

limits in 40 C.F.R. § 63.7297 would otherwise be impossible to meet.”⁷² SunCoke described how the FGD system must be slowly heated to the minimum operating temperature before the baghouse, spray dry absorber, and carbon injection system can be placed into service and proposed application of the Bypass Stack emission limits set forth in 40 C.F.R. § 63.7298 (standards that were already in the NESHAP), because it would be impossible to meet the new emission limits in 40 C.F.R. § 63.7297 for HRSG main stacks until the minimum operating temperature is met and the FGD system is online.⁷³

EPA also responded that it “expects control devices to be operating during startup and shutdown (SS); therefore no additional requirements should be needed for startup or shutdown,” which conflicts with SunCoke’s comment that controls, including the baghouse, spray dry absorber, and carbon injection system cannot be placed into service until the FGD reaches minimum operating temperature.⁷⁴

This issue was also raised with EPA during a meeting on February 12, 2024, and in a follow-up communication to EPA on February 19, 2024, after the close of the public comment period, when SunCoke proposed additional work practice standards, including returning the FGD to full operation as expeditiously as possible and meeting the Bypass Vent Stack limits in the meantime.

In the Final Rule, EPA incorrectly stated that no alternate work practices had been proposed and that all controls would be operating during startup and shut down, both of which are in error, and should be reconsidered.

2. EPA Impermissibly Rejected Other Appropriate Work Practice Standards.

In its Final Rule, EPA removed all exemptions from emission limits during startup, shutdown, and malfunction, and did not propose any alternate limits and works practice standards as it had done in numerous other rulemakings. In the Proposed Rule, EPA asked for comment on whether any **situations** existed where separate standards, such as work practices, would be more appropriate during periods of startup and shutdown, rather than the current standards. In response, SunCoke identified specific **situations** where separate standards should be applied (Section I.E.1, startup of the FGD) and general **situations**, where work practices would be more appropriate, situations identified in the startup, shutdown, and malfunction plan.⁷⁵

EPA then rejected all of the comments and did not establish any alternate limits or work practice standards purportedly because the commenters did not identify specific **work practices** that would be more appropriate than the numerical emissions standards. In other words, EPA asked commenters to identify **situations** where alternate work practices would be needed and then rejected all of the comments because commenters did not identify “**specific work practices**.”⁷⁶

Because EPA specifically asked for comments on **situations** where alternate work practices would be more appropriate and SunCoke (and other commenters) responded by identifying **situations**

⁷² SunCoke comment letter, p. 51.

⁷³ *Id.*

⁷⁴ 89 Fed. Reg. at 55718; SunCoke comment letter, p. 51.

⁷⁵ *Id.*

⁷⁶ 89 Fed. Reg. at 55718.