

## Ex-TVA official says he violated Clean Air Act

By Jamie Satterfield

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Retired after two decades spent managing TVA coal-burning power plants, James Michael Hekking said he came to a startling conclusion.

"To put it bluntly, when I read the regulations and read them again, I was convinced I had violated the Clean Air Act," Hekking testified Monday before U.S. District Judge Tom Varlan.

Hekking said the revelation came after he took an air pollution control position at a health department in Memphis after retiring from TVA and for the first time began to study environmental laws and regulations.

Since then, Hekking has become the go-to guy for the Environmental Protection Agency, the U.S. Department of Justice and environmental groups in efforts to explore whether coal-burning power plants are breaking those regulations.

He is this week serving as a key witness for environmental groups National Parks Conservation Inc., the Sierra Club and Our Children's Earth Foundation as they try to convince Varlan to find TVA guilty of violating the Clean Air Act when the agency shut down its Bull Run Fossil Plant near Oak Ridge more than two decades ago. The case had been on hold pending EPA action in which TVA ultimately prevailed.

No one disputes that in 1988 TVA replaced equipment at the Bull Run plant. The

question is whether the agency skirted permit requirements by claiming the work represented routine maintenance and repair when instead the repairs were major projects that increased emissions potentially harmful to the environment.

"This is not a close case," attorney Wade Davies argued Monday on behalf of the environmental groups. "TVA made physical changes to the Bull Run plant that will significantly increase emissions."

TVA attorney Frank Lancaster contends the public utility did nothing more than routine repairs necessary to keep the plant operational. Routine repairs are exempt from permitting requirements.

"When a person goes to the light switch and flips the switch, he expects the lights to come on," Lancaster said. "(Preventative maintenance) is what's done to keep the lights on."

Both sides agreed to forego a jury trial and allow Varlan to decide. The case continues today.

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