

## **D.C. AREA'S MIRANT CHALK POINT POWER PLANT SUED FOR "MAJOR AND ONGOING VIOLATIONS" OF FEDERAL ANTI-POLLUTION LAWS**

***Improper Burning of Nearly 200 Million Gallons of Dirty Fuel Caused 100s of Emission Violations; Particulates From Chalk Point Pollution Linked to Long List of Health Woes in D.C. in Region.***

**WASHINGTON, D.C./BALTIMORE, MD. – June 29, 2009** -- The Chesapeake Climate Action Network and four Maryland residents have filed a federal lawsuit against Mirant Chalk Point, LLC, the operator of the coal-fired power plant located on the Patuxent River at Swanson Creek in Prince George's County in the Washington, D.C. area, and its parent company, Atlanta-based Mirant Mid-Atlantic, LLC. The complaint alleges hundreds of violations of the Clean Air Act related to the plant's combustion of residual fuel oil without the required pollution control equipment.

The lawsuit filed by the law firm of Villari, Brandes and Kline (VB&K) and the Environmental Integrity Project (EIP) in U.S. District Court for the District of Maryland in Baltimore on behalf of CCAN, three residents of Mechanicsville, MD., and one resident of Accokeek in Prince George's County seeks to stop the pattern of "persistent, ongoing violations of the Clean Air Act and its implementing federal and state regulations" at the Chalk Point Power plant.

The lawsuit states that the Chalk Point power plant operators have repeatedly burned dirty, less expensive residual fuel oil "without legally required pollution controls to limit harmful particulate matter pollution, which has had, and will continue to have, significant adverse public health impacts as well as other adverse environmental impacts."

EIP Director Eric Schaeffer said: **"These violations add even more fine particle pollution to the greater Washington, D.C.-Baltimore area, which is already flunking federal air quality standards. We hope Mirant will do the right thing and clean up these units, so our children can breathe a little easier. It is unfortunate that a lawsuit must be filed in order to get Mirant to comply with state and federal laws. The plant can solve this problem by switching to natural gas, which will reduce particulate matter and greenhouse gas pollution at the same time."**

Diana Dascalu-Joffe, chief deputy director staff attorney of CCAN, said: **"The Chalk Point violations increase emissions that can cause respiratory illnesses. But burning residual fuel oil also adds to global warming pollution, and we need Mirant to switch to cleaner fuels."**

A 2006 Harvard School of Public Health study shows that particulate matter pollution from the Chalk Point plant has negative health impacts on individuals living within a 400 km radius of the Chalk Point plant. Particulate matter pollution can affect the heart and lungs, and cause serious adverse health effects when inhaled. Numerous scientific studies link exposure to particulate matter pollution to increased respiratory problems, such as irritation of the airways, coughing, and difficulty breathing; decreased lung function; aggravated asthma; development of chronic bronchitis; irregular heartbeat; heart attacks; and premature death in people with heart or lung disease. Airborne particulate matter pollution measuring less than 10 microns or micrometers, and especially those measuring below 2.5 microns or micrometers, are particularly unhealthy to breathe.

Data from the U.S. Energy Information documents receipt of tens of millions of gallons of residual fuel oil at the Chalk Point plant through June of 2007. The combustion of fuel oil results in higher levels of particulate matter and other pollutants.

Under federal law, Mirant is subject to injunctive relief and civil penalties of up to \$32,500 per day for each violation that occurred after March 15, 2004.

As required by with federal law, the plaintiffs provided notice of their intent to sue by letter on January 22, 2009 to Mirant.

For the full text of the filing, go to <http://www.environmentalintegrity.org> on the Web.

## **ABOUT THE GROUPS**

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.

The Chesapeake Climate Action Network (CCAN) is the first grassroots, nonprofit organization dedicated exclusively to fighting global warming in Maryland, Virginia, and Washington, D.C. Our mission is to educate and mobilize citizens of this region in a way that fosters a rapid societal switch to clean energy and energy-efficient products, thus joining similar efforts worldwide to slow and perhaps halt the dangerous trend of global warming. CCAN also focuses many of our campaigns on educated citizens on the negative health impacts of coal-fired power plant pollution throughout the Chesapeake Bay region. To find out more about CCAN's campaigns please visit <http://www.chesapeakeclimate.org>.

Villari, Brandes and Kline is a law firm that concentrates in the representation of people who have been injured by or suffered property damage due to toxic waste and environmental pollution. On behalf of its clients, VB & K has challenged numerous corporate polluters, including polluting power plants. The firm is currently litigating cases against First Energy's Bruce Mansfield Power Plant, in Shippingsport, Pennsylvania because of chronic toxic smoke stack releases from First Energy's coal burning power plant, and against the Tennessee Valley Authority as a result of the 12/22/08 catastrophic failure of a coal fly ash waste impoundment from TVA's Kingston, Tennessee coal-fired power plant that has destroyed homes, polluted properties and has and continues to damage and threaten the health and property of residents in Harriman, Tennessee. VB&K is honored to collaborate with the good works of the Environmental Integrity Project to protect the citizens of Maryland from harmful air pollution.

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