



U.S. Supreme Court Remand of EPA's Mercury and Air Toxics Standards (MATS) Rule

MWAQC
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Outline

Why regulate mercury?

EPA's Regulatory Timeline

Court Ruling

Impact and What's Next

Why Regulate Mercury?

- Mercury is a persistent pollutant, toxic when inhaled or ingested.



- Rain and snow deposit mercury in water bodies, where it is ingested by fish and other animals.

- There mercury emissions are transformed into methylmercury, which is highly toxic to humans.



- The methylmercury resulting from power plant emissions is ingested by humans through consumption of fish.

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Why Regulate Mercury?

- Mercury is a neurotoxin. It causes damage to the brain and nervous system.

- Prenatal exposure to methylmercury impairs language ability, fine motor skills, visual-spatial abilities, intelligence and attention span.



- Methylmercury has also been linked to coronary disease in adults.

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EPA Regulatory Timeline

- 1990 Clean Air Act – Section 112, Part N
 - Conduct 3 studies on mercury for EGU Sector –
 - 1) Study public health hazards and control strategies – determine whether regulation is appropriate and necessary
 - 2) Study emissions, control technologies and costs
 - 3) Study on mercury exposure and public health



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EPA Regulatory Timeline

- February 1998 – Report to Congress
- December 2000 – Utility Air Toxics Determination (deemed appropriate and necessary)
- April 16, 2012 – Final Mercury Rule Effective
 - Impacts coal and oil EGUs >25MW
 - Establishes emission limits
 - 4 year compliance period

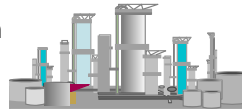


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Supreme Court Decision Impacts and What's Next

- Court found:

- EPA did not take into account costs when the “appropriate and necessary” determination was made.



- Rule remanded to the U.S. Court of Appeals

- Impact and What's Next

- Limited to no impact in the NCR, power plants already installed controls. Operation of control technologies?
- Court and EPA may take some time to resolve.



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Resources

[New York Times Article](#)

[Supreme Court Decision](#)

[EPA Utility Air Toxics Determination](#)

[EPA Mercury and Air Toxics Website](#)

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