

12-8-09

## City of Alexandria, Virginia

## MEMORANDUM

DATE: DECEMBER 1, 2009

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: JAMES K. HARTMANN, CITY MANAGER *J*

SUBJECT: CONSIDERATION OF RESOLUTION ESTABLISHING THE  
MIRANT COMMUNITY MONITORING GROUP (MCMG)

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**ISSUE:** City Council consideration of resolution establishing the Mirant Community Monitoring Group.

**RECOMMENDATION:** That City Council approve the resolution establishing the Mirant Community Monitoring Group (MCMG) and appoint the current membership of this group for a period of three years.

**DISCUSSION:** On July 1, 2008, City Council authorized the settlement between the City and Mirant. On July 17, 2008, Mirant Potomac River, LLC ("Mirant") and the City of Alexandria ("City") entered an Agreement requiring Mirant to spend \$34 million to undertake the implementation of emissions reduction controls with respect to the fugitive dust (Phase I, \$2 million budget) and fine particulate matter (PM 2.5) stack emissions (Phase II, \$32 million budget) at Mirant's Potomac River Generating Station (PRGS).

City Council recently approved the Phase I projects consisting of five fugitive dust control measures during the Council legislative session on November 10, 2009 (docket item no. 18). It is expected that these control measures will be implemented at the PRGS by the end of 2010.

The final report on the Phase II projects will be completed by January 2010. It is expected that the approval from the State Air Pollution Control Board and/or Virginia DEQ followed by the construction of the approved control measures will take about 2-3 years to complete, i.e., possibly until January 2013.

Pertinent issues related to the formation of this group are as follows:

- Purpose and Charge of the MCMG  
The purpose of the group will be to receive reports and track the progress on the many issues involving Mirant, including the 2008 City/Mirant Project Schedule and

Agreement. Members of the monitoring group would be expected to provide feedback to City Council and City staff and to assist in the dissemination of information to the wider stakeholder community. Such dissemination could involve community meetings or information sessions hosted by the monitoring group.

- Membership of the MCMG

The issues involved with Mirant are fairly complex and require a substantial investment of time to reach a working understanding of them. Staff, therefore, believe that the monitoring group should include citizens who have already shown significant involvement in the Mirant issues, have exhibited knowledge of the issues, and/or represent civic or citizen groups that either are significantly affected by the plant's operations or have shown considerable interest in the plant. Four of the citizen members were appointed by the organizations they represent, and the two remaining citizen members were the original leaders of this important effort. Staff proposes the following membership:

- Two Council members (Del Pepper and Paul Smedberg (co-chairs))
- Two citizen members (Elizabeth Chimento and Poul Hertel)
- One representative from Marina Towers (Mary Harris)
- One representative from the Environmental Policy Commission (Peter Pennington)
- One representative from the North East Citizens Association (Steve Troxel)
- One representative from North Old Town Independent Citizens Association (Roger Waud)

- Format and Frequency of Meetings

Staff suggests that this group meet on an informal basis, generally on a quarterly basis. The frequency of these meetings may be changed as developments on various issues arise.

- Life of the MCMG

Staff proposes that the group continue for three years.

- Staff for the MCMG

Staff for the MCMG will be provided by the Department of Transportation & Environmental Services and the City Attorney's Office.

**ATTACHMENT:** Proposed Resolution

**STAFF:**

Mark Jinks, Deputy City Manager

William J. Skrabak, Director, Office of Environmental Quality, T&ES

Christopher Spera, Deputy City Attorney

ATTACHMENT

RESOLUTION NO. \_\_\_\_\_

WHEREAS, the City Council approved the settlement/agreement between the City and Mirant on July 1, 2008.

WHEREAS, the settlement/agreement requires Mirant to spend \$34 million to undertake the implementation of emissions reduction controls with respect to the fugitive dust and fine particulate matter stack emissions at Mirant Potomac River Generating Station (PRGS).

WHEREAS, the City Council has authorized the staff to work with Mirant to implement this settlement/agreement.

WHEREAS, City Council wishes to establish a Community Monitoring Group on Mirant PRGS.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF ALEXANDRIA, VIRGINIA:**

1. That there is hereby established a *monitoring group* known as the Mirant Community Monitoring Group (MCMG) on Mirant PRGS for a period of three years.
2. That the monitoring group shall consist of eight members, as follows: two members of the City Council (Del Pepper and Paul Smedberg (co-chairs)), two citizen members ( Mr. Poul Hertel and Ms. Elizabeth Chimento), a representative from North Old Town Independent Citizens Civic Association (Roger Waud), a representative from North East Citizens Association (Steve Troxel), a representative from Marina Towers (Mary Harris), and one representative from Environmental Policy Commission (currently, Peter Pennigton).
3. That the functions of the MCMG shall be to:
  - Receive progress reports on variety of issues involving Mirant, including the progress on implementation of the settlement/agreement;
  - Track regulatory actions;
  - Provide feedback to the City Staff;
  - Assist in dissemination of timely and accurate information to a wider stakeholder community.
4. That staff assistance to the MCMG shall be managed by the Department of Transportation and Environmental Services, with support from the City Attorney's Office.

5. That the group shall meet periodically on a quarterly basis. The frequency of these meetings may be changed as the group deems necessary.
6. That staff will come back to the City Council if any change to its membership is needed, or if the usefulness or purpose of this group is to be reevaluated.

Adopted: December 8, 2009

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William D. Euille, Mayor

ATTEST:

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Jackie M. Henderson, City Clerk

**RESOLUTION NO. 2375**

**WHEREAS**, the City Council approved the settlement/agreement between the City and Mirant on July 1, 2008.

**WHEREAS**, the settlement/agreement requires Mirant to spend \$34 million to undertake the implementation of emissions reduction controls with respect to the fugitive dust and fine particulate matter stack emissions at Mirant Potomac River Generating Station (PRGS).

**WHEREAS**, the City Council has authorized the staff to work with Mirant to implement this settlement/agreement.

**WHEREAS**, City Council wishes to establish a Community Monitoring Group on Mirant PRGS.

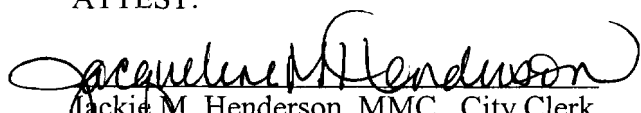
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Adopted: December 8, 2009

  
WILLIAM D. EULLE MAYOR

ATTEST:

  
Jackie M. Henderson, MMC City Clerk