

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Further Reduce Mercury Use and Emissions**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 38 MRSA §585-B, sub-§5**, as enacted by PL 1997, c. 722, §3, is amended to read:

**5. Standards for mercury.** Notwithstanding subsection 1, an air emission source may not emit mercury in excess of 45.4 kilograms, or 100 pounds, per year after January 1, 2000 ~~and~~; 22.7 kilograms, or 50 pounds, per year after January 1, 2004; 15.9 kilograms, or 35 pounds, after January 1, 2007; and 11.4 kilograms, or 25 pounds, after January 1, 2010. Compliance with these limits must be specified in the license of the air emission source. The board shall establish by rule testing protocols and measurement methods for emissions sources for which the board has not established such protocols and methods for determining compliance with the emission standard for mercury. These rules are routine technical rules under Title 5, chapter 375, subchapter ~~H-A2-A~~.

An air emission source may apply to the board for an extension or modification of the ~~22.7-kilogram, or 50-pound~~11.4-kilogram, or 25-pound, limit as follows.

A . An emission source may submit an application to the board no later than January 1, ~~2003~~2009 for a 6-month extension of the January 1, ~~2004~~2010 deadline to meet the ~~22.7-kilogram, or 50-pound~~11.4 kilogram, or 25-pound, limit. The board shall grant the extension if the board determines, based on information presented by the source, that compliance with the limit is not achievable by the deadline due to engineering constraints, availability of equipment or other justifiable technical reasons.

B . An emission source may submit an application to the board no later than January 1, ~~2003~~2009 for a license modification establishing an alternative emission limit for mercury. The board shall grant the license modification if the board finds that the proposed mercury emission limit meets the most stringent emission limitation that is achievable and compatible with that class of source, considering economic feasibility.

Pending a decision on an application for an extension or a license modification under this subsection, the ~~45.4-kilogram, or 100-pound~~15.9-kilogram, or 35-pound, limit applies to the emission source.

Notwithstanding the January 1, 2000 compliance date in this subsection, a resource recovery facility that is subject to an emissions limit for mercury adopted by rule by the board before January 1, 2000 shall comply with the 45.4-kilogram, or 100-pound, mercury emissions limit after December 19, 2000.

**Sec. 2. 38 MRSA §585-B, sub-§6** is enacted to read:

**6. Mercury reduction plans.** Any air emission source emitting mercury in excess of 10 pounds per year after January 1, 2007 must develop a mercury reduction plan. The mercury reduction plan must be submitted to the department no later than September 1, 2008. The mercury reduction plan must contain:

A. Identification, characterization and accounting of the mercury used, released or generated at the emission source; and

B. Identification, analysis and evaluation of any appropriate technologies, procedures, processes, equipment or production changes that may be utilized by the emission source to reduce the amount of mercury used, released or generated by that emission source, including a financial analysis of the costs and benefits of reducing the amount of mercury used, released or generated.

The department shall submit a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters no later than March 1, 2009 summarizing the mercury emissions and mercury reduction potential from those emission sources subject to this subsection. In addition, the department shall include an evaluation of the appropriateness of the 25-pound mercury standard established in subsection 5. The evaluation must address, but is not limited to, the technological feasibility, cost and schedule of achieving the standards established in subsection 5. The joint standing committee of the Legislature having jurisdiction over natural resources matters is authorized to report out to the 124th Legislature legislation relating to the evaluation.

## **SUMMARY**

This bill reduces the existing mercury emission standard from 50 pounds per year to 35 pounds per year after January 1, 2007 and to 25 pounds per year after January 1, 2010. The bill also requires that any facility that emits more than 10 pounds of mercury per year submit to the Department of Environmental Protection a mercury reduction plan by September 1, 2008.