

Lehigh Heidelberg Mercury Emissions

- May 2008: Lehigh Health Risk Assessment (HRA) as approved by Bay Area Air Quality Management District (BAAQMD) states Mercury emissions reduced to **221** pounds of Mercury emitted per year.
- August 2009: Lehigh revises Mercury emissions after review by BAAQMD based on 2008 Lab Analysis of Mercury content in limestone resulting in a doubling of Mercury emitted to **582** pounds of Mercury per year.
- July 2010: Lehigh announces 25% reduction of Mercury emissions but unclear as to what the actual emission level will be. No statement made in pounds of Mercury and no confirmation from BAAQMD. However any reduction is applauded.
- Sept. 2010: New HRA submitted to BAAQMD signed by Henrik Wesseling reconfirming **582** pounds of Mercury emitted annually (6857 hours per year) but claiming current low production levels (3993 hours per year) would reduce it to **337** pounds. However maximum hourly rate would not change. BAAQMD starts review of draft HRA.
- Nov. 2010: Lehigh and the Portland Cement Association file a lawsuit against the EPA's new rule requiring the reduction of Mercury emissions in the production of cement.
- Dec. 2010: Air District questions continued use of old 2008 limestone analysis in the HRA. New 2010 analysis shows higher level of Mercury in Limestone now being used. When result is plugged into current model it shows **781** pounds of Mercury are being emitted. Air District and Lehigh now discussing. If there is no change the actual maximum hourly rate of Mercury being emitted will increase. This maximum hourly rate, not the annual rate, drives the acute health impact and will probably require the Air District to finally demand Public Notification for Mercury.

This is in addition to the Public Notification called out by Proposition 65. The Safe Harbor levels under Proposition 65 for Mercury are set at no observable effect level (NOEL) divided by 1,000. Consequently they tend to require Public Notification before the BAAQMD procedures do so. However since they are independent both could require Public Notification and not necessarily for the same toxin.

