

respective emissions. Flat car pushing, which is used at HNR facilities, is much different than conventional pushing which occurs at ByP facilities. With conventional pushing at ByP facilities, the coke bed falls into a hot car where it breaks apart and produces the traditional large hot pushing plume. The plume may be collected by either a mobile shed or by a large stationary coke side shed. With flat car pushing at HNR facilities, the coke bed is pushed onto a flat car with a hood that encloses the bed on the sides and top. Air from this hood is ducted to an air pollution control device, fan, and stack on a mobile car. These significant differences in the pushing process and the capture/control equipment warrant separating pushing emissions by process type and control type, as EPA has done in the past.

It also was unreasonable for EPA to use test data from closed ByP facilities to establish the new proposed pushing emission limits. EPA used testing data from the ByP facility in Middletown, Ohio (formerly, AK Steel Middletown), to develop the proposed limits,³⁵ even though Cleveland-Cliffs, which now owns the facility, idled these coke ovens in 2021. The CAA requires EPA to average emissions achieved by the “best performing” five (5) sources; a source that has shuttered its doors obviously is not “performing” at all. 42 USC § 7412(d)(3). Historically, only operating sources are included in the MACT floor analysis. EPA did not consider test data from other closed ByP facilities in its MACT floor calculations. EPA’s MACT memo notes, for example, that while the Eric Coke facility conducted testing per the Section 114 request in 2016, the Agency did not include its emissions data in the MACT floor calculations because “the Eric Coke facility was shut down in late 2019.”³⁶ Consistent with its approach with Eric Coke’s data, EPA should also have excluded data from AK Steel Middletown from the MACT floor calculations for pushing.

4. Installing Additional Controls on Hot Car is Technically Infeasible

Installing additional controls on an HNR flat push hot car for controlling any of these pollutants is technically infeasible because the hot car is mobile, is subject to significant vibration, and has very limited space or structural capacity for additional equipment. HNR facilities’ configuration does not allow for baghouses on the flat push hot car; SunCoke ovens are horizontal and their batteries and tunnels are longer, whereas ByP ovens are vertical and their batteries and tunnels are shorter. SunCoke would not be able to pull sufficient draft to run a baghouse, thus creating the potential for positive pressure. SunCoke’s technology requires this configuration, and it would be unreasonable to require SunCoke to reconfigure its equipment at existing HNR facilities, particularly given the facilities’ current use of other more suitable control devices (e.g., cokeside shed, mobile multiclone).

5. EPA Considered Data Collected Using Unreliable and “Abandoned” Test Method

EPA incorrectly established the proposed pushing limits for hydrogen cyanide (HCN) emissions using test data from an obsolete method. These proposed limits were established using

³⁵ EPA-HQ-OAR-2003-0051-0785, EPA, *Memorandum, Maximum Achievable Control Technology Standard Calculations, Cost Impacts, and Beyond-the-Floor Cost Impacts for Coke Oven Facilities under 40 CFR part 63, subpart CCCCC*, at 4 and Table 1 (May 1, 2023).

³⁶ *Id.*