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June 30, 2014

Via Online Submittal

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

**RE: Public Comment on Proposed Rulemaking
Title 25, Part I, Subpart C, Article III, Chapter 121 and Chapter 129 (Relating to
additional requirements for Major Sources of NO_x and VOC)**

To Whom It May Concern:

Please accept this submittal as comments from Lehigh Cement Company LLC (Lehigh) regarding the subject proposed regulations. Lehigh operates two (2) cement manufacturing facilities in Pennsylvania: one in Blandon and the other in York.

The purpose of the proposed regulations is to adopt additional RACT requirements for major sources of NO_x and VOCs. The proposed rulemaking is said that it would reduce emissions of nitrogen oxide (NO_x), a precursor to ozone, so as to reduce ambient concentrations of ground-level ozone. These measures are part of a specific action plan of the Commonwealth and are stated as being necessary to attain and maintain the 8-hour ozone NAAQS.

Lehigh welcomes and appreciates the opportunity to provide comment on the proposed requirements. We offer comments on the following issues:

- 1.) Section F of the preamble identifies benefits that are unrelated to the purpose of RACT;
- 2.) Change and include definitions under § 121.1;
- 3.) Specify presumptive RACT averaging period and implementation of the proposed requirements during the ozone season;
- 4.) Facility-wide or system-wide calculation approach is more stringent;
- 5.) Offer facility-wide or system-wide calculation approach to include lb/ton of clinker basis in addition to lb/mmBtu;
- 6.) Carbon monoxide (CO) should not be included in the log book for this regulation;
- 7.) Exemptions should be included in the proposed rulemaking.

1.) Section F of the preamble identifies benefits that are unrelated to the purpose of RACT.

Remove the benefit identified by the implementation of the proposed rulemaking:

The PADEP identifies that implementing this regulation “may create economic opportunities for NO_x and VOC emission control technology innovators, manufacturers and distributors through an increased demand for new or improved equipment.” The benefit identified is not the intent of the RACT regulation.

The RACT is defined as “the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic availability”. This language is intended to include only those control technologies that are already available to industry that are reasonably available at the time of the proposed rulemaking. The intent of RACT is to apply already existing control technology (if necessary) to an already existing source. RACT does not require the development of “new or improved equipment”. These are covered under MACT, NSR and NSPS regulations which Lehigh’s plants are or will be subject to. Therefore, Lehigh believes the benefit of the proposed RACT regulation is overstated. Accordingly, Lehigh requests the statement to be deleted from the *Benefits* section of the preamble in Section F.

2.) Change and include definitions under §121.1.

Change definitions of the following:

The proposed definition for “CEMS” states, “All of the equipment that may be required to meet the data acquisition and availability requirements...to monitor, measure, calculate, sample, condition, analyze and provide a **permanent** (emphasis added) record of emissions from an affected unit on a continuous basis.” The record retention requirements found in § 129.100(d)(3) allow for five-year record retention. By definition, CEMS records must be retained permanently, which contradicts the records retention requirement. In addition to this contradiction, retaining continuously monitored data permanently is costly and creates an enormous burden on the regulated community due to the sizes of servers and available memory that must be secured to handle the quantity of data that would be collected and retained for decades or centuries. Therefore, Lehigh requests the word “permanent” be removed from the definition of CEMS, and PADEP should rely on the five-year record retention requirement provided in the regulations.

Include definitions for the following:

Malfunction - any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. Failures that are caused in part by poor maintenance or careless operations are not malfunctions.

Shutdown –For purposes of § 129.97(h), means the cessation of kiln operation. Shutdown begins when feed to the kiln is halted and ends when continuous kiln rotation ceases.

Startup – For purposes of § 129.97(h), means the time from when a shutdown kiln first begins firing fuel until it begins producing clinker. Startup begins when a shutdown kiln turns on the induced draft fan and begins firing fuel in the main burner. Startup ends when feed is being continuously introduced into the kiln for at least 120 minutes or when the feed rate exceeds 60 percent of the kiln design limitation rate, whichever occurs first.

3.) Specify presumptive RACT averaging period and implementation of the proposed requirements during the ozone season.

Include an averaging period for presumptive RACT emission limits; and the requirements of proposed § 129.97(h) should not apply outside the "Ozone Season".

As currently proposed the presumptive RACT emission limitation in § 129.97(h) does not indicate the averaging time period basis. Lehigh requests the averaging time period be the same as the regulation the limits are based upon in § 145.143. The proposed rulemaking is addressing ozone, and the presumptive RACT emission limitation proposed for cement kilns is directly related to Chapter 145, which has the expectation that cement kilns will reduce NO_x emissions. Chapter 145 - Interstate Pollution Transport Reduction specifically limits the NO_x emissions to the ozone period only.

The ozone issue at hand has been proven to only be a concern annually in the period May 1 through September 30. Implementation of the proposed regulations during that period may provide some contribution to achieving the stated purpose. Lehigh believes that continuing to impose the requirements beyond that annual period would neither serve the stated purpose, nor serve to address any other known air quality issue. Therefore, Lehigh requests the averaging period for the presumptive RACT emission limits for cement kilns be based on the period from May 1 through September 30 (Ozone Season).

4.) Facility-wide or system-wide calculation approach is more stringent.

The proposed rulemaking in § 197.98 proposes an approach for sources that may not be able to comply with the applicable NO_x RACT emission limit to allow averaging NO_x emissions on either a facility-wide or system-wide basis using a 30-day rolling average. Furthermore, in §197.98 would require further reductions beyond the proposed presumptive RACT emission limitation by limiting the sources to 90% of the sum of the NO_x emissions that would be emitted by the group.

Lehigh supports the calculation-based approach for locations looking to average facility-wide or system-wide NO_x emissions because they cannot meet the applicable requirement of the limit. However, Lehigh does not support that under the proposed calculation methodology, a source looking to average their emissions would be limited to 90% of the total NO_x emissions the source would otherwise be allowed to emit had it not tried to average emissions on a facility-wide or system-wide approach. The 90% limit is more stringent and poses further burden on a source, or sources, already unable to meet the limitation. Therefore, Lehigh requests the reduced limit specified under § 129.98(d) be deleted and the equation should be modified to remove the 90% reduction. See modified equation in comment 5 below.

5.) Offer facility-wide or system-wide calculation approach to include lb/ton of clinker basis in addition to lb/mmBtu.

The proposed rulemaking in § 197.98(e) hinders cement kilns looking to use the facility-wide or system-wide averaging calculations proposed by PADEP because the calculation is specific to sources based on units of heat input (i.e. mmBtu). The calculation should be completed based on the units of measure specified that are applicable to the specific source (e.g. on a lb/ton clinker basis for the cement kilns) in § 197.97. Currently, only a lb/mmBtu basis is allowed by the proposed regulations, which is not the most accurate means of estimating NO_x from a cement kiln. Therefore, and in addition to comment 4 above, the equation in § 129.98(e) should be modified to:

$$\left[\sum_{i=1}^n R_{i_{\text{actual}}} * H_i \right] \leq \left[\sum_{i=1}^n R_{i_{\text{allowable}}} * H_i \right]$$

Where:

R_{i_{actual}} = The daily actual NO_x emission rate for air contamination source i, applicable limit units, using a 30-day rolling average.

R_{i_{allowable}} = The applicable NO_x emission rate limitation for air contamination source i, applicable limit units, specified in § 129.97.

H_i = The daily actual input for air contamination source i, applicable limit units, using a 30-day rolling average.

n = The number of air contamination sources included in the operating permit modification.

6.) Carbon monoxide (CO) should not be included in the log book for this regulation.

The proposed rulemaking in § 129.100(g)(4) proposes a record-keeping requirement for CO. The record-keeping requirement requires the facility to record in the log book, among other things, “the final NO_x and CO emission rates.” In a proposed rulemaking that is aimed at reducing NO_x and VOC emissions, Lehigh questions the need for CO emission rates record-keeping. The inclusion of CO data, for which DEP does not prescribe any provisions related to the monitoring, measuring, recordkeeping, etc. of CO, is burdensome. Therefore, Lehigh requests that in § 129.100(g)(4) the reference to “and CO” be removed from the record-keeping requirement.

7.) Exemptions have not been included in the proposed rulemaking. The following exemptions should be incorporated into the proposed rulemaking.

A. There should be exemptions in § 129.97(h) stating the requirements shall not apply to the following periods of operation:

- i. Startup and shutdown periods;
- ii. Regularly scheduled maintenance activities.

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Lehigh believes the same severity of emission limit should not apply during startup and shutdown because there is little to no clinker being produced while the kiln is warming up or cooling down.

Lehigh appreciates the opportunity to provide comment on the proposed regulations. If there are any questions, please direct them to me at the above address.

Sincerely,
LEHIGH CEMENT COMPANY LLC

A handwritten signature in black ink, appearing to read "Rick Sterner", with a stylized flourish extending to the right.

Rick Sterner
Environmental Manager