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**Atlanta-** Sierra Club and the Alabama Environmental Council today won a landmark air pollution decision against the Tennessee Valley Authority in the 11<sup>th</sup> Circuit Court of Appeals. The Appeals Court ruled that the State of Alabama's policy not to enforce emission limits at TVA's Colbert power plant did not – and could not – change federal law, and that the citizens' suit to enforce the law against TVA should not have been dismissed by the Alabama Federal District Court.

This is great day for clean air," said Dusty Farned, an Alabama Environmental Council member who provided testimony to the court. "I'm tired of breathing the pollution from TVA's power plant, and I'm really tired of TVA spending our money to avoid responsibility for its pollution violations."

Lamar Marshall, a member of Sierra Club and the Alabama Environmental Council, stated "It's gratifying after all these years to finally bring TVA to justice. We are pleased that the appeals court saw through TVA's excuses and we look forward to breathing healthier air in the near future."

In the case, the citizen groups alleged that TVA had over 8900 violations of rules prohibiting emissions of dark smoke ("opacity"). In its ruling the appeals court knocked down TVA's central defense: that because the state of Alabama gives TVA around 1,700 free air pollution violations every year before taking any enforcement action, citizens were prevented from suing TVA for those violations. The court described the situation this way:

"It's a brassy argument," the appeals court stated. According to the court: "TVA points to nothing in the record that gives the slightest support for the notion that ADEM in proposing the 20% opacity limitation, or EPA in approving it, counted on industries getting away with more pollution than stated in the limitation because of ineffective enforcement."

"The Attorney General of Alabama and the Alabama Department of Environmental Management should be ashamed. Instead of enforcing our environmental laws they've been caught working hand-in-hand with polluters to evade the law. Isn't it time to return to fundamentals of governance, where our state works to catch – rather than shield –law breakers?" asks Jayme Hill, AEC Executive Director.

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