

QuarryNo
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March 25, 2011

Thu Bui
Bay Area Air Quality Management District
939 Ellis Street
San Francisco, CA 94109

Dear Ms. Bui,

QuarryNo hereby submits its comments regarding the revised proposed renewal of the Lehigh Southwest Cement Company's Title V Permit to operate its facility located at 24001 Stevens Creek Blvd., Cupertino CA, 95014, for the next 5 years.

We appreciate the Air District incorporating many of the suggestions we previously provided September 29, 2009 on the earlier proposed Permit particularly that it be withdrawn and a new Permit be issued with better real Source Monitoring of Toxic Air Contaminants (TACS) and the incorporation of the new EPA Mercury Restrictions (40CFR parts 60 & 63).

The new Permit now focuses primarily on a major reduction of Mercury emissions while not reducing the existing efforts and regulations to insure Clean Air in our community. This translates into a 90% Mercury reduction for Lehigh and an annual limit of 88 pounds of Mercury emitted effective September, 2013.

Mr. Jack Broadbent, the Chief Executive Officer of the Air District, highlighted the seriousness of the issue when he stated to the Santa Clara Board of Supervisors in a Public Meeting on February 8, 2011, without equivocation, that if the 88 pound Mercury limit was not attained by Lehigh in 2013 the Cement Plant would be shut down. Hence this Permit and its regulatory substance is of great consequence.

Our concern and the general Public concern is on Health. The latest official Health Risk Assessment (HRA) has not been updated in this current revision even though it is based on kiln source test data from 2007. It erroneously stated Mercury emissions to be 219 pounds per year. On this basis it concluded there was no health risk and that all risk results were below public notification levels.

Given national concern and publicity about Mercury pollution the Air District took another look in 2010 and directed Lehigh to use a Mass Balance approach in estimating Mercury emissions. Lehigh did so and reported Mercury emissions for 2008 of 745 pounds, 340% higher than the 219 pounds previously reported. Putting that number into the Health Risk model would have resulted in a far different conclusion and Public Notification.

The Statement of Basis indicates the new Health Risk Assessment will be available shortly but obviously not before we have to comment here. It will be based on a new Comprehensive Emissions Inventory Report (CEIR) that is also unavailable.

There is a strong suggestion the new HRA will call out for Public Notification. Consequently we do not think the Title V Public Comment period should end before it becomes available. Very significant information is not available to the Public and this is quite serious.

Lehigh has proposed two available technologies to achieve the 88 pound goal. They are Kiln Dust Recovery and Activated Carbon Injection. The first is already operational and both have already been tested at other facilities including Lehigh's.

Kiln Dust Recycling is credited for a 25% Mercury reduction but there is no requirement in the Permit that the 25% be demonstrated and that there really is such a reduction and that it is sustainable. A simple Mass Balance approach would be to measure the Mercury content of the outgoing cement product over a set period and prove the reduction as the assumption is the Mercury actually reduced is simply shipped to the customer.

Activated Carbon Injection is the main technology that Lehigh will use to achieve the NESHAP goal. Lehigh has applied for it under District NSR application 22953 but it is not detailed in the Permit. Lehigh states they "expect" to meet the 88 pound limit with the use of Activated Carbon Injection. Consequently it should be in the Title V Permit.

Equally significant there is no commitment to a Single emission stack. The Permit allows for it but there is little detail on it. Instead there is elaborate discussion of the existing individual Bag Houses and their monitoring. Additionally Lehigh has advised the District of the design, flow rate, exit velocity and other particulars so that they can be included as a scenario in the CEIR as yet unavailable.

There must be assurance in the next 24 months that we are on our way to meeting the 88 pound requirement. "We" includes Lehigh but more importantly the Santa Clara County Residents who will breathe the air emitted by Lehigh. As Mr. Broadbent said it is a requirement not a goal or a best efforts attempt. We cannot have Lehigh pleading that they did their best and having spent \$50 millions they must be allowed to proceed. Public Health in a large Residential community is at stake. However there are no early warnings or phased tests in the Title V Permit as proposed.

The NESHAP rule is very challenging and all technologies must be continuously operating with maximum efficiency and reliability in September 2013. That is not a demonstration only date. If any element is inoperable Mercury emissions will go to toxic levels in a short time which is all that it takes to injure the young. Mercury manifests in weeks not 70 years.

Mercury though is not our only Health concern. Benzene and Mercury have been identified by the District as being the primary contributor to Health Risks resulting from TAC emissions at Lehigh. According to the Statement of Basis the NESHAP allows for Total Hydrocarbons(THC) to be a surrogate for Benzene. Further it states Lehigh might not have to reduce THC because it is already low. In summary while the Air District feels Benzene is a primary Health Risk it will be monitored as THC which won't be monitored since it is meeting the standard.

In closing it is unclear how in September 2013 the Air District will be able to determine if the limits set in 40CFR Parts 60 & 63 are met. The Permit allows for the current 32 Bag Exhaust or a Single Stack combined with a Mercury Continuous Emission Monitoring System or a Sorbent Trap Based Integrated Monitoring System. What will it be?

We thank you for taking the time to consider our comments and we hope they are taken under consideration prior to the issuance of the new Title V Permit.

Sincerely,

Bill Almon, on behalf of the Members of QuarryNo.