

MANISTEE CITY PLANNING COMMISSION

70 Maple Street
Manistee, MI 49660

PUBLIC HEARING/SPECIAL MEETING MINUTES

November 20, 2003

A Public Hearing/Special Meeting of the Manistee City Planning Commission was held on Thursday, November 20, 2003 at 7:00 p.m. in the Library, Manistee, Middle School, 550 Maple Street, Manistee, Michigan.

MEMBERS PRESENT: Bob Davis, Greg Ferguson, Ray Fortier, Cyndy Fuller, Joyce Jeruzal, David Kelley, Tony Slawinski and Roger Yoder

MEMBERS ABSENT: Mark Wittlief

OTHERS: Joe Tondu (Tondu Corporation), Jay Kilpatrick (Williams & Works), Brian Sousa (Wade Trim) Thomas Kubanek (Industrial Development Corporation), Charles Dumanios (6580 Lakeshore Road), Jimmie Mitchell (Little River Band of Ottawa Indians), Gerald Grabowski (Pleasanton Township), John Hanson (787 Merkey Road), Tex Collins (92 Poplar Street), Judy Cunningham (4466 Potter Road), Rick Kaminski (357 Fourth Street), Jim Reithel (1339 Meadow Wood Drive), Pete Landis (2085 Water Street), Alan O'Shea (County Commissioner), Fred MacDonald (Manistee Convention & Visitors Bureau), David Yarnell (603 Pine Street), Tom Boensch (435 S. Washington, Lansing), Helen Ann Yunis (444 Third Street), Steve Klein (88 Greenbush Street), Mark Keegan (335 E Ridge Street, Marquette), Bill Brooks (385 ½ River Street), Fred La Point (1606 Main Street), Alice Mummey (12332 Smith Street, Bear Lake), Phil Carleton (1702 Ramona Drive), Craig Grigonis (1220 Pacelli, Saginaw), Chuck Smith (12380 Jacobson Road, Wellston), Bernie Mailloux (510 Division, Charlevoix), Chuck Oyler (1239 N. Bays Road, Muskegon), Bill Kracht (403 First Street), Alan Benson (2499 Red Apple Road), Sam Adamski (299 Fifth Avenue), Bernard Ware Jr. (9044 Alkire Road, Bear Lake), Tim Joseph (11171 Kerry Road, Brethren), Sister Carol Ann Benigni (1302 E. 27th Street), Jan Sapak (2740 Old Stronach Road), Jeff Seng (538 E. Kott Road), Ed Seng (MAPS School Board President), Mary Kracht (403 First Street), Dan Shepard (Planner Little River Band of Ottawa Indians), Richard Mack(Mayor), (Alan Marshall (City Council), Bob Hornkohl (City Council), Chip Goodspeed (City Council), Neil Assante (City Council), Mitch Deisch (City Manager), Jon Rose (Community Development), Denise Blakeslee (Administrative Assistant) and others

Meeting was open at 7:00 p.m. by Chairman Yoder.

PUBLIC HEARING:

Manistee Saltworks Development Corporation - Coal Fired Power Plant

Chairman Yoder explained the Public Hearing Procedures to the people in attendance as printed on the back of the Agendas. The procedures are as follows:

Public Hearing 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.

Letters were received from Citizens expressing their concerns/support for the proposed power plant. Copies of these letters were distributed to the Planning Commission Members and are attached to these minutes. Letters were received from:

Shirley Skiera, 1307 24th Street, Manistee - Questions/Concerns
Charles Dumanois M.D., 6580 Lakeshore Road, Manistee - Questions/Concerns
Helen Ann Yunis, 444 Third Street, Manistee - Questions/Opposed
Alan W. Marshall, 914 Vine Street, Manistee - Information/Wind Turbines
Richard & Linda Albee, 365 Lighthouse Way South, Manistee - Opposed
Lee, A. Sprague, Ogema, Little River Band of Ottawa Indians, 375 River Street, Manistee - Opposed
Steve Klein, 88 Greenbush Street, Manistee - Questions/Concerns
Paul & Jan Gavlinski, William & Mary Kracht, Shirley Galloway, Jane Reynolds & Sharon Lapp,
Manistee - Questions/Concerns
Robert Yates, Yates Chevrolet Cadillac Inc., Laura Horvat, Wenco of Michigan, Manistee - In Favor
Mark Sanford, 260 East Piney Road, Manistee - Opposed
Thomas D. Kaminski, Manistee County, 415 Third Street - In favor
Ronald Schramski, Maxwell Town, Manistee - Opposed

Joe Tondy, Manistee Saltworks Development Corporation. Mr. Tondy spoke about the proposed power plant. The proposed Coal Fired Power Plant will be constructed on approximately 50 acres including the existing General Chemical Site. General Chemical has shut down and been abandoned. Mr. Tondy spoke of the current environmental issues on the site and the proposed clean up that will take place if the Power Plant is constructed. The proposed plant is state of the art and environmental issues will be regulated by the DEQ. If they go forward with the plant the DEQ will be holding public hearings in the community for citizen questions, comments and concerns. Mr. Tondy was raised in Manistee County and would not build anything that would have a negative impact on the Community. Their T.E.S. Plant in Filer has performed extraordinarily. Industry, Tourism and Agricultural have to work together for a community to survive. You cannot survive on just one source of revenue. Tondy wants to work with the entire community. They will diversify the economy. The Economic benefits include 4 million in payroll, 110 million in construction labor. This is a 40 year investment for power for the State. Industry has supported research, healthcare and has increased the lifespan from 40 to 80 years of age. Industry pays for a better quality of life. Please look at all of the impacts.

Jay Kilpatrick, Williams & Works. Mr. Kilpatrick is a Professional Planner who has been retained by the City to assist in the review of the application. Mr. Kilpatrick highlighted areas of his report dated November 13, 2003 (attached) for the Public Hearing. This review included Proposed Use, Special Land Use, activities outside an enclosed building, discharge of treated process water to Manistee Lake, alteration of the Manistee Lake Shoreline, and Site Plan Review. The report includes comments, recommendations and potential conditions for approval for each issue.

Brian Sousa, Wade Trim. Mr. Sousa is the City Engineer and has been asked to assist the Planning Commission in the review of the application. Mr. Sousa highlighted areas of his report dated November 12, 2003 (attached). Mr. Sousa's report included storm water runoff and management, wastewater management, potable water supply, traffic flow (shipping & overland), and Site Plan Considerations. The report included comments and potential conditions for approval.

Tom Kubanek, Executive Director, Industrial Development Corporation. Mr. Kubanek read a letter in favor of the concept of the Northern Lights Project as proposed by Tondy Corp./Manistee Salt Works Development Corp (copy of letter attached).

Charles Dumanios M.D., 6850 Lakeshore Road. Dr. Dumanios did not agree with all of Mr. Tondu's statements. He expressed concerns about health problems that could be caused by the proposed power plant. Dr. Dumanios spoke about the letter in the Manistee News Advocate from Lee Sprague, Ogema, Little River Band of Ottawa Indians. He spoke about the benefits vs the risks for the community and that they must be weighed seriously. Also the hearings that the DEQ will hold. He asked that the community ask the DEQ if they would want their child or grandchild to live in an area with a coal fired power plant. Mr. Dumanios feels that they would probably answer no.

Jimmie Mitchell, Little River Band of Ottawa Indians. Mr. Mitchell requested additional time to read the letter that was written by Lee Sprague, Tribal Ogema. Chairman Yoder granted Mr. Mitchell the time necessary to read the letter (attached). Mr. Sprague's letter expressed environmental concerns and is opposed to the proposed power plant.

Gerald Grabowski, Pleasanton Township. Mr. Grabowski is a member of the Pleasanton Township Planning Commission who claims to live down wind from the proposed plant. He hoped that the people in attendance at the public hearing whether for or against the proposed plant would remain civil. Mr. Grabowski discussed the need for a baseline air quality assessment. He spoke of the reference as a "clean plant" but noted that the fly ash is not clean and will be filling up our landfills. The reference by Mr. Tondu about the benefits the nation has experienced by Industry was built on the back of the laborers who worked for the industries. He asked that we find a more creative way to clean up the brownfield on this site. Mr. Grabowski feels that conservation is the key and that the assumption that we need the plant is misguided and would like to look for a different alternative.

John Hanson, 787 Merkey Road. Mr. Hanson feels the community needs to consider change. He spoke of the concerns that were expressed when the prison came into town. The concerns were unfounded and the prison has brought good jobs to the community. Concerns were expressed over the Casino. The Casino has brought good jobs to the community with some rise in bankruptcies and embezzlement. This is an opportunity to clean up Manistee Lake. The current standards are so much different than the standards from 50 years ago. The community needs to look at their past experiences with the prison, casino and the potential impacts from the proposed plant. If this development does not come in that site will remain as is for 10 - 15 years. If they do not construct the power plant here they will go somewhere else and that community will receive the benefits of increased tax base, jobs etc. This could be an asset to our community vs someone else's. He asked that everyone keep an open mind. We are all friends of the environment and want clean air.

Tex Collins, 92 Poplar Street. Mr. Collins was an engineer before he retired and is in favor of the proposed power plant. He feels that the nation needs this type of plant. Mr. Collins expressed his concern about the life of the other plants around Manistee Lake. He feels that they will only be around for another 15 years or so and that this plant has a life expectancy of 40 years. In regards to the concerns expressed about reverting back to the last century technology by the installation of a Coal Fired Plant; wind mills are 10th century technology. Has anyone looked at how many windmills it will take to provide the same power output as the proposed plant? Mr. Collins also asked what the projected increase would be in the temperature of Manistee lake resulting from the discharge of treated water.

Judy Cunningham, 4466 Potter Road. Ms. Cunningham expressed concerns about suggested conflicts with local units of government. She suggested that you look at the tax revenue and asked if

they would be asking for any tax abatements. She asked if anyone considered the detriment of truck traffic, effects on the landfill, groundwater contamination, life expectancy of the Manistee Landfill. She expressed concerns about how the air emissions and water discharge will impact Manistee Lake. She spoke of the government giving large tax breaks to Industry. She asked how we want our community to look in 20 years. She spoke of poor water quality vs good water quality and poor air quality vs good air quality. She did not feel that anyone was looking at the long term impacts. She asked that we look in different directions.

Rick Kaminski, 357 Fourth Street. Mr. Kaminski has worked for 24 years for the different industries on the General Chemical site, 1501 Main Street . He spoke of the how they use to burn coal on the site and the did not have to comply to any of the standards that you are required to comply with today. He now works at the T.E.S. Plant in Filer and spoke of the high standards and the plant safety at that site. He spoke of health problems he had in the past from working on the boilers at the plants at 1501 Main Street. He spoke of how his health has improved since working at the T.E.S. Plant doing the same type of work. He spoke of how clean the T.E.S. Plant is and how impressed he is at their maintenance and safety records.

Jim Reithel, 1339 Meadow Wood Drive. Mr. Reithel is the General Manager for Martin Marietta Magnesia Specialties Operation and is responsible for four plants in Michigan, Ohio, Tennessee and Connecticut. Mr. Reithel read a statement (attached) expressing concerns about the struggle of industry, needs of our society, and environmental impacts. He feels this is an important opportunity for our community, and encourages everyone involved to go forward in an informed manner, with a spirit of cooperation and compromise that supports the successful construction of this new facility.

Pete Landis, 2085 Water Street. Mr. Landis gave some history in the previous industries on the site at 1501 Main Street. Mr. Landis worked for several of the industries and his family went through pay cuts and numerous changes in employers. He spoke of the pride the employees who worked at the plant had in their jobs and the impact the shutdowns had on their families including financial losses, stress, depressions and the failures of some marriages. He spoke of the community need to promote people working at good jobs. The EPA standards will mandate the environmental issues. He expressed his concerns that the new tariff laws will increase the loss of more jobs in our country.

Alan O'Shea, County Commissioner. Mr. O'Shea read a letter from the County Board in support of the proposed power plant (attached). On a personal note Mr. O'Shea would like to see a strong relationship developed between the community, citizens and Northern Lights with minimum impact on the community's environmental quality. He can empathize with the concerns expressed by Lee Sprague, Omega, Little River Band of Ottawa Indians. He has lived with a solar energy system for the past 25 years and has also used wind power. These two resources will not sustain the lifestyle we live with today.

Fred MacDonald, Manistee Convention & Visitors Bureau. Mr. MacDonald read a letter from John Madsen, a member of the Convention and Visitors Bureau (attached). The letter is in support of the Northern Lights Project. The letter included information on the DEQ regulation of environmental issues and his feelings that this is the appropriate agency to do this regulating. The letter mentioned the importance of the clean up of the site. He spoke about the benefits the jobs will bring to the community.

David Yarnell, 603 Pine Street. Mr. Yarnell is the Executive Director of the Chamber Division of the Manistee Economic Council and Chamber Alliance (MECCA). MECCA is a business organization so they tend to be pro business and are in favor of planned development. They are pleased that the City is working carefully with the developers and at the same time are looking out for the welfare of the residents in the City. He feels that Manistee has a good diverse economy of business, industry and tourism and meets MECCA's Mission Statement "to provide a unifying, central effort of professional expertise in conducting an aggressive, planned and coordinated program of economic growth and expansion of member services, for enhanced Manistee County quality of life, sensitive to its heritage and natural resources, through the retention and expansion of commercial and industrial business, recreation opportunities, and tourism." He spoke of the impact the jobs will have on the community and the unique deep water port facilities around Manistee Lake. Mr. Yarnell feels that the T.E.S. Plant in Filer City lives up to its billing as a clean plant and feels that Northern Lights will do the same.

Tom Boensch, 435 S. Washington, Lansing. Mr. Boensch represents 250 Building Trade Members in Manistee County. There will be lots of change in our economy and wants what is best for the community. There has not been a base load plant built in the State of Michigan in the past 20 years and if you want to keep jobs you need to have economically priced electricity. Michigan is economically challenged and he encourages approval of this project.

Helen Ann Yunis, 444 Third Street. Ms. Yunis expressed her concern that enough questions are being asked about the impact this will have on the environment and our community. She said that it is exciting to have 60 jobs but are we going to have more cases of cancer in the next 20 years because of it? She expressed concerns over the term state of the art technology. Also concern over the failure of one of the stacks at the T.E.S. plant in Filer last year and the need to evacuate Filer City. She asked if anyone knows if there were any health impacts from that failure. She has concerns if the 400 ft stack were to fail. She spoke of Brownfield Tax Abatements and wanted people to know that they involve tax abatements.

Steve Klein, 88 Greenbush Street. Mr. Klein gathered signatures from over 100 people in opposition to the proposed power plant. Mr. Klein asked that they be included in the minutes (attached).

Mark Keegan, 335 E Ridge Street, Marquette. Mr. Keegan lives between two powerplants in Marquette for the past 18 years and does not feel that the City or the Communities that live downwind suffer from health issues. Mr. Keegan represents the Operating Engineers Local 324 Labor Management Education Committee. He requested that the Special Use Permit be granted. He spoke about the need to pursue new sources of electrical power, need a responsible approach to eliminate power shortages, gas-fired power facilities are not financially feasible, the State's need for base power producing facilities so that they don't rely on outside sources. He spoke of the economic impact on the community during construction and the benefits the respective unions maintain. He said that the T.E.S. Plant in Filer came in under time and under budget, an excellent testimonial to the skills and efficiencies that their contractors bring to the work place every day.

Bill Brooks, 385 ½ River Street. Mr. Brooks is disturbed by rumors that the Planning Commission is in a hurry to get this issue off their plate. He feels that it is inappropriate to make any decision until the Planning Commission has all of the information. He does not feel that there should have to be conditions on a permit and that all the State and Federal Permits should be in place. He feels the

Planning Commission has a responsibility to the community to look at the long term impacts that this massive project will have. He asked that the Planning Commission not rush to make a decision and to take time to look at other Brownfield options.

Fred LaPoint, 1606 Main Street. Mr. LaPoint said that he has heard the term "State of the Art" but has not heard anything about emissions. Mr. LaPoint expressed concerns that the clean up of the site and what types of measures will be taken not to contaminate neighboring sites. Mr. LaPoint is a diver and said that he has concerns about the warm water discharge into Manistee Lake and stated that zebra mussels thrive in warm water. Mr. LaPoint lives across the street and has to have his home cleaned to remove the coal dust from the outside of his house. He experiences a definite impact from this small pile and is concerned about the impact the proposed large piles will have. Mr. LaPoint feels that his dust affects his high efficiency furnace.

Alice Mummey, 12332 Smith Street, Bear Lake. Ms. Mummy agrees with the tribe that this will have a huge impact. She express concerns about the proposed plant and spoke of beach closing in Traverse City after water testing and that the City does not test the water at their beaches.

Phil Carleton, 1702 Ramona Drive. Mr. Carleton is the Facility Manger at Morton's. Mr. Carleton is in support of the power plant at the General Chemical Site. He feels that this will help the local economy and that millions of dollars will be spent to clean up the site. He wondered what will happen to the site in 10 years if it is not cleaned up.

Craig Grigonis, 1220 Pacelli, Saginaw. Mr. Grigonis is in favor of the proposed power plant. He has worked for the last 28 years building power houses in Michigan. Mr. Grigonis said that Natural gas is meant to heat homes not power industry. He said Coal is a huge supplier of power in Michigan. In order for more industry to come to Michigan you have to be able to supply power. Mr. Grigonis feels that there are too many places closing up and the loss of too many good paying jobs. He said the site needs to be cleaned up and this is a good alternative and that there are many sites in the State that are not being cleaned up.

Chuck Smith, 12380 Jacobson Road, Wellston. Mr. Smith lives in Wellston but owns a business in the City. This business relies on tourist. Mr. Smith feels that in order for Manistee to be successful we must encourage diversification. He does not want to give up tourism but does not want to give up on industry either. Mr. Smith said that you need outstanding community deversity to have economic growth and is in favor the proposed power plant. He said that the DEQ will oversee permitting and regulations and feels good about the regulations by the government and that everyone must live by the same set of rules. Mr. Smith feels that we would not be at war with Iraq if we were not dependent on other countries for fuel. He said that the locals do not like boat traffic but the tourist love the experience of seeing a freighter and it adds to the tourist trade..

Bernie Mailloux, 510 Division, Charlevoix. Mr. Mailloux is the business Manager of the International Brotherhood of Electrical Workers Local 498. Mr. Mailloux spoke of the membership of their union and the members which live in the City of Manistee. He quoted articles from the Washington Post and the Traverse City Record Eagle (attached).

Chuck Oyler, 1239 N. Bays Road, Muskegon. Mr. Oyler works in boiler maintenance and is in favor of the proposed power plant. He believes that the plant will be a great benefit to the community and will bring skilled jobs with fringe benefits as well as benefits to vendors in the area. He says the proposed power plant will bring workers who will spend money locally and this will be a clean source of energy. He feels this will be a win-win situation.

Bill Kracht, 403 First Street. Mr. Kracht is a professional chemist. He said that he does not envy the Planning Commission their job but feels that they do not have enough information to make a decision in the near future. Mr. Kracht spoke about the information in the air quality permit on file at the County Planners Office and expressed concerns over emissions, acid rain, mercury, lead, and arsenic. He said the DEQ does not have to live with the impact and that no serious study has been done of what the negative impact on tourism or people moving here. Mr. Kracht feels the Planning Commission does not have enough information to make an intelligent decision.

Alan Benson, 2499 Red Apple Road. Mr. Benson asked if the emissions from the stack are so clean, why is the stack so high, and about air monitoring stations around the site.

Sam Adamski, 299 Fifth Avenue. Mr. Adamski said that he has listened to other opinions expressed and the letter from the Ogema. He said that he graduated from Grand Valley and after graduation planned to move home to Manistee to work. He said that did not happen. Mr. Adamski works in Ludington and said there are no jobs here for our children. Mr. Adamski commented on the concern from the person who lives near Tondou about the dust from the coal pile. Mr. Adamski said that it is not a coal pile but a coke pile. He wished good luck to Tondou and the Planning Commission.

Bernard Ware Jr., 9044 Alkire Road, Bear Lake. Mr. Ware said that he is a peasant farmer, citizen planner and has issues that he would like the Planning Commission to look at. His concerns include mercury in the rain the health safety and welfare of the community. Mr. Ware is concerned about the future generations and the impact this may have on them. He asked the Planning Commission to take into account future generations and their health when they make their deliberations.

Tim Joseph, 11171 Kerry Road, Brethren. Mr. Joseph said that he lives in Brown Town 15 miles downwind from the proposed plant. He asked that the Planning Commission take into consideration the impact this development will have on the citizens downwind when they make their decision. Mr. Joseph said that if the City of Manistee wants a 400 foot stack and 200 ft building he wishes them well. He asked how 425 megawatts of power will be transmitted from the plant? Mr. Joseph reiterated to keep the Citizens outside the City Limits in mind when making decisions.

Sister Carol Ann Benigni, 1302 E. 27th Street. Sister Carol Ann is dismayed at the moral integrity of the group. She said our greatest assets is people and that we have been given a gift from god to be stewards to the environment.

Jan Sapak, 2740 Old Stronach Road. Ms. Sapak asked that the Planning Commission consider the average citizen not just the guys in ties who spoke this evening. She asked that consideration be given to the water quality and the tremendous fishery resource. Ms. Sapak said that hundreds of salmon go thru Manistee Lake on their way to Lake Michigan and the huge asset this is to our community and has concerns if the water temperature is warmer.

Jeff Seng, 538 E. Kott Road. Mr. Seng owns Seng's Crane and Seng's Marina on Manistee. He is also concerned about clean water and clean air. Mr. Seng said that the practices of the past are disgusting and there were a lot of contaminates going into Manistee Lake. He said that sheet piling will help prevent contamination into the Lake and be wonderful for the area in questions. Mr. Seng said that he spoke to a developer who said that there is no interest in developing condominiums on Manistee Lake due to contaminates.

Ed Seng, Manistee Area Public Schools, School Board President. Mr. Seng expressed his enthusiasm as to what this project could mean to the School. He spoke of State Revenue Cuts and what impacts they will have on the community. Mr. Seng said that the quality of life for Manistee includes education and our children. He said this will be a huge asset to help our community and country.

Mary Kracht, 403 First Street. Mrs. Kracht is confused about the revenue from taxes on this project if there are tax abatements and tax credits and wanted to know how much tax will be generated by the plant. She asked how many jobs this will create for existing Manistee residents. She feels that more questions need to be asked.

Dan Shepard , Planner, Little River Band of Ottawa Indians, Resident Filer Township. Mr. Shepard is the father of a 4 year old and an 11 year old and has concerns about the impact from the proposed plant. Mr. Shepard would like to know the impact this will have on the rain. He said our world is dependent upon water for quality of life. He would like other alternatives explored.

Chairman Yoder said that anyone having questions or concerns can submit them in writing. Three items were left with the recording secretary (attached).

Allan Domres, resident of Manistee - Support
William & Martha Day, 320 First Avenue - Opposed

Chairman Yoder asked if there were any more questions or concerns. There being no further discussion:

MOTION by Ray Fortier, seconded by Tony Slawinski that the Public Hearing be closed. Motion passed unanimously.

The Public Hearing closed at 10:03 p.m.

Chairman Yoder asked for a 5 minute recess to allow people who do not want to stay for the Business Session of the Meeting time to clear the room.

CITIZEN QUESTIONS AND CONCERNS:

No questions or concerns were expressed by the Citizens in attendance.

APPROVAL OF MINUTES:

Planning Commission Meeting Minutes, November 6, 2003

MOTION by Tony Slawinski, seconded by David Kelley that the minutes of the November 6, 2003 Meeting of the Planning Commission Meeting be approved. Motion approved unanimously.

NEW BUSINESS:

None

UNFINISHED BUSINESS:

Manistee Saltworks Development Corporation - Proposed Power Plant

Jay Kilpatrick, Williams and Works reviewed the questions asked during the public hearing. The questions were as follows:

1. How many wind generators would provide the same power output as the proposed coal fired plant?
2. What will be the projected increase in the temperature of Manistee Lake resulting from the discharge of treated process water?
3. Has the developer requested any tax abatements?
4. What will be the effect of 30 truckloads per day of additional solid waste on the local landfill?
5. How will air emissions and water discharge impact Manistee Lake?
6. What will happen if there is a structural or mechanical failure at the plant?
7. What quantities of air pollution will be emitted?
8. What steps will be taken to prevent migration of existing on-site pollution to the lake or adjoining properties?
9. What will be the impact of thermal pollution on Manistee Lake?
10. If the emissions from the stack is so clean, why must the stack be so tall?
11. Will there be air monitoring stations around the site?
12. How will the 425 megawatts from the plant be transmitted?
13. How much tax revenue will the plant generate?
14. How many jobs will be provided for existing Manistee residents?

Planning Commission Member Bob Davis asked that a few more questions be added to the list as follows:

15. What are the safety implications of the proximity of the railroad lines carrying chemicals to the plant to the coal piles?
16. Of current bridge openings, how many are freighters versus sailboats and what will be the percentage increase in freighter openings?
17. What will be the quantities of particulate emissions (including mercury) from the facility and what are the radiation impacts?

These questions will be compiled and forwarded to the Developer and Consultants for response. Due to the late hour the members of the Planning Commission will continue their discussion at their regularly scheduled meeting of December 4, 2003. Due to the amount of interest in the request from Manistee Saltworks Development Corporation for a Special Use Permit 1) Activity outside enclosed buildings (coal pile, 2) Discharge of treated Wastewater to Manistee Lake, 3) Alteration to Manistee Lake shoreline (shipping dock) for a coal fueled power plant ~~to construct a Coal Fired Power Plant~~ the December 4, 2003 Planning Commission Meeting will be held in the Library at the Middle School, 550 Maple Street to accommodate a larger number of people.

Greg Ferguson asked about conditions being prepared for the Special Use Permit. Chairman Yoder said that the Planning Commission Chair will need to continue review and receive responses to the questions and concerns asked by the Citizens during the Public Hearing before they can begin work on conditions for the Special Use Permit.

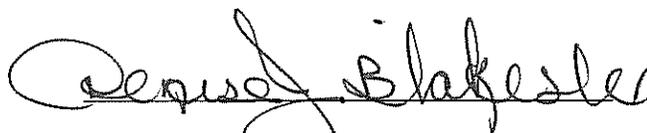
OTHER COMMUNICATIONS:

Tony Slawinski asked for a 150 day absence from the Planning Commission. The Planning Commission approved the request but said that they would not be able to grant another request in the future.

ADJOURNMENT:

MOTION by Tony Slawinski, seconded by Joyce Jeruzal that the meeting be adjourned. Motion passed unanimously. Meeting adjourned at 10:30 p.m.

MANISTEE PLANNING COMMISSION



Denise J. Blakeslee, Recording Secretary

PROPOSED TONDU FACILITY

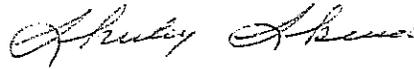
Questions for the Consultants hired by the City of Manistee, MI

Submitted by

Shirley Skiera

1307 24th St

Manistee, MI 49660



Regarding the environment & health: At the first public meeting Joe Tondou presented a bar-graft that was based on pounds of emission per 1 million BTU's. However the plant will produce 4,342,000.00 BTU's per hour. That changes the look of the graft considerably. How many pounds of emission does that create in a 24 hours? How many pounds in a year?

Mercury which will be present in the fine particulates, (which the EPA does not require to be monitored.) is known to be harmful to children & the elderly.

There is a paper published by National Wildlife Federation (www.nwf.org) in May of 2003 called "Cycle of Harm: Mercury's Pathway from Rain to Fish in the Environment" that is well worth reading. In part it states that "For most watersheds, deposition of mercury from the air is the primary pathway by which mercury enters the water, building up to levels that threaten wildlife and people." However the water surface branch of the EPA has no say in this permit, only the air quality division does. Can that be addressed?

Also disturbing to me is that the EPA codes have become so relaxed that ones wonders if they are at all useful. In an article "The Radioactive Threat of Coal Combustion" by John Berry & published by the "independent media center" (see handout) it states that "Americans living near coal-fired power plants are exposed to higher radiation doses than those living near nuclear power plants" said J.P. McBride a former Oak Ridge National Laboratory researcher. The article also states that coal-fired power plants are the dirtiest most primitive means of producing power and should at the very least be equipped with uranium traps to trap radioactive elements harmful to humans. Is that being suggested?

Regarding tourism & the quality of life in Manistee: The amount of freighter ships that would be coming through our harbor was projected at 13 per month – which coming and going would average 26 trips per month. If you take the 26 trips that would probably not occur during the months of Jan., Feb., and March (78 trips) and add them to the remaining 9 months the average is more like 48 trips a month, closer to 2 a week. This would take place during Manistee's prime recreational boating and fishing time. This does not take into account other freighters accessing the harbor on a regular basis. The average time that the bridges are open when one of these comes through the harbor is approximately 20 minutes.

What type of an impact on traffic, both in the water and on the roads would you see happening

What impact on the roads leading from the plant to the landfill would take place? From the existing two truckloads of ash hauled from the present plant (although they are covered) there is a good amount that falls from the trucks and creates a dirty, slushy coating on the road. Times that by the amount of new truck loads, 2 trucks 15 times per day – back & forth that equals 60 road trips per day.

Please take a few minutes to observe the emissions from the present plant. A good time is between midnight and 5:00am. It would be helpful if there was a warm muggy morning when you could walk and see, smell & "feel" the air in the Filer City and Oak Hill area, it is not to pleasant. Homes and cars are where you see the most dirt, but if it's there it's on everything else too. Please come and see.

I am enclosing some documents from various sources. I hope they may have some useful information.

Copies to Manistee Planning Commission
Manistee News Advocate

Questions for the Consultants hired by the City of Manistee regarding the Tondu Project

1. What was the charge (question-wise) to the consultants? Specifically, what areas were they to address?
2. What are the current standards for emissions of Mercury, Particulate Matter and Radioactive Matter as of 11/2003 according to the Federal and /or Michigan Agencies responsible for these evaluations?
3. Are there any anticipated changes in these standards in the next 5-10 years and if so what are they?
4. Given the proposed amounts of coal to be burned and the types of coal to be burned what are the expected discharges of Mercury, Particulate Matter and Radioactive Matter from the Manistee site?
5. What do you expect these discharges to do the health of the humans and animals in the immediate and surrounding areas (within a radius of 50miles)? Be specific.
6. Other than reducing the volume of coal to be burned on a daily basis, what can be done to bring the volumes of emissions to those mandated by the standards mentioned in question 2? Scrubbers, etc.? How can these modifications be mandated?
7. Storage of the volumes of coal needed to run this operation has concerns independent of the combustion problems. What contamination problems can be anticipated from coal dust blown from the storage site by the prevailing winds and what can be done to prevent them? What contamination problems will occur due to runoff from the coal piles into Manistee Lake and what can be done to prevent them? What contamination problems will occur to the groundwater and aquifers below the coal piles due to rain and melting snow and what can be done to prevent them?
8. What agencies should be involved in the ongoing evaluation of this problem and what is their responsibility and who do they report to? Who must request these evaluations?
9. Assuming the emissions in question will be excessive and unhealthy; can the owners of the proposed plant be forced to put up a bond to offset the expenses of any needed remedy? If the answer is yes, how much should the bond be for and what should the term be?

Submitted by:



Charles Dumanois M.D.
6580 Lakeshore Road
Manistee, MI 49660

**Helen Ann Yunis
444 Third Street
Manistee, Michigan 49660**

November 12, 2003

Manistee Planning Commission
City Hall
Maple Street
Manistee, Michigan 49660

Dear Commissioners:

At the November 6, 2003, Planning Commission meeting, concerned citizens were asked to place questions in writing and deliver them to Jon Rose at the City Office. I have the following questions and concerns.

1. What are the current levels of toxicity/pollutants being emitted into the air and Manistee Lake by the industries surrounding Manistee Lake¹?
2. After identifying what level of pollutants are currently in the area and how much the new Tondu Industries will add to it, please research other areas in the United States that have these level of pollutants and determine if any studies have been completed regarding illnesses related to the pollutants in the area. Please gather these studies and provide them to the Commission, City official and the public.

¹ At the Commission meeting, several Commissioners stated that they are aware that many industries around the Lake do not have to comply with the new Federal standards. It was also stated that the emissions of other industries are not their concern and that the DEQ and EPA are responsible for monitoring them. A Commissioner also stated that the paramount concerns for the Commission "are the health, safety and welfare of the community." It is my concern that the area is already heavily polluted and that additional industry, no matter how much in compliance with the current Federal standards will only create a greater problem long-term for the community.

Letter to Planning Commission

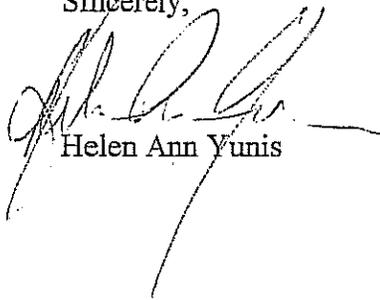
November 12, 2003

Page 2

3. Please complete research regarding the effect the emmittance of mercury will have on the health and welfare of the community.

Thank you for taking the time to research these concerns.

Sincerely,



Helen Ann Yunis

November 12, 2003

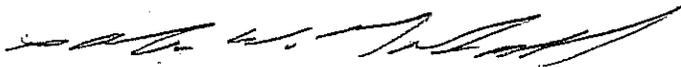
QUESTIONS/INFORMATION FOR CONSULTANTS

RE: Manistee Saltworks Development Corporation (Coal Fired Power Plant)

Enclosed please find information for consideration for the proposed power plant. The information includes Industrial Job information prepared by Michigan University Extension for Manistee County in February 1999.

Also enclosed is information about Wind Turbines. This information indicates that 2,056 wind turbines would be needed to generate the same amount of power as the proposed Coal Fired Power Plant. This would require 10,280 acres of property to construct the wind turbines as per Otsego County's Zoning Ordinance.

Alan W. Marshall
914 Vine Street
Manistee, Michigan



To: Manistee City Planning Commission and Mr. John Rose ✓
Manistee City Council via City Manager, Mitchell Deisch

From: Richard T. Albee and Linda S. Albee
365 Lighthouse Way South
Manistee, Michigan 49660

Subject: Proposed Power Plant-Manistee Saltworks Development Corporation

Date: November 12, 2003

We are sorry we are unable to attend the scheduled public hearing, Thursday, November 20, 2003, concerning the proposed power plant by Manistee Saltworks Development Corporation.

We have many concerns we would like the City Planning Commission to hear before their consideration of the Special Use Permit Application.

Reasons why we think this Special Use Permit application should be turned down are:

1. Coal burning power plants throughout the country are responsible for pollution of waste water, air and noise as well as ruining the visual landscape. These items adversely affect the health, safety and enjoyment of property not only for individuals living close to the plant, but for all people living in Manistee County.
2. We only have two organizations that will be responsible for policing the pollution caused by this power plant, the EPA and DEQ. Neither of those organizations have done a stellar job at policing our current industrial corporations. What makes us think they will do a great job with the proposed plant?
3. The Cities Master Plan identifies the proposed site as industrial, however, we believe:
a "heavy" industrial base located on any of our water ways (Manistee Lake, Manistee River, or Lake Michigan) will have a severe detrimental affect on our tourism industry. Any jobs that may be created by the power plant will be offset by jobs lost in the tourism industry as well as individuals moving away from Manistee.
4. Some believe that the proposed plant would be cleaning up the current industrial mess caused by the past business owner of the property. We believe they will not be cleaning up the current site, but merely replacing it with another industrial mess.

5. We are very concerned as to what would happen to the proposed site if for some reason Manistee Saltworks Development Corporation had to discontinue business. This could easily happen due to financial problems or environmental regulations. Could the city afford to tear down the proposed infrastructure (smoke stack, building, equipment, coal stacks) as well as reconstitute the land to make it resalable? This situation could possibly be remedied by Manistee Saltworks offering the City a long term letter of credit to fund the clean up in case of business discontinuance. Has Manistee Saltworks offered a letter of credit or will it be requested?
6. We understand that the proposed plant will bring to the city significant tax revenues. We also realize that the proposed plant will bring to the city additional expenses such as fire protection, wastewater treatment, additional administrative burdens and a possible loss of tax revenues through reductions in SEVs for homes located in the City. Has the City Planning Commission identified these costs and netted them against any possible gains?

Besides the above listed concerns, we believe that the City Planning Commission, as well as the City Council, should also review and understand completely the **Special Use Permit** as submitted by Manistee Saltworks Corporation on November 6, 2003. The following areas on the Special Use Permit application do not seem to be accurate or need further clarification:

1. **Environmental Permits Checklist**

Are the following Yes or No questions answered correctly? We would question numbers 2, 8, 9,10,11,18,20.

2. **Part 1: Management of Hazardous Substances and Polluting Materials**

Number 7. We disagree with their answer.

3. **Hazardous Substance Reporting Form for Site Plan Review**

This list of hazardous substances is frightening. Who will control and police?

3. **Attachment A**

- A. **Wastewater**-Treatment of their wastewater will be extremely expensive. Solution should be negotiated and resolved before a special use permit is approved.

- B. **Coal Pile Runoff**-

What if we get more rain in a 24 hour period than 3.9 inches? This whole solution does not sound satisfactory.

D. Dust Suppression-

What about dust suppression needed when unloading the boat? When sprinkling the coal piles for dust suppression, how is the ground protected?

E. Ash Handling

Can the Shoreline Landfill handle this much ash?

F. Freighter Traffic

Will the additional 13 freighters per month traversing the Manistee River add to a better quality of life for the citizens of Manistee dependent upon the river and road ways?

Tondu, by their own admission, will have no control as to the scheduling of this traffic.

H. CSX Railroad

What does it mean when Tondu says, "will most likely not be used"?

I. Decibel Levels

Because 65 decibels is the design parameter, does not mean the decibels will be 65 or less. It is our understanding that the decibels are much more than 65, especially when the plant shuts down and starts up on a weekly basis.

K. Design for Chimney

This 400 foot stack will become the "landmark" for Manistee.

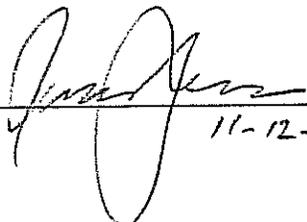
Ugly, Ugly, Ugly, Ugly, Ugly.

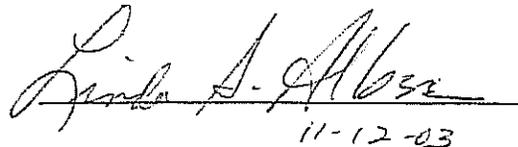
P. Site Emissions

If we do not have a complete understanding of the possible hazards of these emissions, why approve the application? Even if we pretend to understand the site emissions, do we have 100% confidence in the EPA's enforcement of the site emission regulations?

In summary, we do not believe that the short term tax gains from this project will be advantageous over the long term detrimental affects to the beautiful City of Manistee.

Please do not approve the "Special Use Permit" for Manistee Saltworks Development Corporation.


11-12-03


11-12-03

An Open Letter to the City of Manistee Planning Commission of Great Importance to the Community:

The Manistee Salt Works Corporation (aka. Tondu Corporation) proposes to build a 425 megawatt coal-fired power plant on Manistee Lake. The new power plant would be located at the vacant General Chemical site in the City of Manistee.

Representatives of the Manistee Salt Works Corporation (MSWC) have participated in a number of public meetings at which they have extolled the virtues of their proposed power plant. To summarize, they promise employment opportunities and that this project will be good for the economy of the Manistee area and for the whole state. At the same time, they assure us that advanced pollution control equipment will be utilized to minimize the adverse impact this proposed plant will have on the environment, and on the health of the people who live here and downwind.

This claim is only one perspective on the potential economic and environmental impact this proposed coal-fired plant will have on our community. As the Ogema of the Little River Band of Ottawa Indians, and as a husband and father, I would like to offer an alternative perspective to that which has been advanced by the MSWC. Although, I need to qualify that my comments here are not intended to be an exhaustive analysis of the issues, impacts, or alternatives to such a development in our community.

The economy in Manistee is in the midst of a dynamic shift from an industrial base to a tourism base. This has not happened just by accident, but rather has been a deliberate effort that has taken place substantially over the previous decade. This has been accomplished through the cooperative and coordinated efforts between the Tribe, the City, County, Townships, the Manistee Chamber of Commerce and other economic development concerns.

Anyone who has lived in Manistee for any period of time knows how this community was devastated by the loss of jobs and tax base that resulted in the last twenty years when many local industries closed their doors and relocated to other states or countries. Manistee was not alone – dozens of other communities in the Midwest and Northeast were facing similar and profound setbacks.

Contrary to many other communities who were struggling to develop their economic recovery plans, this community had certain ‘natural’ advantages. Here in Manistee, the sun rises over the National Forest and it sets over Lake Michigan, and in between we have two beautiful rivers, and what can slowly but surely become a jewel – Manistee Lake. For anyone who likes to hunt, fish, hike, ski, boat, canoe, swim, snowmobile, golf, or just be outdoors - this place is a recreationer’s dream.

Recognizing these strengths, it was determined that if this community was going to survive, or in any way prosper as it once had, then a new direction would have to be charted – one based more on tourism and less on industry.

This was the very argument and strategy that the Manistee City Council employed when they advocated for the Harbor Village development in the early 1990’s. And on the whole, I think they were wise to advance this as the cornerstone of their strategy for reviving the economy of Manistee.

The remaining industrial operations around Manistee Lake still contribute to the local economy, just less than they used to. For Manistee, the tax base and employment opportunities that would be derived by commercial, retail and residential development are significantly greater, in my estimation, than the industrial use proposed by MSWC.

To allow for the proposed coal plant to locate here would be like turning the clock back a century. It's regressive, and it would serve to undermine all the progress and investment that has been made here in the last decade. Furthermore, the proposed coal plant will have a long-term and cumulative detrimental impact on Manistee Lake, on the environment as a whole, and on human populations here and downwind.

Federal law provides that the proposed coal-fired power plant will have to use the "Best Available Control Technology" (BACT) to minimize pollution. BACT legally means the best technology that is *affordable* - not the best technology period. There is no such thing as "clean coal". The new power plant, as proposed, would have relatively low pollution emissions for a coal-fired power plant, however there will still be harmful pollution emissions.

The emissions from this power plant will be added to current emissions levels. The MSWC representatives are telling the public that Manistee has good air quality and that this area is designated as an "attainment" area for all EPA criteria pollutants. In this context "attainment" means that a pollutant level has not exceeded a certain safe threshold.

The truth is that there is no known evidence to document that the air quality in Manistee has ever been tested. There are no monitoring stations here. The present "attainment" designation is based on the fact that there is no monitoring data on which to establish a designation. Federal law only provides for two designation categories: "attainment" and "nonattainment." When there is no data available for an area, federal law states that the area will have a designation of "attainment" unless the weight of evidence suggests otherwise.

There are ozone monitoring stations in Benzie and Mason County. Both of those counties are designated "nonattainment" for ozone. It would therefore be reasonable to

conclude, given that the counties immediately to the north and south of us are classified as “nonattainment”, that Manistee County would also have an ozone problem.

Ozone resulting from coal-fired power plant operations can be transported great distances. Here in Manistee we are affected by ozone pollution produced in Wisconsin. Ozone is not emitted directly by coal plants. Coal plants emit the precursors of ground level ozone, mainly oxides of nitrogen.

Ozone causes respiratory problems. Young children, elders, and people with existing respiratory problems such as asthma are at greatest risk.

Ozone also has a negative effect on plant-life, reducing their ability to produce and store food, thereby increasing their susceptibility to disease and pests. Research shows that ground level ozone causes decreased yields of agricultural crops, and will permanently alter forest ecosystems.

Before any decisions are made regarding the development of the coal plant in Manistee, a monitoring station should be established in Manistee for a period of time sufficient to determine whether this community would qualify as a “nonattainment” designation for ozone. One of our Tribal attorney’s is currently inquiring with EPA about the costs and timeframes for establishing a monitoring station in Manistee.

Particulate matter is a form of pollution directly emitted by coal plants. The proposed plant will have to operate within federal and state law in regards to particulate matter emissions, but those laws do not sufficiently protect humans, nor do they protect wildlife.

The representatives of MSWC tell us that they will remove so much of the pollution from the proposed plant’s emissions that it will be hard to see anything coming out of the smoke stack. The emissions that we cannot see are at least as harmful as those we can see.

Particulate matter can be solid or liquid and have almost any sort of chemical make-up. Particulate matter is a danger to us because it lodges in our lungs - causing tissue damage and a decreased ability to take in oxygen and expel carbon dioxide. The EPA estimates that particulate matter causes over 15,000 premature deaths each year in the United States. Researchers have shown that exposure to particulate matter correlates with increased incidence of severe asthma attacks, worsening of lung disease and heart damage. These are not mere statistics; they are somebody's mother, father, sister, brother, or child.

The Manistee Salt Works Corporation is promising to use low mercury content coal to minimize mercury pollution emissions. The bulk of mercury pollution comes from long-range atmospheric transport. There is literally no place on earth that has not been polluted by mercury from fossil fuel burning.

Any amount of mercury pollution is too much. Mercury affects the reproductive success of all creatures, including humans. Birth defects and arrested development can result.

Exposure to mercury is most often through the ingestion of food, in particular fish. Adding any amount of mercury to the environment further compromises our ability to safely eat fish caught in the Manistee River watershed. .

The effects of mercury on wildlife are similar to those on humans. Fish and birds experience decreased rates of reproduction, and increased birth defects.

When speaking about mercury pollution during a recent City of Manistee Planning Commission meeting Joe Tondu, the principal owner of MSWC, stated that the 'solution to pollution was dilution.' This is 19th century industrial thinking that is not supported by the weight of evidence. Joe Tondu stated that the overall plant design called for a 400 foot smoke

stack. He told the City Planning Commissioners that a stack of this height would spread mercury pollution down wind over great distances and even beyond the United States.

Mercury does not go away. Once in an ecosystem it stays there and it will accumulate over time. Sending the pollution down wind does not solve the problem, it only makes it someone else's problem. This is not responsible citizenship – civic or corporate.

Other aspects of the proposed plant design call for a discharge of process water to Manistee Lake that MSWC has said will be warmer than the ambient lake water. Joe Tondu has told the public that this will improve water quality and create better fishing. This is a gross misrepresentation of the facts. Even if the process water is scrubbed clean of all pollutants, this is not true. Manistee Lake is part of a cold water system. This type of warmer than ambient discharge is a form of thermal pollution that would degrade the Manistee Lake ecosystem.

Another element of concern is the mining of the coal. The coal that MSWC intends to use would be strip mined in Wyoming. Joe Tondu claims that the coal would be scraped off the top – as if to imply that this method is not an environmental issue. There is no way that Joe Tondu can acceptably understate the destructive effect that strip mining has on the environment. Suffice it to say that millions of years of ecosystem development are wiped away by this activity.

I do not want the electricity in my home or in our Tribal offices to fuel additional ecological damage through strip mining, nor do I want to be a consumer for an archaic Appalachian-mode economy somewhere else.

Our Tribal offices and operations certainly depend on electricity and we also depend on car traffic for our economic well-being. Understanding this, we have and will continue to take measures that mitigate the environmental impact. With the support of EPA, we have explored wind turbine development and alternative transportation methods at our new housing

development. Although these are currently small-scale explorations we believe they can have large scale implications for the future of the Tribe and the Manistee community as a whole.

In fact, the Tribe will soon be requesting a meeting with the City of Manistee to negotiate the location and installation of an Anemometer, which will be used to measure and determine the feasibility for wind energy in this community.

The Little River Casino Resort will also be giving away two hybrid (gas/electric) vehicles in the near future as promotions. These vehicles have substantially lower emissions than conventional internal combustion engines.

The Tribe has been exploring alternative energy systems, in particular wind energy, for over two years now. In the news lately, I see that Mason County has been approached by a corporation interested in developing wind energy systems along the lake shore, and the County is now proceeding to adopt land use regulations to allow for this. Oceana County already has. Leaders in Mason and Oceana Counties seem to be recognizing the feasibility and potential profitability in advancing 21st Century technologies. And yet, Manistee may return to 19th Century technology?

I believe that there is more wind energy that can be harnessed along the lakeshore of Manistee County than all of the shipments of coal that could feasibly be brought up the river channel. And that, among other reasons are why we want to explore a partnership with the City to install an Anemometer.

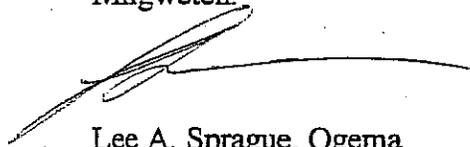
The economic impact of alternative power production through a joint venture with the Tribe, the City of Manistee and other entities could have a significant and positive multiplier effect on the local economy. Profits from *our* proposal would stay in Manistee.

The vast majority of our current employees are non-Tribal. The vast majority of the profits currently generated by the Tribe remain in the local economy; it is not funneled to other states. Unlike corporations, we do not export jobs out of the country.

The Little River Band of Ottawa Indians has been diligent in our commitment to build and maintain good relations with our neighbors - here in Manistee and in other places. But we also have a responsibility to the land and all of its creatures. The land is our Mother. And I know that we, as Native people, are not the only people who share those values and that sense of obligation to the Earth.

The issues involved with the proposed power plant are many and complicated. The information I offer, I give with confidence. I also firmly believe that we can work together to develop viable alternatives for energy generation that are ecologically sound, would provide meaningful employment opportunities for Manistee, and are based on 21st century technology.

Miigwetch



Lee A. Sprague, Ogema
Little River Band of Ottawa Indians
375 River Street
Manistee, Michigan
231/723-8288

Questions for Planning Committee

1. Coal burning emits particulate matter, hydrochloric acid, mercury, radiation, hydrogen fluoride, sulfuric acid, nitrogen oxide, uranium, thorium, and sulfur dioxide. Which of these does the EPA monitor?
2. Manistee Lake has elevated levels of mercury, PCBs, and pathogens. There is an advisory about eating bluegills from the lake. Coal burning releases mercury. Can Tondu keep from adding more? Will the site be monitored independently?
3. A former lobbyist for coal and power companies is now Deputy Secretary of the Department of the Interior. The current Presidential administration seeks to weaken the EPA regularly. New legislation allows for more pollution under the Clean Air and Clean Water Acts. Many people are not reassured when hearing about EPA enforcement of pollution violations. With the public's health involved, will Manistee independently monitor emissions and fine for violations?
4. The EPA does not regulate coal ash. Coal combustion products, or CCPs, are mainly ash, usually mixed with coal pile wastes and residue from the pollution scrubbers. CCPs can contain toxic heavy metals. Again, the public's health is involved. Will the landfill have a liner on this dump site? Will the groundwater be monitored?
5. What will happen to the scrubber sludge?
6. Will power rates go down if this plant is built? If so, when?

Steve Klein
88 Greenbush

November 17, 2003

Questions Regarding Manistee Salt Works Development Project

A brief review of relevant documents on file in the County Building has been conducted. The documents consist of

- Permit to Install Application (Manistee Salt Works Development)
- Modeling Analysis (Air Dispersion Assumptions and Calculations)

After review of these documents, the following questions are respectfully submitted to the City of Manistee. This submission is in line with instructions recently published in The Manistee News Advocate.

1. The documents contain estimates of combustion byproducts that will potentially be emitted into the atmosphere (for example, 4000+ tons/year sulfur dioxide, 2000+ tons/year nitrogen oxides). Have potential health impacts of these emissions on the local population been estimated? If not, is there a plan to do so?
2. In addition to combustion byproducts, there are certain toxic metals expected to be emitted into the atmosphere, including lead, mercury and arsenic. For example, there are annual emission potentials of 800+ lbs of lead and 400+ lbs of mercury included in the air permit application. Although these toxics will be dispersed over a wide geographic area, their local land-based concentrations would be expected to grow over the years. What are the anticipated health effects on the local human population of the increasing toxic metal levels to which they will be exposed? What are the expected impacts to local fish and game populations?
3. The coal grinding and conveying operations would be expected to have the potential of generating significant noise levels. Is the City planning to enforce rigid noise standards to minimize these levels and their impact on the neighbors?
4. Regarding economic costs and benefits to the community, what are the expected additional fulltime payroll and tax revenue benefits to the area? What is the expected impact on property values in the area? What is the expected impact on tourism and the second home market in the area?
5. The air permit application and air dispersion analysis are on file at the County Building. At the time of our visit, there was no water permit application on file. Have impacts on the local waters been determined?
6. Regarding solid waste management: Substantial quantities of solid waste will be generated. Have the negative environmental impacts of leachates, dust from handling, etc. been quantified in the overall cost/benefit analysis? Have the additional costs such as higher road maintenance and shorter landfill lifespan been accounted for?
7. Is there a plan to complete an overall environmental impact study for this project? Does the City plan to render a decision without such a study?

Paul Rawlinski

Shirley Galloway

~~Kenneth~~ *app*

Jane Reynolds

Lilhai Kracht

Mary D. Kracht

Jan Rawlinski

YATES CHEVROLET-CADILLAC, INC.
"YOUR DEALER ON THE HILL"



1303 Manistee Hwy U.S. 31 South
Manistee, MI 49660
231-723-3578 • FAX 231-723-3762



November 17, 2003

To Whom It May Concern,

It is indeed refreshing to hear that TES Energy is interested in an additional capital investment in our community.

As I sit and reflect on the irradiation of our Manistee Industrial base and the employment opportunities for our youth over the last 30 years - ie: Manistee Drop Forge, Hardy Salt, Excello and Century Boat we would/should encourage and endorse their efforts.

Robert Yates
President
Yates Chevrolet Cadillac Inc

Laura Horvat
President
Wenco Of Michigan

Mark Sanford
260 East Piney Rd.
Manistee, MI 49660

November 19, 2003

City of Manistee Planning Commission

RE: Manistee Salt Works Corporation (AKA Tondu Corp) proposal to build a coal fired power plant on Manistee Lake

I am a citizen of Manistee County writing to express my opposition to this proposed construction. I relocated here from Grand Rapids because of this area's great beauty including Lake Michigan, Manistee Lake and the Manistee National Forest.

Since moving here I have attended a forum relating to the sediment in Manistee Lake sponsored by Grand Valley State University. I learned that most of Manistee Lake is essentially dead with two exceptions being where the Little Manistee and Big Manistee Rivers empty into the lake adding fresh water. I have also talked with fishermen who talk about the high numbers of fish caught in those locations with abnormal tumors on them.

Because of my interest in the National Forest I have read information regarding the problem of forests dying in Appalachia. These forests are thought to be dying and more susceptible to disease as a direct result of acid rain produced by coal plants up-wind from them.

The prospect of locating a larger coal burning plant on Manistee Lake which empties into Lake Michigan and is up-wind from the Manistee National Forest is a horrifying prospect. This area's natural resources must serve as it's future economic base and must be protected and managed carefully.

I would encourage those who have authority and power in this situation to work to attract businesses to Manistee that use clean non-fossil based energy and which enhance the tourism and the natural resource potential of this beautiful community. This would likely be an easy thing to do since there are incentives available to companies from the federal government and other entities to promote clean energy resource development.

I would encourage those making decisions about the health and well being of this community and it's natural resources to model our community after other progressive communities that appeal to tourists and natural resource enthusiasts rather than on an outdated model promoted by dirty polluting industries. I would also encourage them not to fall victim to a fear based mentality thinking that our community needs to take whatever industry it can attract (meaning industries that other progressive communities will not allow in their communities).

Thank you for your consideration of my opposition to this project and my concern for the health of our community members and our natural resources. Frankly, I am surprised this proposal is even being considered in this day and age of environmental awareness and health consciousness.

Sincerely,



Mark A. Sanford



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

OFFICE OF
CONTROLLER/
ADMINISTRATOR
231-398-3500
Fax 231-723-1795

November 19, 2003

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

RE: Support for Northern Lights Project

Dear Mr. Yoder:

On Tuesday, November 17, 2003, the Manistee County Board of Commissioners voted unanimously to support the concept of the Northern Lights Development Project being proposed by Tondu/Manistee Salt Works Development Corporation. Based upon the information received to date, we feel a project of this magnitude will provide the Manistee County area with major economic growth and benefits.

It is our understanding that on Thursday evening, the City Planning Commission will be holding a Public Hearing on whether to grant a Special Use Permit for this project. Please consider the substantial economic impact of this project as you deliberate a final decision.

Thank you for the opportunity to present the County's support.

Sincerely,

Thomas D. Kaminski
County Controller/Administrator

TDK/jlp
Enclosure
cc: Megan Kempf

[jlp c:\office\letters\yoder11_19_03]

Mr. Jon R. Rose
Community Development
City of Manistee

Mr. Rose,

This letter is coming from an extremely upset resident of Maxwell Town – the area in which the new energy producing coal plant is soon to begin operations.

I am extremely upset and agitated because the knowledge of the health effects of coal burning are so tremendous that I literally fear for my life, along with the lives of my neighbors – this being said without any unnecessary drama but with a true reality. While some of the pertinent information residents have been given concerning the supposed positive effect the 400 foot smokestacks which would be put in place by this company will have, I cringe at the thought that you, our city council and Joe Tondu himself, could even begin to believe they would alleviate the risk of any potential air ridden carcinogens, and think we could believe the same thing.

How stupid do you think the residents of Manistee are?

Currently the air pollution in Manistee, as a result of the factories currently in operation, combined with the pollution blown over from Wisconsin, and make no mistake, we are affected by that also, regardless of our seemingly (deadly) pristine air, looking at facts according to medical information, we have an extremely high rate of pollution which is accompanied by one of the highest ratios of cancers per population in the country. Our deception has only increased our death rates.

The added air pollution caused by the production of energy (energy which will not be used by this area) created by this “proposed” coal plant, coinciding with the runoff into Manistee Lake, along with barges full of coal arriving approximately 4 times a week, dumping tons of coal, with the unavoidable coal dust mixing into the air we breathe, damaging our lungs and hearts, along with the financial costs of this black substance coating our homes and vehicles, is filling most “thinking” residents with fear.

What would be a sign of good faith on the part of Joe Tondu, who currently lives a thousand miles away from this latest venture of his, would be for him to buy, or build, a suitable home within the area and commence living here with HIS family. This would settle any fears we, the people of Manistee, may have.

However, even as I write this letter, I truly am filled with the futility of a beaten person -- knowing this new plant has been a “done deal” for some time now. The viable effect of a negative letter or vote is probably nothing more than a waste of time. But I am hoping even the little guy gets a say-so in the future of his town, his children and his own life.

Ronald Schramski
Maxwell Town, Manistee, MI

Ronald Schramski
917 Vane St
Manistee, Michigan

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MEMORANDUM

TO: Jon Rose, Community Development Director
City of Manistee

FROM: Jay Kilpatrick, AICP, PCP

DATE: November 13, 2003

RE: Special Land Use and Site Plan Review for Proposed Northern Lights Coal-Fueled Power Plan, Manistee Salt Works Development Corporation

As requested, we have reviewed the materials submitted for the subject special land use and site plan approval. The following comments are based on the materials provided, the City of Manistee Zoning Ordinance, Master Plan and current planning practice in Michigan.

BACKGROUND. The applicant, Manistee Salt Works Development Corporation has been formed by the Tondu Corporation to develop a 425 megawatt coal-fueled power plant to be known as the "Northern Lights Plant." The proposed development will be located on approximately fifty acres located on the western side of Manistee Lake at 1501 Main Street. The virtually inactive General Chemical brine plant currently occupies the site. The existing facilities include brine wells, storage and processing equipment as well as a coal-fuel power facility and outdoor storage of coal. The site is located within the area of the City planned for General Industrial uses and the current zoning of the site is I-2 - Lakefront Industrial District. The City's Master Plan adopted in 2002 describes the General Industrial land use category as including "heavy manufacturing, processing, mining and other types of general industries consistent with existing development." The I-2 zoning district permits a range of heavy industrial uses, based on the Standard Industrial Classification (SIC) system, including the Transportation category, 40 through 4971. A power plant falls into SIC code 4911, "Electrical Services, establishments engaged in the generation, transmission, and/or distribution of electric energy for sale."¹

The applicant proposes to remove the General Chemical buildings, storage piles and equipment and construct a coal-fueled power plant on the site. The developed portion of the site will include the generation plant, the baghouses, scrubbers and stack, coal storage piles, two freighter docks,

¹ Occupational Safety & Health Administration, U.S. Department of Labor

water treatment, cooling towers, administrative offices and parking areas. The total developed area of the site is approximately 30 acres. The remainder of the site will be left undeveloped, due largely to sloping terrain.

THE PROPOSED USE. Both the master plan and the Zoning Ordinance contemplate heavy industrial uses in this portion of the City. In fact, the Master Plan describes General Industrial uses as "consistent with existing developments." Nearby developments include, in addition to the General Chemical facility, warehousing and manufacturing facilities, as well as similar industrial uses in Filer Township to the south. The Zoning Ordinance describes the purpose of the I-2 district as seeking to protect Manistee Lake, its water quality and shoreline while encouraging industrial uses that require access to the Lake. In addition, the Zoning Ordinance uses SIC codes to identify uses that are permitted in the various districts.

As indicated, a power plant (SIC 4911) is a permitted use in the I-2 District. However, the applicant proposes a power plant that would involve (1) activity outside an enclosed building; (2) discharge of treated process water to Manistee Lake; and, (3) alteration of the Manistee Lake shoreline. Pursuant to Section 6703 of the Zoning Ordinance, any of these three characteristics of the proposed use trigger the special land use provisions of Article 86. This aspect of the proposed development is discussed below.

SPECIAL LAND USE. The coal-fueled power plant is permitted by right in the I-2 District, subject to site plan approval. However, since this use is likely to be an imposing addition to the shoreline, it is certain to generate community interest. Furthermore, since the proposal includes three aspects that trigger the special land use provisions of the Zoning Ordinance, it is appropriate for the Planning Commission to consider those three aspects of the facility and the entire development under the special land use provisions of Article 86.

As a general observation, most of the comments submitted to date regarding the proposal question environmental impacts from the power plant. The Zoning Ordinance gives the Planning Commission and the City limited authority to address such concerns and many of the technical issues associated with air and surface water impacts are already regulated by State and Federal agencies. However, the site plan review requirements do include a reference to the regulatory requirements of other agencies and site plan approval may be conditioned on documentation of compliance with the requirements of those agencies. This is the approach taken in this analysis.

The application incorporates the following elements which trigger the special land use provisions of Article 86:

1. **Activity outside an enclosed building.** This relates to the proposed coal piles to be maintained on site. The off-loading of coal from Great Lakes freighters and the eventual conveyance of the coal into the boiler facility will essentially occur in the open.

2. **Discharge of treated process water to Manistee Lake.** The application indicates that sanitary sewage from the restrooms, showers etc., in the facility will be discharged to the municipal wastewater collection system. However, water for cooling and other process functions of the power plant and storm water will be treated on site for eventual discharge to Manistee Lake in accordance with the terms of a National Pollutant Discharge Elimination System (NPDES) permit issued by the Department of Environmental Quality.
3. **Alteration of the Manistee Lake Shoreline.** The applicant proposes that the power plant will receive coal from Great Lakes freighters to be docked on the shoreline adjacent to the site. This will require docks, sheet pile and seawall reconstruction which will be subject to the requirements of the Department of Environmental Quality and the U.S. Army Corps of Engineers.

The applicant has submitted a City of Manistee Special Use Permit application for the project, including the above elements. Section 8609 provides the Planning Commission with standards for the review of the special use permit application. Accordingly, we have the following comments for the consideration of the Planning Commission. These comments are organized to address the special land use standards of each of the three special land use triggering elements, and the overall project, as follows:

1. **Standard: Is the use reasonable and designed to protect the health, safety and welfare of the community?**

- a. **Activity outside an enclosed building.**

Comment: It is reasonable to expect that a coal-fueled power plant would require outdoor storage of coal, especially since the source of supply is freighters. The design of the coal pile is proposed to include dust abatement irrigation and storm water run-off containment that will be an improvement over the current situation where no containment is provided. In addition, the enclosed conveyor coal feed system with wetting and baghouse collectors are a reasonable measure to mitigate fugitive dust. Subject to the proper installation and maintenance of these systems, we believe this requirement will be met.

- b. **Discharge of treated process water to Manistee Lake.**

Comment: The use of a separate, on-site wastewater treatment facility for the process water offers a reasonable alternative to connection to the municipal system. The primary benefit of this is that the installation will be subject to the rigorous review of the MDEQ for a new discharge permit (NPDES) based on the actual rates of flow and loadings for the proposed system.

Question/Issue: The applicant should address the quality and quantity of water anticipated to be discharged along with anticipated water temperatures. Any approval

of the special land use must be conditioned upon the satisfaction of the permitting requirements of the MDEQ.

c. **Alteration of the Manistee Lake shoreline.**

Comment: Since the proposed facility is to be serviced by Great Lakes freighters, it is reasonable to expect some shoreline changes to accommodate the vessels. The permitting requirements of the MDEQ and the Corps of Engineers will dictate the extent of any change in the shoreline, including sheetpiling, docks and seawalls. Thus, the nature and extent of actual alteration in the shoreline will not be established until the reviews of these agencies are complete. Any approval of the special land use must be conditioned upon the satisfaction of the permitting requirements of the MDEQ.

d. **Overall Project.**

Comment: A coal-fueled power plant is permitted by right in the I-2 District. In other words, the use itself is reasonable, essentially by definition. Whether it is designed to protect the health, safety and welfare of the community is, however, within the purview of the Planning Commission. In reaching this judgment, the Planning Commission should consider the following impacts:

- ◆ **Health:** This relates to off-site impacts that may affect the physical well-being of area residents and to on-site operations that might impact workers. In this instance air and water quality impacts are the primary off-site issues of concern. Both the air emissions from the facility and the treated water effluent are regulated by the MDEQ. The application indicates that the facility will be designed and permitted to only burn low-sulfur coal to minimize air emissions. This report and its recommendations rely on that declaration and the review and approval authority of the MDEQ.

The City of Manistee has not established any objective standards to measure or monitor off-site air or water quality impacts, and like most other communities, it relies on State and Federal regulatory agencies in these areas. Furthermore, Section 9410 of the Zoning Ordinance permits the attachment of specific conditions of approval which include demonstration of full compliance with State and Federal standards.

- ◆ **Safety:** The primary issues of safety concern with regard to this facility would include fire suppression and protection pertaining to the plant and its workers as well as nearby properties. In addition, the facility will generate some truck traffic and shipping traffic which will impact the surrounding community. Traffic impacts on local roadways will be similar to those generated by existing uses. Less than 30 truck round-trips daily from the facility will use local, all-season truck route roads. This level of use cannot be characterized as an unreasonable addition to the local road system. The freighter traffic of 13 shiploads per month will cause an

average of 26 draw-bridge cycles per month, during the 10-month Great Lakes shipping season. This may create some traffic congestion and the applicant has indicated a willingness to work with shippers to avoid causing bridge cycles during heavy traffic periods. With regard to potential fire safety impacts, the applicant has provided information concerning the compliance standards the facility must meet. The fire protection aspects of the outdoor storage of coal are addressed in Attachment A, Subparagraph C of the application.

Question/Issue: Concerning fire safety on site, any approval should be conditioned on a complete review and approval by the City of Manistee Fire Chief and/or the office of the State Fire Marshall. Concerning traffic delay related to increased drawbridge use, the Planning Commission may seek further information on the extent of traffic delay that may result from the additional bridge cycles.

- ◆ **Welfare:** Outside of health and safety impacts, it is appropriate to consider whether the proposed project will advance or retard the overall welfare of the community. This question relates primarily to economic benefit or impact. Clearly, the investment the power plant represents will be a significant addition to the tax base of the City and the School District. In addition, the approximately 60 jobs generated will help strengthen the local economy. The replacement of the virtually defunct General Chemical facility with a new - and larger - power plant will strengthen the industrial character of the southern portion of the Lake. This is consistent with the City's Master Plan and the type of development that is desired by the Plan.

A final possible issue of concern in the area of public welfare is the issue of the imposing nature of the facility and any off-site noise it may generate. This may not have a direct impact on health or safety, but it could impact quality of life in the vicinity. With regard to the imposing nature of the facility, it is clear that its height and bulk will be a predominate feature on the Lakeshore. The 250' high boiler building, the 200 foot high scrubbers and the 400 foot high stack will have a strong aesthetic impact on the shoreline and on adjoining properties. While they are not inconsistent with other uses in the area, they will be significantly larger and more imposing. It should be noted that the Zoning Ordinance was amended in 1999 to permit structures of any height in the I-2 District if approved by the Planning Commission in connection with a special land use permit. Since this application is being submitted through that process, the application for these proposed structures is consistent with the ordinance. The applicant should be prepared to explain the need for structures of this height.

As to off-site noise, the applicant has proposed that the facility will not generate noise at the property line in excess of 65 decibels. This is comparable to

conversational speech. In an area of other industrial uses, this should be an acceptable standard.

Question/Issue: The Planning Commission may seek further information from the applicant regarding the need for the structure heights illustrated on the site plan.

2. **Standard: Is the use consistent with the intent and purpose of the land Use District?**

a. **Activity outside an enclosed building.**

Comment: Both the Master Plan and the Zoning Ordinance anticipate uses similar to power plant in this area of the City. The outdoor storage of coal is consistent with the use as a power plant. Other uses in the vicinity have outdoor storage, so such a facility would be consistent with the existing character of the area. In addition, the improvement of the site with adequate containment of stormwater runoff from the outdoor storage should help to restore both the shoreline and improve water quality by eliminating direct runoff into the Lake.

b. **Discharge of treated process water to Manistee Lake.**

Comment: The General Industrial classification in the Master Plan seeks to encourage industrial uses that are consistent with neighboring uses. Many of those uses, including the existing use on the site, make some use of the lake. The I-2 District in the Zoning Ordinance is intended to encourage land uses that require the use of the Lake and proximity to the Lake. Therefore, the discharge of the process water to Manistee Lake is consistent with the land use district. Of course, both the Zoning Ordinance and the Master Plan also stress the need to stabilize the shoreline and improve water quality in the lake, so as indicated above, any approval must be conditioned on the completion of the NPDES and the Corps of Engineers permit processes.

c. **Alteration of the Manistee Lake shoreline.**

Comment: Both the Master Plan and the I-2 District in the Zoning Ordinance seek to improve and stabilize the Manistee Lake Shoreline. The proposed alteration may aid this process since the existing site reportedly has some deterioration and erosion, as well as, direct run-off from existing coal piles. The MDEQ and Corps of Engineers requirements for the proposed improvements will establish the proposed design for the shoreline alterations and those requirements must be a condition of any approval.

d. **Overall Project.**

Comment: The General Industrial future land use district contemplates "heavy manufacturing, processing, mining and other types of general industries consistent

with existing developments." A coal-fueled power plant is consistent with this description.

3. Standard: Is the use compatible with adjacent uses?

a. Activity outside an enclosed building.

Comment: Since the current use and others in the area have outdoor storage of materials, the proposed outdoor storage will be consistent with other industrial uses. The primary off-site impact from the outdoor storage of coal on nearby residential areas will be the potential for blowing dust. The materials submitted provide for constant dust mitigation for the coal piles, the off-loading system and the coal-feed system.

Question/Issue: The Planning Commission should seek satisfactory assurances that these systems will be effective in minimizing fugitive dust impacts on residential property and that they will be maintained to remain effective.

b. Discharge of treated process water to Manistee Lake.

Comment: Other industrial uses in the area that discharge either storm water run-off or treated process water to Manistee Lake include PCA, Morton Salt and the General Chemical plant. However, the discharge from the proposed power plant will be subject to the most current permitting standards and should, therefore, provide a higher quality effluent. Thus, the proposed discharge to the Lake is both compatible with adjacent uses and an improvement of the current situation.

c. Alteration of the Manistee Lake shoreline.

Comment: Since Great Lakes shipping activity has been a fixture in Manistee Lake, the shoreline has been improved over the years to accommodate numerous uses, including neighboring industrial uses. For example, other land uses import or export aggregate, coal or brine using Great Lakes freighters. Therefore, the proposed alteration of the shoreline is consistent with past practice and existing uses.

Comment/Issue: Since the nature of the proposed alteration of the shoreline will depend on the MDEQ and Corps of Engineers permitting requirements, the applicant should provide as much detail as possible on likely changes to the shoreline and any approval must be conditioned on compliance with the requirement of the MDEQ and Corps of Engineers.

d. Overall Project.

Comment: The southern end of Manistee Lake includes a broad variety of land uses ranging from heavy manufacturing, warehousing and processing to some residential and commercial uses. The City's Master Plan includes medium density residential development juxtaposed adjacent to industrial land uses. Thus, the proposed power

plant would be compatible with the adjacent manufacturing and no different than the current situation where industrial uses abut residential in some parts of the area.

4. Standard: Is the use designed to insure that public services and facilities are capable of accommodating increased loads caused by the land use or activity?

a. Activity outside an enclosed building.

Comment: Specific areas of concern would include water and wastewater systems and fire protection. The report of the City's Engineer addresses impacts on municipal water and wastewater systems. The fire protection aspects of the outdoor storage of coal are addressed in Attachment A, Subparagraph C of the application. These materials primarily address the nature of fire suppression systems including water source and distribution on site.

Question/Issue: The Planning Commission may seek further information from the applicant regarding fire suppression within the coal piles. In addition, any approval should be conditioned on a complete review and approval by the City of Manistee Fire Chief and/or the office of the State Fire Marshall.

b. Discharge of treated process water to Manistee Lake.

Comment: The discharge of treated process water to Manistee Lake enables the facility to function without any need to draw water from, or discharge wastewater to, the public systems, thus meeting this standard.

c. Alteration of the Manistee Lake shoreline.

Comment: Any proposed alteration of the Manistee Lake shoreline will not result any increased load or demand on public facilities or services.

d. Overall Project.

Comment: The primary demands placed on public services and facilities as a result of the overall project will be traffic impacts as well as the fire safety impacts discussed above. The impact of truck traffic generated by the facility is discussed in the City Engineer's report. The added bridge cycles will have the traffic congestion impacts discussed above. The report of the City's Engineer provides information regarding the condition of the bridge.

Question/Issue: The Planning Commission may seek further information regarding the capability of the drawbridge to handle the added work and, as indicated above the comments and approval of the City Fire Chief and the State Fire Marshall may be a condition of any approval granted.

5. Standard: Does the use comply with all applicable regulations of this Ordinance?

a. Activity outside an enclosed building.

Comment: With the conditions of approval outlined below under the discussion of the Site Plan, the activity outside an enclosed building can comply with the requirements of the Zoning Ordinance.

b. Discharge of treated process water to Manistee Lake.

Comment: Subject to the permitting requirements of the MDEQ under the NPDES permit, the discharge of treated process water to Manistee Lake can fulfill the requirements of the Zoning Ordinance.

Question/Issue: It must be noted that a final determination with regard to this approval criteria cannot be made until the permit requirements are known and a design is provided that will fulfill those requirements.

c. Alteration of the Manistee Lake shoreline.

Comment: Once the requirements of the MDEQ and the Corps of Engineers have been determined, it will be possible for the proposed alteration of the Manistee Lake to comply with the requirements of the Zoning Ordinance.

Comment/Issue: Since the nature of the proposed alteration of the shoreline will depend on the MDEQ and Corps of Engineers permitting requirements, the applicant should provide as much detail as possible on likely changes to the shoreline and any approval must be conditioned on compliance with the requirement of the MDEQ and Corps of Engineers.

d. Overall Project.

Comment: The proposed development can meet all the requirements of the City's Zoning Ordinance. As discussed under the Site Plan review section below, portions of the current submittal are viewed as conceptual since they depend on the final review comments of State and Federal regulators. A final submittal based on those review comments must be structured to meet all ordinance requirements.

6. Standard: Does the use comply with all specific standards found in the respective Land Use District?

a. Activity outside an enclosed building.

Comment: With the conditions of approval outlined below under the discussion of the Site Plan, the activity outside an enclosed building can fulfill the requirements of the Master Plan for compatible general industrial land uses.

b. Discharge of treated process water to Manistee Lake.

Comment: Subject to the permitting requirements of the MDEQ under the NPDES permit, the discharge of treated process water to Manistee Lake can fulfill the

requirements of the Master Plan in terms of maintaining and improving Manistee Lake water quality and bank stability.

Question/Issue: It must be noted that a final determination with regard to this approval criteria cannot be made until the permit requirements are known and a design is provided that will fulfill those requirements.

c. **Alteration of the Manistee Lake shoreline.**

Comment: Once the requirements of the MDEQ and the Corps of Engineers have been determined, it will be possible for the proposed alteration of the Manistee Lake to fulfill the objectives of the Master Plan with regard to the General Industrial land use district.

Comment/Issue: Since the nature of the proposed alteration of the shoreline will depend on the MDEQ and Corps of Engineers permitting requirements, the applicant should provide as much detail as possible on likely changes to the shoreline and any approval must be conditioned on compliance with the requirement of the MDEQ and Corps of Engineers.

d. **Overall Project.**

Comment: The power plant is consistent with the future land use requirements for the General Industrial land use classification. The language of the Master Plan also establishes objectives for improving and maintaining the Manistee Lake shoreline, limiting the removal of natural vegetation, re-stabilizing the shoreline with appropriate planes and recognizing the desire of the public to use the shoreline and water resource for recreation. As indicated below, the concept site plan includes improvements to the shoreline and seawall for shipping, but with the added benefit of reducing shoreline erosion. Also the existing coal piles which have no containment to prevent run-off into the Lake will be replaced with contained piles. Further the site plan indicates the preservation of the required 5 foot vegetative buffer and a 50 foot shoreline setback to further stabilize the shoreline.

SITE PLAN. A site plan is a required element of a special land use application. Article 94 of the Zoning Ordinance establishes the requirements for site plan review and approval. Section 9406 details the required content of the site plan. It also provides that the Zoning Administrator may waive certain information to be included if it is determined to be not reasonably related to the proposed use. This degree of flexibility is appropriate and useful, both for the City and an applicant. In this case, much of the information required by Section 9406 has been provided but other elements cannot be produced until State and Federal Regulators have completed the review and tentative approval process. This creates in an awkward and confusing regulatory environment in which adjustments made to satisfy one set of regulators necessitates a revised submittal to another. In reaction to those changes, the previous approval could be jeopardized.

To address this confusion, we have recommended that the special land use and site plan approval process of the City be handled in a two-step process. The initial step would be the primary review and approval of the special land use and concept site plan. This process is the subject of this memo and is scheduled for public hearing on November 20th. The site plan submittal would be reviewed as a concept with most of the key details established at the primary review step. Where some details of the plan cannot be produced at this stage due to the regulatory requirements of State or Federal agencies, the final approval would be deferred until such other agencies have provided their final review. Thus, the Zoning Administrator and Planning Commission would be called upon not to waive those requirements, but to defer action on those elements pending final approval by others.

Based on this approach, we have the following comments on the completeness of the Site Plan submitted with the special land use application and carrying the revision date of November 4, 2003.

1. All of the information required for a Basic Site Plan has been provided, except for Subparagraph 9404, G., concerning parcel splits established since the Zoning Ordinance was adopted. The submittal does not indicate when the various parcels on the site were established, so it is not possible to determine whether this section applies. If it does, the submittal must show all buildings on adjoining properties. While these are not reflected on the Site Plan, they are apparent noted on the aerial photograph submitted with the Project Development Information submitted earlier this fall.

Question/Issue: The applicant should provide information to establish when the various parcels on the site were created and, if this provision applies, provide the required indication of the location of buildings on adjoining parcels. Alternatively, the Planning Commission may accept the aerial photograph provided earlier as a sufficient response to this item.

2. With regard to the information required for a Medium Site Plan pursuant to Section 9405, we have the following comments:
 - A. Basic site plan requirements (see above).
 - B. Parcel legal description has not been provided except in the form of the permanent parcel tax numbers which reference the City's own tax records. This is acceptable for this primary review since a metes and bounds legal description of the site will likely change somewhat based on the final permit issued by the U.S. Army Corps of Engineers for the shoreline alteration.
 - C. Boundary dimensions on natural features, which in this instance is the Manistee Lake Shoreline, cannot be provided accurately until the final permit issued by the U.S. Army Corps of Engineers for the shoreline alteration is issued.

- D. The location of all proposed structures on the site is established in the concept site plan. However, utility lines cannot be designed and the final location of particular features cannot be established until the MDEQ completes its review of the site for both the Air Quality permit and the NPDES permit. In addition, the permits of the U.S. Army Corps of Engineers may impact the location of water intake and discharge facilities along the shoreline. The footprint of the structures is established along with their approximate height. This may be acceptable for this primary review of the concept site plan and final approval of the location of utility lines and the specific location of on-site features may be deferred until the final permit approvals have been received.
 - E. The location of surface storm water facilities is indicated on the concept site plan. In addition, the City Engineer has established overall design criteria the storm water retention and drainage system must meet. Final engineered design of the site for storm water handling will, however, depend on the requirements of the MDEQ and the NPDES permit. The concept site plan as supplemented by the requirements of the City's Engineer is adequate for this primary review step.
 - F. Neighboring driveways are not reflected on the concept site plan, although they do appear on the aerial photograph provided with the Project Development Information submitted earlier. The on-site circulation, parking and service lanes are indicated on the concept site plan. This should be adequate for the primary review step.
 - G. Proposed alterations to the topography of the site are dependent on the Corps of Engineers review of the shoreline alteration permits. The concept site plan reflects minimal change along the shoreline, but a final approval of this may be deferred until the Corps of Engineers permit is issued.
 - H. The location of connections to public water and wastewater systems is not reflected on the concept plan. Because the final engineering of the site plan will depend on the final DEQ and Corps of Engineers permits, the actual location of these lines may need to be adjusted. The City Engineer will review the final design of the utility connections and those facilities must meet the requirements of the City Engineer. The concept site plan as supplemented by the requirements of the City's Engineer is adequate for this primary review step.
3. With regard to the information required for a Detailed Site Plan pursuant to Section 9406, we have the following comments:
- A. Basic and Medium site plan requirements (see above).
 - B. Greenbelts and shoreline buffering is properly illustrated on the concept site plan. The Report of the City's Engineer suggests improvements to the landscape plan for the Main Street frontage.

- C. The finished floor elevations and final site grades will be a part of the final storm water handling design which will depend on the requirements of the MDEQ and the NPDES permit. The concept site plan as supplemented by the requirements of the City's Engineer is adequate for this primary review step.
- D. As a non-residential development, the requirements of this section are not applicable and should be waived.
- E. On site circulation features are properly illustrated on the concept site plan.
- F. As indicated above, final changes to the topography of the site will be dependent on the shoreline alteration permit issued by the U.S. Army Corps of Engineers. The concept site plan reflects minimal change along the shoreline, but a final approval of this may be deferred until the Corps of Engineers permit is issued.
- G. Generalized soils information will not be required since the applicant's engineer must assume responsibility for soils stability.
- H. Soil erosion and sedimentation measures will be dependent on the shoreline alteration permit issued by the U.S. Army Corps of Engineers. In addition, the County Enforcement Agent (CEA) for Act 451 will establish specific standards to minimize construction-related soil erosion. The concept site plan as supplemented by the requirements of the City's Engineer is adequate for this primary review step.
- I. Changes necessitated by applicable regulatory agencies must be reflected in the final site plan. However, since those agencies are continuing their review of the application any such changes cannot be incorporated in the concept site plan.

COMMENTS and RECOMMENDATION. With the forgoing review of the submittal and the basis of review described above, we offer the following recommendations.

- 1. **Special Land Use.** Subject to the analysis set forth here, satisfactory responses to the questions outlined in this memorandum and set forth below and a final site plan review and approval; and in view of the substantial economic benefit and added tax base the project represents to the community; it is recommended that the Planning Commission grant special land use approval for the proposed Northern Light power plant. This recommendation is subject to the following conditions:
 - a. That the applicant disclose to the City the proposed discharge water quality, quantity and temperature to be applied for through the NPDES permit and the subsequent review and acceptance of such limits by the City's Engineer;
 - b. That the applicant take steps satisfactory to the City's Zoning Administrator to secure the cooperation of the shippers to serve the facility to minimize traffic delays during peak traffic periods caused by drawbridge openings.

- c. That the applicant provide the City with justification for the proposed structure heights acceptable to the Planning Commission.
 - d. That the applicant provide assurances satisfactory to the Planning Commission that the dust mitigation measures will be effective and will remain effective during operation.
 - e. That the applicant maintain close communication with the City Zoning Administrator regarding shoreline alteration permitting procedures with the MDEQ and U.S. Army Corps of Engineers.
 - f. That the final design of the fire suppression and fire protection systems proposed be reviewed and approved by the City of Manistee Fire Chief and/or the office of the State Fire Marshall.
 - g. That the applicant provide a complete site plan pursuant to Section 9406 incorporating the final permitting requirements of the MDEQ and U.S. Army Corps of Engineers and that, as outlined below, said site plan shall be generally consistent with the Special Use Permit Application signed November 6, 2003 including all of the attachments provided.
 - h. That the facility shall be operated continuously in compliance with all required City, State and Federal permits and licenses and any violation of the terms of such permits or licenses may be grounds for the revocation of the special use permit.
2. **Site Plan.** The concept site plan illustrates a facility that meets the land use and dimensional requirements of the I-2 District, with the exception of the height limitation, as discussed below. The concept site plan is as complete as possible, given the uncertainties of the MDEQ and U.S. Army Corps of Engineers permitting process. Therefore, it is recommended that the Planning Commission grant conditional approval to the Northern Lights power plan concept site plan dated November 4, 2003, subject to the comments of the City's Engineer and the following conditions:
- a. No zoning permit or Michigan Construction Code permit shall be issued for the proposed facility until a completed site plan is submitted, addressing the items listed in this report, any comments of the City Engineer and the following items, to the satisfaction of the Zoning Administrator:
 - 1) Documentation of the approval of all required permits as outlined in Required Permits Attachment to the Special Land Use Application signed November 6, 2003;
 - 2) Adjustment of the concept site plan to incorporate actual permit requirements of the Michigan Department of Environmental Quality and the U.S. Army Corps of Engineers (subject to paragraph b, below);
 - 3) Limitation of the height of outdoor coal storage piles to not more than fifty feet.
 - b. The applicant shall submit a final site plan in accord with Subparagraph a above and in accordance with the comments of the City's Engineer within twelve months of the date of

this approval. It is understood that some minor adjustments may be made in the final site plan when compared to the concept site plan dated November 4, 2003. Minor adjustments in the site plan may be approved by the Zoning Administrator, subject to the following limitations:

- 1) Any permitting modifications that change the nature of the operation in terms of the types of the fuel used or an increase the power output of the facility shall require the review and approval of the Planning Commission.
- 2) Any permitting modifications that change the footprint or increase the height of any building by more than 10% shall require Planning Commission approval. Provided, that any increase in the stack height above 400 feet shall require Planning Commission approval.
- 3) Any permitting modifications that change in the Manistee Lake shoreline that results in more than 50 feet of either cut or fill shall require Planning Commission approval.
- 4) Any permitting modifications that change the concept site plan such that the requirements of the City Engineer cannot be fulfilled shall require the approval of the Planning Commission.
- 5) Any additional modifications which, in the judgment, of the Zoning Administrator results in a significant change in the proposed facility or which significantly changes the basis upon which the Planning Commission adopted the special land use approval or the concept site plan approval, shall require the review of the Planning Commission.

November 12, 2003

City of Manistee Planning Commission
70 Maple Street
P.O. Box 358
Manistee, Michigan 49660

RE: Manistee Saltworks Development Corporation
Northern Lights Project

Dear Planning Commission:

The following report is being submitted to outline the engineering review for the Northern Lights Project, special use permit. Our review encompasses the following areas of interest as it relates to City infrastructure and resources including: Storm water runoff and management, wastewater management (any flow directed to the sanitary sewer system), potable water supply, traffic flow, and site plan considerations. This review does not include any scrutiny of environmental considerations that will be directly addressed by the Michigan Department of Environmental Quality or the Environmental Protection Agency such as emissions or discharge into nearby waterways. Our goal is to provide an objective review based on facts to provide the City with the proper information to make an informed decision. Our report on each of the above-outlined review areas follows in more detail.

Storm Water Runoff and Management

The proposed site is divided into two basic areas, developed and un-developed. The developed area includes the site proper and encompasses all buildings, roads, drives etc. It is this area where we are most concerned with the storm water generated from storm events. This area is depicted on the site plan by a heavy gray line. Any storm water generated from the area encompassed by this line will be treated by their onsite water treatment plant prior to being discharged to Manistee Lake. Areas outside of this line or the un-developed area will be vegetated and will drain directly to Manistee Lake without prior treatment. The site is to be designed for a 25-year storm event which equates to 3.9-inches of rain in a 24-hour period for Manistee County. This is an industry standard for commercial sites of this nature.

Storm water will be utilized for dust control on the coal piles. Spray irrigation will be applied to the coal to keep it wet and minimize fugitive dust problems. This will not only help reduce the dust, but it will also be a good use for the accumulated storm water.

Potential conditions for approval:

- *The developer will submit a site plan showing the existing and proposed contours for the site in 1-foot intervals.*
- *All storm water from the developed area will be captured and treated by the proposed onsite water treatment plant prior to entering Manistee Lake.*

- *All areas outside the developed area will be vegetated enough to eliminate erosion of surface soils into Manistee Lake.*
- *The perimeter of the developed area will be graded so no water leaves the developed area and directly or indirectly enters Manistee Lake without prior treatment by the onsite water treatment plant.*

Wastewater Management

As discussed in Attachment A of the submitted application, the only flow that is proposed to be directed to the City's sanitary sewers and Wastewater Treatment Plant will be standard sanitary waste from the bathrooms, showers and kitchenette areas. The existing sanitary sewer mains that serve the existing site are 10 and 12-inch mains. The proposed development will discharge less sanitary flow than that of the previous occupant. Therefore, at this time, upgrades to the existing sewer mains are not anticipated for the proposed development. As the flows will be less than that generated by the previous occupant and the fact that the flow will be made up of standard sanitary sewage, it will not adversely affect the existing wastewater treatment plant and will not require the need for the existing treatment plant to be upgraded. Any future changes to the volume or makeup of this flow will need to be assessed to determine the adequacy of the existing system.

Potential conditions for approval:

- *The flow directed to the City sanitary sewer system will only consist of sanitary waste and will not include any process or storm water unless prior approval is granted by the City of Manistee.*
- *The cost for any future upgrades to the City's sanitary sewer and/or wastewater treatment system resulting from a change in sanitary sewage flow makeup or volume will be borne through joint efforts between the project owner and the City of Manistee.*

Potable Water Supply

The existing site is supplied with municipal water from 6" water mains. The proposed development will only use municipal water for potable uses such as drinking, washing and toilets. Sufficient potable water supply is currently available in comparison to past uses on the site.

Potential conditions for approval:

- *Any future upgrades to the City's water mains resulting from a change in water demand will be funded solely by the owner proposing the changes and will include the cost of restoration.*

Traffic Flow

Shipping

Due to the nature of the proposed development, there are several areas where traffic flow will be affected. The first is shipping traffic. The proposed development will increase the volume of shipping traffic by 13 ships per month. This equates to 26 bridge openings per month based on the average numbers. With each opening, traffic is disrupted in the downtown area. Along with regular passenger and overland commercial traffic disruptions, emergency vehicle routes also become more of an issue due to the increased bridge activity. Currently, emergency providers are notified when the bridges will be open and from this, they plan alternate routes accordingly. This has been successful in the past; however, adding 26 operating cycles per month will add to the chance of problems with emergency vehicle access.

Recently, the City has experienced erratic problems with the operation of the bridge. After the inspection was complete, the report stated that the electrical system is at the end of its useful life and that this was the cause of the operation problems. From this, the City applied for a Critical Bridge Grant to secure funding in an effort to fix the problem; however, the review period is not complete and decisions have not been made to determine successful applicants. From this, if the City does not get funding to repair the bridge, will the existing system be able to handle the increased shipping traffic without a major expense to the City?

Overland traffic flow

The largest change in overland traffic flow will be the addition of ingress and egress trips for the normal operation of the plant. The largest reason for this traffic is to remove ash and haul it adjacent to the T.E.S. and Shoreline Landfill. Attachment A of the application shows the haul routes proposed to each of the landfills. A good portion of the routes are in outlying townships.

Rail traffic is not expected to increase, as the proposed development is not anticipating the need to utilize the railroad for transporting material. The largest potential for increased rail traffic is during the construction period when contractors may opt to have materials delivered by rail.

Site Plan Considerations

The submitted site plan lacks information in a few areas; however, due to the size and nature of the project, these items should be allowed to be submitted at a later date pending approval of the various permits. In order to review the proposed drainage courses for storm water, it is helpful to review the existing and proposed contours of the site.

The landscape plan is abbreviated other than that area along Main Street. In this location, they call for a mixture of coniferous and deciduous trees. I feel that these should be placed on a small berm (approximately 4' high). This will allow the trees to have a higher influence and will aid in screening the adjacent residential area from the proposed development. It appears that the building setbacks have been met, although this will be scrutinized in more detail in the Zoning Compliance Review completed by Williams and Works under separate cover.

City of Manistee Planning Commission
November 12, 2003
Page 3

Conclusion

Although the package is lacking in some areas, I feel that they are minor and can be resolved or addressed by placing the conditions listed in each section above. With all of the State and Federal regulatory issues aside, I feel that this meets the requirements of the existing Zoning for an I2 Industrial Lakefront District. The storm water will be handled properly, the need for infrastructure upgrades is minimal to non-existent, and the added traffic flow will have minimal impact on the downtown area of the City of Manistee with the exception of freighter traffic.

Very truly yours,

WADE-TRIM, INC.

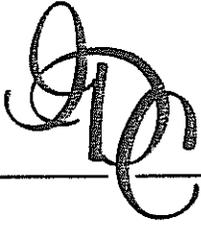
Brian C. Sousa

BCS:lkd

MAN 1063-03C-008

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cc: Mr. Mitch Deisch
Mr. Jon Rose



INDUSTRIAL DEVELOPMENT CORPORATION
OF MANISTEE COUNTY

11 CYPRESS STREET • MANISTEE, MI 49660

November 19, 2003

The Planning Commission
City of Manistee
70 Maple Street
Manistee, Michigan

Re: Northern Lights Project

The Industrial Development Corporation, Manistee, Michigan, is in favor of the concept of the Northern Lights Project as proposed by Tondur Corp./Manistee Salt Works Development Corp. The City of Manistee's master plan recognizes the important role lakefront industry plays in the City's economic well-being. The General Chemical site has historically been industrial for over 100 years, and only a project of this size and magnitude can finance the clean up and demolition required for that site. All of these aspects are important to Manistee. This project should be given favorable consideration.

Sincerely,

Thomas Kubanek
Executive Director
Industrial Development Corporation

Jim Reithel
1339 Meadow Wood Drive
Manistee, MI 49660

I am the General Manager for Martin Marietta Magnesia Specialties Operations, responsible for four plants located in Michigan, Ohio, Tennessee, and Connecticut. I consider myself fortunate to have called Manistee my home now for over 14 years. It is a great place to live and raise a family. I have come forward to speak this evening because I am concerned about the future of our community.

I value the opinion of the many concerned citizens about the potential impact that this proposed power plant will have on the community and our way of life. However, I also think it is extremely important to consider all the aspects of the project.

As I'm sure everyone is aware, it continues to be a daily struggle for industry and manufacturing to perpetuate jobs in this country. I have experienced this first hand, as have the other 130 employees at Martin Marietta's Manistee operation. The pressure from every aspect of society to regulate businesses and the fierce environment of global competition weigh heavily on the ability to simply survive. As industry and manufacturing succumb to these pressures and close their doors the opportunity for communities such as ours to sustain our current standard of living becomes very difficult, and in many cases impossible. There should be no dispute that industrial and manufacturing jobs have historically paid a "living wage" with benefits, and replacing them competitively with employment from other sectors of the economy is difficult at best. This project will bring long term employment opportunities to our community, providing both direct and indirect positive, sustainable improvement to the local economy.

It is also important to consider our needs as a society. As a large industrial consumer of electricity I understand firsthand the need for economical, reliable sources of power. This commodity is required not solely for the benefit of industry, but for commerce and every day life. Imagining our lives without it is not a pretty picture. The implications of not enhancing our current domestic power infrastructure are far reaching. Pursuing alternative sources of power is important, but we also need to be realistic and understand the need to continue power generation via conventional techniques until reasonable alternatives can be achieved. One can also take the tact that power plants need to be built, but just not in my back yard.

Continuing to adhere to this philosophy will push us further toward an environment of unreliable and unstable power supply. While there remains much rhetoric about the issue, most experts agree that we need to respond to aging power generation and transmission facilities in this country, or be faced with an uncertain and unreliable future power supply.

Another principal issue is the environmental impact this project will have on our community. This is a complicated issue that merits the kind of detailed research and discussion that is taking place. It should be understood that the technology available today, accompanied by the regulatory restrictions imposed by the responsible governing agencies, would provide for a state of the art power plant that furnishes a commodity we all consume every day, supplying it safely and with minimal impact to the environment. Of equal importance is the requirement for any successful company to work proactively with the community and regulators as responsible community citizens. This obligation is the kind of commitment that the principles responsible for this project are willing to make to our community. They have demonstrated this by their current cooperative efforts and the historical operation of their existing facility. Cooperative effort by industry and the community presents a powerful tool for retaining the quality of life in our community, striking a balance between our economic needs and our priority to preserve our environment. Working together I believe we can achieve what are truly mutual objectives.

This is an important opportunity for our community, and I encourage everyone involved to go forward in an informed manner, with a spirit of cooperation and compromise that supports the successful construction of this new facility.

Travelers Motel
5606 Eight Mile Rd.
Onekama, MI 49675
231-889-4342 Res: 1-800-769-0184

November 20, 2003

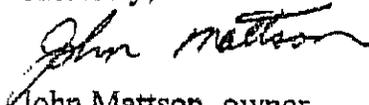
To the Manistee City Council, Planning Commission, Department of Environmental Quality, business owners, and all concerned citizens:
I am writing as a local citizen and business owner in support of the proposed Northern Lights Project. This project would inject a tremendous amount of economic life into our current state of business. The only direction a planner can advocate in a progressive civilization is to control but allow technology to move forward. We can control the technology put before us with the Northern Lights Project by placing authority in the proper place. The DEQ is the appropriate agency to deal with issues regarding our environment and the potential risks with a coal burning facility. The employees at Tondu have already described at great length the advancement of techniques and the technology used within the modern coal burning facilities. At this juncture we need to allow the project to move to the next phase. If we vote for staying the same, we will regress. Manistee is on the right track. Let's not derail her.

The positives associated with this project are incredible and the numbers are staggering in terms of our economy. We instantly increase the tax base and avoid future tax shortages that would be passed along to the residents of Manistee County. With Tondu, we have a big business to help in this regard. The proposed Brownfield Development site cleanup alone should be enough to move this project forward. This site is a huge eyesore and hazardous to our health as it exists today. No other entities have been able or willing to correct this piece of property. Tondu would be cleaning this up and making this a viable, thriving section of our city and lake again. The power produced from the plant would obviously benefit our area from a long-term basis as it would many residents of Michigan. This project, as we all know, would take 3 years to complete needing an incredible amount of manpower. The jobs at the plant (60) would be good paying jobs with a stable employer. These jobs would also help create more balance in relation

to the shifting of jobs to the service sector. The jobs created to build the facility would also give union laborers a position near home in some cases. The manpower coming from distances too far to travel will be staying in our motels, eating at our restaurants and shopping at our stores. We would be hard pressed to be able to bus in 300 people per day that will do this for 3 years.

I would strongly urge you to listen to the majority of the public and not just the strongest voices of anti-progress when making this decision to welcome the Northern Lights Project to Manistee.

Sincerely,



John Mattson, owner
Travelers Motel

Whereas, we the undersigned citizens of Manistee and Manistee County, feel that:

1. Coal mining is destructive to the environment;
2. Coal burning may have been acceptable in the Victorian Era (c. 1837-1901), but has been replaced by newer technologies;
3. The proposed 450 tons of ash generated daily will be detrimental to the aquifer under the landfill;
4. The increased amounts of bridge openings could lead to more road rage than tourist gratification;
5. That short term construction jobs are not worth long term health risks;
6. That current energy sources could be better enhanced with renewable resources, such as solar, wind, and hydroelectric power;
7. The current level of late night/early morning noise pollution is disturbing enough;
8. Hiring only one "outside consultant" would be like not getting a second medical opinion about a life-threatening condition;
9. That Lake Manistee, after decades of pollution and neglect, does not need another potential pollution source near it, but rather needs time to recover;
10. That profits for a few are not worth risking the health of all.

Therefore, we the undersigned do hereby petition the Planning Board of, and the City of Manistee, and/or any other governmental agencies to DENY any zoning changes, special use permits, building permits, or take any other action to allow the building of any type of coal burning plant in Manistee County.

<u>Name</u>	<u>Address</u>	<u>Signature</u>	<u>Registered Voter (yes/no)</u>
Arthur Leonard de Bies, Jr.	551 Beatrice Rd Manistee	<i>Arthur Leonard de Bies, Jr.</i>	YES
Tammy S. Carter	13 Bridge St Manistee	<i>Tammy S. Carter</i>	yes
Valerie Chandler	16 N. Snyder Rd Wellston	<i>Valerie Chandler</i>	yes
Sandra Chandler	11825 River Rd. Brethren	<i>Sandra Chandler</i>	yes
Laura Verheek	267 5 th Ave Manistee	<i>Laura Verheek</i>	yes
Stacy 2 Ullala	10 Bawerman Rd	<i>Stacy 2 Ullala</i>	yes
Rose M. Crawford	296 3 rd St. Manistee	<i>Rose M. Crawford</i>	NOT HERE
Robert E. Hardenburgh	306 Parkdale Ave. Manistee	<i>Robert E. Hardenburgh</i>	yes
Sheri Lyn Hunt	124 Hancock St, Manistee	<i>Sheri Lyn Hunt</i>	not Here
Monica Cabot	725 S Skocelas Rd Manistee	<i>Monica Cabot</i>	yes
JANETTE SUMMERS	P.O. Box 71 Filer City, MI 49134		yes

Name	Address	Signature	Registered Voter (yes/no)
Roy Snow	307 McKee Street	Roy Snow	N
Mack Dougher	246 FREMONT	Mack Dougher	Y
JO ANNE HOUSE	277 3rd	[Signature]	Y
Kathleen Block	7231 Osmond	Kathleen Block	Y
Angela Willis	106 McKee Street	Angela Willis	Y
Ryan Nash	823 KOSIUSKO ST	Ryan Nash	Y
Frankie L. Medrano	6689 Pine Ave	Frankie L. Medrano	Y
BEN HAMILTON	362 FIRST ST.	BEN HAMILTON	Y
Lee A. Tuinson	6455 S. Shore Dr. Bear Lake	Lee A. Tuinson	Y
BILL WILLIS	285 TENTH ST. MANISTEE	BILL WILLIS	Y
Jan Anderson	4076 LAKESIDER, BRETHERN, MI	Jan Anderson	N
Nancy McCain	613 Hopkins Street, Manistee	Nancy McCain	Y

Name	Address	Signature	Registered Voter yes/no
Amy Sedelmaier	1472 Hill Rd.	Amy Sedelmaier	No
Lisa Setzer	12345 Lynn St	Lisa Setzer	Yes
Kennae Hansen	526 2nd St	Kennae Hansen	yes
Kathy Schults	321 Peterson Rd	Kathy Schults	yes
Maria Dykman	575 R Amsdell Rd	Maria Dykman	yes
Scott A. Kogut	6987 Pine Creek Rd	Scott A. Kogut	yes
Lynn Bushaw	12108 Seventh St Bear Lake	Lynn Bushaw	yes
STIN SHEARS	342 1/2 4th ST MANISTEE, MI	STIN SHEARS	yes
PEGG BENNETT	259 5th AVE MANISTEE, MI	PEGG BENNETT	YES
Walt Umlauf	231 5th STREET Manistee, MI	Walt Umlauf	yes
INDIA HILLER	121 TERPAK RD. MANISTEE MI 49660	INDIA HILLER	yes

Name	Address	Signature	Registered Voter yes/no
ELLYN NIESEN	1603 NIESEN DR.	<i>Ellyn Niesen</i>	YES
DIANA KING	27 Clay St. #B	<i>Diana L. King</i>	Yes
ke Hunter	622 Pine St	<i>Duke J. Hunter</i>	Yes
KATHA PARKER	913 ENGLEMAN ST.	<i>Katha Parker</i>	YES
MEGAN MAGEE	PO BOX 1710	<i>Megan Magee</i>	YES
Jane Hoffman	361 Second St	<i>Jane Hoffman</i>	YES
MARK HOFFMAN	"	<i>Mark Hoffman</i>	NO
Britt Uecker	297 4th St.	<i>Britt Uecker</i>	yes
Jennifer Volkema	310 Hughes St.	<i>Jennifer Volkema</i>	yes
Dana Kuczynski	69 6th St	<i>Dana Kuczynski</i>	yes
Michael Dodman	MA, CF-SLP 244 1/2 5th	<i>Michael Dodman</i>	yes
Nathan Davis	125 Washington St	<i>Nathan Davis</i>	yes
LISA KROBZUK	131 1/2 2nd AVE	<i>Lisa Krobzuk</i>	YES

Eric Sutcliffe
ERIC SUTCLIFFE 2306 FILER CITY RD.

Name	Address	Signature	Registered Voter (yes/no)
Nate Sroback	PO Box 735 Manistee MI	<i>Nate Sroback</i>	yes
Stephanie Ogren	4105 8th St. Manistee MI	<i>Stephanie Ogren</i>	yes
Mark Kree	4290 N. Sherman Ludington, MI	<i>Mark Kree</i>	Yes
Bonnie B. Hammit	5655 Leckrow Rd. Brethren MI 49619	<i>Bonnie Hammit</i>	yes
Joh Modukh	52 High Bridge Kalamazoo MI 49005	<i>Joh Modukh</i>	YES
Robert L. SANDERS	3680 E CHAVEZ RD Custer MI 49005	<i>Robert Sanders</i>	YES

Therefore, we the undersigned do hereby petition the Planning Board of, and the City of Manistee, and/or any other governmental agencies to deny any zoning changes, special use permits, building permits, or any other action to allow the building of any type of coal burning plant in Manistee County.

DAVE VAURA 2636 RED APPLE 49660 YES
 915 S. Claybank Manistee YES

Name	Address	Signature	Registered Voter yes/no
TRICIA A. DIDION	88 GREENBUSH ST.	Tricia A. Didion	yes
Nett A. Van Drie	207 Pine St. Manistee	Nett A. Van Drie	Yes
JOHN NALE	8424 Third St Onkama		yes
David Koskoski	430 Water St. Apt. 15	David Koskoski	yes
Monica Edikauskas	254 4th Ave Manistee	Monica Edikauskas	yes.
GARY ANDERSON	8389 LEE CREST BLVD		YES
Julie Parker	8389 LEE CREST BLVD		yes
Joe Dumas	1854 Lakeview DR.		yes
Judy Cunningham	4466 Potter Road D & K		yes
Molly Wolfe	2505 Nelson Street		yes
Mary L. Kracht	403 First St. Manistee		yes
HELEN ANN YUNIS	444 3 RD STREET MANISTEE		yes

Name	Address	Signature	Registered Voter yes/no
LIAM R. KRACHT	403 FIRST ST, MANISTEE	Liam R. Kracht	YES
Lee Sprague	5475 Pine Creek Rd Manistee		no

Name	Address	Signature	Registered Voter yes/no
Patricia Baumbach	211 SECOND ST PO BOX 342	Patricia Baumbach	yes
Amber Dupak	1012 PARSON ST	Amber Dupak	yes
Amber Dupak	744 St. East Lake	Amber Dupak	yes
Rachel Davis	284 2nd Ave.	Rachel Davis	yes
Connie Aves	2405 FIBER CITY RD.	Connie Aves	yes
Ronda G. Gaine	9433 8mi Rd	Kate Gaine	yes
Barbara Valdez	17248 Airport wellston, mi	Barbara Valdez	yes
VICK TABAEZKA	11 1/2 LYNN CT	Vick Tabaezka	yes
Jana Pomroy	PO Box 755 Manistee	Jana Pomroy	yes
Christine Hansen	10861 Old Frances Rd	Christine Hansen	yes
Christine Hansen	10861 Old Frances Rd	Christine Hansen	yes
Nathan Fischer	1489 Red Apple Rd	Nathan Fischer	yes

Name	Address	Signature	Registered Voter yes/no
Steve Klein	88 Greenbush	Steve Klein	yes
RICHARD ALBER	365 LIGHTHOUSE WAY	Richard Alber	yes
INDA ALBER	365 LIGHTHOUSE WAY	Inda Alber	yes
Deborah Nalec	8424 3rd St Okama	Deborah Nalec	yes
MARK WARD	6520 Maidens Bear Lake	Mark Ward	yes
Britt Uecker	297 4th st. Manistee	Britt Uecker	yes

Name	Address	Signature	Registered Voter (yes/no)
Robert Robles	609 Davis	<i>[Signature]</i>	YES
LARMAE Willis	285 TENTH ST	<i>Larrie Willis</i>	YES
JIM GRABOWSKI	1235 CORNWELL	<i>Jim Grabowski</i>	YES

Name	Address	Signature	Registered Voter yes/no
Zach Stalman	2705th Ave	<i>Zach Stalman</i>	No
Chris McClain	24 CABOT AVE Hwy 101#6	<i>Chris McClain</i>	YES
Linda Hall	517 Second St	<i>Linda Hall</i>	YES



International Brotherhood of Electrical Workers LOCAL UNION NO. 498

3912 Blair Townhall Road W. • Traverse City, Michigan 49684 • (231) 943-4980 • FAX 943-8000
Email: ibew498@bignetnorth.net

Bernard R. Mailloux
Business Manager, Financial Secretary



November 20, 2003

My name is Bernie Mailloux, I am the business manager of the International Brotherhood of Electrical Workers, Local 498 located in Traverse City, Michigan. The local was founded September 08, 1949. Our jurisdiction encompasses eighteen counties in northwest lower Michigan. The local has 400 members, 270 construction journeyman and apprentice electricians, 82 retirees and 48 manufacturing personnel. There are 17 IBEW members and their families living in Manistee County, eleven of which live in the city of Manistee.

I have been in the electrical trade for over thirty-two years. I have worked in all areas of heavy industrial and commercial electrical construction. Through the years I have noticed stricter laws put in place concerning worker safety, asbestos abatement, noise and environmental pollution, etc. There is always room for improvement! Recently while in Washington DC, I read an article in the Washington Post that addresses this. Please let me share a couple paragraphs of this article, I have copies available.

In today's Traverse City Record-Eagle, an article spoke of the commission to gather power plant opinions. There are comments in this article that are pro and con. This is expected and needed! In this process both sides need to come together. With level heads and open minds, Manistee and the surrounding communities will continue to prosper.

Sincerely,

Bernard Mailloux
Business Manager
IBEW LOCAL 498

THE REGULATORS

Cindy Skrzycki

EPA Seeks Middle Ground in Toxic-Release Reporting

The Environmental Protection Agency has convened a new phase of an electronic dialogue designed to encourage "thoughtful comment" on how to improve its Toxics Release Inventory Program, which measures how much of 650 toxic chemicals are released into the environment every year.

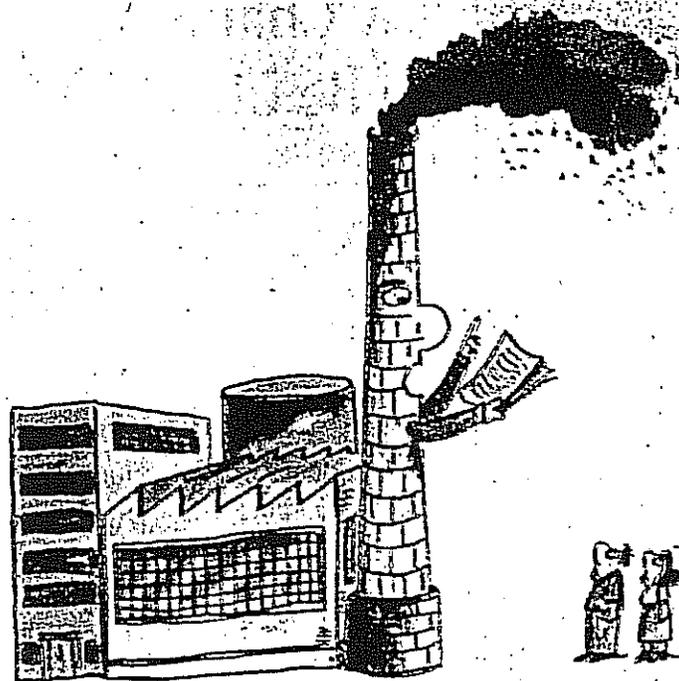
The question at hand is how to make it easier for industry to file—or reduce—the voluminous annual reports, while not compromising the value of an important public database.

Industry and environmentalists alike say the TRI, as it is called, is one of the federal government's most successful "right-to-know" information databases. It was established in 1986 and has become a primary source for community activists and public-interest groups that want to track sources of pollution in their regions, such as chemical runoff into Chesapeake Bay.

Over the years, in fact, it has spurred some industries to figure out successful ways to reduce toxic releases. Total releases in 2001 were 1.4 billion pounds; in 1988 they were 3.1 billion pounds.

But industry has long been irritated by the paperwork involved, especially since the reporting program has been expanded by EPA over the years, sometimes without formal rulemaking that allows companies a chance to comment. So when the EPA opened an electronic meeting a year ago, after years of directives from the Office of Management and Budget to cut the paperwork burden, the "discussion" focused on the collection and release of the data.

The EPA received about 200 comments, and the second phase of the online meeting presented a variety of "burden reduction options": the possibility of exempting more small businesses from reporting (those with more than 10 full-time employees have to file the reports now), raising the reporting thresholds for certain industrial sectors or classes of facilities; allowing more companies to fill out a "short form," rather than a more detailed questionnaire; permitting companies to skip reporting if they have no significant changes to report, and allowing companies to report ranges of



BY KEITH BENDIS FOR THE WASHINGTON POST

pounds of chemicals rather than actual amounts.

For the companies that filled out more than 91,000 forms in 2000, the new round of discussion is welcome. "If anything is going to happen, it's going to happen this year," said Glen Barrett, senior

See REGULATORS, E3, Col. 5

EPA Tries to Strike Balance In Toxic-Release Reporting

REGULATORS, From E1

health scientist with the **American Petroleum Institute**, who is heading a new industry coalition on the issue. He said refineries spend hundreds of hours filling out the reports.

Most industries say they support the community-right-to-know program on which the TRI was founded. But they also complain about how complicated and time-consuming it is.

"The Toxics Release Inventory comes at significant cost and burden. We estimate the TRI costs the U.S. \$600 million a year," said Michael Walls, senior counsel for the **American Chemistry Council**, which represents 90 percent of chemical producers. "The burden is in collecting the data—monitoring it, checking it, and all that. You don't just scratch down a few numbers and send them to EPA."

"We, and many others, are for biennial reporting. That would cut the burden in half," said the API's Barrett. The electric utility industry also would like to see the EPA adopt biennial reporting "and put the numbers in context so they don't frighten the public," said Michael Rossler, manager of the **Edison Electric Institute's** environmental program.

The mining industry brought two lawsuits against the EPA in recent years, one challenging the agency's authority to include it in the inventory at all, and one making it collect data on mining byproducts called waste rock. Carol Raulston, spokeswoman for the **National Mining Association**, said a recent court decision was favorable, so some companies stopped reporting the data on waste rock, reducing total amount of toxic releases they had to report to the EPA.

Environmental groups, on the other hand, aren't pleased with most of the ideas that the EPA is floating. They asked the agency during the first round of comment to concentrate more on ease of access to the data and expanded reporting.

They fear the electronic discussion might be the first step toward reducing the

number of reports on toxic releases, especially since some of the options would allow companies not to report materials they recycle.

The agency cautioned in materials it posted to set up the "discussion" that talking about options does not mean they are "technically, practically and legally feasible. Still, some public-interest groups fear the EPA will be receptive to what industry is pushing.

Lexi Shultz, legislative director for the **Mineral Policy Center**, which monitors the mining industry, said some of the suggestions are "relatively benign." But she worries that Michael O. Leavitt, the new EPA administrator and former governor of Utah, will be sympathetic to the mining industry, especially since he and other Western governors signed a "policy resolution" in 2002 stating that "some materials in the mining and utility sectors are not appropriately included in the EPA reporting requirements."

"This is EPA proposing an industry wish list of options to change the nation's preeminent right-to-know law," said Paul Orum, director of the **Working Group on Community Right-to-Know**, a nonprofit organization that monitors the TRI program. "Depending on what goes forward, this could be a significant weakening of the program."

Tom Natan, research director for the **National Environmental Trust**, a nonprofit educational organization, said potential changes could compromise the "integrity of the data."

The EPA is using the electronic "dialogue" through Jan. 5, to "put lots of options out there and examine the pros and cons of them" and has made no decisions on a formal regulatory proposal, said Kimberly Nelson, assistant administrator for the office of environmental information. "Rulemaking is very costly; it locks you into a position."

As for those who fear a weakening of the TRI: "If they have concerns . . . I hope they will engage in this dialogue," Nelson said.

MANISTEE

Commission to gather power plant opinions

BY MARLA MCMACKIN
Record-Eagle staff writer

MANISTEE — The key to a vibrant city is a balance between tourism and industry and city officials say a proposed power plant could provide that balance.

That's why city manager Mitchell Deisch supports a 425-megawatt, coal-burning power plant proposed by Manistee Salt Works/Tondu Corporation for the former General Chemical site on the shores of Manistee Lake.

"We live in northern Michigan, where there is phenomenal natural beauty all around us," he said. "But we need more than the natural beauty."

Manistee's planning

commission is set to hold a public hearing on a special land-use permit for the plant at 7 p.m. today in the Manistee Middle School library.

The proposal has created a stir in this Lake Michigan community, which during the '90s actively marketed itself as a tourist destination and retirement resort. Heavy industry had dominated the scene for decades.

Project proponents say the coal plant will create 60 jobs with wages ranging from \$15 to \$20 an hour. Tondu spokeswoman Meagan Kempf said it also could generate as much as \$112 million in construction wages and an additional

\$10 to \$12 million annually into the local economy.

But Dana Schindler, supervisor of neighboring Filer Township, wonders if the economic benefits are worth potential environmental risks.

Tondu first looked to build the plant in Filer Township, but turned to Manistee when the township's engineering consultant recommended against it.

"The coal dust and the emissions, the noise level were incompatible with the residential area," Schindler said.

There also were health concerns related to coal dust, Schindler added, citing a District 10 Health Department study from the 1990s that said

Manistee County had a higher than national average rate of heart and respiratory diseases and cancer.

While Schindler sees a potential eyesore and polluter, Kempf says the project would improve the shores of Manistee Lake.

Kempf said the company would have to demolish existing buildings at the site and reconstruct the lakefront area. The plan also includes a 400-foot-tall smokestack to tower above Manistee Lake.

The company plans to address concerns about the coal fuel by expanding an existing coal storage area and adding a lining to prevent infiltration into the groundwater or runoff into the lake.

Good Evening! My name is Allan Domres and I am a lifelong resident of Manistee County. Over my lifetime, I have seen MANY changes in the business, economic, and employment climate in Manistee County. As I'm sure you are aware, the availability of jobs, good jobs, jobs for people that enable them to support their families are crucial to the well being of any community. Schools, churches, businesses providing goods and services who in turn employ others.....on and on.

The new jobs that will become available with the advent of the Northern Lights Cogeneration Plant will be those kinds of jobs. In addition, with the state-of-the-art technological planning going into the new plant, those jobs will have a minimal impact on the environment of Manistee County.

For just one example, through the collection and reuse of rainwater, dust control will be accomplished with very little impact on the environment.

Concerns of the 'Northern Lights Project' by: Tondu's Corp and the 'Manistee's Saltwork's Development Corporation'.

Assumptions:

1. 425 Megawatt Power Coal Burning Generator Plant
2. \$700 Million Dollar Project
3. 13 Boats of Coal per Month
4. Treatment Plant for residue from coal runoff into Manistee lake
5. 400 foot smokestack
6. 60 Full Time Jobs
7. Bunch of indirect part time employees
8. Expenditure of 4.4 Million Dollars/Year on General Maintenance
9. Burn 1.8 Million Tons of Coal per Year

Concerns:

Several important issues have not been addressed or have been largely ignored by the town as well as Tondu's Corporation that impact both the long and short term health and well being of the town of Manistee.

The size of the plant is such that it will overwhelm and dominate this small town's atmosphere. The daily requirement to keep the plant running from the noise of truck activity as well as from the plant itself will be considerable. No longer will the sound of the Lake Michigan's waves be present on a quiet night. Additionally, security lights will light the night and there will be no 'end of day' closedown, ever. With a seven day a week, twenty-four hour operation and the plants close proximity to the town; there will be no relief from the constant activity and noise associated with its operation.

The 400-foot smokestack will dominate the landscape and will be a constant source of a water vapor, which will be overwhelming during the winter months. It will be a constant reminder of the Generator Plants close location to the town. While the polluting aspects of this discharge have been disregarded, long-term aspects of the vapor cloud as well as the micro-particle pollution from the coal itself should be the concern of everyone. While the coal dust pollution has been greatly reduced with modern scrubbers and washers, it has not been eliminated. Additionally, there will be discharge into Manistee Lake and this will be accumulative for the life of the plant.

There are planned deliveries of thirteen ships a month to feed the coal fuel requirements of the Generating Plant. There have been events in this past year where the bridge did not operate (fully open or close) when commanded. There cannot be a stoppage of the coal supply once the power plant is in operation. If there is an occurrence where one of the bridges is damaged and the ships transportation of coal is stopped, the operation of the plant remains paramount. It stands to reason that during winter months when the river is closed to ship traffic, alternate delivery systems will have to be in place. The obvious method will be by train. A small generating plant needs three trains of 60 to 80 carloads of coal, three times a week for its operation. A 425 Megawatt plant will require many more carloads and the railroad network in place to support those trains. I see no existing network to deliver coal to the town or the plants planned location via train cars.

The picture of the planned generating plant shows a single existing high-line across the Manistee Lake. The high-voltage power lines required to distribute the energy from a 425 Megawatt Generating Plant are considerable. The high-voltage power lines that are required to deliver that energy to a sub-station will change the towns' appearance in a way that has not been addressed to date. The location of the sub-station is unknown, but it will have to be sizeable to handle the plants power output and power distribution.

The desirable tourist attractions will be altered and may impact both the sport fishing and the Village Condominium attraction. The river walk of this advertised 'Victorian Community' might not be as desirable as it is today, once the generating plant is in operation. These are just a few of the considerations, which will negatively impact this small community. Considerable research needs to be accomplished and much thought given before this variance is issued and approval of the Power Generating Plant is considered at its planned location.

Respectfully Submitted:

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