

standard applies “during ByP waste heat combustion in battery flues,” 89 Fed. Reg. at 55708. And Table 5 under 40 CFR part 63, subpart CCCCC specifically limits the work practice standard to “ByP battery (combustion) stacks.” Moreover, HNR facilities do not operate “battery waste heat flues.” To avoid unnecessary confusion among state regulatory agencies and the regulated community, section 63.7300(c)(4) should be clarified to specify that the new work practice standard is limited to byproduct facilities.

6. *Discrepancy in number of test runs required for initial compliance*

Under the Final Rule, section 63.7322(c)(2) sets the number of test runs required to determine compliance with a process-weighted mass rate of HCN (lb/ton of coke) from a control device applied to pushing emissions and battery stacks. The Final Rule requires facilities to “[c]ollect a minimum of eight spectra for each of *six runs (or hours)* evenly spaced over the test period” (emphasis added). But only “[t]hree valid test runs are needed to comprise a performance test” (emphasis added). So, it is unclear whether three or six runs is sufficient to comply with section 63.7322(c)(2). Three runs should be sufficient and would be consistent with other sections using Method 320.

7. *Inconsistent pushing limits*

Section 63.7326(a) establishes what regulated parties must do to demonstrate initial compliance with the emission limits from a control device applied to pushing emissions. Paragraphs (a)(2) through (a)(5) identify pushing emission limits for Hg, AG, HCN and PAH respectively, but these limits do not match the limits provided in section 63.7290(b) through (c) and in Table 7 of the Final Rule 5.1E-07 lb/ton. 89 Fed. Reg. at 55708. The limit in section 63.7326(a) should match the limit provided in section 63.7290 and Table 7.

8. *Cross reference error in PAH emission limits*

The Final Rule’s references to “§§ 63.7290(b) through (d)” should be changed to “§§ 63.7290(b) through (e)” in sections 63.7282 and 63.7283. Section 63.7290(c) provides the PAH emission limits for capture systems and control devices applied to pushing emissions. See attachment A for the corrections (in red) required to fix the typo throughout section.

9. *Cross reference error in recordkeeping requirements*

40 C.F.R. § 63.311(f)(1)(v) requires keeping “[r]ecords to demonstrate compliance with the work practice requirements for oven uptake damper monitoring and adjustments in § 63.303(c)(1)(iv).” But section 63.303(c)(1)(iv) does not exist. The relevant recordkeeping requirement is in paragraph section 63.303(c)(1).

II. Stay Pending Reconsideration

While EPA is reconsidering a rule pursuant to section 307(d)(7)(B), the CAA permits EPA to stay “the effectiveness of the rule” . . . for a period not to exceed three months.”⁹⁰ This stay gives the Agency time to reconsider its position and review the Final Rule’s requirements without imposing

⁹⁰ 42 U.S.C. § 7607(d)(7)(B).