

**METRO ATLANTA MAPPING
Reveals Environmental Inequalities**

Metro Atlanta consistently ranks high on the lists of unhealthy areas in the United States. Most notoriously, Forbes Magazine named Atlanta the "most toxic city" in the country in 2009. The American Lung Association ranked the Atlanta Metro region 23rd (of 277 metropolitan areas) for ozone pollution in 2011 and seventh for the number of unhealthy air days in 2010.

These "distinctions" are the result of rapid population growth in recent decades that has strained the infrastructure of the cities and suburbs making up the Metro Atlanta area. The roads are overburdened with cars due to lack of mass transit options, resulting in high levels of air pollution.

Furthermore, the overstrained municipal wastewater treatment systems frequently spill raw sewage into waterways, making them unfit for fishing and recreation. And Metro Atlanta contains 29 percent of the state's hazardous waste sites and 120 Superfund sites that contribute to both air and water pollution.

Although statistics abound regarding pollution in Metro Atlanta, most of these numbers do not pinpoint exactly where the pollution comes from and who is most severely affected. GreenLaw has undertaken a comprehensive study of pollution in the Metro Atlanta area and how it relates to demographics.

Early results reveal that white and affluent residents are significantly less likely to live in close proximity to sources of air, water and land pollution than low-income and minority residents. The pattern of disparate exposure is important because

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**Longleaf Coal Plant Defeated!
LS Power Withdraws Plans for Massive Coal-Fired Power Plant**

New Jersey-based LS Power announced in early December that it would not build the Longleaf Energy Station (Longleaf), a massive coal plant slated for construction in southwest Georgia. The utility company will withdraw all requests for environmental permits for the facility. GreenLaw, Friends of the Chattahoochee, and Sierra Club, along with a coalition of public health and environmental organizations, have been opposing construction of the plant for 10 years, citing environmental and public health concerns.

If built, the 1200-megawatt (MW) Longleaf plant would have been the largest new pollution source in Georgia in decades. It would have emitted a staggering 9 million tons of carbon dioxide (CO2) each year – 450 million tons in its expected lifetime. Longleaf would also have been one of the top emitters of mercury in Georgia. Mercury is a potent neurotoxin that can damage the brain and the nervous system, causing developmental problems, learning disabilities, and delayed onset of walking and talking in children.

The Longleaf project has been one of the most controversial of its kind in Georgia history. First proposed in 2001, it met with immediate opposition from citizens in Blakely County where the plant was to be located. To give voice to their concerns about air and water quality impacts of the plant, local citizens formed an organization, Friends of the Chattahoochee.

"When we found out what this plant would do to our lives, we became convinced that we had to oppose it. We weren't environmentalists, politicians or community organizers, just regular people who want our grandchildren to breathe clean air," said Bobby McLendon,



Bobby and Jane McLendon, Friends of the Chattahoochee

LONGLEAF VICTORY!

President of Friends of the Chattahoochee. "Helping to stop this plant is probably the most important thing I have ever done for my family, my community and the Earth."

Represented by GreenLaw, Friends of the Chattahoochee and Sierra Club joined to file a series of legal challenges to the permits issued for the plant by the state of Georgia's Environmental Protection Division (EPD).

"We are thrilled that this decade-old struggle is finally over. In stopping this plant, we have prevented tons of pollution from entering Georgia's air and waterways," said GreenLaw's Executive Director, Justine Thompson. "This decision is an unprecedented victory for public health in our state and we are grateful for the many citizens who have worked long and hard

Continued on page 2

Georgia Fish Kill Tops “Dirty Dozen” List

Three of GreenLaw's cases are included in the new “Dirty Dozen” list issued by the Georgia Water Coalition. The Coalition, a consortium of over 180 conservation organizations, released the list to call attention to the most egregious pollution problems in the state. Topping the list is a case GreenLaw filed for the Ogeechee Riverkeeper to challenge the state's handling of the largest fish kill in Georgia's history.

Second on the list is the massive discharge from Rayonier's paper pulp mill operation located on the banks of the Altamaha River. GreenLaw has been working with the Altamaha Riverkeeper to reduce the mill's foul smelling discharge. The



Coalition also highlighted the impact of the proposed coal plant in Washington County, which GreenLaw is currently challenging in court. [See p. 3 for emissions data for the proposed plant.]

For years, King America Finishing Co., a textile manufacturing plant near Dover, Georgia, discharged toxic substances into the Ogeechee River without the state's knowledge or approval. Despite citizens' complaints and repeated inspections of the plant by state personnel, the pollution continued unabated. And then the worst happened – in May 2011, more than 30,000 fish turned up dead in the Ogeechee River just 50 yards downstream of King Finishing's discharge pipe.

Metro Atlanta Mapping, *continued from page 1*

toxic pollutants can lead to differences in health outcomes, especially for children. Air pollution exposure has been found to have a negative impact on infant birth weights, cause DNA damage, and affect neurological development. Many studies have also shown higher birth anomalies in populations living near landfill sites. In addition, epidemiological studies show that ambient air pollution levels are associated with acute increases in hospital admissions and mortality.

In 2012, GreenLaw will publish the final results of the study that will also include recommendations for citizens and policy makers on environmental permitting and procedures to prevent further siting of

In September 2011, Georgia entered into an agreement – called a “Consent Order” – with King Finishing. While the Order requires King Finishing to spend \$1 million on an unspecified “supplemental environmental project,” it does not require the company to pay a penalty, nor does it require that it cover the costs for the restocking of the fish in the river that the state conducted in September 2011. Presumably taxpayers will pick up that bill. The Order also allows the company to continue unpermitted discharges from a previously undisclosed manufacturing line. Adding insult to

injury, the public has been given no opportunity for input into any of the Order's terms.

In October, days after yet another fish kill threatened public water supplies in the Savannah River basin, GreenLaw, with co-counsel Stack & Associates, representing Ogeechee Riverkeeper, filed a lawsuit challenging the state's handling of the Ogeechee spill. Georgia had already been under scrutiny for its inability to adequately protect public health and the environment from industrial spills. Unfortunately, the state's handling of this disaster has shown that Georgia is unprepared for the next environmental catastrophe. 🌱

polluting facilities in already overburdened minority and low-income communities. Also look for an interactive map with a web-based Global Information System (GIS) that will allow local residents to identify pollution sources in their neighborhoods.

Environmental Justice Staff Attorney David Deganian has led this initiative and will be presenting the results to the public this spring. Stay tuned for the website launch – and let us know if you would like David to present the results of the study to your civic organization, faith-based organization, law firm or business. Contact David at ddeganian@greenlaw.org for more information. 🌱

Longleaf Coal Plant Defeated,

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for this outcome.”

The battle over the Longleaf coal plant made national and international news in 2008 when Fulton County Superior Court Judge Thelma Wyatt Cummings Moore issued a ruling that the plant's air quality permit was illegal because it failed to provide any limits on emissions of CO₂. While Judge Moore's decision was later overturned, the United States Environmental Protection Agency has now adopted much of the legal reasoning of the decision in promulgating recent rules to limit CO₂ emissions from larger industrial facilities. The U. S. produces 25 percent of all global CO₂ emissions. 🌱

Legal filings and a timeline of the Longleaf saga are chronicled at www.greenlaw.org/Longleaf

Director of Donor Relations

Andrea Hansberry joined GreenLaw in April as our Director of Donor Relations. She was



born and raised in London, England, and has always had a knack for speaking and a passion for story telling. She came to GreenLaw from EarthShare of Georgia, a workplace-giving program that supports groups dedicated

to preserving and protecting the environment. GreenLaw is a member of EarthShare and many of our supporters are able to give to GreenLaw at work thanks to EarthShare.

As EarthShare's Director of Business Development, Andrea managed more than 75 employee-giving campaigns, was the project manager for ESGA's events, including their Earth Day celebrations, and was also responsible for acquiring new business for the organization. She previously spent three years working as an Art Director in films, videos, television, and special event productions.

In the upcoming year, Andrea is looking forward to getting to know all of GreenLaw's supporters. We hope that you will take a moment and reach out to Andrea by sending her an email at ahansberry@greenlaw.org. 🌱

BRIEF LONGLEAF HISTORY: 2001-2011

2001	2004	2007	2008	2009	2010	2011
<ul style="list-style-type: none"> ➤ LS Power announces 1200 MW coal-fired power plant ➤ Friends of the Chattahoochee formed 	<ul style="list-style-type: none"> ➤ LS Power applies for air quality permit 	<ul style="list-style-type: none"> ➤ EPD issues permit with no CO2 limit ➤ GreenLaw files legal challenge on behalf of Sierra Club and Friends of the Chattahoochee ➤ 23-day hearing before Administrative Law Judge (ALJ) 	<ul style="list-style-type: none"> ➤ GreenLaw files intent to sue for lack of MACT permit to control hazardous air pollutants ➤ Longleaf files for MACT permit ➤ ALJ upholds air permit ➤ Superior Court Judge invalidates air permit; finds permit should limit CO2 emissions 	<ul style="list-style-type: none"> ➤ GA Court of Appeals upholds Superior Court decision to invalidate permit in part ➤ GA Supreme Court refuses to consider the issue of CO2 emissions 	<ul style="list-style-type: none"> ➤ On remand, ALJ upholds air permit ➤ EPD issues MACT permit ➤ GreenLaw files third legal challenge 	<ul style="list-style-type: none"> ➤ ALJ invalidates MACT permit, EPD reissues permit, and GreenLaw challenges MACT permit in Superior Court ➤ LS Power withdraws all permits! Longleaf will not be built!

WHAT'S AT STAKE

Maximum Annual Allowable Emissions

POLLUTANT	PLANT WASHINGTON	LONGLEAF (avoided)
Nitrogen Oxide	1345 tons	2689 tons
Sulfur Dioxide	1890 tons	5647 tons
Particulate Matter (PM) 10	654 tons	1855 tons
PM2.5	447 tons	1361 tons
Mercury	62 pounds	88 pounds
Carbon Dioxide (CO2)	6.9 M tons	9.7 M tons
Volatile organic compounds	87 tons	194 tons
Carbon monoxide	3635 tons	5378 tons
Lead	1163 pounds	1936 pounds

Plant Scherer: GreenLaw Objects to Nation's Dirtiest Coal Plant

Plant Scherer, the massive coal plant operated by Georgia Power and located in Juliette, Georgia, is the poster child for dirty coal. It emits more carbon dioxide than any other single coal plant in the nation, and is surrounded by massive holding ponds that contain millions of gallons of toxic coal ash.

Plant Scherer also emits significant quantities of nitrogen oxides (NOx), which cause smog, and sulfur dioxide (SO2), which causes fine particle pollution that threatens human health. Both NOx and SO2 cause acid rain. The Plant is located near Macon, in an area that is not meeting air quality standards for ozone and fine particle pollution.

According to the Clean Air Task Force, Plant Scherer is second in the nation for annual health impacts, causing 175 premature deaths, 125 hospital admissions, and 245 heart attacks.

GreenLaw attorneys are working to

ensure that Plant Scherer cleans up its act. On behalf of Sierra Club, GreenLaw submitted significant comments to the Georgia Environmental Protection Agency opposing the re-issuance of Scherer's air quality permit. Among other things, GreenLaw has urged that the permit's limits and associated monitoring and reporting requirements be strengthened to abate the facility's contribution to ozone and fine particle pollution.

In addition, GreenLaw has objected to numerous provisions in the draft permit that allow the facility to emit excess pollutants during vaguely defined periods called "startup, shutdown and malfunction" – provisions which would allow the Plant to violate the Clean Air Act with impunity frequently during the five-year permit term. GreenLaw is also reviewing other Georgia Power permits, including Plants Hammond and Bowen, for similar problems. 🌱

Revised Permit Issued for Plant Washington

Georgia's Environmental Protection Division (EPD) has re-issued an air pollution permit for the proposed 850-megawatt coal-fired power plant in Washington County. The revisions address portions of the permit that an administrative law judge ordered EPD to study further based on GreenLaw's challenges on behalf of Fall-line Alliance for a Clean Environment (FACE) and Sierra Club of Georgia.

The revised permit sets a tighter limit for fine particle pollution, which can cause heart and lung damage when breathed deep into the lungs. It also revises the method for limiting organic hazardous air pollutants.

GreenLaw is reviewing the permit closely before deciding whether to take further legal action. The permit is the final one needed for the \$2 billion plant to proceed to construction. The plant may emit as much as 87 tons of volatile organic compounds and 6.9 million tons of CO2 each year (see Emissions chart).

GreenLaw continues to work with citizens in Ben Hill County to oppose a coal-fired plant in that county proposed by Power4Georgians, the same consortium of electric cooperatives funding Plant Washington. 🌱



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Environmental Heroes Celebration: Oct. 4



Billy Hall presents Doremus Award to Steve O'Day



Kathy Gottschalk, Dennis Creech, and Chandra Brown



GreenLaw's fantastic event volunteers



Guests mingle on Nelson Mullins' rooftop terrace



Martha Black and Justine Thompson



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 Defeated!
 See inside for story.**