



CAPE COD COMMISSION

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DATE: April 27, 2000 #JR-98033 (A) (Modification) #3 of 3

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

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 requests affect 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 April 10, 2000.

DESCRIPTION of MODIFICATION REQUESTS, PROCEDURAL HISTORY and JURISDICTION

On April 5, 2000, Attorney Ford requested two modifications to the October 21, 1999 Commission DRI decision. The modifications related to 1.) condition G8 which required that all construction activities for the SCR end on May 13, 2000 and 2.) adding a new condition, HAZ4, which would permit the use of aqueous ammonia for 45 days for SCR startup and testing.

Section 7 of the Administrative Regulations classifies Minor Modifications Type #2 as those which involve "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).

At a previously scheduled meeting of the Committee on April 10, 2000, the Committee reviewed and unanimously approved Attorney Ford's two modification requests subject to written comments received from the Sandwich Fire Chief and Army Corps of Engineers.

MATERIALS and COMMENTS SUBMITTED TO THE REGULATORY COMMITTEE

Applicant

Fax, from Attorney Ford, requesting modifications	4/5/00
Letter, from Attorney Ford, requesting modifications	4/6/00

Commission

Memorandum, to Regulatory Committee	4/5/00
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From Federal, State or Local Agencies

Fax, Sandwich Fire Department	4/7/00
Fax, letter, Army Corps of Engineers	4/11/00
Letter, Army Corps of Engineers	4/14/00

Commission staff described the requested modifications and presented the Committee with comments received from the Sandwich Fire Department and Army Corps. Attorney Ford described the modification requests. No other comments or information were submitted for consideration.

FINDINGS of REGULATORY COMMITTEE and APPROVAL OF MODIFICATION REQUESTS

The Committee has considered and approves the request of Attorney Ford for two modifications to the October 21, 1999 DRI decision (JR-98033)(A): 1.) that condition G8 be changed to allow construction activities for the SCR to continue to June 1, 2000, and 2.) adding a new condition, HAZ4, which permits the use of aqueous ammonia for 45 days for SCR start-up and testing.

Therefore, condition G8 shall be modified as follows:

"G8. All construction activities relative to the Phase Two work for installation of an SCR on Unit #1 shall end no later than ~~May 13, 2000~~ June 1, 2000. Any deliveries of heavy or oversized loads, if required, shall be made at night, between 9:00 PM and 7:00 AM.

Therefore, a new condition HAZ4 shall be added to the decision as follows:

"HAZ4. The applicant shall be permitted to utilize 45 days of aqueous ammonia solely for the start-up and testing of the SCR for Unit #1 commencing on May 22, 2000. Such utilization shall be subject to the following provisions:

a.) All deliveries of aqueous ammonia shall be made at night, between the hours of 9:00 PM and 7:00 AM.

b.) The travel route(s) and schedule for deliveries shall be made available to the Army Corps of Engineers Cape Cod Canal Field Office, as well as the Bourne and Sandwich Fire and Police Departments in advance.

c.) During product off-loading, the applicant shall:

i.) provide a properly trained person to review the process and ensure that it is compliant with nationally-accepted chemical handling safety practices.

ii.) have in place an evacuation plan for the site that does not hinder the arrival of public safety personnel.

iii.) provide a suitable means to prevent a buildup of vapors in the structure and ensure that all ignition sources proximate to the off-loading process be extinguished and secured during the off-loading."

SUMMARY

The Committee hereby approves the requests of Attorney Ford representing Southern Energy Canal, LLC as a Minor Modification Type #2 for a change to condition G8 and the addition of a new condition HAZ4 to the Development of Regional Impact decision for Phase Two work to prepare Canal Station Unit #1 for installation and operation of SCR. No other changes or modifications to the original DRI decision are authorized by this decision.

Robert D. Deane
Robert D. Deane, Committee Chair

5/11/00
Date

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

Subscribed and sworn to before me this 11th day of May, 2000

Katharine L. Peters
NAME, Notary

My Commission expires:

