

Notice Regarding Proposed Mercury Rule

The notice of rulemaking intent for the April Air Quality Advisory Council meeting included a proposed new Subchapter 44, Control of Mercury Emissions from Coal-Fired Electric Steam Generating Units. On February 8, 2008, the United States Court of Appeals for the District of Columbia vacated the Clean Air Mercury Rule (CAMR), thus rendering the proposed Subchapter 44 unenforceable.

The Department may propose a new state rule on mercury at a later date. Staff believes a rule may be necessary to preserve the mercury monitoring requirements imposed by CAMR which are contained in Subpart I of Part 75 in Title 40 of the Code of Federal Regulations.

With the uncertainties created by the recent federal court action, the Department will not propose a revised mercury rule for consideration at the April meeting but will include the matter as an item on the agenda and accept comments.