

A. TECHNOLOGY TO IMPLEMENT THE LIME STANDARDS IS UNAVAILABLE

1. The Standards Cannot Be Implemented with Cost-Effective Technology

No *cost-effective* technology is available, or could be available, to implement the standards established in the Lime Rule. EPA estimates that the rule will cost the industry \$2.4 billion over the next 20 years (\$485 million in capital investment) or \$175 million annually. (NLA's cost estimates are even higher: \$924 million capital investment and \$180 million annually.) As noted above, EPA's own risk assessment showed that even without controls, emissions from the industry presented an acceptable level of risk with an ample margin of safety. As a result, any costs expended to meet these standards are unreasonable, and, by definition, not cost-effective. This factor is particularly significant for small business sources that cannot spread compliance costs across multiple locations, and the U.S. Small Business Administration's Office of Advocacy raised serious concerns about the Lime Rule's feasibility and cost, leading EPA to reopen the rule for additional proceedings to address issues affecting small businesses.

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

Overall, EPA's candidate control technologies identified as necessary for lime kilns to comply with the rule will require significant research and development, pilot plant experimentation, and great expense (and uncertainty). Furthermore, 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.¹

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, as noted above, 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 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.

¹ 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.