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February 22, 2021

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

PROJECT NAME	: Bullards Crossing
PROJECT MUNICIPALITY	: Hinsdale
PROJECT WATERSHED	: East Branch Housatonic River
EEA NUMBER	: 16315
PROJECT PROPONENT	: FFD Enterprises MA, Inc.
DATE NOTICED IN MONITOR	: January 22, 2021

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 a majority of the cultivation space and will include two fields totaling 95,000 square feet (sf).[1] Four greenhouses, totaling 11,000 sf (2,750 sf each), will also be constructed. A 10,800-sf head house building will provide supplemental use areas to support the outdoor fields and greenhouse operations, including employee facilities, restrooms and offices, as well as product storage and security systems. The project will serve to relocate an existing cannabis cultivation operation within Hinsdale to allow for a larger grow operation, improved access/logistics, and to allow for on-site product manufacturing. The

[1] The ENF narrative states that outdoor field areas will total 89,000 sf while project site plans depict a total of 95,000 sf. The total square footage of outdoor cultivation was clarified in an email from Christopher Chamberlain (Berkshire Design Group) to Eva Murray (MEPA Office) sent on February 12, 2021.

proponent currently controls both properties through separate legal entities. A substantively similar project was previously submitted to MEPA (EEA# 16264), under a different Proponent name. The project proposed the facility at a different location in Hinsdale (246 Peru Road) and was subsequently abandoned.

The Proponent 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. 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 ENF, this process is a "closed-loop" system and does not discharge any solvent or other liquids into the wastewater stream. 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.

An existing gravel driveway and proposed parking lot will provide vehicle access from Bullards Crossing. Water for irrigation, domestic use, and fire protection will be supplied by a new private well. Public sewer is unavailable, and as such, a new septic tank and leaching field are proposed to be installed and connected to the head house restroom facilities. An irrigation pond is proposed to capture runoff from the head house and green house roofs for use on crops. The irrigation pond will also provide stormwater management by reducing runoff from the site. Site plans included in the ENF note an additional building within the project site that may be constructed in the future, which may require a new or amended license from the CCC. The envelope of the 'Future Building' is depicted as approximately 17,000 sf. The Proponent has indicated that the building, if constructed, would likely be used for indoor cultivation and replace a portion of the outdoor fields.[2] As noted below, the Proponent should consult with the MEPA Office should they choose to proceed with the construction of this building in the future to determine the need for further review of impacts beyond those disclosed in this filing.

Project Site

As described in the ENF, the 20-acre project site is located on the south side of Bullards Crossing in the Town of Hinsdale. The project site was previously used as a gravel pit and has since been reestablished as open grassland. Gravel and dirt access roads from the previous operation remain. The site is bounded to the west by wetlands associated with Cady Brook (a perennial stream) and to the east by a former gravel pit which, in addition to the project site and other surrounding land, originally comprised a larger property prior to being split up. The southern property line is coincident with the Hinsdale/Washington Town line.

The northern portion of the project contains Riverfront Area (RFA) associated with Cady Brook, although no work is proposed in this area. The perimeter fence surrounding the facility will be located outside the 200-foot RFA line. 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

[2] The 'Future Building' is depicted and labeled as such on Sheet LC-301 in the ENF. Details regarding the size and future use of the building were described in an email from Christopher Chamberlain (Berkshire Design Group) to Eva Murray (MEPA Office) sent on February 12, 2021.

(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 5.2 acres of land and create 0.5 acres of new impervious area. The project will add 118 new average daily vehicle trips (adt). The project will generate 460 gallons per day (gpd) of wastewater and 3,500 gpd of water demand averaged annually, and will involve the construction of 0.01 miles of sewer and water mains.

Measures proposed to avoid, minimize and mitigate environmental impacts include restoring the portion of the site classified as RFA, removing existing gravel surfacing within the site, implementation of a spill and response plan, utilizing outdoor cultivation methods to lower energy and water demand, re-use of excess water from indoor cultivation for use outdoors, construction of a stormwater management system including the construction of an irrigation pond, and use of best management practices during the construction period. According to the ENF, all proposed work is located outside wetland resource areas and 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). As noted above, a substantively similar project was previously proposed in a different location within Hinsdale (EEA# 16264) under a different Proponent name. The project was subsequently abandoned. In addition, this Proponent, though a different legal entity, holds a CCC license for a different marijuana cultivation facility in Hinsdale; due to the 1000,000 sf canopy limit, the license for that location will be abandoned in favor of a new CCC license for the location described in this filing.

The project will request a Determination of Applicability from the Hinsdale Conservation Commission, which will determine whether the work proposed is subject to the Wetlands Protection Act (WPA). Pending the results of this determination, the project may require an Order of Conditions from the 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).

While the Proponent is not seeking State Financial Assistance, the subject matter of the CCC licensure is sufficiently broad such that MEPA 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, preliminary project plans, stormwater management plan, energy and water compliance statement, soil analysis, and information on odor controls, and identified measures to avoid, minimize and mitigate project impacts. Supplemental information, specifically maps of the project area displaying Priority Habitat and the Federal Emergency Management Agency (FEMA) designated 100-year floodplain, were distributed on February 5, 2021. Both resources are proximate to but not within the project site. Additional information and clarifications regarding the 'Future Building', the existing facility to be abandoned, and the extent of outdoor and indoor cultivation were provided to the MEPA Office on February 12, 2021. For the purposes 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 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 abandon an existing cannabis cultivation operation within Hinsdale in favor of this new location 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, located west of the proposed project. This alternative was dismissed as it would not meet project goals, including the expansion of outdoor cultivation and the addition of product manufacturing to its operations. The existing site is limited to 20,000 sf of grow space, including just 10,000 sf of outdoor space, as compared to a total of 100,000 sf of space at the proposed site including 95,000 sf of outdoor cultivation.

The Proponent also considered alternative locations for grow operations, including at 246 Peru Road in Hinsdale (the location of EEA #16264). According to the ENF, this alternative would have resulted in similar environmental impacts, but was strongly opposed by nearby residents. The 246 Peru Road site would have also required a small amount of tree clearing (0.2 acres). As described in the ENF, the site of the Preferred Alternative is surrounded by gravel pits, a railroad, protected open space, and a large-scale propane storage facility, and does not abut residential property; it also does not require any tree clearing.

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. The project will

also employ odor management strategies as necessary, as required by the Host Community Agreement with the Town of Hinsdale.

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 incorporating an irrigation pond to capture runoff and reduce total runoff from the site. No trees are proposed to be removed in order to construct the project.

As described in the ENF, topsoil was placed by the previous landowner after gravel extraction ceased (in approximately 2014). The topsoil appears to be nutrient-poor, and currently supports only existing grasses which have been cut on an annual basis. As such, the Proponent indicated during the remote consultation session (held on February 1, 2021) that the outdoor plants will be grown in pots resting on the soil surface. The project proposes a total of 22,000 sf of new building and greenhouse infrastructure (excluding the 'Future Building'), as well as 36,000 sf of new gravel surfacing. To mitigate these impacts, the RFA on the western edge of the project site is proposed to be restored by locating the perimeter fence outside of the 200-foot RFA boundary and ceasing to mow in this area (approximately 62,000 sf/1.42 acres). The ENF states the native species found in the existing wooded swamp near Cady Brook are anticipated to recolonize the RFA area, eventually providing a wider, undisturbed wetlands buffer to Cady Brook, as well as additional wildlife habitat in the project area. Existing gravel surfacing throughout the site that will not be utilized for site access will also be removed.

The project 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 Proponent has confirmed that the project will not generate any waste requiring the facility to register as a hazardous waste generator. I refer the Proponent to 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 ENF states that, while mechanical design of the project is still preliminary, it is likely that some propane-burning equipment will be installed. The Proponent has indicated the project will comply with all applicable air permitting requirements.

Water and Wastewater

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.

As stated previously, the estimated water usage is 3,500 gpd averaged annually. However, as noted in comments from MassDEP, the estimated water usage is highly seasonal. According to the ENF, the project will use an estimated 9,800 gpd during the peak month, and approximately 12,000 gallons on the peak day. The proposed irrigation pond will be utilized as the first source of irrigation water but will be supplemented with water from the proposed private well as needed. The irrigation pond will hold approximately 100,000 gallons of water (equivalent to approximately 8 days of irrigation during peak use) and will capture runoff from the greenhouse roofs and from the headhouse.

According to the ENF, 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, in the form of a Certificate of Compliance. 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. 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.

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

All construction activities should be managed in accordance with applicable MassDEP's regulations regarding Air Pollution Control (310 CMR 7.01, 7.09-7.10), and Solid Waste Facilities (310 CMR 16.00 and 310 CMR 19.00, including the waste ban provision at 310 CMR 19.017). The project should include measures to reduce construction period impacts (e.g., noise, dust, odor, solid waste management) and emissions of air pollutants from 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). If oil and/or hazardous materials are found during construction, the Proponent should notify MassDEP in accordance with the Massachusetts Contingency Plan (310 CMR 40.00). 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. As noted above, should the Proponent choose to proceed with the construction of the 'Future Building', the MEPA Office should be consulted prior to its construction to determine if further review is necessary. 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.

K. Theoharides

February 22, 2021
Date

Kathleen A. Theoharides

Comments received:

02/05/2021 Massachusetts Department of Environmental Protection (MassDEP), Western Regional Office (WERO)

KAT/ELM/elm

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February 5, 2021

Ms. Kathleen A. Theoharides, Secretary
Executive Office of Energy & Environmental Affairs
Massachusetts Environmental Policy Act Office
Ms. Eva Murray, EEA No. 16315
100 Cambridge Street, 9th Floor
Boston, MA 02114-2524

Re: 0 Bullards Crossing, Marijuana cultivation
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 0 Bullards Crossing 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 applicable MassDEP regulatory and permitting considerations regarding air pollution, solid waste, hazardous waste and waste site cleanup are discussed.

I. Project Description

FFD Enterprises MA, Inc., Proponent, is seeking to cultivate adult-use cannabis at the property at 0 Bullards Crossing in Hinsdale (EEA # 16315). The site consists of approximately 20 acres of land and is bordered to the west by wetlands associated with Cady Brook which is located on abutting property. All proposed work is located outside wetland resource areas and buffer zones. The site was formerly operated as a gravel pit with those operations ceasing in 2014. The site has been maintained as open grassland and is within an Area of Critical Environmental Concern -the Hinsdale Flats Watershed.

The plants will be grown primarily outdoors in pots and raised beds with small greenhouses to also be utilized. The two outdoor fields will total 89,000 square feet and the four greenhouses will each be 2,750 square feet for a total cultivation area of 100,000 square feet. A 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 head house will also be used for manufacturing processes for edible marijuana products and extracts. The manufacturing processes includes hydrocarbon extraction utilizing a butane- or propane-based solvents. The process will be closed-loop that does not create any solvent or other liquid discharge. Additionally, a commercial kitchen will be operated to produce and package food products. Odor neutralizers will be operated as necessary utilizing misting nozzles attached to exhaust fans.

A gravel access road remains on the site from the previous operation. A parking lot is proposed to be constructed on site.

The project will include a new private well as well as a new septic tank and leach field. Rainwater will be the first source of irrigation water. An irrigation pond is proposed to capture runoff form the greenhouse roofs and from the headhouse for use on crops. The pond would also provide stormwater management by reducing runoff from the site.

Environmental impacts associated with this project include:

- Total site acreage - 20
- 5.2 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
- 56 new parking spaces
- Wastewater (gallons per day) - 3,060
- Water withdrawal (gallons per day) - 3,060
- Wastewater generation/treatment GPD - 460
- Length of water mains (miles) increase 0.01
- Length of sewer mains (miles) increase 0.01

*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

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

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

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 do 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.

Boilers/Generators/Emergency Generators
The applicant should be aware that there are air approval/permit requirements for boilers, incinerators, stationary turbines, reciprocating engines, emergency generator sets and other internal combustion engines (e.g. those associated with power generation units) that may or may not be applicable to this project.

Solid Waste

The proponent shall properly manage and dispose of all solid waste generated by this proposed project pursuant to 310 CMR 16.00 and 310 CMR 19.000, including the regulations at 310 CMR 19.017 (waste ban).

Hazardous Waste

If any hazardous waste, including waste oil, is generated at the project site during the construction of the facility, the proponent must ensure that such generation is properly registered with the Department and managed in accordance with 310 CMR 30.0000.

In addition, the proponent indicates that the marijuana processing operation will use solvents for extraction purposes and the solvent will be returned to the process for reuse. Given that at some point the solvent will become waste through use, the waste solvent may become hazardous waste and subject to the requirements of 310 CMR 30.000. Any recycling of the waste solvent will also be subject to the applicable provisions of 310 CMR 30.000.

Bureau of Waste Site Cleanup

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.

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