



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

MWAQC Technical Advisory
Committee

July 7, 2015

Outline

Why regulate mercury?

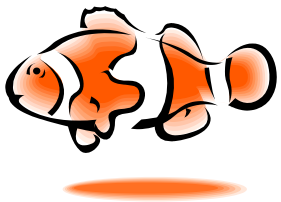
EPA's Regulatory Timeline

Court Ruling

Impact and What's Next

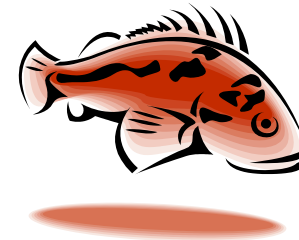
Why Regulate Mercury?

- 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.

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.

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



EPA Regulatory Timeline

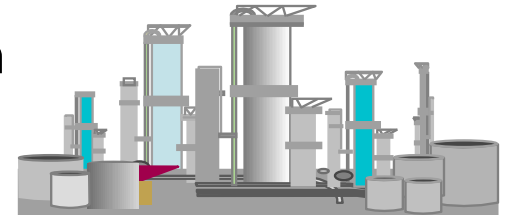
- February 1998 – Report to Congress
- December 2000 – Utility Air Toxics Determination (deemed appropriate and necessary)
- April 16, 2012 – Final Mercury Rule Effective
 - Impacts coal and oil EGUs >25MW
 - Establishes emission limits
 - 4 year compliance period



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.



Resources

[New York Times Article](#)

[Supreme Court Decision](#)

[EPA Utility Air Toxics Determination](#)

[EPA Mercury and Air Toxics Website](#)