

3 Attachments

Map of extent of damage
Chemicals Added To Warm water
DEM's tests of Feosil in Kickemuit
result of K.R. Project

Main Identity

From: "Ann Morrill" <annmorrill@verizon.net>
To: "Ann Morrill" <annmorrill@verizon.net>
Sent: Friday, October 19, 2007 9:25 PM
Subject: Dominion Energy Brayton Point NPDES Appeal No. 07-01 by KRC

From: Kickemuit River Council
P.O. Box 590, Warren, RI 02885

October 19, 2007

To: Robert W. Varney, EPA Regional Administrator
EPA New England, Region 1
One Congress St., Suite 1100
Boston, MA 02114-2033

U.S. Environmental Protection Agency
% Ms. E. Durr, Clerk of the EAB Board (MC 1103B)
Ariel Rios Bldg., 1200 Pennsylvania Ave., N.W.
Washington DC 20460-001

RECEIVED
U.S. E.P.A.
2007 OCT 25 AM 9:53
ENVIR. APPEALS BOARD

**Re: In the Matter of Dominion Energy Brayton Point LLC
Brayton Point Station NPDES Permit No. MA 003654
NPDES Appeal NO. 07-01**

Dear Mr. Varney and Ms. Durr:

On behalf of the Kickemuit River Council, a participant in the EPA hearings, filer of an accepted Amicus Curiae Brief in the above matter, and submitor of a "Determination of Remand" in support of the EPA on this matter, participant in the Oct. 11, 2007, Dominion meeting in Boston at the EPA offices, and a party that will be very poorly affected by the delay in the permit process ask the EPA & the EAB to DENY the petitioner's Motion for Stay. Under Federal Rules of Appellate Procedure ("FRAP"), Brayton Point Station's (BPPS), motion for a stay should be denied because the issuance of this stay will cause substantial harm to the public of Massachusetts and Rhode Island and to the environment of these states and the life of the Kickemuit River & Mt. Hope Bay.

The Kickemuit River Council (KRC), an all volunteer, 501C3 organization, a member of the Rhode Island Rivers Council, incorporated in the State of RI, represents app. 350 families on the saltwater Kickemuit River in Bristol and Warren, RI. We are dedicated to the protection, preservation, & improvement of the Kickemuit River. Brayton Point Power Station is hurting the sealife of the Kickemuit River and Mt. Hope Bay. We have watched the degredation of sealife since Brayton went on an open-cycle cooling in app. 1985.

Who will speak for the horseshoe crabs, the lobsters, the blue crabs, fiddler crabs, hermit crabs, the eelgrass, the fish, the clams and the quahogs, etc. and aquatic dependent wildlife-- if not the EPA? In the newspaper the Providence Journal on p. F3, Wednesday, October 17, 2007, we read that Dominion Resources, Inc. profit next year will INCREASE by \$30,000,000. If this permit is so hard to implement, let Dominion shut down the plant. The environment of Mt. Hope Bay and the Kickemuit River would be much improved. It is NOT just the temperature of the water that is involved. It is the chemicals that are put in the water by Brayton Point Power Station-- to the detriment of life. Closed cycle will help. There has

10/19/2007

been a precipitous drop in crustaceans due to the additions of Spectrus 1300, a crustacean biocide, at the rate of .16 mg. per LITER. The BPPS takes in approximately 1 billions gallons a day!. In one year, Brayton Point uses, (according to the original permit papers) among MANY other chemicals, 68,000 lbs. of hydroxy acetic acid; 47,000 lbs. of hydrochloric acid; 29,000 lbs of formic acid; 40,000 lbs. of sodium hydroxide; and 100,000 lbs of sodium hypochlorite. Closed cycle will alleviate this destruction. In 1984, the beach at Laurel Park would be covered with horseshoe crabs. There were about two this year. You have trouble finding a blue crab. Blue crabs come to mate in the same latitude and longitude in which they were born. There should be mandated mitigations required after closed cycle is implemented. Eel grass dies in this environment. . Has this crucestacian killer affected the lobster industry? BPPS asked if they could add Clamtrol. What of the shellfish industry? A fisherman called us to tell us that the occasional fish he caught near the Narrows in Mt. Hope Bay had bleeding gills. Spar Island in Mt. Hope Bay used to be covered with conchs. This year there were none. It upsets us that Dominion, who purchased this plant knowing full well about the problem and the necessity for updates, is now claiming expenditures & commitments to ask for ANOTHER delay.. Dominion is now asking for another delay while the public and environment suffer. This is NOT China. The EPA stands between the destruction of the environment of Mt. Hope Bay & the Kickemuit River by Brayton Point. This effect goes through Narragansett Bay also. (See enclosed map.)

KRC has 32 more signatures for our petition bringing the total to 681 people . The Towns of Bristol & Warren, their Conservation Commissions & Land Trusts ; the Town of Portsmouth; the MA Audubon Society; the Eastern RI Conservation District; the City of Fall River; and the many organizations around the Bay such as the Laurel Park Improvemnt Association founded in 1921, the Hopeworth Community Assoc., Inc. on Mt. Hope Bay; Clean Water Action, a national environmental group.; Prudence Island Conservancy,; the Sakonnet River Assoc. , Healthlink.; the Coalition for Buzzards Bay. The Westport River Watershed Alliance who all supported the EPA in this permitting (which we submitted in our Amicus Curiae Brief.) (Available upon request.). Letters from 79 young citizens were received to support the EPA. They are the future, and you the EPA hold the future of this part of their environment in your hands.

There has been an 87% decline in finfish popultation documented by RI DEM's biologist Mark Gibson in 1996—eight years ago. It is getting worse. One small part of America damaged.. In 1985, a test of the sediment in the Kickemuit River, indicated a sae level on all parameters> In 2003, after 19 years of open cooling, the sediment shows damage.

Dominion should be ashamed to ask for this stay. Both 316(a) & 316 (b) of the Clean Water Act, as well as CWA 401 (a)(1) should be enforced. The RI Constitution, Article I, Section 17 addresses protecting the natural environment of the "natural resources of the state..."for the preservation, regeneration and restoration of the natural environment of the state. " The great value placed on the health of Mt. Hope Bay and its fishery by the State of RI is also indicated by Resolution (No. 2001-H 6304) passed by the RI State Legislature on April 4, 2001.

It is time for BPPS to clean up their act.

KRC is asking the EPA and The EAB to DENY this request for a stay. "The Kickemuit River cannot speak for itself. It needs loud voices from those who know it, love it, and want to save it. (P.J. 1969 Ed.) Please continue to be one of the important voices. Deny this motion for a stay.

Sincerely,

Ann Morrill, KRC 1st Vice President, KR Project Volunteer Coordinator

90 Dexterdale Rd., Providence, RI 02906 Tel. # 1-401-274-6927 annmorrill@verizon.net

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of October, 2007, copies of the foregoing request to DENY BPPS's request for a stay and in support of Region I's permit were sent by prepaid first class mail to the parties listed below: by:



Ann Morrill
Ann Morrill, KRC 1st Vicepresident

Robert Varney, EPA Regional Administrator U.S. Environmental Protection Agency (EAB)
EPA New England, Region I % E. Durr, Clerk of the Board EAB (MC 1103B)
One Congress Street, Suite 1100 Ariel Rios Bldg., 1200 Pennsylvania AVE. NW
Boston, MA 02114-2023 Washington, DC 20460-0001

Mark Stein, EPA Region One Foley Hoag, LLP % John Stevens + others
One Congress St., Suite 1100 155 Seaport Blvd Seaport Trade Center West
Boston MA 02114-2023 Boston, MA 02210-2600

Steven Roth, KRC President Wendy Waller, Esq. & John Torgan, Save the Bay
1 Riverview Ave., Bristol, RI 02809 100 Save the Bay Drive, Prov., RI 02905

Dr. Michael Sullivan, RI DEM Director Patrick Lynch, RI Attorney General
% Angelo Liberti & Brian Wagner, Esq. Tricia Jedele, Terence Tierney, Mike Rubin, Esqs.
235 Promenade St., Prov. RI 02908 10 North Main St., Prov. RI 02903

MA DEP % Phil Weinberg & Robert Brown Ken Moraff, Damien Houlihan, Amanda Helwig
Richard Lehan, Deputy General Counsel Stephen Perkins, Samir Bukhari, David Webster
Andrew Goldberg EPA Region One, One Congress St., Suite 1100
One Winter Str., Boston, MA 02108 Boston, MA 02114-2033

Conservation Law Foundation Taunton River Watershed Alliance, Inc.
% Peter Shelley % Carolyn LaMarre, Executive Director
62 Summer St., Boston, MA 02138 1298 Cohannet St., PO Box 1116, Taunton, MA 02780

Bristol Town Council Warren Town Council
& Ken Marshall, President % Frank Alfano, President
10 Court St., Bristol, RI 02809 Warren Town Hall, Main St., Warren, RI 02885

Fall River City Council Save Bristol Harbor MA Audubon
1 Government Center P.O. Box 242 % Priscilla Chapman
Fall River, MA 02722 Bristol, RI 02809 PO Box 116, Taunton, MA 02780

Handwritten text, possibly a signature or name, located in the upper center of the page.

E.P.A.'s Draft.

DRAFT

Page 24 of 29

Permit No. MA0003654

The unusual impingement events will be reported to the Massachusetts Division of Marine Fisheries, EPA's Office of Ecosystem Protection, and Massachusetts Division of Water Pollution Control or their respective designees by telephone as soon as they know or have reason to believe (not to exceed 4 hours) an unusual fish impingement event has occurred. The permittee shall make a written report on the fish impingement incident within 5 work days to MA DMF, EPA and MA DEP.

Add
arsenic?
hexavalent
chromium
b.

4. Benthic Invertebrate Data

~~The permittee shall collect quahogs annually from Stations A', F and M on Figure 5 in Attachment C in April, July, and October and shall analyze them for their heavy metal burden: cadmium, copper, iron, lead, mercury, nickel, vanadium and zinc.~~

This Contingency Plan identifies actions that Brayton Point Station may undertake when improvements to the Biological Monitoring Program (BP) are necessary. The Contingency Plan authorizes the evaluation, annually at a minimum, of the BP and associated data, and, if necessary, requires recommendations for improvements in the BP and the development of a Management Plan (See Management Plan, below).

1. BP Evaluation

At a minimum, the BP is evaluated through the following:

- i. An annual review of the environmental/biological sampling and analysis plan and data;
- ii. The identification of change in the aquatic or biological system;
- iii. The determination of statistically significant change;
- iv. The determination of biological importance;
- v. The determination of the likelihood that Brayton Point Station contributed to the change;
- vi. A review and analysis of BP data variability and power analysis update;

ATTACHMENT A

DRAFT

The chemicals used at the facility are shown as follows:

CHEMICAL NAME	AMOUNT, LBS/YEAR	PURPOSE
Ammonia Biflouride	9,800	Chemical Clean
Hydroxy acetic Acid	68,000	Chemical Clean Unit 3
Formic Acid	29,000	Chemical Clean Unit 3
Hydrochloric Acid	47,000	Chemical Clean
Ammonium Bicarbonate	3,200	Chemical Clean
Ammonium Carbonate	1,000	Chemical Clean
Ammonium Hydroxide, 28%	15,000	Steam Cycle
Ammonium Hydroxide, 28%	20,000	Chemical Clean
Sodium Hydroxide, 50%	400,000	Demineralizer Regeneration
Sodium Hydroxide, 50%	153,000	Chemical Neutralization
Sodium Hydroxide, 25%	50,000	Bottom Ash pH control
Sodium Hydroxide, 100%	200	Steam Cycle
Sodium Hypochlorite	100,000	Cooling Water Treatment
Disodium Phosphate	1,000	Steam Cycle
Trisodium Phosphate	1,000	Steam Cycle
Sulfuric Acid, 98%	300,000	Demineralizer Regeneration
Hydrazine, 28%	2,000	Steam Cycle
Hydrazine, 28%	4,900	Chemical Clean
Spectrus 1300	0.16 mg/l	Biocide
Betz Foam-Trol 301	0.08 mg/l per minute	Foam Control
Foamtrol AF3551	0.08 mg/l per minute	Foam Control

per. ITER!

*

1. Ammonium Bifluoride

May be used during chemical cleans.

2. Hydroxy Acetic Acid

May be used during chemical cleans.

3. Formic Acid

May be used during chemical cleans.

4. Ammonium Bicarbonate

May be used during chemical cleans.

5. Hydrochloric Acid

Hydrochloric acid is used for chemical cleans.

6. Ammonium Carbonate

May be used during chemical cleans.

7. Ammonia Hydroxide

Ammonia as ammonium hydroxide maintains pH control in the steam cycle to minimize corrosion. Ammonia Hydroxide is also used in chemical cleans. Additional ammonia is discharged as the result reaction of hydrazine, as described below.

8. Sodium Hydroxide

Sodium Hydroxide is used in the regeneration of the blowdown demineralizers and pH control of bottom ash. Used for water treatment in the steam cycles of the boilers.

9. Sodium Hypochlorite

Sodium Hypochlorite is used as a biocide to control fouling of system components. Approximately 100,000 pounds are used annually. The facility discharges very little Total Residual Oxidant.

R. I. DDM Ambient Water Test.

Prepared by Brian Zalesky 6/3/05

A river worth saving

Station Num	Date	Fecal	Rain/Dry	Rain Amt	Days After	Tide	Wind Dir/Speed	Season	Temp	Lab Num	Comments	Sent
1	02/23/04	4	D	1.24	16	E	S/15					Y
2	02/23/04	3	D	1.24	16	E	S/15					Y
3	02/23/04	2	D	1.24	16	E	S/15					Y
4	02/23/04	3	D	1.24	16	E	S/15					Y
5	02/23/04	2	D	1.24	16	E	S/15					Y
9	02/23/04	7	D	1.24	16	E	S/15					Y
10	02/23/04	2	D	1.24	16	E	S/15		34F			Y
1	03/29/04	2	D	0.15	2	F	E/12					Y
2	03/29/04	2	D	0.15	2	F	E/12					Y
3	03/29/04	3	D	0.15	2	F	E/12					Y
4	03/29/04	2	D	0.15	2	F	E/12					Y
5	03/29/04	3	D	0.15	2	F	E/12					Y
6	03/29/04	2	D	0.15	2	F	E/12					Y
7	03/29/04	4	D	0.15	2	F	E/12					Y
8	03/29/04	9	D	0.15	2	F	E/12					Y
9	03/29/04	2	D	0.15	2	F	E/12					Y
10	03/29/04	2	D	0.15	2	F	E/12					Y
1	05/11/04	2	D	0.06	2	L	0					Y
2	05/11/04	2	D	0.06	2	L	0					Y
3	05/11/04	4	D	0.06	2	L	0					Y
4	05/11/04	2	D	0.06	2	L	0					Y
5	05/11/04	2	D	0.06	2	L	0					Y
6	05/11/04	2	D	0.06	2	L	0					Y
7	05/11/04	2	D	0.06	2	L	0					Y
8	05/11/04	15	D	0.06	2	L	0					Y
9	05/11/04	2	D	0.06	2	L	0					Y
10	05/11/04	2	D	0.06	2	L	0		58F			Y
1	05/25/04	2	D	0.06	1	E	NW/5					Y
2	05/25/04	4	D	0.06	1	E	NW/5					Y
3	05/25/04	4	D	0.06	1	E	NW/5					Y
4	05/25/04	2	D	0.06	1	E	NW/5					Y
5	05/25/04	2	D	0.06	1	E	NW/5					Y
6	05/25/04	2	D	0.06	1	E	NW/5					Y
7	05/25/04	4	D	0.06	1	E	NW/5					Y
8	05/25/04	4	D	0.06	1	E	NW/5					Y
9	05/25/04	2	D	0.06	1	E	NW/5					Y
10	05/25/04	2	D	0.06	1	E	NW/5		60F			Y
1	06/22/04	4	D	0.15	3	F	SW/10					Y
2	06/22/04	2	D	0.15	3	F	SW/10					Y
3	06/22/04	2	D	0.15	3	F	SW/10					Y
4	06/22/04	2	D	0.15	3	F	SW/10					Y
5	06/22/04	2	D	0.15	3	F	SW/10					Y
6	06/22/04	2	D	0.15	3	F	SW/10		68F			Y
7	06/22/04	2	D	0.15	3	F	SW/10					Y
8	06/22/04	3	D	0.15	3	F	SW/10					Y
9	06/22/04	2	D	0.15	3	F	SW/10					Y
10	06/22/04	2	D	0.15	3	E	SW/10					Y
1	07/30/04	2	D	0.45	2	E	S/5					Y
2	07/30/04	4	D	0.45	2	E	S/5					Y
3	07/30/04	15	D	0.45	2	E	S/5					Y
4	07/30/04	4	D	0.45	2	E	S/5					Y
5	07/30/04	2	D	0.45	2	E	S/5		72F			Y
6	07/30/04	23	D	0.45	2	E	S/5					Y
7	07/30/04	43	D	0.45	2	E	S/5					Y
8	07/30/04	150	D	0.45	2	E	S/5					Y
9	07/30/04	4	D	0.45	2	E	S/5					Y
10	07/30/04	3	D	0.45	2	E	S/5					Y
1	08/27/04	2	D	0.46	5	E	S/5					Y
2	08/27/04	2	D	0.46	5	E	S/5					Y
3	08/27/04	2	D	0.46	5	E	S/5					Y
4	08/27/04	2	D	0.46	5	E	S/5					Y
5	08/27/04	2	D	0.46	5	E	S/5		74F			Y
6	08/27/04	4	D	0.46	5	E	S/5					Y
7	08/27/04	2	D	0.46	5	E	S/5					Y
8	08/27/04	9	D	0.46	5	E	S/5					Y
9	08/27/04	2	D	0.46	5	E	S/5					Y
10	08/27/04	4	D	0.46	5	E	S/5					Y
1	09/16/04	2	D	2.07	8	H	N/5					Y
2	09/16/04	2	D	2.07	8	H	N/5					Y
3	09/16/04	2	D	2.07	8	H	N/5					Y
4	09/16/04	2	D	2.07	8	H	N/5					Y
5	09/16/04	2	D	2.07	8	H	N/5		72F			Y
6	09/16/04	23	D	2.07	8	H	N/5					Y
7	09/16/04	23	D	2.07	8	H	N/5					Y
8	09/16/04	4	D	2.07	8	H	N/5					Y
9	09/16/04	2	D	2.07	8	H	N/5					Y

**Brayton Point
Power Station,
Somerset, MA.**



Providence

E. Providence

Warwick

Bristol

FALL RIVER, MA.

Prudence Island

Tiverton

**PORTSMOUTH
7.5 MILES**

North Kingstown

Ten mile radius

**JAMESTOWN
15.5 MILES**

Little Compton

**MIDDLETOWN
13 MILES**

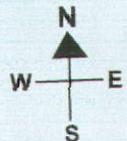
Sakonnet

**NEWPORT
15 MILES**

Narragansett

Twenty mile radius

Thirty mile radius



Be a voice in support of the Kickemuit River- become a volunteer.

I'd like to volunteer to help with:

- Cleanups
- Habitat Restoration
- Water Quality Monitoring
- Development Tracking
- Youth Programs
- Fund-raising
- Administrative Tasks

I'd like to stay informed:

- Add my name to the mailing list

Name: _____

Address: _____

City: _____ State: _____

E-mail: _____

Phone: _____

Contact preference, please check one

I'd like to order an 8" x 10" photo

Qty. A: South looking North \$15.00

Qty. B: North looking South \$15.00

Donations and checks for photographs are payable to the Kickemuit River Council.

The full amount of your tax deductible contribution will be dedicated to Kickemuit River preservation.

The Kickemuit River Council is a nonprofit 501(c)(3) organization.

Kickemuit River Council
PO Box 590
Warren, RI 02885

Who we are: The Kickemuit River Council exists to preserve, protect, and enhance the water quality of the Kickemuit river and its tributaries and to maintain it as a Salt Water Class A river.

To fulfill this purpose, the Kickemuit River Council encourages the improvement and protection of the Kickemuit River, informs and educates the public about the Kickemuit River, and serves as an advocate for the Kickemuit River so that, for all generations to come, we may have a legacy of natural beauty and charm.

Formed in 1973, the Kickemuit River Council is an all volunteer organization comprised of three delegates from areas around the Kickemuit River and individuals committed to preserving the magic of the Kickemuit River, a gift whose worth cannot be measured except by the heart.

visit us on the web at
www.kickemuitriver.org

Kickemuit River Council
is proud to be a member of
The Rhode Island Rivers Council

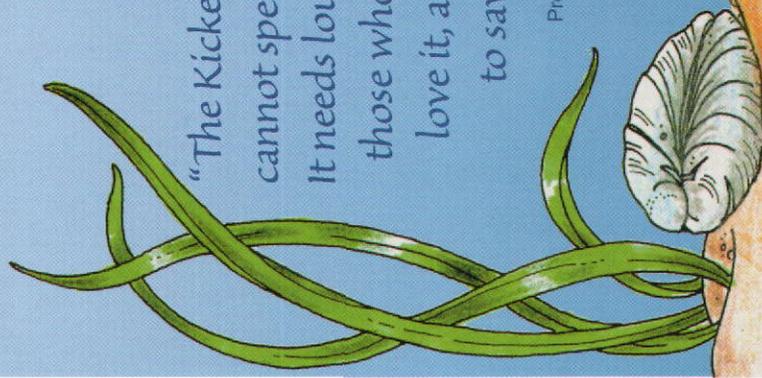


Rhode Island Rivers Council
Working together to protect and restore
Rhode Island's rivers and their watersheds.



K R C

Kickemuit River Council



"The Kickemuit River
cannot speak for itself.
It needs loud voices of
those who know it,
love it, and want
to save it."

Providence Journal 1969

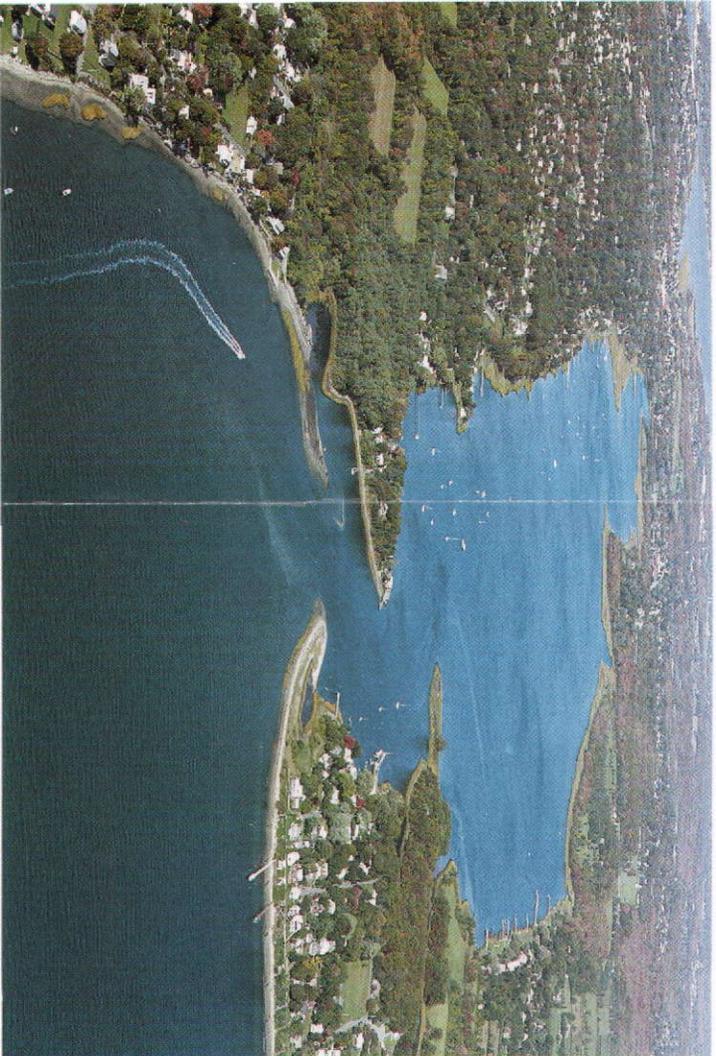


Photo A: South looking North

Photos courtesy of Pillsbury Associates

Don Pedersen © 2003

The Kickemuit River is magic...its water

The job of protecting the Kickemuit River requires the dedication of all who love it.

Challenges to come:

- Retain the Kickemuit River as a salt water class A river suitable for quahogging and water contact recreation
- Identify and mitigate all sources of pollution to the Kickemuit
- Restore and protect wetlands and coastal habitats.
- Encourage protection of open space and farmland
- Monitor development proposals in the Kickemuit watershed
- Educate the community about actions they can take to preserve the natural resources of the Kickemuit

The Kickemuit River Council addresses threats to the water quality of the Kickemuit River. Some major achievements have prevented degradation of the waterway:

Promises Kept:

- Stopped the discharge of filter-backwash silt into the Kickemuit
- Opposed construction of a marina adjacent to a prolific shellfishing area
- Stopped discharge of contact cooling water from Carol Cable
- Supported construction of sewers and sewer tie-in of all residents
- Initiated the Kickemuit River Project to monitor storm water discharges
- Discovered and persuaded DEM to remediate an old dump leaching pollution into the Kickemuit

runs through our veins.

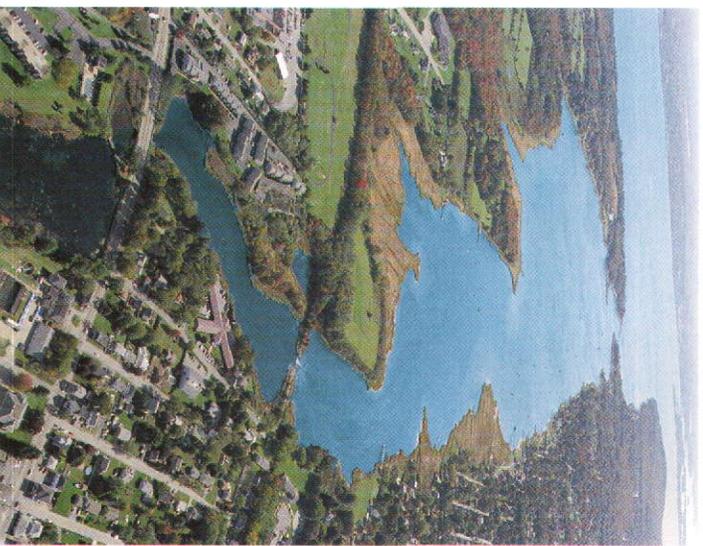


Photo B: North looking South

Don Pedersen © 2003