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November 9, 2023

The Honorable Michael S. Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

Dear Administrator Regan,

We write to express our concerns about the economic and employment impacts of the new rule proposed by the Environmental Protection Agency (EPA), amending the National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Coke Ovens[1]. The EPA's proposal would impose new, unnecessarily burdensome requirements on coke production that would negatively impact coke production for the two remaining U.S.-based steel blast furnace operators and employment at these facilities. Steel production for vital industries like automotive manufacturing, particularly electric vehicle manufacturing, railroads, pipe, and numerous infrastructure uses would be diluted. Any reduction in the domestic production of blast furnace steel would result in steel customers turning to foreign sources or curbing their output of electric vehicles and processed steel used in infrastructure projects.

In 2021, there were more than 39,000 coal mining jobs – both underground and surface jobs combined[2] – in the country. While the number of coal jobs has decreased over the years because of the reduction in demand for thermal coal used in power generation, the demand for metallurgical coal, and jobs related to its mining and processing, remains high.

U.S. Steel and Cleveland Cliffs, the largest steel blast furnace operators in the country, receive coke derived from metallurgical coal they need to produce their lightweight and strong steel, from coke suppliers such as SunCoke Energy, Drummond Company, and DTE Energy Company.

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[1]National Emission Standards for Hazardous Air Pollutants (NESHAP) for Coke Ovens Pushing, Quenching, and Battery Stacks (40 CFR Part 63, Subpart CCCCC) and for Coke Oven Batteries (40 CFR Part 63, Subpart L) (Docket ID Nos. EPA-HQ-OAR-2002-0085 and EPA-HQ-OAR-2003-0051) (Aug. 16, 2023).
[2] U.S. Energy Information Administration: 2021 Annual Coal Report

Domestic production of blast furnace steel is critical to both our national economy and our national defense. Without domestically produced blast furnace steel, there would likely be shortages to fulfill the demands for new electric vehicles and infrastructure. Worse yet, these industries could be forced to meet their supply needs from foreign producers.

This is why we believe the EPA should carefully balance economic, employment, and environmental interests when issuing new rules relating to the steel industry. The proposed rule does not meet this test as it creates unnecessary and expensive burdens that outweigh any marginal environmental benefits.

After reviewing the proposed rule, we have concluded certain aspects of the new standard are impractical, including:

1. The new emissions limits on the best performing sources in the industry, despite recent findings of acceptable residual risk and no new available controls or work practices being available to satisfy the more strict limits;
2. The burdensome performance testing *requirements, despite curre*nt performance testing requirements are already able to demonstrate compliance;
3. New and expensive fence line monitoring requirements for all coke facilities, which are economically impracticable to satisfy; and
4. Unnecessary and redundant instrumentation to monitor certain pressure levels continuously.

Compliance with the new standards, as written, are a practical impossibility. If implemented, the proposed EPA rule will reduce coke production in the U.S. at a time when domestic steel production is more critical than ever to re-shoring efforts. Additionally, reduced coke production would result in reduced demand for metallurgical coal, negatively impacting employment in areas of the country already in economic decline.

Over the past decade, there have been many coke plant closures[3] driven by inefficient, aging assets, as well as the cost to maintain the facilities to meet existing environmental requirements. The proposed rule threatens to further reduce the critical production of coke and could result in the decommissioning of coke plants. To comply with the proposed rule, coke production facilities would have to undertake millions of dollars in capital expenditures. Further, some facilities would need to shut down their coke ovens for up to 30 days for periodic compliance testing. It is also our understanding that the estimated cost, in one case, could require literally moving mountains, and would cost $500 million or more.

We strongly urge the EPA to reconsider the proposed rule to prevent unnecessary harm to domestic steel production, coke production in the U.S., and employment across our country. We are confident that if EPA works with coke producers, it will be able to find a way to reduce

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[3] Closures since 2014: DTE Shenango (300 thousand tons), USS Granite City (500 thousand tons), USS Gary Works (1,200 thousand tons), Tonawanda (150 thousand tons), Erie Works (150 thousand tons), Bluestone (300 thousand tons), Middletown (Wilputte) (400 thousand tons), Mountain State Carbon (700 thousand tons), and Clairton (Partial) (700 thousand tons).

emissions while not severely impacting employment and domestic steel production. We urge the EPA to work with the coke producers to find a workable middle ground.

Sincerely,

H. Morgan Griffith
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