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June 21, 2022

***Via Regulations.gov***

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

Re: Comments from the American Iron and Steel Institute on EPA's Proposed Federal Implementation Plan Addressing Regional Ozone Transport for the 2015 Primary Ozone National Ambient Air Quality Standard, Docket No. EPA-HQ-OAR-2021-0668

Dear Administrator Regan:

Thank you for the opportunity to comment on the EPA's Proposed Federal Implementation Plan Addressing Regional Ozone Transport for the 2015 Primary Ozone NAAQS. The American Iron and Steel Institute (AISI) serves as the voice of the American steel industry in the public policy arena. AISI's membership is comprised of integrated and electric arc furnace steelmakers, and associate members who are suppliers to or customers of the steel industry. AISI members own and operate facilities in the United States subject to Clean Air Act regulations.

The attached comments detail AISI's significant concerns regarding this proposal. If finalized as proposed, the rule would have very adverse economic impacts on the domestic iron and steel industry. The proposal would, in the vast majority of cases, require controls that are technically infeasible for the industry to implement. Further, the proposal would establish emission limitations that are set without a sound technical basis, and control technologies that are contrary to previously issued decisions made by EPA and the states for iron and steel plants. Moreover, the NO<sub>x</sub> emission reductions resulting from imposition of such costs on the iron and steel industry would be negligible and result in no (or virtually no) appreciable improvement to downwind maintenance or attainment of the ozone NAAQS – which is the sole legal and technical purpose of this proposed rule.

Based on these significant concerns, AISI strongly urges EPA to remove the iron and steel industry from inclusion in this federal ozone transport program. Removal of iron and steel from the proposed FIP would not hinder the program's effectiveness and would further allow individual states to address NO<sub>x</sub> emissions in far more efficient and effective manner as is envisioned in the Clean Air Act. The below comments detail AISI's primary objections with EPA's proposal and form a strong basis that EPA should not finalize requirements for the iron and steel industry in this rulemaking.

- NO<sub>x</sub> control technology to the extent necessary to achieve the identified NO<sub>x</sub> emission limits is not technically feasible for nearly all of the identified iron and steel emissions

units, and EPA's information in the docket does not provide any support for its purported technical feasibility conclusions. Further, numerous RACT and BACT and LAER determinations for the steel industry have been approved by EPA that have consistently concluded that installation of SCR on an Electric Arc Furnace is technically infeasible. Moreover, there has been no application of SCR to any Blast Furnace or Basic Oxygen Furnace in the iron and steel industry.

- EPA's overall legal and technical approach to the proposed rule is flawed, due to a lack of demonstrated meaningful improvement in air quality, failure to align upwind and downwind reduction obligations, failure to address certain emission reduction strategies, defective modeling, and failure to focus on mobile sources.
- NOx control technology to the extent necessary to achieve the identified NOx emission limits in the proposal is not economically reasonable for many of the identified iron and steel emissions units, as the cost per ton of NOx reduced is substantially higher than calculated by EPA.
- EPA's approach to developing the proposed rule by avoiding industry-specific information collection and instead relying upon assumptions related to control device technical feasibility, baseline emission rates and control device efficiency results in deeply flawed emission limits and is arbitrary and capricious.
- If the rule were to be finalized to include the iron and steel sector, applicability to iron and steel emission units should be based on a higher ton per year threshold to harmonize the iron and steel industry with the electric generating unit industry. Additionally, to address site-specific variations in cost to install controls, the rule should include a flexibility term allowing for case-by-case considerations, consistent with many other rulemakings.
- Since EPA excluded iron and steel emission units from the trading program, CEMS are unnecessary and periodic stack tests to generate emission factors is sufficient.
- A three-hour rolling average NOx emission limit is inconsistent with EPA's statements and support in the preamble, drastically increases the stringency of the emission limit, and is unnecessary to address regional ozone.
- Installation of all required control equipment by the 2026 ozone season is impractical if all identified iron and steel emission units remain regulated under the rule, and the rule needs to provide for compliance extensions consistent with other regulations.
- A Work Plan to identify the control device and installation schedule is unnecessary due to the likely need to submit air permit applications and is otherwise impractical within 180 days.

EPA Administrator Regan

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Please do not hesitate to have your staff contact Paul Balserak, AISI Vice President for Environment (202.452.7122), if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Kevin Dempsey". The signature is written in a cursive, slightly slanted style.

Kevin Dempsey  
President and CEO

cc: Joseph Goffman ([goffman.joseph@epa.gov](mailto:goffman.joseph@epa.gov))  
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