



Cement

*Via Certified Mail, Return Receipt*  
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June 27, 2006

Environmental Quality Board  
Rachel Carson State Office Bldg.  
15<sup>th</sup> Floor  
400 Market Street  
Harrisburg, PA 17101-2301

INDEPENDENT REGULATORY  
REVIEW COMMISSION

2006 JUL 11 PM 3:04

RECEIVED

**Re: Comments Regarding Nonattainment New Source Review (NSR)**

Dear Sir or Madam:

Lafarge North America's Whitehall Cement Plant (Lafarge) appreciates this opportunity to provide comments to the Department's proposed amendments to NSR (25 PA Code 127) and requests that these comments are taken into consideration.

Lafarge is concerned that the proposed changes to NSR, if implemented, will further reduce the operational flexibility needed by all Pennsylvania manufacturing facilities. In particular, it is discouraging that the Department has chosen to pursue changes to NSR that make the rule more restrictive than federal requirements without presenting adequate justification for such measures. Lafarge requests that the following comments be considered before proceeding with the proposed rulemaking:

1. **Baseline to Actual Emissions** – Lafarge believes that the use of the ten-year "look-back" should be used in determining a representative period of existing actual emissions. The proposed five-year look-back is too restrictive, as well as penalizing, in presenting actual emissions of industries that can be cyclical by nature. The ten-year look-back is consistent with the Federal NSR regulations for sources other than electric utility steam generating units and is appropriate in representing normal operations of industrial facilities.

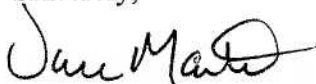
Additionally, facilities should be allowed to use a different two year period for each pollutant to determine baseline emissions; otherwise, the proposed rulemaking is inconsistent and more restrictive than the Federal NSR regulations. Representative baseline emissions may not be truly representative if subject to the same two-year period. Further compounding this inconsistency is the proposed baseline basis of a

two calendar year period, instead of a consecutive 24-month period. Representative emissions should not be restricted to this degree on an arbitrary basis.

2. ***Plant-wide Applicability Limits*** – The proposed five-year look-back for PALs will result in less operational flexibility, which is one of the key benefits that the PAL regulations offers. A ten-year look-back is again appropriate and representative. Additionally, the ability for facilities to operate under the PAL cap without additional limitations should be allowed without the additional requirement of BAT for new sources. The proposed rulemaking is again more restrictive than the Federal requirements and ultimately harmful to the PAL program.
3. ***De Minimis Emission Aggregation Period*** – First, the Department has provided no explanation for the increasing the de minimis emission aggregation period from five years to 15 years. Additionally, the proposed pound per hour and pound per day de minimis aggregation threshold can be unrepresentative and misleading. The proposed rulemaking is again going beyond the Federal requirements, by adding complexity to this already overly complex rule.
4. ***PM2.5 Requirements*** – Lafarge believes it is inappropriate to suggest incorporation of PM2.5 provisions into this rulemaking, since the Federal implementation of this rule has yet to be finalized. Compounding this issue is the lack of a reliable and accepted PM2.5 measurement method. Until the Federal rule for PM2.5 is implemented, the use of PM10 as a surrogate is more appropriate.
5. ***New Emission Units*** – The proposed rule for New Emission Units does not take into account the reasonable “shakedown” period that is typically included in plan approvals. By defining “new” as two-years from the date the unit is first operated, representative baseline actual emissions may not be achieved, since shakedown is granted for up to 180 days. The rule should account for the shakedown period for the unit to become operational.

Lafarge again appreciates the opportunity to provide comments to this proposed rulemaking. While the current rule has been challenging to comply with, we believe the proposed changes being presented to the Environmental Quality Board will further confuse and ultimately limit flexibility to Pennsylvania’s businesses.

Sincerely,



Vince Martin  
Environmental and Public Relations Manager