



PRESS RELEASE

For Immediate Release: November 2, 2007

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COURT WEIGHS LEGALITY OF COAL-FIRED POWER PLANT PERMIT, WATER USE AND AIR QUALITY HANG IN THE BALANCE

Atlanta, GA – On Tuesday, October 30, GreenLaw attorneys representing the Friends of the Chattahoochee and the Sierra Club completed a lengthy, 20-day hearing challenging the air pollution permit that Longleaf Energy Associates, LLC, a subsidiary of Dynegy, a Texas energy company, obtained from the Environmental Protection Division (EPD) to build a 1200 megawatt coal-fired power plant in Early County on the Chattahoochee River south of Columbus. Findings of fact and conclusions of law are due from all sides on November 20; Judge Stephanie Howells will hear closing oral arguments on November 29 and expects to hand down her decision by late December.

“It is the rare case that has such a long-term impact on Georgia’s air quality and the health of its citizens—and this is one of them,” stated Justine Thompson, Executive Director of GreenLaw, a public interest legal nonprofit representing the petitioners. “If this permit stands, the result will be an irreversible amount of additional pollution from sulfur dioxide (SO₂), nitrogen oxide (NO_x), particulate matter, and sulfuric acid mist.”

In the case of several pollutants at issue in the case, EPD allowed the plant design to have less than the best available control technology (BACT). The plant will also use 20 million gallons of water from the River every day, principally for cooling. While EPD and Dynegy claimed that the proposed SO₂ scrubber technology would minimize water use, in fact the technology chosen will use more water per ton of SO₂ controlled. SO₂ emissions damage crops such as peanuts and pine trees, vital to the state’s agricultural economy.

Furthermore, the Georgia Medical Association has taken the official position that no new coal-fired power plants should be built in Georgia because of the hazards they pose to human health, especially to young children and to senior citizens. The Georgia Environmental Protection Agency (EPD) ignored this advice in giving the go-ahead for construction of the Dynegy “Longleaf” plant in May of this year.

“This case is a fight for the hearts and lungs of all Georgians,” said Patty Durand, Chapter Director of the Sierra Club of Georgia. “Governor Perdue’s administration has failed to consider the health and welfare of our citizens by approving a smoke-belching, water-guzzling power plant. Georgia needs to embrace the green energy alternatives of the future, not the dirty coal plants of the past. We already have 10 coal-fired power plants polluting the air in our state. Enough is enough.”

In addition to the human- and crop-damaging chemical emissions, the plant will emit nine million tons of global-warming carbon dioxide (CO2). EPD's permit did not require any limitations on the amount of CO2 that can be emitted by the smoke stacks of the plant, despite an April 2nd U.S. Supreme Court decision that the Environmental Protection Agency must begin to consider regulation of carbon dioxide and other greenhouse gases that are contributing to global warming. Judge Howells refused to admit testimony on the petitioners' claim that CO2 should be regulated by EPD.

The testimony in GreenLaw's case against the EPD has uncovered some alarming facts about the procedures that were followed by the EPD in the permitting process. None of the staff responsible for drafting the permit were licensed in Georgia as professional engineers. Further, they failed to verify much of the information provided by the applicant, Longleaf/Dynegy, before issuing the permit. One witness claimed that since Dynegy had been successful in getting permits in Texas and Arkansas, he saw no need to check many of their numbers or their assumptions.

The EPD and the Attorney General's office are being aided by a team of lawyers led by Patricia Barmeyer from King & Spalding, hired by Longleaf/Dynegy, to support the company's interests. GreenLaw's legal team is led by the nationally known air quality litigation specialist, George Hays.

Bobby McLendon, President of Friends of the Chattahoochee, a group in Early County opposing the plant, said, "I sat in the court room listening for many days. I just don't think our local Chamber of Commerce and political officials realized how little independent investigation EPD did of the specifics of the plant – its design and the health impacts. I am concerned about the families and crops in Georgia. There clearly are problems with the application and we figured that the state would identify those. The state didn't do that. This plant should not be built."

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GreenLaw is dedicated to preventing air and water pollution that endangers human health and degrades Georgia's natural resources. GreenLaw achieves these goals by providing free high quality legal and technical assistance to environmental organizations and community groups throughout Georgia.

The Sierra Club works to protect our communities and the planet. Inspired by nature to contribute and participate, our members and supporters number more than 1.3 million friends and neighbors. The Club is America's oldest and largest grassroots environmental organization.

Friends of the Chattahoochee seek to protect the Chattahoochee River and the environment. A multi-state, non-profit organization that opposes any new industry that will adversely impact the Chattahoochee River watershed, it monitors existing industry to ensure that all environmental regulations and safeguards are being adhered to.