

# Special Environmental Analysis

For Actions Taken under U.S. Department of Energy  
Emergency Orders Regarding Operation of the  
Potomac River Generating  
Station in Alexandria, Virginia



November 2006

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## COVER SHEET

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**Cooperating Agency:**

U.S. Environmental Protection Agency

**Title:**

Special Environmental Analysis for Actions Taken under DOE Emergency Orders Regarding Operation of the Potomac River Generating Station in Alexandria, Virginia

**Location:**

Alexandria, VA, and Washington, DC

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**Abstract:**

On December 20, 2005, the Secretary of Energy issued an emergency order, DOE Order 202-05-03, requiring Mirant's Potomac River Generating Station in Alexandria, Virginia, to operate under limited circumstances. On September 28, 2006, the Secretary extended the Order, including all of its terms and conditions, DOE Order 202-06-2, until December 1, 2006. This SEA includes descriptions of the DOE emergency orders; assessments of the direct, indirect, and cumulative impacts resulting from the emergency orders; and descriptions of alternative actions for potential future decision-making that include mitigation. This SEA covers a period of about 24 months beginning in December 2005.

**Public Comment:**

Simultaneously with issuance of this SEA, the Secretary is issuing another temporary extension of the emergency order, including all of its terms and conditions, DOE Order 202-07-1, until February 1, 2007. DOE is placing the document on DOE's internet websites (<http://www.oe.energy.gov/permitting/372.htm> and <http://www.eh.doe.gov/nepa/documents/pub.html>) and making it available at the public reading room at DOE headquarters. An announcement of the availability of the SEA is also being made in the *Federal Register*. Comments on this SEA are due on January 8, 2007, and will be considered in any future decision-making on this matter. Due to postal security procedures, comments sent through U.S. mail may be delayed, and DOE recommends that commentors use other means.

## SUMMARY

On December 20, 2005, the Secretary of Energy issued an emergency order (“DOE Order” or “Order”) to Mirant Potomac River, LLC (Mirant) pursuant to Section 202(c) of the Federal Power Act (FPA). The Order directed Mirant to operate its Potomac River Generating Station (“the Plant”) in Alexandria, Virginia, in specific and limited circumstances in order to reduce the risk of a blackout in the Central Washington,

D.C. area, while avoiding, to the extent possible, exceedances of the National Ambient Air Quality Standards (NAAQS) (text box). The Order was to expire on September 30, 2006, but DOE issued a temporary extension of the Order, until December 1, 2006, to allow for completion of this Special Environmental Analysis (SEA). This SEA assesses impacts resulting from the Orders and from potential future alternative actions DOE may take in this matter. DOE is accepting public comment on this SEA and will consider all comments submitted in any future decision-making.

In emergency situations, pursuant to 40 CFR 1506.11, the Council on Environmental Quality’s (CEQ) National Environmental Policy Act of 1969 (NEPA) regulations call for agencies to consult with CEQ to determine what alternative arrangements the agency will take in lieu of preparing an environmental impact statement (EIS) that might otherwise be required for the relevant action. DOE is issuing this SEA in compliance with the “alternative arrangements” plan agreed upon with CEQ.

### **National Ambient Air Quality Standards (NAAQS)**

The Clean Air Act, which was last amended in 1990, requires the Environmental Protection Agency (EPA) to set NAAQS for pollutants considered harmful to public health and the environment. EPA has set NAAQS for seven “criteria” pollutants: sulfur dioxide (SO<sub>2</sub>), nitrogen dioxide (NO<sub>2</sub>), lead, carbon monoxide (CO), ozone, particulate matter less than or equal to 10 µm in aerodynamic diameter (PM<sub>10</sub>), and particulate matter less than or equal to 2.5 µm in aerodynamic diameter (PM<sub>2.5</sub>). Each NAAQS has a specific averaging time (e.g., 3-hour or 24-hour SO<sub>2</sub> standard) that represents the time period over which modeled air pollutant concentrations are analyzed for the purpose of determining attainment with the NAAQS. The NAAQS are implemented at the state level through State Implementation Plans (SIPs). SIPs use individual source emissions limitations to help attain and maintain the NAAQS.

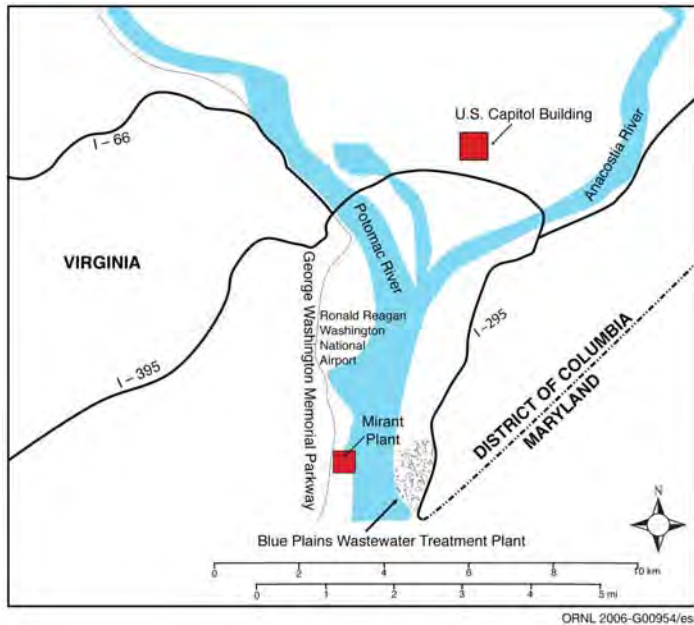
### Background

The Plant is a 482-MW electricity generating facility located on the Potomac River in Alexandria, Virginia, about five miles (8 km) from the U.S. Capitol building (Figure S-1). The Plant consists of five generating units, each with its own exhaust stack. Because the Plant is located three miles (5 km) from the Ronald Reagan Washington National Airport and is within the flight path of the airplanes that fly in and out of that airport, it has stacks that are shorter than

normal for similar facilities. The Plant uses oil to pre-heat each of its units and then burns coal, which it receives via rail car, to generate electricity. The generated electricity is transmitted to the central business district of Washington, D.C., many Federal institutions, the Georgetown area, as well as other portions of Northwest D.C. and the D.C. Water and Sewer Authority's Blue Plains Wastewater Treatment Plant (collectively called the "Central D.C. area").

The Plant site was relatively remote in 1949 when the Plant began operation. However, residential communities and commercial properties have grown up and around the Plant over the last 50 years, notably a condominium building,

Marina Towers, built only 300 yards (270 m) from the Plant in the 1960s. Since 2001, residents of Marina Towers have complained about air quality impacts and associated health impacts of the Plant's operation. Since 2003, state and Federal environmental agencies have been working with Mirant to settle alleged violations of the Plant's operating permit limit for nitrogen oxide (NO<sub>x</sub>) emissions. The alleged violations resulted in a judicial consent decree (EPA 2004) in September 2004 and an amended judicial consent decree in May 2006 (EPA 2006g). Part of the 2004 settlement required Mirant to perform a modeling analysis to predict the effect of "downwash"<sup>1</sup> from the Plant on ambient concentrations of several NAAQS pollutants. The study showed significant modeled exceedances of three NAAQS pollutants from downwash: sulfur dioxide (SO<sub>2</sub>), nitrogen dioxide (NO<sub>2</sub>), and particulate matter finer than 10 μm in aerodynamic diameter (PM<sub>10</sub>). As a result of the study, on August 19, 2005, the Virginia Department of Environmental Quality (VDEQ) issued a letter to Mirant requesting that Mirant "undertake such action as is necessary to ensure protection of human health and the environment, in the area surrounding the Potomac River Generating Station, including the potential reduction of levels of operation, or potential shutdown of the facility." On August 24, 2005, in response to VDEQ's August 19, 2005, letter, Mirant decided to shut down all five generating units at the Plant.



**Figure S-1.** The location of the Plant in relation to the central Washington, D.C. area.

<sup>1</sup> The September 23, 2004, judicial consent decree (EPA 2004) defined downwash as "the effect that occurs when aerodynamic turbulence induced by nearby structures causes pollutants from an elevated source (such as a smokestack) to be mixed rapidly towards the ground resulting in higher ground-level concentrations of pollutants."

## DOE Action

On August 24, 2005, the District of Columbia Public Service Commission (DCPSC) filed an Emergency Petition and Complaint (“Petition”) with DOE pursuant to Section 202(c) of the FPA. The Petition requested the Secretary of Energy to find that an emergency existed under Section 202(c) of the FPA and to issue an order directing Mirant to continue operation of the Plant. Section 202(c) of the FPA authorizes DOE, upon determination that an emergency exists, to “require by order such temporary connections of facilities and such generation, delivery, interchange, or transmission of electric energy as in its judgment will best meet the emergency and serve the public interest.” The basis of the DCPSC’s Petition was that the shutdown of the Plant had a drastic and potentially immediate effect on the reliability of the electricity supply of the Central D.C. area.

After receiving the Petition, DOE spent four months reviewing the facts to gather information on the shutdown of the Plant and its effect on the reliability of the Central D.C. electricity system. DOE met with private entities responsible for electricity transmission in the Central D.C. area and the regional electricity system to determine the role of the Plant in electricity reliability. DOE also met with officials from the Environmental Protection Agency (EPA) to understand the environmental situation posed by the Plant’s operation, particularly with regard to the NAAQS. Meanwhile, on September 21, 2005, Mirant unilaterally restarted the Plant’s unit 1 in an 8-8-8 capacity (that is, in any given 24-hour period, the unit ran for 8 hours at its maximum level, 8 hours at its minimum level, and did not run for 8 hours). Mirant also began experimental use of measures to control SO<sub>2</sub>, specifically combustion of low-sulfur coal and injection of trona (a substance similar to baking soda) into flue gases.

During its investigation, DOE learned of the Plant’s key role in providing electricity reliability to the Central D.C. area. The Plant is one of only three sources of electricity to the Central D.C. area. The other sources are two 230-kV transmission lines that deliver electricity from other regional generating sources. The Potomac Electric Power Company (Pepco) is in the process of installing two additional 230-kV transmission lines to the Central D.C. area that will provide a high level of electricity reliability to the area even in the absence of the Plant. These lines are currently expected to be placed in service in June 2007. Until then, if the Plant is not available to generate electricity and one of the two existing transmission lines goes out of service (either unexpectedly or for maintenance), the Central D.C. area would only be served by the remaining line. If the remaining line then failed, a blackout would occur, affecting many government agencies; a large number of residents and workers; and hospitals, police, and fire facilities. Since 2000, there have been 34 one-line planned outages, seven one-line unplanned outages, and two times where both lines failed simultaneously. Indeed, on December 15, 2005, during DOE’s investigation, one of the 230-kV transmission lines failed unexpectedly, and the supply of electricity to the Central D.C. area depended solely on the remaining line until the morning of December 16, 2005.

After DOE's investigation, on December 20, 2005, the Secretary issued the Order stating:

I find that in the circumstances presented here, an emergency exists that justifies the issuance of a section 202(c) order. My determination is not based on any single factor, but on the combination of all relevant facts and circumstances. In particular, I find that an emergency exists because of the reasonable possibility an outage will occur that would cause a blackout, the number and importance of facilities and operations in our Nation's Capital that would be potentially affected by such a blackout, the extended number of hours of any blackout that might in fact occur, and the fact that the current situation violates applicable reliability standards.

DOE's Order did not direct Mirant to simply generate full power at the Plant, even though continuous, unrestricted, operation of the Plant, at all times, was requested in the Petition and would have assured a high level of electricity reliability to the Central D.C. area. Instead, the Order sought to strike an appropriate balance between environmental concerns and electricity reliability by directing Mirant to operate the Plant, but only in certain circumstances and only to limited capacity. Specifically, the Order required Mirant to (1) operate the Plant to produce the amount of power necessary to meet demand in the Central D.C. area during a planned or unplanned outage of one of the 230-kV lines and (2) in situations where both 230-kV lines are functioning, keep as many generating units in operation and take all other measures to reduce the start-up time of units not in operation for the purpose of providing electricity reliability, without causing an exceedance of the NAAQS. The Order further required Mirant to utilize pollution control equipment and measures to the maximum extent possible to minimize the magnitude and duration of any exceedance of the NAAQS during a planned or unplanned transmission line outage. The Order also contemplated continued DOE cooperation with EPA and suggested that DOE would modify the Order at a later date if EPA decided to issue an order to Mirant.

On June 1, 2006, EPA issued an Administrative Compliance Order (ACO) to Mirant. The ACO directs Mirant to operate the Plant under conditions specified in the DOE Order during line outage situations, but requires Mirant to take all reasonable steps to limit SO<sub>2</sub>, PM<sub>10</sub>, and NO<sub>x</sub> emissions and to optimize use of trona to minimize SO<sub>2</sub> emissions. In non-line outage situations (i.e., in the normal course of operation), the ACO authorizes Mirant to operate the Plant under "daily predictive modeling" after certain conditions are met. Under daily predictive modeling Mirant is to model a specific operating mode for the Plant based on predicted weather conditions for the following day and operate under that mode only where the daily modeling run demonstrates that the Plant will not cause or contribute to a modeled exceedance of the 3-hr and 24-hr SO<sub>2</sub> and PM<sub>10</sub> NAAQS. The ACO also requires Mirant to maintain alarms that alert the Plant operators if monitored average concentrations reach 80% of the standards for SO<sub>2</sub>, including the annual SO<sub>2</sub> standard. In addition, the ACO requires Mirant to install and operate six new SO<sub>2</sub> ambient monitoring stations in the vicinity where elevated pollutant concentrations have been predicted and to conduct actual monitoring of ambient SO<sub>2</sub> concentrations. On

June 2, 2006, DOE directed Mirant to operate under the ACO during non-line outage situations, for the purpose of providing electricity reliability, and to continue operation in accordance with the DOE Order in line-outage situations.

DOE believes that the Order and the ACO are the product of the best available balance between providing electricity reliability to the Central D.C. area and protecting the environment and human health in Alexandria, Virginia, until the additional 230-kV lines are in service. The Order and the ACO both contain provisions to prevent NAAQS exceedances in the normal course of operation of the Plant. The only time a possible exceedance of the NAAQS is contemplated is during line-outage situations. In addition, while unplanned transmission line outages cannot be predicted, planned transmission line outages are scheduled in 2006-2007 for periods of time when demand for electricity in the Central D.C. area (and hence emissions from the Plant) is at its lowest. The 2006 amended judicial consent decree, after it is implemented, will provide limitations on NO<sub>x</sub> emissions from the Plant.

### NEPA Process and this SEA

Major Federal actions significantly affecting the human environment generally call for DOE to prepare an EIS before taking the action to analyze impacts in compliance with NEPA. However, in emergency situations, pursuant to 40 CFR 1506.11, the CEQ's NEPA regulations provide that agencies consult with CEQ to determine what alternative arrangements the agency will take in lieu of preparing an EIS. Before issuing the Order, DOE consulted with CEQ pursuant to 40 CFR 1506.11. As part of its "alternative arrangements plan," DOE agreed to provide opportunity for public involvement, continue Agency consultation, and identify alternatives for mitigation (DOE 2006). In addition, as an alternative to an EIS, CEQ agreed to preparation of this SEA. This SEA does not include an impact assessment of alternative actions that DOE might have taken instead of issuing its Order on December 20, 2005. DOE will not issue a record of decision (ROD) based on this SEA.

In the January 20, 2006, *Federal Register* notice announcing the alternative arrangements (DOE 2006), DOE requested public comments on issues to be addressed in the SEA. Comments were provided by the following organizations: the Mount Vernon group and the Virginia Chapter of the Sierra Club; the Southern Environmental Law Center on behalf of itself and the American Lung Association of Virginia; the City of Alexandria; and the Institute for Public Representation on behalf of the Potomac Riverkeeper, Inc., the Patuxent Riverkeeper, and the Anacostia Riverkeeper at Earth Conservation Corps. Commentors on the notice expressed particular concern about the following issues that are within the scope of this SEA:

- impacts on health of increased particulate emissions, especially particulate matter smaller than 2.5 microns (PM<sub>2.5</sub>), and of increased emissions of trace metals and hazardous air pollutants (especially arsenic, beryllium, lead, chromium, cadmium, nickel, and mercury);

- the potential for any increased emissions of SO<sub>2</sub> and NO<sub>x</sub> to contribute to acid rain, nutrient loading to aquatic systems, and deposition of heavy metals, and the subsequent impacts on the aquatic resources of the Chesapeake Bay and several of its tributaries, specifically the Potomac, Anacostia, and Patuxent rivers;
- impacts of trona utilization; and
- potential mitigation measures, such as use of existing transmission lines along the railroad rights-of-way of the National Railroad Passenger Corporation (“AMTRAK”) and CSX Corporation and notification of nearby residents about potential NO<sub>x</sub> exceedances.

A commentor also expressed concern about possible adverse effects of trona utilization on Plant equipment. This concern is not addressed because it is not considered to be an environmental impact.

The aim of this SEA is to describe the impacts resulting from the Order and from potential future alternative actions DOE may take in this matter. Such potential future alternative actions include allowing the Order to expire; extending the Order until the expected June 2007 in-service date of the two additional 230-kV transmission lines (or until December 2007, to account for unlikely, but possible, delays in installation); or extending the Order in modified form to include measures to mitigate impacts. Because allowing the Order to expire would place the Central D.C. area at risk of a potential blackout, this SEA describes potential impacts associated with a blackout. Potential mitigation alternatives discussed in this SEA include measures to, among other things, reduce demand for electricity in the Central D.C. area, require storage of sufficient trona at the Plant, and expedite the installation of the additional 230-kV transmission lines.

In order to give the reader a contextual way to understand the assessed impacts attributable to the Order and from a potential extension of the Order until the two new 230-kV transmission lines are in service, DOE uses assessed impacts from two different earlier Plant operating modes as a basis for comparison: the “pre-shutdown” mode of operations and the “pre-Order” operating mode. The “pre-shutdown” operating mode is based on operations in the year preceding the August 24, 2005, shutdown. The “pre-Order” mode is based on operation of the Plant during its restart of unit 1 in the 8-8-8 operating mode (approximately September - December 2005).

DOE’s assessment of the effects of Plant operations considered the following resource areas and impact topics:

- Effects of any increased *air emissions*;
- *Health* effects on Plant workers and the public of any increased air pollution;
- Effects on *water quality* due to atmospheric deposition of air pollutants from the Plant and changes in Plant water use and releases;
- *Ecological* effects due to acid deposition, changes in water quality, and changes in water use, including impacts to special status species;
- *Waste management* impacts, particularly impacts of trona utilization;



- *Transportation impacts* from increased shipping of coal and trona to the Plant and of wastes away from the Plant; and
- *Environmental justice impacts*.

It is important to understand the process DOE used to assess impacts from the Order and from a potential additional extension of the Order. Understanding DOE's approach for modeling air quality impacts is particularly important because (1) air quality is the most significant environmental concern associated with the Plant's operation and (2) many other impacts, including impacts to human health, are based on modeled estimates of air impacts. For its air analysis DOE used EPA's AERMOD model to assess modeled concentrations of SO<sub>2</sub> and PM<sub>10</sub> as a result of the Order (split into two time periods: before the ACO and after the ACO) and a potential extension of the Order (until July 2007 and December 2007). DOE focused on modeling concentrations of SO<sub>2</sub> and PM<sub>10</sub> because the original downwash study that prompted the shutdown of the Plant emphasized SO<sub>2</sub>, PM<sub>10</sub>, and NO<sub>x</sub> (and the amended judicial consent decree between EPA and Mirant [EPA 2006g] deals with NO<sub>x</sub>.) In modeling concentrations of SO<sub>2</sub> and PM<sub>10</sub>, DOE used several simplifications and made a number of key assumptions that are essential to understand before interpreting the modeled results:

- *Assumptions in Modeling*
  - DOE's modeling of SO<sub>2</sub> and PM<sub>10</sub> assumed weather conditions from 2001 because EPA had shown that 2001 resulted in predictions of more adverse air quality than any of the other years during the period from 2000 through 2004. Therefore, DOE's modeling results likely overestimate impacts.
  - DOE's assessment of impacts to the health of people living near the Plant is based on estimated exposures to PM<sub>2.5</sub>. DOE used air dispersion modeling for PM<sub>10</sub> to estimate exposures to PM<sub>2.5</sub>. Therefore, to the extent that DOE's modeled air quality results overestimate impacts, the health results also likely overestimate impacts. In addition, DOE did not analyze factors such as health status or activity level that affect the likelihood of actual health impacts to specific individuals. Consequently, the results of DOE's health impact analysis represents an estimate of the impact to the population, rather than the likely impact to any specific individual.
- *Assumptions and Simplifications about Operations*
  - For the period from December 21, 2005, through March 31, 2006, DOE used hourly emissions data provided by Mirant to model SO<sub>2</sub> and PM<sub>10</sub> emissions. (For the two days for which data were not provided, DOE assumed operations were identical to the preceding day.) To model the air quality impacts of operations during the period April 1 through May 31, 2006, DOE assumed that Mirant operated the Plant to the maximum level described in the operating plan supplements that Mirant provided to DOE.

- For operations during daily predictive modeling, DOE assumed that the Plant would generate the maximum allowed power by using a combination of increased trona injection and reduced power levels to assure that its operations would not contribute to an exceedance of the 24-hour-average NAAQS limit for SO<sub>2</sub> concentrations in the normal course of business (i.e., no line outage). DOE did not simulate predictive modeling for the 3-hour SO<sub>2</sub> standard because the computational effort required to calculate average concentrations for all possible 3-hour periods for each of the over 1,700 modeled locations near the Plant was judged to be excessively large for the information to be gained. Consequently, the SEA reports modest modeled exceedances of the 3-hour SO<sub>2</sub> standard that are not expected to actually occur. The SEA also reports exceedances of the annual standard because operating close to the 24-hour limit day after day raises the long-term average. However, because the ACO requires Mirant to monitor SO<sub>2</sub> concentrations and adjust operation of the Plant to meet SO<sub>2</sub> standards for all averaging periods, actual exceedances of the annual standard are not expected to occur.

Preliminary data from the six new SO<sub>2</sub> monitoring stations that Mirant installed during the summer of 2006, pursuant to the ACO, provides an initial look at actual impacts from the Plant under the ACO's daily predictive modeling. DOE's modeling results are not directly comparable to the monitored data because DOE's modeling used average emissions and historical weather data rather than current-year data. However, monitored data can be compared with the follow-up modeling that Mirant is conducting under the ACO, using actual concurrent emissions and weather data. For the period June 17, 2006, to September 17, 2006, the maximum monitored daily-average SO<sub>2</sub> concentration for the monitors ranged from 4 to 63 µg/m<sup>3</sup>, whereas Mirant's follow-up modeling gave maximum daily-average SO<sub>2</sub> concentrations from 25 to 570 µg/m<sup>3</sup>. Thus, monitored concentrations of SO<sub>2</sub> are much lower than Mirant's follow-up modeled concentrations. EPA will be evaluating the reasons for this large discrepancy between the actual monitored data and follow-up modeling throughout the course of the ACO. Should DOE extend the Order on December 1, 2006, DOE will make monitored data (as submitted by Mirant to EPA under the ACO) available on the website it maintains to provide information about this matter, <http://www.oe.energy.gov/permitting/372.htm>.

Table S.1 summarizes the assessed impacts of the Order, both before and after the initiation of daily predictive modeling. It also includes impacts of the temporary extension of the Order and a potential additional extension of the Order until December 2007, assuming a 6-month delay in the installation of the additional 230-kV lines. Finally, the table presents the assessed impacts associated with the "pre-shutdown" and "pre-Order" modes of operation of the Plant to give the reader a basis for comparison.

**Table S.1 Summary of impacts of Plant operations (See text for details.)**

<b>Resources and Topics</b>	<b>Pre-shutdown (prior to August 24, 2005)</b>	<b>Pre-Order (Sept. - Dec. 20, 2005)</b>	<b>Order (Dec. 20, 2005 - Oct. 1, 2006)</b>	<b>Temporary extension of Order (until Dec. 1, 2006) and potential extension until Dec. 2007<sup>1</sup></b>
<b>AIR QUALITY</b>				
SO <sub>2</sub>	Modeled maximum concentration values for SO <sub>2</sub> in ambient air exceed NAAQS limits for all averaging periods (i.e., 3-hour, 24-hour, and annual).	Modeling shows no exceedance of NAAQS limit for any averaging period.	For operations before the commencement of daily predictive modeling (i.e., before July 1, 2006), there are no modeled SO <sub>2</sub> or NO <sub>x</sub> exceedances during non-line outage situations. For operations during line outages (21 days in January 2006) modeled maximum concentration values for SO <sub>2</sub> in ambient air exceed SO <sub>2</sub> NAAQS limits for all averaging periods.	For operations during non-line outage periods, modeling shows no exceedances of 24-hour average SO <sub>2</sub> NAAQS limit because of requirements of predictive modeling. Modeling shows exceedances for other averaging periods, but because the ACO requires compliance with SO <sub>2</sub> NAAQS in non-line outage situations, actual exceedances are not expected.
			For operations after the commencement of daily predictive modeling (i.e., starting July 1, 2006), modeling shows no exceedances of 24-hour average SO <sub>2</sub> NAAQS limit because of requirements of predictive modeling. Modeling shows exceedances for other averaging periods, but because the ACO requires compliance with SO <sub>2</sub> NAAQS in non-line outage situations, actual exceedances are not expected.	For operations during line outages, modeled maximum concentration values for SO <sub>2</sub> in ambient air exceed SO <sub>2</sub> NAAQS limits for all averaging periods.

Table S.1 (Continued)

Resources and Topics	Pre-shutdown (prior to August 24, 2005)	Pre-Order (Sept. - Dec. 20, 2005)	Order (Dec. 20, 2005 - Oct. 1, 2006)	Temporary extension of Order (until Dec. 1, 2006) and potential extension until Dec. 2007 <sup>1</sup>
PM <sub>10</sub>	Modeled maximum concentration values for PM <sub>10</sub> in ambient air meet NAAQS annual standard but exceed limit for 24-hour averaging period. <sup>2</sup>	Modeled maximum concentration values for PM <sub>10</sub> in ambient air meet NAAQS standards for both the annual and 24-hour averaging periods. <sup>3</sup>		
PM <sub>2.5</sub>	Background concentrations measured by VDEQ while the Plant was operating at pre-shutdown levels are below the current NAAQS limit for 24-hour averaging period (65 µg/m <sup>3</sup> ) and are slightly below the current NAAQS annual limit (15 µg/m <sup>3</sup> ), but exceed the NAAQS limit for the 24-hour averaging period (35 µg/m <sup>3</sup> ) that will take effect in December 2006. As a result of the background contribution, estimated maximum concentration values in ambient air (including background) for all operating modes exceed the NAAQS annual limit and the December 2006 limit for the 24-hour averaging period, both at ground level and the top of Marina Towers. Adding estimated Plant contributions to background concentrations involves some double counting of Plant effects.			
	Estimated maximum concentration values in ambient air (including background) at ground level and the top of Marina Towers exceed current and future NAAQS limits for both 24-hour and annual averaging periods.	Estimated maximum concentration values in ambient air (including background) at ground level and the top of Marina Towers are lower than for pre-shutdown operations and meet the current NAAQS limit for the 24-hour averaging period but exceed the annual and 24-hr limits that will take effect in December 2006. Estimated maximum concentration values at the top of Marina Towers are lower than for pre-shutdown operations, but exceed current and future NAAQS limits for both 24-hour and annual averaging periods.		

Table S.1 (Continued)

Resources and Topics	Pre-shutdown (prior to August 24, 2005)	Pre-Order (Sept. - Dec. 20, 2005)	Order (Dec. 20, 2005 - Oct. 1, 2006)	Temporary extension of Order (until Dec. 1, 2006) and potential extension until Dec. 2007 <sup>1</sup>
PM <sub>2.5</sub> (continued)	Plant contributions to ground-level PM <sub>2.5</sub> : 38 µg/m <sup>3</sup> for 24-hr 5.7 µg/m <sup>3</sup> for annual	Plant contributions to ground-level PM <sub>2.5</sub> : 9.2 µg/m <sup>3</sup> for 24-hr 2.0 µg/m <sup>3</sup> for annual	Plant contributions to ground-level PM <sub>2.5</sub> : 25 µg/m <sup>3</sup> for 24-hr 2.4 µg/m <sup>3</sup> for annual	Plant contributions to ground-level PM <sub>2.5</sub> : 23 µg/m <sup>3</sup> for 24-hr 4.0 µg/m <sup>3</sup> for annual
	Plant contributions to PM <sub>2.5</sub> at the top of Marina Towers: 76 µg/m <sup>3</sup> for 24-hr 7.8 µg/m <sup>3</sup> for annual	Plant contributions to PM <sub>2.5</sub> at the top of Marina Towers: 4.8 µg/m <sup>3</sup> for 24-hr 1.0 µg/m <sup>3</sup> for annual	Plant contributions to PM <sub>2.5</sub> at the top of Marina Towers: 41 µg/m <sup>3</sup> for 24-hr 3.9 µg/m <sup>3</sup> for annual	Plant contributions to PM <sub>2.5</sub> at the top of Marina Towers: 43 µg/m <sup>3</sup> for 24-hr 5.7 µg/m <sup>3</sup> for annual
Contributions to ozone pollution from NO <sub>x</sub>	Operations estimated to emit 2,300 tons <sup>3</sup> of NO <sub>x</sub> (which contributes to formation of ozone) over 285 days (rate of about 3,000 tons/yr)	Operations estimated to emit 640 tons of NO <sub>x</sub> over 285 days (rate of about 820 tons/yr)	Operations estimated to emit 2,000 tons of NO <sub>x</sub> over 285 days (rate of about 2,600 tons/yr)	Operations estimated to emit 3,700 tons of NO <sub>x</sub> over 15 months (rate of about 3,000 tons/yr)
Mercury emissions	Operations estimated to emit mercury at a rate of 116 lb/yr or 91 lb over 285 days <sup>3</sup>	Operations estimated to emit 21 lb mercury over 285 days (rate of about 28 lb/yr)	Operations estimated to emit 79 lb mercury over 285 days (rate of about 101 lb/yr)	Operations estimated to emit mercury at a rate of 116 lb/yr or 146 lb over 15 months
Carbon monoxide and lead	Because ambient concentrations of carbon monoxide and lead are far below NAAQS limits and because coal plants are not important sources of either pollutant, DOE did not model Plant contributions to ambient levels for either pollutant.			
Contributions to global climate change	Operations estimated to release CO <sub>2</sub> (a greenhouse gas that contributes to global warming) at a rate of 2,000,000 tons/yr from coal use	Operations estimated to release CO <sub>2</sub> at a rate of 488,800 tons/yr from coal use	Operations estimated to release CO <sub>2</sub> at a rate of 1,766,500 tons/yr from coal and trona use	Operations estimated to release CO <sub>2</sub> at a rate of 2,007,500 tons/yr from coal and trona use

Table S.1 (Continued)

Resources and Topics	Pre-shutdown (prior to August 24, 2005)	Pre-Order (Sept. - Dec. 20, 2005)	Order (Dec. 20, 2005 - Oct. 1, 2006)	Temporary extension of Order (until Dec. 1, 2006) and potential extension until Dec. 2007 <sup>1</sup>
<b>HUMAN HEALTH</b>				
Premature mortality due to air pollution exposure	Expected incidence of premature mortality among the 144,000 adults in 36-mi <sup>2</sup> area around the Plant of 3.8 per year	Expected incidence of premature mortality among the 144,000 adults in 36-mi <sup>2</sup> area around the Plant of 0.77 per year	Expected incidence of premature mortality among the 144,000 adults in 36-mi <sup>2</sup> area around the Plant of 1.3 over 285-day duration of the Order (annual rate of 1.7)	Expected incidence of premature mortality among the 144,000 adults in 36-mi <sup>2</sup> area around the Plant of 2.9 over 15-month duration of the potential extension (annual rate of 2.3)
<b>WATER QUALITY</b>				
Nitrogen loading to Chesapeake Bay	Operations deliver nitrogen to the Bay at an estimated rate of 170,000 lb/yr	Operations deliver nitrogen to the Bay at an estimated rate of 47,000 lb/yr	Operations deliver nitrogen to the Bay at an estimated rate of 150,000 lb/yr	Operations deliver nitrogen to the Bay at an estimated rate of 170,000 lb/yr
Acid deposition	Plant emissions of SO <sub>2</sub> and NO <sub>x</sub> contribute to regional acid deposition.	SO <sub>2</sub> and NO <sub>x</sub> emissions are 28% of pre-shutdown levels	NO <sub>x</sub> emissions are 87% of pre-shutdown levels; SO <sub>2</sub> emissions are less than 45% of pre-shutdown levels	NO <sub>x</sub> emissions are similar to pre-shutdown levels, but SO <sub>2</sub> emissions are 50% of pre-shutdown levels
Effects of changes in Plant water use and releases	Negligible impacts to water quality in nearby watersheds, because these watersheds are well buffered against acid rain. Effects of many years of Plant operations are among the natural and human factors reflected in the existing water quality conditions of the Potomac River	Reduced water and thermal discharge rates, compared with pre-shutdown operations, could contribute to improved water quality in the Potomac River	Impacts intermediate between pre-Order and pre-shutdown operations	Impacts similar to pre-shutdown operations

Table S.1 (Continued)

Resources and Topics	Pre-shutdown (prior to August 24, 2005)	Pre-Order (Sept. - Dec. 20, 2005)	Order (Dec. 20, 2005 - Oct. 1, 2006)	Temporary extension of Order (until Dec. 1, 2006) and potential extension until Dec. 2007 <sup>1</sup>
<b>ECOLOGICAL RESOURCES</b>				
Acid deposition	Acid deposition resulting from Plant operations has negligible impacts on terrestrial and aquatic biological resources because (1) the soils in the nearby river and stream watersheds where emissions from the Plant are likely to fall are well buffered and (2) vegetation has actively grown near and next to the Plant even at "pre-shutdown" levels.			
Changes in water quality	Ecological changes to the Potomac River and Chesapeake Bay due to changes in nutrient loading induced by the Order or a potential extension of the Order would be minimal.	No effects from trona (assessment assumes no use of trona).	Selenium and arsenic leached from solid wastes produced with trona use could adversely affect biota in Mataponi Creek. Monitoring of collected landfill leachate and stormwater for selenium should identify the potential for problems before discharges occur, but the current discharge permit does not require monitoring for arsenic.	
Changes in water use	Effects of Plant operations under the Order or a potential extension of the Order through December 2007 would not have a major impact on aquatic biota, although the impacts from entrainment and impingement would be greater than for the "pre-Order" mode.			
Special status species	No adverse impacts to any special status species would be expected to result from Plant operations.			

Table S.1 (Continued)

Resources and Topics	Pre-shutdown (prior to August 24, 2005)	Pre-Order (Sept. - Dec. 20, 2005)	Order (Dec. 20, 2005 - Oct. 1, 2006)	Temporary extension of Order (until Dec. 1, 2006) and potential extension until Dec. 2007 <sup>1</sup>
<b>WASTE MANAGEMENT</b>				
Solid waste	With indefinite continuation of Plant operations in pre-shutdown mode, the Mirant Brandywine ash landfill would be able to receive fly ash until mid-2012.	With indefinite continuation of Plant operations in pre-Order mode, the Mirant Brandywine landfill would be able to receive fly ash until mid-2015.	With indefinite continuation of Plant operations at operating levels under the Order, including use of trona, the Mirant Brandywine ash landfill would be able to receive fly ash until early 2010.	
	Waste characteristics would be unchanged.	Waste characteristics would be unchanged (assessment assumes no use of trona).	Trona in Plant solid wastes may increase the leaching of selenium and arsenic from the landfill. Current monitoring requirements at the landfill include monitoring for selenium in collected leachate and stormwater before water is discharged to surface water, but do not include monitoring for arsenic. Groundwater monitoring does not include selenium or arsenic.	
<b>TRANSPORTATION</b>				
Impacts from road and rail traffic	Neither rail nor truck traffic associated with Plant operations have an important effect on local traffic near the Plant.			Transport of Plant fly ash to the Mirant Brandywine ash landfill contributes to existing traffic problems on Maryland Route 381, and increased traffic associated with operations under the Order, including the temporary extension of the Order and any potential extension of the Order increases this effect. The State Highway Administration is requiring that Mirant address problems at certain intersections along Maryland Route 381 that have been rated as having "failing" levels of service, and Maryland-National Capital Park and Planning Commission staff have recommended ways to address traffic impacts on North Keys Road.



Table S.1 (Continued)

Resources and Topics	Pre-shutdown (prior to August 24, 2005)	Pre-Order (Sept. - Dec. 20, 2005)	Order (Dec. 20, 2005 - Oct. 1, 2006)	Temporary extension of Order (until Dec. 1, 2006) and potential extension until Dec. 2007 <sup>1</sup>
<b>ENVIRONMENTAL JUSTICE</b>				
Impacts to minority and low-income populations	Because of their proximity to the Plant, residents of block groups 1 and 2 (which are neither low-income nor minority populations) experience higher air pollution from Plant emissions than residents of block groups 3 (which is identified as a low-income population) and 4 (which is identified as a minority population). DOE has not identified any different or unique ways that these or other minority and low-income populations in the area could be exposed to Plant air pollutants or otherwise affected by the Order or its potential extension. Consequently, the minority and low-income populations in block groups 3 and 4 do not suffer "disproportionately high and adverse human health or environmental effects" related to air pollutant emissions from the Plant.			

<sup>1</sup> For several resources and topics, emissions and impacts are greater under an extension of the Order than under the Order because during the initial months of the Order the Plant operated at lower levels than result from daily predictive modeling.

<sup>2</sup> EPA's October 17, 2006, rule making on NAAQS for particulate matter (EPA 2006j) revoked the annual  $PM_{10}$  standard, effective December 18, 2006.

<sup>3</sup> To convert tons to metric tons, multiply by 0.91. To convert lbs to kg, multiply by 0.45. To convert square miles to square km, multiply by 2.60.

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# **Special Environmental Analysis**

**For Actions Taken under U.S. Department of Energy  
Emergency Orders Regarding Operation of the  
Potomac River Generating  
Station in Alexandria, Virginia**

**DOE/SEA-04**

**U.S. Department of Energy  
Washington, D.C.**

**November 2006**

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# TABLE OF CONTENTS

LIST OF FIGURES .....	vii
LIST OF TABLES .....	ix
ACRONYMS AND ABBREVIATIONS .....	xi
1. PURPOSE AND NEED FOR THE DOE ACTION .....	1
1.1 Introduction .....	1
1.2 Purpose and Need for Agency Action .....	2
1.3 Background .....	2
1.3.1 Electrical Reliability .....	2
1.3.2 Environmental and Health Issues .....	3
1.3.3 Detailed History .....	3
1.4 National Environmental Policy Act (NEPA) Process .....	10
1.5 Public Involvement .....	11
1.6 Scope of the Analysis .....	12
2. DESCRIPTION OF THE MIRANT POTOMAC RIVER GENERATING STATION .....	14
2.1 Site Layout .....	14
2.2 Plant Equipment and General Operation .....	14
2.3 Resource Requirements .....	17
2.4 Waste and Effluents .....	18
2.4.1 Air Emissions .....	18
2.4.2 Water Effluents .....	19
2.4.3 Solid Wastes .....	20
2.5 Changes to the Plant Since the DOE Order .....	21
3. AFFECTED ENVIRONMENT .....	23
3.1 Climate and Air Quality .....	23
3.1.1 Climate .....	23
3.1.2 Air Quality .....	24
3.2 Human Health .....	27
3.3 Water Resources and Water Quality .....	27
3.3.1 Physical Setting and Hydrology .....	27
3.3.1.1 Potomac River .....	28
3.3.1.2 Anacostia River .....	29
3.3.1.3 Rock Creek .....	29
3.3.1.4 Patuxent River .....	30
3.3.1.5 Chesapeake Bay .....	30
3.3.2 Water Quality .....	31
3.3.2.1 Potomac River .....	31
3.3.2.2 Anacostia River .....	32

3.3.2.3	Rock Creek	33
3.3.2.4	Patuxent River	33
3.3.2.5	Chesapeake Bay	33
3.3.2.6	Acid deposition	35
3.4	Ecological Resources	35
3.4.1	Terrestrial Resources	35
3.4.1.1	Vegetation	35
3.4.1.2	Wildlife	36
3.4.1.3	The Mirant Plant site	37
3.4.2	Aquatic Resources	37
3.4.2.1	Potomac River	37
3.4.2.2	Anacostia River	38
3.4.2.3	Rock Creek	39
3.4.2.4	Patuxent River	39
3.4.2.5	Chesapeake Bay organisms	40
3.4.2.6	Chesapeake Bay stresses	40
3.4.3	Wetlands and Riparian Habitats	41
3.4.4	Special Status Species	41
3.4.4.1	Federally listed species	41
3.4.4.2	State-listed species	43
3.5	Waste Management	43
3.6	Transportation Resources	44
3.6.1	Rail	45
3.6.2	Road	45
3.7	Minority and Low-Income Populations	48
4.	PLANT OPERATIONS, ASSUMPTIONS, AND ENVIRONMENTAL CONSEQUENCES	51
4.1	General Plant Operations as Authorized by the DOE Order	51
4.1.1	Operations as Authorized by the DOE Order until the Administrative Compliance Order (ACO)	51
4.1.2	Operation under the ACO	52
4.1.2.1	Operations during non-line outage situations	52
4.1.2.2	Operations during line outage situations	53
4.2	Assumptions and Data Used in SEA to Model Plant Operations	53
4.2.1	Pre-Shutdown Operations	54
4.2.2	Pre-Order Operations	54
4.2.3	Operations under the Order and Potential Extension	55
4.3	Environmental Consequences	58
4.3.1	Air Quality	58
4.3.1.1	Modeling methods and assumptions	59
4.3.1.2	Uncertainties in modeling	62
4.3.1.3	Modeling results for SO <sub>2</sub> and PM <sub>10</sub> emissions	64
4.3.1.4	Monitored SO <sub>2</sub> data	68
4.3.1.5	Other air pollutants	70
4.3.1.6	General conformity requirement	75

4.3.1.7 Global climate change .....	77
4.3.2 Human Health .....	79
4.3.2.1 Analytical approach .....	80
4.3.2.2 Results .....	81
4.3.3 Water Quality .....	84
4.3.3.1 Direct impacts to the Potomac River .....	85
4.3.3.2 Indirect impacts to regional water quality .....	86
4.3.4 Ecological Resources .....	89
4.3.4.1 Acid deposition .....	89
4.3.4.2 Impact of water quality changes .....	90
4.3.4.3 Impacts of changes in water use .....	91
4.3.4.4 Special status species .....	94
4.3.5 Waste Management .....	95
4.3.5.1 Impacts on landfill capacity .....	95
4.3.5.2 Effects of trona use on the environmental consequences of waste management .....	98
4.3.6 Transportation Resources .....	102
4.3.6.1 Pre-shutdown operations .....	103
4.3.6.2 Pre-Order operations .....	104
4.3.6.3 Operations under the DOE Order, temporary extension, and potential additional extensions .....	104
4.3.7 Environmental Justice .....	106
5. ALTERNATIVES FOR FUTURE DECISION-MAKING .....	108
5.1 Allow the Order to Expire .....	108
5.2 Extend the Order as Currently Written .....	109
5.3 Extend the Order with Mitigation Measures .....	109
5.3.1 Improve Plant Operations and Pollution Control Measures .....	109
5.3.2 Reduce Exposure to Pollution .....	110
5.3.3 Manage the Demand for Electricity in the Central D.C. Area .....	112
5.3.4 Use Alternative Sources for Generating Electricity .....	113
5.3.5 Expedite the Installation of Additional Transmission Lines or Encourage the Use of Other Existing Lines .....	113
6. REGULATORY CONSULTATION AND COMPLIANCE .....	115
7. REFERENCES .....	116
8. LIST OF PREPARERS .....	128
<b>APPENDIX A</b> DOE Emergency Orders .....	A-1
<b>APPENDIX B</b> EPA's Administrative Compliance Order for the Mirant Potomac River Generation Station .....	B-1

<b>APPENDIX C</b> <i>Federal Register</i> Notice of Emergency Action and Correspondence with the Council on Environmental Quality .....	C-1
<b>APPENDIX D</b> Consultation Letters with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service .....	D-1
<b>APPENDIX E</b> Organizational Conflict of Interest Statement .....	E-1
<b>APPENDIX F</b> Glossary .....	F-1



## LIST OF FIGURES

Figure 2-1. The location of the Plant in relation to the central Washington, D.C. area. . . . .	14
Figure 2-2. Aerial photo showing the Plant and surrounding residences. . . . .	15
Figure 2.1-1. The site layout of Mirant's Potomac River Generating Station. . . . .	16
Figure 2.4-1. The location of and access routes to the Brandywine Fly Ash Facility used for disposal of solid wastes from the Plant. . . . .	21
Figure 3.1-1. Wind rose for Ronald Reagan Washington National Airport, 2000-2004 weather data . . . . .	24
Figure 3.3-1. The Chesapeake Bay watershed includes the Patuxent and Potomac rivers. . . . .	28
Figure 3.3-2. The Chesapeake Bay watershed near the Plant includes the Potomac, Patuxent, and Anacostia rivers. . . . .	28
Figure 3.3-3. Location of features mentioned in the text. . . . .	30
Figure 3.4-1. Location of National Park Service trail that passes the Plant. . . . .	36
Figure 3.6-1. Access routes near the Mirant Plant. . . . .	45
Figure 3.7-1. Block Groups 1-4 within Census Tract 2018.01. . . . .	49
Figure 4.2-1. Monthly average power generation for September 2004 through August 2005. . . . .	54
Figure 4.3.1-1. Map of receptor grid points for atmospheric dispersion modeling. . . . .	59

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## LIST OF TABLES

Table 1.3-1. Chronology of major actions and events related to the Plant . . . . .	7
Table 2.3-1. Ranges of values for trace metal concentrations in as-mined samples of Appalachian coals . . . . .	17
Table 2.4-1. Water quality of Plant intake water and cooling water effluent . . . . .	20
Table 3.1-1. National Ambient Air Quality Standards for criteria pollutants . . . . .	25
Table 3.1-2. Ambient air quality in the vicinity of the Plant, 2004 . . . . .	26
Table 3.3-1. NPDES-permitted discharge limits for the Blue Plains Wastewater Treatment Plant . . . . .	32
Table 3.6-1. Roads traveled by the ash removal trucks between Henry Street and the Brandywine Fly Ash Facility . . . . .	46
Table 3.6-2. Traffic impacts projected in Mirant's <i>Application for Special Exception</i> for the road intersections used to access the Brandywine Fly Ash Facility . . . . .	48
Table 3.7-1. Minority and low-income data for census tract 2018.01 and its block groups . . .	50
Table 4.3.1-1. Modeled maximum ambient SO <sub>2</sub> and PM <sub>10</sub> concentrations (µg/m <sup>3</sup> ) for Plant operations among all receptor locations . . . . .	66
Table 4.3.1-2. Modeled maximum ambient SO <sub>2</sub> and PM <sub>10</sub> concentrations (µg/m <sup>3</sup> ) for Plant operations among all receptor locations for a potential extension of the Order . . . . .	69
Table 4.3.1-3. Annualized carbon dioxide emissions (tons/year) from the Mirant Plant during operational periods under analysis in this report . . . . .	79
Table 4.3.2-1. Expected incidence of short- and long-term health effects resulting from Mirant Plant operations for the population of the eastern United States . . . . .	85
Table 4.3.5-1. Impact of Plant operations on remaining operating life of the Brandywine ash landfill . . . . .	97
Table 4.3.5-2. Concentrations of major constituents and trace elements in samples of Plant fly ash resulting from operations with and without trona injection. . . . .	100

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## ACRONYMS AND ABBREVIATIONS

µg	micrograms (i.e., millionths of a gram)	MES	Model Evaluation Study
µm	micrometers (i.e., millionths of a meter)	mg	milligrams (i.e., thousandths of a gram)
ACO	Administrative Compliance Order	mi	mile
Btu	British thermal unit	mi <sup>2</sup>	square mile
C	Celsius	min	minute
CAA	Clean Air Act	MSL	mean sea level
CEQ	Council on Environmental Quality	MW	megawatts
CFR	<i>Code of Federal Regulations</i>	MWh	megawatt-hour
cm	centimeter	NAAQS	National Ambient Air Quality Standards
CO	carbon monoxide	NEPA	National Environmental Policy Act
CO <sub>2</sub>	carbon dioxide	NMFS	National Marine Fisheries Service
CT	census tract	NO <sub>2</sub>	nitrogen dioxide
D.C.	District of Columbia	NO <sub>x</sub>	oxides of nitrogen
DCPSC	District of Columbia Public Service Commission	NPDES	National Pollutant Discharge Elimination System
DOE	U.S. Department of Energy	O <sub>3</sub>	ozone
EPA	U.S. Environmental Protection Agency	Pb	lead
ESA	Endangered Species Act	Pepco	Potomac Electric Power Company
F	Fahrenheit	PJM	PJM Interconnection, LLC
FAA	Federal Aviation Administration	Plant	Mirant's Potomac River Generating Station (in Alexandria, Virginia)
FERC	Federal Energy Regulatory Commission	PM	particulate matter
FPA	Federal Power Act	PM <sub>2.5</sub>	particulate matter with an aerodynamic diameter less than or equal to 2.5 µm
FR	<i>Federal Register</i>	PM <sub>10</sub>	particulate matter with an aerodynamic diameter less than or equal to 10 µm
ft	feet	ppb	parts per billion
ft <sup>2</sup>	square feet	ppm	parts per million
FWS	U.S. Fish and Wildlife Service	RCRA	Resource Conservation and Recovery Act
gal	gallons	ROD	<i>Record of Decision</i>
ha	hectare	SEA	special environmental analysis
hr	hour	SIP	state implementation plan
kg	kilogram	SO <sub>2</sub>	sulfur dioxide
km	kilometer	TCLP	Toxicity Characteristic Leaching Procedure
km <sup>2</sup>	square kilometer	U.S.	United States
kV	kilovolt	U.S.C.	United States Code
L	liter	VDEQ	Virginia Department of Environmental Quality
lb	pound(s)	yd <sup>3</sup>	cubic yard
LLC	Limited Liability Company	yr	year
LOS	level-of-service		
m	meter		
m <sup>2</sup>	square meter		
m <sup>3</sup>	cubic meter		
MBtu	million British thermal units		

**EXPONENTIAL NOTATION:** Some values in the text and tables of this document are expressed in exponential notation. An exponent is the power to which the expression, or number, is raised. This form of notation is used to conserve space and to focus attention on comparisons of the order of magnitude of the numbers (see examples):

$1 \times 10^4$	=	10,000
$1 \times 10^2$	=	100
$1 \times 10^0$	=	1
$1 \times 10^{-2}$	=	0.01
$1 \times 10^{-3}$	=	0.001

**Metric Conversions Used in this Document:**

<b>Multiply</b>	<b>By</b>	<b>To Obtain</b>
<i>Length</i>		
inch (in.)	2.54	centimeters (cm)
feet (ft)	0.30	meters (m)
yards (yd)	0.91	meters (m)
miles (mi)	1.61	kilometers (km)
<i>Area</i>		
acres (ac)	0.40	hectares (ha)
square feet (ft <sup>2</sup> )	0.093	square meters (m <sup>2</sup> )
square yards (yd <sup>2</sup> )	0.84	square meters (m <sup>2</sup> )
square miles (mi <sup>2</sup> )	2.60	square kilometers (km <sup>2</sup> )
<i>Volume</i>		
gallons (gal)	3.79	liters (L)
cubic feet (ft <sup>3</sup> )	0.028	cubic meters (m <sup>3</sup> )
cubic yards (yd <sup>3</sup> )	0.76	cubic meters (m <sup>3</sup> )
<i>Weight</i>		
ounces (oz)	28.4	grams (gm)
pounds (lb)	0.45	kilograms (kg)
short ton (ton)	0.91	metric ton (t)

# 1. PURPOSE AND NEED FOR THE DOE ACTION

## 1.1 Introduction

This special environmental analysis (SEA) focuses on the environmental impacts of operations at the coal-fired Potomac River Generating Station (the “Plant”) in Alexandria, Virginia, as a result of a U.S. Department of Energy (DOE or “Department”) emergency order (the “DOE Order” or “Order”) (Appendix A) issued on December 20, 2005, pursuant to Section 202(c) of the Federal Power Act (FPA)<sup>1</sup>. The Plant is owned by Mirant Corporation and its wholly owned subsidiary, Mirant Potomac River, LLC (collectively referred to herein as Mirant). (See text box.)

On August 24, 2005, Mirant shut down operation of the Plant to respond to concerns about the Plant’s impacts on air quality. (See Section 1.3.3.) On August 24, 2005, DOE received an Emergency Petition and Complaint from the District of Columbia (D.C. or District) Public Service Commission (DCPSC 2005). That petition requested DOE to direct Mirant to continue operation of the Plant. The basis for the petition was that shutdown of the Plant reduced the reliability of the electrical supply (Section 1.3.1) to much of the central business district of the District of Columbia, many Federal institutions, the Georgetown area in D.C., other portions of Northwest D.C., and the D.C. Water and Sewer Authority's Blue Plains Wastewater Water Treatment Plant (collectively referred to herein as the “Central D.C. area”), placing these electrical customers at risk of a blackout (DCPSC 2005).

After receiving the petition from the D.C. Public Service Commission, DOE undertook an exhaustive review of the facts. (See Section 1.3.3 for a detailed history.) Based on this

### **Entities involved in delivering power in the Central D.C. area**

**Mirant** owns and operates electrical power generating plants, including the Potomac River Generating Station in Alexandria, Virginia.

**Potomac Electric Power Company** (Pepco) owns and operates transmission lines and is responsible for supplying electricity to retail customers in D.C. and parts of Maryland.

**PJM Interconnection, LLC** (PJM) is the transmission organization responsible for coordinating the regional electric power grid and wholesale electricity market in D.C., Maryland, Virginia, Delaware, New Jersey, West Virginia, and parts of Indiana, Illinois, Kentucky, Michigan, Ohio, Pennsylvania, and Tennessee. PJM keeps the electricity supply and demand in balance by telling power producers how much power to generate.

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<sup>1</sup> Section 202(c) of the FPA vests in the Secretary of Energy the authority to issue an order when “an emergency exists by reason of a sudden increase in the demand for electric energy, or a shortage of electric energy or of facilities for the generation or transmission of electric energy, or of the fuel or water for generating facilities, or other causes...” [16 U.S.C. Section 824a(c)]

extensive evaluation, the Secretary of the Energy on December 20, 2005, issued Order 202-05-03 (the “DOE Order”) directing Mirant to generate electricity at the coal-fired Plant under certain, limited circumstances.

DOE is issuing this SEA in compliance with the “alternative arrangements” plan agreed upon with the Council on Environmental Quality (CEQ) pursuant to 40 CFR 1506.11. This SEA covers a period of about 24 months beginning with the issuance of the Order. The time period for DOE’s original Order ended at 12:01 am on October 1, 2006; on September 28, 2006, the Secretary of Energy extended the Order for two months, until 12:01 am on December 1, 2006. However, this SEA covers the full 24-month period at the end of which the Potomac Electric Power Company (Pepco) (text box) expects to have completed construction of new transmission lines that will provide additional electrical service to customers in the Central D.C. area.

## **1.2 Purpose and Need for Agency Action**

The purpose and need for DOE’s action was to respond to the emergency reliability situation that had been brought on by shutdown of operations at the Mirant Potomac River Generating Station.

## **1.3 Background**

### **1.3.1 Electrical Reliability**

The Plant has been operating since 1949. It is one of three sources that provide electricity to Central D.C. area customers. The other sources are two 230,000-volt (230-kV) transmission lines that deliver electricity from other regional generating sources. Two additional generating stations exist in close physical proximity to the Central D.C. area, but they are not connected by transmission lines that allow the electricity they produce to be delivered to that area. Thus, if the Plant is not available to generate electricity and one of the two transmission lines serving the Central D.C. area goes out of service, electricity would be supplied to that area by only the one remaining transmission line. Should the remaining line fail for any reason, a potentially extended blackout would occur in the Central D.C. area. If both lines are down and one of them could not be brought back into service immediately, it would take at least 28 hours to bring the Plant into full operation, during which time much of the Central D.C. area would be without electricity. Transmission line outages can be either planned in order to perform periodic maintenance or unexpected. The duration of an outage can be several days or weeks for maintenance or up to several weeks in the event of a major, unexpected equipment failure.

An important consideration in issuing the Order was the facilities and functions that would be adversely affected by an extended blackout. The Central D.C. area includes facilities of



all three branches of the U.S. government that are critically important to the Nation's national security, law enforcement, and regulatory functions. The Central D.C. area also includes hundreds of thousands of residents and workers and many public safety and protection facilities (e.g., hospitals, police and fire stations). Moreover, within 24 hours of a Central D.C. blackout the Blue Plains Wastewater Treatment Plant would begin to discharge untreated sewage into the Potomac River. Thus, an extended blackout would severely impact critical portions of the Nation's government with potentially adverse national effects. It would also result in hardship and potential physical risk to many people from loss of heat or cooling, elevator outages, medical equipment failure, and other causes.

In 2005 Pepco received permission from the D.C. Public Service Commission to construct two additional 230-kV lines that would supply electricity to the Central D.C. area and two new 69-kV lines that would supply electricity to the Blue Plains Wastewater Treatment Plant. The two 69-kV lines have since been constructed. Once the new 230-kV lines are completed, these lines will provide a high level of electricity reliability in the Central D.C. area, even in the absence of production from the Plant. However, it could be mid- to late-2007 before the new lines are installed and operating. Pepco's schedule for completing installation of the new transmission lines has the lines going into service in June 2007.

### **1.3.2 Environmental and Health Issues**

Residents in the area of the Plant have been concerned about the environmental and health impacts of its air emissions for years (SPROL 2005). However, the D.C. Public Service Commission, Pepco, and PJM Interconnection, LLC (PJM) (text box) have contended that there were no actual monitored exceedances of the National Ambient Air Quality Standards (NAAQS) of the Clean Air Act (CAA) during the Plant's operation in the period before Mirant shut it down on August 24, 2005, and that operation of the Plant at full power at any time during that period did not exceed the emissions limits contained in the Plant's operating permit (DOE Order 202-05-03).

### **1.3.3 Detailed History**

This section describes the actions taken by DOE in relation to the DOE Order and to the Plant. Table 1.3-1, at the end of the section, provides a more complete chronology of the major actions and events related to the DOE Order and the Plant.

Mirant and the Virginia Department of Environmental Quality (VDEQ) entered into an Order by Consent on September 23, 2004. Under that order Mirant performed a dispersion modeling analysis to assess the effect of downwash<sup>2</sup> of air emissions from the Plant and to

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<sup>2</sup> The September 23, 2004, judicial consent decree (EPA 2004) defined downwash as "the effect that occurs  
(continued...)"

determine whether the Plant could cause or contribute to significant localized exceedances of the NAAQS (ENSR 2005). This study, known as the downwash study, used computer modeling to predict ambient concentrations of pollutants emitted by the Plant under certain weather and atmospheric conditions.

Mirant submitted the results of the downwash study to the VDEQ in August 2005. After reviewing the study, VDEQ sent Mirant a letter dated August 19, 2005, stating that the modeling results showed that under certain atmospheric conditions the Plant's operations could result in, cause, or substantially contribute to modeled violations of the NAAQS for sulfur dioxide (SO<sub>2</sub>), oxides of nitrogen (NO<sub>x</sub>), and particulate matter with an aerodynamic diameter less than or equal to 10 μm (PM<sub>10</sub>).

In its August 19, 2005, letter the VDEQ requested “that Mirant *immediately* undertake such action as is necessary to ensure protection of human health and the environment, in the area surrounding the Potomac River Generating Station, including the potential reduction of levels of operation, or potential shutdown of the facility.” (emphasis in original)

In response to the letter from the VDEQ, Mirant chose to shut down all five of the generating units at the Plant on August 24, 2005.

On August 24, 2005, the D.C. Public Service Commission filed an Emergency Petition and Complaint with DOE that requested DOE to issue an emergency order directing Mirant to continue operation of the Plant in order to prevent the risk of a blackout in the Central D.C. area (DCPSC 2005). The Commission also requested that the Federal Energy Regulatory Commission (FERC) issue a similar order under Sections 207 and 309 of the FPA.

Mirant then completed a refined computer modeling study using more realistic scenarios that indicated that the Plant could operate, in a limited fashion, within air quality standards. Thus, on September 21, 2005, Mirant restarted only Unit 1 at the Plant. From that date until the DOE Order was issued, Mirant operated that unit on an 8-8-8 basis – that is, in any given 24-hour period, the unit ran for up to eight hours at its maximum level, ran for eight hours at its minimum level, and did not run for eight hours. Mirant also experimented during this period with using trona (i.e., sodium sesquicarbonate, a naturally occurring substance similar to baking soda) or low-sulfur Colombian coal<sup>3</sup>, alone or in combination, to control SO<sub>2</sub> emissions in order to determine if such changes would allow simultaneous operation of more than one unit without causing NAAQS exceedances.

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<sup>2</sup> (...continued)

when aerodynamic turbulence induced by nearby structures causes pollutants from an elevated source (such as a smokestack) to be mixed rapidly towards the ground resulting in higher ground-level concentrations of pollutants.”

<sup>3</sup> During its experiments with low-sulfur coal from Colombia, Mirant determined that the higher moisture content in this type of coal created multiple operational problems. For example, the Plant was unable to dry the coal sufficiently for the coal pulverizers to maintain adequate throughput rates, and the moisture resulted in reduced efficiency of both the combustion and the heat transfer processes. For these reasons after its initial test of Colombian coal, Mirant decided not to use it any further.

After receiving the Commission's petition, DOE conducted an independent examination of the electricity reliability situation in the Central D.C. area and analyzed the Plant's role in ensuring a reliable supply of electricity to that area (Kirby and Kueck 2005). DOE also consulted with Federal and state officials responsible for environmental compliance (e.g., EPA shared information with DOE regarding NAAQS modeled results and other environmental issues at the Plant) and private entities responsible for electricity transmission. DOE's investigation found that the Plant must be available to run when one of the 230-kV lines is out of service in order to maintain a minimally reliable electric power system, because outage of the remaining line could result in a blackout of the Central D.C. area. DOE's investigation also found that the Plant should be operated in such a way as to minimize the amount of time needed to bring it into full operation to be better able to meet electric reliability needs quickly whenever one of the two 230-kV transmission lines was unexpectedly removed from service.

After DOE's investigation, on December 20, 2005, the Secretary issued the Order stating:

I find that in the circumstances presented here, an emergency exists that justifies the issuance of a section 202(c) order. My determination is not based on any single factor, but on the combination of all relevant facts and circumstances. In particular, I find that an emergency exists because of the reasonable possibility an outage will occur that would cause a blackout, the number and importance of facilities and operations in our Nation's Capital that would be potentially affected by such a blackout, the extended number of hours of any blackout that might in fact occur, and the fact that the current situation violates applicable reliability standards.

DOE's Order directed Mirant to generate electricity at the Plant under certain, limited circumstances and to do so in such a way as to minimize adverse environmental impacts. The Order required Mirant to (1) operate the Plant to produce the amount of power (up to its full capabilities) needed to meet demand in the Central D.C. area during any period in which one or both of the 230-kV lines serving the Central D.C. area were out of service and (2) in situations when both lines are functioning, keep as many generating units in operation and take all other measures to reduce the start-up time of units not in operation, without regard to cost and without causing or significantly contributing to any exceedance of the NAAQS, in order to provide electrical reliability to the Central D.C. area. The Order also required Mirant to submit a plan to DOE within ten days indicating how it would comply with the Order. (See Appendix A for the full text of the Order.)

On December 30, 2005, as required by the DOE Order, Mirant submitted a plan describing how it would comply with the Order. The plan outlined a proposed temporary phase and two options for a proposed intermediate phase: Option A and Option B. All proposals included the use of trona and/or low-sulfur coal to manage air emissions. Mirant stated in its compliance plan that "Option A results in no modeled NAAQS exceedances." Mirant also stated

that “Option B offers dramatically better reliability than Option A, but results in a marginal computer-modeled exceedance of the 24-hour NAAQS for [SO<sub>2</sub>], although the 3-hour and annual NAAQS for SO<sub>2</sub> are met. Moreover, that exceedance was modeled to occur infrequently in the course of a year and only on the top floor balconies and the roof of the Marina Towers condominium...” After reviewing Mirant’s compliance plan, DOE instructed Mirant on January 4, 2006, to “immediately take the necessary steps to implement Option A.” Between January and May, the Department continued to weigh other options that were available to Mirant to comply with the DOE Order.

On June 1, 2006, Mirant entered into an Administrative Compliance Order (ACO) with EPA regarding operation of the Plant. (See Appendix B.) On June 2, 2006, DOE concluded that operation of the Plant under Option A did not provide an adequate level of electric reliability to the Central D.C. area and that operation of the Plant pursuant to the ACO was necessary to assure an adequate level of electric reliability to the Central D.C. area. Mirant has since that time operated the Plant in accord with those instructions from DOE. Since June 2, 2006, the operation of the Plant under the Order thus followed the scheme summarized in the following paragraphs. (See Section 4.1 for details.) The ACO will expire one year after it was issued, on June 1, 2007.

During “non-line outage situations” the operation of the Plant must follow the ACO, under which Mirant is to “keep as many units in operation,” and “take all other measures to reduce start-up time of units not in operation, for the purpose of providing electricity reliability so long as such operations are in accordance with paragraph B of Part IV of the ACO.” Among other things, paragraph B authorizes operation in accordance with “daily predictive modeling.” Under daily predictive modeling, the Plant operators acquire the appropriate weather forecast for the next day and use that forecast, along with their planned operating parameters, as inputs to conduct a computer modeling run for the following day’s planned operation. If the modeling results indicate that operating the Plant under those conditions would not cause a modeled NAAQS exceedance for 3-hr and 24-hr average SO<sub>2</sub> and PM<sub>10</sub>, the operators may run the Plant on that day using those parameters. If the modeling results indicate that operation of the Plant would cause an exceedance of these NAAQS, the operators adjust their planned operating parameters until the modeling results indicate compliance with the NAAQS. The operators may then operate the Plant using those parameters. Thus, under this scenario the Plant can operate on any one day up to the maximum level allowed by the preceding day’s weather forecast.

The ACO requires Mirant to maintain alarms that alert the Plant operators if monitored average concentrations reach 80% of the standards for SO<sub>2</sub>, including the annual SO<sub>2</sub> standard. In addition, the ACO requires Mirant to install and operate six new SO<sub>2</sub> ambient monitoring stations in the vicinity where elevated pollutant concentrations have been predicted and to conduct actual monitoring of ambient SO<sub>2</sub> concentrations.

During “line outage situations,” the ACO places environmental requirements on Mirant in addition to the requirements of the DOE Order. It requires Mirant to “take all reasonable steps to limit the emissions of PM<sub>10</sub>, NO<sub>x</sub> and SO<sub>2</sub> from each boiler, including operating only the number of units required to meet PJM’s directive and optimizing its use of trona injection to

minimize SO<sub>2</sub> emissions.” Further, the ACO requires that Mirant achieve “80% reduction of SO<sub>2</sub> emissions unless: 1) Mirant demonstrates ... that 80% reduction is not necessary to achieve compliance with the NAAQS; or 2) Mirant demonstrates that 80% reduction is not logistically feasible because of such factors as the quantity of available trona and the predicted duration of the outage.” If Mirant demonstrates that 80% removal is not logistically feasible, it is required to submit a plan to EPA for optimizing its use of trona.

On September 28, 2006, DOE issued an extension of the Order, including all of its terms and conditions, until 12:01 am on December 1, 2006.

**Table 1.3-1. Chronology of major actions and events related to the Plant**

Date	Agencies and other companies	Mirant; Potomac River Generating Station
<b>2004</b>		
September 23	Effective date of Order by Consent between VDEQ and Mirant	
<b>2005</b>		
until August 20	Historical operations; <i>Pre-shutdown mode for this SEA</i>	
August 19	Mirant submitted emissions modeling study to VDEQ	
August 19	VDEQ requested Mirant to immediately undertake actions to protect human health and environment around the Plant	
August 21	Output at Plant reduced to lowest feasible level from all five units	
August 24	Operations at the Plant ceased	
August 24	D.C. Public Service Commission filed emergency petition and complaint with DOE and FERC	
September 21	Unit 1 (one of the two load-following or cycling units) restarted on an 8-8-8 basis <sup>3</sup>	
September 21 - November 11	Unit 1 operated on an 8-8-8 basis	

<sup>3</sup> That is, in any given 24-hour period, the unit ran for up to eight hours at power levels up to its maximum level of 88 MW, ran for eight hours at its minimum level of 35 MW, and did not run for eight hours.

**Table 1.3-1. Chronology of major actions and events related to the Plant**

Date	Agencies and other companies	Mirant; Potomac River Generating Station
November 11 - November 23		Unit 1 operated on an 8-8-8 basis with trona testing
November 24 - December 14		Unit 1 operated on an 8-8-8 basis with Colombian coal testing, but without trona
December 15 - December 20		Unit 1 operated on an 8-8-8 basis with Colombian coal and trona testing; <i>Pre-Order mode for this SEA</i>
December 20	DOE consulted with CEQ	
December 20	The Secretary of Energy issued emergency order requiring Mirant to operate the Plant to assure a reliable supply of electricity to central Washington, D.C.	
December 21- December 23		Plant operated as during December 15 - December 20 period
December 22	DOE consulted with CEQ	
December 24		No data available on Plant operations
December 25 - December 31		Unit 1 operated without using low sulfur coal or trona
December 30		Mirant submitted its compliance plan (also known as the Operating Plan) to DOE identifying two options, A and B
<b>2006</b>		
January 1		No data available on Plant operations
January 2 -3		Unit 1 operated without using low sulfur coal or trona
January 4	DOE instructed Mirant to implement proposed Option A in compliance plan	Plant began to operate under conditions in Option A in compliance plan; Plant continued to operate under Option A until June 2 except during transmission line outages (indicated below).

**Table 1.3-1. Chronology of major actions and events related to the Plant**

Date	Agencies and other companies	Mirant; Potomac River Generating Station
January 6	PJM specified that it was necessary for Mirant to operate the Plant to meet entire Central D.C. load during transmission line outages Pepco proposed for January 7 - 19 and 22 - 27 for maintenance.	
January 7 - 19		Plant operated to meet entire Central D.C. load during line maintenance.
January 13	DOE consulted with CEQ	
January 17	DOE consulted with CEQ	
January 20	DOE issued <i>Federal Register</i> notice describing its emergency action and requesting comments on scope of the SEA.	
January 21		A second trona unit became operational
January 21 - 28		Plant operated to meet entire Central D.C. load during line maintenance.
February 21	End of comment period on <i>Federal Register</i> notice	
March 6	Pepco receives permission from the D.C. Public Service Commission to construct two new 230-kV lines into the D.C. area and two new 69-kV lines to serve the Blue Plains Wastewater Treatment Plant	
March 20		Third trona unit became operational
March	U.S. Department of Health's Agency for Toxic Substances and Disease Registry began a review of the existing air quality and other environmental data related to the Plant, as requested by the Director of the Alexandria Health Department.	
May 31		All five trona units operational
June 1	EPA issued an ACO to Mirant	
June 2	DOE instructed Mirant to comply with the ACO with EPA	

**Table 1.3-1. Chronology of major actions and events related to the Plant**

<b>Date</b>	<b>Agencies and other companies</b>	<b>Mirant; Potomac River Generating Station</b>
June 20		Operation began in accordance with daily predictive modeling
July 15	Pepco places two newly constructed 69-kV lines into service at the Blue Plains Wastewater Treatment Plant	
September 28	The Secretary of Energy extended emergency order for two months	
October 1	DOE Order was scheduled to expire at 12:01 am	
November 27 - December 11	Pepco plans transmission line outage for repairs	Full Plant generation will be required to meet central D.C. predicted load because of Pepco line repairs.
December 1	Extension to DOE Order expires at 12:01 am	
<b>2007</b>		
February 19 - March 5	Pepco plans transmission line outage for upgrades	Full Plant generation will be required to meet Central D.C. predicted load because of Pepco line upgrades.
May 2 - 15	Pepco plans transmission line outage for upgrades	Full Plant generation will be required to meet Central D.C. predicted load because of Pepco line upgrades.
May 21 - June 15	Pepco plans transmission line outage for upgrades	Full Plant generation will be required to meet Central D.C. predicted load because of Pepco line upgrades.
June 1	The ACO expires.	
late June	Pepco plans to have two new 230-kV transmission lines in service	.
Fall		Mirant plans to take units out of service to reconfigure the exhaust stacks.

#### **1.4 National Environmental Policy Act (NEPA) Process**

Major Federal actions significantly affecting the human environment generally call for DOE to prepare an environmental impact statement (EIS) before taking the action to analyze



impacts in compliance with NEPA. However, in emergency situations, pursuant to 40 CFR 1506.11, the CEQ's NEPA regulations provide that agencies consult with CEQ to determine what alternative arrangements the agency will take in lieu of preparing an EIS. DOE consulted with CEQ on December 20, 2005, December 22, 2005, January 13, 2006, and January 17, 2006, on a plan for alternative NEPA arrangements. Under this plan (71 FR 3279, January 20, 2006) DOE agreed to:

- Prepare a SEA to examine the potential impacts resulting from issuance of the Order and describe further DOE decision-making regarding reasonable future alternatives;
- Provide opportunities for public involvement;
- Continue to consult with EPA and the VDEQ concerning information on emissions, modeling results, potential mitigation measures, and any changes in the operation of the Plant; and
- Identify in the SEA steps that could be taken to mitigate any impacts from the DOE Order.

Consistent with the consultations with CEQ, DOE has prepared this SEA.

## 1.5 Public Involvement

As described above, on January 20, 2006, DOE published a *Federal Register* notice (71 FR 3279) (Appendix C) in which DOE described the action it had taken under the Order and reported its discussions with CEQ and its agreement to issue an SEA as part of its alternative arrangements for NEPA compliance.

DOE also used that *Federal Register* notice to request public comments on the information in the notice, as well as on issues to be addressed in the SEA. The comment period closed on February 21, 2006. DOE received comments from the following organizations: the Mount Vernon group and the Virginia Chapter of the Sierra Club; the Southern Environmental Law Center on behalf of itself and the American Lung Association of Virginia ; the City of Alexandria; and the Institute for Public Representation on behalf of the Potomac Riverkeeper, Inc., the Patuxent Riverkeeper, and the Anacostia Riverkeeper at Earth Conservation Corps. These comments are posted on the DOE website described below. Commentors identified many of the same issues that DOE had determined should be covered in the SEA. Section 1.6 describes where these issues are addressed in this document.

DOE maintains a website containing information (under DOE Docket EO-05-01) about the D.C. Public Service Commission Petition, its proceedings, and the DOE Order itself: <http://www.oe.energy.gov/permitting/372.htm>. This website also provides links to correspondence related to the petition and the Order, as well as the *Federal Register* notice and the comments received on that notice.

## 1.6 Scope of the Analysis

Based on its own evaluation of potential impacts and the concerns expressed by commentors, DOE has analyzed the below effects of Plant operations under the Order in the indicated sections of this SEA. Cumulative effects are discussed as appropriate in each section as described at the beginning of Section 4.3.

- Effects of any increased *air emissions* (Section 4.3.1);
- *Health* effects on Plant workers and the public of any increased air pollution; commentors on the DOE *Federal Register* notice expressed particular concern about impacts of increased particulate emissions, especially particulate matter smaller than 2.5 microns (PM<sub>2.5</sub>), and of increased emissions of trace metals and hazardous air pollutants (especially arsenic, beryllium, lead, chromium, cadmium, nickel, and mercury) (Section 4.3.2);
- *Water quality* (Section 4.3.3) and *ecological* (Section 4.3.4) effects due to changes in Plant water use and releases or any increased deposition of air pollutants on soil and terrestrial communities, water bodies, and watersheds; commentors on the DOE *Federal Register* notice expressed concern about the potential for any increased emissions of SO<sub>2</sub> and NO<sub>x</sub> to contribute to acid rain, nutrient loading to aquatic systems, and deposition of heavy metals, and the subsequent impacts on the aquatic resources of the Chesapeake Bay and several of its tributaries, specifically the Potomac, Anacostia, and Patuxent rivers;
- *Waste management* impacts (Section 4.3.5), particularly impacts of trona utilization, which commentors on the DOE *Federal Register* notice identified as a concern;
- *Transportation impacts* from increased shipping of coal and trona to the Plant and of wastes away from the Plant (Section 4.3.6); and
- *Environmental justice* impacts (Section 4.3.7).

This SEA also describes alternatives for potential future decision-making that include mitigation measures should the Order be further extended. Among these are several measures suggested by commentors on DOE's *Federal Register* notice on the proposal to prepare this SEA and parties commenting on the Order itself.

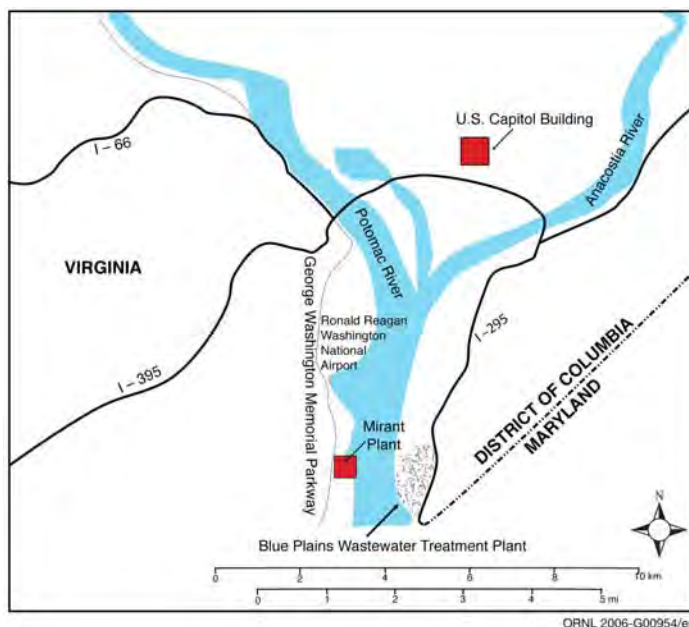
Because of the limited nature of the action, certain types of impacts that are usually analyzed in NEPA documents are not addressed.

- Because there would be no construction outside the footprint of the existing facility, no impacts to *land use, soil structure, floodplains, or aesthetics* are expected.
- Because only very small amounts of construction and employment are associated with the changed operations at the Plant, no appreciable effects on *social or economic resources* are anticipated.

A commentor expressed concern about possible adverse effects of trona utilization on Plant equipment. This concern is not addressed because it is not considered to be an environmental impact.

## 2. DESCRIPTION OF THE MIRANT POTOMAC RIVER GENERATING STATION

The Plant, which has been operating since 1949, was acquired by Mirant Potomac, Inc in 2000. It is located in Alexandria, Virginia, on the western bank of the Potomac River near the District of Columbia, about 5 miles (8 km) south-southwest of the U.S. Capitol building. (See Figure 2-1.) It is almost directly across the river from the Blue Plains Wastewater Treatment Plant and near Ronald Reagan Washington National Airport. Two National Park Service sites, the George Washington Memorial Parkway, developed both as a memorial to George Washington and to preserve the natural scenery along the Potomac River (NPS undated), and the Mount Vernon Trail (Figure 3.4-1), run past the Mirant Plant.



**Figure 2-1.** The location of the Plant in relation to the central Washington, D.C. area.

The site occupies approximately 28 acres (11 ha) and was relatively remote when the power plant was built. Alexandria has, however, grown up around it, and residential areas are now located immediately adjacent to the Plant. (See Figure 2-2.)

### 2.1 Site Layout

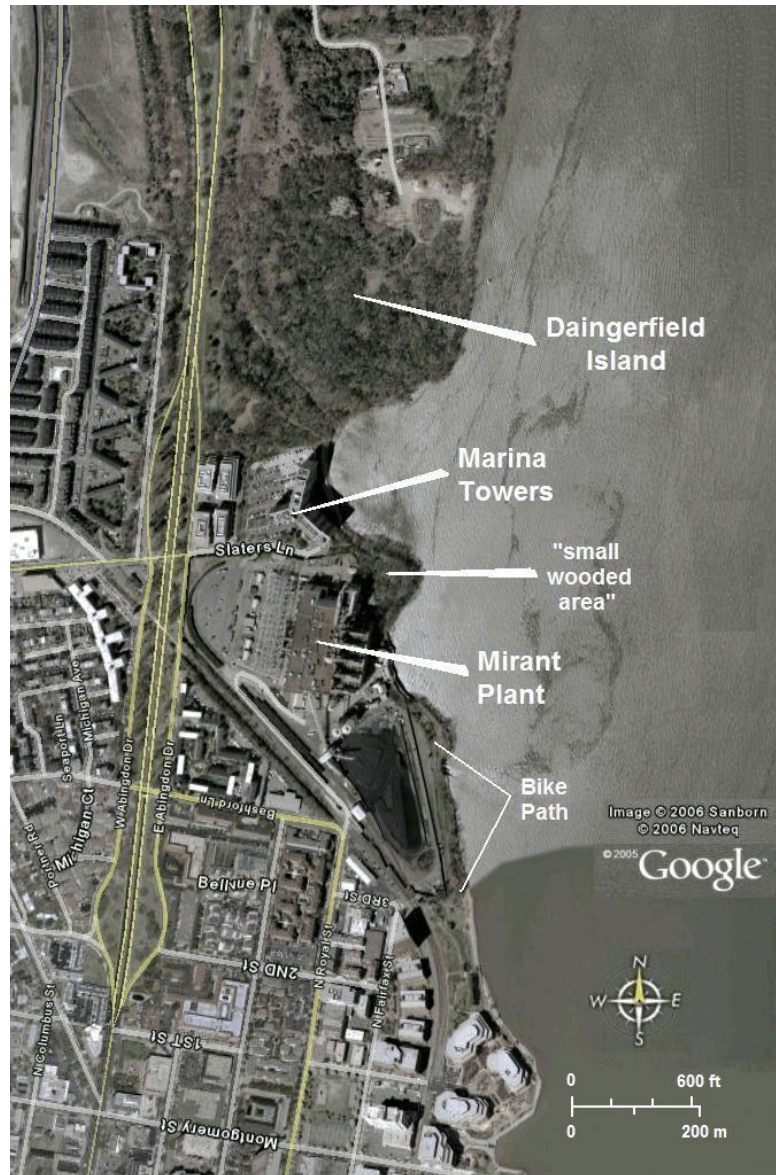
The footprint of the Mirant Plant is typical for a coal-fired electricity generation facility (see Figure 2.1-1), consisting of a large coal pile and a set of five steam generating boilers. The Plant has five stacks, each 161 ft (49 m) high (Mirant 2006a).

### 2.2 Plant Equipment and General Operation

The Plant consists of five steam boilers and associated generators with a net generating capacity of 482 megawatts (MW) of electricity for delivery to Central D.C. area customers. Units 1 and 2 are designed to be capable of load-following or cycling; that is, they are capable of changing power levels quickly as demand rises or falls. These units each have a generating capacity of 88 MW (with an operating range of 35 MW to 88 MW). Units 3, 4, and 5 are

designed for baseload operation; that is, they are intended to generate power at a steady rate for extended periods, typically 24 hours per day, and have historically been used more than Units 1 and 2 (Mirant 2006a). Units 3, 4, and 5 each have a generating capacity of 102 MW (with an operating range of 35 MW to 102 MW).

The facility uses oil to pre-heat units during startup and then burns coal. The Plant receives coal by rail car delivered by the CSX Railroad. (See Figure 2.1-1.) The rail cars are unloaded at a dedicated rail siding at the Plant. Typical plant operations involve unloading the rail cars and feeding some coal directly into the boiler building; additional coal is stored on-site in an outdoor coal pile with a capacity of 135,000 tons (122,000 metric tons). The coal storage yard occupies 4 acres (2 ha) and has an average coal-pile height of about 30 ft (9 m). Diesel-fueled bulldozers move the coal around the footprint of the coal pile, and a conveyor system transfers coal from the coal pile into the boiler building. The coal is pulverized in the boiler building and sized for injection into the five boilers. Steam is then piped from the boilers into the turbine building where the generators produce electricity.



**Figure 2-2.** Aerial photo showing the Plant and surrounding residences.

Flue gases from each of the five boiler units exhaust to the atmosphere through separate, dedicated stacks. (See Figure 2.1-1.) Pollution abatement equipment at the Plant consists of hot- and cold-side electrostatic precipitators for each boiler unit. These precipitators remove solid particulate matter, called fly ash, from the exhaust gas streams. The fly ash collected by the precipitators is stored in a pair of on-site silos prior to being shipped by covered truck for off-site

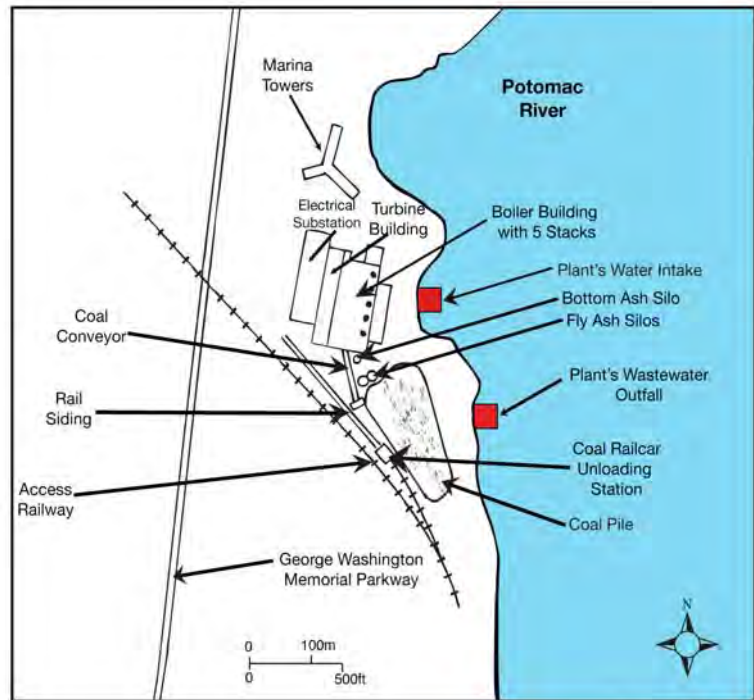
disposal. Bottom ash from the boilers is collected and stored in a silo prior to being shipped off-site for beneficial use. (See Section 2.4.3)

The Plant also has trona injection units for each of the five boiler units. Each trona injection unit consists of 8 or 10 injection nozzles in the outlet duct from the boiler economizer to the hot-side precipitator inlet. Each injection unit is capable of injecting trona at a rate of up to 12,000 lb/hour (5,500 kg/hour), which Mirant's study determined to be sufficient to remove 80% of SO<sub>2</sub> from flue gas (Mirant 2006c). At maximum capacity the trona injection units on all five boilers can utilize a total of 25 tons (23 metric tons) of trona per hour to remove about 80% of SO<sub>2</sub> from flue gases.

Trona is delivered to the site in 100-ton (91-metric ton) railcars shipped directly from the mine in

Green River, Wyoming. Trona is fluidized and transferred pneumatically from the railcars to a 35-ton-capacity (32-metric ton-capacity) trona feed trailer adjacent to each boiler. Trona is transferred pneumatically to the boiler unit outlet duct where it is injected.

The Plant has a once-through cooling water system. Raw water is pumped from the Potomac River through a 1,250-ft<sup>2</sup> (116-m<sup>2</sup>) rectangular intake area located on the river bottom along the shoreline, about 10 ft (3 m) below the water surface (Personal communications between D. Cramer, Mirant Corporation, and E.D. Smith, Oak Ridge National Laboratory, July 12, 2006, and between A. Wearmouth, Mirant Corporation, and E.D. Smith, Oak Ridge National Laboratory, July 21, 2006). The intake area is made up of 10 intake bays (two for each of the boiler units), each of which is 13.5 ft (4.1 m) long by 9 ft (3 m) wide and equipped with a 30,000-gal/min (about 100 m<sup>3</sup>/min) pump (Personal communication between A. Wearmouth, Mirant Corporation, and E.D. Smith, Oak Ridge National Laboratory, July 21, 2006). Mirant installed new fine-mesh screens on the intakes in July and August 2005. One screen on an intake for Unit 1 is fitted with "fish buckets" for enhanced fish protection. All screens, with or without the enhanced system of fish recovery, facilitate the return of fish to the river south of the power plant intake. After removing debris and suspended solids, the Plant uses this water to cool condensers and auxiliary equipment associated with steam turbines (Mirant 2006b). Major water



**Figure 2.1-1.** The site layout of Mirant's Potomac River Generating Station.

treatment equipment includes a clarifier, settling pond, neutralization system, and an oil/water separator.

### 2.3 Resource Requirements

The Plant primarily uses three resources: coal, trona, and water. Each of these is discussed separately in this section.

In the period prior to August 24, 2005, the Plant typically used an average of about 2,280 tons (2,050 metric tons) of coal per day. Operation at full capacity could require up to 5,150 tons (4,670 metric tons) of coal daily. The Plant normally used central Appalachian coal with a heating value of about 12,000 Btu/lb, an ash content of about 14%, a sulfur content of 0.64% by weight, and a carbon content about 67% by weight.

Analyses of coal burned in 2003 indicates that the average mercury content was between 0.03 and 0.07 ppm (dry). DOE conservatively assumes that the coal consumed by Mirant contains 0.07 ppm mercury on average, or about 1.4 lb (0.6 kg) mercury per 1,000 tons (910 metric tons) of coal.

The coal data that Mirant provided to DOE did not include concentrations of toxic metals other than mercury. Table 2.3-1 presents some published data on concentrations of seven trace metals in other central Appalachian coals. These analyses provide an approximate indication of levels that may be present in the central Appalachian coal burned by the Plant.

**Table 2.3-1. Ranges of values for trace metal concentrations in as-mined samples of Appalachian coals**

Trace metal	Reported concentrations (mg/kg)
Arsenic	7 – 23
Cadmium	ND – 0.2
Lead	15 – 24
Selenium	ND – 2.9
Beryllium	1 – 2
Chromium	30 – 63
Nickel	18 – 34

ND = below quantitation limit  
*Source:* Palmer et al. 1997.

Trona consumption is determined by the target for SO<sub>2</sub> removal. Theoretical calculations show that if trona reacted completely with SO<sub>2</sub> in the hot-side precipitator inlet gas, 2.354 parts by weight of trona would be required to react with each part by weight of SO<sub>2</sub> (e.g., 2.345 lb trona per lb of SO<sub>2</sub>). However, testing by Mirant found that much larger quantities of trona must be used in order to achieve desired SO<sub>2</sub> removal rates. Addition of trona to the exhaust gas stream at five times the theoretically calculated rate was found to remove 80% of the SO<sub>2</sub> (Mirant 2006c). For typical coal burned at the Plant, removal of 80% of SO<sub>2</sub> would require 0.15 lb of trona per lb of coal burned (1 lb trona per 6.7 lb coal). Because Mirant does not operate the Plant to achieve 80% SO<sub>2</sub> removal most of the time, average trona consumption is about 1 lb for every 8.5 lb of coal consumed (Personal communication between D. Cramer, Mirant Corporation, and L.N. McCold, Oak Ridge National Laboratory, July 7, 2006).

Water withdrawals from the Potomac River for cooling water and other in-plant uses are estimated to be about 1% higher than discharges (Personal communication between A. Wearmouth and D. Cramer, Mirant Corporation, and E.D. Smith, Oak Ridge National Laboratory, July 14, 2006). Therefore, based on discharges (Section 2.4.2), withdrawals are estimated to have averaged somewhat less than 350 million gal/day (1.3 million m<sup>3</sup>/day) under pre-shutdown operating conditions (prior to August 24, 2005).

## **2.4 Waste and Effluents**

### **2.4.1 Air Emissions**

The VDEQ approved a Stationary Source Permit to Operate on September 18, 2000, and a Phase II Acid Rain Permit on February 28, 2003. The Stationary Source Permit limits NO<sub>x</sub> (as NO<sub>2</sub>) emissions to 0.38 lb/MBtu. The EPA judicial consent decree, as amended (EPA 2004, 2006g), requires Mirant to limit Plant total NO<sub>x</sub> emissions during the May 1 to September 30 period each year to 1,600 tons (1,500 metric tons) through 2009, among other things. The Acid Rain Permit allocates annual allowances for air emissions of SO<sub>2</sub> during its effective period of January 1, 2003, through December 31, 2007. SO<sub>2</sub> allowances for individual generating units range from 2308 to 3036 tons/year and total 13,344 tons/year for all units combined; in addition, the permit authorizes Mirant to acquire SO<sub>2</sub> allowances from other sources. The Acid Rain permit also limits emissions of NO<sub>x</sub>, but the limitation on NO<sub>x</sub> is less restrictive than the limit in the Stationary Source Permit.

The coal burned at the Plant averages about 67% by weight carbon. On a day when the Plant consumed 2,280 tons (2,050 metric tons) of coal, as it typically did in the period prior to August 24, 2005, it released about 11 million lb (5,600 tons) of CO<sub>2</sub>.



## 2.4.2 Water Effluents

Plant effluents, including cooling water, boiler blowdown, runoff from the coal pile and fly ash handling areas, and other storm water runoff, are discharged to the Potomac River under National Pollutant Discharge Elimination System (NPDES) permit DC0022004. This permit was last issued for a 5-year duration in 2000 and expired in 2005. Mirant applied for renewal in 2004 (Wearmouth 2004), and the existing permit remains in force while EPA considers the application for renewal (Capacasa 2005). According to the renewal application (Wearmouth 2004), under historical operating conditions discharge under this permit averaged almost 345 million gal/day (1.3 million m<sup>3</sup>/day), of which all but about 0.4 million gal/day (1,500 m<sup>3</sup>/day) was once-through cooling water.

Boiler blowdown and effluent from treatment (i.e., demineralization) of intake water are treated by sedimentation and neutralization. Before being mixed with other wastewaters, they are monitored (in accordance with permit requirements) for flow rate, pH, total suspended solids, and oil and grease to verify that concentration limits in the permit are met. Ash clarifier system wastewater and runoff from the coal pile and fly ash handling areas are treated by rapid mixing, flocculation, and precipitation. They are monitored for the same set of parameters prior to mixing with other wastewaters. Once-through cooling water and storm water runoff from uncontaminated areas are blended with the treated effluents and discharged without additional treatment. No chlorine or other chemicals are added to the cooling water or used in the Plant's other water processes.

The NPDES permit requires monitoring of flow rate and other parameters at several internal monitoring points and at outfalls. Mirant submits monthly reports with the monitoring data to EPA and the Washington, D.C. Department of Health (Mirant 2006b). The Plant's primary wastewater outfall is subject to permit limits on pH, total residual chlorine, thermal output, and temperature rise in the river. Heat discharge in cooling water is limited to 4,286 MBtu/hr. Temperature rise in the river is limited to 2.8°C above ambient temperature and a maximum temperature of 32.2°C beyond a 1,000-ft (300-m) radius of the discharge point when the ambient river temperature is less than 27.8°C and beyond a 1,600-ft (490-m) radius when the river temperature is warmer than 27.8°C. Mirant conducted temperature surveys in the river in 2001 that confirmed that heat discharge from the Plant does not cause exceedance of these temperature limits, so temperature monitoring in the river is not required (Mirant 2002, NPDES permit document, and personal communication between A. Wearmouth, Mirant Corporation, and E.D. Smith, Oak Ridge National Laboratory, July 14, 2006).

Table 2.4-1 lists reported concentrations of selected contaminants in the Plant's cooling water intake and in effluent from the outfall that receives cooling water and treated wastewaters from demineralization, boiler blowdown, coal pile runoff, and fly ash handling. The table includes data for many parameters that are not listed in the Plant's NPDES permit. The near-neutral effluent has higher levels of biochemical oxygen demand, suspended solids, nitrate and nitrite, sulfate, aluminum, iron, manganese, copper, and fecal coliform bacteria than the intake

water, while loadings of chemical oxygen demand, total organic carbon, residual chlorine, phosphorus, and phenols are decreased in the effluent compared with the intake water.

**Table 2.4-1. Water quality of Plant intake water and cooling water effluent**

Contaminant	Intake Concentration (mg/L)	Effluent Concentration (mg/L, except as indicated)
Biochemical oxygen demand	9.6	14
Chemical oxygen demand	22	21
Total organic carbon	4.7	4.3
Total suspended solids	24	39
Fecal coliform bacteria	27	110
pH (pH units)	—	7.6
Chlorine, total residual	0.15	0.05
Fluoride	0.20	0.12
Nitrate-Nitrite as N	1.1	1.2
Nitrogen, total organic	ND	ND
Phosphorus	0.076	0.060
Sulfate	33	37
Aluminum	0.75	1.4
Iron	0.86	1.5
Manganese	0.11	0.13
Copper	ND	0.013
Zinc	0.023	0.023
Phenols, total	0.015	0.014

ND = Not detected

— = Not reported

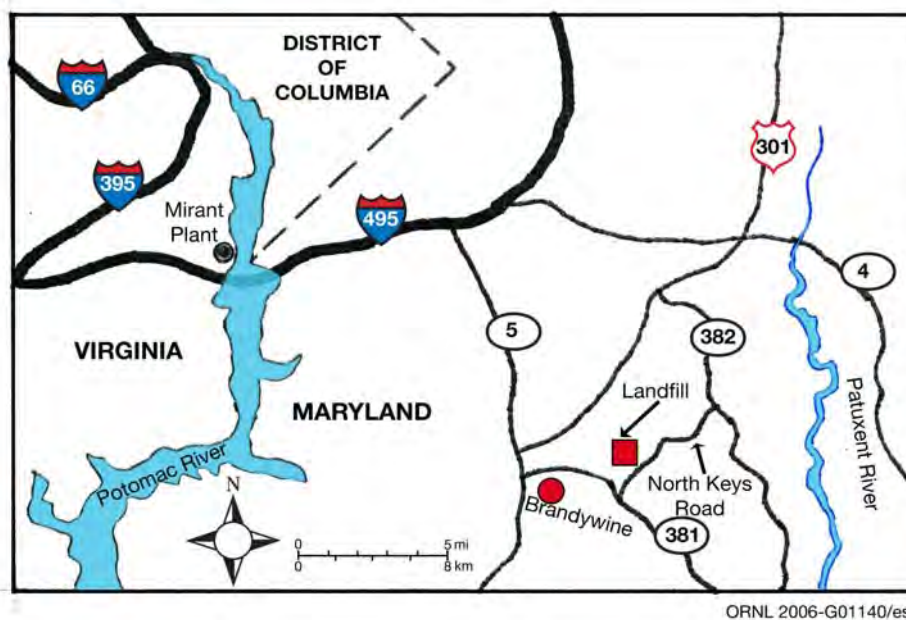
Source: Wearmouth 2004; These values are from a single set of measurements and may not be representative.

### 2.4.3 Solid Wastes

The Plant's principal solid wastes are fly ash collected from exhaust gases and bottom ash from the boilers. (See Section 2.2.) Under pre-shutdown operating conditions prior to August 24, 2005, reported fly ash generation totaled about 14,200 tons/month (12,900 metric tons/month), equivalent to about 20% of coal consumption. Bottom ash generation equals about 25% of the fly ash generation (Personal communications between D. Cramer, Mirant Corporation, and L.N. McCold, Oak Ridge National Laboratory, July 7, 2006; and between D.

Cramer, Mirant Corporation, and E.D. Smith, Oak Ridge National Laboratory, July 12, 2006, and July 14, 2006).

Fly ash is sent by covered truck to the Brandywine Fly Ash Facility, a landfill located in southeastern Prince George's County, Maryland (Figure 2.4-1), that is owned and operated by Mirant Ash Management LLC and used solely for disposal of coal combustion ash. (See Section 3.5.) Plant fly ash is marketed for beneficial use, primarily for structural fill, but historically its utilization has been very limited (Personal communication between D. Cramer, Mirant Corporation, and L.N. McCold, Oak Ridge National Laboratory, July 7, 2006). The fly ash generated by the Plant under historical operating conditions is a pozzolanic material (that is, when mixed with water it “sets,” like cement), but its unburned carbon content is too high to permit its use as a cement substitute (TFHRC undated). Bottom ash from the Plant is used or sold for purposes such as road fill.



**Figure 2.4-1.** The location of and access routes to the Brandywine Fly Ash Facility used for disposal of solid wastes from the Plant.

*Note:* Mataponi Creek (not shown on the map) originates near Brandywine and flows east-northeast to the Patuxent River.

## 2.5 Changes to the Plant Since the DOE Order

Mirant has made several changes inside the existing Plant buildings since the DOE Order. The most important of these is the addition of trona injection units to all five boilers. Mirant has also made provision to withdraw trona from rail cars and transfer it to storage

containers inside the building. Several measures to control fugitive dust (for example, improved ash-loading systems for the two fly ash silos) were implemented during 2005 and 2006 in response to a 2004 EPA judicial consent decree (EPA 2004) that required Mirant to take actions to reduce fugitive particulate emissions. None of these changes included new construction or other disturbances at the Plant site.

Mirant is planning to merge the boiler exhaust gases from Units 1 and 2 and run the combined exhaust through the stack of Unit 1. Similarly Mirant is planning to merge the boiler exhaust gases from Units 3, 4, and 5 and run them through the stack of Unit 4. Mirant's modeling shows that combining the gas flows from the two units into one stack and from the three other units into another stack produces higher exit velocities and increases plume rise for all emissions into the atmosphere and, thus, lessens the potential for downwash impacts (Personal communication between D. Cramer, Mirant Corporation, and L.N. McCold, Oak Ridge National Laboratory, July 7, 2006).

Merging unit exhaust gases requires new common ductwork to be installed connecting the individual unit exhaust fan discharges, and installation of new higher capacity fans. This common ductwork will be connected to the existing stack at the existing location at the base of the stack. This common ductwork will be installed inside the existing plant structure and will not be visible from the ground since it will be located in-between the existing precipitator and stacks. There will be no foundations required for this ductwork.

Mirant plans to implement the exhaust system changes during the fall of 2007 (Personal communication between Richard Killian, EPA Region 3, and L.N. McCold, Oak Ridge National Laboratory, October 16, 2006). Each Plant generating unit is expected to have an outage of 7 to 9 weeks in order to remove the existing equipment and install the new equipment.

### **3. AFFECTED ENVIRONMENT**

This section describes the resources and environmental conditions that could be affected by the DOE action. The areal extent of this “affected environment” is not the same for all potentially affected resource areas. Also, because the purpose of this descriptive information is to lay the foundation for evaluating potential environmental impacts of the action, not all resources and geographic areas are described at the same level of detail.

For air quality the extent of the affected environment is very large because air emissions from the Plant are transported within a large region. However, because the potential effects of greatest interest, including the potential for exceedances of ambient air quality standards, are concentrated in a local area very near the Plant, the description and assessment in this document focus primarily on a 36-mi<sup>2</sup> (93-km<sup>2</sup>) area within about 3 mi (5 km) of the Plant. Similarly, the area of primary interest for human health and environmental justice is this same 36-mi<sup>2</sup> (93-km<sup>2</sup>) area.

For water resources and ecosystems the affected environment consists primarily of the resources directly affected by Plant operations, including the Potomac River, the Plant site, and neighboring lands. However, because atmospheric deposition of contaminants emitted from the Plant to the air contributes to cumulative impacts to water quality and ecosystems in a larger region, the Anacostia River, Patuxent River, Chesapeake Bay, and other land and water areas (including Potomac River tributaries and their watersheds) within about 20 miles (32 km) of the Plant are treated as part of the affected environment for water resources and ecosystems.

For waste management and transportation the affected environment includes the Plant site; the landfill used for disposal of Plant fly ash; the local roads and rail facilities used for access to the Plant and landfill; and resources in the immediate vicinity of these facilities that may be affected by their air, water, or noise emissions.

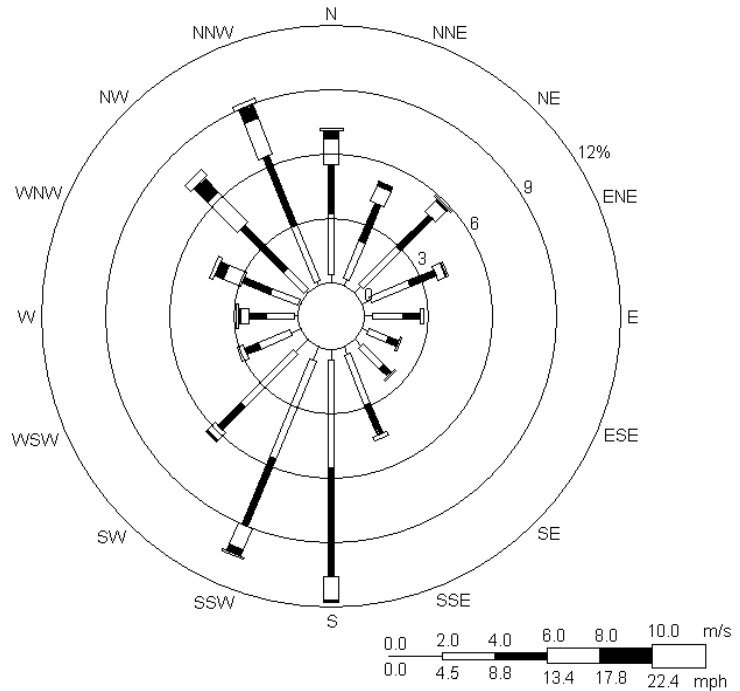
#### **3.1 Climate and Air Quality**

##### **3.1.1 Climate**

The Plant is in Alexandria, Virginia, which lies at the western edge of the mid-Atlantic Coastal Plain, about 50 mi (80 km) east of the Blue Ridge Mountains and 35 mi (56 km) west of the Chesapeake Bay, adjacent to the Potomac River. Elevations range from a few feet (about a meter) above sea level to about 400 ft (122 m).

Weather observations in the vicinity have been kept continuously since November 1870. Since June 1941, the official observations have been taken at Ronald Reagan Washington National Airport (National Airport), just north of the Plant.

National Airport is located at the center of a large urban complex. As a result, low temperatures there are higher than those in surrounding areas. In winter low temperatures at the airport are often 10-15°F (6-8°C) higher than in suburban locations. There is less difference between airport and suburban high temperatures. The normal summertime high temperatures range from 85-90°F (30-32°C), and the average winter lows range from 26-32°F (-3 to 0°C). Normal precipitation is distributed rather uniformly throughout the year, ranging, approximately, from 2.7 to 3.9 inches (6.9 to 9.9 cm) per month.



**Figure 3.1-1.** Wind rose for Ronald Reagan Washington National Airport, 2000-2004 weather data

Thunderstorms can occur at any time but are most frequent during the late spring and summer. The storms are often accompanied by downpours and gusty winds, but are not usually severe. Tornadoes, which occur infrequently, have resulted in significant damage. Severe hailstorms have occurred in the spring. Tropical storms can bring heavy rain, high winds, and flooding, but extensive damage from wind and tidal flooding is rare. Wind gusts of nearly 100 mi (160 km) per hour and rainfall over 7 inches (18 cm) have occurred during the passage of tropical storms.

Normal snowfall during the winter season is 15 inches (38 cm). The average date of the last freezing temperature in the spring is April 1, and the average date for the first freezing temperature in the fall is November 10.

Winds are most often from the south or south-southwest and from the north-northwest (Figure 3.1-1).

### 3.1.2 Air Quality

Criteria pollutants are defined as those for which National Ambient Air Quality Standards (NAAQS) exist (Table 3.1-1). These pollutants are carbon monoxide (CO), lead (Pb), nitrogen dioxide (NO<sub>2</sub>), ozone (O<sub>3</sub>), particulate matter less than or equal to 10 μm in aerodynamic diameter (designated PM<sub>10</sub>), particulate matter less than or equal to 2.5 μm in aerodynamic diameter (designated PM<sub>2.5</sub>), and sulfur dioxide (SO<sub>2</sub>).

**Table 3.1-1. National Ambient Air Quality Standards for criteria pollutants**

Pollutant	Averaging period	Concentration
CO	8-hour <sup>a</sup>	9 ppm (10 mg/m <sup>3</sup> )
	1-hour <sup>a</sup>	35 ppm (40 mg/m <sup>3</sup> )
Lead	Maximum quarterly average	1.5 µg/m <sup>3</sup>
NO <sub>2</sub>	Annual arithmetic mean	0.053 ppm (100 µg/m <sup>3</sup> )
O <sub>3</sub>	4 <sup>th</sup> highest 8-hour daily maximum <sup>b</sup>	0.08 ppm (157 µg/m <sup>3</sup> )
PM <sub>10</sub>	Annual arithmetic mean <sup>c</sup>	50 µg/m <sup>3</sup>
	24-hour <sup>c</sup>	150 µg/m <sup>3</sup>
PM <sub>2.5</sub>	Annual arithmetic mean <sup>d</sup>	15 µg/m <sup>3</sup>
	98 <sup>th</sup> percentile 24-hour <sup>d</sup>	65 µg/m <sup>3</sup>
SO <sub>2</sub>	Annual arithmetic mean	80 µg/m <sup>3</sup> (0.03 ppm)
	24-hour <sup>a</sup>	365 µg/m <sup>3</sup> (0.14 ppm)
	3-hour <sup>a</sup>	1,300 µg/m <sup>3</sup> (0.50 ppm)

<sup>a</sup> Not to be exceeded more than once per year.

<sup>b</sup> The 8-hour standard is met when the 3-year average of the annual 4<sup>th</sup> highest daily maximum 8-hour O<sub>3</sub> concentration is less than or equal to 0.08 ppm.

<sup>c</sup> The annual PM<sub>10</sub> standard is attained when the expected annual arithmetic mean concentration is less than or equal to 50 µg/m<sup>3</sup> (3-year average); the 24-hour standard is attained when the expected number of days above 150 µg/m<sup>3</sup> is less than or equal to 1 per year. EPA's October 17, 2006, rule making on NAAQS for particulate matter (EPA 2006j) revoked the annual PM<sub>10</sub> standard, effective December 18, 2006.

<sup>d</sup> The annual PM<sub>2.5</sub> standard is met when the annual average of the quarterly mean PM<sub>2.5</sub> concentrations is less than or equal to 15 µg/m<sup>3</sup>, when averaged over 3 years. If spatial averaging is used, the annual averages from all monitors within the area may be averaged in the calculation of the 3-year mean. The 24-hour standard is met when the 98<sup>th</sup> percentile value, averaged over 3 years, is less than or equal to 65 µg/m<sup>3</sup>. Under new standards published on October 17, 2006, and effective December 18, 2006 (EPA 2006j), the 24-hour standard will be 35 µg/m<sup>3</sup>. The state of Virginia has until April 2008 to develop and submit to EPA for approval SIP provisions to implement, maintain, and enforce the new NAAQS for PM<sub>2.5</sub>.

<sup>e</sup> Same as primary standard.

Source: 40 CFR Part 50.

The NAAQS are expressed as concentrations of pollutants in the ambient air; that is, in the outdoor air to which the general public has access [40 CFR 50.1(e)]. Primary NAAQS define levels of air quality that EPA deems necessary, with an adequate margin of safety, to protect human health. Secondary NAAQS are similarly designated to protect human welfare by safeguarding environmental resources (e.g., soils, water, plants, animals) and manufactured materials. States may modify NAAQS to make them more stringent or set standards for additional pollutants. Virginia has adopted the NAAQS as the state standards without modifications.

Attainment status for NAAQS is determined primarily by evaluating data from ambient air quality monitoring stations. The monitoring station nearest to the Plant (AIRS 51-510-0009) is located at the Alexandria Health Department, 517 North Saint Asaph Street, 0.6 mile (0.9 km) south. The station monitors CO, SO<sub>2</sub>, NO<sub>2</sub>, and O<sub>3</sub>. The nearest PM<sub>2.5</sub> monitoring station (AIRS 51-013-0020) is located at Aurora Hills Visitors Center, 18<sup>th</sup> and Hays Streets, Arlington County, due west of Ronald Reagan Washington National Airport and 2.7 miles (4.4 km) north-northwest of the Plant. The nearest PM<sub>10</sub> monitoring station (AIRS 51-059-0018) is located at Mount Vernon Fire Station, 2675 Sherwood Hall Lane, Mount Vernon, 5.7 miles (9.2 km)

south-southwest of the Plant. Because no lead monitoring stations are employed in Virginia, this section does not discuss lead.

Table 3.1-2 summarizes recent air quality data in the vicinity of the Mirant Plant.<sup>4</sup> The city of Alexandria and surrounding Arlington, Fairfax, Loudoun, and Prince William Counties are designated as NAAQS nonattainment areas for PM<sub>2.5</sub> and the 8-hour O<sub>3</sub> standard (VDEQ 2006a, 2006b).

**Table 3.1-2. Ambient air quality in the vicinity of the Plant, 2004**

Pollutant	Regulated parameter	Monitored concentration <sup>a</sup>	NAAQS limit
CO <sup>b</sup>	Second highest hour	2.9 ppm	35 ppm (40 µg/m <sup>3</sup> )
	Second highest 8-hour average	2.0 ppm	9 ppm (10 µg/m <sup>3</sup> )
NO <sub>2</sub> <sup>b</sup>	Annual average	0.024 ppm	0.053 ppm (100 µg/m <sup>3</sup> )
O <sub>3</sub> <sup>b</sup>	4 <sup>th</sup> highest 8-hour average	0.080 ppm	0.080 ppm (235 µg/m <sup>3</sup> )
PM <sub>10</sub> <sup>c</sup>	Annual arithmetic average	21 µg/m <sup>3</sup>	50 µg/m <sup>3</sup>
	Second highest 24-hour average <sup>e</sup>	44 µg/m <sup>3</sup>	150 µg/m <sup>3</sup>
PM <sub>2.5</sub> <sup>d</sup>	Annual average	14.4 µg/m <sup>3</sup>	15 µg/m <sup>3</sup>
	98 <sup>th</sup> percentile 24-hour average	35.7 µg/m <sup>3</sup>	65 µg/m <sup>3</sup>
SO <sub>2</sub> <sup>b</sup>	Annual average	0.006 ppm	0.03 ppm (80 µg/m <sup>3</sup> )
	2 <sup>nd</sup> highest 24-hour average	0.021 ppm	0.14 ppm (365 µg/m <sup>3</sup> )
	2 <sup>nd</sup> highest 3-hour average	0.054 ppm	0.50 ppm (1,300 µg/m <sup>3</sup> )

<sup>a</sup> Source: VDEQ 2005a (Just before publication of this document, Virginia released ambient air monitoring data for 2005 [VDEQ 2006c]. The updated background levels vary only slightly from the 2004 values reported and used here.)

<sup>b</sup> Measured at Alexandria Health Department (AIRS 51-510-0009).

<sup>c</sup> Measured at Mt. Vernon Fire Station (AIRS 51-059-0018).

<sup>d</sup> Measured at Aurora Hills Visitors Center (AIRS 51-013-0020).

<sup>e</sup> EPA's October 17, 2006, rule making on NAAQS for particulate matter (EPA 2006j) revoked the annual PM<sub>10</sub> standard, effective December 18, 2006.

Contaminants other than the criteria pollutants are present in the atmosphere in varying amounts that depend on the magnitude and characteristics of the sources, the distance from each source, and the residence time of each pollutant in the atmosphere. In the ambient air many of these pollutants are present in extremely small concentrations, requiring expensive state-of-the-art equipment for detection and measurement. Hazardous air pollutants are regulated at emission sources based on the National Emissions Standards for Hazardous Air Pollutants (40 CFR Parts 61 and 63); measurements of existing ambient air concentrations for many such pollutants are, at best, sporadic.

<sup>4</sup> While additional air quality monitoring stations are located in Maryland and the District of Columbia, the monitoring station for each pollutant nearest the Plant is found in Virginia. (See Metropolitan Washington Council of Governments 2005 and VDEQ 2005a.)



## **3.2 Human Health**

There is a well established association between exposure to outdoor air pollution and a broad variety of health effects, both acute and chronic. These health effects range from simple irritation such as burning eyes to premature death. The principal air pollutants generated by fossil fuel combustion that are associated with these health effects are PM, SO<sub>2</sub>, and NO<sub>x</sub> (WHO 2000). U.S. ambient air quality standards have been set at levels above background. For example, while the background concentration of SO<sub>2</sub> in the U.S. is about 1 µg/m<sup>3</sup>, the NAAQS for annual-average SO<sub>2</sub> concentration is 80 µg/m<sup>3</sup>. However, human health effects have been reported for concentrations below NAAQS levels for both PM and SO<sub>2</sub> (Dockery et al. 1993).

For the purposes of this SEA DOE has analyzed premature adult (age 30 and older) mortality as a useful indicator for health effects associated with air pollution because background mortality rates are readily obtainable, thereby strengthening the estimates, and the association between air pollution and mortality has well documented exposure response functions. The most recently available all-cause, all-age death rate for the area near the Plant is 7.5 deaths per year per 1000 population, as obtained from the Virginia Department of Health (2004). The most recent all-cause adult (age 30 and older) death rate in the region is 13 deaths per year per 1000 population.

## **3.3 Water Resources and Water Quality**

Water resources potentially affected by Plant operations include the Potomac River and the Patuxent River, as well as the Chesapeake Bay, which is the destination for both of those rivers. The Potomac River supplies water to and receives effluent discharges from the Plant, and the watersheds of the Potomac and Patuxent Rivers include the land areas where air pollutants emitted from the Plant are most likely to be deposited. In addition, effluents from the landfill serving the Plant are discharged to Mataponi Creek, which is in the Patuxent River watershed. The Anacostia River and Rock Creek, which are tributaries to the Potomac located near the Plant, are also specifically discussed in this section.

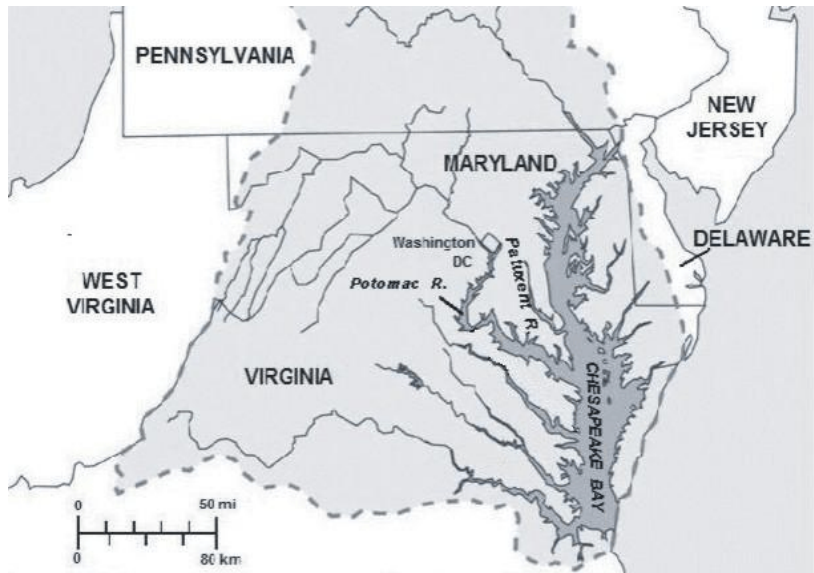
### **3.3.1 Physical Setting and Hydrology**

The Plant is situated in the Atlantic Coastal Plain physiographic province, in the watershed of Chesapeake Bay (Figures 3.3-1 and 3.3-2). Chesapeake Bay and its major tributaries, including the Potomac and Patuxent rivers, are “drowned river valleys.” That is, they are river valleys that were partially inundated by sea water when sea level rose following the end of the last Pleistocene glaciation. The Potomac, Patuxent, and other major streams in the region arise in upland areas and flow as fresh-water streams to the fall line near the edge of the

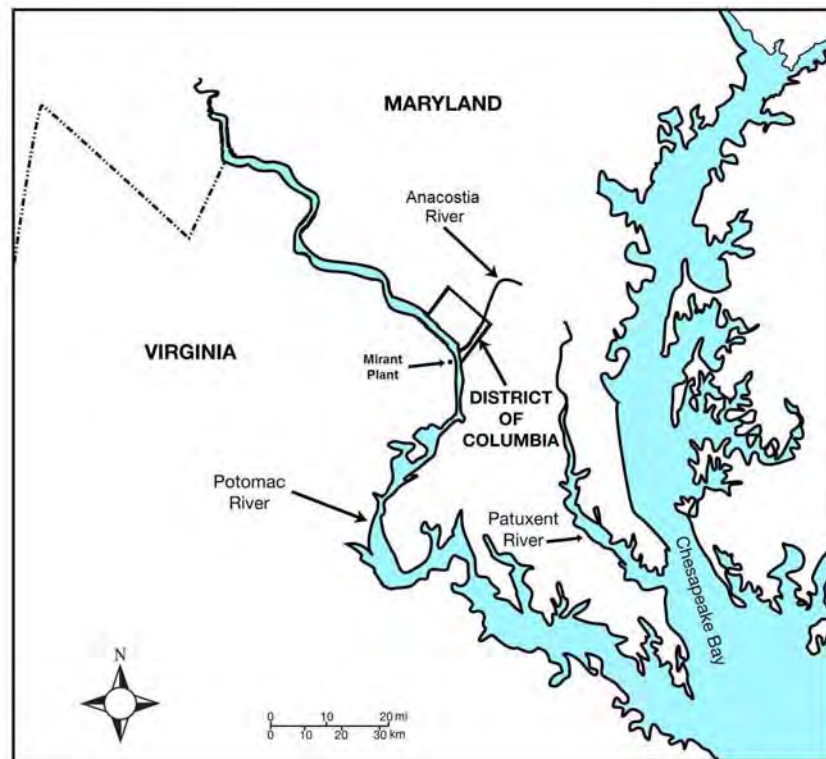
coastal plain. Below the fall line, the streams are considered to be estuaries, since their flow is modified by the influence of ocean tides. In the estuarine section of a stream, fresh water mixes with salt water in increasing proportions as the stream flows toward the sea. The effects of tides shelter the waters of these estuaries from the full effects of river currents, while river-valley geometry and stream flow shelter them from the full energy of ocean waves. Because they are sheltered from the flushing actions of both stream flow and ocean waves, water remains in these estuaries for a long time. Thus, pollutants discharged into an estuary remain there much longer than they would in an upland stream or in the open ocean. At the same time the sheltered waters of estuaries support exceptionally productive ecosystems. (See Section 3.4.)

### 3.3.1.1 Potomac River

The Plant is located next to the Potomac River, which flows from the Appalachian mountains to Chesapeake Bay, draining a 14,670-mi<sup>2</sup> (38,000-km<sup>2</sup>) watershed in Maryland, Virginia, West Virginia, Pennsylvania, and the District of Columbia



**Figure 3.3-1.** The Chesapeake Bay watershed includes the Patuxent and Potomac rivers.



ORNL 2006-G00956/r/ g

**Figure 3.3-2.** The Chesapeake Bay watershed near the Plant includes the Potomac, Patuxent, and Anacostia rivers.

(EPA 2000; Wilderness Society undated). The river is tidally influenced for about 110 miles (180 km) from the fall line at Little Falls, Maryland (located a short distance upstream from the District of Columbia border, about 11 miles [18 km] upstream from the Plant), to its mouth at Chesapeake Bay (EPA 2000).

While the entire tidally influenced reach of the river is an estuary, it is classified in three distinct hydrographic regimes: tidal river, transition zone, and mesohaline estuary. Adjacent to the Plant the Potomac is a tidal river with fresh water (salinity less than 500 mg/L) and a net seaward flow direction throughout the water column (EPA 2000). The transition zone begins approximately 38 miles (61 km) downstream from the fall line, about 27 miles (43 km) downstream from the Plant. The transition zone is about 22 miles (35 km) long and is characterized by variable salinity (from 500 to 10,000 mg/L) and significant mixing of fresh water with salt water from Chesapeake Bay. The lower 50 miles (80 km) of the river are classified as a mesohaline estuary with salinity varying from 5,000 to 18,000 mg/L (EPA 2000). Near the Plant the river channel has been extensively modified by past dredging and spoil disposal.

Average stream flow in the Potomac River at the fall line (above the zone of tidal influence) over the 50-year period 1931-1981 was 11,406 ft<sup>3</sup>/sec (7.4 billion gal/day or 28 million m<sup>3</sup>/day) (EPA 2000). Seasonally, flow is highest in the spring (February through May) and lowest in the late summer (July through September). September is the month with the lowest average flow, 4,126 ft<sup>3</sup>/sec (2.7 billion gal/day or 10 million m<sup>3</sup>/day). The long-term mean 7-day, 10-year low flow at the fall line is 628 ft<sup>3</sup>/sec (406 million gal/day or 1.54 million m<sup>3</sup>/day). The District of Columbia and some other area jurisdictions obtain public water supplies from the Potomac above the fall line.

### **3.3.1.2 Anacostia River**

The Anacostia River is a tributary to the Potomac River that enters the Potomac approximately 4 miles (6 km) upstream from the Plant. The extensively urbanized Anacostia watershed encompasses 176 mi<sup>2</sup> (456 km<sup>2</sup>) in Montgomery and Prince George's County, Maryland, and the District of Columbia. The Anacostia is a tidal river for its lower 8.4 miles (13.5 km). Flow in the tidal reach is described as sluggish; this reach has an average water residence time of 30 to 35 days. Average flow into the tidal reach from free-flowing tributaries and reaches is approximately 138 ft<sup>3</sup>/sec (89 million gal/day or 338,000 m<sup>3</sup>/day) (Anacostia Watershed Network 2006).

### **3.3.1.3 Rock Creek**

Rock Creek (Figure 3.3-3) is a tributary to the Potomac River that enters the river several miles upstream from the Plant. Approximately 80% of its watershed is in Montgomery County, Maryland, with the remainder in Washington, D.C. (MDOE 2006). The nontidal portions of the

creek occur mainly within Maryland and cover about 60 mi<sup>2</sup> (155 km<sup>2</sup>); the tidal portion is mainly within D.C.

### 3.3.1.4 Patuxent River

The Patuxent River watershed is immediately east of the Potomac River watershed in the Maryland counties of Anne Arundel, Calvert, Charles, Howard, Montgomery, Prince George's, and St. Mary's (Maryland DNR undated-a). The drainage divide between the Potomac and Patuxent watersheds is about 10 miles (16 km) east of the Plant. Only about 40% of the 849-mi<sup>2</sup> (220-km<sup>2</sup>) Patuxent River watershed contributes to the river's flow above the fall line; the remainder of the watershed drains directly to the river's estuary, which has a water surface area of about 49 mi<sup>2</sup> (127 km<sup>2</sup>) (Hagy and Kemp 2002).

Total stream flow to the Patuxent estuary averages about 728 ft<sup>3</sup>/sec (470 million gal/day or 1.78 million m<sup>3</sup>/day) (Boynton and Swaney 1998). Fresh water residence time in the estuary typically varies between 50 and 80 days (Hagy and Kemp 2002).

Mataponi Creek, the Patuxent River tributary that receives discharges from the Mirant landfill (Section 3.5), originates in the upland near Brandywine, Maryland (Figure 2.4.1) and flows east-northeast toward the Patuxent River, entering the fresh water tidal reach of the river at a location about 9 miles (14 km) northeast of Brandywine. No stream flow or water quality data have been located for Mataponi Creek.

### 3.3.1.5 Chesapeake Bay

The Chesapeake Bay is the largest estuary in the United States, about 200 miles (320 km) in length, with a surface area of about 4,400 mi<sup>2</sup> (11,000 km<sup>2</sup>) (including the estuarine reaches of its major tributaries) and a watershed of about 63,000 mi<sup>2</sup> (164,000 km<sup>2</sup>), including the District

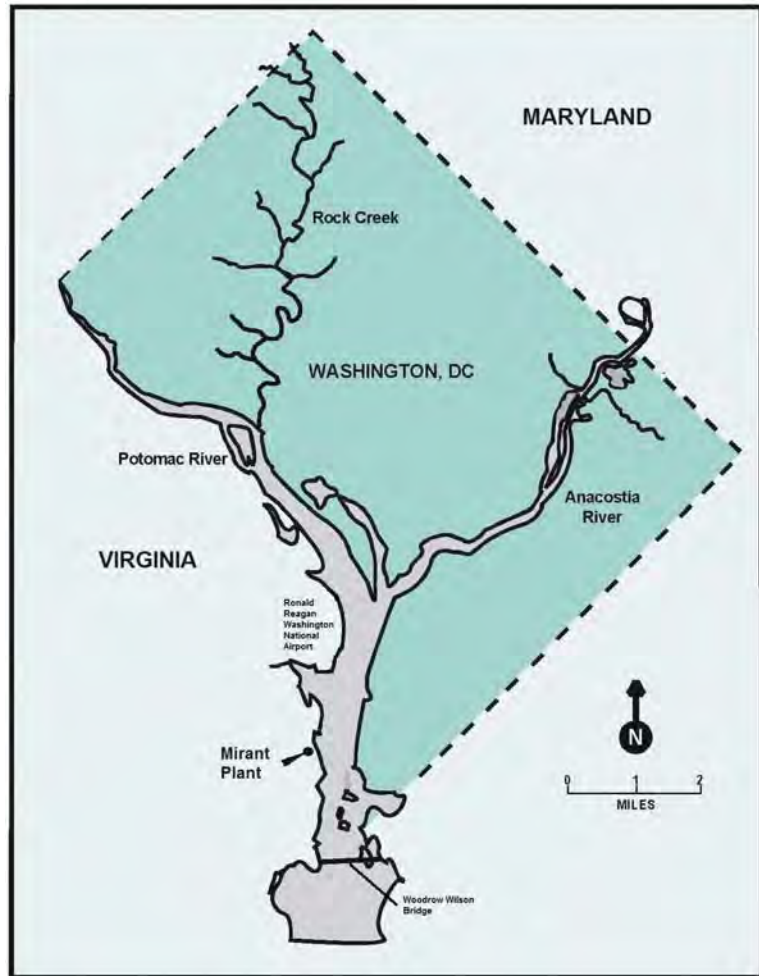


Figure 3.3-3. Location of features mentioned in the text.

of Columbia and parts of the states of Delaware, Maryland, New York, Pennsylvania, Virginia, and West Virginia (Figure 3.3-1). The Chesapeake Bay is the destination of all waters in the region. The Potomac and Patuxent rivers contribute about 15% and 1% of the stream flow into the Bay, respectively (Boynton and Swaney 1998). Average water depth in the Bay is about 22 ft (7 m).

### **3.3.2 Water Quality**

Important water quality concerns for all potentially affected surface waters include the potential for excessive sedimentation and depletion of dissolved oxygen. Dissolved-oxygen depletion is attributable to excessive loadings of organic materials and nutrients. The long water residence times and poor flushing that are typical of estuaries increase the susceptibility of estuaries to pollution problems. Effects on aquatic ecosystems are the principal focus of concern regarding water quality in these waters, as discussed further in Section 3.4. Public water supplies are obtained from rivers and reservoirs above the fall line; tidal waters generally do not supply water for human consumption. Information about water quality conditions in specific surface water bodies is presented below.

#### **3.3.2.1 Potomac River**

Water quality in the tidally influenced sections of the Potomac River is controlled primarily by the mixing of fresh water from upland streams and salt water from Chesapeake Bay, resulting in variable salinity. In the vicinity of the Plant fresh water predominates over salt water, and total dissolved solids are less than 500 mg/L. Table 2.4-1 includes additional data on the quality of river water at the Plant's water intake.

Due to their volume, effluent discharges from the Plant and the Blue Plains Wastewater Treatment Plant have the potential to be important influences on Potomac River water quality near the Plant. Data on the quality of effluents from the Plant are provided in Table 2.4-1.

The Blue Plains Wastewater Treatment Plant, owned and operated by the District of Columbia Water and Sewer Authority, is directly across the Potomac River from the Plant. (See Figure 2-1.) This facility provides wastewater treatment services for the District of Columbia and portions of Montgomery and Prince George's Counties, Maryland, and Fairfax and Loudoun Counties, Virginia, with a combined population near 2.2 million. The Blue Plains treatment plant has a rated treatment capacity of 370 million gal/day (1.4 million m<sup>3</sup>/day) and a peak wet-weather capacity of 1.076 billion gal/day (4.1 million m<sup>3</sup>/day). Operation at the rated capacity delivers a water volume to the river equivalent to 5% of the average flow and more than 90% of the 7-day, 10-year low flow at the fall line. The Blue Plains facility is considered an advanced wastewater treatment facility, providing primary and secondary treatment followed by nitrification-denitrification, effluent filtration, chlorination-dechlorination, and post-treatment aeration (DC WASA 2006). Historically, wastewater effluents discharged at this site caused

severe water quality degradation in the Potomac estuary, including high bacteria levels and low levels of dissolved oxygen. Downstream water quality improved dramatically, however, following implementation of secondary and advanced treatment in the Blue Plains treatment plant (EPA 2000). The NPDES permit for the Blue Plains facility specifies stringent water quality limits for discharges, as indicated in Table 3.3-1.

**Table 3.3-1. NPDES-permitted discharge limits for the Blue Plains Wastewater Treatment Plant**

<b>Contaminant</b>	<b>Maximum Concentration (mg/L, except as indicated)</b>
Carbonaceous Biochemical Oxygen Demand	5.0
Total Suspended Solids	7.0
Phosphorus, total	0.18
Ammonia Nitrogen (NH <sub>3</sub> -N)	May-October 1.0
	November-April 6.5
Dissolved Oxygen	5.0
Chlorine, total residual	0.02
pH (range of values, pH units)	6.0 to 8.5

*Source:* DC WASA 2006.

Principal water quality concerns for Potomac River tributary streams draining northern Virginia watersheds near the Plant include the effects of urbanization on aquatic habitats, high fecal coliform bacteria counts in some streams, and the need to protect the watersheds of water-supply reservoirs (Northern Virginia Regional Commission undated; Fairfax County Stormwater Planning Division 2001).

### 3.3.2.2 Anacostia River

Water quality conditions in the free-flowing tributaries of the Anacostia range from excellent to poor, but the tidal reach of the Anacostia River has very poor water quality. Principal water quality issues for the Anacostia watershed include sediment, trash and debris, toxic chemicals, combined sewer and stormwater overflows that discharge directly into the river, and other nonpoint-source pollution (Anacostia Watershed Network 2006). According to EPA (1997), urbanization has altered the Anacostia River and its tributary streams to the point that floods are ten times more frequent, summer flows are much lower, and stream water temperatures are 5 to 10° C higher than under natural conditions. Due to the long water residence time in the tidal reach of the river, this reach has been described as “a very efficient pollutant trap” (Galli et al. 2001). The tidal reach has chronically low dissolved oxygen levels that

threaten aquatic life and high bacterial levels that make it unsafe for swimming and other water contact activities.

Through a series of agreements, beginning in 1984, local, state, and Federal government agencies have committed to cooperative efforts aimed at restoring the river (Metropolitan Washington Council of Governments 1999). The parties have made progress in implementing measures that should improve water quality, including improving stormwater management, reducing combined sewer overflows and trash, changing land use management to protect sensitive headwater tributaries, and increasing riparian forest buffers; the current agreement calls for continued efforts (Anacostia Watershed Restoration Committee 2001).

### **3.3.2.3 Rock Creek**

Because Rock Creek Park surrounds the entire length of Rock Creek in D.C. and Maryland parks surround most of its length upstream from the District, Rock Creek experiences fewer adverse water quality impacts from urbanization than does the Anacostia River. However, creek water quality is affected by sedimentation and other contaminants associated with urban stormwater runoff (EPA 1997).

### **3.3.2.4 Patuxent River**

Upland streams in the Patuxent River watershed are well oxygenated (only 1% are reported to have dissolved oxygen levels below 5 mg/L), but stream bank instability and erosion reduce biotic habitat quality and contribute contamination to downstream areas (Maryland DNR undated-a). In the tidally influenced area of the main channel, salinity increases in the downstream direction, ranging from fresh to moderately saline. Nutrient loading is a water quality concern throughout the watershed, contributing to eutrophication and oxygen depletion in the lower estuary (Maryland DNR undated-c).

### **3.3.2.5 Chesapeake Bay**

A principal focus of concern for Chesapeake Bay water quality is ecosystem health, which is threatened by excessive loading of nutrients (Section 3.4.2). The historic *Chesapeake Bay Agreement of 1983* established the Chesapeake Bay Program with the goal of restoring the Bay (CBP undated). Through this Agreement, which has been updated and revised several times, Pennsylvania, Maryland, Virginia, the District of Columbia, EPA, and the Chesapeake Bay Commission have committed to a coordinated set of goals and targets for restoration of the Bay ecosystem, including its water quality.

Excessive loading of nitrogen, a nutrient, has been identified as one major contributor to various ecological problems in Chesapeake Bay. (See Section 3.4.2.) Nitrogen occurs naturally in soil, animal waste, plant material, and the atmosphere. In addition to these natural sources,

sewage treatment plants, industries, vehicle exhaust, acid rain, and runoff from agricultural, residential, and urban areas contribute nitrogen to the Chesapeake Bay and its rivers. One of the specific goals set by the Chesapeake Bay Program to achieve the overall objectives of the Chesapeake Bay Agreement is to reduce annual nitrogen input to the Bay to no more than 175 million lb (79 million kg) by 2010. This value is 162 million lb (74 million kg) less than the estimated 1985 input of 337 million lb (153 million kg). Between 1985 and 2004 estimated total nitrogen input to the Bay was reduced by 67 million lb/yr (30 million kg/yr) (41% of the goal), with the biggest improvement coming from reductions in point-source loadings, such as from sewage treatment plants (CBP 2005). The majority of the future reductions in nitrogen loading to the Bay are expected to come from land-based measures such as reducing farm runoff into streams.

Another important source of nitrogen in the Bay is atmospheric deposition (both on land in the watershed and directly on water). Atmospheric sources are estimated to contribute about 91 million lb (41 million kg) of nitrogen to the Bay annually. In 1985 this represented 27% of the nitrogen entering the Bay; by 2000 the estimated fractional contribution from atmospheric deposition had increased to 32% due to reductions in inputs from other sources. About three-quarters of the atmospheric nitrogen that reaches the Bay is estimated to have been emitted in the form of  $\text{NO}_x$  (Blankenship 1997). In the seven-state region (i.e., Maryland, Virginia, Pennsylvania, New York, West Virginia, New Jersey, and Ohio) estimated to produce most of the air emissions that contribute nitrogen to the Bay, utilities are estimated to be responsible for 38% of the  $\text{NO}_x$  emissions, cars and trucks 35%, industries 6%, and other sources 21% (CBP 2000).

Much of the atmospheric nitrogen that is deposited on land within the Bay watershed is utilized in biological processes and retained in the ecosystem, so that it is not delivered to the Bay (CBP STAC 1996). Thus, delivery of atmospheric nitrogen to the Bay is estimated based on landscape characteristics, data from acid-deposition monitoring, and other data. Maps of estimated per-hectare delivery of nitrogen to the Bay from all parts of the watershed (Brakebill and Preston 2004) indicate that the total delivery of atmospheric nitrogen to the Bay (in all chemical forms) is about one-tenth to one-third of the atmospheric nitrogen estimated to be deposited to the land surface as  $\text{NO}_x$ .

Plans for achieving the 2010 nitrogen goal assume that input from atmospheric deposition will be reduced by 8 million lb/yr (3.6 million kg/yr) between 1985 and 2010 as a result of the implementation of new or proposed regulations aimed at achieving Clean Air Act mandates to reduce acid rain and ozone and to limit  $\text{NO}_x$  emissions from automobiles (Blankenship 1997, 2004). The Chesapeake Bay Program has not established any location-specific targets for reducing atmospheric nitrogen input, which can originate from sources outside the watershed as well as sources within the watershed.



### **3.3.2.6 Acid deposition**

Acid deposition (often called acid rain), due to the dry or wet deposition of oxides of nitrogen and sulfur in the air, is a concern for water quality and ecosystems in the Appalachian mountains and northeastern United States. Acids derived from air emissions have the potential to dissolve, and thus mobilize, aluminum and other metals in soils and sediments, introducing toxic metals into surface waters.

Streams and lakes most susceptible to the impacts of acid deposition are those in watersheds where soils lack carbonate minerals and other alkaline constituents that can neutralize acids deposited from the atmosphere. Such watersheds are considered to be “poorly buffered.” In the state of Maryland approximately 96% of the 636 mi<sup>2</sup> (1,650 km<sup>2</sup>) portion of the Potomac River watershed surrounding the District of Columbia (including Maryland portions of the Anacostia watershed) and 98% of the Patuxent River watershed are classified as “well buffered” against acid rain (Maryland DNR undated-a and undated-b). Thus, in the watersheds most likely to receive atmospheric deposition of Plant emissions, surface waters are not particularly susceptible to adverse effects from acid deposition.

## **3.4 Ecological Resources**

The Plant is located on the western bank of the Potomac River, in the Chesapeake Bay watershed (Figures 3.3-1 and 3.3-2). The region around it is a highly urbanized ecosystem that includes the District of Columbia. Development has transformed the ecological resources of the region, and they are greatly changed from early historical conditions (EPA 1997). The ecological condition has, however, improved from the highly degraded situation that was prevalent in the late 1950s and early 1960s, and the region continues to support terrestrial, aquatic, and wetland resources.

### **3.4.1 Terrestrial Resources**

#### **3.4.1.1 Vegetation**

Since the turn of the 20th century, approximately 75% of the forest cover in the District of Columbia has been eliminated by human activities (EPA 1997). Regionally, tree cover declined more than 30% from 1972 to 1997 (American Forests 2002). In many places intentional plantings or invasions of exotic trees and other plants have displaced and substantially altered the native vegetation (EPA 1997). Agricultural and forest land cover are, however, still predominant in some parts of the region.

Daingerfield Island, which is administered by the National Park Service as part of the George Washington Memorial Parkway, lies about a quarter mile (less than a half kilometer) north of the Plant (Figure 3.4-1). No longer geographically an island, this flat 107-acre (43-ha), mostly wooded peninsula includes a large patch of forest on the eastern portion of the island with common suburban trees and understory plants (NPS 2002).

The National Park Service administers the land between the Potomac River and the Plant. This expanse includes a bike path that runs south from Daingerfield Island past the Plant and a small wooded area near the Plant at the edge of the Potomac River. (See Figure 2-2.) The vegetation in the small wooded area is similar to that on Daingerfield Island, common suburban tree and understory plant species.

### 3.4.1.2 Wildlife

Many of the animal species originally present in the D.C. region disappeared long ago (EPA 1997). Wildlife in the region is now dominated by opportunistic species characteristic of urbanized areas. Animals tolerant of human activities (e.g., opossums, raccoons, squirrels, black and Norway rats, house mice, stray cats and dogs) have increased in abundance due to the absence of larger predators and the abundant food offered by garbage. Bird species reflect a change from predominantly forest interior species to species representative of mixed land uses.

Wildlife on Daingerfield Island includes common urban species such as small mammals and birds (NPS 2002). Larger animals could possibly use the forest there for habitat. However, because the forest patch is separated from other forested areas by roadways, fields, and water bodies, the movement of large animals into the peninsular forest may be limited. The wooded

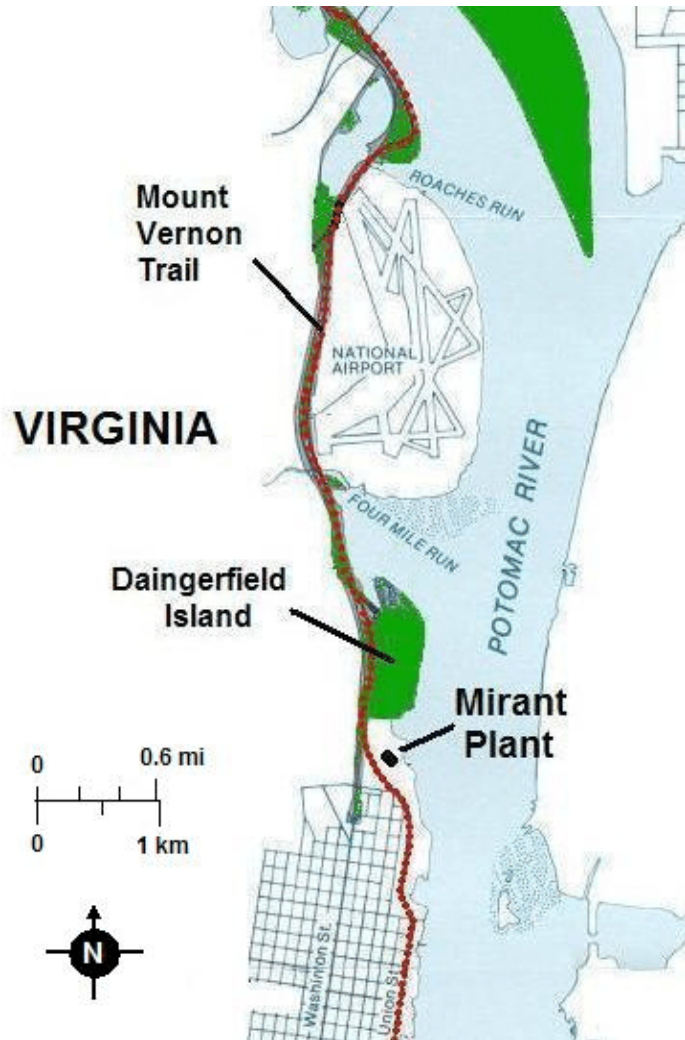


Figure 3.4-1. Location of National Park Service trail that passes the Plant.

area near the Plant is also too small and too isolated by roadways, fields, and water bodies to provide habitat that could be easily used by larger animals.

### **3.4.1.3 The Mirant Plant site**

The 28-acre (11-ha) Plant site is almost entirely covered by facilities related to coal storage and electric power generation. However, it also includes a 1,500 ft<sup>2</sup> (140 m<sup>2</sup>) wildflower garden planted with woody and herbaceous vegetation for insects and pollinators.

Animals on the site include common urban wildlife species such as small mammals and birds. Artificial nesting structures for purple martins, eastern bluebirds, bats, and peregrine falcons are located within the small scattered areas of wildlife habitat.

## **3.4.2 Aquatic Resources**

Aquatic ecosystems with the most potential to be affected by the Order include those in the Chesapeake Bay and some of its tributaries, particularly the Potomac, Anacostia, and Patuxent rivers and Rock Creek. (See Figures 3.3-2 and 3.3-3 and Section 3.3.) Coal-fired power plants can impact aquatic resources directly by the cooling water withdrawals and discharge of aqueous effluents and indirectly by the deposition of air pollutants (e.g., acid rain) into watersheds. The Plant withdraws cooling water from and discharges back to the Potomac River. The other rivers and the Chesapeake Bay are potentially affected indirectly by atmospheric deposition.

### **3.4.2.1 Potomac River**

The estuarine portion of the Potomac River adjacent to the Plant supports aquatic communities that are recovering from past stresses. Historically the Potomac River supported dense stands of bay grasses along its entire length, but much of it was lost by the late 1930s (EPA 1997). A dense and wide patch of bay grasses has regrown and currently stretches from the Virginia Potomac shoreline at National Airport to the middle of the Potomac, extending past the southern tip and along the northern and eastern edges of Daingerfield Island that lies north of the Plant (NPS 2002). (See Figure 3.4-1.)

A large, tidally influenced river, the Potomac once possessed an exceptionally diverse and productive fish community, but species abundance and diversity are low compared to historic levels (EPA 1997). The Potomac River watershed supported large numbers of both resident, freshwater fish and anadromous fish (i.e., species that spend their adult lives in saltwater and spawn in freshwater), such as shad and river herring (*Alosa* sp.).

Even though the river has been degraded by the effects of human activities, a wide variety of fish species still occur in it. Many of these are exotic species (e.g., largemouth [*Micropterus salmoides*] and smallmouth bass [*Micropterus dolomieu*], walleye [*Sander*

*vitreus*]). Some native and exotic species present in the river (e.g., catfish [*Ictalurus punctatus*], crappie [*Pomoxis* sp.], sunfish [*Lepomis* sp.], largemouth and smallmouth bass, walleye) are important recreational species. The northern snakehead (*Channa argus*), a fish from Asia that has attracted public interest because it preys on other fish and can survive several days out of water, is believed to be established in the Potomac River and its tributaries (Fuller 2006). The estimated total fish abundance in the Potomac-Washington Metro Basin, which includes the Anacostia and Potomac rivers and a number of creeks, is 4.9 million fish (Maryland DNR undated-b).

An indication of the particular fish species that are affected by the Plant's cooling water withdrawals can be obtained from entrainment and impingement studies. Studies of aquatic organisms impinged (trapped) on the intake screens at the Plant during 2003-2004 provided information on the species that occur in that stretch of the Potomac (Personal communications between A. Wearmouth, Mirant Corporation, and M.S. Salk, Oak Ridge National Laboratory, July 24, and August 18, 2006). The main fish species found were white perch (*Morone americana*), gizzard shad (*Dorosoma cepedianum*), blueback herring (*Alosa aestivalis*), and channel catfish. Striped bass (*Morone saxatilis*) and American shad (*Alosa sapidissima*), commercially important fishes, were found in low numbers. Earlier impingement studies also observed gizzard shad and white perch, many of which were juveniles, stunted, or already diseased prior to impingement (Pepco 1982).

The benthic macroinvertebrate community in the tidally influenced river near the Plant includes a mix of freshwater organisms that are tolerant of exposure to low salinity and estuarine organisms that are tolerant of fresh water (<http://www.dnr.state.md.us>). Benthic organisms are affected by oxygen depletion that occurs in the bottom waters during summer months. The freshwater tidal Potomac does not support shellfish of commercial value, but it does include large populations of Asiatic clams (*Corbicula fluminea*), an undesirable invasive species (EPA 1997).

#### **3.4.2.2 Anacostia River**

The Anacostia River estuary has some of the poorest water quality in the Chesapeake Bay system and is, thus, in a degraded ecological condition (EPA 1995). Many miles of stream habitats have been severely degraded by urbanization, which has profoundly altered the flow, shape, water quality, and ecology of streams in the watershed. Stressors of concern in the river are described in Section 3.3.2.2.

Urbanization has caused the loss of nearly 50 percent of the forest cover in the basin, including much of the stream-side or riparian vegetation and other wetlands. (See Section 3.4.3.)

As a large, tidally influenced freshwater river like the Potomac, the Anacostia also has the capacity to support many diadromous as well as resident fish species. Even though the river has been degraded by the effects of human activities, a wide variety of fish species still occurs in it. Numerous man-made fish barriers, however, block migration of fish.

The tidal reach of the river has chronically low dissolved oxygen levels that threaten aquatic life. (See Section 3.3.2.2.) The periodic lack of dissolved oxygen is the likely reason that substantial clam populations are absent from the river (EPA 1997). The macroinvertebrate communities in the river are severely degraded compared to those in the Potomac.

Implementation of the Anacostia Watershed Restoration Agreement (Section 3.3.2.2) has resulted in some improvement in aquatic habitat conditions (EPA 1997, Anacostia Watershed Restoration Committee 2004).

### **3.4.2.3 Rock Creek**

As the largest stream in D.C., Rock Creek has historically supported substantial populations of recreationally important fish species and, through its direct connection to the Potomac River, large numbers of anadromous species (EPA 1995). The present anadromous fish populations and resident fish communities reflect the harmful effects of polluted runoff, barriers to fish movement, and over fishing. Nonnative fish species (e.g., largemouth bass, bluegill [*Lepomis macrochirus*], carp [*Cyprinus carpio carpio*]) now constitute a significant part of the fish community. Some species that were historically present in Rock Creek have apparently been extirpated from the watershed (e.g., white perch, trout-perch [*Percopsis omiscomaycus*]). In contrast, populations of anadromous alewife (*Alosa pseudoharengus*) and blueback herring appear to be healthy. Even though instream impediments to fish movement probably affect these species and prevent them from passing far upstream, schools of hundreds of individuals occur at several locations.

In contrast to the mainstem, fish communities in tributaries of Rock Creek are small or absent (EPA 1995). Episodic water quality problems (e.g., low flows, flooding, scouring during storm events) and polluted runoff are likely contributing factors.

Overall, the condition of the benthic macroinvertebrate communities in Rock Creek is poor. However, the creek contains several spring-dependent species of isopods, ostracods, and amphipods (EPA 1995), including one amphipod that is listed as an endangered species (Section 3.4.4.1).

### **3.4.2.4 Patuxent River**

Stream quality for fish communities in the Patuxent River is poor in over 50% of the stream miles; only 18% are considered to be in good condition for fish (Maryland DNR undated-a). The Patuxent River watershed includes an estimated 1.1 million fish of 44 species in its wadeable streams. Four species in the basin are at risk of local extinction: American brook lamprey (*Lampetra appendix*), glassy darter (*Etheostoma vitreum*), stripeback darter (*Percina notogramma*), and warmouth (*Lepomis gulosus*). The wadeable tributary streams of the watershed serve as a nursery for the five gamefish species that are found there (i.e., largemouth

bass, smallmouth bass, chain pickerel [*Esox niger*], brown trout [*Salmo trutta trutta*], and rainbow trout [*Oncorhynchus mykiss*]), as most individuals are not of harvestable size.

#### **3.4.2.5 Chesapeake Bay organisms**

The sheltered waters of Chesapeake Bay, the largest estuary in the U.S., are exceptionally productive. The Bay is a complex ecosystem that provides homes, protection, and food for many species, including fish, shellfish, and turtles (CBP undated, Alliance for the Chesapeake Bay undated).

Bay grasses, a form of naturally submerged aquatic vegetation, are important to the Chesapeake Bay ecosystem (CBP undated). Bay grasses produce oxygen, supply food for many species (especially waterfowl), offer shelter and nursery habitat for fish and shellfish, reduce wave action and shoreline erosion, absorb excess nutrients (e.g, nitrogen, phosphorus), and trap sediments.

More than 300 species of fish, including 32 year-round species, live in the Bay and its tributaries or use its waters as they migrate along the Atlantic Coast (Alliance for the Chesapeake Bay undated). Migrating fish can, however, no longer reach many stream habitats due to the presence of dams, inadequate culverts, and other barriers to their passage (EPA 1997).

The Bay acts as a nursery for crabs, oysters, and many other species of shellfish (Alliance for the Chesapeake Bay undated). While many of these species, particularly blue crabs (*Callinectes sapidus*), are still commercially important, oyster (*Crassostrea virginica*) populations have declined to about one percent of historical levels.

#### **3.4.2.6 Chesapeake Bay stresses**

Hydrological changes, sedimentation, and pollutant loading have degraded aquatic habitats throughout Chesapeake Bay. The cooperative efforts and guidance of the Chesapeake Bay Program have led to improvements, including reduced levels of nutrients and sediments in the Bay and increased availability of dissolved oxygen for the Bay's aquatic biota, but they have not fully restored the health of the Bay (CBP undated). The biggest problems currently facing the Bay's ecosystem and making restoration difficult are excess nutrients, chemical contaminants, air pollution, and landscape changes. (See Section 3.3.2.5.)

Nutrient loading contributes to excessive algal growth, which in turn depletes dissolved oxygen and reduces water clarity. Harmful blooms of *Microcystis* and other cyanobacteria (blue-green algae) that are toxic to humans and other mammals can occur in the fresh-water and low-salinity portions of the Bay and in tributary estuaries (e.g., the Potomac River). In addition, suspended sediment loading and the presence of toxic substances in Bay sediments stress Bay biota.

### **3.4.3. Wetlands and Riparian Habitats**

Wetlands act as water-storage basins and provide vital habitats for a rich diversity of wildlife, including threatened and endangered species (EPA 2006d). They also reduce flooding and storm damage, minimize erosion of uplands, improve water quality by filtering pollutants, and support tourism and the hunting and fishing industries.

Many of the wetlands in the region have been degraded and are of poor quality, but some continue to provide habitat for waterfowl, wildlife, fish, and shellfish (EPA 1995).

Much of the area (e.g., the District of Columbia) was initially built by filling in extensive areas of marshes and swamps along the Potomac and Anacostia rivers (EPA 1997). Such wetlands originally comprised about half the area within the boundaries of the city, totaling more than 9,600 acres (3,900 ha) in 1790. In the early 1990's only 845 acres (342 ha) of wetlands remained in the District, a decrease in area of more than 90% in 200 years.

Riparian, or stream side, vegetation is especially important to the integrity of the District of Columbia ecosystem because it buffers aquatic resources from developed areas and provides habitat for terrestrial species near water (EPA 1997). Contiguous riparian habitats also provide migration corridors for wildlife, a critical factor in urbanized environments. Because Rock Creek Park surrounds the entire length of Rock Creek in the District and Maryland parks surround most of its length beyond the District, the area along Rock Creek is the most important terrestrial and riparian resource in the city.

Within the Anacostia River watershed nearly 75 percent of the freshwater wetlands have been destroyed. Of the original 2,600 acres (1,100 ha) of emergent tidal wetlands in the watershed, less than 100 acres (40 ha) remained in the early 1990s (EPA 1995); by 2003 ongoing restoration efforts had increased the area of tidal wetlands to 123 acres (50 ha) (Anacostia Watershed Restoration Committee 2004). Parklands along the Anacostia River do not provide benefits similar to those along Rock Creek because they are not protected natural areas, but rather are reclaimed wetlands in the form of sparsely wooded lawns. They have the potential, however, to provide such benefits, especially if riparian restoration is coordinated with ongoing restoration of wetlands.

The Federal government maintains 80% of the property bordering the Potomac River, Anacostia River, and Rock Creek drainage basins in the District of Columbia, thus providing some protection to their riparian areas (EPA 1997).

### **3.4.4. Special Status Species**

#### **3.4.4.1 Federally listed species**

The Plant's NPDES permit names three species listed as threatened or endangered under the Federal Endangered Species Act (ESA) that could occur at locations in or near the District of Columbia, including the Potomac River drainage. These are the endangered Hay's Spring

amphipod (*Stygobromus hayi*) and shortnose sturgeon (*Acipenser brevirostrum*) and the threatened bald eagle (*Haliaeetus leucocephalus*).

The Hay's Spring amphipod is restricted to a small area in Rock Creek in D.C., a very specialized habitat, and the species is not found elsewhere (Personal communication between A. Moser, U.S. Fish and Wildlife Service, and M.S. Salk, Oak Ridge National Laboratory, June 19, 2006).

The shortnose sturgeon exists as 19 distinct populations that occupy and spawn in rivers and bays from Canada to Florida (Keeney 2002). The Potomac River is one of several tributaries in the Chesapeake Bay drainage that appear to have suitable habitat for it. The Shortnose Sturgeon Recovery Plan (NMFS 1998) reports that one shortnose sturgeon was captured in 1996 at the mouth of a small creek off the Potomac River about 50 miles (80 km) downstream from the Plant. Between 1996 and 2002 six sturgeon were captured many miles downstream from the Plant in the lower and middle tidal Potomac River (Keeney 2002). Two mature, egg-bearing females were captured in the river in September 2005 and March 2006, suggesting that a spawning population continues to exist in the river system (Appendix D). The female caught in September 2005 overwintered in a creek approximately 24 miles (39 km) downstream of the Plant. Population dynamics in the Potomac River have not been documented, but it is likely that they migrate past the Plant in the spring (March - June) while moving to and from the presumed spawning grounds near Little Falls, Maryland (about 11 miles [18 km] upstream from the Plant). It is unknown if the sturgeon occur in this region of the river during other times of the year. However, if appropriate forage items are present, they could live in the area in the summer and fall. The shortnose sturgeon has not been reported among the species impinged by the Plant (Personal communication between D. Knight, Mirant, and M.S. Salk, Oak Ridge National Laboratory, July 24, 2006).

While a pair of bald eagles lived for several years about two miles (3 km) south of the Plant near the Woodrow Wilson Bridge (WWBP 2006a) until the recent death of the female (WWBP 2006b), bald eagles are only rarely seen near the Plant (Personal communication between D. Knight, Mirant, and M.S. Salk, Oak Ridge National Laboratory, July 24, 2006). (See Figure 3.3-3.)

The Virginia Natural Heritage Resources information database indicates that no Federally listed threatened or endangered species occur in the city of Alexandria, but it names two Federal species of concern<sup>5</sup> that could occur there: the Northern Virginia well amphipod (*Stygobromus phreaticus*) and Torrey's mountain-mint (*Pycnanthemum torrei*) (VNHR 2006). The amphipod is found only in caves (NatureServe 2006). In Virginia Torrey's mountain-mint occurs in dry, rocky, upland, deciduous woods; along roadsides; and in thickets near streams (NatureServe 2006). There is no suitable habitat for either species on the Plant site.

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<sup>5</sup> "Species of concern" means a species that might be in need of conservation action (FWS 2006). Such species receive no legal protection, and use of the term does not necessarily imply that a species will eventually be proposed for listing.



### 3.4.4.2 State-listed species

The Virginia Natural Heritage Resources information database indicates that the only state protected species that occurs in the city of Alexandria is the threatened wood turtle (*Glyptemys insculpta*) (VNHR 2006). Wood turtles live along permanent streams during much of each year, but in summer they may roam widely overland and can be found in a variety of terrestrial habitats adjacent to streams, often associated with the margins of woods (NatureServe 2006). There is no suitable habitat for the species on the Plant site.

## 3.5 Waste Management

Except for small quantities of fly ash that are used beneficially (Section 2.4.3), fly ash from the Plant is disposed of in the Brandywine Fly Ash Facility, a landfill owned and operated by Mirant Ash Management LLC and used solely for disposal of coal combustion ash. The landfill, located in southeastern Prince George's County, Maryland (east of the community of Brandywine) (Figure 2.4.1), is also used for disposal of fly ash from Mirant's Chalk Point Generating Plant on the Patuxent River estuary in southeastern Prince George's County.

The 178-acre (72-ha) site currently used for waste disposal is part of a larger area that was formerly surface-mined for gravel and that has been used for coal combustion ash disposal since 1971. Surrounding land uses include an active sand and gravel mining operation, agricultural fields, forest, a high-voltage electric transmission line, and other landfills. The landfill site has a low-permeability base of compacted native soil (Personal communication between D. Cramer, Mirant Corporation, and L.N. McCold, Oak Ridge National Laboratory, July 7, 2006) and is equipped with a leachate collection system. Ash is delivered to the landfill by dual-axle dump trucks and is placed and compacted in the landfill in 2-ft (0.6-m) layers. On weekdays during peak power-generation periods the landfill receives approximately 60 truckloads of ash from the two generating stations; average daily ash receipts are approximately 70% of peak daily receipts.

Stormwater runoff and leachate from the landfill drain to collection ponds where a sprinkler pump provides aeration, water quality is monitored, pH is adjusted, and solids settle out before the water is discharged to the upper reaches of Mataponi Creek (a tributary to the fresh water tidal river reach of the Patuxent River) and an unnamed tributary to the creek (Baxter 2006). Dust is controlled by periodically watering haul roads and the active disposal area, using water recycled from the collection ponds (Personal communication between D. Cramer, Mirant Corporation, and L.N. McCold, Oak Ridge National Laboratory, July 7, 2006).

Landfill site plans limit the final height of the fill to a elevation of 260 ft (79 m) above mean sea level (MSL), or about 70 ft (21 m) above the original land surface grade (Personal communication between A. Wearmouth, Mirant Corporation, and E.D. Smith, Oak Ridge National Laboratory, July 21, 2006). Areas of the landfill that have reached their maximum

design height are capped with a 3-ft (1-meter) thickness of soil and seeded to establish a vegetative cover. In January 2005 the landfill was calculated to have a remaining capacity of 2.07 million yd<sup>3</sup> (1.58 million m<sup>3</sup>), providing sufficient capacity for disposal of the two power plants' projected ash generation for about 7 years, or approximately through the middle of 2012 (GB&B Inc. 2005).

Disposal facilities for coal combustion ash are not subject to state solid waste regulation in Maryland (Personal communication between R. Daniel, Maryland Department of Environment Customer Service Center, and E.D. Smith, Oak Ridge National Laboratory, June 6, 2006), but local zoning requirements and state wastewater regulations apply. The Brandywine facility operates under a series of special exceptions from Prince George's County zoning restrictions. The most recent special exception for 12 years of continued operation was approved by Maryland-National Capital Park & Planning Commission, Prince George's County Planning Department in 1991 (Baxter 2006). In 2005 Mirant filed an application for a 15-year extension to this special exception (Baxter 2006); the application is currently pending.

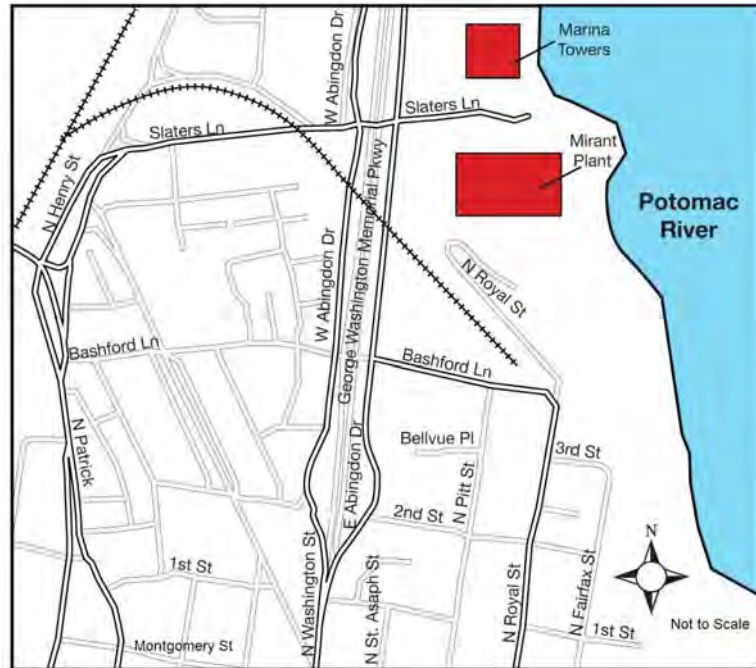
Discharge of wastewater from the site, including storm water runoff, collected leachate, and truck wash water, is permitted under MDE Discharge Permit 02-DP-1389 (NPDES Permit MD0054836), issued by the Maryland Department of the Environment. The current 5-year discharge permit is effective September 1, 2005, to August 31, 2010. The permit limits discharge to a pH range of 6 to 9 pH units, total suspended solids of no more than 35 mg/L as a monthly average and 70 mg/L as a daily maximum, and total iron of no more than 3.5 mg/L as a monthly average and 7.0 mg/L as a daily maximum. Discharge monitoring requirements under the permit include monthly flow and monthly measurements for pH, total suspended solids, hardness, iron, copper, lead, selenium, and zinc. Six groundwater monitoring wells in the vicinity of the landfill are monitored quarterly for pH; total dissolved solids; chloride; sulfate; and dissolved aluminum, cadmium, manganese, copper, iron, lead, silver, and nickel. No surface or groundwater problems are currently identified at the site (Baxter 2006). There have been no regulatory violations since 1996 when a discharge from one of the wastewater ponds exceeded the permit limit for total suspended solids (Personal communication between D. Cramer, Mirant Corporation, and L.N. McCold, Oak Ridge National Laboratory, July 7, 2006).

### **3.6 Transportation Resources**

The primary transportation activities associated with Plant operations are (1) trains traveling to and from the Plant to deliver coal and trona and (2) trucks traveling to and from the plant to remove ash. The following sections discuss the affected local environment for these rail and road operations.

### 3.6.1 Rail

Trains enter and exit the Plant to deliver coal and trona via a short rail spur from the CSX, Inc., main rail line located west of North Henry Street (Figure 3.6-1). The City of Alexandria allows the Plant to conduct rail operations during two daytime periods (11 a.m. to 12 p.m. and 1 p.m. to 3 p.m.) and one nighttime period (7 p.m. to 11 p.m.) from Monday through Saturday. (The Plant does not receive rail deliveries on Sundays.) Daytime rail operations involve removing empty rail cars from the Plant during each of the two daytime periods to avoid blocking vehicular traffic on the George Washington Parkway (Figure 3.6-1). Nighttime rail operations involve deliveries of coal and trona (Personal communication between D. Cramer, Mirant Corporation, and L.N. McCold, Oak Ridge National Laboratory, July 7, 2006).



ORNL 2006-G00959r/g

**Figure 3.6-1.** Access routes near the Mirant Plant.

### 3.6.2 Road

Trucks enter and exit the Plant to remove ash via a gated entrance located on North Royal Street (Figure 3.6-1). The trucks haul ash from the Plant to the Brandywine Fly Ash Facility in Prince George’s County, Maryland (Figure 2.4-1).

From the Plant the trucks travel south on North Royal Street, then west on Montgomery Street (Figure 3.6-1). Neither the Virginia Department of Transportation nor the City of Alexandria maintains data on annual average daily traffic<sup>6</sup> or level-of-service (LOS)<sup>7</sup> for North Royal Street, but it is a local street with relatively little traffic and an existing level-of-service (LOS) at or near “A” (Personal communication between B. Garbacz, Transportation Engineer,

<sup>6</sup> The annual average daily traffic is “an estimate of typical daily traffic on a road segment for all days of the week, Sunday through Saturday, over the period of one year” (VDOT 2004).

<sup>7</sup> Level-of-service (LOS) is “a standard measurement used by transportation officials which reflects the relative ease of traffic flow on a scale of A to F, with free-flow being rated LOS-A and congested conditions rated as LOS-F” (FHWA 2006).

City of Alexandria, Virginia, and J.W. Saulsbury, Oak Ridge National Laboratory, May 26, 2006). On Montgomery Street annual average daily traffic is 3,800 vehicles (VDOT 2004).

Once the trucks reach the intersection of Montgomery Street and Henry Street (State Route 1) (Figure 3.6-1), they travel south on Henry Street to access Interstate 495 (I-495 or the Capital Beltway) (Figure 2.4-1). The trucks then travel east on I-495 North, crossing the Potomac River on the Woodrow Wilson Memorial Bridge, which serves as a major connector between Virginia and Maryland (Figure 3.3-3). On entering Maryland, trucks exit onto Maryland Route 5 and travel south. The trucks continue to travel south on Maryland Route 381 (Brandywine Road) to North Keys Road, on which the Brandywine facility is located. Table 3.6-1 lists the existing traffic volumes on each of these roads between Henry Street in Alexandria and the Brandywine facility in Maryland.

**Table 3.6-1. Roads traveled by the ash removal trucks between Henry Street and the Brandywine Fly Ash Facility**

Road	Segment	Annual Average Daily Traffic
Henry Street (Route 1)	Southbound to I-495 North (Capital Beltway)	22,000 to 25,000
I-495 North	Eastbound into Maryland via the Woodrow Wilson Memorial Bridge	154,000
I-495 North	Eastbound in Maryland to Maryland Route 5	142,925 to 174,800
Maryland Route 5	Southbound to Maryland Route 381	62,450 to 112,050
Maryland Route 381 (Brandywine Road)	Southbound to North Keys Road	4,850 to 12,150
North Keys Road	Southbound to the Brandywine Fly Ash Facility	No data available

*Sources: VDOT 2004; MDOT 2005*

The road network used to transport ash to the landfill is affected by ongoing construction activities associated with the Woodrow Wilson Bridge Project (WWBP 2006a). This project, which is scheduled for completion in December 2012, involves a series of roadway and interchange improvements along a 7.5-mile-long (12-km-long) segment of I-495 that extends from the Telegraph Road interchange in Virginia to the Route 210 interchange in Maryland. The project's centerpiece, widening and improving the Woodrow Wilson Memorial Bridge, is scheduled for completion in December 2008.

Access to the Brandywine Fly Ash Facility from North Keys Road is via a private road that is shared by an adjoining sand and gravel mining and wet processing facility. During peak winter and summer months total hauling operations at the Brandywine Fly Ash Facility consist of approximately 60 truckloads per day. This total includes trucks from the Plant and from Mirant's Chalk Point Power Plant in Prince George's County, Maryland. Typical weekday

haulage activity at the Brandywine facility is approximately 70 percent of the seasonal peaks (Baxter 2006).

There are some existing traffic problems on Maryland Route 381, which is used to access the Brandywine facility. Although the State of Maryland's accident records indicate that this road operates without any significant safety deficiencies, certain intersections along Maryland Route 381 function inadequately and have a low LOS based on existing traffic volumes (Baxter 2006).

In April 2005 Mirant filed with the Maryland-National Capital Park and Planning Commission an Application for Special Exception for a Sanitary Landfill (Fly Ash) (Baxter 2006). That application includes information about transporting ash to the Brandywine facility. Mirant's Application was reviewed by the Maryland Department of Transportation State Highway Administration and the Prince George's County Department of Public Works and Transportation. The Department of Public Works and Transportation conducted a traffic study for Mirant's Application in which it assumed that there would be "an increase in through traffic percent along key roadways in the study area." The traffic study examined impacts for seven intersections under three scenarios:

- existing traffic conditions,
- the addition of 13 background developments whose impact would affect some or all of the study intersections, and
- traffic volumes representing total background conditions combined with projected facility site trip generation (the 20-year build-out projection).

Analysis of this third scenario (which includes Mirant's Application, as well as 13 other "background" developments over a 20-year period) indicated impacts on the seven intersections as listed in Table 3.6-2. Ash hauling associated with pre-shutdown operations at the Plant was a minor contributor to these existing traffic problems.

The Department of Public Works and Transportation traffic study notes that the State Highway Administration has required Mirant to address the failing levels of service at these intersections along Maryland Route 381. In particular, the study notes that the intersection of Maryland Route 381 and U.S. Highway 301 "operates inadequately based on existing traffic volumes (LOS-E in the morning) and will worsen significantly with the inclusion of approved background developments." The study adds that pursuant to State Highway Administration's comments, Mirant "has offered no improvements that would ameliorate the inadequacies at that intersection" (Baxter 2006).

**Table 3.6-2. Traffic impacts projected in Mirant's *Application for Special Exception for the road intersections used to access the Brandywine Fly Ash Facility***

<b>Intersection</b>	<b>Level-of-Service during after-midnight and morning hours</b>	<b>Level-of-Service during afternoon and evening hours</b>
North Keys Road/Gibbons Church Road (unsignalized)	B	A
Maryland 381/North Keys Road (unsignalized)	<i>F</i>	C
Maryland 381/U.S. 301 (signalized)	<i>F</i>	<i>F</i>
Maryland 381/Baden Westwood Road (unsignalized)	<i>F</i>	B
Maryland 381/Croom Road (unsignalized)	<i>F</i>	<i>F</i>
Link—Maryland 381 (U.S. 301–North Keys Road)	E	D
Link—Maryland 381 (Croom Road–North Keys Road)	C	C

Figures in *boldface italics* represent failing levels of service.

Source: Baxter 2006

### 3.7 Minority and Low-Income Populations

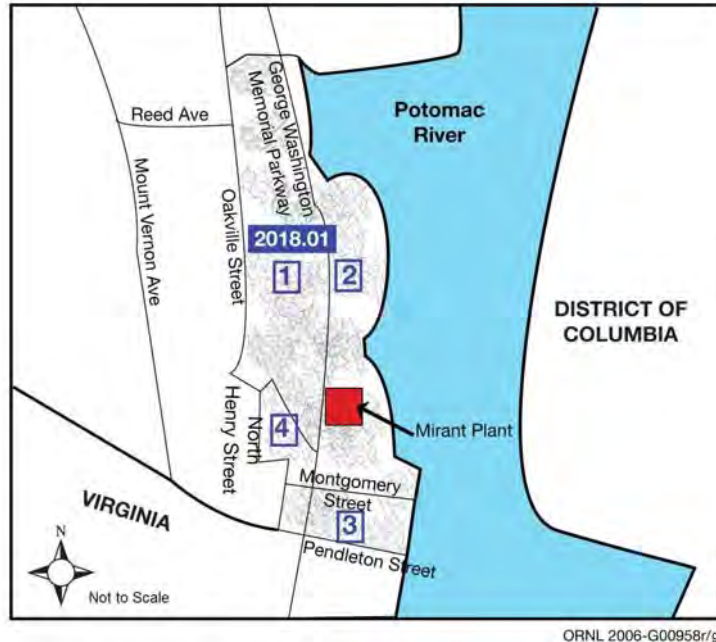
Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, directs each Federal agency to identify and address the “disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations.” The Council on Environmental Quality (CEQ) guidance on environmental justice (CEQ 1997) states that a “minority population” should be identified where either: “(a) the minority population of the affected area exceeds 50 percent or (b) the minority population percentage in the affected area is meaningfully greater than the minority population percentage in the general population or appropriate unit of geographical analysis.” The CEQ guidance defines “low-income” using statistical poverty thresholds from the Bureau of Census Current Population Reports, Series P-60 on Income and Poverty.

For this analysis DOE examined the 2000 U.S. Census data to identify any minority or low-income populations in census tract<sup>8</sup> (CT) 2018.01, in which the Plant is located (Figure 3.7-1), and the four block groups<sup>9</sup> within CT 2018.01. DOE focused on CT 2018.01 because its boundaries encompass the geographical distribution of the greatest air quality impacts from the

<sup>8</sup> The U.S. Census Bureau defines census tracts as small, relatively permanent statistical subdivisions of a county. Census tracts average about 4,000 inhabitants and are designed to be relatively homogeneous units with respect to population characteristics, economic status, and living conditions. Census Tract 2018.01 has a total population of 4,727.

<sup>9</sup> The U.S. Census Bureau defines block groups as subdivisions of a census tract. Block groups are the smallest geographic unit for which the Census Bureau tabulates sample data.

Plant. To identify minority and low-income populations within CT 2018.01 and its block groups, DOE defined a “meaningfully greater” population as one that had a minority or low-income percentage at least 10 percentage points higher than the percentages for the city of Alexandria, the state of Virginia, or the United States (whichever is lower).<sup>10</sup> Thus, based on the data in Table 3.7-1, DOE identified minority populations as those that have a minority percentage of at least 39.8% (10 percentage points higher than the state of Virginia) and low-income populations as those that have a low-income percentage of at least 18.9% (10 percentage points higher than the city of Alexandria).



**Figure 3.7-1.** Block Groups 1-4 within Census Tract 2018.01.

As indicated in Table 3.7-1, the percentages of the total population in CT 2018.01 (population 4,727) that are classified as minority (27.2%) and low-income (11.1%) do not exceed DOE’s threshold for identifying either minority or low-income populations. However, block group 3, which is located south of the Plant (Figure 3.7-1) and has a total population of 1,368, exceeds DOE’s low-income threshold. Similarly, block group 4, which is located southwest of the Plant (Figure 3.7-1) and has a total population of 620, exceeds DOE’s minority threshold. Therefore, block groups 3 and 4 of CT 2018.01 contain minority and low-income populations that meet the DOE thresholds, while block groups 1 and 2 (populations of 1,650 and 1,085, respectively) do not.

<sup>10</sup> The “10 percentage point” criterion is used here because it is large enough to indicate the presence of a minority or low-income population when compared to a large geographic area (i.e., the state or the nation), yet small enough to indicate minor differences in percentages among several census tracts or block groups in a small geographic area. Note that the use of a more conservative criterion, such as 5 percentage points, would not change which block groups are identified as minority or low-income populations.

**Table 3.7-1. Minority and low-income data for census tract 2018.01 and its block groups (See Figure 3.7-1)**

Location	Percent minority <sup>a</sup>	Percent low-income <sup>b</sup>
United States	30.9	12.4
State of Virginia	29.8	9.6
City of Alexandria	46.3 <sup>‡</sup>	8.9
Census tract 2018.01	27.2	11.1
Block group 1	18.9	5.0
Block group 2	6.3	9.5
Block group 3	37.8	23.3 <sup>‡</sup>
Block group 4	60.0 <sup>‡</sup>	3.4

<sup>a</sup> Includes all persons who identified themselves as not “white alone,” plus those who identified themselves as both “white alone” and “Hispanic or Latino.”

<sup>b</sup> Represents individuals below the poverty level as defined by the U.S. Census Bureau.

<sup>‡</sup> Minority or low-income population based on the DOE thresholds for percent minority or low-income.

Source: U.S. Census Bureau 2006.



## **4. PLANT OPERATIONS, ASSUMPTIONS, AND ENVIRONMENTAL CONSEQUENCES**

This chapter begins by describing general Plant operations as authorized by the DOE Order. Next, this chapter describes the information and assumptions that DOE used to assess the impacts of the Plant under the DOE Order and a potential extension of the Order until the new 230-kV transmission lines are in service. Finally, this chapter assesses the impacts to air, human health, water, ecological resources, waste management, transportation resources, and minority and low-income populations as a result of the Order and a potential extension of the Order until the new 230-kV transmission lines are in service.

### **4.1 General Plant Operations as Authorized by the DOE Order**

The DOE Order consists of 285 days, from December 20, 2005, to October 1, 2006. Just before the Secretary issued the Order, Mirant operated Unit 1 on an 8-8-8 basis (that is, in any given 24-hour period, it ran for eight hours at up to its maximum level of 88 MW, ran for up to eight hours at its minimum level of 35 MW, and did not run for at least eight hours), and began using trona and low sulfur Colombian coal, alone or in combination.

#### **4.1.1 Operations as Authorized by the DOE Order until the Administrative Compliance Order (ACO)**

At the time the Order was issued, Mirant had one operational trona injection unit that serviced only the Unit 1 boiler. A second trona unit became operational on January 22, 2006, and a third on March 20, 2006. Except during transmission line outages (Table 1.3-1), Mirant operated only boilers that had trona units. By April 28, 2006, Mirant had operational trona injection units installed on all five boiler units.

On January 4, 2006, DOE authorized Mirant to operate each of the two load-following or cycling units at the Plant (i.e., Units 1 and 2) up to 16 hours per day. Each unit was authorized to operate 8 hours at minimum load and up to an additional 8 hours at maximum load. In addition, DOE authorized Mirant to operate any one of the three baseload units continuously without constraint as to load or operating hours. According to Mirant's proposed operating plan, each baseload unit would operate for approximately two weeks before another baseload unit began a two-week operating period.

In January 2006, due to transmission line outages for maintenance, Mirant operated the Plant to meet the entire Central Washington, D.C., load for 21 days. No line outages have occurred since those in January. Between January and May, DOE continued to weigh other options that were available to Mirant to comply with the Order and consulted with EPA on options to increase electricity reliability while ensuring environmental protection.

## 4.1.2 Operation under the ACO

EPA issued its ACO to Mirant on June 1, 2006. On June 2, 2006, DOE directed Mirant to operate under the ACO during non-line outage situations, for the purpose of providing electricity reliability, and to continue operation in accordance with the DOE Order in line-outage situations.

### 4.1.2.1 Operations during non-line outage situations

**Daily predictive modeling.** Upon installation of three SO<sub>2</sub> monitors<sup>11</sup> the ACO directs Mirant, in non-line outage situations, to operate under daily predictive modeling. Under daily predictive modeling the Plant operators acquire the National Weather Service forecast for the next day for Ronald Reagan Washington National Airport and use that forecast along with their planned operating parameters as inputs to a computer modeling run for the following day using AERMOD Default<sup>12</sup>. If the modeling results indicate that operating the Plant under those conditions would not cause a modeled exceedance of the 3- and 24-hour average SO<sub>2</sub> and PM<sub>10</sub> NAAQS limits, operators may run the Plant on that day using those parameters. If the results indicate that operation of the Plant would cause a modeled exceedance for these pollutants, the operators must adjust the planned operating parameters and rerun the model using the same weather forecast. The operators must continue to adjust their planned operating parameters and rerun the model until the results indicate no modeled exceedance of these pollutants. The operators then will operate the Plant the next day using those parameters. Thus, under this scenario the Plant can operate each day up to the maximum level allowed by the weather forecast for that day. The ACO only requires daily predictive modeling for PM<sub>10</sub> when Mirant operates four or five units. Mirant is required to assume a PM<sub>10</sub> emission rate of 0.055 lb/MBtu and to adjust operations to prevent a modeled exceedance for PM<sub>10</sub>.

**Other requirements of the ACO.** In addition to daily predictive modeling, the ACO requires Mirant to install an audible alarm in the Plant's control room that will sound when the ambient concentration of SO<sub>2</sub> at any monitor reaches specified levels. When an alarm sounds, Mirant must make operational changes (e.g., increase use of trona, decrease operating level) and observe the effect of those changes on the level of SO<sub>2</sub> measured at the monitors. The ACO uses this alarm system to monitor the Plant's compliance with the annual SO<sub>2</sub> NAAQS limit. The

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<sup>11</sup> Until June 20, 2006, when three newly installed SO<sub>2</sub> monitors were functioning, Mirant operated under the constraints detailed in Table 1 in the ACO. (See Appendix B.) These constraints included, for example, restrictions on number of hours of operation and SO<sub>2</sub> emission rate during each calendar day. For example, on days when Units 1 and 3 were operating, each unit was required to achieve a 24-hour average SO<sub>2</sub> emission rate no higher than 0.24 lb/MBtu and a 3-hour rolling rate no higher than 0.51 lb/MBtu, and Unit 1 was required to operate for no more than 8 hours per day above minimum power and spend at least 8 hours per day off.

<sup>12</sup> AERMOD Default means Version 04300 of the AERMOD computer model, currently approved for general use by EPA in accordance with 40 CFR Part 51, Appendix W, to predict NAAQS compliance. See the AERMOD text box in Section 4.3.1.

ACO also directs Mirant to undertake a “Model Evaluation Study” (MES) (text box) “to determine the best performing model for predicting the computer-modeled ambient air quality impacts” from Plant operations. To provide data for the MES and to support the alarms, Mirant installed six SO<sub>2</sub> monitors in locations identified in the ACO. (See Appendix B.) Lastly, the ACO puts a NO<sub>x</sub> limitation on the Plant; at all times Mirant may not emit more than 3,700 tons (3,400 metric tons) of NO<sub>x</sub> per year.

#### 4.1.2.2 Operations during line outage situations

The ACO directs Mirant, in line-outage situations, to follow the DOE Order, but requires Mirant to “take all reasonable steps to limit the emissions of PM<sub>10</sub>, NO<sub>x</sub> and SO<sub>2</sub> from each boiler, including operating only the number of units required to meet PJM’s directive and optimizing its use of trona injection to minimize SO<sub>2</sub> emissions.” Further, the ACO requires that Mirant achieve “80% reduction of SO<sub>2</sub> emissions unless: 1) Mirant demonstrates ... that 80% reduction is not necessary to achieve compliance with the NAAQS; or 2) Mirant demonstrates that 80% reduction is not logistically feasible because of such factors as the quantity of available trona and the predicted duration of the outage.” If Mirant demonstrates that 80% removal is not logistically feasible, it is required to submit a plan to EPA for optimizing its use of trona. However, as described in Section 4.3.1.1 and Section 5.3.1, DOE assumed 50% removal of SO<sub>2</sub> emissions in assessing impacts under the DOE Order and a potential extension of the Order.

##### Model Evaluation Study

The objective of the MES is to determine the best performing model for predicting the computer-modeled ambient air quality impacts from Plant operations. The MES proceeds by comparing the air quality impacts predicted by the AERMOD Default and those predicted by AERMOD EBD computer models to actual measured SO<sub>2</sub> concentrations in order to determine the better performing model. AERMOD Default is Version 04300 of AERMOD computer model, currently approved for general use by EPA. AERMOD EBD means the standard AERMOD computer model with modified direction-specific equivalent building dimensions derived from a wind tunnel study. Mirant submitted an MES protocol to EPA in July 2006 and submitted the results of the wind tunnel study to EPA in August 2006. If EPA and the VDEQ approve AERMOD EBD, Mirant must use it in its predictive modeling for the remainder of the MES period.

Mirant is to compare the actual data from the six monitors to the results of the two computer models. At the end of the study EPA and the VDEQ expect to determine which model is *best performing*. The best performing model will then be used to develop permanent emission limits for the Plant.

## 4.2 Assumptions and Data Used in SEA to Model Plant Operations

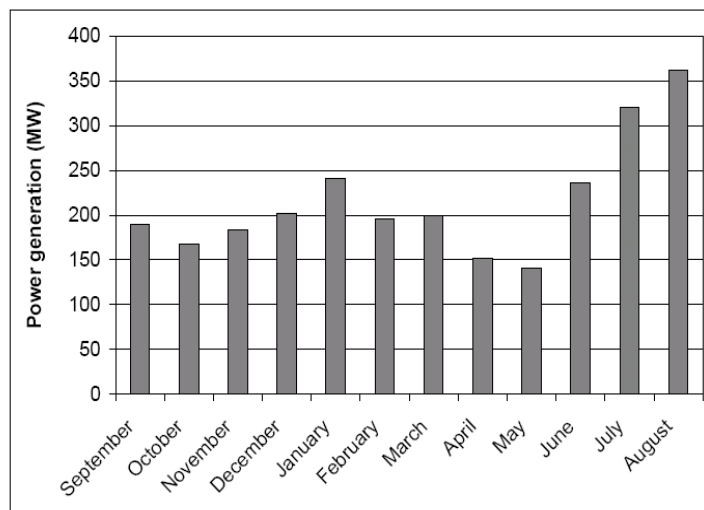
To the extent possible, DOE’s assessment of the environmental impacts of Plant operations under the Order is based on actual operating data. However, the Plant has had several different modes of operation under the Order, and data are not available for all parameters.

Therefore, it was necessary to make some assumptions in order to assess the impacts of the Order and of the potential extension of the Order. This section describes operations under the Order and the assumptions that DOE used to estimate the environmental consequences.

#### 4.2.1 Pre-Shutdown Operations

Before it shut down on August 25, 2005, the Plant operated its five units without SO<sub>2</sub> emissions controls. The Plant generated electricity at an annual average rate of 210 MW and burned about 837,000 tons (755,000 metric tons) of coal per year. Generation varied seasonally, with the highest generation occurring in the summer months when demand for air conditioning is high (Figure 4.2-1).

DOE used hourly, unit-by-unit electricity generation data, provided by Mirant, to model operations of the Plant. DOE used SO<sub>2</sub> emission factors it developed by analyzing detailed operation and emission data for the period December 20, 2005, through March 31, 2006. DOE assumed that the Plant emitted SO<sub>2</sub> at a rate of 1.05 lb/MBtu and that it emitted NO<sub>2</sub> at a rate of 0.35 lb/MBtu for Units 1 and 2 and 0.26 lb/MBtu for Units 3, 4, and 5.



**Figure 4.2-1.** Monthly average power generation for September 2004 through August 2005.

#### 4.2.2 Pre-Order Operations

Before the Secretary of Energy issued the Order, Mirant was operating Unit 1 in an 8-8-8 mode (in any given 24-hour period, the unit ran for up to eight hours at power levels up to its maximum level of 88 MW, ran for eight hours at its minimum level of 35 MW, and did not run for eight hours) and had begun using trona injection and low-sulfur coal in varying quantities. If the Order had not been issued, it is likely that Mirant would have continued to restart additional units at the Plant with the further installation of trona injection units. However, because it is impossible to know exactly what would have happened if the Order had not been issued, DOE is providing this “pre-Order” mode of operations as a basis for comparing impacts under the Order.<sup>13</sup>

<sup>13</sup> Because Mirant did not provide DOE with operations data for periods before December 20, 2005, and (continued...)

During the pre-Order mode, the Plant's Unit 1 operated for 16 hours per day with intermittent use of Colombian coal and/or trona injection. A typical day started at about 4 am with the unit being brought up to operating temperature by burning oil for about two hours. At about 6 am the unit was switched to coal and began generating electricity. The unit would reach a level close to its 88 MW capacity in about five hours, around 11 am. The unit would continue at that high power level through the afternoon and evening before making the transition to shut down status by about 10 pm. This is the 8-8-8 mode of operation.

During the pre-Order period Unit 1 consumed about 540 tons (490 metric tons) each day of coal with an average heat content of 12,000 Btu/lb and a heat rate of 12.9 million Btu per MWh (MBtu/MWh). On average, the unit emitted about 10,300 lb (4,700 kg) of SO<sub>2</sub> and about 4,300 lb (1,900 kg) of NO<sub>x</sub> per day. SO<sub>2</sub> emission rates varied within the period due to trona injection and burning of coal with different sulfur contents. At this rate of coal consumption, one train containing 40 rail cars with 100 tons (91 metric tons) of coal per rail car could provide a week's worth of coal to the Plant. On a day when the Plant consumed 540 tons (490 metric tons) of coal that was on average 67% by weight carbon, it released about 1,300 tons (1,200 metric tons) of CO<sub>2</sub>.

According to discharge monitoring reports that Mirant prepared for submission to EPA (Personal communication between A. Wearmouth, Mirant Corporation, and E.D. Smith, Oak Ridge National Laboratory, July 21, 2006), during December 2005 discharges to the Potomac River of cooling water and treated in-plant effluents averaged 94 million gal (356,000 m<sup>3</sup>) per day. The reported maximum thermal discharge to the river was 969 MBtu per hour.

#### **4.2.3 Operations under the Order and Potential Extension**

Mirant provided DOE with hourly records of power plant operations for the period December 20, 2005, through March 31, 2006. These records include power production, stack gas parameters (e.g., flow rate, temperature, percent CO<sub>2</sub>, opacity), pounds of NO<sub>2</sub> released per million Btu, pounds per hour of NO<sub>2</sub> released, pounds of SO<sub>2</sub> released per million Btu, and pounds per hour of SO<sub>2</sub> released. Table 4.2-1 is a summary of plant operations through March 31, 2006.

Mirant also supplied data on wastewater discharges for all months through June 2006 and data on total coal consumption and fly ash generation during the 3-month period March through May 2006.

The operating records described above allowed DOE to estimate plant operational parameters for each unit. DOE used those parameters to model plant operations during the Order and during a potential extension of the Order.

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<sup>13</sup> (...continued)

because Mirant continued its pre-Order (8-8-8 mode) operations through December 23, DOE used December 20 through 23 to represent pre-Order operations.

**Table 4.2-1. Plant operation from December 21, 2005, through March 31, 2006**

<b>Dates</b>	<b>Operating mode</b>
December 20- 23, 2005	Unit 1 operated with Colombian coal and trona testing
December 24, 2005	No data available
December 25 - 31, 2005	Unit 1 operated without using low sulfur coal or trona
January 1, 2006	No data available
January 2 - 6	Unit 1 operated without using low sulfur coal or trona
January 7 - 19	All five units operated as directed by PJM for a transmission line outage; only Unit 4 had trona injection
January 20	Only Unit 4 operated
January 21 - 28	All five units operated as directed by PJM for a transmission line outage; trona injection on Units 3 and 4
January 29 - February 15	Units 1 and 4 operated with trona injection
February 16 - 17	Only Unit 4 operated
February 18 - 21	Unit 3 and Unit 4 operated
February 22 - 25	Unit 1 and Unit 3 operated
February 26 - 27	Only Unit 3 operated
February 28 - March 8	Unit 2 and Unit 3 operated
March 9	Only Unit 4 operated
March 10 - 21	Unit 4 and Unit 5 operated
March 22	Only Unit 4 operated
March 23 - 31	Unit 3 and Unit 4 operated

Note: After January 28, only units employing trona injection were operated. Because Mirant found the Colombian coal unsuitable for use at the Plant, after the initial supply was consumed, Mirant used only trona injection to control SO<sub>2</sub> emissions.

For the purpose of evaluating impacts for which actual emissions data are not available, DOE assumed that impacts could be scaled to power production and coal use based on pre-August 2005 data (Section 4.2.1). During the year before shutting down in August 2005, the Plant generated power at an average rate of approximately 210 MW and consumed about 832,000 tons (755,000 metric tons) of coal.

**Assumptions for operations from December 20, 2005, through June 30, 2006.** For the period through March 31, DOE used hourly emissions data provided by Mirant to model air emissions. For the two days for which data were not provided, DOE assumed operations were identical to the preceding day. For this period DOE used historical weather data for the specific days of operation acquired from the National Weather Service.

Beginning with April, DOE made assumptions on operating modes based on information provided by Mirant. In operating plan supplements that Mirant supplied to DOE on January 13, 17, and 24 and February 6 and 16, 2006, Mirant described combinations of SO<sub>2</sub> emission rates and limits on hours of operation for all combinations of two units that its modeling determined would not cause any NAAQS exceedance. To model the air quality impacts of operations during the period April 1 through May 31, 2006, DOE assumed that Mirant operated the Plant to the maximum level described in those supplements.

**Assumptions for operations from July 1 through September 30.** On June 2, 2006, DOE directed Mirant to operate the Plant in compliance with the ACO. The ACO directed Mirant to operate the Plant within a set of constraints on operation hours and SO<sub>2</sub> emission rates enumerated in the ACO until Mirant met the requirements to operate in accordance with daily predictive modeling. For the purposes of this SEA DOE assumed that the Plant operated June 1 through June 30, 2006, in a manner that produced the maximum electrical power while being in compliance with the table of operational limits in the ACO.<sup>14</sup>

DOE assumed that after June 30 Mirant operated at the maximum level of power generation allowed under daily predictive modeling, as described in Section 4.1.2.1, and that, except during line-outage periods, this mode of operation continued through the duration of the Order and during a potential extension of the Order through 2007. The Plant generates electric power in response to demand, at levels requested by PJM. In order to estimate how much power might be generated during non-line outage situations when operating under daily predictive modeling, DOE used the record of the last year of historical operation (i.e., the year prior to August 24, 2005; Figure 4.2-1) to produce a scenario that represents levels of operations that might reasonably be expected if it were not for environmental constraints.

**Assumptions for a potential extension of the Order.**<sup>15</sup> DOE assumed that during non-line outage periods, the Plant would produce as much power as during the year before shutting down in August 2005, while complying with the ACO. Pepco has plans for several transmission line outages that would occur during a potential extension of DOE's Order before the two new 230-kV transmission lines are put into service. Outages are planned from November 27 through December 11, 2006; and February 19 through March 5, May 2 through 15, and May 21 through June 15, 2007. During outage periods DOE assumed that the Plant generated an amount

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<sup>14</sup> Table 1 of the ACO specifies maximum operations levels and SO<sub>2</sub> emission rates for individual units and for combinations of two or three units. For operations under the ACO before daily predictive modeling commenced, DOE assumed that the Plant operated two units at all times.

<sup>15</sup> On September 28, 2006 Secretary Bodman issued a temporary extension of the Order until 12:01 a.m., December 1, 2006 to allow time to complete the SEA and consider public comments.

of power equal to the Central D.C. load during the corresponding dates in the year ending on August 31, 2005.<sup>16</sup>

Mirant is planning to take units out of service beginning in the fall of 2007 to reconfigure the exhaust stacks. DOE has not modeled these planned unit outages because they are not confirmed.

### 4.3 Environmental Consequences

Assessment of the environmental consequences of the Order is organized by environmental resource. Consideration of cumulative environmental impacts is incorporated into the individual resource-specific discussions, both implicitly (by considering impacts of the Order in the context of environmental conditions that exist because of past and ongoing actions) and explicitly (by considering the potential impacts of any additional ongoing and reasonably foreseeable future actions identified as having the potential to affect the resource).

#### 4.3.1 Air Quality

Impacts to air quality would occur as the result of pollutants being emitted from the Plant's stacks during operations, as well as from activities at the Plant involving vehicle emissions and fugitive dust associated with the coal pile and the handling of ash. The pollutants of primary concern are SO<sub>2</sub> and particulate matter. Modeled concentrations of SO<sub>2</sub> and PM<sub>10</sub> are discussed in Section 4.3.1.3. All other NAAQS pollutants, including PM<sub>2.5</sub>, and hazardous air pollutants are discussed in Section 4.3.1.5. The emissions from the Plant were modeled for four periods: (1) Pre-shutdown operations, that is, the period before the Plant shutdown in August 2005; (2) Pre-Order operations (Section 4.2.2); (3) the period of the Order, including before

#### **AERMOD**

AERMOD is one of the approved models included in EPA's Guideline on Air Quality Models (40 CFR Part 51, Appendix W). It is composed of three parts: AERMAP, AERMET, and AERMOD. AERMOD is a steady-state plume air dispersion model that computes the air concentration of released pollutants at selected receptor points. During each hour modeled AERMOD considers the source characteristics (e.g., amount, temperature, stack exit velocity), atmospheric parameters (e.g., wind speed and direction, atmospheric stability), the relative locations of the source and receptor, and the effects of nearby buildings. The computed hourly concentrations are combined to produce the averaging periods (e.g., 24-hour averages) as requested by the user. AERMAP produces the required input data relative to the receptor grid, including elevation. AERMET processes surface and upper-air atmospheric data and produces the input files required by AERMOD.

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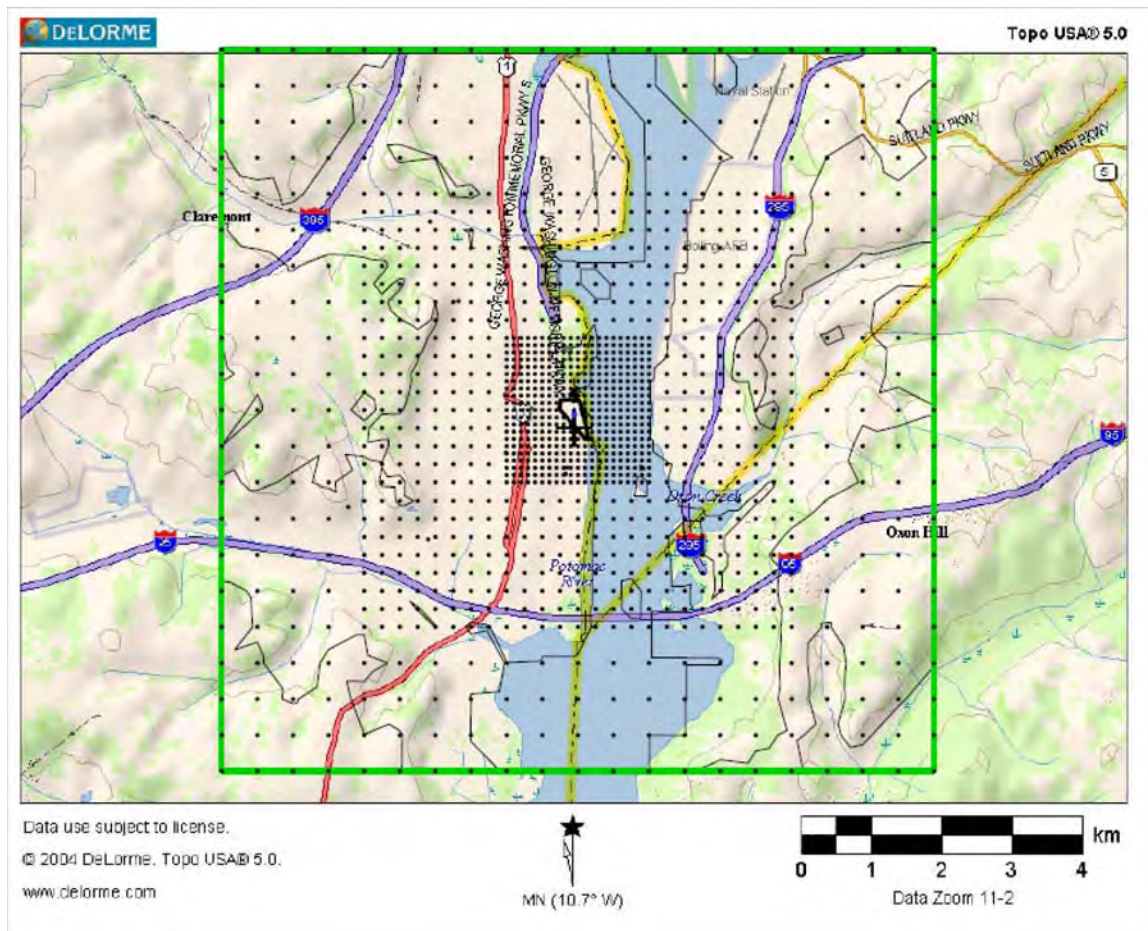
<sup>16</sup> Because the Plant was not operating at normal historical levels in the period from August 21-31, 2005, DOE used operational levels for the first 11 days of August 2005 to represent the level that the Plant would likely have operated at if it had been generating power at historical levels during the last 11 days of the month.



the ACO allowed daily predictive modeling (December 20, 2005 through June 30, 2006) and after daily predictive modeling began (July 1 through September 30, 2006); and (4) the period beyond the Order (including the period of the temporary extension of the Order to December 1, 2006) until such time as the new transmission lines are placed into operation (October 1, 2006, through June 30, 2007, or, possibly, December 31, 2007).

#### 4.3.1.1 Modeling methods and assumptions

DOE modeled hourly- and annual-average air concentrations of  $\text{SO}_2$  and  $\text{PM}_{10}$  using the AERMOD system (EPA 2002). (See text box.) AERMOD was used to calculate concentrations for each of the more than 1,700 receptor locations provided by EPA, as shown in Figure 4.3.1-1. The modeled receptor locations include 50-meter intervals along the Plant's fence line. Beyond the fence line, the receptor grid forms a rectangular pattern with the innermost receptors spaced at 100-meter intervals out to a distance of 1,000 meters from the Plant (i.e., the innermost



**Figure 4.3.1-1.** Map of receptor grid points for atmospheric dispersion modeling.

receptor grid forms a square 2,000 meters long on each side). A second set of receptors is located on the rectangular coordinates at 250-meter spacing for the distances between 1,000 and 3,000 meters of the Plant. Beyond 3,000 meters from the Plant, the receptor grid spacing is increased to 500-meter intervals. The receptor farthest from the Plant in an east-west direction (or in a north-south direction) is located 5,000 meters from the Plant. In addition to the grid of receptor locations, DOE modeled pollutant concentrations at several tall buildings in the vicinity of the Plant. DOE modeled 336 points around Marina Towers at the north end of the Plant, as well as points at multiple heights for six other nearby, tall buildings. The 336 points around Marina Towers are from 24 locations around the perimeter of the building and each of 24 floors of the building. Similarly, the multiple heights at the six other nearby buildings are the heights of each floor of the building.

**AERMOD input data.** For the period December 20, 2005, through March 31, 2006, DOE used actual unit-by-unit emissions (as provided by Mirant) and actual weather data obtained for Ronald Reagan Washington National Airport. These actual emissions and weather data were used in AERMOD to calculate local air pollution contributions of the Plant. For all other time periods DOE used estimated emissions and weather data from 2001 (as provided by EPA). Previous analyses by EPA had shown that 2001 resulted in predictions of more adverse air quality than the other years in the period 2000 through 2004.

For the period April 1 through May 31, 2006, DOE assumed that the Plant operated a different pair of units each week. Mirant reported to DOE that it had identified 10 two-unit operating modes (i.e., combinations of units that could operate for specified numbers of hours per day at specified SO<sub>2</sub> emission rates) that modeling by Mirant's contractor had demonstrated would not lead to exceedances of the 24-hour average SO<sub>2</sub> concentration at any location. For modeling purposes DOE assumed that the Plant practiced a ten-week rotation during which two of the five units were in operation during any given week. DOE assumed the following rotation of units: 1 and 2, 1 and 3, 1 and 4, 1 and 5, 2 and 3, 2 and 4, 2 and 5, 3 and 4, 3 and 5, and 4 and 5.

For the period April 1 through May 31, 2006, DOE assumed that the Plant operated a different pair of units each week. Mirant reported to DOE that it had identified 10 two-unit operating modes (i.e., combinations of units that could operate for specified numbers of hours per day at specified SO<sub>2</sub> emission rates) that modeling by Mirant's contractor had demonstrated would not lead to exceedances of the 24-hour average SO<sub>2</sub> concentration at any location. For modeling purposes DOE assumed that the Plant practiced a ten-week rotation during which two of the five units were in operation during any given week. DOE assumed the following rotation of units: 1 and 2, 1 and 3, 1 and 4, 1 and 5, 2 and 3, 2 and 4, 2 and 5, 3 and 4, 3 and 5, and 4 and 5.

For the month of June DOE assumed that two units at a time operated according to the schedule of allowed operations given in the ACO (Section 4.1.2). DOE assumed that the Plant used each of the 10 combinations of two units and operated each for three days.

DOE assumed that daily predictive modeling, as authorized by the ACO, was implemented beginning July 1, 2006. For operations under daily predictive modeling DOE assumed that, except during outages, each Plant unit generated power at the same level as it had during the year before Mirant terminated operations in August 2005<sup>17</sup> and that at all times Mirant injected enough trona to achieve 50% SO<sub>2</sub> removal (i.e., controlled to 0.525 lb/MBtu). DOE estimated 50% SO<sub>2</sub> removal to be an average or typical removal rate. At low power generation times and/or favorable wind conditions, very little SO<sub>2</sub> removal is needed to meet air quality standards. During high generation times and/or unfavorable wind conditions, higher rates of trona use (to remove up to 80% of SO<sub>2</sub>) are necessary to meet air quality standards. DOE selected the assumption of 50% removal as a mid-range value.

During the transmission line outages planned by Pepco (Table 1.3-1), DOE assumed that all five units operated as necessary to meet the full load of Central D.C. as determined from past data.<sup>18</sup> DOE assumed that after a planned transmission outage the Plant resumed generating power at the level it had the year before operations were terminated on August 24, 2005.

The greatest modeled exceedances of the NAAQS SO<sub>2</sub> limits occur during line outage periods. Although removal of 80% of SO<sub>2</sub> from stack gases, which is technically feasible, would considerably reduce (but not eliminate) modeled exceedances, DOE's modeling of line outage periods assumes that the Plant removes 50% of SO<sub>2</sub> from stack gases. DOE has not modeled 80% removal because Mirant does not stockpile sufficient trona to maintain 80% SO<sub>2</sub> removal for an extended (typically, two-week) line outage.

*Sulfur Dioxide.* The SO<sub>2</sub> modeling proceeded by using AERMOD to calculate concentrations for each receptor grid point. To simulate the daily predictive modeling process of adjusting planned operations until modeled NAAQS compliance is achieved, DOE examined the 24-hour average concentration for each receptor grid point and for each day. For each day the predicted pollution concentration of each point in the receptor grid was reduced by the percentage that just brought the point with the highest concentration into compliance with the 24-hour SO<sub>2</sub> NAAQS limit.<sup>19</sup> DOE performed this procedure for every modeled day (except

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<sup>17</sup> Mirant provided unit-by-unit, hour-by-hour generation data for the period September 1, 2004, through August 31, 2005. DOE used this hourly power generation data to represent what the Plant would do if there were no environmental constraints. Plant operations were terminated on August 24, 2005. Because the data suggest that the Plant started reducing operations on August 21, generation data after August 20 were not considered representative of normal operation.

<sup>18</sup> During outages, DOE assumed that all five units operate at all times, each generating at least 30 MW (minimum capacity), for a total of at least 150 MW. When the load exceeded 150 MW but did not exceed 366 MW, DOE assumed that the two load-following or cycling units (Units 1 and 2) operated at minimum load (for a total of 60 MW) and the three baseload units (Units 3, 4, and 5) each operated at the same level to meet the remaining load. When the load exceeded 366 MW, DOE assumed that the baseload units each operated at capacity (102 MW), for a total of 306 MW, and the load-following or cycling units each operated at the same level to produce enough additional power to meet the demand until the load exceeded the capacity of the Plant (482 MW).

<sup>19</sup> Compliance with the 24-hour SO<sub>2</sub> limit was based on a concentration of 314 µg/m<sup>3</sup> (the NAAQS standard  
(continued...))

during outages) before calculating 3-hour, 24-hour, and long-term average concentrations. Although the ACO also requires modifying planned operations if daily predictive modeling forecasts an exceedance of 3-hour average SO<sub>2</sub> limits, DOE did not simulate predictive modeling for the 3-hour standard because the computational effort required to calculate average concentrations for all possible 3-hour periods for each of the 1,747 modeled locations was judged to be excessively large for the information to be gained.

*Particulate Matter.* DOE's modeling considered both stack emissions and fugitive emissions from the Plant as sources of airborne particulate matter.

Based on particulate emissions testing by TRC Environmental Corporation (2006), DOE used a stack emission rate of 0.019 lb PM<sub>10</sub> per MBtu when trona injection was employed and 0.035 lb/MBtu PM<sub>10</sub> when it was not in use. For operations before the Order and during the January 2006 transmission line outage, DOE assumed the 0.035 lb/MBtu PM<sub>10</sub> emission rate. For all other periods after the Order, DOE assumed the 0.019 lb/MBtu emission rate. DOE modeled stack emitted PM<sub>10</sub> emissions using the same operational schedule as used for SO<sub>2</sub> modeling. However, DOE did not simulate the effects of daily predictive modeling on PM<sub>10</sub> emissions because DOE found that with the 0.019 lb/MBtu emission rate, stack emissions never lead to exceedances of the NAAQS limit for PM<sub>10</sub>.

DOE modeled fugitive PM<sub>10</sub> emissions using fugitive dust parameters supplied to EPA by Mirant. Some fugitive emissions are related to wind; for example, wind blows dust off the coal pile. Most of the emissions are related to the handling of coal and ash, which are operations that increase as plant operations increase. Fugitive dust modeling parameters were not, however, increased or decreased as generating levels increased or decreased. The parameters are based on the assumption that four of the five units operate full time, but they do not account for the extra dust generated by disposal of trona waste.

#### **4.3.1.2 Uncertainties in modeling**

The modeling results need to be interpreted cautiously because of many uncertainties related to assumptions and modeling approaches. Overall, DOE's approach was conservative in that it tends to overestimate impacts. Specific sources of uncertainty include the following:

1. DOE chose to use 2001 weather data because, based on EPA experience using 2000 through 2004 weather data, the 2001 data were more likely than other years to yield modeled exceedances.
2. For periods after June 30, 2006, DOE assumed that Mirant used trona injection to reduce SO<sub>2</sub> emissions by 50%. The Plant may operate with less than 50% SO<sub>2</sub> removal when

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<sup>19</sup> (...continued)  
of 365 less the assumed background concentration of 51 µg/m<sup>3</sup>.

modeling (based on predicted weather conditions) does not indicate an exceedance would result. Conversely, the Plant may remove more than 50% of SO<sub>2</sub> or reduce power generation rates when modeling indicates this is necessary to avoid exceedances of the NAAQS. The assumption of 50% SO<sub>2</sub> removal is likely to mean that DOE's modeling underestimates the period-average concentrations of SO<sub>2</sub>. However, because of the way DOE has modeled daily predictive modeling, this should introduce little error in estimates of maximum short-term SO<sub>2</sub> concentrations.

3. DOE did not model all of the operational possibilities available to Mirant. When modeling indicates an exceedance, DOE's modeling assumes that Mirant reduces emissions to a level just below what would cause a modeled exceedance. (This is equivalent to assuming that the power generation from each boiler is reduced by the necessary percentage, or that additional trona is injected at each boiler to reduce SO<sub>2</sub> emissions by that percentage.) While it is mathematically possible to exactly meet the 314-µg/m<sup>3</sup> 24-hour limit, DOE expects Mirant to keep SO<sub>2</sub> emissions somewhat below the levels that are computed to just meet the limit. Therefore, this DOE modeling approach tends to overestimate actual 24-hour averages.<sup>20</sup>
4. The ACO requires Mirant to achieve 80% SO<sub>2</sub> removal during line outage situations unless predictive modeling demonstrates that this level of SO<sub>2</sub> removal is not necessary or Mirant demonstrates that 80% removal is not "logistically feasible." Because Mirant does not have the capacity to stockpile sufficient trona for an extended line outage, DOE assumed 50% SO<sub>2</sub> removal during line outage situations.
5. DOE has used an estimate of fugitive PM<sub>10</sub> emissions that is based on the assumption that four of the five boiler units are operating at all times. While some fugitive emissions are caused by wind-blown erosion (e.g., of the coal pile), most fugitive emissions result from coal and ash handling. Because the amount of coal and ash handling is related to the level of power generation, fugitive emissions are probably overestimated for periods when the Plant is producing relatively little power. On the other hand, because the fugitive emissions rates do not account for increased emissions due to trona waste generated by operations, the fugitive emissions may be underestimated during high power generation periods.
6. DOE's modeling of operations under daily predictive modeling does not account for the use of monitoring and alarms to prevent exceedances of SO<sub>2</sub> NAAQS. The ACO requires

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<sup>20</sup> Although not required, Mirant is known to be targeting 200 µg/m<sup>3</sup> for a margin of predictive modeling to provide a margin of safety. (D. Lohman, EPA Region 3, personal communication with Seema Kakade, DOE, October 26, 2006.)

Mirant to monitor SO<sub>2</sub> at two locations on the top of Marina Towers and four other locations near the Plant. The ACO requires Mirant to maintain alarms that alert the Plant operators if monitored average concentrations reach 80% of the standards for SO<sub>2</sub>. If one of the alarms sound, Mirant is required to modify operations to prevent an exceedance. (See Appendix B, Section IV, B, 5.) Because DOE's modeling does not account for use of monitoring to constrain operations, it overestimates the actual concentrations that will be observed during operations after this section of the ACO takes effect.

7. The highest modeled SO<sub>2</sub> concentrations occur at the rooftop at Marina Towers. Initial monitoring data collected by SO<sub>2</sub> monitors installed by Mirant for the MES do not show concentrations as high as calculated by Mirant's follow-up modeling, which is based on actual weather data. Because DOE believes it used the same AERMOD input parameters that Mirant used, these data suggest that the DOE application of AERMOD may overestimate maximum concentrations at Marina Towers. These data and the questions they raise are described in more detail in Section 4.3.1.4.

Despite the limitations, the results presented here are the best estimates available at this writing.

#### **4.3.1.3 Modeling results for SO<sub>2</sub> and PM<sub>10</sub> emissions**

The EPA has established air quality standards for different averaging periods. An area is considered to be in attainment when the standards are not exceeded at any location in the area. For most pollutants compliance is determined by the second highest value or some other statistical characteristic per year.

The tables in this section present concentrations for three time averaging periods: 3-hour, 24-hour, and specific indicated time periods ranging from 21 to 387 days in length, which are presented as surrogates for the annual average. Although the standards typically determine compliance by the second highest value or another statistical characteristic, for simplicity DOE presents only the highest value for the specified averaging period. This maximum value is likely to be higher than the value used to determine compliance with the standard.

In all cases the value presented in the table is the modeled value for the receptor location that had the highest modeled value among the 1,747 modeled receptor locations. The 3-hour average refers to the highest average concentration for any three consecutive hours for any location. The 24-hour average is the highest average concentration for any calendar day (in the period) at any location. The maximum 3- and 24-hour averages represent relatively unusual occurrences. The annual or period average is more indicative of the usual air quality. Because most of the modeled periods are shorter than one year, the modeled period averages in the tables are not directly comparable to the annual air quality standards, but they do indicate how the period contributes to the annual average. For example, operations during a period with an average that exceeds the annual standard could contribute toward an exceedance of the annual

standard, while operations during a period with an average below the standard could contribute toward meeting the annual standard. Note that, because pollutants are not evenly distributed across the area, all values in the tables considerably overstate the expected concentration at all but a few of the 1,747 modeled locations.

Table 4.3.1-1 shows modeled SO<sub>2</sub> and PM<sub>10</sub> concentrations for pre-shutdown operations, pre-Order operations, and operations under the Order through September 30, 2006. The first row of the table presents maximum background concentrations. These are the maximum values observed at nearby ambient air quality monitoring stations for the specified averaging periods (Table 3.1-2). The ACO specifies that these “background concentrations” must be added to modeled concentrations resulting from Plant operations in determining whether a “modeled exceedance” occurs. Other rows in the table present modeled concentrations resulting from Plant operations and summed values in which modeled concentrations are added to the maximum background concentrations. The summation approach specified in the ACO is conservative because it is very unlikely that maximum Plant-induced concentrations would occur at the same time as maximum background concentrations. The modeling results presented in the table are discussed in more detail in the following paragraphs.

**Pre-shutdown operations.** Until August 2005 the Plant operated in the historical manner; essentially, it produced power as economics would dictate. The Plant operated without controls on SO<sub>2</sub> emissions. Table 4.3.1-1 shows that modeling of pre-shutdown operations predicts significant exceedances of the NAAQS for SO<sub>2</sub> concentrations. The table also shows exceedance for the maximum 24-hour PM<sub>10</sub> concentration. The maximum PM<sub>10</sub> values reported here are dominated by fugitive dust emissions. Maximum modeled concentrations of PM<sub>10</sub> from stack emissions are generally less than half of concentrations due to fugitive emissions.

**Pre-Order operations.** During the fall of 2005, the Plant operated in an 8-8-8 mode: 8 hours off, 8 hours at minimum power, and 8 hours at up to maximum power each day (Section 4.2.2). During this period the Plant was experimenting with trona injection and use of Colombian coal. However, Mirant had performed modeling that showed that no exceedance of the NAAQS SO<sub>2</sub> limit would occur under 8-8-8 operation even if no SO<sub>2</sub> control were employed. Consequently, during this period Mirant did not control SO<sub>2</sub> emissions to any set level. Table 4.3.1-1 shows the results of modeling pre-Order operations for an assumed full year. The table shows that pre-Order operations allow the Plant to meet SO<sub>2</sub> limits.

During 2005 and 2006, Mirant implemented several fugitive dust control measures (Section 2.5). Modeling of PM<sub>10</sub> concentrations resulting from pre-Order operations used emissions factors that assume that some of these measures were in place. Table 4.3.1-1 shows that modeled PM<sub>10</sub> concentrations for pre-Order operations are substantially lower than for pre-shutdown operations and meet the PM<sub>10</sub> limits.

**Table 4.3.1-1. Modeled maximum ambient SO<sub>2</sub> and PM<sub>10</sub> concentrations (µg/m<sup>3</sup>)  
for Plant operations among all receptor locations.**

Operating Scenario and Period	SO <sub>2</sub>			PM <sub>10</sub>	
	Maximum 3-hour average	Maximum 24-hour average	Maximum period average (for the specified period or 1 year)	Maximum 24-hour average	Maximum period average (for the specified period or 1 year)
<b>Maximum Background Concentration</b>	238 <sup>a</sup>	51 <sup>a</sup>	16 <sup>a</sup>	45 <sup>a</sup>	21 <sup>a</sup>
<b>Modeled Maximum Concentrations</b>					
Pre-shutdown operations (Sep. 1, 2004 through Aug. 20, 2005)	5,156	2,967	299	150	25
Pre-Order operations (annual)	767	277	24	61	13
Dec. 20, 2005 through June 30, 2006					
Non-outage periods (172 days)	479	246	32	36	9
Outage periods (21 days)	3,484	1,888	389	43	13
July 1 through September 30, 2006	1,445	314	136	58	10
<b>Modeled Maximum Concentrations with Maximum Background Concentrations Added</b>					
Pre-shutdown operations (Sep. 1, 2004 through Aug. 20, 2005)	5,394	3,018	315	195	46
Pre-Order operations (annual)	1,005	328	40	106	34
Dec. 20, 2005 through June 30, 2006					
Non-outage periods (172 days)	717	295	48	81	30
Outage periods (21 days)	3,772	1,939	405	88	34
July 1 through September 30, 2006	1,683	365	152	103	31
<b>NAAQS limit<sup>b</sup></b>	<b>1,300</b>	<b>365</b>	<b>80</b>	<b>150</b>	<b>50</b>

*Note:* Modeled values are the highest criteria pollutant concentration among all receptor locations. Pre-shutdown and pre-Order operations do not include higher levels of operations for line outages. Actual or planned line outage conditions are included in the operational periods of the Order. Annual values for modeled concentrations for periods less than one year are time-weighted averages. Whereas many NAAQS limits are specified as the second highest or other value, the modeled values presented in this table are the highest values.

<sup>a</sup> These are the highest values observed at nearby monitoring stations for the specified averaging periods. At most times ambient concentrations are lower than these values. Annual SO<sub>2</sub> concentration is the annual arithmetic mean for years 2001, 2002, and 2003 measured at 517 N. Saint Asaph Street, Alexandria City (ENSR Corporation 2005). Annual PM<sub>10</sub> concentration is the 2004 arithmetic mean reported in VDEQ 2005, page 49, monitoring site L-46-B3. (Just before publication of this document, Virginia released ambient air monitoring data for 2005 [VDEQ 2006c]. The updated background levels vary only slightly from the 2004 values reported and used here.)

<sup>b</sup> NAAQS values from 40 CFR Part 50. See Section 3.1.2 and Table 3.1-1 for an explanation of NAAQS and the averaging periods that apply to each. EPA's October 17, 2006, rule making on NAAQS for particulate matter (EPA 2006j) revoked the annual PM<sub>10</sub> standard, effective December 18, 2006.

**Operations under the Order.** Operations under the Order were addressed in two periods, December 20, 2005, through June 30, 2006, and July 1 through September 30, 2006. Operations under the Order were divided in this manner because DOE assumed that operations changed significantly when Mirant began operations under daily predictive modeling as permitted by the ACO. The following paragraphs discuss the effects of SO<sub>2</sub> and PM<sub>10</sub> emissions for these two time periods.



*December 20, 2005, through June 30, 2006.* For the December through June period, maximum modeled SO<sub>2</sub> concentrations (Table 4.3.1-1) show exceedances of the SO<sub>2</sub> limits during the January line outages, when the highest modeled 3- and 24-hour SO<sub>2</sub> concentrations occurred. For most of the outage trona injection was available on only one unit; Mirant injected trona in two units simultaneously during the last week of the outage. For non-line outage periods through June 30, there were no modeled exceedances of the 3- or 24-hour limits, in part because the Plant operated at a relatively low average power. Table 4.3.1-1 shows no modeled exceedances of limits for PM<sub>10</sub> during either line outage or non-line outage periods. The fugitive dust parameters used in modeling PM<sub>10</sub> concentrations for this time period reflect the progressive implementation of fugitive dust control measures at the Plant.

*July 1 through September 30, 2006.* The commencement of *daily predictive modeling* on July 1, 2006, approximately coincided with the beginning of the season of highest power demand (Figure 4.2-1). Beginning July 1, 2006, modeled plant generation increased and modeled SO<sub>2</sub> exceedances occur for all averaging periods except the 24-hour average during non-outage periods. The ACO requires modifying planned operations if daily predictive modeling forecasts an exceedance of either 3- or 24-hour average SO<sub>2</sub> limits. DOE's modeling assumed that the Plant would scale back operations to meet the 24-hour SO<sub>2</sub> standard as required by the ACO (Section 4.1.2). However, as described in Section 4.3.1.1, DOE's model did not assume that the Plant would scale back operation to meet the 3-hour standard, even though it is required by the ACO, because it would have been excessively complex to model. In actuality, it is expected that the modeled maximum 3-hour average exceedances indicated by Table 4.3.1-1 for the July through September period would be prevented by daily predictive modeling. However, the model's prediction of exceedances when the 3-hour limit is not applied suggests that controlling operations for 24-hour averages is not enough to assure compliance with the 3-hour average SO<sub>2</sub> limit.

The modeled exceedance of the longer-period average SO<sub>2</sub> limit (Table 4.3.1-1) is a logical consequence of operations under daily predictive modeling, because daily predictive modeling allows the Plant to operate at the highest levels that do not cause exceedances of 24-hour SO<sub>2</sub> limit. Operating close to the 24-hour limit (314 g/m<sup>3</sup>) day after day inevitably raises the long-term average to a higher level than for a plant that does not consistently operate close to the limit.

The exceedances indicated in the table are modeled exceedances, not actual exceedances. The ACO has provisions for preventing actual exceedances during non-outage periods. In particular, the ACO requires Mirant to monitor SO<sub>2</sub> concentrations near the top of Marina Towers (where the maximum modeled exceedances occur) for close approaches to NAAQS SO<sub>2</sub> limits. If a monitored concentration exceeds 80% of the limit for one of the averaging periods, an audible alarm will sound in the control room (Section 4.1.2.1) and the ACO requires Mirant to take corrective action, such as reducing power generation. Consequently, DOE anticipates that actual exceedances of the SO<sub>2</sub> limits will not occur during non-line outage periods.

As shown by Table 4.3.1-1, Plant operations under the ACO do not result in modeled exceedances of any of the NAAQS limits for PM<sub>10</sub>.

**Operations during a potential extension of the Order until new transmission lines are installed.** Table 4.3.1-2 presents modeled maximum concentrations of SO<sub>2</sub> and PM<sub>10</sub> due to Plant operations during a potential 9- or 15-month extension of the Order beyond September 30, 2006. This includes the period of the temporary 2-month extension of the Order from October 1 to December 1, 2006. Pepco's current schedule has the new transmission lines being installed and operational by the end of June 2007. Because there is a possibility that the transmission lines may not become operational on schedule, DOE has also examined a scenario for extension of the Order through December 2007.

As shown by Table 4.3.1-2, compliance with the ACO leads to meeting the NAAQS limits for 24-hour average SO<sub>2</sub> concentrations during non-line outage periods. As with operations under the initial term of the Order, DOE's model did not assume that the Plant would scale back operation to meet the 3-hour standard as required by the ACO. In actuality, it is expected that the modeled maximum 3-hour average exceedances indicated by Table 4.3.1-2 would be prevented by daily predictive modeling. The modeled exceedances of the NAAQS SO<sub>2</sub> limits for the annual average during non-line outage situations shown in Table 4.3.1-2 result from the assumption that the Plant operates close to the 24-hour limit on a continuing basis. Under the ACO Mirant would be required to modify Plant operations to avoid predicted exceedances of all SO<sub>2</sub> NAAQS averaging periods. Consequently, DOE anticipates that actual exceedances of the SO<sub>2</sub> limits would not occur during non-line outage periods.

As shown by Table 4.3.1-2, Plant operations under an extension of the Order would not result in modeled exceedances of any of the NAAQS limits for PM<sub>10</sub>.

EPA has provided DOE with preliminary data on monitored air quality measurements taken by Mirant pursuant to the ACO. Mirant sent this information to EPA as part of its monthly reporting requirements under the ACO. EPA is currently reviewing and interpreting the data; however, as discussed in Section 4.3.1.4, the data suggest that actual air quality impacts from operation of the Plant under daily predictive modeling are lower than impacts predicted through DOE's modeling efforts.

#### **4.3.1.4 Monitored SO<sub>2</sub> data**

Pursuant to the requirements for performing the MES (Appendix B, Section VI), Mirant has installed six SO<sub>2</sub> monitoring stations near the Plant. Two are located on the roof of Marina Towers--one at the center of the building and one on the southeast wing. One station is located east of stack 5 on the west bank of the Potomac River. Another monitor is located southeast of the Plant along the fence line near the River. One monitor is located at Daingerfield Island about 800 m north of Marina Towers. One monitor is located on the roof of Harbor Terrace (Holiday Inn) southwest of the Plant. These monitoring sites were selected based on discussions among Mirant, DOE and EPA modeling and meteorological experts.

Initial results from the monitors show that actual monitored daily average (approximately the same as 24-hour average) values are much lower than shown by Mirant's follow-up modeling using actual hourly emissions and exhaust parameters and observed weather

**Table 4.3.1-2. Modeled maximum ambient SO<sub>2</sub> and PM<sub>10</sub> concentrations (µg/m<sup>3</sup>) for Plant operations among all receptor locations for a potential extension of the Order.**

Operating Scenario and Period	SO <sub>2</sub>			PM <sub>10</sub>	
	Maximum 3-hour average	Maximum 24-hour average	Maximum period average (for the specified period or 1 year)	Maximum 24-hour average	Maximum period average (for the specified period or 1 year)
<b>Maximum Background Concentration</b>	238 <sup>a</sup>	51 <sup>a</sup>	16 <sup>a</sup>	45 <sup>a</sup>	21 <sup>a</sup>
<b>Modeled Maximum Concentrations</b>					
Potential extension of the Order Oct. 1, 2006 – Jun. 30, 2007					
Non-outage periods (203 days)	1,236	314	101	61	12
Outage periods (70 days)	2,193	1,152	171	66	13
Potential extension of the Order Oct. 1, 2006 – Dec. 31, 2007					
Non-outage periods (387 days)	1,449	314	115	67	12
Outage periods (70 days)	2,193	1,152	171	66	13
<b>Modeled Maximum Concentrations with Maximum Background Concentrations Added</b>					
Potential extension of the Order Oct. 1, 2006 – Jun. 30, 2007					
Non-outage periods (203 days)	1,474	365	117	106	33
Outage periods (70 days)	2,431	1,203	187	111	34
Potential extension of the Order Oct. 1, 2006 – Dec. 31, 2007					
Non-outage periods (387 days)	1,687	365	131	112	33
Outage periods (70 days)	2,431	1,203	187	111	34
<b>NAAQS limit<sup>b</sup></b>	<b>1,300</b>	<b>365</b>	<b>80</b>	<b>150</b>	<b>50</b>

*Note:* All periods include the period of the two-month temporary extension of the Order from October 1 to December 1, 2006. Modeled values are the highest criteria pollutant concentration among all receptor locations. Planned transmission line outages in preparation for the 230-kV lines are included in the periods. Annual values for modeled concentrations for periods other than one year are time-weighted averages. While, many NAAQS limits are specified as the second highest or other value, the values presented in this table are the highest values.

<sup>a</sup> These are the highest values observed at nearby monitoring stations for the specified averaging periods. At most times, ambient concentrations are lower than these values. Annual SO<sub>2</sub> concentration is the annual arithmetic mean for years 2001, 2002, and 2003 measured at 517 N. Saint Asaph Street, Alexandria City (ENSR Corporation 2005). Annual PM<sub>10</sub> concentration is the 2004 arithmetic mean reported in VDEQ 2005, page 49, monitoring site L-46-B3. (Just before publication of this document, Virginia released ambient air monitoring data for 2005 [VDEQ 2006c]. The updated background levels vary only slightly from the 2004 values reported and used here.)

<sup>b</sup> NAAQS values from 40 CFR Part 50. See Section 3.1.2 and Table 3.1-1 for an explanation of NAAQS and the averaging periods that apply to each. EPA's October 17, 2006, rule making on NAAQS for particulate matter (EPA 2006j) revoked the annual PM<sub>10</sub> standard, effective December 18, 2006.

conditions, matched hour for hour. Specifically, for the period June 17 through September 17, 2006, the maximum monitored daily-average concentration for the monitors ranged from 4 to 63 µg/m<sup>3</sup>. For the same time period Mirant's follow-up modeling of actual operations using weather data recorded at Ronald Reagan Washington National Airport gave maximum daily-average concentrations that ranged from 25 to 570 µg/m<sup>3</sup>. Aside from the specific operations and weather data, follow-up modeling used the same parameters to characterize the Plant as used for the analysis in the SEA and the 2005 downwash study (ENSR Corporation 2005).

The reasons for the discrepancy between monitored and maximum concentrations from follow-up modeling are not apparent. Mirant's technical consultant reports that when modeling uses effective building dimensions derived from a wind tunnel study, the resulting modeled maximum SO<sub>2</sub> concentrations are closer to the monitored concentrations (Personal communication between D. Shea, ENSR Corporation, Welsford, MA, and L.N. McCold, Oak Ridge National Laboratory, Oak Ridge, TN, October 3, 2006), but this modeling approach does not fully account for the discrepancy. An explanation suggested by Mirant's consultant is that AERMOD underestimates the buoyancy of multiple stack plumes when the wind is blowing parallel to the line of stacks. Another possible explanation is that the weather data from National Airport does not precisely match the weather at the Plant. Mirant's consultant reports that wind directions reported at National Airport are often slightly different from those detected at the Plant. Particularly near the Plant, small differences in wind direction can cause large differences in pollutant concentration at any specific point.

The discrepancy between monitoring data and modeled concentrations raises the possibility that the modeled maximum concentrations reported in Tables 4.3.1-1 and 4.3.1-2 of this SEA are unrealistically high for receptor points that are very close to the Plant. However, because DOE used forecasts rather than actual emissions and weather data, the results presented in this SEA are not directly comparable to either the monitoring data or to Mirant's follow-up modeling.

Because the MES may require as much as a year of monitoring data, EPA is not expected to reach a conclusion about the accuracy of the modeled concentrations before late 2007. In the meanwhile, the ACO requires that the Plant be operated to avoid predicted modeled exceedances.

#### 4.3.1.5 Other air pollutants

**Contributions to PM<sub>2.5</sub> pollution.** For PM<sub>2.5</sub> the NAAQS specify a maximum annual average concentration of 15 µg/m<sup>3</sup> and a 98<sup>th</sup>-percentile 24-hour average concentration of 65 µg/m<sup>3</sup>. Regulation of PM<sub>2.5</sub> is still developing. On October 17, 2006, EPA published new ambient air quality standards for PM<sub>2.5</sub> in the *Federal Register* (EPA 2006j). The new standards, which take effect December 18, 2006, retain the level of 15 µg/m<sup>3</sup> for the annual average and institute a 35 µg/m<sup>3</sup> 24-hour average. State implementation plans (SIPs) for PM<sub>2.5</sub> are not due to EPA until 2008.

The PM<sub>2.5</sub> monitor nearest to the Plant is at Aurora Hills Visitor Center (Table 3.1-2), a short distance west of Ronald Reagan Washington National Airport. The 2004 annual average PM<sub>2.5</sub> concentration measured at Aurora Hills was 14.4 µg/m<sup>3</sup>; the 98<sup>th</sup>-percentile 24-hour average concentration was 35.7 µg/m<sup>3</sup>.<sup>21</sup> As noted in Section 3.1.2, the region in which the Plant exists is in nonattainment with the PM<sub>2.5</sub> standard.

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<sup>21</sup> Just before publication of this document, Virginia released ambient air monitoring data for 2005 (VDEQ 2006c). The updated background levels vary only slightly from the 2004 values reported and used here.

There are two important sources of particulate matter associated with the Plant: stack emissions and fugitive dust. Because fugitive dust from the Plant is emitted near ground level, for locations near the Plant fugitive dust is the principal source of ground level PM<sub>2.5</sub> attributable to Plant operations. Because stack emissions are located far off the ground, they are the most important Plant-related source of particulate matter at nearby elevated receptor locations, specifically near the top of Marina Towers. Because both ground level and elevated concentrations are important, maximum values for each are presented here.<sup>22</sup>

DOE used estimates of PM<sub>10</sub> concentrations (Section 4.3.1.3) as a basis for estimating PM<sub>2.5</sub> concentrations. EPA's AP-42 emission factor guidelines (Personal communication between D. Lohman, U.S. EPA, Region III, and L.N. McCold, Oak Ridge National Laboratory, August 28, 2006) applied to wind blown dust indicate that PM<sub>2.5</sub> is 15% of the PM<sub>10</sub>. Based on this guidance, DOE assumed that 15% of fugitive PM<sub>10</sub> was PM<sub>2.5</sub>. The AP-42 factors for the PM<sub>2.5</sub> fraction of PM<sub>10</sub> from electric generating units controlled by electrostatic precipitators range between 44% for dry bottom boilers and 76% for over-fire stokers (Personal communication between D. Lohman, U.S. EPA, Region III, and L.N. McCold, Oak Ridge National Laboratory, August 28, 2006). Based on this guidance, DOE conservatively assumed 76% of PM<sub>10</sub> emitted from the Plant stacks was PM<sub>2.5</sub>.

DOE's analysis considers only directly emitted particulate matter. In addition to PM<sub>2.5</sub> that is emitted directly as particulate matter, certain chemicals, especially SO<sub>2</sub> and NO<sub>x</sub>, are emitted as gases, but form particulate matter after they are released. This source of PM<sub>2.5</sub> is not included in the air quality analysis because AERMOD does not incorporate a photochemical model that can account for nonlinear chemical reactions. In addition, such a model would require much more extensive atmospheric data than are readily available. However, because the background concentrations used in developing DOE's PM<sub>2.5</sub> estimates were measured while the Plant was operating at pre-shutdown levels, some, unknown but probably small, fraction of the background is due to Plant operations. Consequently, adding estimated Plant contributions to background concentrations involves some double counting of Plant effects. The discussion below presents estimates of PM<sub>2.5</sub> contributions first with and then without background concentrations.

*Pre-shutdown operations.* Pre-shutdown operations (one year) are estimated to have resulted in maximum 24-hour average concentrations of 74 µg/m<sup>3</sup> (38 µg/m<sup>3</sup> due to Plant operations alone; that is, without background) at ground level and 112 µg/m<sup>3</sup> (76 µg/m<sup>3</sup> due to Plant operations) at the top of Marina Towers. The annual average ground level PM<sub>2.5</sub> concentration was estimated to be 20 µg/m<sup>3</sup> (5.7 µg/m<sup>3</sup> due to Plant operations), and the average annual PM<sub>2.5</sub> concentration at the top of Marina Towers was estimated to be 22 µg/m<sup>3</sup> (7.8 µg/m<sup>3</sup> due to Plant operations).

*Pre-Order operations.* If pre-Order operations had continued for one year, the maximum estimated ground-level 24-hour-average PM<sub>2.5</sub> would have been 45 µg/m<sup>3</sup> (9.2 µg/m<sup>3</sup> due to

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<sup>22</sup> Both stack and fugitive sources were included in estimating PM<sub>2.5</sub> concentrations for both ground-level and elevated receptors.

Plant operations), and the comparable concentration at the top of Marina Towers would have been  $40 \mu\text{g}/\text{m}^3$  ( $4.8 \mu\text{g}/\text{m}^3$  due to Plant operations). The maximum estimated ground-level annual average  $\text{PM}_{2.5}$  concentration would have been  $16 \mu\text{g}/\text{m}^3$  ( $2.0 \mu\text{g}/\text{m}^3$  due to Plant operations), and the maximum annual average concentration at the top of Marina Towers would have been  $15 \mu\text{g}/\text{m}^3$  ( $1.0 \mu\text{g}/\text{m}^3$  due to Plant operations).

*Operations under the Order.* For the duration of the Order, the estimated maximum 24-hour-average ground-level  $\text{PM}_{2.5}$  concentration is  $61 \mu\text{g}/\text{m}^3$  ( $25 \mu\text{g}/\text{m}^3$  due to Plant operations), and the maximum estimated ground-level 285-day-period-average  $\text{PM}_{2.5}$  concentration is  $38 \mu\text{g}/\text{m}^3$  ( $2.4 \mu\text{g}/\text{m}^3$  due to Plant operations). Because an important fugitive dust suppression measure was implemented in March 2006, the period before April contributed more to the 285-day-period average  $\text{PM}_{2.5}$  concentration than operations after April, and the maximum estimated 24-hour-average  $\text{PM}_{2.5}$  concentration occurred before April.

For the duration of the Order, the maximum 24-hour-average concentration at the top of Marina Towers is  $76 \mu\text{g}/\text{m}^3$  ( $41 \mu\text{g}/\text{m}^3$  due to Plant operations), and the maximum 285-day-period-average concentration at the top of Marina Towers is  $18 \mu\text{g}/\text{m}^3$  ( $3.9 \mu\text{g}/\text{m}^3$  due to Plant operations). Because of increased generation after the start of operations under daily predictive modeling, operations after June contributed more to the 285-day-period-average  $\text{PM}_{2.5}$  concentrations than operations before July, and the maximum estimated 24-hour-average concentration occurred after June.

*Potential extension of the Order.* For a potential extension of the Order through December 2007 (including the period of the temporary extension until December 1, 2006), the estimated maximum 24-hour average ground-level concentration would be  $58 \mu\text{g}/\text{m}^3$  ( $23 \mu\text{g}/\text{m}^3$  due to Plant operations), and the maximum estimated concentration on the top of Marina Towers would be  $79 \mu\text{g}/\text{m}^3$  ( $43 \mu\text{g}/\text{m}^3$  due to Plant operations). The estimated maximum 24-hour average occurs during non-outage periods. The estimated maximum annual average ground-level  $\text{PM}_{2.5}$  concentration would be  $18 \mu\text{g}/\text{m}^3$  ( $4.0 \mu\text{g}/\text{m}^3$  due to Plant operations), and the estimated maximum concentration at the top of Marina Towers would be  $20 \mu\text{g}/\text{m}^3$  ( $5.7 \mu\text{g}/\text{m}^3$  due to Plant operations).

**Nitrogen oxide contributions to ozone ( $\text{O}_3$ ) pollution.** Alexandria and the surrounding area are in nonattainment for  $\text{O}_3$ . Ozone is formed in the atmosphere when sunlight interacts with  $\text{NO}_x$  and volatile hydrocarbons. In the eastern United States, natural volatile hydrocarbon molecules are abundant in the atmosphere. Consequently, the most effective method for limiting the formation of  $\text{O}_3$  is limiting the abundance of  $\text{NO}_x$  in the atmosphere.  $\text{NO}_x$  is readily formed in high temperature combustion processes such as power plants and internal combustion engines.

The following data were used to estimate  $\text{NO}_x$  emissions. Hourly operations data for December 20, 2005, through March 31, 2006, indicate that average  $\text{NO}_x$  emission rate for Units 1 and 2 is about 0.35 lb/MBtu and the emission rate for Units 3, 4, and 5 averages 0.26 lb/MBtu. Assuming that each unit consumes the same average amount of coal, the average emission rate would be 0.296 lb per MBtu of coal consumed. At 12,000 Btu/lb of coal, Units 1 and 2 have  $\text{NO}_x$

emission rates of 8.4 lb per ton of coal. When all units operate (using equal quantities of coal), the average NO<sub>x</sub> emission rate is about 7.1 lb per ton of coal.

As a point of reference, the ACO requires that the Plant emit no more than 3,700 tons (3,400 metric tons) of NO<sub>x</sub> per year.

*Pre-shutdown operations* consumed about 832,000 tons (755,000 metric tons) of coal per year and emitted 3,000 tons (2,700 metric tons) of NO<sub>x</sub> per year. For comparison purposes, if pre-shutdown operations had continued for the 285-day duration of the Order, the Plant would have consumed about 650,000 tons (590,000 metric tons) of coal and emitted about 2,300 tons (2,100 metric tons) of NO<sub>x</sub>. If pre-shutdown operations were to continue for a 15-month extension of the Order through December 2007 (including the period of the temporary extension until December 1, 2006), the Plant would consume about 1,040,000 tons (943,000 metric tons) of coal and emit about 3,700 tons (3,400 metric tons) of NO<sub>x</sub>.

*Pre-Order operations.* For comparison purposes, if pre-Order operations (when only Unit 1 operated) had continued for the duration of the Order, the Plant would have consumed about 153,000 tons (140,000 metric tons) of coal and emitted about 640 tons (580 metric tons) of NO<sub>x</sub>, a rate of about 820 tons (750 metric tons) per year. If pre-Order operations were to continue for an extension of the Order through December 2007 (including the period of the temporary extension until December 1, 2006), the Plant would emit about 1,030 tons (940 metric tons) of NO<sub>x</sub> over the 15-month period.

For the 285-day term of *the Order*, the Plant is estimated to burn about 566,000 tons (504,000 metric tons) of coal and emit about 2,600 tons (2,300 metric tons) of NO<sub>x</sub>, a rate of 2,600 tons (2,300 metric tons) per year.

For *potential extension of the Order* from October 1, 2006 through December 2007 (including the period of the two-month temporary extension until December 1, 2006), the Plant would consume about 1,040,000 tons (940,000 metric tons) of coal and emit about 3,700 tons (3,400 metric tons) of NO<sub>x</sub>, a rate of about 3,000 tons (2,700 metric tons) per year.

**Contributions to carbon monoxide (CO) and lead pollution.** As shown by Table 3.1.2, monitored levels of CO are well below the standard. Because CO levels are so low and because coal-fired power plants are not significant sources of CO, DOE did not model contributions to ambient CO levels due to Plant operations. Because ambient lead concentrations have declined to such low levels since the elimination of leaded gasoline that lead concentrations are no longer monitored in Virginia, DOE did not model potential contributions due to Plant operations.

**Contributions to hazardous air pollutants.** *Mercury* emissions by coal fired power plants are believed to be a major contributor to atmospheric mercury contamination. In its elemental form mercury is easily vaporized. Mercury forms nonvolatile compounds with sulfur and chlorine that can be captured in precipitators and incorporated in fly ash, but DOE assumed that all mercury in the coal burned by the Plant is emitted to the atmosphere through the stacks. This assumption is not likely to lead to an overestimate of mercury emissions because chemical analyses of Plant fly ash did not detect mercury (Section 4.3.5).

Data provided by Mirant indicates that the mercury content of coal supplied to the Plant ranges from 0.03 to 0.07 ppm (0.06 to 0.14 lb mercury per thousand tons of coal). DOE's analysis conservatively uses the high end of this range, that is 0.14 lb per thousand tons of coal.

*Pre-shutdown operations* consumed about 832,000 tons (755,000 metric tons) of coal per year. At 0.14 lb of mercury per thousand tons of coal, pre-shutdown operations can be estimated to emit 116 lb/year (53 kg/year) of mercury. For the 285-day period of the Order, it would emit about 91 lb of mercury. For extension of pre-shutdown operations through a 15-month extension of the Order, operations would emit about 145 lb of mercury.

For *pre-Order operations*, the Plant would burn about 540 tons (490 metric tons) of coal per day. Pre-Order operations for the period of the Order would lead to consumption of about 153,000 tons (140,000 metric tons) of coal. At 0.14 lb mercury per thousand tons of coal, pre-Order operations would have caused emission of about 21 lb (10 kg) of mercury for the period of the Order. Pre-Order operations for a 15 month extension of the Order would involve consumption of about 245,000 tons (220,000 metric tons) of coal and emission of about 34 lb (16 kg) of mercury.

For the 285 days of *the Order*, DOE estimates Plant coal consumption at 566,000 tons (510,000 metric tons), resulting in emissions of about 79 lb (36 kg) of mercury. Thus, the Order is estimated to increase mercury emissions of the Plant by 58 lb (26 kg) over the 285-day term of the Order. By comparison, if *pre-shutdown operations* had continued for the same 285 days, the Plant would have consumed about 650,000 tons (590,000 metric tons) of coal and emitted about 91 lb (41 kg) of mercury.

For *potential extension of the Order* from October 2006 through December 2007 (including the period of the two-month temporary extension until December 1, 2006), the Plant would consume about 1,040,000 tons (943,000 metric tons) of coal and emit approximately 146 lb (66 kg) of mercury. By comparison, pre-Order operations of the Plant for the same period would involve burning about 245,000 tons (220,000 metric tons) of coal with emission of about 34 lb (16 kg) of mercury. Thus, extension of the Order for 15 months would result in an increase in mercury emissions, over pre-Order operations, of about 111 lb (50 kg) mercury.

*Other metals* typically present as trace constituents of coal are less volatile than mercury, so they are primarily incorporated into solid wastes (bottom ash and fly ash), with only small fractions emitted to the atmosphere. The coal data that Mirant provided to DOE did not include concentrations of toxic metals other than mercury. Table 2.3-1 summarizes some published data on concentrations of seven trace metals in Appalachian coals. These data provide an indication of levels that may be present in the central Appalachian coal burned by the Plant. DOE performed a mass balance analysis for five of these metals using data on fly ash from Table 4.3.5-2. The results suggest that much of the arsenic and cadmium in the original coal, and some of the lead, selenium, and chromium are captured in fly ash. Capture of selenium in fly ash increases greatly when trona is used in the Plant (Section 4.3.5). DOE does not have data on the composition of the Plant's bottom ash, which would be expected to contain the majority of some metals, particularly the least volatile, such as beryllium, chromium, and nickel. Metals not



captured in a solid phase are released to the atmosphere. DOE has not estimated the quantities of these metals released to the atmosphere.

#### 4.3.1.6 General conformity requirement

**Background.** General conformity arises out of Section 176(c)(1) of the Clean Air Act (CAA) which provides that no Federal agency shall “engage in, support in any way or provide financial assistance for, license or permit, or approve, any activity which does not conform to [an approved State implementation plan (SIP)].” Under the CAA conformity to an implementation plan means that such activities will not (1) cause or contribute to any new violation of any standard in any area, (2) increase the frequency or severity of any existing violation of any standard in any area, or (3) delay timely attainment of any standard or any required interim emission reductions or other milestones in any area [CAA §176(c)(1)(B)].

Before DOE issued its Order, VDEQ raised several concerns related to general conformity in its filing to FERC (VDEQ 2005b).<sup>23</sup> VDEQ claimed that resumption of Plant operations at the previous levels would “not be in conformity with the Virginia SIP’s purpose of eliminating or reducing the severity and number of exceedances of the NAAQS.” VDEQ’s filing to FERC also claimed that resumption of Plant operations “at the previous levels, or any other level that would not be protective of human health or the environment, would clearly conflict with Mirant’s regulatory obligation to comply with the [VDEQ] Director’s request under 9 VAC 5-20-180(I), and therefore would not be in conformity with the SIP.”

The Federal general conformity regulations implementing Section 176(c)(1) of the CAA are codified at 40 CFR Part 51, Subpart W, and 40 CFR Part 93, Subpart B. Pursuant to 40 CFR 51.851, Virginia has an EPA approved general conformity rule that complies with the CAA. Therefore, Virginia’s general conformity rule applies here.

Under the general conformity rules, if the conformity rule applies to a Federal action, then the agency must determine whether the action “conforms” to a SIP. The conformity rule applies for each pollutant where the total of direct and indirect emissions in a nonattainment or maintenance area caused by the action would equal or exceed de minimis thresholds and where the action does not fit an exception (9 VAC 5-160-30). If the conformity rule applies, a Federal action is deemed to “conform” to a SIP if it is in compliance with all relevant requirements and milestones in the SIP and meets one of several requirements enumerated in the regulations, such as the emissions are specifically identified and accounted for in the SIP (40 CFR 93.158, 9 VAC 5-160-160).

The city of Alexandria and surrounding Arlington, Fairfax, Loudoun, and Prince William counties are in nonattainment for PM<sub>2.5</sub> and 8-hour ozone (the precursors for ozone are NO<sub>x</sub> and volatile hydrocarbons) (EPA 2006f). Because the general conformity regulations only apply to

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<sup>23</sup> As stated in DOE’s Order (footnote 2), DOE considered all legal arguments made in FERC filings in its decision-making process.

Federal actions that exceed de minimis thresholds in designated “nonattainment” or “maintenance” areas, these are the only pollutants that are relevant here.

**The Order conforms to the Virginia SIP.** Because the Order does not cause or contribute to new emissions not already accounted for in the SIP or interfere with limits in the SIP, the Order conforms to the Virginia SIP. The Order does not allow the Plant to resume operations at levels it had been operating at under the Virginia SIP before the August 24, 2005, shutdown. Instead, the Order only allows the Plant to operate at pre-shutdown levels in limited transmission line outage circumstances, or when permitted by daily predictive modeling. In addition, for PM<sub>2.5</sub> the Order cannot interfere with PM<sub>2.5</sub> emissions not already accounted for in the SIP because Virginia does not currently have a SIP for PM<sub>2.5</sub>.<sup>24</sup> Similarly, because the original study regarding the Plant’s NO<sub>x</sub> emissions (prompting the shutdown of the Plant on August 24, 2005), related to downwash rather than to NO<sub>x</sub> as a precursor to ozone, the Order would not appear to affect Virginia’s SIP for ozone (EPA 2006g).<sup>25</sup>

Furthermore, the Order alleviates the concerns related to conformity to the SIP raised by VDEQ in its filing to FERC. To the extent that the SIP accounts for full operation of the Plant without the use of trona and low-sulfur coal, the Order actually decreases emissions already accounted for in the SIP. Therefore, the Order helps Virginia achieve its “purpose of eliminating or reducing the severity and number of exceedances of the NAAQS” (VDEQ 2005b). The Order also does not present a conflict between resumption of Plant operations under the Order and Mirant’s regulatory obligation to comply with the VDEQ Director’s August 19, 2005, request. Indeed, the VDEQ Director’s August 19, 2005, letter to Mirant suggested the “potential reduction of levels of operation” as a potential method of complying with the Director’s request under 9 VAC 5-20-180(I) to “immediately undertake such action as is necessary to ensure protection of human health and the environment” (Personal communication between R.G. Burnley, VDEQ, and L.D. Johnson, Mirant Potomac River, LLC., August 19, 2005). Moreover, the DOE Order does not impinge upon VDEQ’s ability to enforce concerns over pollutants emitted from the Plant. For example, during the period of the Order, VDEQ continued to work with EPA and Mirant on a long-standing settlement over NO<sub>x</sub> that began in 2003 and resulted in an amended settlement on May 8, 2006 (EPA 2006g).

The function of the general conformity requirement is to ensure that Federal actions do not interfere with SIPs for meeting CAA standards and requirements. The integration of Federal actions and state air quality planning is intended to “protect the integrity of the SIP by helping ensure that SIP growth projections are not exceeded, emissions reduction progress targets are achieved, and air quality attainment and maintenance efforts are not undermined” (58 FR 63214,

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<sup>24</sup> Although EPA has had a PM<sub>2.5</sub> NAAQS since 1997 (revised on October 17, 2006), PM<sub>2.5</sub> SIP’s are not due for states with designated nonattainment areas for PM<sub>2.5</sub> until April 2008 (EPA 2006h, 2006i).

<sup>25</sup> Concerns over alleged violations of the 2003 Ozone Season NO<sub>x</sub> emission limitations specified in Mirant’s Stationary Source Permit have been resolved through a judicial consent decree between EPA, VDEQ, the State of Maryland, and Mirant (EPA 2004, 2006g).

63215; Nov. 30, 1993). In this case the Order not only conforms to the Virginia SIP by definition, but also achieves the overarching purpose of the general conformity principle.

**The Order is exempt under the General Conformity regulations.** Even if the Order does not conform to the Virginia SIP, the emissions generated from the Order fall within the “emergency” exceptions enumerated in the Virginia conformity regulations (9 VAC 5-160-30). A conformity determination is not required for “actions in response to emergencies or natural disasters such as hurricanes, earthquakes, etc., which are commenced on the order of hours or days after the emergency or disaster . . .” (40 CFR 93.153(d)2). “Emergency” is further defined in the Federal conformity regulations as:

A situation where extremely quick action on the part of the Federal agencies involved is needed and where the timing of such Federal activities makes it impractical to meet the requirements of this subpart, such as natural disasters like hurricanes or earthquakes, civil disturbances such as terrorist acts and military mobilizations. (40 CFR 93.152)

An emergency clearly existed on December 20, 2005. In fact, the very nature of DOE’s ability to issue the Order in the first place comes from the Department’s *emergency* authority under Section 202(c) of the Federal Power Act. It took DOE three months to understand the reliability situation at hand and determine the potential environment, health, and safety risks associated with the Plant’s shutdown. However, as soon as a line outage occurred (December 16, 2005) and the very real threat of a blackout in the Central D.C. area became apparent, DOE took quick action by issuing its Order. Therefore, DOE’s action qualifies as an emergency exception to the general conformity regulations.

#### **4.3.1.7 Global climate change**

A major worldwide environmental issue is the likelihood of major changes in the global climate (e.g., global warming) as a consequence of increasing atmospheric concentrations of “greenhouse” gases (IPCC 2001). The atmosphere allows a large percentage of incoming solar radiation to pass through to the earth’s surface and be converted to heat energy (infrared radiation) that does not pass back through the atmosphere as easily as the solar radiation passes in. The result is that heat energy is “trapped” near the earth’s surface.

Greenhouse gases include water vapor, CO<sub>2</sub>, methane, nitrous oxide, O<sub>3</sub>, and several chlorofluorocarbons. The greenhouse gases constitute a small percentage of the earth’s atmosphere; however, their collective effect is to keep the temperature of the earth’s surface about 60°F (33°C) warmer, on average, than it would be if no atmosphere existed. Water vapor, a natural component of the atmosphere, is the most abundant greenhouse gas. The second-most abundant greenhouse gas is CO<sub>2</sub>, which has increased about 30% in concentration over the last century. Fossil fuel burning is the primary contributor to increasing concentrations of CO<sub>2</sub> (IPCC 2001). The increasing CO<sub>2</sub> concentrations likely have contributed to a corresponding increase in

globally averaged temperature in the lower atmosphere, which has increased by about 1–1.4°F (0.5-0.8°C) in the last hundred years (IPCC 2001).

Because CO<sub>2</sub> is relatively stable in the atmosphere and essentially uniformly mixed throughout the troposphere and stratosphere, the climatic impact of CO<sub>2</sub> emissions does not depend upon their source location on the earth. Instead, an increase in CO<sub>2</sub> emissions from a specific source is effective in contributing to global increases in CO<sub>2</sub> concentrations.

Carbon dioxide emissions from the Plant involve two components: CO<sub>2</sub> produced by the combustion of the carbon contained in the coal and CO<sub>2</sub> produced by chemical reactions as the trona removes SO<sub>2</sub> from the exhaust gases. These two components of Plant emissions are shown in Table 4.3.1-3 and are discussed in detail in the following paragraphs. Coal combustion is discussed first.

During four days in December 2005, when the Plant was running in pre-Order mode, the Plant burned 2,150 tons (1,950 metric tons) of coal. This coal produced 5,300 tons (4,800 metric tons) of CO<sub>2</sub>. Operation of the Plant for a full year at the pre-Order level operations would be expected to produce about 480,000 tons (440,000 metric tons) of CO<sub>2</sub>.

For the 285-day term of the Order (December 20, 2005, through September 30, 2006), the total amount of coal used by the Plant is estimated to be 566,000 tons (513,000 metric tons). This quantity of coal, when burned, would produce approximately 1.38 million tons (1.25 million metric tons) of CO<sub>2</sub>. On an annualized basis operation of the Plant under the Order would be expected to produce at an annual rate of 1.76 million tons (1.60 million metric tons) of CO<sub>2</sub> per year.

During the one-year period immediately preceding the shutdown of the Plant in August 2005, the Plant generated power at an average rate of 210 MW, using an estimated 832,000 tons (755,000 metric tons) of coal. The combustion of this amount of coal produced approximately 2 million tons (1.8 million metric tons) of CO<sub>2</sub>. These data can be used to represent the anticipated operation of the Plant during the two-month temporary extension until December 1, 2006, and through the duration of any additional extension of the Order (i.e., October 1, 2006, through December 31, 2007).

For all three cases above, the use of trona is assumed to result in 50% removal of SO<sub>2</sub> from the Plant's stack gases. To achieve this removal rate, trona needs to be fed at a 2.5 times higher than the rate theoretically calculated to be sufficient to react with all of the SO<sub>2</sub> in the stack gases. With the addition of heat CO<sub>2</sub> is released from trona in a calcining reaction. This results in approximately 0.009 lb of CO<sub>2</sub> being released from trona for each pound of coal burned. The resulting quantities of the CO<sub>2</sub> released from trona, as shown in Table 4.3.1-3, are a very small fraction of the CO<sub>2</sub> released by coal combustion.

To put the above numbers into perspective, global fossil combustion in the year 2003 resulted in emissions of approximately 28 billion tons (26 billion metric tons) of CO<sub>2</sub> (Marland et al. 2006).

**Table 4.3.1-3. Annualized carbon dioxide emissions (tons/year) from the Mirant Plant during operational periods under analysis in this report**

	Coal combustion	Trona utilization	Total from Plant
Pre-shutdown operations	2,000,000	0	2,000,000
Pre-Order operations	480,000	1,800	488,800
The Order (Dec. 20, 2005 – Sep. 30, 2006)	1,760,000	6,500	1,766,500
Potential extension of the Order (Oct. 1, 2006 – Dec. 19, 2007) <sup>a</sup>	2,000,000	7,500	2,007,500

Note: “Annualized” values were obtained by prorating the emissions during the actual period over a hypothetical 365-day period.

<sup>a</sup>Includes the period of the temporary extension of the Order until December 1, 2006.

### 4.3.2 Human Health

This section discusses the human health impacts of emissions from the Plant during two principal time periods: (1) the period of operations under the Order and (2) the duration of a potential extension of the Order. As a comparison, the health effects of the pre-Order mode of operation as well as the pre-shutdown operation of the Plant are also presented. The analysis in this section uses mathematical factors that relate a person’s exposure to concentrations of airborne pollutants to premature mortality and other health effects.

Potential human health effects resulting from the Order are a serious concern to DOE. A wide range of human health effects are associated with ambient concentrations of particulate matter and SO<sub>2</sub> as well as other NAAQS primary and secondary pollutants. Numerous epidemiological studies have demonstrated that increases in pollution levels are associated with increases in illness rates, use of health services, and earlier death among exposed persons.<sup>26</sup>

Particle pollution, especially fine particle pollution (i.e., PM<sub>2.5</sub>), contains microscopic solids or liquid droplets that are so small that they can get deep into the lungs and cause serious health problems. Numerous scientific studies have linked particle pollution exposure to a variety of problems, including:

- increased respiratory symptoms, such as irritation of the airways, coughing, or difficulty breathing,
- decreased lung function,
- aggravated asthma,
- development of chronic bronchitis,
- irregular heartbeat,

<sup>26</sup> Some recent information about air pollution health effects may be found in the Criteria Documents prepared to support EPA periodic reviews of the NAAQS; <http://www.epa.gov/ttn/naaqs/>.

- nonfatal heart attacks, and
- premature death in people with heart or lung disease.

People with heart or lung diseases, children, and older adults are most likely to be affected by particle pollution exposure. However, even healthy people may experience temporary symptoms from exposure to elevated levels of particle pollution.

Peak levels of SO<sub>2</sub> in the air can cause temporary breathing difficulty for people with asthma who are active outdoors. Longer-term exposures to high levels of SO<sub>2</sub> gas and particles cause respiratory illness and aggravate existing heart disease. SO<sub>2</sub> reacts with other chemicals in the air to form tiny sulfate particles. When these are breathed, they gather in the lungs and are associated with increased respiratory symptoms and disease, difficulty in breathing, and premature death.

#### 4.3.2.1 Analytical approach

For the purposes of this SEA, DOE has used two techniques to estimate premature mortality due to Plant operations and has used one technique to estimate the incidence of other health effects. DOE analyzed all-cause mortality as a useful indicator of health effects because background mortality rates are readily obtainable and the association between air pollution and premature mortality<sup>27</sup> has well-documented response functions. DOE used a concentration-response function for premature mortality from Pope et al. (2002) to estimate the expected fatalities and to estimate the risk of premature mortality to a hypothetical maximally exposed individual in the community near the Plant. DOE used an EPA scaling technique (EPA 2005) to estimate premature mortality and other health effects to a much broader population.

For the assessment of health effects to persons in the local area, DOE used estimated PM<sub>2.5</sub> and modeled SO<sub>2</sub> concentrations for a 36-mi<sup>2</sup> (93-km<sup>2</sup>) receptor grid comprised of 1,747 receptor locations with the Plant near its center (Figure 4.3.1-1). This area contains approximately 240,581 people.<sup>28</sup>

In order to provide estimates of the adverse effects of various operating scenarios in this SEA, DOE has chosen all-cause mortality as the most useful single indicator of adverse health effects. Mortality is the most severe outcome in personal terms and also represents 90% or more of the associated cost in economic terms.

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<sup>27</sup> The studies on which this environmental analysis is based analyzed all-cause mortality for cohort studies, which capture both short-term and long-term effects. *All-cause mortality* means fatalities that occur for any reason. Scientists studying the effects of air pollution use all-cause mortality rather than fatalities that are clearly tied to air pollution because accurately determining the cause of death is often impossible in epidemiological studies.

<sup>28</sup> The population estimates are based on individual, rectangular cells with a dimension of 15 seconds of one degree on each side. The populations within all such cells within the grid are interpolated to the U.S. Census Bureau's 2005 estimates (Personal communication between P. Coleman, Oak Ridge National Laboratory, and A.L. Sjoeren, Oak Ridge National Laboratory, June 5, 2006).

DOE used the adult (age 30 and older) PM<sub>2.5</sub> concentration-response function (relative rate: 1.06 per 10 µg/m<sup>3</sup>, 95% confidence interval: 1.02–1.11) from Pope et al. (2002).<sup>29</sup> The Pope et al. (2002) study finds one of the strongest associations between PM<sub>2.5</sub> exposure and premature mortality. Because SO<sub>2</sub> represents a significant proportion of the Plant's pollutant output, and SO<sub>2</sub> is known to convert to sulfate particles in ambient air, it is considered here as an addition to the estimated PM<sub>2.5</sub> concentrations.<sup>30</sup> DOE assumed that SO<sub>2</sub> converts to sulfate particles as an addition to the PM<sub>2.5</sub> loading at the rate of 7% per 24-hour period (Azad and Kitada 1998).

All cause premature mortality is calculated by multiplying the modeled pollutant concentration by the age specific population, the age specific all-cause death rate, and the concentration-response function to obtain the expected number of deaths. Sixty percent of the population in Virginia is aged 30 or older (Virginia Department of Health 2004). For the receptor grid DOE studied this yields an estimate of 144,000 persons 30 or older. For this age group, the annual, all-cause death rate is 13 per 1,000 (Virginia Department of Health 2004).

To estimate several other health effects from particulate matter resulting from plant operations, DOE used a scaling technique developed by EPA based on extensive air quality modeling (EPA 2005). The method involves interpolation among cases that were modeled in detail by EPA. DOE used parameters provided by EPA to estimate health effects incidence based on total emissions of SO<sub>2</sub>, NO<sub>x</sub>, and PM<sub>2.5</sub> from the Plant (Personal communication between B. Hubbell, EPA, and L.N. McCold, Oak Ridge National Laboratory, October 11, 2006). The potentially affected population on which these estimates are based is roughly the population of the eastern United States. While the risks to persons who live near the Plant are largest, the expected incidence includes the sum of very small risks to millions of people.

#### 4.3.2.2 Results

DOE estimated the expected incidence of premature mortality among the 144,000 adult population (age 30 or older) in a 36-mi<sup>2</sup> (93-km<sup>2</sup>) area centered on the Plant (Figure 4.3.1-1). The results of the analysis of health effects to the adult population are described by the following bullets:

- As a result of exposure to the combined effects of SO<sub>2</sub> and PM<sub>10</sub>, the expected incidence of premature mortality among the 144,000 adults (30 and older) in a 36-mi<sup>2</sup> (93-km<sup>2</sup>) area around the Plant from *pre-shutdown operations* is about 3.8 (confidence interval: 1.2 to 6.8) per year.

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<sup>29</sup> EPA employs the Pope et al. PM<sub>2.5</sub>-related mortality estimates as one component in cost/benefit analyses of various air pollution reduction strategies (EPA 2005). Information on EPA's studies and the methodology can be found in the Regulatory Impact Analysis for the Final Clean Air Interstate Rule (EPA-452/R-05-002, March 2005), which may be found at <http://www.epa.gov/air/interstateairquality/pdfs/finaltech08.pdf>.

<sup>30</sup> NO<sub>x</sub> is also known to convert to PM<sub>2.5</sub> in the atmosphere. DOE did not include NO<sub>x</sub> in the analysis of nearby health effects because NO<sub>x</sub> is a relatively smaller part of Plant pollution emissions and converts to PM<sub>2.5</sub> less efficiently than SO<sub>2</sub>.

- For *pre-Order operations*, the expected incidence of premature mortality among the exposed population of 144,000 adults (30 and older) would be 0.77 (confidence interval: 0.26 to 1.4) per year.
- For *operations under the Order* the expected incidence of premature mortality among the adult population of 144,000 is 1.3 (confidence interval: 0.44 to 2.4). The annual rate for operations under the Order is 1.7 (confidence interval: 0.58 to 3.1).
- For *potential extension of the Order* through June 2007 the expected incidence of premature mortality among the adult population of 144,000 would be 1.5 (confidence interval: 0.51 to 2.7) Extending it through December 2007 would raise the expected fatalities to 2.9 (confidence interval: 0.97 to 5.1). The annual rate for extension of the Order is 2.3 (confidence interval 0.78 to 4.1).

The reader should understand that the estimates of expected fatalities above do not indicate the risk faced by any particular individual. Pollutants do not affect all sectors of the population to the same extent. The very young, the elderly, and those with preexisting health conditions tend to experience adverse health effects at pollutant levels that have little or no effect on the remainder of the population. Activity levels also affect the nature of the health effects; the more active the person, the more likely that PM or SO<sub>2</sub> will induce health effects. For instance, jogging while pollution levels are high is more likely to cause health effects in healthy people than would resting on a picnic bench or walking slowly. The reader should also bear in mind that among the modeled population of 144,000 adults, about 1,800 would die each year due to various causes.

### Statistical Terminology

The results of the health effects analysis are expressed in statistical terms.

Some results are expressed as the **expected incidence** of a specified health effect occurring in the exposed population. For instance, if pepper were thrown into the faces of 1,000 people in 100 groups of 10 people and 340 of the people sneezed, for the next randomly selected group of 10 people, the expected incidence of sneezing would be 3.4 people. In each group of 10, the number of people sneezing would be a whole number. Sometimes it would be three people, sometimes it would be four, and it could as small as zero or as high as 10, but for this hypothetical example the long-term average would be 3.4. Expected incidence, in this case 3.4, is not a statement about what will occur, but a statement of what is likely to occur.

Other results are expressed as the **probability** that an individual who is exposed would experience the specified health effect. For the example above, the probability that any one random individual would sneeze would be 0.34 (=340/1000).

Another example shows how probability statements can be interpreted for groups and individuals. In 2003 approximately 25 per 100,000 (0.00025 or 0.025%) Americans 50 years of age or older, were diagnosed with stomach cancer. This can be reported as an expected incidence of 25 stomach cancers per 100,000 Americans age 50 or older. For an average American 50 or older, the probability per year of being diagnosed with stomach cancer is 0.00025.



Another useful indicator of the potential health effects of the Order is the risk to the “maximally exposed individual.” The maximally exposed individual is a hypothetical person who spends all his time outdoors at the receptor point that has the highest average modeled concentration. Nobody stays at the same place all the time, so the maximally exposed individual establishes the upper limit on the health risk that anyone could experience. However, the response factor used to generate these estimates is for the average adult (30 or older). Persons who are more susceptible to air pollutants would have a higher risk and healthy people would have a smaller risk.

- For *pre-shutdown operations* the hypothetical maximally exposed individual has a risk of premature mortality of 0.22% (confidence interval: 0.074 to 0.39%) for a year of operation.
- For *pre-Order operations* if they had continued for one year, the risk of premature fatality to the hypothetical maximally exposed individual would be 0.028% (confidence interval: 0.0094 to 0.050%)
- For *operations under the Order* the risk of premature mortality from SO<sub>2</sub> concentrations to the maximally exposed individual is 0.072% (confidence interval: 0.024 to 0.13%).
- For a *potential extension of the Order* through June 2007, the risk of premature mortality to a hypothetical maximally exposed individual would be 0.067% (confidence interval: 0.022% to 0.12%). If the Order were extended through December 2007, the hypothetical maximally exposed individual risk of premature mortality would be 0.13% (confidence interval: 0.045 to 0.24%).

**Confidence Intervals**

A confidence interval is one expression of the uncertainty associated with a statistical estimate. To be clearly defined, the confidence interval needs to specify the confidence level associated with the interval. The confidence intervals reported in this SEA are for a 95% confidence level. For example, if the estimate of the probability of a health effect is 0.30, it means that the best estimate of the probability is 0.30. If the associated 95% confidence interval is 0.17 to 0.48, it means that while the estimate is not certain, we are 95% confident that the true probability of the health effect is no lower than 0.17 and no higher than 0.48.

A confidence interval is helpful in informing us of how much confidence we can have in a statistical estimate. For example, if the confidence interval above were 0.29 to 0.31, we would know that we could be very confident in the estimate of 0.30. Conversely, if the confidence interval were 0.01 to 0.99, we would know to have much less confidence that 0.30 was close to the true value.

There are important uncertainties that are relevant to both the maximally exposed individual and population analyses. First, there are uncertainties associated with the response factors as indicated by the 95% confidence intervals. (See text box.)

Another uncertainty is the health status of the affected persons. If the persons exposed to the highest concentrations are more healthy than average, the risks are lower. Conversely, if the people exposed to the highest concentrations are relatively unhealthy, the estimated premature fatality probability may be an underestimate. Further, there is uncertainty associated with the location of affected persons, e.g., people who may not be at home all day or workers who may be

outside much of the day, so their actual exposures may be lower or higher than assumed for this analysis. To reduce these uncertainties would require very detailed information about the health status and daily movements of a large number of people. Such detailed information is not available.

Another important uncertainty has to do with the air dispersion modeling. As discussed in Section 4.3.1, many assumptions and approximations were used in the air dispersion analysis. Where there was uncertainty, DOE selected assumptions that avoid underestimating the impacts of Plant operations. The net result of all these assumptions is most likely to overestimate maximum pollutant concentrations. In addition, Mirant has stated that the standard building dimensions used in AERMOD lead to overestimating the modeled downwash effect, with the result that modeled concentrations at Marina Towers are unrealistically high. EPA authorized Mirant to initiate the MES to help resolve this concern. Initial monitoring results for SO<sub>2</sub> monitors near the Plant tend to support Mirant's statement, but EPA has yet to reach a conclusion.

If the estimate of the downwash effect is too high, it would mean that the maximum exposures to stack emissions are overestimated and the risk to the hypothetical maximally exposed individual may be too high. However, overestimate of the risk to the hypothetical maximally exposed individual may not appreciably affect the risk to the population. The population health effect is the sum of the individual risks for the modeled population of 144,000 adults. Relatively few people live in the top floors of Marina Towers. Even if modeling with improved input parameters showed that pollutant concentrations at Marina Towers are lower than current estimates, the concentrations at points that are farther away and the exposures for most of the population would be little affected. Thus, the population risk is not expected to be much affected by more accurate modeled building dimensions.

*EPA Scaling Technique.* The EPA scaling technique is a simple method of making estimates of a variety of health effects. The health effects reported in Table 4.3.2-1 are those examined by EPA in its recent regulatory impact assessments for emission standards. The estimates of population health effects are higher than those that would result from the method above because the potentially affected population is much larger. The EPA scaling technique does not provide estimates of uncertainty or confidence intervals. However, the estimates of premature mortalities are based on Pope et al. (2002) cited above. Consequently, at least for the premature mortalities, it is reasonable to estimate that a 95% confidence interval would span at least 70% below to 80% above the expected incidences reported in Table 4.3.2-1 based on Pope's reported confidence intervals.

### **4.3.3 Water Quality**

Two types of water quality impacts could result from Plant operations as a result of the Order. Plant operations could cause direct impacts to Potomac River water quality by changing the volume or characteristics of the effluent discharged from the Plant. Indirect impacts to regional water quality could result from changes in the emissions of air pollutants that are

**Table 4.3.2-1. Expected incidence of short- and long-term health effects resulting from Mirant Plant operations for the population of the eastern United States**

Health effect	Pre-shutdown (one year)	Pre-Order (285 days)	Order (285 days)	Order extension Oct. '06 – Jun. '07	Order extension Oct. '06 – Dec. '07
Premature mortality (adults, 30 and over)	37	5	14	12	23
Infant mortality (infants less than one year)	0.08	0.01	0.03	0.03	0.05
Chronic bronchitis (adults, 26 and over)	20	3	7	6	13
Non-fatal myocardial infarctions (adults, 18 and older)	50	7	18	16	31
Hospital admissions – Respiratory (adults, 20 and older)	13	2	5	4	8
Hospital admissions – Cardiovascular (adults, 20 and older)	11	2	4	3	7
Emergency room visits for asthma (18 and younger)	30	4	11	9	19
Acute bronchitis (children, 8-12)	46	7	17	14	29
Asthma exacerbations (asthmatic children, 6-18)	698	101	258	218	440
Lower respiratory symptoms (children, 7-14)	553	80	205	173	349
Upper respiratory symptoms (asthmatic children, 9-11)	423	61	157	132	267
Work loss days (adults, 18-65)	3,942	568	1,459	1,234	2,488
Minor restricted activity days (adults, age 18-65)	23,490	3,387	8,693	7,350	14,823

*Source:* DOE analysis of SO<sub>2</sub>, NO<sub>x</sub>, and PM<sub>2.5</sub> emissions from the Mirant Potomac River Generating Station, using EPA scaling technique (Personal communication between B. Hubbell, Health and Environmental Impacts Division, EPA, Research Triangle Park, North Carolina, and L.N. McCold, Oak Ridge National Laboratory, October 11, 2006).

subsequently deposited in surface waters or that are washed into surface waters after being deposited on the ground surface.

#### 4.3.3.1 Direct impacts to the Potomac River

The operating changes associated with the pre-Order period or operations under the Order do not change the water quality characteristics of Plant intake water and effluents. Thus, the effect of the Plant on the pollutant load in the Potomac River (including suspended sediments, coliform bacteria, and metals) under different operating conditions can be assumed to be proportional to the volume of water used and discharged by the Plant. No chlorine was used in the Plant during pre-Order operations or under the Order; thus, Plant operations do not affect chlorine levels in the Potomac River.

*Pre-shutdown operations.* Under pre-shutdown operating conditions the Plant used Potomac River water and discharged effluents to the river as described in Section 2. The effects of many years of Plant operations are among the natural and human factors reflected in the existing water quality and ecological conditions in the river, as described in Sections 3.3.2.1 and

3.4.2.1. Table 2.4-1 presents data on the water quality of intake water and effluents associated with pre-shutdown operations.

*Pre-Order operations.* The Plant's water discharges to the Potomac River in December 2005 (assumed to be typical of pre-Order conditions) averaged 94 million gal/day (360,000 m<sup>3</sup>/day), approximately 27% (on average) of the average pre-shutdown discharge volume (Section 2.4.2). Assuming that withdrawals from the river during any period are about 1% higher than monitored discharges (Section 2.3), withdrawals during this pre-Order period are estimated at less than 95 million gal/day (360,000 m<sup>3</sup>/day). The reported maximum thermal discharge to the river in December 2005 was 969 Mbtu/hr. The much lower water and thermal discharge rates associated with pre-Order operations could contribute to improved river water quality relative to pre-shutdown operations, which could improve conditions for aquatic organisms (Section 4.3.4.2).

*Operations under the Order and potential extensions of the Order.* The Plant's water and thermal discharges to the river varied during the 285-day period of the Order. Operations during the line outage in January 2006 contributed to an average water discharge for the entire month of 266 million gal/day (1.0 million m<sup>3</sup>/day), nearly three times the discharge recorded in the pre-Order period. Reported maximum thermal discharge to the river was 3,355 MBtu/hr, more than three times the December maximum. Operations in the period February through May 2006, a period of relatively low power demand (Figure 4.2-1) during which there were no line outages, resulted in an average discharge of 170 million gal/day (640,000 m<sup>3</sup>/day), about 80% higher than pre-Order operations but only about half of the average for the pre-shutdown period. Maximum thermal discharges in this period ranged from 1,157 to 1,620 MBtu/hr. Average water discharge in June 2006 was 250 million gal/day (950,000 m<sup>3</sup>/day). This value is 165% higher than discharge under pre-Order conditions, but is still 27% less than the average discharge under pre-shutdown operations before August 2005. Maximum thermal discharge in June 2006 was 2,406 MBtu/hr, which also is intermediate between pre-shutdown and pre-Order levels. The somewhat lower water and thermal discharge rates resulting from operations under the Order through June 2006 could contribute to improved river water quality relative to pre-shutdown operations, which could improve conditions for aquatic organisms (Section 4.3.4.2).

For operations under the Order following the commencement of daily predictive modeling in July 2006 (including the temporary extension of the Order to December 1, 2006, and any extension beyond that date), water and thermal discharges are assumed to be similar to those during pre-shutdown operations. Impacts are estimated to be the same as for pre-shutdown operations.

#### **4.3.3.2 Indirect impacts to regional water quality**

DOE identified and assessed two potential sources of indirect impact to regional water quality from deposition of Plant air pollutants: (1) nitrogen loading and (2) acid deposition.

**Nitrogen loading.** Deposition of nitrogen compounds emitted from the Plant contributes to nitrogen input to Chesapeake Bay and other waters in the region, thus contributing to the nutrient loading that degrades water quality (Section 3.3.2) and can impact aquatic organisms (Section 4.3.4).

Targets for reducing atmospheric nitrogen inputs have been set for the Chesapeake Bay as a whole (Section 3.3.2.5), but not for component watersheds. Therefore, DOE's assessment of the potential impacts of Plant operations on nitrogen loading to area surface waters focuses on Chesapeake Bay. Because nitrogen inputs due to pre-shutdown operations of the Plant are implicitly included in current Bay nutrient budgets, the reduced levels of operations associated with pre-Order conditions and the Order contribute toward the Chesapeake Bay Program's 8-million-lb (3.6-million-kg) target for reduction in atmospheric inputs of nitrogen (Section 3.3.2.5). In all cases the estimated reductions in nitrogen loading are small when compared with the total nitrogen input to the Bay.

*Assumptions.* DOE estimates (Section 4.3.1.5) that the Plant emitted 2,800 tons (2,500 metric tons) of NO<sub>x</sub> per year under pre-shutdown operating conditions. In estimating the impacts of nitrogen emissions from the Plant on Chesapeake Bay water quality, DOE assumes that NO<sub>x</sub> has the same nitrogen content as an equivalent mass of NO<sub>2</sub>; the pre-shutdown NO<sub>x</sub> emission is the equivalent of about 1.7 million lb/yr (770,000 kg/yr) of nitrogen.

To estimate the impact of the Plant on Chesapeake Bay nitrogen loading, DOE assumed that 10% of the nitrogen released from the Plant reaches the Bay, primarily due to being deposited directly on water or on impervious urban surfaces, while all other nitrogen emitted from the Plant is either consumed in terrestrial or aquatic ecosystems or deposited outside the Bay watershed (e.g., on the open Atlantic Ocean). (See Section 3.3.2.5.)

The above assumption is believed to be realistic, based on the following reasoning. Assuming that electric power plants such as the Plant are responsible for 38% of the atmospheric contribution of nitrogen to the Bay (consistent with their contribution to regional NO<sub>x</sub> emissions, as discussed in Section 3.3.2.5), the total estimated electric-utility contribution to the Bay is about 35 million lb/yr (16 million kg/yr). The 170,000 lb/yr (77,000 kg/yr) of nitrogen estimated to reach the Bay as a result of Plant air emissions (10% of the total nitrogen emissions) are approximately 0.5% of this total electric-utility contribution. This 0.5% value is consistent with power-plant NO<sub>x</sub> emissions inventories reported by EPA (2006b), which indicate that during several months in early 2005 the Plant accounted for about 0.5% of electric utility NO<sub>x</sub> emissions in the seven-state region (i.e., Maryland, Virginia, Pennsylvania, New York, West Virginia, New Jersey, and Ohio) estimated to produce most of the air emissions that contribute nitrogen to the Bay.

*Pre-shutdown operations.* Based on the above assumptions and the Plant's estimated NO<sub>x</sub> emissions under pre-shutdown operating conditions, pre-shutdown Plant operations contributed about 170,000 lb (77,000 kg) of nitrogen to the Bay annually, or about 0.2% of the total annual nitrogen input to the Bay that is attributed to atmospheric sources (Section 3.3.2.5).

*Pre-Order operations.* Based on the estimate of NO<sub>x</sub> emissions presented in Section 4.3.1.5, pre-Order operations are estimated to emit nitrogen at an annual rate of about 470,000

lb/yr (220,000 kg/yr). For the 285-day duration of the Order (through October 1, 2006) operations at pre-Order levels would emit about 370,000 lb (170,000 kg) of nitrogen.

Assuming that 10% of the nitrogen from the Plant reaches the Bay, pre-Order operations, if extended for a full year, would contribute about 47,000 lb (22,000 kg) of nitrogen to the Bay annually. Compared with pre-shutdown operations, pre-Order operations would avoid an estimated 123,000 lb (55,000 kg) of annual nitrogen delivery to the Bay, thus potentially achieving about 1.5% of the Chesapeake Bay Program's targeted 8-million-lb (3.6-million-kg) reduction in atmospheric nitrogen input.

*Operations under the Order.* Based on the estimate of NO<sub>x</sub> emissions presented in Section 4.3.1.5, operations under the Order emit nitrogen at a rate of about 1.5 million lb/yr (670,000 kg/yr). For the 285-day duration of the Order (through October 1, 2006) operations under the Order emit 1.2 million lb (530,000 kg) of nitrogen, delivering nitrogen to the Bay at an estimated rate of 150,000 lb (67,000 kg) per year. If sustained for a full year this level of operations would avoid about 20,000 lb (10,000 kg) of pre-shutdown nitrogen delivery to the Bay annually and would achieve about 0.2% of the Chesapeake Bay Program's goal for annual atmospheric nitrogen reductions.

*Potential extension of the Order.* DOE's analysis assumes that Plant operations after October 1, 2006, including operations during the temporary extension of the Order through December 1, 2006, and any subsequent extension of the Order, would utilize coal and emit NO<sub>x</sub> at approximately the same rate as pre-shutdown operations, so there would be no reduction from pre-shutdown nitrogen delivery to the Bay and no contribution toward meeting the Chesapeake Bay Program's nitrogen-reduction goals.

**Acid deposition.** The Plant's air emissions of SO<sub>2</sub> and NO<sub>x</sub> (Section 4.3.1) contribute to regional acid deposition. However, under all operating conditions acid-deposition impacts to water quality of streams in nearby watersheds, including the Anacostia, Patuxent, and nearby portions of the Potomac watershed, would be negligible because these watersheds are well buffered against acid rain (Section 3.3.2.6).

*Pre-Order operations.* Air emissions of SO<sub>2</sub> and NO<sub>x</sub> under pre-Order conditions were about 28% of pre-shutdown emissions of these pollutants, proportionately reducing the Plant's contribution to regional acid deposition, relative to pre-shutdown operations.

*Operations under the Order.* Compared to pre-Order operations, operations under the Order increase the Plant's contribution to regional emissions of these air pollutants that produce acid deposition, but the Plant's contribution is smaller than under pre-shutdown operations. Over the 285-day duration of the Order, the Plant produced about 87% of the NO<sub>x</sub> emissions that would have occurred for the same duration of pre-shutdown operations, but roughly three times the emissions estimated for pre-Order operations. SO<sub>2</sub> emissions also increased relative to pre-Order operations, but the use of trona caused emission of less than 45% of the SO<sub>2</sub> that would have been emitted from pre-shutdown operations.

*Potential extension of the Order.* Operations under the Order after October 1, 2006, including during the temporary extension of the Order to December 1, 2006, and any extension

beyond that date, are conservatively estimated to emit NO<sub>x</sub> at the same annual rate as pre-shutdown operations, but use of trona is assumed to reduce SO<sub>2</sub> emissions by 50% compared with pre-shutdown operations. Thus, the Plant's overall contribution to regional acid deposition is smaller than under pre-shutdown operations.

#### 4.3.4 Ecological Resources

Operation of coal-fired power plants can impact ecological resources through air, water, or solid waste releases that can result in acid deposition, nutrient enrichment (see section 4.3.3.2), or changes in water quality or quantity of the receiving bodies (Dvorak et al. 1978, EPA 2006c).

##### 4.3.4.1 Acid deposition

Acid deposition can affect plant and animal species, both directly and indirectly (Schreiber 1995, Roth et al. 2005, EPA 2006a), but Plant emissions (discussed in Sections 3.3.2.6 and 4.3.3.2) are expected to have minimal impacts as described below.

**Aquatic impacts.** The ecological effects of acid rain are most clearly seen in aquatic environments (e.g., streams, lakes, marshes) located in watersheds where the soils have a limited buffering capacity (EPA 2006a). (See Section 3.3.2.6.) In areas where buffering capacity is low, acid rain can release aluminum, which is highly toxic to many species of aquatic organisms, from soil into lakes and streams. In general, lowering the pH of a water body can impair the ability of certain fish and other aquatic organisms to grow, reproduce, and survive.

Soils in the river and stream basins in the region where air emissions from the Plant are most likely to fall (e.g., Potomac, Anacostia, and Patuxent rivers; Rock Creek) are generally well buffered (CBWP-MANTA 2001, Roth et al. 2005, Shanks 2005; also see Sections 3.3.2.6 and 4.3.3.2). Mobilization of aluminum is, thus, unlikely to occur, and acid deposition will not greatly change the pH level of the streams. Therefore, acid deposition resulting from the DOE Order, including the temporary extension of the Order to December 1, 2006, and any extension beyond that date, would have minimal impacts on biological resources in regional waterways.

**Terrestrial impacts.** Increases in soil acidity can impair the ability of some species of trees to grow and resist disease, while dry deposition of acidic gases and particles can directly impact some terrestrial vegetation.

The effects of over 50 years of Plant operations are among the natural and human factors reflected in the existing ecological conditions near the Plant, as described in Section 3.4.1. Vegetation still actively grows nearby on Daingerfield Island and in the small wooded area next to the Plant (Figure 2-2). While the Order results in higher emissions of the air pollutants responsible for acid deposition than occurred during the pre-Order period (Sections 4.3.1 and 4.3.3.2), combined total estimates of emissions of these pollutants under the Order and any

extension of the Order, including the temporary extension, are still lower than during pre-shutdown operations, when vegetation was growing well near the Plant. Thus, the Order is unlikely to have negative impacts from acid deposition on vegetation or the wildlife that depends on it.

#### 4.3.4.2 Impact of water quality changes

**Nutrients.** One of the main causes of aquatic habitat loss in the Chesapeake Bay watershed as a whole (CBP undated) is elevated loading of two nutrients: nitrogen and phosphorus. (See Section 3.3.) To the extent that the DOE Order changes loading of these two nutrients to surface waters compared to the pre-Order or pre-shutdown operating periods, there could be effects on habitats in the river for fish and submerged aquatic vegetation (Section 3.4.2.6), but the Plant's impact on nutrient loading would be small relative to the total.

As discussed in Section 4.3.3.2, nitrogen compounds are emitted from the Plant and augment the nitrogen input to Chesapeake Bay and other waters in the region, thus, contributing to the nutrient loading that impacts aquatic organisms and their habitat. During the first six months of operations under the DOE Order, the Plant's contribution to the nitrogen in the Bay increased over the pre-Order value, but was still lower than under pre-shutdown operating conditions. Operations under daily predictive modeling are estimated to contribute a similar amount of nitrogen as pre-shutdown operations. In all cases changes in the Plant's contribution of atmospheric nitrogen to the Bay are small (as discussed in Section 4.3.3.2), when compared with the total nitrogen input to the Bay.

Reported phosphorus levels in Plant water effluent (Table 2.4-1) were lower than those in the intake water, suggesting that Plant water use may reduce the phosphorus load and, thus, benefit aquatic systems. If the Plant reduces phosphorus concentration in effluent by 0.016 mg/L (Table 2.4-1), effluent discharge at the pre-shutdown rate of almost 345 million gal/day (1.3 million m<sup>3</sup>/day) would remove about 48 kg/day of phosphorus. Reduced operating levels during pre-Order operations and the first six months of the DOE Order would have diminished the Plant's beneficial impact by removing proportionately less phosphorus than pre-shutdown operations or operations under daily predictive modeling. At any level of operations, however, any beneficial impact on phosphorus load resulting from Plant operations is small relative to the total daily input (from all sources) of phosphorus to the Potomac River, which has been estimated to be about 8,000 kg/day (Boynton and Swaney 1998), or the contribution of the nearby Blue Plains Wastewater Treatment Plant, which delivers 720 kg/day of phosphorus to the river when operating at its rated capacity of 370 million gal/day (1.4 million m<sup>3</sup>/day) and discharging effluent with the phosphorus concentration of 0.18 mg/L allowed by its NPDES permit (Table 3.3-1).

**Other contaminants.** As discussed in Section 4.3.3.1, changes under the Order in the amount of water used and discharged by the Plant could cause proportional, but small, changes



in concentrations of other pollutants removed from or returned to the Potomac River that are unlikely to result in impacts to organisms or their habitats in the Potomac River.

**Trona use.** Use of trona may change the landfill effluent discharged to Mataponi Creek by increasing pH and concentrations of sodium sulfate, sodium chloride, selenium, arsenic, and dissolved metals. (See Section 4.3.5.) Modest increases in pH that result from carbonate leaching could be beneficial to aquatic life in the creek due to buffering of acidity. Sulfate compounds are neither toxins nor nutrients; thus, increased concentrations of sodium sulfate would not be expected to impact the creek's aquatic life. Any increase in sodium chloride would likely be indistinguishable from background.

Release of arsenic and selenium could, however, have adverse impacts on aquatic biota and other wildlife that consume these organisms, depending upon the levels at which they occur in the effluent. As noted in Section 4.3.5, monitoring of collected landfill leachate and stormwater, as required under the existing discharge permit, should identify the potential for any problems from selenium before discharges occur. Arsenic levels are not, however, currently monitored prior to water discharge, so there is a potential for arsenic to be released to the creek at concentrations that could be harmful to aquatic life.

Selenium can enter the food web from both sediments and surface water (EPA 2006e). In the food web it undergoes bioconcentration, bioaccumulation, and biomagnification as organisms that first take it in are eaten by others. Elevated levels cause growth reduction in green algae. In other aquatic organisms a number of adverse effects have been observed including loss of equilibrium and other neurological disorders, liver damage, reproductive failure, reduced growth, reduced movement rate, chromosomal aberrations, reduced hemoglobin and increased white blood cell count, and necrosis of the ovaries.

Arsenic can cause cancer and genetic mutations in aquatic organisms, with those effects including behavioral impairments, growth reduction, appetite loss, and metabolic failure (EPA 2006e). Aquatic bottom feeders are more susceptible to arsenic than other organisms.

#### **4.3.4.3 Impacts of changes in water use**

Once-through cooling water systems such as used by the Plant can impact aquatic species by impingement (when aquatic organisms become trapped on the intake screens), entrainment (when aquatic organisms are taken in and pass through the cooling water intake system), or thermal changes (Jensen 1981). Impingement and entrainment are often roughly proportional to the volume of water withdrawn, as well as the numbers and species of aquatic organisms in the water body. At the Plant the numbers and species of fish, crabs, and other aquatic organisms that are susceptible to impingement or entrainment at any one time depends on the season of the year, annual fluctuations in relative abundance, and the impact of restoration activities in the Chesapeake Bay watershed. Overall, the effect on species or their habitats of water use and changes in water use by the Plant in different operation modes is expected to be small. The

Plant's thermal discharge is permitted and has been shown to not form a barrier to movement or cause lethality of aquatic organisms.

**Impingement.** Mirant studied impingement at the Plant during 1981-1982 and 2003-2004 (Pepco 1982; Personal communications between A. Wearmouth, Mirant Corporation, and M.S. Salk, Oak Ridge National Laboratory, July 24, and August 18, 2006). Rates of cooling water withdrawal at the Plant were similar for both study periods (i.e., pre-shutdown conditions). For 1981-1982 the estimated impingement was 206,379 finfish<sup>31</sup> and 56,600 blue crabs; for 2003-2004 the annual estimates were 19,392 finfish and no blue crabs. In the 1981-1982 study over 90% of the fish were impinged in the winter and spring. The main fish species impinged in both studies were species that were either not used commercially (e.g, gizzard shad) or were too small to be of commercial value (e.g, white perch). Some fish exhibited disease conditions or appeared stunted, indicating that they were in poor health.

Although the 2003-2004 study is likely more representative of the fish community that is currently susceptible to impingement by the Plant, the large differences in the results of the two studies illustrate the potential magnitude of annual variation in potential impacts, so results of both studies were used as a basis for assessing impacts of the Order.

Impingement is assumed to be proportional to water intake for the Plant. At pre-Order operating levels the Plant withdraws about 27% of the amount of water it used during the pre-shutdown period. (See Section 4.3.3.1.) Thus, impingement under pre-Order conditions is estimated to amount to about 5,200–55,000 fish per year, based on the levels observed during the two studies at the Plant.

Under the Order before the commencement of daily predictive modeling (i.e., between January and June 2006), monthly Plant water use ranged from 42 to 77% of monthly use in the pre-shutdown period, averaging about twice the use during the pre-Order period. Assuming that 90% of annual impingement occurs during the winter and spring months of January through June, impingement during this time period is estimated at approximately 9,400–99,000 fish. At the high end of the range the number of fish impinged under the Order on an annual basis is equivalent to about 3% of the estimated 4.9 million fish in the Potomac-Washington Metro Basin (Maryland DNR undated-b).

Following the commencement of daily predictive modeling in July 2006, the Plant is assumed to withdraw water at pre-shutdown levels, resulting in annual impingement rates within the range indicated by the two studies (i.e., about 19,000–206,000 fish per year). However, because the 1981-1982 study indicated that less than 10% of annual impingement occurs during the summer months, operations under the Order during the period July through September 2006 are estimated to have impinged fewer than 1,900–21,000 fish. The temporary extension of the Order to December 1, 2006, and any extension beyond that date would result in cooling water

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<sup>31</sup> The number of fish impinged is for the 56-week duration of the study. Thus, the annual rates would be slightly less.

withdrawal rates and annual impingement rates similar to pre-shutdown conditions (i.e., about 19,000–206,000 fish per year).

Not all impinged fish are killed; new intake screens, particularly the one with the fish buckets (Section 2.2), should lower impingement mortality. Fish or other organisms impinged on the water intake screens are washed off the screens and returned to the river on the south side of the cove area next to the Plant, south of the water intake area. (See Figure 2.1-1.)

Little impact is expected to the blue crab population as studies have indicated that initial and latent mortality from impingement is less than 10% (Pepco 1982). Also, blue crabs are found near the Plant only in years when the river is particularly salty (Personal communication between A. Wearmouth, Mirant Corporation, and M.S. Salk, Oak Ridge National Laboratory, August 17, 2006). A difference in the salt level in the river between the two impingement studies is the likely explanation for the difference in the observed number of impinged crabs.

**Entrainment.** Mirant studied entrainment of fish eggs and larvae at the Plant in 1981 and 2005. Preliminary results from the 2005 study are similar to those from the 1981 study reported below (Pepco 1983; Personal communication between A. Wearmouth, Mirant Corporation, and M.S. Salk, Oak Ridge National Laboratory, August 25, 2006).

Only organisms small enough to pass through the screens on the water intakes are drawn into the Plant where they are subjected to heat, fluid, and mechanical stresses (Cada et al. 1981). Entrainment of fish eggs and larvae is mainly an issue in the period during and soon after fish spawning, from early spring through mid-summer.

During the 1981 study, eggs and larvae of anadromous species (i.e., white perch and herring) were 99% of the total number entrained. Freshwater species (e.g., minnows [fish in the Cyprinidae family], tessellated darter [*Etheostoma olmstedi*]) were entrained in very low numbers, less than 1% of the total.

The major spawning area for both white perch and herring is about 9 miles (14 km) above the Plant at Little Falls. As they mature, the larvae float downriver, past the Plant, mostly in a dredged channel well offshore. The Plant draws cooling water primarily from shallow water near shore, which results in relatively low entrainment rates. Significant spawning of white perch and herrings also occurs in other portions of the Potomac River and its tributaries. Thus, while some fish spawn in the Washington, D.C. portion of the Potomac River, spawning there represents a small portion of the spawning of the Potomac River population. The best estimate of the percent entrainment varied from 1.6% for white perch yolk-sac larvae (an early larval stage) to 8.7% for herring larvae after yolk absorption (Pepco 1983).

*Pre-Order operations.* There would have been no entrainment of fish eggs and larvae during pre-Order conditions in December 2005 because of the absence of these organisms from the Potomac River at that time. On an annual basis, assuming that entrainment is proportional to water intake, pre-Order conditions would result in entrainment at about 27% of pre-shutdown rates.

*Operations under the Order.* Under the Order before the commencement of daily predictive modeling (i.e., during January through June 2006) entrainment is estimated to have

occurred at approximately twice the calculated pre-Order rates, but substantially less than pre-shutdown levels (about 55% of pre-shutdown rates). Following commencement of daily predictive modeling in July 2006, entrainment is estimated to have been similar to pre-shutdown conditions for the summer season (owing to similar cooling water withdrawal rates). The temporary extension of the Order to December 1, 2006, and any extension beyond that date would be expected to result in entrainment rates similar to those that occurred during the pre-shutdown time period.

Since entrainment was not a major issue when the Plant was operating at the pre-shutdown level before August 2005, entrainment resulting from operations under the Order or any extension of the Order would not have a major impact on fish populations.

**Temperature changes.** The Plant's NPDES permit (Section 2.4.2) limits temperature rise in the Potomac River from water discharge to 2.8°C above ambient temperature beyond a 1,000-ft (300-m) radius in order to prevent formation of a barrier to movement of aquatic life or lethality to passing organisms. Based on a 2001 study (Mirant 2002), the thermal plume from the Plant does not form a barrier to movements of aquatic life or cause lethality to passing organisms. The main path for movement of aquatic organisms is the river channel, which is unaffected by the warm water plume from the Plant (Mirant 2002). Thus, no blockage to aquatic life movement is expected from the thermal plume under any assessed operating conditions.

If pre-Order operating conditions continued throughout the year, slightly lower summer water temperatures would result. This could slightly reduce the potential for nuisance algal blooms (Section 3.4.2). Similar, but smaller, benefits could be expected in 2006 because Plant operations under the Order before the commencement of daily predictive modeling resulted in thermal input levels intermediate between pre-Order and pre-shutdown operations (Section 4.3.3.1). Following commencement of daily predictive modeling in July 2006 and throughout any extensions of the Order, however, thermal input to the river is assumed to be similar to pre-shutdown conditions.

If there were a sudden shutdown of the Plant during the winter under any operating conditions, fish that were acclimated to the warm discharge might suffer cold shock when they lose the warm water habitat.

#### **4.3.4.4 Special status species**

The NPDES permit stated that the Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS), the agencies responsible for implementing the Federal Endangered Species Act (ESA), had indicated that the Plant's wastewater discharges were not adversely affecting the three Federally listed species mentioned in the permit. (See Section 3.4.2.)

During consultation with Mirant before the start of sampling for an entrainment study, FWS concluded that taking of eggs of the shortnose sturgeon, an endangered species, in the sampling process was not an issue as there was no possibility of finding them (Personal

communication between A. Wearmouth, Mirant Corporation, and E.D. Smith, Oak Ridge National Laboratory, July 14, 2006).

While bald eagles are occasionally seen near the Plant, the site provides no suitable nesting habitat for them (Personal communications between A. Wearmouth and D. Knight, Mirant Corporation, and M.S. Salk, Oak Ridge National Laboratory, July 24, and 25, 2006, respectively).

The Plant site does not provide any suitable habitat for any of the other special status species (i.e., the Hay's Spring amphipod, the Federal species of concern, and the Virginia state-listed species) discussed in Section 3.4.2. There have been no reported adverse impacts to any of these species due to the Plant while operating at the pre-shutdown level before August 24, 2005. Since Plant operating levels under the DOE Order are no higher than they were under pre-shutdown conditions, adverse impacts to any of the special status species would not be expected.

In order to comply with Section 7 of the ESA, DOE sent letters to FWS and NMFS as part of informal consultation. (See Chapter 6 and Appendix D.) The NMFS by letter dated October 3, 2006, concurred with DOE's determination that continued operation of the Plant under the Orders is not likely to adversely affect any listed species. The FWS by letter dated November 20, 2006, stated that only occasional transient individuals of Federally listed endangered or threatened species are known to exist within the project impact area. Both agencies concluded that no further consultation under Section 7 of the ESA is required.

#### **4.3.5 Waste Management**

Potential waste management impacts from the Order include (1) impacts to landfill capacity resulting from changes in the quantity of waste generated and (2) changes in environmental impacts of waste management resulting from changes in solid waste characteristics. Impacts related to solid waste transportation are discussed in Section 4.3.6.

##### **4.3.5.1 Impacts on landfill capacity**

**Assumptions.** In estimating the impacts of operations under the Order on remaining waste capacity in the Mirant Brandywine ash landfill used for disposal of fly ash from the Plant (Section 3.5), DOE made the following assumptions, derived from GB&B Inc. (2005):

- remaining disposal capacity at the beginning of 2005 was 2.07 million yd<sup>3</sup> (1.58 million m<sup>3</sup>);
- ash placed in the landfill has an in-place density of 1.1 ton per yd<sup>3</sup> (760 kg per m<sup>3</sup>); and
- throughout the period of analysis the Chalk Point Generating Plant would generate 206,000 tons (187,000 metric tons) of ash per year, of which 15% would be recycled and 85% would be placed in the Brandywine landfill.

*Data and assumptions for pre-shutdown operations.* Mirant's records indicate that the Plant sent 113,865 tons (103,297 metric tons) of ash to the landfill during the period January

through August 2005, prior to the events and actions addressed in this SEA (Personal communication between D. Cramer, Mirant Corporation, and L.N. McCold, Oak Ridge National Laboratory, July 7, 2006). This corresponds to an annual ash generation rate of 170,000 tons (150,000 metric tons) per year, which is somewhat higher than the rate (136,000 tons [124,000 metric tons] per year) used in the GB&B Inc. (2005) analysis.

*Assumptions for pre-Order operations.* Making the conservative assumption that, on average, pre-Order operations of the Plant during the last three months of 2005 generated fly ash at 20% of the rate recorded for the first eight months of the year, DOE estimated that under pre-Order operating conditions the plant would generate fly ash at a rate of 34,000 tons (31,000 metric tons) per year. (To simplify the assessment of waste management impacts, DOE assumed that under pre-Order operating conditions trona use did not affect the rate of ash generation. This assumption is conservative, in that it minimizes the estimated impacts of pre-Order operations, thus increasing the contrast between the impacts of pre-Order operations and operations under the Order.)

*Data and assumptions for operations under the Order.* Mirant's records indicate that the Plant sent 28,399 tons (25,763 metric tons) of ash to the Brandywine landfill during the 3-month period March through May 2006 (Personal communication between D. Cramer, Mirant Corporation, and L.N. McCold, Oak Ridge National Laboratory, July 7, 2006). In estimating the impacts of operations under the Order on landfill capacity, DOE assumed that fly ash was generated at the same average rate from February 2006 until the beginning of June, when the Plant began operating under the ACO. From that time forward the analysis conservatively assumes that under the Order the Plant operates, on average, at pre-shutdown levels, including the temporary extension of the Order to December 1, 2006, and any extension beyond that date.

**Impacts.** Using the data and assumptions summarized above, DOE estimated total Brandywine landfill waste disposal (from both power plants) during 2005 (prior to the Order) at 269,000 yd<sup>3</sup> (206,000 m<sup>3</sup>), which is somewhat less than the historical annual disposal rate of 278,000 yd<sup>3</sup> (213,000 m<sup>3</sup>) used in the GB&B Inc. (2005) analysis. This value then became the starting point for analysis of the effect of several different Plant operating modes on the remaining capacity and operating life of the landfill, summarized in Table 4.3.5-1.

*Pre-shutdown operations.* The 2005 analysis by GB&B Inc. projected that with continued operations at then-current (i.e., pre-shutdown) operating levels, the Brandywine ash landfill would be able to continue receiving ash from the Plant and Mirant's Chalk Point Generating Plant until the middle of 2012.

*Pre-Order operations.* Table 4.3.5-1 indicates that under pre-Order operating conditions, beginning with the date of the Order and continuing indefinitely, the landfill would be able to receive waste from both power plants for approximately the next 9 years, through the middle of 2015.

*Operations under the Order and any extension.* To indicate the potential range of impacts from operations under the Order and any extension (including the temporary extension through December 1, 2006), Table 4.3.5-1 presents estimates of disposed waste volume and remaining

**Table 4.3.5-1. Impact of Plant operations on remaining operating life of the Brandywine ash landfill**

Plant operating mode <sup>a</sup>	Disposal rate for Plant fly ash (yd <sup>3</sup> /year) <sup>b</sup>	Estimated full-capacity date for landfill
Pre-shutdown operations <sup>c</sup>	119,000	mid-2012
Plant operates at pre-Order level <sup>d</sup>	31,000	mid-2015
Plant operates in accordance with the Order, without trona injection <sup>e</sup>	varies <sup>e</sup>	late 2011
Plant operates in accordance with the Order (as above), with trona injection <sup>f</sup>	310,000 <sup>f</sup>	early 2010

<sup>a</sup> Mirant's Chalk Point Generating Plant is assumed to operate under all scenarios, generating 159,000 yd<sup>3</sup> of in-place waste annually. If Chalk Point Generating Plant operated and the Mirant Potomac Plant did not, the estimated full-capacity date for the landfill would be the end of 2017 (GB&B 2005).

<sup>b</sup> To obtain the approximate equivalent numerical value in tons/year, multiply by 1.1.

<sup>c</sup> These values are from GB&B Inc. (2005).

<sup>d</sup> Pre-Order level of operations is conservatively estimated to be equivalent to approximately 20% of pre-shutdown operations.

<sup>e</sup> Due to line outage conditions in January 2006, operations in accordance with the Order during that month are assumed to have resulted in waste disposal at the pre-shutdown rate. Operations during February through May are assumed to have resulted in waste disposal at the annual rate of 103,000 yd<sup>3</sup>/year recorded during March through May (Personal communication between D. Cramer, Mirant Corporation, and L.N. McCold, Oak Ridge National Laboratory, July 7, 2006). Beginning in June 2006, the Plant is assumed to operate at the pre-August 2005 level, without trona injection, resulting in waste disposal at annual rate of 155,000 yd<sup>3</sup>/year.

<sup>f</sup> Beginning in June 2006, trona injection is assumed to double the quantity of waste requiring disposal.

landfill life for two different assumptions: (1) the Plant operates at pre-shutdown levels, but with no use of trona, after the beginning of June 2006 (since trona is used in operations under the Order, this assumption results in a lower-bound estimate of potential impacts from the Order) and (2) the Plant operates at pre-shutdown levels beginning in June 2006 and trona is injected at a rate which doubles the pre-shutdown rate of solids generation. Trona injection in the Plant can substantially increase ash production; at injection rates necessary to achieve maximum SO<sub>2</sub> removal, trona injection could double or triple the quantity of fly ash waste generated by the Plant (Mirant 2006c). Because trona injection is done only part of the time that the Plant operates and Mirant records of fly ash generation during the period March through May 2006 (Personal communication between D. Cramer, Mirant Corporation, and L.N. McCold, Oak Ridge National Laboratory, July 7, 2006) indicate that trona use during that period increased fly ash production by approximately 50% over the quantity expected based on coal utilization during the same period, the assumption that trona use doubles the rate of fly ash generation is expected to provide an upper bound on the potential impacts of trona use on landfill capacity. DOE's estimates of the potential impact of the Order on landfill operating life (Table 4.3.5-1) assume that operations

continue indefinitely at pre-shutdown levels, instead of ending when the Order or any extension to the Order expires.

The table indicates that with the level of Plant operations estimated under the Order, but without trona use after June 2006, the landfill's operating life would be about one-half year shorter than projected by GB&B (2005) for pre-shutdown conditions, but about 3.5 years shorter than under pre-Order operations. (Note that this analysis assumes that the ash-generation rate reported in the first 8 months of 2005 would continue, rather than the lower rate assumed by GB&B.) Use of trona would cut almost two additional years off the Brandywine landfill's life expectancy, causing it to reach capacity in a little more than three years.

The assumptions of this analysis are conservative, but the limited landfill life that is estimated to remain if trona injection continues at a high rate may not provide sufficient lead time for siting a new ash landfill. If the Brandywine landfill were to reach capacity before a new ash landfill were sited, Mirant could ship fly ash to a commercial sanitary landfill until a new landfill became available.

Because commercial landfill capacity in the region is very limited (Metropolitan Washington Council of Governments 2001, VDEQ 2002, Harrison 2004, MDOE 2005), ash might need to be transported long distances if it is required to be sent to a commercial landfill licensed for municipal solid waste. Several large privately owned Virginia landfills receive municipal solid waste from outside the local area (Metropolitan Washington Council of Governments 2001). The nearest of these landfills is in King George County, about 60 miles (100 km) by road from the Plant; others are in the Richmond area, more than 100 miles (160 km) from the Plant. If the state regulatory agency allows coal combustion ash disposal in landfills permitted for disposal of construction and demolition debris (in Maryland, these are called "rubble landfills" or "rubblefills"), there are private landfills closer to the Plant (in Lorton, Virginia, and in Prince George's and Baltimore counties in Maryland) that possibly could be used. It has been estimated that the Lorton landfill will reach capacity before 2011 (Harrison 2004), but the state of Maryland has received applications to site several additional commercial rubble landfills (MDOE 2005), giving some assurance that the region will continue to have disposal capacity for construction and demolition waste.

#### **4.3.5.2 Effects of trona use on the environmental consequences of waste management**

In addition to increasing the volume of solid waste requiring management, operation of the Plant with trona injection alters the chemistry and physical properties of the fly ash waste, potentially changing the environmental consequences of its management. (Quantities and characteristics of the Plant's bottom ash are not affected by the use of trona.)

**Chemical characteristics of Plant fly ash.** Reaction of trona (sodium sesquicarbonate;  $\text{Na}_2\text{CO}_3 \cdot \text{NaHCO}_3 \cdot 2\text{H}_2\text{O}$ ) with  $\text{SO}_2$  in the exhaust gas results in the formation of solid sodium sulfate compounds (assumed to be  $\text{Na}_2\text{SO}_4$ ), along with the release of gaseous  $\text{CO}_2$ . The resulting



sodium sulfate is incorporated into the fly ash captured in the Plant's precipitators, together with mineral ash derived from coal combustion and unreacted trona (which is assumed to be dehydrated in the exhaust gas stream, forming sodium carbonate). Because the trona feed rate is typically several times larger than the feed rate calculated to be necessary to react chemically with SO<sub>2</sub> in the air emissions, the fly ash captured in the precipitators contains several times more sodium carbonate than trona reaction products. Although trona use enhances particulate capture in precipitators (Mirant 2006c), thus adding to the volume of fly ash, the increase in Plant fly ash volume that results from trona injection is due almost entirely to incorporation of trona residue into the fly ash. The trona-ash waste stream also can be assumed to include minor amounts of (1) any trace elements found in the raw trona and (2) compounds formed when other gases in Plant emissions react with trona.

Table 4.3.5-2 presents results of chemical analyses of four samples of ash produced in October and November 2005, including two samples produced during Plant operations without trona injection and two samples produced during trona injection. Comparison of the two pairs of analyses illustrates that trona use converts the Plant's fly ash from a largely insoluble mineral ash (oxide percentages of silica and alumina total 84-86% in the pair of samples produced during operations without trona injection) into a mixture of mineral ash and water-soluble carbonates and salts (the high values for sodium and alkalinity in the second pair of samples in Table 4.3.5-2 identify the sodium carbonate component of the ashes produced during trona injection). Trona use increases ash pH (which already is high, indicating an alkaline material) but also greatly increases alkalinity, which is a quantitative measure of the amount of material available to react with acid. Sulfate, which is a very minor component of ash produced without trona injection (first pair of analyses), is a significant fraction of the ash produced with trona (second pair of analyses). With trona use measurements of loss on ignition (a test used to indicate the level of unburned carbon in a sample) increased from 5% and 12% to values of 20% and higher. Trona addition should not affect the amount of unburned carbon in fly ash, so the increased measured values of loss on ignition probably are attributable to volatilization of trona-related constituents. Chloride was not measured, but it is likely that some sodium chloride is included in the ash due to chemical reaction of trona with the small amounts of chlorine present in Plant emissions.

Selenium concentrations are increased approximately 10-fold in the ash produced when trona is used (second pair of selenium in Table 4.3.5-2) compared with ash produced by Plant operations without trona use (first pair of selenium results in Table 4.3.5-2). The source of the increased selenium in the trona ash has not been determined, but it is likely that selenium (a trace constituent in coal that can volatilize during coal combustion) in Plant exhaust gas reacts with sodium carbonate or trona and is incorporated into the fly ash as solid sodium selenate, Na<sub>2</sub>SeO<sub>3</sub>. This chemical reaction is used industrially when sodium carbonate (often referred to as "soda ash") is used in the commercial production of selenium metal to isolate selenium from various other compounds and convert it to the sodium selenate form (WebElements 2006). Although selenium might also be present as an impurity in the natural trona used in the Plant, it is not mentioned in published reports about this material (Dyni 1991, 1996).

**Table 4.3.5-2. Concentrations of major constituents and trace elements in samples of Plant fly ash resulting from operations with and without trona injection.**

Parameter (units)	Ashes produced without trona injection		Ashes produced during high-rate trona injection	
	Load following	Baseline	Low load	Full load
Silica (%)	56.4	59.3	33.2	38.6
Alumina (%)	27.4	26.6	15.4	17.5
Titania (%)	1.4	1.3	0.7	0.9
Iron (as % FeO)	5.6	5.3	3.1	3.4
Calcium (as % CaO)	1.4	1.3	0.8	1.1
Magnesium (as % MgO)	1.4	1.3	0.8	1.1
Potassium (as % KO)	3	2.5	1.3	1.7
Sodium (as % Na <sub>2</sub> O)	0.34	0.32	39.2	28.3
Sulfate (as % SO <sub>3</sub> )	0.22	0.17	3.4	5.7
pH (pH units)	10.2	10.2	11.1	11.0
Alkalinity (% CaCO <sub>3</sub> equivalent)	0.55	0.55	39.21	32.4
Lead (mg/kg)	15	15	8.7	10
Arsenic (mg/kg)	47	39	31	26
Barium (mg/kg)	680	660	310	360
Cadmium (mg/kg)	0.29	0.39	0.2	0.28
Chromium (mg/kg)	13	19	7.7	13
Selenium (mg/kg)	1.1	ND <sup>a</sup>	15	11

<sup>a</sup>ND = Not detectable

Source: Mirant (Personal communication between A. Wearmouth, Mirant Corporation, and E.D. Smith, Oak Ridge National Laboratory, July 21, 2006)

Measured concentrations of lead, arsenic, barium, and chromium are lower in ash produced during trona operations, probably indicating a dilution effect from the addition of trona components to the mineral ash. Cadmium concentrations are similar in both types of ash. Mercury and silver concentrations are not presented in Table 4.3.5-2 because these metals were below detection limits in all samples.

The ash samples were tested for leachability using the Toxicity Characteristic Leaching Procedure (TCLP) (Personal communication between A. Wearmouth, Mirant Corporation, and E.D. Smith, Oak Ridge National Laboratory, July 21, 2006). The TCLP simulates leaching in the acidic environment of a municipal solid waste landfill and is one of the tests specified under the Resource Conservation and Recovery Act (RCRA) for determining whether a solid waste is a hazardous waste. TCLP extracts were analyzed for lead, silver, arsenic, barium, cadmium,

chromium, selenium, and mercury. These test results do not affect the regulatory status of Plant ash because ash from the combustion of coal, including flue gas emission control waste (such as the trona component of Plant fly ash), is exempt from RCRA regulation as a hazardous waste (40 CFR 261.4).

Barium was the only metal detected in TCLP leachates from the two ash samples produced without trona injection, with concentrations of 0.28 and 0.43 mg/L. Leachates from the two ash samples obtained during trona use had somewhat higher concentrations of barium (0.63 and 0.93 mg/L), but all barium concentrations were below the primary drinking water standard of 1 mg/L, as well as the 100 mg/L threshold for identifying a waste material as a RCRA hazardous waste.

TCLP leachates from both of the ash samples produced during trona injection also contained detectable levels of arsenic and selenium. The measured arsenic concentrations of 1.4 and 1.1 mg/L exceed the primary drinking water standard of 0.05 mg/L, but not the 5 mg/L threshold for identifying a waste material as a hazardous waste. Measured selenium concentrations of 1.1 and 0.77 mg/L also exceed the primary drinking water standard, which is 0.01 mg/L, and the higher measurement exceeds the 1 mg/L threshold for identifying a waste material as a hazardous waste. (As discussed above, however, Plant ash is exempt from RCRA regulation as a hazardous waste.) Sodium selenate (the form in which selenium is likely to be present) is soluble in water, and the presence of sulfate is likely to increase the solubility of both arsenic and selenium.

**Implications for waste management operations.** Although ash produced during trona injection has reduced pozzolanic activity (Section 2.4.3), it still has significant pozzolanic properties that facilitate its management. Mirant personnel report that trona use does not adversely affect ash workability or its physical stability after placement in the Brandywine ash landfill (Personal communication between D. Cramer, Mirant Corporation, and E.D. Smith, Oak Ridge National Laboratory, July 12, 2006). Thus, there should be no adverse consequences for the emission of windblown dust or for successful stabilization and closure of completed portions of the landfill. Ash produced during trona injection has, however, been observed to be more corrosive than other ash wastes handled at the Brandywine ash landfill (presumably due to the sulfate component), increasing the need for equipment maintenance and possibly accelerating the need for equipment replacement (Personal communication between A. Wearmouth and D. Cramer, Mirant Corporation, and E.D. Smith, Oak Ridge National Laboratory, July 14, 2006).

Fly ash generated during trona use has pozzolanic activity that is too low for most structural uses (TFHRC undated) and contains substantial amounts of sulfate and other soluble constituents that would reduce its suitability for construction use. Therefore, it is unlikely that any Plant fly ash generated during trona use can be beneficially used as a construction material. However, Mirant might be able to find other beneficial uses for this material. For example, due to its high alkalinity, the ash generated during trona production might be a suitable fill material in settings where alkaline material is needed to neutralize acids, such as in waste-site restoration or coal mine reclamation.

**Implications for impacts of the Brandywine ash landfill.** Leaching of the fly ash produced during trona injection would increase the release of dissolved solids into the landfill leachate that eventually is discharged to Mataponi Creek.

Sodium sulfate, sodium carbonate, and sodium chloride, which are major chemical constituents of the ash produced during trona injection (see discussion above), are all soluble and could be readily released into the leachate. Leachate pH is likely to be higher due to the presence of large amounts of carbonate.

The TCLP test results indicate a potential for the waste produced during trona injection to release the trace constituents selenium and arsenic. The presence of soluble sulfate and carbonate in leachate might increase the solubility and mobility of these or other trace constituents in the fly ash. Because the TCLP test protocol uses acidic leaching conditions, the TCLP test results may not be good predictors of the potential for selenium and arsenic to leach in the alkaline conditions found in the fly ash landfill. Leach testing using “synthetic precipitation” or “synthetic groundwater” would be more reliable than the TCLP for predicting contaminant mobility in the environment of a fly ash landfill.

Modest increases in effluent pH could be beneficial due to buffering of acidity, but there is a possibility of generating a leachate with a pH higher than permitted for discharge. Release of arsenic and selenium to Mataponi Creek could result in adverse impacts to aquatic biota and other wildlife that consume these organisms (Section 4.3.4).

Increases in release of other dissolved solids are not expected to adversely affect creek water quality. Increased concentrations of sodium sulfate would not be expected to affect the creek’s suitability for aquatic life, since sulfate compounds are neither toxins nor nutrients. Any increase in sodium chloride would likely be indistinguishable from background.

If landfill leachate or storm water had unacceptably high levels of pH, selenium, lead, iron, copper, or zinc, the monitoring required under the existing discharge permit for the landfill (Section 3.5) should identify the presence of these contaminants before the water was discharged, thus providing an opportunity to make arrangements to treat the water before discharges occur. Current discharge monitoring does not, however, provide for detection of arsenic, so surface water releases of arsenic could go undetected.

Similarly, the current groundwater monitoring program (Section 3.5) should provide for detection of unacceptably high levels of pH, chloride, sulfate, and several dissolved metals before any substantial migration occurred. However, groundwater is not monitored for either arsenic or selenium, so groundwater releases of these substances could go undetected. Because shallow groundwater in hydrologic settings similar to the landfill site flows primarily to nearby streams, any adverse impacts from undetected groundwater releases of selenium or arsenic would be experienced in Mataponi Creek and its tributaries.

#### **4.3.6 Transportation Resources**

The primary impacts to transportation associated with Plant operations are increases in rail and road traffic due to trains and trucks traveling to and from the Plant.

Impacts from traffic increases due to Plant operations are considered in the context of existing traffic conditions. Other ongoing and future actions in the area that generate traffic or affect the capacity of transportation facilities also contribute to cumulative transportation impacts, including increased traffic and noise. Actions that could combine with Plant operations to create cumulative impacts include the 13 background developments that have been identified (Baxter 2006) as increasing automobile and truck traffic in the vicinity of the Brandywine landfill facility and contributing to the exacerbation of existing road traffic problems, especially on Maryland Route 381. (See Section 3.6.2.) The Woodrow Wilson Bridge Project (Section 3.6.2) is the only highway construction and maintenance project in the Virginia or Maryland Department of Transportation databases (VDOT 2006, MDOT 2006) that is likely to contribute to the cumulative impacts of Plant operations. Truck traffic from the Plant that crosses the bridge going to and from the Brandywine facility would combine with the increased traffic, delays, and noise generated by the Woodrow Wilson Bridge Project to contribute to cumulative impacts on transportation.

The following sections discuss transportation impacts for each of the Plant operating scenarios.

#### **4.3.6.1 Pre-shutdown operations**

**Rail.** Under pre-shutdown operations the Plant used about 2,280 tons (2,052 metric tons) of coal per day. Assuming the use of 100-ton (91-metric ton) rail cars, the Plant required about 23 rail car loads of coal per day. This demand could be met with five coal deliveries to the Plant each week using a 40-car train. Because the Plant has its own rail spur and train yard, five 40-car trains per week did not have major impacts on rail traffic or service on the CSX, Inc. main line.

Also, pre-shutdown operations did not have a major impact in terms of wait times for vehicular traffic at the on-grade rail crossing on the George Washington Parkway. Typical daytime rail operations (20-car trains) stopped traffic on the Parkway for ten periods of about 2 minutes each week, while typical nighttime operations (40-car trains) stopped traffic on the Parkway for five periods of about 4 minutes each week (Personal communication between D. Cramer, Mirant Corporation, and L.N. McCold, Oak Ridge National Laboratory, July 7, 2006).

**Road.** Under pre-shutdown operations the Plant generated about 470 tons (430 metric tons) of ash per day. Assuming the use of 24-ton (22-metric ton) dump trucks, ash removal required about 28 round trips each weekday from the Plant to the Brandywine facility. These trips had a minor impact in terms of traffic on the local streets used to access the Plant, as the streets have relatively little traffic and operate at a level-of-service at or near "A" (Personal communication between B. Garbacz, Transportation Engineer, City of Alexandria, Virginia, and J.W. Saulsbury, Oak Ridge National Laboratory, May 26, 2006). Similarly, the 28 truck trips attributable to pre-shutdown Plant operations were not a major part of the traffic volume on the major roads between Henry Street and Maryland Route 381 (Table 3.6-1). However,

pre-shutdown operations did contribute to the existing traffic problems on Maryland Route 381 (see Section 3.6.2).

#### **4.3.6.2 Pre-Order operations**

**Rail.** Under pre-Order operations the Plant used about 540 tons (490 metric tons) of coal per day. Assuming the use of 100-ton (91-metric ton) rail cars, the Plant required about 5.5 rail car loads of coal per day. This total demand could be met with one coal delivery to the Plant each week using a 40-car train. Because the Plant has its own rail spur and train yard, one 40-car train per week did not have major impacts on rail traffic or service on the CSX, Inc. main line.

Also, pre-Order operations did not have a major impact in terms of wait times for vehicular traffic at the on-grade rail crossing on the George Washington Parkway. Typical daytime rail operations (20-car trains) stopped traffic on the Parkway for two periods of about 2 minutes each week, while typical nighttime operations (40-car trains) stopped traffic on the Parkway for one period of about 4 minutes each week (Personal communication between D. Cramer, Mirant Corporation, and L.N. McCold, Oak Ridge National Laboratory, July 7, 2006).

**Road.** Under pre-Order operations, the Plant is estimated to have generated about 95 tons (86 metric tons) of ash per day. Assuming the use of 24-ton (22-metric ton) dump trucks, ash removal required about five or six round trips each weekday from the Plant to the Brandywine facility. These trips had a negligible impact in terms of traffic on the local streets used to access the Plant, since the streets have relatively little traffic and operate at an level-of-service at or near “A” (Personal communication between B. Garbacz, Transportation Engineer, City of Alexandria, Virginia, and J.W. Saulsbury, Oak Ridge National Laboratory, May 26, 2006). Similarly, the addition of five or six truck trips to the existing traffic volume on the major roads between Henry Street and Maryland Route 381 (Table 3.6-1) represented only a small impact. However, pre-Order operations did contribute to a small extent to the existing traffic problems on Maryland Route 381. (See Section 3.6.2.)

#### **4.3.6.3 Operations under the DOE Order, temporary extension, and potential additional extensions**

**Rail.** Under the Order before the commencement of daily predictive modeling (between December 20, 2005, and June 30, 2006), the Plant is assumed to have used an average of about 1,990 tons (1810 metric tons) of coal per day. Assuming the use of 100-ton (91-metric ton) rail cars, the Plant required about 20 rail car loads of coal per day. In addition, the use of trona required delivery by two rail cars per day. This total demand (about 22 rail cars per day) could be met with four coal/trona deliveries to the Plant each week using a 40-car train. Because the Plant has its own rail spur and train yard, two 40-car trains per week did not have major impacts on rail traffic or service on the CSX, Inc. main line.

Also, operations between December 20, 2005, and June 30, 2006, did not have a major impact in terms of wait times for vehicular traffic at the on-grade rail crossing on the George Washington Parkway. Typical daytime rail operations (20-car trains) stopped traffic on the Parkway for eight periods of about 2 minutes each day, while typical nighttime operations (40-car trains) stopped traffic on the Parkway for four periods of about 4 minutes each night (Personal communication between D. Cramer, Mirant Corporation, and L.N. McCold, Oak Ridge National Laboratory, July 7, 2006).

Following commencement of daily predictive modeling (on July 1, 2006), including the temporary extension of the Order to December 1, 2006, and any extension beyond that date, the Plant is assumed to operate at a level similar to pre-shutdown operations, but with the addition of trona. Thus, the Plant uses an average of about 2,280 tons (2,050 metric tons) of coal per day. Assuming the use of 100-ton (91-metric ton) rail cars, the Plant requires about 23 rail car loads of coal per day. In addition, the use of trona requires delivery by two rail cars per day. This total demand (about 25 rail cars per day) could be met with five coal/trona deliveries to the Plant each week using a 40-car train. Because the Plant has its own rail spur and train yard, five 40-car trains per week do not have major impacts on rail traffic or service on the CSX, Inc. main line.

Also, following commencement of daily predictive modeling, the Plant is assumed to not have a major impact in terms of wait times for vehicular traffic at the on-grade rail crossing on the George Washington Parkway. Typical daytime rail operations (20-car trains) stop traffic on the Parkway for ten periods of about 2 minutes each week, while typical nighttime operations (40-car trains) stop traffic on the Parkway for five periods of about 4 minutes each week (Personal communication between D. Cramer, Mirant Corporation, and L.N. McCold, Oak Ridge National Laboratory, July 7, 2006).

**Road.** Under the Order before the commencement of daily predictive modeling (between December 20, 2005, and June 30, 2006), the Plant is estimated to have generated about 16 to 28 round trips each weekday (using 24-ton trucks) transporting ash from the Plant to the Brandywine facility. These trips had a negligible impact in terms of traffic on the local streets used to access the Plant, as the streets have relatively little traffic and operate at a level-of-service at or near “A” (Personal communication between B. Garbacz, Transportation Engineer, City of Alexandria, Virginia, and J.W. Saulsbury, Oak Ridge National Laboratory, May 26, 2006). Similarly, the addition of 16 to 28 truck trips to the existing traffic volume on the major roads between Henry Street and Maryland Route 381 (Table 3.6-1) represented only a small impact. However, the increase in traffic associated with operations between December 20, 2005, and June 30, 2006, contributed to the existing traffic problems on Maryland Route 381. (See the discussion in Section 3.6.2.)

Following commencement of daily predictive modeling (on July 1, 2006), including the temporary extension of the Order to December 1, 2006, and any extension beyond that date, the Plant is assumed to operate at a level similar to pre-shutdown operations, but with the addition of trona. Because the use of trona can approximately double the amount of ash produced, the Plant generates up to twice as much coal fly ash per day as under pre-shutdown operations (Section

4.3.6.1), requiring up to 56 round trips each weekday from the Plant to the Brandywine facility. Mirant is currently approved to deliver a total of 100 truckloads of ash to the Brandywine facility each weekday from the Potomac River Generating Plant and the Chalk Point Generating Plant combined (Baxter 2006).

Although the estimated level of truck traffic each weekday after July 1, 2006 (56 round trips), exceeds truck traffic under pre-shutdown operations (28 round trips), pre-Order operations (6 round trips), and operations between December 20, 2005, and June 30, 2006 (14 to 16 round trips), it does not appear to have a major impact in terms of traffic on the local streets used to access the Plant, since the streets have relatively little traffic and operate at a level of service at or near “A” (Personal communication between B. Garbacz, Transportation Engineer, City of Alexandria, Virginia, and J.W. Saulsbury, Oak Ridge National Laboratory, May 26, 2006). Similarly, the addition of about 56 truck trips to the existing traffic volume on the major roads between Henry Street and Maryland Route 381 (Table 3.6 1) represents a relatively minor impact in terms of traffic. The increase in traffic associated with operations after commencement of daily predictive modeling is, however, estimated to make a relatively large contribution to the existing traffic problems on Maryland Route 381. (See the discussion in Section 3.6.2.)

#### **4.3.7 Environmental Justice**

As discussed in Section 4.3.1, the elevated levels of air pollution from Plant operation that occur under certain conditions are highest very close to the Plant. Because of their proximity to the Plant, under all operating conditions residents of block groups 1 and 2 (Figure 3.7-1) experience higher exposures to air pollution from Plant emissions than residents of block groups 3 and 4. All of the gridded locations where maximum modeled ambient air concentrations occur (as reported in Tables 4.3.1-1 and 4.3.1-2) are located within block groups 1 and 2.

Thus, the populations with the highest exposure to impacts from the Plant are the non-minority and non-low-income populations in block groups 1 and 2. Consequently, the minority and low-income populations in block groups 3 and 4 (Section 3.7) do not experience “disproportionately high and adverse human health or environmental effects” related to air pollutant emissions from the Plant. In addition, DOE has not identified any different or unique ways that these or other minority and low-income populations in the area could be exposed to Plant air pollutants or otherwise affected by the Order or its potential extension. Thus, neither the Order nor any extension to the Order have “disproportionately high and adverse human health or environmental effects ... on minority and low-income populations” as discussed in Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*.

As discussed in Section 4.3.1, the elevated levels of air pollution from Plant operation that occur under certain conditions are highest close to the Plant. Thus, because of their proximity to the Plant, under all operating conditions residents of block groups 1 and 2 experience higher air pollution from Plant emissions than residents of block groups 3 and 4. Consequently, the minority and low-income populations in block groups 3 and 4 do not



experience “disproportionately high and adverse human health or environmental effects” related to air pollutant emissions from the Plant. In addition, these populations do not have different or unique ways of being affected by the Order or its potential extension.

## 5. ALTERNATIVES FOR FUTURE DECISION-MAKING

The DOE Order, as extended, expires on December 1, 2006. Before December 1, 2006, DOE will decide whether to allow the Order to expire, extend the Order, or take some other action, such as extending the Order with mitigation measures.

### 5.1 Allow the Order to Expire

As stated in the Order, Pepco's new 230-kV transmission lines are expected to provide a high level of electric reliability to the Central D.C. area even in the absence of production from the Plant. However, these new lines are not expected to be complete until the summer of 2007. DOE cannot speculate how Mirant would operate if DOE did not extend the Order; however, allowing the Order to expire would likely place the Central D.C. area in risk of a potential blackout.

It is difficult to specify the risk of death or health injury associated with blackouts because of the lack of statistical studies on such risk. However, blackouts can cause, and historically have caused, significant health and environmental impacts.

Blackouts create multiple public health problems that can lead to new or exacerbated injury or death. During hot weather blackouts can result in increased deaths, due to loss of air-conditioning or cooling ventilation. For example, 232 deaths were reported in the Midwest in the summer of 1999 during an extreme heat wave that also included a series of power disturbances; the majority of the deaths were attributable to elderly individuals without access to air-conditioning (Palecki and Changnon 1999). Blackouts can also cause significant problems for people with existing illnesses. During the Midwest/Northeast blackout of August 2003 paramedics from Passaic Beth Israel hospital had to respond to four times the usual number of calls, many involving respiratory ailments for patients whose batteries on home respirators had expired and for electronic breathing aids that went dead (WNBC 2003a).

Blackouts can also cause impacts to drinking water supplies and water bodies. The Midwest/Northeast blackout of August 2003 cut water service to 1.5 million people in Cleveland and caused officials in Detroit to warn residents to boil their water until the supply could be tested for potential bacteria (Water Quality and Health Council 2004). Because electricity powers pumps that push water through a city's water system, blackouts can cause the pressure in water pipes to drop, leaving the system open to bacteria entering the water supply. In addition, the discharge of sewage from treatment plants that run on electricity can cause environmental damage to water bodies. As recently as May 19, 2006, a 3-hr power failure at the Blue Plains Wastewater Treatment Plant in Washington, D.C. resulted in 17 million gallons (64,000 m<sup>3</sup>) of raw untreated sewage being spilled into the Potomac River (Cohn 2006).

Blackouts also cause injury and death from fires (e.g. due to burning of candles), use of unvented portable emergency generators, accidents, and criminal activity. In the July 1977

blackout in New York City fires killed three, and one store owner shot and killed an armed looter (TIME 1977). Hundreds were also injured during widespread looting and other criminal activity in the July 1977 blackout. In a July 2006 blackout in Missouri that affected 150,000 people, a utility worker died after touching downed power lines, and another man died from burns while he tried to fix a generator he was using in his home (Associated Press 2006). In addition, during the Midwest/Northeast blackout of 2003 two people succumbed to carbon monoxide fumes from a gas generator aboard the boat they had been sleeping in overnight (WNBC 2003b).

## **5.2 Extend the Order as Currently Written**

Impacts associated with extending the Order until either June 30, 2007, or December 31, 2007 (assuming a delay in installation of the new transmission lines), are assessed in Chapter 4. Extension of the Order until either date would result in increased impacts as compared to the Plant's "pre-Order" operating mode, but not the Plant's "pre-shutdown" operating mode. As presented in Chapter 4, impacts resulting from SO<sub>2</sub> emissions would be lower than under the pre-shutdown mode, while impacts resulting from trona use would be higher than under the pre-shutdown mode, and levels of other impacts would be similar to those from pre-shutdown operations.

## **5.3 Extend the Order with Mitigation Measures**

Impacts of Plant operation under an extension of the Order could be mitigated by various alternatives including: (1) requiring Mirant to improve Plant operations and pollution control measures, (2) requiring Mirant to reduce exposure to pollutants to workers and nearby residents, (3) managing the demand for electricity in the Central D.C. area, (4) using alternative sources for generating electricity, and (5) expediting the installation of additional transmission lines.

### **5.3.1 Improve Plant Operations and Pollution Control Measures**

- Require Mirant to store enough trona at or near the Plant to achieve 80% removal of SO<sub>2</sub> emissions for the full duration of any planned line outages. Mirant's experiments with trona indicate that this level of sulfur removal can be achieved. While Mirant has installed trona units on all five boilers, Mirant does not maintain sufficient trona on site or nearby to reduce emissions by 80% under high power operations for the duration of planned line outages.
  - Requiring Mirant to store sufficient trona at the Plant could help to ensure the logistical feasibility of achieving 80% removal of SO<sub>2</sub> emissions during a planned line outage, pursuant to the ACO. This could result in decreased modeled emissions

and any associated health effects. The quantity of trona available to Mirant may be limited, however, or it may take more time to increase current storage space at or near the Plant than required to install the two new transmission lines. DOE can consider working with EPA to monitor the ability of Mirant to gain and store enough trona for the Plant to achieve 80% SO<sub>2</sub> removal.

- Require that during non-outage situations Mirant operate the Plant at the minimum level of power generation that would maintain all units in a state in which they would be available to produce full power within a few hours of a line outage. Based on information provided by Mirant, minimum operation would require each baseload unit to operate 20 hours per day at minimum power (about 30 MW) and 4 hours at maximum power (about 105 MW). Similarly, the load-following or cycling units would need to operate 8 hours per day at minimum power (30 MW) and 4 hours at maximum power (88 MW).
  - This would reduce overall operation of the Plant and, therefore, reduce emissions and any associated health effects. DOE considered this operating mode before issuing the Order, but determined that it is not feasible because the baseload units at the Plant are designed for operation at high power levels and cannot sustain low levels of operation for a long period of time without damage.
- Require Mirant to increase the height of the Plant's exhaust stacks in order to create conditions conducive to better dispersion of emitted pollutants.
  - Taller stacks would reduce modeled air quality impacts of plant operations. The taller stacks would be visible at a greater distance and may also result in adverse visual impacts for neighbors of the Plant. Issues related to stack height increase are under the jurisdiction of the Federal Aviation Administration (FAA), which has granted Mirant permission to raise the stacks by 50 ft (15 m).

### **5.3.2 Reduce Exposure to Pollution**

- Require Mirant to notify nearby residents when they would be potentially affected by a modeled NAAQS exceedance.
  - DOE is not able to estimate what people would do with such information and whether any decrease in health effects would occur. However, DOE can consider requiring Mirant to post daily when residents would be potentially affected by a modeled NAAQS exceedance during a line outage.

- DOE will post Mirant's monthly reports to EPA (as required by the ACO), as they become available to DOE, on DOE's website containing information related to the Plant. Such monthly reports would notify nearby residents of the results of monitored data, thereby allowing nearby residents to assess the likelihood of future exposure to an actual NAAQS exceedance.
- Pepco is filing monthly progress reports on the status of Pepco's new transmission lines and corresponding planned outages with FERC (FERC docket number EL05-145-000). Nearby residents can access Pepco's monthly reports through FERC's eLibrary system at <http://www.ferc.gov/docs-filing/elibrary.asp> (search for FERC docket number EL-05-145-\*).

In addition, pursuant to the December 20, 2005, Order, Pepco is required to give advance notice of any planned outage and the estimated duration of any such outage to DOE. DOE will post any advance notice received from Pepco on DOE's website containing information related to the Plant (<http://www.oe.energy.gov/permitting/372.htm>).

Therefore, nearby residents should be aware of planned line outage situations when the Plant is directed to produce power (up to full capacity) as directed by PJM.

- Require Mirant to provide the people who live in areas that would be affected by modeled exceedances of NAAQS during planned line outage situations the reasonable cost of moving to alternate locations until the threat of an exceedance is over if such people so choose.
  - Implementing this would involve several practical difficulties, such as determining the number of people who would be affected by a modeled exceedance, and whether relocation would be an appropriate response.
  - DOE believes that this may not be an appropriate use of its authority under Section 202(c) of the Federal Power Act (FPA) under these circumstances.
- Require Mirant to monitor outdoor levels of PM on the Plant site and provide suitable breathing protection for those working in high PM areas.
  - DOE can consider consulting with EPA about the need for PM monitoring. Determining the need for or type of suitable breathing protection is too speculative at this time.

### 5.3.3 Manage the Demand for Electricity in the Central D.C. Area

- Require the D.C. Public Service Commission (DCPSC) to develop a plan for reducing electrical demand in the Central D.C. area.
  - Reducing electrical demand in the Central D.C. area would reduce the need for operation of the Plant. However, the DCPSC and Pepco do not currently have a formal plan to reduce electrical demand in this area. Developing a plan would require rulemaking procedures, and implementing the plan would require infrastructure changes that may well take more time than required to install the new transmission lines. However, DOE has had several discussions with DCPSC encouraging DCPSC's efforts to reduce electrical demand in the Central D.C. area. DCPSC has informed DOE that:
    - DCPSC has given approval to Pepco to install "smart meters" in 2,250 homes as part of an effort to investigate how demand can be reduced in peak and other critical times.
    - DCPSC is currently in discussions with fellow state public service commissions in the Mid-Atlantic area and with PJM on how to improve demand response and related distributed energy resources.
    - A DCPSC commissioner is currently chairing the Mid-Atlantic Distributed Resources Initiative (<http://www.energetics.com/madri/>). DOE is currently providing technical advisory services and funding for facilitation efforts for this Initiative.
  - DOE can continue to encourage DCPSC to pursue demand-response initiatives in the Central D.C. area as in previous Orders.
- Order the development of specific, emergency load reduction programs to compensate for an unexpected loss of electricity generation or transmission capacity. For example, DOE could require emergency load shedding or load cycling for Federal and/or D.C. government buildings and/or other facilities during electrical emergencies.
  - Emergency load shedding or load cycling would reduce the need for operation of the Plant. DOE's Federal Energy Management Program is pursuing opportunities for energy management within the Federal government, both within and outside of emergency situations. Most recently, DOE and the General Services Administration held a workshop on April 26, 2006, on potential demand-response opportunities that

was attended by the majority of Federal electricity customers. The workshop educated Federal electricity customers on the reliability problems in the Central D.C. area and offered DOE technical assistance for demand-response initiatives.

#### **5.3.4 Use Alternative Sources for Generating Electricity**

- Require installation of temporary or back-up electricity generating equipment at specific facilities or government agencies to eliminate the need for the Mirant Plant.
  - Installation of temporary or back-up electricity generating equipment would not likely generate enough power to eliminate the need for the Plant. Alternative sources of electricity sufficient to eliminate the need for one or more units at the Plant could not be brought on line before the additional 230-kV power lines have been brought into service.
- Encourage Federal agencies in the Central D.C. area to operate on alternative sources of electricity, to reduce their peak electricity demand, or to develop a generating capability. For example, heating plants operated by the General Service Administration could be modified to cogenerate both heat and electricity, and essential government facilities could become capable of independently generating their own electricity in emergencies.
  - Alternative sources of electricity could reduce the need for the Plant and were discussed at DOE's April 2006 workshop described above. However, alternative sources of electricity sufficient to replace the Plant or eliminate the need for one or more units at the Plant could not be brought on line before the additional 230-kV power lines have been brought into service.

#### **5.3.5 Expedite the Installation of Additional Transmission Lines or Encourage the Use of Other Existing Lines**

- Expedite the installation of the two 230-kV transmission lines that Pepco is currently working on.
  - DOE has evaluated Pepco's construction schedule to make sure it is as efficient as possible. DOE can continue to monitor the construction and outage schedule to ensure, as much as possible, that the construction process remains on schedule and that any planned outages are essential. Pepco notified DOE on September 7, 2006, that the expected installation date of the new 230-kV lines is now June 21, 2007, instead of July 1, 2007.

- DOE can provide assistance to Pepco in expediting the installation of the new 230-kV lines that is requested by Pepco and that is practical and feasible. For example, at Pepco's request DOE met with Pepco representatives in March 2006 to discuss ways that DOE could help with the NEPA process for Pepco's proposed route for the new 69-kV lines to the Blue Plains Wastewater Treatment Plant (which partially fall on National Park Service land). The new 69-kV lines became operational on July 15, 2006.
- Encourage Pepco to construct additional new transmission lines, for example, from other plants in close proximity to the Central D.C. area, namely the Benning Road or Buzzard Point plants, to supply the power currently provided by the Plant.
  - Pepco already uses the power from these sources for other customers. Obtaining additional rights-of-way to construct new transmission lines would not be feasible in the time period required to solve the immediate reliability issues in the Central D.C. area.
- Encourage the use of additional transmission lines along existing corridors. Existing transmission lines enter the D.C. area from the north and south along, for example, railroad rights-of-way of the National Railroad Passenger Corporation (“AMTRAK”) and CSX Corporation.
  - As described in Pepco’s April 13, 2006, filing to DOE, although use of the existing transmission lines on the AMTRAK and CSX rights-of-way would reduce the need for the Plant in the Central D.C. area, the lines are already being used by Pepco. Adding additional lines along the same corridor would take more time than required to install the new 230-kV transmission lines already planned and under development.
- Encourage the use of currently existing, but inactive, transmission lines, such as the 69-kV circuits between Buzzard Point and the Plant.
  - As described in Pepco’s April 13, 2006, filing to DOE, Pepco refurbished three 69-kV circuits between Buzzard Point and the Plant in 2004 to provide emergency back-up service, which would be used to restart the Plant and help the restoration process for any blackout of the Central D.C. area. These circuits cannot be energized under normal operating conditions because they are of small capacity and would overload quickly upon the failure of one of the existing 230-kV transmission circuits or the Plant; thus, their use would not provide an increase in reliability.



## **6. REGULATORY CONSULTATION AND COMPLIANCE**

Under Section 7 of the Endangered Species Act (ESA) Federal agencies must consult with the Fish and Wildlife Service (FWS) or the National Marine Fisheries Service (NMFS) regarding actions that they may undertake that could adversely affect species and habitats protected under the Act. In order to comply with this requirement, DOE sent letters to FWS and NMFS as part of informal consultation describing the species that were likely to occur near the Plant and requesting concurrence from FWS and NMFS that the operation of the Mirant Potomac River Generating Station under the terms of the DOE Orders would not adversely impact Federally listed or proposed threatened or endangered species or designated or proposed critical habit. (See Appendix D.)

The responses from FWS and NMFS, also included in Appendix D, are discussed in Section 4.3.4.4.

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## **APPENDIX A**

### **DOE Emergency Orders**

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United States of America  
Department of Energy

District of Columbia Public Service Commission )

Docket No. EO-05-01

Order No. 202-05-3

**I. Summary**

Pursuant to the authority vested in the Secretary of Energy by section 202(c) of the Federal Power Act (FPA), 16 U.S.C. § 824a(c), and section 301(b) of the Department of Energy Organization Act, 42 U.S.C. § 7151(b), and for the reasons set forth below, I hereby determine that an emergency exists due to a shortage of electric energy, a shortage of facilities for the generation of electric energy, a shortage of facilities for the transmission of electric energy and other causes, and that issuance of this order will meet the emergency and serve the public interest. Therefore, Mirant Corporation and its wholly owned subsidiary, Mirant Potomac River, LLC (collectively referred to herein as Mirant), are hereby ordered to generate electricity at their Potomac River Generating Station (the “Plant”) pursuant to the terms of this order.

**II. Procedural History**

On August 19, 2005, Mirant submitted to the Virginia Department of Environmental Quality (DEQ) a computerized emissions modeling study Mirant had conducted of its Plant that indicated that emissions from the Plant caused or contributed to significant localized exceedances of the National Ambient Air Quality Standards (NAAQS).<sup>1</sup> Also on August 19, 2005, DEQ issued a letter to Mirant which requested “that Mirant *immediately* undertake such action as is necessary to ensure protection of human health and the environment, in the area surrounding the Potomac River Generating Station, including the potential reduction of levels of operation, or potential shut down of the facility.” (emphasis in original). The letter asked Mirant to provide DEQ with a summary of the actions taken and the progress toward eliminating NAAQS exceedances by August 24, 2005. At midnight on August 21, 2005, Mirant reduced production of all units at the Plant to their minimum load, and at midnight on August 24, 2005, Mirant shut down all five of the generating units at the Plant.

On August 24, 2005, the District of Columbia Public Service Commission (DCPSC) filed an *Emergency Petition and Complaint* with both the United States Department of Energy (DOE or Department) and the Federal Energy Regulatory Commission (FERC or Commission) pursuant to the FPA. The DCPSC requested the Secretary of Energy to find that an emergency exists under section 202(c) of the FPA and to issue an order directing Mirant to continue

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<sup>1</sup> The Clean Air Act, 42 U.S.C. § 7401 *et seq.*, authorizes the United States Environmental Protection Agency (EPA) to establish NAAQS, 42 U.S.C. §§ 7408-7409, and states that it is the responsibility of the states and local governments for assuring that they are attained, 42 U.S.C. §§ 7401(a)(3) and 7416.

operation of the Plant. The basis for the petition was that the shutdown of the Plant “...will have a drastic and potentially immediate effect on the electric reliability in the greater Washington, D.C., area and could expose hundreds of thousands of consumers, agencies of the Federal Government and critical federal infrastructure to curtailments of electric service, load shedding and, potentially, blackouts.” The DCPSC requested that the Commission issue a similar order under sections 207 and 309 of the FPA. Numerous parties filed interventions and comments in response to DCPSC’s emergency petition, as well as subsequent comments and responses.<sup>2</sup> Further, both FERC and DOE issued information requests to Mirant, the Potomac Electric Power Company (PEPCO), the company responsible for supplying electricity to retail customers in the District of Columbia, and PJM Interconnection, LLC (PJM), the grid operator responsible for the administration of the bulk power grid and electricity market in the region.<sup>3</sup> In addition to the DCPSC petition proceedings, DOE has hosted and participated in numerous conference calls and meetings to gather information on the shutdown of the Plant and its effect on the reliability of D.C.’s electricity system.<sup>4</sup>

### **III. Background**

The coal-fired Mirant Plant, which began operation in 1949, is located in Alexandria, Virginia, and is capable of producing 482 megawatts of electricity primarily for delivery to Washington, D.C. The Plant consists of five generating units, two of which are cycling units that range in output from 35 MW to 88 MW, and three of which are baseload units that range in output from 35 MW to 102 MW. It is one of only three sources of electricity that serve the central business district of the District of Columbia, many federal institutions, the Georgetown area in D.C., as well as other portions of Northwest, D.C., and the District of Columbia Water and Sewer Authority’s Blue Plains Advanced Water Treatment Plant, the largest wastewater

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<sup>2</sup> Several of these filings were only made in the FERC docket and not in DOE’s docket. Even though a number of filers did not submit their comments in the DOE docket, the Department has, in the interest of rendering an appropriate and fully informed determination, reviewed all the filings in the FERC docket for any pertinent facts that will assist the Department in making its decision. Also, to the extent the filings contained analysis or legal arguments pertaining to the Department’s 202(c) authority, they have been considered in the Department’s decision making process.

<sup>3</sup> The data submitted contained Critical Energy Infrastructure Information and was submitted in both confidential and redacted versions, as defined in FERC’s rules at 18 C.F.R. § 388.13. All information contained in this order is from public filings in the DOE and FERC dockets.

<sup>4</sup> The Administrative Procedure Act’s prohibitions on ex parte communications in an adjudicatory proceeding, 5 U.S.C. § 557(d)(1), do not apply to DOE’s 202(c) proceedings, because section 202(c) explicitly authorizes the Department to issue a 202(c) order “either upon its own motion or upon complaint, with or without notice, hearing, or report. . .” 16 U.S.C. § 824a(c).

treatment plant in the world.<sup>5</sup> The other two sources are two 230 kV lines that deliver electricity from other generating sources in the regional electric grid operated by PJM. Although there are other generating units in close physical proximity to the Central D.C. area, (e.g., the Benning Road and Buzzard Point generating facilities, which are dual-fueled oil and natural gas generating power plants, owned by PEPCO) there are no transmission lines that would allow delivery of power from these other units to reach the Central D.C. area. With regard to the sources of power that serve the Central D.C. area, PEPCO owns and operates the transmission lines, and PJM determines electricity demand.

Although Mirant shut down all of the Plant's generating units on August 24, 2005, it has since restarted unit number one which, the Department understands, is currently operating. Mirant is operating the unit on an 8/8/8 basis --- that is, in any given twenty-four hour period, the unit runs for eight hours at its maximum level of 88 MW, eight hours at its minimum level of 35 MW, and has eight hours when it does not run. DOE has been informed that both EPA and DEQ acknowledge that the operation of this unit in this manner does not result in any NAAQS exceedances. In addition, DOE understands that Mirant is taking other steps to increase production at the Plant in a manner which will be acceptable to DEQ and EPA.

PEPCO has applied to the DCPSC to construct two new 230 kV lines that would supply electricity to the Central D.C. area. In the same application, PEPCO has proposed building two new 69kV lines to supply the Blue Plains wastewater treatment plant. PEPCO proposes having the two 69 kV lines installed by the summer 2006 peak season, and the two 230 kV lines installed in 18 to 24 months. The two existing 230 kV lines that supply the Central D.C. area would need to be temporarily taken out of service sequentially in order to connect the new lines to the Central D.C. area. Once completed, these lines apparently would provide a high level of electric reliability in the Central D.C. area, even in the absence of production from the Plant.

## **IV. Discussion**

### **A. Reliability Issues**

The Department has conducted an independent analysis of the electricity reliability situation in the Central D.C. area and has analyzed the Plant's role in ensuring a sufficiently reliable supply of electricity to that area. DOE's analysis was conducted by the Department's Oak Ridge National Laboratory. Under North American Electric Reliability Council standards, at a minimum, the power system must carry at least enough contingency reserves of electricity to cover the most severe single contingency. The standards require that an area's system always be operated with sufficient reserves to compensate for the sudden failure of the area's most important single generator or transmission line.

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<sup>5</sup> For purposes of this order, the area supplied with electricity by these three sources will be referred to as the "Central D.C. area," and the retail customers in this area will be referred to as the "Central D.C. area customers."

Based on the fact that the Central D.C. area has only three sources of supply, the Plant and the two 230 kV transmission lines, the Department's analysis concludes that in order to maintain a minimally reliable electric power system, the Plant must be available to run when one of the 230 kV lines is out of service, because if the remaining line failed there would be no other source of electricity to serve the Central D.C. area load. In addition, the analysis concludes that if one of the 230 kV lines failed unexpectedly, enough generation must be started as rapidly as possible so as to be able to serve all of the Central D.C. area load as a contingency reserve in the event the other line were to fail. The analysis also indicates that the Plant should be operated in such a way as to minimize the amount of time needed to bring it into production.

PEPCO has asserted that:

Absent the generating capacity of the Plant, if the two 230 kV transmission circuits into the [Central D.C. area] fail, there will be a blackout in much of the District of Columbia until the circuits are repaired or the Plant's generators are restarted and can operate at a level that matches load. All electric customers in Georgetown, Foggy Bottom and major portions of downtown Washington will be affected. The affected customers will also include Blue Plains wastewater treatment plant. It is PEPCO's understanding that within 24 hours of the loss of electric supply, Blue Plains will have no option but to release untreated sewage directly into the Potomac River, which would result in a significant adverse impact to human health, aquatic wildlife and other environmental resources. Affected customers will also include numerous hospitals, schools, universities, commercial buildings, and residential customers. Importantly, numerous federal facilities will lose power, including those critical to the security, safety, and welfare of the whole country, such as the FBI, the Justice Department, the State Department, the Federal Emergency Management Agency, the Department of the Interior, and the Department of Energy to name but a few.<sup>6</sup>

No commenter has disputed these statements by PEPCO, and they have been generally corroborated by DOE's own independent analysis; therefore, DOE will accept them as correct statements of fact. Further, the 230 kV lines do go out of service on occasion; since 2000, there have been 34 one-line outages for maintenance, and seven occasions where one of the lines has tripped unexpectedly. DOE has been informed that, prior to 2000, there were two occasions when both of the lines failed simultaneously.

## **B. Environmental Issues**

Some commenters have asserted that the renewed operation of the Plant would result in NAAQS exceedances and a violation of the Clean Air Act, and that DOE could not issue a 202(c) order which would contravene the Clean Air Act (42 U.S.C. §§ 7401-7626). In response to this assertion, DCPSC, PEPCO and PJM contend that there were no actual monitored

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<sup>6</sup> See Potomac Electric Power Company's Leave to Answer and Answer to Comments, FERC Docket No. EL05-145-000 at pages 2 & 3 (September 9, 2005).

exceedances of the NAAQS at the Plant during operation, and that operation of the plant at full power does not exceed the emissions limits contained in the Plant's operating permit and therefore the operation of the Plant pursuant to a DOE order would not violate the Clean Air Act. EPA has shared information with DOE regarding NAAQS modeled results and other environmental issues at the Plant. In response to the environmental concerns raised, this order seeks to minimize, to the extent reasonable, any adverse environmental impacts. Should EPA issue a compliance order directed to operation of the Plant, DOE will consider whether and how this order should conformed to such order.

Another assertion raised is that DOE cannot issue an order without complying with the National Environmental Policy Act (NEPA), 42 U.S.C. § 4321 *et seq.* Responders to that assertion stated that NEPA review requirements do not apply because any order would merely require the Plant to operate in the manner and at the level it has historically operated, and thus is not a "major federal action" triggering NEPA. In addition, responders assert that "...the emergency nature of the relief sought in this case permits the [the Secretary] to act without conducting a NEPA analysis, even if it were required."<sup>7</sup> DOE has determined that the emergency circumstances here make it necessary to take action without performing a NEPA analysis. Indeed, in order for an order under FPA section 202(c) to be issued at all, the Secretary of Energy must determine that an emergency exists, and I have made that determination here. DOE has consulted with CEQ about alternative arrangements pursuant to 40 C.F.R. § 1506.11.

### **C. Other Issues**

Commenters opposed to the issuance of a FPA section 202(c) order cited *Richmond Power & Light v. FERC*, 574 F. 2d 610 (D.C. Cir. 1978) as imposing a limit on the Secretary's authority to make an emergency finding under section 202(c). In *Richmond*, the New England Power Pool (NEPOOL) petitioned the Federal Power Commission (the Secretary's predecessor in exercising section 202(c) authority) for an order pursuant to FPA section 202(c) to have utilities east of the Mississippi River with excess electric generating capacity supply NEPOOL with that excess capacity. The request was based on fears of an oil shortage due to the 1973 Arab oil embargo. The Commission responded by holding a conference and a series of meetings which resulted in an agreement among the purchasing, transmitting and supplying utilities and participating state regulatory commissions. As a result of the agreement, NEPOOL moved to withdraw its petition, which the Commission allowed. Richmond Power & Light Company challenged the decision to allow the withdrawal and the court found that the Commission did not abuse its discretion in declining to issue an order under section 202(c), but rather settling on the temporary-voluntary agreement program reached by the interested parties. Instead of limiting its

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<sup>7</sup> District of Columbia Public Service Commission Answer to Motion of the Virginia Department of Environmental Quality at page 24 (October 26, 2005), FERC Docket No. EL05-145-000. *See also* Answer of Potomac Electric Power Company and PJM Interconnection, LLC at page 18, (October 13, 2005), FERC Docket No. EL01-145-000.

reach, *Richmond* underscores the discretionary nature of the Secretary's authority under section 202(c).<sup>8</sup>

Another case asserted to limit the Secretary's authority to issue an order under section 202(c) was *National Fuel Gas Supply v. FERC*, 909 F2d 1519 (D.C. Cir. 1990). In that case, National Fuel applied under section 7 of the Natural Gas Act (NGA), 15 U.S.C. § 717 *et seq.*, for a certificate of public convenience and necessity to allow it to make interruptible sales of natural gas. The Commission imposed a condition that National Fuel accept a blanket transportation certificate to provide open access transportation. The court ruled that the Commission was improperly using a NGA section 7 certificate condition in place of an individual or generic proceeding under section 5 of the NGA. The Department does not see the relevance of *National Fuel* here. I am using section 202(c) of the FPA for precisely the type of situation contemplated by section 202(c) of the FPA.

## V. Decision

Section 202(c) of the FPA vests in the Secretary of Energy the authority to issue an order when "an emergency exists by reason of a sudden increase in the demand for electric energy, or a shortage of electric energy or of facilities for the generation or transmission of electric energy, or of the fuel or water for generating facilities, or other causes...." 16 U.S.C. § 824a(c). DOE's regulations acknowledge that "[e]xtended periods of insufficient power supply as a result of inadequate planning or the failure to construct necessary facilities can result in an emergency as contemplated by these regulations." 10 C.F.R. § 205.371.

I find that in the circumstances presented here, an emergency exists that justifies the issuance of a section 202(c) order. My determination is not based on any single factor, but on the combination of all relevant facts and circumstances. In particular, I find that an emergency exists because of the reasonable possibility an outage will occur that would cause a blackout, the number and importance of facilities and operations in our Nation's Capital that would be potentially affected by such a blackout, the extended number of hours of any blackout that might in fact occur, and the fact that the current situation violates applicable reliability standards.

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<sup>8</sup> The facts in *Richmond* and in the current situation are very different. *Richmond* dealt with a wide regional or even national energy shortage situation, while we are considering electricity reliability in a discrete geographic area. The facts here more closely resemble those considered by the Federal Power Commission in *City of Cleveland, Ohio v. Cleveland Electric Illuminating Company*, 47 FPC 747 (1972). In that case, the City of Cleveland petitioned the Commission pursuant to section 202(c) to order an interconnection with Cleveland Electric Illuminating Company to provide services during shortages caused by outages of the City of Cleveland's generating facilities, or delays getting generation on line. The Commission found that the City of Cleveland had an emergency due to periodic shortages of generating facilities caused by outages and ordered the establishment of a 69kV temporary emergency interconnection between the electric systems of the City and Cleveland Electric Illuminating. Similarly, here DOE is ordering the Plant to provide electricity in certain limited situations.



More specifically, if the Mirant plant is not available to generate electricity and one of the two transmission lines serving the Central D.C. area goes out of service, the Central D.C. area would be served by only one transmission line. Should that remaining line fail for any reason, a blackout would occur in the Central D.C. area, potentially for an extended period of time. In fact, if one or both of the transmission lines could not be brought back into service immediately and the only source of energy for the Central D.C. area was the Mirant Plant, in the absence of today's order it would take several hours at a minimum to bring the Plant into full operation.

The outage of one of these two lines is not merely a theoretical possibility. On Friday, December 16, 2005, PJM informed DOE that on the previous night, "one of the two circuits critical to providing service to the District tripped. Continued [electric] service to certain load within the District was at that time entirely dependent on the remaining circuit." As a result, PJM requested dispatch of a second generating unit at the Plant, but Mirant refused to do so. PJM informed DOE that "service was not interrupted because load was low and the remaining circuit performed without incident." Fortunately, full service to the line that had tripped was restored by the morning of December 16. Nonetheless, there can be no assurance that the Central D.C. area will be so lucky next time, either with respect to the timing of the event, the operation of the second transmission line, or the ability to bring the first transmission line back into service.

Furthermore, it is periodically necessary for an outage to occur on one of the transmission lines because of the need to perform maintenance. In fact, maintenance is scheduled on one of the lines in the next few weeks. Thus, as occurred on the night of December 15, 2005 and as will certainly occur again in the future, if the Mirant Plant is not made operational Central D.C. will find itself relying solely on one transmission line. The duration of an outage can range from up to several days (for maintenance) or even longer (up to weeks) if the outage of a line is due to a major equipment failure. Throughout such a period, if the Plant is not fully operational a blackout in Central D.C. is only one step away, i.e., if an event should occur that causes the second line to fail. Such a blackout could last for hours or days.

I recognize that, if past experience is any guide, the simultaneous failure or outage of both transmission lines serving the Central D.C. area is not a high probability. While this event has occurred in the past, it has not happened often. Moreover, the recent tripping of one circuit does not in itself dictate the existence of an emergency justifying issuance of a 202(c) order.

The facilities and functions that would be adversely affected by an extended blackout in this instance, however, is an important consideration. The Central D.C. area includes offices, facilities and operations involved in all three branches of government, and that are critically important to the Nation's national security, law enforcement and regulatory functions. The Central D.C. area also includes hundreds of thousands of residents and workers, and all manner of public safety and protection facilities, including hospitals, police, and fire facilities. Moreover, DOE has been informed that within 24 hours of a blackout in the Central D.C. area, untreated sewage from the Blue Plains Wastewater Treatment plant would be discharged into the Potomac River.

Finally, it is noteworthy that a blackout in the Central D.C. area not only would affect critically important facilities and operations, it could last for an extended period. Depending on the reason for the outage of the transmission lines, the lack of service on those lines accompanied by the lack of generation by the Plant could result in a large portion of the District of Columbia being without electricity for a period that could last hours or days. At the very least, if the two transmission lines were made unavailable with no advance notice and the only source of electricity for the Central D.C. area was the Mirant plant, in the absence of today's order DOE understands it would take at least 28 hours, and likely longer, to bring the Plant into full operation, during which time all or a substantial part of the Central D.C. area would be without electric power. The results would be hardship and physical risk to hundreds of thousands of persons from loss of heat, elevator outages, medical equipment failure and numerous other causes. In addition, critical portions of the nation's government would also be severely impacted, with resulting adverse effects on a national scale.

Of course, the fact that the Department did not act immediately on the DCPCS petition does not argue against my finding that an emergency currently exists. After the petition was filed, DOE took several weeks to gather the relevant information, consider the facts, talk with environmental regulatory authorities, and develop an order that balanced the appropriate considerations. As explained in the text of this order, the current facts fully justify my finding that an emergency exists and that this order will meet that emergency. There certainly is nothing in the Federal Power Act that requires me to wait until a blackout actually has occurred, lives are put in jeopardy, and a significant disruption of National government functions already has happened before exercising my section 202(c) authority.

Accordingly, and based on all of the facts and circumstances, I find that an emergency exists justifying the issuance of this order under Federal Power Act section 202(c).

After finding the existence of an emergency, DOE has the authority, "either upon its own motion or upon complaint, with or without notice, hearing, or report, to order such temporary connections of facilities and such generation, delivery, interchange, or transmission of electric energy as in its judgment will best meet the emergency and serve the public interest." 16 U.S.C. § 824a(c). The statute gives the Secretary of Energy broad discretion to fashion the terms of an order that will, in the Secretary's judgment, "best meet the emergency and serve the public interest." Based on the circumstances described above in this order, I hereby direct Mirant to generate electricity at the Plant pursuant to the terms of this order.

While I am issuing this order to help ensure a reliable supply of electric energy to the Central D.C. area, I am cognizant of the concerns that have been expressed concerning the potential adverse environmental consequences of operating the Plant, and of the national interest in attainment of the NAAQS that have been established under the Clean Air Act. Ordering action that may result in even local exceedances of the NAAQS is not a step to be taken lightly. However, it would not be reasonable for the Department of Energy to stand by and take no positive action on the DCPCS petition, even though the Central D.C. area is in danger of an extended blackout and the Department and private parties have available to them the legal and operational tools to prevent such a blackout from occurring. In this order, I have sought to harmonize those interests to the extent reasonable and feasible by ordering Mirant to operate in a

manner that provides reasonable electric reliability, but that also minimizes any adverse environmental consequences from operation of the Plant.

DOE expects that the DCPSC, having sought an emergency order, will take such actions as are within its authority to provide adequate and reliable electric service for the Central D.C. area including, for example, expediting approval of PEPCO transmission system upgrades and instituting demand response programs.<sup>9</sup> Indeed, DOE views this order not as a permanent solution to the Central D.C. area's reliability issues, but rather as a bridge between the current untenable situation and a more permanent solution that must be crafted by appropriate parties, including the DCPCS, FERC, environmental regulatory authorities, and relevant private sector parties. This permanent solution may include the installation of the new transmission lines discussed above, the installation of new pollution control equipment at the Mirant Plant, or other means.

As explained above, in the event that one of the two transmission lines that serve the Central D.C. area is out of service (due either to a necessary planned outage or to unforeseen events) and sufficient electricity from the Mirant power plant were not available, then the Central D.C. area would experience an immediate blackout should the one remaining source of electricity fail. This situation must be avoided, and ordering paragraph A of this order ensures that this situation will be avoided. When an outage is planned, Mirant is to be given advance notice and is required to supply necessary generation throughout the period of the outage.<sup>10</sup> In the event of an unexpected outage, Mirant must provide such generation as soon as possible. In the very unlikely eventuality of both transmission lines failing at the same time, Mirant is required to provide sufficient generation to supply the electrical demands of the affected area as soon as possible.

It is essential to determine the level of operation and other steps that will enable Mirant to rapidly respond to an unplanned transmission line outage. Some commenters have urged the Department to order the Plant to run continuously, even if doing so causes ongoing exceedances of the NAAQS. This would assure a high level of reliability of the electricity supply, but of course would not be tailored to particular circumstances in which operation of the Plant would be most necessary to provide needed reliability for the Central D.C. area and might also cause local air quality concerns. Other commenters have urged the Department to do nothing.

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<sup>9</sup> Demand response programs prompt electricity customers to reduce demand, especially during periods of short supply.

<sup>10</sup> In making certain portions of this order effective only upon notice to Mirant by PEPCO of a planned or unplanned outage of one or both of the 230 kV lines, it is similar to the FPA section 202(c) orders issued during the 2000/2001 California energy crisis. In those, DOE ordered certain entities to generate, deliver, interchange and transmit electricity to the California Independent System Operator (California ISO), but the entities were not required to deliver energy or services unless the California ISO had filed with DOE a certificate that it had been unable to acquire adequate supplies of electricity in the market. *See* Order pursuant to Section 202(c) of the Federal Power Act (December 14, 2000); Order Pursuant to Section 202(c) of the Federal Power Act (January 11, 2001).

The Department is not prepared to order actions that could cause more localized NAAQS exceedances than are necessary in order to assure adequate electric reliability for the Central D.C. area. At the same time, the Department should address the risks that delays in responding to an unplanned transmission line outage would present if measures are available to mitigate that risk. In my judgment, the appropriate balance is struck by (1) requiring Mirant to keep as many units in operation, and take all other measures to reduce the start-up time of units not in operation, for the purpose of providing electrical reliability, as feasible (as further defined in the ordering paragraphs below). Thus, Mirant must take actions to reduce the time it takes to respond to an unplanned outage. This will serve to reduce the risk of a blackout but not at the price of unnecessary exceedances of health-based NAAQS. As Mirant improves its environmental performance, in cooperation with environmental regulators, its ability to react to an unforeseen outage also will improve. Environmental regulators and Mirant can work together, with the Department, to reduce, and perhaps eliminate, any conflict between environmental goals and electric reliability.

This order is effective immediately and will terminate at 12:01 a.m. October 1, 2006. This order may be modified or extended at any time upon order of the Secretary of Energy.

## **VI. Ordering Paragraphs**

For the reasons set forth above, pursuant to section 202(c) of the Federal Power Act, it is hereby ordered that:

A. During any period in which one or both of the 230kV lines serving the Central D.C. area is out of service, whether planned or unplanned, Mirant will operate the Potomac River Generating Plant to produce the amount of power (up to its full capacity) needed to meet demand in the Central D.C. area as specified by PJM for the duration of the outage.

In the event of a planned outage, Potomac River units will generate that amount of electricity specified by PJM to meet demand.

In the event of an unplanned 230 kV line outage, Potomac River units will generate that amount of electricity specified by PJM to meet demand as soon as possible.

When producing electricity pursuant to this paragraph, Mirant shall utilize pollution control equipment and measures to the maximum extent possible to minimize the magnitude and duration of any exceedance of the NAAQS.

B. Mirant shall keep as many units in operation, and shall take all other measures to reduce the start-up time of units not in operation, for the purpose of providing electricity reliability, as “feasible.” For purposes of this paragraph, “feasible” means as determined by the Department of Energy, after consideration of the plan submitted by Mirant pursuant to paragraph D of this order and after consultation with the Environmental Protection Agency, without regard to cost and without causing or significantly contributing to any exceedance of the NAAQS.

### C. Notice

In instances of scheduled outages of one of the 230kV lines, PEPCO will give advance notice of the planned outage and the estimated duration of such outage to Mirant, PJM, DOE, FERC, EPA, and DEQ. The notice must be sufficiently in advance of the outage to allow Mirant to bring the required amount of generation needed for reliability purposes on line by the time the outage is scheduled. PEPCO will ensure that only those planned outages needed to maintain or enhance the reliability of the 230 kV lines (or to install new lines) are scheduled and that such outages are scheduled to minimize the environmental effects of the operation of the Plant.

PEPCO will notify DOE, PJM, FERC, EPA, and DEQ of any unplanned outage of one or both of the 230 kV lines as soon as possible, but in no event later than two hours after informing Mirant.

In the event of either a planned or unplanned outage, PJM will specify the amount of electricity that Mirant must provide in order to meet demand.

D. Mirant shall submit a plan to DOE, within 10 days of the date of this order, detailing the steps it will take to ensure compliance with this order. This compliance plan shall include, at minimum, information regarding adequate staffing, materials, and supplies; emissions controls; and length of time necessary to start-up the Plant's generating units in the event of an unplanned or planned outage. DOE will review the compliance plan and order additional requirements if necessary.

E. Pursuant to the terms of FPA section 202(c) and DOE regulations at 10 C.F.R. § 205.376, Mirant and its customers should agree to mutually satisfactory terms for any costs incurred by Mirant under this order. If no agreement can be reached, just and reasonable terms shall be established by a supplemental order.

F. DOE expects that the DCPSC will take all reasonable actions to augment electrical reliability and to reduce electricity demand in the Central D.C. area.

G. DOE will periodically reexamine the need for this order with particular emphasis on: (1) Mirant's progress, working with environmental regulators, in reducing emissions and/or the impact of emissions; and (2) whether the DCPSC is taking all reasonable actions available to it to support electricity reliability in the Central D.C. area.

H. Pursuant to section 313 of the Federal Power Act (16 U.S.C. § 8251), any person, State, municipality, or State commission that is a party to this proceeding and is aggrieved by this order may apply for a rehearing within thirty days. Requests for rehearing may be submitted by mail, facsimile, or electronic mail to the following: (1) mail should be directed to Lawrence Mansueti of the Permitting, Siting, and Analysis Division of the Office of Electricity Delivery and Energy Reliability at the United States Department of Energy, Routing Symbol OE-20, 1000

Independence Avenue, S.W., Washington, D.C. 20585; (2) facsimiles may be submitted to 202-586-5860; (3) e-mail may be submitted to [Lawrence.Mansueti@hq.doe.gov](mailto:Lawrence.Mansueti@hq.doe.gov).

Issued in Washington, D.C. at \_\_\_\_\_ this 20<sup>th</sup> day of December, 2005.

*Samuel W. Bodman*  
*Secretary of Energy*



**Department of Energy**  
Washington, DC 20585

District of Columbia Public Service Commission

Docket No. EO-05-01

Order No. 202-06-2

On December 20, 2005, in Order No. 202-05-3, I determined that an emergency existed in the Central District of Columbia area due to a shortage of electric energy, a shortage of facilities for the generation of electric energy, a shortage of facilities for the transmission of electric energy and other causes, and that issuance of the order would serve to alleviate the emergency and serve the public interest. Therefore, pursuant to the authority vested in the Secretary of Energy by section 202(c) of the Federal Power Act (FPA), 16 U.S.C. 824a(c), and section 301(b) of the Department of Energy (DOE) Organization Act, 42 U.S.C. 7151(b), and for the reasons set forth in Order No. 202-05-3, I ordered Mirant Corporation and its wholly owned subsidiary, Mirant Potomac River, LLC, to generate electricity at its Potomac River Generating Station (the Plant) pursuant to the terms of the order.

In Order No. 202-05-3, I noted that the Plant is one of only three sources of electricity that serve the central business district of Washington, D.C., many federal institutions, and the Georgetown area, as well as other portions of Northwest D.C., and the District of Columbia Water and Sewer Authority's Blue Plains Advanced Wastewater Treatment Plant. The order further noted that:

PEPCO has applied to the [District of Columbia Public Service Commission] to construct two new 230 kV lines that would supply electricity to the Central D.C. area. In the same application, PEPCO has proposed building two new 69kV lines to supply the Blue Plains wastewater treatment plant. PEPCO proposes having the two 69 kV lines installed by the summer 2006 peak season, and the two 230 kV lines installed in 18 to 24 months. The two existing 230 kV lines that supply the Central D.C. area would need to be temporarily taken out of service sequentially in order to connect the new lines to the Central D.C. area. Once completed, these lines apparently would provide a high level of electric reliability in the Central D.C. area, even in the absence of production from the Plant.

The two 69 kV lines to the Blue Plains wastewater treatment plant have been completed. The two new 230 kV lines have been approved by the relevant regulatory authorities and are scheduled to be completed and in operation by mid-summer 2007.



On January 18, 2006, DOE issued a notice of the emergency order (published in the Federal Register on January 20, 2006, 71 FR 3279) in which DOE stated that it would prepare a Special Environmental Analysis (SEA) pursuant to the Council on Environmental Quality's Regulations Implementing the Procedural Requirements of the National Environmental Policy Act. The SEA would examine the potential impacts of the operation of the Plant pursuant to Order No. 202-05-3. DOE said it would make the SEA publicly available and would consider information contained in the SEA, and public comments on the SEA, in any future decision making regarding the operation of the Plant. The SEA has not yet been issued, but DOE expects it to be completed shortly.


Because the reliability problems identified in Order No. 202-05-3 continue in the absence of the completion of the two new 230 kV lines, but the SEA has not been completed, I am issuing a short-term extension of the emergency order pending completion and consideration of the SEA and DOE's review of comments thereon.

The Department reiterates its expectation that the DC Public Service Commission pursue demand response initiatives and actively promote conservation as additional means of enhancing reliability in the central D.C. area.

On February 17, 2006, I issued Order No. 202-06-1, which granted certain requests for rehearing of Order No. 202-05-3 for the limited purpose of further consideration. The rehearing requests continue under consideration and no action is being taken on those requests by the issuance of this order.

Based on the above, I find that the circumstances which led to my previous determination that an emergency existed still continue, and therefore I hereby extend Order No. 202-05-3 and all the terms and conditions thereof until 12:01 a.m., December 1, 2006.

Issued in Washington D.C. at 6:00 PM this 28 day of September, 2006.

  
Samuel W. Bodman  
Secretary of Energy



**APPENDIX B**

**EPA's Administrative Compliance Order  
for the Mirant Potomac River Generation Station**

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

In the Matter of:

Mirant Potomac River LLC  
Potomac River Generating Station  
Alexandria, Virginia

Docket No. CAA-03-2006-0163DA

ADMINISTRATIVE COMPLIANCE ORDER  
BY CONSENT

I. STATUTORY AUTHORITY

This Order is issued pursuant to Section 113(a)(1) of the Clean Air Act (the "Act"), 42 U.S.C. § 7413(a)(1). Under Section 113(a)(1) of the Act, the Administrator of the United States Environmental Protection Agency ("EPA" or "the Agency") has the authority to issue Orders requiring persons to comply with the requirements of an applicable State Implementation Plan ("SIP") or permit issued by a state. The Administrator has delegated his authority to issue such Orders within the geographical jurisdiction of EPA Region III to the Regional Administrator of EPA Region III, who has re-delegated this authority to the Director of the Air Protection Division of Region III. The geographical jurisdiction of EPA Region III includes the Commonwealth of Virginia.

This Order is issued to Mirant Potomac River, LLC ("Mirant") for its Potomac River Generating Station in Alexandria, Virginia.

II. FINDINGS OF FACT

1. Mirant owns and operates an electricity generating station known as the Potomac River Generating Station ("PRGS") in Alexandria, Virginia.
2. Mirant is a Limited Liability Company organized in the State of Delaware on August 2, 2000.
3. Pursuant to the Order By Consent entered into by Mirant and the Virginia Department of Environmental Quality ("VaDEQ"), effective September 23, 2004, Mirant performed a

Dispersion Modeling Analysis to assess the effect of Downwash (the "downwash study") of emissions from the PRGS. The downwash study used computer modeling to predict ambient concentrations of pollutants emitted by the PRGS under certain weather and atmospheric conditions.

4. Mirant provided the results of the downwash study to VaDEQ in August 2005. By letter dated August 19, 2005, VaDEQ informed Mirant that the downwash study demonstrated that emissions from the PRGS result in, cause or substantially contribute to, modeled violations of the primary National Ambient Air Quality Standards ("NAAQS") for sulfur dioxide ("SO<sub>2</sub>"), nitrogen dioxide ("NO<sub>2</sub>"), and PM<sub>10</sub> under certain atmospheric conditions.
5. VaDEQ's August 19<sup>th</sup> letter also requested that Mirant immediately undertake "such action as is necessary to ensure protection of human health and the environment, in the area surrounding the Potomac River Generating Station." VaDEQ cited 9 VAC 5-20-180(I) as the authority for this action.
6. The provision of the Virginia State Implementation Plan ("SIP") cited by VaDEQ, 9 VAC 5-20-180(I), has been approved and incorporated into the Virginia SIP at 40 C.F.R. § 52.2420(c), and is therefore federally-enforceable.
7. Mirant shut down all five Units of the PRGS at midnight on August 24, 2005.
8. On August 24, 2005, the District of Columbia Public Service Commission ("DCPSC") filed an "Emergency Petition and Complaint" with the United States Department of Energy ("DOE") and the Federal Energy Regulatory Commission ("FERC"), respectively, pursuant to the Federal Power Act ("FPA"), 16 U.S.C. § 824a(c), 824f and 825h, and Section 301(b) of the DOE Organization Act, 42 U.S.C. § 7151(b). The Emergency Petition requested that DOE find that an emergency exists under Section 202(c) of the FPA and issue an order requiring Mirant to continue operation of the PRGS.
9. Following additional modeling and assessment of the downwash study, Mirant re-started Unit 1 of the PRGS on September 21, 2005. Additional modeling conducted by Mirant indicated that operation of only Unit 1 would not cause any modeled NAAQS exceedances.
10. On December 20<sup>th</sup>, 2005, the Secretary of Energy issued Order No. 202-05-3 ("DOE Order") finding that an emergency did exist and ordering Mirant to, among other things, submit a plan to DOE detailing the steps to be taken to ensure Mirant's compliance with the DOE Order.
11. On December 30, 2005, Mirant submitted to DOE the Operating Plan setting forth the steps that Mirant would take to ensure compliance with the DOE Order.

12. By letter dated January 4, 2006, DOE required that Mirant "immediately take the necessary steps to implement Option A of the intermediate phase proposed in the [Operating Plan]." The DOE letter also noted that implementation of Option A was an interim measure.
13. In accordance with DOE's directive to maximize electric generation while not causing or contributing to a NAAQS violation, Mirant supplemented the original Operating Plan with additional operating configurations and modeling. The supplements contemplated that Mirant would use trona injection and a blend of low sulfur coal to manage SO<sub>2</sub> emissions. Mirant stated that these supplemental operating scenarios result in no modeled NAAQS exceedances.
14. By letter dated December 22, 2005, EPA issued a Notice to Mirant and the VaDEQ, alleging that Mirant did not immediately undertake the necessary action to protect human health and the environment required by VaDEQ's August 19, 2005 letter, and that Mirant was therefore in violation of 9 VAC 5-20-180(I) and the federally-enforceable Virginia SIP for the period of time in which it failed to immediately shut down all the PRGS Units.
15. Following issuance of the Notice, EPA met with Mirant on several occasions to discuss settlement of EPA's possible enforcement action for the violation alleged in the Notice under Section 113 of the CAA. These discussions, along with discussions with DOE and VaDEQ, have resulted in this Order.
16. In its evaluation of potential PRGS operating scenarios, DOE has determined that the levels of PRGS operation allowed under the terms and conditions of Part IV of this Order are necessary to assure an acceptable level of electric reliability to the District of Columbia under the circumstances.
17. EPA will require use of the AERMOD model with a 24 hour background SO<sub>2</sub> concentration of 51 micrograms per cubic meter ("ug/m<sup>3</sup>") when evaluating the PRGS's effects on the SO<sub>2</sub> NAAQS. In Mirant's December 30, 2005 Operating Plan and subsequent submissions to DOE and EPA, Mirant has used varying background concentrations for SO<sub>2</sub> in determining the maximum predicted impact of various operating scenarios at the PRGS. EPA has determined that Mirant's use of these varying background concentrations was technically defensible but that additional conservatism will be required in this Order. In an effort to build additional conservatism into Mirant's operating scenarios to ensure protection of the NAAQS, EPA has instructed Mirant to use a background concentration of 51ug/m<sup>3</sup> to add to the AERMOD 24 hour SO<sub>2</sub> modeled pollutant concentrations to determine the maximum predicted impacts for all operational scenarios considered during and incorporated into this Order.
18. EPA has determined through modeling and analysis that there is a strong correlation between the days, hours, and locations of predicted highest 24-hour concentrations of

SO<sub>2</sub> and predicted highest 24-hour concentrations of PM<sub>10</sub>; that the predicted highest concentrations of SO<sub>2</sub> are higher, relative to the SO<sub>2</sub> NAAQS, than the predicted highest concentrations of PM<sub>10</sub> relative to the PM<sub>10</sub> NAAQS; and that measures taken to reduce SO<sub>2</sub> emissions from the PRGS facility, such as reduced levels of operation and/or increased levels of trona usage, will also reduce emissions of PM<sub>10</sub>.

### III. CONCLUSIONS OF LAW

19. Mirant is a "person" within the meaning of Section 302(e) of the CAA, 42 U.S.C. § 7602(e), and within the meaning of Section 113(a) of the CAA, 42 U.S.C. § 7413(a), because it is a corporation.
20. EPA concludes that Mirant violated 9 VAC 5-20-180(I) by failing to immediately shut down the boilers at the PRGS upon receipt of the letter from VaDEQ, and that such failure is also a violation of Section 113(a) of the CAA, 42 U.S.C. § 7413(a).
21. Mirant has had an opportunity to confer with the Administrator or his designee regarding this alleged violation and the terms of this Order. Mirant denies that any violation occurred, but agrees to the entry of this Order.
22. EPA has determined that the following schedule and plan for compliance is reasonable, taking into account the seriousness of the modeled NAAQS exceedances and the concerns of DOE regarding electric reliability in the Central D.C. area, and that this schedule is expeditious given the length of time it will take Mirant to take more permanent measures as well as the time it will take for additional electric transmission lines to be put into service to alleviate the emergency as determined by DOE.

### IV. ORDER

Based upon the forgoing, under Section 113(a)(4) of the Act, 42 U.S.C. § 7413(a)(4), IT IS DETERMINED AND ORDERED that:

A. Definitions - For the purpose of this Order, the following terms shall have the meanings defined below:

#### **3-Hour Rolling SO<sub>2</sub> and 24-Hour Calendar Day SO<sub>2</sub> Emission Rate.**

For the purpose of calculating the specified rate in Table 1 for a specified time period, the actual SO<sub>2</sub> emission rate is determined by dividing the sum of the total pounds of actual SO<sub>2</sub> emissions from the boiler stack of that unit, as determined by hourly CEMS data, as certified by 40 CFR Part 75, by the sum of the total heat input in million Btus from that coal-fired boiler unit.

For any 3 hour rolling period when there are fewer than 2 hours of actual emissions from a coal-fired boiler unit, an emission rate for that 3 hour period that would have to comply with the Table 1 emission rates does not need to be calculated for that unit.

For any calendar day when there are fewer than 3 hours of actual emissions from a coal-fired boiler unit, a 24 hour emission rate to comply with Table 1 need not be calculated for that unit.

On any day when a unit runs between 3 and 18 hours, the complying 24 hour emissions rate for Table 1 shall be calculated as follows:

If a unit operates between 3 hours and 10 hours, the SO<sub>2</sub> limit for that unit equals the 3 hour rate in Table 1 minus 1/3 of the difference between the 3 hr and 24 hr rate for that unit configuration;

If a unit operates 10 hours or more up to 18 hours, the SO<sub>2</sub> limit for that unit equals the 3 hour rate in Table 1 minus 2/3 of the difference between the 3 hr and 24 hr rate for that unit configuration.

If a unit operates 18 hours or more, the 24 hour rate in Table 1 shall apply.

Nothing in this paragraph is intended to allow greater operation of a unit than what is specified in Table 1 where this Order requires operation in accordance with Table 1. In addition, where this Order requires operation in accordance with Table 1 and that configuration calls for unit(s) to operate between 3 and 18 hours, then the Table 1 emission rates shall apply without the above adjustments.

**AERMOD Default** means Version 04300 of the AERMOD computer model, currently approved for general use by EPA.

**AERMOD EBD** means the AERMOD computer model with modified direction-specific building dimensions derived from the Wind Tunnel Study.

**Alternative Operating Scenario** means a method of operating the Potomac River Generating Station during the Model Evaluation Study, which has been approved by EPA and reviewed by VaDEQ.

**DOE** means the United States Department of Energy

**DOE Order** means Order No. 202-05-3, issued by the Department of Energy on December 20, 2005 in Docket No. EO-05-01 in response to an Emergency Petition and Complaint filed by the District of Columbia Public Service Commission.

**EPA** means the United States Environmental Protection Agency, Region III.

**Line Outage Situation** means that one or both 230 kV transmission lines, serving the Central D.C. area are out of service due to a planned or unplanned outage.

**Mirant** means Mirant Potomac River, LLC.

**Modeled NAAQS Exceedance** means a modeled 3-hour average sulfur dioxide concentration which, when a background concentration of 238.4 micrograms per cubic meter is added, exceeds 1,300 micrograms per cubic meter; or a modeled 24-hour average sulfur dioxide concentration which, when a background concentration of 51 micrograms per cubic meter is added, exceeds 365 micrograms per cubic meter; or, a modeled 24 hour PM10 concentration which, when a background concentration of 45 micrograms per cubic meter is added, exceeds 150 micrograms per cubic meter.

**Model Evaluation Study or MES** means a study proposed by Mirant and approved by EPA and reviewed by VaDEQ to compare multiple computer model predicted ambient air impacts to actual measured ambient air concentrations for the purpose of determining the best performing computer model in evaluating the effects of the emissions resulting from the operation of the PRGS.

**Monitoring Plan** means a plan proposed by Mirant and approved by EPA and reviewed by VaDEQ as part of the MES for the installation and use of ambient air monitors in the vicinity of the PRGS to monitor ambient air quality impacts of the PRGS.

**Monitors** means the ambient air monitors installed in accordance with the Monitoring Plan.

**NAAQS** means the National Ambient Air Quality Standards.

**Non-Line Outage Situation** means all periods of time that do not qualify as a Line Outage Situation.

**Operating Parameters** means the hourly average MW load of each unit for each hour of that day at the PRGS, the hourly average SO<sub>2</sub> emission rate expressed in lb/MMBtu for each unit for each hour of that day, and the emission rate of PM<sub>10</sub> expressed in lb/MMBtu.

**Operating Plan** means the December 30, 2005 Operating Plan submitted to DOE by Mirant to respond to the requirement for a compliance plan under the DOE Order.

**Predictive Modeling** means the daily use of an approved AERMOD computer model run in accordance with 40 C.F.R. Part 51, Appendix W, with forecasted weather conditions and planned Operating Parameters for the following day to predict modeled NAAQS compliance on a day-ahead basis.

**PJM** means the regional transmission organization for the region where the PRGS is located.



**PRGS** means the coal-fired electric generating station owned by Mirant and located in Alexandria, VA, comprised of three baseload generating units (Units 3, 4, 5) of approximately 102 MW each and two cycling units (Units 1 and 2) of approximately 88 MW each.

**VaDEQ** means the Virginia Department of Environmental Quality.

**Wind Tunnel Study** means a study proposed by Mirant using a physical model, as outlined in CPP Wind's Wind Tunnel Model Evaluation protocol, dated January 17, 2006, reviewed by EPA and VaDEQ, and conducted in accordance with EPA Guidance, to evaluate the accuracy of AERMOD Default's assumptions with respect to the direction-specific effective building dimensions when applied to the PRGS.

### **B. Operation During Non-Line Outage Situations**

1. Mirant shall implement and comply with all of the single-unit, two-unit, and three-unit configuration constraints listed in Table 1 below until such time as Mirant is authorized by EPA and DOE to begin an alternative operating scenario as described below. Mirant shall operate each unit within the applicable hours-of-operation and SO<sub>2</sub> emission rate restrictions listed in the table each calendar day. Generally, unit transitions and unit startups will occur within (+/-) four hours of midnight. The following procedures will be followed when there is a transition between operating scenarios:

a. When transitioning between two units, the unit that is coming offline will cease burning coal before the starting unit begins burning coal. Number 2 oil will be burned during the warm-up phase of the starting unit and during the shutdown phase of the unit coming offline. The number of boilers burning coal will not exceed at any time the constraints applicable to the Unit Configurations listed in Table 1.

b. When a change in operating Unit Configuration occurs, Mirant shall, for the balance of the calendar day, meet the more stringent of the 3-hour SO<sub>2</sub> and/or 24-hour SO<sub>2</sub> rate caps and hours of operation applicable to:

- (i.) the Unit Configuration being ceased, and
- (ii.) the Unit Configuration being commenced.

**TABLE 1**

<b>Unit Configuration</b>	<b>24-Hr Calendar Day SO<sub>2</sub> Rate - lb/MBtu</b>	<b>3-Hr Rolling SO<sub>2</sub> Rate - lb/MBtu</b>	<b>Operating Constraints</b>
Unit 1	1.20	1.20	8 hrs max / 8 min / 8 off, 14,800 lb/day
Unit 1	0.84	1.14	None
Unit 2	0.41	0.73	None
Unit 3	0.31	0.66	None
Unit 4	0.36	0.70	None
Unit 5	0.61	0.90	None
Units 1 & 2	0.29	0.50	Both Units: 100% Load 24 hrs/day
Units 1 & 3	0.24	0.51	#1 @ 8 max / 8 min / 8 off, none on #3
Units 2 & 3	0.23	0.40	#2 @ 8 max / 8 min / 8 off, none on #3
Units 1 & 4	0.30	0.54	#1 @ 8 max / 8 min / 8 off, none on #4
Units 2 & 4	0.25	0.44	#2 @ 8 max / 8 min / 8 off, none on #4
Units 1 & 5	0.43	0.60	#1 @ 8 max / 8 min / 8 off, none on #5
Units 2 & 5	0.35	0.55	#2 @ 8 max / 8 min / 8 off, none on #5
Units 3 & 4	0.23	0.43	#3 @ 6 max / 18 min; #4 @ 7 max / 17 min
Units 3 & 5	0.24	0.43	Both units @ 12 hr max / 12 hr min
Units 4 & 5	0.27	0.51	Both units @ 12 hr max / 12 hr min
Units 1, 2 & 3	0.21	0.36	#1&2 @ 5 max / 4 min / 15 off, none on #3
Units 1, 2, & 4	0.24	0.35	#1&2 @ 6 max / 5 min / 13 off, none on #4
Units 1, 2, & 5	0.27	0.42	#1&2 @ 8 max / 8 min / 8 off, none on #5

**2. Schedule for Installation of Trona Injection at All Boiler Units**

a. In accordance with the schedule set forth in Mirant's Operating Plan of December 30, 2005, Mirant shall ensure that Trona injection units are installed and operated as follows:

(1). March 20, 2006 - In addition to the two portable, rental Trona units, Mirant shall have a third operational Trona injection unit, whether an engineered unit or a rental unit. Mirant shall operate all three Trona units whenever three or more boilers are operating.

(2). April 28, 2006 - Mirant shall have installed and be operating three engineered Trona injection units, and shall operate each unit whenever the boiler to which it is attached is operating. Mirant shall operate the rental Trona units on boilers not equipped with operating engineered units.

(3). May 31, 2006 - Mirant shall have installed and be operating

all five engineered Trona injection units, and shall operate each unit whenever the boiler to which it is attached is operating.

### **3. Model Evaluation Study**

a. Mirant shall undertake a Model Evaluation Study to determine the best performing model for predicting the computer-modeled ambient air quality impacts from the PRGS's operations. Prior to beginning the MES, Mirant must submit to EPA for approval an MES protocol, and simultaneously send a copy to VaDEQ. Mirant may begin operating the PRGS in a manner that does not cause or contribute to Modeled NAAQS Exceedances by using Predictive Modeling as described in subsection 4 below, after completing the following tasks:

- (1). EPA approval of the MES protocol;
- (2). installation and operation of at least 3 SO<sub>2</sub> monitors in accordance with the approved monitoring plan;
- (3). execution of this Order by EPA; and
- (4). authorization by DOE for Mirant to operate in accordance with this Order.

b. Upon commencement of daily predictive modeling performed in conjunction with the MES, the SO<sub>2</sub> emission rate limitations and other unit operating restrictions set forth in Table 1 shall no longer apply unless otherwise indicated. The Table 1 restrictions apply if Mirant ceases to operate the PRGS in accordance with the MES.

### **4. Operations in Accordance with Daily Predictive Modeling**

a. By 10 AM each morning, Mirant shall collect actual weather predictions from the National Weather Service for the Reagan National Airport and use them along with planned Operating Parameters as inputs to conduct a computer modeling run for the following day using AERMOD Default. If the modeling confirms that Mirant's planned operations for the following day will not cause or contribute to a Modeled NAAQS Exceedance, Mirant may operate on the day modeled in accordance with the modeled Operating Parameters. If the Predictive Modeling indicates that the planned Operating Parameters will result in one or more Modeled NAAQS Exceedances, Mirant shall not run under those operating parameters but shall continue to adjust its planned operations and conduct additional modeling runs using the adjusted Operating Parameters to confirm that the adjusted operations will not cause or contribute to a Modeled NAAQS Exceedance for the day modeled.

b. During Line Outage Situations, Predictive Modeling must continue to be performed but the PRGS shall be operated under the Line Outage Situation provision in accordance with the DOE Order and this Order.

c. If the Predictive Modeling indicates that the predicted weather conditions and planned Operating Parameters do not result in a Modeled NAAQS Exceedance,

Mirant is authorized to operate using the planned Operating Parameters and shall not be in violation of this Order; or 9 VAC 5-20-180(I), as incorporated into the Virginia SIP at 40 C.F.R. 52.2420(c); nor shall such operation be deemed to give a right for a cause of action for any alleged violation of the NAAQS as a result of Mirant causing or contributing to any modeled or monitored exceedance of the NAAQS. This release shall only apply to alleged exceedances or violations occurring during the lifetime of the Order or the duration of the MES if the requirements of this Order have been incorporated into a state operating permit; shall only apply to laws in existence on the effective date of the Order; and shall not prevent Virginia from issuing an order under 9 VAC 5-20-180(I) or EPA from taking action under Section 303 of the Clean Air Act.

## **5. Operation During Certain Periods of Elevated SO<sub>2</sub> Impacts After MES**

### **Approval**

a. As a precaution, after the installation of at least three monitors, Mirant shall institute additional measures that will apply whenever ambient concentrations of SO<sub>2</sub> are elevated, as defined below. Specifically, Mirant shall:

(1). Install a monitor alert system in the Potomac River Control Room that registers an audible alarm if in any one hour the average measured ambient concentration of SO<sub>2</sub> at any monitor is equal to or greater than 80% of the 3 hour SO<sub>2</sub> National Ambient Air Quality Standard, measured as 400 parts per billion (1,040  $\mu\text{g}/\text{m}^3$ ).

(a). During the hour following the sounding of the alarm, Mirant shall make operational adjustments, which may include increasing Trona injection and/or decreasing operation and shall observe the effect of these adjustments on the average, measured ambient concentration of SO<sub>2</sub>.

(b). If, at the end of the second hour, the average measured ambient concentration of SO<sub>2</sub> is not equal to or less than 1,040  $\mu\text{g}/\text{m}^3$ , Mirant shall adjust its operations to conform to the scenarios described in Table 1 until the rolling 3 hour average is less than 1,040  $\mu\text{g}/\text{m}^3$ .

(2). Mirant shall also configure the audible alarm to sound if, in any 12 hour period, any monitor measures an average, ambient concentration of SO<sub>2</sub> equal to or greater than 80% of the 24 hour SO<sub>2</sub> National Ambient Air Quality Standard, measured as 112 parts per billion (292  $\mu\text{g}/\text{m}^3$ ).

(a). During the following 6 hours, Mirant shall make operational adjustments, which may include increasing Trona injection and/or decreasing operation and shall observe the effect of these adjustments on the measured ambient concentration of SO<sub>2</sub>.

(b). If, at the end of the 6 hour period, the average, measured ambient concentration of SO<sub>2</sub> is not equal to or less than 292  $\mu\text{g}/\text{m}^3$ , Mirant shall adjust its operations to conform to the scenarios described in Table 1 for the balance of the calendar day.

(3). Mirant shall also configure the audible alarm to sound if, after the first 6 months of operation, any monitor measures an average, ambient concentration of SO<sub>2</sub> equal to or greater than 80% of the annual average NAAQS, measured as 64 µg/m<sup>3</sup>.

(a). During the following 3 months, Mirant shall monitor the 7 month, 8 month and 9 month averages.

(b). If, at the end of 9 months, the average, measured ambient concentration of SO<sub>2</sub> is not equal to or less than 64 µg/m<sup>3</sup>, Mirant shall adjust its operations so that the annual, measured ambient concentration of SO<sub>2</sub> does not exceed 80 µg/m<sup>3</sup>.

(4). If the audible alarm sounds more than 5 times in a calendar month, Mirant shall, on a one-time basis, adjust the alarm to 75% of the applicable NAAQS.

#### **6. PM10 Predictive Modeling**

Whenever Mirant operates 4 or more units, it shall abide by an emission rate of 0.055 lbs/MM Btu and shall first conduct Predictive Modeling using this rate to determine whether operation of the units causes or contributes to a Modeled NAAQS Exceedance. If the Predictive Modeling indicates that the planned Operating Parameters will result in a Modeled NAAQS Exceedance for PM10, Mirant shall adjust its planned operating scenario and re-run the Predictive Modeling with an emission rate of 0.055 lbs/MM Btu until such time as Mirant confirms through Predictive Modeling that the adjusted operations will not cause or contribute to a Modeled NAAQS Exceedance for PM10.

#### **7. AERMOD EBD - Physical Changes Requiring Model Changes**

If Mirant elects to refine the AERMOD Default model by performing a Wind Tunnel Study, Mirant will submit a Wind Tunnel Study evaluation protocol for review by EPA and VaDEQ and approval by EPA. The protocol will describe the technical features of the proposed Wind Tunnel Study and the theoretical basis for demonstrating that the data generated should be used to develop a site-specific set of assumptions, including equivalent building dimensions, to be applied to AERMOD Default.

The results of the Wind Tunnel Study shall be submitted to EPA for approval and may result in site-specific equivalent building dimensions to be used in lieu of the assumptions in the AERMOD Default model. The results must be submitted to EPA no later than 90 days following entry of this AO. Upon approval of AERMOD EBD by EPA and VaDEQ, Mirant shall operate for the balance of the MES study period applying AERMOD EBD in its Predictive Modeling.

As the Model Evaluation Study progresses, Mirant may make other changes at the PRGS, including physical changes such as changes to the stacks. In that event, inputs utilized during the Predictive Modeling and in the models evaluated at the conclusion of the Model Evaluation Study (and the model used to develop emission limits for the PRGS) may, after EPA

approval, be adjusted to correspond to these changes. However, the MES study period must be conducted for a minimum of six months following any physical change in order to obtain monitoring data upon which to evaluate the models.

## 8. Monitoring and Comparison Modeling During the Model Evaluation

### Study

In accordance with the MES Protocol, as attached, Mirant shall install and operate a total of six (6) ambient SO<sub>2</sub> monitors in the preferred locations or alternate locations as described below:

#### a. Preferred locations

- (1). Two monitors on the roof of Marina Towers, with one located on the Southeast wing and one at the center of the building;
- (2). One monitor east of the PRGS, approximately due east of Stack 5 on the west bank of the Potomac River;
- (3). One monitor southeast of the PRGS, along the facility fence line, near the River;
- (4). One monitor approximately 800 meters north of Marina Towers; and
- (5). One monitor on the roof of a building in the Harbor Terrace complex three

EPA will work with Mirant to assist in obtaining permission needed to install monitors in these preferred locations.

b. Alternate Locations: If EPA determines that notwithstanding Mirant's good faith and reasonable efforts to obtain permission to install monitors in the preferred locations, it is impractical to install some or all of the monitors in the preferred locations in a timely manner because the owner of the preferred monitor location declines to host the SO<sub>2</sub> monitor(s) or the preferred location is unavailable or impractical for any other reason, EPA will authorize installation of monitors at some or all of the five alternative SO<sub>2</sub> monitor locations set forth in the MES Protocol, as summarized below:

- (1) Southwest of the PRGS on the rooftop of Braddock Place;
- (2) Approximately 600 meters South-Southeast of the stack locations, at ground level along the Potomac River;
- (3) Approximately 300 meters Southwest of the PRGS at ground level;
- (4) Approximately 600 meters South-Southwest of the PRGS at ground level; and

(5) Approximately 100 meters SW of the plant at ground level.

c. Deadline for ambient monitor installation: Mirant shall have all six monitors installed and operating within 60 days of the execution of this Order. EPA may, at its own discretion, extend the deadline, and/or change locations, for installation and/or operation of one or all of the monitors and in the event that EPA determines that one of the preferred locations is impractical and authorizes use of an alternate location, Mirant shall have an additional 30 days in which to install that monitor.

d. Operation, Maintenance, and Quality Assurance/Quality Control ("QA/QC") of monitors - It shall be the responsibility of Mirant to ensure that the monitors are operated, maintained, and subject to the appropriate QA/QC provisions set forth at Appendix A to 40 C.F.R. Part 58.

e. Follow-up modeling: The data generated by the monitors shall be used at the end of the study to conduct a model evaluation. Until such time as all the ambient air monitors are installed in accordance with the Monitoring Plan and begin measuring and recording ambient air data, Mirant shall perform "follow up" computer modeling using actual weather conditions and Operating Parameters, and shall report the results to EPA and VaDEQ on a monthly basis, as described below. This "follow-up" modeling will be performed on the Monday following the previous week of operation.

#### **9. Determination of Best Performing Model at Conclusion of Model Evaluation Study**

At the conclusion of the MES, the performance of the applicable models will be evaluated in accordance with the document "Protocol for Determining the Best Performing Model." EPA-454/R-92-025, Sept. 1992, Comparing Computer Model-Predicted Air Concentrations to Actual Ambient Air Concentrations Measured by the Monitors. The information yielded by the comparison of model predictions to measured ambient concentrations will result in a determination by EPA and VaDEQ as to which model is best-performing. Thereafter, the best-performing model shall be used to conduct computer modeling to develop permanent emission limits at the PRGS.

#### **10. Reporting**

a. Throughout the period of the MES, Mirant shall deliver to EPA and VaDEQ monthly: (1) the modeled input files and results of the daily Predictive Modeling for the preceding month, including the hourly average heat input in MMBtu for each unit and the exit velocity (or exhaust volume) for each unit; (2) verification that the planned Operating Parameters utilized for Predictive Modeling in the preceding month were not exceeded, or if exceeded, documentation describing that exceedance; (3) the inputs and results of "follow-up" modeling for the preceding month (or portion thereof during which all Monitors were not in place), including the hourly average heat input in MMBtu for each unit and the exit velocity (or

exhaust volume) for each unit, but only until commencement of operation of all Monitors, and; (4) after installation of the Monitors, the data generated by the Monitors.

b. If at any time the "follow-up" modeling demonstrates a modeled exceedance of the NAAQS or the Monitors demonstrate an actual exceedance of the NAAQS, Mirant shall report such modeled or monitored exceedance to EPA and VaDEQ within 3 days of the modeled or monitored exceedance for a determination as to whether corrective action is required.

### C. Operation During Line Outage Situations

1. During a Line Outage Situation, Mirant shall operate the PRGS to produce the amount of power needed to meet the load demand in the Central D.C. area, as specified by PJM and in accordance with the DOE Order. During such operations, Mirant shall take all reasonable steps to limit the emissions of PM10, NOX and SO2 from each boiler, including operating only the number of units necessary to meet PJM's directive and optimizing its use of Trona injection to minimize SO2 emissions. During a Line Outage Situation, Mirant shall achieve 80% reduction of SO2 emissions unless: 1) Mirant demonstrates, through predictive modeling or otherwise, that 80% reduction is not necessary to achieve compliance with the NAAQS; or 2) Mirant demonstrates that 80% reduction is not logistically feasible because of factors such as the quantity of available Trona and predicted duration of the outage. In the event that Mirant demonstrates that 80% reduction is not logistically feasible, it shall submit a plan to EPA for optimizing its use of Trona injection so as to maximize SO2 reduction and the plan shall propose control measures and removal efficiencies to be achieved during the Line Outage Situation. If Mirant has 30 days notice in advance of the Line Outage Situation, it shall submit the plan to EPA for approval 15 days before commencement of the Line Outage. If Mirant has less than 30 days advance notice of the Line Outage Situation, Mirant shall submit the plan to EPA for approval as promptly as reasonably possible under the circumstances. It is understood and acknowledged that the plan to be followed for an unscheduled Line Outage Situation will depend upon the specific circumstances at the time of the unscheduled Line Outage Situation. Nothing here shall diminish Mirant's obligation to produce the amount of power needed to meet the load demand in the Central D.C. area, as specified by PJM, and in accordance with DOE's Order.

2. Malfunctions of emission control devices, such as Trona injection, shall not be deemed a failure to limit the emissions during a line outage, provided that Mirant has made reasonable efforts to avoid the malfunction and to promptly correct the malfunction. All emissions during a Line Outage Situation count toward any other permit, statutory, or regulatory limits for the PRGS. Upon Mirant's request, EPA (after consultation with DOE) will provide contemporaneous written confirmation of the existence of a Line Outage Situation. If Mirant operates the PRGS in accordance with dispatch directions from PJM and the relevant terms of this Order during a Line Outage Situation, Mirant shall not be in violation of this Order; or 9 VAC 5-20-180(I), as incorporated into the Virginia SIP at 40 C.F.R. 52.2420(c); nor shall such operation be deemed to give a right for a cause of action for any alleged violation of the



NAAQS as a result of Mirant causing or contributing to any modeled or monitored exceedance of the NAAQS. This release shall only apply to alleged exceedances or violations occurring during the lifetime of the Order or the duration of the MES if the requirements of this Order have been incorporated into a state operating permit; shall only apply to laws in existence on the effective date of the Order; and shall not prevent Virginia from issuing an order under 9 VAC 5-20-180(1) or EPA from taking action under Section 303 of the Clean Air Act.

#### **D. General Provisions**

1. At all times, Mirant shall not emit more than 3700 tons of NO<sub>x</sub> per year and shall limit the emission rate of PM<sub>10</sub> to 0.055 lbs/MMBtu.
2. Mirant's actions shall be consistent with all provisions of federal and state law, including but not limited to, the Clean Air Act, all federal regulations promulgated under the Clean Air Act, and any other applicable laws, including the Virginia State Implementation Plan.

#### **E. Permitting Requirements**

Within the 12 month period following entry of this Order, Mirant must cooperate with VaDEQ in the development of operating permit emission limits protective of all NAAQS. Mirant agrees that the obligations of this Order, to the extent they have not been completed, may become obligations in the operating permit issued by VaDEQ. Mirant further agrees that during the implementation of this Order, it will prepare and submit to EPA and VaDEQ an analysis of the applicability of NSR/PSD to the PRGS due to the installation of Trona injection and any additional fugitive emissions resulting from that installation.

#### **V. PARTIES BOUND**

This Order shall apply to and be binding upon Mirant, its agents, successors, and assigns and upon all persons, contractors and consultants acting under or for Mirant, or persons acting in concert with Mirant who have actual knowledge of this Order or any combination thereof with respect to matters addressed in this Order. No change in ownership or corporate or partnership status will in any way alter Mirant's responsibilities under this Order.

In the event of any change in ownership or control of the PRGS, Mirant shall notify the EPA in writing at least thirty (30) days in advance of such change and shall provide a copy of this Order to the transferee-in-interest of the PRGS, prior to any agreement for transfer.

#### **VI. RESPONSES TO ORDER**

Information required to be submitted to EPA under this Order must be sent to:

Chief, Air Enforcement Branch  
Air Protection Division,

U.S. Environmental Protection Agency, Region 3  
1650 Arch St.  
Philadelphia, PA 19103

And

Douglas J. Snyder  
Assistant Regional Counsel  
Office of Regional Counsel (3RC10)  
U.S. Environmental Protection Agency, Region 3  
1650 Arch St.  
Philadelphia, PA 19103

#### VII. EFFECT OF COMPLIANCE ORDER

As set forth in Section 113(a)(4) of the Act, 42 U.S.C. § 7413(a)(4), nothing in this Administrative Compliance Order by Consent shall prevent EPA from assessing any penalties, or otherwise affect or limit the United States' authority to enforce other provisions of the Act, or affect any person's obligations to comply with any Section of the Act or with any term or condition of any permit or applicable implementation plan promulgated or approved under the Act. Further, nothing in this Order shall limit or otherwise preclude the United States from taking criminal or additional civil judicial or administrative enforcement action against Mirant or any third parties with regard to the PRGS pursuant to any other federal or state law, regulation or permit condition, or for Mirant's failure to comply with any requirements of this Order. Nothing herein shall be construed to limit the authority of the EPA to undertake action against any person, including Mirant, in response to any condition that EPA determines may present an imminent and substantial endangerment to the public health, public welfare or the environment. EPA reserves any rights and remedies available to it to enforce the provisions of this Order, the Act and its implementing provisions, and of any other federal laws or regulations for which it has jurisdiction following the entry of this Order.

For the purposes of this proceeding only, Mirant hereby expressly waives its right to any appeal of this Order which it may have under Section 307(b) of the CAA, 42 U.S.C. § 7607(b), and waives the right to challenge the terms of this Order in any action taken to enforce this Order pursuant to Section 113(b) of the CAA, 42 U.S.C. § 7413(b).

#### VIII. ENFORCEMENT

Failure to comply with this Order may result in a judicial or administrative action for appropriate relief, including civil penalties, as provided in Section 113 of the Act, 42 U.S.C. § 7413. EPA retains full authority to enforce the requirements of the Clean Air Act, 42 U.S.C. §§ 7401-7642, and nothing in this Order shall be construed to limit that authority except as otherwise provided herein.

## IX. CERTIFICATION OF REPORTS

Any notice, report, certification, data presentation, or other document submitted by Mirant under or pursuant to this Order, which discusses, describes, demonstrates, or supports any finding or makes any representation concerning Mirant's compliance or non-compliance with any requirement(s) of this Order, shall be certified by a responsible corporate official of Mirant. The term "responsible corporate official" means (a) the Chairman or Chief Operating Officer of Mirant, or (b) Vice President of Operations for PRGS.

23. The certification required by the preceding paragraph of this Order shall be in the following form:

Except as provided below, I certify that the information contained in or accompanying this (type of submission) is true, accurate, and complete. As to (the/those) portion(s) of this (type of submission) for which I cannot personally verify (its/their) accuracy, I certify under the penalty of law that this (type of submission) and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature: \_\_\_\_\_

Name(print): \_\_\_\_\_

## X. EFFECTIVE DATE AND OPPORTUNITY FOR CONFERENCE

24. By signing this Order, Mirant agrees that it has had an opportunity to confer on the terms of this Order with EPA and thereby waives its opportunity pursuant to Section 113(a)(4) to confer further with EPA concerning the violation(s) alleged in the above Order before the Order takes effect. Therefore, this Order shall be effective upon Mirant's receipt of a copy of the Order signed by the Director of the Air Protection Division, Region 3, or her designee. This Order shall expire one year after execution of the Order, in accordance with Section 113(a)(4) of the CAA, unless it is terminated sooner by EPA.

## XI. FAILURE TO PERFORM

25. In the event of an inability or anticipated inability on the part of Mirant to perform any of the actions or work required by this Order in the time and manner required herein, Mirant shall notify EPA orally within twenty-four (24) hours of such event (or, if the event occurs on a Friday

or Saturday, Sunday, or legal holiday, no later than the following business day) and in writing as soon as possible, but in no event more than three (3) days after such event. Such notice shall set forth the reason(s) for, and the expected duration of, the inability to perform; the actions taken and to be taken by Mirant to avoid and mitigate the impact of such inability to perform; and the proposed schedule for completing such actions. Such notification shall not relieve Mirant of any obligation of this Order. Mirant shall take all reasonable actions to prevent and minimize any delay.


## XII. BUSINESS CONFIDENTIALITY

26. Mirant is entitled to assert a claim of business confidentiality covering all or part of any requested information, in the manner described in 40 C.F.R. § 2.203(b), unless such information is "emission data" as defined in 40 C.F.R. § 2.301(a)(2). Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth in 40 C.F.R. Part 2, Subpart B. Unless a confidentiality claim is asserted at the time requested information is provided, EPA may make this information available to the public without further notice to you.

## XIII. COPIES OF ADMINISTRATIVE COMPLIANCE ORDER BY CONSENT

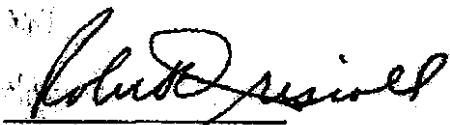
A copy of this Order will be sent to James Sydnor, Virginia Department of Environmental Quality.

Dated: June 1, 2006

  
Judith Katz, Director  
Air Protection Division  
U.S. Environmental Protection Agency  
Region III

The undersigned represents that he or she is a duly authorized representative of Mirant Potomac River, LLC for the purpose of signing this Order, and that Mirant agrees to the terms of this Order.

Dated: June 1, 2006

  
Robert Driscoll  
Chief Operating Officer

**APPENDIX C**

***Federal Register* Notice of Emergency Action and  
Correspondence with the Council on Environmental Quality**

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**ACTION:** Notice of public meeting agenda.

**DATE AND TIME:** Thursday, February 2, 2006, 10 a.m.–1 p.m.

**PLACE:** Hyatt Regency (Valley Forge Room), 400 New Jersey Avenue, NW., Washington, DC 20001. (Metro Stop: Union Station).

**AGENDA:** The Commission will receive the following reports: Title II Requirements Payments Update; and updates on other administrative matters. The Commission will receive presentations on the following topics: Implementation of the EAC Voting System Certification Program.

This meeting will be open to the public.

**FOR FURTHER INFORMATION CONTACT:** Bryan Whitener. Telephone: (202) 566-3100.

**Ray Martinez III,**

*Vice-Chairman, U.S. Election Assistance Commission.*

[FR Doc. 06-607 Filed 1-18-06; 3:32 pm]

**BILLING CODE 6820-KF-M**

## DEPARTMENT OF ENERGY

### Emergency Order To Resume Limited Operation at the Potomac River Generating Station, Alexandria, VA, in Response to Electricity Reliability Concerns in Washington, DC

**AGENCY:** Department of Energy.

**ACTION:** Notice of emergency action.

**SUMMARY:** Pursuant to 10 CFR 1021.343, the U.S. Department of Energy is issuing this Notice to document emergency actions that it has taken, and to set forth the steps it intends to take in the future, to comply with the National Environmental Policy Act (NEPA) in the matter described in this Notice.

On August 24, 2005, Mirant Corporation, and its wholly owned subsidiary, Mirant Potomac River, LLC (collectively referred to herein as Mirant), ceased operations at its Potomac River Generating Station (the "Plant") in Alexandria, Virginia, after modeling that it conducted indicated that the Plant's operations were causing exceedances of the National Ambient Air Quality Standards (NAAQS) of the Clean Air Act. On the same day, the District of Columbia Public Service Commission (DCPSC) filed with the U.S. Department of Energy (DOE or "Department"), a petition for an emergency order pursuant to section 202(c) of the Federal Power Act (FPA), asserting that the Plant's closure reduced the reliability of the electrical

supply to much of the central business district of the District of Columbia, many federal institutions, the Georgetown area in DC, as well as other portions of Northwest DC, and the District of Columbia Water and Sewer Authority's Blue Plains Advanced Water Treatment Plant (collectively referred to herein as the "Central DC area"), placing these electrical customers in risk of a blackout.

After an exhaustive review of the facts, and consultation with Federal and state officials responsible for environmental compliance and the private entities responsible for electricity transmission, the Secretary of the Department of Energy on December 20, 2005, issued an emergency order (the "Order") directing the Plant's owner, Mirant, to generate electricity at the coal-fired Plant under certain, limited circumstances. The section below on "Further Information" includes information on how to obtain paper and electronic copies of the Order.

In emergency situations such as this one, the Council on Environmental Quality (CEQ) Regulations Implementing the Procedural Requirements of NEPA at 40 CFR 1506.11 provide that a federal agency may take an action with significant environmental impacts without observing the provisions of the NEPA regulations associated with preparing an Environmental Impact Statement (EIS). Instead, the agency should consult with CEQ to determine what alternative arrangements the agency will take in lieu of preparing a normal NEPA EIS. DOE has consulted with CEQ about alternative arrangements it will take in this matter and is publishing this notice to inform the public of those arrangements pursuant to DOE's NEPA regulations at 10 CFR 1021.343.

Consistent with its consultation with CEQ, DOE will implement the following alternative arrangements: (1) Prepare a Special Environmental Analysis (SEA) that will examine the potential impacts from issuance of the order, and identify potential mitigation measures; (2) provide opportunities for public involvement by disseminating information related to the environmental effects of Mirant's operations and by accepting public comment on this notice, the compliance plan Mirant submitted to DOE, and the SEA; (3) continue consultations with appropriate agencies with regard to relevant environmental issues; and (4) identify in the SEA any steps that DOE believes can be taken to mitigate the impacts from its Order.

**DATES:** Comments on this notice and on issues to be addressed in the SEA should be submitted to DOE on or before February 21, 2006.

**ADDRESSES:** Comments should be addressed to: Lawrence Mansueti, Permitting, Siting, and Analysis Division, Office of Electricity Delivery and Energy Reliability (OE-20), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585-0119; telephone: 202-586-2588; fax: 202-586-5860; [Lawrence.Mansueti@hq.doe.gov](mailto:Lawrence.Mansueti@hq.doe.gov).

**FOR FURTHER INFORMATION CONTACT:** For further information on this Notice, to obtain paper copies of the Order and compliance plan, to submit comments on the compliance plan, or for information on the emergency activities related to the Plant, contact Mr. Mansueti at the above address. In addition, all publicly available documents, including the Order and compliance plan, are available on DOE's Web site for this matter at [http://www.electricity.doe.gov/about/dcpsc\\_docket.cfm](http://www.electricity.doe.gov/about/dcpsc_docket.cfm) or via hyperlinks from that Web site (referred to herein as the "Mirant matter Web site"). Copies of the SEA will also be available on the DOE NEPA Web site at <http://www.eh.doe.gov/nepa/>.

For information on the DOE NEPA process, please contact: Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance (EH-42), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585-0119; telephone: 202-586-4600; fax: 202-586-7031; or leave a toll-free message at: 1-800-472-2756.

#### SUPPLEMENTARY INFORMATION:

##### Procedural Background

On August 19, 2005, Mirant submitted to the Virginia Department of Environmental Quality (DEQ) a computerized emissions modeling study Mirant had conducted of its Plant that indicated that emissions from the Plant caused or contributed to significant localized exceedances of the NAAQS. Also on August 19, 2005, DEQ issued a letter to Mirant which requested "that Mirant *immediately* undertake such action as is necessary to ensure protection of human health and the environment, in the area surrounding the Potomac River Generating Station, including the potential reduction of levels of operation, or potential shut down of the facility." (emphasis in original). On August 24, 2005, Mirant shut down all five of the generating units at the Plant, and on the same day, the District of Columbia Public Service

Commission (DCPSC) filed an Emergency Petition and Complaint with DOE and the Federal Energy Regulatory Commission (FERC) pursuant to the Federal Power Act (FPA). The DCPSC requested the Secretary of Energy to find that an emergency existed under section 202(c) of the FPA and to issue an order directing Mirant to continue operation of the Plant. The basis for the petition was that the shutdown of the Plant “\* \* \* will have a drastic and potentially immediate effect on the electric reliability in the greater Washington, DC, area and could expose hundreds of thousands of consumers, agencies of the Federal Government and critical federal infrastructure to curtailments of electric service, load shedding and, potentially, blackouts.” On September 20, 2005, Mirant restarted its unit number one on an 8/8/8 basis—that is, in any given 24-hour period, the unit runs for eight hours at its maximum level of 88 MW, eight hours at its minimum level of 35 MW, and has eight hours when it does not run. DOE has been informed that both the U.S. Environmental Protection Agency (EPA) and DEQ acknowledge that the operation of this unit in this manner does not result in any modeled NAAQS exceedances.

### Electricity Reliability

The coal-fired Mirant Plant consists of five generating units, two of which are cycling units that range in output from 35 MW to 88 MW, and three of which are baseload units that range in output from 35 MW to 102 MW. The Plant is one of only three sources of electricity to the Central DC area. The other two sources are two 230,000-volt (230 kV) transmission lines that deliver electricity from other generating sources in the regional electric grid operated by PJM Interconnection (PJM). Although there are other generating units in close physical proximity to the Central DC area, there are no transmission lines that would allow delivery of power from these other units to reach the Central DC area. Under North American Electric Reliability Council (NERC) standards, at a minimum, the power system must carry at least enough contingency reserves of electricity to cover the most severe single contingency. The standards require that an area's system always be operated with sufficient reserves to compensate for the sudden failure of the area's most important single generator or transmission line. Based on the fact that the Central DC area has only three sources of supply, the Plant and the two 230 kV transmission lines, in order to maintain a minimally reliable electric power

system, the Plant must be available to run when one of the 230 kV lines is out of service, because if the remaining line failed there would be no other source of electricity to serve the Central DC area load.

The outage of one of these two lines is not merely a theoretical possibility. Since 2000, there have been 34 one-line outages for maintenance, and seven occasions where one of the lines has failed unexpectedly. DOE has been informed that, prior to 2000, there were two occasions when both of the lines failed simultaneously. Moreover, just days before issuance of the Order, PJM informed DOE on December 16, 2005, that on the previous night, “one of the two circuits critical to providing service to the District tripped. Continued [electric] service to certain load within the District was at that time entirely dependent on the remaining circuit.” Fortunately, full service to the line that failed was restored by the morning of December 16, 2005. Nonetheless, there can be no assurance that the Central DC area would be so lucky next time. In addition, the Potomac Electric Power Company (PEPCO) informed DOE that it needed to perform maintenance on the lines in January of 2006.

### The Order

On December 20, 2005, DOE found that in the circumstances presented, an emergency existed within the meaning of section 202(c) of the FPA because of the reasonable possibility an outage would occur that would cause a blackout, the number and importance of facilities and operations in our Nation's Capital that would be potentially affected by such a blackout, the extended number of hours of any blackout that might in fact occur, and the fact that the current situation violated applicable reliability standards. PEPCO has applied to the DCPSC to construct two additional 230 kV lines that would supply electricity to the Central DC area and in the same application, proposed building two new 69kV lines to supply the Blue Plains wastewater treatment plant. Once completed, these lines will likely provide a high level of electricity reliability in the Central DC area, even in the absence of production from the Plant. However, it will likely take 18–24 months to construct the new lines.

Based on this finding, on December 20, 2005, DOE issued an Order requiring Mirant to, among other things, (1) operate the Plant to produce the amount of power (up to its full capabilities) needed to meet demand in the Central DC area during any period in which one or both of the 230kV lines serving the

Central DC area is out of service as specified by PJM for the duration of the outage, and (2) keep as many generating units in operation and take all other measures to reduce the start-up time of units not in operation, for the purpose of providing electricity reliability, as feasible, as determined by DOE after consideration of the plan submitted by Mirant pursuant to the Order and after consultation with EPA, without regard to cost, and without causing or significantly contributing to any exceedance of the NAAQS. A blackout in the Central DC area would have drastic impacts on the environment, as well as for the employees and citizens of the Central DC area, affecting hundreds of thousands of residents and workers, as well as public safety and protection facilities, including hospitals, police, and fire facilities. In addition, DOE has been informed that within 24 hours of a blackout in the Central DC area, untreated sewage from the Blue Plains Wastewater Treatment plant would be discharged into the Potomac River.

The time period for DOE's Order extends through October 1, 2006.

### Mirant's Compliance Plan

Pursuant to DOE's Order, Mirant submitted a compliance plan (referred to as the Operating Plan by Mirant) on December 30, 2005. The plan outlines a proposed temporary phase, and two options for a proposed intermediate phase, Option A and Option B. All proposals include the use of “trona” (sodium sesquicarbonate, a naturally occurring substance similar to baking soda) and/or lower sulfur coal to manage air emissions. On January 4, 2006, DOE authorized Mirant to “immediately take the necessary steps to implement Option A of the intermediate phase proposed in the implementation plan,” stating that “Mirant represents that implementation of this option will produce no NAAQS exceedances.” DOE will work with EPA to verify the accuracy of that representation. DOE is still in the process of reviewing the other proposals described in Mirant's compliance plan in consultation with EPA.

### NEPA Compliance Actions

Pursuant to CEQ regulations at 40 CFR 1506.11, DOE consulted with CEQ on December 20, 2005, December 22, 2005, January 13, 2006, and January 17, 2006, about formulating a plan for alternative arrangements. Under the agreed upon alternative arrangements plan, which will expire October 1, 2006, unless extended, DOE will:



1. *Prepare a Special Environmental Analysis (SEA).* The SEA will examine potential impacts resulting from issuance of the Order, and describe further DOE decisionmaking regarding reasonable future alternatives and potential further mitigation actions DOE may take in this matter. The analysis will present reasonably foreseeable impacts from possible changes in operations of the Plant over the time until two additional transmission lines planned by PEPSCO are installed. DOE intends to issue its SEA no later than August 2006 and will make it available to the public on the DOE NEPA and Mirant matter Web sites as well as announce its availability in the **Federal Register**. DOE will consider information contained in the SEA, and public input received on the SEA, in any future decisionmaking in this matter.

2. *Provide Opportunities for Public Involvement.* DOE is currently accepting public comments on the compliance plan that DOE required Mirant to submit under the DOE Order. DOE also invites public comments on this Notice, as well as on issues to be addressed in the SEA. DOE will consider public input in determining appropriate mitigation measures and any additional actions DOE may take as DOE adaptively manages implementation of the Order. DOE will post on the Mirant matter Web site publicly available information (not exempt from disclosure under the Freedom of Information Act) regarding the environmental effects of ongoing or alternative operations of the Plant (e.g., reasonably available ambient air quality data and results of air quality modeling), that the Department receives from Mirant, EPA, and DEQ.

3. *Continue Agency Consultations.* DOE will continue to consult with EPA and DEQ concerning information on emissions, modeling results, potential mitigation measures, and any changes to the operation of the Plant. EPA will act as a "cooperating agency" (see 40 CFR 1501.6 and 1508.5) for purposes of providing reasonably available public information regarding the environmental effects of operations of the Plant to be disseminated via DOE's Mirant matter Web site and evaluated in the SEA.

4. *Identify Mitigation.* DOE will identify in its SEA any steps that it believes can be taken to mitigate the impacts from its Order. DOE will continue to track the impacts of its Order and public input and provide for appropriate mitigation where practicable. DOE will publish on its Web sites, as noted above, its discussion of which mitigation measures are

adopted for any future decision, and if not, why they are not adopted.

DOE may modify, in consultation with CEQ, the foregoing alternative arrangements as conditions warrant and will notify the public in the **Federal Register** if it does so.

Issued in Washington, DC, on January 18, 2006.

**John Spitaleri Shaw,**  
*Assistant Secretary for Environment, Safety and Health.*

[FR Doc. 06-570 Filed 1-19-06; 8:45 am]

**BILLING CODE 6450-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 12481-002]

#### AMG Energy, LLC; Notice of Surrender of Preliminary Permit

January 12, 2006.

Take notice that AMG Energy, LLC, permittee for the proposed Selden Dam Project, has requested that its preliminary permit be terminated. The permit was issued on April 20, 2004, and would have expired on March 31, 2007.<sup>1</sup> The project would have been located on the Black Warrior River in Greene and Hale Counties, Alabama.

The permittee filed the request on December 7, 2005, and the preliminary permit for Project No. 12481 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday, part-day holiday that affects the Commission, or legal holiday as described in section 18 CFR 385.2007, in which case the effective date is the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR Part 4, may be filed on the next business day.

**Magalie R. Salas,**  
*Secretary.*

[FR Doc. E6-598 Filed 1-19-06; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 12485-002]

#### AMG Energy, LLC; Notice of Surrender of Preliminary Permit

January 12, 2006.

Take notice that AMG Energy, LLC, permittee for the proposed Claiborne Hydroelectric Project, has requested that its preliminary permit be terminated. The permit was issued on June 28, 2004, and would have expired on May 31, 2007.<sup>1</sup> The project would have been located on the Alabama River in Monroe County, Alabama.

The permittee filed the request on December 7, 2005, and the preliminary permit for Project No. 12485 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday, part-day holiday that affects the Commission, or legal holiday as described in section 18 CFR 385.2007, in which case the effective date is the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR part 4, may be filed on the next business day.

**Magalie R. Salas,**  
*Secretary.*

[FR Doc. E6-599 Filed 1-19-06; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP03-36-015]

#### Dauphin Island Gathering Partners; Notice of Negotiated Rate

January 13, 2006.

Take notice that on January 9, 2006, Dauphin Island Gathering Partners (Dauphin Island) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the revised tariff sheets listed below to become effective February 9, 2006.

Twenty-Fourth Revised Sheet No. 9.  
Nineteenth Revised Sheet No. 10.  
Seventh Revised Sheet No. 359.  
Third Revised Sheet No. 427.

Dauphin Island states that these tariff sheets reflect changes to its statement of negotiated rates and nonconforming transportation and reserve commitment agreement tariff sheets.

<sup>1</sup> 107 FERC ¶ 62,053.

<sup>1</sup> 107 FERC ¶ 62,287.

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**Department of Energy**  
Washington, DC 20585

January 18, 2006

Ms. Dinah Bear, General Counsel  
Council on Environmental Quality  
Executive Office of the President  
722 Jackson Place, NW  
Washington, DC 20503

Dear Ms. Bear:

The purpose of this letter is to document the Department of Energy's (DOE) consultations with the Council on Environmental Quality (CEQ) regarding compliance with the National Environmental Policy Act (NEPA) analyses and documentation requirements associated with the issuance of an emergency order under section 202(c) of the Federal Power Act (the Order) as a result of the shutdown of the Potomac River Generating Station (the Plant) in Alexandria, Virginia, on August 24, 2005. We thank you and others at CEQ for consulting with DOE on this matter on December 20 and 22, 2005, and January 13 and 17, 2006.

As you are aware, DOE issued its Order on December 20, 2005, requiring the owners of the Plant, Mirant Corporation and its wholly owned subsidiary, Mirant Potomac River, LLC (collectively referred to herein as Mirant), to generate electricity in certain limited circumstances. Due to the emergency nature of this matter, DOE issued the Order, despite potentially significant environmental impacts, without observing all of the normal provisions of the CEQ Regulations for Implementing the Procedural Requirements of the National Environmental Policy (NEPA) [40 CFR Parts 1500-1508]. Therefore, DOE is pursuing alternative arrangements to comply with NEPA, as provided in Section 1506.11 of the CEQ regulations. As a result of our discussions with CEQ, we propose the following alternative arrangements, which will expire October 1, 2006, unless extended:

1. Issuance of a *Federal Register* Notice, in accordance with DOE's NEPA regulations at 10 CFR 1021.343. The enclosed draft *Federal Register* Notice documents the emergency action that DOE has taken and actions it intends to pursue in the near term to address the electricity reliability emergency in the District of Columbia. The Notice provides background on Plant operations, outlines the Order DOE issued on December 20, 2005, and acknowledges potential environmental impacts from the Order. The Notice also describes DOE's continuing public involvement and preparation of a Special Environmental Analysis, as discussed below.
2. Prepare a *Special Environmental Analysis* (SEA). The SEA will examine potential impacts resulting from issuance of the Order, and describe further DOE decisionmaking regarding reasonable future alternatives and potential further



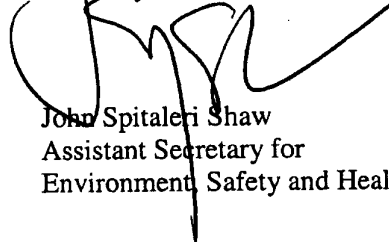
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mitigation actions DOE may take in this matter. The analysis will present reasonably foreseeable impacts from possible changes in operations of the Plant over the time until two additional transmission lines planned by Potomac Electric Power Company are installed. DOE intends to issue its SEA no later than August 2006 and will make it available to the public on the NEPA and Mirant matter websites as discussed in the enclosed Notice as well as announce its availability in the *Federal Register*. DOE will consider information contained in the SEA, and public input received on the SEA, in any future decisionmaking in this matter.

3. Provide Opportunities for Public Involvement. DOE is currently accepting public comments on the compliance plan that DOE required Mirant to submit under the DOE Order. DOE also invites public comments on this Notice as well as on issues to be addressed in the SEA. DOE will consider public input in determining appropriate mitigation measures and any additional actions DOE may take as DOE adaptively manages implementation of the Order. DOE will post on DOE's Mirant matter website publicly available information (not exempt from disclosure under the Freedom of Information Act) regarding the environmental effects of ongoing or alternative operations of the Plant (e.g., reasonably available ambient air quality data and results of air quality modeling) that the Department receives from Mirant, the Environmental Protection Agency (EPA), and the Virginia Department of Environmental Quality (DEQ).
4. Continue Agency Consultations. DOE will continue to consult with EPA and DEQ concerning information on emissions, modeling results, potential mitigation measures, and any changes to the operation of the Plant. EPA will act as a "cooperating agency" for purposes of providing reasonably available public information regarding the environmental effects of operations of the Plant to be disseminated via DOE's Mirant matter website and evaluated in the SEA.
5. Identify Mitigation. DOE will identify in its SEA any steps that it believes can be taken to mitigate the impacts from its Order. DOE will continue to track the impacts of its Order and public input and provide for appropriate mitigation where practicable. DOE will publish on its websites as noted above its discussion of which mitigation measures are adopted for any future decision, and if not, why they are not adopted.

We welcome any further suggestions you may have regarding our efforts to comply with NEPA under these emergency circumstances. Thank you for your assistance.

Sincerely,



John Spitaleri Shaw  
Assistant Secretary for  
Environment, Safety and Health

Enclosure



EXECUTIVE OFFICE OF THE PRESIDENT  
COUNCIL ON ENVIRONMENTAL QUALITY  
WASHINGTON, D.C. 20503

January 18, 2006

John Spitaleri Shaw  
Assistant Secretary for  
Environment, Safety and Health  
Department of Energy  
Washington, DC 20585

Dear Mr. Shaw:

This letter is in response to your January 18, 2006 letter documenting the Department of Energy's (DOE) request, under 40 C.F.R. 1506.11 and 10 CFR 1021.343, that the Council on Environmental Quality (CEQ) provide alternative arrangements for National Environmental Policy Act (NEPA) compliance. Consultation with CEQ is necessary to provide for a NEPA process that addresses the environmental effects of proposals for DOE action needed to maintain a minimally reliable electric power system for the central area of the District of Columbia (DC).

Your letter accurately reflects DOE's consultations with CEQ prior to and following issuance of its December 20, 2005 Order, which requires owners of the Potomac River Generating Station to generate electricity as necessary to address the current limitations of the electricity transmission system that serves central DC. The alternative arrangements proposed in your January 18, 2006 letter are limited to the immediate actions necessary to reduce electricity supply risks to acceptable levels, provide for local involvement and informed decision-making, and otherwise comply with NEPA in a manner appropriate to the nature and scope of the emergency described in the associated Federal Register notice.

Your proposal of alternative arrangements for NEPA compliance is accepted by CEQ. Thank you for your diligent coordination with CEQ. We plan to follow the implementation of these alternative arrangements closely and will remain available for consultation with DOE in this matter at any time.

Sincerely,

A handwritten signature in black ink that reads "Dinah Bear".

Dinah Bear  
General Counsel

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## **APPENDIX D**

### **Consultation Letters with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service**

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August 17, 2006

U.S. Fish and Wildlife Service  
Threatened and Endangered Species Branch  
Chesapeake Bay Office  
177 Admiral Cochrane Drive  
Annapolis, MD 21401  
ATTN: Mary Ratnaswamy

**RE: Informal Consultation under Section 7 of the Endangered Species Act (ESA)  
for Operation of the Potomac River Generating Station in Alexandria,  
Virginia, Pursuant to DOE Order.**

Dear Ms. Ratnaswamy:

This letter is intended to serve as informal consultation under section 7 of the ESA. In this regard, the Department of Energy (DOE) requests that you indicate if there are any additional protected species and habitat (beyond those described below) that should be considered for this ongoing action. If there are not any additional species or habitats and if you agree that the Plant would not impact any species when operating under the DOE Order, we request your concurrence that the operation of the Plant under the terms of the DOE Order would not adversely impact Federally listed or proposed threatened or endangered species or designated or proposed critical habitat and that the consultation requirements of section 7 of the ESA have been satisfied.

**Background:** On August 24, 2005, Mirant Corporation, and its wholly owned subsidiary, Mirant Potomac River, LLC (collectively referred to herein as Mirant), ceased operations at its Potomac River Generating Station (the "Plant") in Alexandria, Virginia, after modeling that it conducted indicated that the Plant's operations were causing exceedances of the National Ambient Air Quality Standards (NAAQS) of the Clean Air Act.

Also on August 24, 2005, the District of Columbia (D.C.) Public Service Commission filed an *Emergency Petition and Complaint* with DOE pursuant to section 202(c) of the Federal Power Act.

On December 20, 2005, after an exhaustive review of the facts and consultation with Federal and state officials responsible for environmental compliance and the private entities responsible for operation of the region's electrical grid, the Secretary of Energy issued an emergency order (the "Order") directing Mirant to generate electricity at the coal-fired Plant under certain, limited circumstances. On June 1, 2006, Mirant entered into an Administrative Consent Order (ACO) with the Environmental Protection Agency (EPA) regarding the operation of the Plant. On June 2, 2006, DOE instructed Mirant to comply with the ACO and operate as required under it.

After consultations with the Council on Environmental Quality (CEQ), DOE's Office of Electricity Delivery and Energy Reliability decided to prepare a special environmental analysis (SEA) under the emergencies provision of CEQ's National Environmental Policy Act (NEPA) Implementing Regulations (40 CFR 1506.11) and the emergency circumstances provision of DOE's own NEPA implementing regulations [10 CFR 1021.343(a)]. The SEA will document the assessment of the impacts associated with the emergency activities under DOE Order 202-05-03. The time period for DOE's Order extends to October 1, 2006; however, the SEA also addresses the 15-month period from October 1, 2006, through December 31, 2007, at which time new transmission lines are expected to be available to provide a high level of electric reliability to customers in the Central D.C. area, even in the absence of production from the Plant.

**The Plant:** The Potomac River Generating Station began operation in 1949 and is capable of producing 482 megawatts of electric power. The Plant site encompasses 28 acres (11 has) near D.C. and Reagan National Airport on the western bank of the Potomac River (Figure 1). Most of the property is used for power generation, coal storage, office buildings, and parking areas. The site was relatively remote when the power plant was built, but Alexandria has grown up around it. The Plant is beneath the flight path of Reagan National Airport.

EPA issued a National Pollutant Discharge Elimination System (NPDES) permit to the Plant on April 20, 2000, authorizing discharges into the Potomac River. The Virginia Department of Environmental Quality approved a Stationary Source Permit to Operate on September 18, 2000, and a Phase II Acid Rain Permit on February 23, 2003.

Coal combustion ash from the Plant is sent to the Brandywine Fly Ash Facility, which is located in southeastern Prince George's County, Maryland (Figure 2). Water from this landfill discharges into the upper reaches of Mataponi Creek.

**Action at the Plant under DOE's Order:** The DOE Order resulted in no new disturbances from construction at the Plant site. The provisions of DOE's Order and subsequent instructions to Mirant have, however, caused changes in the level of operation at the Plant. These changes have reduced the operating level of the Plant to below that at which it was historically operating before August 24, 2005, but increased the operating level above that at which it was operating between August 24 and December 20, 2005. To reduce sulfur dioxide (SO<sub>2</sub>) emissions, Mirant has been using a compound known as "trona" (sodium sesquicarbonate, a naturally occurring substance similar to baking soda) and/or lower sulfur coal. Thus, even if the Plant were operating at the same level as before August 24, 2005, its emissions of SO<sub>2</sub> would be lower.

**Threatened and Endangered (T&E) Species Impacts:** Because the Plant site is heavily industrialized and surrounded by development in the City of Alexandria, no Federally listed or proposed threatened or endangered species are known or likely to occur on the Plant site. Also, there is no known designated or proposed critical habitat in the area of the action.

Of the permits issued for the Plant or landfill, only the NPDES permit for the Plant mentions T&E species. That permit states that two species listed by the U.S. Fish and Wildlife Service (FWS) under the ESA occur or may occur at locations near the Plant. These are the endangered Hay's Spring amphipod (*Stygobromus hayi*) and the threatened bald eagle (*Haliaeetus leucocephalus*).

The Plant's NPDES permit states, "The FWS and NMFS indicate that at the present time [i.e., April 20, 2000] there is no evidence that the ongoing wastewater discharges covered by this permit are adversely affecting these Federally listed species." Furthermore, "(w)astewater discharges, construction, or any other activity that adversely affects a Federally listed endangered or threatened species are [sic] not authorized under the terms of this permit."

The Hay's Spring amphipod occurs only in a small area in Rock Creek in D.C. The bald eagle is unlikely to occur near the Plant as the area around it is developed and provides no suitable habitat. There has been no known impact to these species due to the Plant's operation prior to the DOE Order. Thus, since there has been no impact to Federally listed threatened or endangered species when the Plant was operating at the higher historical level before August 24, 2005, adverse impacts to such species from the lower level of operation at the Plant under DOE's Order would not be expected.

Since the DOE Order is scheduled to expire on October 1, 2006, receipt of your reply and/or concurrence before that date will allow DOE to consider your comments in determining what, if any, future actions to take in this matter.

If you need additional information or wish to discuss this matter further, please contact me at (202) 586-5935.

Sincerely,

Anthony J. Como  
Director, Permitting and Siting  
Office of Electricity Delivery and  
Energy Reliability  
U.S. Department of Energy

Enclosures (2)

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August 17, 2006

Northeast Regional Office  
National Marine Fisheries Service  
Protected Resource Division  
One Blackburn Drive  
Gloucester, MA 01930  
Attn: Julie Crocker

**RE: Informal Consultation under Section 7 of the Endangered Species Act (ESA)  
for Operation of the Potomac River Generating Station in Alexandria,  
Virginia, Pursuant to DOE Order.**

Dear Ms. Crocker:

This letter is intended to serve as informal consultation under section 7 of the ESA. In this regard, the Department of Energy (DOE) requests that you indicate if there are any additional protected species and habitat (beyond those described below) that should be considered for this ongoing action. If there are not any additional species or habitats and if you agree that the Plant would not impact any species when operating under the DOE Order, we request your concurrence that the operation of the Plant under the terms of the DOE Order would not adversely impact Federally listed or proposed threatened or endangered species or designated or proposed critical habitat and that the consultation requirements of section 7 of the ESA have been satisfied.

**Background:** On August 24, 2005, Mirant Corporation, and its wholly owned subsidiary, Mirant Potomac River, LLC (collectively referred to herein as Mirant), ceased operations at its Potomac River Generating Station (the "Plant") in Alexandria, Virginia, after modeling that it conducted indicated that the Plant's operations were causing exceedances of the National Ambient Air Quality Standards (NAAQS) of the Clean Air Act.

Also on August 24, 2005, the District of Columbia (D.C.) Public Service Commission filed an *Emergency Petition and Complaint* with DOE pursuant to section 202(c) of the Federal Power Act.

On December 20, 2005, after an exhaustive review of the facts and consultation with Federal and state officials responsible for environmental compliance and the private entities responsible for operation of the region's electrical grid, the Secretary of Energy issued an emergency order (the "Order") directing Mirant to generate electricity at the coal-fired Plant under certain, limited circumstances. On June 1, 2006, Mirant entered into an Administrative Consent Order (ACO) with the Environmental Protection Agency (EPA) regarding the operation of the Plant. On June 2, 2006, DOE instructed Mirant to comply with the ACO and operate as required under it.

After consultations with the Council on Environmental Quality (CEQ), DOE's Office of Electricity Delivery and Energy Reliability decided to prepare a special environmental analysis (SEA) under the emergencies provision of CEQ's National Environmental Policy Act (NEPA) Implementing Regulations (40 CFR 1506.11) and the emergency circumstances provision of DOE's own NEPA implementing regulations [10 CFR 1021.343(a)]. The SEA will document the assessment of the impacts associated with the emergency activities under DOE Order 202-05-03. The time period for DOE's Order extends to October 1, 2006; however, the SEA also addresses the 15-month period from October 1, 2006, through December 31, 2007, at which time new transmission lines are expected to be available to provide a high level of electric reliability to customers in the Central D.C. area, even in the absence of production from the Plant.

**The Plant:** The Potomac River Generating Station began operation in 1949 and is capable of producing 482 megawatts of electric power. The Plant site encompasses 28 acres (11 ha) near the D.C. and Reagan National Airport on the western bank of the Potomac River (Figure 1). Most of the property is used for power generation, coal storage, office buildings, and parking areas. The site was relatively remote when the power plant was built, but Alexandria has grown up around it. The Plant is beneath the flight path of Reagan National Airport.

EPA issued a National Pollutant Discharge Elimination System (NPDES) permit to the Plant on April 20, 2000, authorizing discharges into the Potomac River. The Virginia Department of Environmental Quality approved a Stationary Source Permit to Operate on September 18, 2000, and a Phase II Acid Rain Permit on February 23, 2003.

Coal combustion ash from the Plant is sent to the Brandywine Fly Ash Facility, which is located in southeastern Prince George's County, Maryland (Figure 2). Water from this landfill discharges into the upper reaches of Mataponi Creek.

**Action at the Plant under DOE's Order:** The DOE Order resulted in no new disturbances from construction at the Plant site. The provisions of DOE's Order and subsequent instructions have, however, caused changes in the level of operation at the Plant. These changes have reduced the operating level of the Plant to below that at which it was historically operating before August 24, 2005, but increased the operating level above that at which it was operating between August 24 and December 20, 2005. To reduce sulfur dioxide (SO<sub>2</sub>) emissions, Mirant has been using a compound known as "trona" (sodium sesquicarbonate, a naturally occurring substance similar to baking soda) and/or lower sulfur coal. Thus, even if the Plant were operating at the same level as before August 24, 2005, its emissions of SO<sub>2</sub> would be lower.

**Threatened and Endangered (T&E) Species Impacts:** Because the Plant site is heavily industrialized and surrounded by development in the City of Alexandria, no Federally listed or proposed threatened or endangered species are known or likely to occur on the Plant site. Also, there is no known designated or proposed critical habitat in the area of the action.

Of the permits issued for the Plant or landfill, only the NPDES permit for the Plant mentions T&E species. That permit states that one species listed by the National Marine Fisheries Service (NMFS) under the ESA, the endangered shortnose sturgeon (*Acipenser brevirostrum*), occurs or may occur at locations near the Plant.

The Plant's NPDES permit states, "The FWS and NMFS indicate that at the present time [i.e., April 20, 2000] there is no evidence that the ongoing wastewater discharges covered by this permit are adversely affecting these Federally listed species." Furthermore, "(w)astewater discharges, construction, or any other activity that adversely affects a Federally listed endangered or threatened species are [sic] not authorized under the terms of this permit."

The Shortnose Sturgeon Recovery Plan reports that one shortnose sturgeon was captured in 1996 at the mouth of Potomac Creek off the Potomac River downstream from the Plant. However, there are no other recent reports of it occurring in the Potomac River; therefore, there has been no known impact to this species due to the Plant's operation prior to the DOE Order. Since there has been no known impact to Federally listed threatened or endangered species when the Plant was operating at the higher historical level before August 24, 2005, adverse impacts to such species from the lower level of operation at the Plant under DOE's Order would not be expected.

Since the DOE Order is scheduled to expire on October 1, 2006, receipt of your reply and/or concurrence before that date will allow DOE to consider your comments in determining what, if any, future actions to take in this matter.

If you need additional information or wish to discuss this matter further, please contact me at (202) 586-5935.

Sincerely,

Anthony J. Como  
Director, Permitting and Siting  
Office of Electricity Delivery and  
Energy Reliability  
U.S. Department of Energy

Enclosures (2)

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UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
NORTHEAST REGION  
One Blackburn Drive  
Gloucester, MA 01930-2298

OCT - 3 2006

Anthony J. Como, Director  
Permitting and Siting  
Office of Electricity Delivery and Energy Reliability  
US Department of Energy  
Washington, DC 20585

Dear Mr. Como,

This is in response to your letter dated August 17, 2006 requesting consultation pursuant to Section 7 of the Endangered Species Act (ESA) of 1973, as amended, regarding the operation of Mirant's Potomac River Generating Station in Alexandria, Virginia.

The Potomac River Generating Station is a coal fired plant located on the western bank of the Potomac River. The Plant began operation in 1949. On August 24, 2005, Mirant ceased operations at its Plant after modeling indicated that the Plant's operations were causing exceedences of the National Ambient Air Quality Standards of the Clean Air Act. On December 20, 2005, the Secretary of Energy issued an emergency order directing Mirant to generate electricity at the Plant under certain circumstances. On June 1, 2006, Mirant entered into an Administrative Consent Order (ACO) with the US Environmental Protection Agency (EPA) regarding the operation of the Plant. The DOE requires the Plant to operate at lower levels and to reduce sulfur dioxide emissions by using a compound known as "trona" (sodium sesquicarbonate) and/or lower sulfur coal. On June 2, 2006, the Department of Energy (DOE) instructed Mirant to comply with the ACO and operate as required under it. Operation of the Plant is necessary to ensure an uninterrupted supply of electricity to the District of Columbia. DOE has indicated that its order to comply with the ACO is scheduled to expire on October 1, 2006. The operation of the Plant from October 1, 2006 through summer 2007 under the terms of the DOE Order is the subject of this consultation. The DOE has made the determination that the operation of the Plant under the Order is not likely to adversely affect any species listed under the jurisdiction of NOAA's National Marine Fisheries Service (NMFS) and has requested that NMFS concur with this determination.

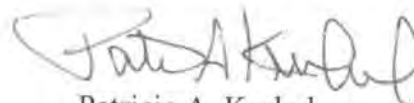
As noted in your letter, the only species listed under the jurisdiction of NMFS that may be present in the vicinity of the proposed project is the endangered shortnose sturgeon (*Acipenser brevirostrum*). During the 1996-2005 time period, the incidental capture of seventy-two different shortnose sturgeon in the Chesapeake Bay and its tributaries had been reported via the US Fish and Wildlife Service Atlantic sturgeon reward program. This number includes six shortnose sturgeon captured incidentally in fishing gear in the Potomac River. Additionally, researchers conducting a survey for shortnose sturgeon in the river captured one mature egg bearing female



in September 2005 and an additional mature egg bearing female in the same location in March 2006. Both fish have been outfitted with sonic tags and are being actively tracked by researchers. The female caught in September overwintered in the Potomac River near Mattawoman Creek. One of the females was documented at the presumed spawning grounds near Little Falls in the spring of 2006. The occurrence of pre-spawning females in the Potomac River suggests that a spawning population of shortnose sturgeon continues to exist in this river system. The Plant is located approximately 24 miles upstream of the suspected overwintering area. Population dynamics of shortnose sturgeon in the Potomac River have not been documented. However, based on patterns in other river systems, shortnose sturgeon likely migrate past the Plant while moving to and from the spawning grounds near Little Falls in the spring (March – June). It is unknown if shortnose sturgeon would occur in this region of the river during other times of the year. If appropriate forage items are present, shortnose sturgeon could also occur in the area in the summer and fall while foraging.

The continuation of operations from October 1, 2006 through summer 2007, would not result in any new construction or in-water disturbances at the plant. The only aspect of the Plant's continued operation that has the potential to impact shortnose sturgeon is the discharge of waste water from the Plant to the Potomac River. These discharges are authorized under a NPDES permit issued by the EPA. NMFS has previously consulted with the EPA on the NPDES permit for the Plant and determined that the discharges are not likely to adversely affect shortnose sturgeon. While the past operation of the plant has resulted in air quality impairments, there is no information available that indicates that the operation of the plant has had an adverse effect on water quality in the Potomac River. No other impacts from the operation of the Plant under the DOE order are likely. As such, NMFS concurs with DOE's determination that the continued operation of the Plant through summer 2007 is not likely to adversely affect any species listed under NMFS jurisdiction. Therefore, no further consultation pursuant to section 7 of the ESA is required. Should project plans change or new information become available that changes the basis for this determination, or a new species be listed or critical habitat designated, consultation should be reinitiated. Should you have any questions about this correspondence please contact Julie Crocker at (978) 281-9300 ext. 6530.

Sincerely,



Patricia A. Kurkul  
Regional Administrator

Cc: Scida, F/NER3  
Nichols, F/NER4  
Williams, GCNE



## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Chesapeake Bay Field Office  
177 Admiral Cochrane Drive  
Annapolis, MD 21401  
410/573-4575



November 20, 2006

*RE: Informal Consultation under Section 7 of the Endangered Species Act (ESA) for Operation of the Potomac River generating Station in Alexandria, Va.*

Dear Mr. Como,

This responds to your letter, received November 20, 2006, requesting information on the presence of species which are federally listed or proposed for listing as endangered or threatened in the above referenced project area. We have reviewed the information you enclosed and are providing comments in accordance with section 7 of the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*).

Except for occasional transient individuals, no proposed or federally listed endangered or threatened species are known to exist within the project impact area. Therefore, no Biological Assessment or further section 7 consultation with the U.S. Fish and Wildlife Service is required. Should project plans change, or should additional information on the distribution of listed or proposed species become available, this determination may be reconsidered.

This response relates only to federally protected threatened or endangered species under our jurisdiction. Limited information is currently available regarding the distribution of other rare species in the District of Columbia. However, the Nature Conservancy and National Park Service (NPS) have initiated an inventory of rare species within the District. For further information on such rare species, you should contact Mary Pfaffko of the National Park Service at (202)-535-1739.

An additional concern of the Service is wetlands protection. Federal and state partners of the Chesapeake Bay Program have adopted an interim goal of no overall net loss of the Basin's remaining wetlands, and the long term goal of increasing the quality and quantity of the Basin's wetlands resource base. Because of this policy and the functions and values wetlands perform, the Service recommends avoiding wetland impacts. All wetlands within the project area should be identified, and if alterations of wetlands is proposed, the U.S. Army Corps of Engineers, Baltimore District, should be contacted for permit requirements. They can be reached at (410) 962-3670.

We appreciate the opportunity to provide information relative to fish and wildlife issues, and

thank you for your interests in these resources. If you have any questions or need further assistance, please contact Devin Ray at (410) 573-4531.

Sincerely,

A handwritten signature in cursive script that reads "Mary Ratnaswamy".

Mary J. Ratnaswamy, Ph.D.  
Program Supervisor, Threatened and Endangered Species

## **APPENDIX E**

### **Organizational Conflict of Interest Statement**

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**NEPA DISCLOSURE STATEMENT FOR PREPARATION OF A  
SPECIAL ENVIRONMENTAL ANALYSIS FOR ACTIONS TAKEN UNDER  
DOE ORDER 202-05-3 REGARDING OPERATION OF THE POTOMAC RIVER  
GENERATING STATION IN ALEXANDRIA, VIRGINIA**

CEQ Regulations at 40 CFR 1506.5(c), which have been adopted by the DOE (10 CFR 1021), require contractors who will prepare an environmental impact statement to execute a disclosure specifying that they have no financial or other interest in the outcome of the project. The term "financial interest or other interest in the outcome of the project" for purposes of this disclosure is defined in the March 23, 1981, guidance "Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations," 46 FR 18026-18038 at Question 17a and b.

"Financial or other interest in the outcome of the project" includes "any financial benefit such as a promise of future construction or design work in the project, as well as indirect benefits the contractor is aware of (e.g., if the project would aid proposals sponsored by the firm's other clients)." 46 FR 18026-10838 at 10831.

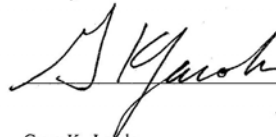
In accordance with these requirements, the offeror and any proposed subcontractors hereby certify as follows: [check either (a) or (b) to assure consideration of your proposal].

- (a)  Offeror and any proposed subcontractor have no financial or other interest in the outcome of the project.
- (b)  Offeror and any proposed subcontractor have the following financial or other interest in the outcome of the project and hereby agree to divest themselves of such interest prior to award of this contract.

Financial or Other Interests

- 1.
- 2.
- 3.

Certified by:



Signature

Gary K. Jacobs,  
Director, Environmental Sciences Division  
Printed Name and Title

Oak Ridge National Laboratory,  
Managed for the U.S. Department of Energy  
by UT-Battelle, LLC  
Company

11-1-06

Date

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## **APPENDIX F**

### **Glossary**

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## GLOSSARY

**Anadromous** - species that spend their adult lives in saltwater and spawn in freshwater.

**Ash** - the mineral content of a product remaining after complete combustion.

**Baseload** - generating units that produce power at a steady rate for extended periods.

**Biochemical oxygen demand** - a standard quantitative measure of water pollution. It is the amount of oxygen consumed in the biological oxidation (by bacteria or other microorganisms) of organic material in a unit volume of waste water, as measured over a five-day period.

Biochemical oxygen demand sometimes is divided into two components: carbonaceous oxygen demand and nitrogenous oxygen demand. Carbonaceous biochemical oxygen demand is the result of the breakdown of organic molecules such as cellulose and sugars, while nitrogenous oxygen demand is the result of the breakdown of proteins.

**Biocide** - a substance (e.g., chlorine) that is toxic or lethal to many organisms and is used to treat water.

**Blowdown** - the portion of steam or water removed from a boiler at regular intervals to prevent excessive accumulation of dissolved and suspended materials.

**Bottom ash** - combustion residue composed of large particles that settle to the bottom of a combustor from where they can be physically removed.

**Calcining** - the effects of heating a substance to a high temperature (below the melting or fusing point) at which point loss of moisture, reduction or oxidation, or the decomposition of carbonates and other compounds occurs.

**Candidate species** - plants and animals native to the United States for which the Fish and Wildlife Service or the National Marine Fisheries Service has sufficient information on biological vulnerability and threats to justify proposing to add them to the threatened and endangered species list, but cannot do so immediately because other species have a higher priority for listing. The Services determine the relative listing priority of candidate taxa in accordance with general listing priority guidelines published in the *Federal Register*. (See endangered species and threatened species.)

**Cooling water** - water that is heated as a result of being used to cool steam and condense it to water.

**Cyanobacteria** - blue-green algae.

**Diadromous** - fish spending part of their lives in both fresh and salt water.

**Downwash (building)** - the downward movement of an elevated plume toward the area of low pressure created on the lee side of a structure in the wake around which the air flows.

**Electrostatic precipitator** - a device that removes particles from a stream of exhaust gas. It imparts an electrical charge to the particles, which causes them to adhere to metal plates that can be rapped to cause the particles to fall into a hopper for disposal.

**Endangered species** - plants or animals that are in danger of extinction through all or a significant portion of their ranges and that have been listed as endangered by the Fish and Wildlife Service or the National Marine Fisheries Service following the procedures outlined in the Endangered Species Act and its implementing regulations (50 CFR 424). (See threatened species.) The lists of endangered species can be found in 50 CFR 17.11 (wildlife), 50 CFR 17.12 (plants), and 50 CFR 222.23(a) (marine organisms). The state of Virginia also lists species as endangered under its Endangered Species Act.

**Entrainment** - incorporation of any life stage of fish and shellfish with water flow entering and passing through a cooling water intake structure and into an industrial, municipal or electric utility power plant cooling water system.

**Estuary** - region of interaction between rivers and near-shore ocean waters, where tidal action and river flow mix fresh and salt water. Such areas include bays, mouths of rivers, salt marshes, and lagoons. These brackish water ecosystems shelter and feed marine life, birds, and wildlife. (See wetlands.)

**Fall line** - the boundary zone where the upland piedmont region meets the coastal plain. Waterfalls and rapids occur where rivers and streams cross the fall line.

**Finfish** - a fish with fins (which is most fish), in contrast to shellfish, crayfish, and jellyfish (which are not fish).

**Fly ash** - combustion residue composed of fine particles (e.g., soot) that are entrained with the draft leaving the combustor.

**Fresh water** - water with a low concentration of salts (typically less than 1,000 parts per million of dissolved solids).

**Hazardous waste** - a category of waste regulated under the Resource Conservation and Recovery Act (RCRA). To be considered hazardous, a waste must be a solid waste under RCRA and must exhibit at least one of four characteristics described in 40 CFR 261.20 through 40 CFR 261.24 (i.e., ignitability, corrosivity, reactivity, or toxicity) or be specifically listed by the Environmental Protection Agency in 40 CFR 261.31 through 40 CFR 261.33.

**Impingement** - the entrapment of any life stage of fish and shellfish on the outer part of an intake structure or against a screening device during intake water withdrawal.

**Leachate** - solution or product obtained by leaching, in which a substance is dissolved by the action of a percolating liquid.

**Load following** - power generating units that are capable of changing power levels quickly as demand rises or falls. They are also known as cycling units.

**pH** - a measure of the relative acidity or alkalinity of a solution, expressed on a scale from 0 to 14, with the neutral point at 7. Acid solutions have pH values lower than 7, and basic (i.e., alkaline) solutions have pH values higher than 7.

**Plume (atmospheric)** - a visible or measurable, elongated pattern of emissions spreading downwind from a source through the atmosphere.

**Pozzolanic** - material that when mixed with water “sets,” like cement.

**Riparian** - areas adjacent to rivers and streams with a differing density, diversity, and productivity of plant and animal species relative to nearby uplands.

**Saline** - describes water with high concentrations of salts (typically more than 10,000 parts per million dissolved solids), making it unsuitable for use.

**Stratosphere** - the portion of the atmosphere 10 to 25 mi (16 to 40 km) above the earth's surface.

**Threatened species** - any plants or animals that are likely to become endangered species within the foreseeable future throughout all or a significant portion of their ranges and which have been listed as threatened by the Fish and Wildlife Service or the National Marine Fisheries Service following the procedures set out in the Endangered Species Act and its implementing regulations (50 CFR 424). (See endangered species.) The lists of threatened species can be found at 50 CFR 17.11 (wildlife), 17.12 (plants), and 227.4 (marine organisms). The state of Virginia also lists species as threatened under its Endangered Species Act.

**Tidal river** - a river segment with fresh water (salinity less than 500 mg/L) and a net seaward flow direction throughout the water column.

**Transmission (electric)** - movement of electrical power from the source where it is produced to end users.

**Trona** - a naturally occurring chemical compound, sodium sesquicarbonate, similar to baking soda.

**Troposphere** - the layer of the atmosphere closest to the earth's surface.

**Watershed** - the region draining into a river, river system, or other body of water.

**Wetlands** - areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

**Wind rose** - a graph in which the frequency of wind blowing from each direction is plotted as a bar that extends from the center of the diagram. Wind speeds are denoted by bar widths and shading; the frequency of wind speed within each wind direction is depicted according to the length of that section of the bar.