

Capital Reporting Company
Public Hearing on Proposed Air Quality Permits 12-17-2012

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PUBLIC HEARING ON PROPOSED AIR QUALITY PERMITS

FOR THE CAPITOL POWER PLANT

Held At:

THE DISTRICT DEPARTMENT OF THE ENVIRONMENT

1200 First Street, Northeast, Rooms 718/719

Washington, D.C. 20002

Monday, December 17, 2012

5:47 p.m.

Reported by: Gervel A. Watts, CERT*D

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1 A P P E A R A N C E S

2 ON BEHALF OF DDOE:

3 STEPHEN S. OURS, Chief, Air Quality Division

4 LAUREN MAXWELL, Assistant Attorney General

5 PUBLIC ATTENDEES:

6 JIM DRISCOLL

7 NICOLE SITARAMAN - Sierra Club

8 CODY RICE

9 CHRISTINA ALIXA LIAKOS

10 ROBERT GARDNER - Greenpeace

11 CONNOR GIBSON - Greenpeace

12 DARYL KIMBALL

13 KATIE FLYNN JAMBECK

14 MIKE SANDLER

15 FRANSESCO DeLEO

16 JANE R. CHITTICK

17 DEREK CUMMINGS

18 GABE WISNIEWSKI - Greenpeace

19 JIM DOUGHERTY - Sierra Club

20 IRV SHEFFEY - Sierra Club

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1 A P P E A R A N C E S (CONT'D)

2 CASSADY SHARP

3 ROBERT ROBINSON

4 GERARD DUNPHY

5 NANCY IRIS

6 SCOTT CARLSON

7 CHRISTINA PLUME

8 LINDA LANCE

9 CARLOS VASQUEZ

10 PETER WALDRON

11 TOM COSTELLLO

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1 P R O C E E D I N G S

2 MR. OURS: Good evening. I'm Steve Ours.
3 I'm the hearing officer for tonight's session. I wish
4 to call this hearing to order. It is now -- let's see
5 here -- it is 5:47 p.m. on Monday, December 17th, in
6 the District Department of the Environment, Rooms 718
7 and 719, at 1200 First Street, Northeast, Washington,
8 D.C.

9 This hearing is being conducted under the
10 authority of the interim director of the District of
11 Columbia, Department of the Environment. The purpose
12 of this public hearing is to provide interested parties
13 with an opportunity to present their views on the
14 proposed permit for the U.S. Capitol Power Plant.

15 The Department has proposed to issue four
16 permits to the Architect of the Capitol for equipment
17 at the U.S. Capitol Power Plant. The first of these
18 are two construction permits to be followed by
19 operating permits for the installation of two new
20 natural gas and fuel oil fire cogeneration units.

21 The Department is also proposing a permit
22 establishing plant-wide applicability limits, also

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1 known as PALs, for nitrogen oxides and fine particulate
2 matter. The last proposed permit is an operating permit
3 for an existing natural gas and fuel oil fired boiler.

4 The proposed permits would not modify the
5 existing permits for the facility's coal burning units,
6 nor would they roll back emission limits in order to
7 allow the facility to burn more coal. The PAL permit
8 would, however, establish a facility-wide emission
9 limit for the first time, which would, in effect,
10 limit, but not ban coal usage at the facility. Under
11 the Capitol Power Plant's current permitting structure,
12 the facility's coal usage is not limited.

13 While the Department acknowledges that there
14 are political issues surrounding coal usage at the
15 Capitol Power Plant, the current regulatory scheme does
16 not allow it to ban coal burning at the plant through t
17 this or any other permitting action. A notice of this
18 public hearing was made available on DDOE's website.
19 Copies of the permits were made available to the public
20 at the Offices of the District Department of the
21 Environment, 1200 First Street, Northeast, Washington,
22 D.C. 20002.

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1 At this hearing, the District Department of
2 the Environment is represented by myself, Stephen Ours.
3 I'm the permitting branch chief of the air quality
4 division. The public notice requested that persons
5 interested in presenting their views make their names
6 known to myself by December 17, 2012 by 4:00 p.m.

7 As of the published deadline, I received
8 requests for the opportunity to testify from 13
9 individuals. Should there be any other persons here
10 tonight interested in making presentations, who missed
11 the filing deadline, we will allow up to five minutes
12 for each person to testify.

13 Please be sure that before beginning your
14 statement you clearly state your name, affiliation and
15 address. I'm going to begin by asking each person to
16 speak in the order that they arrived and signed in. We
17 will be giving each person five minutes. So I would
18 ask that you please respect that and come up here when
19 you're about to speak so that the court reporter can
20 hear you properly.

21 We have a person back here who will be giving
22 you notice when you're down to one minute of that five-

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1 minute period. So I will begin by -- the first person
2 to speak that signed up is Dr. Jim Driscoll of the
3 National Institute for Peer Support.

4 DR. DRISCOLL: Do you want me up there?

5 MR. OURS: Yes, if you don't mind speaking up
6 here. Thank you very much.

7 DR. DRISCOLL: My name is -- did you say
8 spell it? Jim Driscoll, D as in dog, R-I-S-C-O-L-L. I
9 run a small non-profit that is focusing on the climate
10 change issue. I don't want to take up a lot of time;
11 there are a lot of people speaking. I'm just in the
12 process of moving here from Tucson, Arizona where we
13 are in the midst of a campaign to keep our local
14 utility from fowling the air by going back to burning
15 coal which they are continuing to stockpile.

16 I checked before I came here and I said hey,
17 did they still got that stupid plant burning coal on
18 Capitol Hill? They said nah, nah, that's all taken
19 care of; we stopped coal burning there. Then I heard
20 about this thing that just came and I came to express
21 my outrage. I live on M Street, Northwest and I'm one
22 of many people who would assure you that there will a

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1 lot of problems if you try to burn coal there.

2 MR. OURS: Is that complete?

3 DR. DRISCOLL: That's it. You'll hear a lot
4 more.

5 MR. OURS: Thank you very much. Okay. The
6 next person on the list is Nicole Sitaraman of the -- I
7 apologize if I mispronounced that --

8 MS. SITARAMAN: That's close enough.

9 MR. OURS: Thank you.

10 MS. SITARAMAN: Good evening, everyone. My
11 name is Nicole Sitaraman. My last name is spelled S-I-
12 T-A-R- A-M-A-N. Thank you very much for calling this
13 public hearing regarding the series of air quality
14 permits requested by the Architect of the Capitol for
15 equipment and operations at the Capitol Power Plant.

16 I'm a Ward 4 resident and I am testifying
17 before you today as a citizen concerned about the air
18 quality, public health and energy choices of our city.
19 I serve on the Board of the Washington, D.C. chapter of
20 the Sierra Club and I'm the co-chair of the Sierra Club
21 D.C. Energy Committee.

22 In addition to my involvement in the Sierra

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1 Club, D.C., I'm actively involved in other local
2 grassroots, environmental and renewable energy groups
3 such as D.C. Solar United Neighborhoods, Carbon-Free
4 D.C.

5 and the NAACP D.C. Climate Justice Committee.

6 My testimony today, however, represents my
7 personal views only. It is my understanding that the
8 permits requests that the Architect of the Capitol has
9 submitted would allow for increased emissions of
10 nitrogen oxides and particulate matter which threaten
11 public health.

12 It appears to me that these requests are
13 devoid of submission evidence justifying any increase
14 in air pollution and I am not persuaded that any new
15 construction or modifications at the plant located in
16 the heart of the city is worth more than the health of
17 the residents living near it.

18 Increased emissions of nitrogen oxides and
19 particulate matter are known to cause respiratory
20 illnesses and premature deaths in communities exposed
21 to them. As you know, the Capitol Power Plant is
22 located in southeast, D.C. and the pollution from the

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1 plant's short stacks blows to communities east of the
2 rivers, communities that are predominately comprised of
3 people of color.

4 In all candor, I highly doubt that the
5 permits requested would've been submitted had the
6 Capitol Power Plant been located in upper northwest,
7 D.C. Without question, these requested permits have
8 serious environmental justice implications. The
9 Architect of the Capitol should be working towards
10 reducing harmful emissions, not increasing them.

11 Further, as a federal agency, under Executive
12 Order 12898, the Architect of the Capitol has a duty to
13 make sure that its activities are aimed at achieving
14 environmental justice. Indeed, Section I of the
15 executive order states, "Each federal agency shall make
16 achieving environmental justice part of its mission by
17 identifying and addressing, appropriate,
18 disproportionately high and adverse human health or
19 environment effects of its programs, policies and
20 activities on minority populations and low-income
21 populations in the United States.

22 The Architect of the Capitol is not exempt

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1 from this provision. Should these permits be granted,
2 they would directly contravene and find the face of the
3 established environmental justice goals of the entire
4 federal government, including the EPA, which has
5 launched an initiative specifically geared towards
6 ensuring that an environmental justice is woven into
7 every aspect of each and every federal agency decision
8 and action.

9 The Architect of the Capitol simply cannot
10 treat environmental justice as an afterthought and
11 ignore the potential impacts of the permits it has
12 requested on the communities surrounding it. Further,
13 the Architect of the Capitol has reported that it only
14 intends to burn natural gas at the Capitol Power Plant.
15 That was my understanding before you made your
16 statement earlier.

17 This position is belied by two indisputable
18 pieces of evidence: first, the Capitol Power Plant
19 continues to store coal on its grounds and secondly,
20 recently, the Defense Logistics Agency issued an RFP
21 for 20,000 tons of coal to be delivered at the plant
22 next year.

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1 The fact that the U.S. Government has
2 requested bids for coal makes me concerned about the
3 level of transparency or lack thereof that the
4 Architect of the Capitol is applying to this process in
5 the operations of the Power Plant in general.

6 While the permit requests do not explicitly
7 mention coal use, there have been no assurances made to
8 the public that the old dirty or coal-burning units
9 will be retired. To be clear, burning coal at the
10 plant is completely unacceptable. Coal is extremely
11 toxic and has no place in our city's energy future.

12 Additionally, the permit requests, as
13 submitted, blatantly undermine the sustainability goals
14 of the city, as outlined in the sustainable D.C.
15 strategy plan. As a reminder, we have a goal of
16 cutting citywide greenhouse gas emissions by 50 percent
17 by 2032. Allowing for these permits would make a
18 mockery of sustainable D.C. and the mission of D.C.
19 citizens to make the city a more healthy and
20 sustainable place to live.

21 With respect to the burning of natural gases
22 at the Capitol Power Plant, I personally would

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1 encourage the District Department of the Environment to
2 hold the Architect of the Capitol accountable and
3 emphasize the importance of scaling down the use of
4 fossil fuels and incorporating clean, locally generated
5 renewable energy sources. And it's way past time for
6 the Nation's Capitol to set an example for the rest of
7 the country for clean energy, instead of continuing to
8 be a symbol for coal and generally fossil fuel
9 combustion. The Capitol Power Plant should be a symbol
10 for clean, renewable energy for the rest of the
11 country. Thank you.

12 I'll defer responses to questions to Jim
13 Dougherty and Irv Sheffey regarding the Sierra Club's
14 position. Thank you.

15 MR. OURS: The next person on the list is Mr.
16 Robert Gardner from Greenpeace U.S.A.

17 MR. GARDNER: Thank you very much for this
18 opportunity. You know, I'm here to just make a couple
19 of points. That was very well spoken, so I will just
20 make just a couple of short points here.

21 You know, I'm speaking as a representative of
22 Greenpeace, you know, with the full backing of our

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1 members. When I say that, we do oppose any increase in
2 the emissions or pollution limits here at this plant.
3 We understand that there is a need to generate heat and
4 cooling, but we should not do it with these combustion
5 alternatives.

6 I think a key point that you made earlier was
7 that you have the ability to limit but not ban coal
8 here. I think that what we're looking for is an
9 assurance that you will not continue to burn coal, for
10 all of the reasons that the entire life cycle -- or
11 death cycle, if you will -- represent. We want to make
12 sure that there will be zero coal that is going to be
13 burned at this facility.

14 A few things that I would like to mention, as
15 what was just said very elegantly, when we see things
16 like a 20,000-ton request for proposal for coal to the
17 plant in early 2013, this brings us pause. It's pretty
18 clear that you've already, given that you're storing
19 coal, to continue to burn coal, and we want to see that
20 move away.

21 When your own spokesman, Malecki says that
22 you have the capacity to burn this, you do have the

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1 capacity. You have the fuel onsite. You know, we want
2 assurances that you're not going to continue to burn
3 that fuel. Really, gas, oil, and coal burned at this
4 facility is the wrong way for an energy future, as
5 already stated, and should be put into the record, this
6 combustion alternative should just be taken off the
7 table.

8 By making this decision to increase nitrogen
9 oxides particulate matters and other hazardous air
10 pollutants as a full range here, you're making a
11 decision, really, to poison this community.

12 Looking at reporting data from an industry
13 reporting organization called Vintex, there are no
14 planned pollution controls and especially with these
15 short stacks, you're putting a huge swatch of
16 individuals at risk and that's unacceptable. Not only
17 will we as community hear -- you know, I'm from
18 Washington.

19 I work right over in Chinatown. We're going
20 to have to deal with whether there is dust from bring
21 coal in, but other communities either upstream, whether
22 they are, you know, taking as extraction for natural

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1 gas or you're going to be putting that coal ash into
2 their water. They're going to have to take the waste
3 from this decision so that you have the opportunity to
4 stop that right here. It's not too late, as I said.
5 Rather than invest in continued fossil fuel, you have
6 the opportunity to do three things:

7 1) You can tighten these emissions
8 limitations to ensure that not a single person ever
9 needs to be poisoned by this plant ever again.

10 2) You have to make it clear tonight that not
11 one ounce of coal will continue or ever will be burned
12 again at this power plant.

13 3) Come out of this meeting determined to put
14 in place a clean, non-combustion heating solution.
15 They're ready to go. They're available throughout the
16 country. They're available throughout the world.
17 They're cost effective. You have the opportunity to do
18 it and you have the opportunity to do it without
19 harming a single other person. Thank you very much.

20 MR. OURS: Thank you very much. We have a
21 couple of items here. First of all, if anyone is
22 making a speech that is directly written down, if we

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1 can get a copy of that speech we would greatly
2 appreciate that. That would help with the record of the
3 hearing.

4 The second item is -- oh, I'm sorry. Okay.
5 Okay. That's it then. The next person up on our list
6 is Connor Gibson on behalf of himself and Greenpeace
7 U.S.A.

8 MR. GIBSON: Good evening. Thank you.
9 Again, my name is Connor Gibson. That's G-I-B-S-O-N.
10 I'm a D.C. resident, but I work for Greenpeace in
11 Chinatown. I live right over on Florida Ave. I'm
12 going to be speaking mostly from the perspective of a
13 resident in the District of Columbia.

14 The Capitol Power Plant was supposed to stop
15 burning coal in 2009, when I marched with thousands of
16 people to the gates of the plant to demand that it stop
17 running on dirty, deadly coal. There was a wonderful
18 demonstration of direct democracy and Congress
19 responded with a promise to stop burning coal, the most
20 destructive fossil fuel at the Capitol Power Plant.

21 Apparently, that promise to stop burning coal
22 has been broken. I'm disappointed that our elected

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1 officials are dishonoring our democratic participation
2 and have allowed coal pollution to continue at this
3 plant. D.C. is polluted enough. We don't need this
4 plant to burn dirty coal and the purposed permits allow
5 far too much dangerous pollution.

6 When I bike to work or when I walk on the
7 National Mall, I don't want to breathe in coal
8 pollution that can give me cancer or harm my brain or
9 other vital organs. Mercury, arsenic, radioactive
10 elements and all the other things that coal pollution
11 entails, all can and will harm the people that live in
12 Washington, D.C. and the surrounding area. The health
13 of D.C. residents, including myself, is not negotiable.

14 I ask that you make these emissions limits
15 stronger. And if coal can be burned at these plants,
16 then those limits are too weak. By the way, I just ask
17 that you look at me like a human being, on behalf of
18 all the other human beings that cannot be here tonight.
19 Most of the people in D.C., I suspect, have no idea
20 that this process is taking place, have no idea of the
21 potential health consequences of burning coal right in
22 their neighborhood.

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1 On behalf of all those people, I want their
2 voices to be heard as well. Please do the right thing;
3 no more dirty coal at the Capitol Power Plant.

4 MR. OURS: Thank you. The next person up is
5 Cody Rice.

6 MR. RICE: My name is Cody Rice. I'm a
7 resident of the District of Columbia at 1238 C Street,
8 Northeast. I'm here as a resident of the Capitol Hill
9 neighborhood. I'm the father of a 2-year-old child and
10 I wanted to express my concern about the proposed NOx
11 and PM plant applicability limits at the Capitol Power
12 Plant.

13 My concern is that in issuing or setting this
14 permit you've selected a baseline period of February
15 2007 to January 2009, which represents a time when the
16 coal use at the plant was approximately 10 times what
17 it has been more recently.

18 During that time period the Capitol Power
19 Plant, as I understand it, was using on the order of
20 25,000 tons of coal per year. More recently, in Fiscal
21 2011, the same facility was using less than 2,500 tons
22 per year.

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1 Part of the affirmative authority comes from
2 20 DCMR 208, which requires that the baseline period be
3 based on the two consecutive calendar years immediately
4 prior to the year in which the application for a PAL is
5 submitted. So in other words, you're really supposed
6 to look at the most recent period in setting these
7 limits. You're only allowed to select another time
8 period upon determination that another time period
9 would be more representative of normal source
10 operations and you've allowed the applicant to use this
11 February 2007 to January 2009 period, based only on
12 average temperatures and heating degree days.

13 I feel that this is an inadequate basis for
14 determining normal source operations and using a
15 different time period. You don't appear to have
16 considered the effective change in fuel prices and fuel
17 mix in determining whether this alternative time period
18 was more representative of source operations.

19 So the effect of this, by selecting this
20 alternate two-year time period of high coal use for a
21 baseline, the PAL for the whole facility does not serve
22 as an effective cap on pollutants and would allow the

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1 facility to have considerable and unjustified latitude
2 to emit additional pollutants beyond what it has
3 achieved more recently with a fuel mix that uses less
4 coal and more natural gas.

5 I would strongly recommend that you use the
6 period that's required in the law, which is the more
7 recent two-year period, which I think would result in a
8 pollutant baseline, at least an attempt at what has
9 been proposed. I think this is clearly achievable,
10 based on the recent fuel mix of the facility and would
11 be the logical result of following the standard as
12 written.

13 I would at least urge you to have the
14 applicant submit that information for the more recent
15 two-year period so you would know how much more
16 stringent you could make that NOx and fine PM standard.
17 Thanks.

18 MR. OURS: Next person up is Mr. Daryl
19 Kimball.

20 MR. KIMBALL: Thank you. I'm Daryl Kimball.
21 I live at 529 Second Street, Southeast, which is
22 approximately two blocks from the power plant and I'm

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1 here on behalf of my family and many of my neighbors
2 who are fed up with our polluting neighbor, the
3 Architect of the Capitol and the power plant.

4 A few basic points and some suggestions about
5 the process: with the plant having been converted some
6 time ago to run on natural gas or diesel fuel, it's
7 simply no longer necessary, nor is it prudent for the
8 plant to continue to burn coal, especially without the
9 most up-to-date air scrubbers installed and it is no
10 longer responsible to burn coal due to the fact that
11 the stacks are low. It's in the middle of a
12 residential neighborhood where there are numerous
13 schools.

14 This is home to tens of thousands of people,
15 thousands of families and especially children, who bear
16 the greatest burden from the particulate emissions and
17 the other pollutants coming from the plant. I know
18 about this because at my house, on the kayak stored in
19 the back on my house on my car, there are particulate
20 emissions whenever the coal is burned from the plant.
21 This can't be good and it's just not necessary.

22 In this particular matter there is probably

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1 mercury, lead, arsenic, dioxins, formaldehyde, and
2 radioactive elements, including radium and uranium.

3 The other thing I'd note that the Department
4 of the Environment needs to take into consideration is
5 that this area is already burdened by particulate
6 emissions from the Southeast/Southwest Freeway, from
7 the high traffic rail line that goes underground, just
8 southeast of the plant and that rail traffic is likely
9 to increase in future years with the widening of the
10 train tunnel.

11 So for whatever political reasons exist or
12 whatever reasons the AoC continues to burn coal in the
13 middle of a residential area in our Nation's Capitol is
14 irresponsible. I think what you all need to do is to
15 go beyond, in the District Government, this permitting
16 process and to enter into negotiation with the
17 Architect of the Capitol to reach an agreement to
18 permanently phase out the burning of the coal in the
19 winter.

20 The other thing that I think is important
21 before you go forward with this permitting process is
22 that D.C.

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1 should get an independent survey of the
2 prevalence of child respiratory health problems in the
3 areas immediately around the plant and conduct a
4 comprehensive assessment of the impact of the current
5 and potential emissions on those populations.

6 The other thing that I think -- I've read
7 over the documentation. I'm not an environmental
8 lawyer. One of the things that is also frustrating
9 about this process is that the Department of the
10 Environment has not made it clear whether the net
11 result of all of this proposed permitting is going to
12 lead to higher emissions or not.

13 As I read it, there has been no determination
14 that the new cogeneration plant will comply with the
15 updated air quality standards that are coming forward
16 from the EPA under the Clean Air Act. The other thing
17 that would be very helpful -- and I think it's
18 difficult for all of us to sit here and have a
19 conversation about this without knowing from the
20 Architect of Capitol -- is to know how much coal volume
21 is burned, exactly when it's burned and what is the
22 triggering basis for the Architect of the Capitol to

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1 start coal burning in the wintertime. Is this a
2 political decision? Is this John Baynard saying flip
3 the switch? Is it some technical reason? And is the
4 D.C. Government even consulted about this or informed
5 about this? We simply don't know and the Architect of
6 the Capitol Office is completely opaque about this.

7 Final points: The other thing that I think
8 the Department of the Environment needs to do for the
9 residents is -- one minute. Okay, last point is to
10 conduct an independent survey of the particulate
11 emissions near the plant, as well as other emissions
12 from the plant to get a baseline for the situation when
13 the coal is burning and when it's not burning. That
14 will be very helpful for all of us to make decisions.

15 Furthermore, a couple of people have noted
16 that there are a lot of people here tonight and that's
17 fabulous, but that's not because the Architect of the
18 Capitol -- that's necessarily because your department
19 has made good efforts to let people know about this.
20 This has been because of non-governmental organizations
21 and citizens getting people out. I think you have to
22 improve the process for letting people know about these

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1 hearings. Most people in my neighborhood have no idea
2 that this is happening.

3 Before any further hearings or decisions are
4 made, I would suggest that you consult with some of us
5 from the neighborhood about getting notice out at least
6 30 days in advance. Thank you.

7 MS. LANCE: Excuse me, can I just ask a
8 process question?

9 MR. OURS: Yes.

10 MS. LANCE: Because there are some really
11 good questions being asked here that we all have a
12 really hard time finding the answer to. The key one,
13 of course, is will these permits allow additional
14 emissions that is allowed now because you're going to
15 be building more power plants.

16 So what is the process for getting answers to
17 those? Are you all going to answer them today or do
18 you have another way or --

19 MR. OURS: Generally, to answer the process
20 question there, what we will do is we will be
21 responding to questions and the comments together in
22 our determination at our evaluation of the comments

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1 following the hearing.

2 MS. LANCE: That's the concern, though, that
3 you will be finalizing the permit when you answer those
4 questions because that's really not helpful to the
5 public in trying to be a reasonable part of this
6 process. We don't know whether the air quality is
7 going to get better or worse based on the documents
8 that we have. So is there a way to get more
9 information to the public before you decide?

10 MR. OURS: I think we will have to evaluate
11 whether that's acceptable in the process or not. We
12 have a defined process for that and I can't give you an
13 answer to that tonight. Our intent tonight is not to
14 be here to answer questions, but we can answer process
15 question to an extent. But the intent tonight is
16 actually just to hear from the public based on what we
17 have. And if there is a shortage of information, that
18 may be something that we'll need to put out, we'll have
19 to evaluate that.

20 MS. LANCE: Yes. It would be great to have a
21 meeting where we could actually ask questions of you.

22 MR. OURS: Right. I understand that, but

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1 that's

2 --

3 MS. LANCE: I would like to make a formal
4 request for that if that's useful to the process.

5 MR. OURS: Okay. Okay.

6 THE REPORTER: Ma'am, what is your name?

7 MR. OURS: Ma'am, what is your name?

8 MS. LANCE: My name is Linda Lance, L-A-N-C-
9 E. And I'm just a citizen.

10 MS. PLUME: May I ask a question?

11 MR. OURS: Are you asking a process question?

12 MS. PLUME: Yes.

13 MR. OURS: Yes, ma'am.

14 MS. PLUME: What is the process for making
15 the decision and when will decision be made and what's
16 the timeline? How does that all work after tonight?

17 MR. OURS: Okay. There is no set timeline in
18 the process. It really depends. I mean,
19 hypothetically, if we had gotten no comments at all or
20 something, we could've moved forward pretty quickly on
21 things. Haven't gotten a number of comments, it's going
22 to take us some period of time to evaluate the comments

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1 and determine how to move forward.

2 MS. PLUME: Is that a week? A month? A day?

3 MR. OURS: I can't imagine that it will be a
4 day or a week, but I honestly can't tell you beyond
5 that how quickly it will be. Another process question
6 here?

7 MR. COSTELLO: Yes. My name is Tom Costello,
8 C- O-S-T-E-L-L-O. The second person who spoke today
9 here at the end of the table said that it was illegal
10 to burn coal. So if it's illegal, what is there to
11 discuss if they're breaking the law?

12 I've lived here for 35 years on the Hill and
13 I know how powerful the Architect of the Capitol is. I
14 mean, he is a dictator.

15 MR. OURS: Well, to answer your question
16 there, it is not illegal for them to burn coal. It is
17 allowed under their current permits. So they are
18 allowed to burn coal under their current permitting set
19 up.

20 MR. COSTELLO: Any amount of coal?

21 MR. OURS: Any amount of coal that they can
22 burn in their two coal burning units they are allowed

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1 to burn.

2 MR. COSTELLO: Okay.

3 MR. OURS: And yeah, I think historically,
4 there have been some discussions of them reducing it,
5 but that's been totally on their end and choice if the
6 permit has not changed. So they're allowed to burn as
7 much coal as they want right now.

8 MR. VASQUEZ: Can I ask another process
9 question?

10 MR. OURS: Sure.

11 MR. VASQUEZ: So I think it's pretty fair to
12 say that everybody here --

13 MR. OURS: Can you give us your name?

14 MR. VASQUEZ: Carlos Vasquez, V-A-S-Q-U-E-Z.
15 I'm a resident in the area. I think it's pretty fair
16 to say that everybody here is probably going to speak
17 in opposition to the plant continuing to operate in
18 this fashion. Is there a process or is there a policy
19 that the city has by which this -- our opposition
20 actually becomes something and it counts for something?
21 Is it like 10 people to say no or is it 100 people to
22 say no? And if so, can we have more time in order to

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1 gather more people and more momentum behind this?

2 MR. OURS: The process is not a vote process.
3 It is a process of whether people bring up basically
4 legal or technical comments that warrant some type of
5 action other than the proposed action, whether it would
6 change that. This hearing opportunity is that -- and
7 the written comment opportunity is the period during
8 which those types of comments can be brought up, and we
9 will evaluate those on a technical and legal basis.

10 MR. VASQUEZ: Got it. So then our comments
11 should be focused on legal and technical scope of this
12 here.

13 MR. OURS: Correct.

14 MR. VASQUEZ: Got it. Okay.

15 MR. OURS: Right.

16 MR. KIMBALL: There are other people we can
17 speak to, okay, who have got more authority or
18 political suasion than this gentleman, who is doing his
19 job. So I'm just pointing this out to communicate this
20 to my fellow neighbors, okay, since you are not able to
21 tell some of those things. So we need to talk about
22 what else we can do.

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1 THE REPORTER: Are you Daryl?

2 MR. OURS: And I will ask from here that we
3 should try to stay on topic and continue with the
4 comments here.

5 So I will ask the next speaker to come up. I
6 believe the name -- I apologize if I mispronounce it --
7 is Christina Alixa-Liakos.

8 MS. ALIXA-LIAKOS: Oh, that was good.

9 MR. OURS: Okay. Thank you.

10 MS. ALIXA-LIAKOS: Well, I didn't write mine
11 based on very legal or the -- so good to know for the
12 future. But thanks for allowing citizens to talk
13 tonight. My name is Christina Alixa-Liakos, and I am
14 currently a D.C. resident, but I'm not only here on
15 behalf of D.C. residents, I'm also here on behalf of
16 youth and also on behalf of women who are of
17 childbearing age, who are pretty concerned about
18 particulates and pollutants that are in our air,
19 especially those that are contributed to coal and to
20 natural gas and dirty fossil fuel industries.

21 So I just wanted to basically voice my
22 concerns about that. Actually, back in 2009 -- I'm not

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1 a native of D.C. I grew up in New Hampshire. And back
2 in 2009, I traveled down to D.C., all the way from New
3 Hampshire because I had learned in college about all of
4 the dirty issues related to coal and burning coal and
5 how it pollutes the air and is bad for the environment
6 and bad for the people around it.

7 When I came down here and sat with thousands
8 of people in the street in front of the Capitol coal
9 plant, you know, we found out that they had essentially
10 shut it down, at least it was my assumption that we had
11 stopped burning coal in our Nation's Capitol. I know
12 that it personally inspired me.

13 Actually, I, afterwards, have been dedicating
14 my life, since graduating college, to working with
15 youth, a lot of whom are sitting in this room tonight
16 who come from states where natural gas and coal is very
17 prevalent. Places like West Virginia and Tennessee,
18 where they have seen huge issues contributed to the
19 environment and to people and their health because of
20 mining coal and then burning it.

21 I also stand in front of you as someone who
22 has asthma, who actually only developed asthma from

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1 visiting places where coal mining and coal burning was
2 extremely prevalent in some of the states that I
3 already mentioned. I know that when I moved back to
4 D.C., I was very inspired and excited to come back to a
5 place where I knew that we had stopped using dirty
6 energy and had started making the switch to renewable.

7 I actually never thought that we would be
8 back in this room where we would be deciding whether or
9 not we were going to be using more coal or more natural
10 gas or which dirty fossil fuel we were going to using.
11 Instead, I thought that we would be in a place where we
12 were going to be fighting over if we were going to be
13 using wind or if we were going to be using solar power
14 in the city.

15 So I just want to say, you know, I really
16 think as somebody who is a young person and who is
17 going to be around for a lot longer -- no offense to a
18 lot of you who are on the Board -- you know, we want to
19 see real energy as our future. We don't want to be
20 using coal. We don't want to be using old technology,
21 nor do we want to be going backwards, which is what is
22 seems like we're starting to do right now.

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1 I think that would be a huge disappointment
2 when we could really be setting the bar here in our
3 Nation's Capitol for the rest of the country. So I
4 urge you to hold, you know, all the parties accountable
5 and really start being an example for the rest of the
6 country and for the rest of the residents in D.C.
7 Thanks.

8 MR. OURS: Okay. Thank you. The next person
9 up is Mr. Mike Sandler.

10 MR. SAMUEL: Thank you for giving me the
11 opportunity to speak. My name is Mike Sandler. I live
12 at 1000 New Jersey Avenue, Southeast, which is a couple
13 of blocks from the power plant. The power plant is
14 clearly visible from my living room and the emissions
15 from that plant are also visible.

16 I have a 2-year-old son who plays at parks in
17 the neighborhood and has daycare there as well, and I
18 also have asthma. I'm a co-founder of a group called
19 climate protection campaign based in California and I
20 was previously employed as a program manager, helping
21 cities and counties in achieving greenhouse gas
22 reductions goals.

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1 So I'm really pleased to hear that the
2 District of Columbia has emission reduction goals and
3 I'm hoping that this permit process will give an
4 opportunity to the city to move in the direction of
5 implementing those goals.

6 I submitted written comments, so I won't go
7 through all of that, but just to summarize, I'm hoping
8 that as part of the permit process you will require the
9 power plant to cease all use of coal and that the --
10 you know, this is in the interest of the power plant
11 operator because of the current prices of natural gas;
12 it makes no sense to revert back to coal, which is more
13 expensive.

14 There are also many issues around global
15 climate change that I think are just as important or
16 more important than the economics. In the end, this
17 just reinforces the idea that coal should be phased
18 from the District of Columbia and that should be a
19 policy, perhaps made at a higher level, but maybe the
20 Department of the Environment in implementing the
21 sustainability goals can make those efforts in this
22 permit and then, you know, provide an opportunity for

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1 political leadership to put that into more formal
2 policy.

3 California and other states have been setting
4 performance standards for power plants. The U.S. EPA
5 is in the process of rulemaking for that, which would
6 essentially require coal use to also have a carbon
7 capture and sequestration element or something like
8 that. So basically, uncapped coal combustion is sort of
9 becoming history.

10 Also, so my second thing would be to require
11 the plant to develop a renewable energy plan that would
12 detail how fossil fuels could be phased out over time,
13 moving beyond natural gas and fuel oil. So other
14 options, as you probably know, are solar, wind,
15 geothermal, biomass or a fuel cell that can run on
16 hydrogen. There are other options as well.

17 There are grants and fundings sources for
18 power plant operators to look into that and perhaps,
19 the D.C. Department of the Environment can provide
20 encouragement or assistance to the power plant operator
21 through this permit process to encourage that
22 direction.

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1 Some questions that have come up, just as I
2 have heard the other speakers today, I mean, I've
3 learned a lot, actually, from the speakers. I wasn't
4 able to find out very much about the power plant online
5 before this meeting, so I had a lot of questions. And
6 hopefully the Department of the Environment can put out
7 information for neighbors so I can talk to my neighbors
8 in my building or others in the Navy Yard area. You
9 know, does the power plant currently use coal? How is
10 the decision to use coal made?

11 For example, does Congress just sort of say
12 we want to use coal and then they do? You know, I
13 don't know these answers to the questions. You had
14 mentioned earlier that the regulatory scheme does not
15 allow the current environment to ban coal.

16 Would it be possible to set the amount of
17 coal as a limit, say one time maximum? Something like
18 that. I don't know. These are questions I have.

19 Would there be any public hearings to educate
20 -- thank you -- would there be any public hearings to
21 educate residents in the area about the energy mix of
22 that power plant?

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1 Is coal being stored on site? Why wasn't RFP
2 for coal purchase made? And is there a notification
3 process to let neighbors know when coal is being
4 combusted? This would help let people like me know
5 that I should keep my sign in doors at that time and
6 close my windows. Thanks very much.

7 MR. OURS: Thank you very much. The next
8 person up is Katie Flynn-Jambeck.

9 MS. FLYNN-JAMBECK: Hi. I'm going to speak
10 from here because I'm just getting over a cold and I
11 don't think I can throw my voice from way over there.

12 MR. OURS: Okay. Well, mainly you got to get
13 it to her because -- thank you.

14 MS. FLYNN-JAMBECK: So I'm not going to
15 repeat too much about the specifics of health and
16 global warming because that information is out there,
17 which is more than we can say about the information
18 about this plant, but when we're talking about the
19 effects of coal plants on the public health, in this
20 case we're talking about the effects of public health
21 and my health, on me. So this is something that is
22 very much not an non-effect issue to me.

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1 I live on Capitol Hill. I live less than a
2 mile away from this plant. I don't think that it's
3 acceptable for the city of D.C. or for the federal
4 government to ask me to breathe in more pollutants.
5 It's just not. It's not okay.

6 I think also -- I think you touched on it a
7 little bit -- this plant has a symbolic value in this
8 country. This is the plant that is key to the
9 operations of our government. So if there is a single
10 plant in this whole country that should get its act
11 together, or a single power system that should get its
12 act together and move away from coal and move towards
13 renewable energy, this is that plant.

14 We saw a little bit of movement towards that,
15 an event that some folks here referenced a few years
16 back where there was pretty much an agreement to stop
17 burning coal at this plant, which now looks like that's
18 being moved against and I find that to be incredibly
19 irresponsible and it can really send the wrong message
20 about the federal government and the city of D.C. which
21 direction they're going. And there seems to be very
22 much of moving backwards and away from the clean energy

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1 future and I also don't find that to be at all
2 acceptable.

3 One moment. I think that as far as this
4 process goes, you're hearing pretty loudly and clearly
5 that people don't feel as though they have enough
6 information in order to be able to give you good
7 comment on the very specific set you're looking for, as
8 well as the moral issues that are happening here, and
9 specifically, the health and safety issues that are
10 happening here.

11 Now, I recommend that you do a series of
12 public meetings where you present, and the Architect of
13 the Capitol and the EPA -- excuse me -- present this
14 information and give other organizations and entities
15 an opportunity to present factual information on these
16 issues and then do a few more rounds of comment once we
17 have had a chance to be better informed about these
18 issues. I think it is irresponsible to go forward any
19 other way.

20 I have been to many different processes like
21 this in a few different places that I've lived. I've
22 lived in D.C. for about six years now. And I have sat

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1 in so many rooms that look just like this of people
2 talking about the arcane issues and regulatory issues
3 as well, and we have to do it exactly this way. And
4 honestly, I find it all to be quite a bit of nonsense.
5 And if the role of your agency is to protect the public
6 health, then you should step up and do that. Thanks.

7 MR. OURS: Thank you. Okay. The next person
8 is Gabe Wisniewski from Greenpeace. I apologize.
9 Thank you.

10 MR. WISNIEWSKI: Thanks for the opportunity
11 to speak. You may want to enter it into the record
12 that I work with Katie and you really just need to
13 listen to her because you don't want to be on the wrong
14 side of her.

15 I'll keep my comments brief because I think
16 you're going to hear a lot of -- you've already heard a
17 lot of echoes of what I have to say. I'm here to speak
18 as a D.C. resident. I live at 1880 Columbia Road,
19 Northwest. There are a lot of reasons not to move
20 forward with permits that increase the pollution
21 emitted from the Capitol Power Plant.

22 I'm here to ask you to not think of these

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1 things as abstract issues about the composition of fuel
2 gases, but to take on the charge of actually
3 quantifying what the public health impact of these
4 permits are, could be.

5 The pollutants in question make people sick.
6 They cause asthma attacks. They cause heart attacks.
7 These pollutants kill people, mostly children and the
8 elderly. 225,000 people live within three miles of the
9 Capitol Power Plant and more than 75 percent of them
10 are people of color. Approving permits that are going
11 to impact specific communities so disproportionately is
12 unconscionable for a department that calls itself the
13 Department of the Environment.

14 So what I would like to ask you to do today
15 is to extend your process for considering these
16 permits; proactively seek out the input of the
17 communities who we most impacted and solicit objective
18 input from the public health community about what the
19 public health impact of these permits could be.

20 The last thing I'll say is that at a time
21 when communities from D.C. to New England are
22 recovering from Hurricane Sandy, a storm that was made

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1 marketedly worse by the impact of climate change, we
2 should all view a proposal to burn more fossil fuels as
3 being insane and immoral. These permits should be
4 denied and the District to listen to the people that
5 have given it power. Thank you.

6 MR. OURS: Thank you, sir. The next person
7 up is Jane Chittick. Chittick, yes.

8 MS. CHITTICK: Chittick. Hi. Excuse me. My
9 name is Jane Chittick, C-H-I-T-T-I-C-K. I live at 101
10 Doddington Place, Southeast in D.C., which is the
11 corner of First Street, Northeast, the 520 block. My
12 house is directly across from the power plant. My
13 living room window, which has a big bay window, looks
14 right out on it.

15 The bedroom upstairs, the master bedroom,
16 looks right out on it. I moved here in 2008. Before
17 that, years' past, I worked as an energy consultant in
18 Cambridge, Mass for Resource Planning Associates. We
19 were doing national energy programs, one of which was
20 the National Strategic Petroleum Reserve, of which I
21 worked for four years.

22 Another was the beginnings of the Trans

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1 Alaskan Natural Gas Pipeline, of which I worked for two
2 years. After that I went to Boston Edison Company where
3 I was a sociopolitical analyst as they were looking at
4 building - - excuse me -- the second nuclear power
5 plant, Pilgrim

6 II.

7 I am a firm believer in natural gas. I am
8 totally opposed to coal and I don't think renewable
9 resources are going to generate enough electricity for
10 either the Capitol Power Plant or any other major power
11 plant in the United States in the foreseeable future.

12 So I want to state that I may not be the
13 typical representative tonight, but as you see in my
14 hand, this is Pulmicort, a steroid inhaler that I
15 started on after I moved here in 2004 and this is a
16 Ventolin, or a derivative of it, which I use for
17 emergency attacks, which you can hear me sort of now.
18 I know that Daryl Kimball's daughter, Nola, who my
19 husband had taught in elementary school right within
20 our neighborhood, has asthma, as do many of our other
21 neighbors do.

22 So several years ago when Greenpeace -- and

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1 thank you for your efforts then -- started the march on
2 the Capitol Power Plant, with my unlikely background,
3 joined in and I was one of 20 speakers that day at the
4 rally which was alluded to that there were thousands of
5 people there. We were. I represented, along with
6 Sally Kimball, and others in the neighborhood our
7 position.

8 And this is what I said: We moved in, as I
9 mentioned, in 2004, directly across from the power
10 plant. I remember the first sunny Sunday, a few days
11 after we were unpacking boxes and I was exhausted, sat
12 outside my little teeny patio, which is no bigger than
13 this. And the sun was out and the sky was blue. It
14 wasn't a cloud and yet it was raining. And I thought,
15 well there are pigeons or there's something flying
16 around. There wasn't. I get up and I looked at my
17 dog's bed and there are raindrops on Tanner's bed. And
18 I'm just mystified.

19 I went inside and I called Dick and I said,
20 "Come out. It's raining, but there isn't a cloud in
21 the sky." And he said you're crazy. He stood outside
22 and it's raining. Got to the car later that afternoon

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1 to do errands -- I had no clue of what this was. I'm
2 taking my ice scraper to scrape off the windshield; the
3 front, the back, and the mirror so you can see,
4 scraping off -- this was May. We moved in May 24th.
5 This was probably four or five days later. It was
6 outrageous. And then over that summer I started
7 getting asthma, which I never had before. Pulmicort, a
8 steroid on a daily basis and Ventolin for emergencies.
9 As I got to know the neighbors, which took some time,
10 people were talking about the power plant. I have one
11 minute left.

12 So, anyway, the long and the short of it is
13 in March 2009 I was one of the speakers and we were so
14 pleased to have a letter from Nancy Pelosi and Harry
15 Reid, instructing, not asking, instructing the
16 Architect of the Capitol to cease coal burning at this
17 power plant to use these natural gas, primarily, diesel
18 and only coal if there was extreme cold and extreme
19 heat to serve as back-up for these overworked
20 generators. That was very specific. I have a copy of
21 that letter. I'm sure the EPA does too. And now
22 behind all of our backs, there they are trucking in

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1 coal again.

2 This summer, my next-door neighbor called me
3 and she said, "Were you awake at 4:45?" I said, "No."
4 She said well, I was and so-and-so else was. They were
5 offloading coal. I said, "Oh, no, they can't.
6 Remember, they've stopped coal. They're not doing it."
7 Well, I will guarantee everyone here tonight they are
8 burning coal. They are burning it now as we speak,
9 whether it's at this exact moment or two weeks ago, a
10 month ago or next week. They are burning coal.

11 You look at all their answers and they will
12 not answer that one question. Even Malecki -- I don't
13 know how many times I've talked to her -- and Duffy at
14 the power plant and everyone else. I've talked to them
15 all. They are burning coal. They will continue to do
16 so and it's up to us to be outraged and speak up
17 against it. Unless you'd like to come and live in my
18 house, I'll move out for three weeks, you can live
19 there then and I'll be happy to let you do that.

20 MR. OURS: Thank you for your comments.

21 MS. CHITTICK: And I'll leave this behind.

22 MR. OURS: Okay. Next up we have Jim

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1 Douherty from the Sierra Club.

2 MR. DOUHERTY: I don't want to waive signs
3 around, but since I went through all the trouble of
4 making this I'll just put it there.

5 Anyway, my name is Jim Douherty. I'm a
6 volunteer with the Sierra Club. I'm the conservation
7 chair of the D.C. chapter. Like some of the other
8 Sierra Club reps who have spoken tonight, I represent
9 two and a half thousand D.C. residents who paid dues to
10 the club because we share a vision of a city in which
11 the water is safe to swim in and the air is safe to
12 breathe, and unfortunately, neither of those
13 circumstances exist.

14 The water is hazardous to your health and the
15 air unsafe to breathe. Both of these media fall within
16 your wicks and you guys have a lot of work to do to get
17 it cleaned up.

18 We started campaigning about eight years ago
19 to get the coal out at the Capitol Power Plant. That
20 was the time when they refitted the boilers so that
21 they could burn three fuels; they could burn coal, they
22 can burn oil, and they can burn gas. So we applied a

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1 lot of pressure to Speaker Pelosi and Majority Leader
2 Reid back in 2009.

3 We're somehow involved in their commitment to
4 stop burning it and we too have the letters from the
5 Architect, March 31st, April 6th -- anyone who would
6 read them would say boy, we're so enthusiastic about
7 getting the coal out. We're now entering the era of
8 100 percent natural gas. I've turned out to be like so
9 many political promises.

10 The reason for that, of course, is because of
11 pressure from the likes of Senator Mitch McConnell and
12 before him, Senator Byrd and Senator Mansion and these
13 guys. They sort of have them in their grip.

14 What really alerted us was when we saw on the
15 internet we found the -- you've heard the reference the
16 RFP to buy 20,000 tons of coal. We have this document
17 here. We have copies on website. All this stuff is on
18 website, by the way. Just look at sierraclub.org and
19 you go to the D.C. chapter and you can find this stuff
20 referenced.

21 So what's distressing about it is that we
22 started leasing the neighborhood and I got a few phone

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1 calls saying you guys are full of it because we called
2 the Architect of the Capitol and they said they're not
3 burning coal. Someone said we called DDOE and they
4 said the same thing, they're not burning coal there.
5 So people should know we've been conducting
6 photographic surveillance of the pile that sits outside
7 the plant for several years now.

8 These are four photographs. We have a lot
9 from last year's heating season. It starts in October
10 and goes to April. You can see, this is the pile of
11 coal under the shoot and then in December it was down
12 quite a bit and then it was replenished in January and
13 then it was full up to the top in April. That's what
14 it does, it goes up and down and up and down. So
15 obviously they're buying it, consuming it and
16 replenishing it. We have the goods on them.

17 Let me say quickly that we have some sign-up
18 sheets. We're trying to form a movement here, so I
19 passed around a sign-up sheet. Irv Sheffey in the back
20 - - Irv, raise your hand -- he's got one. Lisa
21 Swanson. So if you want to join our campaign, please
22 give us your email and we'll form a Google group or

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1 some kind of list or something and keep it going.

2 We noticed on the website today, on your
3 website at DDOE, you posted some language saying --
4 well, certain environmental groups have been saying
5 that they are burning 40 million pounds of coal, but
6 it's really just 20,000 tons. By the way, that's not
7 much, that's only one percent of what the average coal-
8 fired power plant burns. Well, I suggest that that's
9 not your job. Your job at worst is to be a neutral
10 arbiter and not to be spinning for the polluters.

11 In fact, arguably, you should be representing
12 us and trying to protect our health and the environment
13 under your statutory mandate. We do pay your salaries
14 and we did elect Mayor Gray. So we're really hoping
15 that you guys will sort of hear what you're hearing
16 tonight and you'll be hearing more of this in the
17 future, so we're asking for responsive action from the
18 government on this.

19 Finally, let me say that coal is the fuel of
20 the 19th Century and a lot of people don't know that in
21 the United States we essentially stopped building new
22 coal- fired power plants. George Bush called for the

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1 construction of 150 and citizen activists rose up and
2 stopped all but three of those. Since then another 20
3 have been proposed. We stopped 18 of those. We
4 basically turned away from coal. It's time for the
5 Architect of the Capitol to do the same thing.

6 London learned, over 100 years ago, it makes
7 no sense to burn coal in the city. It took them a long
8 time to get the coal out. They finally did it. It's
9 time for Washington to catch up to 19th Century London.
10 Thank you.

11 MR. OURS: Okay. Thank you. Next person is
12 Francesco DeLeo. I apologize if I mispronounced that.

13 MR. DELEO: Just a quick thing, I'm a little
14 confused as to who I'm talking to because I came a
15 little late. This is the Department of the Environment
16 or are you the Capitol Power Plant?

17 MR. OURS: We are the District Department of
18 the Environment holding the hearing.

19 MR. DELEO: Okay. So I agree that you should
20 be looking for our best interest. That's good. Thank
21 you for organizing this. I am Francesco DeLeo. I live
22 at 536 First Street, Southeast. When I open the door

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1 of my house every day and I leave, it's right there in
2 front of me. It has quite an ugly look. It has this
3 look like a monster. That's what my kids call it.

4 I have a 12-year-old, Antonio, 9-year-old,
5 Isabella and 7-year-old, Stephano that every time they
6 go out and see that thing, I think I have to move. So
7 if anybody is interested in moving in, let me know.

8 I guess you guys have done a great job at
9 representing various points and I'm not going to repeat
10 them, but I want to just bring also, you know, repeat
11 some of the ones that particularly stick with me. I
12 want to agree with Jane about the particles and the
13 rain. It is something quite hard to scrape off of the
14 cars and I can imagine how hard it may be to remove
15 from the lungs if they are already there.

16 I moved to Germany. Prior to 2009 I moved in
17 knowing that there was no more burning coal, so I
18 brought my kids thinking that that was a decision I was
19 making based on the information that I had.

20 Last week my wife started crying when she saw
21 this. I look at this and it doesn't come from you, it
22 comes from the Sierra Club, which I thank, in a way,

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1 for inviting me here. I know that you guys have a
2 website, but I think there are quite a few billion
3 websites that if I had to go and check them all I would
4 probably would never stumble onto this one.

5 I really think you could do a better job at
6 informing us. I would like to know, tonight if
7 possible, if it is burning so I can go to a hotel and
8 make decisions that I need to make, you know, with the
9 information that I need. In the future, to continue
10 doing this, you know, there is nothing that really
11 holds me to stay there. I can just go somewhere else.

12 There's not just Washington; the world is
13 big. I don't need to be in a country where its own
14 capitol does it. So that's about all I wanted to say.
15 Do you have an answer? Is it burning right now?

16 MR. OURS: I can't tell you that. I honestly
17 don't know. They have a permit that allows them to
18 currently burn coal whenever they want to and they
19 don't have to notify us when they are going to burn
20 coal.

21 MR. DELEO: So that's part of maybe my
22 suggestion for future residence of my house is that

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1 they be given a little warning so that they can plan
2 their vacation accordingly. You know what I mean?
3 Thank you.

4 MR. OURS: I believe the next person is
5 Robert Robinson.

6 MR. ROBINSON: Thank you very much. My name
7 is Robert Robinson. I'm a D.C. resident. I'm a co-
8 founder of D.C. Solar United Neighborhoods. So we're
9 working very hard in D.C. and have been since 2006 to
10 bring clean renewable energy to D.C. citizens. I'm
11 also a member of the Sierra Club that is doing great
12 work in trying to stop coal burning in D.C. or around
13 D.C.

14 My understanding is that the license that's
15 at issue is to allow the power plant at the U.S.
16 Capitol to install some coal burning -- some natural
17 gas burning turbans to create electricity. I don't
18 think electricity has actually been produced at that
19 plant since 1951, which was the year that I was born,
20 but I have lived on Capitol Hill. I lived there from
21 1980 to 2006.

22 Anybody that's lived on Capitol Hill that

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1 walks on the streets, that runs a bicycle, that drives
2 over the expressway, that takes the train, that flies
3 over in a plane, sees the same phenomenon year after
4 year after year. A huge, not a mountain, but a
5 foothill of coal arrives outside of the coal plant at
6 the U.S. Capitol. And then as weeks go by it gets
7 smaller and smaller and disappears. What's happening
8 is they're burning coal or they're making coal tar
9 shampoo or something in stocking for Christmas. I
10 don't know. But they're using an awful lot of coal.

11 We also happen to know that here in D.C., we
12 are among the highest jurisdictions in the country in
13 the incidence of asthma effecting children, women and
14 pregnant women and older women. In the recent rating
15 that we got from the American Lung Association showed
16 that we were not doing well in terms of pollutants and
17 other problems. So the problem is not getting better
18 rapidly.

19 We also know that the U.S. Capitol has
20 requested in a procurement bid some millions of tons of
21 coal. Now, I don't know how much they plan to use or
22 not, but if they're going to be using that coal,

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1 they're going to be putting additional pollutants into
2 the air of a jurisdiction that's already suffering from
3 it and should not have to keep suffering.

4 So my feeling is that what D.C. Department of
5 the Environment should be doing is not trying to stop
6 them putting in the gas turbans to create clean natural
7 gas, electricity if that's what they want. To complain
8 about that would be to pull a boner, and we don't want
9 to pull a boner on Congress unless we have a really
10 large bloody pair of pliers.

11 But what we should be doing is we should be
12 hearing from DDOE if the result of this is that the
13 Congress is going to continue to burn coal, what the
14 impact of that is and what the addition of additional
15 coal will be for District residents. I think that's
16 the very least that we could expect. Thank you very
17 much for your time.

18 MR. OURS: The next person up is Gerard
19 Dunphy. Yes.

20 MR. DUNPHY: Yeah, my name is Gerry Dunphy.
21 I live 2 E Street, directly opposite the front door of
22 this fine power plant. The previous speaker did raise

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1 an interesting point. Now, the issue at hand is to
2 grant a permit for this new technology; isn't that
3 right?

4 MR. OURS: That's correct.

5 MR. DUNPHY: And I think everybody seems to
6 be in favor of this, the new stuff.

7 MS. CHITTICK: No.

8 DR. DRISCOLL: Not everybody.

9 MS. CHITTICK: This burning coal? No.

10 MR. DUNPHY: No, no, the new stuff. I'm
11 talking about the new thing that he is being asked to
12 approve. That's got nothing to do with coal; am I
13 right?

14 MR. OURS: Correct.

15 MR. DUNPHY: So you're going to approve that
16 and we should have -- I'm just trying to get my head
17 straight. I'm with you all, but I just don't want a
18 disease and all that stuff. I just want to get things
19 straight.

20 In other words, everybody wants to approve
21 with the thing that's on hand. That's what I want to
22 get my head straight on. The thing that we're upset

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1 about is, is there some way that the District could
2 that permit process to get some leverage around them?
3 Isn't that the name of the game here?

4 We're all complaining about coal, yet you,
5 Mr. Speaker, say that oh, well, they already have a
6 permit to use coal. So you're telling us that we're
7 dead ducks right from the start. Is that what you're
8 telling us?

9 MR. OURS: No, sir. The process that is set
10 up right now, they have a permit that allows them to
11 burn an unlimited amount --

12 MR. DUNPHY: To use coal, yeah.

13 MR. OURS: -- of coal. The proposal is to
14 issue four different permits. One of them is a system
15 to burn primarily natural gas with fuel oil as well.
16 in order to do that, there is a second permit that's
17 set up that establishes facility-wide emission limits;
18 plant-wide applicability limits that would limit
19 emissions from the whole facility across the board.

20 MR. DUNPHY: Oh, I see.

21 MR. OURS: And that covers the coal-burning
22 units as well as all the other units at the facility.

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1 MR. DUNPHY: You do have some leverage over
2 them. That's what I'm trying to get at. Right?

3 MR. DOUHERTY: Right.

4 MR. DUNPHY: That's what I want to know
5 because granting one permit is one thing. I don't want
6 to use all my time, but I've lived there for 40 years
7 at that place and the problem with the District -- I
8 hope you've got plenty of spine because the Architect
9 generally ignores every rule and regulation of this
10 District of Columbia. I know. I lived there for 40
11 years. I'm just warning you, sir.

12 Please. I don't know what you can do about
13 it. If the Architect wants to park its cars or if its
14 wants to close the street, you've seen what's happened
15 around us, they just close the street. The District is
16 not consulted. They just close the bloody street.
17 That's it. Do they ever come to people like you? Hell
18 no.

19 Outside my house you have all these types of
20 government vehicles, Architect -- AoC, right. Do they
21 ever get a ticket? Oh, no, no, no. But somebody like
22 me who would park just outside my own house, bang, \$50

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1 to \$100 ticket just like that. They ignore you. I'm
2 just telling you the problems we have. I don't know.
3 Just up Third Street, it seems to me to have complete
4 jurisdiction. They can do any damn thing they like.
5 That's the way I see it. I hope I'm wrong and I hope
6 you have the spine.

7 I will just make two other comments about --
8 well, that's the main thing I wanted to say here, but I
9 agree with everything that was said. The zoning, I
10 don't know. I'm in real estate, I should know. The
11 neighborhood has changed so entirely. Forty or 50
12 years ago it was -- it's a CM-1 zone right now. Folks,
13 that means commercial/mechanical-1, which gives a
14 person the right to do pretty much, you know, turn all
15 the things around, right.

16 But you know, the whole place has become
17 residential. And even the District moved the trash
18 facility to just across the street. Where is the lady
19 who lives in the area? She knows it. It has been a
20 great improvement. There was a trash facility place
21 right across the street there from there. That's gone.

22 MS. MAXWELL: One minute.

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1 So tell us more, keep us informed and please
2 have some guts in dealing with the Architect because,
3 you know, we usually lose. That's the whole problem.
4 All right. Thank you very much.

5 MR. OURS: Okay. Next person up is Irv
6 Sheffey from the Sierra Club.

7 MR. SHEFFEY: Good evening. I welcome this
8 opportunity to speak to you and speak before this
9 audience. I am Irv Sheffey. I work for the Sierra
10 Club. I'm part of their Environmental Justice and
11 Community Partnerships program. I also work on the On-
12 Call Campaign as well.

13 Locally, here, especially in Ward 7 and 8 --
14 I live in Ward 7 -- so I'm not only working on these
15 issues from a professional perspective, but also from a
16 personal perspective. I live here. I breathe this
17 air. To borrow a piece from the bar of Shakespeare: To
18 breathe or not to breathe, that is the question.

19 I'm concerned. I sent in my written
20 testimony, which goes into explain some of my concerns
21 about the emissions. I'm concerned about the 44,000
22 adults, according to a District report back in 2008 --

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1 which I'm sure has changed over the years -- that have
2 asthma and the 14,000 children that has asthma as well.

3 We have a major exhaust problem here. We
4 have all this car traffic coming in every day, so that
5 contributes to the exhaust problem and what we're
6 breathing. And we can't control the habits of
7 individual drivers who say hey, you know, drive less.
8 Take public transportation. Get a hybrid. But that
9 depends upon each and every person, the 8 million in
10 the region, to make individual consumer habitual
11 decisions.

12 But we have one source here that we can point
13 to, the Capitol Power Plant that we know is burning
14 dirty fuel. And I'm not only talking about the coal.
15 Coal is definitely issue. Natural gas is better, but
16 don't fool yourself, it's not a clean source. We
17 should be encouraging renewable wherever possible, you
18 know, renewables like solar and things of that nature.
19 There are problems in terms of installations,
20 locations. We may not be able to replace everything
21 tit for tat, but we should be encouraging more and we
22 don't have that present there. We don't need to see it

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1 as part of the mix of fuels. I want to encourage DDOE
2 to actually take leadership and press for that even
3 more so.

4 So I'm concerned about the health and well-
5 being of the people I work with every day, my neighbors
6 and myself. And I want to see people engage more. One
7 of the things a couple of people pointed out, where
8 they wouldn't have known about this opportunity if it
9 weren't for some of the flyers that went out and some
10 of the calls that were made here and there by people in
11 the community.

12 I really am concerned that DDOE, not only on
13 this issue, but others that I have been working on for
14 Anacostia issues as well, don't get the word out -
15 don't get people civically engage, depend upon a
16 posting on the internet. You know, we have an
17 additional divide here where a number of people are not
18 online, people affected. People, particularly in my
19 community, who get information from other sources other
20 than going to a computer.

21 The old-fashioned flyer works, as it seems to
22 have worked here tonight. People got out and talked to

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1 their neighbors. We had a little controversy; oh,
2 you're talking out the side of your mouth. Even that
3 was good. We got people engaged in the conversation and
4 that's the important thing. I'm hoping that you may
5 listen to what some people have said about extending
6 this opportunity, broadening it. You know, here I'm
7 talking to you, other people are talking to you. We
8 need a roundtable on the issue where we can talk
9 together. We can talk about the issues that are out
10 there.

11 Some of the points that you pointed out on
12 your update of your website concerning -- that Jim
13 pointed out, Jim Doherty pointed out, concerning that
14 people may be misinformed. Well, a roundtable would
15 allow us to actually put a lot of issues on the table
16 and discuss it, as opposed to just having opinions.
17 And you know what they say about opinions.

18 The whole thing is that I just want us to be
19 real and look at what we're doing. We have an
20 opportunity here. We don't have too many opportunities
21 to talk about the Capitol Power Plant. It's very
22 seldom that the door opens. This permit request has

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1 opened a crack for us to talk about emissions and other
2 things.

3 The construction, I want to encourage and go
4 ahead and move forward on the natural gas co-
5 generation. We're not against that. What we are
6 against is the possibility that the emissions will rise
7 if we use a benchmark from time when exposure was more
8 typical. I understand that that's one of thing. If
9 I'm wrong, I'm wrong. So I would encourage us to be
10 really clear about what is and reveal that to the
11 people in this room and beyond.

12 So I thank you for the time. Jim did mention
13 that there is a yellow sheet going around. If anybody
14 wants to be informed by us by email, please do that and
15 we'll talk to you. Thank you.

16 MR. DUNPHY: Can I say something? Can we
17 have a representative from the Architect's Office if we
18 were having a roundtable? I can arrange that. I know
19 them up there. They've got to come down and listen to
20 us because

21 --

22 MR. OURS: I thank you for that input.

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1 That's - - we'll see.

2 MS. LANCE: Can I ask a question?

3 MR. OURS: Sure.

4 MS. LANCE: So who does know the fuel mix on
5 any given day at the Capitol?

6 MR. OURS: The Architect of the Capitol
7 actually tracks that information.

8 MS. LANCE: And how is it reported?

9 MR. OURS: It's reported on a semi-annual
10 basis to us.

11 MS. LANCE: Does it say day-by-day?

12 MR. OURS: I don't remember off the top of my
13 head.

14 MS. LANCE: Is it something that is available
15 through your website?

16 MR. OURS: No. We don't post all the reports
17 that are submitted to us on the website, no.

18 MS. FLYNN-JAMBECK: So someone would have to
19 get a FOIA request?

20 MR. OURS: Generally, a FOIA request would be
21 the appropriate way to ask for --

22 MS. LANCE: There's a problem with that --

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1 MR. DUNPHY: What was the question?

2 (Crosstalk)

3 MS. FLYNN-JAMBECK: My question was if
4 somebody did want to get the data on what the fuel mix
5 was on any given day, how would one go about that. And
6 it sounds like it's on a quarterly basis, but
7 potentially not FOIA- able.

8 MS. LANCE: Well, the Architect has told me
9 in the past that they're exempt from FOIA, which
10 doesn't mean that they can't give it to you. They can,
11 it's just that they're not legally required, according
12 to them. So that's an issue to follow-up with the
13 Architect of the Capitol.

14 MS. FLYNN-JAMBECK: So if I could amend my
15 earlier statement, I would encourage you to place that
16 information on your website as part of the public
17 record for this hearing. I'm Katie --

18 MR. OURS: Okay. Thank you. Yes. Thank
19 you. The next person up is Nancy Iris.

20 MS. IRIS: Thank you. My name is Nancy Iris.
21 I live at 413 First Street, Southeast. It's about a
22 block from the power plant. I didn't come tonight

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1 intending to speak, but I feel compelled to support
2 many of the statements that I've heard and just also to
3 talk about my own experience in the neighborhood. I've
4 been at that address for 30 years.

5 These pictures are great and they show a lot,
6 but I invite anyone to come and clean my bathroom if
7 you really want to see what kind of emissions are
8 coming from the power plant.

9 I just wanted to support some of the comments
10 made previously. One of them is to thank you for
11 having the hearing, but thank you to the Sierra Club
12 for the flyer. I would not have known about it.
13 Somebody mentioned, I forget what he called it, the
14 divide, but yes, not everyone is on the internet. So
15 clearly you have to, you know, put out the information
16 and use all the media that you can.

17 I wanted to know, is there anybody from the
18 Architect's Office here? Please identify yourself.

19 MR. KIMBALL: What about from Congresswoman
20 Norton's Office?

21 MR. OURS: Folks, let's stay on --

22 MS. IRIS: No, I just wanted to know. I

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1 mean, I think that's a legitimate --

2 MR. KIMBALL: Just curious.

3 MS. IRIS: -- question.

4 MR. OURS: I understand that.

5 MS. IRIS: I think that's a legitimate
6 question.

7 MR. OURS: Sure.

8 MS. IRIS: So I would also like to see, you
9 know, renewable energy as the main type of energy that
10 the District is using there. I mean, I have more
11 questions. I think there needs to be a series of
12 roundtables. There needs to be a series of hearings so
13 that citizens can come. And not just talk and have a
14 one-way presentation, but have the dialogue and have
15 some answers. So I support that idea as well.

16 What are the justifications for these
17 changes? You know, we haven't heard that. I really
18 came tonight expecting a presentation on what was going
19 to go on because as someone who lives right in the
20 neighborhood, I have no idea. In fact, I didn't know
21 these things were going on.

22 And then finally, just to say, I would also

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1 like to see a study of the noise from the power plant,
2 not just the pollution. The noise has gone up
3 considerably. I have been writing to my ANC about it.
4 There is a serious noise problem coming from the power
5 plant as well that is keeping people -- I see heads
6 shaking, good -- because it's really a problem. And
7 what do these changes mean for that as well?

8 So more meetings, renewable energy, more
9 notification. Thank you.

10 MR. KIMBALL: I'm sorry. I have a question
11 about something you said earlier which I think is
12 incorrect. I mean, doesn't the federal law on the
13 Clean Air Act require D.C. to publish the results of
14 the air emissions from the Capitol Power Plant and
15 publish those somewhere?

16 Please tell us where we can find --

17 MR. OURS: All facility annual emissions for
18 our -- now it is our major source -- all of our major
19 sources, which would include Capitol Power, are
20 submitted to the National Emissions Inventory System.
21 And I believe that EPA then posts the information of
22 that information on the Web. I don't know the details

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1 of that.

2 Yes?

3 MR. DELEO: I have one comment.

4 MR. KIMBALL: Can you get the details for
5 those of us who are here? Otherwise, I will be calling
6 you tomorrow and having --

7 MR. OURS: Feel free to contact me
8 afterwards. That's fine. We can get that -- people ask
9 me for information all the time and we can track that
10 kind of stuff down. So please do let me know if you
11 have a specific question about data and what's
12 available and where it's available. We can work with
13 that type of thing.

14 MR. DELEO: If I can just add one more
15 comment on the noise information. We are surrounded by
16 noise. The power plant is absolutely very, very noisy,
17 but we also have the highway and the train at 3:00
18 a.m., beep, beep, bring the coal, probably. But it's
19 great that you guys are here having a dialogue with us
20 because together we can come up with a solution as long
21 as you, you know, continue this dialogue, this could be
22 the start of something that continues and eventually

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1 get us resolution.

2 Jane earlier said well, the solar and the
3 wind are not quite there yet and the reason is why
4 couldn't do more of that. For example -- and I'm just
5 throwing out an idea, right because that's what moments
6 like this are supposed to do, bring your ideas and
7 bring them to the table -- we have this highway that
8 makes a lot of noise, especially depending on the wind,
9 you get a lot of noise of the traffic. And I've heard
10 them talk about getting some barriers there. Maybe we
11 want to get cutting edge and make those solar panel
12 sound barriers. I mean, your department can have the
13 glory by saying that you came up with that.

14 MR. OURS: Well, thank you for the idea
15 there. I believe we've got one more person on our list
16 -- okay. Sorry. We've got two more people on our list
17 to speak. Next person is Cassady Sharp.

18 MS. SHARP: Hi. I'm Cassady Sharp. I live
19 just across the street at 1160 First Street, and I also
20 won't be redundant, but as personal as possible since
21 that's what this is.

22 I wish I was a lawyer or an energy consultant

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1 or perhaps the daughter of a utility CEO so that my
2 words would have more clout, but I'm not sure what's
3 more important to this decision than a room full of
4 people asking you not to poison them, in this
5 particular case, a young woman who thinks of nothing
6 more than being a mother.

7 I've lived in D.C. for two years now and I
8 would like to think I could raise a child in the
9 capitol of the free world where we invite world leaders
10 and then poison them. I'm actually from Ashville,
11 North Carolina, which is also poisoned by coal, and our
12 Blue Ridge Mountains are hazy because of it.

13 So as I get deeper into my 20s and think more
14 about a future child of mine, I wonder if I'll have to
15 just keep running from the people who poisoned by womb.

16 MR. OURS: Thank you. Okay. The next person
17 up is Derek Gummings. Cummings. Excuse me.

18 MR. CUMMINGS: Thanks for this opportunity to
19 speak. My name is Derek Cummings. I live at 427 New
20 Jersey Avenue, Southeast, and my comments are on behalf
21 of myself and my family.

22 I'll be honest, I'm scrambling to educate

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1 myself on these issues. I appreciate the Sierra Club
2 passing out those flyers because it's the only way that
3 I would know about this process. I also find that
4 there is very little information about what the Capitol
5 Power Plant is doing, and insufficient information in
6 the proposal that was posted on your website.

7 As I said, I'm sort of scrambling to
8 understand this issue, but one thing that I would like
9 to comment on is something that one of my neighbors
10 stated that the time rise with which annual emissions
11 will be calculated for a basis for the normal operating
12 procedures of this plant are set to be 2007 through
13 2009 if I understand that correctly.

14 This seems to be critical to me because there
15 was change in 2009 that everyone has talked about that
16 was made in some respect. We don't know what was done,
17 but coal was reduced. So going back to 2007 through
18 2009, in my mind, would need a justification.

19 So the D.C. standards allow for someone to
20 use another two-year period within a five-year window
21 if they can find that it's more representative of
22 normal source operation. That goes beyond temperature,

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1 which is the only basis, heating degree days is the
2 only basis in the proposal that is discussed in
3 deciding what a representative period is.

4 Now, for me, fuel mix is critical to that.
5 In D.C., without going beyond the definition of what
6 that imposes, needs to take a critical eye on what
7 defines normal operating procedure. Now, I take
8 exception with the calculation and the reporting of the
9 basis for this using 2007 through 2009.

10 They state that the 3,800 heating degree days
11 for 2009 through 2010 is dramatically lower than the
12 heating degree days in normal procedures. They don't
13 give any 95 percent confidence intervals of this. They
14 don't give any statistical basis for this being
15 different. They actually site a White Paper, October
16 23, 2012 White Paper submitted by Ann Donaldson, which
17 is not available to public comment. I couldn't find
18 that. It's not part of the sizable technical
19 documentation that is already provided with the report,
20 and I wonder why.

21 Just digging up heating degree days for
22 Washington, D.C., the 3,800 doesn't make any sense with

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1 the numbers that are actually available. Now, what I
2 find in many sources by NCDC and other government
3 agencies, it's much higher than that and is much closer
4 for the 2010/2011 period to average reports.

5 For that one piece that I was able to
6 research a little bit, urge you to look at that
7 critically because in my mind, it makes me think
8 whether they're actually using this previous period
9 just because it will make them -- make the permitting
10 allow them to release more pollutants. It goes beyond
11 temperature. Fuel mix is important. So with that, I
12 thank you for allowing me to speak.

13 MR. OURS: Thank you very much. I think
14 that's the last of the people that are signed up
15 currently. Is there anyone else here who had wanted to
16 speak who has not signed up?

17 MR. CARLSON: I would if that's all right.

18 MR. OURS: Yes, sir. Could you sign --

19 MR. CARLSON: Yeah. My name is --

20 MR. OURS: Could you sign this? Thank you.

21 MR. CARLSON: I'll sign it when I'm
22 finished speaking. I just want to keep the process

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1 moving.

2 MR. OURS: Okay. That's fine. Right.

3 MR. CARLSON: My name is Scott Carlson. I am
4 a resident at 523 Second Street, Southeast, neighbor of
5 Daryl's, James, and Linda's, and Francesco.

6 I'm rising, as a matter of process, to begin
7 with. I've been in your shoes. I have chaired public
8 hearing before for the federal government and it was
9 customary, in the hearings that I chaired, that we took
10 this record which is being made and we converted into a
11 written transcript.

12 My first question for you is that intended in
13 this case?

14 MR. OURS: Yes. We will be getting a written
15 transcript.

16 MR. CARLSON: And that will be published?

17 MR. OURS: We haven't determined the whole
18 process on that at this point, but I expect it will
19 certainly be made public, yes.

20 MR. CARLSON: Okay. Well, it would strongly
21 recommend that in addition to publishing this
22 transcript, you publish your specific response to the

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1 questions that have been raised tonight.

2 This question of do we know what the
3 emissions inventory is for this plant or do we not.
4 You believe that they are in the EPA records. That
5 should be something that we all have easy access to.
6 And these are the types of things you could weave in
7 with a hyperlink and it would allow all of us to print
8 that information and disseminate it. I take the points
9 quite well. I would not have been here but for a
10 flyer, a big shout out and a thank you also to the
11 Sierra Club for that.

12 I have two other suggestions for
13 investigation. One is the CSX tunnel, which has been
14 referred to tonight, is being widened substantially to
15 increase freight traffic. That will stir up a lot of
16 the dust which has been settling in our neighborhood,
17 consistently. I think that should be a part of any
18 environmental impact assessment.

19 The second is, I may be wrong -- this may be
20 just local since I have two young boys that I tend to
21 buy into it -- but my understanding is that our
22 particular zone has one of the highest birth rates in

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1 the country.

2 So in the sense of thinking about what time
3 frame we're looking at for measurement, a baby boom,
4 which is occurring right around this power plant, is a
5 very relevant consideration because as many of the
6 speakers have spoken eloquently before, the impact on
7 young children and young mothers is going to be greater
8 and disproportioned as to other people. And with that,
9 I would like to thank you for your time.

10 MR. OURS: Okay. Is there anyone else here
11 who still wants to speak?

12 MR. VASQUEZ: Yeah.

13 MR. OURS: Yeah. One more quick thing.

14 MR. VASQUEZ: My name is Carlos Vasquez. I'm
15 a resident in the area, 419 First Street, Southeast. I
16 would like to start, if I can here, because my battery
17 is dying, by reading a couple of things. The mission
18 of the DDOE is to improve the quality of life for the
19 residents and natural inhabitants of the Nation's
20 Capitol or go on the division.

21 The DDOE envisions the Nation's Capitol that
22 sets a standard for environmental and responsible

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1 stable place. You are failing your mission. You are
2 failing your vision. The fact that I got here because
3 of a flyer from a non-profit is outrageous, okay. At
4 the very least, you should keep us informed so that we
5 can say something.

6 MR. DELEO: Irresponsible.

7 MR. OURS: I do apologize. If that was the -
8 - is that the only comment that you had? If you would
9 like to make more, you have a full five minutes.

10 MR. VASQUEZ: One more thing I just thought
11 of.

12 MR. OURS: Yes.

13 MR. VASQUEZ: I wanted to be effective and
14 keep it to legal and technical issues. Unfortunately,
15 I don't have a technical background to say something
16 effective. From a legal perspective, I don't think that
17 you fulfilled your duty in informing the citizens;
18 therefore, I think you should not approve any permits,
19 like the gentlemen earlier was suggesting, that you
20 need to have a comprehensive approach and not one
21 approach in considering permits. And if holding up
22 this permit, while it may be okay if it doesn't apply

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1 to coal, you should hold this permit until you have a
2 comprehensive plan from the AoC, saying what they're
3 going to do to stop this or to reduce this in a way
4 that is acceptable for people that are living in the
5 area.

6 Another thing that I have to say is that
7 there needs to be a study done because while the plant
8 was built in 1910 and it was switched sometime in the
9 '50s or '70s from electricity-producing to producing
10 other things, there has been a population boom that I'm
11 not certain they're taking into account when it comes
12 to issuing these permits or to considering the previous
13 function or consumption of the plant.

14 MR. OURS: Thank you, sir. Yes, sir?

15 MR. WALDRON: I have a question. Can I ask
16 the question?

17 MR. OURS: I can't guarantee I'll be able to
18 answer it, but --

19 MR. WALDRON: I'm Peter Waldron. I write for
20 the Hill Rag, and I'm wondering if you can tell us what
21 are the notification requirements for this hearing this
22 evening?

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1 MR. OURS: The notification requirements are
2 in 20 DCMR 210, I believe. Basically, in addition to
3 posting the hearing notice in the D.C. Register, we
4 need to do that 30 days in advance. In addition, there
5 are several alternatives of which we need to do one of
6 and one of those options is posting it on our website.
7 We also, in this particular case, because we knew that
8 Sierra Club was interested, we notified them directly.

9 MR. WALDRON: So there was no publication in
10 the newspapers or --

11 MR. OURS: There is no requirement to post it
12 in a newspaper.

13 MR. WALDRON: That's not one you skipped.

14 MR. OURS: Correct. No, it's not something -
15 - we did follow the regulatory requirement there.

16 MS. CHITTICK: But you have the option to
17 inform at least residents if the Sierra Club or any
18 other environment groups. And certainly, if you had
19 taken that option, myself and neighbors sitting here
20 tonight would've known. Again, without that yellow
21 flyer posted on my door, I wouldn't be here tonight.

22 MR. OURS: Thank you for that comment.

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1 MR. WALDRON: Are you required to notify the
2 ANC?

3 MR. OURS: There is no ANC notification
4 requirement in our regulation, no.

5 MR. VASQUEZ: I'm sorry, one more question.
6 Without a notification requirement that actually
7 spreads the word to citizens, how are you fulfilling
8 your mission? The mission that I just read that you're
9 tasked with protecting the environment and the people
10 here. If they don't have a voice, how are you
11 protecting them?

12 MR. OURS: I believe I can't comment further
13 on that aspect because that's an opinion as far as --
14 we did follow our regulatory requirements. That's what
15 I can say on that.

16 MR. DELEO: I don't think you feel good about
17 it, though. Next time you will do better, right?

18 MR. CARLSON: You're so perceptive,
19 Francesco.

20 MR. OURS: Is there anyone else that would
21 like to speak tonight?

22 (No response.)

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1 MR. OURS: Okay. Oh, I'm sorry.

2 MS. PLUME: Given these comments, how are you
3 to inform us of the next steps and the decision-making
4 process and how will we learn? Do we need to count on
5 the Sierra Club and Greenpeace for that as well?

6 MR. OURS: Well, we will be -- once we --

7 MR. DUNPHY: It's been like that.

8 MR. OURS: Once we make our decision -- I'm
9 actually -- we don't usually -- there may be a couple
10 of different outcomes from the result of this and I
11 would say that our best bet is for people to keep an
12 eye out on our website, but I can't say what the final
13 decision will be on that at this point.

14 MS. LANCE: Can I ask one more process
15 question? Because you did have a request here today
16 from several people, at the very least, to extend this
17 comment period so that the next step for you would not
18 be to just make a final decision and pop it on the
19 website but that there would be some additional
20 opportunity for the community to learn about what's
21 actually going on and be commenting in a more useful
22 and technical way.

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1 So is that something that you can consider as
2 a next step to extend because this is very typically
3 done by regulatory agencies?

4 MR. OURS: Right.

5 MS. LANCE: To extend the comment period, say
6 for 90 days and let us all get up to speed because you
7 did have specific requests and if you don't feel like
8 you have an adequate specific request, let me make that
9 as a comment to extend the comment period for -- I
10 don't know what's a reasonable period of time.

11 MR. OURS: That's not a decision that I would
12 make tonight. I would have to evaluate that following
13 the hearing and discuss that with other folks within
14 DDOE.

15 Yes, sir?

16 MR. COSTELLO: Does the District have any
17 medical people or engineers that work with coal plants?

18 MR. OURS: I'm sorry?

19 MR. COSTELLO: Do you have any medical
20 people's opinions?

21 MR. OURS: Basically, what we do, we have
22 engineers on staff who evaluate the applications. They

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1 are general engineers and they evaluate the
2 applications in accordance with the regulatory
3 requirements.

4 MR. WALDRON: And there's no consultation
5 with doctors?

6 MR. OURS: There's no special consultation
7 with doctors.

8 MR. WALDRON: I read one time that Capitol
9 Hill had the highest rate of lung cancer in any major
10 city in the United States, the particular area we are
11 living in.

12 MR. OURS: Yes?

13 MR KIMBALL: Two questions; one of which I
14 emailed you before the hearing and I sent you a list of
15 several things that were technical, but this one is
16 procedural. My question is who are the individuals who
17 are involved here at the Department of the Environment
18 in the decision-making process on the permitting
19 requests?

20 If you could tell us what their names are. I
21 don't want to put you in a bad position if you are the
22 guy, but if you are the guy, we'll put you in --

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1 (Laughter.)

2 MR. KIMBALL: So I would just like to know
3 who these people are so that we can address our
4 questions and know where to go.

5 MR. OURS: Address the questions to me. I am
6 the primary person to address the questions to, yes.

7 MR. KIMBALL: Okay. So if that's the case,
8 then can you make a personal commitment to all of us
9 here tonight that you will publish the results of this
10 hearing and your responses to questions that may have
11 arisen that you can answer 30 days before a decision is
12 made about permitting?

13 MR. OURS: That's not the way the procedure
14 is set up. At this point, no, I can't make that --

15 MR. KIMBALL: Well, it's not the procedure,
16 but I'm making a request.

17 MR. OURS: Right. I can't make that --

18 MR. KIMBALL: One person to another one.

19 MR. OURS: I can't make that --

20 MR. KIMBALL: If there is no schedule -- I
21 mean, you're telling us that you're doing this ad hoc,
22 why can't we just ad hoc make this up right now?

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1 MR. OURS: The decision is that we evaluate
2 the results of the hearing and we will decide what the
3 next step is.

4 MS. KRUGHOFF: And how will that be
5 communicated to us?

6 MR. OURS: Well, we will be making a public
7 document available of our responses to comments that
8 we've received. At this point in time we have not set
9 how that will be. That will be distributed or given
10 out. I expect that it will probably be on our website.

11 MS. CHITTICK: What is the role of the mayor
12 and the council people in terms of council people --

13 THE REPORTER: Ma'am, what's your name?

14 MS. CHITTICK: -- in terms of this decision-
15 making process. Are they involved at all? Because
16 that certainly is another avenue we all have and I
17 would like to know what, if any --

18 MR. OURS: The decisions are based on the
19 regulatory requirements in any given situation and we
20 evaluate things on a legal and regulatory basis.

21 MS. CHITTICK: Yeah, but I'm asking
22 specifically, what, if any, is the role of the mayor

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1 and the council of the people in this regulatory
2 decision- making process?

3 MR. OURS: Council's involvement is that they
4 review and establish laws and regulations, in the first
5 place, that we have to follow.

6 MS. CHITTICK: So you take your orders from
7 them?

8 MR. OURS: Not on individual -- not on
9 individual permitting decisions. We evaluate the
10 individual permitting decisions on a case-by-case
11 basis. The permitting decision is made from the
12 executive branch side things as the regulation
13 interpreters.

14 MS. CHITTICK: And what about the mayor?

15 MR. OURS: The mayor, obviously he is the top
16 of the executive side.

17 MS. CHITTICK: Well, I know that.

18 MR. OURS: So he is the top level -- I guess
19 top level decision maker.

20 MS. CHITTICK: I think we're all aware that
21 the mayor is the mayor.

22 MR. OURS: Sure.

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1 MS. CHITTICK: So may I suggest to everyone
2 that we contact the mayor's office and all of the
3 councilmen and women and that we go a political route
4 because these people answer to them. That's really the
5 answer.

6 MS. LANCE: Mr. Ours, can I --

7 (Crosstalk.)

8 MR. OURS: Okay.

9 MS. LANCE: Who actually signs the rule when
10 it's final? Is that you?

11 MR. OURS: Well, it's not a rule, it's a
12 regulation. Excuse me, a permit. Sorry. My
13 apologies.

14 (Crosstalk.)

15 MR. OURS: Generally, I am the signator, yes.

16 MS. LANCE: Okay. So it's not the director
17 or the acting director of the Department.

18 MR. OURS: No.

19 MR. WALDRON: I had my hand up.

20 MR. OURS: Yes.

21 MR. WALDRON: You answered Daryl's, I think,
22 question by saying address these things to me, but you

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1 still didn't say who makes the decision, even though
2 you keep referring to some "we." Could you tell us who
3 the "we" is? Who is making this decision?

4 MR. OURS: Right. This is technically the
5 interim director of the District Department of the
6 Environment. It's his decision, technically, it is
7 generally handed down -- the responsibility is handed
8 down to the individual program when they're
9 establishing permits, but it is technically, legally, a
10 decision of the interim director.

11 MS. CHITTICK: Is he an appointee by the
12 mayor's office?

13 MR. OURS: He is an appointee.

14 MS. CHITTICK: In other words, an appointee
15 by the mayor's office.

16 MS. FLYNN-JAMBECK: So when you're having a
17 conversation about --

18 MR. OURS: Sorry. Sorry. His name is -- the
19 interim director is Keith Anderson.

20 MS. FLYNN-JAMBECK: So when you are going to
21 have a conversation about how to proceed with this
22 decision-making, what are the names of the people

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1 involved in that conversation?

2 MR. OURS: It can vary from --

3 MS. FLYNN-JAMBECK: Who would you expect in
4 this case?

5 MR. OURS: Well, everyone from the permit
6 writer, Abraham Hagos, myself, the associate director,
7 Sesalie Bell (ph), our attorneys. The administrator
8 could get involved, the administrator of the
9 Environmental Protection -- excuse me -- the
10 Environmental Services Administration. They recently
11 changed the name. Paul Connor. And then potentially,
12 Keith Anderson, the interim director could get involved
13 as well.

14 MS. FLYNN-JAMBECK: And who is the ultimate
15 decision-maker in that room?

16 MR. OURS: Generally, the ultimate decision-
17 maker would be Keith Anderson, interim director.
18 Correct.

19 MS. CHITTICK: And he's interim; is that
20 right?

21 MR. OURS: He is the interim director.

22 MS. CHITTICK: So he has not yet been

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1 permanently appointed?

2 MS. FLYNN-JAMBECK: So then my other
3 suggestion is --

4 MS. CHITTICK: Get it?

5 MS. FLYNN-JAMBECK: -- to have a list with
6 everybody in this room's addresses that you send a
7 postcard out when you have something new on your
8 website that you'd like people to look at in this
9 particular case since there is clearly quite a bit of
10 interest around it.

11 MR. OURS: We'll have to evaluate how we're
12 going to respond on that. That's a possibility.

13 UNIDENTIFIED SPEAKER: I feel like we're not
14 getting anything out of this --

15 (Crosstalk.)

16 MR. KIMBALL: Now you can just make that
17 personal commitment to send out a notice about the
18 completion of the public record before a decision is
19 made by this team of folks.

20 MR. OURS: No. I can't make that decision
21 tonight, no.

22 THE REPORTER: Are you ready to close the

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1 record?

2 MS. CHITTICK: The interim director, Keith,
3 will be making that decision before he's permanently
4 appointed by the mayor.

5 MR. OURS: I'm sorry. Say that again.

6 THE REPORTER: I was wondering if we were
7 ready to close the record. I've never recorded the --

8 MR. OURS: Right.

9 MR. KIMBALL: So many voices at one time.

10 MR. OURS: Yes. Yes. My apologies.

11 THE REPORTER: Because to follow these people
12 speaking out of turn --

13 MR. OURS: No. It is becoming difficult and
14 I think we are reaching the end. I think everyone has
15 had the opportunity to make their comments. So I will
16 then do the closing statement here.

17 Yes, I did want to make one comment that the
18 flyers that were handed out, if any, tonight were not
19 developed by DDOE.

20 MS. CHITTICK: I know. We were informed.

21 MR. OURS: There are a number of -- so just
22 please be aware of that. Otherwise, as all present who

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1 have desired to have their views heard have testified,
2 I will now official move to close this hearing.

3 The time is now 7:33 p.m. and this hearing is
4 officially adjourned.

5 (Whereupon, at 7:33 p.m., the hearing was
6 adjourned.)

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1 CERTIFICATE OF NOTARY PUBLIC

2 I, GERVEL A. WATTS, the officer before whom the
3 foregoing deposition was taken, do hereby certify that
4 the testimony that appears in the foregoing pages was
5 recorded by me and thereafter reduced to typewriting
6 under my direction; that said deposition is a true
7 record of the proceedings; that I am neither counsel
8 for, related to, nor employed by any of the parties to
9 the action in which this deposition was taken; and
10 further, that I am not a relative or employee of any
11 counsel or attorney employed by the parties hereto, nor
12 financially or otherwise interested in the outcome of
13 this action.

14

15

16

17

18

GERVEL A. WATTS
Notary Public in and for the
District of Columbia

19

20

21

22 My commission expires: January 31, 2014

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