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## States to Fight Relaxation of Power-Plant Pollution Standards

By DAVID KOCIENIEWSKI

**A** day after the Bush administration issued new rules that will relax pollution-control regulations for thousands of power plants and factories, environmental groups and state officials across the Northeast began preparing legal challenges to the policy shift.

In Albany, the New York State attorney general, Eliot Spitzer, announced plans to file a federal lawsuit charging that the new rules violate the Clean Air Act, and Gov. George E. Pataki said he would support the effort. In New Jersey, Gov. James E. McGreevey said his appointed attorney general, Peter C. Harvey, would also take legal action, and state officials in Massachusetts and Pennsylvania announced that their states would also join the court battle to block the new plan.

The Environmental Protection Agency made changes on Wednesday to its New Source Review program, saying it would no longer require factories and power plants to upgrade their pollution controls if the cost of their expansions or renovations are less than 20 percent of the plant's total cost.

The acting E.P.A. administrator, Marianne Horinko, said that the old regulations, which required stricter environmental controls on plants that perform anything more extensive than "routine maintenance," were too cumbersome and confusing. She predicted that the new policy would spur new investment in an outdated power grid that led to the blackout this month.

But environmentalists and state leaders say that utility companies were pushing for the regulations long before the blackout. They warned that the new regulations would allow an estimated 17,000 factories across the nation to increase their emissions and would lead to hundreds of thousands of tons of additional pollutants being released each year.

"This is an attempt to completely undermine the Clean Air Act," said Peter H. Lehner, chief of the environmental protection bureau for Mr. Spitzer.

Although the new rule affects plants across the country, the battle over regulating the industrial emissions is fought largely along geographical lines. The bulk of the nation's largest coal-fired power plants operate in the West and Midwest, and much of their emissions carry east, where governors and local officials have for years been fighting for tighter air-quality standards.

Energy industry officials applauded the new regulations, saying that they would not lead to additional pollution because other environmental protection laws are already in place.

"Today's regulations will lift a major cloud of uncertainty, boosting our efforts to provide affordable, reliable electric service and cleaner air," said Thomas Kuhn, president of the Edison Electric Institute.

But environmentalists say the policy will jeopardize the Justice Department's efforts to force power

plants to reduce their emissions. Before Mr. Bush took office in January 2001, the Justice Department began suing 51 power plants, and pressured some of them into installing hundreds of millions of dollars of pollution control equipment. Earlier this month, the department won an important legal victory when a federal judge ruled that Ohio Edison had violated the E.P.A. regulations by upgrading its plant without adequately improving its pollution control devices.

John Walke, director of the Clean Air Project of the Natural Resources Defense Council, said that many of those expansion projects would have been permissible under the new rules enacted by the Bush administration, even though they would lead to additional pollutants' being introduced into the air.

"Corporate polluters will now be able to spew even more harmful chemicals into our air," Mr. Walke said, "regardless of the fact that it will harm millions of Americans."

In December, Mr. Spitzer led a group of Northeastern states in opposing a separate set of proposed E.P.A. revisions to the New Source Review policy, and most legal experts expect the new lawsuits to be joined with that case. Governor McGreevey, who has supported the fight to tighten pollution controls on out-of-state factories and power plants, said his attorney general's office and the State Department of Environmental Protection will both be aggressively involved in the battle.

"A large portion of the pollution impairing New Jersey's air quality comes from out-of-state pollution sources," Mr. McGreevey said. " We will not allow the federal government to walk away from its responsibility to safeguard the quality of our air and protect the health of our residents."