**National Tribal Air Association Template Letter on the U. S. EPA’s** Proposed National Emission Standards for Hazardous Air Pollutants: Integrated Iron and Steel Manufacturing Facilities Technology Review **Docket EPA-HQ-OAR-2002-0083.**

**NOTE:** *The NTAA recommends that you begin your comment letter with introductory remarks*

*regarding the signatory’s position within the Tribe. The more individualized the letter, the greater its potential impact. Feel free to add your own arguments or specific stories that will make it educational for the EPA. Be sure to replace the highlighted text with your own text.*

The comment deadline is **September 14, 2023.**

The principal pollutants of concern for this rule are lead, arsenic, and mercury. Because of the mercury emissions and the fact that mercury can be transported, Tribes with concerns about protecting hunting and fishing rights and other lifeways may also want to comment on this rule.

To the extent that these air pollution issues affect your Tribe, please include specific concerns.

Your comment letter can be submitted electronically to the Federal Rulemaking Portal. Go to <https://www.regulations.gov/> and follow the online instructions for submitting comments. Or, send comments by email to: a-and-r-docket@epa.gov Attention Docket ID No. EPA-HQ-OAR-2002-0083.

[DATE]

US Environmental Protection Agency

EPA Docket Center (EPA/DC)

Docket ID No. EPA-HQ-OAR-2020-0430

1200 Pennsylvania Avenue NW

Washington, DC 20460

RE: Comments from the **[INSERT TRIBE’S NAME HERE]** on the Proposed National Emission Standards for Hazardous Air Pollutants: Integrated Iron and Steel Manufacturing Facilities Technology Review Docket EPA-HQ-OAR-2002-0083

The **[INSERT TRIBE’S NAME HERE]** is pleased to submit these comments and

recommendations regarding the U.S. Environmental Protection Agency’s (EPA’s)

Proposed National Emission Standards for Hazardous Air Pollutants: Integrated Iron and Steel Manufacturing Facilities Technology Review Docket EPA-HQ-OAR-2002-0083 as published in July 2023.

It is important to note that even though **[INSERT TRIBE’S NAME HERE]** is not located near one of these facilities, these sources 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. Particularly, mercury, which impacts traditional treaty rights and lifeways of Tribes by contributing to the bioaccumulation of mercury in traditional food sources such as fish and waterfowl. [add any other important cultural, subsistence concerns specific to your Tribe as appropriate]

The **[INSERT TRIBE’S NAME HERE]** 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, **[INSERT TRIBE’S NAME HERE]** 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 this proposal, **[INSERT TRIBE’S NAME HERE]** 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]](#footnote-1)” **[INSERT TRIBE’S NAME HERE]** 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. **[INSERT TRIBE’S NAME HERE]** also believes that total enclosure with negative pressure routing emissions to control devises would also be effective.

**[INSERT TRIBE’S NAME HERE]** believes that these controls are demonstrated, available and cost effective given the parent company’s annual revenue. U.S. Steel Corporation and Cleveland-Cliffs Incorporated are the two parent companies of all the impacted sources with annual revenues of $22 and $23 Billion per year. The 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:

1. **Risk Concerns**

**[INSERT TRIBE’S NAME HERE]** encourages the EPA to reconsider the 2020 finding of acceptable risk in the risk and technology review. **[INSERT TRIBE’S NAME HERE]** notes in the preamble that fenceline monitoring conducted based on the information collection request (ICR) found that the monitored emissions for all HAP metals were many magnitudes higher than the modeled emissions. For example, chromium was 28 times higher than the modeled emissions. This pattern of fenceline monitoring was true of lead and arsenic as well at 3 times and 6 times greater, respectively. As such, and because the HAP metals are risk drivers for these sources, the EPA should consider reevaluating the risk remaining from these sources.

1. **Blast Furnace Unplanned Bleeder Valve Openings**

**[INSERT TRIBE’S NAME HERE]** agrees with the proposed work practice standards for addressing falls or slips in the blast furnace, thus reducing the need for unplanned openings. **[INSERT TRIBE’S NAME HERE]** believes these should be enforceable by requirements and **not** just an action level triggering a root cause analysis. **[INSERT TRIBE’S NAME HERE]** believes this will provide for more accountability in the operation of the blast furnace and further reduce emissions. **[INSERT TRIBE’S NAME HERE]** believes that the unplanned openings can be reduced by applying the monitoring and work practice standards allowing for a reduced number of unplanned openings that is both achievable and cost effective. The NTAA suggests 2-3 instead of 5 unplanned openings.

1. **Blast Furnace Planned Bleeder Valve Openings**

**[INSERT TRIBE’S NAME HERE]** questions why the upper prediction limit (UPL) has not been used for opacity in this proposal. The use of the UPL is standard practice in setting Maximum Achievable Control Technologies (MACT) in most other rulemakings along with other parts of this rule. The NTAA believes using the UPL would result in a lower emission limit for the Planned Bleeder Valve Opening. As such the NTAA disagrees with the 8% opacity limit which is a maximum reading instead of a lower limit achieved by the top performers that range between 0 and 6.25% opacity.

**[INSERT TRIBE’S NAME HERE]** also believes that the EPA identified actions that could reduce emissions released 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.”

**[INSERT TRIBE’S NAME HERE]** supports both an opacity limit (though lower then 8%) and work practices as enforceable MACT limits for this emissions source.

1. **Blast Furnace and Basic Oxygen Process Furnace Slag Processing, Handling and Storage**

As discussed above, **[INSERT TRIBE’S NAME HERE]** believes the EPA should use the UPL for establishing the MACT floor. The top two performing sources achieve 2.5 and 5 % opacity for the 6-minute averaging time.

1. **Blast Furnace Bell Leaks**

**[INSERT TRIBE’S NAME HERE]** supports a MACT limit that requires the proposed work practices and remediation. **[INSERT TRIBE’S NAME HERE]** does not support an action level for bell leak monitoring and repair. **[INSERT TRIBE’S NAME HERE]** believes an enforceable MACT limit is important for accountability for these sources.

1. **Breaching of Iron from Blast Furnaces**

**[INSERT TRIBE’S NAME HERE]** 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 suggests the addition to monitoring from vents from the partial enclosures which would provide additional information and accountability for these sources.

1. **Reconsideration of BF Casthouse and BOPF Shop Standards for Currently Regulated Fugitive Sources Under CAA 112(d)(6) Technology Review for Both New and Existing Sources**

**[INSERT TRIBE’S NAME HERE]** supports requiring both opacity limits and work practice standards. **[INSERT TRIBE’S NAME HERE]** does not support the use of alternative limits. These alternative limits make enforceability of the standards more difficult.

1. **Fenceline Monitoring**

The NTAA supports the requirement for fenceline monitoring. However, the NTAA believes that since fugitive emissions are so prominent, fenceline monitoring coupled with an action level and root cause analysis should be implemented 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 that the monitor distribution is adequate to identify fugitive emissions sources and address exceedances at the action level in a timely and effective way as well as providing public information.

**[INSERT TRIBE’S NAME HERE]** believes the fenceline monitoring should also include lead and arsenic, as well as chromium, given the significant emissions of these HAP metals and the persistence in the fenceline communities. The NTAA believes that the 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.

**[INSERT TRIBE’S NAME HERE]** believes the monitoring plans should be required to have the EPA or delegated agency approval and the provisions of the plan be incorporated into the Title V permit.

**[INSERT TRIBE’S NAME HERE]** 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.

1. **Mercury Requirements**

**[INSERT TRIBE’S NAME HERE**] believes that the EPA should set the MACT standards with the as proposed input limit of the proposed input-based limit of 0.00026 lbs. 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 Compliance and Emissions Data Reporting Interface (CEDRI).

**[INSERT TRIBE’S NAME HERE]** does not support the alternative compliance method for demonstrating compliance with the mercury limits. **[INSERT TRIBE’S NAME HERE]** does not believe it is adequate to rely on voluntary compliance certifications, especially when these sources of scrap can be changed over time.

1. **Subsequent Performance Tests**

**[INSERT TRIBE’S NAME HERE]** is concerned with the frequency of performance tests. Testing after the initial performance tests occurs every 2.5 years and, in many cases, every 5 years. The NTAA believes these performance tests should be conducted annually.

In conclusion, **[INSERT TRIBE’S NAME HERE]** appreciates this opportunity to comment on the supplemental proposed rule regarding National Emission Standards for Hazardous Air

Pollutants: Integrated Iron and Steel. 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. Nor does it address the significant mercury emissions that can impact Tribes across the country. We hope the EPA seriously considers our recommendations to strengthen these this proposal.

Signature

1. Federal Register / Vol. 88, No. 140 / Monday, July 24, 2023 / Proposed Rules [↑](#footnote-ref-1)