

110TH CONGRESS
2D SESSION

S. 2643

To amend the Clean Air Act to require the Administrator of the Environmental Protection Agency to promulgate regulations to control hazardous air pollutant emissions from electric utility steam generating units.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 14, 2008

Mr. CARPER (for himself, Ms. COLLINS, Mr. KENNEDY, Mr. BIDEN, Mr. KERRY, Mr. MENENDEZ, Mr. ALEXANDER, Mr. LIEBERMAN, Mr. LAUTENBERG, and Mr. GREGG) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Clean Air Act to require the Administrator of the Environmental Protection Agency to promulgate regulations to control hazardous air pollutant emissions from electric utility steam generating units.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Mercury Emissions
5 Control Act”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

1 (1) mercury pollution is a serious hazard to
2 human health and the environment in the United
3 States;

4 (2) more than 45 percent of the industrial mer-
5 cury emissions of the United States come from coal-
6 fired power plants;

7 (3) of the mercury deposited in the United
8 States, 60 percent comes from United States
9 sources;

10 (4) human exposure to methylmercury, the
11 most toxic form of mercury, comes almost exclu-
12 sively from consuming fish and shellfish;

13 (5) mercury released into the atmosphere is de-
14 posited into waterways, where the mercury collects
15 in the tissue of fish as methylmercury at concentra-
16 tions of up to 10,000,000 times that of the mercury
17 concentration in the surrounding water;

18 (6) each year, approximately 630,000 children
19 are born having been exposed to dangerous levels of
20 methylmercury in the womb, placing the children at
21 risk of neurological problems, including poor per-
22 formance on neurobehavioral tests, especially on
23 tests of—

24 (A) fine motor function;

25 (B) attention;

1 (C) language;

2 (D) visual-spatial abilities; and

3 (E) memory;

4 (7) exposure of humans and animals of all ages
5 to methylmercury adversely impacts the cardio-
6 vascular system, blood pressure regulation, and
7 heart-rate variability, and contributes to heart dis-
8 ease;

9 (8) the monetary benefit of reducing those
10 health outcomes is estimated to be in the billions of
11 dollars;

12 (9) reducing coal-fired power plant mercury
13 emissions by 90 percent is—

14 (A) feasible by calendar year 2010 using
15 current methods, such as activated carbon in-
16 jection technology and fabric filters; and

17 (B) projected to result in annual financial
18 benefits of up to \$5,200,000,000;

19 (10) the addition of a scrubber can reduce mer-
20 cury emissions by up to 98 percent from a bitu-
21 minous coal-fired power plant;

22 (11) activated carbon injection technology has
23 been successfully used to control mercury emissions
24 from municipal waste incinerators, leading to reduc-
25 tions from 45.2 tons in 1990 to 2.2 tons in 2000;

1 (12) the capital cost of activated carbon injection
2 equipment is minimal, at less than \$3 per kilo-
3 watt;

4 (13) the final rules of the Environmental Protection
5 Agency entitled “Revision of December 2000
6 Regulatory Finding on the Emissions of Hazardous
7 Air Pollutants From Electric Utility Steam Gener-
8 ating Units and the Removal of Coal- and Oil-Fired
9 Electric Utility Steam Generating Units from the
10 Section 112(c) List” (70 Fed. Reg. 15994 (March
11 29, 2005)) and “Standards of Performance for New
12 and Existing Stationary Sources: Electric Utility
13 Steam Generating Units” (70 Fed. Reg. 28606
14 (May 18, 2005)) (commonly known as the “Clean
15 Air Mercury Rule”), which were vacated by the
16 United States Court of Appeals for the District of
17 Columbia Circuit, would have reduced mercury emis-
18 sions by only 50 percent by 2020;

19 (14) in enacting Public Law 101–549 (com-
20 monly known as the “Clean Air Act Amendments of
21 1990”) (42 U.S.C. 7401 et seq.), Congress included
22 a list of 188 hazardous air pollutants, including mer-
23 cury, to be regulated under section 112 of the Clean
24 Air Act (42 U.S.C. 7412); and

1 (15) section 112 of that Act requires regulation
2 of hazardous air pollutants using maximum achiev-
3 able control technology.

4 (b) PURPOSES.—The purposes of this Act are—

5 (1) to require the Administrator of the Environ-
6 mental Protection Agency to promulgate regulations
7 to control hazardous air pollutant emissions from
8 electric utility steam generating units; and

9 (2) to ensure that those regulations accurately
10 reflect the availability of highly effective controls.

11 **SEC. 3. EMISSIONS FROM ELECTRIC UTILITY STEAM GEN-**
12 **ERATING UNITS.**

13 Section 112(n)(1) of the Clean Air Act (42 U.S.C.
14 7412(n)(1)) is amended by adding at the end the fol-
15 lowing:

16 “(D) REGULATIONS.—

17 “(i) PROPOSAL.—Not later than 180
18 days after the date of enactment of the
19 Mercury Emissions Control Act, but in no
20 case later than October 1, 2008, the Ad-
21 ministrator shall propose regulations under
22 subsection (d) to control the emission from
23 new and existing electric utility steam gen-
24 erating units of hazardous air pollutants,
25 including mercury pollutants.

1 “(ii) REQUIREMENT.—The regulations
2 adopted from the proposed regulations
3 under clause (i) shall require a reduction
4 in emissions of mercury from new and ex-
5 isting electric utility steam generating
6 units of not less than 90 percent.”.

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