

Introduction and first reading: 12/14/04  
Public hearing: 12/18/04  
Second reading and enactment: 12/18/04

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE to amend and reordain Section 12-200 (NONCONFORMING USES) of Article XII (NONCOMPLIANCE AND NONCONFORMITY) of the City of Alexandria Zoning Ordinance, by adding thereto a new Section 12-216 (NONCONFORMING ELECTRICAL POWER GENERATING PLANTS) (TA No. 2004-0008).

Summary

The proposed ordinance accomplishes the final adoption of Text Amendment No. 2004-0008, to revoke the noncomplying use status of coal fired electrical power generating plants, and to categorize such plants as nonconforming uses, subject to abatement.

Sponsor

Staff

Eileen Fogarty, Director of Planning and Zoning  
Rich Baier, Director of Transportation and Environmental Services  
Ignacio B. Pessoa, City Attorney

Authority

§ 9.09, Alexandria City Charter

Estimated Costs of Implementation

None

Attachments in Addition to Proposed Ordinance and its Attachments (if any)

None

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE to amend and reordain Section 12-200 (NONCONFORMING USES) of Article XII (NONCOMPLIANCE AND NONCONFORMITY) of the City of Alexandria Zoning Ordinance, by adding thereto a new Section 12-216 (NONCONFORMING ELECTRICAL POWER GENERATING PLANTS) (TA No. 2004-0008).

WHEREAS, THE CITY COUNCIL FINDS AND DETERMINES THAT:

1. Since 1992, when the current City of Alexandria Zoning Ordinance was adopted, substantial evidence of harmful impacts from the continued operation of older, coal fired power plants has become available.

2. Older, coal fired power plants have been shown to emit into the air and water high volumes (up to 10 times dirtier as compared to newer plants with more advanced control technology or different fuel sources) of oxides of nitrogen (NOx) and sulphur dioxide (SO2 or SOx), small (PM2.5) and large (PM10) particulate matter, as well as compounds of barium, chromium, copper, lead, manganese, mercury, nickel, selenium, vanadium, zinc and other toxics.

3. The harmful impacts on the surrounding area from such older plants with shorter stacks (as opposed to newer plants with taller stacks) are magnified because short stacks offer less opportunity for dilution and dispersion of pollutants, resulting in higher concentrations in the environs of the plant.

4. These pollutants contribute to summer ozone problems, cause acid rain, increase the incidence of pulmonary, cardiovascular and other diseases, and rain nuisance dusts and toxic metals on a plant's environs and the entire region.

5. Harmful impacts from the continued operation of older, coal fired power plants are causing substantial injury to the public health, safety and general welfare of the residents of Alexandria.

6. Since 1992, other regulatory mechanisms have proven inadequate to control or abate such harmful impacts.

7. Based on the foregoing findings, and on all other pertinent facts and circumstances, of which the City Council hereby takes notice as the duly constituted legislative body of the City of Alexandria, Virginia, adoption of this ordinance is necessary and desirable to protect the public health, safety and general welfare of the residents of Alexandria. Now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 12-200 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended by adding thereto new Section 12-216 to read as follows:

1  
2  
3 [The following is all new language.]  
4

5 Section 12-216 *Nonconforming electrical power generating plants.*  
6

7 (A) Notwithstanding any contrary provision of this ordinance, any electrical power  
8 generating plant in existence on December 18, 2004, which produces power through  
9 the combustion of coal, and is located in a zone in which such use is neither a  
10 permitted or special use permit use, or in a zone in which such use is a special use  
11 permit use but for which a special use permit for the entire use, including power  
12 generation, has not been granted, shall be deemed a nonconforming use, and shall be  
13 subject to abatement as provided in Section 12-214(A) of this ordinance.  
14

15 (B) Any nonconforming use subject to this Section 12-216 shall comply with the  
16 following rules regarding repairs, improvements and alterations to the building and  
17 the use, unless a special use permit has been granted pursuant to Section 12-214(A),  
18 which provides otherwise:  
19

20 (1) No alteration to a building which directly prolongs the life of the  
21 nonconforming use shall be permitted.  
22

23 (2) Fixtures used in connection with the generation of power, such as turbines,  
24 generators, boilers, smokestacks, fuel or ash receiving or handling facilities,  
25 control systems and pollution control equipment, may not be installed,  
26 replaced or upgraded, although ordinary repairs and maintenance to such  
27 fixtures as existed on December 18, 2004, is permitted; provided, however,  
28 that the installation, replacement or upgrade of pollution control equipment  
29 may be permitted if approval therefor is obtained by special use permit  
30 issued pursuant to the Section 11-500 of this ordinance.  
31

32 (3) Ordinary repairs and maintenance to building components, such as HVAC  
33 equipment, electrical service, siding, shingles and roofing, are permitted.  
34

35 Section 2. That Section 12-200 of the City of Alexandria Zoning Ordinance, as  
36 amended by this ordinance, be, and the same hereby is, reordained as part of the City of  
37 Alexandria Zoning Ordinance.  
38



Sent to Council

9, 10, 11  
12-18-04

Honorable Mayor and Members of the City Council  
City Hall  
301 King Street  
City Of Alexandria

06/7/2004

Dear Mayor Euille and Members of the City Council:

Please find enclosed our position on the Mirant power plant.

Sincerely,

*Elizabeth Chimento*  
1200 North Pitt Street  
Alexandria VA.  
22314

*Poul Hertel*  
1217 Michigan Court  
Alexandria VA  
22314

*Roger Waud, President*  
NOTICE  
501 Slaters Lane  
Alexandria VA, 22314

*Lillian J. White, Co-President*  
League of Women Voters of  
119 West Mason Avenue  
Alexandria VA, 22301

Honorable Mayor and Members of the City Council  
City Hall  
301 King Street  
City Of Alexandria

06/7/2004

Dear Mayor Euille and Members of the City Council:

We request the City Council adopt a position stating that the power plant has two years to install "Maximum Achievable Control Technology," shut down, or convert to natural gas.

The Council discussions do not provide a proposal that addresses Particulate Matter (PM<sub>2.5</sub>). The City is focusing on NO<sub>x</sub> instead, which is a regional, not a local issue. The Mirant Power Plant "is likely the single largest contributor to PM<sub>2.5</sub> in Alexandria" with higher concentrations occurring closer to the plant, according to Dr. Levy. Furthermore, Levy states:

- Particulate Matter is recognized to have serious health effects.
- Science cannot find a lower threshold under which there are no health effects.
- EPA staff, acknowledging the deleterious health effects, recommends that acceptable limits for PM<sub>2.5</sub> be lowered from 15µg/m<sup>3</sup> to as low as 12µg/m<sup>3</sup>, which would cause the City of Alexandria to exceed the National Ambient Air Quality Standard.

Sullivan Environmental Consultants conclude that downwash is "screened to occur" at Marina Towers as often as 1200 hours per year (equivalent to 50 days).

- Downwash results when an undiluted emission stream (plume) is directly impacted by nearby high-rise buildings.
- Downwash causes the plume to hit the ground more quickly, which can prevent the normal dilution of pollutants, thereby increasing the exposure level and associated health effects.
- Since no other surroundings sites have been evaluated, a more complete study is needed.

The Mirant power plant also emits 29 Tons per year of fly ash (primary particulate matter) directly into the neighborhood because the ash house silos fail to capture them.

The issue of proximity and health impacts to contiguous populations is paramount, and needs to be central in Council deliberations. In conclusion, we ask that the City Council, strongly focus on ensuring a healthy environment by demanding that the plant either install Maximum Achievable Control Technology, convert to natural gas or shut down in a two year time frame.

Thank you for your consideration in this matter.

Sincerely,

*Elizabeth Chimento*  
1200 North Pitt Street  
Alexandria VA.  
22314

*Poul Hertel*  
1217 Michigan Court  
Alexandria VA  
22314

*Roger Waud, President*  
NOTICE  
501 Slaters Lane  
Alexandria VA, 22314

*Lillian J. White, Co-President*  
League of Women Voters of Alexandria  
119 West Mason Avenue  
Alexandria VA, 22301

*Elizabeth Chimento*  
1200 North Pitt Street  
Alexandria Va.  
22314  
tel. (703 548-7939)

*Poul Hertel*  
1217 Michigan Court  
Alexandria Va.  
22314  
tel. (703 684-5375)

06/1/2004

The purpose of this letter is to inform you of a continuing and dangerous problem in Old Town Alexandria, Virginia, related to the Mirant Potomac River Generating Station and to request your assistance. This is a summary of the history and background of our attempts to address and correct the problem:

### **Summary**

The Potomac River Generating Plant is a 50-year-old coal fired power plant, located in the middle of a densely populated urban area in the North Old Town section of Alexandria. The plant has very short smoke stacks<sup>1</sup> (chimneys), which increases our concern that adequate plume dispersion actually occurs.

About three years ago, we and many other residents in the north end of Old Town Alexandria noticed an increasing amount of gray residue on our cars, windowsills and inside our houses. Because we live only 1 and 2 blocks respectively from the plant and because of the obvious increase in coal plant operations, we became worried.

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<sup>1</sup> Due to proximity to Ronald Reagan National Airport.

## History

**Working with the plant:** On three occasions, we visited the plant, establishing a collaborative relationship, to determine the source of the residue. The plant later stated it would only control areas within the plant's property lines, nothing outside its gates.

**Research:** To find the source and content of the dust, we launched an empirical search, conferring with scientists, participating in an international coal conference, surveying pertinent scientific journals and requesting test samples be taken and analyzed by independent laboratories (Pennsylvania State University and the Virginia Department of Environmental Quality). These efforts culminated in the comprehensive report, "Mirant Power Plant Emissions and Health Effects," presented to the City of Alexandria in August 2003 (see <http://homepage.mac.com/witte/report/> ).

## Infractions and Violations:

The Virginia State DEQ issued a Notice of Violation to the plant for exceeding its NOX limit by over 100%.

The EPA also issued a Notice of Violation (1/22/04) for the NOX exceedence, making it a Federal violation as well.

The EPA cited the plant again in April 2002, for violating New Source Review (NSR).

These two simultaneous infractions, issued by the EPA, designated this plant as a High Priority Violator. However, the EPA did not officially give the plant the NOV for the "New Source Review" violation, claiming that it was using that violation as a negotiating tool to settle the NOX violation.

Further, the EPA categorized all Mirant plants as High Priority Global Violators since every Mirant plant in its fleet violated NSR.

Currently, these infractions are being negotiated in Richmond, Virginia with the Virginia State DEQ, the Environmental Protection Agency and the U.S. Department of Justice.

### **The Real Issues Are Being Ignored:**

The Virginia DEQ is now in the process of negotiating with the plant a new permit in which the NOX emission level will remain the same (1019 Tons), although no trading will be permitted with this permit. However, the permit does not address the following:

**Downwash Study:** At the personal expense of a few neighbors, we obtained a Preliminary Downwash Study conducted by Sullivan Environmental Consultants, a respected firm in the profession. The Sullivan study concluded that downwash is occurring at a high-rise condominium building just north of the plant 14% of the time. Indications are that this undiluted pollution plume is hitting the upper floors of the building and is probably exceeding National Ambient Air Quality Standards (NAAQS). Since this study was preliminary and did not include other buildings near the plant, we have asked the City and the DEQ to obtain complete downwash testing.

**Particulate Matter and Proximity:** The main cause of adverse health effects is small 2.5 micron particles. Primary 2.5 particulates, unlike the gas-formed secondary particles, accumulate closer to the plant, affecting nearby populations. However, this issue of proximity and health impacts to contiguous populations is dismissed.

Small particulates, measuring less than one seventh the diameter of a human hair strand, threaten health because they are breathed directly into the lungs, embedding themselves within and cannot be aspirated by sneezing or coughing. Inside the lungs, the 2.5 particles then inflame the surrounding tissue, resulting in irreversible heart and lung damage (see Health Effects section of the Chimento/Hertel Report page 9). Furthermore, recent scientific articles, clearly and unequivocally, demonstrate that coal-fired power plant emissions of particulate matter, specifically the small 2.5 micron particles, are especially dangerous to public health, resulting in asthma attacks, emergency room hospital visits and cardiopulmonary irregularities which lead to premature deaths (see Levy and Pope Studies in report).

The laboratory tests conducted by Pennsylvania State University and the Virginia Department of Environmental Quality indicated that the gray residue found in the neighborhood consisted largely of post-combusted by-products (fly ash) and non-combusted coal dust, originating from the neighborhood Mirant Power Plant.

Jonathan Levy's<sup>2</sup> research established that primary 2.5 particle concentrations "peaked closer to the plant and decreased more rapidly with distance than for sulfates or nitrates". Therefore, proximity to the plant directly corresponded with higher levels of exposure to primary 2.5 particle pollution (see Chimento/Hertel Report pages 2-4).

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<sup>2</sup> Jonathan Levy, Sc.D, Harvard School of Public Health's leading scientist in power plant/health issues, has conducted case studies on pollution and coal-fired power plants in Massachusetts, Illinois and, most recently, Washington, DC. In May 2002, he briefed the U.S. Senate Environment and Public Works Committee on "Health Impacts of Power Plants: Case Studies in Massachusetts, Illinois, and Washington D.C." (Sources, p. 6, "Health Impacts of Air Pollution from Washington DC Area Power Plants," Summary prepared by Jonathan Levy specifically for Clean Air Task Force, May 2002).

**Fly Ash -- 29 Tons Escape Per Year From Ash House Silo:** The inorganic residue that remains after pulverized coal is burned is known as 'coal combustion byproducts' (CCB). Fly Ash is the finely divided CCB collected by electrostatic precipitators after the combustion process. Subsequently, hammers hit the electrostatic precipitators to release the particulates. As the particulates fall, they are sifted into the ash house silo, which are essentially huge vacuum cleaners that use fabric filters (bags) to trap the particles. According to the Mirant plant's consultant study, 29 tons per year of particulates are not captured by the bags and escape directly into the atmosphere. With the addition of a second ash house silo, this number could be reduced by 50% (see Chimento/Hertel report page 14).

**Plant Does Not Serve Alexandria:** The plant does not provide electricity to Alexandria; we only get the adverse health effects.

**The Plant Needs to be Cleaned Up:** The Mirant Potomac River Station operates with outdated technology in a dense urban environment. Its short smoke stacks are causing downwash on at least one residential building situated in close proximity (300 feet).

**New Source Review Violations:** Once a plant has violated NSR, the law requires it to comply with current modern emission standards.

Dear Bill Eulle,

The memo from the staff, For May 12 meeting, has reconfigured some key graphs from Dr. Levy's draft analysis "Analysis of Particulate Matter Impacts for the City of Alexandria, Virginia" presented to the Council. This change marginalizes and masks the effects of particulate matter from the Alexandria plant on this City, which are still considerable around the plant (see pages 9 and 10 of draft figures 3,4 and 5).

#### Memo of Staff Recommendations

(1) In memo

*Comment:*

There is no exit strategy in the City stated long-term goal to shut down the plant, i.e., we have no idea if the plant will ever leave. With no determined closure date, the short-term goals become senseless.

(2) In memo

Says, "that the plant will operate in as a safe and clean manner as is both feasible and attainable"

*Comment:*

Does not set any standards nor any appointed agent to determine these standards and regulate compliance.

(3) In memo:

*Comment:*

There is nothing proposed that cleans up the plant and protects citizens' health until an imaginary shut down date occurs.

(4) In memo:

*Comment:*

Nox is a regional, not a local issue. There is nothing in the proposal that addresses the local issue pertaining to Particulate Matter and Fugitive Fly ash from the Ash House silo<sup>1</sup>.

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<sup>1</sup> Fugitive fly ash handling is not addressed in the memo, only the unloading is:

The inorganic residue, that remains after pulverized coal is burned, is known as 'coal combustion byproducts' (CCB). Fly Ash is the finely divided CCB collected by electrostatic precipitators after the combustion process. Subsequently, hammers hit the electrostatic precipitators to release the particulates. As the particulates fall, they are sifted into the ash house silo, which are essentially huge vacuum cleaners that use fabric filters (bags) to trap the particles. **According to the Mirant plant's consultant study, 29 tons per year of particulates are not captured by the bags and escape directly into the atmosphere. With the addition of a second ash house silo, this number could be reduced by 50%,** see Chimento / Hertel report page 14.

f. Memo recommends DEQ to undertake studies.

*Comment:*

This is the Downwash issue (see Sullivan Environmental Consultants' Preliminary Study).

Reviewing the DEQ history (see August 12, 2003 memo attached), we question the DEQ's ability to maintain scientific objectivity. As stated in the DEQ memo, a choice was made to close the case even though their own staff stated emphatically "we stand by our original findings" that over 50 % of the residue came from the coal plant. We recommend that an uninvolved entity do the modeling and/or monitoring.

Discussion in memo, page 3

Fugitive and Coal Dust

The memo talks about installing "best available control technologies" for some ground issues. This is not an appropriate term in this context. BACT normally refers to pollution controls on stacks (see footnote 1 for ash house silo problem).

Small Particulate Matter

Particulate matter is the fundamental issue with this plant, yet this memo minimizes and marginalizes the effects of the Alexandria plant on its residents and surrounding areas. It does not address the positive quantifiable health effects that could be obtained by looking at particulate matter emissions from the stacks.

According to Dr. Levy<sup>2</sup>;

"Since we adopt a health perspective in this analysis and most epidemiological evidence points toward particulate matter as a stronger causal agent for mortality and morbidity than gaseous SO<sub>2</sub> or Nox, we focus exclusively on primary and secondary particulate matter concentrations in this report and do not address the primary gaseous pollutants or ozone."

Furthermore, Dr. Levy concludes "that individuals who live closer to a power plant are more impacted by that plant than individuals living further away, but local populations contribute a relatively small fraction of aggregate risk."<sup>3</sup>

Finally, Science is unable to establish a lower threshold at which no health effects of PM<sub>2.5</sub> are found.

Elizabeth Chimento and Poul Hertel

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<sup>2</sup> Levy et al, Atmospheric Environment 36 (2002) page 1067

<sup>3</sup> Dr. Levy web site, Statement of Jonathan Levy, Harvard School Public Health (US Senate Public Hearing May 2002)

9, 10, 11  
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12/18/04

**SALLY ANN GREER, Ph.D.**  
**1616 North Ft. Myer Drive, Suite 1430**  
**Arlington, VA 22209**  
**Phone: 703 528 4388**  
**FAX: 703 528 8556**  
**E-Mail: SallyAnnGreer@msn.com**

**Sally Ann Greer**  
**1168 North Pitt St.**  
**Alexandria, VA 22314**                      **703-528-5849**

**I, too, am a casualty of the air that we are breathing. I am a twenty-year resident of Alexandria and I live within two blocks of the Mirant Plant. At the ten-year mark I became seriously ill with symptoms of a brain tumor. A brain scan ruled this out and a definite diagnosis was not made. Subsequent to this, I experienced a precipitous loss of hearing and now wear matching hearing aids.**

**I am deeply concerned about the increasing population of children we have in my area. I am asking you to take the necessary steps to prevent their having experiences like my own, and the many others who are here today. Thank you for your help and your vote against this ongoing and increasingly dangerous presence in our City.**

12/18/04

4

## SPEAKER'S FORM

DOCKET ITEM NO. 11

**PLEASE COMPLETE THIS FORM AND GIVE IT TO THE CITY CLERK  
BEFORE YOU SPEAK ON A DOCKET ITEM.**

**PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.**

1. **NAME:** Harry P. Hart
2. **ADDRESS:** 307 N. Washington Street  
**TELEPHONE NO.** 703-836-5757 **E-MAIL:** hcgk.law@verizon.net
3. **WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF?**  
Mirant Mid-Atlantic, L.L.C., and Mirant Po River
4. **WHAT IS YOUR POSITION ON THE ITEM?**  
Against
5. **NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY,  
LOBBYIST, CIVIC INTEREST, ETC.):**  
Attorney
6. **ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE  
COUNCIL?**  
Yes

This form shall be kept as a part of the permanent record in those instances where financial interest or compensation is indicated by the speaker.

A maximum of three minutes will be allowed for your presentation, except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard on a docket item shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation. If you have a prepared statement, please leave a copy with the Clerk.

Additional time not to exceed 15 minutes may be obtained with the consent of the majority of the council present; provided notice requesting additional time with reasons stated is filed with the City Clerk in writing before 5:00 p.m. of the day preceding the meeting.

The public normally may speak on docket items only at public hearing meetings, and not at regular legislative meetings. Public hearing meetings are usually held on the Saturday following the second Tuesday in each month; regular legislative meetings on the second and fourth Tuesdays in each month. The rule with respect to when a person may speak to a docket item at a legislative meeting can be waived by a majority vote of council members present but such a waiver is not normal practice. When a speaker is recognized, the rules of procedures for speakers at public hearing meetings shall apply. If an item is docketed *for public hearing* at a regular legislative meeting, the public may speak to that item, and the rules of procedures for speakers at public hearing meetings shall apply.

In addition, the public may speak on matters which are not on the docket during the Public Discussion Period at public hearing meetings. The mayor may grant permission to a person, who is unable to participate in public discussion at a public hearing meeting for medical, religious, family emergency or other similarly substantial reasons, to speak at a regular legislative meeting. When such permission is granted, the rules of procedures for public discussion at public hearing meetings shall apply.

### Guidelines for the Public Discussion Period

(a) All speaker request forms for the public discussion period must be submitted by the time the item is called by the city clerk.

(b) No speaker will be allowed more than three minutes; except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard during the public discussion period shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation.

(c) If more speakers are signed up than would be allotted for in 30 minutes, the mayor will organize speaker

December 17, 2004

9,10,11 ✓  
12-18-04

Mayor William D. Euille  
City of Alexandria  
City Hall - Room 2300  
301 King Street  
Alexandria, VA 22314

Re: Mirant Potomac River Station – Actions recommended regarding revocation of SUPs

Dear Sir:

You probably know that I am the Engineering Leader for the Mirant Potomac River Generating Station. What you may *not* know however is that one of the reasons I was hired is because I worked for more than 10 years as an Environmental Coordinator for all of Mirant's plants in the area. My primary function was to ensure that all of the plants complied with applicable air, water, land and other laws and regulations. Contrary to what you may have heard, the Potomac River station, and all of the Mirant plants in the area for that matter, have an outstanding compliance history. The record is not perfect, but it is certainly very, very good. I am speaking to environmental issues because that seems to be a recurring theme when our station is mentioned.

You may hear or read of alleged environmental non-compliance at our station. These allegations cause me great pain because they are untrue and inaccurate. The EPA website for example, lists our station as a "High Priority Violator." By EPA's own definitions, this is not true. Unfortunately efforts toward correction of the erroneous data have been unsuccessful. The Alexandria incinerator is listed as a "High Priority Violator" on the same website – I doubt that you would tolerate conditions leading to this designation – we certainly do not. Not only is compliance required by law, it is the right thing to do as a good corporate citizen. I welcome you to visit the station at your convenience and review our environmental programs and monitoring records in detail.

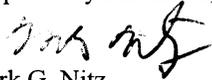
Reliability. The Potomac River station is, despite its age, an incredibly reliable power plant, and is almost always ready when needed by the power system operator, PJM. Again, we're not perfect, but we're very, very good. The plant contributes to the stability and reliability of the electric grid in this region, something that I think you will agree, is important to all of us.

The 130 or so folks who operate and maintain the plant are highly skilled, well paid and hard working. They are very proud of the work they do. Many live nearby and they are all genuinely concerned about the impact of the plant on themselves, their families, neighbors and communities. They understand that the plant *can* impact the environment and they work hard to minimize that impact.

We have undertaken a number of studies over the years to better understand our impact on the surrounding community and we have addressed concerns with issues such as noise, dust, traffic and rail deliveries. Again, we're not perfect but I will tell you that we're very, very good and we're always working to improve.

I ask that you consider carefully the actions that have been recommended against our plant. Again, I invite you to visit the station and see first-hand the safeguards we have in place to ensure that we comply with laws and regulations and to minimize the impact on our neighbors. We can discuss any concerns that you have – I offer my personal guarantee that we will make an honest effort to address each and every concern.

Respectfully submitted,

  
Mark G. Nitz  
13317 Long Leaf Drive  
Clarksville, MD 21029  
(301) 854-9944

Elizabeth Chimento

9, 10, 11  
12-18-04

City Council Meeting  
12/18/04

Re: Docket Items #9, 10, 11  
Revocation of Special Use Permit #2004-0089  
Revocation of Special Use Permit #2004-0090  
Ordinance to Revoke the Noncomplying Use Status of Coal Fired Power Plants

Elizabeth Chimento  
1200 North Pitt St.  
Alexandria, VA

Mayor Euille, Vice Mayor Pepper, Council Members:

For four years, Poul Hertel and I have studied, identified and made known, over the last year, the scientifically validated serious health effects associated with the Mirant plant's operations, both in stack emissions and ground sources. Those effects include respiratory illnesses, asthma, heart arrhythmias, strokes and lung cancer.

Now, the city consultant has established that this plant's emissions are greater than we had known, far exceeding both EPA and VADEQ standards for protecting public health:

- This plant exceeds NOX, SOX, PM 10 and PM 2.5. Near the plant, the excess is up to 60 times the allowable standards for SO2, NOX and PM 10.
- This plant exceeds mercury emission standards by up to 1000% the EPA's safe standard.
- This plant's short stacks, 125 ft. less than Good Engineering Practice recommends, account for downwash occurring on the upper floors of Marina Towers, putting the residents' health at risk.

Due to these many problems with the Mirant Potomac River Generating Station, I urge you to revoke the SUP's and pass the ordinance to protect the health of all Alexandrians.

Thank you.

# Areas With Dirtiest Air Named

→ 2.5 PM  
**D.C., 20 States  
 Must Devise Ways  
 To Reduce Soot**

## Polluted Counties

*A third of the U.S. population lives in areas with dangerously dirty air, according to the EPA.*

By JULIET EILPERIN  
 Washington Post Staff Writer

About one-third of all Americans—including residents of the District of Columbia, large swaths of Maryland and much of northern Virginia—live in areas with dangerous levels of soot pollution in the air, Environmental Protection Agency officials said yesterday.

EPA Administrator Mike Leavitt said yesterday's designations—which will require 20 states and the District to devise strategies within three years to reduce the level of tiny air particles linked to respiratory illness and premature death—show that the administration is making progress in protecting public health.

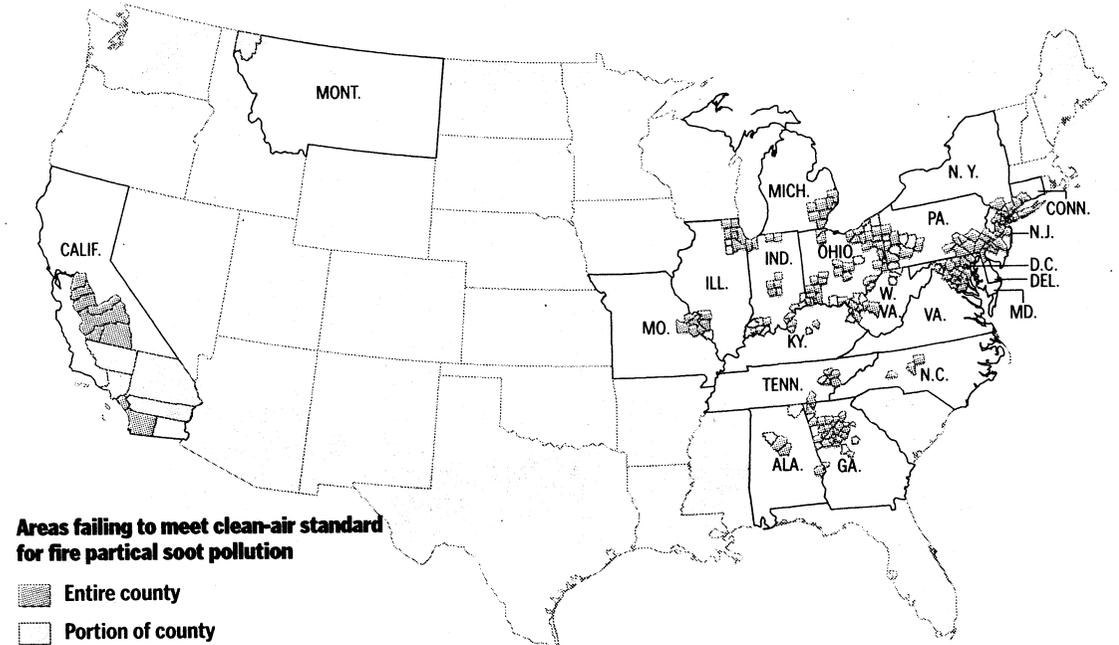
"This is not a story about the air getting dirtier; this is a story about higher and more stringent standards and healthier air," Leavitt said. He added that, as of 2003, the average concentration of fine particles in the air nationwide had declined 10 percent since 1999, when the EPA began monitoring it. America's air, he said, is "cleaner than anytime in memory, but we're not done yet."

Yesterday's listing identified communities that do not meet the national air quality standard established in 1997 under legal pressure from environmentalists—for particles that are about one-thirtieth the width of an average human hair. This pollution, mainly soot from power plants, automobiles, forest fires and heavy-duty diesel engines, can penetrate the lungs and exacerbate respiratory and heart diseases.

EPA officials estimate that if most of the 224 targeted counties and the District can meet the new standard by 2010, at least 15,000 premature deaths would be prevented, along with 75,000 cases of chronic bronchitis and 3.1 million days of missed work.

John Bachmann, associate director for science and policy in the EPA's Office of Air Quality Planning and Standards, called fine particles "the most important pollution we have." He said the benefits of reducing it outweigh the cost by 20 to 1.

On the East Coast and in the Mid-



**Areas failing to meet clean-air standard for fine particulate soot pollution**

- Entire county
- Portion of county

THE WASHINGTON POST

west, most communities failing to meet the new standard are major cities or counties clustered around power plants, while in Southern California, automobiles account for much of the fine-particle pollution. EPA officials said they based their designations of noncomplying areas—which included more counties than many states had wanted but fewer than environmentalists had called for—on such factors as population density, air quality over the past three years, traffic volume and expected future growth.

By 2007, every community that fails to meet the fine-particle standard must submit an air-quality plan for federal approval; if they fail to do so, they would face penalties, including the potential loss of highway funding. Federal officials, however, rarely impose that sanction.

Many communities resist the "non-attainment" air-quality label because it can deter new investment, since emitters face stricter pollution curbs in communities that fail to meet the federal standard. Leavitt said his home state of Utah and other communities had prospered economically despite failing to meet earlier federal standards, but the National Association of Manufacturers said companies con-

sidering relocation would weigh the higher costs associated with moving to an area with more restrictive emissions rules.

"It's a question of how to strike a balance between economic development and environmental standards," NAM spokesman Darren McKinney said.

Officials in the District, Maryland and Virginia face the problem of trying to clean the air when much of the area's pollution comes from neighboring states. Virginia fought the non-attainment designation for nine of its counties. Tom Snyder, director of air and radiation management at Maryland's Department of the Environment, said the state is "the victim of significant pollution transport," with 60 percent of its fine-particle concentration coming from the Midwest and the South.

Stuart Freudberg, director of environmental programs at the Metropolitan Washington Council of Governments, said meeting the tougher fine-particle rules by the 2010 deadline is "going to be challenging but doable." The council represents 19 local governments, including the District's.

"It's a regional problem, and it needs to be a regional solution," Freudberg said.

The new designations come at a time when Congress and the administration are debating how best to reduce harmful pollutants from power plants and other industrial sources. President Bush is pushing legislation titled "Clear Skies" that would reduce nitrogen oxide and sulfur dioxide pollution—two major contributors to fine-particle contamination—by 70 percent sometime after 2015. EPA officials said this bill, coupled with an administration rule aimed at cleaning up off-road diesel engines, would bring 90 percent of the communities the agency listed yesterday into compliance with the new air quality standard.

But S. William Becker, executive director of the Association of Local Air Pollution Control Officials, said the administration is placing an unfair burden on states and local communities by delaying the new pollution controls on power plants until 2015, even though the affected areas must come into compliance with fine-particle rules five years earlier.

"EPA air-quality rules allow industry far more time to reduce its environmental impact than for states to comply with national air quality standards," Becker said. "It's the power plant reductions on which the states are relying on to help."

# Mary Harris Statement

9.10.11  
12-18-04

Statement before Alexandria Planning Commission on case #2004-0089/0090

My name is **Mary Harris** and I live at **Marina Towers**, 501 Slaters Lane next to the Mirant property. I also represent Marina Towers of the City's Mirant Community Monitoring Group. Marina Towers' community **fully supports the City's proposal** to revoke the special use permits for this plant. **We believe it's a nuisance that has gotten much worse since the mid 90's . We believe it poses a serious health risk to some of our residents. And it is not needed for utility purposes.**

**I have lived here for almost 10 years** and it is the friendliest, most neighborly and community oriented place I have ever lived. **Our condominium community includes about 500 residents and owners and full and part time employees. We have about 30 children under 15 and many adults over 65. Typically, 15-20 contractors and service technicians may be working on our property which operates 24/7, much like the power plant next door.**

We are not complainers. **We're very tolerant and respectful of each other and of adjoining property owners** -and that included the folks at Potomac River Generating Station. We have **always assumed that the plant's owners and city, state and federal agencies could not allow operations that could be injurious to our health and property. But now we feel we were mistaken.**

We've experienced a tremendous change in our quality of life over the last few years related to the operation of the Potomac River Generating Station. **You will hear from other residents of Marina Towers about an increase in noise and dust, smoke and glare and other disturbances that they live with day in and day out. Some people are afraid to open their windows or use their balconies. Some residents on the upper floors report recent health problems -mainly respiratory.**

**And there are concerns about the damage to our building from the plant's emissions.**

**I have a bird's eye view of the plant** from my 14<sup>th</sup> floor unit as you can see in the recent photo from the Christian Science Monitor article about Clean Air that I've given you. Although I travel a lot for business and pleasure, **in the past 6 months I have seen more than 20 incidents during the day of heavy smoke stack emissions and 2 explosions at the plant** -some in the past few days. This is more than all instances I have seen in the years prior to Mirant. **I have attached the list. There is also a photo of one incident -although not one I saw- taken by another resident.**

We are proud of community activists and city staff who have employed experts to **determine the nature and extent of emissions from the plant. Their findings have been stunning -60 times the health standards for sulfur dioxide, nitrogen oxide and particulates. This surely constitutes a health hazard or a least a public nuisance, and no doubt an environmental problem for the River and its wildlife.**

**Yet, the apparent source of these problems is not even a local utility nor needed for long term regional energy reliability. When PEPCO sold this plant in 2000, it ceased to be a utility and it no longer sells electricity to the DC utility. So, there are no "overriding public interests" that would prevent the Planning Commission and City Council from fulfilling their duty to protect the community from this nuisance and its potential known health hazards.**

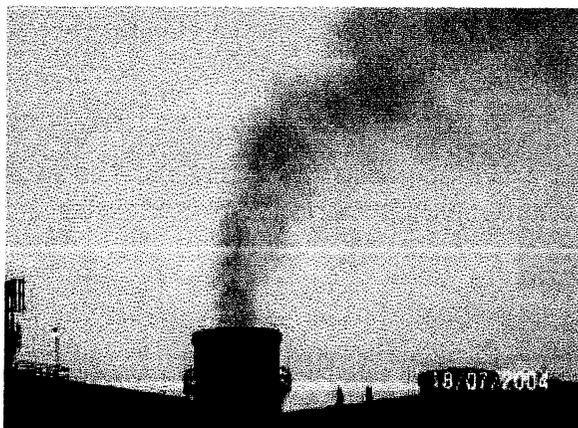
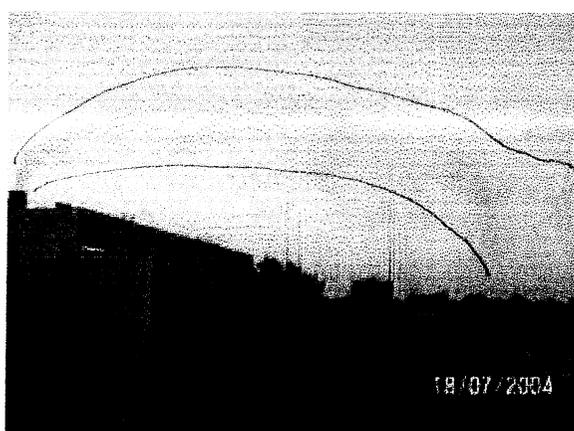
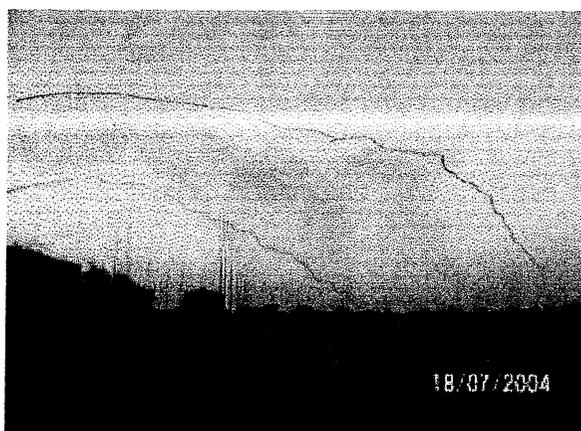
Thank you. You are doing the right thing. Now, I'd like to introduce some of the other residents from Marina Towers.



### Pictures of Mirant Plant on a recent Sunday

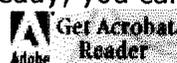
#### Thanks Bruce!!

Bruce Overbay shares these photos that he took on a Sunday in mid-July. He describes them as: 'Our neighbor sending 'Happy Sunday' greetings to Alexandria!'



*The actual photos show more plume definition than this printout.*

Documents in Adobe Acrobat PDF format require the free Adobe Reader to view. If you don't have Adobe Reader already, you can Download it here



**Observed Incidents at Potomac River Generating Station  
Mary Harris, #1410 Marina Towers  
2004**

<u>Date</u>	<u>Description</u>	<u>Duration*</u>
1. May 17 <sup>th</sup>	thick black smoke	4Pm-7PM
2. June 17 <sup>th</sup>	Explosion/lightning strike thick black smoke #3,4,5	9PM – midnight same as above
3. June 18	thick black smoke #1 /20% opaque	6AM- 8AM
4. June 20	thick smoke #2	Am
5. June 21	thick smoke #2	20 minutes
6. July 12	thick black smoke #4	2PM -?
7. July 24	thick black smoke #4	6:30- 8:30 PM
8. July 26	thick smoke #2	8-11AM
9. July 27	thick smoke #2	7:30 AM - ?
10. July 28	Explosion, fire, substation	3:20 PM
11. July 30	black smoke #2	daytime
12. Aug 1	thick black smoke #2	5-8PM +
13. Aug 27	thick smoke #1	no time noted
14. Sep 16	heavy steam releases 100%	7-10AM
15. Sep 19	20% smoke #3,4 (white/pinkish)	7PM- ?
16. Nov 22	thick black smoke #2or 3	AM-noon
17. Nov 30	heavy white smoke #3	AM
18. Dec 2	thick white smoke #3	afternoon
19. Dec 3	thick white #3	?
20. Dec 6	thick grey/pink/black #3 & 4	2PM - 5PM

\* description, time of incident and duration are as noted on my wall calendar and are only approximate. I mean, I'm not going to watch and time them. I do have a life. Some incidents aren't noted because I just got used to seeing it and didn't have time to write it down. It's only when I am home -which isn't all that often. These incidents seem to gotten worse within the past 2 years. Never noticed so many/ so intense before.

*Early marathoners: Humans evolved because they could jog, new research says. Page 17*

PLANET

# Clean-air cops handcuffed

By MARK CLAYTON  
STAFF WRITER

**The EPA wants stricter curbs on air pollution. But lax enforcement may undermine its goals, critics say.**

IN THE HEAT OF THIS YEAR'S election campaign, Environmental Protection Agency chief Michael Leavitt was quick to share good news on the environment: "Today's air is the cleanest most Americans have ever breathed," he announced in September. "Now EPA is taking up the challenge to accelerate the pace of that progress into the future."

But whether it can accelerate progress may depend on resolving a fundamental question, observers say. Can a proposed market-based system for controlling air pollution make up for less rigid enforcement of current laws? Once a potent tiger, the EPA's clean-air enforcement looks increasingly toothless. The number of suits targeting big polluters — especially coal-fired power plants — has dropped dramatically. Former EPA officials complain such lawsuits are actively discouraged. At least one recent settlement allows a violating power plant to spew more pollution into the air, not less.

"There's clearly been a significant decrease in air-pollution enforcement by the



ANDY NELSON — STAFF

**BALCONY VIEW:** Mary Harris worries that the Potomac River plant next door emits more pollution.

EPA, especially regarding the electric utility industry," says Joel Mintz, a law professor at Nova Southeastern University Law Center who has studied the EPA's legal legacy. The numbers tell the story. In its last three years, the Clinton administration filed 61 civil suits against alleged violators of clean-air laws. In its first three years, the Bush administration filed nine. Enforcement of the Clean Air Act, especially toward coal-fired plants, is "at a near standstill," concluded the Environmental Integrity Pro-

ject, a watchdog group in Washington, which tallied the lawsuits in a report last month. Even though old lawsuits are being pursued, new lawsuits are not being filed. See **AIR** page 17

## Warming trends

- Global temperatures have increased by about 1 degree F. since 1900.
- Seven of the 10 warmest years in the

## PLANET

# Can clean-air trend survive in an era of fewer lawsuits?

AIR from page 15

says Eric Schaeffer, director of the group.

That's why the Bush administration's market-based approach — in which the government sets overall pollution caps and companies decide how best to meet them — represents a significant departure from the past. Historically, lawsuits have been as important as new laws in cleaning up America's air. Since the Clean Air Act took effect in 1970, industrial emissions of six key pollutants — including sulfur dioxide (SO<sub>2</sub>), nitrogen oxide (NOx), carbon monoxide, and lead — have been cut in half: from 301 million tons to 147 million tons last year, EPA's Mr. Leavitt reported.

But complaints about the lack of enforcement are not only coming from environmentalists. A week after Leavitt touted cleaner air, the EPA's own inspector general released a report charging that changes last year to key air-pollution rules had "seriously hampered EPA settlement activities, existing enforcement cases," and the development of future cases.

In a forceful rebuttal, the EPA said the inspector general's report "misleads the public about Agency actions to reduce pollution from coal-fired power plants. We vigorously enforce the Clean Air Act and have an aggressive plan" to cut emissions.

Others disagree. A sea change in the agency began a year ago, culminating with the Bush administration ordering a halt to

applications from power-plant operators for permits to modify their plants to burn more coal. So where were those millions of tons of coal going? Buckheit wondered.

Before long, he and others at EPA had uncovered what he calls "massive violations involving about 70 percent" of the coal-power industry. In 1999 and 2000, the EPA initiated nine lawsuits against some of the largest power companies. As recently as last year, the EPA had about 75 active investigations of potential industry violations and another 22 legal cases at the Justice Department, but not yet filed in court. Companies alleged to be in violation were lining up to try to settle and clean up without going to court. Then the ax fell.

## Reform or reversal?

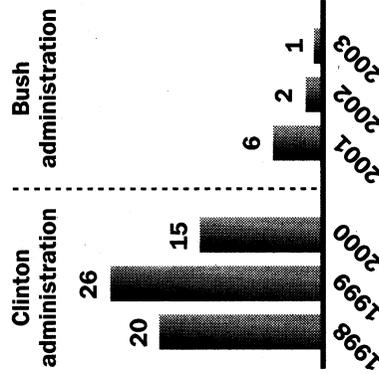
The signal came in the EPA's "reform" of an obscure rule called "new source review" (NSR), says John Suarez, a Bush appointee and the EPA's assistant administrator for enforcement and compliance assurance until he resigned in January. NSR requires that a company seek an EPA permit if it wishes to modify a factory in a way that increases emissions — and would then require new pollution controls.

"The goal of NSR reform was to prevent any enforcement case from going forward," Mr. Suarez is quoted as saying in a September article in the Environmental Law Review by Professor Mintz.

The EPA's Leavitt, however, says there

One reason for the slower progress in cutting pollution, critics charge, is that the number of prosecutions under the act has fallen in the past three years (Jan. 18 through Jan. 17 of the following year).

## Prosecutions under the Clean Air Act



Source: Environmental Integrity Project STAFF

is a better way than litigation: a market-based system where companies could trade pollution credits. Such a system would let power-plant operators "find the best ways, the fastest ways, the most innovative ways, and the most efficient ways to make the reductions," he said in a January speech. "The rule provides incentives to

As a result, power plants pump at least 1.75 million tons of SO<sub>2</sub> and 629,000 tons of NOx a year that would have been eliminated by settlements, says the inspector general's report. By contrast, the EPA on Monday noted its enforcement victories in the fiscal year, which included two major power-plant settlements that will remove more than 300,000 tons of SO<sub>2</sub> and NOx.

But even in cases where the EPA recently declared victory, there are signs of softening, observers say. In September, it touted a settlement with Mirant Mid-Atlantic, which operates four power plants in Virginia and Maryland. Its Potomac River plant is a 55-year-old facility that is among the oldest and dirtiest in the nation.

## Questionable settlement

Sitting just a few miles from the nation's capital, which has some of the worst summertime air in the US, the plant emitted 2,139 tons of NOx in summer 2003 — more than double the amount permitted by law. When caught by the state of Virginia, and subsequently cited by EPA, the company agreed to pay a \$500,000 fine, spend \$1 million on pollution controls at the Potomac River plant, and cut NOx emissions by 29,000 tons a year across all its plants in the region. Yet the new settlement with EPA allows the Potomac plant to emit 59 percent more NOx during summer 2005 than it was allowed in summer 2003.

"It's certainly ironic and ridiculous to



# MOUNT VERNON GROUP

ALEXANDRIA, ARLINGTON COUNTY, FAIRFAX COUNTY, FALLS CHURCH, AND PRINCE WILLIAM COUNTY  
VIRGINIA

9, 10, 11 ✓  
12-18-04



Mayor and Members of the City Council  
City of Alexandria  
301 King Street,  
Alexandria, VA 22314

**Subject:** Revocation of Special Use Permits No. 2296 and No.2207, and noncomplying use status for the Mirant Potomac River Generating Station (PRGS).

Dear Mayor and Members of the Alexandria City Council:

Thank you for the opportunity to comment on the proposed revocation of the noncomplying use status, and the revocation of Special Use Permits No. 2296 and No.2297 for the Mirant Potomac River Generating Station. My name is Susan Stolpe and I am a member of the Mount Vernon Group of the Virginia Chapter of the Sierra Club. Today I speak on behalf of over 5,000 Sierra Club members across northern Virginia, including the city of Alexandria.

First, the Mount Vernon Group would like to thank the members of the city council for your support in helping to clean our air and improving the quality of life of citizens in Alexandria.

The Mirant Potomac River Generating Station is a large point source of many harmful pollutants, including fine particulate matter, oxides of nitrogen, sulfur dioxide, and mercury. Documented health effects of these pollutants include increased risk of cardiovascular and respiratory diseases. The facility was built with very short stacks, uses little or no pollution control technology, is located in a densely populated residential area, and is across the street from high rise buildings. In fact, the Mirant power plant is in violation of Federal Law. In the summer of 2003, it violated the Clean Air Act by exceeding its permitted amount of oxides of nitrogen stack emissions by about 1,000 tons. For all these reasons, the Mount Vernon Group has strongly opposed the continued operation of this facility in North Old Town Alexandria.

In addition to the serious health and environmental effects posed by this facility, the Mirant power plant is a source of nuisance to residents living in close proximity to the facility. Residents are reporting problems such as loud noises due to train traffic and blasts, dusty windowsills and balconies, and glare through apartment building windows. In addition, citizens living in nearby residences have spoken to us about frequent releases of what appears to be accidental emissions of thick visible dark smoke. Clearly, these actions are not in agreement with the "Use Limitations" of the Zoning ordinance, Section 4-1306(A), which states "No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibrations, or glare".

In closing The Mount Vernon Group of the Virginia Chapter of the Sierra Club urges the members of the City council to revoke these two special use permits and noncomplying use status for the Mirant power plant. Furthermore, the Mount Vernon Group continues to believe that the best long-term solution for the

residents of Alexandria and northern Virginia is a complete shutdown of the Mirant Potomac River Generating Station.

We deserve clean air today.

Sincerely,

A handwritten signature in black ink that reads "Susan Stolpe". The signature is written in a cursive style with a large, looped "S" and a long, sweeping "P".

Susan Stolpe  
208 E. Glendale Avenue, Apt 4  
Alexandria, VA 22301  
Email: [susanstolpe@aol.com](mailto:susanstolpe@aol.com)  
Phone: 571-643-3166

Patricia Soriano  
Chair, Mount Vernon Group  
Virginia Chapter of the Sierra Club  
5405 Barrister Place  
Alexandria, VA 22304-1949  
Email: [mountvernon@verizon.net](mailto:mountvernon@verizon.net)  
Phone: 703-671-3129

9, 10, 11  
12-18-04

Alexandria City Council. December 18, 2004. Statement

My name is Niels de Terra. I live at 397 S. Picket Street in Alexandria. I am an independent energy consultant with a specialization in electricity demand. I've been in this field for over 25 years. I began studying energy problems as a specialist with the U.S. Dept. of Transportation in the mid-1970s went on to spend almost six years with the International Energy Agency in Paris. I have advised Governments around the world on energy issues and on modernization of electricity industries. My interest in the matter before the Planning Commission and City Council is purely civic.

I was asked by a friend who lives in Marina Towers to answer some questions about electric reliability and alternatives to the Potomac River Generating Station (PRGS). **First**, is this plant needed for long term reliability in the region and **second**, are there alternative resources for reliability in the region?

A lot has changed in the last 10 years as the energy industry has deregulated. Utilities still distribute electricity and own the transmission lines but non-utilities typically make the electricity. So, there are two aspects to reliability -supply and delivery. On the supply side, you are looking for enough electric generating capacity to serve the region's highest expected needs (peak) plus an extra amount in case some power plants are not operating. This is called a reserve margin and it is usually expressed as a percentage of peak demand. The smaller the number of plants that can be drawn upon the higher the required reserve margin; the larger the number of plants, the lower the necessary reserve margin. **The PRGS is in a region with a very large number of available plants.**

From a supply standpoint the electricity this plant provides is very probably not necessary for regional reliability. The Potomac River Generating Station sells electricity into the wholesale electric market of the Mid Atlantic region. For reliability purposes, this region is overseen by the Mid Atlantic Area Reliability Council or MAAC. The MAAC is required every year to report its reliability status and conformity with industry reliability standards to the North American Reliability Council. They are required to forecast demand and generating capacity for the next ten years. In its reports, this area has a very healthy reserve margin of 19%, projected through 2013. In fact, in its 2004 submission to NARC, the Mid Atlantic region reports that it is even able to export power from the region during the peak summer months.

The Potomac River Generating Station's 482 MW of power is less than 1% of the peak needs in the region – a region that has a 19% reserve margin until 2013- and can easily be replaced if needed by numerous sources – such as existing power plants in the region, increased energy efficiency, new renewable electricity supply or short term – imports from other regions. However, **from a capacity standpoint PRGS is not necessary** on any long term basis in the region.

On the delivery side, you need a transmission system (the electrical power lines) that can transfer enough power from generators to the places where electricity is needed. These places are called load centers. The lines need to be large enough to send the amount of power the places need. They also need a margin of safety. That means the power lines need

enough voltage passing through the system at all times to assure that the electricity goes where it's needed. The power line system in the Mid Atlantic region is operated by PJM , an independent organization whose members include all the generators (like Mirant and numerous others) and distributors (like PEPCO) of electricity in the region.

According to documents supplied to Virginia DEQ and City of Alexandria, PJM has designated the PRGS as a "must run" power plant in 2003 and 2004. It appears likely that this will be the case for 2005 as well. My understanding of the PJM system is that the "must run" designation is made on an annual basis in March and is a short term designation. It is based on the transmission system operator's view of any transmission constraints or scheduled maintenance of transmission lines. In the case of PRGS, they have been designated "must run" to meet the industry reliability standard of "n minus 2", where "n" is the number of power lines needed to serve an area. The area is the 230 kilovolt transmission lines feeding the Blue Plains/Palmers Corner substation in Maryland. In other words, if 2 of the large power lines feeding this area were not in service for some reason, then PRGS would need to be able to operate to substitute for the lost power lines. Typically, a plant does not have to actually operate to meet this standard -it just has to be available to operate on short notice (within 4 hours). The Potomac River Generating Station says that they cannot turn on that fast – a coal plant takes about 40 hours to reach generating efficiency- so, for the sake of meeting the reliability standard- they offer to run full time. Therefore, they are always available. (a spinning reserve)

Well, **there are numerous alternatives to meet this standard.** I understand that PJM has told this to the City Council last month. Some of them can be implemented quickly and some take more time. But **most can be implemented in a 1 to 3 year timeframe** if it is apparent that they are needed. The most obvious is "looping" a new power line or building a **new 230 kV line along the existing right of way** for the other power lines. There is also new generation, particularly renewables, with new power lines feeding the same area. There are transmission line efficiencies which can bolster the delivery ability of others serving the same loads. And, there is interconnection with other regions, such as Virginia's Southern Electric Reliability region to increase imported power to the Washington metro load center.

So there are alternatives. But I feel it is somewhat disingenuous to rely on this plant for any long term basis in the DC metro region. **First**, it is over 50 years old and long beyond the expected life of a coal fired power plant unless it makes major upgrades which would require prolonged downtime. **Second**, it is operated by a non-utility generator or "exempt wholesaler" of electricity. As such, the owners have no long term obligation to either operate this plant or serve customers unless it meets their economic interests. This is a very risky strategy for reliability in the metro region and may be postponing important transmission system improvements.

Thank you very much for your attention.  
nielsdeterra@cs.com

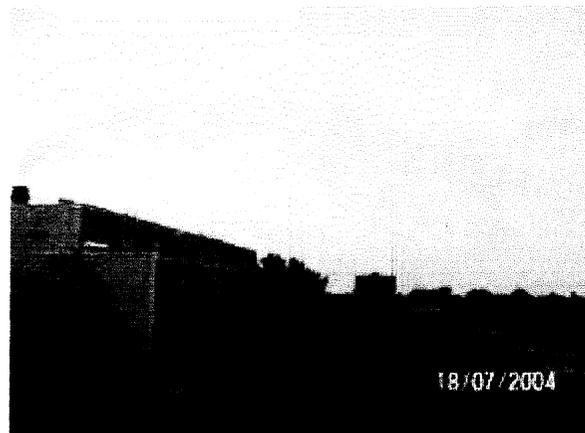
9, 10, 11 ✓  
12-18-04



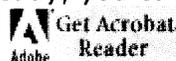
Pictures of Mirant Plant on a recent Sunday

**Thanks Bruce!!**

Bruce Overbay shares these photos that he took on a Sunday in mid-July. He describes them as: 'Our neighbor sending 'Happy Sunday' greetings to Alexandria!'



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## Potomac River Generating Station

9-10-11  
12-18-04

Mr. Mayor and Council Members, I stand before you this morning to say...

- The Station is operated and maintained in a safe and responsible manner
- Opacity which is a measure of the clarity of the stack plume is continuously monitored and reported to the State of Virginia
  - ▶ We have a 20% operating limit
  - ▶ We operate in the 5 - 6 % range
  - ▶ We must comply 95% of the time we operate
  - ▶ We comply 99.9% of the time
- We have a well trained operations and maintenance staff who are dedicated and committed to prideful operation of the Station
- When upsets occur at the Station we correct them in a timely manner
- Occasionally our steam safety valves will lift as designed to respond to a monetary upset. State inspectors and insurance inspectors inspect our boilers annually to insure that this safety feature operates as designed to keep our operating license in place
- The recent Consent Decree has a million dollars worth of projects identified to address dusting concerns, in addition to improvements we already had in motion.
  - ▶ We will get those completed in a timely manner
- You have heard many comments about the Down Wash study
  - ▶ We will respond to those findings in a responsible manner
- There has been no diminished commitment to the safe and responsible operation of this Station since Mirant assumed ownership from Pepco
- We have an open door policy where we encourage neighbors to come and see how we operate the Station

In closing, be assured that we will continue to operate the Potomac River Generating Station in a responsible manner

Again, I invite you to come visit us and you can see for yourself what I am talking about.

Thank you.

Hula Edmonds  
Mirant Director Operations  
Potomac River Generating Station  
12/18/2004

Docket 9 -- Dec 18, 2004 --  
League of Women Voters of Alexandria  
9, 10, 11  
12-18-04

Good morning. I'm Hillian J. White, co-president of Alexandria's League of Women Voters.

The league strongly supports revoking Special use permits 2296 and 2297. We are already on record supporting revoking the noncomplying use status for the Mirant Potomac River Generating Plant on Alexandria's waterfront.

Mirant has not been a friendly neighbor. It has <sup>had</sup> a pattern of noncompliance with the Clean Air Act and has been designated as a High Priority Violator. Indeed, it was issued notices of violations by the state Department of Environmental Quality and EPA for Nitrogen Oxide (NOx) violations, 1,120 tons over <sup>the</sup> state allowance of 1,019 tons.

Research also shows that this plant's air control technology is inefficient causing particular matter,  $PM_{2.5}$  to leave it short stubby stacks - short stacks because of its newest to Reagan National Airport, and fall on its newest neighbors. <sup>It is a fact that</sup>  $PM_{2.5}$  is far more harmful to <sup>our</sup> health than the plant's gas emissions since the invisible particles enter the respiratory track and lodge in the air sacs of the lungs causing inflammation, asthma attacks and cardio pulmonary irregularities.

This plant still operates after 50 years and has not been required to install maximum achievable control technology to combat air pollution or use best practices 2 of 5

on its coal pile or transport of coal and fly ash through our city

This plant provides power to DC and Maryland and Mirant then sells power wholesale. In other words, Alexandria gets the pollutants and DC and other states get the power.

This cocktail of NO<sub>x</sub>, particulate matter, also includes sulfur dioxide, Uranium, arsenic, thorium, lead and mercury - to name a few. It is not <sup>a</sup> holiday egg nog.

Mirant will argue that revoking the permit for administrative offices laboratories, conference and training space will not stop the plant from operating. They can use trailers" says Mr Hart, <sup>Mirant's</sup> ~~the~~ attorney. But they would still need 3 of 5

a valid Transportation Management Plan  
which hopefully will be revoked today.

Mirant will argue - the consent <sup>Mirant</sup> decree covers their NO<sub>x</sub> violation. <sup>denial</sup> For <sup>violations</sup> Alexandrians' the consent decree <sup>in</sup> is simply not a fair deal. It is not a <sup>court</sup> fair deal that federal and state officials agreed to increase the plant's NO<sub>x</sub> levels from 1,019 to 1,750 tons to compensate for Mirant's Maryland plants excessive emissions.

It's absurd that the parties, -MD, EPA, DEQ and the Justice Department - settled for a benchmark of 2600 tons, a violation that occurred in 2002 to calculate emissions instead of Virginia's allowance of 1,019 <sup>or less</sup>. Two <sup>even</sup> thousand six hundred is 1,581 tons above current Virginia standards. 415

It is not a fair deal that the officials accepted civil penalties far less than <sup>what</sup> the Clean Air Act prescribes, \$25,000 a day amounting to about 3 million alone for the year 2003.

We should not take the hit for Maryland's poor governing on this issue. Tell Maryland to take responsibility, not just dump on Alexandria.

This plant is a heavy industrial use surrounded by residential housing. It is 10x more dirtier than clean power plants. This use is not compatible with residential areas, Alexandria's waterfront or Alexandria. It has not been a friendly neighbor. It should go away. We will all breathe easier. Thank you 5 of 5

9, 10, 11

12-18-04

December 7, 2004

To: Planning and Zoning Commission + City Council (Dec. 18)

From: Ann Kaupp, NOTICE board member and Marina Towers resident

Re: Mirant Power Plant

Good evening, my name is Ann Kaupp and I am on the board of NOTIC civic association, as well as the Alexandria League of Women Voters. I am also a resident of Marina Towers, immediately adjacent to the Mirant plant, where I have lived since 1971. I am here to say that I am in strong agreement with other NOTICE members in fully supporting the City's proposal to revoke Mirant's special use permits.

Recent health and environmental studies have clearly demonstrated the health and environmental dangers posed by this plant, which is surrounded by residential communities. The Alexandria studies include the one conducted by Chimento and Hertel, the Sullivan Environmental Consulting firm's air quality screening analysis, and studies by Harvard's School of Public Health Jonathan Levy.

It is well accepted that power plants are the largest single source of air pollution and their pollution spreads far beyond the immediate region. This plant with its unusually short smoke stacks is over 50 years old. It was not expected to operate beyond its projected 30-year life span when the Clean Air Act was amended in the 1970s. Mirant has ignored the law and exceeded, until recently without penalty, nitrogen oxide emissions without concern for public health.

Pulmonary specialist Dr. Dudley Rochester<sup>1</sup> provided some impressive statistics regarding air pollution and mortality. He reported that the mortality rates from power plant pollution in Virginia and the District of Columbia has exceeded that for the United States. For the U.S., there is a total of 30,100 deaths per year or 11 per 100,000 population. For Virginia, the rate is higher at 18 per 100,000, and for D.C., it is over twice the national average at 24 per 100,000. Emissions from the Mirant plant are contributing to these statistics, both in Virginia and D.C.

Northern Virginia is the only area in the state—and one of three areas in the Southeast—that does not meet federal health standards for ozone pollution. According to Dr. Rochester, the Virginia Department of Environmental Quality rated particulate matter, PM<sub>2.5</sub> in Northern Virginia at 14.03 with 15 considered the upper level, and ozone in Northern Virginia at 101, with 80 considered the maximum. The EPA has reported that ozone can irritate the respiratory system, reduce lung function, aggravate asthma, and inflame and damage the lining of the lungs<sup>2</sup>. These facts only reiterate the seriousness of Alexandria's pollution problem.

Lastly we need to consider another substance - mercury - for which, according to the EPA, power plants are the major contributors. The City of Alexandria's consultant has shown that the Mirant plant's mercury emissions are 1000% of the chronic inhalation standard.

Mercury is known to cause neurological damage and birth defects. In a January 10, 2004 letter to the *Washington Post*, James Repace, former senior air policy analyst in the Office of Air and Radiation for several administrations (both Democratic and Republican), suggests that the soil and hair of Alexandria residents be tested for mercury. He wrote: "As long ago as the mid-1970's, this plant [Mirant], burning a megaton of coal a year with appreciable mercury content, was dumping tons of mercury into Alexandria's air annually. Because mercury has a high atomic weight, much of it will be dropped within a kilometer [.62 miles = 1 kilometer] or two of the plant. He also said that "The accumulation of mercury in the soil was discovered in the late 1970s by the Alexandria Health Department, which ignored it because the EPA did not regulate mercury from power plants."

In closing, I would like to add a personal note. While living in Marina Towers, I watched my husband struggle with breathing problems and then die from lung cancer. I speak and hear of other Marina Towers residents experiencing respiratory problems; one died early this year of pulmonary fibrosis. Until the environmental and health connection was made, we hadn't considered that the Mirant plant might be a contributor to these illnesses.

I appreciate this opportunity to speak. Your decision regarding Mirant's SUPs is an extremely important one for the health and future of our community.

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<sup>1</sup> Dr. Dudley Rochester is professor emeritus of the University of Virginia School of Medicine, where he was head of the Division of Pulmonary and Critical Care Medicine. He presented a public lecture on air pollution caused by power plants in March 2004 for the League of Women Voters of Alexandria.

<sup>2</sup> "Power that Pollutes: Virginia's Outdated Power Plants and the State of the Air." September 2001. National Parks Conservation Association, Southern Environmental Law Center, and The Izaak Walton League of America.

9, 10, 11  
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12-18-04

**HART, CALLEY, GIBBS & KARP, P.C.**

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HERBERT L. KARP

December 17, 2004

Ms. Jackie M. Henderson, City Clerk  
and Clerk of Council  
City Hall, Room 2300  
Alexandria, VA 22314

Re: Docket Item Nos. 9, 10 & 11, SUP# 2004-0089, SUP# 2004-0090, &  
Second Reading and Final Passage of Ordinance Related to Potomac River  
Generating Station  
December 18, 2004 City Council Public Hearing

Dear Ms. Henderson:

This letter is written to formally request additional time for myself to speak for the above-referenced docket items. As the representative of Mirant Potomac River Generating Station, I would request that I be allowed 15 minutes to speak, five minutes for each item to be heard, I believe simultaneously. We would additionally request we be heard last so we are given the opportunity to respond to any comments, concerns or questions raised.

Very truly yours,  
  
Harry P. Hart

HPH/eah

9,10,11  
12-18-04



<Debra548@msn.com>

12/17/2004 12:54 PM

Please respond to  
<Debra548@msn.com>

To <alexvamayor@aol.com>, <delperpe@aol.com>, <council@joycewoodson.net>, <councilmangaines@aol.com>, <rob@krupicka.com>, <macdonaldcouncil@msn.com>, cc bcc

Subject City of Alexandria Website Contact Us - EMail for Mayor, Vice-Mayor and Council Members (alexvamayor@aol.com, delperpe@aol.com, council@joycewoodson.net, councilmangaines@aol.com, rob@krupicka.com, macdonaldcouncil@msn.com, paulcsmedberg@aol.com, rose.boyd@ci.alexandria.va.us, jackie.henderson@ci.alexandria.va.us, tom.raycroft@ci.alexandria.va.us)

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Time: [Fri Dec 17, 2004 12:54:03] IP Address: [137.18.255.33]

Response requested:

First Name: Debra  
Last Name: Johnson  
Street Address: 515-5 Bashford Lane  
City: Alexandria  
State: VA  
Zip: 22314  
Phone: 703-548-7898  
Email Address: Debra548@msn.com

Dear Mayor, Vice-Mayor, and Council Members,

Unfortunately I cannot attend the City Council meeting this Saturday (12/18/04) concerning the Mirant power plant. I have a previously engagement and cannot voice my opinion in person.

I believe the Mirant plant to be past its purpose. As many of you know, I live right next door to the plant. The plant was there when I purchased back in the 1980's while it was PEPCO. Harbor Terrace

(the condominium complex in which I live), had a very good relationship with PEPCO. They responded to our needs and concerns whenever we voiced them. I never seemed to have a "dirt" problem while it was under PEPCO ownership, and they were always more than accommodating if noise became an issue.

**Comments:** Since the power plant has become "Mirant" I have a black sooty looking substance on my windowsills. Additionally, I seem to have more lung-related health issues. The plant seems to constantly run, day and night, with noise penetrating our walls on a more constant basis.

I truly believe the coal burning plant is causing some hazardous air quality problems in and around Alexandria -- more so now than when it was under PEPCO management.

Thank you for your time and your consideration of all things negatively impacting the citizens of Alexandria.

Sincerely,

Debra Johnson

ORDINANCE NO. 4366

AN ORDINANCE to amend and reordain Section 12-200 (NONCONFORMING USES) of Article XII (NONCOMPLIANCE AND NONCONFORMITY) of the City of Alexandria Zoning Ordinance, by adding thereto a new Section 12-216 (NONCONFORMING ELECTRICAL POWER GENERATING PLANTS) (TA No. 2004-0008).

WHEREAS, THE CITY COUNCIL FINDS AND DETERMINES THAT:

1. Since 1992, when the current City of Alexandria Zoning Ordinance was adopted, substantial evidence of harmful impacts from the continued operation of older, coal fired power plants has become available.

2. Older, coal fired power plants have been shown to emit into the air and water high volumes (up to 10 times dirtier as compared to newer plants with more advanced control technology or different fuel sources) of oxides of nitrogen (NO<sub>x</sub>) and sulphur dioxide (SO<sub>2</sub> or SO<sub>x</sub>), small (PM<sub>2.5</sub>) and large (PM<sub>10</sub>) particulate matter, as well as compounds of barium, chromium, copper, lead, manganese, mercury, nickel, selenium, vanadium, zinc and other toxics.

3. The harmful impacts on the surrounding area from such older plants with shorter stacks (as opposed to newer plants with taller stacks) are magnified because short stacks offer less opportunity for dilution and dispersion of pollutants, resulting in higher concentrations in the environs of the plant.

4. These pollutants contribute to summer ozone problems, cause acid rain, increase the incidence of pulmonary, cardiovascular and other diseases, and rain nuisance dusts and toxic metals on a plant's environs and the entire region.

5. Harmful impacts from the continued operation of older, coal fired power plants are causing substantial injury to the public health, safety and general welfare of the residents of Alexandria.

6. Since 1992, other regulatory mechanisms have proven inadequate to control or abate such harmful impacts.

7. Based on the foregoing findings, and on all other pertinent facts and circumstances, of which the City Council hereby takes notice as the duly constituted legislative body of the City of Alexandria, Virginia, adoption of this ordinance is necessary and desirable to protect the public health, safety and general welfare of the residents of Alexandria. Now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 12-200 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended by adding thereto new Section 12-216 to read as follows:

Section 12-216 *Nonconforming electrical power generating plants.*

- (A) Notwithstanding any contrary provision of this ordinance, any electrical power generating plant in existence on December 18, 2004, which produces power through the combustion of coal, and is located in a zone in which such use is neither a permitted or special use permit use, or in a zone in which such use is a special use permit use but for which a special use permit for the entire use, including power generation, has not been granted, shall be deemed a nonconforming use, and shall be subject to abatement as provided in Section 12-214(A) of this ordinance.
- (B) Any nonconforming use subject to this Section 12-216 shall comply with the following rules regarding repairs, improvements and alterations to the building and the use, unless a special use permit has been granted pursuant to Section 12-214(A), which provides otherwise:
  - (1) No alteration to a building which directly prolongs the life of the nonconforming use shall be permitted.
  - (2) Fixtures used in connection with the generation of power, such as turbines, generators, boilers, smokestacks, fuel or ash receiving or handling facilities, control systems and pollution control equipment, may not be installed, replaced or upgraded, although ordinary repairs and maintenance to such fixtures as existed on December 18, 2004, is permitted; provided, however, that the installation, replacement or upgrade of pollution control equipment may be permitted if approval therefor is obtained by special use permit issued pursuant to the Section 11-500 of this ordinance.
  - (3) Ordinary repairs and maintenance to building components, such as HVAC equipment, electrical service, siding, shingles and roofing, are permitted.

Section 2. That Section 12-200 of the City of Alexandria Zoning Ordinance, as amended by this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

Section 3. That this ordinance shall become effective upon the date and at the time of its final passage, and shall apply to all applications for land use or land development approval provided for under the City of Alexandria Zoning Ordinance which are filed on and after December 18, 2004, and are pending on and after the effective date before any city department, agency or board, or before city council, or on judicial review, and shall apply to all other facts and circumstances subject to the provisions of the City of Alexandria Zoning Ordinance.

WILLIAM D. EUILLE  
Mayor

Final Passage: December 18, 2004