

**ALLEGHENY COUNTY HEALTH DEPARTMENT  
AIR QUALITY PROGRAM**

In the Matter of:

United States Steel Corporation  
Mon Valley Works  
Edgar Thomson Plant  
13<sup>th</sup> Street and Braddock Avenue  
Braddock, PA 15104

Violation No. 210802

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

U. S. Steel Edgar Thomson  
Plant

**ENFORCEMENT ORDER**

**NOW**, this 27th day of August, 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 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 the ACHD’s Rules and Regulations, Article XXI, Air Pollution Control (Allegheny County Code of Ordinances Chapters 505, 507, and 535) (“Article XXI”).

2. On April 13, 2016, the ACHD issued the Title V Operating Permit 0051 (hereinafter “TVOP-0051”) to United States Steel Edgar Thomson Plant (hereinafter “U. S. Steel ET”).

3. On June 21, 2019, the ACHD issued amended Title V Operating Permit 0051a (hereinafter “TVOP-0051a”) to U. S. Steel ET.

4. On April 10, 2020, ACHD received a copy of the Pennsylvania Department of Environmental Protection (hereinafter “PADEP”) Quarterly Continuous Source Monitoring

Report covering Q1 2019 for U. S. Steel ET indicating a Data Availability violation of two (2) excess invalid averages for Riley Boiler 3.

5. ACHD determined U. S. Steel ET failed to meet the requirements of TVOP-0051a condition H.3.b and Article XXI §2018.03.b.4 regarding minimum data availability requirements of 25 Pa. Code Chapter 139, Subchapter C for Riley Boiler 3 during Q1 2019.

6. On April 10, 2020, ACHD received a copy of the PADEP Quarterly Continuous Source Monitoring Report covering Q3 2019 for U. S. Steel ET indicating a Data Availability violation of seven (7) excess invalid averages for Riley Boiler 1.

7. ACHD determined U. S. Steel ET failed to meet the requirements of TVOP-0051a condition H.3.b and Article XXI §2018.03.b.4 regarding minimum data availability requirements of 25 Pa. Code Chapter 139, Subchapter C for Riley Boiler 1 during Q3 2019.

8. On May 4, 2020, ACHD received a copy of the PADEP Quarterly Continuous Source Monitoring Report covering Q4 2019 for U. S. Steel ET indicating a Data Availability violation of seventeen (17) excess invalid averages for Riley Boiler 1.

9. ACHD determined U. S. Steel ET failed to meet the requirements of TVOP-0051a condition H.3.b and Article XXI §2018.03.b.4 regarding minimum data availability requirements of 25 Pa. Code Chapter 139, Subchapter C for Riley Boiler 1 during Q4 2019.

10. In a letter to PADEP dated June 12, 2020, U. S. Steel ET stated the data availability problems were not systemic issues related to the Continuous Emission Monitoring System (CEMS) but rather a result of the systems inability to electronically communicate with U. S. Steel ET personnel due to cybersecurity protocols.

11. As of May 22, 2020, U. S. Steel ET implemented improvements to the communication system to alert a qualified individual, as well as trained additional personnel to be qualified to respond to CEMS problems.

12. U. S. Steel ET also stated that in each instance of data unavailability, only one Riley Boiler was affected at the time. Based on acceptable CEMS data collected from the other two Riley Boilers during each instance, U. S. Steel ET states emission levels were demonstrated to be below emission limits. U. S. Steel ET further states, since all three Riley Boilers combust the same fuel source at similar quantities, during the period of data unavailability of the affected Riley Boiler, CEMS data of the two Riley Boilers with data available would be representative of NO<sub>x</sub> emissions and therefore no excess emission occurred during periods of data unavailability.

13. U. S. Steel ET provided ACHD with raw data from the CEMS for the 1<sup>st</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> Quarter 2019 to support the assertion that no excess emissions occurred during periods of data unavailability.

14. ACHD has reviewed the raw CEMS data provided by U. S. Steel ET and agrees that no excess emissions occurred during periods of data unavailability.

### **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:

15. For the failure to meet the minimum data availability requirements in 25 Pa. Code Chapter 139, Subchapter C as set forth in the preceding paragraphs, U. S. Steel ET is hereby assessed a civil penalty of **THREE THOUSAND TWO HUNDRED DOLLARS**

**(\$3,200.00).** The civil penalty as calculated by the PADEP Compliance Assurance Policy is as follows:

**A. Base Penalty**

<b>Violation</b>	<b>Excess Invalid Averages</b>	<b>Total Penalty</b>
Q1 2019 Riley Boiler 3 Data Availability <b>(TVOP-0051a H.3.c, §2108.03.b.4)</b>	2	\$238
Q3 2019 Riley Boiler 1 Data Availability <b>(TVOP-0051a H.3.c, §2108.03.b.4)</b>	7	\$566
Q4 2019 Riley Boiler 1 Data Availability <b>(TVOP-0051a H.3.c, §2108.03.b.4)</b>	17	\$3,200
<b>Base Penalty Subtotal</b>		<b>\$4,004</b>

**B. Adjustment Factors**

**Compliance with Emission Limits**

No Excess Emissions Occurred During Periods of Data Unavailability (\$402)

**Facility Response**

U. S. Steel ET implemented improvement to CEMS communication system and trained additional employees to respond to failed CEMS calibrations (\$402)

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**TOTAL CIVIL PENALTY \$3,200**

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16. U. S. Steel ET shall pay the 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.

17. The ACHD has determined the above penalty 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 economic benefit gained by failing to comply with the ACHD’s regulations; the actions taken by U. S. Steel ET to minimize such violations and to prevent future violations.

18. The gravity-based component of the civil penalty reflects the severity of the violation and the potential harm to the public or environment from the violation. The gravity-based component may be adjusted for factors and circumstances unique to the violator.

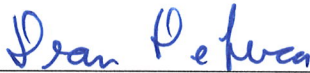
19. The above civil penalty is adjusted to reflect U. S. Steel ET’s compliance with emission limits despite the lack of data and their efforts to implement improvements to the CEMS system.

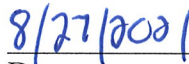
20. Pursuant to Article XI (“Hearings and Appeals”) of the Allegheny County Health Department Rules and Regulations, you are notified that if you are aggrieved by this Order you have thirty (30) days from the date of issuance or receipt of this Order in which to file an appeal. Such a Notice of Appeal 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 ACHD so orders. In the absence of a timely appeal, the terms of this Order shall become final.

21. 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 of 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>.

22. The provisions of this Order shall apply to, be binding upon, and inure to the benefit of the ACHD and U. S. Steel ET, and upon their respective officers, directors, agents, contractors, employees, servants, successors, and assigns.

**DONE** and **ENTERED** this 27<sup>th</sup> day of August, 2021, in Allegheny County, Pennsylvania.

  
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Dean DeLuca  
Air Quality Program Manager

  
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Date