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Women's Voices for the Earth

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 IDAHO PUBLIC
UTILITIES COMMISSION

October 5th, 2006

 Commission Secretary
Idaho Public Utilities Commission
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 Comments Re: Thompson River Cogen and Avista Utilities Power Purchase
Agreement
Case #: AVU-E-05-07

To the Idaho PUC:

These comments are submitted on behalf of Women's Voices for the Earth, an environmental health advocacy organization, based in Missoula, MT with staff in Bozeman, MT and Boise, ID. We work to reduce and, where possible, eliminate persistent toxic pollution which disproportionately affects women and children's health. We are very concerned about the impacts of the Thompson River Cogen on the environmental and public health of the area. On behalf of our hundreds of members in Montana and Idaho, we ask you not to approve the purchase agreement between Avista Utilities and Thompson River Cogen.

1.) The operation of Thompson River Cogen will have serious and significant environmental and public health impacts to the community of Thompson Falls.

The plant will burn predominantly coal which will add to local and regional mercury contamination. Mercury is a potent neurotoxin, which especially affects the brain of a developing child. The main route of exposure to mercury is through eating contaminated fish. The Noxon reservoir, a local recreation area and fishing spot is unfortunately already heavily contaminated with mercury. Testing of fish conducted in 2005 led the Montana Department of Public Health and Human Services to issue a special fish consumption warning for fish caught from the local Noxon Reservoir. The Thompson River Cogen will only add to this already serious problem.

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Particulate pollution from Thompson River Cogen is also a serious concern. Modeling conducted for this plant's air permit indicates that ambient particulate pollution will likely increase by 350% in the area, from 30 ug/m³ to 136 ug/m³. The national ambient air quality limit for particulate pollution (PM-10) is 150 ug/m³ meaning that the cogen alone is bringing the area from a status of having quite clean air, to an area that only just meets the federally allowed limit. It should be acknowledged that while the NAAQS were intended to protect health, an enormous body of scientific knowledge generated since the promulgation of the NAAQS shows otherwise, particularly with respect to particulate matter. Perhaps the best summary of this comes from the testimony of Dr. Neal MacIntyre speaking on behalf of the American Thoracic Society, the preeminent professional association of pulmonologists and respiratory technicians.

Neil Mac Intyre M.D., Chief Professor of Critical Care Medicine and Director of the Pulmonary Rehabilitation program at Duke University presented the following testimony on behalf of the American Thoracic Society (ATS) on the EPA draft Staff Paper on Particulate Matter at the November 12, 2003 meeting of the Clean Air Scientific Advisory Committee (CASAC).

"I would like to make two over-arching comments that I think should guide CASAC and the EPA staff as it continues its work determining whether the current particulate standards should be changed. First, the science is sound and compelling. Both in its quality and its quantity, the vast preponderance of studies show that fine particle air pollution is dangerous for public health at current levels. Secondly, it is time to move forward with decision-making. We certainly don't know all we want to know about some specific issues, but we do know enough to be confident in moving forward to resolve this review of the science to protect public health," stated Dr. Mac Intyre.

"The American Thoracic Society recommends a lowering of both the upper threshold and the lower threshold for the annual average Fine PM standard, the 24-hour Fine PM standard, the Annual Average Coarse PM and the 24-hour Coarse PM standard. A growing body of evidence documents the adverse health effects of both fine and coarse PM pollution at levels significant below the current standards. The standards should be revised to reflect this growing body of evidence." (emphasis added)

Full testimony available at: <http://www.cleanairstandards.org/article/articleview/291/1/38/>

In fact, scientific studies on the health effects of particulate pollution show that an increase of 100 ug/m³ in the ambient air is likely to increase the death rate in Thompson Falls. The following study from the New England Journal of Medicine found that overall rate of death from all causes increases by .51 percent with every increase in the ambient PM10 level of 10 ug/m³. TRC's permit estimates an increase in PM10 level of 100 ug/m³ in Thompson Falls – which calculates to a 5% increase in deaths in Thompson Falls due to TRC.

Citation

N Engl J Med. 2000 Dec 14;343(24):1742-9.

Fine particulate air pollution and mortality in 20 U.S. cities, 1987-1994.

Samet JM, Dominici F, Curriero FC, Coursac I, Zeger SL.

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2) The TRC facility is no longer being welcomed by the local community. The project was initially proposed to the community as a true cogeneration facility. The project was supposed to be a win-win which would provide local operations jobs as well as spurring on forestry jobs associated with cutting slash which would provide biomass for the generator. These promises fell flat when TRC announced that it would be burning predominantly coal in the boiler, with the exception of a small amount of wood waste from Thompson River Lumber. This facility is barely a cogen at all, and could certainly never qualify as "green power". We have attended many of the hearings and public meetings on the Thompson Falls Cogen. They have all been packed with unhappy neighbors expressing their frustration with the process and the pollution from the facility. The promises of economic development and good jobs for the community have not been fulfilled - as most of the jobs associated with the operations of the plant went to trained operators brought in from out of state. The community has lost any faith in the upper management of TRC. Barry Bates, a partner in TRC, has recently been indicted for federal tax fraud. TRC has also been unwilling to pay local property taxes owed to the county.

3) Thompson River Cogen has repeatedly demonstrated itself as a Bad Actor facility. The boiler was purchased secondhand from R.J Reynolds Tobacco (who as it turns out has received air quality awards for replacing their old coal fired boilers with cleaner natural gas fired turbines.) The original plan for the plant (as outlined in their initial preconstruction permit) was not followed. They built a significantly larger plant than they had permitted for. The original design was meant to have a 156 MMBtu/hr capacity. The facility that was built now has a 215 MMBtu/hr capacity, a difference that led to significant fines from DEQ.

The original pollution control equipment installed on the boiler simply never operated correctly. TRC failed its first and only compliance source tests for SO₂ and NO_x - emitting in some cases nearly triple the allowable emissions. In response the MT DEQ issued over \$1 million in fines to TRC for violating environmental laws. The ambient air quality monitor required for the permit was never located in an appropriate approved space so as to accurately collect data. TRC built a discharge pipe for process water which led to an unlined pond, and did so while claiming they did not need a water discharge permit. (Upon inspection, the DEQ disagreed with this claim, and TRC has since lined its pond, and has applied for a discharge permit.)

4) TRC has not fully secured all the permits it needs to operate. In fact, TRC lost the backing to a significant loan issued by the Montana Board of Investment (BOI) when it was discovered that the Cogen had not secured all the necessary permits it was required to have to receive the loan. Specifically Thompson River Cogen still has not secured its water right for the facility, it is currently in the process of acquiring Thompson River Lumber's water right of water from the Clark Fork River. Although, even if the water right transfer is granted, the amount of water associated with this water right will only supply about six months of TRC's estimated needs. Water from wells drilled by TRC on the property may not be of appropriate quality for its needs

either. As mentioned above TRC is also in the process of acquiring a water discharge permit. It is unclear whether the process water from the plant will need to be processed before being released back into the river or into groundwater.

5) Lastly, this year, Governor Kempthorne passed a two-year moratorium on the building or permitting of any coal-fired power plants in the state of Idaho. This made the statement that Idaho was rejecting coal-fired power. Avista Utilities should not be sidestepping this moratorium by purchasing coal-fired power for use in Idaho that is generated just beyond the state's border.

We appreciate the Idaho PUC's role in reviewing purchase agreements in Idaho and understand the gravity with which you consider these matters. We hope these comments have been useful in adding to the overall context of this facility. Thank you for your serious consideration of these comments.

Sincerely,

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