

AG Hails Court 'Victory' against EPA

PAUL J. WEBER, Associated Press

SAN ANTONIO (AP) — Republican leaders in Texas, who have spearheaded more than 20 lawsuits against the federal government in the last two years, trumpeted a second victory in as many weeks Tuesday after an appeals court overturned regulations aimed at curbing downwind pollution.

The latest ruling impacts more than two dozen states, but it was another win for Texas in a long-running fight with the Environmental Protection Agency. Texas has the nation's largest supply of coal-fired power plants, which were at the heart of the disputed federal restrictions.

The U.S. Court of Appeals for the District of Columbia ruled that regulations adopted last year by the EPA were too strict, siding with Texas and other upwind states that sought to block them. The EPA pursued the measures to cut down on pollution spreading into neighboring states.

Last week, another appeals court struck down the EPA's rejection of Texas' method for approving air permits.

Texas Attorney General Greg Abbott said Tuesday that the power plant regulations had threatened the reliability of electric service and jobs.

"Vindicating the state's objections to EPA's aggressive and lawless approach, today's decision is an important victory for federalism and a rebuke to a federal bureaucracy run amok," Abbott said in a statement.

Abbott, a Republican who is widely rumored to be mulling a run for governor in 2014, has filed 20-plus lawsuits since 2008 against various arms of President Barack Obama's administration. More than half are against the EPA, while others include so-far unsuccessful efforts to block federal health care reforms and implement a Texas law requiring voters to show identification at the polls.

Other top Texas Republicans, including Gov. Rick Perry and U.S. Sen. John Cornyn, echoed Abbott in trumpeting Tuesday's 2-1 decision by the federal panel. So did the Electric Reliability Council of Texas, which operates the electric grid for the majority of the state.

"The rule, as originally proposed, had potentially far-reaching reliability impacts for a grid in which electric use is growing far more rapidly than new generation resources are being built to serve that need," ERCOT chief executive Trip Doggett said.

Local and national environmental groups condemned the court's decision. Luke Metzger, director of Environment Texas, said the ruling "threatens the lives of

AG Hails Court 'Victory' against EPA

Published on Chem.Info (<http://www.chem.info>)

thousands of Americans who have lived in the deadly shadow of power plant pollution for far too long."

The rule had been scheduled to take effect in January.

Sulfur dioxide and nitrogen oxide pollution from power plants can be carried long distances, and the pollutants react with other substances to form smog and soot, which have been linked to illnesses. The cross-border pollution has prevented many cities from complying with health-based standards set by law.

According to Abbott, the EPA's decision to include Texas under the rules was flawed because it was based on a downwind air quality monitor in Illinois. The Texas Commission on Environmental Quality said in a statement that the EPA tried installing "the nonsensical requirement that Texas reduce sulfur dioxide emissions by 47 percent in order to address a hypothetical and minute effect on a monitor hundreds of miles and several states away."

Texas is home to 19 coal-fired power plants and there are proposals to build several more.

Tuesday's decision carried greater weight than the favorable ruling the state received Aug. 13 in another lawsuit against the EPA. In that case, a divided three-judge panel of the 5th U.S. Circuit Court of Appeals struck down the EPA's rejection of the flexible permitting program used by state environmental regulators.

The flexible permit program allows plants to operate under an emissions "umbrella" that does not detail pollution from different sources. The court ruled that the EPA must reconsider the state's program.

Associated Press writer Will Weissert in Austin contributed to this report.

Source URL (retrieved on 10/31/2014 - 12:29am):

<http://www.chem.info/news/2012/08/ag-hails-court-victory-against-epa>