needed to comply with the Rule—and the time that will be needed to do so. He estimates that this will take 30-36 months. Decl. Chris Meyers in Support of Extension Request (Jul. 26, 2024) ("2024 Declaration") (attached) at p. 8; *see also* Supplemental Declaration of Chris Meyers (Feb. 13, 2025) (attached). Importantly, it was not prudent for DPE to begin this process until EPA agreed to dismiss its "emergency" lawsuit against DPE that was filed in February 2023 under Section 303 demanding an immediate shutdown of the Facility. This Section 303 action was not dismissed until March 10, 2025. Order, *United States v. Denka Performance Elastomer*, 2:23-cv-735, Doc. No. 207 (Mar. 10, 2025) (dismissing case). Thus, the technology to implement these requirements will not be available by the current compliance deadline.

The Rule also imposes a one-ton-per-year cap on chloroprene emissions from maintenance activities, but EPA did not identify any feasible control technology or control measures for meeting this limit. As Mr. Meyers explains in his declarations, DPE has already evaluated several possible options, including those recommended by EPA enforcement officials, but none of them is technically feasible. 2024 Declaration at pp. 12-14. Thus, the technology needed to implement this standard is not available.

In addition, the Rule requires DPE to install and operate a comprehensive fenceline monitoring system and take all steps needed to ensure that fenceline concentrations of chloroprene in the ambient air meet a specified "action level," as determined by the fenceline monitors. In the rulemaking, EPA conducted air quality modeling which found that, once the Facility complies with all the specific control requirements in the Rule, ambient concentrations around the fenceline will correspond with an action level of 0.8 $\mu g/m^3$. *See* 89 Fed. Reg. at 42999. Yet EPA set the action level for chloroprene at 0.3 $\mu g/m^3$—not based on any analysis of whether it would be possible for the Facility to achieve this level but because of EPA's desire to set the level "as low as possible" based on the detection limit of the required monitors. *Id.* at 42300, 43002. Thus, the technology needed to implement this standard is not available.[2]

[2] Some requirements related to the fenceline monitoring program come into effect after the monitoring system has been operating for 12 months. DPE requests that all these requirements be pushed back by two years from the dates set forth in the HON Rule.

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

Granting an extension to DPE is in the national security interests of the United States, as the Facility is the only Neoprene production facility in the country. Neoprene is a synthetic rubber used to make military and medical equipment as well as a wide array of additional products, including car parts, adhesives, wetsuits, and many consumer products. If the DPE Facility were forced to shut down, the U.S. would have to rely on countries like China to provide the Neoprene necessary for certain military and medical equipment. Therefore, a Presidential Exemption is in the national security interests of the U.S. and will aid in maintaining a strong domestic supply chain network aligned with President Trump's America First Trade and Investment Policy. *See e.g.,* White House Memo, *American First Trade Policy* (Jan. 20, 2025); White House Memo, *America First Investment Policy* (Feb. 21, 2025).

[2] Some requirements related to the fenceline monitoring program come into effect after the monitoring system has been operating for 12 months. DPE requests that all these requirements be pushed back by two years from the dates set forth in the HON Rule.