

States Tackling Mercury Pollution From Coal-Burning Power Plants

A FACTSHEET OF THE NATIONAL WILDLIFE FEDERATION'S MERCURY CAMPAIGN



Recognizing that toxic mercury pollution from coal-burning power plants poses a threat to people, wildlife, and local economies, states across the country are taking action. **Many states are recognizing that passing a legacy of mercury contamination on to future generations is both irresponsible and unnecessary.**

States listed below either have finalized or proposed mercury reduction plans more stringent than the federal law. The plans vary in their stringency, timing, and compliance flexibility. All states are required to submit their State Implementation Plans (SIP) to U.S. EPA to meet the requirements under the new federal Clean Air Mercury Rule (CAMR) by November 2006. This rule is currently being challenged in court by 16 states. Affordable and effective modern pollution control technologies can capture more than 90 percent of the mercury emitted by power plants burning all types of coal. For an overview of all state actions, see the Congressional Research Service's report titled *Mercury Emissions from Electric Power Plants: States are Setting Stricter Limits*, July 2006 .

States with enacted mercury rules are highlighted:

STATE	MERCURY TARGET	DEADLINE	EMISSIONS TRADING?
Connecticut ¹ Enacted June 2003.	90% mercury control efficiency	July 2008	No
Delaware ² Draft language released July 2006.	Phase I - 80% reduction in mercury emissions Phase II - 90% reduction in mercury emissions	Phase I - 2009 Phase II - 2013	No
Florida ³ Rule proposed May 2006. Environmental Regulation Commission approved proposed rule June 2006.	30% reduction in mercury emissions Assigns control efficiency rate or annual emission limit for each unit based on megawatt (MW) generating capacity and mercury reductions achieved through co-benefits of Clean Air Interstate Rule (CAIR).	January 2012	No trading or sale of allowances until 2018. Averaging between units at the same facility allowed for some facilities - based on MW generating capacity.
Georgia ⁴ State conducting negotiations with stakeholders July 2006.	Phase I - 80-85% average capture efficiency Phase II - 90% average capture efficiency Phase III - Reconvenes stakeholder process to determine if reductions beyond 90% capture are technically and economically feasible	Phase I - Jan. 2010 Phase II - Jan. 2012 OR 2015 Phase III - 2018 or 2020	No, but trading allowed within the state.
Idaho ⁵ Governor proposed rule in August 2006.	Governor Risch has directed the DEQ to draft a state specific rule. Idaho's allocation under CAMR is 0. The state currently has a 2 year moratorium on coal-fired plants. ⁶		No

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Illinois ⁷ Final rule in front of Illinois Pollution Control Board for public comment since March 2006.	At least 90% reduction of input mercury for existing and new coal-fired boilers Dynergy must install mercury control equipment on one facility as part of a legal settlement. 90% control efficiency is expected. Power companies Ameren ⁸ and Dynergy ⁹ have struck deals with the state: Phase I: 90% emissions reduction at 94% of facilities Phase II: 90% emissions reduction at remaining 6% of facilities	July 2009 2007 2009 2012	No No
Indiana ¹⁰ Regulatory stakeholder process underway in response to a June 2004 citizen petition.	Stakeholder workgroup currently evaluating 3 options: 1. Adopt U.S. EPA's model CAMR SIP 2. Adopt U.S. EPA's model CAMR SIP with modifications 3. 90% control efficiency	1. & 2. Phase I - 2010 Phase II - 2018 3. 2010	1. & 2. Interstate trading 3. No trading
Iowa ¹¹ Permit for a new plant.	Permit for MidAmerican Energy's new Council Bluffs plant requires 83% control efficiency	2007	Not Applicable
Kansas ¹² Proposed legislation requires KS Secretary of Health & Environment to adopt regulations.	80+% control efficiency		Statutory authority would be needed for KS to engage in a trading program.
Maryland ¹³ Enacted April 2006.	Phase I - 80% mercury control efficiency Phase II - 90% mercury control efficiency	Phase I - Jan. 2010 Phase II - Jan. 2013	Each unit must meet capture rate on site. Purchase of credits to meet compliance is prohibited, however, generated credits can be sold.
Massachusetts ¹⁴ Enacted May 2004.	Phase I - 85% mercury control efficiency Phase II - 95% mercury control efficiency	Phase I - Jan. 2008 Phase II - Jan. 2012	No
Michigan ¹⁵ Governor sent letter to MI DEQ directing the agency to develop a rule with specific goals. Stakeholder process underway.	Phase I - follow federal CAIR & CAMR rules Phase II - 90% control efficiency	Phase I - 2010 Phase II - 2015	No interstate trading, but intrastate trading may be allowed—provided it does not result in "hotspots".
Minnesota ¹⁶ Enacted May 2006.	Dry scrubbers: 90% emissions reduction Wet scrubbers: 90% emissions reduction	Dec. 31, 2010 Dec. 31, 2014	No

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Montana ¹⁷ Regulation proposed May 2006.	80% control efficiency Facility-wide averaging permitted	January 2010	Intrastate trading will be permitted until December 31, 2014, with mercury allocations based on coal type and heat input, using CAMR budget as target.
New Hampshire ¹⁸ Enacted May 2006.	80% control efficiency	July 2013	Mercury credits can be accumulated and used for compliance or converted to sulfur credits and traded.
New Jersey ¹⁹ Enacted Nov. 2004.	90% mercury control efficiency	December 15, 2007	No
New York ²⁰ Proposed regulatory language released September 2006. Comment period open. Rule to be finalized by November 2006.	Phase I - 22% emissions reduction from current levels will be reached by setting plant specific emissions caps. Phase II - 85% overall emissions reduction will be reached through a .6lb/BTU emission standard at all plants.	Phase I - 2010 Phase II - 2015	No
North Carolina ²¹ Mercury rule proposed May 2006.	Adopts CAMR budgets for 2010 and 2018 with the following ramp-down: Plant allocations will decrease 5% annually from 2010-2017; and 3% in 2018 and thereafter.	2010, 2018	Allows trading.
Pennsylvania ²² Public comment period closed for proposed regulatory language.	Phase I – 80% mercury control efficiency for Pulverized Coal-fired plants / 95% mercury control efficiency for Circulating Fluidized Bed plants. Phase II – 90% control efficiency for Pulverized Coal-fired plants. Also establishes emissions standards for new plants based on boiler type that range from 90-95% control efficiency.	Phase I - Jan. 2010 Phase II - Jan. 2015	No
Virginia ²³ Enacted March 2006.	Requires VA to adopt the U.S. EPA's model CAMR, as well as a state-specific rule (Compliance through allowances varies under state-specific rule, depending on coal-fired boiler ownership, 1999 emissions levels, and megawatt generating capacity).	January 2015	Allows trading.
Washington ²⁴ Department of Ecology initiated rulemaking June 2006.	90% control efficiency State intends to submit rules for approval by mid-February 2007.	July 2010	No

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Wisconsin²⁵ Rule finalized in 2004 is currently being revised. Governor ordered DNR to draft stricter rule August 2006.	State established rule in 2004 with clause that the federal rule would be adopted if proposed. As of August 26, 2006 Governor Doyle has ordered the Department of Natural Resources to draft a stronger rule with 90% emission reductions. Cap on emissions in 2008: Phase I - 40% control efficiency Phase II - 75% control efficiency	Phase I - 2010 Phase II - 2015	Intrastate trading is being discussed.

¹ CT Public Act 03-72. Available at: <http://www.cga.ct.gov/2003/act/Pa/2003PA-00072-R00HB-06048-PA.htm>.
² Del Regulation No. 1146, "Electric Generating Unit (EGU) Multi-Pollutant Regulation" Development Documents. Available at: <http://www.awm.delaware.gov/Info/Regs/AQMMultiPReg.htm>. Multi-P draft language, See: http://www.awm.delaware.gov/NR/rdonlyres/3B571C5A-080A-43D7-A3F2-032AE9748BD7/1054/Hq_111d_DE.pdf.
³ See: <http://www.dep.state.fl.us/Air/rules/recently.htm>.
⁴ See: http://www.air.dnr.state.ga.us/airpermit/cair/downloads/mercury_rule_options.pdf.
⁵ Governor Risch press release, See: http://gov.idaho.gov/mediacenter/press/pr2006/praug06/pr_088.html.
⁶ Idaho power plant moratorium, See: <http://www3.state.id.us/oasis/2006/H0791.html>.
⁷ See: <http://www.epa.state.il.us/air/cair/>.
⁸ Ameren, See: <http://www.illinois.gov/PressReleases/ShowPressRelease.cfm?SubjectID=29&RecNum=5201>.
⁹ Dinegy, See: <http://www.illinois.gov/PressReleases/ShowPressRelease.cfm?SubjectID=29&RecNum=5201>.
¹⁰ See: <http://www.in.gov/idem/programs/air/workgroups/mercury/index.html>.
¹¹ "DNR Issues Nation's First Air Permit with Mercury Limits", See: <http://www.iowadnr.com/air/news/articles/04jan16a.html>.
¹² House Bill No. 3009. Available at: www.kslegislature.org/bills/2006/3009.pdf.
¹³ SB 154. Available at: <http://mlis.state.md.us/2006rs/bills/sb/sb0154t.pdf>.
¹⁴ Massachusetts Emissions Standards for Power Plants, 310 CMR 7.29. Available at: <http://www.mass.gov/dep/images/hqreg.pdf>.
¹⁵ See: http://www.michigan.gov/documents/Mercury_letter001_156319_7.pdf / <http://www.michigan.gov/dep/0,1607,7-135-3310-96539--,00.html>.
¹⁶ SF3122. Available at: <http://www.revisor.leg.state.mn.us/bin/bldbill.php?bill=S3122.0.html&session=ls84>.
¹⁷ See: <http://www.deq.state.nh.us/ber/index.asp>.
¹⁸ HB 1673. Available at: <http://www.gencourt.state.nh.us/legislation/2006/HB1673.html>.
¹⁹ N.J.A.C. 7:27. Available at: www.nj.gov/dep/rules/adoptions/mercury_rule7-27.pdf.
²⁰ See: <http://www.ny.gov/governor/press/06/0525063.html>.
²¹ See <http://daq.state.nc.us/rules/hearing/rules.pdf>.
²² See: http://www.dep.state.pa.us/dep/deputate/airwaste/airwaste/mercury_rule.htm.
²³ HB 1055ER. Available at: <http://leg1.state.va.us/cgi-bin/legp504.exe?061+sum+HB1055>.
²⁴ H-3435. Available at: <http://www.leg.wa.gov/pub/billinfo/2005-06/Pdf/Bills/House%20Bills/3236.pdf>.
²⁵ See: <http://dnr.wi.gov/org/aw/air/reg/mercury/camr.htm>. Governor press release, See: http://www.wisgov.state.wi.us/journal_media_detail.asp?locid=19&prid=2278.



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 For more information contact Jennifer Heller: hellerj@nwf.org or 202-797-6890

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