

# Emissions Averaging/Proposed NESHAP for Clay Ceramics Manufacturing: National Association of Clean Air Agencies Comments



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The National Association of Clean Air Agencies (“NACAA”) submitted October 4th comments to the United States Environmental Protection Agency (“EPA”) on its proposed National Emission Standards for Hazardous Air Pollutants (“NESHAP”) (“Proposed NESHAP”) for Clay Ceramics Manufacturing.

The Proposed NESHAP was published in the Federal Register on August 20, 2018. See 83 Fed. Reg. 42066.

NACAA describes itself as a national, non-partisan, nonprofit association of 153 air pollution control agencies in 40 states, the District of Columbia, four territories and 116 metropolitan areas.

In accordance with Section 112 of the Clean Air Act, EPA promulgates NESHAP for hazardous air pollutants. Hazardous air pollutants include specific compounds that are suspected to cause cancer or other serious health effects. They are promulgated in source categories determined to pose adverse risks to human health by the emission of HAPs.

The NACAA comments note the proposed NESHAP’s inclusion of provisions allowing the use of emissions averaging. The organization states that it has:

. . . long had concerns about emissions averaging, including possible adverse health impacts (particularly in the case of interpollutant trading), and implementation challenges, such as complications that averaging poses for inspectors and enforcement personnel in determining the requirements for individual units. Therefore, if EPA decides to include emissions averaging in the final rule, it is essential that the agency retain the critical safeguards that are contained in the proposal, both in the preamble and the proposed rule language itself.

The requested safeguards are described as:

- assurance that the environmental benefits of the averaging will be equal to or great than if each individual unit had complied separately and that at least the same hazardous air pollutant emission reductions will be achieved;
- a prohibition on averaging for new sources; and
- a prohibition on averaging between different pollutants, sources or source categories (even if the latter are within the same facility).

The comments also reference a prior (December 18, 2014) EPA proposal for the Brick and Structural Clay Products Manufacturing and the Clay Ceramics Manufacturing source categories. Referenced is a

provision that is stated not to appear in the current Clay Ceramics Manufacturing proposal. The organization states:

This is whether a discount factor should be applied when emission averaging is used, to ensure that the average will be at least as stringent as the MACT floor limits without averaging. We believe that such a discount factor is appropriate to help ensure that HAP emission reductions are at least as much with averaging as without averaging. Emission averaging should never result in, or enable, increases in HAP emissions from a source operation.

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