

From: "Paylor,David" <dkpaylor@deq.virginia.gov>
To: <HC.RUTH@LOUISA.NET>
Date: Tue, Oct 31, 2006 8:49 PM
Subject: Re: Request for VDEQ to reevaluate it federal consistency plans

Harry, thanks for conveying your concerns. First, let me say that no decisions have been made. Bill Hayden either mis-spoke or was misinterpreted by the Pilot. There has been discussion regarding what is required for CZM and for VPDES and that there may be differences. However, that and the questions that have been raised by you are before EPA and we have asked for advice on the same questions from the OAG. We are also consulting with NOAA. No decisions have been made and I am unwilling to commit to any decision until I have their advice regarding how to move forward. I am committed to following the process as laid out by NOAA and to evaluate all the advice and comments received in making a determination. Clearly, if there is advice missing at the time that will also have to be considered but DEQ will make those decisions at the appropriate time. I am making sure that your concerns expressed here are available to EPA and the OAG to consider in their deliberations. I'm sorry for the relatively short note but I'm working from a Blackberry from our of state and my typing is a bit challenged on this thing. I appreciate your commitment to this issue and your understanding of our process.
David

-----Original Message-----

From: Harry Ruth <HC.RUTH@LOUISA.NET>
To: Paylor,David <dkpaylor@deq.virginia.gov>
CC: Eugene Grecheck (Dominion V.P) <Eugene_Grecheck@dom.com>; Morgan Butler (Southern Law Ctr) <mbutler@selcva.org>; Christopher Paine (NRDC) <cpaine@nrdc.org>; John Kuriawa (NOAA) <john.kuriawa@noaa.gov>; David Kaiser (NOAA) <David.Kaiser@noaa.gov>; Kevin Magerr (EPA-NEPA) <magerr.kevin@epa.gov>; Michelle Brown (EPA-OIG) <brown.michelle@epa.gov>; Jon Capacasa (EPA - Water Permits) <Capacasa.Jon@epa.gov>; Donald Welsh (EPA - Region 3) <Welsh.Donald@epa.gov>; Jack Cushing (NRC) <JXC9@NRC.GOV>; Steers,Jeffery <jasteers@deq.virginia.gov>; Irons,Ellie <elirons@deq.virginia.gov>; Senator Ryan McDougle <district04@sov.state.va.us>; Senator R. Edward Houck <ehouck@adelphia.net>; Senator Charles Colgan-2 <district29@sov.state.va.us>; Senator Charles Colgan <cjcolgan@aol.com>; Delegate Robert Orrock, Sr (54th Dist). <delborrock@house.state.va.us>; Delegate Edward Scott (30th Dist) <delescott@house.state.va.us>; Delegate Chris Peace (97th Dist) <delcpeace@house.state.va.us>; Delegate Bill Janis (56th Dist) <Del_Janis@house.state.va.us>; Delegate Clifford Athey (18th Dist) <DelCAthey@house.state.va.us>; Senator Russell Potts (27th Dist) <district27@sov.state.va.us>; Representative Eric Cantor (7th District) <lloyd.lenhart@mail.house.gov>; Dir W. Gerald Massengill (DGIF) <gerald.massengill@dgif.virginia.gov>; Sec Nat Res Preston Bryant <preston.bryant@governor.virginia.gov>; Va. Atty Gen Bob McDonnell <mcdonnell@oag.state.va.us>; Govenor Timothy Kaine <tkaine@governor.virginia.gov>
Sent: Tue Oct 31 14:40:05 2006
Subject: Request for VDEQ to reevaluate it federal consistency plans

31 October 2006

To: David Paylor (Director of Va. Dept of Environmental Quality),

Dear David,

Thanks for responding and clarifying your current intentions about the Federal Consistency Certification process for the North Anna Power Plant ESP Processing.

If we are interpreting your 30 October 2006 email correctly that defines your current consistency plans, we ask that you reconsider your approach to protect the health, safety and welfare of Virginia citizens. Please see the attached letter that defines the details of our request.

How could the state assert that the proposed Early Site Permit (ESP) for the North Anna power plant is consistent with its "enforceable policies" when the very scope, definition and legality of these policies and

outlined in VDEQ's six queries of 2 October to the Environmental Protection Agency (EPA) remain in question? If we are correct in our interpretation of your email that you are not planning to wait for the EPA answers to each of the six questions before making a federal consistency decision, then the public at the present time can have no assurance that Dominion's ESP as proposed will not result in continued or even greater thermal pollution of Lake Anna and ecologically harmful reduced downstream water flow in the North Anna river. Absent final resolution of the EPA's answers to each of the 6 questions defining the states scope, monitoring, and enforcement issues, the state is in no position to "certify" that the ESP will result in "enforceable policies" that protect the natural resources of Virginia's Coastal Zone Management Area, including Lake Anna and the North Anna-Pamunkey watershed.

A Federal Consistency "Objection" will preserve Virginia's authority to demand any conditions necessary to protect the health, welfare and safety of its citizens, until all issues are resolved, at which time a Consistency Certification could be granted. As you are aware, a conditional concurrence cannot be legally enforced in the future as defined in our 20 October letter to the Governor.

Despite the current 16 November deadline, which can be easily changed, there is no need to hasten the federal consistency process, for an ESP permit that may not be exercised for the next 20 years.

We and others believe the EPA answers to each of the six questions identified in the 2 Oct VDEQ letter to the EPA are not only relevant, but critical to an informed decision and to the integrity of the Virginia Coastal Program and to protect the health, welfare and safety of Virginia citizens.

As always, thank you for your kind consideration of the attached letter. I'll look forward to your timely response.

Sincerely,

Harry Ruth
for the Friends of Lake Anna
C/O 230 Heather Drive, Bumpass, Va. 23024

Phone 540-872-3632

CC: <Eugene_Grecheck@dom.com>, <mbutler@selcva.org>, <cpaine@nrdc.org>, <john.kuriawa@noaa.gov>, <David.Kaiser@noaa.gov>, <magerr.kevin@epa.gov>, <brown.michelle@epa.gov>, <capacasa.jon@epa.gov>, <welsh.donald@epa.gov>, <JXC9@NRC.GOV>, "Steers,Jeffery" <jasteers@deq.virginia.gov>, "Irons,Ellie" <elirons@deq.virginia.gov>, <district04@sov.state.va.us>, <ehouck@adelphia.net>, <district29@sov.state.va.us>, <cjcolgan@aol.com>, <delborrock@house.state.va.us>, <delescott@house.state.va.us>, <delcpeace@house.state.va.us>, <Del_Janis@house.state.va.us>, <DelCAthey@house.state.va.us>, <district27@sov.state.va.us>, <lloyd.lenhart@mail.house.gov>, <Gerald.Massengill@dgif.virginia.gov>, <preston.bryant@governor.virginia.gov>, <mcdonnell@oag.state.va.us>, <tkaine@governor.virginia.gov>

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Tuesday, October 31, 2006 8:48 PM

Options

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Priority: Standard
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Return Notification: None

Concealed Subject: No
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This message was not classified as Junk Mail

Junk Mail settings when this message was delivered

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