

substantial amount of review, testing, monitoring, and analysis that SunCoke could not complete in the too short, 45-day, comment period. *See infra* Section V. The fact that EPA was under a court-ordered deadline to issue the Proposed Rule does not excuse the Agency's obligation under 42 U.S.C. § 7607(h) to provide a reasonable period of time for review.

SunCoke is the largest independent producer of coke in the United States, with a total U.S. cokemaking capacity of 4.2 million tons of coke per year and more than 50 years of experience producing coke. SunCoke owns or has interests in U.S. coke plants located in Granite City, Illinois ("Granite City"), East Chicago, Indiana ("Indiana Harbor"), Franklin Furnace, Ohio ("Haverhill"), Middletown, Ohio ("Middletown"), and Vansant, Virginia ("Jewell"). SunCoke provides a total of 887 well-paying jobs in the United States, many in rural, economically distressed areas. Forty (40) percent of SunCoke's workforce are union (United Steelworkers).

Coke is an essential ingredient in the blast furnace production of steel. The blast furnace steelmakers use SunCoke's coke in the process of making lightweight, strong steel for automobiles (including for electric automobiles), pipelines, infrastructure construction, and more. The high quality and strength of SunCoke's coke results in less overall use of coke in the blast furnace process, resulting in lower GHG emissions from the blast furnace.

SunCoke's facilities manufacture metallurgical-grade coke using innovative, superior technology that sets the standard for environmental performance in cokemaking. EPA has declared that SunCoke's process is the most environmentally friendly way to make coke.² SunCoke's coke ovens are designed and operated under negative pressure to combust the coal's volatile components, and, at all but one of its facilities (Jewell), use the resulting waste heat to create steam or electricity, with no net new Greenhouse Gas ("GHG") emissions. SunCoke also operates in substantial compliance with its environmental permits.

Yet far from taking the differences in cokemaking technologies into account, the Proposed Rule ignores them, indiscriminately saddling SunCoke with requirements that make sense only for a different type of facility. Several of the new limits and requirements are "one size fits all," even though byproduct recovery ("ByP") coke plants operate and emit in ways that are entirely different from SunCoke's heat and/or nonrecovery ("HNR") coke plants. *See infra* Section III.A.1.

The significant impact of the additional costs of complying with the Proposed Rule greatly outweighs the potential benefits. *See infra* Sections VIII–XIII. The Proposed Rule's impacts on SunCoke's Jewell coke plant would be particularly severe; if it were even feasible to install these controls, the costs would **exceed \$474.9 million (not \$7.4 million)** in capital investments and **\$66 million (not \$4.7 million)** in annual costs, based on SunCoke's detailed engineering estimates and experience having installed similar controls at other SunCoke facilities but without Jewell's unique siting considerations. *See infra* Section VIII.B. Moreover, the retrofitting required to comply with

² *See, e.g.*, 66 Fed. Reg. 35326, 35328–29 (Jul. 3, 2001); 42 U.S.C. § 7412(d)(8)(A) (directing the Agency to establish emission standards for coke oven batteries, and, in establishing such standards, to evaluate "(ii) as a basis for emission standards under this subsection for new coke oven batteries that begin construction after the date of proposal of such standards, the Jewell design Thompson non-recovery coke oven batteries and other non-recovery coke oven technologies, and other appropriate emission control and coke production technologies, as to their effectiveness in reducing coke oven emissions and their capability for production of steel quality coke") (emphasis added).