



# Department of Justice



## ENVIRONMENTAL PROTECTION AGENCY & ILLINOIS ATTORNEY GENERAL'S OFFICE

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### **UNITED STATES & ILLINOIS FILE CLEAN AIR ACT LAWSUIT AGAINST MIDWEST GENERATION**

*Complaint Is Part of National Initiative to Stop Illegal Pollution from Coal-Fired Power Plants*

WASHINGTON—The United States and the state of Illinois have filed a civil complaint against Midwest Generation LLC, alleging that the company violated, and continues to violate, the Clean Air Act, announced the Justice Department, U.S. Environmental Protection Agency (EPA) and the Illinois Attorney General's office.

The complaint alleges that Midwest Generation made major modifications to its coal-fired power plants in Illinois without also installing and operating required pollution control equipment. As a result, Midwest Generation's six Illinois power plants, which have a combined capacity of more than 6,000 megawatts, are illegally emitting massive amounts of sulfur dioxide, nitrogen oxide and particulate matter. The complaint also alleges that emissions from Midwest Generation violated opacity and particulate matter limits.

The lawsuit, filed by the Justice Department on behalf of the EPA and the state of Illinois Attorney General's Office, asks the court to order Midwest Generation to install and operate state-of-the-art air pollution control technology to substantially reduce emissions from the Midwest Generation power plants. The United States and the state of Illinois also seek civil penalties up to the maximum amount authorized by law, as well as actions by Midwest Generation to mitigate the adverse public health and environmental effects caused by the violations.

"The excess illegal emissions resulting from the violations alleged in the complaint are sufficient to cause serious harm to human health and the environment. Today's federal court filing is the first step in this litigation and it demonstrates our commitment to ensuring compliance with environmental laws in the energy sector," said John C. Cruden, Acting Assistant Attorney General for the Justice Department's Environment and Natural Resources Division.

"EPA's first priority is to protect the health of the people who live near these six plants and are most exposed to their pollution," said EPA Region 5 Acting Administrator Bharat

Mathur. “Today's filing is a significant step toward improving the air quality not only of the communities in the shadow of these plants but for those downwind of their emissions as well.”

“I am very concerned about the negative health effects that these aging plants have on the people who live in the communities where the Midwest Gen facilities are located,” said Attorney General Lisa Madigan. “All Midwest Generation power plants must comply with the Clear Air Act and the Illinois Environmental Protection Act to safeguard public health and the environment.”

Coal-fired power plants collectively produce more pollution than any other source in the United States. Emissions from coal-fired power plants cause detrimental health effects, including heart attacks, respiratory disease and premature mortality.

To combat these adverse effects, the EPA and the Justice Department are pursuing a national initiative, targeting electric utilities whose coal-fired power plants violate the law. The suit was filed in the U.S. District Court for the Northern District of Illinois.

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