

Midwest Environmental
ADVOCATES

PRESS RELEASE

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ENVIRONMENTAL GROUP ANNOUNCES LAW SUIT AGAINST NSP INCINERATOR FOR POLLUTION VIOLATIONS

Madison, WI- A leading state environmental group today announced that it intends to file a law suit against Northern States Power (also known as Xcel Energy) for air pollution violations which contaminate food supplies, cause respiratory ailments and even cause premature deaths. The Environmental Protection Agency (EPA) decided last fall that NSP must upgrade the French Island incinerator in La Crosse in order to control air pollution. NSP has not yet corrected the problem nor paid the local community for its violations.

"We view lawsuits as a last resort," said Keith Reopelle, Program Director for Wisconsin's Environmental Decade, the group announcing its intent to file suit against the utility. "Unfortunately, EPA has not enforced the law they found NSP in violation of and a law suit may be the only way to bring the public health and economic benefits afforded by the Clean Air Act to La Crosse and Western Wisconsin." The Decade has over 300 members living in the area.

Melissa K. Scanlan, Executive Director of Midwest Environmental Advocates, filed the notice on behalf of the Decade. "NSP has known the incinerator needed tighter controls since October of last year and has been in violation of the Clean Air Act since at least December 19th. Its failure to install emission control technology has allowed the unnecessary and unlawful release of dangerous pollutants such as dioxin and mercury into the environment and nearby communities." Additionally, the facility has been operating since 1997 without a valid permit.

The Environmental Decade's official notice of intent to sue points out that the French Island incinerator, located upwind (northwest) of the city of La Crosse, has been failing, on a daily basis, to attain pollution limits required by the federal law including limits on: dioxin, a highly toxic carcinogen; mercury and lead, neurotoxins dangerous to children; and sulfur dioxide and particulates which contribute to respiratory ailments and cause premature deaths.

Tracy L. Littlejohn, a Ho Chunk Nation member, mother, and resident of French Island, is concerned about the potential health hazards associated with the French Island Incinerator. She stated, "I will continue fighting to stop this incinerator from polluting the environment until Xcel Energy can put forth undisputable proof that we are all safe from any emissions from the French Island incinerator as well as other incinerators currently operating. If Xcel is unable to provide this proof, I believe the incinerator should be shut down for good or until it installs new technology to control emissions."

Today's notice of intent to bring a citizen suit "sends a message to NSP," according to Scanlan, "that it cannot continue operating in violation of the law and polluting the region without being held accountable."

Barry Commoner, who served for 34 years as the Director of the Center for Biology of Natural Systems at Queens College, City University of New York, is a renowned scientist on dioxin exposure in North America. When asked about the dioxin emissions from the French Island incinerator, Mr. Commoner stated that "All municipal waste burning incinerators are major contributors to airborne dioxin. These incinerators

are the main source of human exposure to this cancer-causing toxin because the dioxin deposits on fields and moves up the food chain where it concentrates in dairy products and beef."

EPA could require NSP to pay more than \$250,000 a day for all of their Clean Air Act violations. "The EPA shares some of the blame here for not pushing NSP to clean up their act," asserted Reopelle.

"The contract La Crosse County signed with NSP to take its garbage certainly didn't include unlawful air pollution that threatens the counties residents," said Guy Wolf, a local resident and Decade member. "This law suit can open up opportunities for the county to improve its health and solid waste disposal policies at the same time."

"La Crosse pays more for their garbage disposal than any other county in the region," said Wolf. "The county needs to reconsider its sold waste policies. From both an environmental and an economic perspective, incineration is not the answer."

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