

Clean Wisconsin

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Clean Wisconsin and SC Johnson Challenge Oak Creek Water Permit

MADISON, WI – Clean Wisconsin and SC Johnson have filed a lawsuit with the Dane County Circuit Court, challenging the Wisconsin Department of Natural Resources issuance of a permit to operate the controversial once-through cooling system in Lake Michigan that would serve the proposed Oak Creek power plant.

The permit challenge is based on the DNR's erroneous classification of this new water intake structure as an "existing facility," which would allow much more relaxed standards for its regulation. In fact, the stand-alone facility would be built as part of the expansion of the Oak Creek power plant and will be entirely new. Because this new cooling water intake system does not use the best technology available, but instead uses a process that has been banned in other states for thirty years and is far more environmentally harmful than alternatives, it would not meet permitting standards for a new facility.

"There is not even enough evidence in the record to show that this system would meet the standards for existing facilities," said Katie Nekola, energy program director for Clean Wisconsin. "The DNR acknowledges in the permit itself that they've reached a tentative decision based on inadequate information."

The nearly two-mile long pipeline extending out into Lake Michigan would take in 2.2 billion gallons of water a day, and discharge water that is fifteen degrees warmer than lake water. The water intake would kill aquatic organisms, either by trapping them on the structure's screens or by actually pulling them into the pipe. Discharge of significantly warmer water into the lake will have impacts on aquatic ecosystems.

The permit also violates the Clean Water Act's prohibition on using a "mixing zone" to dilute mercury discharges into the lake, said Nekola. "Both Wisconsin and federal law limit the discharge of mercury into the Great Lakes by banning the use of mixing zones, but the DNR is allowing WEPCO to use this method to meet requirements they couldn't otherwise meet."

In March, the Wisconsin Supreme Court heard oral argument on an appeal regarding the utility's PSC permit to construct, which had been revoked by the circuit court last November. The proposed Oak Creek expansion project would be the largest power plant construction project in the state's history, and would emit tons of pollutants into the air and into Lake Michigan.

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