

MANISTEE CITY PLANNING COMMISSION

Public Hearing of Thursday, February 19, 2004
7:00 p.m. -Manistee Middle School Cafeteria, 550 Maple Street

AGENDA

- I. Roll Call
- II. Public Hearing
 1. Manistee Saltworks Development Corporation - Coal Fired Power Plant
 - 2.
- III. Work/Study Session
 1. Manistee Saltworks Development Corporation - Coal Fired Power Plant
 2. Other
- IV. Adjournment

Public Comment Procedures

The City of Manistee Planning Commission welcomes public comment in support of its decision-making process. To assure an orderly, fair and balanced process, the Planning Commission asks that participants at all public hearings observe the following rule of procedure:

1. The Chairperson will recognize each speaker. When a speaker has the floor, he/she is not to be interrupted unless time has expired. Persons speaking without being recognized shall be out of order.
2. Each speaker shall state their name and address for the record and may present written comments for the record.
3. Speakers shall address all comments and questions to the Planning Commission.
4. Unless waived by the Planning Commission for a specific meeting or a specific speaker, public comment shall be limited to five (5) minutes per speaker, one time only. If a group of people wish to be heard on one subject, a spokesperson may be designated who may request that more than five (5) minutes be permitted for the collective comments of the group as presented by that speaker.
5. The Chairperson may request that repetitive comments be limited or abbreviated in the interest of saving time and allowing others to speak.
6. The Chairperson may establish additional rules of procedure for particular hearings as he/she determines appropriate.
7. Normal civil discourse and decorum is expected at all times. Applause, shouting, outbursts, demonstrations, name-calling or other provocative speech or behavior is not helpful to the decision-making process and may result in removal from the hearing or an adjournment.

Thank you for your interest in the work of the City of Manistee Planning Commission and for your cooperation with these rules of procedure.

MEMORANDUM

TO: Planning Commission Members

FROM: Denise Blakeslee 
Administrative Assistant - Community Development Department

DATE: February 13, 2004

RE: Planning Commission Public Hearing/Worksession February 19, 2004

The Planning Commission will hold a Public Hearing/Worksession on Thursday, February 19, 2004 at 7:00 p.m. in the Middle School, Cafeteria, 550 Maple Street. The following items will be on the agenda.

1. Manistee Saltworks Development Corporation. A Public Hearing will be held in response to the Special Use Permit Application for Manistee Saltworks Development Corporation followed by a Worksession.

Please note that the Holland Board of Public Works Base Load Resource Option Report which has been mentioned during public comment was submitted by Fred LaPoint at the February 5th meeting as part of the record and is an attachment to the minutes. I am enclosing your copy of the February 5, 2004 meeting minutes for your review. They will not be approved until the March Meeting.

If you are unable to attend please call me at 723-2558.

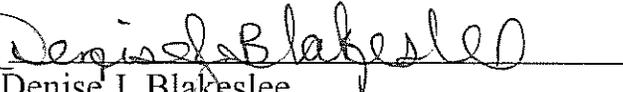
:djb

PUBLIC NOTICE

THE LOCATION OF THE PLANNING COMMISSION PUBLIC HEARING/WORKSESSION ON FEBRUARY 19, 2004 HAS BEEN CHANGED TO THE MIDDLE SCHOOL GYM

Due to the Occupancy Limitations of the Manistee Middle School Cafeteria the Public Hearing/Worksession of the City of Manistee Planning Commission scheduled for Thursday, February 19, 2004 will be held in the Middle School Gymnasium.

This notice was posted by Denise J. Blakeslee, to comply with Sections 4 & 5 of the Michigan Open Meetings Act (P.A. 267 of 1976) at 4:30 p.m., Tuesday, February 17, 2004 on the door at the north entrance to City Hall, 425 Sixth Street, Manistee, Michigan.

Signed: 
Denise J. Blakeslee

NOTICE OF PUBLIC HEARING

City of Manistee Planning Commission

The Manistee City Planning Commission will hold a Public Hearing on Thursday, February 19, 2004 at 7:00 p.m. in the Middle School Cafeteria, 550 Maple Street, Manistee, MI 49660.

The Hearing is being held in response to a request from:

NAME: Manistee Saltworks Development Corporation

ADDRESS: 14701 St. Mary's Lane - Suite 625
Houston, TX 77079

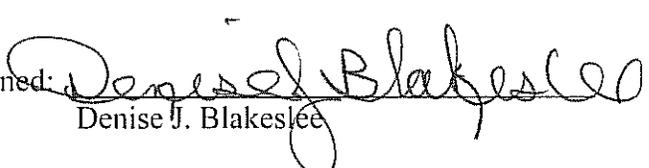
LOCATION OF REQUEST: 1501 Main Street
Manistee, MI 49660

HEARING PURPOSE: Request for a Special Use Permit to construct a Coal Fired Power Plant.

Interested parties are welcome to attend the hearing, or can comment in writing to: Jon Rose, Community Development, City of Manistee, P.O. Box 358, Manistee, MI 49660, (231) 723-2558.

This notice was posted by Denise J. Blakeslee to comply with Sections 4 & 5 of the Michigan Open Meetings Act (P.A. 267 of 1976) at 11:00 a.m., Friday, February 6, 2004 on the door at the north entrance to City Hall, 425 Sixth Street, Manistee, Michigan.

Signed:

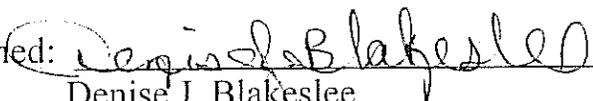

Denise J. Blakeslee

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Memo

TO: Planning Commission Members
FROM: Denise Blakeslee, Administrative Assistant 
DATE: February 20, 2004
RE: Public Hearing

The Planning Commission adjourned the Public Hearing on February 19, 2004 until 7:00 p.m. on Thursday, February 26, 2004 in the Middle School Gym. We have 104 people left to speak (we will not accept any new sign In's).

If you are unable to attend please call me at 723-2558. Have a great weekend!

:djb

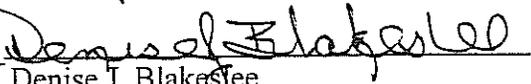
PUBLIC NOTICE

THE PLANNING COMMISSION
PUBLIC HEARING ON FEBRUARY 19, 2004
WAS ADJOURNED TO 7:00 P.M. THURSDAY,
FEBRUARY 26, 2004 IN THE
MIDDLE SCHOOL GYM
550 MAPLE STREET
MANISTEE, MICHIGAN

THIS CONTINUANCE IS TO PROVIDE
THE REMAINING 104 PEOPLE
WHO SIGNED UP THE
OPPORTUNITY TO SPEAK.

This notice was posted by Denise J. Blakeslee, to comply with Sections 4 & 5 of the Michigan Open Meetings Act (P.A. 267 of 1976) at 4:30 p.m., Friday, February 20, 2004 on the door at the north entrance to City Hall, 425 Sixth Street, Manistee, Michigan.

Signed:


Denise J. Blakeslee

Would you please run the following ad in the next issue of the Manistee News Advocate, Under Public Notices. Also would you send an Affidavit also? Thank you!

PUBLIC NOTICE

**THE PLANNING COMMISSION
PUBLIC HEARING ON FEBRUARY 19, 2004
WAS ADJOURNED TO 7:00 P.M.
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MANISTEE, MICHIGAN**

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THE REMAINING 104 PEOPLE
WHO SIGNED UP THE
OPPORTUNITY TO SPEAK.**

Denise Blakeslee
Administrative Assistant
Community Development Department
City of Manistee
70 Maple Street, P.O. Box 358
Manistee, MI 49660
Phone 231.723-2558 Fax 231.723-1546
dblakeslee@ci.manistee.mi.us
www.ci.manistee.mi.us

*Tuesday
Edition*

PUBLIC NOTICE

**THE PLANNING COMMISSION
PUBLIC HEARING ON
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**Items forwarded to the
City of Manistee Planning Commission
in their packets mailed February 13, 2004 relating to the
Manistee Saltworks Development Corporation**

Memo from Jon Rose dated 2/13/04 RE: General Chemical Industrial Products, Inc. Category S Baseline Environmental Assessment (attached)

Correspondence:

Judy Girard, 317 Lighthouse Way S., Manistee (to Cyndy Fuller)
Daniel Behring (3 emails to Jon Rose w/Attachments)
Donald Jankwietz, 185 Washington Street, Manistee
Donald Chartier, 1314 Lakeshore Road, Manistee
Richard & Linda Albee, 365 Lighthouse Way South, Manistee

MEMO

TO: Planning Commission Members

FROM: Jon R. Rose *JR*
Community Development Director

DATE: February 13, 2004

RE: Category S Baseline Environmental Assessment

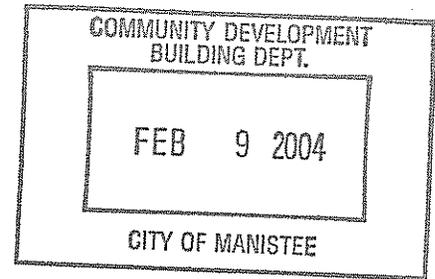
Members, attached is the General Chemical Industrial Product, Inc. Category S Baseline Environmental Assessment. I have had this report for several months but did not forward it due to the size of the document. Tondy has referenced this document in their Environmental Assessment response. With their reference we are forwarding this copy to you.

JRR:djb

*Copy on file
Community Dev
Dept*

February 6, 2004

Cyndy Fuller
c/o City of Manistee
P O Box 358
Manistee, MI 49660



Dear Cyndy,

Last evening I attended the meeting on the "Coal plant". While listening to the speakers, things that I have read, noticed & heard seemed to tickle my memory. Some of these things I would like to share with you as I believe you have a tremendous responsibility to the people of Manistee.

The first thing are the things I have read, namely the mercury etc. that will go into the air. No one seems to mention that this stuff will float down & end up spread all across the earth & in some cases pass back to us in the food we may purchase at the "farmers market" or plant in our gardens. It will float down onto the surface of Manistee Lake & Lake Michigan. It will gently float to the bottom & in that process be filtered through the "gills" of the fish that a lot of people come here to catch for the table. Some of us will breathe the air containing this stuff & it will again be filtered in our bodies' wonderful filtering system, our lungs. What will the result of a build up of this stuff in our bodies?

Another thing I have read about was the study done about the high rate (over 450 as I recall) of children in Manistee County that are not "up to grade" or considered slow or handicapped in one way or another. As near as I could figure out the majority were considered AHDD. I have a sister that teaches in the "inner city" of Flint & she thinks that the 92% of the 22 students she has in her class (& the same in the 10 years she has been teaching there) are dense because of "lead poisoning" that is in the older homes they live in. This seems to be the common dominator with these children. This neighborhood is also adjacent to the former Buick plant with all the junk that spewed from its smokestacks.

Another thing that people take for granted now, as I have heard of no one being concerned about it, is the snow that is brought to the parking lot on the South side of the river & dumped into big mounds which melt & go into the river. For the 4 years that I have been here in the winter & early Spring, I have driven down to the beach to see what the lake is doing at least once a week. As the weather turns warmer & melts the ice mounds, a black substance (really black, not brown like dirt or tan like sand) begins to appear on the surface, covering more of the surface as the snow gets closer & closer to the ground. The tops of the piles get blacker & blacker. I have thought to myself, what is this stuff & am I breathing it? It suddenly dawned on me last night

that this is what is presently coming from the "Tondu" plant we now have. I wish I had taken a picture of it, but be assured that it will be there soon & you can see it for yourself. It may be too late then.

Some of the things I have heard are that if the new plant does not generate 20% profits for the investors, it will be sold. Do you have investments generating 20% (if you do, please share this information with me)? I have one at 8 1/2% & thought I was doing well. A passout last night said that Mr. Tondu said that if he had to pay property taxes & personal property taxes, he couldn't run the business (maybe he should switch to free wind instead of importing coal from 1,000 miles away). Having been in business, it was not fun at tax time but it was a fact & it was figured into the cost of doing business and it should be a fact for this project. Can you imagine that if I went to Julie & told her I couldn't pay my property taxes, they are too high, and do you think she would say "that is ok, what would you like to pay?" That "in kind thing" (when he takes his profits for going through this hassle & builds the thing & sells it to the non-taxable cities) would never generate what proper taxation would. (Would Julie let me do some filing or data entry or maybe read to the kids at school "in lieu of taxes-I don't think so) Filer Twp is an example of what Tondu will go too to increase his profits. I have not been impressed with what I have read about that tax mess. Manistee does not need to get into that kind of disagreement & you could bet that is what would happen.

My final thought is what I heard about the "treatment plant". It was stated by the Tondu people that they would be dumping "x" amount of water into Manistee lake & would need to put 775 gal of what ever measurement they use, into the waste treatment plant. Now it just happens that the city wants to add on to the treatment plant to increase its capacity & that the people of Manistee will get to pay for the "needs" of the coal plant. This will not adversely affect me at this time, probably an additional \$5.00 per month. It does not make me happy but I can live with it. It will affect a family of five (maybe by five times what I will pay) or so. The plant is already being used by Parkdale & who else I do not know. It is interesting that when a small municipality wants to use the facilities of an adjoining municipality, the smaller one is "annexed". That way, a fair share is collected equally. Manistee is so generous with our tax dollars that we have been maintaining Manistee Twp. Fire hydrants for years, probably ever since they were installed. It seems that since Harbor village & Lighthouse have come to town, they have more money than they know what to do with. I think we are 50-75% of the tax base for the city.

I have to say that I think a "real" environmental report be done, not by Tondu. Maybe we could "borrow" or "rent" Benzie Counties "air evaluator. We could see where we are now & how much room we have to spare. I could back this deal with one of those reports. Otherwise I have to object.

One other thing, those jobs for the union workers, there are not enough "skilled trade" people in Manistee city/county to fill 5% of the construction jobs. These jobs will be filled through the "travel" cards of the Union locals of Lansing, Saginaw even Flint as the West side of the state is not known for its' Union members. I believe that Muskegon has a Pipefitting local as Bernard considered coming to this side of the state to do a job at one time. They will stay in the motels so that the visitors will have no place to stay & will over the year or two that it will take to build

the plant, they may just find someplace else on the coast line to take their vacationing, fishing, moteling, eating and grocery shopping. The union people will go home with the paychecks to spend on their families in the towns they came from. I know as I have been there. The company will negotiate lower rates for the motels for their people & pay for it. Of the "plant" jobs, I would be willing to bet that 50% or more of those jobs will be imports as at least that many of them will have to have skills peculiar to the technical part of coal plants.

I didn't expect to get so long, I tried to stick to what I feel is important to making this decision.

Thank you for taking the time to read this.

Sincerely,



Judy Girard
317 Lighthouse Way S
Manistee, Mi 49660

Denise Blakeslee

From: Jon Rose
Sent: Monday, February 09, 2004 1:01 PM
To: Denise Blakeslee
Subject: FW: article



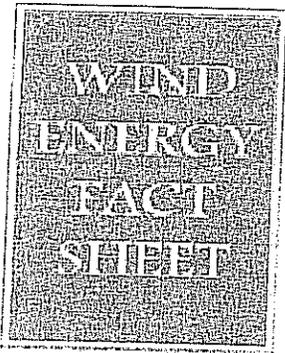
Wildlife effects of
coal and o...

-----Original Message-----

From: Daniel W. Behring [mailto:portager@voyager.net]
Sent: Sunday, February 08, 2004 11:46 AM
To: Jon Rose
Subject: article

Mr. Rose:

Please distribute the attached article to members of the plannin commission and city council. It has relevance to the issue before the city and county. Dan



Save the Loon with Wind Energy: Comparative Impacts of Wind and Other Energy Sources on Wildlife

One of wind energy's important environmental benefits is its minimal impact on wildlife and natural habitat.

American Wind
Energy Association

1300 Connecticut Avenue, N.W.

Suite 300

Washington, D.C.

20001

202/331-1570

While no electricity generation is entirely benign, the impacts of some energy sources dwarf others in terms of the harm they cause to wildlife. Electricity in the U.S. is mostly produced from coal and other fossil fuels (70%), nuclear energy (20%), and dams, sources which take a heavy toll or impose significant risks on wildlife.ⁱ

Example: The common loon and other aquatic wildlife are at risk from high concentrations of the toxic heavy metal mercury, emitted largely from coal power plants, according to the National Wildlife Federation. "Rain falling over cities in the Great Lakes region contains as much as 65 times the EPA's "safe level" of mercury, which holds extremely serious health implications for both humans and wildlife," according to the Federation.ⁱⁱ Coal power plants are the single largest source of mercury emissions in the U.S., and those emissions are not regulated.ⁱⁱⁱ Half of that mercury is airborne, and travels anywhere from 30 to 600 miles downwind of a plant.

Other impacts of U.S. electricity generation on wildlife include:

--**Harm from the sulfur dioxide (SO₂) and nitrogen oxide (NO_x) released by coal and other fossil fuel power plants.** These pollutants not only cause respiratory ailments in humans—and probably also in wildlife—but also acidify rain, snow, and fog. Because of acid rain, in the Northeast in particular, many lakes and streams once thriving with aquatic creatures are now almost void of life in spite of their pristine appearance. Acidity depletes calcium, so acid rain also results in weaker eggshells for birds. Power plants account for 70% of SO₂ and 33% of NO_x emitted in the U.S. "Protected" areas such as state and national parks offer no protection to wildlife from this and other forms of airborne pollution.

--**Loss of habitat from mining for coal, uranium, gas and petroleum used to generate electricity.** Birds and other wildlife lose their habitat and can be killed as land is blown up (for mountaintop removal, a coal-mining technique) or strip-mined for coal. An estimated 130,000 acres are disturbed every year for coal used for electricity generation in the U.S. In addition to the land and waste that fills riverbeds, acid mine drainage can occur for years after mines are closed, harming river systems and endangering waterfowl. No total national tally is kept of the impact on wildlife of extraction of fuels for electricity generation in the U.S..

--**Direct and indirect kills from hydroelectric and nuclear power plants.** Dams have caused the extinction or dramatic decline of several species of ocean-going fish, including

wild salmon of the Pacific Northwest and shad of the Eastern Coast. Even if the fish get past the dams to spawn upstream thanks to fish ladders, many of the young perish in the retention ponds above the dam. Local river and coastal ecosystems are also altered by nuclear and other power plants using "once-through" river or coastal water to cool their reactors and equipment. Waters are warmed above their normal temperature, and fish and other aquatic creatures including seals can be killed in the cooling systems.^{iv}

--Global warming. The earth's temperatures are growing warmer, with build-up of carbon dioxide (CO₂) and other greenhouse gases a key factor, according to the U.S. National Oceanic and Atmospheric Administration and other scientific organizations. Some species may thrive with the ecosystem changes brought about by global warming, but many others are likely to perish, as they are unable to adapt. A new report by the World Wide Fund for Nature (WWF) finds that the gradual warming of the Arctic is already endangering the lives of birds in the polar region. Fossil fuel power plants account for about 34% of CO₂ emitted by the United States, itself the largest emitter of CO₂ worldwide.

--Risks from radioactivity and radioactive wastes. The operation of nuclear power plants presents low-probability, but potentially catastrophic risks for wildlife as well for human beings. Transportation and storage of radioactive waste similarly pose risks to wildlife.

By contrast, the impacts of wind energy on wildlife are minimal, **even where wind energy is widely used.**

--Minimal harmful impacts on birds: In Denmark, the country with the most intensive use of wind energy, wind turbines generate 10% of electricity and are widespread, but have not been found to cause significant harm to wildlife including birds. Power lines pose a much greater threat to birds, according to Danish and U.S. studies. The National Audubon Society recently issued a statement in support of responsibly sited wind project development.^v

--Positive impacts on wildlife: In 1998-99, 925 megawatts (MW)—equivalent to about four medium-size coal or one nuclear power plant—of wind energy generating capacity were added in the U.S., mostly on Iowa and Minnesota farmland. Based on the average U.S. electricity mix, this new wind power is, every year, saving 170 acres of land from mining, and displacing 10,128 tons of SO₂, over 2 million tons of CO₂, 6,500 tons of NO_x, and many other pollutants, thereby helping provide cleaner air and healthier habitat for wildlife.

ⁱ *The Environmental Imperative for Renewable Energy: An Update*, April 2000, Renewable Energy Policy Project.

ⁱⁱ *Great Lakes Power Plants Top List of Mercury Polluters*, Nov. 17, 1999, National Wildlife Federation press release.

ⁱⁱⁱ *Mercury Falling, An Analysis of Mercury Pollution from Coal-Burning Power Plants*, Nov. 1999, Environmental Working Group, Clean Air Network and Natural Resources Defense Council.

^{iv} Over 40 million fish die per year in the intakes of 90 Great Lakes power plants using once-through systems, according to *Environmental Costs of Electricity*, 1991, Richard Ottinger et al., Pace University Center for Environmental Studies.

^v *National Audubon Applauds Enron Wind Corp. Decision to Pursue Alternate Site for Wind Power Development*, Nov. 3, 1999, Audubon press release. In the U.S. the only site that has caused major bird kills is the Altamont Pass, developed in the 1980s in California. See *A Continued Examination of Avian Mortality in the Altamont Pass Wind Resource Area*, BioSystems, January 1996.

Denise Blakeslee

From: Jon Rose
Sent: Monday, February 09, 2004 1:01 PM
To: Denise Blakeslee
Subject: FW: Information



Democratic release INFORMATION ON ENVIRONMENTAL
on Mercury.... OAL TECHNOLOGY.JUSTICE.doc (19 ...

-----Original Message-----

From: Daniel W. Behring [mailto:portager@voyager.net]
Sent: Sunday, February 08, 2004 12:20 PM
To: Jon Rose
Subject: Information

Attached find information that is relevant to the decision that will be made by the planning commission. I ask that you please distribute to the planning commission and the city council. Thank you very much. Dan Behring

Michigan House of Representatives

FOR IMMEDIATE RELEASE

Wednesday, February 4, 2004

Dan Farough

Phone: (517) 373-2093

Contact:

DEM LEGISLATORS UNVEIL MICHIGAN MERCURY INITIATIVE
Regional press conferences address multi-state mercury pollution

LANSING * As part of a bipartisan, multi-state press conference, House Democrats today unveiled the Michigan Mercury Legislation Initiative to protect Michigan families from the dangers associated with mercury. The initiative, a multi-bill legislative package, is part of a concerted effort to find regional solutions to a regional toxic mercury problem. State Representatives Alexander Lipsey (D-Kalamazoo), Jack Minore (D-Flint), Julie Dennis (D-Muskegon), Paul Gielegghem (D-Clinton Twp.), Kathleen Law (D-Gibraltar), Chris Kolb (D-Ann Arbor), and State Senator Liz Brater (D-Ann Arbor) were joined by colleagues in neighboring states who held press conferences today addressing the Great Lakes' most pervasive pollutant, mercury.

"Michigan families need protection from this toxin that contaminates our freshwater fish and can harm the health of consumers," Minore said. "By acting together, we can send a collective message to Washington that state policymakers are seeking to eliminate the threat of mercury pollution."

Mercury is a potent neurotoxin that attacks the body's central nervous system, damaging or destroying tissues including those in the brain. These neurotoxic effects are particularly harmful to children, delaying early development, and can include behavior changes, seizures, as well as wide range of effects, including death. The Centers for Disease Control indicate that 1 in 12 women of childbearing age have unsafe mercury levels, resulting in more than 400,000 babies born at risk in the U.S. each year.

- More -

- 2 -

"Developing similar legislative ideas and working together to address the devastating effects of mercury pollution allows us to tackle the problem as a whole and not just hope that the federal government or each state eventually does the right thing," Lipsey said. "It is crucial that we work together on this initiative to eliminate this threat in Michigan,"

Currently Michigan law bans the sale of mercury thermometers and has instituted a plan to phase out the use of mercury in schools. Additionally, the state requires specific waste management practices for businesses using and disposing of products containing mercury. The Mercury Legislation Initiative further protects Michigan consumers by working with businesses and industries to phase out and seek alternatives to the nonessential use of mercury in manufacturing various

products including toys, games, cosmetics, and apparel. Under the legislation, Michigan would also work with businesses and households to ensure the proper disposal of mercury.

Some components of the initiative would include labeling all products that contain mercury, informing consumers on the proper disposal of such products, and requiring the removal of mercury parts and switches before the disposal or destruction of products and buildings. Recently, Michigan automakers have voluntarily begun to phase out the non-essential use of mercury in many of their components, and Representatives Lipsey, Minore, Dennis, Law, Kolb and Gielegem said they plan to continue working with automakers to find additional ways to end the nonessential use of mercury in manufacturing.

"Many Michigan residents are unaware of the health risks associated with mercury," Dennis said. "This initiative will not only lessen those risks, but also inform consumers of the critical role they play in protecting their own families from the harmful effects of mercury."

###

Dan Farough
Press Secretary
House Democratic Communications
517-373-2093
dfarough@house.mi.gov

INFORMATION ON COAL TECHNOLOGY AND REDUCING MERCURY EMISSIONS

ON THE ISSUE OF MERCURY, TRADING CREDITS AND BEST TECHNOLOGY AVAILABLE.

This statement has been taken very liberally from an article that appeared in the Summer 2002 of "Issues in Science and Technology Online." The article was written by Matt Little (mlittle@nemw.org)

There is discussion about mercury and western states coal. Mercury from subbituminous coal which is common in the western states is difficult to control because it exists mostly in the elemental form in flue gas. Today the most well-developed option for controlling mercury emissions is called "activated carbon injection," a technology that has been used in incinerators for years. It appears in this article that EPA estimates the use of this technology in power plants today would only cost fractions of a penny per kilowatt hour of electricity produced.

The article discusses the benefit of using the most advanced mercury removal processes against that of trading mercury credits among facilities. The trading program would allow a power plant to continue to emit high levels of mercury by buying credits from a plant that reduced mercury emissions beyond EPA's requirements. Environmentalists argue that the trading of mercury is not appropriate because mercury has a greater health and environmental effect than other pollutants. They have pointed out that the trading of mercury could provide geographic hot spots because mercury is a greater threat at the local level around the plant. In our own situation, the TES Filer plant could continue to pollute if it could trade credits with any new more efficient plant. As a matter of fact if this trading arrangement came into being, given the scenario now, the TES Filer plant could pollute more.

There is apparently a series of initiatives being sponsored by the Department of Energy (DOE) that is funding control projects on actual power plants. These initiatives are designed to develop control options that will reduce mercury emissions by 90 % by 2010. There are stronger controls available than the MACT standard. There are some entrepreneurs that believe they can exceed this goal. This has direct relevance to anything that would be considered in Manistee. There are better control standards available today.

Compiled from the original by Dan Behring
February 8, 2004

POSSIBLE ENVIRONMENTAL JUSTICE ISSUE SURROUNDING NORTHERN LIGHTS ELECTRIC GENERATING PLANT. THE LAW IS PRETTY CLEAR; A WEALTHY REGION CANNOT SITE LANDFILLS, WASTE BURNING FACILITIES AND POWER GENERATING PLANTS IN LOWER ECONOMIC REGIONS TO AVOID CITING THEM IN THE WEALTHIER AREAS ENVIRONMENT.

MEDIAN INCOME BY COUNTY

OTTAWA (HOLLAND AND GRAND HAVEN)	\$52,347
GRAND TRAVERSE (TRAVERSE CITY)	\$43,169
HILLSDALE (HILLSDALE)	\$40,396
CHARLEVOIX (CHARLEVOIX)	\$39,788
MANISTEE (MANISTEE)	\$34,208

INDIVIDUALS IN POVERTY

MANISTEE	10.3%
CHARLEVOIX	8.0%
HILLSDALE	5.2%
OTTAWA	5.0%
GRAND TRAVERSE	3.8%

TAKEN FROM 2000 CENSUS AS CITED IN SECRETARY OF STATE DEMOGRAPHIC FILES,
STATE OF MICHIGAN

Environmental Justice
January 29, 2004

Denise Blakeslee

From: Jon Rose
Sent: Monday, February 09, 2004 1:01 PM
To: Denise Blakeslee
Subject: FW: information



PLANNING AND
ONING NEWS REVIE

-----Original Message-----

From: Daniel W. Behring [mailto:portager@voyager.net]
Sent: Sunday, February 08, 2004 12:22 PM
To: Jon Rose
Subject: information

Mr. Rose:

I would appreciate it very much if you would make this information available to the planning commission and the city council. It is relevant to the special use permit requested by the Manistee Saltworks Development Corporation. Thank you very much. Dan Behring

January 16, 2004—Dan Behring

SOME INTERESTING POINTS FROM AN ARTICLE ENTITLED "SITING ISSUES FOR COAL AND NATURAL GAS POWERED GENERATING FACILITIES" FROM THE "PLANNING & ZONING NEWS FOR NOVEMBER 2002. THIS ARTICLE WAS WRITTEN BY ERIN KILPATRICK OF THE PLANNING FIRM OF WILLIAMS AND WORKS.

Michigan is well located to supply the growing demand for electric power in the Midwest, and ... due to the absence of MPSC authority to license new plants, it is likely to see more proposals for electric power generating facilities.

Unlike most states, Michigan does not require energy providers to be issued an energy supplier's license before they begin the environmental permitting process. The licensing process can take several months in other states, so this lack of state level red tape makes Michigan an attractive place to build electric power generating facilities.

Three major criteria an energy company will look for, 1) close proximity to a high pressure gas line or coal source, 2) close proximity to the power transmission grid, and 3) accessibility to water cooling.

Once the company has narrowed their scope to a site or two, they will usually begin an open discussion with local officials. At this level of discussion the power company often carries great influence, as local officials quickly understand that the development of a power facility could bring an additional...annual local tax revenue....Because of the large amount of tax revenue these facilities sometimes bring, local officials often view the locating of power plants like winning the lotto. Suddenly all the little pet projects elected officials have been dreaming of seem plausible. Community concerns may fall in the shadows of the dollar signs.

First, it is important to understand that land costs are a very small portion of the total costs for an energy facility. This is why energy companies have been known to pay for options on land and get all the way through the permitting process only to decide not to proceed. The power company's goal is to maximize their position within the electric grid and minimize their political and environmental battles.

Smooth facilities siting can often be achieved when the following ...considerations are met; such as:

Assembling land with as few landowners as possible...

Locating on a brownfield site whereby it may be seen as a benefit to the community to locate a large facility such as a power plant that has the money to invest in site remediation. Many power companies choose to do a Baseline Environmental Assessment (BEA) to determine the extent of any potential environmental and social impacts on the community. A BEA is a light version of an Environmental Impact Statement (EIS)...A BEA is a good tool for energy

companies because it quells many of the unfounded fears associated with power plants.

AND NOW THE OTHER SIDE OF THE STORY FROM THE ARTICLE

... some states have adopted a financial assurance component to their energy facilities review process... The state of Oregon provides some protection for local jurisdictions in the event a power facility is not successful. A summary of the Oregon regulation states:

The energy facility siting council recognizes the risk that a large construction project could stop in a partially completed state, leaving the community with an abandoned construction site and no funds for site restoration. This standard protects against that risk by requiring financial assurance to pay for site restoration. The applicant does not have to show adequate funding to complete the facility but needs only show adequate funding to restore the site in case of early determination of the project. The council can find compliance in a number of ways, including the financial strength of the applicant or ratings by major rate services such as Moody's. The council may find compliance based on surety mechanisms such as letters of credit, performance bonds or other financial instruments that the applicant might propose.

AND NOW THE OTHER SIDE.

Since the State of Michigan does not make such a requirement on electric energy providers, it might be appropriate for local governments to address the issue of financial assurance... While it is not the place of the community to determine the financial viability of the energy company, it is important to protect the locality from the negative impacts of half completed projects. *(This is usually done as part of the permitting process. (I wonder if this has been ignored because the state does not require it.)*

BACK TO THE OTHER SIDE AGAIN

...communities...should specially list both appropriate and inappropriate areas for power plants in the master plan. The zoning ordinance should then list the zones and compatible uses for energy facilities...

AIR POLLUTION REMAINS A SIGNIFICANT CONCERN WITH COAL-FIRED GENERATING FACILITIES, EVEN THOUGH CONTEMPORARY PLANTS THAT BURN LOW SULFUR COAL ARE FAR LESS A THREAT THAN OLDER PLANTS... NEVERTHELESS, SUCH FACILITIES SHOULD NOT BE SITED NEAR PLANNED OR EXISTING RESIDENTIAL AREAS, AND SPECIAL CARE SHOULD BE TAKEN TO AVOIDING AREAS THAT ALREADY HAVE A SIGNIFICANT AIR POLLUTION PROBLEM. *(The author is a planner in the firm employed by the city planning commission in regard to this project.)*

Compatibility issues also extend to physical character, size and scale as well. Many electric power generating plants have tall smokestacks and large building bulk.

From a big picture environmental perspective, the Sierra Club long ago issued a list of land use categories that should be excluded from consideration as sites for energy facilities. *(I have only listed several here that they cited in the article)*

- Wild, natural, scenic or pastoral portions of coasts or shores, including bays, estuaries, wetlands, lakes and rivers.
- Coastal or riverine areas serving as spawning grounds for commercial and sport fishing
- Lands that play a vital role in the hydrologic cycle such as aquifer recharge areas and wetlands
- Land characterized by adverse geological or geophysical characteristics such as earthquake zones or floodplains.

(This is an area in which our city officials must be well educated. The DEQ is going to weigh in on this one)

Public participation in siting decisions should be assured at all stages of decision-making. It is very important for the planner to remain objective in the process.

For brownfield sites, soil samples must be taken to determine standards for remediation and capping. *(I wonder if this has been included in the requirement for the special use permit. It certainly seems to apply to the standard about the health, safety and welfare of the community and would seem to be necessary to be able to dimension what problems the city has.)*

In the end, a facility decision should be made that best balances all the competing public concerns.

The siting of energy generating facilities has the potential to cause huge groundswells of opposition... Power companies may abandon a project if there is a threat of a referendum.

Compiled from the original articles by Dan Behring

FEB. 11, 2004

JON, AND PLANNING COMM. MEMEBERS

I WOULD LIKE TO EXPRESS MY OPINION ABOUT THE MANISTEE SALTWORKS DEVELOPMENT CORPORATION. PLANS TO BUILD A POWER PLANT IN THE CITY OF MANISTEE. I AM AGAINST IT FOR THE POLLUTION IT WILL CAUSE, WHICH WILL AFFECT HUMANS, FISH, AND ANIMALS FOR MANY YEARS TO COME. PRESIDENT BUSH HAS VIRTUALLY GUTTED THE CLEAN AIR ACT TO ALLOW PROJECTS LIKE THIS TO BE BUILT. HE HAS RAKED IN CAMPAIGN CONTRIBUTIONS FROM BIG POLLUTION MAKING CORPORATIONS, INCLUDING THE UTILITY INDUSTRY. I WOULD LIKE TO KNOW IF MR. TONDU GAVE ANY MONEY TO MR. BUSH'S CAMPAIGN AND HOW MUCH.

I AM ALSO VERY CONCERNED ABOUT THE WAY MR. TONDU AND HIS FELLOW INVESTORS WANT TO PUT THE PROJECT IN THE NAME OF MUNICIPALITIES SO THEY DON'T HAVE TO PAY TAXES, THAT IS NOT THE AMERICAN WAY. THIS PROJECT COULD OPEN THE GATES FOR THE REST OF CORPORATE AMERICA TO DEMAND THAT THEY SHOULDN'T HAVE TO PAY TAXES EITHER. AND WITH BUSH AND HIS FELLOW REPUBLICANS IN OFFICE THEY WILL PASS THE LAWS TO ALLOW IT. THEN WHAT WILL HAPPEN TO AMERICA?

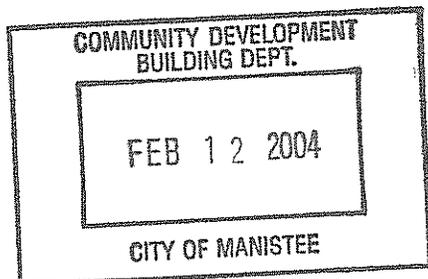
WILL THESE OWNERS BE ALLOWED TO BE SUED IF THEY BREAK LAWS?

AND I DON'T LIKE THE IDEA OF THE CITY MANAGER AND 7 COUNCIL PERSONS SETTING THE FEE TO BE PAID INSTEAD OF TAXES, IT LEAVES TOO MUCH ROOM FOR CORRUPTION. ALL MONIES COLLECTED INSTEAD OF TAXES SHOULD GO TO ALL OF MANISTEE COUNTY TAXING UNITS, IF IT PASSES!!!

ALSO IS THERE A POSSIBILITY THAT MR. TONDU WILL SHUT DOWN THE FILER CITY PLANT AND TRANSFER THOSE WORKERS TO THE NEW PLANT, NO JOB CREATION IF THEY DO THAT. THEN THERE TAXES WOULD PROBABLY BE LOWERED. GUESS WHO WINS IF MR TONDU DOES THAT?

WHY NOT JUST BUILD THE PLANT IN HOLLAND, THEN THEY WOULDN'T HAVE TO SHIP THE COAL SO FAR ALSO THE POWER WILL BE CLOSER TO THE CUSTOMER.

ALL THE PEOPLE INVOLVED IN MAKING THIS DECISION BETTER DO SOME SOUL SEARCHING AS IT IS GOING TO AFFECT A LOT MORE PEOPLE THAN IT IS GOING TO HELP.



DONALD JANKWIETZ
MANISTEE
Don Jankwitz
185 Washington St
Manistee

February 11, 2004

To: Mr. Dave Barber
Managing Editor
Manistee News Advocate

From: Donald J. Chartier

Re: Proposed Northern Lights coal-fired power plant

Dear Mr. Barber:

This letter is in regards to the above captioned and shall state my thoughts as a concerned citizen of this community.

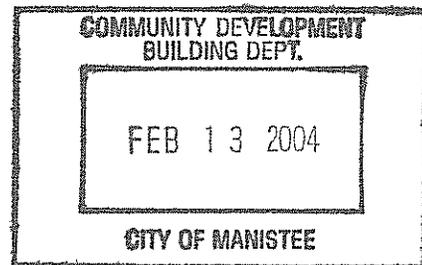
Having heard both pros and cons regarding this proposed coal-fired power plant I see no long term positive benefit what so ever to this community. I become concerned when statistical facts are used that state only a portion of the truth to make them look good. This type of thing has been used too many times in the past all in the name of progress.

There is a saying in my Native American oral tradition that says "A frog does not drink up the pond in which he lives." Keep this beautiful land we live in for our children's children. My experience tells me that it is often easier to stay out than to get out.

Sincerely,


Donald J. Chartier

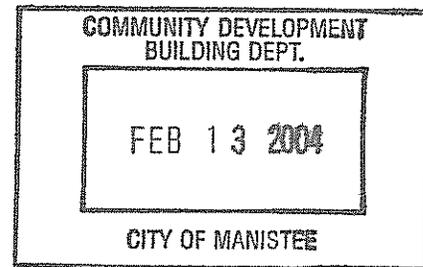
Cc City Planning Commission
City of Manistee P.O. Box 358
Manistee, MI 49660



1314 Lakeshore Rd
Manistee

February 12, 2004

Manistee City Planning Commission
Att: Denise Blakeslee, Secy.
P.O. Box 358
Manistee, Michigan 49660



Dear Members of the Planning Commission:

We would like to take this opportunity to thank all of you for your dedication to serving the citizens of Manistee. A very difficult task is set before you, and to date all of you have done a fine job at trying to understand the complexities of the proposed Tondu project.

The complexities of this proposed project are so vast that no one can really understand what will happen if this special use permit is approved and Tondu is given the go ahead. Below, we have listed some of the issues and questions that will be difficult to get answers to before your vote on the special use permit:

FINANCIAL ISSUES :

1. Who will eventually end up being the owner of this facility and how financially solvent are they?
2. Has the City got an agreement from the proposed operating company as to the revenues this project will produce?
3. Has the operating company guaranteed the number of jobs that will be created as well as the wage scales for these jobs?
4. What increased services will be required of the city to support the ongoing operation of this facility and what are the cost of these services.? ie. water and sewer, environmental monitoring, street and road repair, fire prevention and protection etc.
5. Has the operating company offered a bond to protect the city in case of business discontinuance or hazardous waste spills?
6. How much will this proposed plant effect the tourism industry in Manistee and how much will it cost existing businesses?
7. How much will the proposed plant detrimentally affect property values in Manistee?
8. Can we honestly expect that the proposed plant will have no detrimental effect on the growth of other business in Manistee County?

ENVIRONMENTAL ISSUES :

1. What are the hazardous materials which will be kept on site for the operation of this facility and how will they be monitored?
2. Will the City be protected by a bond for any hazardous material spill?
3. Has the operating company guaranteed the City as to the fuel being used or will they be able to burn anything at their disposal? ie. tires, wood pulp, recycled oil
4. Can the operating company identify without a doubt the type of pollutants and quantity expelled into our air and water?
5. How will the expelled pollutants be monitored?
6. What will be the effect of these expelled pollutants along with the pollutants already identified in Manistee Lake on the wildlife and people in Manistee? ie. mercury, brine and affluent from PCA
7. How will the construction of this project disturb the hazardous materials already identified in Manistee Lake?
8. What are the noise levels to the surrounding neighborhood and will they be monitored and or controlled?
9. How will the landscape lighting effect the surrounding neighborhood?
10. Who will monitor coal pile run off into Lake Manistee?
11. What are the type and quantity of pollutants in the ash which will be dumped in our landfills?

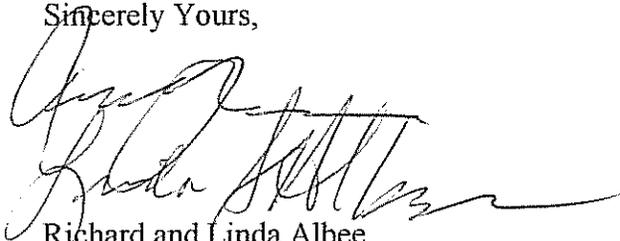
OTHER ISSUES:

1. Will a detailed site plan be provided before voting on this proposed project as required in the special use permit application?
2. Will the proposed plant be designed to protect the health, safety and welfare of the community? This is a requirement needed "by your definition" in order to approve an application.
3. Is this special use request designed to insure that public services and facilities are capable of accommodating the increased loads caused by the approval of this application? This is an issue to be answered according to your requirements for a special use permit.
4. Will the proposed use be detrimental to the public welfare or injurious to property in the neighborhood? This is a requirement as stated in your application.

Please be assured we are not putting any blame on the Planning Commission for the above listed concerns nor the ability to have the answers to these concerns. We do believe, however, that before you approve this special use permit application all the above listed concerns need to be addressed to your satisfaction. If for any reason you cannot find the answers, the application should be turned down.

In our opinion this project presents to the entire community huge financial and environmental risks with very little reward.

Sincerely Yours,

A handwritten signature in black ink, appearing to read "Richard and Linda Albee", written over a horizontal line.

Richard and Linda Albee
365 Lighthouse Way South
Manistee, Michigan 49660

Cc: Mr. Fred LaPoint, President CERP
1606 Main Street
Manistee, Michigan 49660

Mitch Deisch, City Manager
City of Manistee
P.O. Box 358
Manistee, Michigan 49660

Dave Barber, Managing Editor
Manistee News Advocate
75 Maple Street
Manistee, Michigan 49660

**Items forwarded to the
City of Manistee Planning Commission
at the Planning Commission Public Hearing/Worksession of
February 19, 2004 relating to the
Manistee Saltworks Development Corporation**

Memorandum from Sid Scrimger to Mitch Deisch dated 2/13/04 RE: Northern Lights Impacts

Correspondence:

Thomas Cichy, 555 Bryant Avenue, Manistee
DeAnne Loll, Box 332, Benzonia
Mary E. Russell, 272 Lighthouse Circle, Manistee
Brian Allen, 384 First Street, Manistee
Daniel Behring, 3695 Lakeshore Drive, Manistee
Liz Laskey, 537 Fourth Street, Manistee
Little Manistee Watershed Conservation Council, P.O. Box 52, Irons
Christopher Bzdok, Olson, Bzdok & Howard, 420 East Front Street, Traverse City
Diana Riemersma, 418 Fifth Street, Manistee
Hope Hogan, 721 Tamarack, Manistee
e-mail, Christine Hnatiw, 9111 Riverside Drive, Grand Ledge (with attachment)
Brett Hamilton, 17096 Bigge Road, Kaleva
Ron Hathaway, 1009 Vine Street, Manistee
Cheryl Hathaway, 1009 Vine Street, Manistee
Klaus & Lisa Kutsche, 772 Birchwood Drive, Manistee
Kim Hamilton, 17096 Bigge Road, Kaleva
Mike Fatke & Molly Cichy, 420 Elm Street, Manistee
Ruth Niemerowicz, 1510 Vine Street, Manistee
fax, Ian M. Burns, Dafter
fax from Local Physicians (Alan Fark M.D., Paul Antal M.D., Donald Albrecht M.D., Klaus
Kutsche M.D., Michael Reines M.D., Micheael Barna M.D., John Oliver D.O., Cheryl
Dionne M.D., Robert Barry M.D. and Steven Frelrier M.D.)
Laurie Michel, 14033 Northwood Hwy., Arcadia
Adolph Krauz, 9974 N. Irons Road, Irons
Bruce Monroe & Cynthia Giacobone, 14515 Coon Hollow Road, Three Rivers
Carl Rutske, Manistee County Board of Commissioners, 415 Third Street, Manistee
Steve Darpel, Mark Schrock & Kim Perrin, 2871 63rd Street, Fennville
Sue Wilson, 7526 Beech Knolls Trail, Manistee
Robert Wilson, 7526 Beech Knolls Trail, Manistee
Katherine & Gerald Ebbeling, 347 Second Street, Manistee
Krystal Johnston, MD., 7008 River Road, Manistee
Robert Hensel MD, 2567 Crescent Beach Road, Manistee
fax, David and Fran Wallace, 4354 Lee Street, Holt

Listing of Postcards received in opposition to the Northern Lights Project.

TO: Mitch Deisch, City Manager

FROM: Sid Scrimger, Fire Chief 

DATE: February 13, 2004

SUBJECT: Northern Lights Impact



Sir, we have had a number of conversations regarding the potential impact of the Northern Lights Project, but I may have been less specific than you had hoped. Since I know that you are working with Mr. Gockerman to negotiate a community service fee, I wanted to take this opportunity to discuss some of the potential impacts.

We know that the use of Western coal is planned for Northern Lights. Western coal has a high propensity to spontaneous combustion. This brings with it the possibilities of fires in the coal pile, in the conveyor system, in interior storage bins, or in equipment contained within the plant. These fires can be very time consuming and would probably require equipment the fire department does not currently possess to fight. These fires also would require firefighters to be sent out of state for highly specialized training.

The number of freighters carrying coal is many times what Manistee has ever experienced. I think it is wise to anticipate the potential that Manistee firefighters would be called upon to assist with fires or other emergencies on board these vessels. Technically, fires on board a ship are the responsibility of the ship's master, but whenever a serious fire has occurred near shore, the local fire department has been called to assist. This eventuality would again create the need to send firefighters out of state for highly specialized training. The nearest school I know of is at the University of Texas and is taught in two to four week sessions.

The initial plans for the Northern Lights Project do not call for significant quantities of dangerous hazardous materials. However, these plans could change. A coal plant this size could increase the number of hazardous materials used in Manistee greatly. The Manistee Fire Department does not operate a Haz-Mat team. The nearest Haz-Mat team is in Traverse City. Formation of a Haz-Mat team would again require extensive additional training and equipment.

After firefighters have received initial training, this training must be maintained. This means there will be a burden to the City to conduct higher levels of ongoing training, taking away time available to perform community services. This also means that each new firefighter hired would be required to go through a very expensive training regimen after being hired. Any new equipment purchased to deal with these additional hazards would require maintenance. Depending on the added work load, additional staff may be required.

Mr. Joe Tondu has stated publically that the Northern Lights Project would probably have the greatest impact on the fire department. As you can see, the impact could potentially be huge. I hope my comments are helpful to you as you work to negotiate a community service agreement that will allow the City to protect a facility of this nature without putting a drain on the rest of the community.

SS:mjw

cc: Bruce Gockerman, City Attorney

2-12-04

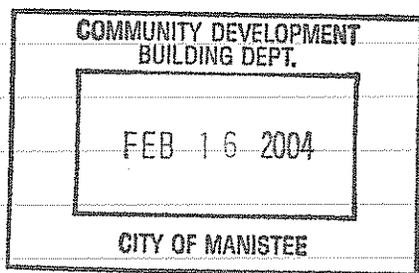
Jon -

Please put me on record that I'm totally opposed to the "Coke Fire & Power Plant" that is proposed for the City of Manistee. Such a facility would surely be a detriment to the well-being of the community as a whole. Of course we need jobs, but let us be selective in attaining the right industry that will be beneficial to every aspect of the community. Please don't jump at the first offer. Let us take the "Best & most fitting offer for everyone concerned"

Thank you for your consideration.

Sincerely,

Thomas K. Coby
555 Bryant Ave
Manistee
(231) 723-7508



2-10-04

TO: Members of the Manistee Planning Committee

At this time, using the standard of protecting the health, safety and welfare of the region, I, as a resident of Northern Michigan, ask that the Planning Committee judge that the application for the special use permit to construct the Northern Lights Power Plant is not complete.

Given the recent revelations of the lack of expected tax revenue, it discredits the recommendation for approval of the special use permit made by your planning consultant Mr. Jay Kilpatrick when he argued for approval in a November 13, 2003 memo to Mr. Jon Rose because "...of the substantial economic benefit and added tax base the project represents to the community."

There is no solid evidence that there will be a substantial economic benefit and we now know that there will not be an added tax base as was represented.

Given the revelations regarding revenue and given the increased knowledge about the serious health and environmental issues that have emerged over the last several months, it would not be responsible to move forward until an independent economic and an independent environmental impact study is done.

The serious impact of the proposed project requires you to take reasonable measures, that have precedent in cases such as this elsewhere to assure that not only the Manistee community's health, safety and welfare are protected, but the health, safety and welfare of all of Northern Michigan as well. A minimal reasonable response would be to order independent economic and environmental impact studies be submitted before you regard the application as complete. At this point it is my considered judgment that you have not adequately measured the proposed project against the standard, which you are required to meet before moving forward.

Given the above, I ask that you reject the application as not being complete and that you postpone any vote until you have obtained independent economic and environmental impact statements.

As a local that feels the impact of
a new coal plant
could greatly impact
the environment
I ask you to
consider the voice
of the people.

William M. Jell
Box 332
Benzonia MI

February 12, 2004

Manistee City Planning Commission
Att: Denise Blakeslee, Secy.
P.O. Box 358
Manistee, Michigan 49660

Dear Members of the Planning Commission:

We would like to take this opportunity to thank all of you for your dedication to serving the citizens of Manistee. A very difficult task is set before you, and to date all of you have done a fine job at trying to understand the complexities of the proposed Tondu project.

The complexities of this proposed project are so vast that no one can really understand what will happen if this special use permit is approved and Tondu is given the go ahead. Below, we have listed some of the issues and questions that will be difficult to get answers to before your vote on the special use permit:

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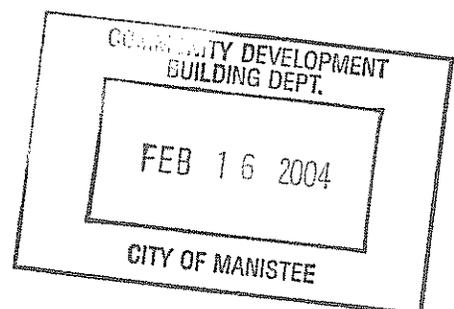


Mary E. Russell
272 Lighthouse Circle
Manistee, Michigan 49660

Cc: Mr. Fred LaPoint, President CERP
1606 Main Street
Manistee, Michigan 49660

Mitch Deisch, City Manager
City of Manistee
P.O. Box 358
Manistee, Michigan 49660

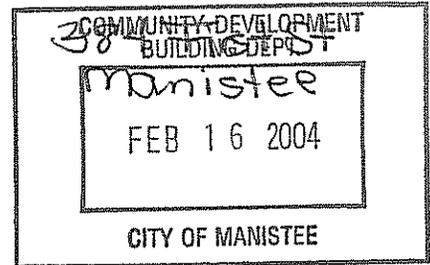
Dave Barber, Managing Editor
Manistee News Advocate
75 Maple Street
Manistee, Michigan 49660



JOHN E. VEACH, O.D., P.C.
BRIAN A. ALLEN, O.D., P.C.
Optometry

Feb 12, 2004

Manistee City Planning Commission
C/o Mr. Jon Rose
70 Maple St.
Manistee, MI 49660



For: Members of the Manistee City Planning Commission.

As a business owner in Manistee I am greatly concerned about your decision regarding the proposed coal burning power plant in Manistee.

I am sure that by now you have read much information on the health and conservation costs to our community from this plant. I am sure you are reviewing the direct costs to our city for infrastructure development that will not be paid for by this plant, or the Tondu corporation. I also hope that you are balancing the benefit of any annual payments the Tondu or Municipal utility group will pay to the city and count with the amount that would have been paid in property taxes.

I hope that you decide not to approve the location of the plant here for all of these reasons but I also hope you consider the effect the plant will have on the future development of Manistee. Every time I drive on US-31 past the city of Muskegon the feature I notice is their immense power plant. To me it is a towering symbol of the reason I wouldn't want to live there.

I have felt fortunate to live in a community that had been progressing and gaining employment from the Oaks Correctional Facility, the Casino Resort, and people relocating here for retirement in addition to tourism. Let's continue in efforts to make this a clean, healthy, growing community, attracting people that want to live here and have their business here, rather than a site for other cities to locate their coal plant.

Sincerely,



Brian A. Allen, O.D.

cc
Representative David Palsrok
Senator Michelle McManus
Mr. Fred LaPoint

3695 Lakeshore Drive
Manistee, MI 49660

February 12, 2004

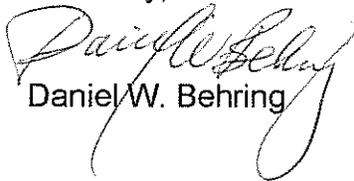
Mr. Jon Rose
City/Community Development Director
C/O Manistee Planning Commission
City Hall
70 Maple Street
Manistee, MI 49660

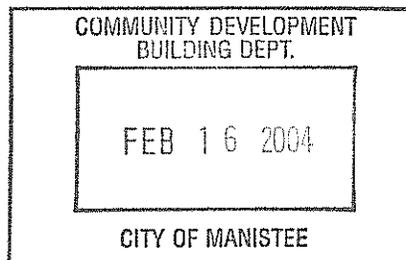
Dear Mr. Rose:

Please find enclosed a letter that I would like the Manistee City Planning Commission members to review. I would appreciate it very much if you would also distribute copies to the City Council as they will also have the opportunity to make judgments about the proposed NLP offered by the MSWDC.

Thank you for your assistance. I have deeply appreciated the effort you have taken to make sure that information I have sent is distributed.

Sincerely,


Daniel W. Behring



3695 Lakeshore Drive
Manistee, MI 49660

February 12, 2004

TO: Members of the Manistee City Planning Commission

As you and I hope many others know, I have grave concerns about health, safety and economic risks to Manistee and Manistee County in the way that the proposal for the NLP is structured and in the way it has been presented. I believe my contribution to the process is therefore to research, evaluate and raise questions.

After reviewing the response by the Manistee Saltworks Development Corporation (MSWDC) to the Planning Commission's request for an environmental assessment, I could not do other than be increasingly concerned. I have given you a copy of my response to several items in their report to the commission. The one area of concern, as I have said publicly is safety. I have several observations and concerns to share.

I have been talking to people who are acquainted with the waterway rules regarding commercial shipping. Based on that I have come to understand that commercial freighters in river channels connected to the great lakes have the right of way in that channel. If that is the case, and given the length and weight of the boats that will service the proposed plant, will both bridges have to be open at the same time? If so, this has great safety implications. What alternative emergency plans have been put in place to cross the river under those conditions with emergency vehicles? Have these been distributed to the public? I urge that, if they have not, this be done immediately as part of the city meeting its obligation to protect the health, safety and welfare of the citizens of the city, and so the citizens of Manistee can make informed judgments about risk/benefit facts before this plant is considered for approval or disapproval.

This next point seems so minor in light of everything else that weighs on this project, but it is one that the MSWDC responded to in their documents to the city. They indicated that they will ask the commercial shipping lines not to discharge ballast water in the lake or river channel. My understanding is that there are no regulations regarding ballast water at this time and that the captain of any ship uses his or her discretion as to when and where to discharge ballast water. The response on the part of MSWDC is thus gratuitous to the process. Here then is another health and or safety issue for consideration of risks. I know well how the city council wanted to keep the PCA effluent out of the river. I think there should be similar concerns about ballast water.

I have just begun to understand that MIOSHA laws may have some bearing on the situation surrounding the proposed NLP. I need to know a lot more and I

Page 2 February 12, 2004

hopefully will have the time to do so before action has to be taken and I can no longer make observations and raise questions. I feel a bit of urgency and lack of time, because I firmly believe that we in Manistee can do better for ourselves than what we now have before us. There are alternatives to all that has been promised by MSWDC that will serve us better now and into the future.

But back to the point.

It appears that MIOSHA has some jurisdiction surrounding storage of coal, operating facilities, shipping, storage of chemicals and a whole lot more. A short cursory review of guidelines should cause the city council and the planning commission and even the county commissioners to take pause. Here are some concerns from my own mind.

Is there a trained hazardous materials team in the city or the county to handle possible chemical leaks from the ammonia and other chemicals stored in large quantities of 10,000 gallons or more? Who are they? What is their training? Is there a city emergency plan to handle an emergency caused by an ammonia tank or line rupture or a truck tanker overturning? What is it?

Is there a trained team in the city or county to fight shipboard fires? As I look at port authority responsibility, this appears to be a requirement. Who is trained? What is their training?

While I understand that the proposed plant will use a water suppression system to prevent and control any fire should it erupt, I know that the risk of spontaneous combustion from low sulfur coal is higher than other coals. I am learning more about the chemistry of why that happens, but it has something to do with oxygen acceleration. As I learn more, I will explain further. There must be a trained team available to handle such a possibility. There will be 670,000 tons of coal stored along the lake that will reach 50 feet high. What is the emergency plan and who has been trained to handle such a possibility? Do we have the equipment to handle such a possibility? Are we contracted with other area emergency teams with skill in this area?

I am going to continue to dig into MIOSHA and other regulatory bodies surrounding the coal, power and chemical industry. As I discover more issues that I believe directly impact on the safety of the community, I will relay them to you. At some time in the future I will also succinctly address welfare and health issues that may be of help to you as you make an objective and studied decision regarding the question, "does this project the health, safety and welfare" of the people of Manistee.

I offer my questions and understanding so that Manistee will be able to judge how they can best be in charge of its future, not react to it. There are so many better ways to bring jobs, increase cash flow to the city budget and the to the

Page 3 February 12, 2004

economy of the area without what I perceive are large uncontrollable risks of the NLP project, safety being one of them.

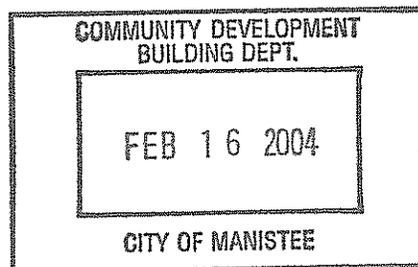
I believe it critical that you evaluate and address the concerns raised herein.

Sincerely,

Daniel Behring

Cc Mitchell Deisch
Cc City Council
Cc County Board of Commissioners

Liz Laskey, 537 Fourth Street,
Manistee gave the
attached information to
Councilman, Bob Hornkohl
requesting it be forwarded to
the City of Manistee
Planning Commission



MERCURY and COAL PLANTS

A FACT SHEET

MANISTEE CITIZENS FOR RESPONSIBLE DEVELOPMENT

- ▶ Although mercury is present naturally in the environment, human activity contributes the majority of mercury releases.
- ▶ In 1990, coal-fired power plants emitted 46 tons of mercury, and mercury emissions are expected to climb to 60 tons, by 2010, yet coal plant emissions are the only major sources of mercury that remain unregulated.
U.S. EPA, "Electric Utility Steam Generating Units Hazardous Air Pollutants Emission Study," Feb. 24, 1998 p.ES-6, Table ES-2; Report on "Adverse Effects of Coal Burning Power Plants in Michigan"; MSN Search: <EPA mercury>
- ▶ Power plants are responsible for approximately 40% of emissions in Michigan, and 33% throughout the U.S.
Michigan Mercury Pollution Prevention Task Force, "Mercury Pollution Prevention in Michigan" April 1996; MSN Search <Michigan mercury pollution task force>
- ▶ A single 100-megawatt MW coal-fired power plant emits approximately 25 pounds of mercury a year. The proposed Tondou coal-fired plant is planned for 450 MW.
National Wildlife Federation, "Clean the Rain, Clean the Lakes: Mercury in Rain is Polluting the Great Lakes," September, 1999; MSN Search <National Wildlife Federation>; MSN Search <Clean the rain>
- ▶ The proposed Tondou facility is estimated to release over 200 more pounds of mercury into the air.
- ▶ The existing Filer City T.E.S. Tondou Plant already releases 137 pounds of mercury into the air.
U.S. EPA: Releases: 2003 Facility Report; www.epa.gov
- ▶ Michigan currently produces 3082 lbs of Mercury per year, and ranks 9th highest in the United States.
- ▶ Michigan is one of the most contaminated states in the United States, with 125 grams of mercury per square kilometer.
Pianin, Washington Post, 12/10/03; www.washingtonpost.org
- ▶ Reliable mercury emission control technology does not currently exist for coal plants. —
Mercury Questions & Answers, www.we-energies.com
- ▶ Air pollution is a considerable threat to Michigan's \$9 billion tourism industry that is dependent upon clean water and a healthy fishery.
Report on "Adverse Effects of Coal Burning Power Plants in Michigan"
- ▶ 50% of the mercury emitted from coal-fired power plants can travel up to 600 miles from the power plant, and 74% of the mercury in an area 1.5 miles around a coal plant comes from that coal plant.
Center for Clean Air Policy, "Power Plant Emissions and Water Quality," October 1997, Part 1
- ▶ In the winter of 1997-1998, the U.S. EPA published 2 reports to Congress:
 - 1) The "Mercury Study Report to Congress," identified fossil-fueled power plants as the largest source of human-generated mercury emissions in the country.
 - 2) The 2nd report, the "Utility Air Toxics Report to Congress," examined air toxics emissions from power plants. That report identified mercury as the toxic of greatest concern.*U.S. EPA, "Fact Sheet: EPA To Regulate Mercury and Other Air Toxics Emissions from Coal- and Oil-Fired Power Plants" 2000*
- ▶ The EPA has determined that mercury emissions from power plants pose significant hazards to public health and must be reduced. The Agency plans to propose regulations by 2003, and issue final regulations by 2004.
U.S. EPA, "Mercury Web Site," www.epa.gov/mercury/information.htm; U.S. EPA, "Fact Sheet: EPA To Regulate Mercury and Other Air Toxics Emissions from Coal- and Oil-Fired Power Plants" 2000
- ▶ Fetuses, infants, and children are particularly susceptible to mercury poisoning. Mercury's effects are similar to lead toxicity in children, and include delayed development and cognitive deficits, convulsions, mental retardation, language difficulties, and problems with motor function, attention, and memory. Those with toxic

levels of mercury also report memory loss and fatigue in their system. It is a relevant factor for ADD, ADHD, and the general physical and mental health of children and adults.

Thompson, Toxic Metals; www.drlaurathompson.com/heavy_metal_toxicity.htm; see also US EPA, "Mercury Study Report To Congress"

▶ A 2000 National Academy of Sciences report noted that methylmercury exposure, from mothers eating mercury-contaminated fish, may cause brain damage in 60,000 to 375,000 children born in the U.S. each year.
www.abcnews.go.com/sections/DailyNews/mercury0/11.html

▶ 1 in 12 – 8% - of women of childbearing age already have unsafe mercury levels and these rates are higher in more contaminated areas.

U.S. EPA: "Mercury: Frequently Asked Questions."

▶ Mercury can increase the chances of contaminated adults having heart attacks and hypertension.

U.S. EPA: "Mercury: Frequently Asked Questions."

▶ Recently, a high school was shut down for days after a student removed mercury from a school laboratory and spread it around the school.

"A Mercury Non-Policy," Washington Post, 12/30/03, www.washingtonpost.com

*▶ In addition to the adverse human health impacts, mercury exposure also harms wildlife, with fish-eating birds and mammals receiving the highest exposures. Documented adverse effects in birds and mammals include reduced reproductive success, impaired growth and development, behavior abnormalities, and even death.

US EPA, "Mercury Study Report To Congress"

*▶ Airborne mercury mixes with rain or snow in the atmosphere, and falls onto lakes and waterways. A 1999 report documented that mercury was showing up in Chicago rainfall at levels 42 times greater than what federal standards considered safe. Mercury levels in rain were reported to be even higher in Detroit and Duluth, MN.

National Wildlife Federation, [Clean the Rain, Clean the Lakes: Mercury in Rain Is Polluting The Great Lakes, 1999](#)

▶ As of December 2000, mercury was the chemical contaminant responsible, at least in part, for the issuance of 2,242 fish consumption advisories by 41 states. Almost 79% of all advisories issued in the U.S. are at least partly due to mercury contamination in fish and shellfish. Advisories for mercury have risen steadily, by 149%, from 899 advisories in 1993, to 2,242 advisories in 2000. The number of states that have issued mercury advisories also has risen steadily from 27 states in 1993 to 41 states in 2000.

EPA Fish Consumption Advisories – www.masgc.org/mercury/abstracts.html

*▶ As little as 1 drop - 1/70th of a teaspoon of mercury can contaminate a 25-acre lake to the point where fish are unsafe to eat.

National Wildlife Federation, "Clean the Rain, Clean the Lakes: Mercury in Rain is Polluting the Great Lakes," September 1999

*▶ Michigan is one of 13 states that have issued mercury advisories for every single one of its lakes and streams. Fish advisories also have been issued for each of the Great Lakes and their connecting waters. Michigan Department of Public Health has issued an advisory to restrict consumption of various species of fish taken from all inland lakes in the state, including Manistee Lake, because of mercury contamination. For Michigan, that is 11,000 lakes.

Michigan Mercury Pollution Prevention Task Force, [Mercury Pollution Prevention in Michigan April 1996](#); EPA Fish Consumption Advisories – www.masgc.org/mercury/abstracts.html

▶ Michigan has a total of 20 coal-fired power plants. 887,019 lake acres and 139 river miles in Michigan are under a Mercury Fish Advisory.

Michigan Mercury Pollution Prevention Task Force, [Mercury Pollution Prevention in Michigan April 1996](#)

*▶ Once mercury enters water, biological processes can transform it into methylmercury, a highly toxic form of mercury that can build up in animal and human tissues. Mercury is eaten by microorganisms in water that in turn are eaten by fish that eventually are eaten by humans. Larger and older fish generally have more mercury in their bodies and are less safe to eat. Mercury consumed in this fashion is permanently stored in the body.

Mercury Questions and Answers, www.we-energies.com

Mercury is stored in the muscle tissue

▶ Methylmercury contamination in food sources as low as 1 part per million has been shown to cause death in some animals.

Fact sheet, Great Waters Program, National Wildlife Federation

*▶ Michigan Governor Granholm has proposed to eliminate mercury emissions in Michigan by the year 2020.

Detroit Free Press, 12/09/03; www.freep.com

WASTE and COAL PLANTS

A FACT SHEET

MANISTEE CITIZENS FOR RESPONSIBLE DEVELOPMENT

▶ The water leaving the cooling system of coal plant is warmer than the water taken in which may cause thermal pollution and increase the mortality of life forms in the local environment.

▶ Chlorine is needed at coal plants to control algae growth in the water, and this may contaminate the local water.

www.UCSUSA.org

▶ In an average year a typical coal plant generates:

1 plant.

- 3,700,000 tons of carbon dioxide, the primary human cause of global warming, 7,400,600,000 #
- 10,000 tons of sulfur dioxide, which causes acid rain that damages forest, lakes, streams, and buildings. It forms small airborne particles that can penetrate deep into lungs.
- 500 tons of small airborne particles which can cause chronic bronchitis, aggravate asthma and cause premature death.
- 10,200 tons of nitrogen oxide, leading to the formation of smog, which inflames the lungs. = 500,000 cars
late model cars would emit this much nitrogen oxide.
- 700 tons of carbon monoxide, which aggravates heart disease and can cause death in high concentrations
- 220 tons of hydrocarbons, which are volatile organic compounds that add to ozone levels
- 170 pounds of mercury, of which 1/70th of a teaspoon can make the fish in 25-acre lake unsafe to eat
- 225 lbs of arsenic, which can cause cancer when it contaminates groundwater
- 114 pounds of lead, 4 pounds of cadmium and traces of radioactive uranium

→ Union of Concerned Scientists, "Environmental Impacts of Coal Power Air Pollution"; www.ucsusa.com

▶ Every year, nearly 600 coal and oil-fired power plants produce over 100 million tons of sludge waste.

Citizens Coal Council, Hoosier Environmental Council, Clean Air Task Force, "Laid to Waste: The Dirty Secret of Combustion Waste from America's Power Plants," February 2000

▶ A 500-megawatt coal plant typically produces 125,000 tons of ash and 193,000 tons of sludge from the smokestack scrubber each year, both of which have to be disposed of locally. —

▶ 40% percent of the coals waste landfills and 80% of the coal waste surface impoundments do not have liners, and less than half the landfills and only 1% of impoundment have groundwater monitors.

"Fast Facts on Air," A Sourcebook for the Clean Air Advocate, Clean Air Network, 2000

▶ If care is not taken to dispose of coal ash, runoff water may drain into surface or groundwaters and pollute the waters with carcinogenic heavy metals.

▶ Coal stockpiles have the potential to release contaminants, usually heavy metals such as arsenic, copper, nickel, lead, and zinc. These contaminants are mobilized in rainwater runoff. As a result, the pH of coal pile runoff is acidic, and may be similar in composition to acid mine drainage.

- ▶ A study of cancer statistics in 11 Michigan counties with coal fired power plants show that 6 of 11 counties exceeded the cancer cases diagnosed rates for the State of Michigan and 6 of 11 counties exceed the cancer related death rates for the State of Michigan.

Michigan Dept of Community Health, "Responses To Frequently Asked Questions: Manistee Saltworks Development Corp Coal-Fired Power Plant (2003)

CANCER and COAL PLANTS

A FACT SHEET

MANISTEE CITIZENS FOR RESPONSIBLE DEVELOPMENT

- ▶ 10% of all lung cancers are probably due to air pollution #1 killer cancer.
"Outdoor Air pollution and Lung Cancer," Environmental Health Perspectives (8/2000)
- ▶ Coal fired power plants emit multiple cancer causing agents including metals such as arsenic, chromium, nickel; radionuclides such as radon and uranium; sulfuric acid, aerosols and multiple particulates.
Holmberg & Ahlberg, "Consensus Report: Mutagenicity and Carcinogenicity of Car Exhausts and Coal Combustion Emissions," 47 Environmental Health Perspectives 1 (1983); www.sierraclub.org
- ▶ The more coal burned, the more carcinogens emitted and the greater the risk of disease.
- ▶ There are at least 23 professionally-accepted studies showing that power plant pollution increases cancer, asthma, heart attacks and other health problems.
- ▶ Dioxins, a known human carcinogen and probably the most toxic compound known to science, also are formed when coal is burned, since nearly all coal sources contain chlorine. Utility and industrial burning of coal is the 6th largest source of dioxin emissions to air in 1995.
Center for Health, Environment, and Justice, "America's Choice: Children's Health or Corporate Profit" (1999)
- ▶ It is a common fact that the burning of coal produces cadmium – a toxin known to be a human carcinogen – lead – a deadly heavy metal – and hexavalent chromium (CRVI) – among the strongest known causes of lung cancer.
Harte, et al., Toxics A to Z: a Guide To Everyday Pollution Hazards (1991)
- ▶ Studies suggest an 18% increase in the risk of a childhood cancer for children living within a radius of 1.8 miles of a power station.
Know & Gillman, "Hazardous Proximates of Children Cancers in Great Britain from 1953-19980, J. Epidemiology and Community Health (1997); www.sierraclub.org
- ▶ Living in a polluted area can increase your risk for lung cancer between 12-37%.
"Study Ties Pollution, Risk, and Lung Cancer Effect Similar to Secondhand Smoke," Washington Post (3/06/02), citing J. American Medical Assn.
- ▶ Exposure to the tiny particles and sulfate pollutants of industrial emissions is comparable to breathing second-hand smoke from a cigarette.
"Study Ties Pollution, Risk, and Lung Cancer Effect Similar to Secondhand Smoke," Washington Post (3/06/02), citing J. American Medical Assn.
- ▶ Reducing fine particle emissions from older coal plants in the USA would:
 - avoid 18,700 deaths per year
 - avoid 3 million lost work days per year
 - avoid 16 million restricted-activity days per year
- ▶ Reducing emissions from 9 older coal plants in the mid-west would:
 - avoid 300 deaths
 - avoid 2,000 respiratory and cardiac hospital admissions
 - avoid 400,000 person-days of respiratory symptoms
- ▶ Not having a local coal powered plant would eliminate most of these coal combustion related problems in this community.
"Study Ties Pollution, Risk, and Lung Cancer Effect Similar to Secondhand Smoke," Washington Post (3/06/02), citing J. American Medical Assn.
- ▶ Nationwide as many as 31,000 deaths a year are related to power plants emissions as opposed to 16,000 killed in drunk-driving accidents and 17,000 homicide victims.
"Study Ties Pollution, Risk, and Lung Cancer Effect Similar to Secondhand Smoke," Washington Post (3/06/02), citing J. American medical Assn.

HEART & LUNGS and COAL PLANTS

A FACT SHEET

MANISTEE CITIZENS FOR RESPONSIBLE DEVELOPMENT

▶ Michigan already ranks 9th in the U.S. in coal plant emissions.

▶ "Clean coal power" exists in name only. Consider the state-of-the-art coal gasification plant near Tampa, FL – a 625 mega-watt unit built largely with federal funds. According to the U.S. EPA, the plant in 2000 emitted 7,600 tons of sulfur dioxide (SO₂), 2,800 tons of nitrogen oxides (NO_x), and 2.6 million tons of carbon dioxide (CO₂) into the atmosphere.

Sierra Club, "Fact Sheet: Clean Air: Dirty Coal Power"; www.sierraclub.org

Smog

▶ The burning of coal emits SO₂ and NO_x gases that can form fine particles, or soot, when they react with the atmosphere.

Sierra Club, "Fact Sheet: Clean Air: Dirty Coal Power"; www.sierraclub.org

▶ When NO_x reacts with volatile organic compounds and sunlight, ground level ozone, or smog, forms. Power plants are second only to automobiles as the greatest source of NO_x emissions. A UCLA School of Medicine study found that over time, repeated exposure to smog and other air pollutants can cause as much damage to the lungs as smoking a pack of cigarettes a day.

Sierra Club, "Fact Sheet: Clean Air: Dirty Coal Power"; www.sierraclub.org

▶ Out of the entire US electric industry, coal-fired power plants contribute 96% of SO₂ emissions, 93% of NO_x, 88% of CO₂ and 99% of mercury emissions.

Clean the Air, "Power Plant Air Pollution Problem," Fact sheet

▶ Coal-burning power plants outstrip all other polluters as the largest source of sulfate air pollution in the U.S.

U.S. EPA, OAR "Air Quality Criteria for Particulate Matter" (1995)

▶ Coal-burning power plants account for nearly 90 percent of the SO₂ emitted by all power plants.

U.S. EPA, Acid Rain Program, "National Summary Percent Contribution by Unit Fuel Type."

▶ In 1998, power plants were responsible for 67 percent—a full 2/3 of the annual total SO₂ and over a quarter of the NO_x emitted in the U.S.

U.S. EPA, "National Air Quality and Emission Trends Report, 1998", p. 125, (Mar. 2000)

▶ Smog travels hundreds of miles downwind and mid-western sites pollute many eastern USA communities.

▶ Smog irritates the linings of the air passages and lungs, eventually causing injury and spasticity. This increases the risks of pneumonia, emphysema, chronic bronchitis and asthma attacks. These risks are greatest among the very young and elderly, especially those with pre-existing lung disease.

Sierra Club, "Dirty Coal Power"; www.sierraclub.org

▶ Smog and other air pollutants can cause as much damage as smoking a pack of cigarettes per day.

▶ Smog and soot cause tens of thousands of deaths per year, millions of asthma attacks per year and hundreds of thousands of admissions to the hospital plus uncountable missed days of work. The cost of this is billions of dollars per year.

▶ Infants in high pollution areas are 40% more likely to die of respiratory disease.

Spengler, "Death, Disease and Dirty Power: Mortality and Health Damage Due to Air Pollution from Power Plants", Harvard School of Public Health (Se. 2000)

▶ 5.5% of children living within 30 miles of a coal-powered plant have asthma. Michigan ranks 5th in the nation in this statistic.

Michigan Environmental Council, "Nearly 2 Million Michigan Children Breathe Pollution from Dirty Power Plants (2002); www.mecprotects.org

Soot - Fine particle emissions

- ▶ Scientists increasingly believe that soot to be the most dangerous air pollutant, blaming it for 64,000 deaths per year in the U.S. – nearly twice the number of deaths due to auto crashes.

Sierra Club, "Fact Sheet: Clean Air: Dirty Coal Power"; www.sierraclub.org

- ▶ Fine particle emissions (soot) from U.S. coal-fired power plants are responsible for an estimated 30,000 deaths each year. Hundreds of thousands of Americans suffer from asthma attacks, cardiac problems and upper and lower respiratory ailments associated with fine particles from power plants. The estimated coal power plant health impacts are reflected the following table:

Health Effect	Study	Cases per year
Mortality (Death)	HEI, 2000 (Pope Reanalysis Annual mean, All Cause)	30,100
All Respiratory and Cardiovascular Hospitalizations	Pooled COPD=Respiratory+ Asthma+cardio Vascular	20,100
Asthma-Related Emergency Room Visits	Schwartz et al., 1993	7,160
Chronic Bronchitis	Pooled	18,600
Asthma Attacks	Whittemore and Korn 1980	603,000

Spengler, "Death, Disease and Dirty Power: Mortality and Health Damage Due to Air Pollution from Power Plants", Harvard School of Public Health (Sep. 2000); see also www.cleanteair.org

- ▶ The U.S. EPA, in 1997, issued National Ambient Air Quality Standards for "fine particles" known as PM2.5, and defined as particles smaller than 2.5 microns – less than 1/100th the width of a human hair - the dot above the letter "i" in a typical newspaper is about 400 microns across. The EPA has estimated that attaining the annual fine particles levels required by the new standard will prevent 15,000 deaths per year.

U.S. EPA, 40 CFR Part 50, NAAQS for Particulate Matter; Final Rule; 562 Federal Register 38651 (1997)

- ▶ The U.S. EPA acknowledges that the science underlying the PM2.5 standard indicates that deaths occur even at levels below the established PM2.5 standard.

U.S. EPA, 40 CFR Part 50, NAAQS for Particulate Matter; Final Rule; 562 Federal Register 38651 (1997)

- ▶ Deaths from coal plant pollution are well above the death toll from other causes commonly understood to be major public policy priorities. For example, drunk driving causes nearly 16,000 deaths per year nationally, and there are about 17,000 homicides in the U.S. each year. The 30,000 premature deaths from coal plant fine particle emissions is 5 times the number of automobile fatalities avoided each year by the use of seat belts.

Spengler, "Death, Disease and Dirty Power: Mortality and Health Damage Due to Air Pollution from Power Plants", Harvard School of Public Health, September 2000); see also www.cleanteair.org

- ▶ The death toll attributable to fine particle pollution from coal plants is rivaled only by the deaths due to the fine particle pollutions from the combined total of all diesel trucks, buses, locomotives, and construction equipment in the U.S.

Spengler, "Death, Disease and Dirty Power: Mortality and Health Damage Due to Air Pollution from Power Plants", Harvard School of Public Health, September 2000); see also www.cleanteair.org

- ▶ A recent study found a 26 percent increased risk for Sudden Infant Death Syndrome (SIDS) in cities with high levels of fine particle pollution.

Spengler, "Death, Disease and Dirty Power: Mortality and Health Damage Due to Air Pollution from Power Plants", Harvard School of Public Health, September 2000); see also www.cleanteair.org

- ▶ A recent Harvard School of Public Health study of 2 coal-fired power plants in Massachusetts found that the fine particle pollution from these plants may be associated with over 100 deaths annually.

Levy and Spengler, "Estimated Health Impacts of Criteria Pollutant Air Emissions from the Salem Harbor and Brayton Point Power Plants, Harvard School of Public Health, May 2000

- ▶ In metropolitan areas with large populations near coal-fired power plants, many hundred of lives are shortened each year.

Spengler, "Death, Disease and Dirty Power: Mortality and Health Damage Due to Air Pollution from Power Plants", Harvard School of Public Health, September 2000

- ▶ While all of us are at risk from exposure to fine particles, the elderly people with respiratory disease and children are at greatest risk.
Spengler, "Death, Disease and Dirty Power: Mortality and Health Damage Due to Air Pollution from Power Plants", Harvard School of Public Health, September 2000
- ▶ Tens of thousands of elderly people die each year from exposure to ambient levels of fine particles. Breathing fine particles can hurt them with heart or lung disease, emphysema and chronic bronchitis.
American Lung Association: :Facts about Fine Particle Air Pollution
- ▶ Infants in high pollution areas are 40 percent more likely to die of respiratory causes.
Spengler, "Death, Disease and Dirty Power: Mortality and Health Damage Due to Air Pollution from Power Plants", Harvard School of Public Health, September 2000
- ▶ Excluded from these estimates are the health effects from other power plant pollutants, such as air emissions that result in ozone smog, air toxics, and the impacts from the consumption of fish contaminated by power plant mercury emissions.
Spengler, "Death, Disease and Dirty Power: Mortality and Health Damage Due to Air Pollution from Power Plants", Harvard School of Public Health, September 2000

Global warming – Greenhouse gases

- ▶ CO2 is the primary global warming pollutant – the principle "greenhouse" gas. The U.S. with 4% of the world's population, emits 25% of U.S. CO2 emissions. In 1999, coal-fired power plants released 490.5 million metric tons of CO2 into the atmosphere – amounting to 40% of the U.S. total emissions.
Sierra Club, "Fact Sheet: Clean Air: Dirty Coal Power"; www.sierradub.org
- ▶ Over the next 20 years, the CO2 emissions that cause global warming will increase by at least 40% in the electrical sector alone under the Bush energy plan.

**BRIEF SUMMARY OF CONDITIONS SURROUNDING THE PLAN
TO BUILD A 425 MEGAWAT COAL FUELED GENERATING
PLANT ON THE SHORES OF MANISTEE LAKE**

There currently is a co-generation plant on Manistee Lake. It is called the TES Filer plant. It was constructed about 14 years ago and is jointly owned by the Tondu Corporation of Houston, Texas, several individuals and CMS energy.

The plant was built with incentives because of the commitment to use the wood chips from Packaging Corporation of America, sited next to the generating plant. The PCA makes paper. Since the TES Filer plant's construction, they have added chopped tire fuel to the mix (10%) and now have permission to burn oil coke (15%) as well. The emissions from this plant are supposed to be controlled by BACT standard. The plant has a capacity of 85 megawatts. The amount of lead, sulfuric acid and nitrous oxide from this plant is what would be expected for a plant that size. You can find the exact amount of the pollutants in the air of Manistee County by going to the web site www.scorecard.org.

The amount of mercury emitted by this plant, reported by the plant, is 137 pounds annually. According to scientific studies, approximately 74% of the mercury from a coal fueled plant falls within 1.5 miles of the smokestack of the plant. That means in the 14 years this plant has existed, at least 1,438 pounds of mercury has settled into our streams, lakes and land. Mercury does not disappear, and it becomes a more toxic form, methyl mercury, when it enters the water. ~~One-seventh~~ of a teaspoon of mercury can pollute a 25-acre lake.

1 drop 1/70 of a Teaspoon

This plant was paid for entirely by the owners after 5 years of operation. According to recent court documents, resulting from a suit entered against Filer Township and Manistee County for tax relief, this plant earns the owners approximately \$16,000,000 a year. The judge in this case threw out the Tondu suit calling the data provided by the corporation not credible and misleading.

The same corporation, Tondu Corporation, of Houston, Texas is now engaged in trying to erect another plant on Manistee Lake. This plant, if approved would generate 425 Megawatts of electricity. The facility would involve three cooling towers of massive proportion, two hundred foot high buildings and a smokestack that would reach 400 feet high in the hopes that pollutants would be broadly dispersed, according to the president of the Tondu Corporation, Joe Tondu. The emissions from this projected plant would add significant pollutants to the mix that already descends on Manistee County and surrounding area.

Specifically, according to the documents submitted by the corporation here are some amounts.

- Particulate matter: 737 tons annually
- Nitrous Oxide: 2,693 tons annually
- Sulfur Dioxide: 4,444 tons annually

The data was not available on other dangerous toxins such as volatile organic compounds and lead as this was prepared. The corporation did report, however, that the plant would release 450 pounds of mercury into the atmosphere each year. If you add that to the mercury already coming from a Tondu plant in Manistee County, the total becomes 587 pounds. It may be, that the plant may only emit 400 pounds. That would mean ~~437~~ 537 pounds of mercury into the atmosphere around Manistee each year.

Again, applying the 74% rule, that would mean that 402 pounds would fall directly on our lakes and streams and land within 1.5 miles of the smokestack. The rest could travel as much as 600 miles from the site. To put this amount of mercury in a context, the mercury emitted from the Detroit Edison plant in Monroe is 746.7 pounds annually and the amount from the River Rouge plant is 100 pounds annually. The amount from the City of Holland's plant, the James DeYoung plant, is 8 pounds annually.

We would become the second most mercury polluted area from a coal-fueled power plant in Michigan according to figures released on coal plants by the Grand Rapids Press in November of 2003.

In addition to the toxins to the environment, the effluent from coal pile runoff and cooling chamber discharge would be discharged into Manistee Lake at a significantly higher temperature than the lake. To put this in context, in the DEQ records it states that Manistee Lake is to be preserved for cold water fish and partial and full body recreation. The latter preserve has not been respected in the past and the lake bottom of Manistee Lake does have significant pollutants present and there is a plume of leached materials under the lake moving toward Lake Michigan from previous industrial use of the shoreline. This should not be the rationale to use the lake for more pollutants, stating it is okay because it is already polluted.

Additionally, the proposed plant will store on site, 17,000 gallons of ammonia, 15,000 gallons of 15% sodium hypochlorite, and 670,000 tons of coal in open coal piles. There is some data already available about human health impacts from a study done in 2001 by the Manistee County Community Health Task Force. The report shows comparisons of deaths per 100,000 people in Manistee compared to the state average.

	Manistee	Mich. Average	Wayne
Cancer	274.7	199.0	209.0
Heart Disease	342.3	271.4	324.0
Respiratory	67.6	41.9	34.7

Another issue regarding the development of this plant is that they would have to redesign the shoreline along which the plant would be built to accommodate the large coal boats that would come to unload. It is expected that there would be 13-18 large coal boats a month. This redesign and development of the docking location would cause massive disturbance of the pollution that already exists on the bottom land of the lake and would disperse it throughout the lake and into Lake Michigan.

Given all of the above, one must ask why any city government would even consider such a development. Well, the Tondu Corporation, utilizing emotional ties to this area because the Tondu family is from Manistee County, suggested to the City and to the County of Manistee that there would be a large tax base that would bring new revenue to their budgets. As a matter of fact it appeared that the revenue from a \$550,000,000 tax base could be as high as 15 to 18 million dollars.

They also promised to "create" 60 jobs, bring \$100,000,000 in income during the construction phase and annually pump \$11,000,000 dollars into the local economy because of payroll, services purchased, etc. The City and County officials thought they had won the lottery and all of a sudden all projects that had been put on hold would have a possibility of being realized. As a matter of fact, the planning consultant to the City of Manistee used in his justification to approve the special use permit for the plant, the large tax base that would be realized.

The other hook the Tondu Corporation used is that they said they would clean up the site on which they would locate the plant. They have actually stated in documents to the City that the City should be concerned that if their project is not approved there may be no way to clean up the site.

There are many ways to clean up this site. Actually the Tondu Corporation plans to apply for a Brownfield Development grant to do so and has set that figure at \$10,000,000. If this was to occur, the City would have to pay part of that \$10,000,000 because of recent administrative decisions on this fund made by the governor. So, the Tondu Corporation was attractive to government officials because a bad site would be cleaned up on the lakeshore.

The focus has always been on the cleanup by the Tondu Corporation and not the risks that their plant will bring. Sometimes their promotion as noted above bordered on unnecessary pressure by statements made. With repeated requests to the Tondu Corporation about what cleanup means, they have never given any specifics. It is possible that it could be capped.

But then in late November, 2003 the other shoe dropped. It became known that the Tondu Corporation, who local officials thought would own the plant as a private investor, had been negotiating for over 18 months with public energy pools in Michigan to be the owners of the plant. Specifically the pools involved were the Michigan Public Power Agency and the Southwest Michigan Power Agency.

These agencies pay no taxes. Mr. Tondu, unknown to the City and County who were led to believe there would be a huge tax windfall, had set up a financial plan that these public power agencies would own 80% of the plant and the Manistee Saltworks Development Corporation, another corporation owned by Mr. Tondu, would own the other 20%.

That means that the owner of the plant and thus the electricity would be cities such as Traverse City, Charlevoix, Petoskey, Grand Haven, Holland, Hart, Bay City, Lansing, Hillsdale, etc. It is said that Holland will be the largest owner and it has been reported that Hillsdale will own 3% of the plant and thus the electricity.

In an article in the Hillsdale News in November of 2003, it describes how the residents of Hillsdale would see a reduction in their electricity bills because of their ownership of this plant. Holland already owns all or partial pieces of two plants and maybe more. It is known that Holland has already been selling excess electricity and bringing millions of dollars into their city and county budgets. These cities, who will pay no taxes, will own the electricity which they will be able to use to reduce electricity bills or sell on the wholesale market. The Tondu Corporation has used the argument that this plant is needed for "base power" in Michigan. There is evidence to suggest that excess power has been available on the grid.

The other complicating piece of the layered way in which the financing has been laid out for this project is that it is the Manistee Saltworks Development Corporation that owns the options to the land on which the plant would be built and it appears that it is the Manistee Saltworks Corporation that will own the 20% of the plant. It has been suggested that the way that the Tondu Corporation comes into the picture is that they are said to have a 25 year "takeoff" agreement with the public power agencies to be able to get 125 megawatts of electricity annually. This will probably be at a set price if it is true.

What is interesting about the way in which this has been set up, is that the Manistee Saltworks Development Corporation could sell out their ownership in the plant at any time and Tondu will still have benefited. If the Manistee Saltworks Development Corporation sold the plant to one of the public agencies, there would be no tax base at all. It is interesting that at the present time, the Manistee Saltworks Development Corporation is negotiating, with the City of Manistee, a service fee to be able to locate in the area rather than pay taxes. They have excluded the County from these negotiations and have been quoted as saying that they will negotiate a fee for service for locating here with the County after they have set a fee with the City. Why should they not pay taxes like every other business in Manistee County?

It should be recalled at this point that the Tondu Corporation lost a suit recently in which they tried to get a reimbursement paid to them by Filer Township and Manistee County because Tondu Corporation pleaded that their electricity was not a durable and therefore should not be taxed. It appears that they have this in the back of their mind as they are now trying to set a fee rather than pay taxes.

What is even more interesting is that all this negotiation could be meaningless if the Manistee Saltworks negotiated a fee and then sold the plant to the public power agencies after one year. This would be fruitless as the public power agencies do not pay taxes, and Mr. Tondu, the Manistee Saltworks Development Corporation nor the Tondu Corporation can negotiate for the public power agencies.

It would probably not be wise to trust the intent of the Tondu Corporation in regard to their concern for the health, welfare and safety of the residents of this area. The suit against Filer Township is one indication, and the fact that the corporation has been negotiating with public power agencies for over a year and that Mr. Joe Tondu has been receiving fees during that time while leading the officials of the City and County of Manistee to believe that he was working with them in good faith is another.

The burden to the taxpayers of the City and County even looms larger than the poison to the environment and the change in our quality of life. With this plant will come large costs. They include loss of approximately 11 years in the capacity of the landfill because of the increased ash; expansion of the waste water treatment plant if the DEQ does not permit discharge into Manistee Lake; and repair of at least two bridge opening mechanisms which have reached their useful life according to City Manager Deisch. Additionally there will be wear and tear on roads to and from the plant; probable discharge of foreign species in ballast water from the ships as they vary their ballast in the harbor; deterioration of the river channel from increased traffic and probable reduction in the number of people who will move and vacation in the area because of the plant. This does not factor in the increased burden on health facilities because of increased health risks.

It should be pointed out that the Tondu Corporation has not offered and neither the City nor the County has requested that an independent environmental and/or economic impact statement be prepared.

Let's turn to the jobs and other promises. Originally the Tondu Corporation stated that they would create 60 jobs. They now are talking about bringing 60 jobs to the job pool. It has become evident that in a plant such as this there is a requirement for supervisory personnel who have specialized training in power plant operation. They will not likely come from the Manistee area. The next level of skill required is Operator 1 and Operator 2 and then Maintenance. Operator 1 and 2 require a level of skill that can be trained on the job before the plant opens. There has been no clarification as to how the plant would be staffed. The maintenance personnel could be hired from the area.

This plant is not about bringing jobs to the community. That argument has been used as a hook to people's emotions because of the past history of job loss in Manistee County. Think for a moment how many jobs would be created by alternative clean industry that can be attracted to the area, or think about how many jobs are created by every 20 new families and entrepreneurs that move to the area because of it being a recreational destination point?

Let's consider the promised \$100,000,000 windfall to the construction trades people that the Tondu Corporation suggests will come during the three year period of construction. The plant is a power plant. The general contractor will be a specialist in this area and will come from the pool of specialists available globally. Once the contract is given to one of these specialists, that contractor will staff crews with skilled people in power plant construction first and then turn to local skilled trades.

The Tondu Corporation has not certified how many local construction jobs there will be and has no control of that once the general contractor is hired. It is also remembered that whatever trades opportunities there are, they will dry up after three years and then what? We need to stabilize this economy for trades people by focusing on continued development of the City and County as a place to live, recreate and invest in entrepreneurial enterprise. That will keep contractors consistently busy.

Now turn to the promised \$11,000,000 annual contribution to the economy. There is no documentation other than a statement that the payroll will be \$4,000,000, but there is no documentation beyond that. At this time it is a groundless estimate.

This is a story about energy pirates building a "merchant energy plant" in the City of Manistee and leaving the taxpayers of Manistee City and County with the burden of the costs to maintain the "merchant plant's" presence. Why should Manistee County residents be indentured slaves for the rest of their lives to the Tondu Corporation and the cities who already are more economically well off than Manistee? Why suffer erosion of our environment and our health in this manner? There are so many other ways to build up this City and County without hurting ourselves and our neighbors to the North, South, East and West.

CONCEPTS AND THOUGHTS NEEDED TO UNDERSTAND THE HEALTH ISSUES

Most of the health advisories warn that women in particular should avoid fish with mercury and other contaminants like dioxin. In contrast to men who make new sperm all the time, a woman is born with all the eggs she will ever have. They were formed in utero and she will not make any more. These eggs carry that individual's genetic blueprint (DNA). These eggs are influenced by environmental toxins from the time they are present in the fetus until the death of that individual. Many of the toxins can cross the placental circulation in the pregnant woman contributing to birth defects in the developing fetus as well.

Dioxin, PCB, mercury and lead are a few of the persistent bioaccumulative toxins. *P.B.T.* Bioaccumulation starts with bacteria absorbing the toxins, which are then taken up by small organisms and are eventually eaten by small fish. The food chain continues with larger fish, birds, reptiles, and mammals including humans. The toxins accumulate in these organisms faster than they are eliminated and with each elevation in the food chain the effect is multiplied.

Dioxins and PCBs concentrate in skin and fatty tissue. In fish cleaning, the skin and fatty tissues can be largely removed and this markedly decreases the dioxin and PCBs in the fish to be eaten. In contrast, mercury concentrates in the muscle (meat). There is no way to make this safe to eat by cleaning. Plants in the garden can also be contaminated from fall-out near power plants and cannot be washed off to remove the toxins.

Dow Chemical in Sarnia, Ontario, Canada had a mercury spill into the upper St. Clair River that was discovered in the late 1960s by scientists who were trying to solve the problem of high mercury levels in fish in this water shed. The levels were high enough to close all commercial fishing there and sportsmen were strongly advised not to keep or eat the fish. The advisory to significantly limit consumption is still in effect today. As of May 2003 Dow Chemical is still trying to clean up the mercury by dredging the area. This came very close to home for me as I grew up on the shores of Lake St. Clair and my wife's family cottage was on the St. Clair River a few miles below the spill. I was a medical student at U of M and environmental toxins were just coming under scrutiny. The emphasis then was on lead and smoking. Mercury was something in thermometers not commonly considered a significant poison by most people. This spill illustrates several principles:

1. What you don't know can hurt you.
2. What you think you know may hurt you more.
3. Heavy metals remain toxic forever.
4. Environmental toxins that are unknown or seem to be of minor consequence today may be found to be a significant threat to you or more importantly your children in 10 to 20 years and beyond.

The Catch 22 – It is assumed or implied that trapping the soot in the stack is the end of the problem but this soot has to be disposed of as well. With present technology 90% + of this soot can be captured. It will then need to be disposed of along with the estimated 100 million tons of sludge, ash, and boiler slag that is produced yearly by all utility companies. 76 million tons of these 100 million tons are now being disposed of on site in unlined lagoons, landfills or mines. Other disposal sites show that 40% of landfills and 80% of surface impoundments are unlined. Less than half of the landfills and 1% of lagoons have leachate collection systems. In some states this percolation into the ground water is actually encouraged. So if the toxins are carefully trapped before they get into the air and this concentrated ash, soot, sludge is then turned loose in the ground or run-off water what does this do to the pollution problem locally?

IGCC or integrated coal gasification-combined units cycle, 99% clean coal technology, is probably the future of coal as a fuel. Coal is subjected to steam and oxygen at high temperature and pressure. This breaks down chemical bonds in the molecular structure of the coal and a chemical reaction occurs with the oxygen and steam to form a gaseous mixture of hydrogen and carbon monoxide. Impurities and greenhouse gases can be separated. As much as 99% of sulfur and other pollutants can be recovered. A number of these “pollutants” can be processed into commercially viable products such as fertilizers, chemicals, and diesel fuel. Dioxin is not apparently produced in this process. Metals (except mercury) end up in the glass-like slag that will not leach and can be used as a structural material.



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Infertility, blood mercury concentrations and dietary seafood consumption: a case-control study

Christine M. Y. Choy^{1, a}, Christopher W. K. Lam^b, Lorena T. F. Cheung^c, Christine M. Britton-Jones^a, L. P. Cheung^a and Christopher J. Haines^a

^a Department of Obstetrics and Gynaecology, The Chinese University of Hong Kong, Hong Kong, SAR, China

^b Department of Chemical Pathology, The Chinese University of Hong Kong, Hong Kong, SAR, China

^c Department of Dietetics, The Chinese University of Hong Kong, Hong Kong, SAR, China

Accepted 24 July 2002. Available online 23 September 2002.

Abstract

Objective

To compare blood mercury concentrations of infertile couples with those of fertile couples in Hong Kong, and to examine the relationship between blood mercury concentrations and seafood consumption.

Design

Case-control study.

Setting

In vitro fertilisation (IVF) Unit and Antenatal Unit of a university teaching hospital.

Sample

One hundred fifty-seven infertile couples attending IVF treatment and 26 fertile couples attending antenatal care without known occupational exposure to mercury.

Methods

Mercury concentrations in whole blood were measured by cold vapour atomic absorption spectrophotometry. A dietitian recorded the quantity of seafood consumption among infertile couples via a food-frequency questionnaire. Blood mercury concentrations and quantity of seafood consumption were compared between infertile and fertile couples.

Main outcome measures

Whole blood mercury concentrations, quantity of seafood consumption.

Results

Infertile couples had higher blood mercury concentrations than fertile couples. 'Infertile males with abnormal semen' and 'infertile females with unexplained infertility' also had higher blood mercury concentrations than their fertile counterparts. Blood mercury concentrations were positively correlated with quantity of seafood consumption. Infertile subjects with elevated blood mercury concentrations consumed a larger amount of seafood.

Conclusion

Higher blood mercury concentration is associated with male and female infertility. Higher seafood consumption is associated with elevated blood mercury concentrations in our infertile population.

 **Correspondence:** Dr C. M. Y. Choy, Department of Obstetrics and Gynaecology, Prince of Wales Hospital, Shatin, N.T., , Hong Kong, SAR, , China.

BJOG: An International Journal of Obstetrics and Gynaecology This Document

Volume 109, Issue 10, October 2002, Pages 1121-1125

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Mercury Study Shows Permanent Damage to Children

Fri February 06, 2004 12:10 PM ET

By Maggie Fox, Health and Science Correspondent

WASHINGTON (Reuters) - Children whose mothers eat seafood high in mercury while pregnant can suffer irreparable brain damage, researchers reported on Friday.

The report comes the same week as the U.S. Environmental Protection Agency doubled its estimate of how many newborns had unsafe levels of mercury in their blood.

The study, done by an international group led by researchers at the Harvard School of Public Health, also showed that children exposed to mercury in the womb may suffer permanent damage to their heart function.

"We found that both prenatal and postnatal mercury exposure affects brain functions and that they seem to affect different targets in the brain," Philippe Grandjean, who led the study, said in a statement.

"The fact that the current exposure has an additional effect, despite the low mercury concentrations is worrisome, especially for communities where seafood constitutes an important part of the diet," Grandjean added.

Grandjean and colleagues studied more than 1,000 mothers and children living in Denmark's Faroe Islands. Residents there eat large amounts of fish, much of which is contaminated with mercury.

They measured mercury in the cord blood taken from the children at birth and then in hair samples taken at ages 7 and 14.

Most of the mothers were suffering from mercury contamination, with their own hair levels at childbirth on average above 1 microgram per gram, the limit recommended by the EPA and the independent, non-government National Research Council.

Writing in the *Journal of Pediatrics*, Grandjean and colleagues in Denmark and Japan said they put electrodes on the heads of the children to measure electrical signals in the brain. They found delays in brain signaling, and the higher the mother and child's mercury load at birth, the more distinct the irregularities.

They also found these neurological changes led to poorer system control of heart function. The children with the most mercury in their blood were less capable of maintaining the normal variability of the heart rate necessary to secure proper oxygen supply to the body, Grandjean's team found.

Just this week an EPA researcher published a report doubling the estimates of how many U.S. infants have unsafe levels of mercury in their blood.

The researcher, Kathryn Mahaffey, estimated that 630,000 infants were born in the 1999-2000 year with blood mercury levels higher than 5.8 parts per billion, the EPA's level of concern. This is more than double the previous estimate of 300,000 infants.

The EPA removed the paper from its Web site on Thursday and was not immediately available for comment.

Jane Houlihan of the Environmental Working Group said the study showed the government needs to limit emissions by coal-burning power plants, which are the top source of mercury contamination in the United States.

Her group called for the FDA to issue a list of fish that are lower in mercury and thus safer for pregnant women to eat, such as wild salmon and haddock. Other groups note that non-fish sources of healthy omega-3 fatty acids include walnuts and flaxseed oil, and some fortified foods.

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Copenhagen, Denmark; and the Departments of Environmental Health and Neurology, Boston University Schools of Medicine and Public Health, Boston, Massachusetts.

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- *Reprint requests: Philippe Grandjean, MD, PhD, Institute of Public Health, Odense University, Winsløwparken 17, 5000 Odense C, Denmark.*
- **9/21/102774**
- **doi:10.1067/mpd.2000.102774**



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Original Articles

Maternal seafood diet, methylmercury exposure, and neonatal neurologic function

Ulrike Steuerwald, MD [MEDLINE LOOKUP]
 Pal Weihe, MD [MEDLINE LOOKUP]
 Poul J. Jørgensen, MEng [MEDLINE LOOKUP]
 Kristian Bjerve, MD [MEDLINE LOOKUP]
 John Brock, PhD [MEDLINE LOOKUP]
 Birger Heinzow, MD [MEDLINE LOOKUP]
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Abstract

TOP

Objective: To determine whether neonatal neurologic function is adversely affected by seafood contaminants from maternal diet during pregnancy.

Study design: One hundred eighty-two singleton term births were evaluated in the Faeroe Islands, where marine food includes pilot whale. Maternal serum, hair, and milk and umbilical cord blood were analyzed for contaminants. Levels of essential fatty acids, selenium, and thyroid hormones were determined in cord blood. Each infant's neurologic optimality score was determined at 2 weeks of age adjusted for gestational age, and predictors were assessed by regression analysis.

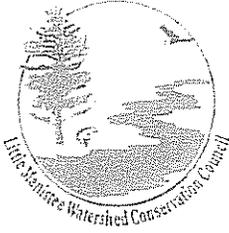
Results: Exposures to methylmercury and polychlorinated biphenyls were increased in relation to maternal seafood intake, as were ω 3 fatty acid concentrations in cord serum. Thyroid function was normal. After adjustment for confounders, a 10-fold increase of the cord-blood mercury concentration was associated with a decreased neurologic optimality score of 2.0 ($P = .03$). This effect corresponds to a decrease in gestational age of about 3 weeks. Other indicators of the seafood diet had no effect on this outcome.

Conclusions: Prenatal exposure to methylmercury from contaminated seafood was associated with an increased risk of neurodevelopmental deficit. Thus in this North Atlantic population, methylmercury constituted an important neurologic risk factor, although effects of other seafood components were not detectable. (J Pediatr 2000;136:599-605)

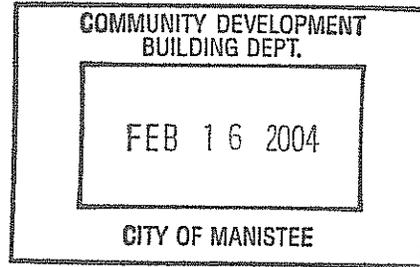
Publishing and Reprint Information

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- *From the Faeroese Hospital System, Thorshavn, Faeroe Islands; the Institutes of Public Health and Clinical Research, Odense University, Odense, Denmark; the Department of Clinical Chemistry, Trondheim University, Trondheim, Norway; the National Center for Environmental Health, Centers for Disease Control and Prevention, Atlanta, Georgia; the State Agency for Nature and Environment, Schleswig-Holstein, Flintbek, Germany; the Department of Biostatistics, Panum Institute, University of Copenhagen,*



Little Manistee Watershed Conservation Council
P.O. BOX 52
Irons, MI 49644



To whom it may concern,

The Little Manistee Watershed Conservation Council is an organization that has a membership of over 200 people. This membership and partnership consists of river property owners, business leaders, MUCC, Trout Unlimited, fisher people, river recreation users and many others who reside in Michigan and other states.

Our mission is to bring together persons and organizations that have an interest in the resource conservation and restoration of the Little Manistee River and it's watershed. Our goals are to restore, protect and preserve the natural character of the watershed by communicating resource problems and then offering and implementing problem resolution.

We are a chartered non-profit organization whose business is conducted by a council of trustees elected by the membership.

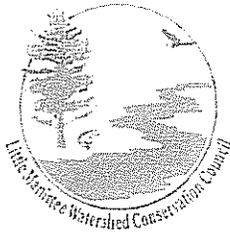
We are also part of the Little Manistee River Partnership which consists of the MDNR, MDEQ, Little River Band, Michigan Steelheaders, Conservation Resource Alliance, Indian Club, United States Huron-Manistee National Forest Service, Federation of Fly Fishers and Trout Unlimited. All of these organizations in our partnership share a concern for the protection of this watershed.

The Little Manistee Watershed Conservation Council strongly opposes the proposed new development by Tondu Corporation to build a coal burning plant on the banks of Manistee Lake.

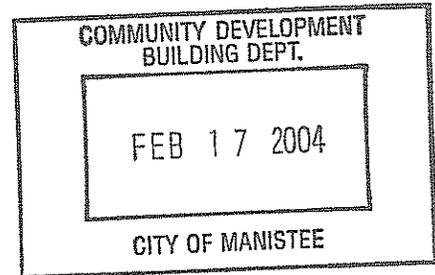
The detrimental effects that this plant will have on the environment, the fishery and the Little Manistee watershed, goes against everything that we are trying to protect, preserve and restore.

Sincerely
Dave McIntire

President LMWCC



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Sincerely
Dave McIntire

President LMWCC

Law Offices of
OLSON, BZDOK & HOWARD, P.C.

James M. Olson
Christopher M. Bzdok
Scott W. Howard
Karen L. Ferguson
Kristyn J. Houle
William Rastetter, Of Counsel

420 East Front Street
Traverse City, MI 49686

231/946-0044
FAX: 231/946-4807

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Planning Commission

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FAX No.: 231-723-1546

OPERATOR: Susan

MESSAGE: PLEASE SEE ATTACHED LETTER.

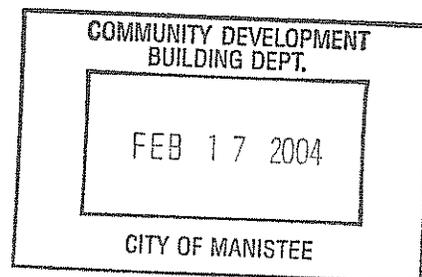
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Scott W. Howard
Karen L. Ferguson ‡
Kristyn J. Houle †
William Rastetter, Of Counsel ◦

420 East Front Street
Traverse City, MI 49686
Telephone: (231) 946-0044
Facsimile: (231) 946-4807
www.envlaw.com

* Admitted in Colorado
‡ Admitted in Hawaii
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February 17, 2004

Manistee City Planning Commission
City Hall
70 Maple Street
Manistee, MI 49660

Via Fax No.231-723-1546
& 1st Class Mail

RE: Northern Lights Project: Special Use Permit Standards & Environmental Impacts
Our File N^o. 5311.00

Dear Members of the Planning Commission:

I am writing to you again on behalf of the Manistee Citizens for Responsible Development ("MCFRD"). This time I want to address two issues I have heard are being discussed in connection with this project.

The first issue is whether the Planning Commission is supposed to apply the Special Use Permit standards to the entire Northern Lights project, or just to the elements of the project that made it eligible for a SUP (shoreline alteration, outdoor coal storage, wastewater discharge). The second issue is whether the Planning Commission should make an independent decision about the environmental impacts of the Northern Lights project, or just defer to the DEQ and EPA.

The answer to both questions is yes: the Planning Commission is supposed to apply the SUP standards to the whole project, and is supposed to make its own decision about environmental impacts. The purpose of this letter is to offer our perspective about why the answer is yes. In addition to offering our perspective, we specifically request that the Planning Commission inform the public of how it is going to approach these two issues.

Issue 1: Evaluate the whole project or a few small pieces?

As we understand it from a review of the zoning file, the City has taken the position that a coal-fired power plant, by itself, is a permitted use in the industrial zoning districts. We also understand that the Northern Lights project needs a SUP for three reasons: (1) it involves the

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outdoor storage of coal, and therefore is not a wholly enclosed use; (2) it involves alterations to the shoreline of Manistee Lake; and (3) it involves the discharge of treated wastewater into Manistee Lake.

We also understand that some people involved in this process at the zoning level have taken the position that the Planning Commission should *only* review the SUP request in light of these three features of the Northern Lights project. If this means the Planning Commission intends to only evaluate these three features when determining whether the SUP standards in Section 8609 are met, that would be an unfortunate mistake. The text of the zoning ordinance unambiguously requires the Planning Commission to determine that the whole *project* meets *all* of the SUP standards before approval may be given.

Section 8609(B) sets out the SUP standards:

The general standards for determining if a Special *Use* Permit is granted or not are:

1. Is the *use* reasonable and designed to protect the health, safety and welfare of the community,
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4. Is the *use* designed to insure that public services and facilities are capable of accommodating increased loads caused by the land *use* or activity, and
5. Does the *use* comply with all applicable regulations of this Ordinance.
6. Does the *use* comply with all specific standards found in the respective Land *Use* District, Section 1601 *et. seq.*, and Section 1001 *et. seq.* of this Ordinance.

Over and over again, the SUP standards ask questions about the *use*, and even put that term in italics to indicate that *use* is a defined term in the ordinance. The definition of *use* is found in Article 5:

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USE means the purpose for which land or a building thereon is designed, arranged, or intended to be occupied or used, or for which it is maintained.

When one takes this definition, and inserts it in the six questions set out in the SUP standards, it becomes clear that the entire *use* represented by the Northern Lights project - the purpose for which the land and buildings will be used - must meet the standards. In other words, the entire coal power plant *use* must be designed to protect the health, safety and welfare of the community; the entire *use* must be compatible with adjacent land uses; and the entire *use* must be designed to insure that public services and facilities are capable of accommodating increased loads caused by it, among others.

To take a narrow view, and focus only on the outdoor storage of coal, the alteration of the lake shore, and the wastewater discharge would be a clear legal error. To set the record straight, on behalf of MCFRD, I request that the Planning Commission be very clear about which approach it intends to take.

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The second issue relates to the environmental impacts. Do the Planning Commission members need to judge for themselves whether this project will cause unacceptable impacts to the environment, or can you simply defer to the determinations of the various environmental agencies who review the project later? Sometimes this latter position is implemented by simply approving the project as long as the applicant can get the environmental permits it needs.

We believe this latter approach, which is sometimes recommended by planning consultants, is inconsistent with the court cases on these issues. The cases are clear that local zoning bodies have their own obligation and duty to consider environmental impacts when the ordinance references them. As the Michigan Supreme Court said in *Addison Twp v Gout*:

Only in very rare instances will a permit issued for one purpose obviate local zoning laws.¹

In the case of *Committee for Sensible Land Use v Garfield Twp*, the Court of Appeals

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stated unambiguously that local zoning bodies must consider the environmental impacts of their decisions:

Case law and the statute clearly require the Township to consider the environmental effect of its zoning decision on the surrounding region.²

The court even stated in *dicta* that the standards of the Michigan Environmental Protection Act³ applied to the project at the building permit stage, which we believe is comparable to your SUP review:

Natural resources can be adequately protected by an application of the MEPA to a later state of land use regulation; for example, at the time the building permits are issued to the developer.⁴

In a mall case from Grand Traverse County, the Circuit Court specifically required a Zoning Board of Appeals to re-do its site plan approval decision because the ZBA did not adequately and independently consider the project's environmental impacts. I have enclosed the decision because I think it is exactly on point with the legal issue now before the City Planning Commission. All the reader needs to do is substitute the words "City" for "township;" "Planning Commission" for "ZBA;" and "coal plant" for "shopping mall":

ZBA proceedings to approve final site plans...are quasi-judicial in nature. MEPA findings are a condition precedent to site plan approval. Such proceedings may fairly be described as administrative proceedings, required or available to determine the legality of defendants' conduct.

To the extent that the Legislature has deemed it appropriate to allow townships to make determinations regarding the construction of regional shopping centers, the market and environmental impact of which are felt far beyond their borders, the Legislature must certainly have envisioned a review process at the township level, commensurate with the scale and potential and environmental risks

² *Committee for Sensible Land Use v Garfield Twp.*, 124 Mich App 559, 569; 335 NW2d 216 (1983).

³ MCL 324.1701 *et seq.*

⁴ *Committee for Sensible Land Use*, 124 Mich App at 565.

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associated with the project at issue.⁵

The City zoning ordinance speaks to these issues, as well. Section 8604(B)(2) allows the Planning Commission to request an Environmental Assessment as part of an SUP application. "Environmental Assessment" is defined in Article 5 as "a summary review of environmental impacts of a project." These provisions, and the Planning Commission's decision to require an EA, raise the question of why require a review of environmental impacts if the Planning Commission will simply defer those decisions to the DEQ?

What does it mean to independently review environmental impacts? It means the Planning Commission should first obtain, or direct the applicant to obtain, all the necessary information that was not in the applicant's cursory and misleading environmental assessment. The necessary information includes a detailed presentation of the air quality issues, including the public health impacts and also the impacts to the environment and downwind natural resources.⁶ The necessary information also includes detailed documentation on the existing contamination at the site, and a specific plan for how that contamination will be cleaned up to the City's satisfaction.

Once these kinds of information are obtained, the Planning Commission should discuss, and make a record on, whether the project meets the environmentally SUP standards and those under state environmental law. These include SUP standard 8609(B)(1) and the Michigan Environmental Protection Act.

The community is counting on you to take a close look at the environmental problems associated with this project. We urge you to reject any advice that you should not do so. The situation is particularly compelling in the case of mercury, which is essentially unregulated by the DEQ or EPA right now, and nitrogen oxides, which are regulated under an abdication of common sense by the environmental agencies.

Again, to set the record straight, we request that the Planning Commission clarify to the public which approach you intend to take. We hope and believe you will make the right decision.

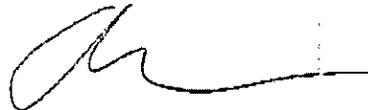
⁵ *Garfield Neighborhood Watch, et al v Charter Twp of Garfield*, Grand Traverse County Circuit Court Case No. 90-8075-CE, Opinion on remand under section 4 of the MEPA for supplemental findings under section 5(2) of the MEPA.

⁶ It is telling that the EA contained detailed information on the minor air pollution "offsets" that the applicant claims the project will create, but no information on the massive air pollution it will generate other than a reference to the DEQ air permit file.

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Thank you for your consideration of these comments, and your careful review of this controversial and misguided Northern Lights project.

Sincerely,



Christopher M. Bzdok

CMB:sk

xc: Manistee Citizens for Responsible Development

G:\WPFILES\Sk\M.C.F.R.D.-L.R.B.O.15311.00 02-17-04 ltr to PC re SUP Standards & Env Impact.wpd

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF GRAND TRAVERSE

GARFIELD NEIGHBORHOOD WATCH,
a Michigan non-profit corporation;
NORTHERN MICHIGAN ENVIRONMENTAL ACTION
COUNCIL, a private non-profit
organization; and JEROME L. SCHOSTAK
d/b/a TRAVERSE CITY VENIURE,

Plaintiffs,

v.

CHARTER TOWNSHIP OF GARFIELD
a Michigan charter township;
PLANNING COMMISSION OF GARFIELD
TOWNSHIP; ZONING BOARD OF APPEALS
OF GARFIELD TOWNSHIP; ZONING
ADMINISTRATOR OF GARFIELD TOWNSHIP;
and GRAND TRAVERSE MALL LIMITED PARTNERSHIP,
an Iowa limited partnership,

Defendants.

Case No. 90-8075-CE

Hon. Philip E. Rodgers, Jr.

OPINION OF JUDGE RODGERS
ON REMAND UNDER SEC. 4 OF
THE MEPA FOR SUPPLEMENTAL
FINDINGS UNDER SEC. 5(2)
OF THE MEPA

Dean A. Robb (P19481)
ROBB, MESSING & PALMER, PC
Attorney for Plaintiff GNW
420 E. Front, P.O. Box 1132
Traverse City, MI 49685

Frederick D. Dilley (P26090)
Attorney for Plaintiff NMEAC
600 Metrobank Building
201 Monroe Avenue, NW
Grand Rapids, MI 49603

Norman Hyman (P15319)
I.W. Winsten (P30529)
HONIGMAN, MILLER, SCHWARTZ & COHN
Attorney for Plaintiff Schostak
2290 First National Bldg.
Detroit, MI 48226

Robert P. Tramp (P21557)
Co-Counsel for Plaintiff Schostak
3939 E. M-72, P.O. Box 3019
Traverse City, MI 49685

William L. Wise (P22471)
RUNNING, WISE & WILSON
Attorney for Defendants of Garfield
Township
326 E. State Street
Traverse City, MI 49684

J Bruce Donaldson (P12861)
Attorney for Defendants of Garfield
Township
505 N. Woodward, Ste 3000
Bloomfield Hills, MI 480-13

Louis A. Smith (P20687)
Patrick E. Heintz (P31443)
SMITH, JOHNSON, BRANDT & HEINTZ,
Attorney for Defendant Grand Traverse
Mall Ltd.
603 Bay St., P.O. Box 705
Traverse City, MI 49685

James C. Adams (P24311)
Attorney for Dayton Hudson
309 E. Front St., Ste 12
Traverse City, MI 49684
(616) 929-9400

1 9:20

2 THE COURT: It would appear that all the
3 parties are present, together with their counsel. As
4 the Court noted at the conclusion of the day
5 yesterday, we would begin this morning with the
6 Court's oral decision on the motion to remand. Due to
7 the complexity of the motion, the Court has taken some
8 extensive notes in this regard and will now provide
9 you with its findings.

10 Plaintiffs have filed a motion to remit to
11 the defendant township all issues pertaining to
12 surface discharge and groundwater infiltration
13 associated with the stormwater management program as
14 designed for the Grand Traverse Mall.

15 It is the plaintiffs' contention that the
16 stormwater system functions in a dramatically
17 different fashion than that envisioned by those
18 experts who designed it.

19 Plaintiffs further contend that the
20 stormwater system performs in a dramatically different
21 fashion than it was represented to function in
22 hearings before the defendant township, as well as in
23 hearings before the various permitting agencies.
24 Indeed, plaintiffs represent that the significant
25 differences in the performance of this system were

1 only discovered following the court-ordered production
2 of raw data which comprised the essence of a
3 hydrogeological study undertaken by defendants.

4 In the course of depositions which have
5 occurred up to and including the Saturday before the
6 scheduled trial of MEPA claims, plaintiffs represented
7 that defendants' experts were still in the process of
8 reconfiguring the stormwater system's design.

9 Plaintiffs' claims are supported by the
10 affidavit of Frederick Dilley and John Rice.

11 The record before this Court substantiates
12 the claim that the defendant township's MEPA findings
13 were predicated on the Grand Traverse Mall's
14 stormwater systems design as a state of the art system
15 of detention ponds. It was represented as a
16 stormwater system that would hold water, remove
17 contaminants and emit a controlled discharge into the
18 Kid's Creek watershed that would not pollute, impair
19 or destroy that resource.

20 The production of defendants' database,
21 pursuant to an earlier order of this Court, has now
22 revealed that cell 2 is not in fact a detention basin;
23 rather, substantially all of the stormwater
24 infiltrates through the floor of cell 2 and into the
25 groundwater.

1 It has also been established that water
2 does not flow north into the Kid's Creek watershed,
3 but rather, in an easterly direction where it enters
4 Miller's Creek and ultimately thereby enters the
5 Boardman River watershed.

6 Plaintiffs complained that they and the
7 public have been misled. It is clear that the
8 township's MEPA findings were predicated upon a
9 stormwater system materially different functionally
10 than originally anticipated. Plaintiffs claim that
11 administrative agencies were also misled in the permit
12 process, albeit not intentionally.

13 Defendants contend that the substantive
14 aspects of plaintiffs' amended complaint are rendered
15 moot, that there is no prima facie case of
16 environmental impairment established, and that in the
17 absence of any evidence of environmental degradation
18 whatsoever, that plaintiffs' procedural claims are
19 futile or otherwise rendered moot. Indeed,
20 plaintiffs' proposed second amended claim has no
21 substantive MEPA allegations of environmental
22 impairment.

23 The defendants further argue that Article 4
24 of MEPA does not contemplate a remand to the Zoning
25 Board of Appeals. The defendant township interprets

1 the statute properly as a grant as well as a
2 limitation of power. This Court's opinion concerning
3 the reach of that grant differs, however, from that
4 suggested by defendants.

5 ZBA proceedings to approve final site plans
6 in accordance with section 6.8.2 of the zoning
7 ordinance as amended are quasi-judicial in nature.
8 MEPA findings are a condition precedent to site plan
9 approval. Such proceedings may fairly be described as
10 administrative proceedings, required or available to
11 determine the legality of defendants' conduct.

12 To the extent that the legislature has
13 deemed it appropriate to allow townships to make
14 determinations regarding the construction of regional
15 shopping centers, the market and environmental impact
16 of which are felt far beyond their borders, the
17 Legislature must certainly have envisioned a review
18 process at the township level, commensurate with the
19 scale and potential and environmental risks associated
20 with the project at issue.

21 Having the power to control the zoning and
22 construction permit process in the first instance, the
23 township must necessarily retain the right and the
24 obligation to review material changes in the
25 functional aspects of site plans previously approved.

1 Were the proposed changes to the size of
2 the structure or the intensity or type of land use,
3 this Court is confident that that right would be
4 quickly asserted.

5 The environmental issues associated with
6 the stormwater system are no less deserving of review
7 in either the interest of public health and safety or
8 control over the process of zoning and construction
9 within the township.

10 Finding that Section 4 (2) of MEPA
11 contemplates the discretionary authority to remit
12 environmental questions to the township ZBA, the Court
13 must now review its exercise of that discretion.

14 Defendants argue that in the absence of
15 environmental degradation, and certainly without a
16 prima facie showing of impairment, pollution or
17 destruction under Section 3, such an exercise would be
18 futile.

19 Plaintiffs respond by noting the recent
20 discovery of facts which preclude such a showing at
21 this time.

22 While this Court recognizes that its review
23 of environmental questions is de novo, that review
24 nevertheless contemplates the creation of a record
25 below with substantial competent evidence to support

1 the MEPA findings. Here, on the face of changed facts
2 which recognize the significant functional differences
3 in the stormwater system, the Court recognizes and
4 will enforce the township's right and obligation to
5 conduct a supplemental MEPA review and make updated
6 findings and conclusions.

7 The procedure contemplated by this remand,
8 its impact on this case and the request for temporary
9 injunctive relief must also be considered.

10 In accordance with Section 4 (2), this
11 Court contemplates a hearing conducted by the Zoning
12 Board of Appeals, which is subject to the provisions
13 of the Administrative Procedures Act. The contested
14 case procedures and the powers of the presiding
15 officer found therein are appropriate for a project of
16 this magnitude, and certainly not beyond the capacity
17 of the township or its counsel.

18 Due process and fundamental fairness should
19 pervade every aspect of the hearing, including the
20 selection of a presiding officer. Conflicts or
21 potential conflicts of interest by all participating
22 members should be disclosed in advance and issues
23 raised thereby resolved in public.

24 Hearing notices must accurately reflect the
25 subject matters under consideration.

1 Discovery shall remain open until the
2 hearing commences. The hearing should begin no sooner
3 than 28 days from today, and should conclude no later
4 than 56 days from today. Supplemented MEPA findings
5 should be submitted within 14 days, following the
6 close of proofs.

7 In the interim, this matter will be
8 continued. Plaintiffs' motion to amend will be heard
9 following the receipt of supplemental MEPA findings.

10 If plaintiffs still believe a substantive
11 cause of action exists under Section 3, given the
12 findings below, and in recognition of the requirements
13 of MCR 2.114, the Court will hear those arguments at
14 that time.

15 Parenthetically, the Court notes that its
16 resort to a Section 4 (2) remand is a function of the
17 magnitude of this project, its potential environmental
18 impacts, and the particular substantive and procedural
19 developments in this case.

20 With that in mind, the Court cautions the
21 parties that such a procedure should not be expected
22 in all but the most unusual cases, which decisions
23 must necessarily be made on a case-by-case basis.

24 Further, the procedure contemplated by the
25 Court renders moot any claim by plaintiffs to

1 independent MEPA review by the Planning Commission,
2 ZBA and zoning administrator. Under no circumstances
3 does MEPA demand, nor will this Court require the
4 triplication of this extraordinary effort at the
5 township level.

6 While it may prove that good design or good
7 luck have contributed to the design of a stormwater
8 system that will ensure public health and safety and
9 pose no threat to the environment, the fact remains
10 that the system as it is anticipated to now function
11 has not been reviewed by the ZBA, and that review must
12 be completed as a condition precedent to the
13 township's exercising and satisfying its rights and
14 obligations under MEPA.

15 This Court will not make its decision
16 regarding a remand by prejudging the substantive
17 results of that hearing.

18 To the extent that the functional
19 variations in the stormwater system may not be known
20 to the permitting agencies, it is the Court's further
21 order that they be so advised within the next seven
22 days.

23 The content of the notice and supporting
24 documents are appropriately left to the discretion of
25 the defendant partnership, although a copy should be

1 provided for the township's public record.

2 Finally the Court will turn to the issue of
3 injunctive relief. Section 4 of MEPA has been
4 interpreted by this Court as a grant of power to remit
5 the environmental issues in this case to the township
6 ZBA.

7 Section 4 further provides the Court with
8 the authority to enjoin construction activity on the
9 site.

10 Section 4 injunctive powers are limited by
11 the requirement that a prima facie case of pollution,
12 impairment or destruction of the environment be made.

13 Sensible land use in Portage versus
14 Kalamazoo County Road Commission clearly instruct this
15 Court that it has no power to enjoin activity that
16 does not constitute discretion, impairment or
17 pollution of the environment.

18 The authority under Section 4 to enjoin
19 paving, pending an administrative review of MEPA in
20 the absence of a prima facie case, does not exist, nor
21 is there evidence of intentional action or neglect
22 with any degree of culpability that will otherwise
23 cause this Court to resort to its general equitable
24 powers.

25 However, in making a decision to remand the

1 environmental matters to the defendant township and in
 2 denying the request for injunctive relief, the Court
 3 must caution the defendant partnership. The defendant
 4 partnership has stipulated that it controls all on-
 5 site paving. Again, as noted by my predecessor, no
 6 special equity will be afforded or derived from
 7 further construction or paving in the face of this
 8 remand. This Court will not hold public health and
 9 safety for the environment of this state hostage to
 10 the errors or omissions of engineers, the procedural
 11 stratagems, real or imagined, of counsel, or
 12 restrictive arguments related to MEPA and the common
 13 law developed thereunder. Rather, this Court has read
 14 MEPA boldly and embraces its spirit in making the
 15 decision to remand.

16 The Court recognizes that the statute has
 17 its roots in the Michigan Constitution, where the
 18 legal primacy afforded our natural resources is
 19 clearly enunciated.

20 Having reached this decision, defendants'
 21 supplemental motion to summary disposition on
 22 environmental issues is likewise adjourned until the
 23 supplemental MEPA findings are made.

24 An order pursuant to the parties'
 25 stipulation of June 1st, 1991 has been entered,

11

1 striking the language, "finding no just reason for
2 delay".

3 Trial briefs on the appellate counts and
4 other matters related to this case will be discussed
5 at a scheduling conference to be set following the
6 issuance of this Court's opinion on the pretrial
7 motions.

8 A great deal of matter has been provided to
9 you within this opinion. I will provide you with an
10 hour or all other reasonable time which you deem
11 "appropriate" to digest what the Court has advised you,
12 and to await any discussion which you may wish to
13 engage in regarding procedural issues which may have
14 occurred to you and which have been neglected by the
15 Court.

16 But before the Court calls a recess, it
17 would be remiss in not complimenting and recognizing
18 not only the extraordinary efforts of counsel in
19 preparing this case to date, but those staffs which
20 work with you.

21 With that, the Court has concluded its
22 findings. Copies of the order which deal with the
23 parties' stipulation are available for you, and we are
24 in recess.

25 9:30

LAW OFFICES OF
OLSON, BZDOK & HOWARD
A Professional Corporation

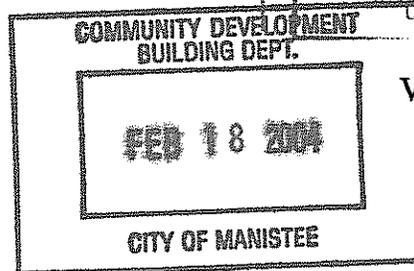
James M. Olson *
Christopher M. Bzdok
Scott W. Howard
Karen L. Ferguson ‡
Kristyn J. Houle †
William Rastetter, Of Counsel ◦

420 East Front Street
Traverse City, MI 49686
Telephone: (231) 946-0044
Facsimile: (231) 946-4807
www.envlaw.com

* Admitted in Colorado
† Admitted in Hawaii
‡ Admitted in Louisiana
§ Admitted in Indiana

February 17, 2004

Manistee City Planning Commission
City Hall
70 Maple Street
Manistee, MI 49660



Via Fax No. 231-723-1546
& 1st Class Mail

*- Faxed copy used
for distribution*

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In a mall case from Grand Traverse County, the Circuit Court specifically required a Zoning Board of Appeals to re-do its site plan approval decision because the ZBA did not adequately and independently consider the project's environmental impacts. I have enclosed the decision because I think it is exactly on point with the legal issue now before the City Planning Commission. All the reader needs to do is substitute the words "City" for "township;" "Planning Commission" for "ZBA;" and "coal plant" for "shopping mall":

ZBA proceedings to approve final site plans...are quasi-judicial in nature. MEPA findings are a condition precedent to site plan approval. Such proceedings may fairly be described as administrative proceedings, required or available to determine the legality of defendants' conduct.

To the extent that the Legislature has deemed it appropriate to allow townships to make determinations regarding the construction of regional shopping centers, the market and environmental impact of which are felt far beyond their borders, the Legislature must certainly have envisioned a review process at the township level, commensurate with the scale and potential and environmental risks

² *Committee for Sensible Land Use v Garfield Twp*, 124 Mich App 559, 569; 335 NW2d 216 (1983).

³ MCL 324.1701 *et seq.*

⁴ *Committee for Sensible Land Use*, 124 Mich App at 565.

associated with the project at issue.⁵

The City zoning ordinance speaks to these issues, as well. Section 8604(B)(2) allows the Planning Commission to request an Environmental Assessment as part of an SUP application. "Environmental Assessment" is defined in Article 5 as "a summary review of environmental impacts of a project." These provisions, and the Planning Commission's decision to require an EA, raise the question of why require a review of environmental impacts if the Planning Commission will simply defer those decisions to the DEQ?

What does it mean to independently review environmental impacts? It means the Planning Commission should first obtain, or direct the applicant to obtain, all the necessary information that was not in the applicant's cursory and misleading environmental assessment. The necessary information includes a detailed presentation of the air quality issues, including the public health impacts and also the impacts to the environment and downwind natural resources.⁶ The necessary information also includes detailed documentation on the existing contamination at the site, and a specific plan for how that contamination will be cleaned up to the City's satisfaction.

Once these kinds of information are obtained, the Planning Commission should discuss, and make a record on, whether the project meets the environmentally SUP standards and those under state environmental law. These include SUP standard 8609(B)(1) and the Michigan Environmental Protection Act.

The community is counting on you to take a close look at the environmental problems associated with this project. We urge you to reject any advice that you should not do so. The situation is particularly compelling in the case of mercury, which is essentially unregulated by the DEQ or EPA right now, and nitrogen oxides, which are regulated under an abdication of common sense by the environmental agencies.

Again, to set the record straight, we request that the Planning Commission clarify to the public which approach you intend to take. We hope and believe you will make the right decision.

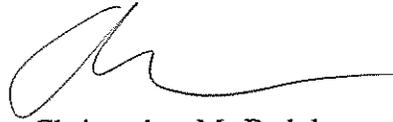
⁵ *Garfield Neighborhood Watch, et al v Charter Twp of Garfield*, Grand Traverse County Circuit Court Case N^o: 90-8075-CE, Opinion on remand under section 4 of the MEPA for supplemental findings under section 5(2) of the MEPA.

⁶ It is telling that the EA contained detailed information on the minor air pollution "offsets" that the applicant claims the project will create, but no information on the massive air pollution it will generate other than a reference to the DEQ air permit file.

Manistee City Planning Commission
February 17, 2004
Page 6

Thank you for your consideration of these comments, and your careful review of this controversial and misguided Northern Lights project.

Sincerely,

A handwritten signature in black ink, appearing to read 'Christopher M. Bzdok', with a long horizontal flourish extending to the right.

Christopher M. Bzdok

CMB:sks

xc: Manistee Citizens for Responsible Development

G:\WPFILES\Sks\M.C.F.R.D.-L.R.B.O.\5311.00 02-17-04 ltr to PC re SUP Standards & Env Impact.wpd

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF GRAND TRAVERSE

GARFIELD NEIGHBORHOOD WATCH,
a Michigan non-profit corporation;
NORTHERN MICHIGAN ENVIRONMENTAL ACTION
COUNCIL, a private non-profit
organization; and JEROME L. SCHOSTAK
d/b/a TRAVERSE CITY VENTURE,

Case No. 90-8075-CE

Hon. Philip E. Rodgers, Jr.

Plaintiffs,

v.

CHARTER TOWNSHIP OF GARFIELD
a Michigan charter township;
PLANNING COMMISSION OF GARFIELD
TOWNSHIP; ZONING BOARD OF APPEALS
OF GARFIELD TOWNSHIP; ZONING
ADMINISTRATOR OF GARFIELD TOWNSHIP;
and GRAND TRAVERSE MALL LIMITED PARTNERSHIP,
an Iowa limited partnership,

OPINION OF JUDGE RODGERS
ON REMAND UNDER SEC. 4 OF
THE MEPA FOR SUPPLEMENTAL
FINDINGS UNDER SEC. 5(2)
OF THE MEPA

Defendants.

Dean A. Robb (P19481)
ROBB, MESSING & PALMER, PC
Attorney for Plaintiff GNW
420 E. Front, P.O. Box 1132
Traverse City, MI 49685

William L. Wise (P22471)
RUNNING, WISE & WILSON
Attorney for Defendants of Garfield
Township
326 E. State Street
Traverse City, MI 49684

Frederick D. Dilley (P26090)
Attorney for Plaintiff NMEAC
600 Metrobank Building
201 Monroe Avenue, NW
Grand Rapids, MI 49603

J Bruce Donaldson (P12861)
Attorney for Defendants of Garfield
Township
505 N. Woodward, Ste 3000
Bloomfield Hills, MI 480-13

Norman Hyman (P15319)
I.W. Winsten (P30529)
HONIGMAN, MILLER, SCHWARTZ & COHN
Attorney for Plaintiff Schostak
2290 First National Bldg.
Detroit, MI 48226

Louis A. Smith (P20687)
Patrick E. Heintz (P31443)
SMITH, JOHNSON, BRANDT & HEINTZ,
Attorney for Defendant Grand Traverse
Mall Ltd.
603 Bay St., P.O. Box 705
Traverse City, MI 49685

Robert P. Tremp (P21557)
Co-Counsel for Plaintiff Schostak
3939 E. M-72, P.O. Box 3019
Traverse City, MI 49685

James C. Adams (P24311)
Attorney for Dayton Hudson
309 E. Front St., Ste 12
Traverse City, MI 49684
(616) 929-9400

1 9:20

2 THE COURT: It would appear that all the
3 parties are present, together with their counsel. As
4 the Court noted at the conclusion of the day
5 yesterday, we would begin this morning with the
6 Court's oral decision on the motion to remand. Due to
7 the complexity of the motion, the Court has taken some
8 extensive notes in this regard and will now provide
9 you with its findings.

10 Plaintiffs have filed a motion to remit to
11 the defendant township all issues pertaining to
12 surface discharge and groundwater infiltration
13 associated with the stormwater management program as
14 designed for the Grand Traverse Mall.

15 It is the plaintiffs' contention that the
16 stormwater system functions in a dramatically
17 different fashion than that envisioned by those
18 experts who designed it.

19 Plaintiffs further contend that the
20 stormwater system performs in a dramatically different
21 fashion than it was represented to function in
22 hearings before the defendant township, as well as in
23 hearings before the various permitting agencies.
24 Indeed, plaintiffs represent that the significant
25 differences in the performance of this system were

1 only discovered following the court-ordered production
2 of raw data which comprised the essence of a
3 hydrogeological study undertaken by defendants.

4 In the course of depositions which have
5 occurred up to and including the Saturday before the
6 scheduled trial of MEPA claims, plaintiffs represented
7 that defendants' experts were still in the process of
8 reconfiguring the stormwater system's design.

9 Plaintiffs' claims are supported by the
10 affidavit of Frederick Dilley and John Rice.

11 The record before this Court substantiates
12 the claim that the defendant township's MEPA findings
13 were predicated on the Grand Traverse Mall's
14 stormwater systems design as a state of the art system
15 of detention ponds. It was represented as a
16 stormwater system that would hold water, remove
17 contaminants and emit a controlled discharge into the
18 Kid's Creek watershed that would not pollute, impair
19 or destroy that resource.

20 The production of defendants' database,
21 pursuant to an earlier order of this Court, has now
22 revealed that cell 2 is not in fact a detention basin;
23 rather, substantially all of the stormwater
24 infiltrates through the floor of cell 2 and into the
25 groundwater.

1 It has also been established that water
2 does not flow north into the Kid's Creek watershed,
3 but rather, in an easterly direction where it enters
4 Miller's Creek and ultimately thereby enters the
5 Boardman River watershed.

6 Plaintiffs complained that they and the
7 public have been misled. It is clear that the
8 township's MEPA findings were predicated upon a
9 stormwater system materially different functionally
10 than originally anticipated. Plaintiffs claim that
11 administrative agencies were also misled in the permit
12 process, albeit not intentionally.

13 Defendants contend that the substantive
14 aspects of plaintiffs' amended complaint are rendered
15 moot, that there is no prima facie case of
16 environmental impairment established, and that in the
17 absence of any evidence of environmental degradation
18 whatsoever, that plaintiffs' procedural claims are
19 futile or otherwise rendered moot. Indeed,
20 plaintiffs' proposed second amended claim has no
21 substantive MEPA allegations of environmental
22 impairment.

23 The defendants further argue that Article 4
24 of MEPA does not contemplate a remand to the Zoning
25 Board of Appeals. The defendant township interprets

1 the statute properly as a grant as well as a
2 limitation of power. This Court's opinion concerning
3 the reach of that grant differs, however, from that
4 suggested by defendants.

5 ZBA proceedings to approve final site plans
6 in accordance with section 6.8.2 of the zoning
7 ordinance as amended are quasi-judicial in nature.
8 MEPA findings are a condition precedent to site plan
9 approval. Such proceedings may fairly be described as
10 administrative proceedings, required or available to
11 determine the legality of defendants' conduct.

12 To the extent that the legislature has
13 deemed it appropriate to allow townships to make
14 determinations regarding the construction of regional
15 shopping centers, the market and environmental impact
16 of which are felt far beyond their borders, the
17 Legislature must certainly have envisioned a review
18 process at the township level, commensurate with the
19 scale and potential and environmental risks associated
20 with the project at issue.

21 Having the power to control the zoning and
22 construction permit process in the first instance, the
23 township must necessarily retain the right and the
24 obligation to review material changes in the
25 functional aspects of site plans previously approved.

1 Were the proposed changes to the size of
2 the structure or the intensity or type of land use,
3 this Court is confident that that right would be
4 quickly asserted.

5 The environmental issues associated with
6 the stormwater system are no less deserving of review
7 in either the interest of public health and safety or
8 control over the process of zoning and construction
9 within the township.

10 Finding that Section 4 (2) of MEPA
11 contemplates the discretionary authority to remit
12 environmental questions to the township ZBA, the Court
13 must now review its exercise of that discretion.

14 Defendants argue that in the absence of
15 environmental degradation, and certainly without a
16 prima facie showing of impairment, pollution or
17 destruction under Section 3, such an exercise would be
18 futile.

19 Plaintiffs respond by noting the recent
20 discovery of facts which preclude such a showing at
21 this time.

22 While this Court recognizes that its review
23 of environmental questions is de novo, that review
24 nevertheless contemplates the creation of a record
25 below with substantial competent evidence to support

1 the MEPA findings. Here, on the face of changed facts
2 which recognize the significant functional differences
3 in the stormwater system, the Court recognizes and
4 will enforce the township's right and obligation to
5 conduct a supplemental MEPA review and make updated
6 findings and conclusions.

7 The procedure contemplated by this remand,
8 its impact on this case and the request for temporary
9 injunctive relief must also be considered.

10 In accordance with Section 4 (2), this
11 Court contemplates a hearing conducted by the Zoning
12 Board of Appeals, which is subject to the provisions
13 of the Administrative Procedures Act. The contested
14 case procedures and the powers of the presiding
15 officer found therein are appropriate for a project of
16 this magnitude, and certainly not beyond the capacity
17 of the township or its counsel.

18 Due process and fundamental fairness should
19 pervade every aspect of the hearing, including the
20 selection of a presiding officer. Conflicts or
21 potential conflicts of interest by all participating
22 members should be disclosed in advance and issues
23 raised thereby resolved in public.

24 Hearing notices must accurately reflect the
25 subject matters under consideration.

1 Discovery shall remain open until the
2 hearing commences. The hearing should begin no sooner
3 than 28 days from today, and should conclude no later
4 than 56 days from today. Supplemented MEPA findings
5 should be submitted within 14 days, following the
6 close of proofs.

7 In the interim, this matter will be
8 continued. Plaintiffs' motion to amend will be heard
9 following the receipt of supplemental MEPA findings.

10 If plaintiffs still believe a substantive
11 cause of action exists under Section 3, given the
12 findings below, and in recognition of the requirements
13 of MCR 2.114, the Court will hear those arguments at
14 that time.

15 Parenthetically, the Court notes that its
16 resort to a Section 4 (2) remand is a function of the
17 magnitude of this project, its potential environmental
18 impacts, and the particular substantive and procedural
19 developments in this case.

20 With that in mind, the Court cautions the
21 parties that such a procedure should not be expected
22 in all but the most unusual cases, which decisions
23 must necessarily be made on a case-by-case basis.

24 Further, the procedure contemplated by the
25 Court renders moot any claim by plaintiffs to

1 independent MEPA review by the Planning Commission,
2 ZBA and zoning administrator. Under no circumstances
3 does MEPA demand, nor will this Court require the
4 triplication of this extraordinary effort at the
5 township level.

6 While it may prove that good design or good
7 luck have contributed to the design of a stormwater
8 system that will ensure public health and safety and
9 pose no threat to the environment, the fact remains
10 that the system as it is anticipated to now function
11 has not been reviewed by the ZBA, and that review must
12 be completed as a condition precedent to the
13 township's exercising and satisfying its rights and
14 obligations under MEPA.

15 This Court will not make its decision
16 regarding a remand by prejudging the substantive
17 results of that hearing.

18 To the extent that the functional
19 variations in the stormwater system may not be known
20 to the permitting agencies, it is the Court's further
21 order that they be so advised within the next seven
22 days.

23 The content of the notice and supporting
24 documents are appropriately left to the discretion of
25 the defendant partnership, although a copy should be

1 provided for the township's public record.

2 Finally the Court will turn to the issue of
3 injunctive relief. Section 4 of MEPA has been
4 interpreted by this Court as a grant of power to remit
5 the environmental issues in this case to the township
6 ZBA.

7 Section 4 further provides the Court with
8 the authority to enjoin construction activity on the
9 site.

10 Section 4 injunctive powers are limited by
11 the requirement that a prima facie case of pollution,
12 impairment or destruction of the environment be made.

13 Sensible land use in Portage versus
14 Kalamazoo County Road Commission clearly instruct this
15 Court that it has no power to enjoin activity that
16 does not constitute discretion, impairment or
17 pollution of the environment.

18 The authority under Section 4 to enjoin
19 paving, pending an administrative review of MEPA in
20 the absence of a prima facie case, does not exist, nor
21 is there evidence of intentional action or neglect
22 with any degree of culpability that will otherwise
23 cause this Court to resort to its general equitable
24 powers.

25 However, in making a decision to remand the

1 environmental matters to the defendant township and in
2 denying the request for injunctive relief, the Court
3 must caution the defendant partnership. The defendant
4 partnership has stipulated that it controls all on-
5 site paving. Again, as noted by my predecessor, no
6 special equity will be afforded or derived from
7 further construction or paving in the face of this
8 remand. This Court will not hold public health and
9 safety for the environment of this state hostage to
10 the errors or omissions of engineers, the procedural
11 stratagems, real or imagined, of counsel, or
12 restrictive arguments related to MEPA and the common
13 law developed thereunder. Rather, this Court has read
14 MEPA boldly and embraces its spirit in making the
15 decision to remand.

16 The Court recognizes that the statute has
17 its roots in the Michigan Constitution, where the
18 legal primacy afforded our natural resources is
19 clearly enunciated.

20 Having reached this decision, defendants'
21 supplemental motion to summary disposition on
22 environmental issues is likewise adjourned until the
23 supplemental MEPA findings are made.

24 An order pursuant to the parties'
25 stipulation of June 1st, 1991 has been entered,

1 striking the language, "finding no just reason for
2 delay".

3 Trial briefs on the appellate counts and
4 other matters related to this case will be discussed
5 at a scheduling conference to be set following the
6 issuance of this Court's opinion on the pretrial
7 motions.

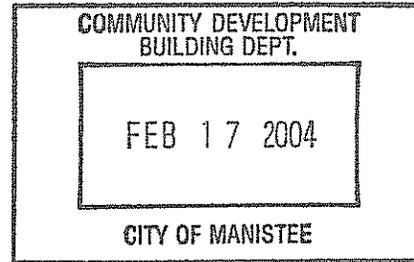
8 A great deal of matter has been provided to
9 you within this opinion. I will provide you with an
10 hour or all other reasonable time which you deem
11 appropriate to digest what the Court has advised you,
12 and to await any discussion which you may wish to
13 engage in regarding procedural issues which may have
14 occurred to you and which have been neglected by the
15 Court.

16 But before the Court calls a recess, it
17 would be remiss in not complimenting and recognizing
18 not only the extraordinary efforts of counsel in
19 preparing this case to date, but those staffs which
20 work with you.

21 With that, the Court has concluded its
22 findings. Copies of the order which deal with the
23 parties' stipulation are available for you, and we are
24 in recess.

25 9:30

418 Fifth Street
Manistee, MI 49660
February 17, 2004



Planning Commission
City of Manistee

Dear Commission Members:

I chose to buy a 1920 home in Manistee when I fell in love with the charm of the city, the friendly people, and the quaint shops. When I was in high school forty five years ago, my view of Manistee was that it was a dirty, industrial town, one that you just passed through. It has made an amazing comeback and is on the road to something that we can all be proud of. Unfortunately, Manistee Salt Works and Mr. Tondu have proposed a project that, I feel, would reverse this comeback.

Last year, at a Women's Club meeting, we had a local guest speaker who discussed the wonderful plans for our city to expand tourism and make Manistee a fantastic place to live, to play, and to retire. Industrial growth, as a direction for the city, was not mentioned.

I hope this Planning Commission has not lost sight of those dreams. Think about the future generations. What kind of an environment do we want to leave them? Do you really think the Northern Lights Project is compatible with the current direction of Manistee's master plan?

On Monday night, Channel 10 carried a story about Mackinaw City and the unique tall ship factory which is coming there.. What a beautiful opportunity for that area. How I wished that it had come to Manistee! Instead we face the possibility of a coal burning plant which could conceivably drive this type of growth away from Manistee.

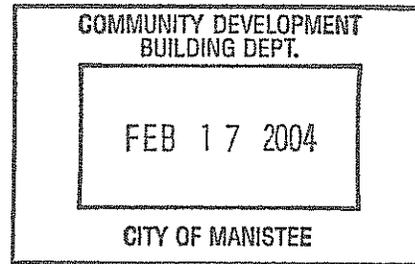
Please say NO TO THE NORTHERN LIGHTS PROJECT.

Sincerely,



721 Tamarack
Manistee, MI 49660
February 17, 2004

Planning Commission
City of Manistee



Dear Planning Commission Members:

My name is Hope Hogan. I have lived in Manistee my entire life. In fact, my family roots go back to the early lumbering days. Just as Manistee is no longer an economy dependent on lumber industry, it has also been moving away from the emphasis on **heavy** industry.

Industries and businesses have often promoted products that have later been proven to be harmful to living things. For example, we all remember the wonderful x-ray machines in the shoe stores. None of us thought they were harmful. But we later learned that excessive x-ray use is harmful. The same thing can be said of the wide-spread use of DDT. We were assured that it was safe. We know better now. How about Agent Orange? Once again, we were told it was safe. Sadly, we know now what it did.

It has been stated by some that coal burning has not been harmful because we are still here. Perhaps we have just been lucky. How many of our loved ones are **not** still here because of the pollution from those coal plants? Statistics show that Manistee has higher cancer rates, heart disease rates, and respiratory problems than the state average, including Wayne County which surrounds Detroit. Mr. Tondu has publicly stated that he would do nothing to compromise the health of our community. However, we cannot depend on corporations to protect us since their primary goal is to make money. On the other hand, as a Planning Commission it **IS your responsibility** to protect us and make certain new industry in Manistee will **in no way** be detrimental to the health and safety of the citizens of Manistee. For that reason, please say **No to the Northern Lights Project.**

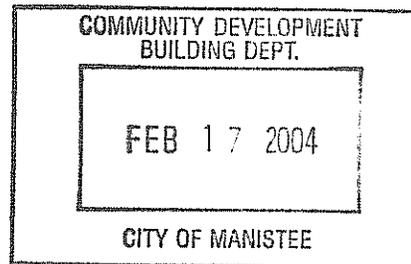
Let's work together toward clean growth for our community.

Sincerely,

Hope Hogan

Jon Rose

From: Michelle Wright
Sent: Tuesday, February 17, 2004 4:25 PM
To: Jon Rose; Denise Blakeslee
Subject: FW: Forward this to Planning Commission
Importance: High



-----Original Message-----

From: Christine Hnatiw [mailto:chnatiw@mitcrpc.org]
Sent: Tuesday, February 17, 2004 4:44 PM
To: Michelle Wright
Subject: Forward this to Planning Commission
Importance: High

Dear Manistee Planning Commission:

SOS...SAVE OUR STATE.....Please do not let there be a step backwards in protecting Michigan air, water and human life. Do not allow the antiquated energy proposal of burning coal to take place on our beautiful land. Keep Michigan Clean! Water, Winter Wonderland! Come to Michigan for good jobs! Come to Michigan for fishing, playing, living.

As an economic development planner I have been taught it is not in the best interest of our great state and your local community and those neighboring your area, to allow one company the opportunity to destroy other economic development potential.

Please do your best in supporting the Michigan Ottawa Indians in constructing a Michigan environmentally-sensitive alternative to a coal burning plant. Save Our State...SOS.

Chris Hnatiw
 9111 Riverside Drive
 Grand Ledge, MI 48837
 Resident of Michigan 55 years
 Yearly tourist to Manistee and all parts of Michigan.

2/15/2004

Coal Burning Plant Fires Up Hot Dispute in Manistee
 Plan's trail could lead to Lansing and Washington
 By Jim Dulzo
 Great Lakes Bulletin News Service

MANISTEE — A proposal to build a \$700 million, 425 megawatt coal-fired power plant is generating an intense local debate about energy, the environment, and quality of life in this coastal city that has been shedding its industrial past for new economic growth based on easy access to wide sand beaches and clean Lake Michigan.

Though the dispute is in its early stages – a public hearing to consider a special use permit for the 25-story plant is set for Thursday before the city planning commission – the trajectory of the disagreement between the plant's proponents and its many critics could also reach deep into the administration of Democratic Governor Jennifer M. Granholm, and to the White House.

2/17/2004



MLUI/Jim Dulzo
 Critics say a proposed coal

The Northern Lights plant would be the first coal powered generating station to open in Michigan since 1990. The plant requires a state air emission permit from the Department of Environmental Quality that will test Gov. Granholm's commitment to eliminate from Michigan by 2020 all polluting sources of mercury – a dangerous neurotoxin contained in coal. The Northern Lights plant also is influenced by White House proposals to weaken air quality standards for mercury, and by the Bush administration's proposed energy strategy, which provides billions of dollars in tax breaks, subsidies, and direct grants to promote production of coal and other fossil fuels, and significantly diminishes public investments for cleaner alternatives.

powered electric plant on Manistee Lake would turn the city away from the tourist and luxury home-powered economic renaissance that has helped it survive a sharp decline in a once thriving industrial base.

No Middle Ground

In Manistee, a port city of 6,600, the significance of the Northern Lights plant is well understood by its friends and foes. Elected leaders, including first term Republican state Representative David Palsrok, who represents the county, are under pressure to take a public position. Questions about who wins and loses if the plant is built are now part of the regular civic conversation, as is whether an alternative plan proposed by an Indian tribe has merit.

Critics, including several local governments in Manistee County, say the new generating station would pour thousands of tons of toxic and smog-forming gases into the region's air. They add that the proposal saddles residents with all of the financial and environmental costs and few benefits. Further, critics say, the plant would turn the city away from the tourist and luxury home-powered economic renaissance that has helped it survive a sharp decline in a once thriving industrial base.

Manistee County's tourist economy is among northwest Michigan's strongest. The most recent survey available, taken in 1996 by Michigan State University, pegged it at \$74.8 million annually, ahead of all northwestern Michigan counties except Grand Traverse and Charlevoix. "If you put heavy industry in the center of this picture," said Duaine Marquand, a longtime resident who served on the neighboring Filer Township Planning Commission, "you are driving good home development out of the area. Building this plant has to be a prime example of how to create sprawl."

The plant's owners, Manistee Saltworks Development Corporation, a subsidiary of Houston-based Tondu Corporation, did not respond to email or phone inquiries from the *Great Lakes Bulletin News Service*. But a February 3 press release promised that Northern Lights' emission standards will be based on "best available technology" for nitrous and sulfur oxide emissions, and "maximum available technology" for mercury. The company said it will further reduce its nitrous, sulfur, and mercury emissions by, respectively, another 33, 40, and 81 percent from levels stated in the DEQ air permit application that was filed in October. "Our Northern Lights power project holds an exciting future for Manistee, our company, and the state of Michigan," said Joe Tondu, the president, in another press statement.

Critics, however, raise doubts about the company's commitment. By far, the plant's most influential opponent is the Little River Band of Ottawa Indians, which owns a popular and profitable casino just north of Manistee. The tribe has hired technical experts and attorneys to make its case that building the plant would be a mistake for the region.

The tribe also has informed the Manistee Planning Commission that it wants to build an environmentally-sensitive alternative energy project based on wind, ethanol, and biomass. The tribe's Little River Casino Resort has the financial strength to back such an effort. The casino attracts 1.6 million visitors annually, employs 900 people, more than any other employer in Manistee County, and has a \$40 million annual payroll.

Lee Sprague, the Ogemaw or leader of the Little River Band, said that the tribe's proposal would bring significantly more jobs to the region than the coal-fired plant, would be virtually pollution-free, and would reinforce the area's recreational economy, anchored in part by the Little River Casino Resort. "All the profits would stay in the community," Mr. Sprague said in an interview. "We can come up with something very unique here."

Tondu History In Region Produces Discord

2/17/2004

In 1990, Tondu Corporation built the last coal burning power plant in Michigan, a much smaller 54 megawatt plant that produces electricity and steam from a site along Manistee Lake in Filer Township, which borders the city of Manistee. In the years since, the Texas-based company developed a somewhat stormy history here over paying taxes. It recently lost an almost nine-year, \$800,000 legal battle with the township and Manistee County over its tax bill for the existing Filer plant.

If Tondu had won it would have bankrupted the township, according to Supervisor Dana Schindler, who added that many township residents dislike the Filer plant because of problems they relate to its air emissions. "There's a standing joke in Filer," Ms. Schindler said, referring to frequent complaints she says she receives about the plant. "If you wash your car at night you better put it in the garage or it will be black in the morning."

Air quality is a source of contention outside Filer Township as well. Industrial pollution from Chicago and Gary, Ind., is thought to be an important reason that Mason and Benzie, the two counties immediately south and north of Manistee County, are out of compliance with federal air quality standards. In addition, since 1988 Michigan has issued health advisories for every inland lake because of mercury contamination in fish.

The growing list of citizen groups opposing Northern Lights includes Manistee Citizens for Responsible Development, formed specifically to stop the plant's construction, as well as the Sierra Club, Aurora, the Lake Michigan Federation, Little Manistee Watershed Conservation Council, Asthma Coalition of Northwest Michigan, American Lung Association of Michigan, Northern Michigan Environmental Action Council, Spirit of the Woods Conservation Club, Manistee County Democrats, and the Manistee Conservation District.

Pleasanton Township, Brown Township, and Bear Lake Village also adopted formal positions opposing the plant's construction.

Another point of dispute is the affect that Northern Lights could have on Manistee Lake. Decades of unregulated industrial development severely damaged Manistee Lake, which is within the city's borders and contains high levels of nickel, cadmium, and other toxic contaminants in its sediments. The lake is recovering but if Northern Lights is approved it will need to be dredged to accommodate the coal-loaded lake freighters hauling its fuel. Dredging could stir up those heavy metals, which could then escape into Lake Michigan.

Mr. Sprague of the Little River Band said the dredging would seriously interfere with his group's ongoing work to restore the lake's population of sturgeon, which has declined drastically in recent years. "Those sediments are going to disturb the water quality," he said, "and the sturgeon, because they live so long, will build up huge mercury contents. And this is before the plant even begins operating."

Problems Generated At Home, Power and Money Sent Abroad

By every measure, the Northern Lights plant is a big idea for this region. Its 250-foot tall main building and 400-foot smokestack would dominate Manistee's Victorian-era skyline. The plant's annual fuel appetite would be fed by 1.8 million tons of coal. As many as 13 coal-bearing lake freighters a month would ship the coal through the city to the plant, causing two draw bridges across the Manistee River to open and close every 30 hours during the heavy fall shipping season. Each day 50 tons of lime would arrive at the plant by truck. Other large trucks would make 21 trips a day to either of two nearby landfills with the plant's voluminous solid wastes.

The plant would extract up to 6 million gallons of water a day from Manistee Lake to cool the plant's boilers, and generate 750,000 gallons of wastewater daily, to be handled by an on-site disposal facility or the city's adjacent wastewater plant. According to the Union of Concerned Scientists in Washington, D.C., a similar-size 500 megawatt plant typically pours into the atmosphere 10,000 tons of sulfur dioxide, which causes acid rain, 10,200 tons of nitrogen oxide that leads to smog, 700 tons of carbon monoxide, which aggravates heart disease, and 170 pounds of mercury, which causes nervous system damage and birth defects. Documents filed with the state by Tondu Corporation indicate the proposed Manistee plant would produce 2,693 tons of nitrogen oxide annually, 4,444 tons of sulfur dioxide, and 420 pounds of mercury, making it one of the largest producers of mercury emissions in the Midwest.

The plant's financial details, which apparently aid communities in other counties but leave behind what critics say are scant economic returns for Manistee, also reach far and wide. According to newspaper accounts and documents obtained by citizen groups, the plant's electricity would flow to participating members of two

Michigan municipal electrical generating consortiums, Michigan Public Power Agency and Michigan South Central Power Agency, which would own the plant. Members of the consortiums include Bay City, Charlevoix, Chelsea, Harbor Springs, Hart, Holland, Lowell, Petoskey, Portland, Traverse City, Clinton, Coldwater, Hillsdale, and Union City. Participating cities could sell their excess power on the national electric grid. None of the plant's electricity would flow to customers in Manistee.

The fact that the plant would be owned by tax-exempt municipalities, and not by a private company, eliminates the big increase in property taxes such large industrial projects can generate. If Northern Lights was privately held, the \$700 million plant could generate at least \$11 million in annual property taxes, according to a conservative projection by an experienced municipal tax estimator. But Tondu would not own the facility, and a consultant's report reveals that the project budgeted only \$400,000 in fees to local governments in lieu of local taxes — 96 percent less than what a privately held operation might pay.

Fred MacDonald, executive director of the Manistee County Convention and Visitors Bureau who supports the proposal, said Manistee would be foolish to agree to such an arrangement. "All of these other cities are going to get power from this plant," he said, "and resell it and keep all of the profit. That is not correct. We should get a significant tax base. I'm not talking a half-million dollars. That is a pittance."

Jim Dulzo, a journalist and editor, is managing editor of the Michigan Land Use Institute. Reach him at jimdulzo@mlui.org.

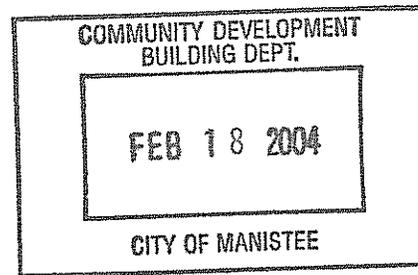
To the Manistee Planning Commission,
As a mother, Grandmother, and
Great Grandmother, who has
lived in Manistee for some odd
seventy years, I am totally in
favor of the Northern Lights Project.

My husband and his father
worked at the Hardy Salt Plant
all these years, and retired from
the plant. My husband made a
good living for our family there.

A lot of people in Manistee
are unemployed, and therefore
can hardly support a decent
living here. I hope you
consider this project for our
community, so our young
people don't have to leave,
and maybe even have to go out
of the state for work.

Mrs. Ruth Nimerowicz
1510 Vine St.
Manistee, Mi.

City of Manistee Planning Commission
Roger Yoder, Chair
PO Box 358
Manistee MI. 49660



Dear Mr. Yoder:

I have been following the Northern Lights project in the paper and have attended some of the public hearings where it has been the subject of debate. I have heard a lot of people rattling off statistics as if the world is going to end if this power plant is approved by the planning commission. When all this data was collected, back thirty or forty years ago, there was not much control over the power plant emission like there is today. I also hear people say the planning commission should have an impact study done before ruling on this matter. Well, have these groups reviewed all of the information given to the state for an air quality permit? Isn't that an impact study? Their behavior leaves me to believe that groups like the Citizen for Responsible Development is giving outdated information, and is using half-truths to install fear into the citizens of Manistee County. I believe this is unfair and unwarranted, with activist acting just like a bully in school.

When I think of the old chemical plant, all I can picture is the contaminated site leaking in to the lake every day. Every body talks about the air that they breathe, which is important. But what about the water they swim in and drink? This contamination could go on and on indefinitely. But Manistee would have a clean, improved shoreline and cleaner water if the Northern Lights project is allowed to go in, clean up the area and build a new power plant with the best technology that we have today. I do not think that the citizens of Manistee realize that the General Chemical Plant is a fully functional plant that could be started up with just a few improvements. I would rather see a new power plant, running in accordance with the highest standards that the EPA & MDEQ standards, than an old, leaky, toxic one.

I see in the paper and on the news that industries are closing their doors and putting people out of work, not to mention the state funded programs that are been cut, such as education, to balance the state's budget. The State of Michigan's economy is poor in part due to all the factories closing up shop and moving elsewhere. The lack of ample, affordable electricity is a major factor in why many businesses leave. Additionally, the Northern Lights project will bring new revenue to the whole community year-round--stores, gas stations, restaurants, hotels and through taxes or fees to name a few. This means the Northern Lights plant will be good not just for Manstee, but the whole state.

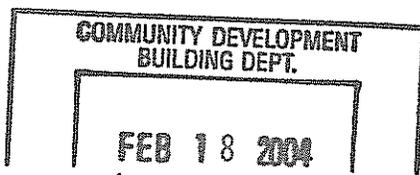
Sincerely,

Handwritten signature of Brett Hamilton in cursive script.

Brett Hamilton
17096 Bigge Rd
Kaleva MI. 49645

362-3361

Ron Hathaway
1009 Vine St
Manistee



DEAR Planning Commission:

MY NAME IS Ron Hathaway and I Reside at 1009 Vine ST. which is JUST AROUND the corner of the proposed Northern Lights Project. I would very much like this PROJECT to go through. We Really need POWER for now and in the future.

THE LAST two years myself and a lot others HAVE NOT Had much work in this AREA, NOR the STATE of Michigan. We need JOBS!

I know what the proposed sight looks like Right now, because I HAVE worked there in the PAST.

IT IS not a very pretty scenario.

THIS PROJECT would not only clean this sight up, BUT would build A STATE OF THE ART PLANT.

I'm REAL confident that OUR STATE Government's would ALLOW this to HAPPEN, IF FOR ONE MINUTE if IT thought it would ALTER OUR AIR QUALITY AND OUR WATER Resource. COMMON SENSE TELLS ME QUALIFIED TRAINED professionals will BE making these decisions. You HAVE to trust THEM. my FATHER-IN-LAW (ED NIEMENOWICZ) worked there when it was HARDY'S SAIL years AGO. TO Provide for his family AS A LOT of others ALSO DID.

THIS sight need to BE A WORKING, ACTIVE, PRODUCTIVE PLACE to keep other families going. NOT A GHOST PLANT.

Tandu Corp. is trying to MAKE THIS A REAL possibility, IF we don't take this chance, people could be Looking AT what is there Right now for years to come.

THIS sight is ALLREADY zoned of Industrial, Lets not change this so parents can work there so they may ALSO provide for there families AND keep people in town. INSTEAD of moving to find work. I know there is A LOT of opposition on this AND they want monitors + checks for this AND THAT. BUT I HAVE not heard ANYONE say Lets check THINGS Right now to see how much damage ALREADY BEEN done. We ALL PROBABLY would BE surprised.

I HAVE nothing AGAINST Tourism, BUT Tourism does NOT PAY my Bills NOR put food on my families TABLE.

THE Commission HAS BEEN doing a GREAT JOB.

THANK YOU
Ron HATHAWAY

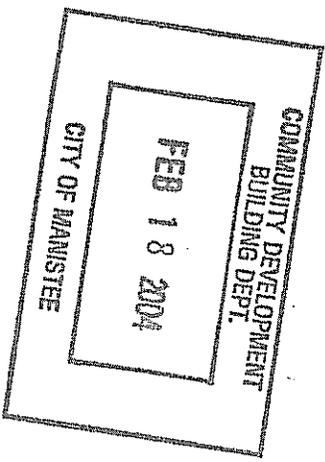
To the Manistee Planning Commission,

I am writing in regards to the proposed Northern Right Project. As a citizen of Manistee for all my life, and a concerned one for our economy, I believe the project should go through.

Our town needs wild rice, and good paying ones. A family cannot sustain on minimum wages.

We have lost a lot in Manistee in past years. Please don't let this opportunity pass us by.

Sincerely,
Charles Watkinson
1089 Union St
Manistee



KLAUS P. KUTSCHKE, M.D., P.C.

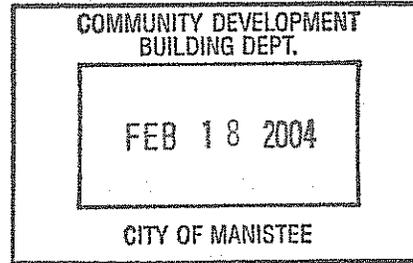
General and Vascular Surgery
Endoscopy

315 Oak Grove, Suite 1
Manistee, MI 49660
Telephone: (231) 723-7766
Fax: (231) 723-5540

*772 Birchwood Dr
Manistee*

February 14, 2004

Manistee City Planning Commission
c/o Jon Rose
70 Maple St.
Manistee, MI 49660



Dear Mr. Rose:

We are opposed to the proposed Northern Lights Power Plant for four main reasons:

First, speaking as a healthcare provider, there is no question that the well-regulated air-borne and water-borne effluent from the plant will have a negative impact on the health of our family and friends in the city of Manistee, Manistee County and all points downwind. We don't want more respiratory diseases, cancers, developmentally disabled children, and early deaths in Manistee or Michigan.

Second, Manistee County is one of the fastest growing counties in all of Michigan. That growth has nothing to do with new heavy industry in town. People are moving here for blue sky, relatively clean air, bountiful natural beauty, and Lake Michigan recreation. People moving and vacationing here want to get away from smokestacks and pollution. Developing new heavy industry is not conducive to the kind of growth we've been experiencing. We think that the Northern Lights project would shut down the record growth of our tourist and recreational industry, lead to lower property values, shift retiree settlement out of Manistee, drive some current residents out of town, and ultimately create a poorer economic climate here.

Third, even though we are not experienced big business people, it seems as though Mr. Tondou has no interest in paying his fair share of taxes, as evidenced by the long legal battle with Filer Township. This calls his commitment as a corporate citizen of Manistee into question.

Fourth, we will not be getting tax benefits proportional to our high costs outlined above since the plant will be municipally owned.

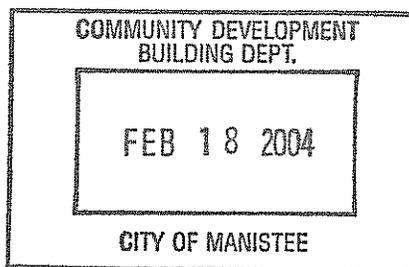
We all know the importance of jobs in Manistee. We can afford to wait until something better comes along. This plant is a bad idea.

Sincerely,

Klaus Kutschke & Lisa M. Kutschke

February 7, 2004

City of Manistee Planning Commission
Roger Yoder, Chair
70 Maple Street
Manistee, Michigan 49660



Dear Mr. Yoder:

A recent letter to the editor claiming that coal-fired power plants are major sources of radioactive materials highlights the hysteria, scare tactics, and oftentimes deception used by those who oppose industrial development in Manistee County. As the Planning Commission, community leaders and area residents work to make good decisions about our community, it's critical we do so with respect for facts and knowledge.

I'd like to point to a couple of examples where misleading information is being spread— left unchallenged, it's this kind of information that leads to misinformed citizens and misguided decision making.

In her letter, Alice Mummy of Bear Lake stated "coal-fired power plants are the major sources of radioactive materials released into the atmosphere." This is not true. This kind of statement needs to be challenged or verified.

If asked to cite a source that supports this claim, my guess is that she may respond by quoting "Coal Combustion: Nuclear Resource or Danger" by Alex Gabbard. Mummy, like those hysterical few that are feeding her this information, misquotes sentences out of the report and puts them into whatever context that suits her argument.

Reading Dr. Gabbard's article carefully, one finds that the argument made is NOT that coal-fired power plants are radiological threats, but instead that nuclear power plants are "safer" than coal fired power plants. Relying on Dr. Gabbard's position, does this mean Mummy would support a nuclear power plant in Manistee County?

It is time to deal in objective, fact-based truth: today's clean coal technology provides for super-clean, high-efficiency powerplants. These powerplants are absolutely critical to provide homes, businesses and manufacturers with affordable, reliable and environmentally clean power. A powerplant built to today's strict environmental regulations will not mean a deterioration of our area's quality of life. To the contrary, it would be a major asset to our community for many years to come, providing good paying jobs for local people during construction and eventual operations, add to our tax base and provide needed power.

An investment of this nature in our community today is an investment in our future. We need our leaders — you — to take a long view of our community's future, and make decisions that demonstrate sound judgement and effective leadership.

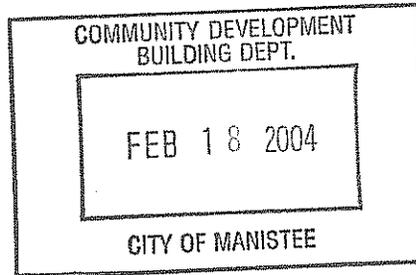
Thank you for all of the time and effort you and the entire commission have spent on the Northern Lights application. As far as I'm concerned, you all deserve a raise!

Sincerely,

Handwritten signature of Kim Hamilton in cursive script.

Kim Hamilton
17096 Bigge
Kaleva, Michigan 49645

February 15, 2004



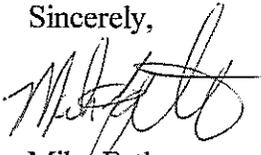
Jon Rose/Planning Commission
Community Development
City of Manistee
PO Box 358
Manistee, MI 49660

Dear Planning Commission:

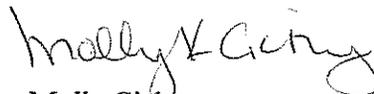
We urge the Planning Commission to deny the application for a Special Use Permit for the Manistee Saltworks coal-fired power plant.

We do not believe it is in the best interest of the community to allow this plant to locate in our city. The handful of jobs the plant may create is not worth endangering the health of our citizens and our environment. We also believe this plant would have a negative impact on attracting other light industry or small businesses to our community. Businesses will not want to invest in a community that is tainted with mercury, sulfur dioxide, and other contaminants.

Sincerely,



Mike Fatke
420 Elm Street
Manistee, MI 49660



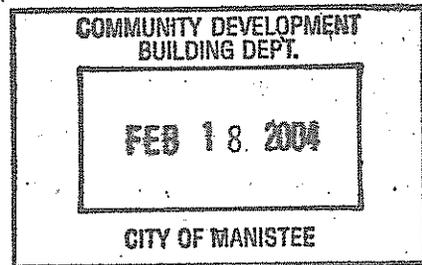
Molly Cichy
420 Elm Street
Manistee, MI 49660

Keep The Lights On

I have heard many people speak about the negative impact a power plant could have on the environment. There is not one person I know who wants to have a negative impact on the environment. In a perfect world, everything we as a human race do would help to make our planet a cleaner more natural place. However we live in a real world, we all drive cars, live in houses, work at jobs that ~~require~~^{consume} energy and we all want goods and services that require man made energy. Look around your home and realize what around you did not require man made energy to produce. The people who oppose the Northern Lights project do not live in mud huts or igloos, they do not walk everywhere they go, they do not wear renewable resource clothing, they do not communicate by word of mouth alone, they do not eat food they gather by pre industrial revolution means, they do enjoy entertainment and social activities that require man made energy. When there is a perfect source of energy that will provide us with enough power to live the lifestyle we have come to expect I will be a strong advocate for it, but until then I will have to use energy that is produced by the means we have within our grasp. If the power needed in Michigan is not produced in Manistee it will be produced elsewhere and we the people of northern Michigan will have no control at all.

over its environmental impact nor will we realize any of the economic ~~impact~~ benefits of having this facility built and operated here in Northern Michigan

Sincerely, Ian M. Burns
Dafter, Mi
906-635-3067



February 18, 2004

John Rose
Planning Commission
City Hall
70 Maple St.
Manistee, MI 49660



Sir:

As physicians in Manistee, we share a stake in the good health and physical welfare of our patients, the citizens of this community. Hence, we view with particular concern the recent plans of the Tondur Corporation to construct a coal-fired power plant on the shores of Manistee Lake.

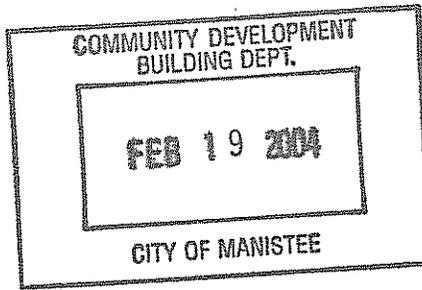
The science which documents untoward human health effects of increased production of mercury, nitrogen oxides, sulfur dioxides and ozone-depleting emissions associated with more modern power plants is admittedly sketchy. However, past environmental contaminations such as the Minamata disaster, wherein mercury discharges into the environment caused large-scale neurologic injury to residents, have shown that there is potential for peril to human health whenever industrial interests proceed unchecked.

How coal barge traffic will affect access to emergency medical care is an additional near-term issue which requires forethought, considering that ambulances and other emergency vehicles will likely be detained at raised drawbridges. Tondur's own estimate is that 130 additional freighters per year will result in such disruptions of traffic.

Such potential risks to health invite one to ask what the benefit to our community might be. That answer, ostensibly, is economic. However, given that the facility will be municipally-owned by such distant consumers as Hillsdale and Holland, taxes will not be assessed for the benefit of Manistee. The future *perception* of pollution by tourists and outdoorsmen who have been attracted to our area by clean water and air could be economically devastating to our local economy if tourists then elect to recreate elsewhere, out of eyesight of the 400 foot smokestacks which would define our skyline. Tondur's estimate of the creation of 60 jobs seems an insufficient reciprocation for the risks we are being asked to bear.

Sincerely,

Alan Fark, M.D.
Paul Antal, M.D.
Donald Albrecht, M.D.
Klaus Kutschke, M.D.
Michael Reines, M.D.
Michael Barna, M.D.
John Oliver, D.O.
Cheryl Dionne, M.D.
Robert Barry, M.D.
Steven Frelier, M.D.



February 18, 2004

John Rose
 Planning Commission
 City Hall
 70 Maple St.
 Manistee, MI 49660

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 Michael Barna, M.D.
 John Oliver, D.O.
 Cheryl Dionne, M.D.
 Robert Barry, M.D.
 Steven Frelter, M.D.

2/16/04

The City of Manistee
Planning Commission
City Hall
P.O. Box 358
Manistee, MI 49660

Re: Northern Lights Coal Fired Power Plant Proposal

I will keep this a simple condemnation of the above project.

In light of all the "Science", that clearly shows the dangers involved in spewing out more toxic soup into our environment, borders on criminal if not moronic to allow this project to proceed. The "Science" was not done by a disgruntled group of environmental crazies but by established Government Agencies.

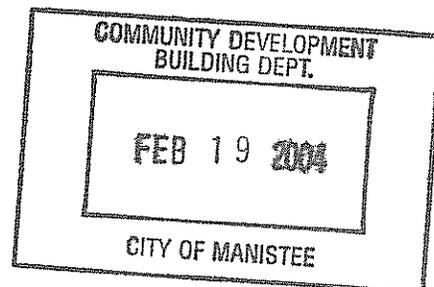
In hopes that the people on the Planning Commission consider future generations and folks that live "down wind" of Manistee, I remain

Most Sincerely,



Laurie Michel
14033 Northwood Hwy.
Arcadia, MI 49613

c.c. Manistee Citizens for Responsible Development



2-18-04

Dear Mr. Yoder,

I am writing because I feel there is a lot of ignorance out there regarding the proposed North Lights Project. Some people have questioned the use of coal as the fuel for the plant, but we need to make sure our community understand the facts about how new power plants operate and are regulated to prevent pollution.

Today's power plants are not like those built 20, 50 or even ten years ago that some of us came to know as being less than environmentally friendly.

We all need power. We want it to be reliable and we want to know we can flip a switch in our homes, the lights will come on, and we want our electricity bills to be affordable.

Fact is - Michigan needs power,
and affordable power

Sincerely

Adolph Krauz

Adolph Krauz
9974 N. Irons Rd
Irons. MI 49944

COMMUNITY DEVELOPMENT
BUILDING DEPT.

FEB 19 2004

CITY OF MANISTEE

THE JOHNSON CORPORATION

805 Wood Street, Three Rivers, Michigan 49093 USA

tel: 269.278.1715 fax: ~~269.278.5930~~ 278-0011

www.joco.com



Fax to: City of Manistee

Fax No.: (231) 723-1546

Attn: Planning Commission

Page: 1 of 2

From: Bruce Monroe

Date: Thurs, 2/19/2004

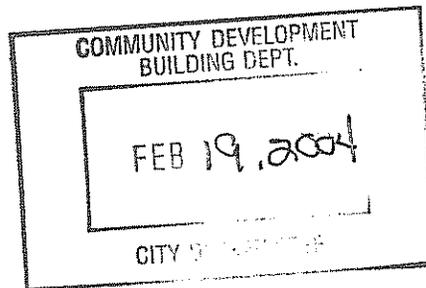
Subject: Planning Comm. mtg.
re: proposed coal-fired
power plant

Joco Ref:

For tonight's Manistee Planning
Commission meeting, please.

Thank you,

Bruce Monroe



2/2

19 February 2004

Manistee Planning Commission
Manistee, Michigan

Subject: Proposed coal-fired power plant on Lake Manistee

Due to business travel taking me out of the USA, I am not able to attend the Manistee Planning Commission meeting tonight. My wife and I do request that this letter be entered as part of the 'public comments' portion of the meeting and, if possible, read during tonight's meeting.

We currently reside in Three Rivers, Michigan, and enjoy spending as many weeks as possible each year in the Manistee area, where we have a seasonal home just north of Manistee that we plan to convert into our year-round primary residence. We have been frequent visitors/occasional residents of the Manistee area since 1967.

Over the years, and particularly the last few years, we have enjoyed the business and recreational activities available in the area and the renewal and upgrade of the downtown area. Manistee is unique in many respects, not the least of which is the unusual Victorian downtown nestled along the Manistee River waterfront, stretching more-or-less from Lake Manistee to Lake Michigan. As local industry has left the area and with it many jobs, city and county tax base/revenues, etc., the City and County of Manistee, merchants, business leaders and the general public have correctly determined that increased tourism has the greatest potential for business growth and future opportunities. One need only take a look at similar communities that dot the Lake Michigan shoreline up and down the state to see the positive effects that this type of planning, vision and focus has had.

An article in the current (March 2004) issue of 'Traverse' magazine ("Power Play" by Jeff Smith) describes some serious issues that have not been completely nor openly discussed, it seems, including the apparent lack of disclosure and absence of complete honesty/knowledge regarding the overall scope and impact of this proposal. Is it any wonder why 'potential investors' (Petoskey, Harbor Springs, Traverse City, Holland) have an interest in backing this proposal when such investors would be the beneficiaries (financially plus increased power availability) without the downside risks ("Not In My Back Yard" = the NIMBY syndrome)? It appears as though Manistee might be the short-term winner (construction jobs/etc. and a few permanent jobs) but the long-term loser: having a potentially-serious polluter 'on-site', within the city limits, with a facility that is not going to be a draw for the very population that is likely to be the area's salvation = tourists!

We agree with the article: all discussions and negotiations regarding such an undertaking must be upfront and open to the public. In addition, something of this magnitude deserves to be thoroughly studied, on a regional basis, to determine both current and future needs for power generation in northwest lower Michigan and the best, most benign/non-polluting method to achieve any agreed-upon needs.

We urge the Manistee Planning Commission to take a step back and 'table' or deny this project until such time as a complete and meaningful study has justified both the need for and location of such a facility.

Sincerely,

Bruce Monroe and Cynthia Giacobone
14515 Coon Hollow Road
Three Rivers, MI 49093



Manistee County Board of Commissioners

Manistee County Courthouse * 415 Third Street * Manistee, Michigan 49660

CHAIRPERSON

Sharlene Wild

VICE-CHAIRPERSON

Carl Rutske

David McNeilly

Carl Mezeske

Ervin Kowalski

John Ham

Allan O'Shea

CLERK

Marilyn Kliber

(231) 723-3331

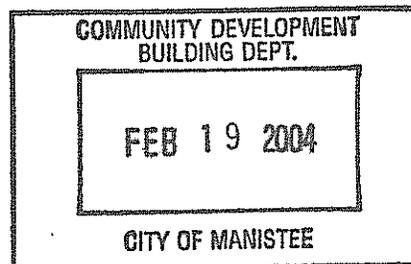
CONTROLLER/Administrator

Thomas Kaminski

(231) 398-3500

February 18, 2004

Mr. Roger Yoder, Chair
Manistee City Planning Commission
70 Maple Street
Manistee, MI 49660



RE: NORTHERN LIGHTS PROJECT

Dear Mr. Yoder:

At its February 17, 2004 meeting, the Manistee County Board of Commissioners discussed the proposed Northern Lights Coal Fired Power Plant. In a previous letter to you, the Board of Commissioners expressed support for the project. Since that time, the Board has studied the project carefully, and has reconsidered its position on the Northern Lights project.

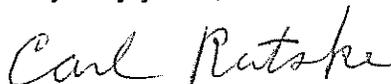
The Board of Commissioners asks that the City Planning Commission carefully consider the economic implications of the plant, including the plant's ownership by a group of municipalities which would make the plant tax exempt. While the employment opportunities offered by the plant are encouraging, these must be offset by the negative implications of the loss of tax revenue.

The Board also is concerned about the environment in Manistee County. The Board's desire is that an impartial environmental and economic impact analysis of the project be conducted. We urge the City Planning Commission to consider such independent analysis prior to the issuance of any special use permit.

The Manistee County Board of Commissioners supports economic growth and development throughout the County. However, the advantages and disadvantages of any project must be considered. We ask the Planning Commission to consider the impact of the Northern Lights project on this generation and future generations of Manistee County residents.

Thank you for your consideration of these matters.

Very truly yours,



Carl Rutske, Vice-Chairperson
Manistee County Board of Commissioners

CR/bb

.....

**MARIDREW
PROPERTIES, LLC**
2871 63RD ST
Farmville MI 49408

269.857.4679
269.857.4558 FAX
231.889.0155 Onekama

FAX

To: Jon Rose/ Manistee Planning Comm. **Fax:** 231.723.1546

From: Mark Schrock **Date:** 2/19/2004

Re: Public comment on coal plant **Pages:** Cover & 1

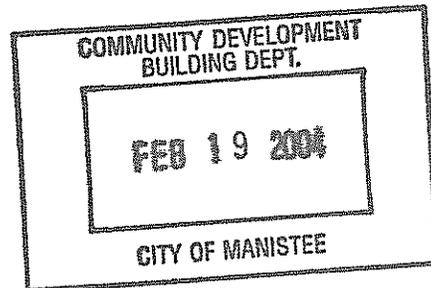
CC:

Urgent For Review Please Comment Please Reply Please Recycle



Hi- We'd appreciate it if you would add the following letter to the public comments for tonight's meeting. Sorry we can't make it.

Thanks,
Mark



.....

February 19, 2004

Manistee City Planning Commission

RE: TONDU Special Use permit

Dear Planning Commission Members,

This letter is intended to voice our strong opposition to the granting of a special use permit for the proposed coal fired plant on Manistee Lake. While we could reiterate facts and figures and cite examples that you have heard from both sides of the argument, our resistance to this proposal is fundamental. **The continuance and/or expansion of industrial uses on Manistee Lake, or Manistee County for that matter, is not the highest and best use for this natural area.**

We feel we are representative of the thousands of people who regularly come to the greater Manistee area for recreation and tourism. After many years of enjoyable visits to the area, in 1996 our families purchased a parcel of land near Portage Lake and built a cottage. In addition, this spring we will become the new owners of the Camp Tosebo property on Portage Lake. We have made a sizeable investment in real estate and the tourism industry in Manistee County and are concerned about the potential negative effects of this large potential source of air, water, noise, and light pollution.

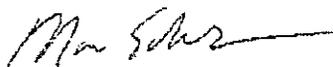
We understand those that see this project as having a positive economic impact as it relates to employment and other potential economic benefits. However, we feel that this is a shortsighted view and will dramatically redirect the image of Manistee as a desirable "up north" destination in which to live and recreate, to an image as the industrial center of the north. In this time of shrinking resources and loss of natural areas, it is time for Manistee County and it's municipalities and business community to consider forward-looking proposals for sustainable, non-polluting development and energy sources. These alternatives can ultimately provide similar economic benefits for the community and the highest level of "quality of life" possible, keeping profits in Manistee County, while maintaining and improving property and recreational values. One corporation should never supercede the interests or dominate the lives of the citizens of an entire region.

We thank you for considering our opinion and trust that you have the foresight and wisdom to deny this special use permit.

Sincerely,



Steve Darpel
Mark Schrock
Kim Ferrin



2871 63rd ST Fennville MI 49408

February 16, 2004

Members of Planning Commission,

It is my hope that, as a body responsible to the community, you will take every action to protect the environment and people of Marinette County, and those of communities beyond our shores.

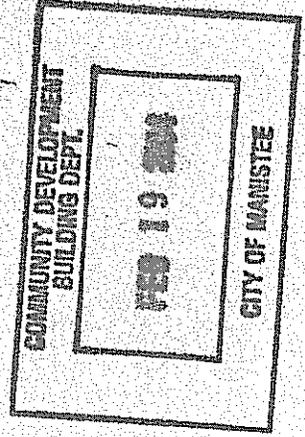
Please demand objective, accurate assessments of what the Marinette State Works / ~~Marinette~~ Corporation project will really mean environmentally.

Please consider that the Corporation is not committed to

paying full tax value to this
community.

Please do not revoke this permit
Sue Wilson
Property owner

Sue Wilson
7526 Beach Hrolls Tr.
Manistee



Manistee City Planning Commission
Manistee, Michigan

February 17, 2004

Re: Northern Lights Project

Members of the Manistee City Planning Commission:

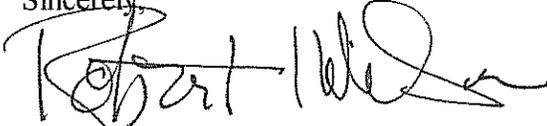
I have followed the many articles and discussions enumerating the pros and cons of the proposal to construct a power plant on the shores of Manistee Lake. The evidence to date leads me to conclude that the "Nays" have made the strongest case.

In addition to the well-documented estimates of atmospheric discharge, the discharge into the city sewage plant must be carefully assessed. What is this discharge? Will the Manistee Salt Works/Tondu Corporation be a partner in funding a facility capable of processing the effluent? Is there a written agreement to this effect?

What legal assurances are there, that the City of Manistee will continue to receive compensation, when other municipalities have ownership? Will the City of Manistee be forced to take expensive legal measures to recover promised compensation?

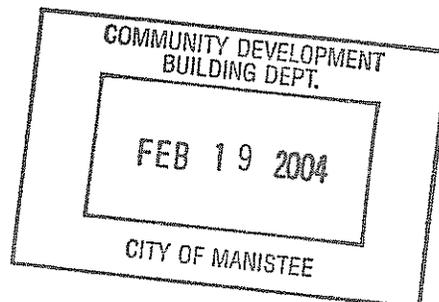
Aside from all of the environmental concerns, aesthetically, a facility of this size will be a blemish on the face of Manistee. Through due deliberations, I hope the Planning Commission will not make a "Mistake on the Lake".

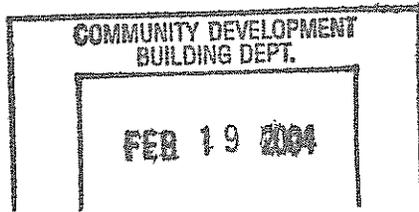
Sincerely,



Robert L. Wilson
Property Owner and Resident

7520 Beech Knolls Tr.
Manistee





2-19-04

To: Maristee City Commission

We have just purchased a home in Maristee and oppose the coal burning power plant.

We just sold our home in Frouse City where they are tearing down the coal burning plant. We know first-hand about the dirt that is in the air. We have to keep our windows shut all year to keep things clean from the black soot. I always wondered what was going into my lungs when I was gardening or taking long walks in town.

We understand that Maristee needs more jobs but to pollute our air to the future health detriment of our children and adults is unthinkable.

The best quality of Maristee is the small town atmosphere. The downtown, the marina, the river walk and the beaches are wonderful.

Tourism is what we should be pursuing like every other ^{up north} port city in Michigan.

Why would people want to leave the polluted air of Flint, Detroit,

or Saginaw to come to another
polluted area. Let's keep it fresh
and clean up here so the
baby boomers will want to retire
here.

I have heard that some
people because of local politics do
not feel free to give their true
opinions - why not have a vote.

I have heard that people will
sell if this passes - just what
Menistee needs - more houses on the
market. The reactors should be up
in arms about this. We certainly
will think about how much money we
will invest or how long we will
stay here.

I understand this will not
bring in more tax money and the
50 jobs are not guaranteed.

This "jobs at all costs" should
not be allowed and in the long
picture only has disadvantages
for Menistee's economic future.

347 2nd St. Katherine & Ebbeling
Menistee Gerald P. Ebbeling
231-887-5055



KRYSTAL K. JOHNSTON, M.D.

Pediatrician

1293 E. Parkdale Ave., Ste. 1200

Manistee, MI 49660

Telephone: (231) 398-1710

February 18, 2004

To: City of Manistee Planning Commission

From: Krystal Johnston, MD

Address: 7008 River Road, Manistee, MI

Occupation: General pediatrician

I am opposed to the addition of a coal power plant in Manistee due to the potential health impact on the occupants of Manistee and surrounding areas.

You may know that Michigan already ranks 9th highest in the United States for mercury production and the proposed plant would produce a great deal of additional mercury. Unborn babies, infants, and young children are particularly susceptible to mercury poisoning. Effects of this include developmental delay, seizures, and language and motor problems, to name a few. These changes are irreversible. Mercury was used in vaccinations (in the form of thimersol) as a preservative and was banned by the American Academy of Pediatrics due to these potential health hazards in 2001.

Asthma is a significant and sometimes life-threatening problem among children, and any airway irritant can trigger an asthma attack. A coal plant would greatly increase the amount of particulate matter in the air, all of which are irritants to the lungs. It has been shown that nearly 6% of children living within 30 miles of a coal powered plant have asthma. Additionally, infants in high pollution areas are 40% more likely to die of respiratory disease.

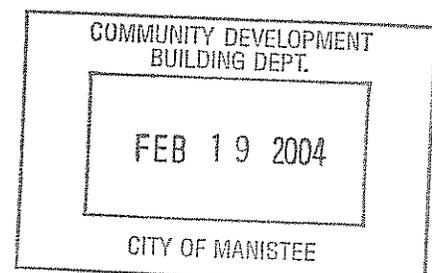
I have recently moved to this area and am not pleased to find you are considering greatly reducing the air quality and hence, the quality of life of the residents here. I am sure you will hear reports from other doctors about the risks of power plant emissions for adults, but I wanted to highlight some issues directly related to children.

I hope to hear that the proposed power plant will not be invited into this area, but at the very least suggest an independent health impact study by the Department of Public Health and the State of Michigan.

Thank you for your consideration.

Yours,

Krystal Johnston, MD.



February 19, 2004

Members of the Zoning Board,

My name is Robert T. Hensel MD and I live at 2567 Crescent Beach Rd. Manistee, Michigan 49660. I grew up on Lake St. Clair in the 50s and 60s and graduated from Alma College. I then graduated from U of M Medical School in 1968 and spent 5 years in Wayne State University's Orthopedic Residency program and then two years in the military with one year in Vietnam. I was an orthopedic surgeon in Midland, Michigan for 25 years. My family and I have been coming to Manistee since the 60s for vacations and to hunt and fish. We always dreamed of retiring here and finally we did.

I am opposed to the coal-fueled plant advanced by the Tondu Corporation from Houston, Texas because according to the special use permit standards, the proposed use must be reasonable and designed to protect the health, safety, and welfare of the community.

Let me give you a little background of how I was introduced to toxins and pollutants. In the late 60s they closed the St. Clair River, Lake St. Clair, the Detroit River, and western Lake Erie to all commercial fishing and told sport fishermen to not eat or even keep the fish because of a mercury spill in Sarnia, Ontario. At that time I remember playing with readily available liquid mercury and I could not figure out why anyone in his or her right mind would close fishing because of mercury. Now we know the damage mercury can do to a child's brain. Dow Chemical, 40 years later, is still dredging the St. Clair River. Mercury was used in vaccinations as a preservative and the American Academy of Pediatrics outlawed it in 2001.

Next came DDT, that wonderful bug killer, and our birds, particularly the birds of prey, almost disappeared before we caught on to what was killing them. Even then there was significant controversy between farmers, politicians, chemical companies, and conservationists.

Next came lead poisoning in children from lead-based paints in the 70s and 80s, which caused irreversible brain damage. Lead poisoning was then discovered in waterfowl and it killed the birds.

In Vietnam I watched soldiers joke about Agent Orange and ignore the warnings. This is not a laughing matter today.

Next there was asbestos and its association with lung cancer and mesothelioma. Just think all the trouble those tiny little particles were causing all those years that we did not know about the deadly outcome. The only people who love those tiny little particles are the plaintiff's attorneys who are suing at the expense of those people afflicted by these terrible diseases.

We have learned so much since the 60s about dioxin, PCBs, lead poisoning, mercury toxicity, asbestos, Agent Orange, ozone, acid rain, and DDT. We have learned that these are all things that we would rather avoid if possible but they are impossible to avoid when they are falling out of the sky.

So now before you is a decision to allow a huge coal-fired power plant. It is a known fact and I can prove it with hundreds of well documented studies that coal burning public utilities are the largest source of man-made toxic substances or pollutants released into the atmosphere and or the environment. They release heavy metals that never break down such as mercury, cadmium, lead, chromium, nickel, arsenic, and others many of which can cause cancer or irreversible neurological or other developmental problems. Ozone, CO₂, nitrous oxide, sulfur oxide, radioactive materials and acid rain are all by-products as well. Recently only 8 of the more than 500 power plants have been tested for dioxin emissions. All of these substances have proven to harm the environment or people or both. Another major health problem from this plant comes from the millions of pounds of particulate matter (fine particles), which are emitted yearly. These are proven to increase asthma, lung disease, and premature deaths. Many studies support this. The really fine particles, less than two microns, can cross over from the lung to the bloodstream and cause heart and other problems. Many of the adverse effects from these substances are not even known or categorized yet. Just take a look back at what we knew in the 50s and 60s about mercury, lead, dioxin, and other substances and what is known today. It is enough to cause your death.

I believe the cost to this community in health care dollars will far exceed any benefits from this coal-fired power plant and its pollutants. I believe the cost to the community with regards to the suffering of those people who will be afflicted from changes in their environment and changes in their health that is directly attributable to these pollutants and toxic substances cannot be calculated. Also the risk to children and future generations is tremendous.

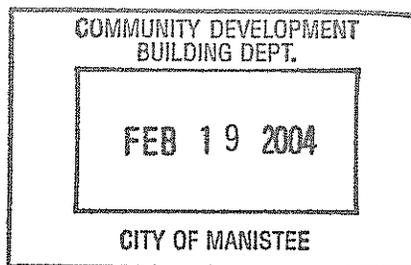
I believe this application fails because it has not adequately evaluated the health risks for the citizens of Manistee. It should be denied unless the department of health and the State of Michigan can conduct an independent health impact assessment and that they can show that this coal-fired power plant will be "safe" for the citizens of Manistee and the State of Michigan.

Robert J Hensel M.D.

19 Feb 04

February 19, 2004

Manistee City Planning Commission
RE: TONDU Special Use Permit



Dear Planning Commission Members,

We would like to express our opposition to the granting of a special use permit for the proposed coal fired plant on Manistee Lake. As a member of my local Planning Commission (Holt, Michigan) for twelve years I learned that while there are many regulatory agencies that will have input on a major development like the TONDU project, it is ultimately the responsibility of the Planning Commissioners to determine whether approval or denial is in the best interests of the city that you are representing. While many applications that come before you are relatively easy to decide, this proposal is of such magnitude that your decision may well be the landmark decision of your tenure. We urge you not to believe that environmental regulators will have the background knowledge of your community to adequately evaluate its impact. Also do not think that the other agencies such as DEQ, EPA, your own Health Department, and others will be able to properly monitor and regulate in order to prevent an environmental disaster.

We feel we are representative of the thousands of people who regularly come to the greater Manistee area for recreation and tourism. Our family has enjoyed the summer activities of Portage Lake since 1952 and we have had a summer home there since 1962. In addition, this spring we will become the new owners of the Camp Tosebo property on Portage Lake. We have made a sizeable investment in this real estate and the tourism industry in Manistee County and are concerned about the potential negative effects of this large potential source of air, water, noise, and light pollution.

We understand those that see this project as having a positive economic impact as it relates to employment and other potential economic benefits. However, we feel that this is a shortsighted view and will dramatically redirect the image of Manistee as a desirable "up north" destination in which to live and enjoy. We have been coming to the area long enough to see the dramatic improvements that have revitalized the Manistee area. You are to be commended for your role in the re-development of the community. As you examine this proposal, think carefully how your long range goals and objectives are either enhanced or jeopardized by this decision. One principal that guided me in my tenure as a planner was to ask "Does this proposal have the potential to change the essential character of the area?" We do not believe that the need outweighs the risk. One corporation should never supercede the interests or dominate the lives of the citizens of an entire region.

We thank you for considering our opinion and trust that you have the foresight and wisdom to deny this special use permit.

Sincerely,

A handwritten signature in cursive script that reads "David and Fran Wallace".

David and Fran Wallace
4354 Lee Street, Holt, MI 48842

**Postcards Received in Opposition
to the Northern Lights coal-fired power plant**

Postcards are on File at City Hall, Community Development Department

Green Postcard #1 reads

To the Manistee Planning Commission: I live in Manistee, and I am opposed to the Northern Lights coal-fired power plant. I urge the Planning Commission to turn down the application for a Special Use Permit for the facility.

Received 2/17/04 (1 postcard)

W. Thomas & Evelyn Stege, 714 Harbor Drive, Manistee

Received 2/18/04 (32 postcards)

Jane P. Cole, 488 Fourth Street, Manistee
Sally Berglund, 511 Fourth Street, Manistee
Dorothy Cotter, 320 Lighthouse Way S., Manistee
Debbie Kott, Manistee
Ray Rutkowski, 400 Spruce Street, Manistee
Doug Piotrowski, 543 Fairview Avenue, Manistee
Peter Beveridge, 307 Lighthouse Way S., Manistee
Arlene Rutkowski, 400 Spruce Street, Manistee
J. Dontz, 701 Harbor Drive, Manistee
Mary Ann Yonkman, Manistee
Carol Krautz, 435 Fifth Street, Manistee
Ruth Pratt, 463 Fourth Street, Manistee
Sue Johnson, Manistee
Carol Fox, 277 First Avenue, Manistee
Scott Dontz, 701 Harbor Drive, Manistee
Carol Pasco, 610 Spruce Street, Manistee
Mary E. Russell, 272 Lighthouse Circle, Manistee
Carol Schimke, 335 Lighthouse Way, Manistee
Charles Showalter, 449 Fourth Street, Manistee
K. J. Bishop, R.N., Manistee
Steve & Karen Cote, 322 Lighthouse Way S., Manistee
Bill Ferguson, Hokanson Camera
Wilson & Valoyce Dean, 282 Lighthouse Circle, Manistee
Gretchen Olsen, 533 Fourth Street, Manistee
Peter Wisniewski, 327 Lighthouse Way S., Manistee
George & Beverly Wagoner, 3 Cottage Lane, Manistee
Jacquelyn Illig, Manistee
Nancy Lyon, Cottage Lane, Manistee

(Cont.)

Received 2/18/04 - Continued

Dorothy M. Kerr, 486 Bryant Avenue, Manistee "Please for the love of God, don't destroy
our beautiful city!"

Jim Krolczyk, 434 Elm Street, Manistee

1 signature (unreadable), 2837 Forrester Road, Frankfort

1 signature (unreadable), Manistee

Received 2/19/04 (3 postcards)

Richard Albee, 365 Lighthouse Way, Manistee

Mr. & Mrs. Donald H. Brown, no address

Linda S. Albee, 365 Lighthouse Way, Manistee

**Postcards Received in Opposition
to the Northern Lights coal-fired power plant**

Postcards are on File at City Hall, Community Development Department

Yellow Postcard #2 reads

To the Manistee Planning Commission: I am opposed to the Northern Lights coal-fired power plant. I urge the Planning Commission to turn down the application for a Special Use Permit for the facility.

Received 2/17/04 (1 postcard)

Jean Domres, 24 Caberfae Hwy., Lot 33, Manistee

Received 2/18/04 (30 postcards)

Joanne Cole, 20 Cottage Lane, Manistee
Natash Lapinski, 2600 W. Trumbull, Maple City
Jennifer Kraus, 207 ½ Washington Street, Manistee
JoAnne & Carol Kobernik, 519 Lake Street, Grand Haven
Jeffrey Stark, 480 Eighth Street, Manistee
Barbara Valdez, 17240 Airport Road, Wellston
Patricia & Bonnie Cook, 315 Lakeshore, Manistee
Kenneth Roskoski, 2519 Main Street, Rt #3, Manistee
Ruth S. (Unable to read last name), 337 Sixth Street, Manistee
H. Gail Nichhol, 347 Lighthouse Way, Manistee
Judith Cunningham, 4466 Potter Road, Bear Lake
Mary L. Pearson, 12 Oxford Ct., Manistee
Holly Spaulding, 9283 S. Novak Road, Cedar
Sandee Ware, 9094 Alkire, Bear Lake
David & Wendy Kamaloski, 483 Oxford Ct., Manistee
William Cole, 20 Cottage Lane, Manistee
Pat Bachman, 422 Spruce Street, Manistee
Sally Chapman, 315 Lighthouse Way S., Manistee
Ashley Andrews, 480 Eighth Street, Manistee
Robert Bartle, 9283 Novak Road, Cedar
Liz Laskey, 537 Fourth Street, Manistee
John Veach, 485 Oxford Ct., Manistee
Richard Kamaloski, 718 Harbor Drive, Manistee
Margaret Johnson, 715 Harbor Drive, Manistee
Peggy Futterer, 726 Harbor Drive, Manistee
Mary Cunningham, 620 Bryant Avenue, Manistee
(Unreadable signature, 493 Oxford Court, Manistee
(Unreadable signatures) no address

(Cont.)

Received 2/18/04 - Continued

(Unreadable signature) from the downwind community of Onekama
(Unreadable signature), 2600 Trunball Road, Maple City

Received 2/19/04 (6 postcards)

John Nale, 8424 Third Street, Onekama

William Soper, Box 552, Elberta

Connie Manke, Box 552 Elberta

John & Hope Hogan, (no address)

Ethan Spaulding, 9283 S. Novak Road, Cedar "Turn this special use permit down for the
Children! We can't pollute our air and water forever."

Cam Nenke, 233 Lakeshore Drive, Manistee "Please turn down Northern Lights application
for this facility. Manistee does not need more industry. The City came out on the
right side of the P.C.A. issue, Don't make an environmental mistake on this one.

**Items forwarded to the
City of Manistee Planning Commission
at the Continuation of the Planning Commission Public Hearing
February 26, 2004 relating to the
Manistee Saltworks Development Corporation**

..... Correspondence:

Ross Vartian, 1501 Crystal Drive, Apt 830, Arlington VA (property owner Harbor Village)
Gary Bell, 2691 -E40th Street, White Cloud
Mrs. Evelyn Koller, 557 Bryant Avenue, Manistee
Sara Herberger, 409 Oak Street, Manistee
Daniel Behring, 3695 Lakeshore Drive, Manistee
Dennis Douglas, 10607 W. Cadillac Road, Cadillac
R.A. Comstock, 273 Sixth Avenue #209, Manistee
Richard & Linda Albee, 365 Lighthouse Way South, Manistee
George & Anne Kaminski, 21125 Valencourt Road, Copemish
Phillip Carleton, Morton Salt, 180 Sixth Street, Manistee
e-mail from Daniel Behring to Jon Rose
Ronald & Sharon Muszynski, 115 Sibben Street, Manistee
Christine Polenciewicz, 716 Pine Street, Manistee
e-mail from Ross Vartian to City Council
e-mail information mailed by Little Manistee Watershed Conservation Council, Irons
Mike Beveridge & Kitty Hodge, 13609 Graf Road, Brethren
Nan Guzikowski, 316 Fourth Street, Manistee
Luke Guzikowski, 316 Fourth Street, Manistee
J. Dwight Poffenberger Jr., Esquire, 2700 Carew Tower, 441 Vine Street, Cincinnati, OH
Ted Fairbanks, 16556 Peters Farm Road, Irons
fax from Gail Tooley, owner/operator Water Bug Boat Tours
David W. Smith, 1611 High Road, Roscommon
William & Elizabeth Hainstock, 4147 W. Jepson Road, Manistee

Listing of Postcards received in opposition to the Northern Lights Project.

Letter from Jon Rose to Richard & Linda Albee dated 2/23/04
cc: David Barbara, Manistee News Advocate and Fred LaPoint, CFRD

Letter from James A. Ford, Managing Partner, Tondu to the Planning Commission with copy of 2/19/04
Presentation

MEMO

TO: Manistee City Planning Commission
 FROM: Ross Vartian, Property Owner, Harbor Village
 RE: Proposed Coal Fired Power Plant
 DATE: 2/20/04

I was unable to address this message to individual commissioners because I could not secure this information from the Manistec web site. Please provide names and addresses of each member of the Planning commission.

I am writing to express my concern with the proposed coal fired power plant. Enclosed please find an article in the March 2004 issue of *Traverse Magazine* entitled "Power Play".

I am interested in responses from each Commissioner to the following questions:

- 1- What aspects of the article are inaccurate?
- 2- If there are no inaccuracies, what is the value of a power plant that clearly emits many things hazardous, will not provide power to the citizens of Manistee, will not generate taxes, and if constructed, would make Manistee the 2nd highest emitter of mercury in the state?
- 3- Do you have a position on this project?
- 4- In all of the promotional literature I read about Harbor Village and the Victorian Port City as I contemplated purchasing a pre-retirement home some five years ago, nowhere was Manistec touted as a prime industrial site. Instead Manistee was enticingly promoted as a pristine resort/tourist/retirement community. How does this proposed plant advance this dream of a reborn Manistec?

My wife and I have been looking forward to returning to Michigan to retire, specifically to our home in Harbor Village. Ironically, I was born and raised until ten years of age in the shadow of the Ford River Rouge plant that is the number one mercury emitter according to the *Traverse Magazine* article. You can imagine my lack of enthusiasm with the prospect of living in the shadow of 400 foot tall smokestack again.

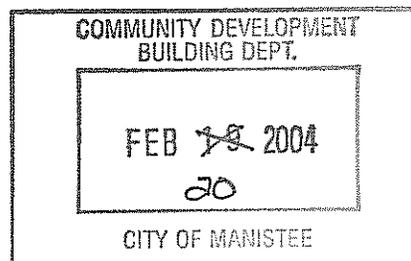
If you are in favor of this project, please sell it to this Manistee taxpayer.

If you opposed to this project, please tell me how to help you prevail.

Contact Information:

1501 Crystal Drive
 Apartment 830
 Arlington, VA 22202

Tel: 202 669-7231
 E-mail: ross.vartian@verizon.net



Power Play

By Jeff Smith

Last fall, Joe Tondu approached the city of Manistee with a plan that sounded pretty good to a lot of people in Manistee—both Manistees, actually, the county and the city. Tondu, the owner of Tondu Corporation, a Houston-based developer of industrial projects, wanted to build a \$700-million, 425-megawatt coal-fired power plant within the city limits, right on the shore of Lake Manistee. The construction phase alone would spin millions of dollars into the local economy, jamming hotels and restaurants with workers for three years. Longer-term, the plant would create 50 to 60 jobs that would pay \$25,000 to \$40,000 a year, Tondu said.

Those numbers sounded a lot better than other numbers the city leaders had looked at over the past couple of decades. In the 1980s and early '90s, four major plant closings cost the town 3,000 jobs, and the city's population shrank from 12,000 to 6,000. These days, Manistee is trying to remake itself as a resort community and signs of revival are clear, but boomtown it's not.

Manistee County commissioners became so enthused over Tondu's plant that they passed a resolution expressing support for it right away, though they knew only the barest of details. After all, if the plant were built and taxed at standard industrial rates, it would pay about \$10 million annually to the county and another \$5 million to the city. By comparison, the city's total general fund budget is just over \$10 million.

But not everybody was as enthused about the plant as the county commission. Fred LaPoint, who helped form the Citizens for Responsible Development in response to the Tondu plan, was looking at numbers too, and what he saw concerned him. He

and his group didn't like the idea of a 250-foot-tall building with a 400-foot-tall smokestack rising near Manistee neighborhoods—towering far above every building in town.

He also was concerned about pollution numbers, especially those for mercury emissions. The plant would emit an estimated 420 pounds of mercury a year. When added to the mercury emissions from the other four coal burning factories on Lake Manistee, the area would be second only to Detroit's Ford Rouge plant in state mercury releases. Mercury is a potent neurotoxin that builds

Some Manistee citizens question the wisdom of allowing a power plant to be built in their town.

up in living organisms and has led to fish advisories, like those that say pregnant women shouldn't eat even a single serving of many fish species caught in Michigan.

Tondu's Web site explains that the plant would meet all relevant mercury-emission standards. But of course, that's the problem: Power plants are entirely exempt from mercury standards, and President George W. Bush just passed a rule that would delay standards that are being developed. Bush wants to encourage more coal-fired power plant construction. Ironically, about the same time that Tondu made his proposal, Governor Jennifer Granholm was announcing a major anti-mercury initiative that would eliminate mercury pollution by 2020.

Despite an ambitious public education campaign, LaPoint and his opposition group were getting little traction until a startling disclosure in late fall. Based on questioning by Manistee City Manager Mitch Deisch, Tondu revealed that he had

been courting municipalities throughout Michigan to invest, including several along the Lake Michigan coast, like Petoskey, Harbor Springs, Traverse City and Holland. They would put up the money to build the plant and be majority owners. With municipal ownership, the plant would not be required to pay any taxes—city or county. "I couldn't have revealed that because nobody had signed on yet," says Jim Tondu, Joe's brother. But city officials say that Tondu acknowledged he had not been forthright in the matter. On top of that, since Manistee wouldn't be investing in the plant, the town would not receive any of the power, even though its citizens would be living with the pollution and looming presence.

Tondu since has entered closed negotiations with the city for a community services fee instead of standard taxes, but he has not done so with the county. LaPoint feels those negotiations should be public.

Even some of the investors Tondu has been courting were not pleased about the lack of disclosure. "You don't wait till the 11th hour to do this. You need to be upfront," says Richard Smith, the executive director of Traverse City Light and Power.

Smith says that prior to building anything, municipalities in Northern Michigan should conduct a regional power study to determine the lowest-polluting means of answering the region's burgeoning power requirements. Municipalities should purchase a site and build their own power plant, one that uses less-polluting technology, Smith says. He likes circulating fluidized bed boilers because they are the cleanest coal burners, with fewer emissions of sulfur oxides and nitrogen oxides than the plant proposed by Tondu.

TRAVERSE March 2004 27

The Manistee planning commission is currently reviewing Tondu's application for a special-use permit and could be voting on it before April. The city commission then could choose to review the application itself if it feels the board erred in its decision. State and federal officials also would have to issue permits, but if all goes as planned, Tondu predicts that the plant could be operating by 2008. ■

Jeff Smith is editor of TRAVERSE.
traverse@traversemagazine.com

2691-E40 th st
White Cloud, Michigan 49349
Feb. 19, 2004

City of Manistee Planning Commission
Roger Yoder, Chair
PO Box 358
Manistee, Michigan 49660

Dear Mr. Yoder:

I understand that they're several groups of citizens opposing the Northern Lights Project.

Today's power plants are a lot cleaner to run because of the new technology and the cleaner burning coal from the western states.

Michigan in order to help draw more retail, commercial, industrial, and farming business will need more power generating plants.

This Northern Lights Plant will help keep American people working. There are the miners in the western states, and the railroad workers all the way from the west to Manistee county (some of these workers will be either living in or playing in the Manistee area) and the worker's at the power plant itself (these worker's will be paying taxes to local governments and schools).

The jobs at the Northern Lights Plant will be good paying jobs with benefits. That is good for all businesses in the area including the Casino.

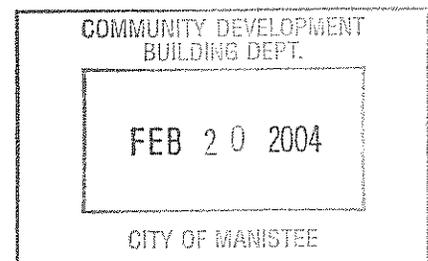
In a time when your area needs more jobs, do you really want to send them to another area?

Once I lived in the Manistee area, near the corner of M-55 & US31. I even attended Manistee High for one semester in my freshmen year. It was work that brought us there and it was the lack of work that caused us to move.

Yes I would accept a coal generating power plant in my back yard. I am comfortable with the safety and environmental standards that coal generating plants have to operate under.

Sincerely

Gary Bell



2/19/04

Dear Mr. Rose:

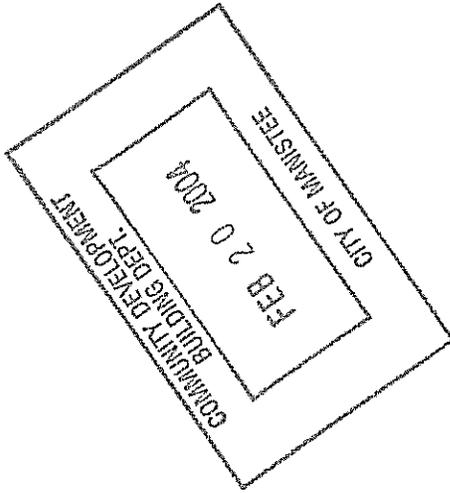
I am against
the coal Jonnie Plant.

Thank you,

Mrs. Evelyn Kallee

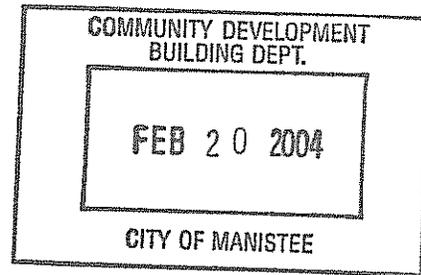
557 Brycun Ave.

Manistee, Mi. 49660



February 19, 2004

409 Oak Street
Manistee, MI 49660



Dear Sir:

I am writing to express my opinion on the proposed Northern Lights permit request. I am against the proposed plant and I strongly desire the planning board to not approve the permit request to build it.

My husband is calling my opinion "NIMBY". A Not-In-My-Backyard approach to industrial development in Manistee. I explained to him, and I will explain to you that I have wrestled with the issues and believe that I am being a "realist" not a "nimby" when I say that denying the permit is the right thing to do.

If we had no industrial development in Manistee, then it would be "nimby" to say no to Northern Lights just because we didn't want it. Saying no to all industry because of environmental concerns is irresponsible, but saying no to some industry is a responsible way to support our environment. Manistee and its environs already do its share of sharing the burden of development—we produce cardboard, mine brine, burn tires, drill for oil, and generate coal-fired electricity already (the Filer City plant). We are (somewhat) balanced consumers and producers ALREADY. We do not need the Northern Lights in order to prove that Manistee shares the responsibility and benefit of industrialization.

It becomes a matter of how much industry is enough. How much can our environment support? Will we know when enough is enough? The levels of toxins in our air are already present; Northern Lights would take them into dangerous levels.

I am not interested in the city of Manistee trying to make a political statement in choosing industry over tourism by saying yes to Northern Lights. What I am interested in is the city of Manistee recognizing that we are already a balanced city of industry and tourism—and that the Northern Lights plant would put us over the edge in an unsafe way. I have a young son, and I have his health and interest to look out for.

Thank you and please make the right decision.

Sara a. Herberger

Sara Herberger

3695 Lakeshore Drive
Manistee, MI 49660

February 12, 2004

Mr. Jon Rose
City/Community Development Director
C/O Manistee Planning Commission
City Hall
70 Maple Street
Manistee, MI 49660

Dear Mr. Rose:

Please find enclosed materials that I believe should be read by the planning commission as part of their evaluation of the application for a special use permit by the Manistee Saltworks Development Corporation.

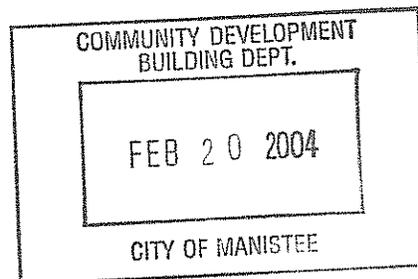
I offer the material as background information. It is the result of my attempt to understand the context in which the decision must be made. The materials are broad in scope, but so is the potential impact of this plant on the health welfare and safety of Manistee and Manistee County residents.

If it is appropriate to make this request, I would also appreciate it if it would be shared with the City Council as well.

Thank you again for serving as the vehicle by which concerned citizens have an opportunity to have information provided to elected and appointed officials.

Sincerely,


Daniel W. Behring, Ph.D.
Manistee County Resident



FYI
CONTEXT
FOR
DECISION

“Air pollution remains a significant concern with coal-fired generating facilities, even though contemporary plants that burn low sulfur coal are far less a threat than older plants. Nevertheless, such facilities should not be sited near planned or existing residential areas, and special care should be taken to avoiding areas that already have a significant air pollution problem.”

Erin Kilpatrick, Planner
Williams & Works, Inc.
Grand Rapids, MI
Planning & Zoning News
November 2002

NOTE: This person is employed by the same firm as Jay Kilpatrick, under contract with the Planning Commission, as a consultant to their process for the proposed Northern Lights project.

FYI
CONTEXT
FOR
DECISIONS

WHAT ELSE DOES MANISTEE GET?

IN THEIR APPLICATION TO THE DEQ FOR AIR QUALITY PERMIT, THE TONDU CORPORATION STATES THEIR PROPOSED POWER PLANT WILL EMIT THE FOLLOWING HAZARDOUS AIR POLLUTANTS INCLUDING THOSE KNOWN OR EXPECTED TO BE CARCINOGENS.

“Antimony, Arsenic, Beryllium, Cadmium, Chromium, Cobalt, Lead, Manganese, Mercury, Nickel and Selenium. The specific Vaporous forms of Hazardous Air Pollutants included: biphenyl, naphthalene, acetaldehyde, acetophenone, acrolein, benzene, benzyl chloride, bis(2-ethylhexyl)phthalate, bromoform, carbon disulfide, 1-chloracetophenone, chlorobenzene, chloroform, cumene, cyanide, 2,4 dinitrotoluene, dimethyl sulfate, ethylbenzene, ethylchloride, ethylene dichloride, ethylene dibromide, formaldehyde, hexane, isophorone, methyl bromide, methyl chloride, methyl ethyl ketone, methyl hydraxine, methyl methacrylate, methyl tert trichloroethane, butyl ether, methylene chloride, phenol, propionaldehyde, tetrachlorethylene, toluene, 1, 1, 1-trichlorethane, styrene, xylenes and vinyl acetate.”

From application to DEQ dated September 10, 2003

FYI
CONTEXT
FOR
DECISION

January 16, 2004—Dan Behring

SOME INTERESTING POINTS FROM AN ARTICLE ENTITLED "SITING ISSUES FOR COAL AND NATURAL GAS POWERED GENERATING FACILITIES" FROM THE "PLANNING & ZONING NEWS FOR NOVEMBER 2002. THIS ARTICLE WAS WRITTEN BY ERIN KILPATRICK OF THE PLANNING FIRM OF WILLIAMS AND WORKS.

Michigan is well located to supply the growing demand for electric power in the Midwest, and ... due to the absence of MPSC authority to license new plants, it is likely to see more proposals for electric power generating facilities.

Unlike most states, Michigan does not require energy providers to be issued an energy supplier's license before they begin the environmental permitting process. The licensing process can take several months in other states, so this lack of state level red tape makes Michigan an attractive place to build electric power generating facilities.

Three major criteria an energy company will look for, 1) close proximity to a high pressure gas line or coal source, 2) close proximity to the power transmission grid, and 3) accessibility to water cooling.

Once the company has narrowed their scope to a site or two, they will usually begin an open discussion with local officials. At this level of discussion the power company often carries great influence, as local officials quickly understand that the development of a power facility could bring an additional...annual local tax revenue....Because of the large amount of tax revenue these facilities sometimes bring, local officials often view the locating of power plants like winning the lotto. Suddenly all the little pet projects elected officials have been dreaming of seem plausible. Community concerns may fall in the shadows of the dollar signs.

First, it is important to understand that land costs are a very small portion of the total costs for an energy facility. This is why energy companies have been known to pay for options on land and get all the way through the permitting process only to decide not to proceed. The power company's goal is to maximize their position within the electric grid and minimize their political and environmental battles.

Smooth facilities siting can often be achieved when the following ... considerations are met; such as:

Assembling land with as few landowners as possible...

Locating on a brownfield site whereby it may be seen as a benefit to the community to locate a large facility such as a power plant that has the money to invest in site remediation. Many power companies choose to do a Baseline Environmental Assessment (BEA) to determine the extent of any potential environmental and social impacts on the community. A BEA is a light version of an Environmental Impact Statement (EIS)...A BEA is a good tool for energy

companies because it quells many of the unfounded fears associated with power plants.

AND NOW THE OTHER SIDE OF THE STORY FROM THE ARTICLE

... some states have adopted a financial assurance component to their energy facilities review process... The state of Oregon provides some protection for local jurisdictions in the event a power facility is not successful. A summary of the Oregon regulation states:

The energy facility siting council recognizes the risk that a large construction project could stop in a partially completed state, leaving the community with an abandoned construction site and no funds for site restoration. This standard protects against that risk by requiring financial assurance to pay for site restoration. The applicant does not have to show adequate funding to complete the facility but needs only show adequate funding to restore the site in case of early determination of the project. The council can find compliance in a number of ways, including the financial strength of the applicant or ratings by major rate services such as Moody's. The council may find compliance based on surety mechanisms such as letters of credit, performance bonds or other financial instruments that the applicant might propose.

AND NOW THE OTHER SIDE.

Since the State of Michigan does not make such a requirement on electric energy providers, it might be appropriate for local governments to address the issue of financial assurance... While it is not the place of the community to determine the financial viability of the energy company, it is important to protect the locality from the negative impacts of half completed projects. *(This is usually done as part of the permitting process. (I wonder if this has been ignored because the state does not require it.)*

BACK TO THE OTHER SIDE AGAIN

... communities... should specially list both appropriate and inappropriate areas for power plants in the master plan. The zoning ordinance should then list the zones and compatible uses for energy facilities...

AIR POLLUTION REMAINS A SIGNIFICANT CONCERN WITH COAL-FIRED GENERATING FACILITIES, EVEN THOUGH CONTEMPORARY PLANTS THAT BURN LOW SULFUR COAL ARE FAR LESS A THREAT THAN OLDER PLANTS... NEVERTHELESS, SUCH FACILITIES SHOULD NOT BE SITED NEAR PLANNED OR EXISTING RESIDENTIAL AREAS. AND SPECIAL CARE SHOULD BE TAKEN TO AVOIDING AREAS THAT ALREADY HAVE A SIGNIFICANT AIR POLLUTION PROBLEM. *(The author is a planner in the firm employed by the city planning commission in regard to this project.)*

Compatibility issues also extend to physical character, size and scale as well. Many electric power generating plants have tall smokestacks and large building bulk.

From a big picture environmental perspective, the Sierra Club long ago issued a list of land use categories that should be excluded from consideration as sites for energy facilities. *(I have only listed several here that they cited in the article)*

- Wild, natural, scenic or pastoral portions of coasts or shores, including bays, estuaries, wetlands, lakes and rivers.
- Coastal or riverine areas serving as spawning grounds for commercial and sport fishing
- Lands that play a vital role in the hydrologic cycle such as aquifer recharge areas and wetlands
- Land characterized by adverse geological or geophysical characteristics such as earthquake zones or floodplains.

(This is an area in which our city officials must be well educated. The DEQ is going to weigh in on this one.)

Public participation in siting decisions should be assured at all stages of decision-making. It is very important for the planner to remain objective in the process.

For brownfield sites, soil samples must be taken to determine standards for remediation and capping. *(I wonder if this has been included in the requirement for the special use permit. It certainly seems to apply to the standard about the health, safety and welfare of the community and would seem to be necessary to be able to dimension what problems the city has.)*

In the end, a facility decision should be made that best balances all the competing public concerns.

The siting of energy generating facilities has the potential to cause huge groundswells of opposition... Power companies may abandon a project if there is a threat of a referendum.

Compiled from the original articles by Dan Behring

INFORMATION ON COAL TECHNOLOGY AND REDUCING MERCURY EMISSIONS

*FYI
CONTEXT
TO
DECISION*

ON THE ISSUE OF MERCURY, TRADING CREDITS AND BEST TECHNOLOGY AVAILABLE.

This statement has been taken very liberally from an article that appeared in the Summer 2002 of "Issues in Science and Technology Online." The article was written by Matt Little (mlittle@nemw.org)

There is discussion about mercury and western states coal. Mercury from subbituminous coal which is common in the western states is difficult to control because it exists mostly in the elemental form in flue gas. Today the most well-developed option for controlling mercury emissions is called "activated carbon injection," a technology that has been used in incinerators for years. It appears in this article that EPA estimates the use of this technology in power plants today would only cost fractions of a penny per kilowatt hour of electricity produced.

The article discusses the benefit of using the most advanced mercury removal processes against that of trading mercury credits among facilities. The trading program would allow a power plant to continue to emit high levels of mercury by buying credits from a plant that reduced mercury emissions beyond EPA's requirements. Environmentalists argue that the trading of mercury is not appropriate because mercury has a greater health and environmental effect than other pollutants. They have pointed out that the trading of mercury could provide geographic hot spots because mercury is a greater threat at the local level around the plant. In our own situation, the TES Filer plant could continue to pollute if it could trade credits with any new more efficient plant. As a matter of fact if this trading arrangement came into being, given the scenario now, the TES Filer plant could pollute more.

There is apparently a series of initiatives being sponsored by the Department of Energy (DOE) that is funding control projects on actual power plants. These initiatives are designed to develop control options that will reduce mercury emissions by 90 % by 2010. There are stronger controls available than the MACT standard. There are some entrepreneurs that believe they can exceed this goal. This has direct relevance to anything that would be considered in Manistee. There are better control standards available today.

Compiled from the original by Dan Behring
February 8, 2004

HEALTH COSTS FYI

Power Plants

Harvard experts analyze new Oak Creek coal plants

Marc Looze

Pollution from the new coal plants We Energies wants to build under its proposed Oak Creek power plant expansion would contribute to approximately 26 premature deaths annually and cause \$170 million to \$190 million in health-related damages every year, according to two Harvard University researchers and an environmental scientist, all three who are recognized as some of the country's foremost experts on the health impacts of air pollution.

In testimony filed with the Public Service Commission on behalf of SC Johnson and Clean Wisconsin, Dr. John D. Spengler and Dr. Jonathan Levy from the Harvard School of Public Health and Dr. David L. MacIntosh, from Environmental Health & Engineering in Newton, Massachusetts, also said pollutants from the three

We Energies coal plants would trigger thousands of asthma attacks and send hundreds to the hospital each year.

In addition, they said, mercury pollution from the new plants could double mercury deposits within six square miles around the plant, including into Lake Michigan. The scientists reviewed information and statistics from We Energies, the U.S. Environmental Protection Agency, numerous medical analyses and other sources to reach their conclusions. In addition to the mortality and cost impacts, the researchers found that pollution from the new coal plants would annually contribute to:

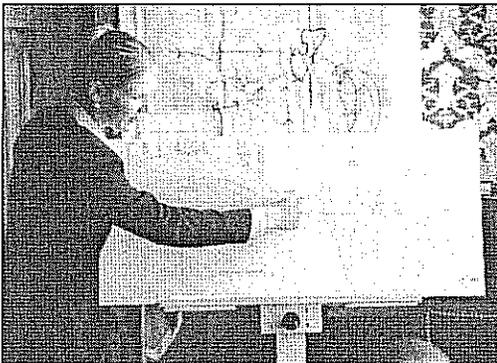
- 1,800 asthma attacks
- 340 emergency room visits
- 25 hospital admissions for cardiovascular and respiratory concerns
- 24,000 minor restricted activity days.

These estimates are actually conservative, the researchers said, because they did not evaluate mortality impacts on children and adults younger than 30, including such sensitive groups as asthmatic children.

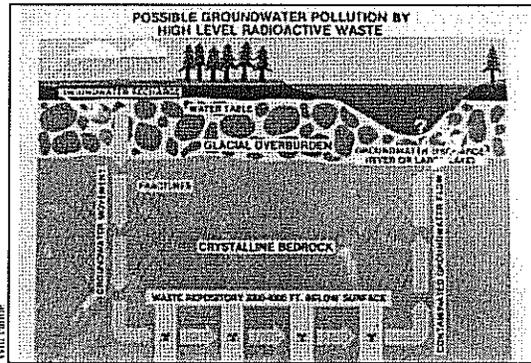
According to figures on file with the U.S. Department of Energy's Energy Information Administration, We Energies' proposed expansion would turn its Oak Creek plant into the largest coal plant located within 15 miles of a major U.S. metropolitan area. The state's Final Environmental Impact on We Energies' proposal concluded it would hurt air quality and cost consumers more.

For more information on We Energies coal plant expansion and what you can do to help, please contact Marc Looze at mlooze@cleanwisconsin.org or visit the RESET website www.resetwisconsin.org.

COVER STORY CONTINUED



Tammy Rauert explains a diagram that demonstrates how radioactive nuclear waste could contaminate Wisconsin's drinking water and lakes and rivers.



Nuclear waste can potentially enter groundwater and surface water through pores in granite rock.



Wauwatosa in the early 1980s. Thousands of citizens attended a public meeting to speak out against siting a nuclear waste dump in Wisconsin. The auditorium was filled to capacity, and many more people waited outside the hall in blizzard conditions.

Nuclear Waste and Wisconsin details the threats Wisconsin could face from a nuclear repository. In particular, the report examines the importance of the Wolf River Batholith, which includes land in Langlade, Shawano, Waupaca, Menomonee, Portage, Marathon, and Oconto Counties as a ground water source under certain circumstances and, the report shows, has potential for radioactive leaks into underground water supplies also known as ground water. The ground water in the batholith discharges into the Wolf River, a pristine, popular river already threatened by sulfide mining. From

the Wolf River, contaminated water could continue into the Fox River, and ultimately contaminate Green Bay and Lake Michigan.

"During the 5 months I investigated the possibility of a high-level nuclear waste repository in Wisconsin, I became increasingly concerned about our state's ground water," says Tammy Rauert, author of the report and geology student at the University of Wisconsin-Madison. "Ground water would be the number one path that would bring hazardous radioactive chemicals into our environment. Since ground water flows near the surface here in Wisconsin, the waste repository would lie within the saturated zone of our ground water, putting our water and health at risk."

Experts are concerned that there may already be too much waste to fill Yucca Mountain and that another site will have to be selected. Federal law limits the capacity of the proposed Yucca Mountain repository to 70,000 metric tons of nuclear waste. According to Physicians for Social Responsibility, 46,000 tons are currently being stored in short-term storage at commercial nuclear facilities. However, by 2036, when Yucca is projected to be operational, an additional 68,000 tons of waste is projected to be produced, leaving an overflow of 46,000 tons of radioactive waste.

Also, these numbers do not account for any waste

generated from new or re-commissioned power plants. The Bush Administration's 2003 Energy Policy Act currently being debated in Congress supports the building of new nuclear power plants. "Nuclear energy creates nuclear waste, and that's not good for Wisconsin," said Lisa Gue, senior energy analyst with Washington-based Public Citizen. "With no known way to safely dispose of deadly radioactive waste, the government's plan to build new reactors is sheer folly."

Clean Wisconsin opposes nuclear power because of the unavoidable risks to public health, the environment, and Wisconsin's tourism industry. Wisconsin may be asked to host the second permanent nuclear waste facility in the country, the only such repository east of the Mississippi, even though studies have shown that storing nuclear waste in the Batholith could expose our ground water and Great Lakes to contamination.

Clearly, Wisconsin needs the strong voices of its residents to oppose becoming a nuclear waste dump. Nuclear power is not clean or safe and nuclear waste continues to threaten Wisconsin's way of life. We are asking members to contact presidential candidates and ask them to pledge to not advocate for nuclear power but instead promote clean and safe energy like solar, wind, biomass and geothermal.

3695 Lakeshore Drive
Manistee, MI 49660

*FYI
CONTEXT
FOR DECISION*

Mr. Thomas V. Skinner, Regional Administrator
United States Environmental Protection Agency
Region 5
77 West Jackson Boulevard (R-19J)
Chicago, Illinois 60604-3507

Dear Mr. Skinner:

It has been brought to my attention that there some considerations being discussed about the quality of air in Manistee County. I understand that the EPA makes decisions about the 8-hour ozone air quality standard, which it intends to establish by April 2004, by county. I have also been told by city and county officials that our area will be designated an "attainment/unclassifiable" county. I also understand this to be the result of the fact that our air in this area is not monitored.

Mason and Benzie counties to our south and north respectively have been apparently told that they will be designated a non-attainment county. Manistee is right in the middle of those counties. We like them and Muskegon-North Shores are along Lake Michigan in the area that is the receptor of transport pollutants from Chicago-Milwaukee which causes the ozone.

Additionally Manistee county is more populated than Mason or Benzie, has more through traffic because it is a vacation destination spot and because we have significant industry base that currently is burning wood, coal and tires. The industries here regularly file a TRI.

If Mason and Benzie are regarded as non-attainment areas, the same designation must be made for Manistee. We are in the same weather and wind patterns and, in addition our industry and vehicular traffic is significantly higher than both of those counties. We actually would be a receptor for anything that comes from Mason and Muskegon as well.

I ask that any strategies that would be implemented to bring Mason and Benzie Counties into compliance with regard to ozone standards should also be applied to the county of Manistee. There is ample evidence that this area, although not monitored is in as much jeopardy, if not more than the counties to our south and north.

Thank you for your consideration.

Sincerley,

Daniel W. Behring, resident of Manistee County

Michigan House of Representatives

FOR IMMEDIATE RELEASE
Wednesday, February 4, 2004
Contact
Dan Farough
Phone: (517) 373-2093

FYI
CONTEXT
FOR
DECISION

DEM LEGISLATORS UNVEIL MICHIGAN MERCURY INITIATIVE
Regional press conferences address multi-state mercury pollution

LANSING * As part of a bipartisan, multi-state press conference, House Democrats today unveiled the Michigan Mercury Legislation Initiative to protect Michigan families from the dangers associated with mercury. The initiative, a multi-bill legislative package, is part of a concerted effort to find regional solutions to a regional toxic mercury problem. State Representatives Alexander Lipsey (D-Kalamazoo), Jack Minore (D-Flint), Julie Dennis (D-Muskegon), Paul Gielegem (D-Clinton Twp.), Kathleen Law (D-Gibraltar), Chris Kolb (D-Ann Arbor), and State Senator Liz Brater (D-Ann Arbor) were joined by colleagues in neighboring states who held press conferences today addressing the Great Lakes' most pervasive pollutant, mercury.

"Michigan families need protection from this toxin that contaminates our freshwater fish and can harm the health of consumers," Minore said. "By acting together, we can send a collective message to Washington that state policymakers are seeking to eliminate the threat of mercury pollution."

Mercury is a potent neurotoxin that attacks the body's central nervous system, damaging or destroying tissues including those in the brain. These neurotoxic effects are particularly harmful to children, delaying early development, and can include behavior changes, seizures, as well as wide range of effects, including death. The Centers for Disease Control indicate that 1 in 12 women of childbearing age have unsafe mercury levels, resulting in more than 400,000 babies born at risk in the U.S. each year.

- More -

- 2 -

"Developing similar legislative ideas and working together to address the devastating effects of mercury pollution allows us to tackle the problem as a whole and not just hope that the federal government or each state eventually does the right thing," Lipsey said. "It is crucial that we work together on this initiative to eliminate this threat in Michigan,"

Currently Michigan law bans the sale of mercury thermometers and has instituted a plan to phase out the use of mercury in schools. Additionally, the state requires specific waste management practices for businesses using and disposing of products containing mercury. The Mercury Legislation Initiative further protects Michigan consumers by working with businesses and industries to phase out and seek

alternatives to the nonessential use of mercury in manufacturing various products including toys, games, cosmetics, and apparel. Under the legislation, Michigan would also work with businesses and households to ensure the proper disposal of mercury.

Some components of the initiative would include labeling all products that contain mercury, informing consumers on the proper disposal of such products, and requiring the removal of mercury parts and switches before the disposal or destruction of products and buildings. Recently, Michigan automakers have voluntarily begun to phase out the non-essential use of mercury in many of their components, and Representatives Lipsey, Minore, Dennis, Law, Kolb and Gielegem said they plan to continue working with automakers to find additional ways to end the nonessential use of mercury in manufacturing.

"Many Michigan residents are unaware of the health risks associated with mercury," Dennis said. "This initiative will not only lessen those risks, but also inform consumers of the critical role they play in protecting their own families from the harmful effects of mercury."

###

Dan Farough
Press Secretary
House Democratic Communications
517-373-2093
dfarough@house.mi.gov

FYI
CONTEXT
FOR
DECISION

NOTE:

POSSIBLE ENVIRONMENTAL JUSTICE ISSUE SURROUNDING NORTHERN LIGHTS ELECTRIC GENERATING PLANT. THE LAW IS PRETTY CLEAR; A WEALTHY REGION CANNOT SITE LANDFILLS, WASTE BURNING FACILITIES AND POWER GENERATING PLANTS IN LOWER ECONOMIC REGIONS TO AVOID CITING THEM IN THE WEALTHIER COMMUNITIES' ENVIRONMENT.

MEDIAN INCOME BY COUNTY

OTTAWA (HOLLAND AND GRAND HAVEN)	\$52,347
GRAND TRAVERSE (TRAVERSE CITY)	\$43,169
HILLSDALE (HILLSDALE)	\$40,396
CHARLEVOIX (CHARLEVOIX)	\$39,788
MANISTEE (MANISTEE)	\$34,208

INDIVIDUALS IN POVERTY

MANISTEE	10.3%
CHARLEVOIX	8.0%
HILLSDALE	5.2%
OTTAWA	5.0%
GRAND TRAVERSE	3.8%

TAKEN FROM 2000 CENSUS AS CITED IN SECRETARY OF STATE DEMOGRAPHIC FILES,
STATE OF MICHIGAN
Environmental Justice
January 29, 2004

REFLECTIONS AND COMMENTS UPON READING THE PROJECT ENVIRONMENTAL ASSESSMENT FOR THE NORTHERN LIGHTS PROJECT SUBMITTED BY MR. JOE TONDU TO THE CITY OF MANISTEE PLANNING COMMISSION DATED DECEMBER 17, 2003.

PUT
CONTEXT
FOR
DECISION

My first reaction in cursory review of the document was that there were no details and that this was not in any way a close proximity to a full environmental assessment that is usually required for a project of this size. Moreover, it is blatantly evident in reading the document that this is not an objective assessment, but is rather an additional promotional piece for the approval of the plant. This is particularly demonstrated in what is almost written as a threat when it is stated in response to item 19, "What is less known about the site is when and how it would be cleaned up if the Northern Lights Project does not move forward. **This comment has no place in any type of environmental assessment about the impact that the proposed project would have. This is a thinly veiled and almost patronizing attempt to threaten the citizens of Manistee as represented by the members of the planning commission.**

I would now like to comment on several items.

Item 3.

The item requests what the applicant will do to mitigate or contain contamination and asks what contaminants are on the site. Their response is general to the chemical contaminants. An environmental assessment would detail amounts, location and steps to remove and the impact such removal would have on the site. The response Tondou offered in response to this question is to provide an assessment done by Akzo in 1995 and a Baseline Environmental Assessment from 2000. **What is a strikingly blatant disregard for the planning commission's request for an environmental assessment was to have the applicant (Tondou Corporation) state in response to this item, "Should Manistee Saltworks Development Corporation purchase the property, we will conduct our own BEA and work plan as approved by MDEQ."** The planning commission requested an assessment as part of the process of completion of the application, not later.

Item 4

Item 4 asks if contamination is disturbed, what will be done to contain or dispose of the generated waste. Again, a reasonable response would be to identify the chemicals and other contaminants that would be of concern and detail by contaminant the process that would be used for containment and/or disposal. The Tondou Corporation response is to say "If and when we disturb existing contamination, it will be properly characterized and disposed in accordance with all applicable Federal, State and Local regulations. There is no way to evaluate by this statement the risk involved in any plans and once again, applying the standard of protecting the health, welfare and safety of the citizens, this response falls short.

Item 10

This item asks for a description of each emission material and the impact it will have on air quality. It asks for a brief description of each contaminant and the effects of each contaminant to nature and human life.

The applicant's response is to list the emission contaminants and refer to the Air Permit Application if the planning committee wants more information. This is not an environmental impact assessment. A reasonable impact assessment would look at data that already exists for this area, add the emissions that will probably be released from the proposed plant, and then assess the impact that the proposed plant would have on the environment and the health, welfare and safety of the citizens in the area. **How without this data can the response be "We believe that these emissions will result in no significant deterioration of the air quality in Manistee County as defined by state and federal regulations. As such there would be no harmful effects from each pollutant on human health or welfare."** This response to the planning commission's request appears to be what a reasonable person might call refusal to comply with a request and most charitably obfuscation by the Corporation.

Item 11

This item deals with what to do with storm water, process water or other water. There are two troubling responses to this item. The first is that because "... calculation of this discharge temperature is very complex and will be affected by several final water balance design decisions and the incorporation of any State limitations on the allowable differential between the discharge temperature and the lake temperature." Again, at this point a reasonable person would expect that there is a design in place and their exist current State guidelines. One could then calculate the impact regarding discharge at this point thereby providing a reasonable target for the plant. That was not done. A more startling statement is that the **waste water from these sources will "...either be sent to the City of Manistee or treated to the required level for a permitted discharge into Lake Manistee."** **Is this a concern regarding costs and capacity at the waste water treatment plant? Is this relevant to the current controversy surrounding the expansion of the waste water treatment plant?**

Item 19

This asks for any additional items that might relay the potential environmental impact of the proposed project.

The intention of this item is to allow the applicant to disclose any other possible problems that the project might pose that have not been addressed in the other 18 questions. Instead of addressing the question, the applicant offers a list of what won't be done if their project is not approved. I find this again very arrogant and disrespectful of the planning commission's wishes. The statement borders on intimidation by suggesting that nothing will be cleaned up on the site if the Northern Lights Project does not go forward. This has no place in an objective assessment of environmental impact.

Further into the response to this item, the applicant talks about emissions that will be reduced from current operations because of the construction of the Northern Lights Project. The applicant does admit that "...the emission reductions are minimal compared to (*emissions of*) the Northern Lights Plant..." They then go on to discuss an Ambar risk management plan for the storage of chlorine not at all relevant to the project. No where has the applicant reviewed the potential risk for the storage of the large amounts of ammonia needed for keeping the cooling towers clean, nor for the large amounts of oil that will be stored on site for the lubrication of the turbines.

Another statement that is extremely self-serving and again irrelevant to the question, is to end the report stating, "Without this development, this blighted site is and will continue to be an unused and undeveloped toxic property that will put the residents of Manistee at risk."

This is patronizing in the most fundamental way. The Planning Commission wanted data to help them make up their own minds and come to their own judgements about the environmental risk of the proposed project. There are numerous examples throughout the submitted report in which the applicant is positioning itself to manage the conclusion and emotion of the planning commission. This has no place in an environmental assessment.

The Tondu Corporation plan is not the only way that the very capable citizens of Manistee can take control of their own living conditions and future development.

A review of the responses to this request by the Planning Commission of Manistee, which comes on the heels of the opinion and comments about the Tondu corporation voiced by Judge Southern in the Tax Tribunal recently settled, would certainly raise a lot of red flags about even considering putting the health, safety and welfare of our citizens at risk with this project.

Once again I ask that a formal independent environmental impact statement be commissioned by the planning commission and paid for by the applicant.

Daniel W. Behring
3695 Lakeshore Drive
Manistee, MI 49660

February 21, 2004

City of Manistee, Planning Commission
P.O. Box 358
Manistee, Michigan
49660

Dear City of Manistee, Planning Commission,

I am a fairly frequent visitor to your fair city and I have some concerns. My attendance at the hearing for the Tondur Corporation's application for a special use permit raises my concern even more. Needless to say, I oppose a coal burning facility to be located upwind of me. My other concern is just how fair will you be in coming to the decision that you folks will have to make. If appearances mean anything, the set up and structure of the hearing on the 19th appeared to greatly favor the Tondur Corp. They were given more than ample time to present their proposal and were also given the opportunity to place signage in front of the crowd. Along with this the crowd was warned to keep their signs down and were told that the police were in attendance. Some would take that as a threat.

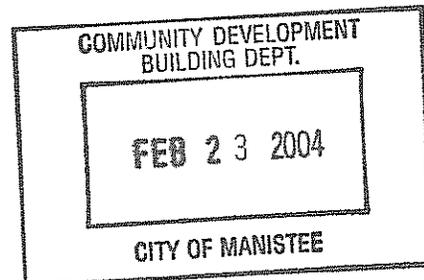
This is definitely a controversial issue. Having a coal burning facility on your lakeshore sure doesn't seem to be consistent with the long term goals of your city. That is unless you truly want to return to the Victorian times when industry polluted indiscriminately and widely. They did have the excuse of ignorance at that time. Those times are past, you must consider the future concerning this question.

Sincerely,



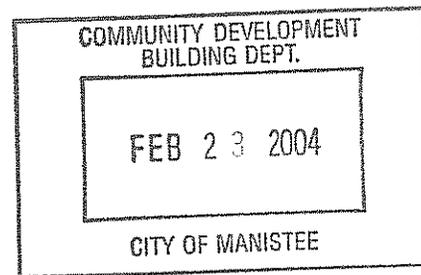
Dennis Douglas
10607 W. Cadillac Rd.
Cadillac, MI 49601

dd



January 16, 2004

City of Manistee Planning Commission
Roger Yoder, Chairman
70 Maple St.
Manistee, MI 49660



Dear Mr. Yoder:

I have been somewhat amused and disgusted with the furor created by the self-centered pseudo-environmentalists using innuendos and spreading false information about the Northern Lights project. This is clearly an attempt to halt the progress and growth of the area and completely ignores the facts concerning the proposed electrical generating plant.

This plant will provide jobs – and good jobs - for local individuals whom have seen a gradual reduction of good employment opportunities in the past several years. In addition to the 300 to 400 construction jobs, this project will give the local economy a much needed shot in the arm for several years, along with a long term increase in the tax base for the city and county. Energy is needed in the state of Michigan, it's up to our leaders to decide whether the Northern Lights project will be built here – where these benefits will be realized by our local citizens and the community - or if it will end up being built somewhere else leaving Manistee in the dark yet again.

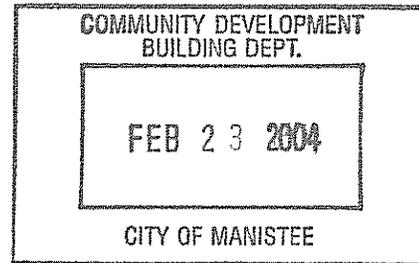
The environmental laws in place today will insure that the air and water quality of the area will be preserved. These misguided, self-appointed "scientwists" would be far better using their efforts to insure that this plant be built to the latest and best technology. This will further insure a clean and well run facility, while producing power to promote business and industrial growth here in the great state of Michigan.

Thank you,

A handwritten signature in cursive script that reads "R. A. Comstock".

R. A. Comstock
273 6th Avenue #209
Manistee, MI 49660
398-2046
920-0367

February 20, 2004



David L. Barber
Managing Editor
Manistee News Advocate
75 Maple Street
Manistee, MI 49660

Dear Editor:

Last night we attended the Manistee City Planning Commission Public Hearing on the proposed coal-fired power plant to be constructed by the Tondu Corporation of Houston, Texas. We were frustrated, angry and disappointed that the planning commission allotted almost an hour of time during a **“public hearing”** to Joe Tondu so he could present a slick power-point presentation on his Northern Lights Project.

As we understood the rules governing the planning commission’s **“public hearing”** each individual is allowed 5 minutes to give an opinion pro or con on the proposed project. Why was Joe Tondu not held to the same 5 minute rule? The Tondu Corporation has had many months and open access to the planning commission to present their message. A public hearing was not the place for a sales pitch.

We hope all who attended the **“public hearing”** and sat through Joe Tondu’s superficial, glossy one hour power-point presentation will remember that Mr. Tondu has a deep self-interest in this project.

Sincerely,



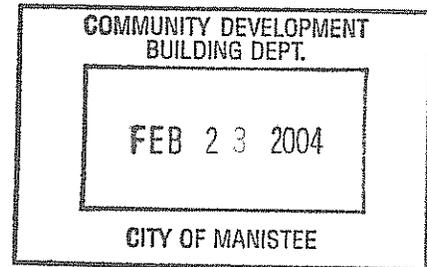
Richard and Linda Albee
365 Lighthouse Way South
Manistee, MI 49660

Cc: Manistee City Planning Commission
Fred LaPoint, President, Citizen’s For Responsibility Development (cfrd)

Please note: **“public hearing”** is printed in bold!

21125 Valencourt Road
Copemish, MI 49625
February 20, 2004

Manistee City Planning Commission
70 Maple Street
Manistee, MI 49660



Dear Planning Commission,

We are active members of the Bear Creek Watershed Council as well as residents of Cleon Township, the headwaters of Bear Creek. The Bear is part of the Manistee River watershed, one of the largest in Michigan. It supports a cold-water fishery with some of its 109 named tributaries, including Bear Creek, classified as "Blue Ribbon" trout streams. A number of volunteer groups have formed throughout the watershed to improve and protect water quality and wildlife habitat. The efforts of these citizens and the organizations they represent will be placed at risk if the proposed Northern Lights coal-fueled power plant is constructed on Manistee Lake, the mouth of the Manistee River.

There are at least 3 issues just in the Manistee Lake area that will compromise the health of the fishery. As freighter traffic increases to 13 a month and dredging occurs to accommodate the size and docking needs of these large vessels, heavy metals covered by sediment at the bottom of the lake will be disturbed, causing damage to the fish in these waters.

Water temperature is critically important to the health of salmon, steelhead, and sturgeon, one of 3 threatened fish species in Michigan. Thermal pollution created when lake water used to cool the plant's boilers is discharged back into the lake at much warmer temperatures will seriously impair the lake's ability to function as a cold-water fish habitat.

The introduction of more mercury into Manistee Lake, already on the list of inland lakes to have fish consumption advisories, will worsen the problem. Mercury emissions from coal-fueled power plants are not regulated by the EPA. The federal government has proposed that mercury be reclassified into the more benign acid rain and smog category and that utilities be allowed to trade emissions credits. Such proposals and lack of regulations are not designed to protect the health and welfare of fish or any other member of the food web.

Page 2

The Tondu Corporation's promise of large economic benefits to our area will not make up for the loss of 22.5 million dollars a year generated by the sport fishing industry, nor the additional money not spent by other recreational users. Add to this loss, the rise in health care costs as more pollution enters our air and water and the increased costs associated with more pressure on our infrastructure.

Even Mr. Tondu concedes that pollution will occur with the construction and operation of this facility. At issue is whether we are willing to accept the risks to our economy and health that will accompany that pollution. Speaking as members of the Bear Creek Watershed Council and residents of Manistee County, we believe the answer should be no.

Sincerely,

George Kaminski

Anne Kaminski

George and Anne Kaminski

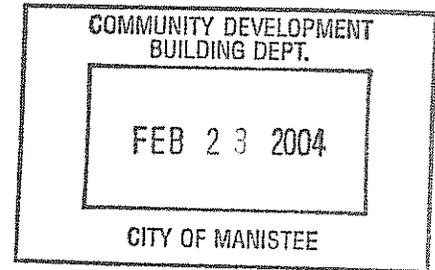
cc: Manistee City Council
Manistee County Board of Commissioners

MORTON SALT

A Rohm and Haas Company

February 19, 2004

Manistee County Planning Commission
Manistee County Courthouse
415 Third Street
Manistee, MI 49660



Dear Planning Commission:

Morton Salt, a Rohm and Haas Company, appreciates this opportunity to make public comment regarding the proposed power plant by the Manistee Salt Works Development Corporation. Morton Salt employs 180 people in Manistee. The Manistee facility has been in operation since 1922.

Morton Salt strongly urges the Planning Commission to grant the Special Use permit for the construction of the proposed power plant at the current General Chemical site. This support is based on the following facts:

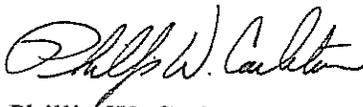
1. The proposed plant will strongly contribute to the local economy. While there has been some debate over the tax status of the plant, it is certain that an equitable arrangement on either taxes or a use fee can be worked out between the City and the proposed plant. Beyond taxes however, the plant will provide between 50 – 60 new jobs according to the local press. Industrial workers around Manistee Lake currently earn roughly \$20/hour with a full list of benefits as compared to tourism jobs which pay roughly \$8/hour with little to no benefits.
2. The plant will be operated in an environmentally responsible manner by using Best Available Control Technology (BACT) for pollution control in general, and employing even more strict Maximum Available Control Technology (MACT) standards for mercury emissions in specific. These standards have been appropriately set by qualified personnel of the United States Environmental Protection Agency (USEPA) as well as the Michigan Department of Environmental Quality (MDEQ) for the protection of the environment and the health of the surrounding communities. The proposed plant must abide by these standards and will be held accountable under law by their Clean Air Act Amendment, Title V Renewable Operating Permit.



3. The new plant will spend several million dollars in general site clean up and improvements. This will not occur if the site remains vacant.
4. The site is currently zoned for industrial use; the use of the property for a power plant is consistent with this zoning designation.

The City of Manistee has been very successful in recent years in pursuing a diverse economy – an economy that can grow in both industry and tourism. In fact, Manistee already has a growing tourism economy in the presence of a strong industrial base. Approving the Special Use Permit will add to the local economy and will greatly improve an existing and essentially abandoned industrial site.

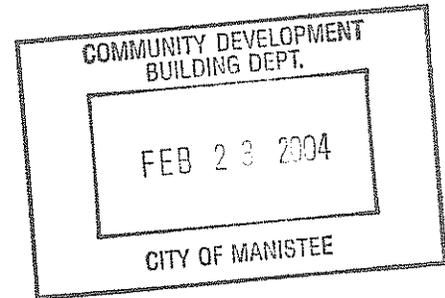
Sincerely,



Phillip W. Carleton
Facility Manager
Morton Salt
a Rohm and Haas Company

Denise Blakeslee

From: Jon Rose
Sent: Monday, February 23, 2004 10:27 AM
To: Denise Blakeslee
Subject: FW: A note from TCL&P



-----Original Message-----

*From: Daniel W. Behring [mailto:portager@voyager.net]
Sent: Sunday, February 22, 2004 2:53 PM
To: Jon Rose
Subject: A note from TCL&P

Jon:

If the planning commission has not seen this, I would appreciate it if they did. It is a memorandum to the board of TCL&P from another board member. Note that in addition to suggesting they get out of the arrangement, she recognizes that they removed the bay shore plant because of pollutants and rightfully asks why they would want to support a plant that pollutes in another city in the region. Thanks Dan Behring

Ken:

Below is a statement from a board member of the Traverse City Light and Power. I have permission to share it with you. It appears that the coalition of power agencies is beginning to crack. Holland has cold feet also about paying another installation of a development fee to Joe Tondou of \$450,000. The coalition of public power agencies has already paid him close to \$1,000,000. In order to go forward, he has asked the coalition for a \$11,000,000 development fee. If this begins to unravel, it will become very public how in the financial structuring of this project, public power agencies were being used to provide an electrical output benefit for a private corporation to the amount of 200 megawatts for a period of 30 years. Here is the memorandum to the Board of the TCL&P.

To: Rich Smith and TCL&P Board Members

From: Anne Melichar

Date: February 17, 2004

Subject: Northern Lights

When the TCL&P board voted to explore the possibilities and obtain additional information regarding the Tondou-managed project, I believed it was in the best interest of Light and Power to do so and I supported the motion. I feel that Director Rich Smith possesses ability and expertise far surpassing the hands-on experience of other MPPA members and leadership.

I further believe that neither Rich Smith nor the board would intentionally promote a project perceived to be a clone of the Bayside Power Plant. I now think that is in the best interest of L&P to withdraw from the Northern Lights project and seek alternative solutions.

Facts and Community Input:

Members of local area environmental organizations oppose the Northern Lights project in Manistee. Sweetwater Alliance, Northern Michigan Environmental Action Council (NMEAC), Citizens for Responsible Development, the Sierra Club, Little River Band of Ottawa Indians, Pleasanton Township and the Manistee Conservation District have all passed resolutions or approved position papers in opposition to the Northern Lights project. These are included in the board packet. I have read these resolutions, and find their

concerns to be of merit.

Members of local environmental groups have contacted me regarding their concerns for the Northern Lights project. I have encouraged concerned callers to contact Rich Smith at TCL&P for additional information. In my conversations, I have assured them that I believe Mr. Smith has the expertise and environmental concern required to balance the need for electric power with protecting our precious environment.

Since MPPA is the lead organization in the proposed Northern Lights project, TCL&P is only one part of the ongoing equation, we can choose to participate further or not.

My personal statement of concern and opinion regarding the Northern Lights project is attached.

Personal Concerns and Opinions Regarding the Northern Lights Project

TCL&P entered into the exploration phase of the Tondu project prompted by the need to establish base electric power for our customers. TCL&P remains in need of base power. With an eye to the future, TCL&P should actively explore how to replace the green power that may be lost if the dams are removed. I believe that TCL&P can find better overall solutions to our power needs than the Tondu project. TCL&P should be a leader and a decision-maker in providing future electric power. In the current Northern Lights project, L&P appears to not have these abilities.

The location, type of fuel, technology, and environmental impact are major impediments to the fruition of Northern Lights. I view these as insurmountable obstacles under the current MPPA arrangement.

The planning process of any project must be both thorough and transparent from inception, particularly when the environment is at risk. To date, the entire process has lacked transparency from the public viewpoint. Members and leaders of environmental organizations and the public should be invited to contribute their expertise and participate in the process whenever possible.

Dismantling of the Bayside Power Plant and elimination of the pollution that it produced is an early reality because of overwhelming public support. Why should we support a project that will repeat the Bayside Plant situation in another town?

An independent environmental impact study is a good idea before any further L&P commitments are made regarding Northern Lights or any other project.

L&P goals should include producing electricity within the safeguards of a healthy planet - surface and groundwater, air quality, healthy forests, human health and the welfare of all living things. The quality of our environment is the basis of our quality of life and stability of neighborhoods, along with the growth of business and tourism.

L&P must serve the citizens of our area and must also serve as stewards of the environment. Protection of our environmental resources must be a primary element in planning to assure that our city (and region) will be provided sufficient, affordable electricity and not damage our most valuable and irreplaceable asset. The MPPA, as lead agency, appears to lack necessary concerns for adequately protecting the environment.

The need for a stable and clean source of electricity is obvious. In this endeavor, we must work together diligently to provide electricity and to maintain/improve our quality of life.

All of the above challenges offer TCL&P the opportunity to work with the community and enter into creative thinking in searching for solutions to reach our joint goal.

Thank you for your consideration and attention.

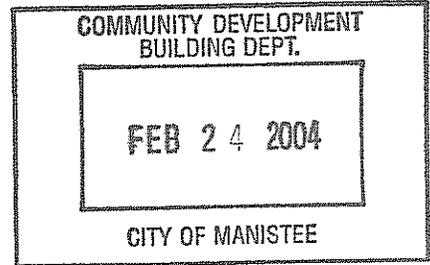
Anne L. Melichar

RONALD & SHARON MUSZYNSKI

**115 Sibben Street
Manistee, MI 49660-1739**

Phone (231) 723-6715

Fax (231) 723-0649



February 23, 2004

Mr. Jon Rose
City Hall
550 Maple Street
Manistee, MI 49660

Dear Mr. Rose,

Please consider this letter our opposition to the Northern Lights coal burning plant.

We are long time residents of Manistee, (Ron is a life long resident and Sharon for 33 years), and business owners, (24 years), and we love this city because of its uniqueness, beauty and people. We chose to stay here and raise our family of three children. We are against Northern Lights for many reasons. We will ponder just a few in this letter.

Large trucks with mercury dust, even though covered, will be leaving a dirty trail on our streets and enter our homes through open windows during the warmer months of the year. These trucks will possibly be coming right past our house. Our youngest daughter has had asthma since she was three years old. She is almost 16 now and she didn't out grow it. This situation will not be good for her health. We always wondered where her asthmatic condition came from. Could it be the air we already breathe here in Manistee? Why would we make it worse and make our children suffer.

The heavy metals that will be released into the air including lead, mercury, nickel, arsenic and a number of other hazardous contaminants are bad enough, but add this to the heavy metal we have in our city drinking water and we will be taking this junk in by lungs and mouth. (We recently had our water tested and the result was 550 ppm for heavy metals, but that is another story). Use the money proposed to give tax incentives to Northern Lights and put in new water lines and water treatment facilities.

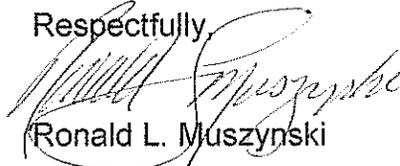
The bridge opening issue is a no-brainer. Only the tourists get a kick out of watching the bridges opening and closing. Manistee residents on the other hand have to put up with it on a regular basis. Even the alternate route used to avoid the bridge openings is a laugh. This causes people to drive like maniacs to get the closed bridge so they can be on their way. Most of the time the bridge tenders have both bridges open at the same time anyway. It is also jeopardizing our fine rescue, ambulance and fire fighting service in Manistee. Is the potential loss of life and property worth it? Even one life lost is too much to pay for 50-60 jobs.

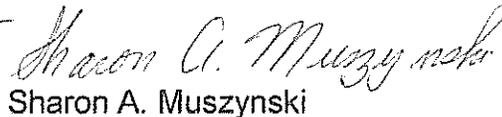
As for jobs, the union workers are upset because they won't have jobs to build the plant. Baloney! They will finish their high paying job here, go home with their pockets full and leave us with the pollution. We don't believe that 50-60 jobs will bring economic stability to Manistee. They shouldn't even have a say in any of this.

These are just a few of the negative concerns we have about the Northern Lights plant. If this project is allowed we can kiss our lovely city good-bye. Manistee isn't perfect. There is room for improvement, but not improvement of this nature. We have beautiful beaches, lakes and rivers for fishing and water sports, a unique downtown district, a great school system parochial and public, forest aplenty for all year enjoyment and most of all wonderful, caring people who only want quality of life for themselves and future generations.

Thank you for reading this letter. Please ad it to the stack of letters against the Northern Lights coal burning plant.

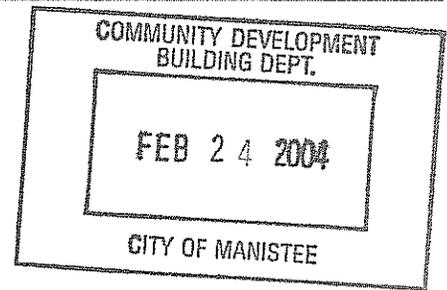
Respectfully,


Ronald L. Muszynski


Sharon A. Muszynski

Christine

From: Christine <saint@jackpine.com>
To: dlbarber@pioneergroup.net
Subject: Tondu Support
Date: Monday, February 23, 2004 2:56 PM



Letter to the Editor,

The State of Michigan was founded and developed on Natural Resources like lumber, limestone, salt and coal.

Manistee is not unlike any other city in Michigan. Industry tapped into these natural resources throughout the state and ran through blindly without regulations. No one really knew better at the time. The repercussions from tapping into what we needed to live and build, not only damaged our environment but also drove up the costs to harvest these materials. That, in turn, started a downward spiral in Industry. There is not one person in the state that did not participate. Just by working or being supported by someone who worked with these industries make us all responsible, myself included.

Questions were raised and testing was done. State and Federal Organizations put into place rules and regulations, and rightly so. Something needed to be done to keep us safe and also to keep us working.

But technology was moving faster than Industries. Manufacturers were not able to keep up with the costs of compliance and many downsized, moved on to other areas, states, countries or shut down completely. This led to higher costs and less employment in our area, and others, for many years.

We are in a new era of technology and 'now knowing better' has helped Industry move in the right direction. It has taken a long time, but the designs, plans and budgets are according to regulations and rules that are enforced. This type of industry needs to come back to our area. They can now afford to comply.

Other power sources such as Nuclear Energy is much more expensive.

Complications

with maintaining this kind of Plant with radioactive disposals, among other problems, outweigh the electrical benefits.

Renewable alternatives (such as wind and solar) although cheaper are, as of yet, not reliable enough to provide the 57% of electricity that coal is producing in the U.S. for us right now.

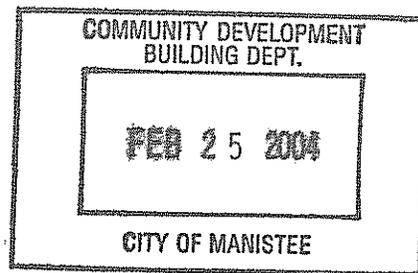
The means of electricity production will continue. They all have pros and cons. These are the choices we have. Until there is an absolute replacement for coal, natural gas, oil and nuclear energy that is environmentally safe and affordable, this is the most cost effective and safest technology that can be provided. This is also an opportunity for us to reverse the economic downward trend we have seen in Manistee the last 2 + decades.

Christine Polenciewicz 716 Pine St.
Manistee
723-0314

MEMO

TO: **Manistee City Council**
Neil Assante
Kathy Fenstermacher
Bob Hornkohl
Robert Goodspeed
William Shales, Mayor Pro-Tem
Richard Mack, Mayor
Alan W. Marshall

FROM: Ross Vartian, Property Owner, Harbor Village
RE: Proposed Coal Fired Power Plant
DATE: 2/20/04



Please excuse the impersonal group communication to you as members of the Manistee City Council.

I am writing to express my concern with the proposed coal fired power plant. Enclosed please find an article in March 2004 issue of *Traverse Magazine* entitled "Power Play".

I am interested in your replies to the following questions:

- 1- What aspects of the article are inaccurate?
- 2- If there are no inaccuracies, what is the value of a power plant that clearly emits many things hazardous, will not provide power to the citizens of Manistee, will not generate taxes, and if constructed, would make Manistee the 2nd highest emitter of mercury in the state?
- 3- Do you have a position on this project?
- 4- In all of the promotional literature I read about harbor Village and the Victorian Port City as I contemplated purchasing a pre-retirement home some five years ago, nowhere was Manistee touted as a prime industrial site. Instead Manistee was enticingly promoted as a pristine resort/tourist/retirement community. How does this proposed plant advance this dream of a reborn Manistee?

My wife and I have been looking forward to returning to Michigan to retire, specifically to our home in harbor Village. Ironically, I was born and raised until ten years of age in the shadow of the Ford River Rouge plant that is the number one mercury emitter according the *Traverse Magazine* article. You can imagine my lack of enthusiasm with the prospect of living in the shadow of 400 foot tall smokestack again.

If you are in favor of this project, please sell it to this Manistee taxpayer.

If you opposed to this project, please tell me how to help you prevail.

Power Play

By Jeff Smith

Last fall, Joe Tondy approached the city of Manistee with a plan, a plan that sounded pretty good to a lot of people in Manistee—both Manistees, actually, the county and the city. Tondy, the owner of Tondy Corporation, a Houston-based developer of industrial projects, wanted to build a \$700-million, 425-megawatt coal-fired power plant within the city limits, right on the shore of Lake Manistee. The construction phase alone would spin millions of dollars into the local economy, jamming hotels and restaurants with workers for three years. Longer-term, the plant would create 50 to 60 jobs that would pay \$25,000 to \$40,000 a year, Tondy said.

Those numbers sounded a lot better than other numbers the city leaders had looked at over the past couple of decades. In the 1980s and early '90s, four major plant closings cost the town 3,000 jobs, and the city's population shrank from 12,000 to 6,000. These days, Manistee is trying to remake itself as a resort community and signs of revival are clear, but boomtown it's not.

Manistee County commissioners became so enthused over Tondy's plant that they passed a resolution expressing support for it right away, though they knew only the barest of details. After all, if the plant were built and taxed at standard industrial rates, it would pay about \$10 million annually to the county and another \$5 million to the city. By comparison, the city's total general fund budget is just over \$10 million.

But not everybody was as enthused about the plant as the county commission. Fred LaPoint, who helped form the Citizens for Responsible Development in response to the Tondy plan, was looking at numbers too, and what he saw concerned him. He

and his group didn't like the idea of a 250-foot-tall building with a 400-foot-tall smokestack rising near Manistee neighborhoods—towering far above every building in town.

He also was concerned about pollution numbers, especially those for mercury emissions. The plant would emit an estimated 420 pounds of mercury a year. When added to the mercury emissions from the other four coal burning factories on Lake Manistee, the area would be second only to Detroit's Ford Rouge plant in state mercury releases. Mercury is a potent neurotoxin that builds

Some Manistee citizens question the wisdom of allowing a power plant to be built in their town.

up in living organisms and has led to fish advisories, like those that say pregnant women shouldn't eat even a single serving of many fish species caught in Michigan.

Tondy's Web site explains that the plant would meet all relevant mercury-emission standards. But of course, that's the problem: Power plants are entirely exempt from mercury standards, and President George W. Bush just passed a rule that would delay standards that are being developed. Bush wants to encourage more coal-fired power plant construction. Ironically, about the same time that Tondy made his proposal, Governor Jennifer Granholm was announcing a major anti-mercury initiative that would eliminate mercury pollution by 2020.

Despite an ambitious public education campaign, LaPoint and his opposition group were getting little traction until a startling disclosure in late fall. Based on questioning by Manistee City Manager Mitch Deisch, Tondy revealed that he had

been courting municipalities throughout Michigan to invest, including several along the Lake Michigan coast, like Petoskey, Harbor Springs, Traverse City and Holland. They would put up the money to build the plant and be majority owners. With municipal ownership, the plant would not be required to pay any taxes—city or county. "I couldn't have revealed that because nobody had signed on yet," says Jim Tondou, Joe's brother. But city officials say that Tondou acknowledged he had not been forthright in the matter. On top of that, since Manistee wouldn't be investing in the plant, the town would not receive any of the power, even though its citizens would be living with the pollution and looming presence.

Tondou since has entered closed negotiations with the city for a community services fee instead of standard taxes, but he has not done so with the county. LaPoint feels those negotiations should be public.

Even some of the investors Tondou has been courting were not pleased about the lack of disclosure. "You don't wait till the 11th hour to do this. You need to be upfront," says Richard Smith, the executive director of Traverse City Light and Power.

Smith says that prior to building anything, municipalities in Northern Michigan should conduct a regional power study to determine the lowest-polluting means of answering the region's burgeoning power requirements. Municipalities should purchase a site and build their own power plant, one that uses less-polluting technology, Smith says. He likes circulating fluidized bed boilers because they are the cleanest coal burners, with fewer emissions of sulfur oxides and nitrogen oxides than the plant proposed by Tondou.

The Manistee planning commission is currently reviewing Tondou's application for a special-use permit and could be voting on it before April. The city commission then could choose to review the application itself if it feels the board erred in its decision. State and federal officials also would have to issue permits, but if all goes as planned, Tondou predicts that the plant could be operating by 2008. ■

Jeff Smith is editor of TRAVERSE.
traverse@traversemagazine.com

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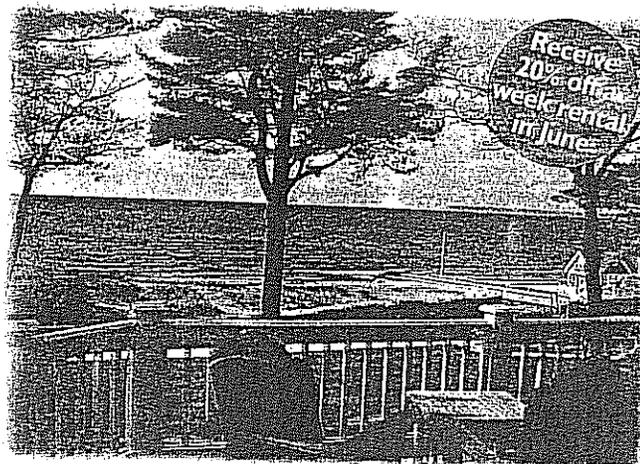
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Koho
Master Sportsman

Registered: Mar 2003
Location: Tustin, MI
Posts: 67
offline



I'll look for both of you. Take notice when you are there how no one on the Planning Commission seems to care what the opposition is saying. I feel like this is just a formality to them and they do not care what the majority of the public thinks. I have said it to more than one person, if the commission does not do what the majority of the public calls for it is time for a big black crow to yell "re-call, re-call". Hope you guys can make it.

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02-24-2004 01:52 PM

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DryFly
Guide

Registered: Jun 2001
Location: Irons, MI
Posts: 334
ONLINE

Not a new story

I have heard this before about the Manistee County Planning Commission.

Sounds like they already have their mind made up regardless of what the public opinion is.

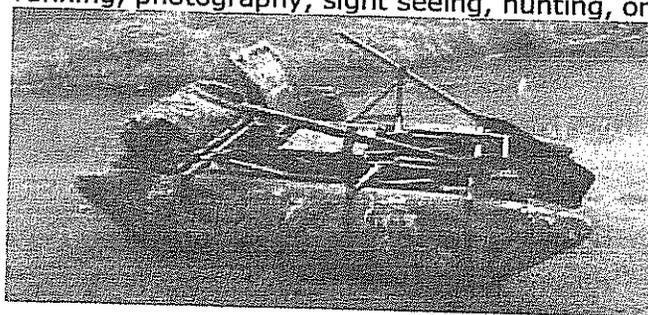
If only we had the money to "grease their other hand" they might listen.

They don't realize the impact that sport fishing people have on their If you will not be able to eat the fish or get in the water, they will all go else where.

I will be at the meeting regardless, if nothing else to see their faces and see if that "I don't give a damn" attitude is real.

All we can do is to continue to communicate to the over 7,000 members of this outdoor sports fishing and hunting web site.

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DryFly
Guide

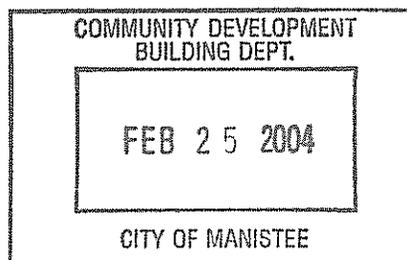
Correction?

I may have said it wrong in my last post.

*DFI
Some interesting
Comments from
THE INTERNET*

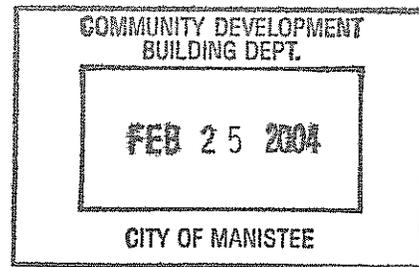
Registered: Jun 2001
Location: Irons, Mi
Posts: 334
ONLINE

Who is it that does not care about the public opinion which is 70% against the new power plant, the city planning commission or the county?



Manistee City Planning Commission,
c/o Jon Rose, PO Box 358,
Manistee, Mi. 49660

February 24, 2004
Re: Proposed Northern Light Power Station



To Whom It May Concern:

My wife and I both wish to express our dismay at the proposed "Northern Lights" power station. This is the opposite direction Manistee, and Manistee County, should be moving in. We should be preserving, protecting and managing the natural treasures of the area, not jeopardizing them with more industrial pollution.

Manistee Lake is already badly polluted, we have ground water contamination problems, garbage piling-up, not to mention air quality issues. Work to solve these problems and preserve the area; for fishing, hunting, boating... These are sustainable industries that provide a many more jobs, and more tax revenues, than the power station proposal does.

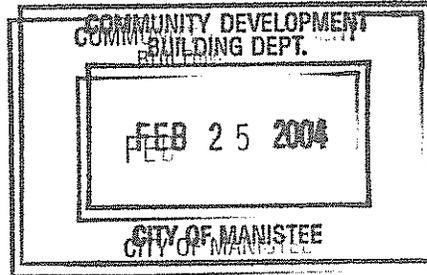
Respectfully,

Mike Beveridge and Kitty Hodge
13609 Graf Rd.
Brethren, Mi. 49619

Nan Guzikowski
316 Fourth Street
Manistee, MI 49660

February 22, 2004

Mr. Jon Rose, Community Development
City of Manistee
P.O. Box 358
Manistee, MI 49660



Dear Jon,

I feel that it is important for you to know how strongly opposed I am to the construction of the coal burning power plant that the Tondur Corporation is proposing. I come from a family that has been involved in the coal industry for decades, and grew up in an industrial community that has been affected by the pollutants emitted from the smoke stacks. I shudder to think that Manistee will suffer those same effects.

With as much information as we now have, and with the advances that have been made in alternative methods of generating electricity, I feel it is irresponsible for us to support such a facility. The suggestion that it will boost our economy and job base is shortsighted. The long term damage far outweighs the handful of positives. And, if people are so concerned about our economy, why don't we start at home by encouraging our residents to shop at and support local businesses instead of taking their money to outside communities? We would notice an increase in the exchange of local dollars in the millions. And that would greatly improve our economic well-being without hurting the environment one bit.

As the Director of Community Development for the Manistee area, I trust that you will hear the voices of those you represent and see that this decision is truly made in the interest of "the greater good". Thank you for your consideration.

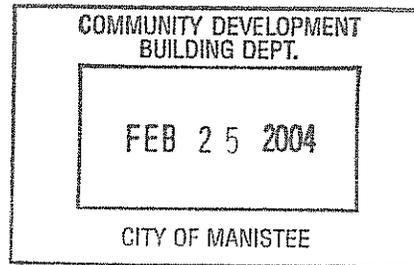
Sincerely,

Nan Guzikowski

Luke Guzikowski
316 Fourth Street
Manistee, MI 49660

February 22, 2004

Mr. Jon Rose, Community Development
City of Manistee
P.O. Box 358
Manistee, MI 49660



Dear Mr. Rose,

I am writing to let you know I am vehemently opposed to the construction of the coal burning power plant proposed by the Tondur Corporation. As a life-long resident of Manistee, I realize and appreciate that one of our greatest assets is our local environment and the lifestyle and activities it affords. It is one of the main reasons that I, as well as many "transplants", have chosen to make Manistee home.

Whenever possible, I feel it is our responsibility to protect our natural resources, and above all, our health. With all we know about the health risks and pollution that result from burning coal, I feel we cannot in good conscience allow such a facility to be built. There will always be other opportunities to improve and boost our local economy, but seldom a second chance to restore good health once it's been compromised.

Thank you,

Luke Guzikowski

J. Dwight Poffenberger Jr., Esquire
2700 Carew Tower
441 Vine Street
Cincinnati, OH 45202
513-241-2324
dpoffenberger@whepatent.com
February 22, 2004

Ms. Jennifer M. Granholm
P.O. Box 30013
Lansing, MI 48909

Dear Ms. Granholm:

As a property owner in Leelanau County, I urge you to take whatever action is necessary to stop the Tondu Corporation's plan to build and operate a new coal-burning power plant in Manistee, Michigan. Manistee is a tourist town to which non-residents go to fish or hunt. The last thing we want is a dirty power plant in Manistee.

Around Cincinnati we have coal-burning power plants which create asthma problems particularly for young children. The dirty air also creates allergy problems for individuals with no history of allergy problems. In my opinion, the installation of a coal-burning power plant in Manistee would create a public health nuisance and endanger the lives of many residents not only in Manistee but downwind.

My general feeling is that a majority of the tourists upon which Manistee and Michigan depends are opposed to this plant. We do not want the air, water, wildlife and health jeopardized by the plant's emissions. If extra power is necessary, which I doubt, why not install wind power? I am opposed to dams in this area, as that would kill the fishing.

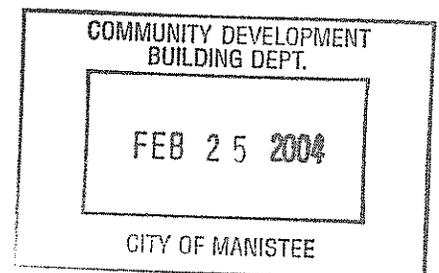
Please place these comments into the public comment files and records. Please place me on all mailing lists regarding this action. If you have any comments or questions, please contact me.

Very truly yours,

J. Dwight Poffenberger Jr.
J. Dwight Poffenberger Jr., Esq.

Cc: Senator Michelle, McManus
Representative David Palsrok
Manistee City Planning Commission
Fred LaPoint, Citizens for Responsible Development

K:\user\Jdpj\manistee plant.wpd



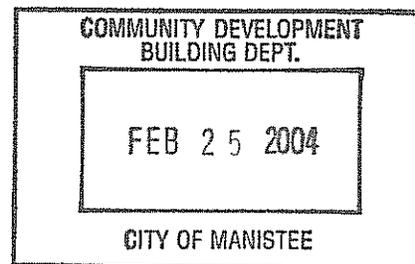
Ted Fairbanks

From: "Ted Fairbanks" <uncted@kaltelnet.net>
To: <+Planning commission>; <City of Manistee>
Sent: Monday, February 23, 2004 1:02 PM
Subject: More to consider for Tondu coal plant.



I suggest the attached article on pollution from water shipping be added to concerns in your deliberations on subject development. It has been reported that the plant will need about 160 shiploads of coal each year .traveling the great lakes into and out of Manistee lake. This will amount to a ship each day entering or leaving Manistee lake, with the consquence effects on the riverbankwear and tear, the added use of opening and closing the river bridges, their operational costs and repairs, traffic tieups due to bridge operations, greater chances of ship accidents traveling on river to name a few factors. Perhaps the Tondu corporation would assume all expenses of this shipping that may result over the years of operation but I would not count on it!! am a resident of Southeast Manistee county Who will not get benifits from this proposed development and therefor not supportive of same. Your decision on this undertaking affects a much ,much greater area than the city of Manistee, as well as many more people that inhabit same. Quite frankly it is my belief that its (coal plant)effectsneed consideration as far downwind as are likely to be affected. The city of Manistee has not been served well in the past by promises of fast talkers!!

Ted Fairbanks



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Where There's Smoke, There's Pollution

By **RUSSELL LONG**

Published: February 21, 2004

SAN FRANCISCO — When most people think of air pollution, they typically associate it with automobiles and industrial plants. Rarely do they consider the thousands of vessels that travel the oceans, rivers and other waterways. Yet over the past 15 years, as international trade has exploded and shipping capacity has grown by 50 percent, cargo ships have become one of the nation's leading sources of air pollution, threatening the health of millions of people living in port cities.

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The largest vessels now rise higher than the Statue of Liberty and are about as long as the Empire State Building is tall. Yet while the 1970 federal Clean Air Act has forced regional air pollution agencies to clamp down on vehicle and power plant emissions, thousands of cargo, cruise and container vessels have remained essentially unregulated. To make matters worse, these ships burn the dirtiest grades of fuel — literally the dregs of the oil barrel after refiners have removed cleaner fuels like gasoline and jet fuel — to power their massive engines as they move in and out of American ports.

With the consistency of mud and sulfur levels 3,000 times that of gasoline, these low-grade fuels must be heated simply to allow them to move through pipes to enter the engine cylinders. The result? A single cargo ship coming into New York Harbor can release as much pollution as 350,000 current-model-year cars in an hour. Such levels, according to the American Lung Association, substantially elevate the risk of cancer and respiratory illness. In addition, satellite photographs show that trails of pollution thousands of miles long are causing semi-permanent clouds above shipping routes in the North Atlantic, Pacific and other oceans. These atmospheric scars of international shipping are causing concern among scientists studying global warming.

So far, the International Maritime Organization — a United Nations agency with authority over the world fleet — has ratified a global treaty that will take only small steps to improve fuel quality and require technologies that reduce harmful emissions. Why? Because passing a global treaty requires approval from nations representing more than 50 percent of the world's total shipping tonnage. That means that Panama, Liberia and other "flag of convenience" countries — where the bulk of the world's cargo ships are registered because of their lax regulations — have the power to weaken any treaty before passage.

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The Environmental Protection Agency has acknowledged that the maritime organization treaty will do little to clean up emissions from ships. Nevertheless, the United States Senate is expected to ratify the treaty later this year. Sadly, regulations developed by the United States in recent years have been equally disappointing. The Bush administration, which has a record of chipping away at the Clean Air Act, has also shown a lack of interest in protecting Americans from shipping pollution.

In 2003, the E.P.A. was poised to announce a separate and promising measure that would have gone much further than the maritime treaty. The proposed regulation would have reduced emissions from all vessels operating in United States waters and pressured the international group to adopt stricter regulations. (A similar unilateral approach was used by the United States in 1990 to force the maritime group to require the use of double hulls on oil tankers to help avoid spills.)

But after members of the powerful International Association of Independent Tanker Owners met with officials in Washington, the E.P.A. regulation was watered down. Requirements for a 30 percent reduction in air pollution were deleted; so too, was a provision to consider regulation of foreign-flagged ships, which are responsible for almost 90 percent of the pollution in United States ports. The environmental organization I head is challenging the E.P.A. over the modified regulations in a lawsuit that is now being decided by a panel of judges in Washington.

In the meantime, current E.P.A. regulation will keep ship emissions at today's stunningly high levels. (It contains an empty pledge by federal regulators to reconsider the issue in three years.) With public health at stake, it makes no sense for officials to obstruct the reduction of ship emissions, most of which are from foreign-flagged vessels. Domestic industries are working to reduce their share of air pollutants. Why allow foreign vessels to undermine those hard-fought gains?

Russell Long, a former shipping industry executive, is the director of Bluewater Network, a national environmental organization.

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Letter to be read at the next open planning commission meeting.
From Captain Gail Tooley, owner/operator Water Bug Boat Tours

pg 1

Manistee Planning Commission:

The discussion pertaining to the proposed Tondu Coal Powered Energy Facility has reached the sunny Florida Keys, and as a Manistee Small Business Owner, I am compelled to weigh in.

It is difficult to discern who exactly is in favor, and or promoting this facility. The majority of the groups and speakers showing up at the public meetings seem to be against the proposal. This letter is an attempt to concisely address the supposed Pro position.

WE HAVE TO HAVE THE JOBS." Historically high pollution industries have been located in poor Black towns to promote development. Now an industry that lacks the technology to cleanly produce it's product "energy", wants to locate in a poor White town. This is called economic discrimination. This type of industry has a very poor record. American Electric Power had to buy an entire Ohio town, rather than deal with the effects of it's polluting coal powered generating facility. If the costs of cleaning up the mess is too high, businesses declare bankruptcy, change their name and go off to the next small, hopeful town, leaving the taxpayers to clean up the mess. Michigan's toxic legacy is already in the top five nationwide, but small towns are always on the bottom of clean up priority list. I'm told the Tondu facility plans to burn hard clean burning coal. Studies have shown that America has little reserves of this type of coal. The majority of America's coal is the softer dirty burning coal. When price pressure is exerted when the hard coal becomes scarce, all new and small plants, without futures contracts for the hard stuff, will be offered a great deal on the soft dirty coal. This plant is likely to pollute much more than they are saying. If it's guaranteed to be so clean and safe, why don't the people of Holland want their own plant? Back to the jobs: when, not if, the mercury contamination affects the fish population, more jobs will be lost in the Charter Fishing industry than the Tondu Facility proposes to create. When they don't come to fish, they don't need to stay in hotels, cabins, B&B's or campgrounds. They don't need to eat at restaurants or buy groceries or keep their

Letter to be read at the next open planning commission meeting.
From Captain Gail Tooley, owner/operator Water Bug Boat Tours

pg 2

boat at a marina, and the rest of the snowballing effect. In the end this proposal would definitely cost more small businesses their jobs than it plans to create.

MANISTEE NEEDS THE GROWTH

The money generated for the use of our harbor, by the freighters coming and going, is reported to be 3 million dollars per year, but fixed for a long period, I've heard, thirty years. Our river and harbor front is an incredible asset, worth more and more, as time goes on, not a fixed amount. The town has invested lots of money on the Riverwalk and Cityscape projects, but when people are stuck in traffic waiting for the bridges to pass an additional four boats a day, two up full and two down empty, they will soon seek an alternate route of to their final destination. If the destination was the Riverwalk and Downtown, visitors will be greeted with noise from the stacks, coal dust coating a formerly clean town, and blaring horns, from those cars stuck in traffic. I have often witnessed both bridges open at the same time, which is not supposed to happen in case emergency vehicles need to get through. What about bridge maintenance and wear and tear? Who pays? Planned growth has been increasing.

Local realators will tell you business has been very good the last few years. People are looking for an escape from the aggressive growth policies of our big city neighbors. In addition there has been resale and renovation in the neighborhoods most closely situated to the proposed Tondu site. If this proposal is approved, those homeowners and businesses would be best served by requesting a re-assessment of their property values. This would then lower taxes collected by the city.

WHAT DOES THE PLANNING COMMISSION WANT TO ENCOURAGE?

Manistee's quality of life is what draws families, businesses, retirees and VISITORS. The fact that we are not congested, noisy and even expensive is why people left where they were and came to Manistee in the first place. Remember, "you don't know what you've got till it's gone", is a sad refrain, and the reason planning commissions are created in the

Letter to be read at the next open planning commission meeting.
From Captain Gail Tooley, owner/operator Water Bug Boat Tours

pg 3

first place. I urge you to listen to the majority, and vote AGAINST the
Tondu proposal. Thank you, Captain Gail C. Tooley
Owner / operator Water Bug Boat Tours

Gail C. Tooley
2-25-04 Marathon, FLA

References most often from New York Times newspapers, Sunday
editions:

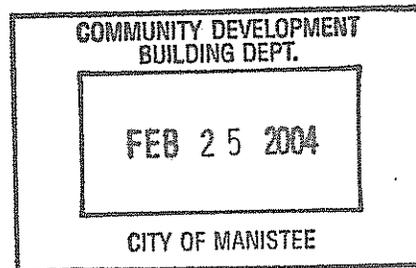
AEP BUYS OHIO TOWN, Sunday magazine photo journalistic article

AMERICA'S TOXIC LEGACY, included ratings by state

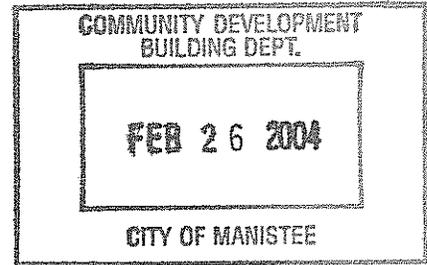
Sorry, I can't provide the exact dates or names for the articles
referenced.

If the statistics are off from the official Tondu proposal, I apologize for
inaccuracies, often communicated in heated discussions. Thanks for
your time, you too, DENISE, at City Hall!

GCT
GCT



February 20, 2004



John Rose
City of Manistee
Planning Commission
P.O. Box 358
Manistee MI. 49660

Dear Mr. Rose and Commission Members:

I am writing to oppose the proposed coal fired power plant in Manistee. I could not attend the public hearing on February 19, 2004.

I presently live in Crawford County near the town of Roscommon. In June of 2004 I will be moving to Lake County near the town of Luther. In either case I am and will be down wind from this plant. Although I do not live in the City of Manistee or within Manistee County, I do live in the path of the dirty emissions that will emit from this plant.

It has been scientifically shown that residual emissions from coal fired power plants have been found in all corners of the western hemisphere and perhaps the world. Airborne PCBs and mercury have been found in very high concentrations in aquatic mammals and fish in the most remote sections of our world. Remote human societies that depend on these organisms for food have very high levels of these chemicals in mother's milk. This of course passes on to children. Closer to home, we are all exposed to this problem.

With this in mind, how can our society contemplate a new coal fired plant anywhere in Michigan? There are better alternatives available today and we should choose them instead of a coal-fired plant that will pollute our atmosphere.

In my opinion, the City of Manistee can promote cleaner power alternatives and much better development alternatives that will attract tourists to the area.

Even though I do not live in Manistee County, I visit from time to time to enjoy your beautiful Lake Michigan shoreline, shopping opportunities, and historical attractions. The addition of a coal-fired power plant will repel me from your area and will harm the air quality of our region, the State of Michigan, North America, and the World.

Please put a stop to this unwise development project.

Thank you for listening.

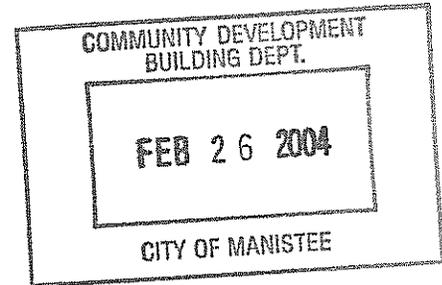
Sincerely yours,

David W. Smith

David W. Smith
1611 High Road
Roscommon, MI 48653

.cc Governor Granholm
Senator Mc Manus
Representative Palsrok
US Senator Debbie Stabenow
US Senator Carl Levin
US Representative Peter Hoekstra

William and Elizabeth Hainstock
4147 W. Jepson Rd.
Manistee, MI 49660



February 22, 2004

Mr. Jon Rose, Community Development
City of Manistee
P.O. Box 358
Manistee, MI 49660

Dear Mr. Rose,

We just wanted to voice our opposition to the Tondu Corporation's proposal to construct a coal burning power plant.

I work at the Oaks Correctional Facility. Nine years ago, my wife and I chose to move here from the Upper Peninsula to raise our family, largely because of the beauty and cleanliness of the area. We built our home on several wooded acres on the southern fringe of Manistee. Our water comes from a ground well.

We are greatly concerned about the negative impact that will result from the pollutants that will be spewed from the smoke stack into the air, the lakes, the ground, and that will ultimately seep into the water table. It is disturbing to think that we and our children will drink, cook and bathe in contaminated water, and that we all will be subjected to breathing the particulates in the air. This is not paranoia. It is a real risk that is evidenced in countless tests and research data that have been presented to your office and the planning commission.

I hope you will consider the serious health and environmental risks associated with this proposed facility. Why not put it to a special vote and let the community decide for itself whether or not the plant would be welcome? So far, 70% of respondents are against it. Let's allow our democratic system speak for the majority.

Sincerely,

Wm. & Mrs. William Hainstock

**Postcards Received in Opposition
to the Northern Lights coal-fired power plant**

Postcards are on File at City Hall, Community Development Department

Green Postcard #1 reads

To the Manistee Planning Commission: I live in Manistee, and I am opposed to the Northern Lights coal-fired power plant. I urge the Planning Commission to turn down the application for a Special Use Permit for the facility.

Received 2/19/04 (0 postcards)

Received 2/23/04 (0 postcards)

Received 2/24/04 (4 postcards)

Sara (unable to read last name), Manistee
Dr. Steve & Cindy Peterson, (no address)
Sarah (unable to read last name), (no address)
Marc (unable to read last name), (no address)

Received 2/25/04 (2 postcards)

Doreen M. Smith (no address)
Doreen M. Smith, (no address) "It's a matter of Life and Death"

Received 2/26/04 (0 postcards)

Postcards Received in Opposition to the Northern Lights coal-fired power plant

Postcards are on File at City Hall, Community Development Department

Yellow Postcard #2 reads

To the Manistee Planning Commission: I am opposed to the Northern Lights coal-fired power plant. I urge the Planning Commission to turn down the application for a Special Use Permit for the facility.

Received 2/20/04 (4 postcards)

Nancy LaPorte (no address)

Sinead McCann (no address) "It is Not Worth it! Listen to the People!"

Rita Cusack - McCann (no address) "Please! Do not do this to our town"

Peacock, Box 15, Beulah "Please help keep the air in Benzie (and all surrounding counties)" clean."

Received 2/23/04 (7 postcards)

Bernadine Oziminski, 580 Broad Avenue, Manistee

Howard E. Haag, 5025 River Road, Manistee

Judith Haag, 5025 River Road, Manistee

Heather Haag, 5025 River Road, Manistee

Hazel Hansen, 700 Cedar Street, Manistee

Vicki Douglas, 10607 W. Cadillac Road, Cadillac

Jack Kline, Beulah "Four our health, please deny the application. We already have high levels of bad air coming across Lake Michigan. Also there is on little to gain financially from the plant. The City of Manistee has mad great strides, this plant will take away from those accomplishments!!"

Received 2/24/04 (5 postcards)

David Gardner, 1772 Stuart Road, Arcadia

Amanda G. Campbell, P.O. Box 392 Beulah

Maripat Allen (no address) "Please don't ruin the natural beauty of our wonderful City"

Molly Cichy, 420 Elm Street, Manistee

Diane (unable to read last name), (no address)

Received 2/25/04 (6 postcards)

(Unable to read signature), (no address) "I feel this plant would seriously damage the environment and our air quality"

Lyn Houtman & Loren Houtman, (no address)

(over)

Received 2/25/04 (Cont)

Rob & Sara Cross & Family, (no address)
Meghan Hanley, 3024 White Birch, Beulah
John Lawson (no address)
Hiedi Lourer & Family (no address)

Received 2/26/04 (2 postcards)

Sara Mey, P.O. Box 304, Manistee
Bryan Haag, P.O. Box 304, Manistee



70 Maple Street • P. O. Box 358 • Manistee, Michigan 49660

231-723-2558
FAX 231-723-1546

February 23, 2004

Richard & Linda Albee
365 Lighthouse Way South
Manistee, MI 49660

Dear Mr. & Mrs. Albee:

I am in receipt of your letter dated February 20, 2004 to David Barber, Managing Editor, Manistee News Advocate. The City of Manistee Planning Commission begins every Public Hearing with a presentation by the applicant; there has never been a time limit for this presentation. I am including an excerpt from the Michigan Society of Planning's Basic Training for Planning and Zoning Part II. This section addresses Public Hearings. Please see the paragraph at the bottom of page 17 regarding speaking time.

You spoke of the many months that Tondu has had to make their presentation in your letter. We have three new members who have been appointed to the Planning Commission since Tondu's last presentation at the Public Hearing in November. Tondu was not on the Agenda in January, and in February the meeting was spent discussing Potential Conflicts of Interest and the completeness of the application.

In all fairness, there were many people in attendance who have not heard Tondu explain their request. This is a project of great magnitude and has many details specific to the request.

This has been a long process for everyone; the Planning Commission, the Citizens of our Community and the applicant. We are all doing our best to be fair, just and understanding. I sympathize with your frustration. In retrospect the process could have been clarified for those many people in attendance who were unfamiliar with Planning Commission Public Hearings. Be assured that the Planning Commission considers this decision to be of the highest priority.

Sincerely,

CITY OF MANISTEE

Jon R. Rose
Community Development Director

JRR:djb

cc: Planning Commission
City Council
David Barber
Fred LaPoint, President, CFRD

Meetings/Deliberation

Conducting Public Meetings

The planning commission will conduct a variety of public meetings. These may include workshops and regular meetings to consider development applications. All meetings are open to the public, but certain business items require a public hearing be conducted following specific rules and procedures.

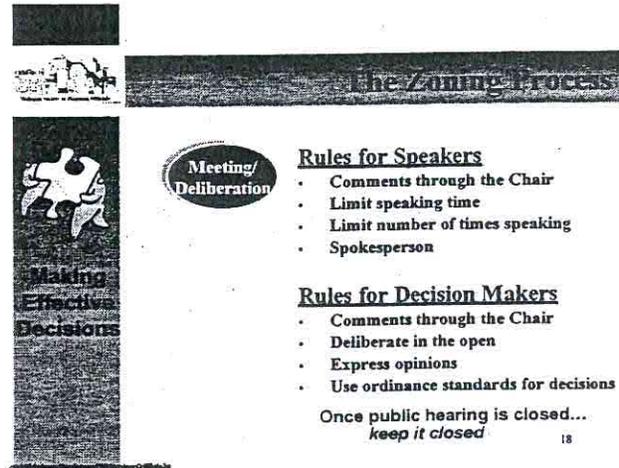
Although many planning commissions and other bodies follow Robert's Rules of Order in their meetings, there are some aspects of meetings that, while not unique to planning and zoning related decisions, nonetheless are important to consider.

Public Hearing Process: The Chair has the singular responsibility of enforcing meeting procedures. Having a set procedure for meetings helps keep the decision-makers focused and allows

the meeting to proceed in an orderly fashion. Hearing rules and procedures should be printed on the back of the agenda, or along with the agenda, so that everyone is aware of them. The following is a suggested process to follow for each public hearing.

- (1) Chair opens public hearing and announces subject.
- (2) Chair summarizes procedures/ rules to be followed during the hearing. Explains if questions will be answered individually, or if the commission just intends to listen to comments and react later.
- (3) Staff/Chair presents main points of application and recommendation.
- (4) Correspondence or persons speaking in support of application are recognized, beginning with the applicant.
- (5) Correspondence or persons speaking in opposition to the application are recognized.
- (6) Rebuttal comments by applicant (if appropriate or desired).
- (7) Chair closes public hearing. Explains the next steps, and that the commission may or may not make a decision that night.
- (8) Planning commission deliberates and reaches a decision.

Role of the Chair: The role of the Chair is to maintain order throughout the meeting. Since zoning hearings can become emotional, strict adherence to this policy is important. The Chair should announce each agenda item and note the rules that apply to the hearing. During the meeting, the Chair should ensure that courtesy is maintained and that speakers are not interrupted.



By ensuring that all comments are directed to and through the Chair it is often possible to avoid debates between members of the audience, between the presenter and the audience, and between the commission/Board and the audience or presenter.

Meeting Rules - Hints for a More Orderly Public Hearing:

- ◆ Print hearing rules on agenda. Each planning commission may provide for how zoning hearings will be conducted. These rules should be written and placed within the by-laws.
- ◆ Do not always attempt to answer every question, some comments cannot be answered.
- ◆ If things get out of hand, take a recess.
- ◆ Do not feel compelled to make a hasty decision the night of the hearing. Everyone should feel comfortable with their vote; if not, obtain whatever additional information is needed before proceeding with the decision.

EXAMPLE PUBLIC HEARING PROCEDURES

Welcome to Michigan Township Public Hearing. We appreciate your taking the time to present your opinions. Everyone will be given an opportunity to speak. In order for us to have an effective public hearing, we ask that you abide by the following rules:

- 1. Please wait for the Chair to acknowledge you before you speak.*
- 2. Begin by stating your name and address (sign in cards are available).*
- 3. Give us your comments, opinions or questions on the issue being discussed.*
- 4. To ensure that everyone has time to speak and that we can address other items on tonight's agenda, we may limit an individual's speaking time to 5 minutes. If time permits, we may allow you one additional time period to provide new information.*

- ◆ Remember, you represent the long term interests of the entire community, not just those at the public hearing.

Meeting Rules for Speakers: It is appropriate for the planning commission to adopt standard meeting rules for people who wish to address you. Meeting rules can go far toward having an efficient and worthwhile meeting. Some common rules follow which you may find useful.

- ◆ **Comments should be made through the chair.**
- ◆ **Limit speaking time**, when necessary. If there are many people who wish to speak, it is appropriate to limit the time of each speaker, with the exception of the applicant. The applicant should be given as much time as needed, within reason, to present his or her case. If questioned, the Chair should indicate that the applicant is but one person (or a few people) and the people wishing to speak (generally against) are many.



February 25, 2004

Mr. Roger Yoder, Chair
City of Manistee Planning Commission
City of Manistee
550 Maple
Manistee, MI 49660

Via Hand Delivery

Dear Chairman Yoder and Members of the City of Manistee Planning Commission:

On behalf of the Manistee Salt Works Development Corporation, I would like to commend you, the members of the City of Manistee Planning Commission for the professional manner in which you have conducted the review of the Special Use Permit for the Northern Lights Project. We appreciate the opportunity you provided to our team during the hearing last Thursday evening, as well as the important role you have in charting Manistee's future.

We realize it may have been difficult for members of the commission to track closely as the presentation was being delivered. Even without a presenter, the slide presentation gives compelling evidence for why the project is needed, why it is good for Manistee and how it lives up to the necessary standards for a Special Use Permit. Enclosed for your convenience are full size prints of the slide presentation, and we would urge your further review of the presentation.

I would like to take this opportunity to address the decision criteria contained in section 8609 of the Zoning Ordinance with regard to issuance of a Special Use Permit to the Northern Lights Project.

1. The Project is reasonable and designed to protect the health, safety and welfare of the community.
2. The Project is consistent with the intent and purpose of the Land Use District.
3. The Project is compatible with adjacent land uses.
4. The Project is designed to ensure that public services and facilities are capable of accommodating increased loads caused by the land use.
5. The Project complies with all applicable regulations of the Ordinance.
6. The Project complies with all specific standards found in the respective Land Use District, section 1601 and section 1001.

The Northern Lights Project requires a Special Use Permit under the Zoning Ordinance because of the following elements:

- **Discharge of treated wastewater to Manistee Lake** — The Northern Lights discharged wastewater will meet all applicable MDEQ quality and temperature standards and will be safe for fish and other aquatic species. The water will either be delivered to the municipal wastewater treatment plant or it will be treated on-site. The amount of wastewater we expect to discharge will only be 5% of that allowed under the site's current permit.
- **Activity outside an enclosed building** — Outside activities at Northern Lights will be consistent with other existing and adjoining industrial developments, as well as the current practices on the site.
- **Alteration of Manistee Lake shoreline** — The Northern Lights Project will make improvements to the existing shoreline at the General Chemical site. These improvements include reconstruction of the sea wall, stabilization of the shoreline to prevent erosion, and protect Manistee Lake from contaminated leachate and site runoff.

We believe that every aspect of the Project is inherent to its intended use, which is specifically permitted by the Manistee City Zoning Ordinance. The Northern Lights facility will be an imposing structure within the industrial district, and will have some impacts on the community. But, we have clearly shown how the adverse impacts will be mitigated, professionally regulated and continually managed.

Again, we would like to thank you for considering this application with great care and professionalism. We appreciate the opportunity to address your questions any time.

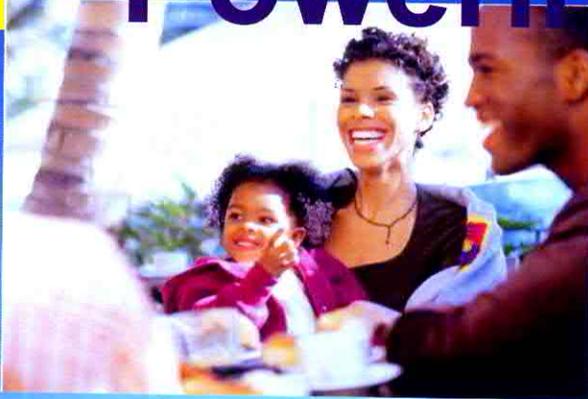
Sincerely,



James A. Ford
Managing Partner

Attachment
February 19, 2004 Presentation

Powering our daily lives



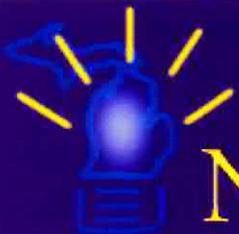
NorthernLights

A Project of The Manistee Salt Works Development Corp.

**Economic
Energizer for
Manistee**

**Clean, affordable
and reliable
energy**

Manistee
Michigan

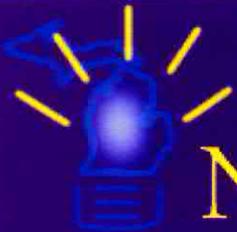


NorthernLights A Project of The Manistee Salt Works Development Corp.



Tonight's Agenda

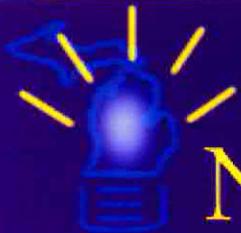
- ⇒ Why Northern Lights?
- ⇒ The Permitting Process



NorthernLights A Project of The Manistee Salt Works Development Corp.

Why Northern Lights?

- ⇒ Michigan's Growing Energy Needs
- ⇒ Clean, Affordable and Reliable Energy
- ⇒ The Manistee Advantage



NorthernLights A Project of The Manistee Salt Works Development Corp.

Michigan at an Energy Crossroads

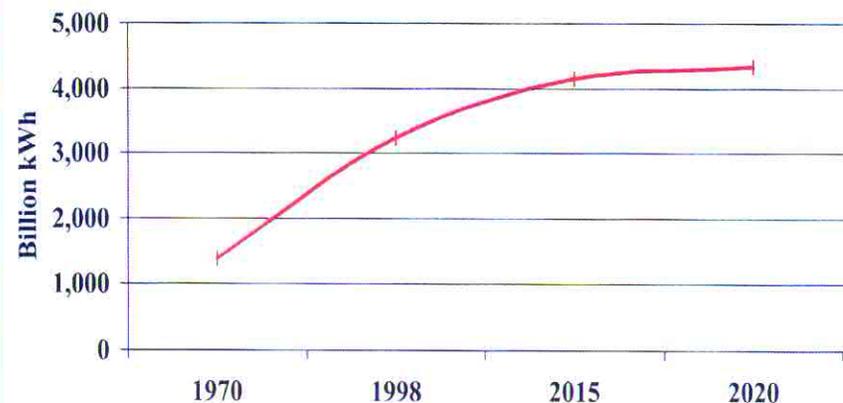
- ⇒ Michigan is dependent on out-of-state energy
- ⇒ 13th largest energy consumer in the U.S.
- ⇒ Among the most expensive energy in the Midwest
- ⇒ Prices are 14% higher than the national average
- ⇒ 15% of Michigan's peak time electricity is generated out-of-state



Michigan's Growing Demand for Energy

- ⇒ Michigan's energy consumption grew by more than 130% from 1970 to 1990
- ⇒ Demand will increase by 40% from 2000 to 2020
- ⇒ By 2020 Michigan and US energy demand will be triple that of 1970

U.S. ELECTRICITY CONSUMPTION



Source: U.S. Energy Information Administration



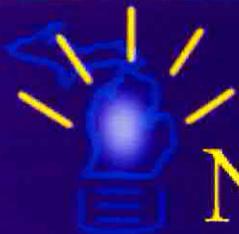
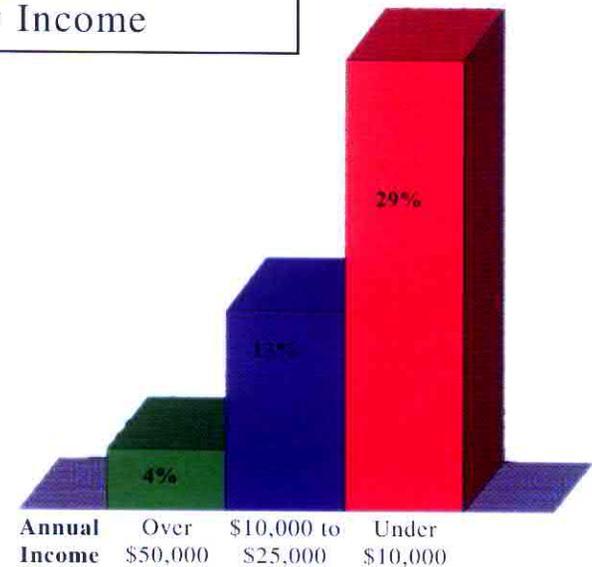
NorthernLights A Project of The Manistee Salt Works Development Corp.

Michigan at an Energy Crossroads

- ⇒ Michigan needs affordable and reliable power to compete for business and jobs
- ⇒ Energy independence will protect consumers from national blackouts and dramatic price spikes
- ⇒ Who pays the most? Low income, fixed income, and seniors

Household Energy Expenditures by Income

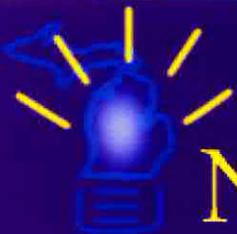
Source: U.S. DOE



Where will our energy come from?

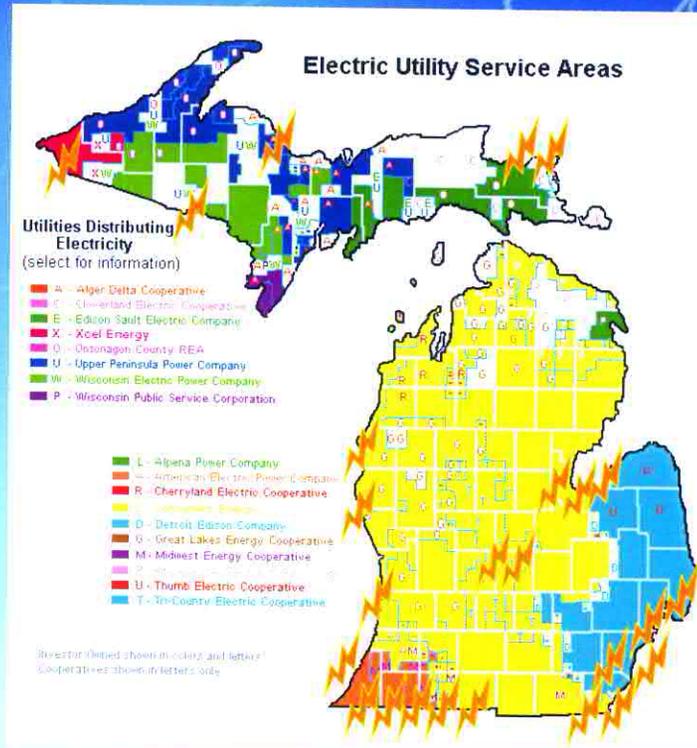
“...coal will continue to be the leading energy source used for generating electricity...”

U.S. Energy Information Administration



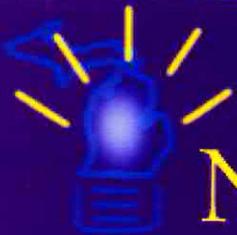
NorthernLights A Project of The Manistee Salt Works Development Corp.

Where does it go?



- Energy is generated by a diverse set of plants
- Energy is pooled in the “grid” and transferred to local distribution systems
- Local distribution systems deliver the power to your home or business

*This system ensures that the power is there **when you need it!***



NorthernLights A Project of The Manistee Salt Works Development Corp.

How is it used?



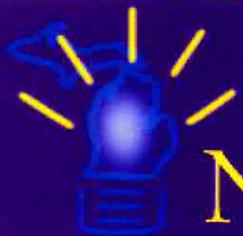
- ⇒ Energy powers our growth — business, manufacturing, schools, and homes
- ⇒ Electricity and food are the two largest consumer goods in America
- ⇒ Reliable energy allows us to enjoy the highest standard of living in the world



NorthernLights A Project of The Manistee Salt Works Development Corp.

The Manistee Advantage

- ⇒ Port
- ⇒ Water
- ⇒ Transmission grid
- ⇒ Large industrial site
- ⇒ Skilled labor



NorthernLights

A Project of The Manistee Salt Works Development Corp.

The Northern Lights Project

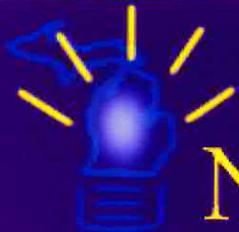
- ⇒ \$700 million investment in Manistee
- ⇒ Energy for more than 300,000 homes
- ⇒ Create good jobs and economic prosperity
- ⇒ Will be the cleanest coal-fueled power plant ever built in Michigan



NorthernLights A Project of The Manistee Salt Works Development Corp.

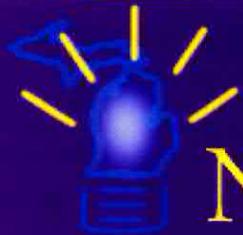
Good for Manistee – Construction

- ⇒ Local contractors used for construction to the greatest extent possible
 - Job opportunities for Manistee's wealth of skilled tradespeople
 - \$130 million construction labor payroll
- ⇒ Increased opportunities for local businesses



Good for Manistee – New Jobs

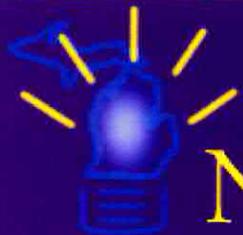
- ⇒ Generate 50-60 high-paying, permanent jobs for the local community
- ⇒ Infusion of more than \$4 million in annual local payroll and benefits



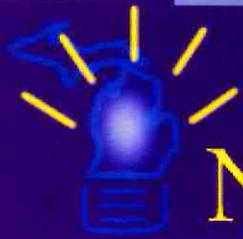
NorthernLights A Project of The Manistee Salt Works Development Corp.

Good for Manistee – Economic Boost

- ⇒ \$20 million annual operating, maintenance & services budget
- ⇒ Property taxes/Community Services Fee increase revenues for local public services by at least 20% over the current city budget
- ⇒ Increased revenues for local businesses



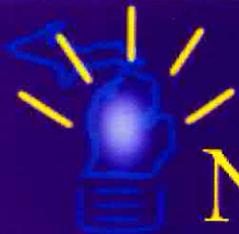
Existing Site



NorthernLights A Project of The Manistee Salt Works Development Corp.

Site Remediation

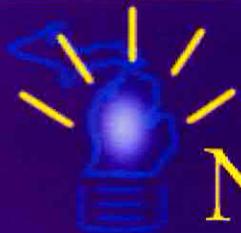
- Transform an unsightly, contaminated site into an economically productive, attractive, and environmentally sound industrial property
- Building removal with asbestos abatement
- Baseline Environmental Assessment
- Remediation according to MDEQ cleanup standards for an industrial site
- Rehabilitate docking facility
- Improve shoreline and holding ponds to contain property, coal pile, and to protect Lake Manistee



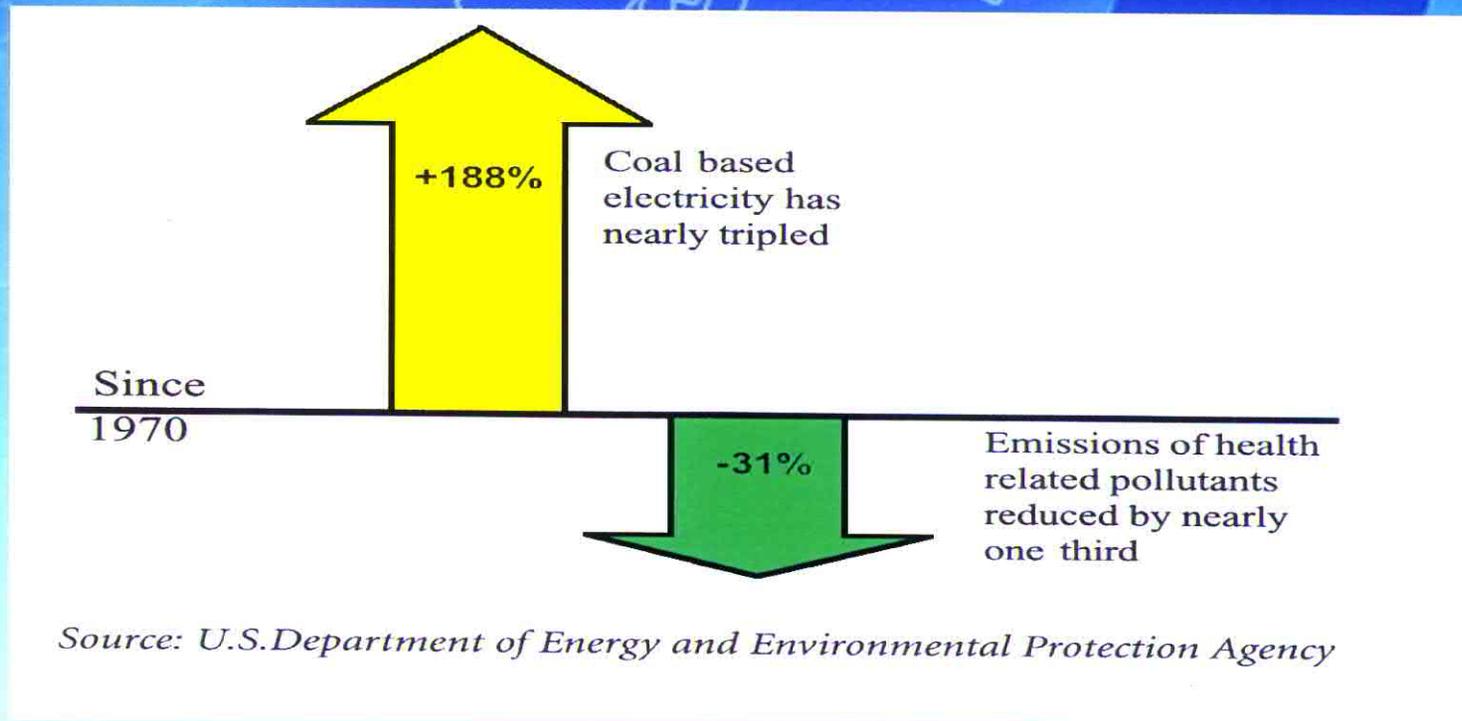
Good for Manistee

A Liability becomes an Asset

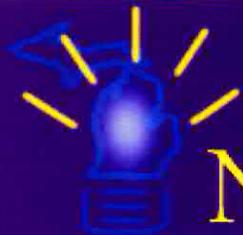
- ⇒ Transforms a dilapidated site into a productive asset
- ⇒ Approximately \$10 million in site improvements
- ⇒ Reconstruction of crumbling sea wall to protect Manistee Lake and contain runoff



Environmental Trends in Coal



The result – the cleanest coal plant ever built in Michigan



NorthernLights A Project of The Manistee Salt Works Development Corp.

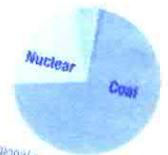
Environmental Characteristics

Fuel source	Percentage used to produce Consumers' Electricity
Coal	57%
Nuclear	37%
Oil	2%
Hydroelectric	0.2%
Wind	0.2%
Solar	0.1%
Small Hydroelectric	0%
Waste	0.1%
Other	0.2%

Emissions/waste in pounds per megawatt-hour	Consumers Energy's emissions/waste for fossil/nuclear generation	Regional* average emissions/waste for fossil/nuclear generation
Sulfur Dioxide	9.32	18.70
Carbon Dioxide	2223.29	2094.50
Oxides of Nitrogen	3.28	7.0
High-level Nuclear Waste ¹	0.0066	0.0074

The fuel mix data for the electricity supplied to you by Consumers Energy that appears in this table includes regional average fuel mix data from Michigan, Indiana, Ohio and Wisconsin as a proxy for the actual fuel mix of certain electricity purchased by Consumers Energy because the actual fuel mix characteristics of that purchased electricity could not be discerned. Purchased electricity accounted for 5.7% of the electricity supplied by Consumers Energy during the relevant period.

* Regional data compiled from Michigan, Illinois, Indiana, Ohio and Wisconsin.
¹ "Other" power is produced from the Ludington pumped storage facility.
² The high-level waste generated by Palisades is not discharged to the environment.



If you qualify for more than one electric rate, we can help you choose the right one. Rate schedules, explanations of rate schedules, how to calculate your bill and an explanation of the fuel charges are available upon request. We will provide a record of your energy use for the past 12 months free of charge at your request.

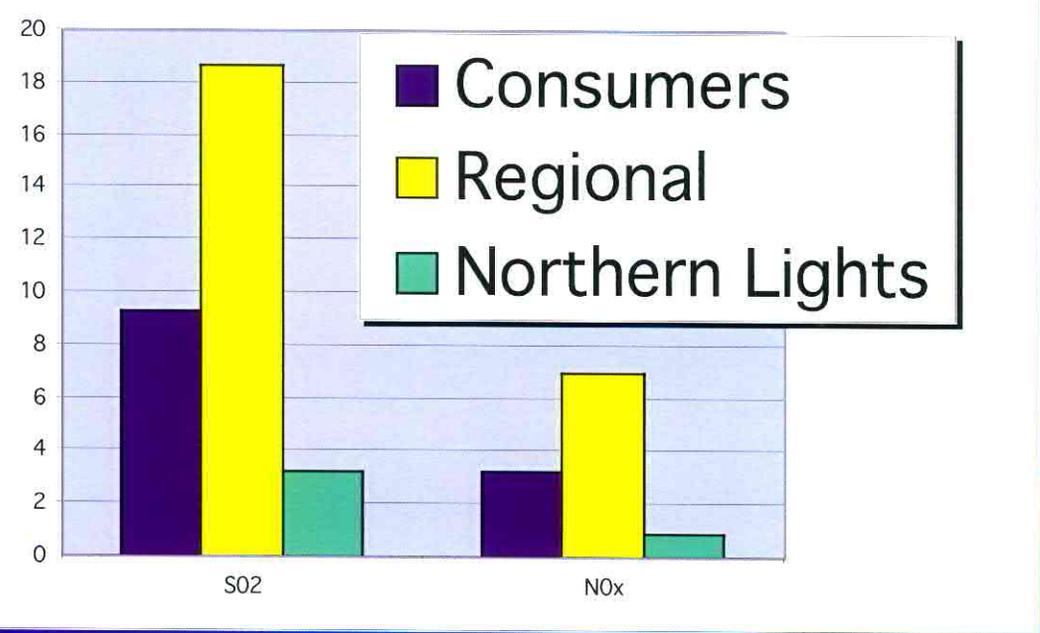
OTHER CODES ON THIS BILL

Code	Description
100	Basic Rate
101	Basic Rate
102	Basic Rate
103	Basic Rate
104	Basic Rate
105	Basic Rate
106	Basic Rate
107	Basic Rate
108	Basic Rate
109	Basic Rate
110	Basic Rate
111	Basic Rate
112	Basic Rate
113	Basic Rate
114	Basic Rate
115	Basic Rate
116	Basic Rate
117	Basic Rate
118	Basic Rate
119	Basic Rate
120	Basic Rate

WHEN CALLING ABOUT YOUR BILL

Please have your account number and a recent meter read on hand when calling about a bill problem. (MAYE 05-10)

Use the meter read to check the accuracy of the bill. You can use the meter read to check the accuracy of the bill. You can use the meter read to check the accuracy of the bill.



Northern Lights A Project of The Manistee Salt Works Development Corp.

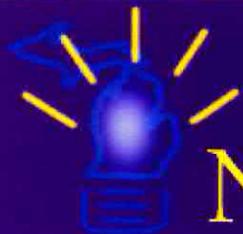
The Permitting Process

- ⇒ Michigan Dept. of Environmental Quality
— Air Permit
- ⇒ City of Manistee Planning Commission
— Special Use Permit



Air Permit Presentation:

Del Rector, Senior V.P.
NTH Consultants

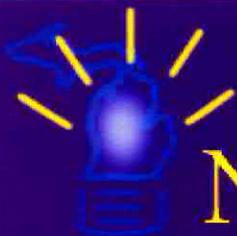


NorthernLights A Project of The Manistee Salt Works Development Corp.

Air Permit

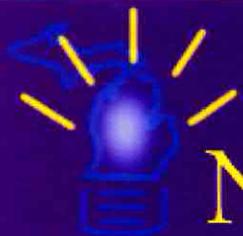
MDEQ

- ⇒ Is the authority to evaluate project and issue permits
- ⇒ Determines whether standards for environmental and public health protections are met
- ⇒ Public comment



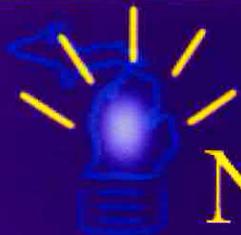
Air Permit

- ⇒ MDEQ will only issue permit if it:
- Meets the most restrictive of all state and federal regulations
 - Includes control technology requirements:
 - Best Available Control Technology (BACT)
 - Maximum Achievable Control Technology (MACT)
 - Meets public health requirements



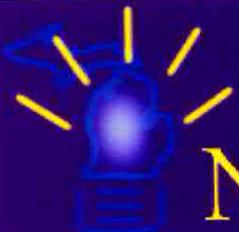
Control Technology for the Cleanest Coal Power Plant in Michigan

- ⇒ Low sulfur, low chlorine, low mercury fuel
- ⇒ Selective Catalytic Reduction System for Nitrogen Oxides
- ⇒ Dry Lime Scrubber for Sulfur Dioxide
- ⇒ High efficiency fabric filter
- ⇒ SCR/FGD/FF for Mercury
- ⇒ Extensive Dust Control Program



Public Health Protections

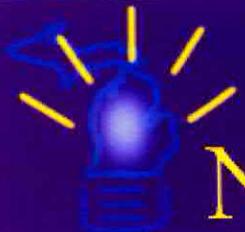
- ⇒ National Ambient Air Quality Standards
- ⇒ Prevention of Significant Deterioration Increments
- ⇒ MDEQ screening levels for Toxic Air Contaminants



Predicted Air Quality – Total Facility

<u>Compounds</u>	<u>Northern Lights</u>	<u>Federal Standards</u>
PM/PM10	15	150
SO2	39	365
NOx	2	100
CO	<500	10,000

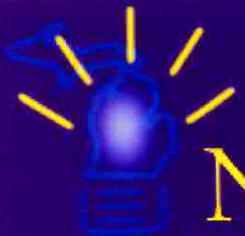
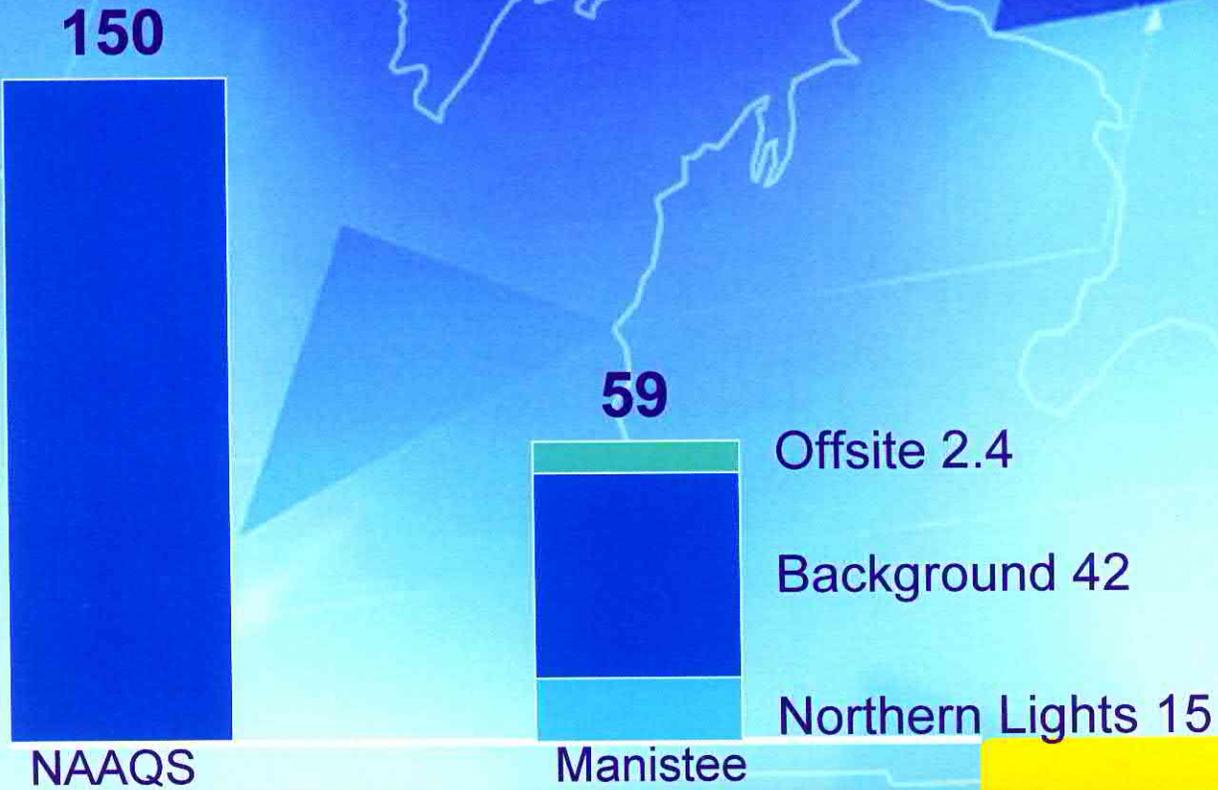
* micrograms per cubic meter



NorthernLights A Project of The Manistee Salt Works Development Corp.

Particulate (PM/PM10)

* micrograms per cubic meter



NorthernLights A Project of The Manistee Salt Works Development Corp.

Sulfur Dioxide (SO₂)

365



NAAQS

*micrograms per cubic meter

148

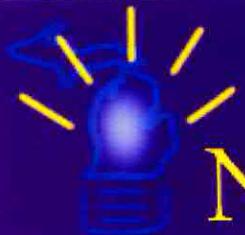


Offsite 82

Background 27

Northern Lights 39

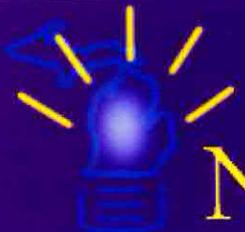
Manistee



NorthernLights A Project of The Manistee Salt Works Development Corp.

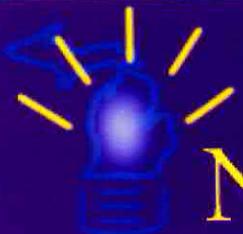
Mercury Emissions

- ⇒ Control Technology — MACT
- ⇒ Proposed MACT — less than 80lbs/year
- ⇒ Environmental cycle
- ⇒ MDEQ Evaluation



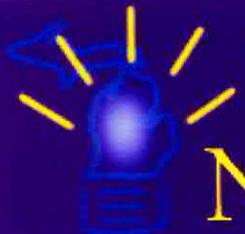
Compliance

- ⇒ Compliance testing
- ⇒ Continuous Emissions Monitoring Systems (CEMS)
- ⇒ Extensive record-keeping and reporting to MDEQ and EPA
- ⇒ Five year operating permit renewal



Manistee Planning Commission

- ⇒ Is the project consistent with City of Manistee 2002 Master Plan?

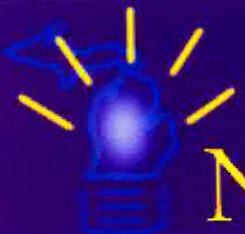


NorthernLights A Project of The Manistee Salt Works Development Corp.

City of Manistee Master Plan

Yes, the Northern Lights project complies with City of Manistee 2002 Master Plan.

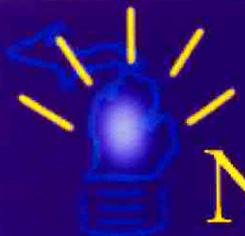
Industrial development on Manistee Lake is
“...consistent with the existing character of the lake’s industrial use.”



NorthernLights A Project of The Manistee Salt Works Development Corp.

Manistee Planning Commission

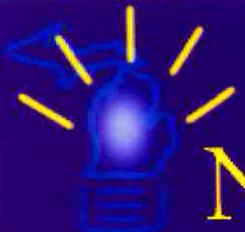
Does it comply with local zoning ordinance for I-2 Lakefront Industrial District?



NorthernLights A Project of The Manistee Salt Works Development Corp.

Manistee Planning Commission

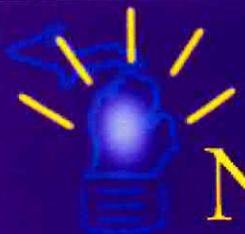
- ⇒ Does it comply with local zoning ordinance for I-2 Lakefront Industrial District?
 - Yes, the zoning specifically allows electrical generators.



Manistee Planning Commission

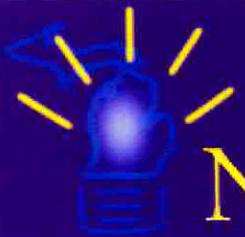
⇒ The project requires Special Use Permit for:

- Activities outside enclosed building
- Potential discharge of treated wastewater to Manistee Lake
- Alteration to Manistee Lake shoreline



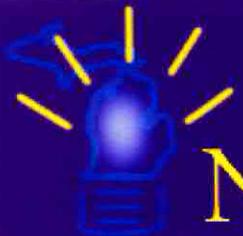
Water Discharge

- ⇒ Discharge meets MDEQ standards
 - May go to Manistee Wastewater Treatment Plant (WWTP), or
 - Treated on-site by self-contained WWTP before discharge
 - Only 10% of the site's current permitted level
- ⇒ Discharge will be safe for fish & aquatic life



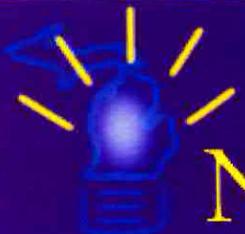
Improvements to Manistee Lake Shoreline

- ⇒ Rebuild seawall and stabilize shoreline
- ⇒ Protect lake from current runoff
- ⇒ Impede current leaching of contaminated groundwater
- ⇒ Prevent future erosion



Permitting Summary

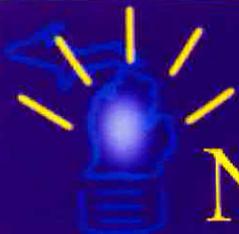
- ⇒ Will meet all stringent air quality requirements
- ⇒ Will meet all water quality requirements during construction and operation
- ⇒ Will remediate the existing site



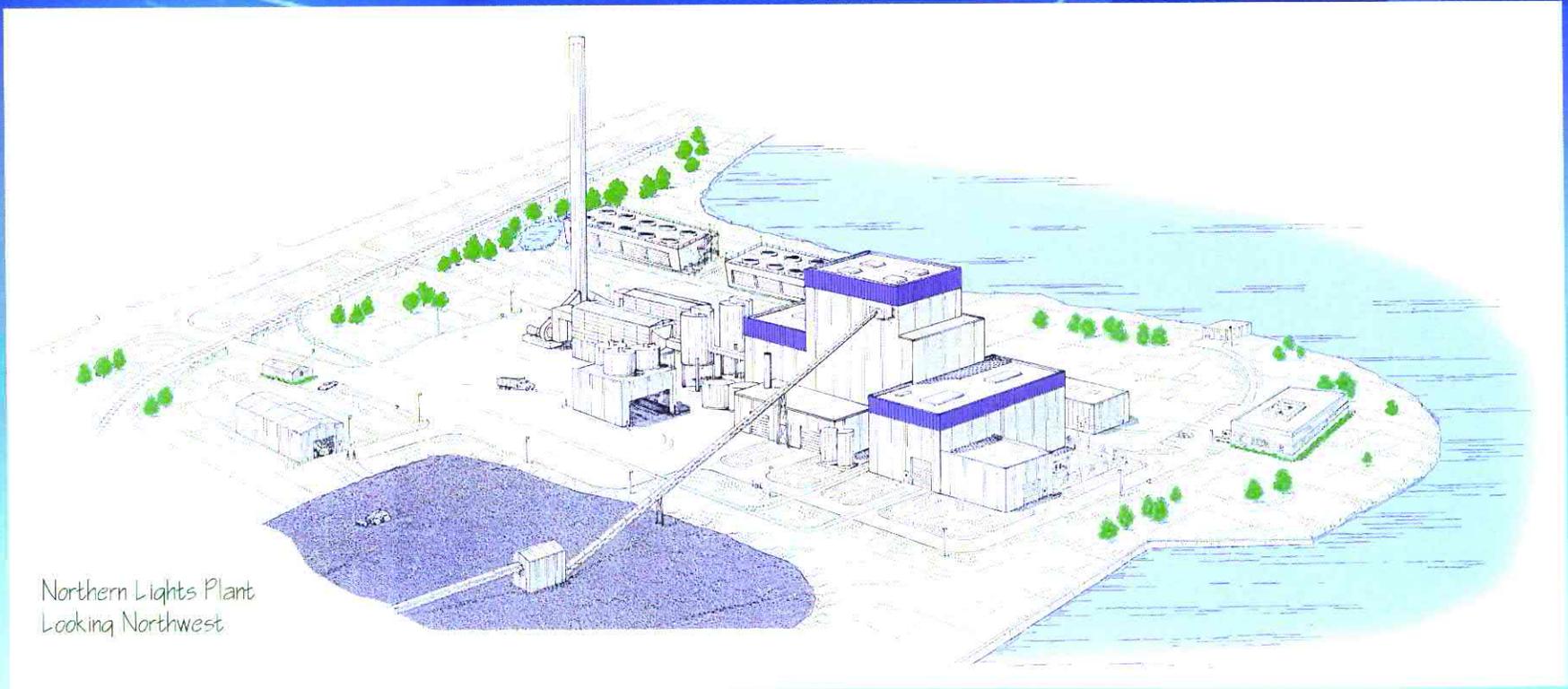
Northern Lights

- ⇒ An economic boost for Manistee
- ⇒ Affordable and reliable electricity
- ⇒ Environmentally responsible

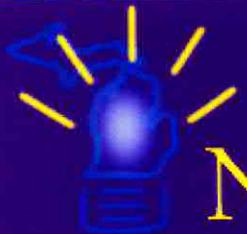
Northern Lights and Manistee — A Winning Partnership



NorthernLights A Project of The Manistee Salt Works Development Corp.

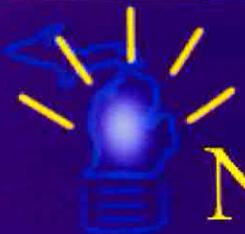
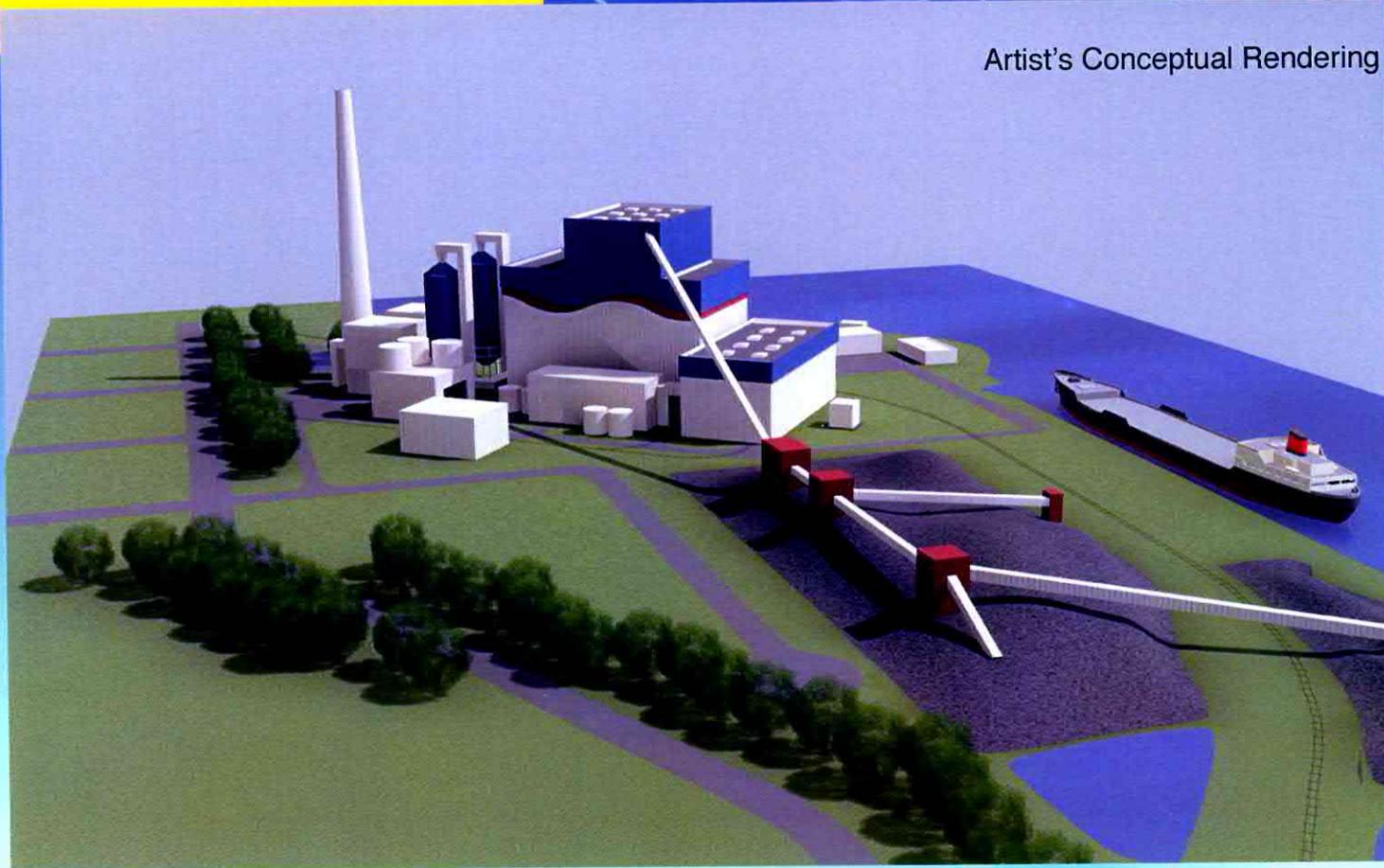


Northern Lights Plant
Looking Northwest



NorthernLights A Project of The Manistee Salt Works Development Corp.

Artist's Conceptual Rendering



NorthernLights A Project of The Manistee Salt Works Development Corp.