



Great News!!! Press Release
KVSTEP & L.E.A.F (Legal Environmental Aid Foundation)
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SAN PIERRE, IN (10/7/07)

Amid rumors of financial trouble, significant community opposition, and ongoing legal proceedings, BioEnergy Development Company, LLC, opted not to build an ethanol refinery in San Pierre.

The decision brings a sigh of relief to a group of more than 300 San Pierre residents who voiced their concerns last November at a public hearing before the Starke County Board of Zoning Appeals. During the hearing, members of the community group known as "Kankakee Valley Stop the Ethanol Plant (KV-STEP)," warned the BZA about serious environmental impacts commonly associated with ethanol production including increased smog and deterioration of air quality from fine particle and hazardous air pollution; groundwater contamination and depletion (the proposed refinery was expected to use 180 gallons of water per minute); inability of the local fire department to handle hazardous chemical spills or ethanol-related fires; increased noise, odors and traffic (50 tanker-trucks per day estimated); and the eye-sore of having a 40-acre industrial complex in their small, quiet, rural town. Despite the group's concerns, the BZA issued a conditional use clearing the way for Bio-Energy to build the refinery and prompting residents to hire attorney Kim Ferraro with the Legal Environmental Aid Foundation (LEAF) to challenge the BZA's decision.

According to Ferraro, "granting a conditional use to build an industrial refinery on agriculturally zoned land was improper for several reasons including the BZA's failure to consider the proposed refinery's impact on the public health, safety and welfare as required by state law and county ordinance." Accordingly, Ferraro filed a lawsuit with the Starke County Circuit Court on behalf of the neighborhood group challenging the decision.

"After a year of legal wrangling," Ferraro explained, "my clients are pleased that BioEnergy has opted not to build its polluting refinery in their town. Of course, we will not dismiss the lawsuit until the BZA formally votes to annul the conditional use of the property where BioEnergy had proposed to build the plant."

Ferraro's statements were echoed by Dawn Danford, an active member of KV-STEP. "With overwhelming community support and the efforts of our attorney, we proved that we can protect our town from irresponsible growth by getting involved in the process and working together. I hope that in the future, our elected and appointed officials will listen to our concerns and consider the interests of both industry and the people before acting."

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KV-STEP member Isaac Wellsand believes the decision proves that "the legal system works to protect the public interest no matter how big the opposition if regular folks like us have affordable access to lawyers." Without pro bono representation from LEAF's attorney, Wellsand fears the group may not have prevailed. "It's also comforting to know that Starke County has a watch dog group like KV-STEP," Wellsand said.

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