

Why OSGC must be stopped from building a "Pyrolysis," "Waste-to-Energy," or "Plastics Recycling" plant.

# di**O**xin**S**=G**e**n**o**C**i**d**e**

To the Oneida General Tribal Council:

In **November 2000** OBC passed **Anti-Dioxin Resolution 11-08-00-B** unanimously because Dioxins threaten the future of all Tribal Nations. But now **Oneida Seven Generations Corp.** wants to use Oneida Tribal resources to build a **Dioxin-emitting incinerator** on the Oneida Reservation and to market incinerators to other Tribes, risking indigenous lives & lands at home and abroad.

- OSGC has **lied** about the hazards of their incinerator plans.
- OSGC **hides** information they are supposed to provide us.
- OSGC uses Oneida money to promote a means of **genocide**.
- OSGC claims they only want to build a demonstration model, but their real goal is to incinerate **medical & hazardous waste**.
- OSGC **must be stopped** from treating Oneida Tribal land like a mad scientist's laboratory, from treating Oneida children like guinea pigs, from treating Oneida Tribal resources like a gift card, and treating the Oneida Tribe's reputation like an old doormat for their dirty boots.

It's up to the **Oneida General Tribal Council** to make it very clear: We **do not** support exposing Native people & lands to Dioxin & other emissions from incinerators that hide behind names like "pyrolysis/gasification," "waste-to-energy" or "recycling." We **must stop OSGC** and protect Turtle Island and all the Human Beings who love her.

At a February 21, 2011 Green Bay Plan Commission meeting, OSGC Project Manager Pete King, III, admitted that among the project's emissions, "**There are some dioxins**[".]" OSGC's April 27, 2012 revised Permit to Construct Application reveals their pyrolysis/gasification project will emit the following **hazardous air pollutants**:

**Dioxins/Furans • Formaldehyde • Acetaldehyde • Arsenic • Lead  
• Cadmium • Chromium • Fluoride • Antimony • Mercury •  
Nickel • Iron • Copper • Selenium • Chlorides • Hydrogen Sulfide**

OSGC might say they only want a 'small-scale' project that won't emit all of the pollutants above, but we **can't** afford to find out later that they broke their promises, and we **can't** allow them to get a foothold for the "full-sized facility" their CEO has stated is their ultimate goal.

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On June 1, 2011 Kevin Cornelius was informed by **WDNR's Waste & Materials Management** that OSGC's Proposed Plan of Operation "mixes 'waste-to-energy' (WTE) under differing applications [and] there are also references to municipal solid waste (MSW) being **incinerated**. [...**C**]urrent operating pyrolysis applications are at **research and testing locations and do not exist on a commercial scale**. We are concerned that **your proposal is for a large scale facility**[.] I cautiously note, in its current form, the information submitted **does not** provide us with a confidence level that would ensure a reasonable expectation of success." (letter from Sally Hronek)

OSGC claims we **must** trust WDNR and EPA to certify & monitor their project for safety, but mining companies make the exact **same** claims about proposed Wisconsin mining, and yet OBC recently unanimously supported **Resolution 02-13-13-D** which says: "**the Oneida Tribe is determined to uphold and respect our original instructions to care for and protect our Mother Earth for all time. We are born with the responsibility to leave this place better than we found it, to uphold the next seven generation philosophy, and promote sustainability in our daily decisions**[.]"

We have to make it clear that the Oneida Tribe doesn't want to build incinerators anywhere on the Oneida Reservation because that would **dishonor** the meaning of **the Great Binding Law** which gives Oneida People our identity and should direct our enterprises & investments.

On January 17, 2012 the **U.S. Dept. of Justice** announced that Japan's **Marubeni** Corporation "has agreed to pay a \$54.6 million **criminal** penalty to resolve charges related to the Foreign Corrupt Practices Act...for its participation in a decade-long scheme to **bribe** Nigerian government officials to obtain engineering, procurement and construction (EPC) contracts[.]" [justice.gov/opa/pr/2012/January/12-crm-060.html](http://justice.gov/opa/pr/2012/January/12-crm-060.html)

On January 24, 2012 the **PIC Group**, a wholly-owned subsidiary of **Marubeni**, announced it had a "full care, custody and control Operations and Maintenance agreement with **Oneida Energy** for a new biomass gasification project located in Green Bay, WI." [picworld.com/media/business-news/pic-to-operate-new-biomass-gasification-plant/](http://picworld.com/media/business-news/pic-to-operate-new-biomass-gasification-plant/)

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OSGC is the majority shareholder of Oneida Energy, Inc., and OSGC's CEO Kevin Cornelius is the registered agent of both companies.

[wdfi.org/apps/CorpSearch/Advanced.aspx](http://wdfi.org/apps/CorpSearch/Advanced.aspx)

## **WHY WOULD OSGC WANT TO WORK WITH A SUBSIDIARY OF A KNOWN CORRUPT COMPANY? HOW DID THEY GET THE JOB?**

On January 9, 2013 Brown County Judge Marc A. Hammer decided in **Case No. 2012-CV-2263** that OSGC made **several** misrepresentations of material fact to the public and to elected officials while seeking a Conditional Use Permit from the City of Green Bay.

### **Court Transcript Pages 90-92:**

**THE COURT:** [...] I'm satisfied that the following misstatements were included in the minutes and on the audio tape. Mr. Cornelius stated there are no hazardous material. I don't think that's true. The system is closed so there is no oxygen. Once it is baked, all the gas is taken off by a, quote, "cherry scrubber," closed quote, so it takes away any kind of harmful toxins that might be in the gas and the rest is burned as natural gas. Anything that is left over will run back through the system. The ash that comes out can be dumped in a landfill or mixed with cement as road base.

Now, the last sentence I'm not satisfied is a misrepresentation. I don't know. I'm satisfied that comments regarding "once it is backed out, all the gas is taken off, it takes away harmful toxins." I'm satisfied these aren't true statements. Mr. Cornelius indicated at the Planning Commission hearing that there are no smokestacks, no oxygen and no ash. I'm satisfied that's a misstatement. There is carbon and ash which actually could have been tested and go right into organic farming. I'm satisfied that's not true. There are no fallout zones. I have no reason to challenge that. There have been some dioxins but no PCB's. This all goes into slag here. I'm not satisfied that is a truthful statement.

Mr. Cornelius in response to a question -- the question was from an alderman, and he said, in the report under emissions, it refers to some particulate matter, also hydrogen chloride, nitrogen oxide, sulfur dioxide, mercury and dioxins. The alderman asked if all of this was in the ash. Mr. Cornelius stated this is all taken out in the process, is all scrubbed out. A lot of this stuff is destroyed when it goes through the energy process at the end. I'm satisfied that's not true based on my interpretation of what was said.

**MR. WILSON:** And, again, Your Honor, apologize to interrupt. Just so the record is clear, Mr. Cornelius was not the one who made those statements. It was Seven Gens representative but not Mr. Cornelius.

**THE COURT:** And you are correct. I remember the voice. You're right. [...] I believe those are all the material misstatements that I relied on in making my ruling today.

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Page 8 of the March 12, 2013 Oneida Law Office analysis of my petition says about OSGC's grant funding, "It is not clear if there is a deadline by which operations must commence," **yet** Kevin Cornelius' December 11, 2012 Affidavit states, "[I]n order to qualify for the 1603 Grant, the Facility **must** be producing electricity to the grid by December 31, 2013. [...] Therefore...construction **must** begin by March 1, 2012 [sic]." They meant '2013,' but either way it's already **too late** for OSGC, and as page 6 says, the latest version would have "little focus on energy output except for use by the plant itself."

That means it's **wrong** to suggest that GTC will trigger OSGC's liabilities when we direct OBC to prevent OSGC from building an incinerator (by any name) anywhere on the Oneida Reservation. OSGC lost their permits and missed their deadlines because they **lied**. Plain & simple.

Given the December 2012 Federal Appeals Court decision, **Vann et al. v. DOI et al.**, which suggests 'Sovereign Immunity' has **limits** and Tribal leaders can be held **liable** for damages caused by a Tribe's actions, OLO should consider the various liabilities the Oneida Tribe would face if OSGC harms people & land via Dioxin & other toxins.

OLO also included a copy of OSGC's 'Corporate Report Model' but fails to mention that OSGC **has not** provided OBC & GTC access to audits & info as they're required to. **What else don't they want us to find out?**

'**Sovereignty**' shouldn't mean lowering our standards as a Tribe to cash in on **hypocrisy**. Exploiting the name '**Seven Generations**' while exposing generations to Dioxin deserves condemnation. **The Great Binding Law** wasn't created for the misuse of 'mad men' who have zero regard for those whose lives & land they endanger because they're focused on the next seven paychecks & bonuses. That may sound cynical, but the only way any of this makes sense is that OSGC has been driven by **foolish greed** or desperately needs intervention because they're **incompetent & naive**.

The Oneida Tribe of Indians of Wisconsin **must** stand against schemes that threaten our very existence. **Thank you** for supporting my petition against building an incinerator anywhere on the Oneida Reservation and standing up for those smiling faces we see every day and those whose faces are yet beneath the surface of the ground.

✿ **Sincerely, Leah Sue Dodge** ✿