



March 11, 2024

**SUBMISSION VIA REGULATIONS.GOV**

The Honorable Michael S. Regan  
Administrator  
U.S. Environmental Protection Agency  
EPA Docket Center  
Docket ID No. EPA-HQ-OAR-2017-0015  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

**Re: *Comments of Waste-to-Energy Association on EPA's Supplemental Notice of Proposed Rulemaking: National Emission Standards for Hazardous Air Pollutants – Lime Manufacturing Plants Amendments***  
**Docket ID No. EPA-HQ-OAR-2017-0015**

Dear Administrator Regan:

Thank you for the opportunity for the Waste-to-Energy Association (“WTEA”) and its members to provide input into EPA’s supplemental notice of its proposed National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants, 88 Fed. Reg. 9088 (Feb. 9, 2024) (the “Proposed Rule”).

WTEA is a national trade organization representing municipal organizations and partnering companies that own and/or operate waste-to-energy (“WTE”) facilities across the United States. Our members represent the vast majority of the modern WTE facilities that operate nationwide, safely disposing of over 30 million tons of municipal solid waste, while generating 2,500 MW of renewable electricity using modern combustion technology equipped with state-of-the-art emissions control systems.

**1. Use of Health Based Emissions Limit for HCl**

WTE facilities use lime in their scrubbers to control SO<sub>2</sub> emissions. WTE facilities are also subject to hydrogen chloride (HCl) limits under regulations promulgated by EPA under Sections 111 and 129 of the Clean Air Act. *See, e.g.* 40 CFR Part 60, Subpart Eb. WTEA supports EPA’s proposal to regulate HCl by means of a Health-Based Emissions Limit (“HBEL”) under Section 112(d)(4) in the Proposed Rule for the following reasons:



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- A. EPA properly concluded that HCl is a threshold pollutant. 89 Fed. Reg. 9088, 9091-9094.
- B. EPA properly concluded that *Sierra Club v. EPA*, 895 F.3d 1 (D.C. Cir. 2018) does not prevent EPA from issuing an HBEL standard for the reasons EPA sets forth in the preamble to the proposed rule at 9091-9094.
- C. EPA reviewed the Hazard Quotient for HCl and properly concluded that the hazards associated with HCl were acceptable with an ample margin of safety; and therefore, it is appropriate to contemplate setting an HBEL under this rule. *Id.* at 9093.

Accordingly, WTEA supports the use of an HBEL standard in this rule and urges EPA to promulgate such a similar standard for HCl in regulations that impact WTEA and its members.

## **2. Use of an Intra-Quarry Variability Factor for Mercury Emissions**

In the Proposed Rule, EPA included an intra-quarry variability (“IQV”) factor to be applied in its mercury Upper Prediction Limit (“UPL”) calculations to account for naturally occurring variability in mercury content of raw materials at lime quarries. 89 Fed. Reg. at 9094-95. WTEA supports the IQV concept. The “raw materials” – municipal solid waste – supplied to WTE facilities can also vary considerably, and WTEA believes that an IQV approach is warranted in regulations that EPA is pursuing for our industry.

We fully support the comments of the National Lime Association on HBEL and IQV. Thank you for your attention to and consideration of these important matters.

Sincerely,

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