August 28, 2023

Via electronic mail

Mr. Charles French
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Sector Policies and Program Division
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U.S. Environmental Protection Agency
EPA Docket Center
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Submitted via www.regulations.gov


Dear Mr. French:

On behalf of the Coke Oven Environmental Task Force (COETF),1 I am writing to request a 30-day extension of the public comment period for the Proposed Rule National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks, and Coke Oven Batteries; Residual Risk and Technology Review, and Periodic Technology Review (the “coke ovens proposed rule”). The coke ovens proposed rule was published on August 16, 2023, at 88 Fed. Reg. 55858 and currently provides a comment due date of Monday, October 2, 2023. We are requesting that EPA extend the public comment period so that comments will be due on Wednesday, November 1, 2023.

The COETF represents all four U.S. companies that currently produce metallurgical coke using by-product recovery technology, including integrated steel companies and independently owned/operated “merchant” companies that operate coke batteries.

All of the COETF’s members will be directly affected by the final rule that ultimately will be promulgated by EPA. Therefore, the COETF is closely reviewing the proposed rule and both rulemaking dockets to ensure that EPA’s regulatory actions employ reasonable and defensible risk assessment methodologies and use the best available data, in order to avoid overly stringent, unduly burdensome, or unlawful changes to emission limitations when those changes

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1 The COETF was formed by the American Iron and Steel Institute (AISI) and the American Coke and Coal Chemicals Institute (ACCCI) in 1996 to address major environmental issues in a collaborative fashion.
are not necessary to protect public health with an ample margin or safety or are not properly
grounded in new developments in practices, processes, and control technologies.

Our request for an additional 30-days for public comment is based on the following significant
concerns:

• The lengthy (46-page) coke ovens proposed rule involves several separate proposed
actions on which EPA requests public comment, including (1) the residual risk review of the
Pushing, Quenching and Battery Stack (PQBS) source category; (2) the first technology
review of the PQBS source category; (3) a periodic review of the coke oven doors, lids, and
offtakes source category; (4) a review of potential “gaps” following the Louisiana
Environmental Action Network v. EPA (LEAN) decision; and, (5) newly proposed fenceline
monitoring and work practice standards. EPA also requests public comment on additional
issues, including whether the rule should include a new 1-hour opacity standard for
combustion stacks and information on soaking emissions. Each of these proposed actions
and requests for comment raises its own technical and legal issues and concerns for
commenters. EPA has some discretion to combine numerous regulatory actions into a
single proposed rulemaking; however, in doing so, EPA must recognize that it is necessary
to provide a longer public comment period than the Agency’s more customary 45-days. We
believe a comment period through November 1, 2023, is the minimum reasonably
necessary for industry stakeholders to provide meaningful comment on all of these issues.

• The coke ovens proposed rule is supported by two separate rulemaking dockets (EPA–HQ–
OAR–2002-0085, EPA–HQ–OAR–2003-0051) that (as of the date of this letter) contain over
2,300 documents, many of which are lengthy and complex compilations and analyses of
emissions and modeling data that must be carefully reviewed for data accuracy and
completeness. Although a limited number of data files were posted to EPA’s public website
a few days before the proposed rule was published, the vast majority of the supporting
information and other materials were not available for public review until they were docketed
late in the evening on August 16 (the day the proposed rule was published in the Federal
Register).

Moreover, a large number of items listed in the dockets as supporting materials are not
available electronically from regulations.gov. We are still reviewing the dockets but, in many
cases, EPA needs to locate and upload many missing documents and provide additional
time for public review and comment. In addition, EPA has announced that there will be a
public hearing held on August 31, which requires additional preparation and resources; the
speakers’ testimony during this hearing will be additional documents that need to be
docketed for public review and comment.

• The coke ovens proposed rule also comes close on the heels of other regulatory actions
impacting the same industry sectors and many of the same individual companies. On July
31, 2023, EPA published the proposed National Emission Standards for Hazardous Air
Reg. 49402) (the “II&S proposed rule”), just days before the coke ovens proposed rule was
published. As EPA is aware, the II&S proposed rule would impact the same industry
sectors, and directly regulate some of the same companies, as the coke ovens proposed
rule. As a result, the two comment periods will overlap for at least 16 days, creating an
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added burden on these stakeholders, technical review staff, and technical consultants to review and prepare comments on two significant proposed rules at the same time.

Additionally, EPA very recently published the proposed rule for National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing Amendments (88 Fed. Reg. 30917), with the comment period closing on July 7, 2023, only three weeks before the II&S proposed rule comment period began. The recent onslaught of regulatory actions in such a short timeframe warrants a meaningful extension of time for the coke ovens proposed rule comment period, so as to avoid undue prejudice to the regulated stakeholders due to lack of availability of the required technical review staff and technical expertise needed to comment on multiple complex rulemakings simultaneously. A comment extension would also alleviate some of the economic resource constraints and burdens caused by overlapping comment periods.

Thank you for EPA’s consideration regarding this request for an extension. As we continue to review available information, we may submit additional requests as needed to ensure that all the necessary documents and supporting materials are made available for public comment.

Given the time sensitive nature of this request, we respectfully request that EPA provide its response within 14 days if at all possible. Please contact me at 703-795-3541 or dailor@accci.org or (703) 795-3541 if it would be helpful to discuss this request.

Sincerely,

David C. Ailor, P.E.  
President

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