

- Even with the installation and operation of additional controls, continuous compliance with the new mercury limit remains uncertain because no technology has demonstrated that it is able to continuously achieve such standards. As noted above, the estimated cost effectiveness of controls for taconite iron ore processing facilities would be unprecedented and exorbitant. Because the new mercury limits are not based upon proven technologies as Congress intended and as EPA has historically done to comply with Section 112 of the Clean Air Act, U. S. Steel must incur substantial unrecoverable costs in its attempt to design and implement controls that will attempt to consistently meet the new mercury limits in an impossible time period resulting in irreparable harm to U. S. Steel. Data in EPA's possession suggests that continuous compliance cannot be met without significant modifications at taconite facilities; and there is no technology that has demonstrated the ability to consistently meet the mercury limits.
- As noted, and supported in our petition for reconsideration, EPA arbitrarily and capriciously rejected and ignored data provided by U. S. Steel and other commenters when determining the MACT floor for mercury. The data are valid and should be included. If EPA used the data, the MACT floor for mercury would be higher.
- Any mercury controls would require permitting, which, Minnesota could take in excess of 12 months and this would only occur after research and development, and engineering are complete.
- Contrary to the Clean Air Act and EPA's obligations, EPA failed to consider and the Taconite RTR Rule's impacts to the domestic taconite and integrated iron and steel industry and the nation's economic and national growth security interests.
- EPA failed to appropriately consider cost impacts when promulgating the Taconite RTR Rule. Furthermore, EPA incorrectly estimated costs for the controls for mercury, as more fully explained in our petition for reconsideration.
- Changes to the taconite indurating furnaces could require several plant outages, affecting the sources' abilities to produce pellets necessary for steel production.
- EPA failed to appropriately address start-up, shutdown and malfunction (SSM) events in setting the MACT limits and requirements. U. S. Steel believes a work practice requirement in lieu of hard limits is appropriate to account for SSM events.
- EPA failed to address specific concerns and data submitted by U. S. Steel and other commenters when promulgating the Taconite RTR Rule, as more fully explained in our petition for reconsideration and request for administrative stay.

Unfortunately, U. S. Steel's concerns as provided in comments submitted to EPA as well as those raised with the Office of Management and Budget before the Taconite RTR Rule was finalized were almost entirely ignored. First, during the rule development, EPA grossly underestimated the cost impacts of the rule to taconite iron ore processing facilities. In addition, EPA cherry-picked data to be used in the derivation of limits and requirements, and, most