

MANKO | GOLD | KATCHER | FOX LLP

AN ENVIRONMENTAL AND ENERGY LAW PRACTICE

Diana A. Silva
484-430-2347
dsilva@mankogold.com

Admitted in PA and NJ

THREE BALA PLAZA EAST, SUITE 700
BALA CYNWYD, PA 19004
TEL: 484-430-5700
FAX: 484-430-5711
WWW.MANKOGOLD.COM

A LIMITED LIABILITY PARTNERSHIP
FORMED IN PENNSYLVANIA

Partner responsible:
John F. Gullace (NJ)
Brenda H. Gotanda (HI)

September 24, 2024

Via Electronic Mail and Overnight Mail

Mr. John McGowan, Esq.
Hearing Officer
Allegheny County Health Department
542 Fourth Avenue
Pittsburgh, PA 15219
John.McGowan@AlleghenyCounty.US

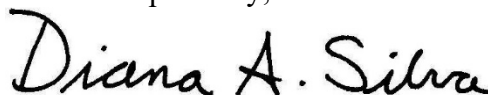
Dr. Iulia Vann, MD, MPH, Director
Allegheny County Health Department
542 Fourth Avenue
Pittsburgh, PA 15219

Re: United States Steel Corporation – Edgar Thomson Plant
Notice of Appeal – Notice of Violation # 240801 RE: Title V Operating Permit &
Federal Enforceable State Operating Permit No. 0051-OP23

Dear Hearing Officer McGowan:

Pursuant to Article XI of the Rules and Regulations of the Allegheny County Health Department, United States Steel Corporation submits for filing the enclosed Notice of Appeal regarding the above-referenced Notice of Violation issued to the Edgar Thomson Plant on August 26, 2024, and received by U. S. Steel by email on August 26, 2024. If you have any questions, please contact me at dsilva@mankogold.com or (484) 430-2347.

Respectfully,



Diana A. Silva

For MANKO, GOLD, KATCHER & FOX, LLP

Enclosure

cc: Carol F. McCabe, Esq. (via email only)
Jessica D. Hunt, Esq. (via email only)
Dave Hacker, Esq. (via email only)
Jason Willis, Esq. (via email only)
Wesley Speary, Esq. (via email only)





Notice of Appeal

This form is used to file an appeal of an order, notice, decision, determination, or ruling by the Allegheny County Health Department. Please complete this form (use additional pages as necessary). If more than one person or entity is filing this appeal, please attach a separate form for each additional appellant. **A copy of the order, notice, decision, determination, or ruling must be attached to the Notice of Appeal.**

Name United States Steel Corporation - Edgar Thomson Plant

Mailing Address 13th Street and Braddock Avenue

City Braddock State PA Zip 15104 Email dwhacker@uss.com

Phone (412) 433-2919 Fax (optional) _____

If you are represented by an attorney, please provide contact information for your attorney:

Name Carol McCabe, Diana Silva, and Jessica Hunt - Manko, Gold, Katcher & Fox, LLP

Mailing Address Three Bala Plaza East, Suite 700

City Bala Cynwyd State PA Zip 19004 Email cmccabe@mankogold.com
dsilva@mankogold.com
jhunt@mankogold.com

Phone (484) 430-5700 Fax (optional) (484) 430-5711

Describe your objections to the Department's actions and a statement describing the relief you want the Hearing Officer to grant. (*The objections may be factual or legal and must be specific. If you fail to state an objection here, you may be barred from raising it later in your appeal. Use additional pages if necessary.*)

Please see Exhibit A - Statement of Objections and Requested Relief regarding ACHD's issuance of
a Notice of Violation dated August 26, 2024 for United States Steel Corporation's Edgar Thomson Plant.

By filing this Notice of Appeal with the Allegheny County Health Department, I hereby certify that the information submitted is true and correct to the best of my information and belief.

Signature Diana A. Silva Date 9/24/2024

Appeals should be submitted in person or by mail to:
Allegheny County Health Department
Attention: Hearing Officer
542 4th Avenue
Pittsburgh, PA 15219

EXHIBIT A

**BEFORE THE HEARING OFFICER
ALLEGHENY COUNTY HEALTH DEPARTMENT
542 FOURTH AVENUE
PITTSBURGH, PENNSYLVANIA 15219**

UNITED STATES STEEL CORPORATION,	)	Appeal of Notice of Violation
	)	#240801 Issued to
Appellant,	)	United States Steel Corporation
	)	for the Edgar Thomson Plant
v.)	
)	
ALLEGHENY COUNTY)	
HEALTH DEPARTMENT, Air Quality Program	)	Docket No.: _____
)	
Appellee.)	

**EXHIBIT A: STATEMENT OF OBJECTIONS
IN NOTICE OF APPEAL AND REQUESTED RELIEF**

NOW COMES, Appellant, United States Steel Corporation (hereinafter “U. S. Steel”), pursuant to Sections 1103 and 1104 of Article XI of the Allegheny County Health Department’s Rules and Regulations, before the Director of the Allegheny County Health Department (“ACHD” or the “Department”), filing this appeal from the Department’s issuance of Notice of Violation # 240801 to U. S. Steel’s Edgar Thomson Plant located in Braddock, Pennsylvania, with an issuance date of August 26, 2024, and received by U. S. Steel by email on August 26, 2024, (hereinafter the “NOV”). A true and correct copy of the NOV is provided as **Exhibit “B”** to this Notice of Appeal. This submission constitutes timely filing of a Notice of Appeal of a Department action, and properly specifies the manner in which U. S. Steel is aggrieved by the Department’s action.

A. Manner in which U. S. Steel is Aggrieved and Grounds for Appeal

1. U. S. Steel owns and operates the Edgar Thomson Plant, an iron and steel making facility, located at 13th Street and Braddock Avenue in Braddock, Pennsylvania (the “Facility”).
2. The Facility operates under Title V Operating Permit No. 0051-OP23, which was most recently renewed by the Department on August 1, 2023 (the “TVOP”).

3. On August 31, 2023, U. S. Steel filed a Notice of Appeal to challenge the TVOP, which is currently pending before the Department at Docket No. 23-048 (the “TVOP Appeal”).¹ The TVOP argues, *inter alia*, that the Department improperly and illegally included new emission limits in the TVOP that were not previously included in any prior permit issued for the Facility, and that such limits are arbitrary, capricious, unreasonable, an abuse of the Department’s discretion, and contrary to law, including, but not limited to, the federal Clean Air Act, 42 U.S.C. § 7401 *et seq.*, the Pennsylvania Air Pollution Control Act, 35 P.S. § 4001 *et seq.*, and Article XXI of the Allegheny County Health Department’s Rules and Regulations.

4. On January 5, 2024, U. S. Steel filed a Motion for Summary Relief or in the Alternative Motion for Stay in the TVOP Appeal. *See* Docket No. 23-048.²

5. On March 25, 2024, during oral argument on U. S. Steel’s Motion for Summary Relief or in the Alternative Motion for Stay filed in the TVOP Appeal, the parties agreed to a stipulation on the record regarding U. S. Steel’s Motion for Stay, which was subsequently reduced to writing and confirmed in an March 29, 2024 Order entered by Hearing Officer John F. McGowan, a copy of which is provided as **Exhibit “C”** to this Notice of Appeal.

6. The March 29, 2024, Order entered in the TVOP Appeal established, in relevant part, that during the pendency of the TVOP Appeal the Department agreed it ***would not issue any civil penalties*** against U. S. Steel for any exceedances of the emission limits that were challenged in the underlying TVOP Appeal, as follows:

¹ Copy available at <https://documents.alleghenycounty.us/PAVNextGen/api/Document/AVi7kqCGxNL6GrCC2FTnENibjHDPgwtSAdnNH6Sg7vC%C3%89YtDEOStSIVqKu77Vhjmt5KZKYEFKxUI8u997MqwD4Ew%3D/>

² Copy available at <https://documents.alleghenycounty.us/PAVNextGen/api/Document/AZg7bTK3x964EmYsytuDmKA3kTcjo%C3%81AgppRw6Bu1qrKv0XQGvr6ZTmsgt%C3%81sbp%C3%81lsjcU81u4%C3%89F3Q6C7Wf2%C3%890vXA%3D/>

2) The parties agreed to a stipulation on the record as follows: a) ACHD agrees that it will *stay issuance of any civil penalties against U. S. Steel for any exceedances of the Challenged Emission Limits during the pendency of this Appeal*, but shall not be precluded from issuing any such penalties at the conclusion of the Appeal as appropriate if the Challenged Emission Limits are upheld; and, b) ACHD agrees that it will not require any corrective action or injunctive relief for any exceedance of the Challenged Emission Limits during the pendency of this Appeal, except to the extent such exceedance is caused by an ongoing malfunction or continued operational problems determined to be in need of immediate correction. U. S. Steel preserves all defenses to any such enforcement action initiated by ACHD.

See Exhibit C ¶ 2 (emphasis added).

7. Among the various emission limits that U. S. Steel challenged in the TVOP Appeal, and that are subject to the March 29, 2024 Order, are: (a) emission limits for the No. 1 Blast Furnace Stove, including, but not limited to, hourly emission limits for Carbon Monoxide (“CO”), for which the TVOP established a new limit of 650.65 lb/hour, which is set forth in Condition V.B.1.e, Table V-B-1 of the TVOP; and, (b) emission limits for the Basic Oxygen Process (“BOP”) Shop, including, but not limited to, hourly emission limits for CO, for which the TVOP established a new limit of 2,575.44 lb/hr, which is set forth in Condition V.D.1.1, Table V-D-1 of the TVOP, and which are also subject to the March 29, 2024 Order.

8. In accordance with the terms of the TVOP, U. S. Steel performed emissions stack testing on the No. 1 Blast Furnace Stove on January 23, 2024, and on the BOP Shop on January 25, 2024. U. S. Steel thereafter submitted the results of these stack tests to the Department on March 28, 2024.

9. The results of the January 23, 2024 emissions stack testing performed on the No. 1 Blast Furnace Stove for CO were as follows: (a) 1,457 lb/hr; (b) 1,223 lb/hr; and, (c) 680 lb/hr; with an average of the three stack test runs of 1,120 lb/hr.

10. The results of the January 25, 2024 emissions stack testing performed on the BOP Shop for CO were as follows: (a) 4,599 lb.hr; (b) 2,714 lb/hr; and, (c) 2,723 lb/hr; with an average of the three stack test runs of 3,345 lb/hr.

11. On April 10, 2024, U. S. Steel performed a follow-up test of emissions from the No. 1 Blast Furnace Stove, and thereafter submitted the results of that test to the Department on June 7, 2024.

12. The results of the April 10, 2024 test for the No. 1 Blast Furnace Stove for CO were as follows: (a) 44.9 lb/hr; (b) 35.7 lb/hr; and, (c) 47.5 lb/hr; with an average of the three stack test results of 42.7 lb/hour.

13. On August 26, 2024, the Department issued the NOV in which the Department determined that the results of the January 23, 2024 emissions stack testing for the No. 1 Blast Furnace Stove for CO exceeded the limitation of 650.65 lb/hr, which the Department determined to be a violation of the TVOP. For this alleged violation, the ACHD has issued a civil penalty of \$3,600.00. *See Exhibit B at pg. 2.*

14. Likewise, in the NOV the Department determined that the results of the January 25, 2024 emissions stack testing for the BOP Shop for CO exceeded the limitation of 2,575.44 lb/hour, which the Department determined to be a violation of the TVOP. For this alleged violation, the ACHD has issued a civil penalty of \$8,700.00. *See Exhibit B at pg. 2.*

15. The NOV states that Department has “calculated” the civil penalties listed above for CO emissions from the No. 1 Blast Furnace Stove and BOP Shop, but that “[h]owever, the ACHD is not assessing the civil penalty at this time. The review and assessment of the civil penalty will occur pending the outcome of the permit appeal.” *See Exhibit B at pg. 2.*

16. The Department asserts that the NOV was intended to “serve as notice to U. S. Steel, Edgar Thomson Works that the above exceedances of the conditions of [the TVOP] are violations” of Article XXI of the Department’s regulations and the terms of the TVOP. *See* Ex. B at 2. U. S. Steel disagrees with the Department’s stated position, for the reasons set forth at length in the TVOP Appeal.

17. The NOV and the civil penalties cited therein are inconsistent with the terms of the March 29, 2024 Order, in which the Department expressly agreed that “it will *stay the issuance of any civil penalties against U. S. Steel for any exceedances of the Challenged Emission Limits during the pendency of this Appeal...*” *See* Exhibit C ¶ 2 (emphasis added).

18. The Department’s action in issuing the NOV was arbitrary, capricious, unreasonable, and unnecessary, and has negatively impacted U. S. Steel through the Department’s issuance of a public document with statements regarding the Facility’s compliance status that are incorrectly based on emission limits that are currently being challenged in the pending TVOP Appeal.

19. The Department’s action in issuing the NOV and the civil penalties listed therein for alleged violations of emission limits that are the subject of the pending TVOP Appeal is arbitrary, capricious, unreasonable, constitutes an abuse of discretion, is contrary to fact, is not supported by substantial evidence, is not in accordance with applicable law, and is contrary to the Department’s authority under the federal Clean Air Act, 42 U.S.C. § 7401 *et seq.*, the Pennsylvania Air Pollution Control Act, 35 P.S. § 4001 *et seq.* and Article XXI of the Department’s regulations.

20. While the Department asserts that the NOV “is neither an order nor any other final action of the Department” (*see* Exhibit B at pg. 3), the unique and novel circumstance posed by this particular NOV falls within the scope of the Hearing Officer’s jurisdiction pursuant to Section

1103 of Article XI of the Allegheny County Health Department’s Rules and Regulations, because U. S. Steel is aggrieved by an action of the Department consisting of a determination and notice to U. S. Steel of violations of emission limits that are the subject of the pending TVOP Appeal, and for which the March 24, 2024 Order reflects the Department’s agreement to refrain from issuing civil penalties based on the emission limits challenged in the TVOP Appeal pending final resolution of that case.

21. U.S. Steel is directly and substantially aggrieved by the Department’s action in issuing the NOV, entitling it to appeal under Section 1103 of Article XI of the Allegheny County Health Department’s Rules and Regulations.

B. U. S. Steel’s Interest in the Action

22. U. S. Steel is the entity to which the NOV was issued and whose activities are directly affected by the NOV. U. S. Steel is a “party” aggrieved by the “action” taken by the Department in issuing the NOV, as those terms are defined by Article XI Section 1102 of the Allegheny County Health Department’s Rules and Regulations. As a result, U. S. Steel has been negatively impacted by the NOV, and has a direct interest in the NOV, entitling U. S. Steel to an Appeal under Section 1103 of Article XI of the Allegheny County Health Department’s Rules and Regulations

23. U. S. Steel has also appealed the underlying emission limits in the TVOP that form the basis of the NOV, which is pending at Docket No. 23-048. To the extent necessary as determined by the Hearing Officer, U. S. Steel would consent to the consolidation of this Notice of Appeal with the appeal that is pending at Docket No. 23-048.

C. Requested Relief and Conclusion

24. Through this Notice of Appeal, U. S. Steel has identified its initial objections to the NOV, but U. S. Steel reserves the right to assert additional grounds for an appeal and the right to

amend this Notice of Appeal: (a) after an opportunity for discovery; (b) following any clarification, modification, or rescission of the NOV; (c) following any change in circumstances; or, (d) as otherwise provided by the Department's Rules and Regulations.

25. U. S. Steel has filed this Appeal as a protective measure prior to the expiration of the 30-day appeal period in accordance with Section 1104 of Article XI of the Allegheny County Health Department's Rules and Regulations. Appellant is willing to meet with representatives of the Department to discuss a prompt resolution of this Appeal.

26. For the foregoing reasons, U. S. Steel respectfully requests that the Director: (a) vacate the NOV; (b) issue an order directing the Department to refrain from issuing any additional NOVs for any emission limit that is subject to the March 24, 2024 Order entered in the TVOP Appeal until such time as that matter has been fully adjudicated and there is a final decision rendered that upholds the emission limits challenged in that action, and any appellate rights have been exhausted; and, (c) grant such other relief as is just, reasonable, and appropriate and that is consistent with the Director's opinion.

Respectfully submitted,

/s/ Carol F. McCabe, Esq.

Carol F. McCabe, Esq. (PA ID# 78644)

Diana A. Silva, Esq. (PA ID# 311083)

Jessica D. Hunt, Esq. (PA ID# 318571)

MANKO, GOLD, KATCHER & FOX, LLP

Three Bala Plaza East, Suite 700

Bala Cynwyd, PA 19004

Telephone: (484) 430-5700

cmccabe@mankogold.com

dsilva@mankogold.com

jhunt@mankogold.com

David W. Hacker, Esq. (PA ID# 91236)
United States Steel Corporation
600 Grant Street, Suite 1500
Pittsburgh, PA 15219
Telephone: (412) 433-2919
dwhacker@uss.com

Date: September 24, 2024

Counsel for United States Steel Corporation

EXHIBIT B

COUNTY OF



ALLEGHENY

SARA INNAMORATO
COUNTY EXECUTIVE

August 26, 2024

Kurt Barshick
United States Steel Corporation
Clairton Works
400 State Street
Clairton, PA 15025

RE: Notice of Violation #240801 United States Steel Corporation, Edgar Thompson Plant, 13th Street and Braddock Avenue, Braddock, PA 15104, Article XXI (“Air Pollution Control”) § 2102.03.c “Permit Conditions,” Title V Operating Permit #0051-OP23 Condition V.B.1.e. and V.D.1.1.

Dear Mr. Barshick:

Allegheny County Health Department (hereinafter “ACHD”) reviewed the results of stack testing performed at United States Steel Corporation’s (hereinafter “U.S. Steel”) Edgar Thompson Plant (“ET”) that documented noncompliance with Carbon Monoxide restrictions of the Blast Furnace #1 Stove and the BOP Primary Collection Scrubber System.

U.S. Steel owns and operates ET, a facility in Braddock, Allegheny County, Pennsylvania. ET is an iron and steel making facility that produces mainly steel slabs. Raw materials such as coke, iron-bearing materials, and fluxes are charged to blast furnaces in the iron making process. Desulfurized hot metal is then introduced into the basic oxygen process (“BOP”), where the hot metal is transformed into molten steel.

Operating Permit #0051-OP23 enumerates restrictions on ET and its processes, including the BOP shop and Blast Furnace Stoves.

On August 31, 2023, U.S. Steel ET submitted a Notice of Appeal, which stated objections and requesting a stay of challenged emission limitation. U.S. Steel and ACHD entered the informal negotiation as part of the appeal process. As part of the negotiation, ACHD agreed not to order corrective actions regarding emission testing of the challenged limitations. ACHD did not agree to a stay of any required emission testing. A stay of emission testing and limits was not granted to U.S. Steel.

Blast Furnace Stove #1

#0051-OP23 Condition V.B.1.e. enumerates emission limitations for No. 1 and No. 3 Blast Furnace Stoves. The short-term hourly emission limitation listed in V.B.1.e. for Carbon Monoxide (“CO”) is 650.65 pounds per hour (lb/hr). On January 23, 2024, ET performed compliance testing on the Blast Furnace stoves. On March 28, 2024, ET submitted the



**ALLEGHENY COUNTY HEALTH DEPARTMENT
AIR QUALITY PROGRAM**

836 FULTON STREET • PITTSBURGH, PA 15233
PHONE (412) 578-8103 • FAX (412) 578-8144
24-HR (412) 687-ACHD (2243)
WWW.ALLEGHENYCOUNTY.US/HEALTHDEPARTMENT



compliance test report. The results of the three runs were 1,457 lb/hr, 1,223 lb/hr and 680 lb/hr. The average test results for Blast Furnace #1 Stove for CO were 1,120 lb/hr, exceeding the permit limitation of 650.65 lb/hr.

On April 10, 2024, ET retested Blast Furnace Stove #1. On June 7, 2024, ET submitted the compliance retest report. The three runs showed 44.9 lb/hr, 35.7 lb/hr and 47.5 lb/hr. The average test results for Blast Furnace #1 Stove for CO was 42.7 lb/hr, in compliance with the limit of 605.65 lb/hr.

ACHD has calculated a civil penalty of \$3,600.00 for exceeding #0051-OP23 Condition V.B.1.e. However, ACHD is not assessing the civil penalty at this time. The review and assessment of the civil penalty will occur pending the outcome of the permit appeal.

BOP Primary Collection Scrubber System

#0051-OP23 Condition V.D.1.1 enumerates emissions limitations for all points and fugitive emissions from the BOP shop. The short-term hourly emission limitation listed in Condition V.D.1.1., Table V-D-1. for CO is 2,575.44 lb/hr. On January 25, 2024, ET performed compliance testing on the BOP Primary Collection Scrubber System. On March 28, 2024, ET submitted the compliance test report. The three runs showed 4,599 lb/hr, 2,714 lb/hr and 2,723 lb/hr per hour. The average test results for the BOP Primary Collection Scrubber System were 3,346 lb/hr, exceeding the permit limit of 2,575.44 lb/hr.

On June 26, 2024, ACHD contacted ET regarding the date or scheduling of a retest of the BOP Scrubber. On June 28, 2024, an ET representative responded with the following, but did not indicate that a retest was scheduled:

“As you are aware, the CO limit (that is currently under appeal) was based on insufficient data – even if ACHD had the authority to impose such a limit which USS contends it does not. That being said, we continue to investigate CO emissions from the BOP scrubber stack. At this time we have no basis to suggest that there were any anomalies in our operations and are uncertain as to why the results are higher than some prior results but not all, except to note that we do not ‘control’ CO from the BOP scrubber stack. We will notify ACHD when any future testing scheduled.”

As of the date of this Notice, ACHD has not received any information as to any corrective action taken, results of investigations, or the date of a retest. ET has been and continues to operate out of compliance with #0051-OP23 Condition V.D.1.1.

ACHD has calculated a civil penalty of \$8,700.00 for exceeding #0051-OP23 Condition V.1.D.1. However, ACHD is not assessing the civil penalty at this time. The review and assessment of the civil penalty will occur pending the results of the permit appeal.

Please allow this correspondence to serve as notice to U.S. Steel, Edgar Thompson Works that the above exceedances of the conditions of #0051-OP23 are violations of the following Allegheny County Health Department Rules and Regulations, Article XXI (“Air Pollution Control”), and Title V Operating Permit Restrictions:

Article XXI § 2102.03.c

- 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.

Title V Operating Permit #0051-OP23 Condition V.B.1.e:

- e. Emissions from the No. 1 or No. 3 Blast Furnace Stoves shall not exceed the emission limitations in Table V-B-1 below: [§2104.03.a.2.B, §2104.02.b, §2103.12.a.2.B; RACT IP 0051-I008a, Condition V.B.1.b]

TABLE V-B-1
Emission Limitations for the No. 1 or No. 3 Blast Furnace Stoves

Pollutant	Hourly Emission Limit For each set of Stoves (lb/hr)	Annual Emission Limit For each set of Stoves (tons/year)*
Particulate Matter (filterable)	24.75	108.41
PM ₁₀ (filterable)	24.75	108.41
PM _{2.5} (filterable)	24.75	108.41
PM-condensable	3.25	14.24
Nitrogen Oxide (NO _x)	14.85	65.04
Carbon Monoxide (CO)	650.65	2,849.86
Volatile Organic Compound	3.24	14.21

*A year is defined as any consecutive 12-month

Title V Operating Permit #0051-OP23 Condition V.D.1.1:

- 1. Emissions from the BOP Shop, including all point (stacks S007 & S008) and fugitive emissions, shall not exceed the emission limitations in Table V-D-1 below. Fugitive emissions shall be included in accordance with Article XXI, §2104.02.c. [§2103.12.a.2.B, §2104.02.c.9.B]

TABLE V-D-1
BOP Shop Emission Limitations

POLLUTANT	Hourly Emission Limit (lb/hr)	Annual Emission Limit (tons/year)*
Particulate Matter (filterable)*	44.12	193.24
PM ₁₀ (filterable)*	44.12	193.24
PM _{2.5} (filterable)	44.12	193.24
Nitrogen Oxides (NO _x)	41.45	181.55
Carbon Monoxide (CO)	2,575.44	11,280.42
Sulfur Dioxide (SO ₂)	2.71	11.88
Volatile Organic Compounds (VOC)	3.80	16.63

*A year is defined as any consecutive 12-month period.

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 law. When ACHD determines that an enforcement action is appropriate, you will be notified of the action. Please be aware that any violation of Article XXI subjects a person to a variety of enforcement actions, including a civil penalty of up to \$25,000 per violation per day.

Please contact the ACHD within 14 days of receipt of this notice to schedule a meeting to discuss this Notice of Violation. A meeting may be scheduled by contacting Allason Holt at (412) 578-8122 or via email at allason.holt@alleghenycounty.us.

If you believe any of the facts in this Notice of Violation are in error, you may submit information to ACHD via email or at the address shown at the bottom of the first page of this

Notice. The ACHD will consider new information you submit and take appropriate action. Thank you for your anticipated prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Allason Holt". The signature is cursive and somewhat stylized.

Allason Holt
Air Quality Manager, Compliance and Enforcement Program

CC: File
Matt DeLibero
Jonelle Scheetz
Bill Rausch
Nick Caito

EXHIBIT C

**BEFORE THE HEARING OFFICER
ALLEGHENY COUNTY HEALTH DEPARTMENT**

UNITED STATES STEEL CORPORATION,	)	In re: Appeal of Title V Operating
	)	Permit & Federally Enforceable
Appellant,	)	State Operating Permit No.
	)	0051-OP-23 for U. S. Steel
v.	)	Corporation’s Edgar Thomson
	)	Plant
ALLEGHENY COUNTY)	
HEALTH DEPARTMENT,	)	Docket No.: ACHD-23-048
)	
Appellee.)	

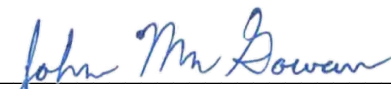
ORDER

AND NOW, this 29th day of March, 2024, during the course of the Oral Argument held on March 25, 2024, between the parties in the above-captioned matter and the undersigned Hearing Officer regarding Appellant United States Steel Corporation’s (“U. S. Steel”) Motion for Summary Relief or in the Alternative Motion for Stay filed on January 5, 2024, U. S. Steel made an oral motion to withdraw the Motion for Stay without opposition from Allegheny County Health Department (“ACHD”). It is hereby ORDERED that:

- 1) U. S. Steel’s motion to withdraw the Motion for Stay without prejudice is hereby GRANTED.
- 2) The parties agreed to a stipulation on the record as follows: a) ACHD agrees that it will stay issuance of any civil penalties against U. S. Steel for any exceedances of the Challenged Emission Limits during the pendency of this Appeal, but shall not be precluded from issuing any such penalties at the conclusion of the Appeal as appropriate if the Challenged Emission Limits are upheld; and, b) ACHD agrees that it will not require any corrective action or injunctive relief for any exceedance of the Challenged Emission Limits during the pendency of this Appeal, except to the extent such

exceedance is caused by an ongoing malfunction or continued operational problems determined to be in need of immediate correction. U. S. Steel preserves all defenses to any such enforcement action initiated by ACHD.

- 3) U. S. Steel may refile a Motion for Stay with this Tribunal. Upon such a filing, ACHD shall have twenty (20) days to submit a response to such Motion. A hearing on the Motion shall thereafter be scheduled, with each party having an opportunity to present its argument and examine the other party's affidavits in support of the Motion and/or response thereto.

/s/ 

John F. McGowan, Esquire
Hearing Officer
Allegheny County Health Department

**BEFORE THE HEARING OFFICER FOR THE
ALLEGHENY COUNTY HEALTH DEPARTMENT
542 FOURTH AVENUE
PITTSBURGH, PENNSYLVANIA 15219**

UNITED STATES STEEL CORPORATION,	)	Appeal of Notice of Violation
	)	#240801 Issued to
Appellant,	)	United States Steel Corporation
	)	for the Edgar Thomson Plant
v.)	
)	
ALLEGHENY COUNTY	)	Docket No.: _____
HEALTH DEPARTMENT, Air Quality Program,)	
)	
Appellee.)	

CERTIFICATE OF SERVICE

I certify that a true and correct copy of United States Steel Corporation's Notice of Appeal was this day served upon the following via electronic mail and overnight mail:

John McGowan, Esq.
Hearing Officer
Allegheny County Health Department
542 Fourth Avenue
Pittsburgh, PA 15219
John.McGowan@AlleghenyCounty.US

and served upon the following via overnight mail:

Dr. Iulia Vann, MD, MPH, Director
Allegheny County Health Department
542 Fourth Avenue
Pittsburgh, PA 15219

and served upon the following via electronic mail:

Wesley S. Speary, Esq. Assistant Solicitor
Allegheny County Health Department
Wesley.Speary@AlleghenyCounty.US

Jason Willis, Esq.
Assistant Solicitor
Allegheny County Health Department
Jason.Willis@AlleghenyCounty.US

Date: September 24, 2024

/s/ Diana A. Silva, Esq.

Diana A. Silva

Carol F. McCabe, Esq. (PA ID# 78644)
Diana A. Silva, Esq. (PA ID# 311083)
Jessica D. Hunt, Esq. (PA ID# 318571)
MANKO, GOLD, KATCHER & FOX, LLP
Three Bala Plaza East, Suite 700
Bala Cynwyd, PA 19004
Telephone: (484) 430-5700
cmccabe@mankogold.com
dsilva@mankogold.com
jhunt@mankogold.com

David W. Hacker, Esq. (PA ID# 91236)
United States Steel Corporation
600 Grant Street, Suite 1500
Pittsburgh, Pennsylvania 15219
Telephone: (412) 433-2919
Email: dwhacker@uss.com