

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.

197. On 6/27/14, the opacity from coke oven pushing emissions at the Plant measured over 20% for 24 minutes in one hour.

198. On 7/16/14, the opacity from Stack 1B emissions at the Plant measured over 20% for 18.75 minutes in one hour.

199. On 10/1/14, the opacity from Stack 1B emissions at the Plant measured over 20% for 3.5 minutes in one hour.

200. On 10/28/14, the opacity from Stack 2 emissions at the Plant measured over 20% for 12.25 minutes in one hour.

201. On 12/2/14, the opacity from Stack 1B emissions at the Plant measured over 20% for 13.75 minutes in one hour.

202. On 1/14/15, the opacity from White Stack 2 emissions at the Plant measured over 20% for 12.25 minutes in one hour.

203. On 1/22/15, the opacity from Tan Stack 1 emissions at the Plant measured over 20% for 25.5 minutes in one hour and over 60% for 12 minutes in one hour.

204. On 2/12/15, the opacity from Tan Stack 1 emissions at the Plant measured over 20% for 22.5 minutes in one hour and over 60% for 4 minutes in one hour.

205. On 3/13/15, fugitive emissions at the Plant exceeded the opacity limit. Publicly available documents do not specify the time period or whether the 20% limit or the 60% limit was violated.

206. On 3/14/15, the opacity from Tan Stack 1 & coke oven emissions at the Plant measured over 20% for 25.5 minutes in one hour and over 60% for 7.5 minutes in one hour.

207. On 3/15/15, the opacity from Tan Stack 1 & coke oven emissions at the Plant measured over 20% for 25.5 minutes in one hour and over 60% for .75 minutes in one hour.

208. On 3/16/15, the opacity from Tan Stack 1 & coke oven emissions at the Plant measured over 20% for 6.5 minutes in one hour.

209. On 3/20/15, coke oven area emissions at the Plant exceeded the opacity limit. Publicly available documents do not specify the time period or whether the 20% limit or the 60% limit was violated.

210. On 3/22/15, the opacity from Tan Stack 1 emissions at the Plant measured over 20% for 17.25 minutes in one hour and over 60% for 0.5 minutes in one hour.

211. On 3/25/15, the opacity from Tan Stack 1 emissions at the Plant measured over 20% for 12.5 minutes in one hour and over 60% for 1.25 minutes in one hour.

212. On 3/29/15, the opacity from Stack 1 emissions at the Plant measured over 20% for 12.75 minutes in one hour.

213. On 4/2/15, the opacity from Stack 1 emissions at the Plant measured over 20% for 18.5 minutes in one hour and over 60% for 2 minutes in one hour.

214. On 4/6/15, the opacity from Stack 1 emissions at the Plant measured over 20% for 17.5 minutes in one hour and over 60% for 1 minute in one hour.

215. On 4/14/15, the opacity from Battery Pushing Operations at the Plant measured over 20% for 6 seconds from coke oven battery "B23/1," 10 seconds from coke oven batter "C23/2", and 13 seconds from coke oven battery "B25/1."

216. On 4/15/15, the opacity from Battery Pushing Operations at the Plant measured over 20% for 5 seconds from coke oven battery "C2/1."

217. On 4/15/15, the opacity from Stack 1 emissions at the Plant measured over 20% for 33 minutes in one hour.

218. On 4/23/15, the opacity from Stack 1 emissions at the Plant measured over 20% for 19.75 minutes in one hour and over 60% for 2 minutes in one hour.

219. On 5/4/15, the opacity from Stack 1 emissions at the Plant measured over 20% for 29 minutes in one hour and over 60% for 4.25 minutes in one hour.

220. On 5/20/15, the opacity from Stack 2 emissions at the Plant exceeded the opacity limit for 6.25 minutes during a 30 minute reading and 0.5 minutes in one hour. Publicly available documents do not specify whether the 20% limit or the 60% limit was violated.

221. On 5/26/15, the opacity from Stack 2 emissions at the Plant exceeded the opacity limit for 3.5 minutes in one hour. Publicly available documents do not specify whether the 20% limit or the 60% limit was violated.

222. On 5/27/15, the opacity from Stack 1 emissions at the Plant measured over 20% for 9.25 minutes in one hour.

223. On 5/29/15, the opacity from Stack 1 emissions at the Plant measured over 20% for 16.25 minutes in one hour.

224. On 6/2/15, the opacity from White Stack 2 emissions at the Plant measured over 20% for 9.75 minutes in one hour.

225. On 6/9/15, the opacity from Stack 1 emissions at the Plant measured over 20% for 29.5 minutes in one hour and over 60% for 4.25 minutes in one hour.

226. On 6/11/15, the opacity from Stack 2 emissions at the Plant measured over 20% for 3.5 minutes in one hour.

227. On 6/14/15, the opacity from Stack 1 emissions at the Plant measured over 20% for 35.75 minutes in one hour and over 60% for 2 minutes in one hour.

228. On 6/16/15, the opacity from Stack 1 emissions at the Plant exceeded the opacity limit for 30.25 minutes in one hour. Publicly available documents do not specify whether the 20% limit or the 60% limit was violated.

229. On 6/17/15, the opacity from Stack 2 emissions at the Plant exceeded the opacity limit for 1.5 minutes in one hour. Publicly available documents do not specify whether the 20% limit or the 60% limit was violated.

230. On 6/18/15, the opacity from Stack 1 emissions at the Plant exceeded the opacity limit for 22.25 minutes in one hour. Publicly available documents do not specify whether the 20% limit or the 60% limit was violated.

231. On 6/22/15, the opacity from Stack 1 and Stack 2 emissions at the Plant exceeded the opacity limit for 37.75 minutes in one hour and 1.5 minutes in one hour respectively. Publicly available documents do not specify whether the 20% limit or the 60% limit was violated.

232. On 6/23/15, the opacity from Stack 1 emissions at the Plant exceeded the opacity limit for 28.25 minutes in one hour. Publicly available documents do not specify whether the 20% limit or the 60% limit was violated.

233. On 6/25/15, the opacity from Stack 2 emissions at the Plant exceeded the opacity limit for .75 minutes in one hour. Publicly available documents do not specify whether the 20% limit or the 60% limit was violated.

234. On 7/1/15, opacity emissions at the Plant exceeded the opacity limit. Publicly available documents offer no additional details of the violation.

235. On 7/5/15, opacity emissions at the Plant exceeded the opacity limit. Publicly available documents offer no additional details of the violation.

236. On 8/12/15, opacity emissions at the Plant exceeded the opacity limit. Publicly available documents offer no additional details of the violation.

237. On 8/16/15, opacity emissions at the Plant exceeded the opacity limit. Publicly available documents offer no additional details of the violation.

238. On 9/1/15, opacity emissions at the Plant exceeded the opacity limit. Publicly available documents offer no additional details of the violation.

239. On 9/2/15, opacity emissions at the Plant exceeded the opacity limit. Publicly available documents offer no additional details of the violation.

240. On 9/15/15, opacity emissions at the Plant exceeded the opacity limit. Publicly available documents offer no additional details of the violation.

241. On 9/16/15, opacity emissions at the Plant exceeded the opacity limit. Publicly available documents offer no additional details of the violation.

242. The information contained in ¶¶ 193-241 was obtained from ArcelorMittal's Compliance Certification Forms, PADEP inspection reports, Pennsylvania's Environment Facility Application Compliance Tracking System "eFACTS" data, or all three sources.

243. On each of the dates set forth in ¶¶ 193-241, above, ArcelorMittal violated C.I. #007 of the Plant's Title V Permit by permitting emissions with an opacity equal to or greater than 20% for a period or periods aggregating more than three minutes in any one hour, and/or equal to or greater than 60% at any time.

244. On each of the dates set forth in ¶¶ 193-241, above, ArcelorMittal violated 25 Pa. Code § 123.41 of the Pennsylvania SIP by permitting emissions with an opacity equal to or greater than 20% for a period or periods aggregating more than three minutes in any one hour, and/or equal to or greater than 60% at any time.

245. On each of the dates set forth in ¶¶ 193-241, above, ArcelorMittal violated the CAA by permitting emissions with an opacity equal to or greater than 20% for a period or periods aggregating more than three minutes in any one hour, and/or equal to or greater than 60% at any time.

COUNT VI: Hydrogen Sulfide Violations

246. Section C.I. #011(a) of the Plant’s Title V Permit provides: “The owner or operator may not permit the flaring or combustion of a coke oven byproduct gas which contains sulfur compounds, expressed as equivalent hydrogen sulfide, in concentrations greater than 45 grains per 100 dry standard cubic feet. The sulfur compounds, expressed as equivalent hydrogen sulfide, emitted into the outdoor atmosphere from any tail gas sulfur recovery equipment utilized in a coke oven gas desulfurization system approved by the Department shall be included in the determination of these concentrations.”

247. Section C.I. #010(b) of the Plant’s Title V Permit provides: “The owner or operator may not permit the flaring or combustion of a coke oven byproduct gas which contains sulfur compounds, expressed as equivalent hydrogen sulfide, in concentrations greater than 50 grains per 100 dry standard cubic feet. The sulfur compounds, expressed as equivalent hydrogen sulfide, emitted into the outdoor atmosphere from any tail gas sulfur recovery equipment utilized in a coke oven gas desulfurization system approved by the Department shall be included in the determination of these concentrations.”

248. On the dates listed below, the Plant flared or combusted coke oven byproduct gas with equivalent hydrogen sulfide concentrations in the following amounts:

COMPLAINT PARAGRAPH NUMBER	DATE	H₂S CONCENTRATION (gr. H₂S/100 dscf COG)
248a	4/14/14	210
248b	4/15/14	215
248c	4/16/14	415