

**Testimony of The Adirondack Council at the
Public Hearing for Proposed Rule Making
Proposed 6 NYCRR Part 246
Mercury Reduction Program for Coal-Fired Electric Utility Steam Generating Units
Albany, NY October 11, 2006**

Good afternoon. My name is Scott Lorey. I'm the Legislative Director for The Adirondack Council. Thank you for the opportunity to testify here today.

The Adirondack Council is an 18,000 member, not-for-profit organization, founded in 1975, and dedicated to ensuring the ecological integrity and wild character of the Adirondack Park. The Adirondack Council does not receive any government funding.

The Adirondack Park has suffered some of the worst damage in the State due to both acid rain and the associated problems of mercury deposition. For the last two years, the Department of Health has issued a blanket advisory that children and women of childbearing age not to consume any northern pike, yellow perch over 10 inches, pickerel, walleye, largemouth and smallmouth bass from water bodies in the Adirondacks. This is due to the bioaccumulation of mercury as it travels up the food chain and the potential damage to the human nervous system of those who consume these fish.

Mercury also harms other native Adirondack wildlife, such as the Common Loon and Bicknell's Thrush, both birds are currently listed as Species of Special Concern in New York State and could become endangered or threatened if conditions do not change soon and their populations continue to decline.

The Adirondack Council would like to thank DEC for its efforts with this rule and agrees with much of the Department's proposal and rationale to limit mercury pollution in New York. We agree that federal Clean Air Mercury Rule (CAMR) does far too little, far too late. We also agree with the State that the trading of mercury credits should NOT be permitted. We agree with DEC's goal of a 90% overall reduction from each unit on a timeline which is shorter than CAMR.

However, we believe the reductions proposed by DEC can be achieved even sooner. They should be in place by 2010, which we believe is technologically and economically feasible and would not lead to any power outages. We agree with what then-DEC Commissioner Crotty wrote to the federal EPA in June of 2004 as they were accepting public comment on the federal CAMR proposal. In part, DEC wrote to EPA stating, "...it (EPA) must proceed with establishing appropriate MACT emission standards under CAA section 112(d)." DEC then asks EPA to, "specify where in the CAA Congress has approved of a ten year compliance schedule over the mandated three year schedule for listed sources of hazardous air pollutants." The letter then continues on, "...EPA is illegally extending the time for compliance by at least fourteen years."

DEC should now "practice what they were preaching" and implement the same standard they believed EPA should have used then. If, in 2004, the Department believed that a MACT

standard should be used to control mercury emissions within three years, the same should still hold true today. DEC should not hold EPA to a higher standard than it sets for itself. New York should continue to be a leader on air pollution issues and not move to the back of the pack in terms of ambitious timelines for compliance. If states like Maryland and New Jersey can clean up sooner than 2015, New York can too. The last three months of this Administration are not the time to go back on your word and change a policy position for the sake of political expediency.

New York needs and deserves 90% reductions of Mercury by 2010. Thank you.