

COUNTY OF



ALLEGHENY

December 20, 2019

**CERTIFIED MAIL -- 9489 0090 0027 6037 9427 60**

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

**RE: Enforcement Order #191201** – 400 State Street, Clairton, PA 15025 – Article XXI, § 2102.03.c – Permits Generally.

Dear Mr. Rhoads:

Please find enclosed an Enforcement Order pertaining to the Battery 13 Combustion Stack Test reports ACHD received January 27, 2019, June 27, 2019, and August 21, 2019. Also enclosed is an "Important Notice" for you to review.

If you have any questions, please contact Shannon Sandberg, ACHD Air Quality Acting Enforcement Section Chief, at 412-578-7969 or by email at: [Shannon.Sandberg@AlleghenyCounty.us](mailto:Shannon.Sandberg@AlleghenyCounty.us). Thank you for your anticipated prompt attention to this matter.

Sincerely,

Shannon Sandberg  
ACHD Air Quality Acting Enforcement Section Chief

cc: Dean DeLuca, Air Quality Program Manager



**ALLEGHENY COUNTY HEALTH DEPARTMENT  
AIR QUALITY PROGRAM**

301 39<sup>TH</sup> STREET • CLACK HEALTH CENTER • BUILDING 7  
PITTSBURGH, PA 15201-1811  
PHONE (412) 578-8103 • FAX (412) 578-8144  
24-HR (412) 687-ACHD (2243) • [WWW.ACHD.NET](http://WWW.ACHD.NET)



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

**Re: December 20, 2019 Enforcement Order**

**IMPORTANT NOTICE**

An Enforcement Order dated December 20, 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. 191201

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

United States Steel  
Corporation – Clairton Plant

**ENFORCEMENT ORDER**

**NOW**, this 20<sup>th</sup> day of December, 2019, the Allegheny County Health Department (hereinafter "ACHD") issues this Enforcement Order after it has found and determined the following:

1. The Director of the ACHD has been delegated authority pursuant to the federal Clean Air Act, 42 U.S.C. Sections 7401 -7671q (hereinafter "CAA"), and the Pennsylvania Air Pollution Control Act, 35 P.S. Sections 4001-4014 (hereinafter "APCA"), and the ACHD is a local health agency organized under the Local Health Administration Law, 19 P.S. §§ 12001-12028, whose powers and duties include the enforcement of laws relating to public health within Allegheny County including, but not limited to, the ACHD's Rules and Regulations, Article XXI, Air Pollution Control (Allegheny County Code of Ordinances Chapters 505, 507 and 535) (hereinafter "Article XXI").

2. After a review of the Battery 13 Combustion Stack test report received from United States Steel Corporation (hereinafter "U.S. Steel") on January 27, 2019, the ACHD determined that U.S. Steel failed their emissions test conducted November 13–14, 2018 for

filterable particulate matter (PM). The result shown in Table 1 is a violation of the emission limit indicated in Operating Permit #0052.

<b>Pollutant</b>	<b>Average Result</b>	<b>Permit Limit</b>
<b>PM</b>	0.022 gr/dscf	0.015 gr/dscf

Table 1

3. On March 25, 2019 an Enforcement Order (Violation No. 190303) was issued requiring a retest and indicating what corrective actions were to be taken to bring Battery 13 Combustion Stack into compliance.

4. A retest of Battery 13 Combustion Stack on April 30, 2019 again indicated failure of the emission limit in Operating Permit #0052. See Table 2 below.

<b>5. Pollutant</b>	<b>Average Result</b>	<b>Permit Limit</b>
<b>PM</b>	0.022 gr/dscf	0.015 gr/dscf

Table 2

6. During a second retest of the Battery 13 Combustion Stack June 27-28, 2019, test results indicated compliance with the emission limit in Operating Permit #0052. See Table 3 below.

<b>Pollutant</b>	<b>Average Result</b>	<b>Permit Limit</b>
<b>PM</b>	0.012 gr/dscf	0.015 gr/dscf

Table 3

7. The ACHD has determined that U.S. Steel was in violation of Article XXI, § 2102.03.c, of the ACHD's Rules and Regulations by failing to meet the compliance limits stated in the applicable ACHD permit. Specifically, U.S. Steel exceeded the gr/dscf limit for particulate matter in Operating Permit #0052, Condition V.C.1.q. Article XXI, § 2102.03.c, reads as follows:

### **§ 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.

### **ORDER**

**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:

8. For the violations set forth in the preceding paragraphs, U.S. Steel, is hereby assessed a civil penalty of TEN THOUSAND FIVE HUNDRED SIXTY DOLLARS (\$10,560.00).

The civil penalty is as follows:

#### **A. Gravity Based Component**

<b>Violation</b>	<b>Gravity Based Penalty</b>	<b>Violation Counts</b>	<b>Total Gravity Penalty</b>
§ 2102.03 Failed Battery 13 Comb Stack Test PM (November 2018)	\$3,500.00	1	\$3,500.00
§ 2102.03 Failed Battery 13 Comb Stack Test PM (April 2019)	\$1,300.00	1	\$1,300.00
<b>Gravity Component Subtotal</b>			<b>\$4,800.00</b>

#### **B. Adjustment Factors**

<b>Compliance History:</b>	\$4,800.00
8 Issued violations in last 2 years	

<b>Title V Source:</b>	\$960.00
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<b>TOTAL CIVIL PENALTY</b>	<b>\$10,560.00</b>
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9. U.S. Steel shall pay the total civil penalty amount within thirty (30) days of receipt of this Order. Payment shall be made by corporate or certified 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.

10. The ACHD has determined the above civil penalty to be 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’s compliance history.

11. 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.

12. Pursuant to Article XI, § 1104.A (“Hearings and Appeals”), of the Allegheny County Health Department Rules and Regulations, you are notified that if you are aggrieved by this Order, a Notice of Appeal shall be filed no later than thirty (30) days after receipt of written notice or issuance 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. Notice of Appeal shall be filed no later than thirty (30) days after receipt of written notice or issuance of the action by which the Appellant is aggrieved.

13. Please be aware that if you wish to appeal this Order, 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 <https://www.alleghenycounty.us/Health-Department/Health-Department-Regulations.aspx>.

**DONE** and **ENTERED** this 20th day of December, 2019, in Allegheny County, Pennsylvania.

  
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Dean DeLuca  
Air Quality Program Manager

  
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Date