

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

In re: Dominion Energy Brayton )  
Point, LLC (formerly USGen )  
New England, Inc.) )  
Brayton Point Station )  
) ) NPDES Appeal No. 07-01  
) )  
NPDES Permit No. MA 0003654 )

**SAVE THE BAY'S MOTION FOR LEAVE  
TO FILE AN AMICUS BRIEF IN SUPPORT OF  
THE REMAND DETERMINATION ISSUED BY REGION 1  
IN RELATION TO EPA NPDES PERMIT, NO. MA 0003654**

*Now comes*, Save The Bay – Narragansett Bay (“Save The Bay”), a Rhode Island nonprofit organization, and pursuant to *40 C.F.R. §22.11(b)*, requests leave to file the enclosed Memorandum of Law in the above captioned case. As reasons therefore, your movant avers that the purpose of this organization is to ensure that the environmental quality of Narragansett Bay, and its watershed, is restored and protected from the harmful effects of human activities to allow the Bay system to function normally and healthfully both now and in the future. Save The Bay is dedicated to protecting and restoring the ecological, recreational, commercial and aesthetic qualities of Narragansett Bay and its watershed and tributaries.

Among Save The Bay’s 20,000 members and supporters, approximately thirty six hundred reside in communities in and around Mount Hope Bay. They engage in recreational and commercial fishing, swimming, boating, and other recreational,

conservational and aesthetic activities in waters which are adversely affected by thermal discharge and entrainment of fish larvae at the Brayton Point facility.

Save The Bay asserts any further delay in implementing the permit conditions and limitations set forth in the United States Environmental Protection Agency (“EPA”) National Pollutant Discharge Elimination System (“NPDES”) Permit No. MA-0003654 for Brayton Point Power Station (“Brayton Point”) will serve to frustrate Save The Bay’s purposes of protecting the bay and its vast watershed, as well as directly affect and harm members’ commercial, recreational, conservational and aesthetic interests. Mount Hope Bay is an integral part of Narragansett Bay and a resource held in trust by Rhode Island and Massachusetts for the benefit of their citizens.

The enclosed Memorandum of Law sets forth Save The Bay’s support of the Remand Determination issued by Region 1 regarding Brayton Point.

Respectfully submitted,

Save The Bay – Narragansett Bay,  
By its attorneys,

/s/ Wendy A. Waller

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Dated: March 6, 2007

**CERTIFICATE OF SERVICE**

I hereby certify that on this 6<sup>th</sup> day of March, 2007, I served a true copy of Save The Bay'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 for Brayton Point Station on the following parties by regular mail:

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*/s/ Wendy A. Waller*\_\_\_\_\_