For these reasons, SunCoke requests a two-year exemption from compliance with the new MACT floor emission limits established in the Coke Ovens Rule for main stacks (§ 63.7297(a)–(d)). SunCoke also requests a two-year exemption from compliance with the following associated obligations associated with the MACT floor emission limits: initial performance tests to demonstrate compliance with the new emission limits (§ 63.7320(a)); subsequent performance tests (§ 63.7321); compliance report requirements specific to the new MACT floor emission limits (§ 63.7341(c)); and recordkeeping requirements specific to the new MACT floor emission limits (§ 63.7342(a)).

c. Bypass Vent Stack limits at 40 C.F.R. § 63.7298(a)–(e):

For bypass vent stacks, EPA promulgated numeric MACT floor emission limits for AG, formaldehyde, Hg, PAH, and PM.[11] The technology to implement the new bypass vent stack limits is not available.

Bypass vent stacks are a passive safety device. They maintain negative pressure on SunCoke's ovens in the event of a power failure or other malfunction. During normal operations, bypass vent stacks are held closed by powered pistons, and negative pressure on the ovens is maintained by other means. When a power failure occurs, the pistons cease operating, and the bypass vent stacks automatically open (without any power source), creating negative pressure. The negative pressure keeps the volatile organic compounds (VOCs) inside the oven and protects nearby personnel from fire and chemical exposure. The negative pressure continues to draw in air to fully combust the VOCs, protects the environment from the release of HAPs, and protects the downstream equipment from potential gas build up to explosive concentration levels. Operating an HNR facility without bypass vent stacks would be a serious safety hazard because there would be no way to maintain negative pressure in the event of a power failure or other malfunction.[12] And applying any pollution controls to the bypass vent stacks would be infeasible because these controls would require power to run. Thus, there is no technologically feasible control equipment that can be implemented for SunCoke's bypass vent stacks.[13]

For these reasons, SunCoke requests a two-year exemption from compliance with the new MACT floor emission limits established in the Coke Ovens Rule for bypass stacks (§ 63.7298(a)–(c)). SunCoke also requests a two-year exemption from compliance with the following additional obligations associated with the new MACT floor emission limits: initial performance tests to demonstrate compliance with the new emission limits (§ 63.7320(a)); subsequent performance tests (§ 63.7321); compliance report requirements specific to the new MACT floor emission limits

[11] 89 Fed. Reg. at 55709; 40 C.F.R. § 63.7298(a)–(c).

[12] *See* SunCoke Petition for Reconsideration at 12–13; *see also* SunCoke Comment Letter at 34.

[13] SunCoke provided EPA with data showing that it could not meet some of the MACT floor limits on its bypass vent stacks. *See* Declaration of J. Quanci at 19–20, *American Coke and Coal Chemicals Institute, et al. v. EPA*, Case No. 24-1287 (Sept. 30, 2024). For example, in 2020, the bypass vent stacks of SunCoke's Indiana Harbor facility in East Chicago, Illinois emitted particulate matter at 204 percent of the Coke Ovens Rule's MACT floor. In 2021, SunCoke's Haverhill 1 facility located in Franklin Furnace, Ohio emitted particulate matter at 147 percent of the Coke Ovens Rule's MACT floor. EPA did not address these emission limit failures because the Agency's limited data analysis led it to conclude that SunCoke's bypass vent stacks tested below the new MACT floor emissions limits.