Summary of US Steel Enforcement History, January 2003-July 17, 2008

Two NoV/FoVs have been filed against US Steel – Gary Works since 2003, followed by one consent decree, a subsequent multimedia inspection, two 114s and many compliance demonstration submissions. The first NoV was sent in March 2003, alleging US Steel had constructed and operated two Hot Metal Desulfurization facilities without obtaining the required construction and operating permits, offsets, or emission control devices. Ten months later in January 2004, an administrative consent order was issued for the violations outlining a list of requirements for a Title V application. The company agreed to a 0.01lb/ton SO2/THM limit for HMD injection and a 0.05lb/ton SO2/THM limit for deslagging and hot metal transfer, the three components of hot metal desulfurization (HMD). The compliance program also detailed a testing schedule of twice per Title V permit to monitor compliance with the 0.01lb and 0.05lb SO2/THM limits.

Since the first case closed, the company has sent numerous SSM compliance demonstrations, stack test protocols, periodic reports, coke battery emission inspections, Notifications of Compliance Status, Part 63 Subpart L submissions; however, only deviations and most recent demonstrations of compliance have been noted in the timeline. Part 63, Subpart L submissions have revealed deviations 23 times, Coke Battery Emissions Inspections 8 times, with visible emissions noted in December 2003.

AECA conducted a multimedia inspection from 5/14-5/23/2007 to determine compliance with SIPs, MACT, and Title V. The inspection report identified several concerns, including potential failure to maintain a record or failure to disclose a document, potential failure to maintain/inspect/repair equipment including meters, sensors, and recording equipment, potential failure to follow permit conditions, and potential excess emission in violation of a regulation. Specifically cited processes include coke oven battery charging, offtakes, pushing, and door leak limit exceedences, the majority of which were reported by US Steel in its quarterly deviation reports.

In response to this inspection, AECA sent two 114 letters requesting documentation to determine the extent of non-compliance. The first letter, sent in October 2007, lists several multimedia requests for recent modifications and relines to blast furnaces 4, 6, and 8, the production from each furnace for the past four years, flare pilot flame inconsistencies, data from control equipment in casthouses, operation and maintenance plans for HAPs, emission control methods for hot iron transfer railcars, and permits to construct/install blast furnace #14. The focus of this information request was specifically to monitor HCN, VOC, PM, SO2, opacity, and sulfur emissions data and obtain total deviation reports and records to determine compliance status. The facility was prompted to provide all excess emissions, deviation reports and stack and engineering tests conducted at coke oven batteries 2, 5, and 7, Nos. 1 and 2 BOP and Q-BOP shops and pickling lines, in addition to all performance and maintenance records for all equipment subject to 40 CFR Part 61 Subpart V from January 2002-present.

The second 114 letter was sent in March 2008, with a focus of obtaining technical, maintenance, inspection, monitoring, field work and incident reports pertinent to US

Steel's LDAR program, specifically regarding benzene emissions from relevant sources. The company was asked to provide descriptions, data, and records detailing blast furnace relief valves and their emissions to establish a more complete summation of their LDAR activities.

The most recent NoV/FoV was sent in June 2008, but the final copy is not yet available for review. According to the draft created on 05/30/2008, the NoV was sent for violation of the Indiana SIP, Title V permit requirements, PSD regulations in the SIP, the NESHAP for Integrated Iron and Steel Facilities at 40 CFR Part 63, Subpart FFFFF, and the NESHAP for Hydrochloric Acid (HCl) Process Facilities and HCl Regeneration Plants at 40 CFR Part 63, Subpart CCC. EPA inspectors observed opacity in excess of Indiana SIP and NESHAP limits at the slag pits, railcars, Basic Oxygen Process shops and coke ovens during a multimedia inspection conducted in May 2007. EPA sent US Steel an information request in accordance with Section 114 of the Clean Air Act, and their response yielded additional violations. In the information request, EPA requested that US Steel read the opacity of several operations. The company's response revealed opacity violations at blast furnace enclosures and blast furnace roof monitors. US Steel also failed to secure a permit for an emission source, the blast furnace relief valves. Finally, US Steel failed to apply for a PSD permit when it modified its #4 blast furnace to increase production and emissions. EPA calculated the blast furnace increased production by approximately (b) (7)(A) [redacted]