



NORTH CAROLINA MARINE FISHERIES COMMISSION

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

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January 26, 2009

Mr. Keith Overcash, Director
Division of Air Quality/DENR
1641 Mail Service Center
Raleigh, NC 27699-1641

Re: Carolinas Cement Company PSD Permit Application

Dear Mr. Overcash:

I am writing on behalf of the N.C. Marine Fisheries Commission regarding the Carolinas Cement Company PSD Permit Application. Our commission is responsible for ensuring sustainable marine and estuarine fisheries and habitats for the benefit of the public and we have the authority to review and comment on and otherwise participate in the determination of permit applications received by state agencies that may have an impact on the marine and estuarine resources of North Carolina.

This project proposes to construct a Portland cement kiln and to mine limestone adjacent to the Northeast Cape Fear River. The Prevention of Significant Deterioration (PSD) of air quality application for the cement kiln proposes to emit significant levels of pollution for six criteria pollutants exceeding the PSD major source emissions rate, including NO_x, PM (TSP), PM₁₀, SO₂, CO, and VOCs. The cement kiln is also a major source of several hazardous air pollutants including mercury. The U.S. Environmental Protection Agency will promulgate draft rules for hazardous air pollutants from cement kilns on or about March 31, 2009. The draft rules will apply to new cement kilns that are permitted after the publication of the draft rules in the Federal Register in April 2009.

Our commission is greatly concerned that the Carolinas Cement Company application for a PSD permit fails to evaluate the atmospheric deposition of mercury and other pollutants into surface waters. Mercury emissions are converted to the highly toxic form of methylmercury in surface waters. Fish contaminated with methylmercury are highly toxic when consumed by children and pregnant women. Due to elevated levels of methylmercury in largemouth bass, bowfin, and chain pickerel in waters south and east of Interstate 85, the N.C. Department of Health and Human Services has issued regional fish consumption advisories in the Cape Fear River basin, as well as other coastal river basins.

Under a separate application to the U.S. Army Corps of Engineers, Carolinas Cement Company proposes to mine a limestone quarry that includes up to 600 acres of wetlands, including over 200 acres below mean high water. The N.C. Division of Marine Fisheries sent a letter to the Corps on August 8, 2008 expressing its opposition to the project as proposed.

The Corps has begun an environmental impact statement for the project as required by the National Environmental Policy Act. The EIS will examine primary, secondary and cumulative impacts of the cement kiln and the mining operation. The EIS will provide important information on environmental impacts that should be considered before the DAQ issues a draft PSD permit for air emissions.

The section of the Northeast Cape Fear River adjacent to the proposed cement kiln is impaired for mercury on North Carolina's 303(d) List of Impaired Waters. Our commission is concerned about potential impacts of the Carolinas Cement Company project to the Primary Nursery Area of the Northeast Cape Fear River, which includes the entire river except for the Corps-maintained channel in the lower reach.

The Northeast Cape Fear River has been designated as a Primary Nursery Area by our commission and both the river and Island Creek have been designated as Anadromous Fish Spawning Areas by the Marine Fisheries Commission and the Wildlife Resources Commission. Seven of the nine diadromous fishes that are known to occur in the Cape Fear River drainage have been documented in the Northeast Cape Fear River and/or Island Creek by the Division of Marine Fisheries and others. These species include American eel, American shad, Atlantic sturgeon, blueback herring, hickory shad, shortnose sturgeon, and striped bass. The shortnose sturgeon is listed as federally endangered, while populations of the Atlantic sturgeon are currently being considered for listing as federally threatened. There has been a fishing moratorium on both since 1991. The stock status of the blueback herring in North Carolina is depleted and our commission implemented a fishing moratorium in 2008. Problems include decreased recruitment and declining spawning stock biomass. The same is true of the striped bass population in the Cape Fear River; a moratorium on commercial and recreational harvest was implemented in June 2008. East Coast stocks of American shad are at all-time lows according to the latest 2008 Atlantic States Marine Fisheries Commission stock assessment. The status of the American eel is unknown but the Atlantic States Marine Fisheries Commission has concerns. Through these fishing moratoriums and other restrictions our commission has tried to meet its statutory duties regarding conservation of these fisheries resources. However, additional degradation of habitat and water quality conditions where these species occur limits our ability to restore these fisheries.

Our commission requests the Division of Air Quality withhold final action on the permit application until new EPA rules governing hazardous air pollutants from cement plants are published in April and until the U.S. Army Corps of Engineers has completed an environmental impact statement on the project.

Thank you for your consideration of our requests.

Sincerely,



Mac Currin, Chairman
N.C. Marine Fisheries Commission

Cc: N.C. Marine Fisheries Commission
Secretary Dee Freeman
Dr. Louis Daniel
Anne Deaton