

9. Unlike HNR facilities, ByP facilities recover chemicals from coke oven gas in an on-site chemical plant. Another important difference between ByP and HNR facilities is that the ByP ovens operate under *positive* pressure, whereas HNR facilities' ovens operate under *negative* pressure. Because HNR facilities operate under negative pressure, they have very low fugitive emissions.

10. EPA has recognized that SunCoke's cokemaking process is the most environmentally friendly way to make coke, and it has adopted SunCoke's heat-recovery cokemaking process as the industry maximum achievable control technology ("MACT"). *See, e.g.*, 66 Fed. Reg. 35326, 35328–29 (Jul. 3, 2001); 42 U.S.C. § 7412(d)(8)(A).

EPA Finalized a Rule that Established 17 Numerical MACT Floor Limits for Previously Unregulated HAPs.

11. On August 16, 2023, EPA published a proposed rule that would amend two National Emissions Standards for Hazardous Air Pollutants (NESHAP) for the coke ovens industry. 88 Fed. Reg. 55858, 55858 (August 16, 2023) (The Proposed Rule).

12. On October 2, 2023, SunCoke submitted comments to EPA on the agency's Proposed Rule. Attached as Exhibit A to this Declaration is a true and correct copy of SunCoke's comments on the Proposed Rule