

April 25, 2019

Via Hand Delivery

Attn: Karen Hacker
Office of the Director
542 Fourth Avenue
Pittsburgh, PA 15219

**Re: United States Steel Corporation
Notice of Appeal of Enforcement Order No. 190305**

Dear Director Hacker:

Pursuant to Article XI of the Rules and Regulations of the Allegheny County Health Department, United States Steel Corporation submits for filing the enclosed Notice of Appeal regarding the above-referenced order dated March 29, 2019. Included with the enclosures is a check in the amount of \$707,568.00, equal to the total civil penalty assessed by the above-referenced order, to be held in escrow. If you have any questions or wish to discuss this matter further, please contact me at mwinek@babstcalland.com or (412) 394-6538.

Sincerely,



Michael H. Winek, Esq.
Counsel for United States Steel Corporation

Enclosures

cc: Max Slater, Esq. (via e-mail: max.slater@alleghenycounty.us)
Jason Willis, Esq. (via e-mail: jason.willis@alleghenycounty.us)

**BEFORE THE HEARING OFFICER FOR THE
ALLEGHENY COUNTY HEALTH DEPARTMENT
542 4TH AVENUE
PITTSBURGH, PENNSYLVANIA 15219**

UNITED STATES STEEL)	
CORPORATION, a Delaware corporation,)	
)	
Appellant,)	
)	
v.)	Appeal of Enforcement Order
)	#190305
ALLEGHENY COUNTY HEALTH)	
DEPARTMENT, Air Quality Program,)	
)	
Appellee.)	

NOTICE OF APPEAL

NOW COMES, Appellant, UNITED STATES STEEL CORPORATION (hereinafter “U.S. Steel”), pursuant to Sections 1103 and 1104 of Article XI of the Allegheny County Health Department’s Rules and Regulations, before the Director of the Allegheny County Health Department, filing this appeal from Enforcement Order #190305 (hereinafter “Order”), as issued by the Allegheny County Health Department, Air Quality Program (hereinafter “Department”) to U. S. Steel Clairton Works on March 29, 2019, and received by U. S. Steel on or about April 1, 2019 (attached hereto as Exhibit A). Consistent with Sections 1103 and 1104 of Article XI of the Department’s Rules and Regulations, this submission constitutes timely filing of a Notice of Appeal of a Department action, and properly specifies the manner in which U.S. Steel is aggrieved by the Department’s action, the nature of U.S. Steel’s direct interest in the action and the grounds for appeal.

A. Manner in which U. S. Steel is Aggrieved and Grounds for Appeal

1. U. S. Steel owns and operates Clairton Works, a by-products coke plant which includes 10 coke batteries located at 400 State Street, Clairton, PA 15025, with telephone number (412) 233-1002 (hereinafter "Facility").

2. The Department issued the Order dated March 29, 2019, and it was received by U. S. Steel on or about April 1, 2019.

3. U. S. Steel objects to the Order. For the following reasons, the Department has abused its discretion and acted unreasonably, arbitrarily, capriciously, contrary to fact and law and in a manner not supported by evidence:

- a. Based upon information and belief, the Order assesses a penalty for visible emission observations and calculations that are not violations of applicable permit conditions, rules and regulations;
- b. Inspectors have failed to conduct proper, fair and unbiased evaluations of the Facility, as reflected in the Order;
- c. Based upon information and belief, the Order relies on inappropriate and/or inaccurate data to support the alleged violations;
- d. The Department's use of inappropriate and/or inaccurate data misrepresents the Facility's compliance status and results in an unjustifiable penalty assessment;
- e. Because the Department has not adequately supported and will not be able to support its assertions listed in the Order, and the basis of the assertions is the inappropriate and unlawful reliance on skewed inspection data, the assertions and allegations made in the Order are without merit;

- f. The Department has inappropriately assigned individuals to work on both this enforcement matter and a recently proposed Department rulemaking that would impose significantly more stringent requirements on coke plants. As a practical matter, the only coke facility which would even be subject to the rulemaking is the Facility owned and operated by U. S. Steel. This constitutes an inappropriate and impermissible commingling of adjudicative and prosecutorial functions by the agency;
- g. The Order includes excessive and unreasonable sanctions for noncompliance;
- h. The Order requires U. S. Steel to pay a total civil penalty of \$707,568 within 30 days of receiving the Order. See Exhibit A, p. 2. Additional penalty figures appear elsewhere in the Order. See Exhibit A, pp. 1-2. The civil penalties assessed by the Order are excessive, inappropriate, unwarranted and not commensurate with the claims in the Order;
- i. The penalty assessed by the Order is unnecessarily punitive, as U. S. Steel is already implementing a plan to reduce emissions at the Facility in response to Enforcement Order #180601 issued by the Department on June 28, 2018, which alleged similar violations of coke oven visible emission standards;
- j. The Department inappropriately assessed penalties more than once for the same underlying alleged violation, thereby impermissibly inflating the total penalty assessment;
- k. The Department has failed to adequately explain the basis for the penalty assessment in the Order;

- l. In issuing the Order, the Department exceeded its enforcement authority as provided in Article XXI of the Department's Rules and Regulations;
- m. The Order mischaracterizes U. S. Steel's compliance with applicable air emission laws and regulations; and
- n. The Order is vague and insufficiently specific.

B. U. S. Steel's Direct Interest in the Action

4. U. S. Steel is a named entity to which the Order was issued, and whose activities are restricted by the Order. As a result, U. S. Steel is negatively impacted by the Order and has a direct interest in the Order and this Appeal.

C. Conclusion

5. Through this Notice of Appeal, U. S. Steel has identified its objections to the Order but reserves the right to amend or supplement the factual and legal basis of its Appeal as authorized by the Department's Rules and Regulations.

6. For the foregoing reasons, U. S. Steel respectfully requests that the Director vacate the Order, or alternatively, vacate and remand the Order to the Department for consideration consistent with the Director's opinion.

Respectfully submitted,

/s/ Michael H. Winek

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David W. Hacker, Esq. (PAID#91236)
United States Steel Corporation
600 Grant Street, Suite 1500
Pittsburgh, Pennsylvania 15219
Telephone: (412) 433-2919
Email: dwhacker@uss.com

Counsel for Appellant

Dated: April 25, 2019

EXHIBIT A

Enforcement Order #190305
March 29, 2019

COUNTY OF



ALLEGHENY

RICH FITZGERALD
COUNTY EXECUTIVE

March 29, 2019

CERTIFIED MAIL – 9489 0090 0027 6038 2066 70

Michael Rhodes
United States Steel Corporation
Clairton Works
400 State Street
Clairton, PA 15025

RE: Enforcement Order #190305 – United States Steel Corporation, Clairton Works, 400 State Street, Clairton, PA 15025, various provisions of Article XXI and Installation Permit #0052-I011b, during the third and fourth quarters, July 1, 2018, through December 31, 2018.

Dear Mr. Rhodes,

Please find enclosed a copy of the Enforcement Order pertaining to the coke oven batteries at USS Clairton Works. Also attached is an "Important Notice" for you to review.

Thank you for your anticipated prompt attention to this matter and future increased efforts to comply with all applicable regulations. Any questions concerning this Order should be directed to the ACHD's representative, William U. Clark at 412-578-8136 or e-mail at bill.clark@alleghenycounty.us.

Sincerely,

A handwritten signature in blue ink that reads "Dean DeLuca".

Dean DeLuca
Air Quality Enforcement Section Chief

CC: Wm. U. Clark, Air Quality Engineer (via email)
File



KAREN HACKER, MD, MPH, DIRECTOR
ALLEGHENY COUNTY HEALTH DEPARTMENT
AIR QUALITY PROGRAM
301 39TH STREET • CLACK HEALTH CENTER • BUILDING 7
PITTSBURGH, PA 15201-1811
PHONE (412) 578-8103 • FAX (412) 578-8144
24HR (412) 687-ACHD (2243) • WWW.ACHD.NET



To: Michael Rhodes
United States Steel Corporation
Clairton Works
400 State Street
Clairton, PA 15025

Re: **March 29, 2019 Enforcement Order**

IMPORTANT NOTICE

An Enforcement Order dated March 29, 2019, was mailed to you by the Allegheny County Health Department (ACHD) notifying of the possibility that a Civil Penalty will be levied by virtue of your failure to take certain action.

If you fail to take action pursuant to said enforcement order, a judgment may be entered against you in the Court of Common Pleas of Allegheny County. The sheriff may take your money or other property to pay the judgment any time after the judgment is entered.

YOU ARE WARNED THAT IF YOU FAIL TO CORRECT VIOLATIONS AND/OR PAY FINES OR PENALTIES LEVIED AGAINST YOU IN THE ENFORCEMENT ORDER THAT THE ALLEGHENY COUNTY HEALTH DEPARTMENT MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT FURTHER NOTICE. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

Allegheny County Health Department
Air Quality Program
301 39th Street, Building #7
Pittsburgh, PA 15201-1811

**ALLEGHENY COUNTY HEALTH DEPARTMENT
AIR QUALITY PROGRAM**

In the Matter of:

United States Steel Corporation
Clairton Works
400 State Street
Clairton, PA 15025

Violation No. 190305

Violations of Article XXI ("Air
Pollution Control") at property:

United States Steel
Corporation – Clairton Plant

ENFORCEMENT ORDER

NOW, this 29th day of March, 2019, the Allegheny County Health Department (hereinafter "ACHD" or the "Department") issues this Administrative Order after having found and determined the following:

FINDINGS

This Enforcement Order addresses the violations, observed by the Department's Coke Oven Process Technicians and Method 303 contractor, of various provisions of Article XXI, Rules and Regulations of the Allegheny County Health Department, Air Pollution Control ("Article XXI") and Installation Permit #0052-I011, at your company's Clairton Works, during the third quarter and fourth quarter of 2018, July 1, 2018, through December 31, 2018.

The ACHD has determined that United States Steel is in violation of Article XXI, § 2102.03.c and various provisions of § 2105.21, of the ACHD's Rules and Regulations by failing to meet the applicable requirements stated in Article XXI, § 2105.21 and ACHD Installation Permit #0052-I011.

By this Order, the Department is not taking any action specifically regarding any alleged failures to meet any requirements regarding pushing or combustion stacks (as determined by a continuous opacity monitoring system), or soaking on Batteries 1, 2, and 3. Such actions are taken separately through provisions of the March 24, 2016 Consent Judgment. By this Order, the Department also is not taking any action specifically regarding any alleged failures or exceedances caused by or associated with the fire which occurred on or about December 24, 2018.

Summaries of the violations are enclosed with this Order as "Exhibit A" and "Exhibit B".

The violations observed by the Department's Coke Oven Process Technicians and Method 303 contractor at your US Steel Clairton Works involve the following:

- Excessive visible emissions from the charging of coke ovens at Batteries 2, 3, 14, 15, and B and in violation of §2105.21.a of Article XXI, and at Battery C insofar

as it operated violation of V.A.1.b of Installation Permit #0052-I011b. As a consequence of these violations, the Department has assessed a civil penalty in the amount of \$200,450.00;

- Excessive visible emissions from the door areas at Batteries 1, 2, 14, 15, and B in violation of §2105.21.b of Article XXI, and at Battery C insofar as it operated in violation of V.A.1.c of Installation Permit #0052-I011b. As a consequence of these violations, the Department has assessed a civil penalty in the amount of \$33,330.00;
- Excessive visible emissions from the door areas at Batteries 1, 2, 3, 13, 14, 15, 19, 20, B in violation of §2105.21.b.4 (40% opacity std.) of Article XXI, and at Battery C insofar as it operated in violation of V.A.1.d (30% opacity std.) of Installation Permit #0052-I011b. As a consequence of these violations, the Department has assessed a civil penalty in the amount of \$238,752.00;
- Excessive visible emissions from the charging ports at Batteries 2, 13, 14, and 15 in violation of §2105.21.c of Article XXI; and at Battery C insofar as it operated in violation of V.A.1.e of Installation Permit #0052-I011b. As a consequence of these violations, the Department has assessed a civil penalty in the amount of \$56,154.00;
- Excessive visible emissions from the offtake piping at Batteries 1, 2, 14, 15, 19, 20, and B in violation of §2105.21.d of Article XXI. As a consequence of these violations, the Department has assessed a civil penalty in the amount of \$53,090.00; and
- Excessive visible emissions from soaking at Batteries 13, 14, 15, 19, 20, and B in violation of §2105.21.i of Article XXI, and at Battery C insofar as it operated in violation of V.A.1.g of Installation Permit #0052-I011b. As a consequence of these violations, the Department has assessed a civil penalty in the amount of \$125,792.00.

§ 2102.03 Permits Generally

c. Conditions

It shall be a violation of this Article giving rise to the remedies provided by Part I of this Article for any person to fail to comply with any terms or conditions set forth in any permit issued pursuant to this Part.

NOW THEREFORE, pursuant to the authority granted to the ACHD by Article XXI §§ 2109.03.a.1 and the Local Health Administration Law, 19 P.S. § 12010, it is hereby **ORDERED** that within thirty (30) days of receipt of this Order, United States Steel shall pay an assessed civil penalty of **\$707,568.00** for violations of Article XXI § 2102.03. Payment shall be

made by corporate check, or the like, made payable to the “Allegheny County Clean Air Fund”, and sent to Air Quality Program Manager, Allegheny County Health Department, 301 39th Street, Bldg. #7, Pittsburgh, PA 15201

Please be advised that failure to comply with this Order within the times specified herein is a violation of Article XXI giving rise to the remedies provided by Article XXI § 2109.02 including civil penalties of up to \$25,000 per violation per day.

In the event that a civil penalty has been imposed, the ACHD has determined the above penalty in accordance with Article XXI § 2109.06.b. reflecting relevant factors including, but not limited to: the nature, severity and frequency of the alleged violations; the maximum amount of civil and criminal penalties authorized by law; the willfulness of such violations; the impact of such violations on the public and the environment; the actions taken by U.S. Steel to minimize such violations and to prevent future violations; and U.S. Steel compliance history.

Pursuant to Article XI (“Hearings and Appeals”) of the Allegheny County Health Department Rules and Regulations, you are notified that if you are aggrieved by this Order you have thirty (30) days in which to file an appeal from the receipt of this Order. Such a Notice of Appeal shall be filed in the Office of the Director at 542 Fourth Avenue, Pittsburgh, PA 15219. This Order is enforceable upon issuance and any appeal of this Order shall not act as a stay unless the Director of the ACHD so orders. In the absence of a timely appeal, the terms of this Order shall become final.

Please be aware that if you wish to appeal this Order and the ACHD has imposed a civil penalty, you are required within 30 days of receipt of this Order to either forward the penalty amount to the ACHD for placement in an escrow account or post an appeal bond to the ACHD in the amount of the penalty. Please review the specific requirements for prepaying the penalty or posting the appeal bond found in Article XXI, §§ 2109.06.a.2-3. A copy of Article XXI and Article XI may be found at <http://www.achd.net/regs.html>.

Thank you for your anticipated prompt attention to this matter and future increased efforts to comply with all applicable regulations. Any questions concerning this Order should be directed to the ACHD’s representatives, William Clark, at 412-578-8136 or e-mail bill.clark@alleghenycounty.us.

DONE and ENTERED this 29th day of March, 2019, in Allegheny County, Pennsylvania.



Jayme Graham
Air Quality Program Manager

3/29/2019
Date

CHARGING

Date	Battery	Seconds	ACHD or Keramida	H, M, or L	Severity value	Severity
5-Jul	B	121	Keramida	not indicated, L	2.18	MAJOR
6-Jul	2	83.5	Keramida	not indicated, L	1.11	LOW
9-Jul	2	135	ACHD	H	1.79	MAJOR
10-Jul	B	118.5	Keramida	not indicated, L	2.14	MAJOR
11-Jul	14	68	ACHD	M	1.23	MODERATE
18-Jul	14	128	ACHD	M	2.31	MAJOR
23-Jul	B	86	ACHD	M	1.55	MAJOR
25-Jul	14	102.5	Keramida	not indicated, L	1.85	MAJOR
26-Jul	C	61	ACHD	M	1.10	LOW
3-Aug	B	76	ACHD	M	1.37	MODERATE
3-Aug	14	99	ACHD	H	1.78	MAJOR
14-Aug	B	59	Keramida	not indicated, L	1.06	LOW
15-Aug	C	93	ACHD	H	1.68	MAJOR
15-Aug	C	84.5	Keramida	not indicated, L	1.52	MAJOR
17-Aug	B	64	ACHD	M	1.15	LOW
20-Aug	15	89	Keramida	not indicated, L	1.60	MAJOR
23-Aug	B	78	ACHD	not indicated, L	1.41	MODERATE
27-Aug	14	86	Keramida	not indicated, L	1.55	MAJOR
7-Sep	14	148	Keramida	not indicated, L	2.67	MAJOR
12-Sep	C	114	ACHD	M	2.05	MAJOR
14-Sep	14	109	Keramida	not indicated, L	1.96	MAJOR
14-Sep	B	335.5	Keramida	not indicated, L	6.05	MAJOR
25-Sep	C	115	ACHD	M	2.07	MAJOR
26-Sep	2	203	ACHD	H	2.69	MAJOR

Count: 24

* No penalty because at least 1 charge from the same oven was observed on both inspections.

DOORS

Date	Battery	Percent Leaking	ACHD or Keramida	H, M, or L	Severity value	Severity
7-Jul	15	5.17%	Keramida	not indicated L	1.03	LOW
12-Jul	B	26.23%	ACHD	H	5.24	MAJOR
31-Jul	1	12.50%	ACHD	M	1.56	MAJOR
31-Jul	2	9.57%	ACHD	H	1.20	LOW
19-Aug	14	7.63%	Keramida	not indicated L	1.53	MAJOR
20-Sep	14	9.48%	Keramida	not indicated L	1.90	MAJOR

Count: 6

DOORS >40% (30% for Battery C)

Date	Battery	Oven #	Time Observed	Opacity (%)	H, M, or L	Severity value	Severity
3-Jul	15	B17	916	70	H	1.56	MAJOR
3-Jul	15	B15	916	60	H	1.33	MODERATE
3-Jul	15	B19	926	90	H	2.00	MAJOR
12-Jul	B	A19	746	75	H	1.67	MAJOR
12-Jul	B	A33	747	50	L	1.11	LOW
12-Jul	B	A35	747	70	H	1.56	MAJOR
12-Jul	B	A37	749	70	H	1.56	MAJOR
12-Jul	B	B1	749	60	H	1.33	MODERATE
12-Jul	B	B5	750	90	H	2.00	MAJOR
12-Jul	B	B7	751	80	H	1.78	MAJOR
13-Jul	B	B27	947	80	H	1.78	MAJOR
16-Jul	1	A1	843	70	H	1.56	MAJOR
16-Jul	1	C2	847	45	L	1.00	LOW
18-Jul	14	B8	916	50	M	1.11	LOW
18-Jul	14	B23	928	100	H	2.22	MAJOR
19-Jul	13	B7	857	90	H	2.00	MAJOR

23-Jul	15	B24	1024	65	H	1.44	MODERATE
23-Jul	15	B30	1034	75	H	1.67	MAJOR
25-Jul	13	A7	922	80	H	1.78	MAJOR
26-Jul	C	C64	1118	75	H	2.14	MAJOR
27-Jul	20	C28	1155	50	M	1.11	LOW
30-Jul	2	B27	1026	75	H	1.67	MAJOR
31-Jul	1	B23	725	80	H	1.78	MAJOR
31-Jul	1	B14	727	50	L	1.11	LOW
31-Jul	1	B10	727	50	L	1.11	LOW
31-Jul	1	B9	727	50	M	1.11	LOW
31-Jul	2	B1	732	50	M	1.11	LOW
31-Jul	2	A30	733	90	H	2.00	MAJOR
31-Jul	2	A28	733	60	M	1.33	MODERATE
31-Jul	2	A17	734	70	M	1.56	MAJOR
31-Jul	2	A3	735	75	L	1.67	MAJOR
31-Jul	2	B6	745	45	M	1.00	LOW
31-Jul	2	B7	745	45	M	1.00	LOW
3-Aug	B	A38	804	50	M	1.11	LOW
13-Aug	1	A26	807	45	L	1.00	LOW
13-Aug	1	B19	809	45	L	1.00	LOW
13-Aug	2	A23	801	45	L	1.00	LOW
13-Aug	2	B12	802	60	M	1.33	MODERATE
13-Aug	2	B20	802	70	M	1.56	MAJOR
13-Aug	2	B30	803	90	H	2.00	MAJOR
13-Aug	2	C1	804	80	H	1.78	MAJOR
13-Aug	3	C2	753	70	M	1.56	MAJOR
14-Aug	20	C22	1038	55	M	1.22	MODERATE
15-Aug	C	C57	1019	60	L	1.71	MAJOR
16-Aug	C	C29	1225	45	H	1.29	MODERATE
16-Aug	C	C28	1225	100	L	2.86	MAJOR
17-Aug	2	A12	815	80	H	1.78	MAJOR
17-Aug	3	A12	835	50	L	1.11	LOW
17-Aug	3	A4	810	80	H	1.78	MAJOR
17-Aug	3	A6	811	50	H	1.11	LOW
17-Aug	3	A8	812	50	H	1.11	LOW
17-Aug	3	A12	813	90	H	2.00	MAJOR
17-Aug	3	A8	803	70	H	1.56	MAJOR
17-Aug	3	A4	803	50	H	1.11	LOW
23-Aug	15	B9	1051	60	M	1.33	MODERATE
27-Aug	15	A15	851	60	M	1.33	MODERATE
27-Aug	15	A9	900	50	M	1.11	LOW
28-Aug	1	B22	725	100	H	2.22	MAJOR
29-Aug	14	A18	729	75	M	1.67	MAJOR
4-Sep	3	A25	1134	45	L	1.00	LOW
7-Sep	20	C25	938	45	L	1.00	LOW
7-Sep	20	C26	938	45	L	1.00	LOW
7-Sep	19	A18	1055	75	H	1.67	MAJOR
11-Sep	15	B27	755	100	H	2.22	MAJOR
11-Sep	15	B25	755	90	H	2.00	MAJOR
11-Sep	15	B29	755	100	H	2.22	MAJOR
18-Sep	C	C68	1209	85	H	2.43	MAJOR
19-Sep	1	B10	745	75	H	1.67	MAJOR
24-Sep	19	A29	943	70	H	1.56	MAJOR

Count: 69

OFFTAKES

Date	Battery	Percent Leaking	ACHD or Keramida	H, M, or L	Severity value	Severity
18-Jul	2	6.25%	Keramida	not indicated L	1.25	MODERATE
18-Jul	14	4.46%	ACHD	not indicated L	1.12	LOW
24-Aug	1	6.35%	Keramida	not indicated L	1.27	MODERATE

27-Aug	15	4.46%	ACHD	L	1.12	LOW
27-Aug	15	4.31%	ACHD	L	1.08	LOW
28-Aug	2	7.76%	ACHD	M	1.55	MAJOR
5-Sep	20	4.76%	Keramida	not indicated L	1.19	LOW
12-Sep	15	5.36%	ACHD	not indicated L	1.34	MODERATE
16-Sep	19	6.41%	Keramida	not indicated L	1.28	MODERATE
16-Sep	20	12.65%	Keramida	not indicated L	3.16	MAJOR

Count: 10

LIDS

Date	Battery	Percent Leaking	ACHD or Keramida	H, M, or L	Severity value	Severity
11-Jul	14	3.64%	ACHD	not indicated L	3.64	MAJOR
19-Jul	13	2.63%	ACHD	L	2.63	MAJOR
30-Jul	C	1.00%	ACHD	not indicated L	1.67	MAJOR
15-Aug	C	0.99%	ACHD	L	1.65	MAJOR
24-Aug	C	2.47%	Keramida	not indicated L	4.12	MAJOR

Count: 5

SOAKING

Date	Battery	Oven #	Time Observed	Pusher/Coke (side)	Max. Non-flame	H, M, or L	Severity
30-Jul	C	C60	745	P	45	M	MODERATE
6-Aug	B	A20	900	C	60	not indicated L	MODERATE
27-Aug	15	A13	731	P	50	M	MODERATE
27-Aug	15	A17	814	P	70	M	MAJOR
27-Aug	15	A17	802	C	100	H	MAJOR
7-Sep	13	A1	859	P	65	M	MAJOR
7-Sep	13	A1	859	C	65	M	MAJOR
7-Sep	13	A31	859	P	100	H	MAJOR
7-Sep	13	A5	859	C	75	M	MAJOR
17-Sep	14	A4	745	C	60	L	MODERATE
17-Sep	19	C16	820	P	30	L	LOW
18-Sep	C	C62	908	P	70	M	MAJOR
20-Sep	13	A20	948	C	35	M	LOW
25-Sep	15	B1	739	P	100	H	MAJOR
28-Sep	13	A9	848	C	35	L	LOW

Count: 15

Note: By this letter the Department is not taking any action specifically regarding any alleged failures to meet any requirements regarding soaking on Batteries 1, 2, & 3. Such actions are taken separately through provisions of the March 24, 2016 Consent Judgement.

CHARGING

Date	Battery	Seconds	ACHD or Keramida	H, M, or L	Severity Value	Severity	Exceed.
1-Oct	C	102	ACHD	H	1.84	MAJOR	H2S
2-Oct	2	236.5	Keramida	not indicated L	3.13	MAJOR	***
16-Oct	3	98	ACHD	H	1.30	MODERATE	***
16-Oct	C	91	ACHD	M	1.64	MAJOR	***
18-Oct	C	137	Keramida	not indicated L	2.47	MAJOR	***
18-Oct	C	67	ACHD	L	1.21	MODERATE	***
25-Oct	C	271	Keramida	not indicated L	4.88	MAJOR	***
26-Oct	C	70	ACHD	L	1.26	MODERATE	***
7-Nov	B	74	ACHD	L	1.33	MODERATE	***
21-Nov	B	85	ACHD	H	1.13	LOW	***
26-Nov	B	90	ACHD	M	1.62	MAJOR	***
28-Nov	C	137	ACHD	H	2.47	MAJOR	***
3-Dec	B	79	ACHD	M	1.42	MODERATE	***
3-Dec	C	60	ACHD	L	1.08	LOW	***
12-Dec	14	232.5	Keramida	not indicated L	4.19	MAJOR	***
20-Dec	C	225	ACHD	H	4.05	MAJOR	***

Count: 16

* No penalty because at least 1 charge from the same oven was observed on both inspections.

DOORS

Date	Battery	Percent	ACHD or Keramida	H, M, or L	Severity Value	Column1	Exceed.
16-Oct	C	3.61%	ACHD	not indicated L	1.20	MODERATE	***

Count: 1

DOORS >40% (30% for Battery C)

Date	Battery	Oven #	Time Observed	Opacity (%)	H, M, or L	Severity Value	Severity	Exceed.
1-Oct	C	C58	946	70	H	2.00	MAJOR	***
2-Oct	14	A18	1044	50	L	1.11	LOW	***
5-Oct	20	B20	1001	65	H	1.44	MODERATE	***
9-Oct	15	A14	1016	80	H	1.78	MAJOR	***
9-Oct	3	B12	1209	65	M	1.44	MODERATE	***
11-Oct	2	A13	1126	60	M	1.33	MODERATE	***
15-Oct	2	B29	1052	70	H	1.56	MAJOR	***
16-Oct	3	A11	817	45	L	1.00	LOW	***
16-Oct	3	B3	811	50	L	1.11	LOW	***
16-Oct	1	C2	1107	70	H	1.56	MAJOR	***
16-Oct	C	C19	1141	85	H	2.43	MAJOR	***
16-Oct	C	C14	1129	90	H	2.57	MAJOR	***
16-Oct	C	C52	1133	45	M	1.29	MODERATE	***
18-Oct	14	A31	1114	55	L	1.22	MODERATE	***
19-Oct	13	A31	948	70	M	1.56	MAJOR	***
29-Oct	B	A9	1038	65	M	1.44	MODERATE	***
6-Nov	20	C6	1023	50	L	1.11	LOW	***
9-Nov	2	A28	1141	50	L	1.11	LOW	***
19-Nov	1	B13	841	70	H	1.56	MAJOR	***
23-Nov	13	B18	855	70	H	1.56	MAJOR	***
27-Nov	2	A16	1149	50	M	1.11	LOW	***
27-Nov	2	A18	1212	60	M	1.33	MODERATE	***
27-Nov	1	A27	1154	45	L	1.00	LOW	***
27-Nov	1	A31	1156	45	L	1.00	LOW	***
27-Nov	1	B2	1157	50	M	1.11	LOW	***
11-Dec	19	A12	938	50	L	1.11	LOW	***
13-Dec	3	A11	759	50	not indicated L	1.11	LOW	H2S, PM2.5
19-Dec	19	C12	1122	50	M	1.11	LOW	H2S

Count: 28

OFFTAKES

Date	Battery	Percent Leaking	ACHD or Keramida	H, M, or L	Severity Value	Severity	Exceed.
1-Oct	B	4.29%	Keramida	H	1.07	LOW	***
8-Oct	15	4.55%	Keramida	L	1.14	LOW	***
12-Oct	14	4.31%	Keramida	M	1.08	LOW	***
18-Oct	20	4.32%	Keramida	H	1.08	LOW	***
25-Oct	14	6.78%	ACHD	M	1.69	MAJOR	***
26-Oct	14	4.39%	Keramida	M	1.10	LOW	***
6-Nov	19	6.49%	Keramida	L	1.30	MODERATE	***
31-Dec	1	5.47%	Keramida	L	1.09	LOW	***

Count: 8

LIDS

Date	Battery	Percent	ACHD or Keramida	H, M, or L	Severity Value	Severity	Exceed.
4-Oct	C	1.73%	Keramida	M	2.88	MAJOR	***
10-Oct	C	2.22%	Keramida	L	3.70	MAJOR	***
11-Oct	2	2.83%	ACHD	L	1.42	MODERATE	***
17-Nov	14	3.18%	Keramida	L	3.18	MAJOR	***
10-Dec	14	1.34%	Keramida	M	1.34	MODERATE	***
11-Dec	15	1.32%	Keramida	L	1.32	MODERATE	***

Count: 6

SOAKING

Date	Battery	Oven #	Time Observed	Pusher/Coke (side)	Max. Non-flame Opacity (%)	H, M, or L	Severity	Exceed.
9-Oct	15	A8	806	C	100	H	MAJOR	***
25-Oct	14	B14	742	P	60	M	MODERATE	***
25-Oct	14	B16	802	C	100	H	MAJOR	***
26-Oct	C	C67	761	P	60	M	MODERATE	***
29-Oct	13	A1	854	P	25	L	LOW	***
29-Oct	13	A1	854	C	30	M	LOW	***
30-Oct	15	A5	931	P	40	L	MODERATE	***
20-Nov	20	B20	845	C	50	M	MODERATE	***
26-Nov	C	C45	804	P	75	H	MAJOR	***
26-Nov	C	C47	842	P	75	H	MAJOR	***
26-Nov	C	C49	952	P	55	M	MODERATE	***
27-Nov	14	B4	749	P	60	M	MODERATE	***
27-Nov	14	B6	751	P	70	H	MAJOR	***
10-Dec	14	B16	938	P	30	L	LOW	***
10-Dec	14	B18	946	C	90	H	MAJOR	***
13-Dec	20	B17	826	P	30	not indicated L	LOW	H2S, PM2.5

Count: 16

Note: By this letter the Department is not taking any action specifically regarding any alleged failures to meet any requirements regarding soaking on Batteries 1, 2, & 3. Such actions are taken separately through provisions of the March 24, 2016 Consent Judgement.

**BEFORE THE HEARING OFFICER FOR THE
ALLEGHENY COUNTY HEALTH DEPARTMENT
542 4TH AVENUE
PITTSBURGH, PENNSYLVANIA 15219**

UNITED STATES STEEL)
CORPORATION, a Delaware corporation,)
)
Appellant,)
)
v.)
)
ALLEGHENY COUNTY HEALTH)
DEPARTMENT, Air Quality Program,)
)
Appellee.)

Appeal of Enforcement Order
#190305

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of April, 2019, a true and correct copy of the foregoing Notice of Appeal was served via hand delivery and addressed as follows:

Karen Hacker
Office of the Director
Allegheny County Health Department
542 Fourth Avenue
Pittsburgh, PA 15219

The following individuals were served by electronic mail:

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Respectfully submitted,

/s/ Michael H. Winek

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Counsel for United States Steel Corporation