Meeting Minutes
Mercury Citizen Advisory Committee
April 10, 2002
The J.F. Friedrick Center, Room 16
1950 Willow Drive
Madison WI

Facilitator: Bert Stitt
Members Attending: Keith Reopelle, Wisconsin Environmental Decade; Russ Ruland, Muskellunge Club of Wisconsin; Ed Wilusz (alternate), Wisconsin Paper Council; Jeff Schoepke, Wisconsin Manufacturers & Commerce; Joe Shefchek, Alliant Energy; Wayne Stroessner, Random Lake Association; John Coleman, Great Lakes Indian Fish & Wildlife Commission; Bill Skewes, Wisconsin Utilities Association, Inc.; Mark Yeager (alternate), Environmentally Concerned Citizens of Lakeland Areas; Terry Coughlin (alternate), Wisconsin Electric; Mayor Kevin Crawford (alternate), Municipal Electric Utilities of Wisconsin; Bill McClenahan, Forest County Potawatomi Community; Eric Uram, Sierra Club; and Lloyd Eagan, DNR
Others Attending: Roy Johnson, ESA; Marc Looze, Wisconsin Environmental Decade; Jim Loock, Wisconsin Public Service Commission; Elena Gasimova, AREAT, Aserbaijan; Mike Meyer, Doug Knauer, Carl Watras (by phone), Marty Burkholder, Jon Heinrich, Tom Karman and Anne Bogar, DNR.

Welcome
Lloyd Eagan welcomed the Committee.

Check-In Round
Bert Stitt conducted a check-in with Committee members.

March 6th Meeting Minutes Review
There were no changes to the March 6th meeting minutes.

Agenda Review
The Committee agreed to move several topics to the beginning of the agenda and to take up the TAG Issue Brief Presentation later. Review of Public Comments , Committee's Report to Secretary and Planning for the Retreat were the agenda items moved up.

Review of Pubic Comments
Jon Heinrich noted that he sent Committee members electronic copies of the public comments of other Committee members. The Committee now needs to decide what more it wants to do with the public comments. Ed Wilusz asked if the issue papers for the retreat will include a summary of the public comments. Jon responded that the issue papers for the retreat would include summaries of the public comments, comments from the matrix and comments sent directly to him for inclusion in the issue briefs. The Committee did not ask for further work on the public comments.

Committee's Report to Secretary

Marty Burkholder presented the most recent draft of the report. After questions on the list of stakeholders and possible additions, Bert suggested that a parking lot be made for stakeholder additions and the Committee could add them any time during the meeting. John Coleman noted that the tribes are not an environmental organization and their viewpoint is not represented in the report. He said there are differences in perspectives for the tribes and he would get comments to Marty to represent those concerns. Jeff Schoepke noted that one of the biggest concerns is electric rates and that he will prepare comments to include in the draft report.

Retreat Planning

Jon Heinrich and Anne Bogar summarized materials distributed on the proposed workplan for the retreat and initial feedback from the follow-up phone calls to Committee members on the draft workplan. About half of the Committee had been polled thus far and most agreed that choosing a select number of issues for the retreat was a good approach. Most have also said that the seven proposed issues are good ones, although a number of Committee members indicated that seven may be too ambitious. There were also a couple of additional issues suggested and staff will find a way to address these. Committee members did indicate that they wanted to weigh in on the order the issue briefs are discussed. Anne is also soliciting comments on the schedule such as the start and ending times for each day, breaks and an evening working session. The Committee chose to continue this discussion after the TAG and scientific research presentations.

TAG Issue Brief Presentation

Tom Karman distributed handouts and noted that the Committee would receive a copy of his electronic presentation on control technologies. He reviewed a schedule of when the various TAG issue briefs would be available.

Bill McClenahan said that he has heard a concern that there is much uncertainty with the technology and this has a potential impact on reliability. He asked for further explanation of this concern. Terry Coughlin replied that the concerns relate to the unknown. He said under the proposed rule, a Wisconsin utility may be the first one in the country to install the control on a boiler. If the baghouse gets bound up and fills up, you may have to look at shutting down the boiler. There is nothing in the proposed rule for how you handle this situation and still comply with the rule. There is a variance provision, but it doesn't address operational problems. Lloyd Eagan commented that, in other words, the utility doesn't want to be referred to the Department of Justice for a boiler maintenance issue.

Roy Johnson commented that the controls are developing. However, the only one now to achieve a 90% reduction is to add a fabric filter at the end and no ESPs. Terry commented that an issue is also the level of reductions and whether a utility can generate tradable reductions for compliance. Or, you could consider following what was done with the acid rain rule, where, if you cannot meet the goal in the first year, you do a multiplier and catch up. But you don't get labeled as being out of compliance or face an enforcement action for not meeting the first goal.

Mark Yeager asked if the TAG issue brief will capture these points. Tom noted that that is what the issue briefs are trying to do. Mark asked if the issue briefs would be available in two weeks. Eric Uram followed up and asked if staff could prepare a timeline of the papers and products that are being prepared for the Committee's retreat and when the Committee needs to produce its report. Tom Karman responded that the TAG needs a final date from the Committee for when it needs the TAG products and identifying critical issues.

The Committee discussed its timeframe and whether to adjust the retreat date and when it needs TAG products.

Action Item: The Committee is committed to its April 30 and May 1 retreat dates. The target date for TAG products is April 25. The Committee wants to have as many final issue briefs from the TAG by April 25 as possible but if briefs are not done the Committee will accept drafts or anything that can be done even if they are received after April 25.

<u>DNR Scientific Mercury Research (Loon Study)</u>
Mike Meyer, Doug Knauer and Carl Watras, DNR presented results from several recent studies. (NOTE: The Committee members will receive electronic copies of these presentations.)

Carl first presented information on the results of studies done on Little Rock Lake, Wisconsin on the responsiveness of the lake to mercury deposition. He noted there were three studies: one was published in 2000, one is to be published soon and the third is in peer review. There are two main summary points from these studies. First, lakes have responded positively to declines in Acid Rain over the past 3 decades. This positive response has been observed in many regions of the northern hemisphere where controls on SO2 emissions are in effect. Second, evidence from Little Rock Lake indicates that lakes may respond even more rapidly to changes in atmospheric mercury deposition.

Doug Knauer shared a slide on the use of mercury in the U.S. and coal combustion. He will provide copies to Committee members.

Mike Meyer presented the results of a ten-year study aimed at determining what is the safe level of mercury in fish that safeguards wildlife. A significant finding of the study is that young loon chicks (less than 10 weeks) can excrete mercury into newly growing feathers. In chicks with feathers growing, takes three to ten days. After the feathers stop growing, it takes more than 100 days to lose half of the mercury in its body.

The study found no relationship between varying the mercury dose and the final size of the loon. It also found no relationship between the mercury dose and the food consumer or the mercury dose and behavior. The source of the loon eggs did show an effect. Eggs from the acidic lakes were not as large or successful (that is, the loon chicks from these eggs were "less fit") than eggs from neutral lakes.

Parking Lot

There were a couple of suggestions for stakeholders to be added to the Committee's report in that parking lot, and two comments in another parking lot.

Retreat Planning

The Committee discussed the issues for the retreat and decided to keep the seven issues identified by Jon and add an eighth issue, baseline determination. The Committee acknowledged that eight issues was probably too ambitious but all were important. Bill McClenahan asked whether the federal versus state regulation issue could be a subpart of the periodic evaluation issue. Jeff Schoepke responded that the federal versus state issue addresses more than periodic evaluation. He said it relates to the legal obligation the state has to respond to the federal requirement and there needs to be a mechanism in the rule to do this. The Committee agreed that they would be separate issues.

The Committee choose the order to discuss the issues:

1) Baseline determination;
2) State versus federal regulation
3) Periodic evaluation
4) Reliability
5) Industrial caps
6) New sources
7) Mercury reduction requirements
8) Trading

The Committee agreed that the issue brief format in the sample brief is good as it is. The Committee discussed a timeframe for issue brief preparation and review: Jon will provide the Committee with issue briefs on the eight topics by Wednesday, April 17; Committee members should submit comments on the briefs, focusing on "Committee Views" and "Alternatives" to Jon by Wednesday, April 24; final briefs will be distributed to the Committee on Friday, April 26.

The Committee also agreed to proceed with four issue briefs that will be included in the final report but not covered at the retreat. The four are: 1) mercury emission transport and deposition; 2) health and environmental impacts; 3) economic impacts and costs; and 4) state versus federal activities.

It was clarified that Committee members are expected to pay their own way for the retreat. The retreat location may be Madison, due to budget constraints facing the DNR.

Bert asked the Committee about its expected endpoints. The Committee chose to prepare and review the written report by email and not to set additional meetings but is open to meeting with the Secretary on its draft report about a month or so after the retreat. Anne will add "Next Steps" as an agenda item at the end of the second day of the retreat.

Closing Round

Bert conducted a closing round with Committee members. Members said the meeting was good, that they were moving forward and that the retreat structure looks good.

The next meeting will be on Tuesday, April 30 and May 1, 2002 at the Wildwood Lodge in Lake Delton, Wisconsin.