

# Down to Earth

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NEWS FROM THE MONTANA ENVIRONMENTAL INFORMATION CENTER



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## Vote FOR I-186 in November

by Derf Johnson

Cover Photo: East Rosebud Creek. Photo by Michael Downey.

This November, Montanans will have the opportunity to vote on a ballot initiative (I-186) that will help to address a chronic problem in the mining industry: acid mine drainage. Acid mine drainage is a geochemical process that frequently occurs during mining and results in toxic water that must be treated forever. The Montana landscape is littered with examples, both historic and modern, of mines leaching acid mine drainage and other heavy metals. Unbelievably, the Montana Department of Environmental Quality (DEQ) does not currently have the legal grounds to deny a hardrock mining permit even though a mine will cause perpetual pollution and require the perpetual treatment of water.

I-186 would require DEQ to deny a new mining permit unless it finds through clear and convincing evidence that the mining operation would not cause pollution that would require perpetual treatment. I-186 would give DEQ the legal tools necessary to avoid the environmental disasters of the past. With I-186, DEQ will have the authority to prevent Montana from having to address another disaster such as those that have occurred at Zortman/Landusky, Beal Mountain, and the Berkeley Pit. If the initiative passes,

places such as the Smith River and the Paradise Valley north of Yellowstone, both being locations that are threatened by proposed mines, will be protected from high-risk mining activities.

Importantly, I-186 was specifically drafted to exclude currently operating mines. What this means is that not a single current mining job will be lost if I-186 is enacted. Montana Resources in Butte, the Golden Sunlight Mine outside of Whitehall, and the Stillwater Mine near Billings will all continue to operate under their current mining plans, including any future amendments. Unfortunately, the mining industry has resorted to scare tactics and fabrications on this point.

The egregious omission in the law, which has allowed perpetual pollution at hardrock mining sites, has had major consequences for Montana's clean water and for Montana taxpayers. Take, as just one example and there are many others, the Zortman/Landusky mine east of Havre. The mining company that operated the mine went bankrupt, and water treatment for the acid mine drainage will be required in perpetuity. As of 2016, a total of \$73 million has been spent on reclamation and water treatment at this mine, with no end in sight. Of the total, roughly \$26 million has been paid for with State or federal funds. Approximately \$2 million will be required annually in perpetuity to treat the contaminated water at this one mine.

In fact, Montana has nearly 10,000 miles of rivers and streams that are classified as being acidic or containing heavy metals such as lead, arsenic, and mercury. That pollution, caused by irresponsible mining practices, costs Montana taxpayers millions of dollars each year.

Most recently, the mine permit for Montana Tunnels, a mine in Jefferson County, was suspended in early June, leaving Montanans once again facing

clean-up costs. The permit was suspended because the mining company was unable to pony up the cash for an increased bond. DEQ had recalculated the amount needed because of the dangerous and hazardous deterioration in the open pit mine. It is likely that taxpayers will now be responsible for at least \$15 million in clean-up costs plus the hefty price tag for creating a new streambed for Clancy Creek, which, for the last decade, had been diverted into a black plastic pipe that runs for hundreds of yards along the wall of the pit. Clancy Creek is a tributary of the Missouri River and important habitat for dwindling populations of westslope cutthroat trout.

A broad coalition of environmental and recreation-focused groups decided to move forward with I-186 after the Montana legislature, under pressure from the mining industry, repeatedly failed to act. In fact, in the 2015 and 2017 legislative sessions, bills were introduced

that would have made changes very similar to the provisions of I-186, but both bills were tabled in committee. That is why the groups are bringing this simple but thoughtful solution to the voters.

The Montana Secretary of State has certified that I-186 has qualified for the November 2018 ballot, after the coalition supporting the initiative submitted over 46,000 signatures – far more than the 25,000 valid signatures that are required.

To learn more about the initiative and to make a donation in support of it, either go to [www.yeson186.org](http://www.yeson186.org), or make a check out to YES for Responsible Mining and mail it to P.O. Box 1524, Great Falls, MT 59403.



Photo by Michael Downey.

Fisherman on the Smith River. Photo by B. Pfeiffer.



## Court Hearing Set in “Bad Actor” Case

by Jim Jensen

Helena State district Judge Mike Menahan has set a hearing on September 17, 2018, for the challenge by Hecla Mining Co. of DEQ's recent action against Hecla and its president and CEO Phillips Baker.

Hecla is the company that owns the proposed Rock Creek and Montanore mines, which would be located beneath and adjacent to the Cabinet Mountains Wilderness. Hecla also owns the closed Troy Mine.

Hecla sued DEQ after the agency notified the company that it was in violation of the State's so-called “Bad Actor” provision of the Metal Mines Reclamation Act. Menahan has already ruled on some of the procedural motions in the case, but several substantive motions back and

forth between the parties are still to be decided.

DEQ's action was taken after it received a letter from MEIC and several other environmental groups alleging that Hecla and Baker were in violation of the “Bad Actor” provision.

In retaliation, Hecla announced this Summer that it was curtailing most reclamation activities at the long-troubled Troy mine. It did so while at the same time saying that its reclamation work at Troy was an example of the company's stellar corporate responsibility culture.

Based on their direct involvement in the case, the environmental groups were granted intervenor status and are fully participating in support of DEQ. The organizations are represented by the Northern Rockies office of Earthjustice.

## Trump Administration to Increase Air Pollution and Greenhouse Gas Emissions

by Anne Hedges

As fires burn at a record pace across the West, Montanans once again breathe foul air, Glacier Park once again is evacuated, and Missoula sets a record for longest dry spell in its history, the Trump Administration is planning to allow an increase the amount of carbon dioxide pollution from coal plants that goes into the atmosphere, under the guise of regulating climate changing pollution.

President Obama's Clean Power Plan was intended to reduce carbon dioxide pollution

meet or exceed that reduction target. But the twisted political dynamic of today dictates that lies and corporate profits trump (pardon the pun) everything else. And that's exactly what happened when the Trump Administration announced a replacement for the Clean Power Plan in late August 2018.

Trump's replacement for the Clean Power Plan is cynically titled the Affordable Clean Energy Plan, but it is none of those things. The new Plan includes no reference to clean energy – and is likely to stymie the development of clean energy resources. It will make electricity more expensive for consumers. And it isn't a plan; it's a free-for-all.

Perhaps the most disturbing part of Trump's Plan (which is a proposed rule or regulation) is a section that is wholly unrelated to climate change. Instead it is the personal pet project of the former coal and oil and gas industry attorney William Wehrum, who is now head of EPA's air office. The provision would allow coal plants to escape long-standing permitting requirements for harmful pollutants other than carbon dioxide. Wehrum argued as an industry attorney, and now as an EPA official, against the current rules that require old and highly polluting coal plants, which were "grandfathered" in the 1970 Clean Air Act, to install better pollution controls when the plants are modified. The new proposal would amend this requirement and allow these old plants to continue to operate without having to modernize and lower emissions of harmful air pollutants such as particulates and sulfur dioxide. In short, it is a gift to the coal industry and coal-burning plants, that will accelerate climate change, and subvert the purposes of the Clean Air Act.

The proposed rule largely relies on states to establish their own limited carbon dioxide regulations for coal plants. States have long

*continued on page 14*

A very active fire on Howe Ridge, Glacier National Park, on August 12, 2018. Photo by National Park Service.



from the nation's leading source, coal-fired power plants, by 32% by the year 2030. The Plan wasn't terribly ambitious, and many states were already, and remain, on target to

## Colstrip Shut Down Temporarily – Again

by Anne Hedges

What happens when a huge coal-fired power plant has to be shut down unexpectedly? Do the lights flicker? Are there rolling brownouts, or worse yet, blackouts? Or could the answer be as simple as, nothing really happens.

On June 28 and 29, 2018, the two largest units of the Colstrip coal-fired power plant were shut down because they had failed to pass an important test for toxic air pollution. Every three months the plant must conduct this test to prove that it is not putting dangerous levels of toxins such as arsenic, lead, selenium, and cadmium into the air. Usually Colstrip's two smaller and older units exceed the limit, but because their emissions are averaged with emissions from the larger Units 3 and 4, the whole plant passes the test. Until now.

Units 1 and 2 were shut down for the second quarter of 2018, probably because 2018 was a high water year with a lot of cheap hydro-electric power available on the market. That meant Units 3 and 4 had to pass the toxic emissions test on their own. In the past that wouldn't have been a problem since Units 1 and 2 are usually the dirty ones. The reality is that Unit 1 has only met the emission limit once, Unit 2 meets it less than half of the time, Unit 3 always passes, and Unit 4 has failed the test twice in 2018. In the past, the average of these toxic emissions at the four units have squeaked in below the limit each quarter. But not anymore.

Units 3 and 4 have not operated since late June 2018 (as of the writing of this article), except when started up to try to determine the cause of the problem. Units 1 and 2 are apparently going full tilt as the demand for electricity is always at a high in Summer months.

Despite having an abysmal emissions record in the past, Units 1 and 2 are allowed to operate unless their next quarterly tests show they are violating the limit for hazardous air pollutants.

Not surprisingly, the third quarter emissions test for Units 1 and 2, which are usually done in July and August, have been put off until the end of September.

The net result of all of this is that about 1,500 megawatts of electricity went off line during the time of peak Summer electricity demand. The good news is that the lights in Seattle, Portland, and Montana stayed on. The tired old argument that these dirty old coal plants are needed because they are reliable is undermined by this breakdown and other long-term breakdowns that have occurred in the past decade. Colstrip Units 1 and 2 were built in the mid-1970s and predicted to last 30 years. Colstrip Units 3 and 4 were built in the early 1980s and were predicted to last about 40 years. Just like any other 30-40 year old equipment, these plants seem to be breaking down right on schedule. Let's hope that NorthWestern doesn't again try to unfairly pass the costs of this shutdown on to its customers. Paying even more for NorthWestern's most expensive source of electricity is hard to stomach, and adds financial insult to environmental injury caused by the plants' operation.

*"The tired old argument that these dirty old coal plants are needed because they are reliable is undermined by this breakdown and other long-term breakdowns that have occurred in the past decade."*

Colstrip Plant.



## Protect Montana's Water – Comment on Proposed Fracking Rules

by Derf Johnson

The practice of hydraulic fracturing, or fracking, continues to threaten Montana's air and water. The chemicals used in the process can harm ground and surface water quality, and the venting and flaring of unwanted gases from oil and gas development pollutes the air with toxic chemicals and exacerbates climate change.

*"Currently companies can claim a secret trade exemption... on fracking chemicals, without any evidence or justification."*

Fortunately, the Montana Board of Oil and Gas Conservation (BOGC) has recently initiated a rule-making process that will help to protect water quality and the landowners living next to oil and gas fields. The proposed rule, which amends existing rules, will change how the State of Montana provides access to information about the chemicals used in fracking operations.

The proposed rule revamps the trade secret provisions in the existing rule. Currently companies can claim a trade secret exemption (meaning that there will be no disclosure of the chemicals that are being used in the

Powder River Valley.



process) on fracking chemicals, without any evidence or justification. In fact, there is no independent review or analysis of claimed trade secret exemptions to verify their legitimacy. If the proposed rule is adopted, companies would have to submit detailed information to the BOGC to provide justification for the exemption. The new rule will also no longer allow chemical disclosure information to be "generic," but rather would require the specific ingredients for each well to be disclosed, including the Chemical Abstract Service (CAS) number.

As helpful as the proposed rule is, it lacks some very important protections. Most significantly, it does not provide for reasonable notification to adjacent landowners so that they may have their water tested in advance of fracking activities, in order to acquire baseline data. Without that information, there is no way for them to know whether fracking operations have impacted their water quality. For the proposed rule to be helpful to adjacent landowners, and to meet the standards of surrounding states, it should be amended to include this sensible notification requirement.

If you're concerned about public health and water quality in Montana, MEIC urges you to submit comments to the BOGC on the proposed rule by the September 24th deadline. You can submit written comments to [mtogpub@mt.gov](mailto:mtogpub@mt.gov), and you should reference "Hydraulic Fracturing Rulemaking." Additionally, the BOGC will be holding a public hearing in Billings on September 17, 2018, at 2:00 PM on the proposed rule, where you can make comments in person. The address for the hearing is 2535 Saint Johns Avenue, Billings, MT, 59102. If you need more information, contact Derf Johnson at [djohnson@meic.org](mailto:djohnson@meic.org).

## Court Sides with MEIC and Protects NorthWestern Energy Customers

by Anne Hedges

The Colstrip coal-fired power plant is unreliable, but that doesn't mean that NorthWestern Energy's (NWE) customers must automatically pay more when it breaks down. In late July 2018, a state district court in Billings protected those customers from having to pay an extra \$8.2 million for the six-month breakdown of the plant in 2013. The court completely disagreed with NWE that the Montana Public Service Commission (PSC) had committed numerous errors when it sided with MEIC and the Montana Consumer Counsel (MCC) and refused to let NWE charge its customers for the added cost of purchasing electricity on the open market during the long plant outage.

MEIC, through its counsel Earthjustice, argued before the PSC that NWE failed to act prudently when it billed its customers for the purchase of replacement electricity, even though customers were already paying the costs of the Colstrip plant as if it were operating. Ultimately the PSC agreed that NWE should have at least investigated whether it should buy insurance to protect against such breakdowns. It also agreed that NWE should have considered whether the contractor who conducted the work that probably led to the breakdown should have been held liable. It appeared to MEIC, MCC, and the PSC that NWE was simply in the habit of charging customers instead of engaging in due diligence to protect them.

NWE challenged the PSC decision in state court. MEIC and MCC intervened

to protect consumers and defend the PSC's decision. The court took over a year to issue its decision, but the judge demonstrated that he had taken that time to carefully review each allegation by NWE and to analyze in detail the legal merits of each. His conclusion was that NWE was wrong on every one of its allegations.

NWE can appeal the decision to the Montana Supreme Court, but such an appeal would seem like folly, based upon the thorough and thoughtful decision of the judge. It's time for NWE to stop treating its customers like a bottomless piggy bank that will pay indefinitely for NWE's errors of judgment and to run an old, expensive, and unreliable coal-fired power plant.

*"It appeared to MEIC, MCC and the PSC that NWE was simply in the habit of charging customers instead of engaging in due diligence to protect them."*

Clean Energy protest at NorthWestern Energy's Butte headquarters.



# MEIC's 2018 Board of Directors Election

## Cast your ballot today!

It's time for the annual MEIC Board of Directors election. This year we have four incumbent directors and one new candidate running. Please vote. It may seem like a formality, but it is an important part of keeping MEIC a viable and healthy 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 October 5, 2018.

Thank you for your participation.

**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.

**David (Kim) Wilson, Helena, MT**



I've been a member of MEIC for over thirty years. In the late 1980s and early 1990s, I served on the Board for four years, and four years ago, I returned to the Board. In the interim, I have represented MEIC in numerous lawsuits seeking to protect and expand our constitutional right to a clean and healthful environment.

I am asking for your support for a third consecutive term (5th overall) on the MEIC Board. MEIC is unique among Montana environmental groups in its willingness to take on big issues on behalf of its members and the citizens of Montana: MEIC is a nationwide leader in addressing climate change, through policy advocacy and aggressive litigation; MEIC works daily to make Montana a more energy efficient place to work and live; and MEIC is the ONLY organization that holds the Montana Legislature's feet to the fire by protecting environmental interests against corporate assault and governmental inaction.

**Steve Gilbert, Helena, MT**

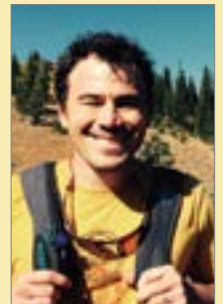
Montana's constitution gives us the right to a clean and healthful environment. MEIC is the only environmental organization in Montana working every day to safeguard that right. I am thankful for their tenacity in the daily battles with those who would trade our clean air and water for fat paychecks. I am proud to have been an MEIC member and member of the Board for many years, and would like to continue my support through the Board as long as you'll have me.



**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 in order to fulfill our constitutional right to a clean and healthful environment through the judicial system.



**Kathy Juedeman, Helena, MT**

I grew up in the South, and have lived in Houston and New Orleans, where I supported historic preservation, local food and farming, and reuse and repurposing organizations. My family was displaced from New Orleans by Hurricane Katrina in 2005, which increased my personal focus on climate change and community resilience. I was introduced to Montana soon after meeting my husband in the mid-1980s, whose family lives and ranches here. Since then we've come to Montana several times a year to help with harvest, calving, and other farm and ranch activities, as well as for camping and hiking. I am still continually awestruck and inspired by the landscape and wildlife here. We moved fulltime to Montana in 2015, upon my retirement.

I worked in the energy industry for 32 years. My career included broad experience in management, Project Management, and a background in global information technology. I have been a supporter of MEIC since the 1990s, and intend to be a strong advocate for advancing Montanans' right to a clean and healthful environment.

It would be a privilege to serve on the MEIC Board.



# It's late September and I really should be ... participating in a rate case!

by Brian Fadie

Beginning in late September 2018, an important decision-making process will begin at the Montana Public Service Commission (PSC) – one that could greatly influence the future of coal and clean energy in Montana, as well as rates for NorthWestern Energy (NWE) customers. It's called a general electric rate case for NWE and it will be one of MEIC's top priorities over the next 12 months.

But what the heck is an electric rate case and why is it important?

### The Basic Process

At its core, a rate case is about determining the prices (or rates) utility customers pay for electricity. Customers are supposed to be charged enough so that the utility can recover the costs of providing the electricity and, in the case of a for-profit, investor-owned utility such as NWE, earn a "reasonable" profit (often between 8% and 11%). Here is a very simplified outline of

the process:

1. In order to determine how much customers need to pay, a utility lays out for the PSC all of its costs of doing business. This includes everything from how much the coal that is burned at the Colstrip plant costs to the printing costs for paper bills mailed to customers.
2. The PSC reviews these costs and decides which ones are prudent enough that customers should pay for them, and which may be imprudent enough that the utility's

shareholders should cover them.

3. When all of the prudent costs of providing electricity have been established, the PSC then sets the profit margin to be earned on top of the costs. Notably, because the amount of profit is dependent on the amount of costs, the utility has an incentive to try to spend as much as it can get away with, because the greater the total costs, the greater the total profit.

4. The PSC then sets the rates for the different customer classes (e.g., residential, commercial, irrigation, street lighting) in a manner that aligns with the costs each class causes for the utility. The goal is to allocate costs to the different customer classes so that each class is paying enough to cover the costs that it causes.

Montana law requires the PSC to issue a decision within nine months of receiving the utility's rate case filing. However, the consequences of missing this deadline are slight, opening the door for the PSC to take additional time. This means that if NWE files the rate case in September 2018 as expected, a PSC decision could come around June 2019, or perhaps a month or two later.

### The Relevance to Coal and Colstrip

The rate case presents an opportunity to protect NWE's customers from Colstrip's high costs and risks. Here's how.

NWE owns a 30% share of Colstrip Unit 4. Currently, every other owner of Unit 4 has either agreed, proposed, or is required by law, to write off (i.e., depreciate) all of their investment in Colstrip by 2027 or 2030. After then they will have no incentive to keep the plant operating and will be financially ready to close it. In contrast, NWE's depreciation deadline is 2042. If the Colstrip plant closes before then, as a result of the decisions of the other owners, NWE will still be depreciating the plant, and

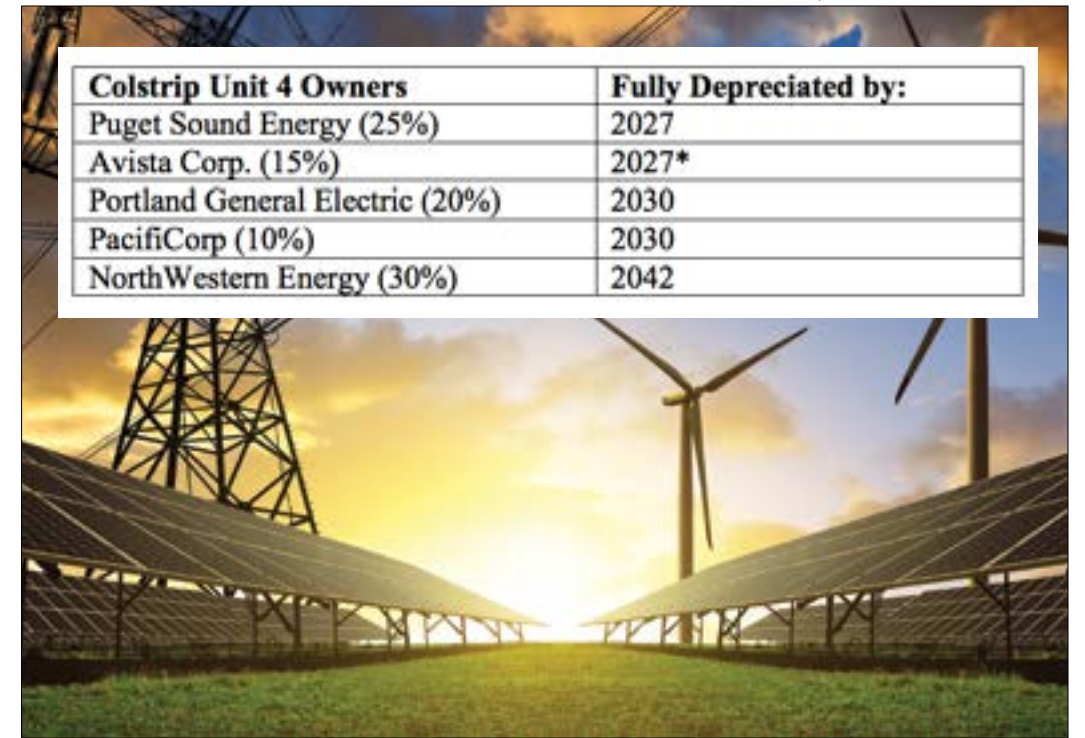
its customers will be stuck paying for a power plant that is not producing electricity.

Colstrip is also the most expensive source of electricity for NWE customers. Meanwhile, electricity generated by wind (and solar) costs much less than Colstrip's. Put simply, NWE customers are paying much too much for electricity when Colstrip is the source. Replacing it with low-cost wind- and solar-generated electricity, and energy efficiency measures, would save customers money.

Colstrip (see article on page 7) also breaks down. A lot. These breakdowns can reasonably be expected to continue, given that the design life of these 1985-vintage units was 40 years, meaning they are breaking down right on schedule. These breakdowns are costly and present a significant risk to NWE and its customers.

All of this makes it extremely important that NWE customers are protected from the high costs and high risks of Colstrip-generated electricity. The rate case is an opportunity to do this by having NWE depreciate its outstanding investment in the plant by 2027, just as other Colstrip owners are doing.

Furthermore, a rate case is an opportunity for NWE to follow the lead of the other Colstrip owners and provide money to aid the community of Colstrip in its transition away from its dependence on coal. Puget Sound Energy and Avista Corp. have already agreed to community transition funding of \$10 million and \$4.5 million respectively. As the home-state utility, the rate case would be a good time for NWE to do the same.



### The Relevance to Clean Energy

As another issue in the rate case, the PSC may take a look at the net-metering policy arrangement for rooftop solar customers. Anti-clean energy utilities in other states have sometimes used rate cases to try to discourage current and future rooftop solar customers. They do this by trying to increase the monthly fees for rooftop solar customers and/or by trying to decrease the amount these customers are compensated when they send their excess electricity to the grid (electricity that the utility turns around and sells to their neighbors at full price).

It remains to be seen whether NWE will continue its attacks on rooftop solar customers in the rate case. If the company's past behavior is any indicator, then that seems likely.

### MEIC Will Be There

MEIC plans to intervene in the rate case, and to fight for customer protections against the high costs and risks of Colstrip, and to defend rooftop solar policies from any harmful changes.



Photo by Michael Downey.

## Tom Schneider to Receive MEIC's Highest Award



Tom Schneider.

by Jim Jensen

**M**EIC's Board of Directors has voted to select Tom Schneider, a former member of the Montana Public Service Commission (two stints!) and longtime energy efficiency and renewable energy advocate to receive MEIC's highest award – the Conservationist of the Year.

A Philipsburg native, Tom has a degree in petroleum engineering from Montana Tech. He has provided invaluable expert assistance to help low income households, and has advocated for the clean-up of Montana's energy

system for a transition to cleaner energy. He has most recently been directly involved in the creation of the Montana Renewables Development Action Plan. That's a boring title, but the document is a critical effort that should help facilitate the development of Montana's renewable energy resources.

Schneider may be best known, however, for his passion for fly fishing on Rock Creek. In the Row v. Wade world, he is definitely a crusader for Wade.

### MEIC Conservationist of the Year Award Recipients

1978	Lee Metcalf	2005	Tom Roy
1979	K. Ross Toole	2006	Denise Hayman, Jennifer Swearingen, and Kris Thomas
1980	Clancy Gordon	2007	Tom Power
1981	Les Pengelly	2008	Art Hayes, Jr.
1982	Jim Posewitz	2009	Christine Kaufmann
1983	Arnold Bolle	2010	Ken Toole
1984	Art Shelden	2011	Jack Stanford and Bonnie Ellis
1985	Ron Erickson	2012	Steve Running
1986	Jim Goetz	2013	Wallace McRae
1987	Donna Metcalf	2014	Steve Thompson
1988	A.B. Guthrie, Jr.	2015	Stewart Brandborg
1989	Pikuni Traditionalist Society	2016	Roger Sullivan
1990	Len and Sandy Sargent	2017	Steve Gilbert
1991	Doris Milner		
1992	Bob Raney		
1993	Loren and Mary Kreck		
1994	Don Marble		
1995	Robin and Phil Tawney		
1996	Pat Williams		
1997	Joan Toole		
1998	Francis Bardanouve		
1999	(None)		
2000	Gene Sentz		
2001	(None)		
2002	Steve Doherty		
2003	Terry Trieweiler		
2004	Janet Ellis		

*2017 Conservationist of the Year Award recipient, Steve Gilbert, with his son Malcolm, at the MEIC Christmas Party in Helena.*



## Low Cost Wind and Energy Projects in the Works

by Brian Fadie

**I**n mid-August 2018, the developer of four new wind projects asked the Montana Public Service Commission (PSC) to help move them forward by setting contract terms for the projects with NorthWestern Energy (NWE). The four projects – called Beaver Creek 1, 2, 3, and 4 – would each be 80 megawatts in size and would be located in Sweet Grass and Stillwater Counties.

If all four projects are built, the combined 320 megawatts would more than double NWE's current wind capacity of 288 megawatts.

Importantly, the projects would include battery energy storage, giving them the ability to produce on-demand energy. These would be the first renewable energy projects in Montana with battery energy storage, marking a major step forward in renewable

energy technology.

The PSC has six months to determine how much the projects will be paid for the electricity generated (that rate is known as the "avoided cost" rate for NWE). The developer has proposed a rate of about \$30 per megawatt hour. It is likely that the PSC will set a rate lower than this, so these projects will easily generate electricity at less than half the cost of Colstrip's coal-fired electricity, which is \$74 per megawatt hour.

The developer has agreed to use local workers for construction and to pay prevailing wages.

These projects are seeking contracts under the Public Utilities Regulatory Policy Act (PURPA), a law that has become a key driver of clean energy in Montana, and that MEIC has staunchly defended from attacks at the legislature and the PSC.

## EPA News: Pruitt Is Gone, but His Replacement May Be Worse

by Anne Hedges

Scott Pruitt, the scandal-ridden director of the U.S. Environmental Protection Agency, resigned from his position in July 2018. There were many valid reasons why he had to go: his absurd spending habits (including a sound-proof booth in his office); his shady dealings with industry lobbyists; the fact that he deleted controversial events from his public calendar; and so much more. Pruitt should actually have been fired for many substantive reasons, including his gutting of climate change programs as well as clean air and clean water regulations. Regardless of the reasons for his departure, however, his resignation was met with resounding applause from public health

and environmental advocates.

Unfortunately, Pruitt's replacement is no better. Andrew Wheeler is a former lobbyist for the coal and uranium mining industries. He lobbied against rules that would have prevented coal companies from dumping waste into streams. He worked to shrink the Bears Ears National Monument for the benefit of the uranium mining industry. He worked for the notoriously anti-environment Sen. James Inhofe (R-Oklahoma) to weaken the Clean Air Act. Wheeler's long history of arguing in favor of deregulation does not bode well for public health and the environment.

Furthermore, he has strong ties to the very industries that his agency is supposed to regulate. This should come as no surprise

*continued on page 14*

## EPA Transition *(continued from page 13)*

considering that Dow Chemical's "Dioxin Lawyer" is now in charge of the Federal



Valley of the Gods, Bears Ears National Monument. Photo by Flickr user Bob Wick, BLM.

Superfund program, that an oil, gas and coal industry attorney is now head of EPA's air program, that EPA's chemical safety program is now run by a former employee of the American Chemistry Council (whose membership list reads like a who's who of industrial polluters), and that a lobbyist and lawyer for the American Petroleum Institute is an advisor to EPA chief on renewable fuels policy. The Trump Administration doesn't see any conflicts of interest in these appointments, so it's no surprise that Trump has tapped Andrew Wheeler, long-time energy lobbyist, to lead the EPA.

## Trump Administration *(continued from page 4)*

been allowed to establish their own regulations but they haven't done so. Claiming now that allowing them to do so will somehow magically limit carbon dioxide pollution, defies logic – and history.

The rule is a sham, but what's worse is that EPA's own announcement of the rule is accompanied by a 289-page document that details the potential health impacts of the proposed rule. In it, EPA acknowledges that:

"implementing the proposed rule is expected to increase emissions of carbon dioxide (CO<sub>2</sub>) and increase the level of emissions of certain pollutants in the atmosphere that adversely affect human health. These emissions include directly emitted fine particles sized 2.5 microns and smaller (PM<sub>2.5</sub>), sulfur dioxide (SO<sub>2</sub>), nitrogen dioxide (NO<sub>x</sub>), and mercury (Hg). SO<sub>2</sub> and NO<sub>x</sub> are each a precursor to ambient PM<sub>2.5</sub>, and NO<sub>x</sub> emissions are also a precursor in the formation of ambient ground-level ozone."

The new proposal is so cold-blooded that EPA even admits that it could result in increased pollution and subsequent harm to public health as well as lead to an additional 1,400 deaths per year.

### As a sidelight, will Trump's Proposal save Colstrip?

No is the answer. Colstrip Units 1 & 2 will close no later than mid-2022 under a court-ordered agreement between MEIC and the owners. As for Units 3 and 4, nearly all of Colstrip's owners are planning for a financial exit from the plant in the late 2020s. Market shifts, less expensive renewable energy, and customer demand are driving decisions about the Colstrip plant. Colstrip is already one of NorthWestern Energy's most expensive sources of electricity. The proposed rule won't make it less expensive. It will just allow it to continue to spew enormous volumes of air pollution each year. The future of Colstrip will be largely determined by decision makers in other states, who are responsible for making prudent decisions on behalf of utility customers. Further investments in an old plant that breaks down frequently simply will not be considered prudent. And no falsely named rule, which will be tied up for years in courts, is going to change that.

## Thoughts from the Executive Director

by Jim Jensen



### Ryan Zinke is a Skunk

"Nixon is a shifty-eyed goddamn liar. He's one of the few in the history of this country to run for high office talking out of both sides of his mouth

at the same time and lying out of both sides." (President Harry Truman)

This ruthlessly truthful assessment of Richard M. Nixon comes to mind every time I see or hear Interior Secretary Ryan Zinke's name. Why you might (or might not) ask?

One reason is that Zinke is under a federal ethics investigation for a sweetheart land deal in Whitefish, Montana, with a former Halliburton executive.

Another reason is that in mid-August it was discovered that Zinke's Interior Department was proposing to sell public lands formerly in the Grand Staircase-Escalante National Monument. Not coincidentally, one of the parcels is adjacent to land owned by Utah state legislator and Trump/Zinke booster Mike Noel (R-Kanab).

But wait, Zinke has consistently and publicly said he would never sell public lands. Oops, pants on fire.

And yet another reason is that it has now come to light that Zinke has hired a crony to review all scientific grant proposals funded by the Interior Department to make sure they do not legitimize global warming.

The person who has been assigned to lead this political (i.e., not impartial or scientific) review of research proposals is Steve Howke. He is an adviser to the Acting Assistant Secretary of Policy, Management, and Budget – a "swampy" role and title if ever I heard one.

So what are Howke's credentials for screening scientific proposals for funding? Is he a scientist himself? A researcher? A staffer

familiar with grant proposals?

Well, not exactly. Howke is – and I am not kidding – an old football buddy of Zinke's. He went to school with Zinke from kindergarten through Whitefish High School, where they played on the team together. He considers Zinke a "close friend," and wrote a letter to the editor of the *Daily Interlake* from his home in Iowa in support of Zinke when he ran for the U.S. House of Representatives, extolling Zinke's virtue and his personal friendship.

And as for his qualifications, *The Guardian* newspaper reported that "Howke's highest degree is a bachelor's in business administration. Until Zinke appointed him ... Howke had spent his entire career working in credit unions."

Perhaps Zinke would like to have Howke reviewing research proposals for munitions and weapons for his beloved Navy Seals. Why not?

As we learned when Zinke was a Montana state senator, he initially ran as a climate hawk, but the sweet smell of petroleum and coal dollars turned him into a chicken hawk.



U.S. Congressman Ryan Zinke of Montana speaking at the 2016 Conservative Political Action Conference (CPAC) in National Harbor, Maryland. Photo credit Flickr user Gage Skidmore.

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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 . . ."





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## **CHANGE SERVICE REQUESTED**

# A Sad Farewell and an Enthusiastic Welcome

After 18 years of wonderful, dedicated work as MEIC's Development Director, Sara Marino has left MEIC's staff. Sara was instrumental in building MEIC financial stability and was just plain fun to work with. She and her family are now fulltime residents of Big Sky, Montana, where Sara, an avid mountain biker, skier, and hiker will be working for the Big Sky Community Organization, helping to make sure there will be excellent trails, and recreational and educational opportunities, for the public in the mountain hamlet. We'll miss her greatly.

But MEIC is incredibly lucky. We have hired Cari Kimball as our new Development Director. She has a Masters Degree in Environmental Studies from the University of Montana, was a founding member of the Missoula chapter of Montana Conservation Voters, and then worked two stints with MCV as a development assistant. For the past six years she has been

working in Flagstaff, AZ, primarily at Northern Arizona University. She has fulfilled a number of roles there, including working on the Landscape Conservation Initiative and at the Olajos-Goslow Endowment for Southwestern Environmental Science and Policy. Previously she was the Development Coordinator at the Golden West Foundation.

She (and her husband and 11-month daughter) is delighted to return to her native Montana and ready to help MEIC expand its membership and build its revenues to ensure a vibrant and healthy organization into the future.



*Longtime MEIC Development Director, Sara Marino.*

*New MEIC Development Director, Cari Kimball.*