

**Mid-Atlantic Environmental Law Center**

**FOR IMMEDIATE RELEASE**

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**Delaware Environmental Group Sues EPA over Clean Air Regulatory Rollbacks To Protect Air Quality in Delaware**

The Mid-Atlantic Environmental Law Center today filed a lawsuit on behalf of Delaware Nature Society, challenging new U.S. Environmental Protection Agency ("EPA") regulations that significantly weakened the Clean Air Act. The changes initiated by the Bush Administration would exempt thousands of industrial and utility air pollution sources, including coal-fired power plants in Delaware, and those in the Mid-West that adversely affect Delaware's air quality, from the New Source Review provisions of the Clean Air Act.

Attorneys General from New Jersey, Maryland, New York, Connecticut, Maine, Massachusetts, Rhode Island, New Hampshire and Vermont filed a petition for review in the D.C. Circuit challenging the new rule on December 31, 2002. New York et al. v. EPA, Dkt. # 02-1387 (D.C. Cir.). Pennsylvania joined the action January 27, 2003. Despite Delaware Nature Society and other organizations' petition to the state Attorney General last month to challenge the rule, Delaware has thus far declined.

"The Delaware Attorney General's reluctance to challenge these bad rules has left little option but to bring this action to protect the health of Delaware's citizens. We still hope the Attorney General will take action," said Jim May, Executive Director of the Mid-Atlantic Environmental Law Center. "Thousands of Delawareans who suffer from asthma, lung cancer, and respiratory ailments will be made sicker as a result of the new EPA rule. The new rule will increase emissions of sulfur dioxide and nitrogen oxide, which cause smog, and increase respiratory disease and acid rain. The new rule will also make it more difficult for Delaware to comply with federal Clean Air Act," May said.

On December 31, 2002, EPA issued a final rule that effectively rewrites the New Source Review (NSR) provision of the Clean Air Act as it applies to existing sources of air pollution.

The new NSR rule allows old, coal-fired power plants and other fossil fuel burning facilities to emit millions of additional tons of sulfur dioxide, nitrogen oxides, soot, smog, and other toxic pollution. This pollution travels to Delaware in prevailing winds from other states, largely in the Midwest. Within Delaware, two coal-fired plants release more than 4 million pounds of air pollution annually.

The prior NSR rule resulted in significant reductions in emissions of dangerous air pollutants. It required power plants, refineries and other industries to install modern pollution controls whenever they "modify" operations in a way that increases pollution emissions. The new NSR Rule undoes these advances. It allows the oldest, dirtiest power plants to continue to operate "grandfathered" as if it were 1950.

The lawsuit is being sent to United States Court of Appeals for the District of Columbia Circuit, as required by the Clean Air Act, and will be docketed on Wednesday, February 26, 2003.