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May 7, 2009

FILE NO: 69061.000003

By Hand

Ms. Eurika Durr
U.S. Environmental Protection Agency
Clerk Of the Board, Environmental Appeals Board
1341 G Street, N.W., Suite 600
Washington, D.C. 20005

Re: Dominion Energy Brayton Point, LLC
PSD Appeal: PSD 09-01

Dear Ms. Durr:

Enclosed for filing is one original of the following documents in the above captioned matter:

1. Dominion Energy Brayton Point, LLC's Motion to Intervene
2. Dominion Energy Brayton Point, LLC's Response Seeking Summary Disposition, and
3. Appearance for myself and Penny A. Shamblin

Copies were posted to the CDX system today; therefore, five additional paper copies have not been included. Copies were sent electronically and by overnight mail to other counsel.

Sincerely,


Makram B. Jaber

**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

IN THE MATTER OF:)
DOMINION ENERGY)
BRAYTON POINT, LLC) **PSD APPEAL: PSD 09-01**
PSD PERMIT NUMBER: 052-120-MA14)
)

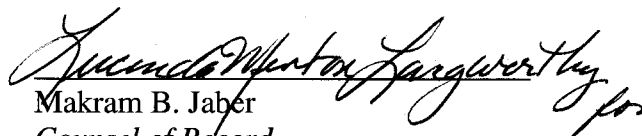
**DOMINION ENERGY BRAYTON POINT, LLC
MOTION FOR LEAVE TO INTERVENE**

Pursuant to Rule 40 C.F.R. § 124.19 and Environmental Appeals Board Practice Manual § III.B.4, Dominion Energy Brayton Point, LLC (“Dominion”) hereby moves for leave to intervene in the petition for review filed by Bristol County Broadcasting, Inc. (“Petitioner”). The petition for review involves the decision by the United States Environmental Protection Agency - New England (“EPA”) to issue a Prevention of Significant Deterioration (“PSD”) permit to Dominion to construct two cooling towers at the Brayton Point Station in Somerset, Massachusetts. The petition alleges that the cooling towers will interfere with Petitioner’s AM radio transmissions and that the permit does not address this important policy consideration or require mitigation to insure continued transmission.

As the Permittee, Dominion has a direct interest in the proceedings relating to the permit and the petition. Disposition of the action may as a practical matter impair or impede Dominion’s ability to protect that interest.

For the foregoing reasons, Dominion respectfully requests that this Board grant Dominion leave to intervene in this proceeding. All correspondence regarding this matter shall be served upon the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Makram B. Jaber" with a flourish at the end.

Makram B. Jaber

Counsel of Record

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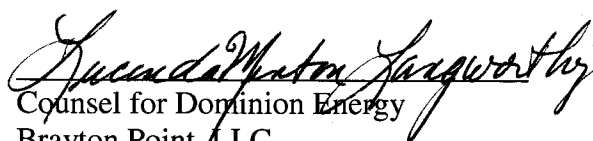
Dated this 7th day of May, 2009.

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of May, 2009, copies of the foregoing Motion of Dominion Energy Brayton Point, LLC for Leave to Intervene were served by overnight mail, postage prepaid, and e-mail to:

Arthur D. Frank, Jr.
Counsel for Bristol County Broadcasting, Inc.
209 Bedford Street, Suite 402
Fall River, Massachusetts 02720
E-mail: afrank@adflaw.com

Ronald A. Fein
U.S. Environmental Protection Agency
Region 1
1 Congress St. Suite 1100 RAA
Boston, Massachusetts 02114-2023
E-mail: fein.ronald@epa.gov


Counsel for Dominion Energy
Brayton Point, LLC

**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

IN THE MATTER OF:)
DOMINION ENERGY)
BRAYTON POINT, LLC) **PSD APPEAL: PSD 09-01**
PSD PERMIT NUMBER: 052-120-MA14)
)

**DOMINION ENERGY BRAYTON POINT, LLC'S
RESPONSE SEEKING SUMMARY DISPOSITION**

Dominion Energy Brayton Point, LLC ("Dominion"), through counsel, hereby submits its Response Seeking Summary Disposition with respect to the Petition filed by Bristol County Broadcasting, Inc. ("Petitioner"). The Petitioner challenges the decision by the United States Environmental Protection Agency - New England ("EPA") to issue a Prevention of Significant Deterioration ("PSD") permit to Dominion to construct two cooling towers at the Brayton Point Station in Somerset, Massachusetts. Specifically, the Petition alleges that construction of the cooling towers would have a significant adverse affect on Petitioner's AM radio transmissions from its broadcast tower.

Dominion respectfully requests that the Environmental Appeals Board ("EAB" or "Board") dismiss the Petition in its entirety because it does not satisfy the threshold requirements for review in that (1) Petitioner lacks standing to petition for review of the PSD permit; (2) the issues raised in the Petition were not preserved for review; (3) the Petition lacks the necessary specificity; and (4) the Board does not have jurisdiction over the issue raised in the Petition. Dominion also respectfully requests that the Board expedite its review of this Petition in order to minimize the delay in construction of the cooling towers, which are necessary for Dominion to

comply with the Brayton Point Station National Pollution Discharge Elimination System (“NPDES”) permit.

I. ARGUMENT FOR SUMMARY DISPOSITION

A. Petitioner lacks standing to petition for review of the permit.

Pursuant to 40 C.F.R. § 124.19(a), only those persons who participated in the public review process for the draft permit have standing to appeal the permit decision.¹ *See, e.g., In re EcoEléctrica, L.P.*, 7 E.A.D. 56, 64 n.9 (EAB 1997). Petitioner did not participate in either the public comment period or the public hearing for the PSD permit and therefore does not have standing to appeal the permit.

The public comment period for the PSD permit ran from January 28, 2009 through February 27, 2009 with the public hearing on March 2, 2009. [Exhibit 1, Public Notice]. In an attempt to satisfy the standing requirement, Petitioner relies on comments submitted to the Massachusetts Department of Environmental Protection (“MADEP”) on March 13, 2009 and participation in a public hearing on March 16, 2009. [Petition, ¶¶ 1 and 2]. Both of which occurred after the close of the public review process for the PSD permit. Moreover, neither of those actions were related to the public review process for the PSD permit by EPA but to a contemporaneous action being taken by the MADEP for the project. Petitioner has not demonstrated any participation in the public review process for the PSD permit.

B. Petitioner’s issue was not preserved for review.

Even assuming Petitioner could demonstrate standing, the Petition should nonetheless be summarily dismissed because the issue of the affect of the cooling towers on the radio

¹ While someone who did not participate during the public review process may petition for review of a final permit based on changes from the draft permit to the final permit, Petitioner has not asserted, and can not, standing on the basis of any such change.

transmissions was not preserved for review. Only issues raised during the public review process (unless they were not reasonably ascertainable at that time) may be raised in a petition for review. 40 C.F.R. § 124.13; 40 C.F.R. § 124.19; *see, e.g., In re RockGen Energy Ctr.*, 8 E.A.D. 536, 540 (EAB 1999). The issue regarding the affect of the cooling tower on broadcast tower transmissions was not raised by Petitioner or anyone else during the PSD permit public review process. [Exhibit 2, EPA's Response to Comments]. As discussed above, Petitioner's comments were submitted to MADEP after the close of the PSD public review process; they were not submitted to EPA. Additionally, there is no claim, nor could there be, that the comments submitted to MADEP two weeks after the close of the PSD permit comment period were not reasonably ascertainable during that comment period.

C. Petition lacks the necessary specificity.

The Petition also fails to meet the minimum standard of specificity, which the Board has repeatedly held is required. *See, e.g., In re Knauf Fiber Glass, GmbH*, 9 E.A.D. 1, 5 (EAB 2000) (“petitioners must include specific information supporting their allegations. Petitions for review may not simply repeat objections made during the comment period; instead they must demonstrate why the permitting authority’s response to those objections warrants review.”). The Petition contains no specificity whatsoever, merely a bare allegation that the cooling towers would have an adverse affect on its radio transmissions. Obviously, there is no response from EPA for Petitioner to refute in the Petition as the comments were not submitted to EPA for consideration.

D. The Board does not have jurisdiction over the issue raised in the Petition.

The issue raised in the Petition is beyond the scope of the Board’s review. In a petition for review of a PSD permit, the Board’s authority is limited to issues related to the “conditions”

of the PSD permit. 40 C.F.R. § 124.19(a). The issue raised by Petitioner relates to interference with radio transmissions. Based on the comments filed with the MADEP (Exhibit B of the Petition), Petitioner's concern is with the physical structure of the cooling towers not with the air emissions that are the subject of the PSD permit. This issue is not under the purview of the PSD permit program and therefore is outside the authority of the Board.

For the above reasons, the Board should dismiss the Petition for review because it fails to satisfy the threshold requirements.

II. REQUEST FOR EXPEDITED CONSIDERATION

Given the obvious flaws in the Petition as discussed above and the substantial harm to Dominion caused by delay of the effectiveness of the PSD permit, Dominion respectfully requests that the Board expedite review of the Summary Disposition requests and act immediately to dismiss the Petition.

If the PSD permit is not effective by May 20, 2009, Dominion will be unable to comply with EPA's Administrative Order, signed on December 17, 2007, setting forth the schedule for Brayton Point Station to come into compliance with its National Pollution Discharge Elimination System ("NPDES") permit.² [Exhibit 3, Administrative Order]. Pursuant to the Administrative Order, Dominion is to complete, within 36 months from receipt of all permits and approvals, a Closed Cycle Cooling Project, which also is part of an important state and federal effort to protect the fisheries in Mount Hope Bay and the surrounding waters. The Closed Cycle Cooling Project consists of installing natural draft cooling towers and supporting equipment to convert

² Dominion is also subject to an order issued by MADEP regarding installation of the cooling towers that it will be unable to comply with due to the delay in the effective date of the PSD permit.

the entire facility from once through cooling to closed cycle cooling in order to meet the heat and flow effluent limits of the NPDES permit, and related equipment and operating changes. For the reasons set forth below, Dominion will not be able meet the schedule required by the Order unless the PSD permit is effective by May 20, 2009.

Construction of the cooling towers cannot commence until all permits are received and the PSD permit is the last one needed. As soon as the PSD permit is effective, Dominion is ready to commence construction on the cooling towers. The Closed Cycle Cooling Project was scheduled to take 36 months to complete, but a delay in the effective date of the PSD permit beyond May 20, 2009 will result in an additional 12 months being added to the schedule.³ The additional 12 months is driven by the requirement that tie-in outages are sequenced over the fall to spring period to allow the Station to operate within current NPDES thermal discharge limits.

The critical path in constructing the cooling towers is construction of the shells. The construction schedule for the cooling tower shells is driven by winter weather constraints (e.g., temperature and wind) and specific cure times between concrete lifts to allow safe movement of the forms. Neither of which allow for schedule compression to make up for delays in commencing construction. Delays in the schedule also cannot be made up during the foundation phase of the project by working additional shifts (i.e., night shift) as construction noise associated with driving piles would not be tolerated by the neighbors that live in close proximity to the facility.

³ The 36-month completion schedule in the Administrative Order was based on the assumption that all necessary permits and approvals would be obtained and effective on or about April 1, 2009. Because of this Petition which has delayed commencement of construction of the cooling towers and has the potential to cause further delays, Dominion had no choice but to provide notice of a Force Majeure Event [Exhibit 4] to EPA pursuant to the Administrative Order seeking relief from complying with the construction and implementation schedule for the Closed Cycle Cooling Project.

Dominion's ability to meet the schedule in the Administrative Order is further constrained by requirements of ISO New England ("ISO-NE") as to when the Brayton Point Station can schedule outages to tie-in the new cooling towers with the generating units. ISO-NE will not permit scheduled unit outages during the winter (December 1 - January 31) and summer (June 1 - September 15) peak seasons. There are four units at the Brayton Point Station and they must all be tied-in to the cooling towers between the beginning of the 2011 fall outage season and the end of the spring 2012 outage season, otherwise Brayton Point will not be able to meet the requirement to complete tie-in of the units within the 36-month period from receipt of effective permits.

Finally, construction delays are very costly.⁴ The weekly cost impact is approximately \$255,000. Dominion was prepared to begin driving piles this week and had approximately 130 people working on the project. Because of this meritless petition and the delay in the effective date of the PSD permit, Dominion has already had to terminate employment of twenty workers and additional employment terminations will occur by the end of this week.

III. CONCLUSION

Dominion respectfully requests that the Board summarily dismiss the Petition for Review. Dominion respectfully requests that the Board rule immediately in order to ensure timely resolution and finality of the PSD permit.

⁴ Because all the necessary permits and approvals were not obtained and effective on or about April 1, 2009 as contemplated by the Administrative Order, Dominion has already incurred costs of \$3,000,000 trying to compensate for the delay and still meet the 36-month schedule.

Respectfully submitted

COUNSEL FOR INTERVENOR
DOMINION ENERGY
BRAYTON POINT, LLC



Makram B. Jaber
Counsel of Record

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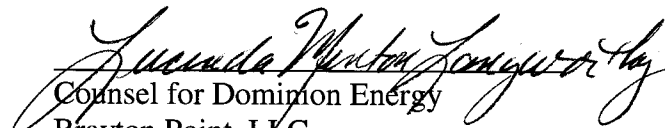
Dated this 7th day of May, 2009.

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of May, 2009, copies of the foregoing Response Seeking Summary Disposition were served by overnight mail, postage prepaid, and e-mail to:

Arthur D. Frank, Jr.
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209 Bedford Street, Suite 402
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E-mail: afrank@adflaw.com

Ronald A. Fein
U.S. Environmental Protection Agency
Region 1
1 Congress St. Suite 1100 RAA
Boston, Massachusetts 02114-2023
E-mail: fein.ronald@epa.gov


Counsel for Dominion Energy
Brayton Point, LLC

**PUBLIC NOTICE OF FEDERAL PREVENTION OF SIGNIFICANT
DETERIORATION PERMIT AND PUBLIC COMMENT PERIOD**

Dominion Energy Brayton Point, LLC

**Closed Cycle Cooling Water Towers and
Unit 3 Dry Scrubber/Fabric Filter Project**

EPA Region I Draft PSD Permit Number 052-120-MA13

**United States Environmental Protection Agency - Region I
1 Congress Street, Suite 1100
Boston, MA 02114-2023**

The United States Environmental Protection Agency-New England Office (EPA-New England) proposes to issue a Prevention of Significant Deterioration (PSD) permit to Dominion Energy Brayton Point, LLC (Dominion). Dominion currently operates the Brayton Point power station in Somerset, Massachusetts. To meet new state and federal air and water regulations, Dominion submitted a PSD permit application that proposed several changes to the existing plant. These changes include the construction and operation of two natural draft cooling water towers as part of a new closed cycle cooling water system and the installation of a new dry scrubber and fabric filter (DS/FF) emission control system on the facility's Unit# 3 boiler. EPA Region 1 is proposing to approve Dominion's application. This action is authorized pursuant to the Clean Air Act and Title 40 of the Code of Federal Regulations, section 52.21 (40 CFR § 52.21).

PSD Program Requirements:

EPA-New England determined that the changes proposed by Dominion would result in significant emission increases of particulate matter less than 10 microns (PM₁₀) and 2.5 microns (PM_{2.5}). Therefore, the PSD program applies to these two pollutants. The PSD program requires the following:

- best available control technology (BACT) to reduce PM₁₀ and PM_{2.5} emissions and;
- an air quality analysis to ensure that the emission increase would not cause or contribute to a violation of applicable National Ambient Air Quality Standards (NAAQS) or PSD increments.

BACT for Cooling Water Towers: During operation, a very small fraction of the circulation water in the towers will be emitted as water droplets. These water droplets or "drift" will contain dissolved solids (e.g., salts) that could become PM_{2.5} or PM₁₀ emissions when the water evaporates. EPA is proposing that BACT for the cooling water

towers is the use of drift eliminators that reduces the amount of water droplets emitted from the towers.

BACT for Unit #3 Boiler: The DS/FF system is design to control sulfur dioxide (SO₂) emissions. The DS/FF system injects a fine mist of lime reagent into the Boiler #3 flue gas where it reacts with and reduces the SO₂ sulfur dioxide in the flue gas. The lime reagent is then collected by a fabric filter. Particulate matter emissions are controlled by both the fabric filter and existing electrostatic precipitator. EPA is proposing that BACT for the Unit # 3 boiler with a DS is the additional installation of a fabric filter to capture total PM emissions including PM_{2.5} and PM₁₀.

Air Quality Impacts:

The air quality analysis showed that the impact from the proposed projects will remain below the applicable NAAQS and increments. The NAAQS are maximum concentration "ceilings" measured in terms of total concentration of a pollutant in the atmosphere. A PSD increment is a maximum allowable emission increase on a concentration basis that is allowed to occur above a baseline concentration for a pollutant. In addition, the air modeling analysis demonstrated that the projects will not adversely affect air quality related values in any Class I area (national parks and wilderness areas).

Public Comment Process:

The public comment period for this proposed action will open on January 28, 2009. Any interested person may submit written comments on the proposed permit during the public comment period. EPA is also soliciting public comment on the methodology employed to determine ambient air quality impacts. EPA will consider all submitted comments in its final decision making process.

Persons who submit comments to EPA should state:

1. Their interest in the draft PSD permit;
2. The action they wish EPA to take, including specific references to the portions of the draft permit they believe should be changed, if any; and
3. The reasons supporting their position, stated with sufficient specificity as to allow EPA to evaluate the merits of the position.

All comments received during the comment period will be included in the administrative record and will be available to the public. The public comment period for the draft PSD permit ends on February 27, 2009. To be considered, written comments should be postmarked no later than February 27, 2009. Comments should be submitted to:

Brendan McCahill, Environmental Engineer
U.S. Environmental Protection Agency - New England
1 Congress Street
Suite 1100, Attn. CAP

Boston, MA 02114-2023

In addition, EPA will hold a public hearing at the following time, date, and location:

**6:00 PM on March 2, 2009
Somerset Public Library
1464 County Road
Somerset, MA 02726**

Directions to the public library can be found on-line at <http://somersepubliclibrary.org/> or by calling Bonnie Mendes at (508) 646-2829.

Within 30 days after the permit has been issued, any person who filed comments on the draft permit or participated in a public hearing may submit a petition to the Environmental Appeals Board (EAB) to review any condition of the permit decision. The petition shall include a statement of the reasons supporting review, including a demonstration that any issues raised were raised during the public comment period including any public hearing. Where appropriate, the petition should include a showing that the condition in question is based on:

- (1) A finding of fact or conclusion of law which is clearly erroneous, or
- (2) An exercise of discretion or an important policy consideration which the EAB should, in its discretion, review.

All data submitted by the applicant is available as part of the administrative record. The administrative record, including copies of the draft PSD permit, original and supplemental PSD applications, fact sheet, and other supporting documents may be viewed between 9:00 a.m. and 4:00 p.m., Monday through Friday, at EPA New England, 1 Congress Street, Suite 1100, Boston, MA 02114-2023 or may be obtained on-line at EPA New England's website at <http://www.epa.gov/NE/communities/nsemissions.html>.

For more information, contact Brendan McCahill at (617) 918-1652 or by e-mail at McCahill.Brendan@EPA.GOV.

Dominion Energy Brayton Point, LLC
Prevention of Significant Deterioration Permit
Response to Comments on
Draft Permit Number 052-120-MA13

On January 28, 2009, EPA New England published in the *Fall River Herald-News* a notice for public review and comment of a proposed Prevention of Significant Deterioration (PSD) for the Dominion Brayton Point, LLC (Dominion), facility in Somerset, Massachusetts. In addition, on March 2, 2009, EPA New England held a public hearing on the proposed PSD permit at the Somerset Public Library in Somerset, MA.

EPA has prepared this document known as the "response to comments" (RTC) that briefly describes and addresses the significant issues raised during the comment period and what provisions, if any, of the draft permit have been changed and the reasons for the changes.

As described in General Issue #1, below, EPA will issue two final permits to Dominion: one final permit that approves the construction and operation of the two natural draft cooling water towers as part of a new closed-cycle cooling system; and a separate permit that approves the installation and operation of a new dry scrubber and fabric filter (DS/FF) emission control system on the facility's Unit #3 boiler. A RTC will accompany each of Brayton Point's final permits. This RTC document addresses those comments on the draft permit that pertain to the natural draft cooling towers. EPA will mail the RTC and the final permit approving the natural draft cooling towers to everyone who commented on the draft permit or who requested a copy. EPA will complete the RTC and final permit for the DS/FF emission control system for the Unit #3 boiler at a later date.

General Issues:

Issue 1. On August 28, 2008, Dominion submitted a PSD permit application that proposed several changes to the existing plant. These changes included the construction and operation of two natural draft cooling water towers as part of a new closed-cycle cooling system and the installation of a new dry scrubber and fabric filter (DS/FF) emission control system on the facility's Unit #3 boiler.

On January 28, 2009, EPA provided for public review and comment a single draft PSD permit that approved all the changes Dominion requested in its August 28, 2008 PSD application and January 9, 2009 supplemental application. EPA's Fact Sheet explained the legal and factual basis for EPA's draft permit and noted that the applications described two separate and severable projects: 1) the construction and operation of two natural draft cooling water towers as part of a new closed cycle cooling system; and 2) the installation of DS/FF emission control systems on the facility's Unit #3 boiler.

Considering that the applications described two separate projects, EPA has reconsidered issuing a single PSD permit and instead will issue two final permits for the two separate projects, one final permit for the natural draft cooling towers and one final permit for the Unit #3 boiler DS/FF emission control systems. EPA believes two separate permits will expedite the final issuance for both permits.

EPA notes that each project will result in a significant actual emission increase of particulate matter less than 10 microns in diameter (PM_{10}) and 2.5 microns in diameter ($PM_{2.5}$). Therefore, each project is independently subject to the PSD program for these pollutants. In addition, each project is being proposed to address separate underlying requirements: the cooling water towers are being installed to meet the requirements of a federal National Pollutant Discharge Elimination System (NPDES) water permit; and the DS/FF for Unit #3 is being installed to meet requirements of a state regulation for the control of sulfur dioxide and mercury for existing coal-fired utilities. In addition, as the comments below indicate, the two projects potentially raise distinct issues that can be more efficiently addressed by focusing individually and separately on each project.

Revisions:

EPA will issue two separate final permits to Dominion: one permit for the cooling towers, **Final Permit Number 052-120-MA14**, and a second permit that will apply to the DS/FF controls for Unit #3, **Final Permit Number 052-120-MA15**. Each permit will contain the emission limits, monitoring, recordkeeping and reporting provisions for the applicable emission units. All provisions for each permit were originally noticed in the January 28, 2009 draft permit. The separation of the two permits will not result in any changes to any provision as presented in the January 28, 2009 draft permit (although there will be some changes to the final permits in response to other comments, as described below).

Issue #2. The signature page of the draft PSD permits included language that stated that the permit shall be effective immediately upon signature if no comments requesting a change in the permit are received. Since EPA did receive comments on the draft permit language regarding both projects, EPA will revise this language to read as follows to avoid any confusion about the effective date of the permits.

“This permit shall be effective 30 days after the date of signature and shall remain in effect until it is surrendered to EPA.”

Issue #3.

EPA corrected several typographical errors in the final PSD permits and clarified a permit provision as follows:

Final Permit Number 052-120-MA14, Condition IV.2: Include the phrase “After either Cooling Tower #1 or #2 commences operation,” at the beginning of the condition to clarify when Dominion shall begin to submit semi-annual reports.

None of these clarifications change the effect or intent of the provisions included in the draft permit.

Written Comments

Letter from Dominion Energy dated February 27, 2009

Subject: Dominion Energy Brayton Point LLC Comments on draft Prevention of Significant Deterioration Permit

Comment 3 from Dominion's February 27, 2009 letter: Dominion believes the Section II, Operational Conditions, Items 3, 4, 5, and 6 are redundant and should be removed from the permit. The conditions limit the circulation water flow in each tower to a maximum limit of 400,000 gallons per minute and the maximum total dissolved solids in the circulating water to 52,250 parts per million. Dominion believes these limits are redundant and overly restrictive since the permit also limits total PM emission from each tower.

Response: EPA believes the operating conditions help protect the total PM emission limit for each of the towers. However, EPA also believes the operating conditions can be removed from the permit provided the monitoring section of the permit contains an equation that shows how Dominion will calculate actual PM emissions from each tower. EPA believes that such an equation will also effectively protect the PM emission limits for each tower. Using the operating conditions proposed in the draft permit as monitoring parameters in a compliance formula effectively allows Dominion to adjust those parameters in its operations while requiring it to limit its operations such that the PM limits are met.

Revisions: EPA is removing Section II. Operational Conditions, Items 3, 4, 5, and 6 from the Final permit for the natural draft cooling towers and renumbering the remaining sections of the permit. Since the conditions being removed include the entire Section II of the permit, the section is no longer required. EPA will include a new condition in the new Section II, titled "Monitoring Requirements," that includes an equation that calculates the actual emissions emitted from each tower based on the parameters originally proposed in the draft permit.

Remove Section II: Operational Conditions

Condition II.3: Cooling Tower #1 circulating water flow shall not exceed 400,000 gallons per minute (GPM) (24-hour block average).

Condition II.4: Cooling Tower #2 circulating water flow shall not exceed 400,000 GPM (24-hour block average).

Condition II.5: Cooling Tower #1 circulating water and blowdown water total dissolved solids shall not exceed 52,250 parts per million solids (ppm_w).

Condition II.6: Cooling Tower #2 circulating water and blowdown water total dissolved solids shall not exceed 52,250 ppm_w."

Include new condition II.7 into Section II: Monitoring Requirements

Condition II.7: The owner/operator shall determine PM_{2.5} emissions and PM₁₀ emissions from each cooling tower using the following equation. Dominion shall obtain the information for the Total Circulating Water Flow Rate for each tower from data obtained from Section II.2. Dominion shall obtain the information for the Total Dissolved Solids for each tower from Section II.1.

Cooling tower emissions in pounds/hour (lb/hr) = Total Circulating Water Flow Rate (gallons/minute) x 60 (minute/hour) x Drift Rate (0.0005%) x Density Water (8.57 pounds/gallon) x Total Dissolved Solids (ppm_w)/1,000,000

Letter postmarked February 27, 2009 from Bunnie Gaperpini, Somerset, MA

Ms. Gaperpini expressed her opinion that Brayton Point should not install any new equipment until the gas odors from the facility are eliminated.

Response: Ms. Gaperpini's concerns are not under the purview of the PSD program permit. The federal Clean Air Act does not address odor or nuisance conditions, which are generally a matter of state law.

Revisions: No revisions are required

Letter dated February 26, 2009 from Green Futures, Fall River, MA

The letter supports the quick issuance of the PSD program permit.

Response: EPA intends to issue the PSD permit as soon as all applicable federal requirements have been met.

Letter dated February, 27, 2009 from John Torgan, Director of Advocacy, Save the Bay, Providence, RI

The letter supports the quick issuance of the PSD program permit.

Response: EPA intends to issue the PSD permit as soon as all applicable federal requirements have been met.

Electronic message dated February 27, 2009 from James A. Kerns, Town Administrator, Town of Swansea, MA

The message stated the Town Selectmen's position that any emissions from the new cooling towers including particulate matter emitted in "acceptable" levels would be unacceptable to those living near the two (natural draft cooling) towers.

Response: EPA has concluded that the emission limits provided in the PSD permit adequately protect the health and welfare of all residents living near the facility. As part of the process of obtaining a PSD permit, Dominion Energy was required to model the impacts of the PM₁₀ and PM_{2.5} emissions on the surrounding areas. The results from this modeling demonstrated that the emissions from this facility do not violate the National Ambient Air Quality Standards for PM₁₀ and PM_{2.5} and that the emissions are consistent with the limits in incremental emissions increases allowed for under the PSD permit program to protect existing air quality.

Revisions: No revisions are required.

Comments from Public Hearing held on March 2, 2009

Oral Comments from State Senator Joan Menard

Senator Joan Menard presented oral comments regarding the natural draft cooling water towers project. The Senator's main concern is that the size of the cooling water towers will adversely affect the surrounding area. The key issues raised by the Senator are summarized below:

- The cooling water towers will negatively affect the economic development of the Somerset area;
- The cooling water towers will affect the quality of life of the residents in the area;
- The cooling water towers will impact property values of the surrounding area; and
- The cooling water towers may result in icing of the nearby Braga Bridge, and this issue should be evaluated.

The Senator also provided information on an alternative cooling water option that she stated would allow Dominion to meet its water permit requirements without the need of the large cooling water towers. The Senator asked EPA to hold the issuance of the permit until the alternative method can be evaluated. The Senator did note that the project to revive the Mount Hope Bay fishery is important and that the permit should move forward should EPA find that the alternative cooling water option does not meet the requirements of the water permit.

Response:

The PSD permit addresses the air quality impacts from new emission sources such as the new cooling towers. Therefore, the first three issues raised by the Senator, i.e., the effect of the cooling towers on economic development, quality of life, and property values of the surrounding area, are not under the purview of the PSD program permit. These issues are normally addressed

by local zoning regulations and, in some cases, any state environmental review process that might apply to a project. However, the PSD permit does provide important requirements that safeguard the surrounding area, including a technology-based standard that minimizes emissions from new sources and an air quality evaluation that ensures all applicable emissions meet federal air quality standards. EPA also notes that the cooling water towers are part of an important state and federal effort to protect the fisheries in Mount Hope Bay and the surrounding waters. We believe this effort will provide a significant environmental and economic benefit to the area.

In response to the comment on the icing of the Braga Bridge, EPA evaluated icing issues in an analysis entitled, "*An Evaluation of Cooling Tower Plume Studies done for the Brayton Point Generating Station.*" The analysis is part of the "Appendices to Response to Comments Document Public Review of Brayton Point Station NPDES Permit No. MA 0003654."

The analysis looked at the impact of water vapor plumes from low level mechanical cooling towers, not the currently proposed natural draft cooling water towers. The analysis determined that the risk of icing of the Braga Bridge was minimal. One evaluation performed in the analysis found that the vapor plume may result in icing of the Braga Bridge; another evaluation found that the vapor plume would result in no icing. EPA believes that the risk of icing is further decreased with the use of high level natural draft cooling towers. The height of the natural draft cooling towers will result in faster mixing and dilution of the vapor plume resulting in less risk of icing as compared to the lower level mechanical cooling towers previously evaluated by EPA.

Finally, the Senator asked EPA to consider an alternative approach to reduce thermal water discharge impacts from the Brayton Point facility without using natural draft cooling water towers. This alternative approach is described in a report entitled, "Enhanced Surface Cooling as an Alternative for Thermal Discharges." The report was placed into the record by State Representative Steven D'Amico. Additional information from a power point presentation describing the alternative approach was placed into the record by State Senator Joan Menard.

The alternative approach, put forth by Dr. Daniel G. MacDonald from the University of Massachusetts, Dartmouth, would involve an effort to achieve the rapid dilution of the thermal discharge through the development of a thin surface plume. In theory, the thin surface plume would potentially allow the thermal discharge to cool rapidly while limiting mixing of the discharge with the receiving water to the surface layer.

EPA finds that the request to evaluate an alternative cooling approach for Brayton Point is outside the requirements of EPA's PSD program. In particular, the definition of "Best Available Control Technology" (40 CFR 52.21(b)(12)) requires EPA to apply an emission limitation based on the maximum degree of reduction for each applicable pollutant emitted from the *proposed major stationary source*. As stated, EPA is required to evaluate the major stationary source proposed by the applicant; it is not directed or necessarily authorized to evaluate alternative sources that are a complete redesign of the project proposed by the applicant. Therefore, EPA is not required to evaluate the alternative approach for the cooling water under the PSD program.

This PSD permit is not mandating cooling towers at the Brayton Point facility; it is Dominion that has chosen to install the towers to address its compliance obligations under the Clean Water

Act (CWA). Brayton Point Station's (BPS) existing National Pollutant Discharge Elimination System (NPDES) permit under the Clean Water Act (CWA) became effective May 26, 2004. Although certain permit conditions were initially stayed as a result of a permit appeal, the appeal was resolved and all remaining permit conditions became effective on December 18, 2007.

The permit's thermal discharge limits were based on the biologically-based requirements of section 316(a) of the CWA, 33 U.S.C. § 1326(a), while the permit conditions related to cooling water intake structures, including intake flow volume limits were based on the technology-based requirements of section 316(b) of the CWA, 33 U.S.C. § 1326(b). The permit does not mandate that any particular technology be used to meet the permit's conditions. Rather, the permit allows the facility to use any lawful method of satisfying the permit's limits. In this case, the permittee and EPA agreed that using closed-cycle cooling technology would maximize the facility's ability to generate electricity from among the approaches that would also enable the facility to satisfy the permit's thermal discharge and cooling water intake conditions. From among the different types of closed-cycle cooling technology that are available, BPS then selected natural draft cooling towers as its preferred means of achieving permit compliance.

On December 17, 2007, EPA issued an Administrative Order (AO) under the CWA that sets a schedule for the facility to come into compliance with its NPDES permit. Dominion Energy Brayton Point, LLC, the current owners of the plant, worked cooperatively with EPA in the development of the AO. The AO's compliance schedule is based on Dominion's choice to use the natural draft cooling tower design.

Finally, the Senator's comment might be understood to be a request that EPA consider "alternatives" to the proposed project, as provided in section 165(a)(2) of the Clean Air Act. 42 U.S.C. 7475(a)(2). If the comment was proposing an alternative pursuant to this provision, EPA has considered that alternative and the Agency has concluded that the alternative approach would not meet the requirements of Brayton Point's existing NPDES permit. Under the proposal, the entire heat load from Brayton Point Station (42 Trillion British Thermal Units per year) would still be discharged to Mount Hope Bay in violation of the permit's thermal limit of 1.7 trillion BTUs per year (see NPDES Permit MA0003654, Part I.A.4.b). Additionally, under the proposal, the facility would continue to use the same amount of water (approximately 1 billion gallons per day) in violation of the NPDES permit's maximum daily flow limit of 42 million gallons per day (MGD) (see NPDES Permit MA0003654, Part I.A.4.a), monthly average flow limit of 40 MGD (see NPDES Permit MA0003654, Part I.A.4.a), and the combined intake requirement not to exceed 56.2 MGD (see NPDES Permit MA0003654, Part I.A.4.c). Furthermore, since the maximum daily and average monthly Total Residual Chlorine permit limits (see NPDES Permit MA0003654, Part I.A.4.a) are based on rapid mixing, the permittee would also likely violate this requirement under the proposal. While there are numerous questions about the technical merits of, and the environmental effects that would result from, the new proposal, the bottom-line at present is that it would not comply with the existing NPDES permit.

Therefore, for the reasons stated above, EPA has determined that the "Enhanced Surface Cooling as an Alternative for Thermal Discharges" would not satisfy Brayton Point Station's Clean Water Act NPDES permitting requirements.

Revision: No revisions are required.

Oral Comments from State Representative Steven D'Amico

State Representative Steven D'Amico provided oral comments at the March 2, 2009 hearing. In general, his comments mirrored the concerns raised by State Senator Joan Menard.

Response: EPA has responded to Representative D'Amico's concerns in the response to comments from Senator Joan Menard, above.

Revisions: No revisions are required.

Comments from Terrence J. Tierney, Rhode Island Attorney General Office

Terrence Tierney, Esq. read into the administrative record a March 2, 2009 letter from Patrick Lynch, Attorney General, Rhode Island Department of Attorney General. Mr. Lynch and the office of Rhode Island Attorney General Office fully support the issuance of the PSD permit to Dominion.

Response: EPA intends to issue the PSD permit as soon as all applicable federal requirements have been met.

Revisions: No revisions are required.

Comments from Meredith Simas, Dominion Energy Brayton Point, LLC

Ms. Simas read into the administrative record Dominion's support for the requirements included in the draft PSD permit for the natural draft cooling water towers and the emission control systems for Brayton Point's Unit #3.

Response: No response required.

Revisions: No revisions are required.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I - NEW ENGLAND**

IN THE MATTER OF)	DOCKET NO. 08-007
)	
Dominion Energy Brayton Point, LLC,)	
Brayton Point Power Station)	
Somerset, Massachusetts)	
NPDES Permit No. MA0003654)	FINDINGS
)	
)	AND
)	
Proceedings under Section 309(a)(3))	ORDER FOR COMPLIANCE
of the Clean Water Act, as amended,)	
<u>33 U.S.C. § 1319(a)(3)</u>)	

I. STATUTORY AUTHORITY

The following Findings are made and ORDER issued pursuant to Section 309(a)(3) of the Clean Water Act, as amended (the "Act"), 33 U.S.C. § 1319(a)(3), which grants to the Administrator of the U.S. Environmental Protection Agency ("EPA") the authority to issue orders requiring persons to comply with Sections 301, 302, 306, 307, 308, 318 and 405 of the Act and any permit condition or limitation implementing any of such sections in a National Pollutant Discharge Elimination System ("NPDES") permit issued under Section 402 of the Act, 33 U.S.C. § 1342. This authority has been delegated to EPA Region I's Regional Administrator, and in turn to the Director of the Office of Environmental Stewardship.

The Order herein is based on a finding that the Company will be in violation of Section 301 of the Act, 33 U.S.C. § 1311, and the conditions of NPDES Permit No. MA0003654 upon the effective date of the previously stayed permit conditions ("Effective Date"). Pursuant to Section 309(a)(5)(A) of the Act, 33 U.S.C. § 1319(a)(5)(A), the Order provides a schedule for compliance which the Director of the Office of Environmental Stewardship has determined to be reasonable.

II. DEFINITIONS

Unless otherwise defined herein, terms used in this Order shall have the meaning given to those terms in the Clean Water Act, 33 U.S.C. § 1251 et. seq., the regulations promulgated thereunder, and any applicable NPDES permit. For the purposes of this Order, "NPDES Permit" means the Dominion Energy Brayton Point, LLC, (the "Company" or the "Permittee" or "Dominion") Brayton Point Power Station NPDES Permit No. MA0003654, and all amendments or modifications thereto and renewals thereof as are applicable, and in effect at the time.

III. FINDINGS

The Director of the Office of Environmental Stewardship makes the following findings of fact:

1. Dominion Energy Brayton Point, LLC, Brayton Point Power Station has a place of business in Somerset, Massachusetts from which it discharges condenser cooling water, process wastewater and storm water.
2. The Company is a person under Section 502(5) of the Act, 33 U.S.C § 1362(5). The Company is the owner of an electrical power generating station (the "Facility") from which it discharges pollutants, as defined in Section 502(6) and (12) of the Act, 33 U.S.C. § 1362(6) and (12), from a point source, as defined in Section 502(14) of the Act, 33 U.S.C. § 1362(14), to Mount Hope Bay. Mount Hope Bay flows into Narragansett Bay which, in turn, empties into the Atlantic Ocean. All are waters of the United States as defined in 40 C.F.R. § 122.2 and, therefore, navigable waters under Section 502(7) of the Act, 33 U.S.C. § 1362(7).
3. On October 6, 2003, the Director of the Office of Ecosystem Protection of EPA, Region I,

issued the Permit under the authority given to the Administrator of EPA by Section 402 of the Clean Water Act, 33 U.S.C. § 1342. On November 5, 2003, the company filed a petition for review of the Permit with EPA's Environmental Appeals Board ("EAB"). The contested provisions of the Permit were stayed and all other provisions of the Permit became effective on May 26, 2004. Following resolution of the appeal before the EAB, EPA notified the Company by letter dated October 1, 2007 that the conditions of the Permit that had been stayed pending appeal would take effect on November 1, 2007. Those terms of the Permit were again stayed until December 17, 2007 and will take effect on December 18, 2007.

4. The Permit authorizes the Permittee to discharge pollutants from the Facility to Mount Hope Bay, subject to the effluent limitations, monitoring requirements and other conditions specified in the Permit.
5. Part I.A.4.a. of the Permit establishes a flow limit for outfall serial number 001, Discharge Canal, of 40 million gallons per day (average monthly) and 42 million gallons per day (maximum daily).¹
6. Part I.A.4. b. of the Permit for outfall serial number 001, Discharge Canal, establishes an annual heat load limit to Mount Hope Bay of 1.7 Trillion BTUs.
7. Part I.A.4. c. of the Permit establishes a limit for the combined withdrawal of intake water of 56.2 million gallons per day ("MGD").
8. The Permittee discharges process water from outfall serial number 001, Discharge Canal,

¹ This flow rate is the total blowdown from any cooling tower(s) used at the facility plus flow from the wastewater treatment facility. During periods of once-through cooling, the permittee may increase the flow rate to a flow rate of 56 million gallons per hour. The permittee may not increase to this flow rate for more than 122 hours per year.

at a flow rate that will exceed the Permit's effluent limitation for flow upon the Effective Date.

9. The Permittee discharges a heat load from outfall serial number 001, Discharge Canal, to Mount Hope Bay that will exceed the Permit's annual heat load limitation upon the Effective Date.
10. The Permittee's total water intake will exceed the Permit's limit for water intake of 56.2 MGD upon the Effective Date.
11. Section 301(a) of the Act, 33 U.S.C. § 1311(a), makes unlawful the discharge of pollutants to waters of the United States except in compliance with, among other things, the terms and conditions of a NPDES permit issued pursuant to Section 402 of the Act, 33 U.S.C. § 1342.
12. The Permittee's discharge of pollutants to Mount Hope Bay in excess of the limits contained in its NPDES Permit, will violate Section 301(a) of the Act, 33 U.S.C. § 1311(a) upon the Effective Date.
13. The Company will need to install closed-cycle cooling in order to comply with the previously stayed Permit limits. EPA issues this Order to provide a schedule for the Company to come into compliance with the Permit.
14. The Company has worked cooperatively with EPA in the development of this Order.

IV. ORDER

Accordingly, pursuant to Section 309(a)(3) of the Clean Water Act, it is hereby ordered that the Permittee shall:

1. Comply with the following schedule for construction and implementation of closed cycle

cooling at Brayton Point Power Station and for meeting the limits contained in the

Permittee's NPDES Permit:

- a. By January 2, 2008, commence the process to obtain all permits and approvals necessary to convert Brayton Point Station to closed cycle cooling in order to meet NPDES permit limits. This shall include the engineering to support the permitting, the permit applications, and all necessary supplementary data.
- b. From January 2, 2008 until all permits and approvals are issued, provide timely and complete responses to all requests from each permitting and approval authority.
- c. By January 10, 2008, initiate requests for pre-application meetings with permitting authorities.
- d. By January 15, 2008, request approval from the United States Coast Guard for placement of monitoring equipment necessary to comply with Part I.26.a.1.iii of the Permit
- e. By February 28, 2008, submit air modeling protocol to agencies for review.
- f. By July 1, 2008, submit applications for all local permits.
- g. By September 1, 2008, submit application(s) for air permit(s).
- h. By October 1, 2008, complete submission of all other necessary permit applications and notices necessary to convert Brayton Point Station to closed cycle cooling.
- i. Within five days of obtaining all permits and approvals or April 6, 2009, whichever is later, issue the Notice to Proceed with Engineering and Procurement for cooling tower construction to Dominion's contractor.
- j. Within five days of obtaining all permits and approvals or April 6, 2009, whichever is later, issue the Notice to Proceed with Engineering and Procurement for the Pump Structure and Piping System.
- k. Within nine months of obtaining all permits and approvals, commence construction of foundations for cooling towers.
- l. No later than May 15th of the calendar year prior to the anticipated tie-in date for each unit, Dominion shall request a planned outage for that unit from ISO New England in accordance with, and pursuant to, ISO New England Operating Procedure No. 5, Revision No. 8, effective October 13, 2006 or as amended.

- m. Within 29 months of obtaining all permits and approvals, complete tower construction.
 - n. Within 29 months of obtaining all permits and approvals, complete all piping installation for tie-in of condenser units to cooling towers.
 - o. Within 29 months of obtaining all permits and approvals, commence tie-in of condenser units to cooling towers.
 - p. Within 31 months of obtaining all permits and approvals, complete tie-in of condenser units 4 and 3.
 - q. Within 33 months of obtaining all permits and approvals, complete tie-in of condenser unit 2.
 - r. Within 36 months of obtaining all permits and approvals, complete tie-in of all condenser units such that all permit limits are met.
2. Where any compliance obligation requires Dominion to obtain a federal, state, or local permit or approval, Dominion shall submit timely and complete applications and responses to requests for information and take all other actions necessary to obtain all such permits or approvals. Dominion may seek relief under the Force Majeure provisions below for any delay in the performance of any such obligation resulting from a failure to obtain, or a delay in obtaining, any permit or approval required to fulfill such obligation, if Dominion has submitted timely and complete applications and has taken all other actions necessary to obtain all such permits or approvals.

Interim Effluent Limits

3. In the interim period from the effective date of this Order and during the Permittee's compliance with paragraphs 1 and 2 of this Section IV, the Permittee shall comply with the following effluent standards and limits:
- a. for thermal discharges, intake cooling water withdrawals, and effluent flow,

comply with all the requirements and conditions of the Memorandum of Agreement II ("MOA II") (Attachment 1) except that:

- (1) During the period from the beginning of tie-in of condensor unit 4 and continuing until tie-in of condensor unit 3, the flow limitations of part 8.b. of MOA II will not be required to be met through "piggyback operation." Instead, the flow limitations will be met by blocking the existing unit 4 discharge at the tri-bridge and directing warm water from the tied-in unit to the cooling tower(s).
 - (2) During the period from the beginning of tie-in of condensor unit 4 and continuing until complete tie-in of all condensor units, the "delta T" limitation of part 8.c. of MOA II will apply when unit 4 is not in "piggyback operation" as long as the tie-in occurs between October 1 and May 31.
- b. operate the intake screen wash for condenser units 1, 2, and 3 whenever the intake is in use.
 - c. during "targeted" chlorination, as discussed in Attachment 2, the total residual oxidant concentration shall not, at any time, exceed 0.2 milligrams/liter at the discharge from the unit being chlorinated during any one chlorination cycle as measured at the seal pit. The sampling type and frequency will be a daily grab sample for each generating unit.
 - d. comply with all other effluent limitations, monitoring requirements and other conditions specified in its NPDES Permit.
4. Within three (3) weeks of Coast Guard approval for the placement of monitoring

equipment necessary to comply with Part I.26.a.1.iii of the Permit, Dominion shall install monitoring equipment at the locations identified in Figure 6 of the Permit and commence monitoring in accordance with the Permit requirements.

5. As the following power generating units are tied into the cooling towers, the discharge from Brayton Point Station must comply with the following interim effluent limitations:

Unit 3 flow = 518 million gallons per day
 heat = MOA II limit

Unit 2 flow = 259 MGD
 heat = 2.01 trillion BTUs total per month

V. REPORTS ON COMPLIANCE

6. Beginning on the fifteenth day of April, 2008 and continuing until completion of construction, tie-in, and compliance with all of the NPDES limitations, Dominion shall report to EPA on its compliance with its obligations pursuant to paragraphs 1 through 5 every three months. Each progress report submitted under this Paragraph shall:
- a. Describe activities undertaken during the reporting period directed at achieving compliance with this Administrative Order;
 - b. Describe the expected activities to be taken during the next reporting period in order to achieve compliance with this Administrative Order; and
 - c. Report on compliance with the provisions outlined in paragraphs 3, 4 and 5 above.
7. Where this Order requires a specific action to be performed within a certain time frame, Dominion shall submit a written notice of compliance or noncompliance with each deadline. Notification must be mailed within fourteen (14) calendar days after each required deadline. The timely submission of a required report shall satisfy the

requirement that a notice of compliance be submitted.

8. If noncompliance is reported, notification should include the following information:
 - a. A description of the noncompliance;
 - b. A description of any actions taken or proposed by the Permittee to comply with the lapsed schedule requirements;
 - c. A description of any factors that explain or mitigate the noncompliance; and
 - d. An approximate date by which the Permittee will perform the required action.
9. After a notification of noncompliance has been filed, compliance with the past-due requirement shall be reported by submitting any required documents or providing EPA with a written report indicating that the required action has been achieved.
10. The reporting requirements set forth in this Section do not relieve Dominion of its obligation to submit any other reports or information as required by State, Federal or local law.
11. Within fourteen days of learning that it will fail, or has failed, to comply with a requirement of this Order, the Dominion shall provide written notice of such failure to EPA.
12. Submissions required by this Order shall be in writing and shall be mailed to the following address:

USEPA - New England
Office of Environmental Stewardship
1 Congress Street
Suite 1100 (SEW)
Boston, MA 02114-2023
Attn: Steven Couto

VI. FORCE MAJEURE

13. "Force majeure," for purposes of this Administrative Order, is defined as any event arising from causes beyond the control of Dominion, of any entity controlled by Dominion, or of Dominion's contractors, that delays or prevents the performance of any obligation under this Administrative Order despite all practicable efforts by Dominion to fulfill the obligation. The requirement that Dominion exercise "all practicable efforts to fulfill the obligation" includes using all practicable efforts to anticipate any potential force majeure event and all practicable efforts to address the effects of any such event (a) as it is occurring and (b) after it has occurred to prevent or minimize any resulting delay to the greatest extent possible. "Force Majeure" does not include normal inclement weather, unanticipated or increased costs or expenses of work, the financial difficulty of performing such work, or the failure of Dominion to make complete and timely application of any required approval or permit unless caused by a separate force majeure event. "Force Majeure" may include, but is not limited to, acts of God including floods, blizzards, hurricanes, and other extreme weather, labor strikes, fires, judicial orders, orders by governmental officials or ISO New England that direct Dominion to operate Brayton Point to supply electricity, ISO New England's failure to grant Dominion's request for an outage to permit unit tie-ins when that request was timely as specified in paragraph 1, and an inability to tie-in a unit due to the restrictions in paragraph 3 of this Order, including the Delta T, that are not waived by EPA. Under the definition of "Force Majeure" as set forth above in this paragraph, "Force Majeure" may or may not include construction, labor, and equipment delays.

14. If any event occurs or has occurred that may delay the performance of any obligation under this Administrative Order or causes Dominion to be in potential violation of any provision of this Order, whether or not caused by a force majeure event, Dominion shall provide notice orally or by electronic or facsimile transmission to:

Steven Couto, SEW
Water Technical Unit
Office of Enforcement
One Congress Street
Boston, Massachusetts 02114
617-918-1765
fax: 617-918-0765
couto.steven@epa.gov

within five (5) business days of when Dominion first knew that the event might cause a delay. In addition, Dominion shall notify the EPA in writing as soon as practicable but in no event later than ten (10) days following the date Dominion first knew that the event caused or may cause such delay or potential violation. In this written notice, Dominion shall provide an explanation and description of the reasons for the delay; the anticipated duration of the delay; all actions taken or to be taken to prevent or minimize the delay; a schedule for implementation of any measures to be taken to prevent or mitigate the delay or the effect of the delay; Dominion's rationale for attributing such delay to a force majeure event if it intends to assert such a claim; and a statement as to whether, in the opinion of Dominion, such event may cause or contribute to an endangerment to public health, welfare or the environment. Dominion shall include with any written notice all reasonably obtainable documentation supporting the claim that the delay was attributable to a force majeure. Failure to comply with the above requirements shall preclude Dominion from asserting any claim of force majeure for that event for the period of time

of such failure to comply, and for any additional delay caused by such failure. Dominion shall be deemed to know of any circumstance of which Dominion, any entity controlled by Dominion, or Dominion's contractors knew or should have known by the exercise of due diligence.

15. If EPA agrees that the delay or anticipated delay is attributable to a force majeure event, the time for performance of the obligations under this Administrative Order that are affected by the force majeure event will be extended by EPA for such time as is necessary to complete those obligations. Any subsequent schedule deadlines that EPA agrees are affected by the force majeure event will also be extended. An extension of the time for performance of the obligations affected by the force majeure event shall not, of itself, extend the time for performance of any other obligation. EPA will notify Dominion in writing of the length of the extension, if any, for performance of the obligations affected by the force majeure event.
16. If EPA does not agree that the delay or anticipated delay has been or will be caused by a force majeure event, EPA will notify Dominion in writing of its decision.

VII. DISPUTE RESOLUTION

17. If Dominion objects to any EPA determination made pursuant to this Order regarding the adequacy of the work performed hereunder or whether a force majeure has occurred, it shall notify EPA in writing of its objection(s) within 15 days of such action, unless the objection(s) has been resolved informally. EPA and Dominion shall engage in a period of formal negotiations for 30 days from EPA's receipt of Dominion's written objection(s).

18. Any agreement reached by the parties pursuant to this Section shall be in writing and shall, upon signature of both parties, be incorporated into and become an enforceable part of this Order.

VIII. GENERAL PROVISIONS

19. This Order does not constitute a waiver or a modification of the terms and conditions of the NPDES Permit. The NPDES Permit remains in full force and effect. EPA reserves the right to seek any and all remedies available under Section 309 of the Act, 33 U.S.C. § 1319, as amended, for any violation cited in this Order.
20. This Order shall become effective upon receipt by Dominion.

12/17/07
Date

Susan Studlien
Susan Studlien, Director
Office of Environmental Stewardship
Environmental Protection Agency, Region 1

BRAYTON POINT STATION
MEMORANDUM OF AGREEMENT II

The New England Office of the United States Environmental Protection Agency (U.S. EPA), the Massachusetts Department of Environmental Protection (MA DEP), the Massachusetts Executive Office of Environmental Affairs (EOEA), the Rhode Island Department of Environmental Management (RIDEM) (hereinafter collectively referred to as the "Government Signatories"), and New England Power Company (NEP) hereby enter into this Memorandum of Agreement (MOA II) regarding the operations of the NEP Brayton Point Station and NPDES issues related thereto.

1. The Brayton Point Station is currently operating under the terms of an NPDES permit co-issued by U.S. EPA and MA DEP under the federal Clean Water Act and the Massachusetts Clean Waters Act, respectively (the "Discharge Permit"). The Discharge Permit was issued on June 16, 1993, became effective on July 16, 1993, and is scheduled to expire on July 16, 1998.

2. On October 22, 1996, RIDEM wrote to U.S. EPA and MA DEP requesting that those agencies "expedite such permitting actions as are necessary in order to ensure that operational changes necessary to reverse unprecedented declines in Mount Hope Bay fisheries stocks are underway before the spawning season next spring." In its letter, RIDEM also stated that it "believes that sufficient grounds exist for EPA and DEP to initiate the process of modifying or revoking and reissuing the permit." RIDEM's views were, in part, based on concerns raised in an August 1996

Government Signatories' response to such operations pending formal reissuance of the Discharge Permit. This MOA II is intended to state the commitment of each party to carry out its terms. This MOA II is not, however, a regulatory action, such as a permit or rule.

6. On February 6, 1997, the parties to this MOA II entered into a short-term Memorandum of Agreement (MOA I) pursuant to which NEP agreed to short-term immediate modifications to operations at Brayton Point Station.

7. This MOA II is effective upon completion of signatures and each of its conditions will continue in effect until the effective date of corresponding conditions in a new permit, or if there are not corresponding conditions in such permit, until the effective date of that permit. However, any party may seek to negotiate a modification to the terms of this MOA II at any time. All the parties to this MOA II agree to work cooperatively toward expediting the reissuance process of the five year Discharge Permit.

8. Pursuant to this MOA II, NEP agrees to institute the following measures.

- a. With respect to the heat rejection from Brayton Point Station, the following limits shall apply.
 - (i) For the months of April and May, 1997, the maximum monthly heat rejection for each month will be 4.1×10^{12} Btus, and the total for the two month period will not exceed 7.25×10^{12} Btus.

report issued by RIDEM titled, "Comparison of Trends in the Finfish Assemblage of Mt. Hope Bay and Narragansett Bay in Relation to Operations at the New England Power Brayton Point Station" (the "August 1996 RIDEM Fishery Report"). Based on the August 1996 RIDEM Fishery Report and other information, U.S. EPA, MA EOE and MA DEP shared the concerns of RIDEM and decided to commence a process for determining near-term revisions to the Brayton Point Station Discharge Permit.

3. The Government Signatories believe that the RIDEM report, other data, and the studies in progress provide an ample basis to require action to be taken to limit the impacts on Mount Hope Bay of the Brayton Point Station prior to the renewal of the Discharge Permit. NEP believes that there is insufficient evidence of causality of or continuing potential impact by the Brayton Point Station on the restoration of a healthy fishery in Mount Hope Bay to require permit changes prior to the renewal.

4. The Government Signatories believe that the unique factors described below combine to support entering this MOA II, including what they believe is a need for immediate action to reduce impacts to the environment, the impending expiration of the existing Discharge Permit, and the desire to avoid costly potential litigation and enable their staffs to focus attention on the pending permit reissuance.

5. This MOA II is intended to present a joint statement of the parties' voluntary agreement as to their plans and intentions regarding NEP's operation of Brayton Point Station with respect to circulating water discharges and flows, and regarding the

(ii) For the months of June, July, August and September of each year this MOA II is in effect, the maximum monthly heat rejection for each month will be 3.4×10^{12} , and the total for the four month period will not exceed 13×10^{12} Btus. However, the Government Signatories and NEP recognize that providing electricity during periods of high load when the NEPOOL Operating Procedure No. 4 ("OP-4") is in effect necessitates additional measures. Therefore, if projections by NEPOOL anticipate the potential of Brayton Point Unit No. 4 being called upon to start-up and operate during OP-4, once OP-4 actions 1 through 6 have been implemented and to the extent necessary to accommodate such conditions, NEP shall be granted up to an additional 0.25×10^{12} Btus per month, not to exceed a total of up to an additional 0.5×10^{12} Btus for the period of June through September; the heat rejection covered by such additional allocations which will only be granted if NEPOOL implements OP-4 action 6 would include all heat rejection associated with that OP-4

event during actions 1 through 6 and beyond. Any amount of additional Btus as provided in the sentence above will be accounted for and deducted from the total maximum heat rejection as provided in subparagraph 8.a.(iii) for the succeeding eight month period. Furthermore, NEP will consult with NEPOOL dispatch to minimize the heat rejection associated with Brayton Point Unit No. 4 during OE-4, consistent with maintaining the reliability of electric supply.

(iii) For the months of October through May of each year this MOA II is in effect, the maximum monthly heat rejection for each month will be 4.1×10^{12} , and the total for the eight month period will not exceed 29×10^{12} Btus.

b. From the date of this MOA II through May 31, 1997, and from October 1 through May 31 of each year this MOA II is in effect, (i) the Brayton Point Station circulating water discharge flow rate, excluding service water and waste water system discharges, will not exceed a monthly average of 0.925 billion gallons per day, and (ii) to meet the discharge flow rate, NEP shall implement a flow reduction/minimization program that includes

piggyback operation on Unit No. 4, unless piggyback operations will substantially interfere with operation of the plant or can reasonably be anticipated to cause an increase in the "delta T" above the 30°F as provided in paragraph 8.c. below, and; at NEP's discretion, scheduled maintenance, pump optimization and/or any other necessary measures.

- c. When in piggyback operation on Unit No. 4, the "delta T" at Brayton Point Station will not exceed 30°F.
- d. From June 1 through September 30 of each year this MOA II is in effect, the Brayton Point Station circulating discharge flow rate, excluding service water and wastewater system discharges, (i) shall not exceed a monthly average daily flow of 1.13 billion gallons per day, (ii) shall not exceed an average daily flow of 1.08 billion gallons per day for the combined months of June through September, and (iii) NEP will use best management practices to minimize the circulating water discharge flow rate during these periods of time and these best management practices will be included in a standard operating procedure to be developed by NEP and submitted to the Government Signatories for review and comment.

- e. During the life of this MOA II, Brayton Point Station will continuously operate the traveling screens at Units 1, 2, 3 and 4 whenever the intake for each unit is in use in order to minimize the impingement of fish and other marine organisms resulting from the intake of cooling water, unless the screens are inoperable due to repair/maintenance requirements. When the screens are operated continuously for Units 1, 2 and 3, flow limits for the intake screen wash for those units (discharge number 017) must be increased to 5.2 MGD for both the daily average and the daily maximum to accommodate increased screen wash.
- f. The Government Signatories support and desire and have requested that NEP reduce flow by achieving a flow limitation and by operating Unit No. 4 in the piggyback operation mode in accordance with paragraph 8(b.) of this MOA II, and to continuously operate the traveling screens. The Government Signatories believe that the reduction in flow and the piggyback operation as well as the continuous operation of the traveling screens will reduce potential entrainment and impingement of marine organisms and thus provide environmental benefits. NEP has agreed to this flow and screen operation regime, but has not determined what, if any, impact it believes such actions will have on

the marine environment. However, both the Government Signatories and NEP understand and acknowledge that to enable NEP to conduct piggyback operations and continuously operate the traveling screens, Brayton Point Station may experience a "delta T" of up to 30°F when Unit 4 is conducting piggyback operations, and an increase of the flow at discharge number 017 to 5.2 MGD daily average and daily maximum to accommodate increased screen wash; and the Government Signatories will not in any way discourage NEP from operating Unit No. 4 in piggyback consistent with this MOA II, notwithstanding the other terms or conditions of this MOA II or other requirements.

g. No later than the 15th day of each succeeding month, NEP will provide the Government Signatories a written report on performance of the conditions of this paragraph 8.

9. Under the MOA I, NEP stated that it was conducting or agreed to conduct certain listed studies in order to increase knowledge about environmental conditions in Mount Hope Bay and to determine the role, if any, of Brayton Point Station in influencing those conditions. The parties to this MOA II agree that the list of studies shown in Attachment 1 may help support decisions relating to renewal of the Discharge Permit and agree to consider these studies along with other relevant information

in developing the new permit. NEP agrees to immediately begin evaluation of advanced technologies, focusing on but not limited to helper cooling towers, in order to assess relative benefits to environmental resources, reliability, design considerations, performance under field testing, costs, and length of time needed for implementation, as well as an overall assessment of the advantages and disadvantages of the technologies, as part of Study 19 of Attachment I, so that NEP may expedite installation of such technologies should EPA and MA DEP approve of such measures in the context of decisions regarding reissuance of the Discharge Permit. Nothing in this MOA, however, shall limit any authority of the U.S. EPA or MA DEP to require any additional studies or analyses by NEP beyond those listed in Attachment I to this MOA II, including any authority to require additional studies to support renewal of the Discharge Permit.

10. The Government Signatories and NEP agree that the measures to be implemented by NEP pursuant to this MOA II will not in any way be considered as precedent for any future renewal, modification, or reissuance of the Brayton Point Station's Discharge Permit; provided, however, that nothing in this MOA II is intended to preclude any of the studies or information to be generated by the studies under Paragraph 9 of this MOA II from being used as appropriate to support future permit modification, renewal or reissuance.

11. This MOA II does not constitute a permit or approval. Brayton Point Station's Discharge Permit under federal and state law remains in effect and nothing in this MOA II excuses NEP, or

its successors in interest with respect to Brayton Point Station, from compliance with the Discharge Permit and all other applicable federal, state or local requirements. The Government Signatories expressly reserve any rights they may have in response to violations of the permit to seek all remedies available under Sections 309 and 505 of the federal Clean Water Act, 33 U.S.C. §§ 1319 and 1365, Massachusetts General Laws Chapter 21, §§ 42-46, and Rhode Island General Law 46-12. Furthermore, nothing in this MOA II shall limit U.S. EPA from taking any action it deems necessary under Section 504 of the Clean Water Act, 33 U.S.C. § 1364.

12. Either the Government Signatories or NEP may seek to reopen the terms of this MOA II or terminate this MOA II upon a showing of good cause, based upon new information and/or analysis not available at the date this MOA II was entered into. It is the intent of the Government Signatories not to take action to modify, revoke-and-reissue, or revoke the Discharge Permit unless there is new information and/or analysis that was not available when this MOA II was entered into, NEP violates this MOA II, or the action is with regard to conditions of the Discharge Permit not covered by the terms of this MOA II.

13. To the extent that this MOA II requires any actions to be taken by NEP, any failure of performance of NEP under this MOA II shall be excused by the Government Signatories to the extent that such failure arises from (a) causes beyond the reasonable control of NEP, or (b) the need to generate electricity in order to prevent blackouts that might endanger public health or safety.

NEP will notify by telephone, as soon as possible, the U.S. EPA and the MA DEP of conditions arising under subparagraphs (a) and (b) of this paragraph 13, and provide, as soon as possible thereafter, the U.S. EPA and MA DEP a written explanation of the reasons for the actions taken by NEP to respond to the conditions arising under subparagraphs (a) and (b) of this paragraph 13.

14. By entering into this MOA II, NEP does not admit to any liability or responsibility for actions relating to the Brayton Point Station's Discharge Permit that are the subject of this MOA II; does not admit to any violation of any applicable federal, state, or local law, rule, regulation, permit, or ordinance; reserves all its rights and does not waive any defenses or positions it may have in any ongoing or future administrative or judicial proceeding relating to the issues addressed in this MOA II, including the renewal of the Discharge Permit. Also, neither NEP or the Government Signatories admit, confirm, or acquiesce in any fact, allegation, or conclusion of law contained in this MOA II.

15. In the event that NEP should ever sell, lease, or transfer ownership or control of its Brayton Point Station, NEP agrees to inform the purchaser, lessee, or transferee of the existence and terms of this MOA II, and NEP will not sell, lease, or transfer ownership or control of its Brayton Point Station unless the purchase, lease, or transfer agreement includes the express requirement to comply with the terms of this MOA II and the purchaser, lessee, or transferee conveys to the Government

Signatories a written agreement to comply with the terms of this
MOA II.

16. This MOA II shall be executed in multiple counterparts,
each of which shall be deemed an original, but all of which
together shall constitute one and the same instrument.

BRAYTON POINT STATION
MEMORANDUM OF AGREEMENT II

SIGNATURE PAGE

Signed this 3rd day of April, 1997.

FOR:

NEW ENGLAND POWER COMPANY



Jeffrey D. Tranen
President

Studies Related to Mount Hope Bay and Brayton Point Station

1. Enhanced Trawl Survey
2. Winter Flounder Tagging Program
3. Benthic Survey
4. Brown University Study
5. Hydrothermal Model
6. Thermal Plume Mapping
7. DO Model
8. DO Field Survey
9. Nutrients
10. Primary Productivity
11. Phyto and Zooplankton Study
12. BOD Survey
13. Thermobiotic Assessment
14. Creel Survey
15. Discharge Canal Census
16. Effluent Toxicity Testing
17. Entrainment/Impingement Impact
18. Fine Mesh Screen Study
19. Heat and Flow Reductions with Alternative Technologies and/or Existing Station Equipment
20. Population Model
21. Heat Balance

Chlorine may be used as a biocide. Bromine compounds also may be used on an experimental basis, subject to approval of a test plan by the Regional Administrator and the Director. No other biocide shall be used without explicit approval from the Regional Administrator and the Director.

- (1) A chlorine management program "Targeted Chlorination" shall be used for controlling biological growths in the condenser system. Units 1 and 2 presently use Targeted Chlorination. Targeted Chlorination will be installed in Units 3 and 4 before chlorination commences on these units. Current plans include installation of Targeted Chlorination on Unit 3 and not Unit 4. The Targeted Chlorine program may use higher local chlorine injection concentrations and longer application durations (exceeding 2 hours) than guideline (40 CFR 423) values providing the mass (pounds) of TRO consumed by the unit being chlorinated shall be less than the mass of chlorine that would be consumed by the conventional chlorination methods allowed by the guideline values of 0.2 mg/l TRO discharge concentration multiplied by the cooling water flow in the discharge for a maximum of 2 hours in any one day.

The multiple nozzle system shall be so interlocked either electronically or mechanically or by an alternate design to prevent more than one nozzle simultaneously injecting high concentration chlorine (sodium hypochlorite) into the condenser inlet. The Total Residual Oxidant, TRO, concentration shall not at any time exceed 0.2 mg/l at the discharge from the unit being chlorinated during any one chlorination cycle as measured at the seal pit.

- (2) Each unit shall be independently chlorinated: simultaneous multi-unit chlorination is prohibited. Units 1, 2, and 3 shall use Targeted Chlorination. Unit 4 shall not be chlorinated until such time that the Regional Administrator and the Director approves in writing a chlorination program for this unit.

- (3) The Discharge 001 shall be sampled and analyzed for TRO once per week during the chlorination cycles, and, when possible, during Unit 3 treatment.

The TRO Instantaneous Maximum concentration shall not exceed 0.065 mg/l at the point of discharge into Mt. Hope Bay, Par. I.A.2.a. based upon samples manually taken and analyzed or based upon a continuous TRO monitor installed at the same location.

For the steam electric power plants, the terms "Maximum Concentration" and "Instantaneous Maximum" are intended to mean the maximum TRO concentration in the short term (2 hours or less) as defined in the guidelines, 40 CFR 423. This interpretation differs from the NPDES Permit requirement, 40 CFR 122.2 and Part II of this permit, where the two terms of "Maximum Daily Discharge" and "Average Daily Discharge" concentrations are limited to the 24-hour duration values. Therefore, the "Maximum Concentration" and "Instantaneous Maximum" TRO concentrations shall always mean the "value that shall not be exceeded" for both the guideline value (40 CFR 423) 0.2 mg/l or the State Water Quality value of 0.1 mg/l.

- (4) Continuous chlorination of each service water system may be used. The Total Residual Oxidant (TRO) concentration shall not exceed 0.2 mg/l daily average and 0.4 instantaneous maximum in the service water discharge prior to mixing with any other stream (Par. I.A.2.a). At least one grab sample shall be taken daily of each service water discharge.
- (5) There shall be no chlorination of the circulating condenser cooling water systems of any unit should the Discharge 001 temperature exceed 95 °F. The continuous chlorination of the service water systems will be allowed during these maximum temperature exceedances.

- (6) The use of the typical (bulk) chlorination process as defined in 40 CFR 423 must be approved by the Regional Administrator and the Director prior to its use on any unit.

The chlorination cycle for the circulating cooling water systems shall not exceed a total of two hours in any one day for each unit cooling water discharge unless the permittee can demonstrate that it is needed for macro-invertebrate control or for the targeted chlorination process.

The Total Residual Oxidant (TRO) concentration shall not exceed 0.2 mg/l at any time prior to mixing at the seal pit, prior mixing with any other steam, Par. I.A.2.a. A minimum of 4 samples (not less than 10 minutes between samples) shall be taken during any one chlorination cycle each day that a unit is treated. Only 1/2 of a unit condenser will be treated at one time.

- (7) A permanent log must be maintained at each unit available for inspection by EPA and the State showing as a minimum: the date and time of each chlorination cycle (cooling water and service water systems), the reported TRO values for all samples analyzed, the pounds of chlorine injected per treatment cycle, and the name of the technician performing the chlorination (when manual analyses are conducted).

The number of exceedances of the TRO maximum concentration during any chlorination cycle will be reported for each unit in the monthly DMR (Par. I.A.2.a).

Pamela F. Faggert
Vice President and Chief Environmental Officer

Dominion Resources Services, Inc.
5000 Dominion Boulevard, Clifton Allen, Virginia 23060
Phone: 800-273-5467



VIA FAX, ELECTRONIC TRANSMISSION AND OVERNIGHT DELIVERY

May 6, 2009

Steven Couto, SEW
Water Technical Unit
Office of Enforcement
One Congress Street
Boston, Massachusetts 02114

Re: Notice of Force Majeure Event Under the Order of Compliance Issued by USEPA Region I to the Brayton Point Power Station in the Matter of Dominion Energy Brayton Point, LLC, Brayton Point Power Station, Somerset, Massachusetts, NPDES No. MA0003654, Docket No. 08-007

Dear Mr. Couto:

Dominion Energy Brayton Point, LLC (Dominion) hereby provides notice of a Force Majeure Event pursuant to Section IV, subsection 2, and Section VI, subsections 13 and 14, of the above-mentioned Order of Compliance (Order), and seeks relief from complying with the schedule for construction and implementation of closed cycle cooling at Brayton Point Power Station and for meeting the limits contained in Dominion's NPDES Permit.

On May 4, 2009, Dominion learned that Bristol County Broadcasting Inc. filed an appeal before the Environmental Appeals Board (EAB) of EPA's April 2, 2009 issuance of Dominion's Prevention of Significant Deterioration Permit No. 052-120-MA14 (PSD Permit). The PSD Permit will not be effective until the EAB resolves the matter. Issuance of an effective PSD Permit is a prerequisite for Dominion to begin construction of the cooling towers. To date, Dominion has complied with the Order's schedule set out in Section IV, subsections 1.a through 1.h. Due to the limitations of the timing of tie-in and delays that have already occurred, any further delay associated with the appeal may prevent Dominion from complying with the remainder of the schedule of compliance set out in Section IV, subsections 1.i through 1.r.

Pursuant to Section IV, subsection 14 of the Order, this serves as notice within five business days of when Dominion first discovered an event that might cause a delay. Per Subsection VI, subsection 14, Dominion will notify the EPA in writing, as soon as practicable but in no event later than ten days after discovering that the event might cause a delay. In the written notice, Dominion will provide the specifics of its Force Majeure claim.

If you have any questions, please contact Cathy Taylor, Director-Electric Environmental Services, at 804-273-2929.

Sincerely,

A handwritten signature in cursive script that reads "Pamela F. Faggert". The signature is written in dark ink and is positioned above the printed name.

Pamela F. Faggert

cc: Edith Goldman, EPA Reg. 1, Office of Enforcement
Diane Leopold
Bob McKinley
Barry Ketschke
Cathy Taylor
Mary Jo Sheeley

BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.

IN THE MATTER OF:)
DOMINION ENERGY)
BRAYTON POINT, LLC)
PSD PERMIT NUMBER: 052-120-MA14)

PSD APPEAL: PSD 09-01

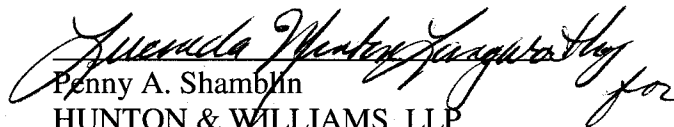
APPEARANCE

NOW COMES Makram B. Jaber and Penny A. Shamblin, Counsel, and enters their appearance on behalf of Intervenor, DOMINION ENERGY BRAYTON POINT, LLC, in the above-captioned matter.

Respectfully submitted by,



Makram B. Jaber
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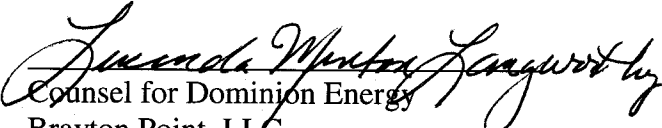
Dated this 7th day of May, 2009.

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of May, 2009, copies of the foregoing Appearance were served by overnight mail, postage prepaid, and e-mail, to:

Arthur D. Frank, Jr.
Counsel for Bristol County Broadcasting, Inc.
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Fall River, Massachusetts 02720
E-mail: afrank@adflaw.com

Ronald A. Fein
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Counsel for Dominion Energy
Brayton Point, LLC