

In Re: Permit Applicant NorthWestern Montana First Megawatts, LLC

This was an administrative appeal and a request for BER review by MEIC that alleged, among other issues, an inadequate MEPA review.

The parties reached a settlement whereby Northwestern would be able to build and operate a natural gas to electricity power plant and would spend \$250,000 to plant trees or otherwise offset carbon dioxide emissions and would spend \$750,000 over 5 years to purchase and distribute 50,000 energy efficient light bulbs in Montana.

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Before the Board of Environmental Review,
Department of Environmental Quality,
State of Montana.

In Re: Permit Applicant NorthWestern Montana First Megawatts, LLC, (Permit No. 3154-00)	AFFIDAVIT AND PETITION FOR HEARING AND FOR STAY OF PERMIT ISSUANCE
Montana Environmental Information Center	
MEIC	

STATE OF MONTANA)
):ss
COUNTY OF LEWIS AND CLARK)

This matter arises from the proposed issuance by the Montana Department of Environmental Quality ("DEQ") of Air Quality Permit #3154-00 to NorthWestern Montana First Megawatts, LLC ("NorthWestern") to construct a natural gas fired power plant outside Great Falls, Montana. The permit will become effective August 21, 2001, unless a party requests a hearing and challenges the permit. The undersigned individual on behalf of Montana Environmental Information Center ("MEIC"), having first been duly sworn, deposes and says the following, in support of his challenge to the Permit and request for hearing pursuant to § 75-2-218, M.C.A. (2001):

MEIC'S STANDING

1) Petitioner MEIC is a Montana non-profit public benefit corporation pursuant to 35-2-101, *et. seq.*, MCA, with over 4,000 members state - and nation-wide, and at all times pertinent hereto has had its principal office in Helena, Lewis and Clark County, Montana. MEIC has been in existence for over twenty eight years, and strives to protect the air, water and lands of Montana from pollution and to preserve Montana's quality of life.

This action is brought on MEIC's own behalf and on behalf of its members. Members of MEIC reside in the vicinity of the proposed NorthWestern Power plant. Members also live and work in the Great Falls area and use and enjoy the area because of its aesthetic qualities, relatively clean environment and lifestyle opportunities and have an interest in preserving them. MEIC and its members are actively involved in environmental issues in the Great Falls area and throughout the state, including issues relating to energy development, power generation and air quality. MEIC and its members are thus directly and adversely affected by the issuance of Air Quality Permit # 3154-00 by the DEQ and will sustain actual injury if the proposed action is carried forth without adequate environmental review, testing and disclosure. MEIC and its members have a further interest in participating in governmental decisions, in disseminating relevant information about those decisions to the general public and in insuring that all laws and procedures are complied with. Those interests are directly and adversely affected by the failures of the Department as alleged herein. MEIC and individual members of MEIC commented in, or otherwise participated in, the administrative process resulting in the issuance of the NorthWestern permit.

REQUEST FOR A HEARING

2) MEIC requests a hearing pursuant to 75-2-218(5) M.C.A.

(2001), in that MEIC represents individuals who are adversely affected by the Department's decision. Said persons, as well as MEIC, participated in the public comment process required under § 75-2-217(7), MCA.

ALLEGATIONS AND BASIS FOR REQUESTED RELIEF

- 3) As set forth in the following paragraphs, MEIC alleges that the Permit was approved in violation of the Montana Environmental Policy Act ("MEPA") and regulations promulgated thereunder, and the Montana Constitution; and the decision to issue the permit was not in accordance with the procedures required by law, was arbitrary, capricious and an abuse of discretion.
- 4) NorthWestern proposes to construct, and has sought an air quality permit for, a 160 megawatt (MW) electrical power generating facility approximately 2 miles north of Great Falls, Montana. The facility will consist of two 80 MW turbines to be constructed in 2001 and 2002. A third component of the proposal, a steam based 80 megawatt turbine, is proposed to be added in 2002, but is not subject to the air quality permit. In addition to the turbines, the plant will contain two emissions stacks, an electrical substation, transmission and gas lines.
- 5) On June 7, 2001, DEQ received NorthWestern's application for an air quality permit. On June 14, 2001, NorthWestern first announced its decision to build this plant at this site to the public. On June 25, 2001, DEQ issued a draft air quality permit, along with a draft environmental assessment ("EA"). On August 3, 2001, less than sixty days after the application was submitted, DEQ issued the permit, based on a sixteen page final EA.

6) The EA discloses that the plant will result in an increase in air pollution in the area. The pollutants to be released into the Montana atmosphere include, but are not limited to, the following:

a) **Particulate matter 10 microns or less in diameter:** 87.6 tons per year. These fine particulates are of special concern because of their ability to penetrate deep into the lungs. Such "inhalable" particles can lodge deep in the lungs for months or years. Particulates can lead to cancer, cause and aggravate cardiopulmonary problems, and have been linked to increases in Sudden Infant Death Syndrome. In addition to their health effects, particulates have aesthetic effects such as impaired visibility and coating of surfaces. Natural visual ranges of 80 to 100 miles have been reduced by pollution to averages of less than 20 miles in the eastern United States and 50 to 70 miles in the west.

b) **Sulfur oxides (SOx):** 5.6 tons per year. SO₂ contributes to particulate levels through the formation of sulfate particles and acid aerosols and is the primary cause of acid precipitation. Acid rain is harmful to both terrestrial and aquatic environments (particularly forests, lakes, and streams) and can damage buildings, monuments, and other structures as well. In addition to tree and fish mortality, human health, livestock, crops, and wildlife can all suffer adverse effects from acid rain.

c) **Nitrogen oxides (NOx):** 245 tons per year. Nitrogen oxides (NOx) include both nitric oxide (NO) and nitrogen dioxide (NO₂). NO₂ is a brownish gas that reacts with volatile organic compounds (VOC) in the presence of sunlight to create photochemical smog (of which the main component is ground-level ozone). While ozone is critically important in the upper atmosphere as a shield against the sun's high-energy ultraviolet radiation, it is itself a very

reactive and harmful gas, both for humans and vegetation (including crops). Like SO₂, NO_x leads to higher particulate levels (nitrate particles) and contributes to acid rain.

d) **Volatile organic compounds (VOCs):** 17.6 tons per year. Volatile organic compounds are carbon containing compounds that can contribute to the formation of smog.

e) **Carbon monoxide (CO):** 245 tons per year. CO is an odorless and colorless gas which is released into the atmosphere when carbon in fuels doesn't burn completely. The gas can become dangerous if it is inhaled excessively.

The Permit and EA failed to adequately evaluate health and environmental effects of the discharge of the foregoing pollutants.

7) In addition, the EA discloses that the plant will discharge Carbon dioxide (CO₂) into the air. However, the EA fails to disclose the amount of CO₂, or the health or environmental effects from its discharge. CO₂ is the most significant greenhouse gas emission caused by humans because of its volume. Power plants are the leading source of CO₂ emissions nationally. In addition to potentially severe economic, social, and political dislocations, global warming caused by greenhouse gases poses numerous environmental and public health concerns including increases in insect populations and the spread of infectious tropical diseases, a greater frequency of El Niño and extreme weather events (such as floods, droughts, and fires), the melting of glaciers and polar ice caps, rising sea levels, desertification, and general ecosystem disruption and extinctions caused by the rapid rate of change. Some of these effects, such as the disappearance of

glaciers in Glacier National Park in northwestern Montana, (which may be left "glacier-less" in as few as 33 years), are already dramatically evident.

8) MEPA, § 75-5-101, *et seq*, MCA, and DEQ's implementing regulations require that an EA such as the one prepared here be based on complete and accurate information in order to sustain a finding of no significant impact, and to fully inform the decision maker and the public of the effects of the proposed action. In this case, DEQ's failure to conduct such a review and its failure to follow procedures as required by law was arbitrary, capricious, an abuse of discretion and a violation of MEPA and its implementing regulations. In particular, the shortcomings of the EA include, but are not limited to the following:

a. The EA contained an inadequate evaluation of the impacts, including cumulative and secondary impacts to the physical environment, in violation of MEPA and A.R.M. 17.4.609 (3)(d) & (e). In particular, the EA failed to perform any evaluation of the impact of the project and its siting on the Great Falls area, including the effect on neighboring land and landowners, the effect on the newly completed Rivers' Edge Trail and Lewis and Clark Interpretive Center, and the effect on the air and water quality of the newly created Missouri River Breaks National Monument. The EA also failed to discuss or evaluate the impact of the increases in greenhouse gases caused by the proposal.

b. The EA failed to evaluate and analyze any reasonable alternatives to the proposed action, in violation of MEPA and A.R.M. 17.4.609 (3) (f). The EA claims that DEQ "considered" the "no action" alternative (EA, p. 14), but then dismissed it as "not appropriate", eliminating it from further consideration. The EA contains no discussion of the "no action" other than the paragraph in which it

states it eliminated no action as an alternative. The EA failed to evaluate the applicant's ability to invest in conservation measures to obtain the same or similar amount of energy with less environmental impact. NorthWestern is in a unique position to develop the conservation resource as the purchaser of Montana Power Company's ("MPC") distribution facility. Earlier this year, MPC identified 98 megawatts of conservation potential in its service territory at 3.5 cents per kilowatt hour. DEQ failed to look at the issue of conservation savings despite the fact that MEIC raised these issues in its comments on the proposal to DEQ. Since the EA contained no meaningful discussion of alternatives, the decision maker had no alternative to compare the proposed action to, and thus had no means of making a reasoned and fully informed decision about the proposed project.

9) The Montana Constitution provides all citizens with a fundamental right to a clean and healthful environment, Art. II, Sec. 3. The Montana Constitution also imposes on the state and its citizens the duty to maintain and improve the Montana Environment, Art. IX, Sec. 1 (1), and further imposes upon the Legislature the duty to prevent unreasonable depletion and degradation of natural resources. Art. IX, Sec. 1 (3). The Montana Supreme Court has stated, in the case of *MEIC v. DEQ*, that the Montana Constitution protects citizens before the environmental degradation occurs. Under that ruling, DEQ may not issue a permit which will result in additional measurable pollution, such as the NorthWestern permit, and therefore infringe upon an individual's fundamental constitutional rights, absent a showing of compelling state interest. Neither the EA nor the permit demonstrate such a compelling state interest, and DEQ has failed to adhere to the precedent established in *MEIC v. DEQ*.

10) Article II, Section 8 provides the citizens of Montana with a reasonable opportunity to participate in the operation of agencies before a final decision. The constitutional right to participate is buttressed by § 2-3-101, *et seq*, MCA. In particular, § 2-3-103, MCA requires agencies to develop procedures not only permitting but encouraging the public to participate in decisions of significant interest to the public. The abbreviated notice and hearing schedule on this major proposal (less than two months between the public announcement of the applicant's intention to move forward and the issuance of the final permit), and inadequate disclosure to the public of the detail of the applicant's proposal (as pointed out by an MEIC member in his public comments), deprive the public of its right to participate in a major issue of significant public interest.

11) MEIC incorporates by reference the public comments submitted by MEIC and its members, as well as all written comments and issues raised by the public and other materials in the agency file. MEIC reserves the right to add additional grounds for appeal during the contested case hearing requested herein, if additional issues or information become available during that process.

RELIEF REQUESTED BY MEIC

MEIC requests the following relief:

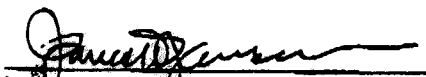
- a) That the Board order an in-person contested case hearing before the Board of Environmental Review in Helena, Montana, or a duly appointed hearing examiner, for purposes of challenging the validity of the Permit.
- b) That the Board stay the Department's decision pending the hearing and adoption of a final decision by the Board of Environmental Review as required by law.

c) That the Board provide any and all other relief that the it determines to be appropriate in this case.

Dated this 20th day of August, 2001.



David K. W. Wilson, Jr.
Attorney for MEIC

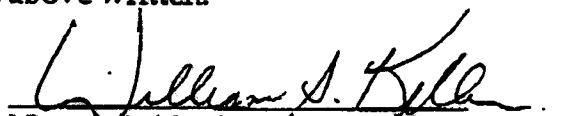


James D. Jensen
on behalf of Montana Environmental Information Center

STATE OF MONTANA)
) :ss
COUNTY OF LEWIS AND CLARK)

On this 20th day of AUGUST, 2001, before me the undersigned Notary Public, personally appeared James D. Jensen, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.


Notary Public for the State of Montana
Residing at:
My Commission Expires: 04/27/04

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing was mailed, first class, this 20 day of August, 2001, to:

CHAIRMAN
BOARD OF ENVIRONMENTAL REVIEW
P.O. BOX 200901
HELENA, MT 59601

and was hand delivered, on the same date, to:

CHAIRMAN
BOARD OF ENVIRONMENTAL REVIEW
1520 6TH AVE.
HELENA, MT 59601

BY. 

NorthWestern wants speedier review of power plant permit

Company says delay in building could jeopardize project

Associated Press

HELENA — NorthWestern Corp. wants a state board to speed up the appeals hearing process on the company's permit to build a 240-megawatt power plant in Great Falls.

NorthWestern contends further delays brought on by appeals of its air-quality permit could jeopardize the project.

In documents filed with the state Board of Environmental Review, the company also said Montana Power Co. needs electricity from the gas-fired plant to help supply its 285,000 retail customers beginning in July. If construction does not

■ Flathead co-op raises rates for its customers

— Page B2

begin next month, the plant won't meet that deadline, a lawyer representing NorthWestern wrote.

"This project is necessary to provide affordable electricity to Montanans," wrote Leo Berry, a Helena attorney for the NorthWestern-controlled partnership proposing the plant. "NorthWestern has publicly stated its intention to make a substantial portion of this project's electricity output

available to Montanans at affordable rates."

State regulators granted NorthWestern an air-quality permit last month for the proposed power plant.

Three organizations, including the Montana Environmental Information Center, later appealed that decision.

Usually in such appeals, the Board of Environmental Review assigns a hearing officer to review the case and make a recommendation to the board, which makes a final decision. That process normally takes

See **PERMIT**, Page B2

Permit

Continued

several months.

NorthWestern has asked the board to hear the appeal itself instead. The board has scheduled a special meeting Thursday to decide whether the appeal hearings process should be altered.

Joe Russell, the board's chairman, said it rarely holds hearings on contested cases, usually preferring to have a hearings officer do the job.

However, he said the board agreed to consider NorthWestern's request.

Spokesmen for groups that appealed NorthWestern's air-quality permit said Tuesday the process shouldn't be rushed.

Jim Jensen of the MEIC said his group appealed the permit in the first place because the state approved it without adequately reviewing effects of the power plant or whether it is needed.

Claims from the company that it must build the plant to provide affordable electricity for MPC customers is "wild speculation" that is "based on hearsay,"

Jensen said.

"I've always learned that when people are rushing, it's time to slow down and find out why," added Stuart Lewin, a Great Falls attorney who filed one of the appeals on behalf of himself, four other Great Falls residents and the nonprofit Missouri River Citizens.

A third appeal was filed by a Belgrade energy consultant, but NorthWestern has asked it to be dismissed, saying it did not follow proper form as outlined in state law.

NorthWestern Corp., the

South Dakota firm that plans to buy Montana Power Co.'s electric and natural gas transmission and distribution systems, announced in March its plans to build the \$140 million plant.

NorthWestern said it would provide low-cost electricity for Montana industries facing sky-high prices on the deregulated market.

Market prices for electricity have since dropped, but NorthWestern officials said they still believe the plant's power is needed in Montana.

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Air permit OK'd for gas plant

Construction could begin Aug. 20 pending appeals

By SONJA LEE
Tribune Staff Writer

NorthWestern Corp. Friday obtained its final air quality permit for its proposed power plant north of Great Falls.

Those affected have 15 days, until Aug. 20, to appeal the decision before construction can begin.

The Board of Environmental Review, a panel appointed by the governor, will review any appeals and make the final ruling, said Dave Klemp, a DEQ supervisor.

The 240-megawatt plant is expected to produce up to 500 tons of pollutants, including nitrogen dioxide, carbon monoxide, sulfur dioxide and

particulates, each year.

"They have shown they would be able to comply with the limits," Klemp said.

"While we haven't seen the final permit yet, we are pleased we have reached an important milestone," said Roger Schrum, a NorthWestern vice president for external affairs.

The Sioux Falls, S.D.-based company is working to find contractors to build the plant and customers to buy its power.

NorthWestern Montana First Megawatts applied for the permit in early June. It

plans to be producing its first 80 megawatts by fall; that electricity will be sold to the state power pool for industrial customers.

The DEQ received 20 comments and questions about the power plant, three of which favored the project.

A number questioned the economics of the project, for example, would the company end up exporting the new power.

But the DEQ was only able to evaluate those that pertained to air quality.

The plant will be required to compile monthly emissions re-

ports for certain pollutants and annual overall emissions reports. It also will be required to have equipment for limiting, testing and reporting emissions, Klemp said.

Schrum said the company intends to meet with neighbors and anyone else in the community who is still concerned about the plant's environmental impact.

NorthWestern still needs a permit for discharging storm water, and officials have said they may pursue annexation into the city limits so the plant can connect to the city water and sewer system.

To appeal:

■ For more information on how to appeal the air quality permit, call 444-2544.

Coming Sunday:

■ A closer look at what the new plant will mean for Great Falls.

Board sets speeded process for Great Falls plant

By KATHLEEN McLAUGHLIN
Gazette State Bureau

HELENA — The ground may be frozen by the time NorthWestern Corp. can start work on a gas-fired power plant in Great Falls, but the company's need to begin construction quickly does not outweigh state environmental issues at stake in the matter.

That was the tone of the vote Friday by the Montana Board of Environmental Review, which slightly speeded up its decision schedule on key appeals of the board's earlier decision to grant an air-quality permit for the proposed plant.

The board, asked by NorthWestern to make a final decision on appeals next month and by the state Department of Environmental Quality to hold off until December, split the difference. Board members voted to hold a hearing on the issue Nov. 15 and may make a final decision the next day on appeals filed by the Montana Environmental Information Center, Missouri River Citizens and others upset over the permit process. The groups have charged that in issuing a permit, the state didn't adequately address the environmental consequences of the plant or its necessity.

The board also dismissed a third appeal Friday; from Spectrum Engineering. The board agreed that Spectrum's presentation about coal-fired power generation didn't qualify as an actual appeal.

Leo Berry, an attorney representing NorthWestern Corp., argued before the board that the company needs a quick answer on the appeals that seek to overturn the board's permit for the \$140 million plant. Berry said holding off until November or December presents problems with starting construction on the plant, such as pouring concrete.

"It's not simply a matter of holding the hearing in, say,

December, and then firing the project up," said Berry.

Berry argued for an Oct. 22 decision, saying this is a not a normal situation, as Montana is in an energy crunch and needs more available power supplies soon. The move Friday could block construction of the 240-megawatt plant until next year.

DEQ attorney Tim Baker argued that the state needs time to prepare an adequate defense of the board's decision to grant permits for NorthWestern. He asked the board to hold off until December, saying the state might be ready by November.

"This has potentially far-ranging implications that go far

beyond this case," said Baker.

The challenge is a critical test to the 2001 Legislature's changes to the Montana Environmental Policy Act (MEPA). The MEPA changes earlier this year allowed for the speeded process on the power plant proposal, cutting out some time for debate and public hearings during the air-quality permit issuance. Environmental groups fought the changes, saying they violated state constitutional guarantees and gave industry too much power without oversight.

Baker told the board he expects there's a good chance that MEIC and others will take the state to court over the issue once

the board resolves the appeals. Kim Wilson, an attorney representing MEIC, didn't comment on potential court action, but called the board's expedited permitting "a major departure from this board's practice and procedure."

Wilson said a decision on the pending appeals should not be rushed, as critical MEPA issues, "are the meat of this case."

Board member Ward Shanahan, a Helena attorney, cautioned that the Nov. 15 hearing date could change, if the DEQ decides it doesn't have time to prepare an adequate case. He urged board members and those involved to be ready for schedule changes.

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Wednesday, October 10, 2001

Local power plant gets green light Environmental groups drop appeal in 'landmark' deal

By **MIKE DENNISON**
Tribune Capitol Bureau

HELENA -- Thanks to 50,000 light bulbs and 100,000 trees, NorthWestern Corp. has the go-ahead to begin construction this fall on a 240-megawatt, gas-fired power plant north of Great Falls.

In what some are calling a "landmark agreement," two environmental groups said Tuesday that they will drop their appeals of NorthWestern's air-quality permit for the proposed plant.

In exchange, NorthWestern agreed to spearhead energy-saving measures, including the purchase of at least 50,000 energy-efficient light bulbs for low-income homes in Montana.

The South Dakota company also said it will offset carbon emissions from the gas-burning plant by financing the planting of 100,000 trees in Montana.

"This is really ground-breaking what they've offered to do here," said Patrick Judge of the Montana Environmental Information Center, the Helena-based group that arranged the deal. "I haven't been able to find any other plant willing to do this in the Pacific Northwest."

A NorthWestern spokesman said Tuesday that the company plans to hire a contractor within the next few weeks and begin construction on the \$140 million plant.

Although the air permit hurdle was cleared in Helena Tuesday, the project hit a speed bump in Great Falls.

The company's rezoning request was to be considered by the City-County Planning Board Tuesday, but the board's meeting was canceled when only three members showed up, two shy of a quorum.

The land NorthWestern wants to build on, about 56 acres northeast of Great Falls along the east side of U.S. Highway 87, must be rezoned from

an agricultural to a light industrial district before construction can start.

The planning board was to consider the request, then pass on a recommendation to the Cascade County Commission for a final decision. A report prepared by planning staff members recommends rezoning the property.

Board Chairman Bud Rooney apologized to the 21 people who showed up for the meeting, including three NorthWestern employees who flew in from Sioux Falls, S.D.

"We are sorry for wasting your time," he said.

Cascade County Commissioner Peggy Beltrone asked the planning staff to hold a special meeting next Tuesday to consider NorthWestern's rezoning request. She said the commission would then hear the matter a week after that. Plans aren't final yet.

Rooney canceled the meeting after learning an expected board member had to take her child to the emergency room.

NorthWestern Project Developer Scott Magie said he was surprised the meeting didn't garner enough board members for a quorum, but offered no other comments on the cancellation.

He said the delay might set the project's timeline back.

Great Falls business developer Phil Kiser, who was at the meeting, said he was embarrassed by the board's action.

"Here's one of the biggest things to happen in several years, and the planning board doesn't have a quorum," Kiser said. "This is a real wake-up call to exactly the kind of responsibility those people (on the board) have on their shoulders."

Beltrone said the rezoning issue should not be a problem once meetings are set.

"This project has been through incredible scrutiny during the air-permit process, and this rezoning review is almost secondary," she said.

The plant's first turbine, which will generate 80 megawatts of electricity, should be up and running early next year, said Roger Schrum, NorthWestern's vice president for external affairs.

"All along, it was our hope that we could work with all groups, including the environmental groups, because we really wanted to assure Montanans that this (plant) would be a benefit to everyone," he said Tuesday.

The plant originally was supposed to provide low-cost electricity for Montana industries, who until four months ago faced skyrocketing prices in the deregulated market.

Now, as market power prices have dropped, NorthWestern plans to sell about half the plant's output to Montana Power Co. The power will help supply electricity for 288,000 MPC customers starting next year.

In a related development Tuesday, Montana Power said it's asking for bids from other power plants and marketers to help complete the electricity supply for its customers after June 2002. Bids are due Thursday.

Tuesday's deal on the NorthWestern plant ends a legal challenge that could have blocked construction of the plant for several months, or longer.

NorthWestern obtained a state air-quality permit for the plant Aug. 3. Construction couldn't begin without the permit.

But two weeks later, several Great Falls citizens and two groups appealed issuance of the permit. They said the state had done a poor job analyzing the environmental impacts of the plant, and questioned whether it was needed at all.

The state Board of Environmental Review had scheduled a Nov. 15 hearing on the appeals. Now, the board will meet Friday to dismiss the appeals.

Judge said NorthWestern agreed to spend \$750,000 over the next five years to distribute at least 50,000 energy-efficient light bulbs in Montana and help start a conservation education program. The light bulbs will be targeted for low-income households.

"It's just part of our broader social-justice vision that we'd like to advance here," said Judge, energy policy director for the Environmental Information Center.

The company will pay about \$250,000 on a project to offset carbon emissions from the plant. That project may be the planting of 100,000 trees, or it may be something else, he said.

NorthWestern also agreed to install equipment on the plant to reduce carbon monoxide right away, rather than later in the project.

In arranging the deal, MEIC also represented Missouri River Citizens, a nonprofit group that had filed an appeal, and several Great Falls residents who filed appeals.

"I think (the agreement) is a great victory for the survival of this planet," said Stuart Lewin, a Great Falls attorney who filed the appeal on behalf of

Missouri River Citizens and the Great Falls residents. "I would hope it would be the kind of things that would be considered in any of these new energy projects."

Past Great Falls Area Chamber of Commerce Chairman Keith Tokerud said the chamber hasn't take a position on the project.

"But generally speaking, we support responsible ways of developing energy and also bolstering the local economy, and this project appears to do both," he said.

Senate Minority Leader Steve Doherty, D-Great Falls, also applauded the company and the groups that filed the appeals and agreed to the deal.

"From the sounds of it, it's a significant landmark agreement," he Doherty said. "Isn't it amazing what people of good will can do, when they drop the inflammatory rhetoric and get down to brass tacks, and are willing to do the right things?"



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