EPA Levies $2.5M Penalty Against U.S. Cement Maker

John Miller, Associated Press

BOISE, Idaho (AP) — The Environmental Protection Agency levied a $2.5 million penalty against a big cement maker and required the company to invest $30 million in pollution controls at plants in nine states alleged to have violated the federal Clean Air Act.

Ash Grove Cement Co.'s penalty was announced Wednesday by the EPA and U.S. Department of Justice, part of a deal in which the Overland Park, Kan.-based company also will spend $750,000 to mitigate effects of past excess emissions.

The EPA said this will reduce thousands of tons of harmful pollutants at plants in Arkansas, Idaho, Kansas, Montana, Nebraska, Oregon, Utah, Washington and Texas. The pollutants targeted, nitrogen oxides, and sulfur dioxide, are converted in the air into fine particles that can cause severe respiratory and cardiovascular impacts, and premature death.

"This significant settlement will achieve substantial reductions in air pollution from Ash Grove's Portland cement manufacturing facilities and benefit the health of communities across the nation," said Acting Assistant U.S. Attorney General Robert G. Dreher, in a statement. "The agreement reflects the Justice Department's ongoing commitment to protecting public health and the environment through enforcement of the nation's Clean Air Act."

Ash Grove acknowledged the agreement in a statement and said it's striving to comply with environmental regulations at all its facilities.

Still, it disputes that it violated the Clean Air Act, saying it opted to enter this agreement with federal regulators rather than face rising costs in time and financial resources that would have accompanied further discussions with the EPA.

"The agreement with EPA will allow Ash Grove to move forward and provide an environmentally sustainable product that is the foundation of our economy," said Charles T. Sunderland, the company's chairman and chief executive officer.

The EPA, which says the pact will reduce air pollution that can hurt human health and cause acid rain, has targeted emissions from big polluters including cement makers in recent years. For instance, the EPA has levied more than $3 million in penalties against Mexican-based cement maker Cemex since 2009, while French building materials giant Lafarge was hit with a $5.1 penalty in 2010, both for nitrous oxides and sulfur dioxide emissions from U.S. plants.

But the agency said its agreement with Ash Grove — lodged Wednesday in the U.S.

District Court for the District of Kansas — is the first settlement with a cement manufacturer that also requires injunctive relief and emission limits for particulate matter, a combination of combustion gasses and fine dust.

There's a 30-day public comment period before final court approval.

In Montana, Ash Grove's plant in Clancy has been among industrial facilities blamed for contributing to haze pollution that's obscured skies over places including Yellowstone National Park.

In Midlothian, Texas, federal regulators acted as residents who live near three companies' cement plants including one owned by Ash Grove complained pollution damaged their immune systems and impaired breathing. The EPA said Ash Grove will shutter two older, inefficient cement kilns in Texas, while a third will be replaced with a cleaner, newly reconstructed kiln.

Ash Grove will also spend $750,000 on a project to replace old diesel truck engines at its facilities in Kansas, Arkansas, and Texas, estimated to reduce smog-forming nitrogen oxides by approximately 27 tons per year.

Its aging, high-cost plant in southeastern Idaho's Inkom is inactive, but pollution from Ash Grove's plant in eastern Oregon along U.S. Interstate 84 often blows east with the prevailing winds into Idaho.

The $2.5 million penalty will be distributed to eight states and one agency that took part in the agreement: Arkansas, Idaho, Kansas, Montana, Nebraska, Oregon, Utah, Washington, and the Puget Sound Clean Air Agency.

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