



William D. Euille
Mayor

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January 30, 2007

The Honorable Timothy M. Kaine
Governor of the Commonwealth of Virginia
Patrick Henry Building, 3rd Floor
1111 East Broad Street
Richmond, Virginia 23219

Dear Governor Kaine:

Tim

I am writing to thank you for agreeing to work with the City to ensure that its concerns are met in amendments to the legislation proposed to merge the State Air Pollution Control Board, the State Water Control Board, and the Waste Management Board; and to transfer many of these boards' permitting and other responsibilities to the Department of Environmental Quality (HB 3113 and SB 1403).

As you know, the City has taken a number of actions in recent years to protect the health of its citizens from any detrimental impacts resulting from emissions from the Mirant Potomac River Generating Station in north Old Town. In recent months, the State Air Pollution Control Board has agreed to take responsibility for the issuance of the permit for this facility. The City viewed this action as a positive step that would result in a careful consideration of all the factors that should be considered in the development of this permit. The Board also promised to undertake a "transparent" process for dealing with this permit—a promise that gave encouragement to the many Alexandria residents who believe that some of the previous enforcement and regulatory actions with respect to this facility have been handled in a manner which did not fully protect their right to participate effectively in a regulatory process which materially affects their lives. The City believes that it is important that the State Air Pollution Control Board be given sufficient time to complete all actions on this permit. It is for this reason that I and the rest of Alexandria City Council became concerned about the legislation to eliminate the Board and divest it of permit authority.

I have asked the City's Legislative Director, Bernard Caton, to work with your administration on an appropriate amendment to these bills. However, as you are aware, many environmental advocacy and other groups have raised a number of other, significant concerns about the impacts of this legislation, and a number of them have proposed that the bills be carried over to allow sufficient time to reach an accord with DEQ. If the bills are carried over, that action should address our concerns. In the alternative, we would request an amendment to delay the effective

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date of the legislation for one year, to July 1, 2008, to allow the Air Pollution Control Board sufficient time to complete the ongoing Mirant permit process, but we are open to other suggestions. I understand that Mr. Caton will be meeting with Preston Bryant, your Secretary of Natural Resources, and I look forward to a resolution of our concerns.

Thank you again for your assistance.

Sincerely,



William D. Euille
Mayor

- cc: The Honorable Members of City Council
The Honorable Patricia Ticer
The Honorable Richard Saslaw
The Honorable Adam Ebbin
The Honorable David Englin
The Honorable Brian Moran
James K. Hartmann, City Manager
Bernard Caton, Legislative Director
Ignacio Pessoa, City Attorney
Richard Baier, Transportation and Environmental Services Director