

## Clean Air Groups Pressure Pennsylvania to Keep Coal Plant Permits Up-to-Date

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**April 9, 2012**

**Harrisburg, PA —**

Pennsylvania conservation and clean air groups filed an appeal late Friday April 6 with the Pennsylvania Environmental Hearing Board, to force the state's Department of Environmental Protection (DEP) to renew overdue air quality permits for coal plants across Pennsylvania.



In Pennsylvania, the Title V program as it applies to coal plants has been stalled for several years.  
(Chris Jordan-Bloch / Earthjustice)

The action seeks to force the state to issue new, tougher permits for the coal plants that will reduce air pollution. As things stand, coal plants are free to pollute the air that Pennsylvanians rely on for good health.

"The state of Pennsylvania is letting highly polluting coal-fired power plants off the hook from controlling their pollution, and it's being dumped on the rest of us instead of being contained and controlled," said Earthjustice attorney Charles McPhedran, who is representing the groups. "The state's inaction presents a great threat to the

health of Pennsylvanians and neighboring states. That's why we're acting to get the state to step in and regulate the pollution."

Major sources of air pollution must obtain Title V permits (under Title V of the Clean Air Act and the Pennsylvania Air Pollution Control Act) authorizing their operation. These permits serve as an invaluable tool for citizens seeking to understand plant operations and the often complex interplay of regulatory requirements that protect the public health. Air pollution requirements may be enforced by government and citizens alike, and the timely issuance of Title V permits provides an opportunity for citizens to be heard regarding ongoing pollution issues—and even to petition the United States Environmental Protection Agency to object to a permit that is inadequately protective.

"By sitting on applications for the renewal of air quality permits, DEP is not only allowing facilities to escape important pollution control and monitoring requirements," said Zachary Fabish, an attorney for the Sierra Club. "Just as important, DEP's inaction denies citizens the right to be heard and the right to enforce up-to-date permit terms."

Title V permits are generally valid for five years, at which point they must be renewed to incorporate any new regulations. Sources must apply for permit renewal from six to eighteen months in advance of their current permit expiration. By law, DEP must then act on applications within 18 months of submission of a complete application. Proposed Title V permits are also published for public comment in the Pennsylvania Bulletin, offering the public meaningful notice and an opportunity to be heard.

In Pennsylvania, the Title V program as it applies to coal plants has been stalled for several years, and applications by many large coal-fired power plants are languishing at Pennsylvania DEP. In fact, some applications for coal-fired power plants are pending for five years or more at the agency.

"The ongoing failure of the DEP to renew Title V operating permits for coal plants negates any meaningful public participation," said David Masur, Executive Director, PennEnvironment. "Their failure deprives Pennsylvanians of the opportunity to provide written comments and to offer testimony at public hearings."

"Alarming, as a result of the delay, many of these plants with outdated permits are violating compliance with important new rules like the 1-hour National Ambient Air Quality Standard ('NAAQS') for sulfur dioxide," said Joe Minott, Executive Director, Clean Air Council. "The bottom line is that Pennsylvanians deserve nothing less than to have all coal plants in the state following the newest regulatory requirements that are in the best interest of their health."

The appeal was prepared and filed by public interest law firm Earthjustice, on behalf of the Sierra Club, Clean Air Council and PennEnvironment.

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