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☛ Details: Request for public hearing on the “mercury rule” by the Department of Natural Resources.

(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2007-08

(session year)

Joint

(Assembly, Senate or Joint)

Committee for Review of Administrative Rules...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Stefanie Rose (LRB) (August 2012)

Barry, Sarah

From: Dan LeMahieu [danlemahieu@gmail.com]
Sent: Wednesday, September 17, 2008 1:36 PM
To: Sen.Jauch
Subject: mercury rule

Senator Jauch,

My office received an email from Sarah Barry from your office with a number of requests concerning the mercury rule that was sent to JCRAR.

My request for a public hearing follows procedures set forth in statute in chapter 227. A standing committee has objected to the rule and JCRAR needs to take action. The legislature doesn't look at the review period as a delay. State agencies have been given wide latitude in promulgating rules as long as the legislature retains its oversight role. That is what I am asking for with the request for a public hearing.

A standing committee has decided to disagree with the mercury rule. Their objection would actually bring a 90% reduction in mercury emissions 6 years earlier than the rule (2015 not 2021).

The other concern is that the addition of ozone and fine particle regulations was added to the mercury rule, possibly non-germane, and was done so without a detailed economic study required by law.

I think the public has a right to answers to these questions before their electric rates take a sharp increase.

Again, I am just trying to follow procedures set up by the legislature in state statutes and protect the people of Wisconsin from agencies that over regulate through the rules process.

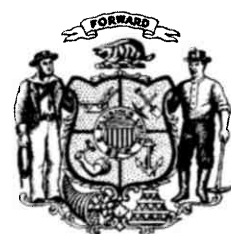
I look forward to hearing from you regarding my request for public hearing. Thank you.

Rep. Dan LeMahieu

9/17/2008



WISCONSIN STATE LEGISLATURE





September 2, 2008

Editorial: Stiff rules needed to keep mercury out of state waters

We're glad to see that Wisconsin is moving forward with rules that will significantly reduce the amount of mercury coming from coal-fired power plants.

The regulations call for power plants to reduce mercury pollution by 90 percent by 2015. The deadline would be extended to 2021 if the utilities reduce mercury pollution by 70 percent, sulfur dioxide by 85 percent and nitrogen oxide by 50 percent by 2015.

Mercury, a byproduct of coal burning, is known to cause birth defects and learning disabilities in children. It also can cause nerve damage and increases the risk of heart disease in adults.

It accumulates in the muscle and flesh in fish and the Department of Natural Resources and the Environmental Protection Agency have warned people to limit the amount of fish they eat.

The Assembly Natural Resources Committee recently voted to object to the pollution reduction goals, an action that sends the issue to the Legislature's Joint Committee for Review of Administrative Rules. Republican members of the Assembly committee said they were worried about the compliance cost to utilities, a legitimate concern

But there is a cost, too, if the state does nothing, or accepts a lesser level of clean water.

Wisconsin boasts some of the best fishing, whether it's in Lake Michigan, the 15,000 inland lakes or miles of streams and rivers. Protecting these waters from all forms of pollution is essential. Wisconsin's economy relies heavily on the more than \$2 billion in revenue generated by recreational fishing.

Thousands of anglers enjoy not only the sport of fishing, but also savor the taste of the catch. Their health should not be at risk as a result.

The rules have been developed over several years and the DNR has gathered input from the public, environmental advocates and the utilities that must eventually meet them.

DNR Secretary Matt Frank was right to reject the request from the Assembly committee to modify the regulations or delay the due date.

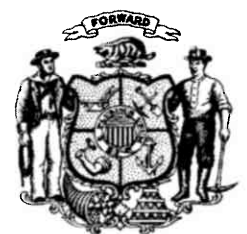
The next step is up to the administrative rules committee, though it is divided 5-5 between Republicans and Democrats and is likely to deadlock on whether to suspend or delay implementation of the rules.

The DNR estimates it will cost utilities between \$38 million and \$91 million annually to comply with the mercury reduction regulations. If this cost is passed on to customers, the DNR estimates the average household will pay \$5 to \$12 more a year.

This modest increase in electric bills is a small price to pay to rid the lakes, streams and rivers in Wisconsin of mercury and keep the more than \$2 billion recreational fishing industry thriving.



WISCONSIN STATE LEGISLATURE





Editorial: Yes, 90% by 2015

Assembly Republicans who voted against a proposed rule on mercury emissions were voting against public health and the environment. Their colleagues should decline to join them.

From the Journal Sentinel

Posted: Sept. 1, 2008

One has to wonder what some state Assembly Republicans were thinking last month when they voted along party lines to try to block a new rule on mercury emissions by the Department of Natural Resources. The rule is aimed at cleaning up Wisconsin's air and waters and will provide public health benefits that far outweigh their cost. Democrats and Republicans on a separate committee should hold firm in favor of the law and allow it to be implemented.

The new air rule is aimed at cutting mercury emissions by 90% by 2015, although utilities could put that off until 2021, and sets a goal of 70% by 2015 if utilities agree to cut two other pollutants: sulfur dioxide and nitrogen oxide. The 90% goal is steeper than that originally proposed by the federal Environmental Protection Agency and is opposed by groups such as Wisconsin Manufacturers & Commerce.

But given recent research on the toxicity of mercury and the flexibility in the new state regulations standard, the state is taking the right path. Mercury

emissions settle on water and contaminate fish. Because every Wisconsin waterway is under a mercury advisory and mercury is a hazard for children and pregnant women, a tighter standard seems warranted.

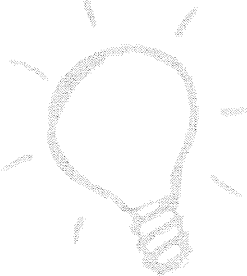
Republicans, WMC and other groups have expressed reasonable concerns about the cost of the controls. Utilities would be forced to install new controls that are estimated to cost \$38 million to \$221 million a year for mercury and other pollutants.

The controls on mercury alone could increase residential rates by \$5 to \$12 per year and \$36 to \$85 per year for commercial businesses, according to DNR estimates. The rule does not require legislative approval, but the Legislature could block it. The Assembly's Natural Resources Committee voted to do that, 7-6 along party lines, sending the measure to the Joint Committee for the Review of Administrative Rules. That committee has five Republicans and five Democrats. Blocking the rule would require six votes, and it is unlikely any Democrat will break ranks, so the rule is likely to be implemented.

But Republicans on the committee could send the right message in an election (or any other) year by declining to vote against a reasonable public health measure.

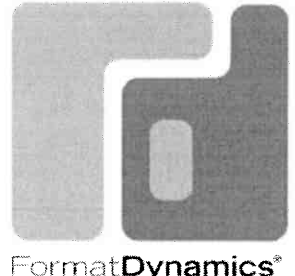
Should the state Legislature block a new DNR air rule to cut mercury emissions by 90% by 2015? To be considered for publication as a letter to the editor, e-mail your opinion to the Journal Sentinel editorial department

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