

The potential for fugitive emissions from ByP and HNR facilities are entirely different due to important design and operational differences between their respective facilities and operations. *See supra* Section III.A. As EPA acknowledges, the fact that HNRs operate under negative pressure makes a material difference in HNRs' potential for fugitive emissions:

Ovens at ByP facilities operate under positive pressure and, consequently, leak COE, a HAP, that includes both gases and particulate matter (PM), via oven door jams ("doors"), charging port lids ("lids"), offtake ducts ("offtakes"), and during charging. Ovens at HNR facilities are designed to operate under negative pressure to reduce or eliminate leaks but require maintenance and monitoring to ensure constant operation at negative pressure.

88 Fed. Reg. 55858, 55863 (Aug. 16, 2023). While EPA briefly acknowledges some of the differences, including differences related to fugitive emissions, it nevertheless ignores those differences in its Proposed Rule.

Because byproduct ovens operate under positive pressure, small openings or cracks in byproduct ovens allow raw coke oven gas and HAPs to leak into the atmosphere. In contrast, SunCoke's HNR ovens operate under negative pressure and release the heat of combustion within the oven system. EPA previously acknowledged that operating the coke ovens under negative pressure virtually eliminates the risk of leakage of coke oven emissions through doors or other potential leakage points:

[T]hese leaks are so infrequent and of such short duration that the annual emissions are orders of magnitude below those from door leaks on by-product batteries, which occur on a continuous basis.

EPA, "National Emissions Standards for Coke Oven Batteries: Background Information for Final Amendments," at 21 (Mar. 31, 2005). Indeed, EPA initially only planned to request fence-line monitoring data from ByP plants; HNR plants were an afterthought because of their minimal fugitive emissions.⁴⁷ EPA described multiple reasons to gather benzene fugitive emissions data from ByP plants, but said nothing about fugitives from HNR facilities.⁴⁸ As described in greater detail in Section XI.A.4 below, fugitive HAP emissions monitoring conducted at one of SunCoke's plants for ten years demonstrates that there is no impact on ambient HAP levels, and that any emissions are below risk-based screening levels; the state agency agreed with this determination. *See* Attachment E (Letter from Ohio EPA to Haverhill Coke Company, July 14, 2014).

Yet, in determining whether to adopt Fence-line Monitoring requirements in the current rulemaking, EPA selected five coke facilities—four ByP facilities and one heat recovery facility (Haverhill)—to "improve [the Agency's] understanding of fugitive emissions and to potentially address fugitive emissions sources at coke facilities". 88 Fed. Reg. 55858, 55885 (Aug. 16, 2023). Despite recognizing the very significant differences in the potential for fugitive emissions, the

⁴⁷ *See* Declaration of Penny Lassister, EPA's Director of Sector Policies and Programs Division in the Office of Air Quality Planning and Standards within the Office of Air and Radiation, May 5, 2022.

⁴⁸ *Id.* at Paragraphs 11 and 15.