

MICHIGAN CITY COMMON COUNCIL

FILED

JUN 04 2020

GALE A. NEULIEB
CITY CLERK
CITY OF MICHIGAN CITY

4781

RESOLUTION NO. _____

**MAKING RECOMMENDATIONS AND REQUESTS REGARDING NIPSCO'S
REMOVAL OF COAL ASH FROM ITS MICHIGAN CITY FACILITY TO MAXIMIZE
PUBLIC SAFETY AND THE ABILITY TO MONITOR THE IMPLEMENTATION OF
THE PROJECT, EXPRESS CONCERNS, AND PROVIDE INPUT TO ADDRESS THEM**

WHEREAS, under its proposed plan provided to the Indiana Department of Environmental Management (IDEM), the Northern Indiana Public Service Company (NIPSCO) is planning to dig up to *170,600 cubic yards coal ash* from basins at its Michigan City (City) facility and transport it to a landfill at their Schafer plant in Jasper County (Project); and

WHEREAS, coal ash contains many possible toxins including arsenic, radium, mercury and lead which can cause serious health problems from cancers to blood, heart, lung, neurological and skin diseases to chronic breathing sicknesses; and

WHEREAS, particulate matter is a dangerous air pollutant linked to adverse respiratory and cardiovascular health effects and to a higher risk of mortality from COVID-19; and

WHEREAS, NIPSCO's Project may put Michigan City, Jasper County, and the communities along the transportation route at a health risk due to the air-borne particulate matter generated during the implementation of the Project and Northwest Indiana (NWI), a region adversely impacted by a legacy of environmental pollution, should not have to endure any additional exposure to air-borne pollutants; and

WHEREAS, although NIPSCO has advised that it intends to implement the Project so as to maximize the safety and protection of the public, including by minimizing the creation of any air-borne particulate matter and preventing any public exposure to it, the Common Council believes that it is necessary for the City to monitor, express concerns, and provide input on the implementation of the Project so as to be able to protect the health, safety, and welfare of its citizens and visitors.

NOW, THEREFORE, THE MICHIGAN CITY COMMON COUNCIL, as a means to protect the health, safety, and welfare of Michigan City citizens and visitors, resolves as follows:

1. Once the closure of the Michigan City coal ash ponds begins, we request that:
 - a. NIPSCO work with an independent Community Review Committee to assess the cleanup and closure process, provide the Committee regular updates, and fund a technical expert who can monitor the Project and provide instruction, information, and advice to the Committee.

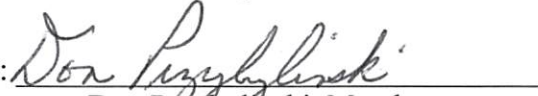
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- b. IDEM publish an online web-page so public comments/concerns can be readily collected during the Project.
 - c. IDEM establish and enforce procedures that ensure the safe excavation, loading, transportation, and disposal of the coal ash with substantial penalties for non-compliance, to ensure that coal ash dust does not endanger clean-up workers or the public.
 - d. Hire an experienced, neutral third-party to be paid for by NIPSCO to monitor the air for particulate matter near the Michigan City plant and Schafer landfill sites during excavation, transportation, and disposal of the coal ash and make real-time data from the monitoring available to the public to protect the health and safety of the workers and the public.
 - e. IDEM inspect both sites regularly during the Project, monitoring for and minimizing airborne dust.
 - f. NIPSCO transport the coal ash in "sift proof" vehicles and encapsulated to prevent ash from escaping during transportation.
 - g. NIPSCO permanently and properly secure and contain the coal ash and its residue at its Michigan City facility to prevent the possibility of future spills into Lake Michigan and Trail Creek and submit to IDEM a supplemental closure plan that includes addressing and providing alternatives for replacing the deteriorating sheet pile walls.
 - h. IDEM immediately test fish, aquatic life, and sediments in Trail Creek and Lake Michigan for arsenic and other toxic and bio-accumulative coal ash contaminants with testing data made readily available to the public. If the tests reveal that fish consumption is found threatening to public health due to hazardous pollutants, IDEM should take necessary measures to alert the community.
 - i. NIPSCO extend water quality monitoring to encompass off-site migration into Trail Creek and Lake Michigan.
 - j. NIPSCO establish appropriate background wells that aren't affected by coal ash to compare to the groundwater monitoring wells to indicate accurate pollution in the groundwater.
2. In addition to the third party monitor referenced in d above, that the Mayor create a group of City representatives, including at least two (2) Council members and employees and residents of the City who have knowledge of and expertise in the design and implementation of projects similar to the Project to maximize public safety and eliminate the risk of pollutants becoming air-borne and a risk to the health of the workers implementing the Project and the public. This group to review and comment on NIPSCO's proposed plan for implementing the Project, to monitor NIPSCO's implementation of the Project, to comment to NIPSCO, IDEM, and the public about, and provide input on, any concerns it has about the implementation of the Project.

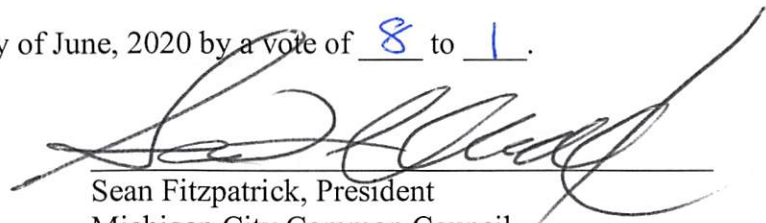
This Resolution to be effective upon passage and approval by the Mayor.

SPONSORED BY: 
 Dalia Zygas, Member

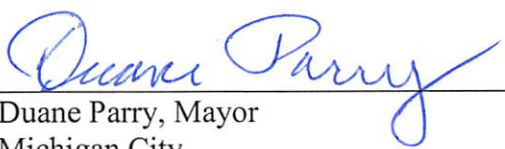
CO-SPONSOR: 
Michael Mack, Member

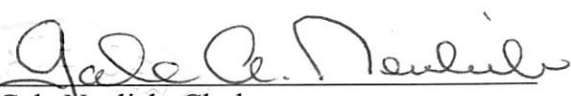
CO-SPONSOR: 
Don Przybylinski, Member

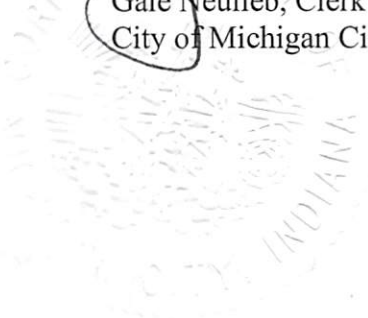
Passed and adopted this 3rd day of June, 2020 by a vote of 8 to 1.


Sean Fitzpatrick, President
Michigan City Common Council

Approved by me on the 4th day of June, 2020.


Duane Parry, Mayor
Michigan City

Attest: 
Gale Neulieb, Clerk
City of Michigan City



6-9-20-EMailed SUMMER RESOL TO COUNCIL CNUY / MAYOR /
CHRIS / JAMIE / LALE / KRISTINA

5-27-20 - SALES WP61 / RESOLUTIONS

5-27-20 Emailed PROPOSED RESOLUTION / ORDINANCES /
MAYOR / COUNCIL

5-27-20 MAILED ⑨ TO COUNCIL