

fractions in each test run of the SunCoke Middletown ICR Method 29 test show that the measured values in each sample fraction were either below the Method Detection Limit (“MDL”) or barely above the MDL (1x to 2x MDL). Using such noise-level data to establish emission limits is unreasonable. Normal variability in measurement error on future stack test programs will make it difficult, if not impossible, to stay compliant with such low limits. The proposed MACT limit is so low that it allows for significant sampling error.

3. HNR Pushing Emissions are Different from ByP Pushing Emissions

EPA improperly used data collected from ByP pushing control devices to develop emission limits for SunCoke’s unique pushing control devices; the data collected from ByP coke plants is not representative of SunCoke’s HNR operating conditions. EPA’s proposal to impose the same pushing emission limits on coke oven batteries in 40 C.F.R. § 63.7290(b-c) regardless of the type of coking technology—diverges from Subpart CCCCC’s long-standing practice of distinguishing between HNR and ByP facilities for emission limits and work practice standards.

Pushing emissions at ByP facilities are controlled using stationary devices (baghouses), whereas HNR facilities use a cokeside shed or mobile multiclone (on the hot car) to control pushing emissions. The current rule on pushing emissions distinguishes between HNR and ByP facilities by setting separate limits; it is clear from the plain language of the rule and its descriptions of the distinct capture systems and control devices which of the rule’s limits apply to HNR or ByP coke facilities.³² The proposed amendments would impose the same emission limits regardless of the type of coking process or the type of capture and control device used, which is neither appropriate nor reasonable since the design and operation of SunCoke’s cokemaking process is fundamentally different than ByPs, resulting in differences in emissions. While EPA properly accounted for these differences in the original MACT standard, it ignored them in the Proposed Rule.³³ EPA should establish separate limits for HNR and ByP facilities, consistent with EPA’s long-standing practice of differentiating between the technologies.

EPA’s use of ByP data to establish the proposed pushing limits applicable to HNR facilities is improper and arbitrary. EPA’s technical memorandum (MACT memo) indicates that it used testing data from both HNR *and* ByP facilities to establish the proposed pushing limits.³⁴ It was unreasonable for EPA to use data from ByP facilities to establish limits for the HNR facilities. Differences in the design and operation of HNR and ByP facilities result in differences in their

³² The current rule on pushing emissions, 40 C.F.R. § 63.7290, limits PM emissions from pushing. The current rule’s PM limits differ in form and numerical value depending on the type of capture system used and whether the control device is stationary or mobile. While the capture and control devices in use primarily control PM emissions, they also help reduce HAP emissions, as EPA acknowledged in the 2003 final rule. See 68 Fed. Reg. at 18015. EPA should have therefore followed the same approach (as setting PM limits) when it proposed limits on HAPs from pushing.

³³ For example, the proposed new paragraph (b) in the redline version of the Proposed Rule would impose a mercury emissions limit of 3.4E-07 lb/ton coke on “a control device applied to pushing emissions from a new coke oven battery” or 8.9E-07 lb/ton coke from an “existing coke oven battery.” The proposed new limits would therefore apply to any type of control device applied to pushing emissions on any type of coking process. This is neither appropriate nor reasonable.

³⁴ EPA-HQ-OAR-2003-0051-0785, EPA, Memorandum, *Maximum Achievable Control Technology Standard Calculations, Cost Impacts, and Beyond-the-Floor Cost Impacts for Coke Oven Facilities under 40 CFR part 63, subpart CCCCC*, at B-6 and Tables B-1 through B-4 (May 1, 2023).