

MASSACHUSETTS DEPARTMENT OF
ENVIRONMENTAL PROTECTION
COMMONWEALTH OF MASSACHUSETTS
1 WINTER STREET
BOSTON, MASSACHUSETTS 02108

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY
OFFICE OF ECOSYSTEM PROTECTION
REGION I
BOSTON, MASSACHUSETTS 02114

**JOINT PUBLIC NOTICE OF AN EXTENSION OF THE PUBLIC COMMENT PERIOD
ON THE DRAFT NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
(NPDES) PERMIT CONDITIONS CONCERNING COOLING WATER WITHDRAWALS
FROM, AND DISCHARGES OF POLLUTANTS TO, THE WATERS OF THE UNITED
STATES UNDER SECTIONS 301, 316(b) AND 402 OF THE CLEAN WATER ACT
(THE "ACT"), AS AMENDED.**

DATE OF NOTICE: **January 12, 2009**

PERMIT NUMBER: **MA0004928**

PUBLIC NOTICE NUMBER: **MA-011-09**

NAME AND MAILING ADDRESS OF PERMITTEE:

**Mirant Canal, LLC
9 Freezer Road
Sandwich, MA 02563**

NAME AND ADDRESS OF THE FACILITY WHERE DISCHARGE OCCURS:

**Mirant Canal Station
9 Freezer Road
Sandwich, MA 02563**

RECEIVING WATER: **Cape Cod Canal, to the Atlantic Ocean** (Basin code 96 CAPE)

EXTENSION OF THE PUBLIC COMMENT PERIOD:

In accordance with 40 CFR §124.10, this notice serves to extend the period for public comment for the draft NPDES permit conditions that were developed the by U.S. Environmental Protection Agency, (EPA) in cooperation with the Massachusetts Department of Environmental Protection (MassDEP) with regard to the above-listed facility. The original public notice to this action appeared in the Cape Cod Times on December 12, 2008 and included a summary of the facts leading to this action. The public comment period, which began on December 12, 2008, was scheduled to end on January 15, 2009. EPA and MassDEP are extending the comment period 14 days to **January 29, 2009**.

The draft permit conditions were developed to satisfy applicable requirements of the Federal Clean Water Act (CWA) and Massachusetts Water Quality Standards. EPA has formally requested that the State certify these draft permit conditions pursuant to CWA § 401 and expects that the draft permit conditions will be certified..

INFORMATION ABOUT THE DRAFT PERMIT CONDITIONS AND RELATED PERMIT PROCEEDINGS:

The Canal Station power plant is an 1120 megawatt (MW) fossil fuel-burning electrical generation facility in Sandwich, MA (Canal Station). The facility generates electricity by means of two 560 MW_{net} oil/gas fired steam turbine units. Canal Station rejects steam turbine condenser waste heat to the Cape Cod Canal by means of a once-through cooling water system. It withdraws approximately 518 million gallons per day of water from the Canal through two cooling water intake structures and then discharges the heated water back to the Canal through two of the facility's discharge outfalls. Canal Station also discharges various other pollutants, in addition to heat, to the Canal.

EPA Region 1 and MassDEP have withdrawn the provisions of the August 2008 Final Permit that were based upon the agencies' determination that closed-cycle cooling is the BTA for entrainment reduction, and re-proposed those provisions as draft permit conditions for public review and comment. The re-noticed draft permit conditions are accompanied by a supporting Fact Sheet, which incorporates the August 2008 RTC. EPA Region 1 will consider all comments received during the comment period and then prepare final permit conditions and written responses to all significant comments.

EPA Region 1 and MassDEP have only withdrawn and re-proposed particular provisions of the August 2008 Final Permit and are not seeking comment on the other permit provisions that are not being withdrawn and re-proposed. Nevertheless, the permitting agencies recognize the possibility that a commenter might wish to comment on additional permit conditions that the commenter believes are inextricably intertwined with the BTA determination for entrainment. Region 1 will consider and respond to any significant comments in this regard that it determines to be within the scope of this proposed action.

A Fact Sheet (describing the type of facility; type and quantities of wastes; a brief summary of the basis for the draft permit conditions; and significant factual, legal and policy questions considered in preparing this draft permit), the particular draft permit conditions that EPA and DEP are seeking comment on, and the permit application may be reviewed or obtained at no cost at http://www.epa.gov/region1/npdes/draft_permits_listing_ma.html or by writing or calling EPA's contact person named below:

Sharon DeMeo, US EPA
1 Congress Street - Suite 1100 (CIP)
Boston, MA 02114-2023
Telephone: (617) 918-1995

The administrative record containing all documents relating to the new draft permit conditions, and all data submitted by the applicant, is on file and may be inspected at the EPA Boston office mentioned above between 9:00 a.m. and 5:00 p.m., Monday through Friday, except holidays. **There have been additional items added to the administrative record since the issuance of the August 2008 Final Permit.** Arrangements may be made to review these documents by calling the contact above.

PUBLIC HEARING:

As previously published in the Cape Cod Times on December 12, 2008, a public hearing is scheduled to be held on the following date and time:

DATE: January 14, 2009

TIME: 7:00pm – 9:00pm

**LOCATION: Forestdale School
Multi-Sector Room
151 Route 130
Sandwich, MA 02644**

In accordance with 40 C.F.R. §124.12, the following is a summary of the procedures that shall be followed at the public hearing:

- a. The Presiding Officer shall have the authority to open and conclude the hearing and to maintain order; and
- b. Any person appearing at such a hearing may submit oral or written statements and data concerning the draft permit conditions.

PUBLIC COMMENT PERIOD:

All persons, including applicants, who believe any of the new draft permit conditions are inappropriate, must raise all issues and submit all available arguments and all supporting material for their arguments in full by **January 29, 2009**, to the U.S. EPA, 1 Congress Street, Suite 1100, Mailcode CIP, Boston, Massachusetts 02114-2023. In reaching a final decision on these draft permit conditions, the Regional Administrator will respond to all significant comments and make the responses available to the public at EPA's Boston office.

FINAL PERMIT DECISION AND APPEALS:

Following the close of the comment period, and after the public hearing, the Regional Administrator will issue a final permit decision and forward a copy of the final decision to the applicant and each person who has submitted written comments or requested notice. Within 30 days following the notice of the final permit decision any interested person may submit petition to the Environmental Appeals Board to reconsider or contest the final decision.

GLENN HAAS, DIRECTOR
DIVISION OF WATERSHED
MANAGEMENT
MASSACHUSETTS DEPARTMENT OF
ENVIRONMENTAL PROTECTION

STEPHEN S. PERKINS, DIRECTOR
OFFICE OF ECOSYSTEM PROTECTION
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