UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
RESEARCH TRIANGLE PARK, NC 27711

DEC 1 9 2001

OFFICE OF
AIR QUALITY PLANNING
AND STANDARDS

Mr. Andy O'Hare
Vice President, Regulatory Affairs
American Portland Cement Alliance
1130 Connecticut Avenue, N.W.
Suite 1250
Washington, D.C. 20036

Dear Mr. O'Hare:

On June 14, 1999, the United States Environmental Protection Agency (EPA) published in the Federal Register the final rule entitled "National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry." Following promulgation of this rule (40 CFR 63, subpart LLL), the American Portland Cement Alliance (APCA) petitioned the United States Court of Appeals for the District of Columbia Circuit for review of the final rule under §307(b)(1) of the Clean Air Act, 42 U.S.C. §7607(b)(1). The APCA and EPA negotiated and have agreed to the terms of a settlement agreement and its implementation.

Under the terms of the settlement agreement, you have asked that EPA provide APCA with written clarification of the final rule applicability section, 63.1340(a). Specifically, you have asked that we clarify that the final rule does not apply to nonstationary or mobile sources and certain fugitive sources, such as trucks or loaders, or to fugitive emissions from open or unenclosed material stockpiles or haul roads. These sources, quite simply, are not included among the affected sources covered by the final rule in the applicability language of section 63.1340 (a). This letter provides the clarification of the final rule that you requested.

The EPA considers this letter to fulfill the terms contained in section 1 of the settlement agreement between EPA and APCA.

Sincerely,

Sally L. Shaver

Sally L. Shaver
Director
Emission Standards Division