

# **MINORITY REPORT IN REGARDS TO SPECIAL USE PERMIT #2006-7 OF PRESQUE ISLE COUNTY PLANNING COMMISSION**

## **A. INTRODUCTION**

As members of the Presque Isle County Planning Commission we, the undersigned, have the responsibility to act in the best interest of the Presque Isle community without regard for personal interest or outside influence. The purpose of this Minority Report is to state the basis and justification for our voting against the approval of Special Use Permit #2006-7 brought before the Commission by Wolverine Power Cooperative.

## **B. STATEMENT OF FACT**

During the regular meeting of the Planning Commission on May 18, 2006 the Wolverine Power Cooperative advised the Commission of its intent to request a Special Use Permit enabling it to build a coal-fired power generating plant and perhaps a wind generator. At the end of the Wolverine presentation we addressed to the Cooperative representatives a number of technical questions such as how clean would the coal burn be and what would be the content of the stack emissions. General questions relating to plant based pollution were also asked. Consistently Wolverine representatives stated they were not prepared to answer any such questions at this meeting. They intimated that answers would be forthcoming, but that was not to be the case.

Prior to the June 15, 2006 meeting of the Planning Commission a packet of material containing a request for a Special Use Permit was submitted by Wolverine. The request included unsigned site plans for a plant. Because the plans were unsigned they could be changed at a later date without notifying the Commission. Furthermore, the plans lacked a legend, making their numeric elevation specifications impossible to interpret. Attached to the plans was a 'Statement of Support for the Request'. Neither plan nor the statement answered the basic questions posed at the earlier, May 18 meeting.

On June 15, 2006 the Planning Commission met to consider the Wolverine request. During its consideration a number of questions were addressed to Wolverine representatives. Those questions particularly relevant to our dissenting vote were:

### **1. QUESTIONS CONCERNING SITE PLANS:**

Unsigned, the site plans could be modified without subsequent review. There was no rebuttal from Wolverine to this critical point.

## 2. QUESTIONS CONCERNING A LEGEND:

Without a legend, it would be impossible to determine the elevation of the landfill in relation to the Lake Huron water level. To this day Wolverine has not resolved what this elevation would be.

## 3. QUESTIONS CONCERNING THE SOLID WASTE DISPOSAL SITE:

On pages 2 and 4 of Wolverine's application reference is made to its need for a solid waste disposal site. When asked about the use of the site Wolverine representatives affirmed their use statement on their page 4. On page 4 they said that the site would only be used for deposit of waste generated by the coal fired process and not for any other purpose. For example, the site would not receive trash from the plant or solid waste from any source other than the plant itself. Without a legend, we could not calculate the placement of the land-fill within the site. This absence prompted us to question the land-fill's relationship to the Lake Huron water level and/or the depression of the water table resulting from pumping by Calcite. Our concern was that Lake Huron and all connecting waters including aquifers could be contaminated by whatever was contained in the fly ash produced by the proposed Wolverine plant. Wolverine was also questioned about the construction and monitoring of the site and whether the bottom of the land-fill would be above or below the surface of Lake Huron. These factors would be relevant to potential water pollution. Wolverine offered no answers to these questions but did indicate the land-fill would be a Type II.

## 4. QUESTIONS CONCERNING EMISSIONS:

Coal-fired generating plants produce sulfur dioxides, nitrogen oxides (acid rain), mercury, thorium, uranium and other radioactive materials from fly ash flue gases. When asked whether devices would be installed to prevent or to monitor the release of these contaminants into the atmosphere, Wolverine said it could not answer these questions at this time. The questions remain unanswered to this day.

Wolverine affirmed the fly ash containing mercury, sulfur dioxides and nitrogen oxides would be disposed of in the land-fill. This affirmation was disturbing to us because the door had been left open by its imprecise land-fill plans for contamination of Lake Huron and all connecting waters including fresh water aquifers. We already knew

before this June 15 meeting that there are alternative ways of disposing of fly ash that Wolverine gave no evidence of exploring. For example, we knew there are power plants elsewhere that are transforming fly-ash into marketable products. Wolverine never gave any evidence of having explored this alternative, in particular the Florida plant which markets ALL of its fly ash.

In light of Wolverine's poor performance at the June 15 meeting a motion was made and supported to postpone its request for a Special Use Permit. The hope was that additional time would provide Wolverine with an opportunity to come forth with answers to Commission members' questions. Furthermore, additional time would give Commission members the opportunity to further research the topic of environmentally safe power plant operation. We Commission members were particularly interested in learning more about model plants in Florida and Kentucky that could serve as a basis of comparison with Wolverine's proposed plant.

### **C. THE JULY 20, 2006 PLANNING COMMISSION MEETING**

At the July 20 Planning Commission meeting a motion to approve the Special Use Permit for Wolverine was made and seconded as well as a motion to amend the motion. After extensive discussion on the amendment the motion to approve the permit was passed by a vote of **seven to two (7-2)**. We, the undersigned, were the two Commission members who cast negative votes, and we think it is important to summarize the oral presentation we made during the discussion on the amendment.

#### **1. UNRESOLVED ISSUES CONCERNING THE PROPOSED SOLID WASTE DISPOSAL SITE:**

Our contact with the Michigan Department of Natural Resources confirmed that the Wolverine land-fill would have to be a Type III, not a Type II as proposed by Wolverine. There are major differences between the two types. A Type III requires a liner, a leachate collection system and a distance of ten feet from the top of the primary liner to the natural ground water. A Type II does not require a liner or a leachate collection system. Wolverine was proposing a cheaper, less complex land-fill. Additionally, our investigation of Michigan land-fills failed to produce an example of a plant and land-fill that was placed at the bottom of a quarry as the Wolverine facility would be. The Wolverine project would be a first of its kind, making it even more important that questions concerning its impact on the environment be resolved. It is incomprehensible to suggest that the bottom of the land-fill be located lower than the high water mark of Lake Huron.

The cover of the topical report submitted by Wolverine shows a picture of a Florida power plant. Our research revealed that there is no fly ash deposited in the off-site land-fill of this Florida plant: it is sold commercially. Yet fly ash would be deposited in the proposed Wolverine land-fill. Wolverine's reference to the Florida land-fill was not relevant. The reference to the Florida plant was misleading. (See **EXHIBIT #1**).

Wolverine also provided material on a power plant in Kentucky which Wolverine officials had visited. The Kentucky plant would in fact be similar to the proposed Wolverine plant to the extent that both use a circulating fluidized bed technology, both would be coal fired, both would have three generating units, and both would be disposing of fly ash. We were amazed to learn that the Kentucky plant produces 5,000 tons of fly ash per day which are trucked to off-site disposal. We doubt that residents of Rogers City would be prepared to accept this rate of fly-ash production (See **EXHIBIT #2**).

## 2. UNRESOLVED ISSUES CONCERNING POLLUTANTS:

All of the materials reviewed touted a reduction of contaminating emissions. For example, Wolverine referred to a 27% reduction in sulfur dioxide and 57% reduction of nitrogen oxide since 1990. For us the big unanswered question was what did the reductions start from. Was it, for example, 100 parts per billion or 5,000 parts per billion? The same criticism could be made of Wolverine's claim that the circulating fluidized bed would produce only 20% of the nitrogen oxide and sulfur dioxide produced by a conventional coal burning plant. It would be 20% of what amount? Similar rates of reduction from alternative base-lines would produce very different amounts of pollutants. Time and again Wolverine failed to provide base-lines which would give careful readers an understanding of the pollutant amounts that would result from its proposed technology.

## 3. UNRESOLVED ISSUES CONCERNING WOLVERINE RESEARCH:

We learned that the PPL Corporation joined the FutureGen Industrial Alliance, a non profit consortium working with the U.S. Department of Energy, to build the cleanest coal fired plant in the world. Wolverine repeatedly professed a desire to build a clean burning plant yet admitted under questioning that it had not solicited information about

the model plant proposed by the Industrial Alliance. We were disturbed by just one more example of Wolverine's failure to do its home-work (See **EXHIBIT #3**).

## SUMMARY AND CONCLUSION

Wolverine Power Cooperative is an energy broker. When Company representatives could not answer basic questions concerning pollution control and environmental effects it became readily apparent that this Cooperative has had insufficient experience building and operating coal fueled power plants. That inexperience makes it particularly disturbing that the Planning Commission did not press the Company for commitment to specific environmental controls and safeguards.

Interested in having a plant in the Rogers City area that would be as pollution free as the best current technology makes possible, the Commission should have insisted that it see plans for requisite pollution controls. It did not. Nor did the Commission require plans for an environmentally safe landfill. Instead, because of a vague reference to jobs, the Commission abdicated its responsibility and quickly granted Wolverine Power the requested Special Use permit.

A number of examples of environmentally destructive projects immediately come to mind which should have motivated the Commission to give Wolverine's request more rigorous scrutiny:

1. Think of the notorious Bay View project near Petoskey where lavish homes and condos were built upon land which is leaching pollutants into Lake Michigan. Home-owners cannot swim off their beaches because the pollution is so dangerous.
2. Think of the concerns that gave rise to the court case involving hazardous waste deep well injection near Metro Airport in Wayne County.
3. Think of the on-going issues raised by the operations of the LaFarge Corporation near Alpena.
4. Think of the numerous environmental issues posed by the deep well injection site near Johannesburg.

Are the jobs that would be opened up by a new power plant in the bottom of the Calcite quarry so important that basic environmental safety arrangements should be ignored? We think not. How will citizens view their Planning Commission when they find their trees dying because of acid rain produced by their new Wolverine power plant? How will citizens view their Planning Commission when they find they cannot consume the fish they catch in nearby waters because of Wolverine produced contaminants?

Unanswered questions such as the above motivated the undersigned to vote against the Special Use permit requested by Wolverine Power. We would like to see a safe plant built in the Rogers City area that not only brings new jobs but also leaves the surrounding environment unharmed. Having failed to receive assurances that the environment would be protected, the undersigned concluded that they had no alternative but to vote against the request for a Special Use permit.

Thomas Harkleroad, Member of Presque Isle County Planning Commission

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