



Lawsuit tries to block construction of \$1 billion, coal-fired power plant in W. Va.

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MORGANTOWN, W.Va. - Opponents of a \$1 billion, coal-fired power plant are trying once again to halt the construction, filing a federal lawsuit that claims an air quality permit for the project expired in 2005.

The lawsuit was filed Tuesday in U.S. District Court on behalf of Cass resident Jarrett F. Jamison III, the Fort Martin Community Association and the Forks of Cheat Forest Property Owners Association.

It seeks an injunction against Longview Power LLC, a subsidiary of Needham, Mass.-based GenPower LLC, which plans to start building the 600-megawatt plant near Allegheny Energy's Fort Martin plant this year.

Local citizen groups have fought the project for years, complaining it would create noise and air pollution, damage their views and cause harm to their health and environment.

An original permit issued by the state Department of Environmental Protection expired in September 2005, but the DEP's Division of Air Quality granted a one-year extension in February 2006.

The lawsuit, however, argues that both the state and Longview Power failed to ask permission from the U.S. Environmental Protection Agency, which the plaintiffs contend should have held a 30-day comment period.

Last month, the plaintiffs asked the state to revoke the permit, but were refused in a Feb. 1 letter that said Longview now has "irrevocable financial commitments" and already has begun site work. That leaves the state unable to act, the letter said.

Chris Colbert, GenPower's vice president of coal power development, dismissed the latest lawsuit as being "without merit."

Longview started construction in January, he said, and it has signed contracts and "large financial commitments that can't be taken back."

Last summer, the state Public Service Commission issued final approval for construction, ruling the job creation and financial benefits of the plant outweigh any negative effects.

The PSC laid out conditions to placate the citizen groups, including a noise control plan, proof of financing and a \$3 million performance bond in case the money runs out before construction is completed.

The opponents, however, dismissed that as "a sellout to out-of-state developers, a tax scam, and a threat to our health and well-being."

Longview could become the first company to build a coal-fired plant in West Virginia since the 80-megawatt Grant Town power plant in 1993.

All of Longview's output is targeted for the wholesale electricity market outside West Virginia, while about 25 percent of the Fort Martin plant's generation now heads to state consumers.

Longview says the plant will employ 60 people and create up to 1,600 construction jobs, then consume more than 2 million tons of coal a year when completed.

Monongalia County, which approved a payment in lieu of taxes plan, would get \$105 million from the project over 30 years.

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