

# NEWEA Position Paper

## Virtual Elimination of Anthropogenic Mercury in the Environment

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by the New England Water Environment Association



### In New England, the elevated level of mercury in certain fish species is a concern of paramount importance.

All six states in the region have issued statewide fish consumption advisories for mercury, resulting in over 10,000 lakes, ponds, and reservoirs, and more than 46,000 river miles being listed as impaired for fish consumption. This situation exists despite nearly a decade of work that has resulted in significant regional reductions in mercury emissions and discharges. Unfortunately, the impact of these reductions has been tempered by the continued atmospheric deposition of mercury originating from out-of-state sources. Controlling these emissions is a major challenge due to the lack of options for doing so, but it is a challenge the states have embraced. Innovative approaches are being pursued as part of a clear, well-crafted, and resolute strategy for making the region's fish safe to eat once again.

In 1998, the New England Governors-Eastern Canadian Premiers Mercury Task Force set a regional goal to virtually eliminate the discharge of anthropogenic mercury into the environment. The task force's regional Mercury Action Plan called for a 50 percent reduction of regional mercury emissions by 2003. After documenting this goal had been met, the task force established a new interim goal: 75 percent reduction by 2010.

Through this process, the New England states are addressing all aspects of mercury pollution that are within the region's control or influence. To address the mercury coming from out of state, however, required powerful new tactics.

In December 2007, EPA Regions 1 and 2 approved the Northeast Regional Mercury Total Maximum Daily Load (TMDL). The TMDL, which was developed by the New England states and New York State in coordination with the New England Interstate Water Pollution Control Commission (NEIWPCC), stipulates the amount by which mercury arriving in the region from out-of-region sources must be reduced for fish consumption advisories to be lifted. In October 2008, the Northeast states, working again in conjunction with NEIWPCC, followed up the TMDL effort by filing a Clean Water Act Section 319(g) petition to address atmospheric deposition of mercury from out-of-region sources. Section 319(g) of



the law requires the U.S. EPA Administrator to respond to the petition by convening a management conference including all states that are significant sources of mercury deposition to Northeast waters. The purpose of the conference was to develop an agreement among such states to reduce the level of mercury pollution and improve the water quality of

the New England states and New York State.

US EPA held the §319(g) Conference in Philadelphia, PA on June 22-23, 2010. The conference proved to be beneficial to all participating states.

### **NEWEA supports the development of a national rule for coal-fired power plants that results in a minimum of 90 percent control of mercury emissions by cost-effective and available technologies**

Information was shared about the national mercury problem and there was agreement that EPA needs to develop a more aggressive agenda for controlling mercury. As a follow-up to that conference the states are working on sending a letter to EPA that identifies their priorities, and have also agreed to continue sharing information about mercury control efforts in their states.

After many years of EPA trying to proceed with a rule to reduce mercury emissions from coal-fired power plants, the New England States along with ten other states were successful in their legal challenge of EPA's approach for calculating limits and establishing an emissions trading program. As a result, EPA is now under court order to develop a utility rule for coal fired power plants using a Maximum Achievable Control Technology (MACT) standard.



A draft rule will be available in March 2011 and a final rule must be promulgated by November 2011. NEWEA supports the establishment of a utility MACT rule with at least 90 percent control of mercury emissions, and also encourages EPA to proceed with emissions rules for other sectors such as ICI boilers, solid waste incinerators, electric arc furnaces, foundries, and sewage sludge incinerators. In addition, NEWEA encourages EPA to move forward with regulation of dischargers of dental amalgam.”

National rules to reduce mercury emissions will play a key role in reducing mercury in New England waterbodies, but emissions from global sources also pose a significant threat. It has been estimated that approximately 70 percent of mercury deposited in the Northeast originates from sources outside of the country. The United States is in a position to lead by example and NEWEA believes that EPA should expand its efforts to seek and support an international agreement to reduce global mercury usage and releases.

Therefore, in conclusion, NEWEA:

- Supports the New England Governors-Eastern Canadian Premiers Mercury Task Force’s regional goal to virtually eliminate the discharge of anthropogenic mercury into the environment
- Supports the reduction of in-region and out-of-region mercury emissions to levels that will eliminate the need for fish consumption advisories in the New England states
- Supports the Northeast states’ efforts to continue follow-up and implementation of planned activities as a result of the §319(g) management conference to address mercury deposition from out-of-region sources
- Supports the development of a national rule for coal-fired power plants that results in a minimum of 90 percent control of mercury emissions by cost-effective and available technologies, as well as rules pertaining to other sectors such as ICI boilers, solid waste incinerators, electric arc furnaces, foundries, sewage sludge incinerators, and dental facilities and,
- Supports EPA’s efforts to seek and support an international agreement to reduce global mercury emissions