



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

**MAY 29 2018**

REPLY TO THE ATTENTION OF:

Katie Batten  
Director of Health, Safety, and Environmental  
SunCoke Energy, Inc.  
1011 Warrenville Rd.  
Suite 600  
Lisle, IL 60532

BY E-MAIL AND U.S. MAIL

Re: *U.S. and the State of Indiana v. Indiana Harbor Coke Company, et al.*, No. 18-00035 (N. D. Ind.), Battery B Evaluation Approval Letter

Dear Ms. Batten:

Pursuant to Paragraph 10 of the proposed Consent Decree, lodged on January 25, 2018, in the above-captioned matter, EPA has reviewed SunCoke Energy's ("SunCoke's") letter dated March 21, 2018, from you, SunCoke's Director of Health, Safety, and Environmental, summarizing the evaluation of the five oven rebuilds on Battery B, which SunCoke completed pursuant to the Consent Decree ("Initial Oven Rebuilds"). The five Battery B Initial Oven Rebuilds were completed by March 31, 2017, and your letter explains SunCoke's determination that all five rebuilds were successful. For the rebuilds to be successful under Paragraph 10.a of the Consent Decree, at least two of the five ovens must not have had repeated Coke Oven Leaks (as defined in the Consent Decree) that resulted in a Full RCFA during the period March 31, 2017, through February 28, 2018 ("Evaluation Period").<sup>1</sup> Although there were six Coke Oven Leaks at three of the five ovens that exceeded the MACT limitation for door leaks or the Consent Decree requirements for oven crowns during the Evaluation Period, the leaks were corrected by adjusting the uptakes, sole flues, or door dampers. None of the ovens experienced Coke Oven Leaks that required either a Full or Summary RCFA.

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<sup>1</sup> For coke oven leaks to trigger an RCFA under the proposed Consent Decree, an oven must experience Coke Oven Leaks in two consecutive coking cycles or in four or more coking cycles in a calendar month. See Paragraph 8.1. In that event, the Consent Decree requires a Full RCFA unless the leaks were caused by high winds, equipment maintenance or malfunction unrelated to structural issues with the oven, impacts from another oven, or acts or omissions not related to equipment owned or operated by the Defendants. In such cases, the proposed Consent Decree requires a Summary RCFA.

On April 30, 2018, EPA and IDEM representatives conducted a Site Visit for the purpose of evaluating SunCoke's determination that the Battery B Initial Oven Rebuilds were successful. As part of that visit, EPA also observed operations at the other batteries (A, C, and D) and evaluated the status of ongoing oven rebuilds at those batteries. EPA and IDEM representatives met with SunCoke personnel and discussed the oven rebuilding process. During the visit, EPA did not observe any leaks or door fires from the five rebuilt Battery B ovens. EPA also did not observe any leaks or door fires from any of the rebuilt ovens at Batteries A, C, and D. Based on the information provided, and after consulting with IDEM, EPA approves SunCoke's determination that the five Battery B Initial Oven Rebuilds comport with the requirements of the Consent Decree and were successful within the meaning of Paragraph 10.a of the proposed Consent Decree. Therefore, pursuant to Section IV.A and Paragraph 10.a.i of the Consent Decree, EPA agrees that SunCoke has the option to rebuild the Battery B ovens.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sara J. Breneman".

Sara J. Breneman

Chief

Air Enforcement and Compliance Assurance Branch

cc: Robert Brager, Beveridge & Diamond  
Aron Schnur, Beveridge & Diamond  
Katherine Gates, SunCoke Energy, Inc.  
Thor Ketzback, Bryan Cave, LLC  
Delauna Pack, Cokenergy, LLC  
Phil Perry, IDEM  
Nicholas A. McDaniel, Department of Justice  
Catherine Banerjee Rojko, Department of Justice  
Susan Tennenbaum, EPA  
Elizabeth A. Zlatos, IDEM  
Zachary Price, Indiana Attorney General's Office

CERTIFICATE OF MAILING

I certify that I sent U.S. EPA's Approval of the Indiana Harbor Coke Company Battery B Evaluation in *United States, et al. v. Gateway Energy & Coke Company LLC, et al.*, by certified mail, return receipt requested, to:

Katie Batten  
Director of Health, Safety, and Environmental  
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Chief, Air Compliance and Enforcement Branch  
Indiana Department of Environmental Management  
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I also certify that I sent a letter by email to:

Cathy Banerjee Rojko  
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Katherine Gates  
General Counsel  
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[kgates@suncoke.com](mailto:kgates@suncoke.com)

On the 29<sup>th</sup> day of May 2018.

Kathy Jones

**Kathy Jones,  
Program Technician  
AECAB, PAS**

RECEIPT NUMBER

7017 0660 0000 3661 7239