

STAPPA / ALAPCO

STATE AND TERRITORIAL
AIR POLLUTION PROGRAM
ADMINISTRATORS

ASSOCIATION OF
LOCAL AIR POLLUTION
CONTROL OFFICIALS

February 23, 2006

Attention: Docket ID No. OAR-2002-0051
EPA Docket Center (6102T)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

S. WILLIAM BECKER
EXECUTIVE DIRECTOR

Dear Sir/Madam:

On behalf of the State and Territorial Air Pollution Program Administrators (STAPPA) and the Association of Local Air Pollution Control Officials (ALAPCO), thank you for this opportunity to comment on the Proposed National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry, which was published in the *Federal Register* on December 2, 2005 (70 *Federal Register* 72330).

Mercury Controls

We strongly disagree with the United States Environmental Protection Agency's (EPA's) conclusion that standards to limit emissions of mercury from Portland Cement manufacturing plants are "not justified." Mercury is a powerful neurotoxin that can cause adverse health effects in humans, including negative effects on brain development and nervous systems. As such, it is critical that EPA take steps to reduce emissions of mercury. Portland Cement manufacturing plants are a significant source of mercury emissions and they should be required to implement control measures to reduce emissions of that pollutant.

Further, the law requires EPA to establish mercury standards for Portland Cement plants, which was emphasized in a court ruling. Specifically, the United States Court of Appeals for the D.C. Circuit was clear in directing EPA to establish mercury standards for Portland Cement manufacturing plants. The court's opinion in the *National Lime Association v. EPA* litigation stated that the court "find[s] the Agency's failure to set standards for hydrogen chloride, mercury, and total hydrocarbons contrary to the Clean Air Act's plain language." Additionally, the court's opinion stated, "[f]or all of these reasons, the absence of technology-based pollution control devices for HCl, mercury, and total hydrocarbons did not excuse EPA from setting emission standards for those pollutants. We thus will remand for EPA to do so." Clearly, the court mandated EPA to establish mercury standards from Portland Cement manufacturing plants in the MACT standard, which EPA has failed to do in the proposed rule.

STAPPA and ALAPCO strongly recommend that EPA conduct a new MACT floor and beyond-the-floor evaluation and determination based on up-to-date and complete data on

mercury emissions from Portland Cement plants. EPA should solicit additional data from state and local agencies that have these plants in their areas to ensure that the agency has the most recent information about emissions and controls. The final Portland Cement MACT should include mercury control requirements that reflect this updated and complete information. These controls could include wet scrubbers, dry scrubbers, wet sorbent injection, dry sorbent injection and fly ash retorting with mercury controls.

Risk-Based Exemptions for Hydrogen Chloride

The proposal seeks comment on whether EPA should adopt a risk-based exemption for hydrogen chloride from Portland Cement plants. STAPPA and ALAPCO oppose the inclusion of such an exemption because it would be inappropriate to exempt sources based on risk under a MACT standard. The Clean Air Act clearly established a two-step process for addressing hazardous air pollutants. The first step, which is the establishment of MACT, is a technology-based program that calls for all major sources in the source category to install stringent controls. The proposal under consideration now is a MACT standard. The second and subsequent step – the Residual Risk program – is designed to address the risk that remains after the implementation of the MACT standard. It is during the second phase, not the MACT-development step, that EPA should evaluate and establish standards based on risk. We urge EPA to comply with the mandates of the Clean Air Act and not to allow risk-based exemptions in MACT standards.

Ban on Fly Ash from Utility Boilers

EPA requested comment regarding Portland Cement plants' use of fly ash from utility boilers. We recognize that fly ash is a necessary component in the manufacturing process for this source category, but we are concerned about the possibility of increased mercury emissions resulting from the use of this fly ash. If cement kilns use fly ash from coal-fired power plants that contains substantial amounts of mercury, then significant amounts of mercury will be released into the air unless it is captured by the cement kiln's air pollution control system. EPA should require either 1) carbon injection followed by fabric filter controls on the cement kiln, without insufflation, or 2) treatment of the ash to remove and capture the mercury. However, where mercury from coal fly ash is not effectively addressed either by ash treatment or by air pollution control systems on a kiln, then coal fly ash should not be used in that specific cement kiln.

Thank you for your consideration of our comments. Please let us know if we can provide you with any further information.

Sincerely,



Robert Colby
Chair
ALAPCO Air Toxics Committee



Vinson Hellwig
Chair
STAPPA Air Toxics Committee