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### Alabama Power Company to Spend More Than \$200 Million Under Clean Air Act Settlement

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(Washington, D.C. - April 25, 2006) The air quality in Alabama and downwind states will improve significantly because the federal government is requiring a utility to reduce emissions of two harmful pollutants by more than 27,000 tons per year.

The U.S. Department of Justice and the Environmental Protection Agency today announced a partial settlement of a case alleging violations of the New Source Review (NSR) provisions of the Clean Air Act against the Alabama Power Company James H. Miller, Jr. Plant, a coal-fired power plant near West Jefferson, Ala. This consent decree will reduce emissions of harmful sulfur dioxide (SO<sub>2</sub>) and nitrogen oxides (NO<sub>x</sub>) from the Miller plant. The pollution controls and other measures required by the consent decree are expected to cost more than \$200 million.

Sulfur dioxides and nitrogen oxides cause severe respiratory problems and contribute to childhood asthma. These pollutants are also significant contributors to acid rain, smog and haze, which impair visibility in national parks. Emissions from power plants are carried significant distances downwind, causing air quality problems in other states to which the polluted air is carried.

"The combined reductions in SO<sub>2</sub>, NO<sub>x</sub> and particulate matter mandated by this settlement will greatly improve the air quality in Alabama and downwind states," said Sue Ellen Wooldridge, assistant attorney general for the Justice Department's Environment and Natural Resources Division. "We are pleased that Alabama Power has committed to measures that will reduce the pollution from the Miller plant and contribute to overall improved air quality."

"We are pleased that Alabama Power has committed to measures that will reduce the pollution from their plants and contribute to overall improved air quality, and this settlement secures for the citizens of Alabama and downwind states a dramatic and permanent reduction of more than 27,000

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tons per year of harmful air pollutants from the James H. Miller, Jr. Plant," said Granta Y. Nakayama, assistant administrator for EPA's Office of Enforcement and Compliance Assurance. "EPA will continue to enforce our nation's environmental laws and bring us closer to ensuring clean air compliance across our nation."

"The control technology which Alabama Power will install as a result of this consent decree will achieve major air pollution reductions and improvements in air quality," said Stan Meiburg, EPA deputy regional administrator in Atlanta. "This settlement has tremendous significance for our ongoing effort to ensure cleaner air for all."

Today's partial settlement resolves the claim the federal government filed in 2001 as part of an initiative to bring operators of coal-fired power plants into compliance with the NSR provisions of the Clean Air Act. The claim alleged that Alabama Power failed to complete construction of two units at the Miller plant (Units 3 and 4) within the time required to qualify as "existing" rather than "new" air pollution sources, and therefore the plants were required to comply with the New Source Review requirements.

The federal government also asserted claims as to four other Alabama Power coal-fired plants (Plant Barry in Mobile County, Plant Gaston in Shelby County, Plant Gorgas in Walker County, and Plant Greene County in Greene County) concerning the alleged modification of units at those plants in violation of NSR requirements. Those claims are not addressed by this partial consent decree. The federal government and Alabama Power have been exploring a separate resolution of those remaining claims under court-ordered mediation.

The consent decree will significantly lower annual emissions from the Miller plant, reducing SO<sub>2</sub> emissions by nearly 23,000 tons and NO<sub>x</sub> emissions by approximately 5,000 tons per year. Miller Units 3 and 4 will install and operate, by Dec. 31, 2011, state-of-the-art SO<sub>2</sub> pollution flue gas desulfurization devices (scrubbers) to reduce SO<sub>2</sub> emissions by at least 95 percent. To further reduce SO<sub>2</sub> emissions into the atmosphere, Alabama Power will purchase and retire \$4.9 million worth of SO<sub>2</sub> allowances (each allowance is equal to one ton of SO<sub>2</sub>) under the acid rain trading program of the Clean Air Act, which will reduce SO<sub>2</sub> emissions nationwide by an estimated 6,600 tons.

To reduce NO<sub>x</sub>, Alabama Power will, by May 1, 2008, commence year round operation at both units of the state-of-the-art, selective catalytic reduction (SCR) pollution control technology it currently operates during only five months of the year.

This is the eleventh settlement that the federal government has entered into to address Clean Air Act New Source Review violations at coal-fired power plants. The combined effect of the settlements achieved to date will be to reduce emissions of harmful pollutants by more than 975,000 tons

each year through the installation and operation of over \$5.6 billion worth of pollution controls.

The proposed consent decree will be lodged with the United States District Court for the Northern District of Alabama, for a 30-day public comment period. [More information](http://epa.gov/compliance/resources/cases/civil/caa/alabamapower.html): [epa.gov/compliance/resources/cases/civil/caa/alabamapower.html](http://epa.gov/compliance/resources/cases/civil/caa/alabamapower.html)

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