

overly burdensome, lack scientific merit, and accomplish nothing in the way of emissions minimization.

The methods EPA used to establish the new pushing limits are arbitrary and capricious for the following reasons:

- EPA relied upon combined data from SunCoke's heat non-recovery plants and byproduct plants. Byproduct plants use dramatically different coking processes and emissions controls. In contrast, heat non-recovery plants have been declared by EPA as the maximum achievable control technology.⁵⁸ Conflating data from these two different processes is arbitrary and capricious.
- EPA not only used data from byproduct plants to set new pushing limits applicable to HNR facilities, EPA included data from *idled* byproduct plants as one of the "best performing sources." A source that is idled is not performing at all, so using data from a non-performing source is arbitrary and capricious.⁵⁹ Further, EPA confirmed that those idled plants permanently shut down before issuance of the Final Rule.⁶⁰
- For heat non-recovery plants, EPA used HCN emission test data from an obsolete test method (2016 ICR test data from the SunCoke Middletown facility) that was collected using the Zinc Acetate method, which EPA earlier had abandoned due to its limited dynamic range of measurement.⁶¹
- For Hg, the emissions are too low to permit scientific measurement (at or below detection, within the noise of the test instrument) and the limit fails to consider the wide variability of Hg content in metallurgical coal (ranging from 0.008 to 0.360 parts per million). The variability in concentrations of Hg (and other HAP-related constituents) in emissions from these sources is directly proportional to the concentration of these constituents that naturally occur in raw materials (i.e., metallurgical coals) used in the HNR cokemaking process.
- With respect to HNR facilities, the emission of these HAP from pushing are de minimis. Pushing operations are intermittent (less than three hours per day) and emissions are less than one ton per year. EPA already set a PM limit on pushing prior to this rulemaking, which sufficiently minimizes pushing emissions, including emissions of Hg, AG, HCN, and PAH. EPA should have made surrogacy determinations, instead of establishing new MACT floor limits, to the extent that the *LEAN* decision required gap-filling. There is no reasonable basis for treating the HAP differently in the Final Rule.
- EPA's MACT floor limits for pushing are based on insufficient data.

Because the surrogacy determinations for the five newly regulated HAP were added after the close of the public comment period, SunCoke did not have an opportunity to comment on EPA's choice

⁵⁸ See SunCoke comment letter, p. 1, n.6.

⁵⁹ See SunCoke comment letter, p. 30.

⁶⁰ 89 Fed. Reg. at 55692 (confirming that Cleveland Cliffs' Follansbee, West Virginia, facility and Middletown, Ohio, facility permanently closed in 2022 and 2023, respectively).

⁶¹ *Zinc Acetate Sampling Method for Hydrogen Cyanide*. N. Shappley, U.S. Environmental Protection Agency, Research Triangle Park, NC, and D. Maxwell, AECOME, Austin, TX. Presentation at the 41st Stationary Source Sampling and Analysis for Air Pollutants, Tucson, AZ, April 9–14, 2017. Docket IDs EPA-HQ-OAR-2002-0085 and EPA-HQ-OAR-2003-0051.