

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 02109

JOINT PUBLIC NOTICE OF A DRAFT NATIONAL POLLUTANT DISCHARGE
ELIMINATION SYSTEM (NPDES) **PERMIT MODIFICATION** TO DISCHARGE INTO
THE WATERS OF THE UNITED STATES UNDER SECTION 301 AND 402 OF THE
CLEAN WATER ACT (THE "ACT"), AS AMENDED, AND REQUEST FOR STATE
CERTIFICATION UNDER SECTION 401 OF THE ACT.

DATE OF NOTICE: October 25, 2010

PERMIT NUMBER: **MA0004898**

PUBLIC NOTICE NUMBER: MA-004-10

NAME AND MAILING ADDRESS OF PERMITTEE:

**Mirant Kendall LLC
1099 Hingham Street
Rockland, MA 02370**

NAME AND ADDRESS OF THE FACILITY WHERE DISCHARGE OCCURS:

**Mirant Kendall Cogeneration Station
265 First Street
Cambridge, MA 02142**

RECEIVING WATER: **Charles River and Broad Canal**
{USGS Hydrologic Code #01090001 – Boston Harbor Watershed (70)}

PREPARATION OF THE DRAFT PERMIT MODIFICATION:

The U.S. Environmental Protection Agency, (EPA) and the Massachusetts Department of Environmental Protection (MassDEP) have cooperated in the development of a permit modification for the above identified facility. The effluent limits and permit conditions imposed have been drafted to assure that State Water Quality Standards and provisions of the Clean Water Act will be met. EPA has formally requested that the State certify this draft permit modification pursuant to Section 401 of the Clean Water Act and expects that the draft permit modification will be certified.

INFORMATION ABOUT THE DRAFT PERMIT MODIFICATION:

A statement of basis (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) and the draft permit modification may be 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:

George Papadopoulos, US EPA
5 Post Office Square
Suite 100 (OEP 06-1)
Boston, MA 02109-3912
Telephone: (617) 918-1579

The administrative record containing all documents relating to this draft permit modification 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.

PUBLIC COMMENT AND REQUEST FOR PUBLIC HEARING:

All persons, including applicants, who believe any condition of this draft permit modification is inappropriate, must raise all issues and submit all available arguments and all supporting material for their arguments in full by **November 23, 2010**, to the U.S. EPA, 5 Post Office Square, Suite 100, Mailcode OEP 06-1, Boston, Massachusetts 02109-3912. Any person, prior to such date, may submit a request in writing to EPA and the MassDEP for a public hearing to consider this draft permit modification. Such requests shall state the nature of the issues proposed to be raised in the hearing. A public hearing may be held after at least forty five days public notice whenever the Regional Administrator finds that response to this notice indicates significant public interest. In reaching a final decision on this draft permit modification 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 a public hearing, if such hearing is held, 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.

David Ferris, Director
MASSACHUSETTS WASTEWATER
MANAGEMENT PROGRAM
MASSACHUSETTS DEPARTMENT OF
ENVIRONMENTAL PROTECTION

Stephen S. Perkins, Director
OFFICE OF ECOSYSTEM PROTECTION
ENVIRONMENTAL PROTECTION
AGENCY