

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7

901 NORTH FIFTH STREET
KANSAS CITY, KANSAS 66101

UNITED STATES
ENVIRONMENTAL
PROTECTION AGENCY - *KR*
REGION 7

BEFORE THE ADMINISTRATOR

2012 SEP 25 AM/PM 8:40

IN THE MATTER OF)	Docket No. CAA-07-2012-0006
)	
CONTINENTAL CEMENT)	
COMPANY, L.L.C.)	
)	
HANNIBAL, MISSOURI)	CONSENT AGREEMENT AND
)	FINAL ORDER
)	
Respondent)	
)	
)	
)	

CONSENT AGREEMENT AND FINAL ORDER

The United States Environmental Protection Agency, Region 7 (“Complainant” or “EPA”), and Continental Cement Company, L.L.C. (hereinafter “Respondent”) have agreed to a settlement of this action before filing of a complaint, and thus this action is simultaneously commenced and concluded pursuant to Rules 22.13(b) and 22.18(b)(2) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits (Consolidated Rules), 40 C.F.R. §§ 22.13(b), 22.18(b)(2).

FACTUAL ALLEGATIONS

Jurisdiction

1. This is an administrative action for the assessment of civil penalties instituted pursuant to Section 113(d) of the Clean Air Act (“CAA” or the “Act”), 42 U.S.C. § 7413(d).
2. This Consent Agreement and Final Order (CAFO) serves as notice that EPA has reason to believe that Respondent has violated the Missouri Code of State Regulations (C.S.R.) 10 C.S.R. § 10-6.380, and that Respondent is therefore in violation of an applicable state implementation plan (SIP) approved by the EPA pursuant to Section 110 of the CAA. Furthermore, this CAFO serves as notice pursuant to Section 113(d)(2)(A) of the CAA, 42 U.S.C. § 7413(d)(2)(A), of EPA’s intent to issue an order assessing penalties for this violation.

Parties

3. The Complainant, by delegation from the Administrator of EPA, and The Regional Administrator of EPA, Region 7, is the Director of the Air and Waste Management Division, EPA, Region 7.

4. Respondent is incorporated under the laws of the state of Delaware and is authorized to do business in Missouri.

Statutory and Regulatory Background

5. Section 110 of the CAA, 42 U.S.C. § 7410, grants the Administrator of EPA authority to approve a state plan which provides for implementation, maintenance, and enforcement of a standard in each air quality control region within the state. After its approval, a SIP is enforceable by EPA pursuant to Section 113 of the CAA, 42 U.S.C. § 7413.

6. The cement kiln rule entitled "Control of NO_x Emissions from Portland Cement Kilns," 10 C.S.R. § 10-6.380, was promulgated as one of the three rules Missouri established to address the requirements of the NO_x SIP Call, which was to reduce the transport of ozone. 10 C.S.R. 10-6.380 was approved by EPA as part of the Missouri SIP August 15, 2006.

7. 10 C.S.R. § 10-6.380 prohibits owners or operators of any Portland cement kiln subject to this rule, beginning May 1, 2007, to operate the kiln during the period starting May 1 and ending September 30 of each year, unless the kiln installs and operates one (1) of the following:

1. Low-NO_x burners;
2. Mid-kiln firing;
3. An alternative control technology that is approved by the staff director, and incorporated in the federally approved SIP, and is proven to achieve emission reductions of thirty percent (30%) or greater;
4. An emission rate of:
 - 1) For long-wet kilns – 6.8 pounds of NO_x per ton of clinker produced, averaged over the period from May 1 through September 30 of each year.

8. Section 113(d) of the CAA, 42 U.S.C. § 7413(d), states that the Administrator may issue an administrative order against any person assessing a civil administrative penalty of up to \$25,000 per day of violation, whenever, on the basis of any available information, the Administrator finds that such person has violated or is violating any requirement or prohibition of the CAA referenced therein, including Section 110 of the Act, 42 U.S.C. § 7410. Pursuant to the Adjustment of Civil Monetary Penalties for Inflation Rule, 40 C.F.R. Part 19, EPA may assess penalties of no more than \$27,500 per day for each violation occurring between January 30, 1997, and March 14, 2004; no more than \$32,500 per day for each violation occurring between March 15, 2004, and January 12, 2009; and no more than \$37,500 per day for each violation occurring after January 12, 2009.

Factual Background

9. Respondent is a "person" as defined in Section 302(e) of the CAA, 42 U.S.C. § 7602(e).
10. Respondent is a Portland cement manufacturing facility, which manufactures dry powder cement for building construction projects at its facility located at 10107 Highway 79, Hannibal, Missouri.
11. Respondent is subject to 10 C.S.R. § 10-6.380 because Respondent operated a long-wet kiln with an actual process rate of at least twelve tons of clinker produced per hour (12 TPH) in Ralls County, Missouri.
12. EPA sent an information request letter to Respondent dated September 9, 2008, pursuant to Section 114 of the CAA, 42 U.S.C. § 7414. In response to this EPA information request letter, Respondent provided EPA with documentation showing that state regulation 10 C.S.R. § 10-6.380 applied to Respondent, which limited NOx emissions to 6.8 pounds of clinker, averaged from May 1 through September 30 of each year.
13. In response to the September 9, 2008, information request letter, Respondent described in a letter dated December 15, 2008, all the devices or methods used to control emissions of SO₂, NO_x, PM, VOC, and CO at Respondent's facility. Respondent stated that "PM is controlled by the use of an electrostatic precipitator. The other pollutants are controlled by the inherent scrubbing nature of the wet-process cement kiln, and operationally by good combustion practices."

Alleged Violations

Count I

14. Paragraphs 1-13 are incorporated by reference as if fully set forth herein.
15. Based on CEMS data supplied by Respondent in response to the EPA information request letter, Respondent exceeded the NOx emission rate limit of 6.8 pounds per ton of clinker during the period starting May 1 and ending September 30, 2007, and the period starting May 1 and ending September 30, 2008, and therefore violated the provisions of Missouri C.S.R., 10 C.S.R. § 10-6.380, approved by EPA as part of the Missouri SIP.
16. Respondent did not install or operate any of the approved alternatives to 10 C.S.R. § 10-6.380 as set forth in paragraph 7 above during the period starting May 1 and ending September 30, 2007, and the period starting May 1 and ending September 30, 2008.
17. Each exceedance by Respondent of the NOx emission rate limit is a violation of the federally approved Missouri SIP 10 C.S.R. § 10-6.380, and a violation of Section 110 of the CAA and its implementing regulations.

CONSENT AGREEMENT

18. Respondent and EPA agree to the terms of this CAFO and Respondent agrees to comply with the terms of the Final Order portion of this CAFO.

19. For purposes of this proceeding, Respondent admits the jurisdictional allegations set forth above, and agrees not to contest EPA's jurisdiction in this proceeding or any subsequent proceeding to enforce the terms of the Final Order portion of this CAFO.

20. Respondent neither admits nor denies the factual allegations and alleged violations set forth above.

21. Respondent waives its right to a judicial or administrative hearing on any issue of fact or law set forth above and its right to appeal the Final Order portion of this CAFO.

22. Respondent and EPA agree to conciliate this matter without the necessity of a formal hearing and to bear their respective costs and attorney's fees incurred as a result of this action.

23. This CAFO addresses all civil and administrative claims for the CAA violations identified above, existing through the effective date of this CAFO. Complainant reserves the right to take enforcement action with respect to any other violations of the CAA or other applicable law.

24. Respondent certifies by signing of this CAFO that to the best of its knowledge, Respondent's facility is in compliance with the CAA, 42 U.S.C. § 7401, et. seq.

25. The effect of settlement described in paragraph 23 is conditional upon the accuracy of the Respondent's representations to EPA, as memorialized in paragraph 24, above, of this CAFO.

26. The undersigned representative of Respondent certifies that he or she is fully authorized to enter the terms and conditions of this CAFO and to execute and legally bind Respondent to it.

27. Pursuant to § 113(e) of the CAA, the nature of the violations, Respondent's agreement to perform a Supplemental Environmental Project (SEP) and other relevant factors, EPA has determined that an appropriate civil penalty to settle this action is in the amount of Twenty Two Thousand Twenty Five Dollars (\$22,025).

28. The penalty specified in paragraph 27, above, shall represent civil penalties assessed by EPA and shall not be deductible for purposes of federal taxes.

29. Respondent consents to the issuance of this CAFO and consents for the purposes of settlement to the payment of the civil penalty cited in paragraph 27, above, and to the performance of the SEP.

30. In settlement of this matter, Respondent agrees to complete the following SEP, which the parties agree is intended to secure significant environmental and/or public health benefits.

31. Respondent shall complete the SEP as follows: eliminate Continental's outside clinker storage pile (CM-15) and associated material handling system, and replace it with enclosed conveyors and a dust-controlled truck load-out. The SEP is more specifically described in the scope of work (hereinafter the "Scope of Work"), attached hereto as Appendix A and incorporated herein by reference. All work required to complete the SEP shall be performed in compliance with all federal, state, and local laws and regulations.

32. The total expenditure for the SEP is estimated to be \$300,000 and the SEP shall be completed no later than April 1, 2013, in accordance with the specifications set forth in the Scope of Work. Respondent shall include documentation of the expenditures made in connection with the SEP as part of the SEP completion report.

33. Respondent certifies that it is not required to perform or develop the SEP by any federal, state, or local law or regulation; nor is Respondent required to perform or develop the SEP by agreement, grant, or as injunctive relief in this or any other case or to comply with state or local requirements. Respondent further certifies that Respondent has not received, and is not presently negotiating to receive, credit in any other enforcement action for the SEP.

34. Respondent certifies that it is not a party to any open federal financial assistance transaction that is funding or could be used to fund the same activity as the SEP. Respondent further certifies that, to the best of its knowledge and belief after reasonable inquiry, there is no such open federal financial transaction that is funding or could be used to fund the same activity as the SEP, nor has the same activity been described in an unsuccessful federal financial assistance transaction proposal submitted to EPA within two years of the date of this settlement (unless the project was barred from funding as statutorily ineligible). For the purposes of this certification, the term "open federal financial assistance transaction" refers to a grant, cooperative agreement, loan, federally-guaranteed loan guarantee or other mechanism for providing federal financial assistance whose performance period has not yet expired.

35. For federal income tax purposes, Respondent agrees that it will neither capitalize into inventory or basis nor deduct any costs or expenditures incurred in performing the SEP.

36. Within thirty (30) days of completion of the SEP, Respondent shall submit a SEP Completion Report to EPA. The SEP Completion Report shall contain the following:

- (i) A detailed description of the SEP as implemented;
- (ii) Itemized costs;
- (iii) A description of any operating problems encountered and the solutions thereto;
- (iv) A certification that the SEP has been fully implemented pursuant to the provisions of this CAFO; and
- (v) A description of the environmental and public health benefits resulting from implementation of the SEP (with quantification of the benefits and pollutant reductions, if feasible)
- (vi) The report shall be submitted via first class mail to:

Mr. Joe Terriquez – Air Permitting & Compliance
United States Environmental Protection Agency – Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219.

37. In itemizing its costs in the SEP Completion Report, Respondent shall clearly identify and provide acceptable documentation for all eligible SEP costs. For purposes of this paragraph, “acceptable documentation” includes invoices, purchase orders, or other documentation that specifically identifies and itemizes the individual costs of the goods and/or services for which payment is being made. Canceled drafts do not constitute acceptable documentation unless such drafts specifically identify and itemize the individual costs of the goods and/or services for which payment is being made.

38. Respondent shall maintain legible copies of documentation and/or the underlying research and data for any and all documents or reports submitted to EPA pursuant to this Consent Agreement and shall provide the documentation of any such underlying research and data to EPA not more than seven days after a request for such information. In all documents or reports, including, without limitation, any SEP reports, submitted to EPA pursuant to this Consent Agreement, Respondent shall, by its officers, sign and certify under penalty of law that the information contained in such document or report is true, accurate, and not misleading by signing the following statement:

I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

39. After receipt of the SEP Completion Report described in paragraph 36, above, EPA will notify Respondent, in writing, regarding:

- (i) any deficiencies in the SEP report itself along with a grant of an additional thirty (30) days for Respondent to correct any deficiencies; or

- (ii) indicate that EPA concludes that the project has been completed satisfactorily; or
- (iii) determine that the project has not been completed satisfactorily and seek stipulated penalties in accordance with paragraph 41 herein.

If EPA elects to exercise option (i) above, i.e., if the SEP report is determined to be deficient, but EPA has not yet made a final determination about the adequacy of SEP completion itself, EPA shall permit Respondent the opportunity to object in writing to the notification of deficiency given pursuant to this paragraph within ten (10) days from the receipt of such notification. EPA and Respondent shall have an additional thirty (30) days from the receipt by EPA of the notification of objection to reach agreement on changes necessary to the SEP report.

If agreement cannot be reached on any such issue within this thirty (30) day period, EPA shall provide a written statement of its decision on adequacy of the completion of the SEP to Respondent, which decision shall be final and binding upon Respondent. Respondent agrees to comply with any requirements imposed by EPA as a result of any failure to comply with the terms of this CAFO. In the event the SEP is not completed as contemplated herein, as determined by EPA, stipulated penalties shall be due and payable by Respondent to EPA in accordance with paragraph 41 herein.

40. Respondent agrees that failure to submit the SEP Completion Report required by paragraph 36 above, shall be deemed a violation of this CAFO and Respondent shall become liable for stipulated penalties pursuant to paragraph 41 below.

41. Stipulated Penalties

- a) In the event that Respondent fails to comply with any of the terms or provisions of this Agreement relating to the performance of the SEP described in paragraph 31 above, and/or to the extent that actual expenditures for the SEP do not equal or exceed the cost of the SEP described in paragraph 36 above, Respondent shall be liable for stipulated penalties according to the provisions set forth below:
 - (i) Except as provided in subparagraph (ii) immediately below, for a SEP which has not been completed satisfactorily pursuant to this CAFO, Respondent shall pay a stipulated penalty to the United States in the amount of \$100,000.
 - (ii) If the SEP is not completed in accordance with paragraph 31, but the Complainant determines that the Respondent: a) made good faith and timely efforts to complete the project; and b) certifies, with supporting documentation, that at least 90 percent of the amount of money which was required to be spent was expended on the SEP, Respondent shall not be liable for any stipulated penalty.
 - (iii) If the SEP is completed in accordance with paragraph 31, but the Respondent spent less than 90 percent of the amount of money required to

- be spent for the project, Respondent shall pay a stipulated penalty to the United States in the amount of \$30,000.
- (iv) If the SEP is completed in accordance with paragraph 31, and the Respondent spent at least 90 percent of the amount of money required to be spent for the project, Respondent shall not be liable for any stipulated penalty.
 - (v) For failure to submit the SEP Completion Report required by paragraph 36 above, Respondent shall pay a stipulated penalty in the amount of \$100 for each day after the due date of the SEP Completion Report stated in paragraph 36 above, until the report is submitted.
- b) The determinations of whether the SEP has been satisfactorily completed and whether the Respondent has made a good faith, timely effort to implement the SEP shall be in the sole discretion of EPA.
 - c) Stipulated penalties for paragraph (v) above shall begin to accrue on the day after performance is due, and shall continue to accrue through the final day of the completion of the activity.
 - d) Respondent shall pay stipulated penalties not more than thirty (30) days after receipt of written demand by EPA for such penalties. Method of payment shall be in accordance with the provisions of paragraph 1 below. Interest and late charges shall be paid as stated in paragraph 43 herein.

42. Respondent understands that the failure to pay any portion of the mitigated civil penalty as stated in paragraph 27, or any portion of a stipulated penalty as stated in paragraph 41, in accordance with the provisions of this order may result in commencement of a civil action in Federal District Court to recover the total penalty, together with interest at the applicable statutory rate.

43. At any time after EPA concludes that the SEP project has been completed satisfactorily, or after Respondent pays any Stipulated Penalties due for failure to complete the SEP project satisfactorily, Respondent may request that EPA agree that all requirements of this CAFO have been satisfied. Such request shall be in writing and shall provide the necessary documentation to establish whether there has been full compliance with the terms and conditions of this CAFO. EPA will respond as to whether EPA agrees all actions required under this CAFO have been satisfied. Respondent may choose to submit its request in conjunction with Respondent's submittal of the SEP completion report set forth in paragraph 36. EPA may choose to submit its response in conjunction with EPA's notification to Respondent set forth in paragraph 39. This CAFO shall terminate when all actions required to be taken by this CAFO have been completed, and the Respondent has been notified by the EPA in writing that this CAFO has been satisfied and terminated.

44. Pursuant to 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States and charge to cover the costs of processing and handling delinquent claims. Interest will therefore begin to accrue on a civil or stipulated penalty if it is not paid by the last date required. Interest will be assessed at the rate of the United States tax

and loan rate in accordance with 31 C.F.R. § 901.9(b). A charge will be assessed to cover the debt collection, including processing and handling costs and administrative costs. In addition, a non-payment penalty charge of six percent (6%) per year compounded annually will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. Any such non-payment penalty charge on the debt will accrue from the date the penalty becomes due and is not paid, 31 C.F.R. §§ 901.9 (c) and (d).

45. Any public statement, oral or written, in print, film, or other media, made by Respondent making reference to the SEP shall include the following language: "This project was undertaken in connection with the settlement of an enforcement action taken by the United States Environmental Protection Agency."

46. This CAFO shall not relieve Respondent of its obligation to comply with all applicable federal, state, and local laws, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit, nor shall it be construed to constitute EPA approval of the equipment or technology installed by Respondent in connection with the SEP undertaken pursuant to this Agreement.

47. This Final Order portion of this CAFO shall apply to and be binding upon Respondent, and Respondent's agents, successors, and/or assigns. Respondent shall ensure that all contractors, employees, consultants, firms, or other persons or entities acting for Respondent with respect to matters included herein comply with the terms of this CAFO.

FINAL ORDER

Payment Procedures

Pursuant to the provisions of the CAA, 42 U.S.C. § 7401 *et. seq.*, and based upon the information set forth in this Consent Agreement, IT IS HEREBY ORDERED THAT:

1. Respondent shall pay a civil penalty of Twenty Two Thousand Twenty Five Dollars and No Cents (\$22,025.00), due within thirty (30) days of the entry of this Final Order.

2. Pursuant to 40 C.F.R. § 13.18, failure to make any payment according to the above schedule will automatically accelerate the debt which will become due and owing in full, immediately. Interest on any late payment will be assessed at the annual rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717. The interest will be assessed on any overdue amount from the due date through the date of payment. Failure to pay the civil penalty when due may result in the commencement of a civil action in Federal District Court to collect said penalty, together with costs and interest.

3. Payment of the penalty shall be by cashier or certified check made payable to the "United States Treasury" and remitted to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, Missouri 63197-9000.

This payment shall reference docket number CAA-07-2012-0006

Copies of the check shall be mailed to:

Julie L. Murray
Assistant Regional Counsel
U.S. Environmental Protection Agency – Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219

and to

Kathy Robinson
Regional Hearing Clerk
U.S. Environmental Protection Agency - Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219.

4. Respondent shall complete the SEP in accordance with the provisions set forth in the Consent Agreement and shall be liable for any stipulated penalty for failure to complete such a project as specified in the Consent Agreement.

COMPLAINANT: UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

9/20/12
Date

Becky A. Weber
Becky A. Weber
Director
Air and Waste Management Division

Julie L. Murray
Julie L. Murray
Assistant Regional Counsel
Office of Regional Counsel

RESPONDENT: CONTINENTAL CEMENT COMPANY, L.L.C.

9/13/12
Date

Mark W. Stricker
Signature

Mark W. Stricker
Printed Name

VP-Finance & Admin.
Title

IT IS SO ORDERED. This Order shall become effective immediately.

Sept. 25, 2012
Date

Karina Borromeo
Karina Borromeo
Regional Judicial Officer

APPENDIX A

SUPPLEMENTAL ENVIRONMENTAL PROJECT – SCOPE OF WORK

In satisfaction of its obligations under the Consent Agreement and Final Order (“CAFO”), Continental Cement Company, L.L.C. will complete the supplemental environmental project (“SEP”) listed below. A SEP is an environmentally beneficial project that a respondent agrees to undertake in settlement of an enforcement action, but one which the respondent is not otherwise legally required to perform, and that primarily benefits the public health or the environment. EPA has approved the following SEP, in addition to the administrative penalty set forth in this CAFO, for the settlement of this matter.

1. Continental Cement Company, L.L.C. agrees to purchase, install and operate one of the three proposed designs as set forth in the SEP Proposal dated July 30, 2012, (Appendix B) at its facility in Hannibal, Missouri. This SEP involves eliminating Continental’s outside clinker storage pile (CM-15) and associated material handling system. This SEP is a pollution prevention project that reduces the generation of PM at Continental’s facility by 86%.
 - a. Installation of the designed project must include the removal of the following components from operation:
 - i. Current Stacker Tube
 - ii. Outside Clinker Pile
 - iii. Loader activity as described in the SEP proposal (Appendix B)
 - b. Installation and operation of the final design configuration must achieve emission reductions of PM by 86% as set forth in the SEP proposal (Appendix B) and utilize a dust collection system to minimize emissions.

2. The implementation of the SEP project described in paragraph 1 of this Appendix is estimated to result in a total Continental expenditure of \$300,000. EPA agrees that Continental will have fulfilled its obligations under this CAFO related to the SEP, if (1) the SEP is completed, as described herein, and (2) actual costs incurred by Continental (including equipment and installation costs), are 90 percent or more of the estimated expenditures for the implementation of this SEP, based upon the cost documentation in the SEP Final Report required in paragraph 4 below.

3. Continental will complete the SEP no later than April 1, 2013, in accordance with the specifications set forth in this Appendix A.
4. Within 30 days from the completion of the implementation of the SEP described in this Appendix A, Continental will submit to EPA a SEP Completion Report. This Report shall provide a detailed description of the SEP as implemented, including dates of completion of the SEP. The Report shall also document all approved costs incurred in the purchase, installation, and operation of the SEP.



APPENDIX B
 Continental Cement Company, L.L.C.
 Green America Recycling, L.L.C.
 10107 Hwy 79 South
 Hannibal, MO 63401
 Phone 573-221-1740
 866-823-6364
 Fax 573-221-1689



**Supplemental Environmental Project Proposal
 Submitted for Continental Cement Company, L.L.C.
 7/30/12**

Overview

Continental Cement Company L.L.C. is currently permitted to move clinker to storage in a nearby underground mine. This activity involves putting clinker out on the ground using a stacker tube, followed by loading haul trucks using a front-end loader. Emissions from the stacker tube are controlled using a dust collector. However, the process of loading trucks with a front-end loader creates some particulate emissions in the immediate vicinity of the activity and wind erosion can occur when piles are present. As part of a Consent Agreement and Final Order, Continental has agreed to replace the clinker load-out system described above, with a new system that results in lower emissions. Specifically, the current stacker tube, outside clinker pile and loader activity will be replaced with a load-out hopper that will be used to transfer clinker to haul trucks directly with no outdoor pile or loader activity. Emissions from the transfer of clinker to the hopper will be controlled with a dust collector, as will the loading of trucks. The end result will be a substantial reduction in particulate emissions. Earlier designs for this project consisted of repurposing an inactive stone silo for storage of clinker prior to transfer to a load-out hopper. However the cost for this project was prohibitive due to the number of conveyors involved, the need to refurbish the silo, etc. The current design for the project involves construction of a similar load-out system at the location of the current stacker tube system and utilization of a small hopper to accumulate enough clinker to load one haul truck at a time. Dust collection will be utilized to minimize emissions during transfer of clinker to the haul truck.

Potential Annual Emission Calculations (PM, PM10, and PM2.5)

The controlled emissions from clinker handling were estimated from the emission factor for a finish-grinding mill feed belt with fabric filter found in AP42, Table 11.6-4 (PM=0.0024 lb/ton). There was no data listed for PM10 or PM2.5, therefore the emissions were estimated as 50% and 10% of the PM emissions, respectively (PM10=0.0012 lb/ton, PM2.5=0.00024 lb/ton).

The new equipment will consist of one (1) pan conveyor, one (1) enclosed rock box feed chute, one (1) 50-ton hopper, and a dust controlled load-out. This represents three (3) handling points, therefore the total PM emission factor for the system is 0.0072 lb/ton (0.0024*3=0.0072 lb/ton).

The PM emissions were then calculated from the daily throughput limit (3700 ton/day) and the emission factor.

$$\begin{aligned} \text{Potential Annual PM Emissions} &= \\ 3700 \text{ (ton/day)} * 365 \text{ (day/yr)} * 0.0072 \text{ (lb/ton)} / 2000 \text{ (lb/ton)} &= \\ 4.86 \text{ ton-PM/yr} & \end{aligned}$$

The PM10 and PM2.5 emissions were than estimate from the PM emissions and the corresponding weight ratio.

$$\begin{aligned} \text{Potential Annual PM10 Emissions} &= \\ 4.86 \text{ (ton-PM/yr)} * 0.5 \text{ (ton-PM10/ton-PM)} &= \\ 2.43 \text{ ton-PM10/yr} & \end{aligned}$$



Continental Cement Company, L.L.C.
Green America Recycling, L.L.C.
10107 Hwy 79 South
Hannibal, MO 63401
Phone 573-221-1740
866-823-6364
Fax 573-221-1689



Potential Annual PM2.5 Emissions =
 $4.86 \text{ (ton-PM/yr)} * 0.1 \text{ (ton-PM2.5/ton-PM)} =$
0.49 ton-PM2.5/yr

From the PSD permit application, the total PM10 emissions associated with CM-15 were 17.57 ton/yr. This means that the proposed clinker handling system represents approximately a 86% reduction from the permitted potential emissions associated with the outside clinker storage pile (CM-15).

The controlled potential particulate emissions associated with the proposed clinker storage/handling process are less than the corresponding De Minimis levels.

Design of the Load-out System

A final design for the load-out system has not been settled upon. Three possible designs are being evaluated. They include (1) a hopper with clamshell bottom gate utilizing localized dust collection in a semi-enclosed bay (see previously submitted drawing); (2) a hopper and retractable feed chute with built-in dust collection; and (3) a retractable feed spout utilizing a custom-built cover for the haul truck bed. Designs 2 and 3 have been successfully utilized at other U.S. cement plants. The key features of all three designs are the number of transfer points (3) and the control of particulate using properly sized dust collection devices at each transfer point.

Conclusion

We will be evaluating the three designs further for effectiveness, longevity and cost, and we are expecting to make a final decision soon concerning the options in order to complete final design, procurement and construction within the allotted time.

IN THE MATTER OF Continental Cement Company, LLC, Respondent
Docket No. CAA-07-2012-0006

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Order was sent this day in the following manner to the addressees:


Copy hand delivered to
Attorney for Complainant:

Julie Murray
Assistant Regional Counsel
Region 7
United States Environmental Protection Agency
901 N. 5th Street
Kansas City, Kansas 66101

Copy by First Class Certified Mail to:

Thomas J. Grever, Esq.
Shook, Hardy & Bacon LLP
2555 Grand Blvd.
Kansas City, Missouri 64108-2613

Dated: 9/25/12


Kathy Robinson
Hearing Clerk, Region 7