

For Office Use Only
 Executive Office of Environmental Affairs
 MEPA Analyst: *Purvi Patel*
 Phone: 617-626-*1029*

NPC

Notice of Project Change

The information requested on this form must be completed to begin MEPA Review of a NPC in accordance with the provisions of the Massachusetts Environmental Policy Act and its implementing regulations (see 301 CMR 11.10(1)).

Project Name: Brayton Point Station Air Pollution Control Project		EOEA #: 13022
Street: 1 Brayton Point Road		
Municipality: Somerset	Watershed: Mt. Hope Bay	
Universal Transverse Mercator Coordinates: Zone 19 (X,Y) 317721, 4620692	Latitude: 41.7171 N	Longitude: 71.1912 W
Status of project construction: 80 %complete		
Proponent: Dominion Energy Brayton Point, LLC		
Street: One Brayton Point Road		
Municipality: Somerset	State: MA	Zip Code: 02725
Name of Contact Person From Whom Copies of this NPC May Be Obtained: Nicole Wilkinson		
Firm/Agency: Dominion Energy Brayton Point, LLC	Street: One Brayton Point Road	
Municipality: Somerset	State: MA	Zip Code: 02725
Phone: 401-457-9123	Fax: 888-539-8910	E-mail: nicole.wilkinson@dom.com

In 25 words or less, what is the project change? Installation of a temporary barge unloading facility for the transportation of scrubber construction materials.

Date of ENF filing or publication in the Environmental Monitor: Published in Volume 59, Issue 12 dated April 22, 2003

Was an EIR required? Yes No; if yes,
 was a Draft EIR filed? Yes (Date:) No
 was a Final EIR filed? Yes (Date:) No
 was a Single EIR filed? Yes (Date:) No

Have other NPCs been filed? Yes (Date(s): 7/04, 2/06, 8/08) No

If this is a NPC solely for lapse of time (see 301 CMR 11.10(2)) proceed directly to "ATTACHMENTS & SIGNATURES" on page 4.

FILE COPY

PERMITS / FINANCIAL ASSISTANCE / LAND TRANSFER

List or describe all new or modified state permits, financial assistance, or land transfers not previously reviewed:

New MADEP Chapter 91 License, USACE permit, MADEP Water Quality Certification, MADEP/Somerset Conservation Commission Order of Conditions

Are you requesting a finding that this project change is insignificant? (see 301 CMR 11.10(6))
 Yes No; if yes, attach justification.

Are you requesting that a Scope in a previously issued Certificate be rescinded?
 Yes No; if yes, attach the Certificate

Are you requesting a change to a Scope in a previously issued Certificate? Yes No; if yes, attach Certificate and describe the change you are requesting:

Summary of Project Size & Environmental Impacts	Previously reviewed	Net Change	Currently Proposed
LAND			
Total site acreage	~ 250 acres	No change	~ 250 acres
Acres of land altered	~ 1 acre	No change	~ 1 acre
Acres of impervious area	~ 35.2 acres	No change	~ 35.2 acres
Square feet of bordering vegetated wetlands alteration	38,144	No change	38,144
Square feet of other wetland alteration	0	40	40
Acres of non-water dependent use of tidelands or waterways	0	No change	0
STRUCTURES			
Gross square footage	~671,000	6,240	~677,240
Number of housing units	0	No change	0
Maximum height (in feet)	366.75 feet	No change	366.75 feet
TRANSPORTATION			
Vehicle trips per day	285.5-300.5	-(57-60)	228.5-240.5
Parking spaces	220	No change	220
WATER/WASTEWATER			
Gallons/day (GPD) of water use	~1,595,000	No change	~1,595,000
GPD water withdrawal	0	No change	0
GPD wastewater generation/ treatment	1,000	No change	1,000
Length of water/sewer mains (in miles)	1.8	No change	1.8

Does the project change involve any new or modified:

1. conversion of public parkland or other Article 97 public natural resources to any purpose not in accordance with Article 97? Yes No

2. release of any conservation restriction, preservation restriction, agricultural preservation restriction, or watershed preservation restriction? Yes No

3. impacts on Estimated Habitat of Rare Species, Vernal Pools, Priority Sites of Rare Species, or Exemplary Natural Communities? Yes No

4. impact on any structure, site or district listed in the State Register of Historic Place or the inventory of Historic and Archaeological Assets of the Commonwealth?

Yes No; if yes, does the project involve any demolition or destruction of any listed or inventoried historic or archaeological resources? Yes No [n/a]

5. impact upon an Area of Critical Environmental Concern? Yes No
If you answered 'Yes' to any of these 5 questions, explain below:

PROJECT CHANGE DESCRIPTION (attach additional pages as necessary). The project change description should include:

- (a) a brief description of the project as most recently reviewed
- (b) a description of material changes to the project as previously reviewed,
- (c) the significance of the proposed changes, with specific reference to the factors listed 301 CMR 11.10(6), and
- (d) measures that the project is taking to avoid damage to the environment or to minimize and mitigate unavoidable environmental impacts. If the change will involve modification of any previously issued Section 61 Finding, include a proposed modification of the Section 61 Finding (or it will be required in a Supplemental EIR).

See next page

DOMINION ENERGY BRAYTON POINT STATION, LLC

AIR EMISSION CONTROL PROJECT

MEPA NOTICE OF PROJECT CHANGE

The project change description should include:

- (a) a brief description of the project as most recently reviewed
- (b) a description of material changes to the project as previously reviewed,
- (c) the significance of the proposed changes, with specific reference to the factors listed 301 CMR 11.10(6), and
- (d) measures that the project is taking to avoid damage to the environment or to minimize and mitigate unavoidable environmental impacts. If the change will involve modification of any previously issued Section 61 Finding, include a proposed modification of the Section 61 Finding (or it will be required in a Supplemental EIR).

(a) a brief description of the project as most recently reviewed

The proposed project consists of an air pollution control project to comply with 310 CMR 7.29 Emissions Standards for Power Plants. These regulations were promulgated on May 11, 2001 to make significant reductions in Nitrogen Oxides (NO_x), Sulfur Dioxide (SO₂), Carbon Dioxide (CO₂) and Mercury (Hg) emissions from the existing power plants operating in the state. All equipment associated with the project has been constructed, except for the Unit 3 scrubber.

(b) a description of material changes to the project as previously reviewed

The proposed project change includes the addition of a temporary barge unloading facility to be installed within the Taunton River for the transportation of construction materials associated with the installation of the scrubber on unit 3. The table below compares prior certificate language to the modified project.

**CHANGES FROM 2003 ENF CERTIFICATE AND ,
2006 AND 2008 NPC CERTIFICATE LANGUAGE**

<u>Certificate Language</u>	<u>Dominion Comments</u>
[2006] The project is subject to environmental review pursuant to Section 11.03 (8)(b)(2) because it requires a state permit.....The project will requires a Major Comprehensive Air Plan Approval from the Department of Environmental Protection (DEP), a Request for Determination of Applicability (RDA) from the Somerset Conservation Commission and is undergoing a review of its National Pollution Discharge and Elimination System (NPDES) permit from the US Environmental Protection Agency (EPA).	In addition, to the permits listed in the 2003 ENF Certificate, the following approvals will be required for the proposed barge unloading facility: <ul style="list-style-type: none">• Somerset Conservation Commission Order of Conditions• MADEP Chapter 91 License• USACE Permit (Category 2 PGP)• MADEP Water Quality Certification

<u>Certificate Language</u>	<u>Dominion Comments</u>
<p>[2003] Because Brayton Point is surrounded by the Lee and Taunton Rivers, much of the site may be included within the Riverfront Protection Area (RPA); however, the facility has been committed to this industrial use since the 1960s and this project is developed riverfront area. The proponent is seeking an RDA from the Somerset Conservation Commission to determine that, if any, requirements it is subject to under the RPA. If the Somerset Conservation Commission determines that an Order of Conditions is required, the proponent should submit one and comply with all applicable requirements.</p>	<p>The addition of the temporary barge unloading facility will require a new filing with the Somerset Conservation Commission. A Notice of Intent will be filed in accordance with the Massachusetts Wetlands Protection Act. The proposed facility has been designed to minimize impacts to wetlands to the maximum extent practicable. Several options were considered and the proposed design was chosen to avoid any filling or dredging within tidelands. Some minor fill will be installed within upland at the top of the coastal bank to receive the temporary bridge structure. However, upon completion of the project this fill will be removed and original grade restored. Permanent disturbance will be limited to the proposed pilings and moorings within the Taunton River (approx. 40 sf). The proposed design will utilize existing roadways within the site.</p>

(c) the significance of the proposed changes, with specific reference to the factors listed 301 CMR 11.10(6)

Each standard is listed below, along with our comments:

Standard	Significance of proposed change
<ul style="list-style-type: none"> Expansion in the physical dimensions of the project by 10% or more relative to the estimate previously reviewed, or a new exceedance of any review threshold 	<p>The barge unloading facility will have temporary impacts that will exceed the review thresholds related to wetlands, waterways, and tidelands (see 301 CMR 11.03(3)). The temporary bridge deck will be approximately 6,240 sf (approximately 5,440 sf within tidelands and the remaining 800 sf within riverfront area). The pilings will result in approximately 40 sf of permanent disturbance.</p>
<ul style="list-style-type: none"> Increase in the generation of an impact by 25% or more than the level specified in any review threshold, or a new exceedance of a 	<p>No such increase.</p>

review threshold	
<ul style="list-style-type: none"> Change in expected date for commencement of construction or schedule. 	Schedule remains the same in accordance with MADEP approval.
<ul style="list-style-type: none"> Change of project site (not applicable) 	Same site.
<ul style="list-style-type: none"> New application for a permit or new request for financial assistance or land transfer 	<p>Additional permits/approvals will be required and include:</p> <ul style="list-style-type: none"> Somerset Conservation Commission Order of Conditions MADEP Chapter 91 License USACE Permit (Category 2 PGP) MADEP Water Quality Certification
<ul style="list-style-type: none"> For a project with net benefits to environmental quality and resources or public health, any change that prevents or materially delays realization of such benefits 	In order to meet the construction schedules imposed by the Unit 3 Scrubber Project as required by MADEP, Dominion Energy Brayton Point, LLC. is proposing a temporary barge off-loading facility. This facility will be used to bring in pre-assembled components of the Unit 3 Scrubber. This will reduce the amount of on-site construction activity and the traffic associated with construction.
<ul style="list-style-type: none"> For a project involving a lapse of time, changes in the ambient environment or information concerning the ambient environment (not applicable). 	Schedule remains the same in accordance with MADEP approval.

(d) measures that the project is taking to avoid damage to the environment or to minimize and mitigate unavoidable environmental impacts.

The air emission controls project will result in net environmental benefits. The installation of the proposed temporary barge unloading facility will allow for prefabricated/assembled scrubber components to be brought on-site for construction. Use of this facility will reduce vehicular traffic associated with construction. The facility has been designed to be temporary in nature and to avoid filling and dredging within tidelands. Several options were explored and the proposed design was chosen with input from MADEP and USACE.

ATTACHMENTS & SIGNATURES

Attachments:

- 1. Secretary's most recent Certificate on this project
- 2. Plan showing most recent previously-reviewed proposed build condition
- 3. Plan showing currently proposed build condition
- 4. Original U.S.G.S. map or good quality color copy (8-1/2 x 11 inches or larger) indicating the project location and boundaries
- 5. List of all agencies and persons to whom the proponent circulated the NPC, in accordance with 301 CMR 11.10(7)

Signatures:

<u>5/20/2009</u>	<u>KBCurtis</u>	_____	_____
Date	Signature of Responsible Officer or Proponent	Date	Signature of person preparing NPC (if different from above)
_____		_____	
Name (print or type)		Name (print or type)	
_____		_____	
Firm/Agency		Firm/Agency	
_____		_____	
Street		Street	
_____		_____	
Municipality/State/Zip		Municipality/State/Zip	
_____		_____	
Phone		Phone	