

G. The Final Rule adds redundant pressure monitoring requirements using Method 303A that are not authorized by the Clean Air Act, are unnecessary and unclear.

1. Redundant Monitoring Using Method 303/303A Is Not Supported by EPA's Technology Review.

Because EPA's review of the coke oven batteries is authorized solely as part of the periodic technology review, EPA's authority for requiring any changes to Subpart L is limited to CAA section 112(d)(6). Section 112(d)(6) authorizes EPA to "review, and revise as necessary (taking into account development in practices, processes, and control technologies), emissions standards promulgated under this section" every eight years. 42 U.S.C. § 7412(d)(6). EPA acknowledged in the Proposed Rule, and did not state otherwise in the Final Rule, that there have been no developments in "practices, processes, and control technologies that would reduce charging emissions from ByP or HNR facilities regulated under the source category." 88 Fed. Reg. 55883.

Accordingly, EPA lacked authority to add new redundant monitoring requirement for HNR using EPA Method 303A and should reconsider the requirement.

2. Method 303A performance testing is, according to EPA, unnecessary when operating coke ovens under negative pressure.

To monitor for emissions from coke oven doors, EPA previously required that HNR facilities either (1) meet the 0.0 percent leaking requirement, as determined using EPA Method 303A, or (2) conduct daily pressure monitoring in each oven or in each common battery tunnel to ensure that the ovens are operated under negative pressure. In the Final Rule, EPA is now requiring that HNR facilities do both. 40 C.F.R. § 63.303(a)(1).

Section 63.302(c), adopted previously with respect to ByP plant coke oven batteries, acknowledges that it is not necessary to determine the percent of leaking coke oven doors when ovens are operated under negative pressure:

The emission limitations in paragraph (b) of this section do not apply to the owner or operator of a by-product coke oven battery that utilizes a new recovery technology, including but not limited to larger size ovens, *operation under negative pressure*, and processes with emission points different from those regulated under this subpart." 40 C.F.R. § 63.302(c) (emphasis added).

In requiring HNR facilities with coke ovens that operate under negative pressure to conduct daily Method 303A monitoring when ByP plants are not required to do so, is arbitrary and capricious and contrary to law, treating similarly situated entities differently. Accordingly, EPA should reconsider the new monitoring requirement.

3. Redundant Monitoring Will Not Result in Earlier Detection of Door Leaks.

In the preamble to the Final Rule, EPA indicated that it had not quantified any benefits associated with the Final Rule because the final limits could be met with existing controls but speculated that