

Reconsideration of the Clean Air Mercury Rule

FACT SHEET

ACTION

- On October 21, 2005 the Environmental Protection Agency (EPA) granted requests from petitions to reconsider certain aspects of its Clean Air Mercury Rule (CAMR). EPA signed the final rule on March 15, 2005. EPA will accept comments on the reconsideration for 45 days following publication of the notice in the *Federal Register*.
- EPA's Clean Air Mercury Rule is the first of its kind – and first in the world - to regulate mercury emissions from coal-fired power plants. The rule creates a market-based cap-and-trade program that will permanently cap utility mercury emissions in two phases:
 - The first phase of the rule will reduce emissions from 48 tons to 31 tons beginning in 2010;
 - Emissions will continue to decline thereafter until they are reduced to the second phase cap of 15 tons when the program is fully implemented.The mandatory declining caps, coupled with significant penalties for noncompliance, will ensure that mercury reduction requirements are achieved and sustained.
- Following promulgation of the final rule, the EPA Administrator received four petitions for reconsideration.
 1. One submitted by 14 States: New Jersey, California, Connecticut, Delaware, Illinois, Maine, Massachusetts, New Hampshire, New Mexico, New York, Pennsylvania, Rhode Island, Vermont, and Wisconsin.
 2. One submitted by five environmental groups: the Natural Resources Defense Council, the Clean Air Task Force, the Ohio Environmental Council, the U.S. Public Interest Research Group, and the Natural Resources Council of Maine.
 3. One submitted by the Jamestown Board of Public Utilities.
 4. One submitted by the Integrated Waste Service Association.
- EPA agreed to reconsider the following seven aspects of the final rule:
 1. The method used to apportion the national caps to individual states;
 2. The definition of “designated pollutant;”
 3. EPA's subcategorization for new subbituminous coal-fired units subject to New Source Performance standards (NSPS);
 4. The statistical analysis used for the NSPS;
 5. The highest annual average mercury content used to derive the NSPS;
 6. The definition of covered units as including municipal waste combustors; and
 7. The definition of covered units as including some industrial boilers.

- In this notice, EPA is granting reconsideration, and seeking comment, on several issues raised in the petitions for reconsideration. EPA is not requesting comment on any other provisions of the rule.
- This notice also includes a number of technical corrections to clarify the final rule.
- In a separate action, EPA is publishing a proposal to reconsider certain aspects of its final action revising the December 2000 decision regarding regulation of electric utility steam generating units under section 112 of the Clean Air Act.
- In addition to the 45 day comment period, the Agency will hold a public hearing on November 17, 2005 at EPA's offices in Research Triangle Park, N.C.

BACKGROUND

- The final rule, “Standards of Performance for New and Existing Stationary Sources: Electric Steam Generating Units,” was published in the Federal Register on May 18, 2005. The rule, also called CAMR, establishes standards of performance for emissions of mercury from new and existing coal-fired electric utility steam generating units.
- The final rule included new source performance standards for sources whose construction, modification, or reconstruction commenced after January 30, 2004, and emission guidelines for existing sources. The emission guidelines are based on a cap-and-trade approach and are established under a State Implementation Plan-like process.
- The cap-and-trade approach will achieve significant mercury emission reductions while providing flexibility for plant managers to meet the final emission limits.

FOR MORE INFORMATION

- To download the reconsideration notice and the final rule from EPA's website, go to the following address: <http://www.epa.gov/air/mercuryrule/rule.htm>
- Today's reconsideration notice and other background information are also available either electronically in EDOCKET, EPA's electronic public docket and comment system, or in hardcopy at EPA's Air and Radiation Docket and Information Center, Environmental Protection Agency, Room B102, 1301 Constitution Avenue, NW, Washington, DC (Docket ID No. OAR-2002-0056 (Legacy Docket ID No. A-92-55)). The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the Air and Radiation Docket and Information Center is (202) 566-1742.
- Comments should be identified by Docket ID No. OAR-2002-0056 and submitted by one of the following methods: Federal eRulemaking Portal (<http://www.regulations.gov>);

EDOCKET (<http://www.epa.gov/edocket>); e-mail (<mailto:a-and-r-docket@epa.gov>); facsimile ((202) 566-1741); mail (Air and Radiation Docket and Information Center, Environmental Protection Agency, Mailcode: 6102T, 1200 Pennsylvania Avenue, NW, Washington, DC 20460); or hand delivery (Air and Radiation Docket and Information Center, Environmental Protection Agency, Room B102, 1301 Constitution Avenue, NW, Washington, DC).

- To register to speak at the public hearing on November 17, 2005, please contact Pamela Garrett of EPA's Office of Air Quality Planning & Standards at (919) 541-7966 or by e-mail at <mailto:garrett.pamela@epa.gov> at least two days in advance of the hearing.
- For more information about the reconsideration notice, contact Mr. William Maxwell at EPA's Office of Air Quality Planning and Standards at (919) 541-5430 or by e-mail at <mailto:maxwell.bill@epa.gov>.
- The EPA's Office of Air and Radiation (OAR) home page on the Internet contains a wide range of information on the air toxics program, as well as many other air pollution programs and issues. The OAR home page address is: <http://www.epa.gov/oar/>.