



July 29, 2024

Submitted via Email: [Seth.Pickering@mass.gov](mailto:Seth.Pickering@mass.gov)

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**Re: Letter Requesting Listening Session & Additional Public Comment Period**

Dear Deputy Regional Director Pickering:

The undersigned organizations are writing in response to the Request for Information Letter (“Letter”) the Massachusetts Department of Environmental Protection (“MassDEP”) sent to Parallel Products (d/b/a “South Coast Renewables,” hereinafter “SCR”) on July 10, 2024, asking SCR to provide an additional response to its Site Suitability Application (“Application”) for a proposed waste transfer station (“Project”) located at 100 Duchaine Blvd, New Bedford, Massachusetts. Specifically, the Letter requested that SCR respond to issues raised in a traffic engineering report conducted by Professional Engineer Kenneth Cram from Bayside Engineering and a subsequent review by the Massachusetts Department of Transportation, confirming the same issues.

I. We Request a Listening Session and a Public Comment Period *After* SCR Submits Their Response to MassDEP.

Nothing in the law or regulations prohibits an additional public comment period and listening session, and in fact, the spirit of Massachusetts’ statutorily enshrined “environmental justice principles” *require* that MassDEP take “additional measures to improve public participation by the environmental justice population.”<sup>1</sup> New Bedford contains many environmental justice

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<sup>1</sup> M.G.L. c. 30 § 62J.



(“EJ”) communities,<sup>2</sup> especially in the area in which the proposed Project is located.<sup>3</sup> The Executive Office of Energy and Environmental Affairs (“EEA”), which oversees MassDEP, has recently published their EJ Strategy, which outlines at least ten ways for MassDEP to more meaningfully engage with the community, including “[e]ngaging with project proponents and EJ populations and community leaders beyond the minimum statutory and regulatory requirements to ensure meaningful involvement for all people, i.e., Site Assignment Permits, C.91 licenses for designated port areas, etc.”<sup>4</sup> The EJ Strategy has further guidance for incorporating EJ considerations in permit proceedings: “For projects that MassDEP has determined would benefit, due to the nature of potential impacts, potential benefits to EJ populations, or heightened public awareness, **the Department will offer to convene an informational meeting between the project proponent and potentially impacted communities to allow the proponent and stakeholders to discuss ideas, concerns, and address ways to mitigate any potential adverse impacts.**”<sup>5</sup> While this technically is not a permit proceeding, the same principles apply here. **Further, the EJ Strategy requires that any public listening session must include interpreters for those who do not speak fluent English or who use American Sign Language as their communication mode.**<sup>6</sup>

Given the amount of extensions SCR has received to submit additional information, offering a listening session and public comment period is the least MassDEP can do **for the New Bedford community who will have to breathe, hear, and live with the pollution, noise, road, and environmental degradation from the increased traffic brought by the Facility should it be built.** The site suitability process has gone on for well over a year; at this point, an additional

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<sup>2</sup> Massachusetts law defines an “environmental justice population” as “a neighborhood that meets 1 or more of the following criteria: (i) the annual median household income is not more than 65 per cent of the statewide annual median household income; (ii) minorities comprise 40 per cent or more of the population; (iii) 25 per cent or more of households lack English language proficiency; or (iv) minorities comprise 25 per cent or more of the population and the annual median household income of the municipality in which the neighborhood is located does not exceed 150 per cent of the statewide annual median household income.” Mass. Gen. Laws ch. 30, § 62 (2023). New Bedford meets all four criteria under the definition of an “environmental justice population.” See *Environmental Justice Populations in Massachusetts*, EXEC. OFF. OF ENERGY AND ENV’T AFFS., <https://www.mass.gov/info-details/environmental-justice-populations-in-massachusetts> (last visited July 18, 2024).

<sup>3</sup> The proposed Facility is located in the New Bedford Business Park immediately between a residential EJ community to the east and the Acushnet Cedar Swamp to the west. Pine Hill Acres, the neighborhood immediately adjacent to the east of the proposed site, is particularly ethnically and linguistically diverse with 34.2% of the residents being of Portuguese ancestry, 12.6% of the residents of Puerto Rican ancestry, and 19.5% of residents five-years-old and above primarily speaking Portuguese at home. *New Bedford, MA (Pine Hill Acres)*, NEIGHBORHOOD SCOUT, <https://www.neighborhoodscout.com/ma/new-bedford/pine-hill-acres#overview> (last visited July 26, 2023); see also *Environmental Justice Populations in Massachusetts*, EXEC. OFF. OF ENERGY & ENV’T AFFS. (updated Nov. 12, 2022), <https://mass-eoea.maps.arcgis.com/apps/MapSeries/index.html?appid=535e4419dc0545be980545a0eeaf9b53> (stating that in 53.5% of households in tract 02746, New Bedford residents speak a language other than English at home, including Spanish at 42.9%, Portuguese at 4.7%, and Crioulo at 4.3%).

<sup>4</sup> *Environmental Justice Strategy: Secretariat and agencies strategies for proactively promoting environmental justice in the Commonwealth*, 94-96 EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS (Feb. 2024), available at <https://www.mass.gov/doc/february-2024-environmental-justice-strategy-english/download> (emphasis added).

<sup>5</sup> *Id.* at 100 (emphasis added)

<sup>6</sup> *Id.* at 94 (“[R]elationship building will include multilingual communication strategies.” (emphasis added)); *id.* at 95 (“MassDEP will use virtual platforms that can allow for subtitles / captions and simultaneous language interpretation in multiple languages.” (emphasis added)).

thirty to sixty days to allow the community and interested public to digest the additional information and submit written comments is negligible. Moreover, a listening session with the community where MassDEP and SCR must sit down and genuinely see and hear the faces and voices of New Bedford is a small ask.

**New Bedford deserves better.**

II. Neither New Bedford Nor the Commonwealth of Massachusetts Need Another Transfer Station.

**SCR’s proposed Project is unnecessary and does nothing to solve the actual waste management needs in New Bedford and the Commonwealth of Massachusetts.** As an initial matter, “Massachusetts has extensive waste transfer capacity.”<sup>7</sup> In fact, **Massachusetts “transfer stations have excess capacity of roughly 2.5 million tons.”**<sup>8</sup> While transfer stations which provide long-distance hauling via rail are in shorter supply, “those facilities face logistical challenges arranging rail shipments and ensuring an adequate supply of the right type of railcars.”<sup>9</sup> Accordingly, creating a *new* transfer station with some rail car capacity is not a panacea, and in reality just dumps Massachusetts’ waste problem on others further away. Instead, the Commonwealth should be focusing on efficiently utilizing the existing transfer capacity already at its disposal and reducing the need for landfill space generally, in compliance with its 2030 Solid Waste Master Plan.<sup>10</sup>

Moreover, while SCR has pointed to the necessity of its Project by noting that the nearby<sup>11</sup> Crapo Hill Landfill will be closing soon,<sup>12</sup> the City of Dartmouth recently entered into a pilot food waste drop-off program that, coupled with New Bedford’s food waste program, will help reduce waste and keep it out of the Landfill, thereby extending its life.<sup>13</sup> ***This is the type of solution that***

<sup>7</sup> *Final 2030 Solid Waste Master Plan, Massachusetts Department of Environmental Protection, MASS. DEP’T OF ENV’T PROT. 3* (Oct. 2021), available at <https://www.mass.gov/guides/solid-waste-master-plan>.

<sup>8</sup> *Massachusetts Materials Management Capacity Study: Final Report 4-1 MSW CONSULTANTS* (Feb. 11, 2019).

<sup>9</sup> *Final 2030 Solid Waste Master Plan, Massachusetts Department of Environmental Protection, MASS. DEP’T OF ENV’T PROT. 3-4* (Oct. 2021), available at <https://www.mass.gov/guides/solid-waste-master-plan> (emphasis added).

<sup>10</sup> The Commonwealth’s 2030 Solid Waste Master Plan “establishes goals to reduce disposal statewide by 30 percent (from 5.7 tons in 2018 to 4 million tons in 2030) ... [and] sets a long-term goal of achieving a 90 percent reduction in disposal to 570,000 tons by 2050.” *Commercial Food Material Disposal Ban, MASS. DEP’T OF ENV’T PROT. (Oct. 2021)*, <https://www.mass.gov/guides/commercial-food-material-disposal-ban#:~:text=MassDEP%20issued%20its%20final%202030,to%20570%2C000%20tons%20by%202050>.

<sup>11</sup> While technically within the city limits of Dartmouth, Massachusetts, the Crapo Hill Landfill is *less than one mile* from the Facility. *Crapo Hill Landfill, GREATER NEW BEDFORD REG’L REFUSE MGMT. DIST.*, <https://gnbrmdistrict.org/crapo-hill-landfill/>.

<sup>12</sup> *Fact Sheet, SOUTH COAST RENEWABLES LLC 2*, available at <https://parallelproductssustainability.com/wp-content/uploads/2023/04/Fact-Sheet-Final-PIP-2-27-23-1.pdf>.

<sup>13</sup> Kathryn Gallerani, *Dartmouth signs on to help reduce food waste at the Crapo Hill Landfill. Here’s how.*, THE STANDARD-TIMES (July 9, 2024, 4:04 AM), [https://www.southcoasttoday.com/story/news/2024/07/09/working-area-of-crapo-hill-landfill-has-four-years-of-space-left-and-dartmouth-wants-to-help/74294405007/?utm\\_source=the-standard-times-news-alert&utm\\_medium=email&utm\\_campaign=newsalert&utm\\_term=hero&utm\\_content=nstt](https://www.southcoasttoday.com/story/news/2024/07/09/working-area-of-crapo-hill-landfill-has-four-years-of-space-left-and-dartmouth-wants-to-help/74294405007/?utm_source=the-standard-times-news-alert&utm_medium=email&utm_campaign=newsalert&utm_term=hero&utm_content=nstt)

**not only complies with Massachusetts’ Solid Waste Master Plan, but *benefits the New Bedford community by helping reduce the need for landfill space in the first place.*** Additionally, while SCR and the City of New Bedford have signed a Host Community Agreement with a clause granting the City “most favored pricing” should the City decide to send its waste to the Facility, it is understood that the Facility will be processing its full capacity of 1,500 tons of waste per day.<sup>14</sup> If the Facility is at capacity already, how does SCR plan to give the City “most favored pricing” except by expanding the Facility in the future? The “most favored pricing” clause appears to be a plan for future expansion in the guise of a community benefit.<sup>15</sup>

SCR also touts its sorting capabilities, stating the Project will generate recyclables by sorting the waste it receives. SCR notes that it plans to recover 20–25% of non-baled MSW that it receives,<sup>16</sup> but the overall percentage of recyclables recovered is actually much smaller when one considers that most of the MSW the Facility will be receiving is already baled, and that MSW itself is only a portion of the waste the Facility will receive.<sup>17</sup> **Simply put, this Project provides no benefit to the Commonwealth or the Community, but it certainly adds a substantial burden.**

### **III. New Bedford, and Especially Pine Hill Acres, Already Bear Too Many Environmental Burdens.**

New Bedford is only 24 square miles.<sup>18</sup> 20 miles are land miles; the rest is water.<sup>19</sup> Yet the municipality has:

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[alert-nletter01](#); *id.* (“[T]his program will help residents reduce waste at home, save money by using fewer orange SMART program trash bags, and keep food waste out of the Crapo Hill Landfill.”).

<sup>14</sup> *Fact Sheet: South Coast Renewables, LLC*, MASS. DEP’T OF ENV’T PROT. (Oct. 2021), *available at* <https://newbedford-ma.s3.amazonaws.com/wp-content/uploads/sites/42/20230714164940/SCR-Fact-Sheet-English.pdf> (noting the Facility “will handle 1,500 tons per day (“tpd”) of municipal solid waste (“MSW”) and construction and demolition (“C&D”) waste” (emphasis added)).

<sup>15</sup> The Application itself notes that it has the space to expand. *See* Application, PDF p. 107 (“Waste Tipping Capacity Factors: . . . Note the calculations below are for four tipping doors although the Facility has the ability to construct five tipping doors.”).

<sup>16</sup> Application, PDF p. 59.

<sup>17</sup> Application, PDF p. 58 (“The Facility will accept both baled MSW and MSW delivered loose in transfer trailers and packer trucks. . . . The Facility will also accept C&D defined as Category 2 (C&D processing residuals). . . . Presently, the Facility does not intend to de-bale MSW for further processing or reprocess Category 2 C&D residuals.”).

<sup>18</sup> *New Bedford, Massachusetts*, WIKIPEDIA, [https://en.wikipedia.org/wiki/New\\_Bedford,\\_Massachusetts#cite\\_note-Census\\_2010-40](https://en.wikipedia.org/wiki/New_Bedford,_Massachusetts#cite_note-Census_2010-40); *Quick Facts: New Bedford city, Massachusetts*, U.S. CENSUS BUREAU, <https://www.census.gov/quickfacts/fact/table/newbedfordcitymassachusetts/LND110220#LND110220>.

<sup>19</sup> *New Bedford, Massachusetts*, WIKIPEDIA, [https://en.wikipedia.org/wiki/New\\_Bedford,\\_Massachusetts#cite\\_note-Census\\_2010-40](https://en.wikipedia.org/wiki/New_Bedford,_Massachusetts#cite_note-Census_2010-40); *Quick Facts: New Bedford city, Massachusetts*, U.S. CENSUS BUREAU, <https://www.census.gov/quickfacts/fact/table/newbedfordcitymassachusetts/LND110220#LND110220>.



- Two Superfund sites (New Bedford Harbor Superfund Site,<sup>20</sup> Sullivan’s Ledge Superfund Site<sup>21</sup>);
- One closed landfill (New Bedford Landfill);<sup>22</sup>
- Two inactive dumps (Hanford Demolition Dump, New Bedford Liberty Street Dump);<sup>23</sup>
- One former waste site (Parker Street Waste Site);<sup>24</sup>
- Eleven brownfield sites (three sites currently open for clean-up/assessment, eight sites closed for redevelopment);<sup>25</sup> and
- The highest risk for childhood lead poisoning of any city in Massachusetts for at least the past 6 years for which there is data.<sup>26</sup>

**Enough is enough: what is the saturation point of environmental burdens for a city of 24 square miles with a population of 100,595?** The site suitability criteria even require MassDEP to give preference to “sites located in municipalities in which no existing landfill or solid waste combustion facilities are located.”<sup>27</sup> While Crapo Hill Landfill is in Dartmouth, it borders New Bedford (and the Business Park in which the proposed Facility would be located) and the main access points for the Landfill are through the New Bedford Business Park. Accordingly, the site suitability preference factors should apply here: the preference for site locales in towns without disposal facilities is weighed against (1) the extent to which the facility will meet the municipality’s or region’s solid waste management needs, and (2) the extent to which the facility incorporates recycling, composting, or waste diversion.<sup>28</sup> The proposed Facility does neither of those things.

Further, when determining whether a proposed facility meets the requisite criteria, MassDEP must consider “the impacts of existing sources of pollution or contamination as defined by the Department, and whether the proposed facility will mitigate or reduce those sources of pollution or contamination.”<sup>29</sup> Massachusetts EJ Law emphasizes these considerations, defining

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<sup>20</sup> *General Information about the New Bedford Harbor Cleanup*, ENVIRONMENTAL PROTECTION AGENCY, available at <https://www.epa.gov/new-bedford-harbor/general-information-about-new-bedford-harbor-cleanup>.

<sup>21</sup> *Superfund Site: Sullivan’s Ledge New Bedford, Massachusetts*, ENV’T PROT. AGENCY, available at <https://cumulis.epa.gov/supercpad/cursites/csitinfo.cfm?id=0100744>.

<sup>22</sup> *Inactive & Closed Landfills & Dumping Grounds*, MASS. DEP’T OF ENV’T PROT. 59 (June 2024), available at <https://www.mass.gov/doc/list-of-inactiveclosed-landfills-dumping-grounds-in-massachusetts-june-2024/download>.

<sup>23</sup> *Id.*

<sup>24</sup> *Parker Street Waste Site – Site Map*, CITY OF NEW BEDFORD, <https://www.newbedford-ma.gov/environmental-stewardship/site-assessment-cleanup-projects/parker-street-waste-site/>.

<sup>25</sup> *Brownfields Site Assessment Cleanup & Redevelopment*, CITY OF NEW BEDFORD, <https://www.newbedford-ma.gov/environmental-stewardship/site-assessment-cleanup-projects/brownfields-site-assessment-cleanup-redevelopment/> (last visited July 22, 2024).

<sup>26</sup> *High Risk Communities for Child Lead Poisoning – Calendar Year 2017-2021*, MASS. DEP’T OF PUBLIC HEALTH, available at <https://www.mass.gov/lists/annual-screening-and-blood-lead-level-reports-and-high-risk-community-lists#-calendar-year-2021->.

<sup>27</sup> 310 C.M.R. 16.40(4)(j).

<sup>28</sup> 310 C.M.R. 16.40(4)(j)(1-2).

<sup>29</sup> 310 C.M.R. 16.40(4)(k).



environmental justice principles as: “principles that support protection from environmental pollution and the ability to live in and enjoy a clean and healthy environment, regardless of race, color, income, class, handicap, gender identity, sexual orientation, national origin, ethnicity or ancestry, religious belief or English language proficiency,” and which include “**the equitable distribution of energy and environmental benefits and environmental burdens.**”<sup>30</sup> As noted above, New Bedford citizens live not only with an existing landfill, but also a closed landfill, two Superfund sites, inactive dumps, eleven brownfield sites, and *the highest risk of childhood lead poisoning in the Commonwealth*. Enough is enough.

#### IV. Conclusion

The undersigned organizations and elected officials urge MassDEP to review all the undersigned’s previous letters and comments to issue a negative determination on SCR’s site suitability application. In addition to the previous letters and comments, as articulated above in this Letter, we urge MassDEP to host **a listening session and additional public comment period once SCR has responded to MassDEP’s information request**. Massachusetts’ EJ Law, EJ Policy, and EJ Strategy all dictate that further input from, and interaction with, the affected community is required.

Thank you for taking the time to consider our comments. Please reach out to Alexandra St. Pierre ([aestpierre@clf.org](mailto:aestpierre@clf.org)) with any questions.

Sincerely,

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<sup>30</sup> M.G.L. c. 30 § 62 (emphasis added).



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