

LOWER COLORADO RIVER AUTHORITY SUED FOR THOUSANDS OF AIR POLLUTION VIOLATIONS AT COAL-FIRED POWER PLANT BETWEEN AUSTIN AND HOUSTON

In Another Major Push to Clean Up Texas Air, Lawsuit Seeks to Enforce Federal Clean Air Act; Pollution at Issue Linked to Asthma, As Well as Heart and Lung Disease.

HOUSTON, TX – March 7, 2011 – Three anti-pollution groups filed a federal lawsuit aimed at cleaning up air pollution from the Lower Colorado River Authority's (LCRA) coal-fired power plant located between Austin and Houston. The lawsuit filed today by the Environmental Integrity Project, Texas Campaign for the Environment, and Environment Texas claims the LCRA's Fayette Power Project is in violation of the Clean Air Act and has violated that federal law thousands of times.

Luke Metzger, director, Environment Texas, said: **“These Clean Air Act violations mean higher levels of dangerous fine particle pollution for the general public and for our members living near the plant. The EPA and scientists have repeatedly said there is no safe level of exposure to fine particle pollution.”**

Ilan Levin, senior attorney, Environmental Integrity Project, said: **“We have done everything we can to try to avoid a lawsuit, and we are still hopeful that we can work with LCRA to address these issues. But the public health costs are too high to allow business as usual at this coal-fired power plant. LCRA is slowly making some progress to reduce sulfur dioxide emissions, and we're asking LCRA to pay attention to the other dangerous air contaminants it emits from its smokestacks.”**

Robin Schneider, director, Texas Campaign for the Environment, said: **“For too long, LCRA has hidden behind their so-called Flexible Air Permit to avoid cleaning up dangerous smokestack emissions. Polluters in Texas need to understand that even if the state is not on the case, concerned citizen groups will seek to make sure that the federal law is upheld in this state.”**

The groups' lawsuit makes good on a July 2010 “notice of intent” explaining that the LCRA's coal-fired Fayette power plant is violating one of the most important federal clean air protections, called “New Source Review,” by ramping up capacity and increasing levels of dangerous particle pollution without making required pollution control upgrades. Particulate matter (PM) air pollution is not always visible to the eye, but is linked to asthma and to heart and lung disease.

The lawsuit also alleges tens of thousands of violations of air pollution limits found in the power plant's air pollution permits. In addition, the groups claim that LCRA deprived the State of Texas more than \$500,000 in annual air pollution fees that are used to pay for the cost of clean air programs, by under-reporting the amount of particulate matter that is emitted into the air from the plant's smokestacks in annual reports filed with the Texas Commission on Environmental Quality.

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

The Lower Colorado River Authority's Fayette Power Project facility consists of three coal-fired boilers, designated as Units 1, 2, and 3, and associated facilities and material handling. Units 1 and 2, jointly owned by LCRA and the City of Austin, each have an electric generation capacity of approximately 600 megawatts. Unit 3 is owned solely by LCRA and has an electric generation capacity of approximately 450 megawatts.

ABOUT THE GROUPS

The Environmental Integrity Project (<http://www.environmentalintegrity.org>) is a nonpartisan, nonprofit organization established in March of 2002 by former EPA enforcement attorneys to advocate for effective enforcement of environmental laws. EIP has three goals: 1) to provide objective analyses of how the failure to enforce or implement environmental laws increases pollution and affects public health; 2) to hold

federal and state agencies, as well as industries, accountable for failing to enforce or comply with environmental laws; and 3) to help local communities obtain the protection of environmental laws.

Texas Campaign for the Environment is dedicated to empowering Texans to fight pollution through sustained grassroots organizing campaigns that shift corporate and governmental environmental policy. TCE is a non-partisan, non-profit citizens' organization that focuses on local and state issues. TCE has organized award-winning campaigns to protect our public health in Texas. Polls consistently show Texans support policies to protect the environment and our quality of life; TCE works to give Texans the opportunity to channel that support into action.

Environment Texas is a statewide, citizen-based environmental advocacy organization. Our professional staff combines independent research, practical ideas and tough-minded advocacy to overcome the opposition of powerful special interests and win real results for Texas' environment. Environment Texas draws on over a decade of success in tackling our state's top environmental problems.

CONTACT: Leslie Anderson, (703) 276-3256 or landerson@hastingsgroup.com.