

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

injurious to human, plant or animal life or to property or which unreasonably interferes with the comfortable enjoyment of life or property.”

158. Since the Plant restarted in 2014, citizens have contacted PADEP to complain about odors, haze, soot, and other conditions of air pollution emanating from the Plant.

159. PADEP personnel prepare reports of citizen complaints regarding the Plant.

These complaint reports are publicly available from PADEP, though information identifying the complainant is redacted. ArcelorMittal has had access to these complaint reports.

160. On the following dates, the citizen complaints in ¶¶ 160a-160rrrr were made to PADEP about the Plant:

COMPLAINT PARAGRAPH NUMBER	DATE	POLLUTANT COMPLAINED ABOUT	DESCRIPTION FROM COMPLAINT	LOCATION (if reported)	DURATION or START TIME (if reported)
160a	4/18/14	Odor	“terrible odor”	Walsh St., Monongahela	
160b	4/23/14	PM, odor	“haze and a bad odor”	Sampson Ave., Monongahela	
160c	4/23/14	Odor	“bad odor...everything stinks”, “burning eyes/throat”	Virginia Dr., Donora	“all day, all night”
160d	4/24/14	Odor	“strong odor”	Carroll Township	
160e	5/9/14	Odor	“bad odor”	Sampson Ave., Monongahela	
160f	5/20/14	PM, odor	“fine particulate matter...odor problem”	Orchard Ave., Monongahela	“stacks smoking continually”
160g	6/19/14	Odor	“rotten eggs”	Wood St., Donora	
160h	7/1/14	PM	“soot”	Walch Rd., Monongahela	
160i	7/2/14	PM	“soot”	Walch Rd., Monongahela	

160j	7/3/14	PM	“soot”	Walch Rd., Monongahela	
160k	7/23/14	PM	“soot”; “coke particles in DF jar & pool”	Walch St., Monongahela	
160l	9/8/14	Odor	“odor from coke works”	Walch St., Monongahela	
160m	9/22/14	Odor	“sulfur smell”, “asthma impact”	Walch St., Monongahela	
160n	9/22/14	PM, odor	“soot corrosive to new railing”	Donora Rd., Monongahela	
160o	10/10/14	“pollution from mill”	“too much pollution”	Carroll Township	
160p	10/20/14	Odor	“odor from plant”	Orchard Ave., Monongahela	
160q	11/13/14	Odor	“smell and noise”	Carroll Township	
160r	11/14/14	Odor	“smell... is increasing and intensifying”, “COPD impact”	Culler Ave., Monongahela	
160s	11/24/14	Odor	“can’t walk dog”	Center St., Monongahela	
160t	11/24/14	Odor	“stink”	Monessen	
160u	11/24/14	Odor	“rotten eggs”	Carroll Township	
160v	11/24/14	Odor, PM	“particulates”	Richard Ave., Monongahela	
160w	11/25/14	Odor	“horrible smell”	Belle Vernon	“every day”
160x	11/26/14	“Air pollution”	“can’t breathe”	Carroll Township	
160y	12/1/14	Odor	“odor”	Belle Vernon	
160z	12/1/14	Odor	“burning metallic smell”	Donner Ave., Monessen	
160aa	12/2/14	Odor	“sulfur”	Donner Ave., Monessen	“Morning”
160bb	12/6/14	Odor		Rt. 837, Monongahela	
160cc	12/8/14	Odor	“the smell was so bad you couldn’t believe it”	Castner Ave., Donora	
160dd	12/9/14	Odor	“asthma impacts”	Nash Ave., Monessen	“late night, early morning”
160ee	12/31/14	Odor	“burnt rubber and	Donora	2:30 p.m.

			rotten eggs”		
160ff	1/6/15	Odor	“on 1–10 scale, it was an 11 at 10 pm”	Donora	4:00 p.m. – late evening
160gg	1/10/15	Odor	“scale of 1-10 it was a 20”	Donora	3:30 p.m. – late evening
160hh	1/12/15	Odor		Donora	7:30 a.m.
160ii	1/18/15	Odor	“nasty rotten eggs mixed with burned rubber”	Donora	Morning and on
160jj	1/26/15	Odor	“It is a 10”	Carroll Township	8:00 p.m.
160kk	1/29/15	Odor	“unbearable”	Carroll Township	9:00 p.m.
160ll	1/29/15	Odor	“very bad”	Eldorado Bar, Rt. 837, Monongahela	
160mm	2/2/15	Odor	“like tar”	Monongahela	
160nn	2/2/15	Odor	“stinking all day”	Carroll Township	“all day”
160oo	2/7/15	Odor		Monongahela	
160pp	2/7/15	Odor	“bad smells”	Donora	
160qq	2/7/15	Odor	on 1–10 scale “was a 10”	Donora	
160rr	2/8/15	Odor	“smelling terrible”	Monongahela	“all weekend”
160ss	2/8/15	Odor	“bad smells”	Donora	“morning”
160tt	2/9/15	Odor	“could smell...with windows closed”	Monongahela	24 hrs
160uu	2/9/15	Odor, PM	“smokefest”	Carroll Township	“all weekend”
160vv	3/9/15	Odor	“10 on scale of 1-10”	Donora	11:30 p.m.
160ww	3/16/15	Odor	“terrible”	Carroll Township	7:50 a.m.
160xx	3/18/15	Odor	“smell woke us up”	Monessen	4:30 a.m.
160yy	3/25/15	Odor, PM	“offensive odors and fallout”	Monessen	ongoing since April 2014
160zz	3/26/15	Odor	“very heavy smell...obnoxious”	Carroll Township	
160aaa	3/26/15	Odor	“very heavy smell of coal”	Carroll Township	“morning”
160bbb	3/30/15	Odor		Monessen	9:00 p.m.
160ccc	3/31/15	Odor		Monessen	5:30 a.m.
160ddd	4/2/15	Odor	“like gunpowder”	Carroll Township	“all day”

160eee	4/3/15	Odor	“lingering”	Monessen	5:30 a.m.
160fff	4/4/15	Odor		Monessen	9:30 p.m.
160ggg	4/5/15	Odor	“awful”	Monessen	9:00 p.m.
160hhh	4/6/15	Odor	“nasty rubbery/rotten eggs smell”	Monessen	5:30 a.m.
160iii	4/7/15	Odor	“AQ is horrible”	Carroll Township	
160jjj	4/20/15	Odor		Monessen	
160kkk	4/21/15	Odor		Monessen	7:00 a.m.
160lll	5/4/15	Odor	“terrible sulfur smell”	Carroll Township	“all this week”
160mmm	5/4/15	Odor	“really strong”	Monessen	6:30 a.m.
160nnn	5/6/15	Odor		Carroll Township	
160ooo	5/8/15	Odor	“headache”	Monessen	5:20 a.m.
160ppp	5/12/15	Odor	“smell...getting stronger and stronger”	Monessen	9:00 a.m.
160qqq	5/18/15	Odor	“bad sulfur smell, affecting health of family”	Carroll Township	“all weekend”
160rrr	5/19/15	Odor	“nasty”	Monessen	11:00 a.m.
160sss	5/23/15	Odor, PM	“black cloud”	Fisher Heights, Monongahela	8:00 a.m.
160ttt	5/25/15	Odor		Monessen	7:00 p.m.
160uuu	5/26/15	Odor		Carroll Township	
160vvv	5/31/15	Odor	“strong tar odor”	Carroll Township	
160www	6/7/15	Odor	“worse throughout the day”	Monessen	3:00 a.m.
160xxx	6/8/15	Odor		Monessen	12:00 p.m.
160yyy	6/8/15	Odor	“stench”	Eldorado Bar, Rt. 837, Monongahela	Night-time
160zzz	6/9/15	Odor	“getting worse through the night”	Monessen	3:00 a.m.
160aaaa	6/14/15	Odor		Monessen	8:36 p.m.
160bbbb	6/27/15	Odor	“nasty smell ... worse throughout the day ... hard to breathe”	Donora	8:30 a.m. - all day
160cccc	6/28/15	Odor	“ridiculous smell”	Donora	8:00 a.m. - all day
160dddd	7/9/15	Odor	“nasty smell ...	Donora	1:40 p.m.

			becoming worse”		
160eeee	7/10/15	Odor	“smell”	Donora	12:00 p.m.
160ffff	7/24/15	Odor	“smell started to come in my house...”	Donora	5:05 a.m.
160gggg	7/31/15	Odor	“The smell reached Donora this morning at 8 am.”	Donora	8:00 a.m.
160hhhh	8/5/15	Odor	“strong smell”	Donora	8:00 a.m.
160iiii	8/8/15	Odor	“Noticed the the smell at 2 pm ... and it became [worse] at 10 pm”	Donora	2:00 p.m. - after 10pm
160jjjj	8/9/15	Odor	“the smell”	Donora	9:00 a.m.
160kkkk	8/13/15	Odor	“The smell started to develop at 6 am ... and it is really strong right now.”	Donora	6:00 a.m.
160llll	8/14/15	Odor	“disgusting smell”	Donora	11:00 p.m.
160mmmm	8/17/15	Odor	“The sulfur smell saturated my whole house since 3am and it lasted till 8 am. I couldn’t sleep again!!!”	Donora	3:00 a.m.
160nnnn	8/24/15	Odor	“disgusting smell”	Donora	11:00 p.m.
160oooo	8/25/15	Odor	“very strong odor”	Donora	10:45 a.m.
160pppp	8/28/15	Odor	“awful smell”	Donora	5:30 p.m.
160qqqq	9/1/15	Odor	“... couldn’t sleep because of the nasty odor from the plant. ... the rotten egg smell was observed from 2:30 am ... on a scale from 1 to 10 it was 20”	Donora	2:30 a.m. – 7:30 a.m.
160rrrr	9/15/15 – 9/16/15	Odor	“nasty smell got in my house at 10:30 pm ... and didn’t leave until 7:30 am”	Donora	10:30 p.m. – 7:30 a.m.

161. The information in ¶¶ 160a-160rrrr is contained in PADEP complaint reports about the Plant.

162. Within the PADEP complaint reports, for each complaint listed in ¶¶ 160a-160rrrr above, PADEP lists the “Responsible Party” as “ArcelorMittal Monessen Coke Works Plant.”

163. The following citizen complaints about the Plant were made directly to PennEnvironment:

COMPLAINT PARAGRAPH NUMBER	DATE	POLLUTANT COMPLAINED ABOUT	COMPLAINT	LOCATION	DURATION or START TIME (if reported)
163a	5/31/15	Odor, PM	“strong smell of sulfur”	Monessen	All day
163b	6/8/15	PM, soot	“Coke works were really bad, a lot of soot”	Monongahela	10:00 a.m.
163c	6/14/15	PM	“pollution was really bad”	Monongahela	In the p.m.
163d	6/15/15	PM, soot	“A lot of soot”	Monongahela	
163e	6/17/15	PM, soot	“A lot of soot”	Monongahela	
163f	6/18/15	PM, soot	“A lot of soot”	Monongahela	
163g	6/19/15	PM	“pollution was really bad”	Monongahela	In the p.m.
163h	6/21/15	PM, soot	Photos of: black pool filter as a result of pollution from the Plant, black dust and pollution along pool deck, and black pool water. “Before the plant opened it was never like this when we opened the pool. Our water was crystal clear and as you can see now, it’s not.”	Monongahela	
163i	6/25/15	PM, soot	“A lot of soot”	Monongahela	
163j	6/26/15	PM, soot	Photos of black dust and debris in pool water. “My pool with the sut [sic] from the	Monongahela	All day and night

			mill after a night of burning.”		
163k	6/29/15	PM, soot	“A lot of soot”	Monongahela	
163l	7/1/15	PM	“pollution was really bad”	Monongahela	In the a.m.
163m	7/2/15	PM	“pollution was really bad”	Monongahela	In the a.m.
163n	7/4/15	Odor		Donora	All day
163o	7/8/15	PM	“pollution was really bad”	Monongahela	In the a.m.
163p	7/9/15	PM	“pollution was really bad”	Monongahela	In the a.m.
163q	7/13/15	PM	“pollution was really bad”	Monongahela	In the a.m.
163r	7/14/15	PM	“pollution was really bad”	Monongahela	In the a.m.
163s	7/15/15	PM	“pollution was really bad”	Monongahela	In the a.m.
163t	7/20/15	PM, soot	Photo provided: “Here is the coke dust on top of our [pool] cover this morning.”	Monongahela	All day
163u	7/21/15	Odor, PM	“strong smell of sulfur”	Monessen	All day
163v	7/25/15	PM	“... large amount of dust and PM on my vehicle and around the home when it had not been there the day before. Happened almost overnight.”	Monongahela	All day
163w	7/26/15	PM	“Again a large amount of black dust and debris on vehicle.”	Monongahela	All day
163x	7/30/15	Odor	“Horrible smell downtown ... I could barely breathe.”	Monessen	Morning - 2:00 p.m.
163y	8/3/15	PM, soot	“A lot of soot, the most in a long time.”	Monongahela	All day
163z	10/1/15	Odor	“Horrible sulfur smell all night long ... no sleep and wake up with sinus	Monessen	All night

			headaches...”		
163aa	10/2/15	Odor	“Got zero sleep last night because of the smell ... my whole house smells.”	Monessen	All night

164. The following was reported to PADEP by ArcelorMittal, on the dates listed:

COMPLAINT PARAGRAPH NUMBER	DATE	POLLUTANT REPORTED	CAUSE OR LOCATION (if reported)	DURATION or START TIME (if reported)
164a	10/27/14	PM	Emergency quenching operation at Plant	9:00 a.m.
164b	10/28/14	PM	Emergency quenching operation at Plant	24 hrs
164c	10/29/14	PM	Emergency quenching operation at Plant	24 hrs
164d	10/30/14	PM	“	24 hrs
164e	10/31/14	PM	“	24 hrs
164f	11/1/14	PM	“	24 hrs
164g	11/2/14	PM	“	24 hrs
164h	11/3/14	PM	“	24 hrs
164i	11/4/14	PM	“	24 hrs

165. On the dates listed in ¶¶ 160a-160rrrr and 163a-164i, ArcelorMittal violated Section C.I. #001 of the Plant’s Title V Permit (which incorporates 25 Pa. Code § 121.7 of the Pennsylvania SIP) by permitting “air pollution.”

166. On the dates listed in ¶¶ 160a-160rrrr and 163a-164i, above, ArcelorMittal violated 25 Pa. Code § 121.7 of the Pennsylvania SIP by permitting “air pollution.”

167. On the dates listed in ¶¶ 160a-160rrrr and 163a-164i, above, ArcelorMittal violated the CAA by permitting “air pollution.”

COUNT III: Unlawful Fugitive Emissions

168. Plaintiffs incorporate ¶¶ 1-167.