

# Down to Earth

Clean & Healthful.  
It's your right, our mission.

**meic**

NEWS FROM THE MONTANA ENVIRONMENTAL INFORMATION CENTER



## V is for More Victories!

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## Victory #4 - Colstrip Units 1 & 2 to Shut Down

by Anne Hedges

On July 12, 2016, MEIC and Sierra Club filed a historic settlement agreement in federal court under which the owners of the Colstrip coal-fired power plant agreed to close two of the four units of the plant no later than July 2022. Colstrip is the second largest coal plant in the West and is the third largest greenhouse gas polluter in the nation, having emitted about 17.5 million tons of carbon dioxide in 2015.

The settlement agreement is a result of a lawsuit that MEIC and Sierra Club filed in 2013, which argued that the owners of the 40-year old plant had violated the federal Clean Air Act by not modernizing its air pollution controls. As a result the plant was emitting huge volumes of harmful air pollutants such as sulfur dioxide and nitrogen oxides. Instead of going to trial the Colstrip owners agreed to negotiate an outcome that would satisfy all parties. The end result is a firm closure date for the two oldest units of the plant.

The settlement negotiations were complicated by the fact that the plant is owned by six companies, all headquartered outside Montana. Most of the electricity generated at the massive 2,200-megawatt plant is used in West Coast markets. Politicians and residents in those states are concerned about climate change and want to move away from coal to cleaner electricity sources.

Originally Units 1 & 2 were supposed to last about 30 years. That period came and went, and yet the plant continued to plug along with only minor changes in its air pollution controls (other than the mercury controls that MEIC successfully fought to require on all coal plants starting in 2010). In this new settlement agreement the owners agreed to close Units 1 & 2 by 2022, but also to immediately limit air pollution from these two units until they are shut down.

MEIC and Sierra Club were willing to give the plant owners and the community time to adjust to the transition. The economics of coal-burning generation are changing rapidly and it is unknown if these two units will even continue to operate until 2022. But now that there is a definite end date the political discussion must move beyond the “whether or not Colstrip should close” question to the much more important one: “what comes next?”

What should come next is a plan to guarantee that existing workers are hired to conduct the reclamation and remediation that will be needed at the plant and its related coal mine. The contamination in both locations is extensive and will take many years to clean up. There are already huge transmission lines in place that take electricity from Colstrip to West Coast markets – markets that are demanding cleaner energy. Montana has abundant clean energy opportunities, including in the Colstrip area. Now is the time to seize those opportunities and develop the product that those markets demand. The existing transmission line can and should be put to good use – for the benefit of the environment, the Montana economy, and the workforce that wants to remain in the town of Colstrip. 🌱



Playground in Colstrip.

We've had a number of recent victories. We decided to pick up where we left off. For Victories 1-3, please see the June 2016 issue of *Down to Earth*!

Cover Photo: Colstrip at Night. Photo (c) Colin Ruggiero.



# Victory #5 - Colstrip Plant to Finally Address Leaking Coal Ash Ponds

by Derf Johnson

Montana is riddled with the ghosts of industries past – the Berkeley Pit, the Clark Fork River, the Zortman/Landusky, Beal Mountain, and Belt Creek mines, the ASARCO smelter site in East Helena, the asbestos contamination in Libby – just to name a few. The list goes on and on, for both recent as well as historic sites, at which the land and water have been polluted and degraded, and, too often, which have required taxpayer funds to remediate and manage them.

Unfortunately, the Colstrip coal-fired power plant and its associated facilities are likely to be added to this list of industrial projects that have turned out to be environmental disasters. However, after years of dogged legal work, mainly by Earthjustice and MEIC, and continuous pressure applied to both the Montana Department of Environmental Quality (DEQ) and the corporate owners of Colstrip, a major source of water pollution at Colstrip will ultimately be addressed and controlled.

Each year, during the process of burning coal to produce electricity, the Colstrip plant produces over one million tons of “coal ash.” Coal ash contains carcinogens and neurotoxins including arsenic, boron, cadmium, lead, selenium, and other contaminants. At Colstrip, where what is known as the “wet” storage method is used, the coal ash is stored in three separate impoundment systems

amounting to over 800 acres of toxic lakes. Since their construction, the corporate owners of Colstrip have known that these ponds were leaking badly and contaminating the local ground and surface water. In fact, they were so certain that the leakage would occur that they actually budgeted during the pond development and planning process for having to purchase a new water system for the City of Colstrip in anticipation of ruining the underlying groundwater.

Annually, approximately 200 million gallons of coal ash sludge, an amount that would almost fill an entire Olympic swimming pool each day, leaks from the network of coal ash ponds. Because this environmental disaster was being almost entirely ignored, if not accepted, by DEQ, a coalition of organizations including MEIC, the Sierra Club, and the National Wildlife Federation, represented by Earthjustice, filed a lawsuit in 2012 against DEQ for its failure to enforce Montana law and the

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*Colstrip ash ponds.  
Photo (c) Alexis  
Bonogofsky.*



## Victory #6 – Subdivision Sewage Discharge Permit Declared Void

by Jim Jensen

A wastewater discharge permit issued to the proposed Grantsdale subdivision on Skalkaho Road south of Hamilton by the Montana Department of Environmental Quality (DEQ) was issued illegally according to a recent State district court ruling.

Three citizen groups, MEIC, Bitterrooters for Planning, and the Bitterroot River Protection Association challenged the permit in court because they believed the discharge from the 70-acre, 181-unit subdivision's septic sewer drain field would degrade the Bitterroot River. According to DEQ's own fact sheet, this permit would have allowed a discharge containing nitrogen levels 80 times the DEQ target for the Bitterroot River. Also, the developer would have been allowed to discharge sewage into the aquifer and, ultimately, into the already impaired Bitterroot River, at the rate of an estimated 40,000 gallons/day.

In spite of this obvious impact, DEQ failed to perform a non-degradation analysis and

failed to analyze the cumulative effects of the discharge on the Bitterroot River. The groups argued that these analyses are required by State law. State district judge Kathy Seeley agreed completely.

In her ruling, which is a powerful rebuke of DEQ's ground water permitting process, Seeley made a number of strong statements:

- "DEQ's failure to recognize the connection between ground water and surface water in this case is a failure to adequately protect the water quality of the Bitterroot River. This, in turn, violated DEQ's responsibility to protect the water quality of the state."
- "Substantively, the determination that there need not be full degradation review could have long-term, momentous effects on the quality of the water affected by the activity allowed by the permit."
- "DEQ's permit process is integral to protection of Montana's water quality. In this case, its issuance of [the permit] was unlawful and arbitrary and unsupported by law because its conclusions were not supported by the relevant objective and scientific data in the administrative record."

It is important to put this decision, and the subdivision to which it relates, in a broader context. Allowing lower water quality standards for on-site wastewater disposal systems in rural, high density, subdivisions not on a municipal wastewater system, creates an economic incentive for rural sprawl development. And, of course, taxpayers ultimately bear the cost when water contamination occurs.

Two MEIC Board members played crucial roles in this case. John Rundquist, a professional engineer, presented detailed expert testimony during the public comment period, and Erin Ferris-Olson was co-counsel with Jack Tuholske of Missoula. Many thanks to both of them. 🌱

Bitterroot River  
near Lolo. Photo (c)  
Roger Peterson.





# Smith River Mine Update

by Derf Johnson

Below are two updates on the proposed Smith River copper mine. This mine is proposed by an Australian mining company that wants to mine adjacent to and directly underneath Sheep Creek, the most important tributary of the Smith River. The Smith River is Montana's only recreational river requiring floating permits. It is an incredible resource for the state of Montana, and an ecological wonder. It's certainly not the place for a large hardrock mine.

## Senator Tester Comes Out Swinging

Elected officials are often apprehensive about taking firm positions on issues, especially those considered to be controversial. This is an unfortunate part of our political process, and truly devalues our democratic ideals. So, when a politician takes a hard stance on an issue that matters to many Montanans, he or she should be thanked and praised.

Recently U.S. Senator Jon Tester of Montana had this to say about the proposed Smith River mine:

*"Montana history is littered with communities who heard, 'this time it will be different,' only to be left polluted and economically devastated. We just can't afford to take that risk here, and we don't need to.*

*The Smith already creates jobs and stimulates the economy all by itself. Folks come from all over the world and pay good money to float it. They even enter into a lottery just for the chance to catch a trout in its pristine waters.*

*We need to come together to make sure the Smith stays the Smith, and Montana stays the Last Best Place."*

You can read the Senator's full statement online at [bit.ly/Testersmith](http://bit.ly/Testersmith). If you like what you read, make sure to send him a thank-you note at [senator@tester.senate.gov](mailto:senator@tester.senate.gov).

## The Latest on the Application Review Process

In December 2015, Tintina submitted

application materials for a full-scale operating permit to the Montana Department of Environmental Quality (DEQ). DEQ then had 90 days to conduct what is called a "completeness review" to assess the completeness of the permit

application and identify any errors or missing information. In March 2016, DEQ issued a 60-page "deficiency notice,"

outlining the major flaws in the application. Because Montana's law has been written to heavily favor the mining industry, Tintina now has an unlimited amount of time to respond to the deficiencies DEQ identified. As this issue of **Down to Earth** went to press, Tintina still had not submitted the additional information.

Once DEQ does receive the revised application from Tintina, it will only have 30 days in which to review the new materials. Keep in mind that DEQ will probably receive hundreds of pages of technical documents that will determine critical aspects of the mine plan, including water management, storage of tailings, and impacts to fisheries and wildlife.

MEIC is monitoring the application process very closely and has engaged experts to review separate sections of the application. To stay up-to-date on the application process, sign up for MEIC's Action Alert Network at [www.meic.org](http://www.meic.org).

*"We need to come together to make sure the Smith stays the Smith, and Montana stays the Last Best Place." -Sen. Jon Tester*

Smith River. Photo by Dylan Brown.



# Montana Public Service Commission Update

by Brian Fadie

The dog days of Summer may have come and gone, but the Montana Public Service Commission (PSC) didn't miss a beat these last three months. There are three important pending or completed decisions involving the PSC.

## Public Utilities Regulatory Policies Act

During the energy crisis of the 1970s Congress passed the Public Utilities Regulatory Policies Act (PURPA) as a way to promote increased domestic energy generation in response to the overseas oil embargos. The Act specifically requires state utility commissions to adopt rules that promote electricity production from alternative sources such as wind and solar. The Montana PSC most recently set the rules for these types of facilities, known as Qualifying Facilities (QF), in 2012. At that time it directed

NorthWestern Energy (the state's principal utility) to buy the electricity generated from solar projects of less than three megawatts capacity at \$66 per megawatt hour. This rate was intended to represent the amount it would cost NorthWestern to build an additional megawatt of capacity and is thus known as the "avoided cost." (Not entirely by coincidence, this rate is about the same amount the PSC approved for NorthWestern when it was authorized to buy the former Montana Power (then PPL-owned) hydro-electric dams.)

As solar costs have plummeted in recent years this rate made it feasible for solar developers to build new projects. In short, PURPA was starting to do exactly what it was designed to do. Companies started proposing solar projects, potentially creating jobs, tax revenue, and clean energy.

NorthWestern was not happy. It filed a motion with the PSC asking for an "emergency stay" of the QF rate, essentially asking the PSC to block any new or uncompleted projects from receiving the \$66 rate. MEIC and Vote Solar, represented by Earthjustice, intervened and objected to NorthWestern's proposal. The PSC sided with NorthWestern and issued the stay, despite the fact that no such "emergency stay" authority exists under PURPA.

There is a public process available to NorthWestern and the PSC to change the QF rate. NorthWestern didn't bother with that process. Instead it fabricated an emergency to avoid its legal obligations under PURPA. MEIC and its allies are continuing to pursue this case to guarantee that solar projects are not treated unfairly or illegally denied in Montana.

## NorthWestern Energy's Long-Term Resource Plan

Every two years NorthWestern Energy is required to submit a long-term plan to the PSC outlining the company's 20-year vision for the

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Wind turbines and workers.





# You Have the Right to Know What Toxins Are in Your Water

by Derf Johnson

The science is in. The practice of hydraulic fracturing, or “fracking,” can and does lead to contamination of ground and surface water. This fact has been shown in several studies that have conclusively demonstrated a link between fracking activities and groundwater pollution. These findings are not all that shocking, as no technology is 100% safe, regardless of the misinformation that the oil and gas industry has been spewing for the past decade. There are numerous ways that the chemicals used in fracking can pollute water, including during the drilling process, transportation to and from the drill site, while being stored after drilling, and when well blow-outs occur.

Because of an almost complete lack of federal regulations governing fracking, individual states have developed their own laws and rules with varying degrees of effectiveness. In Montana, the sparse laws and regulations governing the practice of fracking are administered by the Montana Board of Oil and Gas Conservation (Board). Unfortunately, there are many reasons why the Board has failed to fully protect the public interest.

First, when a government agency that is created to act in the public interest becomes dominated and controlled by the industry it purportedly regulates, it is a failure of the public trust and the rule of law. Political scientists have named this concept “agency capture.” Ultimately, it leads to actions and decisions on the part of the agency that place industry objectives above public safety and welfare. Agency capture has a deep and troubling history in Montana, but also a contemporary presence, none being worse than the Board of Oil and Gas Conservation – the poster child of agency capture in Montana.

In 2011, the Montana Legislature considered a series of bills that would have provided for additional public disclosure of fracking fluid

chemicals. Disclosure is a key element in protecting the public from toxic (and often carcinogenic) chemicals used in fracking that may contaminate water supplies. However, at the request of the oil and gas industry lobbyists, and tacitly encouraged by the administrator of the Board, the legislation was rejected in committee because of the drastically overstated implications it was said

to have for the industry. The following Summer, however, the Board began a rulemaking process that would ultimately result in the adoption of a regulation on disclosure of chemicals. But it’s clear that the Board was really doing the bidding of the industry. What it developed was a regulation that required next to nothing in the way of actual disclosure.

The most conspicuous problem with the Board’s rule is a trade-secret loophole that an oil rig could fit through. Specifically, if a company deems the chemical constituents a “trade-secret,” it is not required to disclose the specific constituents. Even more brazen is that there is no independent review of the supposed “trade secret” to assure that it is a legitimate claim. The lack of such review effectively nullifies the original purpose of the rule. Further, the rule doesn’t require that operators disclose chemicals before fracking occurs. Having advance notice is critical for adjacent landowners to conduct baseline water testing in order to be able to accurately monitor changes in their water quality.

*“The most conspicuous problem with the Board’s rule is a trade-secret loophole that an oil rig could fit through.”*

Oil fracking rig. Photo  
(c) Tony Bynum



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## MEIC's 2016 Board of Directors Election

### *Cast your ballot today!*

It's time for the annual MEIC Board of Directors election. This year we have five incumbent directors running for re-election. Please vote. It may seem like a formality, but it is an important part of keeping MEIC a viable and legal organization.

#### Instructions:

- 1) Only MEIC members can vote; subscribers and business corporations are not eligible.
- 2) Mark a "yes" or "no," or abstain from voting, for each candidate on the enclosed postage-paid card.
- 3) Mail the card back to MEIC in time to arrive by September 30, 2016.

Thank you for your participation.



***Erin Farris-Olsen, Helena, MT***

MEIC has a long-standing reputation of integrity in protecting our right to a clean and healthful environment. I would like to help promote MEIC's victories and support the MEIC staff in strongly protecting our constitutional right to clean air and water at the 2017 Montana legislative session.

My board of directors experience includes being on MEIC's Board since 2014, and serving on the Montana Watershed Coordination Council's Board in 2013-2016. I am interested in staying on the MEIC Board because my first term really only barely got me up to speed on organization activities. In the coming term, I hope to specifically assist in cultivating major donors and in growing MEIC's membership.



***Dustin Leftridge, Kalispell, MT***

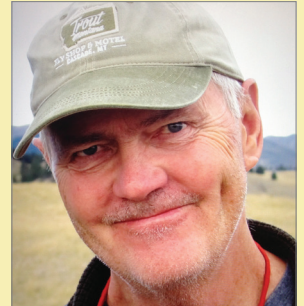
As Montanans, our right to a clean and healthful environment is fundamental. To address the multi-faceted challenges our environment faces requires an approach that combines grassroots, political, and legal advocacy. Few organizations have achieved the capacity to integrate these methodologies of advocacy as seamlessly as MEIC.

It would be my pleasure to continue serving on the Board so I can utilize my passion and expertise to assist MEIC in its continued advocacy on behalf of Montanans who love the natural beauty of the state. My love of the outdoors began while growing up in the mountains and rivers of western Montana and the Redwood country of northern California. After ten years as a river guide, and a law degree from the University of Montana, I moved to the Flathead Valley to work as an attorney with McGarvey, Heberling, Sullivan & Lacey.



### ***Steve Gilbert, Helena, MT***

I have supported MEIC for more than 30 years because the organization intelligently and effectively challenges poor and illegal decisions and actions of state and federal agencies and industry. MEIC is vigilant in defending Montanans' constitutional right to a clean and healthful environment, something its long list of victories clearly demonstrates. I look forward to continuing my service to the organization as a member of its Board.



### ***John Rundquist, Helena, MT***

Having served on the MEIC Board for a few years now, I am convinced more than ever that there is no organization in the state of Montana as effective and pro-active at preserving our constitutional right to a clean and healthful environment. From climate change, to mining practices, to clean air and water, the MEIC staff, Board, and members are hard at work as advocates for change and as guardians of the laws that preserve what we have.

As Treasurer of MEIC I work with board and staff members to assure that revenues from donations, memberships, grants, and events are wisely spent to achieve optimum results, and to provide equitable compensation, benefits, and health insurance for the staff.

Much of my career as an engineer involved implementation of the federal Safe Drinking Water and Clean Water Acts' requirements. I bring that insight and knowledge from those many years of experience to the Board, to help MEIC in accomplishing its mission, goals, and objectives.



### ***Kim Wilson, Helena, MT***

I am running for re-election to the MEIC Board because MEIC continues to be the only state organization in Montana effectively and comprehensively focusing on the most important issue of our time, climate change. Its work on this issue over the past two years has truly been ground-breaking, with a string of recent legal and policy victories involving Colstrip and coal mining operations in Montana. I wish that our political leaders would be so far-sighted – and effective.

I've been actively involved in MEIC since I first became a Board member in 1987, beginning a four-year stint on the Board, the last two as President. (That means that I might be re-applying for the Board in 2041 or so . . .) Since then I have represented MEIC in numerous lawsuits seeking to enforce Montanans' unique rights to a clean and healthful environment and to know about our governments' operations. MEIC has a strong, effective and loyal staff and Board, and has stayed true to its vision during the last quarter-century of my involvement with the organization. I'd be honored to continue my work with MEIC.




# MEIC Challenges Decision to Open Up 115 Billion Tons of Coal to Mining

by Anne Hedges

**M**EIC joined with environmental organizations in Wyoming, Montana and across the nation to challenge the U.S. Bureau of Land Management's (BLM) decision to open vast amounts of federal land to oil, gas, and coal development. BLM's Resource Management Plans (RMPs) are intended to guide the agency's decision making in managing federal lands. In this instance, BLM issued an RMP for the entire Rocky Mountain region, including the coal-rich Montana and Wyoming Powder River Basin. BLM's RMP would open more than 10 million acres of land for oil and gas drilling and coal mining in the Powder River Basin over the next 20 years.

BLM's RMP for its Miles City area office made more than 1.5 million acres of land available for coal leasing and 6.6 million acres for oil and gas leasing. That land contains about 71 billion tons of coal, of which BLM projects 900 million tons would be mined. BLM projects that more than 7,000 oil and gas wells will be drilled. In Wyoming, the BLM's Buffalo area office RMP makes 500,000 acres of land available for coal leasing and 3.3 million acres for oil and gas leasing. That land contains approximately 46

billion tons of coal, of which BLM expects to issue leases for about 10.2 billion tons. BLM projects more than 11,000 oil and gas wells will also be drilled on that land. Taken together, the burning of the amount of coal that BLM estimates will be leased from these two areas would produce about 17 billion tons of carbon dioxide pollution – four times the current national annual average.

Despite the Obama Administration's strong commitment to reducing greenhouse gases, BLM failed to acknowledge the serious climate impacts of burning such massive amounts of fossil fuels. Every alternative analyzed by BLM assumes it will make available the exact same amount of coal, and oil and gas, for development in Montana and Wyoming. None of the alternatives considered any mitigation measures for the methane pollution from oil and gas development. BLM also refused to consider the economic impacts that would result from the emission of billions of tons of climate-changing pollutants. There is a methodology of estimating what is known as the "social cost of carbon," that is used by other federal agencies to conduct this type of analysis, but BLM refused to address the social cost of carbon and made no attempt to analyze the climate impacts of its decision. 

Coal mining.





# Coal Mining Update

by Derf Johnson

The portion of electricity in the United States that is produced from coal has continued to decline steadily as the country moves to cheaper and cleaner options. Coal-fired electricity's share of the market declined from its peak in 1997 of 53% to approximately 29% in July 2016. This has correspondingly reduced coal mine production across the United States, including in Montana, which has experienced a 30% decline. This is good news for the air, the climate, and the future. However, a large amount of coal is still mined in Montana, and MEIC is focused on protecting the state's clean water resources as the coal corporations pull up stakes, head back to their corporate high-rises, and declare bankruptcy.

## Signal Peak Mine Appeal

The Signal Peak mine is Montana's only underground coal mine. Its production is entirely exported to overseas markets. The Signal Peak mine has recently reduced its production dramatically as the international market for coal from the U.S. has evaporated. However, Signal Peak continues to mine coal, and was recently granted (another) permit by the Montana Department of Environmental Quality (DEQ) to expand its coal

mining operations. Unfortunately, the permit issued by DEQ is flawed in several ways, most importantly in that it doesn't guarantee that there will be adequate mitigation activities to protect the water supplies for adjacent landowners who are likely to be impacted by the mining. A similar permit was issued to Signal Peak last year, but appealed by MEIC. The Montana Board of Environmental Review (BER) declared it to be invalid because of its serious inadequacies in protecting the ground and surface water adjacent to the mine. MEIC has appealed the issuance of the new permit as well.

## Rosebud Coal Mine Appeal

The Rosebud coal mine is the Colstrip coal-fired power plant's sole source of fuel. The Rosebud mine is one of the largest in the United States, and supplies approximately one coal train car of coal to the Colstrip plant every five minutes. Unfortunately, DEQ issued an expansion permit for the mine with serious flaws that would allow the mine to continue to destroy the adjacent ground and surface water. This type of activity is illegal under the federal Surface Mining Control and Reclamation Act, and so MEIC has appealed the permit to the BER. A hearing date has not yet been set. ☺

## Coal Ash *(continued from page 3)*

terms of Colstrip's operating permit. After years of legal work, in July 2016 the groups entered into a settlement agreement with the owners of Colstrip and with DEQ.

Under the agreement, Colstrip's largest units (#3 & #4), which generate the majority of coal ash for the plant, must convert to the "dry" disposal method, which is far safer and less likely to pollute groundwater. Specifically, before 2019 a portion of the coal ash called "bottom ash" must be dewatered before it is disposed of, and by July 1, 2022, all of the coal ash waste from the unit's scrubbers must be

disposed of as a dry waste. This settlement did not address Colstrip's smaller units (#1 & #2), as a separate settlement agreement (see story on page 2) will bring about the closure of those units by July 1, 2022.

Once the owners of Colstrip convert units 3 & 4 to dry disposal, they can focus on trying to clean up the groundwater that has already been polluted, without continuing to add to it. Montana has Jenny Harbine, an incredibly adept attorney with Earthjustice, who led the legal work on the coal ash ponds, to thank for this incredible victory. ☺

## Saying Hello!

by Brian Fadie



Hello everyone! I'm Brian Fadie and I couldn't be more excited to take on the role of Clean Energy Program Director at MEIC. Prior to coming to Helena I completed a master's of environmental policy degree at the University of Michigan, where my capstone thesis project focused on clean energy siting in the southern California desert. Before that I spent four years working in Nevada with a progressive policy advocacy organization, including working on public lands designations and a coal plant transition.

I feel incredibly lucky to step into this role at this time and in this place. Climate change is one of the greatest environmental threats humanity has ever faced. Right here in Montana the effects are already being felt as rivers run warmer and lower, while wildfires burn hotter and longer,

than ever before. The good news is a key part of the solution is also right here in Montana. We have some of the best wind resources in the country – it blows stronger, longer, and at the right time for both in-state and out-of-state consumption. At the same time, continually falling solar energy prices are making it more advantageous by the week to choose this clean, renewable source over dirty and dangerous coal.

However, as the Public Service Commission Update on page 6 shows, we have our work cut out for us. Those who currently benefit from the old, unsustainable energy system are scratching and clawing to keep from being dragged into the future. But they can howl all they want, because at the end of the day we will prevail. We must prevail.

Be sure to watch your e-mail inboxes for our updates and take action when you can. Together we can do this, so let's make it happen! 🌱

### Available Now! MEIC Specialty License Plate

Help protect Montana's clean air and water by choosing an MEIC license plate! With an initial extra cost of \$40, and an annual renewal extra cost of \$20, it's an easy way to support our important work. Your donation is tax deductible, and will be used to protect your right to a clean and healthful environment.

MEIC's specialty plate was released on July 31, 2016, and should be at your local DMV office. You don't have to wait for your current plates to expire. Simply bring your old plates in and be one of the first to purchase and show off our design! Note: the new MEIC license plate may not be in stock yet at your local DMV, so you might want to call ahead to ensure its availability.





## A Variety of Ways You Can Help MEIC

### 1. Join MEIC's monthly giving program

The Pledge Program is a simple but very effective way you can support MEIC. You design the program to best fit your budget and lifestyle. You can pledge any annual amount you choose and make payments in 12 or fewer installments. You could pledge \$240 for the year, and pay just \$20 a month—**that's only 66 cents a day!**

And it gets even easier. You can sign up to pay monthly with your credit card, or by automatic withdrawal from your bank account, and MEIC will take care of the rest. Pledge members help provide the staying power that keeps MEIC at the forefront of environmental advocacy in Montana.

### 2. Leave a bequest to MEIC

You can provide the financial security and long-term stability MEIC needs to weather unpredictable and cyclical funding by contributing to MEIC's Permanent Fund, our endowment. All gifts to the Permanent Fund are invested. Only the income earned on these investments is spent, and all of it goes to MEIC. Here are two ways you can contribute to MEIC's endowment:

1) The Permanent Fund accepts cash or property including stock, real estate, and life insurance. These contributions can be made directly to MEIC and are deductible as charitable contributions.

2) MEIC also has an endowment account at the Montana Community Foundation, which greatly expands the ways you can help MEIC while taking advantage of a Montana State income tax credit. Call the Montana Community Foundation at 406-443-8313 for more information.

### 3. Encourage others to join MEIC or give a gift membership

Members are the heart and soul of MEIC, and who better to spread the word than you give an MEIC gift membership or tell your friends and family why you joined MEIC and about the difference they can make for Montana's environment by joining with you. Every member means a lot. **Take advantage of our 2-for-1 gift membership program when you renew your MEIC membership -- when you renew, you can give an MEIC membership to a friend for FREE!**

I want to help protect Montana's environment by:

- ☐ Becoming an MEIC member.
- ☐ Renewing my MEIC membership.
- ☐ Joining the monthly pledge program.
- ☐ Donating to MEIC's permanent fund.
- ☐ Giving a gift membership.
- ☐ Making a special contribution.

Here are my dues or gift membership:

- ☐ \$250 (Sustainer) ☐ \$45 (Contributor)
- ☐ \$120 (Donor) ☐ \$30 (Basic)
- ☐ \$60 (Supporter) ☐ Other \$ \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

E-mail \_\_\_\_\_

Mail this form to:

MEIC  
P.O. Box 1184  
Helena, MT 59624

**Thank you!**

## Join or Renew Today.

**(406) 443-2520 • [www.meic.org](http://www.meic.org)**

Or use the postage-paid envelope enclosed.

## Thoughts from the Executive Director



by Jim Jensen

The closure in mid-August of the Yellowstone River from the National Park boundary to Laurel, plus its tributaries, to all fishing, floating, and recreational activities is just one more impact of global warming in Montana.

The non-native parasite that has killed tens of thousands of the Yellowstone River's fish thus far will not die off until water temperatures in the river drop significantly. And who knows when that will happen.

But not one news reporter has mentioned global warming as the central cause of this die-off. Nor has a single political figure called the situation what it is.

What may be especially noteworthy is the way two different communities have reacted to the impacts of global warming.

On the one hand, the residents of Colstrip, the lowest taxed and highest paid subset of the state, faced with the certain closure of Units 1

& 2 of the power plant there (see the story on page 2 of this issue) and the inevitable eventual closure of Units 3 & 4, seem to ignore the impacts of the plant on the rest of the planet.

In contrast, the sustainable and renewable – and much more economically important – businesses dependent on the Yellowstone River are not whining to have the river re-opened and damn the environmental cost. No, they are sacrificing, taking the long view that the natural resource upon which their future depends must be saved for that future. These are true citizens in the very best sense of the word.

Nonetheless our public officials, from our U.S. senators on down, continue to shed crocodile tears for Colstrip, the global warming-inducing power plant, and its dependents. They say we cannot afford to lose the taxes. Or the jobs. I guess some think it is OK to contribute to the destruction of our fundamental life support system, however.

The Colstrip plant is a hideously polluting complex with massive groundwater contamination underneath it. It is simply not sustainable, nor should it be. The rest of Montana cannot afford it. ☺

## Fracking *(continued from page 7)*

Because of these glaring deficiencies, in July 2016 MEIC, represented by Earthjustice, filed a petition with the Board requesting that it update and modernize its regulation on fracking fluid disclosure. Specifically, the petition asks the Board to adopt a rule that requires operators to disclose the chemical ingredients of their fracking fluids before fracking occurs, and to close the trade secrets loophole by ensuring that only legitimate trade secrets are exempt from disclosure. Montana's neighboring state of Wyoming – a conservative, pro-resource development state if ever there was one – already provides these protections for its residents, and there is no reason why Montanans should have

to settle for less.

### Please Comment on the Proposed Rule

The Board will be accepting comments on the proposed rule regarding disclosure of fracking fluids until September 22, 2016. You can comment on the proposed rule by going to [meic.org/category/get-involved/take-action/](http://meic.org/category/get-involved/take-action/) or by e-mailing comments directly to [mtogregulatory@mt.gov](mailto:mtogregulatory@mt.gov). You can also attend the hearing on the proposed regulation, which will be held in Billings on September 22nd. Contact Derf Johnson at [djohnson@meic.org](mailto:djohnson@meic.org) for more information. ☺



## PSC Update *(continued from page 6)*

energy sources it will acquire to meet the needs of its customers' homes and businesses. The plan is called the "Electricity Supply Resource Procurement Plan" (RPP) and the latest version was released earlier this year.

The upshot is that NorthWestern's vision for the future involves acquiring almost no new wind or solar electricity, assigning no priority to energy efficiency, and placing a risky all-in bet on natural gas. The utility says it has already met the minimum requirements of Montana's Renewable Energy Standard and sees no reason to do more, even though renewable energy is currently one of the cheapest and least risky sources of electricity. Similarly, energy efficiency is the cheapest source of energy, but NorthWestern has yet to make any serious investments to unlock its potential. In terms of significant new generation, the utility sees only new natural gas plants over the next 20 years.

MEIC submitted official comments to the PSC rebuking NorthWestern for not placing any priority on low-cost, high-return efficiency and demand management actions, as well as planning no new investment in wind and solar generation. MEIC's comments can be found in full at <http://meic.org/issues/montana-clean-energy>.

In addition, over 300 MEIC members and supporters sent in comments supporting wind, solar, and efficiency measures through the fun new online tool called PicMyEnergyMix. Thank you to everyone who participated! The tool is still live and can be found at [www.picmyenergymix.org/montana](http://www.picmyenergymix.org/montana). It allows you to see Montana's current fuel sources for electricity and to create your own vision for Montana's energy future, which is forwarded to the PSC. Check it out!

### Community Renewable Energy Projects

In an effort to ensure local ownership of renewable energy projects, the Montana's Renewable Energy Standard (RES) has a provision requiring NorthWestern and Montana-Dakota Utilities (MDU) to cumulatively acquire 75 megawatts of electricity capacity from

Community Renewable Energy Projects (CREPs). Eligible projects must be less than 25 megawatts in size and have a local owner. MDU is in compliance with this CREP requirement while NorthWestern is not. In fact, in NorthWestern's 20-year resource plan discussed above there is not even any mention of how it will come into compliance.

Rather than comply with the law, NorthWestern has asked for and received waiver after waiver from the PSC to avoid paying the penalty it would otherwise be charged for its failure to comply. Now NorthWestern is trying to have CREPs tossed out altogether, asking the PSC to rule that because it has met the RES's requirement for 15% clean energy by 2015 it does not have to comply with the CREPs requirement.

While CREPs and the RES are related, they are two distinct requirements designed to accomplish different outcomes. Further, there is a real question about whether the PSC has the authority to strike down this legislative requirement. MEIC has submitted comments opposing NorthWestern's request on both of these issues.

Rather than try to weasel out of its clean energy obligations, NorthWestern should be taking a leadership position on this opportunity to build a cleaner, cheaper energy future for Montana. MEIC will continue to encourage the company and the PSC to make that future a reality. ☺



*Solar installation on a home in Helena.*

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MEIC's purpose is to protect Montana's clean and healthful environment. The words "clean and healthful" are taken from the Montana Constitution, Article II, section 3 - Inalienable Rights, which begins: "All persons are born free and have certain inalienable rights. They include the right to a clean and healthful environment . . ."

**Down to Earth** is  
published quarterly.  
This issue is  
Volume 42, Number 3.



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## **CHANGE SERVICE REQUESTED**

# Join us for MEIC's Rendezvous!

Join us on Saturday,  
September 10th for our  
annual Rendezvous!

Lindley Park, Bozeman. \$10 per  
person. RSVP: 406-443-2520

3:00 - Doors Open

3:30 - Program Begins

- Updates on MEIC's accomplishments and activities.
- Presentation of MEIC's 2016 Conservationist of the Year Award.
- "Renewable, Sustainable, Achievable" by Kathy Hadley, of the National Center for Appropriate Technology.
- Updates from a representative for U.S. Senator Jon Tester.

4:30 - Happy Hour

5:30 - Dinner

Beer and wine, live music from the Bridger Creek Boys, silent auction.

Local pig roast with side dishes and dessert, fun with MEIC friends and staff.



*Bridger Creek Boys*