

**Douglas, Tina (PUC)**

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**From:** PUC Docket Filings  
**Sent:** Thursday, June 29, 2006 6:01 PM  
**To:** Kolbo, Delaine; Zebroski, Carol; Douglas, Tina (PUC); Forney, Heather; Van Gerpen, Patty  
**Subject:** FW: full text of SDCWA Public Comments in Case No EL05-22

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**From:** Mary Jo Stueve[SMTP:MJSTUEVE@CLEANWATER.ORG]  
**Sent:** Thursday, June 29, 2006 6:00:42 PM  
**To:** PUC Docket Filings  
**Subject:** full text of SDCWA Public Comments in Case No EL05-22  
**Auto forwarded by a Rule**

Please find attached, full text addendum to SDCWA Public Comments in Case No EL05-22 to accompany previously sent Powerpoint presentation.

Clean Water Action South Dakota recommends further evaluation and calculation of the mercury risk BEFORE a permit is issued for the proposed Big Stone II project.

Clean Water Action South Dakota contends that Applicant's have failed to provide proof (SDCL 49-41B-22) that Big Stone II as proposed will not pose a threat of serious injury to the environment nor to the social and economic condition of inhabitants or expected inhabitants in the siting area. Nor have Applicant's provided proof that the facility will not substantially impair the health, safety or welfare of the inhabitants or unduly interfere with the orderly development of the region.

Clean Water Action South Dakota sincerely thanks the Public Utilities Commissioners for the opportunity to comment in this matter.

Mary Jo Stueve  
Program Coordinator  
South Dakota  
Clean Water Action  
231 S. Phillips Ave., Suite 250  
Sioux Falls, SD 57104

Phone: 605-978-9196  
Fax: 605-978-9019  
mjstueve@cleanwater.org

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My name is Mary Jo Stueve. I speak tonight on behalf of South Dakota Clean Water Action. Our office is located at 231 S. Phillips Ave. Suite 250, Sioux Falls.

Last September 13, 2005, there was a public hearing before the South Dakota Public Utilities Commission in Milbank on the proposed Big Stone II project. A request was made by 'Stueve' at that time to have the Draft Environmental Impact Statement address total maximum daily load, or TMDL, for the mercury levels in Big Stone Lake and in waters within a 50-mile radius.

The transcript from the Milbank hearing reads (Chairman Hanson speaking) "Nancy from WAPA, would you please make an attempt, if you can --- if you cannot, just tell me --- will the Environmental Impact Statement that WAPA is entering --- address those [mercury TMDL questions by Stueve] issues?" (Nancy Werdel speaking) "It will have water quality impacts as part of that study. And I took a couple of notes, and we'll take those back and put those as part of our scoping as an inclusionary thing into the EIS." See <http://www.state.sd.us/puc/commission/dockets/electric/2005/EL05-022/transcript091305.pdf>

The above TMDL request was specifically made by 'Stueve' because in the application for Big Stone II the Applicants did not calculate, analyze or study mercury impacts on humans or the environment. The Applicants did not measure mercury levels or risk, and neither does the recently released Draft EIS address current mercury levels or measurements in the water or fish. In other words, we do not have *any* information from the proposed Big Stone II project on mercury load *currently* in the water, or in the fish, that not only could but WOULD be increased by continued and/or increasing mercury emissions from the proposed Big Stone II. See South Dakota Clean Water Action power point summary <http://www.state.sd.us/puc/commission/dockets/electric/2005/el05-022/SDCWAComments.pdf> for how mercury bio-accumulates in the environment.

Because of how mercury bio-accumulates in the environment, operation of both plants even IF at the same mercury emissions from 2004 of 189 lbs, decidedly INCREASES mercury accumulation and degradation in the environment.

What will this mean for future real estate development along the lake? What will this mean for future revenues from tourism and the fishing industry? Who will want to come and reside, fish or swim in a toxic laden lake? Will we have not only increased health risk but also a socio-economic bust?

According to SDCL 49-41B-22 ...it is the **Applicant's burden of proof** to establish that: (2) The facility will not pose a threat of serious injury to the environment nor to the social and economic condition of inhabitants or expected inhabitants in the siting area; and that (3) The facility will not substantially impair the health, safety or welfare of the inhabitants; and (4) The facility will not unduly interfere with the orderly development of the region...

Clean Water Action members are deeply concerned about the inconsistency and the lack of analysis on mercury and other toxic emissions. The application for the proposed Big Stone II does not address in a calculated, cumulative manner what the impact would be on human, plant, and environment surrounding the area. Neither does the Draft EIS.

In fact, the Draft EIS shows and records an expected release of **399 pounds of mercury** into the environment once Big Stone II comes on-line, as does evidence submitted via discovery (Stueve Exhibit 1-G). Even though applicants have recently submitted a letter giving voluntary commitment to emit no more than 189 pounds of mercury, South Dakota budget for future mercury emission under the Clean Air Mercury Rule falls to 144 lb requirement in 2010 then down to 58 lbs by 2018. (Mr. Graumann, Manager of Environmental Services for Otter Tail Power Company at the Milbank Hearing p. 38 l. 12-18 <http://www.state.sd.us/puc/commission/dockets/electric/2005/EL05-022/transcript091305.pdf> )

What about health-risk cost? Our members are concerned. Why should local populations bear the brunt of toxic risk? Mercury control technologies are available now <http://www.state.sd.us/puc/commission/dockets/electric/2005/el05-022/stueveexhibit1B.pdf> the need for such very clear. *See* Report No. 2006-P-00025, May 15, 2006 Evaluation Report "Monitoring Needed to Assess Impact of EPA's Clean Air Mercury Rule on Potential Hotspots" Stueve Exhibit 1-E in EL05-022 docket.

Model rules have been crafted providing states with guidance, for example, "Regulating Mercury from Power Plants: A Model Rule for States and Localities" November 2005 State and Territorial Air Pollution Program Administrators (STAPPA) Association of Local Air Pollution Control Officials (ALAPCO). See <http://www.state.sd.us/puc/commission/dockets/electric/2005/el05-022/stueveexhibit1C.pdf> for a comparison of EPA's Clean Air Mercury Rule (CAMR) with the STAPPA/ALAPCO model.

We can do better for our children, our health, our water, our future. In order for a decision to be made, everything should be on the table, and people should know what we are risking and what is the trade-off?

Clean Water Action South Dakota recommends further evaluation and calculation of the mercury risk BEFORE a permit is issued for the proposed Big Stone II.

CWA contends that Applicant's have failed to provide proof (SDCL 49-41B-22) that Big Stone II as proposed will not pose a threat of serious injury to the environment nor to the social and economic condition of inhabitants or expected inhabitants in the siting area. Nor have Applicant's provided proof that the facility will not substantially impair the health, safety or welfare of the inhabitants or unduly interfere with the orderly development of the region.

Clean Water Action South Dakota sincerely thanks the Public Utilities Commissioners for the opportunity to comment in this matter.