

Portland Cement NESHAP rulemaking:
40 CFR Part 63
National Emissions Standards for Hazardous Air Pollutants from
Portland Cement Manufacturing Industry; Proposed Rule
Docket ID No. EPA-HQ-OAR-2002-0051

My name is December McSherry. I own and operate a 750 acre farm in Archer, Florida. My family and I raise Black Angus cattle and sell calves, hay and grain commercially. I am a member of the National Cattlemen's Association, Florida Cattleman's Association, American Angus Association and Florida Farm Bureau. Located on our farm are wetlands and several ponds as well as a mature forest that harbors wildlife such as quail, turkeys, hawks, eagles, kestrels, deer and many species of frogs and snakes. Our farm is located in the high aquifer recharge area for the Floridian Aquifer, the sole source for drinking water in the region. This area is rated high for pollution potential by the Suwannee River Water Management District (SRWMD).

I am concerned about air pollution damaging my home, farm and business because we live downwind of 2 portland cement plants. FL DEP permits allow release of up to 400 pounds per year of mercury in addition to several tons hazardous air pollutants. This year two additional cement plants have been approved by FL DEP that would bring the total up to 800 lbs. released near my home. Methylmercury is the most hazardous emission; it is a developmental neurotoxicant. The cement plants near my home have already impacted air quality and have deposited mercury to area water bodies.

When my family gets time off from farm work we go fishing. We visit area lakes, rivers, springs and the coast. Our favorite fish are the largemouth bass, bowfin gar, Suwannee bass and Spanish mackerel. We sail and fish in the Gulf of Mexico and also enjoy canoeing and swimming in the Santa Fe River, the Suwannee River, St. John's River and many of the associated springs of those rivers. Over twenty years ago, these rivers were designated Outstanding Florida Waters (OFW's) by the state of Florida based on their excellent water quality.

These rivers and springs are no longer outstanding because they have been horribly polluted. In the last ten years, the portland cement industry has moved into North Central Florida to mine limestone and produce portland cement. Seven portland cement plants have been constructed. Current cement plants will be expanded and there are plans for 7 new kilns that will bring additional hazardous air pollution and excessive mercury deposition.

I have come here today to ask you to set maximum achievable control technology floor standards for mercury in **portland cement plants**. On December 15th, 2000, the United States Court of Appeals for the District of Columbia DC Circuit remanded parts of the national emission standards for hazardous air pollutants. EPA left mercury off the list, in addition to Hydrochloric acid. Methylmercury is the most hazardous. It is a developmental neurotoxin. Mercury poses a threat to the health, welfare and economy of the residents in Florida. It is a documented threat to fish and wildlife in Florida.

According to EPA, over 2 million miles of lakes, 50,000 miles of rivers and the entire Florida coastline are posted with Fish Advisories for mercury contamination. Warnings tell people not to eat poisoned fish or their health will fail.

Consumption of contaminated fish can cause neurological problems, including developmental retardation in fetuses and young children.

Last year, recreational fisherman spent \$4,083,409,000 on fishing in Florida, ranking Florida #1 in the nation for money spent on recreation.

Commercial fishing, processing and seafood restaurant sectors contributed another \$1,000,000,000 to benefit the Florida economy.

The five billion dollar Florida fishing industry may be eliminated because of damage from mercury contamination from portland cement plants. The industry is not regulated for mercury emissions by EPA.

EPA collected approximately two composite samples of one predator fish species and one bottom dwelling fish species at 260 lakes, for a total of 520 composite samples or 2,547 fish around Florida.

Key findings include the following:

All of the fish samples EPA tested for in Florida were contaminated with mercury. In Florida, 63% of the fish samples contained mercury levels that exceed EPA's "safe" limit for women of average weight who eat fish twice per week.

The average mercury concentration of the composite samples from Florida lakes was 0.26 ppm or twice the level that EPA considers safe. The EPA "safe" limit for women of average weight who eat fish twice per week is 0.13 ppm.

The U.S. Food and Drug Administration has recently published a list of fish and shellfish with mercury levels from 800 samples. Those species with mercury include: grouper, tuna, lobster, halibut, sablefish and polluck.

FDA has posted a CONSUMER ADVISORY for pregnant women and young women of childbearing age telling them not to eat king mackerel, swordfish, shark and tilefish due to high methylmercury levels.

The Florida Department of Environmental Regulation and Florida Dept of Health and Rehabilitative Services jointly announced a HEALTH ADVISORY urging limitation of King Mackerel from the Gulf of Mexico. A large mackerel should NOT be consumed, they have been found to have >1.5 ppm mercury levels in them. A medium size mackerel should only be consumed once a month by women and children.

In 2002, commercial landings for king mackerel alone were 4,471,000 pounds, (2,179,000 pounds from the Gulf of Mexico) and worth \$6,291,000.

In 2002, recreational landings for king mackerel were 6,769,000 pounds, (3,043,000 from the Gulf of Mexico) and worth \$8,000,000 in value.

Mercury contamination may cause this one particular \$15 million a year industry to shut down and go out of business.

There is a tragedy in the middle Suwannee River, lower Suwannee River and the Suwannee River estuary; mercury in fish exceed .5 ppm.

We own riverfront property on the middle Suwannee River and can NO longer eat fish from the river because of the health and safety risks. This is tragic for all the fisherman who have come to this river to fish and rely on this natural resource.

The Florida Department of Environmental Protection (DEP), the Florida Department of Health (DOH) and the Florida Fish and Wildlife Conservation Commission (FFWCC) operate jointly to determine if hazardous chemicals are present in fish in Florida waters.

The FFWCC determines what fish species should be sampled and collect samples. DEP determines the potential for adverse human health effects from consuming fish and issue fish consumption advisories to warn of poisoning.

January 21, 2006, The Department of Health issued additional warnings on the Wekiva River, Wacissa River, Kissimmee River, Hillsborough River, Lake Apopka, Halfmoon Lake, Fisheating Creek, Braden River, Lake Arbuckle, Lake Beclair, Lake Dora, Lake Eustis, Lake Griffin, Lake Hamilton, Lake Harris, Lake Istokpoga, Lake Josephine, Lake Kerr, Lake Lochloosa, Lake Mann, Lake Norris, Lake Okeechobee, Loxahatchee National Wildlife Refuge and the Ochlocknee River.

DOH warns the public not to eat bass, warmouth, bowfin, chain pickerel or flier yellow bullhead. The 121 fishing clubs in Florida are spreading the word. This is devastating to those who love to fish and the poor who depend on fish for their diet. The poor suffer the most in Florida, as they rely on fishing to stay alive.

Many of these new health advisories are near portland cement plants, each spewing 200 lbs of mercury into the air every year. There are five new permit requests which may double the mercury contamination in Florida. EPA has failed to regulate mercury in portland cement plants. 2,800 lbs of mercury pollution per year is unacceptable and can devastate the Florida economy.

The industrial pollution coming from cement plants has my community in Alachua County concerned. Fifteen hundred young students attend three schools within two miles of a cement plant. These schools are within the significant health impact zone that extends out four miles. Alachua County Health Department conducted an epidemiological survey that shows a significant rise in childhood asthma; it is the highest in the state of Florida.

I ask EPA to

Ban the use by the portland cement industry of flyash from utility boilers, power plants. Mercury waste from power plants is in the flyash.

Require the portland cement industry to switch to natural gas that would cut mercury emissions significantly.

Ban feed materials that contain mercury.

A single industry has no right to destroy the health and welfare of our children and our communities.

The portland cement industry has no right to destroy the Florida economy or any other state economy.