

**American Bottom Conservancy**  
**P.O. Box 4242, Fairview Heights, IL 62208**

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SEP 20 2006  
STATE OF ILLINOIS  
Pollution Control Board

September 20, 2006

Office of the Clerk  
Illinois Pollution Control Board  
100 West Randolph  
Chicago, IL 60601

PC 6309

Re: Comments on Proposed New 35 ILL. ADM. CODE 225, Control of Emissions from Large Combustion Sources (Mercury); R06-25

Honorable Members of the Board:

American Bottom Conservancy, based in the Metro East St. Louis area, supports the proposed rule ("the rule") filed with the Illinois Pollution Control Board by the Illinois Environmental Protection Agency—although we have reservations as to the amendments on the Ameren and Dynegy proposals (see below). This rule is necessary to protect the health of the citizens of the Metro East and throughout the State. It is both technologically feasible and cost effective.

The rule is necessary to protect the health of Illinois citizens, especially our children. Mercury is a neurotoxin that passes through the placenta and poisons fetal brain development. Every day, thousands of developing fetuses, newborns and young children are exposed to mercury when either pregnant and nursing women eat contaminated fish or the children themselves eat fish. In the Metro East, we have many families that rely on fish caught at our area lakes and rivers for their main source of protein, because it is free. And while there may be a warning as to limiting consumption because of mercury on the Illinois Department of Health website, many of those people do not have access to a computer. There are no signs at the river or lakes, even though the lakes are owned by the State and part of a state park.

Six to ten percent of women of childbearing age in the U.S. are estimated to have mercury levels high enough to put their developing children at increased risk for developmental problems from mercury poisoning. That translates to more than 100,000 women of childbearing age in Illinois whose blood mercury levels may exceed the federal recommended limit. This is all the more tragic when combined with the many toxics to which they are exposed, both airborne from the many industrial plants both in the Metro East and across the river in St. Louis, and contaminants such as lead found in the paint in our older homes. We have no idea as to the cumulative impacts from all the toxins on the intelligence and behavior of our children.

Coal-fired power plants in Illinois have resulted in severe mercury hot spots in the state. We have one such hot spot in East St. Louis. Illinois is ranked fourth in the nation for having the most severe mercury pollution hot spots.

The southern Great Lakes region experiences one of the highest deposition rates in the U.S. In this region, local and regional sources are the main cause of elevated mercury concentrations, with the great majority of mercury contamination coming from coal-fired power plants. Coal plants produce 71% of the mercury pollution emitted in Illinois and the 60% in Great Lakes states as a whole. Fish in Lake Michigan and all Illinois waterways are contaminated with mercury. The Illinois Department of Public Health has issued “fish advisories” warning pregnant women, women of childbearing age and children to limit their consumption of fish from every lake, river and stream in Illinois. But, there are no signs posted at the bodies of water. Our waters locally also have advisories for PCBs and farm chemicals, adding to the toxic burden of children and their parents.

Consequently, regulating the leading source of mercury pollution in Illinois—coal-fired power plants—will reduce mercury exposure and the resulting ill health effects of that exposure. Studies show a direct relationship between mercury deposition and mercury levels in fish. These studies conclude that reducing emissions of mercury lowers mercury concentrations in fish, regardless of contributions from natural or foreign sources. One study has shown that a reduction in local atmospheric mercury emissions led to a decline of more than 80% of mercury contamination in fish.

The Illinois rule is necessary because the federal rule proposed by the Bush administration is inadequate to address the problem of mercury contamination in Illinois. The Bush Administration’s rule will perpetuate mercury hot spots such as those in East St. Louis and throughout the State by allowing coal plants to continue using older technology and also to purchase the right to continue polluting at high levels rather than installing equipment to clean up their plants and protect our health and environment.

ABC has concerns that the new Peabody Prairie State plant at Marissa—even though it has not even begun construction—might be given extra time to come into compliance with the Illinois Rule. According to the Prairie State permit, they would emit some 280 pounds of mercury per year. That is unacceptable. Prairie State should be required to comply with the originally proposed timeline or revise their design and control technology. Likewise, Dynegy’s Baldwin plant emits some 260 pounds of mercury per year. Our organization intervened in the U.S.EPA lawsuit against Dynegy which resulted in the Consent Decree setting a timeline for compliance. The IEPA Dynegy agreement will not have a significant positive impact on those citizens who live in the Metro East. Baldwin was required to install more protective control technology by the Consent Decree. From our reading of the Agreement, there will be no improvement at all at the Wood River facility. The Metro East is nonattainment for both ozone and fine particulates. Our citizens and especially our children and elderly are significantly impacted by our air quality that does not meet federal standards.

Ameren’s plants affecting the air quality of the Metro East are, alas, for the most part located in Missouri—at Rush Island, Meramec and Portage des Sioux. While we welcome Ameren’s announcement that it will install stricter controls at the Sioux plant—and that should have a positive impact on the air quality and nonattainment status of Jersey County, that plant is located considerably north of the Metro East counties of Madison and St. Clair and others in the nonattainment area. We can only hope that Ameren will continue its efforts to decrease its

considerable emissions with increased controls at their other plants. We are encouraging the State of Missouri to adopt a rule similar to the proposed Illinois rule.

The Illinois rule will be effective. States such as Georgia, Maryland, Massachusetts, Michigan, Minnesota, New Jersey and Pennsylvania, among others, have initiated proposals with mercury reductions from power plants similar to those in the Illinois proposed rule, demonstrating that this rule is reasonable and the bases for the rule are sound. IEPA and proponents made the necessary showing at the hearings and in filings that the rule is both technically feasible and economically reasonable.

- The technology for controlling mercury in accordance with the requirements of the rule is readily available. Activated carbon injection (“ACI”), with brominated or halogenated sorbents where appropriate, has been shown to achieve 95-percent capture rates in short-term tests for all ranks of coal burned in Illinois.
- The technology is also economically reasonable. The reductions required by the proposed rule could be achieved while costing Illinois residential consumers only \$0.69 more per month, on average. Commercial businesses would pay about \$5.82 more on average, while the average industrial bill would increase \$305.47 monthly. The cost of ACI per unit is approximately is less than one million dollars.
- Where 90% is not achievable with ACI alone, other pollution control options can be used to achieve 90%, including controls for other pollutants that provide additional mercury reductions.

The rule as written and amended offers sufficient flexibility in the rule for operators to choose a compliance pathway that is appropriate for them in terms of both means and timing of achieving the necessary reductions. The flexibility built into the rule includes:

- The initial averaging period,
- The output based standard,
- The temporary technology-based standard, and
- Ameren and Dynegy’s proposed multi-pollutant standard.

Ameren and Dynegy’s support for the rule demonstrates that facilities within the State of Illinois can achieve the required reductions contained in the proposed rule in a cost-effective manner. It also demonstrates that they will benefit from the deal with respect to the timeline and other pollutant requirements. We regret that such a compromise had to be made in order to get the rule passed. Nevertheless, we believe in this case we must support the proposed rule. We ask the Board to vote in favor of the rule.

Sincerely,

**Kathy Andria**

Kathy Andria  
President