

Portland Cement Manufacturing/Clean Air Act: U.S. Environmental Protection Agency NESHAP Amendment

Arkansas Environmental, Energy, and Water Law Blog



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The United States Environmental Protection Agency ("EPA") issued a July 25th Federal Register Notice of a Direct Final Rule to amend the Clean Air Act National Emission Standards for Hazardous Air Pollutants ("NESHAP") for the Portland Cement Manufacturing Industry. See 81 Fed. Reg. 48356.

The Direct Final Rule provides:

...for a period of one year, an additional compliance alternative for sources that would otherwise be required to use a HCL CEMS to demonstrate compliance with the HCL emissions limits.

EPA states that the compliance alternative is needed due to the current unavailability of a calibration gas used for quality assurance purposes.

The stated rationale for the additional compliance alternative is due to a concern raised by a stakeholder regarding the availability of calibration gases for HCL continuous monitoring compliance.

The agency states that under the new, temporary alternative, the owner or operator of a facility would demonstrate initial compliance by conducting a performance test using Method 321 and monitor compliance with an operating parameter limit through the use of a HCL CEMS.

The Direct Final Rule also restores regulatory text requiring the reporting of clinker production and kiln feed rates that was stated to have been deleted inadvertently.

The rule is effective on September 8, 2016 without further notice unless EPA receives significant adverse comments by August 24, 2016. In the event of the receipt of significant adverse comments, the agency states it will publish a timely withdrawal in the Federal Register informing the public that the proposed rule might take effect.

The agency is publishing in the same edition of the Federal Register a companion proposed rule. If no adverse comment is received it will not take further action on the proposed rule.

[A copy of the direct final rule and proposed rule can be downloaded here.](#)