

(Jan. 10, 2005). EPA finalized the withdrawn provisions in 2005. 70 Fed. Reg. 44285 (Aug. 2, 2005).

SunCoke's heat-recovery coke oven technology set an example and served as the basis for establishing the MACT, as it is designed to limit emissions of HAPs. 66 Fed. Reg. at 35328-29. All of SunCoke's heat-recovery cokemaking facilities built in the U.S. since 1998 have either met or exceeded the applicable BACT or LAER standards set forth for cokemaking facilities.

For the RTR for Subpart CCCCC and the technology review for Subpart L, EPA issued CAA section 114 information collection requests ("ICRs") to SunCoke and certain other affected sources in April 2016, June 2022, and July 2022. These requests included lengthy questionnaires and source test requests. SunCoke and other affected sources provided a significant amount of data and information to EPA in response to these ICRs. SunCoke conducted extensive stack testing of various sources including bypass vent stacks, main stacks, hot car stacks, and pusher/charger machine stacks for over 75 constituents, including HAPs and other target pollutants. SunCoke alone spent around \$1.5–1.6 million to perform the stack testing and multitude of other types of tests required under EPA's ICRs.

EPA is proposing amendments to the NESHAPs for the Coke Ovens: Pushing, Quenching, and Battery Stacks ("PQBS") source category and the Coke Oven Batteries ("COB") source category, after conducting its RTR for the PQBS source category and its periodic technology review for the COB source category. There is no dispute that EPA was rushed to publish the Proposed Rule. EPA was sued by environmental groups in the Northern District of California for failing to undertake the statutorily-required residual risk and technology reviews for the two coke oven source categories. *Citizens for Pennsylvania's Future v. Wheeler*, 469 F. Supp. 3d 920, 934 (N.D. Cal. 2020). The court ordered EPA to take final action by December 26, 2022, and then extended the deadline to May 23, 2024, causing EPA to scramble to gather information, conduct an analysis, and publish the Proposed Rule that is the subject of these comments. In its haste to respond to the court order, EPA has proposed a rule that does not provide feasible solutions or enough time for stakeholders to meaningfully comment.

III. EPA'S MISCHARACTERIZATION OF SUNCOKE'S HEAT/NONRECOVERY COKEMAKING PROCESS, DISTINCT FROM BYPRODUCT COKEMAKING, RESULTS IN A FLAWED PROPOSED RULE

A. EPA Mischaracterizes SunCoke's Cokemaking Process and Facilities

In its haste to get the Proposed Rule published, EPA made a number of factually incorrect assumptions and statements about SunCoke's process that could lead to irrevocably prejudicial and damaging results for SunCoke.¹³ HNR ovens operate under negative pressure, adding air from the outside to oxidize volatile matter and release the heat of combustion within the coke oven system. Coal is charged into an HNR oven at the beginning of the coking cycle, using a mobile pushing/charging machine ("PCM") to create a coal bed in the oven. The mobile PCM charges coal into one side of the oven. Each PCM is equipped with a traveling hood/baghouse system that controls charging emissions.

¹³ See, e.g., 88 Fed. Reg. at 55863-65 (describing processes of HNR and ByP facilities).