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Delivered FedEx Tracking Number: 7704 4824 7472

June 27, 2014

The Honorable E. Christopher Abruzzo, Chair
Secretary of Environmental Protection
Environmental Quality Board
Rachel Carson State Office Building
400 Market Street, 16th Floor
Harrisburg, PA 17101-2301



Re: Public Comments on Proposed Rulemaking, Additional RACT Requirements for Major Sources of NO_x and VOC [25 PA Code 121 and 129]

Dear Secretary Abruzzo:

The CEMEX Construction Materials Atlantic, LLC-Wampum Plant (the Cemex Wampum Plant) is an affected regulated entity under the referenced proposed rule. The CEMEX Wampum Plant's cement manufacturing operations were idled in early 2010 due to the economy and low market demand for building materials. Cemex is continuing to follow the maintenance plan approved by DEP so that the cement manufacturing operations will be able to be reactivated in accordance with the terms and conditions of the plant's Title V Operating Permit. As such, the proposed rule will apply to the Cemex Wampum Plant's kilns upon their reactivation.

We have reviewed the proposed rule and wish to offer the following comments.

1. **Timeline for Compliance.** In areas of the proposed rule pertaining to schedule and dates for compliance, the compliance date is tied to either a period of time from the effective date of adoption of the proposed rulemaking or a period of time after the source meets the definition of a major NO_x emitting facility or VOC emitting facility. (e.g., see proposed §129.97 (a)(1) and (2)). For the Cemex Wampum plant, we want to confirm that the compliance schedule would be tied to the date the plant resumes operations (as opposed to being tied to the effective date of the rule), as that will be the time that it "meets the definition of a major NO_x emitting facility".
2. **Exclusion of Startup and Shutdown Periods from Presumptive RACT Requirements.** Cemex recommends that the rule be clarified to state that that periods of startup and shutdown be excluded from the RACT requirements listed in §129.97. In particular for NO_x emissions, it would be illogical to include periods of time when no clinker is being produced (as is the case during startup and shutdown) in a "lb/ton clinker" emission factor limitation. During periods of startup, in particular, there are low levels of NO_x being generated, but no clinker being produced. So if these periods were

Odessa Plant

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included in the 30-day rolling average, it would increase the amount of NO_x (i.e., the numerator of the factor) with no corresponding clinker production (the denominator of the factor). In addition, NO_x controls, for example, selective non-catalytic reduction (SNCR) require certain temperatures for the reactions to take place. Those temperatures are typically not achieved during startup and shutdown periods at the optimal reagent injection point. Premature injection of ammonia for an SNCR system could cause increased ammonia slip. The PC MACT rule recognized that it was appropriate to exclude periods of startup and shutdown from the requirements during normal operation. We recommend that DEP's proposed rule clearly state that periods of startup and shutdown are excluded, and reference the PC MACT's definitions for "startup" and "shutdown" provided in 40 CFR 63.1341.

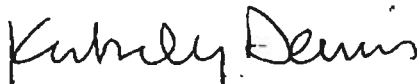
3. **Continuous vs Ozone-Season.** Cemex believes that the emissions limitations should not be implemented on a year-round basis. The purpose of RACT requirements is to attain the ozone standard. As such, industry should not be required to bear the cost of emissions controls during periods of time when the ozone standard will never be exceeded. As such, Cemex believes that the proposed RACT emissions limitations should only be required during the ozone season, as currently promulgated in §145.141.
4. **Definition of "other combustion sources" for Presumptive VOC RACT.** Proposed §129.979(d) states "the owner and operator of a combustion unit or other combustion source located at a major VOC emitting facility subject to §129.96 shall comply with the presumptive RACT requirement of good engineering practices for the control of the VOC emissions from the combustion unit or other combustion source." DEP rules include a definition for "combustion unit" ("a stationary equipment used to burn fuel primarily for the purpose of producing power or heat by indirect heat transfer", §121.1), but do not provide a definition for "other combustion sources". We presume "other combustion sources" encompasses all fuel burning equipment, which would include cement kilns. As such, the presumptive RACT for VOC emissions from cement kilns that are major VOC sources would be "good engineering practices". Please include confirmation on this point.
5. **Practical Method of Compliance with a "lb/ton clinker" Limit.** Most cement kilns do not directly measure clinker production. Rather, our industry measures raw material feed to the kiln and uses a kiln feed to clinker factor to estimate clinker production. Cemex recommends that DEP adopt for this rule the same approach used in the Portland Cement MACT rule. Specifically, per 40 CFR 63.1350(d), the industry is required to "install, calibrate, maintain, and operate a permanent weigh scale system to measure and record weight rates in tons-mass per hour of the amount of feed to the kiln. The system of measuring feed must be maintained within ±5 percent accuracy. Calculate your hourly clinker production rate using a kiln specific feed to clinker ratio based on reconciled clinker production determined for accounting purposes and recorded feed rates. This ratio must be updated monthly. Note that if this ratio changes

at clinker reconciliation, you must use the new ratio going forward, but you do not have to retroactively change clinker production rates previously estimated.”

6. **Penalty for Averaging** The provisions of §129.98 impose a 10% penalty for facility-wide or system-wide averaging. If the rule is based on anticipated emission reductions, what is the basis for the additional reductions when an equitable averaging approach is used? There are a myriad of regulatory programs, including current DEP regulations, which provide for a compliance option using averaging for facility-wide sources or sources under common control. Cemex questions the unprecedented penalty in the proposed rule, and requests that averaging be allowed without penalty. In addition, the proposed rule does not provide details for demonstrating compliance when averaging emissions. Proposed §129.98(e) describes how emissions in terms of “lb/MMBtu” are to be averaged; a comparable section needs to be included for cement kilns in terms of “lb/ton clinker”.
7. **Common Stack** The rule needs to address how compliance is to be determined for configurations where multiple units venting to a single stack. The CEMEX Wampum Plant has three kilns, all venting to a common stack with one NO_x CEMS. Specifically, the rule should specify that each kiln’s emissions be calculated by multiplying the allowable emissions factor established in the proposed rule by each kiln’s actual clinker production. Each kiln’s emissions would be summed and compared to the actual total mass emissions from the stack as measured by the CEMS.
8. **Recordkeeping** Proposed §129.100(i) includes recordkeeping provisions for cement kilns. Specifically the proposed rule requires keeping daily operating logs of (1) total hours of operation; (2) type and quantity of fuel used; (3) quantity of clinker produced; and (4) the date, time and duration of start-up, shutdown or malfunction of the kiln or emissions monitoring system. Most of these records are unnecessary. Cement kilns are subject to a ‘lb/ton clinker’ standard; fuel use isn’t used to determine compliance with the emission standard. In addition, the rules apply during all times (including malfunctions), so there is no need to track malfunctions for this regulatory program.

We appreciate the opportunity to provide these comments. If you have any questions, you may reach me at (713) 722-1710.

Sincerely,



Kimberly Dennis
Director, Environmental