

Section I Overview of Mirant Canal Comments

Comment I.A:

Mirant comments that:

Mirant Canal, LLC (“Mirant Canal” or the “Company”) appreciates this opportunity to comment on the Draft National Pollutant Discharge Elimination System (NPDES) Permit to Discharge to Waters of the United States, No. MA0004928 (“Draft Permit”) for the Mirant Canal Station (“Canal Station” or the “Station”) published for comment on December 22, 2005. According to the accompanying Fact Sheet, this draft renewal permit was developed cooperatively between the United States Environmental Protection Agency (“EPA New England” or “EPA”) and the Massachusetts Department of Environmental Protection (“DEP”) (collectively, the “Agencies”). Thus, our comments are addressed to both of these agencies, as well as others with an interest in the permit, as described below.

We commend EPA and DEP for the significant effort they have put into drafting this proposed renewal permit. Nevertheless, for the reasons discussed in the following sections, we have significant concerns with, and therefore must object to, a number of changes that EPA has proposed. In particular, Mirant Canal objects to:

- Extensive changes in or additions to monitoring requirements for virtually every outfall, which have been proposed without any adequate basis, and which will in some cases be wholly unworkable and in all cases will impose substantial additional and unwarranted costs and burdens.
- A new requirement, based on errors of fact and law, to segregate chemical and particularly non-chemical metal cleaning wastes from the ash sluice and boiler blowdown waste streams with which all previous permits have authorized co-mingling for treatment and discharge; and
- Extensive structural, operational, and monitoring requirements for the cooling water intake structure which are both unsupported by the record and exceed EPA’s authority under § 316(b) of the federal Clean Water Act and the national § 316(b) regulations for existing power plants promulgated by EPA in 2004.

In addition to these concerns, we also have questions and concerns regarding other aspects of the Draft Permit, such as the need to correct statements in the Fact Sheet with respect to the proposed thermal limitations. These and other issues are discussed in detail below, beginning first with general procedural issues, then turning to substantive issues and following the outline of the Draft Permit.

We would welcome an opportunity to discuss these concerns with the Agencies, in hopes of resolving the issues discussed below before the final permit is issued.

Response I.A:

For changes related to monitoring requirements for each outfall, see Response to Comments Section III (A.1-3, B.2-4, C.1-4, D.1-3, and E), Section IV (A.1-2, B.1-2, C.1-2, and D) and Section V (A).

For changes related to the segregation of chemical and non-chemical metal cleaning wastes from the ash sluice and boiler blowdown waste streams, see Response to Comments Sections VI and VII.

For structural, operational, and monitoring requirements for the cooling water intake structure, see Response to Comments Section IX.