



COMMONWEALTH OF MASSACHUSETTS
 EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 SOUTHEAST REGIONAL OFFICE
 20 RIVERSIDE DRIVE, LAKEVILLE, MA 02347 508-946-2700

AR 4029
 EXHIBIT R4

MITT ROMNEY
 Governor

KERRY HEALEY
 Lieutenant Governor

ROBERT W. COLLEDGE, Jr.
 Secretary

ARLEEN O'DONNELL
 Commissioner

November 29, 2006

Linda M. Murphy, Director, Office of Ecosystem Protection
 United States Environmental Protection Agency Region 1
 1 Congress Street, Suite 1100
 Boston, Massachusetts 02114-2023

Re: Dominion Energy Brayton Point, LLC (Formerly USGen New England, Inc.)
Brayton Point Station, NPDES Permit No. MA0003654

Dear Ms. Murphy:

In its February 1, 2006 Remand Order the Environmental Appeals Board (the "EAB") directed EPA Region 1 ("EPA") to provide further clarification regarding the Noise Impact Analysis ("NIA") supporting the above referenced Permit for Brayton Point Station ("BPS") and its consistency with Massachusetts noise regulations. Following the remand, EPA consulted with MassDEP and requested our review of the documents referenced below.

MassDEP has reviewed the final *Addendum to Noise Impact Assessment*, prepared by Hatch, Inc., dated November 20, 2006 ("the Addendum"), and EPA's related proposed final *Determination on Remand from the EPA Environmental Appeals Board (Brayton Point Station NPDES Permit No. MA0003654)*, dated, November 29, 2006 (the "Remand Determination"), which includes a more detailed explanation of MassDEP's application of its noise regulations at 310 CMR 7.10. Based on our review of these documents, MassDEP hereby affirms that (1) the Remand Determination and the Addendum accurately describe how MassDEP's applies its noise regulations to BPS as an existing facility, and (2) MassDEP concurs with EPA's supplemental NIA, as described in the Addendum and Remand Determination, that conclude that BPS can be converted to closed-cycle cooling while likely complying with MassDEP's noise regulations.

As noted in the Remand Determination, Dominion Energy will be required to obtain written approval from MassDEP prior to installing cooling towers at BPS. To obtain such approval, Dominion Energy will need to complete and submit an application for a plan approval pursuant to 310 CMR 7.02. To date, MassDEP has not received any such application from

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057. TDD Service - 1-800-398-2207.

MassDEP on the World Wide Web: <http://www.mass.gov/dep>

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Dominion Energy for review. Therefore, nothing in this letter should be construed to mean that MassDEP has prejudged any design plan or plan approval application that may be submitted by Dominion Energy for the installation of cooling towers at BPS. Finally, if MassDEP does ultimately approve the installation of cooling towers at BPS, follow-up monitoring will be required to ensure that sound levels are acceptable and to determine whether additional mitigation may be needed.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Johnston", written over a horizontal line.

David Johnston
Deputy Regional Director
Southeast Regional Office

cc: Mark Stein, U.S. EPA Region 1
Philip Weinberg, MassDEP/Boston
Richard Lehan, MassDEP/Boston
Douglas Shallcross, MassDEP/Boston
Robert Brown, MassDEP/Boston
John Winkler, MassDEP/SERO



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FAX COVER SHEET

Please deliver to: **Mark Stein** From: **John K. Winkler**
Organization: US EPA – Region 1 Telephone #: (508) 946 - 2779
Date: November 29, 2006 Fax #: (508) 946 - 2865

Telecopier number: 617-918-1029

Total number of pages: 3 (including this cover page)

Remarks:

2-page letter dated November 29, 2006 from MassDEP to Linda Murphy regarding Brayton Point Station sound emissions and MassDEP's noise regulation, etc. in support of the NPDES Permit.



Dana Webster

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