



*Forest County Potawatomi Community*  
*P.O. Box 340, Crandon, Wisconsin 54520*

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VIA E-MAIL [Laurie.Ross@Wisconsin.gov](mailto:Laurie.Ross@Wisconsin.gov)

Members, Department of Natural Resources Board  
c/o Laurie Ross  
Natural Resources Board Liaison  
PO Box 7921  
Madison WI 53707-7921

RE: Support for Strict Reductions in Mercury Emissions  
Comment on Proposed Revisions to Chapter NR 446, Relating to Limits  
on Mercury Emissions from Power Plants

Dear Members:

I am writing to commend the Department of Natural Resources for its revised proposal for reducing mercury emissions from coal-fired power plants. The Forest County Potawatomi Community is pleased to see a goal of 90% reductions in emissions, compared to the mercury content in the fuel. We also support the multi-pollutant option, because we understand the important role that sulfur dioxide emissions play in the creation of methyl mercury in our waters.

However, our Tribe is concerned that the proposed revisions to Wisconsin's mercury rule do not adequately address numerous electric generation sources, inappropriately delay implementation of a 90% reduction requirement, and do not ever require a 90% reduction from all plants. For these reasons, we are submitting the attached document with more in-depth comments about the proposed revisions to Chapter NR446. In addition, while DNR's findings strongly support quick and dramatic mercury reductions, there is considerable evidence regarding the impacts of mercury and the ability for present reductions that is not included in the findings. Accordingly, the attached document also provides additional evidence that the Tribe requests be included in the DNR's findings.

The Potawatomi strongly oppose the exclusion of electric units of less than 150 MW from the 90% mercury reduction requirement. Those units are often the dirtiest power plants in the state, and many are located in the most populated areas of the state.

They pose some of the greatest risks to the people of our state and should not be held to a lesser standard. A good example is the Menomonee Valley power plant, which has the highest rate of pollution of any power plant in the state and is in the largest urban area. This plant should receive the highest priority for emission reductions, but is exempt from the 90% reduction because it is comprised of two 140 MW units. That provision

must be changed. These plants should be subject to the 90% reduction requirements that apply to facilities 150 MW and over.

We also believe the timetables for the reductions should be more stringent. Illinois – a coal-producing state – has a mercury rule with deadlines six years earlier than those proposed for Wisconsin, according to your findings. Unfortunately, because Illinois has a head start on those reductions, Wisconsin likely cannot match its timetable. However, Wisconsin can and should move its deadlines at least halfway closer to those of Illinois, by a period of three years. Reductions must take place as soon as possible to protect our water, our fish and our children from mercury pollution.

Likewise, the multi-pollutant reductions should occur substantially sooner than required under the Proposed Rule. There is no reason why sources should wait until 2015 to take the first step under the multi-pollutant approach. As with the mercury-only option, this should occur at least three years earlier. Also, sources should not require an additional six years to put on additional controls to reach 90%. This should be shortened by at least half, so that 90% reductions under the multi-pollutant approach are achieved by 2015.

In addition, we believe the rule should contain a requirement that all plants must eventually meet the 90% reduction, not just a utility's fleet average. This provision is needed to prevent hot spots and to ensure that a 90% reduction is, in fact, achieved in Wisconsin. Similar to Illinois, Wisconsin's rule should require that within five years of the 90% fleet-wide reduction requirement, 90% reductions must be met by each plant.

The U.S. Environmental Protection Agency has estimated that 630,000 children are born every year with levels of mercury in their blood that put them at risk of learning disabilities and other developmental problems. As shocking as that number is, the risks are even greater for the Potawatomi and for other Native Americans, who have cultural traditions of eating fish. Although DNR's findings already support the need for quick and dramatic mercury reductions, we strongly recommend that the DNR amend its findings to include the fact that people who eat above-average amounts of fish, such as Native Americans and members of other specific cultures, are at particular risk from mercury emissions

Although it is difficult to compare economic cost and benefits with the critical human health impacts associated with mercury, it is important to note the significant benefits of a clean environment to Wisconsin's growing and important recreational economy. As the largest employer in Forest County, the Tribe is well aware of the importance of clean water and air to the Northwoods' rapidly-growing recreational economy. Likewise, throughout the state, recreational tourism is a critical element in our economy and an important source of jobs. In order to protect and enhance this important element of our economic future, Wisconsin needs to take quick and significant action to lower our state's mercury and related emissions.

The lakes of Northern Wisconsin, where we live, are the types of lakes where mercury pollution has severe impacts. We know that from a study of Devils Lake on our own reservation. But studies also show that reducing mercury as well as sulfur emissions can produce quick and dramatic improvements in Devils Lake and in other Northern Wisconsin lakes.

As we have testified to the U.S. Environmental Protection Agency, our tribal members work hard to maintain our connection with the natural world, which is a part of

our identity. For many people in Wisconsin, hunting, fishing and gathering are forms of recreation. But when Potawatomi members do these things, we do so to continue our traditional customs and practices.

When we are told the fish are not safe to eat because of mercury contamination, we have to choose between practicing our culture on the one hand, and protecting our health and the health of our children and families on the other hand. No one should have to face that choice.

Our traditional medicines also come from the natural environment. When mercury is in the water, it is transmitted to the plants and animals that we use for medicinal purposes. These medicines cannot work if the water, plants and animals have all been contaminated by mercury.

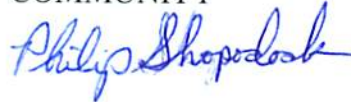
Water quality is also central to our cultural life. We need pure water to perform our ceremonies. When mercury drops from the sky into our lakes, it harms more than the water and the creatures that depend on it. It also harms our ability to practice our culture.

Our tribal members, as utility customers, are willing to pay our share to protect our air, our water, our fish and our children. The cost of pollution controls for individual ratepayers will be small, while the costs to individuals who are victimized by mercury pollution are very high.

Thank you for your consideration of these comments.

Very truly yours,

FOREST COUNTY POTAWATOMI  
COMMUNITY



Philip Shopodock  
Chairman



Jeff Crawford  
Attorney General

JLC:alm

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Enclosures

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