

August 20, 2009

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EPA Docket Center (6102T)
National Emission Standards for Hazardous Air Pollutant from the
Portland Cement Manufacturing Industry Docket
Docket ID No. EPA-HQ-OAR-2002-0051
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Sir/Madam:

On behalf of the National Association of Clean Air Agencies, thank you for this opportunity to comment on the proposed National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry, which were published in the *Federal Register* on May 6, 2009 (74 *Federal Register* 21136). The National Association of Clean Air Agencies (NACAA) is the national association of air pollution control agencies in 53 states and territories and over 165 metropolitan areas across the country.

NACAA believes that it is critical that emissions from Portland Cement Kilns be well controlled. According to the U.S. Environmental Protection Agency (EPA), in 2005 there were 186 Portland Cement Kilns in the United States. These kilns are a significant source of hazardous air pollutants (HAPs), including mercury, other metal HAPs and hydrogen chloride (HCl), among others. Those pollutants, which are known or suspected of causing serious adverse health effects, including cancer, are a danger to public health and should be reduced as much as possible.

NACAA is pleased that EPA has proposed a meaningful regulation for new and existing Portland Cement Kilns that is designed to reduce emissions of mercury, total hydrocarbons and particulate matter (as a surrogate for metal HAPs, such as arsenic, cadmium, beryllium and lead) from major and areas sources and hydrochloric acid from major sources. The proposal is a great improvement over the earlier rule issued on June 14, 1999 and the previous proposal of December 2, 2005, since those measures did not adequately address emissions from the source category (including mercury and others) and were inconsistent with the provisions and intent of the Clean Air Act. We applaud EPA for now developing a proposal that addresses the deficiencies in the earlier requirements and responds to issues the courts identified in challenges to the previous regulation, including the failure to establish standards for mercury, total hydrocarbons (except for greenfield new sources) and hydrochloric acid (*National Lime Association v. EPA*, December 15, 2000).

NACAA is also gratified that the proposal addresses problems that the court identified in two rulings on other regulations that have bearing on the provisions for Portland Cement Kilns. Specifically, since NACAA agreed with the court decision of December 19, 2008 stating that there should not be an exemption to HAP standards during Startup, Shutdown and Malfunction (SSM) events, we applaud EPA for proposing not to exempt SSMs, but instead calling for the standards to apply in SSM situations, as they do during normal operations. Additionally, in developing the Portland Cement Kiln proposal, EPA considered the instructions for the proper calculation of the MACT floor that the court issued as part of the Brick and Clay MACT decision (March 13, 2007).

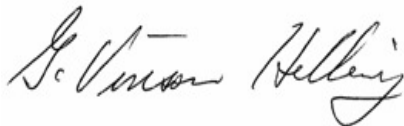
The following are comments on specific aspects of the proposal related to monitoring:

- NACAA supports the proposed provision calling for the use of continuous emission monitoring (CEMs) for Portland Cement Kilns and strongly encourages the inclusion of this requirement in the final rule.
- The performance specification included in the proposal for certifying the volatile organic compound (VOC) monitor does not require a Relative Accuracy Test Audit (RATA). However, the proposal would also apply Appendix F to the VOC monitor, which requires annual RATAs. Therefore, there is an inconsistency in not requiring a RATA for certification, but requiring it annually after certification.
- Since the proposal calls for RATAs on the HCl and VOC monitors when the emission limits are low (emission limits less than 10 ppm), EPA will need to set a low emission criteria for passing a RATA. We are concerned that 20 percent of the reference method or 10 percent of the emission limit will be too restrictive.

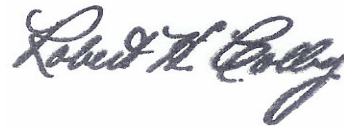
In closing, NACAA recommends that EPA expeditiously issue a final rule, consistent with the mandates of the Clean Air Act, which includes strong provisions for limiting emissions of HAPs from Portland Cement Kilns.

Thank you for this opportunity to comment on the proposal. Please contact us if we can provide additional information.

Sincerely,



G. Vinson Hellwig
Michigan
Co-Chair
NACAA Air Toxics Committee



Robert H. Colby
Chattanooga, Tennessee
Co-Chair
NACAA Air Toxics Committee