

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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PENNENVIRONMENT, INC.,

Plaintiff,

and

UNITED STATES OF AMERICA and  
PENNSYLVANIA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION,

Civil Action No. 2:15-cv-01314-CRE

Plaintiff-Intervenors,

vs.

ARCELORMITTAL MONESSEN LLC, and  
ARCELORMITTAL USA LLC,

Defendants.

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**CONSENT DECREE**

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WHEREAS, PennEnvironment, Inc. filed a complaint in this action alleging that Defendants ArcelorMittal Monessen LLC (“AMM”) and ArcelorMittal USA LLC (“AM USA”) violated the federal Clean Air Act (the “CAA” or “the Act”), 42 U.S.C. § 7401, *et seq.*, the Pennsylvania State Implementation Plan (the “SIP”), and AMM’s CAA Title V operating permit at AMM’s coke plant at 345 Donner Avenue in Monessen, Pennsylvania (“the Facility”);

WHEREAS, the United States of America and Pennsylvania Department of Environmental Protection (“PADEP”) have filed a Complaint-in-Intervention in this action, which also alleges that AMM has violated the Act, the SIP, and AMM’s Title V operating permit at the Facility;

WHEREAS, AMM is the current owner and operator of the Facility and was the owner and operator of the Facility at the time of the conduct alleged in the Complaint and the Complaint-in-Intervention;

WHEREAS, AMM produces metallurgical-grade coke and processes gases in a by-products recovery plant at the Facility, and operates the Facility pursuant to a CAA Title V operating permit issued by PADEP, Permit No. 65-00853, effective January 30, 2014;

WHEREAS, AMM restarted the Facility in April 2014, after the Facility had been idled for approximately four and a half years;

WHEREAS, PennEnvironment has agreed to dismiss all claims against AM USA in this matter;

WHEREAS, AMM’s Compliance Certification Forms (submitted semi-annually and annually to PADEP pursuant to 25 Pa. Code § 127.511 and 25 Pa. Code § 127.513) show that, among other reported exceedances, AMM exceeded its emission limits for sulfur dioxide (SO<sub>2</sub>),

hydrogen sulfide (H<sub>2</sub>S), particulate matter (PM), and opacity numerous times since April of 2014;

WHEREAS, the Parties recognize, and the Court by entering this Consent Decree finds, that this Consent Decree has been negotiated by the Parties in good faith and will avoid litigation between the Parties and that this Consent Decree is fair, reasonable, and in the public interest;

NOW, THEREFORE, with the consent of the Parties, IT IS HEREBY ADJUDGED, ORDERED, AND DECREED as follows:

### **I. JURISDICTION AND VENUE**

1. This Court has jurisdiction over the subject matter of this action, pursuant to 28 U.S.C. §§ 1331, 1345, and 1355 and Sections 113(b) and 304 of the Act, 42 U.S.C. §§ 7413(b) and 7604, and over the Parties. Venue lies in this District pursuant to 42 U.S.C. §§ 7413(b) and 7604(c) and 28 U.S.C. §§ 1391(b) and (c) and 1395(a), because the violations alleged in the Complaint and Complaint-in-Intervention are alleged to have occurred in, and AMM conducts business in, this judicial district. For purposes of this Consent Decree, or any action to enforce this Consent Decree, AMM consents to the Court's jurisdiction over this Consent Decree and any such action and over AMM and consents to venue in this judicial district.

2. For purposes of this Consent Decree, AMM agrees that the Complaint and Complaint-in-Intervention state claims upon which relief may be granted pursuant to Sections 113 and 304 of the Act, 42 U.S.C. §§ 7413 and 7604.

### **II. APPLICABILITY**

3. The obligations of this Consent Decree are binding upon the United States, PADEP, and PennEnvironment, and upon AMM and any successors, assigns, or other entities or persons otherwise bound by law. Any change in ownership, corporate status, or other legal status of AMM shall in no way alter AMM's responsibilities under this Consent Decree.

4. AMM shall condition any transfer, in whole or in part, of ownership of, operation of, or other interest (exclusive of any non-controlling, non-operational shareholder interest) in the Facility upon the execution by the transferee of a modification to this Consent Decree, which makes the terms and conditions of the Consent Decree that apply to the Facility applicable to the transferee. In the event of such transfer, AMM shall notify the United States, PADEP, and PennEnvironment. No earlier than 30 days after such notice, AMM may file a motion to modify this Consent Decree with the Court to make the terms and conditions of the Consent Decree applicable to the transferee. AMM shall be released from the obligations and liabilities of this Consent Decree with respect to the Facility unless the United States, in consultation with PADEP, opposes the motion and the Court finds the transferee does not have the financial and technical ability to assume the obligations and liabilities under the Consent Decree. Notwithstanding the foregoing, however, AMM shall not be released from any obligation and liability of this Consent Decree to pay the civil penalty as described in Section IV and pay PennEnvironment's cost of litigation as described in Section XIII.

5. AMM shall (a) provide a copy of this Consent Decree to all management-level employees whose duties might reasonably include compliance with any provision of this Decree, (b) provide relevant excerpts of the Consent Decree to any contractor retained to perform work required under this Consent Decree, and (c) ensure that any employees whose duties might reasonably include compliance with any provision of this Decree are made aware of the Consent Decree and specifically aware of the requirements of the Consent Decree that fall within such person's duties.

6. In any action to enforce this Consent Decree, AMM shall not raise as a defense the failure of any of its officers, directors, employees, agents, or contractors to take any actions necessary to comply with the provisions of this Consent Decree.

### **III. DEFINITIONS**

7. Terms used in this Consent Decree that are defined in the Act, Pennsylvania's Air Pollution Control Act, P.L. 2119 (1959), *as amended*, 35 P.S. §§ 4001-4015 ("PaAPCA"), or in regulations promulgated pursuant to the Act and PaAPCA, shall have the meanings assigned to them in the Act or such regulations, unless otherwise provided in this Consent Decree. In the event of a conflict between the federal and state definitions, the federal definitions shall control. Whenever the terms set forth below are used in this Consent Decree, the following definitions shall apply:

- a. "Annual" or "Annually" shall mean a calendar year.
- b. "BAT" shall have the meaning ascribed to the term "Best available technology" in 25 Pa. Code § 121.1.
- c. "By-Product Coke Oven Gas Limit" shall mean the limitation set forth in Section C, Condition #011(a) of the Permit (as a 24-hour block average as specified in Section C, Condition #015(c) of the Permit).
- d. "By-Products Plant" shall mean the collection of equipment at the Facility used to remove and recover by-product coal chemicals from the COG and to condition the COG for use as a fuel gas. The By-Products Plant consists of various systems used to remove specific chemicals, including the Desulfurization Plant.
- e. "Certified Observer" shall mean an individual certified in accordance with the procedures specified at 40 C.F.R. Part 60, Appendix A, Method 9.

f. “Clock Hour” shall mean 60 consecutive minutes beginning at the top of the hour (i.e. 1:00 p.m. to 1:59 p.m.; 2:00 p.m. to 2:59 p.m.; etc.).

g. “Coke Oven Gas” or simply “COG” shall mean any gas produced by the coking process at the Facility’s coke oven batteries, including gas that is treated in the By-Products Plant of the Facility, that is used as fuel gas in the Facility’s coke oven batteries or boilers, or that is flared.

h. “Combustion Stacks” shall mean the No. 1 and No. 2 coke oven battery combustion stacks at the Facility.

i. “Combustion Stack Opacity Limit” shall mean the limitation set forth in 25 Pa. Code § 123.41.

j. “Community Inquiry/Community Relations Plan” shall mean the Community Inquiry/Community Relations Plan attached to this Decree as Appendix A.

k. “Complaint” shall mean the complaint filed by PennEnvironment in this action.

l. “Complaint-in-Intervention” shall mean the complaint filed by the United States and the Pennsylvania Department of Environmental Protection in this action.

m. “COMS” or “Continuous Opacity Monitoring System” shall mean a device which continuously measures opacity by employing the principle of transmissivity and satisfies 25 Pa. Code Chapter 139.

n. “Consent Decree” or “Decree” shall mean this Consent Decree and all appendices attached hereto (listed in Section XXIII).

o. “Daily” shall mean once per calendar day.

p. “Day” or “day” shall mean a calendar day (unless expressly stated to be a business day) or any part of a calendar day. In computing any period of time under this Consent Decree, where the last day would fall on a Saturday, Sunday, or federal holiday, the period shall run until the close of business of the next business day.

q. “Defendant” shall mean ArcelorMittal Monessen LLC.

r. “Desulfurization Plant” shall mean the coke oven gas desulfurization system at the Facility.

s. “Effective Date” shall have the definition provided in Section XV of this Consent Decree.

t. “EPA” shall mean the United States Environmental Protection Agency and any of its successor departments or agencies.

u. “Fugitive Dust Control Plan” shall mean the Fugitive Dust Control Plan attached to this Decree as Appendix B.

v. “Hot Idle” shall mean to temporarily suspend coke production and to heat the coke ovens with natural gas to maintain oven temperatures.

w. “H<sub>2</sub>S” means hydrogen sulfide.

x. “Method 9” shall mean the EPA method for visual determination of the opacity of emissions from stationary sources found at 40 C.F.R. Part 60, Appendix A, Method 9.

y. “Month” or “Monthly” shall mean calendar month or months.

z. “Odor Control Plan” shall mean the Odor Control Plan attached to this Decree as Appendix C.

aa. “Opacity” means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background, as set forth at 40 C.F.R. § 60.2.

bb. “Oven Maintenance Plan” shall mean the Oven Maintenance Plan attached to this Decree as Appendix D.

cc. “PADEP” shall mean the Pennsylvania Department of Environmental Protection and any of its successor departments or agencies.

dd. “Paragraph” shall mean a portion of this Consent Decree identified by an Arabic numeral.

ee. “Parties” shall mean the United States, PADEP, PennEnvironment, and AMM.

ff. “PEC System” shall mean the pushing emissions control system at the Facility.

gg. “PEC System O&M Plan” shall mean the Operation and Maintenance Plan for Pushing Emissions Control System attached to this Decree as Appendix E.

hh. “Pushing Emissions Opacity Limit” shall mean the limitation set forth in 25 Pa. Code § 129.15(c).

ii. “Permit” shall mean Title V Permit No. 65-00853 issued by PADEP on January 30, 2014 to “ArcelorMittal Monessen LLC” pursuant to the Commonwealth of Pennsylvania’s Operating Permits Program under Title V of the CAA, 42 U.S.C. §§ 7661-7661f.

jj. “Quarter” or “Quarterly” shall mean a calendar quarter (January through March, April through June, July through September, and October through December).

kk. “Retirement” or “Retire” means the permanent discontinuance of air contaminant emitting activities from the coke oven batteries at the Facility.

ll. “Section” shall mean a portion of this Consent Decree identified by a Roman numeral.

mm. “Semi-Annual Period” shall mean either the first or second six-month period of each calendar year (January 1 through June 30 or July 1 through December 31).

nn. “SIP” or “Pennsylvania SIP” shall mean the State Implementation Plan for the Commonwealth of Pennsylvania.

oo. “SO<sub>2</sub>” means sulfur dioxide.

pp. “United States” shall mean the United States of America, acting on behalf of EPA.

qq. “Week” or “Weekly” shall mean the standard seven-day calendar period.

rr. “Year” means the twelve-month period beginning on the first day of the first calendar quarter (or the yearly recurrence of such date) following entry of this Consent Decree.

#### **IV. CIVIL PENALTY**

8. Within 30 days after the Effective Date, AMM shall pay the sum of \$1,500,000 as a civil penalty. If any portion of the civil penalty is not paid when due, AMM shall pay interest on the amount past due accruing from the Effective Date through the date of payment at the rate specified in 28 U.S.C. § 1961. The interest payment under this Paragraph shall be in addition to any stipulated penalty due under Section VII (Stipulated Penalties) of this Consent Decree.

9. Federal Payment Instructions. Of the total amount of the civil penalty, AMM shall pay \$750,000 to the United States by FedWire Electronic Funds Transfer (“EFT”) to the U.S. Department of Justice account in accordance with current EFT procedures. The costs of such EFT shall be AMM’s responsibility. Payment shall be made in accordance with instructions to be provided to AMM by the Financial Litigation Unit (“FLU”) of the U.S. Attorney’s office for the Western District of Pennsylvania. The payment instructions provided by the FLU will include a Consolidated Debt Collection System (“CDCS”) number that AMM shall use to identify all

payments required to be made in accordance with this Consent Decree. The FLU will provide the payment instructions to: Paul Liebenson, General Counsel and Assistant Secretary, ArcelorMittal Monessen LLC, paul.liebenson@arcelormittal.com. AMM may change the individual to receive payment instructions on its behalf by providing written notice of such change in accordance with Section XIV (Notices).

10. At the time of payment, AMM shall send notice that payment has been made to: (i) EPA via email at acctsreceivable.cinwd@epa.gov or via regular mail at EPA Cincinnati Finance Office, 26 Martin Luther King Drive, Cincinnati, Ohio 45268; (ii) the United States via email or regular mail in accordance with Section XIV (Notices); and (iii) EPA in accordance with Section XIV (Notices). Such notice shall state that the payment is for the civil penalty owed pursuant to the Consent Decree in *PennEnvironment et. al. v. ArcelorMittal Monessen LLC*, and shall reference the civil action number, CDCS number, and DOJ case number 90-5-2-1-11563.

11. PADEP Payment Instructions. Of the total amount of the civil penalty, AMM shall pay \$750,000 to PADEP. The payment shall be made by Electronic Funds Transfer in accordance with instructions to be provided to AMM by PADEP. The payment instructions will include ABA and Account numbers that AMM shall use to identify all payments required to be made to PADEP in accordance with this Consent Decree. PADEP will provide the payment instructions to: Paul Liebenson, General Counsel and Assistant Secretary, ArcelorMittal Monessen LLC, paul.liebenson@arcelormittal.com. AMM may change the individual to receive payment instructions on its behalf by providing written notice of such change in accordance with Section XIV. NOTICES (Notices). At the time of payment, AMM shall send notice that payment has been made to PADEP. This notice shall include (a) the name, address, phone number and entity making payment, (b) the Facility's permit number, (c) the

reference/confirmation number and advice number of the transmittal, (d) the amount of the payment, (e) the date of the payment, and (f) the sending bank's Federal identification number.

12. AMM shall not deduct any penalties paid under this Consent Decree pursuant to this Section IV (Civil Penalty) or Section VII (Stipulated Penalties) in calculating its federal, state, or local income tax.

#### V. COMPLIANCE REQUIREMENTS

13. Compliance with SIP and Permit Limits. AMM shall comply with:

- a. The Combustion Stack Opacity Limit;
- b. The Pushing Emissions Opacity Limit;
- c. The By-Product Coke Oven Gas Limit; and
- d. The requirement that SO<sub>2</sub> emissions from the Facility's combined boiler

exhaust stack not exceed 63 pounds per hour or 275 tons per year.

14. Continuous H<sub>2</sub>S Monitor. No later than the Effective Date, AMM shall operate and maintain a continuous H<sub>2</sub>S monitoring device at the Facility to measure and quantify sulfur compound concentrations, expressed as equivalent H<sub>2</sub>S, in the Coke Oven Gas that is combusted or flared, in accordance with the Permit.

15. Monitoring and Reporting Opacity from Combustion Stacks

a. No later than 45 days after the Effective Date, AMM shall submit to PADEP a complete monitoring plan application to install a COMS on each of the Combustion Stacks. AMM's monitoring plan shall include a quality control program for operating and maintaining each COMS in accordance with the requirements in 25 Pa. Code Chapter 139.

b. No later than six months after PADEP's approval of the monitoring plan, AMM shall install, operate, and maintain, in accordance with PADEP's approval, a COMS on each of the Combustion Stacks.

c. No later than six months after PADEP's approval of the monitoring plan, AMM shall submit to PADEP a complete test protocol for each COMS.

d. No later than 60 days after PADEP approves the test protocol, AMM shall conduct a performance test of the COMS in accordance with the requirements in 25 Pa. Code Chapter 139.

e. Within 60 days of completing the performance test, AMM shall submit the results of the performance test to PADEP.

f. PADEP will evaluate the monitoring plan application and ultimate certification of COMS under its applicable statutes, regulations, policies, and guidance.

g. Until the completion of the COMS performance test for a combustion stack, AMM shall conduct daily visual observations of the opacity of emissions from the combustion stack in accordance with the methods and procedures set forth in Method 9 and the requirements of this subparagraph.

i. AMM shall observe visible emissions from the combustion stack for at least one hour per day.

ii. If, during the hour, there is an exceedance of the Combustion Stack Opacity Limit, AMM shall continue to observe emissions (during daylight hours) from the combustion stack until there is no exceedance of the Combustion Stack Opacity Limit for one hour.

h. Once the COMS performance test for a combustion stack has been completed, AMM shall monitor the opacity of emissions from the combustion stack using the COMS in accordance with the requirements of 25 Pa. Code Chapter 139.

i. Monitoring in the Event of a COMS Failure. After the completion of the COMS performance test for a combustion stack, in the event that the COMS becomes inoperable for a period exceeding 24 consecutive hours, and until the COMS is repaired, adjusted and recalibrated, AMM shall conduct daily visual observations of the opacity of emissions from the combustion stack in accordance with the methods and procedures set forth in Method 9 and the requirements of this subparagraph.

i. AMM shall observe visible emissions from the combustion stack for at least one hour.

ii. If, during the hour, there is an exceedance of the Combustion Stack Opacity Limit, AMM shall continue to observe emissions (during daylight hours) from the combustion stack until there is no exceedance of the Combustion Stack Opacity Limit for one hour.

j. In each semi-annual report required by Section VI (Reporting Requirements), AMM shall (i) report the results of all visible emission observations that show an exceedance of the Combustion Stack Opacity Limit and (ii) attach copies of all visible emission observations recorded during the reporting period that show an exceedance of the Combustion Stack Opacity Limit.

16. Investigating Elevated Opacity from Combustion Stacks

a. Until the completion of the COMS performance test for a combustion stack, AMM shall conduct an investigation, in accordance with the requirements of this Paragraph, whenever the opacity of emissions from the combustion stack (as measured by visual observation in accordance with Method 9) exceeds the Combustion Stack Opacity Limit.

b. After the completion of the COMS performance test for a combustion stack, AMM shall conduct an investigation, in accordance with the requirements of this Paragraph, whenever the opacity of emissions from the combustion stack (as measured by the COMS) exceeds the Combustion Stack Opacity Limit.

c. Beginning with the first full Quarter after AMM is notified that the COMS for a combustion stack is certified, in the event that compliance with the Combustion Stack Opacity Limit is less than 96.5% at such combustion stack in any Quarter during the term of the Consent Decree, in the next Quarter AMM shall (beginning no later than ten days after the end of the previous Quarter) conduct an investigation, in accordance with the requirements of this Paragraph, whenever the opacity of emissions from the combustion stack (as measured by the COMS) equals or exceeds (i) 20% for a period or periods aggregating more than two minutes in any one hour or (ii) 50% at any time.

d. Purpose and Scope of Investigation. The purpose of the investigation shall be to determine the cause of the elevated opacity and to identify corrective action necessary to address that cause. As part of this investigation, AMM shall evaluate, as necessary, (i) whether oven-to-flue leakage from a particular oven or ovens caused or contributed to the elevated opacity by correlating the oven charging schedule with the occurrence of the elevated opacity and visually inspecting, at the next opportunity, that oven or ovens and (ii) whether poor or incomplete COG combustion, heating abnormalities and/or other conditions caused or contributed to the elevated opacity. Where individual elevated opacity events are related, AMM may conduct a single investigation of the events.

e. Timing of Investigation. AMM shall promptly begin an investigation and shall complete the investigation no later than three days after the elevated opacity event.

f. Corrective Action to Address Elevated Opacity. As soon as practicable after determining the cause of the elevated opacity event, AMM shall take corrective action sufficient to address the cause of the elevated opacity.

g. Records of Investigations. AMM shall keep records of all elevated opacity events, the investigations conducted to determine the cause of elevated opacity events, and the corrective actions taken to address elevated opacity.

17. Combustion Stack Emissions.

a. Oven Maintenance Plan. No later than the Effective Date, AMM shall implement the Oven Maintenance Plan.

b. Nozzle Evaluation and Replacement. Prior to one year after the Effective Date, AMM shall complete an evaluation of all coke oven nozzles and replace any broken, deteriorated, or improperly-sized nozzles to optimize temperature distribution within the coke ovens.

c. Calorimeters and O<sub>2</sub> and CO Monitors. No later than the Effective Date, AMM shall operate and maintain calorimeters and oxygen (“O<sub>2</sub>”) and carbon monoxide (“CO”) monitors to optimize coke oven operations.

18. Prompt Replacement of Flue Caps. Flue caps shall not be removed except to take oven flue temperature readings or perform flue inspections and maintenance. As soon as practicable after taking oven flue temperature readings, performing flue inspections, and/or performing maintenance, AMM shall replace (put back on) flue caps.

19. Coke Oven and Battery Heating System Inspection. After AMM’s completion of the nozzle evaluation and replacement requirements set forth in Paragraph 17.b and no later than two years after the Effective Date, AMM shall complete a comprehensive engineering evaluation

of the condition of the coke oven walls and coke oven battery heating systems and implement corrective action in accordance with the requirements of this Paragraph.

a. The evaluation shall include an inspection of all oven walls (documented with wall schematics (“brick sheets”)) for holes, cracks, dark spots, spalling, carbon buildup and refractory integrity (including whether the refractory is bending (concave or convex)). The evaluation shall also include a heating survey designed to identify deficiencies in the heating system and Oven Maintenance Plan that could impact Combustion Stack and pushing emissions, including an evaluation of the heating profile, nozzle size and settings, gas header pressure, problem flues and ducts, and damaged oven door linings.

b. Within 45 days of completing the evaluation, AMM shall submit a report to EPA and PADEP that contains (i) a narrative describing the overall condition of the battery, (ii) a narrative detailing all specific deficiencies with the battery, (iii) a full discussion of the findings and recommendations of the evaluation, and (iv) recommendations for any repairs, rebuilds, or replacements that are appropriate to minimize emissions associated with coke oven battery operations to the extent practicable. Within 60 days of completing the evaluation, AMM shall submit a copy of the report, excluding any portions claimed by AMM as confidential business information, to PennEnvironment.

c. Within 60 days of submitting the report under Paragraph 19.b, AMM shall submit to EPA, with a copy to PADEP and PennEnvironment, for review and EPA approval, a Battery Repair Workplan (“BRW”). The BRW shall contain a description of the work proposed to be done to address the findings and recommendations of the evaluation and a proposed schedule for completing this work.

d. AMM shall implement the BRW as approved by EPA.

e. AMM shall provide quarterly progress reports to EPA, PADEP, and PennEnvironment summarizing its implementation of the BRW and identifying any problems or other issues encountered. Upon completion of the BRW, AMM shall notify EPA and PADEP that the work has been completed.

20. Monitoring and Reporting of Fugitive Pushing Emissions.

a. AMM shall observe and record the opacity of fugitive emissions from the Facility's pushing operations on the following schedule:

i. Beginning no later than 14 days after the Effective Date and continuing for a period of 90 days, (1) four consecutive pushes per day on at least 87 days (excluding any push during which the observer's view is obstructed or obscured by interferences) and (2) every oven at least once; and

ii. After the first 90-day period, (1) four consecutive pushes three days per week (excluding any push during which the observer's view is obstructed or obscured by interferences) and (2) every oven at least once every four months.

b. Emission observations shall be conducted by a Certified Observer. For purposes of this Consent Decree only, emission observations shall be done in accordance with Method 9 with the following exceptions:

i. The requirement in section 2.4 of Method 9 for a minimum number of observations does not apply, and the data reduction requirements in section 2.5 of Method 9 do not apply.

ii. Observe fugitive pushing emissions from a position that provides an unobstructed view and avoids interferences from the topside of the battery.

iii. Begin observations at the first detectable movement of the coke mass.

iv. Observe and record the opacity of fugitive pushing emissions at 15-second intervals for four readings (i.e. at the beginning of the push, 15 seconds after the beginning of the push, 30 seconds after the beginning of the push, and 45 seconds after the beginning of the push).

v. Calculate the opacity of fugitive emissions from the push by averaging the readings (i.e. sum the four readings and divide by four).

vi. Record the oven number of any push not observed because of obstructions or interferences.

c. If the average opacity of fugitive emissions from a push exceeds 20%, as determined by the procedures described in Paragraph 20.b.iv. and v., AMM shall investigate the cause of the exceedance and promptly take necessary corrective action.

d. The observation procedures described in this Paragraph shall be used solely for the purpose of determining the applicability of (i) the requirement in Paragraph 20.c (Monitoring and Reporting of Fugitive Pushing Emissions) to investigate and take corrective action and (ii) the requirement in Paragraph 21 (Evaluation of PEC System) to undertake a comprehensive, third-party engineering evaluation of the PEC System.

e. In each semi-annual report required by Section VI (Reporting Requirements), AMM shall (i) report the results of all visual observations that exceed 20% opacity, as determined by the procedures described in Paragraph 20.b.iv. and v. and (ii) attach copies of all visual emission observations recorded during the reporting period that show an

exceedance of 20% opacity, as determined by the procedures described in Paragraph 20.b.iv. and v.

21. Evaluation of PEC System. If more than five percent of the pushes observed during the first 90-day period (Paragraph 20.a.i) exceed 20% opacity (using the procedures described in Paragraph 20.b.iv. and v., above), AMM shall undertake a comprehensive, third-party engineering evaluation of the Facility's PEC System in accordance with the requirements of this Paragraph.

a. AMM shall retain a qualified third-party engineering firm to conduct a study to evaluate the installation of a new pushing emissions control system and/or an upgrade to the existing PEC System to achieve compliance with the Pushing Emissions Opacity Limit. This study shall be completed no later than one year after the Effective Date.

b. No later than 45 days after completion of the study, AMM shall submit to EPA, with a copy to PADEP and PennEnvironment, a report describing the results of the study. The report shall include recommendations for any changes or improvements to the PEC System necessary to achieve compliance with the Pushing Emissions Opacity Limit. The report shall also include a proposed schedule for completing the recommended work.

c. AMM shall implement the corrective action to the PEC System, as approved by EPA, necessary to achieve compliance with the Pushing Emissions Opacity Limit.

22. PEC System O&M Plan. No later than the Effective Date, AMM shall implement the PEC System O&M Plan.

23. Baghouse Monitoring and Maintenance. No later than the Effective Date, AMM shall comply with the following requirements:

a. The PEC System baghouse shall be equipped with pressure differential gauges to monitor the pressure drop across the entire baghouse. The gauges shall be maintained in good working condition and shall be located in an easily accessible location.

b. The pressure differential gauges shall be connected to the Facility's Programmable Logic Control ("PLC") system.

24. Prevention of Fugitive Emissions. No later than the Effective Date, AMM shall implement the Fugitive Dust Control Plan. AMM shall assess at least annually the Fugitive Dust Control Plan. As part of this assessment, AMM shall review all processes and procedures for their effectiveness at preventing the generation of fugitive dust. If any new measures have been implemented during the year, these measures shall be incorporated into the Fugitive Dust Control Plan.

25. Phase 1 Desulfurization Plant Outage Study. In accordance with the requirements of this Paragraph, AMM shall conduct an engineering study to evaluate the technical feasibility and cost effectiveness of operating one or more portable scrubbers that use caustic soda as the scrubbing solution ("Caustic Scrubbers") to remove H<sub>2</sub>S from COG during planned Desulfurization Plant outages ("Phase 1 Outage Study").

a. AMM shall retain a qualified third-party engineering firm with substantial expertise in air pollution control engineering to assist with performing the Phase 1 Outage Study.

b. The Phase 1 Outage Study shall evaluate whether the use of Caustic Scrubbers (including on a rental basis) during planned Desulfurization Plant outages would be technically feasible and cost effective.

c. As part of the Phase 1 Outage Study, AMM shall complete a demonstration project to assess the use of Caustic Scrubbers to remove H<sub>2</sub>S from COG (“Caustic Scrubber Demonstration Project”). The Caustic Scrubber Demonstration Project shall be designed to:

- i. Demonstrate whether Caustic Scrubbers can be used to treat COG during planned Desulfurization Plant outages without causing unacceptable safety or environmental risks;
- ii. Demonstrate whether Caustic Scrubbers can effectively remove H<sub>2</sub>S from COG to meet the By-Products Coke Oven Gas Limit;
- iii. Demonstrate the volume of used scrubber solution generated from the operation of Caustic Scrubbers and indicate the necessary storage capacity needed;
- iv. Demonstrate whether additional amounts of constituents of concern, including cyanide (total and free), will be added to the waste water treatment plant influent from the processing of used scrubber solution; and
- v. Demonstrate whether the waste water treatment plant can accommodate the effects of the reuse of the scrubber solution at the By-Products Plant without causing an exceedance of applicable NPDES effluent limits or causing other adverse effects to the waste water treatment plant.

d. During the Caustic Scrubber Demonstration Project, AMM shall provide PADEP with a schedule for construction activities for the Caustic Scrubber Demonstration Project, and provide at least seven days advance notice of commencement of the operation of the Caustic Scrubbers so that PADEP may observe activities. AMM shall make available to PADEP documents relating to the design, construction operation, and cost of the Caustic Scrubbers and

associated equipment and structures. AMM shall also make available to PADEP the monitoring and analytical data relating to the project.

e. The Phase I Outage Study shall utilize the data and information from the Caustic Scrubber Demonstration Project and other relevant information to assess technical feasibility and cost effectiveness of using Caustic Scrubbers to remove H<sub>2</sub>S from COG during planned Desulfurization Plant outages.

f. The Phase 1 Outage Study shall be completed no later than one year after the Effective Date.

g. No later than 60 days after completion of the one-year period in Paragraph 25.f, AMM shall submit to EPA, with a copy to PADEP and PennEnvironment, a report that sets forth the results of the Phase 1 Outage Study, including a detailed description of the Caustic Scrubber Demonstration Project and its results, a detailed discussion of whether the use of Caustic Scrubbers would be technically feasible, the estimated annual cost (in accordance with the most recent version of OAQPS Control Cost Manual) of using Caustic Scrubbers to remove H<sub>2</sub>S from COG during planned Desulfurization Plant outages, and a detailed discussion of annual reductions in SO<sub>2</sub> emissions that would be achieved by using Caustic Scrubbers during planned Desulfurization Plant outages. The report shall either recommend the use of Caustic Scrubbers (or an alternative technology such as a non-portable fixed caustic scrubber) (along with a proposed schedule for implementing the alternative) during planned Desulfurization Plant outages or substantiate why the use of Caustic Scrubbers is not technically feasible or cost effective.

h. If the Phase 1 Outage Study report indicates that the use of Caustic Scrubbers is technically feasible and cost effective to reduce SO<sub>2</sub> emissions during planned Desulfurization

Plant outages, AMM shall use the Caustic Scrubbers (or non-portable, fixed caustic scrubber or other alternative) during planned Desulfurization Plant outages as approved by EPA in accordance with the approved schedule. If the Phase 1 Outage Study demonstrates, and EPA agrees, that the use of Caustic Scrubbers is not technically feasible or cost effective to reduce SO<sub>2</sub> emissions during planned Desulfurization Plant outages, AMM shall comply with Paragraph 26 (Phase 2 Desulfurization Plant Outage Study).

26. Phase 2 Desulfurization Plant Outage Study (if necessary). In accordance with the requirements of this Paragraph, AMM shall conduct an engineering study (similar in scope to a BAT analysis) to evaluate alternatives for preventing, reducing, or controlling SO<sub>2</sub> emissions during planned Desulfurization Plant outages (“Phase 2 Outage Study”).

a. AMM shall retain a qualified third-party engineering firm with substantial expertise in air pollution control engineering to assist with performing the Phase 2 Outage Study.

b. The Phase 2 Outage Study shall identify and evaluate a broad range of alternatives which could be used to prevent, reduce, or control emissions of SO<sub>2</sub> during planned Desulfurization Plant outages, and including alternatives which are available but not currently used for COG desulfurization or desulfurization plant outages.

c. Within two months after EPA gives notice that it agrees that the use of Caustic Scrubbers is not technically feasible or cost effective (see Paragraph 25.h), AMM shall provide to EPA, with a copy to PADEP and PennEnvironment, a description of the alternatives to be evaluated, for EPA review and comment.

d. The Phase 2 Outage Study shall be completed no later than 10 months after EPA provides AMM with its comments on the description of alternatives to be evaluated or informs AMM that it has no comments.

e. No later than 60 days after completion of the 10-month period in Paragraph 26.d, AMM shall submit to EPA, with a copy to PADEP and PennEnvironment, a report describing the results of the Phase 2 Outage Study, including a description of each alternative identified, the estimated annual cost of each technically feasible alternative (in accordance with the most recent version of OAQPS Control Cost Manual), and a discussion of the evaluation of each alternative. The report shall either recommend one or more alternatives for preventing, reducing, or controlling SO<sub>2</sub> emissions during planned Desulfurization Plant outages (along with a proposed schedule for implementing the alternative(s)) or substantiate why there is no alternative that is both technically feasible and cost effective.

f. If the Phase 2 Outage Study report identifies an alternative that is technically feasible and cost effective, AMM shall implement the alternative as approved by EPA in accordance with the approved schedule.

g. If the Phase 2 Outage Study demonstrates, and EPA agrees, that no technically feasible and cost effective alternative exists to reduce air contaminant emissions during Desulfurization Plant outages, AMM shall comply with Paragraph 27 (Desulfurization Plant Outages).

27. Desulfurization Plant Outages. Until AMM implements an alternative approved by EPA pursuant to Paragraph 25.h or Paragraph 26.f, or AMM otherwise can continue to meet the By-Product Coke Oven Gas Limit during planned Desulfurization Plant outages, AMM shall comply with the following requirements:

a. Limit on Planned Outages. Outages of the Desulfurization Plant resulting from planned maintenance shall be limited to a maximum of 28 days in any calendar year. The start of a planned maintenance outage shall be considered to begin at the time of the first Clock

Hour for which greater than 45 grains of H<sub>2</sub>S/100 dry standard cubic feet of COG is measured by AMM's certified Continuous H<sub>2</sub>S Monitor Device ("H<sub>2</sub>S CMD") or, if the H<sub>2</sub>S CMD is inoperable, by other authorized means. The planned maintenance outage shall be considered to be completed at the time of the first Clock Hour (following a maintenance outage) for which less than or equal to 45 grains of H<sub>2</sub>S/100 dry standard cubic feet of COG is measured by the H<sub>2</sub>S CMD or, if the H<sub>2</sub>S CMD is inoperable, by other authorized means.

b. Advanced Notice of Planned Outages. AMM shall notify PADEP and PennEnvironment in writing at least 30 days prior to undertaking any planned outage of the Desulfurization Plant. Such notice shall include, at a minimum, a description of each maintenance and/or repair activity intended to be undertaken and the anticipated schedule for the outage. Notwithstanding the foregoing, AMM need not provide, in its notice to PennEnvironment, any confidential business information.

c. Limit on Coal Sulfur Content During Planned Outages. During planned maintenance outages, AMM shall not charge the coke ovens with coal with a blended sulfur content of more than 1.2% (by weight). Compliance with this blended coal sulfur content limit will be based on supplier certification data, sampling and analysis, or similar data averaged over the course of the outage.

d. Limit on Production During Planned Outages. During planned maintenance outages, AMM shall not push more than 75 ovens per day.

28. Prevention of Malodorous Air Contaminants. AMM shall take the following actions:

a. No later than 180 days after the Effective Date, AMM shall commission and complete a comprehensive, third-party engineering study of the By-Products Plant. The

study shall be designed to (i) identify and make cost-effective recommendations to minimize potentially objectionable odors from the By-Products Plant, (ii) evaluate the integrity of equipment and components within the Desulfurization Plant, and (iii) review the operation and maintenance work practices within the Desulfurization Plant. The purpose of the study is to identify issues or problems that may cause malodors relating to By-Products Plant design, operations, maintenance, equipment, and employee training, and to recommend corrective actions to address such issues and problems. Within 45 Days of completion of the study, AMM shall provide a copy of the study report to EPA, PADEP, and PennEnvironment. AMM shall promptly implement the corrective actions identified in the study.

b. No later than the Effective Date, AMM shall implement the Odor Control Plan.

c. AMM's Odor Control Plan shall be assessed at least annually. As part of the assessment, all processes and procedures will be reviewed for their effectiveness at minimizing or eliminating the generation of potentially objectionable odors.

29. Citizen Complaint Program. AMM shall develop and implement a written plan for responding to community complaints involving odors or emissions in accordance with the requirements of this Paragraph.

a. AMM shall establish an inquiry/complaint line. One of the purposes of the inquiry/complaint line shall be to enable individuals to contact AMM directly with any concerns about odors or emissions from the Facility.

b. The plan shall identify how individuals can contact the Facility by telephone and email.

c. The plan shall describe how AMM will communicate the existence of the inquiry/complaint line to the community. At a minimum, AMM shall communicate the existence of the inquiry/complaint line on its website and through public meetings.

d. The written plan shall include a process detailing how AMM will document, investigate and follow-up on concerns received via the inquiry/complaint line.

e. AMM shall maintain records concerning all inquiries/complaints received via the inquiry/complaint line and, in addition to the semiannual reporting required by Paragraph 34.p, shall provide Plaintiffs a copy of the Complaint Log Quarterly during the first 12 months after the Effective Date. The Complaint Log shall be due within 30 days of the end of each such Quarter.

f. If AMM determines as part of an investigation of a complaint that emissions or potentially objectionable odors originated from the Facility, AMM shall take corrective action as soon as practicable to address the suspected cause of the emissions or potentially objectionable odors and shall provide the complainant (if known) with a description of the corrective action taken.

g. The plan shall include provisions regarding notice to PADEP in the event of multiple similar complaints.

h. AMM has developed a Community Inquiry/Community Relations Plan, attached to this Decree as Appendix A. AMM may update this plan so long as it continues to meet the requirements of this Paragraph.

30. Approval of Deliverables. After review of any plan, report, or other item that is required to be submitted for approval to EPA under this Consent Decree, EPA, in consultation with PADEP and, where required, PennEnvironment, shall in writing:

- a. approve the submission;
- b. approve the submission under specified conditions;
- c. approve part of the submission and disapprove the remainder; or
- d. disapprove the submission.

31. If the submission is approved pursuant to Paragraph 30.a, AMM shall take all actions required by the plan, report, or other document, in accordance with the schedules and requirements of the plan, report, or other document, as approved. If the submission is conditionally approved or approved only in part, pursuant to Paragraph 30.b or c, AMM shall, upon written direction from EPA, take all actions required by the approved plan, report, or other item that EPA determines are technically severable from any disapproved portions, subject to AMM's right to dispute only the specified conditions, the severability of the portions, or the disapproved portions, under Section IX (Dispute Resolution).

32. If the submission is disapproved in whole or in part pursuant to Paragraph 30.c or d., AMM shall, within 45 days or such other time as AMM and EPA agree to in writing, correct all deficiencies and resubmit the plan, report, or other item, or disapproved portion thereof, for approval, in accordance with the preceding Paragraphs. If the resubmission is approved in whole or in part, AMM shall proceed in accordance with the preceding Paragraph.

33. Permits.

a. Where any compliance obligation under this Section requires AMM to obtain a federal, state, or local permit, approval, or authorization, AMM shall submit timely, complete, and accurate applications for permits or other approvals or authorizations that comply with all applicable statutory and regulatory requirements and take all other actions necessary to obtain all such permits or approvals.

b. AMM may seek relief under the provisions of Section VIII (Force Majeure) for any delay in performance of any such obligation resulting from a failure to obtain, or a delay in obtaining, any permit or approval required to fulfill such obligation, if AMM has submitted timely and complete applications and has taken all other actions necessary to obtain all such permits or approvals.

c. Permit Processing and Challenges. PADEP will review and act on such permit applications only after AMM submits an application in compliance with Paragraph 33.a of this Consent Decree. Notwithstanding the provisions of Section IX (Dispute Resolution) and Section XVI (Retention of Jurisdiction) of this Consent Decree, AMM and PennEnvironment agree that challenges to PADEP's issuance or denial of a permit application or other application for approval or authorization must be filed with the Pennsylvania Environmental Hearing Board, the tribunal established by Pennsylvania statute to review all actions of the Pennsylvania Department of Environmental Protection. Environmental Hearing Board Act, Act of July 13, 1988, P.L. 530, 35 P.S. §§ 7511-16.

d. Before the termination of this Consent Decree, AMM shall apply to PADEP to include the requirements and limitations set forth in Paragraphs 15.h, 17.c, 23 and the daily perimeter inspection requirements in the Fugitive Dust Control Plan of this Decree as non-expiring obligations in a permit or approval that is federally enforceable under 25 Pa. Code Chapter 127, Subchapters F and G. These non-expiring obligations will be identified as applicable requirements authorized under 25 Pa. Code Chapter 127, Subchapter F. Before the termination of this Consent Decree, and as necessary to comply with 25 Pa. Code Chapter 127, Subchapter B, AMM shall apply to PADEP for plan approvals for equipment to be installed to meet the requirements of Paragraphs 21.c, 25.h, 26.f, and 28.a. This Consent Decree shall not

terminate before all of the non-expiring obligations listed above are incorporated into a federally-enforceable air permit, as described in this Paragraph. AMM shall not challenge the inclusion in any such permit of the limits, standards, monitoring requirements, and work practices expressly prescribed in this Paragraph.

## **VI. REPORTING REQUIREMENTS**

34. After entry of this Consent Decree, AMM shall submit to the United States, PADEP, and PennEnvironment, in accordance with the requirements of Section XIV (Notices), a periodic Semi-Annual Report for each half of the calendar year (i.e., January through June and July through December). Each Semi-Annual Report shall be due within 60 days of the end of the reporting period and contain the information required below. If any of the required information is provided in semi-annual or annual certifications pursuant to the Permit or in Quarterly Continuous Source Monitoring Report (“QCSMR”) generated by PADEP, AMM may include a cross-reference to such certification or QCSMR report in the reports required by this Paragraph.

- a. Emissions Limit Violations (Paragraph 13): A summary of any exceedance of the emissions limits referenced in Paragraph 13.a, c, and/or d, including the specific limit exceeded, the date and time of the exceedance, and the amount of the exceedance.
- b. Combustion Stack Opacity Monitoring Data (Paragraphs 15.g and 15.i): The information and documentation relating to the opacity of emissions from the Combustion Stacks required by Paragraphs 15.g and 15.i.
- c. Investigations Relating to Elevated Opacity from Combustion Stacks (Paragraph 16): A summary of investigations of elevated opacity from the Combustion Stacks required by Paragraph 16, including the date and time of the elevated opacity; the specific combustion stack affected (i.e. the No. 1

combustion stack or the No. 2 combustion stack); the actual level of opacity and the method used to determine the opacity (i.e. visual observation in accordance with Method 9 or COMS); the results of the investigation (i.e. the determined cause of the elevated opacity); the date the cause was determined; the corrective taken to address the case; and the date the corrective action was taken.

- d. Updates to Oven Maintenance Plan (Paragraph 17.a): A copy of the Facility's Oven Maintenance Plan, if there have been any changes to the plan during the reporting period.
- e. Coke Oven Nozzles (Paragraph 17.b): If done during the reporting period, a report describing the evaluation and replacement of coke oven nozzles pursuant to Paragraph 17.b.
- f. Coke Oven and Battery Heating System Inspection (Paragraph 19): Describe the status of the coke oven and battery heating system inspection. AMM may cross-reference the quarterly reports required by Paragraph 19.e.
- g. Fugitive Pushing Emissions Monitoring (Paragraph 20): The information and documentation relating to the opacity of fugitive emissions from pushing emissions required by Paragraph 20.
- h. Pushing Emissions Control System (Paragraph 21): Describe the status of the evaluation of the PEC System required by Paragraph 21.
- i. Updates to PEC System O&M Plan (Paragraph 22): A copy of the Facility's PEC System O&M Plan, if there have been any changes to the plan during the reporting period.

- j. Updates to Fugitive Dust Control Plan (Paragraph 24): A copy of the Facility's Fugitive Dust Control Plan, if there have been any changes to the plan during the reporting period.
- k. Phase 1 Desulfurization Plant Outage Study (Paragraph 25): Describe the status of the Phase 1 Outage Study required by Paragraph 25.
- l. Phase 2 Desulfurization Plant Outage Study (Paragraph 26): Describe the status of the Phase 2 Outage Study required by Paragraph 26.
- m. Desulfurization Plant Outages (Paragraph 27): Provide a complete description of any Desulfurization Plant outages and the Facility's compliance with the requirements of Paragraph 27.
- n. Updates to Odor Control Plan (Paragraph 28): A copy of the Facility's Odor Control Plan, if there have been any changes to the plan during the reporting period.
- o. Updates to Community Inquiry/Community Relations Plan (Paragraph 29): A copy of the Facility's Community Inquiry/Community Relations Plan, if there have been any changes to the plan during the reporting period.
- p. Complaint Log (Paragraph 29.e): A copy of the Complaint Log maintained pursuant to Paragraph 29.e.
- q. Other violations of the Consent Decree: A description of any other violation of the Consent Decree during the reporting period, not otherwise covered by subparagraphs a through p, of which AMM has actual knowledge.

35. Whenever any violation of this Consent Decree or any other event affecting AMM's performance under this Decree, or the performance of its Facility, may pose an

immediate threat to public health or welfare or the environment, AMM shall notify PADEP orally or by electronic transmission as soon as possible, but no later than 24 hours after AMM first knew of the violation or event.

36. AMM shall ensure that each report submitted under this Section is signed by an official of the submitting party and includes the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

This certification requirement does not apply to emergency or similar notifications where compliance would be impracticable.

37. The reporting requirements of this Consent Decree do not relieve AMM of any reporting obligations required by the Act or implementing regulations, or by any other federal, state, or local law, regulation, permit, or other requirement.

38. Any information provided pursuant to this Consent Decree may be used by the United States, PADEP, and PennEnvironment in any proceeding to enforce the provisions of this Consent Decree and as otherwise permitted by law.

## **VII. STIPULATED PENALTIES**

39. AMM shall be liable for stipulated penalties to the United States and PADEP for violations of this Consent Decree as specified below, unless excused under Section VIII (Force Majeure) or Section IX (Dispute Resolution).

40. Late Payment of Civil Penalty. If AMM fails to pay the civil penalty required to be paid under Section IV (Civil Penalty) when due, AMM shall pay a stipulated penalty of \$1,000 per day for each day that the payment is late.

41. Emission Standards. The following stipulated penalties shall accrue, as set forth below, for each violation of an emissions standard in Paragraph 13:

Violation	Stipulated Penalty	
Exceedance of Combustion Stack Opacity Limit (based on certified COMS data (Paragraph 15.h)); however, the first 33 Clock Hours of opacity limit exceedances on each battery combustion stack each Calendar Quarter shall not be subject to stipulated penalties	Penalty per Clock-Hour of Non-Compliance	Number of Violations during a Calendar Quarter
	\$500	Not Applicable
Exceedance of each battery Combustion Stack Opacity Limit (based on Method 9)	Penalty per Day	Number of Violations per combustion stack during a Calendar Quarter
	\$500	1 <sup>st</sup> through 5 <sup>th</sup>
	\$2,000 \$4,000	6 <sup>th</sup> through 10 <sup>th</sup> 11 <sup>th</sup> and beyond
Exceedance of the By-Product Coke Oven Gas Limit including unplanned Desulfurization Plant outages that also result in an exceedance of 25 Pa. Code § 127.444 and/or the 63 lbs/hr SO <sub>2</sub> limit on the boilers, except during planned Desulfurization Plant Outages subject to Paragraph 27.	Penalty per Day	Number of Violations during a Calendar Quarter
	\$250	1 <sup>st</sup>
	\$1,500	2 <sup>nd</sup> through 3 <sup>rd</sup>
	\$2,500 \$4,000	4 <sup>th</sup> through 10 <sup>th</sup> 11 <sup>th</sup> and beyond

42. Other Compliance Requirements. The following stipulated penalties shall accrue, as set forth below:

Violation	Stipulated Penalty	
	Penalty Per Day	Period of Noncompliance
Failure to meet the deadlines in Paragraphs 15.a – e (Monitoring and Reporting Opacity from Combustion Stacks)	\$500	1st through 5th Day
	\$1,000	6th through 15th Day
	\$2,000	16th Day and beyond
Failure to conduct Method 9 readings of Combustion Stack opacity as required by Paragraph 15.g and i.	Penalty Per Day	Number of Violations during a Calendar Quarter
	\$500	1 <sup>st</sup> through 5 <sup>th</sup> Day
	\$2,000 \$4,000	6 <sup>th</sup> through 10 <sup>th</sup> Day 11 <sup>th</sup> and beyond
Failure to investigate elevated opacity from Combustion Stacks as required by Paragraph 16	Penalty Per Violation	Period of Noncompliance
	\$1,000	Not Applicable
Failure to meet the deadline for requirements of Paragraph 17.b (Nozzle Evaluation and Replacement)	Penalty Per Day	Period of Noncompliance
	\$500	Not Applicable
Failure to meet the requirements of Paragraph 18 (Prompt Replacement of Flue Caps)	Penalty Per Day	Period of Noncompliance
	\$500	Not Applicable
Failure to conduct the study or implement the BRW (Coke Oven and Battery Heating System Inspection) as required by Paragraph 19	Penalty Per Day	Period of Noncompliance
	\$500	1st through 5th Day
	\$1,000 \$2,500	6th through 10th Day 11th Day and beyond
Failure to meet the requirements of Paragraph 20.a and b (Monitoring and Reporting of Fugitive Pushing Emissions)	Penalty Per Day	Number of Violations during a Calendar Quarter
	\$500	1st through 5th Day

	\$1,000	6th through 10th Day
	\$2,000	11th Day and beyond
Failure to complete the PEC System study or implement corrective action (Evaluation of PEC System) as required by Paragraph 21	Penalty Per Day	Period of Noncompliance
	\$500	Not Applicable
Failure to meet the deadline for requirements of Paragraphs 25 or 26 (Phase 1 and Phase 2 Desulfurization Plant Outage Studies)	Penalty Per Day	Period of Noncompliance
	\$500	1st through 5th Day
	\$1,000	6th through 10th Day
	\$2,500	11th Day and beyond
Planned Desulfurization Plant outages that comply with the requirements of Paragraph 27 (Desulfurization Plant Outages) including exceedances of the By-Product Coke Oven Gas Limit, 25 Pa. Code § 127.444 and/or the 63 lbs/hr SO <sub>2</sub> limit on the boilers; provided, however, that no stipulated penalties shall be due or accrue until a determination is made under Paragraph 25.h that no controls are technically feasible and cost-effective.	Penalty Per Ton of Excess SO <sub>2</sub> Emissions	Tons of Excess SO <sub>2</sub> Emissions
	\$400	0 to 50 tons
	\$800	51 to 100 tons
	\$1,200	Above 100 tons
Failure to meet the requirements of Paragraph 27 (Desulfurization Plant Outages) ( <i>this stipulated penalty is in addition to the stipulated penalty for planned Desulfurization Plant outages that comply with the requirements of Paragraph 27</i> )	Penalty Per Day	Period of Noncompliance in any Calendar Year
	\$750	1 <sup>st</sup> through 5 <sup>th</sup> Day
	\$1,500	6 <sup>th</sup> through 10 <sup>th</sup> Day
	\$3,000	11 <sup>th</sup> Day and beyond
Failure to conduct the By-Products Plant study by the deadline and implement corrective action as required by Paragraph 28.a	Penalty Per Day	Period of Noncompliance
	\$500	1st through 5th Day
	\$1,000	6th through 10th Day

	\$2,500	11th Day and beyond
Failure to meet the requirements of Paragraph 29 (Citizen Complaint Program), except Paragraph 29.e	Penalty Per Day	Period of Noncompliance
	\$500	Not Applicable

Notwithstanding anything to the contrary in Paragraphs 41 and 42, no stipulated penalties shall accrue or be assessed for noncompliance, including for the emission limits in Paragraphs 13.a, c, or d or 25 Pa. Code §§ 127.25 and 127.444, that occurs during and is caused by the Caustic Scrubber Demonstration Project.

43. Semi-Annual Reporting Requirements. For failing to meet the requirement of Paragraph 34 of this Consent Decree, a \$250 stipulated penalty shall accrue per Day, up to a maximum stipulated penalty of \$45,000 per report.

44. Stipulated penalties under this Section shall begin to accrue on the day after performance is due or on the day a violation occurs, whichever is applicable, and shall continue to accrue until performance is satisfactorily completed or until the violation ceases. Stipulated penalties accrue regardless of whether AMM has been notified of its noncompliance and regardless of whether AMM has invoked dispute resolution under Section IX (Dispute Resolution). Stipulated penalties shall accrue simultaneously for separate violations of this Consent Decree.

45. AMM shall pay stipulated penalties to the United States and PADEP within 30 days after receiving a written demand by either the United States or PADEP, unless AMM invokes the dispute resolution procedures under Section IX (Dispute Resolution) within the 30-day period. AMM shall pay 50% of the total stipulated penalty amount due to the United States and 50% to PADEP.

46. Stipulated penalties shall continue to accrue as provided in Paragraph 44 during any dispute resolution period, but need not be paid until the following:

a. If the dispute is resolved by agreement of EPA and AMM, AMM shall pay accrued penalties as set forth in the agreement to the United States and PADEP within 30 days of the effective date of the agreement.

b. If the dispute is resolved by a decision of the United States, as set forth in a Statement of Position pursuant to Paragraph 59 of this Consent Decree, that is not appealed to the Court, AMM shall pay accrued penalties determined to be owing in the United States' Statement of Position within 30 days of the receipt of the United States' Statement of Position.

c. If the dispute is appealed to the Court and the United States prevails in whole or in part, AMM shall pay all accrued penalties determined by the Court to be owing, to the United States and PADEP, within 60 days after receipt of the Court's decision or order, except as provided in Paragraph 46.d, below.

d. If any Party appeals the District Court's decision, AMM shall pay all accrued penalties determined by the Court to be owing, to the United States and PADEP, within 30 days after receiving the final appellate court decision.

47. If AMM fails to pay stipulated penalties within 30 days after receiving the United States' written demand, AMM shall pay interest on unpaid stipulated penalties, as provided for in 28 U.S.C. § 1961, as follows: (a) if AMM has timely invoked dispute resolution such that the obligation to pay stipulated penalties has been stayed pending the outcome of dispute resolution, interest accrues from the date stipulated penalties are due pursuant to Paragraph 45 until the date of payment; and (b) if AMM does not timely invoke dispute resolution, interest accrues from AMM's receipt of the written demand pursuant to Paragraph 45 until the date of payment.

Nothing in this Paragraph limits the United States or PADEP from seeking any remedy otherwise provided by law for AMM's failure to pay any stipulated penalty or interest.

48. The United States and/or PADEP may in the unreviewable exercise of their discretion, reduce or waive stipulated penalties otherwise due it under this Consent Decree.

49. AMM shall pay stipulated penalties owing to the United States in the manner set forth and with the confirmation notices required by Paragraph 9 (Federal Payment Instructions), except that the transmittal letter shall state that the payment is for stipulated penalties and shall state for which violation(s) the penalties are being paid. AMM shall pay stipulated penalties owing to PADEP in the manner set forth and with the confirmation notices required by Paragraph 11 (PADEP Payment Instructions) except that the transmittal letter shall state that the payment is for stipulated penalties and shall state for which violation(s) the penalties are being paid.

50. Subject to the provisions of Section XI (Effect of Settlement/Reservation of Rights), the stipulated penalties provided for in this Consent Decree shall be in addition to any other rights, remedies, or sanctions available to the United States, PADEP, or PennEnvironment (including, but not limited to, statutory penalties, additional injunctive relief, mitigation or offset measures, and/or contempt) for AMM's violation of this Decree or applicable law. Where a violation of this Decree is also a violation of relevant statutory or regulatory requirements, AMM shall be allowed a credit, for any stipulated penalties paid, against any statutory penalties imposed for such violation.

#### **VIII. FORCE MAJEURE**

51. "Force majeure," for purposes of this Consent Decree, is defined as any event arising from causes beyond the control of AMM, of any entity controlled by AMM, or of AMM's contractors, which delays or prevents the performance of any obligation under this

Consent Decree despite AMM's best efforts to fulfill the obligation. The requirement that AMM exercise "best efforts to fulfill the obligation" includes using best efforts to anticipate any potential force majeure event and best efforts to address the effects of any such event (a) as it is occurring and (b) after it has occurred to prevent or minimize any resulting delay to the greatest extent possible. "Force Majeure" does not include AMM's financial inability to perform any obligation under this Consent Decree.

52. If any event occurs or has occurred that may delay the performance of any obligation under this Consent Decree, for which AMM intends or may intend to assert a claim of force majeure, AMM shall provide to EPA, PADEP, and PennEnvironment written notice within five days of when AMM first knew that the event might cause a delay. This written notice shall include: (i) an explanation and description of the reasons for the delay; (ii) the anticipated duration of the delay; (iii) all actions taken or to be taken to prevent or minimize the delay; (iv) a schedule for implementation of any measures to be taken to prevent or mitigate the delay or the effect of the delay; (v) AMM's rationale for attributing such delay to a force majeure event; and (vi) a statement as to whether, in the opinion of AMM, such event may cause or contribute to an endangerment to public health or welfare, or the environment. AMM shall include with any such written notice all available documentation supporting the claim that the delay was attributable to a force majeure event. AMM shall be deemed to know of any circumstance of which AMM, any entity controlled by AMM, or AMM's contractors knew or should have known. Failure to comply with the above requirements shall preclude AMM from asserting any claim of force majeure for that event, provided, however, that if EPA, despite the late notice, is able to assess to its satisfaction whether the event is a force majeure under Paragraph 51 and whether AMM has

exercised best efforts under Paragraph 51, EPA may, in its unreviewable discretion, excuse in writing AMM's failure to submit timely notices under this Paragraph.

53. If EPA, after a reasonable opportunity for review and comment by PADEP and PennEnvironment, agrees that the delay or anticipated delay is attributable to a force majeure event, the time for performance of the obligations under this Consent Decree that are affected by the force majeure event will be extended by EPA for such time as is necessary to complete those obligations. An extension of the time for performance of the obligations affected by the force majeure event shall not, of itself, extend the time for performance of any other obligation. EPA will notify AMM in writing of the length of the extension, if any, for performance of the obligations affected by the force majeure event.

54. If EPA, after a reasonable opportunity for review and comment by PADEP and PennEnvironment, does not agree that the delay or anticipated delay has been or will be caused by a force majeure event, EPA will notify AMM in writing of its decision.

55. If AMM elects to invoke the dispute resolution procedures set forth in Section IX (Dispute Resolution), it shall do so no later than 30 days after receipt of EPA's notice. In any such proceeding, AMM bears the burden of demonstrating by a preponderance of the evidence that the delay or anticipated delay has been or will be caused by a force majeure event, that the duration of the delay or the extension sought was or will be warranted under the circumstances, that best efforts were exercised to avoid and mitigate the effects of the delay, and that AMM complied with the requirements of Paragraphs 51 and 52 above. If AMM carries this burden, the delay at issue will be deemed not to be a violation by AMM of the affected obligation of this Consent Decree identified to EPA and the Court.

## **IX. DISPUTE RESOLUTION**

56. Unless otherwise expressly provided for in this Consent Decree, the dispute resolution procedures of this Section shall be the exclusive mechanism to resolve disputes regarding this Consent Decree.

57. Informal Dispute Resolution. Any dispute subject to Dispute Resolution under this Consent Decree shall first be the subject of informal negotiations. The dispute shall be considered to have arisen when AMM sends the United States a written Notice of Dispute. Such Notice of Dispute shall state clearly the matter in dispute. The period of informal negotiations shall not exceed 30 days from the date the dispute arises, unless that period is modified by written agreement. If the United States and AMM cannot resolve a dispute by informal negotiations, then the position advanced by the United States, after consultation with PADEP and PennEnvironment, shall be considered binding unless, within 30 days after the conclusion of the informal negotiation period, AMM invokes formal dispute resolution procedures as set forth below.

58. Formal Dispute Resolution. AMM may invoke formal dispute resolution procedures, within the time period provided in the preceding Paragraph, by serving on the United States, with a copy to PADEP and PennEnvironment, a written Statement of Position regarding the matter in dispute. The Statement of Position shall include, but need not be limited to, any factual data, analysis, or opinion supporting AMM's position and any supporting documentation relied upon by AMM.

59. After consultation with PADEP and PennEnvironment, the United States shall serve upon AMM its Statement of Position within 45 days of receipt of AMM's Statement of Position. The United States' Statement of Position shall include, but need not be limited to, any factual data, analysis, or opinion supporting that position and any supporting documentation

relied upon by the United States. The United States' Statement of Position shall be binding on AMM, unless AMM files a motion for judicial review of the dispute in accordance with the following Paragraph.

60. AMM may seek judicial review of the dispute by filing with the Court and serving on the United States, with a copy to PADEP and PennEnvironment, in accordance with Section XIV (Notices), a motion requesting judicial resolution of the dispute. The motion must be filed within 30 days of receipt of the United States' Statement of Position pursuant to the preceding Paragraph. The motion shall contain a written statement of AMM's position on the matter in dispute, including any supporting factual data, analysis, opinion, or documentation, and shall set forth the relief requested and any schedule within which the dispute must be resolved for orderly implementation of the Consent Decree.

61. The United States shall respond to AMM's motion within the time period allowed by the Local Rules of this Court. AMM may file a reply memorandum, to the extent permitted by the Local Rules.

62. In a formal dispute resolution proceeding under this Section, AMM shall bear the burden of demonstrating that its position complies with this Consent Decree and the Act, and that it is entitled to relief under applicable principles of law.

63. The invocation of dispute resolution procedures under this Section shall not, by itself, extend, postpone, or affect in any way any obligation of AMM under this Consent Decree, unless and until final resolution of the dispute so provides. Stipulated penalties with respect to the disputed matter shall continue to accrue from the first day of noncompliance, but payment shall be stayed pending resolution of the dispute as provided in Paragraph 45. If AMM does not

prevail on the disputed issue, stipulated penalties shall be assessed and paid as provided in Section VII (Stipulated Penalties).

**X. INFORMATION COLLECTION AND RETENTION**

64. The United States, PADEP, and their representatives, including attorneys, contractors, and consultants, shall have the right of entry into the Facility, at all reasonable times (subject to any applicable federal health and safety laws and regulations), upon presentation of credentials, to:

- a. monitor the progress of activities required under this Consent Decree;
- b. verify any data or information submitted to the United States or PADEP in accordance with the terms of this Consent Decree;
- c. obtain samples and, upon request, splits of any samples taken by AMM or its representatives, contractors, or consultants;
- d. obtain documentary evidence, including photographs and similar data; and
- e. assess AMM's compliance with this Consent Decree.

65. Until two years after the termination of this Consent Decree, AMM shall retain, and shall instruct its contractors and agents to preserve, all non-identical copies of all documents, records, or other information (including documents, records, or other information in electronic form) (hereinafter referred to as "Records") in its or its contractors' or agents' possession or control, or that come into its or its contractors' or agents' possession or control, and that directly relate to AMM's performance of its obligations under this Consent Decree. This information-retention requirement shall apply regardless of any contrary corporate or institutional policies or procedures. At any time during this information-retention period, upon request by the United States, PADEP, or PennEnvironment, AMM shall provide copies of any Records required to be maintained under this Paragraph. This retention requirement does not apply to voicemail

messages or text messages, so long as those forms of communication are not used for substantive discussions concerning compliance with the Decree. Nor does this retention requirement apply to AMM's outside counsel retained specifically for the purpose of potential litigation.

66. At the conclusion of the information-retention period provided in the preceding Paragraph, AMM shall notify the United States, PADEP, and PennEnvironment at least 45 days prior to the destruction of any Records subject to the requirements of the preceding Paragraph and, upon request by the United States, PADEP, or PennEnvironment, AMM shall deliver any such Records to EPA, PADEP, and/or PennEnvironment.

67. Privileged and Business Confidential Documents. In response to a request for Records pursuant to this Section,

a. AMM may assert that all or part of a Record is privileged or protected as provided under federal law. If AMM asserts such a privilege, it shall provide the following: (1) the title of the Record; (2) the date of the Record; (3) the name and title of each author of the Record; (4) the name and title of each addressee and recipient; (5) a description of the contents of the Record; and (6) the privilege or protection asserted by AMM. If a claim of privilege or protection applies only to a portion of a Record, the Record shall be provided to the United States in redacted form to mask the privileged or protected portion only. AMM shall retain all Records that it claims to be privileged or protected until the United States has had a reasonable opportunity to dispute the privilege or protection claim and any such dispute has been resolved in AMM's favor.

b. AMM may also assert business confidentiality claims covering part or all of the Records required to be provided under this Section to the extent permitted by and in accordance with 40 C.F.R. § 2.203(b). Records determined to be confidential by EPA will be afforded the

protections specified in 40 C.F.R. Part 2, Subpart B. If no claim of confidentiality accompanies a Record when it is submitted to EPA and PADEP, or if EPA has notified AMM that the Records are not confidential under the standards of 40 C.F.R. Part 2, Subpart B, the public may be given access to such Record without further notice to AMM.

c. AMM may make no claim of privilege or protection (other than claims of Confidential Business Information) regarding any (1) monitoring data or monitoring records or (2) any final report that must be submitted pursuant to this Consent Decree.

68. This Consent Decree in no way limits or affects any right of entry and inspection, or any right to obtain information, held by the United States or PADEP pursuant to applicable federal or state laws, regulations, or permits, nor does it limit or affect any duty or obligation of AMM to maintain documents, records, or other information imposed by applicable federal or state laws, regulations, or permits.

#### **XI. EFFECT OF SETTLEMENT/RESERVATION OF RIGHTS**

69. This Consent Decree resolves the civil claims that the United States, PADEP, and PennEnvironment have against AMM, through the date of lodging, for violations of the Clean Air Act that are (a) alleged in the Complaint or the Complaint-in-Intervention; (b) identified in one of the Notices of Violation listed in Appendix F; or (c) identified in one of the Compliance Certification Forms listed in Appendix G.

70. The United States, PADEP, and PennEnvironment reserve all legal and equitable remedies available to enforce the provisions of this Consent Decree. This Consent Decree does not limit the rights of the United States or PADEP to obtain penalties or injunctive relief under the Act or implementing regulations, or under other federal or state laws, regulations, or permit conditions, except as expressly specified in Paragraph 69. The United States and PADEP further reserve all legal and equitable remedies to address any imminent and substantial endangerment

to the public health or welfare or the environment arising at, or posed by, AMM's Facility, whether related to the violations addressed in this Consent Decree or otherwise.

71. In any subsequent administrative or judicial proceeding initiated by the United States or PADEP for injunctive relief, civil penalties, or other appropriate relief relating to the Facility, AMM shall not assert, and may not maintain, any defense or claim based upon the principles of waiver, res judicata, collateral estoppel, issue preclusion, claim preclusion, claim splitting, or other defenses based upon any contention that the claims raised by the United States or PADEP in the subsequent proceeding were or should have been brought in the instant case, except with respect to claims that have been specifically resolved pursuant to Paragraph 69 of this Section.

72. This Consent Decree is not a permit, or a modification of any permit, under any federal, state, or local laws or regulations. AMM is responsible for achieving and maintaining compliance with all applicable federal, state, and local laws, regulations, and permits; and AMM's compliance with this Consent Decree shall be no defense to liability in any action commenced pursuant to any such laws, regulations, or permits, except as set forth herein. The United States and PADEP do not, by their consent to the entry of this Consent Decree, warrant or aver in any manner that AMM's compliance with any aspect of this Consent Decree will result in compliance with provisions of the Act, 42 U.S.C. § 7401 *et seq.*, or with any other provisions of federal, state, or local laws, regulations, or permits.

73. This Consent Decree does not limit or affect the rights of the Parties against any third parties, not party to this Consent Decree, nor does it limit the rights of third parties, not party to this Consent Decree, against AMM, except as otherwise provided by law.

74. This Consent Decree shall not be construed to create rights in, or grant any cause of action to, any third party not party to this Consent Decree.

## **XII. COSTS**

75. Except as set forth in Section XIII (PennEnvironment's Costs of Litigation), the Parties shall bear their own costs of this action, including attorneys' fees, except that the United States and PADEP shall be entitled to collect the costs (including attorneys' fees) incurred in any action necessary to collect any portion of the civil penalty or any stipulated penalties due but not paid by AMM.

## **XIII. PENNENVIRONMENT'S COSTS OF LITIGATION**

76. Consistent with 42 U.S.C. § 7604(d), within 30 days after the Effective Date, AMM shall pay the amount of \$375,000 in full and complete satisfaction of PennEnvironment's claim for reasonable costs of litigation in this action (including reasonable attorney and expert witness fees) to PennEnvironment's counsel. Payment shall be made to the National Environmental Law Center ("NELC") by electronic funds transfer, in accordance with instructions to be provided to AMM by NELC. PennEnvironment hereby releases and forever discharges AMM from any and all claims for (i) past costs of litigation; and (ii) all future costs related to implementation of this Consent Decree including, but not limited to, reviewing reports and monitoring data submitted pursuant to this Consent Decree; provided, however, that in any legal action by PennEnvironment to enforce this Consent Decree in which PennEnvironment ultimately prevails or substantially prevails, the Court, in issuing any final order, may award costs of litigation for such prevailing claims (including reasonable attorney and expert witness fees) in the manner provided for in 42 U.S.C. § 7604(d).

**XIV. NOTICES**

77. Unless otherwise specified in this Consent Decree, whenever notifications, submissions, or communications are required by this Consent Decree, they must be made in writing addressed as follows. For any person listed below, if an email address is provided, electronic submissions may be submitted to such person as an alternative to a paper submission.

To the United States:

Chief, Environmental Enforcement Section  
Environment and Natural Resources Division  
U.S. Department of Justice  
Box 7611, Ben Franklin Station  
Washington, D.C. 20044-7611  
Re: DOJ No. 90-5-2-1-11563

and

Director, Air Protection Division  
U.S. Environmental Protection Agency, Region III  
1650 Arch Street (3AP00)  
Philadelphia, PA 19103

To EPA:

Director, Air Protection Division  
U.S. Environmental Protection Agency, Region III  
1650 Arch Street (3AP00)  
Philadelphia, PA 19103

and

James Hagedorn  
U.S. Environmental Protection Agency, Region III  
1650 Arch Street (3AP20)  
Philadelphia, PA 19103  
Email: hagedorn.james@epa.gov

To PADEP:

Timothy Kuntz or successor  
Environmental Group Manager  
Department of Environmental Protection  
400 Waterfront Drive  
Pittsburgh, PA 15222  
Phone: (412) 442-4021  
Email: tkuntz@pa.gov

and

Thomas Norris or successor  
Air Quality District Supervisor  
Department of Environmental Protection  
New Stanton District Office  
131 Broadview Road  
New Stanton, PA 15672  
Phone: (724) 925-5428  
Email: thomasnor@pa.gov

To PennEnvironment:

Heather Govern  
National Environmental Law Center  
294 Washington Street, Suite 500  
Boston, MA 02108  
Phone: (617) 747-4301  
Email: govern.nelc@gmail.com

To AMM:

Division Manager,  
ArcelorMittal Monessen LLC.  
345 Donner Avenue  
Monessen, PA 15062

With copies to:

Director, Environmental Affairs  
ArcelorMittal USA LLC  
4020 Kinross Lakes Parkway, Richfield, OH 44286

and

General Counsel, ArcelorMittal USA LLC  
Suite 1900  
1 South Dearborn  
Chicago, IL 60603

78. Any Party may, by written notice to the other Parties, change its designated notice recipient or notice address provided above.

79. Notices submitted pursuant to this Section shall be deemed submitted upon mailing, in paper or electronic form, unless otherwise provided in this Consent Decree or by mutual agreement of the Parties in writing.

#### **XV. EFFECTIVE DATE**

80. The Effective Date of this Consent Decree is the date upon which the approval of the Consent Decree is recorded on the Court's docket; provided, however, that AMM agrees that it shall be bound to perform duties scheduled to occur prior to the Effective Date. In the event the United States withdraws or withholds consent to this Consent Decree before entry, or the Court declines to enter the Consent Decree, then the preceding requirement to perform duties scheduled to occur before the Effective Date terminates.

#### **XVI. RETENTION OF JURISDICTION**

81. The Court shall retain jurisdiction over this case until termination of this Consent Decree pursuant to Section XVIII (Termination), for the purpose of resolving disputes arising under this Decree or entering orders modifying this Decree, pursuant to Sections IX (Dispute Resolution) and XVII (Modification), or effectuating or enforcing compliance with the terms of this Decree, except for processing permit applications and other applications for authorization or approval and challenges to decisions regarding such applications as set forth in Paragraph 33, above.

## **XVII. MODIFICATION**

82. The terms of this Consent Decree, excluding Appendices A, B, C, D, and E, may be modified only by a subsequent written agreement signed by all the Parties. Where the modification constitutes a material change to this Decree, it shall be effective only upon approval by the Court.

83. Any disputes concerning modification of this Decree shall be resolved pursuant to Section IX (Dispute Resolution). The Party seeking the modification bears the burden of demonstrating that it is entitled to the requested modification in accordance with Federal Rule of Civil Procedure 60(b).

## **XVIII. TERMINATION**

84. Termination Upon Completion. After AMM has: 1) completed the requirements of Paragraphs 15.b (COMS on Combustion Stacks), 19 (Coke Oven and Battery Heating System Inspection), 21 (Evaluation of PEC System) if applicable, 25 (Phase 1 Desulfurization Plant Outage Study), 26 (Phase 2 Desulfurization Plant Outage Study) if applicable, and 28.a (Prevention of Malodorous Air Contaminants); 2) substantially complied with Paragraphs 13 (Compliance with SIP and Permit Limits), and 20.a (Monitoring and Reporting of Fugitive Pushing Emissions) for a period of 24 consecutive months; and 3) has paid the civil penalty, any accrued stipulated penalties, and PennEnvironment's costs of litigation pursuant to Section XIII, AMM may send to the United States, PADEP, and PennEnvironment a Request for Termination, which shall be certified in accordance with Paragraph 36, stating that AMM has satisfied those requirements, together with all necessary supporting documentation.

85. Following receipt by the United States, PADEP, and PennEnvironment of AMM's Request for Termination, the Parties shall confer informally concerning the Request and any disagreement that the Parties may have as to whether AMM has satisfactorily complied with

the requirements for termination of this Consent Decree. If the United States, after consultation with PADEP and PennEnvironment, agrees that the Decree may be terminated, the Parties shall submit, for the Court's approval, a joint stipulation terminating the Decree.

86. If the United States does not agree that the Decree may be terminated, AMM may invoke Dispute Resolution under Section IX (Dispute Resolution). However, AMM shall not seek Dispute Resolution of any dispute regarding termination until at least 60 days after service of its Request for Termination.

87. Termination Upon Retirement. At any time prior to Termination of this Consent Decree, AMM may elect, at its sole discretion, to Retire the coke oven batteries.

- a. Termination Upon Retirement shall be accomplished by completion of the following steps:
  - i. Providing written notice from a responsible official (as defined in 25 Pa. Code § 121.1) of AMM to EPA and PADEP that AMM has Retired the coke oven batteries, and the date of Retirement;
  - ii. Providing written notice from a responsible official of AMM to EPA and PADEP that the coke oven batteries have either been (1) removed from the Facility, or (2) disabled so that they may not be operated;
  - iii. AMM's payment of the civil penalty and any accrued stipulated penalties, and payment of PennEnvironment's costs of litigation;

- iv. Providing written notice from a responsible official of AMM to EPA and PADEP in the form of a permit modification application, if necessary, to reflect the revised configuration of the Facility in the Permit following the Retirement.
- b. Upon demonstration that all the items in subparagraph a, above, have been completed: (i) any Party may submit, for the Court's approval, a motion to terminate the Decree; or (ii) AMM, PADEP, and EPA may submit a joint stipulation terminating the Decree.

88. Hot Idle Suspension. At any time prior to Termination of this Consent Decree, AMM may elect, at its sole discretion, to enter a period of Hot Idle, in which case all Compliance Requirements of Section V and Reporting Requirements of Section VI shall be suspended and tolled for the duration of the Hot Idle period. The Hot Idle period shall be limited in duration to five calendar years beginning on the date of commencement of the Hot Idle period; provided, however, that prior to restart following a period of Hot Idle, AMM shall have complied with the following Paragraphs of this Consent Decree: Paragraph 17(b) (Nozzle Evaluation and Replacement), Paragraph 19 (Coke Oven Battery Heating System Inspection), Paragraph 25 (Desulfurization Plant Outage Study), and Paragraph 28(a) (Prevention of Malodorous Air Contaminants). To implement this Paragraph, AMM shall submit a notice letter to EPA and PADEP pursuant to Paragraph 77 at least 30 days prior to the anticipated commencement date of the Hot Idle period.

#### **XIX. PUBLIC PARTICIPATION**

89. This Consent Decree shall be lodged with the Court for a period of not less than 30 days for public notice and comment in accordance with 28 C.F.R. § 50.7. The United States

reserves the right to withdraw or withhold its consent if the comments regarding the Consent Decree disclose facts or considerations indicating that the Consent Decree is inappropriate, improper, or inadequate. AMM consents to entry of this Consent Decree without further notice and agrees not to withdraw from or oppose entry of this Consent Decree by the Court or to challenge any provision of the Decree, unless the United States has notified AMM in writing that it no longer supports entry of the Decree.

**XX. SIGNATORIES/SERVICE**

90. Each undersigned representative of AMM, PennEnvironment, PADEP, and the Assistant Attorney General for the Environment and Natural Resources Division of the Department of Justice or his designee certifies that he or she is fully authorized to enter into the terms and conditions of this Consent Decree and to execute and legally bind the Party he or she represents to this document.

91. This Consent Decree may be signed in counterparts, and its validity may not be challenged on that basis.

92. AMM shall identify, on the attached signature page, the name, address, and telephone number of an agent who is authorized to accept service of process by mail on its behalf with respect to all matters arising under or relating to this Consent Decree. AMM agrees to accept service in that manner and to waive the formal service requirements set forth in Rule 4 of the Federal Rules of Civil Procedure and any applicable local rules of this Court, including, but not limited to, service of a summons. AMM need not file an answer to the Complaint-in-Intervention unless or until the Court expressly declines to enter this Consent Decree.

**XXI. INTEGRATION/HEADINGS**

93. This Consent Decree constitutes the final, complete, and exclusive agreement and understanding among the Parties with respect to the settlement embodied in the Decree. Other

than deliverables that are subsequently submitted and approved pursuant to this Decree, the Parties acknowledge that there are no representations, agreements, or understandings relating to the settlement other than those expressly contained in this Consent Decree.

94. Headings to the sections and subsections of this Consent Decree are provided for convenience and do not affect the meaning or interpretation of the provisions of this Consent Decree.

## **XXII. FINAL JUDGMENT**

95. Upon approval and entry of this Consent Decree by the Court, this Consent Decree constitutes a final judgment of the Court as to the United States, PADEP, PennEnvironment, and AMM.

## **XXIII. APPENDIX**

96. The following Appendices are attached to and part of this Consent Decree:

“Appendix A” is the Community Inquiry/Community Relations Plan.

“Appendix B” is the Fugitive Dust Control Plan.

“Appendix C” is the Odor Control Plan.

“Appendix D” is the Oven Maintenance Plan.

“Appendix E” is the PEC System O&M Plan.

“Appendix F” is the list of Notices of Violation referenced in Paragraph 69.

“Appendix G” is the list of Compliance Certification Forms referenced in Paragraph 69.

Dated and entered this \_\_\_\_ Day of \_\_\_\_\_, 2018.

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CYNTHIA REED EDDY  
United States Magistrate Judge

THE UNDERSIGNED PARTY enters into this Consent Decree in this action captioned PennEnvironment et al v. ArcelorMittal Monessen LLC et al (Civil Action No. 2:15-cv-01314-CRE):

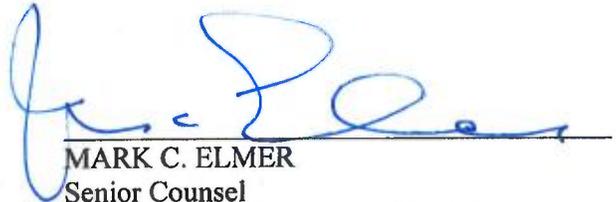
FOR THE UNITED STATES OF AMERICA

DATE: \_\_\_\_\_



NATHANIEL DOUGLAS  
Deputy Section Chief  
Environmental Enforcement Section  
U.S. Department of Justice

DATE: \_\_\_\_\_



MARK C. ELMER  
Senior Counsel  
Environmental Enforcement Section  
Environment & Natural Resources Division  
U.S. Department of Justice  
999 18<sup>th</sup> Street, South Terraces, Suite 370  
Denver, Colorado 80202

THE UNDERSIGNED PARTY enters into this Consent Decree in this action captioned PennEnvironment et al v. ArcelorMittal Monessen LLC et al (Civil Action No. 2:15-cv-01314-CRE):

FOR U.S. ENVIRONMENTAL PROTECTION  
AGENCY, REGION 3

DATE: 12-15-2017



COSMO SERVIDIO  
Regional Administrator  
U.S. Environmental Protection Agency, Region 3

DATE: 12/6/17



MARY COE  
Regional Counsel  
U.S. Environmental Protection Agency, Region 3

DATE: 11/28/17

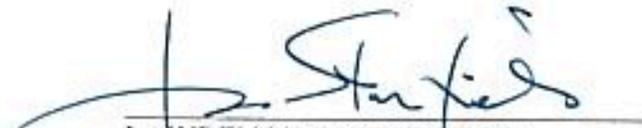


ROBERT STOLTZFUS  
Senior Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region 3  
1650 Arch Street (3RC10)  
Philadelphia, PA 19103

THE UNDERSIGNED PARTY enters into this Consent Decree in this action captioned PennEnvironment et al v. ArcelorMittal Monessen LLC et al (Civil Action No. 2:15-cv-01314-CRE):

FOR U.S. ENVIRONMENTAL PROTECTION  
AGENCY

DATE: 12/12/17



LAWRENCE E. STARFIELD  
Acting Assistant Administrator  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency

DATE: 12/4/17



PHILLIP A. BROOKS  
Director, Air Enforcement Division  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency

THE UNDERSIGNED PARTY enters into this Consent Decree in this action captioned PennEnvironment et al v. ArcelorMittal Monessen LLC et al (Civil Action No. 2:15-cv-01314-CRE):

FOR THE COMMONWEALTH OF PENNSYLVANIA

PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION

DATE: 11/29/2017

  
\_\_\_\_\_  
GEORGE HARTENSTEIN  
Deputy Secretary for Waste Air Radiation and Remediation  
Department of Environmental Protection  
Rachel Carson State Office Building  
400 Market Street  
Harrisburg, PA 17101

DATE: Nov. 29, 2017

  
\_\_\_\_\_  
ALEXANDRA C. CHIARUTTINI  
Chief Counsel  
Department of Environmental Protection  
Rachel Carson State Office Building  
400 Market Street  
Harrisburg, PA 17101

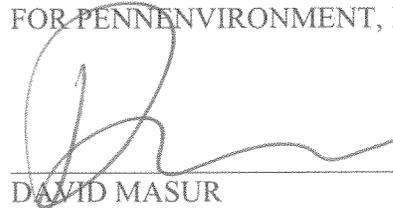
DATE: Nov. 30, 2017

  
\_\_\_\_\_  
MICHAEL J. HEILMAN  
Assistant Regional Counsel  
Department of Environmental Protection  
Office of Chief Counsel  
400 Waterfront Drive  
Pittsburgh, PA 15222

THE UNDERSIGNED PARTY enters into this Consent Decree in this action captioned PennEnvironment et al v. ArcelorMittal Monessen LLC et al (Civil Action No. 2:15-cv-01314-CRE):

DATE: 11/30/17

FOR PENNENVIRONMENT, INC.:



DAVID MASUR

Director

PennEnvironment, Inc.

1429 Walnut Street, Suite 1100

Philadelphia, PA 19102

THE UNDERSIGNED PARTY enters into this Consent Decree in this action captioned PennEnvironment et al v. ArcelorMittal Monessen LLC et al (Civil Action No. 2:15-cv-01314-CRE):

FOR ARCELORMITTAL MONESSEN LLC:

DATE: 11-28-17

  
\_\_\_\_\_  
PAUL LIEBENSON  
General Counsel and Assistant Secretary

**ArcelorMittal Monessen LLC**  
**Community Inquiry/Community Relations Plan**

ArcelorMittal Monessen LLC (“AMM”) will implement the following Community Inquiry/Community Relations Plan.

1. AMM will establish an AMM toll-free number and email address for community member inquiries by the Effective Date.
2. Both the toll-free number and email address will be (a) published on the Monessen page of ArcelorMittal USA’s website, [usa.arcelormittal.com](http://usa.arcelormittal.com), (b) posted on a sign, visible to the public, placed near the First Street gate to the Facility, and (c) communicated through public meetings and local government officials, for example the Mayor of Monessen.
3. Callers to the toll-free number will be able to leave a voicemail or transfer out of voicemail and speak to the plant manager’s staff during normal business hours. An emergency contact number will be provided in the voicemail. The voicemail and email will be monitored by the plant manager’s office. Callers may either leave their contact information or request anonymity.
4. Community members who wish to raise questions or share concerns with AMM may use either the toll-free number or email the Facility directly. In either medium, individuals will be encouraged to include as much detail as possible about their concerns including the timing of such concerns.
5. All inquiries involving odors or emissions will be documented. All complaints received via the toll-free number and email address shall be recorded in an electronic or paper complaint log. The complaint log will include the name and address of the complainant (if provided), the date and time of the complaint, the nature of the complaint, and any follow-up investigation and corrective action taken. Beginning no later than six months after the Effective Date, a copy of the complaint log will be provided to PADEP and PennEnvironment semi-annually for a two-year period.
6. Plant leadership will promptly initiate an investigation of any complaint involving odors or emissions. Where the complainant’s identity is known, the investigation shall include contacting the complainant in person, via phone, or email, as soon as practicable but in no event later than 24 hours after receiving the complaint.
7. Off-site investigations by plant personnel shall be conducted when AMM timely receives two or more complaints regarding odor or particulate matter emissions from independent sources located within close proximity (approximately five miles) of the facility within 24 hours that are similar in nature, and in other instances when plant personnel deem an offsite investigation is warranted. The off-site investigation will include plant personnel traveling to the general

location, if known, of the odor or emissions complaint in an attempt to determine the source of the odor or emissions.

8. Once the review process is complete, the complainant will receive a follow-up call or email, if contact information is provided, to discuss the results of the investigation, including whether a source was identified and any corrective action that has or will be taken.
9. All inquiries received by AMM through third parties, for example inquiries made directly to PADEP or other local government or non-government organizations, will be documented and responded to using the process outlined in paragraphs 6-8 upon receipt from those third parties.
10. AMM, in partnership with ArcelorMittal Communications and Corporate Responsibility professionals, will work with local government officials to identify a location and a forum, at least twice a year for the next two years, to provide the community with updates on local operations and to allow community residents to directly ask questions and voice concerns. The dates and locations for the forum will be published on the ArcelorMittal USA website ([usa.arcelormittal.com](http://usa.arcelormittal.com)), included on signs posted in public locations (such as the public library) and shared via local media outlets and government officials.
11. In the event AMM directly receives, in a 24-hour period, two or more complaints from independent sources regarding a similar odor or emissions, AMM shall notify PADEP of the complaints and, if known, provided PADEP with the name, address, and telephone number of the complainants.
12. AMM may update this plan from time to time, so long as it continues to meet the requirements of Paragraph 29 of the Consent Decree (Citizen Complaint Program).

**FUGITIVE DUST CONTROL PLAN**

**ARCELORMITTAL MONESSEN LLC  
MONESSEN, PENNSYLVANIA**

**Prepared for:**



**Original December 11, 2014**

**Last revised October 3, 2017**

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- Figure 1 Site Location Map
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- Table 1 Fugitive Dust Control Plan Implementation Activities

**APPENDIX A**

- Coal Stockpiles, Coke Stockpiles, Coal Conveyor – Daily Inspection Log
- 1st Street/ Donner Ave. Material Drag-Out – Daily Inspection Log
- Daily Roadway Sweeping Log (Donner Ave. and City of Monessen Roadways/ 1st Street to RR Crossing)
- Daily Roadway Water Log (Log sheet)
- Battery Backside – M1 Conveyor – Weekly Inspection Log
- Baghouse Collector Bins – Daily Inspection Log

## 1.0 INTRODUCTION

ArcelorMittal Monessen LLC's Fugitive Dust Control Plan ("Plan") is designed to address and minimize fugitive emissions/particular matter from Monessen plant operations as follows. The Plan will be reviewed annually taking into account current operations and any changes to those operations from the previous year and updated, as necessary.

The Plan specifically addresses the following operations:

Fugitive emissions/particulate matter associated from:

- Coal and coke stockpile areas;
- Road drag-out;
- Conveyors;
- Backside of the battery;
- Baghouse Collector Bins; and
- Facility-wide general housekeeping.

This Plan characterizes the sources of fugitive dust/particulate matter emissions. For each source, control measures are identified.

By way of background, in April, 2015 ArcelorMittal implemented use of inspection logs to address each of the fugitive dust source areas. The logs document the inspections required by Table 1 of the Plan and identify corrective actions taken in response to the inspection observations. These inspection/correction logs cover the following locations:

- Coal Stockpiles, Coke Stockpiles, Coal Conveyor – Daily Inspection Log
- 1st Street/ Donner Ave. Material Drag-Out – Daily Inspection Log
- Daily Roadway Sweeping Log (Donner Ave. and City of Monessen Roadways/ 1st Street to RR Crossing)
- Daily Roadway Water Log (Log sheet)
- Battery Backside – M1 Conveyor – Weekly Inspection Log

- Baghouse Collector Bins – Daily Inspection Log

Training is provided to each responsible employee in the use of the logs and required responsibilities for identifying, documenting, and completing required actions to address identified issues. The inspection logs developed to inspect, document, and correct issues associated with fugitive dust source areas are presented in Appendix A.

## 2.0 FACILITY SETTING

The Plant is located on approximately 45 acres adjacent to the southern bank of the Monongahela River in Monessen, PA (see Figure 1 – Site Location Map). The east-west axis of the plant property is approximately 4,000 feet long with the north-south axis about 500 feet wide. The Monessen Riverfront Industrial Park is located immediately west of the site with a 10-acre open area followed by two large one to two-story commercial buildings on the adjacent 15 acres further west. Property to the south consists of a nominal 100-foot rail right of way and then the community of Monessen. Recreational river launch and park facilities are located east of the plant along the river.

The river elevation at the site is about 734 feet above mean sea level (AMSL). Site elevations range from about 760 feet AMSL (roadways) to 780 feet AMSL (coal piles). Elevations rise to over 900 feet AMSL within about 1,500 feet south of the plant in the city of Monessen. North of the plant, terrain elevations rise to above 900 feet within about 1,100 feet of the plant across the river.

The following meteorological data was compiled from several online sources: [www.myforecast.com](http://www.myforecast.com), [www.intellicast.com](http://www.intellicast.com), [www.idcide.com](http://www.idcide.com), [www.bestplaces.net](http://www.bestplaces.net) and [www.city-data.com](http://www.city-data.com). Monessen, PA typically receives 38 to 40 inches of rainfall and 20 to 30 inches of snow annually. Average monthly rainfall ranges from about 3 to 4 inches from April through November with the wettest period being May through August. Monthly snowfall from December through March averages 8 to 12 inches. Winds are predominately southwesterly in the plant valley throughout the year. The highest average wind speeds occur in winter months (nominal 14 mph) while summer average wind speeds range from 7 to 9 mph. Air temperatures are temperate with average highs in the summer (June through August) above 80 degrees Fahrenheit and average lows in the winter (December through March) ranging from 20 to 30 degrees.

In 2015, ArcelorMittal installed weather station equipment, one weather station was installed at the top of the coal bunker access stairway at the western end of the plant. A second weather station was installed at the First Street Guard House.

Plant roadway speed limit signs limiting speed to 10 miles per hour are in place along plant interior roadways. Area supervisors monitor vehicle speed and issue verbal notice to operators exceeding posted limits.

### 3.0 SOURCE DESCRIPTIONS

The following sections describe the specific sources of fugitive emissions that were originally identified by PADEP for inclusion in this Plan. Facility-wide General Housekeeping is discussed in Sections 4.0 and 5.0.

#### 3.1 MATERIAL STOCKPILES (COAL AND COKE)

The Monessen facility uses outdoor stockpile storage of raw material (coal) and product (coke). The coal and coke stockpile locations are identified on Figure 2.

Following restart of the plant in April 2014, after a nearly 5-year hot-idle period, the on-site coal inventory was reduced to an approximately 20-day supply ( $\approx$  29,000 tons) compared to the previous operational inventory practice of 45 to 60 days under the prior plant ownership. This change reduced pile heights and the potential for wind erosion of fines from pile surfaces. Coal stocking and removal operations are performed from the perimeter of the piles. The perimeter of the piles is accessed by an unpaved roadway. Coal is stacked and removed from the stockpiles using Caterpillar 988H wheeled front-end loaders. Coal removal occurs from the interior of the piles by removing coal from the bottom portion of the piles. Equipment access is from an interior central path. The central path is unpaved, and commonly receives spilled coal from the equipment buckets. While the coal stockpiles provide some degree of windbreak, repetitive use of the central path by equipment results in mechanical breakdown of soft coal into fine particles. These fine particles are susceptible to creation of fugitive dust emissions when the surface moisture content of the coal is low and drag-out (see Section 3.2) when it is high.

The Monessen facility uses two areas for temporary outdoor stockpile accumulation of product (coke) prior to shipment. These two areas are located on the eastern end of the facility and are significantly smaller in both aerial size and height than the coal stockpile area. Coke product for shipment is normally directly loaded to railcar from the screening station. Undersized coke is transported from the screening station collecting bins to the stockpiles via truck. Storage and

removal of coke from the piles is performed using front-end loaders. Access to the coke stockpiles is from the main facility paved roadway and unpaved perimeter access roads. The coke product is larger in physical size and is less susceptible to mechanical breakdown in comparison to coal. Thus fewer fine particles are produced in this process with a lower potential for creation of fugitive dust emissions.

### **3.2 ROADWAY DRAG-OUT**

The major plant roadways and equipment track ways are identified on Figure 2. The main truck departure location at the Monessen facility is the 1st Street Gate. The 1st Street Gate connects to 1st Street and Donner Avenue in Monessen. The 1st Street Gate is identified on Figure 2.

### **3.3 COAL CONVEYOR**

The coal conveyor moves coal from the coal stockpile area to the coal storage bin used in charging of the coke ovens. The location of the coal conveyor is shown on Figure 2. The conveyor is enclosed to prevent material loss and shield the coal belt from the wind. Coal transported by the conveyor is generally moist (approximately 5 to 15% moisture) because of outdoor storage. Moisture in the coal fines causes the fines to stick to the conveyor belt. During belt return, it is possible that the rollers can dislodge the attached fines and cause them to be dislodged into the air. Fines reaching the ground surface accumulate in piles under and along the beltway. These fines, once dried, can potentially be sources of fugitive emissions if they are suspended by wind.

### **3.4 BACKSIDE OF BATTERY (M-1 COKE CONVEYOR)**

The M-1 Coke Conveyor is located on the backside (river side) of the battery and moves coke from the battery to the coke loading bin. The location of the M-1 Coke Conveyor is shown on Figure 2. The coke product has a large particle size and few fine particles. Since the conveyor is

not enclosed, rainfall moisture can wash fine particles onto the belt line. During belt return, the rollers dislodge the attached fines. Fines reaching the ground surface accumulate in piles under and along the beltway. These fines, once dried, can potentially be sources of fugitive emissions if they are suspended by wind.

### **3.4 BAGHOUSE COLLECTOR BINS**

The baghouse location is shown on Figure 2. The baghouse removes and collects particulates from coke oven pushing. The baghouse units discharge collected particulates into bins located underneath the baghouse. Each hopper is supplied with discharge valves to improve containment; flexible discharge snouts to connect the baghouse discharge point further to the hoppers; and hopper covers to control fugitive dust during the discharge process.

#### **4.0 DUST CONTROL PLAN**

The Fugitive Dust Control Plan provides a description of the current controls, near term improvements in controls, and long term activities to continuously evaluate and improve fugitive emissions controls for each of the identified sources.

##### **4.1 MATERIAL STOCKPILES (COAL AND COKE)**

Fugitive emissions during storage and removal of coal and coke from material stockpiles are controlled through operational and source control methods. Operationally, dust emission potential is controlled by limiting the stockpile disturbed area, reducing tumbling of materials being moved, removing material from the stockpile bottom, and limiting the vertical drop height of materials. Operators continuously assess the condition, moisture content, and particle size of materials on the central coal path and regrade, remove, and cover fine materials to control the potential for fugitive dust generation.

Roadway watering and/or sweeping are used on the perimeter roadways and the central equipment path in the coal yard to control potential fugitive dust emissions. The watering protocol uses a water truck to apply water to the plant roadways including the material stockpile roadway and central path. Water is used to wet coal in barges, as appropriate. The watering truck is also equipped with a water canon sprinkler attachment that is used to wet the tops of the coal piles, as appropriate. However, watering is suspended or augmented as appropriate based on weather conditions (e.g., rainy day, freezing temperatures or sunny and windy days). ArcelorMittal documents the weather conditions, the location of applied water, and the water application frequency on a daily basis. The watering program continues to be an important tool in controlling fugitive dust emissions from the stockpiling area roadways.

Weather station data collected during 2015 showed the predominant wind direction to be from westerly directions. Due to the layout of the facility, long in the west to east direction and narrow in the north to south direction, locations for additional wind barriers within the plant near

the materials stockpiles are not feasible. Existing vegetative barriers along most of the facility perimeter and a soil berm located to the south of the access road near the coal pile provide some degree of protection from winds from these directions.

#### **4.2 ROADWAY DRAG-OUT**

Roadway drag-out results from the interactions of unpaved road surfaces, wet-weather, and the inability to prevent or remove material from truck wheels when exiting the facility. ArcelorMittal utilizes a contractor to perform roadway watering and street sweeping as required to control drag-out from the Monessen facility. Drag-out control is considered effective if material is not present on 1st Street past the rail line. The contractor provides equipment it deems appropriate for performing the work and ArcelorMittal evaluates the effectiveness of the equipment in removing drag-out and the frequency required to obtain the desired control. Inspection of the roadway and effectiveness of the street sweeping is performed by the 1st Street Gate security guard or an ArcelorMittal supervisor. The guard documents findings on the daily log and provides a verbal report to management should street sweeping not be effective in controlling drag-out. Management will then make adjustments to increase effectiveness in removing drag-out from the facility.

The Monessen facility has developed and is implementing a roadway surface improvement plan in which roadway paving is addressed. See Figure 3. The Monessen facility plans on paving additional areas as shown in Figure 3.

#### **4.3 COAL CONVEYOR**

Coal fines accumulating underneath the coal conveyor are returned to the coal stockpile. The material handling supervisor inspects the area under the coal conveyor, on a weekly basis, to identify the need for removal and transporting the fines to the coal storage area where they are covered by coarse coal at the base of the coal stockpile. This process is designed to control the

accumulation of coal fines under the conveyor thereby reducing the potential for fugitive dust emissions from this location. Both the inspection and the removal activities are documented on the weekly inspection log.

#### **4.4 BACKSIDE OF BATTERY (M-1 COKE CONVEYOR)**

The material handling supervisor performs a weekly inspection of the area under the M-1 coke conveyor beltline. The inspection is used to identify the rate of coke fine accumulation underneath the conveyor and identify the schedule required for coke fines removal. If the inspection determines that removal is required, scheduling and coordination of the removal activities occurs. This process is designed to control the accumulation of coke fines under the beltway thereby reducing the potential for fugitive dust emissions from this location. Both the inspection and the removal activities are documented.

The M-1 coke conveyor is located in an area of the plant where existing structures provide a break against prevailing winds. Due to material properties of coke, the fines are larger in particle size and less susceptible to wind erosion than coal dust.

#### **4.5 BAGHOUSE COLLECTOR BINS**

ArcelorMittal has installed hopper discharge valves to improve containment; flexible discharge snouts to extend the discharge point further into the hoppers; and hopper covers to control fugitive dust during the discharge process. As part of the existing daily baghouse inspections, the condition of the collection hopper equipment and the condition of the area around the collection hoppers is documented. Equipment or operational conditions potentially affecting fugitive dust release will be reported for correction. Daily baghouse monitoring reports are used to evaluate the effectiveness of the fugitive dust controls and, if needed, take additional corrective actions to control fugitive emissions in the bag house area.

#### **4.6 FACILITY-WIDE (GENERAL HOUSEKEEPING)**

Employees with inspection, monitoring or response roles in the Plan receive annual training in their roles and responsibilities in the plan. Each employee will be made aware of the general importance of identifying and controlling fugitive dust emissions throughout the facility, and instructed to report observations to his/her immediate supervisor for appropriate corrective action.

Training of employees with a role in the Plan will be documented as part of this Plan. Documentation will include the date of training, name of employee, and his/her role in implementation of the Plan.

To better understand the effectiveness of fugitive dust control measures and to adjust them to address local weather conditions, ArcelorMittal has installed two meteorological stations at the facility. The meteorological stations provide wind speed, wind direction, temperature and precipitation data both real-time and documents conditions through data logging. This site-specific data is compared to site visual observations to adjust the intensity of control measures to ambient conditions.

#### **4.7 MONITORING**

On at least a daily basis while the Plant is operating, Plant personnel conduct a Daily Perimeter Inspection of around the plant periphery for the presence of fugitive emissions that may be observed or detectable at the plant boundary. The Plant maintains records of the perimeter inspections.

## **5.0 IMPLEMENTATION**

This Plan identifies actions, responsibilities, and schedules aimed at maintaining the Plants commitment to minimize fugitive dust and particulate emissions. Table 1 identifies activities and responsibilities for the implementation of the Plan. AMM may update, amend or revise this plan from time to time, as appropriate.

### **5.1 RESPONSIBILITIES**

The successful implementation of this Plan is the responsibility of personnel ranging from equipment operators to senior management. As shown in Table 1, activities have been assigned to operators, supervisors, environmental and senior management personnel. Through the distribution of this Plan, incorporation of applicable portions into personnel training programs, and ongoing internal dialogue, roles and responsibilities is continuously refined and reinforced.

### **5.2 TIMING**

Facility personnel have been actively engaged in the management of fugitive particulate matter in accordance with applicable regulatory requirements since the facility resumed operation in 2014. Table 1 itemizes specific schedule commitments that were achieved and documented through corresponding records.

### **5.3 RECORDKEEPING**

Table 1 identifies records maintained in accordance with this Plan. Annually, facility environmental personnel will prepare a written summary of actions taken during the prior year. Discontinuation or enhancement of Plan elements will be identified and discussed with the Plan being updated as appropriate

## **FIGURES**

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Figure 1 Facility Map

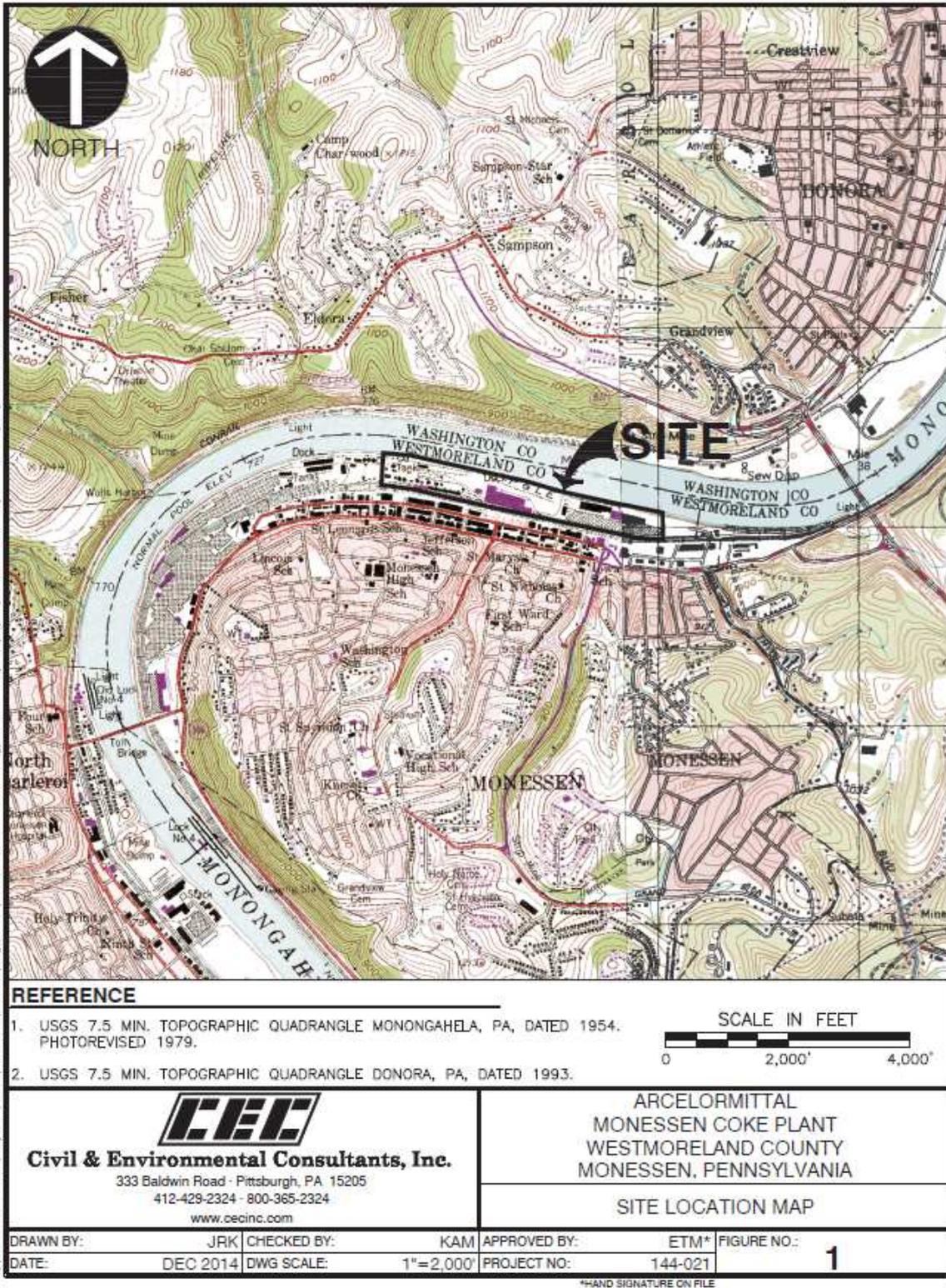


Figure 2 Facility Plot Plan

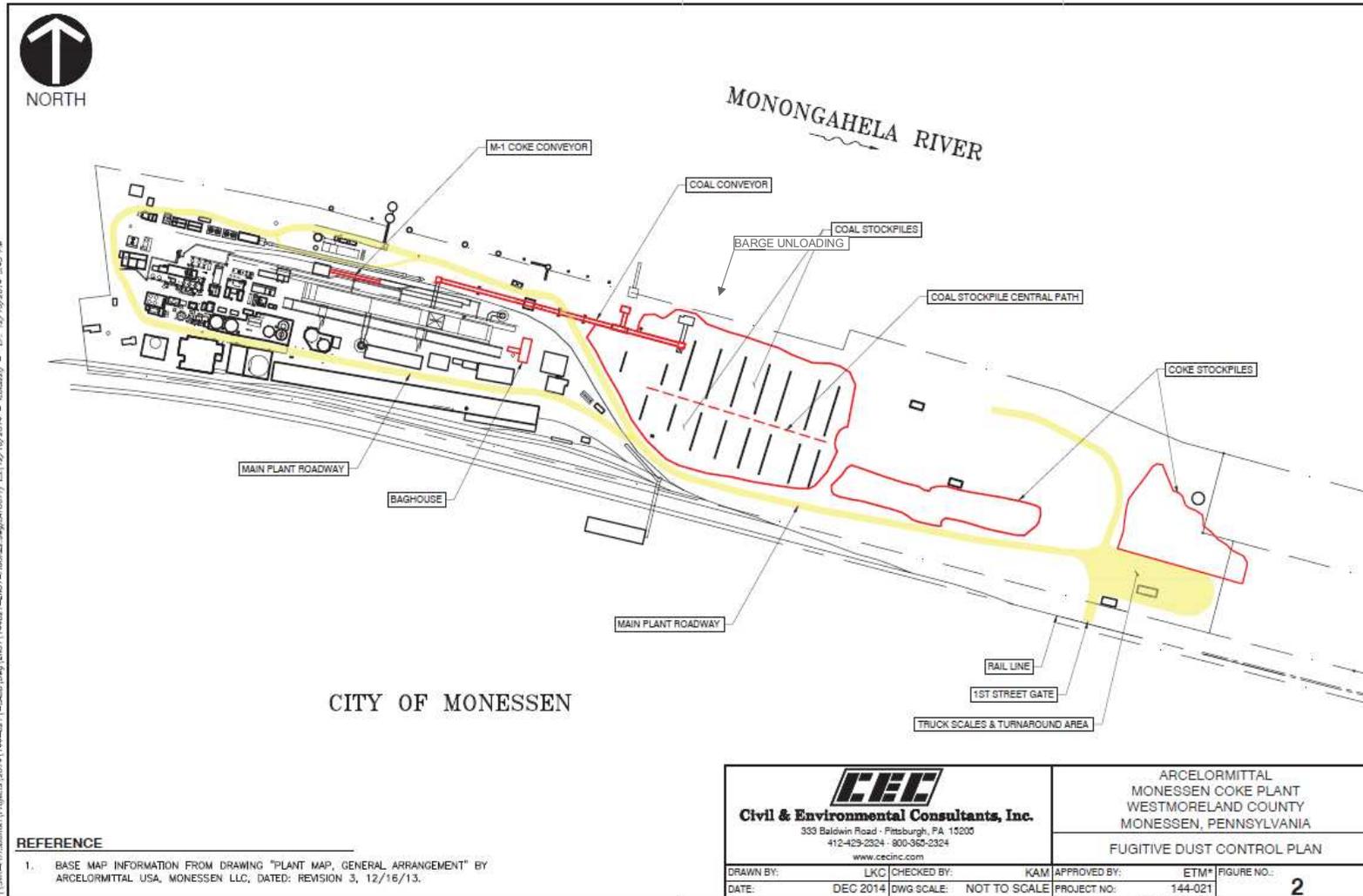
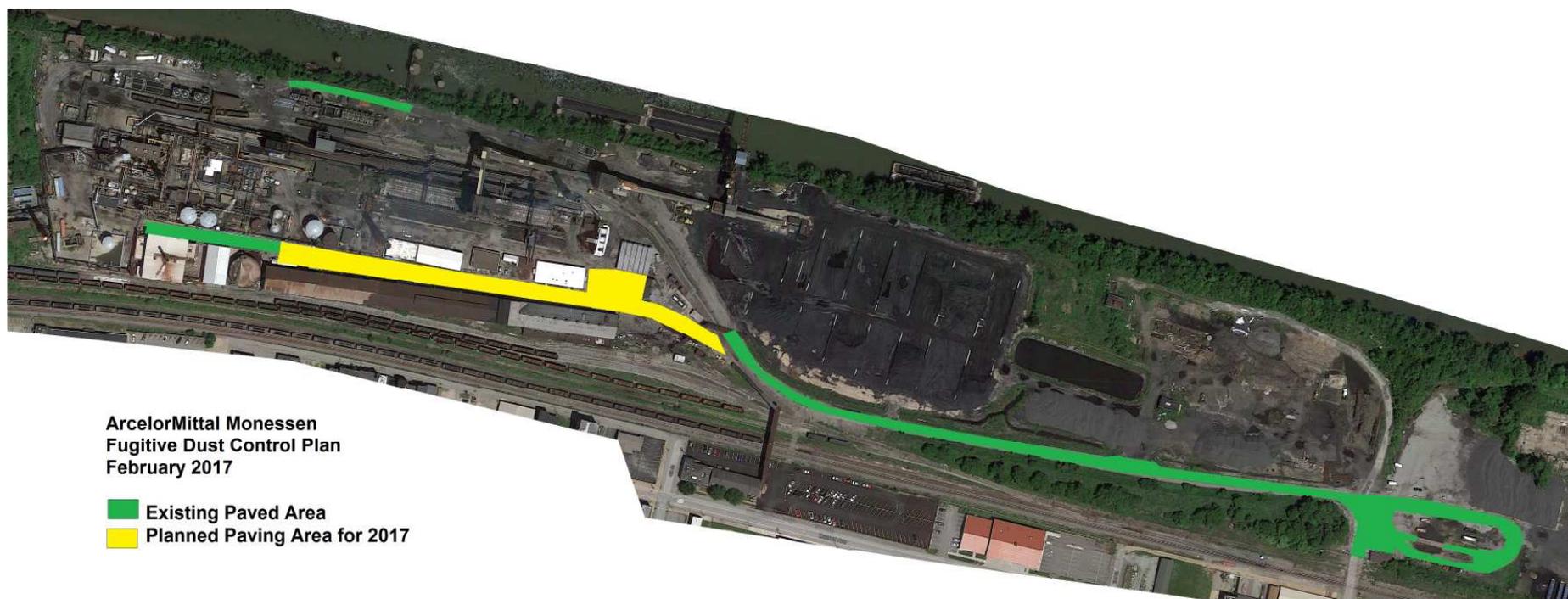


Figure 3. Paving Plan



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**TABLES**

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**Table 1 Fugitive Dust Control Plan Implementation Activities**

Source Area	Personnel	Activity	Schedule	Records
Coal and Coke Stockpiles	Operators	Assess condition of central path, transfer accumulated fines to piles, notify Supervisor if additional watering is needed.	Ongoing daily	Daily log
	Supervisors	Daily inspection, activate additional watering if needed	Ongoing daily	Daily log
	Env Manager	Conduct visual inspections of piles and advise supervisors of additional corrective actions as needed.	Ongoing daily	Daily Inspection Log
		Monitor wind speed and precipitation and prescribe additional watering, as needed.	Ongoing daily	Daily Inspection Log
		Evaluate wind barriers, spray/fogging systems, and material binders for feasibility	Completed	2015 Quarterly reports
Roadway Drag-Out	Env Manager	Establish contract with street sweeping firm for public roadway at 1 <sup>st</sup> Street up to the rail line	Completed	NA
		Evaluate performance of street sweeping and continue	Completed	1 <sup>st</sup> Street guard records
	Plant Manager	Develop roadway surface improvement plan	Completed	2015 Quarterly reports
	Plant Manager	Implement surface improvement plan	Completed	NA
	Env Manager	Adjust roadway sweeping to inside plant after roadway improvements are completed	Completed	Contractor Invoice
Coal Conveyor	Supervisors	Monitor area and implement general housekeeping procedures, as needed	Ongoing weekly	NA
	Env Manager	Monitor area and coordinate with Supervisor for corrective action, as needed	Ongoing weekly	Inspection Log
Backside of Battery	Supervisors	Implement corrective actions on M-1 conveyor to remove accumulated piles.	Ongoing weekly	Inspection Log
Baghouse	Supervisor	Install lids and sleeves to seal baghouse bins and incorporate inspections into baghouse form.	Completed	Daily Log
Facility-Wide (General Housekeeping)	Env Manager	Maintain twice-daily roadway watering campaign	Ongoing daily	Daily Log
		Evaluate effectiveness of a continuous monitoring onsite portable weather station for wind and precipitation data.	Completed	2015 Quarterly Reports
		Conduct quarterly (seasonal) evaluation of control plan effectiveness.	Ongoing summaries	Annual summaries
		Conduct routine training with personnel affected by this plan.	Annual	Training records.
	Supervisor	Monitor vehicle speeds for conformance with facility speed limit (10 mph)	Ongoing daily	Daily Log

---

*Appendix A*

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### DAILY INSPECTION LOG

1<sup>ST</sup> STREET / DONNER AVE. MATERIAL DRAGOUT

Date Range: \_\_\_\_\_ (Start) to \_\_\_\_\_ (Finish)

INSPECTION ITEM	CORRECTION ITEM	Monday			Tuesday			Wednesday			Thursday			Friday		
		OK	NOT OK	INITIALS / TIME	OK	NOT OK	INITIALS / TIME	OK	NOT OK	INITIALS / TIME	OK	NOT OK	INITIALS / TIME	OK	NOT OK	INITIALS / TIME
Visually inspect 1st Street beyond RR tracks for presence of any site materials on roadway																
	If forecast temperature is above 32°F., call Street sweeper to clean roadway.															
	Call Plant Environmental Manager if forecast temperature is below 32°F.															
	Call Plant Environmental Manager if street sweeper is not effective.															
Visually inspect intersection of 1st Street with Donner Avenue for the presence of any site materials on roadway.																
	If forecast temperature is above 32°F., call Street sweeper to clean roadway.															
	Call Plant Environmental Manager if forecast ambient temperature is below 32°F.															
	Call Plant Environmental Manager if street sweeper is not effective.															
<b>NOTE: ONLY take CORRECTIVE ACTION if an "X" is placed in the INSPECTION ITEM "NOT OK" box based on the visual inspection..</b>																



**MONESSEN COKE PLANT**  
**Fugitive Dust Control Documentation**

<b>LOG FORM INSTRUCTIONS</b>	
1	Visually inspect the item indicated.
2	Document the visual inspection results by placing an "X" in either the "OK" or "NOT OK" block and enter your initials in the "INITIALS" block.
3	If the visual inspection result is "OK", continue to the next INSPECTION ITEM.
4	If the visual inspection result is "NOT OK", perform the CORRECTION ITEM and indicate completion by placing an "X" in the "OK" block and enter your initials in the "INITIALS" block.
5	If the CORRECTION ITEM is NOT performed or is insufficient, notify Traci Self. Indicate this by placing an "X" in the "NOT OK" block and enter your initials in the "INITIALS" block.

On completion of the last daily inspection of the week, SUBMIT the form to the Plant Environmental Manager, Traci Self (1009).



**MONESSEN COKE PLANT  
Fugitive Dust Control Documentation  
DAILY INSPECTION LOG**

BAGHOUSE COLLECTOR BINS

Date Range: \_\_\_\_\_ (Start) to \_\_\_\_\_ (Finish)

INSPECTION ITEM	CORRECTION ITEM	Monday			Tuesday			Wednesday			Thursday			Friday			Saturday			Sunday		
		OK	NOT OK	INITIALS	OK	NOT OK	INITIALS	OK	NOT OK	INITIALS	OK	NOT OK	INITIALS	OK	NOT OK	INITIALS	OK	NOT OK	INITIALS	OK	NOT OK	INITIALS
<b>BAGHOUSE COLLECTOR BINS</b>																						
Inspect bin lids for proper placement and seating.																						
	Reset alignment of bin lid for proper seal.																					
Inspect that hopper hose is properly connected between hopper and bin.																						
	Reset hopper hose connections.																					
Inspect and verify that dust is not escaping from hopper, hopper hose, bin lid or bin.																						
	Correct situation or report to supervisor for correction.																					
Inspect ground surface area around bin for dust accumulation.																						
	Remove dust or report to supervisor for correction.																					



**MONESSEN COKE PLANT**  
**Fugitive Dust Control Documentation**

<b>LOG FORM INSTRUCTIONS</b>	
1	Visually inspect the item indicated.
2	Document the visual inspection results by placing an "X" in either the "OK" or "NOT OK" block and enter your initials in the "INITIALS" block.
3	If the visual inspection result is "OK", continue to the next INSPECTION ITEM.
4	If the visual inspection result is "NOT OK", perform the CORRECTION ITEM and indicate completion by placing an "X" in the "OK" block and enter your initials in the "INITIALS" block.
5	If the CORRECTION ITEM is NOT performed or is insufficient, notify Traci Self. Indicate this by placing an "X" in the "NOT OK" block and enter your initials in the "INITIALS" block.

On completion of the last daily inspection of the week, SUBMIT the form to the Plant Environmental Manager, Traci Self (1009).



**MONESSEN COKE PLANT  
Fugitive Dust Control Documentation  
WEEKLY INSPECTION LOG**

BATTERY BACKSIDE – M1 CONVEYOR

Month: \_\_\_\_\_ Year: \_\_\_\_\_

		Week 1			Week 2			Week 3			Week 4			Week 5		
Date of Inspection:																
INSPECTION ITEM	CORRECTION ITEM	OK	NOT OK	INITIALS												
		OK	OK		OK	OK		OK	OK		OK	OK		OK	OK	
<b>BATTERY M1 CONVEYOR</b>																
Visually inspect under the M1 conveyor for the presence of accumulated coke fines.(See 1 Below).																
	Report to Supervisor and schedule removal.															

(1) Visual accumulations of coke fines of a general thickness exceeding 3 inches or conical piles exceeding 6 inches indicate the need for corrective measures involving removal.



**MONESSEN COKE PLANT  
Fugitive Dust Control Documentation**

<b>LOG FORM INSTRUCTIONS</b>
Visually inspect the item indicated.
Document the visual inspection results by placing an "X" in either the "OK" or "NOT OK" block and enter your initials in the "INITIALS" block.
If the visual inspection result is "OK", continue to the next INSPECTION ITEM.
If the visual inspection result is "NOT OK", perform the CORRECTION ITEM and indicate completion by placing an "X" in the "OK" block and enter your initials in the "INITIALS" block.
If the CORRECTION ITEM is NOT performed or is insufficient, notify Traci Self. Indicate this by placing an "X" in the "NOT OK" block and enter your initials in the "INITIALS" block.

On completion of the last weekly inspection of the month, SUBMIT the form to the Plant Environmental Manager, Traci Self (1009).



**MONESSEN COKE PLANT  
Fugitive Dust Control Documentation  
DAILY INSPECTION LOG**

COAL STOCKPILES, COKE STOCKPILES, COAL CONVEYOR

Date Range: \_\_\_\_\_ (Start) to \_\_\_\_\_ (Finish)

Inspection Item	Correction Item	Monday			Tuesday			Wednesday			Thursday			Friday			Saturday			Sunday		
		OK	NOT OK	Initials	OK	NOT OK	Initials	OK	NOT OK	Initials	OK	NOT OK	Initials	OK	NOT OK	Initials	OK	NOT OK	Initials	OK	NOT OK	Initials
<b>COAL STOCKPILE AREA</b>																						
Inspect equipment runs for fine coal accumulation.																						
	Coal fines removed and buried.																					
Sufficient moisture is present to suppress dust.																						
	Maintenance notified to water equipment runs.																					
<b>COKE STOCKPILE AREA</b>																						
Inspect equipment runs for fine coal accumulation.																						
	Coal fines removed and buried.																					
Sufficient moisture is present to suppress dust.																						
	Maintenance notified to water equipment runs.																					
<b>COAL CONVEYOR</b>																						
Inspect equipment runs for fine coal accumulation weekly																						
	Coal fines removed and buried.																					



**MONESSEN COKE PLANT**  
**Fugitive Dust Control Documentation**

<b>LOG FORM INSTRUCTIONS</b>	
1	Visually inspect the item indicated.
2	Document the visual inspection results by placing an "X" in either the "OK" or "NOT OK" block and enter your initials in the "INITIALS" block.
3	If the visual inspection result is "OK", continue to the next INSPECTION ITEM.
4	If the visual inspection result is "NOT OK", perform the CORRECTION ITEM and indicate completion by placing an "X" in the "OK" block and enter your initials in the "INITIALS" block.
5	If the CORRECTION ITEM is NOT performed or is insufficient, notify Traci Self. Indicate this by placing an "X" in the "NOT OK" block and enter your initials in the "INITIALS" block.



**MONESSEN COKE PLANT  
Fugitive Dust Control Documentation**

**DAILY ROADWAY WATERING LOG**

Date Range: \_\_\_\_\_ (Start) to \_\_\_\_\_ (Finish)

ROADWAY	Monday			Tuesday			Wednesday			Thursday			Friday			Saturday			Sunday		
	AM	PM	INITIALS	AM	PM	INITIALS	AM	PM	INITIALS	AM	PM	INITIALS	AM	PM	INITIALS	AM	PM	INITIALS	AM	PM	INITIALS
1st Street / Scale																					
1st Street to RR Crossing																					
Plant Loop																					
Coal Stockpile Runs																					
Coke Stockpile Runs																					

**NOTE:** If sufficient rainfall occurs during the AM or PM periods making watering of a roadway unnecessary, place a "R" in the box and initial .

**ArcelorMittal Monessen LLC  
Odor Control Plan**

ArcelorMittal Monessen LLC (“AMM”) will implement three distinct programs that are designed to lead to the discovery of any odors from the AMM coke plant operations. These programs include: (1) weekly odor inspections; (2) daily perimeter inspections; and (3) leak detection and repair at the by-products area. In addition, AMM has a separate program to investigate and respond to any complaints from the public or the Pennsylvania Department of Environmental Protection of offsite odors that may be caused by the AMM coke plant. The complaint response program is addressed separately and not as part of this Odor Control Plan.

**1. Weekly Odor Inspections**

On a weekly basis, a plant-wide odor and leak inspection will be performed. The attached *Weekly Leak/Odor Inspection* form is to be used for the inspection. The inspection will include a perimeter walk around three areas (coke batteries area; coal handling area; byproducts plant area) as well as a detailed walk through each of these areas. The inspection shall be performed by AMM environmental personnel, if available, or a designee, if environmental personnel are not available.

For the coke battery area, the perimeter inspection should be completed immediately before the detailed area walk through. During the coke battery area perimeter inspection, the inspector will smell for odors coming off of the battery and look for door leaks. For the detailed coke battery area walk through, the inspector will go topside and traverse the catwalk above the standpipes on both sides (coke side and pusher side) of the coke batteries. The inspector is to look for any leaks from lids, standpipe caps, slip joints or other pipes in the area and smell for odors. See safety precautions for the coke battery area.

The coal handling area portion of the inspection includes the area around the bulk density tanks, hammer mill building, augur, and tar warming shed. These areas will be traversed at ground level while smelling for odors including any tar or diesel odors. See safety precautions for coal handling area.

The by-products plant portion of the inspection includes a traverse through various containment pads, up onto various tank platforms that are accessible by stairs, and around various tanks and process equipment. During the walk, the inspector will wear a calibrated 4-gas monitor to help detect H<sub>2</sub>S. The inspector will smell for tar, naphthalene, benzene/light oil, ammonia, sulfur, diesel, flushing liquor, and raw COG. The inspector should also look for any visible signs of leakage. A perimeter inspection of the by-products plant area will be done immediately following the detailed area inspection to smell specifically for any odors that may have been identified during the detailed walk-through. See safety precautions for the by-products plant area.

Results of the inspection will be discussed promptly following the inspection with the appropriate area managers who are responsible for taking appropriate corrective actions. A copy of the completed *Weekly Leak/Odor Inspection* form is to be scanned and sent to the appropriate plant management team personnel. The forms will be maintained and available for agency review.

• **Coke Battery Area Safety Precautions:**

- The coke battery area portion of the inspection cannot be completed during battery flaring operations for safety purposes.

- Do not walk the standpipe catwalk during a push or charge. Wait for pushing or charging event to end before completing inspection.
  - A respirator is required for the coke battery area inspection.
  - **Coal Handling Area Safety Precautions:**
    - Do not walk through the coal handling coal pile area. Large machines are operated in this area and the machine operator may not be able to see a person walking in this area.
  - **By-Products Plant Area Safety Precautions:**
    - A calibrated 4-gas monitor is required for by-products portion of inspection.
  - Always wear required PPE (hard hat, safety glasses, metatarsal toe boots, fire resistant clothing).
- 2. Daily Perimeter Inspections:**

On a daily basis during daylight hours, an inspector is to walk around plant fenceline/perimeter of the property (see attached map) smelling for odors. The attached *Daily Perimeter Inspection* form is to be used for the inspection. The inspection shall be performed by AMM environmental personnel, if available, or a designee, if environmental personnel are not available. If odors are detected, the inspector is to investigate and initiate appropriate corrective action.

Results of the inspection will be discussed promptly following the inspection with the appropriate area managers who are responsible for taking appropriate corrective actions. A copy of the completed *Daily Perimeter Inspection* form is to be scanned and sent to the appropriate plant management team personnel. The forms will be maintained and available for agency review.

### **3. Leak Detection and Repair:**

The by-products plant is subject to the National Emission Standard for Benzene from Coke By-Product Recovery Plants (40 CFR Part 61, subpart L) (“NESHAP”) which imposes requirements for controlling hazardous air pollutant emissions from storage tanks and process vessels and also requires periodic leak detection and repair (“LDAR”) for equipment in benzene service. AMM performs the required LDAR on a monthly basis as required by the NESHAP. The implementation of the LDAR program will also address, to some extent, odors caused by leaking equipment at the by-products plant.

AMM may update this plan from time to time, as appropriate, so long as the overall effectiveness of the plan is not diminished. AMM shall submit any updates to the plan in its next Semi-Annual Report.

**Weekly Leak / Odor Inspection**



Inspector Name \_\_\_\_\_ Date \_\_\_\_\_

Possible Leak / Odor Issue		
<i>Location</i>	<i>Observation</i>	<i>Comments</i>

**Additional Comments:**

**Inspector Signature:** \_\_\_\_\_

**Daily Perimeter Inspection**

Inspector's Name: \_\_\_\_\_

Date: \_\_\_\_\_ Time of Inspection: \_\_\_\_\_



Route around perimeter (in white):



Were there any odors or fugitive emissions observed? If so circle location of observation on the map, give the location a numerical label, and provide details below.

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Are there any corrective actions to be taken as a result of the inspection?

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Comments:

Signature: \_\_\_\_\_

ArcelorMittal Monessen LLC  
Oven Maintenance Plan

ArcelorMittal Monessen LLC (“AMM”) will implement the following operation and maintenance procedures on the coke ovens for the purpose of addressing stack emissions.

1. AMM shall monitor opacity of the Battery Combustion Stacks by conducting Daily Method 9 readings and/or by operating continuous opacity monitor systems.
2. After each push, AMM will conduct a visual inspection of the empty oven for cracks, missing bricks, spalling or other damage.
3. AMM will conduct a visual inspection of the coke oven flues each time a flue cap is removed. If the visual inspection indicates the need for inspecting the nozzles, nozzles will be inspected for deficiencies and any deficient nozzles will be cleaned, repaired or replaced as appropriate.
4. Ovens shall be prioritized for repair based on the potential for environmental impact and condition of the ovens, considering such factors as stack conditions (including the magnitude and duration of opacities), oven wall inspections and flue observations.
5. Ovens that are linked to a combustion stack opacity exceedance will be prioritized for repair and a first attempt to repair shall be made as soon as practicable but no later than 5 days.
6. Ovens that are out of service for more than 24 hours for maintenance will be dusted before returning to service.
7. If an oven is out of service for a long enough period such that beneficial depositional carbon has diminished, the oven will be brought back into service on 24 hour coking time until inspections verify a sufficient level of carbon has reformed before returning to a normal coking cycle.
8. AMM shall perform wet slurry patching, dry gunning repair and/or ceramic welding on chamber walls, spalled brickwork, tie-in joints, jamb brickwork, oven chamber top side brickwork, charging hole brickwork, and joints between standpipe base and oven chamber as determined to be necessary to minimize combustion stack opacity to the extent practicable.
9. Patchers will be trained and qualified in trowel patching and spraying.
10. Records of all oven refractory maintenance listing all oven spray patching, jamb patching and other refractory maintenance performed on an oven-by-oven basis and reflecting the dates of such activities shall be maintained.
11. AMM may update this plan from time to time, as appropriate, so long as the overall effectiveness of the plan is not diminished. AMM shall submit any updates to the plan in its next Semi-Annual Report.

**ArcelorMittal Monessen LLC**  
**Operation and Maintenance Plan for Pushing Emissions Control System (“PECS”)**

ArcelorMittal Monessen LLC (“AMM”) will implement the following operation and maintenance procedures on the PECS.

1. The differential pressure of the PECS baghouse will be monitored and recorded at least once per shift.
2. AMM will generally observe pushing operations for abnormal fugitive emissions. If abnormal fugitive emissions are observed, AMM will investigate and implement appropriate corrective action, as soon as practicable.
3. Machine operators and/or battery supervision personnel will perform checks on a daily basis for proper functionality and integrity of the PECS, and shall record issues that require investigation and/or maintenance.
4. AMM will visually inspect the integrity of the hood car belt on a daily basis.
5. In the event that the differential pressure of the PECS baghouse is observed, on consecutive days, to be outside of the normal operating range, AMM will investigate and implement appropriate corrective action, as soon as practicable and maintain records of the investigation and corrective actions.
6. AMM will maintain on-site an inventory of at least 10% spare bags.
7. AMM will lubricate the hood car at least once per calendar month.
8. AMM will conduct an internal inspection of the PECS, including all baghouse modules (e.g. bag integrity, baghouse cleaning integrity, and baghouse housing integrity) and the hood car duct, at least once per calendar year, implement appropriate corrective action, and maintain records of the inspection and corrective actions.
9. Baghouse vibration will be monitored and recorded once per month.
10. AMM may update this plan from time to time, as appropriate, so long as the overall effectiveness of the plan is not diminished. AMM shall submit any updates to the plan in its next Semi-Annual Report.

## Appendix F

NOV Date	Date(s) of Violation	Violation ID Number	Regulation(s) (25 Pa. Code)	Type of Violation	Source	Certified Mail Number	Comments
5/23/2014	4/28/2014 5/1/2014	696628 696629	123.41 123.41	Visible Emissions - VE Visible Emissions - VE	No. 1 Stack No. 1 Stack	70122210000119648080	
7/22/2014	5/1/2014 7/16/2014	No ID Number	123.41 123.41	VE VE		70122210000119648288	NOV Dated 7/22/2014 Certified Mail 70122210000119648288 was revised and replaced by the 8/1/14 NOV. NOV Dated 8/5/2014 Certified Mail 70122210000119648370 was redundantly sent. Disregard both of the above NOV's; The NOV Dated 8/1/2014 Certified Mail 70122210000119649803 is the official NOV for this violation.
7/22/2014	7/11/2014	700791	123.1(c)(4)	Fugitive Emissions - FE	Coal Stock Pile Area	70122210000119648301	
8/1/2014	7/16/2014	700788	123.41	VE	No. 1 Stack	70122210000119649803	NOV Dated 7/22/2014 Certified Mail 70122210000119648288 was revised and replaced by the 8/1/14 NOV. NOV Dated 8/5/2014 Certified Mail 70122210000119648370 was redundantly sent. Disregard both of the above NOV's; The NOV Dated 8/1/2014 Certified Mail 70122210000119649803 is the official NOV for this violation.
8/5/2014	7/16/2014	No ID Number	123.41	VE		70122210000119648370	NOV Dated 7/22/2014 Certified Mail 70122210000119648288 was revised and replaced by the 8/1/14 NOV. NOV Dated 8/5/2014 Certified Mail 70122210000119648370 was redundantly sent. Disregard both of the above NOV's; The NOV Dated 8/1/2014 Certified Mail 70122210000119649803 is the official NOV for this violation.
8/8/2014	8/6/2014	702265	127.444	FE	PEC Baghouse Malfunction resulted in four (4) Uncontrolled Pushes	70122210000119648325	Each uncontrolled push constitutes a violation.
11/7/2014	10/28/2014	709638	123.41	VE	No. 2 Stack	70122210000119648424	
11/7/2014	10/28/2014	709639 709640 709641	123.2 123.1(c)(2) 123.1(c)(2)	FE FE FE	Coal Handling Area Baghouse Plant Roads	70122210000119648431	
N/A	11/17/2014	710405	123.41	VE		N/A	No paper NOV sent to AMM.
12/8/2014	12/2/2014	711789	123.41	VE	No. 1 Stack	70031680000001707277	
12/30/2014	12/19/2014	713227	123.1(c)	Fugitive Particulate	Road Drag Out	70122210000119649827	
1/13/2015	12/31/2014	713929	123.41	VE	No. 1 Stack	70031680000001707338	
1/15/2015	1/14/2015	714097	123.41	VE	No. 2 Stack	70031680000001707345	
1/23/2015	1/22/2015	714422	123.41	VE	No. 1 Stack	7011350000067611318	
2/11/2015	2/10/2015	715719 715720	123.2 123.31	FE Malodor	FE from Coke Oven Area Odors from offsite	70031680000001707376	
2/17/2015	2/12/2015	715918	123.41	VE	No. 1 Stack	70031680000001707406	

## Appendix F

NOV Date	Date(s) of Violation	Violation ID Number	Regulation(s) (25 Pa. Code)	Type of Violation	Source	Certified Mail Number	Comments
3/18/2015	3/13/2015 3/14/2015 3/15/2015 3/16/2015 3/16/2015	717702 717837 717841 717845 717846	123.2 123.41 123.41 123.41 123.1(c)(4)	FE VE VE VE Fugitive Particulate	Coke Oven Area No. 1 Stack No. 1 Stack No. 1 Stack Road Drag-Out	70141050000216900053	Initial NOV dated 3/18/15 Certified Mail 70141050000216900053 was mailed out and returned undeliverable and should be disregarded. Thus, the NOV dated 4/16/15 Certified Mail 70140150000216900152 was sent out and was successfully delivered and is the official NOV for these five (5) violations.
3/31/2015	3/20/2015 3/22/2015 3/25/2015	718139 718140 718558	123.2 123.41 123.41	FE VE VE	Coke Oven Area No. 1 Stack No. 1 Stack	70140150000216900091	
4/3/2015	3/29/2015 4/2/2015	719090 722183	123.41 123.41	VE VE	No. 1 Stack No. 1 Stack	70140150000216900114	
4/16/2015	3/13/2015 3/14/2015 3/15/2015 3/16/2015 3/16/2015	717702 717837 717841 717845 717846	123.2 123.41 123.41 123.41 123.1(c)(4)	FE VE VE VE Fugitive Particulate	Coke Oven Area No. 1 Stack No. 1 Stack No. 1 Stack Road Drag-Out	70140150000216900152	Initial NOV dated 3/18/15 Certified Mail 70141050000216900053 was mailed out and returned undeliverable and should be disregarded. Thus, the NOV dated 4/16/15 Certified Mail 70140150000216900152 was sent out and was successfully delivered and is the official NOV for these five (5) violations.
4/29/2015	4/23/2015	722194	123.41	VE	No. 1 Stack	70140150000216900213	
5/12/2015	4/6/2015	725241	123.41	VE	No. 1 Stack	70140150000216900244	
5/12/2015	5/4/2015	722216	123.41	VE	No. 2 Stack	70140150000216900251	
5/27/2015	5/20/2015 5/20/2015 5/26/2015	724002 724011 724012	123.41 123.41 123.41	VE VE VE	No. 1 Stack No. 2 Stack No. 2 Stack	70142120000399550390	
5/28/2015	5/27/2015	724157	123.41	VE	No. 1 Stack	70072560000296368207	
6/3/2015	4/14/2015 4/15/2015	No ID Number	129.15 123.41	Pushing VE	B23, C23, B25, C2, B4, C4, B6 No. 1 Stack		EPA Inspection Report for inspection conducted from 4/14 - 4/15/2015.
6/3/2015	5/29/2015 6/2/2015	724580 724581	123.41 123.41	VE VE	No. 1 Stack No. 2 Stack	70142120000399550451	
6/10/2015	6/9/2015	No ID Number	123.41	VE	No. 2 Stack	70142120000399550567	Initial NOV dated 6/10/2015 Certified Mail 70142120000399550567 was amended by the NOV dated 6/17/2015 Certified Mail 70142120000399550628. The NOV dated 6/10/15 should be disregarded and the NOV dated 6/17/15 is the official NOV.
6/11/2015	6/11/2015	725329	123.41	VE	No. 2 Stack	70072560000296368221	
6/17/2015	6/9/2015	725146	123.41	VE	No. 1 Stack	70142120000399550628	Initial NOV dated 6/10/2015 Certified Mail 70142120000399550567 was amended by the NOV dated 6/17/2015 Certified Mail 70142120000399550628. The NOV dated 6/10/15 should be disregarded and the NOV dated 6/17/15 is the official NOV.
6/17/2015	6/16/2015	726731	123.41	VE	No. 1 Stack	70142120000399550611	
6/19/2015	6/14/2015	725429 725492	123.41 123.41	VE (20%) VE (60%)	No. 1 Stack No. 1 Stack	70140150000216900299	

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NOV Date	Date(s) of Violation	Violation ID Number	Regulation(s) (25 Pa. Code)	Type of Violation	Source	Certified Mail Number	Comments
6/23/2015	6/17/2015	725682	123.41	VE	No. 2 Stack	70072560000296357867	Initial NOV dated 6/23/2015 Certified Mail 70072560000296357867 was amended by the NOV dated 8/7/2015 Certified Mail 70150640000420237416. The NOV dated 6/23/15 should be disregarded and the NOV dated 8/7/15 is the official NOV.
6/25/2015	6/18/2015 6/23/2015	726333 726334	123.41 123.41	VE VE	No. 1 Stack No. 1 Stack	70032260000587312848	
6/26/2015	6/22/2015 6/22/2015 6/23/2015	726114 None 726369	123.41 123.1 123.1(c)(4)	VE FE Fugitive Particulate	No. 1 Stack Quench Tower Road Drag Out	70140150000216900329	The FE Quench Tower violation was not entered into eFacts and does not have a Violation ID #.
6/29/2015	6/22/2015	726423	123.41	VE	No. 2 Stack	70150640000420237355	
6/29/2015	6/25/2015	726426	123.41	VE	No. 2 Stack	70150640000420237362	
6/29/2015	6/18/2015	726751	127.444 Desulf CO&A 3.a and 3.b ____ Desulf CO&A 3.a	No H2S Monitor Failure to operate Desulf for more than 28 days in a 12-month period. Failure to provide 14-days notice before Desulf taken offline	H2S Monitor Desulf Plant Desulf Plant	70032260000587312862	Consent Order and Agreement (CO&A) November 10, 2005. The 127.444 violation is considered an ongoing and continuing violation.
7/7/2015	7/1/2015	726826	123.41	VE	No. 1 Stack	70140150000216900367	
7/9/2015	7/5/2015 7/5/2015	727347 727348	123.41 123.1	VE FE	Baghouse Stack FE from rear of Plant	70140150000216900398	
8/4/2015	4/14/2015 4/15/2015 4/15/2015	Docket #CAA-III-2015-009	129.15 129.15 123.41	Pushing Pushing VE	PECS PECS No. 1 Stack		EPA inspection conducted from 4/14 - 4/15/2015
8/7/2015	6/17/2015	725682	123.41	VE	No. 2 Stack	70150640000420237416	Initial NOV dated 6/23/2015 Certified Mail 70072560000296357867 was amended by the NOV dated 8/7/2015 Certified Mail 70150640000420237416. The NOV dated 6/23/15 should be disregarded and the NOV dated 8/7/15 is the official NOV.
8/13/2015	8/12/2015 8/12/2015	732363 732364	123.41 123.41	VE VE	No. 1 Stack No. 2 Stack	70150640000420237430	
8/19/2015	8/13/2015	732442	123.41	VE	No. 1 Stack	7011350000067611042	
8/20/2015	8/16/2015	732565	123.41	VE	No. 2 Stack	7011350000067611035	
9/9/2015	9/1/2015 9/2/2015 9/2/2015	733756 733761 734114	123.41 123.41 123.41	VE VE VE	No. 2 Stack No. 1 Stack No. 1 Stack	70140150000216900657	The violation for 9/2/15 was entered into eFacts twice (VIOL ID's 733761 & 734114) - only one violation was observed on 9/2/15, thus 733761 can be disregarded and 734114 is the official violation number.

## Appendix F

NOV Date	Date(s) of Violation	Violation ID Number	Regulation(s) (25 Pa. Code)	Type of Violation	Source	Certified Mail Number	Comments
9/18/2015	9/15/2015 9/16/2015 9/16/2015	734716 734838 734839	123.41 123.41 123.41	VE VE VE	No. 1 Stack No. 2 Stack No. 1 Stack	70120470000132085561	Regarding the NOV dated 9/18/2015: The paper NOV was sent Certified Mail #70120470000132085561 (green card). The paper NOV incorrectly listed the Certified Mail number as 7012047000013208 (the 5561 was incidentally not typed on the document).
10/28/2015	10/22/2015 10/22/2015	737374 737377	123.41 123.41	VE VE	No. 1 Stack No. 2 Stack	70120470000132085615	
11/3/2015	10/26/2015 10/26/2015	737671 737675	123.41 123.2	VE FE	No. 2 Stack Coke oven area	70120470000132085622	
12/31/2015	11/12/2015	743096	127.444	H2S Exceedance	Tutwiler - 11/12/15	7011350000067611134	
1/13/2016	1/7/2016	743123	123.41	VE	No. 1 Stack	7011350000067611141	
3/8/2016	3/7/2016	754147	123.41	VE	No. 2 Stack	70120470000132085974	
3/22/2016	3/17/2016	755778	123.41	VE	No. 1 Stack	70120470000137967305	
3/24/2016	8/22/2016	755067	123.41	VE	No. 1 Stack	70142120000399552684	
3/29/2016	3/24/2016 3/24/2016 3/24/2016	755563 755564 755565	123.41 123.41 123.41	VE VE VE	No. 2 Stack (0825-0925) No. 2 Stack (1100-1200) No. 1 Stack	701421200003995502707	Certified Mail green card may not match exactly to the Certified Mail number typed on the paper NOV (green card may be 70142120000399552707).
5/12/2016	3/10/2016	No ID Number	129.15	Pushing	1B and 2		EPA Inspection Report for Inspection conducted from 3/7 - 3/10/2016.
6/7/2016	6/3/2016 6/3/2016 6/3/2016	760932 760933 760934	123.41 123.41 123.41	VE VE VE	No. 1 Stack No. 2 Stack (0933-1033) No. 2 Stack (1208-1308)	70120470000132085097	
6/17/2016	6/14/2016	761481	123.41	VE	No. 1 Stack	70140470000132085110	
6/20/2016	6/17/2016	761747	123.41	VE	No. 1 Stack	70151520000054048178	
7/14/2016	7/12/2016	764440	123.41	VE	No. 2 Stack	70142120000399553308	Two violations are listed on the NOV document, both have been entered under the same violation ID number (764440).
8/2/2016	7/29/2016	765062	123.41	VE	No. 2 Stack	70140150000216902293	
8/30/2016	8/12/2016	766928	123.31	Malodor	Offsite	70140150000216902354	
9/1/2016	8/25/2016	766803	123.41	VE	No. 1 Stack	70151660000093985684	Two violations are listed on the NOV document, both have been entered under the same violation ID number (766803).
9/6/2016	9/2/2016	767376	123.41	VE	No. 1 Stack	70151660000093985691	
9/14/2016	9/8/2016	768072	123.41	VE	No. 2 Stack	70160750000018796283	
10/27/2016	10/17/2016	771946	123.31	Malodor	Offsite	70120470000132087466	
10/31/2016	10/26/2016	771353	123.41	VE	No. 2 Stack	70151520000008679984	
N/A	11/14/2016	772586	127.444	No pushing control	Battery Push	N/A	No paper NOV sent to AMM.
N/A	11/15/2016	772628	127.444	No pushing control	Battery Push	N/A	No paper NOV sent to AMM.
12/9/2016	November 2016	774065	129.15(a)	Pushing with no controls	Baghouse Malfunction/PEC Outage	70140150000216902446	Each uncontrolled push constitutes a violation.
12/28/2016	12/9/2016	775249	129.15(a)	Pushing with no controls	Baghouse Malfunction/PEC outage	70140150000216903849	Each uncontrolled push constitutes a violation.

## Appendix F

NOV Date	Date(s) of Violation	Violation ID Number	Regulation(s) (25 Pa. Code)	Type of Violation	Source	Certified Mail Number	Comments
4/20/2017	8/20/2016 - 8/31/2016; 9/3/2016 - 9/8/2016	766491	123.23 127.444	H2S Exceedance  H2S Exceedance	H2S CEMS - Desulf  H2S CEMS - Desulf	N/A - Sent via email	Quarterly Continuous Source Monitoring Report - Quarter 3 2016. All of these violations occurred during the Monessen Coke Plant's summer desulfurization plant outage. Arcelor Mittal Monessen and the Department settled civil penalties related to that outage in a consent order and agreement dated August 19, 2016.
4/20/2017	11/22/2016 11/23/2016 12/5/2016 12/10/2016	796443	123.23 127.444	H2S Exceedance H2S Exceedance H2S Exceedance H2S Exceedance	H2S CEMS - Desulf H2S CEMS - Desulf H2S CEMS - Desulf H2S CEMS - Desulf	N/A - Sent via email	Quarterly Continuous Source Monitoring Report - Quarter 4 2016
5/2/2017	1/23/2017	796444	123.23 127.444	H2S Exceedance	H2S CEMS - Desulf	N/A - Sent via email	Quarterly Continuous Source Monitoring Report - Quarter 1 2017
7/27/2017	5/10/2017 5/19/2017 6/28/2017 June 2017	796445	123.23 127.444	H2S Exceedance H2S Exceedance H2S Exceedance H2S CEMS Data Availability	H2S CEMS - Desulf H2S CEMS - Desulf H2S CEMS - Desulf H2S CEMS - Desulf	N/A - Sent via email	Quarterly Continuous Source Monitoring Report - Quarter 2 2017
9/28/2017	9/20/2017	797838	129.15(a)	Pushing with no controls	PEC Outage	70163560000030150247	Each uncontrolled push constitutes a violation.
10/2/2017	9/29/2017	798022	123.41	VE	No. 1 Stack	70151660000093987336	
10/16/2017	10/12/2017	799125	123.41	VE	No. 1 Stack, No. 2 Stack	70163560000030150810	All violations are listed under the same violation number (799125).
10/30/2017	10/23/2017	800381	123.2	FE	FE from Coke Oven Area	70163560000030150063	
10/30/2017	9/16/2017 - 9/30/2017	801193	123.23 127.444	H2S Exceedance	H2S CEMS - Desulf	N/A - Sent via email	Quarterly Continuous Source Monitoring Report - Quarter 3 2017. All of these violations occurred during the Monessen Coke Plant's fall desulfurization plant outage. ArcelorMittal Monessen and the Department addressed civil penalties and other items related to that outage in a consent order and agreement dated September 15, 2017.

**Compliance Certification Forms**

July 30, 2014	Semiannual Report of Required Monitoring (January 30 – June 30, 2014)
January 30, 2015	Semiannual Report of Required Monitoring (July 1 – December 31, 2014)
January 30, 2015	Annual Compliance Certification (January 30, 2014 – December 31, 2014)
March 30, 2015	Revised Annual Compliance Certification (January 30 – December 31, 2014)
July 30, 2015	Semiannual Report of Required Monitoring (January 1 – June 30, 2015)
September 1, 2015	Revised Semiannual Report of Required Monitoring (January 1 – June 30, 2015)
January 29, 2016	Semiannual Report of Required Monitoring (July 1 – December 31, 2015)
January 29, 2016	Annual Compliance Certification (January 1 – December 31, 2015)
July 28, 2016	Semiannual Report of Required Monitoring (January 1 – June 30, 2016)
January 30, 2017	Semiannual Report of Required Monitoring (July 1 – December 31, 2016)
February 28, 2017	Annual Compliance Certification (January 1 – December 31, 2016)
July 26, 2017	Semiannual Report of Required Monitoring (January 1 – June 30, 2017)