



GROUP AGAINST SMOG & POLLUTION

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February 6, 2014

VIA Certified Mail (No. 7012 0470 0000 2933 7148)

Mr. Christopher W. Keisling, Plant Manager
Shenango Incorporated
200 Neville Road
Pittsburgh, PA 15225-1690

Re: Notice of Intent to Sue under the Federal Clean Air Act and/or Article XXI of the Allegheny County Health Department's Rules and Regulations

Dear Mr. Keisling:

The following provides notice that the Group Against Smog and Pollution ("GASP"), on behalf of itself and its members, intends to file a citizen suit under the federal Clean Air Act (the "CAA") and Article XXI of the Allegheny County Health Department's ("ACHD") Rules and Regulations ("Article XXI") against Shenango, Inc. ("Shenango") for violations of emission standards and limitations at Shenango's Neville Island Coke Works (the "Neville Island Coke Works"), beginning on July 26, 2012 and continuing through the date of this letter. Shenango has violated, and continues to violate, the CAA and Article XXI. This notice is provided pursuant to 42 U.S.C. § 7604(b) and Article XXI, § 2109.11.d.

The notice is provided on behalf of GASP, 5135 Penn Avenue, Pittsburgh, PA 15224, and certain of its members who have suffered, and continue to suffer, special harm as a result of Shenango's violations of applicable emissions standards. GASP is a nonprofit organization that works to promote a healthy, sustainable environment with a particular focus on improving air quality in Pittsburgh and surrounding regions.

Section 2105.21 of Article XXI ("Section 2105.21") governs certain aspects of the operation of coke ovens located in Allegheny County, Pennsylvania, including Shenango's Neville Island Coke Works. Shenango's Neville Island Coke Works' Battery #1 ("Battery #1") is a "battery of coke ovens installed, replaced, or reconstructed, or at which a major modification was made on or after January 1, 1978" for the purposes of applying Section 2105.21's requirements and limitations.

Subsection 2105.21.a generally limits emissions from charging operations that occur at coke oven batteries. Subsection 2105.21.a.1 prohibits "the aggregate of visible charging emissions" from Battery #1 from exceeding "a total of 55 seconds during any five (5) consecutive charges on such battery." Between July 26, 2012 and September 30, 2013,

Shenango violated this limitation at least twenty-six times, with such violations having occurred on these dates:

October 6, 2012	June 18, 2013	August 15, 2013
October 22, 2012	June 20, 2013	August 22, 2013
October 24, 2012	June 25, 2013	August 25, 2013
November 25, 2012	June 28, 2013	September 13, 2013
January 27, 2013	July 1, 2013	September 22, 2013
February 17, 2013	July 8, 2013	September 23, 2013
February 24, 2013	July 21, 2013	September 25, 2013
February 25, 2013	July 23, 2013	
April 15, 2013	July 29, 2013	
May 7, 2013	August 6, 2013	
June 7, 2013	August 13, 2013	
June 11, 2013		

Subsection 2105.21.a.1 has been incorporated into the Title V Operating Permits for Shenango's Neville Island Coke Works that were in effect on the dates listed above. *See* ACHD Permit # 0025a, § V.A.1.j (May 23, 2013); ACHD Permit # 0025, § V.A.1.k (March 21, 2006).

Subsection 2105.21.b generally limits emissions from the door areas of coke oven batteries. Subsection 2105.21.b.1 prohibits visible emissions "from more than five percent (5%) of the door areas of the operating coke ovens" in a battery "at any time," "excluding the two door areas of the last oven charged and any door areas obstructed from view." Between July 26, 2012 and September 30, 2013, Shenango violated this limitation at least forty-two times, with such violations having occurred on these dates:

August 15, 2012	February 10, 2013	May 22, 2013
January 1, 2013	February 11, 2013	May 25, 2013
January 7, 2013	February 13, 2013	May 26, 2013
January 13, 2013	February 15, 2013	June 11, 2013
January 14, 2013	February 16, 2013	June 19, 2013
January 16, 2013	February 18, 2013	July 1, 2013
January 18, 2013	February 22, 2013	July 8, 2013
January 20, 2013	February 23, 2013	July 21, 2013
January 26, 2013	February 25, 2013	July 25, 2013
February 4, 2013	February 26, 2013	August 15, 2013
February 5, 2013	February 27, 2013	September 23, 2013
February 6, 2013	February 28, 2013	
February 7, 2013	March 7, 2013	
February 8, 2013	March 14, 2013	

Subsection 2105.21.b.1 has been incorporated into the Title V Operating Permits for Shenango's Neville Island Coke Works that were in effect on the dates listed above. *See* ACHD Permit # 0025a, § V.A.1.k (May 23, 2013); ACHD Permit # 0025, § V.A.1.d (March 21, 2006).

Subsection 2105.21.b.4 prohibits emissions from the door areas of any coke oven from exceeding “an opacity of 40% at any time 15 or more minutes after such oven has been charged.” Between July 26, 2012 and September 30, 2013, Shenango violated this limitation at least five times, with such violations having occurred on these dates: July 8, 2013; July 29, 2013; August 15, 2013; September 19, 2013; and September 23, 2013. Subsection 2105.21.b.4 has been incorporated into the Title V Operating Permits for Shenango’s Neville Island Coke Works that were in effect on the dates listed above. *See* ACHD Permit # 0025a, § V.A.1.n (May 23, 2013); ACHD Permit # 0025, § V.A.1.p (March 21, 2006).

Subsection 2105.21.e generally limits emissions from pushing operations at coke oven batteries. Subsection 2105.21.e.4 prohibits fugitive pushing emissions or emissions from the pushing emission control device outlet from equaling or exceeding an opacity of 20% at any time. Between July 26, 2012 and September 30, 2013, Shenango violated Subsection 2105.21.e.4’s limitations at least seventy-eight times, with such violations having occurred on these dates:

July 30, 2012	October 19, 2012	April 22, 2013
July 31, 2012	October 20, 2012	April 23, 2013
August 1, 2012	October 25, 2012	May 16, 2013
August 3, 2012	October 26, 2012	May 16, 2013
August 4, 2012	October 27, 2012	May 22, 2013
August 8, 2012	October 28, 2012	May 30, 2013
August 10, 2012	November 4, 2012	June 11, 2013
August 13, 2012	November 5, 2012	June 19, 2013
August 14, 2012	November 27, 2012	June 27, 2013
August 16, 2012	December 2, 2012	July 1, 2013
August 17, 2012	December 4, 2012	July 16, 2013
August 29, 2012	December 8, 2012	July 25, 2013
August 30, 2012	December 9, 2012	July 29, 2013
August 31, 2012	December 13, 2012	August 22, 2013
September 5, 2012	December 14, 2012	August 27, 2013
September 6, 2012	December 15, 2012	August 28, 2013
September 7, 2012	December 22, 2012	September 5, 2013
September 9, 2012	December 24, 2012	September 12, 2013
September 10, 2012	December 25, 2012	September 19, 2013
September 12, 2012	December 31, 2012	
September 17, 2012	January 1, 2013	
September 20, 2012	January 16, 2013	
September 29, 2012	February 7, 2013	
September 30, 2012	February 13, 2013	
October 4, 2012	February 27, 2013	
October 6, 2012	February 28, 2013	
October 8, 2012	February 28, 2013	
October 9, 2012	April 4, 2013	
October 11, 2012	April 11, 2013	
October 13, 2012	April 17, 2013	
October 17, 2012	April 17, 2013	
October 18, 2012	April 22, 2013	

Subsection 2105.21.e.4 has been incorporated into the Title V Operating Permits for Shenango’s Neville Island Coke Works that were in effect on the dates listed above. *See* ACHD Permit # 0025a, § V.B.1.a.2 (May 23, 2013); ACHD Permit # 0025, § V.B.1.a.2 (March 21, 2006).

Subsection 2105.21.f generally limits emissions from a coke oven battery's combustion stacks. Subsection 2105.21.f.3 prohibits the opacity of emissions from a coke oven's combustion stacks from equaling or exceeding 20% "for a period or periods aggregating in excess of three (3) minutes in any 60 minute period." Between July 26, 2012 and September 30, 2013, Shenango violated this limitation on each of the following days:

July 26, 2012	October 3, 2012	December 21, 2012
July 27, 2012	October 4, 2012	December 22, 2012
July 28, 2012	October 5, 2012	December 26, 2012
July 29, 2012	October 6, 2012	December 27, 2012
July 30, 2012	October 7, 2012	December 29, 2012
July 31, 2012	October 8, 2012	January 2, 2013
August 1, 2012	October 9, 2012	January 3, 2013
August 2, 2012	October 10, 2012	January 8, 2013
August 6, 2012	October 11, 2012	January 11, 2013
August 7, 2012	October 12, 2012	January 12, 2013
August 9, 2012	October 13, 2012	January 15, 2013
August 10, 2012	October 14, 2012	January 19, 2013
August 11, 2012	October 16, 2012	January 20, 2013
August 12, 2012	October 17, 2012	January 21, 2013
August 16, 2012	October 18, 2012	January 22, 2013
August 17, 2012	October 20, 2012	January 25, 2013
August 20, 2012	October 23, 2012	January 27, 2013
August 22, 2012	October 24, 2012	January 28, 2013
August 23, 2012	October, 25, 2012	February 10, 2013
August 25, 2012	October 26, 2012	February 12, 2013
August 26, 2012	October 27, 2012	February 15, 2013
August 27, 2012	October 28, 2012	February 16, 2013
August 28, 2012	October 30, 2012	February 19, 2013
August 29, 2012	November 6, 2012	February 20, 2013
August 30, 2012	November 7, 2012	March 3, 2013
September 1, 2012	November 9, 2012	March 4, 2013
September 2, 2012	November 10, 2012	March 11, 2013
September 6, 2012	November 14, 2012	March 12, 2013
September 10, 2012	November 17, 2012	March 15, 2013
September 11, 2012	November 18, 2012	March 16, 2013
September 15, 2012	November 19, 2012	March 19, 2013
September 17, 2012	November 20, 2012	March 20, 2013
September 19, 2012	November 21, 2012	March 21, 2013
September 20, 2012	November 22, 2012	March 23, 2013
September 21, 2012	November 23, 2012	March 25, 2013
September 22, 2012	November 25, 2012	March 27, 2013
September 23, 2012	November 26, 2012	
September 22, 2012	November 27, 2012	
September 23, 2012	November 29, 2012	
September 24, 2012	December 1, 2012	
September 25, 2012	December 10, 2012	
September 27, 2012	December 11, 2012	
September 29, 2012	December 17, 2012	
September 30, 2012	December 18, 2012	
October 1, 2012	December 19, 2012	

March 29, 2013	May 21, 2013	July 13, 2013
April 1, 2013	May 23, 2013	July 14, 2013
April 2, 2013	May 24, 2013	July 15, 2013
April 3, 2013	May 26, 2013	July 16, 2013
April 4, 2013	May 27, 2013	July 17, 2013
April 6, 2013	May 28, 2013	July 18, 2013
April 8, 2013	May 29, 2013	July 19, 2013
April 9, 2013	May 30, 2013	July 20, 2013
April 10, 2013	May 31, 2013	July 21, 2013
April 14, 2013	June 1, 2013	July 22, 2013
April 15, 2013	June 2, 2013	July 25, 2013
April 16, 2013	June 3, 2013	July 26, 2013
April 17, 2013	June 4, 2013	July 28, 2013
April 18, 2013	June 5, 2013	July 29, 2013
April 19, 2013	June 6, 2013	July 30, 2013
April 20, 2013	June 9, 2013	August 1, 2013
April 21, 2013	June 10, 2013	August 2, 2013
April 23, 2013	June 11, 2013	August 3, 2013
April 24, 2013	June 12, 2013	August 5, 2013
April 25, 2013	June 13, 2013	August 7, 2013
April 26, 2013	June 14, 2013	August 9, 2013
April 29, 2013	June 16, 2013	August 12, 2013
April 30, 2013	June 17, 2013	August 14, 2013
May 1, 2013	June 18, 2013	August 17, 2013
May 2, 2013	June 19, 2013	August 18, 2013
May 3, 2013	June 20, 2013	August 19, 2013
May 4, 2013	June 21, 2013	August 20, 2013
May 5, 2013	June 22, 2013	August 21, 2013
May 6, 2013	June 23, 2013	August 22, 2013
May 7, 2013	June 24, 2013	August 23, 2013
May 8, 2013	June 25, 2013	August 24, 2013
May 9, 2013	June 26, 2013	August 25, 2013
May 10, 2013	June 27, 2013	August 26, 2013
May 12, 2013	June 28, 2013	August 28, 2013
May 14, 2013	July 1, 2013	August 29, 2013
May 15, 2013	July 2, 2013	August 31, 2013
May 18, 2013	July 3, 2013	September 1, 2013
May 19, 2013	July 4, 2013	September 2, 2013
May 20, 2013	July 10, 2013	September 3, 2013

September 4, 2013	September 16, 2013	September 26, 2013
September 5, 2013	September 17, 2013	September 27, 2013
September 6, 2013	September 18, 2013	September 29, 2013
September 7, 2013	September 19, 2013	September 30, 2013
September 8, 2013	September 20, 2013	
September 9, 2013	September 21, 2013	
September 15, 2013	September 23, 2013	

Subsection 2105.21.f.3 has been incorporated into the Title V Operating Permits for Shenango's Neville Island Coke Works that were in effect on the dates listed above. *See* ACHD Permit # 0025a, § V.A.1.t (May 23, 2013); ACHD Permit # 0025, § V.A.1.u (March 21, 2006).

Subsection 2105.f.3 is also incorporated into the July 25, 2012 Consent Order and Agreement between and among the United States, the Pennsylvania Department of Environmental Protection, ACHD, and Shenango, in Civil Action No. 12-1029 (W.D. Pa.), at § IV.A.1.b.

Subsection 2105.21.f.4 prohibits the opacity of emissions from a coke oven battery's combustion stacks from exceeding 60% at any time. Between July 26, 2012 and September 30, 2013, Shenango violated this limitation on each of the following days:

July 26, 2012	March 17, 2013	May 26, 2013
July 31, 2012	March 19, 2013	June 4, 2013
August 2, 2012	March 20, 2013	June 26, 2013
August 26, 2012	March 23, 2013	July 2, 2013
August 30, 2012	March 25, 2013	July 15, 2013
September 6, 2012	March 28, 2013	July 20, 2013
October 3, 2012	March 29, 2013	August 9, 2013
October 8, 2012	April 1, 2013	August 12, 2013
October 9, 2012	April 9, 2013	August 16, 2013
October 11, 2012	April 17, 2013	August 19, 2013
October 17, 2012	April 18, 2013	August 20, 2013
October 18, 2012	April 29, 2013	
November 19, 2012	May 6, 2013	
November 28, 2012	May 7, 2013	
February 1, 2013		
March 15, 2013		
March 16, 2013		

Subsection 2105.21.f.4 has been incorporated into the Title V Operating Permit for Shenango's Neville Island Coke Works that were in effect on the dates listed above. *See* ACHD Permit #0025a, § V.A.1.k (May 23, 2013); ACHD Permit # 0025, § V.A.1.v (March 21, 2006).

Subsection 2105.f.4 is also incorporated into the July 25, 2012 Consent Order and Agreement between and among the United States, the Pennsylvania Department of Environmental Protection, ACHD, and Shenango, in Civil Action No. 12-1029 (W.D. Pa.), at § IV.A.1.c.

Subsection 2105.21.h.3 limits the hydrogen sulfide content of flared, mixed, or combusted coke oven gas from Battery #1. Between January 1, 2013 and September 30, 2013, Shenango violated Subsection 2105.21.h.3 at least nineteen times, with such violations having occurred on these dates:

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April 9, 2013	June 11, 2013	September 13, 2013
May 6, 2013	June 25, 2013	September 17, 2013
May 7, 2013	June 26, 2013	
June 1, 2013	July 22, 2013	
June 4, 2013	August 27, 2013	

Subsection 2105.21.h.3 has been incorporated into the Title V Operating Permit for Shenango's Neville Island Coke Works that were in effect on the dates listed above. *See* ACHD Permit #0025a, §§ V.A.1.i, V.A.1.x (May 23, 2013); ACHD Permit # 0025, § V.A.1.j (March 21, 2006). Subsection 2105.h.3 is also incorporated into the July 25, 2012 Consent Order and Agreement between and among the United States, the Pennsylvania Department of Environmental Protection, ACHD, and Shenango, in Civil Action No. 12-1029 (W.D. Pa.), at § V.B.

ACHD did not provide GASP with information regarding violations that occurred after September 30, 2013. However, based on the rate of violations during the first three quarters of 2013, GASP believes that such violations have continued through the fourth quarter of 2013 and up to the date of this letter.

The provisions of section 2105.21 discussed above have been approved by the United States Environmental Protection Agency and incorporated as standard or limitation in Pennsylvania's State Implementation Plan (the "SIP"). *See* 40 C.F.R. § 52.202(c)(2) and 40 C.F.R. § 52.2063(a). As "emission[s] standard or limitation[s]" under the SIP, the requirements of Section 2105.21 and the Title V Operating Permits are subject to enforcement by a citizen suit brought pursuant to 42 U.S.C. § 7604(a)(1)(A). The requirements of the July 25, 2012 Consent Order and Agreement between and among the United States, the Pennsylvania Department of Environmental Protection, ACHD, and Shenango, in Civil Action No. 12-1029 (W.D. Pa.) are subject to enforcement by a citizen suit brought pursuant to 42 U.S.C. § 7604(a)(1). The requirements of Section 2105.21, the Title V Operating Permit, and the July 25, 2012 Consent Order and Agreement between and among the United States, the Pennsylvania Department of Environmental Protection, ACHD, and Shenango, in Civil Action No. 12-1029 (W.D. Pa.) are also subject to enforcement by a citizen suit brought pursuant to Article XXI, § 2109.11.

The violations and associated unlawful conduct discussed in this letter are based on the most recent information available to GASP, based on its review of materials contained in ACHD's files. Given the number of the above-described violations documented by ACHD, it is GASP's belief that such violations are continuing unabated. GASP intends to file a citizen suit under the CAA pursuant to 42 U.S.C. § 7604 and/or Section 2109.11 of Article XXI, seeking to enjoin violations, abate the public nuisance created by violations, ensure future compliance, impose penalties for violations, recover attorney fees and costs of litigation, and obtain any other appropriate relief. The maximum penalty for violations of the CAA is \$37,500 per day for each violation occurring after January 12, 2009. 42 U.S.C. §§ 7413(b), 7604(a); 40 C.F.R. § 19.4.

Mr. Christopher W. Keisling
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Sincerely,

Joe Osborne
Legal Director

John K. Baillie
Staff Attorney

Mr. Christopher W. Keisling

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