

July 1, 2019

Edward R. Nesselbeck
Environmental Compliance Director
Erie Coke Corporation
925 East Bay Drive
Erie, PA 16507-2201

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

Dear Mr. Nesselbeck:

The Pennsylvania Department of Environmental Protection (DEP) has completed its review of your permit application for the renewal of the Title V Operating Permit No. 25-00029 for Erie Coke Corporation, located in Erie City, Erie County. As explained further below, the DEP denies the permit renewal application based on the Erie Coke's lack of intention or ability to comply as shown by the compliance history of the facility.

The DEP has evaluated the compliance history of Erie Coke as part of its technical review of the Title V operating permit renewal application. DEP has found a significant history of noncompliance for this facility. Enclosed is a comprehensive list of violations which have been discovered at the facility as of the date of this letter. On May 9, 2019, Erie Coke's lack of intention or ability to comply was placed on the DEP compliance docket. Pursuant to 25 Pa. Code § 127.412(h), DEP is prohibited from issuing an operating permit to an applicant whose lack of intention or ability to comply is on the compliance docket. Because Erie Coke has not resolved its violations and continues to demonstrate its lack of intention or ability to comply, the DEP is denying Title V Operating Permit Renewal Application No. 25-00029.

Further, Erie Coke has failed to timely submit information required or requested to process the renewal application. DEP has requested information from Erie Coke on the following: 1) tune ups performed on Boilers 1 and 2; 2) annual Boiler MACT Compliance Reports; 3) Benzene Waste Operations NESHAP compliance information; and 4) information demonstrating compliance with Boiler Sulfur Oxide limits. Erie Coke's failure to timely submit the requested information prevents DEP from processing the renewal application and the DEP is denying Title V Operating Permit Renewal Application No. 25-00029.

Additionally, the DEP has determined the following:

- Erie Coke Corporation has existing and ongoing violations at the facility that are likely to cause air pollution or to violate the Air Pollution Control Act, the Clean Air Act or the regulations

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promulgated thereunder applicable to the facility.

- Erie Coke Corporation's application does not provide adequate verification of compliance, including source testing or alternative means to verify compliance.
- Erie Coke Corporation is operating air contamination sources and air pollution control equipment or devices contrary to the plans and specifications approved by the Department.

For the reasons stated above, the DEP is denying the permit renewal application in accordance with Sections 6.1(d), 7.1(a), and 7.1(b) of the Air Pollution Control Act, 35 P.S. §§ 4006.1(d), 4007.1(a) and 4007.1(b), 25 Pa. Code §§ 127.412(h) and 127.422, and Section B, Condition #008(a)(3) of the Title V permit (expired February 28, 2018).

You are reminded that Section 6.1 of the Pennsylvania Air Pollution Control Act, 35 P.S. § 4006.1(b)(1), and 25 Pa. Code § 127.402 prohibits a person from operating any stationary air contamination source unless the Department shall have issued to such person a permit to operate such source under the Act.

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

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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.

If you have any questions concerning this letter, please feel free to contact me at this office.

Sincerely,



Eric A. Gustafson
Regional Manager
Air Quality Program

Enclosure

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

Exhibit A

Violation or CEM Report Date	Regulatory Violation	Brief Description
4/1/2015	25 Pa. Code § 123.31	Malodors detected outside Property
8/11/2015	25 Pa. Code § 139.103	2Q2015 COMS
10/16/2015	25 Pa. Code § 139.103	3Q2015 COMS
1/20/2016	25 Pa. Code § 139.103	4Q2015 COMS
4/12/2016	25 Pa. Code § 139.103	1Q2016 COMS
7/6/2016	25 Pa. Code § 139.103	2Q2016 COMS
7/14/2016	25 Pa. Code § 127.11	Install cover on thionizer without approval
7/14/2016	25 Pa. Code § 127.443	Operate thionizer with cover w/o permit
10/20/2016	25 Pa. Code § 139.103	3Q2016 COMS
1/17/2017	25 Pa. Code § 139.103	4Q2016 COMS
5/1/2017	25 Pa. Code § 139.103	1Q2017 COMS
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%
7/25/2017	25 Pa. Code § 139.103	2Q2017 COMS
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
10/16/2017	25 Pa. Code § 139.103	3Q2017 COMS
11/26/2017	25 Pa. Code § 123.44	offtakes > 5%
12/11/2017	25 Pa. Code § 123.44	offtakes > 5%
1/5/2018	25 Pa. Code § 139.103	4Q2017 COMS
4/16/2018	25 Pa. Code § 139.103	1Q2018 COMS
4/20/2018	25 Pa. Code § 123.44	>5% offtakes
4/20/2018	25 Pa. Code § 123.44	>2% lid leaks
4/21/2018	25 Pa. Code § 123.44	>5% offtakes
5/17/2018	25 Pa. Code § 123.44	offtakes >5%
5/21/2018	25 Pa. Code § 127.444	Bypassed H2S Absorber: May 21-24, 2018
5/22/2018	25 Pa. Code § 127.444	Bypassed H2S Absorber: May 21-24, 2018
5/23/2018	25 Pa. Code § 127.444	Bypassed H2S Absorber: May 21-24, 2018
5/24/2018	25 Pa. Code § 127.444	Bypassed H2S Absorber: May 21-24, 2018
5/29/2018	25 Pa. Code § 123.44	doors >10%

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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%
7/20/2018	25 Pa. Code § 139.103	2Q2018 COMS
7/25/2018	25 Pa. Code § 127.444	Bypassed H2S Absorber 7/25-7/26/2018
7/26/2018	25 Pa. Code § 127.444	Bypassed H2S Absorber 7/25-7/26/2018
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%
8/1/2018	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
8/7/2018	25 Pa. Code § 123.44	offtakes >5%
8/8/2018	25 Pa. Code § 123.44	offtakes >5%
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
9/11/2018	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
9/16/2018	25 Pa. Code § 123.44	doors>10%
9/23/2018	25 Pa. Code § 123.44	offtakes >5%
9/25/2018	25 Pa. Code § 127.444	Not monitor RPM every 8 hours
9/25/2018	25 Pa. Code § 127.444	not have continuous records of RPM's
9/25/2018	127.444 and 40 CFR 63.7333	Not meet min RPM in West
9/25/2018	25 Pa. Code § 127.444	Failed to stack test coke shed baghouse
9/25/2018	25 Pa. Code § 127.444	daily records of baffle wash temp recorded until exceeds 30 degree threshold
9/25/2018	25 Pa. Code § 127.444	boiler annual adjustment - no records of annual adjustment pg 67 of permit
9/25/2018	25 Pa. Code § 129.93	boiler annual adjustment - no records of annual adjustment pg 67 of permit
10/11/2018	25 Pa. Code § 139.103	3Q2018 COMS
12/10/2018	25 Pa. Code § 127.444	Failed to operate H2S Absorber and thionizer at all times the source operates
12/11/2018	25 Pa. Code § 127.444	Failed to operate H2S Absorber and thionizer at all times the source operates
12/12/2018	25 Pa. Code § 127.444	Failed to operate H2S Absorber and thionizer at all times the source operates
12/13/2018	25 Pa. Code § 127.444	Failed to operate H2S Absorber and thionizer at all times the source operates
12/14/2018	25 Pa. Code § 127.444	Failed to operate H2S Absorber and thionizer at all times the source operates

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12/15/2018	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%
12/16/2018	25 Pa. Code § 127.444	Failed to operate H2S Absorber and thionizer at all times the source operates
12/31/2018	25 Pa. Code § 123.1	Did not take reasonable action to prevent particulate matter from becoming airborne by promptly removing earth or other material from paved streets
12/31/2018	25 Pa. Code § 127.444	Did not take reasonable action to prevent particulate matter from becoming airborne by promptly removing earth or other material from paved streets
1/10/2019	25 Pa. Code § 123.44	offtakes >5%
1/16/2019	25 Pa. Code § 139.103	4Q2018 COMS
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	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
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
2/4/2019	Air Pollution Control Act; Sections 8 and 10.1	Order
2/15/2019	25 Pa. Code § 121.7	Fugitive particulate matter emitted outside property
2/15/2019	25 Pa. Code § 123.1	Fugitive particulate matter emitted outside property
2/15/2019	25 Pa. Code § 127.444	Fugitive particulate matter emitted outside property
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 § 123.12	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
2/18/2019	25 Pa. Code § 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
2/18/2019	25 Pa. Code § 127.444	Failed to prevent the venting of the thionizer directly to atmosphere
2/26/2019	25 Pa. Code § 121.7	Coke off property

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2/26/2019	25 Pa. Code § 123.1	Coke off property
2/26/2019	25 Pa. Code § 123.444	Coke off property
3/9/2019	25 Pa. Code § 123.31	Malodors detected outside Property
3/27/2019	25 Pa. Code § 123.31	Malodors detected outside Property
3/30/2019	25 Pa. Code § 123.44	doors>10%
3/30/2019	25 Pa. Code § 123.44	sum of charges >75 sec
4/5/2019	Air Pollution Control Act; Sections 8 and 10.1	Failing to comply with Order issued by the Department
4/8/2019	25 Pa. Code § 139.103	1Q2019 COMS
5/5/2019	25 Pa. Code § 123.31	Malodors detected outside Property
5/5/2019	25 Pa. Code § 127.444	Malodors detected outside Property
5/15/2019	25 Pa. Code § 127.444	Failed to monitor and maintain records of liquid flow rate through the H ₂ S adsorber
5/15/2019	25 Pa. Code § 127.444	43 identified excursions of the permitted pressure drop range (1" - 7" inches) across the H ₂ S adsorber in February 2019, and 36 excursions in April 2019
5/15/2019	25 Pa. Code § 127.444	Stack Emission Observation Form including documentation of occurrences, causes, and repairs associated with visible emission exceedances is not being maintained
5/15/2019	25 Pa. Code § 127.444	Exceedances of the permitted pressure drop range for Coke Side baghouse on February 2, 3, 5, 6, and 27, 2019
5/15/2019	25 Pa. Code § 127.444 40 CFR 63.7333	On April 5 – 9 and April 17 - 22, the daily average fan RPMs of the West baghouse were not at or above minimum requirements
5/15/2019	25 Pa. Code § 127.444 40 CFR 63.7335 40 CFR 63.7300	Records maintained for the Coke Side baghouse for February and April 2019 fail to document the inspection criteria and requirements required by the NESHAP nor do they show that the capture system (Coke Side shed) has been inspected
5/15/2019	25 Pa. Code § 127.444 40 CFR 63.7334	The daily quench tower rinse cycle report for February 2019 was missing and not provided

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5/15/2019	40 CFR 63.7334 25 Pa Code §127.444	The daily quench tower rinse cycle records are also not completed correctly on days on which the temperature appears to be below 30 degrees F. On January 10 – 14, 19-21, 25-26, and 30-31, 2019 and March 1-6, 8-9, 18, 22, 25-26, 2019, only one temperature was recorded. The entire day needs to be monitored to be exempt from baffle washing and the temperatures each shift that day should be entered into the form. On days when the temperature was less than 30 degrees F, the employee signed in the column indicating that the baffles had been washed instead of the columns for when the temperature is less than 30 degrees F.
5/15/2019	25 Pa. Code § 123.44 25 Pa. Code § 127.444	Visible emissions observed from coke oven gas collector main near Oven #32.
5/15/2019	25 Pa. Code § 123.23 25 Pa. Code § 127.444	Visible emissions of unburned coke oven gas were leaking from the Battery A liquor pot.
5/15/2019	25 Pa. Code § 129.15(c) 25 Pa. Code § 127.444	Emissions of greater than 20% opacity were observed escaping from around the edges of the coke shed, from the joints of the coke shed and through smaller holes in the coke shed
5/15/2019	40 CFR 63.7290 25 Pa Code §127.444	West side of the coke side shed baghouse was operating below the RPM level established during last stack test.
5/15/2019	25 Pa. Code § 127.444 25 Pa. Code § 127.25	Fugitive emissions were observed being emitted to atmosphere from holes in the coke side shed and between the two batteries.
10/1/2018-12/31/2018	40 CFR 63.7334 25 Pa Code §127.444	There were thirteen (13) days where pushed ovens were not observed during the reporting period.
10/1/2018-12/31/2018	40 CFR 63.7334 25 Pa Code §127.444	There were eleven (11) ovens that were not pushed and observed during the reporting period.
10/1/2018-12/31/2018	40 CFR 63.7333 25 Pa Code §127.444	There were sixty-five (65) days where the daily average fan RPMs were not at or above minimum requirements.
10/1/2018-12/31/2018	40 CFR 63.7333 25 Pa Code §127.444	There were forty-eight (48) days where checks of the baghouse fan RPM's every 8 hours were not recorded.

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10/1/2018-12/31/2018	40 CFR 63.7334 25 Pa Code §127.444	There were fifty-three (53) days daily washing of the Quench Tower baffles were not recorded.
1/1/2019-3/31/2019	40 CFR 63.7333 25 Pa Code §127.444	There were seven (7) days where daily average opacity exceeded 15%.
1/1/2019-3/31/2019	40 CFR 63.7333 25 Pa Code §127.444	There were forty-four (44) days where the daily average fan RPMs were not at or above minimum requirements.
1/1/2019-3/31/2019	40 CFR 63.7334 25 Pa Code §127.444	There were nine (9) days where pushed ovens were not observed during the reporting period.
1/1/2019-3/31/2019	40 CFR 63.7334 25 Pa Code §127.444	There were thirteen (13) ovens that were not pushed and observed during the reporting period.
6/3/2019	25 Pa. Code § 123.44 25 Pa. Code § 127.444	Visible emissions observed from coke oven gas collector main near Oven #39.
6/7/2019	25 Pa. Code § 123.23 25 Pa. Code § 127.444	Visible emissions of unburned coke oven gas were leaking from the Battery A liquor pot.
6/7/2019	25 Pa. Code § 129.15(c) 25 Pa. Code § 127.444	Emissions of greater than 20% opacity were observed escaping from the coke side shed.
6/7/2019	25 Pa. Code § 123.44(a)(3) 25 Pa. Code § 123.444	doors>10%
6/7/2019	25 Pa. Code § 123.44(a)(5) 25 Pa. Code § 127.444	offtakes >5%
6/11/2019	25 Pa. Code § 129.15(c) 25 Pa. Code § 127.444	Emissions of greater than 20% opacity were observed escaping from the coke side shed.
6/12/2019	25 Pa. Code § 123.44(a)(5) 25 Pa. Code § 127.444	offtakes >5%
6/13/2019	25 Pa. Code § 123.2 25 Pa. Code § 127.444	Emissions from the battery observed crossing property line
6/26/2019	25 Pa. Code § 129.15(c) 25 Pa. Code § 127.444	Emissions of greater than 20% opacity were observed escaping from the coke side shed.