

Oneida plant dispute headed to state Supreme Court

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Yard signs were part of an intense public debate before the Green Bay City Council revoked a permit for the Oneida gasification plant. / File/Press-Gazette Media

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Opponents of a proposed Green Bay waste-to-energy facility are cheering the city's decision to appeal a permit revocation fight to the state Supreme Court.

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Some observers believe the outcome of the court battle with an Oneida Tribe of Indians company will impact developments of similar facilities elsewhere in Wisconsin.

"It is a big deal," said Charlene Lemoine, an environmental activist in suburban Milwaukee.

Green Bay city officials are defending their decision to revoke a permit for a gasification plant based on the contention that developer Oneida Seven Generations Corp. misrepresented the facility's potential environmental hazards.

After a circuit court ruled in the city's favor, an appeals court last month reversed that decision and found that Oneida Seven

Generations had not misrepresented its proposal.

Green Bay aldermen now are preparing to take the dispute to the state Supreme Court.

Officials at both City Hall and the Oneida tribe declined to comment, citing the ongoing litigation.

As aldermen were deliberating the appeal March 31, City Council President Tom DeWane urged his colleagues to stand behind the city's attorneys in pursuing the matter to the state's highest court.

"Let them do what they need to do," DeWane said.

Oneida Seven Generations wants to build a gasification plant at 1230 Hurlbut St. to process common household trash at high temperatures in a process — also known as pyrolysis — that reduces landfill dumping while creating a new source of electrical energy.

Supporters applaud the concept as an environmentally friendly energy alternative. Critics, however, liken it to a trash incinerator that would pollute the community and risk other health hazards.

After initially approving the development, the City Council voted in October 2012 to revoke the permit based on widespread concerns that the developer had understated the emissions and the threats of pollution.

Oneida Seven Generations responded by taking the city to court.

Oneida tribal members opposed to the gasification development later voted to dissolve Oneida Seven Generations. Although it operated somewhat independently, the company was created and owned by the tribe.

Leah Dodge, a tribal member and leading critic of Oneida Seven Generations, said tribal leaders are sending "mixed messages" about the company's status and about any plans for reviving the gasification project if a court ruling allows it.

Dodge said she applauds the city's appeal, and she hopes the case provides a forum for exposing both the conduct of Oneida Seven Generations and questions about gasification plants in general.

"It's an opportunity to put the incinerator industry on trial," she said.

The city's appeal is expected to be filed with the Supreme Court within a few weeks. It is unclear how soon the case could be heard.

Lemoine, a leader of the Waukesha County Environmental Action League, said Green Bay city officials have a strong case, and she is pleased to see them keeping up the fight.

Noting that similar waste-to-energy projects are being discussed elsewhere, Lemoine said the Green Bay case could set an

important precedent.

“This will send a clear message,” she said. “You cannot go before a community and misrepresent the facts of what you’re proposing.”

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