

The Coke Ovens Rule imposes numerous new MACT and work practice standards covering multiple hazardous air pollutants (HAP), which EPA claimed are in response to the D.C. Circuit decision in *Louisiana Environmental Action Network v. EPA (LEAN)*, 955 F.3d 1088 (D.C. Cir. 2020). However, the technologies that would be needed to control these HAP are not available and have not been demonstrated to work for the coke byproduct recovery industry, either in the US or internationally.

The very short 18-month compliance period (i.e., January 5, 2026) in the Coke Ovens Rule is one-half the time allowed under the Clean Air Act and was based on EPA's incorrect and unsupported assumption that facilities would only need to do testing to confirm EPA's assumption that all coke facilities *can meet* the new MACT limits. EPA failed to address specific concerns and data submitted by commenters showing that facilities *cannot meet* the new standards without costly and undemonstrated control technologies. EPA also did not address data submitted by commenters showing raw material (i.e., coal) and process variability that affect emission performance, which make these limits unachievable without developing and installing novel emission control technology that is not commercially available.

As provided in numerous technical reports and declarations,² emission control technologies to achieve compliance with the PQBS emission limitations and coke oven leak rates and benzene action levels are not commercially available.³ Even assuming that facilities are ultimately able to research and develop the new technologies needed to implement these new MACT standards, facilities need much longer than the 18-month compliance period under the Coke Ovens Rule. A Presidential Exemption is warranted for several reasons:

- The technologies used in some other industries to control these HAP have not been demonstrated to work in the coke byproduct recovery industry. Controlling multiple pollutants and retrofitting controls into existing equipment and operations adds technical and engineering complexity due to process interactions of the requirements for control, including pollutant interactions, flow rates, chemistry, and temperatures.
- The Coke Ovens Rule includes first-time emission limits for hydrogen cyanide (HCN); however, it is widely acknowledged that there are no existing technologies available to control HCN. Air pollution control vendors indicate that any potential solution for control of HCN is not technically feasible for coke battery combustion stack or pushing emissions.⁴
- The coke battery underfiring system is naturally drafted, with the underfire gas stream predominantly located underground. Added equipment such as heat exchangers, sorbent injection systems, etc., result in static pressure loss, necessitating installation of an induced draft fan. The impacts of added fans and equipment need to be studied to ensure adequate

² See ACCCI/COETF Petition for Reconsideration and Stay (Sept. 3, 2024); COETF Comments (Oct. 2, 2023); COETF Motion for Stay, filed Sept. 30, 2024, in *Am. Coke and Coal Chemicals Inst. and Coke Oven Env't Talk Force v. U.S. EPA*, Case No. 24-1287 (D.C. Cir.) ("COETF Motion for Stay"); COETF Reply, filed November 5, 2024, in *Am. Coke and Coal Chemicals Inst. and Coke Oven Env't Talk Force v. U.S. EPA*, Case No. 24-1287 (D.C. Cir.) ("COETF Reply") and associated exhibits/attachments.

³ *Id.*

⁴ *Id.*