



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114-2023

OFFICE OF THE
REGIONAL ADMINISTRATOR

September 11, 2006

Pamela J. Chandler, Chief
Site Selection and Environmental Review Branch
Federal Bureau of Prisons
320 First Street, N.W.
Washington, DC 20534

Re: Final Environmental Impact Statement Proposed Federal Correctional Institution, Berlin,
New Hampshire (CEQ# 20060326)

Dear Ms. Chandler:

In accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, we have reviewed the Federal Bureau of Prisons' (BOP) Final Environmental Impact Statement (FEIS) for a Proposed Federal Correctional Institution in Berlin, New Hampshire.

The proposed action described in the FEIS is consistent with that described in the DEIS. Namely, the project entails the development of a medium-security Federal Correctional Institution that would house approximately 1,230 adult inmates along with a minimum-security prison camp to house 128 adult inmates. Ancillary facilities include administrative buildings, prison industry, central utility plant, training facilities, firing range, warehouses, and a water storage tank.

EPA's comments on the DEIS focused on concerns related to wetland impacts and energy efficiency. With respect to wetland issues we requested additional discussion of the impacts of alternatives to wetlands and a more comprehensive discussion of potential mitigation measures for wetland impacts. We appreciate the efforts of the BOP and its consultants since the publication of the DEIS to coordinate with EPA wetlands staff and other state and federal agencies to discuss our comments on the DEIS. The attachment to this letter identifies outstanding issues that we believe should be addressed prior to the conclusion of the NEPA process and during the Clean Water Act Section 404 permitting process. We encourage the BOP to continue to coordinate closely with state and federal agencies on wetland issues related to the project.

EPA's comments on the DEIS related to energy focused on efficiency, green building design and the consideration of renewable energy sources to provide some of the proposed facilities' energy.

617-918-1010

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Volume II of the FEIS provides a response to our comments related to energy issues in responses 11 and 12 (see EPA letter noted as document 156). We note that BOP's comment response number 11 generally addresses alternative energy projects that have been implemented at other prisons across the country such as solar panels and wind turbines. EPA's original comment (annotated as comment #11 in Volume II of the FEIS) was not a request to assess the potential for alternative energy projects (as our comment letter on the DEIS does in annotated comment 12) but instead was a request for the BOP to comprehensively address energy efficiency at the prison in a manner that extends beyond lighting. Specifically, energy efficiency should encompass all forms of energy that will be used at the facility--not just electricity--including gas, steam, oil, etc. In addition, the facility is likely to have a significant and constant heat load--due to demand for hot water, heat, laundry, food service, etc.--which is likely to be served by the local natural gas company, with a projected annual demand of 50,000 - 70,000 mcf. Given this demand for natural gas, and the projected demand for electricity of 18 - 19 million kwh per year, we strongly encourage the BOP to conduct a comprehensive feasibility study to explore whether some portion of the electricity demand can be met through a Combined Heat and Power (CHP) or cogeneration system.

The FEIS response to EPA comment 11 recommending CHP for the proposed prison mistakenly categorizes CHP as an alternative energy technology. CHP is not a form of alternative energy, rather it is a well established means of using fossil fuels more efficiently to generate heat and electricity from the same amount of fuel. Systems have been designed with off-the-shelf technologies such as boilers, turbines and reciprocating engines, that are capable of saving hundreds of thousands of dollars in utility costs, just by using fuel more efficiently. Given the potential to save taxpayer resources over the long-run by reducing energy usage, EPA strongly recommends that the BOP conduct a feasibility study to see if the load profiles of the electricity and heat/hot water demands would allow them to consider such a system. We recommend that the Record of Decision (ROD) contain a commitment to do the study. EPA and the Department of Energy have funded a CHP applications center for the Northeast US that will provide free assistance in assessing whether CHP is an appropriate application at a particular site. We would be pleased to offer our assistance to work with the BOP to have such a study initiated for the proposed prison in Berlin.

Thank you for the opportunity to comment on the FEIS. Please feel free to contact Timothy Timmermann (617-918-1025) of EPA's Office of Environmental Review to coordinate further on the wetland and energy efficiency issues identified in this letter.

Sincerely,

Robert W. Varney
Regional Administrator

Attachment

Additional Detailed Comments on the FEIS for the Federal Bureau of Prisons Proposed Federal Correctional Institution, Berlin, New Hampshire

Wetland Issues

Mitigation

EPA is generally pleased with the evolution of the wetland mitigation plan since the publication of the DEIS. The plan described in the FEIS now includes two types of wetland protection. One form will be an easement over 273 acres located primarily along Horne Brook (that will also allow for public). Another 220 acre area will remain protected by the BOP as part of the overall planning process. The mitigation plan also describes some wetland restoration and enhancement, and vernal pool creation on approximately 8 acres of land.

A few of the details of the mitigation plan remain unclear. For example, it is unclear if the State or others have agreed to accept the easement. It is also difficult to determine how much of what is identified as restoration is really enhancement (taking place in existing wetlands) versus restoring uplands back to wetland conditions. It will be important for these mitigation issues to be resolved with input from appropriate local, state and federal interests.

Impacts

Additional clarification is required in several areas of the FEIS, as follows:

- Similar to the DEIS, the FEIS does not reference the wetland impacts for the preferred alternative until late in the document. For example, the FEIS does not mention the total wetland impacts, or the mitigation plan in the 8-page summary at the beginning of the FEIS.
- The discussion of wetland impacts remains somewhat misleading. For example, the FEIS discusses a range of wetland impacts (page IV-13) even though an impact total is available for the impacts for the preferred alternative. Please note that exhibit IV-5 on page IV-20 (it describes permanent wetland impacts of 3.63 acres and temporary wetland impacts of 7.18 acres) is inconsistent with the text that follows (direct impacts to wetlands consist of three types of impacts for the preferred alternative: filling wetlands for the building of the prison (3.63 acres); converting wetlands to grass for the 300' safety buffer (6.3 acres); and altering wetlands for stormwater controls (2.76 acres). Therefore, the permanent impacts appear to be 9 acres greater than what the table represents.
- Since the 300' safety buffer represents the largest source of direct wetland impacts for the preferred project we do not understand why the FEIS did not examine this source of

impact across all of the alternatives. Instead, the FEIS only compares alternatives for the prison footprint and states that the range of impacts for the 300' buffer will likely be similar for all the alternatives. While that may be true, the document does not explain why this would be the case, nor does it discuss why it was not possible to gather that information for the other sites. We understand that more detailed engineering work would be needed to estimate likely impacts for stormwater controls, but estimating impacts from a 300' buffer should be possible with aerial photos and approximate wetland boundaries. It would be helpful if the Record of Decision provides this information and/or explains why it is not reasonable to gather the data. This information will also be required to support the Clean Water Act Section 404 permitting for the project.