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ADVOCATES

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Nevada Environment Commission to consider climate petition
Proposed cap on CO2 pollution would suspend permitting for new coal-fired power plants

CARSON CITY – The Nevada Environmental Commission is scheduled to take testimony Friday on a formal petition to draft rules for capping the amount of global warming pollution that power plants doing business in the state can emit.

The petition, signed by seven organizations representing more than 12,000 Nevada residents and submitted to the state on July 31, also requests a suspension of permitting on any new conventional coal-fired power plants in Nevada until the commission drafts the limits on global warming pollution.

The hearing will take place at the Legislative Counsel Bureau Chambers in the State Legislative Building (Room 2135), 401 South Carson St. in Carson City. The hearing also will be held via teleconference in Las Vegas at the Legislative Counsel Bureau in the Grant Sawyer Building (Room 4412), 555 E. Washington St. The petition is tentatively set to be heard at 1 p.m.

This is the first time ever the Environmental Commission will consider a public petition for a new state regulation.

“The stakes for the people of Nevada are huge, and we’d like the commission to give this petition the same careful and deliberate consideration it does on other proposals,” said Charles Benjamin, the main author of the petition and director of the Nevada office of Western Resource Advocates. “We only have about 30 minutes to present our case Friday. Obviously, that’s not enough time for the commission to make a decision of such magnitude, but we’re ready to work with them in the coming months to help gather the information and testimony they need for an informed decision.”

Currently, proposals for three new coal-fired power plants await permits in Nevada, two in White Pine County and one in Lincoln County. The six units at these facilities would emit an estimated 48.6 million tons of global warming pollution every year.

LS Power’s proposed White Pine plant alone would emit more than 20 million tons of global warming pollution annually, according to its Draft Environmental Impact Statement, or an average of roughly 3,000 pounds per megawatt-hour.

The limits proposed for adoption by the Nevada Environmental Commission would set a standard based on a far-cleaner burning natural gas-fired power plant, or around 1,100 pounds of carbon dioxide per megawatt-hour. Several other states have already adopted or plan to adopt similar standards.

The proposed caps on global warming emissions would apply to power plants built in Nevada that generate 10 megawatts or more of electricity and operate for more than 2,000 hours a year. They also would apply to long-term (three years or longer) contracts to buy power from facilities outside the state that transmit power into Nevada. The new rules would be in effect for any power plant that receives construction or air quality permits after July 31.

“There is a near-unanimous consensus among the world’s leading scientists that our planet is warming and that emissions from power plant smokestacks and vehicle tailpipes are responsible,” said Scot Rutledge, executive director of the Nevada Conservation League. “For the economic well-being

of this state and its residents and businesses, we've got to get a handle on the global warming pollution we continue to generate. This petition is the starting block."

In April, the U.S. Supreme Court issued a landmark decision in *Massachusetts v. EPA*, ruling that greenhouse gases are "air pollutants" under the nation's clean air laws, thereby setting the stage for federal and state action to address global warming pollution.

"The coal rush is on full-steam-ahead in Nevada," said Vickie Patton, senior air attorney for Environmental Defense. "A common sense 'time out' will enable policymakers to protect Nevadans from the damaging impacts of global warming and mercury pollution, and the soaring costs of coal-powered electricity."

Even the utilities themselves are beginning to recognize the inherent risk of building more coal-fired power.

In its annual report filed earlier this year with the federal Securities and Exchange Commission, Sierra Pacific Resources, which has proposed building a new 1,500-megawatt coal-fired power plant near Ely, told shareholders that regulations on carbon dioxide emissions "could make some electric generating units uneconomical to construct, maintain or operate."

Sierra Pacific went on to say that requirements, such as those currently being debated in Congress to cut global warming pollution, could require "extensive mitigation" and "would raise uncertainty about the future viability of fossil fuels, particularly coal, as an energy source for new and existing electric generation facilities."

Ultimately, the company concluded, such regulations could lead to increased compliance and construction costs, and that "could have a material adverse effect on our financial condition and results of operations, particularly if those costs are not fully recoverable from our customers ..."

That risk is one of the reasons leaders from local and federal government have already voiced their official opposition to the construction of new coal-fired power in the state.

In July, Sen. Harry Reid warned the heads of the three companies proposing new coal-fired plants in Nevada, telling them in a letter that their "long-term commitments to old and inefficient combustion technologies" were a mistake. Rather than investing in "energy sources that will pollute the air, increase the risks of global warming, and likely be far more expensive in the future than currently estimated," he said, Nevada should focus on "rapid and significant investments in clean renewable energy and energy efficiency to ensure a more stable, affordable and secure energy future."

Most recently, the Mesquite City Council on Aug. 28 passed a resolution opposing "traditional, fossil fuel-driven options that produce dangerous emissions and disrupt the natural environment." One of the three plants proposed in Nevada, Sithe Global's 750-megawatt Toquop power plant, would be built just a few miles north of the city.

In addition to Western Resource Advocates, groups involved in submitting the petition were: Nevadans for Clean Affordable Reliable Energy, the Bristlecone Alliance, Citizen Alert, the Nevada Conservation League, Progressive Leadership Alliance of Nevada and the Sierra Club.

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