

Lime Manufacturing Plants/NESHAP: National Lime Association Files Petition for Review before U.S. Court of Appeals for the D.C. Circuit



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The National Lime Association (“NLA”) filed on September 13th a Petition for Review (“Petition”) before the United States Court of Appeals for the D.C. Circuit challenging the United States Environmental Protection Agency’s (“EPA”) promulgation of the following rule:

National Emission Standards for Hazardous Air Pollutants: Lime Manufacturing Plants Technology Review (“NESHAP Rule”).

See 89 Fed. Reg. 57738.

The lime manufacturing industry consists of facilities that use a lime kiln to produce limestone products from limestone by calcination.

Section 112 of the Clean Air Act establishes a two-stage regulatory process to address emissions of Hazardous Air Pollutants (“HAP”) from stationary sources.

The first stage is required to identify categories of sources emitting one or more of the HAPs listed in Section 112(b) of the Clean Air Act. A technology-based NESHAP (i.e., a “MACT” standard) is then issued for those sources.

Within eight years of setting the MACT standard, the second stage is supposed to be undertaken. It requires EPA to undertake two different analyses. They include:

1. Technology review.
2. Residual risk review.

As to residual risk review, EPA is required to evaluate the risk to public health remaining after application of the technology-based standards and revise the standards, if necessary, to provide ample margin of safety to protect public health or to prevent, taking into consideration cost, energy, safety, and other relevant factors, an adverse environmental effect.

EPA originally promulgated the lime manufacturing plants’ NESHAP in 2004. This NESHAP is codified at 40 C.F.R. Part 63, Subpart AAAAA.

NLA states in a press release that the NESHAP Rule imposes:

...an unnecessary and counterproductive \$2 billion regulation on the lime industry.

The organization also argues:

...Despite the EPA's own risk assessment showing these regulations are unnecessary and that the industry's emissions are acceptable with an ample margin of safety; the rule requires expensive pollution control technologies which will significantly increase greenhouse gas emissions and thus unnecessarily raise industry cost.

A link to the Petition can and the press release can be found here:

- [Petition.](#)
- [Press release.](#)