

Docket Items #8 and 9
SPECIAL USE PERMIT #2004-0089 and 2004-0090

Planning Commission Meeting
December 7, 2004

ISSUE:

SUP #2004-0089 Consideration of a request for the revocation of Special Use Permit #2296, granted in 1989, which approved the construction and use of 18,000 square feet of administrative offices, laboratories, conference, training and other space at the Mirant Potomac River Generating Station.

SUP #2004-0090 Consideration of a request for the revocation of Special Use Permit #2297, granted in 1989, which approved the Transportation Management Plan required for the Mirant Potomac River Generating Station.

APPLICANT: City of Alexandria, City Attorney's Office

LOCATION: 1300 & 1400 North Royal Street

ZONE: UT/Utility and Transportation

PLANNING COMMISSION ACTION, DECEMBER 7, 2004: On a motion by Mr. Komoroske, seconded by Mr. Jennings, the Planning Commission voted to recommend approval of the requests to revoke SUP#2296 and SUP#2297 with the condition that 1) the revocation take effect 120 days after City Council action in this matter in order to give the Plant operator a reasonable opportunity to file the necessary special use permit applications as determined by the Director of Planning and Zoning to bring the Plant into compliance with the Zoning Ordinance provisions currently in effect if such applications are approved; 2) that in the event such SUP applications are filed within the 120 day period, the effective date of the revocation shall be stayed until final decision by the City Council on such applications; 3) that in the event such SUP applications are approved by the City Council, the revocation of the 1989 special use permits should be dismissed as mute without further action by the Council; 4) that in the event such SUP applications are not approved by the City Council, the revocation of the 1989 special use permits shall forthwith become effective on and the power plant use shall be categorized as an illegal use from and after the final decision by the City Council on such applications. The motion carried on a vote of 7 to 0.

Reason: The Commission agreed with the staff analysis and acknowledge that the effects of the operation of the Mirant Power Plant has caused significant problems for City residents and that action to resolve these issues is necessary.

Speakers:

Harry P. Hart, attorney representing the Mirant Power Plant, spoke against the revocation stating that the request for revocation deals with the office buildings and not the operation of the plant. Mr. Hart also stated that Mirant has taken steps to improve air quality in the region and in Alexandria through the consent decree. Mr. Hart advised that the Plant has not received any notice of specific violations pertaining to the office building and transportation management plan SUPs.

Michael Hobbs, representing the Old Town Civic Association, spoke in support of the revocation because of health and environmental concerns associated with the operation of the Mirant Plant.

Linda Russell, resident of Marina Towers, spoke in support of the revocation because of health and environmental concerns associated with the operation of the Mirant Plant.

Alan Voorhees, representing the Board of NOTICe, spoke in support of the revocation because of health and environmental concerns associated with the operation of the Mirant Plant.

Ana Prados, representing Mt. Vernon Group of the Virginia Chapter of the Sierra Club, spoke in support of the revocation because of health and environmental concerns associated with the operation of the Mirant Plant.

Ann Kaupp, member of the Board of NOTICe, member of the Alexandria League of Women Voters and resident of Marina Towers, spoke in support of the revocation because of health and environmental concerns associated with the operation of the Mirant Plant.

Don Mela, resident of Marina Towers, spoke in support of the revocation because of health and environmental concerns associated with the operation of the Mirant Plant.

Ernie Lehman, resident and member of the Board of NOTICe, spoke in support of the revocation because of health and environmental concerns, as well as concerns with Plant's business practices.

Jim Edmundson, resident of Marina Towers, spoke in support of the revocation because of health and environmental concerns and violations received by the Plant.

Jim Nobil, resident of Marina Towers, spoke in support of the revocation because of health and environmental concerns associated with the operation of the Mirant Plant.

Judith Cooper, resident of Marina Towers, spoke in support of the revocation because of health and environmental concerns associated with the operation of the Mirant Plant.

Mary Harris, resident of Marina Towers and a member of the Mirant Monitoring Group, spoke in support of the revocation because of health and environmental concerns associated with the operation of the Mirant Plant.

Michael Waters, President of the G.W. chapter of Trout Unlimited, spoke in support of the revocation because of health and environmental concerns to both humans and marine life associated with the operation of the Mirant Plant.

Niels de Terra, 397 S. Pickett Street, spoke in support of the revocation stating that the region has enough of these types of plants and it would not be necessary for the Mirant Plant to continue operating.

Roger Waud, President of the Board of NOTICe and member of the Mirant Monitoring Group, spoke in support of the revocation because of concerns regarding violations received by Mirant.

Sol Safran, resident of Marina Towers, spoke in support of the revocation because of health and environmental concerns associated with the operation of the Mirant Plant.

Tani Lublin, resident of Marina Towers, spoke in support of the revocation because of health and environmental concerns associated with the operation of the Mirant Plant.

Lillian White, Co-President of the League of Women Voters of Alexandria, spoke in support of the revocation because of health and environmental concerns associated with the operation of the Mirant Plant.

Katy Cannaday, representing the Alexandrians for Sensible Growth, spoke in support of the revocation because of the violations received by Mirant.

Elizabeth Chamento, 1200 N. Pitt Street, spoke in support of the revocation because of health and environmental concerns associated with the operation of the Mirant Plant.

Poul Hertel, representing the Northeast Citizens Association, spoke in support of the revocation because of health and environmental concerns and stated that the Plant is an outdated land use.

Andrea Grimaldi, representing the Potomac Shores Condo Association, spoke in support of the revocation because of health and environmental concerns associated with the operation of the Mirant Plant.

PLANNING COMMISSION ACTION, NOVEMBER 4, 2004: The Planning Commission noted the deferral.

Reason: The request was deferred due to improper notice.

PLANNING COMMISSION ACTION, OCTOBER 5, 2004: On a motion by Mr. Dunn, seconded by Mr. Jennings. The Planning Commission voted to defer the request. The motion carried on a vote of 7 to 0.

Reason: The Planning Commission deferred the request to allow the Commission and Mirant representatives more time to review the issues contained in the staff report.

City of Alexandria, Virginia

MEMORANDUM

TO: THE CHAIRMAN AND MEMBERS
OF THE PLANNING COMMISSION

FROM: IGNACIO PESSOA
CITY ATTORNEY *JP*

DATE: SEPTEMBER 30, 2004

SUBJECT: SPECIAL USE PERMIT # 2004-0089
1300 & 1400 NORTH ROYAL STREET
MIRANT POTOMAC RIVER GENERATING STATION

SPECIAL USE PERMIT # 2004-0090
1300 & 1400 NORTH ROYAL STREET
MIRANT POTOMAC RIVER GENERATING STATION

REVOCATION OF SPECIAL USE PERMITS

ISSUE: Consideration of the revocation of Special Use Permit No. 2296, granted in 1989, which approved the construction and use of 18,000 square feet of new administrative offices, laboratories, conference, training and other space, at the Mirant Potomac River Generating Station, and Special use Permit No. 2297, also granted in 1989, which approved the Transportation Management Plan required for the continued operation of the Generating Station.

RECOMMENDATION: That Special Use Permit Nos. 2296 and 2297 be revoked.

DISCUSSION: In 1989, the City approved two special use permits in connection with Pepco's then contemplated expansion of the Potomac River Generating Station.¹ The first, SUP No. 2296, approved a Transition SUP for 18,000 square feet of new administrative offices, laboratories, conference, training and other space.² This physical expansion triggered the requirement for a Transportation Management Plan for the plant, which was approved by SUP No. 2297. Under then existing as well as current law, both permits were approved "subject to

¹ The generating station was acquired by Mirant from Pepco in 2000, and Mirant succeeded to Pepco's rights and obligations under these two SUP's.

² A Transition SUP was required for this expansion of the existing use under interim regulations in effect as the City was proceeding with adoption of the 1992 Master Plan and Zoning Ordinance.

compliance with all applicable codes and ordinances,” and the provision, now codified as Zoning Ordinance Section 11-506(A), that SUP’s are revocable for “failure to comply with any law.”

The plant is a noncomplying use located in the UT/Utilities and Transportation Zone, in which this use is permitted as an “electrical power generating plant” only by special use permit. Zoning Ordinance Section 4-1303(B).³ All uses operating in the UT Zone are subject to the “Use Limitations” set forth in Section 4-1306(A), which provides as follows:

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, vibration or glare.

Implicit in this standard is that the failure to comply with applicable federal and state environmental regulations may constitute a violation of Section 4-1306(A), and may justify revocation under Section 11-505(A). In addition, operational discharges which are not federal or state violations, but which are nonetheless noxious or offensive as contemplated by Section 4-1306(A) may constitute separate and independent violations of the Zoning Ordinance, and warrant SUP revocation.

A review of the U.S. Environmental Protection Agency’s *Enforcement and Compliance History Online*(ECHO) report for this facility, Attachment 1, reveals a persistent pattern of noncompliance with three significant federal environmental statutes: the Clean Air Act (reported 8 out of 8 quarters in the two year reporting period, and “High Priority Violator” status for this facility), the Clean Water Act (reported 6 of 8 quarters), and the Resource Conservation and Recovery Act (reported 8 of 8 quarters).⁴ This record includes one formal enforcement case predicated on the plant’s discharge of 2,139 tons of NOx, in 2003, more than double the permit limit of 1,019 tons.⁵ Attachment 2.

A review of the EPA’s *Toxics Release Inventory* for the Potomac River Station, Attachment 3, discloses that in 2002, the most recent reporting year, the plant, as reported to EPA by Mirant,

³ As explained more fully in the discussion of Text Amendment No. 2004-0008, the plant, which was constructed between 1949 and 1957, predates the SUP requirement and is presently categorized as a noncomplying use. The possible revocation of its noncomplying use status does not affect the revocation of these special use permits, nor does the possible revocation of these permits affect the revocation of its noncomplying use status.

⁴ In March, 2003, Mirant challenged the accuracy of some of the data in the then pilot program ECHO Report for the Potomac River Station. However, the data base includes formal error correction and reporting functions in order to help assure accuracy of the data, and the attached EPA report contains the agency’s data updated through the beginning of September, 2004.

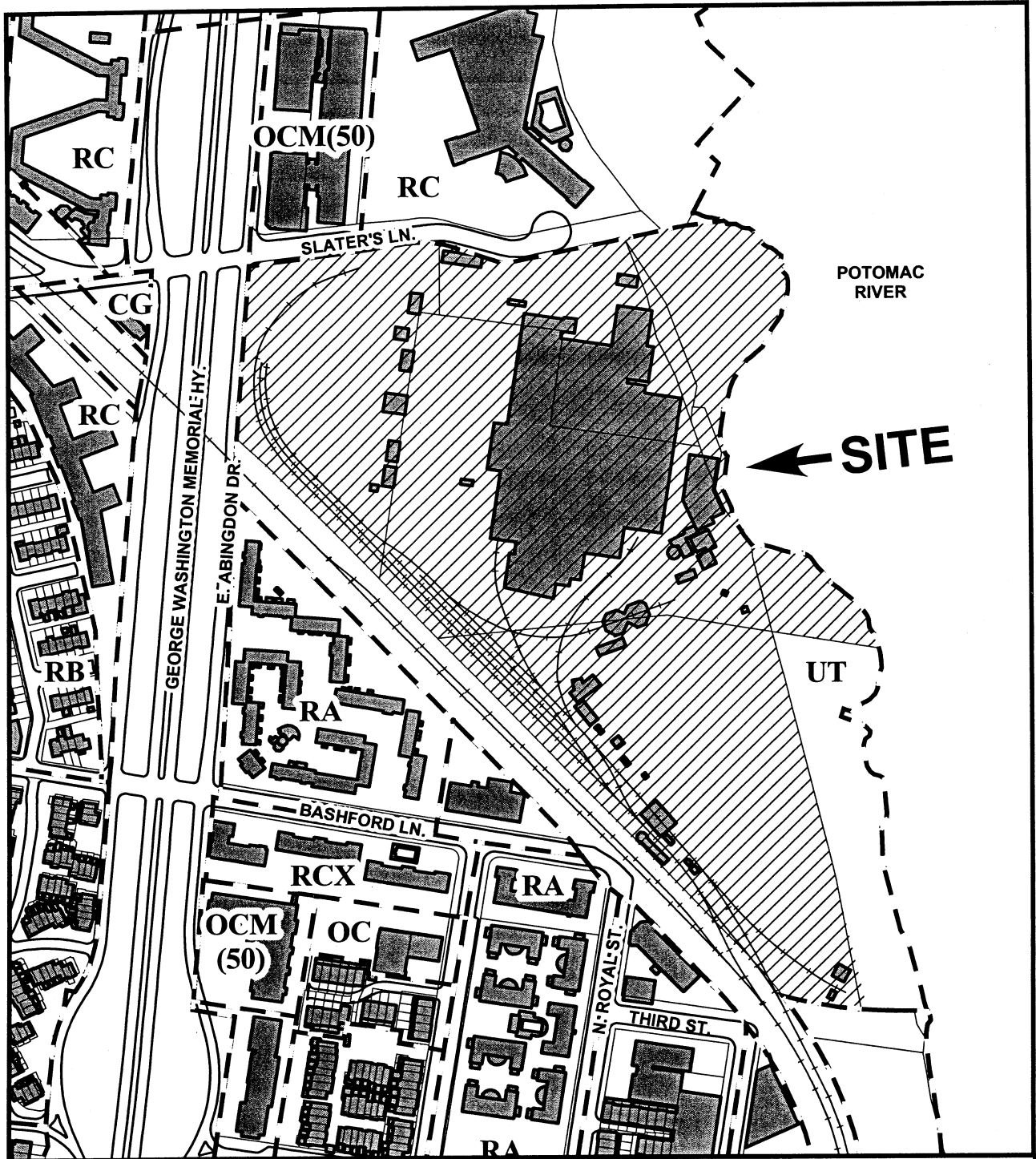
⁵ This violation forms the basis for the Consent Decree discussed in the materials related to Text Amendment No. 2004-0008.

discharged more than 2.7 million pounds of toxic inventory chemicals into the air, and more than 2,500 pounds into the Potomac River. The highest levels reported were 3.3 million pounds into the atmosphere in 1999, and 172,000 pounds into the river in 1998. City staff have noted minor incidental oil spills into the Potomac, on June 10, 2004 and January 7, 1996.

Based upon this environmental compliance history for the Mirant Potomac River Generating Station, I conclude that revocation of these two SUP's is warranted.

Revocation would prohibit, as a violation of the Zoning Ordinance, the continued use of the designated administrative and related office space, as well as the operation of the entire plant without a valid Transportation Management Plan. Given the nature of the plant's public utility function, and the limited scope of these special use permits, it would be unrealistic to expect that revocation could lead to the immediate closure of the plant. Upon revocation the plant would be categorized as an illegal use, and no City permits for construction or upgrades could be approved. However, the operator could seek to cure the illegal status of the use by seeking from City Council new special use permits, subject to appropriate and reasonable new conditions. Under current practice, any such new SUP's would apply to and regulate the entire plant, including the five power generating units.

- Attachment 1: EPA Enforcement and Compliance History on Line
- Attachment 2: Enforcement Case Report
- Attachment 3: Toxics Release Inventory
- Attachment 4: SUP No. 2296
- Attachment 5. SUP No. 2297



SUP #2004-0089
SUP #2004-0090

12/07/04





U.S. Environmental Protection Agency Enforcement & Compliance History Online (ECHO)

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Detailed Facility Report

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For Public Release - Unrestricted Dissemination Report Generated on 09/29/2004
US Environmental Protection Agency - Office of Enforcement and Compliance Assurance

Facility Permits and Identifiers

[Data Dictionary](#)

Statute	System	Source ID	Facility Name	Street Address	City	State	Zip
	FRS	110000340916	MIRANT	1400 NORTH ROYAL STREET	ALEXANDRIA	VA	22314
CAA	AFS	5151000003	POTOMAC RIVER GENERATING STATION	1400 N ROYAL ST	ALEXANDRIA	VA	22314
CWA	PCS	DC0022004	POTOMAC ELECTRIC POWER CO	1400 NORTH ROYAL STREET	WASHINGTON D C	VA	22314
RCRA	RCR	VAD000731588	MIRANT POTOMAC RIVER LLC	1400 N ROYAL ST	ALEXANDRIA	VA	22314
EP313	TRI	22314PTMCR1400N	POTOMAC RIVER GENERATING STATION	1400 N ROYAL ST	ALEXANDRIA	VA	22314

Facility Characteristics

[Data Dictionary](#)

Statute	Source ID	Facility Status	Permit Expiration Date	Lat/Long	Indian Lands?	SIC Codes	NAICS Codes
	110000340916			LRT lat: 38.8203 LRT long: -77.0414	NA		
CAA	5151000003	Operating, Major (Fed. Rep.)			NA	4911	
CWA	DC0022004	Major Active	04/2005	lat: 38.8203 long: -77.0414	No	4911	
RCRA	VAD000731588	LQG			No	4911	221112
EP313	22314PTMCR1400N			lat: 38.8186 long: -77.0394	NA	4911	

If the CWA permit is past its expiration date, this normally means that the permitting authority has not yet issued a new permit. In these situations, the expired permit is normally administratively extended and kept in effect until the new permit is issued.

Inspection and Enforcement Summary Data

[Data Dictionary](#)

Statute	Source ID	RECAP Insp. Last 02Yrs	Date of Last Inspection	Formal Enf Act Last 02 Yrs	Penalties Last 02 Yrs
CAA	5151000003	1	03/07/2003	0	\$00
CWA	DC0022004	2	10/22/2003	0	\$00
RCRA	VAD000731588	0	11/20/1989	0	\$00

Inspection History (02 years)

[Data Dictionary](#)

Statute	Source ID	Inspection Type	Lead Agency	Date
CAA	5151000003	STATE PCE/ON-SITE	State	10/25/2002
CAA	5151000003	STATE PCE/OFF-SITE	State	12/11/2002
CAA	5151000003	STATE PCE/OFF-SITE	State	12/11/2002
CAA	5151000003	STATE PCE/OFF-SITE	State	02/26/2003
CAA	5151000003	STATE PCE/OFF-SITE	State	02/25/2003
CAA	5151000003	STATE CONDUCTED FCE/ON-SITE	State	03/07/2003
CAA	5151000003	STATE PCE/OFF-SITE	State	05/19/2003
CAA	5151000003	STATE PCE/OFF-SITE	State	05/19/2003
CAA	5151000003	STATE PCE/OFF-SITE	State	08/29/2003

8 Attachment 1

CAA	5151000003	STATE PCE/OFF-SITE	State	08/29/2003
CAA	5151000003	STATE PCE/OFF-SITE	State	05/30/2003
CAA	5151000003	STATE PCE/ON-SITE	State	11/05/2003
CAA	5151000003	STATE PCE/OFF-SITE	State	03/25/2004
CAA	5151000003	STATE PCE/OFF-SITE	State	03/25/2004
CAA	5151000003	STATE PCE/OFF-SITE	State	03/25/2004
CAA	5151000003	STATE PCE/OFF-SITE	State	03/25/2004
CAA	5151000003	STATE PCE/OFF-SITE	State	05/05/2004
CAA	5151000003	STATE PCE/OFF-SITE	State	05/31/2004
CAA	5151000003	STATE PCE/OFF-SITE	State	05/31/2004
CAA	5151000003	STATE PCE/OFF-SITE	State	08/23/2004
CAA	5151000003	STATE PCE/OFF-SITE	State	08/23/2004
CWA	DC0022004	COMPLIANCE EVAL (NON-SAMPLING)	Joint/EPA Lead	01/30/2003
CWA	DC0022004	COMPLIANCE EVAL (NON-SAMPLING)	Joint/EPA Lead	10/22/2003

Entries in *italics* are not considered inspections in Reporting for Enforcement and Compliance Assurance Priorities (RECAP) official counts.

Compliance Summary Data

[Data Dictionary](#)

Statute	Source ID	Current SNC/HPV?	Current As Of	Description	Qtrs in NC (of 8)
CAA	5151000003	YES	09/11/2004	VIOLATION UNADDRESSED; STATE/LOCAL HAS LEAD ENFORCEMENT	8
CWA	DC0022004	NO	Jan-Mar04		6
RCRA	VAD000731588	NO	09/09/2004		8

Two Year Compliance Status by Quarter

[Data Dictionary](#)

Violations shown in a given quarter do not necessarily span the entire 3 months.

AIR Compliance Status									
Statute:Source ID	QTR1	QTR2	QTR3	QTR4	QTR5	QTR6	QTR7	QTR8	
CAA: 5151000003	Oct-Dec02	Jan-Mar03	Apr-Jun03	Jul-Sep03	Oct-Dec03	Jan-Mar04	Apr-Jun04	Jul-Sep04	
HPV History	Unaddr-EPA	Unaddr-EPA	Addr-EPA	Unaddr-State	Unaddr-State	Unaddr-State	Unaddr-State	Unaddr-State	
Program/Pollutant in Current Violation									
ACID PRECIPITATION	C-PROCED	C-PROCED	C-PROCED	C-PROCED	C-PROCED	C-PROCED	C-PROCED	C-PROCED	C-PROCED
TITLE V PERMITS	C-PROCED	C-PROCED	C-PROCED	C-PROCED	C-PROCED	C-PROCED	C-PROCED	C-PROCED	C-PROCED
SIP	C-PROCED	C-PROCED	C-PROCED	C-PROCED	C-PROCED	V-EM&PRO	V-EM&PRO	V-EM&PRO	V-EM&PRO
NITROGEN DIOXIDE									V-EM&PRO
PSD				V-NO SCH	V-NO SCH	V-NO SCH	V-NO SCH	V-NO SCH	V-NO SCH
SULFUR DIOXIDE									V-NO SCH
NSR									V-EM&PRO
NITROGEN DIOXIDE									V-EM&PRO

High Priority Violator (HPV) History section: "Unaddr" means the facility has not yet been addressed with a formal enforcement action. "Addr" means the facility has been addressed with a formal enforcement action, but its violations have not been resolved. Lead Agency designated can be US EPA, State, Both, or No Lead Determined. If HPV History is blank, then the facility was not a High Priority Violator. C=Compliance; V=Violation; S=Compliance Schedule.

CWA/NPDES Compliance Status									
Statute:Source ID	QTR1	QTR2	QTR3	QTR4	QTR5	QTR6	QTR7	QTR8	
CWA:DC0022004	Apr-Jun02	Jul-Sep02	Oct-Dec02	Jan-Mar03	Apr-Jun03	Jul-Sep03	Oct-Dec03	Jan-Mar04	
Non-compliance in Quarter	No	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
SNC/RNC Status »			N(RptViol)	N(RptViol)	D(DMR NR)	N(RptViol)	N(RptViol)	N(RptViol)	N(RptViol)
Effluent Violations by NPDES Parameter:									
Discharge point:101									
PH	NMth				1%				

Effluent Violations are displayed as highest percentage by which the permit limit was exceeded for the quarter. **Bold, large** print indicates

Significant Non-compliance (SNC) effluent violations. Shaded boxes indicate unresolved SNC violations.

RCRA Compliance Status									
Statute:Source ID		QTR1 Oct- Dec02	QTR2 Jan- Mar03	QTR3 Apr- Jun03	QTR4 Jul- Sep03	QTR5 Oct- Dec03	QTR6 Jan- Mar04	QTR7 Apr- Jun04	QTR8 Jul- Sep04
RCRA: VAD000731588									
Facility Level Status		In Viol	In Viol	In Viol	In Viol	In Viol	In Viol	In Viol	In Viol
Area of Violation	Agency								
GENERATOR-MANIFEST REQUIREMENTS	EPA	11/20/89	>>>>	>>>>	>>>>	>>>>	>>>>	>>>>	>>>>

Formal Enforcement Actions - AFS, PCS, RCRAInfo, NCDB (02 year history)

[Data Dictionary](#)

Statute	Source ID	Type of Action	Lead Agency	Date	Penalty	Penalty Description
- No data records returned.						

In some cases, formal enforcement actions may be entered both at the initiation and final stages of the action. These may appear more than once above. Entries in *italics* are not "formal" actions under the PCS definitions but are either the initiation of an action or penalties assessed as a result of a previous action. This section includes US EPA and State formal enforcement actions under CAA, CWA and RCRA.

EPA Formal Enforcement Actions - ICIS (02 year history)

[Data Dictionary](#)

Primary Law/Section	Case Number	Case Type	Case Name	Issued/Filed Date	Settlement Date	Penalty	SEP Cost
CAA / §110	03-2004-0128	Administrative - Formal	MIRANT CORPORATION	01/22/2004	01/22/2004		

Federal enforcement actions and penalties shown in this section are from the Integrated Compliance Information System (ICIS). These actions may duplicate records in the Formal Enforcement Actions section.

Environmental Conditions

[Data Dictionary](#)

Permit ID	Watershed	Watershed Name	Receiving Waters	Section 303(d) Listing?	Combined Sewer System?
DC0022004	02070010	MIDDLE POTOMAC-ANACOSTIA-OCOCOQUAN.	POTOMAC RIVER	YES	No

Demographic Profile of Surrounding Area (3 Miles)

[Data Dictionary](#)

Open more detailed information in a new window (links leave ECHO): 1 Mi 3 Mi or 5 Mi. This section is to provide context regarding the community setting of the facility. No relationship between this information, and other data included in this report is implied. Statistics are based upon the 2000 US Census data, and are accurate to the extent that the facility latitude and longitude listed below are correct. The latitude and longitude are obtained from the EPA Locational Reference Table(LRT) when available.

Radius of Area:	3 Miles	Land Area:	81.22%	Households in area:	62,486
Center Latitude:	38.8203	Water Area:	18.78%	Housing units in area:	67,280
Center Longitude:	-77.0414	Population Density:	6071.65/sq. mi.	Households On Public Assistance:	2,349
Total Persons:	139,405	Percent Minority:	54.47%	Persons Below Poverty Level:	17,524

Race Breakdown	Persons (%)	Age Breakdown:	Persons (%)
White:	69,325 (49.73%)	Child 5 years and less:	11,478 (8.23%)
African-american:	53,638 (38.48%)	Minors 17 years and younger:	29,685 (21.29%)
Hispanic-Origin:	15,189 (10.90%)	Adults 18 years and older:	109,716 (78.70%)
Asian/Pacific Islander:	4,643 (3.33%)	Seniors 65 years and older:	11,651 (8.36%)
American Indian:	443 (0.32%)		
Other/Multiracial:	8,010 (5.75%)		

Education Level (Persons 25 & older)	Persons (%)	Income Breakdown:	Households (%)
Less than 9th grade:	5,888 (6.30%)	Less than \$15,000:	7,053 (11.29%)

9th-12th grades:	9,870 (10.56%)	\$15,000-\$25,000:	5,411 (8.66%)
High School Diploma:	16,144 (17.27%)	\$25,000-\$50,000:	15,848 (25.36%)
Some College/2-yr:	14,661 (15.69%)	\$50,000-\$75,000:	12,334 (19.74%)
B.S./B.A. or more:	46,901 (50.18%)	Greater than \$75,000:	21,800 (34.89%)

Please note: Entries in gray denote records that are not federally required to be reported to EPA. These data may not be reliable.

Map Returned Facility

This report was generated by the Integrated Data for Enforcement Analysis (IDEA) system, which updates its information from program databases monthly. The data were last updated: AFS: 09/11/2004. PCS: 09/10/2004. RCRAInfo: 09/09/2004. FRS: 09/09/2004. TRI: 09/10/2004. ICIS: 09/09/2004.

Some regulated facilities have expressed an interest in explaining data shown in the Detailed Facility Reports in ECHO. Please check company web sites for such explanations.

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Enforcement Case Report

Report a
General Error

Data
Dictionary

For Public Release - Unrestricted Dissemination. Report Generated on 09/29/04
US Environmental Protection Agency - Office of Enforcement and Compliance Assurance

Data
Dictionary

Case Number: 03-2004-0128
Case Name: MIRANT CORPORATION
Case Type: Administrative - Formal
Case Status: Final Order Issued
Court Docket Number: No Data
Relief Sought: No Data

Result of Voluntary Disclosure? No
Multi-media Case? No
Enforcement Type: CAA 113 Notice Of Violation
Violations: Air Emissions Not Otherwise Specified Violation Of A Permit Requirement

Enforcement Outcome:

Penalties:

Total Federal Penalty Sought	Total Federal Penalty Assessed	Total State/Local Penalty Assessed	Total SEP Cost	Total Compliance Action Cost	Total Cost Recovery
No Data Records Returned.					

Case Summary:

Data
Dictionary

VADEQ ISSUED A FEDERALLY ENFORCEABLE OPERATING PERMIT TO MIRANT CORPORATION FOR ITS POTOMAC RIVER PLANT ON SEPTEMBER 28, 2000 WHICH LIMITED THE FACILITY-WIDE EMISSION OF NOX, MEASURED AS NO2, DURING THE OZONE SEASON (MAY 1 THROUGH SEPTEMBER 30), STARTING WITH CALENDAR 2003 (CONDITION 3 OF THE PERMIT).
MIRANT VIOLATED THIS LIMIT (1,019 TONS) IN 2003 BY EMITTING APPROXIMATELY 2,139 TONS DURING THE 2003 OZONE SEASON. SECTION INITIATIVE IS COAL-FIRED UTILITIES.

Data
Dictionary

Laws and Sections:

Law	Sections	Programs
CAA	110, 502	State Implementation Plan (SIP) State Permit Programs

Citations:

Title	Part	Section
40 CFR	52	2420(c)

Program Links:

FRS Number	Program	Program ID
110000340916	ICIS	6076

Facilities:

Data
Dictionary

FRS Number	Facility Name	Address	City Name	State	Zip	SIC Codes	NAIC Codes
110000340916	POTOMAC ELECTRIC PWR COMPANY	1400 N ROYAL ST	ALEXANDRIA	VA	22314	4911	

Defendants:

Data
Dictionary

Defendant Name	Named in	Named in
	12	Attachment 2

MIRANT CORPORATION	Complaint	Settlement
	Y	Y

Case Milestones:[Data Dictionary](#)

Event	Actual Date
Final Order Issued	01/22/2004
Complaint/Proposed Order	01/22/2004

Pollutants:[Data Dictionary](#)

Pollutant Name	Chemical Abstract Number
NITROGEN OXIDES (NOX)	NOX

[Data Dictionary](#)**Enforcement Conclusion 1**

Enforcement Conclusion Type: Administrative Compliance Orders
 Enforcement Conclusion Name: MIRANT CORPORATION
 Facilities in Settlement (FRS ID): 110000340916
 Settlement Entered Date: 01/22/2004
 Settlement Lodged Date: 01/22/2004

Enforcement Conclusion Dollar Amounts:

Federal Penalty Sought	Federal Penalty Assessed	State/Local Penalty Assessed	SEP Cost	Compliance Action Cost	Cost Recovery
No Data Records Returned.					

Pollutant Reductions:

Pollutant	Annual Amount	Units	Media	SEP or Comp
No Data Records Returned				

Improvements in Reporting:

Pollutant	Average Annual Value	Units	Media
No Data Records Returned			

Complying Actions:

Complying Action Type	Text Description
No Data Records Returned	

Supplemental Environmental Projects:

Categories	Description
No Data Records Returned	

[Click here](#), for a Detailed Facility Report.

This report was generated by the Integrated Data for Enforcement Analysis (IDEA) system, which updates its information from program databases monthly. The data were last updated: ICIS: 09/09/2004

Version 08/16/04

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U.S. Environmental Protection Agency

Toxics Release Inventory (TRI)

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Envirofacts Report



Query executed on SEP-29-2004
Results are based on data extracted on AUG-02-2004



Click on "View Facility Information" to view EPA Facility information for the facility.

<u>Facility Name:</u>	POTOMAC RIVER GENERATING STATION	<u>Mailing Name:</u>	POTOMAC RIVER GENERATING STATION	<u>DUNS Number:</u>	125089755
<u>Address:</u>	1400 N ROYAL ST ALEXANDRIA VA 22314	<u>Mailing Address:</u>	1400 N ROYAL ST ALEXANDRIA VA 22314		
<u>County:</u>	ALEXANDRIA CITY	<u>Region:</u>	3		
<u>Facility Information:</u>	View Facility Information	<u>TRI ID:</u>	22314PTMCR1400N		

<u>TRI Preferred Latitude:</u>		<u>TRI Preferred Longitude:</u>	
<u>Public Contact:</u>	DEBRA KNIGHT	<u>Phone:</u>	7038383701
<u>Parent Company:</u>	MIRANT CORP	<u>Parent DUNS:</u>	152912291

SIC Codes for 2002

SIC CODE	SIC DESCRIPTION
4911	ELECTRIC SERVICES

The above information comes from 2002, which is the latest reporting year on file for this facility. The earliest reporting year on file for this facility is 1998.

Amendment 5

Map this facility

Map this facility using one of Envirofact's mapping utilities.

Besides TRI, this facility also does the following:

- has reported air releases under the Clean Air Act
- has permits to discharge to water

More information about these additional regulatory aspects of this facility can be found by pressing the other regulatory data button below.

Other Regulatory Data

Total Aggregate Releases of TRI Chemicals to the Environment:

For all releases estimated as a range, the mid-point of the range was used in these calculations. This table summarizes the releases reported by the facility. NR - signifies nothing reported by this facility for the corresponding medium.

Total Aggregate Releases of TRI Chemicals excluding Dioxin and Dioxin-like Compounds (Measured in Pounds)

Media	2002	2001	2000	1999	1998
Air Emissions	2765279.7	2647979.4	2641405.3	3301510	1661685
Surface Water Discharges	2523.6	2794.4	500.1	3500	172400
Releases to Land	NR	NR	NR	NR	NR
Underground Injection	NR	NR	NR	NR	NR
Total On-Site Releases	2767803.3	2650773.8	2641905.4	3305010	1834085
Transfer Off-Site to Disposal	420198.5	367221.5	222003	187000	184600
Total Releases	3188001.8	3017995.3	2863908.4	3492010	2018685

Graphic Summary of this Table

**Total Aggregate Releases of Dioxin and Dioxin-like Compounds
(Measured in Grams)**

Media	2002	2001	2000	1999	1998
Air Emissions	.1866	.1807	.73	NR	NR
Surface Water Discharges	NR	NR	NR	NR	NR
Releases to Land	NR	NR	NR	NR	NR
Underground Injection	NR	NR	NR	NR	NR
Total On-Site Releases	.1866	.1807	.73	NR	NR
Transfer Off-Site to Disposal	NR	NR	NR	NR	NR
Total Releases	.1866	.1807	.73	NR	NR

Graphic Summary of this Table

TRI Chemicals Reported on Form A:

Please note that there were no chemicals reported on Form A for this facility

NOTE:

All chemicals reported below have release or transfer amounts greater than zero. To see a list of all chemicals reported by this facility click here.

Names and Amounts of Chemicals Released to the Environment by Year.

For all releases estimated as a range, the mid-point of the range was used in these calculations. NR - signifies nothing reported for this facility by the corresponding medium. Rows with all "0" or "NR" values were not listed.

Chemical Name	Media	Unit Of Measure	2002	2001	2000	1999	1998
BARIIUM (TRI Chemical ID: 007440393)	AIR FUG	Pounds	NR	NR	250	5	250
BARIIUM							

(TRI Chemical ID: 007440393)	AIR STACK	Pounds	NR	NR	750	750	750
BARIIUM (TRI Chemical ID: 007440393)	DISP NON METALS	Pounds	NR	NR	180000	150000	160000
BARIIUM (TRI Chemical ID: 007440393)	WATER	Pounds	NR	NR	250	250	70000
BARIIUM COMPOUNDS (TRI Chemical ID: N040)	AIR FUG	Pounds	14	19	NR	NR	NR
BARIIUM COMPOUNDS (TRI Chemical ID: N040)	AIR STACK	Pounds	1437	814	NR	NR	NR
BARIIUM COMPOUNDS (TRI Chemical ID: N040)	DISP NON METALS	Pounds	198139	173276	NR	NR	NR
BARIIUM COMPOUNDS (TRI Chemical ID: N040)	WATER	Pounds	43	205	NR	NR	NR
CHROMIUM COMPOUNDS(EXCEPT CHROMITE ORE MINED IN THE TRANSVAAL REGION) (TRI Chemical ID: N090)	AIR FUG	Pounds	2	3	NR	NR	NR
CHROMIUM COMPOUNDS(EXCEPT CHROMITE ORE MINED IN THE TRANSVAAL REGION) (TRI Chemical ID: N090)	AIR STACK	Pounds	343	246	NR	NR	NR
CHROMIUM COMPOUNDS(EXCEPT CHROMITE ORE MINED IN THE TRANSVAAL REGION) (TRI Chemical ID: N090)	DISP NON METALS	Pounds	28492	24873	NR	NR	NR
CHROMIUM COMPOUNDS(EXCEPT CHROMITE ORE MINED IN THE TRANSVAAL REGION) (TRI Chemical ID: N090)	WATER	Pounds	3	16	NR	NR	NR
COPPER (TRI Chemical ID: 007440508)	AIR FUG	Pounds	NR	NR	NR	5	5
COPPER (TRI Chemical ID: 007440508)	AIR STACK	Pounds	NR	NR	NR	250	180
COPPER (TRI Chemical ID: 007440508)	DISP NON METALS	Pounds	NR	NR	NR	19000	16000
COPPER (TRI Chemical ID: 007440508)	WATER	Pounds	NR	NR	NR	2500	2400
COPPER COMPOUNDS (TRI Chemical ID: N100)	AIR FUG	Pounds	3	4	NR	NR	NR
COPPER COMPOUNDS (TRI Chemical ID: N100)	AIR STACK	Pounds	243	183	NR	NR	NR

COPPER COMPOUNDS (TRI Chemical ID: N100)	DISP NON METALS	Pounds	37080	32280	NR	NR	NR	NR	NR
COPPER COMPOUNDS (TRI Chemical ID: N100)	WATER	Pounds	2237	2256	NR	NR	NR	NR	NR
DIOXIN AND DIOXIN-LIKE COMPOUNDS (TRI Chemical ID: N150)	AIR STACK	Grams	.1866	.1807	.73	NR	NR	NR	NR
HYDROCHLORIC ACID (1995 AND AFTER "ACID AEROSOLS" ONLY) (TRI Chemical ID: 007647010)	AIR STACK	Pounds	2569539	2463326	2400000	3000000	1400000	1400000	1400000
HYDROGEN FLUORIDE (TRI Chemical ID: 007664393)	AIR STACK	Pounds	94102	90212	110000	140000	120000	120000	120000
LEAD COMPOUNDS (TRI Chemical ID: N420)	AIR FUG	Pounds	1	1.3	NR	NR	NR	NR	NR
LEAD COMPOUNDS (TRI Chemical ID: N420)	AIR STACK	Pounds	279.8	181.2	NR	NR	NR	NR	NR
LEAD COMPOUNDS (TRI Chemical ID: N420)	DISP NON METALS	Pounds	13049.2	11377.3	NR	NR	NR	NR	NR
LEAD COMPOUNDS (TRI Chemical ID: N420)	WATER	Pounds	4.6	13.4	NR	NR	NR	NR	NR
MANGANESE (TRI Chemical ID: 0074339965)	AIR FUG	Pounds	NR	NR	NR	NR	250	250	250
MANGANESE (TRI Chemical ID: 0074339965)	AIR STACK	Pounds	NR	NR	NR	NR	250	250	250
MANGANESE (TRI Chemical ID: 0074339965)	DISP NON METALS	Pounds	NR	NR	NR	NR	18000	8600	8600
MANGANESE (TRI Chemical ID: 0074339965)	WATER	Pounds	NR	NR	NR	750	100000	100000	100000
MANGANESE COMPOUNDS (TRI Chemical ID: N450)	AIR FUG	Pounds	2	3	NR	NR	NR	NR	NR
MANGANESE COMPOUNDS (TRI Chemical ID: N450)	AIR STACK	Pounds	414	295	NR	NR	NR	NR	NR
MANGANESE COMPOUNDS (TRI Chemical ID: N450)	DISP NON METALS	Pounds	34959	30659	NR	NR	NR	NR	NR
MANGANESE COMPOUNDS (TRI Chemical ID: N450)	WATER	Pounds	154	172	NR	NR	NR	NR	NR
MERCURY (TRI Chemical ID: 0074339976)	AIR STACK	Pounds	NR	NR	150	NR	NR	NR	NR

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MERCURY (TRI Chemical ID: 007439976)	DISP NON METALS	Pounds	NR	NR	3	NR	NR	NR
MERCURY (TRI Chemical ID: 007439976)	WATER	Pounds	NR	NR	.1	NR	NR	NR
MERCURY COMPOUNDS (TRI Chemical ID: N458)	AIR STACK	Pounds	70.9	67.9	NR	NR	NR	NR
MERCURY COMPOUNDS (TRI Chemical ID: N458)	DISP NON METALS	Pounds	23.3	33.2	NR	NR	NR	NR
NICKEL COMPOUNDS (TRI Chemical ID: N495)	AIR FUG	Pounds	2	3	NR	NR	NR	NR
NICKEL COMPOUNDS (TRI Chemical ID: N495)	AIR STACK	Pounds	311	235	NR	NR	NR	NR
NICKEL COMPOUNDS (TRI Chemical ID: N495)	DISP NON METALS	Pounds	26061	22773	NR	NR	NR	NR
NICKEL COMPOUNDS (TRI Chemical ID: N495)	WATER	Pounds	2	16	NR	NR	NR	NR
POLYCYCLIC AROMATIC COMPOUNDS (TRI Chemical ID: N590)	AIR STACK	Pounds	1	NR	.3	NR	NR	NR
SULFURIC ACID (1994 AND AFTER "ACID AEROSOLS" ONLY) (TRI Chemical ID: 007664939)	AIR STACK	Pounds	97282	91500	130000	160000	140000	
VANADIUM (EXCEPT WHEN CONTAINED IN AN ALLOY) (TRI Chemical ID: 007440622)	AIR FUG	Pounds	NR	NR	5	NR	NR	NR
VANADIUM (EXCEPT WHEN CONTAINED IN AN ALLOY) (TRI Chemical ID: 007440622)	AIR STACK	Pounds	NR	NR	250	NR	NR	NR
VANADIUM (EXCEPT WHEN CONTAINED IN AN ALLOY) (TRI Chemical ID: 007440622)	DISP NON METALS	Pounds	NR	NR	42000	NR	NR	NR
VANADIUM (EXCEPT WHEN CONTAINED IN AN ALLOY) (TRI Chemical ID: 007440622)	WATER	Pounds	NR	NR	250	NR	NR	NR
VANADIUM COMPOUNDS (TRI Chemical ID: N770)	AIR FUG	Pounds	4	6	NR	NR	NR	NR
VANADIUM COMPOUNDS (TRI Chemical ID: N770)	AIR STACK	Pounds	509	329	NR	NR	NR	NR
VANADIUM COMPOUNDS (TRI Chemical ID: N770)	DISP NON METALS	Pounds	58224	50844	NR	NR	NR	NR
VANADIUM COMPOUNDS (TRI Chemical ID: N770)	WATER	Pounds	5	31	NR	NR	NR	NR
ZINC COMPOUNDS								

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(TRI Chemical ID: N982)	AIR FUG	Pounds	2	2	NR	NR	NR
ZINC COMPOUNDS (TRI Chemical ID: N982)	AIR STACK	Pounds	718	549	NR	NR	NR
ZINC COMPOUNDS (TRI Chemical ID: N982)	DISP NON METALS	Pounds	24171	21106	NR	NR	NR
ZINC COMPOUNDS (TRI Chemical ID: N982)	WATER	Pounds	75	85	NR	NR	NR

Discharge of Chemicals into Streams or Bodies of Water:

For all releases estimated as a range, the mid-point of the range was used in these calculations. Rows with Release Amount equal to "0" were not listed.

Chemical Name	Year	Unit Of Measure	Release Amount	Stream Or Body of Water
BARIUM (TRI Chemical ID: 007440393)	2000	Pounds	250	POTOMAC RIVER
BARIUM (TRI Chemical ID: 007440393)	1999	Pounds	250	POTOMAC RIVER
BARIUM (TRI Chemical ID: 007440393)	1998	Pounds	70000	POTOMAC RIVER
BARIUM COMPOUNDS (TRI Chemical ID: N040)	2002	Pounds	43	POTOMAC RIVER
BARIUM COMPOUNDS (TRI Chemical ID: N040)	2001	Pounds	205	POTOMAC RIVER
CHROMIUM COMPOUNDS(EXCEPT CHROMITE ORE MINED IN THE TRANSVAAL REGION) (TRI Chemical ID: N090)	2002	Pounds	3	POTOMAC RIVER
CHROMIUM COMPOUNDS(EXCEPT CHROMITE ORE MINED IN THE TRANSVAAL REGION) (TRI Chemical ID: N090)	2001	Pounds	16	POTOMAC RIVER
COPPER (TRI Chemical ID: 007440508)	1999	Pounds	2500	POTOMAC RIVER
COPPER (TRI Chemical ID: 007440508)	1998	Pounds	2400	POTOMAC RIVER

COPPER COMPOUNDS (TRI Chemical ID: N100)	2002	Pounds	2237	POTOMAC RIVER
COPPER COMPOUNDS (TRI Chemical ID: N100)	2001	Pounds	2256	POTOMAC RIVER
LEAD COMPOUNDS (TRI Chemical ID: N420)	2002	Pounds	4.6	POTOMAC RIVER
LEAD COMPOUNDS (TRI Chemical ID: N420)	2001	Pounds	13.4	POTOMAC RIVER
MANGANESE (TRI Chemical ID: 007439965)	1999	Pounds	750	POTOMAC RIVER
MANGANESE (TRI Chemical ID: 007439965)	1998	Pounds	100000	POTOMAC RIVER
MANGANESE COMPOUNDS (TRI Chemical ID: N450)	2002	Pounds	154	POTOMAC RIVER
MANGANESE COMPOUNDS (TRI Chemical ID: N450)	2001	Pounds	172	POTOMAC RIVER
MERCURY (TRI Chemical ID: 007439976)	2000	Pounds	.1	POTOMAC RIVER
NICKEL COMPOUNDS (TRI Chemical ID: N495)	2002	Pounds	2	POTOMAC RIVER
NICKEL COMPOUNDS (TRI Chemical ID: N495)	2001	Pounds	16	POTOMAC RIVER
VANADIUM (EXCEPT WHEN CONTAINED IN AN ALLOY) (TRI Chemical ID: 007440622)	2000	Pounds	250	POTOMAC RIVER
VANADIUM COMPOUNDS (TRI Chemical ID: N770)	2002	Pounds	5	POTOMAC RIVER
VANADIUM COMPOUNDS (TRI Chemical ID: N770)	2001	Pounds	31	POTOMAC RIVER
ZINC COMPOUNDS (TRI Chemical ID: N982)	2002	Pounds	75	POTOMAC RIVER
ZINC COMPOUNDS (TRI Chemical ID: N982)	2001	Pounds	85	POTOMAC RIVER

Transfer of Chemicals to Off-Site Locations other than POTWs:

Please note that transfer amounts are not included in release totals shown above. For all releases estimated as a range, the mid-point of the

range was used in these calculations. Rows with Total Transfer Amount equal to "0" were not listed.

Chemical Name	Year	Unit Of Measure	Total Transfer Amount	Transfer Site Name and Address	Type Of Waste Management
BARIUM (TRI Chemical ID: 007440393)	2000	Pounds	180000	BRANDYWINE ASH STORAGE NORTH KEYS ROAD BRANDYWINE, MD 20613	Landfill/Disposal Surface Impoundment
BARIUM (TRI Chemical ID: 007440393)	1999	Pounds	150000	BRANDYWINE ASH STORAGE NORTH KEYS ROAD BRANDYWINE, MD 20613	Landfill/Disposal Surface Impoundment
BARIUM (TRI Chemical ID: 007440393)	1998	Pounds	160000	BRANDYWINE ASH STORAGE NORTH KEYS ROAD BRANDYWINE, MD	Landfill/Disposal Surface Impoundment
BARIUM COMPOUNDS (TRI Chemical ID: N040)	2002	Pounds	198139	MIRANT ASH MANAGEMENT, LLC (BR ANDYWINE) 11700 NORTH KEYS ROAD BRANDYWINE, MD 20613	Storage Only
BARIUM COMPOUNDS (TRI Chemical ID: N040)	2001	Pounds	173276	MIRANT ASH MANAGEMENT, LLC 11700 NORTH KEYS ROAD BRANDYWINE, MD 20613	Landfill/Disposal Surface Impoundment
CHROMIUM COMPOUNDS(EXCEPT CHROMITE ORE MINED IN THE TRANSVAAL REGION) (TRI Chemical ID: N090)	2002	Pounds	28491	MIRANT ASH MANAGEMENT, LLC (BR ANDYWINE) 11700 NORTH KEYS ROAD BRANDYWINE, MD 20613	Storage Only
CHROMIUM COMPOUNDS(EXCEPT CHROMITE ORE MINED IN THE TRANSVAAL REGION) (TRI Chemical ID: N090)	2002	Pounds	1	CLEAN HARBORS 7515 HARVEST ROAD PRINCE GEORGE, VA 23875	Transfer to Waste Broker- Disposal
CHROMIUM COMPOUNDS(EXCEPT CHROMITE ORE MINED IN THE TRANSVAAL REGION) (TRI Chemical ID: N090)	2001	Pounds	24873	MIRANT ASH MANAGEMENT, LLC 11700 NORTH KEYS ROAD BRANDYWINE, MD 20613	Landfill/Disposal Surface Impoundment
COPPER (TRI Chemical ID: 007440508)	1999	Pounds	19000	BRANDYWINE ASH STORAGE NORTH KEYS ROAD BRANDYWINE, MD 20613	Landfill/Disposal Surface Impoundment
COPPER (TRI Chemical ID: 007440508)	1998	Pounds	16000	BRANDYWINE ASH STORAGE NORTH KEYS ROAD BRANDYWINE, MD	Landfill/Disposal Surface Impoundment
				MIRANT ASH MANAGEMENT,	

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COPPER COMPOUNDS (TRI Chemical ID: N100)	2002	Pounds	37080	LLC (BR ANDYWINE) 11700 NORTH KEYS ROAD BRANDYWINE, MD 20613	Storage Only
COPPER COMPOUNDS (TRI Chemical ID: N100)	2001	Pounds	32280	MIRANT ASH MANAGEMENT, LLC 11700 NORTH KEYS ROAD BRANDYWINE, MD 20613	Landfill/Disposal Surface Impoundment
LEAD COMPOUNDS (TRI Chemical ID: N420)	2002	Pounds	13028.4	MIRANT ASH MANAGEMENT, LLC (BR ANDYWINE) 11700 NORTH KEYS ROAD BRANDYWINE, MD 20613	Storage Only
LEAD COMPOUNDS (TRI Chemical ID: N420)	2002	Pounds	18.8	ONYX ENVIRONMENTAL SERVICES 15520 MONTANUS DR. CULPEPER, VA 22701	Transfer to Waste Broker- Disposal
LEAD COMPOUNDS (TRI Chemical ID: N420)	2002	Pounds	2	CLEAN HARBORS 7515 HARVEST ROAD PRINCE GEORGE, VA 23875	Transfer to Waste Broker- Disposal
LEAD COMPOUNDS (TRI Chemical ID: N420)	2001	Pounds	11372.4	MIRANT ASH MANAGEMENT L.L.C. 11700 N. KEYS RD. BRANDYWINE, MD 20613	Landfill/Disposal Surface Impoundment
LEAD COMPOUNDS (TRI Chemical ID: N420)	2001	Pounds	4.9	ONYX ENVIRONMENTAL SERVICES 17720 MONTANUS DR. CULPEPER, VA 22701	Transfer to Waste Broker- Disposal
MANGANESE (TRI Chemical ID: 007439965)	1999	Pounds	18000	BRANDYWINE ASH STORAGE NORTH KEYS ROAD BRANDYWINE, MD 20613	Landfill/Disposal Surface Impoundment
MANGANESE (TRI Chemical ID: 007439965)	1998	Pounds	8600	BRANDYWINE ASH STORAGE NORTH KEYS ROAD BRANDYWINE, MD	Landfill/Disposal Surface Impoundment
MANGANESE COMPOUNDS (TRI Chemical ID: N450)	2002	Pounds	34959	MIRANT ASH MANAGEMENT, LLC (BR ANDYWINE) 11700 NORTH KEYS ROAD BRANDYWINE, MD 20613	Storage Only
MANGANESE COMPOUNDS (TRI Chemical ID: N450)	2001	Pounds	30659	MIRANT ASH MANAGEMENT, LLC 11700 NORTH KEYS ROAD BRANDYWINE, MD 20613	Landfill/Disposal Surface Impoundment

MERCURY (TRI Chemical ID: 007439976)	2000	Pounds	3	BRANDYWINE ASH STORAGE NORTH KEYS ROAD BRANDYWINE, MD 20613	Other Land Disposal
MERCURY COMPOUNDS (TRI Chemical ID: N458)	2002	Pounds	23.3	MIRANT ASH MANAGEMENT, LLC (BR ANDYWINE) 11700 NORTH KEYS ROAD BRANDYWINE, MD 20613	Storage Only
MERCURY COMPOUNDS (TRI Chemical ID: N458)	2001	Pounds	20.2	MIRANT ASH MANAGEMENT L.L.C. 11700 N. KEYS RD. BRANDYWINE, MD 20613	Landfill/Disposal Surface Impoundment
MERCURY COMPOUNDS (TRI Chemical ID: N458)	2001	Pounds	13	ONYX ENVIRONMENTAL SERVICES 17720 MONTANUS DR. CULPEPER, VA 22701	Transfer to Waste Broker- Disposal
NICKEL COMPOUNDS (TRI Chemical ID: N495)	2002	Pounds	26061	MIRANT ASH MANAGEMENT, LLC (BR ANDYWINE) 11700 NORTH KEYS ROAD BRANDYWINE, MD 20613	Storage Only
NICKEL COMPOUNDS (TRI Chemical ID: N495)	2001	Pounds	22773	MIRANT ASH MANAGEMENT, LLC 11700 NORTH KEYS ROAD BRANDYWINE, MD 20613	Landfill/Disposal Surface Impoundment
VANADIUM (EXCEPT WHEN CONTAINED IN AN ALLOY) (TRI Chemical ID: 007440622)	2000	Pounds	42000	BRANDYWINE ASH STORAGE NORTH KEYS ROAD BRANDYWINE, MD 20613	Landfill/Disposal Surface Impoundment
VANADIUM COMPOUNDS (TRI Chemical ID: N770)	2002	Pounds	58224	MIRANT ASH MANAGEMENT, LLC (BR ANDYWINE) 11700 NORTH KEYS ROAD BRANDYWINE, MD 20613	Storage Only
VANADIUM COMPOUNDS (TRI Chemical ID: N770)	2001	Pounds	50844	MIRANT ASH MANAGEMENT, LLC 11700 NORTH KEYS ROAD BRANDYWINE, MD 20613	Landfill/Disposal Surface Impoundment
ZINC COMPOUNDS (TRI Chemical ID: N982)	2002	Pounds	24171	MIRANT ASH MANAGEMENT, LLC (BR ANDYWINE) 11700 NORTH KEYS ROAD BRANDYWINE, MD 20613	Storage Only
ZINC COMPOUNDS				MIRANT ASH MANAGEMENT, LLC	Landfill/Disposal Surface

(TRI Chemical ID: N982)	2001	Pounds	21106	11700 NORTH KEYS ROAD BRANDYWINE, MD 20613	Impoundment
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Summary of Waste Management Activities

**Summary of Waste Management Activities excluding Dioxin and Dioxin-like Compounds
(Measured in Pounds)**

This facility did not report any waste management activities for non Dioxin-like Compounds.

**Summary of Waste Management Activities for Dioxin and Dioxin-like Compounds
(Measured in Grams)**

This facility did not report any waste management activities for Dioxin and Dioxin-like Compounds.

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Chemicals Under Waste Management:

This facility did not report any chemicals as being treated, recycled, or used in energy recovery.

Transfer of Chemicals to Publicly Owned Treatment Works (POTW):

This facility did not transfer any chemicals to a Publicly Owned Treatment Works (POTW).

Non Production Releases:

This facility did not report any Non-Production releases.

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Last updated on Wednesday, September 29th, 2004
http://oaspub.epa.gov/enviro/tris_control.tris_print

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a:sup2296

DOCKET ITEM # 16-a
SPECIAL USE PERMIT # 2296

PLANNING COMMISSION MEETING
TUESDAY, OCTOBER 3, 1989
7:30 P.M., COUNCIL CHAMBERS

ISSUE: Consideration of a request for Special Use Permit to expand the existing public utility plant by constructing an addition to the building.

APPLICANT: Potomac Electric Power Company (PEPCO) by Michael J. Boland

LOCATION: 1400 North Royal Street

ZONE: I-1 and I-2, Industrial

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PLANNING COMMISSION MEETING OF OCTOBER 3, 1989:

Duncan Blair, attorney, presented the application.

Mike Hicks, resident of 124 North Furman Street and President of the Alexandria Federation of Civic Associations, spoke opposing the request.

COMMISSION ACTION:

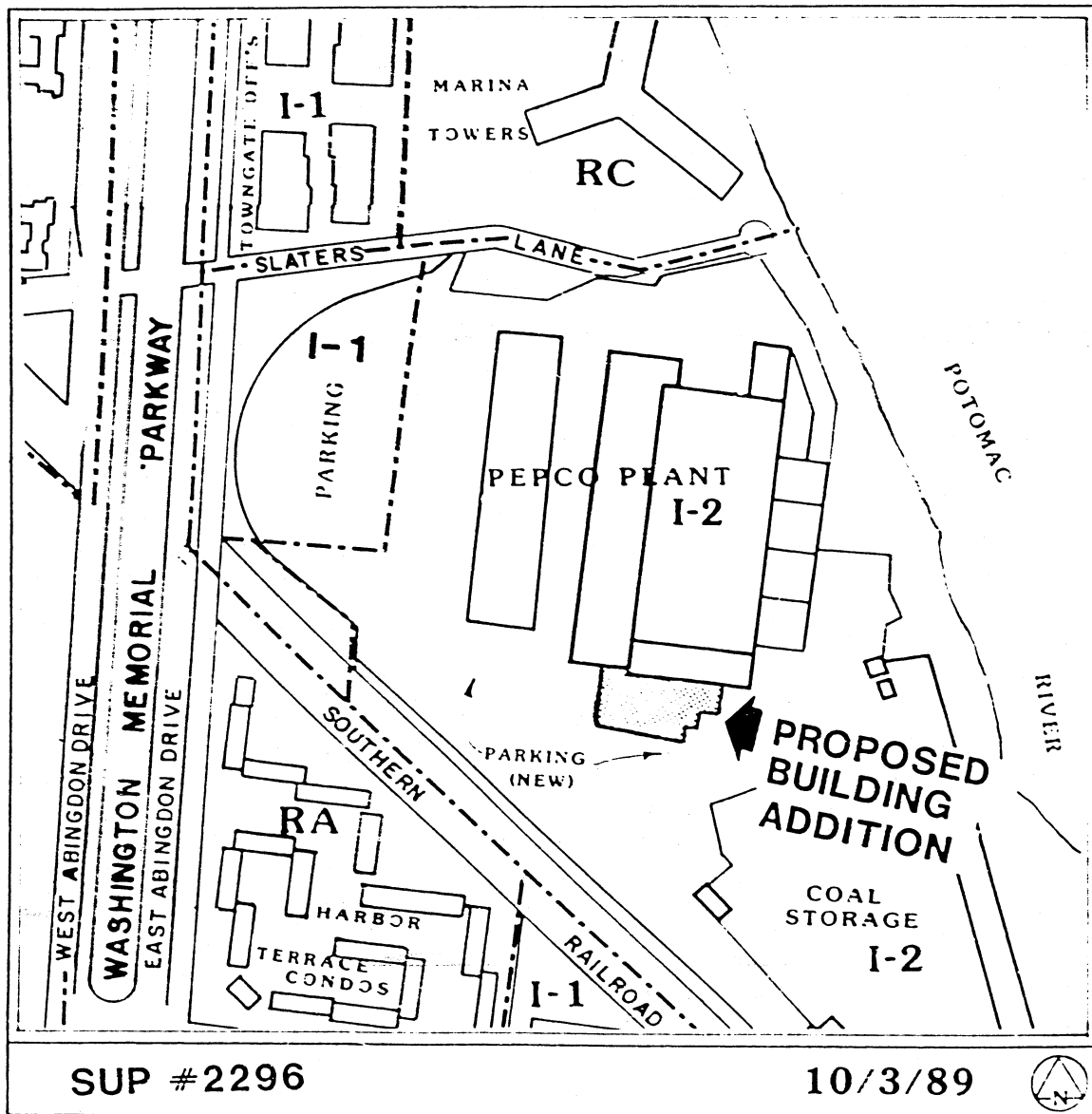
On a motion by Mr. Hurd, seconded by Mr. Kamerow, the Planning Commission voted to recommend approval of the request, subject to compliance with all applicable codes, ordinances and staff amended recommendations and conditions. The motion carried on a vote 5 to 0. Mr. Bernabucci was absent.

REASON: The Planning Commission agreed with the staff analysis.

CITY COUNCIL MEETING OF OCTOBER 14, 1989:

Granted, subject to compliance with all applicable codes, ordinances and staff recommendations.

The subject property and surrounding land uses are shown on the sketch below:



AMENDED STAFF RECOMMENDATION

STAFF RECOMMENDATION:

Recommend approval subject to all applicable codes and ordinances and the following conditions:

1. That the permit be granted to the applicant only or to any corporation in which the applicant has a controlling interest. (F&CD)
2. That the applicant inform Alexandria Archaeology 30 days in advance of any planned ground disturbance on the property and inform this office again two days prior to the known date of ground disturbance so that construction activities can be monitored by a City archaeologist. The archaeologist will be permitted to measure, photograph, map and otherwise record any finds and collect artifacts. The activities of the archaeologist will not delay the construction schedule. (Arch)
3. The facility's Spill Prevention Control and Countermeasure Plan should be evaluated for conformance with Section 5-6-95 of the City Code. (Sanitation Authority)

DISCUSSION:

1. The applicant, the Potomac Electric Power Company (PEPCO), is requesting a special use permit to construct a two-story building addition, which includes a new entrance, and landscaping at its main plant at 1400 North Royal Street.
2. The new two-story brick and partially metal addition totaling 18,714 square feet, will be constructed on the south side of PEPCO's generating station plant. The addition will house administrative offices, conference rooms, visitor and training rooms, laboratories and storage space for replacement parts and supplies. The addition will be 42 feet high and will be set back 195 feet to 250 feet from PEPCO's southern property line and nearby Southern Railroad's property. New landscaping will be installed around the front of the addition.
3. The proposed new addition will house existing uses presently on site at the plant. The proposed relocation and consolidation of existing uses into the new addition will enable PEPCO in turn to renovate existing interior floor space. There will not be new uses housed in the proposed addition other than those activities presently on-going at the plant at the present time.
4. The applicant has submitted Site Plan #89-027 for approval of the 18,714 square foot addition on the south side of the PEPCO plant near Bashford Lane and East Abingdon Drive.
5. The applicant indicates that there will not be any expansion or intensification of the power generating and distribution capacity of the plant.
6. The main PEPCO plant now operates 24 hours per day, seven days a week.
7. The PEPCO plant's permanent work force is approximately 190 personnel divided between three shifts. The majority of personnel and largest shift of 150 persons (administrative and maintenance) works between the hours of 6:00 A.M. to 3:00 P.M.
8. The construction of the proposed building addition will result in an increase of approximately eight to ten personnel on the overall work force. Three personnel of the above total will be added to the largest shift period. The additional personnel will staff laboratory functions in the new building addition.
9. The applicant has indicated that no new organic compounds will be processed or generated at the laboratory complex in the new building addition.

10. Industrial dumpsters will be the primary method for collecting trash and litter. Trash is removed at a minimum of twice a week. PEPCO perceives no increase in the type or volume of trash as a result of the project.
11. There will be no change in the hours or frequency of deliveries to the facility as a result of the new project. Deliveries are made to a single loading area servicing the facility.
12. Currently, the PEPCO site accommodates 230 on-site parking spaces available on two existing parking lots on the south and west end of the property. The proposed building addition will add two off-street parking spaces for a total of 232 parking spaces.
13. The Planning Commission approved Special Use Permit #893 on December 5, 1972, allowing PEPCO to construct three 32 foot high fuel oil storage tanks on the south side of Slater's Lane between the Southern Railway right-of-way and the Potomac River.
14. The applicant is advised that in accordance with Section 7-6-194 of the City Zoning Code, construction or operation shall be commenced and diligently and substantially pursued within one (1) year of the date of the granting of a special use permit by City Council or the use permit shall become void; provided, however, where an approved valid site plan exists, with a remaining term exceeding twelve (12) months, the special use permit term for construction or operation shall be extended to coincide with the date of the site plan expiration.

ZONING HISTORY: The subject property has been zoned I-1 and I-2, Industrial since adoption of the Fifth Revised Zoning Map of 1963.

STAFF ANALYSIS:

The PEPCO plant is essentially an industrial use. It was developed at a time when the north waterfront was predominantly industrial, and in fact, much of the area is zoned industrial. The plant is no longer compatible with nearby residential uses, but is unlikely to relocate in the foreseeable future. Staff would not support an expansion of electric generating facilities, but can support a minor upgrading of the physical plant.

The proposed new addition will accommodate existing uses now operating at the plant. No new uses will be added to the plant facility. The temporary trailers now placed on the north side of PEPCO's property will be removed and the personnel relocated to the new addition. Because the proposed addition constitutes only an upgrading of the current building without expanding the function of the plant, staff recommends approval of this special use permit.

CITY DEPARTMENT COMMENTS

Transportation & Environmental Services:

No comment.

Public Safety (Code Enforcement Division):

Fire: No comments.

Building: All construction shall conform to the Virginia Statewide Building Code 1987 Edition

Alexandria Sanitation Authority:

R-1 The facility's Spill Prevention Control and Countermeasure Plan should be evaluated for conformance with Section 5-6-95 of the Code. Reference Items (2)j and k of the special use permit.

Health Department:

No objections.

Police Department:

No comments.

Historic Alexandria (Archaeology): (AMENDED)

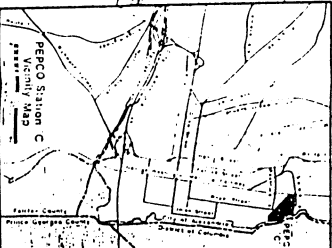
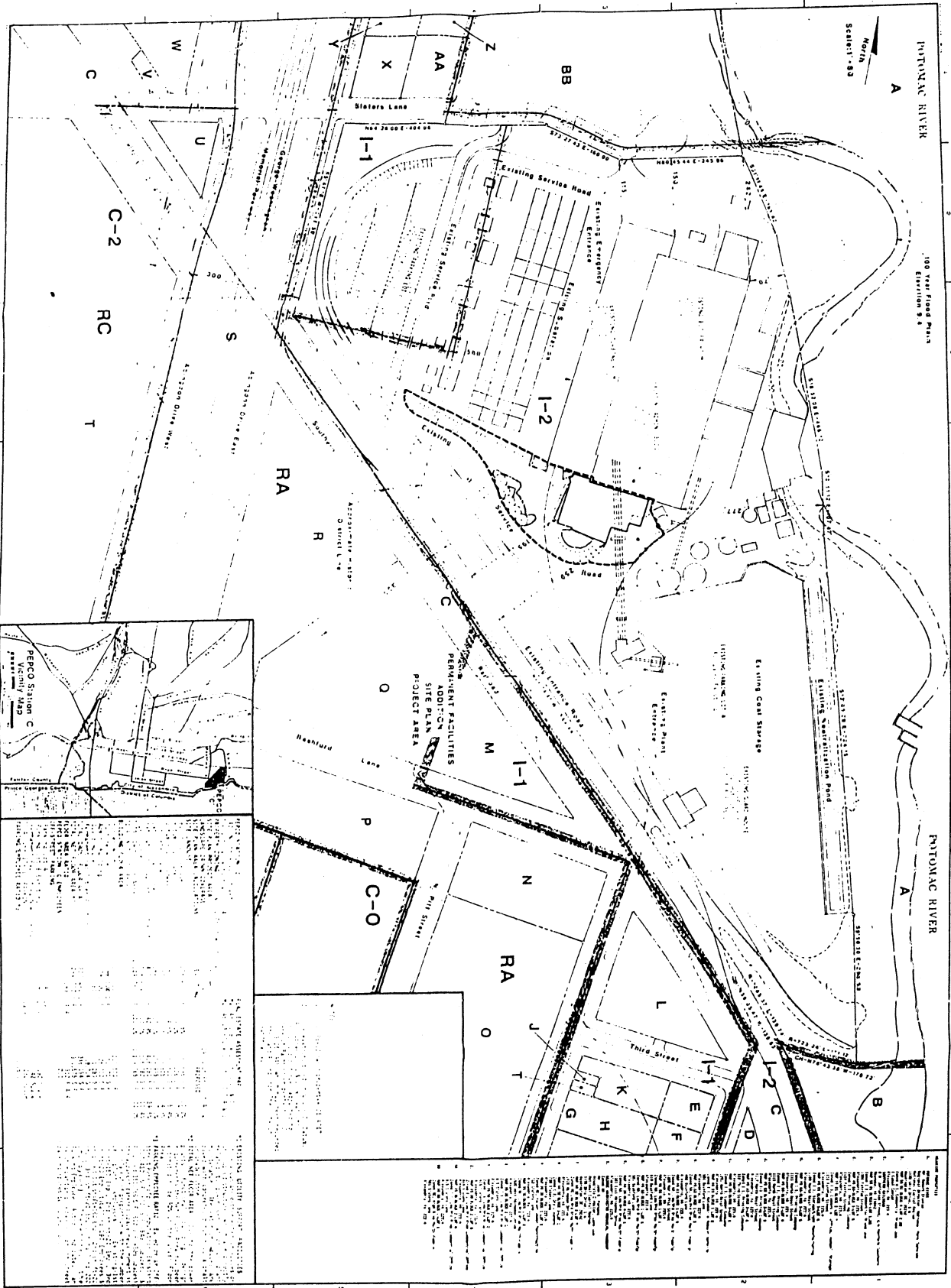
F-1 Evaluation of this property indicates that there is a high potential that archaeological remains are present. There is the possibility that American Indian sites still exist underground, which was established in the late 18th century and existed into the early 20th century. In addition, an early 20th century brickyard was located nearby. A professional archaeological contract firm should be hired to carry out the following actions:

As a result of reviewing the documentation presented by representatives of PEPCO showing the disturbed nature of the ground on this property, the following recommendation is made:

R-1 That the applicant inform Alexandria Archaeology 30 days in advance of any planned ground disturbance on the property and inform this office again two days prior to the known date of ground disturbance so that construction activities can be monitored by a City archaeologist. The archaeologist will be permitted to measure, photograph, map and otherwise record any finds and collect artifacts. The activities of the archaeologist will not delay the construction schedule.

Recreation (Arborist):

F-1 Plan appears to comply.

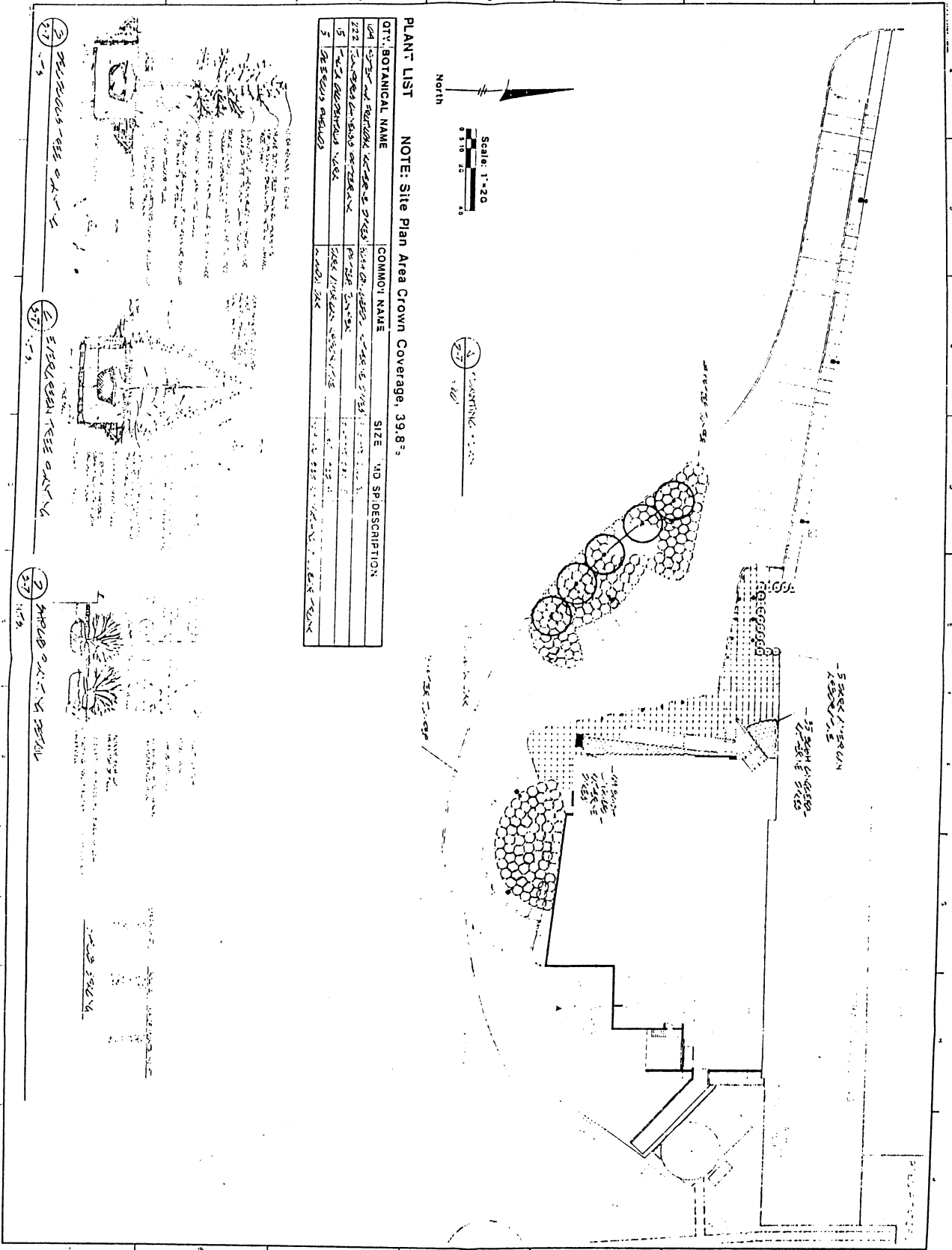


PERMANENT FACILITIES ADDITION - STATION C
 PROJECT AREA

NO.	DESCRIPTION
1	EXISTING BUILDING
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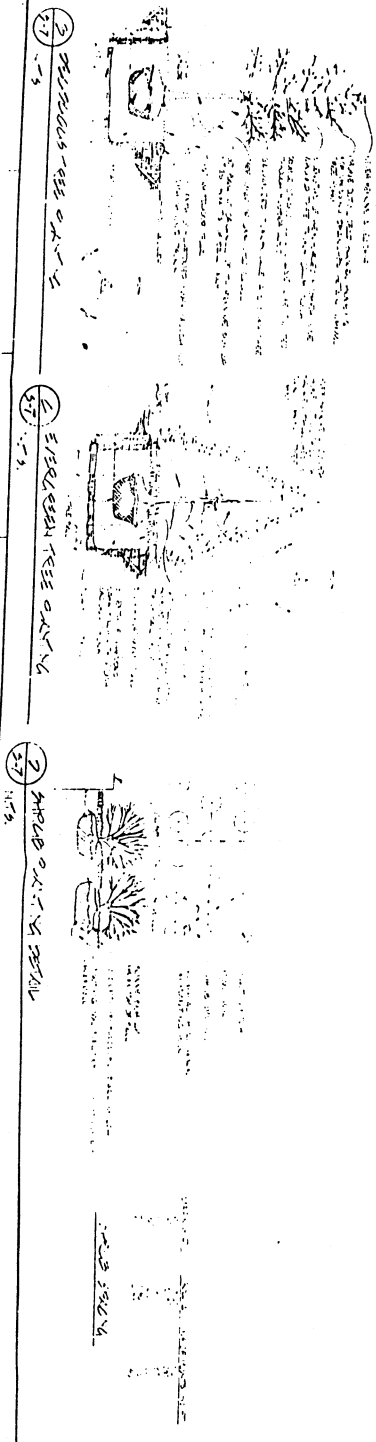
OS&D Architect Cochran, Stephenson & Donkershoet, Incorporated 925 North Church Street Baltimore, Maryland 21201	pepco Potomac Electric Power Company	PERMANENT FACILITIES ADDITION - STATION C
		ALEXANDRIA, VIRGINIA
Mechanical/Electrical/Civil Consultant Whitman, Requardt & Associates Structural Engineer George Evans, Associates, Inc. Civil/Planning Consultant Heery Program Management, Inc.	DATE: 24 JULY 1989 SCALE: 1"=80' SHEET: S-2 SITE PLAN	

35



PLANT LIST NOTE: Site Plan Area Crown Coverage, 39.8%

QTY	BOTANICAL NAME	COMMON NAME	SIZE	IND. SP. DESCRIPTION
04	SPYRUS ALBA	White Birch	12" x 12"	IND. SP. DESCRIPTION
222	PRUNUS SP.	Prunus	12" x 12"	IND. SP. DESCRIPTION
5	QUERCUS SP.	Oak	12" x 12"	IND. SP. DESCRIPTION
5	QUERCUS SP.	Oak	12" x 12"	IND. SP. DESCRIPTION



OS&D

Architect:
Cochran, Stephenson & Donkowitz, Incorporated
975 North Charles Street, Baltimore, Maryland 21201

Mechanical/Electrical/Civil Consultant:
Whitman, Requardt & Associates
Structural Engineer:
George Lytle, Associates, Inc.
Civil/Planning Consultant:
Heavy Program Management, Inc.

pepco
Potomac Electric Power Company

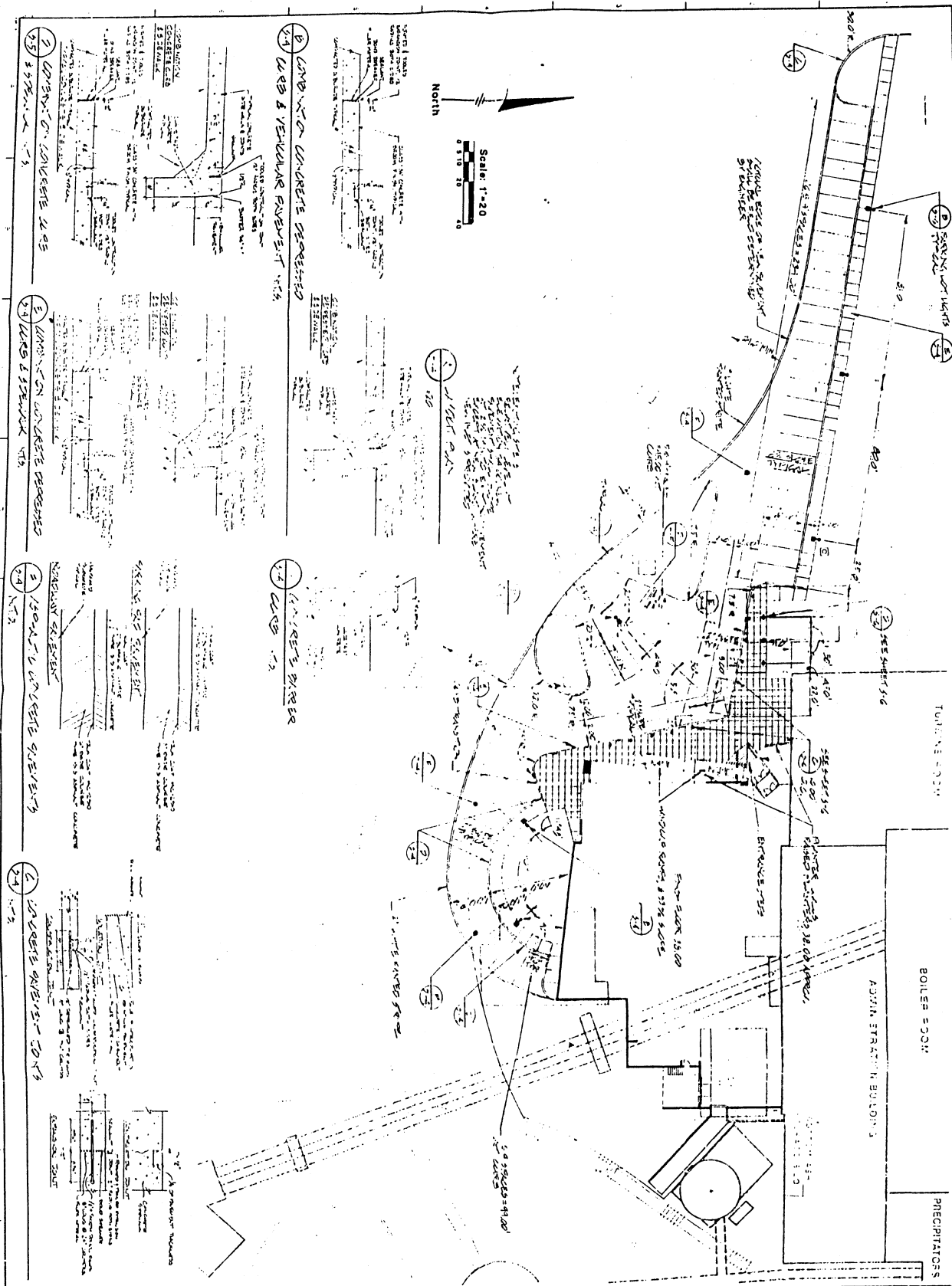
PERMANENT FACILITIES
ADDITION • STATION C

ALEXANDRIA, VIRGINIA

PRINT NO. 8732-X
DATE: 21 AUG. 1993
SCALE: AS SHOWN
SHEET NO. LANDSCAPE PLAN & DETAILS

S-7

36



1 CONCRETE ON CONCRETE 24x28
 24x28 1/2" N.T.S.

2 CONCRETE ON CONCRETE REBAR
 24x28 1/2" N.T.S.

3 CONCRETE ON CONCRETE REBAR
 24x28 1/2" N.T.S.

4 CONCRETE ON CONCRETE REBAR
 24x28 1/2" N.T.S.

5 CONCRETE ON CONCRETE REBAR
 24x28 1/2" N.T.S.

6 CONCRETE ON CONCRETE REBAR
 24x28 1/2" N.T.S.

NO.	DATE	REVISION

PROJECT: 8732-X
 DATE: 21 AUG. 1989
 DRAWN AS SHOWN
 SW: T.S.
 LAYOUT PLAN & DETAILS
 S-4

Handwritten signature

Architect
 Cochran, Stephenson & Donkowitz, Incorporated
 925 North Charles Street Baltimore, Maryland 21201

Mechanical/Electrical/Civil Consultants
 Whitman, Requardt & Associates
 Structural Engineers
 George Ewins, Associates, Inc.
 Civil/Planning Consultants
 Heery Program Management, Inc.



PERMANENT FACILITIES ADDITION • STATION C
 ALEXANDRIA, VIRGINIA

Docket Item
Special Use Permit #2297
Planning Commission Meeting
Tuesday, October 3, 1989

ISSUE: Request for special use permit for Transportation Management Plan (TMP) approval for the PEPCO Potomac River Generating Station Addition, located east of the George Washington Memorial Parkway between Slaters Lane and Bashford Lane, to consist of the addition of an 18,714 square foot building adjacent to the existing 327,480 square foot generating station.

APPLICANTS: Potomac Electric Power Company.

LOCATION: George Washington Memorial Parkway between Slaters Lane and Bashford Lane.

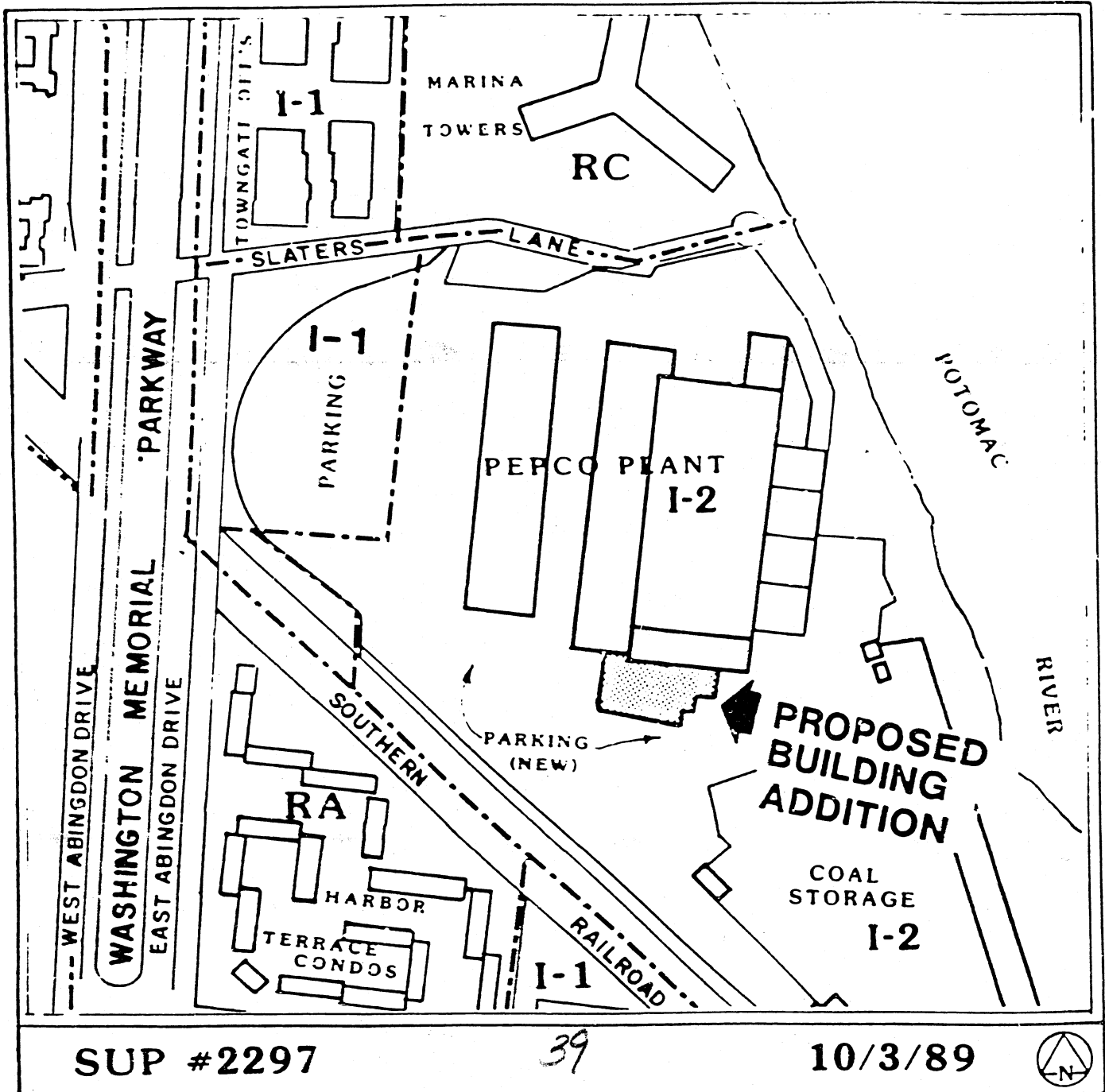
PLANNING COMMISSION ACTION, OCTOBER 3, 1989: A motion by Mr. Hurd, seconded by Mr. Kamerow, to recommend approval of the TMP special use permit carried on a vote of 5-0, with Mr. Bernabucci absent.

REASON: The Planning Commission agreed with the staff recommendations.

CITY COUNCIL ACTION ALTERNATIVES: City Council can approve or deny the application with a simple majority vote.

CITY COUNCIL ACTION OCTOBER 14, 1989: City Council approved the TMP SUP.

The subject property and surrounding land uses are shown on the sketch below:



SUP #2297

39

10/3/89



STAFF RECOMMENDATIONS:

Recommend approval subject to all applicable codes and ordinances and the following conditions:

Transportation Coordinator

1. That the applicant designate a TMP Coordinator upon application for the initial building permit for the project. The name, address and telephone number of the TMP Coordinator shall be submitted with the application for the initial building permit. The Coordinator shall maintain an on-site office and shall be responsible for establishing and administering the Transportation Management Plan for the project, including the following TMP activities:

a. publicizing and promoting use of transit and carpooling/vanpooling with prospective and new employees.

b. displaying information about transit, and carpooling/vanpooling, and distributing such information to employees, including maintaining, on site, stocks of appropriate bus schedules and applications to the Ridefinders network.

c. assisting in the formation of two-person carpools and carpools/vanpools of three or more persons and registering carpools/vanpools with the OTS & P.

d. providing annual reports to OTS & P. The initial report shall be submitted 13 months following issuance of the initial certificate of occupancy for the project. This report and each subsequent annual report shall identify, as of the end of the reporting period, the number of square feet of floor area permitted to be occupied, the number of employees occupying such space and the number of employees per 1,000 gross square feet of space. In addition, the number of single occupant vehicles and the total number of all vehicles arriving and leaving between 6:30 a.m. and 9:30 a.m. and between 3:30 p.m. and 6:30 p.m. shall be reported annually.

e. administering other TMP activities as proposed in the Transportation Management Plan for the Potomac River Generating Station, dated August, 1989, unless a modification or waiver shall be approved by the Director of OTS & P, and administering such other TMP activities as may be proposed by applicant or successors and approved by the Director of OTS & P.

Other Conditions

2. That the applicant continue to operate such that most employees arrive before 7:00 a.m. and depart before 4:30 p.m.. If the applicant is unable to continue operating these shift hours, new alternative TMP measures to reduce peak hour traffic must be developed and approved by the Director of OTS & P.

The applicant has accepted all of the above conditions.

DISCUSSION:

The applicant, Potomac Electric Power Company, has submitted a special use permit application (Attachment 1), a Traffic Impact study (Attachment 2), a Transportation Management Plan (Attachment 3) and documentation of Citizen contact and participation. The applicant is proposing a 18,714 square foot addition to the existing 327,480 square foot PEPCO facility located west of the George Washington Parkway between Slaters and Bashford Lanes. The applicant proposes to provide two additional parking spaces, increasing the total from 230 to 232 spaces.

STAFF ANALYSIS:

The PEPCO generating facility, even with the planned 18,714 square foot addition, is a very low intensity use in terms of traffic impacts. As the applicant points out, comparable industrial uses generate substantially more traffic on average and if this site were developed in any other use--commercial or residential--traffic impacts would be substantially greater. The applicant has maintained that the existing operating schedule of the plant is essentially an existing TMP measure, staggered work hours, that meets the SOV reduction goal. According to the information presented in the application, based on an employee survey, of the 198 (including the 8 people to be added with the addition) employees at the plant, 150 (75%) work the day shift from 6:45 a.m. to 3:30 p.m.. The survey data provided in the application shows that very few employees actually do leave or arrive during either the a.m. or p.m. peak period. The traffic impacts of this existing facility are already small, and the addition of 8 new employees will have a negligible effect on peak hour traffic.

Certain operating characteristics of PEPCO, including the rotation of employees among the three shifts at the plant and the frequent transfer of employees to the other five PEPCO plants in the region, make transit use and carpooling/vanpooling difficult for any employee who might otherwise be interested in non SOV travel. Although the staggered work hours (shift work) meet the basic requirement of the TMP, a Transportation Coordinator should still be designated by the applicant for the plant. The Coordinator can disseminate information about carpooling and other non-SOV modes of travel to employees and should also provide annual reports to the City that demonstrate the continued off-peak travel patterns of employees.

ATTACHMENTS:

1. Special Use Permit
2. Traffic Impact Study
3. Transportation Management Plan
4. Documentation of Citizen Contact and Participation

Mr. Chairman, I move:

That the commission recommend in favor of revocation of both of the 1989 special use permits, subject to the following conditions:

1. That the revocation take effect 120 days after city council action in this matter, in order to give the plant operator a reasonable opportunity to file the necessary special use permit applications, as determined by the director of planning and zoning, to bring the plant into compliance with the zoning ordinance provisions currently in effect, if such applications are approved.
2. That in the event such SUP applications are filed within the 120 day period, the effective date of the revocation shall be stayed until final decision by the city council on such applications.
3. That in the event such SUP applications are approved by the city council, the revocation of the 1989 special use permits shall be dismissed as moot without further action by the council.
4. That in the event such SUP applications are not approved by the city council, the revocation of the 1989 special use permits shall forthwith become effective on, and the power plant use shall be categorized as an illegal use from and after, the final decision by the city council on such applications.

Table 1. Estimated Impacts of the PRGS at Marina Tower Property, and Emission Reductions and Potential Technology Required to Achieve Compliance.

Criteria Pollutants			
Pollutant (Maximum Annual Emissions) ⁽¹⁾:		Maximum Impact by Mirant v. Standard (background and fugitive PM impacts not included)	Emission Reduction Necessary to Meet Standard and Potential Control Technology Options
SO₂ (>14,000 T)	SO ₂ (3-hour)	>40	97% / lower sulfur coal plus flue gas desulfurization (FGD) or fuel switch.
	SO ₂ (24-hour)	>65	>98% / lower sulfur coal plus FGD or fuel switch.
	SO ₂ (annual)	>25	>95% / lower sulfur coal plus FGD or fuel switch.
NO_x (>7,000 T)	NO ₂ (annual)	>5	80% reduction to 1,400 tons annually; proposed reduction and LNBs, plus SOFA, are inadequate.
PM₁₀ (>1,000 T)	PM ₁₀ (24-hour)	>8	85% reduction, or appr. 850 tons reduction: 47 tons of fugitive particulate matter not adequate; not likely to achieve reduc. without fuel switching or constraints on output.
	PM ₁₀ (annual)	>2	50% reduction required; constrained to meet above reduction.

Selected Air Toxic Impacts

		Ratio of Mirant's Impact to Reference Concentration or to Risk Level for 1 in 10,000 Increase in Cancer Incidence.	Emission Reductions Necessary to Meet Standard/Potential Control Technology Options
Arsenic (>550 lbs.)	Risk Level for 1 in 10,000 increase in Cancer.	>12	>90% reduction; FGD and/or fuel switch.
Mercury (>200 lbs.) ⁽²⁾	Chronic Inhalation Exposure Level of Lowest- Observed Adverse Health Effects.	> 240	New sorbent technology plus FGD and/or fuel switch.

Table Notes.

- (1) Annual emissions for all pollutants except mercury derive from applying a capacity factor representative of capacity values from US EPA eGRID records for PRGS, to maximum short-term emissions. Impacts derive from the maximum SCREEN3 result for the facility. Short-term emissions derive from maximum heat input rating and for SO₂, the maximum allowed sulfur content, for PM₁₀, US EPA-derived emission factors for bituminous coal combustion in a pulverized coal boiler with ESP control, including the condensable portion of emissions, and for NO_x, the PRGS's Phase II NO_x Compliance Plan.
- (2) Mercury emissions derive from test results for the Brayton Point pulverized coal boiler, firing bituminous coal with ESP control. These test results show a higher value than PRGS's 1999 test result for emissions of mercury as reported by US EPA; however, these test results include no data on facility capacity at the time of testing, and to determine maximum impacts this analysis assumes a scenario that accounts for the wide variability in mercury content among potential bituminous coal supplies.

CITY OF ALEXANDRIA COMMENTS
PROPOSED CONSENT DECREE
in
UNITED STATES AND STATE OF MARYLAND
v.
MIRANT MID-ATLANTIC, LLC AND MIRANT POTOMAC RIVER, LLC

C.A. No. 1:04CV1136

INTRODUCTION

The City of Alexandria hereby submits its Comments in response to the Notice of Lodging of the Proposed Consent Decree between the United States, the State of Maryland and the Commonwealth of Virginia, and Mirant Mid-Atlantic, LLC and Mirant Potomac River, LLC (collectively "Mirant"). The Consent Decree addresses the violations in 2003 of oxides of nitrogen (NO_x) emission limits at the Potomac River Generating Station ("PRGS") operated by Mirant and located at 1400 North Royal Street, Alexandria, Virginia. In reviewing the proposed Consent Decree, Alexandria's primary interests are (i) the direct, adverse public health and other impacts on the residents of Alexandria from the emissions and all other activities of the PRGS, and (ii) within the region, to avoid a disproportionate adverse impact on Alexandria neighborhoods and residents from such emissions and activities. Accordingly, these Comments identify the failure of both the proposed Consent Decree and the related draft State Operating Permit ("SOP") to protect Alexandria's interests.

Alexandria is opposed to the proposed Consent Decree in its present form. As set out in more detail below, there are numerous deficiencies in the proposed Consent Decree and the draft SOP relative to the health and welfare of the residents of Alexandria. The regime under which the PRGS will be allowed to continue to operate ensures continued excessive emissions from the PRGS which will be adverse to the interests of Alexandria residents. Resolution of outstanding issues related to the PRGS should occur before the Consent Decree is approved, and should not be placed in a process that is outside the Consent Decree and separate from the pending Title V review.

There is an overall lack of information and documentary support on the basic assumptions underlying the proposed Consent Decree and the draft SOP and the projections of compliance set out therein. There is no showing that the PRGS can satisfy federal guidelines for air toxic and criteria pollutants or reduce as much as possible the fugitive dust from the plant's operations. Furthermore, there is no demonstration or assurance that the fabrication of a Mirant "system" of power plants (*i.e.*, what the proposed Consent Decree describes as "System-Wide" for the PRGS and the Morgantown, Dickerson and Chalk Point power plants in Maryland) and the system-wide regulation of NO_x emissions will actually achieve the requirements of Virginia's SIP or result in improved air quality in Alexandria.

There are also serious deficiencies in the projects intended to evaluate the impacts of the PRGS's operations as defined in the Virginia Department of Environmental Quality's ("VDEQ") Order by Consent. Mirant's draft downwash modeling proposal, as required by the Order by Consent, is evidence of the unreliability of this process.

Put simply, it is not at all clear that the proposed Consent Decree will provide significant protection to the residents of Alexandria from the PRGS. Accordingly, it should not be approved without a full assessment of the PRGS's comprehensive compliance with air quality requirements and the full disclosure of all documents, including from the State of Maryland, that support the assumptions and provide the rationale for the proposed Decree and related SOP.

BACKGROUND

The Mirant PRGS is located in a densely populated urban area, adjacent to the Potomac River and surrounded by and in close proximity to residential communities. It is an outdated coal-fired generating plant that predates the federal Clean Air Act, thereby avoiding certain requirements intended to promote compliance with air quality standards. The PRGS is highly inefficient with stack heights that are well below what are necessary to satisfy current ambient air quality standards. Mirant also has filed for protection under the bankruptcy laws, an action that raises concerns about its long-term viability and its ability to implement any environmental improvements.

Alexandria has expressed, on numerous occasions, its concerns with the impacts of the PRGS on the surrounding neighborhoods and on the city as a whole. On June 22, 2004, the Alexandria Mayor and City Council adopted a long term strategy for the cessation of the operations of the PRGS and for the utilization of the site in a manner more compatible with the city's residential neighborhoods and the adjacent Potomac River. The proposed Consent Decree and the related draft SOP are inconsistent with this strategy. They provide, however, the opportunity for Alexandria to promote the implementation of its strategy and the protection of its citizens. For this purpose, Alexandria engaged an independent consultant, Ms. Maureen Barrett of AERO Engineering Services, who, in close coordination with Alexandria's technical staff, has provided the framework for a scientific and technical evaluation of the proposed Consent Decree and the draft SOP on which these Comments are based.

TECHNICAL COMMENTS

1. The impetus within the negotiations for the proposed Consent Decree was attainment of ozone standards for the northern Virginia region. The Consent Decree should reflect, however, an approach for the attainment of all criteria pollutants at the PRGS. In addition to its contribution to exceedances of the ozone standard, modeling of the PRGS's impacts show that it contributes to potential region-wide exceedances of the PM_{2.5} standard and to exceedances in Alexandria of NO_x, SO₂, PM₁₀, and PM_{2.5} standards. The Consent Decree is not appropriate until federally-enforceable (*i.e.*, Title V) permit terms are established that constrain continued operation of the PRGS to a configuration that demonstrates compliance for all pollutants.

Table 1 below includes results from US EPA-approved modeling procedures that project the PRGS's maximum potential impact for the criteria pollutants of SO₂, NO_x and PM₁₀.^[1] These results show that, near the plant, the impacts from the PRGS exceed ambient air quality standards by up to sixty times the standard. While this table does not show the facility's impacts on PM_{2.5} ambient concentrations, the projected PM₁₀ impacts leave little doubt that the facility contributes to violations of the PM_{2.5} standard in the region which, in addition to its status as non-attainment for ozone, may soon be designated non-attainment for PM_{2.5}.^[2]

Regional non-attainment status for PM_{2.5} will bear similar financial consequences and growth constraints upon the State of Virginia as does non-attainment status for ozone.

The table also includes the projections of impacts for selected toxic pollutants that the PRGS emits. Projected impacts from arsenic emissions may be contributing to increased health risks for Alexandria citizens; impacts from mercury emissions may exceed by up to 1000% the chronic inhalation concentration that US EPA considers safe.^[3]

State regulators suggest that a return to negotiations similar to those that produced the Consent Decree can occur in the future, with the goal of defining new permit terms for which the facility's continued operation can satisfy compliance. Apparently based on this presumption, the Consent Decree offers no alternative to continued operation of the PRGS. The timeline of the Decree should be modified to allow the results of the related VDEQ Order by Consent to be evaluated and a compliance configuration defined before action on the Consent Decree is taken.^[4]

- 2. The residents of Alexandria have borne the environmental cost of the PRGS that, for almost fifty years, has emitted pollutants, without regulation and in most cases without control – pollutants that can have acute and chronic adverse health impacts. Before approval of any Consent Decree, Federal and State regulators and Mirant should provide a thorough analysis of the expected local and regional health impacts from continued operation of the PRGS.**

Table 1 shows that the PRGS's emissions of criteria and toxic pollutants can have adverse health impacts on nearby Alexandrians. Before approval of the Consent Decree, therefore, Mirant must provide an assessment of the extent to which the PRGS's continued operation represents a chronic health risk to the residents of Alexandria.

^[1] US EPA-approved SCREEN3 model was applied with the facility's own stack parameters, accounting for impacts from five separate stacks and the facility's own building dimensions, and including receptors placed at heights consistent with patio locations at Marina Towers.

^[2] Designation of PM_{2.5} status is proposed to occur in November 2004.

^[3] US EPA's Integrated Risk Information System, www.epa.gov/iris.

^[4] The VDEQ and Mirant maintain that the facility's continued operation is necessary to maintain reliability of the region's electrical power distribution network. The VDEQ should present all records, documentation and correspondence which support this statement.

3. Before approval of the Consent Decree, VDEQ and Mirant should present potential facility configurations and control technologies that they have determined will achieve compliance assuming continued facility operation.

The proposed Consent Decree lacks substantive analysis of how the PRGS will achieve compliance with standards for all criteria pollutants and with guidelines for toxic pollutants. Table 1 (which is based on our modeling of PRGS emissions) shows that in order for continued operation of the PRGS to achieve compliance with criteria pollutant standards and selected toxic pollutant guidelines, emission reductions greater than 90% are necessary for SO₂, arsenic and mercury. It is possible that the necessary reductions for these pollutants might be accomplished with flue gas de-sulfurization, limits on coal sulfur content and state-of-the-art mercury reduction techniques. However, flue gas de-sulfurization, and possibly add-on mercury controls, represent added environmental burdens to the surrounding area through increased truck traffic and increased water demands. Before the approval of the Consent Decree, VDEQ and Mirant should present the techniques to be used at the PRGS to achieve compliance.

For PM₁₀ and NO_x, Table 1 shows that emission reductions necessary to achieve compliance may be as high as 800 tons and 5,600 tons, respectively. The proposed Consent Decree and related SOP accomplish minor fractions of these required reductions: only 25 tons of PM₁₀ reduction, and only about 500 tons of NO_x reduction (and that only after five years of continued operation).^{[[[4]} It is important to note that the PRGS already employs electrostatic precipitators (ESPs) for PM₁₀ and PM_{2.5} control, and any additional reduction of PM₁₀ and PM_{2.5} emissions through add-on technology would require significant capital expenditures. This cost burden would also apply to add-on SO₂ controls.

Based on the Table I data, and given that Mirant cannot increase the height of the facility's stacks or convert the facility to natural gas operation, it is unlikely that the PRGS will be able to achieve compliance with SO₂, NO_x and PM₁₀ requirements. This makes it essential that VDEQ and Mirant publicly define the facility configurations and control technologies that will be employed to ensure facility compliance with all applicable standards and guidelines.

^{[[[4]} Approximate PM₁₀ portion of dust reduction accomplished by "Appendix A, Environmental Projects" within the proposed Consent Decree.

Table 1. Estimated Impacts of the PRGS at Marina Tower Property, and Emission Reductions and Potential Technology Required to Achieve Compliance.

Criteria Pollutants

Pollutant (Maximum Annual Emissions) ⁽¹⁾ :		Maximum Impact by Mirant v. Standard (background and fugitive PM impacts not included)	Emission Reduction Necessary to Meet Standard and Potential Control Technology Options
SO2 (>14,000 T)	SO2 (3-hour)	>40	97% / lower sulfur coal plus flue gas desulfurization (FGD) or fuel switch.
	SO2 (24-hour)	>65	>98% / lower sulfur coal plus FGD or fuel switch.
	SO2 (annual)	>25	>95% / lower sulfur coal plus FGD or fuel switch.
NOx (>7,000 T)	NO2 (annual)	>5	80% reduction to 1,400 tons annually; proposed reduction and LNBs, plus SOFA, are inadequate.
PM10 (>1,000 T)	PM10 (24-hour)	>8	85% reduction, or appr. 850 tons reduction: 47 tons of fugitive particulate matter not adequate; not likely to achieve reduc. without fuel switching or constraints on output.
	PM10 (annual)	>2	50% reduction required; constrained to meet above reduction.

HB

Selected Air Toxic Impacts

		Ratio of Mirant's Impact to Reference Concentration or to Risk Level for 1 in 10,000 Increase in Cancer Incidence.	Emission Reductions Necessary to Meet Standard/Potential Control Technology Options
Arsenic (>550 lbs.)	Risk Level for 1 in 10,000 increase in Cancer.	>12	>90% reduction; FGD and/or fuel switch.
Mercury (>200 lbs.) ⁽²⁾	Chronic Inhalation Exposure Level of Lowest- Observed Adverse Health Effects.	> 240	New sorbent technology plus FGD and/or fuel switch.

Table Notes.

- (1) Annual emissions for all pollutants except mercury derive from applying a capacity factor representative of capacity values from US EPA eGRID records for PRGS, to maximum short-term emissions. Impacts derive from the maximum SCREEN3 result for the facility. Short-term emissions derive from maximum heat input rating and for SO₂, the maximum allowed sulfur content, for PM₁₀, US EPA-derived emission factors for bituminous coal combustion in a pulverized coal boiler with ESP control, including the condensable portion of emissions, and for NO_x, the PRGS's Phase II NO_x Compliance Plan.
- (2) Mercury emissions derive from test results for the Brayton Point pulverized coal boiler, firing bituminous coal with ESP control. These test results show a higher value than PRGS's 1999 test result for emissions of mercury as reported by US EPA; however, these test results include no data on facility capacity at the time of testing, and to determine maximum impacts this analysis assumes a scenario that accounts for the wide variability in mercury content among potential bituminous coal supplies.

4. VDEQ and Mirant should provide records describing the nature and scope of the PRGS life extension project that occurred in the 1980's, including all other records describing the nature of modifications at the facility. They also should disclose annual fuel use records and historical emission estimates in order to determine potential violations of Prevention of Significant Deterioration ("PSD") or New Source Review ("NSR") (for the non-attainment pollutants NO_x or VOC) permit requirements.

A modification is subject to PSD review (or NSR review, for non-attainment pollutants like NO_x) if the existing source is major, as is the PRGS, and the net emissions increase of any pollutant as a result of any modification exceeds the prescribed significance level. It seems unlikely that the PRGS has not undergone some physical modifications since its construction in the years between 1949 and 1957.^[5] For example, records suggest that the PRGS underwent a life extension project in the 1980's when its efficiency was declining by about 2 percent per year, a project that may have included the replacement of a superheater.^[6] These modifications may have allowed the facility to increase its capacity over its original rating or to increase its capacity against its baseline capacity at the time of modification. This is a critical point: even if this life extension project only served to boost the PRGS's output back up to its

^[5] "Peppo Studies Mysteries of Power-Plant Longevity," Washington Post, May 23, 1983.

^[6] Ibid.

originally rated capacity, the modification would likely have triggered NSR due to the resultant emission increases. Such emission increases should have been evaluated against the facility's emissions for the two years prior to the modification. A modification at the PRGS facility that triggered PSD or NSR review would have required that the facility install the control technology deemed best and available for the time.[7]

Any boiler and equipment modifications that occurred may have increased the heat input rating of the facility. As stated by VDEQ within the PRGS's current Permit to Operate, dated September 18, 2000, the heat input ratings for boilers 1 and 2 equal 970.1 MMBtu per hour, and the heat input ratings for boilers 3, 4 and 5 equal 960.7 MMBtu per hour, for a total heat input rating of 4,822 MMBtu per hour for the facility. This statement of boiler heat input rating within that permit was likely based on the facility's original, as-constructed heat input. However, the PRGS currently reports a total boiler heat input rate that is approximately 6% greater than the rating VDEQ recognizes, with a total heat input rating of 5,134 MMBtu per hour.[8],[9]

Table 2 shows that the increase in heat input rating as described above would trigger PSD or NSR for at least three criteria pollutants; it is possible that PSD significance levels would have also been triggered for lead, asbestos, beryllium, mercury, vinyl chloride, fluorides, sulfuric acid mist, benzene and arsenic.

Additionally, US EPA records show significant increases in fuel use by the PRGS over a four-year period that may exceed fuel use variations associated strictly with load demands. For example, between 1996 and 2000, the PRGS's consumption of fuel, on an energy input basis, increased from 19.7 million MMBtu per year to 26.1 million MMBtu per year, or about a 30% increase^[10]. Fuel use records and power production records, obtained from the Federal Energy Regulatory Commission and other utility monitoring agencies, should be analyzed before final action on the Consent Decree to determine if physical changes may have occurred at the plant that account for these or other emission increases.

Table 2. PSD and NSR Significance Levels for Selected Criteria Pollutants and Potential Contemporaneous Emission Increases at PRGS Associated with Increase in Heat Rate.

Criteria Pollutant	PSD /NSR Threshold (tons per year)	Contemporaneous Emission Increases at PRGS from Contemporaneous Increase in Heat Rate (tons per year)
Nitrogen Dioxides	25	420
Sulfur Dioxide	40	1600
PM/PM10	25/15	120 / 88

^[8] USEPA eGRID 2002 Version 2.01, www.epa.gov.

^[9] In personal conversation, J. McKie of Virginia DEQ indicated that the DEQ recognizes a lower heat input rating than Mirant does, and the basis for this difference is not completely understood.

^[10] US EPA eGRID.

5. The environmental projects within the Consent Decree do not include several of the recommendations of Mirant's own consultant for reducing fugitive dust impacts. The consent decree should include all of these recommendations, including, but not limited to, (i) maintenance of the coal piles to reduce side slopes and lower the overall height, (ii) covers for ash transport trucks and (iii) an EPA-approved perimeter monitoring program.

The settled dust study proposed in the Environmental Projects of the proposed Consent Decree at PRGS does not qualify as an EPA-approved, *i.e.*, EPA reference, method for determining compliance with the ambient air quality standards for PM₁₀ and PM_{2.5}. While the settled dust may provide useful information concerning fugitive dust at the property line, it will not determine whether PM₁₀ and PM_{2.5} concentrations comply with applicable national ambient air quality standards (NAAQS). The Consent Decree and the downwash study should specify terms by which Mirant will determine through modeling the location of the maximum predicted impacts of PM₁₀ and PM_{2.5}, and demonstrate, with EPA-approved monitors at these locations, compliance with the NAAQS. In addition to the proposed environmental projects, the consent decree should include requirements for ash truck covers and coal pile side-slope and height reduction practices, as set out in Mirant's consultant's report entitled "Fugitive Dust Review" (CH2M Hill, July 20, 2001).

6. The "Protocol For Modeling the Effects of Downwash from Mirant's Potomac River Power Plant" ("Protocol") that responds to the VDEQ Order by Consent is inadequate. The Protocol limits the analysis to less than a full demonstration of the PRGS's impact on the ambient air quality standards. Deficiencies in the proposed modeling analysis that will result in a significant under-estimation of impacts include, but are not limited to, the (i) lack of accounting for wake effects by the very tall and closely-located Marina Towers, (ii) lack of placement of receptors on several close-by residential structures, and (iii) disregard of PM10 and PM2.5 emissions from coal and ash processing.

Mirant is aware that predicted impacts from the PRGS's stacks may be highest in the two to three kilometer range than at the fenceline. In a report to Mirant in July, 2001, CH2M Hill states that "modeling results for boiler stack emissions predict maximum impacts from fly ash will occur north of the plant about 2 to 3 kilometers downwind" and "that predicted maximum concentrations in the immediate neighborhood are less than 0.1 percent of the maximum predicted concentration."^[12]

US EPA-approved procedures for NAAQS compliance demonstrations require that impacts be calculated at all receptors to which the public has access and where the facility's impacts are significant (as defined by significance levels). The grid upon which

^[12] "Fugitive Dust Review," CH2Mhill to Mirant, July 20, 2001.

receptors are placed within Mirant's modeling analysis should extend to this significant impact area for each of the pollutants modeled, likely to be in the range of 10 to 20 kilometers, versus the one kilometer distance that ENSR proposes. Additionally, within its proposed downwash analysis and building profile input calculations, Mirant ignores the very significant influence that the tall and closely-located Marina Towers structure imposes on the wake of the PRGS. The residences located within Marina Tower represent areas to which the public has access. Therefore, flagpole receptors should be defined at heights and locations representative of these residences.

7. The Consent Decree should include terms that constrain PRGS to an annual NOx emission limit in addition to a NOx ozone season limit.

While the Consent Decree currently includes an annual NOx limit for the Mirant System, it includes no annual NOx limit for PRGS. The Consent Decree should establish an annual NOx limit for PRGS, so that NOx budget constraints for the Mirant "system" before the implementation of SCR cannot be met through shifting NOx emissions to PRGS. Furthermore, an annual NOx limit for PRGS is added to insure that Mirant does not increase production from existing levels at the PRGS.

8. Local and regional ozone exceedences occur episodically on days that are hot and, as a result, when power demand is high. It is precisely on these days when the maximum control of emissions of NOx is most important. Therefore, all units at the PRGS should be subject to NOx controls. Also, daily NOx emission limits should be set for the PRGS and the Mirant system as a whole.

Under the Consent Decree, units #1 and #2 go uncontrolled with respect NOx emissions. These units should not be permitted to operate on those days where air quality is forecast to exceed the ozone NAAQS (Code Red days). At the very least, additional NOx controls on these units should be required under the Consent Decree. Specifically, the installation of low NOx burners and SOFA should be required to be installed on units #1 and #2. In the case of PRGS, it is on forecasted high ozone (code red) days when these two units are most likely to be operated, which is why it is important to not allow the units to go uncontrolled with respect to NOx emissions.

9. With the proposed NOx emission controls for Mirant, the Consent Decree does not demonstrate that it will achieve Virginia's SIP requirement.

The permit term that Mirant violated was required by the Virginia SIP as a control measure to achieve compliance with the Washington, D.C., metropolitan area one-hour ozone standard. This proposed Consent Decree relax the PRGS's limits significantly by allowing the PRGS to emit from 731 to 456 more tons of NOx in the ozone season through the years 2010 and beyond. The Consent Decree should require Mirant to demonstrate with ozone modeling that the consent decree proposed NOx rates for the Mirant "system" are more beneficial for Alexandria, Northern Virginia, and the Washington Non-attainment area than requiring that PRGS be constrained to an ozone season NOx limit of 1,019 tons.

The Virginia NOx Budget rule states that "the trading mechanism...allows sources to purchase NOx allowances until such time as they choose to retrofit or replace or shut down older equipment that may not operate as efficiently as new equipment." (*Ibid*) The PRGS is a highly in-efficient plant with stacks that are designed to meet Federal Aviation Administration guidelines in the 1950 time frame, not to meet ambient air quality requirements that the majority of electrical generating facilities in the US are constrained to meet. By allowing Mirant to both use allowances to meet its Virginia emission requirements and to operate outside of the constraints of compliance with the health-based NAAQS and toxic impact guidelines, this draft consent decree provides an unfair market advantage to Mirant over the newer, more-efficient electrical generating facilities that EPA and Virginia should be promoting.

CONCLUSION

For the foregoing reasons, the City of Alexandria contends that the Consent Decree should not be approved in its current form.

**CITY OF ALEXANDRIA
COMMENTS**

**REVISED VIRGINIA STATE IMPLEMENTATION PLAN
DRAFT STATE OPERATING PERMIT
MIRANT POTOMAC POWER PLANT PERMIT**

INTRODUCTION

The City of Alexandria hereby submits its Comments in response to the Public Hearing Notice and request for comments concerning the revision to the Commonwealth of Virginia State Implementation Plan ("SIP") consisting of a portion of a draft State Operating Permit ("SOP") for the Potomac River Generating Station ("PRGS") operated by Mirant Mid-Atlantic, LLC, ("Mirant") and located at 1400 North Royal Street, Alexandria, Virginia. In reviewing the draft SOP, Alexandria's primary interests are (i) the direct, adverse public health and other impacts on the residents of Alexandria from the emissions and related activities of the PRGS, and (ii) within the region, to avoid a disproportionate adverse impact on Alexandria neighborhoods and residents from such activities.

Alexandria is opposed to the implementation of the draft SOP in its present form. As set out in more detail below, there are numerous deficiencies in the draft SOP and the proposed Consent Decree that may have adverse effects on the health and welfare of the residents of Alexandria. The draft SOP fails to ensure that the emissions of oxides of nitrogen ("NOx") from the PRGS will allow the facility to comply with ambient air quality standards. It also relies on assumptions that do not accommodate potential excessive NOx emissions. Further, there is no showing that the PRGS satisfies federal guidelines for air toxic pollutants or reduces as much as possible the fugitive dust from the plant's operations. In addition, there is no clear demonstration that the establishment a Mirant "system" of power plants (*i.e.*, what the proposed Consent Decree describes as System-Wide" for the PRGS and the Morgantown, Dickerson and Chalk Point power plants in Maryland) and the system-wide regulation of NOx emissions will actually achieve the requirements of Virginia's SIP or necessarily result in improved air quality for Alexandria. While it is believed that the system-wide NOx reductions will provide greater air quality benefits for the City of Alexandria and Northern Virginia, DEQ should demonstrate through modeling that these system-wide reductions will provide greater air quality benefits to the City, as well as the region.

This draft SOP should not proceed without a full assessment of the PRGS's comprehensive compliance with air quality requirements.

BACKGROUND

The Mirant PRGS is located in a densely populated urban area, adjacent to the Potomac River and surrounded by and in close proximity to residential communities. It is an outdated coal-fired generating plant that predates the federal Clean Air Act, thereby

avoiding certain requirements intended to promote compliance with air quality standards. The PRGS is highly inefficient with stack heights well below what are usually necessary to satisfy current ambient air quality standards. Mirant also has filed for protection under the bankruptcy laws, an action that raises concerns about its long-term viability and its ability to implement any environmental improvements.

Alexandria has expressed, on numerous occasions, its concerns with the impacts on the surrounding communities and on the city as a whole of such a plant in precisely that location. On June 22, 2004, the Alexandria Mayor and City Council adopted a long term strategy for the cessation of the operations of the PRGS at its current location and for the utilization of the site in a manner more compatible with the city's residential communities. The draft SOP, as well as the proposed Consent Decree, while not directly furthering this strategy, provide the opportunity for Alexandria to promote the implementation of its strategy and the protection of its citizens. For this purpose, Alexandria engaged an independent consultant, Ms. Maureen Barrett of AERO Engineering Services, who, in close coordination with Alexandria's technical staff, has provided the framework for a scientific and technical evaluation of the draft SOP and, as a related matter, the proposed Consent Decree, on which these comments are based.

TECHNICAL COMMENTS

- 1. Screening modeling using estimated plant data shows that the PRGS's air impacts exceed federal and Virginia Ambient Air Quality Standards ("AAQS"). The proposed SOP is deficient because it does not define permit terms that constrain the PRGS to a plant and operating configuration that will necessarily produce compliance with AAQS and the 1-hour NO_x guideline. Therefore, an additional condition should be added to the operating permit that requires that the PRGS comply with all AAQS, including NO_x; in addition, DEQ should withhold issuance of the SOP until after the downwash study, required under the Consent Order, has been completed and any corrective actions have been implemented and have demonstrated AAQS compliance.**

Virginia's regulations for the control and abatement of air pollution state that "ambient air quality standards define levels of air quality which, allowing an adequate margin of safety, are necessary to protect the public health" (9 VAC 5 Chapter 30). Although the PRGS source may have not been required to demonstrate compliance with AAQS at the time of its construction, there should not be a waiver in this situation from the requirement to apply AAQS as the bases for effective and reasonable management of local and regional air resources.

It is likely that for many years and perhaps decades, the PRGS's emissions have far exceeded, and continue to exceed, the allowable ambient levels that Virginia administers as necessary limits for the protection of public health. Table 1 shows the results using US EPA's SCREEN3 to predict the PRGS's maximum impacts of NO_x, PM₁₀ and SO₂ on the surrounding communities using estimated stack and emission

characteristics derived from conversations with DEQ personnel, visual inspection and US EPA data (eGRID). These results show that PRGS's impacts exceed, in most cases by several times, the ambient air quality standards and health-based guideline value for NO_x.¹

It is important to note that these predicted impacts may err on the side of under-prediction because 1) these values do not reflect PRGS's ability to emit more than these assumed values for annual emissions; for example, the facility emitted 7,060 tons of NO_x in 1996 and 5,693 tons in 2000 while Table 1's values reflect 5,000 tons per year of NO_x, and 2) short-term limits will likely be much higher than the assumptions of Table 1 because the proposed State Operating Permit places no constraints on the facility's no short-term limits.

Table 1. Preliminary Screening Model Results of PRGS's Compliance with Health-based 9 VAC 5 Chapter 30's Ambient Air Quality Standards and CAL EPA 1-hour NO_x Guideline²					
Pollutant	Avg. Period	Max. Modeled Conc. (μ/m ³)	Estimated Backgrnd. C onc. (μ/m ³)	Total Conc. (μ/m ³)	Allowable Conc. (μ/m ³)
N02	1-hour (guide.)	4,008 to 10,690			
	Annual	200. to 533.	20.	220 to 553.	100
PM10	24-hour	194. to 518.	50	244. to 568.	150
	Annual	24. to 64.	20	44. to 84.	50
SO2	3-hour	8,943. to 23,877.	150.	9,093 to 24,027.	1300
	24-hour	4,472. to 11,940.	75.	4,547. to 12,015.	365
	Annual	558. to 1,489.	10.	568. to 1,499.	80

It is also likely that for several wind directions the PRGS building itself, or the Marina Towers structure, produce a cavity effect on emissions from the short stacks. For

¹ This analysis includes the NO_x 1-hour guideline to assess compliance with health-based AAQS; for example, Cal EPA and Vermont use a value of 472 micrograms per cubic meter. The California Air Resources Board is currently reviewing this 1-hour guideline value to determine if it adequately protects children.

² **Table 1 Notes:** (a) All values are based on approximate annual emissions from facility based on DEQ and US EPA records (NO_x: 5000 tons, approximated; PM10: 606 tons in year 2003; SO₂: 13,947 tons from year 2000); (b) Range of values derives from two stack height and building height scenarios used in the analysis; one of a 120 foot stack and 90 foot building height; the other a 144 foot stack and 98 foot building; (c) Longer-term values were derived from the 1-hour screening result using US EPA's recommended conversion values; (d) A receptor was placed at a height representative of the higher floors at Marina Towers, *i.e.*, at 80 feet; and (e) All emissions were assumed to occur from one stack; however, for a north-westerly wind direction, which includes Marina Towers in a downwind direction, the stacks are aligned to some extent.

this situation, short-term impacts could be several times greater than those shown in Table 1. Section 123 of the federal Clean Air Act defines Good Engineering Practice stack height as "the height necessary to ensure that emissions from the stack do not result in excessive concentrations of any air pollutant in the immediate vicinity of the source as a result of atmospheric downwash, eddies or wakes which may be created by the source itself, nearby structures or nearby terrain obstacles." The United States Environmental Protection Agency ("EPA") has promulgated regulations that allow one to determine GEP height for a stationary source.³ (40 CFR Part 51.) For PRGS, this GEP height equals approximately 225 feet to 250 feet,⁴ versus the approximately 120 to 140 foot stack in current operation. Thus, each of the stacks at PRGS is approximately 100 feet lower than a stack designed to a height that is necessary to ensure that emissions do not result in excessive concentrations of pollutants in the vicinity of the source.

Mirant should determine the plant and emissions configurations that will allow it to comply with AAQS and the NO_x 1-hour guideline, and the draft SOP should define this configuration as a permit requirement. All configurations should be included as options.

- 2. The air impacts by the PRGS's toxic air emissions may exceed federal guidelines. The draft SOP should define permit terms that constrain the PRGS to a plant and operating configuration that ensures that the facility's toxic emissions will comply with the most protective health-based concentration criteria available.**

Virginia DEQ uses the worker-based threshold limit values defined by the American Conference of Governmental and Industrial Hygienists as a basis, and scales these to define ambient guideline levels for impacts of air toxic pollutants (9VAC5-60-230. "Significant Ambient Air Concentration Guidelines," dated June 14, 2004). However, many states and US EPA use more protective health-based guidelines based on the Integrated Risk Information System and the Reference Concentrations that derive from it.⁵ DEQ and Mirant should determine the plant and emissions configurations that will allow the PRGS to comply with the most protective health-based concentration criteria available, and the draft SOP should define this configuration as a permit requirement. DEQ and Mirant should also use the more conservative concentrations as part of downwash study Mirant is required to undertake as part of the downwash Consent Order.

- 3. The environmental projects within the draft SOP do not include several of the recommendations of Mirant's own consultant for reducing fugitive dust impacts. The draft SOP should include all of these recommendations,**

³ "New Source Review Workshop Manual, Prevention of Significant Deterioration and Non-attainment Area Permitting," US EPA, October, 1990.

⁴ Without access to exact building dimensions one cannot properly calculate GEP height; however this value is a fair representation of value of GEP height based on a building height in the 90 to 100 foot range.

⁵ Office of Research and Development, National Center for Environmental Assessment, US EPA.

including, but not limited to, (i) maintenance of the coal piles to reduce side slopes and lower the overall height; (ii) covers for ash transport trucks; and (iii) an EPA-approved perimeter monitoring program.

The settled dust study proposed in the Environmental Projects of the proposed Consent Decree at PRGS does not qualify as an EPA-approved, *i.e.*, EPA reference, method for determining compliance with the ambient air quality standards for PM₁₀ and PM_{2.5}. While the settled dust may provide useful information concerning fugitive dust at the property line, it will not determine whether PM₁₀ and PM_{2.5} concentrations comply with AAQS. The draft SOP and the downwash study should specify terms by which Mirant will determine through modeling the location of the maximum predicted impacts for each of PM₁₀ and PM_{2.5}, and demonstrate, with EPA-approved monitors at these locations, compliance with the AAQS. In addition to the proposed environmental projects, the draft SOP should include requirements for ash truck covers and coal pile side-slope and height reduction practices, as set out in Mirant's consultant's report entitled "Fugitive Dust Review" (CH2M Hill, July 20, 2001).

- 4. The original Possum Point power plant in Northern Virginia is similar to the existing PRGS facility. Its size was approximately 500 MW, all units were coal-fired, and all units were constructed in about 1965 or earlier. The Possum Point plant has since been converted from a coal-fired plant to an efficient gas-fired plant, in part due to a settlement with the Department of Justice and US EPA to resolve charges that the operator failed to obtain a New Source Review ("NSR") permit for the facility (economizer and drafting) upgrades. Before approval of the proposed Consent Decree related to this draft SOP, Mirant should provide to DEQ fuel use and other pertinent records since approximately 1985 to establish that no physical changes were performed which resulted in emissions increases or otherwise triggered NSR requirements. This draft SOP should not go forward before a full assessment has been made of the PRGS's compliance with all air quality requirements.**

Possum Point in Northern Virginia, operated by Virginia Power, converted to natural gas as part of its NSR violation settlement⁶. As part of that settlement, the facility will also install SCR on eight of its plants, resulting in reductions of NO_x of 60,400 tons. Its penalties included a 5.3 million dollar civil penalty, and 13.9 million dollar required expenditure on environmental projects. The PRGS facility is a similarly-aged and similarly-sized facility to the original Possum Point facility. It does not seem likely that PRGS has not undergone some physical modifications since its construction date. These modifications may also have allowed it to increase its capacity and should therefore be assessed against New Source Review thresholds. For example, EPA records show that the facility's annual heat input increased between 1996 and 2000 from 19.7 million MMBtu per year to 26.1 million MMBtu per year, about a 30% increase [US EPA, eGRID]. Before issuing the SOP, DEQ, EPA and Department of Justice should review fuel use and power production records and other pertinent records to determine if

⁶ "Fact Sheet, Virginia Electric Power Company, Clean Air Act Civil Settlement," April, 2003, www.epa.gov/compliance/resources/cases/civil/caa.

physical changes occurred at the PRGS that could account for these or any other emission increases.

5. With the proposed NOx emission controls for Mirant, the draft SOP does not demonstrate that it will achieve Virginia's SIP requirement.

The permit term that Mirant violated was required by the Virginia SIP as a control measure to achieve compliance with the Washington, D.C. metropolitan statistical area one-hour ozone standard. This proposed SOP and the related Consent Decree relax the PRGS's limits significantly by allowing the PRGS to emit from 731 to 456 more tons of NOx in the ozone season through the years 2010 and beyond. DEQ should require Mirant to demonstrate with ozone modeling that the draft SOP's proposed NOx rates for the Mirant "system" are more beneficial for Alexandria, Northern Virginia, and the Washington Non-attainment area than requiring that PRGS be constrained to an ozone season NOx limit of 1,019 tons.

The SOP should establish an annual NOx limit for PRGS, so that NOx budget constraints for the Mirant "system" before the implementation of SCR cannot be met through shifting NOx emissions to PRGS.

The Virginia NOx Budget rule states that "the trading mechanism... allows sources to purchase NOx allowances until such time as they choose to retrofit or replace or shut down older equipment that may not operate as efficiently as new equipment."⁷ The PRGS is a highly in-efficient plant with stacks that are designed to meet Federal Aviation Administration guidelines in the 1950 time frame, not to meet ambient air quality requirements that the majority of electrical generating facilities in the US are constrained to meet. By allowing Mirant to both use allowances to meet its Virginia emission requirements and to operate outside of the constraints of compliance with the health-based AAQS and toxic impact guidelines, this draft SOP provides an unfair market advantage to Mirant over the newer, more-efficient electrical generating facilities that Virginia should be promoting.

6. The modeling analysis proposed in the Consent Order should include a thorough assessment of compliance with toxic pollutants, including the metals, organic compounds and acid gases emitted by coal-combustion and acid gases, and PM_{2.5}.

Currently, the modeling analysis proposed by Mirant includes only an assessment of ambient air impacts of SO₂, NO₂, CO, PM₁₀ and mercury. The EPA's AP-42 (Compilation of Air Pollutant Emission Factors, Fifth Edition, Volume I, September, 1998) shows that bituminous coal combustion is associated with high emissions of metals (arsenic, cadmium, lead, antimony, selenium, manganese, beryllium, cobalt, chromium), acid gases (hydrogen chloride and hydrogen fluoride) and organic compounds (dioxins, furans and poly-aromatic hydrocarbons). These should all be assessed against health-

⁷ Ibid.

based allowable ambient levels that are determined to be the most-protective standards available.

The modeling analysis also does not propose a demonstration with $PM_{2.5}$ standards. Although DEQ has not defined procedures for showing compliance with this standard, this does not provide Mirant relief from the requirement of demonstrating that the facility will not contribute to a violation of this standard. Mirant should propose their own method for predicting their impact on $PM_{2.5}$ ambient concentrations. At a minimum, Mirant can propose a Gaussian dispersion model to estimate the impact of the primary component of $PM_{2.5}$, and make a best engineering estimate of the secondary component of the $PM_{2.5}$ based on the source category's composition of profiles at receptors (see "Guidance for Demonstrating Attainment of Air Quality Goals for $PM_{2.5}$ and Regional Haze," Draft, Jan. 2, 2001, US EPA).

- 7. The air quality compliance demonstration by the PRGS should be as rigorous as the demonstration of compliance that is required of any new facility. Therefore, Mirant should include major sources plus background sources in determining compliance with standards. It should also include the coal yard (coal and fly ash fugitive and point emissions in the coal yard, i.e., baghouses on silos) within the PM_{10} and $PM_{2.5}$ compliance demonstration.**

Currently, Mirant does not propose that interacting sources be included within its modeling demonstration. The significant impact area of the PRGS for each of the modeled pollutants should be determined, and any major source within that significant impact area should be included as an interacting source within the PRGS compliance demonstration. The coal and ash yards' fugitive and point sources (baghouses on silos, for example) should also be included in the PM_{10} and $PM_{2.5}$ modeling analysis. Model impacts should be predicted to the extent of the PRGS's significant impact area for each pollutant.

- 8. Local and regional ozone exceedences occur episodically on days that are hot and, as a result, when power demand is high. It is precisely on these days when the maximum control of emissions of NO_x is most important. Therefore, all units at the PRGS should be subject to NO_x controls. Also, daily NO_x emission limits should be set for the PRGS and the Mirant system as a whole.**

Under the proposed SOP and Consent Decree, units #1 and #2 go uncontrolled with respect to NO_x emissions. The City believes these units should, therefore, not be permitted to operate on those days where air quality is forecast to exceed the ozone AAQS (Code Red days). This is the City's preference; in the alternative, additional NO_x controls should be required in the SOP and Consent Decree. Specifically, the installation of low NO_x burners and SOFA should be required to be installed on units #1 and #2 of the PRGS. In the case of PRGS, it is on forecasted high ozone (code red) days when these two units are most likely to be operated, which is why it is important to not allow the units to go uncontrolled with respect to NO_x emissions.

In addition, as mentioned, ozone exceedences are episodic in nature. As a result of the use of seasonal caps, there is no NOx emissions limit on those days when NOx control is most needed and important. Therefore, the SOP and the consent decree should establish and require daily NOx emission limits for PRGS and the Mirant system derived from the proposed seasonal limits.

CONCLUSION

For the foregoing reasons, the City of Alexandria contends that the draft SOP should not be issued in its current form.

Statement of Michael E. Hobbs
on behalf of the
Old Town Civic Association
Planning Commission
November 4, 2004

Special Use Permit #2004-0089
Special Use Permit #2004-0090

Mirant Potomac River Generating Station

Thank you, Chairman Wagner and members of the Commission. I am Michael Hobbs, President of the Old Town Civic Association, and I thank you for this opportunity to share our views on the proposed revocation of the Mirant Power Plant's Special Use Permits.

We support the recommendation of the City Attorney that you revoke the existing SUPs for the administrative building and the Traffic Management Plan for the Mirant Potomac River Generating Station in north Old Town.

You had this proposal before you last month, when you considered and acted on the recommended text amendment, but did not consider the SUPs because of insufficient notice. We submitted a statement on the SUPs at that time, which you have in your record.

In the intervening month, we have not heard anything in testimony before you or the City Council which changes our view on the proposal now before you.

It is conceivable that the actions taken in response to the consent decree, and the results of the "downwash" and "soiling" studies, could lead City Council ultimately to conclude that any threat to the public health and safety in Alexandria is insignificant, or has been removed. Given what we know now, however, that seems highly improbable—and whatever the probability is, the Council and Planning Commission should not gamble the public health against a speculative outcome. The City needs to have every possible legal and regulatory tool at its command to ensure the outcome that it can protect the public health to the maximum extent possible. Reclassifying the plant to nonconforming use status, and revoking its existing special use permits, are important and perhaps essential means to that end, and should be adopted.

Thank you for your consideration.

**Statement of Ernest Lehmann, resident of Alexandria
and member of the Board of NOTICE before the
Planning Commission December 7, 2004**

My Name is Ernest lehmann and I reside at 621 N. Saint Asaph Street approximately ½ mile south of the Mirant Potomac River Generating Station (PRGS). I am also a member of the board of NOTICE, North Old Town Independent Citizens Association.

I am here to urge you to revoke the Special Use Permits that were granted to the Mirant Corporation. This plant must be closed as soon as possible – even before the seven year period normally granted in situations such as this.

And now a little story:

The Story of Mike Mirant

Corporations have fought long and hard to be treated as if they were persons under the Constitution. They were successful – so much so that they are now granted certain rights – especially rights under the Bill of Rights. So let's treat the Mirant Potomac River Generating Station just like a person and call him Mike Mirant.

Mike Mirant first reported for work around 1949. Even then he was smelly, dirty, messy but he had a good sense of humor and had a lot of energy and so people put up with him. They just overlooked his major deficiencies.

This went on much longer than anyone could imagine. Decades.

After many years people of Alexandria started looking more closely at Mike and asking themselves, "Is it really necessary to keep him around?"

Well let's look at him as a present day employee. He has gotten a lot older and lost his sense of humor. Though he does report to work on time, he is messier than ever. Dust and dirt accompany him. He always leaves his lights on at night when he leaves the office. And these lights glare into the

surroundings. When he works in the evening he regularly makes so much noise that it wakes people up who are trying to sleep.

It turns out that Mike Mirant is a scofflaw and always in trouble with the law. He was just fined \$12.5 million for making illegal bets. When the work that Mike Mirant did was placed under close scrutiny it was determined that he was breaking many laws and violating many regulations and as a result was the causative factor in harming the citizens' health and in some cases causing them to die. Mike has been counseled repeatedly about his deficiencies and he always promised to improve. These were empty promises.

The EPA police even cited him with serious behavior problems and he assured them that he would mend his ways. He didn't. He went on to try to convince us how useful and even how necessary he was – but the truth is he is not necessary nor needed any more. The general consensus was and is that it would be much nicer here in Alexandria with Mike Mirant gone.

Let's pretend that you are his boss. As his boss how long would you have tolerated his behavior? A week? A month? 6 months? Certainly not more than that! The question is if Mike Mirant were a flesh and blood employee would you have dismissed him? Isn't it way past the time to give him his severance papers? Donald Trump has the right line for Mike, "You're Fired!"

The League of Women Voters of Alexandria
Testimony on the ~~text amendment~~ Mirant Plant
December 7, 2004
Planning Commission Public Hearing

Good evening. I'm Lillian J. White, co-president of the League of Women Voters of Alexandria. The League of Women Voters of the U.S. and local Leagues' across the country support measures to control pollutants from mobile and stationary sources since the 1960s. Alexandria's League recently reaffirmed its commitment to its position on Air Quality.

We support the adoption of the text amendment revoking the Mirant Potomac River Coal Power Plant's special use permits 2296 and 2297.

Our research shows that this power plant located on Alexandria's waterfront is the number one stationary source of air pollution in our city.

We believe, Mirant has not complied with federal and state environmental regulations. Its persistent pattern of noncompliance, 8 out of 8 quarters in a 2 year reporting period violated the Clean Air Act and its designation as a High Priority Violator warrants revoking its special use permits. Mirant has not been a friendly neighbor.

Indeed, the plant was cited for excessive emissions of Nitrogen Oxide, (NOx) a component of ground level ozone by the state, the Department of Environmental Quality last year. The notice of violation was based on Mirant's own monitoring report of 2,139 tons of NOx emissions, 1,120 over the 1,019 state standard. In January, this year, the plant was cited by the Environmental Protection Agency, EPA.

On top of this, the state of Maryland and the United States on behalf of the EPA and the Justice Department filed a joint complaint against Mirant and the Commonwealth for violations at this plant asking for injunctive relief and civil penalties. Virginia's code allowed the Commonwealth to intervene. So, Virginia as we know became the intervenor plaintiff against Mirant.

Mirant denies any violations. But agrees to the Court consent decree.

For Alexandrians' the consent decree is simply not a fair deal. It is not a fair deal that federal and state officials agreed to increase the plant's NOx levels from the Virginia state standard of 1,019 to 1,750 tons during the 2004 ozone season to compensate for Mirant's Maryland plants excessive emissions. It's absurd that the parties settled for a benchmark of 2,600 tons, a violation that occurred in 2002, to calculate emissions instead of the Virginia state standard of 1,019 or below. Two thousand six hundred is 1,581 tons above the current Virginia standard. It is not a fair deal that federal and state officials accepted civil penalties for the plant's violations which are far less than 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. The state of Maryland should have and should be encouraged by DEQ and EPA to issue permits, write statutory regulatory or other

enforceable obligations for Mirant's plants across the river to reduce excessive NOx and other toxic emissions. Tell Maryland to take responsibility, not just dump on Alexandria.

On top of this, it is not a fair deal that particulate matter 2.5, which is the most harmful to children and adult's health is not included in the proposed Virginia state operating permit. Alexandria is not being treated fairly.

When the Clean Air Act was enacted in the 1970s it was assumed that older coal power plants such as Mirant would close after the 30 year projected life and be replaced by cleaner new plants. Obviously, this did not happen. So, this plant still operates after 50 years and has not been required to install the maximum achievable control technology to combat air pollution or use best practices on the coal pile or transport of coal and flyash through our city.

Excessive NOx emissions, particular matter 2.5 and toxic metal emissions, each one is a very serious matter, all are a very very serious matter. These dirty conditions and the plant's short smokestacks, shorter than most plants because of its nearest to Reagan National Airport, causes the plume to hover over our city and downwash on the nearest residence to the plant.

On top of this, this dirty plant on Alexandria's waterfront provides power for D.C. and Maryland. Mirant then sells wholesale. In other words, Alexandria gets the pollutants while D.C. and others get the power from this old, dirty plant on Alexandria's waterfront.

We strongly support the city's proposed land use regulation: the adoption of the text amendment revoking the plant's special use permits 2296 and 2297 and we also supported the revoking of the noncomplying use status. This use is not a compatible use with nearby residential areas, Alexandria's waterfront, or Alexandria. It is a heavy industrial use. As studies have shown, emissions from this 50 year old coal power plant are harmful to our health. Mirant has not been a friendly neighbor. It should go away. We will all breath easier.

Thank you for the opportunity to comment on this very serious matter. Thank you for your leadership on this serious matter.

**Sincerely,
Lillian J. White
co-president League of Women Voters of Alexandria
703.980.0748
119 West Mason Avenue
Alexandria, VA 22301**

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ALEXANDRIA PLANNING COMMISSION/CITY COUNCIL

My name is Judith Cooper, I live at Marina Towers, 501 Slaters Lane. I am a personal trainer specializing in exercise for people with Parkinson's disease. I am interested in this issue before the commission because I am personally affected by the plant. I am speaking in support of the City of Alexandria's proposal to revoke the special use permits for the Mirant Potomac River Generating Station.

My unit is on the tenth floor facing the Mirant plant. The dirt and noise from the plant has dramatically increased in the past few years. Many nights I am awakened between 1 and 2 a.m. by the loud release of steam from the plant, which I hear thru double paned windows with black out shades and shoji screens. Also because I work with people who are suffering with a chronic disease that is linked to exposure to environmental toxins, I was extremely concerned when I learned of the high levels of mercury emitted by the plant.

However, I am actually here to speak for my husband whose health is directly affected by the plant. I would like to read his statement. *attached*

This plant was not expected to last this long. It is operating under old standards in a densely populated area. We will all breath easier when this plant is closed.

Thank you for your concern and the time you have spent on this issue.

December 7, 2004

ROBERT G. HULL
501 SLATERS LANE, APT. 1010
ALEXANDRIA, VA 22314-1118

DECEMBER 5, 2004

I AM A CONSULTANT AND MY WORK IS LOCATED IN RICHLAND, WASHINGTON. THE REGION IS IN THE HIGH DESERT AREA OF WASHINGTON STATE.

STARTING IN JANUARY 2002, I HAVE SPENT AN AVERAGE OF TWO WEEKS A MONTH ENGAGED IN MY CONSULTING WORK THERE.

EACH TIME I AM THERE, MY CHRONIC BRONCHITIS CLEARS UP. WITHIN 72 HOURS OF MY RETURN HOME, MY EYES ARE BURNING, I AM WHEEZING, SNEEZING AND COUGHING.

THERE HAS BEEN A MARKED INCREASE IN THE INTENSITY OF MY SYMPTOMS OVER THE PAST TWO YEARS.

WE HAVE BOUGHT 3 SPECIAL AIR FILTERS IN ORDER TO REDUCE THE EFFECTS OF THE PLANT EMISSIONS WITHIN OUR APARTMENT.

ON DECEMBER 4, 2004, I RETURNED HOME AND IN THE EVENING ABOUT 5:30 PM MY WIFE AND I WENT OUT ON OUR BALCONY TO WATCH THE ALEXANDRIA CHRISTMAS BOAT REVIEW. AFTER A HALF HOUR MY LUNGS WERE IRRITATED, MY EYES WERE BURNING, I WAS SNEEZING AND COUGHING.

ALMOST EVERY EVENING WHEN I AM HOME, IMMEDIATELY AFTER SUNSET, I OBSERVE NUMBER TWO & THREE STACKS (COUNTED FROM MARINA TOWERS) POURING OUT HEAVY DARK SMOKE.

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 employes. 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 14th 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.

**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 th	thick black smoke	4Pm-7PM
2. June 17 th	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

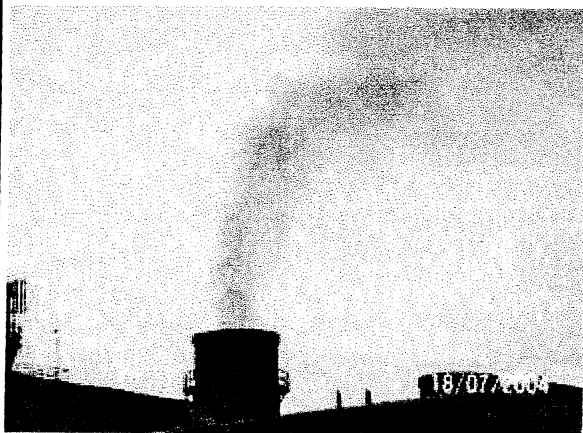
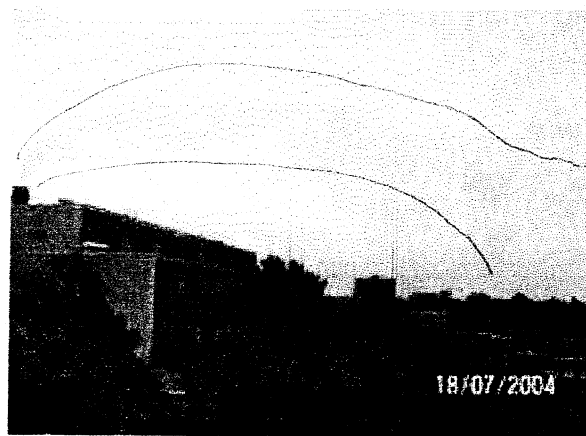
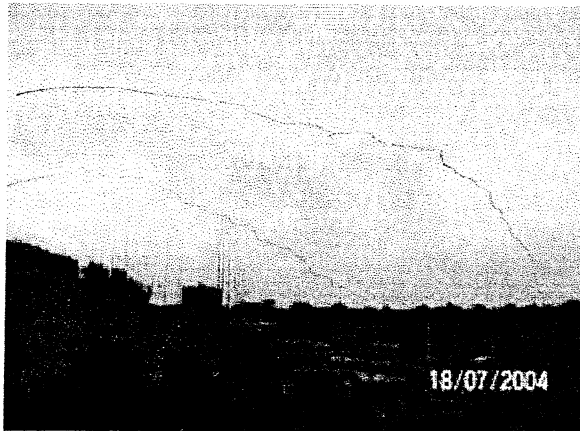
* description, time of incident and duration are as noted on my wall calendar and are only approximate. I mean, I'm not going to watch and time them. I do have a life. Some incidents aren't noted because I just got used to seeing it and didn't have time to write it down. It's only when I am home -which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



Pictures of Mirant Plant on a recent Sunday

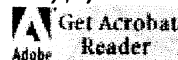
Thanks Bruce!!

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



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

Clean-air cops handcuffed

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

By MARK CLAYTON
STAFF WRITER

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



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 20th century occurred in the 1990s, with 1998 the hottest year since reliable temperature measurements began.
- The global sea level has risen about three times as fast in the past century as in the previous 3,000 years.
- At least 279 species of plants and animals are already responding to global warming, at times changing their geographic range or shifting their spring events earlier by an average of two days per decade.
- The 1986-95 period was not only southern Africa's warmest decade this century, it was also its driest.

Sources: Union of Concerned Scientists; Nature; University of East Anglia

GLOBAL WARMING

A cold, hard look at a telltale region

By PETER N. SPOTTS
STAFF WRITER

SEATTLE

Earth's polar regions are considered the telltales, the canaries in the coal mine, for global warming. As the atmosphere heats up, the poles are expected to feel the effects first.

Yet, even as these effects become apparent, scientists are still trying to uncover the factors that drive them. Now, they're laying the foundation for a two-year international assault on the regions, set to begin in 2007. Researchers will gather data on past and current changes and the processes that govern them. And they will leave behind a network of sensors in key locations that will monitor future changes.

The scientists are driven by the knowledge that polar regions are responsible for up to 30 percent of global climate change. Thus, what happens at the opposite ends of



SUBHANKAR BANERJEE/AP/FILE

Center and a member of the US coordinating committee for the 2007 IPY.

ARCTIC MELT:
A rise in temperature

What in the world

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 (SO₂), 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 EPA lawsuits and investigations involving clean-air violations, critics say. "We were told to stop investigating," says Bruce Buckheit, former director of EPA's air-enforcement division, who says he resigned last year when it became clear there would be no aggressive enforcement. "My boss informed me. But the decision was made over his head.... It would have had to have been cleared by White House."

The EPA investigation started after Mr. Buckheit read a 1996 newspaper article about soaring coal sales. Coal-fired power plants represent the largest single source of regulated pollutants in the United States. At the time, Americans were consuming record amounts of coal, yet the EPA had received few

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?

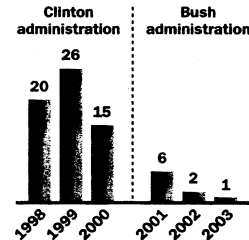
The signal came in the EPA's "reform" of an obscure rule called "new source review" (NSR), says John Suarez, a Bush appointee and the EPA's assistant administrator for enforcement and compliance assurance until he resigned in January. NSR requires that a company seek an EPA permit if it wishes to modify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

Prosecutions under the Clean Air Act

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.)



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 do more than is required, and there are serious market-imposed sanctions for those who do less."

Enforcement also remains vital, adds EPA spokesman John Millett. He cites 67 clean-air cases referred to the Justice Department in 2004, compared with 49 in 2003. He says that notices of violation - often a precursor to a settlement action or lawsuit - were filed with three more utilities this year, each involving NSR concerns. One NSR suit was filed.

The NSR rule change in August 2003 had an immediate effect. "We had, at one point, 20 different companies that were seriously interested in settling," Buckheit says. "But when they got the word that they weren't going to be prosecuted, they walked away from the table."

As a result, power plants pump at least 1.75 million tons of SO₂ 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 SO₂ 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 reward this company for violating the law," says Mary Harris, a retiree from Virginia who lives in a 14th-floor condo 300 feet from the Potomac River plant. "The settlement actually allows this plant next door to me to emit a lot more NOx, not less, for the next five years. After that, who knows?"

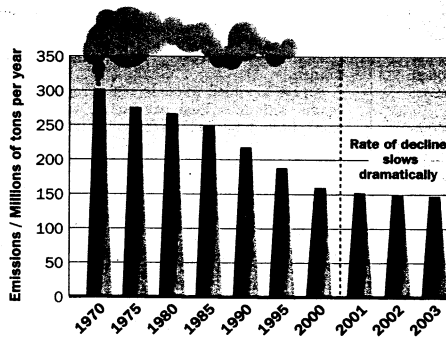
But regionwide, NOx emissions will fall, says a Mirant spokesman. "This deal is enabling us to reduce our NOx by 65 percent over seven years from our four plants. It has enabled us to significantly reduce our emissions while allowing us to invest capital in the most efficient way."

Some critics see the Mirant case as a portent of future problems if enforcement continues to be weakened. Next year, the EPA plans to unveil its market-based cap-and-trade rules, similar to a successful market-based plan to curb acid rain.

"There's a real risk that if you just let the market rule, you can't enforce the law," Buckheit warns. "It's not clear that these things in future will be as painless as the administration says."

Air pollution

America's air is cleaner than ever, but the rate of decline in six key pollutants has slowed dramatically during the Bush administration.



Source: US Environmental Protection Agency

SCOTT WALLACE - STAFF

on the horizon

MARATHONERS AT A REALLY EARLY AGE
About 2 million years ago, humans

selection for running - which came at the expense of the historical ability to

was a byproduct of the human ability to walk. Humans are poor sprinters compared with other running animals, which is partly why many scientists have dis-

critical infrastructure can withstand a temblor. Researchers at four labs hope their findings will help engineers devise stronger power lines, telecommunications

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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. **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

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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

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MOUNT VERNON GROUP

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



Chair
Alexandria Planning and Zoning Commission
City of Alexandria
301 King Street,
Alexandria, VA 22314

Subject: Request for the Revocation of Special Use Permits No. 2296 and No.2207 for the Mirant Potomac River Generating Station (PRGS).

Dear Chair and Members of the City of Alexandria Planning and Zoning Commission:

Thank you for the opportunity to comment on the proposed Revocation of Special Use Permits No. 2296 and No.2297 for the Mirant Potomac River Generating Station (PRGS). We speak on behalf of over 5,000 Sierra Club members across northern Virginia, including the city of Alexandria.

First, we would like to thank the members of the city Planning Commission for your recent vote to revoke the noncomplying use status of the Mirant PRGS.

The PRGS is a large point source of many harmful pollutants, including fine particulate matter, NO_x, SO₂, 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 PRGS is in violation of Federal Law. In the summer of 2003, it violated the Clean Air Act by exceeding its permitted amount of NO_x 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 PRGS 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 supports the City of Alexandria's proposal to revoke these two special use permits and urges the members of the Planning Commission to also support the proposal. Furthermore, the Mount Vernon Group continues to believe

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that the best long-term solution for the residents of Alexandria is a complete shutdown of the Mirant PRGS.

We deserve clean air today.

Sincerely,

Ana Prados
Conservation Chair, Mount Vernon Group
Virginia Chapter of the Sierra Club
8339 Moline Place,
Springfield, VA 22153
Email: ana_prados@yahoo.com
Phone: 703-455-4374

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

Meeting of the Alexandria Planning Commission
December 7, 2004

For some time, the Planning Commission has been trying to improve the Alexandria waterfront. As planners, we all know the waterfront development in Alexandria that occurred after World War II was largely industrial, as in many other cities throughout the country. Since that time, many of these activities have been moving out, being replaced with residencies and offices. In Richmond, the downtown power plant is now being converted to condominium units.

Certainly, in line with this trend and your policies in the past related to the waterfront, we all could support the Special Use Permit that was given to the Power Plant in 1989. But, this permit has been violated since it should be operated in a manner which would not ". . . render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or glare."

We know it has not only been in violation of federal standards, but has had a tremendous impact on neighboring residential areas.

It has been generating emissions that have caused serious health problems in the area.

The noise disturbs the neighborhood. Bringing in coal on the railroad has brought disturbances in many residential areas at night.

It certainly is in the wrong location since it can't build stacks to their appropriate height because it is in the flight path related to National Airport.

It is not essential to the production of electricity since it only produces 1% of the requirements of the area. The area it serves can provide appropriate service by outlying plants by adjusting the distribution network.

I think the nice thing about making this a non-conforming use is that it gives the plant the time to depreciate its investment and develop other appropriate remedies for their electrical demands.

Alan M. Voorhees, AICP, F

12/7/04 Planning Commission

Docket Item # 8

Resocations of SLP # 2004 - 0089

Elizabeth Cimento

1200 N. Pitt St.

Mr. Chairman,

Members of the Planning Commission:

I come before you tonight to support the City Attorney in revoking these two Special Use Permits held by the Mirant Power Plant.

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

The City's consultant has now established that Mirant's pollution emissions far exceed EPA's and VAQEQ's standards to protect the public health:

- This plant exceeds NO_x , SO_2 , PM_{10} and $\text{PM}_{2.5}$ standards.
- Near the plant, exceedances of up to 40 times the standards for SO_2 , NO_x + PM_{10} are occurring.
- This plant exceeds mercury emissions by up to 1000% the chronic inhalation concentration that EPA considers safe.
- A preliminary study shows Marina Towers is affected by downwash from the plant.

This means that an undiluted
pollution plume is hitting residents
on the upper floors of Marina Towers.
The cause of the downwash is the plant's
short stacks, 125 ft. less than
recommended for Good Engineering
Practice in erection of stack heights.

Because of these earlier and the recently
identified greater excessive emissions from
the plant, I urge you to revoke the Special
Use Permits to help the city uphold its
responsibility to protect the health of its
residents.

Thank you and I commend the
Planning Commission for passing the earlier
text amendment.

Elizabeth Clements

VALUOUS -

SPARKER'S COMMENTS
FOR RECORD.

December 7, 2004

To: Planning and Zoning Commission

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 Rochester¹ 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_{2.5} 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 lungs². 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.

¹ 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.

² "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.

APPLICATION for SPECIAL USE PERMIT # 2004-0089

[must use black ink or type]

PROPERTY LOCATION: 1300x 1400 N. Royal St.

TAX MAP REFERENCE: _____ ZONE: _____

APPLICANT Name: City of Alexandria, City Atty Office

Address: _____

PROPERTY OWNER Name: Mixart Potomac River Generating

Address: Station

PROPOSED USE: Revocation of sup # 2296

THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301(B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Planning Commission or City Council in the course of public hearings on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

Print Name of Applicant or Agent

Signature

Mailing/Street Address

Telephone #

Fax #

City and State

Zip Code

Date

===== **DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY** =====

Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: 12/7/2004 RECOMMEND APPROVAL 7-0

ACTION - CITY COUNCIL: 12/18/2004 City Council approved 7-0 w/modifications

PLANNING COMMISSION ACTION: RECOMMEND APPROVAL 7-0

City Council approved the Planning Commission recommendation for items 9 and 10, with the conditions that: 1. the revocation take effect 120 days after City Council action in this matter in order to give the Plant operator a reasonable opportunity to file the necessary special use permit applications as determined by the Director Planning and Zoning to bring the Plant into compliance with the Zoning Ordinance provisions currently in effect if such applications are approved; 2. that in the event such SUP applications are filed within the 120 day period, the effective date of the revocation shall be stayed until final decision by the City Council on such applications; 3. that in the event such SUP applications are approved by the City Council, the revocation of the 1989 special use permits should be dismissed as moot without further action by the Council; 4. that in the event such SUP applications are not approved by the City Council, the revocation of the 1989 special use permits shall forthwith become effective on and the power plant use shall be categorized as an illegal use from and after the final decision by the City Council on such applications.
Council Action: _____

ORDINANCES AND RESOLUTIONS

11. Public Hearing, Second Reading and Final Passage of an Ordinance to Revoke the Noncomplying Use Status of Coal Fired Power Plants, and to Categorize Such Uses as Nonconforming Uses, Subject to Abatement. (#22, 12/14/04)
(ROLL-CALL VOTE)

City Council passed the ordinance (Ord. 4366)

Council Action: _____

12. TEXT AMENDMENT #2004-0009
Public Hearing and Consideration of a text amendment to Section 11-511 of the Zoning Ordinance to authorize the Director of P&Z to approve, as a minor amendment to an existing special use permit, a temporary extension in the hours of operation of a business, to coincide with the hours of operation of a City-sponsored program or event in which the business is participating.
Applicant: City of Alexandria

PLANNING COMMISSION ACTION: RECOMMEND APPROVAL 7-0

City Council approved the Planning Commission recommendation.

Council Action: _____

13. MASTER PLAN AMENDMENT #2004-0001
1323 DUKE STREET
BEASLEY SQUARE
Public Hearing and Consideration of a request to amend the Old Town Small Area Plan chapter of the Master Plan to change the land use designation from

10
APPLICATION for SPECIAL USE PERMIT # 2004-0090

[must use black ink or type]

PROPERTY LOCATION: 1300 + 1400 N. Royal St.

TAX MAP REFERENCE: _____ ZONE: _____

APPLICANT Name: City of Alex. - City Atty. Office

Address: _____

PROPERTY OWNER Name: Mirast Potomac River Generating Station

Address: _____

PROPOSED USE: Revocation of SUP # 2297

THE UNDERSIGNED hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301(B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Planning Commission or City Council in the course of public hearings on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

Print Name of Applicant or Agent

Signature

Mailing/Street Address

Telephone #

Fax #

City and State

Zip Code

Date

===== **DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY** =====

Application Received: _____

Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: 12/7/2004 RECOMMEND APPROVAL 7-0

ACTION - CITY COUNCIL: 12/18/2004 City Council approved 7-0 with modifications

PLANNING COMMISSION ACTION: RECOMMEND APPROVAL 7-0

City Council approved the Planning Commission recommendation for items 9 and 10, with the conditions that: 1. the revocation take effect 120 days after City Council action in this matter in order to give the Plant operator a reasonable opportunity to file the necessary special use permit applications as determined by the Director Planning and Zoning to bring the Plant into compliance with the Zoning Ordinance provisions currently in effect if such applications are approved; 2. that in the event such SUP applications are filed within the 120 day period, the effective date of the revocation shall be stayed until final decision by the City Council on such applications; 3. that in the event such SUP applications are approved by the City Council, the revocation of the 1989 special use permits should be dismissed as moot without further action by the Council; 4. that in the event such SUP applications are not approved by the City Council, the revocation of the 1989 special use permits shall forthwith become effective on and the power plant use shall be categorized as an illegal use from and after the final decision by the City Council on such applications.

Council Action: _____

ORDINANCES AND RESOLUTIONS

11. Public Hearing, Second Reading and Final Passage of an Ordinance to Revoke the Noncomplying Use Status of Coal Fired Power Plants, and to Categorize Such Uses as Nonconforming Uses, Subject to Abatement. (#22, 12/14/04)
(ROLL-CALL VOTE)

City Council passed the ordinance (Ord. 4366)

Council Action: _____

12. TEXT AMENDMENT #2004-0009
Public Hearing and Consideration of a text amendment to Section 11-511 of the Zoning Ordinance to authorize the Director of P&Z to approve, as a minor amendment to an existing special use permit, a temporary extension in the hours of operation of a business, to coincide with the hours of operation of a City-sponsored program or event in which the business is participating.
Applicant: City of Alexandria

PLANNING COMMISSION ACTION: RECOMMEND APPROVAL 7-0

City Council approved the Planning Commission recommendation.

Council Action: _____

13. MASTER PLAN AMENDMENT #2004-0001
1323 DUKE STREET
BEASLEY SQUARE
Public Hearing and Consideration of a request to amend the Old Town Small Area Plan chapter of the Master Plan to change the land use designation from

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 Wand, 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_{2.5}). The City is focusing on NO_x instead, which is a regional, not a local issue. The Mirant Power Plant "is likely the single largest contributor to PM_{2.5} 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_{2.5} be lowered from 15µg/m³ to as low as 12µg/m³, 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 stacks¹ (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.

¹ 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's² 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).

² 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 Euille,

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 silo¹.

¹ 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. Levy²;

"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 SO₂ 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."³

Finally, Science is unable to establish a lower threshold at which no health effects of PM_{2.5} are found.

Elizabeth Chimento and Poul Hertel

² Levy et al, Atmospheric Environment 36 (2002) page 1067

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

9, 10, 11

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

2

SPEAKER'S FORM

DOCKET ITEM NO. 9

**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

SPEAKER'S FORM

DOCKET ITEM NO. 10

**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.

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

12/18/04

SPEAKER'S FORM

DOCKET ITEM NO. 9-11

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: Steven Arabia
2. ADDRESS: 8711 West Palom Rd Upper Marlboro, MD 20774
TELEPHONE NO. 301669-8149 E-MAIL ADDRESS: Steven.arabia@mirant.com
3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? Mirant

4. WHAT IS YOUR POSITION ON THE ITEM?
FOR: _____ AGAINST: X OTHER: _____

5. NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY, LOBBYIST, CIVIC INTEREST, ETC.):
lobbyist

6. ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE COUNCIL?
YES X NO _____

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.

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- (c) If more speakers are signed up than would be allotted for in 30 minutes, the mayor will organize speaker requests by subject or position, and allocated appropriate times, trying to ensure that speakers on unrelated subjects will also be allowed to speak during the 30 minuet public discussion period.
- (d) If speakers seeking to address council on the same subject cannot agree on a particular order or method that they would like the speakers to be called on, the speakers shall be called in the chronological order of their request forms' submission.
- (e) Any speakers not called during the public discussion period will have the option to speak at the conclusion of the meeting, after all docketed items have been heard.

9, 10, 11
12-18-04

December 17, 2004

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.

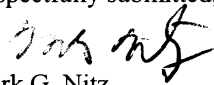
Reliability. The Potomac River station is, despite its age, an incredibly reliable power plant, and is almost always ready when needed by the power system operator, PJM. Again, we're not perfect, but we're very, very good. The plant contributes to the stability and reliability of the electric grid in 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**

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."

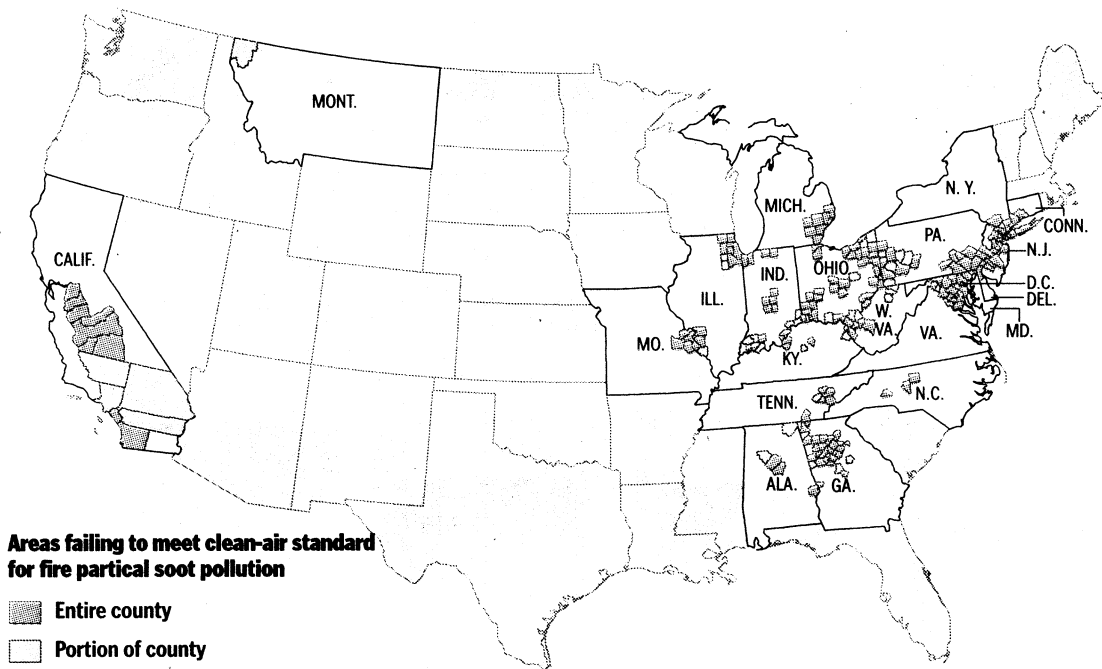
Yesterday's listing identified communities that do not meet the national air quality standard—established in 1997 under legal pressure from environmentalists—for particles that are about one-thirtieth the width of an average human hair. This pollution, mainly soot from power plants, automobiles, forest 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-

Polluted Counties

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



Areas failing to meet clean-air standard for fire 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."

Statement of Michael E. Hobbs
on behalf of the
Old Town Civic Association
City Council
December 18, 2004

9,110

12-18-04

Mirant Potomac River Generating Station
(Special Use Permits; Second Reading and Final Passage of an Ordinance
to Revoke the Noncomplying Use Status of Coal Fired Power Plants)

Thank you, Mayor Euille, Vice Mayor Pepper, and Members of Council. I am Michael Hobbs, speaking on behalf of the Old Town Civic Association.

Your consideration today of these matters relating to the Mirant Potomac River Generating Station in north Old Town is the culmination of multiple hearings before the Planning Commission and the Council over a period of many months. The record before you is extensive, and it is clear. We support the recommendations of the City Attorney and the Planning Commission that you adopt this amendment to the zoning ordinance and that you revoke the existing special use permits for this plant.

The actions to be taken under the consent decree now pending in the federal courts; the “downwash” study to be conducted under a protocol specified by the Virginia DEQ; and the planned “soiling study” to determine the source of the residue reported by residents in Old Town; are all important potential steps toward identifying and reducing emissions from the plant. But there is already more than ample evidence—and it seems only to be growing more alarmingly with time—that NOx, primary particulate matter, and toxic heavy metal emissions from the plant may pose a present and growing threat to the health of Alexandrians.

It is conceivable that the actions taken in response to the consent decree, and the results of these contemplated studies, will lead City Council ultimately to conclude that any threat to the public health and safety in Alexandria has been removed. Given what we know now, however, that seems highly improbable—and whatever the probability is, the Council should not gamble the public health against a speculative future outcome. The City needs to have every possible legal and regulatory tool at its command now to ensure the outcome that it can protect the public health to the maximum extent possible. Reclassifying coal-fired power plants to nonconforming use status, and revoking the Mirant plant’s existing special use permits, are important and perhaps essential means to that end, and should be adopted.

Thank you for your consideration.

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.**

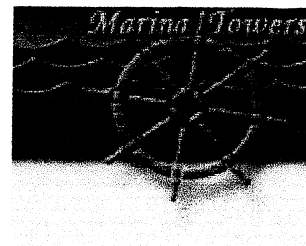
We've experienced a tremendous change in our quality of life over the last few years related to the operation of the Potomac River Generating Station. **You will hear from other residents of Marina Towers about an increase in noise and dust, smoke and glare and other disturbances that they live with 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 14th 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.

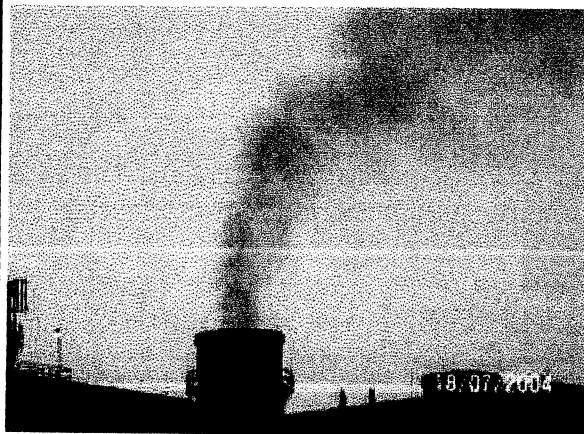
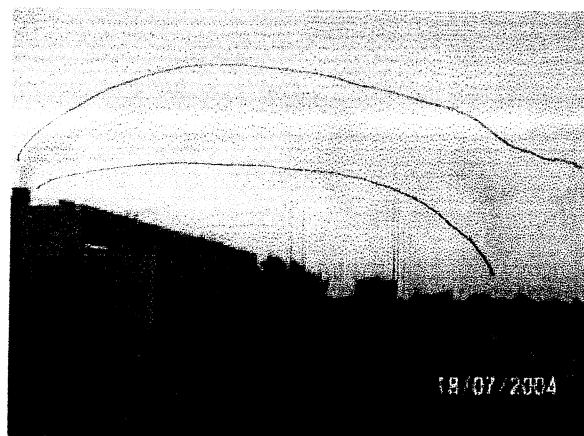
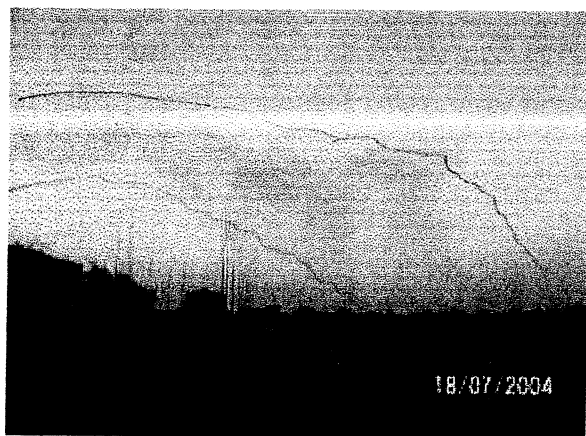
Thank you. You are doing the right thing. Now, I'd like to introduce some of the other residents from Marina Towers.



Pictures of Mirant Plant on a recent Sunday

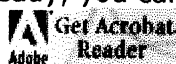
Thanks Bruce!!

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 th	thick black smoke	4Pm-7PM
2. June 17 th	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

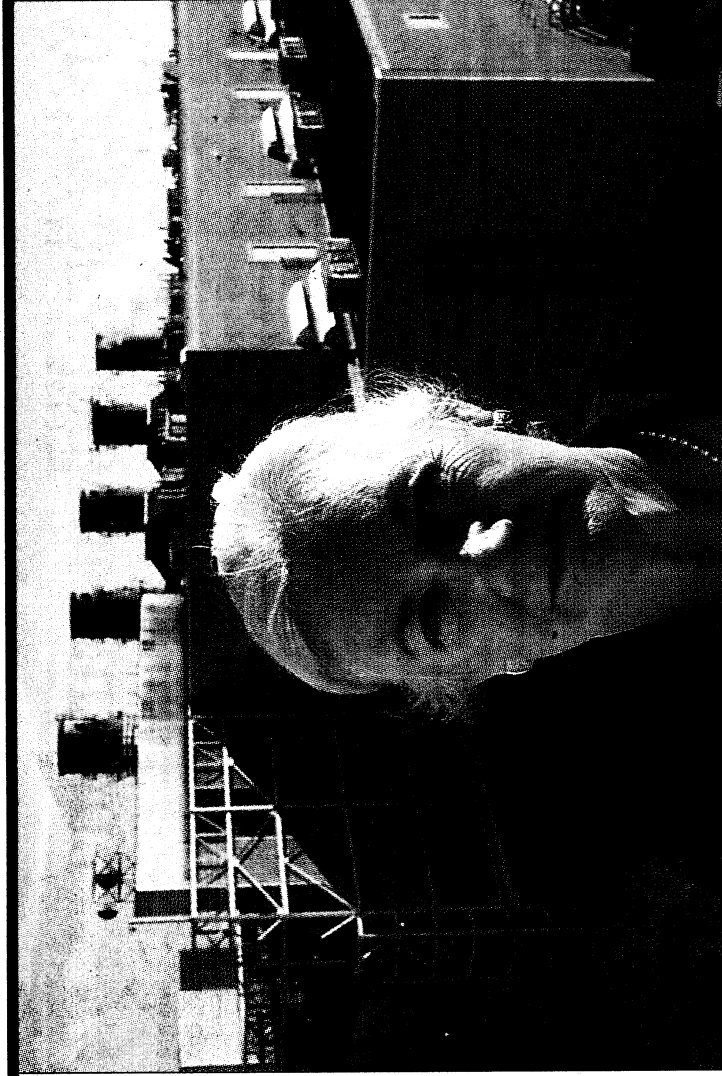
The EPA wants stricter curbs on air pollution. But lax enforcement may undermine its goals, critics say.

By MARK CLAYTON
STAFF WRITER

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 (SO₂), 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 EPA lawsuits and investigations involving clean-air violations, critics say. "We were told to stop investigating," says Bruce Buckheit, former director of EPA's air-enforcement division, who says he resigned last year when it became clear there would be no aggressive enforcement. "My boss

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.

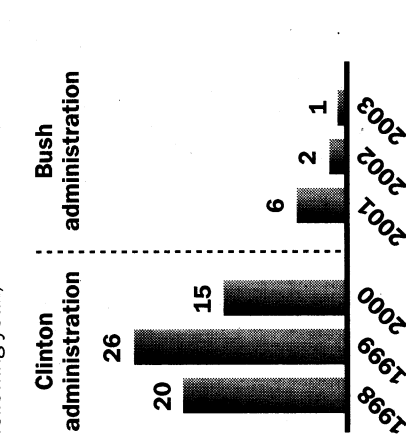
Reform or reversal?

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

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 do more than is required, and there are serious market-imposed sanctions for those who do less."



Source: Environmental Integrity Project STAFF

As a result, power plants pump at least 1.75 million tons of SO₂ 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 SO₂ 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

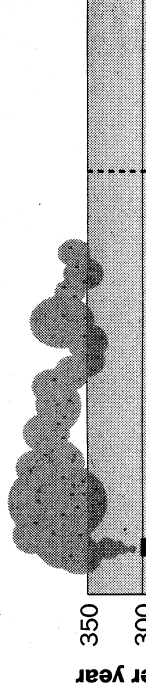
Sitting just a few miles from the nation's capital, which has some of the worst summertime air in the US, the plant emitted 2,139 tons of NOx in summer 2003—more than double the amount permitted by law. When caught by the state of Virginia, and subsequently cited by EPA, the company agreed to pay a \$500,000 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 reward this company for violating the law," says Mary Harris, a retiree from Virginia who lives in a 14th-floor condo 300 feet from the Potomac River plant. "The settlement actually allows this plant next door to me to emit a lot more NOx, not less, for the next five years. After that, who knows?"

But regionwide, NOx emissions will fall, says a Mirant spokesman. "This deal is enabling us to reduce our NOx by 65 per-

Air pollution

America's air is cleaner than ever, but the rate of decline in six key pollutants has slowed dramatically during the Bush administration.





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 fluid and cursive, with the first name "Susan" and the last name "Stolpe" clearly legible.

Susan Stolpe
208 E. Glendale Avenue, Apt 4
Alexandria, VA 22301
Email: 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
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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

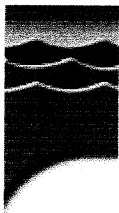
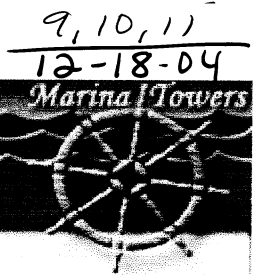
enough voltage passing through the system at all times to assure that the electricity goes where it's needed. The power line system in the Mid Atlantic region is operated by PJM , an independent organization whose members include all the generators (like Mirant and numerous others) and distributors (like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

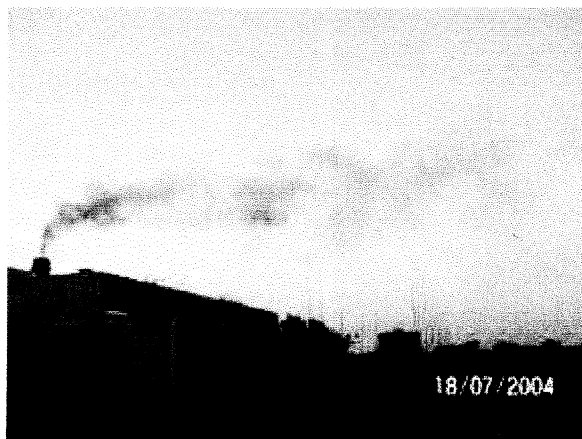
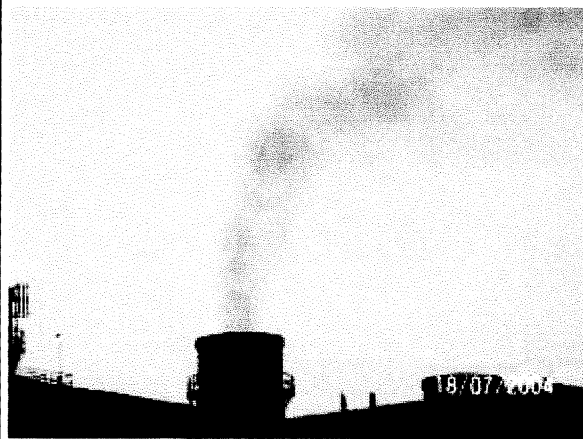
Thank you very much for your attention.
nielsdeterra@cs.com



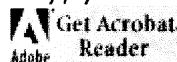
Pictures of Mirant Plant on a recent Sunday

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!'



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



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 -- ^{9,10,11}
15-11 League of Women Voters of Alexandria 12-18-04

Good morning. I'm Lillian 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 non-complying use status for the Mirant Potomac River Generating Plant on Alexandria's waterfront.

Mirant has not been a friendly neighbor. It has ^{had} a pattern of non-compliance 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 (NO_x) violations, 1,120 tons over ^{the} 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. ^{It is a fact that} $PM_{2.5}$ is far more harmful to ^{our} 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 cardiopulmonary 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_x, particulate matter, also includes sulfur dioxide, Uranium, arsenic, thorium, lead and mercury - to name a few. It is not ^a holiday egg nog.

Mirant will argue that revoking the permit for administrative offices, laboratories, conference and training space will not stop the plant from operation. They can use trailers" says Mr Hart, ^{Mirant's} ~~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 decree covers their NO_x violation. For Alexandrians' the consent decree is simply not a fair deal. It is not a fair deal that federal and state officials agreed to increase the plant's NO_x 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 or less. Two 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 ^{what} 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

Areas With Dirtiest Air Named

D.C., 20 States Must Devise Ways To Reduce Soot

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.

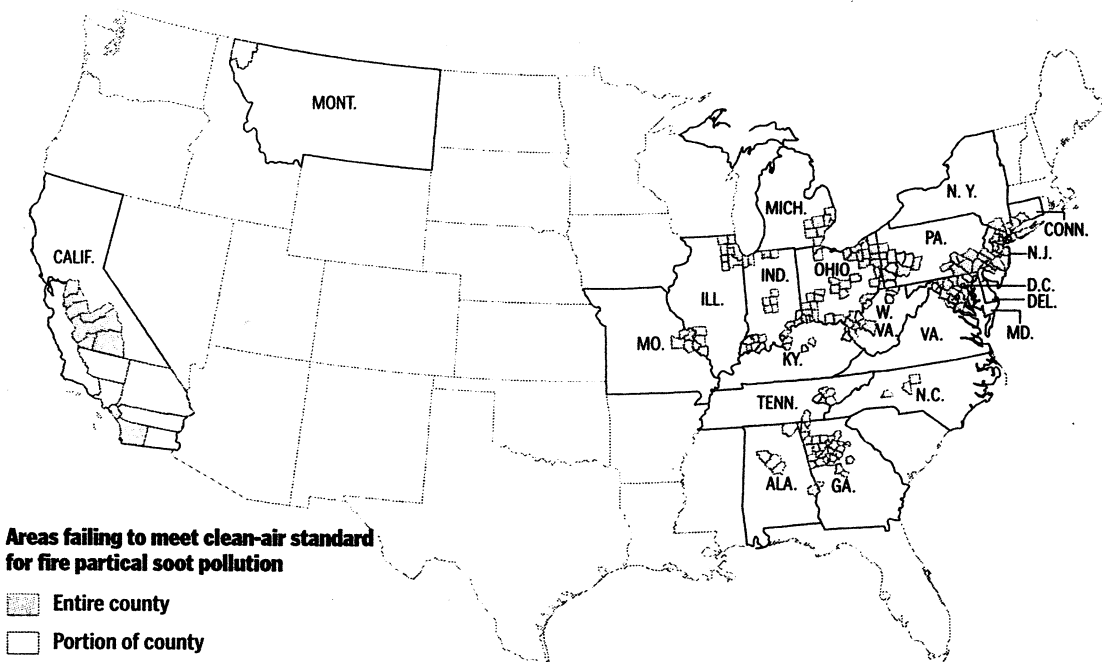
EPA officials estimate that if most of the 224 targeted counties and the District can meet the new standard by 2010, at least 15,000 premature deaths would be prevented, along with 75,000 cases of chronic bronchitis and 3.1 million days of missed work.

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-

Polluted Counties

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



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."

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 Rochester¹ 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_{2.5} 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 lungs². 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.

¹ 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.

² "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.

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

ATTORNEYS AND COUNSELLORS AT LAW

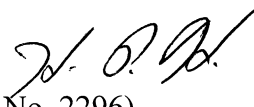
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TELEPHONE (703) 836-5757
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9,10
12-18-04

TO: The Honorable William D. Eulle, Mayor and
Members of the City Council

CC: Ignacio Pessoa, City Attorney
Philip Sunderland, City Manager

FROM: Harry P. Hart, Counsel to Mirant Mid-Atlantic LLC 

RE: Special Use Permit #2004-0089 (Revocation of SUP No. 2296)
Special Use Permit #2004-0090 (Revocation of SUP No. 2297)

DATE: December 17, 2004

ISSUE:

Does the City have a proper basis to revoke two special use permits for the Mirant Potomac River Generating Station?

DISCUSSION:

BACKGROUND:

1. Mirant is an important public service provider for the region.
2. Air quality is a regional issue and Mirant Potomac River has only a small impact on the region's and Alexandria's air quality.
3. Mirant's regional agreement benefits Alexandria many times more than any single solution for the Potomac River Plant.
4. Potomac River Plant has improved performance while providing the same public service to customers, and employing 123 local workers, who steadfastly believe they are helping, not hurting, their community.

The new office building built in 1989 required a Transition SUP to make permanent the additional offices and other space already existing on site in trailers and further required an associated Transportation Management Plan for the office.¹ The offices and the TMP have operated without incident ever since. The office areas covered by the SUP have not been cited for any noxious or offensive use or any adverse impact on the neighborhood. Prior to the scheduling of this permit revocation proceeding, there has been no notice by any code

¹ SUP 2296 was issued as a transition SUP, a provision of the Zoning Ordinance that no longer exists. The transitional use permit is referenced in the title to § 12-600 but it is not addressed in the operating text of that section, and therefore, no longer exists within the Zoning Ordinance.

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enforcement officer, law enforcement officer, or zoning or planning official indicating that the terms of either SUP had been violated.

As part of its menu of actions in furtherance of the goal of shutting down the plant, the City proposes to revoke SUPs 2296 and 2297, issued to PEPCO in 1989. The City states that if the plant is alleged to have failed to comply with environmental regulations promulgated by another government (here, the United States) Section 11-505(A) of the Zoning Ordinance and the language of the SUPs themselves allows for immediate revocation. To support this revocation, the City intends to rely upon allegations regarding plant operations in 2002.

Argument:

The City Attorney implicitly concedes that the two SUPs here are not really the issue. Indeed, the City Attorney suggests that once the SUPs are revoked, Mirant would seek new permits which the City Council would likely grant “subject to appropriate and reasonable new conditions.” This entire proceeding is not to address an actual violation of the current SUPs – none has been alleged – but to give the City a wedge for imposing conditions on the operations of the plant.

The environmental conditions alleged as a basis for revoking the SUPs have nothing to do with the operations of the offices or the implementation of the TMP. Nor has it even been hinted that revocation of the SUPs would affect or correct any alleged environmental violation. To the contrary, preventing the use of office space at the plant will have the adverse effect of generating more traffic and more emissions from workers who will need to travel to the plant from off-site office space and which probably could not be implemented for several months. Nor does the revocation of the TMP further any legitimate goals of the City. Removal of the management plan simply removes the proper management of traffic to and from the site and increases the likelihood of inefficient operation of the plant.

The apparent purpose is not to revoke the uses permitted by the SUP but, rather, to re-issue those permits, this time subject to conditions which do not currently apply and do not relate to the office use. Mirant does not agree that a re-issued SUP would or could regulate the operations of the plant.

This revocation proceeding relies on old data and ignores present realities. The City cites reported emissions figures from several years ago as a basis for the current action. Even if those figures amounted to a violation of law, which they do not, the information is out of date. It would be like revoking a restaurant’s special use permit in 2004 because the restaurant had failed to pay its federal income taxes back in 2002 and had settled the matter with the federal government.

The revocation proceeding also ignores the Consent Decree by and between Mirant, the EPA, the Virginia Department of Environmental Quality, and the State of Maryland. Through

December 17, 2004

Page 3 of 3

that Consent Decree, important steps will be taken to improve the air quality of the entire region, including the City of Alexandria. The negotiated agreement effectively moots the claims of previous violations upon which the City seeks to revoke the SUPs. The City should be encouraging such global resolutions rather than ignoring them.

The current request by the City also raises significant issues for this Planning Commission. It is fair to assume that no member of this Commission has ever participated in, or even heard of, a revocation of a Special Use Permit under circumstances where

- The alleged violation was of a past violation of another jurisdiction's law and that jurisdiction had already settled the matter with the alleged violator.
- The alleged violation had nothing to do with the Special Use Permits.
- There had been no previous citation or warning or effort to resolve the alleged violation.
- The alleged violations were not shown to be ongoing.
- The conditions which might have contributed to violations have been and were in the process of being further improved.

The Commission's acquiescence in this revocation is a dangerous precedent for this body and sends all the wrong signals to owners and operators of any property subject to a Special Use Permit.

Conclusion: The Mirant plant is and has been a good neighbor in the City of Alexandria. It provides a public service and tries to do so in a way that furthers everyone's mutual interests. The recently-approved Consent Decree represents a significant investment by Mirant in the continually improving operations of this plant.

Revocations and threats of closures are ultimately hollow tools for enforcement if they do not account for the economic, environmental, and energy realities of this plant and this region. The proper and wise way to handle the City's legitimate concerns is not by twisting the zoning and enforcement processes. Instead, the City should allow the Consent Decree to operate and monitor the results. That is the best way of responding to the residents' concerns for maximizing air quality while meeting the region's electricity needs with reliable service.

9, 10, 11

12-18-04

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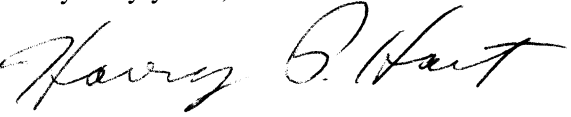
December 17, 2004

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

12-18-04

To the Mayor and City Council

This is a comment from a person who lives in the City of Alexandria. Mr. Don Walsh who has been a resident of the city for 38 years. Mr. Walsh wanted me to submit this letter to Council because he thinks that the ^{mirant} Plant should be closed. He thinks that the People who work at mirant Plant does not keep it up. One of his concerns was or is the Pollution in the air from the Plant. He wants you to take his comment into consideration and close the Plant down. He lives next to the Plant and have been living there for years and nothing have changed since he has been living there. If you have any questions Please call at (703) 548-5742.

Thanks,

MR. Don Walsh

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>, <delpepper@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,
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rose.boyd@ci.alexandria.va.us,
jackie.henderson@ci.alexandria.va.us,
tom.raycroft@ci.alexandria.va.us)

**City of Alexandria Website Contact Us - EMail for Mayor,
Vice-Mayor and Council Members (alexvamayor@aol.com,
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jackie.henderson@ci.alexandria.va.us,
tom.raycroft@ci.alexandria.va.us)**

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