

Blue Ridge Environmental Defense League

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May 26, 2009

The Honorable Pricey Harrison
NC House of Representatives
16 W. Jones Street, Room 2119
Raleigh, NC 27601-1096
Pricey.Harrison@ncleg.net

Dear Rep. Harrison:

Thank you for forwarding to our staff Fibrowatt's response to our May 6th report entitled: "Poultry Manure Incineration Toxic Air Pollution Impacts." I write to provide a straightforward rebuttal of the company's misinterpretations and inaccuracies. The short story is that Fibrowatt is blowing smoke.

On behalf of our statewide Blue Ridge Environmental Defense League, I ask for your help. Specifically, we request:

- 1. That you ask Fibrowatt to release to the public the complete record of violations and enforcement actions at the Fibrominn plant;**
- 2. That you support public hearings on Best Available Control Technology for the proposed Fibrowatt incinerators; and**
- 3. That you block the gutting of the NC air toxics program in the 2009 General Assembly.**

Recently I asked our Science Director Lou Zeller to conduct toxic air pollution modeling on the Fibrominn plant in Minnesota, which is the only poultry manure incinerator in the nation. City and county officials in North Carolina must not make decisions about rezoning properties and supplying water resources and other infrastructure without knowing that the proposed incinerator would emit arsenic, chromium and other air poisons. Fibrowatt representatives have told proposed plant neighbors that their incinerator would not add any pollution and would actually cleanse the air. Before we released our report, local government officials had no information other than that provided by company representatives. Indeed, there is precious little known about the operations of the Minnesota incinerator. We do know that the state has issued notices of violation which are not available under a freedom of information statute. Minnesota's attorney general has refused to release information about these violations; our reading of state law indicates that an enforcement action must be underway. Our community organizer David Mickey submitted a request for information under North Carolina's public records law. The state's response did not include the Fibrominn violations. We understand that Fibrominn information has been provided to our state by Minnesota with the provision that it be kept hidden from North Carolinians. I request that you ask Fibrowatt to make these secret documents public.

Please find below a detailed explanation of the bases for our air pollution report. I will not

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address Fibrowatt's claims that we will not talk with them. This complaint is reminiscent of what my 5-year old grandson tells me about playground squabbles.

The League's Report is Based on Well-founded Computer Modeling Techniques

Fibrowatt claims: "BREDL based its evaluation on a simple air-dispersion model from the U.S. Environmental Protection Agency."

That we used an EPA model is indisputable. We stated this fact at the forums held in Elkin and Troy this month. The EPA developed the SCREEN3 model for general use by regulatory agencies. This is the model we employed in our report. It is a model used by the NC Division of Air Quality. It is not "short-term" as Mr. Walmsley asserts. In fact, the DAQ has used it to determine cumulative impacts from toxic air pollutants such as arsenic and chromium which have ambient limits determined on an annual basis. DAQ uses this and other models to set permit limits for many types of industrial facilities.

The League's Report Predicts Disturbingly High Levels of Air Toxics

Fibrowatt claims: "The BREDL report fails to acknowledge that a Fibrowatt plant would meet North Carolina air toxics standards – even for chromium."

In truth, the BREDL report states the contrary: Fibrowatt would not meet NC toxic air pollutant limits for chromium. Our analysis indicates that chromium levels would be 265% of the state limit at a distance of 6/10s of a mile from the stack, well outside the property boundary of the proposed site in Surry County. The results of our SCREEN3 model are included in our report which was distributed at our public forums and which is posted at the BREDL website. We analyzed a broad range of pollutants in the preparation of this report. We focused on the chromium emissions in the report because they were so far above the NC acceptable ambient limit. Our report did present details on other toxics based on the "worst-case" model, discussed below.

The League's Report Correctly Used a Valid Worst Case Model

Fibrowatt claims: "BREDL used a second model, referred to as a 'worst case spreadsheet' that is simply not valid for this type of analysis."

The worst-case model is valid for this type of analysis. The scenarios calculated with the worst-case model are three: area source, volume source and point source. The first two parameters allow one to account for multiple pollution sources in a given area or volume of space. The point source scenario contemplates the simplest situation; i.e., the single vertical smokestack. Again, these data are presented in detail in the full report made available at the forums and on our website.

Our organization has been committed for 25 years to public health protection. We believe that the worst-case scenario model captures fugitive emissions of air toxins from polluting facilities which are not included in any other models which the NC DAQ is likely to use in

permitting Fibrowatt incinerators in our state.

The League's Report is Based on the Most Recent Technical Data

Fibrowatt claims: "The BREDL modeling does not rely on actual metals emissions from Fibrowatt's Minnesota plant, but uses conservative estimates that Fibrowatt made years ago when permitting the plant."

In truth, the stack data used in our report is from data supplied by a Fibrominn consultant to the Minnesota Pollution Control Agency in a report dated September 3-4, 2008. This citation is given in a footnote on page 4 of our report.

The League's Report is Based on the Most Reliable Information Available

Fibrowatt claims: "BREDL's analysis is based on a 55-megawatt plant. Fibrowatt expects to build a smaller 40-megawatt plant in Surry County."

Our analysis relies on technical data provided by the only permitted poultry waste incineration facility in the United States: Fibrominn in Benson, Minnesota. That plant, as we stated in our report, is rated at 50 megawatts. No corresponding technical data are available for a 40 MW plant. Mr. Walmsley claims Fibrowatt plans a smaller plant in Surry County. Other North Carolina plants proposed by Fibrowatt match the Minnesota plant in size. Also, the NC Division of Air Quality based their pollution estimate on a 50 MW plant. Moreover, press accounts report a wide range of facility information. For example, some accounts state the proposed Surry County plant will provide 80 permanent jobs; others report 30 to 35 permanent jobs.

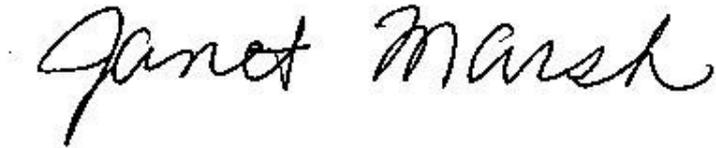
Once again, I reiterate that local government officials should not make decisions about welcoming and accommodating Fibrowatt without knowing details that would only become available much later in an air pollution permit application. At this time these poultry manure incinerators are a moving target.

As you may know, our Blue Ridge Environmental Defense League believes that the NC General Assembly made a hasty decision in providing for poultry manure incineration in our state's energy policy (ratified S3). We ask that you help us bring clarity about poultry manure incineration both to local and state officials. In meetings of the Air Quality Committee of the Environmental Management Commission, our staff have heard the chair, Marian Deerhake, express concerns about the EMC's responsibility under S3 to establish regulations which would be most protective of health and the environment. To that end, we request that you call for public hearings on best available control technology for the proposed Fibrowatt incinerators.

Finally, our board members and chapters are gravely concerned about the elimination of NC's health-based air pollution limits. We ask that you block the gutting of the NC air toxics program in the 2009 General Assembly.

Pricey, thank you so much for all of your hard work to protect North Carolina communities and public health. Please help us shine a big spotlight on the dangers of poultry manure incineration.

Sincerely,

A handwritten signature in black ink that reads "Janet Marsh". The signature is written in a cursive, flowing style.

Janet Marsh, Executive Director