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BY ELECTRIC DELIVERY ONLY

June 14, 2024

Secretary Rebecca Tepper
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, STE 900
Boston, Massachusetts 02114

Re: EEA No. 16654—L.G. Hanscom Field North Airfield Development, Bedford MA
Conservation Law Foundation Comment on Draft Environmental Impact Report

Dear Secretary Tepper:

Airports have significant pollution impacts on the communities surrounding them, and aviation is a major source of greenhouse gas emissions.¹ Limiting the expansion of airport operations, including Massport’s Boston Logan and L.G. Hanscom Field airports, is essential to curbing these harmful pollution sources. If our Commonwealth is to meet its legal obligations to communities and the fight against climate change, the Executive Office of Energy and Environmental Affairs (“EEA”) must ensure that environmental review of Massport projects accounts for these impacts.

Conservation Law Foundation (“CLF”)² and [X] undersigned organizations and [X] individuals appreciate the opportunity to provide comments on Runway Realty Ventures, LLC and North Airfield Ventures, LLC’s (“Proponents”) L.G. Hanscom Field North Airfield Development, Bedford Massachusetts, Draft Environmental Impact Report (“the DEIR”) as filed on March 15, 2024 pursuant to the Massachusetts Environmental Policy Act (“MEPA”)³ and accompanying MEPA regulatory process⁴ before EEA.

¹ Neelakshi Hudda, *et al.*, *Impacts of Aviation Emissions on Near-Airport Residential Air Quality*, 54 ENVIRONMENTAL SCIENCE AND TECHNOLOGY 14 (2020).

² CLF is a non-profit, member-supported environmental advocacy organization working in Massachusetts and across New England to protect our environment for the benefit of all people, to build healthy communities, and to sustain a vibrant economy.² CLF works throughout New England to advance policies and decision-making that reduce greenhouse gas (“GHG”) emissions and incentivize clean energy resources.

³ M.G.L. c. 30, §§ 61-62L.

⁴ 301 CMR 11.00.

The DEIR fails to meet the standard for the Secretary’s determination of adequacy pursuant to 301 CMR 11.08(8)(b), and CLF respectfully requests that the Secretary require the Proponents to file a Supplemental Environmental Impact Report in accordance with 310 CMR 11.07 that addresses all DEIR inadequacies outlined below. The Commonwealth’s mandatory net-zero emissions limit by 2050 cannot succeed if all climate impacts to the environment are not fully considered by a DEIR filed before the EEA. It is imperative that EEA assess both climate impacts⁵ and community concerns that are prevalent in the Proponent’s request to expand capacity for private corporate jet hangars at Hanscom Field (the “Project”).

I. Introduction

The proposed project requires the development of aircraft hangar space, including construction of aircraft hangars, and renovation of an existing hangar building. Vehicular roadways will be constructed, parking spaces will be created in several lots across the site, and an aircraft roadway will be newly constructed between the site and Hanscom’s Taxiway R to provide access for aircraft between the site and the airport. In short, the proposed project will *double infrastructure* on behalf of private luxury jetowners at Hanscom, represent the largest single development in Hanscom’s history, dramatically increase private jet flights to and from Hanscom, and provide an avenue for continued, future growth of the private luxury jet industry in our Commonwealth.

In response to the project’s proposed scope, EEA received over 350 comment letters from legislators, local officials, residents, and community groups expressing significant concerns about the proposed project, including increased capacity for Hanscom to accommodate more flights, the proposed project’s contribution to greenhouse gas emissions contrary to the state’s mandatory climate targets, and other environmental and public health impacts of increased Hanscom operations affecting residents (including those within an environmental justice communities), historical and cultural resources, water supplies and wildlife habitat and recreational activities.⁶

On February 24, 2023, Secretary Tepper determined pursuant to the Massachusetts Environmental Policy Act (“MEPA”), M.G.L. c. 30 ss. 61-62L and Section 11.06 of the MEPA Regulations, 301 CMR 11.00 that project proponents needed to prepare a draft environmental impact report (“DEIR”) subject to certain requirements as outlined in the ENF and MEPA.⁷

⁶ Certificate of the Secretary of Energy and Environmental Affairs on the Environmental Notification Form, *L.G. Hanscom Field North Airfield Development*, EEA #16654, (February 24, 2023) at 1.

⁷ *Id.*

II. Inadequacies of the Draft Environmental Impact Report (“DEIR”)

The Draft Environmental Impact Report (“DEIR”) contains numerous inadequacies warranting a determination that such DEIR is inadequate and requiring the proponents to file a supplemental draft EIR in accordance with 30 CMR 11.07. Specifically, Secretary Tepper’s February 24, 2023 DEIR determination mandated four requirements:

- Detailed project description, data, analyses supporting the proponents’ assertion that the project will reduce the number of flights at Hanscom;
- Analysis of the project’s impacts with respect to: Air emissions....[and] water quality...;
- Evaluation of climate risks affecting the project site;⁸ and
- An assessment of potential environmental and public health impacts and mitigation measures pursuant to 301 CMR 11.07(3).

The proponents’ DEIR fails to comply with all four of these requirements as requested by the Secretary in the ENF and as required by MEPA.

A. The Assertion that the Proposed Project Will Reduce the Number of Flights at Hanscom is a *Non Sequitur* Fallacy

1. Increasing Hangar Space Will Induce Demand for General Aviation at Hanscom

The paradox of creating more aircraft hangar space to accommodate private jets at Hanscom is that it will create less hangar availability and increase the number of private flights – akin to parking availability at home having a strong association with car ownership and use, and how availability of office parking correlates with more employees driving to work alone.⁹ In fact, there “is a strong case for reducing parking capacity in urban areas, particularly as a means for curbing high levels of automobile use”¹⁰ – which has similar implications for aircraft hangar “parking” and high levels of aircraft operations and flights to and from Hanscom. The proponents’ assertion that an increase in aircraft hangar space will reduce the number of flights to and from Hanscom is misleading, as even if the assumption that some ferry flights will be reduced is true, the proponents’ have clearly

⁸ *Id.*

⁹ Emily Badger, *Economic Policy: The Problem with Too Much Parking*, The Washington Post (January 15, 2016).

¹⁰ Chris McCahill, *Effects of Parking Provision on Automobile Use in Cities: Inferring Causality*, Submitted to the Transportation Research Board (November 13, 2015), available at <https://highroad.wisc.edu/wp-content/uploads/sites/1368/2020/04/2015-Effects-of-Parking-Provision-on-Automobile-Use-in-Cities-Inferring-Causality.pdf>.

failed to consider the convenience of Hanscom storage of aircraft serving as an incentive for increased aircraft flights amongst private jet owners

2. The Delivery of 10,000 to 20,000 gallons of Jet Fuel Per Day Will Induce Demand for General Aviation at Hanscom

The delivery of 10,000 to 20,000 gallons of jet fuel per day seemingly would support the assertion that *increased* aircraft operations will occur, not that the number of flights will be reduced as incorrectly asserted in the DEIR. Increased aircraft operations are certainly anticipated as the proposed project seeks to replace an existing fuel storage tank with four, new 20,000-gallon jet fuel tanks as well as one 5,000-gallon underground fuel storage tank. The DEIR’s failure to account for human behavior—the incentives of both hangar space and expanded fuel capacity—and only consider FAA projections of private jet travel forecasting severely underestimates future aircraft operations at the jetfield.

3. The Proposed Project’s Net Zero Claims Fail to Account for Aircraft Emissions and Convenience of Aircraft Storage and Jet Fuel Availability

Finally, as discussed *infra.*, the assertion that the proposed project is net-zero is net-zero greenwash. While the proponents allege “net zero design elements” such as electrified buildings, tree planting, and on-site solar photovoltaic systems, the proposed project will simultaneously result in hundreds of thousands of tons of aircraft emissions – far from a net zero claim.

On its face, the proponents’ assertion that the proposed project will create a reduction in the number of flights at Hanscom is an unsupported *non sequitur* fallacy that needs to be re-evaluated and appropriately analyzed by taking into consideration aircraft emissions and the convenience of aircraft storage and ample jet fuel availability incentivizing future aircraft flight operations. The failure to consider these factors constitutes sufficient grounds for the Secretary to deem the DEIR inadequate under MEPA.

B. Failure to Include Quantitative Analysis of GHG Emissions from Aircraft Renders the DEIR Inadequate

1. Violations of MEPA and MEPA Policy

a. Greenhouse Gas (“GHG”) Emissions

All proponents’ data and analyses regarding the proposed project are incomplete due to the intentional exclusion of GHG emissions and other significant sources of pollutants

emitted from aircraft taking off and landing at Hanscom. Failure to include aircraft emissions significantly skews proponents' data and analyses quantifying emissions of the proposed project. The proponents' failure to include aircraft emissions from increased operations in the project analyses also violates MEPA GHG policy, which clearly requires analysis of both direct and indirect emissions.¹¹

b. Non-GHG Emissions

The combustion of jet fuel creates significant quantities of other gases and pollutants in addition to CO₂, such as NO_x, CO, SO_x, unburned or partially combusted hydrocarbons known as VOC, particulates, and other trace compounds.¹² All such gases and pollutants must be quantitatively analyzed and both reduction and mitigation measures sufficiently identified in alignment with MEPA GHG policy. Under MEPA statutory requirements, MEPA GHG policy and protocol, and ENF requirements, the proponents' GHG emissions data is inadequate and must be re-done in a supplemental DEIR.

The failure to account for other significant pollutants and trace compounds stemming from jet engines does not provide an adequate assessment of potential environmental and health impacts due to the proposed project. The failure to account for these additional pollutants has significant ramifications for people who live near the jetfield. Communities surrounding Hanscom will suffer environmental and public health impacts because of existing and expanded aircraft operations, as studies have consistently shown elevated levels of black carbon, criteria pollutants, ultrafine particulate matter, and polycyclic aromatic hydrocarbons occur within communities surrounding airports.¹³ In a systematic review of peer-reviewed literature on air quality near commercial airports, a number of adverse health effect impacts were identified, including increased rates of premature death, pre-term births, decreased lung function, oxidative DNA damage, and childhood leukemia.¹⁴

Quantification and analysis of aircraft emissions due to the proposed project and accompanying increased aircraft operations are essential. Without such analysis, the DEIR provides an inadequate assessment of the proposed project's environmental impacts. See, *i.e.*, N. Hudda, *Aviation-Related Impacts on Ultrafine Particle Number Concentrations Outside and Inside Residences Near an Airport*, 52 *Environmental Science and Technology* 4, 1765-1772 (2018), available at <https://pubs.acs.org/doi/epdf/10.1021/acs.est.7b05593>

¹¹ MEPA Greenhouse Gas Emissions Policy and Protocol at 3.

¹² Jermanto S. Kurniawan, *Comparison of Methodologies Estimating Emissions of Aircraft Pollutants*, *Environmental Impact Assessment Around Airports*, 31 ENVIRONMENTAL IMPACT ASSESSMENT REVIEW 3 (April 2011), at 240-252.

¹³ Karie Riley *et al.*, *A Systematic Review of the Impact of Commercial Aircraft Activity on Air Quality Near Airports* 11 CITY AND ENVIRONMENT INTERACTIONS 100066 (August 2021).

¹⁴ *Id.*

(aircraft engine exhaust emissions are a significant source of ultrafine particles and can cause several-fold increases in ground-level particle number concentrations (“PNC”) over large areas downwind of airports; impact-sector winds increased both outdoor and indoor PNC within Boston Logan International Airport study area).

The DEIR must consider all air pollution emissions within the surrounding communities of Hanscom jet field, such as the results of the ongoing Air Quality Study currently being conducted by Professor Neelakshi Hudda, Ph.D, Department of Civil and Environmental Engineering at Tufts University, who has been commissioned by the four Hanscom-area towns, the Hanscom Field Advisory Committee, and Massport Community Advisory Committee. The results of this study are of particular relevance to the proposed project, as it reviews five particles with chemical signatures specifically associated with jet aviation fuel emissions; it *must* be considered as part of the project’s environmental impact assessment within a supplemental DEIR. The DEIR’s failure to include an evaluation of how jet aviation fuel emissions impact communities surrounding Hanscom jetfield constitutes an insufficient analysis of potential environmental and public health impacts, warranting a determination that the DEIR is inadequate and necessitates a supplemental DEIR filing pursuant to 30 CMR 11.07.

2. Contradiction of the GWSA Climate Law and Public Policy

The Global Warming Solutions Act (“GWSA”)¹⁵ is one of the most robust climate change laws in the nation, positioning the Commonwealth as a leader in climate change solutions and a future built on clean, renewable energy. The Roadmap Law¹⁶ amended the GWSA to impose a net-zero emissions mandate, and the subsequent 2022 Energy Law¹⁷ established new measures for clean energy, energy efficiency, and transportation emissions.

The Massachusetts 2050 Decarbonization Roadmap¹⁸ (“2050 Roadmap”) was published by the EEA in response to the Roadmap Law, further cementing the Commonwealth’s public policy position toward an electrified future and transition away from fossil fuels. The electrification of light-duty transportation, and medium and heavy-duty transportation, aviation, and shipping were specifically identified within the 2050 Roadmap as core strategies to achieve net zero. Emission from medium and heavy duty

¹⁵ St. 2008, c. 298.

¹⁶ St. 2021, ch. 8.

¹⁷ St. 2022, c. 179.

¹⁸ Massachusetts Executive Office of Energy and Environmental Affairs, *Massachusetts 2050 Decarbonization Roadmap*, (December 2020), available at <https://www.mass.gov/doc/ma-2050-decarbonization-roadmap/download>.

(“MHD”) vehicles, aviation and rail were acknowledged by the 2050 Roadmap as “mak[ing] up a considerable portion of the [state’s] GHG inventory” and:

...[I]f left reliant on fossil fuels, emissions from these subsectors alone would approach Massachusetts’ statewide 2050 emissions limit. Compared to [light-duty vehicles], the technological solutions are less certain, and in the next 30 years, most vehicles in these classes [MHD, aviation, and rail] will only turn over once, ideally coinciding with commercial availability of a suitable, competitively priced zero-emissions alternative...the Commonwealth, together with regional and federal partners, must pursued strategies that encourage decarbonized options...¹⁹

The state’s adoption of the Advanced Clean Cars II (ACC II) rule last year is projected to reduce well-to-wheel²⁰ CO₂ emissions through 2040 by 94.3 metric tons from the light-duty vehicles alone.²¹ Yet, in a study conducted between January 2022 and July 2023, 31,599 private flights were taken by 2,915 jets at Hanscom field, amounting to a whopping 106,676 metric tons of CO₂ emissions in only 18 months – in effect, cancelling out all light-duty vehicle ACC II benefits through 2040 less than two years after adoption of the rule.

Using the most recent GHG reduction estimates by the Commonwealth as provided within its Priority Climate Action Plan (“PCAP”), the projected annual reduction of carbon emissions in 2030 from light-duty vehicles is projected to be 2.00 MMTCO₂e, with a cumulative reduction of 155.87 MMTCO₂e between 2025 and 2050.²² The PCAP further outlines the carbon emissions “savings” realized through 2030 and between 2025 and 2050 with MDH vehicles and alternatives to personal vehicles (*i.e.*, rail, passenger van service, e-bikes, ride-share programs, etc.):

¹⁹ *Id.* at 43.

²⁰ Well-to-wheel emissions include all emissions related to fuel production, processing, distribution, and use. See, U.S. Department of Energy, *Emissions from Vehicles – Alternative Fuels Data Center*, at <https://afdc.energy.gov/vehicles/electric-emissions#:~:text=Well%2Dto%2Dwheel%20emissions%20include,and%20burning%20it%20in%20vehicles>.

²¹ The International Council on Clean Transportation, *Fact Sheet United States: Benefits of Adopting California’s Advanced Clean Cars II (ACC II) Standards in Massachusetts* (May 2023), available at <https://theicct.org/wp-content/uploads/2023/05/ma-acc-ii-benefits-fs-may23.pdf>.

²² Office of Climate Innovation & Resilience and Department of Transportation, *Massachusetts Priority Climate Action Plan, Submitted to the Environmental Protection Agency* (March 2024) at 53, available at <https://www.epa.gov/system/files/documents/2024-03/massachusetts-pcap.pdf>.

Projected annual GHG Reductions in 2030:

MHD Vehicles:	0.14 MMTCO ₂ e
Light Duty Vehicles:	2.00 MMTCO ₂ e
Alternatives to Personal Vehicles:	0.40 MMTCO ₂ e

Total: 2.54 MMTCO₂e carbon emissions ‘savings’ through 2030

The Hanscom jetfield proposed expansion project, however, is estimated to result in a *net increase* in annual GHG emissions of 133,643 to 161,348 metric tons of CO₂e (where the low end of this range reflects an added 66 jet aircraft at Hanscom combined with high-end estimate of avoided emissions from eliminated ferry flights, and the high end of the range reflects an added 79 jet aircraft at Hanscom based on the low-end estimate of avoided GHG emissions from eliminated ferry flights).²³

The proponents’ reliance on national and local economic trends to conclude that flight operations will be unaffected by the proposed project and will thus result in a net GHG savings (due to avoided ferry flights) is misplaced. In a recent study of the proposed project, analysis strongly suggests that expansion of hangar capacity at Hanscom jetfield would lead to a *significant* increase of aviation-related CO₂ emissions, concluding that the emissions associated with full utilization of planned capacity far outweighs any emissions savings (*i.e.*, that the increase in GHG emissions from additional based aircraft at Hanscom would be 950 to 3,900 times greater than the GHG emissions avoided from eliminated ferry flights).²⁴ These figures completely defeat the transportation electrification efforts from all other non-aviation transportation sector classes. The proponents’ proposed project is not exempt from the requirements of the GWSA Climate Law and the significant carbon emissions contributions of the proposed project to state greenhouse gas emissions is in gross contradiction of the GWSA Climate Law, Roadmap Law, 2050 Roadmap and the Commonwealth’s public policy of low-and zero-emissions transportation incentivization and infrastructure development.

The failure of the proponents to include accurate GHG emissions data from the proposed project in the context of the GWSA Climate Law, Roadmap Law, 2050 Roadmap and other public policy documents supporting transportation electrification (*i.e.*, Clean

²³ See CLF Exhibit 3, Industrial Economics, Incorporated, *Analysis of Greenhouse Gas Emissions Impact of Proposed Expansion of Hangar Capacity at Hanscom Field* (April 4, 2024) at 19.

²⁴ *Id.*, at 23.

Energy and Climate Plans²⁵) is a remarkable omission warranting the Secretary’s declaration of the DEIR as inadequate pursuant to MEPA. The DEIR’s failure to quantify aircraft emissions and contaminants pursuant to MEPA and MEPA GHG Policy and Protocol does not provide a sufficient analysis of potential environmental and public health impacts, warranting a determination that the DEIR is inadequate necessitating a supplemental DEIR filing pursuant to 30 CMR 11.07.

3. Superfund, MassDEP Sites Environmental Impacts Certain, Yet Inadequately Analyzed

The proposed project falls within the boundaries of two federal Superfund sites, as well as a MassDEP disposal site. The National Environmental Policy Act (“NEPA”)²⁶ review process for the proposed project is anticipated to “further evaluate the impact categories of Hazardous Materials, Solid Waste, and Pollution Prevention...specifically, the NEPA review process will address the following, per FAA Order 1050.1F²⁷:

- Waste streams generated by the Project and the potential for the wastes to impact environmental resources, as well as impacts on waste handling and disposal facilities that would likely receive the wastes;
- Potential hazardous materials that could be used during construction and operation, and applicable pollution prevention procedures;
- Potential to encounter existing hazardous materials at contaminated sites during construction, operation, and decommissioning; and
- Potential to interfere with any ongoing remediation of existing contaminated sites at the [proposed project site] or in the immediate vicinity.”²⁸

While the NEPA process of review operates separately from the Commonwealth’s MEPA of review, the mere involvement of federal agencies and their respective federal review and requirements warrant delay until the NEPA review process formally concludes; only at that time can the DEIR appropriately inform and provide proper consideration of environmental impacts and accompanying remedies. Waste streams, hazardous

²⁵ Executive Office of Energy and Environmental Affairs, *Massachusetts Clean Energy and Climate Plan for 2025 and 2030* (June 30, 2022), available at <https://www.mass.gov/doc/clean-energy-and-climate-plan-for-2025-and-2030/download>.

²⁶ 42 U.S.C. § 4321 *et seq.*

²⁷ U.S. Department of Transportation, Federal Aviation Administration, *Environmental Impacts: Policies and Procedures*, Order 1050.1F (July 16, 2015), available at https://www.faa.gov/documentlibrary/media/order/faa_order_1050_1f.pdf.

²⁸ VHB c/o Runway Realty Ventures, LLC & North Airfield Ventures, LLC, L.G. Hanscom Field North Airfield Development, Bedford, Massachusetts, *Draft Environmental Impact Report*, EEA No. 16654 (March 2024) at Chapter 10.

materials, and interference of ongoing remediation (i.e., Superfund cleanup sites) are all matters of concern to be appropriately addressed within the DEIR. As the NEPA process has not yet concluded, the DEIR is on its face unable to provide a full understanding of environmental impact assessment and mitigation measures under MEPA – and thus inadequate under 301 CMR 11.00 *et seq.*

The DEIR inadequately assesses the impact of disturbing remedial Superfund activities at the MassDEP disposal site. While the cleanup work affiliated with the federal Superfund sites fall within the purview of the U.S. Air Force and the U.S. Navy, in alignment with several federal agency requirements, a sole August 2023 group conference call²⁹ and parroting of information from federal agency websites³⁰ is insufficient to properly provide an appropriate understanding of water and environmental quality impacts due to the proposed project.

Currently, the U.S. Air Force has ongoing long-term monitoring of groundwater and surface water at the Operable Unit 1 and 2 sites (notably, only Operable Unit 1 falls within the boundaries of the proposed project). Remedial activities also include injections of chemical oxidant for treatment of chlorinated volatile organic compounds as well as the installation of filter socks with concentrated oxygen release compounds, for treatment of petroleum hydrocarbons.³¹ However, due to the extent of emerging contaminants perfluorooctane sulfonate and perfluorooctanoic acid, the Air Force determined a need for a remedial investigation as of late 2022 for per-and polyfluorinated (“PFAS”) substances³² – dangerous ‘forever chemicals’ that can move through both soil and water without degrading – as well as the emerging contaminant 1,4-dioxane.³³ While the last 5-year review for Operable Unit 1 was conducted in late 2022 and appeared to be in compliance, site contaminants remain in high concentrations.³⁴ The disturbance of this site by the construction and future operations of the proposed project is concerning, as high concentrations of these site contaminants present and have significant implications for environmental harm.

In addition, the Navy Weapons Industrial Reserve Plant Site 4 has included a variety of remedies by the Navy since 2009, including selective excavation of the source area as a result of investigation sampling; on-site treatment of such excavated soil or off-site

²⁹ *Id.* at 10.1.

³⁰ *Id.* at 10.2.1.1.

³¹ U.S. Environmental Protection Agency, *Superfund Site: Hanscom Field/Hanscom Air Force Base, Bedford, MA* (last accessed April 27, 2024), available at <https://cumulis.epa.gov/supercpad/SiteProfiles/index.cfm?fuseaction=second.cleanup&id=0100967#Status>.

³² PFAS chemicals have the ability to remain in the human bloodstream for years, posing significant health risks.

³³ *Supra* note 25.

³⁴ *Supra* note 22 at 10.2.2.

disposal of the same; application of enhanced bioremediation measures within the excavated source area, and monitoring of pollutant concentrations in groundwater, including long-term groundwater quality monitoring.³⁵ Five-year reviews are currently ongoing by the U.S. Navy, alongside EPA and MassDEP, “until site conditions are suitable for unlimited use and unrestricted exposure.”³⁶ Coupled with the most-recent semi-annual groundwater monitoring report affirmed continued presence of contaminants requiring continued long-term monitoring and testing, this warrants no disturbance of the Naval Weapons Industrial reserve Plant Site 4 at all.

Finally, on May 9, 2024, the U.S. Air Force sent a notice³⁷ to Bedford neighborhoods near drilling sites for PFAS sampling on Hanscom jet field and the Bedford Hartwell Town Forest and the Jordan Conservation Area (both bordering the North Airfield). PFAS sampling is anticipated to occur through August 2024, and will likely continue long-term by the Air Force for monitoring of PFAS levels. The results of this and all future reports by the Air Force regarding PFAS and other water contamination found on Hanscom jet field should be considered by the proponent in a supplemental EIR. In addition, community concerns regarding the groundwater must be acknowledged as an environmental impact within a supplemental EIR, as future water access issues due to climate change may arise. *See, i.e., Comments of Cindy Arens, Chair, Sustainable Lexington Committee*, EEA No. 16654 – L.G. Hanscom Field North Airfield Development, Bedford (April 25, 2024).

The environmental and public health impacts of the proposed project’s construction warrants delay of the proposed project until all sites are remedied – both Superfund sites and the MassDEP site. The DEIR’s failure to quantify aircraft emissions and contaminants pursuant to MEPA and MEPA GHG Policy and Protocol does not provide a sufficient analysis of air and water quality impacts due to the proposed project’s construction and operations on or around both Superfund sites and the MassDEP site.

4. Last Minute Federal and State Endangered Species Act Analysis Will Fail to Include Impact of Aircraft Emissions

Proponents intend to conduct a last-minute review of the Massachusetts Endangered Species Act (MESA)³⁸ prior to construction of the proposed project and leave federal Endangered Species Act³⁹ consultation as an afterthought during the NEPA review process. Both Acts seek to protect rare species and their habitats, with respect to both

³⁵ *Supra* note 22 at 10.2.1.2.

³⁶ *Id.*

³⁷ U.S. Air Force, 66th Air Base Group, Air Force Civil Engineer Center, *Installation Restoration Program: Neighborhood Notice* (April 24, 2024).

³⁸ M.G.L. c. 131A; 321 CMR. 10.00.

³⁹ 16 U.S.C. § 1531 *et seq.*

animals and plants. The failure to quantify aircraft emissions and its accompanying pollutants due to the proposed project prevents an understanding of the extent of this aviation environmental pollution upon areas surrounding Hanscom jetfield.

Both priority habitats of rare species (for use with MESA) and estimated habitats of rare wildlife (for use with the Massachusetts Wetlands Protection Act, or “MWPA”⁴⁰) entirely surround communities surrounding Hanscom jetfield, including the Towns of Concord, Bedford, Lincoln, Acton, Wayland, and Sudbury.⁴¹ With respect to the Town of Concord alone, there are over 50 species⁴² of animals and plants that are of special concern, endangered, or threatened under MESA. Proponents do not account for the impact of aircraft emissions and pollutants upon nearby species, habitats or wetlands, and have presented a DEIR that solely views environmental impact through the lens of project construction. This alone is sufficient grounds for the Secretary’s determination of the DEIR as inadequate, as the magnitude of aviation operations emissions have profound potential to impact endangered species, their habitats, and nearby wetlands.

C. The No-Build Option Must be Considered as a Viable Alternative After Appropriately Considering the Impact of Aviation Emissions from Increased Aircraft Operations

MEPA regulations require applicants to provide “[a] description and assessment of physical, biological, and chemical measures and management techniques designed to limit negative environmental and public health impacts [and specify in detail] the measures to be taken...to avoid, minimize, and mitigate potential environmental and public health impacts.” The proponents view that the no-build option is not a viable alternative due to the proposed project meeting a purported private jet aviation industry need is unwarranted. As discussed above, the construction of the proposed project will certainly result in an increase in aviation emissions, contrary to Commonwealth transportation decarbonization goals and GWSA climate law mandates. In addition to contributing to the worsening of climate change, construction of the proposed project will increase aircraft operations at the expense of surrounding communities’ public health, including pollutant seepage into groundwater, the ground, and atmosphere. The proponents’ assertion that the proposed project is necessary to meet economic and private aviation sector needs is wholly inadequate. Based on the information provided and reasonably available to commenters, the no-build option would meet the Commonwealth’s public policy requirements and the Proposed Project would not.

⁴⁰ M.G.L. c. 131 § 40; 310 CMR 10.00

⁴¹ See CLF Exhibit 1.

⁴² See CLF Exhibit 2.

III. Conclusion

For the reasons provided herein, CLF and the undersigned request that you determine that the proponents did not adequately and properly comply with the requirements of MEPA and its implementing regulations. Specifically, we request a determination that the DEIR is inadequate and that the proponents be required to file a supplemental DEIR in accordance with 310 CMR 11.07, providing the necessary additional information described herein. Further, we request that the supplemental DEIR follow the conclusion of NEPA, MESA and MWPA reviews, federal Superfund site remediation, and Massport's overdue 2022 Environmental Planning and Status Report ("ESPR") filing. Delaying a supplemental DEIR until these processes are complete will provide the Secretary with important updates on Hanscom operations and long-range projections of environmental conditions and, for the first time, resilience and mitigation measures. Finally, with respect to the Massport 2022 ESPR filing, the proponents should be required to consider all alternative analyses for the proposed project, using data on environmental trends as provided by the 2022 ESPR.

Sincerely,

Katherine Lee Goyette
Staff Attorney
Conservation Law Foundation