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August 10, 2007

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

PROJECT NAME : Southbridge Environmental Industrial Park
PROJECT MUNICIPALITY : Southbridge
PROJECT WATERSHED: : Quinebaug River
EEA NUMBER : 10955
PROJECT PROPONENT : Southbridge Recycling & Disposal Park
(formerly Wood Recycling Inc.)
DATE NOTICED IN MONITOR : July 25, 2007

As Secretary of Environmental Affairs, I hereby determine that the Notice of Project Change (NPC) filed on this project warrants additional environmental review in the form of a Supplemental Environmental Impact Report (EIR) because impacts associated with this change were not addressed during previous MEPA review.

Project Description and Procedural History

As described in the Final EIR, the original project consists of the development of 140 acres of a 402-acre tract of land located in and around the existing Southbridge Municipal Airport and Southbridge Municipal Landfill. The development consists of expansion of the land fill, creation of a 1,101,000 square foot (sf)¹ industrial park (including a wood waste processing and manufacturing facility) and construction of associated infrastructure, including a new access road to connect Pleasant Street to Worcester Street (Route 169).

¹ The Town was considering acquiring an additional 22 acres to expand the industrial park by 273,000 sf.

An Environmental Notification Form (ENF) for the project was filed in October, 1996. The December 23, 1996 Secretary's Certificate on the ENF required the filing of an EIR and designated the project as "Major and Complicated." In a separate Certificate issued the same day, a Special Review Procedure (SRP) was established. The SRP required that a separate ENF be filed for any further expansion of the Southbridge Municipal Airport. In accordance with the SRP, the July 31, 1998 Secretary's Certificate on the Draft EIR allowed Phase 1 of the project to proceed prior to completion of the Final EIR. Phase 1 consisted of the following elements: expansion of the landfill by 82 acres and an increase in its permitted capacity; construction of a 1,500 tpd (46,845 tpy) C&D processing facility; construction of a 350 TPD (109,305 tpy) wood fiber-manufacturing facility; and construction of 79,000 sf of manufacturing space (on 15 acres). Phase II consists of the full build-out of the industrial park and construction of the connection to Route 169.

A Final EIR was filed in January, 2000 for Phase 2 of the project. The February 18, 2000 Secretary's Certificate indicated that the Final EIR adequately and properly complied with MEPA and its implementing regulations. An NPC addressing a decrease in the size of the C&D processing facility was filed on March 4, 2005 and deemed by the MEPA Office to be an insignificant project change.

The NPC provides an update on project elements. It indicates that the C&D processing facility is substantially complete, the access road is permitted and in the final design stage and that planning for the industrial park is ongoing. It indicates that the active portion of the landfill (Phase 7) is being constructed in phases and is sited within the 32-acre footprint adjacent to Phases 1 through 6. According to the proponent, the landfill has a remaining capacity of 3.6 million tons of waste which is equivalent to 20 years of capacity at the current approved disposal rate of 580 tpd (180,960 tpy).

Project Change

The project change consists of an increase in MSW directed to the landfill and a reduction in processing of C&D materials. According to MassDEP, the C&D facility is authorized to accept 749 tpd (234,000 tpy) and the landfill is authorized to accept 580 tpd (180,960 tpy), consisting of 500 tpd (156,000 tpy) of C&D residuals and 80 tpd (24,960 tpy) of MSW generated within the Town of Southbridge. The proponent proposes to increase the daily landfill disposal tonnage limit to 1,500 tons per day (tpd) and the annual tonnage limit to 405,600 tpy. The increase will consist entirely of MSW. Also, the project may include installation of an energy recovery facility at the landfill.

Permits and Jurisdiction

The original project was reviewed prior to the 1998 revision of the MEPA regulations. It was subject to MEPA review and required the preparation of an EIR pursuant to 301 CMR Section 11.25 (1) and (30) because it required a state permit and consisted of a new non-residential

construction project that would alter 50 or more acres of land and would increase landfill capacity by more than 300 tpd. The project required a Sewer Connection Permit and a 401 Water Quality Certificate from the Department of Environmental Protection (MassDEP), and an Access Permit from the Massachusetts Highway Department (MassHighway). Also, the project required a National Pollutant Discharge Elimination System (NPDES) Stormwater Permit for construction activities.

The project change requires a Comprehensive Plan Approval and an Amended Authorization to Operate from MassDEP. Also, it will require a Minor Site Assignment Modification from the Southbridge Board of Health. Because the change consists of a significant increase in the amount of MSW disposal, which was not contemplated during previous MEPA review, and a significant increase in air quality emissions, I am requiring additional MEPA review in the form of a Supplemental EIR.

Because the proponent is not seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction is limited to those aspects of the project within the subject matter of required or potentially required state permits that may have significant environmental impacts. These include land alteration, solid waste, water quality, air quality, wastewater and traffic/transportation.

SCOPE

General

The Supplemental EIR should provide a status report on the overall project. It should identify the status of each element that was previously reviewed, including build-out of the industrial park and potential airport expansion. It should identify previous mitigation commitments, including but not limited to traffic monitoring and wetlands restoration, and provide an update on the completion of mitigation commitments.

I remind the project proponent that any significant changes to the overall project will require the filing of an NPC. Review of such plans in concert with this change would be beneficial to ensure that the cumulative impacts of any project changes are addressed in a comprehensive way. If plans are being developed for the remainder of the site that may require such a filing, I encourage the proponent to consult with the MEPA Office to discuss potential changes and how to proceed with required filings.

Solid Waste

Comments from MassDEP indicate that authorizations for processing and disposal of solid waste as described in the NPC are inconsistent with MassDEP permits. In addition, MassDEP comments indicate, and I agree, that the NPC does not adequately describe the potential environmental impacts associated with the replacement of C&D material with MSW.

The Supplemental EIR should clearly identify and describe existing permits and related authorizations. The proponent should review MassDEP comments and consult with MassDEP to ensure consistency. The Supplemental EIR should provide an overview of the existing landfill (including a site plan that clearly illustrates landfill phases, stormwater controls and the location of air and water quality monitors). It should describe current operations and closure plans.

The Supplemental EIR should identify why the proponent is proposing to re-allocate the waste stream and increase the volume of MSW accepted at the landfill. It should identify the amount and constituents of waste proposed to be accepted at the landfill (daily and annual), describe existing and proposed monitoring efforts and identify how the proponent will monitor, assess and control off-site migration of contaminants. It should identify any changes in infrastructure, operations, management and/or closure plans associated with an increase in MSW volume. The Supplemental EIR should describe consistency with relevant plans (i.e. MassDEP Solid Waste Master Plan 2006 Revision), policies and regulations and demonstrate that the project change can be implemented consistent with regulatory standards.

Air Quality

MassDEP comments note that the project will be considered a major source of VOC emissions (over 50 tpy). MassDEP estimates that the project change will result in emissions of 100 short tpy of non-methane organic compounds (NMOC) in the worst-case year and generate approximately 5 short tpy of non-methane organic compounds in the year immediately after the increase occurs.

The EIR should identify air emissions associated with the project change, demonstrate that the project change can be implemented consistent with regulatory requirements and include a Best Achievable Control Technology (BACT) analysis.

To address growing concern about the impacts of climate change and support development of solutions, MEPA recently drafted a Greenhouse Gas Policy that is undergoing public review. This Policy will require a quantitative analysis of greenhouse gas emissions and associated mitigation measures. Currently, MEPA is requiring a qualitative analysis of greenhouse gas emissions and mitigation measures from a specific class of projects including those that are required to develop an EIR and require an air permit. The proponent should assess the greenhouse gas emissions associated with the landfill and the project change and identify measures to avoid, minimize and mitigate these emissions.

The NPC indicates that the project change could facilitate the introduction of an energy recovery facility at the landfill. Currently, landfill gas is controlled by flaring. I encourage the proponent to implement an energy recovery facility to mitigate the greenhouse gas emissions associated with this project. The Supplemental EIR should indicate whether the project will incorporate such a facility, identify the potential range of energy production and identify how the energy will be used.

Traffic and Transportation

The Supplemental EIR should analyze whether the increase in MSW disposal will result in traffic increases. Comments from Cynthia Cooper identify a concern that the increase in MSW being transported to the site could result in increased truck traffic on local streets adjacent to the landfill. The EIR should identify existing designated truck routes and indicate whether trucks hauling MSW will be required to use a designated route that avoids neighborhood streets.

The Supplemental EIR should include an update on the traffic monitoring required as part of project approvals and Section 61 Findings. If monitoring has demonstrated the need for additional mitigation, the EIR should identify potential mitigation.

Historic Resources

A comment letter from the Massachusetts Historical Commission (MHC) identified permitting conditions required by the US Army Corps of Engineers (ACOE) developed to ensure that identified historic and archaeological sites would be protected and impacts to them avoided. The Town of Southbridge is required to consult with the ACOE and MCH by providing project plans for any proposed development that may affect these sites within and adjacent to Lot 4/5 and lot 7/8.

Mitigation

The Supplemental EIR should summarize mitigation measures related to the project and provide updated draft Section 61 Findings for each state permit. The Section 61 Findings should identify the schedule for implementation and identify associated costs of mitigation measures.

Comments

The Supplemental EIR should contain a copy of this Certificate and a copy of each comment received. The Supplemental EIR should respond to the comments received, to the extent that the comments are within MEPA subject matter jurisdiction. I defer to the proponent as it develops the format for this section, but the Response to Comments section should provide clear answers to questions raised. The Supplemental EIR should present additional narrative and/or technical analysis as necessary to respond to the concerns raised.

Circulation

The Supplemental EIR should be circulated in compliance with Section 11.16 of the MEPA regulations and copies should also be sent to the list of "comments received" below and to each state and local agency from which the proponent will seek permits or approvals. A copy of

the Supplemental EIR should be made available for public review at the Southbridge public library.

August 10, 2007

Date



Ian A. Bowles

Comments received:

- 7/31/07 Department of Environmental Protection/Central Regional Office
(MassDEP/CERO)
- 7/24/07 Massachusetts Historical Commission
- 7/24/07 Cynthia B. Cooper

IAB/CDB/cdb