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September 2, 2009

EPA Docket Center (6102T)
National Emission Standards for Hazardous Air Pollutants from the Portland Cement
Manufacturing Industry Docket
1200 Pennsylvania Ave., NW
Washington, D.C. 20460

RE: Docket ID No. EPA-HQ-OAR-2002-0051

The Northwest Mining Association (NWMA) appreciates the opportunity to comment on the Environmental Protection Agency's (EPA) proposed Maximum Achievable Control Technology (MACT) Rule for Portland Cement. NWMA urges EPA to consider amending the proposed rule, as it creates unrealistic mercury limits that would force the closure of many cement plants in the Western United States including the Ash Grove Cement Company, Durkee Plant located in Baker County, Oregon. We are submitting these comments as the state mining association of Oregon on behalf of Ash Grove Cement Company and our 1,650 members in 40 states.

By way of background, NWMA is a 114 year old non-profit, non-partisan trade association based in Spokane, Washington. NWMA members are actively involved in exploration and mining operations on public and private lands, especially in the West. Our diverse membership includes every facet of the mining industry including geology, exploration, mining, engineering, equipment manufacturing, technical services, and sales of equipment and supplies. NWMA's broad membership represents a true cross-section of the American mining community from small miners and exploration geologists to both junior and large mining companies. More than 90% of our members are small businesses or work for small businesses. Most of our members are individual citizens.

Ash Grove Cement Company's Durkee Plant is the largest non-government employer and the largest taxpayer in Baker County. They provide family-wage jobs, are good stewards of the environment, and very active in the community. Baker County cannot afford to lose Ash Grove Cement Company, and certainly not to unrealistic, unattainable EPA rules.

Problems with the Proposed Rule

The proposed MACT Rule for Portland Cement does not take into account cement plants that use limestone with high levels of naturally occurring mercury. We are concerned that EPA is misinterpreting court decisions to decide initial limits must be based on the lowest emission, regardless of the raw material source. This approach ignores not only the differences in naturally occurring mercury levels, but ignores also the sources with the best add-on controls in lieu of those that simply have the lowest emissions due to naturally low limestone mercury levels.

The proposed rule set a mercury limit of 43 lbs. per million of clinker. This limit is not based on available control technology, but rather on the level of naturally occurring mercury in the limestone at 11 lowest mercury-emitting cement kilns in seven plants.

Only three of the five existing cement kilns equipped with wet scrubbers are among the 11 lowest mercury-emitting kilns, primarily due to low mercury concentrations in the limestone. One of the kilns equipped with a wet scrubber provided no mercury control at all. Therefore, it is clear that EPA has not identified add-on control technology within the existing kilns that is effective for all forms of mercury.

Recommendation for Amending the Proposed Rule

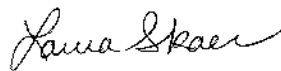
NWMA encourages EPA to create a sub-category to address the variation among cement plants of naturally occurring mercury. Sub-categorization would allow EPA to separately consider western cement plants, like Ash Grove's Durkee plant, that have elevated levels of naturally occurring mercury in their limestone. For those cement plants, EPA could require the employment of maximum achievable control technology to reduce mercury emissions and limit the use of offsite materials containing elevated levels of mercury.

Conclusion

NWMA urges EPA to consider amending the proposed rule. The creation of a sub-category allowing EPA to separately consider western cement plants would protect the environment and ensure compliance with the Clean Air Act. This is true especially in the case of the Durkee plant as the control technology recognized by EPA as being the best known available technology will be employed three years ahead of the compliance date.

Setting attainable standards and requiring maximum achievable control technology will help secure domestic sources of building materials such as cement, and ensure that we retain high paying, family-wage jobs and an industrial tax base vital to the well-being of communities throughout the West.

Sincerely,



Laura Skaer
Executive Director