

result was 4.77E-06, which is 159% of the MACT floor limit.

So if the Final Rule were in effect in 2006, HH1 would have failed.

23. Although EPA did incorporate some of the additional data that SunCoke provided during the notice and comment period, it did not consider all the data. According to EPA, it chose to consider only data “within five years prior to 2016 . . . that matched the requirements for testing in the CAA section 114 requests.” 89 Fed. Reg. at 55715. In doing so, EPA ignored relevant data demonstrating that the new limits cannot be met with existing controls.

24. By ignoring relevant data, EPA significantly overestimated SunCoke’s ability to comply with the numerical MACT floor limits. In overestimating SunCoke’s ability to comply, EPA underestimated the time SunCoke needs to achieve full compliance with the new limits. EPA also significantly underestimated SunCoke’s costs of compliance. And it did not consider employing work practice standards or surrogate limits in lieu of numeric emission limits, despite testing results in the parts per billion or at or below detection.