

DRAFT POLLUTION PERMITS FOR DUNKIRK PLANT CONFIRM THAT PLAN IS TO KEEP BURNING COAL

Clean Air & Water Groups Decry Polluter Permit Applications, Call on Cuomo to Reject Any Permit Which Includes Coal Burning

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Contact:

Adam Beitman, Sierra Club, adam.beitman@sierraclub.org or 202-670-5585

Shannon Fisk, Earthjustice, sfisk@earthjustice.org or 215-717-4522

ALBANY, NY. – On Friday, the Sierra Club and Earthjustice filed formal comments with New York’s Department of Environmental Conservation (DEC) regarding draft air and water pollution permits that DEC proposed in response to permit applications submitted by Dunkirk coal plant owner NRG. According to the groups, the permit applications and draft permits confirm that the Cuomo administration’s bailout of the plant would enable it to continue burning coal indefinitely. In December of 2013, Governor Cuomo spearheaded a bailout deal that he claimed would convert the economically failing Dunkirk coal plant to gas, even though the switch would cost New York ratepayers several times more than proposed transmission upgrades, the most cost effective solution for ratepayers. Recently, the New York Public Service Commission approved that deal, which will cost electricity customers over \$150 million.

Now, NRG’s air pollution permit application proves that the deal is really a coal bailout in disguise, as the Company explains that “the capabilities of firing coal will remain, with the intent of the units being fired on either coal or natural gas as primary fuels. Coal firing capacities will not change.” In other words, the Dunkirk plant could continue or revert to burning dirty coal at any time despite the installation of gas infrastructure upgrades. Further, the DEC’s draft permit proposes a limit for nitrogen oxides that reflects what state law requires for units burning coal rather than natural gas, effectively skirting NRG’s previous pollution reduction promises.

“Governor Cuomo and his Public Service Commission are forcing electricity customers to sink \$150 million of their hard earned money to bail out coal plants when New York should be moving away from coal and toward clean, renewable energy. Governor Cuomo and the Department of Environmental Conservation should reject these permit applications because if approved Dunkirk would continue to be able to burn coal 100% of the time” **said Lisa Dix, Senior New York Sierra Club Beyond Coal Representative.** “NRG should go back to the drawing board right away and draft

permit applications that include zero room for burning coal—or give electricity customers back their money.”

“This deal and these permit applications set a harmful precedent for the other failing coal plants across the state, upset New York’s competitive energy market, and put New York families’ health at risk by allowing more ratepayer subsidies for dirty, outdated, and uneconomic plants” **said Shannon Fisk, Managing Attorney at Earthjustice, a non-profit environmental law firm.** “In order for Governor Cuomo to fulfill his promise to be a climate leader, he needs to transition New York beyond coal, aid communities and workers in this transition, and focus on building a job-creating renewable energy economy.”

In addition to highlighting the bailout of coal, the groups’ comments focus on many significant water pollution issues associated with the past and continued burning of coal at the Dunkirk plant, and argue that DEC has the obligation to conduct a full technical review and significantly upgrade its existing water pollution controls in order to comply with the Clean Water Act and New York regulations. Additionally, and in order to comply with existing laws and regulations, the DEC must address Dunkirk’s ongoing unpermitted toxic coal ash discharges, which are seeping into Lake Erie, before issuing any new water permit.

As a coal-burning plant, NRG’s Dunkirk would continue to pollute New York’s air with dangerous smog-causing nitrogen oxides, sulfur dioxide, and soot, and our water with mercury, arsenic, and other dangerous toxic metals.

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Campaign Name: