sewer lines under Peru Road. They have stated that no sewer exists. They have proposed to build a private septic system.

- I have concerns about what chemicals and other industrial waste may be vented to the air during indoor cultivation and processing, or deposited in the ground and the aquifer ,through use of a private septic system The internet suggests that some marijuana producers use high concentrations of CO2 indoors with a resultant plume that should be processed and cleansed before it is released into the air and methods exist to do this. As a citizen of the town, I do not have access to view the portion of their application that describes what chemicals, solvents, gases etc., will be used in the indoor cultivation and, more importantly, the drying and extraction processes that will occur onsite. I cannot learn what residues and/or byproducts will be discharged into their septic tanks or the air as part of their operation, which extends beyond "agricultural cultivation."

Drying and extracting the marijuana may use solvents like butane and ethanol. These processes may release pharmacologically active byproducts or metabolites into the water table. I think whatever water is taken out of the aquifer by the developer, should be returned there devoid of toxic byproducts.

I do not have the expertise to see if my concerns are addressed, regarding the proposed development. I feel that any toxic byproducts produced up on the ridge will inevitably find their way into the aquifer and the Lake, unless the project is appropriately designed and supervised. In addition, despite my own attempts, I have been unable to learn anything about these aspects of the project, which the developer is allowed to keep secret from the public. I am hoping you, as stewards of the Hinsdale ACEC, will act to protect the invaluable natural resources of the Hinsdale Flats.

Brigid Glackin

121 Franklin Road

Hinsdale, MA 01235

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Kathleen A. Theoharides
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Martin Suuberg
Commissioner

October 13, 2020

Ms. Kathleen A. Theoharides, Secretary
Executive Office of Energy & Environmental Affairs
Massachusetts Environmental Policy Act Office
Ms. Tori Kim, EEA No. 16264
100 Cambridge Street, 9th Floor
Boston, MA 02114-2524

Re: 246 Peru Street, Marijuana cultivation
Revised Comment Letter - Hinsdale ENF

Dear Secretary Theoharides,

The Massachusetts Department of Environmental Protection (MassDEP), Western Regional Office (WERO) appreciates the opportunity to comment on the Environmental Notification Form (ENF) submitted for the proposed marijuana cultivation project at 246 Peru Road in Hinsdale, Massachusetts. The project will relocate an existing cannabis cultivation operation from a smaller site in the Town of Hinsdale to allow for on-site manufacturing, improved access and a larger growing operation. The entire site is within an Area of Critical Environmental Concern - the Hinsdale Flats Watershed. The ACEC designation is based on the outstanding water quality of the wetland resource areas. A site visit was held on September 10, 2020. This letter is a revised version of the MassDEP letter submitted on October 2, 2020. The revision is based on supplemental information provided by the Proponent on October 5, 2020.

The applicable MassDEP regulatory and permitting considerations regarding wetlands, air pollution, solid waste, hazardous waste and waste site cleanup are discussed.

I. Project Description

Ipswich Pharmaceutical Associates, Inc., Proponent, is seeking to cultivate adult-use cannabis at the property at 246 Peru Road in Hinsdale (EEA # 16264). The existing lot

contains 185 acres of land including 20 acres of forested wetland. A pond on the property is listed as a potential vernal pool on MassGIS. There is a single-family home and three cleared agricultural fields totaling approximately 12 acres. The plants will be grown primarily outdoors with small greenhouses to also be utilized. A head house building is also proposed. The two outdoor fields will total 80,000 square feet and the four greenhouses will each be 2,750 square feet for a total cultivation area of 91,000 square feet. The head house building is proposed to be 10,800 square feet and will house restrooms, lockers, break room, offices and a product storage room. The existing farm road will be upgraded to gravel surface.

The project will include a new private well as well as a new septic tank and leach field. A stormwater management system to attenuate runoff and provide for groundwater recharge is proposed. All work is located outside wetland resource areas though some small areas are within the 100 foot buffer zone.

Environmental impacts associated with this project include:

- 3.5 new acres of land altered
- 0.5 new acres of impervious area
- 22,000 gross square footage new structures
- 118 vehicle trips per day (new) total vehicle trips per day – 128
- 24 new parking spaces (new – total 28 parking spaces
- Wastewater (gallons per day) 3,060 change – total 3,500 gallons per day*
- Water withdrawal (gallons per day) - 3,060 change – total 3,500
- Wastewater generation/treatment GPD - 460 change – total 900
- Length of water mains (miles) increase 0.02 total 0.04 miles
- Length of sewer mains (miles) increase 0.08 total 0.1 miles

*Annual average daily use is projected to be 3,500 gpd as averaged over 12 months. Irrigation use will be highly seasonal. During the peak month, water use will be an average of 9,800 gpd. On the peak day, the use will be approximately 12,000 gallons.

II. Required Mass DEP Permits and/or Applicable Regulations

Wetlands
310 CMR 10.00
Water Quality Certificate
314 CMR 9.00
Drinking Water
310.CMR 22.00

Air Pollution
310 CMR 7.00
Solid Waste
310 CMR 16.00
Hazardous Waste
310 CMR 30.00
Bureau of Waste Site Cleanup
310 CMR 40.000

III. Permit Discussion

Bureau of Water Resource

Wetlands
The project proponent submitted a Notice of Intent to the Department and to the Hinsdale Conservation Commission on August 4, 2012. The MassDEP file number 181-0267 issued on August 14, 2020, can be found here: https://eeaonline.eea.state.ma.us/Portal/#!/wire/179512.

The Commission is in the public hearing process and has not issued any Order of Conditions for the project. In a separate email to the Commission agent, it was recommended that the Commission keep the NOI hearing open until the Secretary's Certificate has been issued.

Drinking Water
The project proponents are reminded of the public water system threshold for serving 25 persons or more, 60 days or more per year. The project proponents are reminded to contact MassDEP and obtain an approved source and registered public water system prior to increased employees and visitors at the facility over the threshold.

Bureau of Air and Waste

Air Quality

Construction and Demolition Activities
The construction and demolition activity must conform to current Air Pollution Control Regulations. The proponent should implement measures to alleviate dust, noise, and odor nuisance conditions that may occur during the construction and demolition activities. Such measures must comply with the MassDEP's Bureau of Air and Waste (BAW) Regulations 310 CMR 7.01, 7.09, and 7.10.

Noise
Once the facility's power system is in full operation, the proponent shall ensure that the facility's equipment and components do not cause excessive noise that could impact any

nearby receptors, nor shall the operation cause or contribute to a condition of air pollution through noise.

Odor
Once the facility is in operation the operator shall ensure that odors from the cultivation, harvesting, processing and composting of the marijuana does not contribute to an odor nuisance to nearby receptors, or in any way cause or contribute to a condition of air pollution through nuisance odors.

Construction Equipment
MassDEP recommends that the project proponent participate in the MassDEP Diesel Retrofit Program. All non-road engines shall be operated using only ultra-low sulfur diesel (ULSD) with a sulfur content of 15 ppm pursuant to 40 CFR 80.510.

Open Burning
Proponent shall not burn vegetative or any other waste unless it is performed in accordance with 310 CMR 7.00, has received prior written approved from by MassDEP and has been approved by municipal fire department officials.

Boilers/Generators/Emergency Generators
If any energy needs will be met through the combustion of liquid, gaseous, or solid fuels then such systems, may need to be certified (certain boilers depending upon their heat input capacities, and engines and turbines depending upon their rated power outputs) by the MassDEP pursuant to 310 CMR 7.26 and 310 CMR 70.00, may comply with 310 CMR 7.03, or approved by MassDEP pursuant to 310 CMR 7.02 unless otherwise exempted in 310 CMR 7.00.
On September 23, 2005, sections to the Air Pollution Control Regulations, 310 CMR 7.26(40) through (44) were adopted for engines and combustion turbines constructed, substantially reconstructed or altered after March 23, 2006. Revisions to 310 CMR 7.02(8)(i) and 310 CMR 7.03(10) were adopted for existing units. To implement these requirements, revisions were made to 310 CMR 7.02 Plan Approval and Emission Limitations, 310 CMR 7.05 Fuels, and 310 CMR 70.00 Environmental Results Program Certification

Solid Waste

The proponent shall properly manage and dispose of all solid waste generated by this proposed project (including waste stems, leaves, and soils) pursuant to 310 CMR 16.00 and 310 CMR 19.000, including the regulations at 310 CMR 19.017 (waste ban); as well as the requirements of the Department of Public Health.

Asphalt, brick and concrete (ABC) generated through crushing and reuse on-site must be handled in accordance with regulation and policy. Otherwise, the proponent would need to obtain a site assignment and facility permit for the crushing activity and a Beneficial Use

Determination (BUD) for the reuse of the crushed material. More information regarding the handling of ABC, and a copy of the 30-day notification form may be found at the following website: http://www.mass.gov/eea/agencies/massdep/recycle/reduce/using-or-processing-asphalt-pavement-brick-and-concrete-.html.

The BUD regulations at 310 CMR 19.060 establish levels of assessment for four categories of beneficial use. Similarly, the fee regulations at 310 CMR 4.00, et seq. were amended. These amended regulations would be applicable to reuse of any materials generated by this project that would otherwise be considered solid waste.

In addition, the proponent shall manage regulated asbestos and asbestos-containing waste material as special wastes in accordance with 310 CMR 19.061.

Solid and Hazardous Waste Management (Soil Management)

Due to the potential for unknown soil contamination, excavated material is to be managed in accordance with MassDEP policy COMM-97-001 "Reuse and Disposal of Contaminated Soil at Massachusetts Landfills" if the generated solid waste material demonstrates characteristics of hazardous waste or the presence of other contaminants.

Hazardous Waste

Any hazardous wastes generated by the construction/demolition activities or universal wastes such as mercury containing lamps or mercury thermostats, lead connector or solder waste, must be properly managed in accordance with 310 CMR 30.0000. If any hazardous waste, including waste oil, is generated at the site the proponent must ensure that such generation is properly registered with the Department and managed in accordance with 310 CMR 30.0000.

Bureau of Waste Site Cleanup

There are disposal sites within a 0.5-mile radius from the project area with Response Action Outcomes (RAOs) and/or Permanent Solutions with or without conditions (PS/PSC). If soil and/or groundwater contamination is encountered during excavation/cultivation activities, the proponent should retain a Licensed Site Professional (LSP); the MCP details procedures to follow for the parties conducting work. MassDEP staff are available for guidance.

Spills Prevention

A spills contingency plan addressing prevention and management of potential releases of oil and/or hazardous materials from pre- and post-construction and agricultural activities should be presented to workers at the site and enforced. The plan should include but not be

limited to, refueling of machinery, storage of fuels, and potential releases. This plan is of particular importance due to the proximity of the work to the East Branch Housatonic River.

IV. Other Comments/Guidance

MassDEP staff is available for discussions as the project progresses. If you have any questions regarding this comment letter, please do not hesitate to contact Kathleen Fournier at (413) 755-2267.

Sincerely,

Michael Gorski
Regional Director

cc: MEPA File