

			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.

169. Section C.I. #002(c) of the Plant's Title V permit (which incorporates 25 Pa. Code § 123.1 of the Pennsylvania SIP) provides that a person responsible for sources including coke oven batteries, stockpiling of materials, and the use and maintenance of roads and streets, "shall take all reasonable actions to prevent particulate matter from becoming airborne."

170. On 7/11/14, the Plant generated fugitive dust in the Coal Stock Pile Area.

171. On 10/18/14, the Plant allowed fugitive emissions to cross the Plant's property boundary.

172. On 10/28/14, the Plant emitted fugitive air contaminants into the outdoor atmosphere from roads throughout the Plant.

173. On 12/19/14, the Plant emitted fugitive dust into the outdoor atmosphere. The fugitive dust emission was the result of a road drag-out.

174. On 2/10/15, the Plant generated fugitive dust that crossed the property boundary.

175. On 3/13/15, the Plant generated fugitive dust that crossed the property boundary.

176. On 3/16/15, the Plant deposited earth or other material onto the street and generated fugitive dust (road drag-out) beyond the facility boundary.

177. On 3/20/15, the Plant allowed fugitive emissions coming from the coke oven area to cross the Plant's property line.

178. On 6/22/15, the Plant generated fugitive dust that crossed the property boundary.

179. On 6/23/15, the Plant generated fugitive dust (road drag-out) beyond the facility boundary.

180. PADEP issued Notices of Violations to ArcelorMittal Monessen for each of the fugitive emission events described in ¶¶ 170-179. These Notices of Violations stated that ArcelorMittal Monessen violated Section C.I. #002(c) of the Title V Permit.

181. ArcelorMittal violated Section C.I. #002(c) of the Title V Permit and 25 Pa. Code § 123.1 of the Pennsylvania SIP by generating fugitive emissions on the dates set forth in, and as described in, ¶¶ 170-179.

182. ArcelorMittal violated the Clean Air Act by generating fugitive emissions on the dates set forth in, and as described in, ¶¶ 170-179.

COUNT IV: Malodorous Air Contaminants

183. Plaintiffs incorporate ¶¶ 1 through 182.

184. Section C.I. #006 of the Plant's Title V permit (which incorporates 25 Pa. Code § 123.31 of the Pennsylvania SIP) provides: "A person may not permit the emission into the outdoor atmosphere of any malodorous air contaminants from any source in such a manner that the malodors are detectable outside the property of the person on whose land the source is being operated."

185. A malodor is defined in 25 Pa. Code § 121.1 as "an odor which causes annoyance or discomfort to the public and which the Department determines to be objectionable to the public."

186. PADEP personnel documented specific instances of objectionable malodors from the Plant on 1/14/15, 2/10/15, and 3/13/15.

187. Plaintiffs are unaware of any instance in which PADEP has issued a Notice of Violation for a malodor emitted from the Plant when a PADEP inspector was not physically present to experience the malodor.

188. Had a PADEP inspector inspected the Plant or the off-site location of reported malodors at or closer to the time citizens complained about odors from the Plant, PADEP would more often have found objectionable malodors to have been caused by the Plant.