

have triggered the corrective action or what work may be required. In addition, corrective action may take longer at certain facilities, like Jewell, because of its unique location.

The process proposed by EPA for investigating, completing, and reporting the corrective actions would be very burdensome to implement, particularly in the schedule being proposed by EPA. This new reporting burden adds to multiple other reporting requirements related to these MACT standards as well as other federal, state, and local laws and permitting obligations.

More fundamentally, regulated entities cannot be required to perform a root cause analysis or corrective action if they are in compliance with the standards in 40 C.F.R. §§ 63.302-63.308. If they are meeting those emissions standards, the emissions are necessarily coming from a non-source category and EPA has no legal authority to require either an investigation of the root cause or corrective action to control non-source category emissions. If EPA nevertheless requires regulated entities to perform root cause investigations and corrective actions, it should follow the well-established model typically used in settlement of enforcement actions rather than propose an unnecessary and overly burdensome process.

9. EPA's Proposed Timeline for Installing and Operating a Fenceline Monitoring System is Too Short

If EPA proceeds with requiring fenceline monitoring for HNR facilities, SunCoke opposes EPA's proposed timeframe for affected sources to comply with the requirements because these timeframes are not feasible. EPA is proposing that facilities begin fenceline monitoring within one (1) year after publication of the final rule, which is entirely too little time, and that facilities perform root cause analysis and take corrective actions upon exceedance of the fenceline action level starting three (3) years after publication. 88 Fed. Reg. at 55893.

EPA's timeline for the installation of monitors is unrealistic both because it ignores real world supply chain delays and the unique configurations of some facilities, like SunCoke's Jewell plant. If EPA finalizes the requirement for Fenceline Monitoring, SunCoke will need to retain a consultant for each of its facilities, design the monitoring network, order and install the monitors and a meteorological station, develop a site specific monitoring plan, and have everything up and running in just one year, all for each plant. The expedited timeframe is unreasonable, particularly since the monitoring is entirely unnecessary. At a minimum, the heat recovery facilities should have two (2) years to install the required monitoring network.

If Jewell is required to conduct Fenceline Monitoring, it will need an additional year to comply for the reasons described above and because of the unique configuration of the Jewell facility. EPA has authority under 42 U.S.C. § 7412(i)(3)(A) to establish a compliance date of three (3) years after the effective date of any emissions standard, limitation, or regulation promulgated under that section. EPA may issue a permit that grants an extension permitting an existing source up to one (1) additional year to comply with standards under subsection (i)(3)(B) if such additional period is "necessary" for the installation of controls. Since Fenceline Monitoring is a control (a work practice that triggers corrective action), EPA should allow Jewell an additional year to comply with this new requirement.