



# CAPE COD COMMISSION

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DATE: December 29, 1999 #JR-98033 (A) (Modification)

TO: Norm Cowden  
Southern Energy Canal, LLC  
C/of Attorney D. Michael Ford, Esquire  
72 Main Street  
P.O. Box 665  
West Harwich, MA 02671

FROM: Cape Cod Commission

RE: Development of Regional Impact - Modification  
Section 12(i) of the Cape Cod Commission Act  
Sections 2 and 3(e) of the Enabling Regulations Governing Review of  
Developments of Regional Impact

APPLICANT: Norm Cowden, Southern Energy Canal, LLC

PROJECT: Canal Plant Redevelopment - Phase Two of Installation of SCRs on Unit  
#1 - Modification

BOOK/PAGE: Book 11961 Page 224  
Book 11961 Page 226  
Certificate of Title No.: 151549

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## DECISION OF THE REGULATORY COMMITTEE

### SUMMARY

The Cape Cod Commission's Regulatory Committee (the Committee) hereby approves the request of Attorney Michael Ford, representing Southern Energy Canal, LLC for a Modification to an approved Development of Regional Impact pursuant to Section 7 of the Administrative Regulations. This modification request affects the DRI decision rendered by the full Cape Cod Commission on October 21, 1999 which approved with conditions Phase Two work to prepare Canal Station Unit #1 for installation of Selective Catalytic Reduction (SCR) pollution control technology. This decision is rendered as a result of a vote by the Committee on December 29, 1999.

### DESCRIPTION of MODIFICATION REQUEST, PROCEDURAL HISTORY and JURISDICTION

On December 28, 1999, Attorney Ford contacted Commission staff and noted a discrepancy in the wording of condition AQ2 of the October 21, 1999 DRI decision on Phase Two work to install an SCR on Unit #1. He noted the last sentence of the condition, for consistency with the rest of the text, should refer to an "air quality



*monitoring program.*" (Italics for emphasis) Based on this, he requested a minor modification to the DRI decision.

Staff reviewed Attorney Ford's request relative to Section 7 of the Administrative Regulations and determined that it was a Minor Modification Type #2 which "...involves a technical correction or a small change to the findings or a condition of the original approval which does not affect the intent or outcome of the finding or condition."

The original Development of Regional Impact (DRI) project, Canal Station Redevelopment (DRI# JR98033 and MEPA# 11703) was categorically included as DRI under Section 12(i) of the Cape Cod Commission Act. It was also a DRI based on Sections 2 and 3(e) of the Cape Cod Commission DRI Enabling Regulations (as amended). The DRI decision which is the subject of the modification request was for Phase Two work to install an SCR on Unit #1.

The Administrative Regulations provide that Minor Modifications of Type #2 "may be approved by the Regulatory Committee and do not require further review by the Commission. They also provide per Section 9 that there is no review fee for this category of modification.

At a previously scheduled meeting of the Committee on December 29, 1999, the Committee reviewed and unanimously approved Attorney Ford's modification request.

#### **MATERIALS and COMMENTS SUBMITTED TO THE REGULATORY COMMITTEE**

Other than the staff report on the modification request to the Committee, no comments or other information was submitted for consideration.

#### **FINDING of REGULATORY COMMITTEE and APPROVAL OF MODIFICATION REQUEST**

The Committee has considered the request of Attorney Ford for a modification to the October 21, 1999 DRI decision (JR-98033A) to clarify the wording of condition AQ2. Based on its consideration of such request, the information presented at the Committee meeting, the Committee approves the following modification to condition AQ2:

"AQ2. The applicant shall perform an air quality modeling assessment of the pollutant emissions of the Canal facility to select the best remote, in-the-field monitoring location(s) where the maximum concentrations can be expected. Based on the air quality modeling assessment, the applicant shall prepare an ambient air quality monitoring plan for review and approval by the Cape Cod Commission or its designee. The ambient air quality monitoring program shall include the measurement of nitrogen dioxide (NO<sub>2</sub>), sulfur dioxide (SO<sub>2</sub>), ozone (O<sub>3</sub>), inhalable particulate matter (PM-10's and PM-2.5's) and vanadium. The applicant shall be responsible for the final design, installation, and operation of the ambient air quality program. The ambient monitoring program shall meet as a minimum the DEP's approval criteria. The air quality modeling **monitoring** plan shall be submitted for review and approval by the Commission or its designee by January 1, 2000."

**SUMMARY**

The Committee hereby approves the request of Attorney Ford representing Southern Energy Canal, LLC for a Minor Modification Type #2 of condition AQ2 of the Development of Regional Impact decision for Phase Two work to prepare Canal Station Unit #1 for installation and operation of SCR pollution control technology. No other changes or modifications to the original DRI decision are authorized by this decision.

Robert H. Deane  
Robert Deane, Committee Chair

1/7/00  
Date

**COMMONWEALTH OF MASSACHUSETTS**

Barnstable, ss.

Subscribed and sworn to before me this 7<sup>th</sup> day of January, 2000.

Katharine L. Peters  
NAME, Notary

My Commission expires:

