

thus transforming the coal into coke. SunCoke's facilities manufacture metallurgical grade coke using efficient, modern technology designed and operated under negative pressure to combust the coal's volatile components and, at all but one of the facilities, use the resulting waste heat to create steam or electricity.¹ SunCoke owns U.S. coke plants located in Granite City, Illinois, East Chicago, Indiana, Franklin Furnace, Ohio, Middletown, Ohio, and Vansant, Virginia. Our five U.S. plants supply nearly 40 percent of the entire domestic coke supply for the American steel industry. SunCoke uses nearly all American coal to produce our coke, which is then used to produce automobiles, military gear and equipment, weapons, pipelines, infrastructure, construction materials, municipal/water infrastructure, and more. SunCoke is also one of only two foundry coke producers in the U.S., which is used to produce iron castings for a wide range of applications including auto parts, railroads, infrastructure, and military gear and vehicles.

On July 5, 2024, the U.S. Environmental Protection Agency (EPA) finalized changes to two Clean Air Act rules (NESHAP Subparts CCCCC and L), regulating the production of both blast furnace and foundry coke in the U.S. 89 Fed. Reg. 55684 (July 5, 2024) (Coke Ovens Rule). Existing facilities must comply with the new MACT floor emission limits and related reporting and recordkeeping requirements for existing sources by January 5, 2026, 18 months after the effective date of the Coke Ovens Rule. Existing facilities must also comply with the related testing requirements by July 4, 2026. Importantly, in the Coke Ovens Rule, EPA determined that risks due to emissions of hazardous air pollutants (HAPs) from coke production are acceptable and that the current NESHAP standards provide an ample margin of safety to protect public health. Notwithstanding its conclusions, EPA then established 17 new, lower, "MACT floor" emission limits. *Id.* at 55689.

2. The Technology to Implement the Coke Ovens Rule is not Available.

In the Coke Ovens Rule, EPA projected that regulated facilities would be able to comply with the new MACT floor emission limits "without the need for any new controls or operating costs." 89 Fed. Reg. at 55696. This is incorrect. EPA reached its conclusion by using a methodology to set the new limits that is inaccurate with the dataset employed by EPA. The methodology is only accurate with a much larger data set. In addition, EPA failed to consider all available test data, and failed to account for variability of chlorine and mercury in coal and its impact on emissions. These and other errors resulted in EPA setting limits for pushing, main

¹ SunCoke operates four heat recovery facilities and one non-recovery facility, all of which are referred to as heat and/or nonrecovery (HNR) facilities. SunCoke's heat recovery facilities use heat recovery steam generators (HRSGs) to recover waste heat, and the coal volatiles are combusted within the ovens. SunCoke's nonrecovery facility does not recover waste heat but coal volatiles are still combusted in the ovens. This innovative process is different from the traditional coking process, known as byproduct cokemaking, in which the coal volatiles and combustion products are recovered downstream of the oven chamber and refined to produce chemicals such as light oil, tar, and ammonia, as well as coke oven gas for use in oven underfiring and in other areas of the facility. None of these elements are present at SunCoke's HNR facilities. Additionally, in contrast to byproduct coke ovens that operate under positive pressure, HNR coke ovens operate under negative pressure and combust the coal volatiles, thereby virtually eliminating leaks from coke ovens to the atmosphere and minimizing emissions of volatile organic compounds and HAPs.