

VIRGINIA:

BEFORE THE VIRGINIA STATE WATER CONTROL BOARD AND
THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

IN RE:

REISSUANCE OF VPDES PERMIT NO. VA0052451
DOMINION - NORTH ANNA POWER STATION, LOUISA COUNTY

NOTICE OF APPEAL

THE BLUE RIDGE ENVIRONMENTAL DEFENSE LEAGUE, INC., on behalf of itself and its individual members, a non-profit Virginia corporation, and the PEOPLE'S ALLIANCE FOR CLEAN ENERGY, on behalf of itself and its individual members, BARBARA J. CRAWFORD, GARY MULLER, and TERSH NORTON, pursuant to Virginia Code §§ 62.1-44.29 and 2.2-4026 and Rule 2A:2 of the Rules of the Supreme Court of Virginia, hereby file this Notice of Appeal with David Paylor, Executive Secretary of the State Water Control Board and Director of the Virginia Department of Environmental Quality, for judicial review of the case decision of the State Water Control Board ("the Board") on October 29, 2007, reissuing Virginia Pollutant Discharge Elimination System Permit No. VA0052451 to the Dominion-North Anna Power Station, Louisa County, which decision was based on the recommendations of the Virginia Department of Environmental Quality ("DEQ").

This permit reissuance was contrary to the State Water Control Law, the Clean Water Act, state water quality standards, and applicable federal and state regulations. DEQ's recommendation and the Board's decision regarding the reissuance of this permit was arbitrary, capricious, in violation of the applicable laws and regulations, and failed to ensure the protection of Virginia's waters and that applicable water quality standards necessary to protect Virginia's waters would be met and maintained. Appellants challenge DEQ's recommendation and the Board's decision to reissue this permit in its current form and will challenge the legal and factual bases for the Board's case decision as contrary to law.

The appeal of this case decision will be taken to the Circuit Court for the City of Richmond (John Marshall Courts Division). The complete agency administrative record should be forwarded to the Clerk of the Circuit Court for the City of Richmond pursuant to Rule 2A:3 as soon as possible.

The information required by Rule 2A:2 is set forth below:

Appellants:

Blue Ridge Environmental Defense League, Inc.
c/o Janet Marsh, Executive Director
P.O. Box 88
Glendale Springs, NC 28629

Blue Ridge Environmental Defense League, Inc.
c/o Mark Baker, Vice President
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Roanoke, VA 24015

People's Alliance for Clean Energy
c/o Elena Day
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Charlottesville, VA 22902

Barbara J. Crawford
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Tersh Norton
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Bumpass, VA 23024

Counsel for Appellants:

Robert L. Wise (VSB No. 42030)
Bowman and Brooke LLP
Riverfront Plaza - West Tower
901 East Byrd Street, Suite 1500¹

¹ As of December 1, 2007, this address will be changed from "Riverfront Plaza - West Tower, 901 East Byrd Street, Suite 1500" to "1111 East Main Street, Suite 2100." All other information will remain the same.

Richmond, Virginia 23219
Telephone: (804) 649-8200
Facsimile: (804) 649-1762

The other parties to this decision and to this appeal are:

Virginia State Water Control Board,
Virginia Department of Environmental Quality, and
David K. Paylor, Executive Secretary, Virginia State Water Control Board and
Director, Virginia Department of Environmental Quality
629 E. Main Street
Richmond, VA 23219
Appellees

Through their counsel:

The Honorable Robert F. McDonnell
Attorney General for the Commonwealth of Virginia
Office of the Attorney General
900 East Main Street
Richmond, Virginia 23219

and

Alfred Albiston, Esquire
Assistant Attorney General
Office of the Attorney General
900 East Main Street
Richmond, Virginia 23219

and

Dominion Virginia Power
c/o Ms. Pamela Faggert
5000 Dominion Boulevard
Glen Allen, VA 23060
Appellee/Permittee

Date: November 28, 2007

THE BLUE RIDGE ENVIRONMENTAL DEFENSE
LEAGUE, INC., PEOPLE'S ALLIANCE FOR
CLEAN ENERGY, BARBARA J. CRAWFORD,
GARY MULLER, AND TERSH NORTON

By Counsel

_____/s/_____
Robert L. Wise (VSB No. 42030)
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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Notice of Appeal was hand-delivered, pursuant to Rule 2A:2, and mailed by United States certified mail, return receipt requested, to:

State Water Control Board and
Department of Environmental Quality
c/o David K. Paylor
Executive Secretary, Virginia State Water Control Board and
Director, Virginia Department of Environmental Quality
629 East Main Street
Richmond, Virginia 23219,

and sent via first class mail, postage prepaid to:

The Honorable Robert F. McDonnell
Attorney General for the Commonwealth of Virginia
Alfred B. Albiston
Assistant Attorney General
Office of the Attorney General
900 E. Main St.
Richmond, Virginia 23219,
Counsel for the State Water Control Board,
the Department of Environmental Quality and
David K. Paylor

and

Ms. Pamela Faggert
Dominion Virginia Power
5000 Dominion Boulevard
Glen Allen, VA 23060

on this 28th day of November, 2007.

/s/