

Press Release from GreenLaw; Sierra Club, Georgia Chapter; and Friends of the Chattahoochee

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Legal Challenge Questions Largest “Minor” Coal Plant

Petition Identifies Flaws in Longleaf Coal-fired Power Plant Permit

Atlanta, Ga. – Attorneys for GreenLaw, a nonprofit public interest law firm, acting on behalf of two citizens’ groups, Friends of the Chattahoochee (FOC) and the Sierra Club, Georgia Chapter, filed a petition today requesting a hearing to challenge the state Environmental Protection Division (EPD) decision approving the construction of the largest new proposed coal-fired power plant in Georgia, Longleaf Energy Station. Longleaf is a project of New Jersey-based LS Power, which can sell the power to buyers anywhere in the U.S. and is not subject to regulation by Georgia’s Public Service Commission.

The Longleaf Energy Station would be a 1200 Mega Watt (MW) plant that would emit millions of tons of pollutants each year. Although the plant is large by any standard, EPD has classified Longleaf as a "minor" source of pollution for hazardous air pollutants, making it the largest coal plant in the nation to be classified as such. This classification is also a distinct departure from EPD's earlier position that Longleaf is a “major” source of hazardous air pollutants. Listing Longleaf as a minor source of pollution allows the power plant to avoid critical requirements that would ensure that Longleaf would operate in compliance with the law.

“Nothing about this proposed plant has changed,” said Bobby McLendon, President of Friends of the Chattahoochee, “not the type of coal, not the pollution controls, not the hours it will operate. A major source of hazardous air pollution does not magically turn into a minor one.”

“The Longleaf plant will be 40% larger than Plant Washington and use inferior technology. We don’t accept that the much bigger Longleaf plant can arbitrarily be classified as a minor rather than major source of air pollution,” explained GreenLaw Executive Director Justine Thompson. “The law requires, and Georgians deserve, air permits that are consistent and based on the most modern pollution controls.”

“If it walks like a duck, swims like a duck, and quacks like a duck, then it’s a duck,” said Erin Glynn, Regional Conservation Organizer of the Georgia Chapter of the Sierra Club. “Maybe when you’re sitting at a desk in Atlanta the difference seems inconsequential, but in Blakely people believe they should be protected as the law requires.”

EPD’s permit-granting runs counter to the national trend away from building new coal-burning power plants. Recently, plans to construct coal plants in North Carolina, South Carolina, Mississippi, and Louisiana have all been canceled. Georgia is out-of-step with other states that

are showing rising concern about the financial risks, high water consumption, and air pollution caused by coal plants.

Georgia already has 10 coal-fired power plants which cause public health costs of over six billion dollars each year. These costs are the result of the respiratory problems and premature deaths attributed to the pollution emitted by coal plants.

EPD has seven days to send the case to the Office of State Administrative Hearings, where it will be assigned to an administrative law judge. A court date is expected early in 2011.

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. www.green-law.org. Updates via www.Twitter.com/GrrrLaw

Friends of the Chattahoochee (FOC) seeks 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. www.friendsofthechattahoochee.org

Sierra Club, the oldest and largest grassroots environmental organization in the United States, has over 20,000 members and supporters in the state of Georgia. www.sierraclub.org

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