



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

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

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April 28, 2020

Mr. Douglas Vigneau  
Environmental Compliance Manager  
P.J. Keating Company  
998 Reservoir Road  
Lunenburg, Massachusetts 01462

RE: **ACUSHNET – BAW**  
310 CMR 7.02(2)  
Exemptions from Plan Approval  
Applicability Determination

Dear Mr. Vigneau,

The Massachusetts Department of Environmental Protection, Southeast Regional Office, Air Quality Permitting Section ("MassDEP") is in receipt of correspondence submitted by Engineering Technologies Group, Inc., dated January 3, 2020 on behalf of the P.J. Keating Company facility located at 72 South Main Street, Acushnet, Massachusetts. The correspondence includes an Air Quality Modeling Report, dated September 2019, and a BWP AQ Sound Form and associated sound analysis dated November 19, 2019.

It is MassDEP's understanding that the January 3<sup>rd</sup> submittal was made to demonstrate that the relocation of the existing hot mix asphalt drum plant and hot oil heater (the "Relocation") at the P.J. Keating facility in Acushnet (the "Facility") would not be subject to 310 CMR 7.02(5) Comprehensive Plan Application (CPA), as a modification to the existing Air Quality Plan Approval 4P09023, issued on January 6, 2010. P.J. Keating has proposed that the Relocation is previously approved equipment in accordance with 310 CMR 7.02(2) Exemptions from Plan Approval at 310 CMR 7.02(2)(b)27 Relocation of Approved Equipment and would therefore be exempt from 310 CMR 7.02(5).

After reviewing the January 3<sup>rd</sup> submittal, MassDEP has concluded that the air quality and sound analyses failed to demonstrate that the Relocation meets the criteria for 310 CMR 7.02(2)(b)27 Exemption from Plan Approval for the following reasons:

1. The proposed hot mix asphalt drum plant equipment as relocated does not appear to be limited to equipment that was previously approved in Plan Approval 4P09023, dated January 6, 2010.



- a. There is a reference to a new aggregate dryer installed on the hot mix asphalt drum plant at the facility in the submitted BWP AQ Sound Form and Attachments. This would be equipment not previously approved in Emission Unit 1 of Plan Approval No. 4P09023.
  - b. The BWP AQ Sound Form and Attachments refer to new sound mitigation measures to be installed that were not previously installed on the existing approved hot mix asphalt drum plant equipment at its previous location at the Facility.
2. The BWP AQ Sound Form and Attachments are deficient for the following reasons:
  - a. Outdated background sound data/study. The sound data presented in the Sound Monitoring report is from May 2017, is almost three years old and is not representative of existing current 2020 conditions. Collection of current background sound data, while the hot mix asphalt drum plant is not operating, is optimal for this analysis and background data should be monitored and gathered representative of current conditions.
  - b. Actual and predictive sound levels sources in the sound impact report are not clearly identified. There are predicted increases in sound levels of 10dB(A) at two residences during nighttime operational conditions. The sound study conclusion indicates that additional sound mitigation measures may be necessary after operations commence.
  - c. The existing equipment should not need to be modified to avoid creating a noise nuisance condition. If additional sound mitigation is required for the relocated existing hot mix asphalt drum plant then the proposed installation does not meet 310 CMR 7.02(2)(b)27 Exemption from Plan Approval.
  - d. To address the BWP AQ Sound Form and Attachments deficiencies identified above in Items a, b and c, MassDEP requests that P.J. Keating submit a revised BWP AQ Sound Form with a revised Sound Analysis. Please contact Peter Russell at [peter.russell@mass.gov](mailto:peter.russell@mass.gov) or (508) 946-2821 to coordinate this submittal.
3. The air quality modeling study as submitted was not done in accordance with a MassDEP Bureau of Air and Waste (BAW) Air Quality Modeling Branch approved modeling protocol. An Air Quality Modeling Protocol for this proposed equipment relocation should be submitted to the MassDEP BAW Modeling Branch in the Boston Office. Requirements for preparing a protocol are available in Section 6 of the MassDEP modeling guidance. The guidance can be found at:  
<https://www.mass.gov/doc/modeling-guidance-for-significant-stationary-sources-of-air-pollution/download>
  - a. In addition to the general requirements, the protocol should include the following:
  - b. List of all emissions units at the facility.
  - c. List of all emissions units to be included in the modeling.

- d. Stack parameters and emission rates for all modeled emission units/operating loads including the basis and/or calculations for deriving this data.
- e. As-built drawings showing the current location and dimensions of all structures and emission units.
- f. Land use analysis out to 3 km from the facility.
- g. GEP stack height analysis.
- h. Proposed receptor network including near field and far field figures.
- i. Proposed meteorological data, including proposed pre-processing inputs for AERMINUTE, AERSURFACE and AERMET.
- j. Proposed background air quality concentrations.

If you have questions regarding this modeling protocol guidance please contact Glenn Pacheco at (617) 292-5607 or at [glenn.pacheco@mass.gov](mailto:glenn.pacheco@mass.gov). A copy of the modeling protocol should also be submitted to the Southeast Regional Office, BAW Air Quality Section to the attention of Peter Russell at [peter.russell@mass.gov](mailto:peter.russell@mass.gov).

- 4. The January 3<sup>rd</sup> submittal did not address nuisance conditions other than noise. In order for the MassDEP to fully evaluate the proposed relocation the proponent must demonstrate that the relocation will not cause a nuisance condition with respect to odor and dust.

Please note, that given the MassDEP findings identified in this document, the Facility cannot operate the relocated hot mix asphalt drum plant and hot oil heater until such time as it has demonstrated that it meets the requirements of 310 CMR 7.02(2)(b)(27) or it has obtained a modification to Plan Approval No. 4P09023 by submitting and receiving approval of a Non-Major Air Quality Plan Application in accordance with 310 CMR 7.02(5).

Please contact Seth Pickering at (508) 946-2838 or [seth.pickering@mass.gov](mailto:seth.pickering@mass.gov) to discuss any questions you may have relative to this communication and to schedule a site visit by MassDEP personnel at the Facility for the purpose of verifying that the information relative to and the physical characteristics of the relocated hot mix asphalt drum plant and hot oil heater submitted to the Department as included in the air quality modeling and predicted sound impact analysis are accurate. Any scheduled inspections will be performed in a manner that respects social distancing and protocols in place in light of the COVID-19 pandemic.

Sincerely,



Seth Pickering  
Deputy Regional Director  
Bureau of Air and Waste

SP/lg

CERTIFIED MAIL # 7019 2280 0002 2136 8922



cc: Christine Gibbons, ETG  
71 South Street  
Hopkinton, MA 01748

ecc: Town of Acushnet – Town Administrator  
Town of Acushnet – Board of Health  
MassDEP/Boston/BAW – Glenn Pacheco, Air Quality Modeling Branch  
MassDEP/SERO – Millie Garcia-Serrano, Regional Director  
Thomas Cushing, Air Quality Chief-SERO  
Peter Russell, Air Quality-SERO