



Our Children's Earth Foundation | 100 First Street, Suite 100-367, San Francisco, CA 94105

NEWS RELEASE

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FEDERAL COURT ORDERS EPA TO REVIEW UTILITY EMISSION STANDARDS

via Bloomberg; New York, NY -- A federal court ordered the Environmental Protection Agency to review its emissions rules for new U.S. utilities, saying that the agency had failed to fulfill a mandate to regularly consider whether to raise the standards.

The rules govern how much pollution power plants owned by companies such as Southern Corp and Duke Energy Corp. can emit. Any changes to the emission standards would apply only to facilities built after revisions to the rules.

The EPA will review the standards for utility boilers, large and small industrial commercial and institutional boilers and combustion turbines on new facilities, said John Millett, an EPA spokesman.

Millett said the agency plans on revising the utility boiler standards, while reviewing the other three. The agency is required by Congress to review the standards every eight years. These standards have not been reviewed for almost 15 years.

The U.S. District Court in California said that the EPA must review the standards within a year, after two environmental groups, the Sierra Club and Our Children's Earth Foundation, sued the EPA in February to do the reviews.

“At the time they were up for review, we decided to forgo a review based on the lack of technological advances that would yield significant pollution reductions,” Millett said.

The standards only apply to facilities being built or built after the rule revisions, if there are any, come into effect in late 2005 or early 2006, Millett said. They would not apply to existing plants.

Overdue

Environmentalists welcomed the decision, saying it is overdue.

“Given that the administration is doing its best to gut other aspect of the Clean Air Act, getting an agreement for them to update the baseline standards for all power plants is a major

victory," David Bookbinder, a senior attorney for the Sierra Club. ``Even these guys would be hard pressed to come up with a reason for weakening these."

In August the EPA eased the rules governing some 20,000 factories, refineries and power plants to allow for some routine repair and maintenance without installing the environmental controls that were previously required when facilities were upgraded. Some states are challenging in court that change and other alterations in the enforcement of the Clean Air Act.

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