



CAPE COD COMMISSION

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DATE: February 14, 2000 #JR-98033 (A) (Modification) # 2 of 2

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

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 two minor modifications 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 February 14, 2000.

DESCRIPTION of MODIFICATION REQUESTS, PROCEDURAL HISTORY and JURISDICTION

On February 14, 2000, Attorney Ford, requested two minor modifications to the October 21, 1999 Commission DRI decision. The modifications related to 1.) the on-site location of the Ammonia on Demand (AOD) building which houses the urea silos and AOD system and 2.) a change to condition CC1 reflecting an updated viewshed analysis



plan.

Staff reviewed Attorney Ford's request relative to Section 7 of the Administrative Regulations and determined that both were Minor Modifications Type #2 which involved "a minor change to the site plan, or 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 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 February 14, 2000, the Committee reviewed and unanimously approved Attorney Ford's two modification requests.

MATERIALS and COMMENTS SUBMITTED TO THE REGULATORY COMMITTEE

Attorney Ford submitted a letter with a revised site plans showing the new proposed location of the AOD building and system. He also submitted a revised viewshed analysis plan dated 2/14/00 relative to condition CC1. Commission staff submitted a report on the modification requests. No other information was submitted for consideration.

FINDINGS of REGULATORY COMMITTEE and APPROVAL OF MODIFICATION REQUESTS

The Committee has considered the requests of Attorney Ford for two modifications to the October 21, 1999 DRI decision (JR-98033A): one providing a revised site plans showing a different location for the AOD building and AOD system and the other making a minor change to condition CC1 as noted below:

"CC1. Evergreen plant material shall be planted as per the viewshed analysis plan dated ~~10/6/99~~ 2/14/00 prior to the issuance of a Certificate of Compliance. Such plantings shall consist of evergreens planted at 4' to 8' intervals, depending on species and size. Species, spacing and size shall be approved by Cape Cod Commission staff prior to the application for Certificate of Compliance."

SUMMARY

The Committee hereby approves the requests of Attorney Ford representing Southern Energy Canal, LLC for a Minor Modification Type #2 of condition CC1 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 and providing revised site plans showing a different location for the AOD building and AOD system. No other changes or modifications to the original DRI decision are authorized by this decision.

Robert D. Deane

Robert Deane, Committee Chair

3-9-00

Date

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

Subscribed and sworn to before me this *9th* day of *March, 2000*.

Katharine L. Peters

NAME, Notary

My Commission expires:

