

extremely costly standards for all four of these pollutants. EPA's own regulatory impact analysis found that the rule would cost in excess of \$2 billion for the lime industry, while the benefits are too negligible to monetize. This is because even without additional controls risks are already acceptable with an ample margin of safety, and thus the Lime Rule provides no quantifiable benefits.

NLA strongly supports EPA's plan to reconsider this final regulation, for numerous legal and technical reasons previously raised in NLA's comments during the notice and comment period preceding the Lime Rule, in NLA's lawsuit, and in NLA's petition for reconsideration.

A. TECHNOLOGY TO IMPLEMENT THE LIME STANDARDS IS UNAVAILABLE

1. Technology to Implement the Standard May Not Be Fully Available by the Current Compliance Date

EPA identified three different candidate control technologies as necessary for lime kilns to comply with the rule. Installation and use of these technologies will require significant research and development, pilot plant experimentation, and great expense (and uncertainty). Furthermore, as discussed further below, the candidate technologies' application to achieve the very low levels of HAP emissions from lime kilns is far from demonstrated in practice and may not be achievable for many lime kilns.²

The standards promulgated by EPA will require major sources in the lime industry to make substantial capital expenditures, and to purchase and install major pieces of emissions treatment equipment – at the same time numerous other industries will also be installing similar equipment. At present, lime plants are utilizing control technology to address PM as required in the original 2004 rule, but no lime plant in the United States is using any technology to control any of the four pollutants covered by the Lime Rule. All controls will have to be newly installed. These will require substantial physical changes to lime plants, including major capital expenditures.

In addition, sources will need to hire and train additional personnel to operate this equipment, and will need to retain outside experts, such as analytical laboratories and others, to comply with the standards. Some of the equipment that will be required to implement the standards will require permits from state and/or federal permitting authorities. The current compliance date, July 16, 2027, is a little over two years away, an extremely short period to marshal capital expenditures of \$485 million (the amount estimated by EPA) for such a small industry. Furthermore, it would be unreasonable, and unfair, to require lime producers to begin expending substantial financial and other resources to prepare for compliance with the Lime Rule at a time when EPA intends to reconsider the rule.

Accordingly, even for technologies that theoretically exist and could potentially be installed at lime plants, the standard of unavailability in section 112(i)(4) is met due to the short time frame for compliance, and the two-year exemption is necessary.

² See *National Lime Association comments on EPA Lime Rule* EPA-HQ-OAR 2017-0015 (Feb. 21, 2023) at p. 59. NLA's comments are incorporated herein by reference.