

25 Pa. Code Chapter 145 Subchapter C

Environmental Quality Board Meeting Harrisburg, PA March 16, 2010

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OVERVIEW

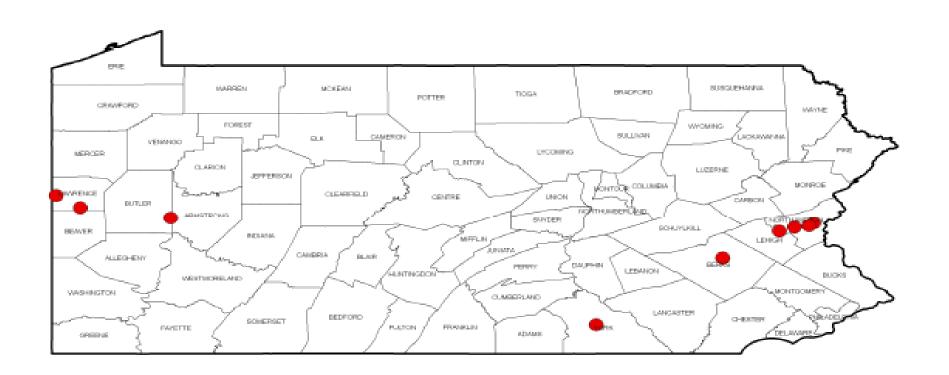
- This rulemaking amends Chapter 145, Subchapter C, to revise the emission limitation of nitrogen oxides (NOx) from cement manufacturing processes.
- The regulation includes revised ozone season NOx emission limitations, emissions monitoring and reporting requirements.
- Emissions of NOx are precursors to the formation of ozone and fine particulate matter (PM2.5) pollution, both of which are serious human health and public welfare threats.
- This rulemaking is reasonably necessary to attain and maintain the 8-hour ozone and fine particulate national ambient air quality standard.



SOURCES AFFECTED AND BENEFITS

- There are 21 cement kilns in Pennsylvania.
- Cement kilns emitted 13,000 tons of NOx in 2005.
- This final-form rulemaking will reduce NOx emissions from cement kilns during the ozone season by approximately 1,300 tons or 10% from 2005 levels.

Cement Kiln Locations in Pennsylvania





- Because owners and operators may surrender Clean Air Interstate Rule (CAIR) allowances to comply if actual emissions exceed allowable limits, control costs were estimated based on cost of NOx allowances.
- Based on a long-term average CAIR NOx Trading Program allowance price of \$500, the compliance option of purchasing NOx allowances would cost the regulated industry approximately \$650,000 per year.

RULEMAKING TIMETABLE

- February 19, 2008 proposed rulemaking approved by the EQB.
- April 19, 2008 proposed rulemaking published in the *Pennsylvania Bulletin* with a 66-day public comment period. (38 *Pa.B.* 1838)
- May 19-23, 2008 public hearings held in Harrisburg, Wilkes-Barre and Pittsburgh.
- June 23, 2008 public comment period closed.



- Proposed allowable NOx emission limit should be a sitespecific limit in tons of NOx emitted during the ozone season.
- Data substitution requirements for missing/invalidated monitoring data were punitive and unreasonable.
- Permitting process for installing NOx controls to achieve the emission results should be streamlined.
- The federal court decision on the federal CAIR may impact the use of NOx allowances.
- System-wide emissions averaging option should not be restricted to kilns under common control/ownership.



ADVISORY COMMITTEE REVIEW

- On October 27, 2008, the Citizen's Advisory Committee concurred with the Department's recommendation to seek EQB consideration and approval of the final-form rulemaking, but they expressed concern with system-wide emissions averaging. The Department believes the provision as drafted will not change the environmental benefit of the rule.
- On October 30, 2008, the Air Quality Technical Advisory Committee concurred with the Department's recommendation to move the finalform rulemaking forward, with suggested minor revisions:
 - Require written approval by the Department for using substituted data in place of invalidated monitoring data.
 - Clarify how new cement kilns would be allowed to average their emissions for compliance purposes.



CHANGES MADE TO THE PROPOSED REGULATION

- Compliance date was extended to May 1, 2011.
- Data substitution provisions were modified to ensure representative data is substituted while maintaining consistency with the Department's Continuous Emissions Monitoring Manual.
- Proposed rulemaking revisions to Chapter 25 Pa. Code 129 were deleted and incorporated in the final rulemaking into Chapter 145, Subchapter C as amendments to the existing EPA-approved cement kiln requirements.
- Emissions averaging requirements were clarified by deleting the averaging provision for new cement kilns because these kilns, like all new sources, are required to control emissions to the maximum extent.

Final Rulemaking Recommendation:

- The Department recommends that you approve the finalform rulemaking for cement kilns.
- The Department will submit the final—form cement kiln regulation, if adopted, to EPA for approval as a revision to the State Implementation Plan.
- Your consideration of this final rulemaking is greatly appreciated.



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