

SunCoke estimates that it would need at least three (3) years to develop and install the system. This extra time would be necessary due to long lead equipment items exacerbated by continued supply chain challenges, retrofit challenges for installing these controls on an existing system that is currently operating, and extensive startup and shakedown testing (for determining operational readiness) that is expected to take an extended period of time based on SunCoke's prior experience operating these systems at other facilities. It could take even longer than three (3) years to develop and install the system if Haverhill is required to minimize emissions during construction. SunCoke has not had sufficient time to fully evaluate the placement and process for installing the ACI system at Haverhill P901.

To the extent that the Proposed Rule is finalized in a manner that requires SunCoke to comply with these requirements, SunCoke requests EPA to change the compliance date to three (3) years after publication of the final rule, given the extensive nature of the proposed amendments. EPA has the discretion under 42 U.S.C. §7412(a)(3) 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 has provided additional time in other rulemakings to, for example, provide time for installing or retrofitting controls when necessary. *See, e.g., National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing*, 70 Fed. Reg. 73098, 73100 (Dec. 8, 2005) ("Congress provided us discretion to set a compliance date for existing sources of up to 3 years in order to provide time for retrofitting of controls where necessary.").

E. EPA's Methodology for Establishing the Proposed MACT Floor Limits for HRSG Bypass/Waste Heat Stacks was Flawed⁴¹

1. EPA Arbitrarily Limited Its Analysis to a Small Subset of Available Test Data, and Failed to Control for Differing Oxygen Levels in the Data it Sampled

EPA incorrectly established the proposed HNR HRSG bypass/waste heat stack emission limits using only a limited selection of the available data, similar to EPA's approach for establishing the HNR HRSG main stack emission limits, thus the data set is incomplete and not representative of SunCoke's HNR operating conditions. *See supra* Section IX.D.1. EPA similarly used only test data from the 2016 ICR and the 2022 ICR in the MACT floor calculations, ignoring

⁴¹ Although EPA defines "HNR" to include "heat and nonrecovery, or only nonrecovery, no heat," and identifies Jewell as an HNR facility, SunCoke reminds the Agency that Jewell does not have a HRSG, and therefore the proposed amendment's reference to *HRSG* bypass/waste heat stacks is confusing and should be revised. 88 Fed. Reg. at 55860, 55864, 55877. *Contra* EPA-HQ-OAR-2003-0051, EPA, Memorandum, *Coke NESHAAP Redline Version of Proposed Rule Changes for 40 CFR part 63, subpart CCCCC* (Jul. 1, 2023) (proposing amendments to 40 C.F.R. § 63.7298).

Additionally, SunCoke respectfully requests that the test period identified in the redlined version of the proposed changes to 40 C.F.R. § 63.7321(b)—"once every five years"—be changed to "once during each Title V operating permit term," which is consistent with other MACT performance test requirements. This change ensures that bypass vent stack testing meets the proposed test schedule since it can only be tested during periods of FGID maintenance and also allows testing to be conducted at the same time as other tests already required under Subparts L and CCCCC.