

Blue Ridge Environmental Defense League

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GROUPS LAUNCH LEGAL CAMPAIGN AGAINST DUKE ENERGY POWER PLANT To Cut Pollution from Natural Gas-powered Turbines

Today two groups announced the filing of a Clean Air Act lawsuit with the US Environmental Protection Agency against the permit for the Richmond County Combustion Turbine Facility in Hamlet.

In a legal petition filed January 17th, the Blue Ridge Environmental Defense League and the Concerned Citizens of Richmond County stated that they oppose the air pollution permit because of North Carolina's failure to comply with the federal Clean Air Act. The two principal objections were that the NC Division of Air Quality had: 1) Failed to require the best available pollution controls for hazardous air pollutants and 2) Failed to properly address the question of common control of the electric power turbines at the site operated by Duke Energy Progress and Piedmont Natural Gas.

Lou Zeller, Blue Ridge Environmental Defense League Executive Director, said, "We saw needless complexity in the permit which compelled us to launch this challenge. It appears to us that Duke Energy Progress is playing a pollution shell game." State records show that the NC Division of Air Quality has issued five new permits in five years at this facility. And the agency used the same permit number for two separate permit applications.

Since 2009, the permit modifications requested by Duke Energy Progress and granted by the state allowed the Richmond County Combustion Turbine Facility to add two combustion turbine generators and a new natural gas fired auxiliary boiler, modify an existing natural gas fired boiler, increase the use of natural gas fuel and agreed to remove six natural gas powered units from the permit, although they continue to operate within the facility's fence line.

Cary Rodgers, community organizer for the League, said, "EPA can force the state to do what is right for the health of its citizens who are directly impacted from this facility and that's all we're asking for." The changes permitted the facility to expand by 36%, increasing air pollution in the Hamlet area, especially formaldehyde and benzene.

Elizabeth Evans, pastor of Church of God of Prophecy and newly elected president of Concerned Citizens of Richmond County said, "The excess pollution from the expansion of this plant will increase our risk of cancer and other diseases, especially for children and the elderly

who live around the plant. We must say, no.” Her group is comprised of residents living near the plant.

Under the federal Clean Air Act, permits granted by the state for air pollution control are supposed to protect public health. The Act allows the interested public to object to the issuance of permits if they fail to comply with the law. The changes granted by North Carolina at the Richmond County plant allow significant modification of the facility. According to the groups’ petition, a permit must comply with the air quality program under Title V of the Act and implementing regulations under 40 CFR Part 70, but the questionable exclusion from the permit of emissions sources still operating within the energy complex coupled with the removal of compliance with maximum achievable control technology (MACT) and alterations in enforcement of rule requirements make the permit unacceptable. The petition calls upon EPA to require the NC Division of Air Quality to redraft the permit as a site-wide permit, require Duke Energy Progress to abide by the NC State Implementation Plan, and prevent six combustion sources from being separated from the existing permit.

The statewide Blue Ridge Environmental Defense League was founded in 1984. From 1987 to 1999 the League worked with Richmond County residents organized as FORRCE in a successful campaign against the eight-state nuclear waste dump considered for Hamlet.

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Petition attached