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STATES AND FEDERAL GOVERNMENT SECURE SHARP AIR POLLUTION REDUCTIONS AT OHIO COAL POWER PLANTS

New York Attorney General Eliot Spitzer, Connecticut Attorney General Richard Blumenthal and New Jersey Attorney General Peter C. Harvey today announced a major air pollution settlement with the owner of one of the nation's dirtiest coal-fired power plants. The air pollution reductions of 212,000 tons per year will sharply cut acid rain, urban smog and respiratory disease in the Northeast.

Under the agreement announced with the federal Environmental Protection Agency, the W.H. Sammis coal-fired power plant, located near Steubenville, Ohio will slash its air pollution emissions. Giant smokestacks at the power plant, including one measuring 1,000 feet high, send massive amounts of sulfur dioxide and nitrogen oxides on prevailing winds northeastward from Ohio.

Attorney General Spitzer said: "Sammis is a dirty power plant that will finally clean up its act. This one power plant emits more than sixty percent as much air pollution as all of New York's 56 power plants combined. Adding modern pollution controls to Sammis - - which should have been done decades ago - - is a long-overdue step that will save hundreds of lives and eliminate thousands of hospital visits each year and protect the environment of our state and the entire Northeast."

Connecticut Attorney General Richard Blumenthal said: "This settlement is a giant step toward clearing and cleaning our air, allowing us to breathe easier. Long overdue scrubbers and other anti-pollution equipment will save lives and spare countless citizens asthma attacks and respiratory illnesses. We compelled Ohio Edison to move from defiance to compliance. Here's a powerful signal to similar polluters: The Clean Air Act standards are alive and well, and we will enforce them relentlessly, even as the Bush administration abandons them. I will continue to fight polluters that foul our air and defy the law."

New Jersey Attorney General Peter C. Harvey said: "This settlement, driven by our victory in the

liability trial, is a powerful affirmation that corporate polluters cannot defy the law and profit at the expense of the environment and the health of our residents. It also reaffirms the role of state attorneys general in enforcing the Clean Air Act and achieving substantial pollution reductions. This settlement will remove hundreds of thousands of tons of noxious pollutants from the air and will protect the health of people in New Jersey and throughout the Northeast, particularly children with asthma and senior citizens with respiratory ailments.”

In 1999, New York and the federal government sued Ohio Edison for multiple violations of the Clean Air Act. The lawsuit claimed that Ohio Edison violated the New Source Review provision of the Clean Air Act which requires power plant operators to install modern pollution controls when they upgrade old power plants - which Ohio Edison failed to do.

After a trial U.S. federal court Judge Edmund Sargus, Jr. ruled on August 7, 2003 that Ohio Edison had violated the Clean Air Act. Before a second trial was held to address possible remedies for Ohio Edison’s violations of the law, the parties began settlement negotiations and reached the comprehensive settlement announced today which will reduce air pollution emissions from three Ohio Edison coal-fired power plants.

Under the terms of this settlement:

- Ohio Edison will install pollution controls at the Sammis plant that will reduce air pollution from that plant by 70-80 percent;
- Specifically, because of space constraints at the Sammis plant, Ohio Edison will put full controls on the two largest Sammis units accounting for over half of the plant’s capacity and equipment for significant pollution control on the remaining five units at the plant. Ohio Edison will then reduce pollution at its Burger coal plant in Ohio, its Mansfield coal plant in Pennsylvania and the First Energy coal plant in East Lake, Ohio;
- Ohio Edison will install pollution controls at other plants as well to achieve additional reductions so that in total sulfur dioxide emissions will be cut by 104% and nitrogen oxides will be cut by 101%;
- Ohio Edison will pay a penalty of \$8.5 million to the federal government within 30 days;
- Ohio Edison will spend a total of \$10 million over five years on clean air and alternative energy projects in New York, Connecticut and New Jersey. \$6.1 million will be available for projects in New York, including the installation of solar photovoltaic systems on municipal buildings. \$2.8 million will be available in New Jersey; and \$1.1 million will be available in Connecticut;
- Ohio Edison will pay \$400,000 to Allegheny County, Pennsylvania, which filed an amicus brief in the case, for solar projects; and \$215,000 to the National Park Service for environmental monitoring projects; and,
- Ohio Edison will fund the development of almost 100 megawatts of wind power in

western Pennsylvania.

The Sammis plant, located on the Ohio River, has 7 units and 4 smoke stacks, the tallest of which is 1,000 feet high. By comparison, the Chrysler Building in New York City is 1,048 feet high.

In 2003, the Sammis plant emitted 164,000 tons of sulfur dioxide and 40,430 tons of nitrogen oxides. By comparison, in 2002 all 56 power plants in New York emitted 231,987 tons of sulfur dioxide and 86,009 tons of nitrogen oxides.

The lawsuit against Ohio Edison is one in a series of Clean Air Act enforcement measures launched by the attorneys general of northeastern states. Others such cases include:

- January 2005 settlements between New York State and Niagara Mohawk, NRG Inc., AES and New York State Electric and Gas Corp. which cut air pollution at the Huntley and Dunkirk coal plants in western New York and at the Greenidge, Hickling, Jennison and Westover power plants in the Finger Lakes and Southern Tier of New York;
- A June 2003 settlement between New York State and Mirant New York Inc. to install pollution controls at Mirant's Lovett coal-fired power plant in New York's Hudson Valley;
- An April 2003 \$1.2 billion settlement reached by New York, Connecticut, New Jersey and the federal government with Virginia Electric Power Co. requiring the company to retrofit its eight coal-fired power plants with pollution controls; and,
- A January 2002 settlement that New Jersey and the federal government reached with PSEG Fossil LLC which required the company to install pollution controls to sharply reduce sulfur dioxide and nitrogen oxide emissions from its Mercer and Hudson coal-fired power plants in Hamilton and Jersey City.

The Ohio Edison case was handled by New York Assistant Attorneys General Peter Lehner, Jared Snyder and Robert Rosenthal; Connecticut Assistant Attorneys General Kimberly Massicotte and Lori DiBella; and New Jersey Deputy Attorneys General Kevin Auerbacher and Jean Reilly.

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