and potentially other emissions are adversely affected. In addition, during certain SSM events, flares must be used, which EPA already has recognized as a necessary practice. Any limits must include allowances for SSM events; or alternatively, have SSM-specific work practice requirements in lieu of the MACT limits.

Finally, while in 2020, EPA determined that no technology developments warranted any technology changes to the existing MACT standards, in 2024, EPA did an about-face, and without identifying any specific technology developments, unlawfully lowered the acceptable leak rates for coke plants simply because in response to information collection requests, some facilities, including most significantly, U. S. Steel's Clairton plant, provided data that was better than the existing leak rate limits. This unlawful action was further exacerbated as applied to U. S. Steel, since it singled out the Clairton plant, and arbitrarily and capriciously imposed an even lower door leak rate that only applies to the Clairton plant based upon coke production rates without identifying any technology or practice development in use by U. S. Steel just that it's leak rates were the lowest. When U. S. Steel commented on this absurdity, EPA simply threw up its hands and asserted that, "there is a strong basis to infer" that larger facilities are more effective at employing work practices. U. S. Steel respectfully notes that "more effective at employing work practices" is not a technological development. Even more astonishing, in response to the comments, EPA tries to boldly, but inappropriately, shift the burden on U. S. Steel by responding that commenters have not suggested an alternative basis on why the data at Clairton are better than other sources. The "inferences" asserted by EPA are not a sound or legal basis for setting more stringent standards under its authority under Section 112(d)(6) of the Clean Air Act. EPA has an obligation to support its basis and determinations with facts with a nexus to the standards – and not simply impose lower standards because a certain source or sources in implementing a program to comply with the existing MACT standards perform better than others.

C. New Improper, Incorrect MACT Standards for the PQBS Source Category

The Coke RTR Rule includes 18 new MACT standards covering multiple hazardous air pollutants (HAP). However, the technology to control these HAP at these sources is not available because no such technology has been demonstrated to control and meet the Coke RTR Rule HAP limits for the coke byproduct recovery industry, either in the US or internationally.

The 18-month compliance period (i.e., January 5, 2026) provided in the Coke RTR Rule was based on EPA's incorrect and unsupported assumption that the only thing sources subject to the Coke RTR Rule would need to do to comply with the new limits would be to test to confirm EPA's assumption that facilities *can meet* all of the new MACT limits. EPA failed to address specific concerns and data submitted by U. S. Steel and other commenters showing that facilities *cannot meet* the new standards without costly and time-consuming projects to install additional control equipment and other measures. EPA slightly revised some of the final MACT limits compared to EPA's original proposal. However, the Hg MACT limit is unchanged; and EPA did not address data submitted by commenters showing raw material (i.e., coal) and process variability that affect emissions.