APPENDIX B: ENF Certificate and Comments

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

PROJECT NAME	: Prysmian Brayton Point
PROJECT MUNICIPALITY	: Somerset
PROJECT WATERSHED	: Taunton River and Narragansett Bay
EEA NUMBER	: 16554
PROJECT PROPONENT	: Prysmian Projects North America, LLC
DATE NOTICED IN MONITOR	: May 11, 2022

Pursuant to the Massachusetts Environmental Policy Act (M.G.L. c. 30, ss. 61-62I) and Section 11.03 of the MEPA Regulations (301 CMR 11.00), I hereby determine that this project **requires** the preparation of a mandatory Draft Environmental Impact Report (DEIR).

Project Description

As described in the Environmental Notification Form (ENF), the project consists of the construction of manufacturing facility for high-voltage submarine power cable intended to provide transmission cables to proposed offshore wind development proposed by others. The project includes construction of six buildings; an approximately 575-foot (ft) tall tower with a diameter of 82 ft; a 10-ft wide concrete pier that will be 660 ft to 1,500 ft long; and ancillary structures including a parking area with 245 spaces, substation, stormwater management facilities and an access roadway around the perimeter of the site. As described below, the six buildings will have a combined gross square footage of approximately 750,000 square feet (sf):

- Manufacturing and Office Building: a 571,583-sf, 62-ft tall building in with office and cable manufacturing space. The tower, which will be used for the process of sheathing the copper cable with insulation, will be attached to this building.
- Raw Material Storage Building: a 41,176-sf, 30-ft tall storage facility for raw copper and other materials, including plastic insulation.
- Prequalification and Type Test Lab: a 17,221-sf, 90-ft tall building for the mechanical, thermal and electrical testing of new cable designs.
- Impulse and Routine Test Lab: an 8,608-sf, 54-st tall building where mechanical, thermal and electrical testing of production cable will take place.
- Cable Storage Building: a 103,281-sf, 46-ft tall storage facility for finished cable.
- Employee Support Facility: an 8,606-sf, 30-ft tall building with employee space, including locker rooms.

A small electrical substation will be constructed on-site to provide power to the facility. According to the ENF, the cable manufacturing process begins with the stranding of copper or aluminum wire to form a central core, followed by the application of insulation in the tower. The insulation will then be cooled by passing the cable through both nitrogen and water filled tubes. Internal gasses will be removed from the insulation before a sheath is applied to the cable for protection and the cable undergoes testing. Individual cables may be joined together to form a three-conductor wire, which would then be armored with steel wires to provide sufficient strength to the cable for handling and installation. Once completely assembled, the cable will be stored in the Cable Storage Building.

The cable will be transported from the storage building onto a vessel using a conveyor-type system of pullies on the proposed pier. According to the ENF, the Proponent anticipates that cable will be loaded directly onto specially-designed cable-laying vessels that will install transmission lines associated with proposed offshore wind farms.

To provide navigational access between Mount Hope Bay and the site, an approximately 1,500-ft long and 500-ft wide channel will be dredged with a minimum depth of 33 ft at Mean Lower Low Water (MLLW), or approximately 22 feet below the existing mudline. According to the ENF, approximately 550,000 cubic yards (cy) of sediment will be dredged and disposed of at either an offshore or upland off-site location.

The project will be constructed in phases. Phase 1 will include dredging and construction of the pier, substation, Raw Materials Storage Building, half of the Impulse and Routine Test Lab, half of the Cable Storage Building, the tower and approximately one-half of the Manufacturing and Office Building. Phase 2 will include construction of the Prequalification and Test Lab, the other half of the Impulse and Routine Test Lab, the other half of the Cable Storage Building, and most of the remainder of the Manufacturing and Office Building. The remainder of the facility will be constructed in Phase 3.

Project Site

The 47-acre project site is at the southern end of Brayton Point and is bordered by the Taunton River and Mount Hope Bay to the east and south, the Lee River to the west and to the north by residential areas of Somerset and Interstate-195 (I-95). The site was formerly occupied by a portion of the Brayton Point Power Station, which is listed in the Massachusetts Historical Commission's (MHC) Inventory of Historic and Archaeological Assets of the Commonwealth (SOM.104). The power station ceased operation in 2017 and has largely been demolished, including all structures formerly located on the project site. The site is vacant except for a few support buildings for the power plant. A portion of the former power plant site used as a coal terminal abuts the project site's eastern boundary. The site slopes steeply down to the shoreline along the east, south and west boundaries of the site directly abutting tidal waterbodies.

The site includes approximately 0.1 acres of filled tidelands along the eastern edge of the property. It is also located in the Mount Hope Bay Designated Port Area (DPA), one of ten areas established by the Commonwealth where water-dependent industrial activity is promoted through state funding, planning, policy, and regulation. Wetland resource areas located on the project site include Coastal Bank, Coastal Beach, Riverfront Area, Land Under the Ocean (LUO) and Designated Port Area (DPA). As shown on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (FIRM) numbers 25005C0329G and 25005C0333G (both maps dated July 16, 2014), the northern part of the site is located within a Zone AE with a Base Flood Elevation (BFE) of 15 ft NAVD 88 and areas adjacent to the southern and western shorelines of the site are located in the Zone AE (BFE 15 ft NAVD 88) and a VE Zone with a BFE of 18 ft NAVD 88.

According to the Division of Marine Fisheries (DMF), the confluence of the Taunton and Lee rivers provides spawning habitat for winter flounder (*Pseudopleuronectes americanus*) from January through May. The area is also the site of diadromous fish passage, migration and/or spawning habitat for alewife (*Alosa pseudoharengus*), blueback herring (*Alosa aestivalis*), rainbow smelt (*Osmerus mordax*), American eel (*Anguilla rostrata*), white perch (*Morone americana*), Atlantic tomcod (*Microgadus tomcod*) and American shad (*Alosa sapidissima*). The site is located within mapped shellfish habitat for quahog (*Mercenaria mercenaria*).

The proposed pier and dredging area are within one mile of Environmental Justice (EJ) populations in Fall River designated as Income; Minority and Income; Minority and English Isolation; and Minority, Income and English Isolation. The site is located within five miles of EJ populations in Fall River, Swansea and Westport designated as Minority; Income; English Isolation; Minority and Income; Minority and English Isolation; Income and English Isolation; and Minority, Income and English Isolation. As described below, the ENF identified the "Designated Geographic Area" (DGA) for the project as one mile around EJ populations and described public involvement efforts undertaken to date.

Environmental Impacts and Mitigation

Potential environmental impacts of the project include the addition of six acres of impervious area; alteration of 751,000 sf (approximately 17.2 acres) of LUO, 170,000 sf (3.9

acres) of LUO in a DPA, 20 sf of Coastal Beach, 6,350 sf of Coastal Bank, 68,400 sf (1.9 acres) of Land Subject to Coastal Storm Flowage (LSCSF) and 245,000 sf (6.8 acres) of Riverfront Area; generation of 639 average daily trips (adt); use of 4,275 gallons per day (gpd) of water; and generation of 4,275 gpd of wastewater. Greenhouse Gas (GHG) emissions and other air pollutants are associated with on-site energy use and transportation.

Measures to avoid, minimize and mitigate impacts include designing the facility to achieve net zero emissions; construction of a stormwater management system with Best Management Practices (BMPs); implementation of Transportation Demand Management (TDM) measures to encourage use of alternate modes of travel; and use of marine vessels rather than trucks to transport materials from the site. As detailed in the Scope, the DEIR should provide a comprehensive assessment of project impacts and mitigation measures.

Permitting and Jurisdiction

The project is undergoing MEPA review and is subject to preparation of a mandatory EIR pursuant to Section 11.03(3)(a)(1)(b) of the MEPA regulations because it requires State Agency Actions and will alter 10 acres or more of any other wetlands (LUO). The project also exceeds ENF thresholds at 301 CMR 11.03(1)(b)(2), creation of five or more acres of impervious area; 301 CMR 11.03(3)(b)(1)(a), alteration of Coastal Bank; 301 CMR 11.03(3)(b)(1)(f), alteration of ½ or more acres of any other wetlands (LSCSF); ; 301 CMR 11.03(3)(b)(3), dredging of 10,000 or more cy of material; and 301 CMR 11.03(3)(b)(4), disposal of 10,000 or more cy of dredged material. The project requires a c. 91 License and 401 Water Quality Certificate (WQC) from MassDEP. It is subject to the MEPA GHG Emissions Policy and Protocol.

The project requires an Order of Conditions (OOC) from the Somerset Conservation Commission (or a Superseding Order of Conditions from MassDEP in the event the OOC is appealed). It requires an Individual Permit from the Army Corps of Engineers (ACOES), a Determination of No Hazard to Air Navigation from the Federal Aviation Administration (FAA) and a National Pollutant Discharge Elimination System Construction General Permit (NPDES CGP) from the Environmental Protection Agency (EPA).

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 within the subject matter of required or potentially required Agency Actions and that may cause Damage to the Environment as defined in the MEPA regulations. However, the subject matter of the c. 91 License is sufficiently broad such that jurisdiction is functionally equivalent to full scope jurisdiction and extends to all aspects of the project that are likely, directly or indirectly, to cause Damage to the Environment.

Review of the ENF

The ENF described existing site conditions, provided a project description and conceptual plans and identified alternatives to the project. It included estimates of the project's impacts with respect to transportation, wetlands and land alteration and stormwater management and identified potential measures to mitigate these impacts. Consistent with the MEPA Interim Protocol on

Climate Change Adaptation and Resiliency, the ENF contained an output report from the MA Climate Resilience Design Standards Tool prepared by the Resilient Massachusetts Action Team (RMAT) (the "MA Resilience Design Tool"),[1] together with information on climate resilience strategies to be undertaken by the project. The DEIR should provide a more detailed description of the project's impacts and mitigation measures, as set forth in the Scope below.

SCOPE

General

The DEIR should follow Section 11.07 of the MEPA regulations for outline and content and provide the information and analyses required in this Scope. It should clearly demonstrate that the Proponent will avoid, minimize and mitigate Damage to the Environment to the maximum extent practicable through project alternatives and design.

Project Description and Permitting

The DEIR should include updated site plans for existing and post-development conditions at a legible scale and a detailed description of all project components. It should identify any changes since the filing of the ENF. Conceptual plans should be provided at a legible scale and clearly identify marine structures, buildings, impervious areas, roadways, and stormwater and utility infrastructure. The DEIR should include detailed plans of the proposed mooring system, pier, including ancillary structures, and other project components located in wetland resource areas; the plans should include delineations of mean high water (MHW), mean low water (MLW) and wetland resource area boundaries. It should provide additional details regarding each step of the manufacturing, testing and transport of cables to ensure that all potential impacts have been disclosed. In particular, the application of insulation and sheathing to the cable should be described, including any spraying or coating of material that could result in air emissions. The DEIR should identify and describe State, federal and local permitting and review requirements associated with the project, provide an update on the status of each of these pending actions, analyze applicable statutory and regulatory standards and requirements, and provide a discussion of the project's consistency with those standards.

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The information and analyses identified in this Scope should be addressed within the main body of the DEIR and not in appendices. In general, appendices should be used only to provide raw data, such as drainage calculations, traffic counts, capacity analyses and energy modelling, which are otherwise adequately summarized with text, tables and figures within the main body of the DEIR. Information provided in appendices should be indexed with page numbers and separated by tabs, or, if provided in electronic format, include links to individual sections. Any references in the DEIR to materials provided in an appendix should include specific page numbers to facilitate review.

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[1] https://resilientma.org/rmat_home/designstandards/

Alternatives Analysis

The ENF reviewed No Build, Non-Water Dependent Project and As-of-Right Alternatives to the Preferred Alternative. The No Build Alternative would leave the site unused and in its current condition, which is almost entirely disturbed from its prior use as part of the power plant and demolition of those structures. The No Build Alternative would avoid the impacts associated with the project, including the addition of impervious area, alteration of wetland resource areas and tidelands and generation of vehicle trips; however, it would not be consistent with the site's DPA designation, which prioritizes water-dependent industrial uses such as proposed in the Preferred Alternative. The Non-Water Dependent Project Alternative would construct the proposed facility but transport all finished cable off-site using trucks rather than vessels. This alternative would avoid impacts to tidelands and wetland resource areas associated with construction of the dock and dredging of the new navigational channel, but as a non-water dependent project, it may not be an allowable use in the DPA. In addition, without facilities for loading cable directly onto vessels, the Proponent will not be able to serve the offshore wind industry, which relies on cable-laying vessels to install transmission lines between the offshore generating facility and electric substations on land. The ENF identified an As-of-Right Alternative, which appeared to include reuse of the site as a power station; however, no details were provided about the potential use of the site and associated impacts under this scenario. The DEIR should include an expanded alternatives analysis which identifies potential alternative uses of the site that could be allowed under an As-of-Right Alternative and estimates impacts associated with these uses. C.7

According to the ENF, the Proponent is evaluating pier design and dredging alternatives and will document a preferred design and associated impacts in the DEIR. The DEIR should include a comprehensive analysis of alternatives for providing navigational access to the facility. At a minimum, it should evaluate the following alternatives and describe potential impacts associated with each: C.8

- Use of the existing pier on the adjacent site, which would avoid impacts to wetland resource areas;
- A larger dredge footprint to minimize the length of the pier and associated obstruction of the navigable waterway; and,
- Construction of a longer pier to minimize dredging and disposal of dredged material.

As described in the ENF, the project includes dredging of a new navigational channel to a depth of 33 ft below MLLW in an area outside the DPA boundary. The Waterways Regulations at 301 CMR 9.40(1)(a) prohibit the dredging of a navigational channel to a depth greater than 20 feet unless the project is located in a DPA or the project serves a commercial navigation purpose of state, regional or federal significance and cannot be reasonably located in a DPA. The DEIR should evaluate construction of a new pier such that any proposed dredging below 20 ft MLLW is located within the DPA boundary or dredging to a depth below 20 ft MLLW is not necessary. T C.9 According to MassDEP, the WQC application must include an alternatives analysis demonstrating that the Proponent will adopt measures to avoid, minimize and mitigate impacts associated with dredging. Prior to filing the DEIR, the Proponent should consult with MassDEP C.1

regarding any additional alternatives that should be evaluated and include any such options in the alternatives analysis to be provided in the DEIR. C.1

Environmental Justice

As noted above, the project site is located within one mile of EJ populations in Fall River designated as Income; Minority and Income; Minority and English Isolation; and Minority, Income and English Isolation. Within the census tracts containing the above EJ populations, Spanish, Spanish Creole, Portuguese and Portuguese Creole are spoken by 5% of more of residents who also identify as not speaking English very well.

Effective January 1, 2022, all new projects in a DGA (as defined in 301 CMR 11.02, as amended) around EJ populations are subject to new requirements imposed by the Chapter 8 of the Acts of 2021: *An Act Creating a Next-Generation Roadmap for Massachusetts Climate Policy* (the "Climate Roadmap Map") and amended MEPA regulations at 301 CMR 11.00.[2] Two related MEPA protocols—the MEPA Public Involvement Protocol for Environmental Justice Populations (the "MEPA EJ Public Involvement Protocol") and MEPA Interim Protocol for Analysis of project Impacts on Environmental Justice Populations (the "MEPA Interim Protocol for Analysis of EJ Impacts")—are also in effect for new projects filed on or after January 1, 2022.[3] Under the new regulations and protocols, all projects located in a DGA around one or more EJ populations must take steps to enhance public involvement opportunities for EJ populations, and must submit analysis of impacts to such EJ populations in the form of an EIR.

The ENF indicated that the DGA for the project is one mile, and stated that EJ populations within this DGA are not likely to be negatively impacted by the project because only the proposed dredging and pier locations are within one mile of the nearest EJ populations in Fall River and the manufacturing facility is more than one mile away from the EJ populations. In addition, the Proponent intends to construct the facility to have net zero carbon emissions and the use of marine vessels to transport cable from the facility will minimize the project's roadway traffic impacts on EJ populations. The ENF also indicated that the project involves the beneficial reuse of a former coal-fired power plant site that historically had negative impacts on nearby EJ populations. The ENF described public involvement activities conducted prior to filing, which included providing advance notification of the filing of the ENF to an EJ Reference List provided by the MEPA Office that included regional and statewide community-based organizations (CBOs) and tribes/indigenous organizations. The notification attached an EJ Screening form with project information that was translated into Portuguese and Spanish.

The DEIR should establish a public involvement plan to engage EJ populations located within the identified DGA for the project. The DEIR should contain a full description of measures the Proponent intends to undertake to promote public involvement by such EJ populations during the remainder of the MEPA review process, including a discussion of any of the best practices listed in the MEPA EJ Public Involvement Protocol (also reproduced below) C.1

[2] MEPA regulations have been amended to implement Sections 55-60 of the Climate Roadmap Act, and took effect on December 24, 2021. More information is available at https://www.mass.gov/service-details/information-about-upcoming-regulatory-updates.

[3] Available at https://www.mass.gov/service-details/eea-policies-and-guidance.

that the project intends to employ for the remainder of the MEPA review process. The DEIR, or a summary thereof, should be distributed to all CBOs and tribes included in the EJ Reference List that was utilized to provide notice of the ENF, unless any such entity has requested to be excluded or the MEPA Office and EEA EJ Director have provided an alternative list. However, it is my expectation that the project will undertake measures to proactively and meaningfully engage with surrounding EJ populations, beyond providing simple notification of the DEIR filing. The public involvement plan for outreach to EJ populations in the DGA should address the following (as appropriate): C.1

- Holding a community meeting upon request by anyone contacted through advance notification provided, or upon further dissemination of a written project summary as referenced below;
- Wide dissemination of a written project summary (with translation into relevant languages) with basic project details;
- Hosting a project website or making project information available through other similar electronic means;
- Ensuring outreach to the public is communicated in clear, understandable language and in a user- friendly format;
- Engaging in creative outreach by making use of pre-existing groups – such as grassroots organizations and high school groups – and natural areas of congregation – like places of worship, libraries, and farmer's markets – to disseminate information about new projects, as well as traditional locations such as libraries and government offices;
- Use of non-English and/or community-specific media outlets to publicize the project, including local public broadcasting stations and community or specialized newspapers,
- Disseminating information through social media channels;
- Organizing town hall meetings or other focused community meetings organized by topic, neighborhood, or interest group;
- Holding community meetings during weekend or evening hours, at accessible locations near public transportation, and/or through zoom or other similar web-based service if requested or determined to be more effective for reaching EJ populations. In addition, a "hybrid format" could be considered which allows members of the public to join in-person, on Zoom, or by phone, and makes the content of the meeting available afterwards for those who cannot attend;
- Organizing public education efforts for technical aspects of the project, such as fact sheets with visuals that include a summary of the project and associated technologies and processes, using lay-person language and terms in an effort to ensure the community understands the potential impacts of the project and can provide meaningful input, and holding "science fair" type presentations or teach-ins broken by topics;
- Considering door-to-door education efforts through the use of flyers or other canvassing methods;
- Identifying specific neighborhoods, residents or other communities surrounding the project site that may be affected and considering targeted outreach and engagement strategies directed at such areas; and,
- Establishing a local information repository that is convenient and accessible for the EJ Population where information related to the project can be obtained.

The Proponent should utilize collaborative approaches to communicating with the public about the project, including public deliberation and consensus-building where appropriate, to address public concerns. The Proponent should commence implementation of the outreach plan well in advance of filing the DEIR. The DEIR should report on outreach efforts undertaken prior to the filing of the DEIR and propose further steps that could be taken during various stages of MEPA review, such as a public meeting to be held during the DEIR comment period. I encourage the Proponent to request an extended comment period for the DEIR to provide additional time for public review of the project. The Proponent is encouraged to consult with the EEA EJ Director and the MEPA Office well before the filing of the DEIR in regard to community engagement strategies appropriate for the project, including providing project information in additional languages, such as Spanish Creole and Portuguese Creole. C.1

The DEIR should include a separate section on "Environmental Justice," and should include a baseline assessment of any existing "unfair or inequitable Environmental Burden and related public health consequences" impacting EJ Populations in accordance with 301 CMR 11.07(6)(n)(1) and the MEPA Interim Protocol for Analysis of EJ Impacts. The DEIR should also include an analysis of the project's impacts to determine whether the project may result in disproportionate adverse effects, or increase the risks of climate change, on the identified EJ population, in accordance with 301 CMR 11.07(6)(n)(2) and the MEPA Interim Protocol for Analysis of EJ Impacts. The DEIR should evaluate the project's traffic impacts, including an analysis consistent with the *MassDEP Guidelines for Performing Mesoscale Analysis of Indirect Sources (1991)*. The DEIR should analyze routes of travel for new vehicle trips and whether new traffic will disproportionately affect EJ populations, and assess the number of diesel-generated vehicle trips and routes of travel that would result from the project including during the construction period. The DEIR should describe the nature and frequency of marine vessel trips to the site, including emissions associated with each vessel arriving and departing from the site and during loading operations, and discuss the extent to which marine vessel trips will occur adjacent to the identified EJ populations. The DEIR should review the feasibility of providing shore-to-ship power to minimize emissions from vessels. C.1 C.1 C.1 C.1

The DEIR should analyze any other relevant short-term and long-term environmental or public health impacts of the project, including construction activities. If any disproportionate adverse effects or increased risks of climate change are identified, the DEIR must include a discussion of proposed mitigation and include such measures in draft Section 61 findings. Generalized project benefits should not be analyzed to "net out" project impacts, unless the benefit serves to mitigate the specific impact analyzed, or to reduce any existing Environmental Burdens identified for the EJ population. Particular focus should be given to benefits that serve to promote the equitable distribution of Environmental Burdens and Environmental Benefits, in accordance with "Environmental Justice Principles" as defined in 301 CMR 11.02. C.1 C.1

<u>Public Health</u>

The DEIR should include a separate section on "Public Health," and discuss any known or reasonably foreseeable public health consequences that may result from the environmental impacts of the project. Particular focus should be given to any impacts that may materially exacerbate "vulnerable health EJ criteria," in accordance with the MEPA Interim Protocol for C.1

Analysis of EJ Impacts. In addition, other publicly available data, including through the DPH EJ Tool, should be surveyed to assess the public health conditions in the immediate vicinity of the project site, in accordance with 301 CMR 11.07(6)(g)10. Any project impacts that could materially exacerbate such conditions should be analyzed. To the extent any required Permits for the project contain performance standards intended to protect public health, the DEIR should contain specific discussion of such standards and how the project will meet or exceed them. C.2 C.2

Wetlands and Waterways

The project requires a c. 91 License and WQC from MassDEP, in addition to an Order of Conditions or SOC pursuant to the Wetlands Protection Act. According to MassDEP, the project is considered a water-dependent industrial use and is therefore permittable in the DPA in accordance with the c.91 regulations. As described below, the ENF provided preliminary designs of the project and associated impacts to wetlands and tidelands.

Dredging

The project includes dredging of up to approximately 550,000 cy of sediment from an approximately 1,500-ft long, 500-ft wide (approximately 750,000 sf or 17.2 acres) proposed navigation channel between the existing federal navigation channel in the Taunton River and a private navigation channel serving the existing per at the adjacent site to the proposed pier. According to the ENF, the bottom elevation of the existing federal navigation channel in the Taunton River is -35 MLLW and the adjacent private navigation channel has been maintained at a depth of -34 ft MLLW. The seafloor between the project site and the private navigation channel ranges in depth from -12 ft MLLW to -14 ft MLLW; therefore, the project will dredge to a depth of 21 feet below the existing seafloor. According to the ENF, the channel will be dredged by mechanical means using a clamshell bucket mounted on a work barge that will dump dredged material onto a mud scow or hopper barge which will transport the material to either an offshore disposal site or to shore for upland disposal, depending on the physical and chemical properties of the sediment. Offshore disposal would occur at either the Cape Cod Disposal Site approximately 8 nautical miles southwest of Provincetown or the Rhode Island Disposal Site located approximately 6.5 nautical miles east of Block Island. According to the ENF, the Rhode Island Disposal Site is closer to the project site and dredged material from Brayton Point has previously been deposited there. The DEIR should provide a detailed description of the preferred design of the navigation channel, an updated estimate of the volume of sediment to be dredged, the results of any sediment sampling and analysis and identify a preferred disposal option if known. It should review proposed mitigation measures for minimizing impacts to water quality and marine habitat associated with dredging, dewatering and disposal activities. The DEIR should provide an analysis of how the project will comply with the Wetlands Regulations, WQC standards and c. 91 requirements, including an analysis pursuant to 301 CMR 9.40(1)(a) in support of the proposed depth of dredging. C.2 C.2 C.2

Pier and Mooring System

The proposed pier will be comprised of concrete structural components, including pilings, bent caps, girders and decking. The pile bents for the main pier will be spaced 50 feet

apart and the platform at the end of the pier will be constructed on piles spaced 15 feet apart. Construction of the pier will be performed primarily using equipment mounted on barges. The pier will support a conveyor system that will be used to transport cable from the storage building to the vessel to be loaded. Vessels will not dock at the pier; they will be secured by a mooring system at the landward end of the proposed navigation channel. Based on the preliminary pier design included in the ENF, construction of the pier will impact 6,350 sf of Coastal Bank for placement of scour protection, 20 sf of Coastal Beach, and 6.8 acres of Riverfront Area. The DEIR should describe and provide plans of a preferred design of the mooring system and pier, including any necessary scour protection, quantify impacts to wetland resource areas and identify mitigation measures. C.2

Wetlands and Stormwater

According to the ENF, the project will impact approximately 6.8 acres of Riverfront Area and 1.9 acres of LSCSF in connection with the construction of the perimeter road, the Manufacturing and Office Building, the Cable Storage Building, a parking area and stormwater basins. According to the ENF, the Riverfront Area on the upland portion of the site has been degraded by the previous use of the site and demolition of structures. In addition, the project includes raising the site grade so that the proposed facility will be less susceptible to flooding under existing and future conditions. According to the ENF, a new stormwater management system will be constructed in accordance with the SMS. The stormwater management system will include deep-sump, hooded catch basins, hydrodynamic separators, water quality swales, and detention/infiltration basins. The DEIR should address whether the locations of stormwater management facilities with respect to areas of historical releases of hazardous waste could facilitate the spread of contaminants to ground water or surface water bodies. The DEIR should clearly document that opportunities for low-impact development (LID) strategies and "green" infrastructure will be maximized to the greatest extent practicable. C.2 C.2

The DEIR should include plans and cross-sections of proposed site grading and an overlay of all wetland resource areas on a proposed site plan. It should quantify wetlands impacts, identify potential mitigation measures and review the project's compliance with relevant performance standards. The DEIR should assess the potential impacts of storm events on the stability of fill material used to raise the site elevation and review options for stabilizing the shoreline, if necessary. As requested by CZM and the Department of Conservation and Recreation (DCR), the DEIR should demonstrate that the project will be designed to comply with Building Code requirements related to construction in the floodplain. The DEIR should provide a detailed description and plans of the proposed stormwater management system and review how it complies with each requirement of the SMS, including pollutant loading limits and attenuation of peak runoff. As discussed below, the DEIR should analyze whether stormwater sizing will accommodate storm events associated with future climate conditions. C.2 C.2 C.3 C.3 C.3

Marine Fisheries

Construction of the pier and dredging of a new navigation channel may potentially impact populations of finfish, shellfish, benthic organisms and submerged aquatic vegetation (SAV) in Mount Hope Bay, which is a central feature of the Narragansett Bay estuarine system.

The DEIR should review existing pelagic and benthic conditions in areas where the pier, mooring system and dredging proposed and describe potential impacts to finfish, shellfish, SAV, benthic organisms and water quality associated with project activities. It should provide a comprehensive analysis of mitigation measures, including implementation of a January 15 to July 15 time-of-year (TOY) restriction, as recommended by DMF; relocation of shellfish prior to dredging; the use of turbidity curtains and monitoring suspended sediment; and other compensatory mitigation. C.3

Traffic and Transportation

According to the Transportation Scoping Letter included as an attachment to the ENF, the project will generate a total of 846 adt, including 20 truck trips per day (10 round trips); however, the table on page 2 of the ENF indicates that the project will generate 639 adt and a commenter stated that the Proponent has represented in meetings with neighbors that the project would generate 170 employee vehicle trips per day and 10 truck trips per day. The DEIR should address this discrepancy and provide clear documentation with respect to the project's trip generation. The trip generation estimate is based on trip rates published in the Institute of Transportation Engineers' (ITE) *Trip Generation Manual*, 11th edition, using Land Use Codes (LUC) 110 (General Light Industrial); according to the ENF, this LUC was used rather than LUC 140 (Manufacturing) because it results in a slightly higher trip generation estimate. The project includes construction of three parking lots with a total of 225 spaces. C.3

The DEIR should include a traffic study prepared consistent with the EEA/MassDOT *Transportation Impact Assessment (TIA) Guidelines* issued in March 2014, this Scope and any guidance provided by MassDOT. The TIA should provide a comprehensive evaluation of the project's use of area roadways, transit, pedestrian and bicycle facilities, and other transportation modes. It should describe existing conditions, include a plan of the transportation study area, and identify the proposed site access and egress. It should provide counts of existing traffic in the traffic study area, describe traffic conditions under Existing 2022 conditions and include projections for future traffic conditions under No Build 2029, Build 2029, and Build 2029 with Mitigation scenarios. The Proponent should consult with MassDOT regarding any necessary adjustment of counts of existing traffic volumes to account for the effect of the COVID-19 pandemic. The No Build 2029 and Build 2029 scenarios should incorporate a background growth rate in traffic volumes and growth due to trips generated by nearby planned development projects. Future conditions should incorporate transportation projects to be constructed by MassDOT, the City or others. C.3 C.3 C.3 C.3

The study area for the TIA should, at a minimum, include the following roadways and intersections, including proposed roadways that will be present under future conditions: C.3

- Lee River Avenue at I-195 East Off-Ramp;
- Lee River Avenue at I-195 West On-Ramp;
- Wilbur Avenue (Route 130) at Lees River Avenue;
- Wilbur Avenue (Route 130) westbound at I-195 East On-Ramp;
- Wilbur Avenue (Route 130) eastbound at I-195 East On-Ramp;

- Wilbur Avenue (Route 130) at I-195 West Off-Ramp;
- Wilbur Avenue (Route 130) at I-195 West On-Ramp;
- Wilbur Avenue (Route 130) at Brayton Point Road; and,
- Brayton Point Road at Site Driveway.

C.3

Any additional intersections where project- generated trips are anticipated to increase peak hour traffic volume by five percent or more, or by more than 100 vehicles per hour, should be included in the TIA.

The TIA should describe the project's anticipated transportation impacts and identify appropriate mitigation measures. The Proponent should indicate a clear commitment to implement proposed mitigation measures and describe the timing of their implementation, including whether measures are implemented based on phases of the project or occupancy levels.

C.4

Trip Generation

According to the ENF, the site is not well served by transit or bicycle and pedestrian facilities, and therefore it is expected that these travel modes will not be used significantly by employees and visitors to the site. The DEIR should review transit service and bicycle and pedestrian accommodations in the study area and document the trip generation estimates for each mode. It should assign vehicle and transit trips to the roadway network and transit system and verify how the trip distribution percentages were calculated. The DEIR should describe and quantify the distribution of new trips, and specifically the number of new truck trips, added to roadways within the 1-mile DGA around EJ populations identified for the project.

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C.4

Traffic Operations

For each intersection, the DEIR should provide capacity analyses for the weekday peak periods for Existing 2022, No Build 2029, Build 2029 and Build 2029 with Mitigation conditions. For all analysis scenarios, the TIA should provide illustrations depicting the peak hour 50th (average) and 95th percentile queue lengths for each lane group/turning movement and a tabular summary of the results of the intersection operations analysis, including volume-to-capacity ratios (V/C), average delays and level-of-service (LOS).

C.4

Any proposed roadway improvements, including bicycle/pedestrian facilities, that are recommended to mitigate traffic impacts should be consistent with Complete Streets design guidelines contained in the *MassDOT Project Development and Design Guide*. The DEIR should include detailed plans that demonstrate the feasibility of constructing any proposed roadway improvements.

C.4

Transportation Demand Management

The Proponent should implement a Transportation Demand Management (TDM) program to encourage the use of alternative modes of travel to the site. The DEIR should include a proposed TDM program. At a minimum, the Proponent should evaluate and/or commit to the following measures:

C.4

- Designation of a transportation coordinator to oversee transportation issues, including parking, service and loading, and deliveries;
- Dissemination of information on travel and commute options for employees and visitors to the site, including orientation packets to new employees and an annual (or more frequent) newsletter or bulletin and by posting material on the internet and in building lobbies;
- Joining a transportation management association (TMA);
- Adopting a Guaranteed Ride Home program for employees;
- Reducing the number of proposed parking spaces;
- Administering carpooling and vanpooling programs and incentives for participation;
- Providing on-site amenities and conveniences that would reduce the need for automobile travel;
- Providing a robust set of bicycle and pedestrian amenities; and,
- Providing electric vehicle (EV) charging stations and constructing all parking areas to be EV-ready.

C.4

Transportation Monitoring Program

The DEIR should include a draft traffic monitoring program to evaluate the assumptions made in the traffic study and the adequacy of the transportation mitigation measures, including the TDM program. The program should include annual traffic monitoring for a period of five years beginning six months after occupancy of the full build-out of the project. Potential elements of the monitoring program could include:

C.4

- Simultaneous automatic traffic recorder (ATR) counts at the site entrance for a continuous 24-hour period on a typical weekday;
- Weekday AM and weekday PM peak hour turning movement counts (TMC) and operations analysis at mitigated intersections; and,
- Travel survey of employees and patrons of the site.

Hazardous Waste

According to the ENF, 37 releases of hazardous wastes were recorded at the former power plant site and assigned Release Tracking Numbers (RTNs) under the Massachusetts Contingency Plan (MCP) regulations. The ENF indicated that all of the RTNs have been closed and require no further action under the MCP; however, according to MassDEP, two RTNs remain open with Activity and Use Limitations (AULs), including RTN 4-18750 (which includes RTN 4-158 and RTN 4-13678) associated with historic releases of petroleum, and a second AUL associated with capped ash on another part of the former power station site. The AUL associated with releases of petroleum prohibits the use of the area for agricultural or residential use, and requires that any disturbance of soil in the area must be conducted in accordance with a soil management plan and supervised by a Licensed Site Professional (LSP) and that the interiors of any buildings within the AUL area be evaluated for potential volatile compounds in soil or groundwater that could migrate into the air. The DEIR should clarify the status of releases at the

C.4

site consistent with MassDEP's comment letter, describe proposed activities in the area of the AUL and provide an outline of soil management measures that will be undertaken to minimize the release of contaminated soil. As noted above, the DEIR should provide an analysis of the potential for proposed stormwater management facilities to affects contaminated soil or groundwater. C.4 C.4

Climate Change

Governor Baker's Executive Order 569: Establishing an Integrated Climate Change Strategy for the Commonwealth (EO 569; the Order) was issued on September 16, 2016. The Order recognizes the serious threat presented by climate change and directs Executive Branch agencies to develop and implement an integrated strategy that leverages state resources to combat climate change and prepare for its impacts. The Order seeks to ensure that Massachusetts will meet GHG emissions reduction limits established under the Global Warming Solution Act of 2008 (GWSA) and will work to prepare state government and cities and towns for the impacts of climate change. I note that the MEPA statute directs all State Agencies to consider reasonably foreseeable climate change impacts, including additional greenhouse gas emissions, and effects, such as predicted sea level rise, when issuing permits, licenses and other administrative approvals and decisions under M.G.L. c. 30, § 61. The GHG Policy and requirements to analyze the effects of climate change through EIR review play an important role in this statewide strategy. These analyses advance proponents' understanding of a project's contribution and vulnerability to climate change.

Additionally, the Town of Somerset is a participant in the Commonwealth's Municipal Vulnerability Preparedness (MVP) program. The MVP program is a community-driven process to define natural and climate-related hazards, identify existing and future vulnerabilities and strengths of infrastructure, environmental resources and vulnerable populations, and develop, prioritize and implement specific actions the Town can take to reduce risk and build resilience. The Town's *Community Resiliency Building Workshop – Summary of Findings* (January 2020) report (December 2016) identified the following top priority hazards: more frequent and more intense storm events, including hurricanes and nor'easters, coastal and inland flooding and extreme precipitation.

Adaptation and Resiliency

Effective October 1, 2021, all MEPA projects are required to submit an output report from the MA Resilience Design Tool to assess the climate risks of the project. Based on the output report attached to the ENF, the project has a high exposure rating based on the project's location for the following climate parameters: sea level rise/storm surge, extreme precipitation (urban flooding) and extreme heat. Based on the 80-year useful life identified for the project and the self-assessed criticality of the proposed facility, the MA Resilience Design Tool recommends a planning horizon of 2070 and a return period associated with a 200-year (0.5 percent chance) storm event for designing the site relative to sea level rise/storm surge and a 100-year (1 percent chance) storm event for extreme precipitation.

According to the ENF, the project will be designed to be resilient to anticipated 2070 flood levels as identified in the Massachusetts Coast Flood Resilience Model (MC-FRM). The site elevation will be raised above the 2070 1-percent annual chance (100-year) storm event to allow continued access to the buildings under future climate conditions. The DEIR should provide specific elevation levels (expressed as NAVD 88) associated with the proponent's calculation of 2070 100-year storm event and compare it to the proposed elevation for the cable manufacturing building. Effective April 25, 2022, the MA Resilience Design Tool provides a range of numeric values associated with multiple storm scenarios and planning horizons. The DEIR should compare the proposed elevation of the building to the "projected wave action water elevation" value reported by the tool associated with the 2070 200-year storm recommendation for the cable manufacturing building. In addition, the numeric values for 24-hour rainfall volumes associated with a 2070 100-year storm event should be consulted to assess the capacity of the stormwater management system to accommodate future climate conditions. The DEIR should discuss, with quantitative modeling to the extent practicable, whether the stormwater management system will attenuate peak flows and meet pollutant loading requirements based on future climate conditions. C.5 C.5 C.5

The DEIR should describe potential flooding of off-site sections of access roadways under existing and future climate conditions and identify potential measures to improve the resiliency of these access roads where feasible. It should describe specific resiliency design measures that may be incorporated into the project design. Given the 80-year expected life of the facility, I encourage the Proponent to design the project based on 2070 projected climate conditions, at a minimum, and on 2100 projected conditions if possible and based on data availability. As recommended by CZM, the DEIR should include an evaluation of the potential effects of hurricanes, which would represent more extreme flood events than the 100-year or 200-year storm, on the proposed facility. The DEIR should demonstrate use of best available climate projections and data in designing project elements, including stormwater management systems and other applicable features, and, if the project (including supporting infrastructure) will not be designed to meet specifications based on climate projections, provide an explanation of the reasons and a description of whether and how the project will be able to take further steps to adapt to climate conditions at a later stage. The DEIR should consider the recommendations provided in the MA Resilience Design Tool for medium or high critical assets; specifically, it should analyze whether the proposed site elevations are consistent with these recommendations. If the project cannot be built to be fully resilient to future climate conditions, or if data is not available to do so, the DEIR should discuss whether the project has engaged in adaptative management planning, and how future upgrades or retrofits could be made to adapt to worsening climate conditions. The DEIR should address the general guidance on adaptative management planning available on the RMAT website.[4] C.5 C.5 C.5 C.5

GHG Emissions

According to the ENF, the Proponent will evaluate the feasibility of constructing the facility to meet a goal of net zero emissions. Potential strategies to meet the net zero goal include

[4] https://eea-nescaum-dataservices-assets-prd.s3.amazonaws.com/cms/GUIDELINES/20210330FlexibleAdaptationPathwaysFormFinal.pdf.

rooftop solar photovoltaic (PV) systems, the use of vessels to transport cable in place of trucks and using electricity to power all manufacturing processes.

The project is subject to review under the May 5, 2010 MEPA GHG Policy. The Policy requires Proponents to quantify carbon dioxide (CO_2) emissions and identify measures to avoid, minimize or mitigate such emissions. The analysis should quantify the direct and indirect CO_2 emissions of the project's energy use (stationary sources) and transportation-related emissions (mobile sources). Direct emissions include on-site stationary sources, which typically emit GHGs by burning fossil fuel for heat, hot water, steam and other processes. Indirect emissions result from the consumption of energy, such as electricity, that is generated off-site by burning of fossil fuels, and from emissions from vehicles used by residents, employees, vendors, customers and others. The DEIR should include a GHG analysis prepared in accordance with the GHG Policy, guidance provided in the comment letter submitted by the Department of Energy Resources (DOER), which is incorporated in this Certificate in its entirety, and this Scope. C.5

Stationary Sources

For each building type, the DEIR should include an analysis that calculates and compares GHG emissions associated with: 1) a Base Case that conforms to the 9th Edition of the Massachusetts Building Code, which references the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) 90.1-2013 and the International Energy Conservation Code (IECC) 2015 and 2) a Mitigation Alternative that achieves greater reductions in GHG emissions. C.5

The GHG analysis should clearly demonstrate consistency with the key objective of MEPA review, which is to document the means by which Damage to the Environment can be avoided, minimized and mitigated to the maximum extent practicable. The DEIR should identify the model used to analyze GHG emissions, clearly state modeling assumptions, explicitly note which GHG reduction measures have been modeled, and identify whether certain building design or operational GHG reduction measures will be mandated by the Proponent to future occupants or merely encouraged for adoption and implementation. The DEIR should include the modeling printouts for each alternative and emission tables that compare base case emissions in tons per year (tpy) with the Preferred Alternative showing the anticipated reduction in tpy and percentage by emissions source. The DEIR should provide data and analysis in the format requested in DOER's letter. C.5 C.6

The DEIR should present an evaluation of mitigation measures identified in DOER's comment letter. In particular, the feasibility of each of the mitigation measures outlined below should be assessed for each of the major project elements, and if feasible, GHG emissions reduction potential associated with major mitigation elements should be evaluated to assess the relative benefits of each measure. The DEIR should explain, in reasonable detail, why certain measures that could provide significant GHG reductions were not selected – either because it is not applicable to the project or is deemed technically or financially infeasible. It should include a review of available financial incentives potentially available for the project, as described in DOER's comment letter. At a minimum, the DEIR should consider the following GHG mitigation measures: C.6

- Above-Code continuous roof and wall insulation, reduced air infiltration and improved windows;
- Electric space heating and water heating using air source heat pumps (ASHP), variable refrigerant flow (VRF), ground source heat pumps (GSHP) and/or solar thermal systems;
- High-albedo roofing materials, external shading and windows with improved solar heat gain coefficient (SHGC);
- Energy recovery ventilation systems;
- Rooftop solar PV systems and/or solar-ready roofs; and,
- Low lighting power density and LED lighting, both exterior and interior.

C.6

The DEIR should review the financial incentives identified in DOER's comment letter and incorporate these potential funding sources in analyses of electrification of space and water heating. The Proponent should consult with staff from DOER and the MEPA Office prior to submitting the DEIR. The DEIR should clearly demonstrate that the Proponent is taking all feasible measures to mitigate GHG impacts to the maximum extent practicable, and provide a clear justification if energy efficiency measures that appear technically feasible will not be adopted for the project.

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Mobile sources

The GHG analysis should include an evaluation of potential GHG emissions associated with mobile emissions sources. The DEIR should follow the guidance provided in the GHG Policy for *Indirect Emissions from Transportation* to determine mobile emissions for Existing Conditions, Build Conditions, and Build Conditions with Mitigation. The Proponent should thoroughly explore means to reduce overall single occupancy vehicle trips. The DEIR should also review measures to promote the use of low-emissions vehicles, including installing electric vehicle (EV) charging stations and EV-ready infrastructure at parking spaces. More information on electric vehicle infrastructure can be obtained from the MassEVolves program at www.massevolves.org. The Build with Mitigation model should incorporate TDM measures and any roadway improvements implemented by the project, and document the reductions in GHG emissions associated with the mitigation. The DEIR should explain how TDM measures will be monitored and adjusted over time, and provide a methodology for quantifying emission reductions impacts rather than an assumed percentage reduction.

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C.6

Air Quality

The Proponent should conduct an indirect source review analysis in accordance with MassDEP Guidelines for Performing Mesoscale Analysis of Indirect Sources. The Proponent should consult with MassDEP for guidance and for confirmation of the appropriate study area; alternatively, the area corresponding to the TIA should be used. The purpose of the analysis is to determine whether and to what extent the project will increase the amount of volatile organic compounds (VOC) and nitrogen oxides (NOx) emitted in the project area and to determine consistency with the State Implementation Plan (SIP). The analysis should model emissions under No Build and Build conditions. If the analysis demonstrates that emissions under future Build conditions are greater than under the No Build scenario, mitigation measures must be

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provided, including a TDM Program. As noted, this analysis is also required for purposes of assessing impacts to EJ populations, which may be already burdened with environmental and public health burdens, including air pollution, that may be unfair or inequitable when compared to the general population. If this analysis shows an increase in air pollutants as compared to No Build conditions, the project should consider mitigation measures and should specifically document (though a "micro-scale" analysis) whether air pollutants would increase above No Build Conditions at intersections or roadway segments that pass by any of the EJ populations within the DGA identified for the project. The project should consider ways to avoid impacts altogether by reducing emissions below No Build conditions, or if impacts cannot be avoided, to make other contributions to reduce the public health burden of the EJ population. C.6

Construction Period

The DEIR should identify construction-period impacts and mitigation relative to noise, air quality, water quality, and traffic, including pedestrians and bicyclists. It should confirm that the project will require its construction contractors to use Ultra Low Sulfur Diesel fuel, and discuss the use of after-engine emissions controls, such as oxidation catalysts or diesel particulate filters. More information regarding construction-period diesel emission mitigation may be found on MassDEP's web site at http://www.mass.gov/dep/air/diesel/conretro.pdf. C.7 C.7

The DEIR should provide more information regarding the project's generation, handling, recycling, and disposal of construction and demolition debris (C&D) and identify measures to reduce solid waste generated by the project. I encourage the Proponent to commit to C&D recycling activities as a sustainable measure for the project. As noted above, any contaminated material encountered during construction must be managed in accordance with the MCP and with prior notification to MassDEP. C.7

The project will be required to develop a Stormwater Pollution Prevention Plan (SWPP) in accordance with its NPDES CGP to manage stormwater during the construction period. The DEIR should describe stormwater management measures that will be implemented during construction. C.7

Mitigation and Draft Section 61 Findings

The DEIR should include a separate chapter summarizing all proposed mitigation measures including construction-period measures. This chapter should also include a comprehensive list of all commitments made by the Proponent to avoid, minimize and mitigate the environmental and related public health impacts of the project, and should include a separate section outlining mitigation commitments relative to EJ populations. The filing should contain clear commitments to implement these mitigation measures, estimate the individual costs of each proposed measure, identify the parties responsible for implementation, and contain a schedule for implementation. The list of commitments should be provided in a tabular format organized by subject matter (traffic, water/wastewater, GHG, environmental justice, etc.) and identify the Agency Action or Permit associated with each category of impact. Draft Section 61 Findings should be separately included for each Agency Action to be taken on the project. The filing should clearly indicate which mitigation measures will be constructed or implemented based C.7 C.7

upon project phasing to ensure that adequate measures are in place to mitigate impacts associated with each development phase. C.7

To ensure that all GHG emissions reduction measures adopted by the Proponent as the Preferred Alternative are actually constructed or performed by the Proponent, the Proponent must provide a self-certification to the MEPA Office indicating that all of the required mitigation measures, or their equivalent, have been completed. The commitment to provide this self-certification in the manner outlined above shall be incorporated into the draft Section 61 Findings included in the DEIR. C.7

Responses to Comments

The DEIR should contain a copy of this Certificate and a copy of each comment letter received. It should include a comprehensive response to comments on the ENF that specifically address each issue raised in the comment letter; references to a chapter or sections of the DEIR alone are not adequate and should only be used, with reference to specific page numbers, to support a direct response. This directive is not intended to, and shall not be construed to, enlarge the Scope of the DEIR beyond what has been expressly identified in this certificate. C.7

Circulation

The Proponent should circulate the DEIR to each Person or Agency who previously commented on the ENF, each Agency from which the Project will seek Permits, Land Transfers or Financial Assistance, and to any other Agency or Person identified in the Scope. Per 301 CMR 11.16(5), the Proponent may circulate copies of the EIR to commenters in CD-ROM format or by directing commenters to a project website address. However, the Proponent must make a reasonable number of hard copies available to accommodate those without convenient access to a computer and distribute these upon request on a first-come, first-served basis. The Proponent should send a letter accompanying the digital copy or identifying the web address of the online version of the DEIR indicating that hard copies are available upon request, noting relevant comment deadlines, and appropriate addresses for submission of comments. If submitted in hard copy, the DEIR submitted to the MEPA office should include a digital copy of the complete document. A copy of the DEIR should be made available for review at the Somerset Public Library.

June 10, 2022
Date

Bethany A. Card

Comments received:

05/24/2022 Kathleen Souza
05/26/2022 Patrick W. McDonald
05/31/2022 Ann Seery
05/31/2022 Massachusetts Office of Coastal Zone Management (CZM)
05/31/2022 Massachusetts Department of Environmental Protection (MassDEP)/Southeast Regional Office (SERO)
05/31/2022 Department of Conservation and Recreation (DCR)
05/31/2022 Division of Marine Fisheries (DMF)
05/31/2022 Gerald Boudreau
06/10/2022 Department of Energy Resources (DOER)

BAC/AJS/ajs

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Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Bethany A. Card
Secretary

Martin Suuberg
Commissioner

May 31, 2022

Bethany A. Card
Secretary of Energy and Environment Affairs
Executive Office of Energy and Environmental Affairs
ATTN: MEPA Office
100 Cambridge Street, Suite 900
Boston, MA 02114

RE: ENF Review. EOEEA 16554
SOMERSET. Prysmian Brayton Point at 1 Brayton Point Road

Dear Secretary Card,

The Southeast Regional Office of the Department of Environmental Protection (MassDEP) has reviewed the Environmental Notification Form (ENF) for the Prysmian Brayton Point at 1 Brayton Point Road, Somerset, Massachusetts (EOEEA #16554). The Project Proponent provides the following information for the Project:

The Project will redevelop 47 acres of land at the former Brayton Point PowerStation site to accommodate a new submarine cable manufacturing facility comprised of:

- **A manufacturing building and Office.**
- **An approximately 575-foot tower for application of cable insulation**
- **A raw materials storage building**
- **Two cable testing laboratories.**
- **An employee support facility.**
- **A new Marine Terminal comprised of a narrow pier and newly-dredged navigational channel to accommodate a Cable Laying Vessel.**

The Project will impact previously degraded Riverfront Area, previously developed Land Subject to Coastal Storm Flowage, Coastal Bank, Land Under Ocean, and Land Under Anadromous Fish Runs. Additional information is provided in Chapters 1 and 2.

Bureau of Water Resources Comments

Wetlands. The MassDEP SERO Wetlands Program has reviewed the Environmental Notification Form for the proposed Project in Somerset and has also attended the MEPA on-site visit. The Project proposes to permanently alter 751,000 square feet (sf) of Land Under the

Ocean (LUO) (310 CMR 10.25), 170,000 sf of Designated Port Areas (DPA) (310 CMR 10.26), 20 sf of Coastal Beach, 6,350 sf/150 linear feet of Coastal Bank, 751,000 sf of Banks of or Land Under the Ocean, Ponds, Streams, Rivers, Lakes or Creeks that Underlie Anadromous/Catadromous ("Fish Runs") (310 CMR 10.35), 1.9 acres of Land Subject to Coastal Storm Flowage (LSCSF) (310 CMR 10.04), and 6.8 acres of Riverfront Area (310 CMR 10.58).

DEP-SERO Wetlands Program notes that the Proponent filed the first of approximately three Notices of Intent (NOI) intended to be submitted for the proposed three phases of the Project, with the Somerset Conservation Commission and this office on April 28, 2022, Wetlands File No. SE 070-0536, for geotechnical borings. A corresponding local Order of Conditions has not yet been issued.

The Department notes that the Applicant must address the Project's compliance with each of the performance standards for the above-listed wetland resource areas in the NOIs' filings. The Department will review adherence to the performance standards and determine the Project's eligibility for "Limited Project" status [310 CMR 10.24(7)], accordingly. Final Orders of Conditions must be valid before any work within Areas Subject to Jurisdiction commences, with a copy to the Department. 1

The Project will also be reviewed under Chapter 91 Waterways Program and Section 401 Water Quality Certification requirements. The Proponent may choose to file a MassDEP BRPWW 26 Combined Chapter 91 license and 401 Water Quality Certification application. The Project Proponent is advised that a sediment sampling and analysis plan needs to be submitted to MassDEP for review and approval before filing 401 WQC is required. An alternatives analysis that demonstrates measures taken to avoid, minimize and mitigate for the dredging and/or placement of fill must be submitted with the 401 Water Quality Certification application. 1
The Proponent intends to include a stormwater management system that will improve water quality and collect, detain, recharge and treat stormwater runoff from the proposed development. Per 310 CMR 10.05(6)(k)-(q) and 314 CMR 9.06 (6)(a)-(f), compliance with the Stormwater Management Standards as defined and specified in the Massachusetts Stormwater Handbook is required.

Waterways. The Waterways Program offers the following comments on the components of the ENF which include the construction of a marine terminal to accommodate a cable laying vessel and the transfer of cable from the land facility to the vessel.

The Project will require the submittal of a Chapter 91 License Application. The proposed marine terminal will be reviewed as a water-dependent-industrial use Project in accordance with the Waterways Regulations at 310 CMR 9.12(2)(b). Since the Project will also require a 401 Water Quality Certification (WQC), the Proponent may choose to file a BRP WW26 Combined Application for Chapter 91 and WQC. 1

While the conceptual plans of the marine terminal pier were adequate for review under the ENF, in the preparation of the DEIR Proponent shall provide more detailed plans of the proposed pier and the mooring buoy design. Plans accompanying the DEIR shall also include a delineation of the mean high water and mean low water lines. 1

Although the land portion of the site is included in the Mount Hope Bay Designated Port Area , the actual marine terminal is not included in DPA except for a portion of the proposed dredge footprint to create a navigation channel to the marine terminal.

The Waterways Regulations at 310 CMR 9.36 indicate that a Project shall not significantly disrupt any water-dependent use in operation or displace any water-dependent use that has occurred on the site within the past five (5) years. While it does not appear that proposed marine terminal will impact operations at the existing marine terminal, in the preparation of the DEIR it is recommended that the Proponent address this issue. Since the cable laying ships will be sharing the navigation channel to Brayton Point, at a minimum the DEIR should include an estimation of the frequency of vessels which will berth at the facility.

Stormwater Management/National Pollutants Discharge Elimination System (NPDES) Permit.
NPDES Construction General Permit
The Project construction activities are scheduled to disturb more than an acre of land and therefore may require a NPDES Stormwater Permit for Construction Activities. The Proponent can access information regarding the NPDES Stormwater requirements and an application for the Construction General Permit at the EPA website:
https://www.epa.gov/sites/production/files/201707/documents/cgp_flow_chart_do_i_need_a_permit2.pdf

The Proponent is advised to consult with U.S. Environmental Protection Agency's (EPA) point of contact, Sania Kamran (Kamran.Sania@epa.gov, 617- 918-1522) for questions regarding EPA's NPDES Construction General Permit requirements. 1

In addition, the Proponent is reminded that local Planning Boards (and/or other local authorities) may require stormwater controls beyond that of the Wetlands Protection Act. These controls are usually created to keep stormwater onsite so as not to create nuisance conditions offsite.

NPDES Industrial Stormwater Permit.
The Project Proponent plans for "a manufacturing warehouse building, a maintenance office, an approximately 570-foot tower for the application of cable insulation, a raw material storage building, two laboratories for cable testing, and a new pier with associated dredging to allow for the spooling of cable onto Prysmian's state of the art cable laying vessel"

As stated, this use suggests possible coverage under the EPA NPDES Multi Sector General Permit for the discharge of industrial stormwater under the permitting requirements of Sector AA, Fabricated Metal Products Manufacturing Facilities. 1

Additional information regarding this EPA permit may be found at Sector AA: Fabricated Metal Products Manufacturing Facilities (epa.gov) The Proponent is advised to consult with Abed Ragab at ragab.abdulrahman@epa.gov or 617-918- 1695 and Michelle Vuto at vuto.michelle@epa.gov or 617-918-1222 for any of its questions regarding EPA's NPDES stormwater permitting requirements.

Underground Injection Control. Projects that may fall under the jurisdiction of the Underground Injection Control Program include those that propose the installation of a comprehensive stormwater management system to collect, convey, treat and control stormwater discharges associated with the Project. The Project Proponent should be aware that the conveyances of stormwater through underground stormwater infiltration structures are subject to the jurisdiction of the MassDEP. 1

Structures subject to the UIC regulations must be registered with MassDEP UIC program through the submittal of a BRP WS-06 UIC Registration application through MassDEP's electronic filing system, eDEP.

The statewide UIC program contact is Joe Cerutti, who can be reached at (781) 465-4123 or at joseph.cerutti@mass.gov. All information regarding on-line (eDEP) UIC registration applications may be obtained at the following web page under the category "Applications & Forms": https://www.mass.gov/underground-injection-control-uic.

Bureau of Waste Site Cleanup Comments

Based upon the information provided, the Bureau of Waste Site Cleanup (BWSC) searched its databases for disposal sites and release notifications that have occurred at or might impact the proposed Project area. A disposal site is a location where there has been a release to the environment of oil and/or hazardous material that is regulated under M.G.L. c. 21E, and the Massachusetts Contingency Plan (MCP – 310 CMR 40.0000).

As discussed in the application (pdf pages 12-13), there are several MCP sites located at the property. Most of the MCP sites are closed, and no further response actions required. However, there are two (2) open Release Tracking Numbers at the site with Activity and Use Limitations (AUL). The AULs are specific to certain areas at the site and require permitting and coordination with BWSC as part of the proposed MEPA Project. Specifically, soil disturbance is prohibited in these areas without a soil management plan, and direct oversight and reporting by a Licensed Site Professional is necessary. See the MassDEP Waste Site portal link below for records pertaining to the AULs for Release Tracking Numbers 4-13169 and 4-18750. 1

Interested parties may view a map showing the location of BWSC disposal sites using the MassGIS data viewer at MassMapper. Under the Available Data Layers listed on the right sidebar, select "Regulated Areas", and then "DEP Tier Classified 21E Sites". MCP reports and the compliance status of specific disposal sites may be viewed using the BWSC Waste Sites/Reportable Release Lookup at: https://eeaonline.eea.state.ma.us/portal#!/search/wastesite

The Project Proponent is advised that if oil and/or hazardous material are identified during the implementation of this Project, notification pursuant to the Massachusetts Contingency Plan (310 CMR 40.0000) must be made to MassDEP, if necessary. A Licensed Site Professional (LSP) should be retained to determine if notification is required and, if need be, to render appropriate opinions. The LSP may evaluate whether risk reduction measures are necessary if contamination is present. The BWSC may be contacted for guidance if questions arise regarding cleanup. 1.

Spills Prevention. A spills contingency plan addressing prevention and management of potential releases of oil and/or hazardous materials from pre- and post-construction activities should be presented to workers at the site and enforced. The contingency plan should include but not be limited to, refueling of machinery, storage of fuels, and potential on-site activity releases,

Bureau of Air and Waste (BAW) Comments

Air Quality. Construction and operation activities shall not cause or contribute to a condition of air pollution due to dust, odor or noise. To determine the appropriate requirements please refer to:

310 CMR 7.09 Dust, Odor, Construction, and Demolition
310 CMR 7.10 Noise

Construction-Related Measures

MassDEP requests that all non-road diesel equipment rated 50 horsepower or greater meet EPA's Tier 4 emission limits, which are the most stringent emission standards currently available for off-road engines. If a piece of equipment is not available in the Tier 4 configuration, the Proponent should then use construction equipment that has been retrofitted with appropriate emissions reduction equipment. Emission reduction equipment includes EPA-verified, CARB-verified, or MassDEP-approved diesel oxidation catalysts (DOCs) or Diesel Particulate Filters (DPFs). The Proponent should maintain a list of the engines, their emission tiers, and, if applicable, the best available control technology installed on each piece of equipment on file for Departmental review. 1.

Massachusetts Idling Regulation

The ENF reports that the Project Proponent proposes its "equipment will be shut down when not in use as to limit the amount of idling time thus reducing emissions when possible."

MassDEP reminds the Proponent that unnecessary idling (*i.e.*, in excess of five minutes), with limited exception, is not permitted during the construction and operations phase of the Project (Section 7.11 of 310 CMR 7.00). Regarding construction period activity, typical methods of reducing idling include driver training, periodic inspections by site supervisors, and posting signage. 1.

Solid Waste Management. The ENF indicates "no demolition or construction solid wastes are expected to be generated during this phase of work". Yet, the Proponent's phased plan of work includes the construction of a pier and dredging as the site plan and design evolves. Stating that the "pier will most likely be a concrete pier, with the substructure comprised of concrete piles, pile bent caps, and the superstructure comprised of prestressed concrete stringers and precast deck planks."

There appears to be a leachate collection system, which is part of the landfill operation, within the footprint of the proposed facility. The Proponent is advised to coordinate with Brayton Point's current operator to provide additional information during subsequent filing to address the existing leachate collection system, as necessary. 1.

As a reminder, the Project Proponent is advised of the following requirements:

1. *Compliance with Waste Ban Regulations*: Waste materials discovered during construction that are determined to be solid waste (e.g., construction and demolition waste) and/or recyclable material (e.g., metal, asphalt, brick, and concrete) shall be disposed, recycled, and/or otherwise handled in accordance with the Solid Waste Regulations including *310 CMR 19.017: Waste Bans*. Waste Ban regulations prohibit the disposal, transfer for disposal, or contracting for disposal of certain hazardous, recyclable, or compostable items at solid waste facilities in Massachusetts, including, but not limited to, metal, wood, asphalt pavement, brick, concrete, and clean gypsum wallboard. The goals of the waste bans are to: promote reuse, waste reduction, or recycling; reduce the adverse impacts of solid waste management on the environment; conserve capacity at existing solid waste disposal facilities; minimize the need for construction of new solid waste disposal facilities; and support the recycling industry by ensuring that large volumes of material are available on a consistent basis. Further guidance can be found at: https://www.mass.gov/guides/massdep-waste-disposal-bans.

   MassDEP recommends the Proponent consider source separation or separating different recyclable materials at the job site. Source separation may lead to higher recycling rates and lower recycling costs. Further guidance can be found at: https://recyclingworksma.com/construction-demolition-materials-guidance/

   For more information on how to prevent banned materials from entering the waste stream the Proponent should contact the RecyclingWorks in Massachusetts program at (888) 254-5525 or via email at info@recyclingworksma.com. RecyclingWorks in Massachusetts also provides a website that includes a searchable database of recycling service providers, available at http://www.recyclingworksma.com.

2. *Asphalt, brick, and concrete (ABC) rubble,* such as the rubble generated by the demolition of buildings or other structures must be handled in accordance with the Solid Waste regulations. These regulations allow, and MassDEP encourages, the recycling/reuse of ABC rubble. The Proponent should refer to MassDEP's Information Sheet, entitled " Using or Processing Asphalt Pavement, Brick and Concrete Rubble, Updated February 27, 2017 ", that answers commonly asked questions about ABC rubble and identifies the provisions of the solid waste regulations that pertain to recycling/reusing ABC rubble. This policy can be found on-line at the MassDEP website: https://www.mass.gov/files/documents/2018/03/19/abc-rubble.pdf.

3. *Clean Wood:* As defined in 310 CMR 16.02, clean wood means "discarded material consisting of trees, stumps and brush, including but limited to sawdust, chips, shavings, bark, and new or used lumber"…etc. Clean wood does not include wood from commingled construction and demolition waste, engineered wood products, and wood containing or likely to contain asbestos, chemical preservatives, or paints, stains or other coatings, or adhesives. The Proponent should be aware that wood is not allowed to be buried or disposed of at the Site pursuant to 310 CMR 16.00 & 310 CMR 19.000 unless otherwise approved by MassDEP. Clean wood may be handled in accordance with 310 CMR 16.03(2)(c)7 which allows for the on-site processing (i.e., chipping) of wood for use at the Site (i.e., use as landscaping material) and/or the wood to be transported to a permitted facility (i.e., wood waste reclamation facility) or other facility that is permitted to accept and process wood.

4. *Building Demolition and Asbestos Containing Waste Material*: The Project Proponent is advised that demolition activity must comply with both Solid Waste and Air Quality Control regulations. Please note that MassDEP promulgated revised Asbestos Regulations (310 CMR 7.15) that became effective on June 20, 2014. The new regulations contain requirements to conduct a pre-demolition/renovation asbestos survey by a licensed asbestos inspector and post abatement visual inspections by a licensed asbestos Project monitor. The Massachusetts Department of Labor and Work Force Development, Division of Labor Standards (DLS) is the agency responsible for licensing and regulating all asbestos abatement contractors, designers, Project monitors, inspectors, and analytical laboratories in the state of Massachusetts.

5. *Asbestos Survey Requirements.* Prior to conducting any demolition or renovation activities, MassDEP's Asbestos Regulations at 310 CMR 7.15(4) requires any owner or operator of a building or facility to employ or engage a Department of Labor Standards (DLS) licensed asbestos inspector to thoroughly inspect the facility using US EPA approved procedures and methods to identify the presence, location and quantity of any ACM or suspect ACM and to prepare a written asbestos survey report. The survey shall identify and assess suspect ACM located in all areas that will be breached or otherwise affected by the demolition activities, including, but not limited to wall cavities, pipe chases, subsurface conduits, areas above ceilings and under/between multiple layers of flooring. Adequate and representative samples must be collected of all suspect asbestos containing building materials and sent to a DLS certified laboratory for analysis, using US EPA approved analytical methods.

   The written asbestos survey report shall contain an inventory of the exact locations of the ACM or suspect ACM from which samples were collected, analytical results of all samples taken, the date(s) such samples were collected, the name(s) of the persons who provided asbestos analytical services, and a blueprint, site map, diagram or written description of the facility and locations(s) thereof subject to demolition or renovation. This documentation shall clearly identify each location subject to demolition and/or renovation and the corresponding footage (square and/or linear) of any ACM or suspect ACM in each location.

6. *Asbestos Abatement Requirements.* The owner or operator must hire a DLS licensed asbestos abatement contractor to remove and dispose of any asbestos containing material(s) from the facility or facility component, prior to conducting any demolition or renovation activities. The removal and handling of asbestos from the facility or facility components must adhere to the Specific Asbestos Abatement Work Practice Standards required at 310 CMR 7.15(7).

   If any proposed alterations or exemptions to Specific Asbestos Abatement Work Practice Standards required at 310 CMR 7.15(7) are proposed, the owner or operator must submit a Non-Traditional Asbestos Abatement Work Practice Plan (NTWP) to MassDEP for approval in accordance with 310 CMR 7.15 (14). As part of an NTWP submittal package, MassDEP will require pre- and post- abatement inspections to ensure alternate work practices specified in the approved NTWP are adhered to. The AQ 36 Non-Traditional Asbestos Abatement Work Practice Approval application form (AQ 36) and instructions for submitting the NTWP and AQ 36, can be found at the following links: Application: https://www.mass.gov/how-to/aq-36-non-traditional-asbestos-abatement-work-practice-approval

Instructions: https://www.mass.gov/doc/instructions-aq-36/download

7. *Asbestos Notification Requirements.*
In accordance with 310 CMR 7.15 (6), the asbestos contractor is required to submit a BWP ANF-001 Asbestos Notification Form to MassDEP at least ten (10) working days prior to beginning any abatement or removal of asbestos containing materials from the facility. The AQ 04 (ANF 001) notification form, and instructions for completing an ANF 001, can be found at the following links:
Notification Form: https://www.mass.gov/how-to/file-an-aq-04-anf-001-asbestos-removal-notification
Instructions: https://www.mass.gov/doc/bwp-aq-04-anf-001-asbestos-removal-notification-instructions-july-2015- 0/download

8. *Dredge Reuse/Disposal.* The Project Proponent is advised concerning compliance with Massachusetts Solid Waste Regulations, 310 CMR 19.000 and MassDEP's COMM-94-007 Interim Policy entitled*: Sampling, Analysis, Handling and Tracking Requirements for Dredged Sediment Reused or Disposed at Massachusetts Permitted Landfills* as described at this website: https://www.mass.gov/guides/interim-policy-comm-94-007-dredged-sediment-reuse-or-disposal.

   a. Reuse or disposal of dredge at a lined landfill requires compliance with the Policy. For dredge Projects that do not meet the criteria stated in the Policy, submittal of a BWP SW22 Permit Application would be required for review and approval.

   OR

   b. Reuse or disposal of dredge at an unlined landfill requires MassDEP approval. If applicable, the Owner should contact the Solid Waste Management Section for pre-application guidance.

If you have any questions regarding the Solid Waste Management Program comments above, please contact Mark Dakers at Mark.Dakers@mass.gov for solid waste comments or Cynthia Baran at Cynthia.Baran@mass.gov.

Climate Change

Greenhouse Gas Emissions

GHG Mitigation. To help offset the energy usage of the Project, the Proponent is encouraged to consider photovoltaics on the building roof and other locations, possibly with energy storage. Project Proponents are advised of the incentives now available through the Solar Massachusetts Renewable Target (SMART) program: https://www.mass.gov/solar-massachusetts-renewable-target-smart. Those who enroll in SMART benefit from not only from the tax credit for photovoltaic installation but also from long-term electric utility savings and income for the power not used from its photovoltaics – while at the same time contributing to support the Commonwealth's NetZero carbon emission's goal by 2050 https://www.mass.gov/info-details/ma-decarbonization-roadmap.

1.

Proposed s.61 Findings

The "Certificate of the Secretary of Energy and Environmental Affairs on the Environmental Notification Form" may indicate that this Project requires further MEPA review and the preparation of an Environmental Impact Report. Pursuant to MEPA Regulations 301 CMR 11.12(5)(d), the Proponent will prepare Proposed Section 61 Findings to be included in the EIR in a separate chapter updating and summarizing proposed mitigation measures. In accordance with 301 CMR 11.07(6)(k), this chapter should also include separate updated draft Section 61 Findings for each State agency that will issue permits for the Project. The draft Section 61 Findings should contain clear commitments to implement mitigation measures, estimate the individual costs of each proposed measure, identify the parties responsible for implementation, and contain a schedule for implementation.

Other Comments/Guidance

The MassDEP Southeast Regional Office appreciates the opportunity to comment on this ENF. If you have any questions regarding these comments, please contact George Zoto at George.Zoto@mass.gov or Jonathan Hobill at Jonathan.Hobill@mass.gov.

Very truly yours,

Jonathan E. Hobill,
Regional Engineer
Bureau of Water Resources

JH/GZ

Cc: DEP/SERO

ATTN: Millie Garcia-Serrano, Regional Director
Gerard Martin, Deputy Regional Director, BWR
John Handrahan, Acting Deputy Regional Director, BWSC
Seth Pickering, Deputy Regional Director, BAW
Jennifer Viveiros, Deputy Regional Director, ADMIN
Dan Gilmore, Chief, Wetlands and Waterways, BWR
Maissoun Reda, Wetlands, BWR
Brendan Mullaney, Waterways, BWR
Carlos Fragata, Waterways, BWR
Daniel Padien, Chief, Waterways, BWR/Boston
David Wong, Waterways, BWR/Boston
Mark Dakers, Chief, Solid Waste, BAW
Thomas Cushing, Chief, Air Permitting, BAW
Elza Bystrom, Solid Waste, BAW
Allen Hemberger, Site Management, BWSC

The Commonwealth of Massachusetts
Division of Marine Fisheries
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KARYN E. POLITO
Lt. Governor

BETHANY A. CARD
Secretary

RONALD S. AMIDON
Commissioner

DANIEL J. MCKIERNAN
Director

May 31, 2022

Secretary Bethany A. Card
Executive Office of Energy and Environmental Affairs (EEA)
Attn: MEPA Office
Alex Strysky, EEA No. 16554
100 Cambridge Street, Suite 900
Boston, MA 02114

Dear Secretary Card:

The Division of Marine Fisheries (MA DMF) has reviewed the Environmental Notification Form (ENF) by Prysmian Projects North America, LCC to construct a cable manufacturing plant on a portion of the former Brayton Point Power Station site located at the confluence of the Taunton and Lee Rivers in the Town of Somerset. Development of the plant would allow the Proponent to design, manufacture, and deliver submarine transmission cable to support offshore wind projects in the U.S. The proposed facility would include a manufacturing warehouse building, a maintenance office, a 570-foot tower for the application of cable insulation, a raw material storage building, two laboratories for cable testing, and a new pier with associated dredging to allow for the spooling of cable onto Prysmian's cable laying vessel. The project would be constructed in three phases. Phase one would consist of the initial development of the main factory building with tower and a raw materials warehouse for storage purposes. Phase two would include expansion of the main factory and the routine test lab building as well as construction of two exterior fixed storage platforms, a second finished product building, and a high voltage testing building. Phase three would consist of additional expansion of the main factory.

In-water work associated with the proposed project would involve construction of a new pier and associated improvement dredging. The proposed pier would be located along the southeastern coastline of the peninsula within the Taunton River. The pier would be approximately 1,500 feet long and 10 feet wide. Improvement dredging is proposed to allow for vessel berthing and spooling of cable onto the vessel. Up to 550,000 cubic yards of sediment would be dredged over an area of 751,000 square feet to -33 feet MLLW (plus -2 feet overdredge). Dredge material would be disposed of at an upland or offshore disposal site, with the latter option considering either the Cape Cod Bay or Rhode Island Sound Disposal Site. In-water work was reviewed with respect to potential impacts to marine fisheries resources and habitat.

The project site lies within mapped shellfish habitat for northern quahog (*Mercenaria mercenaria*). Waters within the project site have habitat characteristics suitable for this species.

Land containing shellfish is deemed significant to the interest of the Wetlands Protection Act (310 CMR 10.34) and the protection of marine fisheries.

The confluence of the Taunton and Lee Rivers acts as winter flounder (*Pseudopleuronectes americanus*) spawning habitat. Winter flounder enter the area and spawn from January through May; demersal eggs hatch approximately 15 to 20 days later. The Atlantic States Marine Fisheries Commission has designated winter flounder spawning habitat as a "Habitat Area of Particular Concern" (HAPC). The 2020 Southern New England/Mid Atlantic management track stock assessment indicates that although overfishing is not occurring, the stock remains overfished. Spawning stock biomass in 2019 was estimated to be 32% of the biomass target [1]. Given the status of the winter flounder stock, every effort should be made to protect the species and its spawning habitat.

The system has also been identified by MA DMF as diadromous fish passage, migration, and/or spawning habitat for alewife (*Alosa pseudoharengus*), blueback herring (*Alosa aestivalis*), rainbow smelt (*Osmerus mordax*), American eel (*Anguilla rostrata*), white perch (*Morone americana*), Atlantic tomcod (*Microgadus tomcod*), and American shad (*Alosa sapidissima*) [2].

MA DMF offers the following comments on content for consideration in developing the draft Environmental Impact Report (DEIR):

- A time-of-year (TOY) restriction should be observed on all in-water, silt-producing activities to protect sensitive life stages of the above listed diadromous species and winter flounder. No dredging should take place from **January 15 – July 15** of any year [2]; 2
- Any shellfish present within the project site should be relocated to suitable habitat within the Town prior to commencement of work. The Proponent must contact DMF's Shellfish Program (dmf.shellfish@mass.gov) to obtain proper authorization prior to the transplant of any shellfish and to coordinate transplant timing and location; 2
- Given that the project results in the permanent loss of more than 5,000 square feet of open water and causes adverse impacts to Essential Fish Habitat, this project will likely require compensatory mitigation at the federal level of the permitting process; 2
- The Taunton River and portions of Mount Hope Bay have strong currents that can transport suspended sediments great distances. As such, proper sediment and turbidity controls should be required to prevent the spread of contaminated sediments into the embayment; 2
- Should upland disposal be selected for dredged sediments, proper containment and best management practices should be employed at the dewatering site to prevent the release of contaminated dredged material back into the resource area; 2
- Project plans do not clearly indicate how many piles are proposed for the new pier structure. The DEIR should clearly define the number and diameter of concrete piles proposed for construction; 2
- The description of the phased approach in the DEIR should clearly identify when construction of each project component, including in-water components, would take place; and 2
- The alternatives analysis in the DEIR should thoroughly explore a variety of pier designs to minimize indirect (e.g., shading) and direct (e.g., pile displacement of benthic habitat) impacts. Similarly, an alternatives analysis of different dredging areas should be included 2

to identify the dredge depth and area that minimizes habitat alteration while achieving the project goals. This latter analysis should include an alternative exploring options for re-siting the proposed pier to allow for shared use of the existing private navigation channel owned by Commercial Development Company in lieu of performing improvement dredging to create a new dredge channel.

Questions regarding this review may be directed to John Logan and Simonetta Harrison in our New Bedford office at john.logan@mass.gov and simonetta.harrison@mass.gov.

Sincerely,

Daniel J. McKiernan
Director

DM/SH/JL/sd

cc: Somerset Conservation Commission
Daniel Sieger, Laura Laich, VHB
Samuel Haines, Rebecca Haney, MA CZM
Sabrina Pereira, NMFS
David Wong, MA DEP
John Logan, Simonetta Harrison, John Sheppard, Chrissy Petitpas, Matt Camisa, Jeff Kennedy, Kaley Towns, Amanda Davis, Keri Anne Goncalves, Emma Gallagher, MA DMF

References

[1] ASMFC. 2020. *Southern New England Mid-Atlantic Winter Flounder 2020 Assessment Update Report.* http://www.asmfc.org/uploads/file/6008bd822020_SNE-MA_WinterFlounderAssessmentUpdate.pdf.

[2] Evans, N.T., K.H. Ford, B.C. Chase, and J. Sheppard. 2011. *Recommended Time of Year Restrictions (TOYs) for Coastal Alteration Projects to Protect Marine Fisheries Resources in Massachusetts*. Massachusetts Division of Marine Fisheries Technical Report, TR-47. https://www.mass.gov/doc/time-of-year-recommendations-tr-47/download.

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS
OFFICE OF COASTAL ZONE MANAGEMENT
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MEMORANDUM

TO: Bethany A. Card, Secretary, EEA
ATTN: Alexander Strysky, MEPA Office
FROM: Lisa Berry Engler, Director, CZM
DATE: May 31, 2022
RE: EEA-16554, Prysmian Brayton Point, Environmental Notification Form; Somerset

The Massachusetts Office of Coastal Zone Management (CZM) has completed its review of the above-referenced Environmental Notification Form (ENF), noticed in the *Environmental Monitor* dated May 11, 2022, and participated in both the on-site MEPA consultation on May 23, 2022, and the virtual consultation on May 24, 2022. The proposed project is subject to a Mandatory EIR.

Project Description

According to the ENF, Prysmian Projects North America, L.L.C. is proposing to construct a submarine cable manufacturing facility on 47 acres at the former Brayton Point Power Station site. The facility will include a manufacturing and office building, an approximately 575-foot-high, 82-foot diameter tower for application of cable insulation, a raw materials storage building, two cable testing laboratories, an employee support facility and a marine terminal consisting of a 6,500 to 15,000 square foot (sf) pier, and navigational channel. Creation of the navigational channel to the site will require dredging of approximately 550,000 cubic yards (cy) of sediment.

The project includes permanent impacts to the following coastal resources: alteration of 17.2 acres of Land Under the Ocean and Fish Runs; 20 sf of coastal beach; 6,350 sf of Coastal Bank; 1.9 acres of Land Subject to Coastal Storm Flowage; and 6.8 acres of Riverfront Area. In addition, the project proposes to add 6 acres of impervious area; generate 639 average daily trips; use 4,275 gallons per day (gpd) of water; and generate 4,275 gpd of wastewater. The project is located within a Designated Port Area (DPA) and waterways or tidelands that are subject to the Waterways Act, M.G.L.c.91.

Project Comments

The ENF states that the project will impact 170,000 sf of the waters of the Mount Hope Bay DPA. The DPA includes both upland and watersheet. Maps of the DPA boundary can be found online at https://www.mass.gov/files/documents/2016/08/ry/mount-hope-bay-dpa-map.pdf.

The ENF states that the project will be designed to comply with the Stormwater Management Regulations located in 310 CMR 10.05 and will be an improvement over the existing stormwater management system. Opportunities to increase the long-term coastal resiliency on this project by incorporating sea level rise projections into the design of the stormwater treatment facilities should be evaluated. In addition, the ENF states that a total of 37 releases have been recorded at the former Brayton Point Power Station site in the Massachusetts Department of Environmental Protection spills database since 1997 and that Activity and Use Limitations (AUL's) have been placed on the site based upon this contamination. The EIR should provide additional information on how the stormwater system will be constructed to ensure that any onsite contamination will not be transferred to surrounding waterbodies because of the project. 3 3

Based upon review, both of the access/egress roads to the property are located on low lying land within the 1% chance floodplain. While the access roads are located outside of the property boundaries and therefore the project proponent may not have direct access to make improvements, the roadways should be reviewed by the project team for possible improvements. The proponent should coordinate with the owner of the private access road to identify potential options to improve the resiliency of these access roads where feasible. These improvements should be included in the EIR. 3

Portions of the project site are in VE and AE flood zones mapped by the Federal Emergency Management Agency (FEMA) on the effective Flood Insurance Rate Map for this area. The EIR should include an overlay of the flood zones on the site plans to inform agency review. 3 The proponent's inputs to the Resilient MA Action Team (RMAT) Climate Resilience Design Standards Tool indicated there is no evidence of historic flooding, however, portions of the site as well as the access/egress roadways to the property are located within the 1% chance floodplain and were likely flooded in larger coastal storms in the past. The project team should evaluate the FEMA Flood Insurance Studies for this area as well as other documents summarizing impacts from past major coastal storms and provide information in the EIR regarding any historic flood events. 3

The proponent has indicated that fill will be added to the site to raise the grades above the projected 2070 1% chance storm elevations. Additional details about the data used to determine the amount of fill needed should be provided as part of the EIR. Since this area is vulnerable to less frequent hurricanes, which can have impacts beyond the 1% chance floodplain, the vulnerability analysis should include an assessment of the potential effects of hurricanes on the proposed project. The EIR should also include grading plans that show the existing grades and proposed fill in plan view and cross-sections. If the proposed fill is intended to take the proposed project elements out of the FEMA floodplain so that compliance with State Building Code is not needed, a Conditional Letter of Map Revision should be filed with FEMA to revise the floodplain prior to filing the EIR. The potential impacts of future storms on the stability of the fill should be assessed as part of the EIR. If additional shoreline stabilization is necessary, an alternatives analysis of the options to protect the fill and the project site should be included in the EIR. 3

Based upon site conditions, this project qualifies as redevelopment within a previously developed and degraded Riverfront Area. Any proposed onsite or offsite mitigation required under 310 CMR 10.58(5) should be included in the EIR. The proponent should also provide additional analysis of the impacts associated with the loss of riverfront habitats. As appropriate and in consultation with MassDEP, the EIR should evaluate potential compensatory mitigation to address potential adverse effects to the aquatic environment. 3

Mount Hope Bay is the central feature of the Narragansett Bay estuarine system which supports significant populations of finfish, shellfish, benthic organisms, and submerged aquatic vegetation. A proposed dredge plan with a discussion of aspects of the dredging program including duration, time of year, alternatives analysis, avoidance and minimization measures, mitigation measures, and proposed disposal options should be included in the EIR. An analysis of potential dredging impacts (including characterization of impacts to finfish, shellfish, submerged aquatic vegetation, benthic organisms, and water quality) and plans (both plan and cross-section views) should also accompany the proposed dredge plan. 3

Conceptual plans for the proposed 600- to 1,500-foot-long pier were presented in the ENF. The EIR should contain a comprehensive alternatives analysis, a complete analysis of impacts as outlined above, and detailed plans (both plan and cross-section views).

Federal Consistency Review

This project will be subject to CZM federal consistency review, which requires that the project be found to be consistent with CZM's enforceable program policies. For further information on this process, please contact Bob Boeri, Project Review Coordinator, at robert.boeri@mass.gov or visit the CZM web site at https://www.mass.gov/federal-consistency-review-program.

LE/SH/rh

cc: Michael Gallagher, Acting Somerset Town Administrator
Tim Turner, Somerset Conservation Commission
Robert Ganem, Somerset Harbormaster
Fall River Port Authority
Dan Gilmore, DEP SERO
David Wong, DEP
Daniel Sieger, VHB
Eric Carlson, DCR Flood Hazard Management Program
Simonetta Harrison, DMF

dcr
Massachusetts

May 31, 2022

Secretary Bethany A. Card
Executive Office of Energy and Environmental Affairs
Attn: Alex Strysky, MEPA Office
100 Cambridge Street, Suite 900
Boston, Massachusetts 02114

Re: EEA #16554 – Prysmian Brayton Point (Somerset) ENF

Dear Secretary Card:

The Department of Conservation and Recreation ("DCR" or "the Department") is pleased to submit the following comments in response to the Environmental Notification Form ("ENF") filed by Prysmian Projects North America, LLC (the "Proponent") for the proposed Prysmian Brayton Point (the "Project") in Somerset.

As proposed, the Project involves activities within a 100-year floodplain as delineated on the current effective Flood Insurance Rate Map ("FIRM") for Bristol County, dated July 7, 2021. In its role as the state coordinating agency for the National Flood Insurance Program ("NFIP"), DCR submits the following comments.

DCR's Flood Hazard Management Program ("FHMP"), under agreement with the Federal Emergency Management Agency ("FEMA"), is the state coordinating agency for the NFIP. As such, the FHMP provides technical assistance to communities that participate in the NFIP related directly to the program and also related to floodplain management in general. Communities that participate in the NFIP are required by FEMA, as a condition of their participation, to regulate development within the 100-year floodplain in a manner that meets or exceeds the minimum standards established by FEMA, located at 44 CFR 60.3. Participating communities such as Somerset are required to adopt the NFIP requirements through locally enforceable measures. In Massachusetts, many of the requirements contained in 44 CFR 60.3 are enforced through existing state regulations such as the State Building Code (780 CMR) and Wetlands Protection Act regulations (310 CMR 10.00). Communities typically adopt the remainder of the requirements as part of a zoning ordinance or other locally enforceable measure. Somerset has a zoning bylaw that includes a Floodplain District section which has been accepted by FEMA as meeting their requirements under the NFIP.

In our role as NFIP coordinator, the FHMP offers comments on the proposed Project's relationship to many of the above regulations and requirements. The FHMP does not administer any of these requirements and therefore does not provide official determinations as to compliance with them; rather, our comments are provided as an overview of the requirements and the documentation that the FHMP believes may be necessary to demonstrate compliance with these requirements.

The Project includes a manufacturing warehouse building, a maintenance office, a 570-foot tower for the application of cable insulation, a raw material storage building, two laboratories, and other associated work. Based on information submitted with the ENF, much of the work is located within the 100-year

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Bethany A. Card, Secretary
Executive Office of Energy & Environmental Affairs
Stephanie C. Cooper, Acting Commissioner
Department of Conservation & Recreation

floodplain on the current effective FIRM, specifically a zone AE with a base flood elevation of 15 feet above North American Vertical Datum ("NAVD"). Because of its location in the 100-year floodplain, compliance with the requirements of several federal, state and local measures related to floodplain development is required. 4

The Proponent is proposing placement of fill in order to raise the grade of the site above the flood elevation. FEMA has processes by which structures and/or proposed structures can be removed from the floodplain by placement of fill (Letter of Map Revision based on Fill ("LOMR-F") and Conditional Letter of Map Revision based on Fill ("CLOMR-F")). Unless the site is removed from the floodplain using one of these processes it will remain in the floodplain. Proposed structures located in the floodplain will be required to meet the standards of applicable sections of the State Building Code for construction in floodplains. For non-residential structures, these sections include Section 1612, Flood Loads, and ASCE 24-14, Flood Resistant Design and Construction. 4

Additionally, projects within the 100-year floodplain involving any federal action (e.g., permit, funding) must also comply with federal Executive Order 11988, Floodplain Management. This executive order requires an eight-step decision-making process which includes analysis of alternatives, avoiding impacts when possible, and minimizing impacts when avoidance is not possible. Because this project requires a National Pollutant Discharge Elimination System ("NPDES") and Construction General Permit, and other federal approvals, compliance with this process is necessary.

DCR appreciates the opportunity to comment on the ENF. If you have any questions regarding these comments, or to request additional information or coordination with DCR, please contact Eric Carlson at eric.carlson@mass.gov.

Sincerely,

Stephanie C. Cooper

Stephanie C. Cooper
Acting Commissioner

cc: Eric Carlson, Priscilla Geigis, Patrice Kish, Tom LaRosa

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF
ENERGY AND ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENERGY RESOURCES
100 CAMBRIDGE ST., SUITE 1020
BOSTON, MA 02114
Telephone: 617-626-7300
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Charles D. Baker
Governor

Karyn E. Polito
Lt. Governor

Beth Card
Secretary

Patrick Woodcock
Commissioner

10 June 2022

Beth Card, Secretary
Executive Office of Energy & Environmental Affairs
100 Cambridge Street
Boston, Massachusetts 02114
Attn: MEPA Unit

RE: Prysmian Brayton Point, Somerset, Massachusetts, EEA #16554

Cc: Maggie McCarey, Director of Energy Efficiency, Department of Energy Resource
Patrick Woodcock, Commissioner, Department of Energy Resources

Dear Secretary Card:

We've reviewed the Environmental Notification Form (ENF) for the proposed project. The project includes the following:

- 571,000-sf manufacturing and office building
- 17,000-sf and 8,600-sf testing laboratories
- 8,600-sf employee support facility
- 41,000-sf raw materials storage building
- 103,000-sf cable storage building

The objective of this letter is to share strategies for the project to reduce greenhouse gas emissions (GHG), improve resiliency, and affordability.

Key Strategies

The following are the anticipated key strategies:

- Low heating and cooling thermal energy demand intensity (TEDI) design;

- Efficient electrification of space and water heating;
- Rooftop solar PV;
- EV charging.

Low Heating and Cooling Thermal Energy Demand Intensity (TEDI)

The combination of quality envelope, low air infiltration, energy recovery, and management of solar gains can result in significant reduction in heating (and cooling) thermal energy demand intensity (TEDI, units of kBtu/sf-yr)[1,2]. In addition to reduced utility costs and emissions, the value of a targeted focus on heating and cooling TEDI results in:

- Simplified space heating electrification;
- Reduction, and possible elimination, of perimeter heating and other delivery systems;
- Improved resiliency;
- Reduced peak demands;
- Improved occupant comfort;
- Reduced maintenance.

Specific TEDI reduction strategies are:

- High-performance window and walls;
- Thermally-broken windows and other components to eliminate thermal bridges;
- Low air infiltration;
- Ventilation energy recovery;
- Energy recovery during concurrent heating and cooling;
- Solar gain management via external shading, recessed windows, and/or low solar heat gain coefficient (SHGC)

We recommend the project pursue low TEDI design approach for all space conditioned buildings using the strategies above.

Efficient Electrification

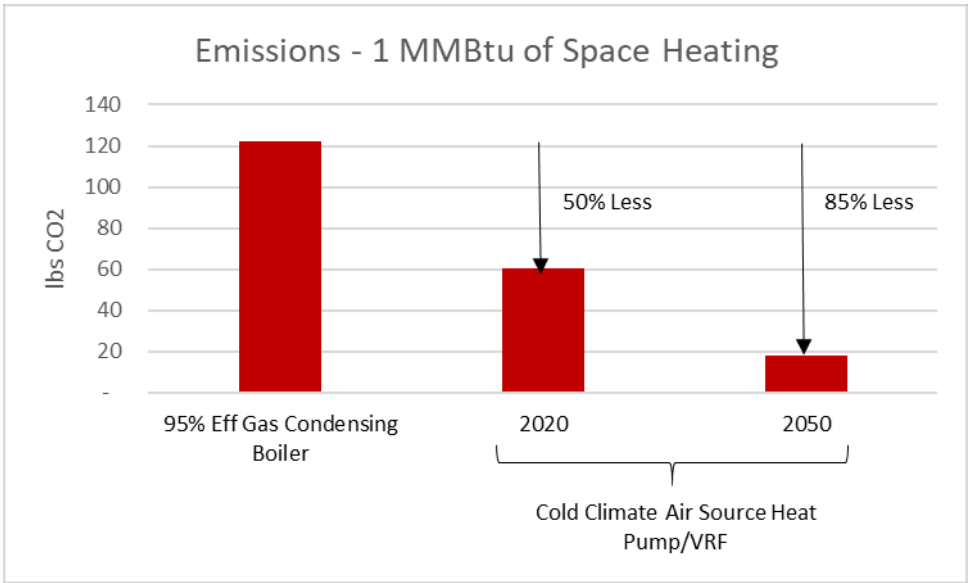
Efficient electrification entails swapping from fossil fuels (natural gas, oil, and propane) to electric heat pumps.

[1] See "Guide to Low Thermal Energy Demand for Large Buildings", BC Housing Research Centre, 2018 for detailed information about heating and cooling TEDI.

[2] Although they have the same units, heating and cooling TEDI is not the same as heating and cooling EUI. TEDI represents energy requirement, or demand, not energy consumption. For guidance on how to extract TEDI information from building models see "Energy Modeling Guidelines", City of Vancouver, Planning, Urban Design and Sustainability Department, Land Use Development and Policy Guidelines, Version 2.0, amended 18 July 2018 and "Designing to TEDI, TEUI, and GHGI Performance Metrics", International Building Performance Simulation Association (IBPSA), by Chan *et al.*

Efficient electrification is a key mitigation strategy with significant short- and long-term implications on GHG emissions. Massachusetts grid emissions rates continue to decline with the implementation of clean energy policies that increase renewable electricity sources. The implication is that efficient electrification results in much lower emissions than other fossil-fuel based heating options, including best-in-class (95% efficient) condensing natural gas equipment, in both the short term and long term.

Currently, efficient electric heating has approximately **50% lower emissions** in Massachusetts than condensing natural gas heating. By 2050, efficient electric heating is expected to have approximately **85% lower emissions** in Massachusetts than condensing natural gas heating. See illustration below.



Efficient Electrification – Space Heating

Efficient electrification of space heating using air source heat pump/VRF is readily feasible for the proposed buildings. We recommend this approach for all space-conditioned buildings.

Efficient Electrification – Water Heating

Efficient electrification of water heating (using electric air source heat pump water heater appliances) is readily feasible for all buildings. This approach is recommended for all buildings having hot water service.

Solar PV

Rooftop PV can provide significant GHG benefits as well as significant financial benefits. Even if PV is not installed during building construction, it's important to plan the project to ensure that roof space is set aside for PV and that roof space doesn't become unnecessarily encroached with HVAC appurtenances, diminishing the opportunities for future PV.

Note that all buildings 5 stories or less are required to have a solar ready zone in accordance with 2018 IECC Appendix CA.

We recommend the project plan to maximize solar readiness as much as possible, including incorporating solar-readiness above-and beyond the mandated solar readiness per Appendix CA. The ENF submission describes pursuing solar. We commend the project for pursuing these opportunities.

Electric Vehicle (EV) Ready Parking Spaces

EV charging stations are critical for the continual transition towards electric mobility. We recommend that a substantial number of spaces, in the order of 25%, be built with EV charging stations and the balance of spaces be made EV ready for future installations.

Incentives

Buildings which incorporate the above strategies can qualify for significant incentives:

- MassSave® performance-based incentives[3] offer incentives for every kWh or therm saved compared to a program-provided energy model. The above energy efficiency strategies offer opportunities for large kWh and therm savings.

- Alternative Energy Credits (AECs)[4] offer incentives to electrify building space heating using heat pumps and/or VRF. This program also includes multipliers which increase value if the building meets Passivehouse standards or buildings built to HERs 50 or less. These credits may be distributed on a quarterly basis over time; or, may be distributed in a lump sum to the developer if certain conditions are met.

- Massachusetts SMART program[5] provides significant incentives for solar development on top of federal and state tax incentives. SMART includes pathways which allow solar production to be sold without off-takers. This may be of potential interest to building developers as this allows them to develop rooftop solar without necessarily engaging with building tenants. For this reason, setting aside rooftop solar PV areas helps ensure that building owners' ability to monetize the roof is not impacted.

Codes and Baseline

Energy code is either: 2016 ASHRAE prescriptive path; 2016 ASHRAE Appendix G performance path; or 2018 IECC prescriptive path. All these paths include extensive Massachusetts amendments including: C402.1.5 (envelope), C405.3 and C405.4 (lighting), C405.10 (EV charging), and C406 (three additional efficiency measures).

[3] https://www.masssave.com/en/saving/business-rebates/new-buildings-and-major-renovations/
[4] https://www.mass.gov/guides/aps-renewable-thermal-statement-of-qualification-application
[5] https://www.mass.gov/solar-massachusetts-renewable-target-smart

Projects should include the three C406 additional efficiency measures in their Baseline.

Recommendations for Subsequent Submission

Recommendations are as follows:

1. Ensure base code building scenarios meet all code requirements including relevant MA amendments. Clearly indicate which three C406 measures are being used in the baseline. 5

2. Develop two UA analysis tables: 5

    a. One table that shows how the baseline complies with Table 5.5-5 of ASHRAE 90.1 2013 Appendix G plus Massachusetts Amendment C401.2.4.

    b. A second table that shows how the proposed complies with 2018 IECC Tables C-402.1.3, C402.1.4, and C-402.4. Fenestration limit shall be 30%.

3. Ensure that all scenarios properly account for **thermal bridges**. Thermal breaks should be incorporated in all scenarios, including baseline scenarios, to ensure that the mandatory wall and window performance in (2) above are being delivered. Thermal bridge accounting as described in the Building Envelope Thermal Bridging Guide[6] is recommended. 5

4. Separately model each building use type, including use types in the same building. For example, the office portion of the 571,000-sf manufacturing/office scenario should be separately modeled from the manufacturing portion of the building. 5

5. For the office, employee support facility, and laboratory spaces, provide at least the following scenarios: 5

    a. ***Baseline meeting minimum code***: use 8760 compliant energy model to show building meeting either: 2016 ASHRAE prescriptive path; 2016 ASHRAE Appendix G performance path; or 2018 IECC prescriptive path with amendments including C406 additional efficiency measures. Report the following using output from the 8760 compliant energy model:
        i. Heating and cooling thermal energy demand intensity TEDI (kBtu/sf-yr)
        ii. Heating and cooling peak loads for each month (MBH)
        iii. Peak energy use for each month, broken down by energy type (MBH)
        iv. Total annual heating and cooling (MMbtu/yr)
        v. Total annual energy use, broken down by energy type (MMbtu/yr)

[6] Building Envelope Thermal Bridging Guide, Version 1.2, 2018, BC Hydro available here https://www.bchydro.com/content/dam/BCHydro/customer-portal/documents/power-smart/business/programs/building-envelope-thermal-bridging-guide-version-1.2.pdf

b. ***Improved with heating TEDI of 3.2 Kbtu/sf-yr or less****:* Use 8760 compliant model to develop an improved scenario incorporating: reduced air infiltration, improved windows, improved walls/roof, electric air source heat pump space heating, electric air source heat pump water heating, and improved energy recovery that results in a heating TEDI of 3.2 kBtu/sf-yr or less. Lighting, appliance energy use, schedules, internal loads, and other miscellaneous energy uses should be consistent in baseline and improved scenarios. Then, use the 8760 model to report items (i) through (v) above. 5

6. For the manufacturing portion of manufacturing building, provide at least the following scenarios: 5

    a. ***Baseline meeting minimum code***: use 8760 compliant energy model to show building meeting either: 2016 ASHRAE prescriptive path; 2016 ASHRAE Appendix G performance path; or 2018 IECC prescriptive path with amendments including C406 additional efficiency measures. Report the following using output from the 8760 compliant energy model:
        ii. Heating and cooling thermal energy demand intensity TEDI (kBtu/sf-yr)
        iii. Heating and cooling peak loads for each month (MBH)
        iv. Peak energy use for each month, broken down by energy type (MBH)
        v. Total annual heating and cooling (MMbtu/yr)
        vi. Total annual energy use, broken down by energy type (MMbtu/yr)

    b. ***Improved with Building Performance Factor of 0.51****:* Use 8760 compliant model to develop an improved scenario complying with ASHRAE 2019 Appendix G with a Building Performance Factor of 0.51 on a site energy basis by incorporating: reduced air infiltration, improved windows, improved walls/roof, electric air source heat pump space heating, electric air source heat pump water heating, and improved energy recovery. Lighting, appliance energy use, schedules, internal loads, and other miscellaneous energy uses should be consistent in baseline and improved scenarios. Then, use the 8760 model to report items (i) through (v) above.

7. For space conditioned warehouse building uses, provide at least the following scenarios: 5

    a. ***Baseline meeting minimum code***: use 8760 compliant energy model to show building meeting either: 2016 ASHRAE prescriptive path; 2016 ASHRAE Appendix G performance path; or 2018 IECC prescriptive path with amendments including C406 additional efficiency measures. Report the following using output from the 8760 compliant energy model:
        iii. Heating and cooling thermal energy demand intensity TEDI (kBtu/sf-yr)
        iv. Heating and cooling peak loads for each month (MBH)
        v. Peak energy use for each month, broken down by energy type (MBH)
        vi. Total annual heating and cooling (MMbtu/yr)
        vii. Total annual energy use, broken down by energy type (MMbtu/yr)

b. ***Improved with Building Performance Factor of 0.41****:* Use 8760 compliant model to develop an improved scenario complying with ASHRAE 2019 Appendix G with a Building Performance Factor of 0.51 on a site energy basis by incorporating: reduced air infiltration, improved windows, improved walls/roof, electric air source heat pump space heating, electric air source heat pump water heating, and improved energy recovery. Lighting, appliance energy use, schedules, internal loads, and other miscellaneous energy uses should be consistent in baseline and improved scenarios. Then, use the 8760 model to report items (i) through (v) above. 5

8. Evaluate incentives, including 5

    a. Estimates of MassSave® incentives, based on meeting with utility, including:
        - Incentives for other performance-based non-Passivehouse scenarios
        - Incentives for efficient electrification.

    b. Estimate of Alternative Energy Credits

9. Evaluate solar PV. 5

    a. Investigate models of ownership and operation under SMART, including Qualified Facility pathway.

    b. Meet utility to discuss interconnection.

    c. For each proposed building, include scaled building roof plans showing location of planned solar (and/or solar ready areas) and location of roof HVAC equipment and other appurtenances.

    d. Indicate on the plans the code-required extent of solar readiness, if applicable.

    e. Map out maximum area available for solar.

    f. Estimate GHG reduction as a result of solar PV.

10. Evaluate opportunities for EV ready and installed EV spaces. We recommend increasing installed EV to 25% of the parking spaces and EV readiness for 75% of the parking spaces. 5.

11. Submit project modeling files to the DOER on a flash drive. 5.

12. Compare model results total and individual end uses with representative, prototype buildings developed by Pacific Northwest National Labs/Department of Energy found at the link below. Provide a summary explaining potential differences. 5.

    - https://www.energycodes.gov/sites/default/files/documents/BECP_901_2013_Progress_Indicator_0_0.pdf
    - http://www.energycodes.gov/sites/default/files/documents/2013EndUseTables.zip

- https://www.energycodes.gov/commercial-energy-cost-savings-analysis

5.

13. Include a table similar to the example below. For "code value" ensure that the value incorporates any improved efficiency per requirements of Section C406.1 of the Massachusetts' amendments. Add columns as necessary to accommodate the improved scenarios.

5.

Measure/Area	Base Code	Improved Scenario	% Change	Comment
AC Efficiency (EER)				
Bldg 1	*code value*	*design value*	%	
Bldg 2	*code value*	*design value*	%	
ERV Effectiveness (%)				
Bldg 1	*code value*	*design value*	%	
Bldg 2	*code value*	*design value*	%	
Boiler (% efficiency)				
Bldg 1	*code value*	*design value*	%	
Bldg 2	*code value*	*design value*	%	
LPD (Watts/sq ft)				
Bldg 1	*code value*	*design value*	%	
Bldg 2	*code value*	*design value*	%	
(continue to include service water, equipment, etc)				

Sincerely,

Paul F. Ormond, P.E.
Energy Efficiency Engineer
Massachusetts Department of Energy Resources

Energy & Environmental Affairs (https://www.mass.gov/orgs/executive-office-of-energy-environmental-affairs)
Public Comments Portal

alexander.strysky@mass.gov

Dashboard(javascript:void(0);) › View Comment(javascript:void(0);)

View Comment

Comment Details

EEA #/MEPA ID	First Name	Address Line 1	Organization
16554	Gerald	103 Norwood St	Save our Bay Brayton Point
Comments Submit Date	**Last Name**	**Address Line 2**	**Affiliation Description**
5-31-2022	Boudreau	--	Individual
Certificate Action Date	**Phone**	**State**	**Status**
5-31-2022	--	MASSACHUSETTS	Opened
Reviewer	**Email**	**Zip Code**	
Alexander Strysky (857)408-6957, alexander.strysky@mass.gov	jerryboudreau@gmail.com	02777	

Comment Title or Subject

Topic: Dredging concerns

Comments

Segoe UI | 10 pt | Paragraph

I live directly across Brayton Point on Lee's River on Norwood Street in Swansea. At the bottom of Sycamore Street there is a private beach for five area streets. Dredging should only be done October through mid May. The seabed which they will be dredging for the dock contains chemicals, oil residue and heavy metals from the 50 years it was the home of a coal burning power plant. Then Easton Metal Recycling occupied the land further contaminated the seabed.

I'm a swimmer who swims long distance from May till mid October. I swim from Leeside Beach out to Mount Hope Bay. There were days when EMR was operating I could not swim as the water was dark brown from EMR illegally pumping into the Taunton River. Some days I could taste a illegal substances in the water. I've been a fisherman, shellfish digger, sailor, power boater, scuba diver an offshore sailor, my whole life. When I was young I was a lifeguard at Horseneck Beach reservation. So I have a great deal of experience in these areas

I was born here and I've been swimming at Leeside beach since I was 4 years old 1953. The town of Swansea opens seabeds for digging clams, quahogs, oysters, crabs, to residence and commercial companies. Fishing for stripers, blues, Taug / black fish to name a few species are open as well. I would be willing to cut my swimming short and not swimming into October. If would like to contact me I can be reached at 508-685-9590

Sincerely

Gerald Boudreau

6

Attachments

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Public Comments Portal

alexander.strysky@mass.gov

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Comment Details

EEA #/MEPA ID	First Name	Address Line 1	Organization
16554	Kathleen	130 pocasset street	Abutter
Comments Submit Date	**Last Name**	**Address Line 2**	**Affiliation Description**
5-24-2022	Souza	--	--
Certificate Action Date	**Phone**	**State**	**Status**
5-31-2022	--	MASSACHUSETTS	Opened
Reviewer	**Email**	**Zip Code**	
Alexander Strysky (857)408-6957, alexander.strysky@mass.gov	kathysouza317@gmail.com	02725	

Comment Title or Subject

Topic: Comments

Comments

Segoe UI | 10 pt | Paragraph

Good afternoon,

My comments regarding the application are as follows.

The address listed on the application is "1 Brayton Point Road" . The address is currently assigned to Commercial Development Corporation who leases a state owned dock at that property and has been subject to multiple environmental investigations and fines for Clean Water act violations. They are also under investigation by the Attorney Generals Office. Although the MEPA application states it is for the purpose of Prysmian to construct a dock, as well as other construction, I believe there should some specific designation for location on the property as Commercial Development Corporation never applied for a MEPA review for the scrap operation or salt operation. My other comments are that the dock should be approved for the shortest length needed as to not interfere with the boaters and kayakers. Although this may require more dredging, the dredging materials should be removed and tested for contamination and disposed of accordingly. In the past, dredging material was dumped on the Northern side of the Braga bridge along the "paper" street Walker Street. I am concerned for the breeding seasons and marine life that were so heavily documented in reports from the proposed LNG plant and Brayton Point Power plant. Atlantic Sturgeon can be found in this area as well as the largest herring run in New England is listed by the national park service as the Taunton River. These concerns remain the same. The pollution for noise and light should be reviewed closely as the nearest home is 700 feet away. I would like to see a mitigation plan for any hazardous waste removal/heavy metals contamination from the store materials on site. Thank you for consideration of my comments.

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alexander.strysky@mass.gov

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Comment Details

EEA #/MEPA ID	First Name	Address Line 1	Organization
16554	Ann	16Lawrence St.	--
Comments Submit Date	**Last Name**	**Address Line 2**	**Affiliation Description**
5-31-2022	Seery	--	Individual
Certificate Action Date	**Phone**	**State**	**Status**
5-31-2022	--	MASSACHUSETTS	Opened
Reviewer	**Email**	**Zip Code**	
Alexander Strysky (857)408-6957, alexander.strysky@mass.gov	seeret2@aol.com	02777	

Comment Title or Subject

Topic: Environmental Concerns Brayton Point

Comments

As a Swansea resident that is only separated by the Lees River, my concerns are specific to the environmental impact related to noise, air, and water associated with this project. George Austin of the Somerset Sentinal reported on a recent presentation by the Prysmian representative in which he stated:

- one month a year, work would take place 24/7

- little noise and minimal discharge would result

- the frequency and duration of loading ships(smaller boats 10 days, larger boats 12 -13 days)...is this in addition to the one month a year 24/7 work schedule?

These quantifying indicators are extremely vague as they relate to my environmental concerns. When the site was used to collect and ship scrap metal, there was little to no regard for the concerns of and impact on area residents.

I trust your agency will throughly explore the full scope of this project and the ensuing environmental implications. 8

Thank you, your attention to this matter is appreciated.

Ann Seery

Attachments

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COMMENTS
PRYSMAIN BRAYTON POINT

1. ENF-Page 2

Question: Identify any land transfer from an Agency of the Commonwealth, including the Agency name and amount of land area in acres.

Answer: N/A

Comment: Brayton Point LLC was deeded from the prior power plant owners an Assignment of Lease from the Commonwealth Department of Public works in 1959 for 12.5 acres of public filled tidelands to New England Power for 99 years, that lease is recorded in the Fall River Registry of Deeds Book 714, Page 63. The lease is now controlled by the Department of Conservation and Recreation. New England Power was also given a Chapter 91 license #4168 that is recorded in the Fall River Registry of Deeds Book 714, Page 60 to build a berth and dredge a channel. Both the license and lease were given for the purposes of New England Power to operate a power plant on their adjacent land. My comment it is my belief that the lease and license are void by the change of use and any use of the berth and 12.5 acres requires a new lease, MEPA review and chapter 91 license. This ENF fails to identify these issues. Brayton Point LLC leased 2+/- acres of the public filled tide lands under the control of DCR to Eastern Metal Recycling that operated a scrap metal business that shipped scrap metal internationally without an ENF and MEPA review. Someone affiliated either with BPLLC or Eastern Metal Recycling would pump storm water and waste water from the scrap metal area into Mount Hope Bay in the area where this applicant wants to build a pier and dredge a channel. These areas must be tested for heavy metals and special handling. The exact area of 47 acres needs to be identified and whether the Commonwealth owned land is encompassed therein and how this ENF affects the public right of access to these public filled tidelands. 9 9 9

2. ENF-Pages 2 & 3

Project Description: Describe the existing conditions and land uses on the project site.

Brayton Point LLC filed petition with the Town of Somerset for planned development to include the storage of approximately 28 commodities and containers for shipping that was denied by the Town of Somerset Zoning Board of Appeals. Brayton Point appealed the denial to the Massachusetts Land Court, docket number 21 MISC 000079, that has a status date of August 25, 2022. In that proposal Brayton Point applied for 550 industrial truck traffic trips per day. In this ENF by Prysmian it is asking for +639 vehicle trips per day when in neighbor meetings with a represent they stated approximately 170 employee vehicles per day and 10 trucks per day. Brayton Point Road south of 103 to the corner of Brayton Point Road and O'Neil Road is a small residential single lane 9

roadway in each direction with no breakdown lane on either side. 639 vehicle trips is far too many for the road to handle and will cause congestion and havoc in violation of the Town of Somerset Zoning Bylaws in my opinion. If ever combined with 550 Industrial Trucks with 639 for Prysmian it would fail the road and cause massive negative impacts on the residents of Brayton Point in coming and going to their homes and for emergency vehicles to gain access. There is only one public access road to and from Brayton Point. 9

As described the ENF states Brayton Point provides a unique opportunity to leverage deep water access of nearby navigational channels…to serve future water dependent uses. With the buildout of Prysmian MEPA should only approve it so long as no other part of Brayton Point is developed for use. Brayton Point is also being proposed to be a plugin for the cables transporting electricity from the wind farms off of Massachusetts by Mayflower Wind. With the approval of those two businesses Brayton Point will be capped at its useful capacity and any future uses will just create negative impacts on Somerset, Swansea, Fall River and the rest of the Mt. Hope Bay Region. Brayton Point is surrounded by residential areas and any plan to use it as a commodities/container port in my opinion will destroy the residential areas with air pollution, water pollution, light pollution and noise pollution. This ENF has to consider this and cannot just stand alone for review independent of other proposals not yet submitted for a MEPA review. 9

3. Page 3

Alternatives:

Under local Town of Somerset Zoning Bylaw 4.2.6 (b) a marine terminal is not use by right and this was presented when BPLLC leased space to Eastern Metal Recycling on the filled public tidelands that was operating a scrap metal business on it. The Town's response at the time was that the building inspector opined that shipping was an incidental to the storage of scrap metal. It is my opinion that Somerset's zoning bylaws do not permit the building inspector to create uses the only way a use can be created is by a 2/3 majority vote at Town meeting to amend 4.2.6 b to include that use.

The 47 acres to be purchased by Prysmian needs to be subdivided in accordance with the Town of Somerset Zoning bylaws. There needs to required road frontage and so far this applicant has shown no road frontage as required. 9

There is an existing dock and channel at Brayton Point that would require no dredging and have little impact on the environment. This would be the best solution for all so long as there is no noise, light and odor pollution. 9

All power to the ships required for spooling submarine cable should require shore to ship electric power so that ships diesels engines are not running while in port. The 9

previous ships docked at Brayton Point had issues of emitting terrible odors in the Brayton Point neighborhood. 9.

General Comment:

The Prysmian Project will use Brayton Point Road, located in Somerset, MA which is a very small residential road. As a neighboring resident, Prysmian plans to have close to 170 full time job and 10 trucks per day. If all they are allowed to go forward it must be kept in mind how Brayton Point LLC/Commercial Development Corporation will use the remaining approximately 250 acres available at Brayton Point and how that will impact this ENF. There were 50 scrap metal trucks that using Brayton Point Road daily until limited by the Massachusetts Land Court and the problems associated with that traffic on a residential road had a negative impact on the neighborhood. I think it is unfair to consider this ENF alone knowing that there is a Massachusetts Land Court case pending where Brayton Point LLC wants to use the remaining property as a commodities/container port using 550 trucks per day. 9.

My comments as to this project are the dredging must be done and disposed of with the sensitivity that it probably full of containments from the power plant and scrap metal operation. The process of making submarine cable will probably require the melting of metals and polymers containing many chemicals and the capture of odors must be contained to their proposed site and not to enter the Brayton Point neighborhood. If a new dock is required then the dock from land should be short as possible back from the existing channel as to not cause noise and light pollution to the existing Fall River and Brayton Point neighborhoods. The 575-foot tower they plan to construct is for the vulcanization of rubber and the same odor concerns need to be addressed as well as well as light pollution from this tower. Where Prysmian wants to construct the plant should be overseen by a Massachusetts Licensed Site Professional based on the belief that much of this area was filled in with ABC rubble and unauthorized work was done in activity use limitation areas designated by MADEP. I would like to see that Prysmian participate in a MADEP public participation program to insure proper excavation of sole being removed for the site. Proper storm water and wastewater systems must be installed. Any use of this proposed dock must be limited to Prysmian only for the purposes of making submarine cable and not for any other purpose such as for the import and export of commodities or container water dependent uses. Provisions must be made that should Prysmian no longer need use of this plant that they agree to remove the 575-foot tower. Thank you. 9.