

[DRAFT] MINUTES

STATE AIR POLLUTION CONTROL BOARD MEETING
AUDIO CONFERENCE MEETING

TUESDAY, APRIL 10, 2007

Hampton Inn Col Alto
401 East Nelson Street
Lexington, Virginia

Department of Environmental Quality
Northern Regional Office
13901 Crown Court
Woodbridge, Virginia

Department of Environmental Quality
Central Office
629 East Main Street
8th Floor Conference Room
Richmond, Virginia

Department of Environmental Quality
Surface Water Investigations Office
900 Natural Resources Drive, Suite 600
Charlottesville, Virginia

Board Members Present in Lexington:

Richard D. Langford, Chair
Bruce C. Buckheit

Hullihen W. Moore

Board Members Present in Charlottesville: Vivian E. Thomson, Vice-Chair

Board Members Absent: John D. Hanson

Department of Environmental Quality:

David K. Paylor, Director

Cindy M. Berndt

Attorney General's Office:

Carl Josephson
Senior Assistant Attorney General

The meeting was convened at 9:30 a.m., recessed at 11:22 a.m., reconvened at 11:30 a.m. and adjourned at 1:00 p.m.

Minute No. 1 –Mirant Potomac River Generating Station: Mr. Richard Weeks briefed the Board on the status of negotiations between the Department, Mirant and the City of Alexandria on a new consent order. Mr. Weeks informed the Board that while significant progress had been made, the

differences between the Mirant and the City of Alexandria could not be bridged. In addition, Mr. Weeks advised the Board that during the negotiations Mirant had offered a number of concessions that provided additional levels of environmental protection and increased certainty over the order presented at the March, 2007 meeting. Therefore, the Department continued negotiations with Mirant and have incorporated the concessions into a new consent order.

Mr. Michael Dowd, Director, Division of Enforcement, presented the new consent order to the Board and discussed the substantive additional requirements of the order with the Board.

The Board then heard from representatives of the City of Alexandria (John Britton, William Skrabak, Maureen Barrett and David Sullivan) and representatives of the Mirant Potomac River Generating Station (Bob Driscoll, Rodney Smolla, Michael Stumpf, David Cramer, Kevin Finto and Walter Stone).

After much discussion and questions by the Board, Mr. Moore made a motion directing the Department to:

-- Publish for public comment the Department's proposed consent order

-- Request comments as to whether intermittent controls are allowed as part of a permit. If not, are they allowed during a phase-in period? Are they allowed in a consent order?

-- Request comments as to whether the proposed Mirant stack-merge project is prohibited under federal or state law as a prohibited dispersion technique.

-- Publish for comment a state operating permit to be effective June 1, 2007 (or as soon thereafter as possible) as allowed by law including, but not limited to, 9 V AC 5-80-800 C.2 and 9 V AC 580-820 D. Such permit shall limit S02 emissions in lbs/hr and tons/year based on the AERMOD model with EBD approved by EPA so as to be protective of S02 NAAQS. The lbs/hr shall be measured over a rolling 3-hour period.

-- Publish for comment a state operating permit to be effective June 1, 2007 (or as soon thereafter as possible) as allowed by law including, but not limited to, 9 V AC 5-80-800 C.2 and 9 V AC 580-820 D. Such permit shall limit S02 emissions as follows; predictive modeling stays in place and the comments should be on these kinds of numbers and these kinds of formats:

MIRANT PRGS PROPOSED S02 LIMITS

Limits for Period June 1. 2007 - September 30. 2007

1,320 tons

0.50 lbs/MMBTU measured over rolling 3-hour period

338 lbs/hr for each unit¹ over a rolling 3-hour period

If monitored S02 equals 70% of NAAQS: limit of 700 lbs/hr for the plant over a rolling 3-hour period

Limits for Period October 1.2007 - March 31. 2008

2,000 tons

0.40 lbs/MMBTU measured over rolling 3-hour period

270 lbs/hr for each unit² over a rolling 3-hour period

If monitored S02 equals 70% of NAAQS: limit of 700 lbs/hr for the plant over a rolling 3-hour period

Limits after March 31, 2008

3,500 tons/year

0.28 lbs/MMBTU measured over rolling 3-hour period

270 lbs/hr for each unit³ over a rolling 3-hour period

If monitored SO₂ equals 70% of NAAQS: limit of 700 lbs/hr for the plant over a rolling 3-hour period

¹ Hourly limits based on 0.50 lbs/MMBTU and units operating at 70% capacity.

² Hourly limits based on 0.40 lbs/MMBTU and units operating at 70% capacity.

³ Hourly limits based on 0.28 lbs/MMBTU and units operating at 100% capacity.

-- Publish for comment a state operating permit to be effective June 1, 2007 (or as soon thereafter as possible) as allowed by law including, but not limited to, 9 V AC 5-80-800 C.2 and 9 V AC 580-820 D. Such permit shall limit SO₂ emissions as follows and comments should be on these kinds of numbers and these kinds of formats:

MIRANT PRGS PROPOSED SO₂ LIMITS

Limits for Period June 1, 2007 - March 31, 2008

3,300 tons that's annualized at 4,000

1000 lbs/hr for the plant over a rolling 3-hour period

If monitored SO₂ equals 70% of NAAQS: limit of 700 lb/hr for the plant over a rolling 3-hour period

Limits after March 31, 2008

3,500 tons/year

800 lbs/hr for the plant over a rolling 3-hour period

If monitored SO₂ equals 70% of NAAQS: limit of 700 lbs/hr for the plant over a rolling 3-hour period

Mr. Moore also presented the following "what if" numbers.

@ 0.5 lbs/MMBTU	Lbs/Hr	MWH/Yr	TPY
Units 1 & 2 at 20% capacity	194	325,872	850
Units 3, 4 & 5 at 50% capacity	720	1,419,120	<u>3,154</u>
Overall average capacity = 39%	914	1,744,992	4,004
@ 0.4 lbs/MMBTU	Lbs/Hr	MWH/year	TPY
Units 1 & 2 at 27% capacity	210	439,927	918
Units 3, 4 & 5 at 61 % capacity	703	1,731,326	<u>3,078</u>
Overall average capacity = 49%	913	2,171,253	3,996
@ 0.35 lbs/MMBTU	Lbs/Hr	MWH/year	TPY
Units 1 & 2 at 31 % capacity	211	505,102	923
Units 3, 4 & 5 at 70% capacity	706	1,986,768	<u>3,091</u>
Overall average capacity = 56%	917	2,491,870	4,014
@ 0.28 lbs/MMBTU	Lbs/Hr	MWH/year	TPY
Units 1 & 2 at 35% capacity	190	570,276	834
Units 3, 4 & 5 at 75% capacity	605	2,128,680	<u>2,651</u>
Overall average capacity = 60%	795	2,698,956	3,485

Note: Units 1 & 2 capacity = 93 MW each; Units 3, 4 & 5 capacity = 108 MW each

The motion was seconded by Mr. Buckheit. Mr. Moore, in response to questions from Mr. Thomson made a motion, seconded by Ms. Thomson, to amend the motion to include a direction to the Department to publish for comment the proposed order submitted by the City of Alexandria. The Board voted 4 to 0 to approve the amendment to the original motion. The Board, then voted 3 to 1 (Mr. Langford voted no) to approve the motion, as amended.

Cindy M. Berndt