



CAPE COD COMMISSION

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DATE: October 18, 2004

TO: Mirant New England, Inc.

FROM: Cape Cod Commission

RE: Modification of Development of Regional Impact Decision
Dated July 29, 1999
(as modified June 18, 2003 and April 12, 2004)

Cape Cod Commission Act, Sections 12 and 13

APPLICANT: Mirant New England, Inc.
C/o Shawn Konary, Director, Environmental Affairs
1099 Hingham Street
Rockland, MA 02370

PROJECT: Mirant/Canal Station

PROJECT #: JR - 98033

BOOK/PAGE: Book: 11961 Pages: 224 and 226

CERTIFICATE OF TITLE: Number 151549

MODIFICATION TO DEVELOPMENT OF REGIONAL IMPACT DECISION

The Development of Regional Impact (DRI) decision dated July 29, 1999 for the project JR-98033, as amended in a modification decision dated June 18, 2003 and a decision dated April 12, 2004, is hereby amended by a vote of the Regulatory Committee on October 18, 2004. All other conditions attached to the original DRI decision dated July 29, 1999, and as previously modified shall continue to apply.

This modification decision does not affect the separate October 21, 1999 DRI decision, JR-98033A, and its subsequent modification decisions.

MODIFIED CONDITION

Condition HAZ3 of the July 29, 1999 DRI decision, as modified by the June 18, 2003 decision, and as modified by the April 12, 2004 decision, is hereby amended as shown below:



HAZ3. In the event that the applicant is unable to utilize the AOD urea system as described in this decision and Attorney Ford's July 8, 1999 letter, for only those reasons outlined in condition HAZ2, above, the applicant shall:

1.) Immediately provide written notice to the Commission and the Towns of Sandwich and Bourne describing the technical reasons for the inability to utilize the AOD urea system, methods for meeting the need for ammonia to supply the SCR unit and providing an anticipated schedule for repair of the AOD urea system.

2.) Be allowed to supply the SCR unit using **aqueous** ammonia for not more than ~~90-180 calendar days~~ **six (6) months from the date of this decision (October 18, 2004)**, or until the **Cape Cod Commission completes its review of a Major Modification request by Mirant to use aqueous ammonia at the plant, whichever is sooner**. ~~AOD urea system is repaired, whichever is sooner, such 90-180 calendar days to begin on July 1, 2003 May 1, 2004,~~ provided The ammonia is **shall be** transported in accordance with all local, state and federal regulations and may be shipped by truck to the plant.

ONGOING REQUIREMENT

Condition HAZ6, added to the July 29, 1999 DRI decision by the June 18, 2003 modification decision, is also to be kept in force and to be adhered to regarding the shipment, delivery, storage and handling of aqueous ammonia to the plant.

[Signature]
Chair, Regulatory Committee

11/1/04
Date

**Commonwealth of Massachusetts
County of Barnstable**

On this 1st day of November, 2004, before me, the undersigned notary

public, personally appeared Frank Hogen, proved to me through

satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding or attached document, and acknowledged to me

that he signed it voluntarily for its stated purpose.

Dorr Steven Fox
Notary Public
Commonwealth of Massachusetts

My Commission Expires:

