

106TH CONGRESS
1ST SESSION

S. 673

To amend the Clean Air Act to establish requirements concerning the operation of fossil fuel-fired electric utility steam generating units, commercial and industrial boiler units, solid waste incineration units, medical waste incinerators, hazardous waste combustors, chlor-alkali plants, and Portland cement plants to reduce emissions of mercury to the environment, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 19, 1999

Mr. LEAHY (for himself and Ms. SNOWE) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Clean Air Act to establish requirements concerning the operation of fossil fuel-fired electric utility steam generating units, commercial and industrial boiler units, solid waste incineration units, medical waste incinerators, hazardous waste combustors, chlor-alkali plants, and Portland cement plants to reduce emissions of mercury to the environment, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “Omnibus Mercury Emissions Reduction Act of 1999”.

4 (b) **TABLE OF CONTENTS.**—The table of contents of
5 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings and purposes.
- Sec. 3. Mercury emission standards for fossil fuel-fired electric utility steam
generating units.
- Sec. 4. Mercury emission standards for coal- and oil-fired commercial and in-
dustrial boiler units.
- Sec. 5. Reduction of mercury emissions from solid waste incineration units.
- Sec. 6. Mercury emission standards for chlor-alkali plants.
- Sec. 7. Mercury emission standards for Portland cement plants.
- Sec. 8. Report on implementation of mercury emission standards for medical
waste incinerators.
- Sec. 9. Report on implementation of mercury emission standards for hazardous
waste combustors.
- Sec. 10. Report on use of mercury and mercury compounds by Department of
Defense.
- Sec. 11. International activities.
- Sec. 12. Mercury research.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) **FINDINGS.**—Congress finds that—

8 (1) on the basis of available scientific and med-
9 ical evidence, exposure to mercury and mercury com-
10 pounds (collectively referred to in this Act as “mer-
11 cury”) is of concern to human health and the envi-
12 ronment;

13 (2) pregnant women and their fetuses, women
14 of childbearing age, children, and individuals who
15 subsist primarily on fish, are most at risk for mer-
16 cury-related health impacts such as neurotoxicity;

1 (3) although exposure to mercury occurs most
2 frequently through consumption of mercury-contami-
3 nated fish, such exposure can also occur through—

4 (A) ingestion of drinking water, and food
5 sources other than fish, that are contaminated
6 with methyl mercury;

7 (B) dermal uptake through soil and water;
8 and

9 (C) inhalation of contaminated air;

10 (4) on the basis of the report entitled “Mercury
11 Study Report to Congress” and submitted by the
12 Environmental Protection Agency under section
13 112(n)(1)(B) of the Clean Air Act (42 U.S.C.
14 7412(n)(1)(B)), the major sources of mercury emis-
15 sions in the United States are, in descending order
16 of volume of emissions—

17 (A) fossil fuel-fired electric utility steam
18 generating units;

19 (B) solid waste incineration units;

20 (C) coal- and oil-fired commercial and in-
21 dustrial boiler units;

22 (D) medical waste incinerators;

23 (E) hazardous waste combustors;

24 (F) chlor-alkali plants; and

25 (G) Portland cement plants;

1 (5)(A) the Environmental Protection Agency re-
2 port described in paragraph (4), in conjunction with
3 available scientific knowledge, supports a plausible
4 link between mercury emissions from anthropogenic
5 combustion and industrial sources and mercury con-
6 centrations in air, soil, water, and sediments;

7 (B) the Environmental Protection Agency has
8 concluded that the geographical areas that have the
9 highest annual rate of deposition of mercury in all
10 forms are—

11 (i) the southern Great Lakes and Ohio
12 River Valley;

13 (ii) the Northeast and southern New Eng-
14 land; and

15 (iii) scattered areas in the South, with the
16 most elevated deposition occurring in the Miami
17 and Tampa areas and 2 areas in northeast
18 Texas; and

19 (C) analysis conducted before the date of the
20 Environmental Protection Agency report dem-
21 onstrates that mercury is being deposited into the
22 waters of Canada;

23 (6)(A) the Environmental Protection Agency re-
24 port described in paragraph (4) supports a plausible
25 link between mercury emissions from anthropogenic

1 combustion and industrial sources and concentra-
2 tions of methyl mercury in freshwater fish;

3 (B) in 1997, 39 States issued health advisories
4 that warned the public about consuming mercury-
5 tainted fish, as compared to 27 States that issued
6 such advisories in 1993;

7 (C) the total number of mercury advisories in-
8 creased from 899 in 1993 to 1,675 in 1996, an in-
9 crease of 86 percent; and

10 (D) the United States and Canada have agreed
11 on a goal of virtual elimination of mercury from the
12 transboundary waters of the 2 countries;

13 (7) the presence of mercury in consumer prod-
14 ucts is of concern in light of the health consequences
15 associated with exposure to mercury;

16 (8) the presence of mercury in certain batteries
17 and fluorescent light bulbs is of special concern, par-
18 ticularly in light of the substantial quantities of used
19 batteries and fluorescent light bulbs that are dis-
20 carded annually in the solid waste stream and the
21 potential for environmental and health consequences
22 associated with land disposal, composting, or incin-
23 eration of the batteries and light bulbs; and

24 (9) a comprehensive study of the use of mer-
25 cury by the Department of Defense would signifi-

1 cantly further the goal of reducing mercury pollu-
2 tion.

3 (b) PURPOSES.—The purposes of this Act are—

4 (1) to greatly reduce the quantity of mercury
5 entering the environment by controlling air emis-
6 sions of mercury from fossil fuel-fired electric utility
7 steam generating units, coal- and oil-fired commer-
8 cial and industrial boiler units, solid waste inciner-
9 ation units, medical waste incinerators, hazardous
10 waste combustors, chlor-alkali plants, and Portland
11 cement plants;

12 (2) to reduce the quantity of mercury entering
13 solid waste landfills, incinerators, and composting
14 facilities by promoting recycling or proper disposal
15 of used batteries, fluorescent light bulbs, and other
16 products containing mercury;

17 (3) to increase the understanding of the volume
18 and sources of mercury emissions throughout North
19 America;

20 (4) to promote efficient and cost-effective meth-
21 ods of controlling mercury emissions;

22 (5) to promote permanent, safe, and stable dis-
23 posal of mercury recovered through coal cleaning,
24 flue gas control systems, and other methods of mer-
25 cury pollution control;

1 (6) to reduce the use of mercury in cases in
2 which technologically and economically feasible alter-
3 natives are available;

4 (7) to educate the public concerning the collec-
5 tion, recycling, and proper disposal of mercury-con-
6 taining products;

7 (8) to increase public knowledge of the sources
8 of mercury exposure and the threat to public health,
9 particularly the threat to the health of pregnant
10 women and their fetuses, women of childbearing age,
11 children, and individuals who subsist primarily on
12 fish;

13 (9) to significantly decrease the threat to
14 human health and the environment posed by mer-
15 cury; and

16 (10) to ensure that the health of sensitive popu-
17 lations, whether in the United States, Canada, or
18 Mexico, is protected, with an adequate margin of
19 safety, against adverse health effects caused by mer-
20 cury.

21 **SEC. 3. MERCURY EMISSION STANDARDS FOR FOSSIL**
22 **FUEL-FIRED ELECTRIC UTILITY STEAM GEN-**
23 **ERATING UNITS.**

24 Section 112 of the Clean Air Act (42 U.S.C. 7412)
25 is amended—

1 (1) by redesignating subsection (s) as sub-
2 section (x); and

3 (2) by inserting after subsection (r) the fol-
4 lowing:

5 “(s) MERCURY EMISSION STANDARDS FOR ELECTRIC
6 UTILITY STEAM GENERATING UNITS.—

7 “(1) IN GENERAL.—

8 “(A) REGULATIONS.—Not later than 180
9 days after the date of enactment of this sub-
10 paragraph, the Administrator shall promulgate
11 regulations to establish standards for the emis-
12 sion of mercury and mercury compounds (col-
13 lectively referred to in this subsection as ‘mer-
14 cury’) applicable to existing and new electric
15 utility steam generating units.

16 “(B) PERMIT REQUIREMENT.—Not later
17 than 2 years after the date of enactment of this
18 subparagraph, each electric utility steam gener-
19 ating unit shall have an enforceable permit
20 issued under title V that complies with this sub-
21 section.

22 “(C) PROCEDURES AND SCHEDULES FOR
23 COMPLIANCE WITH STANDARDS.—Each electric
24 utility steam generating unit shall achieve com-
25 pliance with the mercury emission standards es-

1 tablished under subparagraph (A) in accordance
2 with the procedures and schedules established
3 under subsection (i).

4 “(2) STANDARDS AND METHODS.—

5 “(A) MINIMUM REQUIRED EMISSION RE-
6 DUCTION.—Subject to subparagraph (C), the
7 emission standards established under paragraph
8 (1)(A) shall require that each electric utility
9 steam generating unit reduce its annual pound-
10 age of mercury emitted, as calculated under
11 subparagraph (B), below its mercury emission
12 baseline, as calculated under paragraph (3)(D),
13 by not less than 95 percent.

14 “(B) CALCULATION OF ANNUAL POUND-
15 AGE OF MERCURY EMITTED.—

16 “(i) IN GENERAL.—For each electric
17 utility steam generating unit (referred to
18 in this subparagraph as a ‘unit’) and each
19 calendar year, the Administrator shall cal-
20 culate the poundage of mercury emitted
21 per unit for the calendar year, which shall
22 be equal to the product obtained by
23 multiplying—

1 “(I) the fuel consumption deter-
2 mined under clause (ii) for the unit
3 for the calendar year; by

4 “(II) the average mercury con-
5 tent determined under clause (iii) for
6 the unit for the calendar year.

7 “(ii) FUEL CONSUMPTION.—The fuel
8 consumption for a unit shall be equal to
9 the annual average quantity of millions of
10 British thermal units (referred to in this
11 subparagraph as ‘mmBtu’s’) consumed by
12 the unit during the calendar year, as sub-
13 mitted to the Secretary of Energy on De-
14 partment of Energy Form 767.

15 “(iii) AVERAGE MERCURY CON-
16 TENT.—

17 “(I) SPECIFIC DATA.—The aver-
18 age mercury content per mmBtu of
19 fuel consumed by a unit shall be de-
20 termined using the best available data
21 from the Department of the Interior
22 and the Department of Energy that
23 characterize the average mercury con-
24 tent of the fuel consumed by the unit
25 during the calendar year.

1 “(II) ESTIMATED DATA.—If spe-
2 cific mercury content data from the
3 Department of the Interior and the
4 Department of Energy are not avail-
5 able, the average mercury content
6 shall be estimated using the average
7 mercury content of fossil fuel from
8 mines or wells in the geographic re-
9 gion of each mine or well that supplies
10 the unit.

11 “(C) EMISSION TRADING WITHIN A GENER-
12 ATING STATION.—

13 “(i) IN GENERAL.—For the purpose
14 of this subsection, taking into consider-
15 ation the cost of achieving the emission re-
16 duction, the Administrator may allow emis-
17 sion trading among the electric utility
18 steam generating units contained in a
19 power generating station at a single site if
20 the aggregate annual reduction from all
21 such units at the power generating station
22 is not less than 95 percent.

23 “(ii) UNDERLYING DATA.—In car-
24 rying out clause (i), the Administrator

1 shall use mercury emission data calculated
2 under paragraph (3)(D).

3 “(D) CONTROL METHODS.—For the pur-
4 pose of achieving compliance with the emission
5 standards established under paragraph (1)(A),
6 the Administrator shall authorize methods of
7 control of mercury emissions, including meas-
8 ures that—

9 “(i) reduce the volume of, or eliminate
10 emissions of, mercury through a process
11 change, substitution of material or fuel, or
12 other method;

13 “(ii) enclose systems or processes to
14 eliminate mercury emissions;

15 “(iii) collect, capture, or treat mer-
16 cury emissions when released from a proc-
17 ess, stack, storage, or fugitive emission
18 point;

19 “(iv) consist of design, equipment,
20 work practice, or operational standards
21 (including requirements for operator train-
22 ing or certification) in accordance with
23 subsection (h); or

1 “(v) consist of a combination of the
2 measures described in clauses (i) through
3 (iv).

4 “(3) PERMIT REQUIREMENTS AND CONDI-
5 TIONS.—

6 “(A) IN GENERAL.—Each permit issued in
7 accordance with paragraph (1)(B) shall
8 include—

9 “(i) enforceable mercury emission
10 standards;

11 “(ii) a schedule of compliance;

12 “(iii) a requirement that the permittee
13 submit to the permitting authority, not less
14 often than every 90 days, the results of
15 any required monitoring; and

16 “(iv) such other conditions as the Ad-
17 ministrator determines are necessary to en-
18 sure compliance with this subsection and
19 each applicable implementation plan under
20 section 110.

21 “(B) MONITORING AND ANALYSIS.—

22 “(i) PROCEDURES AND METHODS.—
23 The regulations promulgated by the Ad-
24 ministrator under paragraph (1)(A) shall
25 prescribe procedures and methods for—

1 “(I) monitoring and analysis for
2 mercury; and

3 “(II) determining compliance
4 with this subsection.

5 “(ii) INFORMATION.—Application of
6 the procedures and methods shall result in
7 reliable and timely information for deter-
8 mining compliance.

9 “(iii) OTHER REQUIREMENTS.—

10 “(I) IN GENERAL.—The require-
11 ments for monitoring and analysis
12 under this subparagraph shall
13 include—

14 “(aa) such requirements
15 that result in a representative de-
16 termination of mercury in ash
17 and sludge; and

18 “(bb) such combination of
19 requirements for continuous or
20 other reliable and representative
21 emission monitoring methods
22 that results in a representative
23 determination of mercury in fuel
24 as received by each electric utility
25 steam generating unit;

1 as are requisite to provide accurate
2 and reliable data for determining
3 baseline and controlled emissions of
4 mercury from each electric utility
5 steam generating unit.

6 “(II) MINIMUM REQUIREMENT.—

7 If, under subclause (I)(bb), the Ad-
8 ministrator does not require an elec-
9 tric utility steam generating unit to
10 use direct emission monitoring meth-
11 ods, the requirements under subclause
12 (I)(bb) shall, at a minimum, result in
13 representative determinations of mer-
14 cury in fuel as received by the electric
15 utility steam generating unit at such
16 frequencies as are sufficient to deter-
17 mine whether compliance with this
18 subsection is continuous.

19 “(iv) EFFECT ON OTHER LAW.—

20 Nothing in this subsection affects any con-
21 tinuous emission monitoring requirement
22 of title IV or any other provision of this
23 Act.

24 “(C) INSPECTION, ENTRY, MONITORING,
25 CERTIFICATION, AND REPORTING.—

1 “(i) IN GENERAL.—Each permit
2 issued in accordance with paragraph
3 (1)(B) shall specify inspection, entry, mon-
4 itoring, compliance certification, and re-
5 porting requirements to ensure compliance
6 with the permit terms and conditions.

7 “(ii) CONFORMITY WITH OTHER REG-
8 ULATIONS.—The monitoring and reporting
9 requirements shall conform to each appli-
10 cable regulation under subparagraph (B).

11 “(iii) SIGNATURE.—Each report re-
12 quired under clause (i) and subparagraph
13 (B)(iii) shall be signed by a responsible of-
14 ficial of the electric utility steam gener-
15 ating unit, who shall certify the accuracy
16 of the report.

17 “(D) MERCURY EMISSION BASELINE.—

18 “(i) IN GENERAL.—For each electric
19 utility steam generating unit (referred to
20 in this subparagraph as a ‘unit’), the Ad-
21 ministrator shall calculate the baseline an-
22 nual average poundage of mercury emitted
23 per unit, which shall be equal to the prod-
24 uct obtained by multiplying—

1 “(I) the baseline fuel consump-
2 tion determined under clause (ii) for
3 the unit; by

4 “(II) the baseline average mer-
5 cury content determined under clause
6 (iii) for the unit.

7 “(ii) BASELINE FUEL CONSUMP-
8 TION.—

9 “(I) UNITS IN COMMERCIAL OP-
10 ERATION BEFORE JANUARY 1, 1996.—
11 For each unit that began commercial
12 operation before January 1, 1996, the
13 baseline fuel consumption shall be
14 equal to the annual average quantity
15 of millions of British thermal units
16 (referred to in this subparagraph as
17 ‘mmBtu’s’) consumed by the unit dur-
18 ing the period of calendar years 1996,
19 1997, and 1998, as submitted annu-
20 ally to the Secretary of Energy on De-
21 partment of Energy Form 767 (re-
22 ferred to in this clause as ‘Form
23 767’).

24 “(II) UNITS BEGINNING COM-
25 MERCIAL OPERATION BETWEEN JANU-

1 ARY 1, 1996, AND 180 DAYS AFTER EN-
2 ACTMENT.—Subject to subclause
3 (III), for each unit that begins com-
4 mercial operation between January 1,
5 1996, and the date that is 180 days
6 after the date of enactment of this
7 subparagraph, the baseline fuel con-
8 sumption shall be based on the annual
9 average of the fuel use data submitted
10 on Form 767 for each full year of
11 commercial operation that begins on
12 or after January 1, 1996.

13 “(III) UNITS IN COMMERCIAL
14 OPERATION LESS THAN 1 YEAR AS OF
15 180 DAYS AFTER ENACTMENT.—For
16 each unit that has not been in com-
17 mercial operation for at least 1 year
18 as of the date that is 180 days after
19 the date of enactment of this subpara-
20 graph, the Administrator may deter-
21 mine an interim baseline fuel con-
22 sumption by—

23 “(aa) extrapolating from
24 monthly fuel use data available
25 for the unit; or

1 “(bb) assigning a baseline
2 fuel consumption based on the
3 annual average of the fuel use
4 data submitted on Form 767 for
5 other units that are of similar de-
6 sign and capacity.

7 “(IV) UNITS BEGINNING COM-
8 MERCIAL OPERATION MORE THAN 180
9 DAYS AFTER ENACTMENT.—For each
10 unit that begins commercial operation
11 more than 180 days after the date of
12 enactment of this subparagraph, the
13 application for a permit issued in ac-
14 cordance with paragraph (1)(B) for
15 the unit shall include an initial base-
16 line fuel consumption that is based on
17 the maximum design capacity for the
18 unit.

19 “(V) RECALCULATION AFTER EX-
20 TENDED PERIOD OF COMMERCIAL OP-
21 ERATION.—At such time as a unit de-
22 scribed in any of subclauses (II)
23 through (IV) has submitted fuel use
24 data for 3 consecutive years of com-
25 mercial operation on Form 767, the

1 Administrator shall recalculate the
2 baseline fuel consumption and make
3 modifications, as necessary, to the
4 mercury emission limitations con-
5 tained in the permit for the unit
6 issued in accordance with paragraph
7 (1)(B).

8 “(iii) BASELINE AVERAGE MERCURY
9 CONTENT.—

10 “(I) UNITS IN COMMERCIAL OP-
11 ERATION BEFORE JANUARY 1, 1996.—

12 In the case of a unit described in
13 clause (ii)(I), the baseline average
14 mercury content per mmBtu of fuel
15 consumed by a unit shall be deter-
16 mined using the best available data
17 from the Department of the Interior
18 and the Department of Energy that
19 characterize the average mercury con-
20 tent of the fuel consumed by the unit
21 during the 3-year period described in
22 clause (ii)(I).

23 “(II) UNITS BEGINNING COM-
24 Mercial OPERATION BETWEEN JANU-
25 ARY 1, 1996, AND 180 DAYS AFTER EN-

1 ACTMENT.—In the case of a unit de-
2 scribed in clause (ii)(II), the baseline
3 average mercury content per mmBtu
4 of fuel consumed by a unit shall be
5 determined using the best available
6 data from the Department of the In-
7 terior and the Department of Energy
8 that characterize the average mercury
9 content of the fuel consumed by the
10 unit during each full year of commer-
11 cial operation that begins on or after
12 January 1, 1996.

13 “(III) UNITS IN COMMERCIAL
14 OPERATION LESS THAN 1 YEAR AS OF
15 180 DAYS AFTER ENACTMENT.—In the
16 case of a unit described in clause
17 (ii)(III), the baseline average mercury
18 content per mmBtu of fuel consumed
19 by a unit shall be determined using
20 the best available data from the De-
21 partment of the Interior and the De-
22 partment of Energy that characterize
23 the average mercury content of the
24 fuel consumed by the unit—

1 “(aa) during the months
2 used for the extrapolation under
3 clause (ii)(III); or

4 “(bb) based on the average
5 mercury content of fuel con-
6 sumed by other units that are of
7 similar design and capacity.

8 “(IV) UNITS BEGINNING COM-
9 MERCIAL OPERATION MORE THAN 180
10 DAYS AFTER ENACTMENT.—In the
11 case of a unit described in clause
12 (ii)(IV), the baseline average mercury
13 content per mmBtu of fuel consumed
14 by a unit shall be determined using
15 the best available data from the De-
16 partment of the Interior and the De-
17 partment of Energy, or data sub-
18 mitted by the unit under subpara-
19 graph (B)(iii), that characterize the
20 average mercury content of the fuel
21 consumed by the unit based on the
22 maximum design capacity for the
23 unit.

24 “(V) ESTIMATED DATA.—If mer-
25 cury content data described in clauses

1 (I) through (IV) are not available, the
2 baseline average mercury content shall
3 be estimated using the average mer-
4 cury content of fossil fuel from mines
5 or wells in the geographic region of
6 each mine or well that supplies the
7 unit.

8 “(4) DISPOSAL OF MERCURY CAPTURED
9 THROUGH EMISSION CONTROLS.—

10 “(A) IN GENERAL.—

11 “(i) CAPTURED OR RECOVERED MER-
12 CURY.—The regulations promulgated by
13 the Administrator under paragraph (1)(A)
14 shall ensure that mercury that is captured
15 or recovered through the use of an emis-
16 sion control, coal cleaning, or another
17 method is disposed of in a manner that en-
18 sures that—

19 “(I) the hazards from mercury
20 are not transferred from 1 environ-
21 mental medium to another; and

22 “(II) there is no release of mer-
23 cury into the environment (as the
24 terms ‘release’ and ‘environment’ are
25 defined in section 101 of the Com-

1 prehensive Environmental Response,
2 Compensation, and Liability Act of
3 1980 (42 U.S.C. 9601)).

4 “(ii) MERCURY-CONTAINING SLUDGES
5 AND WASTES.—The regulations promul-
6 gated by the Administrator under para-
7 graph (1)(A) shall ensure that mercury-
8 containing sludges and wastes are handled
9 and disposed of in accordance with all ap-
10 plicable Federal and State laws (including
11 regulations).

12 “(B) RESEARCH PROGRAM.—To promote
13 permanent and cost-effective disposal of mer-
14 cury from electric utility steam generating
15 units, the Administrator shall establish a pro-
16 gram of long-term research to develop and dis-
17 seminate information on methods and tech-
18 niques such as separating, solidifying, recycling,
19 and encapsulating mercury-containing waste so
20 that mercury does not volatilize, migrate to
21 ground water or surface water, or contaminate
22 the soil.

23 “(5) OTHER REQUIREMENTS.—An emission
24 standard or other requirement promulgated under
25 this subsection does not diminish or replace any re-

1 requirement of a more stringent emission limitation or
 2 other applicable requirement established under this
 3 Act or a standard issued under State law.

4 “(6) PUBLIC REPORTING OF DATA PERTAINING
 5 TO EMISSIONS OF MERCURY.—

6 “(A) IN GENERAL.—The Administrator
 7 shall annually make available to the public,
 8 through 1 or more published reports and 1 or
 9 more forms of electronic media, facility-specific
 10 mercury emission data for each electric utility
 11 steam generating unit.

12 “(B) SOURCE OF DATA.—The emission
 13 data shall be taken from the monitoring and
 14 analysis reports submitted under paragraph
 15 (3)(C).”.

16 **SEC. 4. MERCURY EMISSION STANDARDS FOR COAL- AND**
 17 **OIL-FIRED COMMERCIAL AND INDUSTRIAL**
 18 **BOILER UNITS.**

19 Section 112 of the Clean Air Act (as amended by sec-
 20 tion 3) is amended by inserting after subsection (s) the
 21 following:

22 “(t) MERCURY EMISSION STANDARDS FOR COAL-
 23 AND OIL-FIRED COMMERCIAL AND INDUSTRIAL BOILER
 24 UNITS.—

25 “(1) IN GENERAL.—

1 “(A) REGULATIONS.—Not later than 180
2 days after the date of enactment of this sub-
3 paragraph, the Administrator shall promulgate
4 regulations to establish standards for the emis-
5 sion of mercury and mercury compounds (col-
6 lectively referred to in this subsection as ‘mer-
7 cury’) applicable to existing and new coal- and
8 oil-fired commercial and industrial boiler units
9 that have a maximum design heat input capac-
10 ity of 10 mmBtu per hour or greater.

11 “(B) PERMIT REQUIREMENT.—Not later
12 than 2 years after the date of enactment of this
13 subparagraph, each coal- or oil-fired commercial
14 or industrial boiler unit shall have an enforce-
15 able permit issued under title V that complies
16 with this subsection.

17 “(C) PROCEDURES AND SCHEDULES FOR
18 COMPLIANCE WITH STANDARDS.—Each coal- or
19 oil-fired commercial or industrial boiler unit
20 shall achieve compliance with the mercury emis-
21 sion standards established under subparagraph
22 (A) in accordance with the procedures and
23 schedules established under subsection (i).

24 “(2) STANDARDS AND METHODS.—

1 “(A) MINIMUM REQUIRED EMISSION RE-
2 DUCTION.—Subject to subparagraph (C), the
3 emission standards established under paragraph
4 (1)(A) shall require that each coal- or oil-fired
5 commercial or industrial boiler unit reduce its
6 annual poundage of mercury emitted, as cal-
7 culated under subparagraph (B), below its mer-
8 cury emission baseline, as calculated under
9 paragraph (3)(D), by not less than 95 percent.

10 “(B) CALCULATION OF ANNUAL POUND-
11 AGE OF MERCURY EMITTED.—

12 “(i) IN GENERAL.—For each coal- or
13 oil-fired commercial or industrial boiler
14 unit (referred to in this subparagraph as a
15 ‘unit’) and each calendar year, the Admin-
16 istrator shall calculate the poundage of
17 mercury emitted per unit for the calendar
18 year, which shall be equal to the product
19 obtained by multiplying—

20 “(I) the fuel consumption deter-
21 mined under clause (ii) for the unit
22 for the calendar year; by

23 “(II) the average mercury con-
24 tent determined under clause (iii) for
25 the unit for the calendar year.

1 “(ii) FUEL CONSUMPTION.—The fuel
2 consumption for a unit shall be equal to
3 the annual average quantity of millions of
4 British thermal units (referred to in this
5 subparagraph as ‘mmBtu’s’) consumed by
6 the unit during the calendar year, as sub-
7 mitted to the Secretary of Energy on De-
8 partment of Energy Forms EIA-3 and
9 EIA-846 (A,B,C).

10 “(iii) AVERAGE MERCURY CON-
11 TENT.—

12 “(I) SPECIFIC DATA.—The aver-
13 age mercury content per mmBtu of
14 fuel consumed by a unit shall be de-
15 termined using the best available data
16 from the Department of the Interior
17 and the Department of Energy (as
18 submitted to the Secretary of Energy
19 on Department of Energy Form EIA-
20 3A) that characterize the average
21 mercury content of the fuel consumed
22 by the unit during the calendar year.

23 “(II) ESTIMATED DATA.—If spe-
24 cific mercury content data from the
25 Department of the Interior and the

1 Department of Energy are not avail-
2 able, the average mercury content
3 shall be estimated using the average
4 mercury content of coal mined or oil
5 produced in the geographic region of
6 each mine or well that supplies the
7 unit.

8 “(C) EMISSION TRADING WITHIN A FACIL-
9 ITY.—

10 “(i) IN GENERAL.—For the purpose
11 of this subsection, taking into consider-
12 ation the cost of achieving the emission re-
13 duction, the Administrator may allow emis-
14 sion trading among the coal- and oil-fired
15 commercial and industrial boiler units con-
16 tained in a facility at a single site if the
17 aggregate annual reduction from all such
18 units at the facility is not less than 95 per-
19 cent.

20 “(ii) UNDERLYING DATA.—In
21 carrying out clause (i), the Administrator
22 shall use mercury emission data calculated
23 under paragraph (3)(D).

24 “(D) CONTROL METHODS.—For the pur-
25 pose of achieving compliance with the emission

1 standards established under paragraph (1)(A),
2 the Administrator shall authorize methods of
3 control of mercury emissions, including meas-
4 ures that—

5 “(i) reduce the volume of, or eliminate
6 emissions of, mercury through a process
7 change, substitution of material or fuel, or
8 other method;

9 “(ii) enclose systems or processes to
10 eliminate mercury emissions;

11 “(iii) collect, capture, or treat mer-
12 cury emissions when released from a proc-
13 ess, stack, storage, or fugitive emission
14 point;

15 “(iv) consist of design, equipment,
16 work practice, or operational standards
17 (including requirements for operator train-
18 ing or certification) in accordance with
19 subsection (h); or

20 “(v) consist of a combination of the
21 measures described in clauses (i) through
22 (iv).

23 “(3) PERMIT REQUIREMENTS AND CONDI-
24 TIONS.—

1 “(A) IN GENERAL.—Each permit issued in
2 accordance with paragraph (1)(B) shall
3 include—

4 “(i) enforceable mercury emission
5 standards;

6 “(ii) a schedule of compliance;

7 “(iii) a requirement that the permittee
8 submit to the permitting authority, not less
9 often than every 90 days, the results of
10 any required monitoring; and

11 “(iv) such other conditions as the Ad-
12 ministrator determines are necessary to en-
13 sure compliance with this subsection and
14 each applicable implementation plan under
15 section 110.

16 “(B) MONITORING AND ANALYSIS.—

17 “(i) PROCEDURES AND METHODS.—
18 The regulations promulgated by the Ad-
19 ministrator under paragraph (1)(A) shall
20 prescribe procedures and methods for—

21 “(I) monitoring and analysis for
22 mercury; and

23 “(II) determining compliance
24 with this subsection.

1 “(ii) INFORMATION.—Application of
2 the procedures and methods shall result in
3 reliable and timely information for deter-
4 mining compliance.

5 “(iii) OTHER REQUIREMENTS.—

6 “(I) IN GENERAL.—The require-
7 ments for monitoring and analysis
8 under this subparagraph shall
9 include—

10 “(aa) such requirements
11 that result in a representative de-
12 termination of mercury in ash
13 and sludge; and

14 “(bb) such combination of
15 requirements for continuous or
16 other reliable and representative
17 emission monitoring methods
18 that results in a representative
19 determination of mercury in fuel
20 as received by each coal- or oil-
21 fired commercial or industrial
22 boiler unit;

23 as are requisite to provide accurate
24 and reliable data for determining
25 baseline and controlled emissions of

1 mercury from each coal- or oil-fired
2 commercial or industrial boiler unit.

3 “(II) MINIMUM REQUIREMENT.—
4 If, under subclause (I)(bb), the Ad-
5 ministrator does not require a coal- or
6 oil-fired commercial or industrial boil-
7 er unit to use direct emission moni-
8 toring methods, the requirements
9 under subclause (I)(bb) shall, at a
10 minimum, result in representative de-
11 terminations of mercury in fuel as re-
12 ceived by the boiler unit at such fre-
13 quencies as are sufficient to determine
14 whether compliance with this sub-
15 section is continuous.

16 “(iv) EFFECT ON OTHER LAW.—
17 Nothing in this subsection affects any con-
18 tinuous emission monitoring requirement
19 of title IV or any other provision of this
20 Act.

21 “(C) INSPECTION, ENTRY, MONITORING,
22 CERTIFICATION, AND REPORTING.—

23 “(i) IN GENERAL.—Each permit
24 issued in accordance with paragraph
25 (1)(B) shall specify inspection, entry, mon-

1 itoring, compliance certification, and re-
2 porting requirements to ensure compliance
3 with the permit terms and conditions.

4 “(ii) CONFORMITY WITH OTHER REG-
5 ULATIONS.—The monitoring and reporting
6 requirements shall conform to each appli-
7 cable regulation under subparagraph (B).

8 “(iii) SIGNATURE.—Each report re-
9 quired under clause (i) and subparagraph
10 (B)(iii) shall be signed by a responsible of-
11 ficial of the coal- or oil-fired commercial or
12 industrial boiler unit, who shall certify the
13 accuracy of the report.

14 “(D) MERCURY EMISSION BASELINE.—

15 “(i) IN GENERAL.—For each coal- or
16 oil-fired commercial or industrial boiler
17 unit (referred to in this subparagraph as a
18 ‘unit’), the Administrator shall calculate
19 the baseline annual average poundage of
20 mercury emitted per unit, which shall be
21 equal to the product obtained by
22 multiplying—

23 “(I) the baseline fuel consump-
24 tion determined under clause (ii) for
25 the unit; by

1 “(II) the baseline average mer-
2 cury content determined under clause
3 (iii) for the unit.

4 “(ii) BASELINE FUEL CONSUMP-
5 TION.—

6 “(I) UNITS IN COMMERCIAL OP-
7 ERATION BEFORE JANUARY 1, 1996.—
8 For each unit that began commercial
9 operation before January 1, 1996, the
10 baseline fuel consumption shall be
11 equal to the annual average quantity
12 of millions of British thermal units
13 (referred to in this subparagraph as
14 ‘mmBtu’s’) consumed by the unit dur-
15 ing the period of calendar years 1996,
16 1997, and 1998, as submitted annu-
17 ally to the Secretary of Energy on De-
18 partment of Energy Forms EIA-3
19 and EIA-846 (A, B, C) (referred to
20 in this clause as the ‘Forms’).

21 “(II) UNITS BEGINNING COM-
22 MERCIAL OPERATION BETWEEN JANU-
23 ARY 1, 1996, AND 180 DAYS AFTER EN-
24 ACTMENT.—Subject to subclause
25 (III), for each unit that begins com-

1 commercial operation between January 1,
2 1996, and the date that is 180 days
3 after the date of enactment of this
4 subparagraph, the baseline fuel con-
5 sumption shall be based on the annual
6 average of the fuel use data submitted
7 on the Forms for each full year of
8 commercial operation that begins on
9 or after January 1, 1996.

10 “(III) UNITS IN COMMERCIAL
11 OPERATION LESS THAN 1 YEAR AS OF
12 180 DAYS AFTER ENACTMENT.—For
13 each unit that has not been in com-
14 mercial operation for at least 1 year
15 as of the date that is 180 days after
16 the date of enactment of this subpara-
17 graph, the Administrator may deter-
18 mine an interim baseline fuel con-
19 sumption by—

20 “(aa) extrapolating from
21 monthly fuel use data available
22 for the unit; or

23 “(bb) assigning a baseline
24 fuel consumption based on the
25 annual average of the fuel use

1 data submitted on the Forms for
2 other units that are of similar de-
3 sign and capacity.

4 “(IV) UNITS BEGINNING COM-
5 MERCIAL OPERATION MORE THAN 180
6 DAYS AFTER ENACTMENT.—For each
7 unit that begins commercial operation
8 more than 180 days after the date of
9 enactment of this subparagraph, the
10 application for a permit issued in ac-
11 cordance with paragraph (1)(B) for
12 the unit shall include an initial base-
13 line fuel consumption that is based on
14 the maximum design capacity for the
15 unit.

16 “(V) RECALCULATION AFTER EX-
17 TENDED PERIOD OF COMMERCIAL OP-
18 ERATION.—At such time as a unit de-
19 scribed in any of subclauses (II)
20 through (IV) has submitted fuel use
21 data for 3 consecutive years of com-
22 mercial operation on the Forms, the
23 Administrator shall recalculate the
24 baseline fuel consumption and make
25 modifications, as necessary, to the

1 mercury emission limitations con-
2 tained in the permit for the unit
3 issued in accordance with paragraph
4 (1)(B).

5 “(iii) BASELINE AVERAGE MERCURY
6 CONTENT.—

7 “(I) UNITS IN COMMERCIAL OP-
8 ERATION BEFORE JANUARY 1, 1996.—
9 In the case of a unit described in
10 clause (ii)(I), the baseline average
11 mercury content per mmBtu of fuel
12 consumed by a unit shall be deter-
13 mined using the best available data
14 from the Department of the Interior
15 and the Department of Energy (as
16 submitted to the Secretary of Energy
17 on Department of Energy Form EIA-
18 3A) that characterize the average
19 mercury content of the fuel consumed
20 by the unit during the 3-year period
21 described in clause (ii)(I).

22 “(II) UNITS BEGINNING COM-
23 Mercial OPERATION BETWEEN JANU-
24 ARY 1, 1996, AND 180 DAYS AFTER EN-
25 ACTMENT.—In the case of a unit de-

1 scribed in clause (ii)(II), the baseline
2 average mercury content per mmBtu
3 of fuel consumed by a unit shall be
4 determined using the best available
5 data from the Department of the In-
6 terior and the Department of Energy
7 (as submitted to the Secretary of En-
8 ergy on Department of Energy Form
9 EIA-3A) that characterize the aver-
10 age mercury content of the fuel con-
11 sumed by the unit during each full
12 year of commercial operation that be-
13 gins on or after January 1, 1996.

14 “(III) UNITS IN COMMERCIAL
15 OPERATION LESS THAN 1 YEAR AS OF
16 180 DAYS AFTER ENACTMENT.—In the
17 case of a unit described in clause
18 (ii)(III), the baseline average mercury
19 content per mmBtu of fuel consumed
20 by a unit shall be determined using
21 the best available data from the De-
22 partment of the Interior and the De-
23 partment of Energy (as submitted to
24 the Secretary of Energy on Depart-
25 ment of Energy Form EIA-3A) that

1 characterize the average mercury con-
2 tent of the fuel consumed by the
3 unit—

4 “(aa) during the months
5 used for the extrapolation under
6 clause (ii)(III); or

7 “(bb) based on the average
8 mercury content of fuel con-
9 sumed by other units that are of
10 similar design and capacity.

11 “(IV) UNITS BEGINNING COM-
12 Mercial operation more than 180
13 days after enactment.—In the
14 case of a unit described in clause
15 (ii)(IV), the baseline average mercury
16 content per mmBtu of fuel consumed
17 by a unit shall be determined using
18 the best available data from the De-
19 partment of the Interior and the De-
20 partment of Energy (as submitted to
21 the Secretary of Energy on Depart-
22 ment of Energy Form EIA-3A), or
23 data submitted by the unit under sub-
24 paragraph (B)(iii), that characterize
25 the average mercury content of the

1 fuel consumed by the unit based on
2 the maximum design capacity for the
3 unit.

4 “(V) ESTIMATED DATA.—If mer-
5 cury content data described in clauses
6 (I) through (IV) are not available, the
7 baseline average mercury content shall
8 be estimated using the average mer-
9 cury content of coal mined or oil pro-
10 duced in the geographic region of each
11 mine or well that supplies the unit.

12 “(4) DISPOSAL OF MERCURY CAPTURED
13 THROUGH EMISSION CONTROLS.—

14 “(A) IN GENERAL.—

15 “(i) CAPTURED OR RECOVERED MER-
16 CURY.—The regulations promulgated by
17 the Administrator under paragraph (1)(A)
18 shall ensure that mercury that is captured
19 or recovered through the use of an emis-
20 sion control, coal cleaning, or another
21 method is disposed of in a manner that en-
22 sures that—

23 “(I) the hazards from mercury
24 are not transferred from 1 environ-
25 mental medium to another; and

1 “(II) there is no release of mer-
2 cury into the environment (as the
3 terms ‘release’ and ‘environment’ are
4 defined in section 101 of the Com-
5 prehensive Environmental Response,
6 Compensation, and Liability Act of
7 1980 (42 U.S.C. 9601)).

8 “(ii) MERCURY-CONTAINING SLUDGES
9 AND WASTES.—The regulations promul-
10 gated by the Administrator under para-
11 graph (1)(A) shall ensure that mercury-
12 containing sludges and wastes are handled
13 and disposed of in accordance with all ap-
14 plicable Federal and State laws (including
15 regulations).

16 “(B) RESEARCH PROGRAM.—To promote
17 permanent and cost-effective disposal of mer-
18 cury from coal- and oil-fired commercial and in-
19 dustrial boiler units, the Administrator shall es-
20 tablish a program of long-term research to de-
21 velop and disseminate information on methods
22 and techniques such as separating, solidifying,
23 recycling, and encapsulating mercury-containing
24 waste so that mercury does not volatilize, mi-

1 grate to ground water or surface water, or con-
 2 taminates the soil.

3 “(5) OTHER REQUIREMENTS.—An emission
 4 standard or other requirement promulgated under
 5 this subsection does not diminish or replace any re-
 6 quirement of a more stringent emission limitation or
 7 other applicable requirement established under this
 8 Act or a standard issued under State law.

9 “(6) PUBLIC REPORTING OF DATA PERTAINING
 10 TO EMISSIONS OF MERCURY.—

11 “(A) IN GENERAL.—The Administrator
 12 shall annually make available to the public,
 13 through 1 or more published reports and 1 or
 14 more forms of electronic media, facility-specific
 15 mercury emission data for each coal- or oil-fired
 16 commercial or industrial boiler unit.

17 “(B) SOURCE OF DATA.—The emission
 18 data shall be taken from the monitoring and
 19 analysis reports submitted under paragraph
 20 (3)(C).”.

21 **SEC. 5. REDUCTION OF MERCURY EMISSIONS FROM SOLID**
 22 **WASTE INCINERATION UNITS.**

23 (a) SEPARATION OF MERCURY-CONTAINING
 24 ITEMS.—Section 3002 of the Solid Waste Disposal Act

1 (42 U.S.C. 6922) is amended by adding at the end the
2 following:

3 “(c) SEPARATION OF MERCURY-CONTAINING
4 ITEMS.—

5 “(1) PUBLICATION OF LIST.—

6 “(A) IN GENERAL.—Not later than 180
7 days after the date of enactment of this sub-
8 section, the Administrator shall publish a list of
9 mercury-containing items that shall be required
10 to be separated and removed from the waste
11 streams that feed solid waste management fa-
12 cilities.

13 “(B) REQUIRED ITEMS.—The list shall in-
14 clude mercury-containing items such as fluores-
15 cent light bulbs, batteries, pharmaceuticals, lab-
16 oratory chemicals and reagents, electrical de-
17 vices such as thermostats, relays, and switches,
18 and medical and scientific instruments.

19 “(C) LABELING REQUIREMENT.—

20 “(i) IN GENERAL.—Except as pro-
21 vided in clause (ii), to facilitate the process
22 of separating and removing items listed
23 under subparagraph (A), each manufac-
24 turer of a listed item shall ensure that

1 each item is clearly labeled to indicate that
2 the product contains mercury.

3 “(ii) **BUTTON CELL BATTERIES.**—In
4 the case of button cell batteries for which,
5 due to size constraints, labeling described
6 in clause (i) is not practicable, the pack-
7 aging shall indicate that the product con-
8 tains mercury.

9 “(2) **PLAN.**—

10 “(A) **REQUIREMENT.**—Not later than 1
11 year after the date of enactment of this sub-
12 section, each person that transfers, directly or
13 through a contractor, solid waste that may con-
14 tain a mercury-containing item listed under
15 paragraph (1) to a solid waste management fa-
16 cility shall submit for review and approval by
17 the Administrator (or, in the case of a solid
18 waste management facility located in a State
19 that has a State hazardous waste program au-
20 thorized under section 3006, the State) a plan
21 for—

22 “(i) separating and removing mer-
23 cury-containing items listed by the Admin-
24 istrator under paragraph (1) from the

1 waste streams that feed any solid waste
2 management facility;

3 “(ii) subject to the other requirements
4 of this subtitle, transferring the separated
5 waste to a recycling facility or a treatment,
6 storage, or disposal facility that holds a
7 permit under this subtitle;

8 “(iii) monitoring and reporting on
9 compliance with the plan; and

10 “(iv) achieving full compliance with
11 the plan not later than 18 months after
12 the date of approval of the plan in accord-
13 ance with subparagraph (B).

14 “(B) PLAN APPROVAL.—

15 “(i) DEADLINE.—The Administrator
16 (or the State) shall determine whether to
17 approve or disapprove a plan submitted
18 under subparagraph (A) not later than 180
19 days after the date of receipt of the plan.

20 “(ii) PREFERENCE.—In determining
21 whether to approve a plan, the Adminis-
22 trator (or the State) shall give preference
23 to recycling or stabilization of mercury-
24 containing items over disposal of the items.

25 “(C) AMENDED PLAN.—

1 “(i) SUBMISSION.—If the Adminis-
2 trator (or the State) disapproves a plan,
3 the person may submit an amended plan
4 not later than 90 days after the date of
5 disapproval.

6 “(ii) APPROVAL.—The Administrator
7 (or the State) shall approve or disapprove
8 the amended plan not later than 30 days
9 after the date of receipt of the plan.

10 “(D) PLAN BY ADMINISTRATOR (OR
11 STATE).—

12 “(i) IN GENERAL.—If an amended
13 plan is not submitted to the Administrator
14 (or the State) within 90 days after the
15 date of disapproval, or if an amended plan
16 has been submitted and subsequently dis-
17 approved, the Administrator (or the State)
18 shall issue a determination that it is nec-
19 essary for the Administrator (or the State)
20 to promulgate a plan for the person.

21 “(ii) PLAN.—Not later than 180 days
22 after issuing the determination, the Ad-
23 ministrator (or the State) shall develop,
24 publish in the Federal Register (or submit
25 to the Administrator for publication in the

1 Federal Register), implement, and enforce
 2 a plan that meets the criteria specified in
 3 subparagraph (A) and ensures that full
 4 compliance with the plan will be achieved
 5 not later than 18 months after the date of
 6 publication of the plan.

7 “(E) ENFORCEABILITY.—Upon approval
 8 by the Administrator (or the State) of a plan
 9 submitted under subparagraph (A), or upon
 10 publication of a plan developed by the Adminis-
 11 trator (or the State) under subparagraph (D),
 12 the plan shall be enforceable under this Act.”.

13 (b) SOLID WASTE INCINERATION UNIT MERCURY
 14 EMISSION MONITORING AND ANALYSIS.—Section 129(e)
 15 of the Clean Air Act (42 U.S.C. 7429(e)) is amended—

16 (1) by striking “Beginning (1) 36” and insert-
 17 ing the following:

18 “(1) IN GENERAL.—Beginning (A) 36”;

19 (2) in the first sentence, by redesignating para-
 20 graph (2) as subparagraph (B); and

21 (3) by adding at the end the following:

22 “(2) SOLID WASTE INCINERATION UNIT MER-
 23 CURY EMISSION MONITORING AND ANALYSIS.—

24 “(A) PROCEDURES AND METHODS.—

1 “(i) IN GENERAL.—Not later than
2 180 days after the date of enactment of
3 this subparagraph, the Administrator shall
4 promulgate regulations prescribing proce-
5 dures and methods for—

6 “(I) monitoring and analysis for
7 mercury emissions from solid waste
8 combustion flue gases; and

9 “(II) determining compliance
10 with this paragraph.

11 “(ii) INFORMATION.—Application of
12 the procedures and methods shall result in
13 reliable and timely information for deter-
14 mining compliance.

15 “(B) PERMIT REQUIREMENTS.—

16 “(i) IN GENERAL.—Each permit de-
17 scribed in paragraph (1) shall specify in-
18 spection, entry, monitoring, compliance
19 certification, and reporting requirements
20 with respect to mercury to ensure compli-
21 ance with the permit terms and conditions,
22 including a requirement that the permittee
23 submit to the permitting authority, not less
24 often than every 90 days, the results of
25 any required monitoring.

1 “(ii) SIGNATURE.—Each report re-
2 quired under clause (i) shall be signed by
3 a responsible official of the solid waste in-
4 cineration unit or by a municipal official,
5 who shall certify the accuracy of the re-
6 port.

7 “(C) ESTABLISHMENT OF MAXIMUM MER-
8 CURY EMISSION RATE.—

9 “(i) DETERMINATION BY THE ADMIN-
10 ISTRATOR.—Based on the reports required
11 to be submitted under subparagraph (B)(i)
12 36 months, 39 months, and 42 months
13 after the date of enactment of this sub-
14 paragraph, the Administrator (or the
15 State) shall make a determination as to
16 whether the solid waste incinerator unit
17 has achieved and is continuously maintain-
18 ing a mercury emission rate of not more
19 than 0.080 milligrams per dry standard
20 cubic meter.

21 “(ii) REQUIREMENT OF INSTALLA-
22 TION OF CONTROLS.—If the mercury emis-
23 sion rate specified in clause (i) is not
24 achieved and maintained over the period
25 covered by the reports referred to in clause

1 (i), or over any 2 out of 3 reporting peri-
2 ods thereafter, the Administrator shall re-
3 quire that the solid waste incineration unit
4 install control equipment and techniques
5 that will, within 3 years, result in a mer-
6 cury emission rate by the unit of not more
7 than 0.060 milligrams per dry standard
8 cubic meter.

9 “(iii) ENFORCEABILITY.—The re-
10 quirements of this subparagraph shall be
11 an enforceable modification to any existing
12 or new permit described in paragraph (1)
13 for the solid waste incineration unit.

14 “(D) OTHER REQUIREMENTS.—An emis-
15 sion standard or other requirement promulgated
16 under this subsection does not diminish or re-
17 place any requirement of a more stringent emis-
18 sion limitation or other applicable requirement
19 established under this Act or a standard issued
20 under State law.

21 “(E) PUBLIC REPORTING OF DATA PER-
22 TAINING TO EMISSIONS OF MERCURY.—

23 “(i) IN GENERAL.—The Administrator
24 shall annually make available to the public,
25 through 1 or more published reports and 1

1 or more forms of electronic media, facility-
2 specific mercury emission data for each
3 solid waste incineration unit.

4 “(ii) SOURCE OF DATA.—The emis-
5 sion data shall be taken from the moni-
6 toring and analysis reports submitted
7 under subparagraph (B).”.

8 (c) PHASEOUT OF MERCURY IN PRODUCTS.—Section
9 112 of the Clean Air Act (as amended by section 4) is
10 amended by inserting after subsection (t) the following:

11 “(u) PHASEOUT OF MERCURY IN PRODUCTS.—

12 “(1) DEFINITION OF MANUFACTURER.—In this
13 subsection, the term ‘manufacturer’ includes an im-
14 porter for resale.

15 “(2) PROHIBITION ON SALE.—Beginning 3
16 years after the date of enactment of this paragraph,
17 a manufacturer shall not sell any mercury-con-
18 taining product, whether manufactured domestically,
19 imported, or manufactured for export, unless the
20 manufacturer has applied for and has been granted
21 by the Administrator an exemption from the prohibi-
22 tion on sale specified in this paragraph.

23 “(3) PROCEDURES FOR MAKING EXEMPTION
24 APPLICATION DETERMINATIONS.—Before making a

1 determination on an application, the Administrator
2 shall—

3 “(A) publish notice of the application in
4 the Federal Register;

5 “(B) provide a public comment period of
6 60 days; and

7 “(C) conduct a hearing on the record.

8 “(4) CRITERIA FOR EXEMPTION.—In making a
9 determination on an application, the Administrator
10 may grant an exemption from the prohibition on sale
11 only if—

12 “(A) the Administrator determines that
13 the mercury-containing product is a product the
14 use of which is essential;

15 “(B) the Administrator determines that
16 there is no comparable product that does not
17 contain mercury and that is available in the
18 marketplace at a reasonable cost; and

19 “(C) through documentation submitted by
20 the manufacturer, the Administrator determines
21 that the manufacturer has established a pro-
22 gram to take back, after use by the consumer,
23 all mercury-containing products subject to the
24 exemption that are manufactured after the date
25 of approval of the application.

1 “(5) TERM OF EXEMPTION.—

2 “(A) IN GENERAL.—An exemption may be
3 granted for a period of not more than 3 years.

4 “(B) RENEWALS.—Renewal of an exemp-
5 tion shall be carried out in accordance with
6 paragraphs (3) and (4).

7 “(6) PUBLICATIONS IN THE FEDERAL REG-
8 ISTER.—The Administrator shall publish in the Fed-
9 eral Register—

10 “(A) a description of each exemption appli-
11 cation approval or denial; and

12 “(B) on an annual basis, a list of products
13 for which exemptions have been granted under
14 this subsection.”.

15 **SEC. 6. MERCURY EMISSION STANDARDS FOR CHLOR-AL-**
16 **KALI PLANTS.**

17 Section 112 of the Clean Air Act (as amended by sec-
18 tion 5(e)) is amended by inserting after subsection (u) the
19 following:

20 “(v) MERCURY EMISSION STANDARDS FOR CHLOR-
21 ALKALI PLANTS.—

22 “(1) IN GENERAL.—

23 “(A) REGULATIONS.—Not later than 180
24 days after the date of enactment of this sub-
25 paragraph, the Administrator shall promulgate

1 regulations to establish standards for the direct
2 and fugitive emission of mercury and mercury
3 compounds (collectively referred to in this sub-
4 section as ‘mercury’) applicable to existing and
5 new chlor-alkali plants that use the mercury cell
6 production process (referred to in this sub-
7 section as ‘mercury cell chlor-alkali plants’).

8 “(B) PERMIT REQUIREMENT.—Not later
9 than 2 years after the date of enactment of this
10 subparagraph, each mercury cell chlor-alkali
11 plant shall have an enforceable permit issued
12 under title V that complies with this subsection.

13 “(C) PROCEDURES AND SCHEDULES FOR
14 COMPLIANCE WITH STANDARDS.—Each mer-
15 cury cell chlor-alkali plant shall achieve compli-
16 ance with the mercury emission standards es-
17 tablished under subparagraph (A) in accordance
18 with the procedures and schedules established
19 under subsection (i).

20 “(2) STANDARDS AND METHODS.—

21 “(A) MINIMUM REQUIRED EMISSION RE-
22 DUCTION.—The emission standards established
23 under paragraph (1)(A) shall require that each
24 mercury cell chlor-alkali plant reduce its annual
25 poundage of direct and fugitive mercury emit-

1 ted below its mercury emission baseline, as de-
2 termined by the Administrator, by not less than
3 95 percent.

4 “(B) CONTROL METHODS.—For the pur-
5 pose of achieving compliance with the emission
6 standards established under paragraph (1)(A),
7 the Administrator shall authorize methods of
8 control of mercury emissions, including meas-
9 ures that—

10 “(i) reduce the volume of, or eliminate
11 emissions of, mercury through a process
12 change, substitution of material, or other
13 method;

14 “(ii) enclose systems or processes to
15 eliminate mercury emissions;

16 “(iii) collect, capture, or treat mer-
17 cury emissions when released from a proc-
18 ess, stack, storage, or fugitive emission
19 point, or through evaporation of a spill;

20 “(iv) consist of design, equipment,
21 manufacturing process, work practice, or
22 operational standards (including require-
23 ments for operator training or certification
24 or spill prevention) in accordance with sub-
25 section (h); or

1 “(v) consist of a combination of the
2 measures described in clauses (i) through
3 (iv).

4 “(3) PERMIT REQUIREMENTS AND CONDI-
5 TIONS.—

6 “(A) IN GENERAL.—Each permit issued in
7 accordance with paragraph (1)(B) shall
8 include—

9 “(i) enforceable mercury emission
10 standards;

11 “(ii) a schedule of compliance;

12 “(iii) a requirement that the permittee
13 submit to the permitting authority, not less
14 often than every 90 days, the results of
15 any required monitoring; and

16 “(iv) such other conditions as the Ad-
17 ministrator determines are necessary to en-
18 sure compliance with this subsection and
19 each applicable implementation plan under
20 section 110.

21 “(B) MONITORING AND ANALYSIS.—

22 “(i) PROCEDURES AND METHODS.—
23 The regulations promulgated by the Ad-
24 ministrator under paragraph (1)(A) shall
25 prescribe procedures and methods for—

1 “(I) monitoring and analysis for
2 mercury; and

3 “(II) determining compliance
4 with this subsection.

5 “(ii) INFORMATION.—Application of
6 the procedures and methods shall result in
7 reliable and timely information for deter-
8 mining compliance.

9 “(iii) EFFECT ON OTHER LAW.—
10 Nothing in this subsection affects any con-
11 tinuous emission monitoring requirement
12 of title IV or any other provision of this
13 Act.

14 “(C) INSPECTION, ENTRY, MONITORING,
15 CERTIFICATION, AND REPORTING.—

16 “(i) IN GENERAL.—Each permit
17 issued in accordance with paragraph
18 (1)(B) shall specify inspection, entry, mon-
19 itoring, compliance certification, and re-
20 porting requirements to ensure compliance
21 with the permit terms and conditions.

22 “(ii) CONFORMITY WITH OTHER REG-
23 ULATIONS.—The monitoring and reporting
24 requirements shall conform to each appli-
25 cable regulation under subparagraph (B).

1 “(iii) SIGNATURE.—Each report re-
2 quired under clause (i) shall be signed by
3 a responsible official of the mercury cell
4 chlor-alkali plant, who shall certify the ac-
5 curacy of the report.

6 “(4) DISPOSAL OF MERCURY CAPTURED
7 THROUGH EMISSION CONTROLS.—

8 “(A) IN GENERAL.—

9 “(i) CAPTURED OR RECOVERED MER-
10 CURY.—The regulations promulgated by
11 the Administrator under paragraph (1)(A)
12 shall ensure that mercury that is captured
13 or recovered through the use of an emis-
14 sion control or another method is disposed
15 of in a manner that ensures that—

16 “(I) the hazards from mercury
17 are not transferred from 1 environ-
18 mental medium to another; and

19 “(II) there is no release of mer-
20 cury into the environment (as the
21 terms ‘release’ and ‘environment’ are
22 defined in section 101 of the Com-
23 prehensive Environmental Response,
24 Compensation, and Liability Act of
25 1980 (42 U.S.C. 9601)).

1 “(ii) MERCURY-CONTAINING
2 WASTES.—The regulations promulgated by
3 the Administrator under paragraph (1)(A)
4 shall ensure that mercury-containing
5 wastes are handled and disposed of in ac-
6 cordance with all applicable Federal and
7 State laws (including regulations).

8 “(B) RESEARCH PROGRAM.—To promote
9 permanent and cost-effective disposal of mer-
10 cury from mercury cell chlor-alkali plants, the
11 Administrator shall establish a program of long-
12 term research to develop and disseminate infor-
13 mation on methods and techniques such as sep-
14 arating, solidifying, recycling, and encapsulating
15 mercury-containing waste so that mercury does
16 not volatilize, migrate to ground water or sur-
17 face water, or contaminate the soil.

18 “(5) OTHER REQUIREMENTS.—An emission
19 standard or other requirement promulgated under
20 this subsection does not diminish or replace any re-
21 quirement of a more stringent emission limitation or
22 other applicable requirement established under this
23 Act or a standard issued under State law.

24 “(6) PUBLIC REPORTING OF DATA PERTAINING
25 TO EMISSIONS OF MERCURY.—

1 “(A) IN GENERAL.—The Administrator
 2 shall annually make available to the public,
 3 through 1 or more published reports and 1 or
 4 more forms of electronic media, facility-specific
 5 mercury emission data for each mercury cell
 6 chlor-alkali plant.

7 “(B) SOURCE OF DATA.—The emission
 8 data shall be taken from the monitoring and
 9 analysis reports submitted under paragraph
 10 (3)(C).”.

11 **SEC. 7. MERCURY EMISSION STANDARDS FOR PORTLAND**
 12 **CEMENT PLANTS.**

13 Section 112 of the Clean Air Act (as amended by sec-
 14 tion 6) is amended by inserting after subsection (v) the
 15 following:

16 “(w) MERCURY EMISSION STANDARDS FOR PORT-
 17 LAND CEMENT PLANTS.—

18 “(1) IN GENERAL.—

19 “(A) REGULATIONS.—Not later than 180
 20 days after the date of enactment of this sub-
 21 paragraph, the Administrator shall promulgate
 22 regulations—

23 “(i) to establish standards for the
 24 control of direct dust emission of mercury
 25 and mercury compounds (collectively re-

1 ferred to in this subsection as ‘mercury’
2 from crushers, mills, dryers, kilns (exclud-
3 ing emission from such burning of haz-
4 ardous waste-containing fuel in a cement
5 kiln as is regulated under section 3004(q)
6 of the Solid Waste Disposal Act (42
7 U.S.C. 6924(q)), and clinker coolers at ex-
8 isting and new Portland cement plants;
9 and

10 “(ii) to establish standards for the
11 control of fugitive dust emission of mer-
12 cury from storage, transport, charging,
13 and discharging operations at existing and
14 new Portland cement plants.

15 “(B) PERMIT REQUIREMENT.—Not later
16 than 2 years after the date of enactment of this
17 subparagraph, each Portland cement plant shall
18 have an enforceable permit issued under title V
19 that complies with this subsection.

20 “(C) PROCEDURES AND SCHEDULES FOR
21 COMPLIANCE WITH STANDARDS.—Each Port-
22 land cement plant shall achieve compliance with
23 the mercury emission standards established
24 under subparagraph (A) in accordance with the

1 procedures and schedules established under
2 subsection (i).

3 “(2) STANDARDS AND METHODS.—

4 “(A) MINIMUM REQUIRED EMISSION RE-
5 Duction.—The emission standards established
6 under paragraph (1)(A) shall require that each
7 Portland cement plant reduce its annual pound-
8 age of direct and fugitive mercury emitted
9 below its mercury emission baseline, as deter-
10 mined by the Administrator, by not less than
11 95 percent.

12 “(B) CONTROL METHODS.—For the pur-
13 pose of achieving compliance with the emission
14 standards established under paragraph (1)(A),
15 the Administrator shall authorize methods of
16 control of mercury emissions, including meas-
17 ures that—

18 “(i) reduce the volume of, or eliminate
19 emissions of, mercury through a process
20 change, substitution of material, or other
21 method;

22 “(ii) enclose systems, processes, or
23 storage to eliminate mercury emissions;

24 “(iii) collect, capture, or treat mer-
25 cury emissions when released from a proc-

1 ess, stack, storage, or fugitive emission
2 point;

3 “(iv) consist of design, equipment,
4 manufacturing process, work practice, or
5 operational standards (including require-
6 ments for operator training or certifi-
7 cation) in accordance with subsection (h);
8 or

9 “(v) consist of a combination of the
10 measures described in clauses (i) through
11 (iv).

12 “(3) PERMIT REQUIREMENTS AND CONDI-
13 TIONS.—

14 “(A) IN GENERAL.—Each permit issued in
15 accordance with paragraph (1)(B) shall
16 include—

17 “(i) enforceable mercury emission
18 standards;

19 “(ii) a schedule of compliance;

20 “(iii) a requirement that the permittee
21 submit to the permitting authority, not less
22 often than every 90 days, the results of
23 any required monitoring; and

24 “(iv) such other conditions as the Ad-
25 ministrators determine are necessary to en-

1 sure compliance with this subsection and
2 each applicable implementation plan under
3 section 110.

4 “(B) MONITORING AND ANALYSIS.—

5 “(i) PROCEDURES AND METHODS.—

6 The regulations promulgated by the Ad-
7 ministrators under paragraph (1)(A) shall
8 prescribe procedures and methods for—

9 “(I) monitoring and analysis for
10 mercury; and

11 “(II) determining compliance
12 with this subsection.

13 “(ii) INFORMATION.—Application of
14 the procedures and methods shall result in
15 reliable and timely information for deter-
16 mining compliance.

17 “(iii) EFFECT ON OTHER LAW.—

18 Nothing in this subsection affects any con-
19 tinuous emission monitoring requirement
20 of title IV or any other provision of this
21 Act.

22 “(C) INSPECTION, ENTRY, MONITORING,
23 CERTIFICATION, AND REPORTING.—

24 “(i) IN GENERAL.—Each permit
25 issued in accordance with paragraph

1 (1)(B) shall specify inspection, entry, mon-
2 itoring, compliance certification, and re-
3 porting requirements to ensure compliance
4 with the permit terms and conditions.

5 “(ii) CONFORMITY WITH OTHER REG-
6 ULATIONS.—The monitoring and reporting
7 requirements shall conform to each appli-
8 cable regulation under subparagraph (B).

9 “(iii) SIGNATURE.—Each report re-
10 quired under clause (i) shall be signed by
11 a responsible official of the Portland ce-
12 ment plant, who shall certify the accuracy
13 of the report.

14 “(4) DISPOSAL OF MERCURY CAPTURED
15 THROUGH EMISSION CONTROLS.—

16 “(A) IN GENERAL.—

17 “(i) CAPTURED OR RECOVERED MER-
18 CURY.—The regulations promulgated by
19 the Administrator under paragraph (1)(A)
20 shall ensure that mercury that is captured
21 or recovered through the use of an emis-
22 sion control or another method is disposed
23 of in a manner that ensures that—

1 “(I) the hazards from mercury
2 are not transferred from 1 environ-
3 mental medium to another; and

4 “(II) there is no release of mer-
5 cury into the environment (as the
6 terms ‘release’ and ‘environment’ are
7 defined in section 101 of the Com-
8 prehensive Environmental Response,
9 Compensation, and Liability Act of
10 1980 (42 U.S.C. 9601)).

11 “(ii) MERCURY-CONTAINING
12 WASTES.—The regulations promulgated by
13 the Administrator under paragraph (1)(A)
14 shall ensure that mercury-containing
15 wastes are handled and disposed of in ac-
16 cordance with all applicable Federal and
17 State laws (including regulations).

18 “(B) RESEARCH PROGRAM.—To promote
19 permanent and cost-effective disposal of mer-
20 cury from Portland cement plants, the Adminis-
21 trator shall establish a program of long-term re-
22 search to develop and disseminate information
23 on methods and techniques such as separating,
24 solidifying, recycling, and encapsulating mer-
25 cury-containing waste so that mercury does not

1 volatilize, migrate to ground water or surface
2 water, or contaminate the soil.

3 “(5) OTHER REQUIREMENTS.—An emission
4 standard or other requirement promulgated under
5 this subsection does not diminish or replace any re-
6 quirement of a more stringent emission limitation or
7 other applicable requirement established under this
8 Act or a standard issued under State law.

9 “(6) PUBLIC REPORTING OF DATA PERTAINING
10 TO EMISSIONS OF MERCURY.—

11 “(A) IN GENERAL.—The Administrator
12 shall annually make available to the public,
13 through 1 or more published reports and 1 or
14 more forms of electronic media, facility-specific
15 mercury emission data for each Portland ce-
16 ment plant.

17 “(B) SOURCE OF DATA.—The emission
18 data shall be taken from the monitoring and
19 analysis reports submitted under paragraph
20 (3)(C).”.

21 **SEC. 8. REPORT ON IMPLEMENTATION OF MERCURY EMIS-**
22 **SION STANDARDS FOR MEDICAL WASTE IN-**
23 **CINERATORS.**

24 (a) IN GENERAL.—Not later than December 31,
25 2000, the Administrator of the Environmental Protection

1 Agency shall submit to Congress a report on the extent
2 to which the annual poundage of mercury and mercury
3 compounds emitted by each medical waste incinerator in
4 the United States has been reduced below the baseline for
5 the medical waste incinerator determined under subsection
6 (b).

7 (b) BASELINE.—

8 (1) USE OF ACTUAL DATA.—As a baseline for
9 measuring emission reductions, the report shall use
10 the mercury and mercury compound emission data
11 that were submitted or developed during the process
12 of permitting of the medical waste incinerator under
13 the Clean Air Act (42 U.S.C. 7401 et seq.).

14 (2) LACK OF ACTUAL DATA.—If the data de-
15 scribed in paragraph (1) are not available, the Ad-
16 ministrator shall develop an estimate of baseline
17 mercury emissions based on other sources of data
18 and the best professional judgment of the Adminis-
19 trator.

20 **SEC. 9. REPORT ON IMPLEMENTATION OF MERCURY EMIS-**
21 **SION STANDARDS FOR HAZARDOUS WASTE**
22 **COMBUSTORS.**

23 (a) IN GENERAL.—Not later than December 31,
24 2000, the Administrator of the Environmental Protection
25 Agency shall submit to Congress a report on the extent

1 to which the annual poundage of mercury and mercury
2 compounds emitted by each hazardous waste combustor
3 in the United States has been reduced below the baseline
4 for the hazardous waste combustor determined under sub-
5 section (b).

6 (b) BASELINE.—

7 (1) USE OF ACTUAL DATA.—As a baseline for
8 measuring emission reductions, the report shall use
9 the mercury and mercury compound emission data
10 that were submitted or developed during the process
11 of permitting of the hazardous waste combustor
12 under the Clean Air Act (42 U.S.C. 7401 et seq.).

13 (2) LACK OF ACTUAL DATA.—If the data de-
14 scribed in paragraph (1) are not available, the Ad-
15 ministrator shall develop an estimate of baseline
16 mercury emissions based on other sources of data
17 and the best professional judgment of the Adminis-
18 trator.

19 **SEC. 10. REPORT ON USE OF MERCURY AND MERCURY**
20 **COMPOUNDS BY DEPARTMENT OF DEFENSE.**

21 (a) IN GENERAL.—Not later than December 31,
22 2000, the Secretary of Defense shall submit to Congress
23 a report on the use of mercury and mercury compounds
24 by the Department of Defense.

1 (b) CONTENTS.—In the report, the Secretary of De-
2 fense shall describe—

3 (1) measures that the Department of Defense is
4 carrying out to reduce the use and emissions of mer-
5 cury and mercury compounds by the Department;
6 and

7 (2) measures that the Department of Defense is
8 carrying out to stabilize or recycle discarded mer-
9 cury or discarded mercury-containing products.

10 **SEC. 11. INTERNATIONAL ACTIVITIES.**

11 (a) STUDY AND REPORT.—Not later than December
12 31, 2000, the Administrator of the Environmental Protec-
13 tion Agency, in cooperation with appropriate representa-
14 tives of Canada and Mexico, shall study and submit to
15 Congress a report on the sources and extent of mercury
16 emissions in North America.

17 (b) REVIEW.—Before submitting the report to Con-
18 gress, the Administrator shall submit the report for—

19 (1) internal and external scientific peer review;
20 and

21 (2) review by the Science Advisory Board estab-
22 lished by section 8 of the Environmental Research,
23 Development, and Demonstration Authorization Act
24 of 1978 (42 U.S.C. 4365).

1 (c) REQUIRED ELEMENTS.—The report shall
2 include—

3 (1) a characterization and identification of the
4 sources of emissions of mercury in North America;

5 (2) a description of the patterns and pathways
6 taken by mercury pollution through the atmosphere
7 and surface water; and

8 (3) recommendations for pollution control meas-
9 ures, options, and strategies that, if implemented in-
10 dividually or jointly by the United States, Canada,
11 and Mexico, will eliminate or greatly reduce
12 transboundary atmospheric and surface water mer-
13 cury pollution in North America.

14 **SEC. 12. MERCURY RESEARCH.**

15 Section 103 of the Clean Air Act (42 U.S.C. 7403)
16 is amended by adding at the end the following:

17 “(1) MERCURY RESEARCH.—

18 “(1) ESTABLISHMENT OF PROGRAMS.—The Ad-
19 ministrator shall establish—

20 “(A) a program to characterize and quan-
21 tify the potential mercury-related health effects
22 on high-risk populations (such as pregnant
23 women and their fetuses, women of childbearing
24 age, children, and individuals who subsist pri-
25 marily on fish); and

1 “(B) a mercury public awareness and pre-
2 vention program targeted at populations most
3 at risk from exposure to mercury.

4 “(2) STUDY OF IMPLEMENTATION OF MEAS-
5 URES TO CONTROL MERCURY EMISSIONS.—

6 “(A) ESTABLISHMENT OF ADVISORY COM-
7 MITTEE.—Not later than 3 years after the date
8 of enactment of this subsection, the Secretary
9 of Health and Human Services and the Admin-
10 istrator shall establish an advisory committee to
11 evaluate and prepare a report on the progress
12 made by the Federal Government, State and
13 local governments, industry, and other regu-
14 lated entities to implement and comply with the
15 mercury-related amendments to the Clean Air
16 Act (42 U.S.C. 7401 et seq.) made by the Om-
17 nibus Mercury Emissions Reduction Act of
18 1999.

19 “(B) MEMBERSHIP.—

20 “(i) IN GENERAL.—The advisory com-
21 mittee shall consist of at least 15 mem-
22 bers, of whom at least 1 member shall rep-
23 resent each of the following:

24 “(I) The Department of Health
25 and Human Services.

1 “(II) The Agency for Toxic Sub-
2 stances and Disease Registry.

3 “(III) The Food and Drug Ad-
4 ministration.

5 “(IV) The Environmental Protec-
6 tion Agency.

7 “(V) The National Academy of
8 Sciences.

9 “(VI) Native American popu-
10 lations.

11 “(VII) State and local govern-
12 ments.

13 “(VIII) Industry.

14 “(IX) Environmental organiza-
15 tions.

16 “(X) Public health organizations.

17 “(ii) APPOINTMENT.—The Secretary
18 of Health and Human Services and the
19 Administrator shall each appoint not fewer
20 than 7 members of the advisory committee.

21 “(C) DUTIES.—The advisory committee
22 shall—

23 “(i) evaluate the adequacy and com-
24 pleteness of data collected and dissemi-
25 nated by the Environmental Protection

1 Agency and each State that reports on and
2 measures mercury contamination in the en-
3 vironment;

4 “(ii) make recommendations to the
5 Secretary of Health and Human Services
6 and the Administrator concerning—

7 “(I) changes necessary to im-
8 prove the quality and ensure consist-
9 ency from State to State of Federal
10 and State data collection, reporting,
11 and characterization of baseline envi-
12 ronmental conditions; and

13 “(II) methods for improving pub-
14 lic education, particularly among high-
15 risk populations (such as pregnant
16 women and their fetuses, women of
17 childbearing age, children, and indi-
18 viduals who subsist primarily on fish),
19 concerning the pathways and effects
20 of mercury contamination and con-
21 sumption; and

22 “(iii) not later than 4 years after the
23 date of enactment of this subsection, com-
24 pile and make available to the public,
25 through 1 or more published reports and 1

1 or more forms of electronic media, the
2 findings, recommendations, and supporting
3 data, including State-specific data, of the
4 advisory committee under this subpara-
5 graph.

6 “(D) COMPENSATION.—

7 “(i) IN GENERAL.—A member of the
8 advisory committee shall receive no com-
9 pensation by reason of the service of the
10 member on the advisory committee.

11 “(ii) TRAVEL EXPENSES.—A member
12 of the advisory committee shall be allowed
13 travel expenses, including per diem in lieu
14 of subsistence, at rates authorized for em-
15 ployees of agencies under subchapter I of
16 chapter 57 of title 5, United States Code,
17 while away from the home or regular place
18 of business of the member in the perform-
19 ance of services for the advisory com-
20 mittee.

21 “(E) DURATION OF ADVISORY COM-
22 MITTEE.—The advisory committee—

23 “(i) shall terminate not earlier than
24 the date on which the Secretary of Health
25 and Human Services and the Adminis-

1 trator determine that the findings, rec-
2 ommendations, and supporting data pre-
3 pared by the advisory committee have been
4 made available to the public; and

5 “(ii) may, at the discretion of the Sec-
6 retary of Health and Human Services and
7 the Administrator, continue in existence
8 after that date to further carry out the du-
9 ties described in subparagraph (C).

10 “(F) APPLICABILITY OF FEDERAL ADVI-
11 SORY COMMITTEE ACT.—The Federal Advisory
12 Committee Act (5 U.S.C. App.) shall not apply
13 to the advisory committee established under
14 this paragraph.

15 “(G) FUNDING.—The Secretary of Health
16 and Human Services and the Administrator
17 shall each provide 50 percent of the funding
18 necessary to carry out this paragraph.

19 “(3) REPORT ON MERCURY SEDIMENTATION
20 TRENDS.—Not later than 1 year after the date of
21 enactment of this subsection, the Administrator shall
22 submit to Congress a report that characterizes mer-
23 cury and mercury-compound sedimentation trends in
24 Lake Champlain, Chesapeake Bay, the Great Lakes,
25 the finger lakes region of upstate New York, Tampa

1 Bay, and other water bodies of concern (as deter-
2 mined by the Administrator).

3 “(4) EVALUATION OF FISH CONSUMPTION
4 ADVISORIES.—

5 “(A) IN GENERAL.—The Administrator
6 shall evaluate the adequacy, consistency, com-
7 pleteness, and public dissemination of—

8 “(i) data collected by the Environ-
9 mental Protection Agency and each State
10 concerning mercury contamination of fish;
11 and

12 “(ii) advisories to warn the public
13 about the consumption of mercury-con-
14 taminated fish (referred to in this para-
15 graph as ‘fish consumption advisories’).

16 “(B) IMPROVEMENT OF QUALITY AND
17 CONSISTENCY.—In conjunction with each State
18 or unilaterally, the Administrator shall imple-
19 ment any changes necessary to improve the
20 quality and ensure consistency from State to
21 State of Federal and State data collection, re-
22 porting, characterization of mercury contamina-
23 tion, and thresholds concerning mercury con-
24 tamination in fish above which fish consump-
25 tion advisories will be issued.

1 “(C) REPORTING.—Not later than 2 years
2 after the date of enactment of this subsection
3 and every 2 years thereafter, the Administrator
4 shall prepare and make available to the public,
5 through 1 or more published reports and 1 or
6 more forms of electronic media, information
7 providing detail by State, watershed, water
8 body, and river reach of mercury levels in fish
9 and any fish consumption advisories that have
10 been issued during the preceding 2-year period.

11 “(D) EFFECT ON STATE AUTHORITY.—
12 Nothing in this paragraph affects any authority
13 of a State to advise residents of the mercury
14 content of commercially sold foods and other
15 products.”.

○