

Down to Earth

NEWS FROM THE MONTANA ENVIRONMENTAL INFORMATION CENTER



IN THIS ISSUE

- 2 Helena is Ready for 100% Clean Energy
- 3 NorthWestern Plans to Buy More Colstrip
- 4 Independent Analysis Finds NWE Plan Flawed
- 5 Cabinet Mountains Mines
- 6 MEIC Fighting Climate Change
- 8 Colstrip Coal Ash Mess
- 9 Coal Mining Update

Cover Photo:
Protesters in
Helena at the
2019 Climate
Strike. Photo
by Gary
Marshall.

Supporters of
the Resolution
for 100% Clean
Energy in
Helena by 2030.

Hooray for Helena!

by Brian Fadie

On February 24th, the Helena City Commission voted unanimously to adopt a goal for the Helena community to be 100% powered by clean, renewable electricity by 2030. Helena joined the City and the County of Missoula, as well as the mayor of Bozeman, in setting this goal for their communities.

In September 2019, Helena community members launched the “Helena Ready for 100” campaign as part of the Global Climate Strike, when more than 300 local residents rallied on the front steps of the City-County Building

calling for climate action. At that time about 70 cities around the country had set similar goals of reaching 100% clean electricity by a certain year. When Helena adopted its goal, it became the 160th city to do so.

The resolution setting the goal was brought to the City Commission by a group of Helena citizens, including MEIC staff, who spent months working on the effort. As a Helena-based organization, MEIC staff helped lead the effort not just as advocates, but as community members as well (and we could not be prouder of our community!).

The resolution builds on other climate measures taken by the City, including the creation of the Climate Change Task Force in 2007, a statement of support for the Paris Climate Agreement, and the creation of a Citizens’ Conservation Board in 2017. The resolution also commits the City to assuring that benefits are equitably available to marginalized groups or populations in the Helena community, including low-income populations, Native peoples, and people of color.

The resolution also demonstrates to NorthWestern Energy, which provides electricity to Helena, that its customers want more clean energy, not continued reliance on fossil fuels such as coal or fracked gas. Additionally, more than 40 local businesses and organizations have signed a petition supporting the passage of the resolution (see box on page 18 for a listing).

continued on page 19



NorthWestern Energy's Climate Plan? Buy More Coal ... and Keep the Details Secret

by Anne Hedges

How can NorthWestern Energy pretend to care about global warming when it is trying to buy a larger share of the Colstrip coal-fired power plant? Simply put, it can't. Instead NorthWestern is "doubling down" on its oft-called "original sin" and trying to hide all of the important details regarding how much a larger share of the plant will cost ratepayers.

What was NorthWestern's original sin? In 2008, NorthWestern persuaded the Public Service Commission (PSC) to allow it to charge ratepayers an astronomical \$407 million over a 34-year period for a small share of Colstrip Unit 4. NorthWestern had paid just \$187 million the year before for that same share. Over the objections of the Montana Consumer Counsel, four PSC commissioners approved the deal (only then-commissioner Ken Toole voted no).

Fast forward to the present. The other plant owners, whose ratepayers and regulators are concerned about climate change and escalating costs, are considering closing the uneconomic and highly polluting plant. This is making NorthWestern desperate. If the plant closes, the company is at great risk of no longer making its huge profits. But, if it owns a larger share of the plant, perhaps it can keep the plant operating, regardless of whether it's bad

for ratepayers and the environment. NorthWestern failed to convince the 2019 Republican-controlled Legislature to force ratepayers to shoulder the undisclosed cost, so now it decided to see if the PSC will go along with its scheme.

In December 2019, NorthWestern announced its plan to buy more of Colstrip Unit 4. This would bring its total share of the 778-megawatt unit to 55%. Colstrip's smaller Units 1 & 2 permanently closed in early 2020. The larger Units 3 & 4 burn around 6 million tons of coal each year and emit about 10 million tons of carbon dioxide into the air. NorthWestern intends to keep this aging and highly polluting plant operating until 2042, thereby forcing its customers to not only pay off what remains of the \$407 million unwise investment at an 8.25% rate of return, but also to pay hundreds of millions of dollars to keep the plant operating.

NorthWestern claims to be buying the additional share of the plant for \$1



To get your own yard sign (as pictured here), contact the MEIC office. 406-443-2520 or meic@meic.org.

continued on page 12

NorthWestern Caught With Thumb on Scale Against Renewables and for Fossil Fuels

by Brian Fadie

In late 2019, hundreds of Montanans attended Public Service Commission (PSC) listening sessions to push back on NorthWestern Energy's latest 20-year "Resource Plan." Hundreds more sent the PSC written comments noting that NorthWestern's plan – which calls for building a fleet of expensive new fracked gas plants, continued reliance on coal, and no new renewable energy – contained significant flaws in its analysis. There were calls for stronger PSC oversight of NorthWestern because the plan seemed to have serious flaws. Now, it turns out, Montanans were right.

In mid-February 2020, a PSC-commissioned report by the independent

consulting group Synapse Energy Economics found that NorthWestern had significantly put its proverbial thumb on the scale against renewable energy and in favor of fossil fuels when conducting its analysis.

The PSC hired Synapse to review NorthWestern's Resource Plan to help the PSC to evaluate the plan (the PSC does not approve or deny the plan but issues comments that should influence NorthWestern's decisions on acquiring electricity resources). Clean energy advocates were not involved with Synapse's review in any way.

NorthWestern often tries to portray its analysis as a purely numbers-based process that is therefore impartial and should be trusted. It argues that a computer model selects the best power plants, not NorthWestern. But as the old saying goes: garbage in, garbage out. If you feed faulty numbers into a computer, you'll end up with faulty results.

The Synapse report concludes that NorthWestern not only fed faulty numbers into its computer model (PowerSimm), but it also put multiple restrictions on the computer analysis such that the it was "a foregone conclusion" that the Resource Plan would call for building new gas plants and for keeping Colstrip Unit 4 operating for 20 more years.

continued on page 14

Bozeman
citizens
attending
a public
hearing on
the Resource
Procurement
Plan.



Cabinet Mountains Mines Face Difficult Future

by Jim Jensen

Two mines proposed for development beneath the Cabinet Mountains Wilderness in northwest Montana continue to cause alarm for people concerned about water pollution, endangered species, and corporate responsibility. The mines are the Rock Creek Mine near Noxon and the Montanore Mine near Libby. Both are owned by the notorious Idaho-based Hecla Mining.

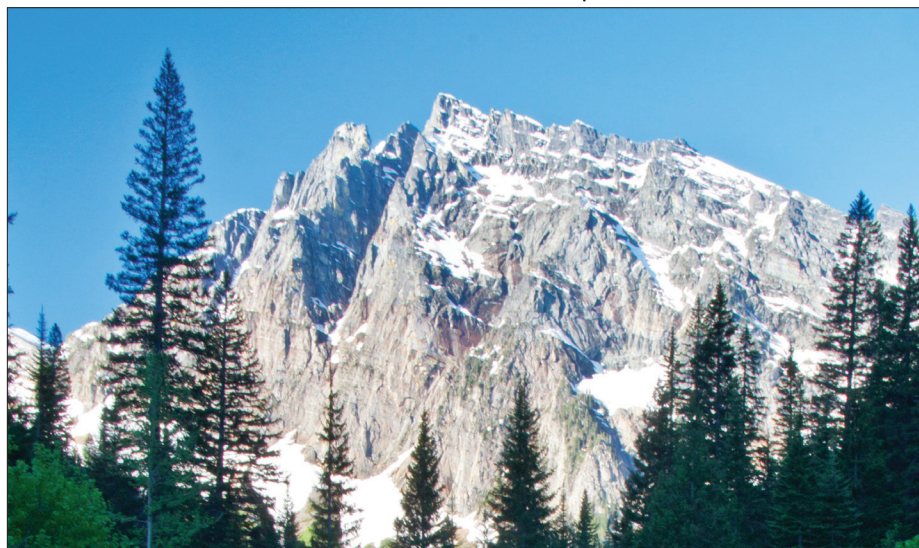
Here is an update.

In March 2018, the then-director of the Montana Department of Environmental Quality (DEQ), Tom Livers, notified Hecla that it was in violation of Montana's "Bad Actor" law because the company's president and CEO Phillips Baker was a former chief financial officer of the disreputable Pegasus Gold Corp. and all of its Montana subsidiaries. He held these positions up until a few weeks prior to Pegasus declaring bankrupt. The bankruptcy has cost Montana taxpayers millions in reclamation work at the company's Beal Mountain, Basin Creek, and Zortman/Landusky cyanide heap-leach gold mines and will continue to cost the State \$2 million per year in perpetuity. Hecla sued the State over the "Bad Actor" finding and the case is in district court awaiting procedural rulings. Meanwhile, under the "Bad Actor" law Hecla cannot move forward with exploration activities at either proposed mine site.

A Helena district court has also made

two significant rulings for MEIC and other environmental groups regarding these mines.

In 2019 the court tossed out Montanore's water pollution discharge



Cabinet Mountains.

permit. Judge Kathy Seeley found that DEQ's simple re-issuance of a 20-year-old permit that had been voluntarily tendered back to the State by a previous owner of the project was illegal. The Bullock Administration has appealed the ruling to the Montana Supreme Court.

In another important ruling, Judge Seeley ruled that a water use permit granted to the Rock Creek Mine was illegal because the Department of Natural Resources and Conservation (DNRC) violated State law by failing to take into account the harmful effects to "outstanding resource waters" in the Cabinet Mountains Wilderness that would be caused by use of the permit. Bullock's DNRC has also appealed this

continued on page 20

Fighting to Solve the Climate Crisis, One "Docket" at a Time

by Anne Hedges

Protesters in
Helena at the 2019
Climate Strike.
Photo by Gary
Marshall.

One important way MEIC is tackling the climate crisis is by challenging NorthWestern Energy's brazen attempts to undermine clean energy and "cook the books" on the benefits and costs of fossil fuels. NorthWestern continues to ask the

various cases in which MEIC is involved to fighting for a cleaner energy future:

- MEIC is challenging NorthWestern's request that the PSC approve \$7 million in extra charges to ratepayers for costs incurred due to Colstrip's 2018 breakdown and violation of air toxics safeguards under the Clean Air Act. For nearly three months the Colstrip plant violated the Clean Air Act by putting harmful levels of toxins into the air. During that time NorthWestern had to buy replacement electricity even though it was still charging its customers for the ongoing costs to operate the Colstrip plant. MEIC is challenging NorthWestern's request to collect the extra money from customers. The PSC will hold a hearing on the case starting on May 18, 2020.

- A State district court agreed with MEIC when we challenged a NorthWestern-requested, and PSC-granted, waiver from Montana's "Community Renewable Energy Projects" requirement. State law requires utilities to acquire a small portion of renewable energy from small, locally-owned wind, solar, and hydro projects. For years NorthWestern has requested, and been granted, waivers of this provision by the PSC. Earthjustice, on behalf of MEIC, challenged the waiver requests for 2015 and 2016. The district court strongly agreed with MEIC. NorthWestern has appealed that decision to the Montana Supreme Court. Briefing in the case is ongoing.

- A State district court agreed with MEIC last year in our challenge

continued on page 10



Montana Public Service Commission (PSC) for permission to systematically discriminate against clean energy. These requests to the PSC occur in what are called dockets. While NorthWestern tries to hamper the development of cheaper clean energy it, at the same time, is pushing for expensive fossil fuel power plants. There's only one way to push back on this 20th Century behavior and that is by challenging NorthWestern's proposals to the PSC. In each of these dockets NorthWestern tries to rig its analysis against its customers and the environment. Here's a rundown of the

Fighting Against Fossil Fuels and for Clean Energy – with One Hand Tied Behind Our Back

by Anne Hedges

When NorthWestern Energy goes to the Montana Public Service Commission (PSC) these days it seems either to want to force customers to buy more fossil-fuel-generated electricity or to artificially undercut clean energy. NorthWestern, as a regulated monopoly, must obtain permission from the PSC to buy or build new electricity-generating plants such as the additional 25% share of Colstrip plant (see article on page 3) if it wants customers to pay the costs of the plant. We want our members to know that MEIC is leading the charge opposing these unwise actions as well working hard to prevent NorthWestern from undermining clean energy.

Increasingly, MEIC must bring lawyers, experts, and evidence to the PSC to refute NorthWestern's bogus claims that buying more coal- or gas-generated electricity is good for the planet and its customers. And we need to push back when NorthWestern tells the PSC that solar, wind, and storage have little to no value, even as other utilities across the nation embrace these technologies. Someone has to speak truth to NorthWestern's distortions.

But when MEIC is working hard to counter NorthWestern's distortions in various PSC proceedings, we are hamstrung. We're working with "one hand tied behind our back." The PSC

acts as a judge in cases of this type and anyone legally and officially involved in a case can't lobby the judge. That means MEIC's involvement prevents us from asking you to tell the PSC what you think.

We understand why you might be frustrated when we give you updates on NorthWestern's lousy proposals but don't tell you what you can do to help stop them. We've always relied on our dedicated members to help us defend Montanans' right to a clean and healthful environment. Your efforts have been invaluable over the years! While every individual is free to contact their elected officials as they wish, we can't ask you to do so in many important cases in which we are fighting fossil fuels or arguing in favor of clean energy

continued on page 10

Protesters in Helena at the 2019 Climate Strike. Photo by Gary Marshall.



Will Colstrip's Contaminated Waters Ever Be Cleaned Up?

by Derf Johnson

Burning coal is a dirty business. There's no way around it. From mining to transportation to burning to waste storage – coal-fired plants are the dirtiest way to produce utility-scale electricity. One of the

Now the Trump Administration, at the behest of the coal and utility industries, is "hellbent" on reducing the very tepid protections that the previous administration put in place.

biggest problems with burning coal is that it creates large volumes of coal ash, a by-product that contains concentrated amounts of heavy metals and toxins such as arsenic, mercury, selenium,

chromium, and lead. Coal ash pollution is linked to very serious and even



A scene from Colstrip's coal ash ponds. Photo by Alexis Bonogofsky.

deadly health problems in humans, including damage to the nervous system, developmental defects in children, cardiovascular problems,

cancer, impaired vision, paralysis, and neurological damage.

Unfortunately, the federal government has abjectly failed to regulate the disposal and long-term storage of toxic coal ash. Even during the Obama Administration, the U.S. Environmental Protection Agency refused to list coal ash as a hazardous waste, which would have required additional protections to reduce exposure to humans, wildlife, and water.

Now the Trump Administration, at the behest of the coal and utility industries, is "hellbent" on reducing the very tepid protections that the previous administration put in place. In fact, it has launched four different attacks on federal coal ash regulations. Remarkably, the most recent proposed weakening of the rules would allow for coal ash to remain in unlined ponds and also allow utilities to extend the final closure, potentially by years, for coal ash impoundments.

Needless to say, the regulations on how coal ash is stored and disposed of are a critical issue for Montana. At the Colstrip coal-fired power plant, over 800 acres of coal ash impoundments store coal ash (and other toxic byproducts) at three separate locations. These impoundments have been leaking since their construction in the 1970s. Estimates of the amount of toxic effluent that is released annually into the surrounding soil and water table are as high as 200 million gallons.

continued on page 16

The Final Nail in Coal Mining's Coffin?

by Derf Johnson

As the dust finally settles on 2019, a few remarkable trends have become clear about coal-generated electricity in the United States and here in Montana. Most importantly, coal's share of generation is not just rapidly diminishing (by energy and utility timeline standards), but its share is being overtaken and replaced by cleaner sources of energy. The numbers really illustrate the changes that the energy industry across the U.S. and Montana is experiencing in dramatic fashion. In 2007, coal-fired power plants generated approximately 48.5% of the electricity in the U.S. By comparison, in 2019, a little more than a decade later, coal-fired generation fell to 23.5% percent.

This more-than 50% drop in coal-fired electricity generation has resulted in a corresponding decline in coal mining. In 2019, Montana coal companies mined approximately 33 million tons of coal, a 21.5% drop from 2011, a peak year for coal mining in Montana, when they mined over 42 million tons. This trend is not only remarkable, but one of the few success stories in the global race to reduce and eliminate greenhouse gas emissions.

However, in Montana coal companies apparently didn't get the message. Driven, apparently, by greed and operating under a parochial and outdated business model that doesn't take the well-being of humanity and importance of nature into account, they



Colstrip Power Plant.

are planning on some major expansions to their operations. It still remains difficult to replace the remaining 20% of coal-fired electricity with clean, renewable energy. Such a major change takes time, which is the one thing the world and its climate simply don't have. But it is clear that the efforts in this direction must continue, and it's up to MEIC and its members to assure that these mine expansions do not move forward. The transition away from coal must happen as fast and as smoothly as possible.

Here is an update on where things stand with Montana coal mines and what may come next.

Rosebud Mine

The Rosebud Coal Mine is Montana's second largest coal mine by volume, and the coal produced from its open pits is used solely to fuel the Colstrip power plant. The mine has caused irreversible damage to the streams, wildlife, and ecology of the prairie ecosystem in which it is located.

continued on page 17

One Hand Behind Back *(cont'd from p. 7)*

before the PSC.

It is essential for MEIC to be involved in these processes before the PSC, even if it means we can't ask for your help. But please know, we have your back.

If you need more reasons why we are involved, consider these facts.

- When NorthWestern wanted an extra \$8 million from its customers because Colstrip Unit 4 broke down for six months in 2013, we helped convince the PSC to make NorthWestern's shareholders pick up the tab.

- When the PSC allowed NorthWestern to violate two different renewable energy laws, our lawyers at Earthjustice again successfully defended your rights, and obtained court decisions that required NorthWestern

to treat renewable energy fairly.

- Last Fall, those same lawyers helped push back on NorthWestern's proposal to raise electricity rates because of escalating Colstrip costs, and to eliminate net metering for rooftop solar systems.

- And we are currently fighting NorthWestern's request to force its customers to pay an extra \$7 million because Colstrip Unit 4 violated the mercury and air toxics air pollution standards during Summer 2018.

It seems inescapable that MEIC must fight against NorthWestern's proposals in spite of the legal constraints placed upon us. We hope you agree. 🌱

Dockets *(continued from page 6)*

to NorthWestern's request that the PSC allow it to undercut the value of solar energy. When the PSC agreed, all large-scale solar development in Montana came to a stop. This case is often referred to as the "hot-mic" case because a PSC commissioner was caught on video saying that the PSC's decision in NorthWestern's favor would take care of the whole solar "problem." NorthWestern has appealed this ruling to the Montana Supreme Court. Oral arguments in the case were held on February 26, 2020.

- NorthWestern has requested the PSC to undervalue solar energy

so NorthWestern won't have to buy more of it. MEIC and Vote Solar, represented again by Earthjustice, are once more countering NorthWestern's bogus valuation of solar energy with expert testimony in the PSC docket. A hearing before the PSC is scheduled for May 11, 2020.

- NorthWestern's proposal to buy a larger share of the Colstrip plant. (See article on page 3). 🌱

There have been some delays in the release by the Montana Department of Environmental Quality (DEQ) of the Final Environmental Impact Statement (FEIS) and the Record of Decision (ROD) for the Smith River Mine. With luck, DEQ will follow science and the law and deny the permit application for the mine. It is very likely that the FEIS and ROD will be released this month (even potentially before you receive this newsletter). In all likelihood, DEQ will approve the permit for Sandfire to begin mining. No surprise there.

But don't fear – MEIC and its allies will take all necessary next steps, including possible litigation, once both documents are final. This fight is far from over. If you want to be alerted when the final documents are issued, sign up for our e-mail list at www.meic.org.

Coming Very Soon:
**DEQ Decision on
Smith River Mine**

NWE's Coal Expansion (cont'd from page 3)

but nothing could be further from the truth. The company is asking the PSC to force ratepayers to pay all of the costs to operate and fix the plant each year – without telling its customers how much those costs will be.

Reality: NorthWestern is hiding the real costs of the purchase from those who will pay the bills.

In January 2020, NorthWestern publicly told legislators that they would

soon see how much ratepayers must pay for coal under a new coal contract, but by the end of the same week the company asked the PSC for a protective order to keep the coal costs a secret. Coal is the single largest expense at the plant and a new contract that went into effect in 2020 was anticipated to dramatically increase the price of coal. Yet NorthWestern wants to keep its customers, who are required to pay the bills, from knowing how much that increase will be.

But it's not just the cost of coal that NorthWestern is hiding. NorthWestern, and plant operator Talen Montana, have requested the PSC keep secret from ratepayers, the press, and legislators, all information regarding the plant's annual operating costs, its coal costs, budgets, capital expenditures, and what will be the enormous remediation and environmental compliance costs.

What is known is that all of these costs have been escalating significantly in recent years. That's why nearly every utility in the nation is moving away from coal – except NorthWestern. The annual price tag for customers will far exceed the gimmicky \$1 purchase price. Those increasing costs include:

- Operation and maintenance costs that have escalated 6.9% each year.
- \$29 million to operate the additional share of Unit 4 each year. That's how much Puget Sound Energy has paid to operate the share of the plant that NorthWestern wants to buy.
- Higher operating costs now that Units 1 & 2 have closed, and even higher costs if Unit 3 closes.
- Higher coal costs. In late 2019

Beware Corporate Double Speak: NorthWestern's Bogus Carbon Plan

When NorthWestern announced it wanted to buy more of Colstrip Unit 4, it also announced a "Carbon Reduction Plan." But NorthWestern's carbon plan is a fraud. NorthWestern uses a measure that is different than the one every other utility that is taking the climate crisis seriously uses. According to NorthWestern it has reduced carbon pollution by over 50% in the last decade, despite continuing to operate the Colstrip plant and adding a gas plant to its portfolio. But instead of reducing carbon dioxide emissions, NorthWestern is using a "carbon intensity" measure, meaning that its purchase of the hydroelectric system in the last decade allowed it to "water down" its "carbon intensity" on paper, as opposed to actually reducing its carbon emissions.

the Colstrip owners signed a secret new coal supply contract with the recently bankrupt Rosebud Coal Mine. Coal prices are expected to rise significantly under the new contract, but the power plant owners and the mine are keeping the higher cost a secret. Coal costs have already increased 35% since 2012. Talen blamed uneconomic coal fuel costs for the recent closure of Units 1 & 2.

- \$20 million (or more) to fix the Unit 4 boiler's broken superheater.

- Millions of dollars in expenses when Unit 4 inevitably breaks down again. Colstrip Unit 4 has a long history of extended breakdowns. It could not operate for 6 months in 2009 and for another six months in 2013. For most of Summer 2018 both Units 3 & 4 could not operate because they spewed illegal levels of toxic chemicals into the air.

- Hundreds of millions of dollars in clean-up costs. The Montana Department of Environmental Quality (DEQ) estimated that plant clean-up costs could amount to \$400 to \$700 million. DEQ has conditionally approved clean-up plans for 2 of the 3 contaminated ash ponds at the plant, making it clear that additional sampling, treatment, and analysis is necessary. Critically, Puget Sound Energy and NorthWestern disagree over who will pay to clean up the ash ponds if NorthWestern is allowed to buy a larger share of the plant.

- Increased property taxes.
- Increased government fees (i.e.,

annual air pollution fees).

- Climate change and carbon price. Colstrip owners could pay up to \$200 million with a modest price



on carbon dioxide of \$20 per ton. NorthWestern's share would be about \$55 million a year if it buys more of the plant.

Puget Sound Energy said it wants to sell its share of Colstrip Unit 4 because of "a changing landscape of evolving energy markets, new environmental regulations, potential carbon pricing, aging infrastructure, periodic litigation," and more. These costs and others are being completely ignored by NorthWestern, all in its quest to continue to bilk customers for the original inflated price tag for its existing share of Colstrip Unit 4 and for its incredibly unwise proposal to increase its ownership share in the Unit. 🌱

Montanans
Rally in the
State Capitol
for Clean
Energy.
Photo by Alex
Tenenbaum.

NorthWestern Critique (cont'd from p. 4)

The report contains too many substantial criticisms to list all of them here. What follows are some of the more egregious ones, along with some commentary. All emphasis is added. (Note: you can find the full report on MEIC's website).

► "...NorthWestern concluded in the Final Plan that the best way to meet its capacity deficit and ensure resource adequacy is to procure hundreds of MW of "flexible" gas-fired generation in the form of RICE units. **This is essentially a foregone conclusion given certain of the input assumptions and constraints present in the PowerSimm model that favor thermal resources over renewables and storage.**" (Page 3 of report)

Commentary: PowerSimm is the name of NorthWestern's computer modeling software program that was used in this and other NorthWestern proceedings before the PSC. Synapse found that NorthWestern limited the computer model to such a degree that the model was certain to choose gas plants over clean energy.

► "Second, **the low capacity credit for renewable resources** (i.e., the resource's contribution to peak) and the **higher capital cost of renewables** practically guarantees that the PowerSimm model will not

select these resources as part of a least-cost resource portfolio under reference assumptions." (Page 3)

Commentary: The numbers NorthWestern tells its computer to use for how much energy wind and solar can produce, especially during peak demand hours, are far lower than what real-world data has demonstrated. Conversely, the numbers it uses for the cost to install wind and solar are far higher than industry standards.

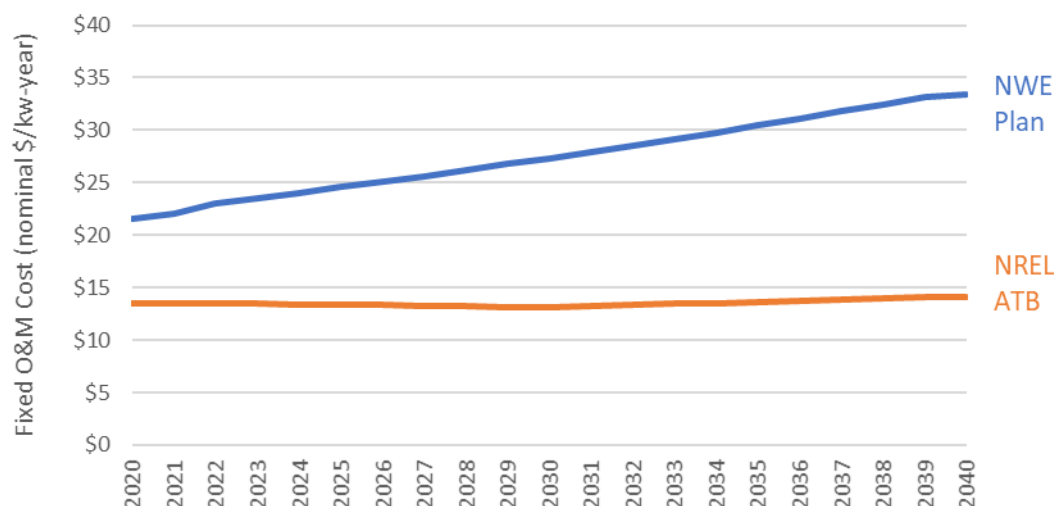
► "In PowerSimm, projects can be defined as new assets, existing assets, or retirement options. However, in NorthWestern's model, all resources were set up as either new or existing assets, thus **preventing the model from being able to select a unit for retirement if its economics are poor** relative to other units over the course of the planning period. [...] This is important with respect to the operation of the Colstrip units. They are the most expensive resource in NorthWestern's resource portfolio, as shown in Figure 7, inclusive of all costs collected in rates." (Page 17)

Commentary: Figure 7 is omitted here. NorthWestern prevented the computer model from even considering whether retiring Colstrip would save ratepayers money.

► "First, NorthWestern did not allow for market capacity purchases in its modeling runs, which leads PowerSimm

Helena citizens
attending a
public hearing
on the Resource
Procurement
Plan.



Figure 8: Solar fixed O&M cost comparison

This graph shows the difference between NorthWestern's operations and maintenance cost projections for solar energy and NREL's projections. NREL refers to the U.S. Department of Energy's National Renewable Energy Laboratory.

to propose building 985 MW of gas-fired generation over the analysis period in the Base portfolio. Inclusion of an option to purchase capacity from the market **likely would have led to a smaller capacity build and lower revenue requirement in the resulting resource portfolio.**" (Page 3)

Commentary: Because NorthWestern did not allow its computers to consider buying energy on the open market, the computer concluded the "best" option was building a large number of new gas plants. Keep in mind, utilities such as NorthWestern make their biggest profits on new assets built or acquired, such as power plants.

There are many more findings like this in the report, including that NorthWestern said it considered whether fracked gas plants would be economical in a high gas price future, but Synapse found this analysis did not

actually take place.

It's hard to overstate the importance of Synapse's report. Because NorthWestern constantly submits evidence to the PSC based on its internal computer model, PowerSimm, these findings will impact almost every case MEIC is involved in at the PSC, including the proposed purchase of a larger share of Colstrip Unit 4 (see article on page 3), NorthWestern's attempt to build gas plants, the "Qualifying Facilities" (i.e., PURPA) wind and solar projects, and more. (See related article on page 6 for a description of these proceedings.)

As of this writing the PSC has not reacted to the Synapse report. However, MEIC will make sure this information informs the decision making by the PSC, legislators, and others going forward. 🌱

Coal Ash *(continued from page 8)*

Without effective federal regulations in place, and with a constant onslaught from Trump to weaken the standards,

ash ponds, the largest of the three sites. DEQ is allowing the plant owners to implement a cursory clean-up plan first, and only move to more comprehensive and effective technology when necessary. This approach will leave DEQ with a much smaller bond than it will need to actually assure the cleanup of the contamination if the plant owners attempt to “weasel out” of their responsibilities.

We don’t want the same thing to occur with the clean-up plans for the last ash pond area (the Units 1 & 2 ash ponds). One of the ponds has contamination sitting below the water table, making cleanup impossible unless the ash is excavated and placed in a properly lined landfill far above the water table.

Please take a minute and call (444-3111) or e-mail (governor@mt.gov) Gov. Steve Bullock and tell him that DEQ must make sure that the cleanup of Colstrip is done completely. The site has languished for far too long, and right now DEQ has an opportunity to assure an adequate cleanup. DEQ must pick a permanent “high and dry” clean-up plan for the ash ponds that results in cleaner water and good reclamation jobs. 🌱



Colstrip's coal ash ponds.
Photo by Alexis Bonogofsky.

the State of Montana must step in and guarantee the protection of human health and the environment. Currently, the Montana Department of Environmental Quality (DEQ) is reviewing the clean-up plan for the coal ash impoundments at the Colstrip plant, intending to implement its findings through a process known as an Administrative Order on Consent (AOC).

To date, DEQ has approved clean-up plans for two of the three coal ash areas (Units 3 & 4, and the plant site itself) and is working on the third (Units 1 & 2). Alarmingly, the recent DEQ approval for the Units 3 & 4 site cleanup gives “conditional approval” to clean up the

Final Nail in Coal's Coffin *(cont'd from p. 9)*

Remarkably, the Rosebud Mine is currently proposing to expand in order to mine an additional 70 million tons of coal. This expansion is especially foolhardy considering that just this past January Colstrip Units 1 & 2 permanently shut down, effectively eliminating one-third of the fuel requirements of the plant.

MEIC is especially concerned that an expansion of the mine would prolong the life of the Colstrip plant, and allow the mine to continue its legacy of environmental destruction. Because of these concerns, we have challenged the expansion before the Board of Environmental Review based upon water quality and quantity concerns, and also in federal district court over a number of issues.

MEIC also has litigation pending in State district court over a much smaller expansion of the mine, as well as a challenge to its water pollution discharge permit.

Spring Creek Mine

Cloud Peak Energy, the owner of the Spring Creek Coal Mine, Montana's largest coal mine by tons of annual production, recently declared bankruptcy. In a brazen and questionable business endeavor, the Navajo Transitional Energy Co. (NTEC) just purchased the Montana and Wyoming assets of Cloud Peak Energy. NTEC has not been shy about proclaiming its ability to claim "sovereign immunity," a legal concept of self-governance and autonomy for foreign nations and sovereign tribes that

prevents suits by outside parties. NTEC would like to eliminate the ability of Montana citizens and organizations to go to court to protect air and water.

This abuse of a very important and established legal precedent has caused the Montana Department of Environmental Quality (DEQ) to balk at transferring the mine's permits from Cloud Peak to NTEC. Instead, it has approved an "interim" operating agreement while the parties negotiate a long-term solution. At the time of this writing, DEQ and NTEC had not yet come to an agreement, and the permits have not been transferred. Hopefully any agreement that DEQ approves will not prevent Montanans from going to court to protect their environment.

Bull Mountain Mine

The Bull Mountain Mine is Montana's lone underground coal mine. It is owned by a conglomerate of corporations, including an international commodities trading firm known as Gunvor. Until recently, Gunvor was highlighted by the U.S. Department of Justice as having financial ties to Vladimir Putin. The Bull Mountain Mine is currently proposing to expand in order to mine by an additional 100 million tons of coal.

MEIC has challenged the expansion before the Board of Environmental Review because of water quality and quantity concerns, especially in relation to the mitigation of impacted water sources, and also in federal district court for several reasons including the mine's impact on endangered species. 🐾



Thank you to these businesses and organizations that supported Helena's 100% clean, renewable electricity goal!

350Montana
| Adaptive Hydrology
| Alternative Energy Resources
Organization | American Lung
Association - Montana Chapter |
Blackfoot River Brewing | Character Based
Coaching | Cottonwood | Embodied Therapeutics
| Environment Montana | Family Outreach | Fire
Tower Coffee House | G3 Envision | George's House
of Clay | Helena Citizen Conservation Advisory Board
| Helena Community Yoga | Helena DSA | Helena High
Green Group | Holter Museum of Art | Jmacs Pottery | Lasso
the Moon Wonderful Toys | Mom's Clean Air Force
| Montana Audubon | Montana Book Company | Montana
Conservation Voters | MEIC | Montana Renewable Energy
Association | Montana Youth Action
| Morrison, Sherwood, Wilson, and Deola | Murry's | Our
Revolution Helena | Play On Soccer | Resource Wellness
| RIO Environmental Consultants | Sleeping Giant
Citizens Council | Solar Montana | Sunflower
Bakery | TD Appraisal | Tim Holmes Studio
| Western Environmental Law Center |
Wild Willow Wellness | Wiles Law
Office | Windermere Real Estate
| Woodsong Garden
Designs

Hooray for Helena! (cont'd from page 2)

Helena's mayor and commissioners should be thanked and commended for their strong leadership; this goal is bold and the right one to set. The climate scientists tell us that we must drastically reduce greenhouse gas emissions in this decade in order to even level off the negative impacts of climate change.

If you live in Helena and would like to express your gratitude for their leadership, consider sending a message to mayorandcommission@helenamt.gov (Note: messages sent here are automatically forwarded to the commissioners, the mayor, certain city staff, and the Helena *Independent Record* newspaper). 🐦



Gene Simmons and his mother show their support for Ready for 100 Helena.



“We have an opportunity at the local level where we have a void at the federal level.” Diana Hammer

Cabinet Mountains (cont'd from page 5)

ruling to the Montana Supreme Court. Both cases are pending a decision by the court.

In addition, in 2017 the Kootenai National Forest's EIS on Montanore was found to be deficient. The court required that a supplemental statement be prepared. It is expected to be released later in 2020. Finally, a federal court has ruled that the U.S. Fish and Wildlife Service failed to comply with the Endangered Species Act in its analysis of the Rock Creek Mine's effects on grizzly bears. The FWS is in the process of producing a revised statement.

Cabinet
Mountains.
Photo by Flickr
user Troy
Smith.



Regardless of all of this, Hecla has recently been engaging in a public relations campaign in northwest Montana touting the two mines. In meetings with the Libby Chamber of Commerce and the Lincoln County Commission, the company says that the start of mining could be less than five years away under the most favorable scenario. The company seems to be in denial regarding the “Bad Actor” situation.

What the company also fails to admit is that the mines might never be built. Both Rock Creek and Montanore have been on the drawing board under various owners since the 1970s.

When asked about this possibility by the *Western News* of Libby, Hecla spokesman Luke Russell said: “we’re very optimistic these projects will be developed” because of increasing market demand from renewable energy products. He also said mining such metals in the U.S. is preferable to mining them in less developed countries with weaker or no environmental protections.

The logic of this often-stated industry argument is that mining companies cannot be trusted to mine responsibly, regardless of the location – that they will only do what is required by laws. So much for the industry’s constant refrain with every mine proposal that “we’ve changed, the problems with mines are a thing of the past.”

These proposed mines are not exactly the types of enterprises that should engender our trust. Nor do they. 🐦

Montana License Plate that Benefits MEIC

Help protect Montana's clean air and water by choosing a Montana license plate that benefits MEIC! 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.

You don't have to wait for your current plates to expire. Simply bring your old plates in to your country treasurer's office and replace them with our snazzy design!

Proceeds from this plate help to preserve our state's natural beauty and public health for generations to come.

Visit your local county treasurer's office to get a plate, or contact Mel Griffin at (406) 443-2520 to learn more.



Thoughts from the Executive Director

by Jim Jensen

First, a thank you.

One of the most effective advocates for and defenders of Montana's environment, especially its waters, has retired after many years of working for Trout Unlimited. He is Stan Bradshaw.



If you have fished in Montana's blue-ribbon trout waters over the last 20 years, you can thank this remarkable Montanan. If you appreciate the right of citizens to have free and open access to our rivers and streams, you have Stan to thank. If you are thankful that the upper Clark Fork River is being reclaimed to a healthy future reminiscent of its pre-mining glory, you have him to thank, too. He has assiduously avoided the limelight for most of his career. But when called to duty in 1988, while

Clark Fork River.



he was MEIC's President, he went on camera with (now retired) John Blackstone of CBS News to explain the effects of the massive wasting of precious water from many important trout streams by inefficient irrigation practices. This was during the year of Montana's most extensive wildfires since 1908. Blackstone (from the San Francisco bureau) has reminded me several times over the years of the clarity and power of Stan's interview. It helped inform him as he then covered water use conflicts throughout the West.

Now, on to some good news.

For over three decades the fossil-fuel industry and other polluter billionaires and corporations have been flushing money into the vile, dishonest attacks on climate scientists and science in general. But now some smart and far-sighted billionaires and businesses are putting money into the worldwide effort to slow, stop, and reverse global warming. They include Michael Bloomberg, Microsoft, Bill and Melinda Gates, Tesla, and Jeff Bezos. And the list is growing.

There is no shortage of cynicism among many of us who have been fighting for years in the trenches with little serious financial support. But you won't find any with me. I'm cheering as loudly and widely as I can that this is incredibly good news and may be just what gives humanity a chance to save itself – and the profound bounty of nature on the earth. The only earth. Our only earth.

Forward!!! 🌱

President's Column

by Kathy Juedeman

In this issue of *Down to Earth*, you will find updates on MEIC's successes and also information about the continuing challenges to our clean air, water and land of our extravagant Montana landscape. The work is important, and your support allows this work to be successful.



Winter can be time for new things. I've savored the short and mild days this season, and the stunning sunsets. I'm not the super-daring sort, but I've been out with the cows some this Winter at the ranch, and it is a wonder-filled thing to see the new calves. They are strong and hearty, even in first days. My young neighbor has newly taken up guitar, appreciating and learning several generations of music. My dear high school friend (who now lives in Michigan) has decided that Montana ski slopes are fabulous, and I love this, because it means that she and her husband visit us in Winter.

Winter can also be a time to reflect on what is important, and to read and learn for the future. A healthy environment is clearly a keystone of all that we are. As some of our environmental issues take more concrete shape and more seriously

affect our everyday lives, I am ever grateful that MEIC is Montana's Champion on so many of them. We are very lucky to have the opportunity in Montana to positively affect State and local policy. Clean air, clean water, renewable energy – all of these will impact not just whether we have beautiful recreation spots, but will affect our health, our food systems, and our children's future.

Here's my hope for you this Winter: that you can find a way to actively join in with MEIC – whether this is volunteering in person, or supporting the team with a donation. As you read through this issue of *Down to Earth*, find an issue that is close to your heart, and then keep up with it on Facebook, on the main MEIC webpage, in the future issues of *Down to Earth*, and in our newspapers. There will be opportunities for you to contribute on that issue, and maybe some of these actions will be new things for you. Pick something that you can embrace – writing a note to your legislator, testifying at the PSC, attending a rally, inviting a friend to join MEIC, or stuffing envelopes at the MEIC office. Ask the MEIC staff if you need some guidance, or check out the frequent "3 Things You Can Do" MEIC e-mails. I personally count on those. A lot. Decide what you think is important, learn what you can about that issue, and then step out and contribute. We are stronger as a community if we learn and grow together. 🌱

MEIC – a nonprofit environmental advocate

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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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SAVE THE DATE...

...for MEIC's Solstice & Father's
Day Ice Cream Social!

Yes, you heard us right!

This year, MEIC is partnering with Mom's
Clean Air Force to put on a membership
appreciation party like no other.
Let's celebrate the longest day of the year,
the special people in our lives, and the
clean air and water that make Summer
outstanding!

Sunday, June 21st. 3pm.

More details coming soon.

