



December 7, 2010

Mr. Jose Tosado  
President  
Springfield City Council  
36 Court Street, Room 312  
Springfield, MA 01103

Dear Mr. Tosado:

We note with concern the recent decision of departing Secretary Bowles that the proposed Palmer Renewal Energy (PRE) biomass facility be granted an air quality permit without completing an environmental impact report. As you may know, the Springfield colleges have been actively engaged in following, and participating in, the public State regulatory process around the permits. Western New England College first offered testimony at the DEP air quality permit hearing on December 3, 2009. At that time, it was noted that Western New England College and Springfield College would “oppose the final approval of the facility until and when these processes [i.e., a comprehensive health impact assessment] are successfully concluded in a manner consistent with the public interest.” This is now the continuing position of our three colleges regardless of the decision to drop construction demolition and debris (CD&D) from the fuel stream of the proposed facility. In addition, we have concerns with how the original special permit was granted and question whether the permit is now appropriate to the proposed facility.

We therefore respectfully request that the City Council revoke its original permit granted in 2008 and require a new permitting process consistent with the removal of CD&D from the proposed facility’s fuel stream. In this respect, we note the following:

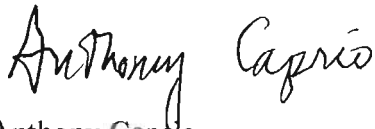
- The facility was originally granted a special permit as a recycling facility predicated on the characterization of CD&D as recycled material. Indeed, the original permit application specifically identifies the facility as a “recycling center,” and the first condition of the special permit states that it is granted “solely” for this purpose. The State’s provisional Beneficial Use Determination (BUD) issued in 2009 and the Commonwealth’s regulatory review process treated the fuel stream material as “recycled” and not solid waste. Had the fuel stream not carried this designation, a different, and more rigorous regulatory review process would have been engaged.
- Article II. Section 201.48 of the City’s Zoning Ordinances specifically defines a recycling center as “Any building used for the collection and/or processing of used materials whereby the resultant product is to be re-used in the same or different

form or manner. This shall not include the storage or salvage of motor vehicles or white goods.” Regardless of whether one believes that the proposed facility met this definition of a recycling center beforehand, there is no reasonable basis to conclude that it does now.

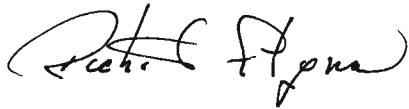
Therefore, as the original permit application was advertised as a recycling center, we were not afforded appropriate opportunity to comment on the actual intent, use, and consequences of the current facility proposal as required under Section 2005. Having not been afforded appropriate notice as to actual intent and use of the proposed facility, and as we have patiently waited for the State to complete its regulatory review process, now is our first appropriate subsequent opportunity to contact the City Council regarding our concerns over the City process. We are in separate contact with the Commonwealth’s Department of Public Health, Bureau of Environmental Health regarding the proposed Health Impact Assessment (HIA). Specifically, we note that DPH Associate Commissioner Condon’s letter of November 9, 2010 to Secretary Bowles raised a number of concerns regarding the new proposed fuel stream, environmental monitoring, and health impacts. To these concerns we add the social justice concerns being expressed by the neighborhoods impacted. We would be happy to elaborate if afforded the opportunity under a new and more appropriate special permit application process.

We respectfully request that this letter be shared with other members of the Council prior to the December 13<sup>th</sup> meeting,

Sincerely,



Anthony Caprio  
President, Western New England College



Richard Flynn  
President, Springfield College



Vincent Maniaci  
President, American International College

Cc: The Honorable Domenic J. Sarno, Mayor  
Mr. Timothy Allen, Chair, Subcommittee on Special Permit Review