

Title V requirement. As demonstrated by Jewell's vast history of complying with its opacity limit, more frequent monitoring is simply not necessary.

It also would not be appropriate to establish a daily observation requirement at heat recovery facilities since bypass vent stacks do not operate on a continuous basis. Because venting malfunctions at SunCoke's heat recovery facilities can be brief and intermittent, imposing such a requirement any time the bypass vent stacks are in operation would result in greater environmental harm because it would extend the duration of venting during malfunctions to allow SunCoke sufficient time to dispatch certified personnel to the appropriate location in the plant to conduct readings per Method 9. Furthermore, requiring Method 9 performance testing during periods of malfunction is specifically prohibited by other proposed MACT amendments. "§63.309 (a) . . . The performance test should be based on representative performance (i.e., performance based on normal operating conditions) of the affected source for the period being tested. Representative conditions exclude periods of startup and shutdown. *You shall not conduct performance tests during periods of malfunction. . . .*" (emphasis added). SunCoke therefore urges EPA to not include its proposed changes to Section 63.303(d)(3) in the final rule; inclusion of these changes would be unnecessary, arbitrary and capricious. Moreover, SunCoke notes that EPA is attempting to regulate the same source —bypass/waste heat stacks— as part of two different source categories, Subparts I. and CCCCC.

XIV. EPA SHOULD NOT ALLOW USE OF ASTM D7520-16 AS AN ALTERNATIVE METHOD FOR OPACITY

EPA's redline version of its proposed amendments to Subpart I. includes a proposed change to 40 C.F.R. § 63.305 to allow the use of ASTM D7520-16 as an alternative to the long-standing EPA Reference Method 9 ("Method 9") to measure the opacity of emissions from coke oven doors equipped with sheds —see proposed addition of (iii)(A)-(E) to section 63.305(c)(3). SunCoke is very troubled by EPA's decision to allow use of the experimental digital camera opacity technique ("DCOT") and associated test method, ASTM D7520-16, even as an alternative, in lieu of Method 9 to determine compliance with section 63.305(c)(3)'s opacity standards because the test method was not used in the development of the subject opacity standards and the method has not consistently been accurately demonstrated for use at the type of source being regulated (i.e., a source of fugitive emissions). These factors alone make the proposed addition of the alternative method unreasonable.

Method 9 has been the primary method for determining compliance with federal and state opacity standards since it was published in 40 C.F.R. Part 60 in 1974. As recognized in ASTM D7520-13, Method 9 "has been tested in the courts and in practice and has wide acceptance within the regulatory community." ASTM D7520-13, Annex, A.1.5.1.1. EPA's decision to allow use of the ASTM D7520-16 as an alternative to Method 9 implies that the Agency considers the DCOT technology and the associated test method to be an appropriate method for monitoring opacity. However, there are multiple potential technical issues associated with the DCOT technology and the associated test method, as described in substantial detail in other NESHAP rulemakings.⁵⁸ Rather than repeating the arguments here, SunCoke adopts its comments on this topic on EPA's

⁵⁸ See, e.g., Docket ID No. EPA-HQ-OAR-2010-0895, *National Emission Standards for Hazardous Air Pollutants: Ferroalloys Production*, published at 81 Fed. Reg. 45089 (Jul. 12, 2016).