

- The accuracy of revenue and employment data included in the EIA (*Id.* at 55899); and
- The impact of other ongoing rulemaking efforts (*Id.* at 55899).

Additional time is required for SunCoke and other affected sources to have a meaningful opportunity to review. Forty-five (45) days is not reasonable. As such, SunCoke renews its request to extend the comment period another 45 days.

VI. EPA VIOLATED THE APA BY FAILING TO PUBLISH PROPOSED RULE CHANGES IN THE *FEDERAL REGISTER*

EPA did not publish any proposed rule language in the *Federal Register* notice for the Proposed Rule. EPA instead included redline versions of its proposed amendments to the current Subpart L and Subpart CCCCC in the dockets.¹⁸ These redline documents are not a valid substitute for publishing the actual proposed rule language in the *Federal Register*. EPA's failure to publish the Proposed Rule language in the *Federal Register* is particularly troubling because its redline versions of its proposed amendments include several changes that are not explained, nor in some instances even discussed, in the *Federal Register* notice. For example, the redlined version of EPA's proposed amendments to Subpart L proposes amending 40 C.F.R. § 63.305 to allow use of ASTM D7520-16 as an alternative to Method 9 to measure the opacity of emissions from coke oven doors equipped with sheds (see proposed addition of (iii)(A)-(E) to section 63.305(c)(3). This proposed amendment is not identified in the *Federal Register* notice. SunCoke is very concerned with these discrepancies, particularly since the short comment period did not allow sufficient time for SunCoke to analyze EPA's proposed changes to the redline versions, or sufficient time to compare those proposed changes to the *Federal Register* notice. As EPA is well aware, even minor changes to a rule can have significant impacts on an affected source.

For these reasons, EPA must re-publish the rule, including a description of all proposed rule changes, and allow additional time for public notice and comment.

VII. SUNCOKE'S EXISTING FACILITIES CONSTITUTE "EXISTING SOURCES" UNDER THE CAA

It appears that EPA may be mistakenly treating SunCoke's existing plants as "new sources" in the Proposed Rule, which, if so, would be contrary to the CAA's definition of "new source," contrary to EPA's past practice, and prejudicial to SunCoke. SunCoke's facilities have existed since well before EPA proposed amendments to this rule on August 16, 2023. SunCoke's newest facility, Middletown, OH, was brought online in 2011, and SunCoke's oldest facility, Jewell has been online since the 1960s. Because SunCoke's facilities predate EPA's Proposed Rule, the facilities must be considered "existing sources" for purposes of the rule. SunCoke's existing facilities should not be held to the same standard as new sources.

¹⁸ EPA-IIQ-OAR-2003-0051, EPA, Memorandum, *Coke NESHAP Redline Version of Proposed Rule Changes for 40 CFR part 63, subpart CCCCC* (Jul. 1, 2023); EPA-IIQ-OAR-2003-0051-0753, EPA, Memorandum, *Coke NESHAP Redline Version of Proposed Rule Changes for 40 CFR part 63, subpart L* (Jul. 1, 2023).