

Massachusetts Environmental Energy Alliance

www.massenvironmentalenergy.org

Ms. Gina McCarthy
Assistant Administrator for Air and Radiation
Office of Air and Radiation Communications Office
US Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20760

November 19, 2009

Dear Ms. McCarthy:

Please accept these somewhat tardy congratulations on your appointment as Assistant Administrator for Air and Radiation at EPA. We write to inform you of a situation developing in Massachusetts that we believe your Office is uniquely equipped to understand. We refer to the proposed incineration of construction and demolition debris (CDD) for power, a type of power generation that is incentivized as renewable not only in Massachusetts, but also in the clean energy bill now before Congress.

The situation in Massachusetts is problematic, and it deserves your particular scrutiny, because we believe it is a harbinger of what will develop nationally.

As we are sure you are aware, a number of large-scale biomass power plants have been proposed in Massachusetts. All are controversial, but none more so than the "Palmer Renewable Energy" plant proposed for a community of color in Springfield, Massachusetts. This plant will burn approximately 80% CDD wood, and will be located in a mixed use/residential neighborhood of Springfield.

Although Springfield is identified as an environmental justice community under Massachusetts policy, it seems that placement of this plant, which will emit significant amounts of heavy metals and dioxins as well as criteria air pollutants, has been entirely business-as-usual.

Indeed, although the plant will include what the proponents describe as state-of-the-art emission control equipment, it will still emit 51% of the Massachusetts TEL for arsenic, 41% of the AAL for chromium, and 41% of the AAL for dioxins, as well as more mercury than the Mount Tom coal plant and more lead than the Bondi's Island incinerator. The plant has arranged to purchase offsets for the 134 tons of NO_x it will emit that have a vintage year of 2000 and 2002 and that are located in Boston, so they will do nothing to help with the ground-level ozone problem that western Massachusetts already faces (we are out of compliance with EPA's 8-hour standard). Particulate matter emissions from the plant, and from the approximately 325 tractor-trailer trucks per week that will deliver fuel, will

also be significant (we are sure you remember how often this part of New England suffers high particulate pollution days!).

We have conducted extensive analyses, both scientific and legal, of the “beneficial use determination” process that allows CDD waste to be treated as fuel and thus to escape the mandatory review that would otherwise occur under the Massachusetts Environmental Policy Act, as well as the plant siting requirements that would ordinarily pertain to an incinerator. We have identified a number of problems with the fuel characterization as well as what amounts to, in our estimation, the misapplication of Massachusetts policy.

We have attached the comment letter we submitted to MassDEP analyzing the science behind the beneficial use determination. Perhaps it can help inform your staff of some of the real-world problems with achieving a really “clean” CDD wood stream for energy generation.

There are many issues we could highlight, but to keep this short, we will emphasize one: we believe that this incinerator would never have been proposed in this environmental justice community if the ambient air levels of hazardous pollutants were monitored. This is a region that is already thick with industry. The burden of this plant will be borne by the public, who find it a distressing irony that such large pollution sources are promoted and subsidized as “clean” energy.

Please let us know if there is help that EPA can provide in protecting this community from yet another large-scale polluter. The hour is very late – the plant’s draft air permit has been issued, with a public hearing to occur December 2nd. (We of course will also contact EPA Region I on this matter).

Thank you for your attention. We look forward to a renewed partnership with EPA in protecting health and the environment.

Sincerely,

Mary S. Booth
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Alexandra Dawson
President, Massachusetts Environmental Energy Alliance

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Environmental Lawyer