



Taunton River Watershed Alliance, Inc.

PO Box 1116 Taunton, MA 02780

Telephone (508) 828-1101

Internet: <http://savethetaunton.org>

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

In re: Dominion Energy Brayton
Point, LLC (formerly US Gen
New England, Inc.)
Brayton Point Station

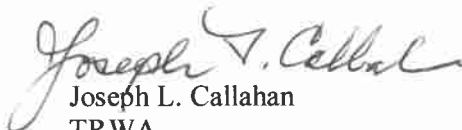
NPDES Appeal No. 07-01

NPDES Permit No. MA 0003654

Taunton River Watershed Alliance's Motion for Leave to File an Amicus Brief
in Support of the Remand Determination Issued by Region 1
in Relation to NPDES Permit No. MA 0003654

The Taunton River Watershed Alliance (TRWA) moves for leave to file a non-party brief in accordance with 40 C.F.R. s22.11(b). The TRWA, founded in 1988, is a non-profit grass-roots organization representing over 1,000 members within the 43 communities that comprise the Taunton River watershed area. TRWA is an alliance of concerned residents, businesses, and organizations united to restore and properly manage water and natural resources within the 562 square mile Taunton River watershed. With that purpose in mind, it is therefore more than right but necessary that TRWA supports the Final National Pollutant Discharge Elimination System (NPDES) Permit No. MA 0003654 and Determination on Remand issued by Region 1 of the United States Environmental Protection Agency. A Memorandum of Law is included that provides TRWA's argument for support of the Region 1 Remand of Determination.

Respectfully yours,
Taunton River Watershed Alliance


Joseph L. Callahan
TRWA

c. Robert W. Davis, Vice President, Advocacy and Technical Advisor, TRWA
Carolyn LaMarre, Executive Director



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NPDES Appeal No. 07-01

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Taunton River Watershed Alliance's Memorandum of Law
Supporting its Motion to File an Amicus Brief
Supporting the Remand Determination Issued by Region 1
Re: NPDES Permit No. MA 0003654

The Taunton River Watershed Alliance (TRWA) hereby requests that the Environmental Appeals Board (EAB) upholds the Remand Determination issued by Region 1 of the United States Environmental Protection Agency in relation to Final NPDES Permit No. MA 0003654.

The TRWA, founded in 1988, is a non-profit grass-roots organization representing over 1,000 members within the 43 communities that comprise the Taunton River watershed area. TRWA is an alliance of concerned residents, businesses, and organizations dedicated to protecting and restoring the Taunton River Watershed, its tributaries, wetlands, floodplains, river corridors and wildlife. The Taunton River watershed is the second largest watershed in Massachusetts draining 562 square miles from its headwaters in Bridgewater to Mount Hope Bay. For years TRWA has been a voice for the river advocating environmental protection, sustainable development, and responsible stewardship of our precious water resources.

Since 2002, TRWA has been involved in tracking the NPDES permit renewal process by attending several Brayton Point Station (BPS) Technical Advisory Committee (TAC) meetings, reviewing various reports and studies, and providing comment on the NPDES permit (Permit No. MA0003654) issued by Region 1 to the BPS in Somerset, MA. We applaud the work of Region 1 and issuing a Permit that places scientifically supported limits on BPS's thermal discharges to, and cooling water withdrawals from, the Mount

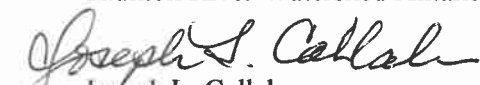
Hope Bay estuary. How long must we wait until these limits are enforced? Significant evidence exists and has been distributed on the damage that has been caused to the Taunton River/Mount Hope Bay ecosystem from the discharge of heated water and other pollutants into Mount Hope Bay as well as from entrainment and impingement of billions of fish eggs and larvae during the withdrawal of cooling water from intakes at the mouth of the Taunton River and the Lees River. TRWA strongly supports those limits outlined in the NPDES permit issued October 6, 2003 for BPS and requests EAB uphold the Remand of Determination by EPA so that finally the fisheries of Mount Hope Bay can begin the process of restoration.

TRWA believes that Region 1 has more than adequately justified the scientific, technological, economic and legal bases for the limits. This appeal is just one more tactic by BPS to prolong the inevitable while it continues to reap profits using cheap, outdated and harmful technology. Compliance with the Clean Water Act requires use of best available technology. BPS continues to use open cycle cooling that discharges harmful heated water back into the river when for years closed cycle cooling has been available which will effectively meet the limits imposed by the NPDES permit. Closed cycle cooling or recirculating the water is both a cost-effective and a feasible technology that if implemented will decrease thermal discharges by 95% while substantially decreasing the amount of water withdrawn from the river. TRWA urges compliance with NPDES permit and the Clean Water Act. Immediate implementation of the permit conditions will greatly improve the opportunity for habitat and fish recovery in the Taunton River.

The Taunton River been nominated for inclusion into the National Park Service, National Wild and Scenic Rivers Program (www.TauntonRiver.org). The Taunton River is considered by state and local wildlife experts to be one of the most ecologically diverse water bodies in the Commonwealth with fisheries identified as one of its outstanding resource values. Moreover, the government is statutorily obligated, given the severe impacts to the Taunton River/Mount Hope Bay ecosystem, to take immediate enforcement actions requiring compliance with the existing permit to reduce the ongoing adverse effects from the withdrawal of cooling water out and the discharge of heated water and pollutants into Mount Hope Bay and Taunton River.

TRWA supports the Final NPDES Permit No. MA 0003654 and Remand Determination issued by Region 1 of the USEPA. We believe the arguments used by BPS do not warrant EAB review or further Remand of the Permit and urge EAB denial of the Petition for Review. Thank you for this opportunity to provide comment on this important matter.

Respectfully yours,
Taunton River Watershed Alliance


Joseph L. Callahan
TRWA

- c. Robert W. Davis, Vice President, Advocacy and Technical Advisor, TRWA
Carolyn LaMarre, Executive Director, TRWA

CERTIFICATE OF SERVICE

I hereby certify that on March 12, 2007 I served a true copy of TRWA's Memorandum of Law of Support of the Remand Determination issued by Region 1 in relation to NPDES Permit No. MA 0003654 for Brayton Point Station on the following parties by regular mail:

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