

CASE STUDY

J.P. Pulliam Opacity Lawsuit



Project Summary

Core to Clean Wisconsin's mission is the belief that everyone deserves clean air. When the organization's legal research revealed that Wisconsin Public Service Corporation (WPS) had violated various aspects of air permit for its Pulliam power plant in Green Bay, Clean Wisconsin took legal action.

Together with Sierra Club, Clean Wisconsin brought suit against the WPS for violations of Section 304 of the Clean Air Act, its implementing regulations, and Pulliam's operating permit, seeking declaratory and injunctive relief and assessment of civil penalties. By its own monitoring reports, the Pulliam facility had exceeded its permitted opacity limits of visible emissions numerous times during the five-year period preceding our complaint.

To bolster public support for our position, we coupled our legal strategy with a robust organizing and communications plan. We held a press conference in Green Bay, across the river from Pulliam, that was attended by all local TV stations. We worked with Sierra Club to organize opposition to the plant's emissions violations, pointing out that WPS were lawbreakers. To garner support for the case and the need for cleaner air, in the greater Green Bay area, we held informational meetings at the public library and has successful editorial board visits with the Green Bay Press-Gazette.

After two well-fought years in federal court, WPS was pressured to enter into a consent degree. Under the agreement, the company was required to retire coal-fired generators at the Pulliam power plant. In addition, WPS agreed to install pollution controls at four other units and spend \$500,000 on energy-efficiency projects throughout the Green Bay area.

Project Details

Date 2006

Location Green Bay

Project Type Clean Air Act litigation

Other Parties Involved
Sierra Club

Venue U.S. District Court,
Wisconsin Eastern District



www.cleanwisconsin.org

