



March 31, 2025

U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460
Submitted by Electronic Mail to: anactions@epa.gov

Re: Presidential Exemption: National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks, and Coke Oven Batteries; Residual Risk and Technology Review, and Periodic Technology Review (89 FR 55684; July 5, 2024) (Coke Ovens Rule): ABC Coke.

ABC Coke hereby requests a Presidential Exemption under Clean Air Act section 112(i)(4) for ABC Coke from compliance with the standards and limitations in the National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks, and Coke Oven Batteries; Residual Risk and Technology Review, and Periodic Technology Review, 89 Fed. Reg. 55684 (July 5, 2024) (the "Coke Ovens Rule").

ABC Coke is currently the only merchant coke producer in the United States supplying industries such as the iron making and other coke utilizing industries. Without ABC Coke, these critical U.S. industries would be forced to access foreign suppliers adding significantly to their cost of production.

On July 5, 2024, EPA promulgated the final Coke Ovens Rule, which establishes:

- (1) New maximum achievable control technology (MACT) standards for acid gases (AG), dioxin and furans (D/F), formaldehyde, hydrogen cyanide (HCN), mercury (Hg), polycyclic aromatic hydrocarbons (PAH), and volatile organic HAP (VOHAP) from coke oven pushing operations;
- (2) MACT and work practice standards for AG, D/F, HCN, Hg, PAH, particulate matter (PM), HAP metals, and VOHAP from coke oven battery stacks;
- (3) New facility fence-line emission monitoring and corrective action requirements; and
- (4) Lowered limits for leaks from coke oven doors, lids, and off-takes.

The American Coke and Coal Chemicals Institute (ACCCI) and Coke Oven Environmental Task Force (COETF) filed a petition for administrative reconsideration and stay of the Coke Ovens Rule, urging EPA to reconsider numerous aspects of the Coke Ovens Rule and to stay the effective date pending promulgation of

replacement regulations.¹ On March 12, 2025, EPA announced it will reconsider several NESHAPs affecting a broad range of American industry, including the Coke Ovens Rule.

Clean Air Act section 112(i)(4) provides that the President may exempt any stationary source from compliance with any standard or limitation under section 112 for up to two years if the President determines that the technology to implement such standard is not available and it is in the national security interests of the United States to do so. Section 112(i)(4) further provides that an exemption may be extended one or more additional periods, each additional period not to exceed two years.

ABC Coke is requesting a two-year Presidential Exemption for each of the following Coke Ovens Rule requirements:

1. Fenceline monitoring, root cause and corrective action, and related reporting requirements (*see* § 63.314 and § 63.311(j) through (l) (currently with a July 7, 2025 compliance date);
2. Limits for allowable leaks from coke oven battery doors, lids, and offtakes and related reporting requirements (*see* § 63.302(a)(4), § 63.302(d), § 63.304(b)(8), and § 63.311(h) through (i)) (currently with a July 7, 2025 compliance date); and
3. New MACT and work practice standards for coke oven pushing and battery stacks and related testing and reporting requirements (*see* § 63.7283(d), § 63.7290(b) through (f), § 63.7296(c) through (f), § 63.7300(e)(4), § 63.7320(a), § 63.7321, § 63.7333, and § 63.7341(f)) (currently with January 5, 2026 and July 7, 2026 compliance dates).

A Presidential Exemption is warranted for the reasons detailed below.

I. This Request is Timely

This request has been submitted by the March 31, 2025 date indicated in EPA's Clean Air Act Section 112 Presidential Exemption Information fact sheet.

II. The Technology Needed to Implement the Coke Ovens Rule is Not Available

A. Fenceline Monitoring Requirements

For the reasons set forth in the ACCCI/COETF petition for reconsideration, the fenceline monitoring benzene action level in the Coke Ovens Rule is overly stringent and is not based on modeling showing the correct highest benzene concentration at the facility fenceline using allowable (vs. actual) emissions. As a result, new and currently unavailable emission controls and leak detection/repair technology would be necessary to comply with the unlawful action level. Due to the complex nature of coke facilities, developing new control strategies and technologies would involve engineering suitable capture and control systems at multiple locations. The technologies needed to identify and engineer controls suitable for each location are not currently demonstrated or available for the coke byproducts recovery industry.

¹ The ACCCI/COETF's comments on the proposed rule and petition for reconsideration and stay are hereby incorporated by reference in support of this request. *See* ACCCI/COETF Petition for Reconsideration and Stay of the National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks, and Coke Oven Batteries; Residual Risk and Technology Review, and Periodic Technology Review (Sept. 3, 2024); COETF Comments on the Proposed Rule National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks, and Coke Oven Batteries; Residual Risk and Technology Review, and Periodic Technology Review (Oct. 2, 2023), available at <https://www.regulations.gov/comment/EPA-HQ-OAR-2003-0051-1380>.

Likewise, the “root cause” investigation and corrective action requirements add significant complexity and technology challenges, considering the many miles of piping and thousands of valves and flanges at a coke facility. Methods to further reduce benzene emissions are not currently demonstrated for coke facilities and would include redesign or modification of process vessels, tar decanters, gas blanketing and vapor collection systems, replacing sections of coke oven gas piping, and redesign of tar and light oil loadout systems to reduce fugitive emissions and/or leak rates.

B. Revised Standards for Coke Oven Battery Doors, Lids, and Offtakes

The Coke Ovens Rule lowers the long-standing allowable leak limits for coke battery doors, lids, and offtakes and, for the first time, imposes more stringent leak rate allowables on a single coke facility based on annual coke production. However, industry commenters informed EPA that there have been no changes or improvements in leak control practices across the industry, which means facilities cannot consistently achieve the lower leak rate limits without developing new leak control methods or technologies.

For coke oven doors, this requires a technical evaluation to identify new ways to reduce the number of already very low door leaks in order to comply with the new Coke Ovens Rule limits. This may include replacing door machines, rebuilding or replacing oven doors, and redesigning door-jamb cleaning mechanisms, or other currently unidentified means to control leaks around coke oven doors. For coke battery lids and offtakes, this requires research and trials on new ways to reduce leaks to comply with the revised limits. Control methods could include redesigning or replacing lids or developing different sealing materials.

None of the technologies needed to comply with these new standards are currently available or demonstrated in the coke byproduct recovery industry.

C. New MACT and Work Practice Standards for Coke Oven Pushing and Battery Stacks

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.

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 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.
- 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 heating of the batteries, as well as enough physical space to install additional equipment, which may not be feasible. This poses obstacles and engineering challenges for any new add-on equipment, which could include construction of a new battery combustion stack.
- Changes to the underfiring system requires coke battery outages, during which purchased natural gas is needed to keep the battery hot. All coke production would cease; and battery refractory brick and other equipment could suffer unanticipated damage, which takes more time and expense to correct.
- Limited available physical space within coke oven battery areas requires vertical construction, adding complexity and time to all related construction, and may be infeasible altogether.
- Adding controls on mobile pushing emission control devices involves unique engineering challenges compared to non-mobile sources.

III. An Exemption is in the National Security Interests of the United States

Steel is one of the most important building materials in America and an essential component for all types of buildings, transportation infrastructure, and military hardware. Currently, approximately 70% of all steel is made using metallurgical coke, a high-quality fuel and reductant used in blast furnaces to separate iron from iron ore to make steel. A strong, competitive coke and steel manufacturing industry is vital to building and maintaining critical infrastructure and military readiness.

A Presidential Exemption would advance all of the following national security interests while EPA goes about reconsidering and revising the Coke Ovens Rule: (1) maintaining a strong domestic steelmaking industry; (2) avoiding regulatory mandates that lead to coke and steel shortages, offshoring of coke production, and resulting supply chain impacts; (3) promoting economic and job growth made possible by the coke and steel industries; and (4) avoiding wasteful commitments of resources on regulatory mandates that provide no discernable public health or environmental benefit.

Without a Presidential Exemption, the coke production industry would be faced with an estimated \$1.3 billion in new capital costs, plus more than \$220 million in annual operating costs. Coke facilities would be forced to install new, unproven pollution control technologies in an effort to comply with the new standards, even though compliance may not be feasible using available technology. The cost associated with the Coke Ovens Rule would substantially impact local and national economies and would undermine the coke and steel sectors' vital role in producing the iron and steel needed to support critical infrastructure, defense, and national security.

The importance of avoiding these harms to the coke and steel industry is emphasized in a December 6, 2023 letter from eight U.S. Senators including then-Senator JD Vance to EPA warning that the Coke Ovens Rule and two other rules aimed at the steel sectors "... would dramatically undermine the domestic steel industry and national security while driving production overseas likely resulting in no net reduction in

emissions from the steel industry globally.”² Likewise, in a June 14, 2024 letter six U.S. Senators – again including then-Senator Vance – urged EPA to reconsider the Coke Ovens Rule and two other rules aimed at the steel industry, warning that “... the steel industry will be forced to proceed with planning and spending for unproven technologies and work practices while the final provisions of the rules remain uncertain. Given that these regulations will impact nearly every aspect of the integrated iron and steelmaking process, it is imperative that EPA grant both the petitions for reconsideration and requests for stay of the rules.”³ Similar concerns were raised in a letter to EPA from Congress Members Crawford and Mrvan of the Congressional Steel Caucus.⁴

IV. Conclusion

Thank you for consideration of this Presidential Exemption request. If additional information is needed, please contact John Stewart at jstewart@abc-coke.com.

Sincerely,

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² Letter from U.S. Senators Vance, Brown, Braun, Manchin, Casey, Klobuchar, Capito, and Young to Administrator Regan, p. 1 (Dec. 6, 2023) (Att. A).

³ Letter from U.S. Senators Vance, Brown, Braun, Casey, Klobuchar, and Young to Administrator Regan, p. 2 (June 14, 2024) (Att. B).

⁴ Letter from Congressmen Crawford and Mrvan to Administrator Regan, p. 1 (Dec. 18, 2023) (Att. C).