

new standards in the II&S Rule. Instead, the Biden EPA reached an unsupported conclusion that no new technologies would be necessary to comply with the new standards. This conclusion ignores the plethora of data in the record demonstrating that the standards are unachievable by even the best performing sources, in contravention of the CAA. The II&S Rule require the development and implementation of unproven control equipment that has never been applied in the II&S industry domestically or internationally.

Cliffs filed a petition for judicial review of the final II&S Rule in the D.C. Circuit and a petition for administrative reconsideration and stay of the rule with EPA. A request for judicial stay of the II&S Rule was denied on October 24, 2024, by the D.C. Circuit Court of Appeals after being opposed by the Biden EPA. EPA sent a letter on August 14, 2024, which was supplemented by a letter on March 5, 2025, to those including Cliffs who had submitted administrative petitions for reconsideration on the II&S Rule, announcing its intent to reconsider the Rule. On March 7, 2025, the Trump EPA moved to hold the II&S appeals in abeyance for at least 120 days pending its reconsideration. On March 12, 2025, the EPA Administrator also announced the Agency's intention broadly to reconsider a group of rules establishing or modifying various National Emission Standards for Hazardous Air Pollutants ("NESHAP") including the II&S Rule. On March 31, 2025, EPA issued a temporary stay of the II&S Rule pursuant to section 307(d)(7)(B) of the CAA requirements for 90 days. Cliffs strongly supports EPA's plan to reconsider the II&S Rule for the numerous legal and technical reasons previously raised in industry comments during the notice and comment period preceding the II&S Rule, in Cliffs' lawsuit, and in Cliffs' petition for reconsideration.

EPA further indicated that the President was considering issuing exemptions from compliance dates under CAA §112(i)(4) where appropriate, and that affected sources should provide requests for such exemptions to EPA by March 31, 2025. Cliffs is timely submitting such request herein.

B. NO TECHNICALLY FEASIBLE OR COST-EFFECTIVE TECHNOLOGY IS AVAILABLE TO IMPLEMENT THE 2024 II&S RULE

No technically feasible or cost-effective technology is available, or could be available, to implement the standards established in the 2024 II&S Rule. The rule places emission limitations on (1) HAPs and (2) opacity limitations and work practice standards on UFIP sources. These limitations and work practice standards are not feasible to meet due to a lack of technology and flawed implementation of the rulemaking that shows a lack of understanding of the sources in question. Cliffs provided detailed comments explaining why EPA should decline to set new standards, or in the alternative, should set standards that were reasonable, less costly and more likely achievable by the industry. Nevertheless, the Biden EPA promulgated the final II&S Rule imposing onerous, unreasonable and extremely costly standards.

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