

Air Enforcement: U.S. Department of Justice/State of Indiana and Greencastle, Indiana, Cement Manufacturing Facility Enter into Consent Decree



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06/09/2021

The United States Department of Justice and the State of Indiana (collectively “DOJ”) entered into a June 3rd Consent Decree (“CD”) with Lone Star Industries, Inc., (“LSI”) addressing alleged Clean Air Act violations. See Civil No. 2:21-cv-233-JRS-MJD.

The CD provides that LSI operates a Portland cement manufacturing facility (“Facility”) in Greencastle, Indiana.

A simultaneously filed Complaint by DOJ alleged that the Facility violated certain Clean Air Act requirements that include:

- The Maximum Achievable Control Technology standards (MACTs) for Hazardous Waste Combustors (HWCs) promulgated by EPA within the National Emission Standards for Hazardous Air Pollutants (NESHAPs) pursuant to Section 112 of the CAA and codified at 40 C.F.R. Part 63 Subpart EEE (40 C.F.R. §§ 63.1200-1221);
- NESHAP/MACT for the Portland Cement Manufacturing Industry, promulgated by EPA pursuant to Section 112 of the CAA and codified at 40 C.F.R. Part 63 Subpart LLL (40 C.F.R. §§ 63.1340-1359);
- NESHAP/MACT for Off-Site Waste and Recovery Operations, promulgated by EPA and IDEM pursuant to Section 112 of the CAA and codified at 40 C.F.R. Part 63 Subpart DD (40 C.F.R. §§63.680-698);
- NESHAP/MACT General Provisions, promulgated by EPA pursuant to Section 112 of the CAA and codified at 40 C.F.R. Part 63 Subpart A (40 C.F.R. §§ 63.1-16);
- The federally enforceable State Implementation Plan of the State of Indiana (Indiana SIP), Title 326 of the Indiana Administrative Code (IAC) Article 5 (326 IAC 5); and
- The federally enforceable operating permits issued to the Greencastle Facility pursuant to Title V of the CAA, 42 U.S.C. §§ 7661, and 326 IAC 2-1 (Permit Nos. T-133-33667-0002 and T-133-26830-0002) that incorporate the above-listed NESHAP/MACT and SIP requirements.

LSI does not admit any liability to DOJ in regards to the transactions or occurrences alleged in the Complaint.

A civil penalty of \$729,000 is assessed. Such penalty is split equally between DOJ and the State of Indiana.

The CD also requires that LSI undertake additional measures at the Facility not required by regulation or law to mitigate alleged past violations of Clean Air Act opacity limits such as installing and/or operating the kiln with PM control measures such as:

- MicroRap Rapper and Control
- Micro Voltage Control 4 System
- ESP Data Logging, Diagnostic, and Troubleshooting Functions
- Continuous ESP Performance Analysis and Optimization
- Rigid Discharge Electrodes Replacement
- Replacement of Kiln O2 Analyzer
- Revised Kiln Start-Up Procedures
- Hot Clinker Belt Measures
- Flow/No Flow Indicator to Supplement the HWF Flow Meter

A copy of the CD can be downloaded [here](#).