

I. FEEDBACK ON POTENTIAL NEW HAP LIMITS

In EPA's final July 2020 Integrated Iron and Steel Manufacturing rule, EPA determined that the Integrated Iron and Steel Manufacturing NESHAP Source Category presents low, acceptable risks. However, in April 2020, a ruling of the U.S. Court of Appeals for the District of Columbia Circuit in Louisiana Environmental Action Network (LEAN) v. EPA, the court found EPA must add emissions limits for unregulated HAPs emitted by a sector when it conducts a technology review of a NESHAP, required every eight years under the Clean Air Act.

- The integrated iron and steel industry is committed to working with the USEPA to develop and implement revisions to the Iron and Steel NESHAP which are based on sound science and data, have demonstrated benefits to the environment, and are technologically and economically feasible.
- EPA is expected to propose for the first-time emissions limits, MACT floors, for certain HAPs from integrated iron and steel plants that EPA would have considered "missing" from its initial air toxic regulations, specifically:
 - Mercury, Dioxin/Furans, PAHs, Carbonyl Sulfide, Carbon Disulfide, Hydrochloric Acid, and Hydrogen Fluoride from Sinter Plants.
 - Dioxin/Furans, Hydrochloric Acid, and Total Hydrocarbons from Blast Furnaces.
 - Dioxin/Furans, Hydrochloric Acid, and Total Hydrocarbons from Basic Oxygen Furnaces.
- The MACT floor is the minimum level of emissions reduction required under a NESHAP rule.
- The existing integrated iron and steel rule has particulate matter limits, mercury emission limits, oil content or VOC emission limits for sinter plants, opacity standards, operating and maintenance plan and preventative maintenance plan requirements for air pollution capture and control devices, performance testing requirements, parametric and other monitoring requirements, data collection and recordkeeping requirements, and reporting requirements for sinter plants, blast furnaces, and basic oxygen furnaces.

1. Potential New HAP Limits.

- a. EPA has limited data i.e., less than 5 sources for each of the new 13 HAPs. In most cases, EPA has only one stack test result from two sources, which does not demonstrate the representativeness of the industry. It is only a snapshot that does not account for different processes and products. This data should not be relied upon to support the establishment of low limits.
- b. EPA has not shown that the new standards are indeed achievable and maintainable by any source, let alone being representative of the purported five best performing sources.
- c. Some of the data have orders of magnitude differences in testing results that need to be addressed in any proposed limit.
- d. Currently there are no existing controls for the new HAPs EPA is proposing to set a floor standard.
- e. There are also no demonstrated controls, that the industry is aware of, for many of the HAPs. Therefore, EPA's assessment is not that of the best *controlled* or best *performing* as required by CAA 112(d)(3).
- f. Costs will be exorbitant - on the order of several hundreds of millions of dollars and potentially up to more than a billion dollars to the industry for new add-on controls that will need to be

developed and trialed - something clearly not contemplated by Congress in Section 112(d)(3), if achieving the limits is technologically feasible.

- g. If developed controls did not perform as anticipated, facilities could face penalties associated with noncompliance.
- h. In addition to the July 2020 EPA determination that risks are acceptable, the proposed emission limits and many of the limited test results are at or near the detection level of the of the applicable test methods and as a result are more susceptible to inherent bias due to sampling and analytical variability.

2. New HAP Limits Solicitation of Comment

- a. The EPA solicits comment on whether the data used to set the MACT floors is sufficient to account for different products and processes. The EPA solicits comments on whether the data are representative of the industry to be relied upon to support the establishment of new low HAP limits and is achievable and maintainable by the best performing sources.
- b. The EPA solicits comment on whether more data should be collected from the industry to ensure the MACT floors account for variability and is representative of the industry to be relied upon to support the establishment of new low HAP limits. At a minimum, if either data from 5 different sources or data from 5 stack tests from sources with less than 5 sources across the industry, (i.e., sinter plants) should be used to set the floor.
- c. The EPA solicits comment on whether EPA offers an averaging compliance alternative. These alternatives would include options for an integrated iron and steel facility to comply the new HAP emission limits.
- d. The EPA solicits comment on whether the existing sinter plant oil content limit of the feedstock to the sinter plant and/or the VOC emission limit from the windbox exhaust stream are surrogates for the new dioxin/furans and PAH limits.
- e. The EPA solicits comment on whether there are surrogates that are representative of any of the new HAP limits that are technologically and economically more efficient to monitor and control.
- f. The EPA solicits comment to identify if there are any feasible existing demonstrated add-on controls in practice that can be implemented to comply with the new HAP limits.
- g. The EPA solicits comment on the costs for the installation and operation of any feasible controls that can be installed to comply with the new HAP limits.
- h. The EPA solicits comment on whether add-on controls are necessary to comply with the new HAP limits will need to be developed and trialed and the estimated length of time and costs necessary for their development.
- i. The EPA solicits comment on the expected HAP emission reductions of any technologically feasible add-on controls.