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# State's decision on mercury delayed

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Uncertainty about the future of federal rules limiting mercury emissions for coal-fired power plants contributed to a decision made Thursday by state regulators to wait on setting limits within Oklahoma.

Members of the Department of Environmental Quality's Air Quality Advisory Council voted to delay adopting proposed rules seeking to implement limits within the Sooner State until at least April.

They opted to wait because of an ongoing lawsuit seeking to void the federal rules.

A similar number of states have adopted more stringent rules requiring power plants to reduce their mercury emissions by 90 percent.

Remaining states have opted to do nothing. If the lawsuit's plaintiffs win, which DEQ staffers told the council they thought would be the case, then it could be years before the federal government tries to adopt a replacement standard.

The advisory council's decision Thursday didn't appear to surprise environmentalists who attended the meeting.

Still, they told council members Thursday stricter standards need to be adopted now.

"When it comes to that decision on the federal lawsuit, whichever way it goes, what is the risk of going ahead with something stricter?" asked Montelle Clark, a member of the Oklahoma Sustainability Network's board of directors.

"You are still allowed to do that" regardless of the lawsuit's outcome, Clark said. "If you went ahead and did it now, you would be ahead of the game."

Also appearing before the council to argue for the stricter rules were a representative of the Sierra Club of Oklahoma, a grandmother and a former teacher from Norman, a spokeswoman for the Oklahoma Department of Rehabilitation Services who took personal leave to make her case before the board, and a member of the Green Party in Oklahoma, who wore a polar bear suit to the meeting.

Clark told the board that weekly sampling data of rainfall shows Oklahoma has some of the highest mercury contamination in the nation and said the problem causes health problems for pregnant women, women of child-bearing age and children.

Eddie Terrill, director of DEQ's Air Quality Division, told council members delaying a vote would give state officials more of a chance to gather data about mercury contamination in Oklahoma and to get a better cost-benefit analysis assembled.

What would plant improvements cost utilities and their customers, and how effective would they be? These questions need to be answered before the council adopts a proposed rule, which must also be approved by DEQ's Environmental Quality Board and the Legislature, Terrill said.

"I don't know there would be a down side if we went ahead," Terrill said.

"There is a practical side to be considered, though."

The council's decision to delay the vote was unanimous, except for David Branecky, who is the council's chairman. Branecky, who also is the director of corporate environment, health and safety at OGE Energy Corp., abstained.

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