WALTER B. JONES
3D DISTRICT, NORTH CAROLINA

ROOM 2333
RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
TELEPHONE: (202) 225-3415

COMMITTEES:
COMMITTEE ON ARMED SERVICES

Congress of the United States
House of Representatives
Washington, DC 20515–3303

DISTRICT OFFICE:
1105-C CORPORATE DRIVE
GREENVILLE, NC 27858
(252) 931-1003

(800) 351-1697

May 15, 2017

The Honorable Scott Pruitt
Environmental Protection Agency
Office of the Administrator, Mail Code 1101A
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Pruitt:

On August 15, 2015, the United States Environmental Protection Agency (EPA) finalized revisions to the National Emissions Standards at 40 CFR Part 03, Subparts AA and BB for phosphoric acid manufacturing and phosphate fertilizer production, as well as the residual risk and technology review for these standards. *See Phosphoric Manufacturing and Phosphate Fertilizer Production RTR and Standards of Performance for Phosphate Processing*, 80 Fed. Reg. 50386 (August 19, 2015) (Final Rule). The Final Rule includes a newly established mercury emission limit (or Maximum Achievable Control Technology Standard) for existing calciner units. As part of the Final Rule process, EPA determined there is no adverse public health risk associated with mercury emissions from Potash Corporation's facility in Aurora, North Carolina. Further, the limit is having a significant impact on the financial viability of the facility and thus, its 850 employees in my congressional district. As such, I am writing to strongly urge you to place this Final Rule on the list of rules to be repealed, replaced or modified under Executive Order 13777.

Mercury emissions from such units were not previously regulated. Potash's Aurora facility operates the only six calciners subject to this limitation in the entire country. EPA determined that the sole technology to control such emissions that *might* be technically feasible at the site is not economically reasonable for the Aurora facility. Instead, it would result in an unreasonable financial burden on the company and its employees if it was required to be installed. However, notwithstanding these findings, the Aurora facility may still be forced to install this exceedingly expensive and unproven technology based upon the manner in which the limit was set.

The mercury limit established by EPA in the Final Rule was based upon a limited data set from two test events at the Aurora facility in 2010 and 2014, respectively. These events do not take into consideration the natural variations of mercury in ore processed by the Aurora facility, nor all operating scenarios or conditions under which the calciners operate. As such, I am concerned that Aurora will have no alternative but to install new control technology that would significantly impact the viability of the facility to operate (and which EPA already determined was economically unreasonable for its operations). This would put the Aurora facility's viability in doubt along with the jobs of its 850 employees and the hundreds of collateral businesses and jobs that support the facility and its operations.

As a result of the Final Rule failing to provide flexibility to address the content variability of the ore in the emission limit or all operating conditions for the units, I also share Potash Corp's concerns about its ability to maintain compliance with the mercury limit set by the Final Rule in the absence of expensive control technologies, particularly as it moves into other areas of its phosphate mine where the natural content may vary.

Given the circumstances of how this limit was developed, I believe this Final Rule is an outstanding candidate for inclusion under Executive Order 13777. The Rule has significant financial implications for the Aurora facility and limits the ability for it to compete on the global marketplace. Lost jobs would unnecessarily harm the well-being of affected families and potentially eliminate a considerable employer and revenue source in an already economically challenged region. Further, EPA has already concluded that the mercury emissions from the facility do not pose a residual risk. This is exactly the type of unnecessary rule that Executive Order 13777 was crafted to address.

I strongly urge you eliminate the rule, or at a minimum, to revise the rule in order to ensure that a proper mercury emission limit is set.

Thank you for your consideration.

Sincerely,

Walter B. Jones

Walter B. Jones
Member of Congress