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October 26, 2023

The Honorable Michael Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue N.W.
Washington, DC 20004

RE: Docket Nos. EPA–HQ–OAR–2002–0085 and EPA– HQ–OAR–2003–0051

Dear Administrator Regan:

I write to convey my strong concerns regarding the economic impacts of the new rules proposed by the Environmental Protection Agency (EPA), amending the National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Coke Ovens[1]. EPA's proposals introduce new and unwarranted regulatory demands on coke production, which would harm employment prospects in West Virginia, the viability of coke production for the sole two U.S.-based steel blast furnace operators, and the local steel industry crucial for electric vehicles, pipelines, infrastructure growth, solar panels, geothermal plants, and other vital sectors. A decline in domestic blast furnace steel production would inevitably lead steel consumers to either seek foreign suppliers or cut back on the production of essential goods, causing a substantial impact on our economy and presenting a threat to our national security.

West Virginia is the leading supplier of metallurgical coal used in coke production in the United States[2]. In 2021, our state was home to an extensive workforce of over 11,500[3] miners, encompassing both underground and surface jobs. Despite a gradual decrease in the number of mining jobs over the years due to declining demand for thermal coal, the demand for metallurgical coal, along with the employment opportunities it generates, remains robust. Respected coke suppliers like SunCoke Energy are integral to the supply chains of the final two steel blast furnace operators in the nation, US Steel and Cleveland Cliffs, who rely on metallurgical coal-derived coke from West Virginia to produce resilient, lightweight steel for the American market.

EPA's proposed coke oven proposals include several troubling provisions that that could have adverse effects on domestic production. First, it establishes new emissions limits for the industry's leading performers, even when acceptable residual risks have been identified, and no innovative controls or operational practices can be employed to meet these new limits. It also

[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 - EIA - Independent Statistics and Analysis
[3] Coal-mining employment West Virginia 2021 | Statista

imposes new, rigorous performance testing criteria, despite the existence of well-established testing standards that have proven effective in ensuring compliance. Finally, it mandates costly fence line monitoring requirements for all coke facilities, and introduces unnecessary and redundant instrumentation for the continuous monitoring of operational pressure, with little discernible justification presented in the proposals.

These rules were not introduced in a vacuum. In the past decade, we've witnessed numerous coke plant closures[4] due to aging infrastructure and the expenses involved in maintaining facilities to meet existing environmental standards. The proposed regulations have the potential to exacerbate the already precarious state of coke production, which in turn could lead to more plant closures. Two specific cases best illustrate this impact. SunCoke Energy's coke production facilities in Ohio would be forced to undertake millions in capital upgrades and would need to take its coke ovens offline for up to thirty days for periodic testing. SunCoke's Jewell, Virginia facility would also encounter significant challenges due to its unique positioning amidst three rivers, a state road, a railroad track, and steep gradients on both sides. This distinctive layout presents obstacles in installing control devices and ductwork to mitigate arsenic emissions from bypass stacks, with SunCoke projecting that costs may surpass $500 million.

While crafting new regulations for the steel and coke industries, it is crucial for the EPA to carefully balance economic, employment, and environmental factors. Unfortunately, the proposed rules appear to disregard this principle. If put into practice, these regulations could decrease coke consumption in the United States precisely when domestic steel production is more vital than ever, leading to reduced demand for metallurgical coal in West Virginia. This, in turn, could have far-reaching consequences on job opportunities in the state and pose a threat to the essential national-level steel production required for successfully carrying out domestic infrastructure projects supported by the Bipartisan Infrastructure Law (BIL).

I strongly encourage EPA to reconsider the proposed rules with the aim of preventing undue harm to the domestic coke production industry, and recommend a collaborative approach with coke producers to find a balanced and mutually agreeable solution. I have faith in the agency's capacity to collaborate with producers in identifying effective means of emissions reductions that do not substantially threaten employment or domestic steel production.

Sincerely,

U.S. Senator Joe Manchin III

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