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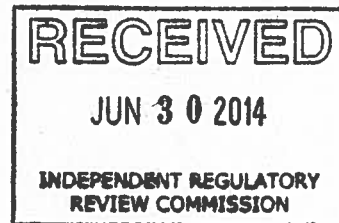


ARMSTRONG CEMENT & SUPPLY

June 30, 2014

Via Electronic Submittal

Pennsylvania Environmental Quality Board
P. O. Box 8477
Harrisburg, PA 17105-8477



RE: Proposed Additional RACT Requirements for Major Sources of NO_x and VOCs
(44 Pa. Bull. 2392(April 19, 2014))

Dear Sir/Madam:

Armstrong Cement & Supply Corp. ("Armstrong Cement") is submitting the following comments to the above-referenced proposed rules.

1. The RACT rules should provide the maximum degree of flexibility. Specific comments regarding flexible compliance options are provided below.
2. Armstrong Cement generally supports the approach proposed by the EQB to provide presumptive RACT limits while allowing for case-by-case approvals as an alternative means of compliance.
3. Armstrong Cement generally supports the idea of adopting presumptive RACT limits for the various types of cement kilns. The proposed numerical emission limits are generally in accordance with the guidelines approved by the Ozone Transport Commission which represent a multi-state collaborative approach to develop cost-effective controls on NO_x sources. *See* OTC Resolution 06-02.
4. The EQB should allow for compliance to be based on the mass of NO_x emitted over the ozone season as was done when the EQB developed the NO_x limits for cement kilns that are codified at 25 Pa. Code §§145.141-145.146. Such an approach has already been approved by the EQB and allows for short-term excursions such as during start-ups and shutdowns. If the EQB does not allow for exemptions during start-up, shutdowns and malfunctions, a longer averaging time is a reasonable means to address these abnormal emissions which are inherent in the operation of a cement kiln.
5. Measuring compliance on a 30-day rolling average basis is complicated in this industry where daily clinker production is not directly measured. The EPA recently addressed this situation in the NESHAP for Portland Cement plants and allows for feed to be measured and clinker production then derived from the measured feed. Moreover, the EPA recognized that clinker production is reconciled for accounting purposes such that the feed to clinker ratio may be adjusted. *See* 40 CFR §63.1350(d)(1)(ii). Allowing for compliance on an ozone season basis will

A Snyder Associated Company

Armstrong Cement & Supply Corp.
100 Clearfield Road
Cabot, PA 16023-9521
(724) 352-4471



- greatly simplify the compliance demonstration without increasing emissions in any measurable way. It will simply allow for sources to account for short term increases during abnormal operations and will simplify the means of demonstrating compliance.
6. To the extent that the EQB requires year-round compliance, the compliance period should be based on calendar year performance. A 30-day rolling compliance requirement is more complicated for this industry than boilers or other sources capable of directly measuring the appropriate parameter (*e.g.*, heat input).
 7. Please clarify that compliance with the presumptive RACT limits for cement kilns includes multiple kilns ducted to a common stack. The current NO_x rules for cement kilns allow for compliance on a facility-wide or system-wide basis. *See* 25 Pa. Code §145.145(b). The proposed RACT rules should not change that approach. Section 129.98 could arguably be read to allow for facility-wide or system-wide averaging but with an emissions rate equal to 90% of the applicable emissions rate. Please clarify that the EQB does not intend to create a more onerous requirement on cement kilns by imposing a 10% reduction in the applicable emissions limit. Armstrong Cement sees no basis for imposing a 10% reduction to the previously approved NO_x limits for cement kilns. Imposing a 10% reduction also effectively changes the cost-effectiveness analysis that was conducted in developing the limits in sections 145.141-145-146.
 8. The timing requirements for alternative RACT approvals are unreasonable. Please provide for 18 months to submit a case-by-case RACT plan. Please delete the one-year deadline for implementing an approved alternative RACT and allow for the approval of an appropriate deadline to be determined as part of the approval of a proposed alternative RACT.
 9. The rules should allow for an exception to the presumptive RACT limits in situations where a regulated entity submits a timely and complete proposal for an alternative RACT. As written, the rules appear to require compliance with the presumptive RACT limits until such time as the DEP approves an alternative RACT. This creates uncertainty and puts the regulated entity at risk of being in noncompliance even though it applied for an alternative in good faith and on a timely basis.
 10. Please include as a compliance option the ability to surrender the appropriate NO_x allowances (*e.g.*, CAIR, CSAPR or whatever program is in place for the EGUs) to account for any emissions in excess of the numerical limits for cement kilns. The existing cement rules in Pennsylvania were recently developed by the EQB and allow for flexibility in terms of compliance. The proposed RACT rules should not make those rules more stringent by deleting the various means of allowing for compliance on a flexible basis. The allowance option was touted by the DEP as providing for cost-effective compliance. Please maintain that flexibility.
 11. Please provide for a reasonable data substitution methodology for missing CEMS data. The proposed rule appears to be silent on missing CEMS data. The previous rules limiting NO_x emissions from cement kilns specifically addressed data substitution and allowed for an alternative data substitution methodology to be negotiated with the DEP.
 12. Please revise section 129.97(j) to clearly indicate whether the presumptive RACT limits for cement kilns supersede the existing rules governing NO_x emissions from cement kilns (25 Pa. Code §§145.141-145.146). First, this paragraph is written in a format that says the new rule does not supersede the existing cement NO_x rules except to the extent that the new rules contain more stringent requirements or emission limitations. Contrast that approach to section 129.97(i) which

affirmatively states that the new rules supersede existing RACT permit requirements except to the extent that the existing RACT permit contains more stringent requirements or emission limitations. These should be written in a consistent manner. Armstrong Cement suggest the approach in the proposed section 129.97(i)(the new presumptive RACT rules supersede existing RACT permits and 25 Pa. Code §§145.141-145.146 unless the existing requirements are more stringent). Moreover, the presumptive RACT requirements and emission limits for cement kilns are known. They are stated in section 129.97(h). Therefore, the EQB can make a stringency determination in comparing section 129.97(h) to sections 145.141-145.146. Armstrong Cement suggests that the new presumptive RACT limits for cement kilns are more stringent (based on a shorter averaging time, year-round compliance; and lack of an option to surrender NOx allowances). As discussed above, Armstrong Cement suggests that the new presumptive RACT limits mirror the existing limits in sections 145.141-145.146 in which case section 129.97(j) can expressly state that the new rules supersede 25 Pa. Code §§145.141-145.146. This will certainly simply the rules and avoid confusion. If cement kilns are subject to both the presumptive RACT and sections 145.141-145.146, they will need to determine compliance on a different averaging time. They will be able to comply by surrendering allowances under one program but not the other. This system of regulation simply creates confusion and potentially imposes additional and unnecessary compliance burdens. A simple approach would be to simply include sections 145.141-145.146 in the applicability section (129.96(a)).

13. Please delete the precondition to sections 129.98 and 129.99 that the owner or operator must not be able to meet the presumptive RACT requirements in order to petition for an alternative RACT. It is unclear what it means to not be able to meet the presumptive RACT and creates uncertainty as to how this determination is made. For example, a kiln may be able to meet the numeric limit based on an ozone season average but it may not be known whether it will meet the same numeric limit on a 30-day rolling average basis. Does the owner or operator need to demonstrate to the DEP that it has data to demonstrate an exceedance of the presumptive RACT limits? Armstrong Cement suggests that this precondition simply be deleted and allow for the option to submit a case-by-case RACT proposal. Similarly, section 129.97(k) should be revised by deleting the precondition that air pollution control equipment be required to meet the presumptive RACT limits in order to petition for an alternative compliance schedule. Comments regarding the timing and compliance deadlines for case-by-case RACT determinations are provided above.

We appreciate your consideration of our comments and trust that you will provide them serious consideration.

Sincerely



Peter T. Kimmel
V.P. Operations

Cc: Michael H. Winek, Esq.