



CAPE COD COMMISSION

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DATE: April 12, 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)

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, "Canal Plant Redevelopment - Phase One of Installation of SCRs on Units #1 and #2", as amended in a modification decision dated June 18, 2003, is hereby amended by a vote of the Regulatory Committee on April 12, 2004. All other conditions attached to the original DRI decision dated July 29, 1999, and as modified in a decision dated June 18, 2003 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, is hereby replaced with the language 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 units and providing an anticipated schedule for repair of the AOD urea system.
- 2.) Be allowed to supply the SCR units using ammonia for not more than ~~90~~**180** calendar days, or until the 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 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 under the requirements described in condition HAZ3, above.

Condition HAZ6 stipulates that:

Shipment, delivery, storage and handling of the ammonia 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.

NEW GENERAL CONDITION

The Regulatory Committee, based in part on a discussion that occurred at the Committee meeting, also voted on April 12, 2004 to condition the modification as follows:

New General Condition G8:

G8: Should the plant seek to use aqueous ammonia on a long-term basis, meaning beyond the 180 calendar days stipulated as in the Cape Cod Commission Regulatory Committee's April 12, 2004 modification, to supply the SCR/air pollution control system at the plant, representatives of Mirant/Canal or the entity in control of the power plant, shall, within 90 days of the date of the April 12, 2004 modification decision, either:

1. Make an application to the Cape Cod Commission for a Major Modification to the original DRI decision(s), as needed, regarding the long-term use of aqueous ammonia,

or

2. Provide the Commission with a written statement the plant is not seeking to use aqueous ammonia beyond the 180 calendar days, and the reasons for this decision.

David J. Ansel
Chair, Regulatory Committee

4/24/04
Date

*Commonwealth of Massachusetts
County of Barnstable*

On this 26th day of April, 2004, before me, the undersigned notary public, personally appeared David Ansel, proved to me through satisfactory evidence of identification, which were 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.

Gail A. Coyne
Notary Public
Commonwealth of Massachusetts

My Commission Expires:

