

FOR IMMEDIATE RELEASE: EPA to Reconsider the Weakening of Clean Air Protections in Alabama

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Alabama Environmental Council

Sierra Club

GreenLaw

Our Children's Earth

NRDC

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April 10, 2009

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Agency Asks Federal Court to Send Rule Back to EPA

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"We welcome EPA's decision not to defend this harmful rule in court and appreciate the Obama administration's willingness to reconsider it," said John Walke, Clean Air Director for the Natural Resources Defense Council. "The Bush administration rushed this dirty decision out the door just before leaving office to satisfy the demands of two of the biggest polluters in America. Alabama's residents deserve better protections, and we are optimistic that today's news signals the promise of healthier air."

Michael Churchman, Executive Director for the Alabama Environmental Council, added: "Alabama polluters had to comply with stronger standards for thirty years, so the idea that the rule needed to be weakened for them to comply was absurd. Many of those polluters are using control equipment which is aging and degrading instead of using up to date technology that can perform much better. Hopefully EPA's action today will lead them to clean up their act and the state's air."

Background

Last August, EPA announced that the Birmingham area was failing to meet minimum federal air quality standards for fine particles (soot). These airborne, microscopic solids and liquid droplets (made up of acids, organic chemicals, metals, and other matter) can lodge deeply in the lungs and bloodstream, aggravating a number of cardiopulmonary diseases. At the same time, the Tennessee Valley Authority ("TVA"), which operates two large coal - fired power plants in Alabama, and Alabama Power, which operates six more, were lobbying EPA heavily to ease standards governing the amount of smoke that large air pollution sources may emit. A federal court in 2007 had already found that TVA had violated the smoke - control standard, also known as the *opacity* standard, over 3,000 times, and TVA feared the court would impose additional controls if the standard was not weakened. So TVA turned to the Bush Administration to weaken the rules in order to help sabotage the enforcement lawsuit.

Last October, the Bush Administration succumbed to industry pressure, disregarded basic legal standards, and agreed to weaken Alabama's opacity rule, even though EPA had long acknowledged that opacity standards are a basic control measure for soot pollution. The Alabama Environmental Council ("AEC"), the Natural Resources Defense Council ("NRDC"), Sierra Club, and Our Children's Earth Foundation represented by GreenLaw, filed a lawsuit challenging the Bush Administration action. Today EPA asked the Eleventh Circuit Court of Appeals to send the rule back to EPA to allow the agency to reconsider the entire matter, in a legal filing requesting "voluntary remand" of the rule.

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