

(Emphasis added).

In the first instance, there is no requirement for a performance test in 40 C.F.R. §§ 63.303(a)(1)(i) or 63.309(d)(1) and the reference to an enforcement agency performing the calculation based on observations from each performance test make it unclear who is required to do the testing. There is also no methodology or frequency specified for monitoring. EPA did not cross-reference other relevant sections of 40 C.F.R. § 63.309 requiring a daily performance test (63.309(a)), specifying the method to be used to perform the test (section 63.309(a)(1)), or specifying training and certification requirements for observers (63.309(a)(2) and (3)), etc. Further, section 63.309(d)(1) references topside port lids, which HNR plants do not have, and does not account for the differences between the offtake systems on HNR plants and Byproduct plants.

It is also worth noting that EPA concluded that the cost of daily Method 303A monitoring would be \$21,000 per year, per facility,<sup>81</sup> yet the Final Rule appears to contemplate daily (7-days a week) monitoring and the involvement of the owner or operator, a certified observer, and “the enforcement agency” to whom the regulated entity pays a quarterly inspection fee “to defray the costs of the daily performance tests.” The requirements of the rule are unclear, but it appears that EPA has grossly underestimated the costs for daily performance testing and should reconsider the requirements to clarify the agency’s intent. The agency’s explanations in the Final Rule do not at all align with the regulatory text. If EPA maintains the new requirement for HNR facilities to comply with Method 303A, then SunCoke requests that EPA extend the compliance deadline for one year after the agency clarifies the monitoring requirements.

This issue is of central relevance because EPA has imposed a new requirement for HNR facilities and it is not clear how to comply.

#### **H. EPA failed to provide a viable test method for HCN emissions from mobile hot cars.**

In its comment letter, SunCoke noted that using either Method 320 or ASTM D6348 as the test method for HCN emissions from pushing (pursuant to the 40 C.F.R. § 63.7322(c)) would require the use of Fourier Transform Infrared Spectroscopy (FTIR), which is a relatively delicate analytical method requiring careful alignment of optical mirrors on mobile hot cars. SunCoke explained that hot cars ride on steel rails with limited suspension, are subject to high vibration and strong jolts, are susceptible to alignment errors caused by jostling and excessive vibrations, all of which adversely impact any measurements collected using FTIR and the reliability of those results. SunCoke also noted that space on the mobile hot cars is very limited, and it would be challenging to develop an application in which an instrument rack with FTIR equipment and calibration gas cylinders could fit on the hot cars.

EPA responded in the Response to Comments, acknowledging the difficulties of performing testing on “certain sources,” specifically, that under certain circumstances, FTIR methods have interferences that prevent its use on certain sources. As a result, EPA approved alternative test methods (Methods 26 and 26A) for acid gases measurements, but EPA did not approve alternative test methods for HCN emissions.

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<sup>81</sup> 89 Fed. Reg. at 55686.