

MAR 5 2003
ENVIRONMENTAL PROTECTION

HOUSE FILE 435
BY SHOULTZ

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to mercury emissions from electricity generators,
2 medical waste incineration facilities, and municipal solid
3 waste incineration facilities and providing an effective date.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 435

1 Section 1. Section 455B.131, Code 2003, is amended by
2 adding the following new subsections:

3 NEW SUBSECTION. 3A. "Annual mercury emissions" means the
4 pounds of mercury emitted by a mercury source in a given
5 calendar year, using the methodology adopted by the commission
6 pursuant to section 455B.133, subsection 11, paragraph "a".

7 NEW SUBSECTION. 5A. "Electricity generators" means a
8 stationary source with a nameplate capacity of fifteen
9 megawatts or greater that uses a combustion installation to
10 generate electricity for sale or use.

11 NEW SUBSECTION. 7A. "Medical waste incineration facility"
12 means any enclosed combustion device including a boiler, an
13 industrial furnace, a waste-to-energy facility, a kiln, and a
14 cogeneration unit used to burn medical waste.

15 NEW SUBSECTION. 7B. "Mercury" means elemental mercury and
16 any compound containing mercury.

17 NEW SUBSECTION. 7C. "Mercury source" means an electricity
18 generator, a municipal solid waste incineration facility, or a
19 medical waste incineration facility that emits mercury.

20 NEW SUBSECTION. 7D. "Municipal solid waste incineration
21 facility" means any enclosed combustion device including a
22 boiler, an industrial furnace, a waste-to-energy facility, a
23 kiln, and a cogeneration unit used to burn solid waste of a
24 municipality.

25 Sec. 2. Section 455B.133, Code 2003, is amended by adding
26 the following new subsection:

27 NEW SUBSECTION. 11. a. Within twelve months of the
28 effective date of this Act, the commission shall adopt rules
29 that provide a methodology for determining annual mercury
30 emissions, measured in pounds, from mercury sources in the
31 state.

32 b. Mercury sources shall provide the commission with the
33 annual mercury emissions for each source, using the
34 methodology adopted by the commission pursuant to paragraph
35 "a". An electricity generator shall provide the commission

1 with the number of megawatts generated in the calendar year by
2 the electricity generator. A municipal solid waste
3 incineration facility or a medical waste incineration facility
4 shall provide the commission with the number of tons of waste
5 burned in the calendar year by the facility.

6 c. Using the data electricity generators supply pursuant
7 to paragraph "b", the commission shall divide the sum of the
8 annual mercury emissions statewide by the sum of the number of
9 megawatts generated statewide to establish the baseline rate
10 of annual mercury emissions for electricity generators. The
11 annual maximum level of mercury emissions for electricity
12 generators shall equal ten percent of the baseline rate.

13 d. Using the data municipal solid waste incineration
14 facilities and medical waste incineration facilities supply
15 pursuant to paragraph "b", the commission shall divide the sum
16 of the annual mercury emissions statewide by the sum of the
17 tons of waste burned statewide to establish the baseline rate
18 of annual mercury emissions for municipal solid waste
19 incineration facilities and medical waste incineration
20 facilities. The annual maximum level of mercury emissions for
21 municipal solid waste incineration facilities and medical
22 waste incineration facilities shall equal ten percent of the
23 baseline rate.

24 e. Within three years of the effective date of this Act,
25 the commission shall adopt rules regarding methods for
26 reducing mercury emissions from mercury sources in order to
27 comply with the annual maximum levels of mercury emissions for
28 mercury sources.

29 f. Within four years of the effective date of this Act,
30 the commission, in conjunction with the Iowa department of
31 public health, shall adopt a report regarding the effects of
32 mercury emissions on human health and the environment. The
33 report shall be submitted to the governor and the general
34 assembly and made available to the general public.

35 Sec. 3. NEW SECTION. 455B.133A MERCURY EMISSIONS.

1 1. On or after January 1, 2010, an electricity generator
2 shall not emit more than the annual maximum level of mercury
3 emissions determined by the commission in section 455B.133,
4 subsection 11, paragraph "c", in any given calendar year.

5 2. On or after January 1, 2010, a municipal solid waste
6 incineration facility or a medical waste incineration facility
7 shall not emit more than the annual maximum level of mercury
8 emissions determined by the commission in section 455B.133,
9 subsection 11, paragraph "d", in any given calendar year.

10 3. By May 1, 2011, and annually thereafter, a mercury
11 source shall submit a report to the department which provides
12 the annual mercury emissions emitted in the previous calendar
13 year by the mercury source using the methodology adopted by
14 the commission pursuant to section 455B.133, subsection 11,
15 paragraph "a".

16 Sec. 4. EFFECTIVE DATE. This Act, being deemed of
17 immediate importance, takes effect upon enactment.

18 EXPLANATION

19 This bill relates to mercury emissions from electricity
20 generators, medical waste incineration facilities, and
21 municipal solid waste incineration facilities.

22 The bill provides that, within 12 months of the effective
23 date of the bill, the environmental protection commission
24 shall adopt rules that provide a methodology for determining
25 annual mercury emissions, measured in pounds, from mercury
26 sources in the state. Mercury sources are defined as
27 electricity generators, medical waste incineration facilities,
28 and municipal solid waste incineration facilities. The bill
29 provides that a mercury source shall provide the commission
30 with the annual mercury emissions for the source, an
31 electricity generator shall provide the commission with the
32 number of megawatts generated in the calendar year by the
33 electricity generator, and a municipal solid waste
34 incineration facility or medical waste incineration facility
35 shall provide the commission with the number of tons of waste

1 burned in the calendar year by the facility.

2 The bill provides that, using the data electricity
3 generators, municipal solid waste incineration facilities, and
4 medical waste incineration facilities supply, the commission
5 shall establish the baseline rate of annual mercury emissions
6 for electricity generators, municipal solid waste incineration
7 facilities, and medical waste incineration facilities. The
8 bill provides that the annual maximum level of mercury
9 emissions for electricity generators, municipal solid waste
10 incineration facilities, and medical waste incineration
11 facilities shall equal 10 percent of the baseline rate.

12 The bill provides that, within three years of the effective
13 date of the bill, the commission shall adopt rules regarding
14 methods for reducing mercury emissions from mercury sources.
15 Within four years of the effective date of the bill, the
16 commission, in conjunction with the Iowa department of public
17 health, shall adopt a report regarding the effects of mercury
18 emissions on human health and the environment.

19 The bill provides that, on or after January 1, 2010, an
20 electricity generator, municipal solid waste incineration
21 facility, or a medical waste incineration facility shall not
22 emit more than the annual maximum level of mercury emissions
23 in any given calendar year. The bill provides that, by May 1,
24 2011, and annually thereafter, a mercury source shall submit a
25 report to the department of natural resources which provides
26 the annual mercury emissions emitted in the previous calendar
27 year by the mercury source.

28 The bill takes effect upon enactment.

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