ATTACHMENT C

- City's Letter to SAPCB Members, Permit Requirement for Stack Merger Project, Mirant PRGS, September 12, 2007

- City's Letter to David Paylor and SAPCB Members, New Source Review Permit for Construction of Stack Merger and Comprehensive SOP for Mirant PRGS, October 5, 2007

- City's Letter to David Paylor and SAPCB Members, Comprehensive SOP (2 Stack version) for Mirant PRGS, October 9, 2007

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September 12, 2007

BY E-MAIL

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Re: Permit Requirement for Stack Merger Project
Mirant Potomac River Generating Station, Alexandria, Virginia

Dear Honorable Board Members,

The City of Alexandria ("Alexandria") provides this letter for consideration by the State Air Pollution Control Board (SAPCB) prior to its meeting on September 13, 2007 regarding the referenced subject. As you are aware, Mirant Potomac River Generating Station (PRGS) has applied to merge its five stacks into two stacks for purposes of increasing the stack exhaust velocity in order to achieve greater dispersion of pollution. The project constitutes a physical modification that will result in a net emissions increase. Consequently, a permit is required prior to construction.

Indeed, in its March 16, 2007 memorandum to the SAPCB, Virginia DEQ has already determined that a minor New Source Review (NSR) permit is required for the stack merger project. Notwithstanding DEQ's determination, however, **Mirant has commenced construction of the stack merger project without a permit.** For the reasons further described below, Alexandria urges the SAPCB to require Mirant to obtain a permit and to order Mirant to cease construction of the stack merger until it has done so.

I. The Stack Merger Project Requires a Permit

A permit is required for any project that constitutes a physical or operational change, and that will result in a net increase in emissions of any regulated pollutant. The first criterion is satisfied because in order to accommodate the re-routing of boiler

exhaust, the proposed stack merger project requires construction and installation of additional equipment such as ducts, manifolds and larger induced draft (I.D.) fans.

Whether there has been a net increase of emissions depends upon a comparison of the facility's future emissions to its baseline emissions. Virginia's minor NSR regulations define the baseline emissions as the actual level of emissions during the two years immediately preceding the proposed construction, unless another two-year period is determined by the SAPCB to be representative of normal source operation. *See* 9 VAC 5-80-1110. Virginia's major NSR regulations define baseline actual emissions as the actual emissions during any consecutive 24-month period out of the preceding five years, and require these emissions to be adjusted downward to exclude any noncompliant emissions. *See* 9 VAC 5-80-1615. Mirant has claimed that it should be allowed to use its emissions during 2002-2003 as the baseline. The emissions during this period are inappropriate to establish the baseline because the emissions during this period have been shown to violate the National Ambient Air Quality Standards (NAAQS). Furthermore, subsequent to 2002-2003, Mirant implemented pollution control requirements in order to meet regulatory requirements, i.e., low-NOx burners and SOFA technologies for NOx reduction, and trona injection for SO_2 reduction, which must be accounted for in the baseline emissions.

The more appropriate baseline period, assuming the stack merger is constructed in Fall 2007, is the preceding 24-month period of Fall 2005 through Summer 2007. Emissions during this 24-month period are most representative of operations that most likely complied with NAAQS. Using data from August 2005 through June 2007, the baseline emissions would be those presented below. Alexandria does not have data for July 2007; however, these data must also be included in the baseline. For future actual emissions, the SAPCB need only consider Mirant's September 2006 Form 7 application to DEQ in which Mirant projected its future actual SO_2 emissions to be 15,629 tons per year. The following table identifies baseline and future emissions.

Pollutant	Baseline Emissions[1] (tons/yr)	Future Emissions (tons/yr)	Net Emissions Increase (tons/yr)
SO_2	3,813[2]	15,629	11,816
		8,359[4]	4,546
NOx	1,880	3,700	1,820
PM_{10}	135[3]	549	414
$PM_{2.5}$	116[3]	549	433

(1) Based on 23 months of available data from Aug 2005 through Jun 2007. The average annual heat input during this period was 14,535,332 MMBtu/yr.

(2) The SO_2 baseline during Aug 2005 through Jun 2007 is 4,002 tons/yr. However, based on Virginia DEQ's analysis, emissions above 3,813 tons/yr are not compliant with NAAQS. The monitored exceedance of Feb 23, 2007 is an evidence of non-compliance at the actual baseline emissions.

(3) Based on the highest PM-10 stack test result of 0.0186 lb/MMBtu (Dec 2005 stack test), and the highest $PM_{2.5}$-to-PM_{10} ratio of 0.86 (Dec 2006 stack test).

(4) Proposed by Mirant in April 2007 as a part of its Consent Order with Virginia DEQ.

Although Mirant has claimed that the stack merger project will not result in any emission increase, **the above table shows the likelihood of significant emissions increases from the PRGS.** Given this likelihood, the only assurance that PRGS will not significantly increase its emissions would be for the SAPCB to establish the baseline as above and impose it as a permit limit. Without such a permit, the stack merger project will, by Mirant's own admission, result in a significant increase in emissions.

II. Trona Must be Evaluated as a Part of the Stack Merger Project

Mirant has made clear that the stack merger project and trona injection are a single project. *See* letter dated April 3, 2007 from Kevin Finto of Hunton & Williams to Michael Kiss of Virginia DEQ ("Mirant management approved the stack merge and trona injection as a single project.") Consequently, the SAPCB must consider emissions increases resulting from both the stack merger project and trona injection in determining whether there has been a net increase in emissions.[1] Mirant must be required to prepare and submit an analysis of NSR applicability for trona injection in order to evaluate whether a permit is required for this "project." As you are aware, analysis regarding NSR applicability of trona injection was required pursuant to the Administrative Compliance Order (ACO) issued by U.S. EPA on June 1, 2006. Alexandra has confirmed with U.S. EPA that to date **Mirant has not submitted this analysis.** Without this analysis a determination regarding permit conditions would be premature.

Based on available data, however, it is clear that Mirant's use of trona results in an increase in emissions of PM_{10} and $PM_{2.5}$. The following table lists a summary of 20,000 data points reported by Mirant for stack opacity, which is a surrogate for particulate matter emissions. The table shows an increase in opacity of up to 110 percent due to trona use, **clearly indicating an increase in particulate matter emissions**. In addition, trona use contributes to an increase in fugitive particulate matter emissions due to greater production and handling of fly ash.

Boiler	Average Opacity		% Increase in Opacity with Trona Use
	Pre-trona (Jun-Aug 2005)	Post-trona (Jun-Aug 2006)	
1	2.86	6.03	110.8
2	4.16	6.76	62.5
3	3.62	3.74	3.3
4	2.61	3.10	18.7
5	2.55	4.10	60.8

[1] Alexandria is not conceding on the issue that dispersion credit is not available to Mirant for any pollutant including SO_2 due to trona injection. Nonetheless, the SAPCB must consider the application in the manner that it has been presented by Mirant. If, however, the SAPCB considers the stack merger project independently of the trona injection and approves construction without a permit, then the SAPCB will have to deny any dispersion credit sought by Mirant because the stack merger project would then be disconnected from pollution control equipment and would be a prohibited dispersion technique. 9 VAC 5-50-20H.1.b; 40 C.F.R. § 51.118

The use of trona also appears to contribute to an increase in CO emissions. The following table shows CO emissions data from Mirant's stack test report of December 2006 for Boiler No. 3. **Clearly, the CO emissions are much greater with trona than without trona.**

Boiler	CO Emissions (ppm) During Dec 2006 Stack Tests		% Increase in CO Emissions
	Trona OFF	Trona ON	
3	Run 2 359	Run 1 1,019	
3	Run 3 481	Run 4 429	
3	Run 6 258	Run 5 485	
Average	**366**	**644**	**76%**

Using the average rate of 644 ppm, and assuming 60% boiler operation at 1,000 MMBtu/hr average boiler capacity, the annual CO emissions would be 1,750 tons per year from Boiler No. 3 alone, compared to about 250 tons per year that Mirant has reported as plantwide CO emissions for the past several years.

Alexandria urges the SAPCB to consider these emission increases in its review of the stack merger project and require that an NSR analysis be conducted.

III. The Stack Merger Project Results in Actual Emissions Increases

As part of the stack merger project, Mirant has proposed to replace the I.D. fans on all five of its boilers. The new I.D. fans will be substantially larger than the current fans. These fans will draw air through the post-combustion ductwork at a significantly greater flow rate. A greater flow rate, while serving the purpose of greater exhaust velocity through the stack, will result in smaller residence time for both trona and ESP controls, thereby increasing emissions of SO_2, PM_{10} and $PM_{2.5}$. This would be especially true when Mirant operates and exhausts only one boiler through either of the two merged stacks. Therefore, any fan capacity beyond that necessary to overcome the head loss due to stack merger must be carefully evaluated. The SAPCB must also evaluate whether the increased fan capacity debottlenecks the boiler capacity.

In a letter dated June 11, 2007, Storm Technologies, Inc., a consultant hired by Mirant who reviewed an internal analysis performed by Mirant's engineers, argued that the boiler capacity will remain unchanged because it is limited by coal pulverizer capacity and the steam turbine flow. This is incorrect. The following table demonstrates that Mirant has the capability to increase the boiler capacity by burning additional coal. These data for Boiler No. 1 are actual data reported by Mirant. **The heat input data listed below for 2005 and 2006 show that Mirant has the capacity to increase its coal throughput by as much as a factor of two or more.**

Year, Quarter	Max Recorded Heat Input Boiler No. 1 (MMBtu/Hr)[1]		Calculated Coal Feed Rate (tons/hr)
2004, Q1	1,115		44
2004, Q2	1,160		44
2004, Q3	1,150		44
2004, Q4	1,083		44
2005, Q1	1,980	(several hours at >1,750)	79
2005, Q2	1,647	(several hours at 1,460 to 1,550)	66
2005, Q3	2,493	(Range of 1,900 to 2,400 MMBtu/hr for 6 hours on 7/12/05)	100
2005, Q4	2,243	(Range of 2,100 to 2,278 MMBtu/hr for 5 hours on 10/5/05)	90
2006, Q1	1,585		63
2006, Q2	2,350	(Extended hours up to 2,300 MMBtu/hr during each of 5/27, 5/28, 5/29, 5/30 and 5/31/06)	94

(1) Includes data for sustained operation for several hours at a time. Sustained operation was reported on various days at heat input rates far in excess of design rates. Data obtained from www.epa.gov/airmarkets.

The letter from Storm Technologies, Inc., therefore, is an insufficient basis upon which to draw any reasonable conclusion that there will be no increased emissions. Mirant has provided no data or technical analysis of its plant modification and its planned use of new equipment to justify a categorical conclusion that no emissions increases will occur. Without such data, any determination that a permit is not required for the stack merger project because there would be no increase in emissions would be arbitrary.

IV. Mirant Has Made Several Modifications Without a Permit

Mirant should be required to obtain a permit for the stack merger project for the additional reason that Mirant has already made several plant modifications without adequate review and without obtaining a permit. This includes the installation of low-NOx burners (LNB) and SOFA technologies, as well as trona injection. Each of these projects potentially resulted in emissions increases that were not reviewed under Federal and State NSR regulations. The increases due to trona injection were discussed previously in this letter. Furthermore, increases of CO emissions are known to occur due to NOx control technologies such as LNB and SOFA. **Based on available data, Alexandria believes that these emissions increases were sufficient to trigger the need for major NSR analysis.**

Mirant has proceeded to make these plant modifications in a piecemeal fashion. The stack merger project is another project that Mirant wishes to be considered in isolation. Without a comprehensive evaluation of all past and future planned changes at the plant, an analysis of the stack merger project in isolation would be inadequate. The emissions increases from these past modifications are considered "contemporaneous" emissions increases because they occurred within the previous five years. Alexandria urges the SAPCB to perform a thorough evaluation of all modifications at the plant in making a determination regarding the permitting requirements for the stack merger project. Additionally, such analysis must ultimately become a part of the comprehensive State Operating Permit that is currently being developed by Virginia DEQ.

V. Mirant Must Report its Stack Merger Project to Neighboring Jurisdictions

The SAPCB should not grant Mirant permission to construct the stack merger project without a permit until Mirant has complied with the requirement to notify all neighboring jurisdictions, i.e., State of Maryland and District of Columbia, if its emissions may reasonably contribute to nonattainment in those areas. *See* 9 VAC 5-80-2110. The PRGS contributes significantly to nonattainment of ozone and $PM_{2.5}$ NAAQS in the Washington, D.C. metropolitan area. **By constructing the stack merger project, it is at least reasonably likely that Mirant will cause a greater contribution to the nonattainment in the neighboring jurisdictions.** The SAPCB should not take action to approve construction without first giving neighboring jurisdictions a fair and adequate opportunity to comment on the proposed project.

VI. Mirant Must Cease Construction of the Stack Merger

Mirant has proceeded to begin construction of the stack merger project despite a determination by Virginia DEQ that a permit is required for this project. On-site inspections performed by Virginia DEQ inspectors on August 31, 2007 and September 7, 2007 confirm that Mirant has commenced construction beyond a simple staging of equipment. Recent photographs of the facility confirm this finding. Alexandria requests the SAPCB to order Mirant to cease construction until it has obtained a permit.

Conclusion

For the reasons stated above, Alexandria believes that a permit is required prior to construction of the stack merger project.[2] Alexandria requests the SAPCB to consider the following actions as a part of the upcoming meeting on September 13, 2007.

1. Make a determination that a permit is necessary for the stack merger project.
2. Order Mirant to cease construction of the stack merger project.
3. Establish baseline emissions for the stack merger project that comply with NAAQS based on the previous 24 months of operations.
4. Require Mirant to perform an NSR applicability analysis by including all contemporaneous emissions increases.

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[2] If the SAPCB has any doubts as to the requirement for a permit, the SAPCB should err on the side of requiring one. It is a well settled legal principle that a remedial statute "should be liberally construed to effectuate its purpose and should not be interpreted in a manner that would frustrate its goals." *State of New York v. Niagara Mohawk Power Corp.*, 263 F. Supp. 2d 650, 663 (W.D.N.Y. 2003) (*quoting Peyton v. Rowe*, 391 U.S. 54, 65 (1968)); *see also Rector and Visitors of the Univ. of Virginia v. Harris*, 239 Va. 119, 124 (1990) (reaffirming "400-year old 'mischief rule'" that "remedial statutes are to be construed liberally, so as to suppress the mischief and advance the remedy in accordance with the legislature's intended purpose."). The Clean Air Act is a remedial statute intended to protect the public health, 263 F.Supp. at 664 n.23, and the pre-construction permit requirements under Virginia law implement the New Source Review provisions of the Act. Consequently, the SAPCB should interpret these requirements in the most liberal manner to effectuate the Act's purpose and determine that a permit is required. *See U.S. v. Sellers*, 926 F.2d 410, 418 n. 2 (5th Cir. 1991) (A regulatory statute "intended to protect public health . . . should be construed to effectuate its purpose.")

5. Require evaluation of all unresolved issues, including emission increases from LNB, SOFA, trona, and boiler capacity increases.
6. Require Mirant to notify the neighboring jurisdictions of its planned stack merger project.
7. Deny dispersion credit for the stack merger project.
8. Establish emission limits and monitoring requirements for all regulated pollutants in a comprehensive State Operating Permit.

Should you have any questions or comments, please contact William Skrabak at (703) 519-3400, ext. 163.

Sincerely,

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cc: The Honorable James P. Moran
The Honorable Tim Kaine
The Honorable L. Preston Bryant, Jr.
The Honorable Richard L. Saslaw, Senate of Virginia
The Honorable Patricia S. Ticer, Senate of Virginia
The Honorable Mary Margaret Whipple, Senate of Virginia
The Honorable Bob Brink, Virginia House of Delegates
The Honorable Adam P. Ebbin, Virginia House of Delegates
The Honorable David L. Englin, Virginia House of Delegates
The Honorable Al Eisenberg, Virginia House of Delegates
The Honorable Brian J. Moran, Virginia House of Delegates
The Honorable Mayor and Members of City Council
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October 5, 2007

BY E-MAIL

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Re: New Source Review (NSR) Permit for Construction of Stack Merger and Comprehensive State Operating Permit for Mirant Potomac River Generating Station, Alexandria, Virginia

Dear Director Paylor and Honorable Board Members:

On September 13, 2007, the State Air Pollution Control Board (SAPCB) determined that a New Source Review (NSR) pre-construction permit is required for the above-referenced project proposed by Mirant at the Potomac River Generating Station (PRGS). As you know, Mirant has proposed to combine the exhausts of its five coal-fired boilers, each of which currently emits through its own stack, into two of the existing stacks, i.e., the stacks for Boilers No. 1 and 4. The SAPCB has directed the Virginia Department of Environmental Quality (VDEQ) to prepare the NSR permit and to take appropriate enforcement action to prevent construction of the stack merger without the NSR permit. In addition to the NSR permit for stack merger, the City of Alexandria, Virginia, ("Alexandria") understands that VDEQ is also developing a comprehensive State Operating Permit (SOP) to regulate emissions from the PRGS. Alexandria hereby submits these comments for consideration by VDEQ and SAPCB in preparing both the SOP and the NSR permit.

I. The State Operating Permit Must be Comprehensive

Alexandria understands that VDEQ is currently preparing a draft SOP for the PRGS for consideration by the SAPCB at its October 10, 2007 meeting. Given the SAPCB's determination that the proposed stack merger requires a pre-construction NSR permit, Alexandria believes that the SOP will be based on the PRGS' current five-stack configuration, i.e., it will not address the proposed stack merger. Alexandria submits the following comments for VDEQ's consideration to ensure that the SOP is indeed "comprehensive."

- Emission limits must be specified for all regulated pollutants. The SOP issued to PRGS on June 1, 2007 only addressed emissions of SO_2. Specifically, Alexandria requests that the SOP contain emission limits for $PM_{2.5}$, in addition to limits for SO_2, NOx, CO, VOC, PM_{10}, and toxic air pollutants.

- VDEQ indicated in its letter dated July 26, 2006 (see **Attachment I**) that it was "evaluating the applicability of NSR" to the installation of trona injection and that it would "complete this review and make appropriate recommendations relating to NSR prior to issuance of a draft State Operating Permit." Alexandria understands that VDEQ has reviewed, or is reviewing, the applicability of NSR to trona injection, as well as to the installation of low-NOx burners (LNB) and separated overfire air (SOFA) technology, and requests VDEQ to share its findings. If VDEQ has concluded that NSR was applicable to these projects, then application of Best Available Control Technology (BACT) and/or Lowest Achievable Emission Rate (LAER) is warranted. For example, based on recent BACT/LAER determinations for coal-fired boilers, stringent emission limits of no more than 0.01 lb/MMBtu for particulate matter and 0.20 lb/MMBtu for CO should be required.

- The SOP must be enforceable as a practical matter. 9 VAC 5-80-850.F. The regulation requires the SOP to specify emission standards (limits) and conditions necessary to enforce the emission standards. To make the emission limits practically enforceable, VDEQ must specify the following as a minimum.

    - Limits on production rates and raw material usage, i.e., hourly, daily and annual coal throughput or heat input rate, along with coal specifications.
    - Pollution control operating parameters and the minimum control efficiencies of all pollution controls, e.g., trona injection rate and percent SO_2 control, ESP operating parameters and percent $PM_{10}/PM_{2.5}$ control, LNB/SOFA operating parameters and percent NOx control, and the rate and frequency of water/surfactant application for fugitive dust control.
    - Continuous emissions monitoring, e.g., in-stack CEMS for SO_2, NOx, PM and CO.

- Limits must be specified for the number of startups and shutdowns, and emissions during startup and shutdown must be quantified and modeled. This includes emissions generated during "idling" of boilers when no power is being produced. VDEQ must ensure that any emissions during startup, shutdown and idling are subject to pollution control and abatement requirements at all times.

- The current SOP issued on June 1, 2007 specifies 45 different operating scenarios. Alexandria understands that VDEQ may now be considering as many as 120 operating scenarios for the draft SOP, each of which will have different emission limits. Determination of compliance with such a large number of operating scenarios is simply cumbersome. Moreover, allowing Mirant to uniquely design SO_2 emission rates for each scenario is a deviation from Virginia's regulation requiring emissions to be minimized to the greatest extent possible by the facility's control technology, in this case the trona injection. 9 VAC 5-40-20.E. Instead, Alexandria recommends that the comprehensive SOP should be streamlined to address worst-case operating conditions that specify the number of units allowed to operate at maximum, minimum and mid-load at any given time. As discussed further below, this includes specification of discrete emission limits that are based on optimizing pollution controls and that apply during all hours of operation.

- The dispersion modeling analysis must be carefully reviewed to address the following comments previously provided by Alexandria.
    - The use of equivalent building dimensions (EBDs) must be carefully reviewed and approved prior to use in the dispersion model.
    - The modeling must adequately address the occurrence of low wind speeds below the recorded thresholds at the Washington Reagan National Airport.
    - Modeling analysis must address maximum, minimum and mid-load operation. The stack parameters must be reviewed to ensure representativeness for each load.
    - Modeling must include $PM_{2.5}$ emissions from the plant.
    - Fugitive dust emissions must include the increased ash handling operations due to trona use.

  Alexandria would welcome a meeting with VDEQ modelers to further discuss these comments.

II. <u>$PM_{2.5}$ Emissions Must be Addressed</u>

Alexandria has previously provided comments to VDEQ regarding the need to evaluate $PM_{2.5}$ emissions from the PRGS. $PM_{2.5}$ is a regulated criteria pollutant for which the NAAQS have been established. The issuance of a permit to PRGS should conform to VDEQ's statutory requirement that prohibits the granting of a permit unless the facility is "*designed, built and equipped to operate without preventing or interfering with the attainment or maintenance of any applicable ambient air quality standard (AAQS) and without causing or exacerbating a violation of any applicable air quality standard.*" 9 VAC 5-80-1180.A.3. Furthermore, U.S. EPA has documented its support for the

protection of all NAAQS when it stated that it "*will not support any continued full or partial operation of the Potomac River without verification from EPA experts that there will not be any modeled exceedances of the NAAQS caused by emissions from the plant.*" Letter from Donald S. Welsh, U.S. EPA Region III, to James P. Moran, U.S. Congress, October 21, 2005.

$PM_{2.5}$ is of primary interest to the residents of Alexandria and its emissions from PRGS were initially raised as a concern in 2005. However, despite VDEQ's commitment to address this pollutant and despite the availability of the tools necessary to estimate $PM_{2.5}$ impacts in the ambient air, no such analysis has been conducted to date. At the least, Alexandria requests that primary $PM_{2.5}$ emissions should be quantified and modeled, and appropriate emission limits should be established in the SOP. Alexandria's modeling results demonstrate egregious violations of the $PM_{2.5}$ NAAQS for proposed operations under both the existing and the merged stack configurations. The following table shows the modeled 24-hour average impact due to primary stack emissions alone for two of the operating scenarios that VDEQ is currently evaluating.

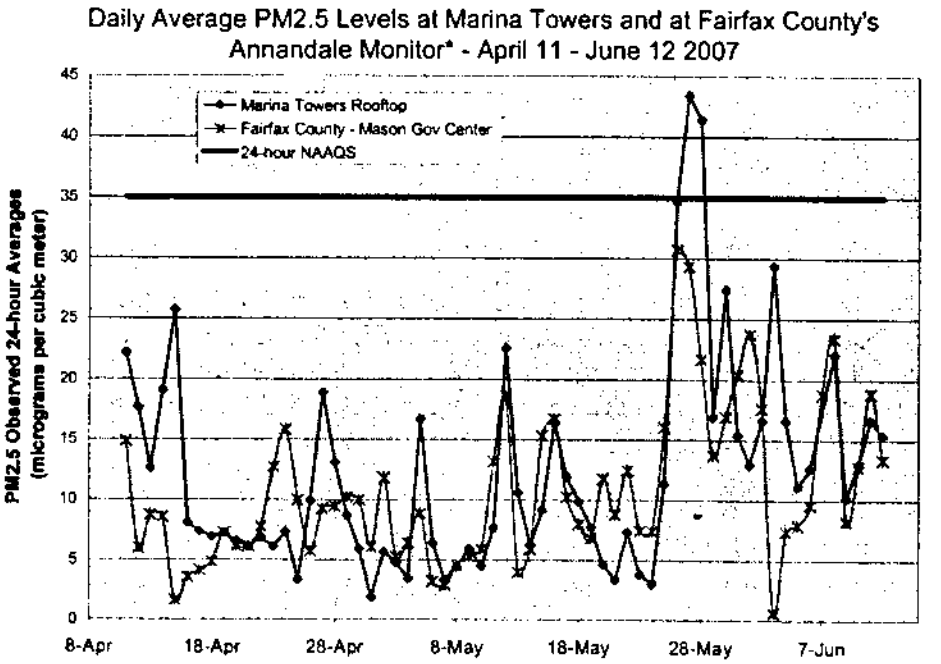
Modeled Scenario	Stack Configuration	Modeled Impact on Marina Towers[1] ($\mu g/m^3$)	Monitored Background[2] ($\mu g/m^3$)	Total Impact ($\mu g/m^3$)	NAAQS ($\mu g/m^3$)
7f (Boilers 3, 4 & 5 at min load, 24 hours/day)	Existing	21.7	34.1	**55.8**	35
1d (All five boilers at mid load, 24 hours/day)	Merged	12.5	34.1	**46.6**	

(1) Assuming $PM_{2.5}$ emissions equal 64% of PM_{10} emissions at 0.055 lb/MMBtu. The 64% ratio is based on the December 2006 stack test data. The listed impact is the highest of the eighth-highest (98th percentile) modeled value from AERMOD modeling of primary stack emissions using Mirant's modeling files posted on VDEQ's ftp site with no change, except to allow the calculation of the 8th highest impacts.

(2) Three-year average of the 8th highest daily observation for years 2004 – 2006 from VDEQ's Aurora Hills monitor. Yearly data provided by Mr. Michael Kiss of VDEQ.

Even without the inclusion of fugitive $PM_{2.5}$ emissions from the PRGS, the effect of secondary $PM_{2.5}$ formation due to precursor emissions from PRGS, and $PM_{2.5}$ emissions from other nearby interacting sources, the predicted impacts far exceed the NAAQS. The above table also may not reflect the worst-case impacts from all operating scenarios being considered for the draft SOP. These high impacts require scrutiny by VDEQ and an analysis of pollution control and impact mitigation measures.

Alexandria has also collected several months of ambient $PM_{2.5}$ data at the roof of Marina Towers during 2007. The following chart is a summary of the monitored concentrations, along with simultaneous data from a regional monitor. The table below shows more detailed monitoring data during three days in May 2007 when concentrations at Marina Towers approached or exceeded NAAQS. The data shows that concentrations at Marina Towers often exceed the regional values and in some cases exceed the NAAQS level. These data further enforce the need to evaluate $PM_{2.5}$ emissions from the PRGS.



Monitor Location		Daily Average PM2.5 Levels (µg/m³) (NAAQS = 35 µg/m³)		
		May 26, 2007	May 27, 2007	May 28, 2007
Arlington Co. FRM1	S. 18th and Hayes St.	--	29.5	--
Arlington Co. FRM2	S. 18th and Hayes St.	--	29.8	
Franconia	Lee Park, Telegraph Rd	29.9	25.0	16.0
Annandale (Fairfax Co.)	6507 Columbia Pike	--	29.5	--
Annandale (Fairfax Co.)	6507 Columbia Pike	30.7	29.3	21.7
McLean	1437 Balls Hill Road	--	25.9	
Ashburn	38-1 Broad Run HS	--	24	--
Marina Towers	**Rooftop**	**34.7**	**43.4**	**41.4**

III. Pollution Controls Must be Optimized

Regardless of the level of operations at the PRGS, the use of pollution controls should be optimized to achieve sustainable maximum pollutant reductions. Virginia regulations require that "*[a]t all times, including periods of startup, shutdown, soot blowing and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions.*" 9 VAC 5-40-20.E. As such, no emission limits can be established that allow less than the optimum use of the trona control system. Therefore, even under scenarios where the plant can emit at greater levels without causing NAAQS violation, e.g., when it operates only one or two boilers, Mirant must use trona to minimize emissions to the extent practicable. The emission

limits established in the permit must reflect this optimum use of the trona system. The lb/MMBtu limits for all operating scenarios allowed in the permit must reflect an upper limit that must be achieved by each boiler at all times of operation. This upper limit must be based on the capability of the trona system to maximize SO_2 reductions. Recent data from PRGS during trona use in 2006 and 2007 (see **Attachment II**) shows that SO_2 emissions ranging from 0.2 to 0.35 lb/MMBtu are sustainable for extended periods. Therefore, the SOP should not allow emissions in excess of this range for any operating scenario.

Alexandria remains concerned regarding the potential health effects of trona. Based on a recent inconclusive review, Virginia Department of Health recommended that further studies be conducted. Alexandria requests that trona's health effects be assessed in a comprehensive manner as indicated by VDEQ in its July 26, 2006 letter (Attachment I).

It appears from the VDEQ's latest inspection report on the PRGS facility dated October 4, 2007, that Mirant is pursuing the testing of sodium bicarbonate for SO_2 emission control. While Alexandria is not opposed to such testing, the City strongly believes that Mirant should notify and receive authorization from VDEQ and the SAPCB and that it should submit a detailed testing protocol for approval by VDEQ before the test. Specifically, this protocol should include: (i) characteristics of the tested sodium bicarbonate powder such as particle size analysis, amount required for the tests and associated handling method; (ii) duration of the testing and potential impacts on the environment and public health; (iii) PM_{10} and $PM_{2.5}$ stack tests to establish ESP performance with the use of sodium bicarbonate; and (iv) detailed set up of testing equipment. Alexandria further requests that the testing results be made available to VDEQ, SAPCB, the City and the public. If Mirant decides to replace trona with sodium bicarbonate on a permanent basis, a complete and thorough analysis regarding the impact on emissions and the facility's SOP must be completed prior to implementation.

IV. VDEQ Must Perform a Complete NSR Analysis for Stack Merger

The proposed stack merger project is the latest in a series of physical modifications at the PRGS. Mirant has recently completed the installations of low-NOx burners (LNB) on all five boilers, separated overfire air (SOFA) technology on three boilers, and trona injection on all five boilers. All of these modifications were made without applying for or receiving a permit from the VDEQ. Alexandria believes that these projects very likely resulted in emissions increases of one or more criteria pollutants. For example, LNB and SOFA are known to cause CO emissions increases (see **Attachment III** presenting a paper prepared by Mirant and its LNB vendor). Similarly, as the opacity and CO emissions data presented in **Attachment IV** shows, trona injection very likely resulted in increases of PM_{10}, $PM_{2.5}$ and CO emissions from the boiler stacks. Certainly, particulate matter emissions increased from the ash handling operations due to larger quantities of ash produced from trona use. Because these projects were completed within the past five years, they are considered to be contemporaneous with the proposed stack merger project. 9 VAC 5-80-1615. Alexandria requests that VDEQ include its on-going NSR analysis for the past projects as a part of its NSR analysis for the proposed stack merger project.

Alexandria understands that VDEQ has evaluated, or is in the process of evaluating, NSR applicability to past projects at the PRGS, and requests that VDEQ provide the findings of their review or any conclusions drawn from that evaluation.

Stack Merger Has the Potential to Increase Emissions

Mirant's Form 7 application for the proposed stack merger presents its future emissions projections. A comparison of these future emissions with the appropriate baseline represents an increase that is subject to review under Virginia's NSR regulations. For example, the table below shows that the increase in emissions of SO_2, NOx, PM_{10} and $PM_{2.5}$ is sufficient to trigger the need for a major NSR permit. Unless VDEQ establishes permit limits that restrict future emissions to the baseline emissions, plus an increase that is less than "significant" as defined in 9 VAC 5-80-1615, a major NSR permit would be required, possibly establishing stringent pollution control requirements. For example, given that the Washington, D.C. metropolitan region is a $PM_{2.5}$-nonattainment area, a major NSR analysis for $PM_{2.5}$ would require the application of LAER. 9 VAC 5, Chapter 80, Article 9. The determination of LAER would likely require the installation of baghouses in order to meet the limit.[1]

Pollutant	Baseline Emissions[1] (tons/yr)	Future Emissions (tons/yr)	Net Emissions Increase (tons/yr)
SO_2	3,813[2]	15,629	11,816
		8,359[4]	4,546
NOx	1,880	3,700	1,820
PM_{10}	135[3]	549	414
$PM_{2.5}$	116[3]	549	433

(1) Based on 23 months of available data from Aug 2005 through Jun 2007. The average annual heat input during this period was 14,535,332 MMBtu/yr.
(2) The SO_2 baseline during Aug 2005 through Jun 2007 is 4,002 tons/yr. However, based on VDEQ's analysis, emissions above 3,813 tons/yr are not compliant with NAAQS. The monitored exceedance of Feb 23, 2007 is an evidence of non-compliance at the actual baseline emissions.
(3) Based on the highest PM-10 stack test result of 0.0186 lb/MMBtu (Dec 2005 stack test), and the highest $PM_{2.5}$-to-PM_{10} ratio of 0.86 (Dec 2006 stack test).
(4) Proposed by Mirant in April 2007 as a part of its Consent Order with VDEQ.

The stack merger project will require the installation of larger induced draft (I.D.) fans. The current I.D. fans in all five boilers were installed at the time of original construction and are therefore more than 50 years old. As a part of its NSR analysis, VDEQ must evaluate whether the new I.D. fans would have the effect of increasing plant availability and reducing forced outages. Any increase in plant availability will have a direct bearing on an increase in annual emissions.

[1] Optimizing the trona injection system to maximize SO_2 control likely requires greater use of trona thereby resulting in greater particulate matter emissions from the boiler stacks. The installation of a baghouse will have the dual benefit of controlling particulate matter as well as providing greater reaction time for trona to control SO_2 and acid gas emissions.

The installation of larger I.D. fans has the potential to draw a greater volume of air through the system. A greater flow rate, while serving the purpose of greater exhaust velocity through the stack, will result in smaller residence time for both trona and ESP controls, thereby increasing emissions of SO_2, PM_{10} and $PM_{2.5}$. This would be especially true when Mirant operates and exhausts only one boiler through either of the two merged stacks. Therefore, any fan capacity beyond that necessary to overcome the head loss due to stack merger must be carefully evaluated.

Review of PRGS' operational records for Boiler No. 1 show heat input, flow rate, and NOx and SO_2 emissions that are two or more times the design and expected emissions for several periods during 2005 and 2006. These records deserve close review for their relationship to possible debottlenecking of boiler capacity due to increased fan capacity.

The Past 24 Months of Emissions is the Most Appropriate Baseline

In conducting the NSR analysis, VDEQ must define baseline actual emissions from the PRGS for all regulated NSR pollutants, including SO_2, NOx, CO, VOC, PM_{10} and $PM_{2.5}$. VDEQ regulations define baseline actual emissions as the actual tons-per-year emissions during any 24-month period out of the previous five years, except that any noncompliant emissions must be excluded from the baseline. 9 VAC 5-80-1615. Given that Mirant's modeling analysis prepared in August 2005 demonstrated noncompliance with the National Ambient Air Quality Standards (NAAQS), only emissions from the most recent 24 months can be considered as baseline.

The table presented above is based on 23 months of actual emissions available for the period of August 2005 through June 2007. Emissions prior to August 2005 were noncompliant with NAAQS and therefore cannot be used as baseline. Instead, more recent data from July 2007 onwards may be used to define a complete 24-month baseline. Any increase in emissions above this baseline must be evaluated against major NSR thresholds.

No Dispersion Credit Must be Allowed for Merged Stacks

The purpose of the stack merger project is strictly to enhance atmospheric dispersion and gain dispersion credit that would allow an increase in emissions. As proposed, this project is defined as a "dispersion technique" under federal and state regulations. 40 CFR § 51.100(hh)(1)(iii); 9 VAC 5-10-20. Dispersion techniques are prohibited when establishing emissions limitations required for control of air pollution. 40 CFR § 51.118(a); 9 VAC 5-50-20.H. The only exception available to Mirant from this prohibition on dispersion credit is when the stack merging is a part of a change in operation that includes the installation of pollution controls and is accompanied by a net reduction in the allowable emissions of a pollutant. 40 CFR § 51.100(hh)(2)(ii)(B); 9 VAC 5-10-20. It is important to note that a mere reduction in emissions achieved by accepting a smaller limit on allowable emissions is not sufficient to claim dispersion credit for stack merger, i.e., installation of pollution controls is required for each pollutant

for which credit is sought. The stack merging and the asserted installation of pollution controls should be integrally related and contemporaneous. Any pollution controls that Mirant currently employs were previously installed to meet other regulatory and compliance requirements. Therefore, the stack merger project as proposed by Mirant is a prohibited dispersion technique under federal and state law in determining emission limitations, and any such credit must be denied.

Consistent with EPA's well-settled policy regarding the prohibition of "double counting" of emission reductions, baseline emissions for PRGS should be defined as that demonstrated level of SO_2 emissions, prior to the proposed project, which was capable of complying with the SO_2 NAAQS. The PRGS' "allowable" emissions cannot be those defined by the existing SO_2 limit in the EPA-approved SIP because that level of emissions has been documented as causing or contributing to NAAQS violations. It is axiomatic that emissions which violate the NAAQS cannot justifiably be classified as "allowable." Thus, even if no other activity were being contemplated at the PRGS, VDEQ is obligated to require PRGS to reduce its existing SO_2 emissions to a level that can be compliant with the NAAQS, i.e., a pre-stack merge proposal level of SO_2 emissions that will be allowable. Using that level as the baseline allowable, a net reduction in allowable emissions cannot occur if Mirant seeks annual allowable emissions in excess of that properly defined baseline.

Neighboring Jurisdictions Must be Notified

Under VDEQ regulations, a complete NSR analysis requires that the neighboring jurisdictions, i.e., State of Maryland and District of Columbia, be provided an opportunity to review the proposed stack merger project. 9 VAC 5-80-2110. The PRGS contributes to nonattainment of ozone and $PM_{2.5}$ NAAQS in the Washington, D.C. metropolitan area. By constructing the stack merger project, it is at least reasonably likely that Mirant will cause a greater contribution to the nonattainment in the neighboring jurisdictions. Alexandria requests VDEQ that these neighboring jurisdictions be notified of the proposed project along with pertinent data necessary for their review and comment.

V. CEMS Must be Required for CO and PM Emissions

Under VDEQ's NSR regulations, Mirant must limit its future emissions to baseline emissions, plus an insignificant increase, in order to avoid triggering the need for a major NSR permit. 9 VAC 5, Chapter 80, Article 8. This applies to NSR applicability analyses for both the proposed stack merger project, as well as past construction projects at the PRGS. In such a case Mirant must submit emissions records to demonstrate that its future actual emissions do not exceed the projected actual emissions at the time of construction. 9 VAC 5-80-1785. While SO_2 and NOx emissions are maintained via Continuous Emissions Monitoring System (CEMS), Mirant does not have CEMS for particulate matter emissions. Also, while Mirant has CEMS for CO emissions, it does not use the CEMS data to report its CO emissions. Alexandria recommends that PM_{10} and $PM_{2.5}$ CEMS should be installed on all five stacks and that CO CEMS should be

required to be used for emissions reporting. The CEMS data are a true representation of actual emissions from the facility and must be required for compliance assessment.

VI. VDEQ Must Provide Adequate Opportunity for Public Comment

Virginia regulations require adequate public participation prior to the issuance of a final NSR permit. A public comment period of at least 30 days is required for any stationary source that has the potential for public interest, including any project that has generated adverse public comment. 9 VAC 5-80-1170.D. Similarly, the issuance of a SOP also requires a 30-day public comment period. 9 VAC 5-80-1020. Alexandria requests that VDEQ provide a minimum of 30 days for public comment upon issuance of a draft NSR permit and/or SOP, and a public hearing upon completion of the comment period.

Alexandria appreciates the opportunity to provide these comments to VDEQ. Should you have any questions or comments, please contact William Skrabak at (703) 519-3400, ext. 163.

Sincerely,

Malay Jindal
MACTEC Federal Programs, Inc.

Maureen Barrett, P.E. (Massachusetts)
AERO Engineering Services

William Skrabak
Chief, Division of Environmental Quality
Department of Transportation & Environmental Services
City of Alexandria

Attachments

cc: The Honorable James P. Moran
The Honorable Tim Kaine
The Honorable L. Preston Bryant, Jr.
The Honorable Richard L. Saslaw, Senate of Virginia
The Honorable Patricia S. Ticer, Senate of Virginia

The Honorable Mary Margaret Whipple, Senate of Virginia
The Honorable Bob Brink, Virginia House of Delegates
The Honorable Adam P. Ebbin, Virginia House of Delegates
The Honorable David L. English, Virginia House of Delegates
The Honorable Al Eisenberg, Virginia House of Delegates
The Honorable Brian J. Moran, Virginia House of Delegates
The Honorable Mayor and Members of City Council
Richard Weeks, DEQ
James K. Hartmann, City of Alexandria
Richard Baier, City of Alexandria
Ignacio B. Pessoa, City of Alexandria
John B. Britton, SHSL

ATTACHMENT I

Letter from VDEQ to City of Alexandria
July 26, 2006

COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

L. Preston Bryant, Jr.
Secretary of Natural Resources

NORTHERN VIRGINIA REGIONAL OFFICE
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David K. Paylor
Director

Jeffery A. Steers
Regional Director

July 26, 2006

Mr. John B. Britton
Schnader Harrison Segal & Lewis LLP
2001 Pennsylvania Ave, NW Suite 300
Washington, DC 20006-1825

Mr. Ignacio B. Pessoa, City Attorney
City of Alexandria
301 King Street
Alexandria, VA 22314

Dear Messrs. Britton and Pessoa:

On behalf of the Virginia Department of Environmental Quality (Va. DEQ), we appreciate the City of Alexandria taking the time to provide written comments outlining your concerns (reference your letter of June 23, 2006) about the Mirant facility. David Paylor has asked that I provide you with our response to the concerns raised in your letter.

As you are aware, the agency is in the process of drafting a State Operating Permit (SOP) to address the facility's impact on all National Ambient Air Quality Standards (NAAQS). The Mirant facility continues with the use of TRONA as a control technology in order to achieve significant reductions of SO_2. We acknowledge the city's concern that TRONA converts gaseous SO_2 into particulate matter; however the resultant particle size resulting from calcination appears to be significantly greater than 2.5 microns, and the electrostatic precipitators (ESPs) control particulate matter. Nevertheless, the agency understands the community's concern with the use of TRONA. Director Paylor has asked that the Virginia Department of Health provide guidance to Va. DEQ on the use of this chemical and to advise us of any health related concerns, prior to the agency issuance of a draft SOP.

With respect to the issue you raise that the installation of the TRONA system triggers New Source Review (NSR), we are evaluating the applicability of NSR. We are not yet prepared to comment on how or if NSR is applicable in this situation. Clearly this is an important consideration for the agency, and as such we are taking a thoughtful and deliberate approach in our review. Director Paylor and I have instructed staff to complete this review and make appropriate recommendations relating to NSR prior to issuance of a draft State Operating Permit. We will continue to keep in close communication with the city throughout our permitting process. We appreciate the city's offer to assist the agency as appropriate. Once the agency is in a position to issue a draft SOP we will schedule a meeting with the city to discuss the draft permit prior to it being public noticed.

Director Paylor and I are committed to a collaborative working relationship with the city and look forward to future discussions on this important matter.

Sincerely,

Jeffery A. Steers
Regional Director

cc: David Paylor

ATTACHMENT II

Range of SO_2 Emissions Achieved with Use of Trona
at the Potomac River Generating Station

Reported SO_2 Emissions with Trona Use for Each Boiler at Mirant PRGS, Alexandria, VA

Month		Reported SO_2 Rate (lb/MMBtu) with Trona				
		Boiler 1	Boiler 2	Boiler 3	Boiler 4	Boiler 5
Feb 2006	Average	0.28	0.15	0.22	0.20	--
Mar 2006	Average	--	0.19	0.19	0.22	0.23
Apr 2006	Average	--	--	0.22	0.22	0.23
May 2006	Average	0.35	0.22	0.23	0.25	0.31
Jun 2006[1]	Average	0.22	0.35	0.44	0.42	0.34
Jul 2006[1]	Average	0.47	0.46	0.47	0.48	0.50
Aug 2006[1]	Average	0.47	0.48	0.48	0.48	0.51
Sep 2006[1]	Average	0.39	0.50	0.51	0.52	0.52
Oct 2006[1]	Average	0.40	0.44	0.45	0.48	0.49
Nov 2006[1]	Average	0.47	0.47	0.48	0.49	0.50
Dec 2006[1]	Average	0.54	0.46	0.49	0.52	0.67
Jan 2007[1]	Average	0.50	0.50	0.47	0.50	0.49
Feb 2007[1]	Average	0.53	0.48	0.49	0.48	0.50
Mar 2007[1]	Average	0.56	0.46	0.49	0.48	0.54
Month		**Reported 3-Hour SO_2 Rates (lb/MMBtu) with Trona**				
		Boiler 1	**Boiler 2**	**Boiler 3**	**Boiler 4**	**Boiler 5**
Jul 2007[2]	Minimum	0.16	0.04	--	--	0.16
Jul 2007[2]	Average	0.31	0.32	--	--	0.34
Jul 2007[2]	Maximum	0.45	0.52	--	--	0.53
Month		**Reported 24-Hour SO_2 Rates (lb/MMBtu) with Trona**				
		Boiler 1	**Boiler 2**	**Boiler 3**	**Boiler 4**	**Boiler 5**
Jul 2007[2]	Minimum	0.28	0.30	--	--	0.30
Jul 2007[2]	Average	0.31	0.33	--	--	0.34
Jul 2007[2]	Maximum	0.36	0.47	--	--	0.48

(1) Operation under the EPA's ACO issued in June 2006 that allowed SO_2 emissions to increase or decrease based on daily predictive modeling and forecasted meteorological data.

(2) Operation under the State Operating Permit issued by VDEQ on Jun 1, 2007.

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October 9, 2007

David K. Paylor, Director
Virginia Department of Environmental Quality
629 East Main Street
Richmond, Virginia 23219

Richard D. Langford, Chairman
Bruce C. Buckheit
John N. Hanson
Hullihen W. Moore
Vivian E. Thomson
State Air Pollution Control Board
Virginia Department of Environmental Quality
629 East Main Street
Richmond, Virginia 23219

Re: Comprehensive State Operating Permit (2 Stack Version) for Mirant Potomac River Generating Station, Alexandria, Virginia

Dear Director Paylor and Honorable Board Members:

Pursuant to direction from the State Air Pollution Control Board (SAPCB) on September 13, 2007 to the Virginia Department of Environmental Quality (VDEQ) to prepare a New Source Review (NSR) pre-construction permit for the proposed stack merger project at the Potomac River Generating Station, VDEQ, on October 5, 2007, presented to the SAPCB two proposed comprehensive State Operating Permits (SOPs). The first proposed SOP assumes the current 5 stack configuration. The second proposed SOP is essentially the same as the 5 stack SOP but assumes construction of the stack merger project. As readily acknowledged by VDEQ, the proposed two-stack SOP "is not an NSR permit that would authorize construction."

The City of Alexandria objects to any consideration of the proposed two-stack SOP because it flies in the face of the SAPCB's conclusion that the stack merger project requires an NSR construction permit. VDEQ has yet to propose an NSR construction permit nor does so in conjunction with the two-stack SOP. Consequently, with the requirement to comply with NSR unsatisfied, an SOP that permits operation of the plant with a merged two-stack configuration is

a blatant violation of the Clean Air Act. There is no reasonable justification for the SAPCB to publish the proposed two-stack SOP prior to compliance with NSR requirements.

Importantly, NSR review is a critical first step because pollution controls that are required as a result of the construction project will necessarily drive the emission limits in the SOP. For example, if the NSR review concludes that the increase in emissions of SO_2, NO_x, PM_{10} and $PM_{2.5}$ are sufficient to trigger a major NSR, pollution controls that meet LAER would be required. 9 VAC 5, Chapter 80, Article 9. The determination of LAER would likely require the installation of baghouses in order to meet the limit. The proposed two-stack SOP submitted by VDEQ does not include emission limits that are reflective of the degree of emission control achievable with baghouses. The draft SOP, therefore, inappropriately predetermines the outcome of the NSR analysis.

Most egregious, the proposed two-stack SOP differs from the five-stack SOP only in that it permits significantly relaxed short term emission limits. In so doing, it unilaterally and illegally grants Mirant dispersion credit for the stack merge and reveals the project for what it really is, an effort to increase emission limits and increase production through nothing other than pollution dispersion. No additional pollution controls are required as part of the proposed two-stack SOP. Put simply, as compared to the five-stack SOP, the two-stack SOP permits Mirant to employ a prohibited dispersion technique.

Alexandria strongly urges the SAPCB to categorically reject the proposed two-stack SOP at this time.

Sincerely,

Ignacio B. Pessoa
City Attorney

John B. Britton
Schnader Harrison Segal and Lewis LLP

Counsel for the City of Alexandria

cc: The Honorable James P. Moran
The Honorable Tim Kaine
The Honorable L. Preston Bryant, Jr.
The Honorable Richard L. Saslaw, Senate of Virginia
The Honorable Patricia S. Ticer, Senate of Virginia
The Honorable Mary Margaret Whipple, Senate of Virginia
The Honorable Bob Brink, Virginia House of Delegates
The Honorable Adam P. Ebbin, Virginia House of Delegates

The Honorable David L. Englin, Virginia House of Delegates
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Richard Baier, City of Alexandria