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September 6, 2023

Honorable Administrator Michael S. Regan
U. S. Environmental Protection Agency
Docket Center, OAR
Mail Code 28221T
1200 Pennsylvania Avenue NW
Washington, DC 20460

Re: NTAA comments on the Proposed National Emission Standards for
Hazardous Air Pollutants: Integrated Iron and Steel Manufacturing Facilities
Technology Review Docket EPA-HQ-OAR-2002-0083

Dear Honorable Administrator Regan,

The National Tribal Air Association (NTAA) is pleased to submit this letter to provide comments on the U. S. Environmental Protection Agency's (EPA) Proposed National Emission Standards for Hazardous Air Pollutants: Integrated Iron and Steel Manufacturing Facilities Technology Review. The NTAA is a member-based organization with 156 Member Tribes. The organization's mission is to advance air quality management policies and programs, consistent with the needs, interests, and unique legal status of American Indian Tribes and Alaskan Natives. As such, the NTAA uses its resources to support the efforts of all federally recognized Tribes in protecting and improving the air quality within their respective jurisdictions. Although the organization always seeks to represent consensus perspectives on any given issue, it is important to note that the views expressed by the NTAA may not be agreed upon by all Tribes. Further, it is also important to understand that interactions with the organization do not substitute for Nation-to-Nation consultation, which can only be achieved through direct communications between the federal government and American Indian Tribal Governments and Alaskan Natives.

It is important to note that even though these sources are not near areas of Indian country they do emit mercury and Particulate Matter 2.5 in significant levels that can be transported over great distances causing health and environmental impacts across the nation. It should be noted that mercury impacts traditional treaty rights and lifeways of Tribes by contributing to the bioaccumulation of mercury in traditional food sources such as fish and waterfowl.



The NTAA appreciates this as a proposed amendment to the July 2020 NESHAP, addressing nonregulated Hazardous Air Pollutants (HAPs) specifically, carbonyl sulfide, carbon disulfide, mercury, hydrogen chloride, hydrogen fluoride, and dioxin and furans. As well as providing revised standards for a few currently regulated HAPs and adding fenceline monitoring requirements for the technology review. However, the NTAA is disappointed that this proposal does little to address the need for emissions reductions from this source category. The proposed amendment is an opportunity to further reduce emissions from these sources and address the existing disproportionate impact on fenceline communities, as well as reducing the risk to public health from transported pollution. In reviewing the proposal, the NTAA has the following comments:

1) Insufficient Review of Controls

The rules as proposed do little to meaningfully reduce fugitive emissions. It appears that the EPA proposed as little as possible to address the significant fugitive emissions from this sources category. As an example, in the Primary Copper Smelter NESHAP, to capture fugitive emissions from this sources category, similar processes for roofline emissions require the installation of "...improved capture systems, including hoods, ductwork, and fans, and one additional baghouse. These improved capture systems would need to be applied to four units including the two-anode refining furnace pouring operations, the anode casting fugitive emissions from this sources category.¹" The NTAA encourages the EPA to consider requiring similar improved capture systems and then routing to a control technology either already at the source or installing a new control. The NTAA also believes that total enclosure with negative pressure routing emissions to control devices would also be effective.

The NTAA believes these controls are demonstrated, available, and cost effective given the parent company's annual revenue. U.S. Steel Cooperation and Cleveland-Cliffs Incorporated are the two parent companies of all the impacted sources with annual revenues of \$22 and \$23 Billion per year. This minimal incremental cost to these parent companies is thus reasonable to address the health and environmental impacts of HAPs from these sources.

The following are additional comments specific to the questions asked in the proposal:

2) Risk Concerns

The NTAA encourages the EPA to reconsider the 2020 finding of acceptable risk in the risk and technology review. The NTAA notes that in the preamble, fenceline monitoring

¹ Federal Register / Vol. 88, No. 140 / Monday, July 24, 2023 / Proposed Rules

conducted based on the information collection request (ICR), the monitored emissions for all the HAP metals were many magnitudes higher than the modeled emissions. For example, chromium was 28 times higher than the modeled emissions. This pattern of fence-line monitoring was true of lead and arsenic at 3 times and 6 times greater respectively. In addition, lead was not considered in the previous risk analysis, along with the new information on the concentrations of HAP metals for these sources, the EPA should consider re-evaluating the risk remaining from these sources.

3) Monitoring for Opacity

Given the advancements in monitoring technology, the NTAA suggests the use of EPA Method Alt-082 (camera) instead of method 9, for compliance with opacity requirements for all fugitive emissions points in the rule. The NTAA suggests that records of the results of this monitoring be kept demonstrating compliance with the standards and reporting quarterly reporting to ensure continuous compliance.

4) Blast Furnace Unplanned Bleeder Valve Openings

The NTAA supports the establishment of the work practice standards "...that would require facilities to do the following: (1) Install and operate devices (e.g., stock line monitors) to continuously measure/monitor material levels in the furnace, at a minimum of three locations, using alarms to inform operators of static conditions that indicate a slip may occur, and therefore, alert them that there is a need to take action to prevent the unplanned openings from occurring; (2) install and operate instruments such as a thermocouple and transducer on the furnace to monitor temperature and pressure to help determine when a slip may occur; (3) install a screen to remove fine particulates from raw materials to ensure only properly-sized raw materials are charged into the blast furnace; and (4) develop, and submit to the EPA for approval, a plan that explains how the facility will implement these requirements, which should then be incorporated in to the Title V permit as enforceable provisions. Additionally, facilities should be required to report the unplanned openings (including the date, time, duration, and any corrective actions taken) in the semiannual compliance report.

The NTAA believes that the EPA's proposal for allowing 5 unplanned opens per furnace per year should be lower. The NTAA believes that the number of unplanned openings can be reduced by applying the monitoring and work practice standards allowing for a lower number of unplanned openings that is both achievable and cost effective. The NTAA suggests two openings as an appropriate action level with the first opening triggering a root cause analysis and remediation and the second opening being a violation. The NTAA believes that this will provide for more accountability in the operation of the blast furnace and further reduce emissions.

5) Blast Furnace Planned Bleeder Valve Openings

The NTAA also believes that the EPA identified actions that could reduce emissions during planned openings, specifically: “We also determined based on evaluation of available information that emissions can be minimized from bleeder valve planned openings cost effectively by implementing various actions before the valves are opened such as: (1) Tapping as much liquid (iron and slag) out of the furnace as possible; (2) removing fuel and/or stopping fuel injection into the furnace; and (3) lowering bottom pressure.”

The NTAA supports both an opacity limit (though lower than 8%) and work practices as enforceable Maximum Achievable Control Technology (MACT) limits for this emissions source.

The NTAA believes a lower opacity limit between the top two performing sources is between 0 and 6.25% so an opacity limit in that range is appropriate.

6) Blast Furnace and Basic Oxygen Process Furnace Slag Processing, Handling and Storage

In this proposal, the EPA “determined based on evaluation of available information that emissions can be minimized from slag pits cost effectively with the application of water spray or fogging. Also, other work practices such as installing wind screens, dust suppression misters, utilizing a high moisture content of the slag during handling, storage, and processing and using material handling practices can help minimize emissions”. However, the EPA did not propose these work practice standards as part of the MACT. The NTAA believes that the EPA should make these work practices enforceable to ensure that they are achieving emissions reductions.

In addition, the NTAA supports the Beyond the Floor Opacity limit of 5% opacity for the 6-minute averaging time.

7) Blast Furnace Bell Leaks

The NTAA supports a MACT limit that requires the proposed work practices and remediation. The NTAA does not support an action level for bell leak monitoring and repair. The NTAA believes an enforceable MACT limit is important for accountability for these sources.



8) Breaching of Iron from Blast Furnaces

The NTAA supports the proposal to require facilities to: (1) have full or partial enclosures for the beaching process or use CO₂ to suppress fumes; and (2) minimize the height, slope, and speed of beaching. In addition, the NTAA supports the addition of monitoring of vents from the partial enclosures to allow for additional information and accountability for these sources.

9) Reconsideration of Blast Furnace Casthouse and BOPF Shop Standards for Currently Regulated Fugitive Sources Under CAA 112(d)(6) Technology Review for Both New and Existing Sources

The NTAA supports requiring both opacity limits and work practice standards. The NTAA does not support the use of alternative limits. These alternative limits make enforceability of the standards more difficult.

10) Fenceline Monitoring

The NTAA supports the requirement for fenceline monitoring. However, the NTAA believes that since fugitive emissions are so prominent and given the purpose of fenceline monitoring coupled with an action level and root cause analysis is designed to manage fugitive emissions. The NTAA believes the proposed network of 4 monitors around the facility is insufficient. The NTAA believes the number of monitors needs to mirror the requirements in the Petroleum Refinery NESHAP this is necessary to ensure the monitor distribution is adequate to identify fugitive emissions sources and address exceedances of the action level in a timely and effective way as well as providing public information.

The NTAA believes that fenceline monitoring should also include lead and arsenic as well as chromium, given the significant emissions of these HAP metals and the persistence in fenceline communities. The NTAA believes that data should be reported on a quarterly basis to ensure that the public is aware of any issues with compliance both with the NESHAP as well as providing more information to ensure compliance with the National Ambient Air Quality Standards.

The NTAA believes the monitoring plans be required to have EPA or delegated agency approval and the provisions of the plan be incorporated into the Title V permit.

The NTAA does not support a sunset provision. If the goal is fugitive emissions management as well as public transparency as discussed in the proposal a sunset provision will remove these benefits overtime.



11) Mercury Requirements

The NTAA believes that the EPA should set the MACT standards with the as proposed input limit of 0.00026lbs of mercury per ton of scrap as proposed in the 2019 proposal with a MACT standards and demonstration of compliance with that standards to include:

- 1) Conduct a semi-annual emissions test at all BOPF related units and convert the sum of the results to input-based units (i.e., lb. of mercury per ton of scrap input) and
- 2) document the results in a test report that can be submitted electronically to the Compliance and Emissions Data Reporting Interface (CEDRI).

The NTAA does not support the alternative compliance method for demonstrating compliance with the mercury limits. The NTAA does not believe it's adequate to rely on voluntary compliance certifications, particularly when these sources of scrap can be changed over time, is an appropriate way of demonstrating compliance.

12) Subsequent Performance Tests

The NTAA is concerned about performance testing after the initial performance tests occurring only every 2.5 years and, in many cases, only every 5 years. The NTAA believes these performance tests should be conducted annually.

In closing, thank you for the opportunity to comment on this important rule. This rule as proposed does not go far enough to reduce fugitive emissions and address the existing disproportional impact on minority, and low income fenceline communities or address the significant mercury emissions that can impact Tribes across the country. We hope the EPA seriously considers our recommendations to strengthen this proposal.

Respectfully,

Syndi Smallwood

Chair

Executive Committee, National Tribal Air Association

Cc: Pat Childers, Senior Tribal Program Coordinator, OAR
Carolyn Kelly, Program Manager, NTAA
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