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From: Winek, Michael [MWinek@bccz.com]

Sent: Friday, June 20, 2008 2:48 PM

To: RegComments@state.pa.us

Cc: peter kimmel

Subject: Control of NOx Emissions from Cement Kilns (38 Pa. Bull. 1838 (April 19, 2008))

INDEPENDENT REGULATORY
REVIEW COMMISSION

To Whom It May Concern:

Attached are comments to the above-referenced proposed rulemaking that are being submitted on behalf of Armstrong Cement & Supply Corp. We are also sending a hardcopy via overnight delivery.

Michael H. Winek
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INDEPENDENT REGULATORY
REVIEW COMMISSION



2082
**ARMSTRONG
CEMENT & SUPPLY**

June 19, 2008

Environmental Quality Board
Rachel Carson State Office Building
16th Floor
400 Market Street
Harrisburg, Pennsylvania 17101-2301

RE: Proposed Rulemaking: Control of NOx from Cement Kilns (25 Pa. Code
Chs. 121, 129 and 145)
38 Pa. Bull. 1838 (April 19, 2008)

To Whom It May Concern:

Armstrong Cement & Supply Corp. ("Armstrong Cement") is submitting the enclosed comments to the above referenced proposed rulemaking. We are also including a one-page summary of comments for distribution to each of the Environmental Quality Board ("EQB" or "Board") members at the meeting in which the final rule will be considered.

Armstrong Cement understands the EQB's desire to further reduce NOx emissions from stationary sources located in the Commonwealth but believes that the additional reductions required by the proposed rule are based on flawed assumptions as will be discussed in the attached comments. Armstrong Cement supports fair and reasonable reduction requirements and is pursuing means of further reducing NOx emissions in a cost-effective manner at our Cabot, PA facility. As a small business, and perhaps the only small business cement plant in Pennsylvania, we believe that the proposed rule places an undue burden on us. We do not believe the proposed standards fairly allocate the NOx reduction burden. We ask that the EQB take a hard look at the basis for the NOx emissions limits and proceed with final standards that have a supportable scientific basis. Armstrong Cement, in turn, is proceeding with projects to further reduce its NOx emissions although we are unsure whether we will meet the proposed numerical emissions standard for wet process kilns.

We appreciate the opportunity to provide comments on the proposed regulations and trust that the EQB will give them serious consideration.

Sincerely,

Peter T. Kimmel
V.P. of Operations



Michael H. Winek
A Snyder Associated Company

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Armstrong Cement & Supply Corp.
Comments to
Proposed Rulemaking: Control of NO_x from Cement Kilns
(25 Pa. Code Chs. 121, 129 and 145)
38 Pa. Bull. 1838 (April 19, 2008)

I. Introduction & Background

The proposed rule is to reduce NO_x emissions from cement kilns to reduce ground-level ozone. The preamble acknowledges that the DEP is a member of the Ozone Transport Commission (“OTC”) and that “its strategy [is] to achieve equitable ozone precursor emission reductions from all industrial sectors.” 38 Pa. Bull. 1838 (April 19, 2008).

Historically, in the mid 1990’s, NO_x emissions from cement kilns in Pennsylvania were regulated under the reasonably available control technology (“RACT”) requirements applicable to ozone nonattainment areas. Under the Pennsylvania RACT program, owners and operators of cement kilns developed individual RACT plans that we approved by DEP and the EPA as part of the state implementation plan (“SIP”). This was a case-by-case process that resulted in various requirements for different kilns.

The EPA first looked to develop emission limits for cement kilns in the late 1990’s as a federal implementation plan (“FIP”) to be used in the event that states failed to develop SIPs in response to the NO_x SIP Call. The NO_x SIP Call found that emissions from 23 jurisdictions (including the northeastern United States) contributed significantly to ozone nonattainment problems in downwind states. The EPA included several different types of stationary sources (e.g., electric utility boilers; cement kilns) that could be controlled in a highly cost effective manner and suggested emission limitations and/or emission reductions that these sources could achieve. The FIP was to apply in the event that the states failed to develop and implement an approvable SIP. In the FIP, the EPA proposed control technologies and the expected emission limitations that cement kilns could meet after application of highly cost effective controls. The EPA FIP suggested the following emissions limits for the 4 types of cement kilns:

Long wet kilns = 6.0 lbs/ton
Long dry kilns = 5.1 lbs/ton
Preheater kilns = 3.8 lbs/ton
Preheater/precalciner = 2.8 lbs/ton

The EPA stated that these limits were based on a 30% reduction from uncontrolled emissions. See 63 Fed. Reg. 56394, 56416 (October 21, 1998).

The DEP responded to the NO_x SIP Call by developing a NO_x control regulation that required all types of cement kilns to meet the equivalent of 6.0 lbs/ton. See 34 Pa. Bull. 6509 (December 11, 2004). Compared to the limits developed by EPA in the FIP, only wet kilns, and possibly long dry kilns to a lesser extent, were targeted for reductions from uncontrolled levels.

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As part of the current proposed rulemaking, the EQB is proposing to regulate all 4 kiln types at the following levels:

Long wet-process kilns = 3.88 lbs/ton of clinker
Long dry-process kilns = 3.44 lbs/ton of clinker
Preheater kilns = 2.36 lbs/ton of clinker.
Preheater/precalciner kilns = 2.36 lbs/ton of clinker

II. Basis for the Proposed Emission Limits

The preamble does not indicate the basis for the numerical emission limits. Armstrong Cement believes that they are substantially similar to, and appear to be based upon, the guidelines adopted by OTC Resolution 06-02 adopted June 7, 2006 which are:

Wet – 3.88 lbs/ton
Long dry – 3.44 lbs/ton
Preheater – 2.36 lbs/ton
Precalciner – 1.52 lbs/ton

The basis for the OTC guidelines is provided in OTC Resolution 06-02 as a 60% reduction. The Final Technical Support Document prepared for the OTC further clarifies that the basis for the OTC guidelines is a 60% reduction from uncontrolled emissions. *See Identification and Evaluation of Candidate Control Measures, Final Technical Support Document*, Prepared by MACTEC Federal Programs, Inc. (February 28, 2007) at pp. C-12 to C-13. The Final Technical Support Document further clarifies that the guideline limits are based upon and consistent with the emission reduction capabilities of SNCR. *See id.*

In summary, the DEP's draft limits appear to be based on application of SNCR and a reduction of 60% from uncontrolled levels. The one noted exception is that the DEP's limit for precalciner kilns is less restrictive than the corresponding OTC guideline for precalciner kilns.

III. Comments on Proposed Emission Limits

A. Availability of SNCR to Wet Process Kilns

Initially, Armstrong Cement questions whether SNCR, which is the basis for the proposed emission limit, can be successfully applied to its wet process kilns. Literature suggests that application of SNCR to a wet process kiln is not a demonstrated technology

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and may not be commercially available. The two references cited in the Final Technical Support Document specifically state:

Selective non-catalytic reduction (SNCR) involves injecting NH₂-X compounds into the exhaust gas to reduce NO to N₂. The reaction has an optimum in a temperature window of about 800 to 1000°C, and sufficient retention time must be provided for the injected reagents to react with NO. In long wet and dry process kilns it might be very difficult, or impossible, to obtain the right temperature and retention time needed.

IPPC Reference Document on Best Available Techniques in the Cement and Lime Manufacturing Industries (December 2001) at p. 49 (emphasis added).

The principles of SNCR technology are applicable to preheater/precalciner kilns. It is believed that SNCR would be difficult, if not impossible, to be used in wet and long dry process kilns due to problems in obtaining the right temperature and retention time.

NO_x Control Technologies for the Cement Industry—Final Report (September 19, 2000), EC/R Incorporated, at p. 78 (emphasis added). This report further includes a table that specifically states that SNCR is not applicable to wet and long dry process kilns. See id at Table 5-10 (p. 76).

In addition to the references relied upon by MACTEC in developing the OTC guidelines, additional and more recent literature similarly questions the availability of SNCR for wet process kilns. Some of the other references are included below.

Because of the nature of a long kiln, continuous injection of ammonia- or urea – based reagents is presently not possible. Therefore, SNCR technology is not considered to be applicable for long dry or wet kilns.

Alternative Control Techniques Document—NO_x Emissions from Cement Manufacturing, USEPA Emissions Standards Division (March 1994) at Section 5.2.2.

The exception is where a particular technology is not applicable to a particular kiln, i.e., the application of SNCR to wet kilns.

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Final Report HARC Project H-28, ENVIRON International Corp (June 2004) at p. S-4.

The Midwest Regional Planning Organization (“RPO”) more recently published a series of Interim White Papers intended to provide states in the midwest with suggested control strategies to be considered in SIP planning. For cement kilns, the Midwest RPO listed SNCR as a potential control option for preheater kilns and precalciner kilns but not for wet or long dry kilns. *See Interim White Paper—Midwest RPO Candidate Control Measures – Cement Kilns* (March 6, 2006) at p.10.

In March 2006, the National Lime Association (“NLA”) submitted comments to the OTC regarding the potential to reduce NOx emissions from lime kilns in the OTC. One of the candidate control measures being considered at that time was SNCR. The NLA commented that SNCR was not feasible for lime kilns due in part to the problem of injecting the reagent into a rotating kiln and the concerns with the appropriate temperature. *See* Correspondence from Arline M. Seeger of the National Lime Association to Christopher Recchia of the Ozone Transport Commission (March 30, 2006)(citing comments from the Portland Cement Association that “SNCR is currently not available for long wet kilns and that the logistics of injection in the middle of a long rotating kiln have not been developed.”). The OTC subsequently removed the lime industry from consideration for NOx controls.

Most recently, the Texas Commission on Environmental Quality (“TCEQ”) retained ERG, Inc. to assess NOx emission reduction strategies for cement kilns in Ellis County, Texas as part of its SIP revision process to address ozone nonattainment. With respect to the availability of SNCR for wet kilns, the final report concluded that SNCR was not available for wet process kilns but was considered an innovative¹ technology. The report further stated:

At the time this report was completed, Holcim of France was giving preliminary reports of trials of selective non-catalytic reduction (SNCR) on a wet kiln. While these preliminary reports do not provide sufficient information for technical evaluation of the results, this may mean that SNCR has become an available control technology for wet kilns.

Assessment of NOx Emissions Reduction Strategies for Cement Kilns-Ellis County, Final Report, ERG, Inc. (July 14, 2006) at p. 1-3. Thus, the TCEQ report recognized the trial

¹ “Innovative describes technologies that have not been successfully applied to a type of cement kiln, but in the judgment of the ERG Team could be expected to work on the type of cement kiln if correctly optimized through experimental application.” *Assessment of NOx Emissions Reduction Strategies for Cement Kilns-Ellis County, Final Report, ERG, Inc. (July 14, 2006) at p. 1-3.*

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of SNCR on a kiln in France but concluded that it was an innovative and not an available technology for wet kilns.

Finally, Armstrong Cement notes that its two kilns are different than traditional long kilns. Armstrong Cement's kilns are short wet kilns. This means that injecting the reducing agent at the proper temperature and ensuring the proper residence time is even more difficult than with a long kiln. This difference in kiln length further complicates the ability to inject the reagent at the proper place to ensure the reactions occur.

B. Reduction from Uncontrolled Emissions

While the published literature and the EPA reports have all concluded that SNCR is not an available technology for wet kilns, Armstrong Cement recognizes the application of SNCR to at least one kiln in France and the consideration of SNCR on wet kilns in Texas. Perhaps more importantly is the effectiveness of SNCR in controlling NOx from wet process kilns. Armstrong Cement questions the ability to consistently maintain a 60% reduction and suggests that a more reasonable percentage reduction should be used to develop an emissions limit.

The EQB's proposed emission limits are based on a 60% reduction from uncontrolled emissions. While the precise basis for the chosen 60% reduction factor cannot be determined, the Final Technical Support Document prepared for the OTC includes the following

These [SNCR] technologies showed average emission reductions of 50 and 40 percent. . . . Most SNCR installations are designed and/or operated for NOx reduction rates of 10-50%. . . . Two Swedish plants installed SNCR in 1996/97 and have achieved a reduction of 80-85% at both kilns.

Identification and Evaluation of Candidate Control Measures, Final Technical Support Document, Prepared by MACTEC Federal Programs, Inc. (February 28, 2007) at p. C-12.

First, Armstrong Cement notes that the 60% reduction used to develop the draft limits appears to be aggressive. A more reasonable reduction percentage would be in the 10-50% range as supported by the literature.

Second, and most importantly, the reduction percentages cited in the literature all apply to preheater/precalciner kilns. As discussed above, SNCR has only recently been attempted at a kiln in France. Even using a reduction of 10-50% would make sense only

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for preheater/precalciner kilns. Application of this data to a wet process kiln is not supportable.

Armstrong Cement looked for information regarding a percentage reduction that may be achievable if SNCR was applied to a wet process kiln. Preliminary data that we have seen from the Holcim wet kiln in France suggests that the uncontrolled emissions were 1000 to 1300 mg/m³ and the emissions after SNCR were less than 800 mg/m³. This is on the order of a 30% reduction and certainly not a 60% reduction.

The other information we found on a reduction percentage for wet kilns was that used in the recent TCEQ report that considered SNCR as innovative technology for wet kilns. The ERG report used 35% control efficiency for wet kilns although the report states that "the estimates for wet kilns are conjecture." *Assessment of NOx Emissions Reduction Strategies for Cement Kilns-Ellis County, Final Report*, ERG, Inc. (July 14, 2006) at pp. 1-15 to 1-16. Thus, what data we could find suggest that 60% reduction from uncontrolled emissions for SNCR on a wet-process kiln is unsupported and most likely unattainable on a consistent basis.

C. Suggested Emission Limits

Armstrong Cement suggests that a reasonable reduction percentage from uncontrolled emissions for wet process kilns based on SNCR should be used to develop a limit for wet process kilns. A reduction in the range of 10% to 50% is more realistic from uncontrolled levels. Using the baseline uncontrolled levels that were used to develop the OTC guidelines (9.7 lbs/ton), various percentage reduction requirements yield the following:

Wet-Process Kilns	
% Reduction from Uncontrolled	Emission Limit (lbs/ton clinker)
60	3.88
50	4.85
40	5.82
30	6.79

Armstrong Cement suggests that a limit based on a reduction from uncontrolled emissions in the 30 to 50% range is more appropriate. Armstrong Cement is pursuing additional measures to further reduce NOx emissions and expects that it can probably consistently meet an ozone season average of 4.85 lbs/ton which represents a 50% reduction from uncontrolled emissions.²

² As will be discussed later, the data substitution requirement for missing data is critical to determining compliance with the numerical limits. A punitive and unreasonable data substitution requirement will likely affect Armstrong Cement's ability to meet the suggested limit of 4.85 lbs/ton. The suggestion of a

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As recently as this past Monday, the EPA published additional information regarding NOx controls from Portland cement kilns. On June 16, 2008, the EPA published a proposed rule to revise the new source performance standards (“NSPS”) for cement kilns. See 73 Fed. Reg. 34072 (June 16, 2008). The proposal includes limits on NOx emissions from cement kilns for the first time. The NOx limits are based on preheater/precalciner kilns only.³ Importantly, even for preheater/precalciner kilns for which SCNR is proven technology, the EPA stated:

We estimate that for an SNCR with optimal injection configuration and reagent injection rate, a 50 percent NOx emission reduction represents a reasonable level of performance of SNCR over the long term.

73 Fed. Reg. 34079 (emphasis added). The EPA’s proposed limits are based on a 50% reduction from uncontrolled levels on a preheater/precalciner kiln. Based on this very recent EPA estimation, albeit for proven technology on preheater/precalciner kilns, Armstrong Cement believes that the use of 50% reduction from uncontrolled levels is appropriate and a 60% reduction figure is unsupported and overly aggressive.

IV. CEMS and Data Substitution

The proposed rule requires a NOx CEMS to be installed, operated and maintained for NOx emissions. Armstrong Cement does not object to the requirement to monitor emissions with a NOx CEMS. However, Armstrong Cement objects to the provisions regarding data substitution in 25 Pa. Code 129.403(b) as being unreasonable and unnecessarily punitive.

Initially, Armstrong Cement recognizes the need to provide incentive to maintain and operate the CEMS in order to produce reliable data on a consistent basis. Inherently there will be times when the CEMS is not recording valid data due to maintenance, calibrations, malfunctions, and other reasons. The proposed rule includes a requirement that the NOx CEMS meet the minimum data availability requirements in Chapter 139, Subchapter C. See 25 Pa. Code 129.403(d)(proposed). This mandatory data availability requirement is sufficient to ensure that owners and operators of cement kilns properly maintain and operate the CEMS to achieve the minimum required data (either 90% valid

4.85 lbs/ton limit for wet process kilns is based upon reasonable data substitution requirements for missing data.

³ The EPA reasoned that NSPS apply to new and reconstructed kilns such that any new kilns will be preheater/precalciner kilns and not old technology long dry or wet kilns. See, e.g., 73 Fed. Reg. at 34075. The EPA further reasoned that modified kilns would also meet the proposed limits. Id.

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hours per month or 95% valid hours per quarter per 25 Pa. Code 139.101(12)). Thus, owners and operators are subject to penalties for not meeting the minimum data availability requirements so as to provide an incentive to maintain and operate the CEMS.

Even with the minimum data availability requirements, data substitution is necessary for a standard that limits the mass of NOx emitted over the ozone season. The proposed rule requires that invalid data be substituted with: (1) data calculated using the potential emission rate for the kiln; (2) if approved by the DEP in writing, the highest valid 1-hour emission value during the quarter. See 25 Pa. Code 129.403(b). These provisions are punitive and unreasonable. This is particularly true with cement kilns where NOx emissions vary on a short term basis such that the highest hour could be representative of a start-up or other period of unrepresentative operations. The result would be a gross overestimation of the emissions that actually occurred during the period of invalid data.

The goal of a missing data substitution provision should be to substitute data with data that most likely represents the emissions that occurred during the time the EMS was not collecting valid data. Regardless of the reason for the invalid data, the goal should be to substitute reasonable data. The proposal requires the single highest hour to be substituted if not an even higher figure based on the potential emissions rate. There is no mechanism to substitute a reasonable estimate of what the actual emissions were.

This approach is inconsistent with previous negotiations with the DEP under the current NOx rule. The current rule provides the ability to negotiate a data substitution arrangement with the DEP. It is Armstrong Cement's understanding that the various DEP regions agreed to substitute the highest hourly average based on a 30 day average. This approach at least attempts to estimate the emissions that occurred during the periods of missing data and does not punish the owner or operator with

Armstrong Cement suggests that a reasonable data substitution provision be included. A system whereby averaging valid emissions data before and after the period of missing data is reasonable. Such an approach is most likely to represent the emissions that occurred during the period(s) of invalid data. This would include any periods of abnormally high emissions such as a start-up because the emissions just before and just after the invalid data period are most likely to reflect emissions during that event.

V. Compliance Demonstration/Reporting

The proposed rule adds new reporting requirements that are not in the current NOx rules for cement kilns. The current rules require the owner or operator to determine compliance and to purchase allowances if needed. The demonstration of compliance is self-implementing and the reporting is addressed via the Title V reporting and

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compliance certification provisions. In that all kilns subject to this proposed rule will be subject to Title V reporting and compliance certification requirements, additional reporting requirements are unnecessary and only add to the administrative burden.

The proposed rule requires the owner or operator to submit a report to the DEP in a format approved by the DEP. The proposed rule further specifies certain information that must be included in the report including the difference between the actual NO_x emissions and the allowable NO_x emissions over the ozone season, the CEMS data, and the clinker production data on a daily basis.

Armstrong Cement suggest that this requirement does nothing to further compliance and merely creates yet another reporting obligation that will impose an additional administrative burden on the owners and operators of cement kilns in Pennsylvania. The CEMS data is already reported. The owners and operators already are required to determine compliance and self report the compliance status. Daily records of clinker data are voluminous and unnecessary. The format is not defined and will require additional approvals from the DEP to get approval. What additional information or format the DEP will mandate is unspecified. These additional obligations do nothing to further compliance and simply create an additional paperwork burden.

VI. RACT

As discussed previously, all cement kilns in Pennsylvania are subject to the RACT requirements and went through the case-by-case RACT program. Various different NO_x RACT standards were developed. Armstrong Cement suggests that this rulemaking provides an opportunity to consolidate and clean up the RACT program for Pennsylvania cement kilns. Because this rulemaking will be submitted to the EPA as a SIP revisions, the DEP should take this opportunity to substitute this rulemaking as RACT for Pennsylvania cement kilns. The DEP need only include a provision that this rule supercedes all previous NO_x RACT plan approvals, permits and requirements. By doing so, the DEP avoids overlapping, inconsistent NO_x requirements for cement kilns that will do nothing but clutter Title V permits and otherwise create confusion.

Armstrong Cement suggest that this rulemaking should be more stringent than any existing NO_x RACT requirement. If it is not, then the EQB should seriously reconsider these limits if an existing RACT limit is more stringent.

**One-page Summary of
Armstrong Cement & Supply Corp.
Comments to
Proposed Rulemaking: Control of NO_x from Cement Kilns
(25 Pa. Code Chs. 121, 129 and 145)
38 Pa. Bull. 1838 (April 19, 2008)**

I. The Emission Limit for Wet Kilns is Unsupported and Should be Based on Supportable Data

- The emissions limits are derived from a 60% reduction from uncontrolled levels which is based on SNCR controls. See OTC Resolution 06-02 adopted June 7, 2006 and the *Identification and Evaluation of Candidate Control Measures, Final Technical Support Document*, Prepared by MACTEC Federal Programs, Inc. (February 28, 2007).
- Most, if not all, published reports state that SNCR is not available for wet process kilns due to the difficulty of injecting the reagent in the proper place.
- The two reports cited as support for the OTC Resolution and suggested guideline of 3.88 lbs/ton for wet kilns both indicate that SNCR is not available for wet kilns.
- Armstrong Cement acknowledges that SNCR has very recently been attempted on some wet kilns and could be considered an innovative technology.
- Even if SNCR could be applied to wet kilns, the 60% reduction is most probably not attainable on a consistent basis.
- On June 16, 2008 the EPA published a proposed rule that is based on a 50% reduction (using SNCR on preheater/precalciner kilns).
- Armstrong Cement suggests that the NO_x limit for wet kilns should be no lower than 4.85 lbs/ton which is based on a 50% reduction from uncontrolled levels.

II. CEMS and Data Substitution

- The proposed rule contains punitive and unreasonable data substitution provisions for invalid data designed to substitute missing data with unfairly high emissions data,
- Armstrong Cement suggests reasonable data substitution provisions aimed at estimating the missing data with data from before and after the missing data period or as previously agreed to under the current NO_x rules (based on 30-day average) or at the very least, pursuant to agreement with DEP.

III. Compliance Demonstration/Reporting

- The proposed rule contains unnecessary and burdensome reporting requirements.
- Armstrong Cement suggests that reporting and compliance certifications under Title V are sufficient to demonstrate compliance as is the case under the current NO_x rules for cement kilns

IV. RACT

- A provision should be added to indicate that this rulemaking supercedes the case-by-case RACT determinations for Pennsylvania cement kilns.
- This rulemaking provides an opportunity to streamline NO_x requirements and "clean up" previous NO_x requirements in various RACT plan approvals and permits.

