

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 1482

H.P. 1035

House of Representatives, May 26, 2009

An Act to Amend Mercury Standards for Air Emission Sources

Reported by Representative DUCHESNE of Hudson for the Joint Standing Committee on Natural Resources pursuant to the Maine Revised Statutes, Title 38, section 585-B, subsection 6.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

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

2 **Sec. 1. 38 MRSA §585-B, sub-§5**, as amended by PL 2005, c. 590, §1, is further
3 amended 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; 22.7 kilograms, or 50 pounds, per year after January 1, 2004; 15.9 kilograms, or
7 35 pounds, after January 1, 2007; and 11.4 kilograms, or 25 pounds, after January 1,
8 2010. As an alternative to not emitting mercury in excess of 11.4 kilograms, or 25
9 pounds, after January 1, 2010, an air emission source may reduce mercury emissions by
10 90 percent by weight after January 1, 2010. Compliance with these limits must be
11 specified in the license of the air emission source. The board shall establish by rule
12 testing protocols and measurement methods for emissions sources for which the board
13 has not established such protocols and methods for determining compliance with the
14 emission standard for mercury. These rules are routine technical rules under Title 5,
15 chapter 375, subchapter 2-A.

16 An air emission source may apply to the board for an extension or modification of the
17 11.4-kilogram, or 25-pound, limit as follows.

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

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

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

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

35 **Sec. 2. 38 MRSA §585-B, sub-§6**, as corrected by RR 2005, c. 2, §24, is
36 amended to read:

37 **6. Mercury reduction plans.** Any air emission source emitting mercury in excess
38 of 10 pounds per year after January 1, 2007 must develop a mercury reduction plan. The
39 mercury reduction plan must be submitted to the department no later than September 1,
40 2008. The mercury reduction plan must contain:

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

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

8 The department may keep information submitted to the department under this subsection
9 confidential as provided under section 1310-B.

10 The department shall submit a report to the joint standing committee of the Legislature
11 having jurisdiction over natural resources matters no later than March 1, 2009
12 summarizing the mercury emissions and mercury reduction potential from those emission
13 sources subject to this subsection. In addition, the department shall include an evaluation
14 of the appropriateness of the 25-pound mercury standard established in subsection 5.
15 The evaluation must address, but is not limited to, the technological feasibility, cost and
16 schedule of achieving the standards established in subsection 5. The department shall
17 submit an updated report to the committee by January 1, 2010. The joint standing
18 committee of the Legislature having jurisdiction over natural resources matters is
19 authorized to report out to the 124th Legislature legislation relating to the evaluation and
20 the updated report.

21 **SUMMARY**

22 This bill is submitted by the Joint Standing Committee on Natural Resources
23 pursuant to the Maine Revised Statutes, Title 38, section 585-B, subsection 6. The bill
24 provides an alternative method for an air emission source to comply with mercury
25 standards. It also directs the Department of Environmental Protection to submit an
26 updated report relating to mercury emissions and standards and authorizes the committee
27 to report out legislation to the 124th Legislature in connection with the updated report.

FISCAL NOTE REQUIRED
(See attached).



124th MAINE LEGISLATURE

LD 1482

LR 2002(01)

An Act to Amend Mercury Standards for Air Emission Sources

Fiscal Note for Original Bill
Committee: Natural Resources
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

The additional cost to the Department of Environmental Protection associated with providing an alternative method to comply with mercury standards for air emission sources and other administrative duties can be absorbed within existing budgeted resources.