



May 9, 2019

CERTIFIED MAIL NO. 91 7199 9991 7038 4331 9383

Mr. Edward Nesselbeck
Environmental Director
Erie Coke Corporation
925 E. Bay Drive
Erie, PA 16507-2201

Re: Compliance Docket Notification
Title V Operating Permit Renewal Application No. 25-00029

Dear Mr. Nesselbeck,

The Pennsylvania Department of Environmental Protection ("Department") has identified unresolved existing or continuous violations of the Pennsylvania Air Pollution Control Act ("Act"), rules or regulations promulgated thereunder, plan approval, operating permit and/or Department Order at your facility in Erie, Pennsylvania. The unresolved violation(s) are identified on the attached Exhibit A.

You are hereby notified that past and present violations at the facility indicate Erie Coke Corporation's lack of intention or ability to comply with the Act, or the rules or regulations promulgated under the act, a plan approval, operating permit, and/or order of the Department. The Department has attempted to resolve the violations and lack of intention or ability to comply informally, yet they remain unresolved. Pursuant to 25 Pa. Code § 127.412(g), the violations listed on the Exhibit A and Erie Coke Corporation's lack of intention or ability to comply are being placed on the Department's Compliance Docket.

Pursuant to Section 7.1(a) of the Air Pollution Control Act, the Department may not issue or reissue any plan approval or operating permit if such violation(s) are indicated on the Department's compliance docket. A copy of Section 7.1 is enclosed for your review and information. No operating permit or plan approval can be issued, reissued, or modified to either Erie Coke Corporation or any related party until these violations and your lack of intention or ability to comply are resolved.

Please contact Lori McNabb, Environmental Group Manager, to discuss resolution of these existing violations.

Any person aggrieved by this action may appeal the action to the Environmental Hearing Board (Board), pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. § 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A. The Board's address is:

Environmental Hearing Board
Rachel Carson State Office Building, Second Floor
400 Market Street
P.O. Box 8457
Harrisburg, PA 17105-8457

TDD users may contact the Environmental Hearing Board through the Pennsylvania Relay Service, 800-654-5984.

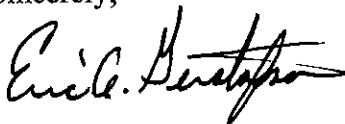
Appeals must be filed with the Board within 30 days of receipt of notice of this action unless the appropriate statute provides a different time. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

A Notice of Appeal form and the Board's rules of practice and procedure may be obtained online at <http://ehb.courtapps.com> or by contacting the Secretary to the Board at 717-787-3483. The Notice of Appeal form and the Board's rules are also available in braille and on audiotape from the Secretary to the Board.

IMPORTANT LEGAL RIGHTS ARE AT STAKE. YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD AT 717-787-3483 FOR MORE INFORMATION. YOU DO NOT NEED A LAWYER TO FILE A NOTICE OF APPEAL WITH THE BOARD.

IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST BE FILED WITH AND RECEIVED BY THE BOARD WITHIN 30 DAYS OF RECEIPT OF NOTICE OF THIS ACTION.

Sincerely,



Eric A. Gustafson
Regional Program Manager
Air Quality

cc: File AQ/Facilities/FAC OP/25-00029

Enclosures

Exhibit A

Violation or CEM Report Date	Regulatory Violation	Brief Description
6/3/2017	25 Pa. Code § 123.44	offtakes > 5%
6/17/2017	25 Pa. Code § 123.44	sum of charges >75 sec
7/24/2017	25 Pa. Code § 123.44	offtakes > 5%
7/24/2017	25 Pa. Code § 127.444	offtakes > 5%
7/26/2017	25 Pa. Code § 123.44	offtakes > 5%
7/26/2017	25 Pa. Code § 127.444	offtakes > 5%
7/29/2017	25 Pa. Code § 123.44	offtakes > 5%
7/29/2017	25 Pa. Code § 127.444	offtakes > 5%
8/7/2017	25 Pa. Code § 123.44	sum of charges >75 sec
8/11/2017	25 Pa. Code § 123.44	offtakes > 5%
8/11/2017	25 Pa. Code § 123.44	doors > 10%
8/26/2017	25 Pa. Code § 123.44	offtakes > 5%
8/27/2017	25 Pa. Code § 123.44	doors>10%
9/4/2017	25 Pa. Code § 123.44	sum of charges >75 sec
10/10/2017	25 Pa. Code § 123.44	offtakes > 5%
10/10/2017	25 Pa. Code § 127.444	offtakes > 5%
10/14/2017	25 Pa. Code § 123.44	doors > 10%
10/14/2017	25 Pa. Code § 127.444	doors > 10%
10/15/2017	25 Pa. Code § 123.44	sum of charges >75 sec
10/15/2017	25 Pa. Code § 127.444	sum of charges >75 sec
11/26/2017	25 Pa. Code § 123.44	offtakes > 5%
12/11/2017	25 Pa. Code § 123.44	offtakes > 5%
4/16/2018	25 Pa. Code § 139.103	1Q2018 COMS
5/16/2018	25 Pa. Code § 123.44	>5% offtakes
5/16/2018	25 Pa. Code § 123.44	>2% lid leaks
5/16/2018	25 Pa. Code § 123.44	>5% offtakes
5/24/2018	25 Pa. Code § 127.444	Bypassed H2S Absorber
6/20/2018	25 Pa. Code § 123.2	Pushing fugitive emissions crossing off property
7/1/2018	25 Pa. Code § 123.44	offtakes >5%
7/1/2018	25 Pa. Code § 123.44	lids > 2%
5/29/2018	25 Pa. Code § 123.44	doors > 10%
5/17/2018	25 Pa. Code § 123.44	offtakes >5%
7/20/2018	25 Pa. Code § 139.103	2Q2018 COMS
7/26/2018	25 Pa. Code § 123.44	offtakes >5%
7/27/2018	25 Pa. Code § 123.44	offtakes >5%
7/28/2018	25 Pa. Code § 123.44	offtakes >5%
7/29/2018	25 Pa. Code § 123.44	offtakes >5%
8/7/2018	25 Pa. Code § 123.44	offtakes >5%
8/1/2018	25 Pa. Code § 123.44	offtakes >5%
8/2/2018	25 Pa. Code § 123.2	Pushing FE xing property
8/2/2018	25 Pa. Code § 127.444	Pushing FE xing property
8/13/2018	25 Pa. Code § 129.15	Pushing >20% from coke shed
8/13/2018	25 Pa. Code § 127.444	Pushing >20% from coke shed
9/16/2018	25 Pa. Code §	doors>10%
9/23/2018	25 Pa. Code § 123.44	offtakes >5%

Exhibit A

9/11/2018	25 Pa. Code § 129.15	Pushing >20% from coke shed
9/11/2018	25 Pa. Code § 127.444	Pushing >20% from coke shed
9/13/2018	25 Pa. Code § 129.15	Pushing >20% from coke shed
9/13/2018	25 Pa. Code § 127.444	Pushing >20% from coke shed
9/28/2018	25 Pa. Code § 127.444	Not monitor RPM every 8 hours
9/28/2018	25 Pa. Code § 127.444	not have continuous records of RPM's
9/28/2018	127.444 and 40 CFR 63.7333	Not meet min RPM in West
9/28/2018	25 Pa. Code § 127.444	Failed to stack test coke shed baghouse annually
9/28/2018	25 Pa. Code § 127.444	Bypassed H2S Absorber 7/25-7/26/2018
9/28/2018	25 Pa. Code § 127.444	daily records of baffle wash temp recorded until exceeds 30 degree threshold
9/28/2018	25 Pa. Code §§ 127.444 129.93	boiler annual adjustment - no records of annual adjustment pg 67 of permit
9/28/2018	25 Pa. Code § 127.444	Failed to record 12 mo rolls for NOx for each boiler
10/11/2018	25 Pa. Code § 139.103	3Q2018 COMS
12/10/2018-12/16/2018	25 Pa. Code § 127.444	Failed to operate H2S Absorber and thionizer at all times the source operates
12/15/2018	25 Pa. Code § 127.44	doors>10%
12/31/2018	25 Pa. Code §§ 123.1 and 127.444	Did not take reasonable action to prevent particulate matter from becoming airborne by promptly removing earth or other material from paved streets
1/16/2019	25 Pa. Code § 139.103	4Q2018 COMS
2/17/2019	25 Pa. Code § 127.444	Failed to operate H2S Absorber and thionizer at all times the source operates
2/17/2019	25 Pa. Code §§ 123.23 127.444	Failed to prevent the flaring or combustion of coke oven by-product gas with hydrogen sulfide concentrations greater than 50 grains
2/18/2019	25 Pa. Code § 127.444	Failed to prevent the venting of the thionizer directly to atmosphere
1/10/2019	25 Pa. Code § 123.44	offtakes > 5%
2/1/2019	25 Pa. Code § 123.44	sum of charges >75 sec
2/2/2019	25 Pa. Code § 123.44	sum of charges >75 sec
3/30/2019	25 Pa. Code § 123.44	doors>10%
3/30/2019	25 Pa. Code § 123.44	sum of charges >75 sec
1/29/2019	25 Pa. Code § 127.444	Failed to operate H2S Absorber and thionizer at all times the source operates
1/29/2019	25 Pa. Code §§ 123.23 and 127.444	Failed to prevent the flaring or combustion of coke oven by-product gas with hydrogen sulfide concentrations greater than 50 grains per 100 dry standrad cubic feet

Exhibit A

2/4/2019	Air Pollution Control Act; Sections 8 and 10.1	Order
2/15/2019	25 Pa. Code §§ 121.7, 123.1 and 127.444	Fugitive particulate matter emitted outside property
3/9/2019	25 Pa. Code §§ 123.31 and 127.444	Malodors detected outside Property
3/27/2019	25 Pa. Code §§ 123.31 and 127.444	Malodors detected outside Property
4/5/2019	Air Pollution Control Act; Sections 8 and 10.1	Failing to comply with Order issued by the Department
4/16/2019	25 Pa. Code § 139.103	1Q2019 COMS

Section 7.1. Compliance Review.--(a) The department shall not issue, reissue or modify any plan approval or permit pursuant to this act or amend any plan approval or permit issued under this act and may suspend, terminate or revoke any permit or plan approval previously issued under this act if it finds that the applicant or permittee or a general partner, parent or subsidiary corporation of the applicant or permittee is in violation of this act, or the rules and regulations promulgated under this act, any plan approval, permit or order of the department, as indicated by the department's compliance docket, unless the violation is being corrected to the satisfaction of the department.

(b) The department may refuse to issue any plan approval or permit pursuant to this act if it finds that the applicant or permittee or a partner, parent or subsidiary corporation of the applicant or permittee has shown a lack of intention or ability to comply with this act or the regulations promulgated under this act or any plan approval, permit or order of the department, as indicated by past or present violations, unless the lack of intention or ability to comply is being or has been corrected to the satisfaction of the department.

(c) In performing the compliance review required under this section, the department shall only consider violations arising under this act that occurred or are occurring in Pennsylvania.

(d) A permittee or applicant may appeal any violation arising under this act which the department places on the compliance docket.

(7.1 added July 9, 1992, P.L.460, No.95)