

software systems and process changes to accommodate pollution prevention or other emission reduction measures.” *Id.*

It is significant to note that in 2020, EPA conducted a residual risk and technology review for the taconite processing source category. 85 Fed. Reg. 45,476 (July 28, 2020). There, EPA determined that “risks from the Taconite Iron Ore Processing source category are acceptable, that standards provide an ample margin of safety to protect public health, and that it is not necessary to set a more stringent standard to prevent, taking into consideration of relevant factors, an adverse environmental effect.” *Id.* EPA further noted it “received no new data or other information during the public comment period that changed this determination. Therefore, we are finalizing our determination that the existing standards protect public health with an ample margin of safety and that the standards protect against an adverse environmental effect and, thus, we are not requiring additional controls under CAA section 112(f)(2).” *Id.*

In the 2020 final rule, EPA explained that it “proposed no changes to 40 CFR part 63, subpart RRRRR, based on the technology review conducted pursuant to CAA section 112(d)(6). Specifically, we determined that there are no developments in practices, processes, and control technologies for this source category. The EPA received no new data or other information during the public comment period that affected the technology review determination. Therefore, as proposed, we are not revising the MACT standards under CAA section 112(d)(6).” *Id.*

Just three years later, without identifying any error in the original 2003 rule or 2020 residual risk and technology review, and while affirming the risks are acceptable and provide an ample margin of safety, EPA inexplicably and unjustly proposed a raft of revisions to Subpart RRRRR, asserting that the mercury, hydrogen chloride and hydrogen fluoride limits are necessary as a technology development under 112(d)(6). EPA asserted that several amendments were necessary due to a broad overarching interpretation of the D.C. Circuit’s decision in *Louisiana Environmental Action Network v. EPA*, 955 F.3d 1088 (D.C. Cir. 2020) (“*LEAN*”). It also made several revisions to existing standards in direct contrast to what it determined in 2020.

The concerns noted herein are the subject of petitions for administrative reconsideration and stay of the Taconite RTR Rule that are currently pending with EPA¹ as well as petitions for judicial review with the United States Court of Appeals for the District of Columbia Circuit. U. S. Steel’s comments on the proposed Taconite RTR Rule as well as our petition for reconsideration and application for stay are incorporated into by reference into this request. We respectfully urge EPA to expeditiously grant those petitions for reconsideration and to stay the effective date of the Taconite RTR Rule pending the completion of judicial review and/or promulgation of regulations replacing the fatally flawed Taconite RTR Rule. Granting the Presidential exemption is in the interest of national security as it is critical to prevent disruption

¹ See U. S. Steel Petition for Reconsideration and for Stay of the National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing; EPA-HQ-OAR-2017-0664, 89 Fed. Reg. 16,408 (March 6, 2024), dated May 3, 2024; and Cleveland-Cliffs, Inc. Petition for Reconsideration and Request for Administrative Stay of the Final Rule *National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing*, 89 Fed. Reg. 16,408 (March 6, 2024) dated May 6, 2024.