

Allegheny County Health Department

Air Quality Program

**In the Matter of: United States Steel Corporation — Mon Valley Works
400 State Street, Clairton, PA 15025**

**(Enforcement Order #180601, #190305, #190501, and
Administrative Order No. #181002-Revised)**

Proposed Settlement Agreement and Order #190604, dated June 27, 2019

July 30, 2019

Verbal Comments by Clean Air Council

Good evening. My name is Jay Walker and I am a Community Organizer with Clean Air Council, a non-profit environmental health organization with offices in Philadelphia, Pittsburgh, and Wilmington. The Council has been working to protect everyone's right to breathe clean air for over 50 years. It has approximately 35,000 activist members, including many in Allegheny County.

The Council has several comments on the proposed agreement.

First, the "civil penalty" should be defined to include only the 10% going into the Clean Air Fund (\$273,250.40). While the Department may have assessed a civil penalty of approximately \$2.7 million, that was reduced by an amount to be applied to something else -- a supplemental environmental project.

Second, the agreement does not contain sufficient details regarding this supplemental environmental project. Considering the Department's Civil Penalty Policy, the provisions are vague and they do not specify how money is to be spent.

Third, it is questionable whether the agreement will lead to significant emissions reductions. There are uncertainties regarding how much the replacement of the PEC baghouses will reduce air emissions. The long timetable raises the question whether equipment should or would have been replaced anyway. Any emissions reductions from the installation of a mechanism to reduce fugitive emissions from the B Battery shed would be modest. It is unclear whether and to what extent there may be emissions reductions from a stack replacement or a "through wall" repair.

Because the company has repeatedly violated air permit requirements, it should do more to upgrade its equipment to reduce emissions. For example, the facility should explore the

installation of spring-loaded doors on the coke oven batteries. It should consider dry quenching, alternative means of charging, improved ways of stopping leaks, and cleaner testing methods.

Fourth, the Department sets bad policy by perpetuating an expectation of less than 100% compliance. Last year, the Department backed off from its proposed coke oven regulations after the company criticized it for asserting that they were based on “an analysis and review by individuals with extensive coke oven experience,” rather than on the company’s ability to attain and maintain the proposed standards. But there is nothing wrong with conferring with individuals with extensive coke oven experience to find ways to facilitate 100% compliance. The real question is not whether there would have been more violations in the past under the proposed regulations, but what the company can do to reduce emissions.

Fifth, the Department compounds bad policy by restricting its ability to adopt technology-forcing regulations. These are regulations that require a level of performance that may be achievable in the future, even if it is not achievable now. (This is what led to the development of the catalytic converter in cars). The Department has agreed to not adopt more stringent regulations unless they are “technically feasible,” but this phrase is defined by reference to past compliance, rather than by reference to available or potentially available technology.

Sixth, this all leads to the Department allowing the company to “pay to pollute.” The money is just a cost of doing business, and it is less than what the company would have to spend to actually address the problem. We have seen this before. To illustrate, the desulfurization plant breakdown for three months this year was not a first-time event. It happened ten years ago, when it was down for four months. The payment of a civil penalty did not prevent the second event.

On the one hand, the Department asserts that its coke oven regulations are the most stringent in the country. On the other hand, the company asserts it cannot comply with existing regulations, let alone the proposed regulations. The practical effect is that the Department can easily impose a civil penalty that the company will readily accept as a means of stalling needed upgrades. And the people in the community get whipsawed.

Seventh (and finally), the agreement does not provide sufficient details regarding the trust arrangement for the community, including limits on the use of the money. Presumably, the creation of a trust will require a written document. But none is attached. The public cannot understand it without a written agreement. There is no discussion regarding the appointment or duties of a trustee, which presumably would be an individual or organization not affiliated with the company.

Thank you for your consideration of the Council’s comments.