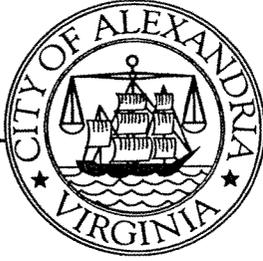


*Attachment A*

# City of Alexandria, VA

City Hall, 301 King St. Room 3500, Alexandria, VA 22314

**For Immediate Release**

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## **City of Alexandria Holds Off Nuisance Suit Against Mirant Power Plant**

### *“Non-Suit” Court Filing Will Allow Time to Monitor State and Federal Actions*

Alexandria, VA – The City of Alexandria today announced it has suspended its “nuisance” suit against the Mirant Potomac River Generating Station, in order to provide time to evaluate thoroughly the effects of recent developments in the effort to reduce harmful pollutants at the aging coal-fired power plant.

“This action is in keeping with the City’s overall commitment to hold Mirant accountable for its actions and to eliminate this source of harmful pollutants,” said Mayor William D. Euille. “All of the evidence and expert analyses developed for this case will remain valid for use in ongoing state and federal regulatory proceedings, and for pursuit of the nuisance lawsuit in the future.”

In announcing this decision – technically referred to as a “non-suit” of pending litigation – Mayor Euille emphasized that positive developments on several fronts have bolstered the City’s efforts to clean up the Potomac River plant’s operations.

“Alexandria has been aggressive in holding Mirant accountable for the harmful impacts of its coal-burning operations in our neighborhoods,” said Mayor Euille. “As a direct result of our efforts and those of concerned Alexandria citizens, the Virginia Air Pollution Control Board has assumed greater responsibility for the issuance of permits and other activities related to Mirant. That proactive step by the Board and other developments make it unnecessary for the City to proceed with the nuisance suit at this time.”

Under the auspices of the Air Pollution Control Board, the state Department of Environmental Quality (“DEQ”) is developing a new state operating permit for the Potomac plant. Based on continuing monitoring and analyses, the City has requested that DEQ set emissions limits for all criteria pollutants, including fine particulate matter (“PM2.5”), in any new permit. “Our position has consistently been built upon the best scientific evidence

available,” said Mayor Euille. “Several new studies from around the country point to this insidious, invisible threat – PM<sub>2.5</sub> – as being a major health hazard and we have urged the state to extend the permit’s restrictions to protect against the threat these invasive fine particles pose to the community’s health.”

“PM<sub>2.5</sub>” is defined as particulate matter with a diameter of less than 2.5 micrometers. A micrometer is one-millionth of a meter. By comparison, the diameter of a human hair is 60 micrometers – or twenty-four times as wide as the largest PM<sub>2.5</sub> particles.

In addition to raising concerns about the adverse health impact of PM<sub>2.5</sub>, the City has strongly encouraged DEQ to review information on Mirant’s proposed reconfiguration of its exhaust stacks and the installation of a trona-injection system intended to reduce sulfur dioxide (SO<sub>2</sub>) emissions. The City has asked DEQ to determine if these actions – in the aggregate – warrant the imposition of significant upgrades in environmental control technology at the plan. Such review by DEQ is underway. There is no target date for the release of a draft state operating permit. Once one is released, there will be an opportunity for the public to comment.

Federal and state regulatory agencies have also submitted a proposed Amended Consent Decree to the U.S. District Court for the Eastern District of Virginia, which the City opposes in its current form. The agencies have requested and received a stay of the Court’s consideration of the City’s opposition pending the agencies’ review of public comments. “There are a number of provisions in the proposed Consent Decree that we believe are not in the public interest,” said Mayor Euille, “and they merely add uncertainty to the timing and resolution of public health issues critical to the City and its residents.”

“The City of Alexandria will continue to take every responsible step to protect the health of our residents and the environment,” said Mayor Euille. “It is as a direct result of the City’s efforts and the committed activism of Alexandria residents that new measures have been undertaken on the federal and state levels, as well as by Mirant itself. We remain resolute in the protection of the community’s health.”

The non-suit action in City of Alexandria v. Mirant Potomac River LLC was filed today in Alexandria Circuit Court. Virginia law gives a plaintiff the right to withdraw and later re-file a lawsuit for strategic reasons.

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