



Judges in the White Stallion Hearing Find Application "Deficient" *Recommend Concerns about Health Effects, Ozone and Toxics be Addressed*

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(Austin and Bay City, TX) The administrative law judges (ALJs) of the State Office of Administrative Hearings (SOAH) in a controversial case over whether to permit the proposed 1,200 MW "White Stallion" coal plant near Bay City, Texas, announced Monday, July 5, 2010, that they could not recommend issuance of the permit. The ALJs found the application to be deficient in several respects. In sending their proposed findings to the Texas Commission on Environmental Quality (TCEQ), the ALJs recommended TCEQ gather more information from White Stallion to address specific deficiencies within 180 days. The ALJs found White Stallion:

- relied upon unapproved ozone monitoring data,
- failed to conduct a health effects review for coal dust,
- failed to determine the appropriate emission limits for the hazardous air pollutants Hydrochloric Acid (HCl) and Hydrogen Fluoride (HF).

Opponents to the plant were guarded in their reactions:

"This is a step in the right direction. Two Texas administrative law judges agreed with opponents that this is another new coal plant permit that should not be issued. While they don't go as far as we'd like, the judges handed us a win, and possibly set the permitting of White Stallion back for as much as six months," said **Allison Sliva, third generation Matagorda County citizen and president of No Coal Coalition.**

"It's great to see that common sense and doing the right thing are starting to come back in vogue in Texas, continued Ms. Sliva. "Common sense tells us that it's a bad idea to build a dirty coal plant on a river that's been declared an estuary, just a few miles from a bay and the Gulf of Mexico, and on a site that's within a 100-year flood plain on the Texas Gulf Coast."

"We are pleased the judges realized that you can't make sound judgment on air quality based on air monitors over 100 miles away, especially given the heavy level of industrial air pollution within 40 miles," said **Tom "Smitty" Smith of Public Citizen's Texas office.** "It's nuts to think this plant won't affect air quality in the highly polluted Houston/Galveston area. We think that

the use of local monitors should be required along with a full analysis of the plant's impact on the Houston area."

"With the seafood industry already being grossly impacted by pollution to the Gulf Coast because of the oil spill, it's good to see that someone cares about the environment in Matagorda County," said **Buddy Treybig, Matagorda County commercial fisherman and seafood industry leader.**

"If allowed to be built, White Stallion would be a dirty source of toxic emissions that would impact not only Matagorda County but also Houston's smog levels. said **Neil Carman, clean air program director for the Sierra Club's Lone Star Chapter.** The SOAH judges correctly identified several areas of deficiency including failure to consider the health effects of coal dust, inadequate ozone modeling, and failure to use Maximum Achievable Control Technology (MACT) for two hazardous air pollutants, hydrochloric acid and hydrofluoric acid. This plant should not be built."

"The ALJs did not explain whether a ruling by TCEQ for a remand of the permit would be necessary to consider the deficiencies in the application, but suggested TCEQ consider it," said Smith. "Following on the heels of TCEQ's remand of the Las Brisas application, and given the increased oversight from the EPA, we can only hope TCEQ will do the right thing and reject this application, require White Stallion to reapply and give everyone a chance to re-examine the permit."

"The important thing to remember is that Texas doesn't need new coal plants. Coal plants, including White Stallion, are just too dirty. So, nationwide we're turning away from building coal plants. In Texas, we're meeting more and more of our energy needs through energy efficiency and renewables, such as wind and solar power," continued Smith. "Texas needs a new energy future and TCEQ can lead the way if they take this opportunity to advance its record on environmental quality and protect the lives and well-being of people throughout the state."