

CITY OF MANISTEE PLANNING COMMISSION

WORKSESSION AGENDA

Thursday, March 11, 2004 - 7:00 p.m.
Thursday, March 18, 2004 - 7:00 p.m.
Thursday, March 25, 2004 - 7:00 p.m.

I Call to Order.

II Worksession Items:

1. Manistee Saltworks Development Corporation
2. Other

III Adjourn.

All Planning Commission Meetings and Worksessions are open to the Public.

Worksessions are scheduled to allow the Planning Commission the opportunity to discuss in a less formal manner than a regular meeting. No motions or decisions can be made during a worksession.

The Planning Commission does not take public comment during worksessions. 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. The Public is not allowed to speak, ask questions, or express opinions on items which are being discussed during the worksession.

**Items forwarded to the
City of Manistee Planning Commission
at the March 18, 2004
Worksession relating to the
Manistee Saltworks Development Corporation**

Copy of letter from David C. Hollister, Department of Labor & Economic Growth dated 3/10/04

Memo from Jon Rose to Planning Commission dated 3/11/04 RE: Michigan Land Use Institute Article dated 3/7/04

Memo from Jon Rose to Planning Commission dated 3/12/04 RE: Site Plan/Plant Elevation Preliminary Plans

Correspondence:

Todd Yaple, 12659 Hopkins Forest, Bear Lake

Bruce Berghoff, 16674 Starke Road, Box 34, Arcadia

Frank Fahey, 315 Fifth Avenue, #17, Manistee

Mike Ripley, Chippewa Ottawa Resource Authority, 179 W. Three Mile Road, Sault Ste. Marie

Karl Wagner, 554 Bryant Avenue, Manistee

e-mail from Judy Cunningham, 4466 Potter Road, Bear Lake

e-mail from Gary W. Timm, Fox Farm Road

Charles J. Dumanois, MD, Manistee

Tom Boensch, Secretary/Treasurer, Michigan State Building and Construction Trades Council, 435 Washington Square S., Lansing

Alfred F. Hegerich, 5195 Pontiac Trail, Ann Arbor

Lynise Hensel, 2567 Crescent Beach Road, Manistee

Judy Cunningham, 4466 Potter Road, Bear Lake

Wayne Frohriep, 27848 Maystead Road, Sturgis

Jim Sluyter, 3480 Potter Road, Bear Lake

Amanda Grace Campbell, 969 Orchard Street, Benzonia

Wayne Frohriep, 27848 Maystead Road, Sturgis

Michael Reines, MD, 1465 East Parkdale Avenue, Manistee

Richard Shotwell, The Pine River Association, P.O. Box 184, Tustin

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

Fax from Jay Kilpatrick dated 3/16/04 RE: Special Use Permits

(Continued on Back)

Information from Press Conference held prior to Council Meeting 3/16/04

Manistee Citizens for Responsible Development - Press Release

Aurora Association - Press Release

Article by Keith Schneider Great Lakes Bulletin News Service

*National Energy Market, Political Trends Foster Manistee Coal Plant White House Move
to spur mining, ease air regulation big factors*

Midwest Alliance of Sovereign Tribes Resolution No: 04-03

Items mailed to Planning Commissioners 3/16/04

Memo from Jon Rose dated 3/16/04

Letter from Jim Tondu to Jon Rose dated 3/15/04

Copy of Special Use Permit Application (referenced in letter).



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

DAVID C. HOLLISTER
DIRECTOR

March 10, 2004

To the Editor:

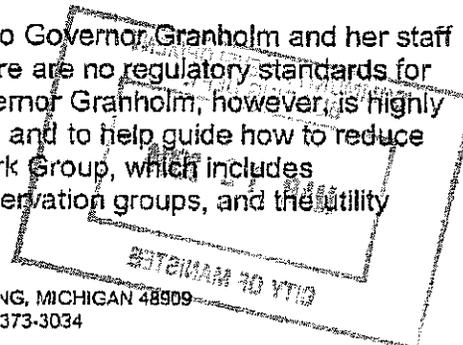
Currently the Department of Environmental Quality (DEQ) is reviewing a proposal from Manistee Saltworks and Tondu Corporation for a coal-burning plant. At the same time, the Michigan Economic Development Corporation has held discussions with the company. I have been hearing from citizens representing viewpoints on both sides of the issue, and wanted to respond to some of these initial concerns.

I have heard from some people that they are worried their voices as citizens aren't being heard in Lansing. Nothing could be further from the truth. Governor Jennifer M. Granholm and her staff have talked to many of you one-on-one, or read your emails and letters, and certainly values your input. We will all continue to engage the community as the debate goes forward. It is important to note that despite comments and reports to the contrary, the Governor neither supports nor opposes the new power plant at this point, however, there are many issues that must be dealt with and discussed before this facility can move forward.

First and foremost, siting of this power plant is a decision that rests squarely in the hands of local elected decision-makers. This project must first be approved at the local level and meet local zoning ordinances before the state can, or will, take action.

The DEQ's role is to evaluate the facility and its permit applications to see if it meets applicable and existing environmental requirements and standards. Michigan is delegated by the United States Environmental Protection Agency to review and issue an air permit of this type, and Michigan must follow the federal guidelines and requirements first, and then apply state regulations in the review process to ensure the environment is protected. The DEQ is currently analyzing the facility's proposed air permit and putting it through an extensive review process, and they will then share those findings with your community and all interested parties. A public hearing will be held this spring where your comments and input will again be asked for before a decision is made.

One issue that opponents have already expressed to Governor Granholm and her staff is concern about mercury emissions. Currently, there are no regulatory standards for mercury emissions in Michigan or federal law. Governor Granholm, however, is highly concerned about mercury levels in the environment, and to help guide how to reduce these levels, she has engaged a Mercury Utility Work Group, which includes representatives of academia, environment and conservation groups, and the utility



Letter to the Editor

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March 10, 2004

industry. These meetings have been convened by the DEQ Air Quality Division for more than a year now and the group is expected to present a report to Governor Granholm in the near future.

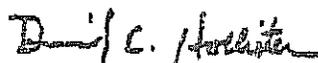
Tondu has committed to putting mercury reduction technologies in place when a standard is agreed to and mandated by law and is planning to leave construction space for mercury controls when it builds the new plant.

Furthermore, should this proposed power plant be approved, Governor Granholm and the state of Michigan would be very aggressive in ensuring that Northern Lights is making the health, safety, and well-being of local citizens a top priority. This proposed power plant would be required to meet the proposed Maximum Achievable Control Technologies (MACT) for new sources under the Clean Air Act for all other pollutants, which would make it one of the least polluting coal-fired facilities in the country. It must also meet the Michigan Toxics Best Available Control Technology (T-BACT) review for toxic pollutants. Should this plant be approved, Governor Granholm and the state would hold the plant and its stakeholders to the highest level of accountability in ensuring that they keep all promises which are being made to the Manistee community and its citizens.

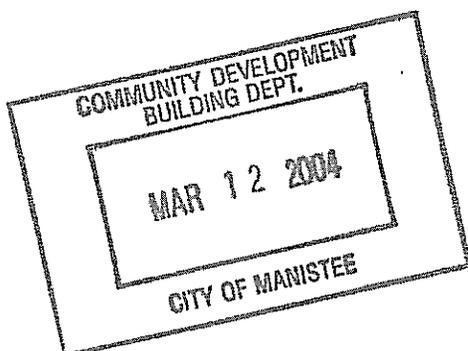
I have also heard from proponents who have noted that a state-of-the-art new plant could potentially reduce energy bills and ensure access to much-needed energy resources at the local and state level. The Public Service Commission has also indicated that energy from a new coal plant could help to stabilize the economy. Once it is operational, the power plant has the potential to save Michigan electricity users over \$50 million per year over current costs.

With all of these factors to weigh, it is no wonder that the debate has been so heated on both sides of the issue. It is important to remember in times like these that healthy debate can often make a local community stronger in the long run, and it is positive that so many are participating in the process. The decision to site the plant is before the local planning commission, and the power to decide whether or not this plant is built, or how it is built, is a local one that must be made by the people of Manistee and their elected officials. It is important to remember that for this project to be good for the state of Michigan, it must also be good for the Manistee community.

Sincerely,

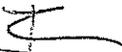


David C. Hollister, Director
Department of Labor & Economic Growth
517-373-7230



Memorandum

TO: Planning Commission Members

FROM: Jon R. Rose 
Community Development Director

DATE: March 11, 2004

RE: Excerpt from Michigan Land Use Institute Article

Enclosed is an excerpt form the Michigan Land Use Institute Article "In Granholm: Basic Values, Solid Things" dated 3/7/2004. Governor Granholm was asked questions regarding the proposed coal fired power plant during an interview. Attached is the portion of the article relating to that issue.

JRR:djb

Your administration is now considering proposals to drill two wells in the Jordan Valley, within the protected area. What, if anything, might you do about that?

Gov. Granholm: The DEQ is aggressively seeing if they can trade or swap mineral rights so that there won't be drilling out there. That's our hope and goal.

Institute: Another major issue in our area is a proposal for a 425 megawatt coal-fired power plant in Manistee. There has been tremendous citizen opposition to this plant for two reasons. One is the low economic return to the city. The other issue is emissions, especially of mercury. What is the administration doing about this proposal? We are particularly interested, given your pledge to phase out mercury emissions by 2020.

Gov. Granholm: Well, let me be very clear. We would like to see the phase-out of mercury. Obviously mercury emissions are a concern. If there is an ability for a new and cleaner plant that might take out the necessity for some dirty plants, that's not a bad thing.

However, we have not taken any position on this at all. In fact, I believe there was an MEDC [Michigan Economic Development Corporation] person who testified at a public hearing in Manistee. That person was not speaking on my behalf and was off of authorization to indicate one way or the other what our position was.

We would not intervene normally in a local planning decision like that. And we would want in any event to see local support. It's got to be direct from them. You know, if there were that local support and if it could be shown that a new plant was going to produce cleaner emissions than others in the area, then we would certainly take a look at it.

Institute: Did you check out why a state employee said what she said? That was a pretty big moment in that hearing when this official representing themselves as a sort of advisor...

Gov. Granholm: ...to the MEDC...

Institute: ...representing David Hollister [director of the state Department of Labor and Economic Growth]. Did she speak for Mr. Hollister?

Gov. Granholm: It was my understanding that she had a script that she was supposed to follow and that she was off script.

Clean Water – A Michigan Public Trust

Institute: Now to water. Can you give us an idea what's in your water protection bill?

Granholm: We started this when I was attorney general. We talked about what might be included in a water protection statute. What would be a good model to use? We talked about how something might be achievable with this Legislature.

At some point I'd like to ask you what you think that might contain. We appreciate the role that you play in journalism. We appreciated your role on the Land Use Leadership Council, the very positive role that the Institute played there. I'd love for the Institute to help play a positive role in this as well.

Institute: The two principles that we're anxious to see in this proposal is one, the principle that the state's waters are a public trust, clearly delineated, clearly stated and that it's not a private interest. And secondly, to try to work through the idea that a regulatory scheme benefits Michigan businesses. It has to have incentives. It's got to be flexible. It's got to be efficient.

Gov. Granholm: Let me ask you just as an intellectual matter. If in the public trust argument, if there is some sort of national interest in our water, does the public trust argument end up being dangerous? What if the feds decided it was in the public interest to send our water to some other part of the country?

Memorandum

TO: Planning Commission Members

FROM: Jon R. Rose 
Community Development Director

DATE: March 12, 2004

RE: Site Plan/Plant Elevation Preliminary Plans

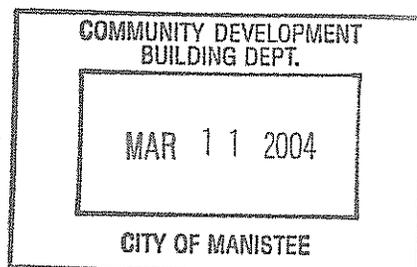
While we were copying information for Mac-Tech we came across some plans in the Air Quality Permit Application. These plans were reduced and copied for your review. Please note that these are preliminary plans not construction plans, but will give you a concept of how the plant could look.

JRR:djb



Manistee City Council
70 Maple
Manistee MI 49757

March 10, 2004



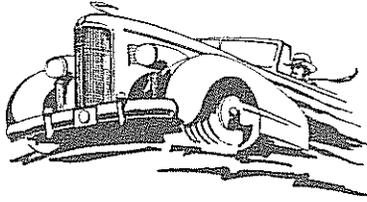
To Whom it May Concern

I want to register my opposition to building
The Tundra Coal Plant in Manistee. Shipping in coal to
burn it here to provide electricity for other communities
only indicates our area has the lowest self esteem and
pride of place of any community along Lake Michigan.
I've worked in Manistee over thirty years, and now live
in Bear Lake. My family and everyone I talk to is
opposed to permitting this plant.

Thank you

Patsy De

12659 Hopkins Forest
Bear Lake MI 49714
201 864-2924

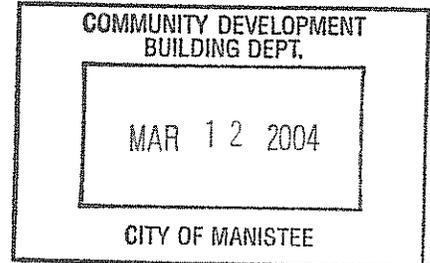


BRUCE BERGHOFF

16674 STARKE ROAD • BOX 34
ARCADIA, MICHIGAN 49613
PHONE / FAX (231) 889-3343

March 10, 2004

**City of Manistee
Planning Commission
70 Maple Street
PO Box 358
Manistee, MI. 4966**



Dear Commissioners,

Having listened to over sixty citizens deliver pro and con thoughts relative to the proposed special use permit application for Manistee Saltworks Development Corporation I heard no one pose the following question:

If the project is approved and the applicant proceeds with the construction of a dedicated single purpose facility costing approximately \$700,000,000. what guarantee will the City of Manistee have that funds will exist, at the end of the useful life of the facility, to remove the structures and any remaining contaminants and restore the site for some other potential uses ?

I urge you to consider the future financial consequences to the City of Manistee and the possible ramifications to the welfare of its citizens if the owners of this project were to abandon their responsibility.

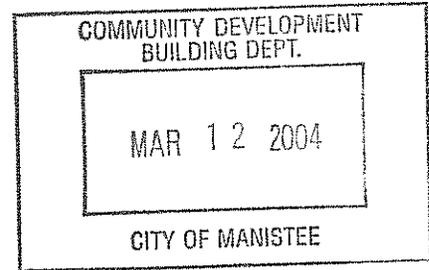
Thank you for your attention.

A handwritten signature in black ink, appearing to read "Bruce Berghoff". The signature is fluid and cursive.

Bruce Berghoff,
(former Manistee County Planning Commissioner)

March 8, 2004

John Rose
Manistee Planning Commission
City of Manistee
P.O. Box 358
Manistee, Michigan 49660



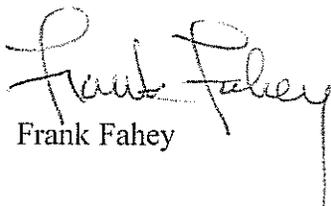
Dear John:

I am **opposed** to the "Northern Lights" project. The economic benefits are not worth the economic and pollution costs to the citizens of Manistee. Tondu Corporation cannot be trusted. They fought tooth and nail to avoid paying fair and just taxes in Filer township. Their offer of "impact payments" is insulting to the intelligence of our local officials. I do not believe in corporate welfare. Their stated goal is an after-tax 20% rate of return. They further state in their web site that they will change any and all specifications for "Northern Lights" in order to make this return on investment. This includes number of employees, pollution levels, money paid to taxing authorities, and coal type. I have asked Joe Tondu if they plan to purchase mercury emission credits on the open market. This credit would allow Tondu to purchase the right to massively exceed current EPA requirements. Joe Tondu has refused to answer the question.

I sit on my deck at Shipwatch and enjoy the channel. I look across and see the towers of Guardian Angels and the Congregational Church. It saddens me to know this vista could be defiled by the behemoth power plant dominating the view.

I am the outsider you have worked so hard to attract to Manistee. I believe in a balanced even-handed approach to growth. Mitch Deisch has spoken about the best interest of the economy and tourism. Approval of the project will aid only one segment of the economy while dealing a crippling blow to tourism. I will be selling my property in Manistee if the project is approved.

Sincerely,



Frank Fahey

315 FIFTH AVENUE, #17
MANISTEE, MI 49660



Chippewa Ottawa Resource Authority

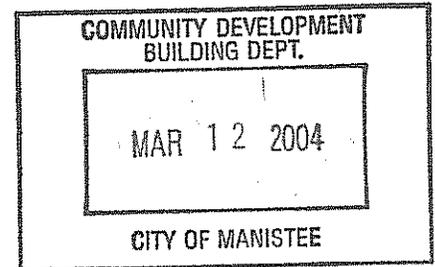
179 W. Three Mile Road
Sault Ste. Marie, MI 49783

Ph: 906-632-0043

Fax: 906-632-1141

March 8, 2004

Mr. John Rose - Staff Liaison
Manistee City Planning Commission
P.O. Box 358
Manistee, MI 49660



Re: CORA Resolution Opposing Proposal for Power Plant Construction.

Dear Mr. Rose:

At the last meeting of the Chippewa Ottawa Resource Authority (CORA), which took place in Traverse City on March 4, 2004, the Great Lakes Resources Committee unanimously passed a resolution opposing the proposal for coal fired power plant in the Manistee area. A copy of the resolution is enclosed for your records.

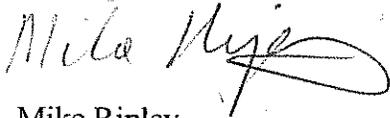
CORA represents five tribes in Michigan with regard to the tribes' commercial and subsistence fisheries in the 1836 treaty-ceded waters of Lakes Huron, Michigan and Superior. The tribes which are party to the 1836 Treaty are the Bay Mills Indian Community, Grand Traverse Band of Ottawa and Chippewa Indians, Little River Band of Ottawa Indians, Little Traverse Bay Bands of Odawa Indians and Sault Ste. Marie Tribe of Chippewa Indians.

Please include the enclosed resolution for consideration with other public comments regarding this proposal. As you may recall, I also sent you a letter expressing CORA's concerns regarding the proposed power plant in December, 2003. A copy of this letter is also enclosed.

City of Manistee
March 8, 2004
Page 2

Again, it is our sincere wish, that you will give serious consideration to rejecting the proposal for a coal fired power plant and commit instead, to an alternative energy generation which is less harmful to people's health and the environment. If you have any questions or comments, please do not hesitate to contact me or Jane TenEyck at (906) 632-0043 or via email mripley@sault.com.

Sincerely,



Mike Ripley
Environmental Coordinator
Inter-Tribal Fisheries and Assessment Program
Chippewa Ottawa Resource Authority

cc: Jane TenEyck, Interim Director, CORA
CORA Board
Lee Sprague, Ogema, Little River Band of Ottawa Indians
Jennifer Granholm, Governor, State of Michigan
Stephanie Ogren, Little River Band of Ottawa Indians
Jennifer Manville, Tribal Liaison, USEPA
Steve Chester, Director, MDEQ
Patricia Spitzley, Tribal Liaison, MDEQ



Chippewa Ottawa Resource Authority

179 W. Three Mile Road
Sault Ste. Marie, MI 49783

Ph: 906-632-0043

Fax: 906-632-1141

RESOLUTION 03-04-2004

OPPOSITION TO A PERMIT FOR A COAL FIRED POWER PLANT IN MANISTEE, MICHIGAN

WHEREAS, the Great Lakes Resources Committee of the Chippewa Ottawa Resource Authority exists for the purpose of managing the fishery resource in the waters of the Great Lakes under the Treaty of 1836, 7 Stat. 491, through regulation of treaty fishing activity by members of the Bay Mills Indian Community, the Grand Traverse Band of Ottawa and Chippewa Indians, the Little River Band of Ottawa Indians, the Little Traverse Bay Bands of Odawa Indians and the Sault Ste. Marie Tribe of Chippewa Indians; and

WHEREAS, the right to fish under the 1836 Treaty is dependent upon the ability of the Great Lakes ecosystem to support viable and stable fish stocks; and

WHEREAS, the bioaccumulation of methyl mercury contamination in fish flesh affects the quality and value of commercial fish thereby impacting the livelihood of tribal members engaged in commercial fishing activities; and

WHEREAS, coal fired utilities are identified by the U.S. Environmental Protection Agency as the largest single source of mercury contamination in the United States; and

WHEREAS, a coal fired power plant as large as that proposed in Manistee, MI, will produce as much as 113 pounds of mercury per year which will likely accumulate in fish and other aquatic species; and

WHEREAS, a coal fired power plant as large as that proposed, will produce tons of nitrogen oxides and sulfur dioxides which contribute to acid rain and the acidification of inland lakes, destruction of forests and degradation of air quality; and

WHEREAS, a coal fired power plant as large as that proposed, will produce tons of particulates and other combustive wastes which combine to produce ozone and smog thereby affecting the health of the people in the treaty area; and

WHEREAS, a coal fired power plant as large as that proposed, will require large amounts of surface water and/or groundwater, the intake of which can entrain and kill juvenile fish, damaging fish stocks in treaty waters or depleting local groundwater supplies; and

Resolution 03-04-2004

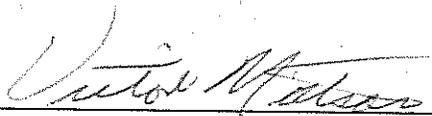
Opposition to a Permit for a Coal Fired Power Plant in Manistee, MI

WHEREAS, a coal fired power plant as large as that proposed, will discharge large amounts of water at a temperature well above the ambient surface water temperatures which can degrade Manistee Lake and/or Lake Michigan due to thermal pollution,

NOW, THEREFORE, BE IT RESOLVED, that the Great Lakes Resources Committee hereby states its unqualified opposition to any new or proposed coal fired power plants in the Manistee area.

CERTIFICATION

I, the undersigned, as Chairman of the Great Lakes Resources Committee, certify that the foregoing resolution was adopted at a duly called, noticed and convened meeting on the 4th day of March, 2004, with a quorum present and with a vote of 10 in favor, 0 opposed, 0 abstaining and 0 absent.



Victor Matson, Chairman
Great Lakes Resources Committee of the
Chippewa Ottawa Resource Authority

554 Bryant Ave.
Manistee, MI 49660
3-11-2007

Manistee Planning Commission

Dear Sirs:

As a citizen of Manistee since 1921,
I believe that it would be best that
a building permit be issued to
Northern Lights to construct a power
plant. Sincerely, Karl Wagner

Mitch Deisch

From: Judy Cunningham [jcunningham@jackpine.net]
Sent: Friday, March 12, 2004 4:30 PM
To: Mitch Deisch
Subject: last night's meeting

Dear Mitch,

As an observer at part of the Planning Commission Work Session, I must tell you that I was dismayed beyond belief at the bias shown by the city's consultant from Jay Kilpatrick.

It seemed the consultant had no concern for burdens on city infrastructure or who would bear the costs. He seemed unaware of unusual demands on city services from the applicant's project - such as the use of railroad bridges, roads and fire department services. These were brought up by a few members of the planning commission.

When asked for advise, the consultant would dismiss concerns with vague statements like "I don't know. I'm not an engineer" and "the applicant may offer something to help offset costs". This left the planning commission with no idea how to proceed.

There was no attempt on the consultant's part to suggest an engineer's report on the bridges' conditions, appraisal of current road surfaces or what the effect would be of 50-70 trips per day to the landfill. (TES is currently hauling 20 truck loads/day to the landfill and this plant would burn 5X more coal. Even Holland's own consultant advised them that Tonda's ash and landfill estimates were seriously underestimated).

What about concerns like: The costs of hiring and training a HAZMAT team, or upgrading fire equipment to fight fires in 25-40 story buildings and structures? What about coal pile fires? What if the barges hauling coal catch on fire, do we have the necessary equipment? Who pays for this equipment and these services? It seemed these were the concerns of the planning commission, but of no interest to the consultant. He seemed to be trying to find ways to dismiss the concerns and fast track the applicant to approval.

If that is all that happened I would just think that this consultant was a waste of the city's money and hopelessly incompetent. But then he stepped in to sway a planning member and discourage him from voicing concerns about the project's burden on city services.

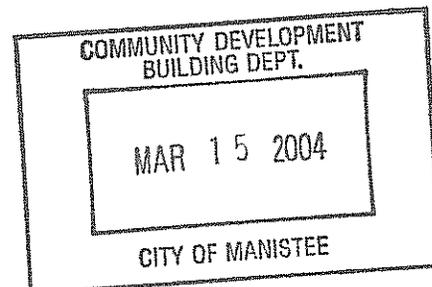
I carefully documented the consultant's comments made concerning the discussion on city services. His comments were highly inappropriate and biased toward approving the permit.

He said, "if this was a trucking company hauling toxic chemicals that didn't need a SUP, you wouldn't have any right to make conditions or deny this use" - and "every use will have negative consequences and you have to consider jobs and growth when making a decision. "

In my humble opinion, the permit requires the planning commission to consider the burden the project would place on city services, and to protect the public from undue burdens that impoverish the city and raise taxes. It is NOT the job of the planning commission, as this consultant was advising, to rubber stamp projects that in his faulty opinion provide "jobs and growth".

Judy Cunningham
4466 Potter Road
Bear Lake
889-4860

CC: city council, jon rose

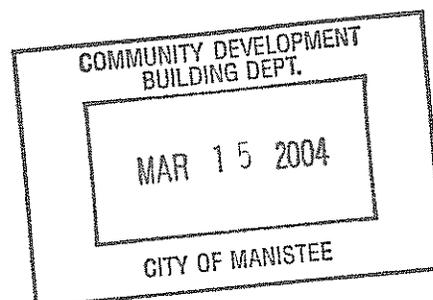


Mitch Deisch

From: Timsey@aol.com
Sent: Saturday, March 13, 2004 11:26 AM
To: Mitch Deisch
Subject: Manistee is Rich!

Manistee area is rich in it's beauty of natural resources. I have been born and raised just 15 miles from Chicago. My wife and myself 4 yrs. ago built a house out on Fox farm rd. in which we are looking forward to the day we can retire and live where the air is cleaner and the beauty of the environment can be seen and enjoyed every day. Believe me when I say this is becoming more and more important to most Americans. We want to retire where the beauty of this land can still be enjoyed.

Coal fired plants were the every where I looked way of life here in Illinois. Come and fish the streams of northern IL. an IN. Test these soils for Mercury. Please don't do the same to beautiful Manistee!
Gary W. Timm



Editor
Manistee News Advocate
Manistee, Michigan 49660

March 13, 2004

As a child I remember playing with Mercury. It was shiny, slippery and made dimes pretty. It was easy to get and fun and in retrospect very foolish. Fast forward to 2004. A few drops of mercury shut down a local school until it could be cleaned up and only a little more mercury can contaminate a 25-acre lake. Every lake in the state of Michigan is mercury contaminated enough to cause a governmental advisory against eating some types of fish. Mercury is a dangerous substance.

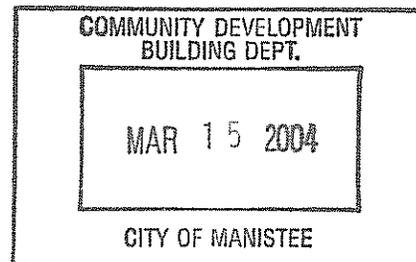
The Federal EPA regulations regarding mercury emissions were recently gutted by a mandate from the White House. Energy producers felt the new standards would compromise the profitability of their enterprise and the White House caved in. Of interest is the fact that a blue ribbon panel, the Children's Health Protection Advisory Committee, sent a letter to the head of the EPA urging him to strengthen the proposed rules to reduce the threat of mercury to our children. One in twelve pregnant women have excessive levels of mercury in her body and studies have clearly shown this significantly affects the eventual intelligence and developing nerve tissue in the unborn child.

So, what does this have to do with Manistee? The proposed Tondu Power Plant will add at least 80 pounds of mercury to our air. This is after the scrubbers and other systems have done their best to remove the mercury. The removed mercury will be added to our local landfills. Can we expect the US government to protect us? No. These new mercury emissions will be within their guidelines. Can we expect the State of Michigan to protect us? No. Despite the public statements made by our governor, the emissions will still fall within state guidelines. So, do we give up? No. Our local planning commission and city council can still block the permit requested by Tondu. And they must. We simply cannot expect our state and federal government to do the dirty work of stopping this permit. It is a local problem that must be dealt with by local people.

Precious little has been written about the health care expenses the community will incur if this plant is built. Hundreds of thousands of tons of soot and toxins will spew from the Tondu stacks and they cause serious disease. Emergency room visits and hospitalizations because of acute and chronic lung disease such as asthma and bronchitis will substantially increase. There will be an increase in the cancer rate in our community. And who will pay for the health care needed to treat these new problems? Will the PILT dollars offered by Tondu help to offset these expenses? The dollars Tondu is offering the city will never offset the expenses of those caring for a child with asthma or the grief of a family dealing with the cancer death of a loved one. Can our local hospital survive if the people living next to the plant double or triple their visits to the ER and can't pay? We must do something about preventable disease. Smoking and obesity are getting a lot of press. Manistee must worry about the disease that will be caused by the tons of pollution the stacks from the Tondu Plant will add to our air. This is preventable. A no vote against this plant will prevent health problems.

As a child I played with mercury. My parents would never have allowed it if they had known the damage it could cause. I pray our city leaders will have the same concerns and keep mercury and other toxins from our citizens. We deserve their help.

Charles J. Dumanois, MD
Manistee, Michigan



Letter to the Editor:

The proposed Northern Lights Power Plant has been the source of much controversy and heated debate in the local community. The citizens have voiced their fears and anxieties to the Manistee Planning Commission.

There is an unrealistic expectation that the Planning Commission must and will resolve these issues. It has placed members of the Commission in a precarious position. On one hand, they must consider the broad concerns of their fellow community members. On the other, they are obligated to act within their narrowly defined guidelines. It is a tough balancing act and the members of the Commission should be commended for their careful and professional consideration of the Northern Lights issue. However, local officials must not allow fears to trump the law and good science.

We have a strong tradition of federalism in this country and it is not without reason. Dividing responsibilities among qualified policy experts allows issues such as Northern Lights to be resolved in a fair and balanced manner.

For example, while members of the Commission may have concerns over certain environmental issues, they must leave those concerns to the Department of Environmental Quality. As the law is written, the Planning Commission is forced to make its decision based solely upon the local Special Use Ordinance. As it currently stands, the Northern Lights Project meets all the requirements to obtain a Special Use Permit under Manistee's ordinance.

Many people view the term "clean coal" as an oxymoron. There is no denying however, that recent advances in technology have allowed us to utilize our most abundant domestic energy source in a safe manner. Over the last three decades, the amount of energy produced by coal in the United States increased as the total level of emissions has decreased.

The proposed Northern Lights plant will be the cleanest coal-fueled generator ever built in Michigan. It will use state-of-the-art technology to protect our environment while providing a stable source of electricity for its users. It will provide new jobs, drive down energy costs for all consumers in Michigan and set the bar for environmental protection much higher.

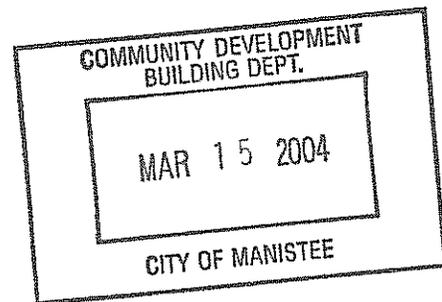
In order for us to continue this trend, we must build new, clean power plants. We cannot simply take the older plants off line and meet our growing energy demands.

Development of the plant would also include a cleanup of the defunct General

Chemical site which is something that all of us agree needs to be done.

Members of the local community have expressed legitimate concerns over this issue and it will be addressed in due time. However, we must show respect for the law and the members of the Planning Commission by presenting these concerns to the proper authorities in the appropriate forums.

Tom Boensch
Secretary/Treasurer
Michigan State Building and
Construction Trades Council
435 Washington Square S.
Lansing, MI 48933
A.C. 517/484-8427 Office
A.C. 517/484.1038 Fax



Wednesday, March 10, 2004
Alfred F. Hegerich
5195 Pontiac Trail
Ann Arbor, MI. 48105
734/665-4234

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

Members,

My house and land are on Schneider road, south of Coates Highway, in Brown Township.

I oppose the proposed 425-megawatt (that is 425,000,000 watts of electricity) proposed power plant. I think it can be *opposed* on a number of issues, starting with the less important ones such as the huge size, polluting effects, the small labor force required to operate, and most importantly the money.

I don't believe that the public should bear the cost for a public utility to operate. In Texas they do everything to *not* cost company money including essentially no pollution regulation. The City and County will have all the pollution and other costs from this plant for about 100 years, a century, at least.

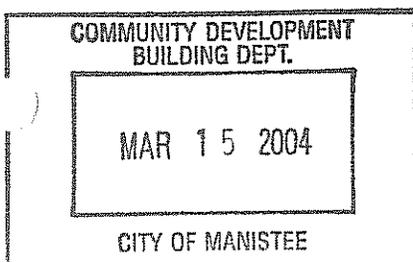
Inside a large steam turbine, that large utilities buy from GE, when that steam hits the inside of the condenser that has ice water in it, the exhaust pressure goes to zero and you just can't operate any more efficient than that. Detroit Edison does that on the Detroit River. Manistee Lake is typical of lots of places; I don't think the water for cooling is the reason Manistee was chosen.

I think the answer to, why Manistee, is the money. Their plans to operate as a Tax-Exempt-Municipality, whatever, make Manistee the *patsy* the *sucker*. With all issues political, it's follow-the-money. They have forged a path thru Manistee for \$ millions and they may not even pay a few cents for the privilege.

The French have glorified Napoleon and his tomb is impressive, Hitler's memory is infamous and more than enough for all time. *What will be your legacy?*

Do right, Sincerely,


Alfred F. Hegerich



March 15, 2004
Planning Commission:

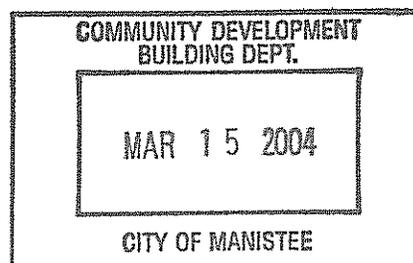
I can't believe that we are even discussing the idea of building a coal-fired power plant with a 400-foot stack in our town. This is such a pretty town with its river and lakes. It doesn't make sense that we would do anything to harm it? It seems to me that the people that are for this plant are grasping at false hopes trying to get back jobs that they lost years ago with no regard for the future. Union men from out of town are attending meetings pushing for jobs that they will get for a few years and then they will leave us with all the pollution and not much else. The developer and other municipalities will make all the money. We get a service fee that is just a tiny portion of what we could get in taxes. That tiny fee will really look small because of inflation in 15 to 20 years and from all the pollution we are going to get and all the damage to our infrastructure that the plant will cause.

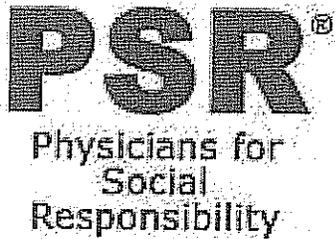
The planner that was hired to help the board is leading them around like sheep in their deliberations. He is insulting their intelligence and has no right to be adding his advice or saying that maybe the developer will pay for this or that. Hopefully they will you're your decision on what we have now. How can they trust a developer when they see how he has dealt with Filer Township? He might not even pay for what he has promised. . Larry Nix's idea not to talk about health, safety and welfare because it is subjective is ridiculous. Who is he working for? That is the most important of the six points to be decided on. I can't think of a dirtier or unhealthier thing to put in our town than a coal-fired power plant. Hundreds of scientific studies say that these plants are the highest single source of man-made pollutants like mercury, nitrous oxide, ozone, smog, sulfur dioxide, acid rain and small particle emissions.

The developer is going around to the schools and telling the kids fairy tales about how this plant will not hurt them. He knows that the EPA is postponing major mercury reductions from power plants until 2018 or beyond. The EPA's own Children's Health Protection Advisory Committee found that this reduction "does not sufficiently protect our nation's children. EPA's mercury rule ignores sound science and our children's health. We know that mercury can damage our children's intellectual and emotional development. It is unacceptable that EPA's proposal allows power plants to pump out excess mercury for another fifteen years, contaminating our air, water, food and our children."

Think about why other cities are growing and Manistee is not. They are planning for the future by attracting businesses that will enhance their town. They are cleaning up their waterfronts and placing businesses in industrial parks away from the water. Don't ruin Manistee with this coal-burning plant. Other offers will come where we will get jobs and taxes and no health risks for our children. It is up to us locally to protect ourselves and stop this "dirty" development now.

Lynise Hensel
2567 Crescent Beach Rd
Manistee, MI 49660





Environment and Health Program



January 29, 2004
For Immediate Release

Contact:
Nadia Khatchadourian,
202-478-6187 or
Daniel J. Weiss,
202-478-6307

New Mercury Rule Fails to Protect Kids, Say EPA's Own Child Health Advisors

Letter to Administrator Leavitt Urges Tougher Standards for Power Plants

WASHINGTON — As the U.S. Environmental Protection Agency (EPA) prepares to formalize its proposal to establish mercury pollution limits for power plants, the EPA's respected Children's Health Protection Advisory Committee (CHPAC) sent a letter to EPA Administrator Michael Leavitt this week in an unprecedented move urging him to significantly strengthen the proposed rule to reduce the threat of mercury to children. EPA's proposed rule, expected to be published in the Federal Register on Friday, January 30, 2004, would postpone major mercury reductions from power plants until 2018 or beyond, allowing as much as 650,000 pounds of excess mercury to be released into the atmosphere. In addition, the proposed rule would remove mercury from power plants from EPA's list of hazardous (toxic) air pollutants.

The EPA's Children's Health Protection Advisory Committee (CHPAC) found that the mercury proposal "does not sufficiently protect our nation's children." The CHPAC includes doctors, nurses and other child and public health experts from academia, state agencies, industry, and the public sector, all of whom were appointed by the current administration. The letter marks the first time that the CHPAC has ever formally objected to an EPA proposed rule-making for its failure to protect children's health.

The letter adds, "While cost effectiveness is important, the priority should be to protect children's health in a timely manner."

"EPA's mercury rule ignores sound science and our children's health," said Susan West Marmagas, M.P.H., Director, Environmental & Health Programs, Physicians for Social Responsibility, and a member of the CHPAC.

"We know that mercury can damage our children's intellectual and emotional development. It is unacceptable that EPA's proposal allows power plants to pump out excess mercury for another fifteen years, contaminating our air, water, food, and our children," Marmagas noted.

Children, infants and women of child-bearing age are particularly vulnerable to mercury exposure. Mercury can harm fetal development and impair children's cognitive growth, including motor skills, learning capacity, and memory, along with other symptoms of neurological damage. Currently, about 8 percent of women of child-bearing age—literally millions of American women—have blood mercury concentrations higher than the level considered safe by the EPA. New research made public by EPA scientists this week indicates that as many as 600,000 children annually may be adversely affected.

Women and children are commonly exposed to mercury when they eat contaminated fish. Late last year the U.S. Food and Drug Administration began developing new guidelines for fish consumption indicating that children and women of child-bearing age should limit their consumption of tuna and other common

fish species as a result of unsafe mercury levels. Forty five states have so far issued 2,140 specific fish consumption advisories due to mercury contamination, a 138% increase from 1993 to 2002.

The EPA has determined that coal-fired power plants are the largest emitter of mercury in the United States, responsible for more than one-third of all industrial mercury pollution. Airborne mercury eventually deposits in water bodies and has contaminated 10.2 million acres of lakes, estuaries, and wetlands and 415,000 miles of streams, rivers, and coastline. This pollution becomes concentrated in the food chain, particularly in fish.

In addition to the proposed delay in the mercury reductions, CHPAC is also concerned about EPA's proposal to allow power plants to 'cap-and-trade' their emissions. According to CHPAC, the 'cap-and-trade' approach "may not address existing hot spots and may create new local hot spots for mercury, disproportionately impacting local communities."

Since mercury is a toxic and accumulative pollutant, the cap-and-trade model proposed by EPA is likely to impact communities with particularly high levels of toxic mercury pollution relative to other geographic areas.

Physicians for Social Responsibility (PSR) is a leading public policy organization with nearly 30,000 members representing the medical and public health professions and concerned citizens, working together for nuclear disarmament, a healthy environment, and an end to the epidemic of gun violence.

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For a copy of the CHPAC letter, please contact Nadia Khatchadourian at 202-478-6187 or nadiak@mrss.com.

March 12, 2004

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



Dear City ~~Council~~, *Planning Commission*,

As an observer at part of the Planning Commission Work Session, I must tell you that I was dismayed beyond belief at the bias shown by the city's consultant from Jay Kilpatrick.

It seemed the consultant had no concern for burdens on city infrastructure or who would bear the costs. He seemed unaware of the special demands on city services from the applicant's project - such as the use of railroad bridges, roads and fire department services.

When asked for advise, the consultant would dismiss concerns with vague statements like "I don't know, I'm not an engineer" and "the applicant may offer something to help offset costs" - or bad planning advice like "We need to trust MDEQ, they're the experts, we need to defer to their judgement"

There was no attempt on the consultant's part to suggest gathering more information to make a good decision; he seemed more concerned with time constraints.

Information such as an engineer's report on the bridges' conditions, appraisal of current road surfaces or what the effect would be of 50-70 trips per day to the landfill. (TES is currently hauling 20 truck loads/day to the landfill and this plant would burn 5X more coal. Even Holland's own consultant advised them that Tondu's ash and landfill estimates were seriously underestimated).

Or answers to concerns like: The costs of hiring and training a HAZMAT team, or upgrading fire equipment to fight fires in 25-40 story buildings and structures? What about coal pile fires? What if the barges hauling coal catch on fire, do we have the necessary equipment? Who pays for this equipment and these services?

It seemed these were the concerns of the planning commission, but of no interest to the consultant. He seemed to be trying to find ways to dismiss the concerns and fast track the applicant to approval.

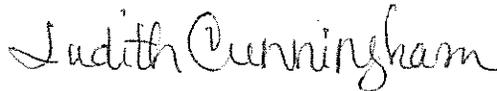
Then he tried to sway a planning member and discourage him from voicing concerns about the project's burden on city services. His comments were highly inappropriate and biased toward approving the permit.

He said, "if this was a trucking company hauling toxic chemicals that didn't need a SUP, you wouldn't have any right to make conditions or deny this use" - and "every use will have negative consequences and you have to consider jobs and growth when making a decision. "

In my humble opinion, the permit requires the planning commission to consider the burden the project would place on city services, among other requirements, and to protect the public from undue burdens that impoverish the city and raise taxes. It is NOT the job of the planning commission, as this consultant was advising, to rubber stamp projects that in his faulty opinion provide "jobs and growth".

It is my opinion that the permitting process has been seriously flawed by bad advise from consultants. It is time to obtain an economic impact statement before allowing this process to continue.

Judy Cunningham
4466 Potter Road
Bear Lake
889-4860



Cc: mitch deisch, jon rose, planning commission



March 12, 2004

Manistee City Council
City Hall
70 Maple Street
Manistee, MI 49660

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Judy Cunningham
4466 Potter Road
Bear Lake
889-4860

A handwritten signature in cursive script that reads "Judith Cunningham".

Cc: mitch deisch, jon rose, planning commission

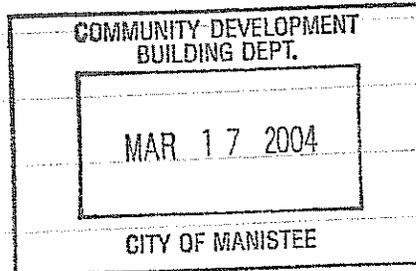
3-15-04

Mr. Rose:

Per our phone conversation
this date I would like to go on
record as being against the
coal-fired power plant in Manistee

I am retired as of 1/1/04
and as I used to live in
Manistee County years ago I
am thinking of moving there
again. I was looking at housing
in Nov. of ~~2003~~^{last, 2003} year and was
going to check again this summer.

However if the plant is approved
I would not want to live in the
area due to toxic fumes, mercury
etc. If not approved I will
be up looking for a place to live.



Very Truly Yours
Wayne Trohaf
27848 MAYSTEAD RD
STURBIS, MI 49091

JIM SLUYTER

3480 Potter Rd
Bear Lake, MI 49614
231-889-3216 • Email csafarm@jackpine.com

March 13, 2004

Manistee Planning Commission

PO Box 358

Manistee, MI 49660

Good Day:

First, my compliments on your patience and resolve in listening to public comment at the Hearings, and the degree to which you seem to be using some of the information and insights in your decision making process.

After the Planning Commission work session of Thursday, March 11 I have a few comments. First, a comment was made during the discussion of the 60' height limit (unless waived or approved) of buildings in the district in question that there are tall buildings on the site already. The tallest buildings currently on the site are 6 stories tall, about 70-75 feet. A 250 foot structure is obviously vastly larger than the existing buildings.

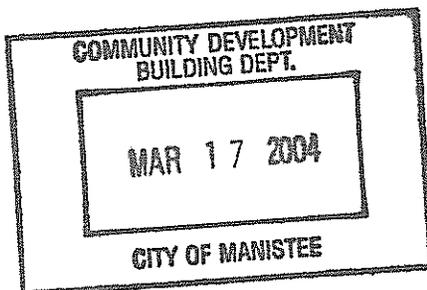
The discussion about fire safety brought up many good points and questions. One possibility of deferring the final decision on the adequacy of the fire suppression and safety plan for the plant to the Fire Chief needs further consideration. Is he truly qualified to make this determination through experience or training in fire suppression in a facility of this nature, or in a coal pile? And might not an independent consultant not associated with the City be a better choice in making this difficult and highly technical evaluation?

I applaud your consideration that it may take more time to make an informed decision and urge you to deliberate to the full extent necessary to answer your questions to your individual satisfaction.

Sincerely,



Jim Sluyter



February 16, 2004

Fellow Citizens of the surrounding counties of Manistee,

"Ignorance is bliss", they say. And in these cases there is always an end with a certain degree of suffering. I can tell you that in the case of the Northern Lights Power project the degree of suffering inevitable is great. To imbibe in promises based in illusion and with short-term benefit, at that, is a huge act of ignorance.

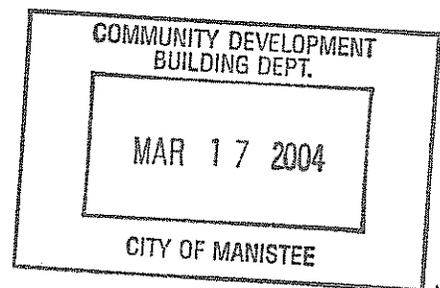
I can tell you further, that those "on-top" are happy to do whatever it takes to promise those who aren't a pretty picture of good things to come all the while giving not two-shits about those they are soliciting but instead focus only on themselves and what they must do to get what they want. This corporation from Texas with disgusting lies, out-of-integrity actions and an unconsciously insatiable drive to be ever on-top has already shown that they are to be mistrusted. Their desire is to cater to a different class of people(mainly themselves at any cost...our children, our lungs, our economy).

How can one look at these "poorer", yet lovelier counties in Michigan and understand what it is to be a part of the community here? Conscious folk will stay away and those who have property already will try to sell and get out while the gettins good. How does this serve our communities? It is indeed a lie and an illusion that this project will facilitate anything beneficial for us.

It is true that we have been in a state of depression, but short-term fixes for a miniscule percentage of the whole are rediculous to even toy with. Education is our key. And stepping into a greater role of respnibility for our actions and our long-term health, well-being and livelihood are imperative.

It is my hope, as a pregnant mother, that my child may be able to enjoy this land and it's resources in health and wholeness as much as I have and do. It is a shame that there could even be a possibility for us to accept such a proposal. There are so many places out there in this great world that are lovely...but we have something rare here. Let's not cause it's ruin.

Blessings,
Amanda Grace Campbell
969 Orchard St.
Benzonia, MI 49616



Although no one was seriously hurt, people exposed to the gas reported coughs and sore throats, lip burns and blisters, tearing and shortness of breath. They began keeping daily pollution diaries, and they picketed the plant. In January 2002 the federal Centers for Disease Control and Prevention concluded that the plumes posed "a public health hazard to some residents," especially those with asthma. The pollution levels, while not life-threatening, were enough to cause breathing problems and "adverse effects on the lungs," the agency said.

The village hired lawyers to force the plant to stop the plumes, and braced for a long fight because no one had gotten seriously ill.

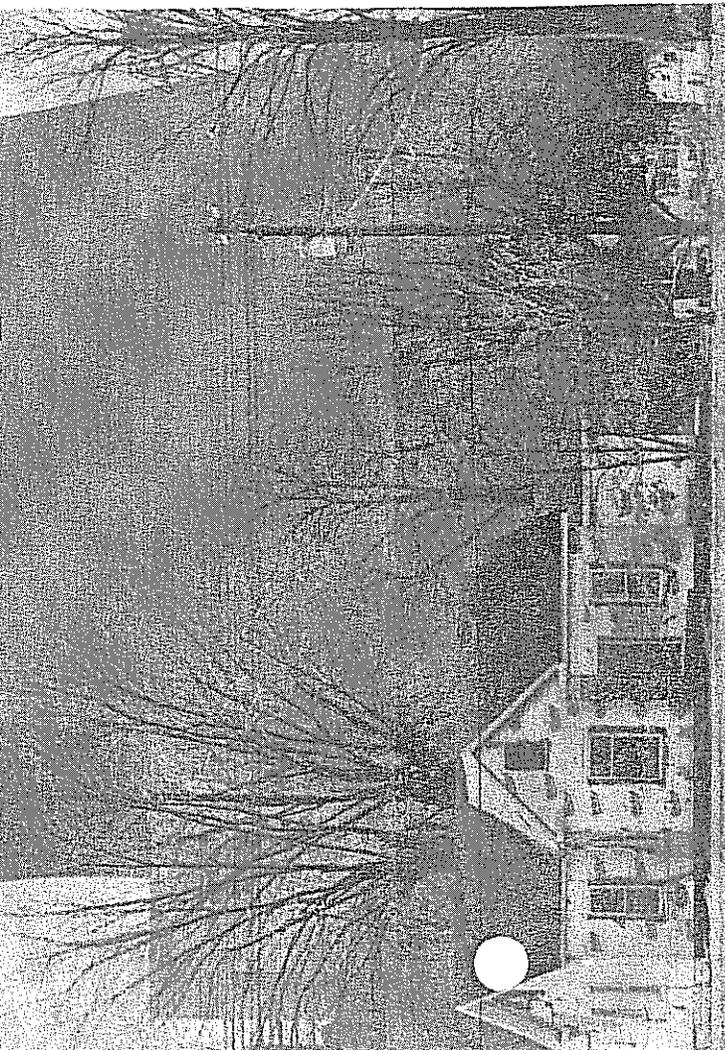
\$20 million offer

CITY DEVELOPMENT
 BUILDING DEPT.
 1 8 2004
 OF MANISTEE

Wayne Taylor

Mr. Rose
US & today newspaper article
Jan 16th it's a local article
on a coal fired plant. lots of
problems regarding sickness, &
some black hole the same so on.

Pollution unites town, but solution tears it apart



By Jeff Leppert for USA TODAY

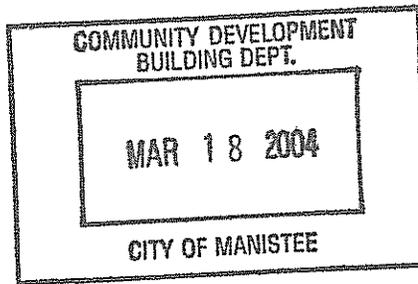
coming large: The Gen. James M. Gavin power plant towers over Cheshire, Ohio. Protests from residents to an agreement by the plant's owner to buy out the town — but the deal created raw feelings there

had the headache of...



West Shore Medical Center
1465 East Parkdale Avenue
Manistee, Michigan 49660
231 398-1321

City Council
City of Manistee
70 Maple Street
Manistee, Michigan 49660



March 17, 2004

Dear Council Members:

I am writing as another concerned community member regarding the Tondu Northern Lights project. I am AGAINST the issuance of a special use permit for this endeavor on two important accounts.

First, as a local physician I consider encouraging the overall health of this community one of my civic obligations. While there may be uncertainty when reviewing plant support and rejection data, to me it is clear that there are certainly no health *benefits*. I think that should be clear to anyone.

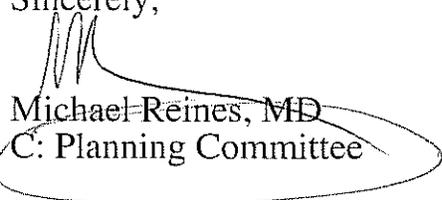
Secondly, there appears to be minimal, if any, positive financial gain especially in the long term. This power plant will adversely affect existing and any future economic development, simply in its existence by perception. When looking closely at that potential it doesn't take much for me to see that any benefits fall predominantly to the plant owners AT THE EXPENSE of the community, directly and indirectly,

You have heard the arguments for my concerns from other community members that feel similarly, but I would like to summarize using the council's very statement, as quoted in the Wednesday, March 17 *Manistee News Advocate*.

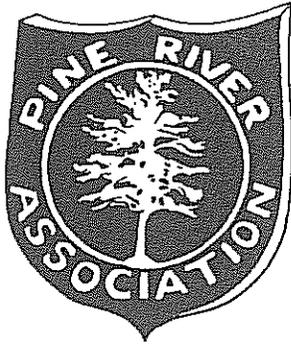
Rejection of the CSF proposal and, therefore in my mind the special use permit should simply be due to **“infrastructure impact, potential tourism impact, potential negative impact on development and redevelopment within the city, known and unknown health impacts, and community perception impacts, subsidizing an (sic) utility rates to other municipalities, effecting the city ability to recruit and market our city to other businesses and industries.”**

All that is left is the denial of the special use permit.

Sincerely,



Michael Reines, MD
C: Planning Committee



THE PINE RIVER ASSOCIATION

Post Office Box 184, Tustin, Michigan 49688

Board of Directors

2003	2004	2005
Richard Shotwel President	William Gerke ...Vice-President	Howard Thompson Secretary/Treasurer
James Gallagher	Frederick Goetz	Guy Benson
Lou Helder	Tom Jobson	Fred Eyer
Glenn Burgett	Fred Walkington	Vordyn Nelson

March 10, 2004

Manistee City Planning Commission
70 Maple St.
Manistee, MI 49660

Dear Commissioners:

The Pine River Association (PRA) is a conservation organization made up of land owners in the Pine River watershed, located directly west of Manistee, Michigan. For over thirty years, our association has strived to protect and preserve the Pine River and its environs. The PRA strongly opposes the building of the proposed coal burning power plant in Manistee.

Our members are very concerned about the air pollutants that will result with the operation of this plant. Of particular concern is the enormous amount of mercury that will be cast into the air. This will have an adverse impact on the health of our members and the wildlife that depend on clean air, lakes and streams.

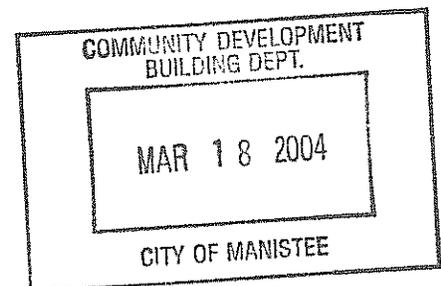
The PRA does support other alternatives in providing electrical power and jobs in the area. We understand the Little River Band of Ottawa Indians is interested in building an environmentally-sensitive energy project based on wind, ethanol, and biomass.

Te PRA urges the Manistee City Planning Committee not to allow this plant to be built in your city. One city, county or region should not make decisions that will adversely impact the quality of life of those living in neighboring regions in the state of Michigan.

Sincerely,

Richard D. Shotwell
President

cc: Governor Granholm
Steve Chester, MDEQ Director
Manistee City Commission
Manistee County Commission



“To preserve and protect the Pine River and its environs”

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

Postcards are on File at City Hall, Community Development Department

Green or Gold Postcard #1 reads

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

Received 3/12/04 (0 postcards)

Received 3/15/04 (0 postcards)

Received 3/16/04 (0 postcards)

Received 3/17/04 (0 postcards)

Received 3/18/04 (0 postcards)

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

Postcards are on File at City Hall, Community Development Department

Yellow or White Postcard #2 reads

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

Received 3/12/04 (1 postcard)

Shoeline Thomas, (no address)

Received 3/15/04 (1 postcard)

Richard Krieger, 410 Ramsdell Street, Manistee "This should not be in or near any residential area. This will only benefit a small group while it places a huge negative impact on the City"

Received 3/16/04 (0 postcards)

Received 3/17/04 (0 postcards)

Barbara M. Heidel & Family (no address)

Received 3/18/04 (0 postcards)

Williams & Works

◆ a tradition of service ◆

- ◆ Engineers
- ◆ Planners
- ◆ Surveyors

MEMORANDUM

TO: Jon Rose, Community Development Director
 City of Manistee

FROM: Jay Kilpatrick, AICP, PCP

DATE: March 16, 2004

RE: Special Use Permits

In response to Denise's e-mail, I believe that the Municipal Planning Act (Act 285 of 1931) does not regulate special land uses, at all. Special Land Use permits are authorized under the City and Village Zoning Act (Act 207, of 1921). So, I took a quick look at Section 4a of the City and Village Zoning Act which regulates Special Land Use Permits and I find no reference either to "municipally-owned utilities" or "consultation with the County" prior to approval of a Special Land Use Permit, of any kind.

The Municipal Planning Act, which Mr. Rastetter references, empowers the formation of Planning Commissions and the establishment of Master Plans. Section 6 (3)(c) states that a Master Plan shall include the Planning Commissions' recommendations on "...the general location and extent of public utilities, and terminals, whether publicly or privately owned or operated, for water, light, sanitation, transportation, communication, power and other purposes..." Section 7(b)(3)(c) requires that before officially adopting a Master Plan, the municipality must provide a copy of the proposed plan to a number of entities, including the County Planning Commission. Thus, if the City were amending its Master Plan, it would be necessary to seek the comments of the County Planning Commission prior to final adoption of a new or amended Master Plan. But I do not see how this requirement is relevant in this instance.

I believe the existing City Master Plan meets the requirements of the Municipal Planning Act in that it does outline the "general location and extent of public utilities" especially in the vicinity of the proposed Northern Lights facility. On page 8-19 the General Industrial district is described as intended "To provide for general industrial development that is properly located and has adequate public services." In this instance, I believe that "public services" refers to a broad range of infrastructure - including public utilities.

Manistee Citizens For Responsible Development

Press Release

My name is Fred LaPoint. Speaking on behalf of the Manistee Citizens For Responsible Development, we are appalled by the actions of Joe Tondu and Meagan Kempf of the Tondu Corporation of Houston, Texas.

As President of the Manistee Citizens For Responsible Development and a resident of this community I was appalled by the actions of Joe Tondu and Meagan Kempf of the Tondu Corporation of Houston Texas.

On Friday and without prior knowledge of City of Manistee Officials, Tondu representatives issued a press release to various media outlets and organizations, making public, the very negotiations Joe Tondu had previously agreed would be kept confidential until the City Council had the opportunity to either approve or deny the terms of such negotiations.

Why did the Tondu Corporation choose to violate the trust of the Manistee city manager and city council by issuing such a news release? The timing of this press release appears to be an attempt to manipulate the electoral process on the wastewater treatment plant referendum, as well as to influence the Planning Commission's Special Use Permit decision-making process, in order to coerce favorable decisions on both issues.

For the past four months, Mr. Tondu has steadfastly refused to provide information on a variety of critically important issues including but not limited to:

- **The fact that tax-exempt municipal utilities will be the primary owners of this facility,**
- **The lack of specific site plans including detailed information about the technologies to be employed for pollution control measures,**
- **The lack of specific clean-up details for the site on which Northern Lights is to be built,**
- **The harmful health effects this proposed plant would exact on the community and region, and his**
- **Unwillingness to provide for independent environmental and economic impact statements so that an unbiased determination could be made regarding the impact this proposed facility would have on our community.**

Yet suddenly, on Friday in the midst of ongoing negotiations with the city, Mr. Tondu chooses to make public his latest financial offer which has significant implications on both the upcoming waste water treatment plant issue as well as the SUP now before the Planning Commission.

A \$2 million dollar offer for a Community Service Fee is hardly generous when you consider that only about \$1.5 million would go to the city, only about \$400,000 to the county and \$100,000 or less to the school district annually.

The much larger question revolves around the fact that the Tondu Corporation is a private corporation and not entitled to the benefits of a community services fee agreement. If this project were assessed at the full taxable value, then Mr. Tondu's ownership interest alone would provide approximately \$6 million dollars per year in tax liability to the local taxing jurisdictions.

We are asking that the City Of Manistee Planning Commission vote not to approve the Special Use Permit as submitted by the Tondu Corporation of Houston, Texas. This would in no way impact or interfere with the applicant resubmitting a "complete" application with the inclusion of independent economic and environmental impact statements - all of which should be done at no cost to the city or city residents.

We would also ask the Planning Commission, in accordance with provisions within their own bylaws, to appoint a Citizens Advisory Committee much like the city manager did for the Waste Water Treatment Plant proposal. The citizens would have much greater input and could facilitate more complete fact finding and information gathering for input to the Planning Commission on an issue of such great importance for our community and region. Thank you.

**Fred LaPoint, President
Manistee Citizens for Responsible Development
1606 Main Street
Manistee, MI 49660**

PRESS RELEASE

From: Aurora Association
Date: March 16, 2004

On October 9, 2003, Joe Tondu of Houston, Texas, introduced his Northern Lights Project (NLP) to the Manistee community. Attending this public relations event were key decision-makers from the Manistee City and County governments. Joe Tondu in his opening remarks stated: "There are two approaches we could have chosen. We could have tried to sneak around the public and get things done without people knowing. However, we wanted to be totally open about this." *Manistee News Advocate, October 10, 2003.*

Certain events are worth noting as the Manistee City Planning Commission and City Council prepare to make decisions regarding the Special Use Permit proposal to build a 425 megawatt coal fired electrical plant in the City of Manistee.

First, Tondu Corporation representatives failed to reveal that tax-exempt municipal utilities (i.e. MPPA & MSCPA) were paying his corporation to develop the NLP. Documents obtained through the Freedom of Information Act reveal that Tondu Corporations' plan was to secure the necessary permits from Manistee City, sell his plan to MPPA/MSCPA and then reveal that this facility was to be owned by tax-exempt municipalities. It was only through the suspicions of Manistee officials and citizens that this tax-evading plan was discovered.

Second, on February 19, 2004, Joe Tondu made the following statement during a public hearing regarding this issue; "Tondu Corporation has not entered into any contracts or agreements regarding the Northern Lights proposal." The following week, the Aurora Association submitted for the public record the nine page Cooperative Agreement signed by Tondu Corporation, MPPA and MSCPA regarding their contractual obligations in developing the NLP.

Third, on March 13, 2004, the Tondu Corporation chose to violate the trust of confidential negotiations with the City of Manistee regarding a Community Service Fee. By releasing to the Manistee News Advocate an outline of the terms of these negotiations, the Tondu Corporation is attempting to unduly influence public opinion, the City Council and Planning Commission, as the City prepares for an upcoming referendum vote on a Waste Water Treatment expansion and its' deadline for issuing a decision on the NLP Special Use Permit.

Finally, the negotiations that Tondu is engaged in with the City of Manistee on behalf of MPPA/MSCPA is an attempt by a privately owned corporation to use publicly owned power agencies as proxy owners to avoid legally mandated corporate taxes. In particular, an MPPA official has repeatedly told the Aurora Association that Tondu cannot negotiate any Community Services Fee on MPPA's behalf. The Tondu Corporation is seeking an arrangement where the MPPA seemingly "owns" the electrical facility, but Tondu Corporation retains 40% of the NLP output. The Tondu Corporation is attempting to avoid ~~nearly 10~~ millions dollars of annual tax obligations through this legally questionable arrangement.

A project with such far-reaching economic and environmental implications requires a relationship based on mutual trust. The Tondu Corporation has not been forth coming about their intentions and has violated the trust of Manistee.

Respectfully,

Aurora Association
C/O Gerard Grabowski
10040 Alkire Road
Bear Lake, MI 49614

March 16, 2004

My name is Bernie Ware and I am an associate with the Aurora Association.

With the Tondu Corporation's recent press release, Mr. Tondu has pushed private negotiations with the City of Manistee into the public arena to detract from discussion and analysis of environmental and public health issues related to the Northern Lights Proposal. The Tondu Corporation has consistently used public relations tactics to avoid meaningful discourse and analysis of the Special Use Permit application.

From the perspective of the Tondu Corporation, it is most cost effective to minimize economic, environmental and public health discussion.

It is most cost effective to avoid meaningful analysis of economic, environmental and public health issues.

It is most cost effective to drive wedges into the community with invalid information so that we are questioning each other and not questioning the applicant.

I publicly made this request at the February 5th, 2004 City Planning Commission meeting and I am reiterating it tonight. I am requesting that the City of Manistee consider forming a Citizen Advisory Committee to further advance the analysis of this proposal. This committee could include persons representing interests of the corporation, trade unions, citizens groups, environmental groups, public health interests, and representatives from area Municipal, Tribal, Township and County Governments.

To have information that can be validated is essential to make a proper decision in a democracy.

Respectfully,

Bernard Ware, Jr.
9094 Alkire Road
Bear Lake, MI 49614

**National Energy Market, Political Trends Foster Manistee Coal Plant
White House move to spur mining, ease air regulation big factors**

By Keith Schneider

Great Lakes Bulletin News Service

US Bureau of Land Management

White House proposals to weaken air quality laws and aid the mining industry are making coal-fired power plants more attractive to build and operate.

MANISTEE – As word spreads along the northern Lake Michigan coast about a Houston company's plan to build a 425-megawatt coal-fired power plant here, skeptics and proponents are asking the same questions.

Why is the plant, the largest new coal-powered electric utility proposed for Michigan in two decades, coming to this coastal city of 6,600? And why, in the face of an abundance of electric power that has driven wholesale prices to the lowest level in more than a decade, is such a large plant even being considered now?

Joe Tondu, the plant's principal developer, who was raised in nearby Arcadia and attended Frankfort's public schools, casts his answers in almost altruistic terms involving local job, economic, and energy needs. He claims that the \$700 million facility, called Northern Lights, will be the cleanest coal-powered electric plant in Michigan and will provide more than 100 temporary construction jobs and 60 permanent full-time positions in an industrial city struggling to find a new economic base.

Mr. Tondu also has a track record in the region; in 1990, his Texas-based Tondu Corporation opened a 60-megawatt plant in Filer Township, next door to Manistee.

Tondu Proposal One of 94 Across the Country

Research by the *Great Lakes Bulletin News Service*, however, reveals that much more underlies Northern Lights than Mr. Tondu's local ties.

Government officials, energy industry executives, and environmental authorities say the plant reflects a convergence of powerful national energy market developments and, to some degree, political and environmental regulatory trends that are prompting a nationwide surge in proposals for new coal-fired power stations that is most concentrated in the Great Lakes region.

An analysis published on February 24 by the National Energy Technology Laboratory, a unit of the federal Department of Energy, identified 94 coal-fired plants in various stages of planning, by far the most such proposals in years. Although the report said that plans to build major new power plants are "often speculative and typically operate on boom and bust cycles," experts at the Energy Department predict that up to half of the coal-fired utilities will eventually be built. Illinois leads all states with 10 proposals; Wisconsin has five. Utilities in the Great Lakes states plan 23 new coal-fired plants. Northern Lights is the only such proposal identified in Michigan.

"Five years ago, if you had prepared the same list, it would have been dominated by natural gas plants," said Tom Sarkus, the director of advanced energy systems at the National Energy Technology Laboratory, speaking from his office in Pittsburgh. "Natural gas prices were comparatively low. Natural gas prices have gone up."

Price of Natural Gas Spurs Fuel Switch

Indeed, a chief factor prompting new interest in burning coal to make electricity is that natural gas prices have more than doubled since the 1990s. Utilities embraced cleaner-burning gas principally for generating electricity during peak summer demand. Michigan utilities operate 44 gas-fired plants, which produce about 10 percent of the state's electric power, according to the Energy Information Administration.

Although construction costs for a gas-fired power plant are typically about a third less than for a coal-powered plant, the current high cost of natural gas defeats that initial advantage. Today, capital costs aside, it costs four times more to generate a unit of energy using gas than it does using coal. Energy experts, including Mr. Sarkus, say that while gas prices will retreat, they will still remain relatively expensive.

The price difference elates the mining industry, which predicts coal consumption this year will reach 1.16 billion tons, 3.5 percent more than last year; most of it will be burned to generate electricity.

White House Promotes Coal And Dirtier Air

But the national surge in coal plant proposals is also supported by the Bush administration and Congressional Republicans, who back new federal research spending for cleaner coal-burning technology, tax credits to expand

investments in mining, opening new stretches of the public domain in the West to new coal leasing, and loosened clean air standards that save money on pollution controls. Sixteen of the 25 states where the \$21 billion-a-year American coal industry operates are solidly Republican. Wyoming, among the most Republican states in the country, supplies more than a third of the nation's total coal production.

Critics point out that while the president's 2005 budget includes more than \$400 million meant to help perfect cleaner coal-burning, by far the dirtiest process for generating electricity, Mr. Bush allowed an important tax credit that was spurring the development of wind power — a very environmentally benign energy source — to expire in December.

The White House is also pressing for changes in the 1970 federal Clean Air Act that would allow older coal-fired power plants in Michigan and other states to modernize their plants to increase power production — and the amount of coal they burn — but avoid improving air pollution controls. More than a dozen states and national environmental organizations are mounting a legal attack on the proposed changes, which a federal appellate court blocked on December 24, pending a full hearing on the matter. Experts agree that the nitrogen, sulfur, carbon dioxide, particulate, and mercury emissions from coal plants contribute to smog, acid rain, global warming, asthma, and toxic contamination in fish, wildlife, and people.

Eastern state officials and environmentalists also say that the White House is attempting to help the coal and utility industries by trying to significantly weaken a Clinton-era plan that proposed the use of emerging technologies to reduce total national mercury emissions from coal-burning plants from its current 48 tons a year to five tons a year by 2008, approximately a 90 percent reduction. The White House and EPA, however, have proposed reducing mercury emissions 70 percent by 2018, and critics worry that, given the lack of any specific rules attached to the proposal, the reduction could be delayed until 2030 or later.

“The Bush administration's proposal is designed to do almost nothing for at least the next 20 years,” said David Hawkins, director of the climate center at the Natural Resources Defense Council, a national environmental organization.

But Mike Leavitt, the EPA administrator, insists that the administration's 70 percent plan is sound. “The EPA is charged with writing a regulation that works for an entire industry,” Mr. Leavitt wrote in an article for the *Detroit*

Free Press last month. He added that the administration's proposed mercury reductions are not larger because the "technology is simply not there."

Mercury has emerged in recent months as a major health issue fraught with great economic significance for the utility industry and political consequences for both major parties. Trace amounts of mercury can cause extensive nervous system damage in people and animals; a teaspoon of it can contaminate a lake. Michigan has posted mercury-related health warnings about fish consumption on all of its inland lakes; 42 other states have also posted similar warnings. But the coal and utility industries have fought for decades to avoid being required to eliminate mercury emissions, fearing it would significantly drive up generating costs.

The G.O.P and Coal

The administration's less rigorous clean air standards, environmentalists add, also have political implications. By improving the economic attractiveness of coal-fired power, say environmental leaders, the Bush administration and Republican lawmakers are helping select industries in the traditionally Republican areas of the country, and along with it, the party's electoral prospects.

"If you look at the electoral map, and consider the Bush administration's political base, these environmental and energy policies are geared to promoting that base in the West and South," said John Thompson, advocacy coordinator for the Clean Air Task Force, a national environmental group. "They've gone out of their way to promote the interests of their core constituencies, western coal interests and southern utilities."

During the Bush administration, southern utilities have pushed hard for increasing the use of fossil fuels, particularly coal, while also lobbying for changes in the Clean Air Act that would allow them to avoid adding more pollution controls. For instance, the Atlanta-based Southern Company, the nation's second-largest utility, heavily influenced Vice President Dick Cheney's fossil fuel-promoting energy task force in 2001. The White House responded with a controversial proposal that would allow utilities to modernize their plants without adding new control equipment to reduce polluting emissions.

Many of the participants in this high-level effort to ease regulation of utility companies have deep roots in the national Republican Party. Internal documents from the energy task force, which has been the focus of

congressional and judicial investigations, show that among the Southern Company's lobbyists were Haley Barbour, the former Republican Party chairman and now the governor of Mississippi, and Marc Racicot, the president's 2004 campaign chairman.

Tondu Discounts Political Influences

Jim Ford, an engineer and the Tondu Corporation's managing partner, acknowledged in an interview that the long-term outlook for high natural gas prices and low coal prices prompted the company's decision to build a coal-fired station in Manistee. Industrial companies and Michigan utilities burn roughly 33.6 million tons of coal annually at 24 utility plants and eight more operated by industrial companies, according to the Department of Energy. Mr. Ford discounted the Bush administration's resistance to new environmental safeguards as a factor in choosing which fuel to use in the Manistee plant.

"I don't see it as a driving factor for the use of coal," said Mr. Ford, who's been with Tondu since 1990. "Our plant will meet whatever regulations are applicable. We'll be one of the cleanest plants in the country."

Mr. Ford said Tondu proposes to build its new plant, which would burn roughly 1.6 million to 2 million tons of coal a year, for a consortium of 19 Michigan municipalities, most of them small cities along Lake Michigan's fast-growing coast that face rising power costs because existing plants are aging and natural gas prices are soaring. Northern Lights, he said, would provide steady power at very competitive prices, starting at around four cents per kilowatt-hour.

Utility experts, though, said the municipalities could very well gain the same or lower prices by negotiating long-term contracts for electricity from other companies now, while wholesale electricity prices are at their lowest level in more than a decade, about three cents per kilowatt-hour.

"There's an oversupply in the Midwest power market," said Howard Learner, executive director of the Environmental Law and Policy Center, a regional research and legal advocacy organization based in Chicago. "We're swimming in power and there will be excess capacity in the Midwest for at least five to six years."

But Mr. Ford said that it is not at all clear if the surplus will exist in six to 10 years, when Northern Lights would begin producing power. Mr. Ford said

building a new plant takes time: “It takes two years in the permitting stage, three to four years in construction. By 2010 most regions will need more power, including the Midwest.”

Keith Schneider, a journalist and editor, is deputy director of the Michigan Land Use Institute. Reach him at keith@mlui.org. Keith Breuker, an Institute member and volunteer, provided research assistance for this article.

MIDWEST ALLIANCE OF SOVEREIGN TRIBES**MAST Resolution No: 04 -03****Title: Opposition to Tondu Corporation, aka Manistee Salt Works Corporation
Northern Lights 425 Megawatt Coal Powered Electrical Plant**

WHEREAS, the Midwest Alliance of Sovereign Tribes (MAST) is an Inter-Tribal consortium representing thirty-SIX federally recognized tribes in the states of Minnesota, Wisconsin, Michigan, Iowa and Indiana; and

WHEREAS, it is the mission of MAST "to advance, protect, preserve and enhance the mutual interest, treaty rights, sovereign and cultural way of life of the Sovereign Nations of the Midwest throughout the 21st Century"; and

WHEREAS, the United States Congress fulfills the responsibility of regulating commerce on Indian reservations under the U.S. Constitution and longstanding principles of federal Indian laws that protect Tribal sovereignty and preserve cultural and traditions and the Health, Safety and Welfare of Indian Communities; and

WHEREAS, MAST has grave concerns regarding the plans of the Tondu Corporation, aka Manistee Saltworks Development Corporation, to build a 425 megawatt coal burning electrical generating plant in the City of Manistee, known as the Northern Lights Project;

WHEREAS, realizing the impacts that the hundreds of tons of ash, generated daily that will be disposed at the landfill contaminating the ground water; and

WHEREAS, being deeply concerned with the unavoidable emissions of nitrogen oxides, carbon dioxide greenhouse gases, airborne lead, particulate matter, sulfur dioxides, and their direct link to ground level ozone or smog, acid rain, and their proven hazardous health effects and relationship to chronic lung diseases such as asthma and emphysema; and

WHEREAS, according the United States Environmental Protection Agency, coal plants are responsible for nearly 60% of PM10 emissions (particles 10 microns or less in diameter), and

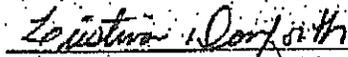
WHEREAS, The United States EPA finds the smallest of these particles, 2.5 microns or less in diameter, caused by burning fossil fuels and the chemical reactions of nitrogen oxides and sulfur dioxides emitted by coal plants, to be the most dangerous to human health; and

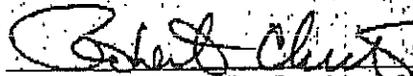
WHEREAS, contamination of lakes and streams due to mercury from coal burning plants is known to be, as a result of many coal burning plants in this country, at levels sufficient to concentrate and contaminate in the food chain and cause brain damage in children; and

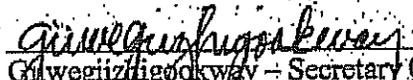
WHEREAS, being fully aware of the environmental impacts that the proposed plant's warm water discharge would have on the water quality, fish and aquatic species and habitats of Lake Manistee and Lake Michigan adversely affecting the Treaty Rights to subsistence and commercial fishing and consumers of fish; and

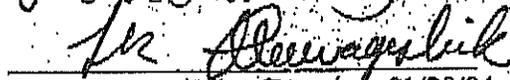
WHEREAS, in addition to the impacts on Lake Manistee, MAST realizes the additional environmental impacts of said water discharge into the Great Lakes waters affecting numerous peoples,

THEREBY BE IT RESOLVED, MAST hereby opposes the construction of the proposed coal burning plant by the Manistee Salt Works Corporation, Tondu Corporation and hereby urges the City of Manistee's Planning Commission and all relevant State and Federal regulatory bodies to reject this project.


Cristina Danforth - President 01/28/04


Robert Chicks - Vice President 01/28/04


Gilwegizhigookway - Secretary 01/28/04


Frank Ettawgeshik - Treasurer 01/28/04

MEMO

TO: Planning Commission

FROM: Jon R. Rose 
Community Development Director

DATE: March 16, 2004

RE: Letter from Jim Tondu dated 3/15/04

Enclosed is a copy of a letter received from Jim Tondu dated March 15, 2004. Mr. Tondu referenced the application which we copied for your convenience.

If you will not be able to attend the worksession on March 18, 2004 please call Denise. Thank you.

JRR:djb

Jon Rose
Community Development Director

Re: Northern Lights
Date: March 15, 2004

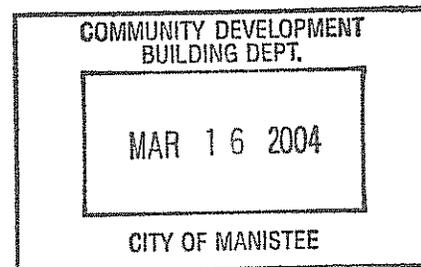
Dear Jon,

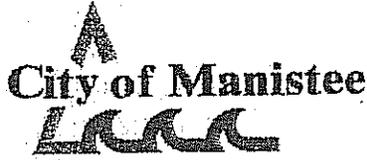
I wish to thank the planning commission members for their patience and continued efforts in reviewing Manistee Saltworks Development Corporation's application for a Special Use Permit.

As you know, last fall considerable time was spent addressing many of the issues expressed by the commissioners, staff and consultants. Documentation of these concerns was included in our revised application. At the March 11, 2004 work session, many of the same questions that were addressed last fall were brought up. I would encourage the commissioner's to refer back to our application and trust that before the next work session all members will be intimately familiar with our application and information as previously issued.

Please do not hesitate to contact me should you need any further information. Thanks for your cooperation.

Jim Tonde





Planning Commission

SPECIAL USE PERMIT APPLICATION

Manistee Saltworks Development Corporation

Applicant

14701 St. Mary's Lane - Suite 625

Address

Houston, TX 77079

City, State, Zip Code

Phone Numbers (Work) 832-379-4222

(Home) _____

FOR OFFICE USE ONLY

Case number _____

Date Received _____

Date Received _____

Fee Received _____

Receipt Number _____

Hearing Date _____

Action Taken _____

Expiration Date of Permit _____

FEE FOR SPECIAL USE PERMIT \$250.00

I. ACTION REQUESTED:

A Special Use Permit is hereby requested for the following purpose: Per Section 6703 of Zoning Ordinance a Special Use Permit is required for 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

II. PROPERTY INFORMATION:

A. Address of Property 1501 Main Street, Manistee, Michigan 49660
Tax Roll Parcel Code Number: 51-51-712-475-04, 51-51-712-475-02, 51-51-713-175-10
51-51-713-175-15, 51-51-713-175-20, and 51-06-018-325-01

B. List all deed restrictions -cite Liber & Page where found and attach: _____
Pending title investigation.

C. Names and addresses of all other persons, firms, or corporations having a legal or equitable interest in the land. See correspondence from Gockerman, Wilson, Saylor & Hesslin to Jim Tondou and November 5, 2003 letters to the Planning Commission.

D. Zoning District: I2 Industrial District (lakefront)

E. Present use of the property: Brine Manufacturing including on-site power plant

F. Attach a Site Plan which meets the requirements of the Special Use Permit Ordinance (see attached).

G. Is a Property survey attached? Yes No. To be issued under a separate submittal

H. Estimated completion date of construction (if applicable): 2008

3. Proposed location of any open spaces, landscaping and buffering features such as greenbelts, fences, etc.

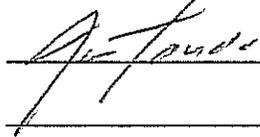
B. In Addition, the applicant may be required to furnish:

1. Elevations on all buildings, including accessory buildings.
2. An Environmental assessment.
3. Evidence of having received or having an agreement for concurrent approval for any other necessary permits required prior to a construction code permit.
4. Measures which will be undertaken to control soil erosion, shoreline protection, excessive noise, or adverse impacts of the development on the surrounding properties.

V. CERTIFICATION AND AFFIDAVIT:

The undersigned affirm(s) that he/she/they is/are the owner, leasee, owner's representative, contractor involved in the application; and that the information included in this application is correct. Further, if the request is approved, the applicant will comply with all of the requirements of the City of Manistee Zoning Ordinance and certifies that measures proposed to mitigate adverse impacts will be completed in a timely fashion.

Signature (8) of Applicant (8):



Dated 11.16.03

By checking this box permission is given for Planning Commission Members to make a site inspection if necessary.

Response to Section IV.A.2 of the Special Use Permit Application

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

The proposed use is consistent with the current use of the property and will be designed in accordance with all state and federal health requirements as previously described. See Attachment A.

b. *Is the use consistent with the intent and purpose of the Land Use District?*

The use is consistent with the purpose statement of the I2 Lakefront Industrial District. See Attachment A.

c. *Is the use consistent with adjacent land uses?*

The proposed use is consistent both with the current use and the adjacent land uses in the I2 Lakefront Industrial District. Impacts to the residential neighborhood adjacent to the project will be minimized as outlined in the attached memo dated November 4, 2003. See Attachment A.

d. *Is the use designed to ensure that public services and facilities are capable of accommodating increased loads caused by the land use or activity?*

Yes. The project design will ensure that the public services and facilities will not be overwhelmed by the proposed use. See Attachment A.

e. *Does the use comply with all applicable regulations of this Ordinance?*

Yes. The use complies with the ordinance subject to the special use requirements of this application. See

f. *Does the use comply with all specific standards found in the prospective Land Use District, Section 1601 et. Seq., and Section 101 et. seq. of this Ordinance?*

Yes. The use complies with the ordinance.

Environmental Permits Checklist, page 2

- 13. Y N Will the project or facility involve the storage, mixing, or distribution of pesticides or fertilizers in bulk quantities? *Contact: MI Dept. of Agriculture, Pesticide and Plant Pest Management Division: 517/373-1087.*
- 14. N Will the project involve any man-made change in the natural cover or topography of land, including cut and fill activities which may contribute to soil erosion and sedimentation? Will the earth change disturb an area of one acre or more, or occur within 500 feet of a lake or stream? If the answer to both of these questions is yes, a soil erosion and sedimentation control permit is required. *Contact: County Drain Commission (or other responsible office): _____.*
- 15. N Will the project involve dredging, filling, or construction in, across, or under (1) a river, stream, creek, ditch, drain, lake, pond, or swamp? (2) wetlands? (3) floodplain (area that may have or ever had either standing or flowing water)? *Contact: MI Dept. Environmental Quality, Permit Consolidation Unit, Land and Water Mgmt. Div., 517/373-9244.*
- 16. N Will the project involve any dredging proposed within 500 feet of a lake, river, stream, creek, or ditch? *Contact: MI Dept. Environmental Quality, Permit Consolidation Unit, Land and Water Mgmt. Div., 517/373-9244.*
- 17. N Will the project involve an earth change activity within 500 feet of a lake or stream, creek or ditch? *Contact: MI Dept. Environmental Quality, Land & Water Mgmt. Div., Soil Erosion & Sedimentation: 517/373-3178.*
- 18. Y N Will the project involve construction of a building or land alteration within 400 feet of a designated natural river or tributary? *Contact: MI Dept. of Natural Resources, Forest Mgmt. Div., Natural Rivers Program Unit, 517/373-1275.*
- 19. Y N Will the project involve construction of a building or section system in a designated great lakes high risk erosion area? *Contact: MI Dept. of Environmental Quality, Land and Water Mgmt Div., Great Lakes Section, 517/373/1950.*
- 20. Y N Will the project involve dredging, filling, grading, or other alteration of the soil, vegetation or natural drainage, or placement of permanent structures in a designated environmental area? *Contact: MI Dept. Environmental Quality, Land and Water Management Div., Great Lakes Section: 517/373-1950.*
- 21. Y N Will the project involve development, silvicultural activities or contour alterations within a designated critical dune area? *Contact: MI Dept. Environmental Quality, Land and Water Management Div., Great Lakes Section: 517/373-1950.*
- 22. Y N Will an on-site wastewater treatment system or septic system be installed?

For sanitary sewage in quantities of 10,000 gallons per day or less: County or District Environmental Health _____. For any subsurface discharge of sanitary sewage in quantities equal to or greater than 10,000 gallons per day. *Contact: MI Dept. of Environmental Quality, Waste Management Div: 517/373-8148.*

For sanitary sewage in quantities of 6,000 to 10,000 gallons per day: In addition to obtaining a construction permit from the county or district environmental health department, submit a state wastewater discharge notification form. Flow monitoring and reporting are required. *Contact: MI Dept. of Environmental Quality, Waste Management Div., Groundwater Permits Unit: 517/373-8148.*
- 23. Y N Will the project involve the construction of a water supply well or the extension of a water supply service from an existing water system? *Contact: MI Dept. Environmental Health: _____.*
- 24. N Are there out-of-service wells, abandoned wells, or cisterns on the site? (Drinking water, irrigation, & monitoring wells). *Contact: County or District Environmental Health Dept.: _____.*
- 25. Y N Will the project involve a subdivision or site condominium project utilizing individual on-site subsurface disposal systems or individual wells? *Contact: County or District Environmental Health Dept: _____.*
- 26. Y N Will the project involve the on-site storage of sanitary sewage prior to transport and disposal off-site (pump and haul)? *Contact: MI Dept. of Environmental Quality, Waste management Div., Groundwater Program Section: 517/373-8148.*
- 27. N Has the property ever been subject to remedial action, limited closure, or other environmental cleanup response under part 201, natural Resources and Environmental Protection Act (NREPA)? Is the property currently subject to a response action? Has a Baseline Environmental Assessment (BEA) been completed for the property? *Contact: MI Dept. of Environmental Quality, Environmental Response Division: 517/373-9893 and/or MI Dept. of Environmental Quality, Storage Tank Division: 517/373- 8168.*

This checklist should be updated every 12-18 months. This checklist is not a permit application form; businesses are responsible for obtaining information and permit application forms from appropriate government offices. Compliance with applicable county and state requirements may be required as part of the site plan approval.

Hazardous Substances Reporting Form for Site Plan Review
Input Data

Hazardous Substance	Trade Name	Chemical Components	Chemical Component Form	Maximum Stored Quantity	Storage Container Type	Use
Water Treatment Chemicals						
15% Sodium Hypochlorite		NaOCl	Liquid	800 gallons	400 gal plastic totes	Water Pretreatment System
Coagulant		FeCl ₂ or Alum (Al ₂ SO ₄)	Liquid	5,000 gallons	FRP Tank	Water Pretreatment System
Polymer		Proprietary Chemical	Liquid	800 gallons	400 gal plastic totes	Water Pretreatment System
Antiscalant		Proprietary Chemical	Liquid	800 gallons	400 gal plastic totes	Cycle Make-up Water Treatment
Sodium Bisulfite	BT-3838	Proprietary Chemical	Liquid	800 gallons	400 gal plastic totes	Cycle Make-up Water Treatment
Sulfuric Acid		H ₂ SO ₄	Liquid	800 gallons	400 gal plastic totes	Cycle Make-up Water Treatment
Clean in Place Chemicals		Proprietary Chemical	Liquid	55 gallon drum	Plastic Drum	Cycle Make-up Water Treatment
Coagulant		FeCl ₂ or Alum (Al ₂ SO ₄)	Liquid	400 gallons	FRP Tank	Wastewater Treatment
Lime		CaO	Liquid	Later	RLCS Silo	Wastewater Treatment
Organo-Sodium Sulfide		Proprietary Chemical	Solid	800 gallons	400 gal plastic totes	Wastewater Treatment
Polymer		Proprietary Chemical	Liquid	800 gallons	400 gal plastic totes	Wastewater Treatment
Sulfuric Acid		H ₂ SO ₄	Liquid	10,000 gallon	CS Tank	Adjustment of Circulating Water Alkalinity
15% Sodium Hypochlorite		NaOCl	Liquid	15,000 gallon	FRP Tank	Control Biological Growth in Cooling Tower Basin
Non-Oxidizing Biocide		Proprietary Chemical	Liquid	10 gallons	5 gallon pail	Destroy Hypochlorite Resistant Biological Species in Cooling Tower
Corrosion/Scale Inhibitor	Corrshield MD4100	Proprietary Chemical	Liquid	800 gallons	400 gal plastic totes	Corrosion Inhibition of Circulating Water Components
Oxygen Scavenger	Control OS7780	Proprietary Chemical	Liquid	800 gallons	400 gal plastic totes	Boiler Chemicals (AVT)
Amine	Steammate	Proprietary Chemical	Liquid	800 gallons	400 gal plastic totes	Boiler Chemicals (AVT)
Other						
19% Aqueous Ammonia		NH ₄ OH	Liquid	17,000 gallons	CS Tank	NOx Emissions Control
Lime		CaO	Solid	75 tons	RLCS Silo	SO2 Emissions Control
Coal			Solid	670,000 tons	Exposed Pile	Fuel
Ash			Solid	2,595 tons	Silos	Ash
Lubricating/Hydraulic Oil			Liquid	10,600 gallons	Steel Reservoir	Steam Turbine
Hydrogen		H ₂	Pressurized Gas	25,000 scf	Bottles	Steam Turbine Generator
Hydrogen		H ₂	Pressurized Gas	5,000 scf	Generator Housing	Steam Turbine Generator
Carbon Dioxide		CO ₂	Pressurized Gas	10,000 scf	Bottles	Steam Turbine Generator
Lubricating/Hydraulic Oil			Liquid	5,000 gallons	Equipment Reservoirs	Lubricated Equipment
GSU Transformer Oil			Liquid	25,000 gallons	Steel Oil Reservoir	GSU Transformer
Auxiliary Transformer Oil			Liquid	5,000 gallons	Steel Oil Reservoir	Aux. Transformer
Diesel Fuel #2			Liquid	50 gallons	Equipment Reservoir	Emergency Generator
Diesel Fuel #2			Liquid	50 gallons	Equipment Reservoir	Diesel Fire Pump
Diesel Fuel #2			Liquid	1,000 gallons	Steel Tank	Mobile Equipment Fuel

Additional Regulatory Requirements:

Building Code:

Current Michigan Building Code

Mechanical Code:

Current Michigan Mechanical Code

Fire Protection:

As adopted by the City of Manistee (International Fire Code)

Plumbing Code:

Current Michigan Plumbing Code

Electrical Code:

Current Michigan Electrical Code

Michigan Energy Code:

Current Michigan Uniform Energy Code-part 10

Michigan Barrier Free Rules:

Michigan Department of Consumer and Industry Services

Food Service Operation:

Michigan Food Service Sanitation Rules and various documents currently in effect – Michigan Department of Public Health, administered by Local County Health Department.

Americans with Disabilities Act

Attachment A

C. On-site Water Usage and Supply

Process Water

Water supply to the plant will be sourced from Manistee Lake through the proper permitting process. Actual water usage figures are unavailable at this time.

Fire Protection

The fire protection system proposed for the Northern Lights project is generally in accordance with the NFPA code requirements, accepted fire protection engineering practices, and International Building Code requirements as applicable. It is understood that the final design approach will require local and/or state review and approval as well as the approval of our fire insurance carrier.

Fire pumping provisions will be in accordance with NFPA 20 which will supply lake water to a fire water supply system providing stored water to hydrants, hose stations, water spray, and sprinkler systems. As an emergency back-up supply, this system will also be connected to the city water supply. A jockey pump will be provided to maintain water pressure in the distribution headers. The system will supply the largest fixed fire suppression demand plus flow for fire hydrants and hose stations per NFPA 850 requirements. Applicable hydrants, valving and other appurtenances required by state and local codes will be included. Fire hydrants will be spaced around the fire loop and around the coal pile in accordance with NFPA 24 and local fire codes.

Augmenting the fixed fire protection system, portable UL listed and/or FM approved dry chemical extinguishers will be located throughout the project and will be sized, rated and spaced in accordance with NFPA 10. Selection of extinguisher capacity and extinguishing agent type will be based on the review of the hazard to be protected. In addition, a fire alarm system will be provided with local fire alarms, automatic fire detectors, and fire signaling panels as required by design codes and in accordance with NFPA 72.

The Northern Lights Operating Manual will include an extensive section on fire prevention, protection and proper response. All employees will receive this training when hired and it will be periodically re-taught and reinforced as part of our ongoing safety program. Fire response planning will incorporate the use of local physical resources and will solicit the expertise of local and state personnel in the development of the plan.

Potable Water

Potable water for the Northern Lights facility will be provided by the City of Manistee's municipal water system. Sufficient supply is currently available in comparison to past industrial uses on the site.

D. Dust Suppression

Fugitive dust on the coal pile will be controlled through the use of coal pile dust suppression measures, such as a sprinkler system similar to those used to water crops in the agricultural industry. During much of the winter, freezing temperatures will form a layer of ice on the surface of the coal

F. Freighter Traffic

Approximately 13 shiploads of coal per month will be brought to the Northern Lights plant. Vessels will be in operation 10 months per year. Tondu Corporation will make an effort to work with the shipping companies to avoid bridge openings during peak hours if at all possible. Unfortunately, the arrival of vessels is dependent on a number of factors, such as weather and lake conditions, which are entirely out of our control.

G. Lakefront Setback

A pump house is proposed in the lakefront setback area and is shown on the site plan. This is permitted under section 6704-e.

H. CSX Railroad

The rail facilities that service the site and the additional rail to be constructed through and into the facility are expected to be used for delivery of materials and equipment during the Plant's construction and during major maintenance periods. Typically, major maintenance is conducted twice per year. The facility is not designed to receive coal by railroad. The costs associated with shipping coal by rail and retrofitting the facility to receive these shipments make it an option that will most likely not be utilized.

I. Decibel Levels

The design parameter for this facility is 65 decibels or less at the property line.

J. Parking

The design intent for parking is as follows:

Largest anticipated work shift.....	25
Second work shift arriving.....	25
<u>Visitor parking.....</u>	<u>10</u>
TOTAL AVAILABLE PARKING	60

O. On-site Haul Roads

To minimize fugitive dust, the project proposes to minimize vehicular speeds, require frequent wet sweeping of paved areas, and wet suppression application on all unpaved areas.

P. Site Emissions (Regulated by the MDEQ and EPA)

The facility will use a single flue, 400-foot tall stack. Emissions of criteria pollutants (Particulate, SO₂, NO_x, CO, Volatile Organics) will be minimized in the following manner(s), consistent with state and federal requirements. A copy of Manistee Saltworks Air Quality Permit application is on file and available for public review at the Manistee County Planner's office.

Particulates (PM, PM10, PM2.5)

A baghouse collector will minimize particulate emissions. A baghouse collector is considered the Best Available Control Technology (federal BACT) and is currently in use at the TES Filer City Station Power Plant.

Sulfur Dioxide (SO₂)

A flue gas desulfurization system will be used. The same system is used at the TES plant and has an excellent track record for maximum removal of SO₂ and high operational reliability.

Nitrogen Oxides (NO_x)

A Selective Catalytic Reduction (SCR) system will be installed to minimize NO_x emissions. This system currently represents federal BACT control for coal-fired boilers.

Carbon Monoxide and Volatile Organics (CO and VOC)

Consistent with the most recent permits issued nationally for coal fired boilers; these emissions will be minimized by the use of optimum combustions controls inherent in the design of the boiler.

Monitoring Controls

The plant will be continually monitored and manned 24 hours a day, 7 days a week.

Q. Dredging

Should any dredging be required, all spoils will be properly disposed of in a manner consistent with DEQ requirements.

November 5, 2003

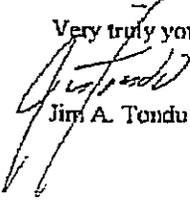
Planning Commission
City of Manistee
70 Maple Street
Manistee, MI 49660

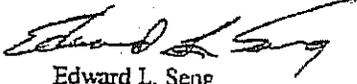
Re: Northern Lights Project

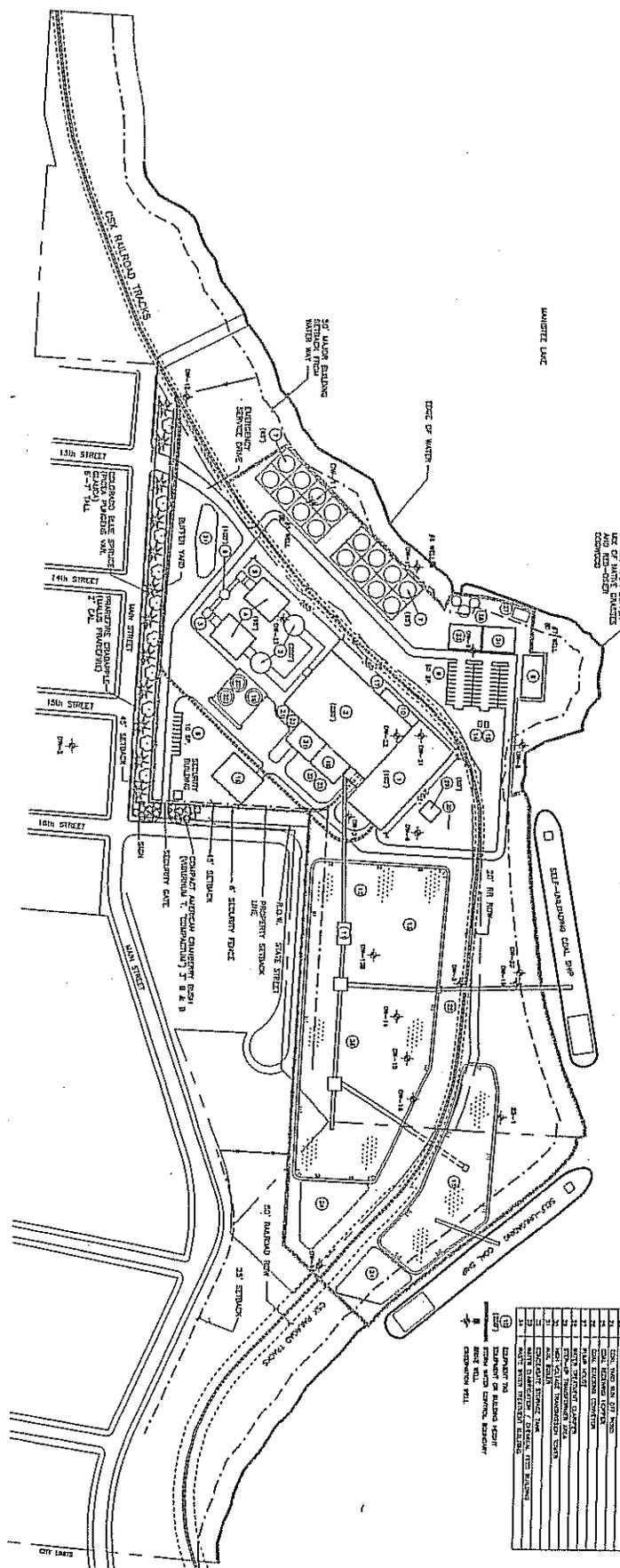
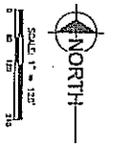
Dear Planning Commission members:

This will confirm for you that Manistee Salt Works Development Corporation has reached agreements in principle with Seng Dock & Trucking, Inc., to acquire an option on these parcels. The Seng Dock parcels consist of parcel numbers 51-51-713-175-10, 51-51-713-175-15, 51-51-713-175-20, and 51-06-018-325-01. While final details of the option agreements are being worked out between the parties and their attorneys, the principals of Seng Dock & Trucking Inc. have authorized me to submit this letter to you.

Very truly yours,


Jim A. Tondou


Edward L. Seng



PLAN PROVIDED BY:
 FISHBECK, THOMPSON, CURR & HUBER
 1000 WEST WASHINGTON, SUITE 200
 GRAND RAPIDS, MI 49503

- NOTES:**
1. THE SHOWN IS SUBJECT TO A SEVERAL... (text partially obscured)
 2. THE PROPOSED PARKING PLAN... (text partially obscured)
 3. ALL UTILITIES SHOWN... (text partially obscured)
 4. THE 5' VERTICAL BUFFER... (text partially obscured)
 5. THE 10' VERTICAL BUFFER... (text partially obscured)
 6. THE 15' VERTICAL BUFFER... (text partially obscured)
 7. THE 20' VERTICAL BUFFER... (text partially obscured)

EQUIPMENT LEGEND	
1	CONCRETE DRIVEWAY
2	ASPHALT DRIVEWAY
3	GRAVEL DRIVEWAY
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Manistee Saltworks Development Corp.
 Manistee County, Michigan

fitch
 Fishbeck, Thompson, Carr & Huber

Drawn by	MSJ
Checked by	MSJ
Designed by	MSJ
Reviewed by	MSJ
Approved by	MSJ
Date	

Answers to Questions from 3/11/04 Worksession

BRIDGE

Openings

- A. **Members sent copy of Bridge Openings 1997 - 2002** (mailed 3/15/04)

Emergency Response

- A. **Sid Scrimger - addressed in page 2 of memo dated 3/17/04** (attached)

Impact of additional boat traffic on life of bridge

- A. **See memo from Brian Sousa dated 3/18/04** (attached)

Verify with Central Dispatch procedure/notification of bridge opening

- A. **Sid Scrimger - addressed in page 2 memo dated 3/17/04** (attached)

Verify that both bridges are only opened for General Chemical Boats

[distance between Maple Street and U.S. 31 Bridges approximately 1,300 feet]

- A. **Memo from Jack Garber DPW Director dated 8/7/02** (attached)
- A. **Sid Scrimger - addressed in page 2 memo dated 3/17/04** (attached)

Verify that boats coming into the proposed power plant would not require both bridges to be opened

- A. **Sid Scrimger - addressed in page 2 memo dated 3/17/04** (attached)

STREETS

Verify Main Street construction standards

- (Brian Sousa reviewing standards)**

Try to determine the weight of trucks used for General Chemical/Ambar - vs- proposed ash hauling trucks

- A. **No known way to verify, previous business no longer in operation.**

Try to determine the truck traffic between General Chemical/Ambar and proposed number of ash hauling trucks for proposed power plant

- A. **Addressed in Attachment A - Ash Handling, Storage, and Disposal from Special Use Permit Application** (mailed to members with letter from Jim Tondu 3/16/04)

FIRE PROTECTION

Verify with Fire Chief any special needs his department will have because of proposed power plant (training, equipment, employees)

- A. **Sid Scrimger - addressed in Question #1 - memo dated 3/17/04** (attached)

Verify if chemicals on site will require special training

- A. **Sid Scrimger - addressed in Question #2 - memo dated 3/17/04** (attached)

Verify with Fire Chief level of fire suppression necessary for building and what degree of protection that provides (to allow exit of employees -vs- enough to save structure in event of fire)

- A. **Sid Scrimger - addressed in Question #3 - memo dated 3/17/04 (attached)**

LANDFILL LIFE EXPECTANCY

- A. **Members sent copy of Letter dated 7/29/03 - Golder Associates (Mailed 3/15/04)**

BONDING OR ESCROW TO COVER COST OF REPAIRS FOR INFRASTRUCTURE

- A. **Attorney says construction bond could be used to ensure full clean up of site. Unsure how to bond for decommissioning, since there is no way to determine when the plant will have exhausted its useful life.**

DETERMINE THE LEVELS THAT OTHER PERMITTING AGENCIES WOULD ALLOW (WHAT IS THE NORMAL TEMPERATURE ALLOWED FOR DISCHARGE WATER)

- A. **Response from Mark Tonello, Fisheries Management Biologist, Michigan Department of Natural Resources to letter sent by Jon Rose 3/12/04 (attached), also Mac Tech presentation on 3/25/04 will assist with these questions.**

REVIEW CODIFIED ORDINANCES FOR ANY OTHER REQUIREMENTS FOR WASTEWATER DISCHARGE

- A. **Members sent copy of Ordinance (mailed 3/15/04)**

WHAT IS THE HEIGHT OF A "SOLID WALL" AS NOTED IN THE ZONING ORDINANCE

- A. **Sid Scrimger - addressed his concerns regarding a solid wall on page 2 of memo dated 3/17/04 (attached)**

OBTAIN ATTORNEY OPINION OF WHAT HAPPENS IN THE EVENT THE PLANNING COMMISSION CANNOT MAKE A DECISION WITHIN THE 60 DAY TIME LIMIT

- A. **Response from Attorney John Gretzinger dated 3/18/04.**

SITE PLAN

Review "Fall Area" for structures

- A. **"Fall area" review prepared by Jon Rose 3/17/04 (attached)**
- A. **Addressed in Special Use Permit Application Attachment A - Design for Chimney (mailed to members with letter from Jim Tondu 3/16/04)**

Obtain a written response from the applicant as to why the buildings must be so high

- A. **Response from Jim Tondu dated 3/17/04 (attached)**

Review building height of other structures around the lake

- A. **Memo from Denise Blakeslee, Administrative Assistant dated 3/18/04 (attached)**

TO: Jon Rose, Community Development Director
FROM: Sid Scrimger, Fire Chief 
DATE: March 17, 2004
SUBJECT: Planning Commission Requests

Jon, per your memo of March 12, I have addressed each individual concern of the Planning Commission and my responses are below.

Question #1, special needs of the fire department:

Although we have done considerable research since my memorandum of February 17 to the City Manager (attached), I would not make many changes to the statements in that memo. The one issue that I may not have covered clearly is the potential for coal fires. As we have continued research into coal fires at power plants, it has become clear that we should expect increased costs for fighting those fires. I have not ruled out the possibility of additional staffing, but I am not planning it at this time. In general, I am not uncomfortable with the estimates I presented in my February 17 memorandum.

Question #2, chemicals on site and special training:

The chemicals and quantities listed in the application represent a significant increase in the total quantity of hazardous materials in the City. These chemicals do not bring a dramatic change in the types of hazards presented. Fire department staff are adequately trained to protect the public from the hazards presented by the chemicals in the application presented. If the chemicals used are exactly as outlined in the application, there may be additional equipment needs, but I do not think they are severe.

I should note that there are alternate chemicals for several of the processes that would increase the hazard potential significantly. I would recommend that the Planning Commission take one of two courses regarding this issue. First, the Commission could impose a restriction on the applicant that any deviation from the chemicals listed on page 9 in the application would require approval by the City. This would include fire department review and approval. Second, the Commission could review the application accepting the list of chemicals on page 9 as a proposal rather than a firm commitment. If this is done, my memorandum of February 17 should provide guidance as to the potential impacts and there would need to be funds available to offset those impacts.

Question #3, fire suppression for buildings over the 60 foot height limitation:

The City fire code requires that any fire suppression system will be installed and operated in accordance with National Fire Protection Association (NFPA) standards. The Special Use Permit application states this would be the case with the development. The fire department has access to NFPA standards and typically works closely with designers and fire suppression contractors to assure compliance with this standard.

There were some additional concerns the Planning Commission stated. Below are my suggestions in regards to those concerns.

In response to the suggestion of a wall around the coal pile, constructing a wall around the coal pile presents specific problems for the fire department. Our fire code calls for a fire department access road around the coal pile. It is important to have room to access all parts of the pile and in addition, to have room to isolate any coal involved in a potential fire. A wall outside this area would add wind disturbances to a fire scene.

In response to the question of being informed when both bridges are up, typically emergency response services are notified when either of the bridges are up for freighter traffic. Current City policy does not prohibit both bridges being up at the same time. Bridge operators are directed to avoid this if possible. The problem is that maritime regulations allow the captain of a freighter to require that a bridge be opened a set distance ahead of the vessel for safety reasons, and the distance between our two bridges is less than this limit. In the past, most of the captains that sailed into Manistee did not enforce this requirement and the bridges never opened simultaneously. More recently, the captains of the tankers carrying brine for General Chemical have been inclined to require the bridges to be opened as soon as possible. Coal freighters normally do not ask for this, but any captain could.

The fire department does monitor when the bridges go up and we plan our response routes accordingly. In the case of a rescue, if both bridges are up, we plan our response to the north side of the river via the first bridge that can be closed and bridge tenders have promised to operate their gates so as to expedite our crossing. If a rescue is on the south side of the river and West Shore's ambulance could be delayed, more options are available. Since the City of Manistee Fire Department is licensed as Basic Life Support - Non-Transport, we can stabilize a patient and wait several minutes for West Shore's arrival. With the equipment provided in our new rescue rig, Manistee County Medical Control could authorize us to transport a patient. We would then communicate with the bridge houses and select the best route to the hospital. In the case of a fire, we would select a route across the bridge that could be closed soonest. We also have the option of calling the Manistee Township Fire Department for mutual aid.

In response to the question regarding a fee for other department assistance, the City of Manistee Fire Department has a mutual aid agreement with both Manistee Township Fire Department and Filer Township Fire Department. Those agreements call for a \$400 per run payment to the answering department. I should point out that in addition to the possibility of an increase in mutual aid calls, there is a financial burden to the City for potential coal fires. Our research indicates that there is not sufficient evidence to predict the number of coal fires we might experience. Our research has also shown that when coal fires occur, extinguishment is very time consuming. It would not be unreasonable to expect overtime costs in the range of \$5,000 to \$10,000 per year.

I want to express my appreciation to the Planning Commission for their careful attention to the fire safety issues in this application. I understand that this memo may not answer all of the questions the Commission has regarding community public safety. To that end, I will be present at the meeting on March 18 to clarify these issues or answer any additional questions the Commission may have.

SS:mjw

TO: Mitch Deisch, City Manager

FROM: Sid Scrimger, Fire Chief

DATE: February 13, 2004

SUBJECT: Northern Lights Impact

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

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

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

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

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

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

SS:mjw

cc: Bruce Gockerman, City Attorney

MEMO TO: Mitch Deisch, City Manager

FROM: Sid Scrimger, Fire Chief 

DATE: February 17, 2004

SUBJECT: Northern Lights Impact

Sir, after my memo of February 13, 2004 you requested some more specific numbers for you to use in gauging the potential financial impact from the Northern Lights project.

We have been searching for sources for training in fighting coal fires with limited success. Some international firms have been located, but at this time specific pricing has not been available. Specialized chemicals are used for this type of fire. I would estimate an initial cost of \$2500 and a maintenance cost of \$500 per year.

We have located a source for training in shipboard firefighting. It appears initial training would cost \$5000 and would be offered in Manistee. I would estimate the cost of training maintenance at \$1000 per year. The labor costs associated with this training would be about \$3500 initially and about \$600 per year. The only known equipment need would be specialized airpicks, at a cost of approximately \$50,000.

Hazardous materials response would be the major burden. I have spoken to Chief Ed Fisher from Traverse City and he estimates they have invested as much as \$300,000 in development of their haz-mat team. He stated they have received gifts and donations of equipment totaling an additional \$200,000. Training our firefighters to the level of Traverse City would bear an initial cost of about \$20,000 (with labor) and a maintenance cost of about \$3000 per year.

As I understand the design and operation of this facility, many of these costs would not be necessary. However, in the worst case scenario, they could be. If this occurred, I would not want the city to be "stuck with the bill". The worst case scenario would generate a first year cost of \$580,500, and an ongoing cost of about \$25,000. Considering the service life of the equipment, I would expect the maximum additional burden to the fire department to be between \$85,000 and \$100,000. I hope this is helpful to you in your deliberations.

Cc: Bruce Gockerman, City Attorney

MEMORANDUM

TO: Manistee Planning Commission
FROM: Brian Sousa 
DATE: March 18, 2004
SUBJECT: Questions posed at March 11 Work Session

At the March 11, 2004 work session of the Manistee Planning Commission, several questions were raised that the commission requested additional information on. The two questions I am addressing in this Memorandum (with the answers following) are:

1. *What is the impact of additional boat traffic on the life of the lift bridge?*

Over the years, the Maple Street lift bridge has seen quite a bit of activity. In the fall/winter of 2002/2003, several inspections were completed on the Maple Street Bridge to determine that the structure has maintained its structural integrity and to assess some of the electrical problems experienced by the lift bridge. In short, the bridge is in fine shape structurally; however, the electrical system is in need of repairs.

The general mechanical system (gears, counterweights, shafts etc.) of the bridge is in good shape, and due to the heavy-duty nature of this portion of the bridge, the added bridge openings will likely not affect the bridge.

The bridge is currently experiencing intermittent electrical malfunctions. Added opening and closing cycles will only bring the bridge closer to permanent electrical failure thus requiring immediate attention. However, it is not possible to determine how many more cycles are left in the bridge prior to this failure. It is my opinion that the bridge is near that point due to it already experiencing problems of this nature; however, to determine the number of openings left is not possible.

2. *Are the streets which will be handling the commercial traffic of the proposed development designed to handle this degree of commercial traffic?*

The streets serving this development have been designed for industrial use, and as such, were designed to handle traffic of this nature. We are currently collecting design information to determine the specific design criteria and will present this at a later date.

MAN 1063-03C-001

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280 Washington Street • P.O. Box 358 • Manistee, Michigan 49660

WWTP (231) 723-1553
WATER (231) 723-3641
STREET (231) 723-7132
PARKS (231) 723-4051
FAX (231) 723-1803

August 7, 2002

TO: Maple Street Bridge
US 31 Bridge

FROM: Jack Garber
DPW Director 

RE: Bridge Openings

Effective this date, when freighters are inbound the Maple Street Bridge will open when the freighter reaches the Mobil signs by City Marina. US 31 Bridge will open when they see the freighter bow.

OUTBOUND

US 31 Bridge will open when the freighter is within 1500' or when the vessel's turn out of the lake is complete and they are lined up on the rail bridge. **Maple Street Bridge** shall open when the bow of the freighter passes through the US 31 Bridge.

Chief of Police, Dave Bachman will tell the 911 Board of these changes. Remember to still call Central Dispatch when opening. Please read the following pages.

Thank You.



208 Hillyard Street
Hamilton, Ontario
L8L 6B6
Tel (905) 528-4780
Fax (905) 528-6144

May 30, 2002

Dear Warren,

In recent weeks several concerns have been raised by our captains regarding the bridge operations in Manistee. On 3 occasions the bridge has not opened, forcing the captains to make emergency maneuvers in the river.

On April 28th at 1930, the Captain on the Doug McKeil called for the bridge for 0645 the next morning. The order was confirmed by the dispatcher. At 0610 the Captain called the dispatcher to inform him that the vessel was outbound. As the tug and barge made the turn to line up for the bridge the captain called the operator via VHF radio and received no response. A second call was placed to the dispatcher and the Captain was told the order was received and the operator was called. With the current on his stern, the Captain was unable to stop the vessel before a light stand came into contact with the bridge causing the light stand to bend. The bridge operator arrived at 0710 to open the bridge.

On May 4th the Capt. Ralph Tucker was inbound on the Manistee river. Notice was given to the operator who instructed the Captain to proceed. The vessel made it past the Maple St. bridge without incident. As the vessel approached the Memorial St. bridge it did not open. The Captain dropped the Anchor at 2250 and was able to stop the ship. The operator called and informed the Captain that he could not open the bridge and had to call for a technician. The vessel sat at anchor between the 2 bridges until 0520 the next morning. We were later told that a limit switch had to be reset.

On May 28th the Captain Ralph Tucker was again inbound to Manistee. At 1020 the Captain called the operator on VHF channel 16 switching to 13. He gave the operator 30 min. notice at this time and was told to proceed. As the vessel came around the corner to line up for the bridge, the Captain signaled 1 long and 1 short on the ship's horn to signal the operator. When the bridge failed to move, the Captain called on the VHF 7 times but was not answered. At this point the Captain went full astern and dropped the stbd. anchor. The ship stopped 200 ft from the bridge and went crossways in the river. The prop wash from the bow thruster and from going full astern caused some damage to a fish farm set up in the river. The Captain also reported narrowly missing boats moored in the river. A short time later the Maple St. bridge opened and the vessel proceeded to the dock. The bridge operator reported to the Captain that he could not open the bridge because there was a truck parked on it.

The Captains are not comfortable with the fact that the operators wait until the last minute to open the bridges. Bridges on the St. Lawrence Seaway are opened when the vessels are



Proposed Procedure for Bridge Operations
Manistee MI

Inbound

1. Vessels shall call both bridges when 3-4 miles from Manistee piers. This is approx. 30-45 min sailing time. The call shall be made on VHF channel 16. Clearance to proceed from both Bridge Masters would be necessary for the vessel to enter the river.
2. The Maple St. Bridge should be clear of all traffic and start to open when the vessels are within 1500 ft. This is in the area of Melitzer St. The vessel shall signal 1 long blast followed by 1 short at this time. If a response from the bridge is not received, they shall start emergency maneuvers to stop the vessel.
3. When the bow of the vessel passes through the Maple St. Bridge, the vessel shall signal 1 long blast followed by 1 short. The Memorial St. Bridge should be clear of traffic and start to open at this time. If a response from the bridge is not received, they shall start emergency maneuvers to stop the vessel.
4. Bridges should remain open until the stern of the vessel is well clear of the bridge span

Outbound

1. Vessels shall call both bridges prior to departing the General Chemical dock. This is approx. 45 min. sailing time. The call shall be made on VHF channel 16. Clearance to proceed from both Bridge Masters would be necessary before the vessels will depart the dock.
2. The Memorial St. Bridge should be clear of traffic and start to open when the vessel is within 1500 ft. This is when the vessel's turn out of the lake is complete, and they are lined up on the rail bridge. The vessel shall signal 1 long blast followed by 1 short at this time. If a response from the bridge is not received, they shall start emergency maneuvers to stop the vessel.
3. When the bow of the vessel passes through the Memorial St. Bridge, the vessel shall signal 1 long blast followed by 1 short. The Maple St. Bridge should be clear of traffic and start to open at this time. If a response from the bridge is not received, the Captain shall start emergency maneuvers to stop the vessel.
4. Bridges should remain open until the stern of the vessel is well clear of the bridge span

**GENERAL CHEMICAL
MANISTEE VESSEL SHIPMENTS**

2001

outbound

	Salty Dog	Ocean Hauler	Ralph Tucker	Algoma Gemini	Monthly Total	Monthly Avg.
Jan	0	0	0	0	0	0.00
Feb	0	1	0	0	1	28.00
Mar	1	2	0	0	3	10.33
Apr	3	2	2	0	7	4.29
May	2	4	3	0	9	3.44
Jun	4	5	3	0	12	2.50
Jul	4	3	4	0	11	2.82
Aug	3	3	6	0	12	2.58
Sep	3	3	3	0	9	3.33
Oct	2	2	6	0	10	3.10
Nov	2	1	4	0	7	4.29
Dec	2	2	5	0	9	3.44
Total	26	28	36	0	90	4.06

**GENERAL CHEMICAL
MANISTEE VESSEL SHIPMENTS**

2002

	Salty Dog	Ocean Hauler	Ralph Tucker	Algoma Gemini	Monthly Total	Monthly Avg.
Jan	0	0	6	6	12	2.58
Feb	0	0	5	3	8	3.50
Mar	1	1	5	2	9	3.44
Apr	1	2	6	0	9	3.33
May	0	2	5	0	7	4.43
Jun	0	2	1	3	6	5.00
Jul	0	1	6	6	13	2.38
Aug *	1	2	7	0	10	3.10
Sep *	0	4	6	0	10	3.00
Oct *	0	4	5	0	9	3.44
Nov *	0	1	6	0	7	4.29
Dec *	0	3	6	0	9	3.44
Total	3	22	64	20	109	3.35

* Forecasted Trips



STATE OF MICHIGAN

DEPARTMENT OF NATURAL RESOURCES
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

K. L. COOL
DIRECTOR

Mr. Jon Rose
Community Development Director
City of Manistee
P. O. Box 358
Manistee, MI 49660

March 18, 2004

Mr. Rose,

I am writing in response to your 3/12/04 letter requesting the input of MDNR Fisheries Division regarding any potential negative effects that the proposed Tondu-Northern Lights project may have on the fisheries resources of the State of Michigan. There are a number of issues with the proposed project that could potentially impact fisheries resources in the Manistee area as well as the rest of Michigan.

There are many outstanding fishery resources that exist in Manistee County. Manistee is one of the premier sportfishing ports on Lake Michigan. By our estimates (which I believe to be quite a bit on the conservative side), the sportfishery for charter and non-charter fishing on Lake Michigan out of the port of Manistee is worth over \$2.7 million annually to the local economy. The Manistee River below Tippy Dam is the most heavily fished stretch of river in Michigan and also generates a massive amount of angler hours each year. We estimate the fishery is worth at least \$2.5 million annually to local economies in Manistee County.

Inland lakes like Portage Lake, Bear Lake, Tippy Pond (all stocked with walleye by MDNR), Manistee Lake and many smaller lakes also generate many angler hours and contribute to the health of the Manistee County economy. Manistee County is also blessed with dozens of trout streams, including such Blue Ribbon Trout Streams as the Little Manistee River and Bear Creek. These streams also bring thousands of anglers to Manistee County each year, to the benefit of the local economies. Clearly, it is in the best economic interest of Manistee County and the City of Manistee to preserve, protect, and maintain the health of all of these fisheries resources.

One major fisheries issue that should be considered when discussing the proposed project is the deposition of mercury as a result of coal combustion. As I'm sure you are well aware, mercury is an extremely toxic substance that can cause a myriad of health problems, particularly among women, children, and unborn fetuses. Unfortunately, many fish in Michigan waters are already contaminated with mercury, making it necessary to limit or completely discourage human consumption of these fish. According to the 2003 Michigan Family Fish Consumption Guide, which is published by the Michigan Department of Community Health (available at http://www.michigan.gov/documents/FishAdvisory03_67354_7.pdf), there is a special advisory for all inland lakes in Michigan due to mercury. Quoted directly from the guide:

“No one should eat more than one meal a week of these kinds and sizes of fish from any of Michigan’s inland lakes:

-Rock bass, perch, or crappie over 9 inches in length

-Any size largemouth bass, smallmouth bass, walleye, northern pike, or muskie

Women and children of childbearing age and children under 15 should not eat more than one meal per month of these fish.”

Of particular interest to the Manistee area, the guide also reports a specific consumption advisory due to mercury of walleye in Lake Michigan south of Frankfort. Also, Manistee Lake (black crappie, largemouth bass, smallmouth bass, walleye) and Portage Lake (largemouth bass, smallmouth bass, northern pike) have specific consumption advisories due to mercury. Clearly, fish contamination due to mercury is already a major problem in Michigan, and in the Manistee area. It appears that the proposed project would be responsible for the addition of substantial amounts of mercury to the waters around the Manistee area and the rest of the state, creating the potential for further contamination of fish populations, and therefore more risks to human health from fish consumption.

In discussions with the MDNR Wildlife Management Supervisor for the Northwest Management Unit, Penney Melchoir, some other potential areas of concern involve mercury contamination of a variety of wildlife species. Exposure of wildlife to mercury in fish can be a more serious event because certain wildlife species may rely primarily on fish as a major source of food. Wildlife can suffer neurological damage from mercury exposure, with the relevant dose likely being size and species-dependent. Species that could potentially be impacted include fish-eating birds (eagles) and mammals (river otters).

Specific avian species which rely on a diet of fish include bald eagles, osprey, and the common loon. Since fish accumulate chemicals and are part of the food chain, it has been shown that contamination does spread to fish-eating birds and mammals, through biomagnification. It has been demonstrated that productivity in eagles is negatively correlated with concentrations of pesticides and chemicals in eggs. Evidence has also been shown that toxins in the Great Lakes have contributed to the long-term decline of common loons in Michigan. Ospreys have also been shown to be vulnerable to bioaccumulation of environmental pollutants.

Another fisheries concern that must be raised about the proposed project is the potential for acidification of Michigan inland lakes due to sulfur dioxide (SO₂) and nitrogen oxide (NO_x) emissions. Michigan has a number of inland lakes which are already low in productivity due to their acidic conditions. Acid rain and snow caused by the emissions from the proposed project have the potential to further lower productivity in some lakes due to acidification. The types of lakes that would be affected include smaller, low productivity, poorly buffered lakes located near the headwaters of watersheds. The results could be manifested in terms of slow growing, stunted fish populations. In some areas of the United States and Canada, acid precipitation has been responsible for eradicating entire populations of fish from some lakes. Likewise, in some areas, acid precipitation has been identified as a potential threat to ospreys and other fish-eating birds by reducing the productivity of acidified lakes.

The proposed project might also have profound impacts on Manistee Lake itself, the fish that reside there, and also the fish that migrate through the lake. Manistee Lake is an outstanding fisheries resource, home to self-sustaining populations of walleye, smallmouth bass, largemouth bass, northern pike, bluegill, pumpkinseed sunfish, black crappie, yellow perch, rock bass, white sucker, channel catfish, and others. Manistee Lake also hosts a number of lake sturgeon, which are a State-Threatened species. Manistee Lake provides critical staging and feeding grounds for adult lake sturgeon, as well as rearing habitat for juvenile lake sturgeon. Although lake sturgeon populations are currently greatly reduced compared to pre-settlement conditions, the Manistee River/Manistee Lake population of lake sturgeon is likely the largest remaining sturgeon population in the Lake Michigan watershed in the Lower Peninsula of Michigan.

Manistee Lake hosts seasonal migrations of chinook salmon, coho salmon, steelhead (migratory rainbow trout) and brown trout. In April, May, and early June, massive numbers of chinook salmon smolts, coho salmon smolts, and steelhead smolts migrate out of the Little Manistee River, through Manistee Lake, and out to Lake Michigan. Starting as early as June, adult chinook salmon migrate from Lake Michigan, through Manistee Lake, and into the Little Manistee River. Chinook salmon migrations last into November. Coho salmon adults usually migrate through Manistee Lake between the months of September and March. Adult steelhead migrations through Manistee Lake typically occur between the months of September and May. This means that each salmon and steelhead produced in the Little Manistee River makes at least two migrations through Manistee Lake during their life cycle (steelhead may spawn more than once, resulting in more migrations through Manistee Lake). For each of these migrations, the fish would have to negotiate past the facility if it were approved and implemented.

The migratory fish populations of the Little Manistee River deserve extra mention, particularly the steelhead. The Little Manistee River is not stocked with steelhead; all juvenile steelhead migrating out of the river are naturally reproduced in the river. The same is true for the coho salmon from the Little Manistee River. Although some chinook salmon are stocked each year in the Little Manistee River, there are also large numbers of naturally reproduced smolts that out-migrate each year. The Little Manistee River produces so many wild migratory salmonids because of its clean, cold water, and its outstanding habitat. In fact, eggs from Little Manistee River steelhead are used to stock waters all over the State of Michigan and the waters of several other Great Lakes states as well. The Little Manistee River is the only source of broodstock for steelhead in Michigan. Therefore, it is of utmost importance that the well-being of migratory fish from the Little Manistee River be considered while the project is being considered.

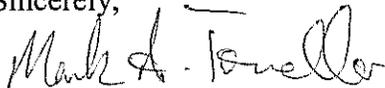
Many coal-burning power plants use significant amounts of water for cooling during operation. If the water to be used is drawn from and then discharged into Manistee Lake, there are a number of ways that the proposed project could impact both resident and migratory fish in Manistee Lake. Specific concerns that Fisheries Division might have with this process include the entrainment and impingement of fish, discharge of warm or hot water, and the discharge of toxic chemicals that are mixed with the water during the process. Manistee Lake is not very wide in the area where the proposed project would be sited, so any warm or hot water discharge could have dramatic impacts on fishes, and particularly on migrating steelhead and salmon. You may be liable for any fish killed as a result of entrainment or thermal shock from discharge at the facility. We view naturally reproduced fish, and particularly lake sturgeon, salmon, and

steelhead, to be precious fisheries resources that should not be unnecessarily harmed. The technology exists for the proposed project to use either a re-circulating system or a dry cooling system. Either of these alternatives would likely reduce the impact of the proposed project on fisheries resources in Manistee Lake, at least to some extent.

Another concern regarding the proposed project is that any dredging or shoreline manipulation done on the site may potentially re-suspend the pollutants and toxics located on the bottom of Manistee Lake. It is a known fact that the sediments of Manistee Lake are extremely polluted with a wide variety of toxic substances. Dredging may re-suspend them into the water column, allowing fish and other aquatic life, wildlife, and humans to potentially come into contact with them.

I very much appreciate the opportunity to bring these fisheries issues to your attention. Without a doubt, sportfishing is a major driving factor for the economy of the City of Manistee, as well as for many other areas nearby. Therefore, I hope that you will seriously consider the impacts of the proposed project on fisheries resources as you make decisions regarding the proposed project.

Sincerely,



Mark A. Tonello
Fisheries Management Biologist
Michigan Department of Natural Resources

Cc: Tom Rozich, CLMMU Unit Manager, MDNR Fisheries Division
Jay Wesley, Acting Lake Michigan Basin Coordinator, MDNR Fisheries Division
Penney Melchoir, NWMU Supervisor, MDNR Wildlife Division

Jon Rose

From: Hanson, Karl F. [KHanson@WadeTrim.com]

Sent: Friday, March 12, 2004 3:26 PM

To: Jon Rose

Michigan Department of Natural Resources
District Six Headquarters
8015 South Mackinaw Trail
Cadillac, Michigan 49601

Attention: Mr. Thomas Rozich

Re: Northern Lights Project
Manistee, Michigan

Dear Mr. Rozich:

As you are aware, the Northern Lights project (a coal-fired power plant) is applying for a special use permit from the City of Manistee. Through the public comment period, the citizens of Manistee have expressed a great deal of concern over the potential negative impacts that the Northern Lights –Tondu plant could create. In an attempt to investigate the concerns of the citizens of Manistee, we would like your help in determining any potential impacts this project could have on the fisheries and aquatic communities in and around the City of Manistee.

It is our understanding that your review typically occurs during the permitting process through the Department of Environmental Quality and that you may have limited information regarding this project. If there is any information that we can provide that would be helpful in examining this issue, please feel free to contact us.

Very truly yours,

CITY OF MANISTEE

Jon Rose
Community Development

MD:lkd

MAN 1063-03C-010

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3/12/2004

NANTZ, LITOWICH, SMITH & GIRARD

ATTORNEYS AND COUNSELORS

A Professional Corporation

2025 East Beltline, S.E., Suite 600, Grand Rapids, Michigan 49546 • (616) 977-0077 • Facsimile (616) 977-0529

JOHN H. GRETZINGER
Direct Dial: (616) 954-2546
Email: john@nlsg.com

March 18, 2004

Mr. Jon Rose
Community Development Director
City of Manistee
70 Maple Street, P. O. Box 358
Manistee, MI 49660

Re: Planning Commission Issues

Dear Mr. Rose:

Section 8607 B of the Manistee City Zoning Ordinance Several requires that "Within sixty (60) days following the receipt of a complete application (unless a formal extension is mutually agreed to between the applicant and the Commission), the Commission shall either grant, grant with conditions, or deny the application. The decision shall be in writing and reflect the reasons for the decision." Due to complexity of this application, it is possible that the Planning Commission will not be in a position to complete action on the application by April 1, 2004.

This provision is based upon MCL 125.584c, which provides that the discretionary consideration and approval of special land uses must be made upon requirements and standards specified in the ordinance. That provision provides that a request for "approval of a land use or activity which is in compliance with the standards stated in the zoning ordinance and the conditions imposed thereunder, other applicable ordinances, and state and federal statutes shall be approved." It does not however state any time period under which consideration of the application must be completed.

The Zoning ordinance does not specify what happens if the Planning Commission does not act within the 60 day period, but an argument can be raised that a failure to act constitutes a grant of the application since there is a statutory presumption that special use permits will be approved unless it fails to comply with a specified standard. Such an argument is also supported by Section 8606, which provides that if the Council does not act within 28 days after deciding to intervene, the Special Use permit shall be granted. In order to avoid this ambiguity, provision was made for extension of time. There are no cases that directly decide this issue, making it prudent for the Planning Commission to immediately seek an extension of time to act on the application. Tondu would most likely grant the request, since it should be concerned that the Planning Commission would turn down the application on the basis that it did not sufficient time to complete its evaluation of the application. It also might be concerned that opponents of the application would take

NANTZ, LITOWICH, SMITH & GIRARD
ATTORNEYS AND COUNSELORS

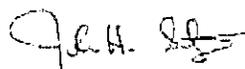
March 18, 2004
Page 2

the position that a failure to act was a denial of the application and start some legal process to block further consideration of the application. The extension solves all of those problems.

If you have any further questions regarding this issue, please contact me.

Very truly yours,

NANTZ, LITOWICH,
SMITH & GIRARD



John H. Gretzinger

JHG/A

NANTZ, LITOWICH, SMITH & GIRARD

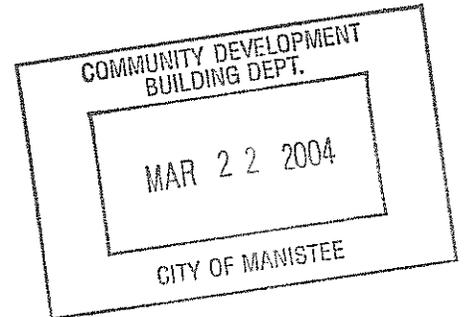
ATTORNEYS AND COUNSELORS

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JOHN H. GRETZINGER
Direct Dial: (616) 954-2546
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March 18, 2004



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City of Manistee
70 Maple Street, P. O. Box 358
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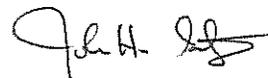
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the position that a failure to act was a denial of the application and start some legal process to block further consideration of the application. The extension solves all of those problems.

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Very truly yours,

NANTZ, LITOWICH,
SMITH & GIRARD



John H. Gretzinger

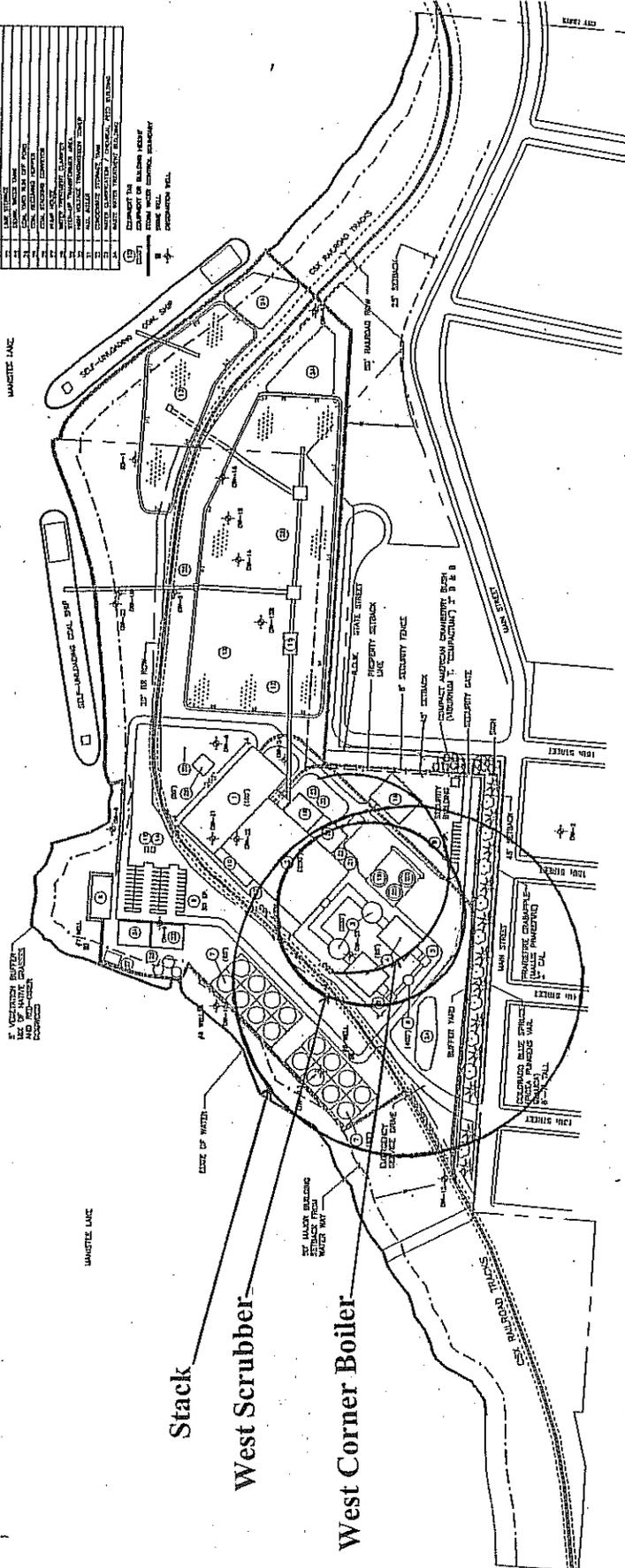
JHG/\

"Fall Areas"

prepared by Jon Rose 3/17/04



NO.	DESCRIPTION
1	EXISTING BUILDING
2	NEW BUILDING
3	EXISTING DRIVE
4	NEW DRIVE
5	EXISTING SIDEWALK
6	NEW SIDEWALK
7	EXISTING PAVEMENT
8	NEW PAVEMENT
9	EXISTING CURB
10	NEW CURB
11	EXISTING FENCE
12	NEW FENCE
13	EXISTING UTILITY
14	NEW UTILITY
15	EXISTING LANDSCAPE
16	NEW LANDSCAPE
17	EXISTING TREES
18	NEW TREES
19	EXISTING PLANTS
20	NEW PLANTS
21	EXISTING LIGHTS
22	NEW LIGHTS
23	EXISTING SIGNAGE
24	NEW SIGNAGE
25	EXISTING WALLS
26	NEW WALLS
27	EXISTING ROOFS
28	NEW ROOFS
29	EXISTING FLOORS
30	NEW FLOORS
31	EXISTING CEILING
32	NEW CEILING
33	EXISTING MECHANICAL
34	NEW MECHANICAL
35	EXISTING ELECTRICAL
36	NEW ELECTRICAL
37	EXISTING PLUMBING
38	NEW PLUMBING
39	EXISTING HVAC
40	NEW HVAC
41	EXISTING INSULATION
42	NEW INSULATION
43	EXISTING GLAZING
44	NEW GLAZING
45	EXISTING PAINT
46	NEW PAINT
47	EXISTING FINISHES
48	NEW FINISHES
49	EXISTING UTILITIES
50	NEW UTILITIES



1. THE PLAN IS INTENDED AS A CONFORMANCE WITH THE SPECIAL USE ZONING ORDINANCE IN THE CITY OF MANISTEE, MICHIGAN. ALL PROPOSED IMPROVEMENTS SHALL BE SUBJECT TO THE APPROVAL OF THE CITY ENGINEER AND THE CITY COMMISSIONERS.
2. THE PROPOSED IMPROVEMENTS PLAN SUBJECTS TO THE CITY OF MANISTEE, MICHIGAN.
3. ALL OTHER WATER SPECIAL DISTRICTS OFF AREA (LOCAL FEES) WILL BE SUBJECT TO SELECTION AND/OR PROVISIONS BASED PRIOR TO OFF-SITE DISCHARGE.
4. THE VEGETATION BUFFER AND THE WATERWAY BUFFER SHALL BE MAINTAINED BY THE PROPERTY OWNER AND SHALL BE RESTORED TO ORIGINAL CONDITION BY THE PROPERTY OWNER.
5. THE PROPOSED IMPROVEMENTS PLAN SUBJECTS TO THE CITY OF MANISTEE, MICHIGAN.

1. THE PLAN IS INTENDED AS A CONFORMANCE WITH THE SPECIAL USE ZONING ORDINANCE IN THE CITY OF MANISTEE, MICHIGAN. ALL PROPOSED IMPROVEMENTS SHALL BE SUBJECT TO THE APPROVAL OF THE CITY ENGINEER AND THE CITY COMMISSIONERS.
2. THE PROPOSED IMPROVEMENTS PLAN SUBJECTS TO THE CITY OF MANISTEE, MICHIGAN.

PLAN PREPARED BY:
THOMPSON, THOMPSON, ROSE & FISHER
1115 WASHINGTON DRIVE
SOUTH BEND, IN 46704

Why is Northern Lights building so high?

The building height is dictated by the spatial needs of equipment, primarily the pulverized coal boiler. The boiler enclosure building of Northern Lights will be 250 feet. This structure is sized to house the steam generating boiler and its equipment, the largest being the water wall around the boiler. The heating surface of this boiler is dictated by manufacturer, and engineering design, requiring our boiler to be 220 feet high. The additional 30 feet of space is for the boiler support system, maintenance space and roof structure.

Stack height-why 400 feet?

The stack height is related to the height of the building and surrounding topography. For industrial sources, the Environmental Protection Agency (EPA) defines good engineering practices to be 1.5 to 2.5 times the building height. In conjunction with the above, the height is also determined by emission modeling as part of the air permit currently under review with the Department of Environmental Quality (DEQ) and the Environmental Protection Agency (EPA). The height and location is also under review with the Federal Aviation Administration (FAA).

March 17, 2004
Jim Tondu
Tondu Corporation

MEMO

TO: Planning Commission Members

FROM: Denise Blakeslee 
Administrative Assistant

DATE: March 18, 2004

RE: Building Heights around Manistee Lake

Members, you had requested at the March 11, 2004 Worksession information regarding the heights of the industrial buildings around Manistee Lake. With the assistance of the City Assessor and Filer Township Assessor we obtained the following information:

Manistee Iron Works (City of Manistee)	-	Tallest Building 56'
Morton International (City of Manistee)	-	Tallest Building 80'
General Chemical (City of Manistee)	-	Tallest Building 100'
Drop Forge Site (Filer Township)	-	Tallest Building 60' (estimated)
T.E.S. Filer Plant (Filer Township)	-	Tallest Building 120' (estimated) Stack reported to be 250'
PCA (Filer Township)	-	Tallest Building 130' Stack reported to be 193'

TONDU

*CC. City Council
Planning Commission*

News Release

For Immediate Release
March 17, 2004

Contact Deborah Muchmore
517-372-4400

This press release was faxed to City of Manistee on Wed night at 7:30 p.m.

*M. De...
3-18-04*

Manistee, Mich. — Tondur Corporation representatives today expressed disappointment the Manistee City Council turned down a proposed Community Service Contribution that would provide certain and substantial revenues to the community in the event that Northern Lights may be owned by tax-exempt municipal energy suppliers. The proposal would also assist in covering capital costs associated with handling the project's effluent at the city wastewater treatment plant. At the same time, the company voiced hope the issue will eventually be favorably resolved.

While the ownership structure of the Northern Lights energy generating station has not been determined, Tondur and City administrators for several months have been negotiating the elements of the proposed Community Services Contribution as a way of ensuring the Northern Lights project would fairly compensate the community under a public ownership scenario.

"By investing in the development of Northern Lights in Manistee — a place I and four generations of my family call home — this is an effort to ensure the community benefits from Northern Lights," said Tondur Corporation president Joe Tondur. "The Community Services Contribution proposal is aimed at addressing a key question about the project — which is providing financial benefit for the City, area schools and Manistee County."

"I continue to believe that Northern Lights will be a tremendous asset for Manistee, providing good jobs, economic growth, the clean up and redevelopment of defunct site, and reliable and affordable energy. I hope that continued dialogue with the City will result in reconsideration of the offer and resolution of a fair agreement."

Tondur will continue to move forward with the development of the Northern Lights project and completion of the Special Use Permit process.

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TONDU CORPORATION
7701 ST. MARIES LANE
SUITE 603
HOUSTON, TX 77079
(817) 372-4111
(713) 572-1731

Staff have evaluated the potential air toxics emission rates and modeled ambient air impacts from the proposed facility. The proposed emissions of mercury and dioxins raise concerns for potential persistence and bioaccumulation in the local environment, which warrant further investigation and characterization. The USEPA has developed the "Human Health Risk Assessment Protocol for Hazardous Waste Combustion Facilities" (HHRAP, 1998). We believe that this methodology for conducting a multipathway risk assessment (MPRA) is applicable and appropriate for characterizing and addressing these concerns, with some supplemental guidance from AQD Staff. Specifically, we are requesting that this assessment include the following approaches and address the following concerns.

First, we are requesting the derivation of estimates of the potential long-term impacts of mercury air emissions to the levels of mercury compounds in surface waters and fish in Manistee Lake and, potentially, in other lakes in the area which may be relatively highly impacted. The latter issue should be explored with advisement from MDNR and AQD Staff. This information should be used to characterize the potential incremental exposure to people, including subsistence (and recreational) fishermen (adult and child). The impacts to levels in surface waters and fish should be compared to the MDEQ mercury water quality criterion for human health protection and to the MDCH fish consumption advisory trigger levels, respectively. Impacts to the levels in surface waters and fish should also be compared to the available monitoring data for mercury levels in surface waters and fish. Also, the impact to mercury levels in surface waters should be compared to the MDEQ water quality criterion for the protection of piscivorous wildlife.

Secondly, we are requesting the evaluation of the long-term emissions and environmental impacts of polychlorinated dibenzo-p-dioxins and dibenzofurans as 2,3,7,8-TCDD equivalents ("dioxins"). Following the HHRAP approach, estimates should be derived for the potential impacts and human exposures to adults and children for the residential, subsistence (and recreational) fishermen, and farmer exposure scenarios. The resulting estimates of incremental long-term impacts should be compared to cancer and noncancer risk-based criteria, the MDCH fish consumption advisory trigger level, and national estimates of "background" levels of exposure, as directed by AQD Staff. Incremental impacts to the levels of dioxins in breast milk for these scenarios should also be derived, and compared to national estimates.

We request that you develop and provide for Staff review and approval, a study protocol for accomplishing the above assessments in accordance with further details to be provided by Staff, before developing the draft MPRA report.

MEMO

TO: Planning Commissioners

FROM: Denise Blakeslee 
Administrative Assistance

DATE: March 19, 2004

Enclosed please find a copy of the worksession notes from March 18, 2004 and a copy of a letter that was hand delivered to Jim Tondou on March 19, 2004.

Our hopes are to receive the report from Mac Tech early next week. We will forward it to you as soon as possible.

See you next Thursday!

:djb



70 Maple Street • P.O. Box 358 • Manistee, Michigan 49660

231-723-2558
FAX 231-723-1546

March 19, 2004

Jim Tondou
Manistee Saltworks Development Corporation
14701 St. Mary's Lane, Suite 625
Houston, TX 77079

Hand Delivered

Dear Mr. Tondou:

During the March 18, 2004 Planning Commission Worksession a commissioner requested an explanation of the discrepancy in the reported number of jobs and what the jobs would be i.e. administrative, laborers, office personnel etc as related to the Manistee Saltworks Development Corporation. We would like to have a written response for the members before their worksession on March 25, 2004. Thank you.

Sincerely,

CITY OF MANISTEE

Jon R. Rose
Community Development Director

JRR:djb

cc: Planning Commissioners