

August 19, 2005

Lisa D. Johnson, President
Mirant Potomac River, LLC
8711 Westphalia Road
Upper Marlboro, Maryland 20774

Dear Ms. Johnson:

DEQ is in receipt of the results of Mirant's "downwash" modeling provided by Mirant to DEQ pursuant to the consent special order between the State Air Pollution Control Board and Mirant Potomac River, LLC.

A cursory review of the modeling reveals that emissions from the Potomac River Generating Station result in, cause or substantially contribute to *serious* violations of the primary national ambient air quality standards or "NAAQS" for sulfur dioxide (SO₂), nitrogen dioxide (NO₂) and PM₁₀. NAAQS are established by the U. S. Environmental Protection Agency at concentrations necessary to protect human health with an adequate margin of safety.

The Virginia Air Pollution Control Regulations at 9 VAC 5-20-180(I) provides as follows: *Regardless of any other provision of this section, the owner of any facility subject to the Regulations for the Control and Abatement of Air Pollution shall, **upon request of the Board, reduce the level of operation at the facility if the Board determines that this is necessary to prevent a violation of any primary ambient air quality standard. Under worst case conditions, the Board may order that the owner shut down the facility, if there is no other method of operation to avoid a violation of the primary ambient air quality standard. The Board reserves the right to prescribe the method of determining if a facility will cause such a violation. In such cases, the facility shall not be returned to operation until it and the associated air pollution control equipment are able to operate without violation of any primary ambient air quality standard.*** (Emphasis added).

Because of the serious violations of the human health-based NAAQS, and as provided in 9 VAC 5-20-180(I), I am writing on behalf of the Board to request 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. A summary of the actions being taken and their progress toward eliminating NAAQS violations is to be provided to DEQ no later than 2 pm, Wednesday, August 24, 2005.

Failure to comply with this request will result in DEQ taking appropriate and immediate enforcement action pursuant to § 10.1-1309 of the Air Pollution Control Law.

Sincerely,

A handwritten signature in black ink that reads "Robert G. Burnley". The signature is written in a cursive style with a large, looping "y" at the end.

Robert G. Burnley

C: W. Tayloe Murphy, Jr.
Secretary of Natural Resources

Carl Josephson – Office of the Attorney General

Michael G. Dowd – DEQ
Ken McBee – DEQ
Jeffery Steers - DEQ

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