



**FOR IMMEDIATE RELEASE**  
August 26, 2009

**CONTACT:** Midge Sweet, (404) 667-4476  
Julie Bookman, (404) 558-0577

## **30 Organizations Call for Supreme Court Review of Coal Plant's Impact**

### *Six Amicus Curiae Briefs Filed in the Georgia Supreme Court*

#### *Presidential Medal of Freedom Recipient, Dr. Joseph E. Lowery, Speaks Out Against Coal Plant Pollution*

ATLANTA, Ga.— Today is the day when Georgians will weigh in on the negative community effects of coal-fired power, specifically the Longleaf coal burning plant. More than 30 organizations have expressed their concerns about the health and economic risks that Longleaf's operation will create in one of six amicus curiae briefs that are being filed with the Georgia Supreme Court today.

The amicus briefs constitute an unusually extensive range of support for the plaintiffs' appeal to the Court in *Friends of the Chattahoochee and Sierra Club v. EPD and Longleaf Energy Associates*. These "friend of the court" briefs cover six topics that state and national leaders and experts will address during a Wednesday morning teleconference organized by the Georgians for Smart Energy coalition.

Experts and advocates from across Georgia will convene on the call **Wednesday, August 26, 11 a.m.** to discuss legal, health, social justice and environmental issues posed by the proposed Longleaf coal-fired plant in Early County, southwest Georgia.

**Leading off the discussion will be civil rights legend and activist Reverend Dr. Joseph E. Lowery**, President of the Georgia Coalition of the People's Agenda who was recently honored by President Obama with the Presidential Medal of Freedom. Reporters are invited to ask questions following remarks from knowledgeable advocates and experts presenting core issues in the appellee's petition for certiorari.

"Georgians can make smarter decisions than building a water guzzling coal plant whose mercury pollution alone makes it unsafe for us to eat all the fish we catch," said Midge Sweet, campaign director of Georgians for Smart Energy coalition. "These pollutants will irrevocably compromise the health of Georgia families for 50 years – two generations. That's not fair. That's not right. Now is the time for the Georgia Supreme Court to review the enormous impact of this plant."

Earlier this week, the Southeastern Energy Efficiency Alliance released an exhaustive study that found that Georgia's need for baseline, reliable energy could be met through 2020 by implementing energy efficiency measures. "The hard facts are that demand for energy is dropping and Georgia doesn't need this plant," added Sweet. ("Achievable energy efficiency potential in the South could bring energy consumption in 2020 down below current levels." <http://www.spp.gatech.edu/faculty/workingpapers/wp51.pdf>)

Diverse organizations throughout Georgia, representing thousands of citizens statewide, are concerned about the impacts of the proposed Longleaf Energy Station as well as another facility, Plant Washington which was received its draft permit from the Environmental Protection Division on August 25. The briefs reflect a rigorous analysis of the issues raised by the suit, including quantifiable health risks from coal pollutants on vulnerable populations; contamination of Georgia's air by small particulate matter; and the negative economic impacts on jobs.

**Midge Sweet will moderate the media teleconference.** She is available for interviews and can be reached at (404) 667-4476/c or (404) 688-5430/w.

**The call-in number is (641) 715-3630, and the access code is 222538#**

###

**The following are brief statements from leaders of organizations submitting amicus briefs:**

**REVEREND DR. JOSEPH E. LOWERY**, President, *Georgia Coalition for the People's Agenda*, Helen Butler, Executive Director (404) 653-1199 ▪ “Longleaf follows the sad pattern of fossil fuel projects that find their way into the neighborhoods of low income families of color. Is there a sign that says: Put your smokestacks in the communities of the poor, of minorities, those whose voices will not be heard? This time we will be seen, we will be heard. We are asking the Georgia Supreme Court to hear our voice and to hear the *Longleaf* case.”

**GLENN DOWLING**, Executive Vice President, *Georgia Wildlife Federation*, [gdowling@gwf.org](mailto:gdowling@gwf.org), (770) 787-7887 ▪ “Georgia’s natural resources belong to all of Georgia’s citizens. Should Longleaf go forward as permitted, the practical needs of farmers, timber growers, wildlife habitat managers, sportsmen, and other Georgians for whom prescribed burning is an essential practice, could suffer negative consequences. The reduction, suppression or limiting of prescribed fire in Georgia could create negative impacts for existing businesses, landowners, local economies and interrupt the fire-dependent ecology of Georgia.”

**STEPHANIE KODISH, ESQ.**, Clean Air Counsel, *National Parks Conservation Association*, [skodish@npca.org](mailto:skodish@npca.org) ▪ “The Superior Court of Fulton County was correct in deciding that the Clean Air Act requires limiting power plant carbon dioxide emissions, which are contributing to global warming. Global warming is already harming ecosystems and wildlife. You can already see its effects in our national parks, like Georgia’s Cumberland Island National Seashore, where migratory birds’ food may no longer be available when they need it because natural cycles are shifting. The State Supreme Court should hear this case.”

**PETE ALTMAN**, Climate Campaign Director, *Climate Center, National Resources Defense Council (NRDC)*, [paltman@nrdc.org](mailto:paltman@nrdc.org), (202) 289-2435 ▪ “The economic benefits of investing in clean energy will bring some \$4.6 billion to Georgia, which is roughly equal to over one percent of all state economic activity in 2008. That is 58,816 new jobs and a bustling economy. Economic activity projected for Longleaf is fewer than 120 full-time jobs that require a risky \$2 billion investment. The biggest economic bang for the energy buck is without question investment in clean energy not fossil fuel. That’s what we want the Georgia Supreme Court to know.”

**JUNE DEEN**, Director of Advocacy, *American Lung Association*, [jdeen@lungga.org](mailto:jdeen@lungga.org), (770) 434-5864 x1706 ▪ “Some of the most dangerous air pollutants, ozone and particulate matter among them, are produced by the combustion of fossil fuels, including coal. Particle pollution (also known as soot) is the most lethal of air pollutants. It can get deep into the lungs and trigger asthma attacks, increase hospital admissions, and cause people to die early.”

**CHANDRA BROWN**, Executive Director, *Ogeechee-Canoochee Riverkeeper*, [cbrown@ocrk.org](mailto:cbrown@ocrk.org) (912) 764-2017/w; (478) 494-8541/cell ▪ “The Court of Appeals has dramatically limited judicial oversight of government actions – and has in fact allowed some actions of government to go completely unchecked. To ensure checks and balances on government’s power, citizens must be able to monitor government actions. That is why the Georgia Supreme Court should hear the Longleaf case. This will impact management of not just Georgia’s air quality, but of its water resources as well. For this reason alone the *Longleaf* suit deserves to be heard in our state’s highest court.”

**KATHERINE CUMMINGS**, President, *Fall-line Alliance for a Clean Environment (FACE)*, [khc83@alumni.guilford.edu](mailto:khc83@alumni.guilford.edu) (478) 232-8822/cell ▪ “What the Supreme Court does will impact not just those who live close to Longleaf, but citizens like our members who live close to yet another ill-advised coal plant, Plant Washington. Whether Longleaf is required to limit its yearly 9 million tons of carbon dioxide emissions will directly impact the 6 million tons that Plant Washington intends to emit. And whether modern pollution controls will be required on coal plants in Georgia will affect the ability of children in our community to breathe.”

**KATY HINMAN**, *Georgia Interfaith Power & Light (GIPL)*, [khinman@gipl.org](mailto:khinman@gipl.org) (404) 588-9978/w ▪ “People of faith are concerned about our responsibility to be good stewards of our resources, to seek justice—both economic and environmental justice—for our neighbors. We also have a responsibility to protect and preserve God’s good creation. We urge the Georgia Supreme Court to take this case and recognize its important role in protecting the health and well-being of all Georgians and our earth.”

###

**Georgians for Smart Energy (GSE)** is a coalition of energy, environmental and public interest organizations from across Georgia. GSE strives to raise public awareness of the many serious issues regarding outdated fossil fuels, including Longleaf Energy Station, a 1200-megawatt coal-fired power plant in Early County proposed by New Jersey-based LS Power. GSE is also assisting citizens working to stop the Plant Washington coal-burning power plant in central Georgia (Sandersville, Washington County). For more information and a list of the GSE partners: [www.georgiansforsmartenergy.org](http://www.georgiansforsmartenergy.org)

Partner organizations include Mothers & Others for Clean Air, Center for a Sustainable Coast, Coosa River Basin Initiative, Environmental Community Action, Environment Georgia, Fall-line Alliance for a Clean Environment, Altamaha Riverkeeper, Georgia Conservancy, Georgia Conservation Voters, Georgia Forest Watch, Georgia Rivers Network, Georgia Students for Sustainability, Georgia Interfaith Power & Light, GreenLaw, Sierra Club/Georgia Chapter, Satilla Riverkeeper, Southern Alliance for Clean Energy, Friends of the Chattahoochee, Cobb Alliance for Smart Energy, Southern Energy Network, Southern Environmental Law Center, and the Ogeechee-Canoochee Riverkeeper.

Georgians for Smart Energy encourages energy efficiency and investments in clean, renewable energy, discourages further investment in outdated energy sources, such as coal-fired power plants. The GSE campaign includes a diverse group of grassroots organizations, which share the belief that all Georgians will prosper if we invest in clean, renewable energy instead of continuing to rely on outdated, dirty energy sources. [www.georgiansforsmartenergy.org](http://www.georgiansforsmartenergy.org)

###

**Amicus Briefs Filed in the Georgia Supreme Court Re:**

***Sierra Club and Friends of the Chattahoochee***

**v.**

***EPD & Longleaf Energy Associates***

---

**I. Topic            The Impact of Air Pollution on Minority Populations**

Spokesperson: **Reverend Joseph Lowery**

**Helen Butler**, Executive Director, Georgia Coalition for the People's Agenda, (404) 653-1199

Attorneys:            Donald D.J. Stack, Stack & Associates  
Kate Marks, Stack & Associates  
Charles Mathis, The Mathis Law Firm

Organizations:       Georgia Coalition for the People's Agenda which includes among others, the following organizations: American Federation of Labor - Congress of Industrial Organizations ([www.aflcio.org](http://www.aflcio.org)), Atlanta Black Agenda ([www.brcaatl.com](http://www.brcaatl.com)), Concerned Black Clergy ([www.concernedblackclergy.org](http://www.concernedblackclergy.org)), Friends of Sweet Auburn ([www.sweetauburn.com](http://www.sweetauburn.com)), Georgia Association of Black Elected Officials ([www.gabeo.org](http://www.gabeo.org)), Georgia Coalition of Black Women ([www.dogonvillage.com/GCBW](http://www.dogonvillage.com/GCBW)), The King Center ([www.thekingcenter.org](http://www.thekingcenter.org)), Laborers' International Union ([www.liuna.org](http://www.liuna.org)), MLK March Committee ([www.mlkmarchaar.org](http://www.mlkmarchaar.org)), National Association for the Advancement of Colored People ([www.naacp.org](http://www.naacp.org)), National Council of Negro Women ([www.ncnw.org](http://www.ncnw.org)), Southern Christian Leadership Council ([www.sclcnational.org](http://www.sclcnational.org)), and SCLC/W.O.M.E.N., Inc. ([www.sclcwomeninc.org](http://www.sclcwomeninc.org))

**II. Topic            PM2.5 and Its Impact on Prescribed Burning**

Spokesperson:        **Glenn Dowling**, *Georgia Wildlife Federation, Executive Vice President*, [gdowling@gwf.org](mailto:gdowling@gwf.org), (770) 787-7887

Attorneys:            Jim Butler, Butler Wooten & Fryhofer  
Joel Wooten, Butler Wooten & Fryhofer

Organizations:       Georgia Wildlife Federation ([www.gwf.org](http://www.gwf.org))  
Tall Timbers ([www.talltimbers.org](http://www.talltimbers.org))

**III. Topic            Impact of Coal Plants on National Parks**

Amici Weigh In on Importance of *Longleaf*

Spokesperson: **Stephanie Kodish, Esq.**, *National Parks Conservation Association*, [skodish@npca.org](mailto:skodish@npca.org)  
**Mark Wenzler**, *National Parks Conservation Association*,  
[mwenzler@npca.org](mailto:mwenzler@npca.org), (202) 255-9013

Attorneys: Stephanie Kodish, National Parks Conservation Association  
Hal Wright, Bridges & Wright

Organization: National Parks Conservation Association ([www.npca.org](http://www.npca.org))

**IV. Topic CO2, Global Warming, IGCC and Public Health Impacts**

Spokesperson: **Pete Altman**, *Climate Center, National Resources Defense Council (NRDC), Climate Campaign Director*, [paltman@nrdc.org](mailto:paltman@nrdc.org), (202) 289-2435  
**Eric Young**, Natural Resources Defense Council (NRDC), Climate and Energy [eyoung@nrdc.org](mailto:eyoung@nrdc.org), (202) 289-6868 or  
**Michael Oko**, NRDC, [moko@nrdc.org](mailto:moko@nrdc.org), (202) 289-6868

Attorneys: Colin O'Brien, Natural Resources Defense Council (NRDC)  
Lee Biola, Attorney at Law

Organizations: NRDC ([www.nrdc.org](http://www.nrdc.org))  
Physicians for Social Responsibility ([www.psr.org](http://www.psr.org))

**V. Topic Procedural Barriers to Fair Hearings**

Spokesperson: **Chandra Brown**, *Ogeechee-Canoochee Riverkeeper, Executive Director*, [cbrown@ocrk.org](mailto:cbrown@ocrk.org), (912) 764-2017 or (478) 494-8541  
**Martin Shelton**, Schulten, Ward & Turner, (404) 419-2966

Attorney: Martin Shelton, Schulten, Ward & Turner

Organizations: Altamaha Riverkeeper & Altamaha Coastkeeper ([www.altamahariverkeeper.org](http://www.altamahariverkeeper.org))  
Coosa River Basin Initiative ([www.coosa.org](http://www.coosa.org))  
Flint Riverkeeper ([www.flintriverkeeper.org](http://www.flintriverkeeper.org))  
Ogeechee Canoochee Riverkeeper ([www.ocrk.org](http://www.ocrk.org))  
Satilla Riverkeeper ([www.satillariverkeeper.org](http://www.satillariverkeeper.org))  
Savannah Riverkeeper ([www.savannahriverkeeper.org](http://www.savannahriverkeeper.org))  
Upper Chattahoochee Riverkeeper ([www.ucriverkeeper.org](http://www.ucriverkeeper.org))

**VI. Topic                    CO2 Emissions, Global Warming, Public Health**

Spokesperson:                    **Katherine Cummings**, *Fall-line Alliance for a Clean Environment (FACE), President*, [khc83@alumni.guilford.edu](mailto:khc83@alumni.guilford.edu) (478) 232-8822

**Katy Hinman**, *Georgia Interfaith Power & Light (GIPL), Executive Director* [khinman@gipl.org](mailto:khinman@gipl.org),                    (404) 588-9978

**Rebecca Watts Hull**, *Mothers & Others for Clean Air, Program Manager*, [rwattshull@gaconservancy.org](mailto:rwattshull@gaconservancy.org), (404) 876-2900, x108 or (404) 313-1779

Attorneys:                                    Jon Schwartz, Attorney at Law  
   William Downs, Adorno & Yoss

Organizations:                                Cobb Alliance for Smart Energy  
   ([www.cobballianceforsmartenergy.org](http://www.cobballianceforsmartenergy.org))  
   Fall-Line Alliance for a Clean Environment  
   ([www.faceenvironment.org](http://www.faceenvironment.org))  
   Georgia Coastal Center for Sustainable Development  
   ([www.sustainablecoast.org](http://www.sustainablecoast.org))  
   Georgia Interfaith Power and Light ([www.gipl.org](http://www.gipl.org))  
   Mothers and Others for Clean Air  
   ([www.georgiaconservancy.org/mothersandothers](http://www.georgiaconservancy.org/mothersandothers))  
   The Georgia Conservancy ([www.georgiaconservancy.org](http://www.georgiaconservancy.org))

## JLP STATUS REPORT

June 26, 2009

### BEALL

3228.011

- sent reminder email to MAS regarding Ed Schwartz response
- drafted Complaint
- need to research Nesco's ownership interest in the property, contacted Dorothy about property search, but have not followed up with actual assignment

### HOLMES

3224.012

- docs & video in summation
- drafted settlement letter and emailed to MAS 6/16/09

### MASSELTON CONDOS

3234.011

- drafted follow up letter to Board and emailed to MAS

### NOVARRE

2836.011

- emailed to remind MAS to ask Scott if client rec'd EPD ltr

### PREMIER

3398.011

- drafting motion to dismiss EXL counterclaims
- work to complete MacPherson Rule 26 report

### REDMAN

4084.011

- JP called Don Redman on 6/15/09 re: notice letter & testing
- clients have SOLD the warehouse and negotiating sale of remaining property (15 acres)
- Shaw representative visited property w/o contacting SWT
- client was to send samples and provide JP with cost to rent property for inclusion in demand letter to Shaw, but have yet to do so

WAREHOUSE ONE

3349.011

- MAS/JLP met with clients on 6/17/09
- clients provided additional documentation
- need to go through client's docs to find WT Donahoo & Assoc. Survey dated 6/6/200 and revised 2/18/2001 to identify any easements not yet identified
- next steps: MAS to get estimate from PEI for sampling detention pond
- JP to research potential defendants (current property owners/operators)
- send Pre-notice letters asking for abatement of nuisance, etc.

FDIC-WHITE'S BUILDING

4178.074

- JP emailed MAS and ESS re: site inspection and easement, awaiting response