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NAACP challenges biomass site

By Bill Cotterell

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An attorney representing the NAACP and south-side property owners and residents Friday warned he would file a federal complaint if the state allows a biomass energy plant, saying its placement in southwest Tallahassee is discriminatory.

Florida Department of Environmental Protection Secretary Michael Sole said his agency's air-quality standards are the same on all sides of town.

"From a regulatory standpoint, we focus on whether a project meets the requirements — air requirements, in this case — making sure the public is protected," Sole said. "That's regardless of place; whether the site was located adjacent to the Capitol, or where it is, the same criteria exists."

Attorney David Ludder wrote to Sole, warning that opponents of the biomass plant will challenge hundreds of millions in U.S. Environmental Protection Agency funding to the state under Title VI of the 1964 Civil Rights Act, on grounds that the plant will disproportionately affect minority residents.

A public-relations firm representing Biomass Gas & Electric, the company proposing the plant, scheduled a forum at Tallahassee Community College on Monday for company officials to discuss the "green" economic and environmental impacts of their plan.

The BG&E plant is planned on a 23-acre industrial site sandwiched between railroad tracks near Roberts Avenue and Lipona Road.

In his letter to Sole, Ludder said he represents the NAACP and Rainey Gibson, Willie Dupree, Bob Fulford and Erwin Jackson, "who have interests that will be affected" by the plant. He said Jackson owns property in the area and the other three live nearby.

"It doesn't matter if the agency has done everything right with regard to environmental requirements," said Ludder. "If it's going to have a discriminatory impact, it can't be allowed."

Sole said a recommendation for approval of the Tallahassee Renewable Energy Center is on appeal to the Division of Administrative Hearings and he will make a final determination after that.

Citing census data, Ludder said 43 percent of residents in a one-mile radius of the plant site are black and 51 percent are non-white. By comparison, Ludder said, 29 percent of Leon County residents are black and 34 percent are non-white.

"Accordingly, if a permit is issued for this facility, my clients intend to file an administrative complaint with the EPA asking it to deny, annul, suspend or terminate all EPA funding to the Florida Department of Environmental Protection," Ludder wrote to Sole.

The department said it received \$102.7 million from EPA last fiscal year.

DEP has attended several public forums on the plant and met with citizens concerned about it, said DEP communications director Nancy Blum.

Ron Sachs, representing the Norcross, Ga., company, said "the biomass project proposed by BG&E represents a deep green opportunity for Tallahassee, both environmentally and economically." Sachs's firm set up a forum for 6 p.m. Monday at the Tallahassee Community College student union ballroom, so company officials can discuss the environmental and economic impacts of the plant.
