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March 6, 2008

The Honorable David Snyder
Chairman
Metropolitan Washington Air Quality Committee
77 North Capitol Street, NE
Suite 300
Washington, DC 20002

Re: Proposed Amendment by MWAQC to PM_{2.5} SIP

Dear Chairman Snyder:

I am responding to the Virginia Department of Environmental Quality's (VDEQ's) Memorandum of March 6, 2008 (attached) concerning certain amendments to the draft State Implementation Plan (SIP) for Fine Particulate (PM_{2.5}) Standard which will be offered by Alexandria's representative on MWAQC, Vice Mayor Redella S. Pepper. VDEQ's comments improperly attempt to usurp MWAQC's legitimate review and decision making process.

It is important to remember that MWAQC is the organization certified by the Mayor of the District of Columbia and the governors of Maryland and Virginia to prepare, among other things, an air quality plan for reducing PM_{2.5} emissions throughout the Washington, D.C. metropolitan region.

As such, MWAQC has no obligation to accept or accede to policy recommendations from VDEQ, which are at clear variance with MWAQC's obligation to prepare an air quality plan that improves the health of all residents, and ensures attainment of the NAAQS, in the entire region. Unfortunately, VDEQ has a demonstrated history of dismissing the long-standing public health issues and concerns related to Mirant's Potomac River Generating Station (PRGS) in Alexandria. To date, VDEQ's dismissive attitude towards pollutants emitted by this antiquated facility has been uniformly repudiated by the Virginia State Air Pollution Control Board. In so far as

that dismissive attitude impairs regional air quality, this Committee should likewise reject the agency's recommendations.

Once again, now in the context of the ongoing PM_{2.5} SIP process, VDEQ's response to public comments on the proposed SIP has been inadequate, and VDEQ is now seeking to restrict MWAQC to a ministerial and meaningless review of the draft SIP. To imply that it is improper for a Committee member to offer amendments during the Committee's consideration of the SIP, or to suggest that such amendments are the equivalent of untimely public comments to which VDEQ need not really respond, flies in the face of MWAQC's procedural and substantive mandate under the law.

The PRGS is uniquely sited in a densely populated residential neighborhood with antiquated operating characteristics and potentially significant adverse impacts due to its PM_{2.5} emissions not only on northern Virginia but also the District of Columbia and Maryland. Such unique characteristics warrant strict scrutiny of, and implementation of proactive measures with respect to, the operation of the plant. The issues raised in the amendments to be offered by Alexandria's representative are not new to VDEQ, and have appeared in public comments previously submitted by the City of Alexandria and by environmental, community and civic groups, as well as individual citizens. These issues are, therefore, ripe for discussion by this Committee and the comments received afford the Committee an appropriate basis to rectify the omissions in the draft SIP. This Committee certainly has the authority to amend the proposed SIP as it deems necessary, based on the existing public process, to fulfill its mandate under the Clean Air Act and regional agreements. To suppose otherwise renders the public review and comment process illusory.

In furtherance of MWAQC's mandate, Alexandria's amendments are intended to (i) identify as expeditiously as practicable a possible major source of primary PM_{2.5} emissions that could adversely impact the implementation of any approved SIP and (ii) utilize a recognized and reasonable control strategy for the reduction of PM_{2.5}. Unfortunately, the VDEQ unnecessarily expands to a state-wide level the SIP's proposed framework for PM_{2.5} local area analysis. The draft SIP provides that Mirant conduct a PM_{2.5} analysis for the PRGS. As drafted, however, the timing of such analysis is too open-ended, an indefinite schedule that is unacceptable to Alexandria, particularly given the recognized adverse impacts to public health as a result of Mirant's PM_{2.5} emissions. An established deadline will focus VDEQ efforts to diligently pursue its preferred avenue of analysis. Importantly, the imposition of such a deadline will not impact the implementation of the other provisions of the SIP in any negative manner.

MWAQC was created to ensure a regional approach to improve air quality. The District of Columbia and Maryland have stricter opacity standards for emissions from point sources in the metropolitan Washington, D.C. non-attainment area. Virginia's standard is outdated and the most lax of the three. The proposed amendment merely brings Virginia's standard in line with those of the District and Maryland, an approach that is consistent with the mandate of this Committee. Furthermore, such a measure is consistent with EPA's Clean Air Fine Particulate Implementation Rule, which recognizes

the revision of the opacity standard as a legitimate and reasonable control measure for PM_{2.5}. It is disingenuous for VDEQ to disavow any relationship between opacity and PM_{2.5}. MWAQC rightly choose to submit a PM_{2.5} SIP rather than submit a request to rescind the region's non-attainment designation. Revising Virginia's opacity standard is consistent with MWAQC's earlier action. Furthermore, this change will provide consistency throughout the metropolitan Washington, D.C. non-attainment area, and forge a strong tool for achieving the SIP's goal of reducing PM_{2.5} emissions.

For the above reasons, Alexandria respectfully suggests that the Committee has full authority and ample justification to consider and adopt the proposed amendments to the PM_{2.5} SIP.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ignacio B. Pessoa', with a long horizontal flourish extending to the right.

Ignacio B. Pessoa
City Attorney