

Conservationists score with court's biomass ruling

By Tennille Tracy, Wall Street Journal

WASHINGTON – A federal appeals court on Friday put pressure on the Environmental Protection Agency to move quickly on a rule that addresses carbon-dioxide emissions from power plants that burn timber and agricultural waste to generate electricity.

The U.S. Court of Appeals for the District of Columbia Circuit struck down an EPA rule postponing greenhouse-gas standards for new biomass power plants, but it didn't specify a timetable for the agency to act. The court said the EPA had failed to justify its reasons for the delay.

The ruling comes just weeks after President Obama unveiled a broad new plan to address climate change, targeting mostly emissions from power plants that burn coal or natural gas.

Friday's decision could also have a direct impact on a handful of new facilities that recently obtained permits or are in the process of getting them now.

"Our industry needs regulatory certainty so that biomass resources can be utilized to their fullest extent," said Bob Cleaves, president of the Biomass Power Association.

EPA spokeswoman Enesta Jones said the agency "will review the decision to determine any next steps."

At issue is the EPA's 2011 decision to postpone a greenhouse gas rule for "biogenic" sources of carbon dioxide—that is, emissions that come from materials other than fossil fuels.

The EPA said at the time it needed three years to study these emissions because their net effect on the environment is difficult to calculate. Part of the equation, the agency says,

is figuring out much carbon dioxide trees and other biological materials absorb from the atmosphere before being decomposed or burned, emitting carbon dioxide back into the atmosphere.

Biomass power plants are one large source of these emissions, but landfills, ethanol producers and other facilities also emit carbon dioxide.

The industry says biomass plants are far better for the environment than facilities that burn fossil fuels, but critics disagree.

Kevin Bundy, senior attorney with the Center for Biological Diversity, the group that sued the EPA, said the emissions still needed to be addressed. "There has been a huge push over the last few years to build these wood-fired power plants, under the theory that it's clean power," Bundy said. "Our real concern is that this rush to build these plants will actually make the climate problem worse."