



United States Steel Corporation  
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Pittsburgh, PA 15219-2800  
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**David W. Hacker**  
Senior Counsel-Environmental

**VIA EMAIL**

June 1, 2020

Dr. Debra L. Bogen  
Director  
Allegheny County Health Department  
542 Fourth Avenue  
Pittsburgh, PA 15219  
Sent to: [todd.bogdanovich@alleghenycounty.us](mailto:todd.bogdanovich@alleghenycounty.us)

Max Slater  
ACHD Hearing Officer  
542 Fourth Avenue  
Pittsburgh, PA 15219  
[max.slater@alleghenycounty.us](mailto:max.slater@alleghenycounty.us)

**RE: United States Steel Corporation – Clairton Plant  
Appeal of Reasonable Available Control Technology  
Installation Permit No. 0052-I020**

Dear Dr. Bogen and Hearing Officer Slater:

Pursuant to Article XI of the Rules and Regulations of the Allegheny County Health Department, United States Steel Corporation submits for filing the enclosed Notice of Appeal regarding the above-referenced permit. If you have any questions or wish to discuss this matter further, please contact me at [dwhacker@uss.com](mailto:dwhacker@uss.com) or (412) 433-2919; or Mike Winek at [mwinek@babstcalland.com](mailto:mwinek@babstcalland.com) or (412) 394-6538.

Sincerely,

A handwritten signature in blue ink that reads "David W. Hacker". A horizontal line extends from the end of the signature.

David W. Hacker

Attachments

cc: Jason Willis, Esq. (via e-mail: [Jason.Willis@AlleghenyCounty.us](mailto:Jason.Willis@AlleghenyCounty.us))  
Mike Winek (via e-mail: [mwinek@babstcalland.com](mailto:mwinek@babstcalland.com))

## Notice of Appeal

This form is used to file an appeal of an order, notice, decision, determination, or ruling by the Allegheny County Health Department. Please complete this form (use additional pages as necessary). If more than one person or entity is filing this appeal, please attach a separate form for each additional appellant. A copy of the order, notice, decision, determination, or ruling must be attached to the Notice of Appeal.

Name United States Steel Corporation - Clairton Plant

Mailing Address 400 State Street

City Clairton State PA Zip 15025 Email KBarshick@uss.com

Phone (412) 675-2600 Fax (optional) \_\_\_\_\_

If you are represented by an attorney, please provide contact information for your attorney:

Name Michael Winek, Babst Calland

Mailing Address Two Gateway Center, Sixth Floor

City Pittsburgh State PA Zip 15222 Email mwinek@babstcalland.com

Phone (412) 394-6538 Fax (optional) \_\_\_\_\_

Describe your objections to the Department's actions and a statement describing the relief you want the Hearing Officer to grant. (The objections may be factual or legal and must be specific. If you fail to state an objection here, you may be barred from raising it later in your appeal. Use additional pages if necessary.)

Please see attached.

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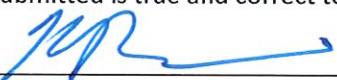
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By filing this Notice of Appeal with the Allegheny County Health Department, I hereby certify that the information submitted is true and correct to the best of my information and belief.

Signature 

Date 5/29/2020

Appeals should be submitted in person or by mail to: Allegheny County Health Department Attention: Hearing Officer 542 4th Avenue Pittsburgh, PA 15219, or emailed to the Hearing Officer at [max.slater@alleghenycounty.us](mailto:max.slater@alleghenycounty.us).

**BEFORE THE HEARING OFFICER FOR THE  
ALLEGHENY COUNTY HEALTH DEPARTMENT  
542 4TH AVENUE  
PITTSBURGH, PENNSYLVANIA 15219**

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UNITED STATES STEEL	)	
CORPORATION, a Delaware corporation,	)	
	)	
Appellant,	)	
	)	
v.	)	Appeal of Reasonable Available
	)	Control Technology Installation
ALLEGHENY COUNTY HEALTH	)	Permit No. 0052-I020
DEPARTMENT, Air Quality Program,	)	
	)	
Appellee.	)	

**NOTICE OF APPEAL**

NOW COMES, Appellant, UNITED STATES STEEL CORPORATION (hereinafter “U.S. Steel”), pursuant to Sections 1103 and 1104 of Article XI of the Allegheny County Health Department’s Rules and Regulations, before the Director of the Allegheny County Health Department (“ACHD” or “Department”), filing this appeal from the Department’s issuance of “Reasonably Available Control Technology” Installation Permit # 0052-I020 to U. S. Steel Corporation’s Clairton Plant, Clairton, Pennsylvania, with an issuance date of April 24, 2020, and received by U. S. Steel via email on April 27, 2020. A true and correct copy of the permit is provided as Exhibit A to this notice of appeal. This submission constitutes timely filing of a Notice of Appeal<sup>1</sup> of a Department action, and properly specifies the manner in which U.S. Steel is aggrieved by the Department’s action.

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<sup>1</sup> This notice of appeal is timely filed because, consistent with the Pennsylvania Supreme Court’s (COVID-19) Order Nos. 531 and 532, Judicial Administrative Docket, dated April 28, 2020, the ACHD Hearing Officer issued an emergency order, dated May 8, 2020, which provides that any administrative appeal before the ACHD Hearing Officer which was required to be filed between March 19, 2020 and June 1, 2020 shall be deemed to have been timely filed if it is filed by June 2, 2020.

## **A. Manner in which U. S. Steel is Aggrieved and Grounds for Appeal**

1. U. S. Steel owns and operates the Clairton Plant, a by-products coke facility, located at 400 State Street, Clairton Pennsylvania 15025 (hereinafter “Facility”).

2. The Department issued “Reasonably Available Control Technology (“RACT”) Installation Permit No. 0052-I020” (hereinafter “RACT Installation Permit”) on April 24, 2020, and it was received by U. S. Steel on or about April 27, 2020.

3. U. S. Steel objects to the Department’s issuance of the RACT Installation Permit. By issuing the RACT Installation Permit, the Department has abused its discretion and acted unreasonably, arbitrarily, capriciously, contrary to fact and law and in a manner not supported by evidence. U. S. Steel objects to the Department’s issuance of the RACT Installation Permit because it contains numerous enforceable conditions that are arbitrary, capricious, unreasonable, an abuse of the Department’s discretion, and contrary to law including the federal Clean Air Act, 42 U.S.C. §7401 *et seq.* (“CAA”), federal Administrative Procedures Act, 5 U.S.C. §551 *et seq.* and state and local analogs (collectively “APA”), Pennsylvania Air Pollution Control Act, 35 P.S. Section 4001 *et seq* (“APCA”), and Article XXI. The Department’s imposition of these requirements is therefore unreasonable, arbitrary and capricious, contrary to law including the CAA, APA, APCA and Article XXI, and an abuse of the Department’s discretion. U. S. Steel’s objections specifically include:

- a. The Department issued the permit without having received a complete application as required by Article XXI, § 2102.04(b), which requires: “[t]he Department shall not issue *any* [emphasis added] Installation Permit unless it has complied with all applicable requirements under this Article for public notice and received a complete

*application*... “[emphasis added]. In particular, the Department did not request nor did the Facility submit a permit application related to or for issuance of the RACT Installation Permit.

- b. The Department issued the RACT Installation Permit with *substantively different* terms and conditions than what was presented in the draft permit *and which could not be reasonably anticipated*, without affording U. S. Steel the ability to comment on the substantive changes prior to including them in the final RACT Installation Permit. Such action is contrary to law, including the APA and Article XXI, and an abuse of the Department’s discretion.
- c. The Department issued the RACT Installation Permit with new substantive conditions (including vague and ambiguous tune-up and flare minimization requirements, especially as *apparently applied* to the affected emissions units<sup>2</sup>) which are significantly different than what was provided in the draft permit (and for which could not be reasonably anticipated) *with an effective date being the same as the issued date*. U. S. Steel had no notice of the changes (and actually received the permit after its effective date), contrary to the requirements of the APA and Article XXI.
- d. Contrary to the Department’s rules and regulations, the Department issued the RACT Installation Permit, an *installation permit*, to the Facility, while the Facility did not (nor did it request) to “*install, modify, replace, reconstruct, or reactivate*” any source or air pollution control equipment at the Facility.

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<sup>2</sup> The tune up requirement is vague and ambiguous, as explained *supra*.

- e. The Department unilaterally and unlawfully issued the RACT Installation Permit imposing conditions and limits contrary to those conditions and limits imposed by Plan Approval Order and Agreement Upon Consent No. 234 (hereinafter referred to as “RACT Order 234.”) A true and correct copy of RACT Order 234 is provided as Exhibit B to this notice of appeal. Specifically, the Department *unilaterally and unlawfully* reduced the nitrogen oxide limits agreed to in RACT Order 234, which the parties previously agreed to and which continue to be a part of the Pennsylvania State Implementation Plan (“SIP”.) While U. S. Steel acknowledges that ACHD can and, at times, is required to revise its portion of the Pennsylvania SIP, it cannot unilaterally modify a Federally enforceable agreement which includes RACT Order 234. In particular, RACT Order 234 provides that, “*intending to be legally bound, the parties hereby consent* to all of the terms and conditions of the foregoing Plan Approval Order and Agreement as of the date of the above written [December 30, 1996.]<sup>3</sup>
- f. Because the Department has determined that no new controls are technologically and economically feasible and no fuel and operating scenarios regarding the affected units have changed since entering RACT Order 234, changing the limits imposed in RACT Order 234 is unlawful.

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<sup>3</sup> According to the Department, U. S. Steel provided the Department with all required information for the RACT determination. See attached letter from Jason Willis (ACHD) to David Hacker (U. S. Steel), dated November 1, 2016 (attached herein as Exhibit C). As noted therein, in 2014, U. S. Steel proposed a case by case RACT determination and that determination indicated that no changes to the existing RACT requirements are required for RACT II. In response, the Department advised U. S. Steel that U. S. Steel satisfied its RACT evaluation obligation. While in the letter the Department does not offer a final approval of the plan, the Department was afforded sufficient time to seek revision to RACT Order 234. Instead, the Department acted unlawfully by unilaterally issuing the RACT Installation Permit with conditions that are unlawful and inconsistent with RACT Order 234.

- g. The limits provided in Conditions V.A.1.(b), (c) and (e) and in Table V-A-1, on page 20 of the RACT Installation Permit, respectively, were determined in a manner which is contrary to the CAA, APCA, and the PADEP RACT II regulations (25 PA Code 129.96-129.100). Specifically, the Department imposed nitrogen oxide (“NOx”) limits for Boilers 1 and 2 that are not achievable under all previously permitted fuel and operating scenarios. The limits imposed for Boilers 1 and 2 are unlawful and unreasonably restrict U. S. Steel’s operations, and place U. S. Steel at an unfair competitive disadvantage.
- h. Conditions V.A.1.(b), (c) and (e) and in Table V-A-1, on page 20 of the RACT Installation Permit have not been demonstrated to be achievable for all currently permitted and fuel burning operating conditions and scenarios. In fact, while U. S. Steel agrees that additional controls are not technologically and economically feasible, based upon available operating and emissions data, U. S. Steel disagrees that the limits imposed are achievable under all currently (previously) permitted and fuel burning operating conditions and scenarios.
- i. Conditions V.A.1.(b), (c) and (e) and in Table V-A-1, on page 20 of the RACT Installation Permit have been derived in a manner inconsistent with the PADEP RACT II regulations.
- j. In Table V-A-1, on page 20 of the RACT Installation Permit, the averaging period for the hourly limit imposed is inconsistent with PADEP RACT II regulations, which uses 30-day rolling average limits for units equipped with Continuous Emissions Monitoring Systems (“CEMS”), which each of the boilers are equipped and use is required pursuant to existing permit requirements. Even if the hourly

limit is determined to be lawful, which it is not, the limit must be based upon a 30-day rolling average limit, as required by the PADEP RACT II regulations, not an individual hour.<sup>4</sup>

- k. The limits provided in Conditions V.B.1.(b) and V.B.1.(c) and in Table V-B-1, on page 23 of the RACT Installation Permit were determined in a manner which is contrary to the CAA, APCA, and PADEP RACT II regulations.
- l. The limits provided in Conditions V.B.1.(b) and V.B.1.(c) and in Table V-B-1, on page 23 of the RACT Installation Permit have not been demonstrated to be achievable for all currently permitted and fuel burning operating conditions and scenarios. In fact, while U. S. Steel agrees that additional controls are not feasible (as the Department has determined), based upon available operating and emissions data, U. S. Steel disagrees that the limits imposed are achievable under all currently permitted and fuel burning operating conditions and scenarios.
- m. Condition V.B.2(a), testing requirements, requires testing once every two years, not one time in each 5-year calendar, contrary to state-wide applicable PADEP RACT II regulations (25 PA Code 129.100.)
- n. Conditions V.B.1(b), V.B.1(c), Table V-B-1 and Condition V.B.2(a) of the RACT Installation Permit have been derived in a manner inconsistent with the PADEP RACT II regulations

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<sup>4</sup> U. S. Steel notes that the Department seems to acknowledge that the limit is to be applied as a rolling 30-day average, as explained in the comment and response document for the RACT Installation Permit. However, the permit does not specifically identify the limit as a rolling 30-day average, leading to an inconsistency and ambiguity when reading the permit in total with the supporting comment and response document.

- o. The limits provided in Conditions V.C.1.(b), V.C.1.(c), V.C.2(a) and in Table V-C-1 on page 25 of the RACT Installation Permit were determined in a manner which is contrary to the CAA, APCA, and PADEP RACT II regulations.
- p. The limits provided in Conditions V.C.1.(b) and V.C.1.(c) and in Table V-C-1, on page 25 of the RACT Installation Permit have not been demonstrated to be achievable for all currently permitted and fuel burning operating conditions and scenarios. In fact, while U. S. Steel agrees that additional controls are not feasible (as the Department has determined), based upon available operating and emissions data, U. S. Steel disagrees that the limits imposed are achievable under all currently permitted and fuel burning operating conditions and scenarios.
- q. Condition V.C.2(a), testing requirements, on page 25 of the RACT Installation Permit requires testing once every two years, not one time in each 5-year calendar, contrary to state-wide applicable PADEP RACT II regulations (25 PA Code 129.100)
- r. The limits provided in V.C.1.(b), V.C.1.(c), and V.C.2(a) and in Table V-C-1 on page 25 of the RACT Installation Permit have been derived in a manner inconsistent with the PADEP RACT II regulations
- s. In 2014, U. S. Steel submitted a RACT evaluation which was accepted by the Department in 2016 as U. S. Steel's request for a RACT case-by-case limitation. In the evaluation, U. S. Steel determined that the existing RACT Order 234 limits should remain in place. Instead of applying the RACT Order limits, or requesting that U. S. Steel agree to modify RACT Order 234, the Department unilaterally,

unlawfully, and incorrectly determined, among other conditions, that the RACT limit would be substantially lower than the limits imposed by RACT Order 234.

- t. Conditions V.D.1.b through V.D.1.f, and Conditions V.E.1.a. and V.E.1.b - work practices on pages 27-29 of the RACT Installation Permit- are already required by the Facility's existing Title V permit. The requirements are duplicate and should be removed from any RACT permit or order.
- u. Condition V.D.1.f.7 on page 28 of the RACT Installation Permit, vaguely and ambiguously requires U. S. Steel to conduct annual tune-ups for the desulfurization plant. The condition is ambiguous and not necessarily feasible, as the prescriptive requirements are not feasible or relevant to a desulfurization plant. The prescriptive requirements appear to be derived from boiler and process heater requirements which cannot be adopted for the desulfurization plant. U. S. Steel is not aware of any such RACT obligation for any other desulfurization plant. Because the condition is vague, ambiguous, and incomprehensible (because such requirements are not feasible or otherwise appropriate to apply to a desulfurization plant), it should not be included in any RACT permit or order.
- v. Conditions provided in Section V.F (“Emergency Flare”) on page 30 of the RACT Installation Permit are vague and ambiguous. It is not clear as to what the “Emergency Flare: is and whether it is the same as the “Ammonia Flare” listed in Table II-1 on page 5-6 of the RACT Installation Permit.
- w. Even if the “Emergency Flare” conditions in Section V.F. refer to the ammonia flare, some of the prescriptive requirements for the Flare Minimization Plan are not appropriate, applicable, or otherwise feasible for application to the ammonia flare.

- x. Notwithstanding the objections provided in paragraphs a and b, above, even if the Department had the authority to issue the RACT Installation Permit (which it does not), the Department made substantive changes to the draft permit and provided no opportunity for the Facility to comment;
- y. Contrary to the statewide applicable PA DEP RACT II regulations, the Department's unlawful action precluded U. S. Steel from seeking an emissions averaging method of compliance as authorized by 25 PA Code 129.98.
- z. In issuing the RACT Installation Permit, the Department relied upon limited and incomplete data to support the limits and its determination of RACT;
  - aa. By using incomplete data to make its RACT determinations, the Department is unlawfully prohibiting fuel operating scenarios, that are otherwise permitted and have been permitted prior to the issuance of the RACT Installation Permit;
  - bb. The RACT Installation Permit includes limits that are not achievable, are not based upon similar facilities, and are not based on a review of the RACT/BACT Clearinghouse;
  - cc. The Department has failed to adequately explain the basis for its RACT determinations;
  - dd. In issuing the RACT Installation Permit, the Department exceeded its authority under applicable law, including Article XXI, the CAA, the APCA, and the PADEP RACT II regulations;

## **B. U. S. Steel's Direct Interest in the Action**

4. U. S. Steel is a named entity to which the RACT Installation Permit was issued, and whose activities are unlawfully and unreasonably restricted by the RACT Installation Permit. As a result, U. S. Steel is negatively impacted by the RACT Installation Permit and has a direct interest in the RACT Installation Permit and this appeal.

### **C. Conclusion**

5. Through this Notice of Appeal, U. S. Steel has identified its objections to the RACT Installation Permit but reserves the right to amend or supplement the factual and legal basis of its Appeal as authorized by the Department's Rules and Regulations.

6. For the foregoing reasons, U. S. Steel respectfully requests that the Director vacate the RACT Installation Permit, or alternatively, vacate the RACT Installation Permit *and* order the Department to implement its RACT obligations in a manner consistent with applicable laws including the CAA, the APCA, Article XXI, and PADEP RACT II regulations.

Respectfully submitted,



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*Counsel for Appellant*

Dated: June 1, 2020

**EXHIBIT A**

**RACT INSTALLATION PERMIT NO. 0052-I020  
ISSUED TO UNITED STATES STEEL CORPORATION  
CLAIRTON PLANT  
CLAIRTON, PENNSYLVANIA**



**AIR QUALITY PROGRAM  
301 39th Street, Bldg. #7  
Pittsburgh, PA 15201-1811**

**Reasonable Available Control Technology**  
**INSTALLATION PERMIT**

<b><u>Issued To:</u></b>	<b>U. S. Steel Mon Valley Works Clairton Plant 400 State Street Clairton, PA 15025-1855</b>	<b>ACHD Permit#:</b>	<b>0052-I020</b>
		<b>Date of Issuance:</b>	<b>April 24, 2020</b>
		<b>Expiration Date:</b>	<b>(See Section III.12)</b>

**Issued By:** \_\_\_\_\_  
**JoAnn Truchan, P.E.**  
**Section Chief, Engineering**

**Prepared By:** \_\_\_\_\_  
**Hafeez Ajenifuja**  
**Air Quality Engineer**

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## TABLE OF CONTENTS

I.	CONTACT INFORMATION.....	4
II.	FACILITY DESCRIPTION .....	5
III.	GENERAL CONDITIONS.....	7
IV.	SITE LEVEL TERMS AND CONDITIONS .....	12
V.	EMISSION UNIT LEVEL TERMS AND CONDITIONS .....	20
	A. BOILERS No. 1 & 2:.....	20
	B. BOILERS R1 AND R2: B005 & B006.....	23
	C. BOILERS T1 AND T2: EXISTING BOILER T1 & T2.....	25
	D. PROCESS EQUIPMENT SOURCES .....	27
	E. QUENCH TOWERS: .....	29
	F. EMERGENCY FLARE:.....	30
VI.	ALTERNATIVE OPERATING SCENARIOS .....	31
VII.	EMISSIONS LIMITATIONS SUMMARY .....	32

### AMENDMENTS:

DATE	SECTION(S)
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## I. CONTACT INFORMATION

**Facility Location:** **U. S. Steel Mon Valley Works**  
**Claирton Plant**  
400 State Street  
Clairton, PA 15025-1855

**Permittee/Owner:** **U. S. Steel Mon Valley Works**  
**Claирton Plant**  
400 State Street  
Clairton, PA 15025-1855

**Permittee/Operator:** Same as Owner  
**(if not Owner)**

**Responsible Official:** **Kurt Barshick**  
**Title:** General Manager  
**Company:** U. S. Steel Mon Valley Works  
**Address:** P.O. Box 878  
Dravosburg, PA 15034  
**Telephone Number:** (412) 675-2600  
**Fax Number:** (412) 675-5407

**Facility Contact:** **Jonelle Scheetz**  
**Title:** Environmental Control Engineer  
**Telephone Number:** (412) 233-1015  
**Fax Number:** (412) 233-1011  
**E-mail Address:** [jsscheetz@uss.com](mailto:jsscheetz@uss.com)

### AGENCY ADDRESSES:

**ACHD Contact:** **Chief Engineer**  
**Allegheny County Health Department**  
Air Quality Program  
301 39th Street, Building #7  
Pittsburgh, PA 15201-1811

**EPA Contact:** **Enforcement Programs Section (3AP12)**  
**USEPA Region III**  
1650 Arch Street  
Philadelphia, PA 19103-2029

## II. FACILITY DESCRIPTION

### FACILITY DESCRIPTION

U. S. Steel Mon Valley Works Clairton Plant is the largest by-products coke plant in North America. The Clairton Plant operates 10 coke batteries and produces approximately 13,000 tons of coke per day from the destructive distillation (carbonization) of more than 18,000 tons of coal. During the carbonization process, approximately 225 million cubic feet of coke oven gas are produced. The volatile products of coal contained in the coke oven gas are recovered in the by-products plant. In addition to the coke oven gas, daily production of these by-products include 145,000 gallons of crude coal tar, 55,000 gallons of light oil, 35 tons of elemental sulfur, and 50 tons of anhydrous ammonia. The coke produced is used in the blast furnace operations in the production of molten iron for steel making.

### INSTALLATION DESCRIPTION

This installation permit is for inclusion of physical and operational conditions for subject facility pursuant to Reasonable Available Control Technology (RACT II) in section 2105.06 of Article XXI. There are no new units being added to the facility as part of this permitting action.

**TABLE II-1: Emission Unit Identification**

I.D.	SOURCE DESCRIPTION	CONTROL DEVICE(S)	MAXIMUM CAPACITY	FUEL/RAW MATERIAL	STACK I.D.
P001	Coke Battery No. 1	Pushing Emission Control (PEC) Baghouse (P050 - Serves Batteries 1, 2 & 3)	517,935 tons of coal charged per year	Coal, recycled coke plant materials, and bulk density control additives	S001
P002	Coke Battery No. 2	PEC Baghouse (P050 - Serves Batteries 1, 2 & 3)	517,935 tons of coal charged per year	Coal, recycled coke plant materials, and bulk density control additives	S002
P003	Coke Battery No. 3	PEC Baghouse (P050 - Serves Batteries 1, 2 & 3)	517,935 tons of coal charged per year	Coal, recycled coke plant materials, and bulk density control additives	S003
P007	Coke Battery No. 13	PEC Baghouse (P052 - Serves Batteries 13, 14 & 15)	545,675 tons of coal charged per year	Coal, recycled coke plant materials, and bulk density control additives	S007
P008	Coke Battery No. 14	PEC Baghouse (P052 - Serves Batteries 13, 14 & 15)	545,675 tons of coal charged per year	Coal, recycled coke plant materials, and bulk density control additives	S008

I.D.	SOURCE DESCRIPTION	CONTROL DEVICE(S)	MAXIMUM CAPACITY	FUEL/RAW MATERIAL	STACK I.D.
P009	Coke Battery No. 15	PEC Baghouse (P052 - Serves Batteries 13, 14 & 15)	545,675 tons of coal charged per year	Coal, recycled coke plant materials, and bulk density control additives	S009
P010	Coke Battery No. 19	PEC Baghouse (P053 - Serves Batteries 19 & 20)	1,002,290 tons of coal charged per year	Coal, recycled coke plant materials, and bulk density control additives	S010
P011	Coke Battery No. 20	PEC Baghouse (P053 - Serves Batteries 19 & 20)	1,002,290 tons of coal charged per year	Coal, recycled coke plant materials, and bulk density control additives	S011
P012	Coke Battery B	PEC Baghouse (P054)	1,491,025 tons of coal charged per year	Coal, recycled coke plant materials, and bulk density control additives	S012
P044	Coke Battery C	PROven® system, Pushing Emission Control Baghouse	1,379,059 tons of coal charged per year	Coal, recycled coke plant materials, and bulk density control additives	S014
P019	Desulfurization Plant	Afterburner	6,394,800 tons of coke per year	Coke oven tail gas	S023
P044	Light Oil Barge Loading	Vapor Recovery to Boiler	55,000,000 gallons per year	Light Oil, Tar, and Tar Distillates	NA
B001	Boiler No. 1 (Babcock & Wilcox)	NA	760 MMBtu/hour	Coke Oven Gas and Natural Gas	NA
B002	Boiler No. 2 (Combustion Engineering)	NA	481 MMBtu/hour	Coke Oven Gas and Natural Gas	NA
B005	R1 Boiler (Riley Stoker)	NA	229 MMBtu/hour	Coke Oven Gas and Natural Gas	NA
B006	R2 Boiler (Riley Stoker)	NA	229 MMBtu/hour	Coke Oven Gas and Natural Gas	NA
B007	T1 Boiler (Erie City Zurn)	NA	156 MMBtu/hour	Coke Oven Gas and Natural Gas	NA
B008	T2 Boiler (Erie City Zurn)	NA	156 MMBtu/hour	Coke Oven Gas and Natural Gas	NA
B010	Ammonia Flare	NA	12.5 MMBtu/hour	Propane (assist gas)	NA

**DECLARATION OF POLICY**

*Pollution prevention is recognized as the preferred strategy (over pollution control) for reducing risk to air resources. Accordingly, pollution prevention measures should be integrated into air pollution control programs wherever possible, and the adoption by sources of cost-effective compliance strategies, incorporating pollution prevention, is encouraged. The Department will give expedited consideration to any permit modification request based on pollution prevention principles.*

The permittee is subject to the terms and conditions set forth below. These terms and conditions constitute provisions of *Allegheny County Health Department Rules and Regulations, Article XXI Air Pollution Control*. The subject equipment has been conditionally approved for operation. The equipment shall be operated in conformity with the plans, specifications, conditions, and instructions which are part of your application, and may be periodically inspected for compliance by the Department. In the event that the terms and conditions of this permit or the applicable provisions of Article XXI conflict with the application for this permit, these terms and conditions and the applicable provisions of Article XXI shall prevail. Additionally, nothing in this permit relieves the permittee from the obligation to comply with all applicable Federal, State and Local laws and regulations.

### **III. GENERAL CONDITIONS**

#### **1. Prohibition of Air Pollution (§2101.11)**

It shall be a violation of this permit to fail to comply with, or to cause or assist in the violation of, any requirement of this permit, or any order or permit issued pursuant to authority granted by Article XXI. The permittee shall not willfully, negligently, or through the failure to provide and operate necessary control equipment or to take necessary precautions, operate any source of air contaminants in such manner that emissions from such source:

- a. Exceed the amounts permitted by this permit or by any order or permit issued pursuant to Article XXI;
- b. Cause an exceedance of the ambient air quality standards established by Article XXI §2101.10; or
- c. May reasonably be anticipated to endanger the public health, safety, or welfare.

#### **2. Nuisances (§2101.13)**

Any violation of any requirement of this Permit shall constitute a nuisance.

#### **3. Definitions (§2101.20)**

- a. Except as specifically provided in this permit, terms used retain the meaning accorded them under the applicable provisions and requirements of Article XXI or the applicable federal or state regulation. Whenever used in this permit, or in any action taken pursuant to this permit, the words and phrases shall have the meanings stated, unless the context clearly indicates otherwise.
- b. Unless specified otherwise in this permit or in the applicable regulation, the term “year” shall mean any twelve (12) consecutive months.

**4. Certification (§2102.01)**

Any report or compliance certification submitted under this permit shall contain written certification by a responsible official as to truth, accuracy, and completeness. This certification and any other certification required under this permit shall be signed by a responsible official of the source, and shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

**5. Operation and Maintenance (§2105.03)**

All air pollution control equipment required by this permit or Article XXI, and all equivalent compliance techniques that have been approved by the Department, shall be properly installed, maintained, and operated consistent with good air pollution control practice.

**6. Conditions (§2102.03.c)**

It shall be a violation of this permit giving rise to the remedies provided by Article XXI §2109.02, for any person to fail to comply with any terms or conditions set forth in this permit.

**7. Transfers (§2102.03.e)**

This permit shall not be transferable from one person to another, except in accordance with Article XXI §2102.03.e and in cases of change-in-ownership which are documented to the satisfaction of the Department, and shall be valid only for the specific sources and equipment for which this permit was issued. The transfer of permits in the case of change-in-ownership may be made consistent with the administrative permit amendment procedure of Article XXI §2103.14.b.

**8. Effect (§2102.03.g)**

Issuance of this permit shall not in any manner relieve any person of the duty to fully comply with the requirements of Article XXI or any other provision of law, nor shall it in any manner preclude or affect the right of the Department to initiate any enforcement action whatsoever for violations of Article XXI or this Permit, whether occurring before or after the issuance of such permit. Further, the issuance of this permit shall not be a defense to any nuisance action, nor shall such permit be construed as a certificate of compliance with the requirements of Article XXI or this Permit.

**9. General Requirements (§2102.04.a)**

It shall be a violation of this Permit giving rise to the remedies set forth in Article XXI §2109 for any person to install, modify, replace, reconstruct, or reactivate any source or air pollution control equipment to which this Permit applies unless either:

- a. The Department has first issued an Installation Permit for such source or equipment; or
- b. Such action is solely a reactivation of a source with a current Operating Permit, which is approved under §2103.13 of Article XXI.

**10. Conditions (§2102.04.e)**

Further, the initiation of installation, modification, replacement, reconstruction, or reactivation under this

Installation Permit and any reactivation plan shall be deemed acceptance by the source of all terms and conditions specified by the Department in this permit and plan.

**11. Revocation (§2102.04.f)**

- a. The Department may, at any time, revoke this Installation Permit if it finds that:
  1. Any statement made in the permit application is not true, or that material information has not been disclosed in the application;
  2. The source is not being installed, modified, replaced, reconstructed, or reactivated in the manner indicated by this permit or applicable reactivation plan;
  3. Air contaminants will not be controlled to the degree indicated by this permit;
  4. Any term or condition of this permit has not been complied with;
  5. The Department has been denied lawful access to the premises or records, charts, instruments and the like as authorized by this Permit; or
- b. Prior to the date on which construction of the proposed source has commenced the Department may, revoke this Installation Permit if a significantly better air pollution control technology has become available for such source, a more stringent regulation applicable to such source has been adopted, or any other change has occurred which requires a more stringent degree of control of air contaminants.

**12. Term (§2102.04.g)**

This Installation Permit shall expire in 18 months if construction has not commenced within such period or shall expire 18 months after such construction has been suspended, if construction is not resumed within such period. In any event, this Installation Permit shall expire upon completion of construction, except that this Installation Permit shall authorize temporary operation to facilitate shakedown of sources and air cleaning devices, to permit operations pending issuance of a related subsequent Operating Permit, or to permit the evaluation of the air contamination aspects of the source. Such temporary operation period shall be valid for a limited time, not to exceed 180 days, but may be extended for additional limited periods, each not to exceed 120 days, except that no temporary operation shall be authorized or extended which may circumvent the requirements of this Permit.

**13. Annual Installation Permit Administrative Fee (§2102.10.c & e)**

No later than 30 days after the date of issuance of this Installation Permit and on or before the last day of the month in which this permit was issued in each year thereafter, during the term of this permit until a subsequent corresponding Operating Permit or amended Operating Permit is properly applied for, the owner or operator of such source shall pay to the Department, in addition to all other applicable emission and administration fees, an Annual Installation Permit Administration Fee in an amount of \$750.

**14. Severability Requirement (§2103.12.l)**

The provisions of this permit are severable, and if any provision of this permit is determined to be by a court of competent jurisdiction to be invalid or unenforceable, such a determination will not affect the remaining provisions of this permit.

**15. Reporting Requirements (§2103.12.k)**

- a. The permittee shall submit reports of any required monitoring at least every six (6) months. All

- instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by the Responsible Official.
- b. Prompt reporting of deviations from permit requirements is required, including those attributable to upset conditions as defined in this permit and Article XXI §2108.01.c, the probable cause of such deviations, and any corrective actions or preventive measures taken.
  - c. All reports submitted to the Department shall comply with the certification requirements of General Condition III.4 above.
  - d. Semiannual reports required by this permit shall be submitted to the Department as follows:
    1. One semiannual report is due by July 31 of each year for the time period beginning January 1 and ending June 30.
    2. One semiannual report is due by February 1 of each year for the time period beginning July 1 and ending December 31.
    3. The first semiannual report shall be due July 31, 2020 for the time period beginning on the issuance date of this permit through June 30, 2020.
  - e. Reports may be emailed to the Department at [aqreports@alleghenycounty.us](mailto:aqreports@alleghenycounty.us) in lieu of mailing a hard copy.

## **16. Minor Installation Permit Modifications (§2102.10.d)**

Modifications to this Installation Permit may be applied for but only upon submission of an application with a fee in the amount of \$300 and where:

- a. No reassessment of any control technology determination is required; and
- b. No reassessment of any ambient air quality impact is required.

## **17. Violations (§2104.06)**

The violation of any emission standard established by this Permit shall be a violation of this Permit giving rise to the remedies provided by Article §2109.02.

## **18. Other Requirements Not Affected (§2105.02)**

Compliance with the requirements of this permit shall not in any manner relieve any person from the duty to fully comply with any other applicable federal, state, or county statute, rule, regulation, or the like, including, but not limited to, any applicable NSPSs, NESHAPs, MACTs, or Generally Achievable Control Technology standards now or hereafter established by the EPA, and any applicable requirement of BACT or LAER as provided by Article XXI, any condition contained in this Installation Permit and/or any additional or more stringent requirements contained in an order issued to such person pursuant to Part I of Article XXI.

## **19. Other Rights and Remedies Preserved (§2109.02.b)**

Nothing in this permit shall be construed as impairing any right or remedy now existing or hereafter created in equity, common law or statutory law with respect to air pollution, nor shall any court be deprived of such jurisdiction for the reason that such air pollution constitutes a violation of this permit

**20. Penalties, Fines, and Interest (§2109.07.a)**

A source that fails to pay any fee required under this Permit or article XXI when due shall pay a civil penalty of 50% of the fee amount, plus interest on the fee amount computed in accordance with Article XXI §2109.06.a.4 from the date the fee was required to be paid. In addition, the source may have its permit revoked.

**21. Appeals (§2109.10)**

In accordance with State Law and County regulations and ordinances, any person aggrieved by an order or other final action of the Department issued pursuant to Article XXI shall have the right to appeal the action to the Director in accordance with the applicable County regulations and ordinances.

## IV. SITE LEVEL TERMS AND CONDITIONS

### 1. Reporting of Upset Conditions (**§2103.12.k.2**)

The permittee shall promptly report all deviations from permit requirements, including those attributable to upset conditions as defined in Article XXI §2108.01.c, the probable cause of such deviations, and any corrective actions or preventive measures taken.

### 2. Visible Emissions (**§2104.01.a**)

Except as provided for by Article XXI §2108.01.d pertaining to a cold start, no person shall operate, or allow to be operated, any source in such manner that the opacity of visible emissions from a flue or process fugitive emissions from such source, excluding uncombined water:

- a. Equal or exceed an opacity of 20% for a period or periods aggregating more than three (3) minutes in any sixty (60) minute period; or,
- b. Equal or exceed an opacity of 60% at any time.

### 3. Odor Emissions (**§2104.04**) (County-only enforceable)

No person shall operate, or allow to be operated, any source in such manner that emissions of malodorous matter from such source are perceptible beyond the property line.

### 4. Materials Handling (**§2104.05**)

The permittee shall not conduct, or allow to be conducted, any materials handling operation in such manner that emissions from such operation are visible at or beyond the property line.

### 5. Operation and Maintenance (**§2105.03**)

All air pollution control equipment required by this permit or any order under Article XXI, and all equivalent compliance techniques approved by the Department, shall be properly installed, maintained, and operated consistently with good air pollution control practice.

### 6. Open Burning (**§2105.50**)

No person shall conduct, or allow to be conducted, the open burning of any material, except where the Department has issued an Open Burning Permit to such person in accordance with Article XXI §2105.50 or where the open burning is conducted solely for the purpose of non-commercial preparation of food for human consumption, recreation, light, ornament, or provision of warmth for outside workers, and in a manner which contributes a negligible amount of air contaminants.

### 7. Shutdown of Control Equipment (**§2108.01.b**)

- a. In the event any air pollution control equipment is shut down for reasons other than a breakdown, the person responsible for such equipment shall report, in writing, to the Department the intent to shut down such equipment at least 24 hours prior to the planned shutdown. Notwithstanding the submission of such report, the equipment shall not be shut down until the approval of the Department is obtained; provided, however, that no such report shall be required if the source(s) served by such air pollution control equipment is also shut down at all times that such equipment

- is shut down.
- b. The Department shall act on all requested shutdowns as promptly as possible. If the Department does not take action on such requests within ten (10) calendar days of receipt of the notice, the request shall be deemed denied, and upon request, the owner or operator of the affected source shall have a right to appeal in accordance with the provisions of Article XI.
- c. The prior report required by Site Level Condition IV.7.a above shall include:
1. Identification of the specific equipment to be shut down, its location and permit number (if permitted), together with an identification of the source(s) affected;
  2. The reasons for the shutdown;
  3. The expected length of time that the equipment will be out of service;
  4. Identification of the nature and quantity of emissions likely to occur during the shutdown;
  5. Measures, including extra labor and equipment, which will be taken to minimize the length of the shutdown, the amount of air contaminants emitted, or the ambient effects of the emissions;
  6. Measures which will be taken to shut down or curtail the affected source(s) or the reasons why it is impossible or impracticable to shut down or curtail the affected source(s) during the shutdown; and
  7. Such other information as may be required by the Department.

## **8. Breakdowns (§2108.01.c)**

- a. In the event that any air pollution control equipment, process equipment, or other source of air contaminants breaks down in such manner as to have a substantial likelihood of causing the emission of air contaminants in violation of this permit, or of causing the emission into the open air of potentially toxic or hazardous materials, the person responsible for such equipment or source shall immediately, but in no event later than sixty (60) minutes after the commencement of the breakdown, notify the Department of such breakdown and shall, as expeditiously as possible but in no event later than seven (7) days after the original notification, provide written notice to the Department.
- b. To the maximum extent possible, all oral and written notices required shall include all pertinent facts, including:
1. Identification of the specific equipment which has broken down, its location and permit number (if permitted), together with an identification of all related devices, equipment, and other sources which will be affected.
  2. The nature and probable cause of the breakdown.
  3. The expected length of time that the equipment will be inoperable or that the emissions will continue.
  4. Identification of the specific material(s) which are being, or are likely to be emitted, together with a statement concerning its toxic qualities, including its qualities as an irritant, and its potential for causing illness, disability, or mortality.
  5. The estimated quantity of each material being or likely to be emitted.
  6. Measures, including extra labor and equipment, taken or to be taken to minimize the length of the breakdown, the amount of air contaminants emitted, or the ambient effects of the emissions, together with an implementation schedule.
  7. Measures being taken to shut down or curtail the affected source(s) or the reasons why it is impossible or impractical to shut down the source(s), or any part thereof, during the breakdown.

- c. Notices required shall be updated, in writing, as needed to advise the Department of changes in the information contained therein. In addition, any changes concerning potentially toxic or hazardous emissions shall be reported immediately. All additional information requested by the Department shall be submitted as expeditiously as practicable.
- d. Unless otherwise directed by the Department, the Department shall be notified whenever the condition causing the breakdown is corrected or the equipment or other source is placed back in operation by no later than 9:00 AM on the next County business day. Within seven (7) days thereafter, written notice shall be submitted pursuant to Paragraphs a and b above.
- e. Breakdown reporting shall not apply to breakdowns of air pollution control equipment which occur during the initial startup of said equipment, provided that emissions resulting from the breakdown are of the same nature and quantity as the emissions occurring prior to startup of the air pollution control equipment.
- f. In no case shall the reporting of a breakdown prevent prosecution for any violation of this permit or Article XXI.

## 9. Cold Start (§2108.01.d)

In the event of a cold start on any fuel-burning or combustion equipment, except stationary internal combustion engines and combustion turbines used by utilities to meet peak load demands, the person responsible for such equipment shall report in writing to the Department the intent to perform such cold start at least 24 hours prior to the planned cold start. Such report shall identify the equipment and fuel(s) involved and shall include the expected time and duration of the startup. Upon written application from the person responsible for fuel-burning or combustion equipment which is routinely used to meet peak load demands and which is shown by experience not to be excessively emissive during a cold start, the Department may waive these requirements and may instead require periodic reports listing all cold starts which occurred during the report period. The Department shall make such waiver in writing, specifying such terms and conditions as are appropriate to achieve the purposes of Article XXI. Such waiver may be terminated by the Department at any time by written notice to the applicant.

## 10. Monitoring of Malodorous Matter Beyond Facility Boundaries (§2104.04)

The permittee shall take all reasonable action as may be necessary to prevent malodorous matter from becoming perceptible beyond facility boundaries. Further, the permittee shall perform such observations as may be deemed necessary along facility boundaries to insure that malodorous matter beyond the facility boundary in accordance with Article XXI §2107.13 is not perceptible and record all findings and corrective action measures taken.

## 11. Emissions Inventory Statements (§2108.01.e & g)

- a. Emissions inventory statements in accordance with §2108.01.e shall be submitted to the Department by March 15 of each year for the preceding calendar year. The Department may require more frequent submittals if the Department determines that more frequent submissions are required by the EPA or that analysis of the data on a more frequent basis is necessary to implement the requirements of Article XXI or the Clean Air Act.
- b. The failure to submit any report or update within the time specified, the knowing submission of false information, or the willful failure to submit a complete report shall be a violation of this permit

giving rise to the remedies provided by Article XXI §2109.02.

## 12. Orders (§2108.01.f)

In addition to meeting the requirements Site Level Conditions IV.7 through IV.11, inclusive, the person responsible for any source shall, upon order by the Department, report to the Department such information as the Department may require in order to assess the actual and potential contribution of the source to air quality. The order shall specify a reasonable time in which to make such a report.

## 13. Violations (§2108.01.g)

The failure to submit any report or update thereof required by Site Level Conditions IV.7 through IV.12 above, inclusive, within the time specified, the knowing submission of false information, or the willful failure to submit a complete report shall be a violation of this permit giving rise to the remedies provided by Article XXI §2109.02.

## 14. Emissions Testing (§2108.02)

- a. **Orders:** No later than 60 days after achieving full production or 120 days after startup, whichever is earlier, the permittee shall conduct, or cause to be conducted, such emissions tests as are specified by the Department to demonstrate compliance with the applicable requirements of this permit and shall submit the results of such tests to the Department in writing. Upon written application setting forth all information necessary to evaluate the application, the Department may, for good cause shown, extend the time for conducting such tests beyond 120 days after startup but shall not extend the time beyond 60 days after achieving full production. Emissions testing shall comply with all applicable requirements of Article XXI, §2108.02.e.
- b. **Tests by the Department:** Notwithstanding any tests conducted pursuant to this permit, the Department or another entity designated by the Department may conduct emissions testing on any source or air pollution control equipment. At the request of the Department, the permittee shall provide adequate sampling ports, safe sampling platforms and adequate utilities for the performance of such tests.
- c. **Testing Requirements:** No later than 45 days prior to conducting any tests required by this permit, the person responsible for the affected source shall submit for the Department's approval a written test protocol explaining the intended testing plan, including any deviations from standard testing procedures, the proposed operating conditions of the source during the test, calibration data for specific test equipment and a demonstration that the tests will be conducted under the direct supervision of persons qualified by training and experience satisfactory to the Department to conduct such tests. In addition, at least 30 days prior to conducting such tests, the person responsible shall notify the Department in writing of the time(s) and date(s) on which the tests will be conducted and shall allow Department personnel to observe such tests, record data, provide pre-weighed filters, analyze samples in a County laboratory and to take samples for independent analysis. Test results shall be comprehensively and accurately reported in the units of measurement specified by the applicable emission limitations of this permit.
- d. Test methods and procedures shall conform to the applicable reference method set forth in this permit or Article XXI Part G, or where those methods are not applicable, to an alternative sampling and testing procedure approved by the Department consistent with Article XXI §2108.02.e.2.

- e. **Violations:** The failure to perform tests as required by this permit or an order of the Department, the failure to submit test results within the time specified, the knowing submission of false information, the willful failure to submit complete results, or the refusal to allow the Department, upon presentation of a search warrant, to conduct tests, shall be a violation of this permit giving rise to the remedies provided by Article XXI §2109.02.

#### 15. Abrasive Blasting (§2105.51)

- a. Except where such blasting is a part of a process requiring an operating permit , no person shall conduct or allow to be conducted, abrasive blasting or power tool cleaning of any surface, structure, or part thereof, which has a total area greater than 1,000 square feet unless such abrasive blasting complies with all applicable requirements of Article XXI §2105.51.
- b. In addition to complying with all applicable provisions of §2105.51, no person shall conduct, or allow to be conducted, abrasive blasting of any surface unless such abrasive blasting also complies with all other applicable requirements of Article XXI unless such requirements are specifically addressed by §2105.51.

#### 16. Asbestos Abatement (§2105.62, §2105.63)

In the event of removal, encasement, or encapsulation of Asbestos-Containing Material (ACM) at a facility or in the event of the demolition of any facility, the permittee shall comply with all applicable provisions of Article XXI §2105.62 and §2105.63.

#### 17. Volatile Organic Compound Storage Tanks (§2105.12.a)

No person shall place or store, or allow to be placed or stored, a volatile organic compound having a vapor pressure of 1.5 psia or greater under actual storage conditions in any aboveground stationary storage tank having a capacity equal to or greater than 2,000 gallons but less than or equal to 40,000 gallons, unless there is in operation on such tank pressure relief valves which are set to release at the higher of 0.7 psig of pressure or 0.3 psig of vacuum or at the highest possible pressure and vacuum in accordance with State or local fire codes, National Fire Prevention Association guidelines, or other national consensus standard approved in writing by the Department. Petroleum liquid storage vessels that are used to store produced crude oil and condensate prior to lease custody transfer are exempt from these requirements.

#### 18. Permit Source Premises (§2105.40)

- a. **General.** No person shall operate, or allow to be operated, any source for which a permit is required by Article XXI Part C in such manner that emissions from any open land, roadway, haul road, yard, or other premises located upon the source or from any material being transported within such source or from any source-owned access road, haul road, or parking lot over five (5) parking spaces:
  1. Are visible at or beyond the property line of such source;
  2. Have an opacity of 20% or more for a period or periods aggregating more than three (3) minutes in any sixty (60) minute period; or
  3. Have an opacity of 60% or more at any time.

- b. **Deposition on Other Premises:** Visible emissions from any solid or liquid material that has been deposited by any means from a source onto any other premises shall be considered emissions from such source within the meaning of Site Level Condition IV.18.a above.

## 19. Parking Lots and Roadways (§2105.42)

- a. The permittee shall not maintain for use, or allow to be used, any parking lot over 50 parking spaces or used by more than 50 vehicles in any day or any other roadway carrying more than 100 vehicles in any day or 15 vehicles in any hour in such manner that emissions from such parking lot or roadway:
1. Are visible at or beyond the property line;
  2. Have an opacity of 20% or more for a period or periods aggregating more than three (3) minutes in any 60 minute period; or
  3. Have an opacity of 60% or more at any time.
- b. Visible emissions from any solid or liquid material that has been deposited by any means from a parking lot or roadway onto any other premises shall be considered emissions from such parking lot or roadway.
- c. Site Level Condition IV.19.a above shall apply during any repairs or maintenance done to such parking lot or roadway.
- d. Notwithstanding any other provision of this permit, the prohibitions of Site Level Condition IV.19 may be enforced by any municipal or local government unit having jurisdiction over the place where such parking lots or roadways are located. Such enforcement shall be in accordance with the laws governing such municipal or local government unit. In addition, the Department may pursue the remedies provided by Article XXI §2109.02 for any violations of Site Level Condition IV.19.

## 20. Permit Source Transport (§2105.43)

- a. No person shall transport, or allow to be transported, any solid or liquid material outside the boundary line of any source for which a permit is required by Article XXI Part C in such manner that there is any visible emission, leak, spill, or other escape of such material during transport.
- b. Notwithstanding any other provision of this permit, the prohibitions of Site Level Condition IV.20 may be enforced by any municipal or local government unit having jurisdiction over the place where such visible emission, leak, spill, or other escape of material during transport occurs. Such enforcement shall be in accordance with the laws governing such municipal or local government unit. In addition, the Department may pursue the remedies provided by Article XXI §2109.02 for any violation of Site Level Condition IV.20.

## 21. Construction and Land Clearing (§2105.45)

- a. No person shall conduct, or allow to be conducted, any construction or land clearing activities in such manner that the opacity of emissions from such activities:

1. Equal or exceed 20% for a period or periods aggregating more than three (3) minutes in any sixty (60) minute period; or
  2. Equal or exceed 60% at any time.
- b. Notwithstanding any other provision of this permit, the prohibitions of Site Level Condition IV.21 may be enforced by any municipal or local government unit having jurisdiction over the place where such construction or land clearing activities occur. Such enforcement shall be in accordance with the laws governing such municipal or local government unit. In addition, the Department may pursue the remedies provided by Article XXI §2109.02 for any violations of Site Level Condition IV.21.

## 22. Mining (**§2105.46**)

No person shall conduct, or allow to be conducted, any mining activities in such manner that emissions from such activities:

- a. Are visible at or beyond the property line;
- b. Have an opacity of 20% or more for a period or periods aggregating more than three (3) minutes in any sixty (60) minute period; or,
- c. Have an opacity of 60% or more at any time.

## 23. Demolition (**§2105.47**)

- a. No person shall conduct, or allow to be conducted, any demolition activities in such manner that the opacity of the emissions from such activities equal or exceed 20% for a period or periods aggregating more than three (3) minutes in any 60 minute period.
- b. Notwithstanding any other provisions of this permit, the prohibitions of Site Level Condition IV.23 may be enforced by any municipal or local government unit having jurisdiction over the place where such demolition activities occur. Such enforcement shall be in accordance with the laws governing such municipal or local government unit. In addition, the Department may pursue the remedies provided by Article XXI §2109.02 for any violations of Site Level Condition IV.23.

## 24. Fugitive Emissions (**§2105.49**)

The person responsible for a source of fugitive emissions, in addition to complying with all other applicable provisions of this permit shall take all reasonable actions to prevent fugitive air contaminants from becoming airborne. Such actions may include, but are not limited to:

- a. The use of asphalt, oil, water, or suitable chemicals for dust control;
- b. The paving and maintenance of roadways, parking lots and the like;
- c. The prompt removal of earth or other material which has been deposited by leaks from transport, erosion or other means;
- d. The adoption of work or other practices to minimize emissions;
- e. Enclosure of the source; and
- f. The proper hooding, venting, and collection of fugitive emissions.

## 25. Episode Plans (**§2106.02**)

The permittee shall upon written request of the Department, submit a source curtailment plan, consistent

with good industrial practice and safe operating procedures, designed to reduce emissions of air contaminants during air pollution episodes. Such plans shall meet the requirements of Article XXI §2106.02.

**26. New Source Performance Standards (§2105.05)**

- a. It shall be a violation of this permit giving rise to the remedies provided by §2109.02 of Article XXI for any person to operate, or allow to be operated, any source in a manner that does not comply with all requirements of any applicable NSPS now or hereafter established by the EPA, except if such person has obtained from EPA a waiver pursuant to Section 111 or Section 129 of the Clean Air Act or is otherwise lawfully temporarily relieved of the duty to comply with such requirements.
- b. Any person who operates, or allows to be operated, any source subject to any NSPS shall conduct, or cause to be conducted, such tests, measurements, monitoring and the like as is required by such standard. All notices, reports, test results and the like as are required by such standard shall be submitted to the Department in the manner and time specified by such standard. All information, data and the like which is required to be maintained by such standard shall be made available to the Department upon request for inspection and copying.

**27. National Emission Standards for Hazardous Air Pollutants (§2104.08)**

- a. The permittee shall comply with each applicable emission limitation, work practice standard, and operation and maintenance requirement of 40 CFR Part 63, Subpart DDDDD – *National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters*.

**28. Facility-wide Emission Limitations**

On or before 90 days after the initial startup and commissioning of the new Cogeneration units, the permittee shall permanently shutdown the three (3) existing Boiler No. 1, Boiler No. 2 and Boiler R1. [§2102.04.b.6]

29. The permittee shall not operate, or allow to be operated, any source in such manner that unburned coke oven gas is emitted into the open air. In addition, the permittee shall not flare, mix, or combust coke oven gas, or allow such gas to be flared, mixed or combusted unless the concentration of sulfur compounds, measured as hydrogen sulfide, in such gas is less than or equal to 35 grains per hundred dry standard cubic feet of coke oven gas produced by Clairton Plant, when all sulfur emissions from the Claus Sulfur Recovery Plant and the tail gas cleaning equipment thereon, expressed as equivalent H<sub>2</sub>S are added to the measured H<sub>2</sub>S. The concentration of sulfur compounds specified shall include the tail-gas sulfur, measured as hydrogen sulfide, emitted from sulfur removal equipment. [§2105.21.h].

## V. EMISSION UNIT LEVEL TERMS AND CONDITIONS

### A. Boilers No. 1 & 2:

**Process Description:** Steam Production  
**Facility ID:** B001 & B002  
**Capacity:** 760 MMBtu/hr; 481 MMBtu/hr  
**Raw Materials:** Desulfurized coke oven gas and natural gas  
**Control Device:** NA

#### 1. Restrictions:

- a. The permittee shall continue to meet the conditions of the current Title V Operating Permit #0052 not otherwise affected by the revisions in this permit. (§2102.04.b.5; §2105.06.d)
- b. Nitrogen Oxide (NO<sub>X</sub>) emissions from each Boiler No. 1 shall not at any time exceed 0.48 lb/MMBtu, with the exception of actions to mitigate emergency situations. (25 Pa Code §129.99; 2102.04.b.5; §2105.06.d)
- c. Nitrogen Oxide (NO<sub>X</sub>) emissions from each Boiler No. 2, shall not at any time exceed 0.37 lb/MMBtu, with the exception of actions to mitigate emergency situations. (25 Pa Code §129.99; 2102.04.b.5; §2105.06.d)
- d. The NO<sub>X</sub> emissions in conditions V.A.1.b and V.A.1.c above shall be determined by a thirty (30) day rolling average and a twelve (12) month rolling average Continuous Emission Monitoring (CEM) data for the lbs/MMBtu and tons/yr emission limitation respectively. (25 Pa Code §129.99; RACT Order No. 234, Condition 1.5; 2102.04.b.5; §2105.06.d)
- e. NO<sub>X</sub> emissions from each Boilers No. 1 or 2 shall not exceed the limitations in Table V-A-1 below: (25 Pa Code §129.99; §2102.04.b.5; §2105.06.d)

TABLE V-A-1: NO<sub>X</sub> Emission Limitations

Process	Emission Limit** lbs/MMBtu	Hourly Emission Limit (lb/hr)	Annual Emission Limit (tons/year)*
Boiler 1	0.48	364.80	1,598
Boiler 2	0.37	177.97	780

\*A year is defined as any consecutive 12-month period.

\*\*Based on a 30-day rolling average.

#### 2. Testing Requirements:

- a. Emissions of NO<sub>X</sub> may be determined by the CEMs required in Condition V.A.3 below in lieu of a stack test to determine compliance with the emissions limitation of Conditions V.A.1.b, V.A.1.c and V.A.1.e above. (§2103.12.i; §2103.12.h.1; §2108.02; §2108.03; 25 Pa Code §129.100)
- b. The Department reserves the right to require additional emissions testing sufficient to assure

compliance with the terms and conditions of this permit. Such testing shall be performed in accordance with Site Level Condition IV.14 and §2108.02. (§2103.12.h.1)

**3. Monitoring Requirements:**

- a. The permittee shall install, operate, and maintain continuous nitrogen oxides monitoring systems and other monitoring systems to convert data to required reporting units in compliance with 25 PA Code §§139.101 - 139.111 relating to requirements for continuous in-stack monitoring for stationary sources. (§2108.03.b.2 and RACT Plan 234)

**4. Record Keeping Requirements:**

- a. The permittee shall maintain all appropriate records to demonstrate compliance with the requirements of §2105.06. Such records shall provide sufficient data and calculations to clearly demonstrate that all requirements of §2105.06 are met. The permittee shall record and maintain such data and information required to determine compliance for the facility in a time frame consistent with the averaging period of the requirements of both §2105.06 and RACT Order No. 235. Such information shall include, but not be limited to, the following minimum information which shall be submitted to the Department as a written report at three month intervals: (§2102.04.b.5; §2108.03.d, §2105.06; 25 Pa Code §129.100; RACT Plan 234)
  1. All recording and reporting required by Section 2108.03 of Article XXI and entitled "Continuous Emission Monitoring."
  2. An identification of each instance during the reporting period during which emissions exceeded the applicable emission limitation rates in Condition V.A.1.b above and an identification of the reasons, if known, for such exceedance. The averaging period used for making such identification shall correspond to the averaging period specified in condition V.A.1.d above.
  3. An identification of each period during which the continuous emission monitoring system was inoperative, except for zero and span drift checks, the reasons therefore, and the nature of repairs or adjustments performed or to be performed.
  4. An identification of calibrations, zero and span drift checks, and other quality assurance procedures.
- b. The permittee shall record all instances of non-compliance with the conditions of this permit upon occurrence along with corrective action taken to restore compliance. (§2103.12.j)
- c. All records shall be retained by the facility for at least five (5) years. These records shall be made available to the Department upon request for inspection and/or copying. (§2103.12.j.2; RACT Plan 234, Condition 1.8)

**5. Reporting Requirements:**

- a. The permittee shall report the following information semi-annually to the Department in accordance with General Condition III.15. The reports shall contain all required information for the time period of the report. The reports shall be postmarked by the 30th day following the end of the reporting period. (§2103.12.k; §2103.12.a.2.D)
  1. Total monthly Fuel Combustion Unit, fuel use, per fuel type;
  2. Cold start information; and
  3. Non-compliance information required to be recorded by Condition V.A.4.b above

- b. Reporting instances of non-compliance does not relieve the permittee of the requirement to report breakdowns in accordance with Site Level Condition IV.8, if appropriate. (§2103.12.k)

**6. Work Practice Standards:**

At no time shall the permittee allow Boilers No. 1 or 2 to operate unless the subject equipment is properly operated and maintained according to good engineering and air pollution control practices by performing regular maintenance with the exception of actions to mitigate emergency conditions. (RACT Order No. 234, Condition 1.1; §2102.04.b.5; 25 Pa Code §129.99).

**B. Boilers R1 and R2: B005 & B006**

**Process Description:** Steam production  
**Facility ID:** B005 & B006  
**Max. Design Rate:** 229 MMBtu/hr, each (Heat Input)  
**Capacity:** 229 MMBtu/hr, each (Heat Input)  
**Raw Materials:** Desulfurized coke oven gas  
**Control Device:** NA

**1. Restrictions:**

- a. The permittee shall continue to meet the conditions of the current Title V Operating Permit #0052 not otherwise affected by the revisions in this permit. (§2102.04.b.5; §2105.06.d)
- b. Nitrogen Oxide (NO<sub>x</sub>) emissions from each Boiler No. 1 or 2, shall not at any time exceed 0.31 lb/MMBtu, with the exception of actions to mitigate emergency situations. (25 Pa Code §129.99; 2102.04.b.5; §2105.06.d)
- c. NO<sub>x</sub> emissions from each Boilers No. R1 or R2 shall not exceed the limitations in Table V-B-1 below: (25 Pa Code §129.99; §2102.04.b.5; §2105.06.d)

**TABLE V-B-1: NO<sub>x</sub> Emission Limitations**

Process	Emission Limit** lbs/MMBtu	Hourly Emission Limit (lb/hr)	Annual Emission Limit (tons/year)*
Boiler R1	0.31	70.99	310.94
Boiler R2	0.31	70.99	310.94

\*A year is defined as any consecutive 12-month period.

**2. Testing Requirements:**

- a. The permittee shall perform emissions testing on Boilers R1 and R2 at least once every two years for NO<sub>x</sub>. Such testing shall be in accordance with EPA Methods 7 through 7E or other such methods as approved by the Department. [RACT Plan 234 and §2108.02.c; §2107.05]
- b. The Department reserves the right to require additional emissions testing sufficient to assure compliance with the terms and conditions of this permit. Such testing shall be performed in accordance with Site Level Condition IV.14 above and Article XXI §2108.02. (§2103.12.h.1)

**3. Monitoring Requirements:**

None except as provided elsewhere in the permit

**4. Record Keeping Requirements:**

- a. The permittee shall keep and maintain the following data for the boilers: (§2103.12.j; 25 Pa Code §129.100)

1. Records of the amount of coke oven gas combusted and the H<sub>2</sub>S content of the coke oven gas (daily, monthly and 12 months)
  2. Cold starts (date, time and duration of each occurrence);
  3. Records of operation, maintenance, inspection, calibration and/or replacement of combustion equipment.
- b. The permittee shall record all instances of non-compliance with the conditions of this permit upon occurrence along with corrective action taken to restore compliance. (§2103.12.j)
- c. All records shall be retained by the facility for at least five (5) years. These records shall be made available to the Department upon request for inspection and/or copying. (§2103.12.j.2)

**5. Reporting Requirements:**

- a. The permittee shall report the following information semi-annually to the Department in accordance with General Condition III.15. The reports shall contain all required information for the time period of the report. (§2103.12.k; §2103.12.a.2.D)
  1. Monthly and 12-month data required to be recorded by Condition V.B.4.a above;
  2. Cold start information; and
  3. Non-compliance information required to be recorded by Condition V.B.4.b above
- b. Reporting instances of non-compliance does not relieve the permittee of the requirement to report breakdowns in accordance with Site Level Condition IV.8, if appropriate. (§2103.12.k)

**6. Work Practice Standards:**

At no time shall the permittee allow Boiler No. R1 or R2 to operate unless the subject equipment is properly operated and maintained according to good engineering and air pollution control practices by performing regular maintenance with the exception of actions to mitigate emergency conditions. (RACT Order No. 234, Condition 1.1; §2102.04.b.5; 25 Pa Code §129.99).

**C. Boilers T1 and T2: Existing Boiler T1 & T2**

**Process Description:** Steam production  
**Facility ID:** B007 & B008  
**Max. Design Rate:** 156 MMBtu/hr, each (Heat Input)  
**Capacity:** 156 MMBtu/hr, each (Heat Input)  
**Raw Materials:** Desulfurized coke oven gas and natural gas  
**Control Device:** NA

**1. Restrictions:**

- a. The permittee shall continue to meet the conditions of the current Title V Operating Permit #0052 not otherwise affected by the revisions in this permit. (§2102.04.b.5; §2105.06.d)
- b. Nitrogen Oxide (NO<sub>x</sub>) emissions from each Boiler No. T1 or T2, shall not at any time exceed 0.31 lb/MMBtu, with the exception of actions to mitigate emergency situations. (25 Pa Code §129.99; 2102.04.b.5; §2105.06.d)
- c. NO<sub>x</sub> emissions from each Boilers No. T1 or T2 shall not exceed the limitations in Table V-C-1 below: (25 Pa Code §129.99; §2102.04.b.5; §2105.06.d)

**TABLE V-C-1: NO<sub>x</sub> Emission Limitations**

Process	Emission Limit** lbs/MMBtu	Hourly Emission Limit (lb/hr)	Annual Emission Limit (tons/year)*
Boiler T1	0.31	40.36	211.02
Boiler T2	0.31	40.36	211.02

\*A year is defined as any consecutive 12-month period.

**2. Testing Requirements:**

- a. The permittee shall perform emissions testing on Boilers T1 and T2 at least once every two years for NO<sub>x</sub>. Such testing shall be in accordance with EPA Methods 7 through 7E or other such methods as approved by the Department. (RACT Plan 234 and §2108.02.c; §2107.05)
- b. The Department reserves the right to require additional emissions testing sufficient to assure compliance with the terms and conditions of this permit. Such testing shall be performed in accordance with Site Level Condition IV.14 above and Article XXI §2108.02. (§2103.12.h.1)

**3. Monitoring Requirements:**

None except as provided elsewhere in the permit

**4. Record Keeping Requirements:**

- a. The permittee shall keep and maintain the following data for the boilers T1 and T2: (§2103.12.j; 25 Pa Code §129.100)

1. Records of the type and amount of fuel combusted and the H<sub>2</sub>S content of the coke oven gas (daily, monthly and 12 months)
  2. Cold starts (date, time and duration of each occurrence);
  3. Records of operation, maintenance, inspection, calibration and/or replacement of combustion equipment.
- b. The permittee shall record all instances of non-compliance with the conditions of this permit upon occurrence along with corrective action taken to restore compliance. (§2103.12.j)
- c. All records shall be retained by the facility for at least five (5) years. These records shall be made available to the Department upon request for inspection and/or copying. (§2103.12.j.2)

**5. Reporting Requirements:**

- a. The permittee shall report the following information to the Department semi-annually in accordance with General Condition III.15. The reports shall contain all required information for the time period of the report. The reports shall be postmarked by the 30th day following the end of the reporting period. (§2103.12.k; §2103.12.a.2.D)
  1. Monthly and 12-month data required to be recorded by Condition V.C.4.a above;
  2. Cold start information; and
  3. Non-compliance information required to be recorded by Condition V.C.4.b above
- b. Reporting instances of non-compliance does not relieve the permittee of the requirement to report breakdowns in accordance with Site Level Condition IV.8, if appropriate. (§2103.12.k)

**6. Work Practice Standards:**

At no time shall the permittee allow Boiler No. T1 or T2 to operate unless the subject equipment is properly operated and maintained according to good engineering and air pollution control practices by performing regular maintenance with the exception of actions to mitigate emergency conditions. (RACT Order No. 234, Condition 1.1; §2102.04.b.5; 25 Pa Code §129.99).

**D. Process Equipment Sources****1. Work Practice Standards:**

- a. At no time shall the permittee operate the following equipment at the facility unless they are properly operated and maintained according to good engineering and air pollution control practices by performing regular maintenance with the exception of actions to mitigate emergency conditions. (RACT Order No. 234, Condition 1.1; 25 Pa Code §129.99; §2102.04.b.5)
  1. Coke Oven Batteries No. 1, 2, 3, 13, 14, 15, 19, 20, B and C
  2. Pushing Emission Control System for the batteries specified in V.D.a.1
  3. By-Product Recovery Plant
  4. Desulfurization Plant (Scot Plant Incinerator)
  5. Wastewater Treatment Plant
- b. The coke oven batteries listed in condition V.D.1.a.1 above shall continue to comply with the NESHAP Subpart CCCCC and Subpart L work practice standard. (§63.306; 63.7300; 25 Pa Code §129.99; §2102.04.b.5)
- c. The permittee shall not operate C Battery coke ovens unless the PROven® System is maintained and operated in such manner that the collector main is maintained at a negative pressure and each individual oven is maintained at the lowest positive pressure necessary to inhibit leaks of raw coke oven gas to the atmosphere from oven doors, charging port lids, and offtakes. [25 Pa Code §129.99; §2102.04.b.6]
- d. At no time shall the permittee operate the by-products plant unless the clean coke oven gas blanketing system is being properly maintained and operated at all times while the plant process units blanketed by the system are emitting VOCs, with the exception of emergency or planned outages, repairs or maintenance. [§2105.06; RACT Plan 234; 25 Pa Code §129.99]
- e. For the By-Product Plant, the permittee shall: [§2105.06; 25 Pa Code §129.99; §2104.08]
  1. The permittee shall comply with each applicable emission limitation, work practice standard, and operation and maintenance requirement of 40 CFR Part 61, Subpart V - *National Emission Standards for Equipment Leaks (Fugitive Emission Sources)*. [25 PA Code §129.99]
- f. For the desulfurization Plant, the permittee shall: [§2105.06; 25 Pa Code §129.99]
  1. Properly maintaining two Claus Plants at the coke oven gas desulfurization facility. Each Claus Plant shall be capable of independently processing all of the coke oven gas produced by the coke plant at full production.
  2. Operating and maintaining a Vacuum Carbonate Unit at all times that coke oven gas is being produced at the Clairton Works.
  3. Maintaining in good working order spare heat exchangers in the Vacuum Carbonate Units at the Clairton Works coke oven gas desulfurization facility.
  4. Maintaining in good working order spare heat exchangers in the Vacuum Carbonate Units at the Clairton Works coke oven gas desulfurization facility.
  5. Maintaining in good working order spare pumps in the Vacuum Carbonate Units at the coke oven gas desulfurization facility.
  6. Good combustion practices.

7. Annual Tune-ups, continued operation as permitted and incineration as permitted.

**E. Quench Towers:**

**Process Description:** Water quenching of incandescent coke

**Raw Materials:** Incandescent coke, water

**Control Device:** Baffles installed in the quench towers to capture entrained water droplets

**1. Work Practice Standards:**

- a. At no time shall the permittee operate the following quench towers at the facility unless they are properly operated and maintained according to good engineering and air pollution control practices by performing regular maintenance with the exception of actions to mitigate emergency conditions. (25 Pa Code §129.99; §2102.04.b.5)

Source ID	Description	Rating
P013	Quench Tower No. 1	1,553,805 tons/yr of coal
P015	Quench Tower No. 5	1,637,025 tons/yr of coal
P016	Quench Tower No. 7	2,004,580 tons/yr of coal
P017	Quench Tower B	1,491,025 tons/yr of coal
P046	Quench Tower C	1,379,059 tons/yr of coal
P051	5A Quench Tower	1,270,200 tons/yr of coal
P046	7A Quench Tower	1,555,630 tons/yr of coal

- b. The permittee shall be in compliance with the quench tower work practice standards, and operation and maintenance requirements of NEESHAP 40 CFR 63, Subpart CCCCC at all times, except during periods of startup, shutdown, and malfunction as defined in §63.2. [25 Pa Code §129.99; §2103.12.h.6; §63.7295(b) & (c)]

**F. Emergency Flare:**

**1. Work Practice Standards:**

- a. The permittee properly operates and maintained the emergency flare according to good engineering and air pollution control practices by performing regular maintenance with the exception of actions to mitigate emergency conditions. (25 Pa Code §129.99; §2102.04.b.5)
- b. The permittee shall maintain and operate the flare according to flare minimization plan that includes (25 Pa Code §129.99; §2102.04.b.5)
  1. A listing of all process units and ancillary equipment connected to the flare for each affected flare,
  2. An evaluation of the baseline flow to the flares, not including pilot gas flow or purge gas flow.
  3. A description of the equipment, processes and procedures installed or implemented within the last five years to reduce flaring; and a description of any equipment, processes or procedures the owner or operator plans to install or implement to eliminate or reduce flaring
  4. The facility must follow the flare minimization plan and operate all flares in such a manner that minimizes all flaring except during emergencies, shutdowns, startups, turnarounds or essential operational needs, and
  5. The plan should be updated periodically to account for changes in the operation of the flares, such as new connections to the flares or the installation of a flare gas recovery system, but the plan needs to be re-submitted to the Department only if the owner or operator adds an alternative baseline flow rate, revises an existing baseline, or installs a flare gas recovery system.

## VI. ALTERNATIVE OPERATING SCENARIOS

*There are no alternative operating scenarios for this operation.*

## VII. EMISSIONS LIMITATIONS SUMMARY

The following table summarizes the annual maximum potential RACT II NO<sub>x</sub> emissions for Boilers B1, B2, R1, R2, T1 and T2.

**TABLE VII-1: Emission Limitations Summary**

Pollutant	Annual Combined Emission Limit (tons/year)*
Nitrogen Oxides (NO <sub>x</sub> )	3,421

**EXHIBIT B**

**PLAN APPROVAL ORDER AND AGREEMENT UPON CONSENT NO. 234  
DECEMBER 30, 1996**

# Allegheny County Health Department

## COUNTY COMMISSIONERS

Larry Dunn  
Chairman

Bob Cranmer

Mike Dawida

Bruce W. Dixon, M.D.  
Director



## BOARD OF HEALTH

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Anthony D. Stagno, Sr.

Janet E. Summers, D.O.

301 Thirty-ninth Street - Building #7  
Pittsburgh, Pennsylvania 15201-1891

January 2, 1997

**Timothy J. Novack, P.E.**  
Air Pollution Engineer

(412)-578-8118  
**FAX:** (412)-578-8144

U.S. Steel  
Clairton Works  
400 State Street  
Clairton, PA 15025-1855  
ATTN: Mr. William C. Graeser

**RE: Enforcement Order and Agreement Upon Consent Number 234**  
**Reasonably Available Control Technology Approval**

Dear Mr. Graeser:

Please find the above-referenced fully executed Order and Agreement.

As we have discussed, the executed documents will be submitted to the United States Environmental Protection Agency so that the Order portion of the documents can be incorporated into the County's portion of the Commonwealth's State Implementation Plan.

Thank you for your past cooperation in the negotiation and resolution of this matter. Should you have any further questions concerning this matter, please also contact me at the phone or fax numbers referenced above.

Very truly yours,

Timothy J. Novack, P.E.

**ALLEGHENY COUNTY HEALTH DEPARTMENT****IN RE:**

U.S. Steel Clairton Works	)	PLAN APPROVAL ORDER
400 State Street	)	AND AGREEMENT No. 234
Clairton, PA 15025	)	<u>UPON CONSENT</u>
	)	

AND NOW, this 30th day of December, 1996,

WHEREAS, the Allegheny County Health Department, (hereafter referred to as "Department"), has determined that the United States Steel hereafter referred to as "USS"), Clairton, PA, Allegheny County, as the operator and the owner of a coking facility at 400 State Street, Clairton PA, 15025 (hereafter referred to as "the facility"), is a major stationary source of oxides of nitrogen volatile organic compounds, (hereafter referred to as "NO<sub>x</sub>" and "VOCs") emissions as defined in Section 2101.20 of Article XXI, Rules and Regulations of the Allegheny County Health Department, Air Pollution Control (hereafter referred to as "Article XXI"); and

WHEREAS, the Department has determined that Section 2105.06.a. of Article XXI, entitled "Major NO<sub>x</sub> & VOCs" is applicable to USS's operations; and

WHEREAS, USS has been in full compliance at all relevant times with all relevant requirements of Section 2105.06 of Article XXI; and

WHEREAS, USS has timely submitted to the Department all of the documents required by Section 2105.06.b of Article XXI (hereafter, collectively referred to as "the Proposal"); and

WHEREAS, the Department has determined, after review, that the Proposal is complete; and

WHEREAS, the Department has further determined, after review, that the Proposal, constitutes Reasonably Available Control Technology (hereafter referred to as "RACT") for control of NO<sub>x</sub> and VOC emissions from the facility; and

WHEREAS, the Department and USS desire to make enforceable the details of the Proposal by entry of this RACT Plan Approval Order and Agreement Upon Consent; and

WHEREAS, pursuant to Section 2109.03 of Article XXI, the Director of the Allegheny County Health Department or his designated representative may issue such orders as are necessary to aid in the enforcement of the provisions of Article XXI, notwithstanding the absence of any violation of any provision of Article XXI and of any condition causing, contributing to, or creating danger of air pollution;

NOW, THEREFORE, this day first written above, the Department, pursuant to Section 2109.03 of Article XXI, and upon agreement of the parties as hereinafter set forth, hereby issues the following RACT Plan Approval Order and Agreement upon Consent.

I. ORDER

1.1. The following process equipment shall be properly maintained and operated according to good engineering and air pollution control practices at all times:

A. Coke Batteries No. 1, 2, 3, 7, 8, 9, 13, 14, 15, 19, 20 and battery B

B. Pushing Emission Control System for the batteries specified in A. above.

C. Boilers No. 1, 2, 13, 14, R1, R2, T1 and T2

D. By-Products Plant Clean Coke Oven Gas Blanketing System and all process units blanketed by this system

E. Scot Plant Incinerator

F. Wastewater Treatment Plant

1.2. Boilers no. 1, 2, 13, 14, R1, R2, T1 and T2 shall not, at any time, exceed the following NO<sub>x</sub> emission limitations:

<u>Boiler:</u>	<u>Lbs/MMBTU:</u>	<u>Tons/Year:</u>
No. 1	0.54	1,740
No. 2	0.54	1,285
No. 13	0.54	282
No. 14	0.54	282
R1	0.54	525
R2	0.54	525
T1	0.54	358
T2	0.54	358

1.3. The facility shall determine initial compliance with the NO<sub>x</sub> Lbs/MMBTU emission limitations specified in paragraph 1.2 above for boilers no. 13, 14, R1, R2 T1 and T2 by NO<sub>x</sub> emission testing. Such testing shall be performed every two years and conducted according to U. S. EPA approved test methods and Section 2108.02 of article XXI.

1.4. Boilers no. 1 and 2 at the facility shall have

properly maintained and operated Continuous Monitoring Systems or approved alternatives (hereafter referred to as "CEM"), meeting all requirements of Section 2108.03 of Article XXI at all times with the exception of emergency or planned outages, repairs or maintenance.

- 1.5. The NO<sub>x</sub> emission limitations for boilers no. 1 and 2, specified in paragraph 1.2 above, shall be determined by a thirty day rolling average and by an twelve month rolling average of CEM data for the Lbs/MMBTU and Tons/Yr emission limitation respectively.
- 1.6. At no time shall the facility operate the By-products plant unless the clean coke oven gas blanketing system is being properly maintained and operated at all times while the plant process units blanketed by the system are emitting VOCs, with the exception of emergency or planned outages, repairs or maintenance. All VOC emissions processed by the blanketing system shall be incinerated by combustion in the facility's coke batteries or boilers or by downstream consumers.

- 1.7. The facility shall maintain all appropriate records to demonstrate compliance with the requirements of Section 2105.06 of Article XXI and Order No. 234. Such records shall provide sufficient data and calculations to clearly demonstrate that all requirements of this section are being met.
- 1.8. The facility shall retain all records required by both §2105.06 of Article XXI and Order No. 234 for at least two years and they shall be made available to the Department upon request.

### III. AGREEMENT

The foregoing Order shall be enforced in accordance with and is subject to the following agreement of the parties, to wit:

- 2.1. The contents of this Order shall be submitted to the U.S. Environmental Protection Agency as a revision to the Commonwealth of Pennsylvania's State Implementation Plan (hereafter referred to

as "SIP").

- 2.2. Failure to comply with any portion of this Order or Agreement is a violation of Article XXI that may subject USS to civil proceedings, including injunctive relief, by the Department.
- 2.3. This Order does not, in any way, preclude, limit or otherwise affect any other remedies available to the Department for violations of this Order or of Article XXI, including, but not limited to, actions to require the installation of additional pollution control equipment and the implementation of additional corrective operating practices.
- 2.4. USS hereby consents to the foregoing Order and hereby knowingly waives all rights to appeal said Order, and the undersigned represents that he is authorized to consent to the Order and to enter into this Agreement on behalf of USS.
- 2.5. USS acknowledges and understands that the purpose of this Agreement is to establish RACT for the control of emissions of NO<sub>x</sub> and VOCs from this facility. USS further acknowledges and understands the possibility that the U.S. EPA may

decide to not accept the Agreement portion of  
the Plan Approval Order and Agreement by Consent  
as a revision to the Commonwealth of  
Pennsylvania's SIP.

IN WITNESS WHEREOF, and intending to be legally bound,  
the parties hereby consent to all of the terms and conditions of  
the foregoing Order and Agreement as of the date of the above  
written.

USX CORPORATION, U.S. STEEL GROUP

By: Thomas W. Gartrell

(signature)

Print or type Name: Thomas W. Gartrell

Title: Bur. Mgr - Clean Ops

Date: 12/16/96

ALLEGHENY COUNTY HEALTH DEPARTMENT

By: Bruce W. Dixon 12/30/96

Bruce W. Dixon, M.D., Director  
Allegheny County Health Department

and By: Thomas J. Puzniak

Thomas J. Puzniak, Engineering Manager  
Air Quality Program

**EXHIBIT C**

**NO ACTION ASSURANCE LETTER FROM ACHD TO U. S. STEEL  
DATED NOVEMBER 1, 2016**

COUNTY OF



ALLEGHENY

November 1, 2016

*via electronic and first-class mail:* [DWHacker@uss.com](mailto:DWHacker@uss.com)

David W. Hacker  
Counsel  
United States Steel Corporation  
600 Grant Street, Suite 1500  
Pittsburgh, PA 15219

RE: United States Steel Corporation No Action Assurance Regarding Additional Reasonably Available Control Technology (RACT) Submittals

Dear Mr. Hacker:

As we discussed, the Allegheny County Health Department (“ACHD” or “Department”) has previously received U. S. Steel’s 2014 RACT evaluations for U. S. Steel’s Clairton, Edgar Thomson and Irvin plants that U. S. Steel provided in response to the Department’s December 2013 request.

Since the Department’s receipt of the 2014 RACT submittals, the Pennsylvania Department of Environmental Protection promulgated updated RACT requirements for major sources of NOx and VOCs (“Additional RACT Requirements for Major Sources of NOx and VOC”). (*See April 23, 2016, Pennsylvania Bulletin, 46 PaB 2036.*) While the Department has not yet determined that the Commonwealth’s updated requirements are applicable to sources within Allegheny County, if it were to determine that said requirements were applicable, U.S. Steel’s 2014 RACT submittals are acceptable as submissions in furtherance of ultimate departmental approval and satisfying U. S. Steel’s obligations to provide an alternate RACT compliance approach pursuant to 25 PA Code §129.99.

Because the Department has not completed its review of the submissions, the Department is not offering its final approval of the plan. Rather, the Department is merely issuing this no action assurance regarding the report submittal and RACT limits pursuant to the 2016 rule until the Department completes its review. The Department emphasizes that it is the submission that it



KAREN HACKER, MD, MPH, DIRECTOR  
**ALLEGHENY COUNTY HEALTH DEPARTMENT**  
**AIR QUALITY PROGRAM**

301 39<sup>TH</sup> STREET • CLACK HEALTH CENTER • BUILDING 7

PITTSBURGH, PA 15201-1811

PHONE (412) 578-8103 • FAX (412) 578-8144  
24HR (412) 687-ACHD (2243) • [WWW.ACHD.NET](http://WWW.ACHD.NET)

now deems acceptable and not the plan which still requires approval. The Department also reserves the right to request additional information from U. S. Steel to evaluate RACT for the Clairton, Edgar Thomson, and Irvin plants.

Sincerely,



Jason K. Willis  
Assistant Solicitor,  
Allegheny County Health Department

**BEFORE THE HEARING OFFICER FOR THE  
ALLEGHENY COUNTY HEALTH DEPARTMENT  
542 4TH AVENUE  
PITTSBURGH, PENNSYLVANIA 15219**

---

UNITED STATES STEEL )	
CORPORATION, a Delaware corporation, )	
)	
Appellant, )	
)	
v. )	Appeal of Reasonably Available Control
ALLEGHENY COUNTY HEALTH )	Technology Installation Permit # 0052-I020
DEPARTMENT, Air Quality Program, )	
)	
Appellee. )	

**CERTIFICATE OF SERVICE**

I hereby certify that on the 1<sup>st</sup> day of June 2020, a true and correct copy of the foregoing Notice of Appeal was served via electronically<sup>5</sup> to the following individuals:

Max Slater, Esq.  
Administrative Hearing Officer  
Allegheny County Health Department  
542 Fourth Avenue  
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Respectfully submitted,



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<sup>5</sup> Pursuant to the Hearing Officer's Emergency COVID-19 Order, dated May 8, 2020, filing of this notice of appeal, and service is being completed electronically.