

Congress of the United States
Washington, DC 20515

April 12, 2024

Hon. Michael S. Regan
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Regan:

We are writing to you about a proposed regulation titled: “*National Emissions Standards for Hazardous Air Pollutants: Lime Manufacturing Plants Amendments*, 89 Fed. Reg. 9,088 (February 9, 2024)(“Lime Rule”). We continue to be very concerned that this rulemaking will have an unnecessary, substantial, and detrimental economic impact on the lime industry without any significant environmental benefits. EPA’s own regulatory impact analysis now predicts that this rule will impose total costs of \$2-\$2.4 billion on a small industry with \$2.3 billion in annual revenues. Lime plants supply products (such as quicklime, dolomitic lime, and hydrated lime) essential for the proper functioning of critical activities in the national interest including steel production, road construction, power generation, pollution abatement, and drinking water treatment.

These costs are in stark contrast to the benefits of the rule, which are so small that EPA does not even try to quantify them. The agency says: “The EPA did not monetize the benefits from the estimated emission reductions of HAP associated with this final action. The EPA currently does not have sufficient methods to monetize benefits associated with HAP, HAP reductions, and risk reductions for this rulemaking.” 89 Fed. Reg. 9,099 (Feb. 9, 2024).

In addition, even the environmental benefits are questionable. This is because the lime rule will require the installation of significant and unnecessary environmental controls that will have their own negative impact on the environment. Forcing the industry to use its lime to treat HCl will waste resources and make those products less available for water treatment plants, flue gas desulfurization, and acid mine drainage treatment. Requiring thermal oxidizers at lime plants will use large amounts of fossil fuels (natural gas) and lead to the creation of tens of thousands to tons of CO₂ that is not currently being released. Activated carbon injection and scrubbers will also create new waste streams that will need to be disposed of into the environment.

EPA’s technical experts have analyzed lime plant emissions on several occasions over the past twenty years. The agency’s latest and most comprehensive scientific assessment again found that human health and environmental risks from lime plant air emissions are acceptable with an

ample margin of safety, even without any new regulations at all. This is reflected in EPA's own words:

The EPA proposed no changes to 40 CFR part 63, subpart AAAAA NESHAP based on the risk review conducted pursuant to CAA section 112(f). In this action, we are finalizing our proposed determination **that risks from the source category are acceptable, the standards provide an ample margin of safety to protect public health, and more stringent standards are not necessary to prevent an adverse environmental effect.** The EPA received no new data or other information during the public comment period that causes us to change that proposed determination. Therefore, we are not making any revisions to the existing standards under CAA section 112(f), and we are readopting the existing standards.

85 Fed. Reg. 44,963 (July 24, 2020)(emphasis added).

EPA is pursuing this rulemaking not because of environmental necessity, but rather to comply with a court decision in the D.C. Circuit. Since EPA has already found that such standards are NOT required to provide an ample margin of safety, new regulations are not "necessary." EPA should withdraw this proposed rule and reiterate that new regulations are not necessary in this instance to comply with the LEAN v. EPA decision and §112 of the Clean Air Act.

Thank you for your prompt attention to these important concerns.

Sincerely,



Gary Palmer
Member of Congress



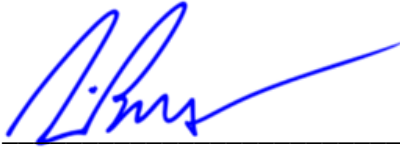
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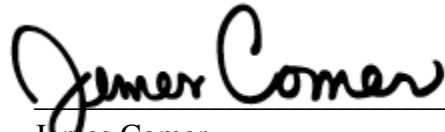
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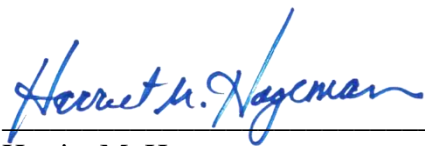
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cc: Joseph Goffman, Assistant Administrator, Office of Air and Radiation