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State, Local Air Officials Urge Rapid Mercury Emissions Cuts

WASHINGTON, DC, November 15, 2005 (ENS) - State and local air pollution control authorities Monday issued what they call a "quicker, more effective approach" to cleaning up toxic mercury emitted by coal fired power plants than a "highly flawed rule" issued by the U.S. Environmental Protection Agency (EPA). Some emissions reductions would be required by 2008, while the EPA would not require any before 2018, although some earlier cuts in mercury emission are projected as a byproduct of emissions limits for other pollutants.

Under the auspices of the State and Territorial Air Pollution Program Administrators (STAPPA) and the Association of Local Air Pollution Control Officials (ALAPCO), the state and local regulators have developed what they call a "model rule" that they say could be adapted by air agencies around the nation to cut emissions more quickly.

"We all agree that mercury is a dangerous neurotoxin - something that threatens the health of babies and adults alike - and that coal-burning power plants are a significant source of mercury emissions," said John A. Paul, supervisor of the Regional Air Pollution Control Agency in Dayton, Ohio and president of ALAPCO. "The real question is, what's the best way to address this problem?"



Gavin is the largest power plant in Ohio and has two of the seven largest coal fired generating units ever built. The plant is equipped with scrubber systems. (Photo courtesy AEP)

On March 15, 2005, the EPA issued the Clean Air Mercury Rule to permanently cap and reduce mercury emissions from coal-fired power plants for the world's first attempt at limiting airborne mercury. About 75 tons of mercury are found in the coal delivered to power plants each year and about two-thirds of this mercury is emitted to the air, resulting in about 50 tons being emitted annually.

"We believe our plan is a much better way to go," said Eddie Terrill, director of the Oklahoma Air Quality Division and president of STAPPA.

"EPA's approach would allow too much mercury for too long. The STAPPA/ALAPCO model rule gives state and local authorities a better option as they move forward on this issue," Terrill said.

The proposed model rule calls for far deeper cuts in mercury emissions from electric power plants than the rules issued earlier this year by the EPA. Unlike the federal approach, the state and local plan would not permit power companies to trade mercury emissions credits.

It would require that electric power companies eliminate up to 95 percent of their toxic mercury emissions by 2012. This flexible cleanup strategy would have two phases, with interim controls and associated emission reductions required by 2008.

The National Wildlife Federation (NWF), one of the nation's largest environmental groups, applauded the new proposal made by state, territorial and local air pollution control officials.

"Today, states sent a clear message that we have the technical know-how to clean up toxic mercury pollution from coal-burning power plants to protect future generations," said the NWF.

"While we hoped the model state mercury rule would have been tougher, the state air directors demonstrated leadership at a time when no leadership exists at the federal level to protect future generations against toxic mercury pollution," the NWF said.

Mercury pollution has been linked to serious health problems ranging from damage to the brains of infants, making it more difficult for children to learn, to heart attacks in adults.

Forty-five states have fish advisories warning people to avoid or limit eating mercury-contaminated fish. The Food and Drug Administration has cautioned pregnant and nursing mothers, especially, to avoid or limit consumption of some mercury-tainted fish, including canned tuna.



The RE Burger coal fired power plant in Ohio. FirstEnergy, Powerspan Inc, the Ohio Coal Development Office, and the U.S. Dept of Energy are using Burger for a demonstration of Powerspan's Electro-catalytic Oxidation technology to reduce emissions of SOX and NOX, fine particulates, mercury and other pollutants. (Photo credit unknown)

Coal-burning electric power plants are the largest unregulated source of mercury in the nation. "Mercury emissions from coal-fired electric plants pose a serious threat to public health and the environment," explained Paul. "This is a problem that requires a swift and effective response."

After abruptly discontinuing a stakeholder process several years ago, EPA drafted and, earlier this year, issued, rules that would call for a gradual reduction in mercury emissions over the next two decades.

Under EPA's rules, overall emissions would drop by 69 percent. But, according to the agency's own projections, because power companies would be allowed to "trade" the right to pollute and could "bank" early reductions, the 69 percent reduction probably would not be achieved until about 2025.

"This federal approach is highly flawed and deficient," said STAPPA and ALAPCO's Executive Director, S. William Becker.

"Even though effective pollution control technologies are available today, EPA would not require any mercury-specific pollution controls before 2018," said Becker, who added that "mercury hot spots could occur because power companies would be allowed to trade the right to pollute."

By contrast, the state and local model rule would require 90 to 95 percent control of mercury by 2012. Companies would not be permitted to trade emissions with each other or to bank them.

The model rule also provides several options for companies to achieve a targeted 80 percent interim reduction of mercury by 2008. The air pollution officials cite studies that have shown such effective cleanup could be achieved without reducing coal use and with minimal impact on monthly electric bills.

"The model rule would protect public health by using technologies that are available and rapidly

entering the commercial market," said Terrill. "It is aimed at providing state and local governments with the tools needed to deal with this dangerous poison," he added.



Operated by the Indiana Michigan Power Company, this power plant in Rockport, Indiana burns bituminous coal. (Photo courtesy AEP)

"Now under litigation, the federal mercury rule provides no guarantee that mercury pollution will be reduced from power companies," observed the National Wildlife Federation. "If properly implemented, the federal Clean Air Act would have cut mercury pollution by up to 90 percent by 2010."

The EPA defends its Clean Air Mercury Rule, saying that the cap-and-trade approach will achieve "significant mercury emission reductions while providing flexibility for plant managers to meet the final emission limits."

The Clean Air Mercury Rule establishes "standards of performance" limiting mercury emissions from new and existing coal-fired power plants and creates a market based cap-and-trade program that will reduce nationwide utility emissions of mercury in two phases.

The first phase cap is 38 tons and emissions will be reduced by taking advantage of co-benefit reductions - that is, mercury reductions achieved by reducing sulfur dioxide (SO₂) and nitrogen oxides (NO_x) emissions under the EPA's Clean Air Interstate Rule.

In the second phase, due in 2018, coal-fired power plants will be subject to a second cap, which will reduce emissions to 15 tons upon full implementation.

On October 21, in response to petitions for reconsideration of the the EPA issued a notice of proposed rulemaking to reconsider certain aspects of its final Clean Air Mercury Rule.

After issuing the final rule, the EPA Administrator received four petitions for reconsideration.

a. One submitted by 14 states: New Jersey, California, Connecticut, Delaware, Illinois, Maine, Massachusetts, New Hampshire, New Mexico, New York, Pennsylvania, Rhode Island, Vermont, and Wisconsin.

a.. One submitted by five environmental groups: the Natural Resources Defense Council, the Clean Air Task Force, the Ohio Environmental Council, the U.S. Public Interest Research Group, and the Natural Resources Council of Maine.

a.. One submitted by the Jamestown Board of Public Utilities.

a.. One submitted by the Integrated Waste Service Association.

The EPA has agreed to reconsider seven aspects of the final rule:

- 1.. The method used to apportion the national caps to individual states;
- 2.. The definition of "designated pollutant;"
- 3.. EPA's subcategorization for new subbituminous coal-fired units subject to New Source Performance standards (NSPS);
- 4.. The statistical analysis used for the NSPS;
- 5.. The highest annual average mercury content used to derive the NSPS;
- 6.. The definition of covered units as including municipal waste combustors; and
- 7.. The definition of covered units as including some industrial boilers.

The EPA says its "extensive" analyses of mercury emissions from coal-fired power plants and subsequent regional patterns of deposition to U.S. waters showed that regional transport of mercury emission from coal-fired power plants in the United States is responsible for very little of the mercury in U.S. waters. "That small contribution will be significantly reduced after EPA's Clean Air Interstate Rule and Clean Air Mercury Rule are implemented," the agency says.