

concluded that SunCoke could meet the new limits with existing controls. As a result, SunCoke will suffer severe and irreparable harm without a stay.

EPA Ignored Relevant Data When Setting the Numerical MACT Floor Standards.

18. When calculating the MACT floor limits for the Proposed Rule, EPA used *only* the data that it collected from two EPA-issued Information Collection Requests (ICRs) in 2016 and 2022, claiming that it was all the available data. *See* 89 Fed. Reg. at 55712 (“The data used for the proposed MACT limits were all the data that were available to the EPA at that time. The EPA used these data to calculate the proposed limits.”).

19. Based solely on data from the two EPA-issued ICRs, EPA concluded that “all sources could meet the 17 new MACT floor limits without additional controls.” 89 Fed. Reg. at 55707.

20. Dissatisfied with the limited dataset that EPA employed, and recognizing that many of the new limits could not be met with existing controls, SunCoke provided EPA with data dating “from 2006 through 2022.” 89 Fed. Reg. at 55713. As SunCoke explained in its comments,