



March 31, 2025

Hon. Lee M. Zeldin
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460

VIA E-MAIL
airaction@epa.gov

Dear Administrator Zeldin:

***Re: Request for Clean Air Act Section 112(i)(4) Presidential Exemption from National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks, and Coke Oven Batteries; Residual Risk and Technology Review, and Periodic Technology Review, 89 Fed Reg. 55684 (July 5, 2024) ("Coke RTR Rule")
United States Steel Corporation – Mon Valley Works, Clairton Coke Plant***

United States Steel Corporation (U. S. Steel) respectfully requests a Presidential Exemption for the compliance with the National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks, and Coke Oven Batteries; Residual Risk and Technology Review, and Periodic Technology Review, 89 Fed. Reg. 55684 (July 5, 2024) (the "Coke RTR Rule") for its Clairton Coke Plant in Clairton, Pennsylvania. Among other things, the Coke Ovens Rule promulgated new and revised National Emission Standards for Hazardous Air Pollutants (NESHAP) for the Coke Ovens: Pushing, Quenching, and Battery Stacks (PQBS) source category (40 C.F.R. Part 63 Subpart CCCCC) and the Coke Oven Batteries (COB) source category (40 C.F.R. Part 63 Subpart I.). As specifically noted herein, technology to implement these requirements are not available and it is in the national security interests of the United States that such an exemption be granted.

On March 12, 2025, EPA announced that it was taking appropriate action to advance President Trump's initiative of "Powering the Great American Comeback." As part of that effort, EPA indicated that it was reconsidering the Coke RTR rule as well as several other rules; and advised that "any source interested in a Presidential Exemption, should provide their recommendations to EPA by March 31, 2025;" and that sources need only provide why technology is unavailable and why it is in the national security interests of the United States to provide the exemption. In response to that announcement, and consistent with our previously submitted petition for judicial review, petition for administrative stay and reconsideration, and request for extension pursuant to Clean Air Act Section 112(i)(3)(B), U. S. Steel is submitting its request for a Presidential Exemption pursuant to Clean Air Act Section 112(i)(4) for the Coke RTR for its Clairton plant, the largest coke plant in North America, located in Clairton, Pennsylvania.

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Sierra Club FOIA -
2025-EPA-04883

SC_EVERSPLIT0012489

EXECUTIVE SUMMARY

U. S. Steel is respectfully requesting a two-year Clean Air Act § 112(i)(4) Presidential Exemption from all of the 2024 Coke MACT amendments -the Coke RTR Rule- because, as U. S. Steel has clearly shown in prior submissions to EPA, no coke plant is actually meeting the HAP limits; nor does any coke plant employ technology that demonstrates the limits can consistently be met. Furthermore, even outside the coke industry, no technology exists that has demonstrated that the limits can consistently be met. U. S. Steel's efforts to comply with the 2024 amendments to the Coke RTR Rule would result in significant, adverse financial and operational impacts to the company and the domestic steel industry. Without a Presidential Exemption, U. S. Steel's and the domestic steel industry's ability to provide for the critical infrastructure, investments and national security would be significantly compromised.

EXEMPTION REQUEST

The President has the authority to grant exemptions from NESHAP emissions standards of up to two years pursuant to Clean Air Act (CAA) § 112(i)(4) and 40 C.F.R. § 63.6(j).

U. S. Steel is requesting a two-year Presidential Exemption, with the possibility to extend the period for additional periods if necessary and appropriate as authorized under the Clean Air Act, of the following Coke RTR Rule compliance requirements for U. S. Steel's Mon Valley Works Clairton Coke Plant, 400 State Street, Clairton, Pennsylvania 15025:

1. July 7, 2025, compliance date to begin fenceline monitoring (*see* § 63.314);
2. July 7, 2025, compliance date to begin complying with the revised limits for allowable leaks from coke oven battery doors, lids, and offtakes and related reporting (*see* § 63.302(a)(4), § 63.302(d), § 63.304(b)(8), and § 63.311(h); and
3. January 5, 2026, and July 7, 2026, compliance dates to begin complying with MACT standards for sources in the PQBS NESHAP and related reporting (*see* § 63.7283(d), § 63.7341(f), and § 63.7300(c)(4)).

A two-year Presidential Exemption of these compliance dates is necessary and appropriate to prevent irreparable harm to the domestic metallurgical coal and domestic steel industry and is supported for the reasons provided below.

BACKGROUND

In CAA § 112(i)(4), Congress gave exclusive authority to the President to "exempt any stationary source from compliance with any standard or limitation under this section [Clean Air Act Section 112] for a period of not more than 2 years if the President determines that the technology to implement such standard, which has been recognized as including "unavailable in time for

installation and operation,”¹ is not available and that it is in the national security, which includes economic security,² interests of the United States to do so. An exemption under this paragraph may be extended for 1 or more additional periods, each period not to exceed 2 years. The President shall report to Congress with respect to each exemption (or extension thereof) made under this paragraph.” While the provision has very little precedent in being exercised, if there were ever a time to exercise such authority, the time to do so is now with respect to the Coke RTR rule as the Coke RTR rule, without such an exemption and if left in place, would result in materially adverse consequences on U. S. Steel and domestic steel industry. These consequences would significantly and harmfully alter domestic steel production as well as the United States’ infrastructure, investments and economic security landscape which as the current and prior administrations have determined that the domestic steel industry is a key, vital component.

While the President has broad authority in issuing such exemptions and while not controlling to issuing Presidential Exemptions, we note that in implementing extensions under Clean Air Act Section 112(i)(3)(B), EPA has broadly construed “standards” to include compliance measures. (See 66 Fed. Reg. 16318, 16328 (Mar. 23, 2001) Such “other compliance measures” include, among other things, “... obtaining or implementing technology hardware or software systems and process changes to accommodate pollution prevention or other emission reduction measures.” *Id.*

U. S. Steel, individually, and as part of the American Coke and Coal Chemicals Institute (ACCCI) and Coke Oven Environmental Task Force (COETF), submitted comments on the proposed Coke RTR Rule and filed petitions for administrative reconsideration and applications for stay of the final Coke RTR Rule urging EPA to reconsider numerous aspects of the Coke Ovens Rule and to stay the effective date pending promulgation of replacement regulations.³ These comments, petitions, and applications are incorporated into this request by reference. In addition, these concerns are subject to petitions for judicial review with the United States Court of Appeals for the District of Columbia Circuit.

We appreciate EPA’s recent granting reconsideration of the Coke RTR Rule. Granting the Presidential Exemption is critical to prevent disruption of the domestic steel industry and is appropriate while EPA reconsiders the Coke RTR Rule.

¹ 90 Fed. Reg. 6,773, 6,774 (Jan. 17, 2025).

² See America First Investment Policy, <https://www.whitehouse.gov/presidential-actions/2025/02/america-first-investment-policy/> (Feb. 21, 2025) (“Economic security is national security.”)

³ See U. S. Steel Petition for Reconsideration and Stay of the National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks, and Coke Oven Batteries; Residual Risk and Technology Review, and Periodic Technology Review (Sept. 3, 2024); and American Coke and Coal Chemicals Institute (ACCCI) and Coke Oven Environmental Task Force (COETF) Petition for Reconsideration and Stay of the National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks, and Coke Oven Batteries; Residual Risk and Technology Review, and Periodic Technology Review (Sept. 3, 2024).

TECHNOLOGY IS UNAVAILABLE

A. Fenceline Monitoring Requirements

For the reasons set forth in U. S. Steel's and the ACCCI/COETF petitions for reconsideration, the fenceline monitoring benzene action level in the Coke Ovens Rule is overly stringent and is not based on modeling showing the correct highest benzene concentration at the facility fenceline using allowable (vs. actual) emissions.

To implement the fenceline monitoring requirements, new currently undeveloped emission controls and new leak detection/repair programs must be evaluated, designed and installed to comply with the action level. The technology that would be used to comply with the fenceline monitoring requirements and action level are not known and, therefore, are unavailable at this time. Due to the complex nature of coke facilities, this potentially involves engineering suitable capture and control systems at multiple locations. Identifying these locations and engineering controls for them takes much longer than one year, and may involve permitting new emission controls, which would delay installation of controls. In addition, additional time is needed to install the benzene fenceline monitoring and meteorological stations. Siting the monitoring locations, specifically the locations around the non-source category operations will take additional time to determine the delta c. In addition, for the reasons set forth in the ACCCI/COETF and U. S. Steel petitions for reconsideration, the fenceline monitoring benzene action level in the Coke RTR Rule, which is not health-based, was incorrectly determined, is overly stringent, and is not based on modeling showing the correct highest benzene concentration at the facility fenceline using allowable (vs. actual) emissions.

In further support of the Presidential Exemption, additional compliance time beyond one year is also needed to develop (and for EPA to approve) the facility-specific monitoring plans, which are a compliance measure technology, that are required under the rule. Thus, the technology to implement the requirements is not available. Identifying specific source contributors to each fenceline monitoring location poses significant challenges due to the closely located sources (e.g., coke batteries, byproduct recovery plant, storage tanks, marine barges, etc.) within a coke facility, which is unlike more widely spaced sources common in the petroleum refinery sector.

Likewise, "root cause" investigations required by the Coke RTR Rule add significant time and complexity, considering the many miles of piping and thousands of valves and flanges at a coke facility. Projects to reduce benzene emissions further include redesign, fabrication, and installation or modification of process vessels, tar decanters, gas blanketing and vapor collection systems, replacing sections of coke oven gas piping, and redesign of tar and light oil loadout systems to reduce allowable fugitive emissions or leak rates.

Because the Clairton plant is complex and has numerous "non-categorical" operations – which fall outside the scope of the requirements, the standard fenceline monitoring requirements are not appropriate or feasible. It will take U. S. Steel more time to generate sufficient data and

information necessary to determine any sources of benzene and to implement any additional controls or operational modifications to reduce benzene emissions as well as to develop a site-specific monitoring plan. Furthermore, because EPA is given 120-days to review and approve any site-specific monitoring plan, and there may be additional time needed to respond to any inquiries, a Presidential Exemption from this standard is appropriate and necessary.

The technology to appropriately install and implement real-time monitors is not currently available for the Clairton plant. The Final Rule failed to address multiple issues with real-time monitors, including the technical feasibility of locating and installing real-time monitors, the difficulty using real-time benzene monitor data and the 2-week average benzene monitor data at the fence line to determine an appropriate delta c, the complexity of using these monitors at coke facilities, and the cost of installing and operating monitors. U. S. Steel had no opportunity to raise objections to this change or to provide information on the feasibility and reasonableness of requiring real-time monitors for these purposes. These provisions were not proposed and are not a logical outgrowth of the proposed coke RTR rule. Had EPA provided this opportunity, U. S. Steel would have provided information on the cost and infeasibility of real-time monitors, demonstrating that the use of real-time monitoring requirement for the purposes of the Coke RTR Rule is not appropriate or feasible.

B. Unsupported and Arbitrary Revised Standards for Coke Oven Battery Doors, Lids, and Offtakes

The Coke RTR Rule lowered allowable leak limits for coke battery doors, lids, and offtakes and for the first time imposes more stringent leak rate allowables for coke battery doors on a single facility (U. S. Steel – Clairton Plant) based on annual coke production. However, U. S. Steel and industry commenters informed EPA that there have been no improvements or other changes in leak control practices in the industry, which means that facilities cannot consistently meet the revised leak rate allowables without additional time to develop and install controls or measures that would be needed to achieve compliance.

For coke oven doors, more time is needed to perform technical evaluations to identify ways to reduce door leaks to comply with the new limits. This may include replacing door machines, rebuilding or replacing oven doors, and redesigning door-jamb cleaning mechanisms, all of which are means to control leaks around coke oven doors. The time needed to engineer, fabricate, and install two new door machines could take 5-6 years to complete and costs approximately \$20 million. The time to rebuild or replace oven doors on a typical battery with 82 doors is up to three years to engineer, fabricate, and install.

For coke battery lids and offtakes, more time is needed to research and trial ways to reduce leaks to comply with the revised limits. Control methods include redesigning or replacing lids or developing different sealing materials. The time needed to engineer, fabricate, and install replacement lid and offtake components is a minimum of 2-3 years to complete.

In the Coke RTR Rule, EPA removed startup, shutdown and malfunction (SSM) provisions that are important to U. S. Steel's Clairton Plant's ability to meet the existing limits. For example, with the loss of beneficial carbon in the battery during SSM events, stack, charging

and potentially other emissions are adversely affected. In addition, during certain SSM events, flares must be used, which EPA already has recognized as a necessary practice. Any limits must include allowances for SSM events; or alternatively, have SSM-specific work practice requirements in lieu of the MACT limits.

Finally, while in 2020, EPA determined that no technology developments warranted any technology changes to the existing MACT standards, in 2024, EPA did an about-face, and without identifying any specific technology developments, unlawfully lowered the acceptable leak rates for coke plants simply because in response to information collection requests, some facilities, including most significantly, U. S. Steel's Clairton plant, provided data that was better than the existing leak rate limits. This unlawful action was further exacerbated as applied to U. S. Steel, since it singled out the Clairton plant, and arbitrarily and capriciously imposed an even lower door leak rate that only applies to the Clairton plant – based upon coke production rates – without identifying any technology or practice development in use by U. S. Steel – just that it's leak rates were the lowest. When U. S. Steel commented on this absurdity, EPA simply threw up its hands and asserted that, “there is a strong basis to infer” that larger facilities are more effective at employing work practices. U. S. Steel respectfully notes that “more effective at employing work practices” is not a technological development. Even more astonishing, in response to the comments, EPA tries to boldly, but inappropriately, shift the burden on U. S. Steel by responding that commenters have not suggested an alternative basis on why the data at Clairton are better than other sources. The “inferences” asserted by EPA are not a sound or legal basis for setting more stringent standards under its authority under Section 112(d)(6) of the Clean Air Act. EPA has an obligation to support its basis and determinations with facts with a nexus to the standards – and not simply impose lower standards because a certain source or sources in implementing a program to comply with the existing MACT standards perform better than others.

C. New Improper, Incorrect MACT Standards for the PQBS Source Category

The Coke RTR Rule includes 18 new MACT standards covering multiple hazardous air pollutants (HAP). However, the technology to control these HAP at these sources is not available because no such technology has been demonstrated to control and meet the Coke RTR Rule HAP limits for the coke byproduct recovery industry, either in the US or internationally.

The 18-month compliance period (i.e., January 5, 2026) provided in the Coke RTR Rule was based on EPA's incorrect and unsupported assumption that the only thing sources subject to the Coke RTR Rule would need to do to comply with the new limits would be to test to confirm EPA's assumption that facilities *can meet* all of the new MACT limits. EPA failed to address specific concerns and data submitted by U. S. Steel and other commenters showing that facilities *cannot meet* the new standards without costly and time-consuming projects to install additional control equipment and other measures. EPA slightly revised some of the final MACT limits compared to EPA's original proposal. However, the Hg MACT limit is unchanged; and EPA did not address data submitted by commenters showing raw material (i.e., coal) and process variability that affect emissions.

Facilities that cannot meet these unachievable standards need much longer than 18 months to complete the testing, engineering, fabrication, and installation of controls and other equipment, assuming compliance with the new MACT standards is even feasible. A Presidential Exemption is warranted for several reasons:

- No technologies employed at any coke facility have demonstrated the ability to meet the new MACT standards.
- Contrary to the Clean Air Act, the Coke RTR Rule imposes requirements that no source, domestically or globally, is known to actually achieve.
- Contrary to the Clean Air Act and EPA's obligations, EPA failed to consider the Coke RTR Rule's impacts to the domestic coke and integrated iron and steel industry and the nation's economic security and national growth interests
- Because the Coke RTR Rule is based upon insufficient data, attempts to continuously comply with the new limits will require the addition of controls. Furthermore, even with the installation of and operation of additional controls, continuous compliance with the new limits remains uncertain as there are no proven controls at this time. The estimated cost effectiveness of controls for the by-product coke industry would be unprecedented and exorbitant. Because the new limits are not based upon proven technologies as Congress intended and as EPA has historically done to comply with Section 112 of the Clean Air Act, U. S. Steel must incur substantial unrecoverable costs in its attempt to design and implement controls that will attempt to consistently meet the new limits in an impossible time period resulting in irreparable harm to U. S. Steel. Contrary to EPA's claim that no coke plant would be required to put on controls to meet the new MACT limits, data in EPA's possession suggests that continuous compliance cannot be met without modifications at coke facilities.
- Sources, including the Clairton plant, need to generate additional data to better account for raw material and process variability. The MACT floor datasets are too limited, are not representative of the coke industry, and do not adequately reflect variability in operating conditions (e.g., normal coking time vs. extending coking time) or variability in raw material inputs, such as coal characteristics. As a result, no technology is available that has demonstrated that the new limits are achievable under all reasonably foreseeable conditions. To address these issues, U. S. Steel and other commenters suggested that EPA include a process to address such variability when determining the MACT standards as EPA did with the Brick MACT by including an intra-quarry variability (IQV) factor when developing the MACT standards. In promulgating the Coke RTR Rule, EPA rejected these comments and did not include a variability factor when setting the MACT standards.
- Controlling multiple pollutants and retrofitting controls into existing equipment and operations adds complexity and time due to interactions of the requirements for control, including pollutant interactions, flow rates, chemistry, and temperatures.

- There is a general lack of confidence that there is any feasible control technology for hydrogen cyanide (HCN). Air pollution control vendors indicate that any potential solution for control of HCN is not technically feasible for coke battery combustion stack or pushing emissions.
- Any additional controls would require permitting, which takes 6-12 months after engineering is completed.
- The coke battery underfiring system is naturally drafted, with the underfire gas stream predominantly located underground. Added equipment such as heat exchangers, sorbent injection systems, etc., result in static pressure loss, necessitating installation of an induced draft fan. The impacts of added fans and equipment need to be studied to ensure adequate heating of the batteries, as well as enough physical space to install additional equipment, which may not be feasible. This poses obstacles and engineering challenges for any new add-on equipment, which could include construction of a new battery combustion stack.
- Changes to the underfiring system requires coke battery outages, during which purchased natural gas is needed to keep the battery hot. All coke production would cease; and battery refractory brick and other equipment could suffer unanticipated damage, which takes more time and expense to correct. Furthermore, for a plant like U. S. Steel's Clairton plant, outages will require staggering across batteries to prevent upset conditions at downstream processes.
- Limited available physical space within coke oven battery areas requires vertical construction, adding complexity and time to all related construction, and may be infeasible altogether.
- Adding controls on mobile pushing emission control devices involves unique engineering challenges compared to stationary sources.
- As noted above, EPA failed to appropriately address SSM events in setting the MACT limits and requirements. U. S. Steel believes a work practice requirement in lieu of hard limits is appropriate to account for SSM events.

Unfortunately, U. S. Steel's concerns as provided in comments submitted to EPA as well as those raised with the Office of Management and Budget before the Coke RTR Rule was finalized were almost entirely ignored. First, during the rule development, EPA grossly underestimated the cost impacts of the rule to the domestic steel industry. Second, the compliance schedule required by EPA is woefully inadequate. In addition, EPA cherry-picked data to be used in the derivation of limits and requirements, and, most astonishingly, excluded valid data as the process fell short of EPA's statutory obligation and precedent in setting MACT floors.

Given numerous concerns regarding the feasibility in implementing the new Coke RTR Rule requirements and the fact that technology to achieve the standards in the Coke RTR Rule is unavailable, industry commenters, including U. S. Steel, requested a full three-year compliance

schedule to implement the Coke RTR Rule because that time is necessary for facilities to, among other things, better determine process and raw material variability impacts on emissions, evaluate additional emission controls and to assess technical feasibility and to test, engineer, permit, fabricate, and install the new equipment and other controls before the date compliance is required. Additional compliance time would also be needed to retrofit new equipment into existing facilities with limited space and to allow facilities to streamline and consolidate compliance testing of battery stacks and pushing emission control devices with other required source testing. The Presidential Exemption is necessary to account for these factors and to prevent irreparable harm to the domestic steel industry; and is appropriate as EPA reviews petitions for reconsideration.

THE EXEMPTION IS IN THE INTEREST OF NATIONAL SECURITY

A. The Clairton Plant is Vital to the Production of Steel at U. S. Steel

U. S. Steel's Clairton plant is the largest coke plant in North America. The Clairton plant is an essential operation of U. S. Steel and is critical for U. S. Steel to produce steel. The Clairton Plant operations have a tremendous impact on the local, regional, and national economy. The Clairton Plant employs approximately 1,400 highly skilled United Steelworker union-represented and non-represented employees. Since the Clairton Plant is the nation's largest producer of coke and coal chemicals, its operations have a multiplier effect in supporting thousands of additional steel plant, chemical, energy, transportation, and supplier jobs, not only in the Clairton area in Allegheny County, and the Southwestern Pennsylvania region, but also across the United States.

B. U. S. Steel Contributes to the Economic Security of the United States, and Economic Security is National Security

U. S. Steel is a leading steel manufacturer in the United States and Europe. U. S. Steel has over 22,000 dedicated employees and produces over 1,000 grades of steel. For more than 100 years, while consistently meeting new challenges, U. S. Steel has been a vital part of America's history, economy, and infrastructure. U. S. Steel's operations located throughout the United States include, among others, coke production, taconite production and integrated iron and steel production, which contribute to the U.S. economy and key industries.

Continued domestic coke production, including the production by U.S. Steel, is critical to national infrastructure investments and national economic growth. The domestic steel industry is responsible for over \$520 billion in economic output, supporting over 2 million jobs. It generates over \$56 billion in tax revenues annually. U. S. Steel specifically supplies steel to the U.S. transportation and automotive sectors, including major U.S. automakers; the construction sector; containers and packaging sector; appliances and electrical equipment sector; and oil, gas, and petrochemicals sector. For these industries – which are critical to U.S. economic security – U. S. Steel provides high quality domestically produced steel. U. S. Steel is also a major contributor to the communities in which it operates – including, among others, those in Alabama, Arkansas, Pennsylvania, Indiana, Illinois, and Michigan – directly and indirectly supporting jobs and economic growth, which underpin the United States' economic security. As stated in the

President's America First Investment Policy, "economic security is national security." Consistent with this, the Federal government has determined that the steel industry is "critical to minimum operations of the *economy* and *government*."⁴

In the case of steel, the history of U.S. Government actions to ensure the continued viability of the domestic steel industry demonstrates that, across decades and Administrations, there has been consensus that domestic steel production is vital to our national interest. The overall security of the nation is dependent upon a strong economy and investments in industry and infrastructure. All of these goals are supported by the steel industry, and it needs to have protection from the proposed rules until such time as a proper review can take place.

The unprecedented and exorbitant costs that U. S. Steel would need to incur to attempt to comply with the Coke RTR Rule would risk U. S. Steel losing viable commercial production capabilities and will jeopardize the domestic industry's ability to meet the full spectrum of infrastructure and investment needs. Ensuring that U. S. Steel and other steel producers are able to continue to produce steel in the market for U.S. commercial and infrastructure needs is necessary to grow the U. S. market and economy.

The Coke RTR Rule, as well as the other rules affecting the domestic steel industry, will result in unprecedented costs which will jeopardize the long-term operations of U. S. Steel (and other steel producers.) If U. S. Steel is not financially viable to invest in the latest technologies, facilities, and long-term research and development, nor retain skilled workers while attracting a next-generation workforce, it will be unable to support the nation's infrastructure, economy and commercial needs.

C. Cumulative Burden

In 2024, EPA promulgated three new steel sector rules⁵ resulting in dozens of new emission limits and work practices materially impacting the domestic iron and steel critical operations in the United States. A Presidential Exemption is necessary to prevent significant direct adverse impacts and irreparable harm to domestic steel production and infrastructure.

The promulgation of these three rules, simultaneously with other recent significant EPA actions, including most notably, the lowering of the PM2.5 NAAQS and the adoption of the

⁴ Department of Commerce, Bureau of Export Administration; *The Effect of Imports of Iron Ore and Semi-Finished Steel on the National Security*, October 2001

⁵ The three rules at issue are:

- 1) National Emission Standards for Hazardous Air Pollutants: Integrated Iron and Steel Manufacturing Facilities (EPA-HQ-EPA-OAR-2002-0083), April 3, 2024, *Federal Register*, (89 Fed. Reg. 23294)
- 2) National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks, and Coke Oven Batteries. (EPA HQ OAR 2002 0085 and EPA HQ OAR 2003 0051), July 5, 2024, *Federal Register*, (89 Fed. Reg. 55684); and
- 3) National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing Amendments (EPA-HQ-OAR-2017-0664), March 6, 2024, *Federal Register*, (89 Fed. Reg. 16408).

overreaching Good Neighbor Rule, harm the competitiveness of the domestic steel industry and jeopardizes the domestic steel industry's ability to support the economy, growth and critical needs of the nation. These rules, individually and collectively, result in marginal, if any, benefits, yet result in unprecedented capital expenditures of billions of dollars for the domestic steel industry. These draconian, job-killing, unlawful rules were promulgated notwithstanding that EPA determined that the existing MACT regulations provide acceptable risks with an ample margin of safety.

In addition, it is significant to note that in 2020 EPA previously completed its statutory obligation to determine risks and to review technological developments for the taconite and integrated iron and steel categories and determined that no significant revisions to these rules were necessary. However, in 2024, EPA unilaterally reversed course and mandated that the industry comply with dozens of new limits and requirements that will require hundreds of millions if not billions in capital expenditures – and even then – compliance with some of the new limits cannot be assured as the limits are based upon insufficient data and are based upon unproven, untested technologies for the limits imposed. If left in place, the domestic steel industry may be left to choose between prematurely shuttering mills, resulting in job losses and irreparable harm to their local communities, or making huge investments to develop technologies that have no proven application in the steel sector. In short, these rules stand to paralyze an industry that currently leads the world in the pathway to clean steel production. These rules, if left in place, would further skew the market to the benefit of foreign manufacturers and state-owned enterprises – in particular, Chinese state-owned steel producers, which dominate the global steel industry – and which are held to less stringent environmental standards.

Without a Presidential Exemption, the Coke RTR Rule would create significant, unprecedented burdens for domestic metallurgical coke production and steel industry as well as manufacturers and negatively impact the workforce, who are a vital part of the U.S. economy. In addition, the Coke RTR Rule would substantially raise costs to consumers across the country and would likely cause harm to the domestic economy and supply of materials for infrastructure and growth.

The importance of avoiding these harms to the coke and steel industry is emphasized in a December 6, 2023 letter from eight U.S. Senators – including then-Senator JD Vance – to EPA warning that the Coke Ovens Rule and two other rules aimed at the steel sectors “... would dramatically undermine the domestic steel industry and national security while driving production overseas likely resulting in no net reduction in emissions from the steel industry globally.”⁶

Likewise, in a June 14, 2024 letter six U.S. Senators – again including then-Senator Vance – urged EPA to reconsider the Coke Ovens Rule and two other rules aimed at the steel industry, warning that “... the steel industry will be forced to proceed with planning and spending for unproven technologies and work practices while the final provisions of the rules remain uncertain. Given that these regulations will impact nearly every aspect of the integrated

⁶ Letter from U.S. Senators Vance, Brown, Braun, Manchin, Casey, Klobuchar, Capito, and Young to Administrator Regan, p. 1 (Dec. 6, 2023) (Att. A).

iron and steelmaking process, it is imperative that EPA grant both the petitions for reconsideration and requests for stay of the rules.”⁷ Similar concerns were raised in a letter to EPA from Congress Members Crawford and Mrvan of the Congressional Steel Caucus.⁸

Without a Presidential Exemption, the Coke RTR Rule would require immediate actions by U. S. Steel that unfairly burden U. S. Steel, impose actions that are either unsafe, unlawful, impossible, impractical and/or are ineffective; and require U. S. Steel to spend tens of millions if not hundreds of millions of dollars on unproven technologies, thereby impacting its ability to support the nation’s growing economy, infrastructure needs, and continued thriving national investments.

CONCLUSION

Thank you for the opportunity to provide this Request for a Presidential Exemption. The bases of granting an exemption are well grounded in the facts that support a clear finding that the technologies to implement the Coke RTR Rule are not available, and because of the financial and infrastructure implications, it is in the interest of national security to grant the request. Furthermore, while not a factor specifically listed as a basis for the exemption, it is important to note that granting the request will not result in any unacceptable risks to the public or the environment as EPA has determined that the integrated iron and steel source category presents acceptable risks with an ample margin of safety with the present controls, and requirements and limits already in effect to which U. S. Steel consistently demonstrates compliance. If you have questions or need additional information, please contact me (412) 233-1200.

Sincerely,



Matthew J. DeLibero
U. S. Steel Mon Valley Works
Director Environmental, Reliability, & Operational Excellence

cc: A. Szabo, EPA OA
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⁷ Letter from U.S. Senators Vance, Brown, Braun, Casey, Klobuchar, and Young to Administrator Regan, p. 2 (June 14, 2024) (Att. B).

⁸ Letter from Congressmen Crawford and Mrvan to Administrator Regan, p. 1 (Dec. 18, 2023) (Att. C).

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