

America's Dirtiest Power Plants:

Plugged into the Bush Administration



**Environmental Integrity Project
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Acknowledgments

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About Environmental Integrity Project

The Environmental Integrity Project (EIP) is a nonpartisan, nonprofit organization dedicated to more effective enforcement of environmental laws and to the prevention of political interference with those laws. EIP was founded by Eric Schaeffer, who directed the U.S. Environmental Protection Agency's Office of Regulatory Enforcement until 2002. EIP's research and reports shed light on how enforcement and rulemaking affect public health. EIP also works closely with communities seeking to enforce environmental laws.

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Section I: America's Dirtiest Power Plants

Power Plants Are Responsible for a Disproportionate Share of the Nation's Air Pollution

The electric power generation industry is by far the largest single contributor of sulfur dioxide (SO₂) pollution in the United States, accounting for 69 percent of all the SO₂ emissions nationwide.¹ These plants also account for 22 percent of all nitrogen oxides (NO_x) emissions² and 35 percent of all carbon dioxide (CO₂) emissions. In addition, coal-fired power plants are the single largest source of mercury (Hg) air pollution,³ accounting for roughly 36 percent of all mercury emissions nationwide.

Power Plant Sulfur Dioxide and Carbon Dioxide Emissions Increased from 2002 to 2003, While Nitrogen Oxides Emissions Declined

EPA's recently released 2003 emissions data shows that power plant SO₂ emissions increased by more than 400,000 tons between 2002 and 2003, rising from 10.19 million tons to 10.59 million tons, or 3.9 percent. Carbon dioxide emissions increased by roughly 47 million tons, from 2.425 billion tons in 2002, to 2.472 billion tons in 2003, a 2 percent increase. Nitrogen oxide emissions from power plants declined 5.6 percent, dropping from 4.36 million to 4.12 million tons.

SO₂ and NO_x interact in the air to form nitric and sulfuric acids, commonly known as acid rain. Besides causing major environmental and property damage, SO₂ and NO_x combine to form fine particle pollution that causes asthma attacks and lung ailments. According to EPA studies, fine particle pollution from power plants is linked to heart and lung diseases, which contribute to more than 20,000 premature deaths a year.

Driven primarily by EPA's Acid Rain Program,⁴ emissions of SO₂ are expected to decline very slowly over the remainder of the decade, settling at about 9 million tons by 2010. The most recent emissions data indicates that we have achieved most of the anticipated reductions from acid rain controls, and will likely see no new major reductions from this program, which uses a market approach—a pollution allowance trading system—to achieve both SO₂ and NO_x reductions.

Nitrogen oxides emissions will likely continue to decline due to the "NO_x SIP call," a rule that requires power plants across the eastern United States to reduce their summertime NO_x emissions.⁵

Power Plant Pollution Remains Concentrated at the Top

Fifty plants represent just a small fraction, roughly 5 percent, of the more than 1,000 facilities across the United States. Yet, the top 50 power plants—in terms of SO₂, CO₂, and mercury emissions—account for more than their fair share of power plant pollution.⁶

The top 50 SO₂ emitters account for 43 percent of all the sulfur dioxide emissions from the entire power industry. The top 50 carbon dioxide emitters account for 31 percent of CO₂ emissions from the power sector. Figures 1 and 2 rank the nation's 50 dirtiest plants for each of these two pollutants. The 2003 data, from EPA's Emissions Tracking System (ETS), represents the most current SO₂ and CO₂ emissions data available.

According to the Toxics Release Inventory (TRI), power plants released 45.6 tons of mercury emissions in 2001, the latest year for which data is available.⁷ The top 50 mercury polluters account for 43 percent of mercury emissions from the entire power sector. [See Figure 3] Interestingly, the TRI data indicates that the (currently unregulated) mining industry and other industrial sectors are also significant sources of mercury.⁸

Mercury is a highly toxic metal that, once released into the atmosphere, settles in lakes and rivers, where it moves up the food chain to humans. In 2003, the Centers for Disease Control found that roughly 10 percent of American women carry mercury concentrations at levels considered to put a fetus at risk to neurological damage.⁹

Many of the Top 50 Dirtiest Power Plants Have Been In Court or Under Investigation, Only to be Let off the Hook by the Bush Administration

Enforcing existing clean air laws would go a long way toward cleaning up the dirtiest power plants. A total of 89 power plants made it onto one or more of the three "Top 50" rankings. Forty seven of these 89 plants, more than half, have either been sued or placed under investigation by EPA for violating the Clean Air Act's New Source Review requirement.¹⁰ Of the top 50 SO₂ emitters, 18 plants have been brought to court and another 11 were placed under investigation by the government. Appendix I shows which of these companies have either been sued or placed under investigation by EPA. The chart also shows the plant owners and location of each facility.

In August 2003, the electric utility industry received its much sought after windfall when the Bush administration decided to relax the rules for New Source Review, exempting many facilities from the law's permit and pollution control requirements. Four months later, the Washington D.C. Circuit Court stayed the rules, questioning their legality and placing the NSR program in limbo.

Nonetheless, the result of the Administration's policy is that many power plants—those already in court as well as those under investigation — have have either had the cases against them undermined or simply dropped by the Bush Administration. While the Administration and the Courts decide the fate of the NSR program, power plants delay meaningful pollution control. For example, the W. H. Sammis plant in Ohio, currently in court, increased its SO₂ emissions from approximately 145,000 tons in 2002 to 164,000 tons in 2003.

Figure 1

Top 50 Polluting Power Plants for SO₂ (2003)

Rank	Facility	State	SO ₂ (tons)	Rank	Facility	State	SO ₂ (tons)
1	Bowen	GA	164,881	26	Scherer	GA	83,938
2	W H Sammis	OH	164,395	27	Monticello	TX	82,439
3	Keystone	PA	163,493	28	Miami Fort	OH	81,514
4	Homer City	PA	151,676	29	Chesterfield Power Station	VA	80,549
5	Hatfields Ferry Power Station	PA	139,423	30	Martin Lake	TX	75,972
6	Muskingum River	OH	139,119	31	Brunner Island	PA	73,730
7	Gibson	IN	136,534	32	Kyger Creek	OH	72,341
8	Conesville	OH	133,207	33	Harlee Branch	GA	69,827
9	E C Gaston	AL	130,403	34	Eastlake	OH	67,682
10	Montour	PA	124,776	35	Jeffrey Energy Center	KS	67,611
11	J M Stuart	OH	124,198	36	Cayuga	IN	66,961
12	John E Amos	WV	114,017	37	Walter C Beckjord	OH	64,869
13	Warrick	IN	108,675	38	Wabash River	IN	64,593
14	Paradise	KY	108,462	39	W A Parish	TX	60,678
15	Monroe	MI	108,043	40	Gorgas	AL	59,341
16	Roxboro	NC	103,935	41	Mitchell	WV	59,330
17	Fort Martin Power Station	WV	102,521	42	Belews Creek	NC	58,645
18	Crystal River	FL	101,673	43	Colbert	AL	57,480
19	Johnsonville	TN	100,017	44	E W Brown	KY	56,745
20	Cardinal	OH	96,927	45	Labadie	MO	56,631
21	Wansley	GA	93,977	46	Coleman	KY	55,449
22	Kingston	TN	91,984	47	E D Edwards	IL	55,035
23	Marshall	NC	90,990	48	Rockport	IN	53,561
24	Big Brown	TX	86,338	49	R Gallagher	IN	53,340
25	Morgantown	MD	85,340	50	Tanner's Creek	IN	53,174
Total:							4,596,439 tons

Source: EPA's Emissions Tracking System (ETS)

Figure 2

Top 50 Polluting Power Plants for CO2 (2003)

Rank	Facility	State	CO2 (tons)	Rank	Facility	State	CO2 (tons)
1	Martin Lake	TX	25,177,534	26	Paradise	KY	14,262,312
2	Scherer	GA	21,862,250	27	Big Cajun II	LA	14,076,341
3	Bowen	GA	21,354,004	28	Homer City	PA	13,993,062
4	James H Miller, Jr	AL	20,226,269	29	Barry	AL	13,941,717
5	Gibson	IN	20,157,500	30	Baldwin Energy Complex	IL	13,653,779
6	W A Parish	TX	19,726,220	31	E C Gaston	AL	13,634,871
7	J M Gavin	OH	19,024,545	32	Centralia	WA	13,334,861
8	Sherburne County	MN	18,964,309	33	Marshall	NC	13,183,078
9	Navajo Generating Station	AZ	18,824,771	34	Sam Seymour	TX	13,144,922
10	Jeffrey Energy Center	KS	18,129,747	35	Harrison Power Station	WV	13,049,706
11	John E Amos	WV	17,650,105	36	Conemaugh	PA	12,871,212
12	Rockport	IN	17,627,603	37	Welsh Power Plant	TX	12,354,995
13	Colstrip	MT	17,559,526	38	Wansley	GA	12,352,682
14	Monroe	MI	17,311,005	39	Limestone	TX	12,312,059
15	Crystal River	FL	16,840,042	40	San Juan	NM	12,269,237
16	W H Sammis	OH	16,694,524	41	Petersburg	IN	12,180,243
17	Jim Bridger	WY	16,353,693	42	Independence	AR	12,140,178
18	Four Corners Steam Electric Station	NM	16,293,675	43	R M Schahfer Generating Station	IN	12,068,557
19	Monticello	TX	15,986,193	44	Ghent	KY	12,039,154
20	Labadie	MO	15,535,556	45	Muskogee	OK	11,921,914
21	Bruce Mansfield	PA	15,265,478	46	Keystone	PA	11,916,373
22	J M Stuart	OH	15,149,596	47	Shawnee	KY	11,903,524
23	Laramie River	WY	14,990,230	48	La Cygne	KS	11,862,601
24	Intermountain	UT	14,921,354	49	Gerald Gentleman Station	NE	11,651,120
25	Cumberland	TN	14,309,119	50	White Bluff	AR	11,596,499
Total:							763,649,842 tons

Source: EPA's Emissions Tracking System (ETS)

Figure 3

Top 50 Polluting Power Plants for Mercury (2001)

Rank	Facility	State	Mercury (lbs)	Rank	Facility	State	Mercury (lbs)
1	Keystone	PA	1,806	26	Chesterfield	VA	710
2	Mount Storm	WV	1,400	27	O W Sommers/J T Deely/J K Spruce	TX	703
3	Monticello	TX	1,303	28	Hatfields Ferry	PA	681
4	Rockport	IN	1,300	29	Roxboro	NC	680
5	Jeffrey Energy Center	KS	1,149	30	Bowen	GA	659
6	H W Pirkey	TX	1,100	31	Brandon Shores	MD	636
7	Limestone	TX	1,100	33	Cardinal	OH	630
8	Martin Lake	TX	1,070	32	John E Amos	WV	630
9	James H Miller	AL	956	34	Shawville	PA	627
10	J M Gavin	OH	950	35	Four Corners	NM	621
11	Conesville	OH	910	36	Sam Seymour	TX	615
12	Bruce Mansfield	PA	890	37	Gibson	IN	600
13	W A Parish	TX	880	38	Pleasant Prairie	WI	599
14	E C Gaston	AL	871	39	Petersburg	IN	572
15	Big Cajun II	LA	865	40	Eastlake	OH	550
16	Colstrip	MT	860	41	Columbia	WI	547
17	Sherburne County	MN	840	42	Powerton	IL	540
18	Coal Creek	ND	816	44	W H Sammis	OH	510
19	Scherer	GA	814	43	Welsh Power Plant	TX	510
20	J M Stuart	OH	755	45	Conemaugh	PA	500
21	Monroe	MI	755	46	Barry	AL	496
22	San Juan	NM	751	47	Crystal River	FL	481
23	Muskingum River	OH	740	48	R M Schahfer	IN	481
24	Paradise	KY	730	49	Belews Creek	NC	480
25	Labadie	MO	730	50	Baldwin Energy Complex	IL	476
Total:							38,874 lbs.

Source: Toxics Release Inventory (TRI)

Section II: Plugged Into the Bush Administration through Campaign Cash and Connected Lobbyists

When the electric utility industry faced strong government attempts to clean up many of its aging coal-fired power plants in the late 1990s, an action that could cost the utilities billions, a few dozen corporations and their trade association began an intensive campaign to derail the effort. Their strategy: help elect an industry-friendly president, fill federal regulatory posts with former utility executives and lobbyists, and hire a small army of lobbyists and lawyers connected to the new president to engineer regulatory changes that would undermine the EPA's Clean Air Act enforcement cases and weaken rules that already were in the pipeline.

Campaign Contributions and Fundraisers

Since 1999, the 30 biggest utility companies that own plants on the three "Dirtiest" lists have poured \$6.6 million into the coffers of the Bush presidential campaigns and the Republican National Committee (RNC), whose chief mission is to elect the party's presidential nominee (See Figure 4). This level of contributions places electric utilities among the industries that have given the most to support Bush's campaigns – comparable to such major givers as drug manufacturers and HMOs. The electric utilities and their trade association, the Edison Electric Institute (EEI), have produced 10 "Rangers" and "Pioneers," the Bush campaign's super-fundraisers who collect at least \$200,000 or \$100,000, respectively, in earmarked contributions.

These Rangers and Pioneers, despite being limited by law to maximum individual donations of \$2,000, raised at least \$1.5 million using the Bush campaign's sophisticated "bundling" system – by which corporate executives, lobbyists and other insiders pool together large numbers of contributions to maximize their political influence. The contributions are credited to the bundlers using tracking numbers assigned to them by the campaign. So far in the 2004 election cycle, the campaign has recruited two Rangers and five Pioneers from the electric utility industry, compared with six Pioneers in 2000 (when there was no Ranger category).

Such substantial fundraising does not happen by accident. In May 1999, when several dozen utility companies were under EPA investigation for Clean Air Act violations, Thomas Kuhn, EEI president, solicited money from utility officials for Bush's nascent presidential campaign. In a note, written on official "George W. Bush Presidential Exploratory Inc." stationery, Kuhn recounted communications with Don Evans (Bush's 2000 campaign chairman, future Commerce Secretary and a member of Vice President Cheney's energy task force) and Jack Oliver (finance director for the Bush campaign in 2000 and deputy finance chairman in 2004).¹¹

"A very important part of the campaign's outreach to the business community is the use of tracking numbers for contributions. Both Don Evans and Jack Oliver have stressed the importance of having our industry incorporate the #1178 tracking number in your fundraising efforts," Kuhn wrote, "*IT DOES ENSURE THAT OUR*

INDUSTRY IS CREDITED AND THAT YOUR PROGRESS IS LISTED AMONG THE OTHER BUSINESS/INDUSTRY SECTORS.” [emphasis in original]

Kuhn did, indeed, ensure that his industry was credited – and four months later, on Sept. 30, 1999, he was named a Pioneer by the Bush campaign.¹²

Figure 4

Campaign Contributions to Bush and the RNC by the 30 Biggest Utilities on the “Dirtiest Plants” Lists and Their Trade Association 1999-2004

Donor	2000 Contributions[†]	2004 Contributions[†]	Total	Ranger/Pioneer	Status
AES Corp	\$26,000	\$2,200	\$28,200		
Allegheny	\$22,500	\$0	\$22,500		
Ameren Corp	\$9,050	\$5,300	\$14,350		
American Elec. Power	\$10,950	\$26,500	\$37,450		
Centerpoint Energy (formerly Reliant)	\$414,706	\$125,194	\$539,900	David McClanahan Don Jordan Ron Letbetter	Pioneer 2004 Pioneer 2000 Pioneer 2000
Cinergy Corp	\$299,440	\$132,282	\$431,722	Jim Rogers	Pioneer 2004
Constellation Energy	\$3,250	\$8,015	\$11,265		
Dominion	\$448,555	\$230,550	\$679,105		
DPL Inc	\$5,250	\$17,000	\$22,250		
DTE Energy	\$15,902	\$22,690	\$38,592		
Duke Energy	\$40,500	\$50,650	\$91,150		
Dynegy Inc	\$264,300	\$47,082	\$311,382		
E.ON	\$1,250	\$5,750	\$7,000		
Edison Int'l	\$166,825	\$25,466	\$192,291	Stephen E. Frank	Pioneer 2000
Entergy Corp	\$62,450	\$84,010	\$146,460		
Exelon	\$149,355	\$255,501	\$404,856		
FirstEnergy Corp	\$530,315	\$335,562	\$865,877	Anthony Alexander	Pioneer 2000, 2004
FPL Group	\$175,150	\$103,435	\$278,585		
Mirant Corp	n/a	\$59,500	\$59,500		
PEPCO	\$0	\$53,700	\$53,700		
PPL Corp	\$71,425	\$32,500	\$103,925		
Progress Energy	\$32,650	\$13,750	\$46,400		
PNM Resources	\$0	\$4,000	\$4,000		
Public Service Enterprise Group	\$2,000	\$50,300	\$52,300		
Scottish Power	\$15,000	\$833	\$15,833		
Southern Co	\$366,790	\$440,272	\$807,062	Dwight H. Evans	Ranger 2004
TXU	\$437,049	\$317,849	\$754,898	Erle A. Nye	Pioneer 2000, 2004
Vectren Corp	\$5,000	\$3,500	\$8,500		
Wisconsin Energy	\$2,250	\$29,700	\$31,950	James R. Klauser	Ranger 2004
Xcel Energy	\$142,500	\$22,300	\$164,800		
Edison Electric Inst	\$207,990	\$140,760	\$348,750	Thomas Kuhn	Pioneer 2000, 2004
TOTAL	\$3,925,152	\$2,646,151	\$6,571,303	2004 Rangers: 2 2004 Pioneers: 5 2000 Pioneers: 6	
<p>Sources: Public Citizen's analysis of Center for Responsive Politics data through April 30, 2004. Ranger and Pioneer information from Public Citizen's www.WhiteHouseForSale.org. [†]2000 contributions include donations to Bush campaign, RNC, inauguration and recount. 2004 contributions include donations to Bush campaign and RNC since 2000.</p>				<p>Minimum Raised by Rangers/Pioneers: \$1.5 Million</p>	

Connected Lobbyists and Plugged-In Lawyers

Once President Bush was in office, many of the utilities that had helped to elect him hired lobbying and law firms with Rangers and Pioneers to lobby the government or defend them against the EPA's pollution lawsuits. The 30 big companies on the "Dirtiest" lists hired at least 14 lobbying firms and two law firms that, among them, employ 23 different Rangers and Pioneers. The bundling by these Rangers and Pioneers delivered at least \$3.4 million for Bush's campaigns [see Figure 5]. And six of the 16 firms were ranked among the 20 biggest Washington lobbying firms in 2003.

Their firms, together with the Edison Electric Institute, the trade association for most coal-fired electric utility corporations (whose president is himself a Pioneer for 2000 and 2004), met with Vice President Cheney's national energy task force at least 17 times to help formulate the country's energy and pollution policies.¹³ The recommendations of that task force led directly to EPA's reassessment and rewriting of the Clean Air Act rule that the utilities had been accused of violating.

Figure 5

**Lobbying and Law Firms with Rangers and Pioneers
Hired by Big Utilities on the “Dirtiest Plants” Lists to Work
on Air Pollution Issues, 2001-2004**

Lobbying Firms	Ranger/Pioneer	Status	Firm's Clients
American Continental Group	David Metzner	Pioneer 2000, 2004	Exelon
	Shawn Smeallie	Pioneer 2004	
Barbour & Griffith	Lanny Griffith	Ranger 2004	Cinergy, American Electric Power, Southern
	Haley Barbour	Pioneer 2000	
Bracewell & Patterson*	Patrick Oxford	Pioneer 2000	Southern
Dutko Group	J.Stuart Fittz;	Pioneer 2000	Cinergy, Mirant
	Ronald Kaufman	Pioneer 2000	
Fierce Isakowitz & Blalock	Kirk Blalock	Pioneer 2004	Edison International
Hohlt & Co.	Richard Hohlt	Pioneer 2000, Ranger 2004	Cinergy
Holland & Knight	Tillie K. Fowler	Pioneer 2004	FirstEnergy
Kilpatrick Stockton*	James Cain	Ranger 2004	Southern
Mayer Brown Rowe & Maw	John Schmitz	Pioneer 2000	TXU
McKenna Long & Aldridge	Frank Rapoport	Pioneer 2000	Mirant
Public Strategies, Inc.	David Q. Bates	Pioneer 2000	Southern, Allegheny Energy
	Roger Wallace	Pioneer 2000, 2004	
Reed Smith Shaw & McClay	Donald Clark	Pioneer 2000	Dominion Resources
Troutman Sanders	Rob Leeburn	Ranger 2004	Cinergy, DTE, Duke, Mirant, Wisconsin Energy
Van Scoyoc Associates	Ray Cole	Ranger 2004	Duke, Southern
Law Firms	Ranger/Pioneer	Status	Firms Clients
Akin, Gump	James Langdon	Pioneer 2000, 2004	Cinergy, Dynegy
	Bill Paxon	Pioneer 2000, 2004	
Vinson & Elkin	Joseph Allen	Pioneer 2000	Duke (as well as Alcoa and SIGECO)
	Tom Marianis	Pioneer 2000, 2004	
	Robert Whilden	Pioneer 2000, 2004	
<p><i>Sources:</i> Lobby disclosure reports filed with the Secretary of the Senate and Clerk of the House pursuant to the Lobby Disclosure Act of 1995, available at: http://sopr.senate.gov. Ranger and Pioneer information from Public Citizen's www.WhiteHouseForSale.org. * <i>Note:</i> Firms have filed as lobbyists for Southern Co. in 2004, but have not yet reported any fees received.</p>			<p>2004 Rangers: 5 2004 Pioneers: 9 2000 Pioneers: 15</p> <p>Minimum Raised by Ranger/Pioneers: \$3.4 million</p>

Revolving Doors: Embedded Executives and Regulators Hired by Industry

After raising millions of dollars for his election in 2000, many of Bush's biggest utility contributors were invited to join various transition teams, the committees that nominated officials to serve in the new administration. [See Figure 6] The 30 big utilities on the "Dirtiest" lists had four officials appointed to the Bush administration Energy Department transition team.

Adding to this level of the industry's influence in the new administration, five of their executives or lobbyists were given senior positions where they were responsible for formulating or enforcing clean air policies. [See Figure 7] And once a controversial rewrite of air policy was finalized in late 2003, two officials left the EPA and were immediately hired by electric utilities or lobbying firms that represented them. [See Figure 8]

Figure 6

Executives from Utilities on the "Dirtiest Plants" Lists Appointed to the Energy Department Transition Team

Name	Industry Affiliation	Transition Team
Thomas Kuhn	President, Edison Electric Institute	Department of Energy
Anthony Alexander	President, FirstEnergy	Department of Energy
Stephen Wakefield	Vice President, Southern Co.	Department of Energy
Thomas Farrell	Vice President, Dominion	Department of Energy

Source: Public Citizen report *EPA's Smoke Screen: How Congress Was Given False Information While Campaign Contributions and Political Connections Guttled a Key Clean Air Rule*, October 2003, available at <http://www.whitehouseforsale.org>

Figure 7

**Former Executives or Lobbyists for the Electric Utility Industry
Working in the Bush Administration**

Name	Former Company	Administration Position	Agency	Responsibilities
Jeffrey Holmstead	Latham & Watkins: Firm has represented seven coal-fired utility companies	Assistant Administrator, Office of Air and Radiation	EPA	Now in charge of all air pollution policy at EPA.
Thomas Sansonetti	Holland & Hart: Sansonetti lobbied for three companies that sell coal to several utilities sued by EPA.	Assistant Attorney General, Environment and Natural Resources	Dept. of Justice	Now in charge of all government lawsuits against coal-fired power plants.
William Wehrum	Latham & Watkins	Counsel, Office of Air and Radiation	EPA	A leading architect of new air pollution regulations.
Vicky Bailey	Cinergy Corp.	Assistant Secretary of Energy	DOE	Helped write national energy policy.
Linda J. Fisher	Latham & Watkins	Deputy Administrator	EPA	

Source: Public Citizen report *EPA's Smoke Screen: How Congress Was Given False Information While Campaign Contributions and Political Connections Gutted a Key Clean Air Rule*, October 2003, available at <http://www.whitehouseforsale.org>

Figure 8

**Former Administration Officials Hired by Utilities on the
"Dirtiest Plants" Lists or Their Lobbyists**

Name	Administration Position	Hired by ...
John Pemberton	Chief of Staff, Office of Air and Radiation, EPA	Southern Co., one week after the EPA finalized the new NSR rule produced by his department.
Ed Krenik	Associate Administrator for Congressional Affairs, EPA	Bracewell & Patterson, where he is registered to lobby for Southern Co. He joined the firm within a week of the EPA's finalization of the new NSR rule.

Source: Public Citizen report *EPA's Smoke Screen: How Congress Was Given False Information While Campaign Contributions and Political Connections Gutted a Key Clean Air Rule*, October 2003, available at <http://www.whitehouseforsale.org>.

Appendix I

Facility Location and Owner/Operator and NSR Investigation/Lawsuit Status

Key: **bold** (EPA filed suit against plant for violating Clean Air Act's New Source Review)
 italics (EPA placed facility under investigation for New Source Review)

State	Facility	County	Owner/Operator
AL	Barry	Mobile	Southern Co.
AL	Colbert	Colbert	Tennessee Valley Authority
AL	E C Gaston	Shelby	Southern Co., Alabama Power Co.
AL	Gorgas	Walker	Southern Co., Alabama Power Co.
AL	James H Miller, Jr	Jefferson	Southern Co., Alabama Power Co.
AR	Independence	Independence	Entergy
AR	White Bluff	Jefferson	Entergy
AZ	Navajo Generating Station	Coconino	Nevada Power Co.
FL	<i>Crystal River</i>	Citrus	Progress Energy
GA	Bowen	Bartow	Southern Co., Georgia Power
GA	Harllee Branch	Putnam	Southern Co., Georgia Power
GA	Scherer	Monroe	Southern Co., Georgia Power
GA	Wansley	Heard	Southern Co., Georgia Power
IL	Baldwin Energy Complex	Randolph	Dynegy
IL	E D Edwards	Peoria	Ameren, Central Illinois Light Co.
IL	<i>Powerton</i>	Tazewell	Edison Int'l., Midwest Generation EME
IN	Cayuga Generating Station	Cayuga	Cinergy, PSI Energy
IN	Gibson Generating Station	Gibson	Cinergy, PSI Energy
IN	<i>Petersburg</i>	Pike	AES
IN	R Gallagher	Floyd	Cinergy, PSI Energy
IN	<i>R M Schahfer Generating Station</i>	Jasper	Northern Indiana Public Service Co.
IN	Rockport	Spencer	American Electric Power
IN	Tanner's Creek	Dearborn	American Electric Power
IN	Wabash River	Vigo	Cinergy, PSI Energy
IN	Warrick	Warrick	ALCOA Power Generating Inc.
KS	<i>Jeffrey Energy Center</i>	Pottawatomie	Westar Energy, Aquila Inc.
KS	La Cygne	Linn	Great Plains Energy
KY	<i>Coleman</i>	Hancock	LG&E Energy
KY	<i>E W Brown</i>	Mercer	LG&E Energy, Kentucky Utilities Co.
KY	<i>Ghent</i>	Carroll	LG&E Energy, Kentucky Utilities Co.
KY	Paradise	Muhlenberg	Tennessee Valley Authority
KY	Shawnee	McCracken	Tennessee Valley Authority
LA	Big Cajun II	Pointe Coupee	Entergy
MD	<i>Morgantown</i>	Charles	Mirant (formerly Southern)
MD	Brandon Shores	Baltimore City	Constellation Energy
MI	<i>Monroe</i>	Monroe	Detroit Edison
MN	<i>Sherburne County</i>	Sherburne	Xcel Energy
MO	Labadie	Franklin	Ameren
MT	Colstrip	Rosebud	PPL, Pacificorp
NC	Belews Creek	Stokes	Duke Energy
NC	Marshall	Catawba	Duke Energy

State	Facility	County	Owner/Operator
NC	<i>Roxboro</i>	Person	Progress Energy, Carolina Pwr. & Light
ND	Coal Creek	McLean	Great River Energy
NE	<i>Gerald Gentleman Station</i>	Lincoln	Nebraska Public Power District
NM	<i>Four Corners Steam Electric Station</i>	San Juan	NM Public Service Co., Edison
NM	San Juan	San Juan	NM Public Service Co.
OH	Cardinal	Jefferson	American Electric Power
OH	Conesville	Coshocton	American Electric Power, Cinergy, DP&L
OH	Eastlake	Lake	Cleveland Electric, FirstEnergy
OH	J M Gavin	Gallia	American Electric Power
OH	<i>J M Stuart</i>	Adams	AEP, DP&L, Cinergy
OH	Kyger Creek	Gallia	Ohio Valley Electric Corp.
OH	Miami Fort	Hamilton	Cincinnati Gas & Electric
OH	Muskingum River	Washington	American Electric Power
OH	W H Sammis	Jefferson	Ohio Edison, FirstEnergy
OH	Walter C Beckjord	Clermont	Cincinnati Gas & Electric, DP&L, AEP
OK	Muskogee	Muskogee	Oklahoma Gas & Electric
PA	Bruce Mansfield	Beaver	FirstEnergy
PA	Brunner Island	York	PPL
PA	Conemaugh	Indiana	Reliant
PA	<i>Hatfields Ferry Power Station</i>	Greene	Allegheny Energy
PA	Homer City	Indiana	EME Homer City
PA	<i>Keystone</i>	Armstrong	Reliant
PA	Montour	Montour	PPL
PA	<i>Shawville</i>	Clearfield	Reliant
TN	Cumberland	Stewart	Tennessee Valley Authority
TN	Johnsonville	Humphreys	Tennessee Valley Authority
TN	Kingston	Roane	Tennessee Valley Authority
TX	Big Brown	Freestone	TXU
TX	Limestone	Limestone	Reliant
TX	Martin Lake	Rusk	TXU
TX	Monticello	Titus	TXU
TX	Sam Seymour	Fayette	Lower Colorado River Authority
TX	W A Parish	Fort Bend	Reliant
TX	Welsh Power Plant	Camp	American Electric Power
TX	H W Pirkey	Harrison	American Electric Power
TX	O W Sommers/J T Deely/J K Spruce	Bexar	City of San Antonio
UT	Intermountain	Millard	Intermountain Power
VA	Chesterfield Power Station	Chesterfield	VA Electric Power, Dominion
WA	Centralia	Lewis	Transalta Centralia Generation
WI	<i>Columbia</i>	Columbia	Wisconsin Power & Light
WI	Pleasant Prairie	Kenosha	Wisconsin Electric Power
WV	<i>Fort Martin Power Station</i>	Monongalia	Allegheny Energy
WV	<i>Harrison Power Station</i>	Harrison	Allegheny Energy
WV	John E Amos	Putnam	American Electric Power
WV	Mitchell	Marshall	American Electric Power
WV	Mount Storm	Grant	Dominion
WY	<i>Jim Bridger</i>	Sweetwater	Pacificorp, Idaho Power Co.
WY	Laramie River	Platte	Basin Electric Power Coop

Appendix II

The 30 Biggest Utilities on the “Dirtiest Plants” Lists and Their Subsidiaries

Parent Company	Formerly Known As	Subsidiaries
AES		IPALCO (Indianapolis Power and Light Company), IPL (Illinois Power and Light)
Allegheny Energy		Allegheny Energy Supply Company Allegheny Power Monongahela Power Company ¹⁴ Appalachian Power Company
Ameren		AmerenCILCO (Central Illinois Light Company) AmerenCIPS AmerenUE (Union Electric Company)
American Electric Power		Ohio Power Company ¹⁵ Columbus Southern Power Company ¹⁶ Indiana Michigan Power Company ¹⁷ Southwestern Electric Power Company ¹⁸
CenterPoint Energy	Reliant Energy	Texas Genco
Cinergy		The Cincinnati Gas & Electric Company Union Light, Heat & Power Company PSI Energy, Inc.
Constellation Energy Group		Baltimore Gas and Electric Company
Dominion Resources	VEPCO	Dominion Generation
DPL		The Dayton Power and Light Company
DTE Energy		The Detroit Edison Company
Duke Energy		Duke Power
Dynegy		Dynegy Energy Partners LP
E.ON		(LG&E) Louisville Gas and Electric Kentucky Utilities Western Kentucky Energy
Edison International		Southern California Edison Company Edison Mission Energy EME Homer City Generation Midwest Generation
Entergy		Entergy Arkansas, Inc. Entergy Louisiana, Inc. Entergy Mississippi, Inc. Entergy New Orleans, Inc. Entergy Nuclear, Inc. Entergy Texas, Inc. Gulf States Utilities Company (GSU) Louisiana Power & Light Company (LP&L) Orleans Public Service Inc. (NOPSI) ¹⁹
Exelon Corp.		Commonwealth Edison PECO Energy
FirstEnergy		The Cleveland Electric Illuminating Company Jersey Central Power & Light Company Metropolitan Edison Company Ohio Edison Company Pennsylvania Power Company Pennsylvania Electric Company The Toledo Edison Company

Parent Company	Formerly Known As	Subsidiaries
FPL Group		Florida Power & Light Company FPL Energy
Mirant		
Pepco		
PPL		PPL Electric Utilities Corporation
Progress Energy		Progress Energy Carolinas, Inc. Progress Energy Florida, Inc. (Florida Power) Carolina Power & Light
PNM (Public Service Company of New Mexico)		Public Service Company of New Mexico
Public Service Enterprise Group		PSEG Power
ScottishPower		PacifiCorp (owns Pacific Power & Light and Utah Power & Light)
Southern Company		Alabama Power Company Georgia Power Company Gulf Power Company Mississippi Power Company Savannah Electric and Power Company Southern Nuclear
TXU		
Vectren		
Wisconsin Energy		We Energies Wisconsin Electric Edison Sault Electric Company
Xcel		Northern States Power Public Service Company of Colorado Southwestern Public Service Cheyenne Light, Fuel & Power

Source: Hoover's company profiles and noted sources.

Endnotes

¹ U.S. EPA, *Acid Rain Program 2002 Progress Report*, EPA-430-R-03-011, November 2003, available at <http://www.epa.gov/airmarkets/cmprpt/arp02/2002report.pdf>.

² *Id.*

³ <http://www.epa.gov/air/mercury/>

⁴ *See*, <http://www.epa.gov/airmarkets/arp/overview.html>

⁵ The rule, which cuts NO_x emissions in order to reduce summertime ground-level ozone pollution, has been aggressively opposed by many in the electric power industry. Legal challenges, decided in two D.C. Circuit Court decisions (in March and August of 2000) that largely upheld EPA's action, have already had the effect of delaying its implementation and exempting some areas.

⁶ Although ETS also provides NO_x data, we have not ranked the top 50 NO_x emitters because many plants are currently in the process of adding controls.

⁷ This number is slightly lower than EPA's often-cited 48 tons per year estimate, due to the Toxics Release Inventory's narrower definition of mercury sources included within the category "Electric Utilities."

⁸ For example, joining power plants on the list of the top ten mercury polluters for 2001, are three mining operations, a cement manufacturer, and two chemical (chlorine) plants. By far, the single largest emitter of mercury in 2001 is a western gold mine.

⁹ *Second National Report on Human Exposure to Environmental Chemicals*, Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Environmental Health, Division of Laboratory Sciences, Atlanta, Georgia, NCEH Pub. No. 02-0716, January 2003; available at <http://www.cdc.gov/exposurereport/>.

¹⁰ Environmental Integrity Project, *Race to the Top: State Leadership in Protecting Our Air*, December 2003, Appendix B: Power Plants Formerly Under Investigation for NSR Violations (citing EPA data current as of November 2003); Appendix C: Pending EPA Lawsuits for NSR Violations at Power Plants (citing January 2002 U.S. Department of Justice report).

¹¹ Memo from Thomas Kuhn, "June 22 Reception with Gov. George W. Bush," May 27, 1999, included in record of *McConnell vs. FEC*.

¹² *See* <http://www.whitehouseforsale.org> for Ranger and Pioneer data.

¹³ *See* the Public Citizen report *EPA's Smoke Screen: How Congress Was Given False Information While Campaign Contributions and Political Connections Guttled a Key Clean Air Rule*, October 2003, available at <http://www.whitehouseforsale.org> and *Data Shows Industry Had Extensive Access to Cheney's Energy Task Force*, Natural Resources Defense Council, May 21, 2003, available at: <http://www.nrdc.org/media/pressreleases/020521.asp>

¹⁴ http://www.hoovers.com/monongahela-power/--ID_127928--/free-co-factsheet.xhtml

¹⁵ <http://biz.yahoo.com/ic/108/108596.html>

¹⁶ http://www.hoovers.com/columbus-southern-power-company/--ID_110311--/free-co-factsheet.xhtml

¹⁷ http://www.hoovers.com/indiana-michigan-power/--ID_108445--/free-co-factsheet.xhtml

¹⁸ http://www.hoovers.com/southwestern-electric-power/--ID_108702--/free-co-factsheet.xhtml

¹⁹ <http://www.dnr.state.la.us/sec/execdiv/techasmt/lep/electric1/003.htm>