

990 CMR: HAZARDOUS WASTE FACILITY SITE SAFETY COUNCIL

990 CMR 10.00: PROJECT IMPACT ANALYSIS

Section

10.01: Project Notification Form

10.02: Preliminary Project Impact Report

10.03: Final Project Impact Report

10.01: Project Notification Form (PNF)

(1) Preparation. The developer shall prepare a Project Notification Form which shall be comprised of the following:

- (a) an Environmental Notification Form (ENF), pursuant to 301 CMR 10.00, and
- (b) a Socio-Economic Notification Form (SENF), pursuant to 990 CMR. The SENF shall be on a form prescribed by the Council.

(2) Timing of Distribution. The developer shall distribute a Project Notification Form within:

- (a) 90 days of the date of Notification to the developer, pursuant to 990 CMR 5.05, that a Notice of Intent which names a specific site is feasible and deserving of state assistance, or
- (b) 120 days of the date of notification to the developer, pursuant to 990 CMR 7.05, of the final suggested site list.
- (c) In the event that the developer has received notice that a specific site is feasible and deserving of state assistance or has received notification of the final suggested site list prior to July 22, 1983, the PNF shall be distributed by September 22, 1983.

If the developer fails to distribute the Project Notification Form within the time limits specified above, then the determination that the proposed project is feasible and deserving of state assistance shall be automatically rescinded, unless the developer is granted an extension of the time limit, pursuant to 990 CMR 10.01(3).

(3) Extension of Time Limits. The time periods as set forth above will be automatically extended until the next regularly scheduled Council meeting in the event that a request for an extension is received by the Executive Secretary prior to the expiration of such time periods. Such request must be in writing from the developer or from the Chairman of the Local Assessment Committee of the applicable host community.

- (a) At its next regularly scheduled meeting, the Council may either:
 1. extend the time limit for distribution for an additional period of 90 days, or
 2. decline to extend the time limit. In this case such time limit for distribution of the Project Notification Form shall be automatically extended for a period of 15 days after the Council meeting at which such action was taken.
- (b) In determining whether to extend the time limit, the Council shall, upon evidence submitted by the developer, consider:
 1. whether the developer can reasonably be expected to submit a PNF prior to the expiration of the extension, and
 2. the extent to which factors which the developer could not reasonably have anticipated have retarded the submission of a PNF.

The Council may thereafter extend the time limit for only one additional period of 90 days; such extension shall be determined in accordance with the standards for extension set forth in 990 CMR 10.01.

(4) Distribution and Notice. The developer shall distribute the PNF to all persons to whom the ENF must be sent pursuant to 301 CMR 10.00, and to the Notice of Intent Recipients.

The Executive Secretary shall request that the Secretary publish notice of the availability of the SENF in the same manner as provided for an ENF pursuant to 301 CMR 10.00.

(5) Public Comment. There shall be a review period of 20 days for public comment on the scope of the Socio-economic Appendix. During such comment period, the Council shall cooperate with the Secretary to solicit comments upon said scope at any meetings or consultation sessions held by the Secretary pursuant to 301 CMR 10.00.

10.01: continued

(6) Scope of the Socio-Economic Appendix (SEA)

(a) An SEA shall assess the probable socio-economic impacts (both positive and negative) of the proposed project and of the alternatives considered in the Environmental Impact Report. It shall also describe feasible measures to minimize any adverse socio-economic impacts.

(b) Following conclusion of the 20 day period for public comment on the SENF, the Council shall issue the specific scope of the SEA. The Council shall limit said scope to those impacts of the proposed project which could potentially have a significant effect upon the social or economic well-being of the host community, abutting communities or other communities in the commonwealth.

(7) Major and Complicated Projects. In the event that the Secretary determines, pursuant to 301 CMR 10.00, that a proposed project is major and complicated, the Council shall coordinate the schedule for subsequent review and evaluation of the socio-economic impacts of the project with the environmental review process established by the Secretary.

10.02: Preliminary Project Impact Report (PPIR)

(1) Preparation. The developer shall prepare a Preliminary Project Impact Report for each site under consideration, which shall be comprised of the following:

- (a) a Draft Environmental Impact Report, pursuant to 301 CMR 10.00, and
- (b) a Draft Socio-Economic Appendix, pursuant to 990 CMR 10.00.

(2) Content of Draft SEA. In addition to addressing those matters which the Council specifies in its scope, the Draft SEA shall include the following:

- (a) a copy of the SENF filed with the Council;
- (b) a copy of the scope issued by the Council; and
- (c) a summary of the findings of the SEA.

(3) Timing of Distribution. Following the issuance of the specific scope of the Socio-Economic Appendix, pursuant to 990 CMR 10.01(6), the developer shall distribute the Preliminary Project Impact Report within:

- (a) 180 days for a project of which the estimated cost is less than \$25 million, or
- (b) 270 days for a project of which the estimated cost is \$25 million or more.

If the developer fails to distribute the Preliminary Project Impact Report within the time limit specified above, then the determination that the proposed project is feasible and deserving of state assistance shall automatically be rescinded.

(4) Extension of Time Limit. The time periods as set forth above will be automatically extended until the next regularly scheduled Council meeting in the event that a request for an extension is received by the Executive Secretary prior to the expiration of such time periods. Such request must be in writing from the developer or from the Chairman of the Local Assessment Committee of the applicable host community.

- (a) At its next regularly scheduled Council meeting, the Council may either:
 - 1. extend the time limit for distribution of an additional period of 90 days, or
 - 2. decline to extend the time limit. In this case such time limit for distribution of the Preliminary Project Impact Report shall be automatically extended for a period of 30 days after the Council meeting at which such action is taken.
- (b) In determining whether to extend the time limit, the Council shall, upon evidence submitted by the developer, consider:
 - 1. whether the developer has made progress toward completion and submission of the PPIR, and
 - 2. whether the developer can reasonably be expected to submit the PPIR prior to the expiration of the extension, and
 - 3. the extent to which factors which the developer could not reasonably have anticipated have retarded the submission of a PPIR.

The Council may thereafter extend the time limits for additional periods of 90 days; such extension shall be determined in accordance with the standards for extension set forth in 990 CMR 10.02.

10.02: continued

(5) Distribution and Notice. The developer shall distribute the Preliminary Project Impact Report and any supplements thereof to all persons to whom the Draft Environmental Impact Report must be sent pursuant to 301 CMR 10.00, and to the Notice of Intent Recipients.

The Executive Secretary shall request that the Secretary publish notice of the availability of the Draft SEA in the same manner as provided for an Environmental Impact Report pursuant to 301 CMR 10.00.

(6) Review and Comment. There shall be a review period of 30 days for public comment on the Draft SEA. Within 21 Days of the close of the public comment period, the Council shall make one of the following determinations:

- (a) that the Draft SEA, in its judgment, adequately evaluates those matters specified in the scope issued by the Council pursuant to 990 CMR 10.01(6); or
- (b) that the Draft SEA is not adequate in this respect, in which case the Council shall specify the additional information or analyses required to produce a Draft SEA which is adequate.

(7) Supplemental Analyses. Distribution and review of any supplemental analyses of socio-economic impacts which are required by the Council shall be subject to the requirements of 990 CMR 10.02(3) through (8).

(8) Announcement of Adequacy of Draft SEA. When the Council determines that the Draft SEA is adequate, it shall so notify the following:

- (a) The developer,
- (b) The appropriate local assessment committees, and
- (c) The chief executive officers of host and abutting communities.

10.03: Final Project Impact Report

(1) Preparation. Upon the execution of a siting agreement pursuant to 990 CMR 11.00 or the establishment by arbitration of a siting agreement pursuant to 990 CMR 13.00, the developer shall prepare a Final Project Impact Report, which shall be comprised of the following:

- (a) a Final Environmental Impact Report, pursuant to 301 CMR 10.00; and
- (b) a Final SEA, pursuant to 990 CMR 10.00.

(2) Content of Final SEA. The final SEA shall include the following:

- (a) the draft SEA,
- (b) copies of comments received on the Draft SEA,
- (c) response of the developer to such comments,
- (d) copy of the siting agreement, and
- (e) any information, comments and facility redesign data resulting from negotiations preceding the execution or establishment of the siting agreement.

(3) Distribution and Notice. Distribution and notice of the final SEA shall be that prescribed for the PPIR.

(4) Public Comment. There shall be a review period of 30 days for public comment on the Final SEA. Public comments on the Final SEA shall be limited to the issues raised during review of the Draft SEA and responses thereto, or to matters presented for the first time in the final SEA.

(5) Council Review. Following the close of the public comment period, the Council shall make one of the following determinations:

- (a) that the Final SEA, in its judgment, adequately presents the information to be provided pursuant to 990 CMR 10.03(2); or
- (b) that the Final SEA is not adequate in this respect, in which case the Council shall include a statement of the reasons for its finding and shall specify those additions or modifications which are necessary to produce a Final SEA which is adequate. The Council shall, in its statement, specify the means and timing of review of the required revisions to the Final SEA.

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10.03: continued

(6) Announcement of Adequacy of Final SEA. When the Council determines that the Final SEA is adequate, it shall so notify the following:

- (a) The developer,
- (b) The appropriate local assessment committees, and
- (c) The chief executive officers of host and abutting communities.

REGULATORY AUTHORITY:

990 CMR 10.00: M.G.L. c. 21D, § 4.