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Green Energy About-Face Could Cost Tribe

By JACK BOUBOUSHIAN



CHICAGO (CN) - A Wisconsin tribe's decision to kill a waste-to-energy project on tribal lands cost the contractor hired to run the plant more than \$250 million in lost profits, the contractor claims in court.

ACF Leasing, ACF Services, and Generation Clean Fuels sued Green Bay Renewable Energy (GBRE), Oneida Seven Generations Corporation, and the Oneida Tribe of Indians of Wisconsin, in Cook County Court.

ACF Leasing and the Oneida Tribe entered into a \$22.2 million contract "that involved the leasing of three liquefaction machines by GBRE from ACF Leasing for use in a plastics to oil energy project. The project was to use a pyrolytic process that produced oil from waste plastics," ACF says in the complaint.

Pyrolysis involves burning stuff, thereby changing its chemical composition, out of the presence of oxygen

GBRE is an alternative energy company and subsidiary of the tribally owned Oneida Seven Generations Corporation (OSGC), according to the complaint.

GBRE originally won a permit to build the waste-to-energy plant in Green Bay, but the permit was revoked after the City Council found the company was not truthful about its plans, ABC local news station Channel 2 in Green Bay reported.

The company then planned to build the plant on tribal lands, until members voted to stop its construction.

The contract allegedly provided for GBRE to pay 110 percent of ACF's expenses on the project, and pay ACF 49 percent of GBRE's net income for the project's duration.

But six months after signing the agreement, Oneida's tribal council voted to dissolve Oneida Seven Generations Corporation.

"As a direct result of the December 15, 2013 vote to dissolve OSGC, the Wisconsin Bank & Trust withdrew the application for the guarantee it had submitted to the BIA [Bureau of Indian Affairs] and withdrew its commitment to finance the project. The BIA, in turn, abandoned the project," ACF says.

ACF claims the cancellation of the contract cost it \$250 million in lost profits from the project, plus lease payments and costs.

It seeks damages for breach of contract, promissory estoppel, unjust enrichment and tortious interference.

ACF is represented by Gerald Dombrowski with Sanchez, Daniels & Hoffman.

