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ALERT

FEATURED

DOJ and EPA settle with Lehigh Cement; Glens Falls plant will reduce air emissions

Gwendolyn Craig 2 hrs ago



Lehigh Cement Company is seen in Glens Falls. The local plant was listed in a U.S. Environmental Protection Agency consent order published in December, requiring the reduction of certain air emissions.

GLENS FALLS — Lehigh Cement Co., the U.S. Environmental Protection Agency and the Department of Justice have reached a settlement following alleged Clean Air Act violations, which will require the cement company's plants to reduce some of their toxic air emissions, including at the Glens Falls plant.

The federal agencies issued a consent decree on Dec. 3 to the parent companies, Lehigh Cement Co. and Lehigh White Cement Co., requiring them to invest about \$12 million in air pollution controls and pay about \$1.3 million in penalties.

The changes are expected to show annual company-wide reductions in nitrogen oxide pollution by 4,555 tons and sulfur dioxide by 989 tons, according to an EPA news release.

Nitrogen oxide has been linked to asthma and other lung diseases. It is also tied to acid rain, global warming and ground-level ozone, according to the EPA. Sulfur dioxide, SO₂, emissions have also been linked to breathing and heart problems, as well as acid rain.

It's not clear when Lehigh plants will have to implement these changes, yet, an EPA spokesperson told *The Post-Star*.

There is first a public comment period on the changes, and then the settlement must meet final approval with the U.S. District Court for the Eastern District of Pennsylvania, where the settlement was filed.

To comment

Comments on the consent decree will be accepted between Dec. 11 and Jan. 10, 2020.

They may be submitted via email to pubcomment-ees.enrd@usdoj.gov or mailed to Assistant Attorney General, U.S. DOJ, Environmental and Natural Resources Division, P.O. Box 7611, Washington, D.C., 20044-7611. Correspondence should reference *United States, et al. v. Lehigh Cement Company LLC and Lehigh Cement Company, LLC*.

The state Department of Environmental Conservation commended the federal agencies for securing the agreement, in a statement emailed to *The Post-Star*, adding that it would "strengthen air pollution protections for Glens Falls and other communities located near Lehigh plants."

The DEC said the Glens Falls plant has been in compliance with its current air permit, and "will continue to provide strict oversight of the facility, including verifying compliance with the Consent Decree and ensuring that public health and the environment are protected."

"This settlement is a victory for the residents of Glens Falls and the environment," the DEC said.



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Under the consent decree, the Lehigh plant in Glens Falls will reduce its nitrogen oxide emissions by 13%, or approximately 100 tons per year, an EPA spokesman told *The Post-Star* in an email.

Sulfur dioxide emissions allowed in the Glens Falls's plant air permit will also be lowered, though an EPA spokesman said Lehigh's emissions for that tend to be low.

"EPA does not expect any actual emissions rate reductions of SO₂ from the Glens Falls facility," an EPA spokesman said. "However, the Consent Decree prevents any increases of the SO₂ emission rate."

John Brodt, vice president of Behan Communications and a spokesman for Lehigh, said in an email systems controlling levels of nitrogen oxide and sulfur dioxide, have been in place at the Glens Falls plant for more than five years.

"As Lehigh has anticipated this settlement for some time, both systems have already been evaluated and will adequately meet future requirements," Brodt said. "While the Glens Falls plant is covered under the terms of the EPA settlement — which was in negotiations for more than a decade — the local plant was not one of the three Lehigh plants alleged by EPA to have violated the Clean Air Act ... and requires no additional investment in emission control technology to remain in compliance with federal or state air emissions standards."

Records show the Glens Falls plant has control technology and continuous air monitoring systems for nitrogen oxide. It also has control technology for sulfur dioxide, but it does not have a continuous emissions monitoring system for sulfur dioxide. Under the consent decree, it will need to apply for that and modify its air permit.

Lehigh Hanson, the parent company of Lehigh Cement Co., issued a statement on Dec. 3, that said it maintains its compliance with the Clean Air Act.

The company said, "we continue to believe that EPA's alleged claims against Lehigh are the product of a larger, more than decade-long, EPA initiative that bypasses due process and unfairly targets the cement industry. However, this settlement puts an

end to what could otherwise be protracted litigation and allows the company to continue operating our plants in a safe and environmentally responsible manner and supplying our customers with quality cement products."

The settlement involves 14 cement manufacturing facilities, which are located in Alabama, California, Indiana, Iowa, Maryland, New York, Pennsylvania and Texas.

Under the consent decree, Lehigh will pay a civil penalty of \$650,000 to the United States and \$58,023 to New York State. The payment to New York "may be used to fund an air pollution prevention and/or monitoring project," according to the document.

To print the document, click the "Original Document" link to open the original PDF. At this time it is not possible to print the document with annotations.

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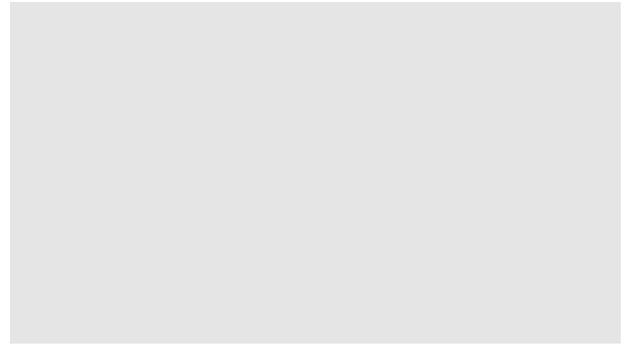
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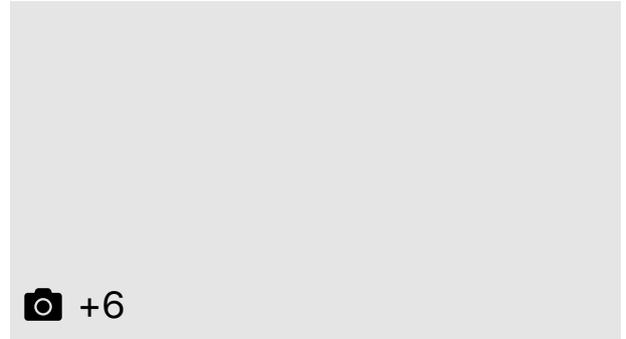
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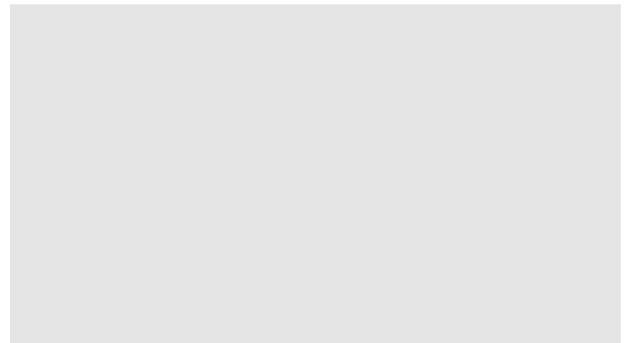
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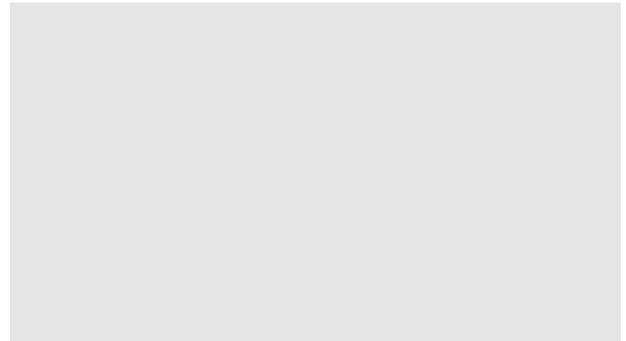
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