



Pennsylvania Department of Environmental Protection

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P.O. Box 2063  
Harrisburg, PA 17105-2063  
November 6, 2006

Secretary

717-787-2814

Mr. Donald S. Welsh, Administrator  
Air Protection Division (3AP00)  
United States Environmental Protection Agency, Region III  
1650 Arch Street  
Philadelphia, PA 19103-3029

Re: Section 111(d) State Plan to Reduce Mercury Emissions  
from Coal-Fired Electric Generating Units

Dear Mr. Welsh:

On May 18, 2005, the U.S. Environmental Protection Agency (EPA) finalized the Clean Air Mercury Rule (CAMR) to establish standards of performance for mercury emissions from new and existing coal-fired electric steam generating units (EGUs), as defined in Section 111 of the federal Clean Air Act (CAA). *See* 70 FR 28606. The Emission Guidelines and compliance times for the control of mercury emissions from coal-fired EGUs promulgated under Section 111 of the CAA and adopted in their entirety and incorporated by reference under 25 *Pa. Code* Chapter 122, § 122.3 (relating to adoption of standards) are applicable requirements under state law. However, the Pennsylvania Department of Environmental Protection (PADEP) will not participate in the EPA-managed mercury cap and trade program under CAMR, and has developed a Pennsylvania-specific mercury regulation for coal-fired EGUs, that will be codified in 25 *Pa. Code* §§ 123.201-123.215. This final-form regulation establishes mercury emission standards and annual emission limitations for new and existing coal-fired EGUs as part of a statewide mercury non-tradable allowance program and other requirements for the purpose of reducing mercury emissions from coal-fired EGUs. Except as otherwise noted in the regulation, this Pennsylvania-specific mercury regulation supercedes those requirements under 25 *Pa. Code* Chapter 122, § 122.3.

Enclosed is Section 111(d) State Plan for coal-fired EGUs, which includes the Pennsylvania-specific mercury regulation for coal-fired EGUs and the legal opinion required under 40 *CFR* § 60.26(a), which demonstrates that the Commonwealth of Pennsylvania has sufficient legal authority to implement the elements of the State Plan. On October 17, 2006, the Pennsylvania Environmental Quality Board (EQB) approved this final-form regulation. Under the Commonwealth's Regulatory Review Act, there are a number of other regulatory steps that this regulation must proceed through before it becomes effective through publication in the *Pennsylvania Bulletin*. After the EQB meeting, the Department submitted the final-form regulation to the House and Senate Environmental and Energy Resources Committees and the Independent Regulatory Review Commission (IRRC) for review. On October 18, 2006, the Pennsylvania Senate Environmental Resources and Energy Committee took action

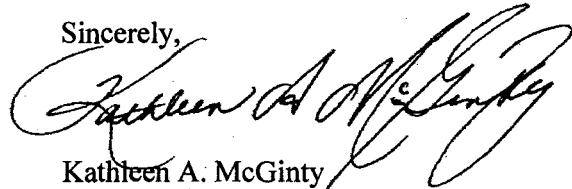
to extend its review of the regulation. The Independent Regulatory Review Commission is scheduled to meet and act on the final-form mercury regulation on November 16, 2006.

In addition, in accordance with the Commonwealth Attorneys Act the final-form regulation will be submitted to the Office of Attorney General for approval as to form and legality after IRRC and the legislative committees conclude their review. Following the completion of the regulatory review process under the Regulatory Review Act and the Commonwealth Attorneys Act, the regulation will be submitted to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* as a final rulemaking. Subsequently, a copy of the *Pennsylvania Bulletin* will be submitted to your agency.

The Commonwealth's State Plan is as protective as the Emission Guidelines promulgated under Section 111 of the CAA to reduce mercury emissions from coal-fired units. Notice of the proposed State Plan and public hearings was published in the *Pennsylvania Bulletin* on August 5, 2006. (36 Pa. B. 4269). Following the close of the 30-day public comment period, the Department developed a Comment/Response Document, which is included in Appendix B (relating documentation of the public participation process) of the enclosed State Plan. Detailed responses to EPA's comments are included in the Comment and Response Document and the State Plan has been revised, as appropriate. Therefore, we request that you approve the Commonwealth's State Plan to reduce mercury emissions from coal-fired EGUs.

We would like to thank your Air Program staff for the comprehensive review of both the proposed PA-specific mercury regulation and the plan. We will continue to work with your staff to address issues relative to the implementation and enforcement of the plan. If you have questions or need additional information, please contact Thomas K. Fidler by e-mail at [tfidler@state.pa.us](mailto:tfidler@state.pa.us) or by telephone at 717-772-2724. You may also contact Joyce E. Epps, Director of the Bureau of Air Quality, by e-mail at [jeepps@state.pa.us](mailto:jeepps@state.pa.us) or by telephone at 717-787-9702. Your assistance in this matter is greatly appreciated.

Sincerely,



Kathleen A. McGinty  
Secretary

Enclosures

cc: Barbara Sexton  
Thomas Fidler  
Richard Mather, Esq.