

Tri-State petitions Federal Court to review EPA rule

Not-for-profit wholesale power supplier Tri-State G&T on April 13th filed a legal challenge to the Environmental Protection Agency's costly Mercury and Air Toxic Standards (MATS) Rule.

The association's lawsuit asks a federal appeals court in Washington D.C. to review the rule, which is not lawful under the Clean Air Act and will significantly increase electricity costs.

"The EPA's MATS rule harms rural electric consumers," said Ken Anderson, executive vice president and general manager of Tri-State. "The rule was developed in a flawed regulatory process, will impose substantial and unwarranted costs on existing plants, and will effectively prohibit the construction of new coal plants."



Tri-State responsibly generates reliable and affordable electricity for its member electric cooperatives and complies with increasingly rigorous state and federal laws. Tri-State's coal-fired power plants are low emitters of mercury and comply with stringent state mercury limits in Colorado and New Mexico. In fact, Tri-State's Nucla Station in western Colorado is listed by the EPA in the database to establish the rule as having the lowest mercury emissions of any coal-fired plant in the U.S.; yet the plant will still be burdened with additional regulatory requirements under the rule.

"The EPA overstates the benefits of the rule and underestimates the costs," said Anderson. "The rule is unworkable and has an unrealistic timeframe to implement."

The rule is one of the most expensive regulatory programs in U.S. history. A comprehensive analysis by National Economic Research Associates found that the MATS rule and other finalized and pending EPA regulations for power plants using coal could cost an average of 183,000 jobs every year from 2012-2020 and increase electricity and other energy prices by \$170 billion.

"This rule, along with other recent EPA regulatory actions, appears geared to taking coal off the table to help meet our nation's electricity needs," said Anderson. "We need all options, including coal, to ensure affordable, reliable and responsible power."

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