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June 8, 2007

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

PROJECT NAME : Brockton Power
PROJECT MUNICIPALITY : Brockton
PROJECT WATERSHED : Taunton River
EOEA NUMBER : 14017
PROJECT PROPONENT : Brockton Power Company LLC (an affiliate of Advanced Power Services (NA) LLC
DATE NOTICED IN MONITOR : May 9, 2007

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

The project as proposed in the Environmental Notification Form (ENF) consists of construction and operation of a state of the art 350-Megawatt (MW) combined cycle power plant on a 13.2-acre parcel in the Oak Hill Industrial Park (located off Route 28 in southern Brockton). The proposed power plant will use natural gas as the primary fuel and will also be capable of burning Ultra-Low Sulfur Distillate (ULSD). The project includes three 2,000-kilowatt (kW) emergency generators, a gas compressor, auxiliary boiler, fire pump, transformers, water and wastewater treatment equipment, storage tanks and a ULSD unloading station. ULSD will be stored on-site in a 750,000 gallon above ground tank, providing supply for two days of full-load operation. According to the ENF, the power plant will fire the equivalent of two months of ULSD per year. The proposed plant includes a wet mechanical cooling tower, which will use treated wastewater from the adjacent Brockton Advanced Water Reclamation Facility (AWRF). The proposed project will use up to 2.5 million gallons per day (MGD) of treated recycled water (2.0-2.1 MGD on average) and will obtain the balance of process water required from Brockton's municipal system. Most of the recycled water used will be evaporated from the cooling towers and approximately 0.3-0.5 MGD of wastewater will be discharged from the plant to the AWRF.

The project includes construction of approximately 0.1 miles of new water mains for connection with the City of Brockton water supply, a 0.2-mile recycled-water supply line and a

0.2-mile wastewater line with a connection to the AWRF. Natural gas will be supplied to the site via a connection with an existing Algonquin Gas Transmission Company (AGT) pipeline, which is approximately 1,500 feet north of the site on Oak Hill Way. Electricity from the proposed plant will be fed to the transmission network via a new connection with an existing National Grid 115 kilovolt (kv) transmission line located approximately 3,000 feet southeast of the site. The project includes a new two-acre switching station /ring bus at the interconnection site.

According to the ENF, the project will result in 1.4 acres of land alteration associated with the transmission line Right-of-Way (ROW), including 22,000 square feet (sf) of temporary alteration of Bordering Vegetated Wetlands (BVW). The project will create approximately 3 acres of new impervious area. Total building square footage proposed is 101,200 sf, with proposed heights of 130 feet for the building and 250 feet for the stack. Twenty-four parking spaces are proposed. Vehicle trips are estimated in the ENF at 50 trips per day during the operational phase.

Emissions associated with the project include: 82 tons per year (tpy) of particulate matter; 98 tpy of Carbon Monoxide (CO); 7 tpy of Sulfur dioxide (SO₂); 17 tpy Volatile Organic Compounds (VOC); 87 tpy of Oxides of Nitrogen (NO_x); 1,134,000 tpy of Carbon dioxide (CO₂); and less than 10 tpy of Hazardous Air Pollutants (HAPs). According to the ENF, the use of clean fuels, highly efficient combustion and state of the art control systems will limit emissions to the Lowest Achievable Emission Rate (LAER) or Best Available Control Technology (BACT) levels.

The project is undergoing review and requires the preparation of a mandatory EIR pursuant to Section 11.03(7)(a)(1) of the MEPA regulations because it involves construction of a new electric generating facility with a capacity greater than 100 megawatts. The project is also under review pursuant to Section 11.03(8)(b) of the MEPA regulations because it involves construction of a new stationary source with potential emissions of more than 50 tons per year of NO_x, Section 11.03 (3)(b)(1)(d) because it will result in alteration of more than 5,000 sf of BVW, Section 11.03(5)(b)(4)(a) because it will result in new discharge of more than 100,000 gallons per day (gpd) of industrial waste water, and Section 11.03(7)(b)(4) because it involves construction of an electric transmission line with a capacity greater than 69 kilovolts (kv).

The project requires a Major Comprehensive Air Plan Approval and Title V Operating Permit from the Massachusetts Department of Environmental Protection (MassDEP) and an Approval to Construct a Bulk Electric Generating Facility from the Massachusetts Department of Public Utilities (DPU), Energy Facility Siting Board (EFSB). The project requires a DPU Section 72 Approval to Construct a Transmission line and the proponent intends to file a Petition for Exemption from Zoning Bylaws with the DPU. The project requires a MassDEP Sewer Connection Permit and Treatment Work Plan Approval, and a Massachusetts Department of Public Safety Storage Tank Permit. The project may require a 401 Water Quality Certificate from MassDEP and requires an Order of Conditions from the Brockton Conservation Commission (and, on appeal only, a Superseding Order from MassDEP). The project requires a National Pollutant Discharge Elimination System (NPDES) Construction General Permit from the U.S. Environmental Protection Agency (EPA) and may require a Prevention of Significant

Deterioration (PSD) Approval from EPA. The project also requires other federal and local permits and approvals.

The project requires a mandatory EIR and an Air Quality Permit from MassDEP. Therefore, it is subject to the Executive Office of Energy and Environmental Affairs (EOEEA) Greenhouse Gas Emissions (GHG) Emissions Policy, which requires GHG information to be provided during the MEPA process. The project exceeds an ENF threshold for air and is located within five miles of an Environmental Justice (EJ) population. Therefore, it is subject to the EOEEA Environmental Justice Policy requirements for enhanced public participation under MEPA.

The project is not seeking financial assistance from the Commonwealth. Therefore, MEPA jurisdiction is limited to the subject matter of state agency Permits required. Given the numerous state agency actions required and the broad scope of the EFSB review, MEPA jurisdiction is extends to virtually all aspects of the project that have the potential to cause damage to the environment as defined in the MEPA regulations.

I have received many 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 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 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.

SCOPE

General

The DEIR should follow the general guidelines for outline and content found in Section 11.07 of the MEPA regulations as modified by this scope. The DEIR should provide maps, site plans and other graphics at an appropriate scale and of sufficient detail to facilitate review and comment. The DEIR should include plans for the entire project site, including the proposed power plant, transmission line route, recycled water and wastewater return lines, gas pipeline connection and the switching station/ring bus interconnection site.

The DEIR should describe how the project will meet applicable state regulatory requirements and performance standards, and provide sufficient information and analysis for state permitting agencies to make permit decisions and prepare their Section 61 Findings. I encourage the proponent to provide similar information for federal permits and regulations also. The DEIR should clarify if the project requires a Prevention of Significant Deterioration (PSD) review and approval by EPA. The DEIR should fully describe environmental impacts associated with the project, and describe how impacts will be avoided, minimized and mitigated to the maximum extent feasible.

The ENF states that the project will help meet ISO New England (ISO-NE) goals to provide cost-effective new capacity, and will provide ISO-NE with greater flexibility and a more reliable generation network. The DEIR should discuss how the proposed project meets ISO-NE goals and local and regional energy needs. The DEIR 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. The DEIR should discuss the project's proposed contribution to the region's projected future electrical energy demands in light of other power generating facilities and the projected regional demand for more power resources in Massachusetts.

Environmental Justice - Enhanced Public Participation

In accordance with the EOEEA Environmental Justice Policy, the proponent should provide enhanced public outreach to environmental justice populations in Brockton. During the EIR process, documents should be available to the public via the public library, city hall, on the City's web site, and upon request by residents. Notification of these documents should be published in the local paper as well as in alternative community resources such as newsletters and church bulletins, if appropriate. As there is a significant non-English speaking population in the City of Brockton, project summary documents should be made available in Portuguese and Spanish upon request. The DEIR should provide an update on the proponent's enhanced public outreach efforts.

Existing Environment

The DEIR should describe and analyze existing conditions of the project site, its immediate surroundings, and the region as required by 301 CMR 11.07(g) and this Scope. The analysis in the DEIR should be of sufficient detail, in accordance with 301 CMR 11.07(6)(g), to provide a baseline in relation to which the Project and its alternatives can be described and analyzed, and its potential environmental impacts and mitigation measures assessed.

Alternatives

No-build Alternative

The DEIR should include a no-build alternative for the purpose of establishing a future baseline in relation to which the project and its alternatives can be described and analyzed, and its potential environmental impacts and mitigation measures can be assessed.

Preferred Alternative

The DEIR should describe the proposed project including its structural and process design, operation plans (including proposed operating hours), and pollution control equipment.

The DEIR should include an analysis of project design, layout and site conditions. The DEIR should include a site plan with information on proposed lighting, vegetative plantings or buffers and the proposed stormwater drainage system. The DEIR should evaluate other site design alternatives and explain how the preferred alternative will avoid and minimize or mitigate impacts to the maximum extent feasible. The alternatives analysis should include a discussion of alternatives to avoid and minimize wetlands impacts associated with project.

Alternative Design - Building and Stack Height

The proposed design includes a building height of 130 feet and a stack height of 250 feet based on the assumption that the project will succeed in its petition to obtain an exemption from zoning requirements. The DEIR should include one or more alternative designs with building and stack heights that are permissible under local zoning requirements. The analysis in the DEIR should include a comparison of impacts associated with the preferred and other alternative designs. The DEIR should include a comparative analysis of air quality impacts associated with a reduced stack height and the proposed 250-foot stack.

Alternative Water Supply

The proposed design assumes process water availability (0.1-0.3 MGD) from the City of Brockton that would be provided under the City's allocation from the Inima USA Desalinization Plant, which is proposed in Dighton, MA. The Inima plant is not operating yet. The DEIR should discuss alternative sources in the event that supply from the proposed desalinization plant is not available. The DEIR should also describe alternatives for supply of cooling water in the event recycled water from the AWRP is not available. The DEIR should evaluate impacts associated with alternative water supplies, and discuss any additional treatment of water supplies that may be required.

Alternative Sites

The DEIR should discuss the site selection process and include a description of site selection criteria. The DEIR should include information on alternative sites considered for the proposed project, and a rationale for the selection of the proposed location and the elimination of other sites from further consideration. The DEIR should include sufficient information for the EFSB to make its determination as to whether the site selection process contributes to minimization of environmental impacts of the proposed project and the costs of mitigating, controlling and reducing such impacts.

Alternative Technologies

The DEIR should evaluate alternative emission control technologies for NO_x and CO and include an analysis of systems that do not use ammonia. The DEIR should include a comparative analysis of wet mechanical cooling towers and air-cooled condenser technologies, including air quality and water supply impacts associated with each. The ENF indicates that wet cooling methods result in fuel efficiency and air quality benefits compared to air cooling methods, and reduced land impacts. The comparative analysis in the DEIR should include an analysis of the

trade-offs in impacts when one technology is selected over another, including potential streamflow impacts resulting from diversion of wastewater to the cooling towers if the wet-cooling technology is used. The DEIR should include additional information to explain the rationale for elimination of the once-through cooling option, and respond to comments related to recovery of waste heat and cooling water vapor.

Alternative Fuels

The proponent has indicated that ULSD will be used as a back-up fuel at a frequency equivalent to approximately 60 days of use per year. The DEIR should clarify under what circumstances ULSD will be used and whether it will be in conjunction with or instead of natural gas. The DEIR should provide more detailed information on the proposed use of ULSD, including a range for the minimum and maximum number of consecutive days for which it may be used. The DEIR should include a comparative analysis of emissions and impacts associated with use of natural gas only, and emissions and impacts associated with the use of ULSD. The comparative analysis should include a comparison of emissions at maximum potential levels and with use of Best Available Control Technology (BACT). The DEIR should clarify whether projected emissions and air quality impacts are based on a two-month equivalent use of ULSD and explain the basis of projections in terms of the amount and type of fuels used.

Air Quality and Climate

The DEIR should quantify emissions from the proposed plant, including criteria and non-criteria pollutants, and clarify maximum potential emissions as well as emission levels expected after implementation of proposed controls. The DEIR should identify and quantify Hazardous Air Pollutant (HAP) emissions. The DEIR should describe proposed pollution controls and their effectiveness. The DEIR should include an air quality impact analysis that compares project impacts with National Ambient Air Quality Standards (NAAQS), Significant Impact Levels (SILs), and MassDEP's Acceptable Ambient Levels (AALs) and Threshold Effects Exposure Limits (TELEs). The proponent should consult with MassDEP regarding the modeling protocol and methodology for impact analysis.

The DEIR should include an air toxics analysis of the project's emissions, including USEPA-approved air quality computer dispersion modeling results for the applicable non-criteria air pollutants (i.e. metals, metal oxides, ammonia, phosphoric acid, sulfuric acid, and formaldehyde). The possible metals to be analyzed include antimony, arsenic, beryllium, cadmium, chromium, hexavalent chromium, copper, lead, mercury, nickel, selenium, and vanadium, as applicable. The metal oxides to be analyzed are nickel oxide and vanadium pentoxide. The maximum ground level concentrations of the project's potential air toxics emissions should be compared to MassDEP's air toxics guideline levels.

The majority of comment letters received from the public expressed concerns about the public health effects of any increase in emission of pollutants in the immediate vicinity of the project, and in the City and nearby communities. The DEIR should use the air quality impact analysis as the basis for a discussion of projected changes in air quality and related public health

effects. The DEIR should differentiate, as applicable, between air quality impacts that may be experienced locally, regionally, and in the immediate vicinity of the project site. The DEIR should explain how the impact analysis accounts for different meteorological conditions. I expect that the analysis in the DEIR will respond to comments received including those related to fine particulate matter (PM_{2.5}) levels and sensitive receptors in the project area. The DEIR should include information on the maximum air quality impacts associated with PM_{2.5} emissions from the proposed project.

The proposed project will store aqueous ammonia for use in the project's Selective Catalytic Converter (SCR) NO_x air pollution control system. MassDEP typically handles the issue of computer dispersion modeling of a complete ammonia storage tank failure and subsequent accidental ammonia releases as part of its review of the required 310 CMR 7.02 plan application. However, due to concerns raised during review of the ENF, the proponent should include this assessment in the DEIR. The proponent should consult with MassDEP for guidance as needed with the assessment.

The DEIR should describe how the proposed project will meet Best Available Treatment Technology (BACT) requirements. The DEIR should define BACT for the mechanical cooling towers and include a thorough evaluation of mist eliminators and other measures to reduce emissions of both criteria and non-criteria air contaminants, including odor and biological emissions. Many commenters expressed concern regarding the proposed use of recycled wastewater in the cooling towers and potential air quality and public health impacts. I expect the DEIR to include a detailed analysis of emissions associated with the proposed project, including the constituents (type and quantity) of emissions resulting from use and evaporation of recycled wastewater. The DEIR should define criteria and non-criteria contaminant impacts from the mechanical cooling towers, and provide an analysis of icing impacts.

Many commenters expressed concern that the proposed reuse of wastewater would exacerbate odor problems associated with the existing AWRP. The DEIR should evaluate potential odor impacts and proposed control measures. Commenters also raised concerns about microclimate changes, including mist and humidity, as a result of the evaporation of approximately 1.5 MGD of wastewater from the cooling towers. The DEIR should address these issues and provide additional information and analysis as needed to describe any visual and microclimate effects associated with cooling tower emissions.

The DEIR should provide information on NO_x offsets, including an explanation of the offset system and a discussion of how the required offsets for the project will be achieved. The DEIR should also clarify if any other offsets, such as allowances for SO₂ or CO₂ emissions will be required, and if so, how these will be achieved. The DEIR should clarify if a Prevention of Significant Deterioration (PSD) approval from the EPA is required, and if so, provide additional information and analysis as applicable for the MassDEP permit process.

The DEIR should describe the methodology and models used, and assumptions inherent in the air quality analysis. The DEIR should identify sources of data used in the analysis, including sources used to establish background concentrations for all pollutants. The DEIR should describe any data gaps or limitations of the models used. The DEIR should include the

results of dispersion modeling to evaluate impacts associated with the project, and additional data and discussion as necessary to substantiate conclusions regarding air quality and public health impacts. The DEIR should explain why the model used is the most appropriate and conservative in projecting impacts. The DEIR should describe proposed sampling and monitoring plans, and how the results of monitoring will be used to avoid and minimize or mitigate air quality and public health impacts.

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 CO₂ implementation mechanisms. The DEIR should discuss the proposed project in the context of RGGI and the Massachusetts emissions cap under RGGI. The proponent has provided an estimate of CO₂ emissions in the ENF; the DEIR should update this figure as necessary¹. In accordance with the EOEEA Greenhouse Gas Emissions Policy, the DEIR should identify and describe all greenhouse gas emissions associated with the project and should propose measures to avoid, minimize and mitigate project-related greenhouse gas emissions. The proponent should consider the six GHGs covered by the Kyoto Protocol: carbon dioxide (CO₂); methane (CH₄); nitrous oxide (N₂O); hydrofluorocarbons (HFCs); perfluorocarbons (PFCs); and sulfurhexafluoride (SF₆). The proponent should consider both direct GHG emissions (e.g. stack and fugitive emissions from the proposed power plant) and indirect emissions (e.g. emissions from vehicles driven by employees and delivery trucks).

Noise

The DEIR should include a noise impact analysis. The analysis should address all sources of sound associated with the proposed facility, including the wet mechanical scrubber and the switching station/ring bus. The DEIR should describe all proposed measures to avoid, minimize and mitigate noise impacts. The DEIR should describe how the proposed project will comply with the MassDEP noise policy.

Cumulative Impacts

The DEIR should assess (in quantitative terms to the maximum extent feasible) direct and indirect potential environmental impacts from all aspects of the project within MEPA jurisdiction. The assessment should include both short-term and long-term impacts for all phases of the project and cumulative impacts of the project, and any other projects, and other work or activity in the immediate surroundings and region. The cumulative impact assessment should discuss ambient air quality and evaluate the potential cumulative effect of the project and existing air quality stressors.

The cumulative impact analysis should assess any trade offs among conflicting environmental impacts, particularly where mitigation for one type of impact has the effect of

¹ In anticipation of RGGI, the proponent has quantified CO₂ emissions in the ENF. Projects that are subject to the EOEEA Greenhouse Gas Emissions Policy will be required to quantify all GHGs when a protocol has been established by EOEEA.

increasing another type of impact. The DEIR should discuss how an appropriate balance will be achieved among conflicting environmental concerns.

The cumulative impact analysis should consider potential wetlands impacts associated with expansion of the UPS facility. As further detailed in the Brockton Conservation Commission comment letter, a UPS parking lot expansion may be initiated to accommodate the need for parking spaces displaced by proposed project activities in Oak Hill Way.

Electric and Magnetic Field (EMF)

The EFSB has historically included EMF impacts as part of its review because electric generating facilities often have associated electric transmission lines. Therefore, the DEIR should provide an analysis of EMF impacts associated with the proposed project, and describe how potential impacts will be avoided, minimized and/or mitigated.

Stormwater Management

The DEIR should provide a drainage analysis for the site and a description of the proposed stormwater management system. The DEIR should evaluate stormwater impacts during construction and post-construction and describe how the project will be designed to comply with MassDEP Stormwater Management Policy standards. As noted in the MassDEP comment letter, portions of the proposed project are located within an Interim Wellhead Protection Area. Therefore, the stormwater management system should meet the requirements for Critical Areas. The DEIR should provide details of the stormwater management system as it relates to the location of fuel and ammonia tanks, and in the context of plans to protect water supply and wetlands resources.

Oil and Hazardous Materials Management

The DEIR should describe proposed plans and on-site locations for storage and containment of fuel oil, ammonia and other chemicals. The DEIR should discuss how groundwater and wetland resources will be protected in the event of a spill, and include a draft pollution prevention and emergency response plan. The MassDEP has identified one former disposal site in the vicinity of the project (Release Tracking Number (RTN) 4-11209, located on Oak Hill Way). I refer the proponent to MassDEP comment letter regarding notification and other procedures that may be applicable. The DEIR should provide an update on any waste site disposal issues relevant to the project site.

Transportation

The DEIR should include an analysis of traffic impacts associated with the proposed project, and describe measures to avoid and minimize or mitigate traffic impacts. The analysis

should include an assessment of the truck trips associated with delivery of ULSD, aqueous ammonia, and other operational needs of the plant. The DEIR should discuss the frequency of deliveries and provide minimum and maximum truck trip projections as well as average daily vehicle trips. The DEIR should include proposed delivery route(s) with consideration given to avoiding and minimizing impacts on residential neighborhoods. I encourage the proponent to consult with the City of Brockton and local communities in developing the proposed truck route and to address site access concerns.

Visual Impacts

The DEIR should include a visual impacts analysis and describe how the proposed project will be designed to avoid and minimize or mitigate visual impacts. The visual impacts analysis should consider viewshed impacts associated with the stack and other potential visual impacts and describe measures to provide vegetative buffers and screening for nearby residents.

Wastewater Reuse

The DEIR should evaluate the river system impacts associated with its cooling tower water supply. The proposed project will use up to 2.5 MGD of treated wastewater, which is currently discharged to the Salisbury Plain River from the AWRF. The analysis of impacts should consider water quality and flow impacts to the Salisbury Plain River and Taunton River basin, including impacts during low flow conditions, and during periods when there is maximum use of treated wastewater for cooling and minimum wastewater flow. I refer the proponent to the comment letter from MassAudubon, the Taunton River Watershed Alliance and the Jones River Watershed Association that provides recommendations for the impact analysis.

The proponent should consult with MassDEP regarding wastewater reuse and modifications of effluent that will be needed in order for recycled water to be used for the project. The DEIR should provide an update on consultations with MassDEP and describe what measures will be taken to ensure the quality of reuse water is consistent with applicable requirements. The DEIR should compare the wastewater withdrawn with the wastewater returned to the AWRF in terms of its constituents (type and concentration). The DEIR should discuss any additional treatment requirements and costs associated the return wastewater.

Water Supply

In addition to the analysis of water supply alternatives, as required in the alternatives section above, the DEIR should evaluate potential impacts to existing water resources. A portion of the site is located in the Interim Wellhead Protection Area of a West Bridgewater well site. Site plans should show this wellhead protection area, and the DEIR should discuss measures to ensure protection of public water supplies during construction and operation.

Wetlands

The DEIR should identify and describe all areas on the site that are subject to the Massachusetts Wetlands Protection Act. The DEIR should include plans that show all wetland resource boundaries, including riverfront area and the 100-year floodplain. The DEIR should include an overlay of the proposed project and existing wetlands resources to facilitate the assessment of potential resource impacts. The DEIR should clarify if any federally protected wetlands exist on site and if any federal permits for wetland alteration are required.

The ENF indicates that work will be conducted in the FEMA floodplain associated with the Salisbury Plain River and Edson Brook. The DEIR should identify the location of, and quantify, all wetland resource alterations, including areas of proposed fill within Bordering Land Subject to Flooding (BLSF). The DEIR should describe any changes in flood storage capacity and alteration of existing flooding and drainage patterns. The DEIR should identify the location and amount of compensatory storage that may be required. The DEIR should discuss the history of previous site alterations, including filling of floodplain, riverfront area or BVW, and any applicable requirements for restoration or mitigation. I encourage the proponent to consult with the Brockton Conservation Commission on this issue as the Commission has identified an opportunity to restore impacted resources that will provide public good and create a buffer between the proposed power plant and the Salisbury Plain River, and associated wetlands resources.

The DEIR should describe all wetlands resources, impacts and mitigation associated with the project, including those associated with the transmission line and switching station/ring bus site. Temporary and permanent impacts should be described, located on plans, and quantified. Site plans should identify proposed wetlands replication/restoration areas and the DEIR should include proposed wetlands mitigation plans. The DEIR should identify and quantify buffer zone impacts and describe activities proposed in buffer zones. The DEIR should discuss potential wildlife habitat impacts resulting from alteration of forested wetland associated with the transmission line. The DEIR should demonstrate how impacts will be avoided, minimize and mitigated to the maximum extent feasible.

The proponent should consult with the Brockton Conservation Commission regarding the property proposed for the transmission line and ring bus. As further detailed in its comment letter, the Commission has recently issued two enforcement orders to the current owner of the property. The existing conditions and alterations presented in the DEIR should reflect pre-existing site conditions and the proposed mitigated conditions for this portion of the project site, as recommended by the Commission in its comment letter.

Construction

The DEIR should include a construction management plan (CMP) describing project activities and their schedule and sequencing, site access and truck routing, and best management practices (BMPs) that will be used to avoid and minimize adverse environmental impacts. The CMP should address potential impacts and mitigation relating to land disturbance, noise, dust,

odor, nuisance, vehicle emissions, construction and demolition debris, and construction-related traffic. The DEIR should discuss plans for reuse and recycling of construction materials. I strongly encourage the proponent to commit to diesel retro-fit and use of low sulfur fuel to reduce air quality impacts associated with construction equipment. The DEIR should describe plans for refueling and equipment maintenance during construction, and measures to protect wetlands and water resources.

Decommissioning

The DEIR should discuss the lifespan of the proposed project and plans for decommissioning. The DEIR should describe potential impacts and mitigation related to the decommissioning phase.

Response to Comments

The DEIR should include a copy of this Certificate and a copy of each comment letter received. The DEIR should respond to the comments received on the ENF to the extent that they are within MEPA jurisdiction. The proponent should use either an indexed response to comment format, or direct narrative response. The DEIR should present any additional narrative or quantitative analysis necessary to respond to the comments received.

Mitigation and Section 61 Findings

The DEIR should include a separate chapter on mitigation with a summary of mitigation measures to which the proponent is committed. The DEIR should describe and assess measures and management techniques designed to limit negative environmental impacts or cause positive environmental impacts during development and operation of the project. The DEIR should include proposed Section 61 findings for all state permits required. The proposed Section 61 findings should specify in detail all feasible measures the proponent will take to avoid, minimize and mitigate potential environmental impacts to the maximum extent practicable. The proposed Section 61 Findings should identify parties responsible for funding and implementation, and the anticipated implementation schedule that will ensure mitigation is implemented prior to or when appropriate in relation to environmental impacts.

Circulation

The DEIR should be circulated in compliance with Section 11.16 of the MEPA regulations and copies should be sent to all state agencies from which a permit or approval is required, and to those who submitted comment letters as listed below. To conserve 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 on a first-come, first-served basis, to accommodate those without convenient access

to a computer. A Notice of Availability of the DEIR should be sent to those who submitted form letters (the notice should include relevant comment deadlines, locations where hard copies may be reviewed). A copy of the DEIR should be made available for public review at the Brockton Public Library and at other locations to enhance public participation among the environmental justice (EJ) population in the project area. The proponent should consult with the EOEEA Environmental Justice Coordinator during DEIR preparation to develop an appropriate EJ circulation and participation plan for DEIR review.

6/7/07
June 8, 2007


Ian A. Bowles, Secretary

Comments Received:

5/17/07	Robert and Virginia Jeppson
5/21/07	Matfield Woods Association, Inc.
5/22/07	Daniel Miles
5/24/07	Joanne Lynch
5/24/07	Forrest Emery and Marjorie Emery
5/25/07	Mariann Lorrain
5/25/07	Colleen F. Cronin
5/25/07	James J. McCarthy
5/25/07	Paul Donahue
5/25/07	Michelle Stanfield-Adams
5/25/07	Ida A. Lawrence
5/25/07	Linda Balzotti, Councillor at Large, City of Brockton
5/26/07	Jen Piantoni
5/28/07	Paul F. Studenski, Councillor Ward 4, City of Brockton
5/27/07	David Pimentel
5/28/07	David Pimentel (second letter)
5/27/07	Tracey E. Wilson
5/29/07	Department of Environmental Protection - Southeast Regional Office
5/29/07	MassAudubon, Taunton River Watershed Alliance, and the Jones River Watershed Association
5/29/07	Michelle Dubois, Councillor Ward 6, City of Brockton
5/29/07	Town of West Bridgewater Board of Selectmen
5/29/07	Town of West Bridgewater Conservation Commission
5/29/07	Thomas G. Brophy, Councillor at Large, City of Brockton
5/29/07	Jim Long
5/29/07	Matt Shaw
5/29/07	Eric Filkins
5/29/07	Joan Johnson
5/29/07	Simone Edmonds, Malika Edmonds, Jason Edmonds, Renee Edmonds, Danielle Bennett, Jamal Bennett, Sharon Webb, Frank Webb, and Michelle Short

5/29/07	Jim Bosco
5/29/07	Jim Lorrain
5/29/07	Robin and Ronald DiMatteo
5/29/07	Susan J. Nicastro
5/29/07	Stephanie and Arnold Danielson
5/29/07	Loretta and Albert Murray
5/29/07	James Howell
5/29/07	Margarita Pariol
5/29/07	John and Sandra Farrell
5/29/07	Mary Joyce Comeau
5/29/07	Thomas J. Rokus and Ruth F. Rokus
5/29/07	Josh Primmer
5/29/07	Stephen Payne
5/29/07	Regina Fraccastoro
5/29/07	D. Trojano
5/29/07	Edward Grueter
5/29/07	Kelly McLaughlin
5/30/07	Mrs. LaFlower
5/30/07	Old Colony Planning Council
5/30/07	Brockton Conservation Commission
5/30/07	Sheila Stewart
6/01/07	Ruth Gokool

Form Letters 287

IAB/AE/ae