



EIP/SIERRA CLUB: PROPOSED RULING WOULD PUT TIGHTER LIMITS ON POLLUTION FROM PROPOSED NRG COAL-FIRED POWER PLANT IN TEXAS

Ruling by Administrative Law Judges Now in Hands of Appointed Members of TCEQ

AUSTIN, TEXAS – June 25, 2009 – A proposed ruling by two Texas administrative law judges will clamp down on emissions of several pollutants from the coal-fired power plant near Jewett, Texas proposed by New Jersey-based NRG Energy Inc ([NRG.N](http://www.nrg.com)), according to the Environmental Integrity Project (EIP) and the Lone Star Chapter of the Sierra Club. The ruling also would require real-time monitoring of particulate emissions from the facility.

NRG is planning an expansion of the existing Limestone Electric Generating Station located in Limestone County. It would add a third coal-fired generating unit to the facility to produce approximately 800 megawatts (MW) of additional power by burning an estimated 4.3 million tons of coal per year. In doing so, the plant would emit up to an estimated 10 million tons of carbon dioxide each year, which would be a substantial increase in global warming gases. Texas already leads the nation in power plant CO₂ emissions, according to data from the U. S. Environmental Protection Agency (EPA). If permitted the new NRG Limestone Unit 3 would also emit substantial quantities of mercury and other hazardous pollutants into the air.

On June 23, two Texas administrative law judges issued their proposed ruling on NRG's applications to build the new Limestone plant. The judges sided with Sierra Club and other parties challenging the sufficiency of the NRG applications, and ruled that the project should only move forward if several deficiencies are corrected. Notably, the judges recommended that the permit to control air toxics, like mercury, should be denied. In addition, the judges recommended strengthening the permitted emission limits for three pollutants -- particulate matter, nitrogen oxides, and carbon monoxide -- and requiring real-time monitoring of particulate matter. The judges also recommended stronger requirements to enforce a plant-wide cap on sulfur dioxide, nitrogen oxides, and mercury from the facility. The judges also expressed concerns with several state air permitting policies, including how the TCEQ implements the federal Clean Air Act's "best available control technology" requirement.

EIP senior attorney Ilan Levin said: **"The judges have issued their proposal for decision based on the evidence presented, but the fate of this permit is now in the hands of the three commissioners sitting on the Texas Commission on Environmental Quality (TCEQ) because they are the final decision makers. I think it also is worthy of noting that the judges also raised some issues that it would be appropriate for EPA to step in and deal with."**

Ken Kramer, director of the Lone Star Chapter of the Sierra Club said: **"The recommendations from the Administrative Law Judges regarding the proposed NRG Limestone coal plant underscore once again the failure of TCEQ to draft air permits that protect public health and the environment, but TCEQ has a chance to redeem itself by denying the permit when it comes before the three TCEQ commissioners. Now is the time for Texas to look forward to a clean energy future by rejecting the dirty energy sources of our past."**

For the full text of the ruling, go to <http://www.soah.state.tx.us/pfdsearch/pfds/582/08/582-08-0861-pfd1.pdf> on the Web.

ABOUT EIP

The Environmental Integrity Project (<http://www.environmentalintegrity.org>) is a nonpartisan and nonprofit organization established in March 2002 to advocate for more effective enforcement of environmental laws. EIP was founded by Eric Schaeffer, who was director of the U.S. Environmental Protection Agency's Office of Regulatory Enforcement. He resigned in 2002 after publicly expressing his frustration with efforts of the Bush Administration to weaken enforcement of the Clean Air Act and other laws.

CONTACT: Leslie Anderson, for Environmental Integrity Project, at (703) 276-3256 or landerson@hastingsgroup.com.