

## **Power Plants Agree to Slash Coal Emissions**

By MICHAEL COOPER

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ALBANY - The operators of six coal-burning power plants in upstate New York have agreed to significantly reduce emissions that cause smog and acid rain in what state officials called the state's largest settlement ever for reducing air pollution.

The agreements with the plants - which were announced here jointly on Tuesday by Gov. George E. Pataki, a Republican, and Attorney General Eliot Spitzer, the Democrat who would like to replace him in two years - call for them to cut the air pollution they produce to a level that officials said would be the equivalent of removing 2.5 million cars from the state's roads, as well as every diesel truck and bus in the nation.

The power plants, including the two biggest coal-fired plants in the state, which are in western New York, and four more in the Finger Lakes and Southern Tier regions, agreed to several measures to make them cleaner, including installing filters, switching to cleaner-burning coal, and shutting some of their oldest and least-efficient units.

The actions at these six plants alone will cut by more than half the amount of sulfur dioxide, the main cause of acid rain, produced each year by all the power plants and factories in New York State, according to data from the attorney general's office. And they will cut by more than a fifth the amount of nitrogen oxide, which causes smog and contributes to acid rain, that is produced by the state's power plants and factories.

The settlements come more than five years after Mr. Spitzer struck on the novel approach of suing the operators of coal-fired power plants in other states, arguing that winds brought the pollution they generated to New York State. Mr. Spitzer said Tuesday that the settlements showed that the state is concerned about its own polluters as well. "We have been evenhanded in our enforcement, and we will continue to be evenhanded," Mr. Spitzer said.

Governor Pataki, whose administration recently imposed some of the strictest emissions rules in the nation, called the settlements historic. "This is a historic afternoon, and it's not because I'm holding a press conference with Eliot Spitzer," he said. He said the agreements represent "the largest single reduction of pollutants as a result of a settlement ever, in the history of New York State."

Environmentalists praised the settlements, saying that the pollution spewed out by coal-fired plants kills and sickens thousands of people each year.

An analysis by the American Lung Association of New York State estimated that the reduced emissions from these six plants alone could result in roughly 63 fewer premature deaths of elderly New Yorkers each year, as well as 460 fewer emergency room visits, 530 fewer cases of bronchitis in children, and 6,400 fewer asthma attacks.

And they said the reductions would help protect the state from the ravages of acid rain. Brian L. Houseal, the executive director of the Adirondack Council, an environmental-advocacy group, said the reductions would also have "a long-term beneficial impact on the survival rate of the Adirondack Park's lakes, forests and wildlife."

State officials said that while the settlements would require enormous capital expenditures - some estimated that the cost could run into the hundreds of millions of dollars - they do not expect electric rates to rise to pay for them.

Meredith Moore, a spokeswoman for NRG Energy Inc., which owns the two largest plants, said the company would absorb the cost and not pass it on to customers.

The companies did not provide estimates of the cost, and government officials said a precise estimate was difficult because the operators could choose from a range of options to meet the pollution standards.

Mr. Spitzer said the settlements built on the lawsuits his office filed in federal court in 1999 charging eight utility companies that operate 17 power plants across the Midwest with violating the Clean Air Act.

The act exempted older power plants from meeting the strict air pollution standards applied to new ones unless they make major modifications, under the theory that they would soon be replaced by newer, more environmentally friendly plants.

Mr. Spitzer, who was joined by other states, charged that the plants had made major modifications without adding the necessary pollution controls. One company, the Dominion Virginia Power Company, agreed to reduce emissions in 2003. Cases are still pending against companies in Ohio, West Virginia and Indiana. And Mr. Spitzer has fought the Bush administration in court over its attempt to relax existing environmental regulations in ways that could allow aging plants to make upgrades without adding pollution controls.

The agreements to reduce emissions from New York State plants were contained in two separate settlements.

The first, which covers the two biggest coal-powered plans in the state, the Huntley and Dunkirk power plants in western New York, settled a lawsuit that the state brought against NRG and its former owner, Niagara Mohawk Power Corporation, charging that the plants had made major modifications without installing the pollution controls required by federal law.

As part of the settlement, NRG agreed to reduce emissions causing acid rain by 87 percent and emissions causing smog by 81 percent.

Niagara Mohawk agreed to pay a \$3 million fine, to give 2,500 acres of land along the Salmon River in Oswego County to the state, and to spend another \$3 million on environmental projects in the region.

The second agreement, which was made without litigation, covers four smaller plants in the Finger Lakes and Southern Tier regions. Their current owner, AES, agreed to reduce smog-causing emissions by at least 70 percent and acid-rain-causing emissions by at least 90 percent.

It will install new, cleaner technology at the Greenidge plant in Torrey, and it will either shut down or install pollution controls at the Hickling plant in Corning, the Westover plant in Johnson City, and the Jennison plant in Bainbridge. The Jennison and Hickling plants have been dormant for years, but would be able to reopen if they are able to comply with the standards set by the agreement.

Their former owner, the New York State Electric and Gas Corporation, agreed to pay a \$700,000 fine, and AES will provide \$1 million toward environmentally friendly projects.

Environmental advocates said that the joint appearance by Mr. Pataki and Mr. Spitzer, who were once seen as trying to trump each other's environmental records, was heartening to them. Officials spoke of the cooperation between the state's Department of Environmental Conservation and the attorney general's office.

"New York is really the only state that has taken any significant action against its own coal-burning power plants," said Katherine Kennedy, a senior lawyer at the Natural Resources Defense Council. "The symbolism of the joint announcement sends a great message that clean air and the environment is a bipartisan issue."

[Fresno Bee column, Thursday, Jan. 13, 2005:](#)

## **Measure C has much at stake**

By Bill McEwen

Back when Fresno city and county were tangling in court about growth and taxes, Richard Cartier, a resident of both jurisdictions, made an astute observation: His tax dollars "were being used to sue myself."

Instead of sitting on the sidelines, the San Joaquin College of Law professor joined other legal minds in mediating a successful end to the longtime feud two years ago.

Cartier is at it again - this time as part of a team attempting to mend the stakeholder rift that contributed to a political meltdown and defeat of the county transportation sales tax extension in 2002.

You remember that, right?

Fresno's old-school power brokers challenged the clean-air crowd to take its bats and balls and go home. The League of Women Voters and Sierra Club, among others, did just that and joined anti-tax groups in opposing Measure C.

When the tax fell well short of the needed two-thirds approval, Chamber of Commerce types believed they'd been betrayed by environmentalists and medical advocates with insatiable demands.

"There were a lot of hurt feelings last time," Cartier says. "The challenge now is creating a process that allows the will of the people to be heard.

"We have some really good-hearted people, and though there's a broad range of opinions, there are a lot more places they agree than disagree."

Measure C returns to the ballot in 2006, and continuation of the half-cent bump is vital to improving our quality of life. A 30-year extension would generate about \$2.8 billion, a figure that will swell considerably with state and federal grants.

What happens if Measure C isn't approved?

Light rail, rail consolidation and better air remain dreams.

Both rural highways and city streets deteriorate.

Commuters spend more time in traffic.

Thousands of new jobs go by the wayside.

With so much at stake and the original Measure C expiring in 2007, the committee should have gotten it right the first time. The extension has to pass this time.

About a year ago, then-Fresno County Supervisor Juan Arambula and Supervisor Susan Anderson asked Cartier, Doug Broten of the Better Business Bureau and Superior Court administrator Dan DeSantis to conduct round-table meetings with Measure C stakeholders.

The challenge, Cartier says, is ensuring that both rural and urban wishes are represented in Measure C. One way might be to increase the number of people involved in deciding how the county's transportation dollars are spent.

Anderson says the mediators have "created a forum in which we can move forward and create a Measure C the entire community can embrace."

Says Anderson: "Some people boycotted our early talks and pooh-poohed the mediation, but now they're saying, 'Maybe we better start talking to these people.'"

Kevin Hall of the Sierra Club says he is "much more encouraged this time" than in 2002, and things "feel right at this point."

Let's hope things continue that way because two-thirds approval will be impossible if Measure C efforts splinter. No one should let special interests block the huge public interest that Measure C serves.