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Wisconsin Department of Natural Resources  
Bureau of Air Management  
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On behalf of Friends of Milwaukee's Rivers (FMR), we are submitting the following comments on proposed rule revisions related to reducing mercury air emission from coal fired electricity generation in Wisconsin (Board Order No. AM-32-05), which would allow the Department to implement the federal Clean Air Mercury Rule.

Friends of Milwaukee's Rivers is a non-profit organization, representing roughly 350 members in the greater Milwaukee area. Our focus is the Milwaukee River Basin, which includes the Milwaukee, Menomonee, and Kinnickinnic Rivers. We are a grassroots organization working to protect and improve the water quality of the Milwaukee River Basin, and we believe in the fundamental right of every citizen to be able to use our rivers and streams for fishing, boating, and other recreational purposes. FMR is also a member of the Waterkeeper Alliance, and is the licensed Riverkeeper for Milwaukee.

In the United States 1,100 coal-fired power plants spew roughly 50 tons of mercury into our air each year, settling into our waterways, bioaccumulating in fish and entering our bodies through fish consumption. Recent studies indicate that mercury emissions are having a more pronounced local effect than was once thought and that control of local sources can have an immediate and dramatic effect on local water conditions. Although mercury comes from many sources, power plants make up the largest source of Wisconsin mercury emissions into the atmosphere and represent the most effective reductions to protect our waterways and human health.

In Wisconsin, toxic mercury contaminates fish in all of our lakes and rivers, and the State Health Department has issued a fish consumption advisory warning anglers and their families to limit their consumption of fish they catch from Wisconsin waters due to high levels mercury. Mercury is a neurotoxin that adversely affects the brain and nervous system development in young children and fetuses when their mothers eat mercury contaminated fish. Scientists estimate up to 600,000 children may be born annually in the United States with neurological problems leading to poor school performance because of mercury exposure while in the womb. Recent studies suggest that 9,000 or more children are born in Wisconsin each year with reduced memory function, attention span and IQ due to mercury poisoning.

FMR understands that the Department's primary proposal would adopt the federal new Source Performance Standards and require rule adoption by June 30, 2010 that

would require all coal-fired electric steam generation units to reduce their mercury emission by 90% by January 1, 2020.

Under three of the other proposals being considered – all of which embrace a 70% reduction by 2018 - ***no existing power plant in Wisconsin would have to install any pollution controls for mercury until 2017.*** These options are unacceptable. A fourth option under consideration is a citizen's petition supported by over fifty labor, health, conservation, angling and environmental groups throughout the state calling for 90% reductions by 2012. We urge the WI DNR to support this proposal for accelerated mercury reductions that includes a 90% reduction by the year 2012 at each coal plant in the State—we can not afford to wait until 2020 for mercury reductions.

The weaker proposals now under consideration by the DNR are the result of a Bush administration EPA rule that was found to be significantly deficient by over 20 states, including Wisconsin. In 2000 the EPA found mercury to be a hazardous air pollutant (HAP) and began steps to regulate emissions of this dangerous toxic from coal-fired power plants under the Clean Air Act section 112. The current proposed mercury emissions rule, however, attempts to renege on this HAP finding and allow the largest unregulated source of airborne mercury emissions to continue poisoning our nation's air and water resources and endanger the health and safety of the American people unabated, all for the financial benefit of the U.S. energy giants.

In violation of its mission “to protect human health and to safeguard the natural environment — air, water, and land — upon which life depends,” the EPA's proposed rule states that treating mercury as a hazardous pollutant is not necessary because mercury has only been found to be a danger to human health and not the environment. Wisconsin should act in the best interests of its citizens by refusing to accept the legitimacy of EPA's proposed rule.

Many of our neighboring states – including IL and MN – have already opted to write more stringent regulations that reduce mercury emissions at a faster rate than the EPA rule and require a 90 percent reduction of mercury. Its ironic that states like IL and even PA, notorious for coal burning power plant pollution, have taken stronger action to curb mercury than Wisconsin, the home to over a million fishing license holders, the #2 destination in the USA for non-resident anglers, and a \$12 billion dollar water based tourism industry per year.

Much has been learned about the ability to control mercury emissions from coal burning power plants since Wisconsin's original regulations were put in place in 2004 and it is now clear that a 90 percent reduction is not only possible but is relatively inexpensive when compared with the control technologies of other pollutants such as acid rain emissions. Affordable, effective technology does exist to control power plant mercury emissions. In our own backyard, We Energies has developed their Toxecon II technology which has achieved more than 90% reductions.

Furthermore, our citizens are in support of increased mercury controls. Recent polling shows ratepayers would welcome a modest increase in their utility bills –as much as \$5 per month - to help eliminate mercury emissions from power plants. When actual numbers from EPA, DOE and the Energy Information Administration were analyzed, they revealed that mercury pollution control costs ***for a 90% reduction in mercury emissions from all existing WI power plants***

would only run about **\$1 per month per household**, about \$6 per month for commercial customers, and about \$200 per month for industrial users -- hardly an unreasonable cost to ratepayers or shareholders.

We applaud the DNR's rejection of the federal interstate trading rule in their proposed primary proposal. If utilities in Wisconsin buy credits from utilities down wind from us in Ohio, Pennsylvania or New York that will do nothing to reduce mercury falling into our lakes and rivers. Trading mercury emissions could create local "hot spots" of even greater mercury contamination in certain areas, create environmental injustice, and are unacceptable.

Wisconsin residents want clean, safe air and water. I urge the WI DNR to create a strong mercury rule for Wisconsin that includes a 90% reduction by the year 2012 at each coal plant and that does not allow trading of mercury credits. If we wait until 2018, according to WI Department of Health and Family Services, Wisconsin mothers who ate fish during pregnancy will bear another 99,000 children with levels of mercury that threaten their mental capacity to learn and succeed in life. FMR urges you to take the necessary steps to protect Wisconsin's environment and children from toxic mercury by developing the strongest mercury rule possible.

Thank you for your consideration of these comments.

Sincerely,

Cheryl Nenn  
Milwaukee Riverkeeper