SUMMARY OF SAPCB'S ACTIONS AT THE BOARD MEETING ON MARCH 20, 2008

The State Air Pollution Control Board (SAPCB) held a meeting on March 20, 2008 in Alexandria, to consider the five-stack and two-stack permits proposed by the Virginia DEQ. Terry Darton and Michael Dowd of the VDEQ made a presentation on these permit options, followed by the City's presentation, EarthTech presentation on the Estimation of Health Effects/Costs and Mirant's testimonials.

After hearing the evidences presented by all parties, the Board voted 4 to 1 in favor of the first motion and 5 to 0 in favor of the second motion:

1. Hold consideration of the comprehensive permit limits until DEQ undertakes the following:

    a) Establish $PM_{2.5}$ emission limits set independently of PM_{10}.
    b) Match the permit's NO_x limits with those of the Clean Air Interstate Rule (CAIR).
    c) Develop permit terms for which no annual emission increases are allowed.
    d) Remove the permit provision that refers to sodium bicarbonate or sometimes referred to as SBC.

2. Set aside any further consideration of the five-stack State Operating Permit.

In effect, the Board acted in favor of the City's arguments that (i) NAAQS-compliant $PM_{2.5}$ emission limits must be set and included in the permit; (ii) the use of SBC should not be considered as part of the permits under consideration by the Board; and (iii) no annual emission increases are allowed. The Board decided to set aside the five-stack permit, a strong indication of their preference for the two-stack permit.