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Congress of the United States
House of Representatives

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The Honorable Samuel W. Bodman
Secretary of Energy
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, D.C. 20585

Dear Secretary Bodman:

I wish to add my voice to the comments submitted on behalf of the City of Alexandria by its legal counsel John B. Britton of Schnader Harrison Segal and Lewis LLP and City Attorney, Ignacio B. Pessoa, and offer my additional comments on the Tuesday, December 20th order governing future operations of the Mirant Potomac River Generating Station (Docket No. EO-05-01). I would especially like to emphasize that all documents and related material, particularly any operational plan claiming compliance with the Clean Air Act, should be available for public review and scrutiny.

I can appreciate the predicament the department confronts when measures to protect human health conflict with power reliability and continuity of government. While an emergency may exist, as the department defines that term, I take exception to the order's proposed remedy. It fails to identify mitigation measures necessary to protect public health; it fails to balance its mandate to generate power with a mandate to reduce demand; and it fails to resolve reliability issues that still exist given the vulnerability of the substation.

First, it has been four months since the Potomac River Generating Station in Alexandria was found to be in significant violation of the Clean Air Act's National Ambient Air Quality Standards (NAAQS) and Mirant decided to temporarily decrease its operations. Virginia environmental experts confirmed what local residents had long known, that the Potomac River facility's short smoke stacks, high emissions and close proximity to surrounding high-rise residential buildings cause local residents to be exposed dangerously high levels of harmful pollutants. To date, no modeling scenario has been produced in consultation with the experts at the Environmental Protection Agency and the Virginia Department of Environmental Quality that would enable more than the plant's one unit now in operation to be brought back on line without increasing harmful emissions above levels determined safe under the Clean Air Act. Mirant may propose a plan, as so ordered, to generate additional power, but it is doubtful that any plan will be in compliance with federal or state Clean Air Act requirements.

Given this likely fact, the order fails to address measures to protect individuals who will be exposed to dangerous levels of emissions. During periods in which the plant anticipates operating in exceedence of one or more NAAQS, Mirant should be responsible for taking whatever steps are necessary to ensure that nearby residents and workers are not harmed by the facility's emissions. A plan to operate more than the one unit must also include a mitigation plan to protect residents particularly those directly exposed to downwash from potential injury and harm. Possible mitigation measures include reimbursing affected residents and workers for the reasonable cost of living and working at alternative locations.

Second, the order fails to mandate any specific requirement for demand reduction over the short term and is completely silent about new power generation and demand reduction options over the long term. The order merely "expects" the District of Columbia Public Service Commission (DCPSC) to institute "demand response programs." Demand reductions should be mandatory, not voluntary. Moreover, since the federal government is the largest consumer of electric power in the affected area, the Department of Energy should take the lead in getting federal agencies in the District of Columbia to operate new cleaner sources of electricity and to reduce their peak demand of electricity. For instance, all heating plants operated by the General Service Administration should be modified to co-generate electricity, and every essential government facility should become capable of generating and storing its own source of electricity in the event of a disaster.

Third, it is evident that this region's electric reliability concerns, heightened by the ever present threat of terrorists, are not adequately addressed by the order. For the regional system to rely upon the Potomac River facility and other 50-year-old power plants raises fundamental doubts about the system's ability to withstand a significant natural or man-made disaster or to meet future growth in demand. In the words of one utility expert, this region experiences "severely constrained" transmission capacity and depends on local plants none of which meet modern emission control requirements. Moreover, no amount of high voltage transmission capacity can compensate for a disruption of power at a substation.

Absent strong federal leadership, these three concerns will not adequately be addressed.

As a starting point, I encourage you to revise the present order to direct:

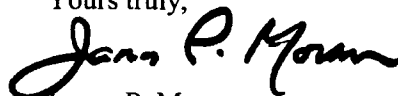
- 1) PEPCO and the D.C. Public Service Commission to commit to accelerate the siting and construction of additional transmission capacity to the Potomac River substation; and

- 2) PJM and other responsible parties to develop a proposal to encourage investments that decrease peak demand, increase power import and distribution capacity, and increase local generation capacity.

In addition, I believe that the Department of Energy has an obligation to take the lead in ensuring that this region has in place an effective energy security program for the 21st century. I therefore call on you to convene a meeting of all regional stakeholders and interested parties within the next 60 days to begin development of a comprehensive strategy to achieve a truly reliable regional power system that will be capable of surviving a terrorist attack and ensuring continuity of government operations, that will meet the future power needs of the region, and that will significantly improve regional air quality.

It is unfortunate that it took the temporary suspension of operations at an obsolete coal-fired power plant to bring these issues to the forefront. It is a wake-up call to which the Department of Energy and the region must respond.

I look forward to your response and to working with you on this important endeavor.

Yours truly,

James P. Moran

JPM/tba