

Organization Public Comment Summary for AM-32-05
 Written Comments and Public Hearing Statements
 October 2007
 Prepared by Jon Heinrich

	ORGANIZATION	COMMENTOR	COMMENT SUMMARY	COMMENT ON ALTERNATIVES
6/11/07	Great Lakes Indian Fish and Wildlife Commission	Ann McCammon Soltis, Director, Division of Intergovernmental Affairs	GLIFWC supports not participating in the national mercury allowance trading program, recommends an environmental set-aside of 15% of the state mercury emission budget and more aggressive reductions, similar to our neighboring states.	
6/7/07	Electric Power Research Institute	Michael Miller, Director, Environmental Programs	Data show that mercury exposure in women of child-bearing age, including members of minority groups, have declined over the past decade while fish consumption has increased. Control of mercury more stringent than the 70% national level appear to have diminishing returns in terms of reduced mercury deposition and reductions in risk. EPRI cannot say with confidence that 90%-effective mercury control technologies are commercially available at this time. Results of EPRI modeling analyses specific to the State of Wisconsin and reported to the state in 2002 showed that mercury emissions from all state sources contribute less than 25% of the mercury deposition in Wisconsin, and that Wisconsin utilities contribute less than 10% to total deposition.	
6/7/07	Atmospheric and Environmental Research, Inc.	Christian Seigneur, Vice President	Technical report provided – <i>Estimating the Contribution of Coal-Fired Power Plants to the Atmospheric Deposition of Mercury in Wisconsin</i>	
6/11/07	Edison Electric Institute	Michael T. Rossler, Manager, Environmental Programs	More time is needed to develop mercury controls. Citizen petition request for 90 to 95% by January 1, 2012, “extremely difficult” to achieve.	The CAMR reductions and schedule employing the national mercury allowance trading program as the preferred compliance option should be adopted in Wisconsin (option 3). This is the most cost-effective way to reduce mercury emissions.
6/11/07	Wisconsin Public Service	Randal G. Oswald,	AM-32-05 proposes	Adopt EPA’s model rule

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	Corporation	Manager - Environmental Programs	requirements more stringent than the federal CAMR and therefore exceeds the department's statutory authority. The appropriate statutory findings have not been made to support this proposal. The following are inconsistent or more stringent: 90% reduction, failure to allow intrastate or interstate trading, sunseting of emission allowances for retired units, failure to allow banking, use of output based allocations, and retirement of unused new unit set-aside allowances.	including participation in EPA's national trading program (option 3).
6/11/07	Wisconsin Public Power, Inc.	Nina Plaushin, Assistant Vice President, Legislative & Regulatory Affairs	AM-32-05 provides a substantial competitive advantage to existing electric utilities with large fleets as compared to smaller systems and new entrants. Prohibition of the transfer of allowances between companies precludes anyone but an existing company from constructing a new coal-fired unit. There should be at a minimum an intrastate trading program. Any allowance program should be based upon joint ownership arrangements. Allocations based upon energy output are appropriate. Energy output determined every two years may cause real difficulties if a long term outage occurs. Suggest using highest two years of every three year period. A trading and banking program would help encourage early action. Allocate new unit set-aside allowances based on the gross generation from the previous year to address inequities in the current proposal.	
6/11/07	Manitowoc Public Utilities	Nilaksh Kothari, General Manager	MPU is concerned that the amount of allowances in the new unit set-aside is not adequate. They have a new unit and are concerned that they cannot meet the requirements of the proposed rule because of the lack of trading options and small amount of allowances available for new units.	Adopt EPA's model rule including participation in EPA's national trading program (option 3).
6/15/07	Wisconsin State Council of Carpenters	Mark Reihl, Executive Director	Current proposal likely impacts economic development and job market due to excessive	Adopt EPA's model rule including participation in EPA's national trading

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			ratepayer costs.	program (option 3).
6/11/07	Madison Gas and Electric Company	Michael Ricciardi, Senior Director, Safety and Environmental Affairs	MG & E supports unrestricted banking and trading of allowances. This proposal does not clearly address compliance responsibility and the allocation of allowances at generating stations with shared ownership.	Adopt EPA's model rule including participation in EPA's national trading program (option 3).
5/21/07	Midwest Food Processors Association, Inc.	Nickolas C. George, Jr., President		Adopt EPA's model rule including participation in EPA's national trading program (option 3).
5/29/07	Xcel Energy	Tina Ball, Senior Environmental Analyst	Wisconsin's proposal interferes with the ability of Xcel Energy to use significant mercury emission reductions they have achieved in Minnesota to meet the CAMR in Wisconsin. The approach proposed has negative implications for their Bay Front Plant not only because of the inability to trade but also because the proposal penalizes the combustion of biomass through the use of an output based allocation methodology. Extra costs will be borne by Wisconsin ratepayers as a result.	Adopt EPA's model rule including participation in EPA's national trading program (option 3).
5/30/07	Friends of Milwaukee's Rivers	Cheryl Nenn, Milwaukee Riverkeeper		Require 90 to 95% reduction at each coal-fired electrical generating unit by 2012 (option 2).
6/8/07	The Izaak Walton League of America - Midwest Office	Nancy Lange, Clean Air Program Coordinator	Minnesota Mercury Reduction Act demonstrates that mercury control technology capable of 90% reduction at subbituminous coal-fired power plants is possible.	Require 90 to 95% reduction at each coal-fired electrical generating unit by 2012 (option 2).
6/8/07	Forest County Potawatomi Community	Jeff Crawford, Attorney General, Forest County Potawatomi Community	Department should commence making the public health finding required by statute and promulgate a rule that requires mercury emission reductions sooner and greater than those being proposed in AM-32-05. Attached analysis from Godfrey and Kahn – "Requirements for Amending Wisconsin's Mercury Reduction Rule".	
6/11/07	Wisconsin Industrial Energy Group	Todd Stuart, Executive Director	Rising electrical rates in the state are affecting competitiveness and may result in the loss of businesses and jobs. This proposal exceeds the federal CAMR and thus the public health finding required by	Adopt EPA's model rule including participation in EPA's national trading program (option 3).

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			statute must be prepared. At a minimum if more stringent requirements move forward participation in national trading should be allowed and off ramps created if technology does not perform to expectations or becomes too costly.	
6/11/07	Wisconsin Paper Council	Edward J. Wilusz	It appears that Green Bay Packaging has a unit that is affected by the CAMR. Substantial cost increases would be incurred by the paper industry if AM-32-05 is adopted. Going beyond CAMR requirements is not justified.	Adopt EPA's model rule including participation in EPA's national trading program (option 3).
5/29/07	The Wisconsin Interfaith Climate & Energy Campaign, Inc.	Wayne Stroessner, President	Ample evidence that public health is being harmed by mercury contamination in the environment. Stringent mercury emission reductions are needed.	Require 90 to 95% reduction at each coal-fired electrical generating unit by 2012 (option 2).
6/11/07	Clean Wisconsin and the Sierra Club	Keith Reopelle, Program Director, Clean Wisconsin and Jennifer Feyerherm, Midwest Representative, Sierra Club	Effective mercury control technology is available and protection of public health demands action sooner than the federal CAMR. Attached analysis from Garvey, McNeil & McGillivray – "DNR's Rulemaking Authority for Mercury."	Require 90 to 95% reduction at each coal-fired electrical generating unit by 2012 (option 2).
6/11/07	Charter Steel	Matt Schroeder, Senior Environmental Engineer	Increased electricity rates are not justified by the minimal benefit from requiring more than federal regulations demand.	Adopt EPA's model rule including participation in EPA's national trading program (option 3).
6/11/07	Wisconsin Environment	Dan Kohler, Director		Require 90 to 95% reduction at each coal-fired electrical generating unit by 2012 (option 2).
6/11/07	Wisconsin Utility Investors, Inc.	Robert H. Seitz, Executive Director		Adopt EPA's model rule including participation in EPA's national trading program (option 3).
5/24/07	Metropolitan Milwaukee Association of Commerce	Steve Bass, Director of Government Affairs	Wisconsin should not be developing regulatory requirements that are not consistent with federal regulation. More restrictive requirement would not result in additional benefit only higher electricity rates.	
6/11/07	Wisconsin Utilities Association and Dairyland Power Cooperative	Bill Skewes, Executive Director	Supplemental Comments on Procedural Concerns Committing to rulemaking to achieve a 90% violates statutory requirements to be consistent with federal regulation. The	

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			<p>department has not made the necessary statutory finding to require these additional reductions.</p> <p>In addition, AM-32-05 is inconsistent with the federal CAMR in the following areas; failure to allow trading, sun setting retired unit allowances, failure to allow banking, proposing an unworkable and overly complex allowance allocation methodology and proposing retirement of unused new unit set-aside allowances.</p> <p>The department has also failed to meet the small business analysis, fiscal estimate and rulemaking procedural requirements.</p>	
6/11/07	WE Energies	Kristine Krause, Vice President - Environmental	AM-32-05 is not consistent with the federal CAMR. Participating in the national trading program is the most cost-effective option. The proposed allowance allocation methodology should be replaced with the federal option. There are procedural deficiencies including proposing more stringent limits without preparing the analysis required by law and inclusion of NSPS standards as part of this rulemaking. Mercury control technology is not commercially available. More aggressive rules in Wisconsin will not have benefits for the state.	Adopt EPA's model rule including participation in EPA's national trading program (option 3).
6/11/07	Wisconsin Power & Light Company	Kathy Lipp, Chief Environmental Officer	EPA's model rule including the allowance allocation methodology and participation in national trading is the preferred option until "technology performance is better understood". Comments include detailed unit-by-unit evaluation of mercury control technology options, installation considerations and emission monitoring concerns.	Adopt EPA's model rule including participation in EPA's national trading program (option 3).
6/11/07	Dairyland Power Cooperative	Harold Frank, Manager, Air Quality Programs	AM-32-05 is not consistent with the federal CAMR and therefore violates statutory requirements. The finding required by statute to support adoption of more stringent emission standards was not prepared. Procedural	Adopt EPA's model rule including participation in EPA's national trading program (option 3).

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			<p>issues are also raised concerning the rule scope statement, opportunity to request an economic impact report and adequacy of the fiscal estimate.</p> <p>Dairyland Power Cooperative comments has attachments including Wisconsin mercury modeling studies prepared by Atmospheric and Environmental Research, Inc., Leonard Levin, EPRI, U.S. Senate testimony, and Wisconsin Mercury Rule Compliance Cost Study from the Center for Energy and Economic Development (CEED).</p>	
6/11/07	Wisconsin Manufacturers and Commerce	Scott Manley, Director of Environmental Policy	<p>WMC opposes provisions that deviate from EPA's model rule specifically disallowing trading as a compliance option and seeking a 90% mercury emission reduction. More restrictive rules will cost more and not provide significant benefit. The required statutory finding to support more stringent emission limitations has not been made.</p> <p>WMC identifies procedural and legal defects with AM-32-05 including a deficient scope statement, failure to perform a health risk assessment, proposing rules that are not consistent with federal requirements and not meeting the consistency commitment in the current state mercury rule.</p> <p>Attachments to the WMC comments include the CEED evaluation, EPRI issue brief "Integrated Approaches to Managing Mercury", Utilities Response to the Citizen Petition – 6/11/07, Mercury Study Report to Congress – December 1997, EPA's CAMR Regulatory Impact Analysis – March 2005, AER 2002 Modeling Study, Board Order AM-32-05, and the Final CAMR Federal Register.</p>	Adopt EPA's model rule including participation in EPA's national trading program (option 3).
5/15/07	Green Bay Electrical Workers	Jack Heyer, IBEW Local 158 – Green Bay Public Hearing	Current proposal likely impacts economic development and job market due to excessive	Adopt EPA's model rule including participation in EPA's national trading

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5/15/07	Integrays Energy Group	Connie Lawniczak, Director- Environmental Services – Green Bay Public Hearing Phillip Uekert, Director, Regulatory Relations – Madison Public Hearing – 5/23	WPS is pursuing mercury controls but needs the flexibility of the national cap and trade program to complement their reduction plan.	Adopt EPA's model rule including participation in EPA's national trading program (option 3).
5/15/07	Wisconsin Utilities Association	Bill Skewes, Executive Director – Green Bay Public Hearing	Wisconsin's implementation of CAMR should mirror EPA's version and not impose more restrictive requirements such as not allowing trading and banking.	Adopt EPA's model rule including participation in EPA's national trading program (option 3).
5/15/07	Wisconsin Wildlife Federation	Chuck Matyska, Second Vice-President – Green Bay Public Hearing Jerry Knuth – Stevens Point Public Hearing Doug Burrows – Eau Claire Public Hearing Ted Lind – Milwaukee Public Hearing		Require 90 to 95% reduction at each coal-fired electrical generating unit by 2012 (option 2).
5/17/07	League of Women Voters of Wisconsin	Mary Dahm, President Wisconsin Rapids – Stevens Point Public Hearing		Require 90 to 95% reduction at each coal-fired electrical generating unit by 2012 (option 2).
5/22/07	Wisconsin Sierra Club	Carla Klein, Chapter Director – Eau Claire Public Hearing		Require 90 to 95% reduction at each coal-fired electrical generating unit by 2012 (option 2).
5/23/07	Plumbers and Steamfitters Local 400	Mark Buss, Business Manager		Adopt EPA's model rule including participation in EPA's national trading program (option 3).
5/23/07	NorthEast Wisconsin Building & Construction Trades Council	Randy Weytens, President and Gary Ruhl, Business Development – Madison Public Hearing		Adopt EPA's model rule including participation in EPA's national trading program (option 3).
5/23/07	Wisconsin Federation of Cooperatives	David Hoopman – Madison Public Hearing		Adopt EPA's model rule including participation in EPA's national trading program (option 3).
5/23/07	Madison Gas & Electric Company	Michael Ricciardi, Senior Director of Safety and Environmental Affairs – Madison		Adopt EPA's model rule including participation in EPA's national trading program (option 3).

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5/23/07	Wisconsin Power & Light Company	Kathy Lipp, Chief Environmental Officer – Madison Public Hearing		Adopt EPA's model rule including participation in EPA's national trading program (option 3).