

Archived: Thursday, May 31, 2012 4:00:16 PM
From: [Mark McAdams](#)
Sent: Wednesday, December 21, 2011 2:48:16 PM
To: [Bob Berry](#)
Cc: [Bill Blackburn](#); [Albert Yockey](#)
Subject: FW: Final Mercury/Air Toxics Rule Announced
Response requested: No
Importance: Normal

FYI,

Mark

-----Original Message-----

From: John Dean [<mailto:john@jdenergy.net>]
Sent: Wednesday, December 21, 2011 2:36 PM
To: JD Energy, Inc.
Subject: Final Mercury/Air Toxics Rule Announced

Dear Clients,

EPA announced its finalization of the Mercury and Air Toxics Standards (MATS) today at a 2pm conference. We will be going through the roughly 1,200 page rule (plus supporting documents) in greater detail, but our first response is that it holds to the essential principles contained in the proposed rule issued last March. Noteworthy, a "full implementation" date of 2016 was stressed (the earlier date emphasized 2015), as state permitting authorities will be able to grant an additional year for units installing needed technology, something EPA assumed would be "broadly available."

EPA struck a combined tone of firmness and increased flexibility. They emphasized these rules were long overdue, that 60% of existing units already have the needed technology, and that there were enormous health improvements, cost-benefits, and job creation associated with the rule. At the same time, recognizing it does not help the ultimate objectives of the rule to be overly rigid, EPA underscored efforts to increase flexibility in the rule's implementation, including such items as the compliance date, breaks for limited-use oil units, reliance on work-practice standards (rather than emission limits) during start-up and shut-down, and an option for extended time (but more stringent standards) for facility-wide averaging.

The devil may be in the details, so we will be pouring over the rules and supporting documents to identify the impact with greater confidence. We will issue another report to our Emissions/Environmental clients by cob tomorrow (Thursday, Dec. 22nd) and then revisit the issues and outlook over the week of December 26th leading up to the new year.

Best Regards,
John

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