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September 14, 2009

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

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

Dear Administrator Jackson:

I would like to comment on the Environmental Protection Agency's (EPA) proposed changes to the National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry.

I request that EPA, in its proposed Maximum Achievable Control Technology (MACT) rule for Portland cement manufacturing facilities, recognize that cement kiln operations, including their raw material inputs, fuels, and associated emissions, vary substantially throughout the industry. Currently, the proposed MACT rule does not take into account cement plants that use limestone with high levels of naturally occurring mercury. If EPA chooses to implement the proposed MACT rule without recognizing these unique differences, I'm told the closure of Ash Grove Cement Company's Durkee, Oregon plant will likely be imminent.

Given that currently available technology makes it impossible for the Durkee, Oregon plant to fulfill the requirements of the proposed MACT rule, and if Ash Grove cannot demonstrate compliance within three years, the plant would be forced to shutter its doors, which would be devastating to Baker County. According to Ash Grove, the closing of this plant would eliminate 116 direct jobs in a small population community, of which 80 are currently represented by five different labor unions. For Baker County, which has a July seasonally adjusted unemployment rate of 11.3 percent, losing these jobs and the very important local economic activity generated from the plant makes absolutely no sense to me and scores of others working hard to do the right thing. Oregon unfortunately has one of the highest unemployment rates in the nation, and the negative effects of this are particularly hard felt in rural counties like Baker County. Moreover, if the proposed MACT Rule for Portland cement is adopted, I understand it will force the production of more Portland cement overseas where fewer environmental and labor standards are in place and enforceable. How does this make for good environmental and job preservation policy for Americans?

To avoid this, I strongly suggest that EPA create a subcategory under a new MACT rule that addresses the natural variations in mercury and limestone used in the manufacturing of Portland cement. This subcategory would enable operations like the one in Durkee, Oregon to comply with the Clean Air Act environmental standards while ensuring economic viability and continued operations and jobs.

The proposed MACT rule would set a mercury limit of 43 pounds per million tons of clinker. Unfortunately, I understand this limit is not based on an available control technology, but rather on the level of naturally occurring mercury in the limestone used at 11 of the lowest mercury-emitting cement kilns in seven plants around the nation. This means that the proposed rule severely and unfairly impacts plants like the one in Durkee because its source of limestone contains high levels of naturally-occurring mercury.

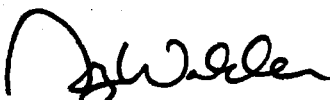
It is important to realize that Ash Grove has worked closely with, and with approval from, the State of Oregon Department of Environmental Quality to significantly reduce its mercury emissions levels using the most advanced control technologies available. According to Ash Grove, in July, 2008, it voluntarily agreed to install activated carbon injection abatement equipment to reduce mercury emissions at the Durkee plant at a total cost of \$20 million. Under this agreement, the company would have two years to cut airborne mercury emissions by up to 85 percent from nearly 3,000 pounds of mercury annually to about 500 pounds annually. This reduction would be achieved three years in advance of the effective date for the proposed MACT rule.

As Baker County's largest non-government employer and largest contributor to property taxes, the Durkee, Oregon plant injects approximately \$9 million annually into the regional economy through its payroll alone. The company pays \$884,000 annually in property taxes annually which does not reflect the state and federal taxes paid by employees or the employer. Again, this is a significant factor and coupled with the pro-environment initiatives paid for and led by Ash Grove, I believe it's critical that EPA evaluate the negative effects of its proposed MACT rule.

I urge EPA to strongly consider my comments and those of others who have written EPA on this important job-retention issue, including the Baker County commissioners, Oregon State Representative Cliff Bentz, and the City of Ontario

Thank you for your attention to my comments. Should you have any questions, your staff can contact Colby Marshall on my staff in my Bend, Oregon District Office at 541-389-4408 or at [colby.marshall@mail.house.gov](mailto:colby.marshall@mail.house.gov).

Sincerely,



Greg Walden  
Member of Congress