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BY E-MAIL AND OVERNIGHT MAIL

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Air Pollution Control Board
Virginia Department of Environmental Quality
629 East Main Street
Richmond, Virginia 23219

Re: Potomac River Generating Station, Alexandria, Virginia

Dear Honorable Board Members:

The City of Alexandria, Virginia ("Alexandria") appreciates the opportunity to present information to and appear before the Air Pollution Control Board concerning the Mirant Corporation's Potomac River Generating Station. On September 25, 2006, the Board assumed direct jurisdiction over permitting and other matters related to the plant. At this time, these matters include, but are not limited to, (i) implementing a consent order governing the operations of the plant in the near term, (ii) determining the scope and level of permitting and environmental review for the plant and (iii) developing an operating permit and regime for future oversight by the Virginia Department of Environmental Quality ("DEQ"). In all these matters, the overriding goal should be an aggressive policy for the protection of the public health.

Alexandria also appreciates DEQ's active role in identifying and reviewing the environmental and public health issues implicated by the plant's operation and its commitment to a transparent and collaborative public process. The Alexandria and northern Virginia local and state elected officials and the residents of Alexandria continue to rely on this commitment. The following comments reflect Alexandria's grave concerns with respect to the Potomac River plant and its support for a thorough evaluation of the plant's emissions in a manner most protective of the public health and a comprehensive State Operating Permit ("SOP") subject to public review and comment. Following our discussion at the September Board meeting, Alexandria also suggests herein an appropriate approach for the development of a local air pollution control district.

I. BACKGROUND

The Potomac River plant is unique in that it is located in a densely populated residential area in Alexandria—approximately 3,000 people live in close proximity to the plant and 12,000 residents are within a one-mile radius of the plant. Also, because of its proximity to Ronald Reagan National Airport, the plant's emission stacks are only 161 feet in height, well below good engineering practices ("GEP"). Operating conditions are furthered constrained by the fact that Alexandria is a non-attainment area for ozone and particulate matter 2.5 microns ("fine particulate matter" or "$PM_{2.5}$") and is in an Ozone Transport Region.

The Potomac River plant operates five (5) coal combustion boilers, each constructed and brought on line at different times between 1949 and 1957. Until recently, the Potomac River plant has operated virtually unconstrained. Prior to December 20, 2005, the Potomac River plant operated under a Commonwealth of Virginia SOP that primarily regulated emissions of oxides of nitrogen ("NO_x"). In 2003, Mirant violated its SOP by emitting 2,128 tons of NO_x during the ozone season, where the permit limited emissions to no more than 1,019 tons.

As a consequence of the 2003 violation, on September 23, 2004 Mirant and DEQ entered into an Order by Consent Decree ("Consent Order") which required, among other things, that Mirant perform a dispersion modeling ("downwash") analysis to determine the impacts of its emissions on surrounding residents. "Downwash" is an effect that occurs when aerodynamic turbulence induced by the facility's physical plant and other nearby structures causes pollutants from the stacks to be mixed rapidly toward the ground resulting in higher ground-level concentrations of pollutants. The Mirant analysis, conducted by ENSR Corporation ("ENSR"), revealed significant "downwash" and emissions that were contributing to major exceedances of the National Ambient Air Quality Standards ("NAAQS") for nitrogen dioxide ("NO_2"), sulfur dioxide ("SO_2") and particulate matter of 10 microns ("PM_{10}"). These results were confirmed by a study prepared for Alexandria by AERO Engineering Services ("AERO"), which showed that emissions from the plant were also contributing to widespread and serious violations of the NAAQS for fine particulate matter and elevated levels of hydrogen chloride and hydrogen fluoride. These analyses showed exceedances of the NAAQS at levels 3 to 18 times the standards established for the protection of the public health.

On August 19, 2005, DEQ notified Mirant that the emissions from the plant were contributing to modeled exceedances of the NAAQS and ordered Mirant to undertake such action as was necessary to ensure protection of human health and the environment, including "a potential reduction of levels of operation, or potential shutdown of the facility." In response, Mirant ceased full operation of the plant on August 24, 2005. Mirant resumed limited operations beginning September 21, 2005. On December 20, 2005, the U.S. Department of Energy ("DOE") issued an Emergency Order directing Mirant to resume operations of the plant as necessary to ensure electricity reliability for the District of Columbia without causing or significantly contributing to exceedances of the NAAQS. The DOE further directed Mirant to submit an operating plan consistent with its Order. On December 30, 2005, Mirant submitted an operating plan that included two operating options—Operating Plan A and Operating Plan B. The DOE ordered that the plant operate consistent with Mirant's Operating Plan A, pending DOE's review of alternative operating scenarios. On June 1, 2006, in response to Mirant's failure to immediately cease operations upon notice by DEQ of NAAQS violations, the U.S.

Environmental Protection Agency ("EPA") issued an Administrative Consent Order ("ACO") directing Mirant to operate the plant pursuant to "predictive daily modeling" a mechanism for the purported control and compliance of the plant's emissions. The Potomac River plant has since operated pursuant to EPA's ACO. On January 31, 2007, the DOE announced its intention to terminate its Order on July 1, 2007 based on the completion by PEPCO of transmission infrastructure upgrades that will ensure electricity reliability for the District of Columbia. EPA's ACO expires on June 1, 2007.

II. ALEXANDRIA SUPPORTS A COMPREHENSIVE OPERATING PERMIT FOR THE POTOMAC RIVER POWER PLANT

This is a pivotal moment in the history of this plant, one that affords the opportunity to attain and maintain local ambient air quality standards and regional air quality now and in anticipation of near-term changes in such standards. To this end, the Potomac River plant should undergo a comprehensive ambient air quality analysis to determine the plant's future operational emissions limitations, including limits for $PM_{2.5}$ and hazardous pollutants ("HAPS"). Due to the age of the plant and the absence of a comprehensive permit, such an analysis of the plant's emissions impacts has not previously occurred.

Alexandria has consistently requested that DEQ issue a comprehensive permit regulating the operations of the plant and emissions of all criteria pollutants from the plant and in a July 26, 2006 letter to Alexandria, DEQ committed to a comprehensive permitting regime to address the facility's impact on NAAQS. Mirant has benefited from lack of a comprehensive permit and, as evidenced by the "downwash" analyses, the plant's emissions have caused or contributed to NAAQS violations for a significant period of time and have similarly subjected Alexandria residents to short- and long-term exposure to harmful pollutants. Due to the age, structure and siting of the plant, DEQ's review and permitting regime must weigh heavily in favor of the public health. To do otherwise would violate DEQ's legal obligation to maintain ambient air standards and ensure against the plant's causing or exacerbating a violation of such standards. See 9 VAC 5-80-1180.A.3. Accordingly, Alexandria requests the Board to issue a comprehensive permit that contains discrete emission limits, both short- and long-term, i.e., hourly, daily and annual, for all criteria pollutants such as NOx, SO_2, PM_{10}, $PM_{2.5}$ and carbon monoxide ("CO") that Mirant must be required to meet at all times, and accounts for start-up and shut-down emissions as well.

III. THE CURRENT ADMINISTRATIVE CONSENT ORDER SHOULD NOT BE EXTENDED

Mirant has proposed that DEQ extend EPA's ACO when it expires on June 1, 2007 pending DEQ's issuance of a stack merge permit or a new SOP. Although a comprehensive operating permit would be preferable to regulate the plant's emissions once EPA's ACO is no longer in effect, the permitting process for the Potomac River plant should not be hurried or compromised in any way to satisfy a schedule dictated by EPA's ACO. Thus, an interim order regime is appropriate until a comprehensive SOP is in effect.

Alexandria is opposed, however, to the continuation of EPA's ACO or issuance of any order that would allow continued operation of the Potomac River plant under conditions that are the same as or similar to those in EPA's ACO. Such an action by DEQ would be both illegal and lacking in technical merit. Its primary components are the predictive modeling mechanism and the Model Evaluation Study ("MES"). Predictive modeling is an analysis that uses the weather forecast for the next day in a dispersion model to estimate the level of operations and emissions that would comply with the NAAQS. The MES includes the collection of monitored ambient pollutant concentrations that will be used to change inputs to the reference, federally promulgated AERMOD model in order to produce modeled concentrations similar to the monitored concentrations. As explained below, neither methodology should form the basis for emissions limitations for a future operating permit for the Potomac River plant. Furthermore, continued operation under EPA's ACO would be a violation of law and contrary to the public interest. Finally, there is no longer a need to manipulate the law once PEPCO has installed its new 230kV transmission lines in June 2007.

An extension of EPA's ACO is unnecessary, however, in light of the existence of the DEQ's 2004 Consent Order. As a result of the findings of Mirant's modeling analysis, Mirant was required to submit a plan and schedule to eliminate NAAQS violations. Pursuant to DEQ's Order, Mirant submitted a plan of compliance detailing through the operation of three boilers ("three-boiler scenario") compliance with the NAAQS. The plan was not fully implemented because the Potomac River plant has been subject to EPA's ACO. The plan provides, however, an appropriate operating scenario and should be implemented upon the expiration of EPA's ACO, pending the issuance of a comprehensive operating permit.

Predictive Modeling. Under EPA's ACO, the Potomac River plant may increase or decrease the use of trona, the SO_2 control measure, and vary its level of operations and emissions using predictive modeling based on atmospheric conditions. The Clean Air Act and Virginia regulations identify this as a "dispersion technique" or "intermittent control" and prohibit its use to determine emission limitations. See 42 U.S.C. § 7423(a); 40 C.F.R. § 51.100(hh)(1)(ii); 9 VAC 5-10-20; 9 VAC 5-50-20.H.1. Section 123 of the Clean Air Act states that emissions limitations cannot be affected in any manner by any dispersion technique including "any intermittent or supplemental control of air pollutants varying with atmospheric conditions." 42 U.S.C. § 7423(b). This is echoed by the Virginia regulations: "The degree of emission limitation . . . shall not be affected in any manner by . . . b. any other dispersion technique." 9 VAC 5-50-20.H.1.b. This issue is well-settled in the courts as well. Intermittent controls are not adequate compliance with the Clean Air Act and, even for purposes of attaining and maintaining the NAAQS, dispersion techniques and intermittent controls are of dubious reliability. See NRDC v EPA, 838 F.2d 1224 (D.C. Cir. 1998); Dow Chemical Co v EPA, 635 F.2d 559 (6th Cir. 1980). It is troubling then, that EPA issued an ACO allowing this illegal methodology. It did so presumably to support the DOE's Emergency Order. Since the development of additional transmission lines for the District of Columbia, this rationale—electricity reliability—to tolerate a woefully inadequate ACO no longer exists. DEQ did not initially approve EPA's ACO and it should not condone its extension or the use of its predictive modeling in any form.

Remarkably, there is no technical basis for the use of day-to-day predictive modeling to support increases in hourly and daily emissions limits. Based on four months of data, a comparison of the concentrations predicted by EPA's ACO model using weather forecasts and

the actual concentrations measured by the MES monitors shows that only 13% of the variance is explained by the predictive procedure, a correlation that is far too low to support its intended use. Thus, the predictive modeling has little capability to accurately predict concentrations at this level of resolution. Furthermore, predictive modeling will not identify $PM_{2.5}$ emissions and relies on the use of trona, an untested methodology. Consequently, predictive modeling is an inappropriate technique on which to base emissions limits and, throughout the implementation of EPA's ACO, has been merely window dressing--an inadequate remedy to serious public health issues. Reliance on this methodology falls short of protecting the public health and should not be adopted by DEQ.

Model Evaluation Study. Mirant contends that the EPA-approved, standard modeling procedure, AERMOD, overpredicts emission impacts. First, in an attempt to modify AERMOD inputs to reduce modeled impacts, Mirant conducted a wind tunnel study. While there may be a precedent for the use of such a study, the Mirant wind tunnel study is significantly deficient. For example, Mirant did not evaluate all operating conditions for which its results will be used. Mirant simulated only one boiler load, whereas the results of the analysis are being applied for the full range of the plant's operating loads. This significantly downplays the scope and extent of the plant's emissions impacts. Similarly, the surface characteristics simulated in the wind tunnel study do not adequately represent the actual surface characteristics near the plant. The overall result is a loose analysis that should not be the basis for manipulating the standard modeling procedure.

Now, Mirant plans to extend the MES to not only modify AERMOD inputs, but to modify the AERMOD model itself, using an extremely limited set of monitoring results. Alexandria opposes the use of the MES for this purpose. AERMOD underwent a multi-year, collaborative validation process using extensive field data from sites where downwash dominates, both prior and subsequent to its promulgation as a guideline model. Mirant has deployed only a handful of monitors to support the MES and, therefore, these measurements cannot begin to capture maximum impacts under the wide range of operational scenarios, number of boilers and meteorological conditions that are necessary for a valid study. For this reason, modeled evaluations of the Potomac River plant's emissions using the reference AERMOD are more protective of the public health. Use of a revised AERMOD model, designed to fit limited observational data, relinquishes the cushion of protection provided by a thorough modeling analysis using the reference AERMOD. The primary purpose of the MES, then, is to downgrade the model requirements to such an extent as to allow greater production for the Potomac River plant. This should not be the goal of any methodology. In light of the precise circumstances of the plant and its long history of significantly contributing to NAAQS exceedances, it is a violation of the public interest to allow Mirant to design its own AERMOD version to substitute for the proven modeled regulatory regime.

IV. MIRANT'S PROPOSED STACK MERGE PROJECT IS A PROHIBITED DISPERSION TECHNIQUE FOR THE PURPOSES OF SETTING EMISSIONS LIMITATIONS

In order to demonstrate compliance with the NAAQS, Mirant is proposing to merge exhaust streams from two of its five boilers into one stack and the remaining three boilers into another stack. This approach is wrong. Under 40 C.F.R § 51.100(hh)(1)(iii) and 9 VAC 5-10-

20, the merging of exhaust gases into one stack is defined as a "dispersion technique." As explained above, a dispersion technique may not affect in any manner the emission limitations for a facility. See 40 C.F.R. § 51.118(a); 9 VAC 5-50-20H.1.b. Thus, the Potomac River plant's emissions limitations in any future permit cannot be based on any benefit derived from the enhanced dispersion achieved by merging of the exhaust gases. Also, in light of the demonstrated need for a comprehensive operating permit, a stand-alone permit for a stack merge is inappropriate. In any event, results of a stack merge will still fall short of the required sufficient protection of the public health as it will allow greater emissions than would otherwise be permitted.

In a Memorandum dated October 10, 1985, "Questions and Answers on Implementing the Revised Stack Height Regulation," EPA explained the regulations pertinent to this issue and that apply to this situation. In particular, Questions No. 19 and 22 of this Memorandum state that in order to take credit for any stack merging, a facility must install pollution controls and reduce emissions of each pollutant for which such credit is sought. Since Mirant is not proposing to install any new emission controls, it cannot take any credit for merging of exhaust gases. Accordingly, the Potomac River plant's permitted emissions limits must demonstrate compliance with the NAAQS, including $PM_{2.5}$, through a comprehensive modeling analysis that does not account for any enhanced plume rise as a result of the proposed stack merger.

V. DEQ SHOULD INCLUDE $PM_{2.5}$ MODELING AND COMPLIANCE

Emissions of $PM_{2.5}$ from the Potomac River plant, both primary and secondary, are now and have always been of utmost concern to Alexandria and its residents. The plant is a significant single source emitter of $PM_{2.5}$ in the northern Virginia region. There is no dispute that $PM_{2.5}$ adversely affects human health. Fine particulate air pollution is statistically and mechanistically linked to increased cardiovascular disease. (Brook R.D., Franklin B., Cascio W. et al., *Air pollution and cardiovascular disease: a statement for healthcare professionals from the Expert Panel on Population and Prevention Science of the American Heart Association.* Circulation 2004; 109: 2655-71.) This link between $PM_{2.5}$ and cardiovascular and other health impacts such as increased mortality and hospitalizations was the basis for the EPA's Clean Air Scientific Advisory Council's recommendations for stricter standards for 24-hour and annual $PM_{2.5}$ concentrations. See Provisional Assessment of Recent Studies on Health Effects of Particulate Matter Exposure, National Center for Environmental Assessment, USEPA, July 2006; Review of the National Ambient Air Quality Standards for Particulate Matter: Policy Assessment of Scientific and Technical Information, Office of Air Quality Planning and Standards, USEPA, June 2005. In December 2006, based on the Council's recommendation, EPA promulgated a reduction in the 24-hour average to 35 $\mu g/m^3$.

$PM_{2.5}$ is a compliance criterion set out in the NAAQS and 9 VAC 5-30-65 (65 $\mu g/m^3$ for 24-hour average; 15 $\mu g/m^3$ for annual). In light of the area's non-attainment status and the imminent and substantial endangerment to the public health, as evidenced by AERO's dispersion study, an immediate and thorough $PM_{2.5}$ analysis is warranted as part of the permitting process for the Potomac River plant and well-defined $PM_{2.5}$ emissions limits should be established in any future SOP. Any permit must ensure that the "source shall be designed, built and equipped to operate without preventing or interfering with the attainment or maintenance of any applicable

ambient air quality standard and without causing or exacerbating a violation of any applicable ambient air quality standard." See 9 VAC 5-80-1180. The level of suspended fine particulate matter is also evidenced by Alexandria's settled dust review and preliminary deposition study. See also Review of Alexandria's Settled Dust Report by Rebecca Bascom, M.D., MPH, attached hereto. DEQ has required and Mirant has conducted $PM_{2.5}$ testing at the plant—a necessary first step toward ensuring full compliance with $PM_{2.5}$ emission standards and the $PM_{2.5}$ State Implementation Program ("SIP") which is due in April 2008.

There is neither a regulatory nor a technical reason to delay modeling of the plant's $PM_{2.5}$ emissions. To the contrary, the public health demands it now. Current federal policy supports the review of $PM_{2.5}$ impacts within this permit proceeding. EPA has explicitly stated the requirement to protect the $PM_{2.5}$ NAAQS during the SIP development period. See Proposed Rule to Implement the Fine Particle National Ambient Air Quality Standard, US EPA, 6560-50-P, Sec. III. M.16. Furthermore, EPA acknowledges that technical impediments to modeling $PM_{2.5}$ ambient impacts have been resolved and that such modeling methodologies for calculating primary $PM_{2.5}$ impacts are well-defined. Id. Thus, the application of AERMOD to calculate local impacts of primary $PM_{2.5}$ emissions is appropriate.

The EPA's "Guideline on Air Quality Models" provides further guidance for a $PM_{2.5}$ compliance demonstration for the Potomac River plant. See 40 C.F.R. Part 51, Appendix W. The Guideline includes general modeling considerations for establishing a facility's design concentrations for $PM_{2.5}$ and the need for a site specific impacts analysis. See 40 C.F.R. Part 51, Appendix W, §§ 5.2, 7.2. Nothing in the Guideline releases DEQ from its responsibility to protect the $PM_{2.5}$ NAAQS at this time.

VI. PLANT MODIFICATIONS REQUIRE NSR REVIEW, DEQ SHOULD NOT USE NON-COMPLIANT OPERATIONS FOR BASE YEAR EMISSIONS

The Potomac River plant is manifestly undergoing multiple and concurrent physical and operational changes that cumulatively will significantly increase emissions of regulated pollutants. Alexandria submits that these are major modifications which should subject the plant to New Source Review ("NSR") regulatory regime. See 9 VAC 5-80-2000 et seq. These provisions apply to a "major modification that is major for the pollutant for which the area is designated as nonattainment." 9 VAC 5-80-2000.A. Since the plant is in a non-attainment area for ozone and PM2.5, as well as in the Ozone Transport Region, it must be evaluated to determine whether the modification causes "a significant emissions increase" and a "significant net emissions increase." 9 VAC 5-80-2000.H.1. It is also important under NSR to evaluate all modifications that may increase plant reliability or decrease the number of forced outages and other plant life extension projects.

Under Virginia's NSR regulations, the calculation of the increase in emissions is based on a comparison of representative baseline emissions and future projected actual emissions. A significant emission increase occurs if the "sum of the difference between the projected actual emissions and the baseline actual emissions for each existing emissions unit, equals or exceeds the significant amount for that pollutant." 9 VAC 5-80-2000.H.3. "Baseline actual emissions" mean the "average rate, in tons per year, at which the unit actually emitted the pollutant during

any consecutive 24-month period selected by the owner within the five-year period immediately preceding when the owner begins actual construction of the project." 9 VAC 5-80-2010.C.

According to the ENSR and AERO analyses, emissions at the rate Mirant emitted during 2002 and 2003 (and previous years) caused or contributed to widespread and severe violations of the NAAQS. In fact, as a result of the studies demonstrating clear violations of the NAAQS, DEQ ordered Mirant to undertake immediate steps to eliminate the offending emissions, up to and including ceasing operations. And although Mirant now takes the position that these emissions during 2002 and 2003 are "most representative" of PRGS's operations, a remarkable admission that reflects Mirant's complete lack of appreciation for the harmful effects of its emissions, that does not mean that they are appropriate for use in determining the application of NSR requirements.

Compliance with the NAAQS is an important consideration in determining the applicability of the NSR requirements. As stated above, source emissions must be evaluated on the impacts on the NAAQS. See 9 VAC 5-80-1180. Also, Article 9 of Virginia's NSR program excludes from the definition of "major modifications" the installation, operation, cessation or removal of a temporary clean coal technology demonstrations project, but only if the project complies with "requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated." 9 VAC 5-80-2010.C. If emissions that cause or contribute to violations of the NAAQS destroy the exclusion for clean coal technology demonstration projects from NSR requirements, it would be anomalous in the extreme that emissions that cause or contribute to violations of the NAAQS could be used in another context to exclude a major modification from NSR requirements.

The most appropriate emissions for purposes of calculating baseline actual emissions are those after the DEQ's order of August 20, 2005, when Mirant restarted normal operations in a manner consistent with complying with the requirements necessary to maintain the NAAQS as documented in submittals to DEQ. The Potomac River plant's operations following DOE's Order to Mirant to operate consistent with Mirant's Operating Plans A and B, and the plant's operations pursuant to its three boiler scenario are the most representative of operations consistent with maintaining the NAAQS. Given that there are not 24 consecutive months of operations under these scenarios, extrapolating an average operation from the plant's emissions in 2006 may provide a representative picture of actual existing operations provided the predictive modeling scheme did not distort compliance operations. Absent this extrapolation, DEQ could require Mirant to delay the stack merger project until 2008 when data for 24 consecutive months of representative emissions would be available.

In the alternative, use of other baseline years requires a downward adjustment of emissions to account for installation subsequent to 2003 of low-NO_x burners, Separated Over-Fire Air ("SOFA") technology, trona injection system, as well as the reduction in operations pursuant to DEQ's 2004 Consent Order and EPA's ACO, i.e., the three-boiler scenario. Use of any baseline emissions that are not adjusted for compliance with the DEQ and EPA Orders would wrongfully allow the Potomac River plant to benefit from emissions that were not in compliance with the NAAQS. This would also allow greater emissions in the future without the benefit of a thorough review under NSR.

VII. NO_X CONTROLS AND TRONA INJECTION SYSTEM INSTALLED WITHOUT EMISSIONS ANALYSES

In the past three years, Mirant has installed low-NO_x burners on all five of the boilers and SOFA controls on Units 3, 4 and 5 for NO_x reduction. NO_x emission controls reduce the flame combustion temperatures thereby reducing the formation of NO_x, especially thermal NO_x. A corresponding effect, however, is to increase CO emissions due to incomplete combustion. Mirant also introduced the use of trona for SO_2 regulation. Mirant's installation of these NO_x and SO_2 controls were physical changes that likely resulted in emissions increases of CO and particulate matter. Yet there were no emissions analyses of these modifications and Mirant did not obtain a permit prior to installation, likely a violation under Virginia regulations. See 9 VAC 5-40-1040, 9 VAC 5-50-390 and 9 VAC 5-80-1120. Furthermore, with respect to trona, there has been no evaluation of the impacts of its use on the public health or the health of the plant's employees.

VIII. THE BOARD SHOULD ESTABLISH A LOCAL AIR POLLUTION CONTROL DISTRICT

At the September, 2006 Board meeting, Alexandria requested, pursuant to § 10.1-1312 of the Air Pollution Control Board statute, that the Board establish a local air pollution control district comprising the areas of Alexandria impacted by the Potomac River plant's emissions. The Alexandria elected officials endorsed this approach in a public resolution. Alexandria's request encompasses the enactment of a site specific operating regime and the establishment of a local air pollution control committee to monitor and report to the Board the activities and compliance of the Potomac River plant and to assist DEQ in its air monitoring program for the plant. § 10.1-1312C. A local air pollution control district is consistent with the Board's mandate to consider the character and degree of the public health impacts of the Potomac River plant and the suitability of the site in which the plant is located. Va. Code § 10.1-1307E.

The unique circumstances of the Potomac River plant—age, stack height and constrained location—warrant the establishment of a local district and implementation of strict review and oversight. Other ongoing activities, such as the Agency for Toxic Substances and Disease Registry's ("ATSDR") preliminary review of the plant's emissions and its concerns for short-term exposure to SO_2 emissions further support the creation of a local district. Alexandria, a local air pollution control agency, and resident representatives, are well placed to comprise the local district committee and ensure the plant's compliance with respect to its emissions and other site activities.

Under the jurisdiction of the local district, there should be an on-site representative of the regulatory agencies and authority for the committee to obtain records from the plant, with the plant's emissions data submitted on a daily basis. Even prior to the establishment of a local district, the Board should demand full transparency and public disclosure by Mirant. Throughout this process, Mirant has been intransigent and it takes comfort in its role as antagonist, precluding legitimate requests for data that would validate Mirant's assertions of adequate protection of the public health. For example, to date, Mirant has refused to fully disclose essential data to allow public validation of its ongoing modeling procedures and results. It also flatly denied requests for 5-minute SO_2 emissions data, information pertinent to ATSDR's

continuing review of short-term exposures to SO_2 emissions. Mirant's denials are unconscionable. The designated local committee would ensure a focus on the public health and away from enhancing a corporate agenda.

Again, Alexandria thanks the Board for the opportunity to discuss its concerns related to the Potomac River plant. In any action undertaken by the Board and DEQ, the public interest requires full public review and comment. Alexandria is ready to develop a framework for the local district and local committee and is available to respond to the Board's questions and requests for additional information. Thank you.

Respectfully submitted,

John B. Britton

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Ignacio B. Pessoa
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Attachment

cc: The Honorable James P. Moran
The Honorable Richard L. Saslaw, Senate of Virginia
The Honorable Patricia S. Ticer, Senate of Virginia
The Honorable Adam P. Ebbin, Virginia House of Delegates
The Honorable David L. Englin, Virginia House of Delegates
The Honorable Brian J. Moran, Virginia House of Delegates
The Honorable Mayor and Members of City Council
James K. Hartmann, Alexandria City Manager
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