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January 29, 2008

*Via Email*

Mr. Terry Darton  
Air Permit Manager  
Virginia Department of Environmental Quality  
13901 Crown Court  
Woodbridge VA 22193

**Re: Public Record Regarding Proposed Merged-Stack Stationary Source Permit to Operate, Mirant Potomac River Generating Station, Alexandria, Virginia**

Dear Mr. Darton:

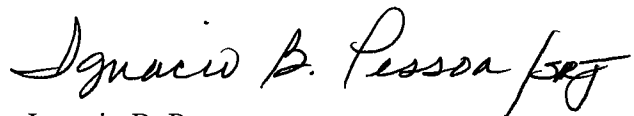
The City of Alexandria writes to object to VDEQ's decision to cut off public comment on the above-referenced State Operating Permit ("SOP"). At the meeting on Friday, February 24, 2008, the State Air Pollution Control Board ("Board") announced its clear decision that the public record remain open for an extended period beyond today's closing. This followed a request from John Britton that the record remain open to allow the public to comment on information that was presented to the Board at that meeting. In addition, the Board decided to keep the record open to permit additional comment on the draft SOP because Mirant had not yet submitted critical data regarding stack testing of a new sorbent. The City understood that the entire record would remain open for two weeks following submission by Mirant of the requested information.

It is the Board's prerogative to extend public comment on matters that are before it. The City and members of the public have justifiably relied on the Board's direction that it would do so. For VDEQ to attempt to now restrict public comment that has been requested by the Board is another example of VDEQ ignoring clear directions of the Board and is an abuse of authority. Moreover, the decision to do so is arbitrary and capricious and reflects a disquieting lack of respect for full public participation in this important proceeding.

Mr. Terry Darton  
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Although, out of an abundance of caution, Alexandria is submitting comments on the proposed SOP today, Alexandria reserves the right to submit additional comments or to challenge this proceeding on the grounds that public comment has been impermissibly restricted.

Sincerely,



Ignacio B. Pessoa  
City Attorney



John B. Britton  
Schnader Harrison Segal & Lewis LLP  
Counsel for the City of Alexandria

JBB/tsg  
Attachment

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  
David Paylor, VDEQ  
Richard Weeks, VDEQ  
Richard Langford, Chairman, VDEQ Air Pollution Control Board  
Vivian Thomson, Vice-Chairman, VDEQ Air Pollution Control Board  
Bruce Buckheit, VDEQ Air Pollution Control Board  
John Hanson, VDEQ Air Pollution Control Board  
Hullihen Moore, VDEQ Air Pollution Control Board  
James K. Hartman, City of Alexandria  
Richard Baier, City of Alexandria