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Saturday, August 23, 2003

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# State may join suit against plan to relax pollution curbs

By TED COHEN, Portland Press Herald Writer

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Maine is expected to join other states in asking a federal judge to block the Bush administration's latest plan to loosen the environmental rules governing power plants, the state attorney general said Friday.

The change would allow coal-fired power plants to expand operations without installing modern pollution-control equipment. It is designed to save the power companies the expense of the costly upgrades. The U.S. Environmental Protection Agency is expected to act on the proposal next week.

But Maine's top law enforcement official, environmentalists and members of the state's congressional delegation are all denouncing the planned change, saying it would increase air pollution in the Northeast that blows east from older coal-fired plants in the Midwest.

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"The proposed rule flies in the face of the Clean Air Act," Attorney General Steven Rowe said. "It is clear the Bush administration is intent on gutting the law."

Maine is already one of several states that sued the EPA in December, charging that the agency exceeded its authority when it weakened the Clean Air Act late last year. The U.S. Court of Appeals refused to block that change, but agreed to conduct a speedy review of the administration's measure.

The act, passed in 1970, required that all power plants built from then on be equipped with pollution controls. But it allowed older plants to operate without anti-smog measures as long as companies didn't renovate or expand them.

The new rule would now allow plants to make upgrades without having to invest in the anti-pollution equipment.

Now, with the proposed rule, "the notion that the worst polluters would ever have to shut down goes out the window," said Brooke Barnes, deputy commissioner of the Maine Department of Environmental Protection.

"This is the fountain of youth for these old polluting facilities. It turns the Clean Air Act on its head."

Maine joined Massachusetts and Connecticut in a suit two months ago against the EPA seeking to add carbon dioxide to the list of pollutants regulated under the act. The current list includes six pollutants: carbon monoxide, lead, nitrogen oxides, ozone,

**Cleaner Air**

The Bush administration plans to loosen requirements that industrial facilities invest in pollution-control devices. Environmentalists are against it. But industries say it will make it easier to invest in more efficient and cleaner production facilities. Will the loosening of rules help the air that reaches Maine?

- Yes
- No

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**AT A GLANCE**

The Bush administration has proposed rules that would let old power plants make extensive upgrades without having to invest in anti-pollution devices.

Opponents say the plan would effectively make the air over Maine dirtier by allowing these old plants - located mostly in the Midwest - to stay in business.

Others say that the country's dependence on coal, which is a fuel for some of the plants, requires a fair balance of energy production and regulation.

The rules would have no direct impact on any plants in Maine. Wyman Station in Yarmouth, which is Maine's largest oil-fired power plant, made upgrades this year that its spokesman said will reduce emissions by 40 percent.

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particulates and sulfur oxides.

Rowe said Friday that Maine is expected to join a federal lawsuit that was filed Wednesday in Washington, D.C., by 13 states, led by New York and including Illinois, to stop the government's latest plans to relax environmental controls on old power plants.

"These rules are not authorized by the statute itself and the administrative process used in the rule-making did not comply with the federal Administrative Procedures Act," he said.

EPA officials could not be reached for comment Friday. But an EPA spokeswoman, Jennifer Chicconi, told the Chicago Tribune that the agency does not believe the courts will rule any differently on the latest challenge. "The rule-making changes were fully justified," she said.

Sue Jones, air project director for the Natural Resources Council of Maine, said Bush's proposal would encourage only small-scale improvements in pollution controls and not the major overhauls that many older plants need.

"It ignores the root cause of the problem, and that is cleaning up these power plants once and for all," she said. "This is another example of the Bush administration not taking into account immense public interest and concern, and, frankly, favoring his industrial and oil-backed industries at the expense of public health."

Jones said she is worried that Bush will "keep unraveling the Clean Air Act," even in the face of any successful legal challenges.

Members of Maine's congressional delegation also oppose Bush's plans.

U.S. Sen. Susan Collins, R-Maine, said in a statement that it "would be a mistake to exempt older power plants from requirements that they upgrade their pollution control technology."

"I still strongly believe we must eliminate the loopholes that allow power plants to irresponsibly avoid meeting pollution controls," Collins said. "All power plants should meet the same standards, and those standards should protect human health and the environment."

U.S. Rep. Thomas Allen, D-Maine, charged that the Bush administration was "doing its best to undermine laws like the Clean Air Act or bills that should be passed dealing with climate change."

Allen called the proposed rules "a very serious and unfortunate development for the people of Maine." He said Maine ends up with the dirty air from the Midwest plants. "These old plants should be

upgraded," he said.

But Jon Reisman, an associate professor of economics and public policy at the University of Maine at Machias, said a fair balance has to be struck between the nation's dependence on coal and adequate regulation of the coal-burning power plants.

"Coal is our most abundant energy resource," Reisman said. "If we are going to be energy-dependent, we can't write off coal. If the Bush administration is saying the plants can be made more efficient, more modern, without the best technology available, then you still can get cleaner plants than you have, but not as clean as they might be."

But if the rules totally exempt the plants from any technology that might improve their efficiency, Reisman said, "I can't support that."

Industry officials in Maine, meanwhile, said they are already doing all they can to try to make the air cleaner.

Wyman Station, which is located in Yarmouth and is Maine's largest oil-fired power plant, this year finished modernizations to the equipment that will reduce emissions by 40 percent, Florida Power and Light spokesman Steve Stengel said.

"From our perspective, we've always been in compliance with environmental regulations," Stengel said. "We recently completed facility upgrades and will continue to look for cost-effective ways to reduce emissions from our facilities."

Staff Writer Meredith Goad contributed to this report.

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