

Federal Court Rules Against Portland General Electric

Court Allows Air Pollution Case to Move Forward

Portland, Ore— A coalition of conservation organizations, including the Sierra Club, Friends of the Columbia Gorge, Northwest Environmental Defense Center (NEDC), Columbia Riverkeeper, and Hells Canyon Preservation Council, prevailed over Portland General Electric (PGE) in a decision denying PGE's motion to dismiss the coalition's lawsuit.

On September 30, 2008, the coalition, represented by the Pacific Environmental Advocacy Center (PEAC), filed suit against PGE for serious violations of the Clean Air Act's health and environmental protection standards over the past three decades at the Boardman plant. In December 2008, PGE filed a motion to dismiss the case. Yesterday, the Federal District Court for the District of Oregon ruled against PGE and in the groups' favor on all issues, allowing the suit to move forward. The decision is a significant victory for Oregonians.

Allison LaPlante, a PEAC attorney representing the coalition explained: "the coalition prevailed against PGE's arguments that installation of better pollution controls could not be required at the Boardman plant." PGE also lost on its arguments that it is too late to enforce violations of the law that have occurred for over thirty years at the plant.

Portland General Electric, Co. (PGE), owns and operates PGE Boardman, the only coal-fired power plant in Oregon. The aging plant is one of only two in the entire western half of the United States that has avoided installing modern pollution controls since it was constructed in the 1970s. As the Court acknowledged, the PGE coal plant is the largest single source of air pollution and greenhouse gas emissions in the state of Oregon. Its emissions endanger public health, cause acid rain and fog deposition in the Columbia Gorge, and impair visibility at over 10 Wilderness Areas and National Parks in Oregon and Washington. The plant is the largest stationary source of nitrogen oxide (NOx) pollution in Oregon (emitting 10,080 tons of NOx in 2003), the largest stationary source of sulfur dioxide (SO₂) in Oregon (emitting 17,821 tons of SO₂ in 2003), and the second largest emitter of toxic mercury in the state. Boardman also generates around 5 million tons of carbon dioxide (the equivalent of nearly one million cars), and hundreds of tons of fine particulate matter each year. Aubrey Baldwin, a PEAC attorney on the case, hailed yesterday's victory as "a significant milestone in the path toward extinction for Oregon's dirty dinosaur."

The victory has national significance for enforcing the Clean Air Act at power plants around the country, but the opinion most immediately affects Oregon's people and special places.

"At a time when Oregonians are calling on PGE to move away from its dependence on dirty coal-fired power, we are heartened that the Federal Court recognizes that PGE's dirty plant should be held accountable for years of illegal pollution," said Robin Everett of the Sierra Club's Beyond Coal Campaign. Sierra Club recently delivered 1500 individual petitions to PGE from Oregonians who support a phase out of Boardman and reinvestment in a clean energy future.

"The Court's opinion brings us one step closer to cleaning up the pollution from the Boardman plant so that it complies with the Clean Air Act and protecting our national scenic treasure, the Columbia River Gorge, from the damaging effects of air pollution," said Michael Lang, Conservation Director for Friends of the Columbia Gorge.

"The Court's ruling is very good news for Hells Canyon and the Eagle Cap Wilderness," said Brian Kelly, Restoration Coordinator for Hells Canyon Preservation Council.

"We're moving forward to reduce PGE's pollution in order to protect human health and fish and wildlife along the Columbia River and beyond," said Brett VandenHeuvel, Executive Director of Columbia Riverkeeper.

PEAC attorneys hope to bring the case to a trial on the merits soon. Tom Buchele, another PEAC attorney on the case, expressed appreciation for the Court's timely ruling, saying, "We appreciate the Court's ruling on PGE's motion only three weeks after the hearing, and we look forward to having the Court view all of the facts and make a final decision as quickly as possible."