



Energy Facilities Siting Board

100 Cambridge Street, Room 1200, Boston, Massachusetts 02202

CITY OF CAMBRIDGE
ADDRESS LABEL

(617) 305-3525

98 MAY 15 AM 10:07

NOTICE OF PROPOSED RULEMAKING NOTICE OF PUBLIC HEARING

EFSB 98-3

May 15, 1998

The Energy Facilities Siting Board ("Siting Board") is proposing to revise the regulations set forth at 980 C.M.R. 1.00 et seq., which provide, among other things, for Siting Board review of proposed new energy facilities in the Commonwealth. The Siting Board proposes to add a new Section 12.00 to the regulations. Proposed Section 12.00, titled "Technical Performance Standards," sets forth emissions limits for 22 air pollutants. Pursuant to G.L. c. 164, § 69J1/4, proposed electric generating facilities with expected emissions at or below those limits will receive streamlined review by the Siting Board. The Siting Board anticipates that proposed Section 12.00 will be published, and will become effective as an emergency regulation, on Friday, May 15, 1998.

The Siting Board is authorized to promulgate regulations pursuant to M.G.L. c. 164, § 69H. In addition, The Siting Board recently has been mandated by the Legislature to establish Technology Performance Standards, pursuant to M.G.L. c. 164, § 69J1/4, added by St. 1997, c. 164, § 210.

The above notice is officially captioned:

Proposed Rulemaking by the Energy Facilities Siting Board upon its own recommendation pursuant to 980 C.M.R. 3.00, to add to 980 C.M.R. 1.00 et seq. new Technology Performance Standards for electric generating facilities, to be set forth at 980 C.M.R. 12.00.

A copy of the proposed Technology Performance Standards, 980 C.M.R. 12.00, is attached to this Notice. Additional copies may be obtained upon request from Peter Ray, Energy Facilities Siting Board, 100 Cambridge Street, Room 1200, Boston, Massachusetts 02202, (617) 305-3525.

The Siting Board will conduct a Public Hearing with respect to its proposed regulation on **Monday, June 8, 1998, beginning at 10:00 a.m.**, in the Main Hearing Room at the Department of Telecommunications and Energy, 100 Cambridge Street, 12th Floor, Boston, MA 02202. The purpose of the Public Hearing is to receive public comment regarding the proposed regulation. Members of the public also may submit written comments to the Siting Board. An original and one copy of any written comments should be sent to M. Kathryn Sedor, Hearing Officer, Energy Facilities Siting Board, 100 Cambridge Street, Room 1200, Boston, MA 02202. All written comments must be received by the Siting Board no later than **5:00 p.m. on Monday, June 22, 1998.**

980 CMR: ENERGY FACILITIES SITING BOARD

980 CMR 12.00: TECHNOLOGY PERFORMANCE STANDARDS

Section

12.01: General

12.02: Procedures

12.03: Technology Performance Standards

12.01: General

(1) Purpose. The purpose of 980 CMR 12.00 is to streamline the Energy Facilities Siting Board's review of petitions to construct generating facilities which have state of the art environmental performance characteristics.

(2) Scope. 980 CMR 12.00 applies to any application to construct a generating facility as that term is defined in M.G.L. c. 164, § 69G, filed for review pursuant to M.G.L. c. 164, § 69J¼. These regulations shall not in any way supersede or impair the authority of the Department of Environmental Protection with respect to such facilities.

(3) Statutory Authority. 980 CMR 12.00 is adopted pursuant to M.G.L. c. 164, § 69J¼, added by St. 1997, c. 164, § 210, which requires the Energy Facilities Siting Board to establish a technology performance standard for electric generating facility emissions, including, but not limited to, emissions of sulfur dioxide, nitrogen oxides, particulate matter, fine particulates, carbon monoxide, volatile organic compounds, and heavy metals.

12.02: Procedures

(1) Application of Technology Performance Standards. Any petition for approval to construct a generating facility which is filed for review pursuant to M.G.L. c. 164, § 69J¼ must include an analysis of the proposed facility's expected emissions of the criteria and non-criteria pollutants listed in 980 CMR 12.03. Such analysis shall include a summary of the proposed facility's expected emissions, and a description of the performance guarantees, modelling or other analyses used to derive the expected emissions. If the expected emissions of the proposed generating facility exceed the levels set forth in 980 CMR 12.03 for any pollutant or pollutants, the applicant must provide the information listed in 980 CMR 12.02(2) as part of its petition. The Energy Facilities Siting Board may request copies of guarantees, work papers, or other documents, if necessary to verify the expected emissions.

(2) Additional Information Requirements. An applicant proposing to construct a facility with one or more emissions in excess of the emission levels set forth in 980 CMR 12.03 must provide the following additional information with its petition:

(a) The applicant shall document the reliability of the proposed generation technology throughout the industry and evaluate the reliability of the proposed fuel supply in Massachusetts.

980 CMR: ENERGY FACILITIES SITING BOARD

12.02: continued

- (b) The applicant shall provide the cost of the technology per megawatt hour (inclusive of capital costs, operating and fuel costs, and decommissioning costs) relative to other fossil fuel generating technologies.
- (c) The applicant shall discuss how the proposed facility will enhance New England's energy mix and prevent overdependence on one or more fuel sources.
- (d) The applicant shall provide information comparing the overall environmental impacts associated with the proposed facility with the overall environmental impacts of facilities using other fossil fuel generating technologies.

12.03: Technology Performance Standards

(1) Technology Performance Standards for Criteria Pollutants. The following are the technology performance standards for criteria pollutants:

Name of Pollutant	Technology Performance Standard (Pounds per Megawatt-Hour Burning Primary Fuel 100% load at 50 degrees Fahrenheit)
Sulfur Dioxide	0.021
Nitrogen Oxides	0.120
Fine Particulates - PM10	0.081
Particulate Matter	0.081
Carbon Monoxide	0.077
Volatile Organic Compounds	0.035

(2) Technology Performance Standards for Non-Criteria Pollutants. The following are the technology performance standards for non-criteria pollutants:

Pollutant	Technology Performance Standard (Pounds per Megawatt-Hour Burning Primary Fuel)
Antimony	0.00017
Arsenic	0.00004
Beryllium	0.0000037

980 CMR: ENERGY FACILITIES SITING BOARD

12.03: Continued

Pollutant	Technology Performance Standard (Pounds per Megawatt-Hour Burning Primary Fuel)
Cadmium	0.000033
Chromium	0.00033
Cobalt	0.00007
Copper	0.01
Lead	0.00045
Manganese	0.0026
Mercury	0.0000074
Nickel	0.0093
Nickel Oxide	0.012
Phosphorus	0.0023
Selenium	0.00004
Vanadium	0.000037
Vanadium Pentoxide	0.00012

The Board will update the technology performance standards as necessary to reflect improvements in pollution control technologies.

Consent Communication #2

3965

A communication was received from the
Energy Facilities Siting Board, Notice of
Proposed Rulemaking, transmitting a
notice of public hearing.

In City Council June 1, 1998

Referred to the City Manager