

VIA FAX AND VIA FIRST CLASS MAIL

Eurika Durr, Clerk of the Board Environmental Appeals Board (MC 1103B) U.S. Environmental Protection Agency Ariel Rios Building 1200 Pennsylvania Avenue, N.W. Washington, D.C. 20460-0001

Re: NPDES Appeal Nos. 06-12, 06-13, 09-04

NPDES Permit No. MA 0004898

Mirant Kendall, LLC

January 11, 2010

Dear Ms. Durr,

Enclosed please find the original of the Region's Notice of Participating Counsel in the above-captioned case, with an attached certificate of service. The Notice and the certificate of service have also been mailed to the Board and to counsel of record today, and an electronic copy has been posted to the CDX system.

Sincerely,

Ronald A. Fein, Assistant Regional Counsel U.S. Environmental Protection Agency Region 1 5 Post Office Square, Suite 100, MC ORA18-1 Boston, MA 02109-3912

617-918-1040

Fax: 617-918-0040

cc: Ralph A. Child, Esq., Mintz, Levin, Cohn, Ferris Glovsky and Popeo, P.C. Kristy A. Bulleit, Esq., Hunton & Williams LLP Peter Shelley, Esq., Conservation Law Foundation Robert Brown, Esq., Massachusetts Department of Environmental Protection

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

In re:	Mirant Kendall, LLC Mirant Kendall Station)	NPDES Appeal Nos. 06-12, 06-13, 09-04
NPDES Permit No. MA 0004898))	

RESPONDENT'S NOTICE OF PARTICIPATING COUNSEL

Region 1 of the United States Environmental Protection Agency ("Region") will participate in the teleconference in the above-captioned matter scheduled for January 21, 2010, via videoconference from its office in Boston. The Region respectfully requests that the Board's technical support staff contact the Region's telecommunications programmer, Peter Major (617-918-1955; cell 857-829-8242), to coordinate the videoconference.

The Region will be represented at the conference by Ronald Fein, Assistant Regional Counsel. Also present may be: Mark Stein, Senior Assistant Regional Counsel, who is co-counsel in this matter; and David Webster, Manager, Industrial Permits Branch, Office of Ecosystem Protection. The Region has also offered the use of its Boston videoconferencing facility to petitioners Mirant Kendall, LLC (the permittee) and Conservation Law Foundation.

Respectfully submitted,

Ronald A. Fein, Assistant Regional Counsel U.S. Environmental Protection Agency Region 1 5 Post Office Square, Suite 100, MC ORA18-1 Boston, MA 02109-3912

Tel: 617-918-1040 / Fax: 617-918-0040

Date: January 11, 2010

Of Counsel:

Richard T. Witt, Attorney-Adviser Office of General Counsel U.S. Environmental Protection Agency Washington, D.C. 20460

In re Mirant Kendall, LLC NPDES Appeal Nos. 06-12, 06-13, 09-04 Notice of Participating Counsel

CERTIFICATE OF SERVICE

I, Round A. Fein, hereby certify that copies of the foregoing Notice of Participating Counsel were sent on the 11th day of January 2010 to the following persons in the manner described below:

Original by first class mail Copy posted to CDX electronic system Copy by fax

Eurika Durr, Clerk of the Board Environmental Appeals Board (MC 1103B) U.S. Environmental Protection Agency Ariel Rios Building 1200 Pennsylvania Avenue, N.W. Washington, D.C. 20460-0001

Fax (202) 233-0121

Copy by fax Copy by e-mail Copy by first class mail Peter Shelley, Esq. Conservation Law Foundation 62 Summer Street Boston, MA 02110

Fax (617) 350-4030

Copy by fax Copy by e-mail Copy by first class mail

Ralph A. Child, Esq. Mintz, Levin, Cohn, Ferris Glovsky and Popeo, P.C. One Financial Center Boston, MA 02111

Fax (617) 542-2241

Copy by fax
Copy by e-mail
Copy by first class mail

Kristy A. Bulleit, Esq. Hunton & Williams LLP 1900 K Street NW Washington, DC. 20006-1109

Fax (202) 778-2201

Signed: January 11, 2010