XII. THE PROPOSED OVEN PRESSURE *AND* METHOD 303A MONITORING ARE NOT "NECESSARY" TO ACHIEVE EMISSIONS STANDARDS

EPA lacks authority to require costly and onerous oven pressure monitoring as a means of policing HNR oven door leaks because there is no evidence that such a requirement is "necessary," taking into account developments in practices, processes, and control technologies. *See* 42 USC § 7412(d)(6) (requires EPA to "review, and revise as necessary (taking into account developments in practices, processes, and control technologies), emission standards promulgated under this section"). Indeed, EPA expressly stated that it "did not identify *any* developments in practices, processes or control technologies," 88 Fed. Reg. at 55883 (emphasis added), and also acknowledged that "[visible emissions] monitoring has been used as an effective surrogate for monitoring door leaks in the past."[54] EPA provides no rationale for why it is necessary to abandon this practice.

As part of its technology review for coke oven batteries, EPA is proposing to add a requirement to Section 63.303(a)(i) that requires HNR facilities to conduct visual monitoring for visible emissions leaks using EPA Method 303 or 303A *and* to monitor pressure in the ovens *and* common tunnel in order to detect leaks from coke oven doors, instead of allowing companies to choose one procedure over the other, as the NESHAP currently permits. EPA appears to assume, incorrectly, that increased pressure monitoring is necessary to establish negative oven pressure and that the leak rate is necessary to reduce COE. EPA also has raised a question concerning whether the "current practice," as EPA describes it, of operating one pressure monitor per common tunnel that may connect to 15-20 ovens, is sufficient. 88 Fed. Reg. at 55885. The current pressure monitoring practice for HNR facilities, which is different from that described by EPA, is indeed sufficient, as explained herein.

Because EPA's review of the coke battery ovens is authorized not as part of the RTR, but solely as part of the periodic technology review, EPA's authority for requiring any changes to Subpart L is limited to CAA Section 112(d)(6). Section 112(d)(6) authorizes EPA to "review, and revise as necessary (taking into account development in practices, processes, and control technologies), emissions standards promulgated under this section" every eight years. 42 U.S.C. § 7412(d)(6). Yet there is no evidence that exceedances of the 0.0 leaks standard for HNR have resulted in any COE emissions, nor of any developments in "practices, processes, and control technologies" that would justify the proposed changes. Indeed, EPA's proposed requirement "to measure pressure in the ovens during the main points in the entire oven cycle to include, at minimum, during pushing, coking, and charging," 88 Fed. Reg. 55884, is inconsistent with its findings that for pushing and charging, "no technology has been identified that demonstrates reduced emissions . . . beyond the current control technology in use."[55] This proposed requirement also is inconsistent with EPA's review under CAA Section 112(d)(2) and (d)(3), which found that for pushing operations, battery stacks, and HNR HRSG main stacks, no cost-effective BTF options existed. *Id.* at 55876.

[54] EPA-HQ-OAR-2002-0085-0873, EPA, *Memorandum, Technology Review for NESHAP for Coke Ovens: Pushing, Quenching, and Battery Stacks (40 CFR part 63, subpart CCCCC), and NESHAP for Coke Oven Batteries (40 CFR part 63, subpart L)*, at 22 (May 1, 2023).

[55] EPA-HQ-OAR-2002-0085-0873, EPA, Memorandum, *Technology Review for NESHAP for Coke Ovens: Pushing, Quenching, and Battery Stacks (40 CFR part 63, subpart CCCCC), and NESHAP for Coke Oven Batteries (40 CFR part 63, subpart L)*, at 6, 34 (May 1, 2023).