



COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
SOUTHEAST REGIONAL OFFICE  
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August 21, 2007

Leonard J. Ariagno  
Somerset Power LLC  
Somerset Operations, Inc.  
1606 Riverside Avenue  
Somerset, Massachusetts 02726

RE: **AMENDED EMISSION CONTROL PLAN (ECP) DRAFT APPROVAL**

Application for: BWP AQ 25  
310 CMR 7.29 Power Plant Emissions Standards  
Transmittal Number: W126262  
Application Number: 4B07009  
Source Number: 0060

AT: Somerset Operations, Inc.  
1606 Riverside Avenue  
Somerset, Massachusetts 02726

Dear Mr. Ariagno,

The Southeast Region of the Department of Environmental Protection, Bureau of Waste Prevention, has reviewed your amended ECP application (4B07009) dated April 2, 2007, including the December 1, 2004 ECP application, and supplemental information dated April 12, 2007, and May 7, 2007. The amended application has been submitted to describe how emission limitations and compliance schedules for the control of certain designated pollutants contained in 310 CMR 7.29, "Emissions Standards for Power Plants," will be implemented for equipment and processes located at Somerset Power LLC ("Somerset") at 1606 Riverside Avenue in Somerset, Massachusetts. The application for approval of the ECP bears the signature of Leonard J. Ariagno as the company contact responsible for compliance with 310 CMR 7.29.

The amended ECP application (4B07009) includes Somerset's mercury (Hg) emission control plan and proposes plasma gasification technology and conversion of Unit 6/Boiler 8 to synthetic gas (syngas) firing to meet the requirements of 310 CMR 7.29. The plasma gasification equipment will convert coal and biomass to syngas. Syngas will pass through a syngas cleanup train consisting of a syngas cooler, a wet quench scrubber, a baghouse, a polishing wet scrubber, carbon filters and aqueous contactors/bioreactors prior to the syngas being burned in Unit 6/Boiler 8. Unit 6/Boiler 8 will cease burning pulverized coal and shutdown for conversion to syngas fuel on or before January 1, 2010.

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057. TDD Service - 1-800-298-2207.

DEP on the World Wide Web: <http://www.mass.gov/dep>

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Unit 6/Boiler 8's, existing natural gas reburn system, was previously approved, pursuant to 310 CMR 7.29, by the Department in an ECP Final Approval dated June 7, 2002. The **Amended Emission Control Plan (ECP) Final Approval** will supersede the ECP Final Approval (Application No. 4B01043) dated June 7, 2002.

A Non-Major Comprehensive Plan Application (Application No. 4B06046) for plan approval under 310 CMR 7.02 was submitted to the Department on December 22, 2006, for the proposed conversion of Unit 6/Boiler 8 to syngas burning.

## LEGAL AUTHORITY

The Department adopted 310 CMR 7.29 - a regulation to lower emissions of carbon dioxide (CO<sub>2</sub>), mercury (Hg), nitrogen oxides (NO<sub>x</sub>), and sulfur dioxide (SO<sub>2</sub>) from certain power plants, and to establish a framework for reductions in emissions of carbon monoxide (CO) and fine particulate matter (PM<sub>2.5</sub>) - pursuant to the Massachusetts General Laws, Chapter 111, Sections 142 A-M.

310 CMR 7.29 requires any person who owns, leases, operates or controls an affected facility to comply with 310 CMR 7.29 in its entirety. An affected facility means a facility which emitted greater than 500 tons of SO<sub>2</sub> and 500 tons of NO<sub>x</sub> during any of the calendar years 1997, 1998, or 1999, and that includes a unit that is a fossil fuel fired boiler or indirect heat exchanger that: (1) is regulated by 40 CFR Part 72 (the Federal Acid Rain Program); (2) serves a generator with a nameplate capacity of 100 megawatts (MW) or more; (3) was originally permitted prior to August 7, 1977; and (4) had not subsequently received a Plan Approval pursuant to 310 CMR 7.00: Appendix A or a Permit pursuant to the regulations for Prevention of Significant Deterioration, 40 CFR Part 52, prior to October 31, 1998. Somerset Power LLC is an affected facility.

The purpose of 310 CMR 7.29 is to control emissions of NO<sub>x</sub>, SO<sub>2</sub>, Hg, CO, CO<sub>2</sub>, and PM<sub>2.5</sub> (together, "pollutants") from affected electric generating facilities in Massachusetts. 310 CMR 7.29 accomplishes this by establishing maximum output-based emission rates for NO<sub>x</sub>, SO<sub>2</sub>, and CO<sub>2</sub>, establishing maximum output-based emission rates or minimum removal efficiencies for Hg, and establishing a cap on CO<sub>2</sub> and Hg emissions from affected facilities. Emission limits for CO and PM<sub>2.5</sub> have not been addressed at this time.

Applicable requirements and limitations contained in 310 CMR 7.29 shall not supersede, relax or eliminate any more stringent conditions or requirements (e.g., emission limitation(s), testing, record keeping, reporting, or monitoring requirements) established by regulation or contained in a facility's previously issued source specific Plan Approval(s) or Emission Control Plan(s). Somerset Power LLC's Final Operating Permit (4V95057) will need to be amended to include the conditions of the Amended ECP Final Approval (4B07009) and the 310 CMR 7.02 Conditional Approval (4B06046) for the alterations of the facility. A Minor Modification application will need to be submitted pursuant to 310 CMR 7.00: Appendix C(8)(a)2. addressing the approvals.

Based upon the above, the Department has determined that the referenced Amended ECP Applications are administratively and technically complete and that the proposed modifications are in conformance with current air pollution control engineering practices and hereby issues this **Amended ECP DRAFT Approval** for the proposed modifications of your power plant unit, with the conditions listed below.

- \* Legend to Abbreviated Terms within Tables 1 through 6:  
EU # = Emission Unit Number

MMBTU/HR = fuel heat input in million British Thermal Units per hour  
 MW (NET) = net electrical output in Megawatts  
 lbs/MWh = pounds per Megawatt-hour of net electrical output  
 lbs/GWh = pounds per Gigawatt-hour of net electrical output  
 NO<sub>x</sub> = Nitrogen Oxides  
 SO<sub>2</sub> = Sulfur Dioxide  
 Hg = Mercury  
 CO = Carbon Monoxide  
 CO<sub>2</sub> = Carbon Dioxide  
 PM<sub>2.5</sub> = Fine Particulate Matter less than or equal to 2.5 microns in diameter  
 CEMs = Continuous Emission Monitors  
 GHG = Greenhouse Gas

## 1. EQUIPMENT DESCRIPTION

The following emission unit (Table 1) will be subject to and regulated by the **Amended ECP Final Approval**:

<b>Table 1 *</b>				
EU #	DESCRIPTION OF EMISSION UNIT	EU DESIGN CAPACITY		POLLUTION CONTROL MEASURES (PCM) <sup>1</sup>
		(MMBTU/HR)	MW (NET)	
EU 1	Boiler No. 8 / Generator No. 6 Combustion Engineering MFR # NB12661 Tangentially Fired	1,186 <sup>2</sup>	113 <sup>2</sup>	Electrostatic Precipitators <sup>5</sup>
		1,284 <sup>3</sup>	120 <sup>3,4</sup>	Selective Non-Catalytic Reduction
				Management of Lower Sulfur Fuels
				Natural Gas Reburn System <sup>6</sup>
				Over Fire Air ports
				Syngas Fuel <sup>7</sup>
				SO <sub>2</sub> Early Reductions <sup>8</sup>
				SO <sub>2</sub> Allowances <sup>9</sup>
				CO <sub>2</sub> neutral fuels <sup>10</sup>
				GHG Credits <sup>10</sup>
				Hg Early Reductions <sup>11, 14</sup>
				Hg Off-Site Air Reductions <sup>12, 14</sup>
Hg Off-Site Non-Air Reductions <sup>13, 14</sup>				

### **Table 1 Notes:**

1. Details of the Proposed Pollution Control Techniques including alternatives under consideration are described in Sections E, F, and G of the application.
2. Design capacity with Natural Gas Reburn System.
3. Design capacity with Syngas Fuel Conversion.
4. Historical demonstrated capacity.
5. Will be abandoned in place or removed upon conversion to syngas burning.
6. Will be removed upon conversion to syngas burning.
7. Dependant upon conversion to syngas burning.
8. See Special Condition No. 2.
9. See Special Condition No. 3.
10. See Special Condition No. 4.
11. See Special Condition No. 5.
12. See Special Condition No. 6.
13. See Special Condition No. 7.
14. See Special Condition No. 8.

## 2. APPLICABLE REQUIREMENTS

### A. EMISSION LIMITS AND RESTRICTIONS

Somerset Power LLC shall comply with the emission limits/restrictions as contained in Table 2 below. The schedule for compliance with these emission limitations is contained in Table 6 of this **Amended ECP Final Approval**.

<b>Table 2 *</b>			
<b>EU #</b>	<b>POLLUTANT</b>	<b>EMISSION LIMIT/STANDARD</b>	<b>APPLICABLE REGULATION AND/OR APPROVAL NUMBER</b>
EU 1	NO <sub>x</sub>	Shall not exceed 1.5 lbs/MWh calculated over any consecutive 12 month period, recalculated monthly.	310 CMR 7.29(5)(a)1.a.
		Shall not exceed 3.0 lbs/MWh calculated over any individual month.	310 CMR 7.29(5)(a)1.b.
		Shall not exceed 0.735 lbs/MWh calculated over any consecutive 12 month period, recalculated monthly.	Approval No. 4B06046
		Shall not exceed 0.735 lbs/MWh calculated over any individual month.	Approval No. 4B06046
	SO <sub>2</sub>	Shall not exceed 6.0 lbs/MWh calculated over any consecutive 12 month period, recalculated monthly.	310 CMR 7.29(5)(a)2.a.
		Shall not exceed 3.0 lbs/MWh calculated over any consecutive 12 month period, recalculated monthly.	310 CMR 7.29(5)(a)2.b.i.
		Shall not exceed 6.0 lbs/MWh calculated over any individual month.	310 CMR 7.29(5)(a)2.b.ii.
		Shall not exceed 0.84 lbs/MWh calculated over any consecutive 12 month period, recalculated monthly.	Approval No. 4B06046
		Shall not exceed 0.84 lbs/MWh calculated over any individual month.	Approval No. 4B06046
		Hg	Total annual mercury emissions from combustion of solid fuels in units subject to 40 CFR Part 72 located at an affected facility or from re-burn of ash in Massachusetts shall not exceed the average annual emissions of 13.1 pounds per calendar year, calculated using the results of the stack tests required in 310 CMR 7.29(5)(a)3.d.ii..
	Mercury emissions shall not exceed 1.3E-03 tons per consecutive 12 month period (approximately 2.7 pounds per consecutive 12 month period).		Approval No. 4B06046
	85% Removal Efficiency <sup>1</sup> or 0.0075 lbs/GWh		7.29(5)(a)3.e.i. or ii., and iii.
	95% Removal Efficiency <sup>1</sup> or 0.0025 lbs/GWh		7.29(5)(a)3.f.i. or ii.
	95% Removal Efficiency <sup>1</sup> or 0.0025 lbs/GWh		Approval No. 4B06046
	CO	Reserved. <sup>2</sup>	310 CMR 7.29(5)(a)4.
	CO <sub>2</sub>	Emissions of carbon dioxide from the affected facility in the calendar year, expressed in tons, from Part 72 units located at the affected facility shall not exceed historical actual emissions of 916,586 tons. <sup>3</sup>	310 CMR 7.29(5)(a)5.a.
		Shall not exceed 1800 lbs/MWh in the calendar year. <sup>3</sup>	310 CMR 7.29(5)(a)5.b.
PM <sub>2.5</sub>	Reserved. <sup>2</sup>	310 CMR 7.29(5)(a)6.	

**Table 2 Notes:**

1. Removal efficiency shall be based on the average historic mercury inlet emissions determined under 310 CMR 7.29(5)(a)3.d.ii.
2. The Department has reserved this area in the regulations for further development.
3. See Special Condition No. 4.

**B. COMPLIANCE DEMONSTRATION**

The facility is subject to the monitoring/testing, record keeping, and reporting requirements as contained in Tables 3, 4 and 5 below and 310 CMR 7.29, as well as the applicable requirements contained in Table 2:

<b>Table 3 *</b>	
<b>EU#</b>	<b>MONITORING/TESTING REQUIREMENTS</b>
EU 1	<p>Actual emissions shall be monitored for individual units and monitored as a facility total for all units included in the calculation demonstrating compliance. Actual emissions shall be monitored in accordance with 40 CFR Part 75 for SO<sub>2</sub>, CO<sub>2</sub>, and NO<sub>x</sub>. No later than January 1, 2008, actual Hg emissions shall be determined by a mercury monitoring system in accordance with 40 CFR 75 and 40 CFR 60 Subpart HHHH. The Department shall detail the monitoring methodology for CO and PM<sub>2.5</sub> at the time regulations are promulgated by the Department for those parameters.</p>
	<p>Monitor actual net electrical output, expressed in megawatt-hours. Actual net electrical output shall be provided for individual units and as a facility total for all units included in the calculation demonstrating compliance.</p>
	<p>Determine actual emissions of mercury by stack test at least every other calendar quarter, or with a certified mercury monitoring system, from October 1, 2006 until December 31, 2007. Determine actual emissions of mercury by stack test at least every calendar quarter, if eligible under the federal low mass emissions excepted monitoring methodology in 40 CFR 75.81(d), or with a certified mercury monitoring system, from January 1, 2008 until the date of notification to ISO New England, Inc. that Unit 6/Boiler 8 is released for commercial generation dispatch with the syngas conversion equipment in continuous operation, but not later than 180 days after initial burning of syngas. Determine actual emissions of mercury with a certified mercury monitoring system from the date of notification to ISO New England, Inc. that Unit 6/Boiler 8 is released for commercial generation dispatch with the syngas conversion equipment in continuous operation, but not later than 180 days after initial burning of syngas.</p>

<b>Table 4 *</b>	
<b>EU#</b>	<b>RECORD KEEPING REQUIREMENTS</b>
EU 1	<p>Maintain a record of actual emissions for each regulated pollutant for each of the preceding 12 months. Actual emissions shall be recorded for individual units and as a facility total for all units included in the calculation demonstrating compliance. Actual emissions provided under this section shall be recorded in accordance with 40 CFR Part 75 for SO<sub>2</sub>, CO<sub>2</sub>, and NO<sub>x</sub> and no later than January 1, 2009 for Hg. The Department shall detail the monitoring methodology for CO, and PM<sub>2.5</sub> at the time regulations are promulgated by the Department for those parameters.</p>
	<p>Maintain a record of actual net electrical output for each of the preceding 12 months, expressed in megawatt-hours. Records of actual net electrical output shall be maintained for individual units and as a facility total for all units included in the calculation demonstrating compliance.</p>
	<p>Maintain a record of the resulting output-based emission rates for each of the preceding 12 months, and each of the 12 consecutive rolling month time periods, expressed in pounds per megawatt-hour. Output based emission rates shall be provided for individual emission units and as a facility total for all units included in the calculation demonstrating compliance.</p>
	<p>Keep all measurements, data, reports and other information required by 310 CMR 7.29 on-site for a minimum of five years, or any other period consistent with the affected facility's Operating Permit.</p>

<b>Table 5 *</b>	
<b>EU#</b>	<b>REPORTING REQUIREMENTS</b>
EU 1	<p>By January 30 of the year following the earliest applicable compliance date for the affected facility under 310 CMR 7.29(6)(c), and January 30 of each calendar year thereafter, the company representative responsible for compliance shall submit a compliance report to the Department demonstrating the facility's compliance status with the emission standards contained in 310 CMR 7.29(5)(a) and in this Amended Emission Control Plan approval. The report shall demonstrate the facility's compliance status with applicable monthly emission rates for each month of the previous calendar year, and each of the twelve previous consecutive 12-month periods. The compliance report shall include all statements listed in 310 CMR 7.29(7)(b)4.<sup>1</sup></p>
	<p>The Department may verify the facility's compliance status by whatever means necessary, including but not limited to requiring the affected facility to submit information on actual electrical output of company generating units provided by the New England Independent System Operator (ISO), or any successor thereto.</p>
FACILITY	<p>Submit by January 15, April 15, July 15 and October 15 for the previous three months respectively, a 7.29 construction status report which identifies the construction activities which have occurred during the past three months, and those activities anticipated for the following three months, and progress toward achieving compliance with the implementation dates identified in Table 6 below.</p>

**Table 5 Notes:**

1. If the ISO final settlement of actual electrical output is not available, the facility shall submit a compliance report based on provisional values of actual electrical output. Upon receiving certified ISO values of actual electrical output for all provisional months within the calendar year, the facility shall submit a revised compliance report within 30 days thereafter.

**3. COMPLIANCE SCHEDULE**

The affected facility shall be in full compliance with the applicable requirements in accordance with the dates below:

<b>TABLE 6 *</b>		
<b>COMPLIANCE PATH</b>		
<b>POLLUTANT</b>	<b>STANDARD</b>	<b>DATE</b>
NO <sub>x</sub> SO <sub>2</sub> Hg	310 CMR 7.29(5)(a)1.a. 310 CMR 7.29(5)(a)2.a. 310 CMR 7.29(5)(a)3.c.	October 1, 2006
NO <sub>x</sub> SO <sub>2</sub>	310 CMR 7.29(5)(a)1.b. 310 CMR 7.29(5)(a)2.b.	October 1, 2008
CO <sub>2</sub>	310 CMR 7.29(5)(a)5.a.	Calendar Year 2006
CO <sub>2</sub>	310 CMR 7.29(5)(a)5.b.	Calendar Year 2008
Hg	310 CMR 7.29(5)(a)3.e.i. or ii.	January 1, 2008
NO <sub>x</sub> NO <sub>x</sub> SO <sub>2</sub> SO <sub>2</sub> Hg Hg	0.735 lbs/MWh over 12 months 0.735 lbs/MWh over any month 0.84 lbs/MWh over 12 months 0.84 lbs/MWh over any month 1.3E-03 tons per 12 months 95% Removal Efficiency or 0.0025 lbs/GWh	Date the Applicant notifies ISO New England, Inc. that Unit 6/Boiler 8 (EU1) is released for commercial generation dispatch with syngas conversion equipment in continuous operation, but no later than 180 days after initial burning of syngas.
Hg	310 CMR 7.29(5)(a)3.f.i. or ii.	October 1, 2012

The affected facility is subject to receiving a Plan Approval pursuant to 310 CMR 7.02 for alterations for the conversion of Unit 6/Boiler 8 to burn syngas, including the construction of an Emergency Syngas Flare.

Details of the compliance schedule/milestones are described in Section H of the amended ECP application.

#### 4. SPECIAL CONDITIONS FOR ECP

1. The Department may verify compliance of 310 CMR 7.29(5) by whatever means necessary, including but not limited to: inspection of a unit's operating records; requiring the facility to submit information on actual electrical output of company generating units provided to that person by the New England Independent System Operator, or any successor thereto; testing emission monitoring devices; and, requiring the facility to conduct emissions testing under the supervision of the Department.
  
2. In accordance with 310 CMR 7.29(5)(b)2., the amount of SO<sub>2</sub> early reductions, with supporting information, shall be provided to the Department prior to use for compliance with 310 CMR 7.29(5)(a)2.a. Each ton of reduction may be used, once, to offset one ton of excess emissions from the facility. Excess emissions are any emissions above a level equal to the net electrical output of the facility times the applicable emission standard in 310 CMR 7.29(5)(a)2. SO<sub>2</sub> early reductions may only be used to offset SO<sub>2</sub> emissions until the date the Applicant notifies ISO New England, Inc. that Unit 6/Boiler 8 (EU1) is released for commercial generation dispatch with syngas conversion equipment in continuous operation, but no later than 180 days after initial burning of syngas.

3. In accordance with 310 CMR 7.29(5)(b)3., when using SO<sub>2</sub> allowances created pursuant to 40 CFR Part 72 (the Federal Acid Rain Program), three allowances shall be used to offset each ton of excess emissions above the emission standard. Such SO<sub>2</sub> allowances shall be in addition to those allowances used by the facility to comply with the requirements of 40 CFR Part 72, and shall be transferred to the Department and retired for the benefit of the environment. SO<sub>2</sub> allowances may only be used to offset SO<sub>2</sub> emissions until the date the Applicant notifies ISO New England, Inc. that Unit 6/Boiler 8 (EU1) is released for commercial generation dispatch with syngas conversion equipment in continuous operation, but no later than 180 days after initial burning of syngas.
4. In accordance with 310 CMR 7.29(5)(a)5.c. and d., compliance with the CO<sub>2</sub> emission limitations may be demonstrated by using emission reductions, avoided emissions or sequestered emissions verified under 310 CMR 7.00: Appendix B(7) to offset emissions above the historical actual emissions or excess emissions. The Department will review and approve or deny proposals for emission reductions, avoided emissions, or sequestered emissions pursuant to 310 CMR 7.00: Appendix B(7) Greenhouse Gas Credit Banking and Trading.
5. In accordance with 310 CMR 7.29(5)(a)3.e.iii., any early Hg reductions shall be accrued on-site at the stack prior to January 1, 2008.
6. In accordance with 310 CMR 7.29(5)(a)3.e.iii., any off-site Hg air emission reductions shall be accrued on at least a one pound reduced for one pound credited basis from facilities located in the Department's Southeast Region.
7. In accordance with 310 CMR 7.29(5)(a)3.e.iii., any off-site Hg non-air emission reductions shall be accrued on at least a ten pounds reduced for one pound credited basis from facilities located in the Department's Southeast Region.
8. Early and off-site Hg reductions may only be used to offset Hg emissions until the date the Applicant notifies ISO New England, Inc. that Unit 6/Boiler 8 (EU1) is released for commercial generation dispatch with syngas conversion equipment in continuous operation, but no later than 180 days after initial burning of syngas.
9. Unit 6/Boiler 8 shall cease burning pulverized coal and shutdown for conversion to syngas fuel on or before January 1, 2010.

## **5. GENERAL CONDITIONS FOR ECP**

1. The facility shall maintain continuous compliance at all times with the terms of this Amended ECP Final Approval and the applicable emission rates in 310 CMR 7.29.
2. This Amended ECP Final Approval may be suspended, modified, or revoked by the Department, if at any time the facility is violating any applicable Regulation(s) or condition(s) of this Amended ECP Final Approval letter.
3. This Amended ECP Final Approval consists of Somerset Power LLC's application materials and this Amended ECP Final Approval letter. If conflicting information is found between these two documents, then the requirements of the Amended ECP Final Approval letter shall take precedence over the documentation in the application materials.



4. Should a condition of air pollution occur as a result of the operation of this unit, then Somerset shall immediately take appropriate steps to abate said condition even though the facility is otherwise in compliance with this Amended ECP Final Approval.
5. This Amended ECP Final Approval does not negate the responsibility of the facility to comply with this or any other applicable federal, state, or local regulations now or in the future. Nor does this Amended ECP Final Approval imply compliance with any other applicable federal, state, or local regulations now or in the future.
6. If provisions or requirements from any other regulation or permit conflict with a provision of 310 CMR 7.29, the more stringent of the provisions will apply unless otherwise determined by the Department in the affected facility's Operating Permit.
7. Failure to comply with any of the above stated provisions will constitute a violation of the "Regulations," and can result in the revocation of the Amended ECP Final Approval granted herein.

## **6. MODIFICATION TO THE ECP**

Amendments may be proposed to this approved Emission Control Plan. If the Department proposes to approve such amendments, or approve such amendments with conditions, then the Department will publish a notice of public comment on an Amended ECP Draft Approval, in accordance with M.G.L. c. 30A. The Department will allow a 30-day public comment period following publication of the notice, and may hold a public hearing. Modifications to an affected facility's monitoring systems approved pursuant to the requirements of 40 CFR Part 72 are not subject to such public comment prior to approval. All terms and conditions of this Amended ECP Final Approval shall remain in effect until otherwise modified by the Department in a subsequent Amended ECP Final Approval.

## **7. MASSACHUSETTS ENVIRONMENTAL POLICY ACT**

The Department has determined that the filing of an Environmental Notification Form (ENF) with the Secretary of Environmental Affairs, for air quality control purposes, was not required prior to this action by the Department. Notwithstanding this determination, the Massachusetts Environmental Policy Act (MEPA) and Regulation 301 CMR 11.00 Section 11.04, provide certain "Fail Safe Provisions" which allow the Secretary to require the filing of an ENF and/or Environmental Impact Report at a later time.

## **8. APPEAL OF APPROVAL**

This Approval is an action of the Department. If you are aggrieved by this action, you may request an adjudicatory hearing. A request for a hearing must be made in writing and postmarked within twenty-one (21) days of the date of issuance of this Approval.

Under 310 CMR 1.01(6)(b), the request must state clearly and concisely the facts which are the grounds for the request, and the relief sought. Additionally, the request must state why the Approval is not consistent with applicable laws and regulations. The hearing request along with a valid check payable to The Commonwealth of Massachusetts in the amount of one hundred dollars (\$100.00) must be mailed to:

The Commonwealth of Massachusetts  
Department of Environmental Protection  
P.O. Box 4062  
Boston, MA 02211

The request will be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver as described below.

The filing fee is not required if the appellant is a city or town (or municipal agency) county, or district of the Commonwealth of Massachusetts, or a municipal housing authority.

The Department may waive the adjudicatory hearing filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, together with the hearing request as provided above, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Should you have questions concerning this matter or regarding the terms or conditions of this **Amended ECP Draft Approval**, please do not hesitate to contact the undersigned at Southeast Region at (508) 946-2779.

Very truly yours,

John K. Winkler, Chief  
Permit Section  
Bureau of Waste Prevention

ecc: Alan Sawyer, NRG Energy, Inc., Princeton, NJ  
Bob Fraser, ENSR, Westford, MA  
Board of Selectmen, Somerset, MA  
Board of Health, Somerset, MA  
Fire Department, Somerset, MA  
Cynthia Luppi, Clean Water Action, Boston, MA  
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