AN ACT CONCERNING MERCURY EMISSIONS FROM COAL-FIRED ELECTRICITY GENERATORS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (Effective from passage) (a) For purposes of sections 2 and 3 of this act:

(1) "Affected unit" means any emissions unit that generates electricity in the state and combusts coal in an amount greater than ten per cent of its total heat input on a rolling twelve-month basis.

(2) "Alternative emissions limit" means a mercury emissions limit established by the Commissioner of Environmental Protection for an affected unit.

(3) "Calendar quarter" means the period of January first to March thirty-first, inclusive, April first to June thirtieth, inclusive, July first to September thirtieth, inclusive, or October first to December thirty-first, inclusive.

(4) "Inlet conditions" means either: (A) The concentration of mercury in the flue gas exiting the combustion source prior to application of
Committee Bill No. 6048

LCO No. 4827

any air pollution control device; or (B) in the case of a fluidized bed
combustion unit, the concentration of mercury input to the combustion
source based on representative fuel sampling and analysis, as
determined by the Commissioner of Environmental Protection.

(5) "Mercury" means mercury and mercury compounds in either a
gaseous or particulate form.

(6) "TBtu" means trillion BTU of heat input.

(7) "Fluidized bed combustion unit" means a combustion unit in
which fuel is introduced into a layer of solid particles kept in turbulent
motion by air that is forced into the layer from below, resulting in a
thorough mixing and intimate contact of the fuel and other reactants.

Sec. 2. (NEW) (Effective from passage) (a) On and after July 1, 2008,
the owner or operator of an affected unit or units shall: (1) Meet an
emissions rate of equal to or less than 0.6 pounds of mercury per TBtu,
or (2) meet a mercury emissions rate equal to a ninety per cent
reduction of mercury from the measured inlet conditions for the
affected unit, whichever emissions rate is more readily achievable by
such affected unit, as determined by the owner or operator of such
affected unit. Compliance with the requirements of this subsection
shall be demonstrated in accordance with the provisions of subsection
(c) of this section.

(b) (1) If the owner or operator of any affected unit properly installs
and operates control technology designed to achieve the mercury
emissions rate requirement of subsection (a) of this section and such
technology fails to achieve said emission rate, such owner or operator
shall notify the Commissioner of Environmental Protection of such
failure no later than February 1, 2009. Such owner or operator shall
submit each quarterly stack test from such affected unit to the
Commissioner of Environmental Protection for evaluation and
establishment of an alternative emissions limit for such affected unit
based upon the optimized performance of such properly installed and
operated control technology. The Commissioner of Environmental Protection shall establish an alternative emissions limit for any such affected unit no later than April 1, 2010.

(2) Upon the establishment of an alternative emissions limit for an affected unit, pursuant to subdivision (1) of this subsection, the Commissioner of Environmental Protection shall incorporate such alternative emissions limit into the Title V permit for such affected unit. Thereafter, upon any application for renewal of such Title V permit, the Commissioner of Environmental Protection shall conduct a review of such affected unit's alternative emissions limit and may impose a more stringent alternative emissions limit based upon any new data regarding the demonstrated control capabilities of the type of control technology installed and operated at such affected unit.

(3) If the owner or operator of any affected unit properly installs and operates control technology designed to achieve the mercury emissions rate requirement established in subsection (a) of this section, but such technology fails to achieve such emissions requirement, and such owner or operator notifies the Commissioner of Environmental Protection of such failure no later than February 1, 2009, the owner or operator of such affected unit shall demonstrate compliance with the requirements of subsection (a) of this section for the period beginning July 1, 2008, and ending on the date of the issuance of an alternative emissions limit, pursuant to subsection (b) of this section, by operating and maintaining such affected unit, including any associated air pollution control equipment, in a manner consistent with good air pollution control practices for the minimization of mercury emissions, as determined by the Commissioner of Environmental Protection. In determining whether the owner or operator of such affected unit is operating and maintaining such affected unit in a manner consistent with good air pollution control practices for the minimization of mercury emissions, the Commissioner of Environmental Protection may review the emissions monitoring results and operating and maintenance procedures of such unit and may inspect such affected unit.
unit.

(c) (1) Any stack test used to demonstrate compliance with the mercury emissions rate requirements of subsection (a) of this section or used in the establishment or compliance with an alternative emissions limit pursuant to subsection (b) of this section, shall be based on the average of the stack tests conducted during the two most recent calendar quarters for an affected unit and shall be conducted on a calendar quarter basis in accordance with the Environmental Protection Agency's Method 29 for the determination of metal emissions from stationary sources, as set forth in 40 CFR 60, Appendix A, as amended from time to time, or any other alternative method approved by the Environmental Protection Agency or the Commissioner of Environmental Protection. Such stack tests shall be conducted while combusting coal or coal blends that are representative of the coal or coal blends combusted at such affected unit during the calendar quarter represented by such stack test.

(2) If the Commissioner of Environmental Protection determines that continuous emission monitors for mercury in flue gases are commercially available and can perform in accordance with National Institute of Technology Standards, or other methodology approved by the Environmental Protection Agency, the owner or operator of any affected unit shall properly install and operate such continuous emission monitors and shall not be required to conduct stack testing on a calendar quarter basis. When reporting compliance with the mercury emissions rate requirement of subsection (a) or (b) of this section, as applicable, the owner or operator of an affected unit shall use an average of the continuous emission monitor data recorded at such affected unit during the most recent calendar quarter.

(d) The owner or operator of any affected unit shall, for each calendar quarter, report to the Commissioner of Environmental Protection the results of any stack test or average of the continuous emission monitor data, as applicable, used to demonstrate compliance
with the provisions of this section. Such reports shall be submitted on such forms as may be prescribed by the Commissioner of Environmental Protection.

Sec. 3. (NEW) (Effective from passage) On or before July 1, 2012, the Commissioner of Environmental Protection shall conduct a review of the mercury emission limits applicable to all affected units in the state. On or after July 1, 2012, the Commissioner of Environmental Protection may adopt regulations imposing mercury emission limits that are more stringent than such emissions requirements provided for in subsections (a) or (b) of section 2 of this act.

This act shall take effect as follows:

| Section 1 | from passage |
| Sec. 2    | from passage |
| Sec. 3    | from passage |

**ENV** Joint Favorable

**ET** Joint Favorable