

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## SECOND REGULAR SESSION-2006

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Legislative Document

No. 2043

S.P. 787

In Senate, March 2, 2006

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

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Reference to the Committee on Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator COWGER of Kennebec. (GOVERNOR'S BILL)  
Cosponsored by Representative DUCHESNE of Hudson and  
Representative: EBERLE of South Portland.

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

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

4 **5. Standards for mercury.** Notwithstanding subsection 1, an air emission source  
5 may not emit mercury in excess of 45.4 kilograms, or 100 pounds, per year after January  
6 1, 2000 ~~and~~; 22.7 kilograms, or 50 pounds, per year after January 1, 2004; 15.9  
7 kilograms, or 35 pounds, after January 1, 2007; and 11.4 kilograms, or 25 pounds, after  
8 January 1, 2010. Compliance with these limits must be specified in the license of the air  
9 emission source. The board shall establish by rule testing protocols and measurement  
10 methods for emissions sources for which the board has not established such protocols and  
11 methods for determining compliance with the emission standard for mercury. These rules  
12 are routine technical rules under Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

13 An air emission source may apply to the board for an extension or modification of the  
14 ~~22.7 kilogram, or 50 pound~~ 11.4-kilogram, or 25-pound, limit as follows.

15 A. An emission source may submit an application to the board no later than January  
16 1, ~~2003~~ 2009 for a 6-month extension of the January 1, ~~2004~~ 2010 deadline to meet  
17 the ~~22.7 kilogram, or 50 pound~~ 11.4 kilogram, or 25-pound, limit. The board shall  
18 grant the extension if the board determines, based on information presented by the  
19 source, that compliance with the limit is not achievable by the deadline due to  
20 engineering constraints, availability of equipment or other justifiable technical  
21 reasons.

22 B. An emission source may submit an application to the board no later than January  
23 1, ~~2003~~ 2009 for a license modification establishing an alternative emission limit for  
24 mercury. The board shall grant the license modification if the board finds that the  
25 proposed mercury emission limit meets the most stringent emission limitation that is  
26 achievable and compatible with that class of source, considering economic feasibility.

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

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

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

35 **6. Mercury reduction plans.** Any air emission source emitting mercury in excess  
36 of 10 pounds per year after January 1, 2007 must develop a mercury reduction plan. The  
37 mercury reduction plan must be submitted to the department no later than September 1,  
38 2008. The mercury reduction plan must contain:

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

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

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

15

### SUMMARY

16 This bill reduces the existing mercury emission standard from 50 pounds per year to  
17 35 pounds per year after January 1, 2007 and to 25 pounds per year after January 1, 2010.  
18 The bill also requires that any facility that emits more than 10 pounds of mercury per year  
19 submit to the Department of Environmental Protection a mercury reduction plan by  
20 September 1, 2008.