



1920 L Street NW, Suite 800
Washington, DC 20036
p: 202-296-8800 f: 202-296-8822
www.environmentalintegrity.org

October 29, 2008

Honorable Shari Wilson
Secretary
Maryland Department of Environment
1800 Washington Blvd.
Baltimore, MD 21230

Dear Secretary Wilson:

We write to respectfully request that Maryland take steps to limit emissions of mercury from two of the state's largest sources: the Lehigh cement kiln in Carroll County, and the Luke Paper mill in Allegany County.

Lehigh's Union Bridge plant released 376 pounds of mercury to the atmosphere in 2007, according to the company's report to the USEPA's Toxics Release Inventory (TRI), which reflects more than a ten-fold increase over the 35 pounds it reported in 2006. The Luke paper plant reported 372.6 pounds of mercury emissions to TRI in 2007, compared to 251 pounds in 2006. Together, these two plants account for nearly 40% of the total emissions of mercury reported to TRI from all sources within the state, including power plants.

As you know, mercury is a dangerous neurotoxin, especially hazardous to small children and developing fetuses; the U.S. Centers for Disease Control and Prevention estimates that 8% of women of childbearing age contain more mercury in their bloodstream than is considered safe. The state has advised Maryland residents to reduce their exposure to mercury by limiting consumption of fish from freshwater lakes and streams. While some of the contamination is undoubtedly due to long-range transport of emissions from other states, research in the Great Lakes and Florida has confirmed that local sources of mercury emissions contribute significantly to the pollution of nearby waterways.

Thanks to the Healthy Air Act, Maryland's power plants will have to reduce their mercury emissions 80% by 2010, and 90% by 2013. But the law does not apply to cement kilns or paper plants, which ought to be required to do their fair share. We understand that the Luke paper mill may be in the process of installing pollution control equipment that will significantly reduce mercury emissions, and would appreciate any information you can provide on such actions. In the meantime, we hope that Maryland will consider the following actions:

1. *Investigate the source of mercury emissions at LeHigh Union Bridge and other cement kilns, and at the Luke paper mill.*

Mercury emissions may be related to coal combustion at these facilities. In addition, limestone used in cement kilns apparently contains varying levels of mercury, which may be

oxidized and released to the environment when the feedstock is processed. The Union Bridge plant is permitted to burn treated sewage sludge, which may also be a factor. Other plants in the state are smaller than Union Bridge and report significantly lower emissions, but the state should determine whether such data is accurate. Cement kilns or other facilities that process fly ash or other combustion wastes from power plants should be required to evaluate the possible impact on emission levels.

2. *Require Union Bridge and Luke Paper to install continuous emission monitoring devices to more accurately measure mercury emissions.*

Maryland's Healthy Air Act already requires power plants to install continuous monitors no later than 2010. As the second and third largest sources of mercury emissions in the state, Union Bridge and Luke Paper ought to meet the same requirements.

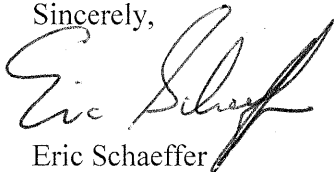
3. *Use existing authority to limit mercury emissions from the Union Bridge and Luke Paper plants.*

Maryland law prohibits any facility from being operated in a manner that creates a nuisance or other condition of air pollution. COMAR 26.11.06.08. One expert has estimated that it takes only 1/70 of a teaspoon of mercury to contaminate a 25 acre lake, and Maryland residents already must limit consumption of fish caught in state waters due to the risk of mercury poisoning. Given the threat to our waterways and the public's health, it is hard to imagine a more potent nuisance than the release of nearly 400 pounds a year of this deadly neurotoxin. The state should exercise the authority that it clearly has under COMAR 26.11.06.08 to require Union Bridge and Luke Paper to abate this nuisance by taking steps to reduce their emissions of mercury.

In addition, the large industrial boilers at Luke Paper may be required to comply with hazardous air pollutant standards under the Clean Air Act. 42 U.S.C. 112(j). We respectfully request that the state enforce these requirements, to the extent that it has not already done so.

Thank you for your attention to our request, and for your continued efforts to protect Maryland's environment.

Sincerely,



Eric Schaeffer
Executive Director
Environmental Integrity Project

Michele Merkel
Chesapeake Regional Waterkeeper
Waterkeeper Alliance

Andrew Fellows
Chesapeake Regional Director
Clean Water Action

Enclosure

cc: Honorable Doug Gansler, Maryland Attorney General

**Stationary Sources of Mercury Emissions in Maryland
As Reported to USEPA Toxics Release Inventory**

Company/Facility	County	2007 Hg Emissions (Pounds)	2006 Hg Emissions (Pounds)
Constellation/ Brandon Shores	Anne Arundel	550	540
Lehigh Cement/Union Bridge	Carroll	376	35
Luke Paper	Allegany	372.6	251
Mirant/Morgantown	Charles	240	380
Mirant/Chalk Point	Prince Georges	240	230
Mirant/Dickerson	Montgomery	117	118
Allegheny Power/Paul Smith	Washington	81.9	59
St. Lawrence Cement/Hagerstown	Washington	45	48
Lehigh Cement/Woodsboro	Frederick	26.2	60
Constellation/C.P. Crane	Baltimore	21.2	51
Essroc Cement	Frederick	17.02	31
AES/Warrior Run	Allegany	4	3
Mettiki Coal		1.75	2
FlowServ		0	1
FMC	Baltimore	0.38	1
ISG Steel/Severstal	Baltimore	0.56	1
		Total: 2,093.61	Total: 1,811