

**ALLEGHENY COUNTY HEALTH DEPARTMENT
AIR QUALITY PROGRAM**

In the Matter of:

United States Steel Corporation
Clairton Works
400 State Street
Clairton, PA 15025

Violation No. 210101

Violations of Article XXI (“Air
Pollution Control”) at property:

United States Steel
Corporation – Clairton Plant

ENFORCEMENT ORDER

NOW, this 25th day of January, 2021, the Allegheny County Health Department (hereinafter "ACHD") issues this Enforcement Order after it has found and determined the following:

1. The Director of the ACHD has been delegated authority pursuant to the federal Clean Air Act, 42 U.S.C. Sections 7401 -7671q (hereinafter “CAA”), and the Pennsylvania Air Pollution Control Act, 35 P.S. Sections 4001-4014 (hereinafter “APCA”), and the ACHD is a local health agency organized under the Local Health Administration Law, 19 P.S. §§ 12001-12028, whose powers and duties include the enforcement of laws relating to public health within Allegheny County including, but not limited to, the ACHD’s Rules and Regulations, Article XXI, Air Pollution Control (Allegheny County Code of Ordinances Chapters 505, 507 and 535) (hereinafter “Article XXI”).

2. After a review of the C Battery Combustion Stack test report received from United States Steel Corporation (hereinafter “U.S. Steel”) on December 16, 2019, the ACHD determined that U.S. Steel failed their emissions test conducted on October 22, 2019 for filterable particulate

matter (PM). The result shown in Table 1 constitute a violation of the emission limit indicated in Installation Permit #0052-I011b.

| Pollutant | Average Result | Permit Limit |
|------------------|-----------------------|---------------------|
| PM | 0.011 gr/dscf | 0.010 gr/dscf |

Table 1

3. Specifically, Condition V.A.1.i of Installation Permit #0052-I011 provides as follows:

i. No person shall operate, or allow to be operated, Coke Oven Battery C in such manner that, at any time, emissions from the combustion stack serving such battery: [§2102.04.b.6; 2105.21.f]

1) Exceed a particulate concentration of 0.010 grains per dry standard cubic foot; [§2102.04.b.6]

4. A retest of C Battery Combustion Stack on February 27, 2020 again demonstrated U.S. Steel’s failure to comply with the emission limit established in Installation Permit #0052-I011b. See Table 2 below.

| Pollutant | Average Result | Permit Limit |
|------------------|-----------------------|---------------------|
| PM | 0.011 gr/dscf | 0.010 gr/dscf |

Table 2

5. During a second retest of the C Battery Combustion Stack conducted on June 16, 2020, test results indicated compliance with the emission limit in Installation Permit #0052-I011b. See Table 3 below.

| Pollutant | Average Result | Permit Limit |
|------------------|-----------------------|---------------------|
| PM | 0.007 gr/dscf | 0.010 gr/dscf |

Table 3

6. ACHD has determined that U.S. Steel was in violation of Article XXI, § 2102.03.c, of ACHD’s Rules and Regulations by failing to meet the compliance limits stated in the applicable ACHD permit. Specifically, U.S. Steel exceeded the gr/dscf limit for particulate matter as set forth in Installation Permit #0052-I011b, Condition V.A.1.i.1. Article XXI, § 2102.03.c, reads as follows:

§ 2102.03 Permits Generally

c. Conditions

It shall be a violation of this Article giving rise to the remedies provided by Part I of this Article for any person to fail to comply with any terms or conditions set forth in any permit issued pursuant to this Part.

ORDER

NOW THEREFORE, pursuant to the authority granted to the ACHD by Article XXI §§ 2109.03.a.1 and the Local Health Administration Law, 19 P.S. § 12010, it is hereby ORDERED that:

7. For the violations set forth in the preceding paragraphs, U.S. Steel, is hereby assessed a civil penalty of **EIGHT THOUSAND EIGHT HUNDRED DOLLARS** (\$8,800.00).

The civil penalty is as follows:

A. Gravity Based Component

| Violation | Gravity Based Penalty | Violation Counts | Total Gravity Penalty |
|---|------------------------------|-------------------------|------------------------------|
| § 2102.03 Failed C Battery Comb Stack PM (October 22, 2019) | \$2,000.00 | 1 | \$2,000.00 |
| § 2102.03 Failed C Battery Comb Stack Test PM (February 27, 2020) | \$2,000.00 | 1 | \$2,000.00 |

| | |
|---|-------------------|
| Gravity Component Subtotal | \$4,000.00 |
| B. <u>Adjustment Factors</u> | |
| Compliance History: 8 Issued violations in last 2 years | \$4,000.00 |
| Title V Source: | \$800.00 |
| TOTAL CIVIL PENALTY | \$8,800.00 |

8. U.S. Steel shall pay the total civil penalty amount within thirty (30) days of receipt of this Order. Payment shall be made by corporate or certified check, or the like, made payable to the “Allegheny County Clean Air Fund”, and sent to Air Quality Program Manager, Allegheny County Health Department, 301 39th Street, Bldg. #7, Pittsburgh, PA 15201.

9. The ACHD has determined the above civil penalty to be in accordance with Article XXI § 2109.06.b. reflecting relevant factors including, but not limited to: the nature, severity and frequency of the alleged violations; the maximum amount of civil and criminal penalties authorized by law; the willfulness of such violations; the impact of such violations on the public and the environment; the actions taken by U.S. Steel to minimize such violations and to prevent future violations; and U.S. Steel’s compliance history.

10. Please be advised that failure to comply with this Order within the times specified herein is a violation of Article XXI giving rise to the remedies provided by Article XXI § 2109.02 including civil penalties of up to \$25,000 per violation per day.

11. Pursuant to Article XI, § 1104.A (“Hearings and Appeals”), of the Allegheny County Health Department Rules and Regulations, you are notified that if you are aggrieved by this Order, a Notice of Appeal shall be filed no later than thirty (30) days after receipt of written notice or issuance of this Order. Such a Notice of Appeal shall be filed in the Office of the Director at 542 Fourth Avenue, Pittsburgh, PA 15219. This Order is enforceable upon issuance and any

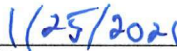
appeal of this Order shall not act as a stay unless the Director of the ACHD so orders. In the absence of a timely appeal, the terms of this Order shall become final. Notice of Appeal shall be filed no later than thirty (30) days after receipt of written notice or issuance of the action by which the Appellant is aggrieved.

12. Please be aware that if you wish to appeal this Order, you are required within 30 days of receipt of this Order to either forward the penalty amount to the ACHD for placement in an escrow account or post an appeal bond to the ACHD in the amount of the penalty. Please review the specific requirements for prepaying the penalty or posting the appeal bond found in Article XXI, §§ 2109.06.a.2-3. A copy of Article XXI and Article XI may be found at <https://www.alleghenycounty.us/Health-Department/Health-Department-Regulations.aspx>.

DONE and **ENTERED** this 25th day of January, 2021, in Allegheny County,
Pennsylvania.



Dean DeLuca
Air Quality Program Manager



Date