States vow to battle retreat on clean air

● Maine and eight other Northeast states threaten to sue if the White House tries to 'gut' the Clean Air Act.

By BART JANSEN PPH 1-9-02
Staff Writer

WASHINGTON — Maine's attorney general joined eight colleagues from across the Northeast on Tuesday in threatening legal challenges if the Bush administration moves as expected to weaken federal regulations governing coal-burning power plants.

Attorney General Steve Rowe and others fear that Bush is about to change the Clean Air Act in ways that would allow Midwest utilities to spew thousands of additional tons of air pollutants that show up in the Northeast as smog and acid rain.

"If the Bush administration weakens regulations governing these utilities, it will be at the expense of the health of the Maine people," Rowe said in a phone interview. "The word 'gutting' has been used. We believe that is an appropriate term."

> *The fight is over how much pollution Midwest power plants are allowed to emit.*

Rowe was unable to attend a news conference in Washington on the subject because of scheduling conflicts. Attorneys general from New York, Connecticut, Maryland, Massachusetts, New Hampshire, New Jersey, Rhode Island and Vermont joined in threatening legal action.

A White House spokesman didn't immediately return a phone message.

A spokesman for the Environmental Protection Agency said he couldn't comment on the timing of the proposed changes, which have been widely reported without details.

Coal is burned to generate about half of the country's electricity, making it a major piece of any national energy policy. Industry officials have argued that toughening pollution standards would increase the cost of power.

But power-plant smokestacks emit nitrogen oxide and sulfur dioxide, which are carried by prevailing winds and cause respiratory ailments and smog in the Northeast.

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are allowed to emit.

EPA regulations allowed companies to avoid meeting stricter pollution standards of the 1970 Clean Air Act until they made "major modifications" to existing plants.

But Northeast officials argued that power generators classified millions of dollars worth of improvements as "routine maintenance" to avoid the requirements while prolonging the life of their plants.

The U.S. Justice Department and several states have sued 51 power plants to force them to reduce their pollution. Maine isn't participating in those cases, but it plans to file briefs supporting some cases next summer, a spokesman for Rowe said.

In December 2000, the federal government reached settlements with two utilities to reduce emissions at 18 power plants.

But last May, the Bush administration asked the EPA to conduct a 90-day review of the regulations, in an effort to clarify ambiguities about how much investment in a power plant would trigger tougher pollution standards.

On Tuesday, after 236 days of waiting, Northeast officials said the administration is expected to release new regulations within days that will dramatically weaken pollution enforcement.

"Every indication is, they will propose significant weakening of the Clean Air Act," said Eliot Spitzer, New York's attorney general. "What we are hearing is alarming, bad for the environment. It's bad energy policy and it's bad for the health and safety of our citizens."

State officials expect the regulations to be weakened in at least two ways.

One would be to set a definition for "routine maintenance" that allows millions of dollars worth of expansion without imposing tougher pollution standards.

Another change could redefine how pollution is measured at a given power plant before changes are made.

Currently, the baseline is the pollution from a 24-month period during the previous five years. But state lawyers said the baseline could become the highest level of pollution at any point during the last decade.

"What they're doing is vastly expanding loopholes," Spitzer said.

Part of the complaint from state officials is that the administration negotiated secretly with the power industry in drafting the new regulations.

Attorneys general vowed to fight any moves to weaken regulations in court.

"It's a surrender to special interests and polluters, who have been given special access while we as law enforcement officials have been shut out," said Connecticut Attorney General Richard Blumenthal. "The Bush administration's message to environmentalists appears to be: 'Northeast, drop dead.'"

State officials described a variety of health hazards from weakening the rules. Maine, which has acid lakes in its western mountains and smog along its coast, has had trouble meeting federal air-quality standards.

"We can't put barriers at our borders stopping these dirty coal-fired power plants in the Midwest," said Rowe, who wrote to all four members of Maine's congressional delegation, urging them to oppose efforts to undercut the regulations. "It's critical that the federal government enforce the Clean Air Act."

Rhode Island Attorney General Sheldon Whitehouse said his state had 20 "ozone-alert" days last summer when elderly residents and children were told to stay indoors because of air pollution.

Maryland Attorney General Joseph Curran said 600,000 residents of his state already suffer respiratory ailments from increased pollution.

"In (New York) cities, we have skyrocketing rates of asthma, especially among children, and thousands of early deaths from respiratory diseases," Spitzer said.

Staff Writer Bart Jansen can be contacted at 202-488-1119 or at:
bjansen@pressherald.com