



For Immediate Release
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MADIGAN CHALLENGES ISSUANCE OF AIR POLLUTION PERMITS FOR MIDWEST GENERATION POWER PLANTS

Chicago - Attorney General Lisa Madigan today announced the next step in her ongoing legal challenge to the issuance of Clean Air Act permits to Midwest Generation, LLC for its six coal-fired power plants in Illinois.

The Attorney General's office initially filed objections to operating permits granted by the Illinois Environmental Protection Agency (IEPA), on behalf of the U.S. EPA, to Midwest Generation, arguing that the permits illegally allowed the power plants to release too much pollution into the air. In June, the U.S. EPA Administrator denied the Attorney General's objections. Today, Madigan filed a Petition for Review of the U.S. EPA decision with the Seventh Circuit Court of Appeals in Chicago .

In challenging the issuance of new Clean Air Act (CAA) permits to Midwest Generation, Madigan's office specifically argued that the power plants were not in compliance with existing permits regarding opacity levels at the power stations and, in fact, did not have a compliance schedule in place for regulating soot emanating from the facilities.

“These power plants continue to add more pollution to the air that we breathe than allowed under the Clean Air Act,” Madigan said. “The permitting process should provide an opportunity to make sure that these plants comply fully with the Clean Air Act and reduce the amount of pollution they add to our environment.”

Midwest Generation operates five power stations in northern Illinois , including the Fisk and Crawford plants in Chicago and plants in Waukegan , Will County , and Joliet . The company also operates the Powerton facility near Pekin in Central Illinois . As part of an analysis of the plants' pollution levels, Madigan's office documented more than 7,600 CAA violations at the power plants. Madigan also argued that Midwest Generation failed to comply with the New Source Review requirements under the CAA.

Madigan began raising concerns about the air pollution levels at the Midwest Generation power plants by filing formal comments in opposition to IEPA's proposed CAA permits in 2003 and 2005. Under CAA regulations, once the U.S. EPA denied the objections to the permits, Madigan's office had 60 days after the denial was published in the Federal Register to seek judicial review in the Seventh Circuit.

Supervising Attorney Jerald Post is handling the case for Madigan's Civil Appeals Division.

-30-

[Return to September 2007 Press Releases](#)