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BEFORE
THE OHIO POWER SITING BOARD

In The Matter Of The Application Of American Municipal Power-Ohio, Inc. For A Certificate Of Environmental Compatibility and Public Need For An Electric Power Generating Station And Related Facilities	)))))	Case No. 06-1358-EL-BGN

DIRECT TESTIMONY OF ELISA YOUNG

Elisa Young appreciates the opportunity to submit written testimony in the above-captioned matter. According to Ohio law and administrative rules, this proceeding will address: 1.) the need for the facility; 2.) the probable environmental impact; 3.) whether this facility represents the minimum adverse environmental impact, considering available technology and the nature and economics of alternatives; 4.) compliance with air, water pollution and solid waste disposal laws and regulations; 5.) whether the facility will serve the public interest, convenience and necessity; 6.) the impact on the continued agricultural viability of any land in an existing agricultural district; and 7.) whether the facility incorporates maximum feasible water conservation practices, considering available technology and the nature and economics of various alternatives.

Each of the above seven (7) considerations is discussed below, with more detail on those areas Ms. Young has direct experience and knowledge of. This motion incorporates by reference issues that she has raised in previous motions.[1]

Ms. Young recognizes that other parties will address the need for the AMP-Ohio plant issue, but wishes to add the following:

[1] In the recent permit proceedings before the OPSB for the AEP Integrated Gasification Combined Cycle (IGCC) plant, Case 06-30-EL-BGN, on June 14, 2006, the Administrative Law Judge (ALJ) denied a petition to intervene by both the Ohio Energy Group (OEG) and the Industrial Energy Users (IEU). The ALJ denied intervention because neither OEG nor IEU claimed that any member was a property owner *within the general vicinity of the proposed project; and stated that the purpose of the OPSB's proceeding* is to evaluate the "likely environmental effects of the construction, operation and maintenance" of the proposed project "on the immediately surrounding community." The ALJ also noted that the board would consider the "noise levels, aesthetics, health and safety of the surrounding community." Pages 3-4, findings (7) and (8).

a. Ohio is currently going through a sea-change in the statutes and rules that govern resource generation. The Ohio legislature is currently considering Senate Bill 221 (SB 221), which would enormously affect how the Public Utilities Commission of Ohio (PUCO) and other agencies would view new resources, whether coal, renewable energy or energy efficiency. Ohio's Lt. Governor Lee Fisher has stated in public testimony before the Senate Energy Committee that Ohio's seven-year experiment with deregulation is damaging the economy, and that its heavy reliance on coal plants could become a second albatross.[2] Along with reconsidering deregulation, the legislature is looking at energy efficiency and renewable energy, since efficiency is cheaper than coal, and clean renewable energy such as wind and solar create no pollution and the "fuel" is free.

Environnmental Impacts - This section addresses considerations 2) - 7).[3]

The environmental impacts of this plant are enormous, and are more critical when considering the combined emissions of the 4 existing plants in the immediate area, plus the proposed AEP-IGCC,[4] and the 2 coal plants proposed in West Virginia (WV), just on the other side of the Ohio River. Although the two WV plants are in a different jurisdiction, plants emissions do not simply stop at the border between Ohio and WV.

The emissions from the proposed AMP-Ohio plant would be at least 7.3 million tons/year of CO2; and the draft air permit would allow AMP to burn up to 5.553 million tons of coal/year.[5] In addition, each year the plant would emit:

i. 6,820 tons sulfur dioxides (SOx);
ii. 3,194 tons nitrogen oxides (NOx);
iii. 1,182 tons particulate matter (PM);

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[2] See *Electric Deregulation Hurting Ohio Economy, Fisher Says*, The Plain Dealer, October 17, 2007. http://blog.cleveland.com/business/2007/10/electric_deregulation_hurting.html

[3] 2.) the probable environmental impact; 3.) whether this facility represents the minimum adverse environmental impact, considering available technology and the nature and economics of alternatives; 4.) compliance with air, water pollution and solid waste disposal laws and regulations; 5.) whether the facility will serve the public interest, convenience and necessity; 6.) the impact on the continued agricultural viability of any land in an existing agricultural district; and 7.) whether the facility incorporates maximum feasible water conservation practices, considering available technology and the nature and economics of various alternatives.

[4] Ms. Young does not know how much, if any, CO2 AEP plans to capture at its proposed IGCC plant. The permit issued by AEP is

[5] Ohio EPA, Draft air permit-to-install for AMP Generating Station, Sept. 13, 2007, p. 9 and p. 361.

iv. 7,009 tons carbon monoxide (CO).

Emissions of carbon dioxide, a gas key to global warming, grew by 7 percent in Ohio from 1990 to 2004, and the state ranked fourth overall in the emissions, which were mostly from coal-burning power plants and vehicles.[6] Ohio ranks behind Texas, California and Pennsylvania, with 261.8 million metric tons of total carbon dioxide releases in 2004, according to data from the U.S. Department of Energy. The state's 1990 total was 244.9 million metric tons. In 2004, Ohio was No. 2 for releases of carbon dioxide from coal-burning power plants, with 121.5 million metric tons. Only Texas produced more. For carbon dioxide emissions from vehicles, Ohio ranked sixth in 2004, with 69.7 million metric tons. The state trailed California, Texas, Florida, New York and Pennsylvania.[7]

In addition, the plant might use coal from mountaintop removal, longwall and room-and-pillar mining, which are very destructive and cause permanent damage to the water and land. Subsidence from coal mining is seriously damaging land and water in southeast Ohio.

Cumulative impacts.

The 418-page draft air permit does not even include a single page of discussion on cumulative impacts. This "oversight" is shocking, since if all proposed coal plants are built, cumulative emissions in the area will be some of the highest in the U.S. The draft air permit fails to provide any meaningful analysis of cumulative impacts. NEPA regulations define "cumulative impact" as "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions. ... Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time." 40 C.F.R. § 1508.27(b)(7). NEPA demands that cumulative impacts analysis "'must be more than perfunctory; it must provide a useful analysis of the cumulative impacts of past, present, and future projects.'" *Klamath-Siskiyou Wildlands Ctr. v. BLM*, 337 F.3d 989, 994 (9th Cir. 2004) (quoting *Ocean Advocates v. U.S. Army Corps of Eng'rs*, 361 F.3d 1108, 1128 (9th Cir. 2004). The draft air permit does not satisfy this standard.

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[6] See Attachment A, *Ohio's Emissions Rank 4th in the U.S., CO2 Up 7% 1990-2004,* by Bob Downing, Akron Beacon Journal, April 13, 2007.
[7] Id.

Construction of AMP-Ohio's proposed 1,000 MW coal-fired power plant, combined with already-existing polluting facilities, as well as proposals for additional massive power plants in the area, is bound to lead to significant cumulative effects to air, water, and soil resources. Nonetheless, the draft permit does not even mention cumulative impacts.

Ohio power plants also cut short the lives of 1,743 Ohioans each year, and many of the most affected people are Ms. Young's family, friends and community. Ohioans have the 4th highest risk in the U.S. of dying from power plant pollution. Fine particle pollution also causes 227,521 lost work days, 1,638 hospitalizations, 39,703 asthma attacks, with 2,268 so severe that they require emergency room visits.[8] The cumulative impacts of particulate matter was not addressed by the air permit.

A recent scientific study by researchers affiliated with the American Cancer Society found that people living in the most polluted cities have approximately a 12 percent increased risk of cardiopulmonary death over those living in the cleanest areas of the country. Similarly, for lung cancer, there is approximately a 16 percent increased risk for those living in the more polluted cities. Based on EPA data, each year, 212 lung cancer deaths and 2,873 heart attacks in Ohio are attributable to power plant pollution.[9]

Sadly, children are the most susceptible to the detrimental effects posed by power plant air pollution. In Ohio, 2,577,634 children live within 30 miles of a power plant, the area in which the greatest health impacts are felt. Additionally, researchers have found that infants in areas with high levels of particulate matter pollution face a 26 percent increased risk of Sudden Infant Death Syndrome and a 40 percent increased risk of respiratory death. [10]

Between 1995 and 2004, more than half of Ohio's 21 largest power plants increased their annual emissions of deadly fine particle-forming sulfur dioxide (SO2) by 215,000 tons and more than a third of the plants increased their emissions of smog-causing nitrogen oxides (NOx) emissions by 17,000 tons. This emissions increase was equivalent to adding the pollu tion from 77 new power plants and nearly a million

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[8] See Attachment B, *Clear the Air, Ohio's Dirty Power Plants*, www.cleartheair.org. Ohio Fact Sheet can be found at: http://cta.policy.net/regional/factsheets/factsheetOHfinal.pdf , pages 1 and 2.
[9] Id.
[10] Id.

average-sized cars to Ohio's air. Ohio's power plants lead the nation for emissions of soot and smog forming pollution and rank #2 for emissions of carbon dioxide, a potent greenhouse gas that causes global warming.[11]

Continued Agricultural Viability of the Meigs County Area

The continued agricultural viability of the area would be severely compromised if the plant is permitted. Recently, a deadly deer disease called Epizootic Hemorrhagic Diseases (EHD) surfaced in Ohio. The story reports that EHD has been reported in 12 southern Ohio counties. EHD is triggered by hot weather.[12] The Ohio Department of Agriculture reported that EHD was first reported in Meigs and Gallia Counties.[13] Hot weather is increasing in Ohio as reported by Environment Ohio in July 2007 report, which included temperature increases of 1.6 to 3.2 degrees during 2006 across Ohio.[14]

Rising temperatures mean less water and could increase evaporation in the Great Lakes, causing lake levels to drop by almost two and half feet over the next 30 years.[15] There are a number of organic farmers in the region who will be affected by the increased pollution from the plant, and cumulative effects of pollution on the soil were similarly ignored in the draft air permit. The effect on Endangered Species was also not addressed.

Cumulative Impacts of Mercury Pollution

Power plants are responsible for 41 percent of the total mercury emitted by all known U.S. sources. Ohio has advised against consuming more than one serving of fish per week from ANY of its rivers or lakes (188,461 acres of lakes and 29,113 miles of

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[11] See Attachment C, *Environment Ohio Fact Sheet on Power Plants, 2007.* http://www.environmentohio.org/clean-air/clean-up-power-plants See also *Plagued by Pollution, Unsafe Levels of Soot Pollution in 2004,* January 2006, by Ohio PIRG Education Fund, www.OhioPIRG.org. This report states that the Cleveland-Elyria-Mentor metropolitan area has some of the highest fine particle pollution in the U.S., p. 11 (page 12 of 29 in the PDF file).

[12] See Attachment D *Deadly Deer Disease Surfaces in SW Ohio*, by D'Arcy Egan, Plain Dealer, September 13, 2007. http://www.cleveland.com/sports/plaindealer/index.ssf?/base/sports-0/1189673608182260.xml&coll=2

[13] See *EHD Outbreak Reported in Ohio Cattle and Deer,* Ohio State University Extension, posted October 2, 2007, by Mike Miller. Visit the Extension's Web page at www.ag.ohio-state.edu/~medi . Miller may be reached at wp.medina-gazette.com or areanews@ohio.net

[14] See Attachment E, press release from *Feeling the Heat, Global Warming and Rising Temperatures,* July 24, 2007, Environment Ohio. The report can be found at: http://www.environmentohio.org/reports/global-warming/global-warming/hSYmv-xq3jbqfiNoK84q9g

[15] See Attachment B, *Clear the Air, Ohio's Dirty Power Plants*, www.cleartheair.org. Ohio Fact Sheet can be found at: http://cta.policy.net/regional/factsheets/factsheetOHfinal.pdf , pages 1 and 2.

rivers) due to the risks of mercury contamination. Mercury is a toxic heavy metal, which, when ingested, can cause serious neurological damage, particularly to developing fetuses, infants, and children. Children can be exposed to mercury in the womb or through breast milk if their mothers ingest mercury tainted fish or by consuming contaminated fish themselves. The neurotoxic effects of mercury exposure are similar to the effects of lead toxicity in children and include delayed development and cognitive deficits, language difficulties, and problems with motor function, attention, and memory.

Coal-fired electric power is the single largest source of mercury pollution nationwide, and coal plants account for nearly all of mercury pollution in Ohio. Much of this mercury is deposited locally, where it accumulates in the aquatic ecosystem. Based on present mercury concentrations in our rivers and lakes, the State of Ohio has issued statewide health advisories in hopes of limiting fish consumption that is known to cause serious neurological and developmental problems in children.

The only industry currently exempt from federal mercury rules is the electric power industry. This is problematic since power plants constitute 42% of Ohio's mercury releases.[16] All of Ohio's waterways have fish consumption advisories due to mercury.[17]

Cumulative Impacts of Water Pollution

More than 74% percent of Ohio's major facilities exceeded the allowable pollution limits established in their Clean Water Act permits in 2005, according to Troubled Waters: An analysis of Clean Water Act compliance, a report released on October 11, 2007, by Environment Ohio.[18] Using the Freedom of Information Act, Environment Ohio obtained data on facilities' compliance with the Clean Water Act between January 1, 2005 and December 31, 2005. Environment Ohio researchers found[19] that:
The pollutants being discharged into Ohio waterways include sewage, cyanide, copper, oil, mercury and other heavy metals.

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[16] See Attachment F, *Clear the Air: Casting Doubt, Mercury Update, Fish Consumption Advisory-OH*, p. 3. http://www.catf.us/publications/view/5

[17] See Attachment C, *Environment Ohio Fact Sheet on Power Plants, 2007.* http://www.environmentohio.org/clean-air/clean-up-power-plants

[18] See Attachment G, *Environment Ohio, PRESS RELEASE - Hundreds of Ohio Facilities Exceed Water Pollution Limits, October 11, 2007, Contact: Amy Gomberg (614) 460-8732.*

[19] Environment Ohio obtained this information through the Freedom of Information Act, since industry did not willingly disclose this information.

• Ohio is ranked the #1 polluter in the country, with over 1,795 exceedances of Clean Water Act permits in 2005 from 217 unique facilities.

• 74% percent of Ohio's permitted industrial and municipal facilities exceeded their Clean Water Act permits at least once in 2005.

• On average, Ohio facilities exceeding their Clean Water Act permits did so by 155%, or 2.5 times the legal limit.

• Polluters in Ohio reported 118 instances in which they exceeded their Clean Water Act permit by at least 500 percent over the legal limit.[20]

Climate Change in Ohio and Globally

Global climate change represents the ultimate "cumulative impact." Although the AMP-Ohio plant by itself may not be considered a significant contributor to climate change, 90 percent of Ohio's electricity comes from coal, and virtually all the sulfur dioxide, nitrogen oxides, carbon dioxide and mercury comes from these plants.[21] Nationally, Ohio's plants emitted more sulfur dioxide and nitrogen oxides in 2002 than in any other state. Ohio placed 2nd in the nation for the most CO2 power plant emissions and third for toxic mercury.[22] According to the EPA, fish advisories in Ohio due to high mercury levels date back to 1997 and include:

- mercury advisories on every single lake and river in Ohio;
- 21 total fish advisories for mercury;
- 29,113 river miles under mercury advisory;
- 188,461 total lake acres under mercury advisory.

Major rivers under advisory include:

- Ashtabula River
- Chagrin River
- Conneaut Creek
- Cuyahoga River
- Great Miami River

[20] See Attachment G, Environment Ohio, *PRESS RELEASE - Hundreds of Ohio Facilities Exceed Water Pollution Limits,* October 11, 2007, Contact: Amy Gomberg (614) 460-8732.

[21] Power plants in the U.S. collectively emit approximately 2,474 millions tons of CO2 per year.

[22] See Attachment B,*Clear the Air, Ohio's Dirty Power Plants,* www.cleartheair.org. Ohio Fact Sheet can be found at: http://cta.policy.net/regional/factsheets/factsheetOHfinal.pdf , pages 1 and 2.

- Little Miami River
- Little Miami River, East Fork
- Little Muskingum River
- Mahoning River
- Maumee River
- Mogadore River
- Ohio River
- Paint Creek
- Salt Creek
- Sandusky River
- Scioto River
- St. Joseph River
- St. Mary's River
- Sillwater River
- Symmes Creek

Affected fish include:

- All fish statewide in all Ohio waterbodies; and more specifically
- Largemouth bass
- Rock bass
- Smallmouth bass
- Sauger
- Spotted bass
- Carp
- Flathead catfish
- Channel catfish
- Freshwater drum

Endangered Species

There are a number of endangered species in the 6-county area, including the Indiana bat, the Bald Eagle, and various endangered snakes, bats and mussels.[23] Per

[23] See the PUCO website for a listing of all endangered species within 100 mile radius of the plant.

the requirements of Ohio Rule 4906-15-07, the impact of the power plant and associated roads, compressor stations etc. The draft permit does not address either the effect of this single plant, nor the cumulative effects of the 4 current and 2 or 3 proposed plants into consideration. Global warming tells us there are tipping points. The recent death of deer – and now cattle – due to EHD in Ohio tells us that we are pushing the tipping point. [24]

Conclusion

Thus far, I have referred to myself as "Ms. Young." For this conclusion, I will speak in the first person, and speak from my heart. I feel that it is not in the best interest of Ohioans to be first and second in the nation in toxic emissions, although it may make AMP-Ohio a nice profit. It is not in the best interest of Ohioans that all – EVERY SINGLE ONE -- of Ohio's waterways have fish consumption advisories due to mercury.[25]

Isn't this enough damage? How many more people can we sacrifice, how much more damage will do we to our land, water, air, soils, animals and people? Scientists tell us that global warming will bring increased temperatures, drought, wildfires, hurricanes and pestilence; as well as ocean acidification and sea level rise. We are destroying Appalachia, Ohio and West Virginia by mining coal.

Ultimately we must ask ourselves whether burning coal is worth the risk. We know how powerful the utilities and coal companies are. We know they have dozens of lobbyists here at the Ohio legislature and in the halls of Congress. But if our industry and our government don't serve the people, and don't protect the basic health and safety of the people, what are we doing? I am participating in this hearing because I am overwhelmed – overwhelmed by the four power plants literally in my backyard, and bowled over by the insanity of 2 or 3 more power plants. I am ill from pollution, and my friends, family and community are ill from pollution and from coal mining.

Ohio is home to some of the nation's biggest and dirtiest power plants. We are often blamed for the pollution we send down wind, but our pollution has the greatest

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[24] See Attachment D *Deadly Deer Disease Surfaces in SW Ohio*, by D'Arcy Egan, Plain Dealer, September 13, 2007. http://www.cleveland.com/sports/plaindealer/index.ssf?/base/sports-0/1189673608182260.xml&coll=2

[25] See Attachment C, *Environment Ohio Fact Sheet on Power Plants, 2007.*

impact on our own health and environment. Whether it's premature deaths, asthma attacks or heart attacks, Ohioans are suffering the damaging effects of power plant air pollution more than nearly any other state. Likewise, almost no state has more to gain than Ohio from the cleanup of our nation's biggest industrial polluter, the electric power industry.

The time for coal is way past due. Ohio has wind and the will to reduce energy consumption through energy efficiency. Let's find a way forward that doesn't leave our children with drought, crop failure, pestilence and other nightmares. I've lived in my community all my life, and this is not just "another coal plant" – it's an ongoing horror.

Respectfully submitted this 25 day of October, 2007.

Elisa Young 10/25/07

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ORIGINAL

Attachment A

Ohio's Emissions Rank 4th in U.S., Akron Beacon Journal, 4-13-07

Akron Beacon Journal - 4/13/2007

Ohio's emissions rank fourth in U.S.

Carbon dioxide releases up 7% from 1990-2004

By Bob Downing - Beacon Journal staff writer

Emissions of carbon dioxide, a gas key to global warming, grew by 7 percent in Ohio from 1990 to 2004, and the state ranked fourth overall in the emissions, which were mostly from coal-burning power plants and vehicles.

That information is contained in a report released Thursday by Environment Ohio, a citizen-based advocacy group.

Ohio ranked behind Texas, California and Pennsylvania, with 261.8 million metric tons of total carbon dioxide releases in 2004, according to data from the U.S. Department of Energy. The state's 1990 total was 244.9 million metric tons.

In 2004, Ohio was No. 2 for releases of carbon dioxide from coal-burning power plants, with 121.5 million metric tons. Only Texas produced more.

For carbon dioxide emissions from vehicles, Ohio ranked sixth in 2004, with 69.7 million metric tons. The state trailed California, Texas, Florida, New York and Pennsylvania. At present, there are no federal limits on carbon dioxide releases.

"Given the risks from global warming, it's incredibly irresponsible for Ohio to continue driving this problem," said Amy Gomberg of Environment Ohio. "This report is a wake-up call to cap pollution levels now before it is too late."

She said the United States could reduce its carbon dioxide emissions by using technologies to make power plants, businesses, homes and cars more energy-efficient and by increasing the use of nonpolluting renewable energy sources, such as wind and solar power.

The release of the report, The Carbon Boom by the U.S. Public Interest Research Group, comes less than a week after the United Nations-backed Intergovernmental Panel on Climate Change issued a warning on global warming.

The panel warned that the United States faces likely widespread droughts, flooding from severe storms, killer heat waves, forest fires, coastal flooding, increased air pollution and major changes to agriculture.

Environment Ohio called on the state's congressional delegation to back the Global Warming Pollution Reduction Act in the Senate and the Safe Climate Act in the House of Representatives. These bills would freeze U.S. global warming emissions in 2010 and reduce emissions by 15 percent by 2020 and by 80 percent by 2050.

Attachment B

(inserted PDF - ***Clear the Air, Ohio's Dirty Power Plants)***

Attachment C

Environment Ohio Fact Sheet on Power Plants - 2007

Ohio's Dirty Power Plants

consuming contaminated fish themselves. The neurotoxic effects of mercury exposure are similar to the effects of lead toxicity in children and include delayed development and cognitive deficits, language difficulties, and problems with motor function, attention, and memory.[11]

Damaging Your Environment

Increased weather disasters

Man-made carbon dioxide emissions have contributed to the rise in the earth's temperature and the increase in weather-related catastrophes, according to the National Academy of Sciences and the United Nations' Intergovernmental Panel on Climate Change.[12]

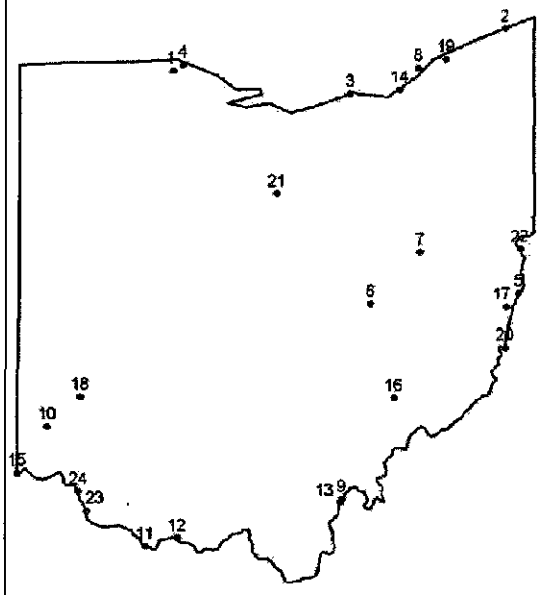
Shrinking the Great Lakes

Rising temperatures could increase evaporation in the Great Lakes, causing lake levels to drop by almost two and half feet over the next 30 years.[13]

How to Clear The Air

For more than 30 years the oldest and dirtiest power plants have managed to avoid modern pollution controls. These plants, some of which were built as long ago as the 1940s and 1950s, are responsible for billions of tons of pollution each year. The EPA now estimates that more than half of the population of the United States – almost 160 million Americans – breathe and live in areas with unhealthy air. Fortunately, the technology exists to make these plants as clean as new plants. Cleaning up the oldest and dirtiest plants is the first step towards a cleaner and more responsible energy future for the United States. It's time to Clear the Air.

Location of Power Plants in Ohio



Ohio Plants
1 Acme
2 Ashtabula
3 Avon Lake
4 Bay Shore
5 Cardinal/Tidd
6 Conesville
7 Dover
8 Eastlake
9 Gen JM Gavin
10 Hamilton
11 JM Stuart
12 Killen Station
13 Kyger Creek
14 Lake Shore
15 Miami Fort
16 Muskingum River
17 Niles
18 OH Hutchings
19 Painesville
20 RE Burger
21 Shelby Municipal Light Plant
22 WH Sammis
23 WH Zimmer
24 Walter C Beckjord

1. Electric Power Annual — 2002, DOE/EIA-0348(2002), December 2003. Table ES, page 6.
2. Emissions data from EPA: National Air Pollutant Emission Trends, 1990-1998, Appendix A: National Emissions (1970-1998) by Tier 3 Source Category and Pollutant http://www.epa.gov/ttn/chief/trends/trends98/browse.html; Emissions data from 2001 comes from EPA, from updates to the National Air Quality and Emissions Trends Report received from EPA in the form of spreadsheets; Power plant emissions shares for 2002 come from EPA's Continuous Emissions Monitoring System data, downloaded from the EPA web site at http://www.epa.gov/airmarkets/arp/index.html.
3. U.S. EPA Green Book http://www.epa.gov/oar/oaqps/gbook/ Data compiled by MSB Energy Associates. 2002 Mercury emissions calculated by MSB Energy Associates, analyzing EPRI estimated emission rates for 1999 and the heat input from CEMS data and calculating what that means in terms of 2002 mercury emissions based on the 2002 heat inputs.
4. Abt Associates, "Power Plant Emissions: Particulate Matter-Related Health Damages and the Benefits of Alternative Emission Reduction Scenarios" June 2004.
5. C. A. Pope, et. al., Lung Cancer, Cardiopulmonary Mortality and Long-Term Exposure to Fine Particulate Air Pollution. Journal of the American Medical Association Vol. 287, no 9. - March 6, 2002. www.jama.ama-assn.org/cgi/content/abstract/287/9/1132
6. See Abt Associates, supra, note 4.
7. Clean Air Task Force, Children At Risk, How Air Pollution from Power Plants Threatens the Health of America's Children, May 2002. www.cleartheair.org
8. Woodruf, T. Grillo, J. and Schoendorf, K. 1997. The relationship between selected causes of post-neonatal infant mortality and particulate air pollution in the United States. Environmental Health Prospective, vol. 105, p 608-612.
9. Mercury data comes from the EPA's Hazardous Air Pollutant database.
10. USPIRG Education Fund, June 2003. Fishing for Trouble, How Toxic Mercury Contaminates Our Waterways and Threatens Recreational Fishing. www.cleartheair.org
11. U.S. EPA, 1997b. Mercury Study Report to Congress, Volume VII: Characterization of Human and Wildlife Risks from Mercury Exposure in the United States and Toxicological Effects of Methylmercury, National Academy Press, Washington DC, 2000. Available at http://www.nap.edu/books/0309071402/html/.
12. Intergovernmental Panel on Climate Change, Working Group II, Summary for Policy makers, Climate Change 2001: Impacts, Adaptation and Vulnerability, p. 13; http://www.ipcc.ch/pub/wg2SPMfinal.pdf
13. Lofgren et al (2000) Impacts, Challenges and Opportunities in Preparing for a Changing Climate; Great Lakes water resources overview, Chapter 4, p. 29-42. US Global Change Research Group; Great Lakes Assessment group. University of Michigan.

CLEAR THE AIR

Ohio's Dirty Power Plants

Power Plants: The Number One Polluter

Today, the nation is facing a health crisis from power plant pollution. Every year power plants spew billions of tons of pollution into our air. Nationally, 50 percent of electricity comes from coal,[1] but coal-fired power plants are responsible for the lion's share of dangerous pollution resulting from electric power production. Within the electric power industry, these plants generate:

- 97 percent of deadly fine particle soot and sulfur dioxide emissions;
- 92 percent of smog-forming nitrogen oxide emissions;
- 86 percent of emissions of carbon dioxide, the primary global warming pollutant; and
- Almost 100 percent of toxic mercury emissions.

Moreover, power plants are responsible for more than 68 percent of the total annual emissions of sulfur dioxide, the primary ingredient of deadly fine particle pollution, from all sources, including cars and trucks.[2] In Ohio, 90 percent of our electricity is generated by coal, and virtually all the sulfur dioxide, nitrogen oxides, carbon dioxide and mercury comes from those plants. Nationally, Ohio's power plants emitted more sulfur dioxide and nitrogen oxides in 2002 than those in any other state. Ohio also placed second in the nation for the most carbon dioxide power plant emissions and third for emissions of toxic mercury.[3]

Buckeye State Air Pollution

Ohio is home to some of the nation's biggest and dirtiest power plants. We are often blamed for the pollution we send down wind, but our pollution has the greatest impact on our own health and environment. Whether it's premature deaths, asthma attacks or heart attacks, Ohioans are suffering the damaging effects of power plant air pollution more than nearly any other state. Likewise, almost no state has more to gain than Ohio from the cleanup of the nation's biggest industrial polluter – the electric power industry.

Harming Your Health

Recent scientific studies by researchers affiliated with the American Cancer Society, the Harvard School of Public Health and other top universities and research institutions have made it possible for scientists working for the U.S. Environmental Protection Agency (EPA) to predict how many premature deaths, heart attacks, and other impacts are caused by power plant pollution.

Power plant pollution cuts short the lives of nearly two thousand Ohioans each year

EPA's own consultants estimate that fine particle pollution from power plants shortens the lives of 1,743 Ohioans each year. Ohioans have the fourth highest risk in the country of dying from power plant pollution. Fine particle pollution from power plants also causes 227,521 lost work days, 1,638 hospitalizations, and 39,703 asthma attacks every year, 2,268 of which are so severe they require emergency room visits.[4]

Leads to lung cancer and heart attacks

A recent scientific study by researchers affiliated with the American Cancer Society found that people living in the most polluted cities have approximately a 12 percent increased risk of cardiopulmonary death over those living in the cleanest areas of the country. Similarly, for lung cancer, there is approximately a 16 percent increased risk for those living in the more polluted cities.[5] Based on EPA data, each year, 212 lung cancer deaths and 2,873 heart attacks in Ohio are attributable to power plant pollution.[6]

Children at risk

Children are the most susceptible to the detrimental effects posed by power plant air pollution. In Ohio, 2,577,634 children live within 30 miles of a power plant, the area in which the greatest health impacts are felt.[7] Additionally, researchers have found that infants in areas with high levels of particulate matter pollution face a 26 percent increased risk of Sudden Infant Death Syndrome and a 40 percent increased risk of respiratory death.[8]

Contaminated fish

Power plants are responsible for 41 percent of the total mercury emitted by all known U.S. sources.[9] Ohio has advised against consuming no more than one serving of fish per week from ANY of its rivers or lakes (188,461 acres of lakes and 29,113 miles of rivers) due to the risks of mercury contamination.[10] Mercury is a toxic heavy metal, which, when ingested, can cause serious neurological damage, particularly to developing fetuses, infants, and children. Children can be exposed to mercury in the womb or through breast milk if their mothers ingest mercury tainted fish or by

Clean Up Power Plants - What's New

Pollution from power plants is a public health threat for Ohioans and old, dirty power plants are by far the nation's largest source of industrial air pollution.

Brief Summary

Power plants are threatening our health and environment. Consider the facts:

- Between 1995 and 2004, more than half of Ohio's 21 largest power plants increased their annual emissions of deadly fine particle-forming sulfur dioxide (SO2) by 215,000 tons and more than a third of the plants increased their emissions of smog-causing nitrogen oxides (NOx) emissions by 17,000 tons.

- This emissions increase was equivalent to adding the pollution from 77 new power plants and nearly a million average-sized cars to Ohio's air.

- Ohio's power plants lead the nation for emissions of soot and smog forming pollution and rank #2 for emissions of carbon dioxide, a potent greenhouse gas that causes global warming.

- **All of Ohio's waterways have fish consumption advisories due to mercury contamination.**

- Deadly fine particle pollution from coal- and oil-fired utility smokestacks causes an estimated 1,743 premature deaths each year in Ohio, shortening victims' lives by an average of 14 years. By comparison, fatal car crashes (1,168) and homicides (318) together claimed 1,486 lives in Ohio in 2003. Power plant pollution also causes an estimated 2,800 non-fatal heart attacks, 200 lung cancer deaths, 39,700 asthma attacks, 2,200 asthma ER hospital visits, and 1,600 hospital admissions in Ohio each year

Power plants are not just a problem for Ohioans. Across the country old power plants are releasing toxic chemicals and making a significant contribution to global warming. Yet, the Bush administration's industry-backed "Clear Skies" bill (S.131) repeals or substantially weakens

Clean Air Act programs that require individual power plants to clean up. In place of these programs, the bill establishes pollution caps that take effect many years in the future and are set at levels that fail to protect public health.
With the bill stalled in the Senate, the Bush administration has moved to implement these policies through administrative action. In 2003, the Bush administration gutted key provisions of the

Clean Air Act known as New Source Review that require power plants to install modern pollution controls when they make physical or operational changes that increase emissions but a federal court later struck down the rule.We know that the administration is already pushing inadequate rules for reducing mercury pollution that are tied up in the courts and that they'll continue to stop all efforts to clean-up all of our nation's power plants.

That's why Environment Ohio is urging our Senators to sponsor the Clean Power Act that would actually clean up Ohio's oldest and dirties power plants. Please ask Ohio's senators to support the Clean Power Act today. www.environmentohio.com

Attachment D

Deadly Deer Disease Surfaces in SW Ohio, *by D'Arcy Egan, Plain Dealer, September 13, 2007.*

THE PLAIN DEALER

OUTDOORS

Deadly deer disease surfaces in SW Ohio

Thursday, September 13, 2007

D'Arcy Egan
Plain Dealer Columnist

A white-tailed deer disease has slipped into Ohio after killing bucks and does in Pennsylvania and West Virginia.

EHD, or Epizootic Hemorrhagic Disease, has been discovered in deer found dead or dying in Highland County in southwest Ohio, northeast of Cincinnati. The disease is also called "blue tongue," because it causes a deer's tongue to swell and become discolored.

Potential cases of EHD have been reported in 12 southern Ohio counties. The disease can only be confirmed from fresh specimens of deer. Deer infected with EHD are often listless, lose their appetite, have no fear of humans and may have difficulty breathing. In eight to 36 hours, EHD will cause a shock-like state and death.

The disease is not transmitted to humans, either by biting insects, handling deer or eating deer meat. Domestic cattle and other livestock are generally not at risk.

Washington County farmer Jerry Mitchem told The Associated Press that nearly 100 dead deer have been found around his farm. Mitchem says he hasn't seen any deer roaming the area in recent weeks.

EHD is spread by small biting insects, such as sand fleas or gnats. It has periodically surfaced in late summer in southern Ohio and surrounding states, with the last major outbreak in 2004 in Clermont and Brown counties. Hot weather often triggers an outbreak as deer gather around a source of water.

EHD generally disappears after the first hard frost, according to Ohio Division of Wildlife deer biologist Mike Tonkovich.

To reach this Plain Dealer reporter:

degan@plaind.com, 216-999-5158

Attachment E

Feeling the Heat:
Temperatures Around Ohio on the Rise,
Environment Ohio,
July 24, 2007

Click Here for National Climate Change Maps.

For Immediate Release: July 24, 2007
Contact: Amy Gomberg, (614) 460-8732

New Report: Temperatures Around Ohio on the Rise

Columbus, Ohio— Temperatures are rising in Ohio's cities according to a new report released today by Environment Ohio. Environment Ohio said this warmer-than-normal weather and droughts are indicative of what Ohio is likely to experience with continued global warming.

"Ohio is the fourth largest contributor of carbon emissions in the nation and we are experiencing the impacts today," said Environment Ohio Advocate, Amy Gomberg. "We urge Governor Strickland and Ohio's legislators to reduce Ohio's carbon emissions. First and foremost Ohio should diversify its electricity mix by requiring that a certain percentage of Ohio's energy come from clean, renewable sources such as wind energy," continued Gomberg.

According to the National Climatic Data Center, the summer of 2006 and 2006 overall were the second warmest on record for the lower 48 states. 2007 is on track to be the second warmest year on record globally.

In April 2007, the Intergovernmental Panel on Climate Change found that North America could experience significant water stress, droughts, and "an increased number, intensity, and duration of heat waves" as temperatures continue to rise.

Two of Ohio's own scientists are leading global warming researchers. Dr. Ellen Mosley-Thompson, and Dr. Lonnie Thompson both work at the Ohio State University as professors and researchers in the Byrd Polar Research Center.

"Our understanding of the climate system has advanced rapidly in the last few decades and the most important drivers of the observed changes are known" stated Dr. Ellen Mosley Thompson. "Further delay in charting a feasible and affordable course of action to reduce emissions is irresponsible."

"I don't think anyone can say it much better than Arnold Schwartzenegger 'I say the debate is over: We know the science, we see the threat and we know the time for action is now' It is simple but gets the points across," stated Dr. Thompson. Later this week Dr. Lonnie Thompson will receive a national award from President Bush for his outstanding research in the field of global warming.

"Scientists are sounding alarm bells about the impacts of continued global warming," stated Gomberg. "The good news is that those same scientists say we can avoid the worst effects of global warming by taking bold action now to reduce global warming pollution," continued Gomberg.

At the national level, to avoid the worst consequences of global warming, the United States must halt increases in global warming emissions now, cut emissions by at least 15-20% by 2020, and slash emissions by at least 80% by 2050.

"At the state level, we have the renewable energy potential and the technology at our fingertips to cut global warming pollution," stated Gomberg. "A renewable energy standard would reduce carbon emissions as well as create jobs and boost Ohio's economy." said Gomberg."

The United States could substantially reduce its global warming pollution by using existing technologies to make power plants, businesses, homes, and cars more efficient and generate more electricity from clean, renewable sources, such as wind and solar power.

"Ohio has the technological know-how, the strong manufacturing base, and the renewable energy potential to get at least 20 percent of our energy from renewable energy resources. Ohio's wind energy potential alone could generate over 10-20% of our electricity needs," said Gomberg.

Congress is poised to consider global warming legislation this fall. The Safe Climate Act in the U.S. House and the Global Warming Pollution Reduction Act in the U.S. Senate are the only bills that would reduce pollution to levels that scientists say are needed to prevent the worst effects of global warming.

"Environment Ohio applauds Congresswoman Tubbs Jones and Congressman Kucinich for signing on to the Safe Climate Act. We hope that other members of the Ohio congressional delegation step up to stop global warming, too," stated Gomberg.

Ohio's state leaders also can take steps to reduce global warming pollution on the state level. Representative McGregor (R-Franklin) plans to introduce a renewable energy standard for Ohio this fall.

"There is broad based support for developing Ohio's renewable energy resources, and we look forward to working with Representative McGregor, our other legislative leaders, and Governor Strickland to pass a renewable energy standard of 20% renewable energy by 2020." concluded Gomberg.

See key findings of the report below.

Environment Ohio is a statewide, citizen-based environmental advocacy organization.

KEY FINDINGS

To examine recent temperature patterns in the United States, Environment Ohio compared temperature data for the years 2000-2006 from 255 weather stations located in all 50 states and Washington, DC with temperatures averaged over the 30 years spanning 1971-2000, or what scientists call the "normal" temperature.

Key findings for Ohio include:

Akron:

In 2006, the average temperature was 2.0°F above the 30-year average in Akron. Nationally, the average 2006 temperature was at least 0.5°F above normal at 87% of the locations studied (Appendix C).

Cleveland:

Cleveland experienced average minimum temperatures — the lowest temperatures recorded on a given day, usually at night — of 2.8 °F above normal in 2006 and 2.9°F above normal in 2006. Warmer nighttime temperatures exacerbate the public health effects of heat waves, since people need cooler nighttime temperatures to recover from excessive heat exposure during the day. (Appendix E).

Columbus:

In 2006, the average temperature was 2.0°F above the 30-year average in Columbus. Nationally, the average 2006 temperature was at least 0.5°F above normal at 87% of the locations studied. (Appendix C).

Cincinnati:

Over the course of 2006, Cincinnati experienced 25 days where the temperature hit at least 90°F, 6 days more than the historical average. Heat waves have serious implications for human health, causing heat stroke, heat exhaustion, and even death. (Appendix B).

Dayton:

In 2006, the average temperature was 1.8°F above the 30-year average in Dayton. Nationally, the average 2006 temperature was at least 0.5°F above normal at 87% of the locations studied (Appendix C).

Mansfield:

In 2006, the average temperature was 2.6°F above the 30-year average in Mansfield. The average minimum temperature was 3.2°F above normal in 2006 (Appendix C).

Toledo:

In 2006, the average temperature was 2.9°F above the 30-year average in Toledo (Appendix C). The average minimum temperature in 2006, was 2.6°F above the 30-year average in Toledo, as well (Appendix E).

Attachment F

(Inserted PDF)

Clear the Air:
Casting Doubt, Mercury Update,
Fish Consumption Advisory-OH

A Clear the Air Report:

Casting Doubt

Mercury Update:

Fish Consumption Advisory

Ohio

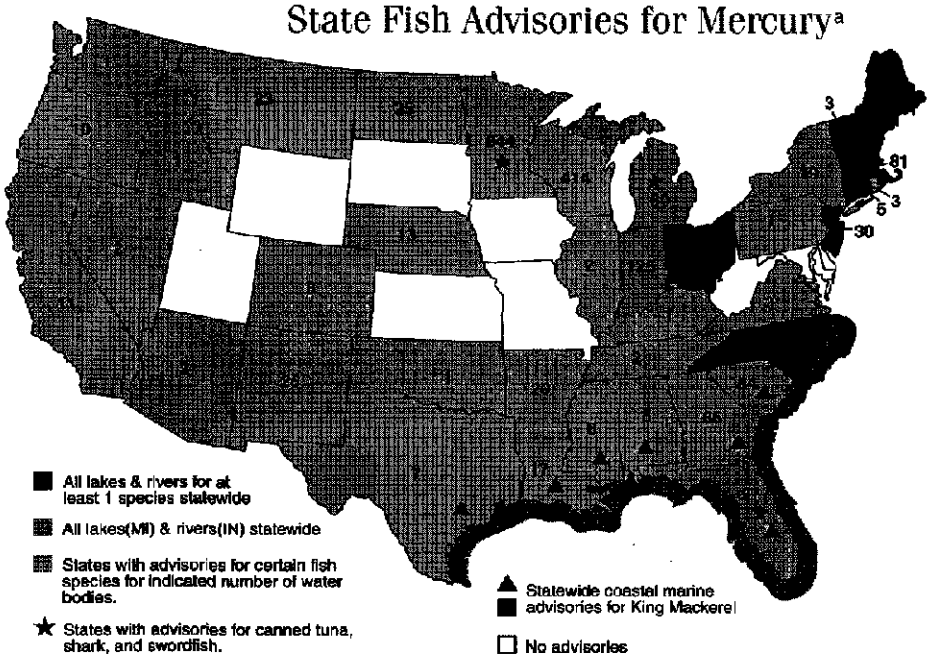
A Clear the Air Report:
Casting Doubt

Executive Summary

Across the U.S., mercury contaminates freshwater and saltwater fish populations, poses health risks to the people and wildlife consuming these fish and threatens the multi-billion dollar recreational and commercial fishing industries. State health departments in 40 states have issued advisories warning the public about consuming certain species of fish in certain water bodies. These advisories are attempts to balance the nutritional benefits of eating fish against the risk of mercury exposure.

While mercury pollution has been linked to a number of industrial sources, the only industry currently exempt from federal rules is the electric power industry. Not every mercury source is covered by EPA's rules, but the most glaring omission is the largest emitting source category: power plants. Without strict controls on power plants, we will have little chance of restoring a vital part of our food supply and of protecting the health of future generations.

State Fish Advisories for Mercury[a]



a Update from EPA fish database by MSB Energy Associates, May 2000

Summary of Findings

Mercury contamination in fish across the country is so high that health departments in 40 states have issued thousands of fish consumption advisories. These advisories recommend either limiting or avoiding consumption of certain fish from specific water bodies or from specific types of water body (e.g., all freshwater lakes or rivers).

Ten states even have issued statewide mercury fish consumption advisories, i.e., on every water body, and 13 states have advisories for certain saltwater species.

This report presents the most recent information on State advisories. Our survey found the number of States that have issued mercury advisories continues to rise steadily.

- There were 27 State advisories in 1993 and in 1997, the number had grown to 40.
- Since 1993, the number of mercury advisories has increased 128 percent (899 to 2,045).
- In 1999 alone, the number of advisories for mercury rose by 114 in 1999 to a total of 2,045, a 6 percent increase.
- For example, South Carolina has added 36 advisories since 1999.

Based on surveys of how much and what type of fish people eat, the EPA concluded:

- Four million women of childbearing age are consistently exposed to methylmercury at levels above what EPA considers safe. Of these four million women, about 380,000 are predicted to be pregnant in any given year.
- Nearly 3 million children between the ages of three and six are consistently exposed to methylmercury at levels above what EPA considers safe.
- Recreational anglers, Asian-Americans, members of some Native American Tribes, Native Alaskans and persons of Caribbean ethnicity may have methylm-

ercury exposures two to five times higher than exposures experienced by the average population.

While an increase in advisories does not necessarily demonstrate an increase in contaminant levels, it does demonstrate increased concern on the part of State health departments and vividly illustrates how widespread the problem is.

Surveys of anglers in the Northeast, Southeast and Great Lakes region have revealed that:

- for the most part, anglers continue to fish in areas where mercury advisories have been issued.
- In general, in all parts of the country, men are more aware of advisories than women, but the extent of knowledge also depends on educational level and ethnicity of the angler.
- Non-white populations and those with lower income levels fish more often, eat more fish and are generally less aware of advisories than other anglers.
- In a survey of more than 8,000 residents of the eight Great Lakes states, only half of the people who ate sport fish were aware of the fish consumption advisory about eating Great Lakes sport fish.
- Awareness of advisories in the Great Lakes states was especially low among women, one of the populations at risk.

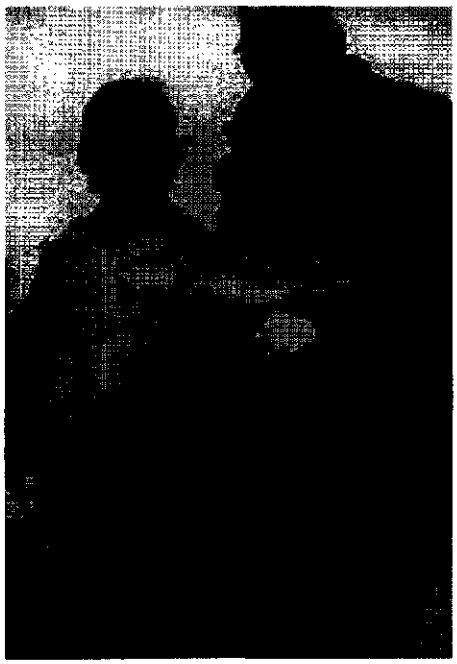
Mercury contamination threatens the economic viability of recreational fishing. Nationally, in 1996, saltwater and freshwater recreational fishing:

- generated a total revenue of nearly $109 billion,
- supported 1.2 million jobs, or slightly more than one percent of the country's civilian labor force, in all sectors of the economy,
- created household income (salaries and wages) totaling $28.3 billion, which is roughly equivalent to almost half of the U.S. military payroll,
- added $2.4 billion to state tax revenues, or nearly one percent of all annual state tax revenues combined, and
- generated $3.1 billion in federal income taxes, which equates to nearly one-third of the entire federal budget for agriculture.

The EPA estimated that manmade emissions in the U.S. total 158 tons of mercury each year. Of that total, coal-fired power plants are estimated to emit about 52 tons per year, or about 33 percent of all U.S. emissions.

EPA has required other industries to reduce their mercury emissions. Regulatory requirements have been issued for municipal waste combustors, medical waste incinerators and hazardous waste combustors. *Mercury emissions from these sources will be reduced by an overall 80 percent by 2003.*

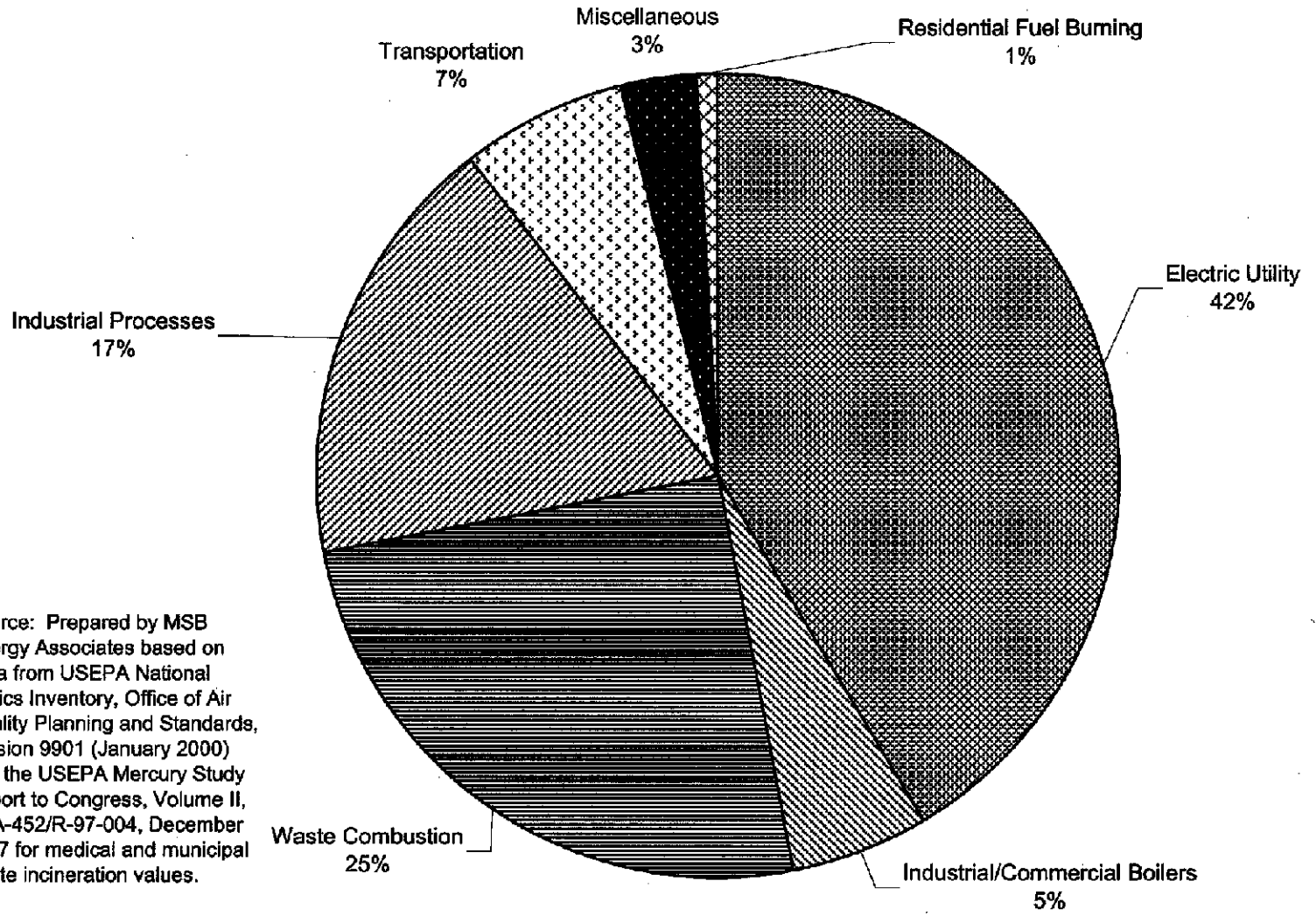
A critical exception in the Clean Air Act exempts power plants from these requirements until EPA issues a specific regulatory determination finding that controls are needed. EPA is under a court-ordered deadline to issue the regulatory determination for mercury and other hazardous air pollutants by December 2000.



JERF FISCHER

While mercury pollution has been linked to a number of industrial sources, the only industry currently exempt from federal rules is the electric power industry. Not every mercury source is covered by EPA's rules, but the most glaring omission is the largest emitting source category: power plants.

Mercury Inventory – Ohio



Source: Prepared by MSB Energy Associates based on Data from USEPA National Toxics Inventory, Office of Air Quality Planning and Standards, Version 9901 (January 2000) and the USEPA Mercury Study Report to Congress, Volume II, EPA-452/R-97-004, December 1997 for medical and municipal waste incineration values.

Ohio Fish Advisories for Mercury

Total Number of Fish Advisories due to Mercury: 21
Total Number of River Miles Under Mercury Advisory: 29,113
Total Number of Lake Acres Under Mercury Advisory: 188,461

4595	All Ohio Waterbodies	OH	Statewide	State	Statewide		all fish		RSP	Active	1997
786	Ashtabula River	OH	24th Street Bridge to Lake Erie	State	River		bass-largemouth		RSP	Active	1997
4590	Chagrin River	OH	All waters	State	River		bass-rock		RGP	Active	1997
4590	Chagrin River	OH	All waters	State	River		bass-smallmouth		RGP	Active	1997
4585	Conneaut Creek	OH	All waters	State	River		bass-smallmouth		RGP	Active	1997
9934	Cuyahoga River	OH	From the Ohio Edison Dam Pool at Front Street in Cuyahoga Falls (Summit County) to Lake Erie	State	River	43	bass-largemouth		RGP	Active	1997
4591	Great Miami River	OH	All waters	State	River		bass-largemouth		RSP	Active	1997
4591	Great Miami River	OH	All waters	State	River		bass-rock		RSP	Active	1997
4591	Great Miami River	OH	All waters	State	River		bass-smallmouth		RSP	Active	1997
4592	Little Miami River	OH	All waters	State	River		sauger		RGP	Active	1997
4823	Little Miami River, East Fork	OH	All waters	State	River		bass-smallmouth		RSP	Active	1998
4593	Little Muskingum River	OH	Hill's covered bridge to Ohio River	State	River		bass-spotted		RGP	Active	1997
783	Mahoning River	OH	Berlin Dam to Pennsylvania border (29.24 mi) [18-001]	State	River	31	bass-smallmouth		RGP	Active	1997
4358	Maumee River	OH	All waters	State	River		bass-smallmouth		RGP	Active	1997
4358	Maumee River	OH	All waters	State	River		carp-common		RGP	Active	1997

Ohio Fish Advisories for Mercury

4584	Mogadore Reservoir	OH	All waters	State	Lake		bass-largemouth		RGP	Active	1997
2015	Ohio River	OH	All waters	State	River	13	catfish-flathead		RGP	Active	1997
4586	Paint Creek	OH	All waters	State	River		bass-largemouth		RGP	Active	1997
4587	Salt Creek	OH	Laurelville to Queer Creek confluence	State	River		bass-smallmouth		RGP	Active	1997
4597	Sandusky River	OH	All waters	State	River		bass-largemouth		RGP	Active	1997
4597	Sandusky River	OH	All waters	State	River		catfish-channel		RGP	Active	1997
4598	Scioto River	OH	Green Camp to Warrensburg	State	River		bass-rock		RGP	Active	1997
4600	St. Joseph River	OH	All waters	State	River		catfish-channel		RGP	Active	1997
4602	St. Mary's River	OH	All waters	State	River		sauger		RGP	Active	1997
4599	Stillwater River	OH	All waters	State	River		catfish-channel		RGP	Active	1997
4599	Stillwater River	OH	All waters	State	River		bass-smallmouth		RGP	Active	1997
4824	Symmes Creek	OH	SR 141, Waterloo to the Ohio River	State	River		drum-freshwater		RSP	Active	1998
4824	Symmes Creek	OH	SR 141, Waterloo to the Ohio River	State	River		sauger		RSP	Active	1998

Notes:

The entries in the column describing the populations are defined as follows:

RSP	Restricted Consumption -- Susceptible Populations (children, pregnant women, and women who may become pregnant)
NCSP	No Consumption -- Susceptible Populations
RGP	Restricted Consumption -- General Population
NCGP	No Consumption -- General Population
CFB	Commercial Fishing Ban
IHA	Informational Health Advisory
NKZ	No Kill Zone
UC	Unlimited Consumption
PFB	Public Fishing Ban

Attachment G

Environment Ohio, *PRESS RELEASE - Hundreds of Ohio Facilities Exceed Water Pollution Limits*, October 11, 2007,

For Immediate Release: 10/10/2007

For More Information:
Contact Erin Bowser
(614) 460-8732

PRESS RELEASE - Hundreds of Ohio Facilities Exceed Water Pollution Limits

Environment Ohio calls on Ohio's leaders to pass HB 235 and the Clean Water Restoration Act

For Immediate Release
October 11, 2007
Contact: Amy Gomberg (614) 460-8732

Columbus, Ohio — More than 74% percent of Ohio's major facilities exceeded the allowable pollution limits established in their Clean Water Act permits in 2005, according to Troubled Waters: An analysis of Clean Water Act compliance, a new report released today by Environment Ohio.

"Ohioans deserve clean waterways that are safe for drinking water and recreation," said Amy Gomberg, Environmental Advocate with Environment Ohio. "Today, we are calling on Ohio's leaders uphold the Clean Water Act by cracking down on companies whose water pollution has exceeded their permits and by ensuring that Ohioans have the information they need to protect their health and of the health of their families."

The goals of the 1972 Clean Water Act are to eliminate the discharge of pollutants into waterways and make all U.S. waterways swimmable and fishable. Thirty-five years after the passage of this landmark environmental law, water quality has significantly improved, however, the original goals of the Clean Water Act have yet to be met.

Using the Freedom of Information Act, Environment Ohio obtained data on facilities' compliance with the Clean Water Act between January 1, 2005 and December 31, 2005. Environment Ohio researchers found that:

• The pollutants being discharged into Ohio waterways include sewage, cyanide, copper, oil, mercury and other heavy metals.

• Ohio is ranked the #1 polluter in the country, with over 1,795 exceedances of Clean Water Act permits in 2005 from 217 unique facilities.

• 74% percent of Ohio's permitted industrial and municipal facilities exceeded their Clean Water Act permits at least once in 2005.

• On average, Ohio facilities exceeding their Clean Water Act permits did so by 155%, or 2.5 times the legal limit.

• Polluters in Ohio reported 118 instances in which they exceeded their Clean Water Act permit by at least 500 percent over the legal limit.

CERTIFICATE OF SERVICE

I hereby certify that on 10/25/07, the original and 12 copies of the foregoing **DIRECT TESTIMONY OF ELISA YOUNG** was served by U.S. mail on:

and copies were e-mailed, faxed, hand delivered, FedEx'ed, or placed in the United States Mail, postage prepaid, addressed to:

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