EPA Says KDHE Not Honest about Permit Objections

the Associated Press

KANSAS CITY, Mo. (AP) — An Environmental Protection Agency official has accused lawyers representing a Kansas agency of lying to the state Supreme Court about support for a permit that would allow a $2.8 billion coal-fired power plant to be built in southwest Kansas.

In a letter this week to the Kansas Department of Health and Environment, EPA Region 7 administrator Karl Brooks took issue with KDHE claims in written arguments to the Supreme Court last month that the EPA didn't have a problem with the permit for construction of the Sunflower plant near Holcomb.

"EPA has no substantial objection to the issuance of the construction permit," attorneys for KDHE wrote.

Brooks' letter said, "Kansas incorrectly informed the court" that EPA did not object.

The Sierra Club and Earthjustice have filed a lawsuit seeking to block construction of the power plant, which has been the subject of a six-year battle between supporters who say the plant is needed and environmentalists who believe the coal-fired plant will create harmful greenhouse gases.

Lawyers for the two groups argued in a filing with the court that the state permit issued by KDHE to Sunflower Electric Power Corp. did not comply with the Clean Air Act.

The brief claims the permit does not include enforceable limits on nitrogen oxides and sulfur dioxide pollution, failed to follow requirements to consider use of best available control technology and denied the public a fair opportunity to participate in the agency's evaluation.

The state says the pollution levels it allowed in a permit for the plant are safe for humans, but the Sierra Club said in its lawsuit that those levels aren't safe.

The Kansas City Star reported Wednesday (http://bit.ly/sfmvfv) that the EPA says it has voiced its opposition to the permit in letters and discussions over the past two years.

Brooks' letter said KDHE failed to tell the Supreme Court that it had received three letters from the EPA saying the permit was not strict enough.

Both KDHE and Sunflower Electric declined to comment on the issue. The EPA said Brooks' letter speaks for itself.

The Sierra Club said it plans to make a big deal out of the inaccurate Kansas statement when it files its own arguments with the court.

"EPA has consistently told the state that the permit needed more stringent limits on certain pollutants," Stephanie Cole, spokeswoman for the Sierra Club, told The Star in an interview. "KDHE not only ignored EPA's request to amend the permit to include the more stringent limits, but now KDHE is actually attempting to mischaracterize EPA's position to the court."

The project has been the center of political and legal disputes since 2006. Supporters of the project say the plant will bring crucial jobs and economic development to western Kansas. Opponents contend the plant will pollute, draw down water reserves and provide electricity that isn't needed in Kansas. Colorado residents will receive much of the electricity.

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Information from: The Kansas City Star, http://www.kcstar.com *[1]*

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