

December 3, 2019

Secretary Kathleen Theoharides,
Executive Office of Energy and Environmental Affairs,
Attn: MEPA Office EEA No. 15990, Parallel Products of New England
100 Cambridge St. Suite 900
Boston, Ma. 02114

Dear Regulating Agencies;

After reviewing the Draft Environmental Impact Report issued November 22, 2019, by the Mass. Dept. of Environmental Protection, it becomes clear to me that the above regional waste facility will be approved by MEPA either as described in this report or approved with conditions throughout the licensing process.

MEPA is the agency with the jurisdiction for the Commonwealth of Massachusetts to license proposed facilities to meet environmental criteria stipulated in the Commonwealth laws. However the City of New Bedford also have local ordinances which give them jurisdiction over property in New Bedford.

The Mayor and the City Council of New Bedford, our State Senator and dozens of citizens have expressed opposition to the construction and operation of the proposed regional waste transfer & processing facility because it negatively impacts the quality of life in a densely populated residential community in many ways. These community leaders and citizens have legitimate concerns that, are not, and can not, be properly addressed in the State's environmental laws. The proposed regional waste processing facility burdens our community with losses of our peaceful well being and quality of life not measured and beyond the scope of the DEIR. The City of New Bedford does not plan to use the waste transfer, processing or disposal services offered in this proposed regional facility.

One of the inadequacies in this report is the assumed character of the of the inputs of the municipal solid wastes and the of waste water sludge, which have no legally enforced standards. These assumptions are used to calculate the assumed physical environmental impacts of the proposed facility. Therefore, how much confidence can be put in the results when unknowns are processed with calculations which are offered as proof of acceptable impacts to either the adjacent residences or the environment? Also MEPA imposes no monitoring requirements and associated operating restrictions if the facility is in violation of calculated emission impacts.

In addition the DEIR states that Municipal Solid Waste, MSW, and dried waste water sludge will be transported to unidentified out-of-state sites. Hmm-- Does MEPA realistically think that other states are ready and willing to accept and properly dispose of these wastes? Are the regulating agencies willing to license a regional waste project without setting a condition of disposal in the permit to operate? PP of NE is proposing a processing and transfer facility, not a disposal site for the regions Glass cull, MSW and dried waster water sludge. The proposed facility will NOT reduce the need to dispose of these wastes generated by the region; these wastes will still require ultimate disposal.

These uncertainties together with the fact that the property boundary of the Proposed facility fails to meet the 500' setback from the property boundary of residences required in CMR310.16. These demonstrate that this proposed facility has failed to meet the tests of the law and the reasonableness of common sense, to burden the community with an unneeded facility for the gain of a national conglomerate company.

MEPA issued a waiver of the site suitability demonstration. This demonstration, which includes requirements to prevent waste processing facilities from being located adjacent to residential housing. By issuing this waiver, MEPA has allowed the construction of the Phase 1 glass recycling plant to proceed, to be quickly followed by Phase 2 to process and transfer MSW and waste water sludge. Only then does PP of NE propose to submit a site suitability demonstration. If the site does not meet the setback requirements now, it never will. The adjacent houses as well as the PP of NE property are not going to move. Wow! Why should anyone ever bother to meet the laws of the Commonwealth if the enforcement agency does not enforce? Who Will?

The answer to that question and the other incomplete demonstrations in the DEIR dictate that the truant agency be challenged in Court by the City of New Bedford its citizens and activists to demand justice for an unneeded and illegally licensed facility. In the meantime I suggest that the City of New Bedford petition the Court for a stay be imposed on the construction of the Glass recycling plant, Phase 1, of the DEIR until a legally acceptable demonstration is submitted for the Site suitability requirements.

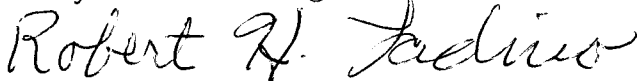
Furthermore, the stay should also be imposed on the release of any taxpayer funds from the \$500,000 State's Inter modal Railroad Assistance Program, IRAP, that PP of NE requested to construct the rail spur, until all issues have been adjudicated that the facility is in full compliance with the Law.

But if---

1. MEPA have the courage to stand against the pressure to approve PPofNE's DEIR application;
 2. uphold the law and its intent to;
 - A. protect the citizens of this Commonwealth
 - B. deny the construction of unneeded waste transfer and processing facilities.
 - C. provide a protective zone between nuisance industries and densely populated residences.
- Justice will have been served.

Denial of the DEIR would demonstrate to other nuisance industries not to consider building any facility that does not meet the intent of the Law. PPofNE's proposed regional facility inflicts undue burdens on the community, is an unsuitable site, has no benefit to New Bedford for waste disposal, is in a community that has struggled socio-economically, and has above average chronic health issues.

Thank you for considering these comments,



Robert H. Ladino , New Bedford resident

cc; Mayor Jonathan Mitchell, City of New Bedford, 133 William St., New Bedford Ma., 02740

Dennis Farias, City Clerk of New Bedford

Linda Morad, President, City Council of New Bedford,

Brad Markey, Ward 1 City Councilor, of New Bedford,

Mark. Montigny, State Senator, Mass General Court, State House, Boston, Ma.02133-1053

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