The Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Deval L. Patrick
GOVERNOR

Timothy P. Murray
LIEUTENANT GOVERNOR

Ian A. Bowles
SECRETARY

Tel: (617) 626-1000
Fax: (617) 626-1181
http://www.mass.gov/envir

July 10, 2009

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
NOTICE OF PROJECT CHANGE

PROJECT NAME	: Brayton Point Station Air Pollution Control Project
PROJECT MUNICIPALITY	: Somerset
PROJECT WATERSHED	: Mount Hope Bay
EEA NUMBER	: 13022
PROJECT PROPONENT	: Dominion Energy Brayton Point, LLC
DATE NOTICED IN THE MONITOR	: June 10, 2009

Pursuant to the Massachusetts Environmental Policy Act (MEPA) (M.G.L.c.30, ss. 61-62I) and Section 11.10 of the MEPA regulations (301 CMR 11.00), I have reviewed the Notice of Project Change (NPC) submitted for this project and hereby determine that it **does not require** further MEPA review.

Project Description

The original project, described in the Environmental Notification Form (ENF) submitted in April 2003, consists of an air pollution control program to comply with 310 CMR 7.29 Emissions Standards for Power Plants, which were promulgated on May 11, 2001. The regulations require significant reductions in Nitrogen Oxides (NO_x), Sulfur Dioxide (SO_2), Carbon Dioxide (CO_2) and Mercury (Hg) emissions from the oldest power plants operating in the state. The purpose of the regulations is to bring these facilities in line with emission standards for newer plants and decrease the environmental and health impacts of power generation by reducing the pollutants that contribute to acid rain, regional haze, mercury emissions and global climate change. The ENF indicated that the project would reduce actual NO_x emissions by approximately 60%, from 12,976 tons per year (tpy) to 5,372 tpy; SO_2 emissions by approximately 50%, from 42,521 tpy to 23,988 tpy; Carbon Monoxide (CO) emissions by 4 tpy; and Sulfuric Acid Mist (H_2SO_4) by 15 tpy.[1] In addition, it indicated that the project would reduce Hg emissions by 88 pounds per year to 127 pounds per year. The May 22, 2003 Secretary's Certificate on the ENF did not require further MEPA review.

[1] These projections are based on past actual emissions for all units from the 2000-2001 baseline.

The Brayton Point Station site consists of approximately 250 acres of land on Brayton Point, a peninsula in Somerset. The site is bordered by the Lee River to the west, the Taunton River to the east, a residential neighborhood and I-195 to the north, and Mount Hope Bay to the south. This existing industrial facility, in operation since the 1960s, generates approximately 1,600 megawatts (MW) of power. It consists of three boilers fired primarily by coal and one boiler fired by fuel oil and natural gas (Units 1,2, 3 and 4 respectively), and associated air pollution control systems, including four emission stacks.

Jurisdiction and Permitting

The project is subject to environmental review pursuant to Section 11.03(8)(b)(2) of the MEPA regulations because it requires State Agency Action and consists of a modification of an existing major stationary source resulting in a "significant net increase" in actual emissions of greater than 15 tpy of particulate matter (PM) as PM_{10}. In this case, the increase in PM_{10} is not a result of the combustion process but, rather, a byproduct of the air pollution control equipment that will be installed to achieve significant reductions in NO_x and SO_2. The original project, including project changes, required a Major Comprehensive Air Plan Approval and a 401 Water Quality Certificate (WQC) from MassDEP and review of its National Pollutant Discharge Elimination System (NPDES) permit from EPA. Also, it required an Order of Conditions from the Somerset Conservation Commission that was issued on January 23, 2006 and was not appealed.

The project change requires: a Chapter 91 License and a 401 WQC from MassDEP; a Section 404 Programmatic General Permit from the United States Army Corps of Engineers; and an Order of Conditions from the Somerset Conservation Commission.

The Proponent is not seeking financial assistance from the Commonwealth. Therefore, MEPA jurisdiction applies to those aspects of the project within the subject matter of required permits with the potential to cause Damage to the Environment as defined in the MEPA regulations. In this case, MEPA jurisdiction extends to air quality, water quality and wetlands.

MEPA History

Since the filing of the ENF, two NPCs for this project and an ENF for a related project were filed with the MEPA Office. In February 2006, the first NPC was filed disclosing wetlands impacts associated with the installation of 1.8 miles of water main and describing an Amendment to the Emission Control Plan (ECP). The water main will transfer treated gray water from the Somerset publicly owned treatment works (POTW) to meet increased water demand. The NPC identified temporary impacts to 38,144 square feet (sf) of bordering vegetated wetlands (BVW). The ECP Amendment identified installation of Hg emission control equipment and additional SO_2 reduction equipment. The NPC indicated that Powder Activated Carbon (PAC) injection systems would be installed on Units 1, 2 and 3 to reduce Hg emissions and Spray Dryer Absorber (SDA) technology would be installed on Units 1 and 2 to reduce SO_2 emissions. The March 24, 2006 Secretary's Certificate on the NPC did not require additional MEPA review.

In April 2008, an ENF (EEA #14235) was filed for the replacement of the Brayton Point Station's open-cycle cooling system with a closed-cycle cooling system to comply with the heat and flow limits specified in the October 2003 final National Pollutant Discharge Elimination System (NPDES) permit issued by the United States Environmental Protection Agency (EPA). The proposed system includes two natural draft cooling towers and supporting equipment. The review of this ENF also identified modifications to the Unit 3 coal fired boiler that required the filing of another NPC related to the Air Pollution Control Project. The Secretary's Certificate on this ENF (EEA #14235), issued on May 23,2008, did not require additional MEPA review; however, it did note that a second NPC should be filed for the Air Pollution Control Project to disclose and describe modifications to Unit 3.

In September 2008, the second NPC was filed disclosing a change in the proposed SO_2 emission controls on Unit 3, a 633 MW net coal fired boiler. The proposed wet flue gas desulfurization (FGD) process will be replaced with a dry scrubber. The Proponent evaluated SDA and Circulating Fluidized Bed (CFB) scrubbers for installation, either of which would be installed in conjunction with a fabric filter. The NPC identified a reduction of: SO_2 emissions for Unit 3 by 90%; water demand by 885,000 gallons per day (gpd) to 1,595,000 gpd; wastewater generation by 592,600 gpd to approximately 1,000 gpd; and the elimination of the need for construction of a 500-foot tall emissions stack. This project change required a Modified Major Comprehensive Air Plan Approval and Modified Emission Control Plan from Massachusetts Department of Environmental Protection (MassDEP). Also, it required a Prevention of Significant Deterioration (PSD) Air Permit from EPA. The October 10, 2008 Secretary's Certificate on the NPC did not require additional MEPA review.

Description and Review of the Project Change

As described in the NPC, the project change consists of the addition of a temporary barge unloading facility to be installed within the Taunton River for the transportation of prefabricated/assembled scrubber components to be brought on-site for construction.

With the exception of Unit 3, all of the air pollution controls described in the April 2008 ENF and the February 2006 NPC have been installed. The installation of a temporary barge unloading facility for the transportation of scrubber construction materials is proposed in order to meet construction schedules imposed by DEP for the Air Emission Control Project. The barge unloading facility is required for the project as the location of the air pollution control units on the project site prevents access for the transportation of the construction materials. The barge unloading facility will have temporary impacts to wetlands, waterways and tidelands. The temporary bridge deck will be approximately 6,240 sf, including 5,440 sf within tidelands and 800 sf within the Riverfront Area. The pilings will result in 40 sf of permanent disturbance. The barge unloading facility has been designed to be temporary and to avoid filling and dredging within tidelands.

A Notice of Intent for this project must be submitted to MassDEP and NHESP for its review and comment prior to the issuance of an Order of Conditions by the Somerset Conservation Commission. Comments from MassDEP indicate that the plans accompanying the NPC do not provide sufficient detail to determine potential impacts. The Massachusetts Historical Commission (MHC) reiterates in a May 29, 2009 letter to the EPA that the NPC does not provide sufficient

information to comment on the project and requests a detailed narrative description of the proposed facility, larger-size project plans, elevation drawings, and specifications for the new construction be submitted for review to EPA, MHC and the Massachusetts Board of Underwater Archaeological Resources (BUAR). I refer the Proponent to the MHC letter for more detail on additional information required for review.

The Proponent should investigate the need for a NPDES Stormwater Permit for Construction Activities from the EPA. I refer the Proponent to MassDEP's comments regarding the identification of oil and/or hazardous material during project implementation and subsequent notification pursuant to the Massachusetts Contingency Plan (MCP).

Conclusion

Based on a review of the information provided in the NPC and consultation with relevant public agencies, I find that the potential impacts of this project do not warrant the preparation of an Environmental Impact Report (EIR). Therefore, no further MEPA review is required.

July 10, 2009
Date

Ian A. Bowles

Comments received:

06/25/2009 Massachusetts Division of Marine Fisheries
06/30/2009 Massachusetts Department of Environmental Protection – SERO
07/02/2009 Massachusetts Historical Commission

IAB/PPP/ppp