

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

SECOND REGULAR SESSION-2010

Legislative Document

No. 1775

S.P. 681

In Senate, February 9, 2010

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

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

Reference to the Committee on Natural Resources suggested and ordered printed pursuant to Joint Rule 218.

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

JOY J. O'BRIEN
Secretary of the Senate

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

2 **Sec. 1. 38 MRSA §585-B, sub-§6**, as amended by PL 2009, c. 338, §2, is further
3 amended to read:

4 **6. Mercury reduction plans.** ~~Any~~ An air emission source emitting mercury in
5 excess of 10 pounds per year after January 1, 2007 must develop a mercury reduction
6 plan. ~~The~~ Except as provided in subsection 7, the mercury reduction plan must be
7 submitted to the department no later than September 1, 2008. The mercury reduction
8 plan must contain:

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

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

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

18 The department shall submit a report to the joint standing committee of the Legislature
19 having jurisdiction over natural resources matters no later than March 1, 2009
20 summarizing the mercury emissions and mercury reduction potential from those emission
21 sources subject to this subsection. In addition, the department shall include an evaluation
22 of the appropriateness of the 25-pound mercury standard established in subsection 5.
23 The evaluation must address, but is not limited to, the technological feasibility, cost and
24 schedule of achieving the standards established in subsection 5. The department shall
25 submit an updated report to the committee by ~~January 1, 2010~~ March 1, 2013. The joint
26 standing committee of the Legislature having jurisdiction over natural resources matters
27 is authorized to report out to the ~~124th~~ 126th Legislature ~~legislation a bill~~ relating to the
28 evaluation and the updated report.

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

30 **7. Stack tests for mercury.** An air emission source emitting mercury in excess of
31 10 pounds per year must:

32 A. Conduct a stack test for mercury twice each calendar year for 2 consecutive years.
33 The stack tests must be conducted at least 4 months apart; and

34 B. At the end of the 2-year period under paragraph A, develop a mercury reduction
35 plan and submit the plan to the department in accordance with subsection 6. The plan
36 must contain the results of the 4 stack tests conducted pursuant to paragraph A.

37 For determining compliance with subsection 5, the results of the 4 stack tests under this
38 subsection may be averaged in accordance with protocols contained in department rule
39 adopted in accordance with subsection 5.

1

SUMMARY

2 This bill is reported out by the Joint Standing Committee on Natural Resources
3 pursuant to the Maine Revised Statutes, Title 38, section 585-B, subsection 6. The bill
4 requires air emission sources emitting mercury in excess of 10 pounds per year to conduct
5 stack tests for mercury twice per year for 2 years and to submit a mercury reduction plan
6 to the Department of Environmental Protection. The bill also directs the Department of
7 Environmental Protection to submit an updated report relating to mercury emissions and
8 standards and authorizes the committee to report out a bill to the 126th Legislature in
9 connection with the updated report.