

II. EPA WAS RUSHED TO PUBLISH PROPOSED AMENDMENTS TO LONG-ESTABLISHED COKE OVEN MACT STANDARDS

EPA is proposing to amend two existing rules at the same time: the NESIAP for Coke Ovens: Pushing, Quenching, and Battery Stacks (40 CFR Part 63, Subpart CCCCC) and the NESIAP for Coke Oven Batteries (40 CFR Part 63, Subpart L).

EPA promulgated Subpart L in 1993. 57 Fed. Reg. 57534, 57536 (Dec. 4, 1992); 58 Fed. Reg. 57898, 57898 (Oct. 27, 1993). For HNRs, Subpart L addresses leaks of coke oven emissions (COE)¹⁰ from oven doors and charging emissions. According to EPA, the controls and work practice requirements included in the rule provide “concurrent control of many air toxics and hazardous pollutants included in the coke oven emissions from batteries or bypass/bleeder stacks.” 58 Fed. Reg. at 57906. EPA made minor corrections to the standards in 1994. 59 Fed. Reg. 1992-C (Jan. 13, 1994). EPA amended Subpart L in 2005 after an RTR review in order to address health risks remaining after implementation of the 1993 standards and new calculations based on revised cancer guidelines. 69 Fed. Reg. 48338 (Aug. 9, 2004); 70 Fed. Reg. 19992 (Apr. 15, 2005). In the 2005 rule, EPA used particulate matter as “a surrogate for particulate HAP in [COE],” 70 Fed. Reg. at 19994, and considered in the risk assessment a group of PAH and lead.” *Id.* at 20002. EPA noted that it “continue[s] to consider the MIR [maximum individual risk] due to emissions at the limits in the 1993 national emission standards to be an acceptable level of risk.” 70 Fed. Reg. at 19993.

EPA promulgated Subpart CCCCC in 2003. 66 Fed. Reg. 35326 (Jul. 3, 2001); 68 Fed. Reg. 18008 (Apr. 14, 2003). Subpart CCCCC established MACT standards that included PM limits as a surrogate for HAP metals¹¹ for pushing, opacity limits for PM/HAP metals from battery stacks of oven combustion air, and a work practice standard to limit PM and volatile HAP emissions for quenching.¹² EPA made corrections to these standards in 2003. 68 Fed. Reg. 19885-C (Apr. 22, 2003). EPA issued a direct final rule amending these standards in 2004, but withdrew a part of that direct final rule in 2005. 69 Fed. Reg. 60813 (Oct. 13, 2004); 70 Fed. Reg. 1670

¹⁰ “COE are a separately-listed hazardous air pollutant (HAP) emitted from most subpart L sources that is thought to consist of more than approximately 71 chemicals, including volatile and semi-volatile organic HAP and particulate matter (PM) HAP.” EPA-HQ-OAR-2002-0085-0873, EPA, Memorandum, *Technology Review for NESIAP for Coke Ovens: Pushing, Quenching, and Battery Stacks (40 CFR part 63, subpart CCCCC), and NESIAP for Coke Oven Batteries (40 CFR part 63, subpart L)* (May 1, 2023).

¹¹ The HAP metals are antimony, arsenic, beryllium, cadmium, chromium, cobalt, lead, manganese, nickel, and selenium.

¹² EPA noted in a response to comments that regulation of PM through the use of control devices directly reduces individual HAP emissions, stating:

We agree with the comment that baffles reduce PM emissions. In addition, we believe that baffles also reduce the emission of HAP metal compounds contained in the particles of grit released, as well as semivolatile and VOC such as polycyclic aromatic hydrocarbons (PAH) and benzene, when green coke is quenched. Semivolatile organic compounds evolve from green coke and condense to form fine PM or condense on other particles during the quenching process. Consequently, baffles reduce emissions of both metal and organic HAP.

71 Fed. Reg. at 18018. EPA also defended the continued use of opacity as a surrogate, citing the correlation between opacity and HAP: “Higher opacities mean a higher concentration of particles and therefore higher concentrations of HAP.” 71 Fed. Reg. at 18020.