

- EPA’s technology review does not support requiring fence-line monitoring at HNR facilities under Section 112(D)(6); the Agency lacks authority to require fence-line monitoring at the HNR facilities because there is no evidence that these requirements are “necessary,” and EPA’s proposed approach has several flaws with the proposed action level, the corrective action process, and the timeline and approach for monitoring (see Section XI).
- Implementing the proposed more rigorous oven pressure monitoring *and* Method 303A monitoring is not “necessary” to achieve emissions standards (see Section XII).
- EPA’s technology review does not support the proposed new opacity limit and daily observation requirements (see Section XIII).
- EPA’s proposal to allow the use of ASTM D7520-16 as an alternative to the long-standing EPA Reference Method 9 to measure opacity is unreasonable because the proposed method is experimental and has not consistently been accurately demonstrated for use at the type of source being regulated (i.e., a source of fugitive emissions) (see Section XIV).
- EPA’s elimination of the startup, shutdown, and malfunction exemption must be replaced with alternative limits (see Section XV).
- The redline versions of the Agency’s proposed amendments to the current Subpart L and Subpart CCCCC include new and revised terms and definitions, several of which are inaccurate and should be revised as indicated herein (see Section XVI).

I. IF THE RULE IS PUBLISHED AS PROPOSED, EPA COULD IMPAIR THE DOMESTIC STEEL AND FOUNDRY INDUSTRIES, DISRUPT THE U.S. TRANSITION TO A LOWER CARBON ECONOMY, AND CAUSE JOB LOSS IN ECONOMICALLY DISTRESSED AREAS

Coke is an essential ingredient in blast furnace production of steel, which steelmakers use to make lightweight, strong steel for automobiles (including electric vehicles, which are required to be made from blast furnace steel), pipelines, infrastructure construction, solar panels, geothermal plants, and more. Despite U.S. strategic defense and trade interests in maintaining an independent and robust steel industry, there are only two remaining blast furnace steelmakers in the U.S., Cleveland-Cliffs, Inc. and United States Steel Corporation, both of whom rely heavily on the coke industry to provide them millions of tons of coke annually. Due to its reliable supply of high-quality coke, SunCoke has long-term, take or pay contracts with these two remaining blast furnace steelmakers. Should SunCoke be forced to curtail or cease coke production to meet the new, overly stringent limits as required by the EPA rulemaking, SunCoke may be unable to meet its contractual obligations and be unable to supply steelmakers with the quantities of coke necessary to fuel the domestic steel industry.

A strong domestic steel industry is vital to national and economic security, the U.S. clean energy transition and decarbonization strategy, critical infrastructure, and the competitiveness of many domestic manufacturing industries.³ The domestic steel industry is the cleanest and most energy-efficient in the world; steel production in the United States has the lowest GHG emissions

³ Indeed, all of SunCoke’s coke plants remained operational during the COVID-19 pandemic government shutdowns because they were deemed “critical infrastructure” as suppliers to steelmakers and energy generators.