

122. Exceedances of the Plant's limits for particulate matter (PM) have lasted for as long as nine days at a time.

123. PM, also known as soot, is a complex mixture of extremely small particles and liquid droplets.

124. PM is made up of components such as acids (*e.g.*, nitrates and sulfates), organic chemicals, metals, and soil or dust particles.

125. PM exposure has been linked to premature death in people with heart or lung disease, non-fatal heart attacks, irregular heartbeat, aggravated asthma, decreased lung function, and increased respiratory symptoms (such as irritation of the airways, coughing, or difficulty breathing).

126. PM causes haze.

127. The settling of PM on ground or water contributes to acidification, to nutrient depletion and imbalance, and to reductions in ecosystem diversity.

DEFENDANTS' VIOLATIONS OF THE CLEAN AIR ACT

128. Each type of violation alleged in Counts I through VIII occurred more than once, and therefore was "repeated" within the meaning of 42 U.S.C. § 7604(a)(1).

129. Plaintiffs believe that additional information from ArcelorMittal Monessen's Compliance Certification Forms, PADEP Inspection Reports, and other sources not yet publicly available will reveal additional violations under each count listed below.

COUNT I: Failure to Operate the Desulfurization Plant

130. Plaintiffs incorporate ¶¶ 1-129.

131. The Monessen Coke Plant has a device for removing hydrogen sulfide (H₂S) from the coke oven gas (COG). This device is known as the coke oven gas desulfurization plant ("the Desulfurization Plant").

132. The Desulfurization Plant is an “air cleaning device” as defined in 25 Pa. Code § 121.1.

133. Removal of H₂S from COG reduces the amount of H₂S and sulfur dioxide (SO₂) released to the atmosphere when the COG is burned as fuel or in flares. SO₂ is formed and released to the atmosphere when H₂S is combusted.

134. Two sections of the Title V Permit require the Plant to operate the Desulfurization Plant while the coke oven batteries are in operation: Section B.#007(b) (which incorporates 25 Pa. Code § 127.25 of the Pennsylvania SIP) and Section C.VI.#022 (which incorporates 25 Pa. Code § 127.444 of the Pennsylvania SIP).

135. The failure to operate the Desulfurization Plant while the coke oven batteries are in operation is a violation of these provisions of the Title V Permit, and also a violation of the Pennsylvania SIP itself, as is set forth in 25 Pa. Code § 127.25 and 25 Pa. Code § 127.444.

136. On 6/20/14 there was a period during which the Plant did not operate the Desulfurization Plant while the coke batteries operated.

137. ArcelorMittal calculated that, as a result of the 6/20/14 outage, the Plant emitted 2.7 tons of SO₂ in excess of what would have been emitted had the Desulfurization Plant been operating.

138. From 8/19/14 until 9/12/14, the Plant did not operate the Desulfurization Plant while the coke batteries operated.

139. ArcelorMittal calculated that, as a result of the 8/19/14 to 9/12/14 outage, the Plant emitted 90.1 tons of SO₂ in excess of what would have been emitted had the Desulfurization Plant been operating.

140. On 1/29/15 there was a period during which the Plant did not operate the Desulfurization Plant while the coke batteries operated.

141. On 2/12/15 there was a period during which the Plant did not operate the Desulfurization Plant while the coke batteries operated.

142. On 3/25/15 there was a period during which the Plant did not operate the Desulfurization Plant while the coke batteries operated.

143. ArcelorMittal calculated that, as a result of the outages on 1/29/15, 2/12/15, and 3/25/15, the Plant emitted 3.5 tons of SO₂ in excess of what would have been emitted had the Desulfurization Plant been operating.

144. On 5/19/15 there was a period during which the Plant did not operate the Desulfurization Plant while the coke batteries operated.

145. On 5/31/15 there was a period during which the Plant did not operate the Desulfurization Plant while the coke batteries operated.

146. On 6/1/15 and 6/2/15 there was a period during which the Plant did not operate the Desulfurization Plant while the coke batteries operated.

147. From 6/14/15 until 7/4/15 the Plant did not operate the Desulfurization Plant while the coke batteries operated.

148. Excess amounts of SO₂ were emitted as a result of the Desulfurization Plant outages described in ¶¶ 144 through 147, above, but Plaintiff has been unable to discover through publicly available documents the excess amounts emitted.

149. The Desulfurization Plant outages described in ¶¶ 136 through 147 were reported to PADEP by ArcelorMittal Monessen pursuant to a 2005 consent agreement between ArcelorMittal Monessen and PADEP.

150. By not operating the Desulfurization Plant on the dates set forth in ¶¶ 136, 138, 140-142, and 144-147, ArcelorMittal violated Section B.#007(b) of the Title V Permit.

151. By not operating the Desulfurization Plant on the dates set forth in ¶¶ 136, 138, 140-142, and 144-147, ArcelorMittal violated Section C.VI. #022 of the Title V Permit.

152. By not operating the Desulfurization Plant on the dates set forth in ¶¶ 136, 138, 140-142, and 144-147, ArcelorMittal violated 25 Pa. Code § 127.25 of the Pennsylvania SIP.

153. By not operating the Desulfurization Plant on the dates set forth in ¶¶ 136, 138, 140-142, and 144-147, ArcelorMittal violated 25 Pa. Code § 127.444 of the Pennsylvania SIP.

154. By not operating the Desulfurization Plant on the dates set forth in ¶¶ 136, 138, 140-142, and 144-147, ArcelorMittal violated the CAA.

COUNT II: Creation of “Air Pollution”

155. Plaintiffs incorporate ¶¶ 1-154.

156. Section C.I. #001 of the Plant’s Title V Permit (which incorporates 25 Pa. Code § 121.7 of the Pennsylvania SIP) provides: “No person may permit air pollution as that term is defined in the act.”

157. Pennsylvania Code, 25 Pa. Code § 121.1, defines “air pollution” as: “The presence in the outdoor atmosphere of any form of contaminant, including, but not limited to, the discharging from stacks, chimneys, openings, buildings, structures, open fires, vehicles, processes or any other source of any smoke, soot, fly ash, dust, cinders, dirt, noxious or obnoxious acids, fumes, oxides, gases, vapors, odors, toxic, hazardous or radioactive substances, waste or other matter in a place, manner or concentration inimical or which may be inimical to public health, safety or welfare or which is or may be