

4. Denied as stated. U. S. Steel admits only that, in the Complaint, Plaintiffs allege violations during a time when certain facilities at the Clairton Plant were temporarily unavailable due to a fire that occurred on December 24, 2018.

5. Denied.

6. Denied.

7. U. S. Steel lacks knowledge or information sufficient to form a belief regarding the truth of the allegations in this paragraph regarding Plaintiffs' knowledge of U. S. Steel's actions and, on that basis, denies those allegations. U. S. Steel denies the remaining allegations in this paragraph, including the allegation that the Complaint encompasses alleged post-Complaint violations.

8. This paragraph contains a general averment of law and/or conclusion of law to which no response is required. To the extent a response is deemed to be required, U. S. Steel admits that § 7401(b)(1) of the Clean Air Act ("CAA") sets forth the declaration of purpose quoted in this paragraph of the Complaint.

9. This paragraph contains a general averment of law and/or conclusion of law to which no response is required. To the extent a response is deemed to be required, U. S. Steel denies the allegations in this paragraph as a person who meets only those two elements cannot necessarily bring an action.

10. This paragraph contains a general averment of law and/or conclusion of law to which no response is required. To the extent a response is deemed to be required, U. S. Steel admits that §§ 7604(f)(1)(3) and (f)(4) of the CAA contain the definitional language quoted in this paragraph.

11. This paragraph contains a general averment of law and/or conclusion of law to which no response is required. To the extent a response is deemed to be required, this paragraph is denied to the extent that the Complaint alleges that the entirety of Article XXI of the Allegheny County Health Department Rules and Regulations is part of the Pennsylvania SIP.

12. This paragraph contains a general averment of law and/or conclusion of law to which no response is required. To the extent a response is deemed to be required, this paragraph is admitted.

13. Admitted.

14. This paragraph contains a general averment of law and/or conclusion of law to which no response is required. To the extent a response is deemed to be required, this paragraph is admitted.

15. U. S. Steel admits only that this paragraph describes certain allegations in Plaintiffs' Complaint. U. S. Steel denies the remaining allegations in this paragraph.

16. This paragraph contains a general averment of law and/or conclusion of law to which no response is required. To the extent a response is deemed to be required, this paragraph is admitted.

17. This paragraph contains a general averment of law and/or conclusion of law to which no response is required. To the extent a response is deemed to be required, U. S. Steel admits that § 7604(f)(4) of the CAA, subject to the other provisions of the CAA and recognized defenses, authorizes citizen's suits for alleged violations of standards and limitations in a Title V permit.

JURISDICTION AND VENUE

18. Admitted.

19. Admitted.

20. U. S. Steel admits only that it received a letter (Exhibit 1 to the Complaint) from Plaintiffs, which was mailed to Kurt Barshick and David Burritt, more than 60 days prior to commencement of this lawsuit. U. S. Steel denies the remaining allegations in this paragraph and denies that the letter provided sufficient notice of each alleged violation in the Complaint.

21. Admitted.

22. U. S. Steel lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and, on that basis, denies the allegations in this paragraph.

23. U. S. Steel lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and, on that basis, denies the allegations in this paragraph.

24. This paragraph contains a general averment of law and/or conclusion of law to which no response is required. To the extent a response is deemed to be required, U. S. Steel denies the allegations in this paragraph.

25. Denied.

PARTIES

26. U. S. Steel lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and, on that basis, denies the allegations in this paragraph.

27. U. S. Steel lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and, on that basis, denies the allegations in this paragraph.

28. U. S. Steel denies that individuals who live or rent property near its Clairton, Edgar Thomson, and Irvin Plants were adversely affected by alleged illegal pollutant emissions from the Plants. U. S. Steel lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in this paragraph and, on that basis, denies those allegations.

29. U. S. Steel lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and, on that basis, denies the allegations in this paragraph.

30. U. S. Steel lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and, on that basis, denies the allegations in this paragraph.

31. U. S. Steel denies that individuals who live or rent property near its Clairton, Edgar Thomson, and Irvin Plants were adversely affected by alleged illegal pollutant emissions from the plants. U. S. Steel lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in this paragraph and, on that basis, denies those allegations.

32. U. S. Steel admits only that this is a civil suit brought under the citizen suit provision CAA and that this paragraph contains certain allegations of unlawful emissions of pollutants from U. S. Steel's plants. The remaining allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is deemed to be required, U. S. Steel denies those allegations.

33. Denied.

34. This paragraph contains a general averment of law and/or conclusion of law to which no response is required. To the extent a response is deemed to be required, U. S. Steel admits only that the definition of "person" pursuant to § 7602(e) of the CAA includes the term "corporation."

35. Admitted.

36. Admitted.

37. Denied as stated. It is admitted only that the Major Source & Federally Enforceable State Operating Permit for the Clairton Plant (the "Clairton Operating Permit") states that it was issued to "United States Steel Corporation Mon Valley Works Clairton Plant." The Major Source

Operating Permit for the Edgar Thomson Plant (the “Edgar Thomson Operating Permit”) states that it was issued to “U. S. Steel Edgar Thomson Plant.” The Title V Operating Permit & Federally Enforceable State Operating Permit for the Irvin Plant (the “Irvin Operating Permit”) states that it was issued to “U. S. Steel Mon Valley Works – Irvin Plant.”

38. Admitted.

39. Denied as stated. U. S. Steel admits only that the Irvin Plant is located off Camp Hollow Road in West Mifflin, Pennsylvania and, during the time of the violations alleged in Plaintiffs’ Complaint, the Irvin Plant was subject to Title V Operating Permit No. 0050. On June 21, 2019, however, ACHD amended the permit, which is now referred to as Title V Operating Permit No. 0050a.

40. Denied as stated. U. S. Steel admits only that the Edgar Thomson Plant is located at 13th Street and Braddock Avenue in Braddock, Pennsylvania and, during the time of the violations alleged in Plaintiffs’ Complaint, the Edgar Thomson Plant was subject to Title V Operating Permit No. 0051. On June 21, 2019, however, ACHD amended the permit, which is now referred to as Title V Operating Permit No. 0051a.

41. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is deemed to be required, U. S. Steel admits the allegations in this paragraph.

42. Denied as stated. It is admitted only that the Mon Valley Works consists of the Edgar Thomson Plant, located in Braddock, Pennsylvania; the Irvin Plant, located in West Mifflin, Pennsylvania; the Fairless Plant, located in Fairless Hills, Pennsylvania; and the Clairton Plant, located in Clairton, Pennsylvania. The Mon Valley Works has annual raw steel production capability of approximately 2.9 million tons.

43. Denied as stated. It is admitted only that coke is used in the process of making some types of steel.

44. Denied as stated. It is admitted only that coke is made from coal and that removing impurities is one of the reasons why coal is baked in coke ovens. U. S. Steel also admits that the coking process generates coke and coke oven gas.

45. Denied as stated. It is admitted only that COG is a flammable, heterogenous mixture that may contain varying levels of, among other things, hydrogen (H₂), methane (CH₄), carbon monoxide (CO), hydrogen sulfide (H₂S) and volatile organic compounds (VOCs), including benzene, toluene and xylenes. U. S. Steel denies that each of these constituents is necessarily found in COG.

46. Denied as stated. It is admitted only that the Clairton Plant has ten coke oven batteries, each battery has several coke ovens, and the Clairton Plant has the capacity to produce 4.3 million tons of coke each year or 215 million cubic feet of COG each day.

47. Admitted.

48. Admitted.

49. Admitted.

50. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is deemed to be required, U. S. Steel denies that it is required to use the Desulfurization Plant to “treat” all COG produced before it may be combusted at all times.

51. Denied as stated. U. S. Steel admits only that when COG containing H₂S is combusted, the combustion process turns, in part, H₂S into SO₂. U. S. Steel also admits that

removing H₂S from COG prior to combustion reduces the amount of H₂S and SO₂ that is generated during combustion.

52. Admitted.

53. Denied as stated. It is admitted only that at the Clairton Plant, COG may be used as “underfire” gas to heat the coke oven batteries, or as fuel for Boiler Nos. 1 and/or 2. U. S. Steel denies that under all normal operating conditions at the Clairton Plant, COG necessarily comprises 100% of fuel used as underfire gas, 87% of the fuel for Boiler No. 1, and/or 100% of the fuel for Boiler #2.

54. It is admitted that, at the Clairton Plant, U. S. Steel emits H₂S into the atmosphere pursuant to its applicable permits that authorize H₂S emissions.

55. It is admitted that, at the Clairton Plant, U. S. Steel emits SO₂ into the atmosphere pursuant to its applicable permits that authorize SO₂ emissions.

56. It is admitted that, at the Clairton Plant, U. S. Steel emits particulate matter into the atmosphere pursuant to its applicable permits that authorize particulate matter emissions.

57. It is admitted that, at the Clairton Plant, U. S. Steel emits benzene, toluene, and xylene into the atmosphere pursuant to its applicable permits that authorize benzene, toluene, and xylene emissions.

58. Denied as stated. U. S. Steel admits only that the referenced locations are within the general proximity of the Clairton Plant.

59. Denied as stated. U. S. Steel admits only that EPA has a website that contains the alleged information, which is not believed to be based on current data.

60. Admitted.

61. U. S. Steel denies that there are three annealing “facilities” at the Irvin Plant. U. S. Steel otherwise admits the allegations in this paragraph.

62. Denied as stated. U. S. Steel admits only that there are multiple operating scenarios at the Irvin Plant, one of which includes a scenario where COG comprises 90-95% of fuel used for Boilers Nos. 1, 2, 3, and 4, 75% of the fuel for the hot strip mill, and 90-95% of the fuel for the three annealing furnaces.

63. Denied.

64. It is admitted that, at the Irvin Plant, U. S. Steel emits H₂S into the atmosphere pursuant to its applicable permits that authorize H₂S emissions.

65. It is admitted that, at the Irvin Plant, U. S. Steel emits SO₂ into the atmosphere pursuant to its applicable permits that authorize SO₂ emissions.

66. It is admitted that, at the Irvin Plant, U. S. Steel emits particulate matter into the atmosphere pursuant to its applicable permits that authorize particulate matter emissions.

67. Denied.

68. Denied as stated. U. S. Steel admits only that the referenced locations are within the general proximity of the Irvin Plant.

69. Denied as stated. U. S. Steel admits only that EPA has a website that contains the alleged information, which is not believed to be based on current data.

70. Admitted.

71. Denied as stated. U. S. Steel admits only that there are multiple operating scenarios at the Edgar Thomson Plant, one of which includes a scenario where COG comprises 4% of fuel used for its boilers, 50% of the fuel for blast furnaces, and 1-2% of the fuel for Stoves Nos. 1 and 3.

72. It is admitted that, at the Edgar Thomson Plant, U. S. Steel emits H₂S into the atmosphere pursuant to its applicable permits that authorize H₂S emissions.

73. It is admitted that, at the Edgar Thomson Plant, U. S. Steel emits SO₂ into the atmosphere pursuant to its applicable permits that authorize SO₂ emissions.

74. It is admitted that, at the Edgar Thomson Plant, U. S. Steel emits particulate matter into the atmosphere pursuant to its applicable permits that authorize particulate matter emissions.

75. Denied.

76. Denied as stated. U. S. Steel admits only that the referenced locations are within the general proximity of the Edgar Thomson Plant.

77. Denied as stated. U. S. Steel admits only that EPA has a website that contains the alleged information, which is not believed to be based on current data.

The December 24, 2018 Fire

78. Admitted that a fire ignited in the No. 2 Control Room Vacuum Compressor Building.

79. Admitted.

80. U. S. Steel admits that the No. 2 Control Room houses cryogenic gas separation and light oil recovery equipment. U. S. Steel denies that this equipment constitutes a “facility” as that term is defined under the Clean Air Act.

81. Admitted.

82. Admitted.

83. Admitted.

84. Denied as stated. It is admitted only that piping does not exist to transfer COG from the No. 1 Control Room directly to the No. 5 Control Room, the No. 5 Control Room is not

sized to handle the full flow of COG from the No. 1 Control Room and, if the No. 2 Control Room is completely non-operational, U. S. Steel cannot process COG at the No. 5 Control Room.

85. Denied.

86. Denied as stated. It is admitted only that U. S. Steel stated that “it appear[ed] that the fire originated from a mechanical failure in the C-521 vacuum machine area.”

87. Denied.

88. Denied as stated. U. S. Steel admits only that COG generated by the Clairton Plant was not treated at the No. 2 Control Room, No. 5 Control Room or the Desulfurization Plant from December 24, 2018 until April 4, 2019. The allegations in this paragraph are otherwise denied.

89. Denied as stated. U. S. Steel denies that U. S. Steel continued to operate the Clairton Plant under normal operating conditions after the fire. The allegations in this paragraph are otherwise admitted.

90. Denied as stated. U. S. Steel denies that it continued to produce COG at the same rates as under normal operating conditions. The allegations in this paragraph are otherwise admitted.

91. Denied as stated. U. S. Steel admits only that COG generated by the Clairton Plant was not treated at the No. 2 Control Room, No. 5 Control Room or the Desulfurization Plant from December 24, 2018 until April 4, 2019. The allegations in this paragraph are otherwise admitted.

92. Denied.

93. Denied.

94. Denied as stated. U. S. Steel denies that COG generated by the Clairton Plant was not treated by any pollution removal or destructing equipment following the fire. U. S. Steel

admits that it reduced the relative percentage of COG it used as fuel at multiple locations at its plants.

95. Denied as stated. U. S. Steel denies that COG generated by the Clairton Plant was not treated by any pollution removal or destructing equipment following the December 24, 2018 fire. In addition, U. S. Steel denies that the Clairton Plant used 10-20% of untreated COG for fuel for Boilers Nos. 1 and 2. The allegations in this paragraph are otherwise admitted.

96. Denied as stated. It is admitted only that some COG was combusted using flares at the Irvin Plant. It is denied that the COG was “Raw.”

97. U. S. Steel admits that from December 24, 2018 until April 4, 2019, the plants emitted more SO₂ than is typically emitted when the Clairton Plant’s Control Rooms 2 and 5 are operating as intended. The allegations in this paragraph are otherwise denied.

98. Denied.

99. Denied.

100. Admitted.

101. Admitted.

102. Denied.

103. Denied.

104. Admitted.

105. Denied.

106. Denied as stated. U. S. Steel admits only that the document hyperlinked in this paragraph of the Complaint states that hydrogen sulfide can remain in the air from 1 to 42 days, depending on the seasons.

107. U. S. Steel admits only that, at certain levels, H₂S can possess a “rotten egg” smell.

108. Denied.

109. Admitted.

110. U. S. Steel admits only that, at certain levels, SO₂ can possess a “pungent” odor.

111. Denied as stated. U. S. Steel admits only that certain reports have stated that SO₂, at certain levels, can have the alleged effects.

112. Denied as stated. U. S. Steel admits only that certain reports have stated that SO₂, at certain levels, can have the alleged effects.

113. Denied as stated. U. S. Steel admits only that certain reports have stated that SO₂, at certain levels, can have the alleged effects.

114. Denied as stated. U. S. Steel denies that sulfate particles are necessarily formed from SO₂ emissions.

115. Denied as stated. U. S. Steel denies that sulfate particles necessarily contribute to the formation of acid rain and the associated effects of acid rain alleged in this paragraph.

116. Denied as stated. U. S. Steel denies that SO₂ exposure at any amount necessarily causes, contributes, or is linked to central nervous system disease and disorders.

117. Denied.

118. Denied as stated. U. S. Steel admits only that SO₂ has been identified as a precursor that can, under certain circumstances, lead to the formation of PM 2.5.

119. Denied as stated. U. S. Steel admits that EPA has referred to PM as “soot,” however, U. S. Steel denies that “soot” is synonymous with PM.

120. Denied as stated. U. S. Steel denies that PM is necessarily made up of acids, organic chemicals, metals, and soil or dust particles.

121. Denied as stated. U. S. Steel denies that general PM is a criteria pollutant subject to NAAQS. U. S. Steel admits that certain categories of PM are criteria pollutants subject to NAAQS.

122. Denied as stated. U. S. Steel denies that PM exposure at any amount necessarily causes, contributes, or is linked to the health effects alleged in this paragraph.

123. Denied as stated. U. S. Steel denies that PM exposure at any amount necessarily causes, contributes, or is linked to the health effects alleged in this paragraph.

124. Denied as stated. U. S. Steel denies that PM exposure at any amount necessarily causes, contributes, or is linked to the health effects alleged in this paragraph.

125. Denied.

126. Denied as stated. U. S. Steel denies that PM at any amount necessarily causes haze.

127. Denied as stated. U. S. Steel denies that settling of PM at any amount on ground or water necessarily contributes to the environmental impacts alleged in the paragraph.

128. Denied as stated. U. S. Steel denies that VOCs at any amount necessarily have short- and long-term adverse health effects.

129. Denied as stated. U. S. Steel denies that exposure to VOCs at any amount necessarily causes, contributes or is linked to the health effects alleged in this paragraph.

130. Admitted.

131. Denied as stated. U. S. Steel denies that benzene exposure at any amount necessarily causes, contributes to or is linked to cancer or neurological harm.

THE PLANTS AND THEIR TITLE V PERMITS

132. Admitted.

133. Admitted.

134. Admitted.

135. Admitted.

136. Denied as stated. U. S. Steel admits that ACHD issued the Installation Permit 0052-I017 (the “Clairton Installation Permit”). U. S. Steel denies that ACHD issued the Clairton Installation Permit pursuant to Clairton’s Title V Permit General Condition III.39.

137. Denied as stated. U. S. Steel admits only that, during the time of the violations alleged in Plaintiffs’ Complaint, the Irvin Plant was subject to Title V Operating Permit No. 0050. On June 21, 2019, however, ACHD amended the permit, which is now referred to as Title V Operating Permit No. 0050a.

138. Admitted.

139. Denied as stated. U. S. Steel admits only that ACHD issued the Installation Permit 0050-I008 (the “Irvin Installation Permit”) and, on June 21, 2019, ACHD issued an administrative amendment to the Irvin Operating Permit incorporating the Irvin Installation Permit.

140. Denied as stated. U. S. Steel admits only that, during the time of the violations alleged in Plaintiffs’ Complaint, the Edgar Thomson Plant was subject to Title V Operating Permit No. 0051. On June 21, 2019, however, ACHD amended the permit, which is now referred to as Title V Operating Permit No. 0051a.

141. Admitted.

142. Denied as stated. U. S. Steel admits that ACHD issued Installation Permit 0051-I008 (the “Edgar Thomson Installation Permit”) and, on June 21, 2019, ACHD issued an administrative amendment to the Edgar Thomson Operating Permit incorporating the Edgar Thomson Installation Permit.

143. U. S. Steel admits that the Clairton, Irvin and Edgar Thomson Operating Permits contain the quoted language in the paragraph.

144. U. S. Steel admits that the Clairton, Irvin and Edgar Thomson Operating Permits contain the quoted language in the paragraph.

145. Admitted.

146. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is deemed to be required, U. S. Steel denies the allegations in this paragraph.

147. U. S. Steel admits only that 42 U.S.C. § 7661a(a) contains the quoted language in this paragraph. U. S. Steel denies that the excerpt quoted in this paragraph is a complete recitation of the statutory provision cited.

148. Admitted.

149. Denied as stated. U. S. Steel denies that each portion of the Pennsylvania SIP is calculated or geared towards compliance with federally promulgated NAAQS.

150. Denied as stated. U. S. Steel denies that the entirety of Article XXI of the Allegheny County Health Department Rules and Regulations is part of the Pennsylvania SIP. U. S. Steel admits the remaining allegations in this paragraph.

151. Denied.

152. Admitted.

153. Admitted.

PLAINTIFFS' ALLEGATIONS THAT U. S. STEEL IS REQUIRED TO REPORT VIOLATIONS OF THE PERMITS TO ACHD

154. Denied as stated. U. S. Steel admits only that the Clairton, Edgar Thomson and Irvin Operating Permits all contain "Reporting Requirements" requiring that reports of required

monitoring, including deviations from permit requirements, be submitted pursuant to the terms of the permits.

155. U. S. Steel admits that this paragraph accurately quotes language contained in the Clairton, Edgar Thomson and Irvin Operating Permits.

156. Admitted.

157. Admitted.

158. U. S. Steel admits that this paragraph accurately quotes language contained in the Clairton, Edgar Thomson and Irvin Operating Permits.

159. Denied as stated. U. S. Steel admits only that, on March 19, 2019, it submitted to ACHD the spreadsheet attached to the Complaint as Exhibit 4. The spreadsheet contains monitoring data related to the Clairton Plant from December 24, 2018 to March 16, 2019, including H₂S (in gr/dscf) concentration data measured at different locations at the Clairton Plant, and calculation of SO₂ emissions from certain locations at the Clairton Plant based on H₂S concentration, fuel flow, and destruction efficiency factor. U. S. Steel denies that the emissions of SO₂ occurred from each of the locations identified in the spreadsheet.

160. Denied as stated. U. S. Steel admits only that, on March 19, 2019, it submitted to ACHD the spreadsheet attached to the Complaint as Exhibit 5. The spreadsheet contains monitoring data related to the Irvin Plant from December 24, 2018 to March 16, 2019, including H₂S (in gr/dscf) concentration data measured at different locations at the Irvin Plant, and calculation of SO₂ emissions from certain locations at the Irvin Plant based on H₂S concentration, fuel flow, and destruction efficiency factor. U. S. Steel denies that the emissions of SO₂ occurred from each of the locations identified in the spreadsheet.

161. Denied as stated. U. S. Steel admits only that, on March 19, 2019, it submitted to ACHD the spreadsheet attached to the Complaint as Exhibit 6. The spreadsheet contains monitoring data related to the Edgar Thomson Plant from December 24, 2018 to March 16, 2019, including H₂S (in gr/dscf) concentration data measured at different locations at the Edgar Thomson Plant, and calculation of SO₂ emissions from certain locations at the Edgar Thomson Plant based on H₂S concentration, fuel flow, and destruction efficiency factor. U. S. Steel denies that the emissions of SO₂ occurred from each of the locations identified in the spreadsheet.

162. Denied as stated. U. S. Steel admits only that, on March 19, 2019, it submitted to ACHD the spreadsheet attached to the Complaint as Exhibit 7. The spreadsheet contains monitoring data related to the Mon Valley Works from December 24, 2018 to March 16, 2019, including H₂S (in daily average grains) concentration data measured at different locations at the Mon Valley Works, and calculation of SO₂ emissions from certain locations at the Mon Valley Works based on H₂S concentration, fuel flow, and destruction efficiency factor. U. S. Steel denies that the emissions of SO₂ occurred from each of the locations identified in the spreadsheet.

ALLEGED VIOLATIONS OF THE CLEAN AIR ACT

163. U. S. Steel incorporates its response to paragraphs 1-162 into each paragraph below.

164. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is deemed to be required, U. S. Steel denies the allegations in this paragraph.

165. Denied.

166. U. S. Steel admits only that the Clairton Operating Permit includes terms and conditions related to pollution control equipment. The remaining allegations in this paragraph are

legal conclusions to which no response is required. To the extent a response is deemed to be required, U. S. Steel denies those allegations.

167. Denied as stated. U. S. Steel admits only that the Clairton Operating Permit contains “Emission Unit Level Conditions” for the batteries specified in this paragraph.

168. Admitted.

169. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is deemed to be required, U. S. Steel denies the allegations in this paragraph to the extent it provides that coke oven operators necessarily must install and maintain control devices for emissions from coke oven batteries.

170. Admitted.

171. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is deemed to be required, U. S. Steel denies the allegations in this paragraph.

172. U. S. Steel denies that it operated coke oven batteries from December 24, 2018 until April 4, 2019 while certain Control Devices were not in operation. The remaining allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is deemed to be required, U. S. Steel denies those allegations.

173. Admitted.

174. U. S. Steel admits only that Condition V.K(1)(a) states: “The SCOT Plant incinerator shall be properly maintained and operated according to good engineering and air pollution control practices at all times.”

175. Denied as stated. U. S. Steel admits only that from December 24, 2018 until April 4, 2019, U. S. Steel operated coke oven batteries at the Clairton Plant and temporarily directed

coke oven gas away from the SCOT Plant incinerator. The remaining allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is deemed to be required, U. S. Steel denies those allegations.

176. U. S. Steel admits that this paragraph accurately quotes portions of language contained in the Clairton Operating Permit. U. S. Steel denies that these conditions necessarily require operation of one Claus Plant when coke oven gas is being produced and that they be capable of independently processing all of the coke oven gas produced by the coke plant at full production.

177. Denied as stated. U. S. Steel admits only that from December 24, 2018 until April 4, 2019, U. S. Steel operated coke oven batteries at the Clairton Plant and temporarily directed coke oven gas away from its Claus Plants until damage caused by the December 24, 2018 fire was repaired. The remaining allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is deemed to be required, U. S. Steel denies those allegations.

178. U. S. Steel admits that this paragraph accurately quotes portions of language contained in the Clairton Operating Permit. U. S. Steel denies that this condition necessarily imposes the requirements stated in this paragraph.

179. Denied as stated. U. S. Steel admits only that from December 24, 2018 until April 4, 2019, U. S. Steel operated coke oven batteries at the Clairton Plant and temporarily directed coke oven gas away from its HCN Destruct Unit until damage caused by the December 24, 2018 fire was repaired. The remaining allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is deemed to be required, U. S. Steel denies those allegations.

180. U. S. Steel admits that this paragraph accurately quotes portions of language contained in the Clairton Operating Permit. U. S. Steel denies that this condition necessarily imposes the requirements stated in this paragraph.

181. Denied as stated. U. S. Steel admits only that from December 24, 2018 until April 4, 2019, U. S. Steel operated coke oven batteries at the Clairton Plant and temporarily directed coke oven gas away from its Vacuum Carbonate Unit and Axi compressors until damage caused by the December 24, 2018 fire was repaired. The remaining allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is deemed to be required, U. S. Steel denies those allegations.

182. Denied as stated. U. S. Steel admits only that it submitted breakdown reports to ACHD and reported downtime of the Desulfurization Plant, Vacuum Carbonate Unit, and the Light Oils Recovery unit to ACHD. U. S. Steel denies that such information reported necessarily constitutes deviations from permit conditions.

183. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is deemed to be required, U. S. Steel denies the allegations in this paragraph.

184. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is deemed to be required, U. S. Steel denies the allegations in this paragraph.

185. Denied.

COUNT II: Alleged Creation of “Air Pollution”

186. Admitted.

187. Denied as stated. U. S. Steel admits only that from December 24, 2018 until April 4, 2019, U. S. Steel operated coke oven batteries at the Clairton Plant and temporarily directed COG away from its Desulfurization Plant until damage caused by the December 24, 2018 fire was repaired. During this time period COG was combusted at the Clairton, Edgar Thomson and Irvin Plants. It is denied that the COG was “Raw.”

188. Admitted.

189. Denied as stated. U. S. Steel admits only that from December 24, 2018 until April 4, 2019, U. S. Steel operated coke oven batteries at the Clairton Plant and temporarily directed COG away from its Desulfurization Plant until damage caused by the December 24, 2018 fire was repaired. During this time period, COG was flared at the Irvin Plant. It is denied that the COG was “unprocessed.”

190. Denied as stated. U. S. Steel admits only that, from December 24, 2018 until April 4, 2019, it combusted COG as fuel at some units at the Edgar Thomson Plant that had not been processed by the Desulfurization Plant.

191. Denied as stated. U. S. Steel admits only that, on January 9, 2019, ACHD issued a press release which speaks for itself and which identifies the communities listed in this paragraph.

192. U. S. Steel admits only that this paragraph quotes selective portions of language contained in public statements that were made by ACHD.

193. U. S. Steel admits only that this paragraph quotes selective portions of language contained in public statements that were made by ACHD.

194. Admitted.

195. Denied as stated. U. S. Steel admits only that the Liberty monitor is approximately two miles from the Clairton Plant and ACHD monitors PM 10, PM 2.5 and SO2 at the Liberty monitor.

196. Denied as stated. U. S. Steel admits only that the North Braddock monitor is ACHD's closest monitor to the Edgar Thompson Plant and ACHD monitors SO2 at the North Braddock monitor.

197. Denied.

198. Denied.

199. Denied.

200. Admitted.

201. Admitted.

202. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is deemed to be required, U. S. Steel denies the allegations in this paragraph.

203. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is deemed to be required, U. S. Steel denies the allegations in this paragraph.

204. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is deemed to be required, U. S. Steel denies the allegations in this paragraph.

205. Denied.

COUNT III: Alleged Violations of Hydrogen Sulfide Limits

206. Denied as stated. U. S. Steel admits only that the Clairton Operating Permit contains limits related to the concentration of sulfur compounds, measured as hydrogen sulfide, in coke oven gas that is flared mixed or combusted.

207. Admitted.

208. Denied as stated. U. S. Steel admits that it is subject to Condition V.K(1)(j) of the Clairton Operating Permit, however, the allegations in this paragraph do not completely and accurately reflect the language contained in that condition.

209. Denied as stated. U. S. Steel admits that it is subject to the referenced conditions of the Clairton Operating Permit, however, the allegations in this paragraph do not completely and accurately reflect the language contained in those conditions.

210. Denied as stated. U. S. Steel admits only that ACHD issued the Clairton Installation Permit to U. S. Steel Mon Valley Works Clairton Plant and this permit contains a SO₂ Compliance Monitoring limits of 35 grains per hundred dry standard cubic feet of coke oven gas produced by the Clairton Plant related to the concentration of sulfur compounds, measured as hydrogen sulfide.

211. Admitted.

212. Denied as stated. The lowest measurement related to the Unit #1 UF was 5.2 gr/dscf and the lowest measurement related to the Unit #2 UF was 6.8 gr/dscf. U. S. Steel admits the remaining allegations in this paragraph.

213. U. S. Steel lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph about what information is available to Plaintiffs and, on that basis, denies the allegations in this paragraph.

214. U. S. Steel admits that, as of April 4, 2019, it resumed desulfurizing 100% of the gas generated at the Clairton Plant and that its monitoring data reflects that, from March 17, 2019 until April 4, 2019, H₂S measurements exceeded 40 gr/dscf.

215. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is deemed to be required, U. S. Steel denies the allegations in this paragraph.

216. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is deemed to be required, U. S. Steel denies the allegations in this paragraph.

217. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is deemed to be required, U. S. Steel denies the allegations in this paragraph.

Alleged Violations of Irvin Plant Hydrogen Sulfide Limits

218. Denied as stated. U. S. Steel admits only that the Irvin Operation Permit contains limits related to the concentration of sulfur compounds, measured as hydrogen sulfide, in coke oven gas that is flared, mixed or combusted.

219. Denied as stated. U. S. Steel admits that it is subject to Condition V.J(1)(a) of the Irvin Operation Permit, however, this paragraph does not completely and accurately reflect the language contained in that condition.

220. Denied as stated. U. S. Steel admits that it is subject to Condition V.A(1)(d) of the Irvin Operation Permit, however, the allegations in this paragraph do not completely and accurately reflect the language contained in that condition.

221. Denied as stated. U. S. Steel admits that it is subject to Condition V.E(1)(d) of the Irvin Operation Permit, however, the allegations in this paragraph do not completely and accurately reflect the language contained in that condition.

222. Denied as stated. U. S. Steel admits that it is subject to Condition V.F(1)(h) of the Irvin Operation Permit, however, the allegations in this paragraph do not completely and accurately reflect the language contained in that condition.

223. Denied as stated. U. S. Steel admits that it is subject to Condition V.G(1)(f) of the Irvin Operation Permit, however, the allegations in this paragraph do not completely and accurately reflect the language contained in that condition.

224. Denied as stated. U. S. Steel admits that it is subject to the referenced conditions of the Irvin Operation Permit, however, the allegations in this paragraph do not completely and accurately reflect the language contained in those conditions.

225. Denied as stated. U. S. Steel admits only that the Irvin Operation Permit, at page 39, states: “Under the current operating scenario coke oven gas measurements are taken at the Clairton Plant ...”

226. Denied.

227. Denied as stated. U. S. Steel admits only that the spreadsheet attached to the Complaint as Exhibit 5 contains monitoring data related to the Irvin Plant from December 24, 2018 to March 16, 2019, including H₂S (in gr/dscf) data measured at the B Line.

228. Denied as stated. U. S. Steel admits only that its monitoring data reflects that from December 24, 2018 to March 16, 2019, H₂S measurements (in gr/dscf) at the B Line were greater than 35 gr/dscf and ranged from a low of 122.1 gr/dscf to a high of 252.0 gr/dscf.

229. U. S. Steel admits that it has information related to measurements of H₂S concentrations in COG burned as fuel or used in flares at the Irvin Plant from March 17, 2019 to the present. U. S. Steel lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph about what information is available to Plaintiffs and, on that basis, denies the remaining allegations in this paragraph.

230. Admitted.

231. U. S. Steel admits that, as of April 4, 2018, it resumed desulfurizing 100% of the gas generated at the Clairton Plant and that its monitoring data reflects that, from March 17, 2019 until April 4, 2019, H₂S measurements exceeded 35 gr/dscf.

232. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is deemed to be required, U. S. Steel denies the allegations in this paragraph.

233. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is deemed to be required, U. S. Steel denies the allegations in this paragraph.

234. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is deemed to be required, U. S. Steel denies the allegations in this paragraph.

Alleged Violations of Edgar Thomson Plant Hydrogen Sulfide Limits

235. Denied as stated. U. S. Steel admits only that the Edgar Thomson Operating Permit contains limits related to the concentration of sulfur compounds, measured as hydrogen sulfide, in coke oven gas that is flared, mixed or combusted.

236. Denied as stated. U. S. Steel admits that it is subject to Condition V.B(1)(C) of the Edgar Thomson Operating Permit, however, the allegations in this paragraph do not completely and accurately reflect the language contained in that condition.

237. Denied as stated. U. S. Steel admits that it is subject to Condition V.F(1)(a) of the Edgar Thomson Operating Permit, however, the allegations in this paragraph do not completely and accurately reflect the language contained in that condition.

238. Denied as stated. U. S. Steel admits that it is subject to Condition V.H(1)(e) of the Edgar Thomson Operating Permit, however, the allegations in this paragraph do not completely and accurately reflect the language contained in that condition.

239. Denied as stated. U. S. Steel admits only that the Edgar Thomson Operating Permit, at page 41, states: “Under the current operating scenario coke oven gas measurements are taken at the Clairton Plant ...”

240. Denied.

241. Admitted.

242. Denied as stated. U. S. Steel admits only that its monitoring data reflects that from December 24, 2018 to March 16, 2019, H₂S measurements (in gr/dscf) at the A Line and B Line were greater than 35 gr/dscf and ranged from a low of 107 gr/dscf to a high of 239.5 gr/dscf at the A Line and ranged from a low of 122.1 gr/dscf to a high of 252.0 gr/dscf at the B Line.

243. U. S. Steel admits that it has information related to measurements of H₂S concentrations in COG burned as fuel at the Edgar Thomson Plant from March 17, 2019 to the present. U. S. Steel lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph about what information is available to Plaintiffs and, on that basis, denies the allegations in this paragraph.

244. Admitted.

245. U. S. Steel admits that, as of April 4, 2018, it resumed desulfurizing 100% of the gas generated at the Clairton Plant and that its monitoring data reflects that, from March 17, 2019 until April 4, 2019, H₂S measurements exceeded 35 gr/dscf.

246. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is deemed to be required, U. S. Steel denies the allegations in this paragraph.

247. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is deemed to be required, U. S. Steel denies the allegations in this paragraph.

248. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is deemed to be required, U. S. Steel denies the allegations in this paragraph.

249. Denied.

250. Denied.

COUNT IV: Alleged Violations of Sulfur Dioxide Limits

251. Admitted.

Alleged Violations of Clairton Works Sulfur Dioxide Limits

252. Denied as stated. U. S. Steel admits only that the Clairton Operating Permit includes limitations on the rate and amount of sulfur dioxide (SO₂) for certain emissions sources at the Clairton Plant. U. S. Steel denies that there is a facility-wide SO₂ limit for the Clairton Plant.

253. Denied.

254. U. S. Steel admits that it has information related to SO₂ emissions at the Clairton Plant from March 17, 2019 to the present. U. S. Steel lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph about what information is available to Plaintiffs and, on that basis, denies the allegations in this paragraph.

Batteries 1, 2, and 3 SO₂ Limits

255. Denied as stated. U. S. Steel denies that Clairton Operating Permit condition V.A(1)(v) necessarily establishes the applicable SO₂ limit for Batteries 1, 2 and 3 combustion stacks.

256. Denied as stated. U. S. Steel admits that it is subject to Condition V.A(1)(b) of the Clairton Installation Permit, however, the allegations in this paragraph do not completely and accurately reflect the language contained in that condition.

257. Denied as stated. U. S. Steel admits that it is subject to Condition V.A(1)(b) of the Clairton Installation Permit, however, the allegations in this paragraph do not completely and accurately reflect the language contained in that condition.

258. Denied as stated. U. S. Steel admits only that it calculated SO₂ emissions from December 24, 2018 until March 16, 2019 that exceeded the numerical limits contained in the referenced permit conditions for the referenced batteries.

259. Denied as stated. U. S. Steel admits only that it calculated SO₂ emissions from December 24, 2018 until March 16, 2019 that exceeded the numerical limits contained in the referenced permit conditions for the referenced batteries.

260. Denied as stated. U. S. Steel admits only that it calculated SO₂ emissions from January 7, 2019 until March 16, 2019 that exceeded the numerical limits contained in the referenced permit conditions for the referenced batteries.

261. Denied as stated. U. S. Steel admits only that it calculated SO2 emissions from March 16, 2019 until April 4, 2019 that exceeded the numerical limits contained in the referenced permit conditions for the referenced batteries.

Batteries 13, 14, 15 SO2 Limits

262. Denied as stated. U. S. Steel denies that Clairton Operating Permit condition V.C(1)(v) necessarily establishes the applicable SO2 limit for Batteries 13, 14 and 15 combustion stacks.

263. Denied as stated. U. S. Steel admits that it is subject to Condition V.A(1)(b) of the Clairton Installation Permit, however, the allegations in this paragraph do not completely and accurately reflect the language contained in that condition.

264. Denied as stated. U. S. Steel admits that it is subject to Condition V.A(1)(b) of the Clairton Installation Permit, however, the allegations in this paragraph do not completely and accurately reflect the language contained in that condition.

265. Denied as stated. U. S. Steel admits only that it calculated SO2 emissions from December 24, 2018 until March 16, 2019 that exceeded the numerical limits contained in the referenced permit conditions for the referenced batteries.

266. Denied as stated. U. S. Steel admits only that it calculated SO2 emissions from December 24, 2018 until March 16, 2019 that exceeded the numerical limits contained in the referenced permit conditions for the referenced batteries.

267. Denied as stated. U. S. Steel admits only that it calculated SO2 emissions from January 7, 2019 until March 16, 2019 that exceeded the numerical limits contained in the referenced permit conditions for the referenced batteries.

268. Denied as stated. U. S. Steel admits only that it calculated SO₂ emissions from March 16, 2019 until April 4, 2019 that exceeded the numerical limits contained in the referenced permit conditions for the referenced batteries.

Battery 19 SO₂ Limits

269. Denied as stated. U. S. Steel denies that Clairton Operating Permit condition V.E(1)(bb) necessarily establishes the applicable SO₂ limit for Battery 19 combustion stack.

270. Denied as stated. U. S. Steel admits that it is subject to Condition V.A(1)(b) of the Clairton Installation Permit, however, the allegations in this paragraph do not completely and accurately reflect the language contained in that condition.

271. Denied as stated. U. S. Steel admits that it is subject to Condition V.A(1)(b) of the Clairton Installation Permit, however, the allegations in this paragraph do not completely and accurately reflect the language contained in that condition.

272. Denied as stated. U. S. Steel admits only that it calculated SO₂ emissions from December 24, 2018 until March 16, 2019 that exceeded the numerical limits contained in the referenced permit conditions for the referenced batteries.

273. Denied as stated. U. S. Steel admits only that it calculated SO₂ emissions from December 24, 2018 until March 16, 2019 that exceeded the numerical limits contained in the referenced permit conditions for the referenced batteries.

274. Denied as stated. U. S. Steel admits only that it calculated SO₂ emissions from January 7, 2019 until March 16, 2019 that exceeded the numerical limits contained in the referenced permit conditions for the referenced batteries.

275. Denied as stated. U. S. Steel admits only that it calculated SO₂ emissions from March 16, 2019 until April 4, 2019 that exceeded the numerical limits contained in the referenced permit conditions for the referenced batteries.

Battery 20 SO2 Limits

276. Denied as stated. U. S. Steel denies that Clairton Operating Permit condition V.E(1)(cc) necessarily establishes the applicable SO2 limit for Battery 20 combustion stack.

277. Denied as stated. U. S. Steel admits that it is subject to Condition V.A(1)(b) of the Clairton Installation Permit, however, the allegations in this paragraph do not completely and accurately reflect the language contained in that condition.

278. Denied as stated. U. S. Steel admits that it is subject to Condition V.A(1)(b) of the Clairton Installation Permit, however, the allegations in this paragraph do not completely and accurately reflect the language contained in that condition.

279. Denied as stated. U. S. Steel admits only that it calculated SO2 emissions from December 24, 2018 until March 16, 2019 that exceeded the numerical limits contained in the referenced permit conditions for the referenced batteries.

280. Denied as stated. U. S. Steel admits only that it calculated SO2 emissions from December 24, 2018 until March 16, 2019 that exceeded the numerical limits contained in the referenced permit conditions for the referenced batteries.

281. Denied as stated. U. S. Steel admits only that it calculated SO2 emissions from January 7, 2019 until March 16, 2019 that exceeded the numerical limits contained in the referenced permit conditions for the referenced batteries.

282. Denied as stated. U. S. Steel admits only that it calculated SO2 emissions from March 16, 2019 until April 4, 2019 that exceeded the numerical limits contained in the referenced permit conditions for the referenced batteries.

Battery B SO2 Limits

283. Denied as stated. U. S. Steel denies that Clairton Operating Permit condition V.G(1)(v) necessarily establishes the applicable SO2 limit for Battery B combustion stack.

284. Denied as stated. U. S. Steel admits that it is subject to Condition V.A(1)(b) of the Clairton Installation Permit, however, the allegations in this paragraph do not completely and accurately reflect the language contained in that condition.

285. Denied as stated. U. S. Steel admits that it is subject to Condition V.A(1)(b) of the Clairton Installation Permit, however, the allegations in this paragraph do not completely and accurately reflect the language contained in that condition.

286. Denied as stated. U. S. Steel admits only that it measured SO2 emissions from December 24, 2018 until March 16, 2019 that exceeded the numerical limits contained in the referenced permit conditions for the referenced batteries.

287. Denied as stated. U. S. Steel admits only that it measured SO2 emissions from December 24, 2018 until March 16, 2019 that exceeded the numerical limits contained in the referenced permit conditions for the referenced batteries.

288. Denied as stated. U. S. Steel admits only that it measured SO2 emissions from January 7, 2019 until March 16, 2019 that exceeded the numerical limits contained in the referenced permit conditions for the referenced batteries.

289. Denied as stated. U. S. Steel admits only that it measured SO2 emissions from March 16, 2019 until April 4, 2019 that exceeded the numerical limits contained in the referenced permit conditions for the referenced batteries.

290. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is deemed to be required, U. S. Steel denies the allegations in this paragraph.

291. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is deemed to be required, U. S. Steel denies the allegations in this paragraph.

Alleged Violations of Irvin Plant Sulfur Dioxide Limits

292. Denied as stated. U. S. Steel admits only that the Irvin Operation Permit includes limitations on the rate and amount of sulfur dioxide (SO₂) for certain emissions sources at the Irvin Plant. U. S. Steel denies that there is a facility-wide SO₂ limit for the Irvin Plant.

293. Denied as stated. U. S. Steel denies that the Exhibit 5 spreadsheet reports daily SO₂ emissions from each permitted source of SO₂ emissions at the Irvin Plant.

294. U. S. Steel lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph about what information is available to Plaintiffs and, on that basis, denies the allegations in this paragraph.

Hot Strip Mill Reheat Furnaces SO₂ Limits

295. Denied. as stated. U. S. Steel admits only that, during the time of the violations alleged in Plaintiffs' Complaint, it was subject to Condition V.A(1)(f) of the Irvin Operating Permit, however, the allegations in this paragraph do not completely and accurately reflect the language contained in that condition.

296. Denied as stated. U. S. Steel admits only that, during the time of the violations alleged in Plaintiffs' Complaint, it was subject to Condition V.A(1)(b) of the Irvin Installation

Permit, however, the allegations in this paragraph do not completely and accurately reflect the language contained in that condition.

297. Denied as stated. U. S. Steel admits only that, during the time of the violations alleged in Plaintiffs' Complaint, it was subject to Condition V.A(1)(b) of the Irvin Installation Permit, however, the allegations in this paragraph do not completely and accurately reflect the language contained in that condition.

298. Denied as stated. U. S. Steel admits only that it measured SO₂ emissions on the referenced dates that exceeded the numerical limits contained in the referenced permit condition for the referenced furnaces.

299. Denied as stated. U. S. Steel admits only that it measured SO₂ emissions on the referenced dates that exceeded the numerical limits contained in the referenced permit condition for the referenced furnaces.

300. Denied as stated. U. S. Steel admits only that it measured SO₂ emissions on the referenced dates that exceeded the numerical limits contained in the referenced permit condition for the referenced furnaces.

301. Denied as stated. U. S. Steel admits only that it measured SO₂ emissions between March 16, 2019 and April 4, 2019 that exceeded the numerical limits contained in the referenced permit condition for the referenced furnaces.

Boiler No. 1 SO₂ Limits

302. Denied as stated. U. S. Steel admits only that, during the time of the violations alleged in Plaintiffs' Complaint, it was subject to Condition V.K(1)(f) of the Irvin Operating Permit, however, the allegations in this paragraph do not completely and accurately reflect the language contained in that condition.

303. Denied as stated. U. S. Steel admits only that, during the time of the violations alleged in Plaintiffs' Complaint, it was subject to Condition V.A(1)(b) of the Irvin Installation Permit, however, the allegations in this paragraph do not completely and accurately reflect the language contained in that condition.

304. Denied as stated. U. S. Steel admits only that, during the time of the violations alleged in Plaintiffs' Complaint, it was subject to Condition V.A(1)(b) of the Irvin Installation Permit, however, the allegations in this paragraph do not completely and accurately reflect the language contained in that condition.

305. Denied as stated. U. S. Steel admits only that it measured SO2 emissions on the referenced dates that exceeded the numerical limits contained in the referenced permit condition for Boiler No. 1.

306. Denied as stated. U. S. Steel admits only that it measured SO2 emissions on the referenced dates that exceeded the numerical limits contained in the referenced permit condition for Boiler No. 1.

307. Denied as stated. U. S. Steel admits only that it measured SO2 emissions on the referenced dates that exceeded the numerical limits contained in the referenced permit condition for Boiler No. 1.

308. Denied as stated. U. S. Steel admits only that it measured SO2 emissions between March 16, 2019 and April 4, 2019 that exceeded the numerical limits contained in the referenced permit condition for Boiler No. 1.

Boiler No. 2 SO2 Limits

309. Denied as stated. U. S. Steel admits only that, during the time of the violations alleged in Plaintiffs' Complaint, it was subject to Condition V.L(1)(f) of the Irvin Operating

Permit, however, the allegations in this paragraph do not completely and accurately reflect the language contained in that condition.

310. Denied as stated. U. S. Steel admits only that, during the time of the violations alleged in Plaintiffs' Complaint, it was subject to Condition V.A(1)(b) of the Irvin Installation Permit, however, the allegations in this paragraph do not completely and accurately reflect the language contained in that condition.

311. Denied as stated. U. S. Steel admits only that, during the time of the violations alleged in Plaintiffs' Complaint, it was subject to Condition V.A(1)(b) of the Irvin Installation Permit, however, the allegations in this paragraph do not completely and accurately reflect the language contained in that condition.

312. Denied as stated. U. S. Steel admits only that it measured SO₂ emissions on January 10, 2019 that exceeded the numerical limits contained in the referenced permit condition for Boiler No. 2.

313. Denied as stated. U. S. Steel admits only that it measured SO₂ emissions on the referenced dates that exceeded the numerical limits contained in the referenced permit condition for Boiler No. 2.

314. Denied as stated. U. S. Steel admits only that it measured SO₂ emissions on the referenced dates that exceeded the numerical limits contained in the referenced permit condition for Boiler No. 2.

315. Denied as stated. U. S. Steel admits only that it measured SO₂ emissions between March 16, 2019 and April 4, 2019 that exceeded the numerical limits contained in the referenced permit conditions for Boiler No. 2.

316. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is deemed to be required, U. S. Steel denies the allegations in this paragraph.

317. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is deemed to be required, U. S. Steel denies the allegations in this paragraph.

318. Denied.

319. Denied.

PLAINTIFFS AND THEIR MEMBERS' ALLEGED HARM FROM ALLEGED CLEAN AIR ACT VIOLATIONS

320. U. S. Steel lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and, on that basis, denies the allegations in this paragraph.

321. U. S. Steel lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and, on that basis, denies the allegations in this paragraph.

322. U. S. Steel lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and, on that basis, denies the allegations in this paragraph.

323. The allegations in this paragraph concerning the alleged legality of emissions are legal conclusions to which no response is required. To the extent a response is deemed to be required, U. S. Steel denies those allegations in this paragraph. U. S. Steel lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in this paragraph and, on that basis, denies those allegations.

324. U. S. Steel lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and, on that basis, denies the allegations in this paragraph.

325. U. S. Steel lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and, on that basis, denies the allegations in this paragraph.

326. U. S. Steel lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and, on that basis, denies the allegations in this paragraph.

327. U. S. Steel lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and, on that basis, denies the allegations in this paragraph.

328. U. S. Steel lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and, on that basis, denies the allegations in this paragraph.

329. U. S. Steel lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and, on that basis, denies the allegations in this paragraph.

330. U. S. Steel lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and, on that basis, denies the allegations in this paragraph.

331. The allegations in this paragraph concerning alleged violations are legal conclusions to which no response is required. To the extent a response is deemed to be required, U. S. Steel denies those allegations in this paragraph. U. S. Steel lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in this paragraph and, on that basis, denies those allegations.

332. U. S. Steel lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and, on that basis, denies the allegations in this paragraph.

333. The allegations in this paragraph concerning alleged violations are legal conclusions to which no response is required. To the extent a response is deemed to be required, U. S. Steel denies those allegations in this paragraph. U. S. Steel lacks knowledge or information

sufficient to form a belief about the truth of the remaining allegations in this paragraph and, on that basis, denies those allegations.

334. U. S. Steel lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and, on that basis, denies the allegations in this paragraph.

335. U. S. Steel lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and, on that basis, denies the allegations in this paragraph.

336. U. S. Steel lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in this paragraph and, on that basis, denies those allegations.

337. U. S. Steel lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and, on that basis, denies the allegations in this paragraph.

338. U. S. Steel lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and, on that basis, denies the allegations in this paragraph.

339. The allegations in this paragraph concerning alleged violations are legal conclusions to which no response is required. To the extent a response is deemed to be required, U. S. Steel denies those allegations in this paragraph. U. S. Steel lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in this paragraph and, on that basis, denies those allegations.

340. U. S. Steel lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph and, on that basis, denies the allegations in this paragraph.

341. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is deemed to be required, U. S. Steel denies the allegations in this paragraph.

342. U. S. Steel lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph, which do not identify any particular concentration or exposure period at which the alleged health effects occur, and, on that basis, denies the allegations in this paragraph.

343. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is deemed to be required, U. S. Steel denies the allegations in this paragraph.

344. The allegations in this paragraph concerning the alleged legality of emissions are legal conclusions to which no response is required. To the extent a response is deemed to be required, U. S. Steel denies those allegations in this paragraph. U. S. Steel lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in this paragraph and, on that basis, denies those allegations.

345. The allegations in this paragraph are legal conclusions to which no response is required. To the extent a response is deemed to be required, U. S. Steel denies the allegations in this paragraph.

RELIEF REQUESTED

U. S. Steel denies that Plaintiffs are entitled to any of the relief requested in Paragraphs (a) through (h) of the “Relief Requested” section of the Complaint and requests that judgment be entered in favor of U. S. Steel, along with costs and such other and further relief as this Court deems appropriate.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE (Failure to State a Claim)

The Complaint, and each purported cause of action therein, fails to state a claim upon which relief can be granted.

**SECOND AFFIRMATIVE DEFENSE
(Lack of Standing)**

Plaintiffs, and each of their members, lack capacity to sue or the requisite standing to pursue the claims set forth in the Complaint under Article III of the United States Constitution.

**THIRD AFFIRMATIVE DEFENSE
(Lack of Proper Notice)**

The Complaint is barred, in whole or in part, because Plaintiffs' 60-day notice was inadequate and did not comply with 42 U.S.C. § 7604(b).

**FOURTH AFFIRMATIVE DEFENSE
(Merger Doctrine / Cumulative Violations)**

The Complaint is barred, in whole or in part, because Plaintiffs allege cumulative violations and/or violations prohibited by the merger doctrine.

**FIFTH AFFIRMATIVE DEFENSE
(Diligent Prosecution by Agency)**

The Complaint is barred, in whole or in part, because an agency has commenced and is diligently prosecuting an enforcement action addressing the same violations alleged in the Complaint.

**SIXTH AFFIRMATIVE DEFENSE
(Mootness)**

The Complaint, and each cause of action therein, is barred in whole or in part because it is moot.

**SEVENTH AFFIRMATIVE DEFENSE
(Lack of Causation)**

The damages that Plaintiffs claims to have sustained, if any, are in whole or in part, the proximate result of the acts or omissions of persons or entities other than U. S. Steel or any other person for whose acts or omissions U. S. Steel is not responsible.

**EIGHTH AFFIRMATIVE DEFENSE
(Permit and Regulatory Defenses)**

The Complaint is barred, in whole or in part, based on the terms of the applicable permits, SIP and local, state and federal regulations.

**NINTH AFFIRMATIVE DEFENSE
(Emergency / Force Majeure)**

The Complaint is barred, in whole or in part, based on emergency conditions or conditions outside of U. S. Steel's reasonable control.

**TENTH AFFIRMATIVE DEFENSE
(Prior Orders)**

The Complaint is barred, in whole or in part, based on the terms of prior orders that are applicable to U. S. Steel and its Mon Valley Works facilities.

**ELEVENTH AFFIRMATIVE DEFENSE
(No Entitlement to Attorneys' Fees)**

Plaintiffs are not entitled to attorneys' fees.

Dated: July 16, 2019

Respectfully submitted,

/s/ Mark K. Dausch

Mark K. Dausch

PA I.D. No. 205621

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603 Stanwix Street
Pittsburgh, Pennsylvania 15222
(412) 394-5655

*Counsel for Defendant, United States Steel
Corporation*

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing as, this 16th day of July, 2019, served via the court's electronic filing system upon the following:

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