

Air Enforcement: U.S. Environmental Protection Agency and Owner of 14 Portland Cement Manufacturing Facilities Enter into Consent Decree



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The United States Department of Justice (“DOJ”) and the United States Environmental Protection Agency issued a news release stating they had entered into a Consent Decree (“CD”) with Lehigh Cement Company, LLC (“Lehigh Cement”) and Lehigh White Cement Company, LLC (“Lehigh White”) (collectively “Lehigh”).

The CD addresses alleged Clean Air Act violations at 14 Portland cement manufacturing facilities that are stated to be located in:

- Alabama
- California
- Iowa
- Indiana
- Maryland
- New York
- Pennsylvania
- Texas

DOJ alleged that the companies failed to obtain pre-construction permits and install and operate the appropriate nitrogen oxide and sulfur dioxide control technologies for major modifications at certain cement manufacturing plants. These activities are alleged to have resulted in significant emission increases therefore violating the requirements of Section 165(a) of the Clean Air Act and corresponding state regulations in the applicable State Implementation Plans.

The United States Environmental Protection Agency, in commenting on the settlement, states that besides a \$1.3 million civil penalty an environmental mitigation project will be implemented at two of the companies’ facilities.

Selective non-catalytic reduction systems for controlling for NO_x at between 8 and 10 kilns to meet emission limits that are consistent with the current best available control technology (i.e., BACT) at each kiln (including meeting a NO_x emission limit of 1.5 lb NO_x ton of clinker at 2 kilns) will be installed and operated. At kilns in which selective non-catalytic reduction systems have already been installed, the companies are required to continuously operate them to meet tightened emission limits. Also referenced

are installation and continuous operation of lime injection systems at “five or six kilns” and replacement of “old diesel engines in several off-road vehicles at some of the plant sites.”

A link to the Consent Decree can be found [here](#).