

emission limits (§ 63.7341(c)); and recordkeeping requirements specific to the new MACT floor emission limits (§ 63.7342(a)).

b. Main Stack limits at 40 C.F.R. § 63.7297(a) (d):

For main stacks, EPA promulgated numeric MACT floor emission limits for AG, Hg, PAH, and particulate matter (PM).⁷ The technology to implement the new main stack limits is not available. To meet the new main stack limits, SunCoke would have to install multiple layers of controls in order to control individual HAPs; this new technology configuration does not exist, has never been done before, and would be prohibitively expensive.

First, installing controls to control a HAP on the main stacks will necessarily impact emissions of other HAPs and process combinations regulated by the Coke Ovens Rule due to pollutant interactions. Thus, installing controls for one HAP has the potential to increase other HAP emissions, requiring the addition of unknown layers of controls. Multiple integrated technologies have never been tested for, or applied at, a coke plant. SunCoke, therefore, cannot ensure that the multiple integrated technologies that could be required to meet the new MACT floor emission limits for main stacks are technologically achievable at its facilities.

Second, even if multiple integrated technologies were available and feasible to install at SunCoke's facilities, they would be cost prohibitive. To comply with the main stack MACT floor emission limits for only *two* HAPs (PM and Hg) at *one* of SunCoke's facilities (Haverhill I), SunCoke would need to spend a minimum of \$61–99 million on testing, designing, engineering, procuring, and installing the new controls (an estimated \$54 million to control PM emissions and \$4 million to control Hg emissions).⁸ If more expensive equipment is needed to control the Hg emissions, then SunCoke's costs could balloon up to more than \$99 million.⁹ This cost estimate does not account for controls that may be needed due to impacts from the Hg and PM controls on other pollutants, nor does the cost include the controls that would be needed at SunCoke's four other facilities. Adding in these additional controls could lead to an astronomical and prohibitive cost.

Third, the new MACT floor emission limits for main stacks do not account for the significant variability of chlorine and mercury in coal.¹⁰ Coal is formed from organic materials. The levels of chlorine in a coal seam will generally depend on a geological formation's proximity to ancient seas. Mercury levels will generally depend on the coal seam's overlay materials and how the coal was formed from those materials. Not only will levels of these substances vary greatly from mine to mine, but they could also vary within the same coal seam at a particular mine. SunCoke cannot ensure that it can meet the new MACT floor emission limits with existing controls without adjustments to the limits to account for the range of chlorine and mercury in different coal sources, which EPA failed to consider when it established the limits.

⁷ 89 Fed. Reg. at 55709; 40 C.F.R. § 63.7297(a)–(d).

⁸ See Declaration of J. Quanci at 14–16, *American Coke and Coal Chemicals Institute, et al. v. EPA*, Case No. 24-1287 (Sept. 30, 2024) [attached at Tab C, without exhibits].

⁹ See *id.* at 15–16.

¹⁰ See SunCoke Petition for Reconsideration at 11–12.