

October 4, 2018

VIA ELECTRONIC FILING

Mr. Brian Storey
Sector Policies and Programs Division
Office of Air Quality Planning and Standards
U.S. Environmental Protection Agency
Research Triangle Park, North Carolina 27711

RE: National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing, 83 Fed. Reg. 42,066 (Aug. 20, 2018); Docket No. EPA-HQ-OAR-2013-0290

Dear Mr. Storey:

The U.S. Chamber of Commerce and the National Association of Manufacturers (the Associations) submit these comments in support of the U.S. Environmental Protection Agency's (EPA or Agency) proposed revisions to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Clay Ceramics Manufacturing (Proposed NESHAP).¹

The U.S. Chamber of Commerce is the world's largest business federation representing the interests of more than three million businesses of all sizes, sectors, and regions, as well as state and local chambers and industry associations, and is dedicated to promoting, protecting, and defending America's free enterprise system.

The National Association of Manufacturers (NAM) is the largest manufacturing association in the United States, representing small and large manufacturers in every industrial sector and in all 50 states. Manufacturing employs nearly 12 million men and women, contributes \$2.25 trillion to the U.S. economy annually, has the largest economic impact of any major sector, and accounts for more than three-quarters of all private-sector research and development in the nation. The NAM is the voice of the manufacturing community and the leading advocate for a policy agenda that helps manufacturers compete in the global economy and create jobs across the United States.

I. Background

Congress enacted the Clean Air Act (CAA) in 1963² and amended it in 1990 to curb a number of major threats to human health and the environment.³ Section 112 of the CAA requires

¹ National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing, 83 Fed. Reg. 42,066 (Aug. 20, 2018).

² 42 U.S.C. § 7401 *et seq.* (Dec. 17, 1963).

³ Clean Air Act Amendments of 1990, 104 Stat. 2468, Pub. L. 101-549 (Nov. 15, 1990).

EPA to list categories and subcategories of major and area sources of Hazardous Air Pollutants (HAPs), and to establish NESHAPs for listed source categories and subcategories.⁴

EPA is proposing to amend a number of existing requirements for technical provisions in the 2015 NESHAP. The Agency formally collected additional information collection after the petitions for reconsideration were initially filed, and believes that these changes would provide additional flexibility to the clay ceramics manufacturing industry, while maintaining the emissions and operational standards of the NESHAP.⁵ Specifically, the proposal would:

1. Revise the temperature monitoring methodology used to demonstrate continuous compliance with the dioxin/furan (D/F) emissions limit of the final rule;
2. Address concerns raised by industry stakeholders regarding visible emissions (VE) monitoring of tunnel kiln stacks for continuous compliance with particulate matter (PM) and mercury (Hg) emission limitations;
3. Amend the requirements for weekly visual inspections of system ductwork and control device equipment for water curtain spray booths; and
4. Amend the NESHAP to include provisions for emissions averaging and make technical corrections.

The Associations support EPA's proposed revisions and agree with EPA's conclusion that the proposed changes would undoubtedly provide additional flexibility to the clay ceramics manufacturing industry and maintain the emissions and operational standards of the NESHAP.

II. The Proposed Revisions Would Provide Stakeholders with Regulatory Certainty and Flexibility

The Proposed NESHAP offers the regulated community the additional regulatory certainty and flexibility that the 2015 NESHAP failed to provide and helps to ensure that the regulated community can effectively and efficiently comply with the rule's requirements. Accordingly, the Associations agree with EPA's revisions.

EPA's proposal offers stakeholders additional operational flexibility regarding the monitoring the temperature of tunnel kilns. Specifically, EPA is providing stakeholders with the option to choose either "the standard deviation of the 12 1-hour temperature measurements" or "1 percent of the 12-hour block average," and choose the value that provides the greatest variability in temperature, which would then be added to the 12-hour block average value.⁶ Often times, kiln temperatures fluctuate, and those temperatures may fall below the value observed during compliance testing, especially in kiln ducts. The option to choose from either of those two values would allow

⁴ 42 U.S.C. § 7412(c).

⁵ 83 Fed. Reg. 42,068.

⁶ 83 Fed. Reg. 42,069.

stakeholders to better adhere to D/F compliance requirements without sacrificing operational benefits.

EPA also proposed to include an alternative minimum kiln temperature monitoring option, similar to the maximum kiln temperature monitoring option mentioned above. The Associations request that EPA incorporate both the minimum kiln temperature monitoring option and the current option for stack temperature monitoring into the final rule. This would allow affected sources to decide where and in what form to monitor for temperature, providing stakeholders with further regulatory flexibility. An expansive set of options to decide how best to demonstrate compliance with the NESHAP is invaluable given the unique characteristics of particular processes.

The Proposed NESHAP would also remove three problematic requirements. First, EPA proposes to eliminate kiln stack VE monitoring and replace it with existing kiln temperature monitoring.⁷ This proposed change would allow EPA to determine more accurately and with greater sensitivity whether an increase in PM emissions is warranted.

Second, EPA is proposing to remove the requirement for weekly visual inspections for spray booth ductwork and control devices.⁸ Weekly inspections are an unnecessary regulatory burden that provide no additional benefits for compliance or monitoring. Stakeholders already conduct inspections on a regular basis and current procedures satisfy the need to prevent any leakage.

Third, EPA proposes to eliminate cooling stacks from stack testing requirements and add definitions for “cooling stack” and “products of combustion (POC) stack.”⁹ During promulgation of the 2015 NESHAP, there was a discrepancy as to which types of stacks impact emissions production. Cooling stacks, compared to POC stacks, are inconsequential sources of emission and do not warrant regulation. The proposed definitions add additional clarity to the regulations.

EPA is proposing to allow emissions averaging across existing affected units.¹⁰ In the proposed 2015 NESHAP, EPA only intended that the emissions averaging provisions apply to the Brick and Structure Clay Products (BSCP) source category, and not the Clay Ceramics Manufacturing category, which created great uncertainty for stakeholders. Facility-wide emissions averaging provides regulatory flexibility for stakeholders and does not increase HAP emissions, and EPA should provide it for both the BSCP and Clay Ceramics Manufacturing source categories.

While the Associations generally support the revisions for emissions averaging, EPA could further improve them. Specifically, EPA should:

⁷ *Id.* at 42,069-70.

⁸ *Id.* at 42,070.

⁹ *Id.*

¹⁰ *Id.* at 42,070-71.

1. Remove the requirements that averaged emissions cannot exceed 90% of the applicable emission limit;
2. Expand the averaging option to include D/F emission limitations so that they may be treated like the other regulated HAPs; and
3. Amend the regulations so that an averaging plan only needs to be submitted if the regulatory authority requests.

III. Conclusion

The Associations appreciate EPA's consideration of these comments and urges them to act in an expeditious and thorough manner. If you have questions regarding these comments, please contact either Karen Harbert at (202) 463-5558 or kharbert@uschamber.com, or Ross Eisenberg at (202) 637-3173 or reisenberg@nam.org.

Sincerely,



Karen A. Harbert
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