



MARYLAND DEPARTMENT OF THE ENVIRONMENT

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Deputy Secretary

August 7, 2009

Eric Schaeffer, Executive Director
Environmental Integrity Project
1920 L Street, N.W., Suite 800
Washington, D.C. 20036


Dear Mr. Schaeffer:

Thank you for your letter in October regarding mercury emissions from Lehigh Cement's Union Bridge plant and the New Page pulp and paper mill in Luke, Maryland. We share your concerns about mercury in the environment and have been actively engaged in discussions with Lehigh about reducing mercury emissions from Lehigh's plant.

As you note in your letter, Lehigh reported mercury emissions of 35 pounds in 2006 and 376 pounds in 2007. The 2006 figure did not accurately represent Lehigh's emissions insofar as it was based on a single stack test that was conducted when heat from the kiln was being circulated through the raw mill, which results in only a fraction of the air flow exiting the stack. This is a condition that exists only about 15% of Lehigh's operating time and accounts for the lower mercury emissions reported in 2006. No other operating scenarios were analyzed for the 2006 emissions certification. At the Department's request, however, based on new information about emissions from portland cement plants in Europe, the Department requested Lehigh to conduct additional stack tests under operational scenarios that better represented the overall operation of the facility. We believe the 2007 figure, and Lehigh's reported 2008 emissions of approximately 400 pounds, best represent the plant's annual mercury emissions.

We agree that a significant reduction in mercury emissions from the Lehigh and New Page facilities is warranted. Since your letter, EPA has proposed a new Maximum Achievable Control Standard (MACT) for portland cement plants, which if adopted, will require a reduction in mercury emissions at Lehigh's facility of approximately 80% from current emission levels. EPA is required under the terms of a Consent Decree to issue a final MACT standard for portland cement kilns no later than March 2010. However, because March of 2013 is likely to be the earliest date that compliance with the MACT standard finally adopted by EPA will be required for existing plants, the Department has negotiated an agreement with Lehigh for early mercury reductions.

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Lehigh is preparing to commence testing of activated carbon injection (ACI) technology to control mercury emissions later this month. Under the terms of an agreement with the Department executed on August 6, 2009, Lehigh will install and commence operation of ACI controls no later than March of 2012, one year in advance of the expected deadline for achieving compliance with the federal standard. In the interim, Lehigh will modify its current operations to achieve an annual reduction in mercury emissions from current levels of approximately 92 pounds, and will evaluate further operational changes that could result in additional mercury emission reductions.

At the Luke paper mill, the installation of a high-efficiency baghouse has resulted in a reduction in mercury emissions from 372 pounds in 2007 to 112 pounds in 2008. Further reductions will occur following EPA's adoption of the ICI boiler MACT, or when the Department issues a case-by-case MACT determination, whichever occurs first. As you know, the federal MACT is overdue. As a result, New Page has submitted its Phase I case-by-case MACT application and is required to submit the Phase II application this month.

Thank you again for your letter. If you would like to discuss these issues further, please contact me at 410-537-3255 or by e-mail at gaburn@mde.state.md.us.

Sincerely,



George S. Aburn, Jr.
Director, Air And Radiation Management Administration

cc: Steven Johnson, Office of the Attorney General, Maryland Department of the Environment