

PRESS RELEASE – July 29, 2010

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A coalition of Florida citizens announced today that they are mounting a three-pronged legal challenge to a biomass burning project planned for Gainesville, Florida by a subsidiary of the Boston-based American Renewables, LLC. Two challenges moved forward this week, and the third, a legal appeal of an air pollution permit, is imminent.

American Renewables plans to build a 100 megawatt wood burning facility at the site of the Gainesville Regional Utilities (GRU) coal plant. The biomass burner will not replace the coal plant, and will incinerate about two tons of wood per minute for electricity. It will emit toxic air pollution including deadly particulates that cause illnesses such as cancer, asthma and heart disease.

The first challenge was filed Monday, July 26, 2010, by Dr. Tom Bussing, former Mayor of the City of Gainesville, whose request to intervene in the process for “site certification” before the Florida Department of Environmental Protection (DEP) was granted. DEP has to approve use of the site for the biomass burner. Dr. Bussing says the site approval should be denied because of the burner’s negative health impacts and deforestation of public lands that will be cut for biomass fuel.

Dr. Bussing also cites the potential for the biomass burner to bankrupt the City. “Beyond the serious negative health and environmental impacts of this burner, it is a looming financial disaster for the City of Gainesville and its citizens,” said Bussing.\*

The second challenge was filed in the Florida Supreme Court on Wednesday July 28, 2010, by attorney Paula Stahmer and scientist Dian Deevey, who are represented by Gainesville attorney Horace Moore, Sr. They challenged the Public Service Commission (PSC) decision of “need” for the electricity.

Attorney Stahmer notes that the regional utility admitted it does not actually need additional electricity until 2023. “This is absurd,” said Stahmer, “As dissenting PSC Chairwoman Nancy Argenziano said back in February, ‘If ... you are saying there is no need for it right now, then why am I even looking at it?’\*\*”

The third challenge is an imminent appeal of the air pollution permit issued by the DEP allowing the emissions of deadly particulates, mercury, lead, ozone-forming chemicals and other pollutants from burning wood and from the diesel emissions of some 200 diesel trucks per day delivering wood chips and hauling ash off the site.

Attorney Mick Harrison and his colleagues at Greenfire Consulting, national experts advising the citizens together with Florida counsel, stated “Biomass incinerators are dirty energy disguised as ‘clean and green.’ They are neither clean nor green, and we are committed to using every legal tool to protect the public health, our forests, water supplies, and the climate from the destructive impacts of these incinerators.”

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\* “There is considerable uncertainty about the economics of this project because the overall cost-effectiveness of the GREC Project is heavily dependent upon the cost of future carbon regulation, and the potential resale of half the project’s capacity.” -- PSC Final Order, June 28, 2010, page 21  
<http://www.psc.state.fl.us/library/filings/10/05302-10/05302-10.pdf>

\*\* Transcript of PSC First Agenda Conference, February 9, 2010 Lines 21-23, pg 25  
<http://www.psc.state.fl.us/library/filings/10/00975-10/00975-10.pdf>