

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.

189. ArcelorMittal violated Section C.I. #006 of the Title V Permit on 1/14/15, 2/10/15, and 3/13/15 by permitting malodorous air contaminants into the atmosphere that were found to be objectionable by PADEP.

190. ArcelorMittal violated 25 Pa. Code § 123.31 of the Pennsylvania SIP on 1/14/15, 2/10/15, and 3/13/15 by permitting malodorous air contaminants into the atmosphere that were found to be objectionable by PADEP.

191. ArcelorMittal violated the CAA on 1/14/15, 2/10/15, and 3/13/15 by permitting malodorous air contaminants into the atmosphere that were found to be objectionable by PADEP.

**COUNT V: Excess Opacity**

192. Section C.I. #007 of the Plant's Title V permit (which incorporates 25 Pa. Code § 123.41 of the Pennsylvania SIP) provides: "A person may not permit the emission into the outdoor atmosphere of visible air contaminants in such a manner that the opacity of the emission is either of the following:

- (1) Equal to or greater than 20% for a period or periods aggregating more than three minutes in any 1 hour.
- (2) Equal to or greater than 60% at any time."

193. On 4/15/14, the opacity from Stack 1 emissions at the Plant measured over 20% for 34.75 minutes in one hour.

194. On 4/28/14, the opacity from Stack 1 emissions at the Plant measured over 20% for 46.25 minutes in one hour, and over 60% for 21 minutes in one hour.

195. On 5/1/14, the opacity from Stack 1 emissions at the Plant measured over 20% for 16.5 minutes in one hour, and over 60% for 6.25 minutes in one hour.

196. From 5/1/14-5/2/14, the opacity from coke oven pushing emissions at the Plant measured over 20% for 96 minutes.