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September 10, 2012

Via electronic mail

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

RE: Comments to Proposed Rulemaking, "Measurement and Reporting of Condensable Particulate Matter Emissions," 42 Pa. Bull. 4363 (July 7, 2012)

Dear Sir/Madam:

Armstrong Cement & Supply Corporation (Armstrong Cement) is pleased to provide these comments for consideration by the Pennsylvania Environmental Quality Board (Board) regarding the proposed rulemaking action published at 42 Pa. Bull. 4363 on July 7, 2012. We operate a Portland Cement manufacturing facility located in Butler County, Pennsylvania.

In general, Armstrong Cement supports the Board's proposed rulemaking action. We recognize that it is needed in order for Pennsylvania to comport with the U.S. Environmental Protection Agency's (EPA) New Source Review (NSR) program with respect to particulate matter emissions. See 73 Fed. Reg. 28321 (May 16, 2008). We also recognize that this is an opportunity for the Board to clarify the circumstances in which an operator must account for condensable particulate matter emissions. The various changes to the federal and state air quality programs in recent years make this an increasingly complex issue, as traditionally operators have only been required to account for filterable, and not condensable, emissions. In order to provide clarity to the regulated community going forward, the Board should revise the proposed rules to expressly indicate that the Department of Environmental Protection (Department) will specify when an emission limitation for particulate matter (PM), PM-10, or PM_{2.5} is based on condensable emissions in addition to filterable emissions. Specifying where condensable emissions must be included will properly inform the regulated community of the Department's expectations for the facility, and ultimately improve the Department's administration of its air quality program.

Based on the above considerations, Armstrong Cement offers the following comments for consideration by the Board.



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1. The proposed language of § 139.12(c) should be revised to (1) clarify that operators must consider condensable emissions on a prospective basis for both emission limitation compliance demonstrations and NSR applicability determinations, and (2) require sampling or testing of condensable emissions only when the applicable emission limitation itself expressly indicates that it is based on condensable emissions.

We encourage the Board to amend the language of proposed 25 Pa. Code § 139.12(c) as follows:

Compliance with a particulate matter (PM), PM-10, or PM_{2.5} emission limitation issued by the Department or an applicability determination made prior to January 1, 2011, will not be based on condensable particulate matter unless expressly required under the terms and conditions of a plan approval, operating permit or the State Implementation Plan codified in 40 CFR 52.2020 (relating to identification of plan). PM, PM-10, and PM_{2.5} emission limitations issued by the Department on or after January 1, 2011 shall specifically identify whether condensable emissions are to be included.

We encourage the Board to add the phrase, "or an applicability determination made," because the EPA intended for condensable emissions to be considered prospectively for *both* emission limitation compliance demonstrations *and* major NSR program applicability determinations, not just the former. Our understanding is that the Department included the January 1, 2011 date based on the EPA's transition period for implementation of the federal NSR program for PM_{2.5}. See 75 Fed. Reg. 80118, 80124 (Dec. 21, 2010). When implementing the NSR program, the EPA established a transition period partly in response to operator concerns about retroactive enforcement. The EPA explained that it would not require quantification of condensables for emission limitations in permits issued prior to January 1, 2011, and it would not revisit applicability determinations made prior to January 1, 2011 (unless an implementation plan or permit clearly required otherwise). See 73 Fed. Reg. 28321, 28335 (May 16, 2008).

We encourage the Board to add our final sentence of § 139.12(c) to ensure that operators are clearly and fairly advised of the emission limitations with which they must demonstrate compliance. Most of the existing particulate matter emission limitations appearing in regulations or permits and plan approvals issued by the Department refer to "particulate matter" or PM-10 generally, and do not distinguish between "filterable" and "condensable." Indeed, most of these existing emission limitations were established based on projected *filterable* emissions only. As the Board acknowledged in the preamble, for many years the Department has not required testing of condensable emissions. See 42 Pa. Bull. 4363 (July 7, 2012) (citing 27 Pa. Bull. 6804 (Dec. 27, 1997)). Therefore, the regulated community understands a generic "particulate matter" emission limitation to mean filterable only. We believe that limitations expressed without specific reference to condensable emissions should be interpreted as filterable only. We request that the Board adopt the suggested amendment so that going forward, Department permit writers will be required to affirmatively indicate when an emission limitation is based on filterable *plus* condensable particulate matter. The Department is in the best position to specify whether each emission limitation includes condensable emissions.

Further support for our amendments to § 139.12(c) appears in the EPA's discussion of condensable emissions in the major NSR program implementation:

[I]t is important that implementation of any new or revised emissions limits and test methods that account for condensable emissions should be *prospective* and *clearly differentiated* from existing NSR permit requirements. This will avoid confusion over the compliance status relative to existing PM emissions limits that were not developed considering the condensable portion.

73 Fed. Reg. at 28335 (emphasis added). Our amendments to § 139.12(c) will clarify that condensables are to be considered on a prospective basis only, and will give operators fair notice where the Department expects compliance with an emission limitation based on filterable plus condensable particulate matter.

2. In conjunction with our Comment #1, the Board should also revise § 139.12(b) to further clarify that the applicability of the substantive requirements in subsection (b) is limited by subsections (a) and (c).

We encourage the Board to amend the proposed language of 25 Pa. Code § 139.12(b) as follows:

The owner or operator of a stationary source subject to emission limitations for **particulate matter (PM)**, PM-10 ~~and~~ PM_{2.5}, or to applicability determinations required under Chapter 127, Subchapters D and E (relating to prevention of significant deterioration of air quality, and new source review) shall demonstrate compliance for filterable and condensable ~~PM-10 and PM_{2.5}~~ emissions, except as provided in (a) and (c).

Addition of the phrase, "except as provided in (a) and (c)," is needed to enable a proper reading of § 139.12(b) in conjunction with subsections (a) and (c). As currently proposed, the broadly-applicable language of (b) makes it possible for an operator subject to an existing standard under §§ 123.11—123.13 to conclude that it is also, according to (b), the operator of a source that must demonstrate compliance for filterable *and condensable* emissions. The Board is already aware that such a conclusion would be incorrect; operators of existing stationary sources subject to §§ 123.11—123.13 are only required to test for compliance with filterable emissions. See 42 Pa. Bull. 4363 (July 7, 2012). Furthermore, addition of the phrase, "except as provided in (a) and (c)," will clarify that sampling to show compliance with a PM, PM-10 or PM_{2.5} emission limitation or to determine NSR applicability, *i.e.*, the substantive requirements found in subsection (b), must account for condensable emissions prospectively based on the date appearing in (c).

This minor amendment to § 139.12(b) is consistent with our amendments to subsection (c) (see Comment #1 above), and will improve operators' understanding of § 139.12 as a whole.

3. The Board should remove the first sentence of § 139.12(d) because it is redundant with subsection (b) and inconsistent with subsection (c).

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One-page summary

As proposed, the first sentence of § 139.12(d) merely restates the substantive requirement of (b). Furthermore, this sentence contradicts subsection (c), which represents that an operator subject to an emission limitation established prior to January 1, 2011 may not be required to account for condensable emissions. Removing the first sentence of subsection (d) will avoid confusion and further improve the reading of § 139.12 as a whole.

4. Please confirm that this rulemaking action will not affect the annual inventory required by 25 Pa. Code § 135.3.

Our understanding is that operators are not currently required to include condensable emissions in the inventory. Furthermore, Ms. Joyce Epps of the Department indicated at the October 20, 2011 Air Quality Technical Advisory Committee meeting that the Department prefers not to change the inventory requirement via this proposed rulemaking action, which deals solely with the Chapter 139 regulations. The Department should provide guidance as to the impact of this rulemaking on the annual inventory, both prospectively as well the retroactive impact, if any.

5. Please address whether condensable emissions will be considered a regulated pollutant for purposes of calculating the annual emission fees required by 25 Pa. Code § 127.705.

Please clarify whether operators will need to pay fees based on condensable emissions, when such a requirement will take effect, and whether it will only apply prospectively. If operators must account for condensable emissions in determining the annual fees owed to the Department, the fees will automatically increase for many operators. We note that such a requirement would be inconsistent with the Board's conclusion that this rulemaking will not impose new or additional compliance costs. See 42 Pa. Bull. 4363 (July 7, 2012).

For clarity and for the convenience of the EQB, Armstrong Cement is attaching a one-page summary of the proposed changes to the regulatory language.

Armstrong Cement appreciates the opportunity to submit comments for the Board's consideration. We believe our comments are important to the development of clear and reasonable rules.

Sincerely,



Peter T. Kimmel
V.P. Operations

cc: Michael H. Winek

**One-Page Summary of Proposed Changes to 25 Pa. Code §139.12
Armstrong Cement & Supply Corp.**

Italicized underlined language is proposed to be added by Armstrong Cement.
Italicized strikethrough language is proposed to be deleted by Armstrong Cement.

§ 139.12. Emissions of particulate matter.

(a) Tests for determining emissions of filterable particulate matter from stationary sources to demonstrate compliance with the particulate matter emission standards in §§ 123.11—123.13 (relating to combustion units; incinerators; and processes) shall conform with the following:

(1) Test methods for particulate matter emissions shall include dry filters and provide for at least a 95% collection efficiency of particulate matter.

* * * * *

(5) Results shall be calculated based upon sample train component weights specified in § 139.4(5). Results shall be reported as pounds of particulate matter per hour and in accordance with the units specified in §§ 123.11—123.13 [(relating to particulate matter emissions)].

(b) The owner or operator of a stationary source subject to emission limitations for particulate matter (PM), PM-10 and/or PM_{2.5}, which expressly state that the limitations include condensable emissions, or to applicability determinations required under Chapter 127, Subchapters D and E (relating to prevention of significant deterioration of air quality; and new source review) shall demonstrate compliance for filterable and condensable PM-10 and PM_{2.5} emissions, except as provided in (a) and (c).

(c) Compliance with a particulate matter (PM), PM-10, or PM_{2.5} emission limitation issued by the Department or an applicability determination made prior to January 1, 2011, will not be based on condensable particulate matter unless expressly required under the terms and conditions of a plan approval, operating permit or the State Implementation Plan codified in 40 CFR 52.2020 (relating to identification of plan). PM, PM-10, and PM_{2.5} emission limitations issued by the Department on or after January 1, 2011 shall specifically identify whether condensable emissions are to be included.

(d) A compliance demonstration required under subsection (b) or (c) must include the measurement and reporting of filterable and condensable particulate matter. Test methods and procedures must be equivalent to those specified in § 139.4(5).