

much the magnitude but the irreparability that counts.”¹³⁸ SunCoke is certain to incur significant, unrecoverable costs attempting to comply with the Final Rule before judicial review comes to an end.

CONCLUSION

For the reasons described above, SunCoke urges EPA to convene a proceeding for reconsideration of the Final Rule pursuant to Clean Air Act section 307(d)(7)(B) and to stay the effective date and all compliance deadlines pending reconsideration. In the alternative, EPA should modify or rescind the Final Rule so that EPA can develop statistically reliable data and allow all stakeholders sufficient time to address the technical complexities of the Rule. SunCoke further requests that EPA stay the effective date of the Final Rule pending judicial review, pursuant to APA section 705.

¹³⁸ *Enter. Int’l, Inc. v. Corporacion Estatal Petrolera Ecuatoriana*, 762 F.2d 464, 472 (5th Cir. 1985) (internal quotation omitted).