



CAPE COD COMMISSION

3225 MAIN STREET
P.O. BOX 226
BARNSTABLE, MA 02630
(508) 362-3828
FAX (508) 362-3136

E-mail: frontdesk@capecodcommission.org

DATE: February 19, 2002 #JR-98033 (A) (Modification)

TO: Norm Cowden
Mirant New England
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, Mirant New England

PROJECT: Canal Plant Redevelopment - Installation of Magnesium Oxide Injection 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 Mirant, New England (Mirant) for a minor modification to an approved Development of Regional Impact pursuant to Section 7 of the *Administrative Regulations*. This decision is rendered as a result of a vote by the Committee on February 19, 2002.

DESCRIPTION of MODIFICATION REQUEST

On February 11, 2002, Attorney Ford requested a modification to the July 19, 1999 and October 21, 1999 Commission DRI decisions. The modification was to allow construction and operation of a system to inject magnesium oxide into Unit #1.

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 a 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).



MATERIALS SUBMITTED TO THE REGULATORY COMMITTEE

Applicant

Fax, from Attorney Ford, requesting modification 2/11/02
Letter, from Attorney Ford, requesting modifications 2/11/02

Commission

Staff Report, to Regulatory Committee 2/13/02

FINDINGS of REGULATORY COMMITTEE

The Committee has considered and approves the request of Attorney Ford for a modification to the July 19, 1999 and October 21, 1999 DRI decisions to allow construction and operation of a magnesium oxide injection system as described in Attorney Ford's letter of February 11, 2002.

No changes to the findings or conditions of the original DRI decisions are granted by this modification decision.

SUMMARY

The Committee hereby approves the request of Attorney Ford, representing Mirant, to construct and operate a magnesium oxide injection system to reduce visible opacity. The request is granted as a minor modification type 2 as a change to the site plan.

No other changes or modifications to the original DRI decisions are authorized by this decision.

David J. Ansel
Name, Chair of Regulatory Committee

3/4/02
Date

Commonwealth of Massachusetts

Barnstable, ss.

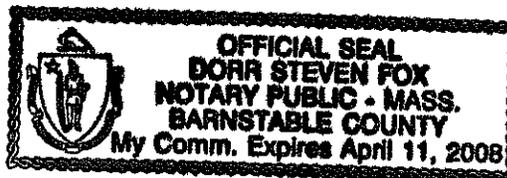
On this 4th day of MARCH, 2002, before me personally appeared

DAVID J. ANSEL, to me known to be the person described in and who

executed the foregoing instrument, and acknowledged that HE executed the same as

HIS free act and deed.

Dorr Steve Fox
Notary Public



Commonwealth of Massachusetts

My Commission expires: