

PUBLIC HEARING NOTICE

The Department of Environmental Quality will hold a public hearing on a proposed revision to the Commonwealth of Virginia State Implementation Plan (SIP). The hearing will be held in the Lee Center, 1108 Jefferson Street, Alexandria, Virginia, at 7:30 p.m. on October 28, 2004, to accept testimony concerning the proposed revision. There will be a brief informational presentation and question period beginning at 6:30 p.m. Using the procedures explained below, the Department will also accept written comments until October 28, 2004.

The proposed revision consists of a portion of a state operating permit for the Mirant Mid-Atlantic, LLC (MIRANT), Potomac River Generating Station (PRGS) located in the City of Alexandria, Virginia. The permit replaces one issued on September 18, 2000, to the Potomac Electric Power Company, the previous owner of the plant. A similar permit proposed this past March, for which a public hearing was held at the Lee Center on April 12, will not be issued.

The proposed permit is being issued to make enforceable under the federal Clean Air Act portions of a consent decree lodged in the United States District Court for the Eastern District of Virginia on September 27, 2004, affecting the PRGS. The purpose of the consent decree is to resolve the dispute between MIRANT and the Department over the alleged violations in 2003 of the permit issued September 18, 2000, and to settle related matters to which Mirant, the Commonwealth of Virginia, the U. S. Environmental Protection Agency, and the State of Maryland were parties. Comment is being solicited from the public on the proposed state operating permit, only. The consent decree is undergoing public participation by a separate federal process.

A key provision of both the consent decree and the permit is based on a control measure set forth in Section 7.2.9 of the Plan to Improve Air Quality in the Washington, DC-MD-VA Region (Severe Area SIP), dated February 19, 2004, and submitted to EPA as a SIP revision on February 25, 2004. The control measure requires that emissions of oxides of nitrogen (NO_x) from the electric power plants in Northern Virginia not exceed 0.15 pounds per million BTU's of (fuel) heat input during the ozone season (May - September). The air quality plan was prepared by the Metropolitan Washington Air Quality Committee (MWAQC), which consists of elected officials from the affected localities, and representatives of the state transportation and air quality management agencies. The permit would allow this limit to be met by averaging NO_x emissions and heat input over all of the Mirant coal-fired units in the Washington, DC-MD-VA Region, since all of the units impact the area not attaining the ozone standard. A cap on total NO_x emissions from the PRGS, itself, would also be included and would become increasingly more stringent each year until leveling off in 2010 at 1,475 tons per ozone season. The permit would include the consent decree's requirement for additional environmental projects pertaining to the PRGS, primarily for the control of ash and coal dust.

A state operating permit is not a general requirement for operation of electric power plants in Virginia. The proposed permit is being issued pursuant to Article 5 (9 VAC 5-80-800 et seq.) of 9 VAC 5 Chapter 80 of state regulations for the purpose of applying special limitations on the operation of the PRGS and is state enforceable upon issuance. If ownership of the facility changes, the new owner becomes subject to the permit.

Comments must be submitted according to the procedures specified in the next paragraph to be considered in the formation of the final SIP revision; however, questions may be directed to John R. McKie, Air Permit Writer, Northern Regional Office, Department of Environmental Quality, (email: jrmckie@deq.virginia.gov) (phone: 703-583-3831) or Terry H. Darton, Air Permit Manager, Northern Regional Office, Department of Environmental Quality, (email: thdarton@deq.virginia.gov) (phone: 703-583-3845).

The Department must receive all comments by 5:00 p.m., October 28, 2004 to be considered. It is preferred that all comments be provided in writing, along with any supporting documents or exhibits; however, oral comments will be accepted at the hearing. Comments may be submitted by mail, facsimile transmission, email, or by personal appearance at the hearing, and must be submitted to Director, Office of Air Regulatory Development, Department of Environmental Quality, 629 East Main Street, P.O. Box 10009, Richmond, Virginia 23240 (fax: 804-698-4510, email: ramann@deq.state.va.us). Comments by facsimile transmission will be accepted only if followed by receipt of the original within one week. Comments by email will be accepted only if the name, address, and phone number of the commenter are included. All testimony, exhibits and documents received are matters of public record. The proposal and any supporting documents may be examined by the public at (1) the Northern Regional Office, Department of Environmental Quality, 13901 Crown Court, Woodbridge, Virginia, (703) 583-3800, (2) the Charles E. Beatley, Jr. Central Library, 5005 Duke Street, Alexandria, Virginia and (3) the DEQ Main Street Office, 8th Floor, 629 E. Main Street, Richmond, Virginia, (804) 698-4070, between 8:30 a.m. and 4:30 p.m. of each business day until the close of the public comment period.
