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### NEWS RELEASE

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### **Whitman Says New Jersey Will Join Fight Against Mid-West Power Plant Pollution**

Gov. Christie Whitman today announced that New Jersey is taking legal action to protect our clean air from dirty emissions generated by coal-burning power plants in the mid-western part of the country.

The Governor said that the state is seeking to intervene in the federal lawsuit filed in Ohio against six subsidiaries of American Electric Power, Inc., alleging that the electric generating companies illegally released massive quantities of air pollutants across New Jersey and other states along the eastern seaboard.

"We've done much here in New Jersey to ensure that our residents can breathe clean air. All of our efforts are fruitless, however, if New Jerseyans must breathe the dirty air coming into our state from mid-west coal-burning power plants. This legal action will require that these power plants clean up their emissions and stop polluting our air."

According to Attorney General John J. Farmer, Jr., the basis for the intervention derives from the fact that these companies have been modifying their old coal-burning power plants for many years in an effort to increase their useful lives, without first obtaining required federal permits. As a result, the companies have increased their harmful emissions of air pollutants while avoiding the installation of required air pollution control equipment.

"New Jersey will join the United States Department of Justice (DOJ) and the United States Environmental Protection Agency (USEPA), along with the states of New York and Connecticut, to require that these power plants clean up their emissions in order to obtain significant reductions in the emissions of oxides of nitrogen and sulfur dioxide," Attorney General Farmer said.

Accordingly, New Jersey is filing for intervention in the Southern District of Ohio to prevent these illegally operating power plants located in the States of Indiana, Ohio, Virginia and West Virginia from continuing to harm New Jersey's air quality. In the coming weeks, we will continue to explore our litigation options with an eye towards taking additional action against the owners and operators of other power plants.

Environmental Protection Commissioner Robert C. Shinn, Jr. said, "New Jersey has made great strides in improving its air quality, but we will never be able to attain the federal standards for clean, healthy air as long as pollutants from the Midwest continue to be carried into our state by prevailing winds. New Jersey is committed to pursuing all avenues, including joining this federal suit, to reduce the incidence of respiratory problems caused by these emissions."

Shinn noted that, earlier this year, New Jersey filed a "Section 126 Petition" with the United State Environmental Protection Agency seeking a determination from that agency that a number of upwind facilities located in the Midwest were emitting harmful air pollutants in such quantities so as to significantly contribute to the State's inability to meet certain federal air quality health standards. Upon making this determination, those facilities would be required to significantly reduce their emissions or cease operations. In today's action, New Jersey seeks to join in the lawsuit against some of the most egregious polluters covered by its earlier Section 126 Petition. As such, today's action is the logical next step in the State's continuing legal effort to stop the flow of harmful levels of air pollutants into New Jersey.

The action targets the following 10 power plants owned by American Electric Power through its wholly-owned subsidiaries listed below:

- Tanners Creek plant, Lawrenceburg, Indiana, owned by Indiana Michigan Power;
- General J.M. Gavin plant, Cheshire, Ohio, owned by Ohio Power;
- Muskingum River Plant, Bevery, Ohio, owned by Ohio Power;
- Cardinal plant, Brilliant, Ohio, owned by Ohio Power;
- Kammer plant, Moundsville, West Virginia, owned by Ohio Power;
- Philip Sporn plant, New Haven, West Virginia, owned by Ohio Power;
- John Amos plant, St. Albans, West Virginia, owned by Appalachian Power;
- Kanawha River plant, Glasgow, West Virginia, owned by Appalachian Power;
- Mitchell plant, Moundsville, West Virginia, owned by Ohio Power; and
- Clinch River plant, Cleveland, Virginia, owned by Appalachian Power.

Farmer said the lawsuit was filed in federal court in Columbus, Ohio, where American Electric Power is based.