

MAINE STATE LEGISLATURE

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NATURAL RESOURCES

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STATE OF MAINE

SENATE

124TH LEGISLATURE

SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 681, L.D. 1775, Bill, "An Act To Amend Mercury Stack Testing Requirements for Certain Air Emission Sources"

Amend the bill by inserting after the enacting clause the following:

'Sec. 1. 38 MRSA §585-B, sub-§5, as amended by PL 2009, c. 338, §1, is further 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; 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. As an alternative to not emitting mercury in excess of 11.4 kilograms, or 25 pounds, after January 1, 2010, an air emission source may reduce mercury emissions by 90 percent by weight 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 2-A.

An air emission source may apply to the board for an extension or modification of the 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, 2009 for a 6-month extension of the January 1, 2010 deadline to meet the 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, 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

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1 proposed mercury emission limit meets the most stringent emission limitation that is
2 achievable and compatible with that class of source, considering economic feasibility.

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

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

9 For determining compliance with this subsection, the results of multiple stack tests may
10 be averaged in accordance with guidance provided by the department.'

11 Amend the bill by striking out all of section 2 and inserting the following:

12 'Sec. 2. 38 MRSA §585-B, sub-§7 is enacted to read:

13 7. Stack tests for mercury. An air emission source emitting mercury in excess of
14 10 pounds in calendar year 2010 must:

15 A. Conduct a stack test for mercury twice in calendar year 2011 and twice in
16 calendar year 2012. The stack tests must be conducted at least 4 months apart; and

17 B. By January 1, 2013, develop a mercury reduction plan and submit the plan to the
18 department in accordance with subsection 6. The plan must contain the results of the
19 4 stack tests conducted pursuant to paragraph A.

20 For determining compliance with subsection 5, the results of multiple stack tests under
21 this subsection may be averaged in accordance with guidance provided by the
22 department.

23 The department may approve an alternative to the stack testing requirements in this
24 subsection, such as, but not limited to, mercury input data or a continuous mercury
25 emission monitoring system.'

26 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
27 section number to read consecutively.

28 **SUMMARY**

29 This amendment changes the stack test requirements in the bill to apply to air
30 emission sources emitting mercury in excess of 10 pounds in calendar year 2010. It
31 authorizes the Department of Environmental Protection to approve an alternative to the
32 stack testing requirements. It allows the results of multiple stack tests to be averaged in
33 accordance with guidance from the Department of Environmental Protection.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



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LD 1775

LR 2576(02)

An Act To Amend Mercury Stack Testing Requirements for Certain Air Emission Sources

Fiscal Note for Bill as Amended by Committee Amendment "A"
Committee: Natural Resources
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Requiring the Department of Environmental Protection (DEP) to review mercury reduction plans and to report regarding mercury emissions and standards, as well as authorizing DEP to approve alternatives to stack testing requirements, entails costs that can be absorbed by DEP within existing budgeted resources.