

Wisconsin Conservation Congress  
**Air Waste & Water Study Committee**  
Meeting Minutes  
Saturday, September 20, 2008  
The MacKenzie Environmental Center – Poynette, WI

**1. Organizational Matters**

- a. Meeting called to order by Chairman Witkiewicz at 9:37a.m.
- b. **Roll Call** – Present: Michael Witkiewicz, Todd Kapp, Charlie Brown c, Dale Crisler, Al Schimelpfenig(substitute for John Cumming), Marissa Jablonski, Paul Mau, Gene Reineking, Ronald Vander Loop, Tom Krsnich, Greg Pils, Kurt Thiede - Excused absence: Marc Schultz, Greg Wysocki – Unexcused absence: Marty Grosse
- c. Chairman Witkiewicz requested addition to agenda by tabling the approval of the Committee Mission Statement until discussion could occur after lunch. Motion to approve agenda with Chairman’s revision was made by Ronald Vander Loop and seconded by Greg Wysocki. Motion carried by unanimous voice vote in favor.

**2. Department Information Items & Updates**

- a. **DNR Mercury (Phosphorus Reduction) Rule Update** was provided by Jon Heimrich of the DNR. Jon provided overview of history, current status and content of proposed DNR rule. Jon also provided a handout summarizing the proposed rule change. Status of the rule currently is that the State Assembly and the DNR are not in agreement with what the content of the rule should be. The next steps for the proposed rule will be brought up with the Legislative joint committee on rules where it is expected to be promulgated by January 1, 2009. Jon informed the Committee that Illinois is about two years ahead of Wisconsin in terms of progressing their rule mostly due to their head start. Michigan is in the early stages of developing their proposal similar to Wisconsin. Minnesota’s proposal only addresses large EGU’s. Ohio and Indiana have no plans to create a state proposal and will wait for the Federal government to make the reduction rule mandatory. Twenty states in the USA are going ahead with proposing their own state rules. Additional information on the status of the rule can be obtained from Jon Heimrich by e-mailing specific questions to him at [Jon.Heimrich@Wisconsin.gov](mailto:Jon.Heimrich@Wisconsin.gov). Kurt Thiede provided an overview of recent activities and the position/recommendations of the WCC to the DNR Board regarding the subject manner of the Mercury rule.
- b. **Green Tier Program Overview and Participation Update** was provided by Greg Pils. A handout describing the purpose and overview was distributed to the Committee members. The program went into effect in 2004 and currently has 23 Tier 1 entities which are made up of 29 facilities. There are two Tier 2 entities and there are currently six applicants to become Tier 2. The program is up for reauthorization in 2009. Additional information on the program can be found at <http://greentier.wi.gov/> or by contacting Mark McDermid at 608 267-3125. It was suggested that it might be worthwhile for the Committee to visit a Tier 1 prior to the Committee providing an endorsement of approval for the Green Tier program.
- c. **Prospects for Initiating Open Burning Legislation** was presented by Greg Pils with comment from Tom Krsnich. A presentation slide providing an overview of Senate Bill 284 was distributed to attendees. No action by the Assembly killed the Bill last legislative session. The purpose of the Bill was to provide the DNR with authority to issue citations to violators of current open burn law. The DNR will likely move forward again with the proposal this year, but may change the name to Safe Burning Legislation. Motion regarding the Committee’s opinion was tabled until Members Matters.

- d. **Great Lakes Compact Implementation Update: Planned Diversions** was presented by Greg Pils. Greg handed out a frequently asked question overview regarding the Compact as well as a handout that showed the boundaries for the Great Lakes/ St. Lawrence River Basin. The Compact has overwhelmingly passed the US Senate and is expected to be voted upon by the US House of Representatives later this month. The President of the USA has also expressed his support for the Compact. The Wisconsin DNR within the last few weeks created a new organizational unit within the Department call the Water Usage Section to handle Wisconsin's participation in the Compact. There is some limited information regarding the Compact on the DNR's web site.
- e. **Update on ERCO Worldwide Emission Reduction Efforts** was presented by Greg Pils. A brief overview was given and a handout describing the conversion timeline for ERCO and the disposition of the recovered Mercury was distributed to the attendees. The total cost is estimated at \$85million and the target completion date is the summer of 2009. Approximately 200 tons of Mercury will be recovered. Additional information can be obtained by contacting Greg.

Meeting broke for lunch at 12:15pm and reconvened at 12:45pm.

- 3. **Committee Mission Statement** – Kurt Thiede provided an overview of why the WCC is asking each Study Committee to create a mission statement. Committee opened up discussion and formed the mission statement. The mission of the Air, Waste and Water Study Committee of the Wisconsin Conservation Congress is to review properly noticed citizen resolutions, rules, policies, regulations, and legislation affecting the air, land and waters of the state of Wisconsin. Utilizing the best available knowledge, technical resources and citizen input, the Committee will study and discuss issues, with the intent to develop clear and actionable positions on those issues. The Committee will then advise and recommend a course of action to the Executive Committee and Executive Council of the Congress. A motion was made by Dale Crisler to approve the Committee mission statement and seconded by Charlie Brown c. The motion passed unanimously by voice vote.
- 4. **Discussion & Action Items**
  - a. **Resolutions**
    - i. **120208 Change State Agricultural Siting Laws** – Resolution was read to the Committee by the Chairman. Paul O'Leary of Madison, WI (Dane County) was present to represent the Crawford Stewardship Project. Paul distributed a copy of the Unofficial Text of ATCP 51 Livestock Facility Siting and Appendix A State and Local Permit Checklist and provided some background on the purpose of the resolution. Greg Pils informed the Committee that the WI DNR does not have jurisdiction over agricultural siting regulations. DATCP has jurisdiction. In light of this information that the resolution as written was outside the scope of the authority of the WCC to act and the author not being present to have the Committee ask if revisions to the resolution's language could be made to put it in the scope of the WCC to act on the resolution, a motion to reject the resolution was made by Al Schimelpfenig and seconded by Ronald Vander Loop. The motion to reject passed with six votes yes and one vote no. The Committee suggested that the author reword the resolution and find out how it might be taken up with DATCP.

- ii. **180108 Phase Out Lead Fishing Tackle** – The resolution was read by the Chairman. A motion to forward the resolution to the Executive Committee was made by Marissa Jablonski and seconded by Dale Crisler. During discussion it was discovered that hard scientific data linking death of wildlife in their natural environment due to ingestion of lead could not be completely confirmed as the root cause. It was requested that additional scientific data supporting the direct cause and affect of wildlife mortality strictly from lead ingestion and its toxic affects (not blockages) be provided. Had the author been present, the Committee would have asked the author to reword the resolution in such a way that the DNR would study the mortality rates and causes of wildlife mortality to prove that lead was definitely having a major adverse affect on wildlife populations before making a decision on elimination of its use. A motion to table the resolution until further scientific data could be provided and/or the author allowing the language to be changed that scientific data would have to prove without doubt that lead was having a major effect on wildlife mortality in its natural environment before it could be phased out or eliminated from use was made by Dale Crisler and seconded by Paul Mau. The motion was tabled by unanimous vote.

## 5. Members Matters

Ronald Vander Loop presented information on collection methods and suggestions for unused pharmaceuticals. He suggested that the issue be looked at the local level before the WCC or Committee does anything to act.

Chairman Mike made a motion to reaffirm the Committee's support via a memo for creating citations for open burning violations for the next legislative session. The motion was seconded by Ronald Vander Loop and carried by unanimous voice vote.

Motion was made by Dale Crisler to adjourn the meeting and seconded by Ronald Vander Loop. Meeting adjourned at 2:50pm.