

of a work practice standard or a surrogacy determination in lieu of a numeric emission limit for the miniscule emissions from pushing.

EPA must reconsider whether the new MACT floor emission limits from pushing at HNR plants (1) are legally required, (2) appropriately exclude emissions from ByP plants (as it did for fence-line monitoring), and (3) are based on valid emissions data. EPA must also consider whether, in light of the lack of data and small number of sources, it is more appropriate to limit the emissions through a work practice standard or a surrogacy determination, rather than a new MACT floor numeric emission limit, given that emissions are too low for valid detection methodologies. SunCoke identified these flaws in the Proposed Rule in its comments.⁶²

5. New MACT floor limits for HNR Main Stacks from existing HNR facilities are based on insufficient and unrepresentative data. (40 C.F.R. § 63.7297).

The MACT floor emission limits that EPA set for HNR Main Stacks from existing HNR facilities are burdensome and accomplish nothing in the way of minimization of emissions. EPA nevertheless established new MACT floor emission limits for AG, Hg, PAH, and PM from Main Stacks. In doing so, EPA used only a limited subset of the available data (from the 2016 and 2022 ICRs), ignored relevant data (from tests conducted more than five years prior to the 2016 ICR), and included data that is not representative of emissions from SunCoke's facilities.⁶³

The error was then compounded when EPA applied the upper prediction limit (UPL) statistical method. The UPL statistical method was applied to the limited dataset to account for variability and uncertainty in emissions data. The UPL calculation estimates the true average and true variance. While the estimation of the true average can be done with a small number of samples, the estimation of the variance requires a substantially larger number of samples—in particular, samples that cover the range of varying factors. EPA offered no explanation for its exclusion of relevant data in performing its calculations and setting the new MACT floor limits, which do not account for variability and uncertainty (e.g., normal coking time vs. extending coking time, or variability in raw material inputs, such as coal characteristics).

For example, the emission limits in the Final Rule are not technologically and economically achievable because they do not account for the significant variability of chlorine and mercury in coal. 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, they even vary within the same coal seam at a particular mine.⁶⁴ To ensure that the new MACT floor emission limits can be met with existing controls, it is necessary to use test data representing the range of possible concentrations of chlorine and mercury, or otherwise to adjust the limits to account for the range of

⁶² SunCoke comment letter, p. 28.

⁶³ 89 Fed. Reg. at 55715.

⁶⁴ Considering the existing challenges of meeting sulfur limits in the metallurgical coal market—including a very aggressive limit at the Jewell facility to meet a standard of 0.88% sulfur—imposing further constraints on our coal supply with restrictive standards for chlorine and mercury to meet emission limits would make coal sourcing impossible.