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February 17, 2006

David Webster
Chief, Industrial Permits Branch
US EPA Region I
Office of Ecosystem Protection
1 Congress Street, Suite 1100
Boston, MA 02114-2023

Dear Mr. Webster:

On February 1, 2006, the EPA Environmental Appeals Board issued its decision in the appeal of Dominion Energy Brayton Point's NPDES Permit No. MA0003654, and remanded two important issues back to EPA Region I for further action. The first issue concerns the Region's selection of 5 days as the frequency for temperature exceedance used in deriving the thermal effluent limit under § 316(a) of the Clean Water Act. The EAB concluded that the Region had failed to articulate its analysis and now requires that the Region either supplement the record with its rationale or modify the value with a sufficient explanation for the new value. The second issue concerns the Region's noise impact analysis. The EAB found that the record was insufficient to support the Region's conclusion on noise, and on remand requires the Region to either supplement its response to comments with a rationale that addresses concerns raised by Dominion or modify the permit requirement.

As we discussed in our telephone conversation last week, Region I is currently reviewing the EAB's decision and has not yet decided how it will proceed on remand. Because the EAB concluded the record is inadequate on both of these issues and because of the importance of these issues to the final permit, Dominion requests that Region I re-open the record and accept public comment on these two issues. Dominion also requests that EPA Region I hold an evidentiary hearing on these issues.

Thank you for your consideration, and I will talk with you soon as we discussed last week.

Sincerely yours,



Cathy C. Taylor
Director, Electric Environmental Services