

April 8, 2019

**NOTICE OF VIOLATION**

**CERTIFIED MAIL NO. 91 7199 9991 7038 4331 5408**

Mr. Anthony Nearhoof  
Plant Superintendent  
Erie Coke Corporation  
P.O. Box 6180  
Erie, PA 16512

Re: Erie Coke Corporation  
City of Erie, Erie County  
Title V Operating Permit No: 25-00029

Dear Mr. Nearhoof:

The Department of Environmental Protection (“Department”) has reviewed Method 303 daily reports and conducted inspections at and in the surrounding areas of Erie Coke Corporation (“Erie Coke”). The reports reviewed, and inspections conducted reveal the following violations from Erie Coke Corporation (“Erie Coke”) during January 2019 through March 2019.

1. On January 10, 2019, the percent of offtake leaks was greater than 5%, in violation of 25 Pa. Code § 123.44(a)(5), and the Title V Operating Permit No. 25-00029.
2. On February 1, 2019, the sum of the first 4 charges was greater than 75 seconds, in violation of 25 Pa. Code § 123.44(a)(1)(i), and the Title V Operating Permit No. 25-00029.
3. On February 2, 2019, the sum of the first 4 charges was greater than 75 seconds, in violation of 25 Pa. Code § 123.44(a)(1)(i), and the Title V Operating Permit No. 25-00029.
4. On March 30, 2019, the percent of door leaks was greater than 10%, in violation of 25 Pa. Code § 123.44(a)(3), and the Title V Operating Permit No. 25-00029.
5. On March 30, 2019, the sum of the first 4 charges was greater than 75 seconds, in violation of 25 Pa. Code § 123.44(a)(1)(i), and the Title V Operating Permit No. 25-00029.
6. On January 29, 2019, Erie Coke notified the Department the H<sub>2</sub>S absorber and thionizer (Source ID C805A) were not in operation beginning at 3:00am, January 26, 2019 through 5:00pm, January 28, 2019.

- a. In accordance with Title V Operating Permit No. 25-00029, Section D, Source 805 (Coke Oven Battery- Underfiring System), Condition #013, the permittee shall operate the control device at all times that the source is in operation. The failure of Erie Coke to operate the H<sub>2</sub>S Absorber and thionizer at all times the source is in operation is a violation of 25 Pa. Code § 127.444.
  - b. In accordance with Title V Operating Permit No. 25-00029, Section D, Source 805 (Coke Oven Battery- Underfiring System), Condition #002 (b), no person may permit the flaring or combustion of a coke oven byproduct gas which contains sulfur compounds, expressed as equivalent hydrogen sulfide, in concentrations greater than 50 grains per 100 dry standard cubic feet. The failure of Erie Coke to prevent the flaring or combustion of coke oven by-product gas with hydrogen sulfide concentrations greater than 50 grains per 100 dry standard cubic feet is a violation of 25 Pa. Code §§ 123.23(b) and 127.444.
7. On February 15, 2019, the Department collected samples of a solid contaminant from the ground located at the East Avenue Boat Launch. Sample results indicated the solid contaminant is “coke”.
- a. In accordance with the Title V Operating Permit No. 25-00029, Section B, Condition No. 002 and 25 Pa. Code § 121.7, no person may permit air pollution as that term is defined in the act.
  - b. In accordance with the Title V Operating Permit No. 25-00029, Section C, Condition No. 002 and 25 Pa. Code § 123.2, no person may permit fugitive particulate matter to be emitted into the atmosphere if the emissions are visible at the point the emissions pass outside the property. The presence of coke outside Erie Coke property is a violation of 25 Pa. Code § § 121.7, 123.2, and 127.444.
8. On March 9, 2019, and March 27, 2019, the Department detected malodors from Erie Coke outside its property.
- a. In accordance with Title V Operating Permit No. 25-00029, Section C, Condition No. 003 and 25 Pa. Code § 123.31, a person may not permit the emission of any malodorous air contaminants from any source that the malodors are detectable outside the property of the person whose land the source is being operated. The emission of malodorous air contaminants from Erie Coke outside its property is a violation of 25 Pa. Code § § 123.31 and 127.444.

Any violation of the Air Pollution Control Act subjects a person to enforcement actions, including civil and criminal penalties. Each day the violation continues constitutes a separate offense.

This Notice of Violation is neither an order nor any other final action of the Department. It neither imposes nor waives any enforcement action available to the Department under any of its statutes. If the Department determines that an enforcement action is appropriate, you will be notified of the action.

If you have any questions concerning this matter, please contact me at 814-332-6634.

Sincerely,

A handwritten signature in cursive script that reads "Lori L. McNabb".

Lori L. McNabb  
Environmental Group Manager  
Air Quality Program

cc: C. Ballard, OCC  
AQ/Fac/Case/25-000-00029  
[ra-epaircompliance@pa.gov](mailto:ra-epaircompliance@pa.gov)  
W. Schneider, Erie Coke Corp. (via email)  
E. Nesselbeck Erie Coke Corp. (via email)