



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

## NEWS RELEASE

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### **EPA TO UPDATE POWER PLANT POLLUTION STANDARDS**

via Argus Air Daily -- Under a settlement reached yesterday between the EPA and two environmental groups, the agency will have to update SO<sub>2</sub> and possibly other emissions standards for new and modified power plants.

This brings "power plant construction standards into the 21st century," said Patrick Gallagher director of environmental law for the Sierra Club. New coal plants are being built across the country "evading" new control technologies because of these outdated standards, he said.

Updating the standards, which would apply in attainment and nonattainment areas, would lead to "very significant emissions reductions," Gallagher said.

In February, Sierra Club and Our Children's Earth filed suit against EPA in the U.S. District Court for the Northern District of California. EPA, the plaintiffs charged, had failed to review applicable emission standards for power plants and other industrial sources of pollution every eight years, as it is required to do under the Clean Air Act (CAA).

If, after reviewing current standards on the required eight-year schedule, the EPA finds that control technology has advanced, it must tighten the standards. The CAA gives the EPA administrator some discretion in determining whether a review is necessary, but EPA has not reviewed the standards for some pollutants in more than 20 years, the groups contended.

This "will raise the ultimate baseline of standards for power plants," said Tiffany Schauer, executive director of Our Children's Earth. "We're happy with the result," Schauer added, but it's "unfortunate" that it took litigation to achieve it. EPA has been "asleep at the wheel."

But EPA contends that it had competing priorities. Upon examining emission standards, EPA decided not to move forward with any revisions because it found no commercially available technology that would have changed the standards in any significant way, said EPA spokesman John Millett.

It would have meant changing the standards for their own sake, not for the real reason, i.e., reducing pollution. But EPA is committed to reviewing the standards based on the settlement, Millett added.

The standards in question fall under the CAA's New Source Performance Standards (NSPS) provision, which apply to new or refurbished facilities, both utility and non-utility. According to the CAA, these standards must reflect emission limits "achievable using the best system of emission reduction" while taking cost and other impacts into account.

Under the terms of the settlement, EPA must propose revised emission standards for NOx and particulate matter within 12 months after the consent decree comes into force and forward final rules to be published in the Federal Register within 24 months, unless it determines that review and/or revision is not appropriate.

While it has discretion with other pollutants, under the settlement, EPA must issue proposed and final rules covering SO2 emission limits "and other sulfur dioxide related requirements," within the same timeframes.

The consent decree will come into effect after a 30-day public comment period.

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