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## DEP defends adoption of Bush mercury emission rule 7

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West Virginia regulators on Tuesday evening defended their adoption of the Bush administration's approach to reducing mercury emissions from coal-fired power plants.

At least 22 other states have abandoned the Bush plan, instead submitting tougher pollution reduction rules to the U.S. Environmental Protection Agency.

Kenna Amos, a state Department of Environmental Protection engineer, said those other plans aren't likely to work — at least not yet, because mercury-control technologies are not perfected.

“There are promising technologies, some of them are even being installed hither and yon,” Amos said. “But we do not believe that commercially available technologies exist.”

Amos was among the speakers from the DEP and the state Department of Health and Human Resources at an evening public meeting on a statewide mercury study.

Earlier this year, state lawmakers mandated the review as part of their approval of the DEP's adoption of the Bush administration mercury plan.

Mercury is a powerful neurotoxin that accumulates in fish and poses great risk of nerve and brain damage to pregnant women, women of childbearing age and young children.

Coal-fired power plants are among the largest sources of mercury pollution, which is released into the air, and rains down into waterways to move up the food chain.

Starting in 2004, West Virginia began issuing a statewide fish advisory to limit fish caught in all state waterways because of mercury contamination.

Under the legislative action, the DEP must by Jan. 1 make a “finding as to whether the citizens of West Virginia or regions of West Virginia are exposed to a potential health risk because of mercury contamination.”

If the DEP finds there is a risk, the agency is required to propose legislation, changes to its power plant rules, and “any other appropriate rulemaking to effectuate its finding.”

Barb Smith, an epidemiologist with the DHHR's Bureau for Public Health, said her agency found that “people may consume fish in amounts that cause adverse health effects from mercury exposures.”

Smith added the state does not know enough about how much fish residents eat, or the level of mercury in those fish, to quantify the risks.

In its report, the DHHR said the state's goal should be to reduce mercury pollution, and thus reduce the exposure and the need for mercury fish advisories, but the agency did not recommend any specific steps to reduce mercury pollution.

The DEP meanwhile, has begun a broader program of fish sampling for mercury levels, but the agency does not count a fish advisory as a legal "impairment" that would force the state to come up with a pollution cleanup plan for contaminated streams.

Officials at Tuesday's meeting indicated that the DEP has no plans to back off its support for the Bush mercury reduction plan.

The federal EPA adopted new regulations in March that the agency said could force mercury reductions of 70 percent by 2018 from coal-fired plants. The EPA set a nationwide cap on mercury emissions and put a limit on emissions from each state starting in 2010.

Don Garvin, a lobbyist for the West Virginia Environmental Council, questioned DEP officials about the 22 other states that have come up with their own more stringent mercury programs.

Those other states most frequently chose to require cuts of up to 90 percent in mercury pollution, speed up federal requirements by about three to five years, or reject the administration's decision to let companies buy and sell the rights to emit mercury, according to a report from the National Association of Clean Air Agencies, a group of state regulators.

"If technologies are not available, how are they going to do that?" Garvin asked, noting that states coming up with tougher rules included coal-producing Pennsylvania and Illinois.

Amos said those states will have a hard time enforcing their rules, because companies won't be able to find equipment to meet the reduction requirements.

"There is ongoing research that simply isn't completed yet," Amos said.

In West Virginia, Gov. Joe Manchin has said he wants the state to take the lead in developing cleaner ways to burn coal, or turn coal into a gas that can be burned with less pollution.

Fred Durham, a DEP assistant director for planning, said there's a difference between promoting new pilot projects for coal gasification and setting pollution limits for the state's many existing power stations.

"You're comparing apples to oranges," Durham said.

Information about the DEP's mercury study is available online at [www.dep.state.wv.us/item.cfm](http://www.dep.state.wv.us/item.cfm)?

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