

Facilities that cannot meet these unachievable standards need much longer than 18 months to complete the testing, engineering, fabrication, and installation of controls and other equipment, assuming compliance with the new MACT standards is even feasible. A Presidential Exemption is warranted for several reasons:

- No technologies employed at any coke facility have demonstrated the ability to meet the new MACT standards.
- Contrary to the Clean Air Act, the Coke RTR Rule imposes requirements that no source, domestically or globally, is known to actually achieve.
- Contrary to the Clean Air Act and EPA's obligations, EPA failed to consider the Coke RTR Rule's impacts to the domestic coke and integrated iron and steel industry and the nation's economic security and national growth interests
- Because the Coke RTR Rule is based upon insufficient data, attempts to continuously comply with the new limits will require the addition of controls. Furthermore, even with the installation of and operation of additional controls, continuous compliance with the new limits remains uncertain as there are no proven controls at this time. The estimated cost effectiveness of controls for the by-product coke industry would be unprecedented and exorbitant. Because the new limits are not based upon proven technologies as Congress intended and as EPA has historically done to comply with Section 112 of the Clean Air Act, U. S. Steel must incur substantial unrecoverable costs in its attempt to design and implement controls that will attempt to consistently meet the new limits in an impossible time period resulting in irreparable harm to U. S. Steel. Contrary to EPA's claim that no coke plant would be required to put on controls to meet the new MACT limits, data in EPA's possession suggests that continuous compliance cannot be met without modifications at coke facilities.
- Sources, including the Clairton plant, need to generate additional data to better account for raw material and process variability. The MACT floor datasets are too limited, are not representative of the coke industry, and do not adequately reflect variability in operating conditions (e.g., normal coking time vs. extending coking time) or variability in raw material inputs, such as coal characteristics. As a result, no technology is available that has demonstrated that the new limits are achievable under all reasonably foreseeable conditions. To address these issues, U. S. Steel and other commenters suggested that EPA include a process to address such variability when determining the MACT standards as EPA did with the Brick MACT by including an intra-quarry variability (IQV) factor when developing the MACT standards. In promulgating the Coke RTR Rule, EPA rejected these comments and did not include a variability factor when setting the MACT standards.
- Controlling multiple pollutants and retrofitting controls into existing equipment and operations adds complexity and time due to interactions of the requirements for control, including pollutant interactions, flow rates, chemistry, and temperatures.