

In re: National Emission Standards for Hazardous Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks, and Coke Oven Batteries; Residual Risk and Technology Review and Periodic Technology Review under the Clean Air Act

Docket Nos. EPA HQ OAR 2002
0085, EPA HQ OAR 2003 0051;
FRL 8471 02 OAR

SunCoke Energy, Inc. (SunCoke), pursuant to section 307(d)(7) of the Clean Air Act (CAA) and sections 705 and 553(e) of the Administrative Procedure Act (APA), petitions the Administrator of the Environmental Protection Agency (EPA) to reconsider the final rule titled, “*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) (Final Rule), and to stay the effect of the Final Rule and compliance deadlines pending reconsideration and judicial review or initiate an action to amend the Final Rule.¹

The Final Rule amends two separate, highly complex rules—the rule governing emissions standards for coke ovens in 40 C.F.R. Part 63, Subpart CCCCC, and those governing residual risk and technology review in 40 C.F.R. Part 63, Subpart L. EPA’s amendments to these two parts in the Final Rule will cost SunCoke many millions of dollars. EPA adopted these amendments, despite finding that “[t]here are no measurable air quality impacts from this rule that can be guaranteed,” and that EPA cannot “quantif[y] any benefits associated with this final rule, because all covered facilities are expected to already have HAP [hazardous air pollutants] emissions levels that are below the final limits.” 89 Fed. Reg. at 55723. In fact, EPA could not quantify any “potential public health benefits associated with such prevention” at all because “they correspond to hypothetical scenarios of emissions beyond those indicated by current facility data.” *Id.* The best EPA can say of the Final Rule is that EPA “anticipates that this final rule’s new requirements will increase the likelihood of facilities successfully detecting any HAP emissions in excess of the specified thresholds” that EPA has no evidence occurred.

For the reasons set forth in the Petition, SunCoke respectfully requests that EPA:

1. Grant SunCoke's Petition for Reconsideration to address issues that SunCoke could not have addressed in SunCoke's comments on the Proposed Rule and are of central relevance to the Final Rule and grant SunCoke a stay of the effect of the Final Rule

¹ 42 U.S.C. § 7607(d)(7)(B); 5 U.S.C. § 705; 5 U.S.C. § 553(c).