




Revisions to the State Mercury Rule

Clean Air Act Task Force Meeting
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- CAMR Basics
 - Consistency Provisions in NR 446
 - Governor's Directive
 - Rule Revision Approach and Schedule
 - CAMR Legal Action Status
 - What are other states doing to address the CAMR requirements?
 - Questions

Federal Clean Air Mercury Rule Basics

- Each state assigned a state-wide mercury emission budget
- Each state required to submit a plan by November 2006 detailing the controls that will be implemented to meet their budget (18 timely – 32 no, partial or later)
- Federal Implementation Plan would be imposed if an acceptable plan is not established
- Mercury reductions in two-phases – 2010 and 2018

Federal Clean Air Mercury Rule Basics - continued

- States are not required to adopt and implement the emission trading model rule EPA developed
- States are not prevented from requiring reductions beyond those set in their budget
- State budgets are a permanent cap regardless of growth thus state plans must include new units in their implementation requirements

CAMR State Mercury Budget

- Baseline - 2,264 pounds
- 2010 - 1,780 pounds (21.4%)
- 2018 - 702 pounds (68.9%)

Commitment to be Consistent – NR 446.029

- the department shall adopt a similar standard that may not be more restrictive in terms of emission limitations.
- including administrative requirements that are consistent with the federal administrative requirements (e.g. monitoring, recordkeeping and reporting).

August 2006 Directive to WDNR from Governor Doyle

- “ achieve a 90% reduction in mercury emissions from coal-fired power plants through rules and incentives.”
- “ work with the utilities and environmental and conservation groups to develop a rule as soon as possible.”

Staff Proposal for Public Hearing Rule Draft

- Propose adoption of the CAMR New Source Performance Standards
- Propose adoption of EPA's model rule that allows interstate trading to implement the CAMR
- Allocations of mercury allowances will mirror EPA's model rule approach – heat input basis – 95% allocation to existing units and 5% set aside for growth
- Administrative requirements will be consistent with the CAMR requirements including monitoring, recordkeeping and reporting

Staff Proposal for Public Hearing Rule Draft - continued

- Propose a sunset of interstate trading beginning January 1, 2018
- Propose a 90% reduction requirement (elimination of mercury in coal combusted) by January 1, 2020
- By June 30, 2010, require development of detailed regulations to achieve the 90% reduction
- Support the pursuit of contractual arrangements under the state's Environmental Results Act (Green Tier) to meet these requirements

CAMR Legal Challenge

- Petitioners include 15 states (including Wisconsin), 5 environmental groups and 4 Tribes
- Key Issues - Delisting of power plants from federal list of significant HAP sources and specific provisions including interstate banking and trading
- August 2005 - Court denied petitioners request for CAMR implementation stay
- October 28, 2005, EPA granted petitions to reconsider delisting action and CAMR

CAMR Legal Challenge - continued

- Pending EPA's reconsideration petitioners voluntarily stayed their legal challenge
- EPA's reconsideration resolved in May 2006 resulting in minor changes to CAMR
- Legal challenge is moving forward again in DC Circuit Court - a briefing schedule has been set that begins in December 2006 with oral arguments not expected until spring 2007

What Are Other States Doing to Address the CAMR?

Interstate Trading Prohibited or Restricted (20)

Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, New Jersey, New York, Delaware, Maryland, Pennsylvania, Virginia, Florida, Georgia, Illinois, Michigan, Arizona, California, Idaho & Washington

More Stringent Than CAMR (19)

Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Delaware, Maryland, Pennsylvania, Virginia, Georgia, North Carolina, Illinois, Michigan, Minnesota, Montana, Arizona, California, Oregon & Washington

Adopting EPA's Model Rule (26)

Maine, West Virginia, Alabama, Kentucky, Mississippi, South Carolina, Tennessee, Indiana, Ohio, Arkansas, Louisiana, Oklahoma, Texas, Iowa, Kansas, Missouri, Nebraska, Colorado, North Dakota, South Dakota, Utah, Wyoming, New Mexico, Hawaii, Nevada, & Alaska



QUESTIONS