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Waterloo, IA Coal Plant Cancelled Marshalltown, IA Proposal Still a Threat

On January 6, LS Power withdrew plans to develop a 750 MW coal power plant at Waterloo, Iowa. The company backed away from the proposed project less than one week after losing its financial partner, Dynege Inc., which announced that it would not continue a coal development joint venture.

Plains Justice was founded by Carrie La Seur partially in response to the Waterloo coal plant proposal. Over the last three years, Plains Justice has spent countless hours, most of them pro bono, on educational presentations,

legal work, and other advocacy in opposition to the Waterloo coal plant.

Many organizations also opposed the Waterloo plant, including the Black Hawk, Fayette, and Johnson County Boards of Health; Community Energy Solutions; Iowa Environmental Council; Iowa Farmers Union; Iowa Renewable Energy Association; NAACP; Physicians for Social Responsibility; and the Sierra Club.

While Waterloo has thankfully been spared a coal power plant, a proposal for a new coal power plant at Marshalltown is still proceeding.

Plains Justice financial expert Tom Sanzillo testified last fall that the Marshalltown plant would harm Iowa's economy and raise residential rates by up to 22% for Alliant customers.

Plains Justice advocates aggressive implementation of energy efficiency measures,

which Alliant's own testimony acknowledges to be cheaper than new coal power, and expanded investment in Iowa-built renewable energy as alternatives to coal power.

Unfortunately, this February the Iowa Utilities Board (IUB) voted to grant financial assurances guaranteeing that Alliant will be able to charge its Iowa customers for at least half of the capital costs of the proposed Marshalltown coal plant.

However, the IUB didn't give Alliant the financial rate of return and cost cap that the utility wanted. One industry analyst has speculated that the project will likely die because of this complication.

Nevertheless, the Iowa Department of Natural Resources recently released a draft air permit for the plant. What can you do about it? See the Plains Justice website for suggestions: <http://plainsjustice.org>.



Field south of the existing Marshalltown coal plant where the new plant would be built, four times larger than the existing plant (pictured).

U.S. State Department Responds to Plains Justice Action by Giving Landowners More Time

At Plains Justice, we believe that communities have a right to be involved when government makes decisions that affect their lives.

That's why we took swift action last November when we heard that time was running out for landowners to participate in a key phase of the permit process for a proposed new pipeline that would move tar sands crude oil from Alberta, Canada to the Gulf Coast. Most of the affected land is privately owned.

With our partners we asked the U.S. State Department to grant an extension on the comment period for TransCanada's application to build the Keystone XL pipeline.

This second TransCanada tar sands oil pipeline would enter the U.S. at Port Morgan, Montana and pass through South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

In response to our action, the State Department said that it would accept public comment on the application throughout the permitting process, which has now entered the scoping phase. During scoping, the public can suggest issues that should be addressed in the project's Environmental Impact Statement (EIS). Important issues suggested during scoping must be covered in the EIS.

The State Department will accept scoping comments until March 16,

2009. It will also hold a series of public meetings to discuss the project. More information is available at <http://tinyurl.com/dh9fjj>.

There have been serious problems with the permitting and construction of TransCanada's first tar sands pipeline, Keystone I. Plains Justice is working with the Sierra Club, Dakota Resource Council, Dakota Rural Action, Northern Plains Resource Council, and the Western Organization of Resource Councils to make certain that the Keystone XL permitting process respects landowners' rights and fully follows our environmental protection laws.

Meet New Plains Justice Vice Chair, Linda Shatzer

The newest member of the Plains Justice Board of Directors is Linda Shatzer, one of the amazing volunteers who helped the grassroots organization Community Energy Solutions in its successful fight to protect Waterloo, Iowa from a proposed 750MW coal power plant.

Shatzer is a retired teacher who lives in rural Black Hawk County. She has been involved in farming most of her life and has been a volunteer with Community Energy Solutions since its inception.

When asked about the proposed coal plant, Shatzer says, "We were told by so many that they admired us for what we were doing, but we were wasting our time because there was no way we were ever going to stop a big corporation from locating here, especially when the city leaders supported it."

She added, "Our reply was always, 'We won't if we don't try.'"

Shatzer also says that the battle against the coal plant has helped to empower her community so it can



thrive. "Because of this, people have gotten more involved with local government and gotten on boards. We are learning about things we weren't privy to before."

Plains Justice would like to thank Shatzer for adding her talents to our organization. We look forward to a rich collaboration.

Iowans Successfully Demand Protection from Toxic Coal Combustion Waste after Plains Justice Sounds the Alarm

After public outcry, the Iowa Department of Natural Resources (DNR) has decided to go forward with a rulemaking process to protect Iowans from coal combustion waste contamination.

Coal combustion waste (CCW) is the material left over when coal is burned to make electricity. CCW contains arsenic, cadmium, selenium, lead, and other toxic heavy metals known to cause neurological problems and cancer.

In late 2008, Plains Justice discovered that due to industry pressure, the DNR had backed away from a plan to require liners for coal combustion waste disposal sites. We made this information public and were delighted when the story was

reported in five states.

Iowans responded to the news by flooding regulators with calls and emails demanding action. Our request to restart the rulemaking process was also endorsed by Community Energy Solutions, Environment Iowa, Iowa chapter of Physicians for Social Responsibility, Iowa Citizens for Community Improvement, Iowa Environmental Council, and Union of Concerned Scientists.

More information on the hazards of coal combustion waste is available in our 2007 Coal Combustion Waste Report, available at <http://tinyurl.com/dexl4g>.

“CCW contains arsenic, cadmium, selenium, lead, and other toxic heavy metals known to cause neurological problems and cancer.”

Big Stone II Coal Plant

Fight to Protect Clean Air & Your Wallet Not Over Yet

You may have heard the recent news that the U.S. Environmental Protection Agency has rejected South Dakota's air permit for the proposed Big Stone II coal power plant. The state has 90 days to revise the permit to require greater controls on hazardous air pollutants.

It is not yet known whether the project developers will agree to build the plant with stronger air pollution controls.

In the meantime, Plains Justice filed a brief this month to support our appeal before the Burleigh County District Court in North Dakota. We have

asked the court to overturn the North Dakota Public Service Commission's decision to allow Otter Tail Power and Montana-Dakota Utilities to recover capital costs for Big Stone II in the rates they charge North Dakota customers.

Proposed new coal plants in our region and all over the country are being cancelled because they pose too much financial risk. Recent examples include one that was planned for Waterloo, Iowa and another east of Great Falls, Montana. Big Stone II would be similarly dicey, and government shouldn't force the public to take that risk.

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Working Together to Enforce Coal Mining Laws

“Dr. James Hansen of NASA argues forcefully that to control climate change successfully, we must keep most of the remaining global coal reserves in the ground.”



The South Heart area, where a coal preparation plant, coal gasification facility, & the first new North Dakota coal mine in 30 years are proposed (Ft. Union formation).

Photo courtesy of Neighbors United.

Coal production in the northern plains region of eastern Wyoming and Montana and western North Dakota is on the rise in recent years, particularly in the areas referred to as the Powder River Basin (PRB) and Ft. Union formation. Even as nationwide attempts to halt construction of new coal-fired power plants gain traction, more and more coal emerges from PRB and Ft. Union formation strip mines every year to feed domestic and international markets for this greenhouse gas-intensive fuel.

In contrast, climatologist Dr. James Hansen of NASA argues forcefully that to control climate change successfully, we must keep most of the remaining global coal reserves in the ground.

Meanwhile, North Dakota mining companies are developing new ways, including coal drying and gasification, to exploit the state's plentiful but energy-poor lignite coal. Given current technology, it is not economical to ship lignite long distance.



Strip mining in the Powder River Basin destroys beautiful areas, but is not as well known as mountain top removal in Appalachia.

Last fall GTL Energy began work on a new type of coal preparation plant with technology that could open up North Dakota's coal fields to massive new development, risking aquifer removal as a result of this development. This plant is expected to process coal from an adjacent but not yet permitted mine near South Heart, ND.

Coal preparation plants are an integral part of the coal mining industry. State, and federal laws regulate these plants because they can harm soil and water.

In January, on behalf of landowners and the Da-

kota Resource Council, Plains Justice filed a complaint with the North Dakota Public Service Commission against GTL. We asserted that GTL is violating the law by not having a surface coal mining operation permit that would require cleaner operation and a return of the land to productive use once mining is over.

The coal industry is very powerful, and in the absence of strong laws and diligent enforcement, leaves behind ravaged land and human suffering. Plains Justice is working with landowners and other allies to make sure that laws to prevent this are enforced fully.

Energy Efficiency: How to Rebuild Our Economy & Reduce Pollution at the Same Time

Energy efficiency is a lot more than the savings from changing your light bulbs. Increasing our region's energy efficiency is one of our best opportunities to give the northern plains a competitive business advantage.

Fully utilizing energy efficiency instead of building new fossil-fuel generation would make our region more financially competitive. According to current filings before the Iowa

Utilities Board, energy efficiency costs only 3 cents per kilowatt hour, while new coal generation can cost more than three times as much. Some current studies put the cost of power from new nuclear plants at 25 to 30 cents per kilowatt hour.

How do we get there? You can help by letting your elected officials know that you support energy efficiency and they should too. Energy effi-

ciency legislation is pending in states throughout the northern plains. Federal legislation is also expected this year, and the Obama Administration's economic stimulus package contains energy efficiency measures.

To learn more about energy efficiency, visit the American Council for an Energy Efficient Economy website: <http://www.aceec.org/>.

Doctors & Nurses Speak Out So Iowans Can Breathe Easier

In November, two non-profit groups representing Iowa doctors and nurses urged the Iowa Department of Natural Resources (DNR) to take stronger steps to protect public health from fine particulate matter, a hazardous air pollutant found in soot from coal-fired power plants.

Plains Justice sent a letter to the DNR on behalf of

the Iowa chapter of Physicians for Social Responsibility and the Iowa Nurses' Association, explaining that the DNR's current requirements for coal power-plant applicants are insufficient to protect the public from fine particulate air pollution and do not comply with the Clean Air Act.

"The science continues to unfold about the harmful-

ness of fine particle pollution," said Dr. Maureen McCue of the Iowa chapter of Physicians for Social Responsibility. "According to the U.S. Environmental Protection Agency, fine particle pollution causes thousands of premature deaths a year and coughing, wheezing, and decreased lung function even in otherwise healthy children and adults," she added.

"According to the U.S. Environmental Protection Agency, fine particle pollution causes thousands of premature deaths a year and coughing, wheezing, and decreased lung function even in otherwise healthy children and adults."

Plains Justice Wins Two Awards

We are excited to announce that we've won two awards this year. In February, Plains Justice received a Horizon Award from the Iowa-Not-for-Profit Alliance. The Horizon Award is given for best management practices in a new organization and brings with it a \$5,000 prize. The award was presented by former First Lady of Iowa Christie Vilsack.

In January, Plains Justice was recognized with an award from *Radish Magazine* for our work to protect everyone's air and water. You can read the magazine's profile of Plains Justice founder Carrie La Seur at <http://tinyurl.com/9hbk8n>. Check out Radish Magazine on the web at <http://www.radishmagazine.com>.

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<http://plainsjustice.org>

So that every voice is heard when decisions are made about our air, our water, our land, and our lives.



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