

**Agenda Item:** 15-40 **Request for Approval of Recommendation Regarding Mercury Compliance Plans**

**Explanation:** The Environmental Management Commission (EMC) is requested to approve Mercury Control Plans.

The Section 15A NCAC 02D .2500, Mercury Rules for Electric Generators, became effective on January 1, 2007. Two paragraphs are state-only rule provisions not included as a part of N.C.'s "Mercury Plan" submitted to the EPA for compliance with the federal Clean Air Mercury Rule (CAMR) of 2005. CAMR is now null and void having been vacated by the D.C. Circuit Court, so these two are the only remaining state-only rules to be addressed. The two remaining state paragraphs are in Section 02D .2511, Mercury Emission Limits.

15A NCAC 02D .2511(b) requires Duke Energy and Progress Energy to submit Mercury Control Plans to the Division of Air Quality (DAQ) Director by January 1, 2013. Each plan must identify the mercury control technologies in use at each unit, the schedule for operation of these controls at each unit at the earliest feasible date, and the remaining units not equipped with mercury controls to be shut down by December 31, 2017.

15A NCAC 02D .2511(c) states that the DAQ Director must review the submitted mercury control plans and recommend that the EMC approve, disapprove, or conditionally approve the Mercury Control Plans. The EMC shall only approve a mercury control plan if it finds that the plan achieves the maximum level of reductions in mercury emissions at each unit that is technically and economically feasible without reliance on mercury trading.

The Division of Air Quality completed a review of the submitted Mercury Control Plans and found that each plan met all the requirements in 02D .2511(b) and in 02D .2511(c).

**Recommendation:** The Director recommends that the Commission approve the Mercury Control Plans as specified in 15A NCAC 02D .2511(b) and .2511(c).