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November 9, 2006

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

PROJECT NAME	: Stony Brook Energy Center – Phase II
PROJECT MUNICIPALITY	: Ludlow
PROJECT WATERSHED	: Chicopee
EOEA NUMBER	: 13889
PROJECT PROPONENT	: **Massachu**setts Municipal Wholesale Electric Company (MMWEC)
DATE NOTICED IN MONITOR	: October 10, 2006

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

According to the Environmental Notification Form (ENF), the project involves the construction of a 280 megawatt (MW) (nominal) natural gas and #2 distillate-oil (ultra low sulfur) fired combined cycle energy facility that will supply electricity into the New England Power Pool (ISO) system. The Massachusetts Municipal Wholesale Electric Company (MMWEC) has identified a need among its 26 member municipal utilities for approximately 500 MW of new energy resources by 2012, including 300 MW of "baseload" capacity. The system will consist of a single General Electric Frame 7FB (or equivalent) Combustion Turbine/Generator with exhaust stack, a heat recovery stream generator as well as a separate steam turbine with an electric generator and the necessary ancillary equipment. The F-Class unit is the most recent gas turbine technology. The plant will be fueled with natural gas, obtained via an existing on site gas pipeline and compressed to approximately 500 psi. The MMWEC site consists of approximately 417 acres of industrially zoned property which is currently used for the MMWEC corporate offices and the existing Stony Brook Plant. Approximately 10 acres will be used for the footprint of the new facility and ancillary structures.

The project is undergoing review and requires the preparation of a mandatory EIR pursuant to section 11.03 (7)(a)(2) of the MEPA regulations, because the project involves the expansion of an existing electric generating facility by 100 or more megawatts. This project is also subject to review pursuant to Sections 11.03 (1)(b)2 , 11.03 (2)(b)1 , 11.03 (4)(b)2 , and 11.03 (5)(b)4.a of the MEPA regulations, because the project will create 5 or more acres of impervious area, alter designated habitat, expansion in withdrawal of greater than 500,000 gallons per day (gpd) from a water supply system above the lesser of current system wide withdrawal volume, and expansion in discharge of industrial wastewater by more that 100,000 gpd. The project will also require numerous state permits and agency actions, including: Approval to Construct from the Energy Facilities Siting Board (EFSB); a Major Comprehensive Approval under 310 CMR 7:00 from the Department of Environmental Protection (MassDEP); a New Source Approval and a Sewer Connection/Extension Permit from MassDEP; a permit for tank of capacity greater than 10,000 gallons (527 CMR; 502 CMR 5) from the State Fire Marshall Office and an Order of Conditions from the Ludlow Conservation Commission (and hence a Superseding Order from DEP if the local Order were appealed). The project will also require several federal environmental permits including a Prevention of Significant Deterioration permit from the U.S. Environmental Protection Agency (US EPA) and Federal Aviation Administration (FAA) Approval for Stack and Construction Cranes.

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

The proposed project serves to provide a clean source of electrical generation in an area of Massachusetts where electric generating capacity is in short supply. While I fully understand the need for more reliable electrical generation, the project will be a source of air pollutants. Therefore, the project must meet the standards for a Major Comprehensive Approval as required by MassDEP as well as demonstrate that the project will comply with a Prevention of Significant Deterioration permit from the US EPA. In addition, the proposed project is adjacent to the Westover Metropolitan Airport near the centerline of Runway 5/23. Under provisions of Section 35B of MGL Chapter 90 "...no person shall erect or add to the height of any structure within a rectangular area lying fifteen hundred feet on either side of the extended center line of a runway...." Also, the actual height of the structures must not affect airspace under the same regulations. The resolution of these issues, as well as other environmental issues as further detailed below, will likely impact the final layout and design of the project. I strongly encourage the proponent to continue consultation with local, state, federal and other agencies to resolve the remaining issues and develop mitigation.

SCOPE

General/Comments

As modified by this scope, the EIR should conform to the general guidance for outline and content contained in section 11.07 of the MEPA regulations. The EIR must address the substantive issues raised in the comment letters received and listed at the end of this Certificate, to the extent that the comments are within the subject matter jurisdiction of MEPA. The EIR should contain a copy of this Certificate and copies of each comment letter received and listed at the end of this Certificate. The proponent should circulate the EIR to those who commented on the ENF, and to any state agencies from which the proponent will seek permits or approvals. In addition, the proponent should make available a reasonable number of copies of the EIR free of charge on a first come, first served basis.

Alternatives

The EIR should discuss in more detail the specific layout of the preferred alternative. The EIR should also analyze alternative site layouts, to arrive at a site layout that minimizes overall impacts. The EIR should examine alternative site layouts that that increase buffer zones between the site and adjacent priority habitat and minimizes impacts to the Westover Metropolitan Airport. The EIR should include a detailed site plan identifying project elements and locations.

Project Description/ Project Permitting/ Regulatory Environment

The EIR should briefly describe each state permit or agency action required for the project, and should discuss how the project meets the performance standards associated with the various permits. The EIR should also discuss applicable environmental regulatory requirements, and demonstrate that the proposed project is consistent with applicable regulations. The EIR should also provide information regarding the consistency of the project will any applicable local or state open space plans, and it should include an update on the status of the local review and approval process (see Section 11.01(3) of the MEPA regulations).

The EIR should provide sufficient detail for the state permitting agencies to make informed permitting decisions, and otherwise meet their Section 61 obligations. I also encourage the proponent to include similar information for federal permits and regulations as well.

The EIR should include analysis of project design, layout, and site conditions. It should contain a site plan that includes information on lighting, vegetative plantings and/or buffers, and the components of the drainage system. The EIR should also include schematics and diagrams to describe the proposed facility in terms of structural design, the power generation process and its parameters, and the pollution control system.

Air Quality

As stated previously, the project must meet the standards for a Major Comprehensive Approval as required by MassDEP as well as demonstrate that the project will comply with a Prevention of Significant Deterioration permit from the USEPA. The EIR must demonstrate how the project will comply with these standards. I note that the refined dispersion modeling exercises must be performed in conformance with the MassDEP guidance entitled "Recommended Contents of a Modeling Protocol for Stationary Sources of Air Pollution, BWP/DAQC 1/1/96". I strongly encourage the proponent to contact MassDEP about these and any other air quality issues.

The ENF indicates that federal New Source Performance Standards (NSPS) would be applicable to the project. The EIR should identify the subpart that would be applicable to this project and any subpart of the National Emissions Standards for Hazardous Air Pollutants (NESHAP) that would be applicable to this project. The ENF also indicates that the Lowest Achievable Emission Rate would be applicable to the project. Thus, the requirements of 310 CMR 7.00, Appendix A – Emission Offsets and Non-attainment Review would be applicable. The EIR should demonstrate that the required emissions offsets have been guaranteed or secured.

I note that since fossil fuel will be burned, the Electric Generating Unit will be subject to the Rule to Reduce Interstate Transport of Fine Particulate Matter and Ozone (Clean Air Interstate Rule, 40 CFR 51, 72, 73, 74, 77, 78 and 96). In addition, the construction and any demolition activity must conform to current Air Pollution Control Regulations. The EIR should demonstrate measures to alleviate dust, noise, and odor nuisance conditions that may occur during the construction and any demolition activities. Such measures must comply with the MassDEP's Bureau of Waste Prevention (BWP) Regulations 310 CMR 7.01, 7.09, and 7.10.

Aviation

The proposed project is adjacent to the Westover Metropolitan Airport near the centerline of Runway 5/23. Under provisions of Section 35B of MGL Chapter 90 "...no person shall erect or add to the height of any structure within a rectangular area lying fifteen hundred feet on either side of the extended center line of a runway...." The EIR must demonstrate that the building of the structures is not within fifteen hundred feet of the runway. The EIR must also contain information on the height of the proposed building and structures which may or may not reach the surfaces defined under Section 35B of MGL Chapter 90. The proponent should submit a MAC Form E-10, Request for Airspace Review. In addition, the EIR must contain information on what measures will be taken to avoid impacts to visibility on Runway 5/23 from smoke and condensed exhaust from the exhaust stack.

I strongly advise the proponent to consult and work closely with Massachusetts Aeronautics Commission (MAC), the FAA and the Westover Municipal Airport to resolve these

issues. The EIR should contain the results and resolution of these discussions.

Rare Species

The ENF indicates that the Blue-spotted Salamander, a species of "Special Concern" has been documented to occur on the project site. I commend the proponent for working with the Natural Heritage & Endangered Species Program (NHESP) to minimize forest clearing. The proponent should attempt to avoid a "take" of the species. If a "take" cannot be avoided then the proponent must apply for a Conservation & Management Permit. I encourage the proponent to continue working closely with NHESP. The EIR should discuss the status/results of this consultation and provide information about the specific measures by which impacts to this species will be avoided, minimized or mitigated.

Wetlands

The project site appears to contain Bank (Inland) and Bordering Vegetated Wetlands. All resource area boundaries, applicable buffer zones, and 100-year flood elevations should be clearly delineated on a plan. Bordering vegetated wetlands that have been delineated in the field should be surveyed, mapped, and located on the plans. The text should explain whether the local conservation commission has accepted the resource area boundaries.

I remind the proponent that submittal of a properly prepared "DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Forms" (Appendix Gs) is requisite for any boundary qualifying under 310 CMR 10.55(2)(c)2. In addition, Boundaries of Bordering Vegetated Wetlands (BVW) should be established through reference to 310 CMR 10.55(2)(c)2., the Wetlands Protection Program Policy: Bordering Vegetated Wetlands Delineation Criteria and Methodology (MassDEP 1995), and the companion Delineating Bordering Vegetated Wetlands Under the Massachusetts Wetlands Protection Act (MassDEP 1995). The EIR should contain this information.

Water

The ENF indicates that no MassDEP water supply permits will be required. However, the project includes a 0.1-mile extension of the 24-inch diameter Springfield Water and Sewer Commission (SWSC) water main. MassDEP requires Permit BRP WS 32 – Distribution Modifications for Systems that serves more than 3,300 people, as stipulated in 310 CMR 22.04(1) for New or Substantially Modified Public Water Systems. The ENF indicates that the SWSC main is "on-site." However, it is not clear as to the ownership of the main and if the main will be gravity or require a pumping station. The information provided at this time is not sufficient to determine if the main extension constitutes a substantial modification. The EIR should clarify this issue.

The ENF discusses increasing the facility's potable water demand for cooling from 0.277 MGD to 1.39 MGD, an increase of 1.113 MGD. The source of the increased demand is planned to be the SWSC public water system. SWSC maintains a Water Management Act (WMA) registration of 39.1 MGD (37.2 MGD + 1.9 MGD allowed for normal variation) for its water withdrawals in the Westfield River basin. The reported withdrawals by the SWSC for 2004 and 2005 were 36 MGD and 36.5 MGD, respectively.

If the project does require an increase in withdrawal above the SWSC registered volume, the SWSC will need to acquire a WMA water withdrawal permit if SWSC exceeds its registered withdrawal volume. The proponent however, will not require a WMA permit for construction of its expansion because no physical groundwater or surface water withdrawals are proposed. The EIR should provide clear information indicating if additional water withdrawal is required. I advise the proponent to consult with the SWSC, MassDEP and the Connecticut River Watershed Council on this issue

Wastewater

The project will generate an estimated 103,200 gallons per day of additional wastewater to be disposed in the municipal sewer system through an approximately 300 foot extension of the sewer. Pretreatment of the wastewater is also proposed. The type of permit(s) required for this sewer connection is dependent upon the specific configuration of the system, e.g. a neutralization system that is separate from any existing system versus an increased discharge through an existing system with or without physical modifications. The EIR must include information regarding specific configuration, the ownership of the sewer to be extended and the nature of the wastewater generated (sanitary, cooling water, or other) to determine what, if any, MassDEP BRP wastewater disposal permits would be required. The EIR must also include information indicating that there is sufficient capacity in the in the existing collection system.

Hazardous Waste

The EIR should disclose whether any known or suspected contamination exists on the site, and include a status update on any site remediation pursuant to the Massachusetts Contingency Plan (MCP). The EIR should also document the storage and use of any hazardous materials associated with construction and operation of the plant, and should include the appropriate Material Safety Data Sheets. It should be noted that this location was previously used by the Atomic Energy Commission, and was identified as the Stony Brook Weapons Storage Area. The footprints for the proposed project, the cooling tower and Generating Unit facility, are not listed as MCP sites.

Construction Management

The EIR should include a thorough analysis of construction period impacts and

mitigation. The EIR should also analyze construction period impacts on air quality (e.g. through generation of noise and fugitive dust). During the actual construction activities, construction should be closely coordinated with the Westover Airport Manger so that appropriate notices to airmen can be issued (NOTAMS)

Mitigation

The EIR should include a separate chapter that details the mitigation to which the proponent has committed. The EIR should also include Draft Section 61 Findings for use by the state permitting agencies.

November 9, 2006
Date

Robert W. Golledge, Jr.

Comments received:

10/12/06	Massachusetts Aeronautics Commission
10/25/06	Natural Heritage & Endangered Species Program
10/24/06	Town of Georgetown Municipal Light Department
10/25/06	Town of Hudson, Office of Light and Power Department
10/25/06	Westfield Gas & Electric
10/25/06	Town of Paxton Municipal Light Department
10/26/06	Ashburnham Municipal Light Plant
10/26/06	Sterling Municipal Light Department
10/27/06	Peabody Municipal Light Plan
10/30/06	Connecticut River Watershed Council
10/30/06	Rubin and Rudman, LLP
10/30/06	Danvers Electric Division
10/30/06	Hingham Municipal Light Plant
10/30/06	Mansfield Municipal Electric Department
10/30/06	Middleborough Gas and Electric Department
10/30/06	Reading Municipal Light Department
10/31/06	Department of Environmental Protection, WERO

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