



The Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Maura T. Healey
GOVERNOR

Kimberley Driscoll
LIEUTENANT GOVERNOR

Rebecca L. Tepper
SECRETARY

Tel: (617) 626-1000
Fax: (617) 626-1081
<http://www.mass.gov/eea>

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CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
FINAL ENVIRONMENTAL IMPACT REPORT

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 : September 9, 2022

Pursuant to the Massachusetts Environmental Policy Act (MEPA; M.G.L. c. 30, ss. 61-62L) and Section 11.08 of the MEPA regulations (301 CMR 11.00), I have reviewed the Final Environmental Impact Report (FEIR) and hereby determine that it adequately and properly complies with MEPA and its implementing regulations.

Project Description

As described in the FEIR, the project consists of the construction of a 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 the following components:

- Manufacturing and Office Building: a 598,517-sf, 62-ft tall building in which the cable will be manufactured and office space will be located.
- Manufacturing Tower: an approximately 600-foot (ft) tall tower with a diameter of 82 ft, to be used for the process of sheathing the copper cable with insulation. This tower will be attached to the Manufacturing and Office Building.
- Raw Material Storage Building: a 42,070-sf, 30-ft tall storage facility for raw copper and other materials, including plastic insulation.

- Prequalification and Type Test Lab: a 17,227-sf, 90-ft tall building for the mechanical, thermal and electrical testing of new cable designs.
- Impulse and Routine Test Lab: an 8,747-sf, 69-ft tall building where mechanical, thermal and electrical testing of production cable will take place.
- Cable Storage Building: a 104,706-sf, 46-ft tall storage facility for finished cable.
- Two Fixed Cable Storage Buildings, each of which will be 46 ft tall with a footprint of approximately 9,766 sf (19,532 sf total).
- Employee Support Facility: an 8,606-sf, 30-ft tall building with employee space, including locker rooms.
- Substation and Substation Support Building: a new electrical substation and a 4,002-sf, 15-ft tall building housing equipment related to operation of the substation.
- Pier and Platform: a 1,500-ft long, 13-ft wide concrete pier with a 640-sf platform structure at both the inshore and offshore ends of the pier and fixed dolphin structures located seaward of the end of the pier, with a combined footprint of 35,525 sf.
- Other ancillary structures: including a parking area with 202 spaces, stormwater management facilities, an access roadway around the perimeter of the site and new driveways providing access to Brayton Point Road.

As previously described in the DEIR, 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 specially designed cable-laying vessels using a conveyor-type system of pulleys on the proposed pier.

To provide navigational access between Mount Hope Bay and the site, an area of approximately 351,000 sf (8 acres) will be dredged to a depth of 35 ft at Mean Lower Low Water (MLLW), or approximately 22 feet below the existing mudline. According to the FEIR, approximately 160,000 cubic yards (cy) of sediment will be dredged and disposed of at a combination of open ocean and upland off-site disposal locations.

The project will be constructed in three phases. Phase 1 will include dredging and construction of the pier, substation, Raw Materials Storage Building, the Manufacturing Tower and initial sections of the Impulse and Routine Test Lab, the Cable Storage Building and the Manufacturing and Office Building. Construction of Phase 1 is anticipated to commence in the fall of 2023 and be completed in early 2025. Phase 2 will include construction of the Prequalification and Test Lab, completion of the Impulse and Routine Test Lab and the Cable Storage Building, and most of the remainder of the Manufacturing and Office Building; according to the FEIR, the construction of Phase 2 depends on market conditions, but it is likely to be completed by the end of 2025. Construction of the Manufacturing and Office Building will be completed in Phase 3, which will be constructed over a six-month period in 2029 or 2030.

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 land owned by the Commercial Development Company (CDC) and a residential neighborhood. 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 CDC-owned land north of the site is the location of a proposed substation for the proposed Mayflower Wind SouthCoast Project (EEA# 16596), which is currently undergoing MEPA review.

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 (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*).

According to preliminary mapping of Environmental Justice (EJ) populations available when the ENF and DEIR were filed, 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.¹ 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.

¹ Under updated mapping issued on November 12, 2022 and made effective January 4, 2023, EJ populations within one mile of the site now include four EJ populations designated as Minority and Income and one census block designated as Minority, Income and English Isolation.

Environmental Impacts and Mitigation

Potential environmental impacts of the project include the addition of 7.5 acres of impervious area; alteration of 351,600 sf (approximately 8.07 acres) of LUO, 170 linear feet (lf) of Coastal Bank, 60 sf of Rocky Intertidal Shore, 68,400 sf (1.9 acres) of Land Subject to Coastal Storm Flowage (LSCSF) and 315,276 sf (7.7 acres) of Riverfront Area; generation of 1,132 average daily vehicular trips (adt); use of 7,200 gallons per day (gpd) of water; and generation of 7,200 gpd of wastewater. Greenhouse Gas (GHG) emissions and other air pollutants are associated with on-site energy use, manufacturing and transportation.

Measures to avoid, minimize and mitigate impacts include 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; use of marine vessels rather than trucks to transport materials from the site; restoration of impacted Riverfront Area; use of construction techniques and containment measures to minimize suspension of sediments; conducting in-water work outside of time-of-year windows; provision of funding for marine habitat improvement projects; use of Best Available Control Technology (BACT) to minimize emissions from manufacturing processes; energy-efficient building designs to minimize stationary-source Greenhouse Gas (GHG) emissions; and implementation of Transportation Demand Management (TDM) measures and installation of electric vehicle (EV) charging stations to minimize mobile-source GHG emissions.

Jurisdiction and Permitting

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 Agency Action and will alter 10 acres or more of any other wetlands (LUO, Riverfront Area, LSCSF and Rocky Intertidal Shore). 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, 401 Water Quality Certificate (WQC), and Limited Plan Approval (air permit) from MassDEP. It is subject to the MEPA GHG Emissions Policy and Protocol and requires a Public Benefit Determination (PBD).

The project requires an Order of Conditions (OOC) from the Somerset Conservation (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 (ACOE), 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). The project requires Federal Consistency Review by the Massachusetts Office of Coastal Zone Management (CZM).

Because the Proponent is not seeking Financial Assistance for the project, MEPA jurisdiction extends to those aspects of the project that are within the subject matter of required or potentially required Agency Actions. 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.

Changes Since the Filing of the DEIR

The FEIR identified the following changes to the project design and filing since the DEIR was reviewed:

- Previously proposed structures and fill, including the inshore platform, on the Coastal Bank have been removed from the project design.
- A retaining wall will be constructed along the southeastern perimeter of the site to support the proposed elevation of the roadway and minimize impacts to coastal resources.
- The FEIR provided an estimate of air emissions associated with the cable manufacturing process and confirmed that the project will require a Limited Plan Approval from MassDEP.
- At the request of the local Pilots Association and as a mitigation measure to improve the safety of marine vessel operations in Mount Hope Bay, the Proponent will install a navigational sector light between the federal navigation channel and the Fall River shoreline. The light will be directly in-line with the navigational channel that vessels will use to access the Proponent's docking facility. It will be constructed on top of a tripod-like cluster of piles or on a monopile and powered by a battery rechargeable by solar photovoltaic panels.

Review of the FEIR

The FEIR was generally responsive to the Scope included in the Certificate on the DEIR. The FEIR provided updated plans of existing and proposed conditions, a supplemental analysis of the project's impacts on EJ populations, and additional information about the project's impacts to wetland resource areas. It included an updated GHG analysis, reviewed air emissions from the cable manufacturing process and described construction-period mitigation measures.

I received comments from the Town of Somerset and area residents, including from the abutting residential neighborhood, expressing concern about the impacts associated with construction and operation of the facility. Key issues identified by commenters included noise, lighting and air emissions from docked vessels; impacts on roadways, residential neighborhoods and traffic operations associated with vehicular traffic, including trucks, generated by the project; excavation, handling and disposal of contaminated sediment and soil; and emissions of noise, dust and air contaminants. As noted by the Town, the project's impacts will be reviewed during permitting of the project by the Town and state and federal agencies. Measures proposed by the Proponent to avoid, minimize and mitigate environmental and public health impacts are described below; however, additional requirements may be imposed on the project by permitting agencies.

Environmental Justice

EJ populations within the 1-mile DGA are located across Mount Hope Bay in Fall River and were designated by preliminary maps as Income; Minority and Income; Minority and English Isolation; and Minority, Income and English Isolation; updated EJ maps issued on November 12, 2022 and made effective January 4, 2023, indicate that four EJ populations designated as Minority and Income and one census block designated as Minority, Income and English Isolation are located in Fall River within a mile of the project. Within the census tracts containing the above EJ populations, the following languages are identified as those spoken by 5% or more of residents who also identify as not speaking English very well: Spanish, Spanish Creole, Portuguese and Portuguese Creole.

Public Engagement

The FEIR reviewed the Proponent's public engagement efforts since the DEIR was filed. The Proponent held a public informational meeting on September 13, 2022 at 6:00 PM (during the DEIR comment period) in Somerset, which was recorded and available for viewing on YouTube. The Proponent's efforts to publicize the informational meeting included appearing before the Somerset Board of Selectmen on September 7, 2022 and inviting Board members and the public to the September 13 meeting; providing notice of the meeting to the Swansea Board of Selectmen; posting an announcement of the meeting on the "Save our Bay Brayton Point" website, which is administered by the neighborhood association in the area adjacent to the project site; and sending an email, translated into Spanish and Portuguese, to a list of individuals affiliated with local EJ-focused organizations. More than 40 residents of Somerset, Swansea and other nearby communities attended the September 13 meeting. Project team members provided a presentation about the project and described the process for submitting comments on the DEIR, which was under review at the time of the meeting.

According to the FEIR, the Proponent has continued to engage residents of Somerset and Swansea. During the FEIR review period, the Proponent held one in person meeting on February 2, 2023 and remote meetings on February 6 and February 7. Language interpretation services were offered at the meetings, but were not requested by attendees. In addition, the Proponent has been regularly communicating with a targeted group of non-profit organizations that serve economically disadvantaged and EJ populations, including the MassHire workforce development board and MassHire Career Centers in Fall River and New Bedford, the Immigrants Assistance Center in New Bedford, Bristol Community College workforce development team, the University of Massachusetts-Dartmouth and Citizens for Citizens. The purpose of outreach to these organizations is to facilitate job training opportunities and provide information about the types of jobs the Proponent will be creating; according to the Proponent, the Bristol MassHire Workforce Board/Career Center has committed to help recruit and train workers from under-served communities and EJ populations in the area. Citizens for Citizens has agreed to co-host periodic meetings of community-based organizations to provide project updates and to engage non-profit organizations about job training opportunities. A project web site has been established, which is periodically updated to provide current information about the status of the project.² According to the FEIR, the Proponent will continue these public engagement efforts during and after the MEPA review process.

Enhanced Analysis

² www.Prysmianatbraytonpoint.com

The FEIR provided additional analysis of the air emissions associated with project-generated vehicular traffic and vessels. According to the FEIR, approximately 328 vehicular trips per day (29 percent of project-generated daily trips), including six daily truck trips will drive on I-195 and pass by several EJ populations in Fall River. One commenter identified an alternative truck route described by the Proponent at a recent public meeting which would lengthen the distance traversed by these six truck trips within EJ populations in Fall River; however, according to the Proponent, a truck route has yet to be determined and will be approved by the Town during the local permitting process. The Proponent is encouraged to select truck routes that minimize impacts to EJ populations. According to the FEIR, the addition of 328 adt (including six truck trips) on I-195 adjacent to the closest EJ neighborhood represents a 0.007 percent increase to the 81,000 vehicles that use I-195 in this area on a daily basis. Based on the small increase in trips through EJ populations and because most project-generated trips will not travel through nearby EJ populations, the FEIR concluded that project-generated vehicular and truck traffic will not result in disproportionate adverse effects on EJ populations in the DGA.

The FEIR included a supplemental analysis of emissions of volatile organic compounds (VOCs), nitrogen oxides (NOx), carbon dioxide (CO₂) and particulate matter (PM₁₀ and PM_{2.5}), generated by cable-laying vessels visiting the site to be loaded with cable. Emissions were estimated using the EPA Port Emissions Inventory Guidance. The analysis included emissions while the vessel is traveling along the main ship channel (14.4 nautical miles), maneuvering between the main ship channel and the site (0.8 nautical miles) and being berthed at the docking facility. Five vessels per year are anticipated to visit the site to be loaded with cable and each visit will last for 10 days. The Proponent operates a fleet of four cable laying ships, any one of which could be used to receive manufactured cable from the site for an offshore installation. Because each vessel is equipped with different emissions control equipment, the analysis used the highest emission rate for each pollutant among the four vessels. According to the FEIR, the maximum combined annual emissions associated with five cable laying vessels includes 0.9 tons per year (tpy) of NOx, 0.2 tpy of VOC, 334 tpy of CO₂, 0.09 tpy of PM₁₀ and 0.09 tpy of PM_{2.5}. The approximately 2.5-mile segment of the route during which a vessel would travel closest to land would take approximately 30 minutes, and would bring the vessel as close as 0.13 miles away from EJ populations in Fall River. During this 30-minute period, a vessel would emit 21 pounds of NOx, 4 pounds of VOC, 5,212 pounds of CO₂, 1 pound of PM₁₀ and 1 pound of PM_{2.5}³. According to the FEIR, these emissions during vessel traversal at the part of the route closest to the adjacent EJ populations are minimal, and will not have a significant impact on EJ populations. Previously, in the DEIR, the Proponent indicated that the feasibility of supplying shore-to-ship electricity to vessels while they are berthed would be evaluated as a measure to minimize or eliminate the need for on-board engines to generate power from fossil fuels. I encourage the Proponent to implement a shore-to-ship power system for docked vessels. In addition to minimizing air emissions, it would have the benefit of minimizing noise, which is an impact of concern identified by local residents and the Town.

The FEIR listed the following benefits to EJ populations that will be provided by the project:

³ During the review period, the proponent provided corrected estimates of the emissions associated with the 30 minute passes, which are reflected in this Certificate. Annual CO₂ emissions from two 30-minute passes for each of the five vessels is estimated to be 26.1 tpy.

- Facilitate development of offshore wind to supply the Commonwealth with carbon-free power.
- Transform the site of a former coal-fired power plant to a state-of-the-art cable manufacturing facility to support renewable energy generation.
- Support job training programs for economically disadvantaged and EJ populations. As noted above, the Proponent is actively working with local organizations to promote job opportunities for local residents.

Wetlands and Dredging

The Scope for the FEIR required additional analysis of measures to minimize impacts on Coastal Bank associated with the proposed inshore platform. As noted above, the design of the inshore platform has been modified to avoid direct impacts to Coastal Bank. The FEIR included an analysis of how structures and fill proposed to be located in the floodplain may alter flood pathways and affect areas adjacent to the site. The analysis evaluated flood flow paths across the site for the current, 2050 and 2070 200-year (0.5 percent chance) storm events based on the Massachusetts Coastal Flood Risk Model (MC-FRM) under existing and proposed conditions. Under existing conditions, the northern, eastern and southern margins of the site would be inundated for all storm scenarios. Under proposed conditions, portions of the site including the perimeter road, buildings and landward end of the inshore platform will be raised above the 2070 200-year storm elevation; however, an area along the north edge of the project site, designated as an “Area of No Disturbance” where no work is proposed, would remain at its existing elevation. According to the FEIR, floodwaters would only affect the Area of No Disturbance under proposed conditions for the 2050 and 2070 storm events and would continue to flow across the Area of No Disturbance in a manner similar to existing conditions; therefore, the project will not redirect flood flow pathways in such a way that would impact the adjacent site.

Approximately 160,000 cubic yards (cy) of sediment will be dredged to provide access to the docking facility. According to the FEIR, 80 percent of the sediment will be disposed of at the Cape Cod Disposal Site and/or Rhode Island Sound Disposal Site and 20 percent will be disposed of at an approved upland disposal site. The material for upland disposal would be hauled away by 40 trucks per day over a six-month period or 24 truck per day over a 10-month period. A determination as to the suitability of the dredged material for open-ocean disposal will be made by EPA and USACE and then approved by MassDEP in the WQC. According to MassDEP, dredged material designated for upland disposal can be used as fill material if it meets the criteria for beneficial use; otherwise, the dredged sediment must be disposed of at a licensed landfill. The FEIR also evaluated a worst-case scenario involving disposal of all dredged material at an upland location. The worst-case scenario would require 202 daily truck trips over a six-month period or 122 daily truck trips over a 10-month period. As previously discussed in the DEIR Certificate, the Proponent has conducted preliminary sediment sampling and analysis to assess the level of contaminants in the material and potential disposal options. Final disposal locations will be determined in consultation with federal and state agencies, based on the results of the sediment sampling.

Public Benefit Determination

As previously described in the FEIR, the docking facility and a section of the Primary Access Road will be located within tidelands subject to the provisions of *An Act Relative to Licensing Requirements for Certain Tidelands* (2007 Mass. Acts ch. 168) and the Public Benefit Determination (PBD) regulations (301 CMR 13.00). As previously described in the DEIR, the Proponent asserts that the benefits of the project include manufacturing of cable to support the offshore wind industry and redevelopment of a site within the DPA for water-dependent industrial uses. Comments on the FEIR provided by MassDEP identify the project as a water-dependent use; therefore, the project is presumed to have a public benefit. I will issue a PBD within 30 days of the issuance of the Certificate on the FEIR.

GHG Emissions

The FEIR provided additional analysis of the energy performance of the proposed buildings. As previously documented in the DEIR, the project design includes significant measures that will minimize GHG emissions from the proposed buildings and reduce the use of natural gas as a fuel by over 90 percent compared to the Base Case. In the FEIR, the Proponent has committed to additional mitigation measures, including use of air-source heat pumps (ASHP) for space heating and hot water in some buildings, increased use of ventilation energy recovery and reduced lighting power densities. Mitigation measures include:

- All energy loads in all buildings will be met by using electricity;
- Lighting power density in the Manufacturing/Lab and Warehouse/Storage buildings 20 percent below the minimum Building Code requirements ;
- Use of variable refrigerant flow (VRF) systems, high-efficiency building envelope, ASHP hot water heating and high-efficiency energy recovery in the Office/Employee Support space;
- Use of ventilation energy recovery and ASHP for space heating in the Warehouse/Storage buildings;
- Reduced fan power, high-efficiency building envelope, and low lighting power density in the Warehouse/Storage space;
- Approximately 10 percent of the 202 parking spaces will have EV charging stations and the remaining 90 percent will be EV-ready.

The mitigation measures described above will reduce stationary-source GHG emissions to 15,982 tpy, a reduction of 365 tpy (2.2 percent) compared to the Base Case design which meets minimum Building Code (current Stretch Code) requirements. The relatively low reduction in energy use is due to the high electric loads for manufacturing (non-heating and cooling) uses. For the Office/Employee Support space alone, however, GHG emissions will be reduced from 164 tpy in the Base Case to 77 tpy in the Design Case, a reduction of 87 tpy (52.7 percent). As previously reported in the DEIR, mobile-source GHG emissions from vehicular trips associated with the project will be 400 tpy, which represents an increase of seven percent over No Build conditions. Proposed roadway improvements and TDM measures are anticipated to reduce project-related emissions by 319 tpy to 81 tpy (a reduction of 80 percent). As previously detailed in the DEIR, the significant reduction in mobile source emissions was attributed in large part to proposed roadway improvements, including signal optimization at the Wilbur Avenue (Route 103) at Brayton Point Road and Wilbur Avenue (Route 103) at Lees

River Avenue intersections. However, the Mitigation section of the FEIR identified the signal timing optimization as a measure that will be implemented “if deemed necessary” in consultation with the Town. According to the mobile-source analysis previously provided in the DEIR, without the signal timing optimization, mobile source GHG emissions would amount to 392 tpy, reflecting a reduction of eight tpy (two percent) from implementation of TDM measures.

Air Quality

The FEIR provided estimates of stationary-source air emissions associated with the cable manufacturing process. Based on the Proponent’s other submarine cable manufacturing facilities, anticipated air emissions from the proposed manufacturing facility will include 0.05 tpy of NO_x, 3.97 tpy of VOC, 0.03 tpy of Lead, 1.23 tpy of PM, 3.47 tpy of CO₂ equivalent (CO₂e), 1.16 tpy of Acetophenone and negligible amounts of SO₂ and carbon monoxide (CO). According to the FEIR, a Limited Plan Approval (LPA) from MassDEP will be required because the emissions of totals are between 1 and 10 tpy. Through the LPA permitting process, the Proponent will be required to provide technical specifications of the process and emissions stacks, incorporate BACT control measures and adopt reporting requirements to ensure that emissions meet the applicable air quality standards. The FEIR did not contain Draft Section 61 Findings for MassDEP with respect to the LPA permitting process. The Proponent should coordinate with MassDEP to provide final mitigation commitments for air permitting that should be incorporated into Final Section 61 Findings to be filed by MassDEP.

Construction Period

The schedule for the project’s construction activities may overlap with those of the Mayflower Wind SouthCoast Project (“Mayflower Wind”) proposed on the adjacent site. As required by the Scope, the FEIR reported on consultation between the Proponent and Mayflower Wind regarding coordination of construction and traffic-related impacts to adjacent residential areas. Construction activities in Somerset to be undertaken by Mayflower Wind include installation of offshore export cables in Mount Hope Bay and Lees River, onshore export cables, a new 345-kilovolt (kV) converter station, and a transmission line from the converter station to the Point of Interconnection (POI) at the existing 345-kV National Grid substation on the Mayflower Wind project site. According to the FEIR, Mayflower Wind anticipates commencement of construction in late 2025. Therefore, construction of Phases 1 and 2 of this project may overlap in time with construction of the Mayflower Wind project. The FEIR listed construction period mitigation measures identified in Mayflower Wind’s filing with the Energy Facilities Siting Board (EFSB), including measures to minimize sedimentation and erosion, noise, air emissions, dust and use of area roadways by construction vehicles. According to the FEIR, the projects are not anticipated to have significant cumulative impacts on land because both project proponents will incorporate mitigation measures and comply with any additional requirements imposed by the Town. As noted above, the Town has identified potential construction-period impacts that it anticipates will be addressed through permitting by the Town and other regulatory agencies.

Mitigation and Section 61 Findings

The FEIR included an updated chapter that summarized proposed mitigation measures and provided individual draft Section 61 Findings for each Agency that will issue permits for the Project. The draft Section 61 Findings will be revised and finalized during permitting.

Environmental Justice

- The Proponent will continue its public engagement efforts after MEPA review is concluded and prior to and during subsequent permitting;
- The Proponent will continue to support job training programs for economically disadvantaged and EJ populations;
- The project will facilitate integration of renewable power into the electrical grid by supporting offshore wind generating facilities;
- The project does not include construction activities within EJ populations; and,
- Mitigation measures listed below will minimize construction-period impacts on nearby EJ populations.

Wetlands and Waterways

- The inshore platform has been designed to avoid direct impacts to Coastal Bank;
- To mitigate impacts to intertidal and subtidal wetland resources, the Proponent will provide a financial contribution for compensatory off-site mitigation in accordance with the ACOE's In-Lieu Fee program;
- To minimize impacts to public access to tidelands, the pier and mooring system will be designed to allow small watercraft to pass underneath them;
- The Proponent will install a navigational sector light between the federal navigation channel and the Fall River shoreline to promote safe navigation;
- A Stormwater Pollution Prevention Plan (SWPPP) will be prepared and implemented during the construction period to minimize water quality impacts from land-based construction.

Stormwater

- Construction of a stormwater management system that complies with MassDEP's Stormwater Management Standards, including on-site infiltration BMPs;
- The stormwater management system will be designed to treat the first 1.7 inches of precipitation; and,
- The stormwater management system will be designed to discharge runoff from the 2070 200-year storm event through a combination of existing and proposed outfalls.

Marine Fisheries

- No dredging or silt-producing work will take place within the time-of-year restriction established by DMF (January 15 to July 15);
- As recommended by DMF, mitigation for impacts to shellfish habitat from dredging activities will be provided during permitting of the project by the ACOE;

- Sediment and turbidity controls, including silt curtain enclosures around in-water work areas, will be used to minimize water quality impacts in Mount Hope Bay; and,
- Pile driving will be conducted in a manner to minimize acoustic impacts.

Transportation

- In consultation with the Town of Somerset, the Proponent may optimize signal timings at the Wilbur Avenue intersections with Lees River Avenue and Brayton Point Road, if necessary;
- The Proponent will direct trucks traveling to/from the west on I-195 to use Lees River Avenue, Route 6 and Brayton Point Road in order to avoid making tight turning movements at the Wilbur Avenue/Brayton Point Road intersection;
- Coordinate truck deliveries to minimize truck trips during peak hours;
- To minimize single occupant vehicle trips, the Proponent will implement a TDM program including the following measures:
 - 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);
 - Administering carpooling and vanpooling programs and incentives for participation;
 - Providing preferential parking for carpools and vanpools;
 - Providing on-site amenities and conveniences that would reduce the need for automobile travel, such as bicycle racks, showers and a lunchroom; and,
 - Providing electric vehicle (EV) charging stations at 10 percent of the parking spaces and constructing all other parking spaces to be EV-ready.

Adaptation and Resiliency

- Buildings and critical infrastructure will be constructed at elevation 25 ft NAVD 88, which is above the 2070 200-year flood elevation;
- Ancillary structures will be protected through general site grading ranging from elevation 21 ft NAVD 88 to 25 ft NAVD 88 and deliberately placed berms to provide protection from future flooding;
- The stormwater management system will be designed to discharge runoff from the 2070 200-year storm event through a combination of existing and proposed outfalls;
- The off-site roadway accessing the site will be adapted over time to improve its resiliency; and,
- The top of the proposed pier and inshore platform will be at elevation 22.5 NAVD 88 to avoid submersion to the maximum extent practicable.

GHG Emissions/ Air Quality

- All energy loads in all buildings will be met by using electricity;
- Lighting power density in the Manufacturing/Lab and Warehouse/Storage buildings 20 percent below the minimum Building Code requirements ;
- Use of VRF systems, high-efficiency building envelope, ASHP hot water heating and high-efficiency energy recovery in the Office/Employee Support space;
- Use of ventilation energy recovery and ASHP for space heating in the Warehouse/Storage buildings;
- Reduced fan power, high-efficiency building envelope, and low lighting power density in the Warehouse/Storage space;
- Approximately 10 percent of the 202 parking spaces will have EV charging stations and the remaining 90 percent will be EV-ready;
- Compliance with LPA requirements, including the use of Best Available Control Technology (BACT) and other technical specifications to be itemized in the LPA and Final Section 61 Findings from MassDEP

Hazardous Materials

- Provide sediment sampling data to ACOE and EPA to properly characterize sediment quality and identify disposal options prior to dredging;
- Prepare a Soil Management Plan (SMP) to address methods for testing, handling, transporting and disposing of contaminated soil in accordance with the Massachusetts Contingency Plan (MCP) and under the supervision of a Licensed Site Professional (LSP)⁴; and,
- Notify MassDEP if any previously unidentified releases of hazardous materials are encountered during construction.

Construction Period

- Develop Traffic Management Plans to minimize construction-period traffic disruptions for review and approval by the Town;
- Develop and implement a Stormwater Pollution Prevention Plan (SWPP);
- Collect and dispose of HDD cuttings in accordance with local and state standards;
- Minimize quantity and duration of soil exposure;
- Reestablish vegetation in disturbed areas as soon possible following final grading;
- Proper spill containment equipment will be maintained for immediate use if required. All operators will be trained in the use and deployment of such spill prevention equipment;
- Noise mitigation measures include: minimizing amount of work conducted outside of typical construction hours; installation/maintenance of mufflers; maintenance/lubrication of construction equipment; muffling enclosures on

⁴ According to MassDEP, an additional release was documented at the site after the DEIR was filed. Information about the release is available at

<https://eeaonline.eea.state.ma.us/EEA/fileviewer/Default.aspx?formdataid=0&documentid=724845>

continuously-operating equipment such as air compressors and welding generators; turning off construction equipment when not in use and minimizing idling times; mitigating the impact of noisy equipment on sensitive locations by using shielding or buffering distance to the extent practical; and,

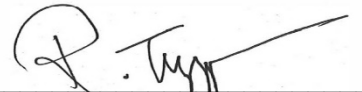
- Construction-period air quality mitigation measures include: mechanical street sweeping of construction areas and surrounding streets/sidewalks; removal of construction waste in covered or enclosed trailers; wetting of exposed soils and stockpiles to prevent dust generation; minimizing stockpiling of materials and storage of construction waste on-site; turning off construction equipment when not in use and minimizing idling times; and, minimizing the duration that soils are left exposed.

Conclusion

Based on a review of the FEIR and consultation with Agencies, I find that the FEIR adequately and properly complies with MEPA and its implementing regulations. The project may proceed to permitting. Participating Agencies should forward copies of the final Section 61 Findings to the MEPA Office for publication in accordance with 301 CMR 11.12.

February 17, 2023

Date



Rebecca L. Tepper

Comments received:

01/25/2023	Bristol Community College
01/26/2023	Paul Healy
01/31/2023	Paul Healy
02/02/2023	Massachusetts Office of Coastal Zone Management (CZM)
02/03/2023	Kathy Souza
02/03/2023	Patrick W. McDonald
02/03/2023	Paul Healy
02/05/2023	Paul Healy
02/06/2023	Paul Healy
02/06/2023	Robert Maltais
02/07/2023	MassHire Bristol Workforce Board
02/09/2023	Belmore Family
02/09/2023	Division of Marine Fisheries (DMF)
02/09/2023	Town of Somerset
02/10/2023	Jamie Robin French
02/10/2023	Lloyd Mendes
02/10/2023	Massachusetts Department of Environmental Protection (MassDEP)/Southeast Regional Office (SERO)
02/16/2023	Department of Energy Resources (DOER)

RLT/AJS/ajs

January 25, 2023

Secretary Bethany A. Card
Executive Office of Energy and Environmental Affairs
Attn: MEPA Office, Alexander Strysky, EEA No. 16554
100 Cambridge Street, Suite 900
Boston, MA 02114
REF: Prysman FEIR#16554

Dear Secretary Card,

As the Vice President of Economic & Business Development at Bristol Community College and the National Offshore Wind Institute (NOWI), I am in full support of Prysman Group's investment of \$200 million to build a new submarine cable factory at Brayton Point, located in Somerset, Massachusetts. Prysman will be partnering with the Commonwealth of Massachusetts and the town of Somerset to create a supply hub for essential components for renewable energy production to support the U.S. energy transition.

This project will be the first U.S.-based offshore wind subsea cable factory and will be dedicated to the production of high-tech submarine inter-array and export cables to connect offshore wind farms to mainland power grids. Prysman is set to transform the area into a high-tech hub for the energy transition process. The Brayton Point plant will be a state-of-the-art manufacturing facility on 47 acres located on the Atlantic Coast about 50 miles south of Boston that will create jobs, boost the region's economy, and contribute to a stronger community. It will be the first location in North America with the capability to produce these advanced submarine cable products. The Brayton Point factory will manufacture subsea inter-array and export cables that are needed to connect offshore wind farms to mainland power grids. These cables will be used to deliver power from several new offshore wind farms, vital to President Biden's goal of installing 30 GW in offshore wind power by 2030.

Prysman's project will significantly enhance supply chain and workforce development in an effort to maximize economic benefits to Massachusetts and surrounding areas. Bristol's NOWI serves as a one-stop location for workforce training and services to the offshore wind industry, and expect to support these types of companies and projects.

In summary, I am in full support of this project that will create career opportunities in this sector, benefit the offshore wind industry, and provide economic development to the region. I look forward to further planning with Prysman Group to define and customize a workforce development training partnership, specific to their needs.

Sincerely,



Jennifer Menard
Vice President
Economic & Business Development/National Offshore Wind Institute

From: [PAUL HEALEY](#)
To: [Strysky, Alexander \(EEA\)](#)
Subject: Pysmian Brayton Point project - Comments for February 2, 2023 meeting
Date: Thursday, January 26, 2023 10:45:50 AM
Attachments: [Email to Alexander Strysky.email.26Jan2023.docx](#)

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good Morning Alexander Strysky,
I believe you are the MEPA coordinator for the upcoming Pysmian Brayton Point project Public presentation. Please find attached/ below my comments, questions and requests for the upcoming meeting of the Pysmian Brayton Point project in Somerset, MA.

Please forgive the copy and paste below of the attached letter with the formatting issues.

Please do not hesitate to contact me if you have any questions regarding my comments, questions and requests.

Respectfully submitted,

Thank you,
Paul Healey, MD (ret)
76 Gays Street
Somerset, MA 02726
860-857-8912

I am a retired physician with training in Occupational & Environmental Medicine. I live in Somerset, MA. My perspective is to better understand the implications of the Pysmian Brayton Point project impact on the environment and the potential for adverse medical events on the health and well-being of the residents of our community. To better understand the implications I need reliable historical environmental data (air, water, and soil sample results), recently collected data, during planned construction operations, and for a period after construction operations hazardous waste data/ results (air, water, and soil samples) from a

reliable laboratory. I further clarify my requests and why below.

Specifically, I need additional information on the impact of planned construction, removal, and transportation of on-site generated soil and water at various locations (hot spots and non-hot spots) within the property. In order to better understand the potential health and environmental impacts I need to understand the current hazardous wastes that were generated from previous and ongoing operations for which there are noted reports that are not readily available.

To this end, I note below additional available information, that I am requesting and proposed ongoing air, water and soil samples that should be collected during construction operations and the transport of soil and water off the property.

Prysmian and subcontractor Ramboll have completed multiple borings and wells and samples have been sent off to a reference lab. However, in the report entitled “PHASE III SUBSURFACE INVESTIGATION REPORT BRAYTON POINT, SOMERSET, MASSACHUSSETTS” dated October 2022 (Project # 330003274) the report cites several potential concerns either in the collection of, transport of, and or analysis of samples from the multiple borings and wells that were performed – see below from their report (Section on “Data Usability and Validation”) and some recommendations to ensure we better understand the current hazardous waste levels.

See section 4.2 “Common Usability Findings” of the report noted above that raises questions on the reliability of the data. There is a suggestion that the data biases towards the lower level because of collection, transportation or processing issues. There is a suggestion that there was data contamination from various samples. There is a question on the reliability of the testing methodology and the practices at the lab which the report notes may be cross-contamination but may also be quality control issues within the lab that was used. These values

represent the baseline of levels prior to construction operations on the site. It is important to understand the baseline levels of the hazardous waste as this may alter planned methods used in construction operations. Prysmian needs to further clarify these issues and explain why they are not repeating a sampling strategy and ensuring reliability of the data.

From an environmental perspective, I want to understand the “Soil Management Plan” as Prysmian conducts construction operations and transportation of soil and water off-site or it remains on-site. Will hazardous waste soil and water from construction operations be sampled to see if there is an increase / decrease of the hazardous waste levels that may adversely impact the air, soil and water and potentially increase risk to health and safety of the community. The impact on the local community (both EJ- and non-EJ local citizens within the 1-mile radius) water supply and dust (haze) generation may be increased due to potential inadequacies in the “Soil Management Plan” and the planned “cleaning up” of excavation soil/water and trucking equipment wash-downs. This necessitates further continued monitoring of the hazardous waste from construction operations and for a period after operations have been completed to assess the impact on water aquifers.

Additional information needs to be provided to better understand the impact on water supplies within the community. There is a paucity of hydrologic information on the local water supply / aquifers feeding any potential home use water wells or elsewhere within Somerset and local communities’ water supplies / reservoirs to the town. I am requesting that Prysmian and the Town of Somerset further clarify with appropriate documentation the potential impact on water supplies within the town. What are current levels of hazardous waste (have they been measured), if any, in wells located in the vicinity of the Prysmian Brayton Point property? What are the plans to monitor these levels prior to initiation of construction, during construction, and for an adequate period after construction since water flows through aquifers will take time?

I have the following comments / requests about the following documents:

1. FEIR:
2. Communication Plan: I would like to see a better (timely) communication plan that informs the residents of what is being done (sampling, drilling, excavation, etc) on the site that may raise dust or risk contamination of the soil or water. To this effort, we should understand these activities prospectively and not just retrospectively, sometime weeks or months after the activity has been completed on the site. Please provide a copy of the Community Outreach Plan, when are planned meetings, are they open to the public.

2. Soil, Air and Water Sampling during ongoing operations: Continued sampling planned and results should be discussed with the Town and communicated to the residents. Please provide additional information on the planned "Haze" monitoring and control program.

3. Please provide a copy of the Soil Management Plan and Construction Mitigation Plan

4. Environmental Justice (EJ) and Non-EJ populations: I appreciate the need to view the project from the perspective of Environmental Justice, but there is also a need to view the project from the non-EJ population (Local Residents) within the 1-mile and 5-mile radius of the Brayton Point project. Since the non-EJ population is closest to

the BP project has there been a discussion of the impact of haze dust on their properties resulting from construction operations – we would like further clarity on this issue. The non-EJ population within the 1-mile radius should be declared a population of interest. Additionally, has there been discussion on the impact of construction operations and transfer of dust to local residents, as well as the impact on residents who have wells in the area, if any – we would like further clarity on this issue.

5. Section 6.2 discusses mitigation strategies relative to EJ populations, however there is no discussion relative to Non-EJ populations in the immediate area of the Brayton Point project. Would you please address this shortcoming.

1. From the report entitled “PHASE III SUBSURFACE INVESTIGATION REPORT BRAYTON POINT, SOMERSET, MASSACHUSETTS” dated October 2022 (Project # 330003274):

I am interested in better understanding the contamination in the current soil and groundwater identified through the multiple borings and wells on the Brayton Point Prismatic site.

1. Page 4/35: Sections 1 and 2: Are you able to share the following references noted in the report:
 1. Reference 1. Environmental Due Diligence report and High-Level Environmental Due Diligence at Brayton Point report

- (project #330002760);
2. Reference 2. Review of Additional Environmental Documents report (project #330002841);
 3. Reference 3. Phase II Subsurface Investigation report (project #330002841).
 4. Reference 4. proposal #330003179

2. Page 6/35: Section 3.2: Ramboll subcontracted “Cascade Remediation Services, a licensed drilling subcontractor to advance two hundred and forty soil borings at the site”. I would like the pdf files of the report of findings, actual data logs of material collected, reference labs used to evaluate material and other draft data and final reports / conclusions / recommendations noted in the report.

3. Page 6/35: Section 3.2: I would like clarity on the location / disposal of the boring decontamination fluids, soil cuttings, soil, and all the appendices referenced in the report.
 1. In the paragraph “To lessen the risk of cross contamination during the boring program...”. I recommend ascertaining the tracking information on the disposal of “All decontamination fluids (sic) that were drummed and stored.” Are they still on site? Where did they go. There should be tracking information.
 2. In the same paragraph “all drums were labeled with the contents (soil cuttings...” dated and tracked. I recommend ascertaining the tracking information. Are the drums still on site?
 3. In the next paragraph “Any soil cuttings”, see end of paragraph “Two drums of soil / water have been generated ...” These drums need to be accounted for.
 4. The last paragraph of page 6/35 notes that there is an Appendices. Page 20/35 suggests there are at least 7 Appendices, however, none were attached to the report. Recommend obtaining these Appendices.

4. Page 12/35: Section 4: Data Usability and Validation: I would like a copy of the Massachusetts Contingency Plan, Mass DEP's Compendium of Analytical Methods (CAM) and MCP Representativeness Evaluations and Data Usability Assessments (REDUA) Policy #WSC-07-350 and revised CAM (WSC #10-320) to fully understand these references' recommendation for the assessment of soil and water samples in accordance with acceptable methodologies for analyses and compare to what has been done by Prysmian and subcontractors.

5. Page 12/35: Section 4.1: This section addresses "Data Review Process" that was implemented to assess adequacy of soil and water samples. They created a review process for the "usability and representativeness" checklist to assess the quality of the data generated from bore samples. I would like pdf of the raw data, report and discussion of their interpretation of the data collection methods, analyses and findings to review and confirm the results of the analyses and the interpretations drawn from the results.

6. Page 13/35: Section 4.2 "Common Usability Findings" of the data collected:
 1. Ramboll identifies "potential biases to the data" including "Surrogate and / or Blank Sample Recoveries", "Blank Detections" and "Reporting Limit" issues with their data collection.
 2. This needs to be further characterized by Ramboll and Prysmian on whether other efforts were made to recollect samples in

question. What efforts were made to confirm the validity of the data collection methodology and the reference lab utilized? Was a second or referee lab used to confirm the validity of the data?

3. I would like Ramboll and Prysmian to provide the data / references noted above and further explain the findings in the report.
 4. If their explanations continue to raise concerns or further confirmation should be needed, then consider the data be reviewed by an independent consultant.
-
7. Page 13/35: Overall Usability Conclusions: The report notes “In general, there were limited data usability issues...”. Ramboll and Prysmian should further clarify the basis of their conclusions and the implications and further recommendations, including the need for additional sampling strategies.
-
8. In light of the above statements. On Page 21/35: Section 7.2 Soil Sample Results: Table 1 Soil Samples Exceeding RCS-2 are significant. I would like further clarity on what Prysmian plans to do as they progress the further development of the project. How will the sampling sites and planned construction areas be further cleaned up?
-
9. Page 27/35: Section 7.3 Groundwater Sample Results: Table 2 Groundwater Samples Exceeding RCGW-2 are significant. I would like further clarity on what Prysmian plans to do as they progress the further development of the project. How will the sampling sites and planned construction areas be further cleaned up.

10. Page 33/35: Section 9: Activity Use Limitation (AUL): Current Situation:
 1. I would like a clarification of the legal restrictions placed on the site that will further limit future exposure.
 2. There is reference to “one AUL on November 10, 2011”. I would like a copy.
 3. In the next paragraph “Based on the Phase III ESA...” it appears to be a paper comparison of the results since “no monitoring wells have been installed in AUL...”. Can we get further clarity on this statement?

11. Page 34/35: Data Gaps: Can we get further clarity on the data gaps and plans to obtain the data?

12. Page 35/35: Disclaimer and Limitations (2nd paragraph): Can we obtain the information regarding the statement that “Ramboll has relied upon publicly available information, information provided by the client and information provided by third parties.” Specifically, I am interested in the information provided by the client and information provided by third parties to better understand the implications on the data that was collected.

-
1. From the report entitled “PHASE IIIB ESA – Marine Sediment Investigation Report, Brayton Point Somerset, MA dated 17 November 2022 (Project # 330003472-001):
 2. This appears to be a draft document with incomplete information on the full data set, dioxin and furans findings, updated data usability assessment. Would you please provide the additional data noted here. I have searched for the report and data information on the Prysmian’s website to no avail. Your assistance is greatly

appreciated.

2. Page 3/23: There is reference to a Ramboll Proposal Number 330003264 dated 16 May 2022. Would you please provide this proposal?

3. Page 5/25: Section 1.2: Previous Findings: notes a project Ramboll did in January 2022 (#330003098). Would you please provide this proposal?

4. Page 10/23: Section 3.2 Sediment Logging and Sampling: Would you please provide a copy of the sample collection methodology utilized by the TG&B Marine Services (page 9/23) that served as the marine contractor collecting the samples for Prysmian? Additionally, the COC and report of sample receipts to the reference laboratory (page 11/23 Eurofins Analytical in Pittsburgh, PA) performing the analyses so we can assess the quality of the samples received by the Eurofins Analytical in accordance with Table 2 (page 11/23) Analytical parameters and methods utilized. This will facilitate an interpretation of the data in the context of proper sampling and analytic techniques.

5. Page 12/23: Section 4 Data Quality Evaluation: Para 1: The report indicates there were delays “in analyses and final data reporting necessitated evaluation of preliminary data for report preparation.” I would like the final report. Para 2: notes “ limited data quality review was performed on the preliminary data. I would like a copy of their final report to include any update to their interpretation of

the data. Additionally, I would like a pdf file and MS Excel (csv file) to review the complete data noted in Table 3. Laboratory data packages IDs. As the report notes, after reviewing this data, a “data usability assessment (DUA) include(in) a filed component and an analytical component” can be completed.

6. Page 12/23: Section 4.2 Inconsistency, Uncertainty and information Considered Unrepresentative: It is unclear how a conclusion can be drawn in the absence of a full data set and the above information. Indeed, page 13/23 notes “Overall data usability is limited by the preliminary nature of the data reported...”.
7. Page 16/23: There are multiple references to Appendices, however, Appendix A is not provided and Appendix B and C are presumed to be incomplete, as noted above.
8. Page 16/23: last paragraph: It is unclear how a conclusion such as “The figure on MAP 2 does not appear to indicate a relationship between detected mercury or tin concentrations and distance from the Site shoreline” when the dataset is incomplete. An implication of this incomplete dataset is that this may impact “disposal scenarios” and resultant costs.
9. Page 17/23: Last sentence: Please provide a copy of dioxins and furans data and report.

10. Page 18/23: There is a reference to a Phase IIB (project # 330003098) investigation. Please provide a copy of the data and report. Please provide information on the collection methods and analytic techniques from the unidentified reference laboratory.

11. Page 19/23: Feasibility of Dredging: There is reference to a Phase IIB report. Please provide a copy of the analysis and report and any underlying documentation to support the report.

12. Page 20/23: Second bullet: Notes a “total of twenty-five (#25) sediment samples were collected...”. I only counted 24 in Table Appendix B.

13. Page 20/23: Second to last bullet: “no organic compound was detected in exceedance of the corresponding ER-M or ER-L value.” Please confirm this is the case with the full dataset. Would you provide / confirm the sampling, transport, COC and packaging techniques / requirements were performed.

Based on the data provided by Prysmian / Ramboll that identified hazardous waste organic and inorganic chemicals currently in the surrounding water ways and on the Brayton Point Prysmian property (from their core and well sampling) and with the anticipated dredging and planned construction that will “churn” currently settled water sediment and the potential for infiltration (leaking) of hazardous waste chemicals into the soil and potentially into the local salt and fresh

waterways and over years, potentially into drinking water over time, I am requesting that you consider asking the USGS or Prysmian) to sample for hazardous waste chemicals identified in the Prysmian / Ramboll reports, at various locations noted in the attachment below, to serve as baseline data for future comparison and reassurance to the community that there is limited / no leaching of hazardous waste compounds into the surrounding water ways and into the community drinking water. Attached please find a proposed water (inactive USGS wells) that could be sampled for baseline characterization of hazardous waste organic and inorganic chemicals.

Furthermore, I am requesting that you consider documenting the Somerset drinking water supplies for the hazardous waste products identified in the Prysmian / Ramboll reports to serve as baseline data for future comparison of the adequacy of Prysmian's operational control during construction on-site at Brayton Point. Even more importantly is consideration of sampling of local homeowner wells within a 1-mile radius of the Brayton Point site that are currently used by residents.

Respectfully submitted,

Paul Healey, MD (ret)

USGS Water Sampling Strategy Proposal

Proposal: Initial sampling strategy of the USGS inactive wells to serve as baseline characterization of hazardous waste organic and inorganic chemicals in the local area as a result of previous operations since the 1960s at the Brayton Point site. This would serve as a baseline prior to construction operations on the Brayton Point site. Values from this sampling strategy should be compared to the Prysmian / Ramboll sampling when their data has been validated.

If the sites are found to contain abnormal levels of hazardous waste

organic and inorganic chemicals then an expanded next “tier” of USGS wells should be considered for sampling to better understand the extent of infiltration of chemicals from the Brayton Point site that may have occurred over time since the 1960s.

Since chemicals will “equilibrate” over time in the water and land, please consider an annual sampling strategy over the next 10-20 years.

I reference the following “USGS National Water Information System: Mapper” site in identifying potential wells to sample. Please see: [Water Resources of the United States—National Water Information System \(NWIS\) Mapper \(usgs.gov\)](https://water.usgs.gov/nwis/mapper/) – specifically using the tab “Groundwater sites” only, active and inactive sites. An initial sampling strategy should include, at a minimum, the following sites:

1. **Site Number:** 414239071105301 **Site Name:** MA-SPW 10
2. **Site Number:** 414239071104701 **Site Name:** MA-SPW 9
3. **Site Number:** 414243071103201 **Site Name:** MA-SPB 12
4. **Site Number:** 414238071102401 **Site Name:** MA-SPB 13
5. **Site Number:** 414234071101601 **Site Name:** MA-SPB 14
6. **Site Number:** 414225071100001 **Site Name:** MA-FRB 53
7. **Site Number:** 414254071103801 **Site Name:** MA-SPW 4
8. **Site Number:** 414253071102501 **Site Name:** MA-SPW 1
9. **Site Number:** 414301071100701 **Site Name:** MA-SPW 2
10. **Site Number:** 414311071104601 **Site Name:** MA-SPW 8
11. **Site Number:** 414312071105401 **Site Name:** MA-SPW 6
12. **Site Number:** 414307071110001 **Site Name:** MA-SPB 16
13. **Site Number:** 414242071121001 **Site Name:** MA-S9W 143
14. **Site Number:** 414237071122401 **Site Name:** MA-S9W 134
15. **Site Number:** 414248071122201 **Site Name:** MA-S9W 135
16. **Site Number:** 414253071122001 **Site Name:** MA-S9W 139
17. **Site Number:** 414254071120801 **Site Name:** MA-S9W 183
18. **Site Number:** 414301071120801 **Site Name:** MA-S9W 207
19. **Site Number:** 414214071100001 **Site Name:** MA-FRX 1
20. **Site Number:** 414209071100801 **Site Name:** MA-FRX 3

Email to Alexander Strysky at : alexander.strysky@state.ma.us

I am a retired physician with training in Occupational & Environmental Medicine. I live in Somerset, MA. My perspective is to better understand the implications of the Prysmian Brayton Point project impact on the environment and the potential for adverse medical events on the health and well-being of the residents of our community. To better understand the implications I need reliable historical environmental data (air, water, and soil sample results), recently collected data, during planned construction operations, and for a period after construction operations hazardous waste data/ results (air, water, and soil samples) from a reliable laboratory. I further clarify my requests and why below.

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I have the following comments / requests about the following documents:

A. FEIR:

1. Communication Plan: I would like to see a better (timely) communication plan that informs the residents of what is being done (sampling, drilling, excavation, etc) on the site that may raise dust or risk contamination of the soil or water. To this effort, we should understand these activities prospectively and not just retrospectively, sometime weeks or months after the activity has been completed on the site. Please provide a copy of the Community Outreach Plan, when are planned meetings, are they open to the public.
2. Soil, Air and Water Sampling during ongoing operations: Continued sampling planned and results should be discussed with the Town and communicated to the residents. Please provide additional information on the planned "Haze" monitoring and control program.
3. Please provide a copy of the Soil Management Plan and Construction Mitigation Plan
4. Environmental Justice (EJ) and Non-EJ populations: I appreciate the need to view the project from the perspective of Environmental Justice, but there is also a need to view the project from the non-EJ population (Local Residents) within the 1-mile and 5-mile radius of the Brayton Point project. Since the non-EJ population is closest to the BP project has there been a discussion of the impact of haze dust on their properties resulting from construction operations – we would like further clarity on this issue. The non-EJ population within the 1-mile radius should be declared a population of interest. Additionally, has there been discussion on the impact of construction operations and transfer of dust to local residents, as well as the impact on residents who have wells in the area, if any – we would like further clarity on this issue.
5. Section 6.2 discusses mitigation strategies relative to EJ populations, however there is no discussion relative to Non-EJ populations in the immediate area of the Brayton Point project. Would you please address this shortcoming.

B. From the report entitled "PHASE III SUBSURFACE INVESTIGATION REPORT BRAYTON POINT, SOMERSET, MASSACHUSETTS" dated October 2022 (Project # 330003274):

I am interested in better understanding the contamination in the current soil and groundwater identified through the multiple borings and wells on the Brayton Point Prysmian site.

1. Page 4/35: Sections 1 and 2: Are you able to share the following references noted in the report:
 - a. Reference 1. Environmental Due Diligence report and High-Level Environmental Due Diligence at Brayton Point report (project #330002760);
 - b. Reference 2. Review of Additional Environmental Documents report (project #330002841);
 - c. Reference 3. Phase II Subsurface Investigation report (project #330002841).
 - d. Reference 4. proposal #330003179

2. Page 6/35: Section 3.2: Ramboll subcontracted "Cascade Remediation Services, a licensed drilling subcontractor to advance two hundred and forty soil borings at the site". I would like the pdf files of the report of findings, actual data logs of material collected, reference labs used to evaluate material and other draft data and final reports / conclusions / recommendations noted in the report.

3. Page 6/35: Section 3.2: I would like clarity on the location / disposal of the boring decontamination fluids, soil cuttings, soil, and all the appendices referenced in the report.
 - a. In the paragraph "To lessen the risk of cross contamination during the boring program...". I recommend ascertaining the tracking information on the disposal of "All decontamination fluids (sic) that were drummed and stored." Are they still on site? Where did they go. There should be tracking information.
 - b. In the same paragraph "all drums were labeled with the contents (soil cuttings..." dated and tracked. I recommend ascertaining the tracking information. Are the drums still on site?
 - c. In the next paragraph "Any soil cuttings ...", see end of paragraph "Two drums of soil / water have been generated ..." These drums need to be accounted for.
 - d. The last paragraph of page 6/35 notes that there is an Appendices. Page 20/35 suggests there are at least 7 Appendices, however, none were attached to the report. Recommend obtaining these Appendices.

4. Page 12/35: Section 4: Data Usability and Validation: I would like a copy of the Massachusetts Contingency Plan, Mass DEP's Compendium of Analytical Methods (CAM) and MCP Representativeness Evaluations and Data Usability Assessments (REDUA) Policy #WSC-07-350 and revised CAM (WSC #10-320) to fully understand these references' recommendation for the assessment of soil and water samples in accordance with acceptable methodologies for analyses and compare to what has been done by Prysmian and subcontractors.

5. Page 12/35: Section 4.1: This section addresses "Data Review Process" that was implemented to assess adequacy of soil and water samples. They created a review process for the "usability and representativeness" checklist to assess the quality of the data generated from bore samples. I would like pdf of the raw data, report and discussion of their interpretation of the data collection methods, analyses and findings to review and confirm the results of the analyses and the interpretations drawn from the results.

6. Page 13/35: Section 4.2 "Common Usability Findings" of the data collected:

- a. Ramboll identifies “potential biases to the data” including “Surrogate and / or Blank Sample Recoveries”, “Blank Detections” and “Reporting Limit” issues with their data collection.
 - b. This needs to be further characterized by Ramboll and Prysmian on whether other efforts were made to recollect samples in question. What efforts were made to confirm the validity of the data collection methodology and the reference lab utilized? Was a second or referee lab used to confirm the validity of the data?
 - c. I would like Ramboll and Prysmian to provide the data / references noted above and further explain the findings in the report.
 - d. If their explanations continue to raise concerns or further confirmation should be needed, then consider the data be reviewed by an independent consultant.
 7. Page 13/35: Overall Usability Conclusions: The report notes “In general, there were limited data usability issues...”. Ramboll and Prysmian should further clarify the basis of their conclusions and the implications and further recommendations, including the need for additional sampling strategies.
 8. In light of the above statements. On Page 21/35: Section 7.2 Soil Sample Results: Table 1 Soil Samples Exceeding RCS-2 are significant. I would like further clarity on what Prysmian plans to do as they progress the further development of the project. How will the sampling sites and planned construction areas be further cleaned up?
 9. Page 27/35: Section 7.3 Groundwater Sample Results: Table 2 Groundwater Samples Exceeding RCGW-2 are significant. I would like further clarity on what Prysmian plans to do as they progress the further development of the project. How will the sampling sites and planned construction areas be further cleaned up.
 10. Page 33/35: Section 9: Activity Use Limitation (AUL): Current Situation:
 - a. I would like a clarification of the legal restrictions placed on the site that will further limit future exposure.
 - b. There is reference to “one AUL on November 10, 2011”. I would like a copy.
 - c. In the next paragraph “Based on the Phase III ESA...” it appears to be a paper comparison of the results since “no monitoring wells have been installed in AUL...”. Can we get further clarity on this statement?
 11. Page 34/35: Data Gaps: Can we get further clarity on the data gaps and plans to obtain the data?
 12. Page 35/35: Disclaimer and Limitations (2nd paragraph): Can we obtain the information regarding the statement that “Ramboll has relied upon publicly available information, information provided by the client and information provided by third parties.” Specifically, I am interested in the information provided by the client and information provided by third parties to better understand the implications on the data that was collected.
- C. From the report entitled “PHASE IIIB ESA – Marine Sediment Investigation Report, Brayton Point Somerset, MA dated 17 November 2022 (Project # 330003472-001):
1. This appears to be a draft document with incomplete information on the full data set, dioxin and furans findings, updated data usability assessment. Would you please provide the additional

data noted here. I have searched for the report and data information on the Prysmian's website to no avail. Your assistance is greatly appreciated.

2. Page 3/23: There is reference to a Ramboll Proposal Number 330003264 dated 16 May 2022. Would you please provide this proposal?
3. Page 5/25: Section 1.2: Previous Findings: notes a project Ramboll did in January 2022 (#330003098). Would you please provide this proposal?
4. Page 10/23: Section 3.2 Sediment Logging and Sampling: Would you please provide a copy of the sample collection methodology utilized by the TG&B Marine Services (page 9/23) that served as the marine contractor collecting the samples for Prysmian? Additionally, the COC and report of sample receipts to the reference laboratory (page 11/23 Eurofins Analytical in Pittsburgh, PA) performing the analyses so we can assess the quality of the samples received by the Eurofins Analytical in accordance with Table 2 (page 11/23) Analytical parameters and methods utilized. This will facilitate an interpretation of the data in the context of proper sampling and analytic techniques.
5. Page 12/23: Section 4 Data Quality Evaluation: Para 1: The report indicates there were delays "in analyses and final data reporting necessitated evaluation of preliminary data for report preparation." I would like the final report. Para 2: notes " limited data quality review was performed on the preliminary data. I would like a copy of their final report to include any update to their interpretation of the data. Additionally, I would like a pdf file and MS Excel (csv file) to review the complete data noted in Table 3. Laboratory data packages IDs. As the report notes, after reviewing this data, a "data usability assessment (DUA) include(in) a filed component and an analytical component" can be completed.
6. Page 12/23: Section 4.2 Inconsistency, Uncertainty and information Considered Unrepresentative: It is unclear how a conclusion can be drawn in the absence of a full data set and the above information. Indeed, page 13/23 notes "Overall data usability is limited by the preliminary nature of the data reported...".
7. Page 16/23: There are multiple references to Appendices, however, Appendix A is not provided and Appendix B and C are presumed to be incomplete, as noted above.
8. Page 16/23: last paragraph: It is unclear how a conclusion such as "The figure on MAP 2 does not appear to indicate a relationship between detected mercury or tin concentrations and distance from the Site shoreline" when the dataset is incomplete. An implication of this incomplete dataset is that this may impact "disposal scenarios" and resultant costs.
9. Page 17/23: Last sentence: Please provide a copy of dioxins and furans data and report.
10. Page 18/23: There is a reference to a Phase IIB (project # 330003098) investigation. Please provide a copy of the data and report. Please provide information on the collection methods and analytic techniques from the unidentified reference laboratory.
11. Page 19/23: Feasibility of Dredging: There is reference to a Phase IIB report. Please provide a copy of the analysis and report and any underlying documentation to support the report.

12. Page 20/23: Second bullet: Notes a “total of twenty-five (#25) sediment samples were collected...”. I only counted 24 in Table Appendix B.
13. Page 20/23: Second to last bullet: “no organic compound was detected in exceedance of the corresponding ER-M or ER-L value.” Please confirm this is the case with the full dataset. Would you provide / confirm the sampling, transport, COC and packaging techniques / requirements were performed.

Based on the data provided by Prysmian / Ramboll that identified hazardous waste organic and inorganic chemicals currently in the surrounding water ways and on the Brayton Point Prysmian property (from their core and well sampling) and with the anticipated dredging and planned construction that will “churn” currently settled water sediment and the potential for infiltration (leaking) of hazardous waste chemicals into the soil and potentially into the local salt and fresh waterways and over years, potentially into drinking water over time, I am requesting that you consider asking the USGS or Prysmian) to sample for hazardous waste chemicals identified in the Prysmian / Ramboll reports, at various locations noted in the attachment below, to serve as baseline data for future comparison and reassurance to the community that there is limited / no leaching of hazardous waste compounds into the surrounding water ways and into the community drinking water. Attached please find a proposed water (inactive USGS wells) that could be sampled for baseline characterization of hazardous waste organic and inorganic chemicals.

Furthermore, I am requesting that you consider documenting the Somerset drinking water supplies for the hazardous waste products identified in the Prysmian / Ramboll reports to serve as baseline data for future comparison of the adequacy of Prysmian’s operational control during construction on-site at Brayton Point. Even more importantly is consideration of sampling of local homeowner wells within a 1-mile radius of the Brayton Point site that are currently used by residents.

Respectfully submitted,

Paul Healey, MD (ret)

USGS Water Sampling Strategy Proposal

Proposal: Initial sampling strategy of the USGS inactive wells to serve as baseline characterization of hazardous waste organic and inorganic chemicals in the local area as a result of previous operations since the 1960s at the Brayton Point site. This would serve as a baseline prior to construction operations on the Brayton Point site. Values from this sampling strategy should be compared to the Prysmian / Ramboll sampling when their data has been validated.

If the sites are found to contain abnormal levels of hazardous waste organic and inorganic chemicals then an expanded next “tier” of USGS wells should be considered for sampling to better understand the extent of infiltration of chemicals from the Brayton Point site that may have occurred over time since the 1960s.

Since chemicals will “equilibrate” over time in the water and land, please consider an annual sampling strategy over the next 10-20 years.

I reference the following “USGS National Water Information System: Mapper” site in identifying potential wells to sample. Please see: [Water Resources of the United States—National Water Information System \(NWIS\) Mapper \(usgs.gov\)](#) – specifically using the tab “Groundwater sites” only, active and inactive sites. An initial sampling strategy should include, at a minimum, the following sites:

1. Site Number: 414239071105301	Site Name: MA-SPW 10
2. Site Number: 414239071104701	Site Name: MA-SPW 9
3. Site Number: 414243071103201	Site Name: MA-SPB 12
4. Site Number: 414238071102401	Site Name: MA-SPB 13
5. Site Number: 414234071101601	Site Name: MA-SPB 14
6. Site Number: 414225071100001	Site Name: MA-FRB 53
7. Site Number: 414254071103801	Site Name: MA-SPW 4
8. Site Number: 414253071102501	Site Name: MA-SPW 1
9. Site Number: 414301071100701	Site Name: MA-SPW 2
10. Site Number: 414311071104601	Site Name: MA-SPW 8
11. Site Number: 414312071105401	Site Name: MA-SPW 6
12. Site Number: 414307071110001	Site Name: MA-SPB 16
13. Site Number: 414242071121001	Site Name: MA-S9W 143
14. Site Number: 414237071122401	Site Name: MA-S9W 134
15. Site Number: 414248071122201	Site Name: MA-S9W 135
16. Site Number: 414253071122001	Site Name: MA-S9W 139
17. Site Number: 414254071120801	Site Name: MA-S9W 183
18. Site Number: 414301071120801	Site Name: MA-S9W 207
19. Site Number: 414214071100001	Site Name: MA-FRX 1
20. Site Number: 414209071100801	Site Name: MA-FRX 3



National Water Information System: Mapper

Help Info

Sites **Map**

Search

- Surface-Water Sites
- Groundwater Sites**
 - Active Sites
 - Any data
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 - Water-quality data
 - Measurements
 - Annual Report
 - Inactive Sites
 - Any data
 - Instantaneous data
 - Daily data
 - Water-quality data
 - Measurements
 - Annual Report
- Springs
- Atmospheric Sites
- Other Sites

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71485, 41741

From: [PAUL HEALEY](#)
To: [paul.vigeant](#)
Cc: [Allen James](#); [Gallo Mario](#); [Haddad, Patricia - Rep. \(HOU\)](#); [Michael Rodrigues](#); [Strysky, Alexander \(EEA\)](#); [egrob@vhb.com](#); [jcurrier@ramboll.com](#)
Subject: Brayton Point Prysmian Project - additional comments / questions
Date: Tuesday, January 31, 2023 5:26:08 AM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good Morning,

Would you please confirm that the following guidelines are current and relevant to the Prysmian Brayton Point project to assess the sampling strategy to characterize the hazardous waste, the sample collection methods and the validity of the data collected, and if not, why not.

The data collected will provide the baseline data to monitor deviations that may occur during Prysmian's operations over time. Hopefully deviations will trend towards a reduction on site and not lead to a "leakage" of hazardous waste to the air, soil, and water adjacent to the Brayton Point project or elsewhere, but it necessitates knowing our baseline data. Therefore, I am requesting the following information regarding Prysmian's sampling strategy, sample collection, sample handling and the validity assessment of the data at baseline.

Please forgive the formatting issues from the cutting and pasting, but you should be able to follow the guidelines noted.

310 CMR 40.0000 Massachusetts Contingency Plan (at: [310 CMR 40.00: Massachusetts Contingency Plan | Mass.gov](#)) and more specifically Section 40.0900: Procedures and Standards for the Characterization of the Risk of Harm to Health, Safety, Public Welfare and the Environment. I note below relevant and pertinent parts.

Section 40.0902: Purpose of the Risk Characterization: A characterization of the risk of harm to health, safety, public welfare and the environment is performed at disposal sites to provide the quantitative and qualitative information used to evaluate the need for

remedial actions:

Risk Characterization is used to establish whether a level of No Significant Risk exists or has been achieved at a disposal site. The criteria used in this determination are described in 310 CMR 40.0900, and two basic approaches to Risk Characterization are utilized:

(a) A chemical-specific approach, which compares site concentrations to standards in soil and groundwater, as described in 310 CMR 40.0970 through 40.0989. For the disposal sites to which they are applicable, these standards have been developed to meet the same objectives of the cumulative risk approach described in 310 CMR 40.0902(2)(b).

(b) A cumulative risk approach which compares site-specific information to a Cumulative Cancer Risk Limit of an Excess Lifetime Cancer Risk of one-in-one hundred thousand, a Cumulative Noncancer Risk Limit which is a Hazard Index equal to one, promulgated health, safety, public welfare and environmental standards, and site-specific conditions, as described in 310 CMR 40.0990 through 40.0999.

From 40.0903, “the Risk Characterization shall be of sufficient scope and adequately documented to demonstrate that the Response Action Performance Standard (RAPS) has been met in accordance with 310 CMR 40.0191.”

From 40.0904: Site Information Required for Risk Characterization

An adequate characterization of the disposal site is a prerequisite to the

characterization of risk of harm to health, safety, public welfare and the environment, although the appropriate type and amount of information required to complete a Risk Characterization will depend on the unique characteristics of a release and/or disposal site. Particular attention shall be paid to the following site assessment parameters:

- Physical Characteristics. The physical characteristics of the disposal site, including, but not limited to, the topography, geology, hydrogeology, and surface characteristics shall be evaluated as warranted by release and site conditions and described in sufficient detail to support the Risk Characterization.

- Extent of Release. The documentation of the Risk Characterization shall contain a description of the source and extent of the release of the oil and/or hazardous material, including, where appropriate:
 1. the horizontal and vertical extent and concentrations of oil and/or hazardous material in all evaluated media;
 2. background concentrations of oil and/or hazardous material in all evaluated media; and
 3. all existing or potential Migration Pathways, including, but not limited to: soil, groundwater, soil gas, surface water, air, sediment and the food web. The potential for oil and/or hazardous material migration along preferential pathways such as utility lines or corridors must be evaluated, where applicable. Concentrations of oil and hazardous material in the sediment and/or surface water must be measured in any of the following circumstances to determine whether such material at or from the site has been or is being transported in a manner that would result in surface water or sediment concentrations of potential ecological significance, unless

the need for such measurements is obviated by a technical justification consistent with 310 CMR 40.0193:

4. Hazardous materials at or from the site, excluding VOCs, are present in groundwater within 200 feet of a surface water body;
 5. Hazardous materials at or from the site, excluding VOCs, are present in the groundwater at concentrations higher than the GW-3 standard(s) within 500 feet of a surface water body;
- Nonaqueous phase liquid (NAPL) at or from the site is present within 200 feet of a surface water body;
1. Historical evidence indicates past discharge or dumping of oil or hazardous material from the site to the surface water body, unless such discharges were permitted;
 2. Evidence indicates current or past runoff of oil or hazardous material from or with site soil into the surface water body; and
 3. Site-specific conditions indicate that oil or hazardous material from the site may reasonably be expected to be present in the sediment or surface water at concentrations of potential ecological significance.
- Characterization of the Oil and/or Hazardous Material. The documentation of the Risk Characterization shall describe the oil and/or hazardous material at the disposal site, including, without limitation and where appropriate:
 1. type, volume, composition, nature, physical, chemical and toxicological characteristics; and
 2. environmental fate and transport characteristics, including mobility, stability, volatility, ability and opportunity for bioaccumulation, and persistence in the environment.

The EPA provides guidance on waste sampling plan development and methods for the collection of samples (see: [Draft Technical Guidance about Waste Sampling under the Resource Conservation and Recovery Act \(RCRA\) | US EPA](#)). Did Prysmian follow this guidance? Specifically, Section 7.2 (page 122) “Conducting Field Sampling Activities” provides guidance on performing field sampling activities that typically are performed during implementation of the sampling plan. Please advise.

From Mass DEP, Guidance from Disposal Site Risk Characterization Interim Policy WSC/ORS -95-141 (July 1995), which I believe is still current and relevant for the work to be done by Prysman at Brayton Point (see: [WSC/ORS 95-141: GUIDANCE FOR DISPOSAL SITE RISK CHARACTERIZATION Chapter 7 \(mass.gov\)](https://www.mass.gov/info-details/wsc/ors-95-141-guidance-for-disposal-site-risk-characterization-chapter-7)). In pertinent part, “this section provides guidance on conducting a Method 3 Human Health Risk Characterization. The human health evaluation is just one of four distinct assessments which comprise a complete Method 3 Risk Characterization: the risk to safety, public welfare and the environment must also be addressed. The most site-specific of the three risk characterization options available under the MCP, a Method 3 assessment is an option at all c.21E sites.” I believe the Brayton Point site is a “c.21E” site. Please confirm.

Thank you for providing this additional information in our efforts to insure a successful collaboration with Prysman.

Paul Healey, MD (ret)

On 01/26/2023 1:27 PM paul vigeant <paulveeg@gmail.com> wrote:

Thank you Dr. Healy

Great to hear that you attended in September and can join us again on February 2.

Also, you are doing exactly what the FEIR process is intended for... generating informed comments and questions from the public. With confidence I can reassure you that your comments will be addressed.

As always, please feel free to call me if you have any questions or thoughts.

Cheers
Paul Vigeant

On Thu, Jan 26, 2023 at 1:22 PM PAUL HEALEY
<phealeyinmystic@comcast.net> wrote:

Hi Paul,
Nice to meet you and the others on this email.

I am very hopeful for the success of this project.
I believe strongly that we need to "go green".

I just ask that you and others review my comments.
I have downloaded and studied the documentation
provided by Prysmian / Ramboll on their website. My
comments / questions and concerns are based on
that review.

I am sure you understand, along with everyone else,
that we just want to make sure we know baseline
levels that have been appropriately collected and
verified and that we minimize / eliminate any
potential hazardous contamination of the air, water,
and land in the community, as the project
progresses.

Yes, I was at the September meeting.
I plan to attend the February meeting.
I do note the outreach to the community you have
noted.
These are all great and appropriate activities.

I look forward to this team's review and comments to
ensure we protect the health and safety of our local
community, at the same time as we speedily proceed
with this project.

Respectfully yours,

Paul Healey

On 01/26/2023 1:08 PM Paul Vigeant
<paulveeg@gmail.com> wrote:

Hello Dr. Healy

My name is Paul Vigeant and I currently serve as the local community liaison for the Prysman Project proposed for construction at Brayton Point. My direct mobile phone number is 508-542-9400. Please feel free to call me at your convenience.

I have forwarded your email to VHB, the lead engineering consultants for the project, as well as to Ramboll, which conducted the soil and in-bay borings. Once they review your email, I can provide additional information and clarification to your questions.

Regarding community outreach and communication, we have attempted to interact with Somerset (and regional) residents continuously since the project began in April of 2022. We do that outreach through a combination of presentations on Somerset Cable Television covering town boards and commission meetings; we host periodic meetings (6 to date since April) with small groups of families from the neighborhood immediately adjacent to the site, and through periodic public presentations (beyond that which is required by MEPA). We held one such community “town hall” on September 13, 2022 focused on the Draft Environmental Impact Report (DEIR).

We have a second community “town hall” scheduled for Thursday, February 2, 2023 at 6:00PM. The meeting is at the Fairfield Marriot Inn on route 6 in Somerset. If your schedule allows, please join us that evening. It will focus on the Final Environmental Impact Report.

In addition, we created a website through which we communicate with area residents and upon which is posted various plans, reports and information intended to inform the public about the project. You can find that website at: www.prysmainatbraytonpoint.com

We post public meetings on the website and have several informational posters in locations such as Town Hall, the Town Library, and the Council of Aging. We also placed

posters in the Swansea Town Hall and Library

If you visit the Pysmian website, notice the navigation box at the upper right top of the homepage. If you click there, it will direct you to links to the state, local and federal permitting information and reports. We try to keep it current and accurate.

Also, I joined the Facebook site “Save our Bay Brayton Point” which is maintained by Somerset residents. I regularly utilize that website to communication with its 4,000+ members and I make periodic posts in response to questions raised.

I have also been a guest on WSAR twice since June, 2022 to inform the listening audience about the proposed Pysmian project; I have an invitation to return to WSAR an a regular basis throughout the project.

We have also reached out to the Environmental Justice community via email and virtual meetings. I have provided briefings to the Town Administrator in Swansea as well as to the Mayor of Fall River. I have reached out the Citizens for Citizens (CFC) the regional anti-poverty agency, as well as to the MassHIRE Workforce Board to engage citizens from economically disadvantaged backgrounds.

In summary, we are engaged in a good faith effort to communicate with the citizens and to keep them fully informed of our development. If you have suggestions about methods to improve our community outreach, please send those along and I am happy to consider your suggestions

Thank you for your interest in the Pysmian project and for your valuable insights, comments and suggestions. Let’s talk at your convenience and I hope you can join us on February 2 at the Fairfield Marriot Inn at 6:00PM.

Cheers,

Paul Vigeant

Sent from [Mail](#) for Windows

From: [Haddad, Patricia - Rep. \(HOU\)](#)
Sent: Thursday, January 26, 2023 11:21 AM
To: [Rodrigues, Michael \(SEN\)](#); [PAUL HEALEY](#)
Cc: paulveeg@gmail.com
Subject: RE: Brayton Point Prysman Project - please forgive the formatting issues in the email. See attachment.

Dr. Healey,

Thank you for the questions and for your interest. I agree with the Senator, Paul is the right person to ask. Some of what you point out is part of the permitting process. I hope you are able to attend the public meeting on the 2nd.

Best,

Pat Haddad

From: Rodrigues, Michael (SEN)
<Michael.Rodrigues@masenate.gov>
Sent: Thursday, January 26, 2023 10:32 AM
To: PAUL HEALEY <phealeyinmystic@comcast.net>;
Haddad, Patricia - Rep. (HOU)
<Patricia.Haddad@mahouse.gov>
Cc: paulveeg@gmail.com
Subject: RE: Brayton Point Prysman Project - please forgive the formatting issues in the email. See

attachment.

Hello Dr. Healey,

These are all great questions. The best person to address them would be Paul Vigeant, Community Liaison for Prysmian. He is copied here. He is very responsive, so expect a reach out by him soon.

All the best,

Michael

Senator Michael J Rodrigues

Chair, Senate Committee on Ways and Means

From: PAUL HEALEY

<phealeyinmystic@comcast.net>

Sent: Thursday, January 26, 2023 7:33 AM

To: Haddad, Patricia - Rep. (HOU)

<Patricia.Haddad@mahouse.gov>; Rodrigues, Michael (SEN) <Michael.Rodrigues@masenate.gov>

Subject: Brayton Point Prysmian Project - please forgive the formatting issues in the email. See attachment.

You don't often get email from phealeyinmystic@comcast.net.
[Learn why this is important](#)

Date: 26 January 2023

From: Paul Healey, MD (ret)

[76 Gay Street](#)

[Somerset, MA 02726](#)

860-857-8912

To: Representative Patricia Haddad
and Senator Michael J. Rodrigues

Subj: Brayton Point Prysmian Project

Dear Representative Patricia Haddad and
Senator Michael J. Rodrigues,

I presume you are both very aware of the Prysmian Brayton Point project. The Town needs to strike the “right” balance between commercial development to support our tax structure (which would support the welfare of our community) and the health and well-being of our citizens in Somerset. This project will be a great step forward towards energy independence and leadership to ensure the safe development of the Prysmian Brayton Point project. The question is what is the “right” balance, how do we achieve it and effectively communicate and reassure the community as we proceed.

I am a retired physician with training in Occupational & Environmental Medicine. I live in Somerset, MA. My perspective is to better understand the implications of the Prysmian Brayton Point project impact on the environment and the potential for

adverse medical events on the health and well-being of the residents of our community. To better understand the implications, I need reliable historical environmental data (air, water, and soil sample results), recently collected data, during planned construction operations data, and for a period after construction operations hazardous waste data/ results (air, water, and soil samples) from a reliable laboratory. I further clarify my requests and why below.

I have reviewed much of the data provided by Prysmian. Please find attached an email to be sent to Alexander Strycky at MA State (coordinator for the February 2, 2023 Prysmian Public Hearing on the Brayton Point site) requesting additional information. The email identifies questions concerning the Prysmian / Ramboll identification of hazardous waste chemicals on site. It also proposes a water sampling strategy of USGS wells in the area to establish a baseline characterization of the surrounding area so we can monitor the ongoing impact (if any) of Prysmian's construction operation for potential spread of contaminants in the air, water, and land as a result of the implementation of their construction operations and Soil Management Plan.

I have provided Mark Ullucci, Somerset Town Administrator, with similar

information. I am available to further clarify my concerns, as needed.

Your consideration, oversight and assistance with this matter is greatly appreciated.

Respectfully submitted,

Paul Healey, MD (ret)

Email to Alexander Strysky at :
alexander.strysky@state.ma.us

I am a retired physician with training in Occupational & Environmental Medicine. I live in Somerset, MA. My perspective is to better understand the implications of the Prysmian Brayton Point project impact on the environment and the potential for adverse medical events on the health and well-being of the residents of our community. To better understand the implications, I need reliable historical environmental data (air, water, and soil sample results), recently collected data, during planned construction operations, and for a period after construction operations hazardous waste data/ results

(air, water, and soil samples) from a reliable laboratory. I further clarify my requests and why below.

Specifically, I need additional information on the impact of planned construction, removal, and transportation of on-site generated soil and water at various locations (hot spots and non-hot spots) within the property. In order to better understand the potential health and environmental impacts I need to understand the current hazardous wastes that were generated from previous and ongoing operations for which there are noted reports that are not readily available.

To this end, I note below additional available information, that I am requesting and proposed ongoing air, water and soil samples that should be collected during construction operations and the transport of soil and water off the property.

Prysmian and subcontractor Ramboll have completed multiple borings and wells and samples have been sent off to a reference lab. However, in the report entitled "PHASE III SUBSURFACE INVESTIGATION REPORT BRAYTON POINT, SOMERSET, MASSACHUSETTS" dated October 2022 (Project # 330003274) the report cites several potential concerns either in the collection of, transport of, and or analysis of

samples from the multiple borings and wells that were performed – see below from their report (Section on “Data Usability and Validation”) and some recommendations to ensure we better understand the current hazardous waste levels.

See section 4.2 “Common Usability Findings” of the report noted above that raises questions on the reliability of the data. There is a suggestion that the data biases towards the lower level because of collection, transportation or processing issues. There is a suggestion that there was data contamination from various samples. There is a question on the reliability of the testing methodology and the practices at the lab which the report notes may be cross-contamination but may also be quality control issues within the lab that was used. These values represent the baseline of levels prior to construction operations on the site. It is important to understand the baseline levels of the hazardous waste as this may alter planned methods used in construction operations. Prysmian needs to further clarify these issues and explain why they are not repeating a sampling strategy and ensuring reliability of the data.

From an environmental perspective, I want to understand the “Soil Management Plan” as Prysmian conducts construction operations and transportation of soil and

water off-site or it remains on-site. Will hazardous waste soil and water from construction operations be sampled to see if there is an increase / decrease of the hazardous waste levels that may adversely impact the air, soil and water and potentially increase risk to health and safety of the community. The impact on the local community (both EJ- and non-EJ local citizens within the 1-mile radius) water supply and dust (haze) generation may be increased due to potential inadequacies in the "Soil Management Plan" and the planned "cleaning up" of excavation soil/water and trucking equipment wash-downs. This necessitates further continued monitoring of the hazardous waste from construction operations and for a period after operations have been completed to assess the impact on water aquifers.

Additional information needs to be provided to better understand the impact on water supplies within the community. There is a paucity of hydrologic information on the local water supply / aquifers feeding any potential home use water wells or elsewhere within Somerset and local communities' water supplies / reservoirs to the town. I am requesting that Prysman and the Town of Somerset further clarify with appropriate documentation the potential impact on water supplies within the town. What are current levels of hazardous waste (have they been measured), if any, in wells located in the vicinity of the Prysman Brayton Point

property? What are the plans to monitor these levels prior to initiation of construction, during construction, and for an adequate period after construction since water flows through aquifers will take time?

I have the following comments / requests about the following documents:

1. FEIR:
2. Communication Plan: I would like to see a better (timely) communication plan that informs the residents of what is being done (sampling, drilling, excavation, etc) on the site that may raise dust or risk contamination of the soil or water. To this effort, we should understand these activities prospectively and not just retrospectively, sometime weeks or months after the activity has been completed on the site. Please provide a copy of the Community Outreach Plan, when are planned meetings, are they open to the public.
1. Soil, Air and Water Sampling during ongoing operations: Continued sampling planned and results should be discussed with the Town and communicated to the residents. Please provide additional information on the planned "Haze" monitoring and control program.
1. Please provide a copy of the Soil

Management Plan and Construction Mitigation Plan

1. Environmental Justice (EJ) and Non-EJ populations: I appreciate the need to view the project from the perspective of Environmental Justice, but there is also a need to view the project from the non-EJ population (Local Residents) within the 1-mile and 5-mile radius of the Brayton Point project. Since the non-EJ population is closest to the BP project has there been a discussion of the impact of haze dust on their properties resulting from construction operations – we would like further clarity on this issue. The non-EJ population within the 1-mile radius should be declared a population of interest. Additionally, has there been discussion on the impact of construction operations and transfer of dust to local residents, as well as the impact on residents who have wells in the area, if any – we would like further clarity on this issue.

1. Section 6.2 discusses mitigation strategies relative to EJ populations, however there is no discussion relative to Non-EJ populations in the immediate area of the Brayton Point project. Would you please address this shortcoming.

1. From the report entitled “PHASE III SUBSURFACE INVESTIGATION REPORT BRAYTON POINT, SOMERSET, MASSACHUSETTS” dated October 2022 (Project # 330003274):

I am interested in better understanding the contamination in the current soil and groundwater identified through the multiple borings and wells on the Brayton Point Prysman site.

1. Page 4/35: Sections 1 and 2: Are you able to share the following references noted in the report:
 1. Reference 1. Environmental Due Diligence report and High-Level Environmental Due Diligence at Brayton Point report (project #330002760);
 2. Reference 2. Review of Additional Environmental Documents report (project #330002841);
 3. Reference 3. Phase II Subsurface Investigation report (project #330002841).
 4. Reference 4. proposal #330003179
1. Page 6/35: Section 3.2: Ramboll subcontracted “Cascade Remediation Services, a licensed drilling subcontractor to advance two hundred and forty soil borings at the site”. I would like the pdf files of the report of

findings, actual data logs of material collected, reference labs used to evaluate material and other draft data and final reports / conclusions / recommendations noted in the report.

1. Page 6/35: Section 3.2: I would like clarity on the location / disposal of the boring decontamination fluids, soil cuttings, soil, and all the appendices referenced in the report.
 1. In the paragraph “To lessen the risk of cross contamination during the boring program...”. I recommend ascertaining the tracking information on the disposal of “All decontamination fluids (sic) that were drummed and stored.” Are they still on site? Where did they go. There should be tracking information.
 2. In the same paragraph “all drums were labeled with the contents (soil cuttings...” dated and tracked. I recommend ascertaining the tracking information. Are the drums still on site?
 3. In the next paragraph “Any soil cuttings”, see end of paragraph “Two drums of soil / water have been generated ...” These drums need to be accounted for.
 4. The last paragraph of page 6/35 notes that there is an Appendices. Page 20/35 suggests there are at

least 7 Appendices, however, none were attached to the report. Recommend obtaining these Appendices.

1. Page 12/35: Section 4: Data Usability and Validation: I would like a copy of the Massachusetts Contingency Plan, Mass DEP's Compendium of Analytical Methods (CAM) and MCP Representativeness Evaluations and Data Usability Assessments (REDUA) Policy #WSC-07-350 and revised CAM (WSC #10-320) to fully understand these references' recommendation for the assessment of soil and water samples in accordance with acceptable methodologies for analyses and compare to what has been done by Prysmian and subcontractors.
1. Page 12/35: Section 4.1: This section addresses "Data Review Process" that was implemented to assess adequacy of soil and water samples. They created a review process for the "usability and representativeness" checklist to assess the quality of the data generated from bore samples. I would like pdf of the raw data, report and discussion of their interpretation of the data collection methods, analyses and findings to review and confirm the results of the analyses and the interpretations drawn from the results.
1. Page 13/35: Section 4.2 "Common Usability Findings" of the data

collected:

1. Ramboll identifies “potential biases to the data” including “Surrogate and / or Blank Sample Recoveries”, “Blank Detections” and “Reporting Limit” issues with their data collection.
2. This needs to be further characterized by Ramboll and Prysman on whether other efforts were made to recollect samples in question. What efforts were made to confirm the validity of the data collection methodology and the reference lab utilized? Was a second or referee lab used to confirm the validity of the data?
3. I would like Ramboll and Prysman to provide the data / references noted above and further explain the findings in the report.
4. If their explanations continue to raise concerns or further confirmation should be needed, then consider the data be reviewed by an independent consultant.

1. Page 13/35: Overall Usability
Conclusions: The report notes “In general, there were limited data usability issues...”. Ramboll and Prysman should further clarify the basis of their conclusions and the implications and further

recommendations, including the need for additional sampling strategies.

1. In light of the above statements. On Page 21/35: Section 7.2 Soil Sample Results: Table 1 Soil Samples Exceeding RCS-2 are significant. I would like further clarity on what Prysmian plans to do as they progress the further development of the project. How will the sampling sites and planned construction areas be further cleaned up?

1. Page 27/35: Section 7.3 Groundwater Sample Results: Table 2 Groundwater Samples Exceeding RCGW-2 are significant. I would like further clarity on what Prysmian plans to do as they progress the further development of the project. How will the sampling sites and planned construction areas be further cleaned up.

1. Page 33/35: Section 9: Activity Use Limitation (AUL): Current Situation:
 1. I would like a clarification of the legal restrictions placed on the site that will further limit future exposure.
 2. There is reference to “one AUL on November 10, 2011”. I would like a copy.
 3. In the next paragraph “Based on the Phase III ESA...” it appears to be a paper comparison of the results since “no monitoring wells have been installed in AUL...”.

Can we get further clarity on this statement?

1. Page 34/35: Data Gaps: Can we get further clarity on the data gaps and plans to obtain the data?
1. Page 35/35: Disclaimer and Limitations (2nd paragraph): Can we obtain the information regarding the statement that “Ramboll has relied upon publicly available information, information provided by the client and information provided by third parties.” Specifically, I am interested in the information provided by the client and information provided by third parties to better understand the implications on the data that was collected.

-
1. From the report entitled “PHASE IIIB ESA – Marine Sediment Investigation Report, Brayton Point Somerset, MA dated 17 November 2022 (Project # 330003472-001):
 2. This appears to be a draft document with incomplete information on the full data set, dioxin and furans findings, updated data usability assessment. Would you please provide the additional data noted here. I have searched for the report and data information on the Prysmian’s website to no avail. Your assistance is greatly appreciated.

1. Page 3/23: There is reference to a Ramboll Proposal Number 330003264 dated 16 May 2022. Would you please provide this proposal?

1. Page 5/25: Section 1.2: Previous Findings: notes a project Ramboll did in January 2022 (#330003098). Would you please provide this proposal?

1. Page 10/23: Section 3.2 Sediment Logging and Sampling: Would you please provide a copy of the sample collection methodology utilized by the TG&B Marine Services (page 9/23) that served as the marine contractor collecting the samples for Prysmian? Additionally, the COC and report of sample receipts to the reference laboratory (page 11/23 Eurofins Analytical in Pittsburgh, PA) performing the analyses so we can assess the quality of the samples received by the Eurofins Analytical in accordance with Table 2 (page 11/23) Analytical parameters and methods utilized. This will facilitate an interpretation of the data in the context of proper sampling and analytic techniques.

1. Page 12/23: Section 4 Data Quality Evaluation: Para 1: The report indicates there were delays “in analyses and final data reporting necessitated evaluation of preliminary data for report preparation.” I would like the final report. Para 2: notes “limited data quality review was

performed on the preliminary data. I would like a copy of their final report to include any update to their interpretation of the data. Additionally, I would like a pdf file and MS Excel (csv file) to review the complete data noted in Table 3. Laboratory data packages IDs. As the report notes, after reviewing this data, a “data usability assessment (DUA) include(ing) a filed component and an analytical component” can be completed.

1. Page 12/23: Section 4.2
Inconsistency, Uncertainty and information Considered
Unrepresentative: It is unclear how a conclusion can be drawn in the absence of a full data set and the above information. Indeed, page 13/23 notes “Overall data usability is limited by the preliminary nature of the data reported...”.
1. Page 16/23: There are multiple references to Appendices, however, Appendix A is not provided and Appendix B and C are presumed to be incomplete, as noted above.
1. Page 16/23: last paragraph: It is unclear how a conclusion such as “The figure on MAP 2 does not appear to indicate a relationship between detected mercury or tin concentrations and distance from the Site shoreline” when the dataset is incomplete. An implication of this incomplete dataset

is that this may impact “disposal scenarios” and resultant costs.

1. Page 17/23: Last sentence: Please provide a copy of dioxins and furans data and report.

1. Page 18/23: There is a reference to a Phase IIB (project # 330003098) investigation. Please provide a copy of the data and report. Please provide information on the collection methods and analytic techniques from the unidentified reference laboratory.

1. Page 19/23: Feasibility of Dredging: There is reference to a Phase IIB report. Please provide a copy of the analysis and report and any underlying documentation to support the report.

1. Page 20/23: Second bullet: Notes a “total of twenty-five (#25) sediment samples were collected...”. I only counted 24 in Table Appendix B.

1. Page 20/23: Second to last bullet: “no organic compound was detected in exceedance of the corresponding ER-M or ER-L value.” Please confirm this is the case with the full dataset. Would you provide / confirm the sampling, transport, COC and packaging techniques / requirements were performed.

Based on the data provided by Prysmian / Ramboll that identified hazardous waste

organic and inorganic chemicals currently in the surrounding water ways and on the Brayton Point Prysmian property (from their core and well sampling) and with the anticipated dredging and planned construction that will “churn” currently settled water sediment and the potential for infiltration (leaking) of hazardous waste chemicals into the soil and potentially into the local salt and fresh waterways and over years, potentially into drinking water over time, I am requesting that you consider asking the USGS or Prysmian) to sample for hazardous waste chemicals identified in the Prysmian / Ramboll reports, at various locations noted in the attachment below, to serve as baseline data for future comparison and reassurance to the community that there is limited / no leaching of hazardous waste compounds into the surrounding water ways and into the community drinking water. Attached please find a proposed water (inactive USGS wells) that could be sampled for baseline characterization of hazardous waste organic and inorganic chemicals.

Furthermore, I am requesting that you consider documenting the Somerset drinking water supplies for the hazardous waste products identified in the Prysmian / Ramboll reports to serve as baseline data for future comparison of the adequacy of Prysmian’s operational control during construction on-site at Brayton Point. Even more importantly is consideration of sampling of local homeowner wells within a

1-mile radius of the Brayton Point site that are currently used by residents.

Respectfully submitted,

Paul Healey, MD (ret)

USGS Water Sampling Strategy Proposal

Proposal: Initial sampling strategy of the USGS inactive wells to serve as baseline characterization of hazardous waste organic and inorganic chemicals in the local area as a result of previous operations since the 1960s at the Brayton Point site. This would serve as a baseline prior to construction operations on the Brayton Point site. Values from this sampling strategy should be compared to the Prysmian / Ramboll sampling when their data has been validated.

If the sites are found to contain abnormal levels of hazardous waste organic and inorganic chemicals then an expanded next "tier" of USGS wells should be considered

for sampling to better understand the extent of infiltration of chemicals from the Brayton Point site that may have occurred over time since the 1960s.

Since chemicals will “equilibrate” over time in the water and land, please consider an annual sampling strategy over the next 10-20 years.


I reference the following “USGS National Water Information System: Mapper” site in identifying potential wells to sample. Please see: [Water Resources of the United States —National Water Information System \(NWIS\) Mapper \(usgs.gov\)](https://www.usgs.gov/nwis/mapper) – specifically using the tab “Groundwater sites” only, active and inactive sites. An initial sampling strategy should include, at a minimum, the following sites:

1. **Site Number:** 414239071105301 **Site Name:** MA-SPW 10
2. **Site Number:** 414239071104701 **Site Name:** MA-SPW 9
3. **Site Number:** 414243071103201 **Site Name:** MA-SPB 12
4. **Site Number:** 414238071102401 **Site Name:** MA-SPB 13
5. **Site Number:** 414234071101601 **Site Name:** MA-SPB 14
6. **Site Number:** 414225071100001 **Site Name:** MA-FRB 53
7. **Site Number:** 414254071103801 **Site**

- Name: MA-SPW 4**
8. **Site Number: 414253071102501 Site Name: MA-SPW 1**
 9. **Site Number: 414301071100701 Site Name: MA-SPW 2**
 10. **Site Number: 414311071104601 Site Name: MA-SPW 8**
 11. **Site Number: 414312071105401 Site Name: MA-SPW 6**
 12. **Site Number: 414307071110001 Site Name: MA-SPB 16**
 13. **Site Number: 414242071121001 Site Name: MA-S9W 143**
 14. **Site Number: 414237071122401 Site Name: MA-S9W 134**
 15. **Site Number: 414248071122201 Site Name: MA-S9W 135**
 16. **Site Number: 414253071122001 Site Name: MA-S9W 139**
 17. **Site Number: 414254071120801 Site Name: MA-S9W 183**
 18. **Site Number: 414301071120801 Site Name: MA-S9W 207**
 19. **Site Number: 414214071100001 Site Name: MA-FRX 1**
 20. **Site Number: 414209071100801 Site Name: MA-FRX 3**



MEMORANDUM

TO: Rebecca L. Tepper, Secretary, EEA
ATTN: Alexander Strysky, MEPA Office
FROM: Lisa Berry Engler, Director, CZM 
DATE: February 2, 2023
RE: EEA-16554, Prysmian Brayton Point, Final Environmental Impact Report, Somerset

The Massachusetts Office of Coastal Zone Management (CZM) has completed review of the above-referenced Final Environmental Impact Report (FEIR), noticed in the *Environmental Monitor* dated January 11, 2023. The FEIR provides additional project information in response to the Scope of the October 18, 2022, Certificate on the Draft EIR (“DEIR”), which was filed on August 31, 2022.

Project Description

The project involves the redevelopment of a portion of the former Brayton Point Power Station site into a cable manufacturing plant located in the Town of Somerset. The Prysmian Group is acquiring approximately 47 acres of the approximately 300-acre former power station site owned by Brayton Point LLC. Development of the plant on the 47-acre project site will allow the proponent to design, manufacture, and deliver submarine transmission cables to support offshore wind projects in the United States. The project includes a manufacturing warehouse building with an approximately 600-foot-tall tower for the application of cable insulation, a building for final storage, a raw material warehouse, two laboratories for cable testing, a building for electrical equipment, and an office building. It also includes a new pier with associated dredging to allow for the spooling of the cable onto Prysmian’s cable-laying vessels.

Project Comments

The FEIR states that the dredging associated with the proposed pier “would result in approximately 160,000 cubic yards of dredge volume” and that the “most likely” scenario would result in 80% of that volume being hauled offshore for disposal. The FEIR does not describe why this scenario would be the “most likely” and does not supply a final offshore destination for the approximately 128,000 cubic yards of material. This information should be provided during local, state, and federal permitting.

The preferred disposal scenario would also result in approximately 32,000 cubic yards of dredge material being hauled to an upland disposal facility. The FEIR does not provide detail on how or where the material will be stockpiled on-site; how it would be transported; potential impacts on resource areas such as the coastal bank; potential impacts to the phasing of the upland construction; or the proposed destination of the dredge material. The scope of these topics becomes more apparent when assessing Scenarios 2 & 3, which involve greater percentages of upland disposal. This information should also be provided during local, state, and federal permitting.

The project team is currently working with the U.S. Army Corps of Engineers as well as the Massachusetts Department of Environmental Protection (DEP) to implement a comprehensive sampling and analysis plan. In subsequent filings, the proponent will also be required to supply additional details related to the proposed dredging activities and potential impacts to resource areas.



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 website at <https://www.mass.gov/federal-consistency-review-program>.

LE/SH

cc: Mark Ullucci, 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
John Logan, DMF

From: [Kathy Souza](#)
To: [Strysky, Alexander \(EEA\)](#)
Cc: [Patrick McDonald](#); [Mark Ullucci](#)
Subject: Fwd: My Pysmian Comments
Date: Friday, February 3, 2023 2:28:53 PM

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Mr Strysky,

I would like to adopt the comments by Mr.McDonald below.

In addition, 40 CFR 1042 requirements (Control of Emissions from New and In-Use Marine Compression-Ignition Engines and Vessels) are not mentioned in the comments or review. The ship is expected to sit idling with diesel engines running fully, for an estimated 100 days per year outside of the Brayton Point neighborhood. Currently a truck is not allowed to idle for more than 5 minutes due to emissions, yet there is an anticipation of 2,400 hours of idling outside of our homes. Coupled with the second dock, owned and under the control of the State of Massachusetts, is still operational, and we could potentially have double the emissions. This is a very serious concern that I feel is being completely overlooked. In my opinion, it is deceiving for VHB to not include the emissions from the diesel engines that will be docked to their property.

Respectfully,

Kathy Souza
Brayton Point resident
Founder Save Our Bay Brayton Point

Dear Mr. Strysky:

Please accept this email as to my comments as a resident of Brayton Point, Somerset, MA as to the Final Environmental Impact Report on the Pysmian, General Industry Cable Manufacturing Plant. Firstly the proposed buildout of the 47 acres has a plan to raise the sites base elevation to 25 feet above sea level. This proposal endangers the surrounding neighborhoods to increased impacts of coastal flooding due to winter storms and tropical systems as it will redirect the natural flow of Mt. Hope Bay and push all the water that would have dispersed on their proposed site to the out lying surrounding areas. This is not acceptable to put the residents of Brayton Point, Somerset and Gardner's Neck, Swansea at an increased risk for destruction to lives and property by changing the elevation of 47 acres of naturally occurring land.

Traffic expectation from this facility will also have negative impacts on the residents of Brayton Point. Brayton Point Road is a small residential road that is undivided and in horrible condition. This project passes a public park where many children play and the Town of Somerset holds a summer day camp program. This project should be required to rebuild Brayton Point Road from the intersection of Route 103 and Brayton Point Road south to the end of the public way at Brayton Point and the entrance to the site. The public way should

have ADA compliant sidewalks and bicycle lanes on both side of the road way as well as an ADA compliant pedestrian bridge to allow for the passage of pedestrians to the O'Neil Field Playground from the east and west sides of Brayton Point Road.

The proposed 600 foot tower for their cable manufacturing plant must comply with DEP regulations concerning building heights within a Designated Port Area and coastal boundaries. Additionally I have concerns that they want to bring a concrete batch factory to build the concrete tower and I object to this proposal as the Town of Somerset Bylaws do not allow for the crushing of rocks and the storage of outdoor materials that have dust may leave their site and effect the residents of Brayton Point. I am concerned about the noise and silica dust that will be created from this batch concrete factory as well as the handling of fly ash on the property. The concrete towers that were imploded on the Brayton Point property were built by concrete being delivered to the site and that is what the applicant should be required to do.

Additionally this site is being built out as to the entire area will basically be an impervious surface and the proposal of sand filters within limited areas on the property will improperly handle the storm collection and lead to untreated releases of storm water into Mt. Hope Bay and the Lee's River.

The dredging of Mt. Hope Bay for a docking berth is of real concern as boring samples show high levels of metal contamination. There is an existing Commonwealth Pier and filled tidelands along with an existing channel that could be leased/licensed to this applicant instead of the proposal to dredge a separate berthing mooring station for the Prysmian Cable ships. The FEIR states that Commercial Development Corporation owns the Pier and I ask you to consult with the Department of Conservation and Recreation as to the ownership and control of the existing Pier and it being leased to Prysmian as an alternative and that will provide least amount of environmental impacts to Mt. Hope Bay and surrounding areas. I feel that this will be the best area that can be adapted/improved to provide protections as to noise, odor and light pollution.

The amount of light pollution coming from the Prysmian Cable ships is intense and within the Environmental Justice Protection area and should not be permitted. Additionally the idling of the diesel engines from the Prysmian Cable ships that are berthed to up to 14 days straight running 24 hours a day will release emission and fumes that will impact the air quality on the surrounding residents. As this is a "green energy" project. Green energy should start at Brayton Point and ship to shore power must be required for the Prysmian Cable ships regardless of what Pier they are docked at. Additionally the Caterpillars that will pull the cable to the ship must be address as to additional noise, emission and fumes.

Noise from the cable spooling operation must comply with the Town of Somerset noise ordinance and not the more relaxed Commonwealth standard. Lastly this project and its impact must be coordinated with the Southcoast Wind project that is proposed to be constructed an overlap with this Prysmian project. Construction should be limited to day time hours and no construction on Sundays. Lastly Commercial Development Corporation activities at the property should be suspended during the construction of this project and Southcoast Wind as they have made no disclosure of any proposed activities and by its lack of disclosure these MEPA reviews are predicated that there will be no other activity at the site other than the Prysmian and Southcoast Wind Projects. Thank you for attention to this matter.

Respectfully,

Patrick W. McDonald
Brayton Point Resident

From: [Patrick McDonald](#)
To: [Strysky, Alexander \(EEA\)](#)
Subject: Pysmian Project #: 16554
Date: Friday, February 3, 2023 11:25:36 AM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Strysky:

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Noise from the cable spooling operation must comply with the Town of Somerset noise ordinance and not the more relaxed Commonwealth standard. Lastly this project and its impact must be coordinated with the Southcoast Wind project that is proposed to be constructed an overlap with this Prysmian project. Construction should be limited to day time hours and no construction on Sundays. Lastly Commercial Development Corporation activities at the property should be suspended during the construction of this project and Southcoast Wind as they have made no disclosure of any proposed activities and by its lack of disclosure these MEPA reviews are predicated that there will be no other activity at the site other than the Prysmian and Southcoast Wind Projects. Thank you for attention to this matter.

Respectfully,

Patrick W. McDonald
Brayton Point Resident

From: [PAUL HEALEY](#)
To: jcurrier@ramboll.com; [paul vigeant](#); [Allen James](#); [Gallo Mario](#); egrob@vhb.com
Cc: [Michael Rodrigues](#); [Haddad, Patricia - Rep. \(HOU\)](#); [Strycky, Alexander \(EEA\)](#); [Paula Ramos](#)
Subject: Follow-up to 02 February 2023 - Brayton Point Prysman Project Meeting
Date: Friday, February 3, 2023 4:15:47 AM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good Morning,

Nice to meet many of you at the 02 February 2023 Prysman Brayton Point Project Meeting in Somerset to discuss the FEIR and next steps. I am still waiting for the information and data I requested in my previous emails. Without that information, I cannot provide a more informed response / questions / comments to the FEIR to MEPA, as we approach the deadline for comments. I am still hopeful that you are able to provide this information.

Jason - thanks for taking a few minutes to talk with me during our phone call and last night. As we discussed, I have concerns with the data from the "Phase III Subsurface Investigation Report (October 2022, Project Number 330003274)" and the "Phase IIIB ESA - Marine Sediment Investigation Report (November 2022, Project Number 330003472-001)".

Why is this important to me? From EPA Guidance (SW846 Update V - Revision 2, July 2014), The Data Quality Objectives (DQO) "process, discusse(s) in detail in the Guidance on Systematic Planning Using the Data Quality Objectives Process, EPA QA/G4, is designed to produce scientific and resource effective data collection designs that will support decision making with a defined level of confidence." And, while there is no regulatory requirement that you use the DQO process, there is a need to ensure the quality of the data you are presenting to us, is appropriately evaluated and useful for purpose. Having said that, at a minimum, data quality indicators should include precision, accuracy, representativeness, comparability, and completeness (PARCC). I have questions regarding your data and whether it is adequate, appropriate and useful in understanding your data usability assessment (field component and analytical data usability) for this project.

Ensuring that samples are collected, transported, stored and analyzed appropriately ensures the data is representative and reliable for proper use. For example, if a sample is collected/handled inappropriately, it could provide a falsely high or low value. The Sample collection plan and Chain of Custody provide some reassurance the data is "truly" correct, representative and usable. If values are incorrectly reported as (biased) low (when the "truth" is they are actually higher) then people and the environment may be exposed to chemicals inappropriately; handling of the soil, air and water sediment may be inappropriately handled or disposed of in a manner that is hazardous to the environment (dumping at sea or reused as topsoil) and to people (leading to adverse health events). Therefore, my request is for information to confirm the validity and usability of the data which I have not received.

As I have noted before:

From "Phase III Subsurface Investigation Report (October 2022, Project Number 330003274" (page 12/23) you note (page 12/35) "The data quality review included both a data usability assessment and a representativeness evaluation as summarized below." Further, you note (page 13/35), "in the course of the data usability evaluation several findings were identified that represent potential biases to the data. These biases were memorialized by Ramboll as data qualifiers added to the database."

From the Phase IIIB ESA - Marine Sediment Investigation Report (November 2022, Project Number 330003472-001), you note the data was preliminary (page 12/23). I would like your full analysis (your written and complete opinion) of the data and verification in accordance with your processes and ensure it comports with the expectations of the EPA, other relevant local, state and federal agencies and the Town of Somerset reviewing authorities. I would like to understand your field collection process and documentation that the samples were collected properly, the data and COC forms from the reference labs to ensure the proper collection, transport, and handling of the samples.

I am hopeful that you will be able to supply this information in a timely manner.

Respectfully submitted,

Paul Healey, MD (ret)

----- Original Message -----

From: PAUL HEALEY <phealeyinmystic@comcast.net>

To: paul vigeant <paulveeg@gmail.com>

Cc: Allen James <james.allen@prysmiangroup.com>, Gallo Mario <Mario.Gallo@prysmiangroup.com>, "Haddad, Patricia - Rep. (HOU)" <Patricia.Haddad@mahouse.gov>, "Rodrigues, Michael (SEN)" <Michael.Rodrigues@masenate.gov>, "alexander.strysky@state.ma.us" <alexander.strysky@state.ma.us>, "egrob@vhb.com" <egrob@vhb.com>, "jcurrier@ramboll.com" <jcurrier@ramboll.com>

Date: 01/31/2023 5:25 AM

Subject: Brayton Point Prysmian Project - additional comments / questions

Good Morning,

Would you please confirm that the following guidelines are current and relevant to the Prysmian Brayton Point project to assess the sampling strategy to characterize the hazardous waste, the sample collection methods and the validity of the data collected, and if not, why not.

The data collected will provide the baseline data to monitor deviations that may occur during Prysmian's operations over time. Hopefully deviations will trend towards a reduction on site and not lead to a "leakage" of hazardous waste to the air, soil, and water adjacent to the Brayton Point project or elsewhere, but it necessitates knowing our baseline data. Therefore, I am requesting the following information regarding Prysmian's sampling strategy, sample collection, sample handling and the validity assessment of the data at baseline.

Please forgive the formatting issues from the cutting and pasting, but you should be able to follow the guidelines noted.

310 CMR 40.0000 Massachusetts Contingency Plan (at: [310 CMR 40.00: Massachusetts Contingency Plan | Mass.gov](#)) and more specifically Section 40.0900: Procedures and Standards

for the Characterization of the Risk of Harm to Health, Safety, Public Welfare and the Environment. I note below relevant and pertinent parts.

Section 40.0902: Purpose of the Risk Characterization: A characterization of the risk of harm to health, safety, public welfare and the environment is performed at disposal sites to provide the quantitative and qualitative information used to evaluate the need for remedial actions:

Risk Characterization is used to establish whether a level of No Significant Risk exists or has been achieved at a disposal site. The criteria used in this determination are described in 310 CMR 40.0900, and two basic approaches to Risk Characterization are utilized:

(a) A chemical-specific approach, which compares site concentrations to standards in soil and groundwater, as described in 310 CMR 40.0970 through 40.0989. For the disposal sites to which they are applicable, these standards have been developed to meet the same objectives of the cumulative risk approach described in 310 CMR 40.0902(2) (b).

(b) A cumulative risk approach which compares site-specific information to a Cumulative Cancer Risk Limit of an Excess Lifetime Cancer Risk of one-in-one hundred thousand, a Cumulative Noncancer Risk Limit which is a Hazard Index equal to one, promulgated health, safety, public welfare and environmental standards, and site-specific conditions, as

described in 310 CMR 40.0990 through 40.0999.

From 40.0903, “the Risk Characterization shall be of sufficient scope and adequately documented to demonstrate that the Response Action Performance Standard (RAPS) has been met in accordance with 310 CMR 40.0191.”

From 40.0904: Site Information Required for Risk Characterization

An adequate characterization of the disposal site is a prerequisite to the characterization of risk of harm to health, safety, public welfare and the environment, although the appropriate type and amount of information required to complete a Risk Characterization will depend on the unique characteristics of a release and/or disposal site. Particular attention shall be paid to the following site assessment parameters:

- Physical Characteristics. The physical characteristics of the disposal site, including, but not limited to, the topography, geology, hydrogeology, and surface characteristics shall be evaluated as warranted by release and site conditions and described in sufficient detail to support the Risk Characterization.
- Extent of Release. The documentation of the Risk Characterization shall contain a description of the source

and extent of the release of the oil and/or hazardous material, including, where appropriate:

1. the horizontal and vertical extent and concentrations of oil and/or hazardous material in all evaluated media;
 2. background concentrations of oil and/or hazardous material in all evaluated media; and
 3. all existing or potential Migration Pathways, including, but not limited to: soil, groundwater, soil gas, surface water, air, sediment and the food web. The potential for oil and/or hazardous material migration along preferential pathways such as utility lines or corridors must be evaluated, where applicable. Concentrations of oil and hazardous material in the sediment and/or surface water must be measured in any of the following circumstances to determine whether such material at or from the site has been or is being transported in a manner that would result in surface water or sediment concentrations of potential ecological significance, unless the need for such measurements is obviated by a technical justification consistent with 310 CMR 40.0193:
 4. Hazardous materials at or from the site, excluding VOCs, are present in groundwater within 200 feet of a surface water body;
 5. Hazardous materials at or from the site, excluding VOCs, are present in the groundwater at concentrations higher than the GW-3 standard(s) within 500 feet of a surface water body;
- Nonaqueous phase liquid (NAPL) at or from the site is present within 200 feet of a surface water body;
1. Historical evidence indicates past discharge or dumping of oil or hazardous material from the site to the surface water body, unless such discharges were permitted;
 2. Evidence indicates current or past runoff of oil or

- hazardous material from or with site soil into the surface water body; and
3. Site-specific conditions indicate that oil or hazardous material from the site may reasonably be expected to be present in the sediment or surface water at concentrations of potential ecological significance.
- Characterization of the Oil and/or Hazardous Material. The documentation of the Risk Characterization shall describe the oil and/or hazardous material at the disposal site, including, without limitation and where appropriate:
 1. type, volume, composition, nature, physical, chemical and toxicological characteristics; and
 2. environmental fate and transport characteristics, including mobility, stability, volatility, ability and opportunity for bioaccumulation, and persistence in the environment.

The EPA provides guidance on waste sampling plan development and methods for the collection of samples (see: [Draft Technical Guidance about Waste Sampling under the Resource Conservation and Recovery Act \(RCRA\) | US EPA](#)). Did Prysmian follow this guidance? Specifically, Section 7.2 (page 122) “Conducting Field Sampling Activities” provides guidance on performing field sampling activities that typically are performed during implementation of the sampling plan. Please advise.

From Mass DEP, Guidance from Disposal Site Risk Characterization Interim Policy WSC/ORS -95-141 (July 1995), which I believe is still current and relevant for the work to be done by Prysmian at Brayton Point (see: [WSC/ORS 95-141: GUIDANCE FOR DISPOSAL SITE RISK CHARACTERIZATION Chapter 7 \(mass.gov\)](#)). In pertinent part, “this section provides guidance on conducting a Method 3 Human Health Risk Characterization. The human health evaluation is just one of four distinct assessments which comprise a complete Method 3 Risk Characterization: the risk

to safety, public welfare and the environment must also be addressed. The most site-specific of the three risk characterization options available under the MCP, a Method 3 assessment is an option at all c.21E sites.” I believe the Brayton Point site is a “c.21E” site. Please confirm.

Thank you for providing this additional information in our efforts to insure a successful collaboration with Prysmian.

Paul Healey, MD (ret)

On 01/26/2023 1:27 PM paul vigeant <paulveeg@gmail.com> wrote:

Thank you Dr. Healy

Great to hear that you attended in September and can join us again on February 2.

Also, you are doing exactly what the FEIR process is intended for... generating informed comments and questions from the public. With confidence I can reassure you that your comments will be addressed.

As always, please feel free to call me if you have any questions or thoughts.

Cheers
Paul Vigeant

On Thu, Jan 26, 2023 at 1:22 PM PAUL HEALEY
<phealeyinmystic@comcast.net> wrote:

Hi Paul,
Nice to meet you and the others on this email.
I am very hopeful for the success of this project.
I believe strongly that we need to "go green".

I just ask that you and others review my comments.

I have downloaded and studied the documentation provided by Prysmian / Ramboll on their website. My comments / questions and concerns are based on that review.

I am sure you understand, along with everyone else, that we just want to make sure we know baseline levels that have been appropriately collected and verified and that we minimize / eliminate any potential hazardous contamination of the air, water, and land in the community, as the project progresses.

Yes, I was at the September meeting.
I plan to attend the February meeting.
I do note the outreach to the community you have noted.
These are all great and appropriate activities.

I look forward to this team's review and comments to ensure we protect the health and safety of our local community, at the same time as we speedily proceed with this project.

Respectfully yours,

Paul Healey

On 01/26/2023 1:08 PM Paul Vigeant
<paulveeg@gmail.com> wrote:

Hello Dr. Healy

My name is Paul Vigeant and I currently serve as the local community liaison for the Prysmian Project proposed for construction at Brayton Point. My direct mobile phone number is 508-542-9400. Please feel free to call me at your convenience.

I have forwarded your email to VHB, the lead engineering consultants for the project, as well as to Ramboll, which conducted the soil and in-bay borings. Once they review your email, I can provide additional information and clarification to your questions.

Regarding community outreach and communication, we have attempted to interact with Somerset (and regional) residents continuously since the project began in April of 2022. We do that outreach through a combination of presentations on Somerset Cable Television covering town boards and commission meetings; we host periodic meetings (6 to date since April) with small groups of families from the neighborhood immediately adjacent to the site, and through periodic public presentations (beyond that which is required by MEPA). We held one such community “town hall” on September 13, 2022 focused on the Draft Environmental Impact Report (DEIR).

We have a second community “town hall” scheduled for Thursday, February 2, 2023 at 6:00PM. The meeting is at the Fairfield Marriot Inn on route 6 in Somerset. If your schedule allows, please join us that evening. It will focus on the Final Environmental Impact Report.

In addition, we created a website through which we communicate with area residents and upon which is posted various plans, reports and information intended to inform the public about the project. You can find that website at:

www.prysmainatbraytonpoint.com

We post public meetings on the website and have several informational posters in locations such as Town Hall, the Town Library, and the Council of Aging. We also placed posters in the Swansea Town Hall and Library

If you visit the Prysmian website, notice the navigation box at the upper right top of the homepage. If you click there, it will direct you to links to the state, local and federal permitting information and reports. We try to keep it current and accurate.

Also, I joined the Facebook site “Save our Bay Brayton Point” which is maintained by Somerset residents. I regularly utilize that website to communicate with its 4,000+ members and I make periodic posts in response to questions raised.

I have also been a guest on WSAR twice since June, 2022 to inform the listening audience about the proposed Prysmian project; I have an invitation to return to WSAR on a regular basis throughout the project.

We have also reached out to the Environmental Justice community via email and virtual meetings. I have provided briefings to the Town Administrator in Swansea as well as to the Mayor of Fall

River. I have reached out the Citizens for Citizens (CFC) the regional anti-poverty agency, as well as to the MassHIRE Workforce Board to engage citizens from economically disadvantaged backgrounds.

In summary, we are engaged in a good faith effort to communicate with the citizens and to keep them fully informed of our development. If you have suggestions about methods to improve our community outreach, please send those along and I am happy to consider your suggestions

Thank you for your interest in the Prysmian project and for your valuable insights, comments and suggestions. Let's talk at your convenience and I hope you can join us on February 2 at the Fairfield Marriot Inn at 6:00PM.

Cheers,

Paul Vigeant

Sent from [Mail](#) for Windows

From: [Haddad, Patricia - Rep. \(HOU\)](#)
Sent: Thursday, January 26, 2023 11:21 AM
To: [Rodrigues, Michael \(SEN\)](#); [PAUL HEALEY](#)
Cc: paulveeg@gmail.com
Subject: RE: Brayton Point Prysmian Project - please forgive the formatting issues in the email. See attachment.

Dr. Healey,

Thank you for the questions and for your interest. I agree with the Senator, Paul is the right person to ask. Some of what you point out is part of the permitting process. I hope you are able to attend the public meeting on the 2nd.

Best,

Pat Haddad

From: Rodrigues, Michael (SEN)
<Michael.Rodrigues@masenate.gov>
Sent: Thursday, January 26, 2023 10:32 AM
To: PAUL HEALEY
<phealeyinmystic@comcast.net>; Haddad, Patricia - Rep. (HOU)
<Patricia.Haddad@mahouse.gov>
Cc: paulveeg@gmail.com
Subject: RE: Brayton Point Prysman Project - please forgive the formatting issues in the email. See attachment.

Hello Dr. Healey,

These are all great questions. The best person to address them would be Paul Vigeant, Community Liaison for Prysman. He is copied here. He is very responsive, so expect a reach out by him soon.

All the best,

Michael

Senator Michael J Rodrigues

Chair, Senate Committee on Ways and Means

From: PAUL HEALEY
<phealeyinmystic@comcast.net>
Sent: Thursday, January 26, 2023 7:33 AM
To: Haddad, Patricia - Rep. (HOU)
<Patricia.Haddad@mahouse.gov>;
Rodrigues, Michael (SEN)
<Michael.Rodrigues@masenate.gov>
Subject: Brayton Point Prysman Project -
please forgive the formatting issues in the
email. See attachment.

You don't often get email from
phealeyinmystic@comcast.net. [Learn why this is important](#)

Date: 26 January 2023

From: Paul Healey, MD (ret)

[76 Gay Street](#)

[Somerset, MA 02726](#)

860-857-8912

To: Representative Patricia
Haddad and Senator Michael J.
Rodrigues

Subj: Brayton Point
Prysman Project

Dear Representative Patricia Haddad and Senator Michael J. Rodrigues,

I presume you are both very aware of the Pysmian Brayton Point project. The Town needs to strike the “right” balance between commercial development to support our tax structure (which would support the welfare of our community) and the health and well-being of our citizens in Somerset. This project will be a great step forward towards energy independence and leadership to ensure the safe development of the Pysmian Brayton Point project. The question is what is the “right” balance, how do we achieve it and effectively communicate and reassure the community as we proceed.

I am a retired physician with training in Occupational & Environmental Medicine. I live in Somerset, MA. My perspective is to better understand the implications of the Pysmian Brayton Point project impact on the environment and the potential for adverse medical events on the health and well-being of the

residents of our community. To better understand the implications, I need reliable historical environmental data (air, water, and soil sample results), recently collected data, during planned construction operations data, and for a period after construction operations hazardous waste data/ results (air, water, and soil samples) from a reliable laboratory. I further clarify my requests and why below.

I have reviewed much of the data provided by Prysmian. Please find attached an email to be sent to Alexander Strysky at MA State (coordinator for the February 2, 2023 Prysmian Public Hearing on the Brayton Point site) requesting additional information. The email identifies questions concerning the Prysmian / Ramboll identification of hazardous waste chemicals on site. It also proposes a water sampling strategy of USGS wells in the area to establish a baseline characterization of the surrounding area so we can monitor the ongoing impact (if any) of Prysmian's construction operation for potential spread of contaminants in the air, water, and land as a result of the

implementation of their construction operations and Soil Management Plan.

I have provided Mark Ullucci, Somerset Town Administrator, with similar information. I am available to further clarify my concerns, as needed.

Your consideration, oversight and assistance with this matter is greatly appreciated.

Respectfully submitted,

Paul Healey, MD (ret)

Email to Alexander Strysky at :
alexander.strysky@state.ma.us

I am a retired physician with training in Occupational & Environmental Medicine. I live in Somerset, MA. My perspective is to better understand the implications of the Prysmian Brayton Point project impact on

the environment and the potential for adverse medical events on the health and well-being of the residents of our community. To better understand the implications, I need reliable historical environmental data (air, water, and soil sample results), recently collected data, during planned construction operations, and for a period after construction operations hazardous waste data/ results (air, water, and soil samples) from a reliable laboratory. I further clarify my requests and why below.

Specifically, I need additional information on the impact of planned construction, removal, and transportation of on-site generated soil and water at various locations (hot spots and non-hot spots) within the property. In order to better understand the potential health and environmental impacts I need to understand the current hazardous wastes that were generated from previous and ongoing operations for which there are noted reports that are not readily available.

To this end, I note below additional available information,

that I am requesting and proposed ongoing air, water and soil samples that should be collected during construction operations and the transport of soil and water off the property.

Prysmian and subcontractor Ramboll have completed multiple borings and wells and samples have been sent off to a reference lab. However, in the report entitled “PHASE III SUBSURFACE INVESTIGATION REPORT BRAYTON POINT, SOMERSET, MASSACHUSSETTS” dated October 2022 (Project # 330003274) the report cites several potential concerns either in the collection of, transport of, and or analysis of samples from the multiple borings and wells that were performed – see below from their report (Section on “Data Usability and Validation”) and some recommendations to ensure we better understand the current hazardous waste levels.

See section 4.2 “Common Usability Findings” of the report noted above that raises questions on the reliability of the data. There is a suggestion that the data

biases towards the lower level because of collection, transportation or processing issues. There is a suggestion that there was data contamination from various samples. There is a question on the reliability of the testing methodology and the practices at the lab which the report notes may be cross-contamination but may also be quality control issues within the lab that was used. These values represent the baseline of levels prior to construction operations on the site. It is important to understand the baseline levels of the hazardous waste as this may alter planned methods used in construction operations. Prysmian needs to further clarify these issues and explain why they are not repeating a sampling strategy and ensuring reliability of the data.

From an environmental perspective, I want to understand the "Soil Management Plan" as Prysmian conducts construction operations and transportation of soil and water off-site or it remains on-site. Will hazardous waste soil and water from construction operations be sampled to see if there is an increase / decrease of the

hazardous waste levels that may adversely impact the air, soil and water and potentially increase risk to health and safety of the community. The impact on the local community (both EJ- and non-EJ local citizens within the 1-mile radius) water supply and dust (haze) generation may be increased due to potential inadequacies in the “Soil Management Plan” and the planned “cleaning up” of excavation soil/water and trucking equipment wash-downs. This necessitates further continued monitoring of the hazardous waste from construction operations and for a period after operations have been completed to assess the impact on water aquifers.

Additional information needs to be provided to better understand the impact on water supplies within the community. There is a paucity of hydrologic information on the local water supply / aquifers feeding any potential home use water wells or elsewhere within Somerset and local communities’ water supplies / reservoirs to the town. I am requesting that Prysmian and the Town of Somerset further clarify with

appropriate documentation the potential impact on water supplies within the town. What are current levels of hazardous waste (have they been measured), if any, in wells located in the vicinity of the Prysmian Brayton Point property? What are the plans to monitor these levels prior to initiation of construction, during construction, and for an adequate period after construction since water flows through aquifers will take time?

I have the following comments / requests about the following documents:

1. FEIR:
2. Communication Plan: I would like to see a better (timely) communication plan that informs the residents of what is being done (sampling, drilling, excavation, etc) on the site that may raise dust or risk contamination of the soil or water. To this effort, we should understand these activities prospectively and not just retrospectively, sometime weeks or months after the activity has been completed on the site. Please provide a copy of the

Community Outreach Plan, when are planned meetings, are they open to the public.

1. Soil, Air and Water Sampling during ongoing operations: Continued sampling planned and results should be discussed with the Town and communicated to the residents. Please provide additional information on the planned “Haze” monitoring and control program.
1. Please provide a copy of the Soil Management Plan and Construction Mitigation Plan
1. Environmental Justice (EJ) and Non-EJ populations: I appreciate the need to view the project from the perspective of Environmental Justice, but there is also a need to view the project from the non-EJ population (Local Residents) within the 1-mile and 5-mile radius of the Brayton Point project. Since the non-EJ population is closest to the BP project has there been a discussion of the impact of haze dust on their properties resulting from construction operations – we would like further clarity on this issue. The non-EJ population within the 1-mile

radius should be declared a population of interest. Additionally, has there been discussion on the impact of construction operations and transfer of dust to local residents, as well as the impact on residents who have wells in the area, if any – we would like further clarity on this issue.

1. Section 6.2 discusses mitigation strategies relative to EJ populations, however there is no discussion relative to Non-EJ populations in the immediate area of the Brayton Point project. Would you please address this shortcoming.

1. From the report entitled “PHASE III SUBSURFACE INVESTIGATION REPORT BRAYTON POINT, SOMERSET, MASSACHUSETTS” dated October 2022 (Project # 330003274):

I am interested in better understanding the contamination in the current soil and

groundwater identified through the multiple borings and wells on the Brayton Point Prysman site.

1. Page 4/35: Sections 1 and 2:
Are you able to share the following references noted in the report:

1. Reference 1.
Environmental Due Diligence report and High-Level Environmental Due Diligence at Brayton Point report (project #330002760);
2. Reference 2. Review of Additional Environmental Documents report (project #330002841);
3. Reference 3. Phase II Subsurface Investigation report (project #330002841).
4. Reference 4. proposal #330003179

1. Page 6/35: Section 3.2:
Ramboll subcontracted "Cascade Remediation Services, a licensed drilling subcontractor to advance two hundred and forty soil borings at the site". I would like the pdf files of the report

of findings, actual data logs
of material collected,
reference labs used to
evaluate material and other
draft data and final reports /
conclusions /
recommendations noted in
the report.

1. Page 6/35: Section 3.2: I would like clarity on the location / disposal of the boring decontamination fluids, soil cuttings, soil, and all the appendices referenced in the report.
 1. In the paragraph “To lessen the risk of cross contamination during the boring program...”. I recommend ascertaining the tracking information on the disposal of “All decontamination fluids (sic) that were drummed and stored.” Are they still on site? Where did they go. There should be tracking information.
 2. In the same paragraph “all drums were labeled with the contents (soil cuttings...” dated and tracked. I recommend ascertaining the tracking information. Are the

drums still on site?

3. In the next paragraph “Any soil cuttings”, see end of paragraph “Two drums of soil / water have been generated ...” These drums need to be accounted for.
 4. The last paragraph of page 6/35 notes that there is an Appendices. Page 20/35 suggests there are at least 7 Appendices, however, none were attached to the report. Recommend obtaining these Appendices.
1. Page 12/35: Section 4: Data Usability and Validation: I would like a copy of the Massachusetts Contingency Plan, Mass DEP’s Compendium of Analytical Methods (CAM) and MCP Representativeness Evaluations and Data Usability Assessments (REDUA) Policy #WSC-07-350 and revised CAM (WSC #10-320) to fully understand these references’ recommendation for the assessment of soil and water samples in accordance with acceptable methodologies

for analyses and compare to what has been done by Prysmian and subcontractors.

1. Page 12/35: Section 4.1:
This section addresses “Data Review Process” that was implemented to assess adequacy of soil and water samples. They created a review process for the “usability and representativeness” checklist to assess the quality of the data generated from bore samples. I would like pdf of the raw data, report and discussion of their interpretation of the data collection methods, analyses and findings to review and confirm the results of the analyses and the interpretations drawn from the results.

1. Page 13/35: Section 4.2
“Common Usability Findings” of the data collected:

1. Ramboll identifies “potential biases to the data” including “Surrogate and / or Blank Sample Recoveries”, “Blank Detections” and “Reporting

Limit” issues with their data collection.

2. This needs to be further characterized by Ramboll and Prysmian on whether other efforts were made to recollect samples in question. What efforts were made to confirm the validity of the data collection methodology and the reference lab utilized? Was a second or referee lab used to confirm the validity of the data?
 3. I would like Ramboll and Prysmian to provide the data / references noted above and further explain the findings in the report.
 4. If their explanations continue to raise concerns or further confirmation should be needed, then consider the data be reviewed by an independent consultant.
-
1. Page 13/35: Overall Usability Conclusions: The report notes “In general, there were limited data usability issues...”. Ramboll and Prysmian should further clarify the basis of their conclusions and the

implications and further recommendations, including the need for additional sampling strategies.

1. In light of the above statements. On Page 21/35: Section 7.2 Soil Sample Results: Table 1 Soil Samples Exceeding RCS-2 are significant. I would like further clarity on what Prysmian plans to do as they progress the further development of the project. How will the sampling sites and planned construction areas be further cleaned up?

1. Page 27/35: Section 7.3 Groundwater Sample Results: Table 2 Groundwater Samples Exceeding RCGW-2 are significant. I would like further clarity on what Prysmian plans to do as they progress the further development of the project. How will the sampling sites and planned construction areas be further cleaned up.

1. Page 33/35: Section 9: Activity Use Limitation (AUL): Current Situation:
 1. I would like a

clarification of the legal restrictions placed on the site that will further limit future exposure.

2. There is reference to “one AUL on November 10, 2011”. I would like a copy.
 3. In the next paragraph “Based on the Phase III ESA...” it appears to be a paper comparison of the results since “no monitoring wells have been installed in AUL...”. Can we get further clarity on this statement?
-
1. Page 34/35: Data Gaps: Can we get further clarity on the data gaps and plans to obtain the data?
-
1. Page 35/35: Disclaimer and Limitations (2nd paragraph): Can we obtain the information regarding the statement that “Ramboll has relied upon publicly available information, information provided by the client and information provided by third parties.” Specifically, I am interested in the information provided by the client and information provided by third parties to better understand

the implications on the data that was collected.

-
1. From the report entitled "PHASE IIIB ESA – Marine Sediment Investigation Report, Brayton Point Somerset, MA dated 17 November 2022 (Project # 330003472-001):
 2. This appears to be a draft document with incomplete information on the full data set, dioxin and furans findings, updated data usability assessment. Would you please provide the additional data noted here. I have searched for the report and data information on the Prysmian's website to no avail. Your assistance is greatly appreciated.
-
1. Page 3/23: There is reference to a Ramboll Proposal Number 330003264 dated 16 May 2022. Would you please provide this proposal?
 1. Page 5/25: Section 1.2: Previous Findings: notes a project Ramboll did in January 2022 (#330003098). Would you please provide

this proposal?

1. Page 10/23: Section 3.2 Sediment Logging and Sampling: Would you please provide a copy of the sample collection methodology utilized by the TG&B Marine Services (page 9/23) that served as the marine contractor collecting the samples for Prysmian? Additionally, the COC and report of sample receipts to the reference laboratory (page 11/23 Eurofins Analytical in Pittsburgh, PA) performing the analyses so we can assess the quality of the samples received by the Eurofins Analytical in accordance with Table 2 (page 11/23) Analytical parameters and methods utilized. This will facilitate an interpretation of the data in the context of proper sampling and analytic techniques.
1. Page 12/23: Section 4 Data Quality Evaluation: Para 1: The report indicates there were delays “in analyses and final data reporting necessitated evaluation of preliminary data for report preparation.” I would like the

final report. Para 2: notes “limited data quality review was performed on the preliminary data. I would like a copy of their final report to include any update to their interpretation of the data. Additionally, I would like a pdf file and MS Excel (csv file) to review the complete data noted in Table 3. Laboratory data packages IDs. As the report notes, after reviewing this data, a “data usability assessment (DUA) include(ing) a filed component and an analytical component” can be completed.

1. Page 12/23: Section 4.2 Inconsistency, Uncertainty and information Considered Unrepresentative: It is unclear how a conclusion can be drawn in the absence of a full data set and the above information. Indeed, page 13/23 notes “Overall data usability is limited by the preliminary nature of the data reported...”.
1. Page 16/23: There are multiple references to Appendices, however, Appendix A is not provided and Appendix B and C are

presumed to be incomplete, as noted above.

1. Page 16/23: last paragraph:
It is unclear how a conclusion such as “The figure on MAP 2 does not appear to indicate a relationship between detected mercury or tin concentrations and distance from the Site shoreline” when the dataset is incomplete. An implication of this incomplete dataset is that this may impact “disposal scenarios” and resultant costs.
1. Page 17/23: Last sentence:
Please provide a copy of dioxins and furans data and report.
1. Page 18/23: There is a reference to a Phase IIB (project # 330003098) investigation. Please provide a copy of the data and report. Please provide information on the collection methods and analytic techniques from the unidentified reference laboratory.
1. Page 19/23: Feasibility of Dredging: There is reference to a Phase IIB report. Please provide a copy of the

analysis and report and any underlying documentation to support the report.

1. Page 20/23: Second bullet: Notes a “total of twenty-five (#25) sediment samples were collected...”. I only counted 24 in Table Appendix B.
1. Page 20/23: Second to last bullet: “no organic compound was detected in exceedance of the corresponding ER-M or ER-L value.” Please confirm this is the case with the full dataset. Would you provide / confirm the sampling, transport, COC and packaging techniques / requirements were performed.

Based on the data provided by Prysmian / Ramboll that identified hazardous waste organic and inorganic chemicals currently in the surrounding water ways and on the Brayton Point Prysmian property (from their core and well sampling) and with the anticipated dredging and planned construction that will “churn” currently settled water sediment and the potential for infiltration (leaking) of hazardous waste

chemicals into the soil and potentially into the local salt and fresh waterways and over years, potentially into drinking water over time, I am requesting that you consider asking the USGS or Prysman) to sample for hazardous waste chemicals identified in the Prysman / Ramboll reports, at various locations noted in the attachment below, to serve as baseline data for future comparison and reassurance to the community that there is limited / no leaching of hazardous waste compounds into the surrounding water ways and into the community drinking water. Attached please find a proposed water (inactive USGS wells) that could be sampled for baseline characterization of hazardous waste organic and inorganic chemicals.

Furthermore, I am requesting that you consider documenting the Somerset drinking water supplies for the hazardous waste products identified in the Prysman / Ramboll reports to serve as baseline data for future comparison of the adequacy of Prysman's operational control during construction on-site at Brayton Point. Even more importantly is consideration of

sampling of local homeowner wells within a 1-mile radius of the Brayton Point site that are currently used by residents.

Respectfully submitted,

Paul Healey, MD (ret)

USGS Water Sampling Strategy
Proposal

Proposal: Initial sampling strategy of the USGS inactive wells to serve as baseline characterization of hazardous waste organic and inorganic chemicals in the local area as a result of previous operations since the 1960s at the Brayton Point site. This would serve as a baseline prior to construction operations on the Brayton Point site. Values from this sampling strategy should be compared to the Prysmian / Ramboll sampling when their data has been validated.

If the sites are found to contain abnormal levels of hazardous waste organic and inorganic chemicals then an expanded next “tier” of USGS wells should be considered for sampling to better understand the extent of infiltration of chemicals from the Brayton Point site that may have occurred over time since the 1960s.

Since chemicals will “equilibrate” over time in the water and land, please consider an annual sampling strategy over the next 10-20 years.

I reference the following “USGS National Water Information System: Mapper” site in identifying potential wells to sample. Please see: [Water Resources of the United States— National Water Information System \(NWIS\) Mapper \(usgs.gov\)](https://www.usgs.gov/nwis-mapper) – specifically using the tab “Groundwater sites” only, active and inactive sites. An initial sampling strategy should include, at a minimum, the following sites:

1. **Site**

- Number:** 414239071105301
Site Name: MA-SPW 10
2. **Site**
Number: 414239071104701
Site Name: MA-SPW 9
 3. **Site**
Number: 414243071103201
Site Name: MA-SPB 12
 4. **Site**
Number: 414238071102401
Site Name: MA-SPB 13
 5. **Site**
Number: 414234071101601
Site Name: MA-SPB 14
 6. **Site**
Number: 414225071100001
Site Name: MA-FRB 53
 7. **Site**
Number: 414254071103801
Site Name: MA-SPW 4
 8. **Site**
Number: 414253071102501
Site Name: MA-SPW 1
 9. **Site**
Number: 414301071100701
Site Name: MA-SPW 2
 10. **Site**
Number: 414311071104601
Site Name: MA-SPW 8
 11. **Site**
Number: 414312071105401
Site Name: MA-SPW 6
 12. **Site**
Number: 414307071110001
Site Name: MA-SPB 16
 13. **Site**
Number: 414242071121001
Site Name: MA-S9W 143

14. **Site**
Number: 414237071122401
Site Name: MA-S9W 134
15. **Site**
Number: 414248071122201
Site Name: MA-S9W 135
16. **Site**
Number: 414253071122001
Site Name: MA-S9W 139
17. **Site**
Number: 414254071120801
Site Name: MA-S9W 183
18. **Site**
Number: 414301071120801
Site Name: MA-S9W 207
19. **Site**
Number: 414214071100001
Site Name: MA-FRX 1
20. **Site**
Number: 414209071100801
Site Name: MA-FRX 3

Date: 5 February 2023

From: Paul Healey, MD (ret)
76 Gay Street
Somerset, MA 02726

To: MEPA, Alexander Strycky

Subj: FEIR Comments on Prysmian Brayton Point Project

I am writing this in my capacity as a citizen living in Somerset, MA. Thank you for the opportunity to provide comments on the Prysmian Brayton Point Project FEIR and its supporting documentation or lack thereof. Please accept these comments in addition to what I have provided to you previously.

I am a retired physician with training in Occupational & Environmental Medicine. I welcome and strongly support Prysmian's proposal for the redevelopment of a portion of the former Brayton Point Power Station site into a new state-of-the-art cable manufacturing plant. I acknowledge this is Prysmian's first such project in the USA and they are making good faith effort to comply with federal, state, and local regulations. I also acknowledge the hard work that Prysmian has already submitted to demonstrate their intent to be a good "corporate citizen" within the Town of Somerset and the Region. This project will support our tax structure and provide needed jobs in the area which the area needs.

I want Proponent to be successful by pointing out what I consider deficiencies in the FEIR that will assist them in being a welcome and good corporate citizen. I have trusted their intent to provide information and data to support their planned development and on-going operations in the near future and for many years to come and to ensure the protection of our environment and the public health of our residents. As a citizen of Somerset, I have an obligation to verify their proposal, including reviewing and ensuring their assumptions, data and the information is reliable and accurate. I have not received the information and data requested multiple times from Proponent which I outline below. Some of the information supplied is incomplete, inadequate, potentially misleading and not complete or fit for purpose and raises some disturbing questions.

As you are aware, the purpose of MEPA and 301 CMR 11.00 is to provide meaningful opportunities for public review of the potential environmental impacts of Projects for which Agency Action is required, and to assist each Agency in using (in addition to applying any other applicable statutory and regulatory standards and requirements) all feasible means to avoid damage to the environment or, to the extent damage to the environment cannot be avoided, to minimize and mitigate damage to the environment to the maximum extent practicable.

The Secretary's decision that a review document is adequate or that there has been other due compliance with MEPA and 301 CMR 11.00 means that the Proponent has adequately described and analyzed the Project and its alternatives and assessed its potential environmental impacts and mitigation measures. My perspective is to better understand the implications of the Prysmian Brayton Point project's impact on the environment and the potential for adverse medical events on the public health and well-being of the residents of our community, including Environmental Justice (EJ) and non-EJ populations.

I have the following comments followed by supporting documentation and justification for the conclusion that Proponent has not met the burden of providing adequate information and data, at this time, to support a positive decision by the Secretary on the FEIR until there can be further review of the requested information.

Comment #1: Defining and declaring impacted populations: Proponent has not defined all relevant populations in a 1-mile radius of the site.

In the absence of appropriately defining all impacted populations an adequate risk characterization and assessment is not likely to be conducted. There are EJ populations and non-EJ populations within the 1-mile radius of the site. The MA EJ Policy, which is very laudable and necessary, was not intended to exclude any population, but rather to ensure more inclusiveness. The MA EJ Policy may inadvertently suggest to Proponents that they do not need to consider populations that do not fall within the policy's guidelines. Proponent provides little more than a cursory statement about the impact of the project on EJ populations and essentially no evaluation of the non-EJ populations. In the absence of declaring that there is another relevant population (non-EJ) Proponent does not fully characterize the risk in the Project.

The non-EJ population I am referring to is in the immediate vicinity (within the 1-mile radius) of Proponent's project and are individuals likely with (i) an annual median household income more than 65 per cent of the statewide annual median household income; (ii) more than 40 percent of the population are non-minorities; (iii) more than 25 per cent of households are proficient in the English language; or (iv) minorities comprise less than 25 per cent of the population and the annual median household income of the municipality in which the neighborhood is located very likely does exceed 150 per cent of the statewide annual median household income. The non-EJ population within the closest proximity to the project should be declared as a relevant population and their risk characteristics and assessment should be appropriately defined. There is little to no information on the potential for environmental and public health impacts on the non-EJ population in the Proponent's FEIR.

Comment #2: Boring samples from on-site and marine environments: Proponent has not adequately documented the sample results to characterize the property and adjacent waterways/wetlands.

To better understand the implications of this project, Proponent needs to supply reliable historical environmental data (air, water, and soil sample results) to assess the adequacy of planned construction and planned disposal of soil and water; including recently collected boring sample data, during planned construction operations, and for a period after construction operations, including organic and inorganic data/ results (air, water, and soil samples) from a reliable laboratory. This would include actual data and chain-of-custody documentation to support the expected proper collection, handling, shipping, and analyses of samples by the reference lab. I further clarify my requests and why below in the additional information section.

Specifically, Proponent needs to provide additional information on the impact of planned construction, removal, and transportation of on-site generated soil and water at various locations (hot spots and non-hot spots) within the property. In order to better understand the potential health and environmental impacts Proponent needs to further explain the current organic and inorganic chemical levels / wastes that were generated from previous and ongoing operations for which there are noted reports that are not readily available.

Comment #3: Haze (dust) Monitoring and Control Program:

Although all populations are important to monitor, the non-EJ population will potentially be impacted more significantly than EJ population (Fall River) due to the non-EJ population's location within a few hundred feet of site operations and the trucking through the non-EJ population neighborhood. Proponent should provide a "Haze" monitoring and control plan. The plan should be developed with and agreed to by the Town of Somerset and other relevant parties in the area. I further clarify my requests and why below in the additional information section.

Comment #4: Communication Plan developed with community input and agreement:

Proponent should develop a timely communication plan with relevant parties that informs residents of what is being done (sampling, drilling, excavation, etc) on the site that may raise dust or risk contamination of the air, soil, or water, including noise, diesel fumes, overnight lighting to name a few. To this effort, Proponent should explain these activities prospectively and not retrospectively, sometime weeks or months after the activity has been completed on the site. I further clarify my requests and why below in the additional information section.

Comment #5: Drinking Water: Proponent has not adequately addressed this issue.

Proponent should document that it will not have an impact on Somerset drinking water supplies by appropriate sampling to serve as baseline levels and to monitor for "leakage" of inorganic and organic chemicals identified in the Proponent's reports for future comparison of the adequacy of Proponent's operational control during construction on-site at Brayton Point. Even more important is consideration of sampling of current water sources within a 1-mile radius of the Brayton Point site. I further clarify my requests and why below in the additional information section. A possible Water sampling strategy is provided below using USGS data, below.

Background / Supporting Information for Comments:

As you know, MEPA and 301 CMR 11.00 do not alter the review or permitting authority of any Agency or any Federal, municipal, or regional governmental entity over, or otherwise alter the applicability of any statutes and regulations to, a Project. To this point, I will share this document with appropriate entities within the Town of Somerset for their consideration.

MEPA notes "Damage to the Environment" is defined as "Any destruction or impairment (not including insignificant damage or impairment), actual or probable, to any of the natural resources of the Commonwealth including, but not limited to, air pollution, GHG emissions, water pollution, improper sewage disposal, pesticide pollution, excessive noise, improper operation of dumping grounds, reduction of groundwater levels, impairment of water quality, increases in flooding or storm water flows, impairment and eutrophication of rivers, streams, flood plains, lakes, ponds or other surface or subsurface water resources, destruction of seashores, dunes, marine resources, underwater archaeological resources, wetlands, open spaces, natural areas, parks, or historic districts or sites."

Additionally, MEPA Regulations note the "Designated Geographic Area" to be evaluated is the impact on "(a) With respect to a Project, the area within one mile of the Project; or, for a Project that meets or exceeds MEPA review thresholds at 301 CMR 11.03(8)(a) and (b) or that generates 150 or more new

average daily trips of diesel vehicle traffic over a duration of one year or more, excluding public transit trips, the area within five miles of the Project.”

Additional / Supporting information regarding Comment #1: Defining impacted populations: Proponent has not adequately acknowledged formally that there is a non-EJ population for which it should further characterize.

The EJ Policy notes:

This Policy reinforces that all communities must have a strong voice in environmental decision-making regardless of race, color, national origin, income, or English language proficiency, that such voices can influence environmental decision-making, and that increased investment in the preservation and enhancement of the Commonwealth's open spaces and urban park network must also remain a priority. In addition, increased attention must be focused on communities that are built in and around the state's oldest areas with a legacy of environmental pollution, particularly in areas with residents who have elevated rates of disease and health burdens.

There are EJ populations and non-EJ populations within the 1-mile radius of the site. There is little to no information on the potential for environmental and public health impacts on the non-EJ population. The non-EJ population which I focus on here, should be appropriately declared and discussed by Proponent in the FEIR. Additionally, there is little information on the anticipated ongoing operations of the cable loading from the site to the transport vessel as relates to the 24/7 operation plan for 10-14 days a month for 10 months a year, continuously running shipboard lights and operating through the night, noise, and diesel fumes.

The Proponent notes in the FEIR “The Project would not exacerbate existing public health conditions in the identified EJ populations. ... neither the vehicular nor marine vessel activity would affect the EJ populations in Fall River.” However, it does not document the impact on the non-EJ population in the immediate vicinity of the project site. Will the 24/7 operations result in increased noise and or will the vessel lights keep residents awake during the night and be a constant source of irritation throughout the day? What is the impact of running the vessels diesel engines throughout the in-port operations (24/7 for 10-14 days) to facilitate on-loading of cable be on the non-EJ population? Will residents have to deal with constant diesel fumes?

MEPA notes “Environmental Burden” is any destruction, damage or impairment (not including insignificant destruction, damage or impairment) of any of the natural resources of the Commonwealth, resulting from intentional or reasonably foreseeable causes including, but not limited to, climate change, air pollution, water pollution, improper sewage disposal, dumping of solid wastes and other noxious substances, excessive noise, activities that limit access to natural resources and constructed outdoor recreational facilities and venues, inadequate remediation of pollution, reduction of ground water levels, impairment of water quality, increased flooding or storm water flows, and damage to inland waterways and waterbodies, wetlands, marine shores and waters, forests, open spaces, and playgrounds from private industrial, commercial or government operations or other activity that contaminates or alters the quality of the environment and poses a risk to public health.”

Supporting and Additional information regarding Comment #2: Boring samples from on-site and marine environments: Proponent has not adequately documented the sample results.

To better understand the implications of this project, Proponent needs to adequately document and provide to MEPA, the Town of Somerset and others reliable historical environmental data (air, water, and soil sample results) to assess the adequacy of planned construction and planned disposal of soil and water; recently collected boring sample data, during planned construction operations, and for a period after construction operations, including organic and inorganic data/ results (air, water, and soil samples) from a reliable laboratory. Based on historical data Proponent can characterize the organic and inorganic chemical levels from the previous user of the site as to whether they have gone up or down in comparison to current samples collected. However, there are questions with the data including the accuracy of the current data and Chain-of-custody documentation to support the expected proper collection, handling, shipping, and analyses of samples by the reference lab. I further clarify my requests and why below.

A method of Planning for this type of project is noted in EPA SW846 Update V Revision 2 July 2014 document. The first phase of a project's life cycle, involves the development of project objectives and acceptance or performance criteria using a systematic process. Data quality objectives (DQOs) and a sampling and analysis design are established to generate data of an appropriate type, quality and quantity to meet project objectives. The final output of this phase is a planning document, such as a QAPP, and/or a sampling and analysis plan (SAP) or a waste analysis plan (WAP). And, although Proponent does not need to use this planning method, however Proponent has not provided their plan to demonstrate their process of generating the adequate and appropriate data to characterize the site.

As a reference the EPA (in RCRA Waste Sampling Draft Technical Guidance, EPA 530-D-02-002, August 2002) provides guidance on appropriate sampling methods. "The regulated and regulatory communities can use this guidance to develop sampling plans to determine if (1) a solid waste exhibits any of the characteristics of a hazardous waste, (2) a hazardous waste is prohibited from land disposal, and (3) a numeric treatment standard has been met. Under RCRA, a hazardous waste is defined as a solid waste, or a combination of solid wastes which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed, or otherwise managed. The regulatory definition of a hazardous waste is found in 40 CFR § 261.3."

For the purposes of this discussion, RCRA notes that "If a solid waste is not excluded from regulation under 40 CFR 261, then a generator must determine whether the waste exhibits any of the characteristics of hazardous waste. A generator may determine if a waste exhibits a characteristic either by testing the waste or applying knowledge of the waste, the raw materials, and the processes used in its generation."

The Proponent will be generating waste in its preparation of the construction site by excavating it.

"Any person who generates, treats, stores, or disposes of solid and hazardous waste and conducts sampling and analysis under RCRA." "Many of the RCRA regulations either require the waste handler to conduct sampling and analysis, or they include provisions under which sampling and analysis can be performed at the discretion of the waste handler. If the regulations require sampling and analysis of a waste or environmental media, then any regulatory requirements for conducting the sampling and analysis and for evaluating the results must be followed. Regardless of whether there are regulatory requirements to conduct sampling, some waste handlers may wish to conduct a sampling program that allows them to quantify any uncertainties associated with their waste classification decisions."

As a good corporate citizen, I expect the Proponent will follow this guidance.

The EPA (in SW846 Update V Revision 2 July 2014) notes in defining data quality indicators (DQIs) that “as part of systematic planning, measurement performance criteria for DQIs must be established and documented for each data collection effort. DQIs apply to both laboratory and field activities. At a minimum, DQIs should include precision, accuracy, representativeness, comparability, and completeness (PARCC). The following presents a discussion of PARCC and other DQIs.”

1.1.4 Data Quality Indicators (SW846 Update V Revision 2 July 2014)

As part of systematic planning, measurement performance criteria for DQIs must be established and documented for each data collection effort. DQIs apply to both laboratory and field activities. At a minimum, DQIs should include precision, accuracy, representativeness, comparability, and completeness (PARCC). The following presents a discussion of PARCC and other DQIs.

1.1.4.1 Precision

Precision measures the agreement among a set of replicate measurements. Field precision is assessed through the collection and analysis of field duplicates. Analytical precision is estimated by duplicate/replicate analyses, usually on laboratory control samples, spiked samples and/or field samples. The most commonly used estimates of precision are the relative standard deviation (RSD) and, when only two samples are available, the relative percent difference (RPD).

1.1.4.2 Accuracy

Accuracy is the closeness of a measured result to an accepted reference value. Accuracy is usually measured as a percent recovery. QC analyses used to measure accuracy include standard recoveries, laboratory control samples, spiked samples, and surrogates.

1.1.4.3 Representativeness

Sample representativeness expresses the degree to which data accurately and precisely represents a characteristic of a population, parameter variations at a sampling point, a process condition, or an environmental condition. It is dependent on the proper design of the sampling program and will be satisfied by ensuring the approved plans were followed during sampling and analysis.

1.1.4.4 Comparability

Comparability expresses the degree of confidence with which one data set can be compared to another. It is dependent upon the proper design of the sampling program and will be satisfied by ensuring that the approved plans are followed and that proper sampling and analysis techniques are applied. Further, when assessing comparability, data sets should be of known and documented quality.

1.1.4.5 Completeness

Completeness is a measure of the amount of valid data collected compared to the amount planned. Measurements are considered to be valid if they are unqualified or qualified as estimated data during validation. Field completeness is a measure of the number of samples collected versus the number of samples planned. Laboratory completeness is a measure of the number of valid measurements compared to the total number of measurements planned.

1.1.4.6 Bias

Bias is the systematic or persistent distortion of a measurement process that causes error in one direction (e.g., the sample measurement is consistently lower than the sample's true value). Bias can be introduced during sampling, analysis, and data evaluation. Sampling bias is best addressed through the proper selection and use of sampling tools, uses of correct sampling and subsampling procedures to limit preferential selection or loss of sample media, use of random sampling designs, and use of sample handling procedures that limit the loss or gain of constituents to the sample media. Analytical bias refers to deviation in one direction (i.e., high, low or unknown) of the measured value from a known spiked amount. Analytical bias can be assessed by comparing a measured value in a sample of known concentration to an accepted reference value or by determining the recovery of a known amount of contaminant spiked into a sample

(matrix spike). The planning team should specify qualitative criteria for sampling bias and quantitative criteria for analytical bias, typically expressed as "percent recovery."

1.1.4.7 Reproducibility

Analytical reproducibility is a quantitative indicator that is used when referring to the uncertainty associated with the use of multiple laboratories for a specific study. The ability of multiple laboratories to generate the same result for splits of the same sample can be expressed as a measure of interlaboratory precision and bias. Specific indicators of precision and bias (such as range or variance) are generated using data from replicate samples sent to multiple laboratories.

1.1.4.8 Repeatability

Repeatability is a quantitative indicator that is used within a single laboratory (i.e., intra-laboratory precision). It is determined when the laboratory, analyst, test method and equipment remain constant and random aliquots of the same sample are analyzed within a short period of time.

1.1.4.9 Sensitivity

Sensitivity is an instrument's or method's minimum concentration that can be reliably measured or reported (i.e., or lower limit of quantitation [LLOQ]).

Proponent has noted issues with their data raising questions regarding the reliability and usability of the data and whether it is "fit for purpose" for this project. For example, Ramboll identifies "potential biases to the data" including "Surrogate and / or Blank Sample Recoveries", "Blank Detections" and "Reporting Limit" issues with their data collection that requires further investigation.

Prysmian and subcontractor Ramboll have completed multiple borings and wells and samples have been sent off to a reference lab. However, in the report entitled "PHASE III SUBSURFACE INVESTIGATION REPORT BRAYTON POINT, SOMERSET, MASSACHUSETTS" dated October 2022 (Project # 330003274) the report cites several potential concerns either in the collection of, transport of, and or analysis of samples from the multiple borings and wells that were performed – see below from their report (Section on "Data Usability and Validation") and some recommendations to ensure we better understand the current hazardous waste levels.

See section 4.2 "Common Usability Findings" of the report noted above that raises questions on the reliability of the data. There is a suggestion that the data biases towards the lower level because of collection, transportation or processing issues. There is a suggestion that there was data contamination from various samples. There is a question on the reliability of the testing methodology and the practices at the lab which the report notes may be cross-contamination but may also be quality control issues within the lab that was used. These values represent the baseline of levels prior to construction operations on the site. It is important to understand the baseline levels of the hazardous waste as this may alter planned methods used in construction operations. Prysmian needs to further clarify these issues and explain why they are not repeating a sampling strategy and ensuring reliability of the data.

From an environmental perspective, Proponent should better explain their "Soil Management Plan" as it conducts construction operations and transportation of soil and water off-site or it remains on-site. Will waste soil and water from construction operations be sampled to see if there is an increase / decrease of the hazardous waste levels that may adversely impact the air, soil and water and potentially increase risk to health and safety of the community? The impact on the local community (both EJ- and non-EJ local citizens within the 1-mile radius) water supply and dust (haze) generation may be increased due to potential inadequacies in the "Soil Management Plan" and the planned "cleaning up" of excavation soil/water and trucking equipment wash-downs. This necessitates further continued monitoring of the

inorganic and organic chemical waste from construction operations and for a period after operations have been completed to assess the impact on water ways, wetlands, and aquifers.

Additionally, if the Proponent plans to bring soil into the facility, then that soil should be appropriately tested for contaminants.

From the report entitled "PHASE III SUBSURFACE INVESTIGATION REPORT BRAYTON POINT, SOMERSET, MASSACHUSETTS" dated October 2022 (Project # 330003274):

To better understand the contamination in the current soil and groundwater identified through the multiple borings and wells on the Brayton Point Prysmian site. Proponent notes:

1. Page 4/35: Sections 1 and 2: The following references noted in the report should be shared:
 - a. Reference 1. Environmental Due Diligence report and High-Level Environmental Due Diligence at Brayton Point report (project #330002760);
 - b. Reference 2. Review of Additional Environmental Documents report (project #330002841);
 - c. Reference 3. Phase II Subsurface Investigation report (project #330002841).
 - d. Reference 4. proposal #330003179
2. Page 6/35: Section 3.2: Ramboll subcontracted "Cascade Remediation Services, a licensed drilling subcontractor to advance two hundred and forty soil borings at the site". Proponent should provide a pdf file of the report of findings, actual data logs of material collected, how collected, reference labs used to evaluate material and other draft data and final reports / conclusions / recommendations noted in the report.
3. Page 6/35: Section 3.2: Proponent needs to provide clarity on the location / disposal of the boring decontamination fluids, soil cuttings, soil, and all the appendices referenced in the report.
 - a. In the paragraph "To lessen the risk of cross contamination during the boring program...". Proponent should provide the tracking information on the disposal of "All decontamination fluids (sic) that were drummed and stored." Are they still on site? Where did they go? There should be tracking information.
 - b. In the same paragraph "all drums were labeled with the contents (soil cuttings..." dated and tracked. I recommend ascertaining the tracking information. Are the drums still on site?
 - c. In the next paragraph "Any soil cuttings", see end of paragraph "Two drums of soil / water have been generated ..." These drums need to be accounted for.
 - d. The last paragraph of page 6/35 notes that there is an Appendices. Page 20/35 suggests there are at least 7 Appendices, however, none were attached to the report. Recommend obtaining these Appendices.
4. Page 12/35: Section 4: Data Usability and Validation: Proponent needs to provide documentation that comports with Massachusetts Contingency Plans, Mass DEP's Compendium of Analytical Methods (CAM) and MCP Representativeness Evaluations and Data Usability Assessments (REDUA) Policy #WSC-07-350 and revised CAM (WSC #10-320) to fully understand these references' recommendation for the assessment of soil and water samples in accordance with acceptable methodologies for analyses and compare to what has been done by Proponent and subcontractors.

5. Page 12/35: Section 4.1: This section addresses “Data Review Process” that was implemented to assess the adequacy of soil and water samples. They created a review process for the “usability and representativeness” checklist to assess the quality of the data generated from bore samples. Proponent should provide a pdf copy documenting the raw data, a report and discussion of their interpretation of the data collection methods, analyses and findings to review and confirm the results of the analyses and the interpretations drawn from the results.
6. Page 13/35: Section 4.2 “Common Usability Findings” of the data collected:
 - a. Ramboll identifies “potential biases to the data” including “Surrogate and / or Blank Sample Recoveries”, “Blank Detections” and “Reporting Limit” issues with their data collection.
 - b. This needs to be further characterized by Ramboll and Prysmian on whether other efforts were made to recollect samples in question. What efforts were made to confirm the validity of the data collection methodology and the reference lab utilized? Was a second or referee lab used to confirm the validity of the data?
 - c. Ramboll and Prysmian should provide the data / references noted above and further explain the findings in an addendum report.
 - d. If their explanations continue to raise concerns or further confirmation should be needed, then consider the data be reviewed by an independent consultant.
7. Page 13/35: Overall Usability Conclusions: The report notes “In general, there were limited data usability issues...”. Ramboll and Prysmian should further clarify the basis of their conclusions and the implications and further recommendations, including the need for additional sampling strategies.
8. In light of the above statements. On Page 21/35: Section 7.2 Soil Sample Results: Table 1 Soil Samples Exceeding RCS-2 are significant. Proponent should provide clarity their plans to advance the further development of the project. How will the sampling sites and planned construction areas be further cleaned up?
9. Page 27/35: Section 7.3 Groundwater Sample Results: Table 2 Groundwater Samples Exceeding RCGW-2 are significant. Proponent should provide clarity on what the plan to do to progress the further development of the project. How will the sampling sites and planned construction areas be further cleaned up.
10. Page 33/35: Section 9: Activity Use Limitation (AUL): Current Situation:
 - a. Proponent needs to provide clarification on the legal restrictions placed on the site that will further limit future exposure.
 - b. There is reference to “one AUL on November 10, 2011”. Proponent should provide a copy.
 - c. In the next paragraph “Based on the Phase III ESA...” it appears to be a paper comparison of the results since “no monitoring wells have been installed in AUL...”. Proponent should provide clarity on this statement?
11. Page 34/35: Data Gaps: Proponent should provide additional information on the data gaps and plans to obtain the data?

12. Page 35/35: Disclaimer and Limitations (2nd paragraph): Proponent should provide information regarding the statement that “Ramboll has relied upon publicly available information, information provided by the client and information provided by third parties.” Specifically, Proponent should provide information provided by the client and information provided by third parties to better understand the implications on the data that was collected.
- A. From the report entitled “PHASE IIIB ESA – Marine Sediment Investigation Report, Brayton Point Somerset, MA dated 17 November 2022 (Project # 330003472-001):
1. This appears to be a draft document with incomplete information on the full data set, dioxin and furans findings, updated data usability assessment. The Proponent should provide the additional data noted. I have searched for the report and data information on the Prysman’s website to no avail.
 2. Page 3/23: There is reference to a Ramboll Proposal Number 330003264 dated 16 May 2022. Proponent should provide this information for review.
 3. Page 5/25: Section 1.2: Previous Findings: notes a project Ramboll did in January 2022 (#330003098). Proponent should provide this information for review.
 4. Page 10/23: Section 3.2 Sediment Logging and Sampling: Proponent should provide this information for review of the sample collection methodology utilized by the TG&B Marine Services (page 9/23) that served as the marine contractor collecting the samples for Prysman? Additionally, the COC and report of sample receipts to the reference laboratory (page 11/23 Eurofins Analytical in Pittsburgh, PA) performing the analyses so we can assess the quality of the samples received by the Eurofins Analytical in accordance with Table 2 (page 11/23) Analytical parameters and methods utilized. This will facilitate an interpretation of the data in the context of proper sampling and analytic techniques.
 5. Page 12/23: Section 4 Data Quality Evaluation: Para 1: The report indicates there were delays “in analyses and final data reporting necessitated evaluation of preliminary data for report preparation.” Proponent should provide the final report for review. Para 2: notes “ limited data quality review was performed on the preliminary data. Proponent should provide this information, including a pdf file and MS Excel (csv file) to review the complete data noted in Table 3. Laboratory data packages IDs. As the report notes, after reviewing this data, a “data usability assessment (DUA) include(ing) a filed component and an analytical component” can be completed. Proponent should provide their DUA report, after updating the information.
 6. Page 12/23: Section 4.2 Inconsistency, Uncertainty and Information Considered Unrepresentative: It is unclear how a conclusion can be drawn in the absence of a full data set and the above information. Indeed, page 13/23 notes “Overall data usability is limited by the preliminary nature of the data reported...”.
 7. Page 16/23: There are multiple references to Appendices, however, Appendix A is not provided and Appendix B and C are presumed to be incomplete, as noted above.
 8. Page 16/23: last paragraph: It is unclear how a conclusion such as “The figure on MAP 2 does not appear to indicate a relationship between detected mercury or tin concentrations and

distance from the Site shoreline” when the dataset is incomplete. An implication of this incomplete dataset is that this may impact “disposal scenarios” and resultant costs.

9. Page 17/23: Last sentence: Proponent should provide a copy of dioxins and furans data and report.
10. Page 18/23: There is a reference to a Phase IIB (project # 330003098) investigation. Proponent should provide the data and report and information on the collection methods and analytic techniques from the unidentified reference laboratory.
11. Page 19/23: Feasibility of Dredging: There is reference to a Phase IIB report. Proponent should provide a copy of the analysis and report and any underlying documentation to support the report’s conclusions.
12. Page 20/23: Second bullet: Notes a “total of twenty-five (#25) sediment samples were collected...”. Proponent should explain why there are only 24 samples noted in Table Appendix B.
13. Page 20/23: Second to last bullet: “no organic compound was detected in exceedance of the corresponding ER-M or ER-L value.” Proponent should confirm this is the case with the full dataset. Proponent should provide / confirm the sampling, transport, COC and packaging techniques / requirements were performed and results by the reference labs.

Proponent needs to adequately explain the issues noted above.

Additional / Supporting information regarding Comment #3: Haze (dust) Monitoring and Control Program: The non-EJ population potentially will be impacted more significantly than the EJ population (Fall River) due to their close proximity to the site within hundreds of feet from the site of operation and the trucking anticipated through the non-EJ population neighborhood. Proponent should provide a “Haze” monitoring and control plan. MA Dust Control Regulation – 310 CMR 7.09 Regulations adopted under the authority of M.G.L. Chapter 111, Section § 142B and § 142D and can be enforced by local officials under 310 CMR 7.52.

310 CMR 7.52 Enforcement Provisions note “Any police department, fire department, board of health official acting within his/her jurisdictional area is authorized by the Department to enforce any regulation in which specific reference to 310 CMR 7.52 is cited.” (From: [mhoa-2019-air quality nuisance.dust.odor.noise.pdf](#))

What is an Air Contaminant per 310 CMR 7.00?

Air Contaminant - means any substance or man-made physical phenomenon in the ambient air space and includes, but is not limited to dust, fly-ash, gas, fume, odor, smoke, vapor, pollen, microorganism, radioactive material, radiation, heat, sound, any combination, or any decay or reaction production thereof. (From: [mhoa-2019-air quality nuisance.dust.odor.noise.pdf](#))

The Proponent’s project is anticipated to “kick up” dust during the construction phase of operations and during movement of vehicles on and off property. The site is known to have significant levels of organic and elemental compounds that are of concern and may impact the public’s health and the local waters.

And although the MA Regional Haze State Implementation Plan (August 9, 2012) focuses on power plant operations, the concept of controlling dust resulting in haze is relevant here as to the definitions and there is a need to control haze for the potential detrimental effects on public health and the environment. “The primary cause of regional haze is the scattering and absorption of light by fine particles. Fine particle air pollution also adversely impacts human health, especially the respiratory and cardiovascular systems of people at increased risk, including children, the elderly, and people with heart or respiratory conditions.”

“The fine particles that commonly cause hazy conditions in the eastern U.S. are primarily composed of sulfate, nitrate, organic carbon, elemental carbon (soot), and crustal material (e.g., soil dust, sea salt, etc.). Sulfate, nitrate, and organic carbon are secondary pollutants that form in the atmosphere from precursor pollutants, primarily sulfur dioxide (SO₂), nitrogen oxides (NO_x), and volatile organic compounds (VOCs), respectively. Sulfate, formed from SO₂ emissions, is the dominant contributor to fine particle pollution throughout the eastern U.S. and therefore most eastern regional control efforts are directed at reducing SO₂ emissions.”

Air Pollution - means the presence in the outdoor air of one or more air contaminants thereof in such concentrations and of such duration as to: A. Cause a nuisance; B. Be injurious, or to be on the basis of current information, potentially injurious, to human or animal life, to vegetation, or to property; or C. Unreasonably interfere with the comfortable enjoyment of life and property or the conduct of business. (From: [mhoa-2019-air quality nuisance.dust.odor.noise.pdf](#))

Some of the above compounds are known to be on the Proponent’s site which they plan to dig up and it this will create dust unless there is an adequate Soil Management Plan to mitigate the dust.

Investigating a Dust Complaints: guidance for citizens and for a communication plan

Conduct an inspection

Note the weather condition

Determine if visible particulate emissions can be detected blowing onto the complainant’s property or across sidewalks. or road-ways. Note the intensity level and frequency of the dust emissions.

Observe and record the source of the dust. 10 Investigating Dust Complaints

Is the dust unreasonably interfering with the private enjoyment of a person’s property, causing discomfort to pedestrians, or causing a safety hazard for drivers?

(From: [mhoa-2019-air quality nuisance.dust.odor.noise.pdf](#))

Additional / Supporting information regarding Comment #4: Communication Plan: Proponent should develop a timely communication plan with relevant parties that informs residents of what is being done (sampling, drilling, excavation, etc) on the site that may raise dust or risk contamination of the air, soil or water, including noise, diesel fumes, overnight lighting to name a few. To this effort, Proponent should explain these activities prospectively and not just retrospectively, sometime weeks or months after the activity has been completed on the site. Proponent should work with the local communities to conduct periodic (monthly) meeting updates on the status of issues noted above. There should be an urgent communication plan (within hours) for high-risk issues, such as: spills, anticipated dust due to adverse weather conditions, increased noise / light usage during the overnight hours, when ship operations will be conducted to name a few. See CFR Title 29 § 1910.1200 Hazard communication.

Diesel Fuel fumes:

Proponent should provide information on the type of diesel fuel used on their vessels that will be port at their dock and loading cable at Proponent's site. Ships generally use 3 types of marine fuels. Heavy Fuel Oil (HFO), Low Sulfur Fuel Oil (LSFO) and diesel oil. Different countries have different rules for burning fuel when the ship is operating in an area. Some countries require the use of LSFO on the main engines. These are called SECA or sulfur emission-controlled areas. In countries like the USA there is a shift to diesel oil on all the auxiliary machinery and main engine. Under 310 CMR 7.02, will the operation of the vessel operating 24/7 for 10-14 days be considered an "emission unit"? Will vessel operations be required to consider a different form of operations to conduct loading of cable on their vessels?

Proponent should be required to provide information on the type of fuel by vessels be used to get to the site and while loading the cable 24/7 operations 10-14 days a month 10 months a year. Proponent has indicated they will need to run their diesel engines for the 24/7 operations 10-14 days a month for 10 months a year. Proponent should be required to provide information on the possibility of using alternative land-based electrical power to run their 24/7 operations.

Proponent should be required to adequately characterize the impact of their operations during low wind days which may lead to increased exposure to fumes during their 24/7 operations and during high wind days that may lead to a wider spread of diesel fumes. Odor Control Regulation – 310 CMR 7.09 Regulations adopted under the authority of M.G.L. Chapter 111, Section § 142B and § 142D and can be enforced by local officials under 310 CMR 7.52.

The Department (in 310 CMR 7.00 Cumulative Impact Analysis Proposed Regulations) is proposing to add new Definitions to 7.00 Definitions, which is indicated by the insertion of the new redlined definition after the existing definition shown below:

AIR POLLUTION means the presence in the ambient airspace of one or more air contaminants or combinations thereof in such concentrations and of such duration as to: (a) cause a nuisance; (b) be injurious, or be on the basis of current information, potentially injurious to human or animal life, to vegetation, or to property; or (c) unreasonably interfere with the comfortable enjoyment of life and property or the conduct of business.

Air Toxic. Any air contaminant for which the Department has published inhalation toxicity values or that the Department has determined to be toxic or potentially toxic to human health.

It is presumed that EJ populations and non-EJ populations would be covered by these populations, as discussed above in my section on relevant populations to consider.

Proponent should be required to comply with Proposed new 310 CMR 7.02(14) Cumulative Impact Analysis, if it is accepted.

310 CMR 7.02(14) notes:

1. As part of the cumulative impact analysis, the applicant shall assess existing conditions in nearby environmental justice populations by collecting and summarizing data on the environmental, public health, and socioeconomic indicators listed in 310 CMR 7.02(14)(c)4. Table 1.
2. In addition to its assessment of indicators in 310 CMR 7.02(14)(c)1., the applicant shall document relevant air quality and public health concerns raised by municipal officials, organizations, representatives and residents in nearby environmental justice populations, and other parties raised during the public involvement opportunities required in 310 CMR 7.02(14)(b).

The Department contemplates in its section on “Air Quality Dispersion Modeling” that “As part of the cumulative impact analysis, the applicant shall conduct air quality dispersion modeling of criteria pollutants and the Department may require that the applicant conduct air quality dispersion modeling of air toxics that will be emitted by the proposed project in accordance with Department guidance.”

The Department contemplates in its section on “Risk Characterization of Air Toxics” that “As part of the cumulative impact analysis, the applicant shall characterize risk of harm to health from air toxics emissions using a risk characterization spreadsheet tool made available by the Department and in accordance with Department guidance.”

310 CMR 7.52 Enforcement Provisions: Any police department, fire department, board of health official acting within his/her jurisdictional area is authorized by the Department to enforce any regulation in which specific reference to 310 CMR 7.52 is cited.

Investigating Odor Complaints: guidance for citizens and for a communication plan

Note the weather condition.

Determine if the odor can be detected on the complainant’s property. Note the intensity level, frequency, duration, and type of the odor.

If an odor problem is determined, try to trace the odor back to its origin.

Determine if the odor is unreasonably interfering with the private enjoyment of that person’s property.

Odor Intensity Determination: guidance for citizens and for a communication plan

0 – Odor not detectable

1- Very Light- odor detectable but not distinguishable

2- Light- Odor detectable but not objectionable in short durations

3- Moderate- Odor detectable, clearly distinguishable and may be objectionable or irritating

4- Strong- Odor present objectionable

5- Very Strong- Odor present and overpowering intolerable for any length of time

(From: [mhoa-2019-air quality nuisance.dust.odor.noise.pdf](#))

Fumes from Idling Vehicles: guidance for citizens and for a communication plan

310 CMR 7.11: U Transportation Media

Car/Truck & Bus Idling – > 5 min of unnecessary operation.

Does not apply to

Operating for repair or inspection

Loading/ unloading by engine power

Engine power is needed for ancillary operation other than movement.

No substitute available

Diesel Train Idling >30 min of unnecessary operation

Does not apply to: Operating for repairs or Safety

Noise: guidance for citizens and for a communication plan

Noise Control Regulation – 310 CMR 7.10 – Regulations adopted under the authority of M.G.L. Chapter 111, Section § 142B and § 142D and can be enforced by local officials under 310 CMR 7.52.

10 CMR 7.10(1) - Noise • “No person owning, leasing or controlling a source of sound shall willfully, negligently, or through failure to provide necessary equipment, service or maintenance or to take necessary precautions cause, suffer, allow, or permit unnecessary emissions from said source of sound that may cause noise.”

DEP Noise Policy #90-001: A source of sound will be considered to be violating the DEP noise regulation if the source: 1. Increases the broadband level by more than 10 dB(A) above ambient, or 2. Produces a “pure tone” condition - when any octave band center frequency sound pressure level exceeds the two adjacent center frequency sound pressure levels by 3 decibels or more.

Sound Exposure in the Real World: guidance for citizens and for a communication plan

Quiet bedroom- 30 dBA

Dishwasher next room- 50 dBA

Normal speech – 65 dBA

Vacuum cleaner at 3m- 70 dBA

Garbage disposal at 1m- 80 dBA

Blender at 1m- 90 dBA

Inside subway train – 100 dBA

Jet over flight at 300m – 105 dBA

Rock band at 5m- 110 dBA

Additional / Supporting information regarding Comment #5: Drinking Water: Proponent should document that it will not have an impact on Somerset drinking water supplies by assessing current baseline levels of relevant chemicals identified in the sampling strategy. Furthermore, Proponent should be required to monitor water samples from a defined water sources for “leakage” of inorganic and organic chemicals identified in Proponent’s reports for future comparison of the adequacy of their operational control during construction on-site at Brayton Point. Even more important is consideration of sampling of water sources within a 1-mile radius of the Brayton Point site. A possible water sampling strategy is provided below using USGS data, below.

Based on the data provided by Prysmian / Ramboll identifying inorganic and organic chemicals currently in the surrounding water ways and on the Brayton Point property (from their core and well sampling) and with the anticipated dredging and planned construction that will “churn” currently settled water sediment and the potential for infiltration (leaking) of inorganic and organic chemicals into the soil and potentially into the local salt and fresh water waterways and potentially into drinking water over time (years), MEPA should consider asking the USGS to sample for inorganic and organic chemicals identified in the Prysmian / Ramboll reports, at various locations noted in the Water Sampling Plan noted below, to serve as baseline data for future comparison and reassurance to the community that there is limited / no leaching of inorganic and organic chemical compounds into the surrounding water ways and into the community drinking water. Attached please find a proposed water (inactive USGS wells) that could be sampled for baseline characterization of inorganic and organic chemicals.

Water supply in non-EJ population: There are only a few residents in close proximity of the Proponent’s project site that may have wells that may be used for drinking and lawn watering. However, additional information should be provided to better understand the potential impact on water supplies within the community during construction and for a minimum of 20 years to understand the potential of “leakage”

of chemicals into the water supply, including the impact on the marine environment during dredging and ongoing ship operations.

There is a paucity of hydrologic information on the local water supply / aquifers feeding any potential home use water wells or elsewhere within Somerset and local communities' water supplies / reservoirs to the town. I am requesting that MEPA, Prysman and the Town of Somerset collaborate with USGS to further clarify with appropriate documentation the potential impact on water supplies within the town. What are current levels of chemicals on the Proponent's site (have they been measured), if any, in wells located in the vicinity of the Proponent's property and leaked in the water supplies over the past 60 years? What are the plans to monitor these levels prior to initiation of construction, during construction, and for an adequate period after construction since water flows through aquifers will take time since there is likely to be some "leakage" of contaminants from the Proponent's site during construction.

Respectfully submitted,

Paul Healey, MD (ret)

USGS Water Sampling Strategy Proposal

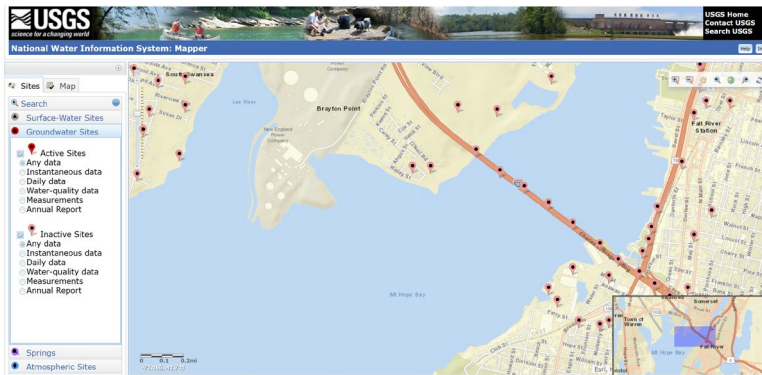
Proposal: Initial sampling strategy of the USGS inactive wells to serve as baseline characterization of hazardous waste organic and inorganic chemicals in the local area as a result of previous operations since the 1960s at the Brayton Point site. This would serve as a baseline prior to construction operations on the Brayton Point site. Values from this sampling strategy should be compared to the Prysman / Ramboll sampling when their data has been validated.

If the sites are found to contain abnormal levels of hazardous waste organic and inorganic chemicals then an expanded next “tier” of USGS wells should be considered for sampling to better understand the extent of infiltration of chemicals from the Brayton Point site that may have occurred over time since the 1960s.

Since chemicals will “equilibrate” over time in the water and land, please consider an annual sampling strategy over the next 10-20 years.

I reference the following “USGS National Water Information System: Mapper” site in identifying potential wells to sample. Please see: [Water Resources of the United States—National Water Information System \(NWIS\) Mapper \(usgs.gov\)](https://www.usgs.gov/nwis-mapper) – specifically using the tab “Groundwater sites” only, active and inactive sites. An initial sampling strategy should include, at a minimum, the following sites:

1.	Site Number: 414239071105301	Site Name: MA-SPW 10
2.	Site Number: 414239071104701	Site Name: MA-SPW 9
3.	Site Number: 414243071103201	Site Name: MA-SPB 12
4.	Site Number: 414238071102401	Site Name: MA-SPB 13
5.	Site Number: 414234071101601	Site Name: MA-SPB 14
6.	Site Number: 414225071100001	Site Name: MA-FRB 53
7.	Site Number: 414254071103801	Site Name: MA-SPW 4
8.	Site Number: 414253071102501	Site Name: MA-SPW 1
9.	Site Number: 414301071100701	Site Name: MA-SPW 2
10.	Site Number: 414311071104601	Site Name: MA-SPW 8
11.	Site Number: 414312071105401	Site Name: MA-SPW 6
12.	Site Number: 414307071110001	Site Name: MA-SPB 16
13.	Site Number: 414242071121001	Site Name: MA-S9W 143
14.	Site Number: 414237071122401	Site Name: MA-S9W 134
15.	Site Number: 414248071122201	Site Name: MA-S9W 135
16.	Site Number: 414253071122001	Site Name: MA-S9W 139
17.	Site Number: 414254071120801	Site Name: MA-S9W 183
18.	Site Number: 414301071120801	Site Name: MA-S9W 207
19.	Site Number: 414214071100001	Site Name: MA-FRX 1
20.	Site Number: 414209071100801	Site Name: MA-FRX 3



From: [PAUL HEALEY](#)
To: [Strycky, Alexander \(EEA\)](#)
Cc: [Michael Rodrigues](#); [Haddad, Patricia - Rep. \(HOU\)](#); [Paula Ramos](#)
Subject: Additional comment on FEIR regarding Data on chemicals at Pysmian Brayton Point project site
Date: Monday, February 6, 2023 10:59:19 AM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good Morning,

Alex - please add this as a comment of concern for MEPA reviewers and evaluation of the FEIR.

Please see the note below from Ramboll noting their unwillingness to share pertinent information / data on the Pysmian project to help us adequately assess the chemicals at the Brayton Point site. I hope something can be done to ensure we protect the public health and safety of our community.

I have shared this information with the Town Administrator, Selectmen, Health Agent, Conservation Commission, Planning Board and Zoning Board.

Respectfully submitted,

Paul Healey, MD (ret)

----- Original Message -----

From: Jason Currier <JCURRIER@ramboll.com>
To: PAUL HEALEY <phealeyinmystic@comcast.net>
Date: 02/06/2023 9:26 AM
Subject: RE: Data Deliverable - Brayton Point

Paul – your request was considered by the legal team in Italy. Based on the fact that Pysmian does not own the property at this time it was decided that they should not allow release of information to the general public out of respect for the current property owner. If the sale were to fall through there could be legal ramifications for Pysmian if they were to release information without consent.

I am sure that you understand the sensitivity here. I will inquire about setting a meeting with yourself and Alex Strysky to discuss some of your points in greater detail.

Jason Currier

Managing Consultant

D +1 207-517-8229

M +1 207-632-1031

jcurrier@ramboll.com

From: PAUL HEALEY <phealeyinmystic@comcast.net>
Sent: Friday, February 3, 2023 5:31 PM
To: Jason Currier <JCURRIER@ramboll.com>
Subject: RE: Data Deliverable - Brayton Point

Ok - here is my address, if you decide to mail.

Paul Healey

76 Gay Street

Somerset, MA 02726

Thanks - stay warm

Paul

On 02/03/2023 2:48 PM Jason Currier <jcurrier@ramboll.com>
wrote:

It shouldn't be too large – I went through and pulled out all the COC info and put into a separate file – the data is just too much to email

Jason Currier

Managing Consultant

D +1 207-517-8229

M +1 207-632-1031

jcurrier@ramboll.com

From: PAUL HEALEY <phealeyinmystic@comcast.net>

Sent: Friday, February 3, 2023 2:43 PM

To: Jason Currier <JCURRIER@ramboll.com>

Subject: Re: Data Deliverable - Brayton Point

You don't often get email from phealeyinmystic@comcast.net. [Learn why this is important](#)

Hi Jason

Thanks for your attention to this.

Question - how large a file?

I think my email will only accept up to 25 megabytes files.

I hope this will include the COC documents.

Please also review previous emails for my other requests, if you get approval to share. Again, thank you.

If you get approval, it may need to be mailed on thumb drive.

Thanks and stay warm.

Paul

On 02/03/2023 2:27 PM Jason Currier
<jcurrier@ramboll.com> wrote:

Good Afternoon Paul – I have assembled the data deliverable and am awaiting approval from Italy to share. We received your email this am and got right on it, however I believe Mario boarded a flight this morning after we corresponded. I will track it over the weekend and as soon as I hear I will send it your way.

Stay Warm!

Jason Currier

Managing Consultant

D +1 207-517-8229

M +1 207-632-1031

jcurrier@ramboll.com

Ramboll

217 Commercial Street
Suite 500
Portland, ME 04101
USA

<https://ramboll.com>

Classification: Confidential

Classification: Confidential

Classification: Confidential

From: [Bob Maltais](#)
To: [Strycky, Alexander \(EEA\)](#)
Subject: planned manufacturing facility at Brayton Point
Date: Monday, February 6, 2023 12:43:43 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

My name is Robert Maltais and I live at 95 Ripley St... I am voicing my opposition to the planned Brayton Point Prysmian construction plan and „upon it`s completion , their stated operations ... There will be a considerable amount of damage done to the marine life from their dredging and also air and noise pollution here on the waterfront and the traffic will be off the charts putting children at risk ...



BRISTOL WORKFORCE BOARD

One Government Center, 5th Floor
Fall River, Massachusetts 02722
508.675.1165

February 7, 2023

Secretary Rebecca Tepper
Executive Office of Energy and Environmental Affairs
Attn: MEPA Office, Alexander Strycky, EEA No. 16554
100 Cambridge Street, Suite 900
Boston, MA 02114 REF: Pysmian FEIR 16554

Dear Secretary Tepper,

The MassHire Bristol Workforce Board is one of 16 Workforce Boards throughout Massachusetts, and is charged with overseeing, coordinating and implementing workforce development initiatives in the Greater Fall River, Attleboro and Taunton areas. The goal of the Workforce Investment Board is to develop a truly universal, world class system serving the current and future workforce and all workforce entities.

The Board oversees a wide range of workforce development activities in southeastern Massachusetts, representing a multitude of federal and state funding streams. These include Youth, Adult and Dislocated Worker programs funded by the Workforce Innovation and Opportunity Act, as well as the Career Centers of Bristol County.

MassHire Career Centers serve as a vital link between workers and employers to bring about economic opportunity. Career Centers are helping put Massachusetts' citizens back on the payroll, one person and one job at a time. At the Career Center, job seekers will access job search assistance and online job listings, career counseling, coaching on job search skills and workshops on a variety of job search strategies. In addition, job seekers have access to resources including computers, career reference materials, resume building software, networking groups and economic data. Our Career Centers offer specialized services for Veterans, dislocated workers, disabled workers, and other special groups.

We are in preliminary communication with Pysmian NA LLC which has plans to develop an undersea cable manufacturing complex and maritime terminal to serve the emerging offshore wind industry. Ongoing discussion will focus on the role our Board and the MassHire Career Center can assist Pysmian to recruit, refer and train workers in the region for careers at Pysmian. It is anticipated that the project will employ approximately 80 construction workers and approximately 360 manufacturing and support workers.

Sincerely,

Thomas Perreira
Executive Director

From: [Vicki Belmore](#)
To: [Strysky, Alexander \(EEA\)](#)
Subject: Somerset Project
Date: Thursday, February 9, 2023 1:36:48 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good Afternoon:

I have just read the article in the Fall River Herald News regarding the noise and pollution concerns involving Prysmian.

I am a resident located at 208 Carey St. Somerset, Ma (Brayton Point) and have no objections to this company moving forward with this project. As with any project anywhere there will be noise and I understand that. As far as the pollution, most of us have lived in the neighborhood while the power plant was operating and the pollution can not be any worse than that.

Please approve this matter and let this company proceed.

Thank you for your time and consideration.
Belmore Family



The Commonwealth of Massachusetts

Division of Marine Fisheries

(617) 626-1520 | www.mass.gov/marinefisheries



MAURA HEALEY
Governor

KIMBERLEY DRISCOLL
Lt. Governor

REBECCA TEPPER
Secretary

RONALD S. AMIDON
Commissioner

DANIEL J. MCKIERNAN
Director

February 9, 2023

Secretary Rebecca Tepper
Executive Office of Energy and Environmental Affairs (EEA)
Attn: MEPA Office
Alexander Strycky, EEA No. 16554
100 Cambridge Street, Suite 900
Boston, MA 02114

Dear Secretary Tepper:

The Division of Marine Fisheries (MA DMF) has reviewed the Final Environmental Impact Report (FEIR) 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 maintenance and 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 13 feet wide. Proposed pier orientation is approximately east-west and height is listed as approximately 18 feet above MSL. The pier would consist of an inshore and offshore platform connected by the 13 foot wide pier. In addition, seven fixed dolphin structures are proposed consisting of either 10 foot diameter monopiles or a pile cluster structure design. The DEIR has updated the preferred alternative to include a new dredge volume of 160,000 cubic yards over a 350,000 square foot area of seafloor in the Taunton River with approximately 215,000 and 135,000 cubic yards representing improvement (i.e., outside the DPA) and maintenance (i.e., inside DPA) dredging, respectively. Dredging would achieve a depth of -33 feet at MLLW with a 2 foot overdredge for a total final depth of -35 feet MLLW.

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 2022 Southern New England/Mid Atlantic management track stock assessment indicates that overfishing is not occurring, and the stock is not overfished. Spawning stock biomass in 2021 was estimated to be 101% of the biomass target based on a new recruitment stanza focusing on the past twenty years [1]. Given the status of the winter flounder stock, every effort should be made to protect the species and its spawning habitat.

The Taunton River 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].

Intertidal surveys conducted by VHB environmental scientists characterized the intertidal habitat at the pier site as being dominated by rockweed (*Fucus vesiculosus*) with additional macroalgae including sea lettuce (*Ulva* sp.) and red filamentous algae (*Hildenbrandia rubra* and *Chondrus crispus*). Invertebrate species documented in the shoreline survey included common periwinkles (*Littorina littorea*), hermit crabs (*Pagurus* sp.), green crabs (*Carcinus maenas*), Asian shore crabs (*Hemigrapsus sanguineus*), colonial tunicates (*Didemnum vexillum*), and a variety of polychaete worms.

MA DMF offers the following comments on the Final Environmental Impact Report (FEIR):

- As recommended in the MA DMF comment letter on the DEIR, a time-of-year (TOY) restriction should be observed on all in-water, silt-producing activities to protect sensitive life stages of diadromous fish species and winter flounder. No dredging should take place from **January 15 – July 15** of any year [3].
- As noted in MA DMF’s DEIR comment letter, loss of shellfish standing stock resources through dredging removal will likely require mitigation in the state and federal permitting process. Mitigation could include efforts to remove and relocate existing shellfish prior to dredging, contributions to shellfish seeding activity within Mount Hope Bay, and/or support of projects that restore shellfish ecosystem services to Mount Hope Bay. The applicant should continue to coordinate with MA DMF and other resource agencies during the permitting process on mitigation plan details.
- As noted in MA DMF’s DEIR comment letter, separate mitigation may be required for the permanent alteration of Essential Fish Habitat. This mitigation may be administered

through the Army Corps of Engineers' In Lieu Fee (ILF) program at the federal phase of the permitting process.

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

Sincerely,



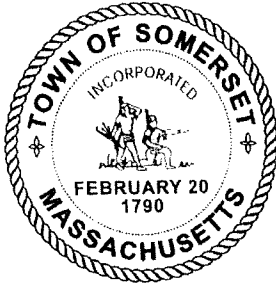
Daniel J. McKiernan
Director

cc: Somerset Conservation Commission
Daniel Sieger, Laura Laich, VHB
Samuel Haines, Robert Boeri, MA CZM
Sabrina Pereira, NMFS
Maissoun Reda, David Wong, MA DEP
John Logan, John Sheppard, Chrissy Petitpas, Matt Camisa, Jeff Kennedy, Kaley Towns, Amanda Davis,
Emma Gallagher, MA DMF

References

1. ASMFC. 2022. Southern New England Mid-Atlantic winter flounder 2022 Management Track Assessment Report. Compiled June 2022. <https://apps-nefsc.fisheries.noaa.gov/saw/sasi.php>.
2. MA DMF. 2023. MassGIS Data: Diadromous Fish. <https://www.mass.gov/info-details/massgis-data-diadromous-fish>. Accessed February 8, 2023.
3. Evans NT, Ford KH, Chase BC, Sheppard J. Recommended Time of Year Restrictions (TOYs) for Coastal Alteration Projects to Protect Marine Fisheries Resources in Massachusetts. 2011. Massachusetts Division of Marine Fisheries Technical Report, TR-47. <https://www.mass.gov/doc/time-of-year-recommendations-tr-47/download>. Accessed September 29, 2021.

DM/JL/sd



Town Administrator

Town Office Building
140 Wood Street
Somerset, MA 02726
(508) 646-2800 phone
(508) 646-2802 fax

February 9, 2023

Dear Mr. Strysky,

My name is Mark Ullucci and I am writing these comments in my capacity as the Town Administrator of Somerset regarding the Final Environmental Impact Report submitted by Prysmian Brayton Point. The Town of Somerset has been and will be receiving applications for various permits in the coming future from Prysmian. Nothing but full transparency will be expected as this project goes from design phase to construction phase and eventually full operations. The site was formerly a coal powered power plant for over 50 years only to be converted to a scrap metal storage operation that has ceased operations. Now the Town and other agencies will be tasked with the permitting phase of this new endeavor. The Town has expectations of the developers of this project that include but not limited to the following:

No emissions or pollution that will adversely affect any of the surrounding neighborhoods in the region.

No excessive noise that violates the Town of Somerset's Noise By-law.

When a ship is in to receive the cable product, it should be powered ship to shore and not onboard diesel generators as to avoid any fumes or noise to the surrounding neighborhoods.

Any lighting associated with the loading of the ship or surrounding work areas should be shielded away from any of the surrounding neighborhoods at all times.

No generation of dust that will spread to the surrounding neighborhoods in the region.

Consideration of the Town of Somerset's roadway and infrastructure wear and tear.

Documentation of what hazardous waste is onsite and where it will be stored/contained before being removed for offsite disposal.

New soils coming into the site need to be certified clean.

What methods will be used to entomb any hazardous waste to prevent it from becoming airborne?

What will be the impacts of digging foundations be on the spread of hazardous wastes?

Concerns for the health and safety of any residents of any neighborhood in the region during the soil management plan, the transportation of waste off site or the impact on the surrounding waters.

Storm water management must meet all federal, state and local regulations.

All permitting with all the agencies involved including but not limited to Somerset Conservation Commission, Somerset Planning Board, Somerset Zoning Board, Massachusetts Department of Environmental Protection, The United States Environmental Protection Agency, Coastal Zone Management, United States Army Corp of Engineers, Division of Marine Fisheries etc. to be completed.

Enclosed are the comments from WSP, the Town's third party peer consultant which were used in the writing of these comments as well as the concerns of our residents in Somerset and the surrounding region.

In closing, The Town is looking forward to a new corporate neighbor that will be responsible for any matters related to the operation of their plant in harmony with the surrounding neighborhoods in the region.

Respectfully,

A handwritten signature in black ink, appearing to read 'Mark Ullucci', written in a cursive style.

Mark Ullucci
Town Administrator
Town of Somerset, MA



January 31, 2023

CONFIDENTIAL

Mark Ullucci
Town Administrator
Town of Somerset
140 Wood Street
Somerset, MA 02726

Subject: Comments on Final Environmental Impact Report – Prysmian Brayton Point Submarine Cable Factory – BEA No: 16554

Dear Mr. Ullucci:

WSP is pleased to provide the Town of Somerset with this letter summarizing our review of the Final Environmental Impact Report (FEIR) for the Prysmian Brayton Point – Submarine Cable Factory proposed at 1 Brayton Point Road. The project proponent, Prysmian Cables and Systems USA, LLC a subsidiary of the Prysmian Group, is proposing development of a new cable manufacturing plant.

WSP's review focused on the Scope of the FEIR specified in the Certificate on the Draft Environmental Impact Report (DEIR).

Observations:

Project Description and Permitting

- A. Project Description and Site Plans are updated as described.
- B. Description of the permitting status for FAA, USACE, EPA, and MassDEP is listed as "to be obtained" and do not provide sufficient detail to evaluate the permitting status, such as:
 1. analyzing applicable statutory and regulatory standards and requirements;
 2. providing a discussion of the project's consistency with those standards; nor
 3. providing an anticipated date for application submittal.

Environmental Justice (EJ)

- C. The EJ analysis in the FEIR lacks detail for public outreach beyond examples for the dissemination and public meetings for the review of the DEIR. No documentation is provided for any discussions with Job Training agencies occurred after the DEIR was filed as no specific dates of communications were listed or copies of written communication provided. This is the same for the future Outreach plan. No specific dates or contacts were provided.
- D. Section 2.1 states, "The Proponent's local liaison is in regular written and verbal communication

WSP USA
13th Floor
100 Summer Street
Boston, MA 02110

Tel.: +1 617 426-7330
wsp.com



with a targeted group of non-profit organizations ..." The applicant does not provide examples of written communication or call log to document how much of this has occurred after the DEIR was filed as requested in the Scope for the FEIR.

- E. Section 4.2.2 describes the air impacts and emissions estimates of vessel traffic based on the worst ship by pollutant, summarized in Table 4-2 and includes PM_{2.5} and NO₂ (as 100% of NO_x). Impact of the vessel emissions are addressed and indicate minimal impact to EJ neighborhoods.
- F. Section 4.2.1. discusses the impact of vehicular traffic with calculations previously provided in Appendix E of the DEIR. The impact of vehicular emissions on EJ communities is expected to not be disproportionate.
- G. Section 2.3 discusses the potential improvements in meeting federal 30-GW target and Commonwealth of Massachusetts 2027 climate goals. Further the proponent is declaring commitment to work with non-profits that serve EJ populations.

Wetlands

- H. The FEIR does provide figures with the flow pathways as requested; however, Section 3.3.3 makes no mention of consultation with the CZM prior to conducting these analyses, nor does it provide evidence that the CZM concurred with the final analysis.
- I. Section 3.4 discussed four dredge disposal scenarios, with the worst-case scenario being dismissed as infeasible for excessive cost. The other three scenarios investigate an 80/20, 70/30 and 50/50 split of offshore/onshore placement. Preferred scenario is 80% offshore and 20% onshore. This scenario estimates 40 truck trips per day for dredging to be completed in 6 months or 24 truck trips per day if the dredging requires 10 months. (WSP suggests that the Town of Somerset consider this additional truck traffic during the dredging period and may wish to request the applicant review these construction scenarios in their Traffic Impact Study.)

GHG Emissions

- J. Section 4.1.5. includes the analysis and addition of additional measures from MA Department of Energy Resources' (DOER's) comment letter to include air source heat pump water heating in the office/employee support spaces; reduction of lighting power density to 20% below code value in all spaces; VRF system use in the office/employee support spaces; ventilation energy recovery in the warehouse/storage and office/employee support spaces.
- K. Section 4.1.3.2. discusses the DOER request regarding warehouse/storage air infiltration reduction to 0.25 cfm/sf at 75 Pa cannot be committed to at this time by the Proponent due to frequent overhead door use and gap tolerances needed for cable path. Proponent states they are unable to commit to the requirement under Section C406.9.
- L. Section 4.1.4.4. discusses the DOER request regarding office/employee buildings air infiltration reduction to 0.25 cfm/sf at 75 Pa cannot be committed to at this time by the Proponent. Proponent states they will minimize emissions through design and may be tested during construction.
- M. Section 4.1. Heating and Cooling TEDI clarification on modelling scenarios are further provided in Appendix C in the updated energy analysis dated November 23, 2022.

Air Quality

- N. Section 4.2.3. describes the air permitting requirements for the air district. The estimated emissions



pertaining to the need of a Limited Plan Approval (LPA), an air permit action, per 310 CMR 7.02 is summarized in Table 4-4 with additional information in Appendix C, Process Emissions. Process Emissions terminology differs from Table 4-4 as follows: Total SOV is represented as volatile organic compounds (VOC) and the sum of Pollution and Total pollution is represented as Particulate Matter. Impacts of stationary emissions are addressed in Section 4.2.3.2. Timeframe for issuance of LPA was not identified.

- O. Section 4.2.2 describes the air impacts and emission estimates of vessel traffic based on the worst ship by pollutant, summarized in Table 4-2 with further information in Appendix C using Port Emission Guidance and calculations from EPA-420-B-20-046. EPA released an update to Port Emissions Guidance in April of 2022, EPA-420-B-22-011, which supersedes the guidance demonstrated in Appendix C, however the changes made in the updated document primarily affect ocean-going vessels and do not impact emission estimates. Impact of the vessel emissions are addressed and indicate minimal impact to EJ neighborhoods.
- P. Section 4.2.1. discusses the impact of vehicular traffic with calculations previously provided in Appendix E of the DEIR. The impact of vehicular emissions on EJ communities is expected to not be disproportionate.
- Q. Additional items to note: Section 4.2.2. under paragraph 5 discusses the use of selective catalytic reduction (SCR) on three vessels and the reductions of pollutants expected due to SCR use. The last sentence contains contradictory language indicating that SCR does not reduce PM emissions. PM emissions are expected to be reduced by 30 to 50 percent as stated in the preceding sentence.

Construction Period Impacts

- R. Section 5.1 states Prysmian has consulted with Mayflower but does not provide any details of when consultation/coordination occurred or the results of that consultation.
- S. Section 5.1.2 discusses overall overlapping construction schedule between Mayflower and Prysmian but does not provide any specifics on cumulative impacts. No mitigation specific to cumulative impacts are proposed. Mitigation proposed lists separately maintained websites with no attempt to consolidate them to understand when cumulative impacts may be occurring.

Please let me know if you have any questions with these observations.

Kind regards,

A handwritten signature in blue ink, appearing to be 'Joseph Choi', written over a blue circular scribble.

Joseph Choi, PE
Project Manager

cc: Town of Somerset, MA – William Horrocks, Tim Turner
WSP – Tom Payne, Debi McCartney, Marc Brassard

From: [Jamie French](#)
To: [Strysky, Alexander \(EEA\)](#)
Subject: Prysmian Project #16554
Date: Friday, February 10, 2023 12:13:57 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Prysmian MEPA Review #16554

Issues:

- visibility from open water
- noise across the bay into RI
- ship idling fumes... use shore power when docked
- 600' Tower is taller than most of RI and South Coast Mass.
- Need observation tower on top
- Lightening hits ?
- Interfere with air traffic?
- no outreach in East Bay
- smells of plastic/chemicals across the bay into RI?
- made from fossil fuels
- heated plastics microscopically disintegrate and are readily absorbed into human and animal tissue... these toxins do not flush out and are carcinogenic, cause breathing issues, and possibly other unknown unintended consequences.

Thank You

Jamie Robin French
48 Craig Ave. Tiverton RI 02878
401-624-9012
jmerfrench52@gmail.com
02/10/23

File: EEA-16554 Prysmian Brayton Point FEIR - Mendes comments 10FEB2023

TO: Alexander Strysky, MEPA Office, Massachusetts Executive Office of Energy & Environmental Affairs

FROM: Lloyd Mendes, resident, 46 Anawan St. Somerset Massachusetts 02725

DATE: February 10, 2023

RE: EEA-16554, Prysmian Brayton Point, Final Environmental Impact Report Public Comment

Dear Mr. Strysky:

Please accept my public comments regarding the Final Environmental Impact Report by Prysmian Brayton Point for its proposed undersea cable-manufacturing plant in Somerset Massachusetts.

I live in, and own my home, in Somerset, one-half mile from the proposed Prysmian factory and will suffer traffic congestion, noise and marred scenic views from the project. I am a retired, single elder and will not benefit personally from the project's well-paid jobs or its tax support for our public schools. Nevertheless, I support Prysmian's factory because of the jobs it will bring and the taxes it will pay. I grew up in this economically depressed region, and my childhood was blighted by the region's multi-generational lack of opportunity. I am willing to sacrifice personal costs in exchange for wider social benefits if the social costs are mitigated in good faith to the greatest degree practical for a business that must be profitable to survive.

Although I am an elected official in the Town of Somerset, here I speak as a private citizen for regional and social issues, particularly regarding greenhouse gas emissions and unfair costs imposed on Environmental Justice Communities. I cite only documents that have been put into the public realm. I respectfully petition EEA through its MEPA review to oblige Prysmian to address the following problems:

Employee traffic contribution to Greenhouse gases:

Prysmian claims that its Transportation Demand Management program will nearly offset project-related emissions by persuading workers to reduce use of private, single-occupant motor vehicles,¹ saying,

"Previous estimates of similar TDM programs have ranged on the order of a 2% reduction in VMT, which is assumed to result in comparable pollutant emission savings. Assuming a two percent reduction, the TDM plan is expected to provide a 0.01 kg/day reduction of VOCs, a 0.01 kg/day reduction of NOX and a 8 tpy reduction of mobile source CO2e emissions."²

¹ DEIR Certificate of October 18, 2022, pages 14-15; reproduced in the appendix of the FEIR, pdf pages 158-159

² DEIR, Section 8.4.1.6 Proposed Mitigation Measures, para 2, doc. page 8-24, pdf page 190, emphasis added

However, Prysmian's claimed reductions are disingenuous because the specific measures described in its TDM plan are either dismissed by Prysmian as likely to be ineffective or are clearly designed for political optics and not to reduce GHG production by workers hired from the local demographic pool. The "similar TDM programs" cited above by Prysmian presumably achieved reductions in emissions because they implemented specific measures adapted to local conditions, while Prysmian's TDM program is designed only to "check the box" of the MEPA permitting process, as shown below:

1. Bike/Walk measures: Prysmian promises to pursue measures to reduce private SOV use by incentivizing employees to walk and bike to work, yet it admits that "limited bicycle and pedestrian facilities are present in the study area."³ Somerset's sole bike lanes link Read Street to Fall River via Veteran's Bridge/Route 6: There are no bike lanes south of Route 6. While employees could bike to work on road shoulders or sidewalks, winter snow covers these shoulders and sidewalks south of Route 6: Somerset has no sidewalk-snow-clearing ordinance (unlike Fall River) and workers cycling from Fall River's nearby EJ communities (whom Prysmian seeks to hire) would be blocked by snow once they exited the snow-free Veteran's Bridge Bike Path. Providing bike racks at the factory will be useless as GHG mitigation if workers cannot ride bicycles safely to work. Prysmian's promised bike/walk mitigation measure has been designed to "check the box" and not to mitigate GHG emissions.

2. Car-pooling can be effective, particularly for suburban workers scattered over easily navigable suburban streets. However, if Prysmian fulfills its promise to hire factory workers extensively in Fall River's EJ neighborhoods, where densely populated city streets are narrow, one-way, disjointed and hard to navigate, car-pooling will be ineffective as mitigation for GHG emissions.

2. Prysmian's extensive investment in electric vehicle charging stations is useful for political optics in Boston but not for reducing GHG production in Greater Fall River. The majority of Prysmian's factory workers drawn from low-income Fall River and particularly from lower-income EJ neighborhoods will not have the capital to buy expensive electric vehicles. Prysmian's EV charging stations are a perk for Prysmian's senior managers and not a mitigation measure for the Project's greenhouse gas emissions.

3. Prysmian dismisses any role for public transit in its TDM program, even as it promises to support biking and walking that it expects to be ineffective. In its Transportation Scoping Letter to MassDOT, VHB writes,

"Given the nature of uses on the Site and the lack of pedestrian, bicycle, and public transportation infrastructure in the area, it is expected that there will be relatively minimal transit, bicycle and pedestrian activity during commute peak times. Nonetheless, VHB will consider bicycle and pedestrian activity within the study area..."⁴

Indeed, EEA's own analyst dismisses the role of public transit in reducing greenhouse gases, saying, "**Public transportation** service is provided in the area by the Southeast Regional Transit Authority (SRTA). The closest bus stop to the site is located over 1.5 miles northeast of the site at the corner of

³ See page 13 of the DEIR Certificate of October 18, 2022, reprinted in the appendix of the FEIR on pdf page 157

⁴ VBH's April 29, 2022 "Transportation Scoping Letter for Prysmian Brayton Point," p. 4, to Lionel Lucien, Public - Private Development Unit, Office of Transportation Planning, MassDOT, reproduced in DEIR Appendix C, p. 5.

Route 6 and Brayton Point Road and **is not likely to be used to access the project site.**"⁵

Yet public transit through SRTA is readily available in the densely settled, urban neighborhoods of Fall River. In addition to the SRTA-Fall River service recognized by Prysmian, Rhode Island Public Transit (RIPTA) Bus #24 links commuters from Newport to a Somerset bus stop at the MassDOT Park & Ride lot on Route 103 near Interstate Highway ramp 10A. Both transit agencies serve the general area of Prysmian's factory but not exactly at times needed by 6 AM shift workers. Both transit busses stop about 1.5 miles from the Prysmian factory, which is too far to walk safely, particularly on dark winter mornings where there are no sidewalks or where snow covers the existing sidewalks. Contrary to Prysmian's assertion in the DEIR, public transit could be an alternative to private SOV commuting if Prysmian were willing to:

- negotiate with SRTA and RIPTA regarding shift-aligned schedules,
- incentivize transit use by its lowest paid, urban-residing workers, and
- connect "the last mile" from transit bus service with shuttles and guaranteed rides home.

Prysmian, in its response to public comment by the Southeastern Regional Planning and Economic Development District (SRPEDD) in the DEIR, promised that, "SRTA will be contacted to discuss the possibility of altering the bus route to provide better access for employees during the shift changes."⁶ However, a closer bus stop will be ineffective for replacing SOV use with transit commuting if bus schedules are not aligned with factory-shift schedules. Currently, SRTA bus service on Route 14 in Somerset begins at 9AM, although Fall River-wide service begins as early as 6 AM: SRTA is capable of providing relevant commuter service from EJ neighborhoods in Fall River to Prysmian's factory, but it must be asked and possibly also incentivized by Prysmian.

SRPEDD's request to stretch SRTA bus service to the 10 PM shift change is unrealistic because SRTA ends all intra-city service by 9 PM: Thus, Prysmian workers returning home at 10 PM would be stranded at the Fall River central bus terminal with no connecting transit service. It would be unreasonable to ask SRTA to fund city-wide service for an extra two hours at night in order to allow late-night-shift workers to connect to all of Fall River's SRTA bus routes after 10 PM. However, it would be reasonable to negotiate with SRTA to provide one 10 PM bus for departing shift workers to the new Fall River Commuter Rail Station, which is located in the vicinity of the EJ neighborhoods impacted by the project. Workers starting the 2 PM shift can easily board a SRTA bus near the Rail Station but cannot return at night when their shift ends.

Prysmian does not promise to facilitate or incentivize the use of public transit by its workers, many of whom, if Prysmian fulfills its promise to hire within Fall River's Environmental Justice communities, will have access to transit but not to carpooling, bicycling or multiple private vehicles per family. It appears likely, based on the socio-economic demographics of the Fall River workforce, that Prysmian's promised

⁵ DEIR Certificate of October 18, 2022, p. 13, reprinted in FEIR, pdf page 157; emphasis added

⁶ FEIR, Section 7.8: SRPEDD, comment #8.7, document page 7-29, electronic page 128

mitigation of greenhouse gases generated by its employees will be ineffective. Yet the addition of hundreds of extra private, single-occupancy vehicle trips per day will significantly boost local emissions and regional greenhouse gases. Based on the arguments presented above, I respectfully petition MEPA to require the following specific transportation mitigation actions to facilitate and not merely encourage transit use by its 6 AM and 2 PM shift workers:

- free bus passes for workers who use RIPTA and SRTA transit buses instead of SOV's to commute to Pysmian's facility;
- negotiating with RIPTA and SRTA to provide earlier service for 6 AM-arriving shift workers or slightly adjusting Pysmian's shift schedule to fit the existing public transit schedule;
- negotiating with SRTA to provide one 10 PM bus for departing shift workers to the new Fall River Commuter Rail Station or
- providing one 10 PM employee shuttle to the new Fall River Commuter Rail Station if SRTA does not agree to provide this service;
- employee shuttles from the nearest RIPTA and SRTA bus stops in Somerset (respectively, the Route 103 Park & Ride Lot near Lees River Rd and the Stop & Shop mall on Route 6) if RIPTA or SRTA do not agree to serve a bus stop within walking distance;
- guaranteed transportation homeward via Uber or Lyft for employees who transited to work but who were unexpectedly required to miss regularly scheduled transit homeward;

Truck-Traffic Congestion in Environmental Justice Neighborhoods:

Pysmian has proposed different routes at different public meetings and in different official filings to address its truck traffic coming to Brayton Point from Interstate Highway 195. All of Pysmian's alternatives involve sending some trucks on long detours around the most direct truck route from I-195 Exits 10A and 10B via Route 103 to Brayton Point Rd because of turning radius limitations at that intersection. I respectfully suggest that a more logical, economical, and environmental solution would be to invest in improving the turning radius at the Route 103/Brayton Point Rd intersection and that Pysmian might be expected to contribute financially in proportion to its contribution to the traffic that would use such an improved turning lane.

1. Pysmian's Proposed Main Truck Route: Pysmian prefers to use the most direct route for heavy trucks coming from I-195 to the factory both during construction and during factory operations, saying, "The preferred construction truck route for the Pysmian Project is limited to I-195 using Lees River Avenue and Wilbur Avenue (Route 103) before accessing the Project Site via Brayton Point Road."⁷ Pysmian also described this preferred truck route (and its

⁷ FEIR, section 5.1.3 Summary of Pysmian Project Construction Mitigation Measures, doc p. 5-5, pdf p. 83

limitations) during the post-construction, operational stage of the project in its response to SRPEDD's public comment on the DEIR, saying that, "trucks trips exiting the site are projected to travel on Brayton Point Road to Wilbur Avenue (Route 103) and Lees River Avenue to Access I-195 East and West. The trucks exiting the site can negotiate the northbound left turns from Brayton Point Road onto Wilbur Avenue (Route 103) and then enter the ramps to I-195 East and West. Trucks entering the site would have a more difficult time turning right from the Wilbur Avenue eastbound approach onto Brayton Point Road; therefore, they are proposed to be rerouted..."⁸ The problem is that road geometry at the intersection of Route 103 (Wilbur Ave) and Brayton Point Rd does not allow large, eastbound trucks on Route 103 to turn right (south) onto Brayton Point Road. Rather than trying to widen the turning radius at the intersection for its heavy trucks entering the site, Prysmian has proposed an assortment of ad-hoc alternatives for different audiences at different times and venues.

2. Prysmian's ad-hoc alternative via Lees River Rd and Route 6 in Somerset: In January 2023, Prysmian proposed in the FEIR to "direct trucks traveling to/from the west on I-195 to use Lees River Avenue, Route 6, and Brayton Point Road..."⁹ While this detour is listed as mitigation only in Phase 1 in Table 6-1, Prysmian presents this detour as the overall solution to the problem of trucks entering the site at the tight intersection of Route 103 and Brayton Point Road in its response to SRPEDD's public comment to the DEIR:

"To make it easier for trucks to make the turning movements between I-195 and the Project Site, trucks traveling to/from the west on I-195 will be directed to use Lees River Avenue, Route 6, and Brayton Point Road in order to avoid making tight turning movements at the Wilbur Avenue (Route 103)/Brayton Point Road intersection. Rerouting the trucks will minimize the delays and queues at the Wilbur Avenue (Route 103)/Brayton Point Road intersection."¹⁰

This circuitous detour is 2.3 miles long versus the simpler, more logical, more direct route from the I-195 exit #10A eastward along Route 103 to Brayton Point Rd, which is 0.5 miles long. This proposed detour imposes costs on the Somerset residents of Lees River Road north of I-195 access ramp #10A, where that road is narrow, winding and residential. It adds to traffic danger at the intersection of Lees River Rd at Route 6 (which is listed by SRPEDD as Somerset's most dangerous, and the region's 9th most dangerous intersection).¹¹ This detour was also proposed in Prysmian's October 2022 traffic analysis submitted to the Town of Somerset as part of its Development Plan Review:

"To make it easier for trucks to make the turning movements between I-195 and the Project Site, trucks traveling to/from the west on I-195 will be directed to use Lees River Avenue, Route 6, and Brayton Point Road in order to avoid making tight turning movements at the Wilbur Avenue (Route 103)/Brayton Point Road intersection."¹²

⁸ FEIR, Section 7.8 Letter 8: SRPEDD, Comment 8.5, document page 7-28, electronic page 127

⁹ FEIR Table 6-1 Summary of Proposed Mitigation Measures, document page 6-3, electronic pdf page 88

¹⁰ (FEIR, Section 7.8 Letter 8: SRPEDD, Comment 8.5, document page 7-29, electronic page 128

¹¹ See SRPEDD's 2017-19 online list, "Top 100 Most Dangerous Intersections in Southeastern Massachusetts."

¹² VHB's October 2022 "Traffic Impact and Access Study," section Transportation Mitigation, subsection Intersection Capacity Improvements, document page 35, para 2.

3. Prysmian's ad-hoc alternative detouring trucks through Swansea and Fall River's Environmental Justice Communities: Prysmian evidently recognized that the truck detour via northern Lees River Rd and Route 6 would incite local opposition to its local permits. In a PowerPoint presentation of its Development Plan emailed to the Somerset Planning Board on January 26, 2023, Prysmian mapped out a different truck detour to avoid the tight turning radius at the intersection of Brayton Point Rd and Route 103 (see figure below).¹³ This mitigation for Somerset traffic congestion imposes traffic congestion on Swansea and on Fall River's Environmental Justice Communities.

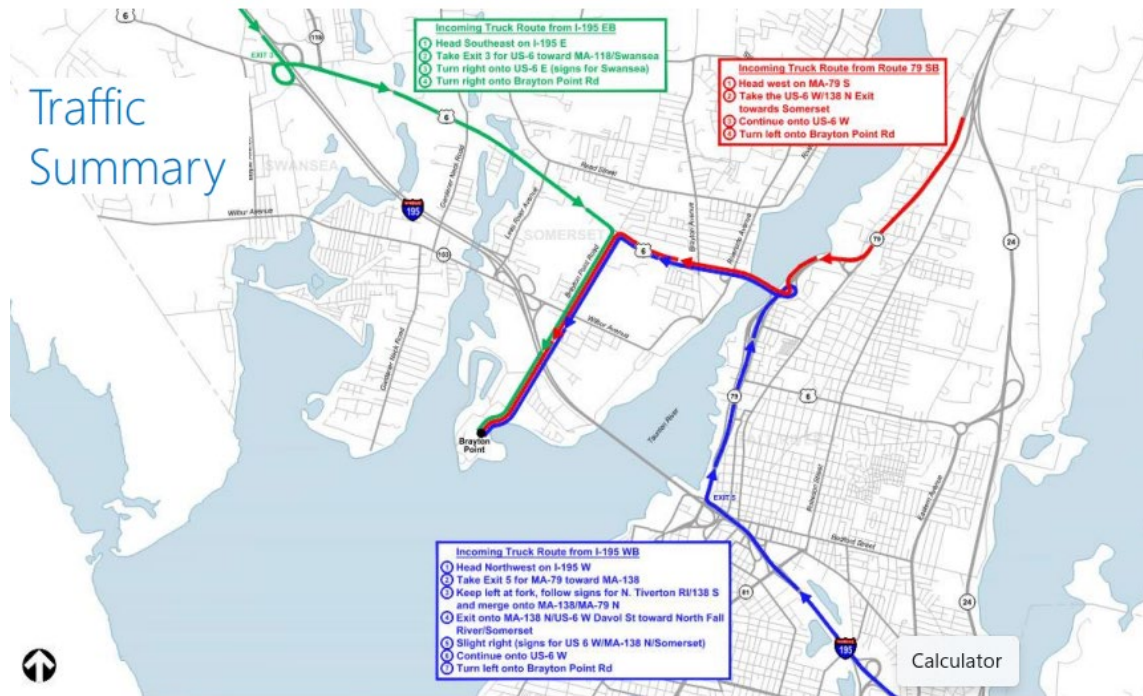


Figure: Slide 25 of Prysmian Presentation to Somerset Planning Board, January 24, 2023

The ad-hoc alternative proposes complicated detours for Brayton Point-bound trucks coming from I-195, with eastbound trucks from Providence exiting I-195 in Swansea at Exit #3 (currently numbered as #8) and westbound trucks from New Bedford exiting I-195 in Fall River at Exit #5 (currently #11) both discussed separately below:

- a. Swansea detour: The use of Swansea's I-195 Exit #8 (also referred to as #3) is mentioned as an option for heavy truck traffic in the FEIR, without however mentioning that Exit #8 is in Swansea.¹⁴ This heavy truck detour through Swansea was "based on early feedback from the Town of Somerset;" the FEIR does not mention whether the Town of Swansea was informed of this specific mitigation measure. This ad-hoc alternative would impose congestion costs on Swansea, which will not receive property tax revenue from Prysmian's Somerset investment to mitigate Prysmian's truck traffic. The Swansea Town

¹³ PowerPoint presentation, "Prysmian Brayton Point - Submarine Cable Factory, Planning Board - Development Plan Review January 24, 2023," slide # 25 of 30, entitled, "Traffic Summary."

Administrator was briefed on the DEIR by Pysmian's local liaison,¹⁵ but the DEIR did not mention the possibility of diverting heavy trucks through Swansea's I-195 Exit 8 but instead described the Somerset detour via northern Lees River Rd and Route 6.¹⁶ Swansea officials may complain when they learn that Somerset Town officials lobbied to push truck congestion onto Swansea roads in order to keep it off Somerset roads. In that case, Pysmian's heavy truck traffic would likely be forced to return to Somerset, where local roads (northern Lees River Rd and the intersection of Wilbur Ave and Brayton Point Rd) cannot handle heavy trucks. At this point, local, Somerset opposition to Pysmian's new factory is predictable. The Swansea detour for heavy trucks is politically unsustainable.

b. Environmental Justice neighborhood truck detour: The proposed detour of westbound trucks from I-195 at Exit #5 (#11) in Fall River will bring heavy, semi-trailer-truck traffic to within feet of the federal low-income family housing development, Heritage Heights (at 100 Green St, managed by the Fall River Housing Authority) and through the following Environmental Justice Community neighborhoods along Davol St in Fall River:

- Census Tract 6420 Block Group 3 (EJ Minority and Income)
- Census Tract 6420 Block Group 2 (EJ Income and English Isolation)
- Census Tract 6420 Block Group 1 (EJ Minority)
- Census Tract 6421 Block Group 2 (EJ Minority and Income)

While Pysmian proposed this alternative detour of heavy trucks through Fall River's EJ communities in its January 24, 2023 submission to the Somerset Planning Board, it did not reveal this proposed detour to the MEPA Office. In its January 2023 FEIR, Pysmian claims that project traffic (other than traffic generated by Fall River residents employed at the Pysmian facility) will remain on I-195 and "not traverse on local roadways... [and] not materially exacerbate any existing health conditions of the EJ populations" within Fall River.¹⁷ Pysmian initially made the claim that trucks would not traverse Fall River's local streets in its response to MEPA's DEIR certificate comment #C-7, saying that, "there is expected to be very limited vehicular trips on local roads in Fall River, limited to those that are made by Project employees who live in Fall River. Truck trips would not use local roads within Fall River."¹⁸ Pysmian reiterated this claim in its response to DEIR Certificate Comment #C.16, citing as evidence FEIR Sections 2.2.1, 2.2.2, and 2.2.3, but Section 2.2.1 Vehicular Traffic Emissions claims "limited vehicular and truck traffic traveling within the EJ communities," and cites evidence from Section 4.2.1 Vehicle Emissions, which again relied on the claim that trucks would remain on I-195 en route to and from Brayton Point in Somerset.

¹⁴ FEIR, Section 5.1.3 Summary of Pysmian Project Construction Mitigation Measures, doc p. 5-5, pdf page 83

¹⁵ FEIR, Section 2.1 Updated Public Involvement Plan, doc page 2-2, pdf page 40, under "Ongoing Public Meetings"

¹⁶ DEIR, Section 6.1.8.1 Intersection Capacity Improvements, page 6-23, electronic page 143

¹⁷ FEIR, page 4-6 in Chapter: Greenhouse Gas Emissions and Air Quality, electronic pdf page 74

Based on the assumption that project trucks passing through Fall River will not leave I-195, Prysmian states that, "... given the limited vehicular and truck traffic traveling within the EJ communities, the Project does not have the potential to result in disproportionate adverse traffic effects on the EJ populations within the designated geographic area"¹⁹ If Prysmian is considering the possibility of diverting I-195-westbound trucks bound for Somerset through Davol St in Fall River, it should at least comply with MEPA's requirement in DEIR Certificate Comment C-7 and clarify its analysis of impacts on EJ Communities based on truck detours that it has proposed to stakeholders in Somerset.

When Prysmian proposed a mitigation measure of detouring heavy trucks through Fall River's EJ Community neighborhoods to Somerset Town officials, it should also have informed the residents of the affected EJ Community neighborhoods, but it did not do so. In its response to DEIR Certificate comment that, "The FEIR should provide a supplemental EJ analysis.... [and] review the public outreach undertaken by the Proponent after the DEIR was filed," Prysmian responded by describing a "voluntary Town Hall meeting," implying that the meeting was for EJ Community members.²⁰ In fact, this public meeting was held in Somerset at the Fairfield Inn by Marriott, as explained elsewhere in the FEIR.²¹ While this well-attended public meeting was very effective as outreach to the white, middle class, English-speaking residents of Somerset and Swansea, it should not be assumed that it provided outreach to low-income, non-English-speaking residents of EJ neighborhoods in Fall River who will be affected by the truck detour along Davol St. While individuals involved in the EJ community were notified of the meeting, three of the affected EJ Census Block Groups listed above were not included in Prysmian's outreach efforts because they are located more than 1 mile from the proposed factory. In any case, the southernmost of the four EJ neighborhoods that was included in Prysmian's outreach (Census Tract 6420 Block Group 3) had no way of learning of the proposed truck detour through Davol Street because it was not made public until January 24, 2023 where the option was presented at a Somerset Planning Board meeting.

Prysmian cannot correct its failure to notify Fall River's EJ neighborhood residents by only informing Fall River municipal government. Fall River's municipal elections, based on city-wide, at-large voting, notoriously dilute the votes of minority and low-income residents. Only a state agency can protect the rights of EJ neighborhoods that are enshrined in state and federal law.

¹⁸ FEIR, Section 7.0 DEIR Certificate, comment C-7, document pages 7-3 to 7-4, electronic pages 102-103

¹⁹ FEIR, op. cit. Section 2.2.1 Vehicular Traffic Emissions, page 2-4 in Chapter 2: Environmental Justice, electronic page 42 of 243 pages, prepared by VHB; January 2023.

²⁰ FEIR, Section 7.0 DEIR Certificate, Comment C.13, document page 7-5, electronic page 104

²¹ FEIR Section 2.1 Updated Public Involvement Plan, doc pages 2-1 to 2-2, electronic pages 39-40

Proposed alternative to detouring trucks through EJ neighborhoods:

Prysmian did not respond in good faith to the MEPA Office comment C.14 in the DEIR certificate, which stated that:

"The FEIR should discuss whether any of the project impacts, such as traffic congestion and idling ... will specifically impact EJ neighborhoods, and **whether all feasible measures have been considered to reduce such impacts.**" [emphasis added]

Prysmian responded to Comment C.14 based on its response to Comment C.7 -- in which it did not divulge the EJ detour for trucks being considered at the time -- that the Project would not affect EJ populations from vehicle emissions. Prysmian has never publicly considered the most obvious, feasible measure to reduce the congestion and emission impacts of trucks detoured through Fall River's EJ neighborhoods. It could cooperate with MassDOT and the Town of Somerset to improve the turning radius for trucks at the intersection of Route 103 and Brayton Point Rd so that Prysmian's incoming truck traffic could pass directly from I-195 Exits 10A and 10B to its factory, containing all truck traffic within the boundaries of Somerset, where the projects costs in traffic congestion will be offset by its benefits in local taxes paid.

Prysmian's failures to respond to DEIR certificate comments and to notify affected EJ neighborhoods do not fully encompass the offensiveness of its proposed truck detour through Fall River: It would push truck emissions, noise and congestion onto politically powerless EJ communities in order to protect politically active non-EJ communities. The suburban, white, English-speaking residents along Route 103/Wilbur Ave and northern Lees River Rd in Somerset who are carefully protected by Prysmian's truck detour through Fall River are not noted by US Census data as members of EJ communities. They are politically active, have a strong voice in local government, and can protect their interests through the local permitting process, limited only by law. Diverting heavy truck traffic from these suburban neighborhoods to urban EJ neighborhoods is a political choice and not an engineering necessity: The intersection of Route 3 at Brayton Point Rd could be widened to allow right turns by trucks coming eastbound on Route 3 from I-195 Exits 10A and 10B. Prysmian has gone to great lengths in its project design to avoid this logical solution to heavy truck access to its factory, but it will accept this solution if forced to do so by state authorities as a condition for its permit. I respectfully petition EEA to oblige Prysmian to work with MassDOT and the Town of Somerset to improve this intersection to allow direct access of its trucks to its factory from I-195 Exits 10A and 10B, paying project costs, if necessary, in proportion to its contribution to the total traffic turning right at that intersection.

Local political interests and external costs: Prysmian's offers to shift the costs of heavy truck traffic congestion from Somerset to neighboring towns were made in response to local, Somerset political considerations. Prysmian's proposed truck detour of eastbound trucks on I-195 through Swansea's Exit #8 rather than through Exit 10A on Lees River Rd in Somerset was "based on early feedback from the Town of Somerset;" and Prysmian's proposed detour of westbound trucks on I-195 through Fall River's EJ communities was presented only to

Somerset's Planning Board in support of Prysmian's application for a local permit.

There is local political logic in shifting external costs onto neighboring communities, particularly if local residents can influence local permitting while neighboring EJ residents cannot. Even if Prysmian backs down from its proposed EJ neighborhood truck detour and says it will reroute trucks from I-195 Exit 10B via Lees River Road and Route 6 in Somerset, it will face predictable local political pressure in the future from Somerset Town officials to reinstate the EJ truck detour, because Somerset's local roads were not designed to handle heavy truck traffic at critical choke points upstream from the Interstate Highway. Somerset Town officials have little incentive to negotiate with Prysmian to reconstruct the intersection of Route 103 with Brayton Point Rd because road construction inconveniences local voters while shifting traffic congestion to neighboring towns has no political cost for local leaders. Only the State has the interest and the mandate to force local interests to decisively fix choke points on Somerset's access roads so that Prysmian's trucks can move smoothly within Somerset without local pressure to detour through neighboring EJ communities.

State and national political considerations: Aside from the legal issue of detouring heavy trucks through EJ neighborhoods without publicly notifying those neighborhoods and without analyzing the impacts in the Final Environmental Impact Report, the optics of harming EJ communities in order to protect non-EJ communities is offensive and likely to generate anger at the State level with the new administration. Prysmian's proposed truck detour with traffic and pollution costs pushed onto neighboring municipalities and particularly onto EJ communities is politically unsustainable and will likely be reversed in the future. A reversal of this unjust truck detour by higher state authorities will return Prysmian's heavy truck traffic to Somerset, where local roads (northern Lees River Rd and the intersection of Wilbur Ave and Brayton Point Rd) cannot handle the trucks. This will predictably anger Somerset residents who have resisted industrial investment in the past. If the State seeks long-term public support for its transition to offshore wind development, permitting authorities should reject short-term, ad hoc transportation solutions that will predictably fail. I respectfully ask EEA to oblige Prysmian, as a condition for its permit, to work with MassDOT and the Town of Somerset to improve State Highway 103 and its intersection with Brayton Point Road so that Prysmian's trucks may directly access the new cable factory via the most direct, least polluting route, linking I-195 Exits 10A and 10B with Prysmian's Brayton Point factory via Route 103 (Wilbur Ave).

Need for on-going, obligatory, monitored protection of EJ communities:

I respectfully suggest that State officials must take a stronger role in protecting EJ community neighborhoods from traffic impacts. Prysmian had the opportunity to divulge to state officials its proposal to divert heavy trucks through Fall River's EJ neighborhoods when it responded to the DEIR Certificate request to "provide an update on any construction mitigation commitments the Proponent has made to the Town of Somerset, including roadway improvements to accommodate construction vehicles and measures to minimize noise, odor, and dust." However, in its January 2023 FEIR, Prysmian did not disclose that it was considering

offering such a detour at the January 2023 Somerset Planning Board meeting but parsed its response to the DEIR certificate, saying:

"At the time of this FEIR filing, requirements for mitigating temporary construction activities have not yet specifically been proposed by Prysman and have not yet been evaluated in the local approval process. The Proponent anticipates that the Project will undergo extensive review by several Town of Somerset boards, and additional mitigation commitments will be developed." (FEIR, Section 5.2, emphasis added)

The term "Environmental Justice" and the acronym "EJ" were together used 44 times in the October 2022 DEIR Certificate, and Prysman might have concluded that impacts on such communities was important to EEA. Nevertheless, Prysman did not inform EEA in its FEIR that it was considering and would shortly propose a detour of heavy trucks through Fall River's EJ communities. Instead it carefully parsed its reporting to stay within the letter of the DEIR certificate's requests for information on EJ impacts. I respectfully suggest that EEA use more specific, rigorous means to ensure that Prysman does not surreptitiously impose traffic impacts on neighboring communities in the future when it encounters predictable resistance from Somerset residents. I respectfully suggest to State officials that Prysman should be encouraged, obliged and monitored to improve Somerset's public, industrial-access roads so that truck traffic may remain in Somerset, where Prysman's tax revenues may be used to mitigate its public costs. Specifically, I petition EEA to oblige Prysman to:

- work with MassDOT to improve local Somerset roads to carry industrial trucks from the Interstate Highway to Prysman's factory by the most direct route from I-195 Exits 10A and 10B.
- begin planning to mitigate the truck traffic in the detailed manner requested in the DEIR Certificate, by providing "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."

Conclusion:

If Prysman fulfills its promises of public benefits and mitigated social costs, the public will support this new, vital manufacturing facility. EEA can help bring about public support by requiring a good-faith effort by Prysman to mitigate its costs in traffic congestion and vehicle emissions.



Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

Rebecca L. Tepper
Secretary

Gary Moran
Acting Commissioner

February 10, 2023

Rebecca L. Tepper
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: FEIR Review. EOEEA 16554 SOMERSET.
Prysmian Brayton Point at 1 Brayton Point Road

Dear Secretary Tepper,

The Southeast Regional Office of the Department of Environmental Protection (MassDEP) has reviewed the Final Environmental Impact Report (FEIR) 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 (BWR) Comments

Wetlands. The Wetlands Program has completed its review of the above-referenced FEIR. The FEIR provides additional information in response to the Wetlands section of the FEIR Scope in the Certificate of the Secretary of Energy and Environmental Affairs to the Draft EIR (DEIR), dated October 18, 2022. Specifically, the Project's impacts on the Coastal Bank and Land Subject to Coastal Storm Flowage (LSCSF), have been analyzed further to document conformance with the relevant performance standards where applicable, and address the impact of the Project on flood pathways across the site and adjacent

properties. While the Proponent has adequately addressed further minimizing impacts to wetland resource areas since the filing of the DEIR, to Coastal Bank in particular, and improving existing storm damage and flood control functions, tabulated data with a comparative analysis of wetland resource area impacts proposed since the filing of the DEIR would have been beneficial if provided.

The Department notes that, since the filing of the DEIR, the Project was reviewed by the Wetlands Program through the submittal of two Notices of Intent on October 31, 2022, Wetlands File Numbers SE 070-0540 and SE 070-0541, for offshore sediment sampling and for the proposed development of the cable manufacturing plant and docking facility, respectively. A Corresponding local Order of Conditions for SE 070-0540 (offshore sediment sampling) has been issued by the Somerset Conservation Commission on December 6, 2022. This Order has not been appealed to the Department. The issuance of a local Order of Conditions for SE 070-0541 (cable manufacturing plan and docking facility) is still pending.

Additionally, the ENF states that the Proponent filed a Notice of Intent with the Somerset Conservation Commission for site development on December 1, 2022, which discusses the Project's consistency with the applicable performance standards for each jurisdictional wetland resource area. The Department has not yet received a copy of this latest application filing. The Proponent intends to also file a Notice of Intent with the City of Fall River Conservation Commission for the range navigational light. In accordance with 310 CMR 10.05(4)(a), copies of the same shall be sent concurrently to the Department for its review.

Waterways. The SERO Waterways Program has reviewed the Prysmian Brayton Point FEIR and determined that the Proponent has adequately responded to Chapter 91 comments raised during the initial review of the Project. The Proponent has coordinated with the Waterways Program to verify that all components of the proposed Project will meet the referenced regulatory standard as water-dependent industrial uses or are otherwise permissible uses pursuant to 310 CMR 9.32.

EPA NPDES Stormwater Permits. As described in the FEIR, The Proponent acknowledges its requirement to obtain the Construction General Permit and the Multi Sector General Permit for fabricating metal products at its proposed site of work.

Bureau of Waste Site Cleanup (BWSC) Comments

Comments were adequately addressed previous comments regarding potential MCP issues at the site.

BWSC notes that after the submittal of the FEIR, a Release Notification Form (Release Tracking Number 4-29671) was submitted on January 26, 2023. Further Response Actions are required for this Release until a Permanent or a Temporary solution can be filed.

Emergency Planning/Community Right-to-Know Act (EPCRA). The Proponent is reminded that there may be reporting requirements due the storage and use of hazardous substances. More information may be found here. <https://www.epa.gov/epcra> For further information, contact Len Wallace at 617-918-1835 or wallace.len@epa.gov

Bureau of Air and Waste (BAW) Comments

Air Quality. The Air Permit Section has reviewed the FEIR and offers the following comments:

Noise.

MassDEP's noise policy establishes a 10 dB(A) increase in sound as the maximum sound impact which cannot be exceeded at the property line or the nearest receptor. Sound increases are evaluated in accordance with the MassDEP Noise Pollution Policy Interpretation. The Proponent is reminded that the 10 dB(A) is not a design standard but a performance standard. Sound impacts should be mitigated to extent practicable.

Backup Generators

Many facilities often employ backup generators. Emergency generator engines are subject to MassDEP's Industry Performance Standards at 310 CMR 7.26(42). These regulations require that the engine operator submit a one-time certification in accordance with the provisions of 310 CMR 70.00: Environmental Results Program Certification.

The Industry Performance Standards establish emission limitations and design criteria, including stack height requirements for the engine. Although there are no limits on the amount of operation during a power outage, the regulations do limit engine operation to 100 hours per calendar year, or as otherwise approved by EPA, for maintenance checks and readiness testing, provided that the tests are recommended by federal, state or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine. As part of the 100 hours, the engine may operate up to 50 hours per calendar year for nonemergency situations.

Operation of the engines are subject to MassDEP's Noise Regulations at 310 CMR 7.10, which prohibit a nuisance condition due to excess sound. Therefore, MassDEP recommends that the generators are installed in an area that will minimize sound impacts on neighbors.

General Comments

MassDEP acknowledges the Proponents expectations as stated the text for its air quality mitigation under 310 CMR 7.00 as stated below. To determine the appropriate requirements please refer to:

310 CMR 7.09 Dust, Odor, Construction, and Demolition

310 CMR 7.10 Noise

- During construction, both – South Coastal Wind and Prysmian Bryton Point - Projects will result in elevated noise during construction hours. Both Projects will require that its contractor(s) comply with the Somerset noise ordinance, and/or other agreements made with the Town of Somerset, as well as the Massachusetts anti-idling law and related regulations. Such measures may include temporary noise barriers and/or equipment silencers
- If there is overlap of these activities with the Project, the Proponent anticipates the need for coordination in an effort to minimize cumulative effects of impacts, such as dump truck traffic and noise and commits to do so.
- Noise – All construction vehicles/equipment will be required to have installed and properly operating appropriate noise muffler systems and other noise control equipment, and will use of quieter-type (i.e., manually adjustable or ambient-sensitive) backup alarm, and excessive idling of construction equipment will be prohibited.
- Mayflower Wind (now South Coastal Wind) will work closely and coordinate with the Town of Somerset to establish construction related schedules, work hours, and traffic logistics, as well as seek approval if/when work outside of these hours is necessary. In certain locations, night work may be proposed (with appropriate traffic, noise, and light management) to allow construction in areas with onsite traffic congestion or other construction projects being advanced simultaneously. Some construction-related activities, such as HDD drilling, will need to be continuous efforts that occur throughout the day and night.

- Mayflower Wind will require both onshore and offshore construction activities to “Use best management practices and ongoing environmental monitoring throughout construction to Minimize noise, vehicle emissions, and other air quality impacts
- The Project will not result in adverse effects on surrounding neighborhoods in terms of air pollution or dust from either the manufacturing process or from vehicles, trucks, or marine vessels. In terms of noise, the Project is required to adhere to the Town of Somerset’s Noise Control Bylaw dated May 2021, which regulates excessive or unwarranted noise. In addition, the Project will have very little truck traffic each day (approximately 20 truck trips per day, or 10 round trips).
- Noise and light pollution impacts are typically handled at the local level. The Town of Somerset has a Noise Control Bylaw dated May 2021, which regulates excessive or unwarranted noise for which the Project is required to adhere to. In addition, the Project is designed to minimize manufacturing noise by locating all manufacturing operations indoors and all exterior mechanical equipment (such as exhaust fans) on the rooftop of the building or within adequate enclosures
- The Project is a manufacturing use; however, unlike with prior uses of the site (i.e., the scrap metal operation), manufacturing activity at the Project Site will be internal to the proposed buildings, which limits the potential for noise and dust impacts

The Project Proponent is reminded that MassDEP Air Quality regulations at 310 CMR 7.10(1) specifically state: No person owning, leasing, or controlling a source of sound shall willfully, negligently, or through failure to provide necessary equipment, service, or maintenance or to take necessary precautions cause, suffer, allow, or permit unnecessary emissions from said source of sound that may cause noise.

Additionally, the Air Quality Regulations at 310 CMR 7.10(4) Tallow for any police department, fire department, or board of health official, acting within his or her jurisdictional area to enforce the noise regulations.

If you have any questions regarding the Air Quality Program comments above, please contact Thomas Cushing at Thomas.Cushing@mass.gov for air quality comments.

Hazardous Waste Management. The FEIR appears silent on its hazardous waste management plan’s requirements. Please be advised - if the Project generates hazardous waste and/or waste oil, the Project Proponent must register with the MassDEP or EPA to obtain a permanent identification number, as applicable, in accordance with 310 CMR 30.000 for legally generating and managing regulated waste. The Project Proponent is advised to consult at this MassDEP website <https://www.mass.gov/guides/hazardous-waste-generation-generators> to determine if the Proponent qualifies as a generator of hazardous waste and/or waste oil.

Solid Waste Management. As stated by the Proponent, MassDEP acknowledges the Proponent’s plans to dispose its construction waste and to dispose/reuse its dredge material.

- Existing asphalt, brick, and concrete (if applicable) will either be processed on-site for beneficial re-use as structural fill or shipped off-site to an approved recycling facility (if possible). If any material is deemed unfit for re-use or offsite recycling, it will be sent to an approved disposal facility.
- implement a Construction Waste Management Plan (CWMP) to divert Project-related construction waste material from landfills through recycling and salvaging where practicable
- currently working with the United States Army Corps of Engineers (USACE) as well as Massachusetts Department of Environmental Protection (MA DEP) to implement a comprehensive

sampling and analysis plan that will guide the decision-making process for identifying the quantities of sediment that may be disposed of off-shore versus on-shore. Generally, the majority of sediment is expected to be approved for off-shore disposal, however materials that are deemed not suitable for off-shore disposal will likely be utilized as “beneficial reuse” materials, meaning that they will qualify for use as daily cover or other landfill shaping materials at a licensed landfill. Currently there are two offshore disposal sites in consideration, Cape Cod Bay Disposal Site and Rhode Island Sound Disposal site, as well as numerous onshore disposal facilities. A suitability determination prepared by USACE is expected mid-2023, following additional sediment sampling, analysis and data management.

- approximately 160,000 cubic yards (cy) of sediment will be dredged and disposed of at either an offshore or upland off-site location.
- The DEIR did not identify a Preferred Alternative for dredged material disposal but indicated that segregating the material and disposing of it partially on land and partially offshore is likely. Dredged material can be used as fill material if it meets MassDEP’s criteria for beneficial use; otherwise, it must be disposed of at a licensed landfill. A determination as to the suitability of the material for open-ocean disposal will be made by EPA and the USACE based on the Regional Implementation Manual, which specifies testing and evaluation methods, and open ocean disposal would be approved by MassDEP.
- 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
- To provide navigational access between Mount Hope Bay and the site, an area of approximately 351,000 sf (8 acres) will be dredged to a depth of 35 ft at Mean Lower Low Water (MLLW), or approximately 22 feet below the existing mudline. According to the DEIR, approximately 160,000 cubic yards (cy) of sediment will be dredged and disposed of at either an offshore or upland off-site location.

The Proponent is advised that any solid waste found during both dredging and piling, or the outcome of the proposed site construction must be disposed of at an appropriate facility. Please be advised of the following comments regarding the proposed solid waste management for the project:

1. *Compliance with Waste Ban Regulations:* Waste materials discovered during construction (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>.
2. *Asphalt, brick, and concrete (ABC) rubble*, such as the rubble generated during construction 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. Dredge Reuse or Disposal at Landfills:

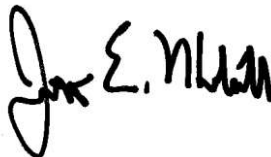
- a. If the proposed reuse location is not at a solid waste site assigned parcel or facility that has a solid waste management approval, then dredge material may be reused at the Site in accordance with the provisions at 314 CMR 9.000. Application would be required for review and approval.
- b. Reuse 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.
- c. Reuse or disposal of dredge at a lined landfill requires compliance with MassDEP's policy titled, "COMM-94-007: Reuse and Disposal of Dredge Sediment at Permitted Landfills, February 1995" (Dredge Policy). Submittal of a BWP SW-22 Landfill Minor Modification Permit Application for MassDEP review and approval is required for Projects that do not meet the criteria stated in the Dredge Policy. This policy can be found on-line at the MassDEP website: <http://www.mass.gov/eea/docs/dep/recycle/approvals/sw0722ap.pdf>
- d. If the proposed reuse location is located at a solid waste site assigned parcel or facility that has a solid waste management approval (i.e., MassDEP solid waste management permit, registered compost site, location with a determination of need) then approval can be granted under 310 CMR 19.000 Solid Waste Management regulations (typically through a beneficial use determination permit application). Webpage link: (webpage link to Beneficial Use Determination guidance <http://www.mass.gov/eea/agencies/massdep/recycle/regulations/waste-and-recycling-policies-and-guidance.html#6>
- e. Additionally, if the dredge is going to be used in a commercial product (e.g., substitute for sand, gravel, etc.) or is going to be reused in an unrestricted application (e.g. soil additives/amendments) that is going to be distributed to multiple locations then a beneficial use determination is required under 310 CMR 19.000 *Solid Waste Management* regulations. The beneficial use determination permitting process is better designed to deal with the reuse of dredge at multiple locations.

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

Other Comments/Guidance

The MassDEP Southeast Regional Office appreciates the opportunity to comment on this FEIR. 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,



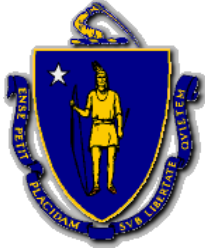
Jonathan E. Hobill,
Regional Engineer

Bureau of Water Resources

JH/GZ

Cc: DEP/SERO

ATTN: Millie Garcia-Serrano, Regional Director
Gerard Martin, Deputy Regional Director, BWR
John Handrahan, 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
Jennifer Wharff, Site Management, BWSC



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
Facsimile: 617-727-0030

Maura Healey
Governor

Kim Driscoll
Lt. Governor

Rebecca Tepper
Secretary

Patrick Woodcock
Commissioner

16 February 2023

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

RE: Prysman Brayton Point, Somerset MA, EEA #16554

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

Dear Secretary Tepper:

We've reviewed the Final Environmental Impact Report (FEIR) for the proposed project. The project includes the following built space: 600,000-sf manufacturing space; 32,000-sf office space; and 166,000-sf warehouse space. Both the manufacturing and warehouse space are heated only. The office is heated and cooled.

Key Mitigation Commitments – Manufacturing Space

Over 85% of the energy use in this building is attributable to manufacturing process loads. Key mitigation commitments are as follows:

- With process loads, proposed energy use intensity is estimated to be about 268 kBtu/sf-yr which is a 1% reduction from baseline. Without process loads, proposed energy use intensity is estimated to be 38 kBtu/sf-yr, which is a 5% reduction from baseline
- With process loads, emissions footprint estimated at about 15,464 ton/year which is a 1% reduction from baseline. Without process loads, emissions footprint is estimated to be about 2,173 ton/year which is about 5% reduction from baseline. This emissions footprint is based on electric emissions footprint of 654 lbs/MWhr and gas emissions footprint of 117 lbs/MMBtu.

- C406 measures as follows:
 - C406.2 option 1 (more efficient HVAC)
 - C406.3 option 2 (reduced lighting)
 - C406.8 option 7 (enhanced envelope UA)
- R-40 roof
- R-43.7 c.i. above grade walls
- U-0.25 window
- No gas use
- Air source heat pump water heating

Key Mitigation Commitments – Office

Key mitigation commitments are as follows:

- Proposed energy use intensity is estimated to be 26 kBtu/sf-yr, which is a 64% reduction from baseline.
- Emissions footprint is estimated to be about 79 ton/year which is about 53% reduction from baseline. This emissions footprint is based on electric emissions footprint of 654 lbs/MWhr and gas emissions footprint of 117 lbs/MMBtu.
- C406 measures as follows:
 - C406.2 option 1 (more efficient HVAC)
 - C406.3 option 2 (reduced lighting)
 - C406.8 option 7 (enhanced envelope UA)
- R-40 roof
- R-43.7 c.i. above grade walls
- U-0.25 window
- No gas use
- Air source heat pump water heating
- Electric air source heat pump space heating
- 70% effective energy recovery

Key Mitigation Commitments – Warehouse

Key mitigation commitments are as follows:

- Proposed energy use intensity is estimated to be 28 kBtu/sf-yr, which is a 38% reduction from baseline.
- Emissions footprint is estimated to be about 442 ton/year which is about 27% reduction from baseline. This emissions footprint is based on electric emissions footprint of 654 lbs/MWhr and gas emissions footprint of 117 lbs/MMBtu.
- C406 measures as follows:
 - C406.2 option 1 (more efficient HVAC)
 - C406.3 option 2 (reduced lighting)
 - C406.8 option 7 (enhanced envelope UA)
- R-40 roof
- R-43.7 c.i. above grade walls
- U-0.25 window
- No gas use
- Air source heat pump water heating
- Electric air source heat pump space heating
- 70% effective energy recovery

Prysmian Brayton Point, EEA No. 16554
Somerset, Massachusetts

Key Mitigation Commitments – General

Key mitigation commitments are as follows:

- 2.6 MW solar installed
- 80% rooftop solar readiness
- 10% EV charging stations and 90% EV ready.

Sincerely,

A handwritten signature in black ink, appearing to read 'Paul F. Ormond', with a long horizontal line extending to the right.

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

From: Patrick McDonald
To: Allison Ruddock
Cc: MEPA (EEA); Kim, Tori (EEA); Strysky, Alexander (EEA); Boccadoro, Helena (DEP); Zoto, George (DEP); Hobill, Jonathan (DEP); MassDOT PPDU; Lucien, Lionel (DOT); brona.simon@state.ma.us; Ormond, Paul (ENE); MEPA-EJ (EEA); cindy.mcconarty@dot.state.ma; walker@srpedd.org; glino@srpedd.org; hzincavage@srpedd.org; bnap@srpedd.org; Robinson, David S (EEA); Cheeseman, Melany (FWE); Holt, Emily (FWE); Backman, Andy (DCR); Carlson, Eric (DCR); Boeri, Robert (EEA); Bordonaro, Patrice (EEA); Logan, John (FWE); DMF EnvReview-South (FWE); psmons@town.somerset.ma.us; lawless@town.somerset.ma.us; mgallagher@town.somerset.ma.us; mullucci@town.somerset.ma.us; turner@town.somerset.ma.us; ben@environmentmassachusetts.org; julialblatt@massriversalliance.org; cluppi@cleanwater.org; deb.pasternak@sierraclub.org; stvis@n2nma.org; Heather Clish; Heidi Ricci; kelly.boling@trf.org; kerry@massapartners.com; ngoodman@environmentalleague.org; psanton@earthfuture.org; rob@oceanriver.org; robb@massand.org; Logan Hallik; Staci Rubin; sylvia@communityactionworks.org; tconin@hcvh.org; mamey@groundworksofthecoast.org; sbh.crdavis@gmail.com; info@publichealthwv.org; lahsy@usazs17@gmail.com; thos@wampanoagtribe.net; tommy.hartley@medica-nh.org; Ryan Weeden@mtwtrb-nsa.gov; tribalcouncil@chappaquiddick-wampanoag.org; cwriftings@aol.com; Peters, John (OCD); acw1213@verizon.net; melissa@herringpondtribe.org; rockerpatricjad@verizon.net; thalsey; Solomon, Elizabeth E@gmail.com; Coradot@yahoo.com; seer2@aol.com; limaccarone@hotmail.com; whorocks@town.somerset.ma.us; rforand@town.somerset.ma.us; conservation@fallriverma.org; Elizabeth Grob; Lauren DeVoe; Jahui Wang; Gallo Mario; Allen James
Subject: Re: EEA No. 16554 - Prysman Brayton Point, Somerset - Final Environmental Impact Report
Date: Wednesday, January 4, 2023 2:30:39 PM
Attachments: Screen Shot 2023-01-04 at 2.21.18 PM.png

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Ruddock and others:

In this FEIR, VHB represents that CDC owns the dock and 12.5 acres at Brayton Point. This land area was created from land underneath the waters of Mt. Hope Bay. This area is under the control of the Department of Conservation and Recreation. The Commonwealth gave New England Power a Chapter 91 License and a Lease to use the 12.5 acres of public filled tidelands for the use of a power plant on New England Powers adjacent land back in 1959. That Chapter 91 license in my opinion is null and void and a new one is required because the change in use and change in ownership of state land. The lease and Chapter 91 license are recorded in the Fall River Registry of Deeds. Attached is an email from the Commonwealth confirming their control of this area. There is no 99 year lease with Brayton Point LLC on record title. This representation should be corrected. Thank you.

Patrick W. McDonald
Brayton Point Resident

-----Original Message-----
From: Ford, Paul (DCP) <pauford@state.ma.us>
To: Horrocks, William (REG) <william.horrocks@state.ma.us>
Cc: Joe Pereira <joepereira@aol.com>; Ford, Paul (DCP) <pauford@state.ma.us>
Sent: Mon, Jun 14, 2021 3:09 pm
Subject: RE: 1 Brayton Point Rd., Somerset

Bill/Mr. Pereira,
I've done some digging and talking with DCAMM's Real Estate team. This property is under the Care and Control of DCR. They have a 99 year Lease with BRAYTON POINT LLC. All inquiries should be made to Tom LaRosa, General Counsel, DCR. His phone number is 617-626-4994 and email address is Thomas.larosa@mass.gov.

If there is anything more I can help with please let me know.

Thanks

PAUL FORD
Deputy Director



Division of Capital Asset Management & Maintenance
PHONE 617-727-4050 x 31380
DIRECT 857-204-1380
CELL 857-488-0097

On Jan 3, 2023, at 2:32 PM, Allison Ruddock <aruddock@vhb.com> wrote:

On behalf of Prysman Projects North America, LLC, (the "Proponent"), a subsidiary of the Prysman Group, I am pleased to submit this Final Environmental Impact Report ("FEIR") for continued review under the Massachusetts Environmental Policy Act ("MEPA") for redevelopment of a portion of the former Brayton Point Power Station site into a new state-of-the-art cable manufacturing plant located in the Town of Somerset (the "Project").

Link to the complete FEIR report: <https://www.dropbox.com/sh/sz4nu6fp0851awk/AAABzNd7eYI6zml1tCUbWuQUa?dl=0>

In light of the COVID-19 response the MEPA Office is accepting and allowing electronic filings for distribution to state agencies and other members of the public, as required. For easy reviewing, I recommend you download the PDF file and view from your desktop. When open in Adobe Acrobat use the 'Bookmarks' option (the <image008.jpg> symbol) on left-hand tool bar to go to key sections of the document.

Requests for hard copies of the FEIR should be directed to me, Allison Ruddock via e-mail at aruddock@vhb.com or by phone at 212-857-7365.

The Proponent respectfully requests that notice of availability of this FEIR is published in the January 11, 2023 edition of the MEPA Environmental Monitor. Comments on this FEIR are due no later than February 10, 2023 and should be directed to the MEPA Analyst, Alex Strysky, at alexander.strysky@state.ma.us, or by mail to:

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

Please contact me directly if you have any issues accessing this electronic filing.

Thank you,

[<image001.png>](#) Allison Ruddock
Director of Environmental Services - NYC
[<image002.png>](#) [<image003.png>](#) [<image004.png>](#) P 212.857.7365
[<image005.png>](#) www.vhb.com | One Penn Plaza
Suite 715
New York NY 10119-0800

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