



## **Power4Georgians Statement on December 16, 2010 Administrative Law Judge's Ruling**

(Atlanta Ga. – December 16, 2010) A We are very disappointed by this decision. As the ALJ acknowledged throughout her decision, Plant Washington's permit contains a collection of the lowest emission limits of any coal-fired power plant in the country. These limits were the product of rigorous analyses by EPD. In the end, the ALJ elected to elevate form over substance, in that she focused on the words that the EPD witnesses used to explain their analyses, rather than the low emission limits that their analyses produced.

We are surprised by her decision.

In reaching her decision on two of the MACT claims, the ALJ ignored the fact that Plant Washington's MACT surrogate emission limitations for PM-filterable and carbon monoxide (CO) have recently been cited by another court, and even the Sierra Club, as the lowest emission limitations that have been permitted for new coal-fired power plants.

The ALJ ruled in P4G's and EPD's favor on the majority of Petitioners' claims. Of the five (5) claims left in the case, the ALJ rejected three (3) of these claims. Specifically, the ALJ rejected Petitioners' claims regarding (a) the BACT emission limitation for sulfuric acid mist; (b) the use of CO as a surrogate for the control of dioxins and furans; and (c) P4G's air dispersion modeling of PM10. The ALJ concluded, however, that the MACT emission limitations for PM-filterable and carbon monoxide (CO) are "not reflective of MACT." The ALJ did not agree that Petitioners' proposed alternative PM-filterable and CO emission limitations were "reflective of MACT;" rather, she concluded that EPD and P4G failed to support the Permit's PM-filterable and CO emission limitations with sufficient data and analysis.

It is important to note that P4G's intention to move forward with plans to develop and construct Plant Washington is unchanged. The ruling is 69 pages long and it was received this afternoon. We view this as a temporary setback and we are reviewing the decision carefully to determine the best path forward for this project. Coal continues to be an important and essential part of a reliable, low-cost energy portfolio for the future as evidenced by progress made recently on other plants across the nation.

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